



Agenda: Battle Creek City Commission

Meeting Date: July 16, 2024- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AWARDS

Beautiful Battle Creek Awards

Proclamation for National Day of Summer Learning 2024

PRESENTATIONS

Staff Presentation - Communications - Jessica Vanderkolk, Communications Manager

Staff Presentation - Planning - Darcy Schmitt, Planning Supervisor

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

PETITIONS COMMUNICATIONS REPORTS

INTRODUCTION OF ORDINANCES

13-2024 A Proposed Ordinance, #13-2024, to amend Section 02, Articles X and XVII, of Chapter 212, "Rules of Procedure of the Commission," regarding Public Comment to ensure a better flow to the Business Meeting.

ADOPTION OF ORDINANCES

494 A Resolution seeking adoption of Ordinance, #10-2024, to amend Section 08 of Chapter 882 Real Estate Taxation, by updating the terms of the Payment in Lieu of Taxes (PILOT) to reflect the new ownership and financing for "Westbrook Place."

495 A Resolution seeking to adopt Ordinance #11-2024, an Ordinance to amend the Zoning Code for the City of Battle Creek.

496 A Resolution seeking adoption of Ordinance, #12-2024, amending the Chapter Title, as well as Sections 01, 02, 04 - 06, 08, 09, and 99, of Chapter 694 "Youth Offenses," by making it consistent with state law, replacing outdated statutory references, and ungendering language.

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

CONSENT AGENDA

Minutes:

Minutes for the July 2, 2024 City Commission Regular Meeting

Minutes for the July 2, 2024 City Commission Closed Session

Petitions, Communications, Reports:

City Manager's Report for July 16, 2024

Review Committee Meeting Minutes for July 10, 2024

Resolutions:

- 497 A Resolution reappointing Keona Ackley to the Human Relations Board.
- 498 A Resolution appointing Tamera Hill as a new member to the Local Officers Compensation Committee.
- 499 A Resolution reappointing Samuel Gray to the Battle Creek Housing Commission.
- 500 A Resolution to appoint 3 new members (Gary McKinley, Andre Robinson, Debra Evans) to the North Central Neighborhood Planning Council (NPC # 2).
- 501 A Resolution seeking authorization for the sale of vacant, tax-reverted property, Parcel Numbers 9740-00-019-0, 8880-00-025-0.
- 502 A Resolution seeking acceptance of the proposal of best value from CivicPlus for public meeting agenda Software as a Service (SaaS) in a first year amount of \$24,415.00.
- 503 A Resolution appointing Commissioner Jenasia Morris as the City of Battle Creek's official representative and Commissioner Roger Ballard as the official alternate at the 2024 Annual Business Meeting of the Michigan Municipal League.

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 504 A Resolution seeking authorization regarding a contract for citywide HVAC maintenance services with W. Soule & Co. in an estimated first-year amount of \$115,181.00 with unit prices prevailing.
- 505 A Resolution seeking authorization for the City Manager to execute the attached 911 Radio Project User Agreement with the CCCDA.
- 506 A Resolution seeking authorization for the City Manager to enter into the attached Transfer, Service and Limited License Agreement with CCCDA for the transfer, reprogramming and license to use radios by the Battle Creek Fire Department.
- 507 A Resolution seeking authorization for the City Manager to execute all documents necessary to participate in the Kroger Opioid Settlement litigation.
- 508 A Resolution recognizing the City Attorney's overall performance rating of "Exceeds Expectations", pursuant to the terms of Section 5 of the Employment Agreement between the City Attorney and the City Commission.
- 509 A Resolution seeking to set a Closed Session on a labor matter for July 16, 2024.

GENERAL PUBLIC COMMENT

(Limited to three minutes per individual)

COMMISSION COMMENTS

RECESS

CLOSED SESSION

RETURN FROM RECESS

ADJOURNMENT

It is the desire of the City Commission to encourage public expression in the course of its meetings. Such expression can be integral to the decision-making process of the City Commission. It is the intention of the City Commission to respect the rights of persons addressing the Commission. Public comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during public comment periods. At the conclusion of the speakers remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during the Commission Comment period. It is with these aims in mind, so as to promote decorum and civility and an orderly process for conducting its public meetings, that the following rules concerning public comments, consistent with applicable law, are adopted by the City Commission.

(1) Persons attending a regular or special Commission Meeting shall be permitted to address the City Commission in conformity with this rule. The opportunity to address the Commission shall be limited to the following:

(a) Persons desiring to address the City Commission are encouraged, but shall not be required, to fill out and turn in to either the City Clerk, Mayor, or presiding Commissioner, prior to the meeting, a comment card disclosing the following information: The person's name, address, and telephone number; the specific issue, topic or resolution the individual wishes to address.

(b) During public hearings when scheduled, speakers may present facts and opinions on the specific matter being heard by the Commission. A three-minute time limit is imposed per speaker. In the discretion of the Mayor or presiding officer, the time limit for individual speakers may be lengthened or shortened when appropriate.

(c) During the consideration of specific ordinances when scheduled, speakers may present facts and opinions on the specific ordinance being considered by the City Commission. Speakers addressing the City Commission during this time shall limit their comments to the specific issue being considered. A three-minute time limit, which may be lengthened or shortened by the Mayor or presiding officer when appropriate, is imposed per speaker, per matter considered.

(d) During the public comment period on the consent agenda and resolutions not on the consent agenda, each speaker may address the Commission once, regarding anything on the consent agenda and resolutions not on the consent agenda, for a total not to exceed three minutes regardless of how many consent agenda items or regular resolutions the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(e) During the General Public Comment portion of the meeting, speakers may

address the City Commission on any matter within the control and jurisdiction of the City of Battle Creek. A speaker shall be permitted to address the City Commission once, for up to three minutes, during this portion of the meeting.

(f) Applicants or Appellants, as defined below, or an attorney retained to represent them, are not bound by the specific time limitations set out above but may have the amount of time deemed reasonably necessary by the Mayor or presiding official to present their case to the City Commission without violating the rules set out below in sub-section 4(a) through (g), with which they are obligated to comply.

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

(ii) Appellant is an individual appealing a decision of a City official or an inferior body based upon a specific provision in City ordinances entitling the individual to appeal the decision to the City Commission.

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who has not filled out a card requesting to address the City Commission shall raise his or her hand and wait to be recognized by the Mayor or presiding Commissioner before speaking and shall identify themselves by name and address and, if appropriate, group affiliation for the record.

(3) Speakers shall address all remarks to the Mayor, or the presiding Commissioner or official, and not to individual Commissioners or staff members. Speakers shall not address their remarks to members of the public in attendance at the meeting.

(4) A speaker will be ruled out-of-order by the Mayor or presiding Commissioner and the Commission will continue with its business, and the speaker may be required to leave the meeting after having been ruled out-of-order for a breach of the peace committed at the meeting as permitted by the OMA, when the speaker violates above sub-section 3 or the following:

(a) Becomes repetitive or speaks longer than the allotted time;

(b) Attempts to yield any unused portion of time to other speakers;

(c) Engages in a personal attack upon a city employee, administrator or Commissioner only if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out their public duties or office;

(d) Uses obscene or profane language;

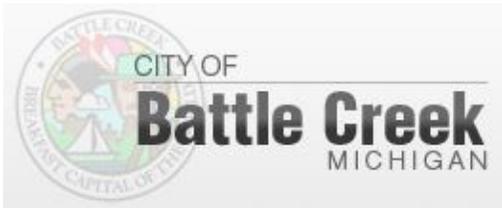
(e) Engages in slanderous or defamatory speech;

(f) Uses derogatory racial, sexual or ethnic slurs or epithets relating to any individual or category of persons; or

(g) Engages in conduct that interrupts or disrupts the meeting.

(5) Individuals attending City Commission meetings or workshops, excluding City

staff, shall not pass the commission chambers bar upon which the podium is affixed (and which divides the audience section from the well of the chambers) without having been invited to do so by the Mayor or official presiding over the meeting, or after requesting and explicitly being granted permission to do so. Any individual violating this sub-section will be ruled out-of-order by the Mayor or presiding official and the individual may be required to leave the meeting for a breach of the peace committed at the meeting as permitted by the OMA.



General Detail NO.

Beautiful Battle Creek Awards

BATTLE CREEK, MICHIGAN - 7/16/2024

Beautiful Battle Creek Awards for July 2024

NPC 1

Terry R JR Burleson
23 Grebel Street.
Battle Creek, MI 49014 - Ward 3

NPC 2

Second Missionary Baptist Church
485 N Washington Heights Avenue
Battle Creek, MI 49037 – Ward 2

Deborah L Malone
160 N Washington Avenue
Battle Creek, MI 49017- Ward 2

NPC 3

Monique Longmire
417 S Washington Avenue
Battle Creek, MI 49015- Ward 4

NPC 4

No Nominations

NPC 5

No Nominations

NPC 11

Matthew Marble
738 Riverside Drive
Battle Creek, MI 49015- Ward 4

James Maynard (McDonalds)
2593 S W Capital Avenue
Battle Creek, MI 49015- Ward 4

Battle Creek City Commission

7/16/2024

Action Summary

Staff Member: Marcie Gillette, Community Services Director

Department: Community Development

SUMMARY

Beautiful Battle Creek Awards

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
☐ Beautiful_Battle_Creek_Awards_for_July_2024_.pdf	Beautiful Battle Creek Awards July 2024
☐ Beautiful_Battle_Creek_Award_23_Grebel_St.pdf	BBCA 23 Grebel Street
☐ Beautiful_Battle_Creek_Award_485_N_Washington_Avenue.pdf	BBCA 485 N. Washington Avenue
☐ Beautiful_Battle_Creek_Award_160_N_Washington_Avenue.pdf	BBCA 160 N. Washington Avenue
☐ Beautiful_Battle_Creek_Award_417_S_Washington_Avenue.pdf	BBCA 417 S. Washington Avenue
☐ Beautiful_Battle_Creek_Award_738_Riverside.pdf	BBCA 738 Riverside Drive
☐ Beautiful_Battle_Creek_Award_2593_SW_Capital_Avenue.pdf	BBCA 2593 SW Capital Avenue

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738 Riverside Drive
Battle Creek, MI 49015- Ward 4

James Maynard (McDonalds)
2593 SW Capital Avenue
Battle Creek, MI 49015- Ward 4

BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO
Terry R Burleson Jr
23 Greble Street

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

In testimony thereof, the Seal of the City of Battle Creek was affixed on the 16th Day of July, Two Thousand Twenty Four.

James Mereno

NPC Chair

Mark Beltracchi

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO

Second Missionary Baptist Church 485 North Washington Avenue

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

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Pastor Monique French

NPC Chair

Mark Beland

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO

Deborah Malone

160 N Washington Avenue

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

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Pastor Monique French

NPC Chair

Mark Beltrame

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO

Monique Longmire

417 South Washington Avenue

Are hereby recognized by the Neighborhood Planning Council, and by the City of Battle Creek, for their continuing efforts to improve their neighborhood through property maintenance and beautification that contributes to the community-wide goal of improving the quality of life for Battle Creek's citizens.

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Timothy Conlogue

NPC Chair

Mark DeLoraine

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO
Matthew Marble
738 Riverside Drive

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James Mereno

NPC Chair

Mark Beland

Mayor



BEAUTIFUL BATTLE CREEK AWARD

PROUDLY PRESENTED TO

James Maynard

2593 South West Capital Avenue

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In testimony thereof, the Seal of the City of Battle Creek was affixed on the 16th Day of July, Two Thousand Twenty Four.

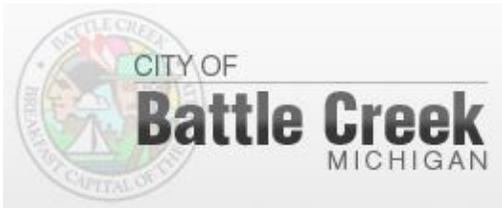
Andrew Duke

NPC Chair

Mark Beltracchi

Mayor





Resolution NO.

Proclamation for National Day of Summer Learning 2024

BATTLE CREEK, MICHIGAN - 7/16/2024

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Patti Worden, Executive Assistant

Department: City Manager

SUMMARY

Proclamation for National Day of Summer Learning 2024

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
☐ Summer_Learning_Day_Proclamation_-_2024.pdf	Proclamation for National Day of Summer Learning 2024

Proclamation

WHEREAS, Summer Learning Day is a time to reflect on the importance of keeping youth learning, safe, and healthy every summer, ensuring they return to school in the fall ready to succeed in the year ahead; and

WHEREAS, a wide array of public agencies, community-based organizations, schools, libraries, museums, recreation centers, camps, and businesses in our community contribute to the well-being of youth through summer programming; and

WHEREAS, there is a role for summer youth employment programs to engage older youth. With the support of business and community leaders, our youth can learn, gain real world experience, contribute to their community and economy, and experience safer environments through summer jobs, internships, and other opportunities; and

WHEREAS, high-quality summer learning experiences are a critical component of our collective effort to ensure all youth heal, grow, and thrive;

NOW, THEREFORE, I, Mark A. Behnke, Mayor of the City of Battle Creek, Michigan, do hereby proclaim *July 26, 2024*, as

“NATIONAL DAY OF SUMMER LEARNING”

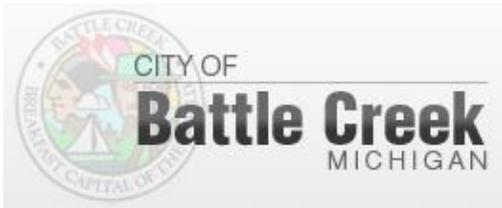
in the Battle Creek area and commend this observance to all neighbors and encourage all Battle Creek youth to seek summer learning and enrichment opportunities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Logo of the City of Battle Creek, Michigan, to be affixed this 16th day of July 2024.



A handwritten signature in black ink that reads "Mark Behnke".

Mayor Mark A. Behnke



General Detail NO.

Staff Presentation - Communications - Jessica Vanderkolk, Communications Manager

BATTLE CREEK, MICHIGAN - 7/16/2024

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Patti Worden, Executive Assistant

Department: City Manager

SUMMARY

Staff Presentation - Communications - Jessica Vanderkolk, Communications Manager

BUDGETARY CONSIDERATIONS

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DISCUSSION OF THE ISSUE

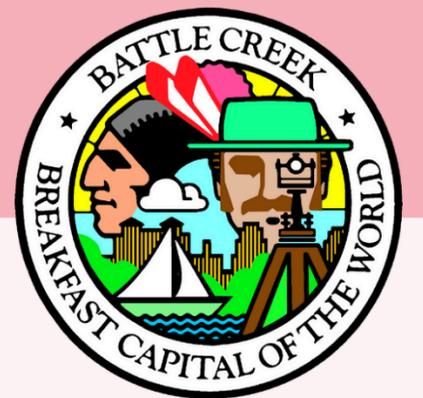
POSITIONS

ATTACHMENTS:

File Name	Description
Comms_Staff_Report_July_2024.pdf	Communications Staff Presentation

**city of
battle creek
communications**

**JESSICA VANDERKOLK ~ COMMUNICATIONS MANAGER
JULY 16, 2024**



THE team

- City Manager's Office
- Projects appear in the **Governance** community result
- Support for entire city organization
- Goals to educate, engage, build trust, inspire!



**JESSICA | OUTGOING
MANAGER, 10.5 YRS**



**BREANNE | INCOMING
MANAGER**



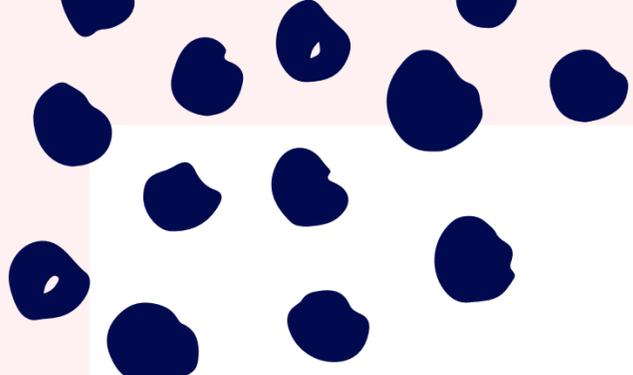
**ERIC | SPECIALIST,
2 YRS**

transition

- Two weeks as a trio
- Solid ground and processes for Breanne to join + strong teammate in Eric
- Talking through our plans and projects + making intros to the city and org staff



Produced by Canva AI



Support

Two Communications professionals support a dozen City of Battle Creek departments, their divisions, and all team members.



WE DO:

- Press releases and media relations
- Full messaging campaigns - Water lead services; Community Oversight Board; Fire station community conversations; Beckley Road corridor engagement
- Social media administration + helping great department content managers
- Surveys
- Public meetings
- Creative work - graphics, advertisements, videos, mailers, billboards
- Proofreading and document development and/or editing
- Website content development, staff training
- Brainstorming, advice, other support as needed and requested

social media

- Increases in followers across all platforms (except Twitter/X; not surprising)
- Links back to city website
- Maps for construction



FACEBOOK

13K followers; Majority women age 35-44
Big engagement; local alerts



NEXTDOOR

12.5K members; Super local; big engagement;
local alerts; verified neighbors



YOUTUBE

850 subscribers; public meetings; press
conferences; events; promos; shorts



INSTAGRAM

2,500 followers; posts and videos; recently
Beckley, Service on the Go, fireworks



TWITTER/X

2K followers; local media connection



LINKEDIN

1,200 followers; growth opportunity; mainly
staff features and job openings

social media

- City recognized repeatedly for excellent social media in the nation by Government Social Media
- **2024 finalist for Best Social Media Customer Service** - top four in the nation
- **Next step:** Working with IT so Comms has Cityworks training/access to directly enter service requests sent via social media



service on the go

- May 29 at BC Farmers Market;
June 15 at Juneteenth Family Day
- **Next one - next Tues, July 23 at
Woodland Park on Helmer, 4-7
p.m. Join us!**
- Staff from 311, Code, Community
Development, Transit, and Police
- **ALL positive interactions** with
neighbors - answering specific
questions
- Lots of info to share, city swag,
building positive relationships



service on the go



- **What neighbors can expect:**
 - Flyers of information, how to sign up for services and information, fun swag items, newsletters, and much more!
 - Chance to chat with staff and ask any questions
 - Pay a utility bill
 - Make a service request from our Public Works Department
 - Friendly game of Giant Connect 4
- **Connect with your City of Battle Creek!!**

City of Battle Creek
invites you to:

BC City Connection

Service on the Go!

May 29, 9 am-1 pm
Battle Creek Farmers Market
Festival Market Square, downtown

June 15, 11am-6pm
Juneteenth Family Day
Claude Evans Park, 320 N. Washington

July 23, 4-7pm
Woodland Park, 14175 Helmer

Aug. 15, 11am-2pm
Fell Park, 260 Willard Ave. East

Sept. 20, 3-6pm
Post Park, 800 E. Michigan Ave.

‘24-’25 work plan items

Find us in the Governance tab

Engagement

Updating strategies specifically in neighborhoods, with Community Development

Website

Could refresh main city site in August 2024; working on bcparks web merge to city site; more accessibility focus

SotG

Service on the Go event launch; five events May-September in parks

Guides

City Communications Plan, Social Media Policy updates

NCS

Next National Community Survey 2025 (approx. every three years)

'24-'25 work plan items

Find us in the Governance tab

Branding

Following WKKF community process; city branding plan paused

Campaigns

Larger engagement/messaging campaigns for departments as needed

News

Community newsletter in utility bills + website; monthly add-on e-newsletter

Podcast

Monthly with Richard Piet in 2024; July is Airport Centennial

Train

Train Police staff on live social media - Nextdoor and YouTube requests



on the horizon

BC Comms is always thinking of what's next + how we can help the city org and neighbors find success!

DEI

Language Access: internal task force + community meets and new ideas!

VIDEO

More helpful videos to help explain city services + processes

MEDIA

Finishing request form that fits into our workflow; easier for staff + reporters



thank you!

Questions for Comms?

Get connected!

PHONE

269-966-3311

ADDRESS

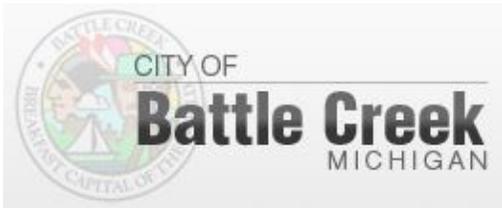
City Hall, 10 N. Division St.

EMAIL

PublicInput@battlecreekmi.gov

WEB

battlecreekmi.gov



General Detail NO.

Staff Presentation - Planning - Darcy Schmitt, Planning Supervisor

BATTLE CREEK, MICHIGAN - 7/16/2024

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Patti Worden, Executive Assistant

Department: City Manager

SUMMARY

Staff Presentation - Planning - Darcy Schmitt, Planning Supervisor

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

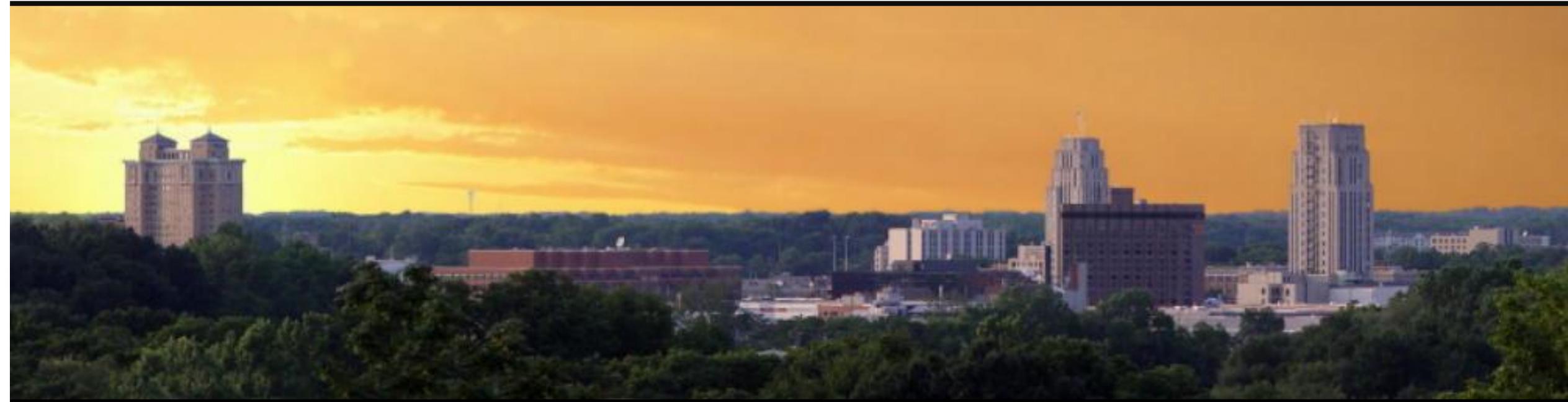
File Name	Description
📄 C2_Presentation_2023.pdf	Planning Staff Presentation

CITY OF BATTLE CREEK PLANNING AND ZONING DIVISION



City Commission, July 16, 2024

2023 Annual Report



PLANNING & ZONING

By authority of:

MICHIGAN ZONING
ENABLING ACT
Act 110 of 2006

MICHIGAN PLANNING
ENABLING ACT
Act 33 of 2008

MICHIGAN LOCAL
HISTORIC DISTRICTS
ACT
Act 169 of 1970

PRIMARY PURPOSE

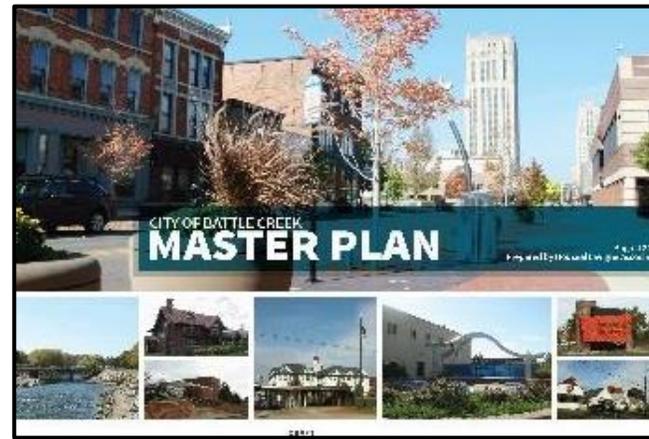
Long and short-range planning pertaining to growth and development in the city, particularly around land use, neighborhoods, commerce, industry, infrastructure, natural resources, transportation, and recreation.

PLANNING AND ZONING STAFF

Planning and Zoning is a division of the Community Services Department with five employees:

- Planning Supervisor
- Planning and Zoning Administrator
- Planner
- Administrative Assistant
- Cannabis Coordinator





LONG RANGE PLANNING

Development and Implementation of the City Master Plan & Its Subplans

Such as:

- Parks/Recreation Plan
- Non-motorized Transportation Plan
- Downtown Plan
- Corridor Plans



A subplan is a geographic area less than the entire planning jurisdiction, if, because of its physical characteristics of area, more intensive planning is necessary.



SHORT RANGE PLANNING

- ❑ Liaison to three Boards/Commissions; Planning Commission, Historic District, and Zoning Board of Appeals:
 - Meeting Support (agenda, minutes, meeting packets)
 - Training Coordination
- ❑ Zoning Ordinance Amendments
- ❑ Implementation and Administration of the Zoning Ordinance:
 - Site Plan Review (33)
 - Special Use Permit Review (6)
 - Building/Zoning Permit Review (248)
 - Zoning/Licensing Enforcement (206)
 - Illegal Use Investigations (16)

- ❑ Community Support
 - Residents
 - Realtors
 - Developers
 - Business Owners
- ❑ Fiscal Responsibility
 - Grant Acquisition and Management
 - Priority Based Budgeting Results
 - Maintain Redevelopment Ready Communities Certification
 - Vacant City-Owned Property Management and Disposition
 - Capital Improvement Program
- ❑ Project Management
 - Development Projects
 - Development of Studies and Subplans
 - Marijuana Licensing (36 Licenses, 17 locations)



Staff Liaison to Planning Commission

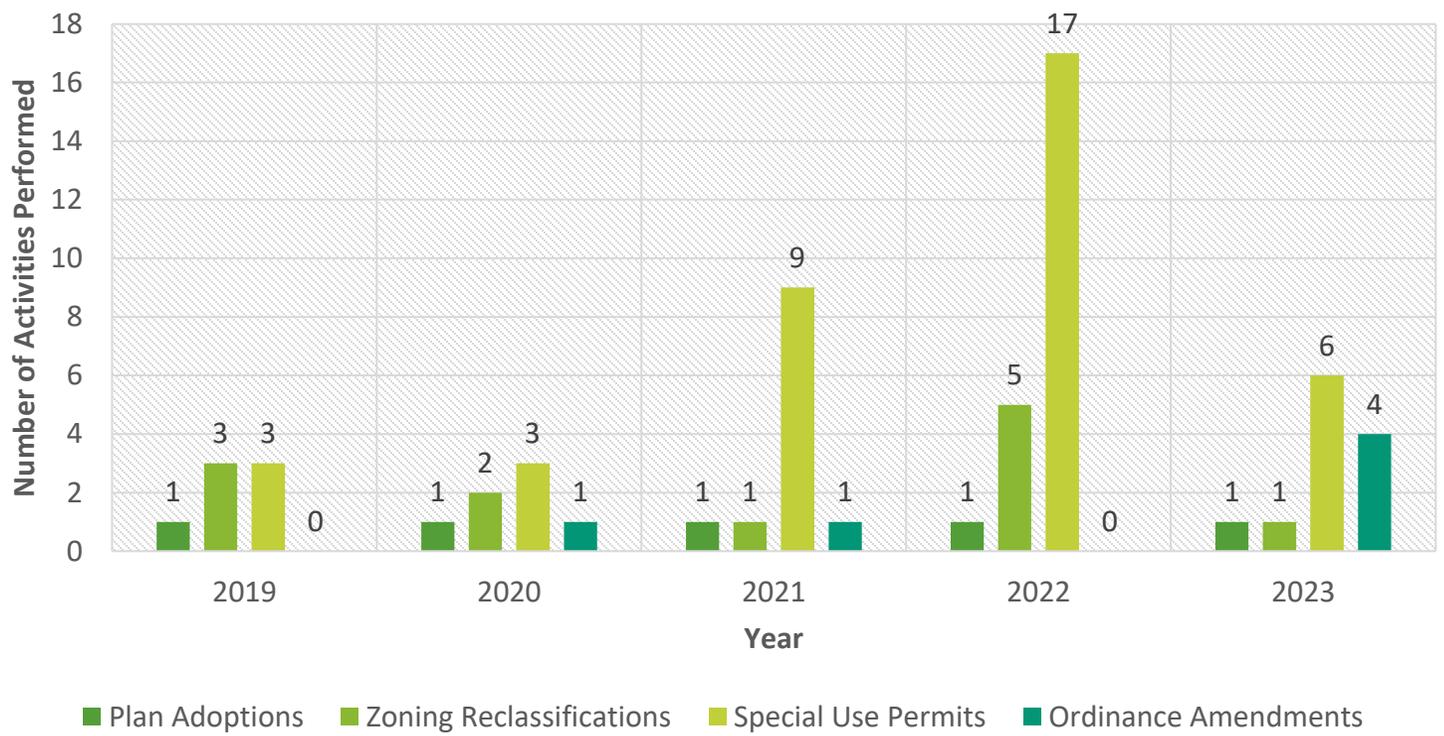
The PC is advisory to City Commission



- Ordinance Amendments
- Special Use Permits
- Master Plan/Sub Plan Review and Adoption
- Rezoning (Zoning Map Changes)

SHORT RANGE PLANNING

City Planning Commission Activity by Year



Note: The significant decrease in special use permits from 2022 to 2023 is a result of an ordinance amendment early in 2023 to remove some use categories from the special use permit requirement.

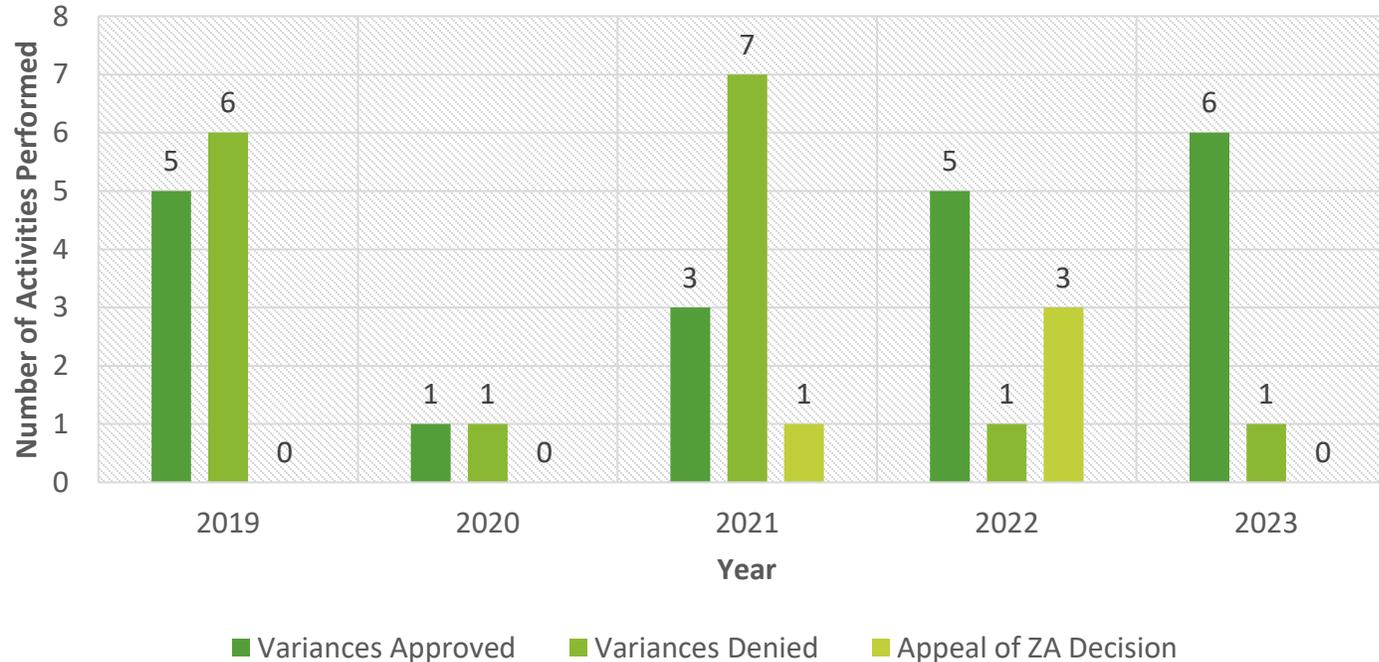


Staff Liaison to Zoning Board of Appeals Quasi-judicial, appeal to Circuit Court

- Variances
- Appeals from anyone aggrieved by decision of the Zoning Administrator

SHORT RANGE PLANNING

Zoning Board of Appeals Activity by Year

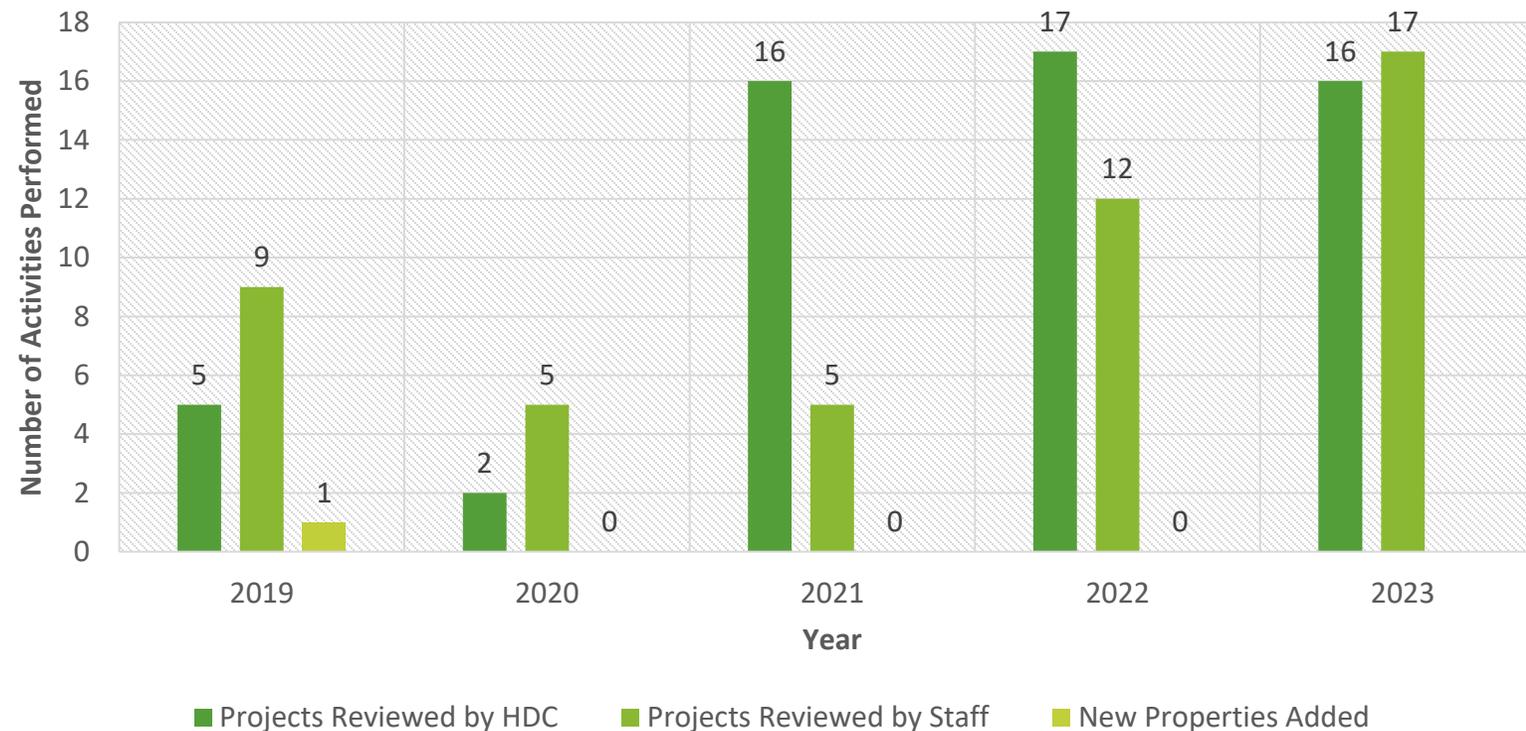




Staff Liaison to Historic District Commission (HDC) Appeal to the State Historic Preservation Review Board

- HDC action on a certificate of appropriateness
- Staff action on a certificate of appropriateness for “minor classes of work”.

Historic District Commission Activity by Year



SHORT
RANGE
PLANNING

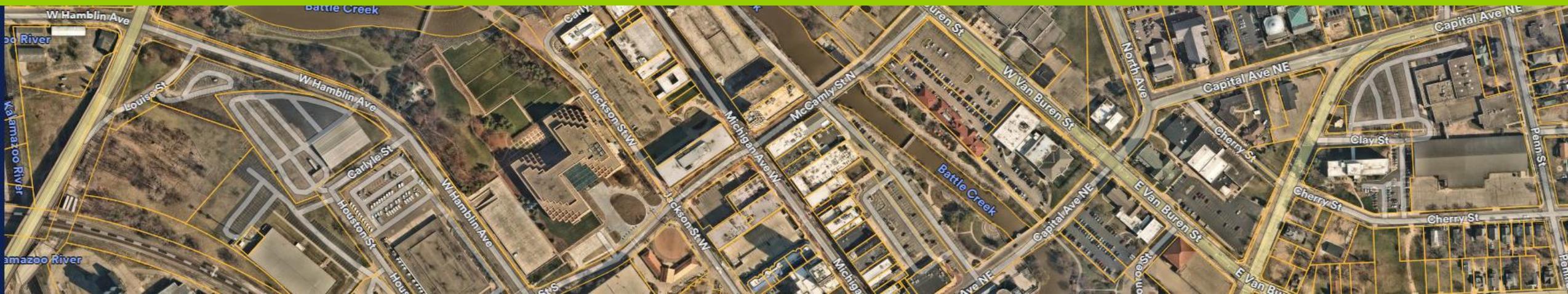
MOVING FORWARD.....

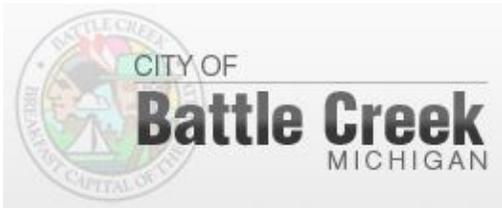


- **Planning and Zoning and Community Service Divisions Joint Efforts**
- **Planning and Zoning and DPW Joint Efforts**
- **Update to the Master Plan**
- **Grant Acquisition Efforts**



QUESTIONS?





Ordinance

NO. 13-2024

A Proposed Ordinance, #13-2024, to amend Section 02, Articles X and XVII, of Chapter 212, "Rules of Procedure of the Commission," regarding Public Comment to ensure a better flow to the Business Meeting.

BATTLE CREEK, MICHIGAN - 7/16/2024

The City of Battle Creek Ordains:

Section 1. A proposed Ordinance, #13-2024, to amend Section 02, Articles X and XVII, of Chapter 212, "Rules of Procedure of the Commission," amending Public Comment to ensure a better flow to the Business Meeting, as attached hereto and made a part hereof.

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 3. All ordinances or parts of ordinances, in conflict with any of the provisions of this Ordinance, are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this Ordinance, which shall remain subject to the ordinance provision existing at the time of the alleged violation.

Section 4. Except as otherwise provided by law, this Ordinance shall take effect ten (10) days from the date of its adoption, in accordance with the provisions of Section 4.3(B) of Chapter 4 of the City Charter.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Jill Humphreys Steele, City Attorney

Department: City Attorney

SUMMARY

A Proposed Ordinance, #13-2024, to amend Section 02, Articles X and XVII, of Chapter 212, "Rules of Procedure of the Commission," regarding Public Comment to ensure a better flow to the Business Meeting.

BUDGETARY CONSIDERATIONS

There are none.

HISTORY, BACKGROUND and DISCUSSION

The Open Meetings Act (OMA), Act 267 of 1976, requires Public Comment be offered at meetings of public bodies, but it only requires that one opportunity for public comment be offered at a meeting. MCL 15.263(5) also provides that persons must be permitted to address a meeting of the "public body under rules established and recorded by the public body."

The City of Battle Creek rules of procedure as set out in Chapter 212 currently permit a separate period of public comment, not to exceed three minutes, for comment specifically regarding the ordinance introductions and ordinance adoptions.

Battle Creek Rules of Procedure also currently provide for three minutes of public comment for any consent agenda item and/or resolutions not on the consent agenda, in addition to three minutes of general public comment at the end of the meeting.

A non-exhaustive review of other Michigan municipality's rules regarding public comment revealed that many provide only two periods of public comment at every meeting: One is collectively for all legislative matters to be voted upon, whether it be an ordinance introduction/adoption, a consent agenda item or a regular resolution; and one for general public comment. In instances where a public hearing is set and the law requires a specific period of public comment for that matter, then 3 minutes is provided for the public hearing. The following municipalities offer two periods of public comment (one opportunity for all legislative matters and one for general public comment): Cities of Lansing, Grand Rapids, Wakefield, Saginaw, and Rochester.

A greater number of municipalities only offer one period of general public comment, as well as public comment for a public hearing where required by law, such as: the City of Flint, City of Oak Park Calhoun County, City of Portage, East Lansing, City of Detroit, Bay County, Barry County, City of Ann Arbor, City of Saginaw, and City of Jackson.

This proposed ordinance amendment is modeled after the City of Grand Rapids, providing one collective period of public comment for all legislative items on the agenda, one period of general public comment, and public comment for public hearings where required by law. The exception is that this proposed amendment increases public comment for all legislative agenda items from three minutes to four. In addition, this proposed ordinance amendment would move up the period of public comment for all agenda items to take place prior to any ordinance introductions or adoptions. The goal of the proposed ordinance amendments is to ensure a better flow to the business meeting.

DISCUSSION OF THE ISSUE

POSITIONS

Pursuant to the Procedure set out in City Ordinance 212.02(IX), Commissioner Lance requested that Proposed Ordinance #13-2024 be placed on the July 16 agenda for introduction, and the request was co-sponsored by Mayor Behnke and Vice Mayor Sofia.

ATTACHMENTS:

File Name	Description
❏ 212.02_X_and_XVII_Redline.pdf	Chapter 212.02 X and XVII Redline July 2024 Public Comment

- 212.02_X_and_XVII_CLEAN.pdf
- City_of_Grand_Rapids_Public_Comment.pdf

Chapter 212.02 X and XVII CLEAN July 2024 Public Comment
City of Grand Rapids Sample Agenda showing public comment

212.02 RULES OF PROCEDURE OF THE COMMISSION.

Rules of Procedure of the City Commission are hereby established as follows:

* * *

X.

The order of business at meetings of the Commission shall be as follows, except when otherwise agreed to by the Commissioners:

- (1) Invocation;
- (2) Pledge of Allegiance;
- (3) Proclamations and awards;
- (4) Chair notes any added or deleted resolutions;
- (58) Public comment regarding ~~any specific consent~~ agenda ~~item and resolutions not on consent agenda~~;
- (65) Public hearings;
- (76) Introduction of ordinances;
- (87) Adoption of ordinances;
- (9) Commission comment regarding meeting business;
- (10) Consent agenda;
- (11) Resolutions not included in the consent agenda.
- (12) General public comment;
- (13) Commission comments;
- (14) Recess;
- (15) Governance agenda;
- (16) Closed session (when needed); and
- (17) Adjournment.

* * *

XVII.

It is the desire of the City Commission to encourage public expression in the course of its meetings. Such expression can be integral to the decision-making process of the City Commission. It is the intention of the City Commission to respect the rights of persons addressing the Commission. Public comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the

Commission or staff. Commissioners are encouraged not to directly respond to speakers during public comment periods. At the conclusion of the speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during the "Commission Comment" period.

It is with these aims in mind, so as to promote decorum and civility and an orderly process for conducting its public business meetings, that the following rules concerning public comments, consistent with applicable law, are adopted by the City Commission.

(1) Persons attending a regular or special Commission Meeting shall be permitted to address the City Commission in conformity with this rule. The opportunity to address the Commission shall be limited to the following:

(a) Persons desiring to address the City Commission are encouraged, but shall not be required, to fill out and turn in to either the City Clerk, Mayor, or presiding Commissioner, prior to the meeting, a comment card disclosing the following information: The person's name, address, and telephone number; the specific issue, topic or resolution the individual wishes to address.

(b) During public hearings when scheduled, but only when the law requires a separate period of public comment, speakers may present facts and opinions on the specific matter being heard by the Commission. A three-minute time limit is imposed per speaker. In the discretion of the Mayor or presiding officer, the time limit for individual speakers may be lengthened or shortened when appropriate.

~~—(c) During the consideration of specific ordinances when scheduled, speakers may present facts and opinions on the specific ordinance being considered by the City Commission. Speakers addressing the City Commission during this time shall limit their comments to the specific issue being considered. A three-minute time limit, which may be lengthened or shortened by the Mayor or presiding officer when appropriate, is imposed per speaker, per matter considered.~~

~~(cd)~~ During the public comment period on any specific agenda item, whether it be a public hearing, an ordinance introduction or adoption, a consent agenda item, and a resolutions not on the consent agenda, each speaker may address the Commission once, regarding anything on the ~~consent-meeting~~ agenda ~~and resolutions not on the consent agenda~~, for a total not to exceed ~~four~~ three minutes regardless of how many ~~consent~~ agenda items ~~or regular resolutions~~ the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

~~(de)~~ During the General Public Comment portion of the meeting, speakers may address the City Commission on any matter within the control and jurisdiction of the City of Battle Creek. A speaker shall be permitted to address the City Commission once, for up to three minutes, during this portion of the meeting.

~~(ef)~~ Applicants or Appellants, as defined below, or an attorney retained to represent them, are not bound by the specific time limitations set out above but may have the amount of time deemed reasonably necessary by the Mayor or presiding official to present their case to the City

Commission without violating the rules set out below in subsection 4(a) through (g), with which they are obligated to comply.

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

(ii) Appellant is an individual appealing a decision of a City official or an inferior body based upon a specific provision in City ordinances entitling the individual to appeal the decision to the City Commission.

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who has not filled out a card requesting to address the City Commission shall raise their hand and wait to be recognized by the Mayor or presiding Commissioner before speaking and shall identify themselves by name and address and, if appropriate, group affiliation for the record.

(3) Speakers shall address all remarks to the Mayor, or the presiding Commissioner or official, and not to individual Commissioners or staff members. Speakers shall not address their remarks to members of the public in attendance at the meeting.

(4) A speaker will be ruled out-of-order by the Mayor or presiding Commissioner and the Commission will continue with its business, and the speaker may be required to leave the meeting after having been ruled out-of-order for a breach of the peace committed at the meeting as permitted by the OMA, when the speaker violates above sub-section 3 or the following:

(a) Becomes repetitive or speaks longer than the allotted time;

(b) Attempts to yield any unused portion of time to other speakers;

(c) Engages in a personal attack upon a city employee, administrator or Commissioner only if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out their public duties or office;

(d) Uses obscene or profane language;

(e) Engages in slanderous or defamatory speech;

(f) Uses derogatory racial, sexual or ethnic slurs or epithets relating to any individual or category of persons; or

(g) Engages in conduct that interrupts or disrupts the meeting.

(5) Individuals attending City Commission meetings or workshops, excluding City staff, shall not pass the commission chambers bar upon which the podium is affixed (and which divides the audience section from the well of the chambers) without having been invited to do so by the Mayor or official presiding over the meeting, or after requesting and explicitly being granted permission to do so. Any individual violating this subsection will be ruled out-of-order by the

Mayor or presiding official and the individual may be required to leave the meeting for a breach of the peace committed at the meeting as permitted by the OMA.

212.02 RULES OF PROCEDURE OF THE COMMISSION.

Rules of Procedure of the City Commission are hereby established as follows:

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- (4) Chair notes any added or deleted resolutions;
- (5) Public comment regarding any specific agenda item;
- (6) Public hearings;
- (7) Introduction of ordinances;
- (8) Adoption of ordinances;
- (9) Commission comment regarding meeting business;
- (10) Consent agenda;
- (11) Resolutions not included in the consent agenda.
- (12) General public comment;
- (13) Commission comments;
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- (15) Governance agenda;
- (16) Closed session (when needed); and
- (17) Adjournment.

* * *

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public comment periods. At the conclusion of the speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during the "Commission Comment" period.

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(b) During public hearings when scheduled, but only when the law requires a separate period of public comment, speakers may present facts and opinions on the specific matter being heard by the Commission. A three-minute time limit is imposed per speaker. In the discretion of the Mayor or presiding officer, the time limit for individual speakers may be lengthened or shortened when appropriate.

(c) During the public comment period on any specific agenda item, whether it be a public hearing, an ordinance introduction or adoption, a consent agenda item, or a resolution not on the consent agenda, each speaker may address the Commission once, regarding anything on the meeting agenda, for a total not to exceed four minutes regardless of how many agenda items the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(d) During the General Public Comment portion of the meeting, speakers may address the City Commission on any matter within the control and jurisdiction of the City of Battle Creek. A speaker shall be permitted to address the City Commission once, for up to three minutes, during this portion of the meeting.

(e) Applicants or Appellants, as defined below, or an attorney retained to represent them, are not bound by the specific time limitations set out above but may have the amount of time deemed reasonably necessary by the Mayor or presiding official to present their case to the City Commission without violating the rules set out below in subsection 4(a) through (g), with which they are obligated to comply.

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

(ii) Appellant is an individual appealing a decision of a City official or an inferior body based upon a specific provision in City ordinances entitling the individual to appeal the decision to the City Commission.

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(3) Speakers shall address all remarks to the Mayor, or the presiding Commissioner or official, and not to individual Commissioners or staff members. Speakers shall not address their remarks to members of the public in attendance at the meeting.

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(e) Engages in slanderous or defamatory speech;

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CITY OF GRAND RAPIDS
CITY COMMISSION
TUESDAY, JUNE 4, 2024
2:00 PM

Welcome to the Grand Rapids City Commission Meeting. This session is the final process in the consideration of the items listed on the following agenda. All of these agenda items have been thoroughly reviewed and discussed in the various Standing Committees of the City Commission which meet on Tuesday morning. **To view supporting documents for agenda items, please visit: www.grandrapidsmi.gov/commission.**

Persons who need reasonable accommodation to participate, are asked to contact the City Clerk's Office at 616-456-3010 or cityclerk@grcity.us.

Expected Meeting Procedures

1. Depending on the meeting there can be multiple opportunities for public comment.
 - The First is limited to items on the Commission's agenda that are slated to be voted on
 - The Second is for specially scheduled required public hearings
 - The Third is for any issue you would like to bring to the attention of the Commission
2. You may only speak once on each issue.
3. All comments are to be limited to 3 minutes.
4. City Commission meetings are to be a safe place for everyone involved, as such:
 - No clapping, cheering, or holding up of signs
 - Please refrain from swearing, name calling and/or making derogatory comments directed toward a person's race, religion, nation of origin, etc.
5. Do not request or expect comment from the Commission.
6. Please turn OFF cellular phones.

- I. **CALL TO ORDER**
- II. **MOMENT OF SILENCE**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **ROLL CALL**

V. **PUBLIC COMMENTS ON AGENDA ITEMS** – Prior to consideration of the official business, citizens may speak to subjects on today's agenda which are slated to be voted on. The items to be addressed during this time are located in the highlighted section headings. (Please limit comments to 3 minutes.)

VI. **APPROVAL OF MINUTES**

1. Minutes of 05/21/2024 7:00 PM

VII. **PETITIONS AND COMMUNICATIONS** – Communications addressed to the City Commission are distributed to all members and are acknowledged for information, or are referred to a committee or staff for follow up.

1. Communication received from Bruce Tinker, Grand Rapids Civic Theatre Executive Director, expressing concerns for adjusting parking rates
2. Communication received from The Arts and Cultural Collective Grand Rapids outlining priorities and hopes for moving forward with the arts and culture economic impact study
3. Communication received from Jesse Bernal regarding their resignation from the Community Relations Commission
4. Communication received from Andy Johnston regarding their resignation from the Vital Streets Oversight Commission
5. Communication received from Mark Baker, Soft Lights Foundation President, regarding the FDA decision not to regulate LED products
6. Communication received from Marsha Plafkin regarding a Federal Trade Commission complaint
7. Communications (47) received expressing support for dropping the charges against the four protestors arrested on May 15, 2024 in downtown Grand Rapids

VIII. **REPORTS OF CITY OFFICERS** – The City Manager, City Attorney, City Clerk, City Treasurer, and City Comptroller may submit reports or information directly to the City Commission for consideration.

1. Report of Bond Sale – \$72,770,000 Series 2024 Capital Improvement Bonds for Scribner & Amphitheater
2. The City Clerk submitted copies of the General Retirement System Annual Actuarial Valuation for the year ending December 31, 2023
3. Comptroller's Warrant Report for the period of May 08, 2024 through May 21, 2024 in the amount of \$17,626,870.89 and Monthly Travel & Fund Reports

4. Treasurer's Report for Period of May 7, 2024, through May 21, 2024

IX. CONSENT AGENDA AND REPORTS OF STANDING COMMITTEES

A. CONSENT AGENDA APPROVAL

B. COMMITTEE ON APPOINTMENTS The Committee considers and makes recommendations on appointments to the City's various boards and commissions.

1. Resolution confirming Mayor Bliss' appointment of Michael Cary to the Housing Appeals Board
2. Resolution confirming Mayor Bliss' appointment of Zachary Verhulst to the Westside Corridor Improvement Authority

C. FISCAL COMMITTEE The Committee considers and makes recommendations on matters referring to bids, claims, and other financial matters of the City.

1. Resolution recognizing Hope for Single Moms as a local civic organization
2. Resolution allocating \$13,532.08 of GVSU's Belknap property voluntary payment funds to Neighbors of Belknap Lookout for community benefits
3. Resolution Authorizing Additional Payment to Kent County Drain Commissioner of FY 2024 Maintenance Assessments for Knapp's Corner Drain in the amount of \$153,993.16.
4. Resolution to approve a contract extension in the amount of \$75,000 with The Johnson Center for Philanthropy for program evaluation services in support of the City's Participatory Budgeting (PBGR) projects
5. Resolution approving execution of a contract with Arbor Circle for implementation of a community-based mental health and wellness initiative in the Second Ward in the amount of \$350,000
6. Resolution approving two change orders to the contract between Highstreet IT Solutions, LLC and the City of Grand Rapids in an amount not to exceed two million four hundred thousand dollars (\$2,400,000).
7. Resolution Confirming Uptown Business Improvement District Special Assessment Roll Number 8786
8. Resolution accepting The Wege Foundation grant of \$399,500 for the Office of Sustainability to hire two full-time staff.
9. Resolution authorizing contracts and payments not to exceed \$250,000 to

3Degrees and Sol Systems for the purchase of 23,000 megawatt hours per year of renewable energy credits for 2024 and 2025

10. Resolution authorizing the publication of a notice of intent to issue bonds for public improvements in an amount not to exceed \$28 Million
11. Bid List Resolution for June 4, 2024

D. COMMUNITY DEVELOPMENT COMMITTEE The Committee considers and makes recommendations on matters concerning public service, public improvements, streets, traffic and public buildings.

1. Resolution approving a Fireworks Discharge Permit for High Tech Special Effects for indoor special effects at the Van Andel Arena in connection with the Foreigner Farewell Tour 2024 concert on June 11, 2024
2. Resolution approving a Fireworks Discharge Permit to ImageSFX for indoor special effects at the Van Andel Arena in connection with the A Day To Remember concert on June 15, 2024
3. Resolution approving a Fireworks Discharge Permit for Arthur Rozzi Pyrotechnics in connection with the Grand Rapids Fireworks event on Saturday, July 6, 2024
4. Resolution authorizing a Memorandum of Understanding with the Lower Grand River Organization of Watersheds for the promotion, communication, and education about the Lower Grand River Water Trail
5. Resolution setting July 16, 2024, as the date to consider an ordinance rezoning 385 Leonard Street NE from the NOS (Neighborhood Office Service) Zone District to SD-PRD (Special Districts–Planned Redevelopment District) to facilitate construction of a five-story apartment building with up to 186 dwelling units
6. Resolution scheduling a Public Hearing for July 16, 2024 to consider the Commemorative Designation of the intersection of Henry Avenue and Logan Street as “Cliff’s Corner” in honor of Rev. Dr. Clifton Rhodes, Jr.
7. Resolution approving a Grant Application to the Michigan Department of Transportation Shared Streets and Spaces Program for the Leonard Street NE Midblock Pedestrian Hybrid Beacon Crossing Project
8. Resolution scheduling a public hearing for July 16, 2024, to consider a Brownfield Plan Amendment for the Benjamin Flats Redevelopment Project at 916 Benjamin Avenue NE
9. Resolution approving and authorizing execution and delivery of one or

more quit claim deeds to the Grand Rapids Housing Commission for the purposes of clarifying property ownership of six (6) parcels and facilitating the sale and conveyance of the properties by the Grand Rapids Housing Commission

10. Resolution approving an option agreement and the eventual sale of 1301 Logan Street SE, pursuant to City Commission Policy 900-63
11. Resolution approving extensions to contracts and an increase of \$950,000 for Utility Improvement at Various Locations - Contract 2021 for a total not-to-exceed \$2,850,000
12. Resolution awarding a contract with SPS Pro Plumbing, LLC for the Replacement of Lead Service Lines at Various Locations - Contract 2024-1 in the amount of \$3,338,848 with a total project cost not-to-exceed \$4,054,900
13. Resolution awarding a contract with Groundhawg Landscaping & Excavating, LLC for the Replacement of Lead Service Lines at Various Locations - Contract 2024-2 in the amount of \$3,850,300 with a total project cost not-to-exceed \$4,612,200
14. Resolution awarding a contract with Diversco Construction Company, Inc. for Improvements to the Water System at Various Locations in the amount of \$1,475,624 with total amount not-to-exceed \$1,997,000
15. Resolution approving an increase to the Professional Services Agreement with Clark Construction Company for Construction of City Facilities at 1500 Scribner in the amount of \$9,311,779 with total amount not-to-exceed \$81,174,809
16. Resolution approving a Cost-Sharing Agreement in the amount of \$1,674,500 with Factory Yards Development, L.L.C. in connection with the Reconstruction of Godfrey Avenue from Oxford Street to Chestnut and of Chestnut Street from 1,300' West of Godfrey Avenue to Godfrey Avenue
17. Resolution approving an agreement with MDOT for the Reconstruction of Valley Avenue from Fulton St. to Bridge St and authorizing \$2,824,504 for the local share of project costs.
18. Resolution approving a Grant Application to the U.S. Department of Transportation, Active Transportation Infrastructure Investment Program, in connection with Nonmotorized Transportation Improvements

E. COMMITTEE OF THE WHOLE The Committee considers all matters that are desired to be deliberated in committee by the full City Commission. Most ordinances and licensing matters are brought before this committee.

1. Resolution approving the request from Sip Shine, LLC, for a new On-Premises Tasting Room license to be located at 401 Stocking Ave NW
2. Resolution revising the existing East Hills Social District to modify the location of the commons area
3. Resolution approving polling locations and early voting sites for the August 2024 Primary Election and fixing inspector pay for Early Voting, Absent Voter Counting Board, and Precinct Inspectors.
4. Resolution approving an amendment to the memorandum of understanding between Downtown Grand Rapids Inc., Kendall College of Art and Design of Ferris State University (KCAD), and the City of Grand Rapids for establishment of ArtPrize 2.0
5. Resolution establishing an Obsolete Property Rehabilitation District, pursuant to PA 146 of 2000, for JV Enterprise, LLC at 2037 Division Avenue S
6. Resolution approving a ten-year Obsolete Property Rehabilitation Exemption Certificate, pursuant to PA 146 of 2000, for JV Enterprise, LLC at 2037 Division Avenue S
7. Resolution Adopting the Grand Valley Regional Biosolids Authority (GVRBA) FY2025 Operations and Maintenance Budget in the amount of \$12,493,825

X. ITEMS REMOVED FROM CONSENT

1. Resolution to approve an agreement with Seeding Justice Grand Rapids in the amount of \$711,364.18 to serve underserved communities, invest in business development, facilitate employment opportunities, and provide grants to the local community in accordance with the City's Social Equity Policy.

XI. ORDINANCES TO BE ADOPTED

1. Salary Ordinance amending Section 4.2 of Ordinance 2022-33, Range Change for Equipment Maintenance Supervisor
2. Salary Ordinance amending Section 3.2 of Ordinance 2022-40, New Classification - Chief Sustainability Officer
3. Ordinance amending Section 1 of the Budget Ordinance 2023-15 for Fiscal Year 2024 (Amendment No. 12)

XII. **CITY COMMISSION RESOLUTIONS** – Resolutions to be deliberated by the City Commission but which come directly to the City Commission rather than from one of the Standing Committees.

XIII. **PUBLIC HEARINGS** – Public hearings are scheduled to allow citizens to speak on subjects which will be before the City Commission for action at a future date. Speakers may address the Commission once on each hearing.

1. Public hearing to consider a First Amendment to the Brownfield Plan Amendment for the Vandenberg Center Redevelopment Project located at 111 Lyon Street NW
2. Public hearing to consider the establishment of a Neighborhood Enterprise Zone for the Vandenberg Center project located at 111 Lyon Street NW

XIV. **PUBLIC COMMENTS** – At the conclusion of the official business and public hearings, the agenda provides for public comment on any other matters citizens may wish to bring to the attention of the City Commission. (Please limit comments to 3 minutes.)

XV. **COMMENTS BY COMMISSIONERS**

DOCUMENTS FILED

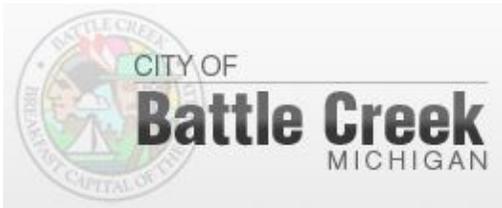
XVI. **ADJOURNMENT**

**CITY COMMISSION
GLOSSARY OF TERMS**

TERM	DEFINITION
Adjournment	To close the meeting.
Adopt	To accept or approve; i.e., an ordinance, a resolution, a motion, etc.
Amend	To modify; i.e., an ordinance, a resolution, a motion, etc.
Call to Order	Formal opening of a meeting.
City Charter	Legal document establishing a municipality (city).
City Commission	Local form of government consisting of the Mayor and six Commissioners.
City Officers	Includes: Mayor, President of the City Commission, City Manager, City Attorney, City Treasurer, and City Clerk.
Consent Agenda	Matters listed as Consent Agenda items are considered to be routine or matters of unanimous consent by the City Commission. There will be no separate discussion of these matters, and they will be enacted by one motion.
Executive Session	A meeting in which the proceedings are of a confidential nature. Only members and invited guests may attend, and all are honor-bound to maintain confidentiality.
Motion	A proposal that the Commissioners take a specific action or stand on an item being presented to the City Commission.
Ordinance	A piece of legislation enacted by a municipal authority.
Postpone	A motion to postpone is made if the City Commission needs more time to make a decision. A postponement cannot go beyond the next session.
Quorum	Number of voting members who must be present in order that business can be legally transacted.
Recess	Short intermission within a meeting.
Recognize / Obtain the Floor	Acknowledgement by the presiding officer of the City Commission that a member has the right to address the assembly.
Rescind (Repeal)	Allows the City Commission to repeal an action previously taken; i.e., ordinances, etc.
Resolution	A decision by the City Commission to do or not to do something.
Robert's Rules of Order	A guide to fair and orderly meeting procedures.
Suspend the Rules	This motion is used when the City Commission wants to do something that violates its own rules. The motion does not apply to an organization's bylaws, local, state, or national law; or fundamental principles of parliamentary law. An appropriate suspension of the rules, used on occasion by the City Commission, would be a motion to change the agenda.
Table, Lay on the	This motion puts aside an item, and everything adhering to it, currently being presented to the City Commission. The item remains "on the table" until taken off.
Table, Take (Remove) from the	The motion to Take from the Table is used when the City Commission wants to continue considering a motion that was Laid on the Table earlier in the present session or in the previous session of the City Commission. When a motion is Taken from the Table, it has everything adhering to it exactly as it was when it was Laid on the Table.
Revised: 06-30-2014	Source(s): Robert's Rules of Order City Commission Standing Rules

CITY OF GRAND RAPIDS COMMISSIONERS

First Ward	Jon O'Connor Drew Robbins	joconnor@grcity.us drobbins@grcity.us	616-456-3035 616-456-3035
Second Ward	Milinda Ysasi Lisa Knight	mysasi@grcity.us lknight@grcity.us	616-456-3035 616-456-3035
Third Ward	Kelsey Perdue Bing Goei	kperdue@grcity.us bgoei@grcity.us	616-456-3035 616-456-3035



Resolution NO. 494

A Resolution seeking adoption of Ordinance, #10-2024, to amend Section 08 of Chapter 882 Real Estate Taxation, by updating the terms of the Payment in Lieu of Taxes (PILOT) to reflect the new ownership and financing for "Westbrook Place."

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the following sections are adopted:

Section 1. An Ordinance, #10-2024, amending Section 08 of Chapter 882 "Real Estate Taxation," by updating the terms of the Payment in Lieu of Taxes (PILOT) ordinance to reflect the new ownership and financing for "Westbrook Place" as attached hereto and made a part hereof.

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 3. All ordinances or parts of ordinances, in conflict with any of the provisions of this Ordinance, are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this Ordinance, which shall remain subject to the ordinance provision existing at the time of the alleged violation.

Section 4. Except as otherwise provided by law, this Ordinance shall take effect ten (10) days from the date of its adoption, in accordance with the provisions of Section 4.3(B) of Chapter 4 of the City Charter.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Jill Humphreys Steele, City Attorney

Department: City Attorney

SUMMARY

A Resolution seeking adoption of Ordinance, #10-2024, to amend Section 08 of Chapter 882 Real Estate Taxation, by updating the terms of the Payment in Lieu of Taxes (PILOT) to reflect the new ownership and financing for "Westbrook Place."

BUDGETARY CONSIDERATIONS

A PILOT is essentially a tax exemption for a housing development, with the Developer/Sponsor being responsible for making an annual payment as compensation for services provided to it, such as police and fire protection and other essential services. Under the ordinance presented here, the property owner would be responsible for annual payments of four percent (4%) of the "shelter rents" for all income restricted units, which is anticipated to be all 69 units in the development for forty-five (45) years. "Shelter rent" means the total collection of all payments from the occupants of the development representing rents or occupancy charges, exclusive of utilities furnished to the occupants by the Developer or Sponsor.

The duration of a PILOT may not exceed fifty (50) years. This proposed PILOT would last forty-five (45) years, the length of the mortgage/LIHTC, provided the Sponsor continues to meet the statutory requirements to be eligible for the abatement, as well as the requirements set out in the proposed ordinance. After the PILOT expires, the property would be assessed at a normal value and tax rate.

HISTORY, BACKGROUND and DISCUSSION

Ordinance 882.08 was initially enacted in 2004 and amended in 2005. Westbrook Place Apartments is a six-story mid/high-rise building with 69 units of multi-family affordable residential housing for persons who are 50 and over. Originally constructed as a hospital in 1940, the property underwent extensive renovation and conversion in 2006. Of the 69 units, 47 have one bedroom and 22 have two bedrooms. It is currently used as an elderly-designated affordable rental apartment complex, subject to restricted rents and regulations under Section 42 of the Low-Income Housing Tax Credit (LIHTC) program. The current PILOT ordinance provides an annual service payment of 4% of the Contract Rents. The Developer is requesting that the PILOT remain the same at 4%. The current PILOT is set to expire at the end of 2024.

On December 23, 2021, the property was sold and is now owned by Westbrook Preservation, Limited Dividend Housing Association, LLC, with Full Circle Communities (FCC) as the project developer. FCC is requesting a renewal of the PILOT, reflected here in an ordinance amendment, showing the new owner as the "Sponsor," and to provide a renewal of the length of the PILOT as the owner/developer seek to apply for additional funds to rehabilitate the property. FCC indicates that central to its "mission is the recognition that housing, supportive services, and social services are interconnected. As a result, FCC dedicates at least 75% of cash flow and developer's fees to providing services for residents. This service-rich housing model promotes stability, independence, and serves as the foundation for opportunity and enrichment."

FCC further indicates that Westbrook Place cannot be preserved without an extension of the existing PILOT. "An extension is also necessary to prepare the property for a competitive LIHTC application to receive an allocation to perform necessary maintenance and repairs." See the attached PILOT request letter for additional information from FCC.

The proposed ordinance has also been amended to better reflect the template ordinance recommended by MSHDA and to extend the terms that would otherwise expire at the end of 2024. This proposed ordinance amendment was introduced at the July 2, 2024 City Commission meeting.

DISCUSSION OF THE ISSUE

POSITIONS

The City Manager and Assistant City Manager recommend introduction of this Ordinance amendment.

ATTACHMENTS:

File Name	Description
▣ 882.08_Westbrook_Place_REDLINE_6.24.24.pdf	882.08 Westbrook Place REDLINE 7.8.24
▣ 882.08_Westbrook_Place_CLEAN_06.24.24.pdf	882.08 Westbrook Place CLEAN 7.8.24
▣ Westbrook_Place_Pilot_Request.pdf	PILOT update request Westbrook Place

882.08 EXEMPTION FOR WESTBROOK PLACE

An Ordinance to provide for a service charge in lieu of taxes for a housing development for low income elderly persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq) (the "Act").

(a) Purpose, City Authority and Findings of Fact.

(1) It is ~~determined~~acknowledged that ~~it is~~ a proper public purpose of the State of Michigan and its political subdivisions ~~is~~ to ~~assist in the provision~~ of housing for its ~~resident~~citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with State law.

(2) The City ~~of Battle Creek~~ is authorized to establish or change ~~the~~ a service charge to be paid in lieu of taxes by any or all classes of housing exempt ~~from~~for taxation under the ~~Michigan State Housing Development Authority Act of 1966, as amended~~, at any amount it chooses, but not ~~to~~ exceed~~ing~~ the taxes that would be paid but for the Act. It is ~~also~~further found that ~~such~~ housing for ~~low-income~~ persons ~~of low income and families~~ is a public necessity and ~~that~~as the City will be benefited and improved by such housing, ~~and that~~ the encouragement of ~~the~~ same by providing ~~a~~ certain real estate tax exemption for such housing is a valid public purpose. It is further found that the continuance of the provisions of this section for tax exemption and the service charge in lieu of ~~all ad valorem~~ taxes during the period contemplated in this section are essential to the determination of economic feasibility of ~~the proposed~~ housing development ~~that~~ which is to be ~~rehabilitated~~constructed ~~with financing extended~~and ~~financed~~ in reliance on such tax exemption.

(3) The City acknowledges that the Sponsor ~~(as defined below)~~, ~~Westbrook Place Limited Dividend Housing Association Limited Partnership, a Michigan Limited Partnership,~~ ~~has offered, subject to receipt of an allocation under the low income housing tax credit laws,~~ ~~to~~has ~~acquired~~erect, own and ~~is~~ operating a qualifying ~~H~~housing ~~D~~evelopment ~~identified as~~ "Westbrook Place," on certain property located ~~at 183 West Street~~ in the City ~~that~~o serves ~~persons of~~ low income ~~persons and families~~ and that the Sponsor has offered to ~~continue to~~ pay the City on account of this ~~H~~housing ~~D~~evelopment an annual service charge for public services in lieu of all ~~ad valorem~~ taxes.

(b) Definition of Terms. All terms in this section shall be defined as set forth in the Act, except as follows:

(1) "Act" means the State Housing Development Authority Act, being Public Act 346 of 1966, as amended.

(2) "Annual ~~S~~shelter ~~R~~rents" means the total collections during an agreed annual period from ~~or paid on behalf of~~ all occupants of the ~~Housing Project development~~ representing rent or occupancy charges, exclusive of ~~said charges attributable to gas, electricity, heat or other~~ ~~u~~Utilities ~~furnished to the occupants by the Sponsor.~~

(3) "Authority" means the Michigan State Housing Development Authority.

(4) "City" means the City of Battle Creek, a home rule municipality organized pursuant to Public Act 279 of 1909, as amended and located in Calhoun County, Michigan.

(5) "Contract Rents" means the total Contract Rents (as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended) received in connection with the operation of the Housing Development during an agreed annual period, exclusive of Utilities.

(65) "Housing Development" means the proposed senior citizen multiple family Hhousing Ddevelopment which is located in the City of Battle Creek and known as "Westbrook Place" at 183 West Street, which contains 69 units for elderly affordable residential living, and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority has determined improves the quality of the Housing Development as it relates to housing for Low Income Elderly Persons and Families.

(76) "Elderly persons of Low Income Elderly Persons and or Families" means a household composed of one or more persons where the head of the household is fifty-five years of age or older at the time of initial occupancy and all other members of the household are fifty years of age or older, or a single person who is fifty-five years of age or older at the time of initial occupancy, and whose household income is sixty percent or less of the area median income as adjusted for family size and who are determined to be eligible to move into the Housing Ddevelopment under the provisions of Section 42 of the Internal Revenue Code of 1986, as amended, the units of which shall be rent restricted.

(87) "LIHTC Program Housing development" means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended, development which contains a significant element of housing for elderly persons of low income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority has determined improves the quality of the development as it relates to housing for elderly persons of low income.

(98) "Mortgage Lloan" means any of the following: (i) A below market interest rate mortgage insured, purchased, or held by the secretary of the department of housing and urban development; (ii) A market interest rate mortgage insured by the secretary of the department of housing and urban development and augmented by a program of rent supplements; (iii) A mortgage receiving interest reduction payments provided by the secretary of the department of housing and urban development; (iv) A mortgage on a housing project to which the Authority allocates low income housing tax credits under section 22b of the Act; (v) A mortgage receiving special benefits under other federal law designated specifically to develop low and moderate income housing, consistent with the Act; or (vi) a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a Housing Development, and secured by a mortgage on the Housing Development a loan made by the Authority to the Sponsor for the construction and permanent financing of the housing development.

(109) "Section 42" means Title 26 United States Code Section 42 of the Internal Revenue Code of 1986, as amended.

(110) "Sponsor" means Westbrook Preservation LLC Limited Dividend Housing Association LLC Limited Partnership, a Michigan Limited Liability Company Partnership, which currently has ~~or will apply~~ a Mortgage Loan to finance the Housing Development under this section, and any entity that receives or assumes a Mortgage Loan for the Housing Development to the Authority for a mortgage loan to finance a housing development.

(124) "Utilities" means ~~charges for gas, electric, fuel,~~ water, sanitary sewer service and other utilities/~~or electrical service that~~ which are ~~furnished to the occupants and~~ paid for by the Sponsor.

(c) Applicable Class of Housing Developments. It is determined that the class of ~~H~~housing ~~D~~development to which the tax exemption ~~set forth in this section~~ shall apply, and for which a service charge shall be paid in lieu of such taxes shall be ~~a~~ Section 42 ~~H~~housing ~~D~~developments for Low Income Elderly Persons and Families that is financed with a Mortgage Loan ~~which have received a low income housing tax credit allocation from the Authority pursuant to Section 42.~~ The tax exemption provided by this section shall apply, notwithstanding any language in Section 882.01 to the contrary, and the language in this section shall govern any conflict between this section and section 882.01 so long as this section is in effect. Based on representations and warranties of the Sponsor, it is determined that the ~~Housing D~~development subject to this section is a ~~H~~housing ~~D~~development eligible for tax exemption provided by Section 15a of the Act.

(d) Establishment of Annual Service Charges.

(1) The ~~Housing D~~development known as "Westbrook Place," and the property on which it is located ~~and will be~~ constructed shall be exempt from all ~~ad valorem~~ property taxes ~~as provided in below subsection (d)(2) from and after tax year 2024 until this section terminates pursuant to its terms. commencing with January 1, following either the commencement of construction or, compliance by the Sponsor with all requirements imposed on the owner by Subsection (1) of Section 15a of the Act, whichever is later.~~ The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the ~~Housing D~~development in reliance upon the enactment and continuing effect of this section and the qualification of the ~~Housing D~~development for exemption from all ~~ad valorem~~ property taxes ~~and a, any~~ payment in lieu of taxes as established by this section. ~~Therefore, and~~ in consideration of the Sponsor's offer, subject to the ~~receipt of a mortgage loan and a low income tax credit allocation from the Authority Sponsor continuing,~~ to ~~construct,~~ own and operate the ~~Housing D~~development as a ~~Section 42 Housing Development for Low Income Elderly Persons and Families that is financed with a Mortgage Loan,~~ the City agrees to accept payment of an annual service charge for public services in lieu of all ~~ad valorem~~ property taxes.

(2) ~~Subject to Section (d)(1) above,~~ the annual service charge to be paid in lieu of taxes shall be equal to four percent (4.00%) of the Contract Rents (for units receiving project-based Section 8 rental subsidy) and four percent (4.00%) of the Shelter Rents (for units not receiving project-based Section 8 rental subsidy) actually collected by ~~t~~The ~~H~~housing ~~D~~development

~~during each operating year pursuant to the terms set out in below subsection (g). identified as Westbrook Place, and the property on which it is located, shall be exempt from all property taxes from and after the effective date of this section until this section terminates. The City, acknowledging that the Sponsor and the Authority have undertaken the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this section and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established herein, and in consideration of the Sponsor's officer, subject to receipt of an allocation from the Authority to construct, own and operate such housing development, hereby agrees to accept payment of an annual service charge for the public services in lieu of all property taxes. The annual service charge shall be equal to the following percentages of all gross rental income collected during the following operating years:-~~

~~Year~~

~~P.I.L.O.T. Rates~~

~~2016-2023~~

~~4.00%~~

~~2024 and thereafter~~

~~Not Exempt~~

(3) Nothing in this section shall be construed to exempt the Housing Development and property on which it is constructed from any special assessment for street or other public improvements or as a result of its location within a business improvement district authorized by ~~1999~~ Public Act 49 of 1999, as amended.

(4) The determination of when each housing unit in the Housing Development is occupied by an elderly ~~tenant person~~ qualified under the definition of Low-Income Persons or Families shall be made for each year as of December 31 of the immediately preceding year.

(e) Contractual Effect of Ordinance Section. Notwithstanding the provisions of Section 15a(5) of the Act to the contrary, ~~the~~ contract between the City and Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption ~~and~~, accept payments in lieu of ad valorem property taxes, as previously described, is effectuated by the enactment of this section. However, nothing contained in this section shall constitute a waiver of any rights the City may possess or exercise under the provisions of Section 15(a)(2) of the Act, provided the exercise of such rights does not, in the opinion of the Authority, impair the economic feasibility of the Housing Development or the Mortgage Loan. Notwithstanding the contractual effect of this section, the service charge to be paid each year in lieu of taxes for the part of the Housing Development that is tax exempt, but which is occupied by other than Low Income Persons or

Families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt; and

(f) Payment of Service Charge. The annual service charge in lieu of ad valorem property taxes as determined under the subsection (d)(2) is shall be payable to the City on or before February 14th of the year following the year for which payment is due. Failure to pay the service charge on or before February 14th of each year shall result in the service charge being subject to one percent (1%) interest per month until paid. If any amount of the annual service charge or accrued interest shall remain unpaid as of December 31 of each year, then the amount unpaid shall be a lien upon the real property constituting Westbrook Place Housing Development upon the City Treasurer filing a certificate of non-payment of the service charge, together with an affidavit of proof of service of the certificate of non-payment upon the Sponsor with the Calhoun County Register of Deeds, and proceedings may then be had to enforce the lien as provided by law for the foreclosure of tax liens upon real property. in the same manner as general property taxes are payable to the City except the annual payment shall be paid on or before July 1 of each year for which this section is operative.

(g) Duration and Conditions. Commencing with the 2024 tax year and ending with the tax year which is forty-five (45) years later, 2016, and ending with the tax year 2023, this section shall remain in effect and shall not terminate from the effective date hereof until the expiration of forty-five (45) years as provided above, provided that all of the following requirements are in existence and continue to be met: the development remains subject to income and rent restrictions pursuant to Section 42, and that construction of development commences on or before December 31, 2005.

(1) The Housing Development remains subject to income and rent restrictions pursuant to Section 42; and

(2) A Mortgage Loan is outstanding.

In addition to the foregoing, the Sponsor shall make all annual reports supporting its claimed annual contract rent and reduced rent allocation for the preceding annual period by February 14 of each year, and failure to do so shall result in a late fee of fifty dollars (\$50.00) per month, which amount shall accrue one percent (1%) interest per month until paid.

(h) Benefits. The Sponsor benefits of the tax exemption granted pursuant to this section shall be allocated by the benefits of the tax exemption granted pursuant to this section Sponsor exclusively to the Low-Income Persons and Families of the Housing Development in the form of reduced rent. Such benefits shall not be allocated to the market rate persons or families. The Sponsor shall, at the request of the City, submit to the City its annual report documentation such evidence and documentation as may be reasonably necessary to verify Sponsor's compliance with this requirement.

(i) Audit and Inspection of Records. Subject to any limitations imposed by law, the Sponsor shall provide to the City annually, with its payment in lieu of taxes, such accounting records, audits and financial reports as will allow the City shall reasonably require to verify the

computation of the annual service charge as provided by this section. The Sponsor shall maintain such records of rent or occupancy charges received and the occupancy of units in the [Housing Development](#) as will permit the City to verify which of the units in the [Housing Development](#) have been occupied by [Low-Income Persons](#) ~~and~~ [Families](#). Subject to any limitations imposed by law, the books and records of the Sponsor pertaining to the [Housing Development](#) shall be available for review and audit by the City at all times.

(j) Lien. Annual service charges [as well as any late fees payable](#) pursuant to this section shall be a lien on the [Housing Development](#), and, if delinquent, shall be collected and enforced in the same manner as general property taxes.

[\(k\) Description of Development Site: Parcel #52-7960-00-007-0, Located in the City of Battle Creek, Calhoun County, and legally described as:](#)

[Commencing at Southeast corner of Lot 1 of Skinner & Stone's Addition to Battle Creek, according to the Plat thereof as recorded in Liber 1 of Plats, on Page 39, in the Office of the Register of Deeds for Calhoun County, Michigan; thence along the East line of said Plat, North 00 deg. 28' 29" West 688.10 feet for the Point of Beginning; thence South 79 deg. 27' 25" West 61.97 feet; thence South 30 deg. 55' 50" West 58.00 feet; thence along an extension of and along the exterior wall of the North Tower, South 27 deg. 48' 44" West 38.89 feet; thence continuing along said exterior wall, South 29 deg. 28' 19" East 29.23 feet to a point on the extension of said exterior wall; thence South 60 deg. 31' 41" West 24.84 feet; thence North 29 deg. 28' 19" West 16.54 feet; thence South 59 deg. 49' 35" West 12.60 feet; thence South 13 deg. 58' 29" West 11.89 feet; thence North 75 deg. 41' 48" West 12.00 feet; thence South 59 deg. 57' 16" West 18.60 feet; thence South 30 deg. 33' 53" East 26.25 feet; thence South 59 deg. 26' 35" West 124.09 feet; thence North 89 deg. 53' 09" West 44.00 feet to the centerline of vacated Thompkins Street \(being 49.5 feet in width\); thence along said centerline of vacated Thompkins Street, North 00 deg. 28' 50" West 313.33 feet; thence South 89 deg. 11' 02" East 25.21 feet to the West line of Lot 27 of said plat of Skinner & Stone's Addition to Battle Creek; thence North 35 deg. 32' 23" East 300.17 feet to a point on the North line of Lot 22 of said Plat of Skinner & Stone's Addition to Battle Creek; thence along the North line of said Lot 22, South 88 deg. 56' 39" East 103.51 feet to the Northeast corner of said Lot 22; thence along the East line of said Pat Skinner & Stone's Addition to Battle Creek, South 00 deg. 28' 29" East 326.75 feet to the Point of Beginning.](#)

[\(l\) Severability. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.](#)

[\(m\) Inconsistent Ordinances. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.](#)

882.08 EXEMPTION FOR WESTBROOK PLACE

An Ordinance to provide for a service charge in lieu of taxes for a housing development for low income elderly persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq) (the “Act”).

(a) Purpose, City Authority and Findings of Fact.

(1) It is determined that a proper public purpose of the State of Michigan and its political subdivisions is to assist in the provision of housing for its residents of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with State law.

(2) The City is authorized to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act, at any amount it chooses, but not exceeding the taxes that would be paid but for the Act. It is also found that such housing for low-income persons and families is a public necessity and that the City will be benefited and improved by such housing, and that the encouragement of the same by providing a certain real estate tax exemption for such housing is a valid public purpose. It is further found that the continuance of the provisions of this section for tax exemption and the service charge in lieu of all ad valorem taxes during the period contemplated in this section are essential to the determination of economic feasibility of housing development that is to be rehabilitated with financing extended in reliance on such tax exemption.

(3) The City acknowledges that the Sponsor (as defined below) has acquired and is operating a qualifying Housing Development identified as “Westbrook Place,” on certain property located at 183 West Street in the City that serves low income persons and families and that the Sponsor has offered to continue to pay the City on account of this Housing Development an annual service charge for public services in lieu of all ad valorem taxes.

(b) Definition of Terms. All terms in this section shall be defined as set forth in the Act, except as follows:

(1) "Act" means the State Housing Development Authority Act, being Public Act 346 of 1966, as amended.

(2) “Annual Shelter Rents” means the total collections during an agreed annual period from or paid on behalf of all occupants of the Housing Project representing rent or occupancy charges, exclusive of Utilities.

(3) "Authority" means the Michigan State Housing Development Authority.

(4) "City" means the City of Battle Creek, a home rule municipality organized pursuant to Public Act 279 of 1909, as amended and located in Calhoun County, Michigan.

(5) “Contract Rents” means the total Contract Rents (as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S.

Housing Act of 1937, as amended) received in connection with the operation of the Housing Development during an agreed annual period, exclusive of Utilities.

(6) "Housing Development" means the multiple family Housing Development which is located in the City of Battle Creek and known as "Westbrook Place" at 183 West Street, which contains 69 units for elderly affordable residential living, and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority has determined improves the quality of the Housing Development as it relates to housing for Low Income Elderly Persons and Families.

(7) "Low Income Elderly Persons and Families" means a household composed of one or more persons where the head of the household is fifty-five years of age or older at the time of initial occupancy and all other members of the household are fifty years of age or older, or a single person who is fifty-five years of age or older at the time of initial occupancy, eligible to move into the Housing Development under the provisions of Section 42 of the Internal Revenue Code of 1986, as amended, the units of which shall be rent restricted.

(8) "LIHTC Program" means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.

(9) "Mortgage Loan" means any of the following: (i) A below market interest rate mortgage insured, purchased, or held by the secretary of the department of housing and urban development; (ii) A market interest rate mortgage insured by the secretary of the department of housing and urban development and augmented by a program of rent supplements; (iii) A mortgage receiving interest reduction payments provided by the secretary of the department of housing and urban development; (iv) A mortgage on a housing project to which the Authority allocates low income housing tax credits under section 22b of the Act; (v) A mortgage receiving special benefits under other federal law designated specifically to develop low and moderate income housing, consistent with the Act; or (vi) a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a Housing Development, and secured by a mortgage on the Housing Development.

(10) "Section 42" means Title 26 United States Code Section 42 of the Internal Revenue Code of 1986, as amended.

(11) "Sponsor" means Westbrook Preservation Limited Dividend Housing Association LLC, a Michigan Limited Liability Company, which currently has a Mortgage Loan to finance the Housing Development under this section, and any entity that receives or assumes a Mortgage Loan for the Housing Development.

(12) "Utilities" means charges for gas, electric, water, sanitary sewer service and other utilities that are furnished to the occupants and paid for by the Sponsor.

(c) Applicable Class of Housing Developments. It is determined that the class of Housing Development to which the tax exemption set forth in this section shall apply, and for which a service charge shall be paid in lieu of such taxes shall be a Section 42 Housing Development for Low Income Elderly Persons and Families that is financed with a Mortgage Loan. The tax

exemption provided by this section shall apply, notwithstanding any language in Section 882.01 to the contrary, and the language in this section shall govern any conflict between this section and section 882.01 so long as this section is in effect. Based on representations and warranties of the Sponsor, it is determined that the Housing Development subject to this section is a Housing Development eligible for tax exemption provided by Section 15a of the Act.

(d) Establishment of Annual Service Charges.

(1) The Housing Development known as “Westbrook Place,” and the property on which it is located and constructed shall be exempt from all ad valorem property taxes as provided in below subsection (d)(2) from and after tax year 2024 until this section terminates pursuant to its terms. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this section and the qualification of the Housing Development for exemption from all ad valorem property taxes and a payment in lieu of taxes as established by this section. Therefore, in consideration of the Sponsor's offer, subject to the Sponsor continuing to own and operate the Housing Development as a Section 42 Housing Development for Low Income Elderly Persons and Families that is financed with a Mortgage Loan, the City agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes.

(2) Subject to Section (d)(1) above, the annual service charge to be paid in lieu of taxes shall be equal to four percent (4.00%) of the Contract Rents (for units receiving project-based Section 8 rental subsidy) and four percent (4.00%) of the Shelter Rents (for units not receiving project-based Section 8 rental subsidy) actually collected by the Housing Development during each operating year pursuant to the terms set out in below subsection (g).

(3) Nothing in this section shall be construed to exempt the Housing Development and property on which it is constructed from any special assessment for street or other public improvements or as a result of its location within a business improvement district authorized by Public Act 49 of 1999, as amended.

(4) The determination of when each housing unit in the Housing Development is occupied by an elderly tenant qualified under the definition of Low-Income Persons or Families shall be made for each year as of December 31 of the immediately preceding year.

(e) Contractual Effect of Ordinance. Notwithstanding the provisions of Section 15a(5) of the Act to the contrary, a contract between the City and Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payment in lieu of ad valorem property taxes, as previously described, is effectuated by the enactment of this section. However, nothing contained in this section shall constitute a waiver of any rights the City may possess or exercise under the provisions of Section 15(a)(2) of the Act, provided the exercise of such rights does not, in the opinion of the Authority, impair the economic feasibility of the Housing Development or the Mortgage Loan. Notwithstanding the contractual effect of this section, the service charge to be paid each year in lieu of taxes for the part of the Housing Development that is tax exempt, but which is occupied by other than Low Income Persons or

Families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt; and

(f) Payment of Service Charge. The annual service charge in lieu of ad valorem property taxes as determined under subsection (d)(2) is payable to the City on or before February 14th of the year following the year for which payment is due. Failure to pay the service charge on or before February 14th of each year shall result in the service charge being subject to one percent (1%) interest per month until paid. If any amount of the annual service charge or accrued interest shall remain unpaid as of December 31 of each year, then the amount unpaid shall be a lien upon the real property constituting Westbrook Place Housing Development upon the City Treasurer filing a certificate of non-payment of the service charge, together with an affidavit of proof of service of the certificate of non-payment upon the Sponsor with the Calhoun County Register of Deeds, and proceedings may then be had to enforce the lien as provided by law for the foreclosure of tax liens upon real property.

(g) Duration and Conditions. Commencing with the 2024 tax year and ending with the tax year which is forty-five (45) years later, this section shall remain in effect and shall not terminate from the effective date hereof until the expiration of forty-five (45) years as provided above, provided that all of the following requirements are in existence and continue to be met:

(1) The Housing Development remains subject to income and rent restrictions pursuant to Section 42; and

(2) A Mortgage Loan is outstanding.

In addition to the foregoing, the Sponsor shall make all annual reports supporting its claimed annual contract rent and reduced rent allocation for the preceding annual period by February 14 of each year, and failure to do so shall result in a late fee of fifty dollars (\$50.00) per month, which amount shall accrue one percent (1%) interest per month until paid.

(h) Benefits. The Sponsor shall allocate the benefits of the tax exemption granted pursuant to this section exclusively to the Low-Income Persons and Families of the Housing Development in the form of reduced rent. Such benefits shall not be allocated to market rate persons or families. The Sponsor shall submit to the City its annual report documentation to verify Sponsor's compliance with this requirement.

(i) Audit and Inspection of Records. Subject to any limitations imposed by law, the Sponsor shall provide to the City annually, with its payment in lieu of taxes, such accounting records, audits and financial reports as will allow the City to verify the computation of the annual service charge as provided by this section. The Sponsor shall maintain such records of rent or occupancy charges received and the occupancy of units in the Housing Development as will permit the City to verify which of the units in the Housing Development have been occupied by Low-Income Persons and Families. Subject to any limitations imposed by law, the books and records of the Sponsor pertaining to the Housing Development shall be available for review and audit by the City at all times.

(j) Lien. Annual service charges as well as any late fees pursuant to this section shall be a lien on the Housing Development, and, if delinquent, shall be collected and enforced in the same manner as general property taxes.

(k) Description of Development Site: Parcel #52-7960-00-007-0, Located in the City of Battle Creek, Calhoun County, and legally described as:

Commencing at Southeast corner of Lot 1 of Skinner & Stone's Addition to Battle Creek, according to the Plat thereof as recorded in Liber 1 of Plats, on Page 39, in the Office of the Register of Deeds for Calhoun County, Michigan; thence along the East line of said Plat, North 00 deg. 28' 29" West 688.10 feet for the Point of Beginning; thence South 79 deg. 27' 25" West 61.97 feet; thence South 30 deg. 55' 50" West 58.00 feet; thence along an extension of and along the exterior wall of the North Tower, South 27 deg. 48' 44" West 38.89 feet; thence continuing along said exterior wall, South 29 deg. 28' 19" East 29.23 feet to a point on the extension of said exterior wall; thence South 60 deg. 31' 41" West 24.84 feet; thence North 29 deg. 28' 19" West 16.54 feet; thence South 59 deg. 49' 35" West 12.60 feet; thence South 13 deg. 58' 29" West 11.89 feet; thence North 75 deg. 41' 48" West 12.00 feet; thence South 59 deg. 57' 16" West 18.60 feet; thence South 30 deg. 33' 53" East 26.25 feet; thence South 59 deg. 26' 35" West 124.09 feet; thence North 89 deg. 53' 09" West 44.00 feet to the centerline of vacated Thompkins Street (being 49.5 feet in width); thence along said centerline of vacated Thompkins Street, North 00 deg. 28' 50" West 313.33 feet; thence South 89 deg. 11' 02" East 25.21 feet to the West line of Lot 27 of said plat of Skinner & Stone's Addition to Battle Creek; thence North 35 deg. 32' 23" East 300.17 feet to a point on the North line of Lot 22 of said Plat of Skinner & Stone's Addition to Battle Creek; thence along the North line of said Lot 22, South 88 deg. 56' 39" East 103.51 feet to the Northeast corner of said Lot 22; thence along the East line of said Pat Skinner & Stone's Addition to Battle Creek, South 00 deg. 28' 29" East 326.75 feet to the Point of Beginning.

(l) Severability. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

(m) Inconsistent Ordinances. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.



Ted Dearing
Assistant City Manager, Department of Community & Economic Development
City of Battle Creek
10 North Division Street Rm 206
Battle Creek, MI 49014

Re: PILOT Ordinance Extension Request – Westbrook Place Apartments

Dear Ted Dearing:

The following summarizes the general framework between Full Circle Communities, Inc. or its affiliate (“**FCC**”) and City of Battle Creek (“**Battle Creek**”) for the renewal of Payment in Lieu of Taxes (“**PILOT**”) Ordinance for Westbrook Place Apartments (“**Project**”), in accordance with guidelines established by the Michigan State Housing Development Authority (“**MSHDA**”).

- Project:** The Project is a 69-unit multi-family, elderly affordable housing in Battle Creek, MI.
- Ownership Structure:** The owner of the Project (“**Owner**”) is a limited dividend housing association limited liability corporation (LDHA LLC). The non-member manager of the Owner will be FCC.
- Developer:** FCC is the developer for the Project and will be entitled to receive any developer fee and will be utilized as outlined below in “Available Service Funds”.
- Population Served:** The Project has been designed to serve an elderly population. FCC intends preserve these units through a rehab with an intentional design that responds to the needs of residents.
- Available Service Funds:** FCC will use a minimum of 75% of all developer fees in excess of \$250,000 that FCC receives from the Project to fund a Service Reserve. FCC will use a minimum of 75% of all cash flow distributed to it to fund tenant services and case management.
- Requested Assistance:** Renewal of the existing PILOT exemption set at the greater of 4.0% of Contract Rents or the minimum payment, as established with the City, for a period of 45 years.



Executive Summary

Westbrook Place Apartments is a six-story mid/high-rise building with 69 units for elderly affordable residential living, situated on a 2.57-acre site. Originally constructed as a hospital in 1940, the property underwent extensive renovation and conversion in 2006. It comprises 47 one-bedroom units and 22 two-bedroom units. The irregularly shaped corner parcel covers approximately 111,949 square feet, or about 2.57 acres. The property is currently utilized as an elderly-designated affordable rental apartment complex, subject to restricted rents and regulations under Section 42 of the Low-Income Housing Tax Credit (LIHTC) program. A Payment in Lieu of Taxes (PILOT) agreement with a 4.00% rate has been active from 2016 to 2023. Full Circle Community acquired the development in late 2021 and plans to renovate the property to preserve its affordable units through future LIHTC allocations.

The project's primary funding source was tax credit equity from the LIHTC program, managed by the Michigan State Housing Finance Agency (MSHDA), which imposes strict affordability guidelines. Tenants must have verified incomes that comply with the program's restrictions. Income and rent restrictions for this property stipulate that 25% of units will be rented to families earning no more than 30% of the Area Median Income (AMI), 5.88% to families earning no more than 45% of AMI, 45.59% to families earning no more than 50% of AMI, and 23.53% to families earning no more than 60% of AMI.

Central to Full Circle's mission is the recognition that housing, supportive services, and social services are interconnected. As a result, FCC dedicates at least 75% of cash flow and developer's fees to providing services for residents. This service-rich housing model promotes stability, independence, and serves as the foundation for opportunity and enrichment.

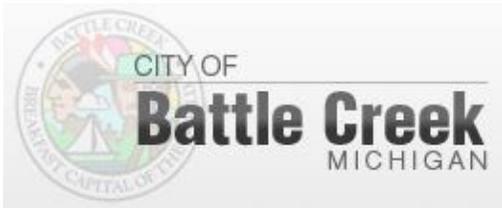
Act 346 of the Michigan State Housing Development Authority (MSHDA) Act of 1966 acknowledges the "payment in lieu of taxes" exemption (PILOT) as a crucial tool for facilitating the development of affordable housing for low- to moderate-income individuals and those with special needs. A PILOT provides eligible affordable housing projects with an annual service charge, calculated as a percentage of annual contract rents, in place of standard property taxes. This reduction in the tax burden on the property owner generates operational savings that enable the project to offer reduced rents. MSHDA expects municipal support for LIHTC projects in the form of a PILOT exemption, which is included in their program criteria. A project that does not receive a PILOT exemption faces a significant disadvantage in receiving a LIHTC award through the competitive funding process.

Maintaining the financial feasibility of the project based on existing financial models, and considering the income restrictions on the property, Westbrook Place cannot be preserved without an extension of the existing PILOT. An extension is also necessary to prepare the property for a competitive LIHTC application to receive an allocation to perform necessary maintenance and repairs. We respectfully request a PILOT set at the greater of 4.0% of Contract Rents or the minimum payment for a period of 45 years.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line extending to the right.

Joshua Wilmoth
President & CEO



Resolution

NO. 495

A Resolution seeking to adopt Ordinance #11-2024, an Ordinance to amend the Zoning Code for the City of Battle Creek.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the City Commission of the City of Battle Creek:

That Ordinance #11-2024 described in the following sections and introduced on July 2, 2024 be adopted:

Section 1: An Ordinance to adopt an update to the Zoning Ordinance, attached hereto. The proposed Ordinance, Part 12 of the Codified Ordinances includes amendments to Chapters 1240 and 1263 of the City of Battle Creek zoning code pursuant to Section 1281.01. Chapter 1240 adds language to residential districts R-1A, R-1B, R-2, R-3, and MFR to clarify that an accessory dwelling unit is only allowed as an attached unit to a single-family residential unit and to correct and clarify that an accessory dwelling unit in zoning districts T-3, Neighborhood Commercial, T-4, Downtown Commercial, and T5, Core Downtown Commercial is allowed as an attached or detached unit to a single-family residential unit. Chapter 1240 also amends the G, Green District and R-1R, Single-Family Residential District under Special Land Uses to remove "Agri-Tourism". Chapter 1263 removes language in the sign code restricting the height for wall signs in T-4 and T-5 zoning districts and changes the maximum area for wall signs in commercial and industrial districts to 10% of the wall area where the sign is placed, not to exceed 200 square feet.

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this Ordinance, which shall remain subject to the Ordinance provision existing at the time of the alleged violation.

Section 4. Except as otherwise provided by law, this Ordinance shall take effect seven (7) days from the date of its publication, in accordance with the provisions of Section 401 of the Michigan Zoning Enabling Act.

Action Summary

Staff Member: Darcy Schmitt, Planning Supervisor

Department: Planning

SUMMARY

A Resolution seeking to adopt Ordinance #11-2024, an Ordinance to amend the Zoning Code for the City of Battle Creek.

BUDGETARY CONSIDERATIONS

There are no budgetary considerations.

HISTORY, BACKGROUND and DISCUSSION

Chapter 1240: Zoning district and map:

The first proposed revision to this chapter is the removal of Agri-Tourism as a Special Use in the G, Green District and R1-R Single-Family Residential District. This is proposed as the use does not align with the goals and stated purpose of the districts. In both districts, generalized and specialized farms are not permitted uses. Staff has deemed that Agri-Tourism as a use would require generalized and specialized farms to be present in the district as permitted uses, as the agricultural nature of the tourism is stated in the Special Use. Further, the stated purpose of the Green district contradicts increases in commercial development, like those associated with tourism-related uses. For both the lack of underlying permitted use and the dissonance between the stated purpose of the districts, staff has determined that Agri-Tourism is not an appropriate Special Use for the Green and R1-R districts.

The second set of proposed revisions adds language that clarifies the size and placement of Accessory Dwelling Units (ADUs) across the districts in which they are allowed. In the R-1A, R-1B, and R-2 districts, ADUs require a Special Use Permit and shall only be attached to the primary dwelling unit. They share the setback and maximum building height requirements as the primary dwelling unit as a result of this, similar to the current language on attached garages. In the R-3, MFR, T-3, T-4, T-5, and S districts, ADUs may be attached or detached to the primary dwelling unit and do not require a Special Use Permit. This change is proposed to make building ADUs more efficient for both residents and the City, as there will be less required cost and time. To regulate detached ADUs, these districts also have setback and maximum building height requirements associated specifically with accessory dwelling units.

Chapter 1263.09: Commercial and industrial districts:

The proposed revisions consist of two sections. The first is regarding the Maximum Height requirement for wall signs in Commercial and Industrial districts. The second is regarding the Maximum Area requirements for wall signs in Commercial and Industrial districts. These revisions are motivated by a proposal from DoubleTree to construct a hotel within Battle Creek's downtown. As is common with modern hotels, a large sign near the roofline of the hotel was incorporated into their design. Staff considered the current language of the sign ordinance and found that it was limiting development within the community without reasonable motivation.

The first revision is the removal of the Maximum Height requirement for wall signs in Commercial and Industrial districts. This will only effect wall signs being built in the T-4 (Downtown Commercial District) and T-5 (Core Downtown Commercial District) districts. When considering the removal of this requirement, staff reviewed the Kalamazoo and Jackson City Ordinances for their requirements regarding wall signs in commercial downtown districts. Kalamazoo does not have a maximum height requirement for wall signs in its Community Commercial District and Central Business Districts (Kalamazoo City Ordinances, Chapter 7 Signs, Section 7.3 On-Premises Signs). Jackson requires that a wall sign shall not extend above the building roof line in the Central Commercial District, as well as all other districts where wall signs are allowed (Jackson

City Ordinances, Section 28-253.1). Considering both the desired direction of development in Battle Creek’s downtown and comparable ordinances in Southwestern Michigan cities, staff is proposing the removal of the Maximum Height requirement for wall signs in Commercial and Industrial districts.

The second revision is the change of the Maximum Area requirements to regulate larger signs on larger projects. As above, staff has reviewed the Kalamazoo and Jackson City Ordinances for how they regulate wall sign area in their commercial downtown districts. Kalamazoo allows 2 square feet of area allowed for each 1 foot of wall length with no single wall sign allowed to exceed 200 square feet on a site in their Community Commercial District. In Kalamazoo’s Central Business District, buildings over four stories in height are allowed to have an additional amount of wall signage equal to no more than 5% of the total area of each building façade that faces a public street. In either district, no single wall sign shall exceed 200 square feet. In Jackson’s Central Commercial District, a sign’s surface shall not exceed two square feet for each lineal foot of the length of the primary building façade up to a maximum of one hundred square feet. Considering these Southwestern Michigan cities, as well as the Battle Creek context, this size of sign was deemed appropriate.

DISCUSSION OF THE ISSUE

POSITIONS

The proposed amendments will clarify the intended use of accessory dwellings and provide requirements for maximum height and setbacks, remove the Agri-Tourism as a Special Use in the Green and R1-R as it does not align with stated purpose of the districts, and amend the sign ordinance to better align with common signage locations for hotels while limiting the overall area of the sign to 200 square feet.

ATTACHMENTS:

File Name	Description
☐ Staff_Report.pdf	Staff Report
☐ 1263_Signs_Clean_Copy.pdf	Chapter 1263 (clean copy)
☐ 1263_Signs_Mark-Up_Copy.pdf	Chapter 1263 (markup copy)
☐ 1240_Zoning_Districts_and_Map_Clean_Copy.pdf	Chapter 1240 (clean copy)
☐ 1240_Zoning_Districts_and_Map_Markup_Copy.pdf	Chapter 1240 (markup copy)
☐ 06.26.2024_Planning_Commission_Meeting_Minutes.pdf	06-26-2024 Planning Commission Meeting Minutes



Battle Creek City Planning Commission Staff Report for the June 26, 2024 Regular Meeting

To: Planning Commissioners
From: CJ Sivak-Schwennesen, Planner

Subjects: Request from the City of Battle Creek to consider amendments to Chapters 1263: Signs and 1240: Zoning Districts and Map, pursuant to Section 1281.01.

Summary

The City of Battle Creek is requesting that the Planning Commission consider amendments to Chapters 1240 and 1263 of the City of Battle Creek zoning code pursuant to Section 1281.01. These changes include the removal of Agri-Tourism as a Special Use in the Green and R1-R districts, the addition of language specifying the setbacks for primary and accessory dwelling units, and the addition of language clarifying in which districts an Accessory Dwelling Unit may be attached or detached. In Chapter 1263, the language regarding sign height in commercial districts has been removed.

Background

Chapter 1240: Zoning district and map:

The first proposed revision to this chapter is the removal of Agri-Tourism as a Special Use in the Green and R1-R Single-Family Residential District. This is proposed as the use does not align with the goals and stated purpose of the districts. In both districts, generalized and specialized farms are not permitted uses. Staff has deemed that Agri-Tourism as a use would require generalized and specialized farms to be present in the district as permitted uses, as the agricultural nature of the tourism is stated in the Special Use. Further, the stated purpose of the Green district contradicts increases in commercial development, like those associated with tourism-related uses. For both the lack of underlying permitted use and the dissonance between the stated purpose of the districts, staff has determined that Agri-Tourism is not an appropriate Special Use for the Green and R1-R districts.

The second set of proposed revisions adds language that clarifies the size and placement of Accessory Dwelling Units (ADUs) across the districts in which they are allowed. In the R-1A, R-1B, and R-2 districts, ADUs require a Special Use Permit and shall only be attached to the primary dwelling unit. They share the setback and maximum building height requirements as the primary dwelling unit as a result of this, similar to the current language on attached garages. In the R-3, MFR, T-3, T-4, T-5, and S districts, ADUs may be attached or detached to the primary dwelling unit and do not require a Special Use Permit. This change is proposed to make building ADUs more efficient for both residents and the City, as there will be less required cost and time. To regulate detached ADUs, these districts also have setback and maximum building height requirements associated specifically with accessory dwelling units.

Chapter 1263.09: Commercial and industrial districts:

The proposed revisions consist of two sections. The first is regarding the Maximum Height requirement for wall signs in Commercial and Industrial districts. The second is regarding the Maximum Area requirements for wall signs in Commercial and Industrial districts. These revisions are motivated by a proposal from DoubleTree to construct a hotel within Battle Creek's downtown. As is common with modern hotels, a large sign near the roofline of the hotel was incorporated into their design. Staff considered the current language of the sign ordinance and found that it was limiting development within the community without reasonable motivation.

The first revision is the removal of the Maximum Height requirement for wall signs in Commercial and Industrial districts. This will only effect wall signs being built in the T-4 (Downtown Commercial District) and T-5 (Core Downtown Commercial District) districts. When considering the removal of this requirement, staff reviewed the Kalamazoo and Jackson City Ordinances for their requirements regarding wall signs in commercial downtown districts. Kalamazoo does not have a maximum height requirement for wall signs in its Community Commercial District and Central Business Districts (Kalamazoo City Ordinances, Chapter 7 Signs, Section 7.3 On-Premises Signs). Jackson requires that a wall sign shall not extend above the building roof line in the Central Commercial District, as well as all other districts where wall signs are allowed (Jackson City Ordinances, Section 28-253.1). Considering both the desired direction of development in Battle Creek's downtown and comparable ordinances in Southwestern Michigan cities, staff is proposing the removal of the Maximum Height requirement for wall signs in Commercial and Industrial districts.

The second revision is the change of the Maximum Area requirements to regulate larger signs on larger projects. As above, staff has reviewed the Kalamazoo and Jackson City Ordinances for how they regulate wall sign area in their commercial downtown districts. Kalamazoo allows 2 square feet of area allowed for each 1 foot of wall length with no single wall sign allowed to exceed 200 square feet on a site in their Community Commercial District. In Kalamazoo's Central Business District, buildings over four stories in height are allowed to have an additional amount of wall signage equal to no more than 5% of the total area of each building façade that faces a public street. In either district, no single wall sign shall exceed 200 square feet. In Jackson's Central Commercial District, a sign's surface shall not exceed two square feet for each lineal foot of the length of the primary building façade up to a maximum of one hundred square feet. Considering these Southwestern Michigan cities, as well as the Battle Creek context, this size of sign was deemed appropriate.

Public Hearing and Notice Requirements

This request has been scheduled for the June 26, 2024 Planning Commission meeting, with notice of the hearing published in the June 6, 2024 edition of the Battle Creek Shopper.

Support Material

1240 Zoning District and Map_Clean Copy
1240 Zoning District and Map_Markup Copy
1263 Signs_Clean Copy
1263 Signs_Markup Copy

CHAPTER 1263 Signs

1263.01 SHORT TITLE.

This chapter shall be referred to as the “Sign Ordinance of the City” or just the “Sign Ordinance.”

1263.02 PURPOSE STATEMENT.

The purpose of this chapter is to permit signs that will not, by way of their own reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety or otherwise endanger public health or safety, and to permit and regulate signs in such a way as to support and compliment land use objectives as set forth in this Zoning Code to support a more aesthetic environment within the City.

1263.03 PERMIT REQUIRED.

No person shall erect or substantially alter a permanent sign without first acquiring a permit from the Community Services Department. Drawings showing to scale the dimensions, construction supports, sizes, electrical wiring, component materials of the sign, and method of attachment shall be submitted with the permit application. This requirement shall not be construed to require a permit for the replacement of a sign panel, or the change in copy on a changeable copy sign.

1263.04 SIGNS EXEMPT FROM PERMITS.

- (a) Temporary signs.
- (b) Building signs that are incorporated into the architecture of the building, including memorial tablets and historic markers attached to, embossed or engraved on the face of the building.
- (c) Signs painted on or permanently attached to motor vehicles which are legally licensed for and primarily used for transportation provided that no such vehicle is parked on a premise for the primary purpose of advertising.
- (d) Sidewalk signs for commercial buildings where the building is setback less than three feet from the public rights-of-way are permitted subject to the following requirements:
 - (1) Only one sidewalk sign is permitted per building tenant frontage;
 - (2) Permitted sidewalk signs are strictly limited to a maximum area of eight square feet per side, including any supporting structure or frame, and a maximum height of four feet, measured from the ground to the top of the supporting structure or frame;
 - (3) Sidewalk signs shall not be illuminated;

(4) Sidewalk signs shall be placed so as to maintain at least five continuous feet of clear sidewalk, as measured from the nearest edge of the sign or sign frame to the nearest curb or building wall for pedestrian passage;

(5) Sidewalk signs must be securely anchored or weighted to prevent the sign from being blown so as to cause danger to the public or property, but may not be attached to a building, or secured to or placed in the ground, nor attached to any element including but not limited to trees, signs, light poles, planters, or similar objects;

(6) A sidewalk sign shall not be placed so as to present an obstruction to visibility or movement of vehicular or pedestrian traffic at any driveway or street intersection;

(7) No sidewalk sign shall be placed in a manner that obstructs or impedes sidewalk plowing or cleaning;

(8) Sidewalk signs shall be constructed of wood, metal, or other similarly durable material;

(9) All signs shall be maintained in a high-quality state; no peeling, broken, cracked or faded paint or vinyl;

(10) Environmentally activated devices such as flags, festoons, balloons, ribbons or other attachments, including wheels or hitches for towing, are not permitted on a sidewalk sign;

(11) All signs placed on a public sidewalk or within any portion of the public right-of-way must be well maintained to prevent any injury;

(12) Sidewalk signs may only be displayed during the hours of operation of the business, and must be removed from the sidewalk at the close of business each day; and

(13) The owner of the sign shall be strictly liable for and indemnify the City for any injury or damage to person or property caused by the size, placement or maintenance of a sidewalk sign, which occupies or extends over any portion of a public sidewalk or right-of-way.

(e) Directional sign means an on-premises sign containing noncommercial messages, including, but not limited to, designation of rest rooms, telephone locations, restrictions on smoking and door openings. "Directional sign" also means a sign containing noncommercial messages for, but not limited to, private traffic control and parking signs.

1263.05 PROHIBITED SIGNS.

(a) Signs in the public right of way or other City property, except for signs erected by the City or with written approval by the City, or in the case of a permanent sign, an approved lease with the City, or sidewalk signs permitted pursuant to Section 1263.04(d).

(b) Roof and portable signs.

(c) Flashing signs and animated signs.

(d) Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled right of way, which are of such intensity as to cause glare or impair the vision of pedestrians or the driver of any motor vehicle, or interfere with the operation of a motor vehicle are prohibited.

(e) Abandoned signs, pursuant to Section 1263.11(b).

1263.06 GENERAL REQUIREMENTS FOR ALL SIGNS.

The following conditions apply to all signs erected or located in any zoning district:

(a) Sign Location. No sign shall be permitted at any location that creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. Any citation or notice of violation of this subsection shall cite any relevant building or electrical codes, provisions of this Zoning Code or other City ordinances.

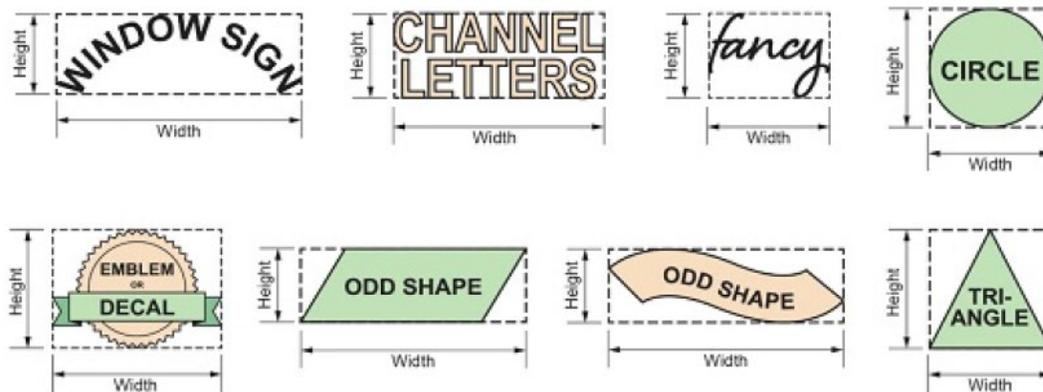
(b) Alterations. No sign will be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this chapter. The refacing of signs is not an alteration within the meaning of this chapter.

(c) Sign Attachment and Support. A sign must not be attached to or supported by a tree, utility pole, light pole, trash receptacle, bench, vending machine, public shelter, or be painted or drawn upon rocks or other natural features.

1263.07 MEASUREMENT OF SIGN AREA.

(a) The area of a sign, expressed in square feet, shall mean the entire area within any circle, triangle or rectangle or square enclosing the extreme limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Refer to the figure.

Figure 24. Area of a Sign

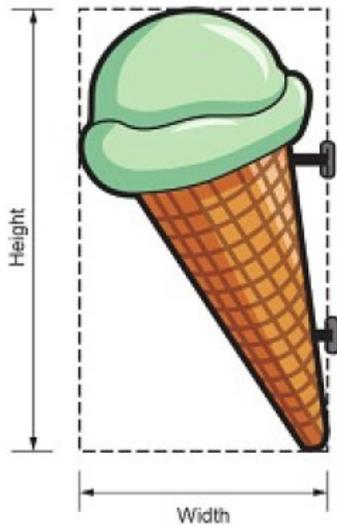


(b) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

(c) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area unless it too contains advertising lettering, materials or symbols.

(d) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area is measured as their maximum projection, upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. See figure 25.

Figure 25. Sign Area, Three-Dimensional Objects



(e) Regardless of their spacing, the letters forming a word or name shall be considered a single sign. The area of such a sign shall be measured as provided in this chapter.

1263.08 AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS.

Sign Type	Agricultural and Residential Districts	
	All Uses	Multi-family apartment complexes and permitted non-residential uses only
Temporary Signs	Maximum Area: 6 square feet Maximum Height: 3 feet Setbacks: Shall be located at least three feet away from the rights-of-ways and interior property lines.	
Wall Signs	Not Permitted	Maximum Number: 1 per frontage along rights-of-way

		Maximum Area: 8 square feet
Automatic Changeable Copy Signs	Maximum Area: Shall not exceed 50% of the total allowed sign area for the premises	
Freestanding Signs	Not Permitted	<p>Maximum Number: 1</p> <p>Maximum Area: 24 square feet. For properties having a street frontage of more than 300 feet, an additional 25% of sign area shall be allowed for each additional 150 feet of street frontage. However, the maximum size allowed for a sign shall not exceed 48 square feet.</p> <p>Setbacks: Shall not be closer than 5 feet from the street's right-of-way line (but under no circumstance closer than 10 feet to edge of the road), or 10 feet from any interior property line. 25 feet from any street intersection, measured from the intersection of the street's right-of-way lines.</p> <p>Maximum Height: 6 feet</p>

1263.09 COMMERCIAL AND INDUSTRIAL DISTRICTS.

Sign Type	Commercial and Industrial Districts	
	Each parcel used in accordance with permitted uses or legal nonconforming non-residential uses	
All Signs	Where a commercial parcel abuts a residential parcel, the setback distance of the sign shall be increased one foot for every square foot of signs.	
Temporary Signs	<p>Maximum Area: 24 square feet. No individual sign shall exceed 12 square feet. Parcels with greater than 300-foot of frontage are permitted an additional 12 square feet of temporary signage.</p> <p>Maximum Height: 4 feet</p> <p>Setbacks: At least 3 feet from the rights-of-way and interior property lines.</p>	
Freestanding Signs	Each parcel used in accordance with permitted uses or legal nonconforming non-residential	For properties having frontage on a limited access highway (I-

	uses	94/M66) only
	<p>Maximum Number: 1 per property. Where more than one tenant or buildings shares a single parking area, there shall be permitted only 1 freestanding sign. Properties having frontage on more than one street rights-of-way are allowed a freestanding sign on each, however each secondary sign shall not exceed 50% the size of the primary sign.</p>	<p>Maximum Number: 1 freestanding sign on their premises, specifically oriented to traffic on the limited access highway</p> <p>Maximum Area: 150 square feet</p> <p>Maximum Height: 25 feet above the grade level of the limited access highway (I-94) at its nearest point to the sign</p>
	<p>Maximum Area: The allowable area is no greater than 1.2 times the parcel frontage, not exceeding 100 square feet</p> <p>Maximum Height: 25 feet</p> <p>Setbacks: At least 5 feet from any street right-of-way (but under no circumstance closer than 10 feet to the edge of the road)</p>	<p>Setbacks: The sign may not be less than 25 feet nor more than 50 feet from the highway right-of-way line and may not be less than 100 feet from any other freestanding sign.</p>
Wall Signs	<p>These signs are permitted to be on any side of the building facing a parking lot or street so long as they do not project away from the building surface further than the thickness of the sign and they are not facing any residential district or use.</p> <p>Maximum Area: Shall not exceed 10% of the wall area where the sign is placed, not exceeding 200 square feet.</p>	
Window Signs	<p>Maximum Area: Shall not exceed 30% of each window area.</p>	
Blade Signs	<p>One sign shall be permitted for each side of the building fronting on a street or alley in a commercial district.</p> <p>Maximum Area: 8 square feet each side on a street and 6 square feet each side on an alley.</p> <p>The sign shall project no more than 4 feet from the building and the bottom of the sign shall be a minimum of 8 feet above grade.</p> <p>Signs shall not be directly or indirectly illuminated.</p>	
Canopy Signs	<p>Maximum Area: Shall not exceed 1.2 times the canopy frontage in square footage in total. This can be used in combination with other specified signs.</p>	

Drive-up/drive-thru businesses	<p>Maximum Number: 1 sign per drive up lane in the side or rear yard. Each additional service window is allowed 1 sign not to exceed 24 square feet.</p> <p>Maximum Area: 32 square feet.</p> <p>Maximum Height: 8 feet from grade</p>
Automatic changeable copy signs	<p>Maximum Area: Shall not exceed 50% of the total allowed sign area for the premises.</p>

1263.10 BILLBOARDS.

(a) Except as otherwise prohibited by this section, billboards are permitted in and limited to placement along in Agriculture, B-1, I-1 and I-2 zoning districts when placed along a limited access highway or state trunk line. A billboard is not permitted to be erected or placed on a premise which also contains a freestanding sign.

(b) Billboards are subject to the following conditions:

(1) Such signs shall be placed no closer than 1,500 feet from any other billboard sign on the same side of the right-of-way.

(2) Such signs shall not exceed 672 square feet of area when located on or facing a limited access highway. When all other conditions are met for placement, the setback from a limited access highway or highway shall not exceed 300 square feet. When located on any primary highway as used in the subsection, terms limited access highway and primary highway shall have the same meaning as provided for as in the Highway Advertising Act Public Act of 1972, Public Act 106 of 1972, as amended, being MCL 252.301 et seq.

(3) Such signs shall not exceed thirty-five feet in height.

(4) Such signs shall not be closer than ten feet from any property line, twenty feet from any street right-of-way, and 100 feet from any residential, public or quasi-public structure.

(5) Such signs shall be maintained free of peeling paint or paper, sun-fading, staining, rust or other conditions which impair the legibility, supporting structures, frames, braces, guys and anchors of such signs shall be maintained so as not to be unsafe or in a state of disrepair.

(6) Such signs shall not be illuminated other than by approved electrical devices in accordance with Chapter 1422 "Electrical Code." Underground wiring shall be required for any illuminated sign permitted under this section. Such signs shall not employ flashing, blinking or oscillating lights. Any lighting shall be directed away from adjacent properties, passing motorists and pedestrians.

(c) No billboard shall be erected at any time when there are seventy-five or more billboard faces in the City. With Administrator approval, a sign owner choosing to remove a legally nonconforming billboard may transfer the billboard's square footage to a new billboard in another location in accordance with this section.

(d) The City reserves all rights it is granted or permitted to regulate signs pursuant to the Highway Advertising Act of 1972, Public Act 106 of 1972, as amended, being MCL 252.301 et seq., and nothing in this subsection shall be interpreted or construed to in any way limit the ability of the City to regulate, restrict or limit the number and locations of billboards within the City pursuant to the Home Rule City Act, Public Act 279 of 1909, as amended, being MCL 117.1 et seq., and the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, as amended, being MCL 125.3101 et seq.

1263.11 SIGN ILLUMINATION.

Internally lit signs are not to exceed 100 watts or 1,600 lumens. This is to be measured from one foot away of the sign's face, and at midpoint of the sign face. External lights shall have the source so obscure and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.

1263.12 MAINTENANCE.

(a) Signs and sign structures must be well maintained with no signs of damage or wear. The sign structure and related pertinence need to be safe. If there are any defective parts, they need to be repaired or replaced, so the structure is not considered dangerous to public health.

(b) Any sign structure left open with no sign or blank panel for over ninety days shall be considered abandoned. If the sign or blank panel is removed and the existing structure meets the current zoning regulations, it shall be replaced by another sign or blank panel within those ninety days, or it shall be considered abandoned pursuant to Section 1263.04(e). Any nonconforming sign that is abandoned is the responsibility of the owner and shall be removed by such owner. If the owner fails to comply, after receiving due notice, the Administrator may direct the sign to be removed and assess the costs of removal against the property owner as a special assessment for legally rendered City services, in accordance with Section 216.13 of the Administration Code.

(c) Any billboard that is a nonconforming sign may be maintained and repaired so as to continue the useful life of the sign. However, under no circumstances may nonconforming billboards be expanded, enlarged or extended. Any nonconforming sign or sign structures substantially destroyed by fire, wind or other casualty shall not be restored or rebuilt.

1263.13 MANDATORY SIGN REMOVAL.

(a) Emergency Conditions. Should the Administrator determine that a sign is so dangerous that it requires immediate removal, he or she shall attempt to provide the sign owner or property owner with a notice of the danger and the need for immediate abatement. Due to the emergency nature of the danger, if such notice is not possible due to the lack of knowledge as to the whereabouts of the sign owner or property owner, or should the sign or property owner not be available or refuse to immediately abate the nuisance, the Administrator shall abate such nuisance. The cost of the abatement, including a service fee of ten percent of the actual costs of such correction, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.

(b) Nuisance Abatement. Any other sign regulated by this charter that fails to comply with the provisions of this chapter but which does not require emergency action, shall also constitute a nuisance. The owner of such sign and the real estate upon which it is located shall be given written notice of thirty days by regular mail for the abatement thereof. If such abatement is not accomplished within the 30-day period, the Administrator shall abate the nuisance. The cost of such abatement, including a service fee of 10% of the actual cost of such abatement, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.

(c) Remedies Cumulative. The action of the Administrator to abate a nuisance under this section shall be in addition to the penalties described elsewhere in this Zoning Code.

(d) Removal by Administrator. Notwithstanding any other provision in this Zoning Code, signs which are affixed in any manner to walls, fences, trees, posts, bridges, utility poles, street signs or traffic signs, or otherwise located in the public right of way may be removed by the Administrator and/or their assigns and may be destroyed without notice to the violator.

1263.14 ABATEMENT OF NONCONFORMING SIGNS; NOTICE.

The intent of this chapter is to abate nonconforming signs, except as otherwise specifically set forth in this chapter, as rapidly as the police power of the City permits. After the enactment of this chapter, the Administrator or their designated agent shall, as soon as is practical, survey the City for signs which do not conform to the requirements of this chapter. Upon determining that a sign is nonconforming, the Administrator shall use reasonable efforts to notify the owner of the sign, in writing, by regular U.S. mail.

1263.15 PENALTY; EQUITABLE REMEDIES.

(a) Unless otherwise specified, a person who violates or fails to comply with any of the provisions of this Zoning Code is responsible for a Class C Municipal civil infraction and shall be subject to the civil fines provided in Section 202.98.

(b) A person who violates any of the provisions of this Zoning Code that causes an imminent threat to the public health or safety shall be subject to an Order to Correct setting forth a deadline to abate the violation. A person who fails, after receiving notice, to timely correct a condition that causes an imminent threat to the public health or safety is guilty of a misdemeanor and shall be subject to the penalty provided in Section 202.99.

(c) A sign which is not erected or maintained in accordance with this chapter is deemed to be unlawful and a nuisance. Nothing in this section shall preclude or abrogate the availability to the City of any other remedy available at law or in equity to prevent or remedy a violation of any of the provisions of this Zoning Code.

CHAPTER 1263 Signs

1263.01 SHORT TITLE.

This chapter shall be referred to as the “Sign Ordinance of the City” or just the “Sign Ordinance.”

1263.02 PURPOSE STATEMENT.

The purpose of this chapter is to permit signs that will not, by way of their own reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety or otherwise endanger public health or safety, and to permit and regulate signs in such a way as to support and compliment land use objectives as set forth in this Zoning Code to support a more aesthetic environment within the City.

1263.03 PERMIT REQUIRED.

No person shall erect or substantially alter a permanent sign without first acquiring a permit from the Community Services Department. Drawings showing to scale the dimensions, construction supports, sizes, electrical wiring, component materials of the sign, and method of attachment shall be submitted with the permit application. This requirement shall not be construed to require a permit for the replacement of a sign panel, or the change in copy on a changeable copy sign.

1263.04 SIGNS EXEMPT FROM PERMITS.

- (a) Temporary signs.
- (b) Building signs that are incorporated into the architecture of the building, including memorial tablets and historic markers attached to, embossed or engraved on the face of the building.
- (c) Signs painted on or permanently attached to motor vehicles which are legally licensed for and primarily used for transportation provided that no such vehicle is parked on a premise for the primary purpose of advertising.
- (d) Sidewalk signs for commercial buildings where the building is setback less than three feet from the public rights-of-way are permitted subject to the following requirements:
 - (1) Only one sidewalk sign is permitted per building tenant frontage;
 - (2) Permitted sidewalk signs are strictly limited to a maximum area of eight square feet per side, including any supporting structure or frame, and a maximum height of four feet, measured from the ground to the top of the supporting structure or frame;
 - (3) Sidewalk signs shall not be illuminated;

(4) Sidewalk signs shall be placed so as to maintain at least five continuous feet of clear sidewalk, as measured from the nearest edge of the sign or sign frame to the nearest curb or building wall for pedestrian passage;

(5) Sidewalk signs must be securely anchored or weighted to prevent the sign from being blown so as to cause danger to the public or property, but may not be attached to a building, or secured to or placed in the ground, nor attached to any element including but not limited to trees, signs, light poles, planters, or similar objects;

(6) A sidewalk sign shall not be placed so as to present an obstruction to visibility or movement of vehicular or pedestrian traffic at any driveway or street intersection;

(7) No sidewalk sign shall be placed in a manner that obstructs or impedes sidewalk plowing or cleaning;

(8) Sidewalk signs shall be constructed of wood, metal, or other similarly durable material;

(9) All signs shall be maintained in a high-quality state; no peeling, broken, cracked or faded paint or vinyl;

(10) Environmentally activated devices such as flags, festoons, balloons, ribbons or other attachments, including wheels or hitches for towing, are not permitted on a sidewalk sign;

(11) All signs placed on a public sidewalk or within any portion of the public right-of-way must be well maintained to prevent any injury;

(12) Sidewalk signs may only be displayed during the hours of operation of the business, and must be removed from the sidewalk at the close of business each day; and

(13) The owner of the sign shall be strictly liable for and indemnify the City for any injury or damage to person or property caused by the size, placement or maintenance of a sidewalk sign, which occupies or extends over any portion of a public sidewalk or right-of-way.

(e) Directional sign means an on-premises sign containing noncommercial messages, including, but not limited to, designation of rest rooms, telephone locations, restrictions on smoking and door openings. "Directional sign" also means a sign containing noncommercial messages for, but not limited to, private traffic control and parking signs.

1263.05 PROHIBITED SIGNS.

(a) Signs in the public right of way or other City property, except for signs erected by the City or with written approval by the City, or in the case of a permanent sign, an approved lease with the City, or sidewalk signs permitted pursuant to Section 1263.04(d).

(b) Roof and portable signs.

(c) Flashing signs and animated signs.

(d) Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled right of way, which are of such intensity as to cause glare or impair the vision of pedestrians or the driver of any motor vehicle, or interfere with the operation of a motor vehicle are prohibited.

(e) Abandoned signs, pursuant to Section 1263.11(b).

1263.06 GENERAL REQUIREMENTS FOR ALL SIGNS.

The following conditions apply to all signs erected or located in any zoning district:

(a) Sign Location. No sign shall be permitted at any location that creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. Any citation or notice of violation of this subsection shall cite any relevant building or electrical codes, provisions of this Zoning Code or other City ordinances.

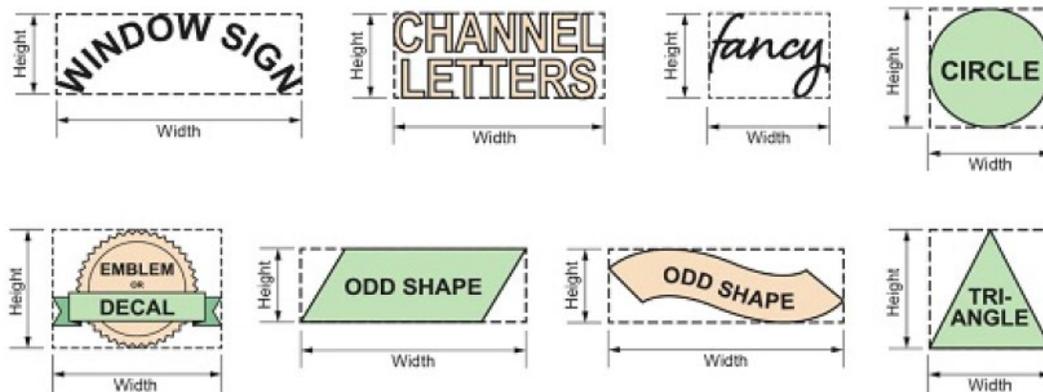
(b) Alterations. No sign will be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this chapter. The refacing of signs is not an alteration within the meaning of this chapter.

(c) Sign Attachment and Support. A sign must not be attached to or supported by a tree, utility pole, light pole, trash receptacle, bench, vending machine, public shelter, or be painted or drawn upon rocks or other natural features.

1263.07 MEASUREMENT OF SIGN AREA.

(a) The area of a sign, expressed in square feet, shall mean the entire area within any circle, triangle or rectangle or square enclosing the extreme limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Refer to the figure.

Figure 24. Area of a Sign

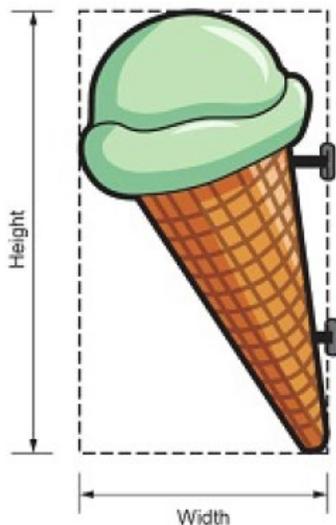


(b) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

(c) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area unless it too contains advertising lettering, materials or symbols.

(d) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area is measured as their maximum projection, upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection. See figure 25.

Figure 25. Sign Area, Three-Dimensional Objects



(e) Regardless of their spacing, the letters forming a word or name shall be considered a single sign. The area of such a sign shall be measured as provided in this chapter.

1263.08 AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS.

Sign Type	Agricultural and Residential Districts	
	All Uses	Multi-family apartment complexes and permitted non-residential uses only
Temporary Signs	Maximum Area: 6 square feet Maximum Height: 3 feet Setbacks: Shall be located at least three feet away from the rights-of-ways and interior property lines.	
Wall Signs	Not Permitted	Maximum Number: 1 per frontage along rights-of-way

		Maximum Area: 8 square feet
Automatic Changeable Copy Signs	Maximum Area: Shall not exceed 50% of the total allowed sign area for the premises	
Freestanding Signs	Not Permitted	<p>Maximum Number: 1</p> <p>Maximum Area: 24 square feet. For properties having a street frontage of more than 300 feet, an additional 25% of sign area shall be allowed for each additional 150 feet of street frontage. However, the maximum size allowed for a sign shall not exceed 48 square feet.</p> <p>Setbacks: Shall not be closer than 5 feet from the street's right-of-way line (but under no circumstance closer than 10 feet to edge of the road), or 10 feet from any interior property line. 25 feet from any street intersection, measured from the intersection of the street's right-of-way lines.</p> <p>Maximum Height: 6 feet</p>

1263.09 COMMERCIAL AND INDUSTRIAL DISTRICTS.

Sign Type	Commercial and Industrial Districts	
	Each parcel used in accordance with permitted uses or legal nonconforming non-residential uses	
All Signs	Where a commercial parcel abuts a residential parcel, the setback distance of the sign shall be increased one foot for every square foot of signs.	
Temporary Signs	<p>Maximum Area: 24 square feet. No individual sign shall exceed 12 square feet. Parcels with greater than 300-foot of frontage are permitted an additional 12 square feet of temporary signage.</p> <p>Maximum Height: 4 feet</p> <p>Setbacks: At least 3 feet from the rights-of-way and interior property lines.</p>	
Freestanding Signs	Each parcel used in accordance with permitted uses or legal nonconforming non-residential	For properties having frontage on a limited access highway (I-

	uses	94/M66) only
	<p>Maximum Number: 1 per property. Where more than one tenant or buildings shares a single parking area, there shall be permitted only 1 freestanding sign. Properties having frontage on more than one street rights-of-way are allowed a freestanding sign on each, however each secondary sign shall not exceed 50% the size of the primary sign.</p>	<p>Maximum Number: 1 freestanding sign on their premises, specifically oriented to traffic on the limited access highway</p> <p>Maximum Area: 150 square feet</p> <p>Maximum Height: 25 feet above the grade level of the limited access highway (I-94) at its nearest point to the sign</p>
	<p>Maximum Area: The allowable area is no greater than 1.2 times the parcel frontage, not exceeding 100 square feet</p> <p>Maximum Height: 25 feet</p> <p>Setbacks: At least 5 feet from any street right-of-way (but under no circumstance closer than 10 feet to the edge of the road)</p>	<p>Setbacks: The sign may not be less than 25 feet nor more than 50 feet from the highway right-of-way line and may not be less than 100 feet from any other freestanding sign.</p>
Wall Signs	<p>These signs are permitted to be on any side of the building facing a parking lot or street so long as they do not project away from the building surface further than the thickness of the sign and they are not facing any residential district or use.</p> <p>Maximum Area: Shall not exceed 10% of the wall area where the sign is placed, not exceeding 200 square feet.</p>	
Window Signs	<p>Maximum Area: Shall not exceed 30% of each window area.</p>	
Blade Signs	<p>One sign shall be permitted for each side of the building fronting on a street or alley in a commercial district.</p> <p>Maximum Area: 8 square feet each side on a street and 6 square feet each side on an alley.</p> <p>The sign shall project no more than 4 feet from the building and the bottom of the sign shall be a minimum of 8 feet above grade.</p> <p>Signs shall not be directly or indirectly illuminated.</p>	
Canopy Signs	<p>Maximum Area: Shall not exceed 1.2 times the canopy frontage in square footage in total. This can be used in combination with other specified signs.</p>	

Drive-up/drive-thru businesses	<p>Maximum Number: 1 sign per drive up lane in the side or rear yard. Each additional service window is allowed 1 sign not to exceed 24 square feet.</p> <p>Maximum Area: 32 square feet.</p> <p>Maximum Height: 8 feet from grade</p>
Automatic changeable copy signs	<p>Maximum Area: Shall not exceed 50% of the total allowed sign area for the premises.</p>

1263.10 BILLBOARDS.

(a) Except as otherwise prohibited by this section, billboards are permitted in and limited to placement along in Agriculture, B-1, I-1 and I-2 zoning districts when placed along a limited access highway or state trunk line. A billboard is not permitted to be erected or placed on a premise which also contains a freestanding sign.

(b) Billboards are subject to the following conditions:

(1) Such signs shall be placed no closer than 1,500 feet from any other billboard sign on the same side of the right-of-way.

(2) Such signs shall not exceed 672 square feet of area when located on or facing a limited access highway. When all other conditions are met for placement, the setback from a limited access highway or highway shall not exceed 300 square feet. When located on any primary highway as used in the subsection, terms limited access highway and primary highway shall have the same meaning as provided for as in the Highway Advertising Act Public Act of 1972, Public Act 106 of 1972, as amended, being MCL 252.301 et seq.

(3) Such signs shall not exceed thirty-five feet in height.

(4) Such signs shall not be closer than ten feet from any property line, twenty feet from any street right-of-way, and 100 feet from any residential, public or quasi-public structure.

(5) Such signs shall be maintained free of peeling paint or paper, sun-fading, staining, rust or other conditions which impair the legibility, supporting structures, frames, braces, guys and anchors of such signs shall be maintained so as not to be unsafe or in a state of disrepair.

(6) Such signs shall not be illuminated other than by approved electrical devices in accordance with Chapter 1422 "Electrical Code." Underground wiring shall be required for any illuminated sign permitted under this section. Such signs shall not employ flashing, blinking or oscillating lights. Any lighting shall be directed away from adjacent properties, passing motorists and pedestrians.

(c) No billboard shall be erected at any time when there are seventy-five or more billboard faces in the City. With Administrator approval, a sign owner choosing to remove a legally nonconforming billboard may transfer the billboard's square footage to a new billboard in another location in accordance with this section.

(d) The City reserves all rights it is granted or permitted to regulate signs pursuant to the Highway Advertising Act of 1972, Public Act 106 of 1972, as amended, being MCL 252.301 et seq., and nothing in this subsection shall be interpreted or construed to in any way limit the ability of the City to regulate, restrict or limit the number and locations of billboards within the City pursuant to the Home Rule City Act, Public Act 279 of 1909, as amended, being MCL 117.1 et seq., and the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, as amended, being MCL 125.3101 et seq.

1263.11 SIGN ILLUMINATION.

Internally lit signs are not to exceed 100 watts or 1,600 lumens. This is to be measured from one foot away of the sign's face, and at midpoint of the sign face. External lights shall have the source so obscure and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.

1263.12 MAINTENANCE.

(a) Signs and sign structures must be well maintained with no signs of damage or wear. The sign structure and related pertinence need to be safe. If there are any defective parts, they need to be repaired or replaced, so the structure is not considered dangerous to public health.

(b) Any sign structure left open with no sign or blank panel for over ninety days shall be considered abandoned. If the sign or blank panel is removed and the existing structure meets the current zoning regulations, it shall be replaced by another sign or blank panel within those ninety days, or it shall be considered abandoned pursuant to Section 1263.04(e). Any nonconforming sign that is abandoned is the responsibility of the owner and shall be removed by such owner. If the owner fails to comply, after receiving due notice, the Administrator may direct the sign to be removed and assess the costs of removal against the property owner as a special assessment for legally rendered City services, in accordance with Section 216.13 of the Administration Code.

(c) Any billboard that is a nonconforming sign may be maintained and repaired so as to continue the useful life of the sign. However, under no circumstances may nonconforming billboards be expanded, enlarged or extended. Any nonconforming sign or sign structures substantially destroyed by fire, wind or other casualty shall not be restored or rebuilt.

1263.13 MANDATORY SIGN REMOVAL.

(a) Emergency Conditions. Should the Administrator determine that a sign is so dangerous that it requires immediate removal, he or she shall attempt to provide the sign owner or property owner with a notice of the danger and the need for immediate abatement. Due to the emergency nature of the danger, if such notice is not possible due to the lack of knowledge as to the whereabouts of the sign owner or property owner, or should the sign or property owner not be available or refuse to immediately abate the nuisance, the Administrator shall abate such nuisance. The cost of the abatement, including a service fee of ten percent of the actual costs of such correction, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.

(b) Nuisance Abatement. Any other sign regulated by this charter that fails to comply with the provisions of this chapter but which does not require emergency action, shall also constitute a nuisance. The owner of such sign and the real estate upon which it is located shall be given written notice of thirty days by regular mail for the abatement thereof. If such abatement is not accomplished within the 30-day period, the Administrator shall abate the nuisance. The cost of such abatement, including a service fee of 10% of the actual cost of such abatement, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.

(c) Remedies Cumulative. The action of the Administrator to abate a nuisance under this section shall be in addition to the penalties described elsewhere in this Zoning Code.

(d) Removal by Administrator. Notwithstanding any other provision in this Zoning Code, signs which are affixed in any manner to walls, fences, trees, posts, bridges, utility poles, street signs or traffic signs, or otherwise located in the public right of way may be removed by the Administrator and/or their assigns and may be destroyed without notice to the violator.

1263.14 ABATEMENT OF NONCONFORMING SIGNS; NOTICE.

The intent of this chapter is to abate nonconforming signs, except as otherwise specifically set forth in this chapter, as rapidly as the police power of the City permits. After the enactment of this chapter, the Administrator or their designated agent shall, as soon as is practical, survey the City for signs which do not conform to the requirements of this chapter. Upon determining that a sign is nonconforming, the Administrator shall use reasonable efforts to notify the owner of the sign, in writing, by regular U.S. mail.

1263.15 PENALTY; EQUITABLE REMEDIES.

(a) Unless otherwise specified, a person who violates or fails to comply with any of the provisions of this Zoning Code is responsible for a Class C Municipal civil infraction and shall be subject to the civil fines provided in Section 202.98.

(b) A person who violates any of the provisions of this Zoning Code that causes an imminent threat to the public health or safety shall be subject to an Order to Correct setting forth a deadline to abate the violation. A person who fails, after receiving notice, to timely correct a condition that causes an imminent threat to the public health or safety is guilty of a misdemeanor and shall be subject to the penalty provided in Section 202.99.

(c) A sign which is not erected or maintained in accordance with this chapter is deemed to be unlawful and a nuisance. Nothing in this section shall preclude or abrogate the availability to the City of any other remedy available at law or in equity to prevent or remedy a violation of any of the provisions of this Zoning Code.

Chapter 1240
Zoning Districts and Maps

1240.01 DISTRICTS ESTABLISHED.

In order to classify, regulate and restrict the location of trades, industries, and buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards, courtyards and other open spaces within and surrounding such buildings, the City is hereby divided into districts, as follows:

- G Green District
- AG Agricultural District
- R-1R Single Family Residential District
- R-1A Single-Family Residential District
- R-1B Single-Family Residential District
- R-2 Two Family Residential District
- R-3 Multiple Family Residential District
- MFR High Density Multiple Family Residential District
- B-1 Corridor Commercial District
- B-2 Regional Commercial District
- T-3 Neighborhood Commercial District
- T-4 Downtown Commercial
- T-5 Core Downtown Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- S Spark District

1240.02 TABLE OF PERMITTED USES.

The following table lists the permitted uses and special land uses in each zoning district. When a use is classified by square footage, the square footage listed refers to the gross square footage of a building and not the square footage of an individual tenant unit. A use classified by capacity, refers to the capacity established by the City Fire Inspector. Whenever a specific development standard is included for a particular use in the table below, any development must comply with the requirement of the referenced section in addition to all of the other applicable requirements of this Code. All development standards for specific uses are listed in Section 1251 and in other areas of this Code. Additionally, any use that is a special land use must also comply with the standards of Section 1281.05.

<i>Uses</i>	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>A</i> Accessory Use																	
<i>A^s</i> Accessory Use Requiring SLU Approval																	
<i>E</i> Existing Use																	
<i>P</i> Permitted Use																	
<i>S</i> Special Use																	

Residential Uses

<i>Accessory Dwelling Unit</i>				<i>A^s</i>	<i>A^s</i>	<i>A^s</i>	<i>A</i>	<i>A</i>			<i>A</i>	<i>A</i>	<i>A</i>			<i>A</i>	
<i>Bed and Breakfast</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>			<i>P</i>						1251.09
<i>Home Occupation</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>										1251.18
<i>Multi-Family Dwelling Units</i>							<i>P</i>	<i>P</i>			<i>P</i>	<i>P</i>	<i>P</i>			<i>P</i>	1251.33
<i>Personal-Scale Wind Energy Facility</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>					<i>A</i>					<i>A</i>	1251.39
<i>Rooming and Boarding Houses</i>						<i>P</i>	<i>P</i>										1251.43
<i>Single Family Dwelling Unit Attached</i>							<i>P</i>	<i>P</i>			<i>P</i>	<i>P</i>	<i>E</i>			<i>P</i>	

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Single Family Dwelling Unit Detached</i>	P	P	P	P	P	P	P	P	E	E	P	E	E	E	E	P	
<i>State Licensed Child Care Family Home, 1-7 Children</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1251.45
<i>State Licensed Child Care Group Home, 8-14 Children</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1251.46
<i>State Licensed Child Care Center</i>	P							P	P	P	P	P	P	P	P	P	
<i>State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons</i>	P	P	P	P	P	P	P	P			P	P					1251.47
<i>State Licensed Residential Facility Adult Foster Care Small Group Home, 7-12 Persons</i>	S	S	S	S	S	S	S	S									1251.48
<i>State Licensed Residential Facility Adult Foster Care Large Group Home 13-20 Persons</i>	S	S	S	S	S	S	S	S									
<i>Transitional and Supportive Home, 1-6 Persons</i>			P	P	P	P	P	P			P	P					1251.49
<i>Transitional and Supportive Home, More than 6 Persons</i>			S	S	S	S	S	S			P	P					1251.50

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Community Residential Facility and Group Homes</i>						S	S	S									1251.48
<i>Two-Family Dwelling Units</i>						P	P	P			P	P	P			P	
<i>Commercial Uses</i>																	
<i>Adult Business</i>									S					S	S		1251.02
<i>Agri-Tourism</i>		S															
<i>Arena/Theater</i>									P	P						P	
<i>Artisan/Maker Space</i>									P	P	S	P	P	P	P	P	
<i>Assisted Senior Living</i>							P	P	P	P	P	P				P	1251.03
<i>Automobile Car Wash Establishment</i>									P	P				S	S		1251.04
<i>Automobile Repair</i>									P	P				P	P		1251.05
<i>Automobile Service Station</i>									S	P				P	P		1251.06
<i>Automobile or Vehicle Dealership</i>									P	P				P			1251.07
<i>Banquet and Meeting Hall < 100 cap.</i>	S						S	S	P	P	P	P	P			P	1251.08

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Banquet and Meeting Hall > 100 cap.</i>	S						S	S	P	P		P	P			P	1251.08
<i>Bar, Tavern, or Saloon</i>									S	P	S	P	P	S	S	P	
<i>Bookstore</i>									P	P	P	P	P			P	
<i>Brewpub</i>									P	P	S	P	P	P	P	P	
<i>Catering Business</i>									P	P	P	P	P				
<i>Convalescent Home, Nursing Home, or Home for the Aged</i>							P	P	P	P	P	P	S			S	1251.13
<i>Distillery, Winery – w/ or w/o Food</i>	P	P	S						P	P	S	P	P	P	P	P	
<i>Event Center</i>									P	P		P	P				
<i>Farm Equip. and Heavy Machinery Sales</i>														P	P		
<i>Financial Institutions</i>									P	P	P	P	P	P	P	P	
<i>Funeral Homes, Mortuaries, and Crematoriums (No Crematoriums B-1, T-3,4)</i>									P*	P	S*	S*		S			
<i>Hospital > 20,000 s.f.</i>								S	S	S		S	S	S	S		1251.19

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Hotel</i>										P	S	P	P			P	1251.20
<i>Independent Senior Living with Services</i>							P	P	P		P	P	P			P	1251.21
<i>Indoor Recreation</i>	P								P	P	P	P	P			P	
<i>Kennels/Veterinarian</i>	S	S	S						P	P				S	P	S	1251.23
<i>Marihuana: Adult-Use Marihuana Microbusiness</i>									P	P	S			P	P		1251.24 1251.26 1251.27
<i>Marihuana: Adult-Use Marihuana Retailers</i>									P	P	S	P	P	P	P		1251.24 1251.25 1251.27
<i>Marihuana: Medical Marihuana Provisioning Center</i>									P	P	S	P	P	P	P		1251.24 1251.30 1251.27
<i>Medical or Dental Clinic < 5,000 s.f.</i>									P	P	P	P	P				
<i>Medical or Dental Clinic <20,000 s.f.</i>								P	P	P	S	P	P			P	
<i>Motel</i>										P	S	P	P			P	1251.34
<i>Microbrewery</i>									P	P	S	P	P	P	P	P	1251.35

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Nightclub</i>									S	P	S	P	P	S	S	P	
<i>Office < 5,000 s.f.</i>									P	P	P	P	P	A	A	P	
<i>Office 5,000 – 17,000 s.f.</i>									P	P	P	P	P	A	A	P	
<i>Office > 17,000 s.f.</i>									P	P	S	P	P	A	A	P	
<i>Outdoor Recreation/Private</i>	P	P							P	P							1251.36
<i>Outdoor Recreation/Public</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1251.36
<i>Outdoor Storage</i>									A	A				A	A		1251.37
<i>Pawn Broker</i>									P	P	S						
<i>Personal Service Establishment</i>									P	P	P	P	P			P	1251.40
<i>Private Club</i>									P	P	P	P	P				
<i>Restaurant</i>																	
<i>Carry-Out Restaurant</i>									P	P	P	P	P	P	P	P	
<i>Drive-In Restaurant</i>									P	P	P	S		P	P	P	

Uses	G	AG	R1- R	R1- A	R1- B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
Drive-Thru Restaurant									P	P	S	S		P	P		1251.14
Full-Service Restaurant									P	P	P	P	P	P	P	P	
Limited Service Restaurant									P	P	P	P	P	P	P	P	
<i>Retail Sales < 5,000 s.f.</i>									P	P	P	P	P	S	S	P	
<i>Retail Sales 5,000 – 17,000 s.f.</i>									P	P	P	P	P	S	S	P	
<i>Retail Sales > 17,000 s.f.</i>									P	P	S	P	P	S	S	P	
Tree Farm	P	P															
Vehicle Repair, Major									S	S				P	P		1251.54
Vehicle Repair, Minor									P	P				P	P		
<i>Industrial Uses</i>																	
Junk and Salvage Yard														S	S		1251.22
Manufacturing														P	P		
Marihuana: Medical and Adult Use														P	P		1251.24 1251.27

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Marihuana Grow Operation</i>																	1251.28
<i>Marihuana: Medical and Adult Use</i>																	1251.24
<i>Marihuana Processing Facility</i>														P	P		1251.27
																	1251.29
<i>Marihuana: Medical and Adult Use</i>																	1251.24
<i>Marihuana Safety Compliance Facility</i>									P	P				P	P		1251.27
																	1251.31
<i>Marihuana: Medical and Adult Use</i>																	1251.24
<i>Marihuana Secure Transporter</i>									P	P				P	P		1251.27
																	1251.32
<i>Research and Development</i>									S	P		S		P	P	P	
<i>Self-Storage Facilities</i>									P	P							1251.44
<i>Transportation and Logistics</i>									S	S				P	P	P	
<i>Utility-Scale Solar Energy Facility</i>		S	S						A	A				P	P		1251.52
<i>Utility-Scale Wind Energy Facility</i>		S	S												S		1251.53
<i>Warehouse</i>									S	S				P	P	P	
<i>Wholesale</i>									S	S				P	P	P	

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Other Uses</i>																	
<i>Accessory Buildings</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1260.01
<i>Adaptive Reuse</i>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	1251.01
<i>Campground</i>	S	S	S	S	S	S											1251.09
<i>Cemetery</i>		S	S	S	S	S	S	S	S	S	S			S	S	S	1251.10
<i>Community Garden</i>	P	P	P	P	P	P	P	P			P					P	1251.11
<i>Essential Services</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1240.21(b)
<i>Farmer's Market</i>	A/S	A/S									A/S	A	A			A	1251.15
<i>Food Truck</i>									A	A	A	A	A	A	A	A	
<i>General and Specialized farms, including crops and the raising and keeping for profit of cattle, hogs, horses, ponies, sheep and similar livestock</i>		P															1251.17
<i>Government/Public Uses</i>									P	P	P	P	P	P		P	1251.16

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Greenhouse/Nursery (Principal Use)</i>	P	P	P							P				P		P	
<i>Institutions of Higher Education</i>	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P	P	
<i>Marinas</i>	S										S					S	
<i>Parking as a Principal Use</i>										S		S	S	S	S	S	
<i>Private K-12 Schools</i>			S	S	S	S	S	S	P	P	S	S	P			S	
<i>Private Garden</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1251.41
<i>Public K-12 Schools</i>			P	P	P	P	P	P	P	P	P	P	P			P	
<i>Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources</i>	P	P															
<i>Religious Institutions</i>	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	1251.42
<i>Telecommunications</i>	Refer to Section 1251.49 to see where telecommunication towers are permitted.																1251.49
<i>Mobile Home Park Overlay District</i>	Refer to Section 1250.05 for Mobile Home Park requirements.																1250.05

1240.03 G GREEN DISTRICT.

<p>(a) Purpose</p> <p>It is the purposes of this district to:</p> <ol style="list-style-type: none"> 1. Preserve and protect natural and man-made water areas, flood plains, marshes, and wetlands from development other than open spaces or recreational uses 2. Preserve and protect agricultural districts and/or wildlife habitats 3. Limit residential and commercial development and encourage design that preserves natural environments 4. Retain natural drainage patterns 5. Preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic areas 	
<p>(b) Permitted Uses</p> <ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Child Care Centers • Distillery, Winery – w/ or w/o food • Essential Services • Greenhouse/Nursery (Principal Use) • Indoor Recreation • Outdoor Recreation/Private (Section 1251.36) • Outdoor Recreation/Public (Section 1251.36) • Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Tree Farm 	<p>(c) Special Land Uses</p> <ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • . • Banquet and Meeting Hall (Section 1251.08) • Campground (Section 1251.10) • Farmers Market (Section 1251.15) • Institutions of Higher Education • Kennels (Section 1251.23) • Marinas • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Accessory Uses</p> <ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Farmers Market (Section 1251.15) • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility (Section 1251.39) • Private Gardens (Section 1251.41) 	

<ul style="list-style-type: none"> • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	G
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	1
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setbacks Requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	15
Primary Dwelling Height Requirement	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.04 AG AGRICULTURAL DISTRICT.

(a) Purpose	
<p>It is the purposes of this district to provide rural areas used predominantly for general farming operations. Although urban development is occurring at a substantial rate in the City, agriculture remains an important economic activity, and in the proper interest of the welfare of present and future residents, it is considered necessary to conserve an effective environment for stable, productive agricultural operations.</p> <p>The regulations of this chapter, therefore, are designed to:</p> <ol style="list-style-type: none"> 1. Protect and stabilize the essential characteristics of these areas 2. Minimize conflicting land uses detrimental to farm enterprises 3. Exclude development which requires highway, drainage, and other public utilities and facilities in excess of those required by agricultural uses 	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Distillery, Winery – w/ or w/o food 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Agri-Tourism • Campground (Section 1251.10)

<ul style="list-style-type: none"> • Essential Services • General and specialized farms, including crops and the raising and keeping of livestock (Section 1251.17) • Greenhouse/Nursery (Principal Use) • Outdoor Recreation/Private (Section 1251.36) • Outdoor Recreation/Public (Section 1251.36) • Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Tree Farm 	<ul style="list-style-type: none"> • Cemetery (Section 1251.11) • Farmers Market (Section 1251) • Institutions of Higher Education • Kennels/Veterinarian (Section 1251.23) • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Utility-Scale Solar Energy Facility (Section 1251.52) • Utility-Scale Wind Energy Facility (Section 1251.53)
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Farmers Market (Section 1251.15)
- Home Occupation (Section 1251.18)
- Personal-Scale Wind Energy Facility (Section 1251.39)
- Private Gardens (Section 1251.39)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	AG
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	.33
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Front Yard Setback (ft.)	(c)
Rear Yard Setback (ft.)	(c)
Side Yard Setback (ft.)	(c)

Primary Dwelling Height Requirement	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.05 R-1R SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish residential properties of a semi-rural character that includes areas of the City presently without water and sewerage services and likely to remain without such services, in whole or in part, indefinitely. The R-1R Single-Family Rural Residential District includes existing low-density one-family properties, as well as areas within which such developments appear both likely and desirable.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Greenhouse/Nursery (Principal Use) • Outdoor Recreation/Public (Section 1251.35) • Public K-12 Schools • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • . • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Distillery, Winery – w/ and w/o food • Institutions of Higher Education • Private K-12 Schools • Kennels/Veterinarian (Section 1251.23) • Religious Institution (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons • Utility-Scale Solar Energy Facility (Section 1251.52) • Utility-Scale Wind Energy Facility (Section 1251.53)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility (Section 1251.39) 	

<ul style="list-style-type: none"> • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	R-1R
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	1.45
Minimum Lot Width (ft.)	120
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	15
Primary Dwelling Height	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.06 R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish areas of primarily single-family detached residential properties of a semi-suburban to suburban, low-density character, usually served by City water and sewer.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Detached 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Personal-Scale Wind Energy Facility (Section 1251.39) • Religious Institutions (Section 1251.42)

<ul style="list-style-type: none"> • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.49) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • Transitional and Supportive Home, 1-6 Persons (Section 1251.47) 	<ul style="list-style-type: none"> • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons (Section 1251.50)
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Accessory Dwelling Unit attached to the primary dwelling, with SLU approval
- Home Occupation (Section 1251.18)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	R-1A
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	5.80
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	30
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	8
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	35 ft., 2.5 stories

Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations

above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.07 R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish primarily single-family detached residential properties of a suburban, medium-density character. This district includes those areas, which are serviced by City water and sewer.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Personal-Scale Wind Energy Facility (Section 1251.39) • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons (section 1251.50)
Refer to Section 1230.06 for definitions for uses and refer to Chapter 1251 for development standards for specific uses.	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached to the primary dwelling, with SLU approval • Home Occupation (Section 1251.18) • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	R-1B
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	8.7
Minimum Lot Width (ft.)	50

Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	30
Side Yard Setback (ft.)	6
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	35 ft., 2.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.08 R-2 TWO FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish a mix of single- and two-family residential properties of an urban, medium-density character. Limited commercial uses, which tend to complement residential areas should be expected. This district includes street and utility elements expected in an urban setting. Further, this district provides a buffer between single-family and multifamily neighborhoods.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Rooming and Boarding Houses, not to Exceed 4 Boarders (Section 1251.43) • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Religious Institutions (Section 1251.42) • Private K-12 Schools • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-20 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48)

<ul style="list-style-type: none"> • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Transitional and Supportive Home, More than 6 Persons (Section 1251.50)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Accessory Uses</p>	
<ul style="list-style-type: none"> • Accessory Building (Section 1260.01) • Accessory Dwelling Unit attached to the primary dwelling unit, with SLU approval • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility, with SLU approval (Section 1251.39) • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
<p>(e) Dimension Regulations</p>	
Lot Standards	R-2
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	8.70
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	25
<p>Primary Dwelling Setback Requirements</p>	
<p>Attached accessory dwellings shall comply with the primary dwelling setback requirements.</p>	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25
Side Yard Setback (ft.)	5
<p>Primary Dwelling Height Requirement</p>	
<p>Attached accessory dwellings shall comply with the primary dwelling height requirements</p>	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.09 R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish high-density multi-family developments located in suburban and urban areas, and commercial development with relatively low intensities that often complement residential neighborhoods. Further, this district supports housing styles of mid- and high-level buildings consisting of garden apartments, and townhome condominiums. The high density of this district is intended to support nearby commercial districts, and provide a transition between commercial and mid-density districts.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Independent Senior Living with Services (Section 1251.21) • Multi-Family Dwelling Units (Section 1251.33) • Outdoor Recreation/Public (section 1251.36) • Public K-12 Schools • Rooming and Boarding Houses, Up to 10 Boarders (Section 1251.43) • Single Family Dwelling Unit Attached • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Banquet and Meeting Hall < 100 capacity (Section 1251.08) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons (Section 1251.50)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached or detached from the primary dwelling. • Home Occupation (Section 1251.18) • Private Gardens (Section 1251.39) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	

(e) Dimension Regulations	
Lot Standards	R-3
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	15
Minimum Lot Width (ft.)	40
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	25
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25 (f)
Side Yard Setback (ft.)	5 (f)
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 4 stories
Detached Accessory Dwelling Setback Requirements	
Detached Accessory Dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.10 MFR HIGH DENSITY MULTIPLE FAMILY DISTRICT.

(a) Purpose
It is the purpose of this district to accommodate new types of diversified residential developments of high densities, usually requiring a large tract of unplatted land. The types of residential structures include garden apartments, terrace apartments and row housing units

and those special types of housing structures similar in character and density to multiple family housing.

(b) Permitted Uses		(c) Special Land Uses	
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Bed and Breakfast (Section 1251.09) • Child Care Centers • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Independent Senior Living with Services (Section 1251.21) • Institutions of Higher Education • Medical or Dental Clinic <20,000 sq. ft. • Multi-Family Dwelling Units (Section 1251.33) • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Attached • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 		<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Banquet and Meeting Hall (Section 1251.08) • Cemetery (Section 1251.11) • Hospital > 20,000 sq. ft. (Section 1251.19) • Private K-12 Schools • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons (Section 1251.50) 	
Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.			
(d) Accessory Uses			
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached or detached from the primary dwelling • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 			
(e) Dimension Regulations			
Lot Standards		MFR	
Minimum Lot Area (sq. ft.)		See Section 1241.03(e)	
Maximum Residential Units Per Acre		20(d)(e)	

Minimum Lot Width (ft.)	120
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	20
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 4 stories
Detached Accessory Dwelling Setbacks	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.11 B-1 CORRIDOR COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to accommodate those retail and business service activities that serve the whole community and the metropolitan region. Such activities require land and structure uses that are typically compact and densely grouped, generating a large volume of pedestrian and vehicular traffic. It is the purpose of these regulations to permit the establishment of a wide variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> Arena/Theater 	<ul style="list-style-type: none"> Adaptive Reuse (Section 1251.01)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Automobile Car Wash Establishment (Section 1251.04) • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Banquet and Meeting Hall (Section 1251.08) • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Event Center • Financial Institutions • Funeral Homes, Mortuaries • Government/Public Uses (Section 1251.16) • Indoor Recreation • Institutions of Higher Education • Pawn Broker • Private Club • Private K-12 Schools • Public K-12 Schools • Kennels/Veterinarian (Section 1251.23) • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.23, 1251.25) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) • Marihuana: Medical Marihuana Provisioning Center (Section 1251.24, 1251.30) • Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31) | <ul style="list-style-type: none"> • Adult Business (Section 1251.01) • Automobile Service Station (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Hospital > 20,000 sf. (Section 1251.19) • Nightclub • Research and Development • Transportation and Logistics • Vehicle Repair, Major (Section 1251.54) • Warehouse • Wholesale |
|---|--|

- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Medical or Dental Clinic =< 20,000 s.f.
- Microbrewery (Section 1251.35)
- Office
- Outdoor Recreation/Private (Section 1251.36)
- Outdoor Recreation/Public (Section 1251.36)
- Outdoor Storage (Section 1251.37)
- Personal Service Establishment (Section 1251.40)
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Retail Sales
- Self-Storage Facilities (Section 1251.44)
- Vehicle Repair, Minor

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Food Truck
- Outdoor Storage (Section 1251.37)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)
- Utility-Scale Solar Energy Facility (Section 1251.52)

(f) Prohibited Uses

- Sale, rental, or display of motor vehicles, trailers, or boats
- Manufacturing and processing establishments not selling their entire output at retail on the site

(g) Dimension Regulations	
Lot Standards	B-1
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	20
Rear Yard Setback (ft.)	15 (h)
Side Yard Setback (ft.)	15 (g)
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 3 stories
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.12 B-2 REGIONAL COMMERCIAL DISTRICT.

<p>(a) Purpose</p>	
<p>It is the purpose of this district to accommodate those specialized retail and business service activities herein specified that serve the whole community, as well as persons traveling on interstate highways, and typically may be grouped around a major interstate highway interchange (I-94) generating a considerable volume of vehicular traffic. It is the purpose of these regulations to permit the establishment of a limited variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques as may develop, particularly where the use of motor vehicles is involved. In order to utilize the full potential effectiveness of this District, certain functions that would operate more effectively in other districts and that would interfere with the general business effectiveness of this District have been intentionally excluded.</p>	
<p>(b) Permitted Use</p>	<p>(c) Special Land Uses</p>
<ul style="list-style-type: none"> • Arena/Theater • Artisan/Maker Space • Assisted Senior Living • Automobile Car Wash Establishment (Section 1251.04) • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Automobile Service Station (section 1251.06) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Event Center • Financial Institutions • Funeral Homes, Mortuaries, and Crematoriums • Government/Public Uses (Section 1251.16) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Cemetery (Section 1251.11) • Parking as a Principal Use • Transportation and Logistics • Vehicle Repair, Major (Section 1251.54) • Warehouse • Wholesale

- Greenhouse/Nursery (Principal Use)
- Hospital > 20,000 sq.ft. (Section 1251.19)
- Hotel (Section 1251.20)
- Indoor Recreation
- Institutions of Higher Education
- Kennels/Veterinarian (Section 1251.23)
- Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26)
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31)
- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Medical or Dental Clinic =< 20,000 s.f.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Nightclub
- Office
- Outdoor Recreation/Private (Section 1251.36)
- Outdoor Recreation/Public (Section 1251.36)
- Pawn Broker
- Personal Service Establishment (Section 1251.39)
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive Thru (Section 1251.14)
 - Full Service

<ul style="list-style-type: none"> ○ Limited Service ● Retail Sales > 17,000 sq.ft. ● Self Storage Facilities (Section 1251.44) ● Vehicle Repair, Minor 	
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses</p>	
<p>(d) Existing Uses</p>	
<ul style="list-style-type: none"> ● Single Family Dwelling Unit Detached 	
<p>(e) Accessory Uses</p>	
<ul style="list-style-type: none"> ● Accessory Buildings (Section 1260.01) ● Food Truck ● Outdoor Storage (Section 1251.37) ● Private Gardens (Section 1251.41) ● State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) ● State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) ● Utility-Scale Solar Energy Facility (Section 1251.52) 	
<p>(f) Dimension Regulations</p>	
Lot Standards	B-2
Minimum Lot Area (sq.ft.)	25,000
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	20
Maximum Building Height	50 ft., 3 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for dimensional regulations for specific uses.</p>	

1240.13 T-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish and preserve areas for those commercial uses and facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they serve.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall < 100 Capacity (Section 1251.08) • Bed and Breakfast (Section 1251.09) • Bookstore • Catering Businesses • Child Care Centers • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Financial Institutions • Government/Public Uses (Section 1251.14) • Indoor Recreation • Independent Senior Living with Services (Section 1251.21) • Medical or Dental Clinic < 5,000 sq. ft. • Multi-Family Dwelling Units (Section 1251.33) • Office < 17,000 sq. ft. • Outdoor Recreation/Public (Section 1251.36) • Personal-Scale Wind Energy Facility (Section 1251.39) • Personal Service Establishments (Section 1251.40) • Private Club • Public K-12 Schools • Religious Institutions (Section 1251.42) • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Full Service 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Artisan/Maker Space • Bar, Tavern, or Saloon • Brewpub • Cemetery (Section 1251.11) • Distillery, Winery – w/ or w/o food • Drive Thru Business (Section 1251.14) • Farmers' Market (Section 1251.15) • Funeral Homes, Mortuaries • Hotel (Section 1251.20) • Institutions of Higher Education • Pawn Broker • Private K-12 Schools • Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marinas • Medical or Dental Clinic 5,000 to < 20,000 sq. ft. • Microbrewery (Section 1251.35) • Motel (Section 1251.20) • Nightclub • Office >= 17,000 sq. ft. • Retail Sales >= 17,000 sq. ft. • Restaurant <ul style="list-style-type: none"> ○ Drive-Thru (Section 1251.14)

<ul style="list-style-type: none"> ○ Limited Service ● Retail Sales < 17,000 sq. ft. ● Single Family Dwelling Unit Attached ● Single Family Dwelling Unit Detached ● Two-Family Dwelling Units ● State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) ● Transitional and Supportive Home, 1-6 Persons (Section 1251.49) ● Transitional and Supportive Home, More than 6 Persons (Section 1251.50) 	
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-4, and T-5 Districts for additional development requirements.</p>	
<p>(d) Accessory Uses</p>	
<ul style="list-style-type: none"> ● Accessory Buildings (Section 1260.02) ● Food Truck ● Accessory Dwelling Unit attached or detached from the primary dwelling ● Farmers Market (Sections 1251.15) ● Private Gardens (1251.41) ● State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) ● State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
<p>(e) Dimension Regulations</p>	
Lot Standard	T-3
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20(d)
Minimum Lot Width (ft.)	360
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	40
<p>Primary Dwelling Setback Requirements</p>	
<p>Attached accessory dwellings shall comply with the primary dwelling setback requirements</p>	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	20 (h)
Side Yard Setback (ft.)	10 (g)
<p>Primary Dwelling Height Requirement</p>	

Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	36 ft., 3 stories
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.14 T-4 DOWNTOWN COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to encourage the development, redevelopment and use of properties in a manner compatible with the character of the downtown area and consistent with the protection and enhancement of property values.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Essential Services • Event Center • Farmers Market (Section 1251.15) • Financial Institutions 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Drive-Thru Business (Section 1251.14) • Funeral Homes, Mortuaries • Hospital > 20,000 sq. ft. (Section 1251.19) • Private K-12 Schools • Parking as a Principal Use • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Drive-In ○ Drive-Thru (Section 1251.14)

- Government/Public Uses (Section 1251.16)
- Hotel (Section 1251.20)
- Independent Senior Living with Services (Section 1251.21)
- Indoor Recreation
- Institutions of Higher Education
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Medical or Dental Clinic < 20,000 sq. ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Multi-Family Dwelling Units (Section 1251.33)
- Nightclub
- Office
- Outdoor Recreation/Public (Section 1251.36)
- Personal Service Establishments (Section 1251.40)
- Private Club
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Retail Sales
- Restaurant
 - Carry-Out
 - Full Service
 - Limited Service
- Single Family Dwelling Unit Attached
- State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.48)
- Transitional and Supportive Home, 1-6 Persons (Section 1251.49)
- Transitional and Supportive Home, More than 6 Persons (Sections 1251.50)
- Two-Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-4, and T-5 Districts for additional development requirements.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Food Truck
- Private Gardens (Section 1251.40)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 7-12 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standards	T-4
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20(d)
Minimum Lot Width (ft.)	40
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling height	
Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8

Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.15 T-5 CORE DOWNTOWN COMMERCIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to revitalize commercial areas which, through business relocation, substantial change in surrounding uses, changes in the market, or a combination thereof, require the orderly placement of business establishments to provide the maximum use of buildings to accommodate and respond to changes in vehicular and pedestrian traffic flow. To permit the full potential of this district, certain uses which would interfere with the general effectiveness of this District have been intentionally excluded, and uses permitted herein are intended to be strictly limited in their definition. Further, to promote uses that support a walkable downtown environment, mix of uses within a single building, and uses that create activity throughout the day and week.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Distillery, Winery – w/ or w/o food • Essential Services • Event Center • Financial Institutions • Government/Public Uses (Section 1251.16) • Hotel (Section 1251.20) • Independent Senior Living with Services (Section 1251.21) • Indoor Recreation • Institutions of Higher Education 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Hospital > 20,000 sq. ft. (Section 1251.19) • Parking as a Principal Use

- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Medical or Dental Clinic <= 20,000 sq. ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Multi-Family Dwelling Units (Section 1251.33)
- Nightclub
- Office
- Outdoor Recreation/Public (Section 1251.35)
- Personal Service Establishments (Section 1251.38)
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Drive-In
 - Full Service
 - Limited Service
- Retail Sales
- Two Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-5, and T-5 Districts for additional development requirements.

(d) Existing Uses

- Single Family Dwelling Unit Attached
- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Food Truck
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)

- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standards	T-5
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20(d)
Minimum Lot Width (ft.)	30
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling	
Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
<p>Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.16 I-1 LIGHT INDUSTRIAL DISTRICT.

(a) Purpose

The I-1 Light Industrial District is intended to accommodate those industrial uses that generate noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, the emission of any potentially harmful or obnoxious matter or radiation or any other nuisance characteristics. It is established as one in which the principal use of the land is for industrial activities wholly compatible with all other uses permitted in this District, commercial establishments not engaging in retail sales and service establishments which, if doing retail business, are of the type not generally requiring the customer to call at the place of business.

(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Automobile Service Station (Section 1251.06) • Brewpub • Child Care Center • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Farm Implements and Heavy Machinery Sales • Financial Institutions • Government/Public Uses (Section 1251.16) • Greenhouse/Nursery (Principal Use) • Institutions of Higher Education • Limited Service Restaurant • Manufacturing • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) (must be co-located with a Grower or Processor) • Marihuana: Medical and Adult-Use Marihuana Grow Operation (Sections 1251.24, 1251.28) • Marihuana: Medical and Adult-Use Marihuana Processing Facility (Sections 1251.24, 1251.29) • Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Adult Business (Section 1251.02) • Automobile Car Wash Establishment (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Funeral Homes, Mortuaries, and Crematoriums • Hospital > 20,000 sq. ft. (Section 1251.19) • Junk or Salvage Yard (Section 1251.22) • Kennels (Section 1251.23) • Nightclub • Parking as a Principal Use • Retail Sales

<p>1251.30) (must be co-located with a Grower or Processor)</p> <ul style="list-style-type: none"> • Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31) • Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32) • Microbrewery (Section 1251.34) • Outdoor Recreation/Public (Section 1251.36) • Religious Institutions (Section 1251.42) • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Drive-Thru (Section 1251.14) ○ Full Service ○ Limited Service • Transportation and Logistics • Utility-Scale Solar Energy Facility (Section 1251.52) • Vehicle Repair, Major (Section 1251.53) • Vehicle Repair, Minor • Warehouse • Wholesale 	
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Existing Uses</p>	
<ul style="list-style-type: none"> • Single Family Dwelling Unit Detached 	
<p>(e) Accessory Uses</p>	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Office • Outdoor Storage (Section 1251.37) • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
<p>(f) Dimension Regulations</p>	
Lot Standard	I-1
Minimum Lot Area (sq. ft.)	2,900

Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	50 (h)
Side Yard Setback (ft.)	25 (g)
Maximum Building Height	Not Required

Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.17 I-2 HEAVY INDUSTRIAL DISTRICT.

(a) Purpose

The purpose of this district is to provide suitable locations for manufacturing, assembling and fabricating uses, including large-scale or specialized industrial operations requiring good access by road and/or railroad and public and utility services.

(b) Permitted Uses

- Artisan/Maker Space
- Automobile Repair (Section 1251.05)
- Automobile Service Station (Section 1251.06)
- Brewpub
- Child Care Centers
- Distillery, Winery – w/ or w/o food
- Drive-Thru Business (Section 1251.14)
- Essential Services
- Farm Implements and Heavy Machinery Sales
- Financial Institutions
- Institutions of Higher Education
- Kennels (Section 1251.23)
- Manufacturing
- Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26)
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)

(c) Special Land Uses

- Adaptive Reuse (Section 1251.01)
- Adult Business (Section 1251.01)
- Automobile Car Wash Establishment (Section 1251.04)
- Bar, Tavern, or Saloon
- Cemetery (Section 1251.11)
- Hospital > 20,000 sq. ft. (Section 1251.19)
- Junk or Salvage Yard (Section 1251.22)
- Nightclub
- Parking as a Principal Use
- Retail Sales
- Utility-Scale Wind Energy Facility (Section 1251.53)

(must be co-located with a Grower or Processor)

- Marihuana: Medical and Adult-Use Marihuana Grow Operation (Sections 1251.24, 1251.28)
- Marihuana: Medical and Adult-Use Marihuana Processing Facility (Sections 1251.24, 1251.29)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) (must be co-located with a Grower or Processor)
- Marihuana Medical and Adult-Use Marihuana Safety Compliance Facility (Section 1251.24, 1251.31)
- Marihuana: Medical and Adult Use Marihuana Secure Transporter (Section 1251.24, 1251.32)
- Microbrewery (Section 1251.35)
- Outdoor Recreation/Public (Section 1251.36)
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive-Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Transportation and Logistics
- Utility-Scale Solar Energy Facility (Section 1251.52)
- Vehicle Repair, Major (Section 1251.54)
- Vehicle Repair, Minor
- Warehouse
- Wholesale

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)

- Carry-Out Restaurant
- Outdoor Storage (Section 1251.37)
- Office
- Private Gardens (Section 1251.40)
- State Licensed Child Care Family Home, 1-7 Children
- State Licensed Child Care Group Home, 8-14 Children

(f) Dimension Regulations

Lot Standards	I-2
Minimum Lot Area (sq. ft.)	2,900
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25 (h)
Side Yard Setback (ft.)	25 (g)
Maximum Building Height	Not Required

Footnotes: Refer to Chapter 1241 wherever a footnote is referenced in parentheses after one of the dimension regulations. Additionally, some uses have specific standards that overrule the dimensional regulations above. Refer to Chapter 1251 for dimensional regulations for specific uses.

1240.18 S SPARK DISTRICT.

(a) Purpose

It is the purpose of this district to encourage and facilitate redevelopment by implementing the following mixed-use policies:

1. **Mix of Land Compatible Land Uses:** Permit a range of compatible land uses, such as residential (from single-family to multi-family), public, institutional, office, retail, personal services use, and appropriate general business uses.
2. **Walkability:** Create a walkable, pedestrian-oriented development that does not conflict with motorized traffic.
3. **Building Location and Site Design:** Ensure that buildings have a strong relationship to the street by requiring development to be human-scale through appropriate building location and site design, including developing areas that include civic spaces and pedestrian amenities and requiring on-street parking along interior streets.
4. **Use of Buildings:** Allow compatible mixed uses to be located in a single building.

(b) Permitted Uses

- Adaptive Reuse (Section 1251.01)
- Arena/Theater

(c) Special Land Uses

- Cemetery (Section 1251.11)

<ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Child Care Centers • Community Garden (Section 1251.10) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Financial Institutions • Government/Public Uses (Section 1251.16) • Greenhouse/Nursery (Principal Use) • Hotel (Section 1251.20) • Independent Senior Living with Services (Section 1251.21) • Indoor Recreation • Institutions of Higher Education • Medical or Dental Clinic < 20,000 sq. ft. • Microbrewery (Section 1251.35) • Motel (Section 1251.34) • Multi-Family Dwelling Units (Section 1251.33) • Nightclub • Office • Outdoor Recreation/Public (Section 1251.36) • Outdoor Recreation/Private (Section 1251.36) • Personal Service Establishments (Section 1251.40) • Public K-12 Schools • Religious Institutions (Section 1251.42) • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Drive-Thru (Section 1251.14) 	<ul style="list-style-type: none"> • Convalescent Homes, Nursing Homes, or Homes for the Aged (Section 1251.13) • Private K-12 Schools • Kennels (Section 1251.23) • Marinas • Parking as a Principal Use
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<ul style="list-style-type: none"> ○ Full Service ○ Limited Service ● Retail Sales ● Single Family Dwelling Unit Attached ● Single Family Dwelling Unit Detached ● Transportation and Logistics ● Two-Family Dwelling Units ● Warehouse ● Wholesale 	
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Personal-Scale Wind Energy Facility (Section 1251.39)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.45)

(e) Dimension Regulations

Lot Standards	S
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	Not Required
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling	

Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.04 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule these dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses. All development in the S Spark District is eligible for administrative approval subject to the discretion of the Zoning Administrator.	

1240.19 OFFICIAL ZONING MAP AND INTERPRETATION.

The boundaries of the districts are shown upon the map, which is made a part of this Zoning Code, which map is designated as the “Official Zoning Map.” Such map and all the notations, references and other information shown thereon are a part of this Zoning Code and have the same force and effect as if they were fully set forth or described herein.

Where, due to the scale, illegibility or detail of the map, there is uncertainty, contradiction or conflict as to the location of a district boundary, the interpretation of the exact location of such boundary shall be determined by the Zoning Board of Appeals.

1240.20 DISTRICT BOUNDARY UNCERTAINTIES.

Where uncertainty exists or arises with respect to the boundaries of the various districts as shown on the zoning district map accompanying and made a part of this zoning ordinance in its original form, the following rules apply:

- (a) The district boundaries are either streets, alleys, rights of way or watercourses, unless otherwise shown. Where such districts are bounded approximately by streets, alleys, rights of way or watercourses, the same shall be construed to be the boundaries of the districts unless such boundaries are fixed by dimensions as shown on the map.
- (b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where such districts are bounded approximately by lot lines, the lot lines shall be construed to be the boundaries of the districts, unless the boundaries are fixed by dimensions as shown on the map.
- (c) In any determined by the use of the scale appearing on the map, unless the same are indicated by dimensions as shown on the map.

1240.21 ZONING DISTRICTS.

(a) Conformity with District Regulations Required. Except as hereinafter provided:

(1) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.

(2) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the district in which the building is located.

(3) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located.

(4) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located, except for as otherwise allowed in Chapter 1270.

(5) No building or structure shall be enlarged or altered and no use of a premises shall be changed in any way which increases its nonconformity, except for as otherwise allowed in Chapter 1270.

(6) The minimum yards, parking spaces and other open spaces, including the lot area per family, required by this Zoning Code for each and every building existing at the time of passage of this Zoning Code (November 24, 2020) or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Code.

(7) Every building hereinafter erected or structurally altered shall be on a lot, provided that a lot may be subdivided or a series of lots may be increased in number and decreased in size, so long as each new lot is not less than 100 feet in depth and in conformity with the width requirements of Chapter 1240. In no case shall there be more than one main building on one lot unless otherwise provided in this Zoning Code.

(b) Essential Services. Essential services shall be permitted as authorized and regulated by law and ordinances of the City. It is the intention of this Zoning Code to exempt such essential services from the application of this Zoning Code.

(c) Land Under Water; Streets. All areas within the City which are under water or a public right-of-way and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water or right-of-way area. If the water or right-of-way area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water or right-of-way area in a straight line until they meet the other district.

(d) Annexed Land.

(1) Whenever any areas are annexed to the City, one of the following conditions shall prevail:

A. All lots, tracts or land which may hereafter be annexed to the City shall be classified as being in whichever district as most clearly conforms to the zoning that existed in the annexed area. Such classifications shall be recommended by the Planning Commission to the City Commission and the City Commission shall approve the same by resolution.

B. If any lot, tract or land is not subject to zoning at the time of annexation, it shall be classified as R-1A Single-Family whenever the land is vacant and otherwise shall be classified into whatever district of this Zoning Code most closely conforms to the existing use of the annexed area. Such classification shall be approved in the same manner as described for property that is zoned when annexed.

(2) In all cases, there shall be a public hearing, within a reasonable time after annexation, on the question of a permanent zoning classification. The hearing before the Planning Commission and the subsequent action by the City Commission shall follow the procedure to establish amendments in accordance with Section 1281.01(c).

(e) Vacation of Streets. Whenever any street, alley or other public way is vacated by official action of the City Commission or by the courts, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

(f) Uses Not Specifically Mentioned. The City Zoning Administrator or their designee shall have the power to classify a use, which is not specifically mentioned in this Zoning Code, along with a comparable permitted or prohibited use for the purpose of the use regulations in any district. The City Planning and Zoning Administrator or their designee may refer these appeals to the Zoning Board of Appeals.

Chapter 1240
Zoning Districts and Maps

1240.01 DISTRICTS ESTABLISHED.

In order to classify, regulate and restrict the location of trades, industries, and buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards, courtyards and other open spaces within and surrounding such buildings, the City is hereby divided into districts, as follows:

- G Green District
- AG Agricultural District
- R-1R Single Family Residential District
- R-1A Single-Family Residential District
- R-1B Single-Family Residential District
- R-2 Two Family Residential District
- R-3 Multiple Family Residential District
- MFR High Density Multiple Family Residential District
- B-1 Corridor Commercial District
- B-2 Regional Commercial District
- T-3 Neighborhood Commercial District
- T-4 Downtown Commercial
- T-5 Core Downtown Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- S Spark District

1240.02 TABLE OF PERMITTED USES.

The following table lists the permitted uses and special land uses in each zoning district. When a use is classified by square footage, the square footage listed refers to the gross square footage of a building and not the square footage of an individual tenant unit. A use classified by capacity, refers to the capacity established by the City Fire Inspector. Whenever a specific development standard is included for a particular use in the table below, any development must comply with the requirement of the referenced section in addition to all of the other applicable requirements of this Code. All development standards for specific uses are listed in Section 1251 and in other areas of this Code. Additionally, any use that is a special land use must also comply with the standards of Section 1281.05.

<i>Uses</i>	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>A</i> Accessory Use																	
<i>A^s</i> Accessory Use Requiring SLU Approval																	
<i>E</i> Existing Use																	
<i>P</i> Permitted Use																	
<i>S</i> Special Use																	

Residential Uses

<i>Accessory Dwelling Unit</i>				<i>A^s</i>	<i>A^s</i>	<i>A^s</i>	<i>A</i>	<i>A</i>			<i>A</i>	<i>A</i>	<i>A</i>			<i>A</i>	
<i>Bed and Breakfast</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>			<i>P</i>						1251.09
<i>Home Occupation</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>										1251.18
<i>Multi-Family Dwelling Units</i>							<i>P</i>	<i>P</i>			<i>P</i>	<i>P</i>	<i>P</i>			<i>P</i>	1251.33
<i>Personal-Scale Wind Energy Facility</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>					<i>A</i>					<i>A</i>	1251.39
<i>Rooming and Boarding Houses</i>						<i>P</i>	<i>P</i>										1251.43
<i>Single Family Dwelling Unit Attached</i>							<i>P</i>	<i>P</i>			<i>P</i>	<i>P</i>	<i>E</i>			<i>P</i>	

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Single Family Dwelling Unit Detached</i>	P	P	P	P	P	P	P	P	E	E	P	E	E	E	E	P	
<i>State Licensed Child Care Family Home, 1-7 Children</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1251.45
<i>State Licensed Child Care Group Home, 8-14 Children</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1251.46
<i>State Licensed Child Care Center</i>	P							P	P	P	P	P	P	P	P	P	
<i>State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons</i>	P	P	P	P	P	P	P	P			P	P					1251.47
<i>State Licensed Residential Facility Adult Foster Care Small Group Home, 7-12 Persons</i>	S	S	S	S	S	S	S	S									1251.48
<i>State Licensed Residential Facility Adult Foster Care Large Group Home 13-20 Persons</i>	S	S	S	S	S	S	S	S									
<i>Transitional and Supportive Home, 1-6 Persons</i>			P	P	P	P	P	P			P	P					1251.49
<i>Transitional and Supportive Home, More than 6 Persons</i>			S	S	S	S	S	S			P	P					1251.50

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Community Residential Facility and Group Homes</i>						S	S	S									1251.48
<i>Two-Family Dwelling Units</i>						P	P	P			P	P	P			P	
<i>Commercial Uses</i>																	
<i>Adult Business</i>									S					S	S		1251.02
<i>Agri-Tourism</i>		S															
<i>Arena/Theater</i>									P	P						P	
<i>Artisan/Maker Space</i>									P	P	S	P	P	P	P	P	
<i>Assisted Senior Living</i>							P	P	P	P	P	P				P	1251.03
<i>Automobile Car Wash Establishment</i>									P	P				S	S		1251.04
<i>Automobile Repair</i>									P	P				P	P		1251.05
<i>Automobile Service Station</i>									S	P				P	P		1251.06
<i>Automobile or Vehicle Dealership</i>									P	P				P			1251.07
<i>Banquet and Meeting Hall < 100 cap.</i>	S						S	S	P	P	P	P	P			P	1251.08

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Banquet and Meeting Hall > 100 cap.</i>	S						S	S	P	P		P	P			P	1251.08
<i>Bar, Tavern, or Saloon</i>									S	P	S	P	P	S	S	P	
<i>Bookstore</i>									P	P	P	P	P			P	
<i>Brewpub</i>									P	P	S	P	P	P	P	P	
<i>Catering Business</i>									P	P	P	P	P				
<i>Convalescent Home, Nursing Home, or Home for the Aged</i>							P	P	P	P	P	P	S			S	1251.13
<i>Distillery, Winery – w/ or w/o Food</i>	P	P	S						P	P	S	P	P	P	P	P	
<i>Event Center</i>									P	P		P	P				
<i>Farm Equip. and Heavy Machinery Sales</i>														P	P		
<i>Financial Institutions</i>									P	P	P	P	P	P	P	P	
<i>Funeral Homes, Mortuaries, and Crematoriums (No Crematoriums B-1, T-3,4)</i>									P*	P	S*	S*		S			
<i>Hospital > 20,000 s.f.</i>								S	S	S		S	S	S	S		1251.19

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Hotel</i>										P	S	P	P			P	1251.20
<i>Independent Senior Living with Services</i>							P	P	P		P	P	P			P	1251.21
<i>Indoor Recreation</i>	P								P	P	P	P	P			P	
<i>Kennels/Veterinarian</i>	S	S	S						P	P				S	P	S	1251.23
<i>Marihuana: Adult-Use Marihuana Microbusiness</i>									P	P	S			P	P		1251.24 1251.26 1251.27
<i>Marihuana: Adult-Use Marihuana Retailers</i>									P	P	S	P	P	P	P		1251.24 1251.25 1251.27
<i>Marihuana: Medical Marihuana Provisioning Center</i>									P	P	S	P	P	P	P		1251.24 1251.30 1251.27
<i>Medical or Dental Clinic < 5,000 s.f.</i>									P	P	P	P	P				
<i>Medical or Dental Clinic <20,000 s.f.</i>								P	P	P	S	P	P			P	
<i>Motel</i>										P	S	P	P			P	1251.34
<i>Microbrewery</i>									P	P	S	P	P	P	P	P	1251.35

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Nightclub</i>									S	P	S	P	P	S	S	P	
<i>Office < 5,000 s.f.</i>									P	P	P	P	P	A	A	P	
<i>Office 5,000 – 17,000 s.f.</i>									P	P	P	P	P	A	A	P	
<i>Office > 17,000 s.f.</i>									P	P	S	P	P	A	A	P	
<i>Outdoor Recreation/Private</i>	P	P							P	P							1251.36
<i>Outdoor Recreation/Public</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1251.36
<i>Outdoor Storage</i>									A	A				A	A		1251.37
<i>Pawn Broker</i>									P	P	S						
<i>Personal Service Establishment</i>									P	P	P	P	P			P	1251.40
<i>Private Club</i>									P	P	P	P	P				
<i>Restaurant</i>																	
<i>Carry-Out Restaurant</i>									P	P	P	P	P	P	P	P	
<i>Drive-In Restaurant</i>									P	P	P	S		P	P	P	

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
Drive-Thru Restaurant									P	P	S	S		P	P		1251.14
Full-Service Restaurant									P	P	P	P	P	P	P	P	
Limited Service Restaurant									P	P	P	P	P	P	P	P	
Retail Sales < 5,000 s.f.									P	P	P	P	P	S	S	P	
Retail Sales 5,000 – 17,000 s.f.									P	P	P	P	P	S	S	P	
Retail Sales > 17,000 s.f.									P	P	S	P	P	S	S	P	
Tree Farm	P	P															
Vehicle Repair, Major									S	S				P	P		1251.54
Vehicle Repair, Minor									P	P				P	P		
<i>Industrial Uses</i>																	
Junk and Salvage Yard														S	S		1251.22
Manufacturing														P	P		
Marihuana: Medical and Adult Use														P	P		1251.24 1251.27

Uses	G	AG	R1- R	R1- A	R1- B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Marihuana Grow Operation</i>																	1251.28
<i>Marihuana: Medical and Adult Use</i>																	1251.24
<i>Marihuana Processing Facility</i>														P	P		1251.27 1251.29
<i>Marihuana: Medical and Adult Use</i>									P	P							1251.24
<i>Marihuana Safety Compliance Facility</i>														P	P		1251.27 1251.31
<i>Marihuana: Medical and Adult Use</i>									P	P							1251.24
<i>Marihuana Secure Transporter</i>														P	P		1251.27 1251.32
<i>Research and Development</i>									S	P		S		P	P	P	
<i>Self-Storage Facilities</i>									P	P							1251.44
<i>Transportation and Logistics</i>									S	S				P	P	P	
<i>Utility-Scale Solar Energy Facility</i>		S	S						A	A				P	P		1251.52
<i>Utility-Scale Wind Energy Facility</i>		S	S												S		1251.53
<i>Warehouse</i>									S	S				P	P	P	
<i>Wholesale</i>									S	S				P	P	P	

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Other Uses</i>																	
<i>Accessory Buildings</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1260.01
<i>Adaptive Reuse</i>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	1251.01
<i>Campground</i>	S	S	S	S	S	S											1251.09
<i>Cemetery</i>		S	S	S	S	S	S	S	S	S	S			S	S	S	1251.10
<i>Community Garden</i>	P	P	P	P	P	P	P	P			P					P	1251.11
<i>Essential Services</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1240.21(b)
<i>Farmer's Market</i>	A/S	A/S									A/S	A	A			A	1251.15
<i>Food Truck</i>									A	A	A	A	A	A	A	A	
<i>General and Specialized farms, including crops and the raising and keeping for profit of cattle, hogs, horses, ponies, sheep and similar livestock</i>		P															1251.17
<i>Government/Public Uses</i>									P	P	P	P	P	P		P	1251.16

Uses	G	AG	R1-R	R1-A	R1-B	R-2	R-3	MFR	B-1	B-2	T-3	T-4	T-5	I-1	I-2	S	Use Standard
<i>Greenhouse/Nursery (Principal Use)</i>	P	P	P							P				P		P	
<i>Institutions of Higher Education</i>	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P	P	
<i>Marinas</i>	S										S					S	
<i>Parking as a Principal Use</i>										S		S	S	S	S	S	
<i>Private K-12 Schools</i>			S	S	S	S	S	S	P	P	S	S	P			S	
<i>Private Garden</i>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1251.41
<i>Public K-12 Schools</i>			P	P	P	P	P	P	P	P	P	P	P			P	
<i>Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources</i>	P	P															
<i>Religious Institutions</i>	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	1251.42
<i>Telecommunications</i>	Refer to Section 1251.49 to see where telecommunication towers are permitted.																1251.49
<i>Mobile Home Park Overlay District</i>	Refer to Section 1250.05 for Mobile Home Park requirements.																1250.05

1240.03 G GREEN DISTRICT.

<p>(a) Purpose</p> <p>It is the purposes of this district to:</p> <ol style="list-style-type: none"> 1. Preserve and protect natural and man-made water areas, flood plains, marshes, and wetlands from development other than open spaces or recreational uses 2. Preserve and protect agricultural districts and/or wildlife habitats 3. Limit residential and commercial development and encourage design that preserves natural environments 4. Retain natural drainage patterns 5. Preserve and protect the values of distinctive geologic, topographic, botanic, historic, or scenic areas 	
<p>(b) Permitted Uses</p> <ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Child Care Centers • Distillery, Winery – w/ or w/o food • Essential Services • Greenhouse/Nursery (Principal Use) • Indoor Recreation • Outdoor Recreation/Private (Section 1251.36) • Outdoor Recreation/Public (Section 1251.36) • Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Tree Farm 	<p>(c) Special Land Uses</p> <ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • . • Banquet and Meeting Hall (Section 1251.08) • Campground (Section 1251.10) • Farmers Market (Section 1251.15) • Institutions of Higher Education • Kennels (Section 1251.23) • Marinas • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Accessory Uses</p> <ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Farmers Market (Section 1251.15) • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility (Section 1251.39) • Private Gardens (Section 1251.41) 	

- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	G
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	1
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setbacks Requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	15
Primary Dwelling Height Requirement	
Maximum Building Height	35 ft., 2.5 stories

Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.04 AG AGRICULTURAL DISTRICT.

(a) Purpose

It is the purposes of this district to provide rural areas used predominantly for general farming operations. Although urban development is occurring at a substantial rate in the City, agriculture remains an important economic activity, and in the proper interest of the welfare of present and future residents, it is considered necessary to conserve an effective environment for stable, productive agricultural operations.

The regulations of this chapter, therefore, are designed to:

1. Protect and stabilize the essential characteristics of these areas
2. Minimize conflicting land uses detrimental to farm enterprises
3. Exclude development which requires highway, drainage, and other public utilities and facilities in excess of those required by agricultural uses

(b) Permitted Uses

- Bed and Breakfast (Section 1251.09)
- Community Garden (Section 1251.12)
- Distillery, Winery – w/ or w/o food

(c) Special Land Uses

- Adaptive Reuse (Section 1251.01)
- Agri-Tourism
- Campground (Section 1251.10)

<ul style="list-style-type: none"> • Essential Services • General and specialized farms, including crops and the raising and keeping of livestock (Section 1251.17) • Greenhouse/Nursery (Principal Use) • Outdoor Recreation/Private (Section 1251.36) • Outdoor Recreation/Public (Section 1251.36) • Public and private conservation areas and structures for the conservation of open space, water, soil, forest, and wildlife resources • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Tree Farm 	<ul style="list-style-type: none"> • Cemetery (Section 1251.11) • Farmers Market (Section 1251) • Institutions of Higher Education • Kennels/Veterinarian (Section 1251.23) • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Utility-Scale Solar Energy Facility (Section 1251.52) • Utility-Scale Wind Energy Facility (Section 1251.53)
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Farmers Market (Section 1251.15)
- Home Occupation (Section 1251.18)
- Personal-Scale Wind Energy Facility (Section 1251.39)
- Private Gardens (Section 1251.39)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	AG
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	.33
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Front Yard Setback (ft.)	(c)
Rear Yard Setback (ft.)	(c)
Side Yard Setback (ft.)	(c)

Primary Dwelling Height Requirement	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.05 R-1R SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish residential properties of a semi-rural character that includes areas of the City presently without water and sewerage services and likely to remain without such services, in whole or in part, indefinitely. The R-1R Single-Family Rural Residential District includes existing low-density one-family properties, as well as areas within which such developments appear both likely and desirable.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Greenhouse/Nursery (Principal Use) • Outdoor Recreation/Public (Section 1251.35) • Public K-12 Schools • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • . • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Distillery, Winery – w/ and w/o food • Institutions of Higher Education • Private K-12 Schools • Kennels/Veterinarian (Section 1251.23) • Religious Institution (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons • Utility-Scale Solar Energy Facility (Section 1251.52) • Utility-Scale Wind Energy Facility (Section 1251.53)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility (Section 1251.39) 	

<ul style="list-style-type: none"> • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	R-1R
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	1.45
Minimum Lot Width (ft.)	120
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	15
Primary Dwelling Height	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.06 R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish areas of primarily single-family detached residential properties of a semi-suburban to suburban, low-density character, usually served by City water and sewer.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Detached 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Personal-Scale Wind Energy Facility (Section 1251.39) • Religious Institutions (Section 1251.42)

<ul style="list-style-type: none"> • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.49) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • Transitional and Supportive Home, 1-6 Persons (Section 1251.47) 	<ul style="list-style-type: none"> • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons (Section 1251.50)
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Accessory Dwelling Unit attached to the primary dwelling, with SLU approval
- Home Occupation (Section 1251.18)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standards	R-1A
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	5.80
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	30
Rear Yard Setback (ft.)	35
Side Yard Setback (ft.)	8
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	35 ft., 2.5 stories

Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations

above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.07 R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish primarily single-family detached residential properties of a suburban, medium-density character. This district includes those areas, which are serviced by City water and sewer.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Detached • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Personal-Scale Wind Energy Facility (Section 1251.39) • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons (section 1251.50)
Refer to Section 1230.06 for definitions for uses and refer to Chapter 1251 for development standards for specific uses.	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached to the primary dwelling, with SLU approval • Home Occupation (Section 1251.18) • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
(e) Dimension Regulations	
Lot Standards	R-1B
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	8.7
Minimum Lot Width (ft.)	50

Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	30
Side Yard Setback (ft.)	6
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	35 ft., 2.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.08 R-2 TWO FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish a mix of single- and two-family residential properties of an urban, medium-density character. Limited commercial uses, which tend to complement residential areas should be expected. This district includes street and utility elements expected in an urban setting. Further, this district provides a buffer between single-family and multifamily neighborhoods.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Essential Services • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Rooming and Boarding Houses, not to Exceed 4 Boarders (Section 1251.43) • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Campground (Section 1251.10) • Cemetery (Section 1251.11) • Institutions of Higher Education • Religious Institutions (Section 1251.42) • Private K-12 Schools • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-20 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48)

<ul style="list-style-type: none"> • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 	<ul style="list-style-type: none"> • Transitional and Supportive Home, More than 6 Persons (Section 1251.50)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Accessory Uses</p>	
<ul style="list-style-type: none"> • Accessory Building (Section 1260.01) • Accessory Dwelling Unit attached to the primary dwelling unit, with SLU approval • Home Occupation (Section 1251.18) • Personal-Scale Wind Energy Facility, with SLU approval (Section 1251.39) • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
<p>(e) Dimension Regulations</p>	
Lot Standards	R-2
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	8.70
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	25
<p>Primary Dwelling Setback Requirements</p>	
<p>Attached accessory dwellings shall comply with the primary dwelling setback requirements.</p>	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25
Side Yard Setback (ft.)	5
<p>Primary Dwelling Height Requirement</p>	
<p>Attached accessory dwellings shall comply with the primary dwelling height requirements</p>	
Maximum Building Height	35 ft., 2.5 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.09 R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to establish high-density multi-family developments located in suburban and urban areas, and commercial development with relatively low intensities that often complement residential neighborhoods. Further, this district supports housing styles of mid- and high-level buildings consisting of garden apartments, and townhome condominiums. The high density of this district is intended to support nearby commercial districts, and provide a transition between commercial and mid-density districts.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Bed and Breakfast (Section 1251.09) • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Independent Senior Living with Services (Section 1251.21) • Multi-Family Dwelling Units (Section 1251.33) • Outdoor Recreation/Public (section 1251.36) • Public K-12 Schools • Rooming and Boarding Houses, Up to 10 Boarders (Section 1251.43) • Single Family Dwelling Unit Attached • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 persons (Section 1251.49) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Banquet and Meeting Hall < 100 capacity (Section 1251.08) • Cemetery (Section 1251.11) • Institutions of Higher Education • Private K-12 Schools • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons (Section 1251.50)
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
(d) Accessory Uses	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached or detached from the primary dwelling. • Home Occupation (Section 1251.18) • Private Gardens (Section 1251.39) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	

(e) Dimension Regulations	
Lot Standards	R-3
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	15
Minimum Lot Width (ft.)	40
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	25
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements.	
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25 (f)
Side Yard Setback (ft.)	5 (f)
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 4 stories
Detached Accessory Dwelling Setback Requirements	
Detached Accessory Dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.10 MFR HIGH DENSITY MULTIPLE FAMILY DISTRICT.

(a) Purpose
It is the purpose of this district to accommodate new types of diversified residential developments of high densities, usually requiring a large tract of unplatted land. The types of residential structures include garden apartments, terrace apartments and row housing units

and those special types of housing structures similar in character and density to multiple family housing.

(b) Permitted Uses		(c) Special Land Uses	
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Bed and Breakfast (Section 1251.09) • Child Care Centers • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Independent Senior Living with Services (Section 1251.21) • Institutions of Higher Education • Medical or Dental Clinic <20,000 sq. ft. • Multi-Family Dwelling Units (Section 1251.33) • Outdoor Recreation/Public (Section 1251.36) • Public K-12 Schools • Single Family Dwelling Unit Attached • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) • Transitional and Supportive Home, 1-6 Persons (Section 1251.49) 		<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Banquet and Meeting Hall (Section 1251.08) • Cemetery (Section 1251.11) • Hospital > 20,000 sq.ft. (Section 1251.19) • Private K-12 Schools • Religious Institutions (Section 1251.42) • State Licensed Residential Facility, Adult Foster Care Small Group Home, 7-12 Persons (Section 1251.48) • State Licensed Residential Facility, Adult Foster Care Large Group Home, 13-20 Persons (Section 1251.48) • Transitional and Supportive Home, More than 6 Persons (Section 1251.50) 	
Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.			
(d) Accessory Uses			
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Accessory Dwelling Unit attached or detached from the primary dwelling • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 			
(e) Dimension Regulations			
Lot Standards		MFR	
Minimum Lot Area (sq. ft.)		See Section 1241.03(e)	
Maximum Residential Units Per Acre		20(d)(e)	

Minimum Lot Width (ft.)	120
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	30
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	20
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 4 stories
Detached Accessory Dwelling Setbacks	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.11 B-1 CORRIDOR COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to accommodate those retail and business service activities that serve the whole community and the metropolitan region. Such activities require land and structure uses that are typically compact and densely grouped, generating a large volume of pedestrian and vehicular traffic. It is the purpose of these regulations to permit the establishment of a wide variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> Arena/Theater 	<ul style="list-style-type: none"> Adaptive Reuse (Section 1251.01)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Automobile Car Wash Establishment (Section 1251.04) • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Banquet and Meeting Hall (Section 1251.08) • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Event Center • Financial Institutions • Funeral Homes, Mortuaries • Government/Public Uses (Section 1251.16) • Indoor Recreation • Institutions of Higher Education • Pawn Broker • Private Club • Private K-12 Schools • Public K-12 Schools • Kennels/Veterinarian (Section 1251.23) • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.23, 1251.25) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) • Marihuana: Medical Marihuana Provisioning Center (Section 1251.24, 1251.30) • Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31) | <ul style="list-style-type: none"> • Adult Business (Section 1251.01) • Automobile Service Station (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Hospital > 20,000 sf. (Section 1251.19) • Nightclub • Research and Development • Transportation and Logistics • Vehicle Repair, Major (Section 1251.54) • Warehouse • Wholesale |
|---|--|

- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Medical or Dental Clinic =< 20,000 s.f.
- Microbrewery (Section 1251.35)
- Office
- Outdoor Recreation/Private (Section 1251.36)
- Outdoor Recreation/Public (Section 1251.36)
- Outdoor Storage (Section 1251.37)
- Personal Service Establishment (Section 1251.40)
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Retail Sales
- Self-Storage Facilities (Section 1251.44)
- Vehicle Repair, Minor

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Food Truck
- Outdoor Storage (Section 1251.37)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)
- Utility-Scale Solar Energy Facility (Section 1251.52)

(f) Prohibited Uses

- Sale, rental, or display of motor vehicles, trailers, or boats
- Manufacturing and processing establishments not selling their entire output at retail on the site

(g) Dimension Regulations	
Lot Standards	B-1
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	20
Rear Yard Setback (ft.)	15 (h)
Side Yard Setback (ft.)	15 (g)
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	45 ft., 3 stories
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.12 B-2 REGIONAL COMMERCIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to accommodate those specialized retail and business service activities herein specified that serve the whole community, as well as persons traveling on interstate highways, and typically may be grouped around a major interstate highway interchange (I-94) generating a considerable volume of vehicular traffic. It is the purpose of these regulations to permit the establishment of a limited variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques as may develop, particularly where the use of motor vehicles is involved. In order to utilize the full potential effectiveness of this District, certain functions that would operate more effectively in other districts and that would interfere with the general business effectiveness of this District have been intentionally excluded.</p>	
(b) Permitted Use	(c) Special Land Uses
<ul style="list-style-type: none"> • Arena/Theater • Artisan/Maker Space • Assisted Senior Living • Automobile Car Wash Establishment (Section 1251.04) • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Automobile Service Station (section 1251.06) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Event Center • Financial Institutions • Funeral Homes, Mortuaries, and Crematoriums • Government/Public Uses (Section 1251.16) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Cemetery (Section 1251.11) • Parking as a Principal Use • Transportation and Logistics • Vehicle Repair, Major (Section 1251.54) • Warehouse • Wholesale

- Greenhouse/Nursery (Principal Use)
- Hospital > 20,000 sq.ft. (Section 1251.19)
- Hotel (Section 1251.20)
- Indoor Recreation
- Institutions of Higher Education
- Kennels/Veterinarian (Section 1251.23)
- Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26)
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31)
- Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32)
- Medical or Dental Clinic =< 20,000 s.f.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Nightclub
- Office
- Outdoor Recreation/Private (Section 1251.36)
- Outdoor Recreation/Public (Section 1251.36)
- Pawn Broker
- Personal Service Establishment (Section 1251.39)
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive Thru (Section 1251.14)
 - Full Service

<ul style="list-style-type: none"> ○ Limited Service ● Retail Sales > 17,000 sq.ft. ● Self Storage Facilities (Section 1251.44) ● Vehicle Repair, Minor 	
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses</p>	
<p>(d) Existing Uses</p>	
<ul style="list-style-type: none"> ● Single Family Dwelling Unit Detached 	
<p>(e) Accessory Uses</p>	
<ul style="list-style-type: none"> ● Accessory Buildings (Section 1260.01) ● Food Truck ● Outdoor Storage (Section 1251.37) ● Private Gardens (Section 1251.41) ● State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) ● State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) ● Utility-Scale Solar Energy Facility (Section 1251.52) 	
<p>(f) Dimension Regulations</p>	
Lot Standards	B-2
Minimum Lot Area (sq.ft.)	25,000
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	150
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	20
Maximum Building Height	50 ft., 3 stories
<p>Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for dimensional regulations for specific uses.</p>	

1240.13 T-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to establish and preserve areas for those commercial uses and facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they serve.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall < 100 Capacity (Section 1251.08) • Bed and Breakfast (Section 1251.09) • Bookstore • Catering Businesses • Child Care Centers • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Financial Institutions • Government/Public Uses (Section 1251.14) • Indoor Recreation • Independent Senior Living with Services (Section 1251.21) • Medical or Dental Clinic < 5,000 sq. ft. • Multi-Family Dwelling Units (Section 1251.33) • Office < 17,000 sq. ft. • Outdoor Recreation/Public (Section 1251.36) • Personal-Scale Wind Energy Facility (Section 1251.39) • Personal Service Establishments (Section 1251.40) • Private Club • Public K-12 Schools • Religious Institutions (Section 1251.42) • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Full Service 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Artisan/Maker Space • Bar, Tavern, or Saloon • Brewpub • Cemetery (Section 1251.11) • Distillery, Winery – w/ or w/o food • Drive Thru Business (Section 1251.14) • Farmers’ Market (Section 1251.15) • Funeral Homes, Mortuaries • Hotel (Section 1251.20) • Institutions of Higher Education • Pawn Broker • Private K-12 Schools • Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marinas • Medical or Dental Clinic 5,000 to < 20,000 sq. ft. • Microbrewery (Section 1251.35) • Motel (Section 1251.20) • Nightclub • Office >= 17,000 sq. ft. • Retail Sales >= 17,000 sq. ft. • Restaurant <ul style="list-style-type: none"> ○ Drive-Thru (Section 1251.14)

<ul style="list-style-type: none"> ○ Limited Service ● Retail Sales < 17,000 sq. ft. ● Single Family Dwelling Unit Attached ● Single Family Dwelling Unit Detached ● Two-Family Dwelling Units ● State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.47) ● Transitional and Supportive Home, 1-6 Persons (Section 1251.49) ● Transitional and Supportive Home, More than 6 Persons (Section 1251.50) 	
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-4, and T-5 Districts for additional development requirements.

(d) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Food Truck
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Sections 1251.15)
- Private Gardens (1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations

Lot Standard	T-3
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20(d)
Minimum Lot Width (ft.)	360
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	40
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	20 (h)
Side Yard Setback (ft.)	10 (g)
Primary Dwelling Height Requirement	

Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	36 ft., 3 stories
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
<p>Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.14 T-4 DOWNTOWN COMMERCIAL DISTRICT.

(a) Purpose	
It is the purpose of this district to encourage the development, redevelopment and use of properties in a manner compatible with the character of the downtown area and consistent with the protection and enhancement of property values.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Distillery, Winery – w/ or w/o food • Essential Services • Event Center • Farmers Market (Section 1251.15) • Financial Institutions 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Drive-Thru Business (Section 1251.14) • Funeral Homes, Mortuaries • Hospital > 20,000 sq. ft. (Section 1251.19) • Private K-12 Schools • Parking as a Principal Use • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Drive-In ○ Drive-Thru (Section 1251.14)

- Government/Public Uses (Section 1251.16)
- Hotel (Section 1251.20)
- Independent Senior Living with Services (Section 1251.21)
- Indoor Recreation
- Institutions of Higher Education
- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Medical or Dental Clinic < 20,000 sq. ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Multi-Family Dwelling Units (Section 1251.33)
- Nightclub
- Office
- Outdoor Recreation/Public (Section 1251.36)
- Personal Service Establishments (Section 1251.40)
- Private Club
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Retail Sales
- Restaurant
 - Carry-Out
 - Full Service
 - Limited Service
- Single Family Dwelling Unit Attached
- State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 Persons (Section 1251.48)
- Transitional and Supportive Home, 1-6 Persons (Section 1251.49)
- Transitional and Supportive Home, More than 6 Persons (Sections 1251.50)
- Two-Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-4, and T-5 Districts for additional development requirements.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Food Truck
- Private Gardens (Section 1251.40)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 7-12 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standards	T-4
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20(d)
Minimum Lot Width (ft.)	40
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling height	
Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8

Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations. Refer to Chapter 1251 for additional dimensional regulations for specific uses.	

1240.15 T-5 CORE DOWNTOWN COMMERCIAL DISTRICT.

(a) Purpose	
<p>It is the purpose of this district to revitalize commercial areas which, through business relocation, substantial change in surrounding uses, changes in the market, or a combination thereof, require the orderly placement of business establishments to provide the maximum use of buildings to accommodate and respond to changes in vehicular and pedestrian traffic flow. To permit the full potential of this district, certain uses which would interfere with the general effectiveness of this District have been intentionally excluded, and uses permitted herein are intended to be strictly limited in their definition. Further, to promote uses that support a walkable downtown environment, mix of uses within a single building, and uses that create activity throughout the day and week.</p>	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Catering Businesses • Child Care Centers • Distillery, Winery – w/ or w/o food • Essential Services • Event Center • Financial Institutions • Government/Public Uses (Section 1251.16) • Hotel (Section 1251.20) • Independent Senior Living with Services (Section 1251.21) • Indoor Recreation • Institutions of Higher Education 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Hospital > 20,000 sq. ft. (Section 1251.19) • Parking as a Principal Use

- Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30)
- Medical or Dental Clinic <= 20,000 sq. ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Multi-Family Dwelling Units (Section 1251.33)
- Nightclub
- Office
- Outdoor Recreation/Public (Section 1251.35)
- Personal Service Establishments (Section 1251.38)
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Restaurant
 - Carry-Out
 - Drive-In
 - Full Service
 - Limited Service
- Retail Sales
- Two Family Dwelling Units

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-5, and T-5 Districts for additional development requirements.

(d) Existing Uses

- Single Family Dwelling Unit Attached
- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Food Truck
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)

- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(f) Dimension Regulations

Lot Standards	T-5
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20(d)
Minimum Lot Width (ft.)	30
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling	
Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
<p>Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses.</p>	

1240.16 I-1 LIGHT INDUSTRIAL DISTRICT.

(a) Purpose

The I-1 Light Industrial District is intended to accommodate those industrial uses that generate noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, the emission of any potentially harmful or obnoxious matter or radiation or any other nuisance characteristics. It is established as one in which the principal use of the land is for industrial activities wholly compatible with all other uses permitted in this District, commercial establishments not engaging in retail sales and service establishments which, if doing retail business, are of the type not generally requiring the customer to call at the place of business.

(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Automobile or Vehicle Dealership (Section 1251.07) • Automobile Repair (Section 1251.05) • Automobile Service Station (Section 1251.06) • Brewpub • Child Care Center • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Farm Implements and Heavy Machinery Sales • Financial Institutions • Government/Public Uses (Section 1251.16) • Greenhouse/Nursery (Principal Use) • Institutions of Higher Education • Limited Service Restaurant • Manufacturing • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) (must be co-located with a Grower or Processor) • Marihuana: Medical and Adult-Use Marihuana Grow Operation (Sections 1251.24, 1251.28) • Marihuana: Medical and Adult-Use Marihuana Processing Facility (Sections 1251.24, 1251.29) • Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Adult Business (Section 1251.02) • Automobile Car Wash Establishment (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Funeral Homes, Mortuaries, and Crematoriums • Hospital > 20,000 sq. ft. (Section 1251.19) • Junk or Salvage Yard (Section 1251.22) • Kennels (Section 1251.23) • Nightclub • Parking as a Principal Use • Retail Sales

<p>1251.30) (must be co-located with a Grower or Processor)</p> <ul style="list-style-type: none"> • Marihuana: Medical and Adult-Use Marihuana Safety Compliance Facility (Sections 1251.24, 1251.31) • Marihuana: Medical and Adult-Use Marihuana Secure Transporter (Sections 1251.24, 1251.32) • Microbrewery (Section 1251.34) • Outdoor Recreation/Public (Section 1251.36) • Religious Institutions (Section 1251.42) • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Drive-Thru (Section 1251.14) ○ Full Service ○ Limited Service • Transportation and Logistics • Utility-Scale Solar Energy Facility (Section 1251.52) • Vehicle Repair, Major (Section 1251.53) • Vehicle Repair, Minor • Warehouse • Wholesale 	
<p>Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.</p>	
<p>(d) Existing Uses</p>	
<ul style="list-style-type: none"> • Single Family Dwelling Unit Detached 	
<p>(e) Accessory Uses</p>	
<ul style="list-style-type: none"> • Accessory Buildings (Section 1260.01) • Office • Outdoor Storage (Section 1251.37) • Private Gardens (Section 1251.41) • State Licensed Child Care Family Home, 1-7 Children (Section 1251.45) • State Licensed Child Care Group Home, 8-14 Children (Section 1251.46) 	
<p>(f) Dimension Regulations</p>	
Lot Standard	I-1
Minimum Lot Area (sq. ft.)	2,900

Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	50 (h)
Side Yard Setback (ft.)	25 (g)
Maximum Building Height	Not Required

Footnotes: Refer to Section 1241.03 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above. Refer to Chapter 1251 for additional dimensional regulations for specific uses.

1240.17 I-2 HEAVY INDUSTRIAL DISTRICT.

(a) Purpose	
The purpose of this district is to provide suitable locations for manufacturing, assembling and fabricating uses, including large-scale or specialized industrial operations requiring good access by road and/or railroad and public and utility services.	
(b) Permitted Uses	(c) Special Land Uses
<ul style="list-style-type: none"> • Artisan/Maker Space • Automobile Repair (Section 1251.05) • Automobile Service Station (Section 1251.06) • Brewpub • Child Care Centers • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Farm Implements and Heavy Machinery Sales • Financial Institutions • Institutions of Higher Education • Kennels (Section 1251.23) • Manufacturing • Marihuana: Adult-Use Marihuana Microbusiness (Sections 1251.24, 1251.26) • Marihuana: Adult-Use Marihuana Retailers (Sections 1251.24, 1251.25) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Adult Business (Section 1251.01) • Automobile Car Wash Establishment (Section 1251.04) • Bar, Tavern, or Saloon • Cemetery (Section 1251.11) • Hospital > 20,000 sq. ft. (Section 1251.19) • Junk or Salvage Yard (Section 1251.22) • Nightclub • Parking as a Principal Use • Retail Sales • Utility-Scale Wind Energy Facility (Section 1251.53)

(must be co-located with a Grower or Processor)

- Marihuana: Medical and Adult-Use Marihuana Grow Operation (Sections 1251.24, 1251.28)
- Marihuana: Medical and Adult-Use Marihuana Processing Facility (Sections 1251.24, 1251.29)
- Marihuana: Medical Marihuana Provisioning Center (Sections 1251.24, 1251.30) (must be co-located with a Grower or Processor)
- Marihuana Medical and Adult-Use Marihuana Safety Compliance Facility (Section 1251.24, 1251.31)
- Marihuana: Medical and Adult Use Marihuana Secure Transporter (Section 1251.24, 1251.32)
- Microbrewery (Section 1251.35)
- Outdoor Recreation/Public (Section 1251.36)
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - Carry-Out
 - Drive-In
 - Drive-Thru (Section 1251.14)
 - Full Service
 - Limited Service
- Transportation and Logistics
- Utility-Scale Solar Energy Facility (Section 1251.52)
- Vehicle Repair, Major (Section 1251.54)
- Vehicle Repair, Minor
- Warehouse
- Wholesale

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.02)

- Carry-Out Restaurant
- Outdoor Storage (Section 1251.37)
- Office
- Private Gardens (Section 1251.40)
- State Licensed Child Care Family Home, 1-7 Children
- State Licensed Child Care Group Home, 8-14 Children

(f) Dimension Regulations

Lot Standards	I-2
Minimum Lot Area (sq. ft.)	2,900
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	25
Rear Yard Setback (ft.)	25 (h)
Side Yard Setback (ft.)	25 (g)
Maximum Building Height	Not Required

Footnotes: Refer to Chapter 1241 wherever a footnote is referenced in parentheses after one of the dimension regulations. Additionally, some uses have specific standards that overrule the dimensional regulations above. Refer to Chapter 1251 for dimensional regulations for specific uses.

1240.18 S SPARK DISTRICT.

(a) Purpose

It is the purpose of this district to encourage and facilitate redevelopment by implementing the following mixed-use policies:

1. **Mix of Land Compatible Land Uses:** Permit a range of compatible land uses, such as residential (from single-family to multi-family), public, institutional, office, retail, personal services use, and appropriate general business uses.
2. **Walkability:** Create a walkable, pedestrian-oriented development that does not conflict with motorized traffic.
3. **Building Location and Site Design:** Ensure that buildings have a strong relationship to the street by requiring development to be human-scale through appropriate building location and site design, including developing areas that include civic spaces and pedestrian amenities and requiring on-street parking along interior streets.
4. **Use of Buildings:** Allow compatible mixed uses to be located in a single building.

(b) Permitted Uses

- Adaptive Reuse (Section 1251.01)
- Arena/Theater

(c) Special Land Uses

- Cemetery (Section 1251.11)

<ul style="list-style-type: none"> • Artisan/Maker Space • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall (Section 1251.08) • Bar, Tavern, or Saloon • Bookstore • Brewpub • Child Care Centers • Community Garden (Section 1251.10) • Distillery, Winery – w/ or w/o food • Drive-Thru Business (Section 1251.14) • Essential Services • Financial Institutions • Government/Public Uses (Section 1251.16) • Greenhouse/Nursery (Principal Use) • Hotel (Section 1251.20) • Independent Senior Living with Services (Section 1251.21) • Indoor Recreation • Institutions of Higher Education • Medical or Dental Clinic < 20,000 sq. ft. • Microbrewery (Section 1251.35) • Motel (Section 1251.34) • Multi-Family Dwelling Units (Section 1251.33) • Nightclub • Office • Outdoor Recreation/Public (Section 1251.36) • Outdoor Recreation/Private (Section 1251.36) • Personal Service Establishments (Section 1251.40) • Public K-12 Schools • Religious Institutions (Section 1251.42) • Research and Development • Restaurant <ul style="list-style-type: none"> ○ Carry-Out ○ Drive-In ○ Drive-Thru (Section 1251.14) 	<ul style="list-style-type: none"> • Convalescent Homes, Nursing Homes, or Homes for the Aged (Section 1251.13) • Private K-12 Schools • Kennels (Section 1251.23) • Marinas • Parking as a Principal Use
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<ul style="list-style-type: none"> ○ Full Service ○ Limited Service ● Retail Sales ● Single Family Dwelling Unit Attached ● Single Family Dwelling Unit Detached ● Transportation and Logistics ● Two-Family Dwelling Units ● Warehouse ● Wholesale 	
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Accessory Uses

- Accessory Buildings (Section 1260.02)
- Accessory Dwelling Unit attached or detached from the primary dwelling
- Farmers Market (Section 1251.15)
- Personal-Scale Wind Energy Facility (Section 1251.39)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.45)

(e) Dimension Regulations

Lot Standards	S
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240(a)(7))
Maximum Percent of Building Coverage	Not Required
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the setback requirements of the primary dwelling	
Front Yard Setback (ft.)	Not Required
Rear Yard Setback (ft.)	Not Required
Side Yard Setback (ft.)	Not Required
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the height requirements of the primary dwelling	

Maximum Building Height	Not Required
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories
Footnotes: Refer to Section 1241.04 wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule these dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for additional dimensional regulations for specific uses. All development in the S Spark District is eligible for administrative approval subject to the discretion of the Zoning Administrator.	

1240.19 OFFICIAL ZONING MAP AND INTERPRETATION.

The boundaries of the districts are shown upon the map, which is made a part of this Zoning Code, which map is designated as the “Official Zoning Map.” Such map and all the notations, references and other information shown thereon are a part of this Zoning Code and have the same force and effect as if they were fully set forth or described herein.

Where, due to the scale, illegibility or detail of the map, there is uncertainty, contradiction or conflict as to the location of a district boundary, the interpretation of the exact location of such boundary shall be determined by the Zoning Board of Appeals.

1240.20 DISTRICT BOUNDARY UNCERTAINTIES.

Where uncertainty exists or arises with respect to the boundaries of the various districts as shown on the zoning district map accompanying and made a part of this zoning ordinance in its original form, the following rules apply:

- (a) The district boundaries are either streets, alleys, rights of way or watercourses, unless otherwise shown. Where such districts are bounded approximately by streets, alleys, rights of way or watercourses, the same shall be construed to be the boundaries of the districts unless such boundaries are fixed by dimensions as shown on the map.
- (b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where such districts are bounded approximately by lot lines, the lot lines shall be construed to be the boundaries of the districts, unless the boundaries are fixed by dimensions as shown on the map.
- (c) In any determined by the use of the scale appearing on the map, unless the same are indicated by dimensions as shown on the map.

1240.21 ZONING DISTRICTS.

(a) Conformity with District Regulations Required. Except as hereinafter provided:

(1) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.

(2) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the district in which the building is located.

(3) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located.

(4) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located, except for as otherwise allowed in Chapter 1270.

(5) No building or structure shall be enlarged or altered and no use of a premises shall be changed in any way which increases its nonconformity, except for as otherwise allowed in Chapter 1270.

(6) The minimum yards, parking spaces and other open spaces, including the lot area per family, required by this Zoning Code for each and every building existing at the time of passage of this Zoning Code (November 24, 2020) or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Code.

(7) Every building hereinafter erected or structurally altered shall be on a lot, provided that a lot may be subdivided or a series of lots may be increased in number and decreased in size, so long as each new lot is not less than 100 feet in depth and in conformity with the width requirements of Chapter 1240. In no case shall there be more than one main building on one lot unless otherwise provided in this Zoning Code.

(b) Essential Services. Essential services shall be permitted as authorized and regulated by law and ordinances of the City. It is the intention of this Zoning Code to exempt such essential services from the application of this Zoning Code.

(c) Land Under Water; Streets. All areas within the City which are under water or a public right-of-way and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water or right-of-way area. If the water or right-of-way area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water or right-of-way area in a straight line until they meet the other district.

(d) Annexed Land.

(1) Whenever any areas are annexed to the City, one of the following conditions shall prevail:

A. All lots, tracts or land which may hereafter be annexed to the City shall be classified as being in whichever district as most clearly conforms to the zoning that existed in the annexed area. Such classifications shall be recommended by the Planning Commission to the City Commission and the City Commission shall approve the same by resolution.

B. If any lot, tract or land is not subject to zoning at the time of annexation, it shall be classified as R-1A Single-Family whenever the land is vacant and otherwise shall be classified into whatever district of this Zoning Code most closely conforms to the existing use of the annexed area. Such classification shall be approved in the same manner as described for property that is zoned when annexed.

(2) In all cases, there shall be a public hearing, within a reasonable time after annexation, on the question of a permanent zoning classification. The hearing before the Planning Commission and the subsequent action by the City Commission shall follow the procedure to establish amendments in accordance with Section 1281.01(c).

(e) Vacation of Streets. Whenever any street, alley or other public way is vacated by official action of the City Commission or by the courts, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

(f) Uses Not Specifically Mentioned. The City Zoning Administrator or their designee shall have the power to classify a use, which is not specifically mentioned in this Zoning Code, along with a comparable permitted or prohibited use for the purpose of the use regulations in any district. The City Planning and Zoning Administrator or their designee may refer these appeals to the Zoning Board of Appeals.

**CITY OF BATTLE CREEK
PLANNING COMMISSION
10 North Division, Battle Creek, MI 49014
Minutes for June 26, 2024**

MEETING CALLED TO ORDER: By Commissioner Hughes at 4:02 p.m.

ATTENDANCE: Roll call was taken.

Comm. Hughes, present
Comm. Godfrey III, present
Comm, O’Donnell, present
Comm, Gray, present
Comm. Morris, present

Comm. Denison, present
Comm. Moton, present
Comm. White, present
Mayor Behnke, present

Staff Present: Melody Carlsen, Administrative Assistant, Marcel Stoetzel, Deputy City Attorney, Darcy Schmitt, Planning Supervisor, CJ Sivak-Schwennessen

APPROVAL OF MINUTES: May 22, 2024

MOTION MADE BY COMMISSIONER MORRIS TO APPROVE THE MAY 22, 2024 MEETING MINUTES WITH THE CORRECTION NOTIED. SECONDED BY MAYOR BEHNKE .

ROLL VOTE: Commissioner Hughes asked everyone in favor to signify by saying “aye”.

ALL IN FAVOR, MOTION APPROVED.

CORRESPONDENCE: None.

ADDITIONS/DELETIONS: None.

PUBLIC HEARINGS/DELIBERATIONS:

TEXT AMENDMENT #R1-24 - Request from the City of Battle Creek to consider amendments to Sections 1240 and 1263 of the City of Battle Creek zoning code pursuant to Section 1281.01. Section 1240 amendments add language to residential districts R-1A, R-1B, R-2, R-3, and MFR to clarify that an accessory dwelling is only allowed as an attached unit to a single-family residential unit and to correct and clarify that an accessory dwelling unit in zoning districts T-3, T-4, and T5 is allowed as an attached or detached unit to a single-family residential unit. Section 1240 also amends the G and R-1R Districts under Special Land Uses to remove “Agri-Tourism”. Section 1263 removes language in the sign code.

Staff Presentation: CJ Sivak-Schwennessen gave the staff report for #R1-24 Text Amendment changes.

Public Comment: None.

Commissioner Questions: None.

MOTION MADE BY COMMISSIONER GODFREY TO APPROVE THE PRESENTED AMENDMENT CHANGES TO AGRI-TOURISM IN CHAPTER 1240 OF THE CITY OF BATTLE CREEK ZONING CODE. SECONDED BY COMMISSIONER MORRIS.

ROLL VOTE: ALL IN FAVOR, MOTION APPROVED.

MOTION MADE BY COMMISSIONER GODFREY TO APPROVE THE PRESENTED LANGUAGE TO CLARIFY THE SIZE AND PLACEMENT OF ACCESSORY DWELLING UNITS ACROSS THE DISTRICTS IN WHICH THEY ARE ALLOWED AS PART OF CHAPER 1240 OF THE CITY OF BATTLE CRREK ZONING CODE PURSUENT TO SECTION 1281.01. SECONDED BY COMMISSIONER GRAY.

ROLL VOTE: ALL IN FAVOR, MOTION APPROVED.

MOTION MADE BY COMMISSIONER GODFREY TO APPROVE REVISIONS TO CHAPTER 1263 SIGN ORDINANCE TO REMOVE THE MAXIMUM HEIGHT REQUIREMENT FOR WALL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS AS PRESENTED BY STAFF PURSUENT TO SECTION 1281.01 OF THE CITY OF BATTLE CREEK ZONING CODE. SECONDED BY MAYOR BEHNKE.

ROLL VOTE: ALL IN FAVOR, MOTION APPROVED.

MOTION MADE BY COMMISSINER GODFREY TO APPROVE REVISIONS TO CHAPTER 1263 SIGN ORDINANCE TO CHANGE THE MAXIMUM AREA REQUIRED TO REGULATE LARGER SIGNS OR PROJECTS AS PRESENTED BY CITY STAFF OF SECTION 1281.01 OF THE CITY OF BATTLE CREEK ZONING CODE. SECONDED BY COMMISSIONER MOTON.

ROLL VOTE: ALL IN FAVOR, MOTION APPROVED.

OLD BUSINESS: None.

NEW BUSINESS: None

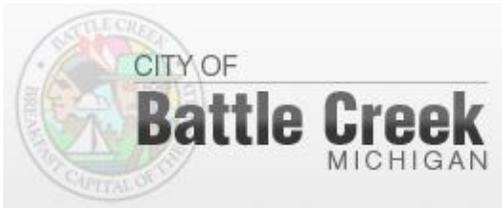
COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Commissioner Godfrey thanked Staff for work they have put into the Amendment changed, asked about locations of proposed restaurants and new coffee shops coming to Battle Creek.

Mayor Behnke asked Staff for an update on the Olive Garden restaurant coming to Battle Creek, if building permits were submitted and paid for. Also, asked Staff if there were any other new restaurants coming to Battle Creek.

ADJOURNMENT: **Commissioner Hughes** adjourned the meeting at 4:17pm.



Resolution

NO. 496

A Resolution seeking adoption of Ordinance, #12-2024, amending the Chapter Title, as well as Sections 01, 02, 04 - 06, 08, 09, and 99, of Chapter 694 "Youth Offenses," by making it consistent with state law, replacing outdated statutory references, and ungendering language.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the following sections are adopted:

Section 1. An Ordinance, #12-2024, amending the Chapter Title, as well as Sections 01, 02, 04-06, 08, 09, and 99 of Chapter 694 "Youth Offenses," by making it consistent with state law, replacing outdated statutory references, and ungendering language as attached hereto and made a part hereof.

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 3. All ordinances or parts of ordinances, in conflict with any of the provisions of this Ordinance, are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this Ordinance, which shall remain subject to the ordinance provision existing at the time of the alleged violation.

Section 4. Except as otherwise provided by law, this Ordinance shall take effect ten (10) days from the date of its adoption, in accordance with the provisions of Section 4.3(B) of Chapter 4 of the City Charter.

Battle Creek City Commission

7/16/2024

Action Summary

Staff Member: Jill Humphreys Steele, City Attorney

Department: City Attorney

SUMMARY

A Resolution seeking adoption of Ordinance, #12-2024, amending the Chapter Title, as well as Sections 01, 02, 04 - 06, 08, 09, and 99, of Chapter 694 "Youth Offenses," by making it consistent with state law, replacing outdated statutory references, and ungendering language.

BUDGETARY CONSIDERATIONS

There are none.

HISTORY, BACKGROUND and DISCUSSION

This chapter of ordinances was initially enacted in 1995 to set out what are called status offenses - those which are illegal based upon the age of the violator - in this instance, youth and minors. The sections related to tobacco and alcohol mirror the state law. Almost all sections of this Chapter are proposed to be revised, to either amend the definitions consistent with state law, to replace references to state law that have either been repealed or amended, and to ungender language, consistent with the directive of the City Commission when the Charter was amended in March of 2020.

Before December 20, 2019, the federal government had set the minimum age to purchase and use tobacco products as 18. Since that date, the age threshold has been 21 years old. In 2022, the Michigan State Legislature amended the "Youth Tobacco Act," Act 31 of 1915, to raise the state law age threshold to purchase and use tobacco products to 21, consistent with federal law. It also amended the Youth Tobacco Act to update definitions and other provisions to reflect that an individual must now be at least 21 years of age to purchase tobacco products in Michigan and to update posted signage requirements relating to the age limit for retailers. The recent amendments to the Youth Tobacco Act had an effective date of July 31, 2022.

We don't often see citations written under Chapter 694, but there was recently a "sting operation" where a retailer was cited for selling tobacco products to someone over 18 but under 21. After reviewing the matter, we noted that the ordinance needed to be amended before we could prosecute for selling to someone at least 18 but not yet 21 under our ordinance. Officers were directed to file charges under state law until our ordinance was amended, which prompted these ordinance amendments.

Consistent with my usual practice, when amending an ordinance I review the entire chapter to make all necessary amendments. Proposed ordinance amendment #12-2024 un genders language, updates definitions to be consistent with state law, replaces repealed state public acts with the new act governing that area, and updates the penalties consistent with state law. Important attention had to be paid to the words "Youth," "Minor" and "Child" consistent with state law: Youth means a person under 18 years of age; Minor means a person under 21 years of age; and Child has been revised to mean a person under the age of 17.

Amendments were made to section 02, regarding the Curfew, which had specified "child" throughout, but amendments were made so this is only applicable to a child under the age of 16, because most curfews are only aimed at those under 16, who are unable to drive without an adult, limiting their activities. In addition, the chapter title is proposed to be amended from "Youth Offenses," to "Youth and Minor Offenses," since several sections are applicable to those older than Youth and Children as defined.

This ordinance amendment was introduced by the City Commission on July 2, 2024.

DISCUSSION OF THE ISSUE

POSITIONS

The City Attorney recommends this Ordinance amendment be adopted.

ATTACHMENTS:

File Name	Description
▣ 694_July_2024_Amendments_REDLINE.pdf	Ch 694 Youth Offenses Amendment REDLINE 07.2024
▣ 694_July_2024_Amendments_CLEAN.pdf	Cr 694 Youth Offenses Amendment CLEAN 07.2024

CHAPTER 694
Youth and Minor Offenses

- 694.01 Definitions.
- 694.02 ~~Child e~~Curfew for Child Under the Age of 16.
- 694.03 Parental responsibility re curfew.
- 694.04 Children in amusement places.
- 694.05 Citation to juvenile court for curfew violations.
- 694.06 Purchase or possession of alcoholic liquor by minors; misrepresentations; exceptions; violations.
- 694.07 Preliminary breath tests. (Repealed)
- 694.08 Sale of tobacco products to minorsyouths; defenses.
- 694.09 Use, possession and purchase of tobacco products by minorsyouths; defenses.
- 694.99 Penalty.

CROSS REFERENCES

- Malicious destruction of property by minors - see M.C.L.A. Sec. 600.2913
- Traffic violations by minors - see TRAF. 410.04(U.T.C. 2.10a)
- Sales of alcoholic beverages to minors - see GEN. OFF. 604.05
- Purchases by pawnbrokers from minors - see B.R. & T. 836.03

694.01 DEFINITIONS.

As used in this chapter:

- (a) "Alcoholic liquor" means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and~~or~~ compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume ~~thatwhich~~ are fit for use for food purposes or beverage purposes as defined and classified by the Liquor Commission according to alcoholic content as belonging to one of the varieties defined in M.C.L.A. 436.1105.
- (b) "Any bodily alcohol content" means either of the following:
 - (1) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - (2) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.
- (c) "Child" means any person less than ~~seventeen~~sixteen years of age.
- (d) "Emergency" means unforeseen circumstances or a resulting state or condition requiring immediate action, such as a fire, natural disaster, accident, illness or similar situation requiring immediate action to prevent or treat serious injury or loss to person or property.
- (e) "Establishment" means any privately-owned place of business or premises operated for a profit to which the public is invited, including any place of amusement or entertainment.
- (f) "Guardian" means a person ordered to be such by a court or a public or private agency to provide care, custody or control of a youth.
- (g) "Minor" means any person less than twenty-one years of age.
- (h) "Nonpublic school" means a state-approved private, denominational or parochial school giving educational instruction to children below the age of sixteen.

(i) "Parent" means a person who is a natural, adoptive or step-parent or someone at least eighteen years old authorized in writing by a parent or guardian, and who has legal care, custody or control of a youth or child.

(j) "Public place" means any place to which the public has access and includes, but is not limited to, any street, highway, road, alley, park, playground or other public grounds, public places, public buildings and vacant lots.

(k) "Public school" is as defined in the School Code of 1976, being M.C.L.A. 380.5, which includes a public school academy.

(l) "Temporary care facility" means a non-locked, non-restrictive shelter at which a child may wait under supervision to be retrieved by a parent.

(m) "Tobacco products" means any product that contains tobacco and is intended for human consumption, including, but not limited to: cigarettes; cigars; non-cigarette smoking tobacco, which means tobacco sold in liquid, loose, or bulk form, that is intended for consumption by smoking and includes, but is not limited to, pipe tobacco and roll-your-own cigarette tobacco; and smokeless tobacco, which includes, but is not limited to, vapes, chewing tobacco and tobacco snuff.

(1) "Chewing tobacco" means shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or placed against the gums.

(2) "Tobacco snuff" means shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or placed against the gums.

(n) "Use a tobacco product" means any of the following:

(1) The carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

(2) The inhaling or chewing of a tobacco product.

(3) The placing of a tobacco product within a person's mouth, ~~to smoke, chew, suck, inhale or otherwise consume a tobacco product.~~

(o) "Youth" means any person less than eighteen years of age.

694.02 ~~CHILD~~-CURFEW FOR CHILD UNDER THE AGE OF 16.

(a) Purpose. The purpose of this section is to serve the following important and compelling governmental interests:

(1) Promote the general welfare and protect the general public through the reduction of juvenile crime within the City;

(2) Promote the safety and well-being of the City's youngest resident~~citizens~~, those persons under the age of sixteen, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, and to being victimized by older perpetrators of crime; and

(3) Foster and strengthen parental responsibility for children.

(4) Complement school attendance laws and reduce child truancy.

(b) Nighttime Curfew.

(1) No child under the age of 16 shall be in, on or about any public place or establishment in the City between the hours of 10:00 p.m. to 6:00 a.m. of the following day, except that on Friday and Saturday nights the prohibition for a child fifteen years of age shall be between the hours of 11:00 p.m. to 6:00 a.m. of the following day.

(2) The provisions of paragraph (b)(1) hereof do not apply in any of the following circumstances:

- A. The child is accompanied by ~~their~~his or her parent or guardian.
- B. Where the child is involved in an emergency.
- C. The child is upon an errand directed by ~~their~~his or her parent or guardian.
- D. When the child is going directly to, attending or returning directly from a religious, municipal, school sponsored activity or event or a similar type of organized civic activity or event.
- E. The child is engaged in, or going directly to or returning directly from ~~their~~his or her place of lawful employment.
- F. The child is exercising First Amendment rights as protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right to assembly with the permission of ~~their~~his or her parent or guardian.
- G. While the child is in a motor vehicle engaged in either interstate or intra-state travel with the permission of ~~their~~his or her parent or guardian, beginning, ending or through the City.

(c) Daytime Curfew During School Hours.

(1) No child who is subject to compulsory education under any applicable state statute, shall be in, on or about any public place or establishment in the City, between the hours of 7:30 a.m. to 2:30 p.m. of the same day, or other hours as designated by the respective public school or non-public school that the child is, or would be, required to attend under state law, on days when the child's school is in session.

(2) The provisions of subsection (c)(1) do not apply in any of the following circumstances:

- A. The child is accompanied by a parent or legal guardian.
- B. The child is involved in an emergency.
- C. The child is upon an errand directed by a parent, legal guardian or other authorized adult person having the care or custody of the child.
- D. The child is going directly to, attending, or returning directly from a religious, municipal, school sponsored activity or event or a similar type of organized civic activity or event.
- E. The child is engaged in, or going directly to or returning directly from ~~their~~his or her place of lawful employment.
- F. The child is exercising First Amendment rights as protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right to assembly with the permission of ~~their~~his or her parent or guardian.
- G. While the child is in a motor vehicle engaged in either interstate or intra-state travel with the permission of ~~their~~his or her parent or guardian, beginning, ending or through the City.
- H. The child is going directly to, attending or returning directly from a medical, dental, or optical appointment.
- I. The child is permitted to leave ~~their~~his or her school's campus and the child has in ~~their~~his or her possession a valid, school-issued, off-campus permit.
- J. The child is being schooled at the child's home, or other selected venue, by ~~their~~his or her parent or legal guardian in an educational program as required or permitted by state law.

(d) Enforcement.

(1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in a public place or establishment. The officer shall not issue an appearance ticket or make an arrest unless the officer reasonably believes and has

probable cause that a violation of this section has occurred and that, based on any response from the child and other circumstances known to the officer that no exception is present.

(2) A child placed under arrest by a police officer for a violation of subsection (c) hereof, shall as soon as practicable: be released to ~~their~~his or her parent or guardian; or be placed in a temporary care facility until released to ~~their~~his or her parent or guardian. A child waiting in a temporary care facility shall not be handcuffed or otherwise secured except for the safety of the child or others.

* * *

694.04 CHILDREN IN AMUSEMENT PLACES.

(a) No person operating a place of amusement and entertainment in the City shall permit any child to enter such place of amusement and entertainment during the hours prohibited by Section 694.02.

(b) Subsection (a) hereof shall not apply when the child is accompanied by ~~their~~his or her parent, guardian or other adult person having the care and custody of the child.

694.05 CITATION TO JUVENILE COURT FOR CURFEW VIOLATIONS.

(a) Any police officer may, without a warrant, take into custody any child under the age of 16 found violating any of the provisions of Section 694.02 and detain such ~~child~~minor for a reasonable time until the parent, guardian or other person having the care and custody of such child is notified of such violation and detention.

(b) A child under the age of 16 violating any of the provisions of Section 694.02 shall be deemed a delinquent or neglected child, as defined by the laws of the State of Michigan, and shall be brought before the Juvenile Division of the Probate Court having jurisdiction over such child.

694.06 PURCHASE OR POSSESSION OF ALCOHOLIC LIQUOR BY MINORS; MISREPRESENTATIONS; EXCEPTIONS; VIOLATIONS.

(a) No minor shall purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, or have any bodily alcohol content except as permitted in this section.

(b) (1) No person shall furnish fraudulent identification to a minor for the purpose of purchasing or otherwise obtaining alcoholic liquor.

(2) No minor shall use fraudulent identification to purchase or otherwise obtain alcoholic liquor.

(c) Upon determining that a youth who is not emancipated pursuant to Act 293 of the Public Acts of 19~~6~~88, as amended, and who has allegedly consumed, possessed, purchased, had any bodily alcohol content, or attempted to consume, possess or purchase alcoholic liquor in violation of this section, the Police Department shall notify the parent or parents, the custodian or the guardian of the youth as required by Section 70333b of Act 58 of ~~the Public Acts of the Extra Session of 1998~~33, as amended.

(d) This section shall not be construed to prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment, if employed by a State

licensee, the Liquor Control Commission or an agent of the Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(e) The consumption of alcoholic beverages by a minor who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member shall not be prohibited by this section if the purpose is solely educational and a necessary ingredient of the course.

(f) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue or temple is not prohibited by this section.

(g) Subsection (a) hereof does not apply to a minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under and subject to the conditions set forth at M.C.L.A. 436.1703(141).

(h) The following individuals are not considered to be in violation of subsection (a):

(1) A minor who has consumed alcoholic liquor and who voluntarily presents ~~themselves~~~~himself or herself~~ to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of M.C.L. 750.520~~b~~~~B~~ through M.C.L. 750.520~~g~~~~G~~, committed against a minor.

(2) A minor who accompanies an individual who meets both of the following criteria:

A. Has consumed alcoholic liquor.

B. Voluntarily presents ~~themselves~~~~himself or herself~~ to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for ~~any~~ condition arising from a violation of M.C.L. 750.520~~b~~~~B~~ through M.C.L. 750.520~~g~~~~G~~, committed against a minor.

(3) A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

(i) If a minor under the age of 18 who is not emancipated under 1968 PA 293, M.C.L. 722.1 to 722.6, voluntarily presents ~~themselves~~~~himself or herself~~ to a health facility or agency for treatment or for observation as provided under subsection (h) of this section, the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.

(j) In a criminal prosecution for the violation of subsection (a) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where the consumption is legal.

* * *

694.08 SALE OF TOBACCO PRODUCTS TO ~~MINORS~~~~YOUTHS~~; DEFENSES

(a) No person shall sell, give or furnish any tobacco product to a ~~minor~~~~youth~~. This subsection does not apply to the handling or transportation of a tobacco product by a ~~minor~~~~youth~~ under the terms of that ~~minor~~~~youth~~'s employment.

(b) A person who sells tobacco products retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a sign produced by the Michigan Department of Community Health which is in compliance with M.C.L.A. 722.641(2) and (3), and includes the following statement: "The purchase of a tobacco product, vapor product, or alternative nicotine product by a minor under 21 years of age and the provision of a tobacco product, vapor

~~product, or alternative nicotine product to a minor are prohibited by law. A minor who unlawfully purchases or uses a tobacco product, vapor product, or alternative nicotine product s by a minor under 18 years of age and the provision of tobacco products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products~~ is subject to criminal penalties."

(c) It is an affirmative defense to a violation of this section that the defendant had in force at the time of arrest and continues to have in force, a written policy to prevent the sale of tobacco products, vapor products, or alternative nicotine products, as applicable, to individuals less than 21 years of age to youths, and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of ~~the~~is affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon both the court and the office of the City Attorney, not less than fourteen days before the date initially set for trial. The office of the City Attorney may offer testimony to rebut the affirmative defense described in this subsection by filing and serving a notice of rebuttal, in writing, upon both the court and the defendant. Such notice of rebuttal shall be served not less than seven days before the initial date set for trial, and shall contain the name and address of each rebuttal witness.

* * *

694.09 USE, POSSESSION AND PURCHASE OF TOBACCO PRODUCTS BY MINORS~~YOUTHS~~; DEFENSES.

(a) No minor~~youth~~ shall possess or attempt to possess a tobacco product; or use a tobacco product in a public place.

(b) No youth~~minor~~ shall purchase, attempt to purchase or otherwise obtain or attempt to obtain, tobacco products. No minor~~youth~~ shall use or offer fraudulent identification or fraudulent proof of age to purchase, attempt to purchase, possess, attempt to possess, or otherwise obtain or attempt to obtain, tobacco products.

(c) This section does not interfere with the right of a parent or legal guardian in the rearing and management of his or her minor children or wards within the bounds of his or her own private premises.

(d) This section does not apply to the handling or transportation of a tobacco product by a minor~~youth~~ under the terms of that minor~~youth~~'s employment. This section does not apply to a minor~~youth~~ participating in an undercover operation or compliance checks under the conditions set forth and as authorized by state statute.

694.99 PENALTY.

(a) Unless otherwise provided, a person who violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than ninety days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) A person who violates Section 694.06(a) is responsible for a state civil infraction or is guilty of a misdemeanor, as follows, punishable by the following fines and sanctions:

(1) For a first violation, the minor is responsible for a state civil infraction and shall be fined not more than one hundred dollars (\$100.00). A court may order a minor to participate in substance use disorder services as defined in Section 6230 of the Public Health Code, Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.6230, and as designated by the Administrator of the Office of Substance Abuse Services, and may order that minor to perform community service and to undergo substance abuse screening and assessment at ~~their~~^{his or her} own expense by a person or agency as designated by the department-designated community mental health entity as defined in Section 100a of the Mental Health Code, 1974 PA 258, M.C.L.A. 330.1100a, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A minor may be found responsible or admit responsibility only once under this subsection.

(2) For a second violation of Section 694.06(a) or M.C.L.A. 436.1703, Section ~~70333b(1) of Public Act 58 of 1998 former 1933 (Ex Sess) PA 8~~, or a local ordinance substantially corresponding to M.C.L.A. 436.1703 or Section ~~70333b(1) of Public Act 58 of 1998 former 1933 (Ex Sess) PA 8~~, the minor is guilty of a misdemeanor, and may be fined not more than two hundred dollars (\$200.00), or by imprisonment for not more than thirty days but only if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or both. The court may order a minor to participate in substance use disorder services as defined in Section 6230 of the Public Health Code, Act 368 of the Public Acts of 1978, being M.C.L.A. 333.6230, and as designated by the Administrator of the Office of Substance Abuse Services, and may order that minor to perform community service and to undergo substance abuse screening and assessment, at ~~their~~^{his or her} own expense, by a person or agency as designated by the department-designated community mental health entity as defined in Section 100a of the Mental Health Code, 1974 PA 258, being M.C.L.A. 330.1100a, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a second violation of Section 694.06(a) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, M.C.L.A. 722.21 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(3) For a third or subsequent violation of Section 694.06(a), or M.C.L.A. 436.1703, Section ~~70333b(1) of Public Act 58 of 1998 former 1933 (Ex Sess) PA 8~~ or, a local ordinance substantially corresponding to M.C.L.A. 436.1703 or Section ~~70333b(1) of Public Act 58 of 1998 former 1933 (Ex Sess) PA 8~~, a fine of not more five hundred dollars (\$500.00), or by imprisonment for not more than sixty days but only if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or both, a court may order a minor to participate in substance use disorder services as defined in Section 6230 of the Public Health Code, Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.6230, and as designated by the Administrator of the Office of Substance Abuse Services, and may order that minor to perform community service and to undergo substance abuse screening and assessment, at his or her own expense, by a person or agency as designated by the department-designated community mental health entity as defined in Section 100a of the

Mental Health Code, 1974 PA 258, M.C.L.A. 330.1100a, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a second violation of Section 694.06(a) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, M.C.L.A. 722.21 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(Ord. 28-95. Passed 10-3-95; Ord. 17-04. Passed 8-17-04; Ord. 12-3. Passed 7-3-12.)

(c) A person who violates Section 694.06(c) who is not a retail licensee or a retail licensee's clerk, agent, or employee and who violates this subsection shall be fined five hundred dollars (\$500.00) and may be sentenced for up to sixty days imprisonment for a first offense, and shall be fined five hundred dollars (\$500.00) and shall be sentenced to imprisonment for up to ninety days for a second offense, and may be ordered to perform community service.

(d) In addition to the penalties provided in this section, a person who violates Section 694.06 shall be subject to the operator's and chauffeur's license sanctions imposed by the court and the Secretary of State as provided in Section ~~70333b~~ of Public Act 58 of 1998~~the Public Acts of the Extra Session of 1933~~, as amended.

(e) (Reserved)

(f) A person who violates Section 694.08 is guilty of a misdemeanor, punishable by a fine of:

(1) For a first offense, not more than \$100.00; and

(2) For ~~not more than fifty dollars (\$50.00) for each offense.~~ a second offense, not more than \$500.00.

(g) A person who violates Section 694.09 is guilty of a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) for each offense. Pursuant to a probation order, the court may also require a person who violates this section to participate in a health promotion and risk assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the costs of participating in the program. In addition, a person who violates this section is subject to the following:

(1) For the first violation the court may order the person to do one of the following:

A. Perform not more than sixteen hours of community service in a hospice, nursing home, or long-term care facility.

B. Participate in a health promotion and risk reduction program.

(2) For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than thirty-two hours of community service in a hospice, nursing home, or long-term care facility.

(3) For a third and subsequent violation in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than forty-eight hours of community service in a hospice, nursing home, or long-term care facility.

CHAPTER 694
Youth and Minor Offenses

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CROSS REFERENCES

- Malicious destruction of property by minors - see M.C.L.A. Sec. 600.2913
- Traffic violations by minors - see TRAF. 410.04(U.T.C. 2.10a)
- Sales of alcoholic beverages to minors - see GEN. OFF. 604.05
- Purchases by pawnbrokers from minors - see B.R. & T. 836.03

694.01 DEFINITIONS.

As used in this chapter:

- (a) "Alcoholic liquor" means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing $\frac{1}{2}$ of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the Liquor Commission according to alcoholic content as belonging to one of the varieties defined in M.C.L.A. 436.1105.
- (b) "Any bodily alcohol content" means either of the following:
 - (1) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - (2) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.
- (c) "Child" means any person less than seventeen years of age.
- (d) "Emergency" means unforeseen circumstances or a resulting state or condition requiring immediate action, such as a fire, natural disaster, accident, illness or similar situation requiring immediate action to prevent or treat serious injury or loss to person or property.
- (e) "Establishment" means any privately-owned place of business or premises operated for a profit to which the public is invited, including any place of amusement or entertainment.
- (f) "Guardian" means a person ordered to be such by a court or a public or private agency to provide care, custody or control of a youth.
- (g) "Minor" means any person less than twenty-one years of age.
- (h) "Nonpublic school" means a state-approved private, denominational or parochial school giving educational instruction to children below the age of sixteen.

(i) "Parent" means a person who is a natural, adoptive or step-parent or someone at least eighteen years old authorized in writing by a parent or guardian, and who has legal care, custody or control of a youth or child.

(j) "Public place" means any place to which the public has access and includes, but is not limited to, any street, highway, road, alley, park, playground or other public grounds, public places, public buildings and vacant lots.

(k) "Public school" is as defined in the School Code of 1976, being M.C.L.A. 380.5, which includes a public school academy.

(l) "Temporary care facility" means a non-locked, non-restrictive shelter at which a child may wait under supervision to be retrieved by a parent.

(m) "Tobacco products" means any product that contains tobacco and is intended for human consumption, including, but not limited to: cigarettes; cigars; non-cigarette smoking tobacco, which means tobacco sold in liquid, loose, or bulk form, that is intended for consumption by smoking and includes, but is not limited to, pipe tobacco and roll-your-own cigarette tobacco; and smokeless tobacco, which includes, but is not limited to, vapes, chewing tobacco and tobacco snuff.

(1) "Chewing tobacco" means shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or placed against the gums.

(2) "Tobacco snuff" means shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or placed against the gums.

(n) "Use a tobacco product" means any of the following:

(1) The carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

(2) The inhaling or chewing of a tobacco product.

(3) The placing of a tobacco product within a person's mouth.

(o) "Youth" means any person less than eighteen years of age.

694.02 CURFEW FOR CHILD UNDER THE AGE OF 16.

(a) Purpose. The purpose of this section is to serve the following important and compelling governmental interests:

(1) Promote the general welfare and protect the general public through the reduction of juvenile crime within the City;

(2) Promote the safety and well-being of the City's youngest residents, those persons under the age of sixteen, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, and to being victimized by older perpetrators of crime; and

(3) Foster and strengthen parental responsibility for children.

(4) Complement school attendance laws and reduce child truancy.

(b) Nighttime Curfew.

(1) No child under the age of 16 shall be in, on or about any public place or establishment in the City between the hours of 10:00 p.m. to 6:00 a.m. of the following day, except that on Friday and Saturday nights the prohibition for a child fifteen years of age shall be between the hours of 11:00 p.m. to 6:00 a.m. of the following day.

(2) The provisions of paragraph (b)(1) hereof do not apply in any of the following circumstances:

- A. The child is accompanied by their parent or guardian.
- B. Where the child is involved in an emergency.
- C. The child is upon an errand directed by their parent or guardian.
- D. When the child is going directly to, attending or returning directly from a religious, municipal, school sponsored activity or event or a similar type of organized civic activity or event.
- E. The child is engaged in, or going directly to or returning directly from their place of lawful employment.
- F. The child is exercising First Amendment rights as protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right to assembly with the permission of their parent or guardian.

G. While the child is in a motor vehicle engaged in either interstate or intra-state travel with the permission of their parent or guardian, beginning, ending or through the City.

(c) Daytime Curfew During School Hours.

(1) No child who is subject to compulsory education under any applicable state statute, shall be in, on or about any public place or establishment in the City, between the hours of 7:30 a.m. to 2:30 p.m. of the same day, or other hours as designated by the respective public school or non-public school that the child is, or would be, required to attend under state law, on days when the child's school is in session.

(2) The provisions of subsection (c)(1) do not apply in any of the following circumstances:

- A. The child is accompanied by a parent or legal guardian.
- B. The child is involved in an emergency.
- C. The child is upon an errand directed by a parent, legal guardian or other authorized adult person having the care or custody of the child.
- D. The child is going directly to, attending, or returning directly from a religious, municipal, school sponsored activity or event or a similar type of organized civic activity or event.
- E. The child is engaged in, or going directly to or returning directly from their place of lawful employment.
- F. The child is exercising First Amendment rights as protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right to assembly with the permission of their parent or guardian.
- G. While the child is in a motor vehicle engaged in either interstate or intra-state travel with the permission of their parent or guardian, beginning, ending or through the City.
- H. The child is going directly to, attending or returning directly from a medical, dental, or optical appointment.
- I. The child is permitted to leave their school's campus and the child has in their possession a valid, school-issued, off-campus permit.
- J. The child is being schooled at the child's home, or other selected venue, by their parent or legal guardian in an educational program as required or permitted by state law.

(d) Enforcement.

(1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in a public place or establishment. The officer shall not issue an appearance ticket or make an arrest unless the officer reasonably believes and has probable cause that a violation of this section has occurred and that, based on any response from the child and other circumstances known to the officer that no exception is present.

(2) A child placed under arrest by a police officer for a violation of subsection (c) hereof, shall as soon as practicable: be released to their parent or guardian; or be placed in a temporary care facility until released to their parent or guardian. A child waiting in a temporary care facility shall not be handcuffed or otherwise secured except for the safety of the child or others.

* * *

694.04 CHILDREN IN AMUSEMENT PLACES.

(a) No person operating a place of amusement and entertainment in the City shall permit any child to enter such place of amusement and entertainment during the hours prohibited by Section 694.02.

(b) Subsection (a) hereof shall not apply when the child is accompanied by their parent, guardian or other adult person having the care and custody of the child.

694.05 CITATION TO JUVENILE COURT FOR CURFEW VIOLATIONS.

(a) Any police officer may, without a warrant, take into custody any child under the age of 16 found violating any of the provisions of Section 694.02 and detain such child for a reasonable time until the parent, guardian or other person having the care and custody of such child is notified of such violation and detention.

(b) A child under the age of 16 violating any of the provisions of Section 694.02 shall be deemed a delinquent or neglected child, as defined by the laws of the State of Michigan, and shall be brought before the Juvenile Division of the Probate Court having jurisdiction over such child.

694.06 PURCHASE OR POSSESSION OF ALCOHOLIC LIQUOR BY MINORS; MISREPRESENTATIONS; EXCEPTIONS; VIOLATIONS.

(a) No minor shall purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, or have any bodily alcohol content except as permitted in this section.

(b)(1) No person shall furnish fraudulent identification to a minor for the purpose of purchasing or otherwise obtaining alcoholic liquor.

(2) No minor shall use fraudulent identification to purchase or otherwise obtain alcoholic liquor.

(c) Upon determining that a youth who is not emancipated pursuant to Act 293 of the Public Acts of 1968, as amended, and who has allegedly consumed, possessed, purchased, had any bodily alcohol content, or attempted to consume, possess or purchase alcoholic liquor in violation of this section, the Police Department shall notify the parent or parents, the custodian or the guardian of the youth as required by Section 703 of Act 58 of 1998, as amended.

(d) This section shall not be construed to prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of their employment, if employed by a State licensee, the Liquor Control Commission or an agent of the Liquor Control Commission, if the alcoholic liquor is not possessed for their personal consumption.

(e) The consumption of alcoholic beverages by a minor who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member shall not be prohibited by this section if the purpose is solely educational and a necessary ingredient of the course.

(f) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue or temple is not prohibited by this section.

(g) Subsection (a) hereof does not apply to a minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under and subject to the conditions set forth at M.C.L.A. 436.1703(14).

(h) The following individuals are not considered to be in violation of subsection (a):

(1) A minor who has consumed alcoholic liquor and who voluntarily presents themselves to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of M.C.L. 750.520b through M.C.L. 750.520g, committed against a minor.

(2) A minor who accompanies an individual who meets both of the following criteria:

A. Has consumed alcoholic liquor.

B. Voluntarily presents themselves to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of M.C.L. 750.520b through M.C.L. 750.520g, committed against a minor.

(3) A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

(i) If a minor under the age of 18 who is not emancipated under 1968 PA 293, M.C.L. 722.1 to 722.6, voluntarily presents themselves to a health facility or agency for treatment or for observation as provided under subsection (h) of this section, the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.

(j) In a criminal prosecution for the violation of subsection (a) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where the consumption is legal.

* * *

694.08 SALE OF TOBACCO PRODUCTS TO MINORS; DEFENSES

(a) No person shall sell, give or furnish any tobacco product to a minor. This subsection does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.

(b) A person who sells tobacco products retail shall post, in a place close to the point of sale and conspicuous to both employees and customers, a sign produced by the Michigan Department of Community Health which is in compliance with M.C.L.A. 722.641(2) and (3), and includes the following statement: "The purchase of a tobacco product, vapor product, or alternative nicotine product by a minor under 21 years of age and the provision of a tobacco product, vapor product, or alternative nicotine product to a minor are prohibited by law. A minor who

unlawfully purchases or uses a tobacco product, vapor product, or alternative nicotine product is subject to criminal penalties."

(c) It is an affirmative defense to a violation of this section that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of tobacco products, vapor products, or alternative nicotine products, as applicable, to individuals less than 21 years of age and that the defendant enforced and continues to enforce the policy. A defendant who proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon both the court and the office of the City Attorney, not less than fourteen days before the date initially set for trial. The office of the City Attorney may offer testimony to rebut the affirmative defense described in this subsection by filing and serving a notice of rebuttal, in writing, upon both the court and the defendant. Such notice of rebuttal shall be served not less than seven days before the initial date set for trial, and shall contain the name and address of each rebuttal witness.

* * *

694.09 USE, POSSESSION AND PURCHASE OF TOBACCO PRODUCTS BY MINORS; DEFENSES.

(a) No minor shall possess or attempt to possess a tobacco product; or use a tobacco product in a public place.

(b) No minor shall purchase, attempt to purchase or otherwise obtain or attempt to obtain, tobacco products. No minor shall use or offer fraudulent identification or fraudulent proof of age to purchase, attempt to purchase, possess, attempt to possess, or otherwise obtain or attempt to obtain, tobacco products.

(c) This section does not interfere with the right of a parent or legal guardian in the rearing and management of their minor children or wards within the bounds of their own private premises.

(d) This section does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment. This section does not apply to a minor participating in an undercover operation or compliance checks under the conditions set forth and as authorized by state statute.

694.99 PENALTY.

(a) Unless otherwise provided, a person who violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor and shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than ninety days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) A person who violates Section 694.06(a) is responsible for a state civil infraction or is guilty of a misdemeanor, as follows, punishable by the following fines and sanctions:

(1) For a first violation, the minor is responsible for a state civil infraction and shall be fined not more than one hundred dollars (\$100.00). A court may order a minor to participate in substance use disorder services as defined in Section 6230 of the Public Health Code, Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.6230, and as designated by the

Administrator of the Office of Substance Abuse Services, and may order that minor to perform community service and to undergo substance abuse screening and assessment at their own expense by a person or agency as designated by the department-designated community mental health entity as defined in Section 100a of the Mental Health Code, 1974 PA 258, M.C.L.A. 330.1100a, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A minor may be found responsible or admit responsibility only once under this subsection.

(2) For a second violation of Section 694.06(a) or M.C.L.A. 436.1703, Section 703 of Public Act 58 of 1998, or a local ordinance substantially corresponding to M.C.L.A. 436.1703 or Section 703 of Public Act 58 of 1998, the minor is guilty of a misdemeanor, and may be fined not more than two hundred dollars (\$200.00), or by imprisonment for not more than thirty days but only if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or both. The court may order a minor to participate in substance use disorder services as defined in Section 6230 of the Public Health Code, Act 368 of the Public Acts of 1978, being M.C.L.A. 333.6230, and as designated by the Administrator of the Office of Substance Abuse Services, and may order that minor to perform community service and to undergo substance abuse screening and assessment, at their own expense, by a person or agency as designated by the department-designated community mental health entity as defined in Section 100a of the Mental Health Code, 1974 PA 258, being M.C.L.A. 330.1100a, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a second violation of Section 694.06(a) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, M.C.L.A. 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(3) For a third or subsequent violation of Section 694.06(a), or M.C.L.A. 436.1703, Section 703 of Public Act 58 of 1998, a local ordinance substantially corresponding to M.C.L.A. 436.1703 or Section 703 of Public Act 58 of 1998, a fine of not more five hundred dollars (\$500.00), or by imprisonment for not more than sixty days but only if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or both, a court may order a minor to participate in substance use disorder services as defined in Section 6230 of the Public Health Code, Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.6230, and as designated by the Administrator of the Office of Substance Abuse Services, and may order that minor to perform community service and to undergo substance abuse screening and assessment, at their own expense, by a person or agency as designated by the department-designated community mental health entity as defined in Section 100a of the Mental Health Code, 1974 PA 258, M.C.L.A. 330.1100a, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a second violation of Section 694.06(a) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years

of age and not emancipated under 1968 PA 293, M.C.L.A. 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(Ord. 28-95. Passed 10-3-95; Ord. 17-04. Passed 8-17-04; Ord. 12-3. Passed 7-3-12.)

(c) A person who violates Section 694.06(c) who is not a retail licensee or a retail licensee's clerk, agent, or employee and who violates this subsection shall be fined five hundred dollars (\$500.00) and may be sentenced for up to sixty days imprisonment for a first offense, and shall be fined five hundred dollars (\$500.00) and shall be sentenced to imprisonment for up to ninety days for a second offense, and may be ordered to perform community service.

(d) In addition to the penalties provided in this section, a person who violates Section 694.06 shall be subject to the operator's and chauffeur's license sanctions imposed by the court and the Secretary of State as provided in Section 703 of Public Act 58 of 1998, as amended.

(e) (Reserved)

(f) A person who violates Section 694.08 is guilty of a misdemeanor, punishable by a fine of:

- (1) For a first offense, not more than \$100.00; and
- (2) For a second offense, not more than \$500.00.

(g) A person who violates Section 694.09 is guilty of a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) for each offense. Pursuant to a probation order, the court may also require a person who violates this section to participate in a health promotion and risk assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the costs of participating in the program. In addition, a person who violates this section is subject to the following:

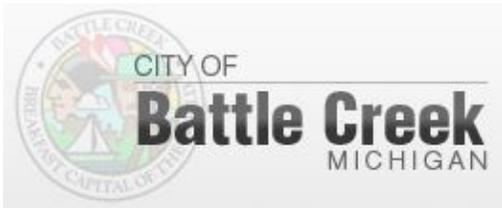
(1) For the first violation the court may order the person to do one of the following:

A. Perform not more than sixteen hours of community service in a hospice, nursing home, or long-term care facility.

B. Participate in a health promotion and risk reduction program.

(2) For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than thirty-two hours of community service in a hospice, nursing home, or long-term care facility.

(3) For a third and subsequent violation in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than forty-eight hours of community service in a hospice, nursing home, or long-term care facility.



General Detail NO.

Minutes for the July 2, 2024 City Commission Regular Meeting

BATTLE CREEK, MICHIGAN - 7/16/2024

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Patti Worden, Executive Assistant

Department: City Manager

SUMMARY

Minutes for the July 2, 2024 City Commission Regular Meeting

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Minutes_for_the_July_2_2024_City_Commission_Regular_Meeting.pdf	Minutes for the July 2, 2024 City Commission Regular Meeting



Agenda: Battle Creek City Commission

Meeting Date: July 2, 2024- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

ATTENDANCE

Mayor Mark Behnke
Commissioner Jim Lance
Commissioner Patrick O'Donnell
Commissioner Christopher Simmons
Vice Mayor Sherry Sofia

COMMISSIONERS

Commissioner Roger Ballard
Commissioner Jenasia Morris
Commissioner Carla Reynolds
Commissioner Jake Smith

Rebecca Fleury, City Manager
Alicia Greene, Deputy City Clerk
Shannon Bagley, Police Chief
Bill Beaty, Fire Chief
Helen Guzzo, Community Development
Manager

CITY STAFF

Jill Steele, City Attorney
Ted Dearing, Assistant City Manager
Mallory Avis, Public Transit Director
Joby Puruker, Service Desk Tech

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Ballard.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for Pride Month 2024

Mayor Behnke presented a proclamation declaring the month of July, 2024 as "LGBTQ+ Pride Month" in the City of Battle Creek, inviting our neighbors to reflect upon the ways in which we live and work together with a commitment to mutual respect and understanding for all people, and to further recognize Pride Month by flying the LGBTQ+ flag above Battle Creek City Hall throughout the month of July.

PRESENTATIONS

BCU Annual Presentation - Joe Sobieralski, President & CEO

Joe Sobieralski, President & CEO, Battle Creek Unlimited (BCU), shared the annual BCU update to the Commission.

Calhoun County Senior Services Presentation - Rod Auton, Manager

Rod Auton, Calhoun County Senior Services Manager, presented information on the Senior Millage and the services these funds provide.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

There were no added or deleted resolutions.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

INTRODUCTION OF ORDINANCES

10-2024 A Proposed Ordinance Introduction, #10-2024, to amend Section 08 of Chapter 882 Real Estate Taxation, by amending the terms of the Payment in Lieu of Taxes (PILOT) to reflect the new ownership and financing for "Westbrook Place."

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Cristian Yugsi, project manager for Full Circle Communities, introduced himself to the commission and provided background on the work they hope to accomplish at Westbrook Place.

John Kenefick shared concerns with affordable housing projects and how tax payers are effected when rents are subsidized.

Barry Wayne Adams spoke in opposition to the ordinance introduction, noting these exemptions help private entities, which he states is unconstitutional.

Helen Guzzo, former manager of Calhoun County Senior Services, spoke in favor of Westbrook Place and the programs it provides for our seniors.

Reece Adkins spoke in favor of Westbrook Place, noting this was a great use of the building.

David Moore stated the tax payers should have more of a voice in this process.

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

11-2024 A Proposed Ordinance Introduction, #11-2024, to amend the Zoning Code for the City of Battle Creek.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Barry Wayne Adams spoke in opposition to the ordinance introduction.

Comm. O'Donnell shared his support of the zoning ordinance introduction.

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

12-2024 A Proposed Ordinance, #12-2024, to amend the Chapter Title, as well as Sections 01, 02, 04 - 06, 08, 09, and 99, of Chapter 694 "Youth Offenses," by making it consistent with state law, replacing outdated statutory references, and ungendering language.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Barry Wayne Adams spoke in opposition to the ordinance introduction.

David Moore stated the tax payers should have more of a voice in this process.

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

Joe Harris spoke to Resolution 490, sharing disappointment with Calhoun County government leaders and a lack of transparency with the Blue Oval project.

Barry Wayne Adams spoke in opposition to Resolution 490.

Autumn Smith spoke in opposition to Resolution 490.

Reece Adkins spoke in opposition to Resolution 491.

John Kenefick spoke in opposition to Resolution 487.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

Minutes for the June 18, 2024 City Commission Regular Meeting

City Manager's Report for July 2, 2024

Ambulance Report for May 2024

CONSENT RESOLUTIONS

484 A Resolution seeking authorization of the sale of vacant, tax-reverted property Parcel number 6030-00-210-0.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

485 A Resolution seeking acceptance of the proposal of best value from Praise Sign Company, LLC, for Battle Creek City Hall interior signage in a not to exceed amount of \$100,000.

Motion to Amend

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

486 A Resolution identifying the 2024-2025 work plan and measures of success for City Manager Rebecca Fleury's evaluation criteria.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

487 A Resolution seeking acceptance of the proposal of best value from Michigan Transportation Connection, Inc., to provide consultant services to the Transportation Authority of Calhoun County (TACC) in a not-to-exceed amount of \$201,000.00.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Comm. Smith stated now that the TACC Board has been seated, he does not support funding.

Comm. Simmons questioned why the City would administer the contract and what the funds were allocated for.

Rebecca Fleury stated the City is holding the contract because we have the procurement system in place for the use of ARPA funds with very strict guidelines.

Mr. Stewart noted the funds were for the consultant to assist the TACC while forming with setup, direction and the budget providing tactical leadership.

Comm. Morris clarified currently the TACC cannot hold the contract as they have no account to hold the funds.

Mr. Stewart responded to Comm. Ballard, stating all participating communities share equitably in the cost of the consultant.

Ms. Fleury stated the City currently has 2 seats on the TACC Board.

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SOFIA

Nays: SMITH

MOTION PASSED

- 488 A Resolution seeking acceptance of the lowest responsive, responsible bid for the Verona Wellfield Well Replacement Project from Peerless Midwest, Inc., in an estimated amount of \$7,601,965.93, with unit prices prevailing.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 489 A Resolution seeking approval of an Eviction Diversion Agreement with the Michigan Advocacy Program doing business as Legal Services of South Central Michigan for \$35,000.00 with Community Development Block Grant funding (CDBG), 2023 Program Year.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 490 A Resolution seeking authority for the City Manager to execute an MOU with MAEDA for Water Infrastructure Improvements.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Comm. Simmons questioned if he signed an NDA agreement on this Water Infrastructure Improvement project.

Ms. Fleury agreed he did not sign an NDA for this project and no wastewater will be returned from this sight.

Attorney Steele clarified for Comm. Smith and Comm. O'Donnell this agreement does not address equitable distribution of water transmission or water readiness fees, that will be in a separate agreement. This agreement is giving permission for the work to take place.

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 491 A Resolution seeking authority for the City Manager to sign the attached Law Enforcement Mutual Aid Agreement with the City of Kalamazoo regarding the Kalamazoo Department of Public Safety.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Comm. O'Donnell shared support of the Mutual Aid agreement, noting the benefit to our community and the City of Kalamazoo in a time of crisis.

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 492 A Resolution seeking authority to declare intent to purchase, and authority to purchase, foreclosed real estate parcel #52-0390-00-147-0 on Hamblin Avenue.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 493 A Resolution seeking approval to conduct a Closed Session on a Legal Matter immediately following the Regular City Commission Meeting on July 2, 2024.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

GENERAL PUBLIC COMMENT

Rebecca Sebring, shared concerns with security risks related to the Blue Oval Megasite.

Adam Heikkla thanked Comm. Smith for not signing an NDA and shared his opposition to the City's support of Pride events and the flying of their flag.

David Moore wants more information shared with the community so they can have more of a voice.

Joe Harris noted all citizens of the City are united under the Federal, State and City flags.

Alex Harris reminds constituents to get out and vote.

Barry Wayne Adams stated the EV battery project is falling apart. and shared his opposition to the Pride flag being flown at City Hall.

Autumn Smith stated, under the Open Meetings Act, you can not require people to provide their names to attend meetings and disagrees with NDA's being signed by commissioners.

John Kenefick spoke regarding the distribution of ARPA money given to all levels of government noting this is a national debt.

(Limited to three minutes per individual)

COMMISSION COMMENTS

RECESS

The Commission recessed to Closed Session at 9:03pm.

CLOSED SESSION

RETURN FROM RECESS

The Commission returned from Closed Session at 9:21 pm.

MOTION to APPROVE: A motion to appoint Mr. William Kim as City Attorney, effective August 1, 2024, subject to the terms of employment and recommended by the Search Committee, HR Director and City Manager.

MOVED BY: Carla Reynolds

SUPPORTED BY: Christopher Simmons

Ayes:BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

ADJOURNMENT

Mayor Behnke adjourned the meeting at 9:23 pm.

It is the desire of the City Commission to encourage public expression in the course of its meetings. Such expression can be integral to the decision-making process of the City Commission. It is the intention of the City Commission to respect the rights of persons addressing the Commission. Public comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during public comment periods. At the conclusion of the speakers remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during the Commission Comment period. It is with these aims in mind, so as to promote decorum and civility and an orderly process for conducting its public meetings, that the following rules

concerning public comments, consistent with applicable law, are adopted by the City Commission.

(1) Persons attending a regular or special Commission Meeting shall be permitted to address the City Commission in conformity with this rule. The opportunity to address the Commission shall be limited to the following:

(a) Persons desiring to address the City Commission are encouraged, but shall not be required, to fill out and turn in to either the City Clerk, Mayor, or presiding Commissioner, prior to the meeting, a comment card disclosing the following information: The person's name, address, and telephone number; the specific issue, topic or resolution the individual wishes to address.

(b) During public hearings when scheduled, speakers may present facts and opinions on the specific matter being heard by the Commission. A three-minute time limit is imposed per speaker. In the discretion of the Mayor or presiding officer, the time limit for individual speakers may be lengthened or shortened when appropriate.

(c) During the consideration of specific ordinances when scheduled, speakers may present facts and opinions on the specific ordinance being considered by the City Commission. Speakers addressing the City Commission during this time shall limit their comments to the specific issue being considered. A three-minute time limit, which may be lengthened or shortened by the Mayor or presiding officer when appropriate, is imposed per speaker, per matter considered.

(d) During the public comment period on the consent agenda and resolutions not on the consent agenda, each speaker may address the Commission once, regarding anything on the consent agenda and resolutions not on the consent agenda, for a total not to exceed three minutes regardless of how many consent agenda items or regular resolutions the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(e) During the General Public Comment portion of the meeting, speakers may address the City Commission on any matter within the control and jurisdiction of the City of Battle Creek. A speaker shall be permitted to address the City Commission once, for up to three minutes, during this portion of the meeting.

(f) Applicants or Appellants, as defined below, or an attorney retained to represent them, are not bound by the specific time limitations set out above but may have the amount of time deemed reasonably necessary by the Mayor or presiding official to present their case to the City Commission without violating the rules set out below in sub-section 4(a) through (g), with which they are obligated to comply.

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

(ii) Appellant is an individual appealing a decision of a City official or an inferior body based upon a specific provision in City ordinances entitling the individual to appeal the decision to the City Commission.

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who

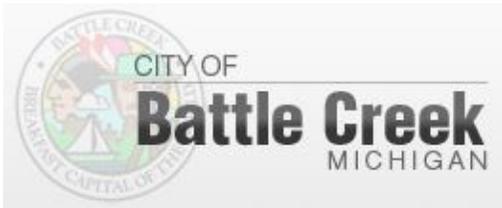
has not filled out a card requesting to address the City Commission shall raise his or her hand and wait to be recognized by the Mayor or presiding Commissioner before speaking and shall identify themselves by name and address and, if appropriate, group affiliation for the record.

(3) Speakers shall address all remarks to the Mayor, or the presiding Commissioner or official, and not to individual Commissioners or staff members. Speakers shall not address their remarks to members of the public in attendance at the meeting.

(4) A speaker will be ruled out-of-order by the Mayor or presiding Commissioner and the Commission will continue with its business, and the speaker may be required to leave the meeting after having been ruled out-of-order for a breach of the peace committed at the meeting as permitted by the OMA, when the speaker violates above sub-section 3 or the following:

- (a) Becomes repetitive or speaks longer than the allotted time;
- (b) Attempts to yield any unused portion of time to other speakers;
- (c) Engages in a personal attack upon a city employee, administrator or Commissioner only if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out their public duties or office;
- (d) Uses obscene or profane language;
- (e) Engages in slanderous or defamatory speech;
- (f) Uses derogatory racial, sexual or ethnic slurs or epithets relating to any individual or category of persons; or
- (g) Engages in conduct that interrupts or disrupts the meeting.

(5) Individuals attending City Commission meetings or workshops, excluding City staff, shall not pass the commission chambers bar upon which the podium is affixed (and which divides the audience section from the well of the chambers) without having been invited to do so by the Mayor or official presiding over the meeting, or after requesting and explicitly being granted permission to do so. Any individual violating this sub-section will be ruled out-of-order by the Mayor or presiding official and the individual may be required to leave the meeting for a breach of the peace committed at the meeting as permitted by the OMA.



General Detail NO.

City Manager's Report for July 16, 2024

BATTLE CREEK, MICHIGAN - 7/16/2024

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Patti Worden, Executive Assistant

Department: City Manager

SUMMARY

City Manager's Report for July 16, 2024

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
City_Manager_Report_07162024.pdf	City Manager's Report for July 16, 2024

MEMO

Date: 07/16/2024
To: Mayor and City Commission
From: Ted Dearing, Assistant City Manager
RE: City Manager's July 16, 2024, Agenda Report

13-2024

A Proposed Ordinance, #13-2024, to amend Section 02, Articles X and XVII, of Chapter 212, "Rules of Procedure of the Commission," regarding Public Comment to ensure a better flow to the Business Meeting.

The Open Meetings Act (OMA), Act 267 of 1976, requires Public Comment be offered at meetings of public bodies, but it only requires that one opportunity for public comment be offered at a meeting. MCL 15.263(5) also provides that persons must be permitted to address a meeting of the "public body under rules established and recorded by the public body."

The City of Battle Creek Rules of Procedure as set out in Chapter 212 currently permit a separate period of public comment, not to exceed three minutes, for comment specifically regarding the ordinance introductions and ordinance adoptions.

Battle Creek Rules of Procedure also currently provide for three minutes of public comment for any consent agenda item and/or resolutions not on the consent agenda, in addition to three minutes of general public comment at the end of the meeting.

A non-exhaustive review of other Michigan municipality's rules regarding public comment revealed that many provide only two periods of public comment at every meeting: One is collectively for all legislative matters to be voted upon, whether it be an ordinance introduction/adoption, a consent agenda item or a regular resolution; and one for general public comment. In instances where a public hearing is set and the law requires a specific period of public comment for that matter, then 3 minutes is provided for the public hearing.

A greater number of municipalities only offer one period of general public comment, as well as public comment for a public hearing where required by law.

This proposed ordinance amendment is modeled after the City of Grand Rapids, providing one collective period of public comment for all legislative items on the agenda, one period of general public comment, and public comment for public hearings where required by law. The exception is that this proposed amendment increases public comment for all legislative agenda items from three minutes to four. In addition, this proposed ordinance amendment would move up the period of public comment for all agenda items to take place prior to any ordinance introductions or adoptions. The goal of the proposed ordinance amendments is to ensure a better flow to the business meeting.

The amendment to the ordinance was requested by Commissioner Lance and supported by Mayor Behnke and Vice Mayor Sofia.

494

A Resolution seeking adoption of Ordinance, #10-2024, to amend Section 08 of Chapter 882 Real Estate Taxation, by updating the terms of the Payment in Lieu of Taxes (PILOT) to reflect the new ownership and financing for "Westbrook Place."

Westbrook Place Apartments is a six-story mid/high-rise building with 69 units of multi-family affordable residential housing for persons who are 50 and over.

On December 23, 2021, the property was sold and is now owned by Westbrook Preservation, Limited Dividend Housing Association, LLC, with Full Circle Communities (FCC) as the project developer. FCC is requesting a renewal of the PILOT, reflected here in an ordinance amendment, showing the new owner as the "Sponsor," and to provide a renewal of the length of the PILOT as the owner/developer seek to apply for additional funds to rehabilitate the property.

This Proposed Ordinance adoption, #10-2024, would amend Section 08 of Chapter 882 Real Estate Taxation, by amending the terms of the Payment in Lieu of Taxes (PILOT) to reflect the new ownership and financing for "Westbrook Place." **Approval is Recommended.**

495

A Resolution seeking to adopt Ordinance #11-2024, an Ordinance to amend the Zoning Code for the City of Battle Creek.

These proposed amendments to the City's Zoning Code will clarify the intended use of accessory dwellings and provide requirements for maximum height and setbacks, remove the Agri-Tourism as a Special Use in the Green and R1-R as it does not align with stated purpose of the districts, and amends the sign ordinance to better align with common signage locations for hotels while limiting the overall area of the sign to 200 square feet.

This Proposed Ordinance adoption would amend the Zoning Code for the City of Battle Creek as described. **Approval is Recommended.**

496

A Resolution seeking adoption of Ordinance, #12-2024, amending the Chapter Title, as well as Sections 01, 02, 04 - 06, 08, 09, and 99, of Chapter 694 "Youth Offenses," by making it consistent with state law, replacing outdated statutory references, and ungendering language.

This chapter of ordinances was initially enacted in 1995 to set out what are called status offenses - those which are illegal based upon the age of the violator - in this instance, youth and minors. The sections related to tobacco and alcohol mirror the state law. Almost all sections of this Chapter are proposed to be revised, to either amend the definitions consistent with state law, to replace references to state law that have either been repealed or amended, and to ungender language, consistent with the directive of the City Commission when the Charter was amended in March of 2020.

This Proposed Ordinance, #12-2024, would amend the Chapter Title, as well as Sections 01, 02, 04 - 06, 08, 09, and 99, of Chapter 694 "Youth Offenses," by making it consistent with state law, replacing outdated statutory references, and ungendering language. **Approval is Recommended.**

504

A Resolution seeking authorization regarding a contract for citywide HVAC maintenance services with W. Soule & Co. in an estimated first-year amount of \$115,181.00 with unit prices prevailing.

Resolution #159 dated July 11, 2017, approved a citywide HVAC maintenance service contract with W. Soule & Co., which expires on July 31, 2024.

W. Soule & Co. has maintained a successful partnership with the City for over 20 years, consistently demonstrating the expertise and experience required for this complex work. All contracts throughout that time, with different staff each time over the years, have been let as a result of a competitive RFP process, with W. Soule winning out each time in terms of experience and price.

The City would now like to enter directly into a new contract with W. Soule & Co. to continue HVAC maintenance services, for a period of up to five years, with the final expiration date being July 31, 2029.

The City's Administrative Code provides exceptions to the sealed bid requirement when it is in the City's best interest to do so but requires City Commission approval for purchases exceeding \$50,000.

If approved, this Resolution authorizes a contract for citywide HVAC maintenance services with W. Soule & Co. in an estimated first-year amount of \$115,181.00 with unit prices prevailing. **Approval is Recommended.**

505

A Resolution seeking authorization for the City Manager to execute the attached 911 Radio Project User Agreement with the CCCDA.

The Calhoun County Consolidated Dispatch Authority (CCCDA) centrally receives 911 calls originating from within Calhoun County, Michigan, and dispatches emergency law enforcement, fire, and ambulance services. The City of Battle Creek receives emergency law enforcement, fire, and ambulance service dispatches from CCCDA.

To facilitate its dispatching, CCCDA has purchased a radio communications system and will be assigning certain radio communications equipment to the City of Battle Creek's Police Department. The purpose of this Agreement is to memorialize the terms and conditions of such assignment.

Under this Agreement, the CCCDA confers upon the City of Battle Creek a limited license to possess and use certain radio communications system equipment which is specified in Appendix A of the Agreement.

If approved, the Resolution authorizes the City Manager to enter into the attached 911 Radio Project User Agreement with the CCCDA, or one substantially similar that has been approved by the City Attorney. **Approval is Recommended.**

506

A Resolution seeking authorization for the City Manager to enter into the attached Transfer, Service and Limited License Agreement with CCCDA for the transfer, reprogramming and license to use radios by the Battle Creek Fire Department.

The Calhoun County Consolidated Dispatch Authority serves as a telecommunications center to receive 911 calls originating from within Calhoun County, Michigan, and dispatches emergency law enforcement, fire, and ambulance services. The City of Battle Creek, as a dispatched entity, receives such emergency law enforcement, fire, and ambulance service dispatches from CCCDA.

The City of Battle Creek, for the service of the Battle Creek Fire Department, owns portable and mobile radios as part of their communications system for the provision of and the delivery of public safety services.

The City of Battle Creek desires to transfer all ownership interest of its portable and mobile radios to the CCCDA, for the CCCDA to receive and reprogram the radios, and to provide a limited license of the radios to Battle Creek for its provisions of services, followed by Battle Creek's ownership of the radios.

If approved, this Resolution authorizes the City Manager to enter into the attached Transfer, Service and Limited License Agreement (or one substantially similar that has been approved by the City Attorney) with CCCDA for the transfer, reprogramming and license to use radios by the Battle Creek Fire Department. **Approval is Recommended.**

507

A Resolution seeking authorization for the City Manager to execute all documents necessary to participate in the Kroger Opioid Settlement litigation.

National Prescription Opiate Litigation has been underway for a number of years against a number of different defendants. The current matter deals with a proposed settlement with Kroger. The State

of Michigan is participating; thus it is most advantageous for the City of Battle Creek to opt in and participate.

If approved, this Resolution authorizes the City Manager to execute all documents necessary to participate in the Kroger Opioid Settlement litigation. **Approval is Recommended.**

508

A Resolution recognizing the City Attorney's overall performance rating of "Exceeds Expectations", pursuant to the terms of Section 5 of the Employment Agreement between the City Attorney and the City Commission.

The Employment Agreement between the City Commission and City Attorney Jill Steele states that the City Commission shall complete an evaluation of Ms. Steele's job performance on an annual basis. Section 7(B) of the Employment Agreement states: If during the annual review, Employee receives a rating of Exceeds Expectations or Far Exceeds Expectation as set forth in Addendum A, then the City may, in its discretion, award Employee a bonus based upon meritorious performance for the year, to be paid in accordance with the Employee's Evaluation Process. The bonus shall be paid as a one-time lump sum payment and shall be included in the earnings history of the Employee's salary when calculating the "final average compensation."

The City Attorney Performance Evaluation Committee unanimously agreed it is important to recognize Ms. Steele's performance for the full period being evaluated, and is recommending a one-time, lump sum bonus of 5.5% of the City Attorney's base salary, to be included in Ms. Steele's Final Average Compensation (FAC).

If approved, this Resolution recognizes the City Attorney's overall performance rating of "Exceeds Expectations", pursuant to the terms of Section 5 of the Employment Agreement between the City Attorney and the City Commission.

509

A Resolution seeking to set a Closed Session on a labor matter for July 16, 2024.

As permitted under the Michigan Open Meetings Act, a public body, upon a majority vote, may meet in closed session for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing, and the City has requested that closed session.

This Resolution sets a Closed Session on a labor matter for July 16, 2024. **Approval is Recommended.**



General Detail NO.

Review Committee Meeting Minutes for July 10, 2024

BATTLE CREEK, MICHIGAN - 7/16/2024

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Patti Worden, Executive Assistant

Department: City Manager

SUMMARY

Review Committee Meeting Minutes for July 10, 2024

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
☐ 07.10.2024_-_Review_Committee_Minutes.pdf	Review Committee Meeting Minutes for July 10, 2024
☐ Boards-Committees_Application_Report_-_6.13.2024_-_7.10.2024.pdf	Boards-Committees Application Report - 6.13.2024 - 7.10.2024

CITY OF BATTLE CREEK REVIEW COMMITTEE AGENDA

Wednesday, July 10, 2024 at 3:00 PM

Join Zoom Meeting

[Click here to join meeting](#)

Meeting ID: 269 441 1255

Passcode: 269269

One call in: 1-312-626-6799

MINUTES

The Review Committee Meeting started at 3:02pm.

Attendees

*Mayor Mark Behnke

*Vice Mayor Sherry Sofia

*Ted Dearing, Assistant City Manager

*Becky Squires, Chair

*Patti Worden, Executive Assistant

I. HUMAN RELATIONS BOARD

a. 1 application, 1 reappointment

i. Keona Ackley – Reappointment – Term to expire 7/21/2027

b. Discussion: Behnke, Sofia, Dearing

Behnke: Yes No Comment: **Next Commission Meeting for approval**

Sofia: Yes No Comment:

II. LOCAL OFFICERS COMPENSATION COMMITTEE

a. 1 application, 1 vacancy

i. Tamera Hill – New Appointment – term to expire 07/16/2031

b. Discussion: Behnke, Sofia, Dearing, Chair (Becky Squires)

Behnke: Yes No Comment: **Next Commission Meeting for approval**

Sofia: Yes No Comment:

III. BATTLE CREEK HOUSING COMMISSION

- a. 1 application, 1 reappointment
 - i. Samuel Gray – Reappointment – term to expire 9/19/2029
- b. Discussion: Behnke, Sofia, Dearing

Behnke: Yes No Comment: **Next Commission Meeting for approval**

Sofia: Yes No Comment:

The Meeting ended at 3:11pm.

Boards/Committees Applications
(Received June 13, 2024 – July 10, 2024)

Michael Hall

Human Relations Board

Samuel Gray

Battle Creek Housing Commission

Kristy Alchin

Battle Creek Downtown Development Authority

Economic Development Corporation

Lakeview Downtown Development Authority

Kaciana Champlin

Community Oversight Board

Board of Appeals (Housing)

Board of Review (Assessing)

Stacey Smith

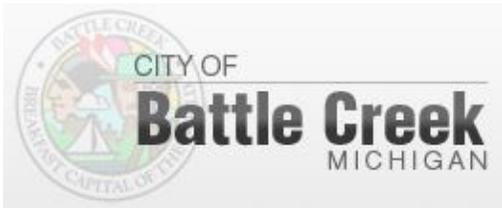
Historic District Commission

Battle Creek Downtown Development Authority

Development Area Citizens Council

Carey Whitfield

Community Oversight Board



Resolution NO. 497

A Resolution reappointing Keona Ackley to the Human Relations Board.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That Keona Ackley is reappointed to the Human Relations Board with a term expiring July 21, 2027.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Patti Worden, Executive Assistant

Department: City Manager

SUMMARY

A Resolution reappointing Keona Ackley to the Human Relations Board.

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION

This Board was created in 1986 by Resolution No. 307, approved August 26, 1986, for the purpose of fostering mutual understanding and respect among all racial, religious, and nationality groups in the City.

The Board became inactive in 1995 and it is now the desire of the City Commission to reactivate the Human Relations Board.

The Board is to be comprised of 15 members with staggered terms of one, two, and three years except in filling a vacancy, which term must be for the unexpired date. The requirements for membership must be representative of management and labor, various religions, various races, and others who have an interest in human relations.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this reappointment.

ATTACHMENTS:

File Name	Description
 Ackley__Keona_-_2024.pdf	Keona Ackley Application

Patricia S Worden

From: noreply@civicplus.com
Sent: Thursday, June 6, 2024 7:42 PM
To: Rebecca D. Forbes; Patricia S Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

City of Battle Creek Boards, Committees, Commissions, & Councils Application

Please select the **top 3** boards, committees, commissions, or councils on which you would like to serve. This application will remain active for one year from the date we receive it and will be posted on the City's website. Thank you for applying!

Name	Keona Ackley
Are you 18 years or older?	Yes
Home address	246 20th St S
City	Battle Creek
State	MI
Zip code	49015
Email address	Keonacb@gmail.com
Home phone	269-419-9043
Work phone	269-419-9043
Cell phone	269-419-9043
Current occupation (students should list school activities)	Senior Executive Assistant
Employer and work address (students should list school)	W.K. Kellogg Foundation
Educational background/degrees (students should list current year in school)	Associate in Business Management, Associate in General Studies and Business Management Certification

List any appointed positions or boards/committees/commissions/councils on which you have served, and year(s) of service

HRB, Sustainable BC committee, BCMA Board and Lakeview Parent Council

List any organizations to which you belong (professional, technical, community, nonprofit; students should list school organizations)

W.K. Kellogg Fondation

Briefly explain your interest, experience, and/or qualifications for the boards for which you are applying

Volunteer and help build a better Battle Creek

Attach additional information

Field not completed.

Please tell us how you found out about our boards, etc. and/or vacancies

Currently on HRB board

Electronic Signature Agreement

I agree.

By signing this form, you acknowledge that any or all information on this form may be verified, and consent to the release of this information for publicity purposes.

Electronic Signature

Keona C. Ackley

Date

06/06/2024

Accessibility

The City of Battle Creek is committed to making our volunteer opportunities accessible to everyone. If you require a reasonable accommodation to fully participate on a board/committee/commission/council, please note your accommodation request(s) here:

Accommodation request(s):

None

Boards, Committees, Commissions, & Councils Interest

Please rank your first, second, and third choices for boards, committees, commissions, and councils on which you would like to serve. Please check the boxes to indicate your experience and/or credentials for each of your three choices. Thank you!

Airport Advisory Board

Makes policy recommendations to support continued airport development and community economic growth; acts as advocate for current and potential economic value of the airport.

Rank *Field not completed.*

Experience *Field not completed.*

BC Area International Relations Committee

To foster cultural promotion of the city, and provide a positive environment toward foreign industrialists and their families

Rank *Field not completed.*

Experience *Field not completed.*

BC Downtown Development Authority

Provides for a variety of funding options, including tax increment financing mechanism, which can be used to fund public improvements in the downtown district.

Rank 3

Experience Property owner, Business representative, Live in BC city limits

BC Housing Commission

Manages all public housing facilities and rental voucher (Section 8) programs in the city. Public housing facilities include scattered site rental housing, home purchase programs and senior residential developments.

Rank	2
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Experience	Live in BC city limits
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BC TIFA/Brownfield Redevelopment Authority

BC Tax Increment Finance Authority. Works to halt a decline of property values, increase property tax valuation, eliminate causes of decline in value, and promote growth in the Fort Custer Industrial Park.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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BC Transit Local Advisory Council

Advises the City in areas relating to planning, delivery, and operation of public transportation in the community and to provide recommendations and input regarding accessibility including the annual approval of Battle Creek Transit's Vehicle Accessibility Plan.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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BC Transit Local Coordinating Committee

Determines annually how the Specialized Services funds will be allocated among the various sub-recipients, related to transportation services for the elderly and those with disabilities.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Board of Appeals (Housing)

Hears and decides on appeals concerning application or interpretation of the provisions and standards of the Building Code, the International Property

Maintenance Code and Chapter 842 of these Codified Ordinances, and to hear appeals of decisions of the Dangerous Buildings Hearing Officer.

Rank	1
Experience	Zoning, Real estate/development/law, Live in BC city limits

Board of Review (Assessing)

Members serve for five years, and must be city electors and property owners. Members may correct/amend assessment rolls, and increase or decrease taxable property assessment or valuation.

Rank	<i>Field not completed.</i>
Experience	<i>Field not completed.</i>

Civil Service Commission

Establishes rules applicable to all regular and full-time Fire Department personnel, excluding civilian employees. Members must reside in the city limits for one year, reside within the county for three years, and hold no other government office. There may be no more than two members of the same political party.

Rank	<i>Field not completed.</i>
Experience	<i>Field not completed.</i>

Construction Board of Appeals

To hear appeals on building permit denials, and from any other decision pursuant or related to the Act or the State Construction Code. There are five members and one alternate. Members serve two-year terms. A member of the board shall be qualified by experience or training to perform the duties of the board. The board meets as needed.

Rank	<i>Field not completed.</i>
Experience	<i>Field not completed.</i>

Dangerous Buildings Hearing Officer

Identifies structures in the city considered to be a public nuisance; serves written notice of a hearing to the owner or party of interest at the address shown on the tax records; and shows cause why the structure(s) should not be ordered demolished, otherwise made safe, or properly maintained. Must have expertise in housing

matters, including, but not limited to: engineer, architect, building contractor, building inspector, or member of a community housing organization.

Rank	3
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Experience	Real estate/development/law, Housing
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Development Area Citizens Council

An advisory body to a development authority and, ultimately, the City Commission, related to updates to the authority's development plan.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Dickman Road Business Improvement District

Promotes economic activity in the BID along Dickman Road, and provides or contracts for the administration, security, and operation of the district, to include physical improvements and joint marketing.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Downtown Parking System Advisory Committee

Advises city staff and the city's parking administrator on issues related to the city-owned and operated parking system.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Economic Development Corporation

Alleviates unemployment conditions, assists in industry retention and promotes the general welfare of Battle Creek.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Goguac Lake Board

Formed to protect the public health, safety and welfare, and conserve the natural resources and preserve property values around Goguac Lake.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Historic District Commission

Reviews plans for exterior modifications or demolition of buildings within the federal, state, or local historic districts.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Human Relations Board

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations.

Rank	1
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Experience	Live in the metropolitan area
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Income Tax Board of Appeals

Attempts to settle city income tax disputes.

Rank	2
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Experience	Live in BC city limits
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Lakeview Downtown Development Authority

The definition of a development area; the origination of a development plan; and the implementation of a development program

Rank	2
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Experience District property owner/business representative, Live in BC city limits

License Review Board

Provides an opportunity to appeal when an application to operate as a vendor within the city limits is denied or a current Vendor's License becomes subject to suspension or revocation.

Rank *Field not completed.*

Experience *Field not completed.*

Local Development Financing Authority

To govern the affairs of the I-94 Business Park and Certified Technology Park (SmartZone) established by the City of Battle Creek, pursuant to an Agreement (The Battle Creek Aviation and E-Learning SmartZone Agreement) with the Michigan Economic Development Corporation.

Rank *Field not completed.*

Experience *Field not completed.*

Local Officers' Compensation Commission

Determine salaries of elected officials. Shall meet for at least one, and not more than 15, session days in each odd-numbered year. "Session day" is a calendar day on which the commission meets and for which a quorum is present.

Rank *Field not completed.*

Experience *Field not completed.*

Planning Commission

Adopts plans for the city. Also considers requests for zoning classifications and special use permits, and makes recommendations to the City Commission on amendments to the planning and zoning code.

Rank 2

Experience Land use planning, Real estate/development

Police/Fire Retirement System Board

Make rules and regulations necessary to properly conduct the business of the police and fire pension system, as directed by law.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Sustainable BC Committee

Increase the city's efforts to incorporate environmentally-responsible policies in the management of its facilities and services, including initiatives outlined in the Climate Protection Act Policy, adopted in August 2006, and the 15 percent by '15 renewable energy policy goal, adopted in March 2007. Will review and recommend environmental/conservation policy for the city, including recommendations for action to the City Commission.

Rank	1
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Experience	Live in BC city limits, Business representative
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Technical Review Committee

Provides review, input, and recommendations to the city and the City Commission regarding various aspects of the wastewater treatment system and rates.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Tree Advisory Council

Helps develop the annual Tree Work Plan, and issue rules and regulations supplementary to the city's tree ordinance. Establishment meets a Tree City USA criterion.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
------------	-----------------------------

Water System Advisory Council

Advises and assists with creation of materials and plans to educate the community about the dangers of lead in drinking water, assist with development of public awareness campaign materials, advise and consult on the development of appropriate plans for remediation and public education to be implemented if a lead action level is exceeded, advise and consult on efforts to replace private lead

service lines, assist in promoting transparency of data and documents related to lead in drinking water, and collaborate with local community groups to ensure those living in the city have the opportunity to be involved in efforts to educate the community about lead in drinking water.

Rank	<i>Field not completed.</i>
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Experience	<i>Field not completed.</i>
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Youth Advisory Board

To involve area youth in local government policy development and administrative procedures that will improve the leadership development of the community's youth.

Rank	<i>Field not completed.</i>
------	-----------------------------

Experience	<i>Field not completed.</i>
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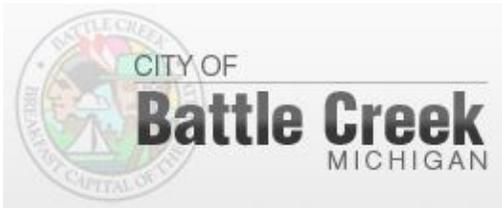
Zoning Board of Appeals

Considers requests for variances to the requirement of the planning and zoning code. Typical variance requests include yard setback reductions and the size of commercial signage.

Rank	2
------	---

Experience	Real estate/development/law, Live in BC city limits
------------	---

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Resolution NO. 498

A Resolution appointing Tamera Hill as a new member to the Local Officers Compensation Committee.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That this Resolution appoints Tamera Hill as a new member to the Local Officers Compensation Committee with a term to expire on July 16, 2031.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Patti Worden, Executive Assistant

Department: City Manager

SUMMARY

A Resolution appointing Tamera Hill as a new member to the Local Officers Compensation Committee.

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

On July 15, 1997, the City Commission adopted Ordinance No. 13-97 amending Title Eight, "Boards, Commission, Committees, and Authorities," by the Addition of Chapter 275, "Local Officers Compensation Commission." The purpose of the Local Officers Compensation Commission (LOCC) is to determine the salaries of elected officials. The LOCC meets every two years.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this appointment.

ATTACHMENTS:

File Name	Description
📄 Hill__Tamera_-_2024.pdf	Tamera Hill Application

Patricia S Worden

From: noreply@civicplus.com
Sent: Saturday, June 1, 2024 12:16 PM
To: Rebecca D. Forbes; Patricia S Worden
Subject: Online Form Submittal: Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Current City of Battle Creek Boards, Committees, Commissions, and Councils Application

City of Battle Creek Boards, Committees, Commissions, & Councils Application

Please select the **top 3** boards, committees, commissions, or councils on which you would like to serve. This application will remain active for one year from the date we receive it and will be posted on the City's website. Thank you for applying!

Name	Tamera Hill
Are you 18 years or older?	Yes
Home address	69 W. Northside Drive
City	Battle Creek
State	MI
Zip code	49037
Email address	tamera_hill@yahoo.com
Home phone	2692747569
Work phone	<i>Field not completed.</i>
Cell phone	<i>Field not completed.</i>
Current occupation (students should list school activities)	Retired
Employer and work address (students should list school)	Kellogg Headquarter
Educational background/degrees (students should list current year in school)	<i>Field not completed.</i>

List any appointed positions or boards/committees/commissions/councils on which you have served, and year(s) of service	Battle Creek Urban League Gill President and Vice President
List any organizations to which you belong (professional, technical, community, nonprofit; students should list school organizations)	NAACP
Briefly explain your interest, experience, and/or qualifications for the boards for which you are applying	Worked at Kellogg's Headquarters for 31 years in different capacities- Born and raised in Battle Creek. Formed the original Young ladies of Potential working with young ladies from 7th grade - graduation.
Attach additional information	<i>Field not completed.</i>
Please tell us how you found out about our boards, etc. and/or vacancies	Always been aware of different boards and city position and now I am available to give back to my community.
Electronic Signature Agreement	I agree.

By signing this form, you acknowledge that any or all information on this form may be verified, and consent to the release of this information for publicity purposes.

Electronic Signature	Tamera Hill
Date	June 1, 2024

Accessibility

The City of Battle Creek is committed to making our volunteer opportunities accessible to everyone. If you require a reasonable accommodation to fully participate on a board/committee/commission/council, please note your accommodation request(s) here:

Accommodation request(s):	<i>Field not completed.</i>
---------------------------	-----------------------------

Boards, Committees, Commissions, & Councils Interest

Please rank your first, second, and third choices for boards, committees, commissions, and councils on which you would like to serve. Please check the boxes to indicate your experience and/or credentials for each of your three choices. Thank you!

Airport Advisory Board

Makes policy recommendations to support continued airport development and community economic growth; acts as advocate for current and potential economic value of the airport.

Rank 1

Experience *Field not completed.*

BC Area International Relations Committee

To foster cultural promotion of the city, and provide a positive environment toward foreign industrialists and their families

Rank *Field not completed.*

Experience *Field not completed.*

BC Downtown Development Authority

Provides for a variety of funding options, including tax increment financing mechanism, which can be used to fund public improvements in the downtown district.

Rank *Field not completed.*

Experience *Field not completed.*

BC Housing Commission

Manages all public housing facilities and rental voucher (Section 8) programs in the city. Public housing facilities include scattered site rental housing, home purchase programs and senior residential developments.

Rank *Field not completed.*

Experience *Field not completed.*

BC TIFA/Brownfield Redevelopment Authority

BC Tax Increment Finance Authority. Works to halt a decline of property values, increase property tax valuation, eliminate causes of decline in value, and promote growth in the Fort Custer Industrial Park.

Rank *Field not completed.*

Experience *Field not completed.*

BC Transit Local Advisory Council

Advises the City in areas relating to planning, delivery, and operation of public transportation in the community and to provide recommendations and input regarding accessibility including the annual approval of Battle Creek Transit's Vehicle Accessibility Plan.

Rank *Field not completed.*

Experience *Field not completed.*

BC Transit Local Coordinating Committee

Determines annually how the Specialized Services funds will be allocated among the various sub-recipients, related to transportation services for the elderly and those with disabilities.

Rank *Field not completed.*

Experience *Field not completed.*

Board of Appeals (Housing)

Hears and decides on appeals concerning application or interpretation of the provisions and standards of the Building Code, the International Property

Maintenance Code and Chapter 842 of these Codified Ordinances, and to hear appeals of decisions of the Dangerous Buildings Hearing Officer.

Rank *Field not completed.*

Experience *Field not completed.*

Board of Review (Assessing)

Members serve for five years, and must be city electors and property owners. Members may correct/amend assessment rolls, and increase or decrease taxable property assessment or valuation.

Rank *Field not completed.*

Experience *Field not completed.*

Civil Service Commission

Establishes rules applicable to all regular and full-time Fire Department personnel, excluding civilian employees. Members must reside in the city limits for one year, reside within the county for three years, and hold no other government office. There may be no more than two members of the same political party.

Rank *Field not completed.*

Experience *Field not completed.*

Construction Board of Appeals

To hear appeals on building permit denials, and from any other decision pursuant or related to the Act or the State Construction Code. There are five members and one alternate. Members serve two-year terms. A member of the board shall be qualified by experience or training to perform the duties of the board. The board meets as needed.

Rank *Field not completed.*

Experience *Field not completed.*

Dangerous Buildings Hearing Officer

Identifies structures in the city considered to be a public nuisance; serves written notice of a hearing to the owner or party of interest at the address shown on the tax records; and shows cause why the structure(s) should not be ordered demolished, otherwise made safe, or properly maintained. Must have expertise in housing

matters, including, but not limited to: engineer, architect, building contractor, building inspector, or member of a community housing organization.

Rank *Field not completed.*

Experience *Field not completed.*

Development Area Citizens Council

An advisory body to a development authority and, ultimately, the City Commission, related to updates to the authority's development plan.

Rank *Field not completed.*

Experience *Field not completed.*

Dickman Road Business Improvement District

Promotes economic activity in the BID along Dickman Road, and provides or contracts for the administration, security, and operation of the district, to include physical improvements and joint marketing.

Rank *Field not completed.*

Experience *Field not completed.*

Downtown Parking System Advisory Committee

Advises city staff and the city's parking administrator on issues related to the city-owned and operated parking system.

Rank *Field not completed.*

Experience *Field not completed.*

Economic Development Corporation

Alleviates unemployment conditions, assists in industry retention and promotes the general welfare of Battle Creek.

Rank *Field not completed.*

Experience *Field not completed.*

Goguac Lake Board

Formed to protect the public health, safety and welfare, and conserve the natural resources and preserve property values around Goguac Lake.

Rank *Field not completed.*

Experience *Field not completed.*

Historic District Commission

Reviews plans for exterior modifications or demolition of buildings within the federal, state, or local historic districts.

Rank *Field not completed.*

Experience *Field not completed.*

Human Relations Board

To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To increase constructive communication between community members, public officials, and community organizations, thereby promoting harmonious and productive relationships within the community, and equitable access to community resources for all. Board shall be representative of management and labor, various religions, various races, and others who have an interest in human relations.

Rank 1

Experience Live in the metropolitan area

Income Tax Board of Appeals

Attempts to settle city income tax disputes.

Rank *Field not completed.*

Experience *Field not completed.*

Lakeview Downtown Development Authority

The definition of a development area; the origination of a development plan; and the implementation of a development program

Rank *Field not completed.*

Experience *Field not completed.*

License Review Board

Provides an opportunity to appeal when an application to operate as a vendor within the city limits is denied or a current Vendor's License becomes subject to suspension or revocation.

Rank *Field not completed.*

Experience *Field not completed.*

Local Development Financing Authority

To govern the affairs of the I-94 Business Park and Certified Technology Park (SmartZone) established by the City of Battle Creek, pursuant to an Agreement (The Battle Creek Aviation and E-Learning SmartZone Agreement) with the Michigan Economic Development Corporation.

Rank *Field not completed.*

Experience *Field not completed.*

Local Officers' Compensation Commission

Determine salaries of elected officials. Shall meet for at least one, and not more than 15, session days in each odd-numbered year. "Session day" is a calendar day on which the commission meets and for which a quorum is present.

Rank 1

Experience Live in BC city limits

Planning Commission

Adopts plans for the city. Also considers requests for zoning classifications and special use permits, and makes recommendations to the City Commission on amendments to the planning and zoning code.

Rank *Field not completed.*

Experience *Field not completed.*

Police/Fire Retirement System Board

Make rules and regulations necessary to properly conduct the business of the police and fire pension system, as directed by law.

Rank *Field not completed.*

Experience *Field not completed.*

Sustainable BC Committee

Increase the city's efforts to incorporate environmentally-responsible policies in the management of its facilities and services, including initiatives outlined in the Climate Protection Act Policy, adopted in August 2006, and the 15 percent by '15 renewable energy policy goal, adopted in March 2007. Will review and recommend environmental/conservation policy for the city, including recommendations for action to the City Commission.

Rank *Field not completed.*

Experience *Field not completed.*

Technical Review Committee

Provides review, input, and recommendations to the city and the City Commission regarding various aspects of the wastewater treatment system and rates.

Rank *Field not completed.*

Experience *Field not completed.*

Tree Advisory Council

Helps develop the annual Tree Work Plan, and issue rules and regulations supplementary to the city's tree ordinance. Establishment meets a Tree City USA criterion.

Rank *Field not completed.*

Experience *Field not completed.*

Water System Advisory Council

Advises and assists with creation of materials and plans to educate the community about the dangers of lead in drinking water, assist with development of public awareness campaign materials, advise and consult on the development of appropriate plans for remediation and public education to be implemented if a lead action level is exceeded, advise and consult on efforts to replace private lead service lines, assist in promoting transparency of data and documents related to

lead in drinking water, and collaborate with local community groups to ensure those living in the city have the opportunity to be involved in efforts to educate the community about lead in drinking water.

Rank *Field not completed.*

Experience *Field not completed.*

Youth Advisory Board

To involve area youth in local government policy development and administrative procedures that will improve the leadership development of the community's youth.

Rank *Field not completed.*

Experience *Field not completed.*

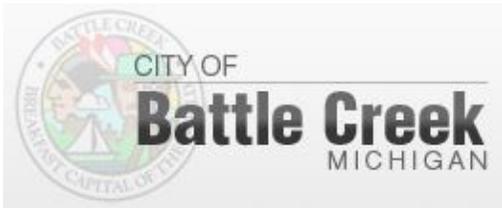
Zoning Board of Appeals

Considers requests for variances to the requirement of the planning and zoning code. Typical variance requests include yard setback reductions and the size of commercial signage.

Rank *Field not completed.*

Experience *Field not completed.*

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Resolution NO. 499

A Resolution reappointing Samuel Gray to the Battle Creek Housing Commission.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That Samuel Gray is reappointed to the Battle Creek Housing Commission with a term to expire on September 19, 2029.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Patti Worden, Executive Assistant

Department: City Manager

SUMMARY

A Resolution reappointing Samuel Gray to the Battle Creek Housing Commission.

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION

Chapter 264 of the City's Codified Ordinances, adopted August 9, 1960, authorized the establishment of the Battle Creek Housing Commission. The Commission manages all of the public housing facilities and rental voucher (Section 8) programs in the City of Battle Creek. Public housing facilities include scattered rental housing, home purchase programs, and senior residential developments. The Mayor, with Commission approval, appoints five members who have been City residents for at least two years for five-year terms.

DISCUSSION OF THE ISSUE

POSITIONS

The Review Committee is supportive of this reappointment.

ATTACHMENTS:

File Name	Description
📄 2024_-_Gray__Samuel.pdf	Samuel Gray Application



Boards, Committees, Commissions, & Councils Application

City of Battle Creek

10 N. Division St.
Battle Creek, MI 49014
269-966-3311

Please check the top three boards, committees, commissions, or councils on which you are interested in serving.

(This application will remain active for one year from the date of receipt and will be posted on the City website.)

<input type="checkbox"/> Airport Advisory Board	<input type="checkbox"/> Historic District Commission
<input type="checkbox"/> Battle Creek Area International Relations Committee	<input type="checkbox"/> Human Relations Board
<input type="checkbox"/> Battle Creek Downtown Development Authority	<input type="checkbox"/> Income Tax Board of Review
<input checked="" type="checkbox"/> Battle Creek Housing Commission	<input type="checkbox"/> Lakeview Downtown Development Authority
<input type="checkbox"/> Battle Creek TIFA/Brownfield Development Authority	<input type="checkbox"/> License Review Board
<input type="checkbox"/> Battle Creek Transit Local Advisory Council	<input type="checkbox"/> Local Development Financing Authority
<input type="checkbox"/> Battle Creek Transit Local Coordinating Committee	<input type="checkbox"/> Local Officers' Compensation Commission
<input type="checkbox"/> Board of Appeals (Housing)	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Board of Review (Assessing)	<input type="checkbox"/> Police/Fire Retirement System Board
<input type="checkbox"/> Civil Service Commission	<input type="checkbox"/> Sustainable BC Committee
<input type="checkbox"/> Construction Board of Appeals	<input type="checkbox"/> Technical Review Committee
<input type="checkbox"/> Dangerous Buildings Hearing Officer	<input type="checkbox"/> Tree Advisory Council
<input type="checkbox"/> Development Area Citizens Council	<input type="checkbox"/> Water System Advisory Council
<input type="checkbox"/> Dickman Road Business Improvement District	<input type="checkbox"/> Youth Advisory Board
<input type="checkbox"/> Downtown Parking System Advisory Committee	<input type="checkbox"/> Zoning Board of Appeals
<input type="checkbox"/> Economic Development Corporation	
<input type="checkbox"/> Goguac Lake Board	

Please tell us how you found out about our boards, etc. and/or vacancies _____

Name GRAY SAMUEL A.
 Last First M.I.
 Home Address 245 IRVING PARK DR. Email Sgray9959@gmail.com
BATTLE CREEK, MI
 Telephone Home NA Work NA Cell 269 209 0293

Are you at least 18 years of age? Yes No

Current occupation (students, list school activities) SEMI RETIRED / SECURITY GUARD PT

Employer/work address (students, list school) 405 HILL BRADY RD, BC MI 49013

Educational background/degrees (students, list year in school) HS

List any appointive positions or boards/committees/commissions/councils on which you have served and year(s) of service
BICYCLE COM; NPC 2; HABITAT FOR HUMANITY, NAACP

List any organizations to which you belong (professional, technical, community, nonprofit; students, list school organizations)
CALHOUN COUNTY VETERANS AFFAIR, AMERICAN LEGION 257

Briefly indicate your interest, experience, and/or qualifications for the board, etc. for which you are applying. Please be specific (use back of form if needed.)
I WAS ASKED TO SERVE BY ROBERT PERKE INITIALLY. I HAVE SERVED ON MANY BOARDS AND AM JUST GENERALLY LIKE SERVING THE COMMUNITY

I understand that any or all information on this form may be verified. I consent to the release of this information for publicity purposes.
 Signature _____ Date 7-2-24



Resolution NO. 500

A Resolution to appoint 3 new members (Gary McKinley, Andre Robinson, Debra Evans) to the North Central Neighborhood Planning Council (NPC # 2).

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the following are newly appointed members to the North Central Neighborhood Planning Council (NPC # 2).

Name	Address	Term Expires
Gary McKinley	164 Greenwood Ave.	12/04/2028
Andre Robinson	202 Graves Ave.	12/04/2028
Debra Evans	48 W. Roosevelt Ave.	12/04/2028

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Vanessa Hernandez, Community Development Specialist

Department: Community Development

SUMMARY

A Resolution to appoint 3 new members (Gary McKinley, Andre Robinson, Debra Evans) to the North Central Neighborhood Planning Council (NPC # 2).

BUDGETARY CONSIDERATIONS

None.

HISTORY, BACKGROUND and DISCUSSION

The City Commission is the appointing authority for Neighborhood Planning Council pursuant to

Resolution #423, dated November 20, 1979; it appoints based on the recommendations of the individual Neighborhood Planning Council. Any person having demonstrable or substantial interest within the defined boundaries of the council area may be appointed upon recommendation by said council.

DISCUSSION OF THE ISSUE

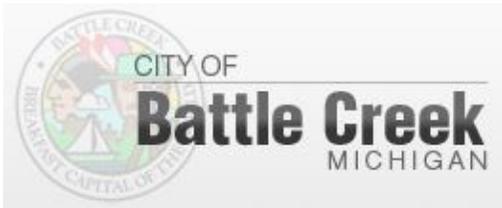
POSITIONS

ATTACHMENTS:

File Name	Description
📄 NPC_2_term_list.pdf	NPC 2 term list

NPC 2 - North Central Neighborhood Planning Council

Name	Address	City	State	Zip	Term Expires
Lynn Ward Gray	245 Irving Park Dr	Battle Creek	MI	49037	12/4/2024
Samuel Gray	245 Irving Park Dr	Battle Creek	MI	49037	12/4/2024
Faith Temple COGIC (Pastor Joe Hopper)	382 North Washington	Battle Creek	MI	49037	12/4/2024
Prentice J Thompson	35 W Goodale Ave	Battle Creek	MI	49037	12/4/2024
Ron Sweet	360 Champion St	Battle Creek	MI	49037	12/4/2024
Church of Scientology (Jeff Breedlove- Secretary)	31 North Washington Ave	Battle Creek	MI	49037	12/4/2024
Frank Drury	14 Spartan Dr	Battle Creek	MI	49037	12/4/2024
Larz Martin-Bey - Vice Chair	79 Jordan St	Battle Creek	MI	49037	12/4/2024
Bettie Robertson	125 East Northside Dr	Battle Creek	MI	49037	12/4/2024
Karen Todd	135 Irving Park Dr	Battle Creek	MI	49037	12/4/2024
Pastor Monique French - Chair	153 Wood St	Battle Creek	MI	49037	12/4/2024
Neighborhood Inc. of Battle Creek (Whitney Wardell)	47 N Washington Ave.	Battle Creek	MI	49037	12/4/2024
Springview Tower (Brent Heuss)	231 Springview Dr.	Battle Creek	MI	49037	12/4/2027
Mary Bourgeois	231 Springview Dr. Apt 709	Battle Creek	MI	49037	12/4/2027
Patricia Martin	97 Redner Ave.	Battle Creek	MI	49037	12/4/2027
Cynthia Wyatt	74 W Northside Dr.	Battle Creek	MI	49037	12/4/2027



Resolution NO. 501

A Resolution seeking authorization for the sale of vacant, tax-reverted property, Parcel Numbers 9740-00-019-0, 8880-00-025-0.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to execute quit claim deeds to vacant, City-owned, tax reverted properties in accordance with the following schedule:

Parcel Number: 9740-00-019-0

Legal Description: WILLIS 2ND ADD N 1/2 OF LOTS 14 & 15

Purchaser: The Calhoun County Land Bank

Sale Price: \$230.00

Parcel Number: 8880-00-025-0

Legal Description: SUB OF LOT B OF WASHINGTON HEIGHTS N 41 OF LOT 22, EXC WLY 75 FT OF N 3 FT

Purchaser: The Calhoun County Land Bank

Sale Price: \$230.00

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Melody Carlsen, Administrative Assistant Planning

Department: Planning

SUMMARY

A Resolution seeking authorization for the sale of vacant, tax-reverted property, Parcel Numbers 9740-00-019-0, 8880-00-025-0.

BUDGETARY CONSIDERATIONS

The sale of city-owned properties will put currently exempt parcels back on the property tax rolls. The sale typically only covers staff time in handling of the sale and deed recording fees.

HISTORY, BACKGROUND and DISCUSSION

The Community Services Department Planning Division is charged with managing the sale of vacant, city-owned, tax-reverted properties. This is accomplished both by periodic solicitation of interest through mailings to adjacent property owners, or unsolicited contacts, generally from the adjacent property owners. It is always preference to sell these parcels to the adjacent property owners.

By the way of Resolution No. 308, approved by the City Commission on August 8, 2000, the procedures for the sale of tax-reverted properties were provided to staff in the "Administrative Policy on the Acquisition, Disposition and Inventory of City of Battle Creek Owned Real Property." These procedures provided the sale price and terms of the sale for these properties. A residentially-zoned vacant lot is offered for \$200.00 plus the cost of recording the deed with the Calhoun County Register of Deeds (Currently \$30.00).

Prior to our presenting any proposed sale, as per Resolution 308; staff verifies that the purchaser has no outstanding code violations on any property that they own within the City of Battle Creek.

Vacant parcel: 9740-00-019-0- Adjacent property owner is the party interested in purchasing this parcel.

Vacant parcel: 8880-00-025-0- Adjacent property owner is the party interested in purchasing the parcel along with Evelyn Gregory of 238 Parkway Drive, whom is not eligible due to delinquent taxes.

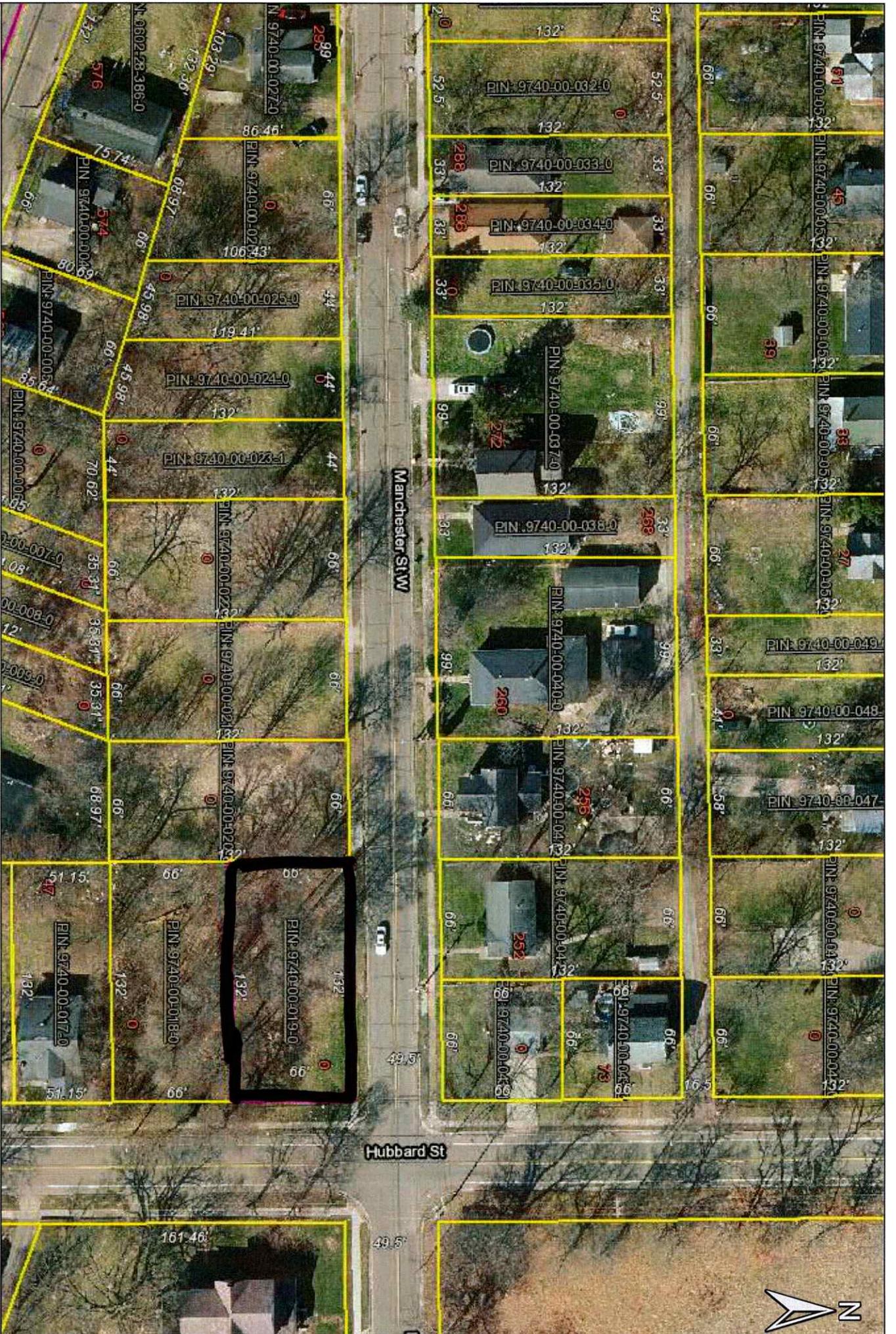
DISCUSSION OF THE ISSUE

POSITIONS

The Community Services Department staff recommends approval of this Resolution.

ATTACHMENTS:

File Name	Description
□ Parcel_number_9740-00-019-0_Map.pdf	Parcel 9740-00-019-0 Map
□ Parcel_8880-00-025-0_Map.pdf	Parcel 8880-00-025-0 Map



Every reasonable effort has been made to assure the accuracy of this map and associated data. The City of Battle Creek (hereinafter "City") makes no warranty, representation, or guarantee as to the content, sequence, accuracy, timeliness, or completeness of any data herein. The user of this map should not rely on the data provided herein for any reason. The City explicitly disclaims any representations and warranties, including without limitation, the implied warranties of merchantability and fitness for a particular purpose. The City shall assume no liability for any decision made or actions taken or not taken by the user of the map in reliance upon any information or data furnished hereunder. To be sure of the accuracy, please check with City staff for updated information.

ArcGIS Web Map

Author: City of Battle Creek

Date: 7/12/2024

1 inch = 94 feet



City of Battle Creek GIS Department
Battle Creek, Michigan 49714
269.968.3135



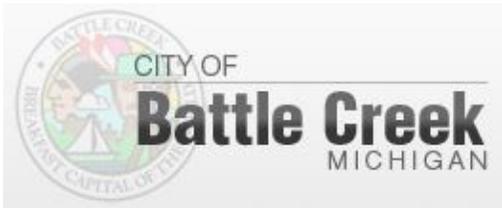
Every reasonable effort has been made to assure the accuracy of this map and associated data. The City of Battle Creek (hereinafter "City") makes no warranty, representation, or guarantee as to the content, sequence, accuracy, timeliness, or completeness of any data herein. The user of this map should not rely on the data provided herein for any reason. The City explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. The City shall assume no liability for any decision made or actions taken or not taken by the user of the map in reliance upon any information or data furnished hereunder. To be sure of the accuracy, please check with City staff for updated information.

ArcGIS Web Map

Author: City of Battle Creek

Date: 7/12/2024
1 inch = 47 feet





Resolution NO. 502

A Resolution seeking acceptance of the proposal of best value from CivicPlus for public meeting agenda Software as a Service (SaaS) in a first year amount of \$24,415.00.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the proposal of best value for public meeting agenda SaaS is accepted from CivicPlus in a first-year amount of \$24,415.00, which includes implementation. The City Manager is authorized to execute Contract No. 2025-012R and all renewals, which will be paid from 223.50.1358.801.010.

Battle Creek City Commission

7/16/2024

Action Summary

Staff Member: Christine Huff, Purchasing Agent

Department: Purchasing

SUMMARY

A Resolution seeking acceptance of the proposal of best value from CivicPlus for public meeting agenda Software as a Service (SaaS) in a first year amount of \$24,415.00.

BUDGETARY CONSIDERATIONS

The first year price will be paid by ARPA funds. Subsequent years will be paid out of the Information Systems' budget.

HISTORY, BACKGROUND and DISCUSSION

Commission approval is being sought for this contract because it will exceed \$50,000 over time.

The solicitation was issued June 6, 2024, for the purchase of a Software as a Service (SaaS) public meeting agenda management system with voting capabilities. SaaS is the industry standard term for cloud-based, which means the software does not reside on City servers. The RFP also contained an aggressive

schedule, with a demonstration schedule built-in, requesting vendors submit their availability with their proposals.

Copies of the RFP were provided to all companies registered in our system as providing similar software, Internet searches, and an additional eight specific companies identified by Chad Frein, IT Director City of Battle Creek. In addition, an advertisement was placed in the Battle Creek Shopper and on the City's bid management site, VendorRegistry.

Proposals were due June 20, 2024. We received four proposals:

Electa
CivicPlus
ClerkBase
NextSense

The pricing estimated at four years for each vendor, for comparison's sake was as follows:

Electa - \$39,985
CivicPlus - \$80,363
ClerkBase - \$99,898
NextSense - \$427,200

NextSense proposed system cost \$8900 per month, which is completely out of budget. Their system was eliminated from competition.

Proposals were sent to the selection committee, which was comprised of:

Chad Frein, IT Director
Rebecca Forbes, Executive Assistant, City Manager's office
Patricia Worden, Executive Assistant, City Manager's office
Vicki Houser, Advisory at the demonstration phase

Committee members were asked to score proposals to shortlist for demonstration, based on pre-established and published criteria. The scores were as follows, out of 200 possible:

Civic Plus - 177
ClerkBase - 89
Electa - 84

Electa did submit a nice proposal, but their system does not have the ability to add attachments to resolutions, which was a requirement for the system. This is their stated intentional design, and there are no plans to add that ability as they believe it to be a security issue. As the committee discussed this, and despite Electa's score, Electa was not invited to provide a software demonstration.

There was a clear break between CivicPlus' score and ClerkBase's score, but the committee believed we should view both demos of the two systems.

ClerkBase demonstration occurred on June 25, 2024. Civic Plus' demonstration was held on June 26, 2024. Demonstrations were not recorded. City Clerk Vicki Houser attended both demonstrations, along with the entire core committee.

Following the last demonstration, each firm could earn an additional 200 points for their system. Those

points were combined with the initial phase of scoring to get the following, out of 400 total:

CivicPlus - 377

ClerkBase - 239

As we've currently done work with CivicPlus, they were a company whose service is known to the City. Their system seemed intuitive and would meet our needs. Therefore, the committee agreed that the CivicPlus system would be the best solution for the City. The system allows for unlimited boards to be added, as well.

The first year price, which includes implementation, is \$24,615. Year 2 will be renewed at \$17,745 (16,900 + 5%) with up to 5% increases after that (which they call "uplifts").

Automatic renewals are standard with software, but there are provisions for cancelation at any time, as well as with 60 days' notice of any renewal.

CivicPlus is willing to work with us on an expedited schedule, as Novus is fast ending its useful life. The rollout will be for the City Commission first, and once that is completed, other boards can be easily added.

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
2025-012R_Public_Meeting_Management_Software.docx	Original RFP
Contract.pdf	Draft Contract



CITY OF BATTLE CREEK
NOTICE OF REQUEST FOR PROPOSALS
RFP#: 2025-012R
TITLE: Public Meeting Agenda Management with Voting Module
ISSUE DATE: June 6, 2024

PROPOSAL DUE DATE: June 20, 2024, at 12:00 PM Local Time

LOCATION: **Proposals must be submitted online. See page 8 for instructions. DO NOT EMAIL PROPOSALS.**

Purchasing Contact: **Christine Huff**
E-mail: clhuff@battlecreekmi.gov questions only: **do not email proposals**

DESCRIPTION: The City is soliciting proposals for the purchase of an SaaS public meeting agenda management system with voting capabilities. Please see submittal instructions in Section 4.0. Do not email proposals. Please read entire solicitation carefully. Demonstration information in Section 6.0 must be submitted.

PROPOSAL SUBMITTAL:

Proposals must be submitted through our secure online portal by registered vendors by the date and time listed above.

Please upload **ONE pdf file** that includes all requested submittals, rather than several parts of the bid uploaded.

Please visit <http://battlecreekmi.gov/230/Bid-Proposal-Solicitations> and click on Bid & Proposal Solicitations. This will redirect you to our secure VendorRegistry website where you can register as a vendor (required) and obtain this full document and upload your bid.

Email the purchasing contact listed above if the above link doesn't work.

PROPOSERS ARE STRONGLY ENCOURAGED TO CAREFULLY READ THE ENTIRE REQUEST FOR PROPOSALS.

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1.0 - GENERAL INFORMATION FOR THE RESPONDING FIRM

1.1 **ISSUING OFFICE:** This RFP is issued for the City of Battle Creek, Michigan (hereinafter referred to as the "City") through the Purchasing Office, which shall be referred to as the "Issuing Office."

1.2 **GENERAL SUBMITTAL INFORMATION:** (See Section 4.0 for detailed information)

- A. Proposals must be submitted in complete original form as **one pdf** submitted through our secure online portal by registered vendors: please visit <http://battlecreekmi.gov/230/Bid-Proposal-Solicitations> and click on Bid & Proposal Solicitations OR email purchasing@battlecreekmi.gov for links.
- B. Proposals will be accepted via the method listed until the time and date specified herein. There will be no public reading because this is an RFP, wherein price is only one factor in selection and subject to negotiation. All proposals will be available after contract award, under the FOIA.
- C. Late proposals will not be accepted, and the online system will automatically shut off at exactly the specified time.
- D. All proposals submitted in response to this solicitation shall become the property of the City and be a matter of public record available for review. **Vendors are advised that their proposals are subject to FOIA, and are not confidential and should not be marked as such.** However, proposals shall not be considered fully received for the purpose of Freedom of Information Act requests until the City has determined that no additional clarifications or revisions of offers shall be accepted.
- E. The proposal shall be legally signed on the OFFER TO CONTRACT page and the complete address of the proposer given thereon.
- F. The City is exempt from Federal Excise and State Sales Taxes, and such taxes shall not be included in proposal prices

1.3 **TENTATIVE SCHEDULE:** The City may deviate from this schedule. The City will not discuss the status of any proposal or the selection process. All proposers will be notified in writing of the City's decision. Please do not contact City staff for status updates. Interviews, if necessary, will be scheduled at mutually agreed upon times.

Proposal Reviews:	Shortlisting for demos, 6/21
Interviews, if applicable:	week of June 24 (see Section 6.0 for more details)
Final Decision:	Week of July 15

1.4 **AWARD OF CONTRACT:** This project will be awarded to a single contractor who submits the proposal deemed to be in the best interest of the City, unless otherwise noted in this document. Notwithstanding any other provision of the Request for Proposal, the City reserves the right to: (1) waive any immaterial defect or informality; or (2) reject any or all proposals, or portions thereof; or (3) reissue the Request for Proposal.

A response to any Request for Proposal is an offer to contract with the City based upon the terms, conditions, and specifications contained in the City's Request for Proposal. Proposals do not become contracts unless and until the City executes them. A contract has its inception in the award, eliminating a formal signing of a separate contract. For that reason, all of the terms and conditions of the contract are contained in the Request for Proposal, unless any of the terms and conditions are modified by a Request for Proposal amendment, a contract amendment, a Best and Final Offer, or by mutually agreed terms and conditions.

1.5 **SPECIAL INFORMATION**

- A. Addenda to the RFP: In the event it becomes necessary to revise any part of the RFP, addenda will be provided to all contractors who are recorded as having received the RFP. It shall be the proposer's responsibility to make inquiry as to changes or addenda issued. All such changes or addenda shall become part of the contract and all bidders shall be bound by such addenda.
- B. News Releases: News releases pertaining to this RFP or the services, study or project to which it relates will not be made without prior approval, and then only in coordination with the Issuing Office.

1.6 **INDEPENDENT PRICE DETERMINATION**

By submission of a proposal, the offeror certifies that in connection with this proposal:

- A. The fees in the proposal have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such fees with any other offeror or with any competitor; and,

- B. Unless otherwise required by law, the fees that have been quoted in the proposal have not been knowingly disclosed by the offeror directly or indirectly to any other offeror or city staff member or to any competitor; and,
- C. No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

1.7 **CURRENCY:** Prices calculated by the bidder shall be stated in U.S. dollars.

1.8 **DEFINITIONS:**

- A. The "City" – The City of Battle Creek
- B. "Contractor," "Vendor," "Firm," or "Proposer" - The firm submitting a proposal, ultimately responsible for any contract that results from this RFP.
- C. "RFP" – This Request for Proposals.

1.9 **INTERVIEWS:** The City may or may not shortlist the proposers based upon responses to the submittal requirements. If necessary, the City shall conduct interviews/demonstrations. However, the City may determine that shortlisting and/or interviews/demonstrations are not necessary.

1.10 **FIRM QUALIFICATIONS:** Experiences with the City and entities that evaluation committee members represent shall be taken into consideration when evaluating qualifications and experience. The City reserves the right to make any such additional investigations as it deems necessary to establish the competency and financial stability of any firm submitting a proposal.

1.11 **DELIVERY:** Where applicable, proposals shall include all charges for delivery, packing, crating, containers, etc. Prices bid will be considered as being based on F.O.B. Delivered, freight included.

1.12 **VENUE:** Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement or the transactions it contemplates shall bring the legal action or proceeding:

(i) in the United States District Court for the Western District of Michigan; or

(ii) in any court of the State of Michigan sitting in Calhoun County, if there is no federal subject matter jurisdiction.

1.13 **GOVERNING LAW:** This agreement shall be enforced under the laws of the State of Michigan. Contractor must comply with all applicable federal, state, county, and City laws, ordinances, and regulations. Contractor shall ensure payment of all taxes, licenses, permits, and other expenses of any nature associated with the provision of services herein. Contractor shall maintain in current status all Federal, State and Local licenses and permits required for the operation of the business conducted by the Contractor.

1.14 **BID PROTEST PROCEDURE:** Protests about the bid procedure must be in writing. This written protest must be received by the City of Battle Creek, located at 10 N. Division, Suite 214, Battle Creek, MI 49014. This written protest must be received by the City no later than ten (10) working days after notification to all bidders of the contract award decision. The City of Battle Creek must issue its written decision no more than ten (10) business days from the day the written protest was received.

If a protester thinks that the City of Battle Creek has not followed these protest procedures, the protester has ten (10) business days from the alleged infraction to file a subsequent protest with the City of Battle Creek City Manager or federal granting agency if applicable.

1.15 **FEDERAL TERMS AND CONDITIONS**

If there are federal terms and conditions attached to this solicitation, they are hereby incorporated as a material part of this contract. In cases of conflict between terms in this agreement, the federal terms shall prevail.

2.0 - GENERAL TERMS AND CONDITIONS

- 2.1 MATERIALS AND WORKMANSHIP:** Unless otherwise specified, all materials and workmanship shall be new and of the best grade of their respective kinds for the purpose.
- 2.2 NON-DISCRIMINATION CLAUSE:** The bidder agrees not to discriminate against any employee or applicant for employment, to be employed in the performance of such contract, with respect to hire, tenure, terms, conditions or privileges, of employment, or any matter directly or indirectly related to employment, because of his or her actual or perceived race, color, religion, national origin, age, sex, height, weight, physical or mental disability, family status, sexual orientation, gender identity or marital status. Breach of this covenant may be regarded as material breach of the contract as provided for in Act 220 and Act 453 of the Public Acts of 1976, as amended, entitled "Michigan Handicapper's Civil Rights Act" and the Michigan Elliott Larson Civil Rights Act." The bidder further agrees to require similar provisions from any subcontractors, or suppliers. The contractor and any subcontractors shall comply with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
- 2.3 ASSIGNMENT OF CONTRACT:** The contractor shall assign no right or interest in this contract in whole or in part and no delegation of any duty of Contractor shall be made without prior written permission of the City.
- 2.4 INDEMNIFICATION:** The contractor shall protect, defend, and save the City, its officials, employees, departments and agents harmless from and against any claims, demands, suits, actions, or proceedings of any kind or nature, in any way resulting from negligent acts or omissions of the contractor or any of its agents, employees, boards, commissions, divisions, departments, or authorities in performing obligations under this agreement. Each party to this agreement agrees that any bond or insurance protection required by this agreement shall limit the terms of this indemnification provision. In case of any action brought against the City by reason of any such claim, suit, action or demand, upon prompt notice from the City, contractor covenants to defend such action or proceeding by counsel that is reasonably satisfactory to the City.
- 2.5 CONTRACT:** The contract shall contain the entire agreement between the City and the Contractor relating to this requirement and shall prevail over any previous contracts, proposals, negotiations, or master agreements in any form. By signing the Offer to Contract, it is agreed that the RFP in its entirety and all enclosed forms are fully incorporated herein as a material part of the contract. In case of conflicts, the most recent document will prevail.
- 2.6 PROVISIONS REQUIRED BY LAW:** Each provision required by law to be in the contract shall be enforced as though it were included herein, and if any such provision is not inserted, the contract shall be amended to make such insertion or correction.
- 2.7 RELATIONSHIP OF PARTIES:** It is clearly understood that each party shall act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of the other. An employee or agent of one party shall not be deemed or construed to be the employee or agent of the other party for any purpose. Taxes or social security payments shall not be withheld from a City payment issued hereunder; Contractor should make arrangements to directly pay such expenses, if any.
- 2.8 RIGHTS AND REMEDIES:** No provision in this contract shall be construed as a waiver by either party of any existing or future right or remedy available by law in the event of any claim, default, or breach of contract. The failure of either party to insist upon the strict performance of any term or condition of the contract or to exercise or delay the exercise of any right or remedy provided in the contract, or by law, or the acceptance of materials or services, obligations imposed by this contract or by law, shall not be deemed a waiver of any right of either party to insist upon the strict performance of the contract.
- 2.9 ADVERTISING:** Contractor shall not advertise, issue a press release or otherwise publish information concerning this RFP or contract without prior written consent of the City. The City shall not unreasonably withhold permission.
- 2.10 APPLICABLE REGULATIONS/POLICIES:** The Revised Code of the State of Michigan, the Charter of the City of Battle Creek, all City Ordinances, Rules and Regulations and Policies shall apply. It shall be the responsibility of the Proposer to be familiar and comply with said regulations/policies.
- 2.11 RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT:** Contractor shall give all notices and pay all royalties and fees. Contractor shall defend all suits or claims for infringement of any patent rights and shall save the City harmless from loss on account thereof. Contractor shall comply with all laws, ordinances and codes applicable to any portion of the work. All services, information, computer program elements, reports, and other

deliverables that are created under this Agreement shall be the property of the City. The Contractor shall place no restrictions on the City with regard to the distribution of any of these materials; the City shall have full, unrestricted rights to make and distribute unlimited copies of any services, information, computer programs/elements, reports, or any other deliverable. Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Invention Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

- 2.12 SUBCONTRACTORS:** No subcontract shall be made by the contractor with any other party for furnishing any of the services herein contracted for without the advance written approval of the City. All subcontractors shall comply with Federal and State laws and regulations that are applicable to the services covered by the subcontractor and shall include all the terms and conditions set forth herein, which shall apply with equal force to the subcontract, as if the subcontractor were the Contractor referred to herein. Contractor is responsible for contract performance whether or not subcontractors are used.
- 2.13 OTHER FEDERAL COMPLIANCE:** Where applicable, contractor shall comply with: Copeland Anti-kickback Act (18 U.S.C. 874); Sections 3702 and 3704 of the Contract Work Hours and Safety Standards Act (40 USC 40 USC 3701-3708); Section 306 of the Clean Air Act (42 USC 7602, Air Pollution Prevention and Control); Section 508 of the Clean Water Act (33 U.S.C. 1368); Executive Order 11738, and EPA regulations (40 CFR, Part 15); and the Energy Policy and Conservation Act (Pub. L. 94A 163, 89 Stat. 871).
- 2.14 RECORD ACCESS:** Contract shall grant access, if requested, by the City, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor that are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- 2.15 RECORD RETENTION:** Contractor shall retain all required records for three years after final payments and all other pending matters are closed.
- 2.16 CLEAN AIR ACT:** Contractor shall comply with all applicable standards, orders, or requirements issued under Clean Air Act (42 U. S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended. For contracts and subcontracts of amounts in excess of \$100,000 the contractor or subcontractor shall comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Agency (EPA).
- 2.17 ENERGY EFFICIENCY:** Contractor shall maintain mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163).
- 2.18 Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)** Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.
- 2.19 Debarment and Suspension (E.O.s 12549 and 12689)** No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.
- 2.20 SAFETY RULES:** Contractor shall perform all work under this contract in conformance with the State of Michigan general safety rules and regulations for the construction industry, as set out or authorized by the Michigan Occupational Safety and Health Act, Public Act 154 of 1974, as amended.

3.0 - SPECIAL TERMS AND CONDITIONS

3.1 KEY PERSONNEL: It is essential that the contractor provide adequate experienced personnel, capable of and devoted to the successful accomplishment of work to be performed under this contract. The Contractor must agree to assign specific individuals to the key positions.

- A. The Contractor agrees that, once assigned to work under this contract, key personnel shall not be removed or replaced without written notice to the City.
- B. If key personnel are not available for work under this contract for a continuous period exceeding thirty calendar days, or are expected to devote substantially less effort to the work than initially anticipated, the Contractor shall immediately notify the City, and shall, subject to the concurrence of the City, replace such personnel with personnel of substantially equal ability and qualifications.

3.2 CANCELLATION FOR CAUSE (BREACH): The City reserves the right to cancel the whole or any part of this contract due to failure by the contractor to carry out any obligation under this contract. The City shall issue written notice to the contractor for any of the following circumstances:

- A. The contractor fails to adequately perform the services set forth in the specifications of the contract:
- B. The contractor fails to make progress in the performance of the contract or gives the City reason to believe that the contractor will not or cannot perform to the requirements of the contract.

Upon receipt of the written notice of concern, the contractor shall have ten (10) calendar days to provide a satisfactory response to the City. Failure on the part of the contractor to adequately address all issues of concern may result in the City resorting to any single or combination of the following remedies.

1. Cancel any contract. If the contract is canceled by the City as provided herein, the Contractor will be paid a fair payment as negotiated with the City for the work completed as of the date of termination.
2. Reserve all rights or claims to damage for breach of any covenant of the Contract:
3. In case of default, the City reserves the right to complete the required work. The City may recover reasonable excess costs from the contractor by any remedies provided by law.

3.3 TERMINATION FOR CONVENIENCE: The City may terminate this contract at any time for any reason by giving at least 30 days' notice in writing to Contractor. If the contract is canceled by the City as provided herein, the Contractor will be paid a fair payment as negotiated with the City for the work completed as of the date of termination.

3.4 PAYMENT: Payment shall be made monthly, upon pre-agreed milestones, or at the end of each project, within 30 days following the submittal of a correct invoice for goods received or work performed. Where applicable, expenses shall be billed at cost without markup, and must be supported by actual receipts. Mileage and per diem rates, if applicable, shall not exceed the federal rates.

4.0 - SUBMITTAL INFORMATION

4.1 SUBMITTAL TERMS AND CONDITIONS

- A. **Basic Submittal Instructions:** Each proposal received by the City in response to this RFP becomes the property of the City and:
1. Shall be signed by an individual authorized to bind the contractor to its provisions.
 2. Proposals shall not be considered fully received for the purpose of Freedom of Information Act requests until the City has determined that no additional clarifications or revisions of offers shall be accepted.
 3. Is an irrevocable offer and may not be withdrawn within 90 days after the deadline for submission. Requests for clarifications or revisions automatically establish a new 90-day period.
- B. **Proposal Costs:** The City is not liable for any costs incurred by contractors in the development of their proposals.
- C. **Exceptions To Contract Terms And Specifications:** Offeror shall clearly identify and reference by paragraphs any proposed deviations from the Contract Terms or Scope in the RFP. Exceptions shall include, the Offeror's proposed substitute language. If no exceptions are noted in the Offeror's proposal, the City will assume complete conformance with this specification and the successful Offeror will be required to perform accordingly. Proposals submitted not meeting all requirements may be rejected.

4.2 SUBMITTAL REQUIREMENTS

Submit online your proposal **IN THIS ORDER** in **ONE PDF (please do not upload multiple files):**

A table of contents and page numbers would be appreciated and very helpful

1. Your proposal, organized as requested in section 4.3 on the next page. A table of contents and page numbers would be extremely helpful.
2. **SIGNED** and completed offer section on the Offer and Acceptance Form
3. Completed DBE forms contained in Attachment A

Instructions for online submittal: DO NOT EMAIL PROPOSALS

- <http://battlecreekmi.gov/228/Purchasing>
- Follow the link to the VendorRegistry page or email purchasing@battlecreekmi.gov for links.
- Register as a vendor if you have not already
- Navigate to this RFP (name and number on the front page)
- Click on "Submit bid" and follow the instructions
- You may rescind your proposal in the system at any time before the due date/time
- Secure: City staff can see who has submitted, but the system will not allow City staff to see submittal content until after the deadline has passed.
- If you have questions about the process in VendorRegistry, please use their "help" function. They are extremely helpful. City staff can't see what the vendor sees, so we are unable to help.

4.3 EVALUATION CRITERIA AND SUBMITTALS LIST

All proposals received will be evaluated by the City of Battle Creek for selection purposes. The following main categories, listed in relative order of importance, will be considered in selection. The response to this RFP shall focus on these criteria, and shall be submitted in the same order as requested and must contain, at a minimum, all of the items listed below:

TIER ONE: Shortlist for demonstration

A. SOFTWARE

1. Describe how your software meets our needs listed in Section 5.0, Scope of Work. You may use screen shots and/or provide links to useful marketing pages that you might have.

B. FIRM QUALIFICATIONS

1. Describe the qualifications of your firm, its history and experience.
2. List three municipal references that we may contact. Include name and email.
3. Describe your support service, specifically response time.

C. IMPLEMENTATION

1. Describe the timeline for implementation. We would like to begin immediately upon award and get the new system operational as soon as possible.

D. PRICE

1. Submit your pricing model, (out through 2026 if possible).

E. DEMONSTRATION AVAILABILITY

1. Submit the availability table from Section 6.0. Please submit that table and not some other format. No explanations necessary, just complete Preferred, Available, Not Available. If no one is available at your company at any time that week, email clhuff@battlecreekmi.gov right away, before proposals are due, and we'll see if we can schedule a demo the week of July 2. We strongly prefer not to have demos that week, and not all committee staff is available. This could affect scoring.

TIER TWO: Demonstrations

- F. **DEMONSTRATION:** Vendors selected for demonstration will have two hours to showcase their software's capabilities and how that can best meet our needs as listed in Section 5.0. The list in Section 5.0 will be your demo script, with time allowed for other features after those are covered. Software will be scored on each point in Section 5.0, ease of use.

5.0 - SCOPE OF WORK

5.1 BACKGROUND

The City has been using NovusAgenda since 2014, and we are now looking for another solution to operate public meetings, create minutes, and conduct live voting during those meetings.

5.2 DESCRIPTION OF WORK TO BE PERFORMED

We are interested in a SaaS solution.

Meeting management

- An intuitive system that allows users to submit items
- Items should allow for internal routings/approvals
- Items should allow for multiple attachments
- The system must allow for easy assembly and publication of the public meeting
- There must be a public viewing function that allows anyone to view attachments
- Tagging for video segments desired.
- Allow for resolution and ordinance tracking
- Voting live on agenda or meeting items
- Allow for certification of official actions (e.g., resolution approval or adoption of ordinance)
- Minutes creation
- Possible limited migration from NovusAgenda, our current system.

6.0 - DEMONSTRATIONS

The City will shortlist for demonstrations on June 21, 2024.

WE WILL CONTACT YOU ON JUNE 21. This will be via email, so please watch for that to confirm (if you're going to be off work that day, provide an email in the table for us to contact).

Your proposals should be substantial enough to showcase the best features of your software so that your company will be chosen for a demonstration.

See section 4.0, Submittals, for submittal requirements. **PLEASE FOLLOW THOSE INSTRUCTIONS in 4.0.**

If no one is available at your company at any time that week, email clhuff@battlecreekmi.gov right away, before proposals are due, and we'll see if we can schedule a demo the week of July 2.

ALSO REQUIRED

SUBMIT THIS TABLE (please don't do something else), **completed, with your proposal:**

Day	Date	Time	Indicate whether: Preferred Available Not available	Preferred demonstration platform (e.g., Zoom, Teams, Webex, or something else)
Tuesday	6/25/24	9 – 11 am		
Tuesday	6/25/24	1 – 3pm		
Tuesday	6/25/24	3 - 5 pm		
Wednesday	6/26/24	10am – 12pm		
Wednesday	6/26/24	1:30 – 3:30		
Thursday	6/27/24	1:30 – 3:30		
Friday	6/28/24	10am – 12pm		
Friday	6/28/24	1:30 – 3:30		
Provide the email and phone number of one or more people who WILL BE AVAILABLE ON JUNE 21, from 1-4:30 who can confirm one of the above times. Contact will be via email to all those you list below, but a phone number provide us with a backup:				
Name		Phone	Email	

If no one is available at your company at any time that week, email clhuff@battlecreekmi.gov right away, before proposals are due, and we'll see if we can schedule a demo the week of July 2. We strongly prefer not to do that.

ATTACHMENT A - DISADVANTAGED BUSINESS (DBE) FORM

I. YOUR FIRM'S BACKGROUND:

Is your firm an MBE (at least 51% minority ownership)? YES NO

Is your firm a WBE (at least 51% woman ownership)? YES NO

Are you subcontracting any part of this project? YES NO

II. SUBCONTRACTING INFORMATION: If subcontracting any part of the project, the bidder/contractor expressly agrees that:

- (1) If awarded a contract as a result of this bid, the major subcontractors used in the prosecution of the work will be those listed below, and
- (2) The following list includes all subcontractors who will perform work representing approximately five percent (5%) or more of the Total Base Bid.
- (3) The Bidder represents that the subcontractors listed below are financially responsible and are qualified to do the work required.

SUBCONTRACTOR NAME	City/State	Trade or Commodity	MBE Yes or no?	WBE Yes or no?	Approximate dollar value



CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:
Date:
Expires On:

Statement of Work
Q-77803-1
6/6/2024 10:46 AM
8/5/2024

Client:
City of Battle Creek, MI

Bill To:
BATTLE CREEK, MICHIGAN

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Ryan Cram		ryan.cram@civicplus.com		Net 30

One-time(s)

QTY	PRODUCT NAME	DESCRIPTION
1.00	CivicClerk Premium Configuration	CivicClerk Premium Configuration
1.00	CivicClerk Custom Template Design	CivicClerk Custom Template Set - includes 2 Agenda templates, 1 Item Report template, 1 Minutes template, 1 Agenda Script template
2.00	CivicClerk Consulting (1h, virtual)	1 hour Virtual Consulting
1.00	CivicClerk Virtual Training (Half Day Block)	Training (Virtual) - half day, up to 4 hours
1.00	CivicClerk Media Implementation	CivicClerk Media Implementation Fee
1.00	CivicClerk Historical File Import (up to 7,500 files – PDF / MP3 / MP4)	CivicClerk Historical File Import (up to 7,500 files – PDF / MP3 / MP4)

Recurring Service(s)

QTY	PRODUCT NAME	DESCRIPTION
1.00	Agenda and Meeting Management Select Annual Fee	Agenda and Meeting Management Select Annual Fee
1.00	Live Meeting Manager Annual Fee	Agenda and Meeting Management Select: Live Meeting Manager Annual Fee - Live Meeting, Electronic Voting, Display Pages

QTY	PRODUCT NAME	DESCRIPTION
1.00	Agenda and Meeting Management Select: Media Annual Fee	Agenda and Meeting Management Select: Media Annual Fee - Unlimited storage, unlimited users, up to 3 concurrent streams

Total Investment - Initial Term	USD 24,415.00
Annual Recurring Services (Subject to Uplift)	USD 16,900.00

Initial Term	12 Months
Initial Term Invoice Schedule	100% Invoiced upon Signature Date

Renewal Procedure	Automatic 1 year renewal term, unless 60 days notice provided prior to renewal date
Annual Uplift	5% to be applied in year 2

This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement and the applicable Solution and Services terms and conditions located at <https://www.civicplus.help/hc/en-us/p/legal-stuff> (collectively, the "Binding Terms"), By signing this SOW, Client expressly agrees to the terms and conditions of the Binding Terms throughout the term of this SOW.

Acceptance

The undersigned has read and agrees to the following Binding Terms, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date:

For CivicPlus Billing Information, please visit <https://www.civicplus.com/verify/>

Authorized Client Signature

CivicPlus

By (please sign):

By (please sign):

Printed Name:

Printed Name:

Title:

Title:

Date:

Date:

Organization Legal Name:

City of Battle Creek

Billing Contact:

Natalie Koopman

Title:

269-966-3388

Billing Phone Number:

cafrein@battlecreekmi.gov and accountspayable@battlecreekmi.gov

Billing Email:

City of Battle Creek Finance, 10 N. Division St., Battle Creek, MI 49014

Billing Address:

Mailing Address: (If different from above)

same

PO Number: (Info needed on Invoice (PO or Job#) if required)



Master Service Agreement and Statement of Work Addendum

THIS Master Services Agreement and Statement of Work Addendum (“Addendum”) hereby sets forth the (i) additional terms and conditions applicable to the Master Services Agreement, found at: <https://www.civicplus.help/hc/en-us/p/legal-stuff>, and/or Statement of Work (“Agreements”) and/or (ii) amendments to specific provisions of the terms and conditions which exist in the Agreements (collectively, the “Special Terms”), as described below, as agreed upon by CivicPlus and Battle Creek, MI. The Special Terms shall be deemed to amend, modify, supplement, replace and/or supersede (as applicable) any inconsistent provisions of the Agreements, to the extent of the inconsistency.

ALL TERMS AND CONDITIONS OF THE AGREEMENTS NOT EXPRESSLEY MODIFIED HEREIN SHALL REMAIN IN FULL FORCE AND EFFECT.

Capitalized terms used and not defined herein shall have the meanings assigned to them in the Agreements (to which this Addendum is attached and incorporated).

1. ADDITIONAL TERMS.

- 49. OTHER FEDERAL COMPLIANCE:** Where applicable, contractor shall comply with: Copeland Anti-kickback Act (18 U.S.C. 874); Sections 3702 and 3704 of the Contract Work Hours and Safety Standards Act (40 USC 40 USC 3701-3708); Section 306 of the Clean Air Act (42 USC 7602, Air Pollution Prevention and Control); Section 508 of the Clean Water Act (33 U.S.C. 1368); Executive Order 11738, and EPA regulations (40 CFR, Part 15); and the Energy Policy and Conservation Act (Pub. L. 94A 163, 89 Stat. 871).
- 50. RECORD ACCESS:** Contract shall grant access, if requested, by the City, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor that are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- 51. RECORD RETENTION:** Contractor shall retain all required records for three years after final payments and all other pending matters are closed.
- 52. ENERGY EFFICIENCY:** Contractor shall maintain mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163).
- 53. Debarment and Suspension (E.O.s 12549 and 12689)** No contract shall be made to parties listed on the General Services Administration’s List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, “Debarment and Suspension.” This list contains the names of parties debarred, suspended or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

AMENDMENTS

The terms and conditions of the Agreement are hereby amended as follows:

Document and Section	Amended Language
MSA § 1	This Agreement shall commence on the Effective Date and shall remain in full force and effect for as long as any SOW is in effect between CivicPlus and Customer, or Services are being provided by CivicPlus to Customer, unless terminated in accordance with this §1 or as otherwise provided in this Agreement (the “Term”). Either Party may terminate this Agreement or any SOW as set forth in such SOW, or at its discretion, effective immediately upon written notice to the other Party, if the other Party materially breaches any provision of this Agreement and does not substantially cure the breach within thirty (30) days after receiving notice of such breach. A delinquent Customer account remaining past due for longer than 90 days is a



	<p>material breach by Customer and is grounds for CivicPlus termination. CivicPlus reserves the right to withhold, remove and/or discard Customer Data without notice for any breach, including, without limitation, Customer's non-payment. Upon termination for Customer's breach, Customer's right to access or use Customer Data immediately ceases, and CivicPlus shall have no obligation to maintain or forward any Customer Data. The City may terminate this contract at any time for any reason by giving at least 60 days' advance notice in writing to CivicPlus before the end of the current term.</p>
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Acceptance

IN WITNESS WHEREOF, the Parties have caused this Addendum to be executed by their duly authorized representatives as of the dates below.

Customer

CivicPlus

By:

By:

Name:

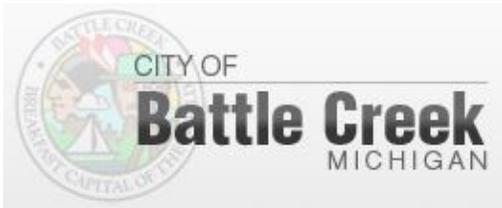
Name:

Title:

Title:

Date:

Date:



Resolution NO. 503

A Resolution appointing Commissioner Jenasia Morris as the City of Battle Creek's official representative and Commissioner Roger Ballard as the official alternate at the 2024 Annual Business Meeting of the Michigan Municipal League.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the Michigan Municipal League is the organization that represents the interests of Michigan cities and villages, and the City of Battle Creek, as a member, should maintain a voting membership in the organization.

City Commissioners Jenasia Morris and Roger Ballard have requested to attend the upcoming annual convention of the Michigan Municipal League in September 2024.

Therefore, if attendance is approved via the Travel Expense Committee Meeting on Tuesday, July 16, 2024 at 6pm, Commissioner Jenasia Morris is hereby appointed as the City of Battle Creek's official representative and Commissioner Roger Ballard as the official alternate at the Annual Business Meeting of the Michigan Municipal League on Wednesday, September 11, 2024.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Rebecca Forbes, Executive Assistant

Department: City Manager

SUMMARY

A Resolution appointing Commissioner Jenasia Morris as the City of Battle Creek's official representative and Commissioner Roger Ballard as the official alternate at the 2024 Annual Business Meeting of the Michigan Municipal League.

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

The MML Annual Business Meeting will be held on September 11, during the 2024 MML Annual Convention. Business conducted at the Annual Meeting includes the election of trustees and voting on statements of policy and resolutions. MML Bylaws require the City Commission to designate an official to cast the vote for the City of Battle Creek at the annual meeting.

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
▣ MML_2024_Annual_Meeting_Notice.pdf	MML 2024 Annual Meeting Notice
▣ 07.16.2024 - _City_Commission_Travel_Expense_Committee_Meeting.pdf	07.16.2024 - City Commission Travel Expense Committee Meeting

JUL 11 2024

MANAGER'S OFFICE
CITY OF BATTLE CREEK

July 5, 2024

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Michigan Municipal League Annual Convention will be held on Mackinac Island, September 11-13, 2024. The League's "**Annual Meeting**" is scheduled for 4:30 pm on Wednesday, September 11 in the Terrace at the Grand Hotel. The meeting will be held for the following purposes:

1. **Election of Trustees.** To elect five members of the Board of Trustees for terms of four years each (see #1 on page 2).
2. **Policy.** A) **To vote on the Core Legislative Principles document.**

In regard to the proposed League Core Legislative Principles, the document is available on the League website at <https://mml.org/resources-research/delegate/>. If you would like to receive a copy of the proposed principles by fax, please call Monica Drukis at the League at 800-653-2483.

B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)

In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by **August 11, 2024.**

3. **Other Business.** To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, **you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate.** Please submit this information through the League website by visiting <https://mml.org/resources-research/delegate/> **no later than August 11, 2024.**



Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary Members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

1. Election of Trustees

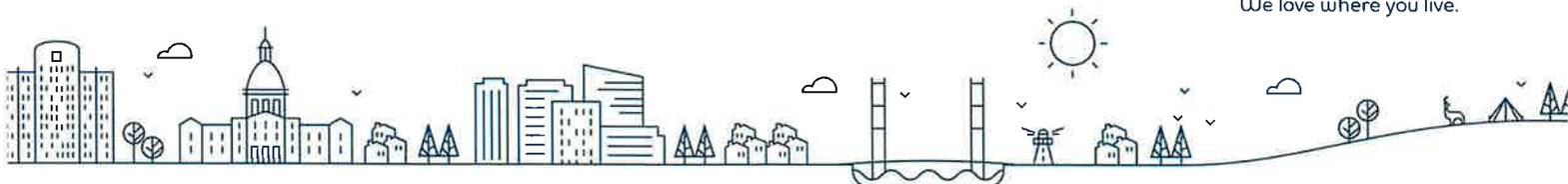
Regarding election of Trustees, under Section 5.3 of the League Bylaws, five members of the Board of Trustees will be elected at the annual meeting for a term of four years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and “no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting.” Thus, the deadline this year for the League to receive resolutions is **August 11, 2024**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. **Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.**

Further, “Every proposed resolution submitted to the Board of Trustees by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or a modification thereof.

We love where you live.

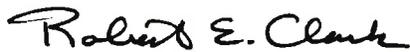


3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Tuesday, September 10, 2024, at the Grand Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,

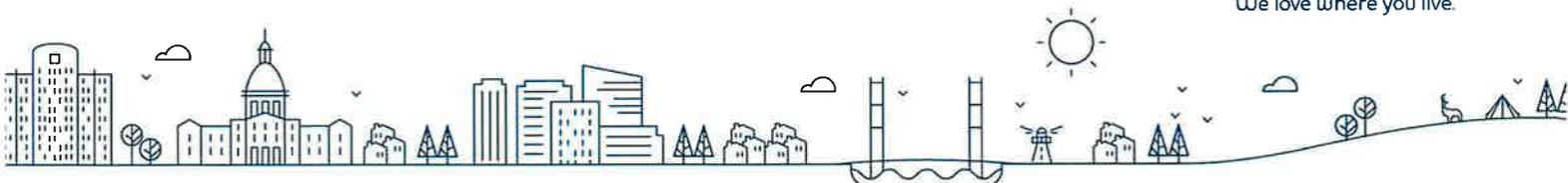


Robert E. Clark
President
Mayor, City of Monroe



Daniel P. Gilmartin
Executive Director & CEO

We love where you live.





CITY COMMISSION TRAVEL EXPENSE COMMITTEE AGENDA

TUESDAY, JULY 16, 2024

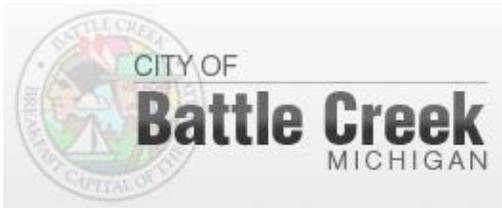
6:00 PM

**CITY HALL
COMMISSION CHAMBERS
10 NORTH DIVISION STREET
BATTLE CREEK, MICHIGAN**

- A. CALL TO ORDER/ROLL CALL
- B. PUBLIC COMMENT
- C. APPROVAL OF MINUTES
 - 1. February 6, 2024
- D. TRAVEL EXPENSE REQUESTS FOR COMMISSIONERS BALLARD AND MORRIS FOR THE MML 2024 ANNUAL CONVENTION
- E. COMMITTEE COMMENTS
- F. ADJOURNMENT

The City of Battle Creek will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered in the meeting upon notice to the City of Battle Creek. Individuals with disabilities requiring auxiliary aids or services should contact the City of Battle Creek by writing or calling the following:

*Victoria L. Houser
Office of the City Clerk
P. O. Box 1717
Battle Creek, MI 49016
(269) 966-3348 (Voice/TDD)*



Resolution NO. 504

A Resolution seeking authorization regarding a contract for citywide HVAC maintenance services with W. Soule & Co. in an estimated first-year amount of \$115,181.00 with unit prices prevailing.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to execute contract no. 2025-015C and all renewals up through five years in total, with W. Soule & Co. in an estimated first-year amount of \$115,181.00 with unit prices prevailing, which will be charged to various citywide accounts by department/building.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Nils Vos, Senior Buyer

Department: Purchasing

SUMMARY

A Resolution seeking authorization regarding a contract for citywide HVAC maintenance services with W. Soule & Co. in an estimated first-year amount of \$115,181.00 with unit prices prevailing.

BUDGETARY CONSIDERATIONS

HISTORY, BACKGROUND and DISCUSSION

Resolution #159 dated July 11, 2017, approved a citywide HVAC maintenance service contract with W. Soule & Co., which expires on July 31, 2024. This contract was let as a result of a Request for Proposals (RFP) #2017-066R.

W. Soule & Co. has maintained a successful partnership with the City for over 20 years, consistently demonstrating the expertise and experience required for this complex work. All contracts throughout that time, with different staff each time over the years, have been let as a result of a competitive RFP process,

with W. Soule winning out each time in terms of experience and price.

Though this isn't a prevailing wage contract due to not having a specific job where it's feasible to collect certified payrolls, W. Soule hires their skilled tradespeople from the local unions.

The City would now like to enter directly into a new contract with W. Soule & Co. to continue HVAC maintenance services, for a period of up to five years, with the final expiration date being July 31, 2029.

Justification for renewal:

- **Proven Performance:** W. Soule has consistently delivered satisfactory service and maintained our diverse HVAC systems (approximately 406 units across various buildings) throughout our long-standing relationship.
- **Expertise:** Maintaining these complex systems requires specific knowledge and skills that W. Soule possesses.
- **Streamlined Process:** Re-bidding the contract would be time-consuming and unnecessary given W. Soule's proven track record.
- **City Department Support:** City departments recommend continuing with W. Soule to ensure consistency and uninterrupted service. (See attached memo from Katie Norton for list of supporting departments.)
- **Cost-Effectiveness:** W. Soule proposes to maintain the previous year's price of \$115,181.00, demonstrating their understanding of our systems and achieved efficiencies.

Recommendation: Based on the factors outlined above, it is recommended to award the citywide HVAC maintenance service contract to W. Soule & Co. This decision prioritizes efficiency, expertise, and continued high-quality service for our City buildings, and I support this process.

For further details on the project and the recommendation, please refer to the attached memo from Katie Norton, Facility Manager.

The City's Administrative Code provides exceptions to the sealed bid requirement when it is in the City's best interest to do so but requires City Commission approval for purchases exceeding \$50,000.

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
📎 2025-015C_Citywide_HVAC_Maintenance.pdf	Draft Contract
📎 Katie_Norton_Memo.pdf	Katie Norton Memo

**CITY OF BATTLE CREEK
AGREEMENT FOR SERVICES
No. 2025-015C
Citywide HVAC Maintenance**

THIS AGREEMENT is made and entered into this ____ day of July, 2024, by and between the CITY OF BATTLE CREEK, hereinafter referred to as the "CITY," and W. Soule & Co., hereinafter referred to as the "Contractor."

I. SCOPE OF SERVICES

Per the attached proposal dated June 11, 2024.

Additionally, The Contractor shall create and maintain a detailed equipment inventory for all City equipment serviced under this contract. This inventory, preferably in Microsoft Excel format, will be provided to the City upon request.

The inventory shall include the following information for each piece of equipment:

- Unit #: Unique identifier for the equipment.
- Location: Where the equipment is typically situated.
- Equipment Type: (e.g., Air Handler, Boiler etc.)
- Make: Manufacturer of the equipment.
- Model: Specific model of the equipment.
- Serial Number: Unique identifier assigned by the manufacturer.
- Preventive Maintenance (PM) Tasks: List of scheduled maintenance activities for the equipment.
- Filter/Belt Pad Schedule: Replacement schedule for filters and belts (if applicable).
- Notes: Any additional relevant information about the equipment.

II. COMPENSATION AND METHOD OF PAYMENT

In consideration of the performance of the services described in the Scope of Services, the City shall pay the Contractor in an estimated first year amount of \$115,181.00 with unit prices prevailing as detailed in the attached proposal, and Contractor shall charge the City only in accordance with that same amount.

The City will pay the Contractor following the submission of itemized correct invoice(s) for the services rendered. Payment will be made within 30 days upon receipt of a correct invoice. Expenses shall be billed at cost without markup, and must be supported by actual receipts. Mileage and per diem rates, if applicable, shall not exceed the federal rates.

III. DURATION, TERMINATION, RENEWAL

The Contractor shall complete all work to the satisfaction of the City in accordance with the Scope of Services. The term of this Agreement shall be for one (1) year, unless terminated or canceled as otherwise provided herein. The Contractor agrees that the City shall have the right, upon mutual consent, to renew the contract for up to four (4) additional one-year periods. In the event that the City exercises such right, all terms, condition and provisions of the original contract shall remain the same and apply during the renewal period.

Termination for cause: The City may, by written notice to the Contractor, cancel this agreement if it is found that gratuities, in the form of entertainment, gifts or otherwise, were offered or given by the Contractor or any agent or representative of the Contractor, to any officer or employee of the City.

The City also reserves the right to cancel the whole or any part of this contract due to failure by the contractor to carry out any material obligation, term, or condition of the contract. The City shall issue written notice to the contractor for any of the following circumstances:

- A. The contractor fails to adequately perform the services set forth in the specifications of the contract:

- B. The contractor fails to make progress in the performance of the contract or gives the City reason to believe that the contractor will not or cannot perform to the requirements of the contract.

Upon receipt of the written notice of concern, the contractor shall have ten calendar days to provide a satisfactory response to the City. Failure on the part of the contractor to adequately address all issues of concern may result in the City resorting to any single or combination of the following remedies.

1. Cancel any contract:
2. Reserve all rights or claims to damage for breach of any covenant of the Contract:
3. In case of default, the City reserves the right to complete the required work. The City may recover reasonable excess cost from the contractor by any remedies as provided by law.

Termination for Convenience: The City may terminate this contract at any time for any reason by giving at least 30 days' notice in writing to Contractor. If the contract is canceled by the City as provided herein, the Contractor will be paid a fair payment as negotiated with the City for the work completed or goods received as of the date of termination.

IV. ENFORCEMENT, LAWS AND ORDINANCES

This agreement shall be enforced under the laws of the State of Michigan. Contractor must comply with all applicable federal, state, county, and City laws, ordinances, and regulations. Contractor shall ensure payment of all taxes, licenses, permits, and other expenses of any nature associated with the provision of services herein. Contractor shall maintain in current status all Federal, State and Local licenses and permits required for the operation of the business conducted by the Contractor.

VENUE: Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement or the transactions it contemplates shall bring the legal action or proceeding:

(i) in the United States District Court for the Western District of Michigan; or

(ii) in any court of the State of Michigan sitting in Calhoun County, if there is no federal subject matter jurisdiction.

GOVERNING LAW: This agreement shall be enforced under the laws of the State of Michigan. Contractor must comply with all applicable federal, state, county, and City laws, ordinances, and regulations. Contractor shall ensure payment of all taxes, licenses, permits, and other expenses of any nature associated with the provision of services herein. Contractor shall maintain in current status all Federal, State and Local licenses and permits required for the operation of the business conducted by the Contractor.

V. INDEPENDENT CONTRACTOR

It is clearly understood that each party shall act in its individual capacity and not as an agent, employee, partner, joint venturer, or associate of the other. An employee or agent of one party shall not be deemed or construed to be the employee or agent of the other party.

The Contractor is advised that taxes or social security payments shall not be withheld from a City payment issued hereunder and that Contractor should make arrangements to directly pay such expenses, if any.

The City will not provide any insurance coverage to the Contractor including Workers' Compensation coverage.

VI. MODIFICATIONS

This Agreement may only be modified by a written amendment signed by persons duly authorized to enter into contracts on behalf of the City and the Contractor.

VII. WAIVER

The failure of either party of this Agreement to take affirmative action with respect to any conduct of the other that is in violation of the terms of this contract shall not be construed as a waiver thereof, or of any future breach or subsequent wrongful conduct.

VIII. INDEMNIFICATIONS

Contractor shall indemnify, defend, and hold harmless the City of Battle Creek, from any and all claims, demands, suits, actions, proceedings, loss, cost, and reasonable attorney's fees and/or litigation expenses arising or alleged to have arisen out of any negligent act, omission, professional error, fault, mistake, or negligence of the Contractor, its employees, agents, representatives, or subcontractors, their employees, agents, or representatives in connection with or incidental to the performance of this agreement. The Contractor's obligation under this section shall not extend to any liability caused by the sole negligence of the City, or its employees.

The amount and type of insurance required shall not in any way be construed as limiting the scope of the indemnification set forth above.

IX. INSURANCE

The Contractor agrees to:

- A. Obtain insurance coverage of the types and amount required in this section and keep such insurance coverage in force throughout the life of this contract. All policies will contain an endorsement providing that written notice be given to the City at least ten (10) calendar days prior to termination, cancellation, or reduction in coverage in any policy. The City of Battle Creek shall be listed as an additional insured on all general liability coverages, and shall be provided verification. Sole proprietors are not required to have workers' compensation coverage.

General Liability	\$1,000,000
Worker's Compensation	\$ 100,000 or statute

- B. Obtain and keep in force throughout the life of the agreement, policies of automobile liability insurance containing combined limits of personal injury and property damage of not less than the amounts required by the State of Michigan and covering any vehicle that is used in connection with the performance of services contemplated by this Agreement.

X. MISCELLANEOUS PROVISIONS (where applicable)

- A. No assignment of this Agreement or subcontract shall be made by the Contractor with any other party for furnishing any of the services herein contracted for without the advance written approval of the City. All subcontracts shall comply with Federal and State laws and regulations that are applicable to the services covered by the subcontract and shall include all the terms and conditions set forth herein, which shall apply with equal force to the subcontract, as if the subcontractor were the contractor referred to herein. The Contractor is responsible for contract performance whether or not subcontractors are used.
- B. The Contractor shall establish and maintain procedures and controls that are acceptable to the City for the purpose of assuring that no information contained in its records or obtained from the City or from others in carrying out its functions under the contract shall be used by or disclosed by it, its agents, officers, or employees, except as required to efficiently perform duties under the contract. Persons requesting such information must be referred to the City.
- C. All services, information, computer program elements, reports, and other deliverables that are created under this Agreement shall be the property of the City and shall not be used by the Contractor or any other person except with the prior written permission of the City. The City shall hold the copyright to any copyrightable material. Patents for any item created under this contract shall be assigned to the City.
- D. The Contractor shall comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and applicable federal regulations under the Act.
- E. The Contractor, with regard to the work performed during this contract, agrees not to discriminate against any employee or applicant for employment, to be employed in the performance of such contract with respect to hire tenure, terms, conditions or privileges, of employment, or any matter directly or indirectly related to employment because of his or her actual or perceived race, color,



Planned Maintenance Agreement

Prepared For:
City of Battle Creek

10 Division St. N.

Battle Creek, MI 49014

ATTN:

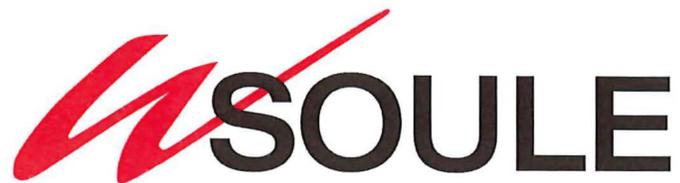
Nils Vos

Prepared By:

Eric Fisher

Date:

June 11, 2024



Reasons For Planned Maintenance Agreement

- Increased Equipment Lifespan
- Increased Efficiency / Reducing Energy Costs
- Reduced Emergency Service Calls
- Proactive Approach to Future Issues
 - Peace of Mind for Owner
 - Reduced Customer Rates



This planned maintenance agreement will include the following systems:

Heating, Ventilation, Air conditioning, and Refrigeration: Provide maintenance inspections of HVAC/R equipment by the frequency stated in this agreement.

Included

Excluded

CSD-1 Certification: Provide inspection and certification per state of Michigan requirements on all boilers stated in this agreement.

Included

Excluded

Backflow Preventer Certification: Provide annual inspection and certification of all backflow preventers stated in this agreement.

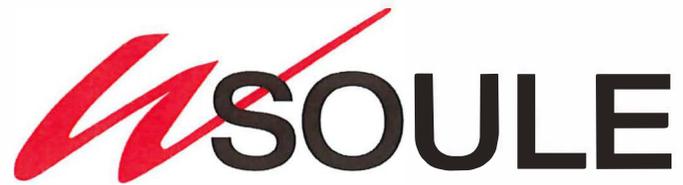
Included

Excluded

Plumbing Systems: Provide maintenance inspections of Plumbing equipment and systems by the frequency stated in this agreement.

Included

Excluded



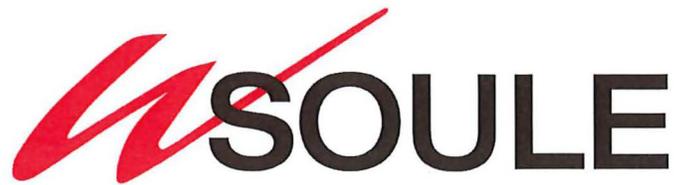
In consideration for the planned maintenance services performed, the customer agrees to pay W. Soule & CO. as indicated below:

Total Investment	Annually:	\$115,181.00
	Monthly:	\$9,598.42

This agreement is based on the starting date of August 1, 2024

DRAFT

<i>Group</i>	<i>Location</i>	<i>No. of PM visits for 12 month period</i>	<i>Unit Price</i>	<i>Total</i>
	EXAMPLE: The Dog House	<i>Example 2 X</i>	\$200.00	= \$400.00
A	FIRE DEPARTMENT:			
	Fire Station #1	4x	\$614.25	\$2,457.00
	Fire Station #2	4x	\$97.75	\$391.00
	Fire Station #3	4x	\$245.75	\$983.00
	Fire Station #4	4x	\$571.25	\$2,285.00
	Fire Station #5	4x	\$97.75	\$391.00
	Fire Station #6	4x	\$97.75	\$391.00
B	AIRPORT:			
	Airport Maintenance and Operations	4x	\$2,656.50	\$10,626.00
	Airport Rescue & Firefighting Storage	2x	\$241.50	\$483.00
	Electrical Vault	4x	\$211.00	\$844.00
	FAA Building	4x	\$739.25	\$2,957.00
	FAA Tower	4x	\$1,087.75	\$4,351.00
C	DEPARTMENT OF PUBLIC WORKS:			
	Administrative Bldg	4x	\$1,720.00	\$6,880.00
	Fleet Bldg	4x	\$1,456.25	\$5,825.00
D	VERONA STATION			
	Verona Pump Station	4x	\$1,730.00	\$6,920.00
E	BATTLE CREEK TRANSIT			
	Intermodal Facility	4x	\$649.00	\$2,596.00
	Transit Admin. Office & Garage	4x	\$1,701.00	\$6,804.00
F	WASTE WATER TREATMENT			
	WWTP Facilities	12x	\$3,349.25	\$40,191.00
G	CITY HALL			
	City Hall	4x	\$3,510.25	\$14,041.00
H	POLICE DEPARTMENT			
	Public Safety Bldg.	4x	\$1,011.25	\$4,045.00
	Training Bldg	4x	\$245.75	\$983.00
i	KELLOGG ARENA			
	Kellogg Arena	N/A	\$0	\$0
J	LAKEVIEW WATER BUILDING			
	Lakeview Water Building (LWB)	2x	\$368.50	\$737.00
	YEARLY TOTAL			\$ 115,181.00



Out of Contract Service Rates

- All work performed under this contract will be performed during regular business hours. (Monday-Friday, 7:00 am – 3:30 pm)
- Current non-contract rate is \$105/HR (subject to change with market and COL increases).
- Any additional work, such as emergency calls and quoted projects, will be charged at the rates below.
- We are pleased to offer you the discounted rates listed below as part of you planned maintenance agreement.

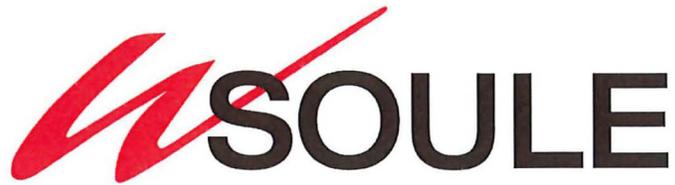
Labor		Standard Rates	Discounted Rates	% Savings
Regular Hours: Standard non-contract rate	Weekdays Monday-Friday 7am-3:30pm	105.00	95.00	10%
Overtime Hours: Non-contract Rate x 1.4	Saturday & Weeknights after 4:30pm	140.00	125.00	10%
Double Time: Non-contract Rate x 1.7	Sunday & Holidays	175.00	156.00	10%

	Standard Rates	Your Discount Rates	Your Savings
Materials:	Cost + 40%	Cost + 25%	15%
Subcontractor:	Cost + 30%	Cost + 15%	15%
Rental Equipment:	Cost + 30%	Cost + 15%	15%

****There will be an increase on labor rates each year following the COL wage increase****

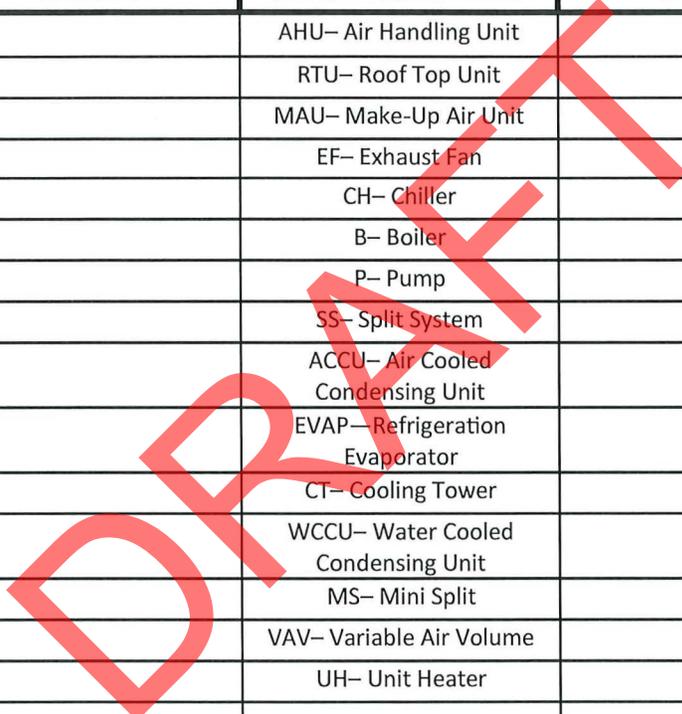
An environmental fee of \$25.00 will be applied on non-maintenance agreement invoices.

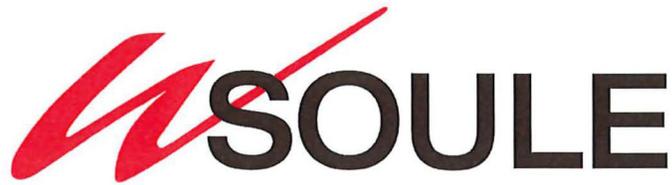
This fee covers EPA/MDOT regulations payable by contractor.



HVAC Equipment Schedule

<u>Quantity</u>	<u>Equipment Description</u>	<u>Frequency</u>
	AHU- Air Handling Unit	
	RTU- Roof Top Unit	
	MAU- Make-Up Air Unit	
	EF- Exhaust Fan	
	CH- Chiller	
	B- Boiler	
	P- Pump	
	SS- Split System	
	ACCU- Air Cooled Condensing Unit	
	EVAP- Refrigeration Evaporator	
	CT- Cooling Tower	
	WCCU- Water Cooled Condensing Unit	
	MS- Mini Split	
	VAV- Variable Air Volume	
	UH- Unit Heater	





HVAC Equipment Description of Maintenance

QUARTERLY PLANNED MAINTENANCE AGREEMENT

Please see attached pricing sheet

-Battle Creek Wastewater - 12 visits per year, customer provides filter and belts.

-Battle Creek P.D. and Training Center - 4 visits per year, W Soule to provide filters and belts. MV13 filters areas.

-Battle Creek transit and Intermodal facility - 4 visits per year, W Soule to provide filters and belts. MV13 filters in office areas.

-Battle Creek City Hall - 4 visits per year, W Soule to provide filters and belts MV13 filters included.

-Airport Maintenance, Air traffic control Tower & FAA - 4 visits per year, W Soule to provide belts only.

-Verona Water - 4 visits per year, W Soule to provide filters and belts MV13 filters included.

-BCFD - 4 visits per year, W Soule to provide filters and belts MV13 filters included.

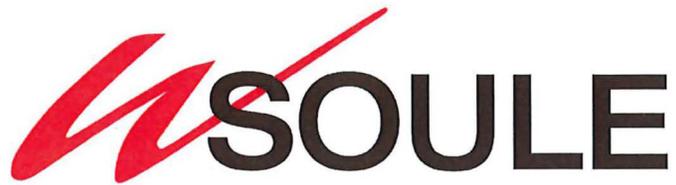
-Department of Public Works - 4 visits per year, City of Battle Creek to provide filters and belts.

-Lakeview Water - 2 visits per year, W Soule to provide filters and belts MV13 filters included.

-Boiler CSD1 rebates completed in 2023-24 contract year. No rebates this year.

Optional Maintenance Services

YES	NO	
4x/year		Air Filters/Belts/Lubricants
1x/year		Condenser Coil Cleaning (<u>1X</u> / Year) Evap Coil Cleaning (<u>X</u> / Year)
1x/year		Boiler CSD1's
	X	Manlift
	X	Water treatment



Terms and Conditions

ACCEPTANCE

When this proposal, herein referred to as "The Agreement" is executed by an officer or authorized representative of W. Soule & Company (herein referred to as "Contractor") and The Client (Listed above), it subsequently constitutes an offer to contract by which both parties are bound to agreement.

SCOPE OF CONTRACTOR OBLIGATIONS

Contractor shall provide labor, equipment and materials necessary for service inspections and planned maintenance as outlined in the enclosed documents.

TERM

The Agreement shall remain in effect for the term specified on the Service Agreement Signature Page.

- This agreement will automatically renew annually with a cost of living increase unless canceled with a 30 day written notice.
- This agreement will not automatically renew.

EXCLUSIONS

Unless otherwise noted, this Agreement assumes that the systems and equipment are in maintainable condition. All repairs, or updates to equipment will be quoted and invoiced separate from the Agreement. Building Management systems, refrigerants, oils, ACM removal, general trades, electrical, engineering are not included.

OBLIGATIONS OF THE CLIENT

Client shall maintain all work areas in a safe condition, according to local regulatory agencies. Client shall provide the Contractor with full, safe and free access to the equipment, and shall extend reasonable courtesy during the periods maintenance services are being performed. Client shall promptly notify Contractor of any conditions which will preclude or delay performance of scheduled maintenance services. Failure to do so may result in additional charges.

OWNERSHIP OF PROPERTY AND EQUIPMENT

Client represents that they are the rightful owners and/or agents of the premises and equipment identified within this agreement, and have the authority to enter into this Agreement.

LIMITED WARRANTY

Contractor warrants new materials installed for a period of (12) twelve months after installation, and labor on new materials installed for (90) days. Contractor shall make available to Client all manufacturers' warranties, without recourse to Contractor upon failure of manufacturer to honor such warranty. NO OTHER WARRANTIES, EXPRESS OR IMPLIED, ARE MADE WITH RESPECT TO WORK PERFORMED BY CONTRACTOR AT CLIENT'S FACILITY.

City of Battle Creek



FOR SERVICE DIAL

(269) 327-4855

24 hours a day (Year-Round)

PLEASE BE PREPARED WITH THE FOLLOWING INFORMATION:

- **Your Name & Title**
- **Phone Number where Technician can reach you**
- **Facility Location (address, building/room #)**
- **Nature of Your Service Needs**
- **Level of Urgency**

KEY CONTACT PERSONNEL

Primary Technician	Luke Taylor (269) 716-8353
Alternate Technician	Chris Putti (269) 251-4416
Service Group Manager	Eric Fisher (269) 720-9457

FOR SERVICE DIAL

(269) 327-4855

Our office phones are manned by our staff Monday through Friday from 7:00 am to 4:00 pm. Service calls received during these hours are dispatched based on priority; customers who have Planned Maintenance Agreements receive first priority and are *guaranteed* a 2-hour response time; *critical* customers, such as the City of Battle Creek, Borgess Hospital, and Evergreen Manor, receive immediate response, often in 30 minutes or less.

During off-duty hours, we engage a professional answering service, who answers our office phone line and dispatches our technicians. The answering service uses a standard list of questions they pose to callers to ascertain the urgency of the call. Once the information is gathered, they contact our "On-Call" Technician by pager, cell phone, or home phone (in that order). If the Technician does not respond within 15 minutes, the service contacts a list of our employees, (including the Manager) until the call can be dispatched. Once dispatched, the technician will call the customer to let them know when to expect service.

Additionally, all of the personnel at the City's facilities have Bob Frantz's (Lead Technician) cellular phone number and often call him directly when issues arise. Bob either personally responds to these calls, or dispatches an alternate technician. Four of our technicians reside in the greater Calhoun County area and are typically within a 30-minute drive to any City facility in case of an emergency.

Warranties and Guarantees

We extend the full manufacturer's warranty for parts and components, including serving as the liaison between the manufacturer and customer on any parts or equipment replacements or installations. Additionally, we guarantee our workmanship for one full year from the date of installation.

Conclusion

W. Soule & Company has been the primary HVAC/R Service Provider for most of the City of Battle Creek's facilities for over 5 years and for the Waste Water Treatment Plant for over 10 years. During this time, we have developed an intimate knowledge of each individual facility, their unique operations and the condition of each facility's equipment. The equipment list included in our proposal, along with our maintenance procedures, staffing plan and experience, reflects our familiarity of each facility and the resources required to maintain them.

We have also built relationships with each facility's staff. These factors enable our technicians to resolve unforeseen problems in a more effective and timely manner, maximizing the City's maintenance and repair funds.

DRAFT

DRAFT

PLANNED MAINTENANCE TASK SHEETS

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Air Cooled Condensing Unit	Operational	Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
ANNUAL INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Inspect fasteners 4. Lock out and tag unit, securing all energy types & placing unit out of service 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Inspect for proper oil level in each compressor 2. Obtain oil sample from each compressor for spectrographic laboratory analysis 3. Inspect for proper refrigerant level using approach method and sight glass indication 4. Inspect for proper compressor capacity control operation 5. Inspect unit microprocessor for proper parameters 6. Inspect evaporator for proper water flow 7. Perform refrigerant leak test of entire unit 8. Inspect and tighten all electrical connections 9. Inspect condition of all contactors, starters & VFD's (as applicable) 10. Clean all contactors with contact cleaner 11. Clean out controls cabinet 12. Inspect and verify proper operation of all safety controls 13. Replace refrigerant liquid line drier cores 14. Replace oil filters (if so equipped) 15. Change compressor oil if recommended by oil analysis results 16. Inspect condition of condenser coil 17. Power Wash condenser coil using environmentally-friendly cleaning agent 18. Inspect condenser fans for condition and proper operation 19. Tighten condenser fan fasteners 20. Remove lock / tag placing unit back into service 21. Start-up condensing unit & observe operation 22. Complete operating log; record operating temperatures and pressures 23. Document all deficiencies 24. Meet with customer to review annual inspection service & any recommended repairs or enhancements 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Air Cooled Condensing Unit	Operational	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Inspect fasteners 4. Lock out and tag unit, securing all energy types & placing unit out of service 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Inspect for proper oil level in each compressor 2. Inspect for proper refrigerant level using approach method and sight glass indication 3. Inspect for proper compressor capacity control operation 4. Perform refrigerant leak test of entire unit 5. Inspect and tighten all electrical connections 6. Inspect condition of all contactors, starters & VFD's (as applicable) 7. Clean all contactors with contact cleaner 8. Clean out controls cabinet 9. Inspect and verify proper operation of all safety controls 10. Replace refrigerant liquid line drier cores (annually, if required) 11. Replace oil filters (if so equipped) 12. Inspect condition of condenser coil 13. Power Wash condenser coil using environmentally-friendly cleaning agent 14. Inspect condenser fans for condition and proper operation 15. Tighten condenser fan fasteners 16. Remove lock / tag placing unit back into service 17. Start-up condensing unit & observe operation 18. Complete operating log; record operating temperatures and pressures 19. Document all deficiencies 20. Meet with customer to review annual inspection service & any recommended repairs or enhancements 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Air Handling Unit	Seasonal	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL TEST, INSPECTION, START UP AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Inspect motor operating conditions 4. Inspect condition of electrical connections 5. Inspect fasteners 6. Lock out and tag unit, securing all energy types & placing unit out of service 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Lubricate fan shaft bearings in accordance with manufacturer's recommendations 2. Inspect motor mounts and vibration pads 3. Lubricate motor bearings in accordance with manufacturer's recommendations 4. Inspect condition & alignment of sheave(s) (if applicable) align as necessary 5. Inspect & replace air filter(s) 6. Change drive belt(s) (if applicable) 7. Test, inspect, adjust, & clean cooling components (spring, as applicable) 8. Inspect cooling coil(s) (spring, as applicable) 9. Test, inspect, adjust, & clean heating components (fall) 10. Inspect & clean condensate drain & pan (as applicable) 11. Install algaecide tablets in condensate pan 12. Clean, test and inspect all dampers; lubricate linkages. 13. Remove Lock Out/Tag Out 14. Energize unit; record motor operating data 15. Record operating temperatures and pressures 16. Complete operating log(s) (if applicable) 17. Document and review recommended repair(s) with customer 18. Check out with customer upon completion 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Air Handling Unit	Routine	Quarterly
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
QUARTERLY INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Inspect motor operating conditions 4. Inspect condition of electrical connections 5. Inspect fasteners 6. Lock out and tag unit, securing all energy types & placing unit out of service 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Lubricate fan shaft bearings in accordance with manufacturer's recommendations 2. Lubricate motor bearings in accordance with manufacturer's recommendations 3. Inspect condition & alignment of sheave(s) (if applicable) align as necessary 4. Inspect cooling coil(s) 5. Inspect condensate drain & pan 6. Inspect & replace air filter(s) (pre-filters only on systems with final filters) 7. Complete operating log(s) (if applicable) 8. Document and review recommended repair(s) with customer 9. Check out with customer upon completion 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Boiler (Steam or Hot Water)	Operational	Monthly
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
QUARTERLY INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Review Operating Logs 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Examine Control Set Points 2. Inspect and Test all safety devices 3. Inspect contactor(s) for burned or pitted points 4. Inspect gas train (main gas valve, safety valves, shut off valves) for proper operation 5. Test/inspect relief valve for proper operation 6. Test/inspect makeup feed valves for proper operation 7. Blow down boiler 8. Inspect heat exchanger section for signs of soot, corrosion or cracks; inspect firebrick and refractory for defects. 9. Inspect gas burner section for debris buildup 10. Inspect flame for proper color (blue); adjust as necessary, 11. Test/inspect low-water cutout device(s) 12. Verify compliance with State Boiler Laws and Rules; report any violations to the State of Michigan Boiler Division. 13. Complete Monthly CSD-1 Checklist (or verify completion by owner) 14. Complete operating log(s) (if applicable) 15. Document and review recommended repair(s) with customer 16. Check out with customer upon completion 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Boiler (Steam or Hot Water)	Operational	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Review Operating Logs; verify Monthly CSD-1 requirements are current, according to State of Michigan Boiler Rules. 4. Lock out and tag unit, securing all energy types & placing unit out of service 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Perform Monthly Inspection and Planned Maintenance Tasks 2. Test incoming gas pressure 3. Inspect Gas Train for leakage; repair as necessary. 4. Clean and Inspect burners and combustion area (annually, unless required by conditions). Inspect orifices, nozzles, ignition system, pilots and control valves. 5. Sample boiler water for nitrates; record results 6. Perform flue gas analysis using combustion analyzer; adjust combustion as necessary to obtain maximum operating efficiency. 7. Verify compliance with State Boiler Laws and Rules; report any violations to the State of Michigan Boiler Division. 8. Open Boiler for inspection by State of Michigan Inspector (or authorized Owner's Insurance Company Inspector) 9. Complete State of Michigan CSD-1 Inspection Requirements and Report (annually) 10. Complete operating log(s) (if applicable) 11. Document and review recommended repair(s) with customer 12. Check out with customer upon completion 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Exhaust / Make Up Air Fan	Operational	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Check Fan Rotation 4. Inspect motor operating conditions 5. Inspect condition of electrical connections 6. Inspect fasteners 7. Lock Out/Tag Out unit 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Lubricate fan shaft bearings in accordance with manufacturer's recommendations 2. Inspect motor mounts and vibration pads 3. Inspect fan shaft for play 4. Inspect fan housing, shroud and components 5. Lubricate motor bearings in accordance with manufacturer's recommendations 6. Inspect condition & alignment of sheave(s) (if applicable) align as necessary 7. Change drive belt(s) (if applicable) 8. Remove Lock Out/Tag Out 9. Energize unit; record motor operating data 10. Complete operating log(s) (if applicable) 11. Document and review recommended repair(s) with customer 12. Check out with customer upon completion 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Furnace – Natural Gas w/AC	Seasonal	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
QUARTERLY INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Inspect motor operating conditions 4. Inspect condition of electrical connections 5. Inspect fasteners 6. Inspect motor mounts and vibration pads 		
<u>MAINTENANCE TASK STEPS</u>		
<u>GENERAL</u>		
<ol style="list-style-type: none"> 1. Inspect & replace air filter(s) (quarterly, as needed) 2. Inspect disconnect & test for proper operation. Inspect knives and verify closure. Inspect all electrical wiring and connections in and around disconnect. 3. Inspect & test controller or thermostat for proper operation and proper programming (if applicable). 4. Document and review recommended repair(s) with customer 5. Check out with customer upon completion 6. When unit is not operating, inspect fan wheel for free movement, excessive play, and debris build-up. Confirm that all mounting hardware is tight. 7. When unit is not operating, inspect shaft of motor for excessive play. Inspect the incoming wiring. With unit operating, listen to fan motor for excessive vibration or uncommon noises. 		
<u>HEATING SEASONAL TASKS</u>		
<ol style="list-style-type: none"> 8. Inspect gas train for any signs of leakage. Inspect main gas valve, safety valves, & shut off valves. 9. Cycle the unit into heating. Check operation of main gas valve, safety valves, & shut off valves. 10. Inspect heat exchanger section for signs of soot, corrosion, or cracks. 11. Visually inspect gas burner section. Check debris build up and damage. Check for proper flame color (blue). Make minor adjustments if needed. Inspect pressure regulator and wiring. 12. Remove & clean burners. Clean combustion chamber. Reinstall burners. Inspect orifices, nozzles, ignition system, pilots, control valves. 13. Inspect vent(s) for any signs of corrosion, damage, or blockage. Confirm that exhaust vent is properly sealed & is venting correctly. If unit is sealed combustion type, confirm furnace is getting proper amount of combustion air from outside air. 		
<u>COOLING SEASONAL TASKS</u>		
<ol style="list-style-type: none"> 14. Examine refrigeration piping and components for obvious defects 15. Inspect cooling coil(s) 16. Record operating temperatures and pressures 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Infrared Heater	Operational	Semi-Annual

DESCRIPTION OF PLANNED MAINTENANCE TASK

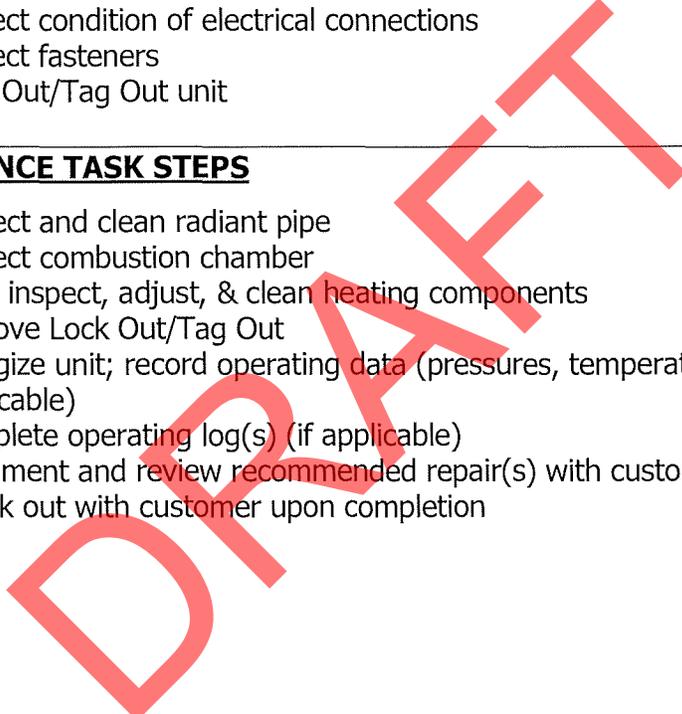
SEMI-ANNUAL INSPECTION AND PLANNED MAINTENANCE

PRELIMINARY TASKS & SAFETY PRECAUTIONS

1. Check in with customer upon arrival
2. Observe general operation of equipment
3. Check Exhaust Fan Rotation
4. Inspect condition of electrical connections
5. Inspect fasteners
6. Lock Out/Tag Out unit

MAINTENANCE TASK STEPS

1. Inspect and clean radiant pipe
2. Inspect combustion chamber
3. Test, inspect, adjust, & clean heating components
4. Remove Lock Out/Tag Out
5. Energize unit; record operating data (pressures, temperatures, electrical as applicable)
6. Complete operating log(s) (if applicable)
7. Document and review recommended repair(s) with customer
8. Check out with customer upon completion



<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Makeup Air Unit – Heating Only (Gas)	Seasonal	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL TEST, INSPECTION, START UP AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Inspect motor operating conditions 4. Inspect condition of electrical connections 5. Inspect fasteners 6. Lock Out/Tag Out unit 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Lubricate fan shaft bearings in accordance with manufacturer's recommendations 2. Inspect motor mounts and vibration pads 3. Lubricate motor bearings in accordance with manufacturer's recommendations 4. Inspect condition & alignment of sheave(s) (if applicable) align as necessary 5. Inspect & replace air filter(s) (clean washable filters as applicable) 6. Change drive belt(s) (annually) 7. Test/Inspect control set points and safeties 8. Test and Inspect inlet air hood and dampers; lubricate damper linkages 9. Inspect gas train for signs of leakage; test and inspect main gas valve, safety valves and shutoff valves for proper operation. 10. Remove and clean gas burners; clean combustion chamber. 11. Inspect orifices, nozzles, pilots, control valves and ignition system 12. Inspect pressure regulator and vent assembly 13. Perform combustion analysis and adjust burner to maximize efficiency 14. Remove Lock Out/Tag Out 15. Energize unit; record motor operating data 16. Record operating temperatures and pressures 17. Complete operating log(s) (if applicable) 18. Document and review recommended repair(s) with customer 19. Check out with customer upon completion 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Pump – 1 HP and below	Operational	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ul style="list-style-type: none"> 7. Check in with customer upon arrival 8. Observe general operation of equipment 9. Inspect motor operating conditions 10. Inspect motor mounts and vibration pads 		
<u>MAINTENANCE TASK STEPS</u>		
<ul style="list-style-type: none"> 17. Inspect electrical disconnect and test for proper operation (if applicable) 18. Test and inspect controls and set points for proper operation (if applicable) 19. Lubricate and inspect drive shaft bearings 20. Inspect pump housing for cracks or signs of leakage 21. Inspect seals and packing for signs of leakage 22. Inspect shaft and coupling for proper alignment, and for signs of wear or failure 23. Examine coupling guard for OSHA compliance 24. Inspect motor, including all wiring, starter coils, contacts and electrical connections. Listen for unusual noises. 25. Lubricate and inspect motor bearings 26. Record motor electrical readings and compare to nameplate 27. Complete operating log(s) (if applicable) 28. Document and review recommended repair(s) with customer 29. Check out with customer upon completion 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Rooftop Unit – Pkg Heating & Cooling	Routine	Quarterly
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
QUARTERLY INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Inspect motor operating conditions 4. Inspect condition of electrical connections 5. Inspect fasteners 6. Inspect drive belt(s) (if applicable) 7. Inspect motor mounts and vibration pads 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Lubricate fan shaft bearings in accordance with manufacturer's recommendations 2. Lubricate motor bearings in accordance with manufacturer's recommendations 3. Inspect condition & alignment of sheave(s) (if applicable) align as necessary 4. Inspect cooling coil(s) 5. Inspect condensate drain & pan 6. Inspect & replace air filter(s) (pre-filters only on systems with final filters) 7. Complete operating log(s) (if applicable) 8. Document and review recommended repair(s) with customer 9. Check out with customer upon completion 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Rooftop Unit – Pkg Heating & Cooling	Seasonal	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL TEST, INSPECTION, START UP AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Inspect motor operating conditions 4. Inspect condition of electrical connections 5. Inspect fasteners 6. Lock Out/Tag Out unit 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Lubricate fan shaft bearings in accordance with manufacturer's recommendations 2. Inspect motor mounts and vibration pads 3. Lubricate motor bearings in accordance with manufacturer's recommendations 4. Inspect condition & alignment of sheave(s) (if applicable) align as necessary 5. Inspect & replace air filter(s) (pre-filters only on systems with final filters) 6. Replace final filters (annually, as applicable) 7. Change drive belt(s) (if applicable) 8. Test, inspect, adjust, & clean cooling components (spring, as applicable) 9. Inspect cooling coil(s) (spring, as applicable) 10. Check refrigerant charge (spring, as applicable) 11. Test, inspect, adjust, & clean heating components (fall) 12. Inspect & clean condensate drain & pan (as applicable) 13. Install algaecide tablets in condensate pan 14. Remove Lock Out/Tag Out 15. Energize unit; record motor operating data 16. Record operating temperatures and pressures 17. Complete operating log(s) (if applicable) 18. Document and review recommended repair(s) with customer 19. Check out with customer upon completion 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Chiller System - Reciprocating	Operational	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Lock out and tag unit, securing all energy types & placing unit out of service prior to opening, inspecting or adjusting any electrical components or panels. 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Inspect for proper oil level in each compressor 2. Obtain oil sample from each compressor for spectrographic laboratory analysis (Annual only) 3. Inspect for proper refrigerant level 4. Inspect for proper compressor capacity control operation 5. Inspect unit microprocessor for proper parameters 6. Inspect evaporator for proper water flow 7. Perform refrigerant leak test of entire unit 8. Inspect and tighten all electrical connections 9. Inspect condition of all contactors, starters & VFD's (as applicable) 10. Clean all contactors with contact cleaner 11. Clean out controls cabinet 12. Inspect and verify proper operation of all safety controls 13. Visually inspect all refrigerant piping 14. Replace refrigerant liquid line drier cores 15. Replace oil filters (if so equipped) 16. Inspect and lubricate motor(s) 17. Inspect and test crankcase heater (as applicable) 18. Change compressor oil if recommended by oil analysis results 19. Remove lock / tag placing unit back into service 20. Start-up condensing unit & observe operation 21. Inspect and cycle unloaders 22. Complete operating log; record operating electrical data, temperatures and pressures 23. Document all deficiencies 24. Meet with customer to review annual inspection service & any recommended repairs or enhancements 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Self-Contained AC Unit (Water-Cooled)	Operational	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Lock out and tag unit, securing all energy types & placing unit out of service prior to opening, inspecting or adjusting any electrical or mechanical components. 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Inspect for proper oil level in each compressor 2. Inspect for proper refrigerant level 3. Inspect evaporator for proper water flow 4. Check and log temp rise of water on condenser 5. Check head pressure regulating control valve for proper operation 6. Clean tube bundle (annually) 7. Perform refrigerant leak test of entire unit 8. Inspect control panel; tighten all electrical connections 9. Clean contactors if necessary 10. Inspect and verify proper operation of all safety controls (HP, LP, oil safety) 11. Visually inspect all refrigerant piping, TXVs, and components 12. Clean refrigerant strainers; replace refrigerant liquid line drier cores 13. Inspect and lubricate motor(s) 14. Remove lock / tag placing unit back into service 15. Check/change compressor belts twice yearly 16. Inspect shaft seals on open compressors for leaks 17. Inspect operation of Evaporator Fans 18. Inspect Thermostat 19. Inspect and clean condensate and evaporator drain pans 20. Start-up unit & observe operation 21. Complete operating log; record operating electrical data, temperatures and pressures 22. Document all deficiencies 23. Meet with customer to review annual inspection service & any recommended repairs or enhancements 		

<u>EQUIPMENT TYPE</u>	<u>INSPECTION TYPE</u>	<u>FREQUENCY</u>
Unit Heater	Operational	Semi-Annual
<u>DESCRIPTION OF PLANNED MAINTENANCE TASK</u>		
SEMI-ANNUAL INSPECTION AND PLANNED MAINTENANCE		
<u>PRELIMINARY TASKS & SAFETY PRECAUTIONS</u>		
<ol style="list-style-type: none"> 1. Check in with customer upon arrival 2. Observe general operation of equipment 3. Check Fan Rotation 4. Inspect motor operating conditions 5. Inspect condition of electrical connections 6. Inspect fasteners 7. Lock Out/Tag Out unit 		
<u>MAINTENANCE TASK STEPS</u>		
<ol style="list-style-type: none"> 1. Lubricate fan shaft bearings in accordance with manufacturer's recommendations (if applicable) 2. Inspect fan shaft for play 3. Inspect fan housing, shroud and components 4. Lubricate motor bearings in accordance with manufacturer's recommendations 5. Inspect condition & alignment of sheave(s) (if applicable) align as necessary 6. Change drive belt(s) (if applicable) 7. Test, inspect, adjust, & clean heating components 8. Remove Lock Out/Tag Out 9. Energize unit; record operating data (pressures, temperatures, electrical as applicable) 10. Complete operating log(s) (if applicable) 11. Document and review recommended repair(s) with customer 12. Check out with customer upon completion 		

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Licensing and Compliance Section
P.O. Box 30254
Lansing, MI 48909

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Boiler Installer License

NED HAWKINS
7125 S Sprinkle Rd
Kalamazoo, MI 49002

License No: 315603 5B Expiration Date: 12/31/2024



NED HAWKINS
7125 S Sprinkle Rd
Kalamazoo, MI 49002

DRAFT

GRETCHEN WHITMER
Governor

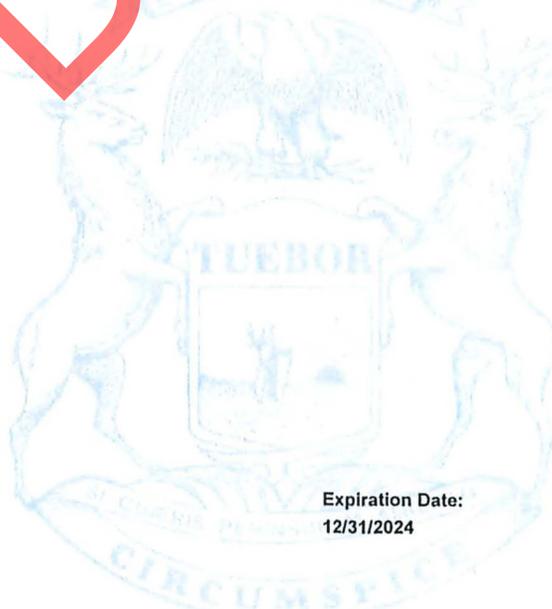
Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Boiler Installer License

Q767645

NED HAWKINS
7125 S Sprinkle Rd
Kalamazoo, MI 49002

License No. 315603 5B Expiration Date: 12/31/2024

This document is duly issued under the laws of the State of Michigan



Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Licensing Division
P.O. Box 30254
Lansing, MI 48909

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Master Plumber License

JOSHUA J HOIKKA
10032 W. V Ave
Schoolcraft, MI 49087

License No: 8112772 Expiration Date: 04/30/2025

JOSHUA J HOIKKA
10032 W. V Ave
Schoolcraft, MI 49087

DRAFT

GRETCHEN WHITMER
Governor

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Master Plumber License

P944761

JOSHUA J HOIKKA
10032 W. V Ave
Schoolcraft, MI 49087

License No. 8112772 Expiration Date: 04/30/2025 This document is duly issued under the laws of the State of Michigan

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Licensing Division
P.O. Box 30254
Lansing, MI 48909

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Mechanical Contractor License

JACOB SKINNER

[REDACTED]e
[REDACTED]0201

Classifications: 1, 2, 4, 5, 7

License No:
7118138

Expiration Date:
08/31/2024

JACOB SKINNER

[REDACTED]
[REDACTED]01

GRETCHEN WHITMER
Governor

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Mechanical Contractor License

DRAFT

JACOB SKINNER

[REDACTED]
[REDACTED]0201

Classifications:

- 1 - Hydronic Heating and Cooling and Process Piping
- 2 - HVAC Equipment
- 4 - Refrigeration
- 5 - Limited Heating Service
- 7 - Limited Refrigeration and Air Conditioning Service

License No.
7118138

Expiration Date:
08/31/2024

This document is duly issued
under the laws of the State of
Michigan



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/20/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0019304-1 Hub International Midwest East 1591 Galbraith Ave SE Grand Rapids, MI 49546	CONTACT NAME: Tina Fennessy
	PHONE (A/C, No, Ext): (616) 233-4133 FAX (A/C, No): E-MAIL ADDRESS: tina.fennessy@hubinternational.com
INSURER(S) AFFORDING COVERAGE	
INSURER A : Amerisure Insurance Company	NAIC # 19488
INSURER B : Amerisure Mutual Insurance Company	23396
INSURER C : Hartford Fire Insurance Company	19682
INSURER D : Travelers Property Casualty Company of America	25674
INSURER E :	
INSURER F :	

INSURED

W Soule & Company
7125 S. Sprinkle Road
Kalamazoo, MI 49002

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:			CPP20241912201	10/1/2023	10/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 STOP GAP OHIO \$ 1,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			CA20241902101	10/1/2023	10/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			CU20323761801	10/1/2023	10/1/2024	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input checked="" type="checkbox"/> Y/N <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC20325112001	10/1/2023	10/1/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Rented/Leased Equip			81MSBK4532	10/1/2023	10/1/2024	Each Unit 500,000
D	Excess Umbrella			EX-2X336431-23-NF	10/1/2023	10/1/2024	Occ/Agg 10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
If this certificate is no longer needed please email a copy of the certificate to Stacey.Spencer@hubinternational.com and advise the certificate is no longer needed.

If you received this certificate via mail, please provide an email address as it will be required for delivery of the renewal certificate in 2024, email a copy of the certificate to stacey.spencer@hubinternational.com with the email address.

CERTIFICATE HOLDER

CANCELLATION

For Information Purpose Only

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Justin Dailey



ADDITIONAL REMARKS SCHEDULE

AGENCY Hub International Midwest East		License # 0019304-1	NAMED INSURED W Soule & Company 7125 S. Sprinkle Road Kalamazoo, MI 49002
POLICY NUMBER SEE PAGE 1			
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

Form 101

IF FORMS LISTED ARE REQUIRED, PLEASE REQUEST VIA EMAIL: stacey.spencer@hubinternational.com
IN THE SUBJECT LINE YOU MUST STATE: 2023 WSOULE FORM 101

Named Insureds: W Soule & Company, Islander, LLC

Operational Locations:

7125 Sprinkle Rd, Kalamazoo MI
5175 King Highway, Kalamazoo MI
4925 Kendrick, Grand Rapids MI
5200 East Cork, Kalamazoo MI
6900 Swan Creek, Saginaw MI
5293 N. Colony Dr, Saginaw MI
6530-6550 New Tampa Hwy, Lakeland, FL
1700 James Savage, Midland, MI
ALL Locations Contracted Work being performed

GENERAL LIABILITY - Amerisure Insurance Company - CPP20241912201

Blanket Additional Insured Applies if required by written agreement or contract per form incl Ongoing/Completed Ops: CG7324
Primary and Non-Contributory applies if required by written agreement or contract per form: CG7324
Blanket Waiver of Subrogation applies if required by written agreement or contract per form: CG7049
30 Day Notice of cancellation applies per form: IL7045

AUTOMOBILE LIABILITY - Amerisure Insurance Company - CA20241902101

Blanket Additional Insured applies if required by written agreement or contract per form: CA7115
Waiver of Subrogation applies if required by written agreement or contract per form: CA7115
Primary and Non-Contributory applies if required by written agreement or contract per form: CA7165
30 Day Notice of cancellation applies per form: IL7066
Includes Hired Car Physical Damage - Actual Cash Value \$3,000 Comprehensive and Broad Collision Deductibles

WORKERS' COMPENSATION - Amerisure Insurance Company - WC20325112001

All States and U.S. territories except North Dakota, Ohio, Washington, Wyoming, Puerto Rico, the U.S. Virgin Islands
30 Day Notice of cancellation applies per form: IL7045
Waiver of Subrogation applies if required by written agreement or contract per form: WC000313
Stop Gap Liability - Ohio - \$1,000,000 Limit Each Accident

UMBRELLA LIABILITY - Amerisure Insurance Company - CU20323761801

Following form over General Liability, Auto Liability and Workers' Compensation and Employers Liability

PROFESSIONAL/POLLUTION LIABILITY - Arch Specialty Insurance Company - PDCPP0029305

Retention - Each Claim \$35,000
Blanket Waiver of Subrogation applies if required by written agreement or contract
30 Day Blanket Notice of Cancellation Endorsement applies
Retroactive Date 3/27/99
Extended Reporting Period 60 Days

Current Licenses



Michigan			
Type	License No.	Expiration	Name on Certificate
Boiler Install License	315603 5B	12/31/2024	Ned Hawkins
Boiler Repair License	320412 IV	12/31/2024	Ned Hawkins
City of Grand Rapids Plumbing License	LR-01950	4/30/2024	John Soule/Joshua Hoikka
City of Grand Rapids Mechanical Contractor License	MC-0560	8/31/2025	John Soule
Master Plumber License	8112772	4/30/2025	Joshua Hoikka
Plumbing Contractor License	8001591	4/30/2025	John Soule
Mechanical Contractor License	7118138	8/31/2024	Jacob Skinner
Arkansas			
Type	License No.	Expiration	Name on Certificate
Boiler Install & Service License	R656	12/31/2024	W. Soule & Co.
Contracting MW & Piping/Process Piping/Valve Repa	191830420	4/30/2024	W. Soule & Co.
California			
Type	License No.	Expiration	Name on Certificate
General Contractor License	1063651	2/28/2026	W. Soule & Co.
Florida			
Type	License No.	Expiration	Name on Certificate
Mechanical Contractor License	CMC1250864	8/31/2024	Paul Morse
Plumbing Contractor License	CFC1429954	8/31/2024	Paul Morse
Georgia			
Type	License No.	Expiration	Name on Certificate
Boiler Install & Service License	3589	8/26/2024	Ned Hawkins
Kentucky			
Type	License No.	Expiration	Name on Certificate
Boiler Contractor License	KY1943	4/30/2025	Ned Hawkins
Mississippi			
Type	License No.	Expiration	Name on Certificate
Process Piping	25678-SC	12/20/2024	W. Soule
North Carolina			
Type	License No.	Expiration	Name on Certificate
Fuel Piping	35618	12/31/2024	Justin Hoikka
Ohio			
Type	License No.	Expiration	Name on Certificate
Boiler Certificate	C4663	2/28/2025	W. Soule & Co.

Current Licenses



South Carolina			
Type	License No.	Expiration	Name on Certificate
Mechanical Contractor	CLM.116883	10/31/2025	W. Soule & Co.
Tennessee			
Type	License No.	Expiration	Name on Certificate
Boiler & Pressure Vessel Erection & Repair License	801	6/21/2024	W. Soule & Co
Contractor License	63273	1/31/2026	W. Soule & Co
Virginia			
Type	License No.	Expiration	Name on Certificate
Contractor License	2705137787	1/31/2025	W. Soule & Co.
West Virginia			
Type	License No.	Expiration	Name on Certificate
Contractor License	WV059032	10/1/2024	W. Soule & Co.
ASME & National Board Stamps			
Type	License No.	Expiration	Name on Certificate
NB Stamp at Corporate			
NB Stamp at Custom Fabrication			
NB Stamp at Soule Fabrication Group Shop			
PP Stamp at Corporate Shop	39511	4/16/2025	W. Soule & Co.
R Stamp at Corporate Shop	4849	4/16/2025	W. Soule & Co.
R Stamp at Custom Fabrication Shop	10480	4/16/2025	W. Soule & Co.
R Stamp at Soule Fabrication Group Shop	7457	4/16/2025	W. Soule & Co.
S Stamp at Corporate Shop	34516	4/16/2025	W. Soule & Co.
S Stamp at Soule Fabrication Group Shop	37612	4/16/2025	W. Soule & Co.
U Stamp at Corporate Shop	34517	4/16/2025	W. Soule & Co.
U Stamp at Custom Fabrication Shop	54450	4/16/2025	W. Soule & Co.
U Stamp at Soule Fabrication Group	37613	4/16/2025	W. Soule & Co.



CITY OF BATTLE CREEK

FACILITIES DEPARTMENT - CITY HALL

July 9, 2024

After careful consideration, the facility manager team for the City of Battle Creek (see below) have decided to renew our HVAC service contract with W. Soule & Company based solely on their consistently prompt, thorough, and dependable service.

We believe W. Soule has demonstrated an exceptional commitment to responding to our needs and requirements in a timely and comprehensive manner. Their reliability in delivering high-quality work has proven invaluable to our organization.

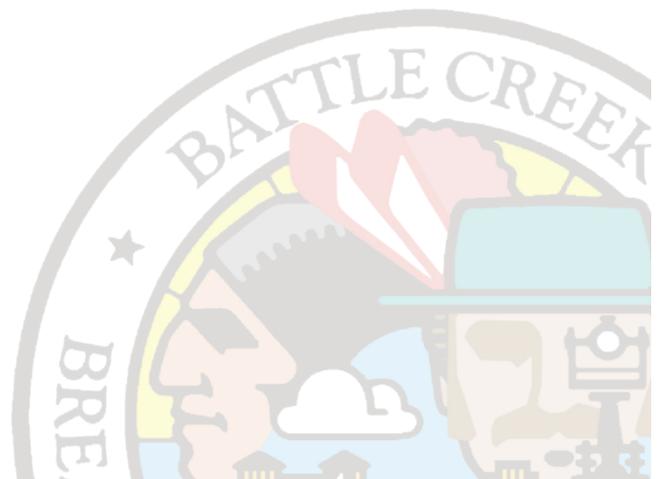
While we have considered several qualified vendors in the past, W. Soule's track record, qualifications, and experience have always stood out above the competition. Typically, we have bid this service contract out through the official RFP process, but in the end, we have chosen W. Soule each time based on experience, knowledge, and service. They have been awarded our HVAC service contract every contract interval since at least 2003. We are confident their attentiveness and diligence will continue to meet and exceed our expectations.

This decision was made in good faith, in accordance with ethical business standards, and without any external influence. We look forward to a productive ongoing relationship with W. Soule and the positive impact their services will have on our operations.

Please reach out with any questions. We appreciate your understanding as we make this choice in the best interest of our organization.

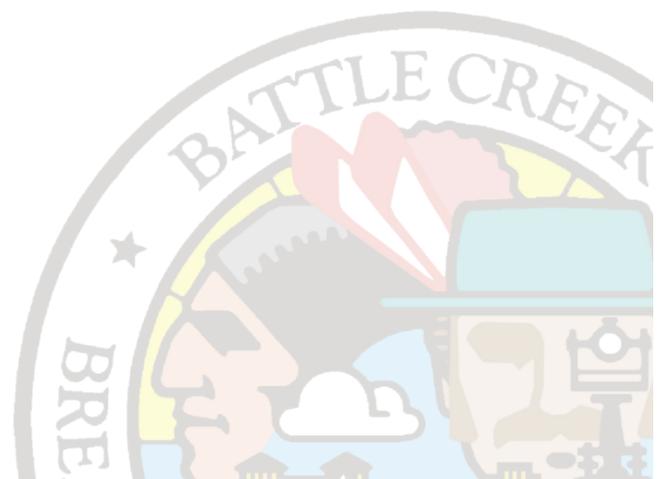
Sincerely,

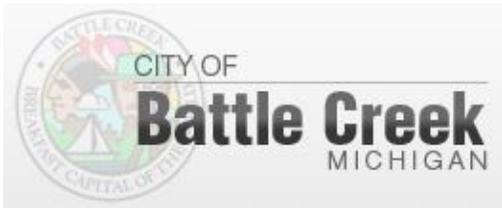
Katie Norton
Facilities Manager



Facility Manager Team

Department	Name	Title	W. Soule Renewal Approval
Airport	Miles Weaver	Assistant Airport Director	Approved
WWTP	Rodney Clifton	Superintendent	Approved
City Hall	Katie Norton	Facility Manager	Approved
Fire	Michele S. Hughey	Battalion Chief	Approved
Transit	Cale Williams	Maintenance Supervisor	Approved
Police	Deb Hunter	Police Records Specialist	Approved
DPW	Steve Siemen	Fleet Services Manager	Approved
Water	Robert J. Koehn	Chief Pumping Station Operator	Approved





Resolution NO. 505

A Resolution seeking authorization for the City Manager to execute the attached 911 Radio Project User Agreement with the CCCDA.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the Calhoun County Consolidated Dispatch Authority (CCCDA) centrally receives 911 calls originating from within Calhoun County, Michigan, and dispatches emergency law enforcement, fire, and ambulance services. The City of Battle Creek receives emergency law enforcement, fire, and ambulance service dispatches from CCCDA.

To facilitate its dispatching, CCCDA has purchased a radio communications system and will be assigning certain radio communications equipment to the City of Battle Creek's Police Department. The purpose of this Agreement is to memorialize the terms and conditions of such assignment.

Under this Agreement, the CCCDA confers upon the City of Battle Creek a limited license to possess and use certain radio communications system equipment which is specified in Appendix A of the Agreement.

The City Manager is authorized to enter into the attached agreement with the CCCDA, or one substantially similar that has been approved by the City Attorney.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Jill Humphreys Steele, City Attorney

Department: City Attorney

SUMMARY

A Resolution seeking authorization for the City Manager to execute the attached 911 Radio Project User Agreement with the CCCDA.

BUDGETARY CONSIDERATIONS

There are no expenses to the City by virtue of entering into this agreement. The agreement provides that if

the City employees damage radio equipment they have been licensed to use under this agreement, the City will be responsible to pay for the repair or replacement.

HISTORY, BACKGROUND and DISCUSSION

Under this Agreement, although the members of the Battle Creek Police Department will have the possession and use of the radio equipment, the CCCDA retains the ownership rights in all Equipment assigned and licensed, until such time as CCCDA may transfer ownership of the Equipment to the Dispatched Entity pursuant to the terms of the agreement.

Also under the agreement, all costs associated with any damage to the Equipment (if not covered by warranty) caused by the City's employees, officers, or agents, including but not limited to the loss or destruction of the Equipment, is the responsibility of the City.

The City would also be responsible to pay for the costs of any upgrades or additions of accessories beyond those provided in the preparation by CCCDA for the initial assignment and license.

Under the agreement, the City is also obligated to follow all policies, instructions, and directions from CCCDA relative to the use of the Equipment, and to restrict the use of the Equipment to personnel directly employed by the City's Police Department.

DISCUSSION OF THE ISSUE

POSITIONS

The Police Chief and the City Manager support approval of this Resolution. The CCCDA approved this agreement on Tuesday, July 9 at its meeting.

ATTACHMENTS:

File Name	Description
911_Radio_Equipment_User_Agreement_CLEAN_7.2.24.pdf	911 Radio Equipment User Agreement 7.09.24

911 RADIO PROJECT USER AGREEMENT

City of Battle Creek, a Michigan municipal corporation, located at 10 N. Division St., Battle Creek, MI 49014, and the Calhoun County Consolidated Dispatch Authority (“CCCDA”), located at 315 W. Green St., Marshall MI 49068, (individually a “party”)(collectively, the “parties”) enter into this is an agreement between City of Battle Creek – Police Department (“Dispatched Entity”), and the Calhoun County Consolidated Dispatch Authority (“CCCDA”), and is entered into and effective on the _____ day of _____, 2024.

1. **OVERVIEW & PURPOSE.** CCCDA centrally receives 911 calls originating from within Calhoun County, Michigan, and dispatches emergency law enforcement, fire, and ambulance services. The Dispatched Entity receives such emergency law enforcement, fire, and ambulance service dispatches from CCCDA. To facilitate its dispatching, CCCDA has purchased a radio communications system and will be assigning certain radio communications equipment to the Dispatched Entity. The purpose of this Agreement is to memorialize the terms and conditions of such assignment.
2. **EQUIPMENT LICENSE.** CCCDA hereby confers upon the Dispatched Entity which accepts a limited license (“Limited License”) to possess and use certain radio communications system equipment (“Equipment”) which is specified in Attachment A. At all times relevant hereto, CCCDA retains the ownership rights in all Equipment assigned and licensed, until such time as CCCDA may transfer ownership of the Equipment to the Dispatched Entity.
3. **TERM.** This Agreement shall extend generally during the useable lifetime of the Equipment subject to CCCDA’s unilateral right to rescind and terminate the Limited License and this Agreement any time upon thirty (30) days’ written notice to the Dispatched Entity.
4. **DISPATCHED ENTITY’S OBLIGATIONS.** In consideration for CCCDA’s limited license as described above, the Dispatched Entity agrees to arrange for, pay, provide and/or otherwise engage the following:
 - 4.1 All costs associated with any damage to the Equipment (if not covered by warranty) caused by the Dispatched Entity’s employees, officers, or agents, including but not limited to the loss or destruction of the Equipment.
 - 4.2 To promptly notify the CCCDA and provide the Equipment to CCCDA if it needs normal maintenance or any repair.
 - 4.3 To pay for the costs of any upgrades or additions of accessories beyond those provided in the preparation by CCCDA for the initial assignment and license.
 - 4.4 To pay all costs, including programming costs, for any additional Equipment desired by the Dispatched Entity unless expressly agreed otherwise by CCCDA in an executed amendment to this Agreement.
 - 4.5 To provide access to all Equipment to CCCDA representatives or agents upon reasonable notice for any reason, including but not limited to maintenance, service, inspection, or reprogramming.
 - 4.6 To pay for any costs of reinstallation of the Equipment after the initial installation by CCCDA.
 - 4.7 To follow all policies, instructions, and directions from CCCDA relative to the use of the Equipment.
 - 4.8 To restrict the use of the Equipment to personnel directly employed by the Dispatched Entity.

- 4.9 To promptly report to CCCDA the location of all pieces of Equipment within the specific units of the Dispatched Entity so that CCCDA can properly dispatch, maintain, or otherwise service the Equipment.
 - 4.10 To comply with CJIS regulations. Equipment with law enforcement talkgroups shall not be made available by the Dispatched Entity to any individual who is not authorized to have full LEIN access. (MPSCS definition: Talkgroup—means a configurable, pre-programmed, voice pathway in the System by which properly programmed Radios can communicate with each other.)
 - 4.11 Equipment shall not be integrated with repeaters, applications, or streaming services without the expressed written consent of CCCDA. Should an approved integration result in causing system degradation in any way, the Dispatched Entity must immediately cease its use upon notice of the degradation. Degradation includes, but is not limited to, use of system resources and interference.
5. CCCDA OBLIGATIONS. In consideration for CCCDA's limited license as described above, CCCDA agrees to arrange for, pay, provide and/or otherwise engage the following:
 - 5.1 To procure a 5-year comprehensive warranty on user radio Equipment.
 - 5.2 To provide routine maintenance, programming, and initial installation of radio Equipment.
 - 5.3 To cover any fees assessed by MPSCS relating to Equipment identified in Attachment A.
 - 5.4 Make available replacement and cache radios to Dispatched Entity upon request.
 6. COVENANT NOT TO SUE & HOLD HARMLESS. The Dispatched Entity agrees not to sue CCCDA regarding any of the Equipment it provides including but not limited to any issue regarding the Equipment itself or its installation, programming, reprogramming, maintenance, or conveyance of ownership. The Dispatched Entity agrees to hold harmless CCCDA for any costs or liabilities associated with the Equipment and services it provides or fails to provide the Dispatched Entity as a result of the Limited License it is providing pursuant to this Agreement or regarding any occurrence or omission that in any way results from the CCCDA's installation, maintenance, programming, reprogramming, service, response or operation. Further, this hold harmless shall pertain to any damages caused to CCCDA's System as a result of the Dispatched Entity's use of the Equipment. The provisions of this Section shall survive the termination of this Agreement.
 7. INSURANCE. The Dispatched Entity warrants that it will maintain General Liability insurance with minimum limits of \$2,000,000 per occurrence and aggregate, as well as property insurance to cover the value of the Equipment listed in Appendix A. The Dispatched Entity further agrees to maintain such insurance or similar coverage during the term of this Agreement.
 8. MERGER & COUNTERPARTS. This Agreement contains the complete expression of the parties' understanding regarding the Equipment or any service provided to the Dispatched Entity regarding the Equipment. This Agreement may only be modified, added to or amended in a writing signed by both parties. Only the original form of this Agreement may be executed in counterparts, any amendment or modification must bear the authorized signatures of both parties to become effective.
 9. NON-ASSIGNMENT OR SUBROGATION. The Dispatched Entity may not assign this Agreement, the Equipment, nor any cause of action that may arise hereunder. Furthermore, the Dispatched Entity agrees that no party may subrogate to any right it has under this Agreement nor to any claim that it has against CCCDA under statutory or common law.
 10. NO WAIVER OF GOVERNMENTAL IMMUNITY. The parties each retain all of the privileges and immunities from liability, and exemptions from laws, ordinances and rules which apply to the

activity of officers, agents and employees of the party. No provision of this Agreement is intended to, nor shall any provision of the Agreement be construed as a waiver by any governmental entity, its agents, employees or officials, of any governmental immunity as provided by Public Act 170 of 1964, the "Governmental Immunity Act," as set forth in MCL 691.1401, et seq. Nothing in this Agreement may be interpreted as creating any third-party beneficiary rights, express or implied, in any person whether based on tort or contract theories.

- 11. **THIRD PARTY BENEFICIARIES.** This Agreement confers no rights or remedies on any third party, other than the parties to this Agreement and their respective successors and permitted assigns.
- 12. **NON-DISCRIMINATION.** The parties agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, nation origin, age, sex, height, weight, marital status, gender, gender identity or gender expression. Breach of this covenant may be regarded as a material breach of the Agreement.
- 13. **JURISDICTION.** Rests in the State Courts of Calhoun County, State of Michigan.
- 14. **NOTICE.** Any notices required to be given under this Agreement shall be written and sent either by first class U.S. Mail or in person, as follows:

CITY OF BATTLE CREEK: To the City Manager, at 10 N Division Street, Battle Creek, MI 49014.

CALHOUN COUNTY CONSOLIDATED DISPATCH AUTHORITY: To the Executive Director, 315 W. Green St., Marshall MI 49068.

- 15. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the parties and there are no valid promises, conditions or understandings which are not contained herein. This Agreement may not be amended unless in writing and signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

WITNESSES:

CITY OF BATTLE CREEK,

By _____

Rebecca L. Fleury
Its City Manager

Date _____

WITNESSES:

**CALHOUN CONSOLIDATED
DISPATCH AUTHORITY,**

By _____

Steve Hinkley
Its Board Chair

Date _____

APPENDIX A

Radio Inventory

APX6000R Portable Radios

Serial Number	Model Number	Comments
APX6000R (Multi-Key)		
481CZ8968	H98UCF9PW6BN	\$ 6,477.00
481CZ8997	H98UCF9PW6BN	\$ 6,477.00
481CZ8993	H98UCF9PW6BN	\$ 6,477.00
481CZ8994	H98UCF9PW6BN	\$ 6,477.00
481CZ9024	H98UCF9PW6BN	\$ 6,477.00
481CZ8969	H98UCF9PW6BN	\$ 6,477.00
481CZ8966	H98UCF9PW6BN	\$ 6,477.00
481CZ8961	H98UCF9PW6BN	\$ 6,477.00
481CZ8958	H98UCF9PW6BN	\$ 6,477.00
481CZ8956	H98UCF9PW6BN	\$ 6,477.00
481CZ8982	H98UCF9PW6BN	\$ 6,477.00
481CZ8949	H98UCF9PW6BN	\$ 6,477.00
481CZ8947	H98UCF9PW6BN	\$ 6,477.00
481CZ8941	H98UCF9PW6BN	\$ 6,477.00
481CZ8964	H98UCF9PW6BN	\$ 6,477.00
481CZ8963	H98UCF9PW6BN	\$ 6,477.00
481CZ8989	H98UCF9PW6BN	\$ 6,477.00
481CZ8934	H98UCF9PW6BN	\$ 6,477.00
481CZ8933	H98UCF9PW6BN	\$ 6,477.00
481CZ8959	H98UCF9PW6BN	\$ 6,477.00
481CZ8957	H98UCF9PW6BN	\$ 6,477.00
481CZ8939	H98UCF9PW6BN	\$ 6,477.00
481CZ8976	H98UCF9PW6BN	\$ 6,477.00
481CZ9115	H98UCF9PW6BN	\$ 6,477.00
481CZ9125	H98UCF9PW6BN	\$ 6,477.00
481CZ8948	H98UCF9PW6BN	\$ 6,477.00
481CZ8946	H98UCF9PW6BN	\$ 6,477.00
481CZ8962	H98UCF9PW6BN	\$ 6,477.00
481CZ8979	H98UCF9PW6BN	\$ 6,477.00
481CZ9138	H98UCF9PW6BN	\$ 6,477.00
481CZ9128	H98UCF9PW6BN	\$ 6,477.00
481CZ9124	H98UCF9PW6BN	\$ 6,477.00
481CZ9123	H98UCF9PW6BN	\$ 6,477.00
481CZ9121	H98UCF9PW6BN	\$ 6,477.00
481CZ8983	H98UCF9PW6BN	\$ 6,477.00

481CZ9037	H98UCF9PW6BN	\$ 6,477.00
481CZ9021	H98UCF9PW6BN	\$ 6,477.00
481CZ9106	H98UCF9PW6BN	\$ 6,477.00
481CZ9126	H98UCF9PW6BN	\$ 6,477.00
481CZ9119	H98UCF9PW6BN	\$ 6,477.00
481CZ8987	H98UCF9PW6BN	\$ 6,477.00
481CZ9019	H98UCF9PW6BN	\$ 6,477.00
481CZ9034	H98UCF9PW6BN	\$ 6,477.00
481CZ9044	H98UCF9PW6BN	\$ 6,477.00
481CZ9033	H98UCF9PW6BN	\$ 6,477.00
481CZ9046	H98UCF9PW6BN	\$ 6,477.00
481CZ8975	H98UCF9PW6BN	\$ 6,477.00
481CZ9101	H98UCF9PW6BN	\$ 6,477.00
481CZ9105	H98UCF9PW6BN	\$ 6,477.00
481CZ9013	H98UCF9PW6BN	\$ 6,477.00
481CZ9045	H98UCF9PW6BN	\$ 6,477.00
481CZ9039	H98UCF9PW6BN	\$ 6,477.00
481CZ8988	H98UCF9PW6BN	\$ 6,477.00
481CZ9100	H98UCF9PW6BN	\$ 6,477.00
481CZ9109	H98UCF9PW6BN	\$ 6,477.00
481CZ9114	H98UCF9PW6BN	\$ 6,477.00
481CZ9108	H98UCF9PW6BN	\$ 6,477.00
481CZ9113	H98UCF9PW6BN	\$ 6,477.00
481CZ8972	H98UCF9PW6BN	\$ 6,477.00
481CZ9116	H98UCF9PW6BN	\$ 6,477.00
481CZ9112	H98UCF9PW6BN	\$ 6,477.00
481CZ9102	H98UCF9PW6BN	\$ 6,477.00
481CZ9104	H98UCF9PW6BN	\$ 6,477.00
481CZ9120	H98UCF9PW6BN	\$ 6,477.00
481CZ8984	H98UCF9PW6BN	\$ 6,477.00
481CZ9117	H98UCF9PW6BN	\$ 6,477.00
481CZ9107	H98UCF9PW6BN	\$ 6,477.00
481CZ9103	H98UCF9PW6BN	\$ 6,477.00
481CZ9110	H98UCF9PW6BN	\$ 6,477.00
481CZ8985	H98UCF9PW6BN	\$ 6,477.00
481CZ8992	H98UCF9PW6BN	\$ 6,477.00
481CZ9003	H98UCF9PW6BN	\$ 6,477.00
481CZ8973	H98UCF9PW6BN	\$ 6,477.00
481CZ8974	H98UCF9PW6BN	\$ 6,477.00
481CZ9009	H98UCF9PW6BN	\$ 6,477.00
481CZ8980	H98UCF9PW6BN	\$ 6,477.00
APX6500 (Multi-Key)		
527CZF0941	M25URS9PW1BN	\$ 7,258.00
527CZF0568	M25URS9PW1BN	\$ 7,258.00

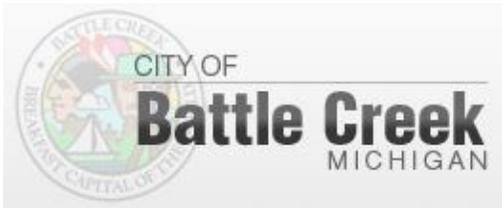
527CZF0962	M25URS9PW1BN	\$ 7,258.00
527CZF1069	M25URS9PW1BN	\$ 7,258.00
527CZF0997	M25URS9PW1BN	\$ 7,258.00
527CZF0930	M25URS9PW1BN	\$ 7,258.00
527CZF0934	M25URS9PW1BN	\$ 7,258.00
527CZF1019	M25URS9PW1BN	\$ 7,258.00
527CZF0594	M25URS9PW1BN	\$ 7,258.00
527CZF0987	M25URS9PW1BN	\$ 7,258.00
527CZF0933	M25URS9PW1BN	\$ 7,258.00
527CZF0983	M25URS9PW1BN	\$ 7,258.00
527CZF0570	M25URS9PW1BN	\$ 7,258.00
527CZF0955	M25URS9PW1BN	\$ 7,258.00
527CZF0920	M25URS9PW1BN	\$ 7,258.00
527CZF1022	M25URS9PW1BN	\$ 7,258.00
527CZF0585	M25URS9PW1BN	\$ 7,258.00
527CZF0979	M25URS9PW1BN	\$ 7,258.00
527CZF0986	M25URS9PW1BN	\$ 7,258.00
527CZF0587	M25URS9PW1BN	\$ 7,258.00
527CZF1002	M25URS9PW1BN	\$ 7,258.00
527CZF1017	M25URS9PW1BN	\$ 7,258.00
527CZF1030	M25URS9PW1BN	\$ 7,258.00
527CZF1046	M25URS9PW1BN	\$ 7,258.00
527CZF0644	M25URS9PW1BN	\$ 7,258.00
527CZF0922	M25URS9PW1BN	\$ 7,258.00
527CZF1062	M25URS9PW1BN	\$ 7,258.00
527CZF0569	M25URS9PW1BN	\$ 7,258.00
527CZF1049	M25URS9PW1BN	\$ 7,258.00
527CZF0597	M25URS9PW1BN	\$ 7,258.00
527CZF0937	M25URS9PW1BN	\$ 7,258.00
527CZF0581	M25URS9PW1BN	\$ 7,258.00
527CZF0583	M25URS9PW1BN	\$ 7,258.00
481CZF1185	H98UCF9PW6BN	\$ 7,258.00
481CZF1186	H98UCF9PW6BN	\$ 7,258.00
481CZF1944	H98UCF9PW6BN	\$ 7,258.00
481CZF1194	H98UCF9PW6BN	\$ 7,258.00
481CYZ9010	H98UCF9PW6BN	\$ 7,258.00
481CYZ8938	H98UCF9PW6BN	\$ 7,258.00
481CZF1147	H98UCF9PW6BN	\$ 7,258.00
481CYZ8935	H98UCF9PW6BN	\$ 7,258.00
481CYZ8967	H98UCF9PW6BN	\$ 7,258.00
481CYZ8942	H98UCF9PW6BN	\$ 7,258.00
481CZF1928	H98UCF9PW6BN	\$ 7,258.00
481CZF1138	H98UCF9PW6BN	\$ 7,258.00
481CZF1148	H98UCF9PW6BN	\$ 7,258.00

481CZF1993	H98UCF9PW6BN	\$ 7,258.00
481CZF1134	H98UCF9PW6BN	\$ 7,258.00
481CZF1150	H98UCF9PW6BN	\$ 7,258.00
481CZF1188	H98UCF9PW6BN	\$ 7,258.00
481CZF1208	H98UCF9PW6BN	\$ 7,258.00
481CZF1932	H98UCF9PW6BN	\$ 7,258.00
481CZ9051	H98UCF9PW6BN	\$ 7,258.00
481CZF1182	H98UCF9PW6BN	\$ 7,258.00
481CZF1137	H98UCF9PW6BN	\$ 7,258.00
481CZ9031	H98UCF9PW6BN	\$ 7,258.00
481CZF1180	H98UCF9PW6BN	\$ 7,258.00
481CZF1986	H98UCF9PW6BN	\$ 7,258.00
481CZ9035	H98UCF9PW6BN	\$ 7,258.00
481CZF1930	H98UCF9PW6BN	\$ 7,258.00
481CZF1202	H98UCF9PW6BN	\$ 7,258.00
481CZF1135	H98UCF9PW6BN	\$ 7,258.00
481CZF1995	H98UCF9PW6BN	\$ 7,258.00
481CZ9122	H98UCF9PW6BN	\$ 7,258.00
481CZF1925	H98UCF9PW6BN	\$ 7,258.00
481CZF1972	H98UCF9PW6BN	\$ 7,258.00
481CZ9023	H98UCF9PW6BN	\$ 7,258.00
481CZF1197	H98UCF9PW6BN	\$ 7,258.00
481CZF1962	H98UCF9PW6BN	\$ 7,258.00
481CZF1193	H98UCF9PW6BN	\$ 7,258.00
481CZF2005	H98UCF9PW6BN	\$ 7,258.00
481CZF2010	H98UCF9PW6BN	\$ 7,258.00
481CZF1183	H98UCF9PW6BN	\$ 7,258.00
481CZF1953	H98UCF9PW6BN	\$ 7,258.00
481CZF1189	H98UCF9PW6BN	\$ 7,258.00
481CZF1145	H98UCF9PW6BN	\$ 7,258.00
481CZ9137	H98UCF9PW6BN	\$ 7,258.00
	TOTAL	\$ 1,051,118.00

Total Estimated Equipment Value: \$1,051,118.00

Individual Replacement Costs:

- APX6000R (Multi-Key) \$6,477.00/ea
- APX6000R (ADP only) \$5,914.00/ea
- APX6500 (Multi-Key) \$7,258.00/ea
- APX6500 (ADP only) \$6,986/ea



Resolution NO. 506

A Resolution seeking authorization for the City Manager to enter into the attached Transfer, Service and Limited License Agreement with CCCDA for the transfer, reprogramming and license to use radios by the Battle Creek Fire Department.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the City of Battle Creek, as a participating agency, and the Calhoun County Consolidated Dispatch Authority (CCCDA), are parties to an Interlocal Agreement, dated January 1, 2009, for the creation of CCCDA.

The CCCDA serves as a telecommunications center to receive 911 calls originating from within Calhoun County, Michigan, and dispatches emergency law enforcement, fire, and ambulance services. The City of Battle Creek, as a dispatched entity, receives such emergency law enforcement, fire, and ambulance service dispatches from CCCDA.

The City of Battle Creek, for the service of the Battle Creek Fire Department, owns portable and mobile radios as part of their communications system for the provision of and the delivery of public safety services.

The City of Battle Creek desires to transfer all ownership interest of its portable and mobile radios to the CCCDA, for the CCCDA to receive and reprogram the radios, and to provide a limited license of the radios to Battle Creek for its provisions of services, followed by Battle Creek's ownership of the radios.

The City Manager is authorized to enter into the attached Transfer, Service and Limited License Agreement (or one substantially similar that has been approved by the City Attorney) with CCCDA for the transfer, reprogramming and license to use radios by the Battle Creek Fire Department.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Jill Humphreys Steele, City Attorney

Department: City Attorney

SUMMARY

A Resolution seeking authorization for the City Manager to enter into the attached Transfer, Service and Limited License Agreement with CCCDA for the transfer, reprogramming and license to use radios by the Battle Creek Fire Department.

BUDGETARY CONSIDERATIONS

There are none by virtue of entering into this Agreement.

HISTORY, BACKGROUND and DISCUSSION

The purpose of this Agreement is for Battle Creek to transfer all ownership interests in the portable and mobile radios; and in exchange, the CCCDA will cause, at its cost and expense, for the radios to be serviced, after which, the radios may be utilized under limited license by Battle Creek for the provision of public safety services; thereafter, the City shall dispose of the radios following their useful service.

DISCUSSION OF THE ISSUE

POSITIONS

The Battle Creek Fire Chief and the City Manager support approval of entering into this Agreement, which was also approved July 9, 2024 by the CCCDA.

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> CCCDA_Transfer_Service_and_Limited_License_Agreement_7.9.24_FINAL.pdf	CCDA Transfer Service and License Agreement BCFD

TRANSFER, SERVICE, AND LIMITED LICENSE AGREEMENT

For Portable and Mobile Radios

City of Battle Creek (“Battle Creek”), a Michigan municipal corporation, located at 10 N. Division St., Battle Creek, MI 49014, and the **Calhoun County Consolidated Dispatch Authority** (“CCCDA”), located at 315 W. Green St., Marshall MI 49068, (individually a “party”)(collectively, the “parties”) enter into this TRANSFER, SERVICE, AND LIMITED LICENSE AGREEMENT (“Agreement”) for Battle Creek’s Portable and Mobile Radios, effective on this _____ day of _____, 2024.

RECITALS

WHEREAS, The City of Battle Creek, as a participating agency, and the Calhoun County Consolidated Dispatch Authority, are parties to an Interlocal Agreement, dated January 1, 2009, for the creation of CCCDA.

WHEREAS, the Calhoun County Consolidated Dispatch Authority serves as a telecommunications center to receive 911 calls originating from within Calhoun County, Michigan, and dispatches emergency law enforcement, fire, and ambulance services. The dispatched entity, including the City of Battle Creek, receives such emergency law enforcement, fire, and ambulance service dispatches from CCCDA.

WHEREAS, the City of Battle Creek, for the service of the Battle Creek Fire Department, owns portable and mobile radios as part of their communications system for the provision of and the delivery of public safety services.

WHEREAS, the City of Battle Creek desires to transfer all ownership interest of its portable and mobile radios (collectively, the “radios”) to the CCCDA, as identified in Appendix No. 1, and the CCCDA desires to receive the radios, and to reprogram the radios, and to provide a limited license of the radios to Battle Creek for its provisions of services, followed by Battle Creek’s ownership of the radios.

NOW THEREFORE, the parties enter into and agree to this Agreement effective upon the effective date above after ratification of the respective governing body of the party.

NOW THEREFORE, in consideration of the mutual promises contained in this Agreement, the parties agree as follows:

AGREEMENT

1. RECITALS. The foregoing Recitals are incorporated in and form a part of this Agreement.
2. SUBJECT PROPERTY. Portable and mobile radios, as identified in **Appendix No. 1**, of this Agreement.

3. **PURPOSE.** The purpose of this Agreement is for Battle Creek to transfer all ownership interests in the portable and mobile radios; and in exchange, the CCCDA will cause, at its cost and expense, for the radios to be serviced, after which, the radios may be utilized under limited license by Battle Creek for the provision of public safety services; thereafter, the City shall dispose of the radios following their useful service.
4. **TERM.** This Agreement is effective on the date set forth above and shall endure until such time as a party shall give 30 days' written NOTICE OF TERMINATION. After such time, all radios shall remain licensed for use by the City Battle Creek for their useful service.
5. **SERVICES.** Means the programming, reprogramming, or service of the radios as determined in the sole discretion of the CCCDA; notwithstanding, the CCCDA may consider information from other sources and at the request of Battle Creek.
6. **NO WARRANTY.** The radios are transferred from Battle Creek to CCCDA without warranty. CCCDA does not guarantee nor warranty the function and use of the radios thereafter.
7. **COVENANT NOT TO SUE & HOLD HARMLESS.** Battle Creek agrees not to sue CCCDA regarding any of the radios it provides, including but not limited to any issue regarding the radios or its installation, programming, reprogramming, maintenance or conveyance of ownership. Battle Creek agrees to hold harmless CCCDA for any costs or liabilities associated with the radios and services it provides or fails to provide Battle Creek as a result of the Limited License it is providing pursuant to this Agreement or regarding any occurrence or omission that in any way results from the CCCDA's installation, maintenance, programming, reprogramming, service, response, or operation. Further, this hold harmless shall pertain to any damages caused to CCCDA's System as a result of Battle Creek's use of the radios.

The provisions of this Section shall survive the termination of this Agreement.

8. **NO WAIVER OF GOVERNMENTAL IMMUNITY.** The parties each retain all of the privileges and immunities from liability, and exemptions from laws, ordinances and rules which apply to the activity of officers, agents and employees of the party. No provision of this Agreement is intended to, nor shall any provision of the Agreement be construed as a waiver by any governmental entity, its agents, employees or officials, of any governmental immunity as provided by Public Act 170 of 1964, the "Governmental Immunity Act," as set forth in MCL 691.1401, et seq. Nothing in this Agreement may be interpreted as creating any third-party beneficiary rights, express or implied, in any person whether based on tort or contract theories.
9. **THIRD PARTY BENEFICIARIES.** This Agreement confers no rights or remedies on any third party, other than the parties to this Agreement and their respective successors and permitted assigns.

10. NON-DISCRIMINATION. The parties agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, nation origin, age, sex, height, weight, marital status, gender, gender identity or gender expression. Breach of this covenant may be regarded as a material breach of the Agreement.

11. JURISDICTION. Rests in the State Courts of Calhoun County, State of Michigan.

12. NOTICE. Any notices required to be given under this Agreement shall be written and sent either by first class U.S. Mail or in person, as follows:

CITY OF BATTLE CREEK: To the City Manager, at 10 N Division Street, Battle Creek, MI 49014.

CALHOUN COUNTY CONSOLIDATED DISPATCH AUTHORITY: To the Executive Director, 315 W. Green St., Marshall MI 49068.

13. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement of the parties and there are no valid promises, conditions or understandings which are not contained herein. This Agreement may not be amended unless in writing and signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

WITNESSES:

CITY OF BATTLE CREEK,

By _____

Rebecca L. Fleury

Its City Manager

Date _____

WITNESSES:

CALHOUN CONSOLIDATED DISPATCH AUTHORITY,

By _____

Steve Hinkley

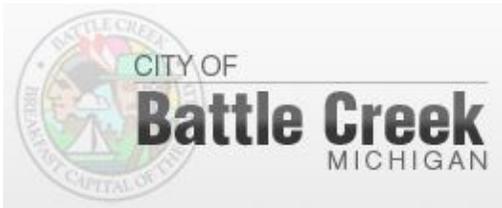
Its Board Chair

Date _____

Appendix No. 1

Portable and Mobile Radio Lists

Portable Radios	Mobile Radios
APX 8000 S/N'S	APX 8500 S/N's
579CVH1197	681CZM0140
579CVH1198	681CVF2983
579CVH1199	681CVF2988
579CVH1200	681CVF2986
579CVH1201	681CVF2989
579CVH1202	681CVF2995
579CVH1203	681CVF2985
579CVH1204	681CVF2992
579CVH1205	681CVF2982
579CVH1206	681CVF2987
579CVH1207	681CVF2981
579CVH1208	681CVF2993
579CVH1209	681CVF2984
579CVH1210	681CVF2991
579CVH1211	681CVF2990
579CVH1212	681CVF2994
579CVH1213	
579CVH1214	
579CVH1215	
579CVH1216	
579CVH1217	
579CVH1218	
579CVH1219	
579CVH1220	
579CVH1221	
579CVH1222	
579CVH1223	
579CVH1224	
579CVH1225	



Resolution NO. 507

A Resolution seeking authorization for the City Manager to execute all documents necessary to participate in the Kroger Opioid Settlement litigation.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That a new proposed national opioids settlement has been reached with Kroger, the Settling Defendant. The State of Michigan is participating in the Kroger settlement.

The City Manager is authorized to execute all documents necessary for the City of Battle Creek to participate in the Kroger Opioids Settlement, including but not limited to signing a release, and a settlement agreement.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Jill Humphreys Steele, City Attorney

Department: City Attorney

SUMMARY

A Resolution seeking authorization for the City Manager to execute all documents necessary to participate in the Kroger Opioid Settlement litigation.

BUDGETARY CONSIDERATIONS

The amount of the settlement proceeds to which the City would be entitled cannot be determined until the deadline to participate ends and an assessment is made as to whether the settlement moves forward.

HISTORY, BACKGROUND and DISCUSSION

National Prescription Opiate Litigation has been underway for a number of years against a number of different defendants. The current matter deals with a proposed settlement with Kroger. If a state does not participate in a particular national Opioids settlement, then the subdivisions within that state, such as the City of Battle Creek, are not eligible to participate in that Settlement. Since Michigan is participating, it is

most advantageous for the City of Battle Creek to opt in and participate.

Based upon subdivision participation forms received on or before August 12, 2024, the subdivision participation rate will be used to determine whether participation is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement.

If the settlement does move forward, then the City's release will become effective. If a settlement does not move forward, then that release will not become effective.

If the settlement moves forward, then the use of the funds received by the City from the settlement is restricted to uses related to the deleterious effects of opioid abuse.

It would be too expensive, with an uncertain outcome, for the City to litigate this outside of the class action lawsuit.

DISCUSSION OF THE ISSUE

POSITIONS

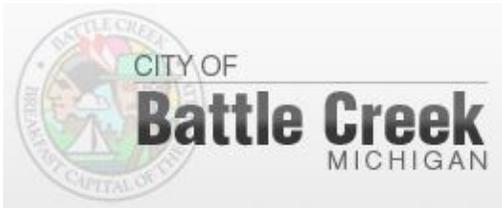
The City Manager and Revenue Services Director support approval of this Resolution.

ATTACHMENTS:

File Name

Description

No Attachments Available



Resolution NO. 508

A Resolution recognizing the City Attorney's overall performance rating of "Exceeds Expectations", pursuant to the terms of Section 5 of the Employment Agreement between the City Attorney and the City Commission.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That the Employment Agreement between the City Commission and City Attorney Jill Humphreys Steele states that the City Commission shall complete an evaluation of Ms. Steele's job performance on an annual basis.

This Resolution affirms the City Commission evaluation of "Exceeds Expectations" for Ms. Steele for the evaluation period of 2022/2024.

Section 7(B) of the Employment Agreement provides the City Commission may, in its discretion, award Ms. Steele a bonus based upon meritorious performance in accordance with the "City Attorney Evaluation Process," adopted by the City Commission on October 1, 2019, by Resolution 242.

If awarded, the bonus shall 1) be paid as a one-time, lump sum payment; 2) be included in the earnings history of Ms. Steele's salary when calculating her final average compensation (FAC).

Accordingly, the City Commission hereby awards a lump-sum bonus of \$8,689.02, which represents 5.5% of the City Attorney's current base salary.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Victoria Houser, City Clerk

Department: City Clerk

SUMMARY

A Resolution recognizing the City Attorney's overall performance rating of "Exceeds Expectations", pursuant to the terms of Section 5 of the Employment Agreement between the City Attorney and the City Commission.

BUDGETARY CONSIDERATIONS

This Resolution seeks to award City Attorney Jill Humphreys Steele 5.5% of the City Attorney's current base salary, as a one-time, lump sum payment, and shall be included in the earnings history of Ms. Steele's salary when calculating the "final average compensation" (FAC).

101.07.2240.703.010, City Attorney Regular Salaries and related fringes.

HISTORY, BACKGROUND and DISCUSSION

The Employment Agreement between the City Commission and City Attorney Jill Steele states that the City Commission shall complete an evaluation of Ms. Steele's job performance on an annual basis. Section 7(B) of the Employment Agreement states: If during the annual review, Employee receives a rating of Exceeds Expectations or Far Exceeds Expectation as set forth in Addendum A, then the City may, in its discretion, award Employee a bonus based upon meritorious performance for the year, to be paid in accordance with the Employee's Evaluation Process. The bonus shall be paid as a one-time lump sum payment and shall be included in the earnings history of the Employee's salary when calculating the "final average compensation."

The City Attorney Performance Evaluation Committee unanimously agreed it is important to recognize Ms. Steele's performance for the full period being evaluated, and is recommending a one-time, lump sum bonus of 5.5% of the City Attorney's base salary, to be included in Ms. Steele's Final Average Compensation (FAC).

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name	Description
7.1.24_City_Attorney_review_-_Committee_Summary.pdf	2024 City Attorney Evaluation Committee - Summary/Recommendation

City Attorney Evaluation Committee Jill Humphreys Steele Performance Review 2024

July 1, 2024

City Attorney Jill Humphreys Steele - Performance Review

SUMMARY

The City Attorney Evaluation Committee has conducted the review of Jill Humphreys Steele, City Attorney, in accordance with the contract between Ms. Steele and the City. This memorandum provides a summary of the review process, and our recommendations

The Evaluation Committee membership included Vice Mayor Sherry Sofia and Commissioners Jim Lance, Jenasia Morris and Carla Reynolds.

HISTORY AND BACKGROUND

Jill Steele has served in her position since 2013, when she acted for a period of months as Interim City Attorney before being selected as full time City Attorney. Ms. Steele and the City of Battle Creek signed her initial Employment Agreement effective October 15, 2013. This Agreement was replaced with a new Agreement effective October 1, 2016, which was updated and amended on October 1, 2019.

EVALUATION COMMITTEE PROCESS

This spring, the City Attorney Evaluation Committee members reviewed the process and Performance Measures for the City Attorney's Office and determined that the Performance Measures remained very suitable and appropriate for the review. The Committee members also reviewed the survey questions for Senior Staff and City Commissioners, and determined that the questions remained appropriate for each group.

Ms. Steele provided her reports for the Performance Measures, covering a period from August 1, 2021 through April 30, 2024. The documents included a list of Outputs which identified the broad scope of activities that the City Attorney's office handles. She also included a report quantifying the meetings, trainings, cases and other legal work that her office has handled, as well as a detailed narrative.

Senior staff were surveyed for their input on working with Jill Steele and her office. The Senior Staff survey was conducted first so that the results could be shared with the Commission as part of the survey to the Commission. Responses were received from 14 staff. These documents were all provided by email to the full Commission as part of the survey process on May 14, 2024. All nine City Commissioners responded to the Commissioner survey. The Committee appreciates the responses, comments and participation.

REMARKS AND RECOMMENDATIONS

The City Attorney Evaluation Committee has met virtually and reviewed the various survey results as well as the Performance Measures reports.

City Attorney Evaluation Committee
Jill Humphreys Steele Evaluation 2024

Following the amendments which the Commission adopted in 2019 in Ms. Steele's contract, her performance was ranked across five categories, similar to the City Manager contract – Far Exceeds Expectations, Exceeds Expectations, Meets Expectations, Minimally Acceptable and Unacceptable Performance.

The performance ratings range as follows:

- Far Exceeds Expectations – One-time bonus (higher than Exceeds) Range 4.6 – 5.0
- Exceeds Expectations - One-time bonus - Range 3.6 – 4.5
- Meets Expectations – No bonus – Range 2.6 – 3.5
- Minimally Acceptable – 6 months' probation – Range 1.6 – 2.5
- Unacceptable – Tender resignation – Range < 1.6

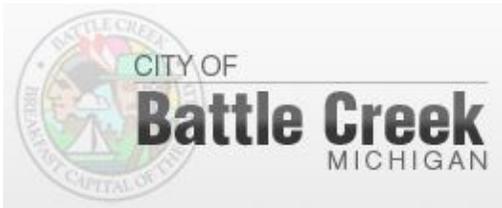
Across the board, Ms. Steele's survey results were quite favorable. Ms. Steele's final weighted score for 2024 was 3.92, falling well into the category of Exceeds Expectations.

The Committee discussed that under the bonus scoring provision, Ms. Steele's performance evaluation rating clearly earned a one-time bonus for the evaluation period. The Vice Mayor noted that Ms. Steele's contract provides for an annual evaluation, but that this period covers more than two years. The Vice Mayor, as well as Commissioners Reynolds and Morris, expressed that the current ratings are consistent with the prior evaluations of "Exceeds Expectations," and they have no reason not to believe that Ms. Steele's evaluation, if it had been done in the prior year wouldn't also be "exceeds expectations." Ms. Steele noted that while in the two previous evaluations since the bonus provision was included in her contract she has qualified for a bonus, she has only received additional vacation days. Accordingly, the Committee is unanimously recommending Ms. Steele be awarded a lump-sum bonus of \$8,689.02, which represents 5.5% of the City Attorney's current base salary.

The Committee would like to commend Jill Humphreys Steele on her performance as City Attorney. The Performance Measures demonstrate an ability to effectively operate the Office of City Attorney, and a commitment to providing quality legal services to the Commission and Staff.

The City Attorney Evaluation Committee appreciates the full Commission's consideration of our recommendations. Please let us know if you have any questions or would like further information on this report.

Sherry Sofia, Vice Mayor, Committee Chair
Jim Lance, Commissioner
Jenasia Morris, Commissioner
Carla Reynolds, Commissioner
City Attorney Evaluation Committee



Resolution NO. 509

A Resolution seeking to set a Closed Session on a labor matter for July 16, 2024.

BATTLE CREEK, MICHIGAN - 7/16/2024

Resolved by the Commission of the City of Battle Creek:

That a Closed Session of the City Commission will be held on Tuesday, July 16, 2024, in Room 302A, City Hall, Battle Creek Michigan, pursuant to MCL 15.268(c) for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement as requested by the City; and that, Ted Dearing, Assistant City Manager, is hereby appointed as the designated secretary to record and prepare appropriate Minutes of this Closed Session.

Battle Creek City Commission
7/16/2024

Action Summary

Staff Member: Rebecca L. Fleury, City Manager

Department: City Manager

SUMMARY

A Resolution seeking to set a Closed Session on a labor matter for July 16, 2024.

BUDGETARY CONSIDERATIONS

None

HISTORY, BACKGROUND and DISCUSSION

As permitted under the Michigan Open Meetings Act, a public body, upon a majority vote, may meet in closed session for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing, and the City has requested that closed session; and that, Ted Dearing, Assistant City Manager, is hereby appointed as the designated secretary to record and prepare appropriate Minutes of this Closed Session.

DISCUSSION OF THE ISSUE

POSITIONS

ATTACHMENTS:

File Name

Description

No Attachments Available