

*Public Phone Line: (844) 854-2222 Access Code 529853# (To voice a question or comment, press *6 to enter the queue.)*

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Regular Meeting of April 14, 2020.
 - b. Pre-Council Meeting of April 27, 2020.
2. Approval of the Accounts Payable Register of April 28, 2020 as presented.
3. Adopt the Resolution Authorizing Local Small Wireless Communication Facility Permitting Standards and authorize the City Manager or his designee to enter into, grant, terminate and administer permits and all other authority necessary to effectuate the permitting process between the city and 5G wireless providers.
4. Adopt the Resolution setting a public hearing on May 12, 2020 for the Fiscal Year 2020-2021 Proposed City Budget and the proposed 2020 tax levy.
5. Accept:
 1. Ordinance Amendment #19/20-A (5), allowing Adult Use Marihuana in certain districts, of Chapter 42, Land Development Regulations, Article 4 (Zoning) for first reading and set a public hearing for May 26, 2020, and
 2. Ordinance Amendment #19/20-6, Marihuana Businesses, of Chapter 14, Businesses, Article 12, for first reading and consider final adoption on May 26, 2020.
6. Minutes of Boards & Commissions:
 - a. Planning Commission of March 19, 2020.
7. Materials Transmitted of April 10, 2020.

8. Calendar of Meetings:

- Budget Review Session #2, Tuesday, May 5, 2020 at 5:00 p.m. in Council Chambers - Virtual Meeting.
- Austin Lake Governmental Lake Board, Wednesday, May 6, 2020 at 3:00 p.m. - Virtual Meeting.
- Historic District Commission, Wednesday, May 6, 2020 - CANCELED.
- Park Board, Wednesday, May 6, 2020 - CANCELED.
- Human Services Board, Thursday, May 7, 2020 at 6:30 p.m. in City Hall Room #1 - Virtual Meeting.
- Planning Commission, Thursday, May 7, 2020 at 7:00 p.m. in Council Chambers - Virtual Meeting.
- Zoning Board of Appeals, Monday, May 11, 2020 at 7:00 p.m. in Council Chambers - Virtual Meeting.
- Environmental Board, Wednesday, May 13, 2020 at 7:00 p.m. in City Hall Room #1 - Virtual Meeting.
- Senior Citizen Advisory Board, Wednesday, May 20, 2020 at 2:30 p.m. at the Senior Center - Virtual Meeting.
- **NOTE:** *All above meetings are subject to cancellation or transition to a "virtual meeting" due to the on-going health crisis. Please monitor the City of Portage website at www.portagemi.gov for additional information. The public phone line to comment during public meetings is: (844) 854-2222 Access Code 529853# (To voice a question or comment, press *6 to enter the queue.) Meetings may be viewed live on Charter channel 995 and AT&T channel 99. All meetings can be viewed via live streaming at portagemi.gov/205.*

B. Petitions and Statements of Citizens:

C. Communications:

D. Public Hearings:

1. Adopt the 2020 sewer and water rate resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees and charges outlined in the 2020 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee, with rates to be effective July 1, 2020.

E. Regular Business Agenda:

F. Unfinished Business:

1. Approve the Final Condominium Subdivision for Pennridge Trail No. 1, 1800 West Osterhout Avenue subject to the following conditions: a) West Osterhout improvements and storm sewer improvements and paving by August 2020 and b) completion of sidewalks and street trees by November 2021.

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 APRIL 14, 2020

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The meeting was held virtually in accordance with the Governor's Executive Directive 2020-02 in light of COVID-19. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall. Also in attendance on the WebEx meeting platform were Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll and City Attorney Randy Brown. In attendance in Council Chambers was City Manager Joe La Margo, Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence in light of the current global crisis and the roles everyone can play to support others during this time. Following the moment of silence, the City Council 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. Motion by Reid, seconded by Urban, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Urban, to approve the Regular Meeting Minutes of March 24, 2020 and Pre-Council of April 13, 2020. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 14, 2020: Motion by Reid, seconded by Urban, to approve the Accounts Payable Register of April 14, 2020. Upon a roll call vote, motion carried 7 to 0.

CITY OF PORTAGE SUPPORT EMERGENCY OPERATIONS PLAN: Motion by Reid, seconded by Urban, to adopt the City of Portage Support Emergency Operations Plan and authorize the City Manager to execute all document as written on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

WATER/SEWER UTILITY BILL LATE FEES RESOLUTION: Motion by Reid, seconded by Urban, to adopt the Resolution Regarding Water/Sewer Utility Bill Late Fees; Reconnection of Water Service and Discontinuance of Shut Off. Upon a roll call vote, motion carried 7 to 0.

APPOINTMENT OF CITY COUNCIL LIAISON TO THE PORTAGE COMMUNITY CENTER BOARD OF DIRECTORS: Motion by Reid, seconded by Urban, to approve Mayor Patricia M. Randall's appointment of Councilmember Lori Knapp as the City Council liaison to the Portage Community Center Board of Directors. Upon a roll call vote, motion carried 7 to 0.

2020 UTILITY RATE FINANCIAL STUDY: Motion by Reid, seconded by Urban, to establish a public hearing on April 28, 2020, to consider resolutions to adopt the: recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water; recommendation that the water commodity rate remain at \$3.14 per 1,000 gallons of metered water; recommendation that to the sewer and water base quarterly charges remain as noted in the 2020 Utility Rate Financial Study; recommendation that the new rates become effective on July 1, 2020; recommended water

and sewer franchise area fees and other service fees and charges as outlined in the 2020 Utility Rate Financial Study. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Urban, to receive the minutes of the Human Services Board of March 5, 2020. Upon a roll call vote, motion carried 7 to 0.

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

REGULAR BUSINESS AGENDA:

PRESENTATION OF THE PROPOSED FISCAL YEAR 2020-2021 BUDGET: Mayor Randall asked the City Manager to summarize the proposed 2020-2021 Budget. City Manager La Margo reviewed highlights of the proposed budget, including the Capital Improvement Program (CIP) and associated projects. Mr. La Margo concluded by providing the upcoming City Council Budget Review Session dates and times. Councilmember Reid commented that the proposed budget is now available online and invited the public to submit any questions regarding the budget.

Motion by Knapp, seconded by Reid, to accept the presentation of the Proposed Fiscal Year 2020-2021 Budget. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS AGENDA:

AMENDMENT TO THE CODE OF ORDINANCES – SECTION 35 OF CHAPTER 38, HISTORICAL PRESERVATION: Mayor Randall deferred to the City Manager. City Manager La Margo asked Interim Director Forth for a summary of the proposed amendment to the Historical Preservation Ordinance. Interim Director Forth noted that the City Administration was recommending a housekeeping update of the ordinance by removing the sites at 214 Brown Avenue and 309 East Centre Avenue from the district as they had previously been demolished, as well as 1324 West Milham Avenue as this was Stuart Manor that had been relocated to Celery Flats. Interim Director Forth further noted a revision to the legal descriptions and property tax identification numbers were needed in the ordinance for 10234 East Shore Drive and 3821 West Milham Avenue following several previous lots divisions. Councilmember Urban asked Interim Director Forth for clarification regarding the map of historic sites included in the agenda packet in light of the recommended amendment.

Motion by Ford, seconded by Reid, to adopt the proposed City of Portage Ordinance amending Section 35 of Chapter 38, Historical Preservation by removing 214 Brown Avenue, 309 East Centre Avenue and 1324 West Milham Avenue from the district; revise the legal descriptions for 10234 East Shore Drive and 3821 West Milham Avenue, and correct the tax identification number. Upon a roll call vote, motion carried 7 to 0.

PURCHASING AUTHORITY OF CITY MANAGER: Mayor Randall asked the City Manager to summarize the proposed amendment to the Purchasing Ordinance. City Manager La Margo deferred to Deputy City Manager Carroll who elaborated on the recommendation in light of the current global crisis and similarities to neighboring jurisdictions.

Councilmember Urban stated he had no issue with the recommended dollar amount changes but explained that there have been contracts in the past on which he would have preferred to receive notification from the City Manager's Office similar to the Accounts Payable Register. Councilmember Urban asked City Attorney Brown whether codification of such a regular report was

required. City Attorney Brown responded that the such a report does not need to be outlined in the ordinance but City Council can direct the City Administration on how to proceed. City Council then debated regarding the preferred report method and dollar amount thresholds. City Manager La Margo noted he would provide a regular report to Council and would explore the best manner in which to do so.

Motion by Burns, seconded by Ford, to adopt the amendment to Division 2, Article 5 “Purchases and Sales” in the City of Portage Code of Ordinances. Upon a roll call vote, motion carried 7 to 0.

FINAL CONDOMINIUM SUBDIVISION FOR PENNRIDGE TRAIL NO. 1: Mayor Randall deferred to the City Manager for an update on the matter. City Manager La Margo noted that the City Council had originally adjourned the Pennridge Trail item to the April 14th Meeting following discussion during the initial presentation at the March 24, 2020 City Council Meeting. Mr. La Margo stated that the City Administration is awaiting additional information from the petitioner, as well as having the Fire Marshal perform supplementary reviews of the proposed development. In light of the remaining feedback and current health crisis, the City Administration is recommending further adjournment of the matter to the April 28, 2020 City Council Meeting.

Mayor Randall stated that she is pleased discussions toward a consensus are ongoing between the City Administration and the developer in light of the Governor’s current Executive Order. Councilmember Reid expressed concerns with the proposed development’s single point of entry and exit. She encouraged the developer to open the proposed emergency access road as a second regular point of access.

Motion by Knapp, seconded by Reid, to adjourn the Final Condominium Subdivision for Pennridge Trail No. 1, 1800 West Osterhout Avenue subject to the following conditions: a) West Osterhout improvements and storm sewer improvements and paving by August 2020 and b) completion of sidewalks and street trees by November 2021 to April 28, 2020. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Ford provided an update on the recent virtual meeting of the City Council Utility Rate Study Committee including citizen members Ted Vliek, Sr. and Randy Orwig. Councilmember Ford noted that both the Water and Sewer Funds had a cash balance of 200 percent. He relayed upcoming related Capital Improvement Projects slated for Hampton Bog and utility smart meter installations. He deferred to fellow Committee Members Burns and Knapp for additional input regarding the Committee’s recent meeting. Councilmember Burns noted that the Committee had planned to lower water and sewer rates for three years; however, only two years had been accomplished, noting the third year would be subject to a three percent sewer rate increase for the City of Kalamazoo. He stated that the City can assume the cost of the three percent increase without affecting citizens. However, the City of Portage remains unsure whether the City of Kalamazoo will raise sewer rates in the future. Councilmember Knapp echoed Councilmember Burns’ comments regarding the City of Kalamazoo sewer rates.

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

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns thanked City staff from the Community Development Department for working with him and his wife to review and approve the new addition of four hens to his property per the City Ordinance for chickens. He commended City Manager La Margo for maintaining city operations under the limitations of the Governor’s Executive Orders.

Councilmember Urban encouraged everyone to stay safe and adhere to the Governor's Orders, understanding when Personal Protective Equipment is appropriate. He stressed the proper use of protective disposable gloves as opposed to fabric gloves and urged the maintenance of regular hand-washing.

Councilmember Reid thanked citizens for sheltering in place and taking steps to mitigate the spread of COVID-19. She noted the State of Michigan continues to approve a growing number of people for unemployment but stressed the difficulty in reaching the State's unemployment agency. Councilmember Reid further noted the large volume of inquiries the State unemployment agency was receiving, in addition to recent technical difficulties the agency is experiencing. She encouraged Portage residents to remain patient when contacting the agency, noting payments are backdated to the starting date of unemployment. Councilmember Reid closed by stating that she hopes the numbers of unemployment claims will quickly drop once the mandated quarantine is over.

City Manager La Margo provided updates regarding the status of city services. He noted that emergency services continue uninterrupted but the Public Safety Department is altering how to address non-emergency matters. He stated the Spring Cleanup Program facilitated by Waste Management has been postponed indefinitely under the Governor's Executive Orders as a non-essential service but remains under city review. Mr. La Margo noted that the April Quarterly Brush Collection has been canceled, but is expected to resume in July as planned and asked residents to move any brush back from curbside in the interim. In light of canceling the curbside aspect, the city opened the Oakland Drive compost site for residents and has already received 400 drop-offs. He stated that payments to the city can be completed online with the city having waived the usual processing fees until April 30, which could be extended if the Governor extends the "Stay Home, Stay Safe" Executive Order. City Manager La Margo relayed that water utility shut-offs will continue to be put on hold until April 30 in line with the Governor's Orders and all late fees have also been waived. He stated that only inspections with an emergency need are occurring, otherwise Community Development staff continue to process applications via e-mail and the city website. Mr. La Margo noted that the Senior Center remained closed with all associated activities and trips canceled until May, but that staff has recently started offering alternative activities online. He relayed that all Recreation events have been canceled and Park facilities are closed until April 30th except for the greenspaces and trails. He stated that any potential violations of the Governor's Executive Orders are being handled with an initial warning, with additional violations being reported to the offices of the Kalamazoo County Prosecutor and Michigan Attorney General. City Manager La Margo provided updates on the regular social media efforts and encourage everyone to buy local when ordering food.

Mayor Pro Tem Pearson stated that COVID-19 test results remain county-based rather than narrowed by municipality, but applauded Portage residents for quarantining as the city's 911 call volume has greatly decreased.

Mayor Randall noted that recent rains have raised the water level of Hampton Bog and the pump has been in use again. She asked Deputy City Manager Herringa to provide a verbal update. Mr. Herringa stated that Transportation and Utilities Director Gwin continues to monitor the Bog's water levels, noting the pump is considered an essential service. He stated that city staff is now looking at the next steps to address the high water levels as provided by Fishbeck, including funding options. Mr. Herringa noted that the City Administration is planning to hold an open house once possible to begin the long-term resolution. Mayor Randall thanked Deputy City Manager Herringa. She then provided an update regarding the May 5th Election, noting that it would be largely a mail-only election under the Governor's Orders. She stated that feedback concerning the parks has been largely positive with bike patrols expected to resume. Mayor Randall complimented the City Manager and City staff on their efforts during this time, having the full support of the Council. She

closed by relaying the upcoming efforts of the City Council to review the proposed budget over the following weeks.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:15 p.m.

Erica L. Eklov, City Clerk

DRAFT

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF APRIL 27, 2020**

Mayor Patricia Randall, via the WebEx meeting platform, called the meeting to order at 8:01 a.m. Councilmembers Lori Knapp, Claudette Reid and Mayor Pro Tem Jim Pearson also joined via the WebEx meeting platform. Councilmembers Chris Burns, Richard Ford, and Terry Urban were absent with excuse. Also in attendance were City Manager Joseph La Margo, Deputy City Manager Mike Carroll (via WebEx meeting platform), Deputy City Manager Adam Herringa (via WebEx meeting platform), Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

Mayor Randall began by reviewing the agenda. With regard to Item A.3, Councilmember Knapp inquired whether the 5G wireless providers permit application has previously been used by other jurisdictions and all avenues vetted. City Manager La Margo deferred to Deputy City Manager Carroll. Mr. Carroll responded that he has been working with Technology Services Director Mackinder on this topic from the beginning of the process and confirmed that the permit application has been reviewed by several organizations, including the Michigan Municipal League. Councilmember Knapp further inquired how the city planned to introduce the small cell network and equipment to city residents. City Manager La Margo responded that initial notification is posted and only one resident has approached the city with questions about cell towers that were addressed.

Councilmember Reid provided additional background to Councilmember Knapp, noting the city has been proactive with cellular guidelines and protections until the state implemented statewide 5G legislation that usurped local jurisdictions. Councilmember Reid then warned about potential pushback from residents noting a recently published newspaper article claiming 5G causes COVID-19, as well as similar social media postings from the actor Woody Harrelson. City Manager La Margo relayed that the city has a page devoted to Small Cell Wireless Facilities currently posted to the city website. He further noted that he was pleased with the design standards Portage had when he began with the city, citing prior his experiences in Orland Park, Illinois.

Mayor Pro Tem Pearson inquired on the proximity of the small cell facilities to each other. City Manager La Margo stated he would research and respond.

With regard to Item A.5, Councilmember Reid inquired as to the meeting procedure planned for Tuesday should the Adult Use Marihuana item generate public questions during the first reading. Mayor Randall responded that should a member of the public call in, they will be able to voice a question or concern during the two public comment periods. City Manager La Margo noted that the city had received very few adult-use marihuana inquiries to date and confirmed that the May 26th public hearing would also be fully noticed to the public. Mayor Randall then asked the City Administration to reach out to a citizen who spoke at the recent Planning Commission meeting regarding clarification on HVAC systems for marihuana facilities. City Manager La Margo confirmed that staff would reach out and respond.

With regard to Item A.8, Mayor Pro Tem Pearson asked for the upcoming Austin Lake Governmental Lake Board meeting to be added to the Calendar of Meetings. City Clerk Eklov confirmed she would add the item.

With regard to Item D.1, Mayor Randall asked who from staff would be presenting the item. City Manager La Margo responded that Transportation and Utilities Director Kendra Gwin would be presenting and ensured she would have a strong virtual connection for the meeting. Mayor Randall relayed that any Utility Rate Study Committee members who want to add to the discussion during the regular meeting let her know beforehand. Councilmember Knapp advised the Mayor to look to Councilmember Ford as he is the committee chair.

With regard to Item F.1, Mayor Randall asked the City Manager how he planned to introduce the item. City Manager La Margo responded that he plans to defer to Deputy City Manager Carroll, who has been working on the matter and also highlighted the April 24th opinion from City Attorney Brown to City Council on the topic. Deputy City Manager Carroll confirmed his plan to speak and summarized the City Attorney's opinion. Councilmember Reid asked for clarification regarding the recommended action before the Council. Discussion regarding the application of the April 24th City Attorney opinion followed. Mayor Randall relayed drainage concerns with the property slated for development, noting its proximity to the city park property. Deputy City Manager Carroll relayed Community Development Department staff would review the issue. Mayor Randall and Councilmember Reid expressed frustration with the current review process for developments. City Manager La Margo relayed that situations such as this are the reason the City Administration is reviewing current codes and guidelines to ensure a clear process and quality developments going forward.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:53 a.m.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Approval of the Accounts Payable Register of April 28, 2020 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 March 29, 2020 through April 17, 2020 and notes \$717,788.19 in automated clearing house payments, \$410,313.93 in paper checks, and \$123,961.49 in auto-pay payments for a grand total of \$1,252,063.61.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of April 28, 2020

ACCOUNTS PAYABLE REGISTER
Check Dates From: 3/29/2020 to 4/17/2020

Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
04/03/2020	12969(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,202.29
04/03/2020	12970(A)	AMERICAN HYDROGEOLOGY CORP.	PFAS WATER SAMPLING/LANDFILL	66,025.09
04/03/2020	12971(A)	C C I SOUTH, INC.	CABLE RUN/COUNCIL CHAMBERS	112.40
04/03/2020	12972(A)	C D W GOVERNMENT, INC.	MICROSOFT SOFTWARE ASSURANCE	64,024.94
04/03/2020	12973(A)	C M P DISTRIBUTORS, INC.	MISC POLICE SUPPLIES	61.04
04/03/2020	12974(A)	C T S TELECOM, INC.	TELEPHONE SERVICE	89.35
04/03/2020	12975(A)	CAPITAL ADVANTAGE LEASING	END OF LEASE TERM EQUIP PURCH	1,670.00
04/03/2020	12976(A)	CARRIER & GABLE	CAMERA - WESTNEDGE @ SCHURING	3,950.00
04/03/2020	12977(A)	CHARTER COMMUNICATIONS	CABLE TV	118.54
04/03/2020	12978(A)	ELECTION SYSTEMS & SOFTWARE, INC.	ADD'L EXPRESSVOTE HEADPHONES	54.63
04/03/2020	12979(A)	ENGINEERED PROTECTION SYSTEMS, INC.	INSTALLATION- 2 CAMERA 2ND FL LOBBY	3,400.00
04/03/2020	12980(A)	EVERETT, CHIP	FIRE EMS SUPPLIES	160.95
04/03/2020	12981(A)	FARR ASSOCIATES AND URBAN DESIGN PC	URBAN PLANNING AND DESIGN SVCS	9,875.00
04/03/2020	12982(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,271.66
04/03/2020	12983(A)	FIRE SERVICE MANAGEMENT	FIRE PPE CLEANING	3,186.71
04/03/2020	12984(A)	GAIL ANDRUS TRAVEL	ACTIVITY VENDOR PMT EXCURSION	689.00
04/03/2020	12985(A)	GOODYEAR TIRE & RUBBER COMPANY	FIRE APPARATUS MAINT	133.45
04/03/2020	12986(A)	GORDON WATER SYSTEMS	BOTTLED WATER	25.85
04/03/2020	12987(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	9,166.18
04/03/2020	12988(A)	HURLEY & STEWART, LLC	HAMPTON CREEK BOG TECH REPT REV	5,916.00
04/03/2020	12989(A)	INDUSCO SUPPLY CO., INC.	MISC PAPER/CLEANING SUPPLIES	841.84
04/03/2020	12990(A)	IP CONSULTING, INC.	CISCO BASIC PAGING ENABLEMENT SYS	3,960.00
04/03/2020	12991(A)	J-AD GRAPHICS, INC	APRIL MAY NEWSLETTER	1,819.00
04/03/2020	12992(A)	MARANA GROUP	METER PLUS MONTHLY SERVICE	273.00
04/03/2020	12993(A)	MATERIALS RESOURCES	LATEX GLOVES AND SUPPLIES	15.00
04/03/2020	12994(A)	MUNICIPAL CODE CORPORATION	ANNUAL CODE UPDATE	3,897.67
04/03/2020	12995(A)	NYE UNIFORMS	MISC UNIFORMS	153.93
04/03/2020	12996(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICES	6,914.40
04/03/2020	12997(A)	PETERS CONSTRUCTION CO.	EMERGENCY SWR LEAD REPAIR	10,801.00
04/03/2020	12998(A)	PRINTING SERVICES INC	FOUNDING FAM EXH SINTRA BOARDS	863.00
04/03/2020	12999(A)	QUADIENT LEASING USA, INC	LEASE PAYMENT	733.77
04/03/2020	13000(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	2,331.71

ACCOUNTS PAYABLE REGISTER
Check Dates From: 3/29/2020 to 4/17/2020

Check Date	Check	Vendor Name	Description	Amount
04/03/2020	13001(A)	VOID	VOID	0.00
04/03/2020	13002(A)	ROE-COMM, INC.	MISC RADIO SERVICES	128.50
04/03/2020	13003(A)	SEVERANCE ELECTRIC COMPANY, INC	NEW WIRING FOR SCHOOL FLASHERS	18,715.53
04/03/2020	13004(A)	SOS TECHNOLOGIES	FIRE EMS SUPPLIES	237.85
04/03/2020	13005(A)	STEELE, DANA	FIRE EMS SUPPLIES	158.00
04/03/2020	13006(A)	SUEZ WATER ENVIRONMENTAL SERVICES	REIMBURSE FOR HYD #1111 REPAIR	1,778.41
04/03/2020	13007(A)	WIGHTMAN	ENGINEERING SVC - STRYKER WAY INTER	12.75
04/03/2020	13008(A)	WOLVERINE POWER SYSTEMS	GENERATOR INSPECTIONS	1,105.00
04/10/2020	13009(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES - LOCAL STREET	28,128.40
04/10/2020	13010(A)	APOLLO FIRE APPARATUS REPAIR	FIRE APPARATUS MAINT	45.42
04/10/2020	13011(A)	BASIC CORPORATE	2019 ACA 1095-C PREP/FILING/MAILING	1,863.00
04/10/2020	13012(A)	BCHS-HELPNET	EAP SERVICES	1,677.60
04/10/2020	13013(A)	BLUE CARE NETWORK-GREAT LAKES	BCNA INSURANCE	147,329.44
04/10/2020	13014(A)	C C I SOUTH, INC.	INSTALL 2 DATA DROP WIRES	425.00
04/10/2020	13015(A)	CHARTER COMMUNICATIONS	CABLE TV	149.98
04/10/2020	13016(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING SVC-MARCH 2020	97.95
04/10/2020	13017(A)	ENGINEERED PROTECTION SYSTEMS, INC.	FIRE FACILITY MAINT.	738.00
04/10/2020	13018(A)	EVERETT, CHIP	FIRE TRAINING SUPPLIES	133.07
04/10/2020	13019(A)	GORDON WATER SYSTEMS	WATER SERVICE	62.00
04/10/2020	13020(A)	GRIFFIN PEST SOLUTIONS, INC.	FIRE FACILITY MAINT.	61.00
04/10/2020	13021(A)	HURLEY & STEWART, LLC	VALLEYWOOD RETENTION BASIN REHAB	2,604.07
04/10/2020	13022(A)	INDUSCO SUPPLY CO., INC.	CITY HALL RESTROOM SUPPLIES	406.28
04/10/2020	13023(A)	IP CONSULTING, INC.	CISCO PHONE SYSTEM RENEWAL	9,966.01
04/10/2020	13024(A)	KUSHNER & COMPANY, INC.	COBRA & FSA ADMINISTRATION	312.67
04/10/2020	13025(A)	MEJEUR ELECTRIC LLC	ELECTRICAL WORK/DRINKING FOUNTAIN	94.00
04/10/2020	13026(A)	MICROSYSTEMS, INC.	SCANNING SUBJECT/CDBG FILES	1,204.94
04/10/2020	13027(A)	PECKELS, CHRISTINE	CLASS INSTRUCTOR PMT	180.00
04/10/2020	13028(A)	SHILTS, DAWN	TRIP REFUND KENTUCKY DERBY	50.00
04/10/2020	13029(A)	SOS TECHNOLOGIES	FIRE EMS SUPPLIES	1,159.55
04/10/2020	13030(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY SYSTEM OPERATION	174,553.53
04/10/2020	13031(A)	WEST SHORE FIRE, INC.	FIRE APPARATUS MAINT	396.64
04/10/2020	13032(A)	WOLVERINE POWER SYSTEMS	SERVICE MAINT-CITY HALL GENERATOR	170.00
04/17/2020	13033(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES - LOCAL STREET	36,327.30

ACCOUNTS PAYABLE REGISTER
Check Dates From: 3/29/2020 to 4/17/2020

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Check Date	Check	Vendor Name	Description	Amount
04/17/2020	13034(A)	APOLLO FIRE EQUIPMENT COMPANY	FIRE APPARATUS MAINT	2,224.08
04/17/2020	13035(A)	ARISTA TRUCK SYSTEMS	CONVEYER CHAINS	3,750.84
04/17/2020	13036(A)	BATTERIES PLUS	MISC BATTERIES	69.12
04/17/2020	13037(A)	C T S TELECOM, INC.	MONTHLY FIBER SERVICES	1,043.90
04/17/2020	13038(A)	CHARTER COMMUNICATIONS	CABLE TV	661.30
04/17/2020	13039(A)	DELTA DENTAL PLAN OF MICHIGAN	DELTA DENTAL INSURANCE	38,015.29
04/17/2020	13040(A)	FIRE SERVICE MANAGEMENT	OCCF UNIFORMS	300.00
04/17/2020	13041(A)	GORDON WATER SYSTEMS	WATER COOLER	92.50
04/17/2020	13042(A)	GREAT LAKES CHLORIDE, INC.	BOOST TANK	6,481.42
04/17/2020	13043(A)	GRIFFIN PEST SOLUTIONS, INC.	ANNUAL PEST CONTROL	80.00
04/17/2020	13044(A)	INDUSCO SUPPLY CO., INC.	MISC PAPER AND CLEANING SUPPLIES	136.09
04/17/2020	13045(A)	IP CONSULTING, INC.	LABOR-TROUBLESHOOTING PHONE SYS	1,456.75
04/17/2020	13046(A)	MATERIALS RESOURCES	LATEX GLOVES AND SUPPLIES	172.26
04/17/2020	13047(A)	O'BOYLE-COLWELL-BLALOCK & AS.	CELERY FLATS LANDSCAPE PLAN DEV	350.00
04/17/2020	13048(A)	PARIS CLEANERS	LAUNDRY CONTRACT	970.12
04/17/2020	13049(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE SERVICES	2,785.72
04/17/2020	13050(A)	PLM LAKE & LAND MANAGEMENT	PERMIT FEE - WEST LAKE	1,500.00
04/17/2020	13051(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	50.82
04/17/2020	13052(A)	S B F ENTERPRISES, INC.	PRINTING/PROCESSING QTLY WATER	720.25
04/17/2020	13053(A)	SEVERANCE ELECTRIC COMPANY, INC.	TRAFFIC SIGNAL MAINTENANCE	6,839.82
04/17/2020	13054(A)	SOS TECHNOLOGIES	FIRE EMS SUPPLIES	89.70
04/17/2020	13055(A)	SUEZ WATER ENVIRONMENTAL SERVICES	WATER METERS - FEBRUARY	13,451.68
04/17/2020	13056(A)	WEST SHORE FIRE, INC.	FIRE APPARATUS MAINT	61.30
04/17/2020	13057(A)	WOLVERINE POWER SYSTEMS	FIRE FACILITY MAINT	265.00
04/17/2020	13058(A)	XEROX CORPORATION	MARCH 2020 XEROX PMT	210.94
Total ACH Transactions:				717,788.19

Check Type: Paper

04/03/2020	313088	4 SEASONS TREE SERVICES, LLC	TREE CUTTING VALLEY WOOD/DOGWOOD	2,400.00
04/03/2020	313089	ADVANCE II LLC	TEMP ASSESSOR STAFFING	6,652.34
04/03/2020	313090	ALLEGRA PRINT & IMAGING	BLANK CARDSTOCK FOLDED	921.00
04/03/2020	313091	ALLEN, ERICA	SIGN LANGUAGE INTERPRETER	193.25
04/03/2020	313092	AT&T	ELECTRONIC COMMUNICATIONS	473.99
04/03/2020	313093	CAMPBELL AUTO SUPPLY	FIRE APPARATUS MAINT.	11.49

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Check Date	Check	Vendor Name	Description	Amount
04/03/2020	313094	CAPITOL STRATEGIES, LLC	LEGISLATIVE TACTICS & STRATEGIES	7,000.00
04/03/2020	313095	COSTAR REALTY INFORMATION, INC.	COMM REAL ESTATE DATABASE	367.23
04/03/2020	313096	D C PLUMBING	PLUMBING REPAIRS	1,757.46
04/03/2020	313097	DE, SINJAN & CHANDRIMA	REF FINAL WATER ACCT-5694 BRIARHILL	127.56
04/03/2020	313098	DEVON TITLE AGENCY	OP UTILITY BILL-7304 STARBROOK	38.18
04/03/2020	313099	ECKERT WORDELL LLC	ASSISTANCE W/EDITING AIA DOCS	312.50
04/03/2020	313100	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	13,564.81
04/03/2020	313101	VOID	VOID	0.00
04/03/2020	313102	FLEIS & VANDENBRINK ENGINEERING	LEXINGTON-GREEN RENO A & E SVC	12,720.00
04/03/2020	313103	HENICKY, ROBERT	OP WATER BILLS-VALLEYWOOD	2,837.16
04/03/2020	313104	HER BLUEWEAR UNIFORMS, LLC	UNIFORMS	979.50
04/03/2020	313105	HILBOLDT, CAROL	TRIP REFUND NEW ORLEANS	1,989.00
04/03/2020	313106	HOCKEY SERVICES	REPLACEMENT SKATES	1,957.55
04/03/2020	313107	HOME DEPOT	MISCELLANEOUS BLDG SUPPLIES	315.77
04/03/2020	313108	MI-TOKEN INC.	ADDITIONAL MI-TOKEN LIC COVID-19	175.00
04/03/2020	313109	MICHIGAN ELECTION RESOURCES, LLC	ELECTION OFFICIAL NAME TAGS	75.00
04/03/2020	313110	MLIVE MEDIA GROUP	KALAMAZOO GAZETTE NOTICES	1,824.51
04/03/2020	313111	MULDER'S MOVING AND STORAGE	MARCH ELEC EQUIP DELIVERY/PICKUP	2,030.00
04/03/2020	313112	OFFICE DEPOT, INC.	OFFICE SUPPLIES	921.57
04/03/2020	313113	OSWALT, SHARON	TRIP REFUND NEW YORK	2,195.00
04/03/2020	313114	PEERLESS-MIDWEST, INC.	WELL PUMP SVC-REHAB & MOTOR	24,684.44
04/03/2020	313115	PETTY CASH-LARRY MOORE	REPLENISHMENT CHECK	263.00
04/03/2020	313116	RESTORATIVE LAKE SCIENCES, LLC	WEST LAKE MANAGEMENT SVCS	1,625.00
04/03/2020	313117	ROAD COMMISSION OF KALAMAZOO COUNTY	ENERGY & MAINT JAN 2020	99.07
04/03/2020	313118	SALON CENTRIC	OP DEL. PERSONAL PROP PARCEL	284.90
04/03/2020	313119	SHI INTERNATIONAL CORP.	PCS, LAPTOPS, IPADS & DOCK	3,101.28
04/03/2020	313120	STALKER RADAR	RADAR CABLES	124.00
04/03/2020	313121	STATE SYSTEMS RADIO, INC	MISC RADIO REPAIRS	57.50
04/03/2020	313122	THE CALVIN DON ULMAN TRUST	OP FINAL UTILITY BILL 362 PALOM	122.36
04/03/2020	313123	THRYV, INC.	YELLOW PAGES AD PAYMENT	49.50
04/03/2020	313124	UNITED PARTY & EVENT SERVICES	MARCH ELEC RUG, TABLE, CHAIR PREC	997.50
04/03/2020	313125	VERIZON WIRELESS	CELLULAR TELEPHONES	3,041.24
04/03/2020	313126	VUK, VALERIE	TRIP REFUND GRAND HOTEL	200.00

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04/03/2020	313127	WADSWORTH NORTHWEST	ANNUAL SVC PLAN FOR BATTERY BACKUP	3,940.00
04/03/2020	313128	WEDEL, KAREN	OP FINAL UTILITY BILL 9203 PORTAGE	93.94
04/03/2020	313129	WILLIAMS ASSOCIATES ARCHITECTS, LTD	FIRE-NEW STATION 2	8,386.14
04/10/2020	313130	ADVANCE II LLC	TEMP ASSESSOR STAFFING	589.63
04/10/2020	313131	AR ENGINEERING LLC	ENG SVS ROMENCE, PORTAGE, WILLOUGHBY, ROW	31,401.59
04/10/2020	313132	BANKS, DAVID	WESTFIELD PAVILION REFUND	110.00
04/10/2020	313133	BLUE CROSS/BLUE SHIELD OF MICH	BCBSM INSURANCE	44,758.56
04/10/2020	313134	BRADFIELD, JAMES	COOKING CLASS REFUND	30.00
04/10/2020	313135	CHASE, AARON	REIMB - FIRE TRAINING	55.00
04/10/2020	313136	CREATIVE CIVIC SOLUTIONS LLC	COMMUNITY DEV CONSULTATION	7,000.00
04/10/2020	313137	DISTINGUISHED HOMES	PROGRAM REF-BITS OF BUSINESS EVENT	75.00
04/10/2020	313138	ENHANCE WELLNESS	FITNESS CLASS LICENSE FEE	50.00
04/10/2020	313139	EXECUTIVE INFORMATION SYSTEMS LLC	FIRE SOFTWARE	745.00
04/10/2020	313140	GORDON FOOD SERVICE	FIRE SUPPLIES	14.49
04/10/2020	313141	HALT FIRE, INC.	FIRE APPARATUS MAINT	1,960.76
04/10/2020	313142	HAMLIN, BOYD & MARGUERITE	TRIP REFUND NEW ORLEANS	3,978.00
04/10/2020	313143	HIGGS, SUE	TRIP REFUND NEW ORLEANS	1,949.00
04/10/2020	313144	HOLCOMB, STEPHEN	TRIP REFUND NEW ORLEANS	1,949.00
04/10/2020	313145	HOME DEPOT	FIRE EMS SUPPLIES	92.76
04/10/2020	313146	INSIGHT PUBLIC SECTOR, INC.	SOFTWARE-UPGRADE PLOWTRAX SERVER	2,111.00
04/10/2020	313147	KALAMAZOO COUNTY TREASURER	COLONIAL ACRES FEB 2020 TAXES	292.50
04/10/2020	313148	KIESER & ASSOCIATES, LLC	PH 1 ESA 9224 PORTAGE INDUSTRIAL DR	2,892.50
04/10/2020	313149	KNOWBE4, INC.	KNOWBE4 EMAIL SECURITY TRAINING	3,825.00
04/10/2020	313150	MAYER, JOHN	COOKING CLASS REFUND	60.00
04/10/2020	313151	MUIR, JILL	COOKING CLASS REFUND	60.00
04/10/2020	313152	NATIONAL COUNCIL ON THE AGING	MEMBERSHIP DUES	145.00
04/10/2020	313153	OFFICE DEPOT, INC.	OFFICE SUPPLIES	363.60
04/10/2020	313154	PATEL, ATUL	RENTAL DEPOSIT REFUND	100.00
04/10/2020	313155	PEERLESS, INC.	FIRE MAINT. SUPPLIES	123.50
04/10/2020	313156	PIERLUISSI, ANN	COOKING CLASS REFUND	60.00
04/10/2020	313157	POLDERMAN'S FLOWER SHOP	FLOWERS FROM CMO	49.95
04/10/2020	313158	PORTAGE BUDGET STORAGE, LLC	STORAGE UNIT 6231 PMT	1,626.00
04/10/2020	313159	STAITE, KATHLEEN	CULINARY ACADEMY REFUND	30.00

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Check Date	Check	Vendor Name	Description	Amount
04/10/2020	313160	STATE OF MICHIGAN	SOR REGISTRATIONS	390.00
04/10/2020	313161	STRYKER CORPORATION	OP PERS PROP TXE PARCEL 99999-161-A	9,255.49
04/10/2020	313162	UNITED PARCEL SERVICE	UPS WEEKLY	12.00
04/10/2020	313163	VARNUM, RIDDERING, SCHMIDT & H	LEGAL SERVICES RENDERED	2,667.50
04/10/2020	313164	VERIZON WIRELESS	WIRELESS SERVICE	48.24
04/10/2020	313165	DEGRAAF, EDGAR	REISSUE PMT-ACCT CLOSED	151.82
04/17/2020	313166	7900 MOORSBRIDGE LLC	INCONVENIENCE FEE - HAMPTON BOG	3,180.00
04/17/2020	313167	ACTION TRAFFIC MAINTENANCE	GUARDRAIL REPAIR	3,855.00
04/17/2020	313168	ALL WEATHER SEAL	PROGRAM REF - BITS OF BUSINESS	75.00
04/17/2020	313169	ALLEGRA PRINT & IMAGING	MISC PRINTING SERVICES	292.00
04/17/2020	313170	ASA OF KALAMAZOO/BATTLE CREEK	GRAIN ELEVATOR SET-UP FEE REF	50.00
04/17/2020	313171	AT&T	ELECTRONIC COMMUNICATIONS	10,327.67
04/17/2020	313172	BAY AREA TOUCHLESS CARWASH LLC	CAR WASHES	396.00
04/17/2020	313173	BOELE, SUSAN	TRIP REFUND TRAVERSE CITY	95.00
04/17/2020	313174	BRAYSHER, ALAN & EILEEN	TRIP REFUND THUNDER BAY ALPENA	1,500.00
04/17/2020	313175	BUDENIEKS, SHARON	TRIP REFUND TRAVERSE CITY	95.00
04/17/2020	313176	BURKETT, GLORIA	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313177	C&C PROFESSIONAL CLEANING SERVICE	FACILITY CLEANING SVCS	7,332.13
04/17/2020	313178	CARLISLE, DONN	LAKEVIEW SOFTBALL REFUND	40.00
04/17/2020	313179	CARTRIDGE WORLD	PRINTER SERVICES	1,134.37
04/17/2020	313180	CENTER MEDICAL SUPPLY CO.	FIRE EMS SUPPLIES	115.80
04/17/2020	313181	CITY OF KALAMAZOO TREASURER	WATER SERVICES	17.90
04/17/2020	313182	CURRY, JAMES	WESTFIELD SOFTBALL REFUND	45.00
04/17/2020	313183	D L GALLIVAN INC.	COPY MACHINE USAGE CHARGES	96.44
04/17/2020	313184	DEAN, JUDITH	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313185	DETROIT SALT CO.	ICE CONTROL SALT	7,831.07
04/17/2020	313186	DRUMMOND, NATHAN	OVERPAYMENT FINAL UTILITY BILL FOR 6726	6.77
04/17/2020	313187	EHLERT, TONI	LAKEVIEW PARK #1 REFUND	110.00
04/17/2020	313188	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	646.76
04/17/2020	313189	FAWLEY OVERHEAD DOOR, INC.	REPAIR DOOR	90.00
04/17/2020	313190	FLATT, NANCY	TRIP REFUND TRAVERSE CITY	100.00
04/17/2020	313191	GREEN, LAUREL	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313192	HAMMOND, CINDY	TRIP REFUND TRAVERSE CITY	100.00

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Check Date	Check	Vendor Name	Description	Amount
04/17/2020	313193	HENDRICKS, MARY	SCHOOLHOUSE RENTAL REFUND	100.00
04/17/2020	313194	HIGGS, SUE	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313195	HOCHSTEDLER, JEANNE	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313196	HOLCOMB, STEPHEN	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313197	HOME DEPOT	FIRE CLEANING SUPPLIES	39.92
04/17/2020	313198	HOOVER, GAIL	TRIP REFUND TRAVERSE CITY	100.00
04/17/2020	313199	IMAGESTREAM, INC.	CABLECASTING/BROADCASTING EQUIP	22,571.00
04/17/2020	313200	INGERSOLL, WATSON, MCMACHEN	STREET DESCRIPTIONS	750.00
04/17/2020	313201	KALAMAZOO COUNTY TREASURER	OAKBROOK MOBILE HOME TAXES	322.50
04/17/2020	313202	KALAMAZOO INSTITUTE OF ARTS	PORTAGE COMMUNITY ART AWARD	1,000.00
04/17/2020	313203	KALAMAZOO KLASH	KLASH ROUND ROBIN TOURN. REFUND	620.00
04/17/2020	313204	KAMINGA, PHYLLIS	TRIP REFUND ONE DAY FUN DAY	90.00
04/17/2020	313205	LAM, STEVE	ADULT SOFTBALL LEAGUE REFUND	700.00
04/17/2020	313206	LANGEANCE, MARYLN	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313207	LANGLOIS, BARB	TRIP REFUND GO POLISH TODAY	98.00
04/17/2020	313208	LINDAHL, ANN	TRIP REFUND NEW YORK	50.00
04/17/2020	313209	LINT, TAMMY	LAKEVIEW PARK #2 REFUND	110.00
04/17/2020	313210	MAIN STREET PORTRAITS INC	FIRE PRINTING	835.00
04/17/2020	313211	MILLER, CANFIELD, PADDOCK & STONE	AUSTIN LAKE TRAIL LEGAL SVCS	292.50
04/17/2020	313212	MML UNEMPLOYMENT FUND	1ST QTR 2020 CONTRIBUTION	3,568.05
04/17/2020	313213	NEWTON, JOYCE	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313214	NGUYEN, THU	RENTAL REFUND	100.00
04/17/2020	313215	OFFICE DEPOT, INC.	OFFICE SUPPLIES	19.67
04/17/2020	313216	OSWALT, SHARON	TRIP REFUNDS - 4 TRIPS	4,408.00
04/17/2020	313217	OUTMAN, MARY LOU	TRIP REFUND NEW YORK	50.00
04/17/2020	313218	PAW PAW VETERINARY CLINIC, P.C.	CANINE PET CARE	32.25
04/17/2020	313219	PIPETEK INFRASTRUCTURE SERVICES	STORM SEWER CLEANING	37,025.56
04/17/2020	313220	PRICE, JILL	TRIP REFUND TRAVERSE CITY	100.00
04/17/2020	313221	REDMOND, BARBARA	TRIP REFUND TRAVERSE CITY	100.00
04/17/2020	313222	RENEWED EARTH, INC.	LEAF AND BRUSH REMOVAL	9,083.33
04/17/2020	313223	REV X PRODUCTS, INC.	FUEL ADDITIVE	3,860.80
04/17/2020	313224	ROCKROHR, BEVERLY	TRIP REFUND TRAVERSE CITY	95.00
04/17/2020	313225	RUEL, JULIE	MARCH FOR BABIES WALK 2020 REF	600.00

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04/17/2020	313226	SCHIEDEL, JUSTIN	LAKEVIEW FIELD RENTAL REF	40.00
04/17/2020	313227	SHI INTERNATIONAL CORP.	PCS, LAPTOPS, IPADS & DOCK	28,743.66
04/17/2020	313228	SIMONDS, ELIZABETH	TRIP REFUND TRAVERSE CITY	100.00
04/17/2020	313229	SMITH, LARRY & BABETTE	TRIP REFUND TRAVERSE CITY	200.00
04/17/2020	313230	SOIL & MATERIALS ENGINEERS, INC	SWEEPER DEBRIS TESTING	1,600.00
04/17/2020	313231	SOMSEL, CAROLYN	TRIP REFUND TRAVERSE CITY	100.00
04/17/2020	313232	SPARBEL, DEBORAH	TRIP REFUND TRAVERSE CITY	95.00
04/17/2020	313233	SPC SPECIALTY PRODUCTS, LLC	SPECIALTY PATCH	3,500.00
04/17/2020	313234	ST. MICHAEL LUTHERAN SCHOOL	HAYLOFT THEATRE REFUND	610.00
04/17/2020	313235	STAITE, KATHLEEN	BACK TO OUR ROOTS REFUND	20.00
04/17/2020	313236	STATE OF MICHIGAN (EGLE)	PUBLIC WATER SUP ANNUAL FEE	11,127.27
04/17/2020	313237	STATE SYSTEMS RADIO, INC	ANNUAL TOWER LEASE CONTRACT	1,551.67
04/17/2020	313238	TACTRON, INC.	FIRE OPS SUPPLIES	42.38
04/17/2020	313239	THIRD COAST TECH, LLC	CONFERENCE ROOM 3 AV PROJECT	7,977.83
04/17/2020	313240	URFER, WILLIAM & JANET	TRIP REFUND THUNDER BAY	200.00
04/17/2020	313241	VAUGHAN, KATHRYN	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313242	VILUMIS, ROBERT & JUDY	TRIP REFUND THUNDER BAY	200.00
04/17/2020	313243	WALTERS, RHONDA	TRIP REFUND THUNDER BAY	100.00
04/17/2020	313244	WEST MICHIGAN SOFTBALL	DAY IN THE ZOO TOURNAMENT REF	1,020.00
Total Paper Checks:				410,313.93

Check Type: Auto-Pay Payment

3/31/2020	CONSUMERS ENERGY	GAS-ELECTRIC	107.00
4/3/2020	CONSUMERS ENERGY	GAS-ELECTRIC	8,693.60
4/6/2020	CONSUMERS ENERGY	GAS-ELECTRIC	45,669.94
4/7/2020	CONSUMERS ENERGY	GAS-ELECTRIC	1,228.71
4/8/2020	CONSUMERS ENERGY	GAS-ELECTRIC	11,501.21
4/9/2020	CONSUMERS ENERGY	GAS-ELECTRIC	23,198.59
4/10/2020	CONSUMERS ENERGY	GAS-ELECTRIC	893.20
4/13/2020	CONSUMERS ENERGY	GAS-ELECTRIC	987.21
4/14/2020	CONSUMERS ENERGY	GAS-ELECTRIC	6,812.81
4/15/2020	RANDALL BROWN & ASSOC	RETAINER FEES	18,810.00

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4/16/2020		CONSUMERS ENERGY	GAS-ELECTRIC	486.12
4/17/2020		CONSUMERS ENERGY	GAS-ELECTRIC	5,573.10
			Total Auto-Pay Payments:	123,961.49
			Grand Total:	1,252,063.61

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Local Small Wireless Communications Facility Permitting & Standards Resolution

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services
Chris Forth, Acting Director of Community Development
Kendra Gwin, Director of Transportation & Utilities
Randy Brown, City Attorney

ACTION RECOMMENDED: Adopt the Resolution Authorizing Local Small Wireless Communication Facility Permitting Standards and authorize the City Manager or his designee to enter into, grant, terminate and administer permits and all other authority necessary to effectuate the permitting process between the city and 5G wireless providers.

To promote the expansion of small cell wireless 5G co-location across the nation, the FCC issued Order 133 (FCC Order No. 18-133) on January 12, 2019, which limits municipal control of the Rights-of-Way (ROW) as it pertains to wireless service providers. The State of Michigan then enacted 2018 PA 365, MCL 460.1301 et seq. ("Act 365"), on March 12, 2019, which provides even more restrictive, uniform, state-wide measures to encourage 5G development in Michigan. The city is required by law to conform to the requirements of Act 365 and implement the necessary changes.

The city, as required by Act 365, must process applications and issue permits for small cell wireless facilities for uses in public space. Specifically, the city must adopt an application and permitting process that conforms to the requirements of Act 365 as well as adopt either an ordinance or a resolution allowing the city to enforce small cell wireless facility spacing requirements, stealth and concealment requirements and applicable permitting fees that will be charged.

For example, Act 365 creates a number of conditions for agreements between municipalities and wireless service providers. Act 365 prohibits exclusive agreements and ensures that any state recognized telecommunications provider may submit an application. Further, there is no limit to the number of applications the city may receive from any one provider. Act 365 is clear that applications and permits may be required by the city. It also provides a limited set of reasons that an application may be denied.

The city is also severely limited in how applications must be processed under Act 365. Applications must be responded to in the order they are received, subject to specific timelines. For example, an application for co-location on an existing city pole must be processed within 60 days, whereas an application for a new pole or wireless support structure for co-location requires a decision within 90 days. If an application is incomplete, the city must inform the applicant within 25 days, but the city only has 10 days to respond after an incomplete application has been re-submitted.

The rates and fees that may be charged are also capped by Act 365. Application fees are limited to \$200 for each small cell facility co-location application and \$300 if the co-location requires a new utility pole. Applications for zoning approval are limited to \$500 for a new or modified small cell facility and \$1,000 for new wireless support structures. Recurring fees for co-location are permitted but are limited to \$20 per year for each existing city-owned pole being rented and \$30 per year for each collocation existing upon it. If a new pole is erected on behalf of a provider, the city may charge \$125 for its use. Finally, Make-Ready Work Fees may be charged to offset any cost incurred by the city in preparing a site for collocation, provided the fees are a commercially reasonable, competitively neutral, nondiscriminatory, good faith estimate of actual charges to make the area compliant with industry standards for co-location.

The City Administration, with the assistance of city and PROTEC legal counsel, has chosen to adopt the model PROTEC application and permitting process and documents in order to comply with the Act. PROTEC, of which the city is a member, is a coalition of municipalities created to protect citizen control over public ROW and their right to receive fair compensation from the telecommunications companies that use public property. PROTEC has represented jurisdictions of all sizes through coordinated lobbying efforts at both the state and federal level. The City Administration added requirements to the PROTEC model documents to preserve as much local regulatory power of the city ROW allowed under the Act. This includes specific aesthetics and design standards, which are established in the Permit as Exhibit B.

The Resolution establishes the series of fees and requirements as permitted by the Act and authorizes the City Manager or designee to administer the permitting process between the city and 5G providers. The Resolution further provides the city with the authority to amend and or terminate the Resolution and all related policies should the Act or FCC Order be modified or rescinded on a future date.

It is recommended that Council adopt the Resolution Authorizing Local Small Wireless Communication Facility Permitting Standards to be compliant with the State of Michigan 2018 PA 365, MCL 460.1301 et seq. ("Act 365") and authorize the City Manager or his designee to enter into, grant, terminate and administer permits and all other authority necessary to effectuate the permitting process between the city and 5G wireless providers.

FUNDING: NA

- Attachments:**
1. Resolution - Final
 2. Small Cell Act Permit Application Form - Final
 3. Small Cell Act Permit - Final

**RESOLUTION
CITY OF PORTAGE, MICHIGAN
RESOLUTION AUTHORIZING LOCAL SMALL WIRELESS
COMMUNICATION FACILITY PERMITTING AND STANDARDS**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, on _____, 2020 at 7:00 p.m. local time at City Hall in the City of Portage, Kalamazoo County, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____ and supported by

COUNCILMEMBER: _____.

WHEREAS, Public Act 365 of 2018 (The Small Wireless Communications Facilities Deployment Act, hereafter the "Act") provides for regulation by local government of wireless service providers and the various processes and equipment needed to provide wireless service (commonly known as "5G") to residents of the City of Portage ("City") through an application and permitting process; and

WHEREAS, the Act does not allow local governmental units to totally prohibit the installation of 5G service within the City's right of way if providers are in compliance with the Act; and

WHEREAS, the Act contains requirements for the permitting process and the content of the permit; and

WHEREAS, the Act authorizes the City to implement an application and permit process to regulate 5G provider activity to the extent allowed by the Act; and

WHEREAS, the Act requires that in order to enforce spacing requirements, stealth and concealment requirements, and applicable fees that such requirements be contained in an ordinance or resolution; and

WHEREAS, this resolution is adopted in compliance with the Act; and

WHEREAS, City takes note of inconsistencies as between the Act and certain potentially preemptive Federal Communications Commission ("FCC") Rulings as well as the Michigan Constitution; and

WHEREAS, the City does not intend that by adopting this resolution that it shall be waiving any rights under the FCC rulings or the Michigan Constitution; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that City authorizes the City Manager or his designee to enter into, grant, terminate, administer, and revise permits and all other authority necessary to effectuate the permitting process between the City and 5G wireless providers. See Permit attached as "A".

BE IT FURTHER RESOLVED that pursuant to its authority under the Act, City hereby authorizes a schedule of fees (Exhibit E of Permit) and available to 5G providers and the public through a copy at the City Clerk's office and on the City's website; and

BE IT FURTHER RESOLVED that pursuant to its authority under the Act, the City hereby authorizes spacing requirements for 5G facilities (Exhibit B of Permit) and available to 5G providers and the public through a copy at the City Clerk's office and on the City's website; and

BE IT FURTHER RESOLVED that pursuant to its authority under the Act, the City hereby authorizes stealth and concealment requirements for 5G facilities (Exhibit B of Permit) and available to 5G providers and the public through a copy at the City Clerk's office and on the City's website; and

BE IT FURTHER RESOLVED that the City approval of the Small Cell Wireless Communications Facility Permitting and Standards shall not be construed or understood to be a waiver by City of its police powers; rights or authority it may possess under, the Act, Michigan law, the Michigan constitution, or federal law. In the event of any interpretations, including Judicial, Legislative or Administrative, contrary to the Act and/or FCC rules referenced above, the City specifically reserves the right to amend and or terminate this resolution and all related policies and procedures undertaken in furtherance hereof; and

BE IT FINALLY RESOLVED that the City administration is hereby authorized and directed to take all actions necessary to place the 5G Permit and Application process into effect in accordance with this resolution.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

ADOPTED: _____

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

Erica Eklov, City Clerk

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, Michigan, and that the foregoing resolution was adopted by the City of Portage on the ____ day of _____, 2020.

Erica Eklov, City Clerk

Approved as to form:

Date: 3/19/2020

City Attorney

INSERT ATTACHMENT A (PERMIT)

SMALL CELL ACT PERMIT APPLICATION FORM
REVISED JULY 24, 2019

**_____
Name of Local Unit of Government (Authority)**

**APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
SMALL CELL WIRELESS PROVIDERS
UNDER
SMALL WIRELESS COMMUNICATIONS FACILITIES DEPLOYMENT ACT**

**2018 PA 365
MCL SECTIONS 460.1301 TO 460.1339**

B Y

**[Name of Company]
("APPLICANT")**

Where to File: Applicants should file copies as follows:

-- Three (3) paper copies (one of which shall be marked and designated as the master copy) with the City Clerk at [7900 South Westnedge Avenue, Portage, MI 49002].

--One copy by email to the City Clerk at clerk@portagemi.gov

**City of Portage, Michigan
Name of local unit of government**

**APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS**

**_____
By
[Name of Company]
("APPLICANT")**

This is an application pursuant to Small Wireless Communications Facilities Deployment Act, 2018 PA 365 (The "Small Cell Act") for access to and ongoing usage of the public right-of-way, or "ROW" which means the area on, below, or above a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses in the Municipality for one or more Small Cell Wireless Facilities. Public right-of-way does not include any of the following: (i) A private right-of-way; (ii) A limited access highway; or (iii) Land owned or controlled by a railroad as defined in section 109 of the railroad code of 1993, 1993 PA 354, MCL 462.109.

Following receipt of an application, the Small Cell Act allows 25 days for a determination by the authority (municipality) that the application is complete, or not. The Act further provides 60-150 days for an authority to approve or deny access from the date a provider files an application for a permit for access to a public right-of-way."

This application must be accompanied by a one-time application fee of \$200 (\$500 if zoning review is required) per pole in the event applicant intends to use an existing utility pole or, \$300 (\$1,000 if zoning review is required) per pole in the event the applicant intends to use a new or replacement of an existing pole, regardless of what entity actually replaces the pole. A bond of \$1000 per site is also required at the time of permitting.

Applicant may file this application for a single permit for the collocation of up to 20 small cell wireless facilities within the jurisdiction of the city that are of substantially similar equipment and placed on similar types of utility poles or wireless support structures.

1 GENERAL INFORMATION:

1.1 Date:

1.2 Applicant's legal name:
Mailing Address:

Telephone Number:
Corporate website:

Fax Number:

Name and title of Applicant's local manager (and if different) contact person regarding this application:_____

Mailing Address:_____

Telephone Number:_____ Fax Number:_____

E-mail Address:_____

1.3 Type of Entity: (Check one of the following)

- _____ Corporation
- _____ General Partnership
- _____ Limited Partnership
- _____ Limited Liability Company
- _____ Individual
- _____ Other, please describe:

1.4 Assumed name for doing business, if any:_____

1.5 Description of Entity:

1.5.1 Jurisdiction of incorporation/formation;

1.5.2 Date of incorporation/formation;

1.5.3 If a subsidiary, name of ultimate parent company;

1.5.4 Chairperson, President/CEO, Secretary and Treasurer (and equivalent officials for non-corporate entities).

1.6 Attach copies of Applicant's most recent annual report (with state ID number) filed with the Michigan Department of Licensing and Regulatory Affairs and certificate of good standing with the State of Michigan. For entities in existence for less than one year and for non-corporate entities, provide equivalent information.

- 1.7 Is Applicant aware of any present or potential conflicts of interest between Applicant and Municipality? If yes, describe:

Circle: Yes No

- 1.8 In the past three (3) years, has Applicant had a permit to install Small Cell Facilities in the public right of way revoked by any Michigan municipality?

Circle: Yes No

If "yes," please describe the circumstances.

- 1.9 In the past three (3) years, has an adverse finding been made or an adverse final action been taken by any Michigan court or administrative body against Applicant under any law or regulation related to the following:

1.9.1 A felony; or

1.9.2 A revocation or suspension of any authorization (including cable franchises) to provide personal wireless cellular services?

Circle: Yes No

If "yes," please attach a full description of the parties and matters involved, including an identification of the court or administrative body and any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.

- 1.10 Please provide a copy of any and all licenses or permits held by the applicant to provide personal wireless services. [If Applicant provides a license to provide wireless service, no financial information needs to be supplied.] Whether privately or publicly held, provide Applicant's most recent financial statements. If financial statements of a parent company of Applicant (or other affiliate of Applicant) are provided in lieu of those of Applicant, please explain:

- 1.10.1 If privately held, and if Municipality requests the information within 25 days of the date of this Application, the Applicant and the Municipality shall make arrangements for the Municipality to review the financial statements and obtain copies of those records necessary to support the financial ability of applicant to carry out the permit requested in a reasonable and timely fashion.

If no financial statements are provided, please explain and provide particulars.

2 DESCRIPTION OF PROJECT:

- 2.1 Provide a copy of authorizations, if applicable, Applicant holds to provide wireless services in this Municipality, County and State. If no authorizations are applicable, please explain.
- 2.2 Describe in plain English how Municipality should describe to the public the wireless services to be provided by Applicant and the wireless facilities to be installed by Applicant in the Public Ways.
 - 2.2.1 Does the intended location of the wireless facility installation(s) involve particularly sensitive areas or districts of the community including: Recent Downtown Development/Renewal Streetscapes, Residential, Underground, historic or high-end commercial? If so, please specify and, state what alternatives the applicant considered prior to application.
- 2.3 Attach route maps showing the location and detailed drawings, plans and specifications, of all wireless facilities and associated support structures as existing and as intended to be replaced, if applicable, and all other equipment intended to be installed in the public right-of-way. Please include whether such facilities are intended as overhead or underground and – if fiber or other lines are to be installed as related to this wireless facility, attach the Metro Act Permit or pending application regarding same.

These installation details must specifically identify the exact location intended including side of the street, height, width and weight of all such equipment and support structures.

Construction approval is a separate process and may require greater detailed engineering drawings and other information to insure the safety and protection of the public and existing infrastructure of other ROW users and occupants.

- 2.4 Please provide an anticipated or actual construction schedule and a total cost of the project including all fees paid to any other entities for attachment and make ready work.
- 2.5 Please list all organizations and entities which will have any ownership interest in the facilities proposed to be installed in the Public Ways.
- 2.6 Who will be responsible for maintaining the facilities Applicant places in the Public Ways and how are they to be promptly contacted? If Applicant's facilities are to be installed on or in existing facilities in the Public Ways of existing public utilities or incumbent telecommunications providers, describe the facilities to be used, and provide verification of their consent to such usage by Applicant.

3 WIRELESS PROVIDER ADMINISTRATIVE MATTERS:

Please provide the following or attach an appropriate exhibit.

- 3.1 Address of Applicant's nearest local office;
- 3.2 Location of all records and engineering drawings, if not at local office;
- 3.3 Names, titles, addresses, e-mail addresses and telephone numbers of contact person(s) for Applicant's engineer or engineers and their responsibilities for the wireless system;
- 3.4 Provide evidence of self-insurance or a certificate of insurance showing Applicant's insurance coverage, carrier and limits of liability for the following:
 - 3.4.1 Worker's compensation;
 - 3.4.2 Commercial general liability, including at least:
 - 3.4.2.1 Combined overall limits;
 - 3.4.2.2 Combined single limit for each occurrence of bodily injury;
 - 3.4.2.3 Personal injury;
 - 3.4.2.4 Property damage;
 - 3.4.2.5 Blanket contractual liability for written contracts, products, and completed operations;
 - 3.4.2.6 Independent contractor liability;
 - 3.4.2.7 For any non-aerial installations, coverage for property damage from perils of explosives, collapse, or damage to underground utilities (known as XCU coverage);

3.4.2.8 Environmental contamination;

3.4.3 Automobile liability covering all owned, hired, and non-owned vehicles used by Applicant, its employee, or agents.

3.5 Names of all anticipated contractors and subcontractors involved in the construction, maintenance and operation of Applicant's facilities in the Public Ways.

3.6 The applicant shall submit a Small Wireless Facilities Permit along with this application. Much of the information sought in this application will be required by completing the permit, which can substitute for providing the same information a second time here. It is also recommended the applicant review the City ordinances concerning Small Wireless Facilities which are accessible from the City website.

4 CERTIFICATION:

All the statements made in the application and attached exhibits are true and correct to the best of my knowledge and belief.

NAME OF ENTITY ("APPLICANT")

By: _____

Type or Print Name:

Date:

Title:

CITY OF _____
SMALL WIRELESS FACILITIES PERMIT PURSUANT TO MCL
SECTION 460.1301 ET. SEQ

Name of Permit Holder

TERMS AND CONDITIONS

1 Definitions

- 1.1 Company shall mean _____, a corporation, organized under the laws of the State of _____ whose address is _____.
- 1.2 Effective Date shall mean the date set forth in Part 13.
- 1.3 Manager shall mean Municipality's City Manager or designee.
- 1.4 Small Wireless Facilities Act shall mean the Small Wireless Communications Facilities Deployment Act, Act 365 of 2018 or any revisions or amendments thereto (the "Act").
- 1.5 Municipality shall mean the City of Portage, a Michigan municipal corporation.
- 1.6 Permit shall mean this document.
- 1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public right-of-way does not include a federal, state, or private right-of-way or RR ROW.
- 1.8 Small Cell Wireless Facility or Facilities shall have the meaning as provided in the Act. This Permit does not cover the Company's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are installed in the right-of-way and separately permitted under the Metropolitan Extension Telecommunications Rights-of Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.9 Collocate shall have the meaning as provided in the Act.
- 1.10 Utility Pole shall have the meaning as provided in the Act.
- 1.11 Applicable Codes shall have the meaning as provided in the Act.
- 1.12 Wireless Support Structure or Support Structure shall have the meaning as provided in the Act and does not include a utility pole.
- 1.13 Term shall have the meaning set forth in Part 7.

2 Grant

- 2.1 Municipality hereby grants a permit under the Act to Company for access to and ongoing use of the Public Right-of-Way to construct, install and maintain Small Cell Wireless Facilities in those portions of the Public Right-of-Way and as further identified in Exhibit A on the terms set forth herein.
- 2.1.1 Exhibit A may be modified by written request by Company and approval by Manager.
- 2.1.2 Manager shall not unreasonably condition or deny any request for a modification of the Facilities described in Exhibit A, except as in those circumstances specifically enumerated in the Act.
- 2.1.3 Map and List of Small Cell Wireless Network. This Permit shall apply to and allow only the placement of Small Cell Wireless Facilities which are precisely identified on the map submitted by the Company as part of its application process, or as subsequently amended, and which is attached as Exhibit A. Where applicable, the required map(s) shall include and identify any requested pole height(s), all attachments and detailed drawings of any attachment. Once precise locations have been approved, the Company shall provide latitude and longitude coordinates for the locations of the small cell wireless facilities and any associated support structures to the Municipality's engineering department as well as detailed as-built drawings within 90 days of the completion of installation.
- 2.1.4 Duty to Keep Current. Company shall maintain in a form acceptable to the Municipality, a current map and list of the location(s) of all small cell wireless facilities and associated poles and support structures used by Company in the Municipality's Public Right-of-Way. Company shall provide such list to the Municipality within ten (10) Business Days upon receipt of request for same; and Company shall, whether or not requested by the Municipality, provide an updated list and map promptly after any change is made in regard to the locations of poles specified by Company in such lists and maps.
- 2.1.5 The design and concealment measures contained in Exhibit B to this Permit shall apply to the construction, installation, and maintenance of a Small Cell Wireless Facility in an historic, residential, or downtown district.
- 2.1.6 Limited Placement. This Permit does not authorize the placement of small cell wireless facilities, poles, support structures or any other equipment on sites, locations, structures or facilities other than those specifically

identified herein. Placement of small cell wireless facilities, poles and associated support structures shall comply with the terms of the Municipality's conditions of access set forth in Exhibit B. This Permit does not relieve Company of its burden of seeking any necessary permission from other agencies which may have jurisdiction regarding Company's proposed use. Nothing herein shall prohibit the Municipality from requiring a separate Public Right-of-Way access permit for work that will unreasonably affect traffic patterns or obstruct vehicular or pedestrian traffic in the Public Right-of-Way.

2.1.7 Limited Uses. Company represents, warrants and covenants that its small cell wireless facilities installed pursuant to this Permit will be utilized as support for the rendering of wireless telecommunication services, including wireless services, and Company is not authorized to and shall not use the small cell wireless facilities to offer or provide any other services not specified herein.

2.2 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

3.1 Company Contacts. The names, addresses and the like for engineering and construction related information for Company and its Telecommunication Facilities are as follows:

Company's Local Representative
Address
Phone
Email

Company's Location of Engineering Records:
Address
Phone
Email

Company's Engineering and Design Representative:
See Exhibit A Drawings attached thereto.

Company's Construction Vendor(s):

Address

Phone

Email

Company's 24-hour access:

Address

Phone

Email

The preceding information is accurate as of the Effective Date. Company shall notify Municipality in writing as set forth in Part 12 of any changes in the preceding information.

4 Use of Public Right-of-Way

No Burden on Public Right-of-Way. Company, its contractors, subcontractors, and the Small Cell Wireless Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. If Municipality reasonably determines that any portion of the Small Cell Wireless Facilities constitutes an unsafe burden or interference to Municipality, due to changed circumstances that impact usual travel or public safety on the Public Right-of-Way or obstruct the legal use of the Municipality's Public Right-of-Way, Company, at its sole expense, shall modify the Small Cell Wireless Facilities or take such other actions as Municipality may determine in good faith is in the public safety interest to remove or alleviate the burden, and Company shall do so within a reasonable time period. Municipality shall attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

4.1 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Company over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

4.2 Restoration of Property. Company, its contractors and subcontractors shall restore, at Company's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the

construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Company's option, better) condition as that which existed prior to the disturbance. In the event that Company, its contractors or subcontractors fail to make such repair within 60 days after notice, Municipality may make the repair and Company shall pay the costs Municipality incurred for such repair.

- 4.3 Marking. Company shall mark the Small Wireless Facilities with a label not to exceed one square foot on each utility pole subject of this Permit providing the Company's name and provide a toll-free number for assistance.
- 4.4 Tree Trimming. Company may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Small Wireless Facilities, consistent with any standards adopted by Municipality. Company shall dispose of all trimmed materials. Company shall minimize the trimming of trees to that essential to maintain the integrity of the Small Wireless Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- 4.5 Installation and Maintenance. The construction and installation of the Small Wireless Facilities shall be performed pursuant to plans approved by Municipality. Company shall install and maintain the Small Wireless Facilities in a reasonably safe condition. Company may perform maintenance on the Small Wireless Facilities without prior approval of Municipality, provided that Company shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or as otherwise required by Municipality.
- 4.6 Compliance with Laws. Company shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Small Wireless Facilities, whether federal, state or local, now in force or which hereafter may be promulgated including but not limited to a Metro Act Permit pursuant to 2002 PA 48; MCL 484.3101 et seq. Company shall obtain all such permits or approval prior to performing any work in the Public Right-of-Way under this Permit, and shall be in compliance with all terms and conditions of those permits and approvals. Before any installation is commenced, Company shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Municipality shall not unreasonably delay or deny issuance of any such permits, licenses or approvals. Company shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition).

Company shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended. This section does not constitute a waiver of Company's or Municipality's right to challenge laws, statutes, ordinances, rules or regulations now in force or established in the future.

- 4.7 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Company's Facilities in the vacated Public Right-of-Way, Company shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Company shall relocate its Facilities to such alternate route as Municipality and Company mutually agree, applying reasonable engineering standards.
- 4.8 Relocation. If Municipality requests Company to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Company shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality and Company mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period. Additionally, otherwise the Municipality may require Company to remove or relocate upon a written request from the Municipality on sixty (60) Days' notice at Company's sole cost and expense, portions of the Company's small cell wireless facilities, poles, and/or support structures whenever Municipality reasonably determines that the removal or relocation is needed: (1) to facilitate or accommodate the construction, completion, repair, relocation, or maintenance of a Municipality project, or utility company projects (2) because the Company's facilities, poles or support structures interfere with or adversely affect proper operation of the public light poles, traffic signals, communications systems or other facilities, (3) because of a sale or vacation of the Public Right-of-Way by the Municipality, (4) because there is a change in use of the Public Right-of-Way by the Municipality provided such use affects similarly situated licensed users in the Public Right-of-Way, (5) because there is damage to and/or a planned removal of a pole or support structure, or (6) to preserve and protect the public health and safety, in a manner not inconsistent with 47 U.S.C. § 332(c)(7). Company shall at its own cost and expense remove, relocate and/or adjust its small cell wireless facilities, poles, and/or support structures, or any part thereof, to such other location or locations in the Public Right-of-Way, or in such manner, as appropriate, as may be designated or granted, in writing and in advance, by the Municipality. Such removal, relocation, adjustment shall be completed within the time prescribed by the Municipality in its written request and in accordance with the terms of this Permit. Company shall not be in default hereunder if it has taken appropriate action

as directed by the Municipality to obtain such grant. If Company fails to remove, relocate, adjust or support any portion of its small cell wireless facilities, poles, or support structures as described by the Municipality within the prescribed time, Municipality may take all reasonable, necessary, and appropriate action, as set forth in this Permit.

- 4.9 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Company if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality shall attempt to provide notice to Company. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Company shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.
- 4.10 Miss Dig. If eligible to join, Company shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 174 of the Public Acts of 2013, as amended, MCL § 460.721 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- 4.11 Identification. All personnel of Company and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Company's name, their name and photograph. Company shall account for all identification cards at all times. Every service vehicle of Company and its contractors or subcontractors shall be clearly identified as such to the public.
- 4.12 Risk of Loss or Damage. Company acknowledges and agrees that Company bears all risk of loss or damage of its equipment and materials, including, without limitation, the small cell wireless facilities and any associated support structures, installed in the Public Right-of-Way pursuant to this Permit from any cause, and the Municipality shall not be liable for any cost of repair to damaged small cell wireless facilities or associated support structures, including, without limitation, damage caused by the Municipality's removal of the same as set forth and authorized in this Permit, except to the extent that such loss or damage was caused by the willful misconduct of the Municipality, including without limitation, each of its commissions, boards, departments, officers, agents, employees or contractors.
- 4.13 Permitted Dimensions. Absent separate land use or other approvals from the Municipality, the Company may only, as a permitted use not subject to zoning review or approvals, co-locate small cell wireless facilities and construct, maintain,

modify, operate, or replace utility poles in, along, across, upon, and under the Public Right-of-Way consistent with Exhibit B.

Such structures and facilities shall be constructed and maintained so as not to obstruct or hinder the usual travel or public safety on the Public Right-of-Way or obstruct the legal use of the Municipality's Public Right-of-Way or uses of the Public Right-of-Way by other utilities and communications service providers.

4.14 Work Standards

4.14.1 Performance of Work. Company shall use and exercise due care, caution, skill and expertise in performing all work under this Permit and shall take all reasonable steps to safeguard and maintain in clean and workmanlike manner, all work site areas, including, without limitation, any light poles located in the Public Right-of-Way and other existing facilities and property. All work to be undertaken by Company in the Public Right-of-Way shall at all times be performed by workers in accordance with generally accepted industry practice.

4.14.2 Work Plan. Prior to performing any work necessary under this Permit, Company shall present a map and written proposal describing the work to be performed and the facilities, methods and materials to be installed (Work Plan) to the Municipality for review and will not perform any work until it has received Municipality authorization of the Work Plan. In addition, prior to conducting any work in the Public Right-of-Way, Company shall provide to the Municipality a current emergency response plan identifying staff who have authority to resolve, twenty-four (24) hours a day, seven (7) days a week, problems or complaints resulting, directly or indirectly, from the small cell wireless facilities installed pursuant to this Permit. As soon as is reasonably practical following installation of the small cell wireless facilities, utility poles, and support structures under this Permit, Company shall deliver as-built drawings to the Municipality

4.14.3 No Underground Work without Written Authorization. Company hereby represents, warrants and covenants that it shall perform no excavation, trenching, coring, boring, or digging into the ground or installation of any equipment or other material into the ground, or any other underground work in connection with the work to be performed under this Permit, except to the extent expressly approved by the Municipality. Company further represents, warrants and covenants that it shall not otherwise disturb or disrupt the operation or maintenance of any sanitary sewers, storm drains, gas or water mains, or other underground conduits, cables, mains, or facilities.

4.14.4 Modification of Work Plans. If during the term of this Permit, the Municipality determines that the public health or safety requires a modification of or a departure from the Work Plan submitted by Company and authorized, the Municipality shall have the authority to identify, specify and delineate the modification or departure required, and Company shall perform the work allowed under this Permit in accordance with the Municipality-specified modification or departure at Company's sole expense. The Municipality shall provide Company with a written description of the required modification or departure, the public health or safety issue necessitating the modification or departure, and the time within which Company shall make, complete or maintain the modification or departure required.

4.14.5 Disclosures. Company shall notify residents and business owners in an area of 300 feet of a location where a permit has been issued 30 days prior to construction.

5 Indemnification and Waivers

5.1 Indemnity. Company, its successors and assigns, shall hold harmless, defend, protect and indemnify the Municipality, including, without limitation, each of its commissions, departments, officers, agents, employees and contractors, from and against any and all actions, losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs, judgments or suits including, without limitation, reasonable attorneys' fees and costs (collectively, "Claims") of any kind allegedly arising directly or indirectly from: (i) any act by, omission by, or negligence of the Company or its contractors or subcontractors, or the officers, agents, or employees of any of them, while engaged in the performance of the work or conduct of the activities authorized by this Permit, or while in or about the Public Right-of-Way or any other Municipality property for any reason connected in any way whatsoever with the performance of the work, conduct of the activities or presence of the facilities, poles or structures authorized by this Permit, or allegedly resulting directly or indirectly from the presence, construction, installation, maintenance, replacement, removal or repair of the facilities, poles or structures; (ii) any accident, damage, death or injury to any contractor, subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work, conduct of the activities or presence of the facilities, poles and structures authorized by this Permit, or while in or about the Public Right-of-Way, for any reason connected with the performance of the work or conduct of the activities authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit; (iii) any accident, damage, death or injury, to real or personal property, good will, and Person(s) in, upon or in any way allegedly connected with the work or activities

authorized by this Permit or the presence of the facilities, poles and structures from any cause or claims arising at any time including, without limitation, injuries or damages allegedly caused, directly or indirectly, in whole or in part, by radio wave transmission or electromagnetic fields emitted by the small cell wireless facilities; (iv) any release, or threatened release, of any hazardous material caused in whole or in part by Company in, under, on or about the Public Right-of-Way subject to this Permit or into the environment, or resulting directly or indirectly from the small cell wireless facilities or the work or activities authorized by this Permit; (v) any violation by Company of the terms and conditions hereof or any permit or grant issued by any commission or agency in connection with the small cell wireless facilities or wireless services or pursuant hereto, or any misrepresentation made herein or in any document given by either party in connection herewith; and (vi) any direct or indirect RF interference by Company or the small cell wireless facilities affecting entities with installed facilities that are experiencing RF interference and whose facilities were installed before the date on which Company installed the allegedly interfering facility. This indemnification obligation from Company to the Municipality shall specifically extend to any and all health and safety related claims, and to any and all inverse condemnation or similar claims.

- 5.2 Notice, Cooperation. Municipality shall notify Company promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality shall cooperate with Company in every reasonable way to facilitate the defense of any such claim. Municipality shall consult with Company respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.
- 5.3 Settlement. Municipality shall not settle any claim subject to indemnification under this Part 5 without the advance written consent of Company, which consent shall not be unreasonably withheld. Company shall have the right to defend or settle, at its own expense, any claim against Municipality for which Company is responsible hereunder.
- 5.4 Non Liability of Municipality Officials, Employees and Agents. No elective or appointive board, commission, member, officer, employee or other agent of the Municipality shall be personally liable to Company, its successors and assigns, in the event of any default or breach by the Municipality or for any amount which may become due to Company, its successors and assigns, or for any obligation of Municipality under this Permit.
- 5.5 Scope of Indemnity. Company shall hold harmless, indemnify and defend the Municipality as required in this Section 5, including without limitation, each of its commissions, boards, departments, officers, agents, employees and contractors, except only for claims resulting from the sole negligence of the Municipality,

including without limitation, each of its commissions, departments, officers, agents, employees and contractors. Company specifically acknowledges and agrees that it has an immediate and independent obligation to defend the Municipality from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered in writing to the other party and continues at all times thereafter. Company agrees that the indemnification obligations assumed under this Permit shall survive expiration or other termination of this Permit.

- 5.6 No Liability for Damage, Death or Bodily Injury. Neither Municipality nor any of its commissions, departments, boards, officers, agents or employees shall be liable for any damage to the property of Company, or third-party owner of any equipment on the site, its officers, agents, employees, contractors or subcontractors, or their employees, or for any bodily injury or death to such persons, resulting or arising from the small cell wireless facilities, utility poles, and/or support structures or activities authorized by this Permit, the condition of any Municipality property subject to this Permit or Company's use of any Municipality property, except as otherwise provided herein. Company shall indemnify the municipality pursuant to this section 5 for any third-party claims.
- 5.7 Waiver of Claims regarding Fitness of Municipality Properties or Structures Located in Public Right-of-Way. Company acknowledges that the Municipality has made no warranties or representations regarding the fitness, availability or suitability of any Municipality properties or structures for the installation of the small cell wireless facilities, or for any other activities permitted under this Permit, and that, except as expressly provided herein, any performance of work or costs incurred by Company or provision of services contemplated under this Permit by Company is at Company's sole risk. Company on behalf of itself and its successors and assigns, waives its right to recover from, and forever releases and discharges, the Municipality and its agents, and their respective heirs, successors, administrators, personal representatives and assigns, from any and all claims, whether direct or indirect, known or unknown, foreseen and unforeseen, that may arise on account of or in any way be connected with the physical or environmental condition of the poles, facilities or support structures located on the Public Right-of-Way, other Municipality property affected by this Permit, or any law or regulation applicable thereto.
- 5.8 Waiver of All Claims for Termination. Company acknowledges that this Permit is terminable by the Municipality under certain limited circumstances as provided herein, and in view of such fact Company expressly assumes the risk of making any expenditures in connection with this Permit, even if such expenditures are substantial, and Company expressly assumes the risk of selling its services which may be affected by the termination of this Permit. Without limiting any

indemnification obligations of Company or other waivers contained in this Permit, and as a material part of the consideration for this Permit, Company fully RELEASES, WAIVES AND DISCHARGES forever any and all claims, demands, rights, and causes of action against, and hereby covenants not to sue Municipality, its departments, commissions, officers, boards, commissioners and employees, and all persons acting by, through or under each of them, under any present or future Laws, including, but not limited to, any claim for inverse condemnation or the payment of just compensation under the law of eminent domain, or otherwise at equity, in the event that the Municipality exercises its right to terminate this Permit, as specifically provided herein.

6 Insurance

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Small Wireless Facilities in the Public Right-of-Way, Company shall obtain insurance as set forth below and file certificates evidencing same with Municipality. See Exhibit C. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Company may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.
- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
- 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
- 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
- 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the

limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

- 6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Company shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- 6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Company shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 6.5 Contractors. Company's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Company, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Company's policies).
- 6.6 Insurance Primary. Company's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of

Company's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

7.1 Term. The term ("Term") of this Permit shall be until the earlier of:

- 7.1.1 Five years (5) from the Effective Date; provided, however, that following such initial term there shall be one subsequent renewal term of five (5) years. The renewal term shall be at the Company's option with at least 60 days', but no more than 180 days', notice in advance of the expiration of the then-current term provided that: (a) Company is in full compliance with all terms of the Permit as of the last day of the then current term; (b) has not demonstrated a pattern of repeated or cumulative breaches and defaults of the terms of the Permit during the expiring term; and (c) Company agrees to confer with City and make the changes to this Permit as needed or desired considering possible changes in technology and/or the law. Unless modified as described, the renewal term shall be on the same terms and conditions as contained in this Permit.; or
- 7.1.2 When the Small Wireless Facilities have not been used to provide telecommunications services for a period of one year by the Company or a successor or an assign of the Company; or
- 7.1.3 When Company, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or
- 7.1.4 Upon either Company or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 7.2, 8, or 9 or 13.10 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or
- 7.1.5 Unless Manager grants a written extension, one year from the Effective Date if prior thereto Company has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and one year from the Effective Date if by such time construction and installation of the Telecommunication Facilities is not complete.

- 7.2 The Municipality may, with written notice, terminate this Permit for location of small cell wireless facilities and/or installation, modification, or replacement of utility poles or wireless support structures, if the Company's activities cause any of the following to include but not be limited to forms of default under this Permit:
- A. Material interference with the safe operation of traffic control equipment.
 - B. Material interference with sight lines or clear zones for transportation or pedestrians.
 - C. Material interference with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.
 - D. Material interference with maintenance or full unobstructed use of public utility infrastructure.
 - E. With respect to drainage infrastructure, either of the following:
 - i. Material interference with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed;
 - ii. Not being located a reasonable distance from the drainage infrastructure so as to ensure maintenance under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.
 - F. Failure to comply with reasonable, nondiscriminatory, written spacing requirements of general applicability adopted by the Municipality that apply to the location of ground-mounted equipment and new utility poles and that do not prevent a wireless provider from serving any location. These are set forth in Exhibit B.
 - G. Failure to comply with applicable codes.

8 Performance Bond or Letter of Credit

- 8.1 Municipal Requirement. Municipality will require Company to post a bond pursuant to the Act in the amount of one thousand and no/100 dollars (\$1,000.00) per Facility, prior to start of construction. See Bond attached as Exhibit D

9 Fees

- 9.1 Establishment; Reservation. The Act shall control the establishment of application and any annual right-of-way fees see Exhibit E. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way. The Parties currently acknowledge and agree that pursuant to Section 13(3)(a) of the Act, Company shall pay \$20.00 per year for each utility pole or wireless support structure in the Public Right-of-Way, unless subdivision (b) applies. Section 13(3)(b) currently provides

for an annual rate of \$125.00 if the utility pole or wireless support structure was erected on behalf of Company. In accordance with the Act, every 5 years from the effective date of the Act, the rates provided in subsections 13(3)(a) and (b) are increased by 10% and rounded to the nearest dollar. Company may consolidate up to 20 substantially similar sites and equipment under this permit.

10 Removal

- 10.1 Removal; Underground. Within 45 days after the expiration of the Term, Company or its successors and assigns shall remove any Small Wireless Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Company shall not remove any underground cable or other portions of the Small Wireless Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Company's sole cost and expense.
- 10.2 Removal; Above Ground. As soon as practicable after the expiration of the Term, provided that the Parties are not negotiating in good faith for a renewal of the Term, with such hold over not exceeding 45 days, Company, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Small Wireless Facilities, including but not limited to light poles, pedestal mounted terminal boxes and any and all other support or other small wireless related equipment.
- 10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than 45 days following the Term. Portions of the Small Wireless Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Company as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.
- 10.4 Voluntary Discontinuance. Before discontinuing its use of a small cell wireless facility, utility pole, or wireless support structure, the Company shall notify the Municipality in writing. The notice shall specify when and how the Company intends to remove the small cell wireless facility, utility pole, or wireless support structure. The Municipality may impose reasonable and nondiscriminatory requirements and specifications for the Company to return the property to its pre-installation condition. If the Company does not complete the removal within 45 days after the discontinuance of use, the Municipality may complete the removal and assess the costs of removal against the Company.

- 10.5 Termination or Revocation. Upon one hundred and eighty (180) days' written notice by the Municipality prior to the expiration or earlier termination of this Permit for cause, pursuant to Section 7, Company shall promptly, safely and carefully remove the small cell wireless facility, utility poles, or other wireless support structures owned by Company located in the Public Right-of-Way. Such obligation of Company shall survive the expiration or earlier termination of this Permit. If Company fails to complete this removal work on or before one hundred and eighty (180) days following issuance of notice pursuant to this Section, then the Municipality, upon written notice to Company, shall have the right at the Municipality's sole election, but not the obligation, to remove the small cell wireless facilities, utility poles and wireless support structures and charge Company for the actual costs and expenses, including, without limitation, reasonable and actual administrative costs. Company shall pay to the Municipality all costs billed and expenses incurred by the Municipality in performing any removal work and for storage of Company's property after removal within fifteen (15) Business Days after the date on which Company receives a written invoice for the charges. If Company fails to pay the invoiced amount within thirty (30) days after receipt of the invoice, the Municipality may, in its discretion, obtain reimbursement for the above by making a claim under Company's performance bond. After the Municipality receives the reimbursement payment from Company for the removal work performed by the Municipality, the Municipality shall promptly return to Company the property belonging to Company and removed by the Municipality pursuant to this Section at no liability to the Municipality. If the Municipality does not receive the reimbursement payment from Company within such fifteen (15) Business Days, or if Municipality does not elect to remove such items at the Municipality's cost after Company's failure to so remove prior to one hundred and eighty (180) days subsequent to the issuance of notice pursuant to this Section, any items of Company's property, including without limitation the small cell wireless facilities, utility poles, and wireless support structures remaining on or about the Public Right-of-Way or stored by the Municipality after the Municipality's removal thereof may, at the Municipality's option, be deemed abandoned and the Municipality may dispose of such property in any manner allowed by Law, and in accordance with any legal rights of persons other than the Municipality who own utility poles or wireless support structures located in the Public Right-of-Way and used by Company. Alternatively, the Municipality may elect to take title to such abandoned property, whether the Company provides the Municipality with an instrument satisfactory to the Municipality that transfers to the Municipality the ownership of such property or not. The provisions of this Section 3.4 shall survive the expiration or earlier termination of this Permit.

11 Assignment. Company may assign or transfer its rights under this Permit, or the persons or entities controlling Company may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Company's business, or by other means, subject to the following:

11.1 No such transfer or assignment or change in the control of Company shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Effective Date until the completion of the construction of the Small Wireless Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Company must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Company's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Company shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

11.3 Company may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

12.1 Notices. All notices under this Permit shall be given as follows:

If to Municipality, to
City Clerk
7900 South Westnedge Avenue
269-329-4511
CityClerk@portagemi.gov

If to Company, to:

Address
Phone
Email

with a copy to:

Address
Phone
Email

- 12.2 Change of Address. Company and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13 Other items

- 13.1 No Cable, OVS. This Permit does not authorize Company to provide commercial cable type services to the public, such as “cable service” or the services of an “open video system operator” (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).
- 13.2 Duties. Company shall faithfully perform all duties required by this Permit.
- 13.3 Effective Date. This Permit shall become effective when issued by the Municipality after all requirements have been complied with and the Company has signed this Permit.
- 13.4 Authority. This Permit satisfies the requirement for a permit under the Act and is granted pursuant to the provisions of the Act as well as the City Resolution Authorizing Local Small Wireless Communication Facility Permitting and Standards adopted by the Portage City Council.
- 13.5 Amendment. Except as set forth in Section 2.1 this Permit may be amended by the written agreement of Municipality and Company.
- 13.6 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or

invalid, Company and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.7 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

13.8 Reservation of Rights. The grant of this Permit by Municipality shall not be construed or understood to be a waiver by Municipality of its police powers; rights, or authority it may possess under the Act, Michigan law, the Michigan Constitution or federal law. Each party to this Permit expressly reserve all their rights with respect to the applicable law. Nothing in this Permit shall be construed as a waiver of any codes, ordinances or regulations of the Municipality or of the Municipality's right to require Company to secure the appropriate permits or authorizations for exercising the rights set for in this Permit. In the event of any interpretations, including judicial, legislative or administrative, contrary to the Act and/or FCC rules referenced herein, Municipality specifically reserves the right to amend and/or terminate any and all related policies and procedures undertaken in furtherance hereof.

13.9 No Real Property Interest Created. Neither Company's use of the Public Right-of-Way, nor anything contained in this Permit, shall be deemed to grant, convey, create, or vest in Company a real property interest in any portion of the Public Right-of-Way or any other Municipality property, including but not limited to, any fee or leasehold interest in any land or easement. Company, on behalf of itself and any permitted successor, lessee, or assign, recognizes and understands that this Permit may create an interest subject to taxation and that Company, its successor, lessee or assign may be subject to the payment of such taxes.

13.10 Radio Frequency (RF) Monitoring and Testing.

13.10.1 Company shall monitor all activated wireless facilities to ensure that the RF emissions coming from each facility remains within all FCC required levels. Monitoring and testing shall occur not less than quarterly, by January 1, April 1, July 1 and October 1 of each year. Company shall provide Municipality with monitoring and testing results whenever requested. Company shall provide to Municipality a certificate of compliance with FCC RF requirements for all Company activated small cell wireless facilities under this permit on January 1st of each year. Should any test indicate that the RF emissions exceed FCC standards, Company shall immediately notify Municipality and deactivate the small cell wireless facility until Company can show Municipality that the RF emissions are within FCC standards. All monitoring, testing and reporting shall be done at Company's sole cost and expense. Should Company fail to comply with this section, Municipality may, but is not required to, engage a monitoring

service/person to perform the monitoring, testing and reporting and shall invoice Company for all associated costs and Company shall make payment in full within 30 days. Should Company not make payment in full within 30 days, Company shall be in violation of this permit and shall immediately deactivate all wireless facilities included in this permit. Municipality may take any legal and equitable actions to enforce this requirement and the collection of monies due.

13.10.2 Municipality may at any time test the RF of any Company facility included under this permit to determine FCC emissions compliance. Should any facility show readings in excess of FCC requirements, Municipality shall notify Company, and Company shall immediately deactivate the facility until Company and show Municipality that the RF emissions are within FCC standards.

13.10.3 Should Company fail to immediately deactivate any facility upon a determination of exceedance under this section (13.10.1-3), Municipality may, in addition to any other legal or equitable remedy, deactivate said facilities by any means necessary, the cost of which shall be borne by Company.

13.11 Labeling. Small cell wireless facilities shall be labeled with the Company's name, emergency contact telephone number and information that identifies the small cell wireless facility and its location in black courier size 20 font. Additionally, Company may also provide a QR code sticker containing the same contact information.

13.12 Survival. Provisions of this Permit concerning the Company's liability, obligations, or responsibility including but limited to sections 4, 5, and 10 shall survive the termination of this agreement whether or not that termination was with or without cause.

City of _____
By: _____
Its: _____
Date: _____

“Company accepts the Permit granted by Municipality upon the terms and conditions contained therein.”

_____, Inc.

By: _____

Its: Title _____

Date: _____

Exhibit A

Node Name	Type of Installation	Application Fee	Annual Fee

See attached for drawings for each individual node.

Exhibit B

Aesthetics and Design Standards

Wireless providers shall install, modify, collocate or otherwise provide all wireless facilities, equipment, poles, support structures and all other related wireless objects in a manner, size and appearance that is consistent and in conformity with the existing requirements and existing practices in fact, pertaining to such districts as defined by the applicable ordinances, rules, and codes of this community and the applicable rules and laws of the State, in such a fashion as to create the least negative impact on the city as possible. Such accommodations may include use of similar height, materials, color, design, number and appearance of other similar structures utilized by other occupiers of the rights-of-way in public spaces.

1. Location on existing poles, structures and buildings or replacement of an existing pole with a pole capable of supporting the wireless facilities is preferred over construction of new poles or support structures, and requires the following:
 - A. Written permission from the owner of the pole, support structure or building must be submitted to the city.
 - B. Location on city traffic signal poles or mast arms will be considered if the pole and/or mast arm can feasibly support the facilities and will not materially interfere with the safe operation of traffic control equipment, fire alarms, police signals, cameras or other affixed equipment.
 - C. A small cell wireless facility shall not extend more than five feet above the top of a support structure or pole.
 - D. Antennas mounted on the side of a support structure or pole shall be flush mounted to the support structure or pole or not extend more than twelve (12) inches horizontally from the support structure or pole.
 - E. Accessory equipment (excluding electric meter) shall be located in a fully enclosed, locked box or similar enclosure located below grade, or if mounted on the support structure or pole, at least fifteen (15') feet above grade. Accessory antenna equipment shall also be located on the support structure or pole parallel to the support structure or pole as opposed to perpendicular.
 - F. No more than two small cell wireless antennas per pole or support structure are permitted without specific consent from the City.

- G. There must be at least 400 feet between a support structure or pole housing any small cell wireless facility and any other such support structure. This requirement may be modified if the applicant submits evidence to demonstrate that collocation on an existing support structure is not feasible.
- 2. If location on an existing pole, structure or building is not possible or technically feasible, the applicant must provide the following:
 - A. Written confirmation from the owner of support structures, buildings and poles within a radius of seventy-five (75) feet around the proposed location as to why the support structure or pole each of them owns is not available for installation for the small cell wireless facilities;
 - B. Written confirmation from the adjacent private property owners within a radius of seventy-five (75) feet of the proposed site as to why the location on any existing support structure, building or pole on their property is not feasible; or
 - C. A written explanation of the reasons another antenna support structure or pole is a technically infeasible location for the small cell wireless facilities.
 - 3. Where location on an existing pole, structure or building is determined not feasible, the following shall apply to new poles or support structures:
 - A. New antenna support structures or poles shall not exceed forty (40) feet in height and, wireless facilities (including antennas) shall not extend more than an additional five (5) feet vertically above the pole.
 - B. New antenna support structures or poles shall not create a visual obstruction at street intersections and access driveways (*i.e.* no poles or support structures within a 25-foot clear vision triangle at street intersections and a 10-foot clear vision triangle at access drives).
 - C. All antenna support structures or poles shall be located at least 18 inches from the back of curb or pavement edge and 18 inches from the inside of a public sidewalk.
 - D. New antenna support structures or poles shall incorporate a low profile stealth design consistent with a decorative light pole, or similar to the low profile design illustrated in the attached photo (Figure 1.). Any accessory antenna equipment shall be located below grade, or utilize a design where the equipment is painted to match the support structure, and cables and wires are internal to the support structure.
 - E. New antenna support structures or poles shall be made of metal and powder-coated with black paint, consistent with city standards for traffic signal poles and mast

arms, or galvanized steel painted neutral color matching other poles and structures in the surrounding area.

- F. The preferred installation method for new antenna support structures or poles to be located at or near an existing streetlight is to remove the existing streetlight and replace it with one that will support the small cell wireless facilities.
 - G. New antenna support structures or poles shall not be located where existing utilities are required to be located underground, except where the applicant can demonstrate in writing that no other options are available.
 - H. Support structures shall preferentially be located adjacent to non-residential uses such as churches, day care centers, public utility buildings, public or private storm water retention areas and similar uses.
 - I. No more than two small cell wireless facilities, including two antennas per installation, are permitted per pole or support structure.
 - J. There must be at least 400 feet between a support structure or pole housing any small cell wireless facility and any other such support structure. A deviation from this requirement may be considered if the application can provide, in writing, that no other options are available.
4. Residential and Historic Districts: In recognition of the special character of Portage and the impact that the rights-of-way has on the character of residential and historic districts, no new small cell wireless facilities or support structures shall be located in the rights-of-way within any residential or historic district or collocated on an existing wireless support structure in any residential or historic district unless it complies with the following design standards, in addition to those already enumerated in this Exhibit or city ordinances:
- A. Facilities and support structures shall be designed to be visually unobtrusive and must utilize building materials, colors, textures, screening and landscaping that effectively blend the facilities and support structures within the surrounding natural setting and built environment to the greatest extent possible. Concealment or camouflage options may be considered. A concealed or camouflaged facility and support structure would be one that is painted, covered, disguised or concealed so that it blends into the surrounding environment. It could be painted or hidden beneath a façade, blend with the design of the area, or be disguised as a tree.
 - B. The applicant shall comply with any reasonable conditions imposed by the city to accommodate the particular design and appearance of the facilities and support structures to avoid the intangible public harm of unsightly or out-of-character deployments.

- C. Location of facilities and support structures within 300 feet of a historic site or structure is discouraged. It is recommended that each permit application disclose if it is within 300 feet of such a structure or district.
 - D. Noise limit to be 5dBA above ambient sound, not to exceed 30 dBA as measured at a property line. Other noise regulations may apply. If the facility does not generate noise, include this information in the application.
 - E. Small cell wireless support structures shall be located at intersection property lines and a minimum of 15 feet away from trees to prevent disturbance within the critical root zone of any tree and shall preserve established site lines (Figure 2.)
- 5. All small cell wireless facilities must comply with local electrical and mechanical codes and ordinances.
 - 6. Small cell wireless facilities equipment located within the public ROW shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interferes with the operation and maintenance of signal lights, signage, street lights, street furniture, fire hydrants, or city maintenance.
 - 7. No lighting is allowed on small cell wireless facilities; if there are lights on the supplied equipment, they must be covered, removed, or deactivated.
 - 8. All road and right-of-way restoration is the responsibility of the applicant and/or contractor.
 - 9. With respect to any site authorized after the date of adoption of a new rule, Licensee shall comply with any amendment to these Rules with thirty (30) days written notice of adoption.
 - 10. If any provision contained in these Rules conflicts with any provision contained in a DAS/Small Cell License Agreement between a Licensee and the City, the provision contained in these Rules shall control.

For Illustrative Purposes Only

Figure 1. – Example of Low Profile Stealth Design



Figure 2. Small Cell Locations Between Property and Trees



Exhibit C

Proof of Insurance/Dec sheet

Exhibit D

Bond

Exhibit E

Fees – Act 365 of 2018

Permit Application Fee* (Required with Application)

Collocated: No replacement pole	§15(3)(a)	\$200	§17(4)(a) Zoning	**\$500
Facility with new or replacement pole	§15(3)(b)	\$300	§17(4)(b) Zoning	**\$1,000

* Fees may increase 10% every five (5) years

** If zoning review is required.

Annual Right-of-Way Fee*

Collocated city or other utility	§13(3)(a)	\$20/annually/pole
New standalone pole (Provider-owned)	§13(3)(b)	\$125/annually/pole
Collocated city-owned pole	§19(2)	\$50/annually/pole**

* Fees may increase 10% every 5 years

** \$20 ROW fee and \$30 pole use fee.

Bond (Required with Application)

Bond (Per Facility)	§33(b)	\$1,000
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(To be completed by city)

Annual Fee Schedule for this Permit – Due July 1:

Type _____ Fee _____

TOTAL:

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Public Hearing on Fiscal Year 2020-2021 Budget

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Adopt the Resolution setting a public hearing on May 12, 2020 for the Fiscal Year 2020-2021 Proposed City Budget and the proposed 2020 tax levy.

To permit adoption of the Fiscal Year 2020-2021 Proposed Budget on May 26, 2020, as well as satisfy the requirements of the City Charter and Public Act 5 of 1982, known as the Truth in Taxation Act, a public hearing must be held at the regular City Council meeting of May 12, 2020.

Public Act 5 of 1982 requires that any millage rate above the “base tax rate” be identified separately in the Notice of Public Hearing on the proposed 2020 tax levy. The “base tax rate” as defined by Public Act 5 of 1982 is the prior year operating millage adjusted for the inflationary growth in the Taxable Value of property in the city. Adopting the millage rate through the budget hearing precludes the need for a Truth In Taxation hearing. The proposed millage rate for 2020 is 10.6400.

It is recommended that City Council adopt the Resolution setting a public hearing on May 12, 2020 for the Fiscal Year 2020-2021 Proposed Budget.

FUNDING: N/A

Attachments: 1. Resolution for Proposed City Budget hearing

CITY OF PORTAGE
RESOLUTION OF CITY OF PORTAGE

At a regular meeting of the City Council for the City of Portage, Michigan, held electronically and in conformance with Governor Gretchen Whitmer's Executive Order No. 2020-48, on April 28, 2020, beginning at 7:00 p.m., local time, there were

Present: _____

Absent: _____

The following resolution was offered by:

Councilmember _____, and supported by:

Councilmember _____.

NOW THEREFORE, BE IT RESOLVED:

That the City of Portage set a public hearing for 7:00 p.m., or as soon thereafter as may be heard, on May 12, 2020, on the proposed 2020-2021 City budget as required by Chapter Seven of the City Charter and state law.

Be it further resolved:

That notice, in substantially the following form, be published in a newspaper of general circulation within the City, giving notice of the City's intent to set the public hearing.

CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING
ON PROPOSED CITY BUDGET AND
PROPOSED PROPERTY TAXES

The City Council of the City of Portage will hold a public hearing at 7:00 p.m., or as soon thereafter as may be heard, on May 12, 2020 in the Council Chambers at 7900 South Westnedge Avenue on the proposed 2020-2021 City budget and on the proposed 2020 City tax levy. Copies of the proposed budget are available for public inspection during regular business hours in the offices of the City Clerk and the Director of Finance and Purchasing.

The hearing is being held for the purpose of receiving testimony and discussing the proposed levy of the millage needed to support the proposed budget.

Public comments, oral or written, are welcome at the hearing on the proposed City budget and the proposed millage rate.

This notice published by: CITY OF PORTAGE
7900 SOUTH WESTNEDGE AVENUE
PORTAGE, MICHIGAN 49002
(269) 329-4412

Dated: _____, 2020

City Clerk

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

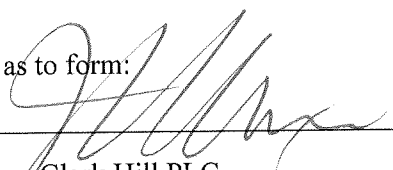
RESOLUTION DECLARED ADOPTED: _____

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on April 28, 2020, the original of which is in the official proceedings of the City Council.

The undersigned, being the duly qualified and acting Clerk of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the City Council at a regular meeting held on April 28, 2020, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267) and the Governor's Executive Order No. 2020-48, as the same may be or has been expanded, extended, supplemented or replaced from time to time., Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

City Clerk

Approved as to form:



John R. Axe, Clark Hill PLC

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Ordinance Amendments - Adult Use Marihuana

SUPPORTING PERSONNEL: Chris Forth, Acting Director of Community Development

ACTION RECOMMENDED: Accept:

1. Ordinance Amendment #19/20-A (5), allowing Adult Use Marihuana in certain districts, of Chapter 42, Land Development Regulations, Article 4 (Zoning) for first reading and set a public hearing for May 26, 2020, and
2. Ordinance Amendment #19/20-6, Marihuana Businesses, of Chapter 14, Businesses, Article 12, for first reading and consider final adoption on May 26, 2020.

Following the February 25, 2020 City Council Committee of the Whole meeting, the City Administration proceeded to develop zoning code amendments to permit adult use marihuana facilities. The proposed amendments involve changes to Section 42-262 (B-3, general business district), Section 42-280 (I-1, light industrial district) and Section 42-281 (I-2, heavy industrial district) to allow for adult use marihuana establishments. Provisioning centers and marihuana retailers would be allowed at the same locations in a B-3 zone, and provisioning centers, retailers, growers and processors would be allowed at the same location in districts I-1 and I-2. However, each marihuana business located at the same location as another marihuana business is required to have a separate space. All spacing requirements applicable to medical marihuana facilities are also applicable to adult use facilities. At this time, there are no provisions proposed for marihuana event organizers, designated consumption establishments, or temporary marihuana events.

The proposed amendments were introduced to the Planning Commission during the March 19, 2020 meeting. The Planning Commission convened a public hearing during their April 16, 2020 meeting. During the public hearing, one citizen called in to obtain clarification on provisions relating to the partitioning requirement when a provisioning center and retailer are located at the same location, and the rationale for the determining the boundary lines for the zoning lot. No additional citizens called in to speak during this virtual meeting. Following the public hearing, the Planning Commission voted 9-0 to waive the second public hearing and recommend to City Council that Ordinance Amendment #19/20-A, Adult Use Marihuana be approved.

It is recommended that City Council accept: Ordinance Amendment #19/20-A (5), allowing Adult Use Marihuana in certain districts, of Chapter 42, Land Development Regulations, Article 4 (Zoning) for first reading and set a public hearing for May 26, 2020, and Ordinance Amendment #19/20-6, Marihuana Businesses, of Chapter 14, Businesses, Article 12, for first reading and consider final adoption on May 26, 2020.

FUNDING: Not applicable

Attachments:

1. Planning Commission transmittal dated April 20, 2020
2. Planning Commission meeting minutes dated March 19th and April 16th, 2020
3. Community Development Staff report dated April 9, 2020 with attachments
4. First Reading Chapter 42 Zoning Amendments - clean
5. Portage Amendment to Marihuana Ordinance No. 18-01 - clean
6. First Reading Chapter 42 Zoning Amendments - highlight and strike

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: April 20, 2020

SUBJECT: Ordinance Amendment #19/20-A, Adult Use Marihuana

During the March 19, 2020 meeting, staff introduced to the Planning Commission Zoning Code amendments pertaining to Adult Use Marihuana. These amendments would allow adult use marihuana facilities in the B-3, general business, I-1, light industrial and I-2, heavy industrial zoning districts similar to existing medical marihuana facilities.

The Planning Commission held a public meeting on April 16, 2020 to formally consider these proposed amendments. One citizen called-in to request clarification regarding provisions relating to the partitioning requirement when a provisioning center and retailer are located at the same location, and the rationale for the determining the boundary lines for the zoning lot. No additional citizens called-in to speak during this virtual meeting. After a brief discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Myer, to waive the second public hearing and recommend to City Council that Ordinance Amendment #19/20-A, Adult Use Marihuana be approved. Upon a roll call vote, the motion was unanimously approved 9-0.

Sincerely,


Dan Corradini
Chairman

T:\COMMDEV\2019- 2020 Department Files\Memos\City Council\2020 04 20 MCC Ordinance Amendment #19-20-A, Adult Use Marihuana (PC).docx

screening fence around the entire rear yard area, which would be extremely expensive. The Commission and Ms. Edwards next discussed various aspects of the proposed group child care home including hours of operation, parking, number of children (including her own), height of the existing chain link fence and installation of a screening fence around the rear yard of the property.

The public hearing was then opened by Chairman Corradini. Barry Klies, 2788 Brahms Avenue, expressed concern about the number of people, noise, additional traffic and vehicle speed through the neighborhood. Monica Johnson, 2810 Brahms Avenue, recommended the Planning Commission require the entire rear yard be fenced with the six-foot fence. Ms. Johnson also expressed concern about traffic, speed of vehicles and safety of children with a bus stop located nearby. Commissioner Joshi asked Ms. Johnson if she notices traffic at 4:30 a.m. Ms. Johnson indicated no. No additional citizens spoke regarding the special land use permit application. A motion was then made by Commissioner Fries, seconded by Commissioner Baldwin, to close the public hearing. Upon a roll call vote, the motion was unanimously approved 9-0.

Commissioner Joshi indicated a group daycare home does affect the quality of life of surrounding residents and indicated the property is small. Commissioner Patterson stated installation of a 6-foot privacy fence has been the standard practice of the Commission and therefore, supports it as a condition of approval. Commissioner Fries, Meyer and Baldwin concurred with Commissioner Patterson. Commissioner Fries also noted the daycare facility could also serve other residents in the neighborhood. Commissioner Harrell-Page recommended not placing two fences side-by-side along the south property line. Commissioner Fries recommended a survey be completed. There being no further discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Fries, to approve the Special Land Use Permit for Ms. Christine Edwards (group child care home), 10145 Shuman Avenue, subject to installation of a 6-foot tall solid, opaque screening fence along the north and east sides of the rear yard of the site. Mr. Forth suggested a timeframe when the fence must be installed. After discussing the time frame, Commissioner Pezzoli suggested the motion be amended to require the fence be installed 90 days after the State of Michigan issues the license to operate the group daycare home. Commissioner Joshi and Commissioner Fries accepted the amendment. Upon a roll call vote, the motion was unanimously approved 9-0.

NEW BUSINESS

1. **Ordinance Amendment #19/20-A, Adult Use Marihuana – Introduction.** Mr. Forth referred the Commission to a draft version of an adult-use marihuana ordinance that has been prepared by the city administration and included with the final agenda materials. Mr. Forth provided a brief history regarding the evolution of medical marihuana in the State of Michigan and Portage. The proposed amendments would not change spacing requirements nor distances from specified land uses currently referenced in the medical marihuana zoning ordinances. As a result, adult-use marihuana facilities will only be allowed where medical marihuana facilities are currently permitted. Mr. Forth indicated the ordinance amendments were being introduced at tonight's meeting and a public hearing would be scheduled for the April 16th Planning Commission meeting for additional discussion and a formal consideration. Commissioners did not have any preliminary questions or comments regarding the proposed amendments.

OLD BUSINESS:

1. **FY 2020-2030 Capital Improvement Program.** Mr. Forth referred the Commission to the finalized draft version of the FY2020-2030 Capital Improvement Program (CIP) document that was provided to the Commission with the final agenda materials, along with the communication from the City Manager. Mr. Forth stated the document has not changed since the Commission began review of the preliminary CIP document back on February 20th. Mr. Forth asked the Commission if they had any additional questions and, if not, a formal recommendation to City Council was requested. Commissioner Fries asked if the funding level will remain as proposed or will it change due to ongoing issues affecting people on local and global levels. Mike Carroll, Deputy City Manager, indicated city staff is reviewing revenue projections due to a state revenue tax decrease and the

fencing should be considered for safety purposes and keeping the children contained within the backyard. Commissioner Baldwin stated that she agrees with the comments made by Commissioner Fries and also noted that many of the correspondence received from the residents of the Sterling Oaks Condominiums are not in close proximity to the proposed group child care home and do not even have visibility to the rear yard of the site. Commissioner Patterson stated the rear yard of the site is clearly visible from a couple of the condominium units and rather than a 6-foot tall privacy fence, the Planning Commissioner should consider additional evergreen tree plantings along the east side of the site to protect the privacy of these condominium owners. Commissioner Pezzoli stated that he too concurs with the comments made by Commissioner Fries and believes that fencing along the east side of the rear yard of the site was not necessary. Commissioners Myer and Harrell-Page also concurred and stated that fencing for the purposes of safety should be determined by the State as part of the licensing approval. Chairman Corradini indicated he also believes that fencing is not necessary for screening purposes and a determination of fencing for safety should be made by the State licensing agency.

After additional discussion, a motion was made by Commissioner Fries, seconded by Commissioner Pezzoli, to approve the Special Land Use Permit for Ms. Elizabeth Franklin (group day care home), 9837 Pine View Drive, with no requirement for installation of fencing or supplemental landscaping. Upon a roll call vote: Harrell-Page (yes); Patterson (no); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was approved 8-1.

2. Special Land Use Permit: Rustic Axe Throwing Outpost, 618 Romence Road. Mr. West summarized the staff report dated April 9, 2020 regarding a special land use permit application submitted by Benjamin Baker and Cody Cottle to establish an indoor commercial recreation facility (Rustic Axe Throwing Outpost) within an approximate 4,700 square foot vacant tenant space within the Hillside Shopping Center located at 618 Romence Road. Specifically, Mr. West stated the use was proposed within Suite 102 of the building located closest to Romence Road, addressed as 626 Romence Road. Mr. West stated this tenant space is located in excess of 100 feet from the nearest residential district or use lot line and that all activities associated with the use would occur indoors. Mr. West indicated the application fulfills the requirements for issuance of a special land use permit and was recommended for approval.

Cody Cottle (applicant) called-in to support the application and discuss the proposed indoor recreation use. Mr. Cottle described the operations of the proposed Rustic Axe Throwing Outpost and indicated it would occupy the vacant tenant space along Romence Road, previously occupied by Blockbuster Video. The Commission and Mr. Cottle next discussed various aspects of the proposed use. The public hearing was then opened by Chairman Corradini. No citizens called-in to speak regarding the special land use permit application. A motion was then made by Commissioner Baldwin, seconded by Commissioner Harrell-Page, to close the public hearing. Upon a roll call vote: Joshi (yes); Meyer (yes); Harrell-Page (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Myer, to approve the Special Land Use Permit for Rustic Axe Throwing Outpost, 618 Romence Road. Upon a roll call vote: Harrell-Page (yes); Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

3. Ordinance Amendment #19/20-A, Adult Use Marihuana. Mr. West summarized the staff report dated April 9, 2020 regarding amendments to the Zoning Code prepared by the city administration to allow adult use marihuana facilities within the city. Mr. West referred the Commission to the first page of the staff report that contained a summary of medical marihuana and adult use marihuana legislation in the State of Michigan, and the existing medical marihuana ordinance that the city adopted in March 2018. Mr. West indicated the proposed amendments involve Zoning Code sections pertaining to the B-3, general business, I-1, light industrial and I-2, heavy industrial districts. Mr. West stated that all current spacing requirements applicable to medical marihuana facilities would also be applicable to proposed adult use marihuana facilities. Since the ordinance amendments were first introduced to the Commission on March 19th and given the provisions for the proposed adult use marihuana regulations are similar to those of the existing medical marihuana regulations, Mr. West indicated the Planning Commission was advised to review the amendments, receive public comment during the public hearing, then

waive the second public hearing and make a formal recommendation to City Council to approve Ordinance Amendment #19/20-A, Adult Use Marihuana. Mr. West then asked Assistant City Attorney Bear to provide a more detailed overview of the proposed amendments.

Assistant City Attorney Bear provided a summary of State legislation and local ordinance development associated with medical marihuana, followed by a summary of adult use marihuana State legislation. Assistant City Attorney Bear reviewed in detail the proposed amendments to Section 42-262 (B-3, general business district), Section 42-280 (I-1, light industrial district) and Section 42-281 (I-2, heavy industrial district). Assistant City Attorney Bear, Mr. West and the Commission next discussed various aspects of the proposed ordinance amendment including the requirement for separate HVAC systems and odor mitigation, compliance with ADA requirements, delivery services, no drive-thru service and separation requirements from schools, child care centers, etc. and the phrase "adjacent to or abutting a residential zoning district".

The public hearing was then opened by Chairman Corradini. One citizen (Omar Catani, 5747 South Westnedge Avenue) spoke regarding the proposed adult use marihuana ordinance amendments. Mr. Catani asked about the partitioning requirement when a provisioning center and retailer are located at the same location, and the rationale for the determining the boundary lines for the zoning lot "as those line existed on December 31, 2017. Assistant City Attorney Bear and Mr. West responded. No additional citizens called-in to speak regarding the proposed adult use marihuana ordinance amendments. A motion was then made by Commissioner Harrell-Page, seconded by Commissioner Schimmel, to close the public hearing. Upon a roll call vote: Harrell-Page (yes); Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

After a brief discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Myer, to waive the second public hearing and recommend to City Council that Ordinance Amendment #19/20-A, Adult Use Marihuana be approved. Upon a roll call vote: Joshi (yes); Meyer (yes); Harrell-Page (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

4. Preliminary Report: Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way. Mr. West summarized the staff report dated April 9, 2020 regarding a request by Trade Centre Holdings, LLC to amend two previously approved conceptual plans to allow construction of a new 4-story hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. Mr. West stated the 30-acre tract of land is zoned CPD, commercial planned development and includes parcels addressed as 300, 400, 500, 550, 650, 750, 850, 950 and 1150 Trade Centre Way. Mr. West stated the first conceptual plan was approved in 2002 (amended in 2012) and involved an approximate 20-acre tract of land that includes parcels 200 400, 500, 550, 650 and 750 Trade Centre Way. Mr. West stated the second conceptual plan was approved in 2004 and involved a 12-acre tract of land that includes parcels 850, 950 and 1150 Trade Centre Way. Mr. West stated the applicant was proposing to amend these two previously approved conceptual plans to allow construction of a new 4-story, 59-foot tall hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. Mr. West stated the proposal involves another partnership between the developer and the City of Portage, along with an exchange of land and modification of property lines, whereby the existing city storm water basin located on the 850 Trade Centre Way parcel will be relocated to the northwest to allow construction of the new hotel building. In conjunction with the conceptual plan amendment and consistent with previous approvals, Mr. West stated the applicant was also requesting a height modification and a waiver from the conflicting land use screening requirements.

Greg Dobson of American Village Builders (applicant representative) called-in to support the application and discuss the proposed new hotel project. Mr. Dobson thanked staff for all their assistance during the application review process and also thanked the Planning Commission for conducting the virtual meeting during these challenging times. Mr. Dobson next summarized the history of the Trade Centre CPD and the partnership between Joe Gesmundo and Roger Hinman. Mr. Dobson reviewed development projects which have been completed to date within the CPD including three multi-story office buildings, two multi-story hotels and one restaurant building. Mr. Dobson summarized the proposed new hotel project and discussed efforts to reach out

TO: Planning Commission

FROM: Christopher Forth, Interim Director of Community Development

SUBJECT: Ordinance Amendment #19/20-A, Adult-Use Marihuana

DATE: April 9, 2020

I. INTRODUCTION/BACKGROUND:

In November 2008, Michigan voters approved a statewide ballot initiative to create the Michigan Medical Marihuana Act (MMMA). At that time, the Act did not authorize the broad legalization of the cultivation, distribution or use of marihuana. Rather, the MMMA allows qualifying patients with a serious debilitating medical condition to obtain, possess, cultivate/grow and use marihuana for medicinal purposes. The MMMA also allows a primary caregiver to assist a qualifying patient with the medical use of marihuana, in accordance with state law.

In response to the MMMA, the City of Portage adopted a Medical Marihuana Home Occupation ordinance amendment in July 2011 that permits State of Michigan registered primary caregivers to possess, cultivate/grow and distribute medical marihuana in the city on behalf of a registered qualifying patient(s) consistent with the MMMA.

The MMMA did not reference dispensaries or the commercial sale of medical marihuana to qualifying patients or caregivers. As a result, three bills were enacted into law in September 2016 addressing the commercialization of medical marihuana and “medibles” (edible marijuana-infused products). Taken together, the statutes outline a “seed-to-sale” regulatory scheme for the commercialization of medical marihuana and permits consumption of marihuana other than by smoke inhalation. Subsequent to the adoption of the rules for implementation of these acts by the Department of Licensing and Regulatory Affairs (LARA) in December 2017, the City of Portage adopted an ordinance in March 2018 allowing the five types of Medical Marihuana Facilities subject to conditions:

- Grower: Class A – 500 plants; Class B – 1000 plants; Class C – 1500 plants.
- Processor: Extracts resin from plant /creates marihuana-infused products.
- Secure Transporter: Transports marihuana & cash between facilities and may also store marihuana.
- Safety Compliance Facility: Tests samples of marihuana for contaminants and its active ingredients.
- Provisioning Center: Sells marihuana / marihuana-infused products only to registered patients and caregivers.

In November 2018, Michigan voters approved Proposal 1, creating the Michigan Regulation and Taxation of Marihuana Act (MRTMA), which authorizes adult-use marihuana for recreational purposes. At that time, the City opted out so no adult use establishments were allowed in the City until the business and zoning ordinances are amended to allow adult use marihuana businesses. Since that time, the City Administration together with the attorneys have been revising Chapter 14, Article

12, Medical Marihuana Facilities to include adult-use marihuana facilities. Following the Committee of the Whole meeting on February 25, 2020, City Council requested the City Administration to finalize the amendments to Chapter 14, Article 12, Medical Marihuana Facilities to permit adult-use marihuana. Additionally, Council also requested the City Administration to proceed with amendments to the Zoning Code.

II. PROPOSED ZONING CODE AMENDMENTS

Attached are draft highlight and strike copies of the proposed amendments to the B-3, general business, I-1, light industrial and I-2, heavy industrial zoning districts to allow for adult-use establishments under the Adult-use Act. All spacing requirements applicable to medical marihuana facilities are also applicable to adult-use facilities. Consistent with the MRTMA, provisioning centers and marihuana retailers are allowed at the same locations in a B-3 zone, and provisioning centers, retailers, growers and processors are allowed at the same location in the I-1 and I-2. However, each marihuana business located at the same location as another marihuana business is required to have a separate space. Attached for Commission information are two maps that generally shows the eligible locations for medical/adult-use marihuana facilities.

In addition to retail establishments, the MRTMA also allows marihuana event organizers, designated consumption establishments, or temporary marihuana events. At this time, there are no provisions to permit these types of marihuana uses.

III. RECOMMENDATION

Since this ordinance amendment was first introduced to the Commission on March 19th and given that the provisions for the proposed adult-use marihuana regulations are consistent to those of the existing medical marihuana regulations, the Planning Commission is advised to receive public comment during the April 16, 2020 meeting, waive the second public hearing, then make a formal recommendation to City Council to approved Ordinance Amendment #19/20-A, Adult-Use Marihuana.

Attachments: Proposed ordinance amendments (highlight & strike)
Marihuana location maps

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 4, ZONING, DIVISION 4,
ZONING DISTRICTS AND REGULATIONS, SUBDIVISION 6, BUSINESS DISTRICTS,
SUBDIVISION 7, INDUSTRIAL DISTRICTS OF CHAPTER 42, LAND DEVELOPMENT
REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Land Development Regulations, Article 4, Zoning, shall be amended as follows:

ARTICLE 4. Zoning, Subdivision 6, Business Districts shall be amended to add Section 16 as follows:

Sec. 42-262. - B-3 general business district.

B. Principal permitted uses: In a B-3 general business district, 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:

16. The following marihuana businesses: Medical marihuana provisioning center as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act) and marihuana retailer as defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).

a. A medical marihuana~~The~~ provisioning center or marihuana retailer shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, charter vocational or secondary school or a public or private college, junior college or university, a public library, child day care center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution or housing facility owned by a public housing authority; and
- iii. Within 1,000 feet of any other medical marihuana provisioning center or marihuana retailer located within the city.

b. Determination of whether a proposed medical marihuana provisioning center or marihuana retailer will be located consistent with the provisions of subsection a. above will be made as follows:

- i. Whether a proposed medical marihuana provisioning center or marihuana retailer will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana provisioning center or marihuana retailer as those lines existed on December 31, 2017 as shown on the ~~assessment rolls for~~records of the City of Portage in existence on that date.
- ii. Measurements for purposes of subsections 42-262 (B)-(16)-(a)-(ii) and (iii). above shall be made from the boundary of the zoning lot to be occupied by the

medical marihuana provisioning center or marihuana retailer to the nearest point of the zoning lot occupied by any of the uses listed in subsection 42-262 (B)-(16)-(a)-(ii), or to the nearest point of the zoning lot occupied by another medical marihuana provisioning center or marihuana retailer using an uninterrupted straight line without regard to intervening structures or objects, and using the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the assessment rolls for records of the city in existence on that date.

iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

- c. Buildings or structures for the distribution, and sale of ~~medical marihuana and medical marihuana infused products~~ by a medical marihuana provisioning center or marihuana retailer shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities provisioning centers and marihuana retailers shall not be located within greenhouses and similar buildings.
- d. ~~No drive-through facilities are permitted for provisioning center facilities. All medical marihuana provisioning centers and marihuana retailers must be at a fixed location. Mobile medical marihuana provisioning centers and marihuana retailers, and drive through operations for medical marihuana provisioning centers and marihuana retailers are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale by a medical marihuana provisioning center or marihuana retailer is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law.~~
- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana provisioning center or marihuana retailer.
- f. The activities and operations of ~~the a~~ a medical marihuana provisioning center or marihuana retailer shall be indoors within a building and out of public view.
- g. ~~No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. A medical marihuana provisioning center and a marihuana retailer may be located in a B-3 zone at the same location consistent with the Adult-use Act and rules. The medical marihuana provisioning center or marihuana retailer located at the same location shall be partitioned from each other, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by each marihuana business. If a medical marihuana facility provisioning center or marihuana retailer is located in a multi-tenant building with any other activity or business, the medical marihuana provisioning center or marihuana retailer shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility provisioning center or marihuana retailer.~~
- h. The business and operations of all ~~marihuana facilities~~ medical marihuana provisioning centers and marihuana retailers shall comply at all times with applicable state law and regulations, and this Code of Ordinances.

- i. This amendment to chapter 42 ~~to add section 42-262.(B).(16) to of~~ article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14 is amended to is amended to allow marihuana establishments in the city pursuant to the Adult-use Act, add article 12, "Medical Marihuana Facilities."

ARTICLE 4. Zoning, Subdivision 7, Industrial Districts, shall be amended to add subsections 21 and 22 to Section 42-280, I-1 Light Industrial District, as follows:

Sec. 42-280. - I-1 Light Industrial District.

- B. Principal permitted uses: In an I-1 light industrial district, 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:

21. The following marihuana businesses: Medical marihuana class A, B, and C grower facilities, stacked class C grow facilities, and medical marihuana processor facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana class A, B, and C grow establishments, marihuana processor establishments, and marihuana microbusinesses, as those establishments are defined by the Michigan Regulation and Taxation of marihuana Act MCL 333.27951 et seq. (Adult-use Act). A medical marihuana provisioning center and marihuana retailer may also be permitted in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof as provided in section 42-280 (B)(21)(g).

- a. All marihuana businesses permitted by this section ~~The grower or processing facility~~ shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
- iii. Within 1,000 feet of any other ~~medical marihuana grower or processor facility~~ business permitted by this section located within the city or section 42-281(7).

- b. Determination of whether a proposed ~~grower or processor facility~~ marihuana business permitted by this section will be located consistent with the provisions of subsection a. above will be made as follows:

- i. Whether a proposed ~~grower or processor facility~~ marihuana business permitted by this section will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the ~~medical marihuana grower or processor facility~~ marihuana business as those lines existed on December 31, 2017 as shown on the ~~assessment rolls~~ records ~~for~~ of the city in existence on that date.
- ii. Measurements for purposes of subsections ~~42-280 (B)(21)(a)(ii) and (iii).~~ above shall be made from the boundary of the zoning lot to be occupied by ~~the~~

~~a medical marihuana grower or processor facility marihuana business permitted by this section~~ to the nearest point of the zoning lot occupied by any of the uses listed in 43-280 (B)-(21)-(a)-(ii), or to the nearest point of the zoning lot occupied by another ~~grower or processor marihuana business permitted by this section or section 42-281(7)~~ using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the ~~assessment rolls for records of~~ the city in existence on that date.

- iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures for the growing, production, ~~or processing, distribution or sale of medical marihuana~~ shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
- d. ~~All marihuana businesses permitted by this section must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law. No drive-through facilities are permitted for medical marihuana facilities.~~
- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a ~~medical marihuana facility~~ marihuana business permitted by this section.
- f. ~~Medical marihuana grow and processor facilities~~ Marihuana businesses permitted by this section shall conduct the activities of the marihuana ~~facility~~ business, including, without limitation, the cultivating, growing, processing, manufacturing, ~~or storage or sale and distribution~~ of marihuana and marihuana-infused products, ~~and all materials used in connection with the cultivating, growing, and processing, and distribution of marihuana and marihuana infused products, indoors and out of public view, except medical marihuana grow facilities and marihuana grow establishments may grow or cultivate marihuana outdoors consistent with the Medical Facilities Act and rules or the Adult-use Act and rules.~~
- g. ~~Medical marihuana grow facilities, marihuana grow establishments, medical marihuana processor facilities, marihuana processor establishments, medical provisioning centers, and marihuana retailers may be located as separate businesses at the same location in any combination, except that a medical marihuana provisioning center and marihuana retailer are only allowed in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof. Each marihuana business that is located in the same location shall be partitioned from any other marihuana business in that location, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business. No more than one marihuana microbusiness medical marihuana facility shall be allowed on a single zoning lot or at the same location as another marihuana business permitted by this section. (a stacked license as defined in section 14-246 of this Code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility~~

business permitted by this section shall be allowed in a multi-tenant building with any other activity or business. If a medical-marihuana-facility business permitted by this section is located in a multi-tenant building with any other activity or business, the medical marihuana facility business shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical-marihuana business-facility.

- h. The business and operations of all marihuana facilities-businesses permitted by this section shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
 - i. This amendment to add section 42-280-(B)-(21) to of chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14, is amended to add article 12, is amended to allow marihuana establishments under the Adult-use Act "Medical-Marihuana Facilities."
22. The following marihuana businesses: Medical marihuana secure transporter and medical marihuana safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana secure transporter and marihuana safety compliance establishments as those establishments are defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).
- a. The facility siteA medical marihuana or marihuana secure transporter or safety compliance facility shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - b. Determination of whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be located consistent with the provisions of subsection a. above will be made as follows:
 - i. Whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility as those lines existed on December 31, 2017 as shown on the assessment rolls for records of the city in existence on that date.
 - ii. Measurements for purposes of subsections 42-280 (B)-(22)-(a)-(ii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in 42-280 (B)-(22)-(a)-(ii) using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the assessment rolls for records of the City of Portage in existence on that date.

iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

- c. Buildings or structures in connection with the transport and storage of ~~medical marihuana~~ and ~~medical marihuana~~ infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
- d. All medical marihuana and marihuana secure transporters and safety compliance facilities must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law. No drive-through facilities are permitted for medical marihuana facilities.
- e. No marihuana or marihuana- infused products may be used or consumed on the premises of a medical marihuana or marihuana secure transporter or safety compliance facility.
- f. No more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed in a multi-tenant building. If a medical marihuana facility or marihuana secure transporter or safety compliance facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility or marihuana secure transporter or safety compliance facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facility or marihuana secure transporter or safety compliance facility.
- g. The business and operations of all medical marihuana and marihuana secure transporter and safety compliance facilities shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- h. This amendment to ~~add section 42-280 (B) (22) to of~~ chapter 42, article 4, division 4, zoning districts and district regulations, shall only take effect if chapter 14 ~~is amended to add article 12, is amended to allow marihuana establishments under the Adult-use Act. "Medical Marihuana Facilities."~~

ARTICLE 4. Zoning, Subdivision 7, Industrial Districts, shall be amended to add subsections 7 and 8 to Section 42-281, I-2 Heavy Industrial District, as follows:

Sec. 42-281. - I-2 Heavy Industrial District.

- B. Principal permitted uses: In an I-2 heavy industrial district, 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:
 - 7. The following marihuana businesses: Medical marihuana class A, B, and C growers facilities, medical marihuana stacked class C grow facilities, and medical marihuana processors facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana class A

B, and C grow establishments, marihuana processor establishments, and marihuana microbusinesses, as those establishments are defined by the Michigan Regulation and Taxation of marihuana Act MCL 333.27951 et seq. (Adult-use Act). A medical marihuana provisioning center and marihuana retailer may also be permitted in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof as provided in section 42-281 (B)(7)(g).

a. The facilityAll marihuana businesses permitted by this section shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
- iii. Within 1,000 feet of any other medical marihuana or marihuana grower or processor facility business permitted by this section or section 42-281(21)~~located within the city.~~

b. Determination of whether a proposed medical marihuana or marihuana grower or processor facility business permitted by this section will be located consistent with the provisions of subsection a. above will be made as follows:

- i. Whether a proposed medical marihuana or marihuana grower or processor facility business permitted by this section will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana or marihuana grower or processor facility business as those lines existed on December 31, 2017 as shown on the assessment rolls for records of the city in existence on that date.
- ii. Measurements for purposes of subsections 42-281 (B)(7)(a)(ii) and (iii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana or marihuana grower or processor facility business permitted by this section to the nearest point of the zoning lot occupied by any of the uses listed in 42-281 (B)(7)(a)(ii), or to the nearest point of the zoning lot occupied by another medical marihuana or marihuana grower or processor business permitted by this section or section 42-280(22) using an uninterrupted straight line without regard to intervening structures or objects, and the boundaries of the zoning lots as they existed on December 31, 2017 as shown on the assessment rolls for records of the city in existence on that date.

iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

c. Buildings or structures for the growing, production, or processing, distribution or sale of medical marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.

d. All marihuana businesses permitted by this section must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of

marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law. No drive-through facilities are permitted for medical marihuana facilities.

- e. **No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana facilitybusiness permitted by this section.**
- f. Medical marihuana grow and processing facilities ~~Marihuana businesses permitted by this section~~ **shall conduct the activities of the facilitybusiness, including, without limitation, the cultivating, growing, processing, manufacturing, or storage, sale or distribution of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing, and processing and sale or distribution of marihuana and marihuana infused products, indoors and out of public view, except medical marihuana grow facilities and marihuana grow establishments may grow or cultivate marihuana outdoors consistent with the Medical Facilities Act and rules or the Adult-use Act and rules.**
- g. Medical marihuana grow facilities, marihuana grow establishments, medical marihuana processor facilities, marihuana processor establishments, medical provisioning centers, and marihuana retailers may be located as separate businesses at the same location in any combination, except that a medical marihuana provisioning center and marihuana retailer are only permitted in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof. Each marihuana business that is located in the same location shall be partitioned from any other marihuana business in that location, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business. No more than one medical marihuana microbusiness facility shall be allowed on a single zoning lot or at the same location as another marihuana business allowed by this section. (a stacked license as defined in section 14-246 of this Code shall not be considered a separate facility for the purposes of this section). **and no more than one medical marihuana facility business permitted by this section shall be allowed in a multi-tenant building with any other activity or business. If a medical marihuana facility business permitted by this section is located in a multi-tenant building with any other activity or business, the medical marihuana facilitybusiness shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana facilitybusiness.**
- h. **The business and operations of all medical marihuana facilitiesbusinesses permitted by this section shall comply at all times with applicable state law and regulations, and this Code of Ordinances.**
- i. **This amendment to add section 42-281(B)(7) to of chapter 42, article 4, division 4, zoning districts and district regulations, shall only take effect if chapter 14 is amended to add article 12, is amended to allow marihuana establishments under the Adult-use Act. "Medical Marihuana Facilities."**

8. The following marihuana businesses: Medical marihuana secure transporter and safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana secure transporter and marihuana safety compliance establishments as those establishments are defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).
- a. A medical marihuana or marihuana secure transporter or safety compliance facility~~The facility site~~ shall not be located:
- i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority;
- b. Determination of whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be located consistent with the provisions of subsection a. above will be made as follows:
- i. Whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility as those lines existed on December 31, 2017 as shown on the assessment rolls for records of the city in existence on that date.
 - ii. Measurements for purposes of subsections 42-281 (B)-(8)-(a)-(ii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in 42-281 (B)-(8)-(a)-(ii) using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines for those zoning lots as they existed on December 31, 2017 as shown on the assessment rolls for records of the city in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana--infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
- d. All medical marihuana or marihuana secured transporters or safety compliance facilities must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of

marihuana products as may be permitted by law.~~No drive-through facilities are permitted for medical marihuana facilities.~~

- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana secure transporter or safety compliance facility.
- f. No more than one medical marihuana ~~facility or marihuana secure transporter or safety compliance facility~~ shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed in a multi-tenant building. If a medical marihuana or marihuana secure transporter or safety compliance facility is located in a multi-tenant building with any other activity or business, the medical marihuana or marihuana secure transporter or safety compliance facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana ~~facility or marihuana secure transporter or safety compliance facility~~.
- g. The business and operations of all medical marihuana and marihuana secure transporter and safety compliance facilities shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- h. This amendment to ~~add~~ section 42-281-(B)-(8) ~~to of~~ chapter 42, article 4, division 4, zoning districts and district regulations, shall only take effect if chapter 14 ~~is amended to add~~ article 12, is amended to allow marihuana establishments under the Adult-use Act, "Medical Marihuana Facilities."

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Patricia M. Randall

CERTIFICATION

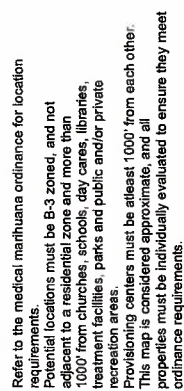
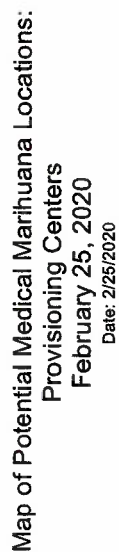
STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the ____ day of _____, 2020.

Erica Eklov, City Clerk

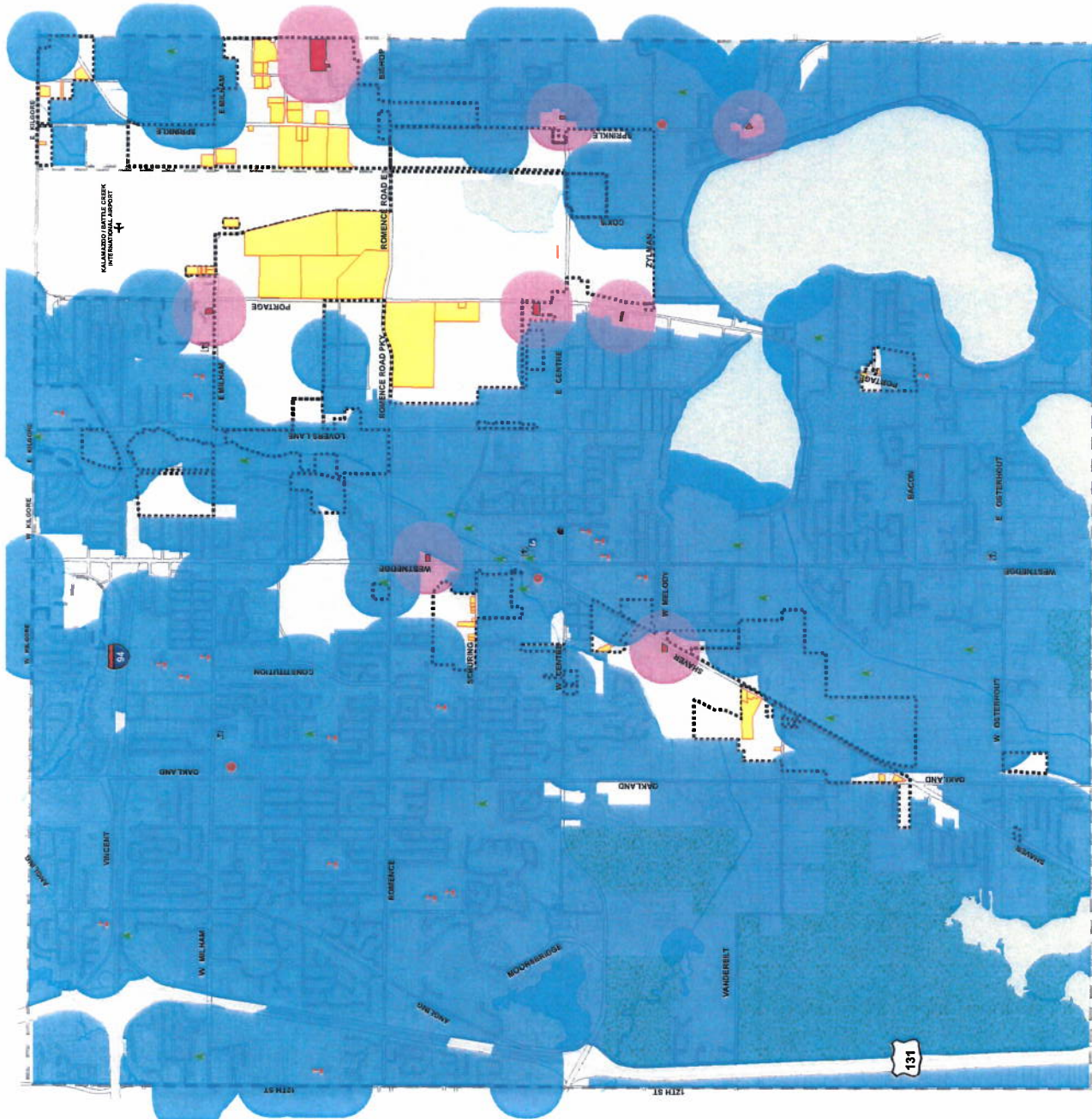
PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 E. Centre Ave.
Portage, MI 49002

Z:\JODY\PORTAGE\ORDINANCES\Adult Use Ordinances\Marihuana Zoning Amendments H&S 04.09.20.docx



-  Properties that may meet eligibility requirements regardless of current use
 1000' buffer from existing provisioning centers/grow operation
 Previously approved provisioning center/grow operation
 Excluded areas
 B-3 Zoning
 City Boundary
 State Game Area

**Map of Potential Medical Marihuana Locations:
Grow Operations, Processors,
Safety Compliance, & Secure Transporters
November 11, 2019**



Properties that may meet eligibility requirements regardless of current use

Previously approved provisioning center/grow operation

1000' buffer from existing provisioning centers/grow operation

Excluded areas

I-1 or I-2 Zoning

City Boundary

Refer to the medical marijuana ordinance for location requirements.



1 inch = 3,200 feet
Date: 11/13/2019

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Chapter 42, Land Development Regulations, of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2020, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2020, at 7:00 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Chapter 42, Land Development Regulations, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 4, Zoning, shall be amended as follows:

ARTICLE 4. Zoning, Subdivision 6, Business Districts shall be amended to add subsection 16 to Section 42-262B, B-3 general business district as follows:

Sec. 42-262. - B-3 general business district.

- B. Principal permitted uses: In a B-3 general business district, 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:
16. The following marihuana businesses: Medical marihuana provisioning center as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act) and marihuana retailer as defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).
- a. A medical marihuana provisioning center or marihuana retailer shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, charter vocational or secondary school or a public or private college, junior college or university, a public library, child day care center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution or housing facility owned by a public housing authority; and
 - iii. Except as provided in section 42-262(B)(16)(g), within 1,000 feet of any other medical marihuana provisioning center or marihuana retailer located within the city.

- b. Determination of whether a proposed medical marihuana provisioning center or marihuana retailer will be located consistent with the provisions of subsection a. above will be made as follows:
 - i. Whether a proposed medical marihuana provisioning center or marihuana retailer will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana provisioning center or marihuana retailer as those lines existed on December 31, 2017 as shown on the records of the City of Portage in existence on that date.
 - ii. Measurements for purposes of subsections 42-262 (B)(16)(a)(ii) and (iii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana provisioning center or marihuana retailer to the nearest point of the zoning lot occupied by any of the uses listed in subsection 42-262 (B)(16)(a)(ii), or to the nearest point of the zoning lot occupied by another medical marihuana provisioning center or marihuana retailer using an uninterrupted straight line without regard to intervening structures or objects, and using the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the records of the city in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures for the distribution, and sale of marihuana and marihuana infused products by a medical marihuana provisioning center or marihuana retailer shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana provisioning centers and marihuana retailers shall not be located within greenhouses and similar buildings.
- d. All medical marihuana provisioning centers and marihuana retailers must be at a fixed location. Mobile medical marihuana provisioning centers and marihuana retailers, and drive through operations for medical marihuana provisioning centers and marihuana retailers are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale by a medical marihuana provisioning center or marihuana retailer is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law.
- e. No marihuana or marihuana infused products may be used or consumed on the premises of a medical marihuana provisioning center or marihuana retailer.
- f. The activities and operations of a medical marihuana provisioning center or marihuana retailer shall be indoors within a building and out of public view.
- g. A medical marihuana provisioning center and a marihuana retailer may be located in a B-3 zone at the same location consistent with the Adult-use

Act and rules. The medical marihuana provisioning center or marihuana retailer located at the same location shall be partitioned from each other, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by each marihuana business. If a medical marihuana provisioning center or marihuana retailer is located in a multi-tenant building with any other activity or business, the medical marihuana provisioning center or marihuana retailer shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana provisioning center or marihuana retailer.

- h. The business and operations of all medical marihuana provisioning centers and marihuana retailers shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- i. This amendment to chapter 42 section 42-262(B)(16) of article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14 is amended to allow marihuana establishments in the city pursuant to the Adult-use Act.

ARTICLE 4. Zoning, Subdivision 7, Industrial Districts, shall be amended to add subsections 21 and 22 to Section 42-280B, I-1 Light Industrial District, as follows:

Sec. 42-280. - I-1 Light Industrial District.

- B. Principal permitted uses: In an I-1 light industrial district, 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:
 - 21. The following marihuana businesses: Medical marihuana class A, B, and C grow facilities, stacked class C grow facilities, and medical marihuana processor facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana class A, B, and C grow establishments, marihuana processor establishments, and marihuana microbusinesses, as those establishments are defined by the Michigan Regulation and Taxation of marihuana Act MCL 333.27951 et seq. (Adult-use Act). A medical marihuana provisioning center and marihuana retailer may also be permitted in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof as provided in section 42-280 (B)(21)(g).
 - a. All marihuana businesses permitted by this section shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade

- facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
- iii. Except as provided in section 42-280(B)(21)(g), within 1,000 feet of any other marihuana business permitted by this section or section 42-281(7).
- b. Determination of whether a proposed marihuana business permitted by this section will be located consistent with the provisions of subsection a. above will be made as follows:
- i. Whether a proposed marihuana business permitted by this section will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the marihuana business as those lines existed on December 31, 2017 as shown on the records of the city in existence on that date.
 - ii. Measurements for purposes of subsections 42-280 (B)(21)(a)(ii) and (iii) above shall be made from the boundary of the zoning lot to be occupied by a marihuana business permitted by this section to the nearest point of the zoning lot occupied by any of the uses listed in 43-280 (B)(21)(a)(ii), or to the nearest point of the zoning lot occupied by another marihuana business permitted by this section or section 42-281(7) using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the records of the city in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures for the growing, production, processing, distribution or sale of marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression.
- d. All marihuana businesses permitted by this section must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law.
- e. No marihuana or marihuana infused products may be used or consumed on the premises of a marihuana business permitted by this section.
- f. Marihuana businesses permitted by this section shall conduct the activities of the marihuana business, including, without limitation, the cultivating, growing, processing, manufacturing, storage or sale and distribution of marihuana and marihuana infused products, and all materials used in connection with the cultivating, growing, processing, and distribution of marihuana and marihuana infused products indoors and out of public view, except medical marihuana grow facilities and marihuana grow

- g. Medical marihuana grow facilities, marihuana grow establishments, medical marihuana processor facilities, marihuana processor establishments medical provisioning centers, and marihuana retailers may be located as separate businesses at the same location in any combination, except that a medical marihuana provisioning center and marihuana retailer are only allowed in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof. Each marihuana business that is located in the same location shall be partitioned from any other marihuana business in that location, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business. No more than one marihuana microbusiness shall be allowed on a single zoning lot or at the same location as another marihuana business permitted by this section, and no more than one marihuana business permitted by this section shall be allowed in a multi-tenant building with any other activity or business. If a marihuana business permitted by this section is located in a multi-tenant building with any other activity or business, the medical marihuana business shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business.
- h. The business and operations of all marihuana businesses permitted by this section shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- i. This amendment to section 42-280(B)(21) of chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14, article 12, is amended to allow marihuana establishments under the Adult-use Act.

- a. A medical marihuana or marihuana secure transporter or safety compliance facility shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and

- b. Determination of whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be located consistent with the provisions of subsection a. above will be made as follows:
 - i. Whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility as those lines existed on December 31, 2017 as shown on the records of the city in existence on that date.
 - ii. Measurements for purposes of subsections 42-280 (B)(22)(a)(ii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in 42-280 (B)(22)(a)(ii) using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the records of the City of Portage in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures in connection with the transport and storage of marihuana and marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression.
- d. All medical marihuana and marihuana secure transporters and safety compliance facilities must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law.
- e. No marihuana or marihuana infused products may be used or consumed on the premises of a medical marihuana or marihuana secure transporter or safety compliance facility.
- f. No more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed in a multi-tenant building. If a medical marihuana or marihuana secure transporter or safety compliance facility is located in a multi-tenant building with any other activity or business, the medical marihuana or marihuana secure transporter or safety compliance facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana or marihuana secure transporter or safety compliance facility.

- g. The business and operations of all medical marihuana and marihuana secure transporter and safety compliance facilities shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- h. This amendment to section 42-280(B)(22) of chapter 42, article 4, division 4, zoning districts and district regulations, shall only take effect if chapter 14 article 12, is amended to allow marihuana establishments under the Adult-use Act.

ARTICLE 4. Zoning, Subdivision 7, Industrial Districts, shall be amended to add subsections 7 and 8 to Section 42-281, I-2 Heavy Industrial District, as follows:

Sec. 42-281. - I-2 Heavy Industrial District.

- B. Principal permitted uses: In an I-2 heavy industrial district, 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:
 - 7. The following marihuana businesses: Medical marihuana class A, B, and C grow facilities, medical marihuana stacked class C grow facilities, and medical marihuana processor facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana class A, B, and C grow establishments, marihuana processor establishments, and marihuana microbusinesses, as those establishments are defined by the Michigan Regulation and Taxation of marihuana Act MCL 333.27951 et seq. (Adult-use Act). A medical marihuana provisioning center and marihuana retailer may also be permitted in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof as provided in section 42-281 (B)(7)(g).
 - a. All marihuana businesses permitted by this section shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, vocational. charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - iii. Except as provided in section 42-281(B)(7)(g), within 1,000 feet of any other medical marihuana or marihuana business permitted by this section or section 42-281(21).
 - b. Determination of whether a proposed medical marihuana or marihuana business permitted by this section will be located consistent with the provisions of subsection a. above will be made as follows:
 - i. Whether a proposed medical marihuana or marihuana business permitted by this section will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana or

marihuana business as those lines existed on December 31, 2017 as shown on the records of the city in existence on that date.

- ii. Measurements for purposes of subsections 42-281(B)(7)(a)(ii) and (iii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana or marihuana business permitted by this section to the nearest point of the zoning lot occupied by any of the uses listed in 42-281 (B)(7)(a)(ii), or to the nearest point of the zoning lot occupied by another medical marihuana or marihuana business permitted by this section or section 42-280(22) using an uninterrupted straight line without regard to intervening structures or objects, and the boundaries of the zoning lots as they existed on December 31, 2017 as shown on the records of the city in existence on that date.
- iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures for the growing, production, processing, distribution or sale of marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression.
- d. All marihuana businesses permitted by this section must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law.
- e. No marihuana or marihuana infused products may be used or consumed on the premises of a marihuana business permitted by this section.
- f. Marihuana businesses permitted by this section shall conduct the activities of the business, including, without limitation, the cultivating, growing, processing, manufacturing, storage, sale or distribution of marihuana and marihuana infused products, and all materials used in connection with the cultivating, growing, processing and sale or distribution of marihuana and marihuana infused products indoors and out of public view, except medical marihuana grow facilities and marihuana grow establishments may grow or cultivate marihuana outdoors consistent with the Medical Facilities Act and rules or the Adult-use Act and rules.
- g. Medical marihuana grow facilities, marihuana grow establishments, medical marihuana processor facilities, marihuana processor establishments medical provisioning centers, and marihuana retailers may be located as separate businesses at the same location in any combination, except that a medical marihuana provisioning center and marihuana retailer are only permitted in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof. Each marihuana business that is located in the same location shall be partitioned from any other marihuana business in that

h. The business and operations of all medical marihuana businesses permitted by this section shall comply at all times with applicable state law and regulations, and this Code of Ordinances.

i. This amendment to section 42-281(B)(7) of chapter 42, article 4, division 4, zoning districts and district regulations, shall only take effect if chapter 14 article 12 is amended to allow marihuana establishments under the Adult-use Act.

a. A medical marihuana or marihuana secure transporter or safety compliance facility shall not be located:

ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority;

- ii. Measurements for purposes of subsections 42-281 (B)(8)(a)(ii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in 42-281 (B)(8)(a)(ii) using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines for those zoning lots as they existed on December 31, 2017 as shown on the records of the city in existence on that date.
- iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures in connection with the transport and storage of marihuana and marihuana-infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression.
- d. All medical marihuana or marihuana secured transporters or safety compliance facilities must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law.
- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana secure transporter or safety compliance facility.
- f. No more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed in a multi-tenant building. If a medical marihuana or marihuana secure transporter or safety compliance facility is located in a multi-tenant building with any other activity or business, the medical marihuana or marihuana secure transporter or safety compliance facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana or marihuana secure transporter or safety compliance facility.
- g. The business and operations of all medical marihuana and marihuana secure transporter and safety compliance facilities shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- h. This amendment to section 42-281(B)(8) of chapter 42, article 4, division 4, zoning districts and district regulations, shall only take effect if chapter 14 article 12, is amended to allow marihuana establishments under the Adult-use Act.

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

Dated: _____, 2020

Erica Eklov, City Clerk

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

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 12, MEDICAL
MARIHUANA FACILITIES, OF CHAPTER 14, BUSINESSES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 14, Article 12, Medical Marihuana Facilities, shall be amended as follows:

CHAPTER 14. BUSINESSES.

ARTICLE 12. MARIHUANA BUSINESSES.

Sec. 14-245. Purpose.

- (a) The purpose of this article is, pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.* (Medical Facilities Act) and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.*, (Adult-use Act) to: authorize the establishment of certain types of medical marihuana facilities and adult-use marihuana establishments (marihuana businesses) in the City of Portage; provide for standards and procedures for the review, issuance, renewal, or revocation of permits for such businesses; and establish fees for such permits.
- (b) Nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution or possession of marihuana in any form or manner that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 *et seq.*, (Medical Marihuana Act) the Medical Facilities Act, the Marihuana Tracking Act, MCL 333.27901 *et seq.*, (Tracking Act) the Adult-use Act and all other applicable rules promulgated by the state of Michigan.
- (c) Because federal law is not affected by state law or rules, nothing in this article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall any provision of this article or this code, be construed as granting immunity from criminal prosecution under federal law. Neither the Medical Facilities Act nor the Adult-Use Act protects patients, users, care givers, licensees, or the owners or occupants of properties on which the medical or adult-use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

Sec. 14-246. Definitions.

- (a) As used in this article, the following terms shall have the meanings indicated:

Applicant means the person who applied for and received prequalification for a license under either the Marihuana Facilities Act or the Adult-use Act, and who then applied for a marihuana business permit under this article or a marihuana facilities permit under the previous version of this article.

Equivalent licenses means any of the following held by a single licensee:

- (1) A marihuana grower license, of any class, issued under Adult-use Act and a grower license, of any class, issued under the Medical Facilities Act.
- (2) A marihuana processor license issued under Adult-use Act and a processor license issued under the Medical Facilities Act.
- (3) A marihuana retailer license issued under MRTMA and a provisioning center license issued under the MMFLA.
- (4) A marihuana secure transporter license issued under Adult-use Act and a secure transporter license issued under the Medical Facilities Act.
- (5) A marihuana safety compliance facility license issued under Adult-use Act and a safety compliance facility license issued under the Medical Facilities Act.

Grower means a licensee and permittee that, under either the Medical facilities Act and Rules or the Adult-use Act and Rules, is a commercial entity located in this city that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or marihuana retailer.

License, Marihuana Business License or Business License means a state operating license issued under the Medical Facilities Act or the Adult-use Act.

Licensee means a person holding a state operating license issued under the Medical Facilities Act or the Adult-use Act. *Marihuana* means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

Marihuana business or business means the licensed and permitted operation at a property location in the city as a grower, processor, provisioning center, safety compliance facility, or secure transporter, under the Medical Facilities Act and this article or the prior version of this article, or a grower, processor, retailer, safety compliance facility, secure transporter, microbusiness, or marihuana event organizer under the Adult-use Act and this article.

Marihuana business permit means a permit issued under this article that allows a person to operate either a medical marihuana facility permitted under the Medical Facilities Act and this article, or an adult-use establishment permitted under the Adult-use Act and this article, in this city.

Marihuana facilities permit. means a permit issued under the previous version of this article for a medical marihuana facility under the Medical Facilities Act and that article.

Marihuana Microbusiness or Microbusiness means a licensee and permittee that is a commercial entity in this city that, consistent with the Adult-use Act and Rules, cultivates not more than 150 marihuana plants, processes and packages marihuana, and sells or transfers marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments or to medical marihuana facilities.

Marihuana plant means any plant of the species *Cannabis sativa* L. Marihuana plant does not include industrial hemp as that term is defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

- (a) *Marihuana product* means marihuana or marihuana-infused product, or both, as those terms are defined in the in the Medical Facilities Act or the Adult-Use Act, unless otherwise provided for in the rules and this article.

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation as defined in the Medical Facilities Act or the Adult-Use Act. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 *et seq.*

Marihuana Retailer or Retailer means a licensee and permittee that is a commercial entity located in this city that, consistent with the Adult-use Act and Rules purchases marihuana products from an adult-use grower or adult-use processor and sells, supplies, or provides marihuana to persons over 21 years of age or older. Retailer includes any commercial property where marihuana products are sold at retail to registered persons over 21 years of age or older as provided in the Adult-use Act and Rules. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the MRA marihuana registration process in accordance with the Medical Marihuana Act is not a provisioning center for purposes of this article.

MRA means the Marijuana Regulatory Agency created by E.R.O. No. 2019-2, compiled at MCL 333.27001.

Paraphernalia means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking, ingesting, inhaling, or otherwise introducing into the human body, marihuana.

Permittee means a person who has been issued a marihuana business permit pursuant to this article or a medical facilities permit under the previous version of this article.

Person means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

Proposed marihuana business means a location in the city at which an applicant plans to operate a marihuana business under the Medical Facilities Act and/or Adult-use Act, rules, and this article if the applicant is issued a state license, and a permit under this article.

Provisional approval means a determination that an applicant has submitted an application that meets all of the requirements for a complete permit in section 14-250 of this article, and the requirements for acceptance of the application in section 14-252 of this article.

Provisioning center means a licensee and permittee that is a commercial entity located in this city that, consistent with the Medical Facilities Act and Rules, purchases marihuana products from a medical facility grower or medical facility processor and sells, supplies, or provides marihuana products to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana products are sold at retail to registered qualifying patients or registered primary caregivers as provided in the Medical Facilities Act and Rules. A noncommercial location used by a primary caregiver to assist a qualifying patient connected

to the caregiver through the MRA marihuana registration process in accordance with the Medical Marihuana Act is not a provisioning center for purposes of this article.

Rules mean the emergency and general rules of MRA adopted pursuant to the Medical Facilities Act the Tracking Act and the Adult-use Act as may be amended from time to time.

Safety compliance facility means a licensee and permittee that under either the Medical Facilities Act and Rules or Adult-use Act and Rules is a commercial entity that receives marihuana from a marihuana business or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana business.

Secure transporter means a licensee and permittee that under either the Medical Facilities Act and Rules or Adult-use Act and Rules is a commercial entity located in this city that stores marihuana and transports marihuana between marihuana facilities for a fee.

Stacked license means more than one state operating license issued to a single licensee to operate as a class C grower as specified in each license at a marihuana business under either the Medical Facilities Act and Rules or the Adult-use Act and Rules.

State operating license business license, or license means a license that is issued under the Medical Facilities Act or Adult-use Act that allows the licensee to operate as 1 of the following, specified in the license:

- (1) A grower.
- (2) A processor.
- (3) A secure transporter.
- (4) A provisioning center.
- (5) A safety compliance facility.
- (6) A microbusiness.
- (7) An excess marihuana grower.
- (8) A marijuana event organizer.
- (9) A designated consumption establishment.
- (10) A temporary marihuana event.
- (11) A marihuana retailer

Statewide monitoring system or, unless the context requires a different meaning, “system” means an internet-based, statewide database established, implemented, and maintained by the department under the marihuana Tracking Act, that is available to licensees, law enforcement agencies, and authorized state departments and agencies on a 24-hour basis for all of the following:

- (1) Tracking marihuana transfer and transportation by licensees, including transferee, date, quantity, and price.
- (2) Verifying in commercially reasonable time that a transfer will not exceed the limit that the patient or caregiver is authorized to receive under section 4 of the Michigan

medical marihuana act.

- (a) Unless the context requires a different meaning, any term used in this article that is defined by the Medical Marihuana Act shall have the definition given in that act.
- (b) Unless the context requires a different meaning, any term used in this article as it is defined by the Medical Facilities Act shall have the definition given in that act. Unless the context requires a different meaning, any term used in this article that is defined by the Tracking Act shall have the definition given in that act.
- (c) Unless the context requires a different meaning, any term used in this article that is defined by the Adult-use Act shall have the definition given in that act.

Sec.14-247. Adoption of state rules and regulations.

All activities related to marihuana shall be in compliance with the Tracking Act, Medical Facilities Act, or the Adult-use Act and all other applicable rules promulgated by the state of Michigan.

Sec. 14-248 Marihuana businesses allowed.

- (a) Pursuant to Section 205(1) of the Medical Facilities Act and Section 6(1) of the Adult-use Act, the city authorizes the following types of marihuana businesses to be permitted in the city, without limitation as to the number of businesses:
 - (1) Under the Medical Facilities Act:
 - i. Provisioning center
 - ii. Class A grower;
 - iii. Class B grower;
 - iv. Class C grower;
 - v. Stacked license Class C grower;
 - vi. Processor;
 - vii. Safety compliance facility;
 - viii. Secure transporter.
 - (2) Under the Adult-use Act:
 - i. Retailer;
 - ii. Class A grower;
 - iii. Class B grower;
 - iv. Class C grower;
 - v. Stacked license Class C grower;
 - vi. Processor;
 - vii. Safety compliance facility;
 - viii. Secure transporter;

ix. Microbusiness.

- (b) Marihuana business permits are not authorized by this article for designated consumption establishments, excess marihuana growers, marihuana event organizers, and temporary marihuana events under the Adult-use Act, or other marihuana related licenses that may be allowed by any State law or administrative rule in the future.
- (c) **The council reserves the right to amend the number and types of marihuana businesses allowed within the city, subject to the laws, rules, and other regulations promulgated by the State of Michigan, or the MRA. Sec.14-249. Permit required.**

No person shall own or operate a marihuana business in the city without first applying for and receiving a license from MRA, and either a marihuana facilities permit under the previous version of this article, or a marihuana business permit under this article. No person who has received a city permit and state license to operate a medical marihuana class C grower facility shall grow more than 1,500 plants at the facility without first applying for and receiving a permit from the city manager for each additional medical marihuana class C license the person desires to stack with its original state operating license, and a stacked medical marihuana class C state operating license or licenses. Additionally, no person who has received a city permit and state license to operate an adult-use marihuana class C grower establishment shall grow more than 2,000 plants at the establishment without first applying for and receiving a permit from the city manager for each additional adult-use marihuana class C license the person desires to stack with its original state operating license, and a stacked adult-use marihuana class C state operating license or licenses. For two years from November 1, 2019, the date MRA began receiving license applications under the Adult-use Act, no person shall receive a permit for a marijuana retail business that has not first received a Marihuana facilities permit from the city and a medical marihuana state operating license

Sec. 14-250. Application for permit.

- (a) Any person desiring to secure a marihuana business permit shall make application to the city clerk upon a form provided by the city clerk at a time established by the city manager pursuant to section 14-250(c). The city clerk will stamp the permit application with the date and time received and mark the application "received". The review of applications as provided by this article will be completed, and all applications will be either accepted or denied within 90 days of the date the application is marked "received" by the city clerk.
 - (1) All permit applicants, except applicants regarding a medical facility or adult-use stacked class C grower license or licenses, before applying for a permit must be prequalified by MRA for a medical marihuana facility license if they are applying for a permit to operate a medical marihuana facility under the Medical Facilities Act, or marihuana establishment license if they are applying for a permit to operate a marihuana establishment under the Adult-use Act.
 - (2) The applicant must be the same person who received prequalification from MRA.
 - (3) A copy of all applications received shall be distributed by the city clerk to the appropriate city departments for review. All applications will be reviewed in the order received by the city clerk to determine that the application contains all information and documentation required by section 14-250(d) and the location of the proposed facility complies with the zoning requirements in article 4 of chapter 42 of this Code. Applications that are not missing any required information or documentation and comply with the zoning requirements of article 4 of chapter 42 of this Code will be

stamped by the city clerk with the date and time the application is deemed to be complete, and marked "complete". Applications that do not comply with the zoning requirements of article 4 of chapter 42 of this Code will be denied pursuant to section 14-252.

- (4) If an application is incomplete or missing information the city clerk shall notify the applicant of the incomplete or missing information in writing by mail or electronic mail sent to the address provided for notification by the applicant. The applicant shall have five business days from the date of mailing by regular or electronic mail of the written notice to provide the incomplete or missing information to the city clerk. Failure to provide the missing or incomplete information within the time specified may result in denial of the application. Applications with incomplete or missing information shall not be reviewed by city staff or marked or stamped complete until all incomplete or missing information is received by the city clerk and that date will be used to determine the order of review of the application in relation to other applications.
- (5) An application will be accepted at the date and time the application is stamped or marked complete pursuant to subsection 14-250(a)(3) or (4) of this section.
- (6) If on the effective date of this article there is an application for a medical marijuana facility that was submitted to the city clerk under the previous version of this article and a provisional permit has not yet been issued to the applicant, the application will be reviewed and processed before any application received under this article.
- (b) Permit applications for marijuana businesses and applications for stacked class C grower licenses at an existing class C grower, shall be submitted to the city clerk at a time or within the time periods established by the city manager.
- (c) The city manager shall be responsible for establishing the procedure for receiving, reviewing and processing permits.
- (d) The application for a permit shall include at a minimum the information and documentation listed below under oath.
 - (1) The name, business address, business telephone number, and, if applicable, federal tax identification number of the applicant.
 - (2) A copy of the notice from MRA that the applicant has been prequalified for a license.
 - (3) Whether the applicant has previously violated this article or a substantially similar ordinance in another municipality preceding the date of the application.
 - (4) A description of the type of marijuana business applied for.
 - (5) A security plan for the marijuana business that addresses all required security measures of the Medical Facilities and Adult-use rules and addresses at a minimum the ability to meet the security measures of those rules.
 - (6) An HVAC plan for the marijuana business describing in detail among other things the equipment or systems that will be used to preclude marijuana odors from emanating from the premises in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property as determined by the objective standards of a reasonable person of normal sensitivity.
 - (7) A scaled conceptual site plan and floor plan.
 - (8) The property address of the proposed marijuana business to be operated by the applicant.

- (9) Proof that the applicant has or will have lawful possession of the premises proposed for the marihuana business for the period during which the permit will be issued, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon the applicant successfully obtaining a state operating license and local permit.
- (10) The mailing address and electronic address at which the applicant desires to receive notification under this article, and phone numbers at which the applicant desires to be contacted.
- (11) Whether the applicant intends that a combination of marihuana businesses will operate as separate businesses at the same location, and if so, a description of the types of marihuana business intended to be located at the same location.
- (12) Whether the applicant intends that equivalent licenses will operate as separate businesses at the same location and if so, a description of the equivalent marihuana businesses intended to be located at the same location.
- (13) A copy of the marihuana facilities plan to be submitted in connection with a state license application under the Medical Facilities Act for the marihuana business for which provisional approval was issued, or a copy of the marihuana establishment plan to be submitted in connection with a state license application under the Adult-use Act for the marihuana business for which provisional approval was issued
- (14) A statement that the applicant will not violate any of the laws of the state or the ordinances of the city in conducting the business in which the license will be used, and that a violation on the premises may be cause for nonrenewal of a permit issued under this article, or for revocation of the permit.
- (15) A statement that the applicant understands that the issuance of a marihuana business permit under this article is not intended to grant, nor shall be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana in any form or manner that is not in compliance with the Marihuana Act, the Medical Facilities Act, the Tracking Act, the Adult-Use Act, and all other applicable rules promulgated by the MRA, or from criminal prosecution or the seizure of property by federal authorities under the Federal Controlled Substances Act.
- (16) All marihuana facilities licensed and permitted to operate in the city shall at all times maintain in full force and effect workers compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit issued by the company licensed to do business in Michigan having an A.M. Best rating of at least A-. Applicants shall provide evidence of such insurance in the form of a certificate of insurance evidencing the existence of a valid and effective policy, or, evidence that the applicant is able to obtain such insurance and state the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number if known, and the names of additional insured which shall include the city, its officials, and employees.
- (17) The city manager may from time to time establish other qualifications for the application and permit which shall be provided in writing to prospective applicants with the application form.
- (18) The city manager may require the applicant to provide, within 5 business days of a written demand any document, report, graph or other information which applicant has

supplied to MRA and that is not specifically required by this section.

Sec. 14-251. Fees.

A nonrefundable permit fee set by resolution of city council, but not to exceed \$5,000.00, shall be submitted with the application for a permit. This fee shall be in addition to, and not in lieu of, any other fees for licensing or permitting requirements including but not limited to site plan review, zoning, or building permits.

Sec. 14-252. Acceptance or Denial of application.

- (a) Applications received may be denied by the city manager if the applicant fails to provide missing or incomplete information within the time specified in section 14-250(a)(4) of this article. The city manager shall deny an application for any of the following reasons:
 - (1) The applicant has not been prequalified for a marihuana business license by MRA.
 - (2) During the period from November 1, 2019 to November 1, 2021 an applicant for a marihuana business under the Adult-use Act, does not hold a valid and unexpired marihuana facilities permit issued by the city and a medical marihuana state operating license.
 - (3) The applicant did not pay the required application fee at the time of submission of the application.
 - (4) The applicant has not provided satisfactory proof that the applicant has or will have lawful possession of the premises proposed for the location of the marihuana business for the period during which the permit will be issued.
 - (5) The applicant's proposed marihuana business does not comply with the zoning regulations in article 4 of chapter 42 of this code.
 - (6) The city manager determines that the applicant has not satisfactorily complied with all permit requirements in section 14-250 of this article.
 - (7) The applicant was granted a commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction concerning medical marihuana or marihuana that was denied or not renewed, or is currently restricted suspended or revoked.
 - (8) The city manager determines that the applicant submitted an application containing false, misleading, or fraudulent information, or who intentionally omitted pertinent information on the application for a marihuana business permit.
 - (9) The applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
- (b) Notice of denial of an application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the city. An applicant whose application is denied may appeal denial to the city council in writing stating the basis for the appeal within ten days of receipt of the notice of denial.

Sec. 14-253. Provisional approval.

- (a) Provisional approval will be issued by the city manager to applicants whose applications are accepted as provided in this section. The effective date of the provisional approval will be the date an application is accepted as provided in section 14-250(a)(5).
- (b) Provisional approval does not authorize the applicant to operate a marihuana business without first obtaining a state operating license for the marihuana business, and obtaining all other permits, inspections, and approvals required by this article and all other applicable provisions of this code. Upon issuance of provisional approval, the city clerk will be authorized to execute an attestation of compliance with city ordinances to MRA to accompany an application for a license as required by the Medical Facilities Act or the Adult-use Act.
- (c) Provisional approval will lapse and be void one year from the date it is issued or the expiration of the applicant's prequalification status for a license from MRA, whichever occurs first. The city manager or his or her designee shall notify MRA of all persons whose provisional approval has lapsed or become void. Provisional approval may be extended by the city manager upon a showing of good cause, such as a delay in obtaining a state license, or other good cause that is not the fault of the applicant, for an additional period not to exceed 6 months.
- (d) An applicant who has received provisional approval has a continuing duty to provide the city with the following:
 - (1) Up-to-date contact information and shall notify the city clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information the applicant provides to the city.
 - (2) A copy of any amendments or changes to the marihuana facilities plan under the Medical Facilities Act submitted in connection with the application for the marihuana business permit for which provisional approval was issued, or a copy of the marihuana establishment plan under the Adult-use Act submitted in connection with the application for the marihuana business for which provisional approval was issued.
- (e) Provisional approval is exclusive to the person who received the provisional approval or provisional permit. Provisional approval or a provisional permit is a revocable privilege granted by the city, is not a property right, and does not create or vest any right, title, franchise or other property interest. No provisional approval or provisional permit issued under the previous version of this article shall be transferred or assigned. Any attempted transfer or assignment shall be void.

Sec. 14-254. Termination, revocation, suspension, or restriction of provisional approval.

- (a) Provisional approval may be terminated, revoked, suspended or restricted by the city manager in writing for any of the following reasons:
 - (1) The applicant is denied a state operating license by MRA;
 - (2) The marihuana business is substantially different from the, marihuana facilities plan to be submitted in connection with a state license application under the Medical Facilities Act for the marihuana business for which provisional approval was issued, or a copy of the marihuana establishment plan to be submitted in connection with a

state license application under the Adult-use Act for the marihuana business for which provisional approval was issued conceptual plan or other representations;

- (3) Officers of the city are unable to access the proposed marihuana business for permit inspections or are denied access by the applicant or those acting in behalf of the applicant;
 - (4) The applicant fails, refuses, or becomes unable to obtain site plan approval and an occupancy permit issued by the city;
 - (5) Any violation of the Medical Facilities Act and rules, Adult-use Act and rules, an applicable city ordinance, or this article.
- (b) If provisional approval is terminated, revoked, suspended or restricted, the city manager or his or her designee will notify in writing by mail or electronic mail both the applicant, at the last known address on file with the city for notification of the applicant, and MRA, of the termination, revocation, suspension, or restriction of the provisional approval and the reasons therefore in writing.
- (c) The applicant who has received provisional approval under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the city council in writing stating the basis for the appeal within ten (10) days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-255. Marihuana business permit.

- (a) Marihuana business permits will be issued by the city manager. In order to be issued a marihuana business permit, an applicant who has received provisional approval and whose provisional approval has not been revoked as provided in section 14-254 shall:
- (1) Successfully complete the inspection required by subsection 14-255(b) of this section.
 - (2) Submit proof to the city manager of obtaining all permits and approvals required by all applicable ordinances of the city including but not limited to an approved site plan and occupancy permit.
 - (3) Submit proof of insurance required by this article in the form of a certificate of insurance evidencing the existence of a valid and effective policy, stating the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, policy number, and the names of additional insureds which shall include the city of Portage, its officials, and employees.
 - (4) An applicant who holds a provisional permit for a secure transporter permit shall additionally show proof of auto insurance, vehicle registration and registration as a commercial motor vehicle as applicable for any transporting vehicles used to transport marihuana product in order to be issued a marihuana business permit by the city manager.
 - (5) The site plan required for issuance of a marihuana business permit shall be consistent with the requirements of section 42-482.A of this code. The site plan will be reviewed

administratively consistent with section 42-482.B and in accordance with the standards of section 42-483, except that no review by the planning commission of the site plan will be made. The site plan will be approved consistent with the provisions of section 42-484 except that any appeal of a site plan approval shall be to the city manager who will have the discretion whether to reverse an order of the director.

- (b) Before issuance of a marihuana business permit the city shall conduct an inspection of the proposed marihuana business to verify that the marihuana business is ready to open for business, the premises of the business are constructed and can be operated in accordance with the application submitted, the approved site plan, the requirements of this code and any other applicable law, rule, or regulation. No marihuana business permit may be issued and no marihuana business may conduct any business or operations until the inspection is completed and it is determined that the marihuana business is ready to open for business, the premises of the marihuana business are constructed and can be operated in accordance with the application, marihuana facilities plan, or the marihuana establishment plan submitted with the application as well as the approved site plan, and the marihuana business is in compliance with the requirements of this code and any other applicable law, rule, or regulation.
- (c) The marihuana business permit shall be issued only in the name of the applicant.
- (d) Each permit is exclusive to the person who is issued the permit and that person must apply for and receive approval of the city manager pursuant to section 14-258 of this article before a permit is transferred.
- (e) The marihuana business permit and state operating license shall be displayed in a conspicuous public place inside the marihuana business.
- (f) Acceptance of a marihuana business permit under this article shall constitute permission to any officer of the city, within the authority granted him or her by this code under which such permit was granted, to enter upon and inspect the premises of the marihuana business at all reasonable times.
- (g) A permittee has a continuing duty to provide the city with up-to-date contact information and shall notify the city clerk in writing of any changes to its mailing address, phone numbers, electronic mail address or other contact information the permittee provides to the city.

Sec. 14-256. Renewal of permit.

- (a) A marihuana business permit or marihuana facilities permit issued under the previous version of this article shall be renewed annually unless revoked as provided by Section 14-257.
- (b) Renewal of marihuana business permit shall be made by application to the city clerk and payment of a nonrefundable permit renewal fee set by resolution of city council, but not to exceed \$5,000.00. The application for renewal must be filed before the permit expires at such time as is established by the city manager, but in no event less than 30 days before the due date for annual renewal of the permittee's license for the permittee's marihuana business. The application for renewal shall be upon a form provided by the city clerk and shall contain an update of all information required in the applicant's permit application, be given under oath or affirmation, including an affirmation that all information in the renewal

application is up to date and current, and shall be reviewed and approved in the same manner as the permit application. Renewal of permits issued in connection with class C grower stacked licenses will require only a single application form for the original class C grower permit and all stacked license permits issued to the applicant. The renewal application shall indicate that the application is for the renewal of permits issued in connection with class C grower stacked licenses and the permit or permits the applicant is seeking to renew.

- (c) The city clerk shall notify the permittee by mail or electronic mail at the last known address on file with the city for notification of the permittee, advising of the time, and procedure for renewing the permit. Failure of the permittee to receive notice under this subsection does not relieve the permittee of the responsibility for renewing the permit.
- (d) A permit renewal application may be denied by the city manager if the permit renewal application is not received by the city clerk on or before the due date for renewal of the permit established pursuant to section 14-256(b) . The city manager shall deny a permit renewal application if any of the following occur:
 - (1) The permit to be renewed has been terminated or revoked.
 - (2) The permit is suspended or restricted.
 - (3) The applicant did not pay the required application fee at the time of submission of the renewal application.
 - (4) At the time of submission of the renewal application the applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the city.
 - (5) The city manager determines that the applicant is not in compliance with all qualifications established by section 14-250 of this article, the Medical Facilities Act and rules, or the Adult-use Act and rules.
 - (6) The applicant failed to correct any deficiencies in the renewal application.
 - (7) The city manager determines that applicant submitted a renewal application containing false, misleading, or fraudulent information, or intentionally omitted pertinent information on the renewal application.

The applicant fails to provide evidence of insurance as required by section 14-250(d)(17).
 - (8). An inspection conducted by the city reveals that the marihuana business to which the renewal application pertains is not in compliance with this article, this code of ordinances, the Medical Facilities Act and rules, or the Adult-use Act and rules.
- (e) Notice of denial of a renewal application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the city for notification of the applicant. An applicant whose renewal application is denied may appeal denial to the city council in writing stating the basis for the appeal within ten (10) days of receipt of the notice of denial.
- (f) The city manager or his or her designee shall inform MRA in writing by mail or electronic

mail of all permittees whose permit is renewed, if a permittee fails to renew a permit, or the permittee's renewal application is denied. The city clerk will file an affirmation of renewal with MRA for all permits that are renewed.

- (g) For the purposes of a renewal application, a marihuana business shall not be in violation of the spacing requirements from certain protected uses as specified in article 4, chapter 42 of this code in the event any of those protected uses was located less than the minimum spacing distance from the marihuana business at any time after a permit under this article and a state license to operate the business were issued.
- (h) The city manager may grant relief to any renewal applicant from the provisions of this section upon a showing of good cause.

Sec. 14-257. Revocation, termination or suspension of permit.

- (a) Any marihuana business permit issued under this article, or marihuana facilities permit issued under the previous version of this article, shall automatically terminate and become void if the state license for the permitted use is revoked, terminates or becomes void.
- (b) Any marihuana business permit issued under this article, or marihuana facilities permit issued under the previous version of this article, may be revoked upon the occurrence of any of the following:
 - (1) Any violation of the provisions of this article or, this code of ordinances. A marihuana business shall not be in violation of the spacing requirements from certain protected uses as specified in article 4, chapter 42 of this code in the event any of those protected uses was located less than the minimum spacing distance from the marihuana business at any time after a permit under this article and a state license to operate the business were issued.
 - (2) The conduct of business in an unlawful manner or in such a way as to constitute a public nuisance or in a way that negatively impacts the health, safety, or general welfare of surrounding property or city residents.
- (c) A marihuana business permit or marihuana facilities permit will be suspended for the transfer or attempted transfer of the permit or any interest in such permit without first obtaining approval of the city manager to do so.
- (d) Any marihuana business permit or marihuana facilities permit shall automatically be suspended if the state operating license for the permitted use is suspended. The terms and conditions of suspension shall correspond to the suspension of the state operating license.
- (e) Any marihuana business permit or marihuana facilities permit shall automatically be restricted if the state license for the permitted use is restricted. The terms and conditions of the restriction shall correspond to the restriction of the state license.
- (f) If a marihuana business permit, or marihuana facilities permit issued under the previous version of this article, is terminated, revoked, suspended or restricted, the city manager will notify the permittee, at the permittee's last known address on file with the city for notification of the permittee, and MRA of the termination, revocation, suspension, or restriction of the permit and the reasons therefore.

- (g) If a marihuana business permit or marihuana facilities permit is revoked under this subsection the permittee shall immediately cease operation of its marihuana business.
- (h) The holder of a marihuana business permit or marihuana facilities permit under this article that is terminated, revoked, suspended or restricted may appeal the termination, revocation, suspension or restriction to the city council within ten (10) days of receipt of the notice of the termination, revocation, suspension or restriction.

Sec. 14-258. Transfer, sale or purchase of permits or licenses.

- (a) No marihuana business permit, or marihuana facilities permit issued under the previous version of this article, may be transferred without making application to, and obtaining approval of, the city manager. Applications for transfer of a permit shall be made on a form provided by the city clerk. The application shall contain the following information at a minimum:
 - (1) The name and address of the marihuana business proposed to be transferred.
 - (2) The name, address, and other contact information for the owner of the marihuana business proposed to be transferred.
 - (3) The name, address, and other contact information for the proposed transferee.
 - (4) A plan detailing any changes or modifications of the marihuana business desired by the transferee, which must be approved by the city consistent with Section 14-259(a). No certificate of occupancy will be issued to the transferee until all changes have been completed and approved by the city consistent with all applicable codes.
- (b) Any transferee of a permit issued pursuant to this ordinance must meet all requirements and conditions for the issuance of a permit under this article for the type of marihuana business for which the permit was issued prior to the approval of a transfer. The transfer will be conditioned upon the transferee obtaining a state license for the type of marihuana business the permit was issued for within 90 days of the approval of the transfer.

Sec. 14-259. Changes to marihuana businesses.

- (a) Any change or modification of a marihuana business after it receives a state license, and a permit under this article is governed by the standards and procedures of the Medical Facilities Act and rules, and the Adult-use Act and rules, and the standards, and standards and procedures of this code including but not limited to standards and procedures relating to zoning, site plans, and, building, plumbing, electrical, mechanical, and fire safety codes. Changes or modifications to a marihuana business may, however, be made at any time, but must be approved by MRA and the city before any changes or modifications are made. The permittee must obtain all required city permits before the change or modification is commenced and provide evidence to the city of the approval of MRA for any change or modification to a marihuana business.
- (b) Change of location of a marihuana business requires a permit application that includes the same information listed in section 14-250 of this article for a permit application and an application fee set by resolution of city council, but not to exceed \$5,000.00. The proposed new location of the marihuana business, in addition to complying with the provisions of section 14-250, must also comply with the provisions of article 4, chapter 42 regarding

zoning. The change of location permit will be submitted and approved or denied in the same manner as an application for a marihuana business permit and a permit for the change of location will be issued in the same manner as for a marihuana business permit application. Applications for a change of location may be made at any time.

- (c) Failure to obtain prior approval of a change or modification of a marihuana business from MRA and the city or to obtain all necessary permits for the change or modification, and, failure to obtain approval of a change of location of a marihuana business are violations of the provisions of this article for which a marihuana business permit may be revoked or suspended pursuant to section 14-257 of this article.

Sec. 14-260. Disclosure of information.

Consistent with MCL 333.27205(4) and MCL 333.27959(7), and to the extent otherwise permitted by law, all information submitted in conjunction with an application for a marihuana business permit, permit renewal required, change or modification, or change of location under this article is exempt from disclosure under the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

Sec. 14-261. Minimum operational standards for all marihuana businesses.

All marihuana businesses shall at a minimum comply with the following operational standards:

- (a) Marihuana businesses shall be open for inspection upon request by the building official, the fire division, or law enforcement officials for determination of compliance with all applicable laws and rules, during the stated hours of operation/use and at such other times as anyone is present on the premises. Inspections may include inspection of the business premises, surveillance records, camera recordings, reports, records or other materials required as a condition of a permit under this article or a state operating license. Acceptance of a marihuana business permit or leasing property to a marihuana business constitutes consent to such inspections and the seizure of any surveillance records, camera recordings, reports record or other materials required as a condition of the permit under this article or a state operating license without a search warrant. The person issued a permit, or an employee or agent of the thereof shall not hinder or obstruct a law enforcement officer or employee of the city from conducting inspections pursuant to this section, and shall not refuse, fail, or neglect to cooperate with a law enforcement officer or city employee in the performance of his or her duties in enforcing this article, the Medical Facilities Act and Adult-use Act, or applicable state administrative rules.
- (b) Marihuana businesses shall conduct the activities of the marihuana business, including, without limitation, processing, displaying, manufacturing, selling, storage of marihuana and marihuana-infused products, and storage of all materials used in connection with the cultivating, growing, processing, displaying, manufacturing, and selling of marihuana and marihuana-infused products indoors in a building and out of public view. Cultivating and growing marihuana may take place outdoors consistent with the Medical Facilities Act, the Adult-use Act or applicable state administrative rules.
- (c) Marihuana businesses shall install a fire alarm and a burglar alarm system. The fire alarm system shall meet the requirements of this code for a newly installed system and be monitored by a listed central station. All burglar alarm systems shall be monitored by a company that is staffed twenty-four hours a day, seven days a week.

- (d) Marihuana businesses shall have a video surveillance system that complies with the applicable administrative rules at a minimum, and that makes, retains, and stores surveillance recordings as provided in those rules.
- (e) Surveillance recordings of marihuana businesses shall be subject to inspection and review by the city upon request. All surveillance recordings shall be kept in a manner that allows the city to view and obtain copies of the recordings immediately upon request.
- (f) Marihuana businesses shall utilize sufficient measures and means to prevent smoke, odor, debris, dust, fluids and other substances from exiting the premises of the business at any time. In the event that any smoke, odor, debris, dust, fluids or other substances exit the marihuana business in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the marihuana business and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, items and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this code.
- (g) Marihuana businesses shall install and maintain in operable condition a system to preclude marihuana odors from emanating from the premises of the marihuana business in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property as determined by the objective standards of a reasonable person of normal sensitivity.
- (h) Access to the marihuana business is restricted to the permittee, employees of the permittee, registered qualifying patients and registered primary caregivers with valid registry cards, if applicable, adults 21 years of age or older, if applicable, MRA through its investigators, agents, auditors or the state police, and, local law and code enforcement officers.
- (i) All marihuana businesses must be at a fixed location. Mobile marihuana businesses and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products by marihuana businesses as otherwise expressly authorized by the Medical Facilities Act or Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by those Acts or the rules corresponding to those Acts.
- (j) All marihuana businesses shall comply with all provisions of this code, state law and administrative rules regulating signs and advertising.
- (k) The business, operations, marketing and advertising of all marihuana businesses and marihuana product shall comply at all times with applicable state law and regulations, and this code.(l) Marihuana businesses shall comply with the building and fire safety provisions of the rules as are applicable to the particular type of marihuana business at all times.

Sec. 14-262. Conflicts, Future laws and regulations.

In the event of any conflict between the provisions of this article and the provisions of the Medical Facilities Act and rules,Adult-use Act and the rules, the conflicting provisions of this article will be

preempted and the provisions of the Medical Facilities Act and rules, or the Adult-use Act and rules will control. Should the State of Michigan in the future adopt additional or stricter laws or regulations governing the production, processing, transporting, testing, sale and distribution of marihuana, the additional or stricter laws and regulations shall control the establishment or operation of any marihuana business in the city, as well as the issuance, denial, suspension, or revocation of any permit under this article.

Sec. 14-263. Penalty and remedies.

- (a) Any violation of this article is a civil infraction subject to a fine of not more than \$500.00.
- (b) In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of the provisions of this code, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
- (c) In addition to the penalties in this section, any violation of this article, the Medical Facilities Act and rules or Adult-use Act and rules may result in the denial of a permit, or the revocation, suspension, or non-renewal of a permit issued under this article.
- (d) Nothing in this article shall prevent the city from pursuing any other remedy provided by law and equity, including an injunction, in conjunction with or in lieu of prosecuting persons under this section for violation of this article.

Sec. 14-264. Severability.

The various parts, sections and clauses of this article are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the article shall not be affected.

Sec. 14-265. Repealer.

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provisions of this article are repealed to the extent of such conflict, and the provisions of this article shall be and remain controlling as to the matters regulated herein.

Sec. 14-266. Effect tie-barred.

This amendment to Chapter 14 "Businesses", Article 12, "Marihuana Businesses" shall only take effect if Chapter 42 section 42-262(B)(16), section 42-280(B)(21), section 42-280(B)(22), section 42-281(B)(7), and section 42-821(B)(8) regarding zones where marihuana businesses are allowed are amended.

Dated: _____, 2020

Patricia M. Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the ____ day of _____, 2020.

Erica Eklov, City Clerk

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

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Chapter 42, Land Development Regulations, of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2020, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2020, at 7:00 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Chapter 42, Land Development Regulations, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 4, Zoning, shall be amended as follows:

ARTICLE 4. Zoning, Subdivision 6, Business Districts shall be amended to add subsection 16 to Section 42-262B, B-3 general business district as follows:

Sec. 42-262. - B-3 general business district.

B. Principal permitted uses: In a B-3 general business district, 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:

16. The following marihuana businesses: Medical marihuana provisioning center as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act) and marihuana retailer as defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).
 - a. A medical marihuana~~The~~ provisioning center or marihuana retailer shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, charter vocational or secondary school or a public or private college, junior college or university, a public library, child day care center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution or housing facility owned by a public housing authority; and
 - iii. Except as provided in section 42-262(B)(16)(g). ~~Within within~~ 1,000 feet of any other medical marihuana provisioning center or marihuana retailer located within the city.

- b. Determination of whether a proposed [medical marihuana](#) provisioning center ~~or marihuana retailer~~ will be located consistent with the provisions of subsection a. above will be made as follows:
 - i. Whether a proposed medical marihuana provisioning center ~~or marihuana retailer~~ will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana provisioning center ~~or marihuana retailer~~ as those lines existed on December 31, 2017 as shown on the ~~assessment rolls for records of~~ the City of Portage in existence on that date.
 - ii. Measurements for purposes of subsections [42-262 \(B\)-\(16\)-\(a\)-\(ii\)](#) and [\(iii\)](#), above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana provisioning center ~~or marihuana retailer~~ to the nearest point of the zoning lot occupied by any of the uses listed in subsection [42-262 \(B\)-\(16\)-\(a\)-\(ii\)](#), or to the nearest point of the zoning lot occupied by another [medical marihuana](#) provisioning center ~~or marihuana retailer~~ using an uninterrupted straight line without regard to intervening structures or objects, and using the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the ~~assessment rolls for records of~~ the city in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures for the distribution, and sale of ~~medical~~-marihuana and ~~medical~~-marihuana infused products ~~by a medical marihuana provisioning center or marihuana retailer~~ shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana ~~facilities provisioning centers and marihuana retailers~~ shall not be located within greenhouses and similar buildings.
- d. ~~No drive-through facilities are permitted for provisioning center facilities. All medical marihuana provisioning centers and marihuana retailers must be at a fixed location. Mobile medical marihuana provisioning centers and marihuana retailers, and drive through operations for medical marihuana provisioning centers and marihuana retailers are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale by a medical marihuana provisioning center or marihuana retailer is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law.~~
- e. No marihuana or marihuana- infused products may be used or consumed on the premises of a [medical marihuana](#) provisioning center ~~or marihuana retailer~~.
- f. The activities and operations of ~~the a~~ [medical marihuana](#) provisioning center ~~or marihuana retailer~~ shall be indoors within a building and out of public view.
- g. ~~No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana facility shall be allowed in a multi-tenant building. A medical marihuana provisioning center and a marihuana retailer may be located in a B-3 zone at the same location consistent with the Adult-use Act and rules. The medical marihuana provisioning center or marihuana retailer located at the same location shall be partitioned from each other.~~

have a separate entrance, and have a separate HVAC system for the portion of the building occupied by each marihuana business. If a medical marihuana ~~facility~~ provisioning center or marihuana retailer is located in a multi-tenant building with any other activity or business, the medical marihuana provisioning center or marihuana retailer shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana ~~facility~~ provisioning center or marihuana retailer.

- h. The business and operations of all ~~marihuana facilities~~ medical marihuana provisioning centers and marihuana retailers shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- i. This amendment to chapter 42 ~~to add~~ section 42-262-(B)-(16) ~~to of~~ article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14 is amended to is amended to allow marihuana establishments in the city pursuant to the Adult-use Act, add article 12, "Medical Marihuana Facilities."

ARTICLE 4. Zoning, Subdivision 7, Industrial Districts, shall be amended to add subsections 21 and 22 to Section 42-280B, I-1 Light Industrial District, as follows:

Sec. 42-280. - I-1 Light Industrial District.

- B. Principal permitted uses: In an I-1 light industrial district, 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:
 - 21. The following marihuana businesses: Medical marihuana class A, B, and C grower facilities, stacked class C grow facilities, and medical marihuana processor facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana class A, B, and C grow establishments, marihuana processor establishments, and marihuana microbusinesses, as those establishments are defined by the Michigan Regulation and Taxation of marihuana Act MCL 333.27951 et seq. (Adult-use Act). A medical marihuana provisioning center and marihuana retailer may also be permitted in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof as provided in section 42-280 (B)(21)(g).
 - a. All marihuana businesses permitted by this section ~~The grower or processing facility~~ shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
 - iii. Except as provided in section 42-280(B)(21)(g), Within within 1,000 feet of any other ~~medical marihuana grower or processor facility~~ business permitted by this section located within the city or section 42-281(7).

- b. Determination of whether a proposed ~~grower or processor facility marihuana business permitted by this section~~ will be located consistent with the provisions of subsection a. above will be made as follows:
- i. Whether a proposed ~~grower or processor facility marihuana business permitted by this section~~ will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the ~~medical marihuana grower or processor facility marihuana business~~ as those lines existed on December 31, 2017 as shown on the ~~assessment rolls~~records for the city in existence on that date.
 - ii. Measurements for purposes of subsections ~~42-280 (B)-(21)-(a)-(ii)~~ and (iii). above shall be made from the boundary of the zoning lot to be occupied by ~~the a medical marihuana grower or processor facility marihuana business permitted by this section~~ to the nearest point of the zoning lot occupied by any of the uses listed in ~~43-280 (B)-(21)-(a)-(ii)~~, or to the nearest point of the zoning lot occupied by another ~~grower or processor marihuana business permitted by this section or section 42-281(7)~~ using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the ~~assessment rolls for records of~~ the city in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures for the growing, production, ~~or~~ processing, distribution or sale of ~~medical~~ marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
- d. All marihuana businesses permitted by this section must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law. No drive-through facilities are permitted for medical marihuana facilities.
- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a ~~medical~~ marihuana ~~facility~~business permitted by this section.
- f. ~~Medical marihuana grow and processor facilities~~Marihuana businesses permitted by this section shall conduct the activities of the marihuana ~~facility~~business, including, without limitation, the cultivating, growing, processing, manufacturing, ~~or~~ storage or sale and distribution of marihuana and marihuana-infused products, ~~and~~ all materials used in connection with the cultivating, growing, ~~and~~ processing, and distribution of marihuana ~~and marihuana infused products~~, indoors and out of public view, except medical marihuana grow facilities and marihuana grow establishments may grow or cultivate marihuana outdoors consistent with the Medical Facilities Act and rules or the Adult-use Act and rules.
- g. Medical marihuana grow facilities, marihuana grow establishments, medical marihuana processor facilities, marihuana processor establishments medical provisioning centers, and marihuana retailers may be located as separate

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businesses at the same location in any combination, except that a medical marihuana provisioning center and marihuana retailer are only allowed in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof. Each marihuana business that is located in the same location shall be partitioned from any other marihuana business in that location, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business. No more than one marihuana microbusiness medical marihuana facility shall be allowed on a single zoning lot or at the same location as another marihuana business permitted by this section, (a stacked license as defined in section 14-246 of this Code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility business permitted by this section shall be allowed in a multi-tenant building with any other activity or business. If a medical marihuana facility business permitted by this section is located in a multi-tenant building with any other activity or business, the medical marihuana facility business shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana business facility.

- h. The business and operations of all marihuana facilities-businesses permitted by this section shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- i. This amendment to add section 42-280 ~~(B)-(21) to of~~ chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14, is amended to add article 12, is amended to allow marihuana establishments under the Adult-use Act, "Medical Marihuana Facilities."

22. The following marihuana businesses: Medical marihuana secure transporter and medical marihuana safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana secure transporter and marihuana safety compliance establishments as those establishments are defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).

- a. The facility site ~~A medical marihuana or marihuana secure transporter or safety compliance facility~~ shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
- b. Determination of whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be located consistent with the provisions of subsection a. above will be made as follows:
 - i. Whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be

- occupied by the medical marihuana or marihuana secure transporter or safety compliance facility as those lines existed on December 31, 2017 as shown on the assessment rolls for records of the city in existence on that date.
- ii. Measurements for purposes of subsections 42-280 (B)-(22)-(a)-(ii) above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in 42-280 (B)-(22)-(a)-(ii) using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the assessment rolls for records of the City of Portage in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures in connection with the transport and storage of ~~medical~~ marihuana and ~~medical~~ marihuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
 - d. All medical marihuana and marihuana secure transporters and safety compliance facilities must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law. No drive-through facilities are permitted for medical marihuana facilities.
 - e. No marihuana or marihuana- infused products may be used or consumed on the premises of a medical marihuana or marihuana secure transporter or safety compliance facility.
 - f. No more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed in a multi-tenant building. If a medical marihuana ~~facility or marihuana secure transporter or safety compliance facility~~ is located in a multi-tenant building with any other activity or business, the medical marihuana ~~facility or marihuana secure transporter or safety compliance facility~~ shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana ~~facility or marihuana secure transporter or safety compliance facility~~.
 - g. The business and operations of all medical marihuana and marihuana secure transporter and safety compliance facilities shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
 - h. This amendment to ~~add~~ section 42-280-~~(B)-(22)~~ to ~~of~~ chapter 42, article 4, division 4, zoning districts and district regulations, shall only take effect if chapter 14 ~~is amended to add~~ article 12, is amended to allow marihuana establishments under the Adult-use Act. "Medical Marihuana Facilities."

ARTICLE 4. Zoning, Subdivision 7, Industrial Districts, shall be amended to add subsections 7 and 8 to Section 42-281B, I-2 Heavy Industrial District, as follows:

Sec. 42-281. - I-2 Heavy Industrial District.

B. Principal permitted uses: In an I-2 heavy industrial district, 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:

7. The following marihuana businesses: Medical marihuana class A, B, and C growers facilities, medical marihuana stacked class C grow facilities, and medical marihuana processors facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana class A, B, and C grow establishments, marihuana processor establishments, and marihuana microbusinesses, as those establishments are defined by the Michigan Regulation and Taxation of marihuana Act MCL 333.27951 et seq. (Adult-use Act). A medical marihuana provisioning center and marihuana retailer may also be permitted in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof as provided in section 42-281 (B)(7)(g).

a. The facility All marihuana businesses permitted by this section shall not be located:

- i. Adjacent to or abutting a residential zoning district; and
- ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and
- iii. Except as provided in section 42-281(B)(7)(g), Within within 1,000 feet of any other medical marihuana or marihuana grower or processor facility business permitted by this section or section 42-281(21) located within the city.

b. Determination of whether a proposed medical marihuana or marihuana grower or processor facility business permitted by this section will be located consistent with the provisions of subsection a. above will be made as follows:

- i. Whether a proposed medical marihuana or marihuana grower or processor facility business permitted by this section will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana or marihuana grower or processor facility business as those lines existed on December 31, 2017 as shown on the assessment rolls for records of the city in existence on that date.
- ii. Measurements for purposes of subsections 42-281-(B)-(7)-(a)-(ii) and (iii)- above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana or marihuana grower or processor facility business permitted by this section to the nearest point of the zoning lot occupied by any of the uses listed in 42-281 (B)-(7)-(a)-(ii), or to the nearest point of the zoning lot occupied by another medical marihuana or marihuana grower or processor business permitted by this section or section 42-280(22) using an uninterrupted straight

line without regard to intervening structures or objects, and the boundaries of the zoning lots as they existed on December 31, 2017 as shown on the [assessment rolls for records of](#) the city in existence on that date.

- iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
- c. Buildings or structures for the growing, production, ~~or processing, distribution or sale of medical~~ marihuana shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
- d. All marihuana businesses permitted by this section must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law. No drive-through facilities are permitted for medical marihuana facilities.
- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a ~~medical marihuana facility~~ business permitted by this section.
- f. ~~Medical marihuana grow and processing facilities. Marihuana businesses permitted by this section~~ shall conduct the activities of the ~~facility~~ business, including, without limitation, the cultivating, growing, processing, manufacturing, ~~or storage, sale or distribution~~ of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing, ~~and processing and sale or distribution~~ of marihuana ~~and marihuana infused products,~~ indoors and out of public view, ~~except medical marihuana grow facilities and marihuana grow establishments may grow or cultivate marihuana outdoors consistent with the Medical Facilities Act and rules or the Adult-use Act and rules.~~
- g. Medical marihuana grow facilities, marihuana grow establishments, medical marihuana processor facilities, marihuana processor establishments, medical provisioning centers, and marihuana retailers may be located as separate businesses at the same location in any combination, except that a medical marihuana provisioning center and marihuana retailer are only permitted in this district if combined with a medical marihuana grow facility, marihuana grow establishment, medical marihuana processor facility, marihuana processor establishment, or a combination thereof. Each marihuana business that is located in the same location shall be partitioned from any other marihuana business in that location, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business. No more than one medical marihuana microbusiness facility shall be allowed on a single zoning lot or at the same location as another marihuana business allowed by this section. (a stacked license as defined in section 14-246 of this Code shall not be considered a separate facility for the purposes of this section), and no more than one ~~medical marihuana facility~~ business permitted by this section shall be allowed in a multi-tenant building with any other activity or business. If a ~~medical marihuana facility~~ business permitted by this section is located in a multi-tenant building with any other activity or business, the ~~medical marihuana facility~~ business shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC

system for the portion of the building occupied by the ~~medical~~-marihuana ~~facility~~business.

- h. The business and operations of all medical marihuana ~~facilities~~businesses permitted by this section shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- i. This amendment to ~~add~~ section 42-281-(B)-(7) ~~to of~~ chapter 42, article 4, division 4, zoning districts and district regulations, shall only take effect if chapter 14 ~~is amended to add~~ article 12; is amended to allow marihuana establishments under the Adult-use Act, "Medical Marihuana Facilities."

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- 8. The following marihuana businesses: Medical marihuana secure transporter and safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana secure transporter and marihuana safety compliance establishments as those establishments are defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).
 - a. A medical marihuana or marihuana secure transporter or safety compliance facility~~The facility site~~ shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, vocational, charter, or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority;
 - b. Determination of whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be located consistent with the provisions of subsection a. above will be made as follows:
 - i. Whether a proposed medical marihuana or marihuana secure transporter or safety compliance facility will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility as those lines existed on December 31, 2017 as shown on the ~~assessment rolls for records of~~ the city in existence on that date.
 - ii. Measurements for purposes of subsections ~~42-281 (B)-(8)-(a)-(ii)~~ above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana or marihuana secure transporter or safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in ~~42-281 (B)-(8)-(a)-(ii)~~ using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines for those zoning lots as they existed on December 31, 2017 as shown on the ~~assessment rolls for records of~~ the city in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

- c. Buildings or structures in connection with the transport and storage of ~~medical~~ marihuana and ~~medical~~ marihuana-infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. ~~Medical marihuana facilities shall not be located within greenhouses and similar buildings.~~
- d. All medical marihuana or marihuana secured transporters or safety compliance facilities must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marihuana products as may be permitted by law.~~No drive-through facilities are permitted for medical marihuana facilities.~~
- e. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical marihuana secure transporter or safety compliance facility.
- f. No more than one medical marihuana ~~facility or marihuana secure transporter or safety compliance facility~~ shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana or marihuana secure transporter or safety compliance facility shall be allowed in a multi-tenant building. If a medical marihuana or marihuana secure transporter or safety compliance facility is located in a multi-tenant building with any other activity or business, the medical marihuana or marihuana secure transporter or safety compliance facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana ~~facility or marihuana secure transporter or safety compliance facility.~~
- g. The business and operations of all medical marihuana and marihuana secure transporter and safety compliance facilities shall comply at all times with applicable state law and regulations, and this Code of Ordinances.
- h. This amendment to ~~add~~ section 42-281-(B)-(8) ~~to of~~ chapter 42, article 4, division 4, zoning districts and district regulations, shall only take effect if chapter 14 ~~is amended to add~~ article 12, is amended to allow marihuana establishments under the Adult-use Act. "Medical Marihuana Facilities."

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

Dated: _____, 2020

Erica Eklov, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 E. Centre Ave.

Portage, MI 49002

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Minutes of Boards & Commissions

PLANNING COMMISSION

March 19, 2020

The City of Portage Planning Commission meeting of March 19, 2020 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five citizens were in attendance.

PLEDGE OF ALLEGIANCE

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

IN ATTENDANCE

Christopher Forth, Interim Director of Community Development; Michael Carroll, Deputy City Manager and Charlie Bear, Assistant City Attorney (participating remotely via phone).

ROLL CALL

Mr. Forth called the roll: Meyer (yes); Baldwin (yes); Fries (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Patterson (yes); Pezzoli (yes – participating remotely via phone); and Harrell-Page (yes – participating remotely via phone).

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the March 5, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Fries, seconded by Commissioner Patterson, to approve the minutes as submitted. Upon a roll call vote, the motion was unanimously approved 9-0.

SITE/FINAL PLANS

None.

PUBLIC HEARING

1. Special Land Use Permit: Group Child Care Home (Edwards), 10145 Shuman Avenue. Mr. Forth summarized the staff report dated March 13, 2020 regarding a special land use permit application submitted by Christine Edwards to establish a group child care home for up to 12 children at her residence located at 10145 Shuman Avenue. Mr. Forth discussed the various requirements for a group child care home including distance separations from other similar uses, parking and discretionary screening of the outdoor play area. Mr. Forth indicated an outdoor play area is proposed within the rear yard of the property which is enclosed by a 6-foot wood privacy fence along the south side and a 4-foot chain link fence along the north, east and west sides. Mr. Forth indicated the Zoning Code allows the Planning Commission to consider a condition that would require installation of up to a 6-foot tall screening fence around the outdoor play area "...in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety". Mr. Forth then referred the Commission to a March 17, 2020 communication from Ryan and Monica Johnson (2810 Brahms Drive) contained in the final agenda packet requesting installation of a 6-foot tall screening fence around the entire rear yard outdoor play area. Mr. Forth indicated the application fulfills the requirements for issuance of a special land use permit and was recommended for approval subject to the Planning Commission consideration of a condition for installation of a 6-foot tall screening fence around the outdoor play area.

Christine Edwards (applicant) was present to support the application and explain the proposal to establish a group child care home at her residence. Ms. Edwards indicated there is an existing 6-foot high screening fence along the south property line adjacent to the Johnson's and didn't believe it necessary to install a 6-foot high

screening fence around the entire rear yard area, which would be extremely expensive. The Commission and Ms. Edwards next discussed various aspects of the proposed group child care home including hours of operation, parking, number of children (including her own), height of the existing chain link fence and installation of a screening fence around the rear yard of the property.

The public hearing was then opened by Chairman Corradini. Barry Klies, 2788 Brahms Avenue, expressed concern about the number of people, noise, additional traffic and vehicle speed through the neighborhood. Monica Johnson, 2810 Brahms Avenue, recommended the Planning Commission require the entire rear yard be fenced with the six-foot fence. Ms. Johnson also expressed concern about traffic, speed of vehicles and safety of children with a bus stop located nearby. Commissioner Joshi asked Ms. Johnson if she notices traffic at 4:30 a.m. Ms. Johnson indicated no. No additional citizens spoke regarding the special land use permit application. A motion was then made by Commissioner Fries, seconded by Commissioner Baldwin, to close the public hearing. Upon a roll call vote, the motion was unanimously approved 9-0.

Commissioner Joshi indicated a group daycare home does affect the quality of life of surrounding residents and indicated the property is small. Commissioner Patterson stated installation of a 6-foot privacy fence has been the standard practice of the Commission and therefore, supports it as a condition of approval. Commissioner Fries, Meyer and Baldwin concurred with Commissioner Patterson. Commissioner Fries also noted the daycare facility could also serve other residents in the neighborhood. Commissioner Harrell-Page recommended not placing two fences side-by-side along the south property line. Commissioner Fries recommended a survey be completed. There being no further discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Fries, to approve the Special Land Use Permit for Ms. Christine Edwards (group child care home), 10145 Shuman Avenue, subject to installation of a 6-foot tall solid, opaque screening fence along the north and east sides of the rear yard of the site. Mr. Forth suggested a timeframe when the fence must be installed. After discussing the time frame, Commissioner Pezzoli suggested the motion be amended to require the fence be installed 90 days after the State of Michigan issues the license to operate the group daycare home. Commissioner Joshi and Commissioner Fries accepted the amendment. Upon a roll call vote, the motion was unanimously approved 9-0.

NEW BUSINESS

1. Ordinance Amendment #19/20-A, Adult Use Marihuana – Introduction. Mr. Forth referred the Commission to a draft version of an adult-use marihuana ordinance that has been prepared by the city administration and included with the final agenda materials. Mr. Forth provided a brief history regarding the evolution of medical marihuana in the State of Michigan and Portage. The proposed amendments would not change spacing requirements nor distances from specified land uses currently referenced in the medical marihuana zoning ordinances. As a result, adult-use marihuana facilities will only be allowed where medical marihuana facilities are currently permitted. Mr. Forth indicated the ordinance amendments were being introduced at tonight's meeting and a public hearing would be scheduled for the April 16th Planning Commission meeting for additional discussion and a formal consideration. Commissioners did not have any preliminary questions or comments regarding the proposed amendments.

OLD BUSINESS:

1. FY 2020-2030 Capital Improvement Program. Mr. Forth referred the Commission to the finalized draft version of the FY2020-2030 Capital Improvement Program (CIP) document that was provided to the Commission with the final agenda materials, along with the communication from the City Manager. Mr. Forth stated the document has not changed since the Commission began review of the preliminary CIP document back on February 20th. Mr. Forth asked the Commission if they had any additional questions and, if not, a formal recommendation to City Council was requested. Commissioner Fries asked if the funding level will remain as proposed or will it change due to ongoing issues affecting people on local and global levels. Mike Carroll, Deputy City Manager, indicated city staff is reviewing revenue projections due to a state revenue tax decrease and the

share the city receives from that state tax. Although the city is anticipating a reduction, CIP projects should not be impacted as a result of a contingency fund.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Fries, to recommend to City Council that the FY 2020-2030 Capital Improvement Program be approved. Upon a roll call vote, the motion was unanimously approved 9-0.

STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Pezzoli thanked staff and the other Commissioners for the opportunity to participate in the meeting from a remote location. Commissioner Fries concurred. Commissioners Corradini and Joshi indicated they will be in attendance on April 2, 2020. Mr. Forth noted there may not be an April 2, 2020 meeting but will confirm with Commissioners early next week.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Christopher Forth, AICP
Interim Director of Community Development

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MATERIALS TRANSMITTED

Friday, April 10, 2020

1. Communication from Bill Furry, Finance Director, regarding the March 2020 Monthly Financial Report, **Agenda Item A.9** – Information Only



Joseph S. La Margo, City Manager

cc Adam Herringa, Deputy City Manager
Michael Carroll, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager

SUBJECT: Monthly Financial Report

SUPPORTING PERSONNEL: William 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. March 2020 Financial Report

04/07/2020

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 03/31/2020

		2019-20	2019-20	2019-20	75%
		ORIGINAL	AMENDED	ACTIVITY	Percent of
FUND	DESCRIPTION	BUDGET	BUDGET		Amended
					Collected/Used
REVENUES					
	Totals for dept 0000 -	24,360,004	24,560,650	22,011,423	90%
	Totals for dept 1720 - City Manager	500	500	0	0%
	Totals for dept 2053 - Finance Treasury	1,000	1,000	980	98%
	Totals for dept 2110 - Technology Services	0	0	0	0%
	Totals for dept 2133 - Public Information	0	0	0	0%
	Totals for dept 2415 - City Clerk	64,550	64,550	46,886	73%
	Totals for dept 2491 - City Clerk Elections	23,000	23,000	21,245	92%
	Totals for dept 2865 - Parks Maintenance	1,500	1,500	2,131	142%
	Totals for dept 2876 - Cemeteries	59,400	59,400	29,986	50%
	Totals for dept 2877 - Parks & Rec - Parks	65,500	65,500	39,115	60%
	Totals for dept 2878 - Parks & Rec - Kalamazoo In Bloom	0	0	0	0%
	Totals for dept 2882 - Parks & Rec - Team Sports	140,540	144,236	33,114	23%
	Totals for dept 2885 - Parks & Rec - Programs	19,000	13,000	10,412	80%
	Totals for dept 2886 - Parks & Rec - Ramona Park	54,450	54,450	39,903	73%
	Totals for dept 2887 - Parks & Rec - Special Events	12,000	12,000	25,413	212%
	Totals for dept 2888 - Parks & Rec - Millenium Park	45,000	45,000	31,258	69%
	Totals for dept 3005 - Police Administration	155,000	155,000	148,309	96%
	Totals for dept 3010 - Police Patrol	1,000	5,000	8,650	173%
	Totals for dept 3021 - Police Training-Grant Funded	9,000	9,000	4,920	55%
	Totals for dept 3030 - Police Public Safety Dispatch/ts	19,209	19,209	27,259	142%
	Totals for dept 3050 - Police Drug Law Enforcement	1,000	1,000	0	0%
	Totals for dept 3065 - Police Facility Management	70,000	70,000	52,500	0%
	Totals for dept 3310 - Fire Admin	160	160	0	0%
	Totals for dept 3340 - Fire Prevention	900	900	595	66%
	Totals for dept 3710 - Comm Dev Building Services	750,000	750,000	615,264	82%
	Totals for dept 3720 - Comm Dev Planning & Development	55,000	55,000	54,210	99%
	Totals for dept 3730 - Comm Dev Neighborhood Services	177,500	177,500	200,354	113%
	Totals for dept 6720 - Senior Center	158,700	175,107	72,953	42%
	Totals for dept 6721 - Senior Center Trips	375,000	375,000	262,557	70%
	Totals for dept 6722 - Senior Center Activities	15,000	15,000	0	0%
	Totals for dept 6725 - Aging Mastery Program	1,200	1,200	270	23%
TOTAL REVENUES - GENERAL FUND		26,635,113	26,853,862	23,739,707	88%

04/07/2020

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 03/31/2020

Calculations as of 03/31/2020		2019-20	2019-20	2019-20	75%
FUND	DESCRIPTION	ORIGINAL BUDGET	AMENDED BUDGET	ACTIVITY	Percent of Amended Collected/Used
EXPENDITURES					
	Totals for dept 1001-City Council	88,000	88,000	61,750	70%
	Totals for dept 1085-City Council-Human Services	169,740	169,740	95,835	56%
	Totals for dept 1720-City Manager	654,587	842,991	525,630	62%
	Totals for dept 2001-Finance Accounting	449,430	451,732	289,166	64%
	Totals for dept 2002-Finance & Budget	301,790	301,790	193,273	64%
	Totals for dept 2053-Finance Treasury	140,391	162,391	101,378	62%
	Totals for dept 2110-MIS	852,278	846,783	657,723	78%
	Totals for dept 2133-MIS Public Information	57,563	66,505	56,510	85%
	Totals for dept 2209-Assessor	445,695	445,695	297,044	67%
	Totals for dept 2247-Assessor Board Of Review	35,174	35,174	15,431	44%
	Totals for dept 2310-Attorney	226,728	226,728	169,290	75%
	Totals for dept 2415-City Clerk	167,958	167,958	103,134	61%
	Totals for dept 2416-City Clerk Records Management	67,256	67,256	59,666	89%
	Totals for dept 2491-City Clerk Elections	233,631	240,781	135,965	56%
	Totals for dept 2610-Human Resources	473,940	473,940	305,914	65%
	Totals for dept 2733-Purchasing	85,594	85,594	55,715	65%
	Totals for dept 2734-Purchasing Risk Management	25,958	25,958	18,191	70%
	Totals for dept 2865-Parks Maintenance	1,332,081	1,332,081	710,941	53%
	Totals for dept 2876-Cemeteries	66,855	66,855	33,749	50%
	Totals for dept 2877-Parks & Rec - Parks	649,905	649,905	440,444	68%
	Totals for dept 2878-Parks & Rec - Kalamazoo In Bloom	15,000	15,000	15,000	100%
	Totals for dept 2880-Parks & Rec Rec - Admin	204,852	204,852	130,010	63%
	Totals for dept 2882-Parks & Rec Rec - Team Sports	70,650	74,346	29,683	40%
	Totals for dept 2885-Parks & Rec - Programs	53,670	34,150	14,496	42%
	Totals for dept 2886-Parks & Rec Rec - Ramona Park	132,532	132,532	54,558	41%
	Totals for dept 2887-Parks & Rec Rec - Special Events	111,379	111,379	69,534	62%
	Totals for dept 2888-Parks & Rec - Ice Rink	88,603	88,603	47,850	54%
	Totals for dept 3005-Police Administration	1,228,159	1,228,159	830,834	68%
	Totals for dept 3006-Police Youth Services	517,905	517,905	339,260	66%
	Totals for dept 3007-Police Investigation	708,861	714,356	479,864	67%
	Totals for dept 3010-Police Patrol	5,692,511	5,718,142	3,948,942	69%
	Totals for dept 3020-Police Training	266,790	266,790	147,103	55%
	Totals for dept 3021-Police Training-Grant Funded	9,000	9,000	9,000	100%
	Totals for dept 3030-Police Public Safety Dispatch/ts	69,619	74,419	36,307	49%
	Totals for dept 3031-Police Emergency Sirens	23,676	23,676	498	2%

04/07/2020

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 03/31/2020

		2019-20	2019-20	2019-20	75%
		ORIGINAL	AMENDED	ACTIVITY	Percent of
FUND	DESCRIPTION	BUDGET	BUDGET		Amended Collected/Used
	Totals for dept 3040-Police Records & PST	640,074	640,074	427,222	67%
	Totals for dept 3050-Police Drug Law Enforcement	248,286	248,286	161,733	65%
	Totals for dept 3065-Police Facility Management	196,420	221,579	131,784	59%
	Totals for dept 3090-Police KCCDA support	756,793	756,793	756,793	100%
	Totals for dept 3310-Fire Admin	713,282	713,282	463,268	65%
	Totals for dept 3320-Fire Operations	4,209,123	4,209,123	2,634,191	63%
	Totals for dept 3330-Fire On Call Firefighters	83,527	83,527	45,849	55%
	Totals for dept 3331-Fire Emergency Operations	4,900	4,900	1,300	27%
	Totals for dept 3340-Fire Prevention	139,291	139,291	91,587	66%
	Totals for dept 3350-Fire Training	191,552	191,552	109,269	57%
	Totals for dept 3365-Fire Facility Management	238,050	238,050	58,807	25%
	Totals for dept 3710-Comm Dev Building Services	591,069	591,069	402,165	68%
	Totals for dept 3720-Comm Dev Planning & Development	326,307	326,307	216,136	66%
	Totals for dept 3730-Comm Dev Neighborhood Services	238,145	238,145	151,771	64%
	Totals for dept 3765-Comm Dev Building Maintenance	257,817	257,817	133,189	52%
	Totals for dept 4210-General Public Services	510,650	657,650	501,350	76%
	Totals for dept 6050 - Contagious Diseases	0	0	191	-
	Totals for dept 6720-Senior Center	401,901	418,308	251,470	60%
	Totals for dept 6721-Senior Center Trips	387,246	387,246	262,374	68%
	Totals for dept 6725-Aging Mastery Program	1,500	1,500	60	0%
	Totals for dept 6740-Fundraising	0	28,320	17,839	0%
	Totals for dept 9610-Transfers Out	781,419	1,962,761	1,862,468	95%
TOTAL EXPENDITURES - GENERAL FUND		26,635,113	28,276,746	19,160,504	68%
202	Major Street Fund - Revenues	4,412,852	4,412,852	2,719,000	62%
	Major Street Fund - Expenditures	4,390,769	4,825,722	3,547,908	74%
203	Local Streets Fund - Revenues	1,661,784	1,661,784	1,088,823	66%
	Local Streets Fund - Expenditures	1,649,992	2,147,717	1,175,681	55%
204	Municipal Streets Fund - Revenues	1,563,000	1,563,000	1,507,313	96%
	Municipal Streets Fund - Expenditures	1,563,000	1,563,000	1,552,810	99%
223	Curbside Recycling - Revenues	698,885	698,885	674,796	97%
	Curbside Recycling - Expenditures	698,312	698,312	399,065	57%
226	Leaf Pickup/Spring Cleanup - Revenues	803,400	803,400	774,152	96%
	Leaf Pickup/Spring Cleanup - Expenditures	833,692	833,692	394,997	47%

04/07/2020

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 03/31/2020

					75%
FUND	DESCRIPTION	2019-20 ORIGINAL BUDGET	2019-20 AMENDED BUDGET	2019-20 ACTIVITY	Percent of Amended Collected/Used
230	CDBG Program Income Fund - Revenues	125,000	125,000	84,520	68%
	CDBG Program Income Fund - Expenditures	125,000	125,000	45,992	37%
252	West Lake Weed Mgmt - Revenues	32,500	32,500	350	1%
	West Lake Weed Mgmt - Expenditures	32,120	32,120	6,500	20%
296	Community Development Block Grant - Rev	229,105	373,110	37,200	10%
	Community Development Block Grant - Exp	229,105	373,110	155,960	42%
298	Cable Television Fund - Revenues	784,522	784,522	390,164	50%
	Cable Television Fund - Expenditures	989,038	1,019,038	308,919	30%
400	Capital Improvement General - Revenues*	19,365,418	27,388,174	9,439,131	34%
	Capital Improvement General - Expenditures*	19,365,418	36,692,508	17,899,076	49%
490	Capital Improvement Sewer - Revenues*	900,000	4,905,000	800,000	16%
	Capital Improvement Sewer - Expenditures*	900,000	3,648,608	1,974,379	54%
491	Capital Improvement Water - Revenues*	2,350,000	8,586,974	800,000	9%
	Capital Improvement Water - Expenditures*	2,350,000	7,209,385	1,843,584	26%
590	Sewer Fund - Revenues	8,936,142	8,936,142	7,326,017	82%
	Sewer Fund - Expenditures	8,903,057	9,014,145	5,955,356	66%
591	Water Fund - Revenues	6,557,387	6,557,387	5,740,914	88%
	Water Fund - Expenditures	6,498,171	6,567,583	5,441,820	83%
TOTAL REVENUES - ALL FUNDS **		75,055,108	93,682,592	55,122,087	59%
TOTAL EXPENDITURE - ALL FUNDS **		75,162,787	103,026,686	59,862,551	58%

* 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: Joseph La Margo, City Manager



SUBJECT: 2020 Utility Rate Financial Study

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Adopt the 2020 sewer and water rate resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees and charges outlined in the 2020 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee, with rates to be effective July 1, 2020.

The City Council Water/Sewer (Utility) Rate Study Committee, comprised of Councilmembers Burns, Ford and Knapp, and citizens Randy Orwig and Ted W. Vliek, Sr., has completed a review of the 2020 Utility Rate Financial Study as prepared by the City Administration. The 2020 Utility Rate Financial Study focused on ensuring the financial health and stability of the utility system. Following a thorough review and analysis of the 2020 Utility Rate Financial Study, the Utility Rate Study Committee voted (5 to 0) to recommend to City Council the water and sewer rates and charges as proposed.

For Fiscal Year 2020 - 2021, the sewer commodity rate is recommended to remain at \$4.60 per thousand gallons of metered water. The water commodity rate is recommended to remain at \$3.14 per thousand gallons of metered water. Basic quarterly charges for both sewer and water use, which are calculated to provide funding for certain fixed costs for the utility systems, are recommended to remain as noted in the 2020 Utility Rate Financial Study.

Items less significant in dollar amount, but still important to the continuing financial health of the utility systems, were also reviewed by the Utility Rate Study Committee. Charges and fees reviewed in the context of the 2020 Utility Rate Financial Study include water connection charges, meter charges, meter box charges, hydrant meter charges and water processing fees. All current charges are recommended as noted in the study. If approved, the proposed rate changes would be adopted and become effective July 1, 2020.

It is recommended that City Council adopt the 2020 sewer and water rate resolutions establishing sewer and water utility rates, sewer and water franchise area fees and other fees and charges as set forth in the

2020 Utility Rate Financial Study and recommended by the City Administration and City Council Water and Sewer Rate Study Committee, with rates to be effective July 1, 2020.

FUNDING: N/A

Attachments:

1. 2020 Utility Rate Financial Study
2. Sewer Rate Resolution 2020
3. Water Rate Resolution 2020



2020 Utility Rate Financial Study

2020 UTILITY RATE FINANCIAL STUDY

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2020
UTILITY RATE FINANCIAL STUDY

SECTION I - UTILITY RATES

INTRODUCTION

The City Administration has reviewed the utility rate structure for the purpose of considering necessary adjustments to utility rates, while addressing long-term needs of the city utility system. During the development of the 2020 Utility Rate Financial Study, a review of the previous study and the present rate structure was conducted.

As part of the ongoing effort to control costs and maintain the lowest possible utility rates for water and sewer customers, the City Administration reviewed the overall utility operation in light of the privatization of the operation and maintenance functions of the utility initiated in March 1997. Privatization has been extremely effective in cutting overall utility costs while still providing a high level of service to customers. The city's contractor performs all routine operation and maintenance activities for the water utility, including operation of the pumping and overhead storage facilities; meter installation, repair and reading; water service repair and maintenance; water main repair; fire hydrant flushing and repair; MISS DIG staking and other miscellaneous activities. Routine operation and maintenance activities performed for the sewer utility include cleaning and inspection of sanitary sewers; cleaning of storm sewer piping and manholes; daily inspection, maintenance and repair of sanitary sewage pumping facilities; repair and cleaning of sanitary sewer manholes; street sweeping and other miscellaneous activities. On November 1, 2016 the City Council awarded a 5-year contract extension to Suez Environmental Services, Incorporated to end March 2022.

The proposed Fiscal Year 2020-2021 utility rates are in large part based on the recommendations of the comprehensive rate analysis performed by Utility Financial Solutions, LLC (UFS) in 2011. On November 16, 2010, City Council awarded a contract to UFS to review past and current financial reports of the water and wastewater utilities, along with detailed accounting of the utilities finances. The purpose of the UFS analysis was to determine the actual cost to provide water and wastewater services to the utility customers. The cost of service analysis showed that the 2010 rate structure was insufficient to ensure the receipt of revenues necessary to recover the fixed costs of the utility. To address this concern, in Fiscal Year 2011–2012 utility rates began the trend of shifting revenue collection to basic quarterly charges based on meter size, while keeping the commodity rate increases in line with the normal inflationary costs to provide the water and wastewater service. This trend is continued in the 2020 Utility Rate Study.

Background

The Governmental Accounting Standards Board (GASB) requires that Sewer and Water Funds be enterprise funds and be operated in a manner similar to private business, with costs recovered primarily through user charges.

In 1986, the first Water and Sanitary Sewer Rate Committee reviewed the financial status of the Sanitary Sewer and Water Funds. The Water and Sanitary Sewer Rate Committee has met every year since to review the rates and make recommendations to the City Council. Prior to 1986, utility rates were reviewed and adjusted on an as needed basis, which lead to unpredictable rates and charges.

In 2008, the city received a letter from the State of Michigan requiring a financial plan to rectify a water fund deficit. The city has followed the plan submitted to the State of Michigan and the water fund deficit has been eliminated. Water and sanitary sewer rate increases required to eliminate the deficit, meet the conditions in the financial plan submitted to the State of Michigan and reach a positive working capital balance for the utility funds as a whole were substantial. Over the past several years the utility funds have been able to pay cash for capital improvement projects and pay off all callable debt. The funds are now in a suitable position that additional rate increases are not required. Rate adjustments since 2007 are as follows:

<u>Fiscal Year</u>	<u>Combined Water & Sewer % Rate Change (Typical Residential Customer)</u>
2007	14.89
2008	13.68
2009	12.22
2010	15.03
2011	10.85
2012	4.85
2013	2.73
2014	1.40
2015	0.94
2016	0.75
2017	0.62
2018	-3.91
2019	-3.56

Rate adjustments typically result from inflationary pressure, material changes in programs and operations, and other factors which cannot be controlled by the city, such as charges from the City of Kalamazoo for sewage treatment and Consumers Energy for gas and electricity.

CURRENT STATUS

A fundamental principle of utility fund financing is that user rates should be sufficient to fund the entire cost of utility system operations. This principle is accepted by all authoritative sources (Government Finance Officers Association, American Water Works Association, etc.) and is based on the enterprise fund status. Enterprise funds operate as a private business and all businesses must generate sufficient revenues to cover costs in order to be viable.

Utility System Rate Structure

For provision of sanitary sewer and water service, a two-part rate structure is in effect. For sanitary sewer and water customers, the rate consists of a fixed portion, referred to as the "basic quarterly charge" and a unit rate, referred to as the "commodity" rate.

For water and sewer activities of the utility, the basic quarterly charge is designed to cover the fixed costs of providing service. These costs, which are generally stable throughout the year despite the

amount of water produced or sewage transported, include: Personnel salaries and fringes, the Suez operation and maintenance contract, office supplies, mailing expenses, telephone charges, environmental testing, water quality testing, printing and publishing and equipment repair and maintenance. The fixed costs are applied to the meter size using a formula which recognizes the capacity of the meter size and the impact on the water and sanitary sewer systems.

Commodity rates are designed to cover more variable costs, including sewage treatment costs, public utilities, sewer lead repair, equipment rental costs, equipment replacements, retention basin testing and administrative costs. Commodity rates are based on a dollar amount per thousand gallons of water metered for both water and sewer billings, with sewer billings capped for residences as described below. All classes of customers are billed quarterly with a quarterly of the annual basic rate applied in addition to the commodity charge.

Sanitary Sewer System

The City of Portage sanitary sewer system consists of 238 miles of sewer main and 56 sewage lift stations. The sanitary sewer system has a capacity of 10.8 million gallons per day, with an average daily flow of 4.4 million gallons. Future expansion projects are prioritized to address the areas with greatest potential for groundwater contamination. Citizen petitions are also given high priority. Priorities are reviewed annually by the City Administration to ensure consistency with Council goals and environmental concerns. Current and projected resources of the Sanitary Sewer Fund appear adequate to accommodate increased expansion of the sanitary sewer system. The recommended ten-year 2020-2030 Capital Improvement Program (CIP) includes \$10.185 million in sanitary sewer system improvements and expansions. The proposed improvements would be funded through various financing methods. The projects are considered important in order to pursue placement of sanitary sewer throughout the city and to continue with the mandatory sewer hookup program emphasis. In addition to extension of sanitary sewer mains, operational improvements over the next ten years include:

- Installation of sewer leads where not included in original construction.
- Installation of mains in existing developed plats.
- Renovation of sanitary sewer lift stations and force mains

The proposed sanitary sewer rate structure was developed taking into account the capital expenditures necessary to meet these needs through various financing means.

Sanitary Sewer Billing Cap

Sewer bills are calculated based upon water usage with the assumption that water used within a residence is generally discharged to the sanitary sewer system as wastewater. A cap on sewer billing to residential customers limits the sewer bill to 125% of the customer's winter quarter water usage. The 125% cap was established based upon an analysis of residential accounts with separate water meters for irrigation. This analysis was undertaken to determine the quarterly water usage pattern of the "typical residential customer." Results of the analysis indicated that average summer water usage discharged to the sanitary sewer system, for a single-family residence, is approximately 125% of the winter water consumption when external irrigation is excluded. Winter usage is defined as that quarter in which January occurs. The sanitary sewer billing cap ensures that residential customers are

billed for flow to the sanitary sewer and not for outdoor water use.

Water System

The city water system consists of 20 production wells, one 750,000 gallon elevated storage tank, one 1,500,000 gallon elevated storage tank and 255 miles of water main. In 2006, the Environmental Protection Agency lowered the allowable arsenic levels in public drinking water to 10 micrograms per liter. As a result, two wells were abandoned, one well was decommissioned and the Garden Lane Water Treatment Plant was constructed to eliminate high arsenic levels in the water. The water system currently has a capacity of 26.35 million gallons per day. The average day production is 4.26 million gallons. Fishbeck, Thompson, Carr & Huber, Inc. completed a comprehensive Water Reliability Study for the city in 2019 and updated the Wellhead Protection Program in 2015. These studies, together with current management information and system use data, are the basis for planned future system improvements.

The recommended 2020-2030 CIP includes \$16.975 million in water system improvements. Current and future anticipated demands placed on the system necessitate provision of numerous operational improvements over the next ten years, including:

- Installation of transmission mains in currently unserved areas and for needed conveyance of large volumes of water throughout the service area.
- Installation of service lines in developed plats.
- Improvement of the stormwater collection and recharge system.
- Additional treatment facility with iron removal capabilities.
- Renovation of water storage facilities.

The proposed water rate structure was developed taking in consideration of the capital expenditures necessary to meet the above noted needs through various types of financing.

On February 11, 2014, Portage City Council approved reinstatement of a 10% discount on water use charges for eligible senior citizens. Redistribution of the 10% discount to senior citizen customers to the remaining water customers was also taken into account in the development of the water rate structure. The subsidy for the Senior Citizen Discount in Calendar Year 2019 was \$68,004.22.

Utility Customer Growth

The utility customer base has grown to 15,953 sanitary sewer customers and 15,299 water customers as of January 1, 2020. An increase in the number of customers has a general impact of stabilizing system-wide operation costs as cost of service can be spread over a larger number of users. Although the total number of water and sewer customers continues to increase, the rate of increase in utility customers has slowed in recent years. The utility system is a mature system with 96.7 % of developed properties served by municipal sewer and 87.5% served by municipal water. In the future, new customer growth will be most directly related to new development occurring in the city.

FINANCIAL REVIEW

Using current information on the status of the utility systems as background, the 2020 Utility Rate Financial Study was conducted to determine appropriate cost recovery rate levels. These rates provide for operation of the utility systems, funding of utility-related capital improvement needs and repayment of Limited Tax General Obligation (LTGO), city share debt and Utility Revenue bond debt related to infrastructure extensions and replacements.

The Comprehensive Annual Financial Reports for prior fiscal years provide the primary source for review of the past financial condition of the Utility Funds. Additional sources include the Municipal Budget for Fiscal Year 2019-2020, the 2019-2029 CIP, the recommended 2020-2030 CIP and prior utility rate studies. The financial condition of the Utility Funds as of June 30, 2019 is healthier than previous expectations.

As of June 30, 2019, the Sewer Fund had a working capital balance of \$14,369,516, which was 187% of operating expenses, or 171% of operating expenses plus debt service, and the Water Fund had a working capital balance of \$6,671,859, which was 182% of operating expenses, or 121% of operating expenses plus debt service. These balances have been generated through conservative budgeting and forecasting methods as well as substantial rate increases over the last decade.

Typical Residential Customer

The typical residential customer in Portage purchases 19,000 gallons of water and is billed for 15,000 gallons of sewage flow per quarter. The typical residential customer has been defined based upon an analysis of all residential accounts and represents the baseline used for comparison since single-family residences represent about 90% of utility accounts. The table below demonstrates the typical average residential customer quarterly usage of water and billing of sewage flow.

TYPICAL RESIDENTIAL CUSTOMER

	Metered Water (x1000 gallons)	Billed Sewer (x1000 gallons)
Winter usage (quarter including January)	14	14
Spring usage	14	14
Summer usage	33	18
<u>Autumn usage</u>	<u>14</u>	<u>14</u>
Annual Total	75	60

The differential between the metered water and the billed sewer is a result of the 125% sewer cap. The cap impacts the summer sewage billing quarter by limiting it to 125% of the winter metered water.

RATE RECOMMENDATIONS

Tables 1, 2 & 3 summarize Sanitary Sewer Fund and Water Fund statements of estimated revenue and expenses for the fiscal years ending June 30, 2020 through 2025. Projected commodity rates, sales in millions of gallons and an analysis of capital/debt needs and funding are also presented. Factors that impact these projections include the cost of living increase, the number of utility customers, revised arsenic level standards promulgated by the USEPA, reduced flow from sewer customers and the sewage treatment costs by the City of Kalamazoo in the case of the Sewer Fund. Table 4 analyzes the recommendations as applied to the "typical residential customer." The following recommendations are presented regarding 2020 Utility Rates.

Sanitary Sewer Fund

It is recommended that the sewer commodity rate remain at \$4.60 per thousand gallons. The rate will: 1) provide for treatment charges billed by the City of Kalamazoo, 2) continue funding operations, capital improvement needs, repayment of outstanding sewer-related Limited Tax General Obligation (LTGO) bonds and Utility Revenue bonds and 3) provide for future LTGO and revenue bond debt. Privatization of the utility operation has resulted in a significant savings in the sewer fund over the last eighteen years, in spite of a lower billable flow growth compared to previous years.

It is recommended that the current sewer basic quarterly charges remain in effect as shown below:

SANITARY SEWER BASIC QUARTERLY CHARGE CITY OF PORTAGE CUSTOMERS

<u>Meter Size</u>	<u>Current Quarterly Charge</u>	<u>Proposed Quarterly Charge</u>
5/8"	\$ 26.91	\$ 26.91
3/4"	\$ 40.37	\$ 40.37
1"	\$ 60.55	\$ 60.55
1-1/2"	\$ 107.64	\$ 107.64
2"	\$ 161.46	\$ 161.46
3"	\$ 269.10	\$ 269.10
4"	\$ 538.20	\$ 538.20
6"	\$ 941.85	\$ 941.85
8"	\$ 1,345.50	\$ 1,345.50

The basic quarterly charges are designed to cover the fixed costs related to the operation of the sanitary sewer system. The decrease in the Basic Quarterly Charge conforms to the recommendation in the 2011 Comprehensive Rate Analysis by Utility Finance Solutions, LLC. With the continuation of the sanitary sewer bill cap of 125%, the recommended basic quarterly charges and continuing the commodity rate at \$4.60 per thousand gallons will result in no change for the typical residential sanitary sewer customer.

In previous utility rate studies, emphasis has been placed on stabilizing retained earnings in the Sanitary Sewer Fund at a level of \$1,500,000 as recommended by the city's financial advisor. An adequate cash balance must be maintained for operation of the utility and to make debt service

payments. Basic Quarterly Charges are recommended to ensure sufficient resources are available within the Sanitary Sewer Fund to meet obligations to avoid the need for subsidy by non-utility related funds.

For Fiscal Year 2019-2020 the estimated working capital (i.e. cash) at the end of the year is \$15,401,216. Based on the recommended basic quarterly charges and commodity rate for Fiscal Year 2020-2021, an acceptable level of working capital balance can be maintained through Fiscal Year 2024-2025.

The recommended rate for Fiscal Year 2020-2021 is the same rate forecast in the 2019 Utility Financial Rate Study. As shown in Table 1 (Utility Fund Statements of Revenues and Expenses – Sanitary Sewer Fund) no rate changes are recommended in subsequent years.

Sanitary Sewer Rate - Schoolcraft Township

The service agreement with Schoolcraft Township establishes the rate charged to customers in Schoolcraft Township. The basic quarterly charge is the same as charged to the City of Portage customers. There is a 5% surcharge on the commodity rate and a \$0.35 charge per thousand gallons for capital costs. It is recommended that the sanitary sewer commodity rate to Schoolcraft Township customers be continued at \$5.18 per thousand gallons.

Water Fund

Water Service Charges

It is recommended that the water commodity rate remain at \$3.14 per thousand gallons. The basic quarterly costs are designed to cover fixed costs related to the operation of the water system. It is recommended that the current water basic quarterly charges remain in effect as shown below:

WATER BASIC QUARTERLY CHARGE CITY OF PORTAGE CUSTOMERS

<u>Meter Size</u>	<u>Current Quarterly Charge</u>	<u>Proposed Quarterly Charge</u>
5/8"	\$ 20.59	\$ 20.59
3/4"	\$ 30.89	\$ 30.89
1"	\$ 46.33	\$ 46.33
1-1/2"	\$ 82.36	\$ 82.36
2"	\$ 123.54	\$ 123.54
3"	\$ 205.90	\$ 205.90
4"	\$ 411.80	\$ 411.80
6"	\$ 720.65	\$ 720.65
8"	\$ 1,029.50	\$ 1,029.50

This decrease conforms to the recommendation in the 2011 Comprehensive Utility Rate Study by Utility Financial Solutions, LLC. The proposed rate will result in no change in the monthly expense for the typical residential water customers.

Private Fire Protection Service Charges.

Dedicated fire protection service is defined as a separate water service line that solely provides fire protection to a property. The Basic Quarterly Charge will ensure that the cost of providing a dedicated fire service that only benefits one property is borne by the benefiting customer and not the utility customers at large. In addition to the Basic Quarterly Charge a \$6.40 per 1,000 gallon charge for all water use recorded on the fire service bypass meter is assessed. It is recommended that the Basic Quarterly Charge for fire protection services remain unchanged as shown in the table below.

Private Fire Protection - Basic Quarterly Charge

<u>Fire Protection Service Size</u>	<u>Current Basic Quarterly Charge</u>	<u>Proposed Basic Quarterly Charge</u>
4 – inch	\$15.00	\$15.00
6 – inch	\$35.00	\$35.00
8 – inch	\$60.00	\$60.00
10 – inch	\$95.00	\$95.00
12 – inch	\$135.00	\$135.00
16 – inch	\$240.00	\$240.00

As shown on Table 2 (Utility Fund Statements of Revenues and Expenses - Water Fund), no rate changes are recommended in subsequent years. The water quarterly basic charges and commodity rate can be decreased and continue to fund operations, meet major capital improvement needs, keep up with inflationary increases in water production costs (pumping, disinfection, etc.), repay outstanding water-related Limited Tax General Obligation (LTGO) bonds and Utility Revenue bonds and provide for future LTGO and revenue bond debt. In future years, costly major water projects such as additional water storage and iron removal facilities will be required as demands on the Portage water system increase. In addition, the Water Fund will finance needed storm drainage improvements throughout the city.

Emphasis has been placed on stabilizing retained earnings in the Water Fund at a level of \$2,500,000 as recommended by the city's financial advisor. An adequate cash balance needs to be maintained for operation of the utility and to make debt service payments. There are sufficient resources available within the Water Fund to meet obligation to avoid the need for subsidy by non-utility related funds with the recommended rate over the coming years. For Fiscal Year 2019-2020, the estimated working capital (i.e. cash) at the end of the year is \$6,269,435. Based on the recommended basic quarterly charges and commodity rate for Fiscal Year 2020-2021 an acceptable level of working capital balance can be maintained through Fiscal Year 2024-2025.

It is important that the city continue to plan for a water main extension under the airport and the rehabilitation of the Haverhill water tower. The water main extension will improve system reliability during peak demand in the city's residential and commercial areas and also improve fire flow in the northeastern portion of the city. The installation of new iron removal facilities at the Shuman well site (currently scheduled in Fiscal Year 2024 through 2026 in the recommended 2020-2030 CIP) to relieve pressure on the Kalamazoo/Portage groundwater aquifer and the Milham well field located north of Portage Northern High School. Exploration in southern Portage, Schoolcraft Township and Pavilion Township was not successful in locating any new suitable well sites with low iron content.

Water Rate — Pavilion Township and Schoolcraft Township

It is recommended that the basic quarterly charges for Pavilion Township and Schoolcraft Township residents be the same as charged to City of Portage customers. It is also recommended that the water commodity rate for Pavilion Township and Schoolcraft Township residents remain at \$3.78 per thousand gallons.

SUMMARY OF RECOMMENDATIONS

The effect of the combined recommendations on the typical City of Portage residential customer is projected through Fiscal Year 2024-2025 in Table 3. The Fiscal Year 2020-2021 combined zero percent rate increase for the typical residential customer is the same as projected for Fiscal Year 2020-2021 in the 2019 Utility Rate Financial Study. For the typical residential customer having both municipal water and sewer service, the proposed rates will result in no cost change. With operations, capital improvements and debt service continuing to be funded, the utility systems have been self-supporting since July 1989. Self-supporting status is essential for these important enterprise funds so that the funds do not become a financial drain on either the General Fund or the Capital Improvement Fund.

SECTION II – UTILITY

FEES AND CHARGES

INTRODUCTION

Although the establishment of appropriate commodity rates and basic quarterly charges for water and sewer service is the primary focus of the annual Utility Rate Financial Study, it is also prudent to give attention to matters which may be less significant in dollar amounts but are still important to the financial health of the utility system, i.e. utility fees and charges.

Background

The establishment of adequate fees and charges for services performed in addition to the delivery of water and sewer service is necessary to fairly and equitably recover costs for services provided. When fees and charges are inadequate, the utility rate payer must bear the cost for services provided to others. Examples include costs for service connections, meters, turn-on fees, etc. In each case, if the charges for these services are inadequate to recover costs, the rate payers subsidize the service provided to some extent.

CURRENT STATUS AND RECOMMENDATIONS

Meter Charges

The current meter installation charges are based on the cost of the meter plus the cost of labor and equipment to install the meter. The current meter and installation costs have been reviewed and it was determined that several water meter charges need to be increased to reflect the current cost of installation. It is recommended that water meter charges be adjusted as shown in the table below.

<u>Meter Size</u>	<u>Current Charges</u>	<u>Actual Cost/Recommended Charges</u>
5/8"	\$225	\$225
3/4"	\$280	\$280
1"	\$345	\$345
1-1/2" SR (Irrigation)	\$815	\$1,050
1-1/2" Compound		\$1,580
2" SR (Irrigation)	\$1,010	\$1,350
2" Compound	\$2,225	\$2,225
3" Compound	\$2,925	\$2,925
4" Compound	\$4,530	\$4,530
6" Compound	\$7,840	\$7,840

Meter Box Charge

A meter box charge is based on the cost of materials to install the meter box. Meter boxes are used when a suitable location for meter installation is not available in the building or property being served. The charge has been reviewed and it was found that the cost has not increased. It is recommended that the meter box charge remain unchanged at \$1250.

Hydrant Meter Charges

The use of meters on fire hydrants is a service provided as a convenience to contractors or individuals who need to obtain large quantities of water in a short period of time. It is recommended that the minimum charge for use of a hydrant meter remain at \$150. The minimum charge for supplying and installing a meter on a fire hydrant includes the use of 15,000 gallons of water. It is also recommended that the commodity charge for use over 15,000 gallons of water remain at \$6.40 per 1,000 gallons. Furthermore, that the deposit required to ensure the return of all hydrant meter hoses and other items remain at \$250. This deposit eliminates the potential problem of collecting for the service provided.

Fire Hydrant Flow Test Charge

Fire hydrant flow tests are often requested by insurance companies and developers to determine the quantity of water available for fire protection at a property. The established charge for providing a flow test ensures that the cost is borne by the benefiting customer and not the utility customers at large. It is recommended that the charge for a hydrant flow test remain at \$135.

Reinstatement Processing Fee

A fee is charged for reinstating water service turned off due to delinquency or at the request of the customer. In the case of delinquency, three notices are sent to the customer with a shut-off date established on the third notice. Once a work order has been issued for water shut-off, the processing fee is automatically added to the customer's bill and payment of the delinquent bill plus the processing fee is required prior to reactivation of service. The current fee is \$50 and is recommended to be continued for Fiscal Year 2020-2021. When payment for the balance due has been made, including the \$50 fee, and a waiver has been completed, water service will be restored the same day up to 4PM; if paid after 4PM, service is restored the next business day. No fee is charged for a water turn-off and subsequent restoration of water service when requested by the customer or contractor due to an emergency, or scheduled maintenance activity. For home inspections, when service is requested to be turned on and off the same or next business day, the processing fee and charges for usage of less than 3,000 gallons are waived. For water service turn-on after normal working hours, the current processing fee of \$100 is recommended to be continued for Fiscal Year 2020-2021. The \$100 processing charge reflects the added hourly cost for the service technician associated with the provision of water service turn-on after normal working hours.

Other Charges and Policies

1. **Flat Rate:** Non-metered sewer customers are billed based on a water usage of 15,000 gallons per quarter (flat rate). It is recommended that this policy be continued.
2. **Irrigation Allowance:** Single family residences, residential condominiums and all other individually metered residential units may be given a discount for irrigation as follows:
 - a. Charges for such customers are based on actual water consumption, except that there is no sewage charge for water consumption exceeding 125% of the water consumption for the most recent quarter billing in which the month of January is included;
 - b. Residential customers who do not have a quarter billing in which the month of January is included or who have a zero (0) water usage for the quarter which includes the month of January have the sewer charge for the other three quarters established at the maximum rate volume of 15,000 gallons or actual usage, if less, per quarter until such time as quarter billing information, in which the month of January is included, is available. It is recommended that the irrigation allowance be continued.
3. **Senior Citizen Water Allowance:** City of Portage water customers 65 years of age and older who submit an application and provide proof of age are eligible for a 10% discount on water use charges for their primary residence account.
4. **Non-Sufficient Funds (NSF) Check Fee:** It is recommended to maintain the current fee of \$30 per occurrence to reflect current administrative cost for any returned/unpaid check or other failed financial instrument which results in uncollected funds.
5. **Outstanding Charges Limit:** The amount of past due/outstanding charges necessitating water shut-off is recommended to be maintained at \$60.
6. **Utility Late Fee Waivers:** It is recommended that the utility billing late fee be waived if the customer:
 - a. has paid all of the last 8 or more utility bills on time and the customer requests that the late fee be waived/removed or;
 - b. signs up for automatic payment where the amount due is taken from their bank account on the due date.

SUMMARY OF RECOMMENDATIONS

Summarizing recommendations for Fiscal Year 2020-2021 utility fees and charges, it is advised that:

1. Charges for meters be adjusted to reflect the current cost of installation.
3. Charges for installation of meter box remain the same.
4. The current charge of a \$250 deposit for the installation of a hydrant meter remains the same and the current minimum charge including the use of up to 15,000 gallons of water remains at \$150. Further, the current commodity charge of \$6.40 per thousand gallons for all water used over 15,000 gallons remains the same.
5. The \$50 processing fee associated with turn-on or shut-off of a water service is continued, except the initial turn-on for first-time customers will be at no charge. When the city dispatches a person to turn on water during non-business hours, the processing fee of \$100 will be continued.
6. The flat rate based on a consumption of 15,000 gallons per quarter for non-metered sewer customers continues in effect.
7. The sewer billing cap for residential customers having a zero water meter reading in the quarter that contains January remains at 15,000 gallons.
8. The current charge of \$30 per occurrence will be assessed for any returned/unpaid check or other failed financial instrument which results in uncollected funds.
9. The utility billing late fee will be waived:
 - a. if the customer has paid all of the last 8 or more utility bills on time and the customer requests that the late fee be waived/removed or;
 - b. if the customer signs up for automatic payment.
10. A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.
11. An amount past due of more than \$60 remain as the shut-off level amount.

Utility Fund Statement of Revenues and Expenses

SEWER FUND							Table 1
2020/2021 RATES							
	2018-19 Audited	2019-20 Estimated	2020-21 Budgeted	2021-22 Projected	2022-23 Projected	2023-24 Projected	2024-25 Projected
SALES (million gallons)	1,196	1,208	1,208	1,208	1,208	1,208	1,208
RATE (per 1000 gallons)	\$4.60	\$4.60	\$4.60	\$4.60	\$4.60	\$4.60	\$4.60
BASE CHARGE (per quarter)	\$30.58	\$26.91	\$26.91	\$26.91	\$26.91	\$26.91	\$26.91
User charges	8,766,331	8,566,133	8,496,000	8,496,000	8,497,000	8,498,000	8,498,000
Tap in fees and other revenue	1,023,545	921,191	470,000	517,000	594,550	683,733	786,292
TOTAL OPERATING REVENUE	9,789,876	9,487,324	8,966,000	9,013,000	9,091,550	9,181,733	9,284,292
Operations and maintenance	2,645,258	2,303,950	2,962,285	3,007,000	3,052,000	3,098,000	3,144,000
Sewer treatment charges	2,862,365	3,250,000	3,500,000	3,553,000	3,606,000	3,660,000	3,715,000
General and administrative	1,256,946	1,844,706	1,305,479	1,325,000	1,345,000	1,365,000	1,385,000
Depreciation	933,792	955,000	978,325	998,650	1,010,388	1,027,075	1,039,525
TOTAL OPERATING EXPENSE	7,698,361	8,353,656	8,746,089	8,883,650	9,013,388	9,150,075	9,283,525
OPERATING GAIN (LOSS)	2,091,515	1,133,668	219,911	129,350	78,163	31,658	767
Interest income	335,125	338,500	250,000	252,500	255,000	257,600	260,200
Interest on outstanding debt	(96,569)	(84,670)	(72,300)	(60,030)	(47,505)	(36,300)	(26,330)
Capital outlay	0	(140,000)	(144,000)	(148,000)	(152,000)	(156,000)	(160,000)
NET NON-OPERATING REVENUE (EXPENSE)	238,556	113,830	33,700	44,470	55,495	65,300	73,870
NET GAIN (LOSS) BEFORE TRANSFERS	2,330,071	1,247,498	253,611	173,820	133,658	96,958	74,637
TRANSFERS IN (OUT)	(65,000)	(65,000)	(65,000)	(65,000)	(65,000)	(70,000)	(70,000)
CHANGE IN NET POSITION	2,265,071	1,182,498	188,611	108,820	68,658	26,958	4,637
CASH FLOW ANALYSIS							
Beginning Cash Balance	11,208,828	13,349,490	14,144,332	12,672,369	12,859,581	12,446,772	11,987,755
Net Cash from Operating Activities	2,806,119	2,088,668	1,198,236	1,128,000	1,088,550	1,058,733	1,040,292
Net Transfers In & Investing Activities	258,683	338,500	250,000	252,500	255,000	257,600	260,200
Proceeds of Bond Issuance	-	-	-	-	-	-	-
CASH AVAILABLE	14,273,630	15,776,658	15,592,568	14,052,869	14,203,131	13,763,104	13,288,248
Capital Improvement Needs	232,559	1,105,000	2,419,000	713,000	1,282,000	1,386,000	730,000
Principal & Interest on Long Term Debt	691,581	527,326	501,199	480,288	474,359	389,349	329,392
CASH OUTFLOW	924,140	1,632,326	2,920,199	1,193,288	1,756,359	1,775,349	1,059,392
ENDING CASH BALANCE	13,349,490	14,144,332	12,672,369	12,859,581	12,446,772	11,987,755	12,228,856
WORKING CAPITAL	14,369,516	15,225,091	13,640,656	13,842,173	13,397,822	12,903,732	13,163,255
Typical residential % change	-4.02%	-3.69%	0.00%	0.00%	0.00%	0.00%	0.00%

Utility Fund Statement of Revenues and Expenses

WATER FUND							Table 2
2020/2021 RATES							
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	Audited	Estimated	Budgeted	Projected	Projected	Projected	Projected
SALES (million gallons)	1384	1384	1,384	1,384	1384	1384	1384
RATE (per 1000 gallons)	\$3.14	\$3.14	\$3.14	\$3.14	\$3.14	\$3.14	\$3.14
BASE CHARGE (per quarter)	\$23.40	\$20.59	\$20.59	\$20.59	\$20.59	\$20.59	\$20.59
User charges	6,492,672	7,060,783	6,244,000	6,244,000	6,244,000	6,244,000	6,244,000
Tap in fees and other revenue	151,082	372,315	379,761	387,356	391,230	395,142	399,093
TOTAL OPERATING REVENUE	6,643,754	7,433,097	6,623,761	6,631,356	6,635,230	6,639,142	6,643,093
Operations and maintenance	1,558,105	1,736,562	1,767,000	1,797,900	1,829,400	1,861,400	1,894,000
General and administrative	1,258,510	1,344,897	1,368,400	1,392,300	1,416,700	1,441,500	1,466,700
Depreciation	847,835	866,210	894,785	916,360	928,360	938,710	945,560
TOTAL OPERATING EXPENSE	3,664,450	3,947,669	4,030,185	4,106,560	4,174,460	4,241,610	4,306,260
OPERATING GAIN (LOSS)	2,979,304	3,485,428	2,593,576	2,524,796	2,460,770	2,397,532	2,336,833
Interest income	389,194	225,676	230,200	234,800	230,200	234,800	239,500
Interest on outstanding debt	(459,239)	(410,500)	(355,800)	(297,800)	(239,920)	(184,250)	(135,810)
Capital outlay	0	(41,180)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)
NET NON-OPERATING REVENUE (EXPENSE)	(70,045)	(226,004)	(325,600)	(263,000)	(209,720)	(149,450)	(96,310)
NET GAIN (LOSS) BEFORE TRANSFERS	2,909,259	3,259,424	2,267,976	2,261,796	2,251,050	2,248,082	2,240,523
TRANSFERS IN (OUT)	(55,000)	(55,000)	(55,000)	(55,000)	(55,000)	(55,000)	(55,000)
CHANGE IN NET POSITION	2,854,259	3,204,424	2,212,976	2,206,796	2,196,050	2,193,082	2,185,523
CASH FLOW ANALYSIS							
Beginning Cash Balance	7,535,193	7,698,243	7,134,228	4,772,731	4,904,454	4,487,542	5,212,546
Net Cash from Operating Activities	4,298,977	4,125,634	3,162,761	3,178,156	3,179,410	3,186,792	3,186,083
Net Transfers In & Investing Activities	265,007	121,334	193,170	193,170	169,225	185,188	182,528
Proceeds of Bond Issuance	-	-	-	-	-	-	-
CASH AVAILABLE	12,099,177	11,945,211	10,490,159	8,144,058	8,253,088	7,859,523	8,581,157
Capital Improvement Needs	1,870,899	2,405,000	3,420,000	1,005,000	1,505,000	675,000	805,000
Principal & Interest on Long Term Debt	2,530,035	2,405,983	2,297,428	2,234,604	2,260,546	1,971,977	1,663,329
CASH OUTFLOW	4,400,934	4,810,983	5,717,428	3,239,604	3,765,546	2,646,977	2,468,329
ENDING CASH BALANCE	7,698,243	7,134,228	4,772,731	4,904,454	4,487,542	5,212,546	6,112,828
WORKING CAPITAL	6,671,859	6,162,309	4,122,527	4,236,304	3,876,190	4,502,424	5,280,058
Typical residential % change	-3.70%	-3.42%	0.00%	0.00%	0.00%	0.00%	0.00%

Utility Fund Statement of Revenues and Expenses

SEWER AND WATER FUNDS							Table 3
2020/2021 RATES							
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
	Audited	Estimated	Budgeted	Projected	Projected	Projected	Projected
User charges	15,259,003	15,626,916	14,740,000	14,740,000	14,741,000	14,742,000	14,742,000
Tap fees	1,174,627	1,293,505	849,761	904,356	985,780	1,078,874	1,185,386
TOTAL OPERATING REVENUE	16,433,630	16,920,421	15,589,761	15,644,356	15,726,780	15,820,874	15,927,386
Operations and maintenance	4,203,363	4,040,512	4,729,285	4,804,900	4,881,400	4,959,400	5,038,000
Sewer treatment charges	2,862,365	3,250,000	3,500,000	3,553,000	3,606,000	3,660,000	3,715,000
General and administrative	2,515,456	3,189,603	2,673,879	2,717,300	2,761,700	2,806,500	2,851,700
Depreciation	1,781,627	1,821,210	1,873,110	1,915,010	1,938,748	1,965,785	1,985,085
TOTAL OPERATING EXPENSE	11,362,811	12,301,325	12,776,274	12,990,210	13,187,848	13,391,685	13,589,785
OPERATING GAIN (LOSS)	5,070,819	4,619,096	2,813,487	2,654,146	2,538,932	2,429,189	2,337,601
Interest income	724,319	564,176	480,200	487,300	485,200	492,400	499,700
Interest on outstanding debt	(555,808)	(495,170)	(428,100)	(357,830)	(287,425)	(220,550)	(162,140)
Capital outlay	0	(181,180)	(344,000)	(348,000)	(352,000)	(356,000)	(360,000)
NET NON-OPERATING REVENUE (EXPENSE)	168,511	(112,174)	(291,900)	(218,530)	(154,225)	(84,150)	(22,440)
NET GAIN (LOSS) BEFORE TRANSFERS	5,239,330	4,506,922	2,521,587	2,435,616	2,384,707	2,345,039	2,315,161
TRANSFERS IN (OUT)	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	(125,000)	(125,000)
CHANGE IN NET POSITION	5,119,330	4,386,922	2,401,587	2,315,616	2,264,707	2,220,039	2,190,161
CASH FLOW ANALYSIS							
Beginning Cash Balance	18,744,021	21,047,733	21,278,560	17,445,100	17,764,034	16,934,314	17,200,301
Net Cash from Operating Activities	7,105,096	6,214,302	4,360,997	4,306,156	4,267,960	4,245,524	4,226,376
Net Transfers In & Investing Activities	523,690	459,834	443,170	445,670	424,225	442,788	442,728
Bond issue Proceeds	-	-	-	-	-	-	0
CASH AVAILABLE	26,372,807	27,721,869	26,082,727	22,196,926	22,456,219	21,622,627	21,869,404
Capital Improvement Needs	2,103,458	3,510,000	5,839,000	1,718,000	2,787,000	2,061,000	1,535,000
Principal & Interest on Long Term Debt	3,221,616	2,933,309	2,798,627	2,714,892	2,734,905	2,361,326	1,992,721
CASH OUTFLOW	5,325,074	6,443,309	8,637,627	4,432,892	5,521,905	4,422,326	3,527,721
ENDING CASH BALANCE	21,047,733	21,278,560	17,445,100	17,764,034	16,934,314	17,200,301	18,341,683
WORKING CAPITAL	21,041,375	21,387,400	17,763,183	18,078,477	17,274,011	17,406,156	18,443,312
Typical residential % change	0.00%	-3.56%	0.00%	0.00%	0.00%	0.00%	0.00%

Table 4

	Fiscal 2019-2020 Current Rates			Fiscal 2020-2021 Proposed rates		
	Sewer Cap = 125%			Sewer Cap = 125%		
	Sewer (000 Gal.)	Water (000 Gal.)	Total	Sewer (000 Gal.)	Water (000 Gal.)	Total
Winter	14	14		14	14	
Spring	14	14		14	14	
Summer	18	33		18	33	
Fall	14	14		14	14	
Total	60	75		60	75	
Rate per 1000 gallons	\$4.60	\$3.14		\$4.60	\$3.14	
Usage charge	\$276.00	\$235.50	\$511.50	\$276.00	\$235.50	\$511.50
Annual basic rate	107.64	82.36	190.00	107.64	82.36	190.00
Total	\$383.64	\$317.86	\$701.50	\$383.64	\$317.86	\$701.50
% change				0.00%	0.00%	0.00%

Increased cost for the Typical Portage Residential Customer

	<u>for sewer</u>	<u>for water</u>	<u>for both</u>
per year	\$0.00	\$0.00	\$0.00
per quarter	\$0.00	\$0.00	\$0.00
per month	\$0.00	\$0.00	\$0.00
per week	\$0.00	\$0.00	\$0.00
per day	\$0.00	\$0.00	\$0.00

CAPITAL IMPROVEMENT PROJECT SUMMARY

SANITARY SEWER

Project Expenditures (\$000)

Project Number/Title	Fiscal Year										Total
	20-21	21-22	22-23	23-24	24-25	25-26	26-27	27-28	28-29	29-30	
1 Lift Station Renovations	750	750	750	750	750	750	750	750	750	750	7,500
2 South Westnedge Avenue Lift Station Renovation	700										700
3 South Westnedge Avenue Sanitary Sewer Lead Installation	60										60
4 Ramona Park Plat Sanitary Sewer			950								950
5 Weaver Drive Sanitary Sewer, Charles Street to north end			315								315
6 Zylman Avenue Sanitary Sewer, South Sprinkle Road to Deep Point Drive				660							660
TOTALS	1,510	750	2,015	1,410	750	750	750	750	750	750	10,185
Special Assessments	75		40	55							170
Municipal Street Fund			40	55							95
Sewer Fund cash	1435	750	1935	1300	750	750	750	750	750	750	9,920

CAPITAL IMPROVEMENT PROJECT SUMMARY

WATER

Project Expenditures (\$000)

Project Number/Title	Fiscal Year										Total
	20-21	21-22	22-23	23-24	24-25	25-26	26-27	27-28	28-29	29-30	
1 Storm Drainage Improvements Program	100	100	100	100	100	100	100	100	100	100	1,000
2 Hampton Creek Bog Drainage Improvements	1,000										1,000
3 Consolidated Drain Rehabilitation	800										800
4 Ridgefield Rd, Cypress St & Daventry Ave Water Main Replace	700										700
5 East Milham Avenue Water Main Replacement	500										500
6 Cypress Street Water Main, Pfitzer Street to West Milham Ave	165										165
7 SCADA System Upgrade	100										100
8 Northwest Water Storage Facility Rehabilitation		1,200									1,200
9 Meredith Street Water Main Replacement		850									850
10 Shaver Road Water Main Replacement			1,000								1,000
11 Ramona Park Plat Water Main			350								350
12 Portage Road Water Main Extension, Helen Avenue to Byrd Drive				350							350
13 Woodland Elementary School Water Main				115							115
14 Water System Reliability Study Update				55					55		110
15 Shuman Wellfield Iron Removal Facility					650	6,000					6,650
16 Schuring Road Water Main Replacement							525				525
17 Lovers Lane Water Main Abandonment								50			50
18 East Shore Drive Water Main Replacement									310		310
19 Northeast Quadrant Well Field Development										1,200	1,200
TOTALS	3,365	2,150	1,450	620	750	6,100	625	150	465	1,300	16,975
Special Assessments			100								100
Capital Improvement Bonds						5,000					5,000
Water Fund Cash	3,365	2,150	1,350	620	750	1,100	625	150	465	1,300	11,875

CITY OF PORTAGE

RESOLUTION

SEWER RATES

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Council Chambers in the Portage City Hall in said City on the _____ day of _____, 2020 at 7:00 p.m.

PRESENT:

ABSENT:

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____:

WHEREAS, it is necessary for the Council to establish by resolution rates for sewer service in the City of Portage.

NOW, THEREFORE BE IT RESOLVED: That the following rates are hereby established for charges to be paid by users of wastewater service rendered by the wastewater system in the City of Portage, said rates to be in effect commencing with the first billing after June 30, 2020.

A. CUSTOMER CHARGES

The charges to be paid by users of wastewater service rendered by the sewer system shall consist of a basic quarterly charge plus commodity charges as follows:

<u>Meter Size</u>	<u>Basic Quarterly Charge</u>
5/8"	\$ 26.91
3/4"	\$ 40.37
1"	\$ 60.55
1-1/2"	\$ 107.64
2"	\$ 161.46
3"	\$ 269.10
4"	\$ 538.20
6"	\$ 941.85
8"	\$1,345.50

COMMODITY CHARGES

For all metered use, except as may be provided under Township Customer Charges, the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
<u>Per 1000 Gallons</u>
\$4.60

B. MINIMUM FOR NON-METERED (FLAT RATE) CUSTOMERS

The flat rate for non-metered customers shall be established based on water usage of 15,000 gallons per quarter.

	<u>Flat Charge</u>	<u>Basic Charge</u>	<u>Total Charge</u>
Per quarter based on commodity charge for 15,000 gallons	\$69.00	\$26.91	\$95.91

C. IRRIGATION ALLOWANCE

Residential customers shall be given a discount if the customer is eligible for an irrigation discount under City Ordinance as follows: 1) Charges for such customers shall be based on actual water consumption, except that there shall be no sewage charge for the water consumption exceeding 125 percent of the water consumption for the most recent quarter billing in which the month of January is included; 2) Residential customers who do not have a quarterly billing in which the month of January is included or who have a zero (0) water usage for the quarter which includes the month of January, shall have the sewer charge for the other three quarters established at the maximum rate volume of 15,000 gallons or actual usage, if less, per quarter until such time as quarterly billing information, in which the month of January is included, is available.

D. SURCHARGES AND CREDITS

Surcharges for pollutant loadings above standard domestic waste will be charged rates established by ordinance of the City of Kalamazoo. Industries which pretreat may qualify for credits for pollutant loading at a strength below standard domestic strength in accordance with rates established by ordinances of the City of Kalamazoo.

E. ADDITIONAL CHARGES

Additional charges shall be as follows:

- (1) Equal to the actual expense incurred by the City for removing prohibited material discharged or caused or allowed to be discharged by the user and/or for the handling and/or treating of material in the wastewater system; and
- (2) Equal to the actual expense incurred by the City for cleaning or repairing the waste water system or any part thereof as required by a discharge by, or caused or allowed by, a user.

F. TOWNSHIP CUSTOMER CHARGES

The basic quarterly charge for Schoolcraft Township customers shall be the same as charged to city customers, as detailed in Section "A" above. Commodity charges for Schoolcraft Township customers shall be set at \$5.18 per thousand gallons of water used. Other charges and fees to township customers shall be the same as for City of Portage customers.

G. NON-SUFFICIENT FUNDS

A fee of \$30 per occurrence will be charged for any returned/unpaid check or other failed financial instrument which results in uncollected funds.

H. UTILITY BILLING AUTOMATIC PAYMENT PLAN

A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.

I. LATE FEE

The utility billing late fee shall be waived by the Finance Director under the following conditions:

1. (a) The customer has paid all of the last 8 or more quarterly utility bills on time; and
(b) The customer requests that the late fee be waived; or
2. The customer requests participation in the city's automatic payment program and the amount due is taken from their bank account on the due date. However, if the customer discontinues participation in the automatic payment program, no further waivers shall be granted under subsections 1(a) and (b) or this subsection 2.

YEAS:

NAYS:

Erica Eklov, City Clerk

CERTIFICATION

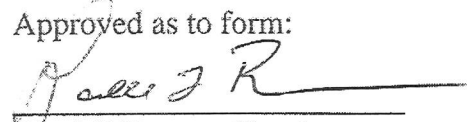
STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of 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 _____, 2020, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature the _____ day of _____, 2020.

Erica Eklov, City Clerk

Approved as to form:



Randall Brown, City Attorney

CITY OF PORTAGE

RESOLUTION

WATER RATES

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Council Chambers in the Portage City Hall in said City on the _____ day of _____, 2020 at 7:00 p.m.

PRESENT:

ABSENT:

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____:

WHEREAS, it is necessary for the Council to establish by resolution rates for water service in the City of Portage.

NOW, THEREFORE BE IT RESOLVED: That the following rates are hereby established for charges to be paid by users of water service rendered by the water system in the City of Portage, said rates to be in effect commencing with the first billing after June 30, 2020.

A. CUSTOMER CHARGES

The charges to be paid by users of water service rendered by the water system shall consist of a basic quarterly charge plus commodity charges as follows:

<u>Meter Size</u>	<u>Basic Quarterly Charge</u>
5/8"	\$ 20.59
3/4"	\$ 30.89
1"	\$ 46.33
1-1/2"	\$ 82.36
2"	\$ 123.54
3"	\$ 205.90
4"	\$ 411.80
6"	\$ 720.65
8"	\$1029.50

COMMODITY CHARGES

For all use, except as may be provided under Hydrant Meter Charges, Fire Protection Service Charges and Township Customer Charges, the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
<u>Per 1000 Gallons</u>
\$3.14

B. TOWNSHIP CUSTOMER CHARGES

The basic quarterly charge for Pavilion Township and Schoolcraft Township customers shall be the same as charged to City customers, as detailed in section "A" above. Commodity charges for Pavilion Township and Schoolcraft Township customers shall be set at \$3.78 per thousand gallons of water used. Other charges and fees to township customers will be the same as for City of Portage customers.

C. FIRE PROTECTION SERVICE CHARGES

The charges to be paid by users of fire protection service rendered by the water system shall consist of a basic quarterly charge as follows:

Service <u>Size</u>	Basic Quarterly <u>Charge</u>
4"	\$ 15.00
6"	\$ 35.00
8"	\$ 60.00
10"	\$ 95.00
12"	\$135.00
16"	\$240.00

For all use metered on Fire Protection Services the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
<u>Per 1000 Gallons</u>
\$6.40

D. METER CHARGES

The charges to be paid for installing meters are as follows:

<u>Meter Size</u>	<u>Meter Charge</u>
5/8"	\$ 225
3/4"	\$ 280
1"	\$ 345
1 ½" SR (Irrigation)	\$ 1,050
1 ½" (Compound)	\$ 1,580
2" SR (Irrigation)	\$ 1,350
2" (Compound)	\$ 2,225
3" (Compound)	\$ 2,925
4" (Compound)	\$ 4,530
6" (Compound)	\$ 7,840

E. METER BOX CHARGE

The charges to be paid for Meter Boxes are as follows:

<u>Service Provided</u>	<u>Meter Box Charge</u>
Meter Box	\$1,250

F. HYDRANT METER CHARGES

The charges to be paid for installation of hydrant meters and use of hydrant water are as follows:

<u>Service Provided</u>	<u>Hydrant Meter Charge</u>
Meter installation	\$150*
Hydrant Use	\$6.40/thousand gallons

*Charge includes 15,000 gallons of water.

Furthermore, a deposit of \$250 will be required before installation of the hydrant meter. The deposit will be applied to the charges and water usage.

H. HYDRANT FLOW TEST

A charge of \$135 per occurrence will be charged for a fire hydrant flow test to determine the quantity of water available for fire fighting use.

I. PROCESSING FEE

The charge to be paid by users having water service turned on is as follows:

<u>Service Provided</u>	<u>Processing Fee</u>
Turning on water service	\$50 (except for first time customers and customer repairs)
	\$100 (turn on after normal working hours)

This fee also applies to services that are turned off for delinquency and is applied once a city work order has been issued.

J. NON-SUFFICIENT FUNDS

A fee of \$30 per occurrence will be charged for any returned/unpaid check or other failed financial instrument which results in uncollected funds.

K. UTILITY BILLING AUTOMATIC PAYMENT PLAN

A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.

L. WATER SHUT OFF DUE TO NON-PAYMENT

An amount past due of more than \$60.00 is established as the water shut-off level amount.

M. LATE FEE

The utility billing late fee shall be waived by the Finance Director under the following conditions:

1. (a) The customer has paid all of the last 8 or more quarterly utility bills on time; and

(b) The customer requests that the late fee be waived; or
2. The customer requests participation in the city's automatic payment program and the amount due is taken from their bank account on the due date. However, if the customer discontinues participation in the automatic payment program, no further waivers shall be granted under subsections 1(a) and (b) or this subsection 2.

YEAS:

NAYS:

Erica Eklov, City Clerk

CERTIFICATION

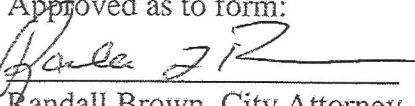
STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of 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 _____ 2020, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature the _____ day of _____, 2020.

Erica Eklov, City Clerk

Approved as to form:



Randall Brown, City Attorney

WaterRateResolution2020

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Final Condominium Subdivision for Pennridge Trail No. 1

SUPPORTING PERSONNEL: Chris Forth, Acting Director of Community Development

ACTION RECOMMENDED: Approve the Final Condominium Subdivision for Pennridge Trail No. 1, 1800 West Osterhout Avenue, subject to the following conditions: a) West Osterhout improvements and storm sewer improvements and paving by August 2020 and b) completion of sidewalks and street trees by November 2021.

On June 25, 2019, City Council granted Final Preliminary Condominium approval (engineering plans) for the Pennridge Trail #1 subdivision allowing the developer, Westfield Capital, LLC, to proceed with construction. The developer has completed all required public improvements with the exception of final street paving, construction of the West Osterhout Avenue improvements (e.g., widening and left-turn lane), connection of the public storm water system to the private storm water basin, and installation of concrete sidewalks and street trees. Completion of these public improvements by the developer with the exception of sidewalk and street trees is anticipated by August 2020. Receiving final condominium approval before completion of all public improvements will allow the developer to record the Master Deed and Homeowner Association Bylaws, and begin selling condominium sites and building houses.

Storm water related piping and structures within the public streets will be owned and maintained by the city, while the treatment cell and infiltration basin situated along the northeast portion of the property will be owned and maintained by the condominium association. Appropriate easements and an indemnification agreement have been provided to the city.

In conformance with Section 42-921 of the Land Development Regulations, and to ensure completion of all incomplete public improvements, the developer has deposited a surety bond with the city in the amount of 125% of the total construction costs. The amount of the surety bond has been reviewed by the City Administration and determined to be acceptable. Should the developer not complete the remaining public improvements, the developer can request the City Council to grant an extension of time or the surety will be used to complete the construction.

It is recommended that City Council grant Final Condominium Subdivision approval for Pennridge Trail #1, 1800 West Osterhout Avenue, with the following conditions: a) West Osterhout improvements

and storm sewer improvements and paving by August 2020 and b) completion of sidewalks and street trees by November 2021.

FUNDING: Not applicable

Attachments: 1. Final Condominium Drawings

ATTENTION COUNTY REGISTER OF DEEDS:
THE CONDOMINIUM SUBDIVISION PLAN NUMBER MUST BE ASSIGNED
IN CONSECUTIVE SEQUENCE. WHEN A NUMBER HAS BEEN ASSIGNED
TO THIS PROJECT, IT MUST BE PROPERLY SHOWN IN THE TITLE ON
THIS SHEET AND IN THE SURVEYOR'S CERTIFICATE ON SHEET 2.

KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN No. _____

EXHIBIT "B" TO THE MASTER DEED OF

Pennridge Trail

CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

SHEET INDEX

- 1. COVER SHEET
- 2. SURVEY PLAN
- 3. SITE PLAN
- 4. UTILITY / EASEMENT PLAN
- 4A UTILITY / EASEMENT PLAN

DEVELOPER:

WESTVIEW CAPITAL, LLC
A MICHIGAN LIMITED LIABILITY COMPANY
2186 EAST CENTRE STREET
PORTAGE, MICHIGAN 49002

SURVEYOR:

INGERSOLL, WATSON & McMACHEN, INC.
RANDY B. LIGMAN
PROFESSIONAL SURVEYOR No. 28413
1209 EAST MILHAM ROAD, SUITE B
PORTAGE, MICHIGAN 49002

DESCRIPTION:

A parcel of land situated in the Northeast quarter of Section 32, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan being more particularly described as follows:

Commencing at the East quarter corner of Section 32, Town 3 South, Range 11 West; thence S 90°00'00" W 165.00 feet along the South line of the Northeast quarter of said Section to the Place of Beginning; thence continuing S 90°00'00" W 200.00 feet along said South; thence N 00°01'23" W 265.11 feet parallel with the East line of said Northeast quarter; thence S 89°58'37" W 125.00 feet perpendicular with said East line of the Northeast quarter; thence N 00°01'23" W 405.00 feet parallel with said East line of the Northeast quarter; thence N 09°44'22" E 64.62 feet; thence N 63°32'50" W 97.00 feet; thence N 49°20'56" W 60.00 feet; thence Northeasterly 14.87 feet along the arc of a non-tangent curve to the right having a radius of 260.00 feet, a central angle of 03°16'37" and a chord of N 42°33'52" E 14.87 feet; thence N 44°12'10" E 165.49 feet; thence S 50°31'09" E 60.20 feet; thence N 44°12'10" E 60.81 feet; thence Northeasterly 70.60 feet along the arc of a curve to the left having a radius of 360.00 feet, a central angle of 11°14'08" and a chord of N 38°35'06" E 70.48 feet; thence S 57°01'58" E 224.19 feet to the West line of the East 165 feet of said Northeast quarter; thence S 00°01'23" E 884.04 feet along said West line of the East 165 feet of the Northeast quarter to the Place of Beginning, containing 6.57 acres of land. The South 50.0 feet being subject Highway Easement.

PRELIMINARY

RECEIVED

JAN 06 2020

COMMUNITY DEVELOPMENT



COVER SHEET

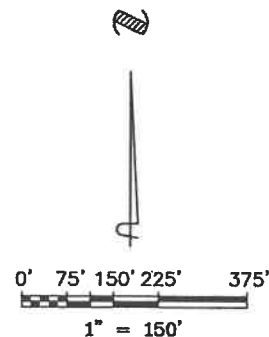
Ingersoll, Watson & McMachen, Inc.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 800-344-6185

DATE
1/01/2020

JOB No.
36676

SHEET No.
1



• INDICATES CONCRETE MONUMENT

NORTH ¼ CORNER
SECTION 32, T3S, R11W
BOOK 2, PAGE 1227

NORTH LINE, NE ¼,
SEC. 32, T3S., R.11W.

UNPLATTED
N 89°46'14" W 822.39'

NORTHEAST CORNER
SECTION 32, T3S, R11W
BOOK 2, PAGE 778

EXISTING RAILROAD TRACKS

WETLAND

NOTE:
DELINEATION OF WETLAND AREA PER ALLAN HASCALL
PH.D ENVIRONMENTAL SCIENCE AND PLANNING AND
FIELD SURVEYED BY THIS OFFICE

FUTURE EXPANSION AREA
40.81 Acres

NOTE:
1) THE DIMENSIONS SHOWN ARE IN DECIMAL FEET.
2) THE BEARINGS SHOWN HEREON WERE ESTABLISHED
BASED ON "LEWIE'S PLAT" SUBDIVISION RECORDED
IN LIBER 21 OF PLATS ON PAGE 04 KALAMAZOO
COUNTY RECORDS.
3) THE ELEVATIONS SHOWN ARE BASED ON USGS
DATUM.
4) EASEMENTS ARE SHOWN ON SHEETS 3 AND 4.



VICINITY SKETCH
NO SCALE

SURVEYOR'S CERTIFICATE:
I, RANDY B. LIGMAN, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN
HEREBY CERTIFY:

THAT THE SUBDIVISION PLAN KNOWN AS KALAMAZOO COUNTY CONDOMINIUM
SUBDIVISION PLAN No. _____, AS SHOWN ON THE ACCOMPANYING DRAWINGS,
REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT
ALL OBSERVABLE ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN
DESCRIBED ARE SHOWN.

THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED
IN THE GROUND OR WILL BE PLACED BY 1/01/2021 AS REQUIRED BY
RULES PROMULGATED UNDER SECTION 142 OF ACT No.59 OF THE PUBLIC
ACTS OF 1978.

THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY
THE RULES PROMULGATED UNDER SECTION 142 OF ACT No.59 OF THE
PUBLIC ACTS OF 1978.

THAT THE BEARINGS AS SHOWN, ARE NOTED ON THE SURVEY PLAN AS
REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT No.59
OF THE PUBLIC ACTS OF 1978.

DATE OF SURVEY

RANDY B. LIGMAN
PROFESSIONAL SURVEYOR No. 28413
INGERSOLL, WATSON & McMACHEN, INC.
1209 EAST MILHAM ROAD - SUITE B
PORTAGE, MI. 49002

PRELIMINARY

Pennridge Trail

City of Portage, Michigan

SURVEY PLAN

Ingersoll, Watson & McMachen, Inc.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1209 East Milham Road • Suite B • Portage, Michigan 49002 • Area 200-944-0105

DATE	1/01/2020
JOB NO.	36676
SHEET NO.	2

PROPOSED 1/01/2020



CENTER ¼ CORNER
SECTION 32, T3S, R11W.
FOUND IRON ROD IN BOX

SOUTH LINE, NE ¼,
SEC. 32, T3S., R.11W.

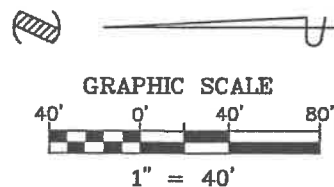
WEST OSTERHOUT AVE.
(PUBLIC R.O.W.)

WEST OSTERHOUT AVE.
(PUBLIC R.O.W.)

PLACE OF
BEGINNING

EAST ¼ CORNER
SECTION 32, T3S, R11W
BOOK 2, PAGE 779

WEST OSTERHOUT AVE.
(PUBLIC R.O.W.)



SCHEDULE OF COORDINATES

No.	Northing	Easting
1	5000.00	4835.00
2	5000.00	4635.00
3	5265.11	4634.89
4	5265.06	4509.89
5	5670.06	4509.73
6	5733.75	4520.66
7	5778.96	4433.82
8	5816.04	4388.30
9	5826.00	4398.35
10	5945.63	4513.73
11	5907.35	4560.20
12	5950.94	4602.59
13	6006.04	4646.55
14	5884.04	4834.65

GENERAL COMMON AREA

LEGEND

- ② COORDINATE LOCATION
- C1 CURVE NUMBER
- L1 LINE NUMBER
- MONUMENT IN PLACE
- SF. SQUARE FEET
- ESMT. EASEMENT
- (R) INDICATES LINE IS RADIAL

Arc = 70.60', Rad. = 360.00'
 $\Delta = 11^\circ 14' 08''$
 Chd. = N 38°35'06" E 70.48'

Arc = 14.87', Rad. = 260.00'
 $\Delta = 03^\circ 16' 37''$
 Chd. = N 42°33'52" E 14.87'

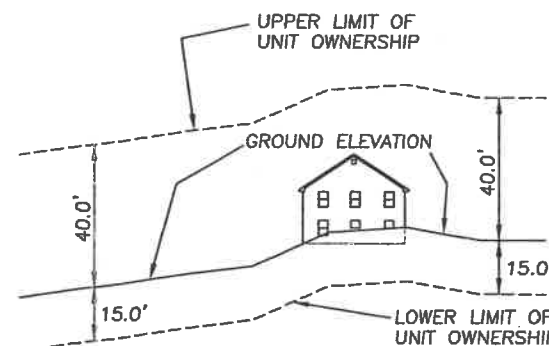
TEMPORARY PRIVATE TURNAROUND EASEMENT TO THE CITY OF PORTAGE RECORDING PENDING

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD
C1	37.27'	142.35'	15°00'00"	N 07°31'23" W 37.16'
C2	21.73'	83.00'	15°00'00"	N 07°31'23" W 21.67'
C3	176.27'	200.00'	50°29'47"	N 25°16'16" W 170.62'
C4	229.15'	260.00'	50°29'47"	N 25°16'16" W 221.80'
C5	11.15'	200.00'	3°11'40"	S 42°36'20" W 11.15'

LINE TABLE	
LINE	BEARING - DISTANCE
L1	N 00°01'23" W 53.16'
L2	N 15°01'23" W 39.88'
L3	N 50°31'09" W 51.82'
L4	N 50°31'09" W 56.58'

NOTE: EACH UNIT SHALL HAVE ITS OWN UNIQUE PROFILE WITH LIMITS OF OWNERSHIP 15.0' BELOW AND 40.0' ABOVE GROUND ELEVATION

UNIT CROSS SECTION
NO SCALE

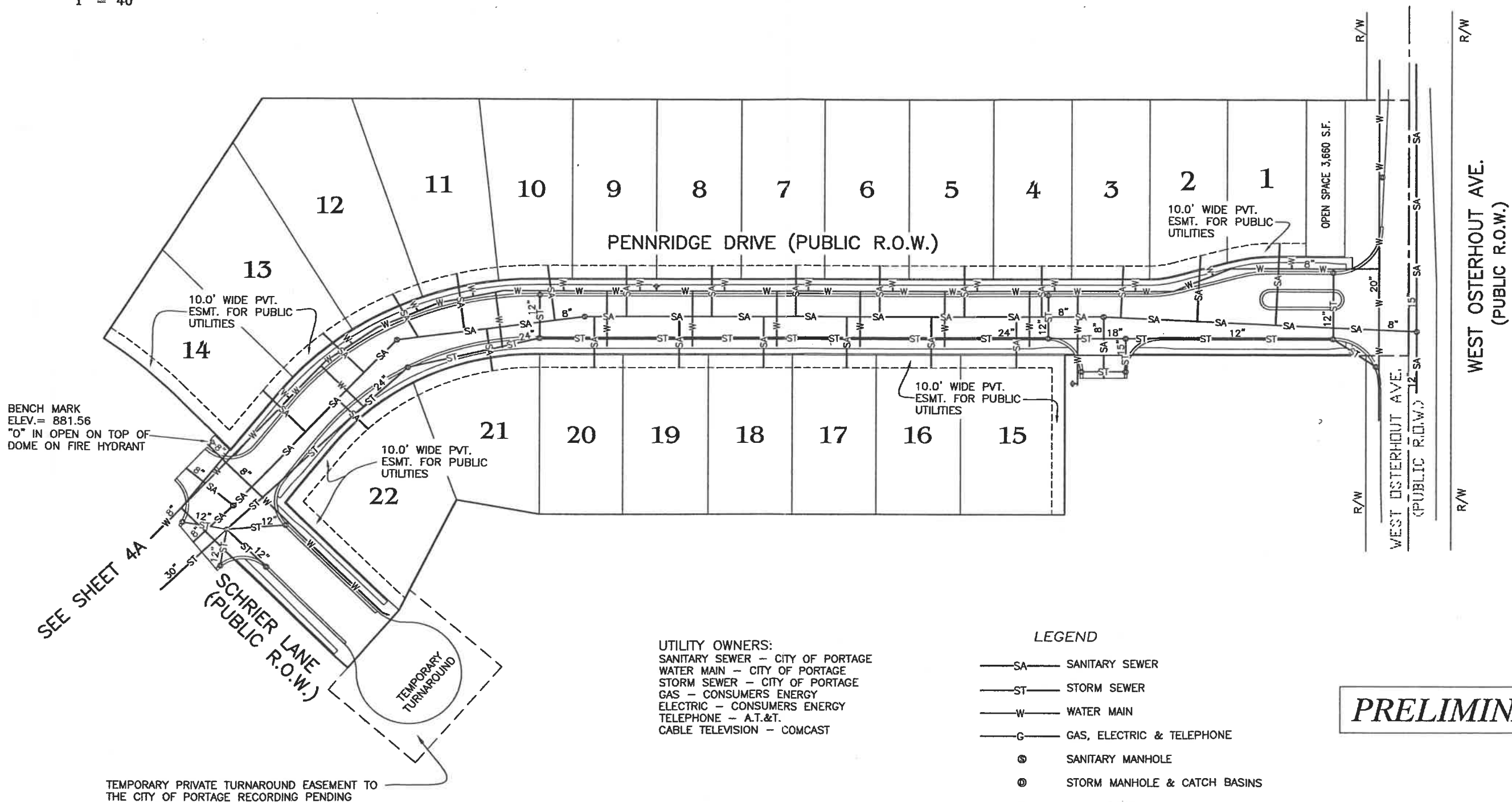
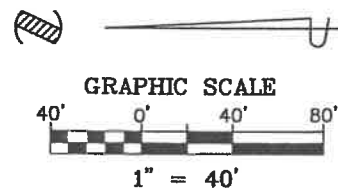


PROPOSED 1/01/2020



Pennridge Trail
 City of Portage, Michigan

SITE PLAN		DATE
Ingersoll, Watson & McMachen, Inc.		1/01/2020
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		36676
1809 East Midham Road • Suite B • Portage, Michigan 49002 • Area 269-544-6105		3



UTILITY OWNERS:
SANITARY SEWER - CITY OF PORTAGE
WATER MAIN - CITY OF PORTAGE
STORM SEWER - CITY OF PORTAGE
GAS - CONSUMERS ENERGY
ELECTRIC - CONSUMERS ENERGY
TELEPHONE - A.T.&T.
CABLE TELEVISION - COMCAST

LEGEND

- SA— SANITARY SEWER
- ST— STORM SEWER
- W— WATER MAIN
- G— GAS, ELECTRIC & TELEPHONE
- ⊙ SANITARY MANHOLE
- ⊕ STORM MANHOLE & CATCH BASINS
- ⊕ FIRE HYDRANT

PRELIMINARY

Pennridge Trail
City of Portage, Michigan

NOTE:
ALL UTILITIES MUST BE BUILT

THE UTILITIES SHOWN HEREON ARE BASED ON THE
PROJECT CONSTRUCTION PLANS PREPARED BY
INGERSOLL, WATSON & McMACHEN, INC.

INFORMATION PERTAINING TO GAS, ELECTRIC AND
CABLE HAS NOT BEEN PROVIDED TO THE SURVEYOR.

PROPOSED 1/01/2020



Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1500 East Milham Road • Suite B • Portage, Michigan 49802 • Area 509-544-0165

UTILITY PLAN

DATE
1/01/2020

JOB No.
36676

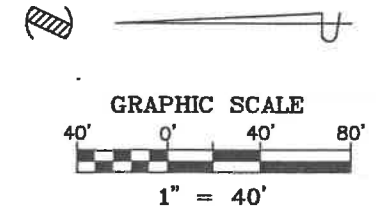
SHEET No.
4

BOUNDARY LINE

STORMWATER
INFILTRATION BASIN

PRIVATE EASEMENT TO THE CITY OF PORTAGE
FOR STORM SEWER AND STORMWATER
INFILTRATION BASIN PURPOSES.
RECORDING PENDING

UTILITY OWNERS:
SANITARY SEWER - CITY OF PORTAGE
WATER MAIN - CITY OF PORTAGE
STORM SEWER - CITY OF PORTAGE
GAS - CONSUMERS ENERGY
ELECTRIC - CONSUMERS ENERGY
TELEPHONE - A.T.&T.
CABLE TELEVISION - COMCAST



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INGERSOLL, WATSON & McMACHEN, INC.

INFORMATION PERTAINING TO GAS, ELECTRIC AND
CABLE HAS NOT BEEN PROVIDED TO THE SURVEYOR.

LEGEND

- SA— SANITARY SEWER
- ST— STORM SEWER
- W— WATER MAIN
- G— GAS, ELECTRIC & TELEPHONE
- ⊙ SANITARY MANHOLE
- ⊙ STORM MANHOLE & CATCH BASINS
- ⊙ FIRE HYDRANT

STORMWATER TREATMENT CELL

SPILLWAY

10.0' WIDE PVT.
ESMT. FOR PUBLIC
UTILITIES

BENCH MARK
ELEV. = 881.56
"O" IN OPEN ON TOP OF
DOME ON FIRE HYDRANT

13
14 PENNRIDGE DRIVE
(PUBLIC R.O.W.)
SEE SHEET 4

22

SCHRIER LANE
(PUBLIC R.O.W.)

10.0' WIDE PVT.
ESMT. FOR PUBLIC
UTILITIES

PRIVATE EASEMENT TO THE CITY OF PORTAGE
FOR STORM SEWER AND STORMWATER
INFILTRATION BASIN PURPOSES.
RECORDING PENDING

PRELIMINARY

Pennridge Trail
City of Portage, Michigan

PROPOSED 1/01/2020



Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1200 East Milham Road • Suite B • Portage, Michigan 49803 • Area 269-344-0105

UTILITY PLAN

DATE
1/01/2020

JOB No.
36676

SHEET No.
4A