



**301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085**

**CITY OF LOWELL  
CITY COUNCIL AGENDA  
TUESDAY, SEPTEMBER 3, 2019, 7:00 P.M.**

**1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL**

**2. CONSENT AGENDA**

- Approval of the Agenda.
- Approve and place on file the Committee of the Whole and Regular minutes of the August 19, 2019 City Council meetings.
- Authorize payment of invoices in the amount of \$504,634.37.

**3. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA**

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.

**4. OLD BUSINESS.**

- a. Adult Use Marihuana Ordinance
- b. Lowell Township Water and Sewer Agreements
- c. City Income Tax

**5. NEW BUSINESS**

- a. Public Hearing – Unity Schools – PUD Review
- b. LCTV Distribution
- c. Resolution 28-19 – Prisoner of War/Missing in Action Recognition Day

**6. BOARD/COMMISSION REPORTS**

**7. MANAGER'S REPORT**

**8. APPOINTMENTS**

**9. COUNCIL COMMENTS**

**10. CLOSED SESSION - to discuss a legal opinion subject to attorney/client privilege**

**11. ADJOURNMENT**

NOTE: Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair; at which time they will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.



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## MEMORANDUM

TO: Lowell City Council

FROM: Michael Burns, City Manager

RE: Council Agenda for Tuesday, September 3, 2019

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4. OLD BUSINESS

- a. Adult Use Marihuana Ordinance – City Manager Michael Burns will provide an update.
- b. Lowell Township Water and Sewer Agreements – City Manager Michael Burns will provide an update.
- c. City Income Tax. City Manager Michael Burns will provide an update.

5. NEW BUSINESS

- a. Public Hearing – Unity Schools – PUD Review. Memo is provided by Williams and Works Planner Andy Moore.
- b. LCTV Distribution. Memo is provided by City Manager Michael Burns.

Recommended Motion: That the Lowell City Council authorizes all of the spendable balance of the LCTV Fund for the 2019-20 fiscal year to be available for recommendations from the LCTV Fund advisory committee.

- c. Resolution 28-19 – Prisoner of War/Missing in Action Recognition Day. Memo is provided by City Manager Michael Burns.

Recommended Motion: That the Lowell City Council adopt Resolution 28-19 proclaiming Friday, September 20, 2019 as Prisoner of War/Missing in Action Recognition Day.

6. BOARD/COMMISSION REPORTS

7. MANAGER'S REPORT

8. APPOINTMENTS

9. COUNCIL COMMENTS

10. CLOSED SESSION – to discuss a legal opinion subject to attorney/client privilege

11. ADJOURNMENT

**PROCEEDINGS  
OF  
THE COMMITTEE OF THE WHOLE  
OF THE  
CITY OF LOWELL & LOWELL PLANNING COMMISSION  
MONDAY, AUGUST 19, 2019, 5:30 P.M.**

**1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

The Meeting was called to order at 5:30 p.m. by Mayor Mike DeVore.

Present City Council: Councilmembers Canfield, Chambers, Salzwedel, Councilmember Yankovich and Mayor DeVore.

Absent: None.

Also Present: City Manager Mike Burns, City Clerk Susan Ullery and Police Chief Steve Bukala, DPW Director Dan Czarnecki, Andy Williams from Williams & Works, Jessica Wood from Dickinson Wright.

The Meeting was call to order at 5:30 p.m.by Commissioner Chambers.

Present Planning Commission: Councilmembers Ellis, Commissioner Chambers, Commissioner Gadula

It was moved by Commissioner Chambers and seconded by Commissioner Gadula to excuse the absence of Commissioner Schrauben, Commissioner Plank, Commissioner Ellis and Chair Barker.

YES: 3                      NO: None.                      ABSENT: 4                      MOTION CARRIED.

**2. MOTION TO APPROVE THE AGENDA.**

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to approve the agenda.

YES: Councilmember Canfield, Councilmember Chambers, Councilmember Salzwedel, Councilmember Yankovich and Mayor DeVore.

NO: None.                      ABSENT: None.                      MOTION CARRIED.

**3. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA.**

David Overhall who resides at 4716 S. Derby Sydney, MI thanked the Councilmembers and Commissioners for their hard work and service.

Lowell City Clerk Susan Ullery read a letter into record from Greg Pratt of Lowell Area School stating that he does not wish to see the setbacks established any less than the current setbacks for any marijuana establishments.

**4. REGULATORY AND ZONING ORDINANCE FOR RECREATIONAL MARIHUANA.**

City Manager Mike Burns stated that tonight you are being presented the first draft of the regulatory ordinance along with the recommended zoning ordinance by the Planning Commission. Both ordinances have been modified to comply with the emergency rules established by the Michigan Marihuana Act Agency. Jessica Wood from Dickinson Wright walked through the Regulatory Ordinance with the

City Council and Planning Commissioners very thoroughly to cover everything and discussed some of the hot issues as well as explain that if our City's Ordinance is silent on an issue, the State will most likely allow it as far as what the applicants are asking for. Discussing was held regarding how applications would be received, should there be a buffer between establishments and should we put a cap on the number of establishments as well. Woods went on to explain the process would include each applicant submitting a special land use application as well as paying \$5,000 which is on top of the zoning ordinance fees. Once the application is submitted, the applicant must receive two approvals from the State and two approvals from the City. Burns referred to our potential owner who requested the Council consider such establishments being less than 1,000 square feet from schools and pre-schools. Upon further discussion, the Council did not want anything less than 1,000 feet.

Michael Hooper who owns Hooper Printing located at 2125 Bowes St SE in Lowell, believes that this would displace many businesses. He had many concerns regarding these establishments coming into the City of Lowell.

Brad Closner who resides in Greenville with Closner Farms stated he is looking at property in Lowell for such an establishment and is the one who requested closer distance for an establishment near a church or school because of the location they are interested in.

Ryan Closner, Brads brother, who resides in Lowell Twp. wanted the City Council and Planning Commission to reconsider establishments being closer than 1,000 feet to churches and schools again because of the location they are looking at for their establishment.

Chief of Police Steve Bukala agreed with the 1,000-foot guidelines as it is in line with other State guidelines such as the sex offender list. If you are going to lower it, you may open yourself up to a whole bunch of problems.

Dave Overhall who resides at 4716 S. Derby Sydney, MI went over a few points that they talked about in the planning section.

Andy Moore with Williams and Works reviewed the Zoning Ordinance and the guidelines that have been established by the Planning Commission.

Jessica Wood with Dickinson Wright noted she would provide a copy of a point system and examples of a checklist for candidates.

It was the general consensus of the City Council and Planning Commission that establishments maintain a 1,000-foot setback from schools, pre-schools and daycares.

5. ADJOURNMENT.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to adjourn at 7:24.

YES: 5.                      NO: 0.                      ABSENT: None.                      MOTION CARRIED.

IT WAS MOVED BY CHAMBERS and seconded by Ellis to adjourn the meeting at 7:24.

YES: 3.                      NO: 0.                      ABSENT: None.                      MOTION CARRIED.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Susan Ullery, City Clerk

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, AUGUST 19, 2019, 7:00 P.M.**

**1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

The Meeting was called to order at 7:00 p.m. by Mayor DeVore and City Clerk Sue Ullery called roll.

Present: Councilmembers Marty Chambers, Cliff Yankovich, Jim Salzwedel, Greg Canfield and Mayor DeVore.

Absent: None.

Also Present: City Manager Michael Burns, Chief of Police Steve Bukala, DPW Director Dan Czarnecki and City Clerk Sue Ullery.

**2. APPROVAL OF THE CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the regular and closed minutes of the August 5, 2019 City Council Meeting.
- Authorize payment of invoices in the amount of \$318,143.14.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to approve the consent agenda as written.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

**3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.**

There was none.

**4. OLD BUSINESS**

- a. Adult Use Marijuana Ordinances – (only if necessary).

Discussion was held earlier at the Committee of the Whole Meeting.

- b. City Income Tax.

City Manager Michael Burns stated since our last meeting he met with Mary Ann Sable a couple of times to start preparing the informational pieces, and our first piece of material will go out with the water/sewer bills at the end of the month. We are working on finalizing those documents. Later this week, we will set dates for at least two informational meetings. Regarding the administration of the income tax, Burns recently met with Rick Carpenter from Innovative Software Services in Eaton Rapids. This company services all 24 Michigan cities in the administration of their city income tax. Innovative Software Services provides municipal income tax services for many communities in Michigan, Ohio and Georgia where

income tax communistically are more prevalent. He met with him to discuss administering all aspects of the City Income tax if the ballot proposal is approved by voters.

City Manager Michael Burns then introduced Rick Carpenter who explained what they do and what services they can provide for the City of Lowell.

c. Main and Hudson Traffic Signal.

City Manager Michael Burns stated that last Wednesday Chief Bukala and himself met with representatives from MDOT regarding the possibility of a left hand turn signal at the eastbound and westbound intersection of M-21 and Hudson. In that meeting, there were two pieces of data that they made us aware of as to their decision. Their concern is the way the traffic signal is configured currently. MDOT studied the intersection in March through its peak hours (7 am to 9 am in the morning and then from 3pm until 6pm at night) and compiled data for every fifteen-minute increment. In Essence, they found if we had a left hand turn signal added going east and west bound, it would back up north bound in the morning and south bound in the afternoon (during peak hours). Burns noted MDOT would come to the next Committee of the Whole meeting on September 3<sup>rd</sup> and discuss their findings and give the City some alternatives to consider.

d. Ware Road Update.

City Manager Michael Burns explained a work plan has been submitted to MDOT regarding how we plan to address the monitoring of the site. The plan is to add three additional wells to the lot. The state is supportive of our plan, however there are a couple of things to discuss and review. We plan to begin the testing in approximately four weeks.

Councilmember Chambers asked Chief Bukala if Council could get a five-year report on left and right hand turn crashes on Monroe, Washington, Riverside, Broadmoor. Chief Bukala said he would get the report.

5. NEW BUSINESS

a. Larkins Restaurant – Chili Cook-Off Street Closure Request.

City Manager Michael Burns stated the Larkins Restaurant is requesting the use of city property for a special event on October 12, 2019 for the 18<sup>th</sup> Annual Chili Cook Off. This year's recipient of the charitable proceeds will be the Lowell Area Historical Museum.

IT WAS MOVED BY CHAMBERS and seconded by CANFIELD to approve the request for Larkins Restaurant to close Broadway Street from south of the Post Office to Main Street on October 12, 2019 from 7 a.m. to 7 p.m.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Chambers, Councilmember Chambers and Councilmember Canfield.

NO: None.

ABSENT: None

MOTION CARRIED.

b. Pink Arrow Pride Day and Resolution 27-19.

IT WAS MOVED BY MAYOR DEVORE and seconded by CHAMBERS that the Lowell City Council adopt Friday, September 13, 2019 as Pink Arrow Pride Day – Arrow Force XII in the City of Lowell.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers,  
Councilmember Canfield and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD AND COMMISSION REPORTS.**

Councilmember Yankovich stated he went to the Chamber of Commerce meeting. No numbers yet on the Riverwalk Festival although they know that it went really well.

Councilmember Chambers stated the Planning Commission had the Riverview Flats PUD presented to them on August 12, 2019. They finalized the conditions and sent it for recommendation to City Council.

Councilmember Canfield stated the LARA meeting was moved as there was not a quorum present, they will meet Wednesday August 21, 2019.

Mayor DeVore stated he had a Fire Authority meeting and the consultant discussion was tabled, they are going to talk more about it in September. Vision Meeting is Tuesday, August 20, 2019.

7. **MONTHLY REPORTS.**

There were no reports.

8. **MANAGERS REPORT.**

City Manager Michael Burns stated the following:

- Planned Unit Development for Riverview Flats will be coming to the City Council Meeting, on Tuesday, September 3, 2019 at 7:00 p.m. This will be a Public Hearing.
- Committee of the Whole will meet with MDOT at 5:30 p.m. on Tuesday, September 3, 2019.
- Monday, September 16, 2019 there will be a Committee of the Whole meeting at 5:30 p.m. as well. MERS will present the annual actuarial for our pensions.
- Burns will be speaking on behalf of the City of Lowell at the Chamber of Commerce Breakfast on Wednesday, August 21, 2019. Diane Jones will be speaking about what is going on in Kent County. Representative Tom Alberts will be talking about what is going on at State level.

- Beginning the end of this month, we will be bringing back the newsletter and Susan Maxwell Stevens will start writing those for us again.
- Don DeYoung, our cemetery sexton will be retiring on August 31, 2019. DeYoung has worked for the City of Lowell for 24 years and he will be missed as he did an excellent job for the City. We are looking for a replacement but may look at contracting out that position.

9. **APPOINTMENTS.**

The Historic District Commission has an appointment opening. Mayor DeVore would like to fill that position as a citizen. There was a general consensus among the Councilmembers to approve Mike DeVore's application as a citizen position on the Commission.

The Construction Board of Appeals has an appointment opening.  
The Downtown Historic District Commission has two appointment openings.

10. **COUNCIL COMMENTS.**

Councilmember Canfield asked if the bids are out for the Showboat yet and City Manager Michael Burns stated they are not. Canfield suggested the boiler for the showboat be housed in the building on land and not on the boat. Councilmembers are requesting to have input on the Showboat plans.

Councilmember Chambers thanked the press for taking pictures of him, DeVore and WRWW station manager Al Eckman in front of the Lego Showboat that he purchased at the Denim and Diamonds auction to help raise money to rebuild the Showboat. Chambers went on to tell the story of how five years ago a Lowell fourth grader named Vivi Bledsoe entered and won a contest called "I want to Build" by submitting a photo of herself in front of the Lowell Showboat. Her prize was a gigantic model of the Showboat constructed entirely out of Legos by master model building David Howard. Bledsoe, now a 9<sup>th</sup> grader donated the Lego showboat to the auction. The boat is now on loan to WRWW-LP – 92.3 at the Lowell High School.

Mayor DeVore thanked Councilmember Chambers and his wife for all they do for this community including auctioning off all the items on the showboat without a profit and always willing to be wherever and do whatever they can to help the City of Lowell.

11. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn at 8:26 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk

CITY OF LOWELL  
KENT COUNTY, MICHIGAN

Corrected Resolution - 20-19-  
typo. See attached.

RESOLUTION NO. 20-19

RESOLUTION PROPOSING AN AMENDMENT TO THE CHARTER OF  
THE CITY OF LOWELL TO AUTHORIZE AN INCOME TAX

Councilmember Salzwedel supported by Councilmember Chambers, moved the adoption of the following resolution:

**WHEREAS**, the City of Lowell (the "City") is organized and operates as a Home Rule City pursuant to its Charter of the City of Lowell first adopted on March 7, 1960, as amended, pursuant to Act 279 of the Public Acts of Michigan of 1909, as amended ("Act 279"), (MCL 117.1 et seq.); and

**WHEREAS**, the City has adopted Ordinance 19-02 imposing an excise tax equal to one percent (1.0%) on the income on resident individuals and corporations and one half percent (0.5%) on nonresident individuals; and

**WHEREAS**, the City Council of the City believes that the qualified and registered electors of the City should have the option to authorize the levy of a City income tax.

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with Act 279, the City hereby proposes that a new Section 9a be added to the Charter of the City of Lowell to read as follows:

CHAPTER 9a. – INCOME TAXATION

SECTION 9a-1 – Power to Tax and Administer

THE CITY SHALL HAVE THE POWER TO ASSESS TAXES AND LEVY AND COLLECT RENTS, TOLLS, AND EXCISES. THE CITY IS AUTHORIZED TO LEVY AN EXCISE TAX ON INCOME IN ACCORDANCE WITH STATE LAW TO BE USED FOR ANY LAWFUL PURPOSE AND TO PROVIDE FOR THE ADMINISTRATION THEREOF BY ORDINANCE. ANY INCOME TAX AUTHORIZED BY THIS SECTION SHALL HAVE A DURATION OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2034.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to add Section 9a of the City Charter shall be submitted to the electors of the City at the general election to be held in the City on November 5, 2019; and

**BE IT FURTHER RESOLVED**, that the City Clerk be and is hereby directed to submit a certified copy of this resolution and charter amendment to the Governor of the State of Michigan (the "Governor") for her approval of said charter amendment pursuant to Section 22 of Act 279 and to the Michigan Attorney General (the "Attorney General") for review pursuant to Section 21 of Act 279; and,

**BE IT FURTHER RESOLVED**, that before the submission of said amendment to the qualified and registered electors of the City, the amendment herein proposed shall be published in full being the addition of a new Section 9a, and a notice of said election, in at least two issues of *The Lowell Ledger*, or other newspaper of general circulation in the City, the first publication to be not less than two weeks nor more than four weeks prior to said election; and,

**BE IT FURTHER RESOLVED**, that the purpose of such proposed Charter amendment

or question shall be assigned on the ballot to be printed by the City Clerk, which shall  
Question and Statement of Purpose shall be as follows:

### BALLOT QUESTION

Shall Chapter 9a of the City of Lowell City Charter be added to authorize an excise tax on income for 15 years commencing January 1, 2020?

YES \_\_\_\_\_ NO \_\_\_\_\_

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Attorney General and the Governor, and for the conduct of such election.

YEAS: Councilmembers

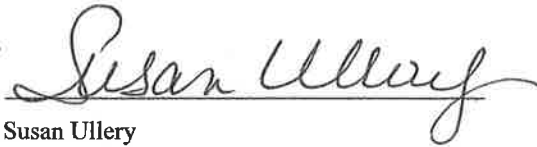
NAYS: Councilmembers

ABSTAIN: Councilmembers

ABSENT: Councilmembers

**RESOLUTION DECLARED ADOPTED.**

Dated: June 3, 2019



Susan Ullery

City Clerk

### CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on June 3, 2019, and that public notice of said meeting was given pursuant to, and in compliance with, Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: June 3, 2019



Susan Ullery

City Clerk

From: **Thomas H. Forshee** TForshee@dickinson-wright.com  
Subject: **Lowell - Resolution scriveners error correction**  
Date: **Aug 14, 2019 at 1:13:30 PM**  
To: **Richard A. Wendt** RWendt@dickinson-wright.com  
Cc: **Amanda J. Kaatz** AKaatz@dickinson-wright.com

Dick,

Attached is the correction changing 2035 to 2034. I did not change any other dates including the date of certification. Amanda, FYI... I used your final version and made this a new version in the system.

Tom

**Thomas H. Forshee Of Counsel**

200 Ottawa Ave., N.W. Phone 616.336.1048  
Suite 1000 Fax 844-670-6009  
Grand Rapids MI 49503 Email TForshee@dickinsonwright.com

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**DICKINSON WRIGHT** PLLC

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**CITY COUNCIL  
CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**RESOLUTION NO. 27 - 19**

**RESOLUTION PROCLAIMING FRIDAY, SEPTEMBER 13, 2019  
AS PINK ARROW PRIDE DAY - ARROW FORCE XII  
IN THE CITY OF LOWELL**

Mayor DEVORE supported by Councilmember CHAMBERS moved the adoption of the following resolution:

**WHEREAS**, many have been afflicted and battling cancer and breast cancer in particular; and

**WHEREAS**, the Lowell High School football team, volleyball team, and soccer team, will once again compete against this disease with each player wearing pink for games on Friday, September 13, 2019; and

**WHEREAS**, the Lowell community is encouraged to buy and wear Pink Arrow Force XII t-shirts to support Gilda's Club of Lowell, Lowell Community Wellness for Pink Arrow Family Support, the Dr. Don Gerard Medical Scholarship and the Kathy Talus Scholarship.

**NOW, THEREFORE, BE IT RESOLVED**, that the Lowell City Council recognize Friday, September 13, 2019 as 'Pink Arrow Pride Day Arrow Force XII and further to encourage all Lowell Community residents to participate in this event by purchasing pink T-shirts and attending the game.

YEAS: Councilmembers Salzwedel, Yankovich, Chambers, Canfield and Mayor DeVore

NO: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

**RESOLUTION DECLARED ADOPTED.**

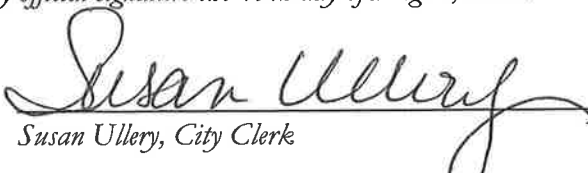
Dated: August 19, 2019

  
Susan Ullery, City Clerk

**CERTIFICATION**

I, the undersigned duly qualified and acting Clerk of the City of Lowell, Kent County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on August 19, 2019, the original of which is on file in my office and public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

**IN WITNESS WHEREOF**, I have affixed my official signature the 19th day of August, 2019.

  
Susan Ullery, City Clerk

## BOTH JOURNALIZED AND UNJOURNALIZED

## BOTH OPEN AND PAID

| GL Number                  | Invoice Line Desc         | Vendor                    | Invoice Description       | Amount    | Check # |
|----------------------------|---------------------------|---------------------------|---------------------------|-----------|---------|
| Fund 101 GENERAL FUND      |                           |                           |                           |           |         |
| Dept 000                   |                           |                           |                           |           |         |
| 101-000-084.015            | DUE FROM FIRE AUTHORITY   | MANSZEWSKI LANDSCAPING LL | 2019 SEASON PYMT #3       | 300.00    | 73257   |
| 101-000-084.015            | DUE FROM FIRE AUTHORITY   | VERGENNES BROADBAND       | INTERNET SERVICES         | 28.58     | 73274   |
| 101-000-085.000            | DUE FROM LIGHT & POWER    | VERGENNES BROADBAND       | INTERNET SERVICES         | 58.58     | 73274   |
| 101-000-264.003            | WORKERS COMP INSURANCE PA | MML WORKERS' COMP FUND    | WC POLICY 7/19 - 7/20     | 15,217.00 | 73259   |
| 101-000-285.004            | CREEKSIDE DEPOSIT         | LIZ CALLIHAN              | CREEKSIDE PARK DEPOSIT    | 50.00     | 73254   |
| 101-000-285.004            | CREEKSIDE DEPOSIT         | SHANE RISNER              | CREEKSIDE PARK DEPOSIT    | 50.00     | 73267   |
| Total For Dept 000         |                           |                           |                           | 15,704.16 |         |
| Dept 172 MANAGER           |                           |                           |                           |           |         |
| 101-172-801.000            | PROFESSIONAL SERVICES     | THE RIGHT PLACE           | 5 YEAR PLEDGE             | 2,500.00  | 73272   |
| 101-172-801.000            | PROFESSIONAL SERVICES     | BLDI ENVIRONMENTAL ENGINE | WARE ROAD PROJECT         | 3,579.50  | 73237   |
| Total For Dept 172 MANAGE  |                           |                           |                           | 6,079.50  |         |
| Dept 209 ASSESSOR          |                           |                           |                           |           |         |
| 101-209-740.000            | OPERATING SUPPLIES        | RASHID, JEFFREY           | JULY ASSESSING EXPENSE RE | 8.29      | 73264   |
| 101-209-860.000            | TRAVEL EXPENSES           | RASHID, JEFFREY           | JULY ASSESSING EXPENSE RE | 30.16     | 73264   |
| 101-209-955.000            | MISCELLANEOUS EXPENSE     | KCAAO                     | 411 ON FORMS COURSE - RAS | 15.00     | 73248   |
| Total For Dept 209 ASSESS  |                           |                           |                           | 53.45     |         |
| Dept 210 ATTORNEY          |                           |                           |                           |           |         |
| 101-210-801.000            | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SERVICES - WARE RD  | 777.00    | 73242   |
| 101-210-801.000            | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SERVICES - MARIJUAN | 518.00    | 73242   |
| 101-210-801.000            | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SERVICES GENERAL    | 314.50    | 73242   |
| 101-210-801.000            | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SERVICES - SABO PR  | 898.20    | 73242   |
| 101-210-801.000            | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SERVICES - INCOME T | 1,905.50  | 73242   |
| 101-210-801.000            | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SERVICES - RIVERVIE | 962.00    | 73242   |
| 101-210-801.000            | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SERVICES - FIREWORK | 1,276.50  | 73242   |
| 101-210-801.000            | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SERVICES - SCENIC E | 55.50     | 73242   |
| 101-210-801.000            | PROFESSIONAL SERVICES     | DICKINSON WRIGHT PLLC     | LEGAL SERVICES - FOIA UNI | 296.00    | 73242   |
| Total For Dept 210 ATTORN  |                           |                           |                           | 7,003.20  |         |
| Dept 253 TREASURER         |                           |                           |                           |           |         |
| 101-253-801.000            | PROFESSIONAL SERVICES     | FLEX ADMINISTRATORS, INC. | JULY-SEPT ADMIN FEE       | 45.00     | 73244   |
| Total For Dept 253 TREASU  |                           |                           |                           | 45.00     |         |
| Dept 265 CITY HALL         |                           |                           |                           |           |         |
| 101-265-730.000            | POSTAGE                   | PURCHASE POWER            | POSTAGE PURCHASE          | 534.99    | 73263   |
| 101-265-740.000            | OPERATING SUPPLIES        | SUPPLYGEEKS               | OFFICE SUPPLIES           | 115.94    | 73271   |
| 101-265-740.000            | OPERATING SUPPLIES        | SUPPLYGEEKS               | OFFICESUPLIES             | 43.81     | 73271   |
| 101-265-802.000            | CONTRACTUAL               | PROGRESSIVE HEATING COOLI | CITY HALL QTRLY R & M     | 417.00    | 73262   |
| 101-265-802.000            | CONTRACTUAL               | RED CREEK WASTE SERVICES  | TRASH SERVICE AUGUST      | 64.45     | 73265   |
| 101-265-802.000            | CONTRACTUAL               | RUESINK, KATHIE           | CLEANING SERVICES         | 360.00    | 73266   |
| 101-265-850.000            | COMMUNICATIONS            | VERGENNES BROADBAND       | INTERNET SERVICES         | 43.52     | 73274   |
| 101-265-930.000            | REPAIR & MAINTENANCE      | PROGRESSIVE HEATING COOLI | CITY HALL R & M           | 1,355.00  | 73262   |
| 101-265-930.000            | REPAIR & MAINTENANCE      | PROGRESSIVE HEATING COOLI | CITY HALL R & M           | 150.00    | 73262   |
| Total For Dept 265 CITY H  |                           |                           |                           | 3,084.71  |         |
| Dept 276 CEMETERY          |                           |                           |                           |           |         |
| 101-276-740.000            | OPERATING SUPPLIES        | WILLIAM BOS GREENHOUSE    | ACCOUNT STATEMENT         | 24.75     | 73276   |
| 101-276-802.000            | CONTRACTUAL               | RED CREEK WASTE SERVICES  | TRASH SERVICE AUGUST      | 30.00     | 73265   |
| 101-276-850.000            | COMMUNICATIONS            | DEJONG, DON               | PHONE REIMBURSEMENT       | 35.00     | 73241   |
| 101-276-850.000            | COMMUNICATIONS            | DEJONG, DON               | PHONE (ADDITIONAL CHARGE) | 5.00      | 73241   |
| 101-276-955.000            | MISCELLANEOUS EXPENSE     | WILLIAM BOS GREENHOUSE    | ACCOUNT STATEMENT         | 258.25    | 73276   |
| Total For Dept 276 CEMETE  |                           |                           |                           | 353.00    |         |
| Dept 301 POLICE DEPARTMENT |                           |                           |                           |           |         |
| 101-301-626.001            | PBT TEST                  | STATE OF MICHIGAN         | LIVE SCAN JULY 2019       | 475.75    | 73269   |
| 101-301-660.002            | SEX OFFENDER FEES         | STATE OF MICHIGAN         | SOR REGISTRATION JULY 201 | 30.00     | 73269   |
| 101-301-727.000            | OFFICE SUPPLIES           | HOOPER PRINTING           | POLICE BADGE - OESCH      | 15.00     | 73246   |
| 101-301-740.000            | OPERATING SUPPLIES        | SUPPLYGEEKS               | OFFICE SUPPLIES           | 4.75      | 73271   |
| 101-301-850.000            | COMMUNICATIONS            | VERGENNES BROADBAND       | INTERNET SERVICES         | 43.58     | 73274   |

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| Fund 101 GENERAL FUND                   |                           |                            |                           |           |         |
| Dept 301 POLICE DEPARTMENT              |                           |                            |                           |           |         |
|   |                           | Total For Dept 301 POLICE  |                           | 569.08    |         |
| Dept 441 DEPARTMENT OF PUBLIC WORKS     |                           |                            |                           |           |         |
| 101-441-802.000                         | CONTRACTUAL               | MANSZEWSKI LANDSCAPING LL  | 2019 SEASON PYMT #3       | 810.00    | 73257   |
| 101-441-850.000                         | COMMUNICATIONS            | RED CREEK WASTE SERVICES   | TRASH SERVICE AUGUST      | 207.86    | 73265   |
| 101-441-850.000                         | COMMUNICATIONS            | VERGENNES BROADBAND        | INTERNET SERVICES         | 28.58     | 73274   |
| 101-441-920.000                         | PUBLIC UTILITIES          | CONSUMERS ENERGY           | ACCOUNT STATEMENTS        | 160.23    | 73238   |
|   |                           | Total For Dept 441 DEPART  |                           | 1,206.67  |         |
| Dept 747 CHAMBER/RIVERWALK              |                           |                            |                           |           |         |
| 101-747-920.000                         | CHAMBER UTILITIES         | CONSUMERS ENERGY           | ACCOUNT STATEMENTS        | 20.44     | 73238   |
|   |                           | Total For Dept 747 CHAMBE  |                           | 20.44     |         |
| Dept 751 PARKS                          |                           |                            |                           |           |         |
| 101-751-740.000                         | OPERATING SUPPLIES        | KENT COUNTY ROAD COMMISSI  | TRAFFIC LIGHTS            | 252.50    | 73249   |
| 101-751-802.000                         | CONTRACTUAL               | KERKSTRA PORTABLE, INC.    | PORTABLE RESTROOM BURCH F | 145.00    | 73253   |
| 101-751-802.000                         | CONTRACTUAL               | PREIN & NEWHOF, INC.       | STONEY LAKE WATER SAMPLES | 660.00    | 73261   |
| 101-751-802.000                         | CONTRACTUAL               | MANSZEWSKI LANDSCAPING LL  | 2019 SEASON PYMT #3       | 7,860.00  | 73257   |
| 101-751-802.000                         | CONTRACTUAL               | RED CREEK WASTE SERVICES   | TRASH SERVICE AUGUST      | 225.72    | 73265   |
| 101-751-930.000                         | REPAIR & MAINTENANCE      | SITEONE LANDSCAPE SUPPLY   | PARKS EQUIPMENT           | 193.58    | 73268   |
|   |                           | Total For Dept 751 PARKS   |                           | 9,336.80  |         |
| Dept 790 LIBRARY                        |                           |                            |                           |           |         |
| 101-790-802.000                         | CONTRACTUAL               | RED CREEK WASTE SERVICES   | TRASH SERVICE AUGUST      | 47.50     | 73265   |
| 101-790-802.000                         | CONTRACTUAL               | RUESINK, KATHIE            | CLEANING SERVICES         | 180.00    | 73266   |
| 101-790-920.000                         | PUBLIC UTILITIES          | CONSUMERS ENERGY           | ACCOUNT STATEMENTS        | 208.34    | 73238   |
|   |                           | Total For Dept 790 LIBRAR  |                           | 435.84    |         |
| Dept 804 MUSEUM                         |                           |                            |                           |           |         |
| 101-804-887.000                         | CONTRIBUTIONS & MAINTENAN | CONSUMERS ENERGY           | ACCOUNT STATEMENTS        | 18.54     | 73238   |
| 101-804-955.000                         | PROPERTY TAX DISTRIBUTION | LOWELL AREA HISTORICAL MU  | TAX DISBURSEMENT          | 2,699.58  | 73255   |
|   |                           | Total For Dept 804 MUSEUM  |                           | 2,718.12  |         |
|   |                           | Total For Fund 101 GENERA  |                           | 46,609.97 |         |
| Fund 202 MAJOR STREET FUND              |                           |                            |                           |           |         |
| Dept 474 TRAFFIC                        |                           |                            |                           |           |         |
| 202-474-802.000                         | CONTRACTUAL               | KENT COUNTY ROAD COMMISSI  | TRAFFIC LIGHTS            | 42.24     | 73249   |
|   |                           | Total For Dept 474 TRAFFI  |                           | 42.24     |         |
|   |                           | Total For Fund 202 MAJOR   |                           | 42.24     |         |
| Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY |                           |                            |                           |           |         |
| Dept 463 MAINTENANCE                    |                           |                            |                           |           |         |
| 248-463-740.000                         | OPERATING SUPPLIES        | WILLIAM BOS GREENHOUSE     | ACCOUNT STATEMENT         | 258.25    | 73276   |
|   |                           | Total For Dept 463 MAINTEN |                           | 258.25    |         |
|   |                           | Total For Fund 248 DOWNTOW |                           | 258.25    |         |
| Fund 581 AIRPORT FUND                   |                           |                            |                           |           |         |
| Dept 000                                |                           |                            |                           |           |         |
| 581-000-740.000                         | OPERATING SUPPLIES        | ARROW ENERGY, INC.         | AIRPORT AV GAS 1600 GALLO | 6,405.36  | 73235   |
| 581-000-955.000                         | MISCELLANEOUS EXPENSE     | VERGENNES BROADBAND        | INTERNET SERVICES         | 49.99     | 73274   |
| 581-000-955.000                         | MISCELLANEOUS EXPENSE     | VERGENNES TOWNSHIP TREASU  | AIRPORT TAXES 41-16-35-10 | 4,461.38  | 73275   |
|   |                           | Total For Dept 000         |                           | 10,916.73 |         |
|   |                           | Total For Fund 581 AIRPOR  |                           | 10,916.73 |         |
| Fund 590 WASTEWATER FUND                |                           |                            |                           |           |         |
| Dept 000                                |                           |                            |                           |           |         |
| 590-000-043.000                         | DUE FROM EARTH TECH       | VERGENNES BROADBAND        | INTERNET SERVICES         | 28.58     | 73274   |
| 590-000-276.000                         | SEWER USAGE ADJ           | VANHEULEN, LORIE & JAMES   | UB refund for account: 6- | 376.75    | 73273   |
|   |                           | Total For Dept 000         |                           | 405.33    |         |
| Dept 550 TREATMENT                      |                           |                            |                           |           |         |
| 590-550-801.000                         | PROFESSIONAL SERVICES     | PREIN & NEWHOF, INC.       | SAW GRANT JULY 2019       | 16,776.70 | 73261   |

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| Fund 590 WASTEWATER FUND             |                           |                           |                           |            |         |
| Dept 550 TREATMENT                   |                           |                           |                           |            |         |
| 590-550-802.000                      | CONTRACTUAL               | SUEZ WATER ENVIRONMENTAL  | WWTP CONTRACT AUG 2019    | 38,490.00  | 73270   |
|                                      | Total For Dept 550 TREATM |                           |                           | 55,266.70  |         |
| Dept 551 COLLECTION                  |                           |                           |                           |            |         |
| 590-551-930.000                      | REPAIR & MAINTENANCE      | PLUMMERS ENVIRONMENTAL SE | JETTED LINES 217 S HUDSON | 645.25     | 73260   |
|                                      | Total For Dept 551 COLLEC |                           |                           | 645.25     |         |
| Dept 552 CUSTOMER ACCOUNTS           |                           |                           |                           |            |         |
| 590-552-703.000                      | SALARIES-METER READS      | BARTLETT, SANDY           | METER READ & MILEAGE      | 354.20     | 73236   |
| 590-552-860.000                      | TRAVEL EXPENSES           | BARTLETT, SANDY           | METER READ & MILEAGE      | 33.35      | 73236   |
|                                      | Total For Dept 552 CUSTOM |                           |                           | 387.55     |         |
|                                      | Total For Fund 590 WASTEW |                           |                           | 56,704.83  |         |
| Fund 591 WATER FUND                  |                           |                           |                           |            |         |
| Dept 000                             |                           |                           |                           |            |         |
| 591-000-276.000                      | WATER USAGE ADJ           | VANHEULEN, LORIE & JAMES  | UB refund for account: 6- | 141.99     | 73273   |
|                                      | Total For Dept 000        |                           |                           | 141.99     |         |
| Dept 570 TREATMENT                   |                           |                           |                           |            |         |
| 591-570-850.000                      | COMMUNICATIONS            | VERGENNES BROADBAND       | INTERNET SERVICES         | 28.58      | 73274   |
| 591-570-920.000                      | PUBLIC UTILITIES          | CONSUMERS ENERGY          | ACCOUNT STATEMENTS        | 187.47     | 73238   |
| 591-570-930.000                      | REPAIR & MAINTENANCE      | KENT RUBBER               | WATER DEPT HOSE           | 370.00     | 73252   |
|                                      | Total For Dept 570 TREATM |                           |                           | 586.05     |         |
| Dept 571 DISTRIBUTION                |                           |                           |                           |            |         |
| 591-571-802.000                      | CONTRACTUAL               | MANSZEWSKI LANDSCAPING LL | 2019 SEASON PYMT #3       | 900.00     | 73257   |
| 591-571-802.000                      | CONTRACTUAL               | RED CREEK WASTE SERVICES  | TRASH SERVICE AUGUST      | 30.00      | 73265   |
| 591-571-920.000                      | PUBLIC UTILITIES          | CONSUMERS ENERGY          | ACCOUNT STATEMENTS        | 18.54      | 73238   |
| 591-571-920.000                      | PUBLIC UTILITIES          | CONSUMERS ENERGY          | ACCOUNT STATEMENT         | 20.44      | 73238   |
| 591-571-955.000                      | MISCELLANEOUS EXPENSE     | MICHIGAN RURAL WATER ASSO | ANNUAL MEMBERSHIP DUES    | 710.00     | 73258   |
| 591-571-955.000                      | MISCELLANEOUS EXPENSE     | VERGENNES TOWNSHIP TREASU | 990 N WASHINGTON 41-16-35 | 347.72     | 73275   |
|                                      | Total For Dept 571 DISTRI |                           |                           | 2,026.70   |         |
| Dept 572 CUSTOMER ACCOUNTS           |                           |                           |                           |            |         |
| 591-572-703.000                      | SALARIES-METER READS      | BARTLETT, SANDY           | METER READ & MILEAGE      | 354.20     | 73236   |
| 591-572-860.000                      | TRAVEL EXPENSES           | BARTLETT, SANDY           | METER READ & MILEAGE      | 33.35      | 73236   |
|                                      | Total For Dept 572 CUSTOM |                           |                           | 387.55     |         |
|                                      | Total For Fund 591 WATER  |                           |                           | 3,142.29   |         |
| Fund 636 DATA PROCESSING FUND        |                           |                           |                           |            |         |
| Dept 000                             |                           |                           |                           |            |         |
| 636-000-801.000                      | PROFESSIONAL SERVICES     | ADDORIO TECHNOLOGIES, LLC | DATA PROCESSING           | 2,611.25   | 73233   |
| 636-000-801.000                      | PROFESSIONAL SERVICES     | ADDORIO TECHNOLOGIES, LLC | DATA PROCESSING           | 1,315.00   | 73233   |
| 636-000-802.000                      | CONTRACTUAL               | APPLIED IMAGING           | COPY MACHINE CONTRACT     | 257.68     | 73234   |
|                                      | Total For Dept 000        |                           |                           | 4,183.93   |         |
|                                      | Total For Fund 636 DATA P |                           |                           | 4,183.93   |         |
| Fund 661 EQUIPMENT FUND              |                           |                           |                           |            |         |
| Dept 895 FLEET MAINT. & REPLACEMENT  |                           |                           |                           |            |         |
| 661-895-930.000                      | REPAIR & MAINTENANCE      | D&D TRUCKING ACQUISITION, | WELDING TRUCK #14         | 166.90     | 73240   |
| 661-895-930.000                      | REPAIR & MAINTENANCE      | WOLF KUBOTA               | EXMARK MOWER R & M        | 138.44     | 73277   |
|                                      | Total For Dept 895 FLEET  |                           |                           | 305.34     |         |
|                                      | Total For Fund 661 EQUIPM |                           |                           | 305.34     |         |
| Fund 703 CURRENT TAX COLLECTION FUND |                           |                           |                           |            |         |
| Dept 000                             |                           |                           |                           |            |         |
| 703-000-222.000                      | DUE TO COUNTY-CURRENT TAX | KENT COUNTY TREASURER     | TAX DISBURSEMENT          | 35,017.25  | 73250   |
| 703-000-225.000                      | DUE TO SCHOOLS            | LOWELL AREA SCHOOLS       | TAX DISBURSEMENT          | 148,779.67 | 73256   |
| 703-000-228.009                      | DUE TO STATE-S.E.T.       | KENT COUNTY TREASURER     | TAX DISBURSEMENT          | 91,636.91  | 73250   |
| 703-000-234.000                      | DUE TO INTERMED SCH DISTR | KENT INTERMEDIATE SCHOOL  | TAX DISBURSEMENT          | 85,699.90  | 73251   |
| 703-000-235.000                      | DUE TO COMMUNITY COLLEGE  | GRAND RAPIDS COMMUNITY CO | TAX DISBURSEMENT          | 11,888.48  | 73245   |
| 703-000-275.000                      | DUE TO TAXPAYERS          | Corelogic Centralized Ref | 2019 Sum Tax Refund 41-20 | 2,461.93   | 73239   |

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| Fund 703 CURRENT TAX COLLECTION FUND |                   |                           |                           |            |         |
| Dept 000                             |                   |                           |                           |            |         |
| 703-000-275.000                      | DUE TO TAXPAYERS  | Corelogic Centralized Ref | 2019 Sum Tax Refund 41-20 | 2,116.90   | 73239   |
| 703-000-275.000                      | DUE TO TAXPAYERS  | John Sterly               | 2019 Sum Tax Refund 41-20 | 4,869.75   | 73247   |
| Total For Dept 000                   |                   |                           |                           | 382,470.79 |         |
| Total For Fund 703 CURREN            |                   |                           |                           | 382,470.79 |         |

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Fund Totals:

|          |                  |            |
|----------|------------------|------------|
| Fund 101 | GENERAL FUND     | 46,609.97  |
| Fund 202 | MAJOR STREET FUN | 42.24      |
| Fund 248 | DOWNTOWN DEVELOP | 258.25     |
| Fund 581 | AIRPORT FUND     | 10,916.73  |
| Fund 590 | WASTEWATER FUND  | 56,704.83  |
| Fund 591 | WATER FUND       | 3,142.29   |
| Fund 636 | DATA PROCESSING  | 4,183.93   |
| Fund 661 | EQUIPMENT FUND   | 305.34     |
| Fund 703 | CURRENT TAX COLL | 382,470.79 |

504,634.37

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| 01513                                     | ADDORIO TECHNOLOGIES, LLC      |         |                                       |           |
|   | 8152                           |         | DATA PROCESSING                       | 2,611.25  |
|   | 8153                           |         | DATA PROCESSING                       | 1,315.00  |
| TOTAL FOR: ADDORIO TECHNOLOGIES, LLC      |                                |         |                                       | 3,926.25  |
| 10731                                     | APPLIED IMAGING                |         |                                       |           |
|   | 1393305                        |         | COPY MACHINE CONTRACT                 | 257.68    |
| TOTAL FOR: APPLIED IMAGING                |                                |         |                                       | 257.68    |
| 10660                                     | ARROW ENERGY, INC.             |         |                                       |           |
|   | 95044                          |         | AIRPORT AV GAS 1600 GALLONS           | 6,405.36  |
| TOTAL FOR: ARROW ENERGY, INC.             |                                |         |                                       | 6,405.36  |
| 00045                                     | BARTLETT, SANDY                |         |                                       |           |
|   | AUG 2019                       |         | METER READ & MILEAGE                  | 775.10    |
| TOTAL FOR: BARTLETT, SANDY                |                                |         |                                       | 775.10    |
| 10822                                     | BLDI ENVIRONMENTAL ENGINEERING |         |                                       |           |
|   | 17115                          |         | WARE ROAD PROJECT                     | 3,579.50  |
| TOTAL FOR: BLDI ENVIRONMENTAL ENGINEERING |                                |         |                                       | 3,579.50  |
| 10509                                     | CONSUMERS ENERGY               |         |                                       |           |
|   | 7/17 - 8/13/19                 |         | ACCOUNT STATEMENTS                    | 613.56    |
|   | 7/24 - 8/21/19                 |         | ACCOUNT STATEMENT                     | 20.44     |
| TOTAL FOR: CONSUMERS ENERGY               |                                |         |                                       | 634.00    |
| REFUND TAX                                | Corelogic Centralized Refunds  |         |                                       |           |
|   | 08/28/2019                     |         | 2019 Sum Tax Refund 41-20-03-429-006  | 2,461.93  |
|   | 08/28/2019                     |         | 2019 Sum Tax Refund 41-20-02-189-003  | 2,116.90  |
| TOTAL FOR: Corelogic Centralized Refunds  |                                |         |                                       | 4,578.83  |
| 00132                                     | D&D TRUCKING ACQUISITION, LLC  |         |                                       |           |
|   | 28974                          |         | WELDING TRUCK #14                     | 166.90    |
| TOTAL FOR: D&D TRUCKING ACQUISITION, LLC  |                                |         |                                       | 166.90    |
| 00139                                     | DEJONG, DON                    |         |                                       |           |
|   | AUG 2019                       |         | PHONE REIMBURSEMENT                   | 35.00     |
|   | JUNE PHONE                     |         | PHONE (ADDITIONAL CHARGE)             | 5.00      |
| TOTAL FOR: DEJONG, DON                    |                                |         |                                       | 40.00     |
| 00148                                     | DICKINSON WRIGHT PLLC          |         |                                       |           |
|   | 1390853                        |         | LEGAL SERVICES - FIREWORKS ORD        | 1,276.50  |
|   | 1390854                        |         | LEGAL SERVICES - SCENIC EXP (AIRPORT) | 55.50     |
|   | 1390855                        |         | LEGAL SERVICES - SABO PR              | 898.20    |
|   | 1390856                        |         | LEGAL SERVICES - MARIJUANA            | 518.00    |
|   | 1390857                        |         | LEGAL SERVICES - WARE RD              | 777.00    |
|   | 1390858                        |         | LEGAL SERVICES - INCOME TAX           | 1,905.50  |
|   | 1390859                        |         | LEGAL SERVICES - RIVERVIEW FLATS      | 962.00    |
|   | 1390860                        |         | LEGAL SERVICES - FOIA UNITY SCHOOL    | 296.00    |
|   | 1390861                        |         | LEGAL SERVICES GENERAL                | 314.50    |
| TOTAL FOR: DICKINSON WRIGHT PLLC          |                                |         |                                       | 7,003.20  |
| 02218                                     | FLEX ADMINISTRATORS, INC.      |         |                                       |           |
|   | 103841                         |         | JULY-SEPT ADMIN FEE                   | 45.00     |
| TOTAL FOR: FLEX ADMINISTRATORS, INC.      |                                |         |                                       | 45.00     |
| 00225                                     | GRAND RAPIDS COMMUNITY COLLEGE |         |                                       |           |
|   | 8/1 - 8/15/2019                |         | TAX DISBURSEMENT                      | 11,888.48 |
| TOTAL FOR: GRAND RAPIDS COMMUNITY COLLEGE |                                |         |                                       | 11,888.48 |

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| 00248                                     | HOOPER PRINTING<br>58247                          | POLICE BADGE - OESCH                 | 15.00      |
| TOTAL FOR: HOOPER PRINTING                |   |                                      | 15.00      |
| REFUND TAX                                | John Sterly<br>08/28/2019                         | 2019 Sum Tax Refund 41-20-02-381-016 | 4,869.75   |
| TOTAL FOR: John Sterly                    |   |                                      | 4,869.75   |
| 10501                                     | KCAAO<br>8/28/19                                  | 411 ON FORMS COURSE - RASHID, JEFF   | 15.00      |
| TOTAL FOR: KCAAO                          |   |                                      | 15.00      |
| 00291                                     | KENT COUNTY ROAD COMMISSION<br>411614             | TRAFFIC LIGHTS                       | 294.74     |
| TOTAL FOR: KENT COUNTY ROAD COMMISSION    |   |                                      | 294.74     |
| 00300                                     | KENT COUNTY TREASURER<br>8/1 - 8/15/2019          | TAX DISBURSEMENT                     | 126,654.16 |
| TOTAL FOR: KENT COUNTY TREASURER          |   |                                      | 126,654.16 |
| 00302                                     | KENT INTERMEDIATE SCHOOL DIST.<br>8/1 - 8/15/2019 | TAX DISBURSEMENT                     | 85,699.90  |
| TOTAL FOR: KENT INTERMEDIATE SCHOOL DIST. |   |                                      | 85,699.90  |
| 00975                                     | KENT RUBBER<br>438390                             | WATER DEPT HOSE                      | 370.00     |
| TOTAL FOR: KENT RUBBER                    |   |                                      | 370.00     |
| 02209                                     | KERKSTRA PORTABLE, INC.<br>144850                 | PORTABLE RESTROOM BURCH FIELD        | 145.00     |
| TOTAL FOR: KERKSTRA PORTABLE, INC.        |   |                                      | 145.00     |
| CREEKSIDE                                 | LIZ CALLIHAN<br>8/11/2019                         | CREEKSIDE PARK DEPOSIT               | 50.00      |
| TOTAL FOR: LIZ CALLIHAN                   |   |                                      | 50.00      |
| 01374                                     | LOWELL AREA HISTORICAL MUSEUM<br>8/1 - 8/15/2019  | TAX DISBURSEMENT                     | 2,699.58   |
| TOTAL FOR: LOWELL AREA HISTORICAL MUSEUM  |   |                                      | 2,699.58   |
| 00562                                     | LOWELL AREA SCHOOLS<br>8/1 - 8/15/2019            | TAX DISBURSEMENT                     | 148,779.67 |
| TOTAL FOR: LOWELL AREA SCHOOLS            |   |                                      | 148,779.67 |
| 10615                                     | MANSZEWSKI LANDSCAPING LLC<br>0023                | 2019 SEASON PYMT #3                  | 9,870.00   |
| TOTAL FOR: MANSZEWSKI LANDSCAPING LLC     |   |                                      | 9,870.00   |
| 00434                                     | MICHIGAN RURAL WATER ASSOC.<br>2019-2020          | ANNUAL MEMBERSHIP DUES               | 710.00     |
| TOTAL FOR: MICHIGAN RURAL WATER ASSOC.    |   |                                      | 710.00     |
| 00424                                     | MML WORKERS' COMP FUND<br>6335205                 | WC POLICY 7/19 - 7/20                | 15,217.00  |
| TOTAL FOR: MML WORKERS' COMP FUND         |   |                                      | 15,217.00  |

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INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF LOWELL  
EXP CHECK RUN DATES 08/19/2019 - 08/29/2019  
BOTH JOURNALIZED AND UNJOURNALIZED  
PAID - CHECK TYPE: PAPER CHECK

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| Vendor Code                                   | Vendor Name                        | Description                   | Amount    |
|---|------------------------------------|-------------------------------|-----------|
|   | Invoice                            |                               |           |
| 01270   | PLUMMERS ENVIRONMENTAL SERVICE     |                               |           |
|   | 19100807                           | JETTED LINES 217 S HUDSON     | 645.25    |
| TOTAL FOR: PLUMMERS ENVIRONMENTAL SERVICE     |                                    |                               | 645.25    |
| 00512   | PREIN & NEWHOF, INC.               |                               |           |
|   | 51114                              | SAW GRANT JULY 2019           | 16,776.70 |
|   | 85636                              | STONEY LAKE WATER SAMPLES     | 660.00    |
| TOTAL FOR: PREIN & NEWHOF, INC.               |                                    |                               | 17,436.70 |
| 02331   | PROGRESSIVE HEATING COOLING, CORP. |                               |           |
|   | 2015991                            | CITY HALL R & M               | 150.00    |
|   | 2016020                            | CITY HALL QTRLY R& M          | 417.00    |
|   | 2016024                            | CITY HALL R & M               | 1,355.00  |
| TOTAL FOR: PROGRESSIVE HEATING COOLING, CORP. |                                    |                               | 1,922.00  |
| 01159   | PURCHASE POWER                     |                               |           |
|   | JULY 2019                          | POSTAGE PURCHASE              | 534.99    |
| TOTAL FOR: PURCHASE POWER                     |                                    |                               | 534.99    |
| 10130   | RASHID, JEFFREY                    |                               |           |
|   | 8/13/19                            | JULY ASSESSING EXPENSE REPORT | 38.45     |
| TOTAL FOR: RASHID, JEFFREY                    |                                    |                               | 38.45     |
| 10133   | RED CREEK WASTE SERVICES INC.      |                               |           |
|   | 98R00500                           | TRASH SERVICE AUGUST          | 605.53    |
| TOTAL FOR: RED CREEK WASTE SERVICES INC.      |                                    |                               | 605.53    |
| 10378   | RUESINK, KATHIE                    |                               |           |
|   | 010997/010998                      | CLEANING SERVICES             | 540.00    |
| TOTAL FOR: RUESINK, KATHIE                    |                                    |                               | 540.00    |
| CREEKSIDE                                     | SHANE RISNER                       |                               |           |
|   | 8/10/2019                          | CREEKSIDE PARK DEPOSIT        | 50.00     |
| TOTAL FOR: SHANE RISNER                       |                                    |                               | 50.00     |
| 10616   | SITEONE LANDSCAPE SUPPLY LLC       |                               |           |
|   | 93954325-001                       | PARKS EQUIPMENT               | 193.58    |
| TOTAL FOR: SITEONE LANDSCAPE SUPPLY LLC       |                                    |                               | 193.58    |
| 10341   | STATE OF MICHIGAN                  |                               |           |
|   | 551-543708                         | SOR REGISTRATION JULY 2019    | 30.00     |
|   | 551-543904                         | LIVE SCAN JULY 2019           | 475.75    |
| TOTAL FOR: STATE OF MICHIGAN                  |                                    |                               | 505.75    |
| 10583   | SUEZ WATER ENVIRONMENTAL SVC INC   |                               |           |
|   | 201937592                          | WWTP CONTRACT AUG 2019        | 38,490.00 |
| TOTAL FOR: SUEZ WATER ENVIRONMENTAL SVC INC   |                                    |                               | 38,490.00 |
| 10514   | SUPPLYGEEKS                        |                               |           |
|   | OE-11058-1                         | OFFICESUPLIES                 | 43.81     |
|   | OE-11735-1                         | OFFICE SUPPLIES               | 120.69    |
| TOTAL FOR: SUPPLYGEEKS                        |                                    |                               | 164.50    |
| 10107   | THE RIGHT PLACE                    |                               |           |
|   | 7/1/2019                           | 5 YEAR PLEDGE                 | 2,500.00  |
| TOTAL FOR: THE RIGHT PLACE                    |                                    |                               | 2,500.00  |

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| Vendor Code                             | Vendor Name                  | Description                       | Amount     |
|---|------------------------------|-----------------------------------|------------|
|   | Invoice                      |                                   |            |
| REFUND UB                               | VANHEULEN, LORIE & JAMES     |                                   |            |
|   | 08/19/2019                   | UB refund for account: 6-00161-2  | 518.74     |
| TOTAL FOR: VANHEULEN, LORIE & JAMES     |                              |                                   | 518.74     |
| 10484                                   | VERGENNES BROADBAND          |                                   |            |
|   | 5267-20190817-1              | INTERNET SERVICES                 | 309.99     |
| TOTAL FOR: VERGENNES BROADBAND          |                              |                                   | 309.99     |
| 00666                                   | VERGENNES TOWNSHIP TREASURER |                                   |            |
|   | 2019 SUMMER                  | 990 N WASHINGTON 41-16-35-426-601 | 347.72     |
|   | SUMMER 2019                  | AIRPORT TAXES 41-16-35-100-601    | 4,461.38   |
| TOTAL FOR: VERGENNES TOWNSHIP TREASURER |                              |                                   | 4,809.10   |
| 01790                                   | WILLIAM BOS GREENHOUSE       |                                   |            |
|   | 5/20 - 7/12                  | ACCOUNT STATEMENT                 | 516.50     |
|   | 5/20 - 7/12/19               | ACCOUNT STATEMENT                 | 24.75      |
| TOTAL FOR: WILLIAM BOS GREENHOUSE       |                              |                                   | 541.25     |
| 10567                                   | WOLF KUBOTA                  |                                   |            |
|   | 101063                       | EXMARK MOWER R & M                | 138.44     |
| TOTAL FOR: WOLF KUBOTA                  |                              |                                   | 138.44     |
| TOTAL - ALL VENDORS                     |                              |                                   | 504,634.37 |



**LOWELL CITY ADMINISTRATION**  
**INTER OFFICE MEMORANDUM**

**DATE:** August 30, 2019

**TO:** Mayor DeVore and the Lowell City Council

**FROM:** Michael T. Burns, City Manager *MS*

**RE:** Adult Use Marijuana Ordinances

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Attached is a modified ordinance per our August 19, 2019 Committee of the Whole discussion. The ordinance in question has been pared down from 32 pages to 25 pages. As discussed at our last meeting, the zoning ordinance requirements, namely the 1,000 foot restriction from schools and preschools, the C-2 Business District restriction and the 500 feet from C-2 Business District restriction still remain.

At this time, we have not added any provisions limiting the number of each type of facility. I am still concerned with the possibility of restricting the number of facilities and the propensity of opening ourselves up to being challenged legally with any requirements. However, the City Council has the ability to modify this portion of the ordinance to your preference.

That said, we have attached applications spelling out processes from the City of Battle Creek and Grand Rapids on how they are selecting applicants in their perspective cities. We can discuss these processes as they are subjectively different.

Jessica Wood will be present to review this matter with you. No action is needed at this time. However, once the City Council is comfortable with all of the ordinance requirements, both the Ms. Wood and I suggest to hold a public hearing.

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 19-\_\_**

**AN ORDINANCE TO ADD CHAPTER \_\_, "ADULT USE MARIHUANA  
ESTABLISHMENTS" TO THE  
CODE OF ORDINANCES OF THE CITY OF LOWELL**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_,

moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Addition of Chapter \_\_ to the Code.** Chapter \_\_, "Adult Use Marihuana Establishments" is added to the Code of Ordinances of the City of Lowell to read as follows:

**Chapter \_\_ - Adult Use Marihuana Establishments**

**Sec. \_\_ - \_\_ Purpose and Intent.**

(a) The purpose of this Chapter is to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act, Prop 1 of 2018, so as to protect the public health, safety, and welfare of the residents of the City by setting forth the manner in which recreational marihuana establishments can be operated in the City. Further, the purpose of this Chapter is to:

- (1) Provide a means to regulate and control the commercial production and distribution of marihuana, the lawful production of related products as set forth in, and for purposes of implementing, the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et. seq. (hereafter referred to as the "MRTMA" or the "Act");
- (2) Protect public health and safety through reasonable limitations on marihuana commercial entity operations, and limitations upon other marihuana-related activities provided for by the MRTMA, as they relate to noise, air and water quality, neighborhood safety, security for the establishment and its personnel, and other health and safety concerns;
- (3) Impose fees to defray and recover the costs to the City of the administrative and enforcement costs associated with marihuana establishments, and permitted marihuana activities as provided for in the MRTMA;

- (4) Coordinate with laws and regulations that may be enacted by the State addressing marihuana, including but not limited to the Department of Licensing and Regulatory Affairs Marihuana Regulatory Agency Adult – Use Marihuana Establishments Emergency Rules (LARA Rules), as amended from time to time; and
- (5) To restrict the issuance of marihuana establishment licenses only to individuals and entities that have demonstrated an intent and ability to comply with this Chapter, and with State law and regulation, without monitoring by City officials.
- (b) This Chapter authorizes the establishment of recreational marihuana establishments within the City of Lowell, Michigan, consistent with the provisions of the MRTMA, and with regulations and LARA Rules enacted by the State; and subject to the following:
- (1) Marihuana cultivation, processing, transportation and sale can have an impact on health, safety, and community resources, and this Chapter is intended to permit marihuana cultivation, processing, transportation and sale where it will have minimal detrimental impact;
- (2) Use, distribution, cultivation, production, possession, and transportation of marihuana remain illegal under Federal law, and marihuana remains classified as a "controlled substance" by federal law;
- (3) The regulations for marihuana commercial entities may not be adequate at the state level to address the impacts on the City of the commercialization of marihuana, making it appropriate for local regulation of the impact of marihuana commercial entities;
- (4) Nothing in this Chapter is intended to promote or condone the production, distribution, sale or possession of marihuana in violation of any applicable law;
- (5) This Chapter is to be construed to protect the public over marihuana establishment interests. Operation of a marihuana establishment is a revocable privilege and not a right in the City. There is no property right for an individual or establishment to engage or obtain a license to engage in marihuana as a commercial enterprise in the City; and
- (6) Because marihuana is a heavily regulated industry in the City, all licensees are assumed to be fully aware of the law; the City shall not therefore be required to issue warnings before issuing citations for violations of this Chapter.
- (c) As of the effective date of this ordinance, marihuana is classified as a Schedule 1 controlled substance under Federal law which makes it unlawful to manufacture, distribute, cultivate, produce, possess dispense or transport marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under Federal law.
- (d) Relationship to State Law.

(1) Except as otherwise provided by the MRTMA and this Chapter, a licensee and its employees and agents who are operating within the scope of a valid State-issued operating license are not subject to criminal or civil prosecution under City ordinances regulating marihuana.

(2) Except as otherwise provided by the MRTMA and this Chapter, a person who owns or leases real property upon which a marihuana establishment is located and who has no knowledge that the licensee is violating or violated the MRTMA or a provision of this Chapter, is not subject to criminal or civil prosecution under City ordinances regulating marihuana.

(3) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana or hemp in any form, that is not in strict compliance with the MRTMA, the Michigan Medical Marihuana Act, the Medical Marihuana Establishments Licensing Act, the Marihuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding marihuana. Strict compliance with any applicable State law or regulation shall be deemed a requirement for the issuance or renewal of any license issued under this Chapter, and noncompliance with any applicable State law or regulation shall be grounds for revocation or nonrenewal of any license issued under the terms of this Chapter.

(4) A person is not subject to criminal prosecution or sanctions under City ordinance for purchasing marihuana from a marihuana retailer consistent with the terms of the MRTMA if the quantity purchased is within the limits established under the MRTMA.

(5) In the event of any conflict, the terms of this Chapter are preempted and the controlling authority shall be the statutory regulations set forth by the MRTMA or the rules adopted by the Board (Michigan Department of Licensing and Regulatory Affairs, "LARA" or "Department")(LARA Rules) to implement, administer or enforce the MRTMA.

(e) City liability and indemnification.

(1) By accepting a license issued pursuant to this Chapter, the licensee waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of marihuana establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(2) By accepting a license issued pursuant to this Chapter, all licensees agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating

establishment, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana establishment or use of a product cultivated, processed, distributed or sold that is subject to the license, or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1964(c) or any other alleged violation of law .

(3) By accepting a license issued pursuant to the Chapter, a licensee agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims, penalties, or demands arising on account of any alleged violation of any existing law including the federal Controlled Substances Act, 21 U.S.C. §801 et seq. or Chapter 7 of the Michigan Public Health Code, MCL 333.7101 et seq.

#### **Sec. \_\_ - \_\_ Definitions.**

The following words, terms and phrases when used in this Chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means a person who applies for a state operating license. With respect to disclosures in an application, or for purposes of ineligibility for a license, the term applicant includes an officer, director, and managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant, as more specifically set forth in the LARA Rules.

*Board* means the marihuana licensing board, as anticipated by the MRTMA to be created at LARA in order to regulate and administer state licenses.

*Cultivate* or *cultivation* means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

*Department* or *Agency* means the Michigan Department of Licensing and Regulatory Affairs (LARA), or its successor agency.

*Designated consumption establishment* means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.

*Excess marihuana grower* means a license issued to a person holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

*Grower* means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

*Licensee* means a person holding a state operating license.

*Marihuana* means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this ordinance, marihuana does not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination; (2) industrial hemp; or (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

*Marihuana accessories* means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

*Marihuana concentrate* means the resin extracted from any part of the plant of the genus *cannabis*.

*Marihuana establishment* means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marijuana secure transporter, marihuana designated consumption establishment, or any other type of marihuana-related business licensed by the department.

*Marihuana event organizer* means a person licensed to apply for a temporary marihuana event license under these rules.

*Marihuana-infused* product means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

*Marihuana microbusiness* means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

*Michigan Marihuana Act* or *MMMA* means 2008 IL 1, MCL 333.26421 et seq., as may be amended.

*Michigan Marihuana Facilities Licensing Act* or *MMFLA* means Public Act 281 of 2016, MCL 333.27101 et seq., as may be amended.

*Michigan Marihuana Tracking Act* means Public Act 282 of 2016, MCL 333.27901 et seq., as may be amended.

*Marihuana Processor* means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

*Marihuana retailer* means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

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

*Rules* mean rules promulgated by the Department in consultation with the Board to implement this act, including the LARA Rules as may be amended from time to time.

*Safety compliance establishment* means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

*Secure transporter* means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

*Stacked license* means more than 1 State license issued to a single licensee to operate as a class C marihuana grower as specified in each State license at a marihuana establishment.

*State operating license* or, unless the context requires a different meaning, *license*, means a license issued by the department that allows a person to operate a marihuana establishment.

*Temporary marihuana event license* means a State license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the State license during the dates indicated on the State license.

*True party of interest* means:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses.
- (3) For a limited partnership and limited liability limited partnership: all general and limited partners and their spouses.
- (4) For a limited liability company: all members, managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.

- (5) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses and all stockholders and their spouses.
- (6) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses.
- (7) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive a percentage of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
- (8) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.
- (9) For a trust: the names of the beneficiaries.

However, *true party of interest* does not mean:

- (1) A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable rate.
- (2) A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana-infused products by the applicant who is a franchisee.
- (3) A person or entity receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.
- (4) A person receiving reasonable payment under a licensing agreement or contract approved by the agency concerning the licensing of intellectual property including, but not limited to, brands and recipes.
- (5) A person who receives a bonus as an employee if the employee is on a fixed wage or salary and the bonus is not more than 25% of the employee's pre-bonus annual compensation or if the bonus is based on a written incentive or bonus program that is not out of the ordinary for the services rendered.

**Sec. \_\_-\_\_ License Application Process.**

Applications must be complete and shall be considered in the order in which they are received. Among the criteria to be considered in determining whether the applications are complete are the following:

- (1) Applicant must submit detailed application materials and plans (including plans which address the provisions of this Chapter and related provisions, such as current ownership of the property, security, lighting, processing, site plans, record-

keeping, disposal, water/utility, ventilation, odor, etc.) which illustrate the likely success of the proposed business, in harmony with surrounding properties at the proposed site;

(2) Applicant must not be currently in default/arrears on any taxes or fees otherwise due to the City, and must not have a history of noncompliance or violations with City Ordinances or applicable laws; and applicant must not have been served with any complaint or notice filed by or with any public body, regarding the delinquency in the payment of any tax required under federal, state or local law;

(3) Applicant must indicate whether it has a history of criminal convictions/pleas, other than as specified by the MRTMA, MCL 333.27958;

(4) Applicant must indicate whether it has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction, that has been denied, restricted, suspended, revoked, or not renewed, or has proceedings pending related to such;

(5) Applicant must indicate whether it has filed, or had filed against it/him/her, a proceeding for bankruptcy or been involved in any formal process to adjust, defer, suspend or otherwise work out payment of a debt in the past seven years;

(6) Other criteria, published by the office of the City Manager on the City's website, prior to the selection process, as may be determined to be pertinent to the selection process, including but not limited to the criteria developed and considered by LARA in the issuance of licenses under MRTMA, or under any other marihuana-related licensing process, such as the Michigan Medical Marihuana Act.

**Sec. \_\_ - \_\_ Location eligibility.**

(a) No marihuana establishment shall be eligible to be issued a license unless the applicant complies, for the parcel in question, with Chapter \_\_\_\_\_ and all City zoning regulations.

(b) A licensee shall not operate a marihuana establishment at any place in the City other than the address provided in the application on file with the City Clerk.

**Sec. \_\_ - \_\_ License and annual fee required.**

No person shall establish or operate a marihuana commercial entity in the City without first having obtained from the City and the State a license for each such establishment to be operated. License certificates shall be kept current and publically displayed within the establishment. Failure to maintain or display a current license certificate shall be a violation of this Chapter. City licenses are required as follows:

(a) An annual nonrefundable fee must be paid to defray the administrative and enforcement costs associated with marihuana establishments located in the City in the amount of \$5,000 per license. If more than one type of marihuana establishment is located at a certain location, each shall require a separate license.

(b) The annual nonrefundable fee required under this section shall be due and payable with the application for a license and upon the application for renewal of any such license under this Chapter.

(c) The license fee requirement set forth in this Chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or City law or ordinance, including, by way of example, any applicable zoning or building permits.

(d) The issuance of any license pursuant to this Chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marihuana under federal law.

(e) Licenses may be allowed to be stacked for multiple uses per premise, subject to the City's determination that such uses are compatible together at that location, are consistent on a shared basis with all the provisions of the MRTMA and each use is consistent with zoning and other provisions of the City Code of Ordinances, including but not limited to Chapter \_\_\_\_\_. If those conditions are met, more than one different marihuana establishment may be located on one parcel. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between any marihuana establishment and any adjacent business.

**Sec. \_\_\_\_ - General license application requirements.**

(a) A person seeking a license pursuant to the MRTMA and the provisions of this Chapter shall submit an application to the City on forms provided by the City. At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs incurred by the City for background investigations and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present a suitable form of identification.

(b) The applicant shall also provide the following information, under the penalty of perjury, on the City-issued form. Such information is required for the applicant, the proposed manager of the marihuana commercial entity, and all persons who are true parties of interest in the marihuana commercial entity that is the subject of the application:

(1) The name, address, date of birth, business address, business telephone number, driver's license, and, if applicable, federal tax identification number;

(2) If the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status,

and proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable;

(3) The identity of every person having any ownership interest in the applicant with respect to which the license is sought.

(4) If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marihuana establishment;

(5) A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises;

(6) A stamped or sealed 24 inch by 36 inch drawing of the proposed licensed premises showing, without limitation, building layout, all entryways and exits to the proposed licensed premises, loading zones and all areas in which marihuana will be stored, grown, manufactured or dispensed;

(7) A comprehensive establishment operation plan for the marihuana commercial entity which shall contain, at a minimum, the following:

a. A security plan indicating how the applicant will comply with the requirements of this Chapter and any other applicable law, rule, or regulation. The security plan shall include details of security arrangements and will be protected from disclosure as provided under the Michigan Freedom of Information Act, MCL 15.231 et seq. If the City finds that such documents are subject to disclosure, it will attempt to provide at least 2 business days' notice to the applicant prior to such disclosure.

b. For grower and processing establishments, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the City;

c. A lighting plan showing the lighting outside of the marihuana establishment for security purposes and compliance with applicable City requirements;

d. A plan for disposal of any marihuana or marihuana-infused product that is not sold to a customer, in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

e. A plan for ventilation of the marihuana establishment that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business. For marihuana establishments that grow marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For

marihuana businesses that produce marihuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

f. A description of all toxic, flammable, or other materials regulated by a federal, state, or local authority that would have jurisdiction over the business if it was not a marihuana business, that will be used or kept at the marihuana business, the location of such materials, and how such materials will be stored.

g. For grower and processing establishments, an applicant must submit electrical plans for load review to Lowell Light & Power for a primary/secondary load study. After the load study has been conducted, applicants must prepay all costs associated with overbuilds that are necessary to meet the applicant's required load before construction is to start. Associated costs may include:

1. Overbuild of primary/secondary utility lines and their supporting structures.
2. KVA cost (Transformer(s)).
3. All labor and equipment cost.
4. Lowell Light & Power reserve the right to deny electric service to any applicant based on failure to meet load acceptance review or load requirements that are not conducive to the location.

(8) Prior to making a modification to a structure that would require a building permit or which would alter or change items required by this subsection, the licensee shall submit to the City and have approved a completed application for modification of premises in the form provided by the City.

(9) Proof of Insurance. A licensee shall at all times maintain full force and effect for duration of the license, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan. A licensee shall provide proof of insurance to the City Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. The policy shall name the City of Lowell and its officials and employees as additional insureds to the limits required by this section. A licensee or its insurance broker shall notify the City of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within 5 business days in the event of expiration or cancellation of coverage.

(10) Whether an applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration. Prior criminal history will be addressed/considered consistent with the provisions of the MRTMA, including but not limited to MCL 333.27958(1)(c).

(11) Whether an applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.

(12) Whether an applicant has filed, or been served with, a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, state, or local law, including the amount, type of tax, taxing agency, and time periods involved.

(13) A description of the type of marihuana establishment and the anticipated or actual number of employees.

(14) An acknowledgment and consent that the City may conduct a background investigation, including a criminal history check, and that the City will be entitled to full and complete disclosure of all financial records of the marihuana commercial entity, including records of deposit, withdrawals, balances and loans; and

(15) Any additional information that the City Manager or Police Department reasonably determines to be necessary in connection with the investigation and review of the application.

(c) Consistent with the MRTMA, including but not limited to MCL 333.27959 (7), and the Freedom of Information Act, MCL 15.231 et seq. the information provided to the City Clerk pursuant to this section relative to licensure is exempt from disclosure.

(d) All marihuana commercial entities shall be required to obtain all other required permits or licenses related to the operation of the marihuana commercial entity, including, without limitation, any development approvals or building permits required by any applicable code or ordinance.

(e) If a deficiency is identified in an application, the applicant shall have five (5) business days to correct the deficiency after notification.

(f) Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the City Clerk shall accept the application and assign it an application number by establishment type.

(g) Upon receipt of a completed application, the City Clerk shall circulate the application to the Planning Department, Police Department, Assessing Department, Department of Public Works (as well as any other City department or consultants that the Office of the City Manager may determine is pertinent to review of such applications) to determine whether the application is in full compliance with all applicable laws, rules and regulations.

**Sec. \_\_ - \_\_ Denial of application.**

(a) The City Clerk, following recommendations from the above-referenced departments, shall reject any application that does not meet the requirements of the MRTMA, the rules promulgated by LARA, this Chapter, the City Code of Ordinances or other applicable law or regulations. The City Clerk shall reject any application that contains any false, misleading or incomplete information.

(b) Subject to the provisions of the MRTMA, an applicant is ineligible to receive a license under this Chapter if any of the following circumstances exist regarding a true party of interest of the applicant:

(1) Conviction of or release from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years or conviction of a controlled substance-related felony within the past 10 years, except that, consistent with MCL 333.27958 (1)(c), a prior conviction solely for a marijuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor.

(2) Other than as set forth in MCL 333.27958(1)(c), within the past 5 years, conviction of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or having been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.

(3) The applicant has knowingly submitted an application for a license that contains false, misleading or fraudulent information, or who has intentionally omitted pertinent information on the application for a license.

(4) Is a member of the Board or, as contemplated by MCL 333.27957 is an individual involved in the implementation, administration or enforcement of the MRTMA provisions.

(5) The applicant fails to provide and maintain adequate premises liability and casualty insurance for its proposed marijuana establishment.

(6) Holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Indian tribe or to an elected precinct delegate.

(7) The applicant does not meet the MRTMA provisions concerning eligible license applicants, including but not limited to the provisions of MCL 333.27959, including the provisions of subsection (6) of that statute, which set forth time periods within which only certain applicants may obtain licenses.

(8) The applicant is an owner of, or has an interest in, such business or entity which, pursuant to the provisions of MCL 333.27959(3)(d), would make the applicant ineligible for the license for which the applicant has applied, or the applicant otherwise fails to meet other criteria established by State law.

**Sec. \_\_ - \_\_ Issuance of provisional approval certificate.**

(a) Complete applications for a marihuana establishment license determined to be in full compliance with the requirements of this Chapter shall be issued a provisional marihuana establishment approval certificate in accordance with the procedures specified in this Section.

(b) The City Clerk, upon approval by the City Council, shall issue a provisional marihuana establishment approval certificate if the inspection, background checks, and all other information available to the City verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, complies with applicable zoning and location requirements, and is prepared to operate the business as set forth in the application, all in compliance with this Code and any other applicable law, rule, or regulation.

(c) Applications whose inspection, background checks, and all other information available to the City verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, complies with applicable zoning and location requirements, and is prepared to operate the business as set forth in the application, all in compliance with this Code and any other applicable law, rule, or regulation shall be evaluated by City staff for recommendation to approve or deny a provisional marihuana establishment approval certificate.

(d) A provisional marihuana establishment approval certificate means only that the applicant has submitted a valid application for a marihuana establishment license, and is eligible to receive the appropriate marihuana establishment license from the Board. The applicant shall not locate or operate a marihuana establishment in the City without obtaining a license approved by the Board and issued by the State. A provisional certificate issued by the City will expire and be void after 12 months if State license approval is not

diligently pursued to completion by the applicant within such time, or on the date that State license approval is denied to the applicant, whichever first occurs.

(e) The conditions of an approval of a marihuana business license shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

**Sec. \_\_ - \_\_ Issuance of City marihuana establishment operating license.**

(a) An applicant holding an unexpired provisional certificate issued pursuant to this Chapter and for which the Board has granted the appropriate marihuana establishment State operating license shall provide proof of same to the City Clerk.

(b) Inspection. An inspection of the proposed marihuana establishment by the City shall be required prior to issuance of the City operating license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marihuana, and prior to the opening of the business to the public. The inspection is to verify that the business establishments are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation.

(c) After verification that the business establishments are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation, the City Clerk shall issue a City marihuana operating license whose term shall run concurrent with the State operating license for the establishment.

(d) Maintaining a valid marihuana establishment license issued by the State is a condition for the issuance and maintenance of the City marihuana establishment operating license issued under this Chapter and the continued operation of any marihuana establishment.

**Sec. \_\_ - \_\_ License forfeiture.**

In the event that a marihuana establishment does not commence operations within one year of issuance of a City operating license, the license shall be deemed forfeited; the business may not commence operations and the license is not eligible for renewal.

**Sec. \_\_ - \_\_ License renewal.**

(a) A City marihuana establishment operating license shall run concurrently with the State operating marijuana license issued for the establishment, unless revoked as provided by law.

(b) A valid marihuana establishment license may be renewed on an annual basis by a renewal application upon a form provided by the City and payment of the annual license fee. An application to renew a marihuana establishment license shall be filed at least thirty (30) days prior to the date of its expiration.

(c) Prior to the issuance of a renewed marihuana establishment license by the City, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this Chapter and the City Code of Ordinances.

**Sec. \_\_ - \_\_ Transfer, sale or purchase of license.**

(a) A marihuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a marihuana business license are only those persons disclosed in the application or subsequently disclosed to the City in accordance with this Chapter.

(b) Each operating license is exclusive to the licensee, and a licensee or any other person must submit an application for licensure with the City Clerk before a license is transferred, sold, or purchased. The attempted transfer, sale, or other conveyance of an interest in a license without prior application with the City Clerk is grounds for suspension or revocation of the license.

**Sec. \_\_ - \_\_ License as revocable privilege.**

An operating license granted by this Chapter is a revocable privilege granted by the City and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the City's approval before a license is transferred, sold, or purchased. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license. The attempted transfer, sale, or other conveyance of an interest in a license without prior Board approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the City.

**Sec. \_\_ - \_\_ Nonrenewal, suspension or revocation of license.**

(a) The City may, after notice and hearing, suspend, revoke or refuse to renew a license for any of the following reasons:

(1) The applicant or licensee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Chapter or with any applicable State or local law or regulation;

(2) The applicant or licensee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the State or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or

(3) The marihuana commercial entity has been operated in a manner that adversely affects the public health, safety or welfare.

(b) Evidence to support a finding under this section may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the marihuana commercial entity or in the immediate area surrounding such business, a continuing pattern of criminal conduct directly related to or arising from the operation of the marihuana commercial entity, or an ongoing nuisance condition emanating from or caused by the marihuana commercial entity. Criminal conduct shall be limited to the violation of a State law or regulation or City ordinance.

(c) Questions that arise in the administration of this Chapter, including appeals of suspension and revocations of City operating licenses, shall be determined pursuant to Chapter \_\_\_\_.

**Sec. \_\_\_\_ - \_\_\_\_ Grower license.**

Applicable standards for grower establishments:

(1) A grower shall comply with all of the provisions of the MRTMA and LARA Rules, and shall comply with the following:

a. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marihuana cultivated, produced, or distributed by a marihuana business.

b. A marihuana business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the marihuana business or at any adjoining use or property.

**Sec. \_\_\_\_ - \_\_\_\_ Processor license.**

Applicable standards for processor establishments shall be as set forth in the MRTMA and LARA Rules.

**Sec. \_\_-\_\_ Secure transporter license.**

Applicable standards for secure transporter shall be as set forth in the MRTMA and LARA Rules.

**Sec. \_\_-\_\_ Marihuana retailer license.**

Applicable standards for marihuana retailers shall be as set forth in the MRTMA and LARA Rules.

**Sec. \_\_-\_\_ Safety compliance establishment license.**

Applicable standards for safety compliance shall be as set forth in the MRTMA and LARA Rules.

**Sec. \_\_-\_\_ Microbusiness License.**

Applicable standards for a marihuana microbusiness shall be as set forth in the MRTMA and LARA Rules.

**Sec. \_\_-\_\_ Special Licenses.**

Applicable standards for Special Licenses (Designated Consumption Establishment Licenses, Excess Marihuana Grower Licenses, Marihuana Event Organizer License, and Temporary Marihuana Event Licenses) shall be as dictated by the MRTMA and LARA Rules:

**Sec. \_\_-\_\_ Compliance with rules; inspections.**

- (a) A licensee shall strictly comply with the rules and emergency rules that may from time to time be promulgated by the Department.
- (b) If it is determined that the Marihuana Tracking Act applies, or LARA promulgates rules or regulations which require such, a licensee shall adopt and use the statewide monitoring system of inventory control and tracking authorized by the Marihuana Tracking Act so as to provide the capability for the licensee to comply with the State requirements applicable to the type of license held by the licensee.
- (c) A marihuana establishment and all articles of property in the establishment are subject to inspection, search and examination at any time by a member of the Lowell Police Department or the Department of State Police.

(d) Any failure by a licensee to comply with Department rules or the provisions of this Chapter is a violation of this Chapter and any infraction or violation, however slight, is sufficient grounds for suspension and revocation of licensure under this Chapter.

**Sec. \_\_-\_\_ Signage and advertising.**

All signage and advertising for a marihuana establishment shall comply with all applicable provisions of this Code including Chapter \_\_. In addition, it shall be unlawful for any licensee to:

- (1) Use advertising material that is misleading, deceptive or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to minors;
- (2) Advertise in a manner that is inconsistent with the provisions of the MRTMA or LARA rules.

**Sec. \_\_-\_\_ Warning signs.**

There shall be posted in a conspicuous location in each establishment a legible sign containing the content of this section warning that:

- (1) The possession, use or distribution of marihuana is a violation of federal law;
- (2) It is illegal under State law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, marihuana; and
- (3) No one under the age of twenty-one (21) years is permitted on the premises.

**Sec. \_\_-\_\_ Security requirements.**

(a) Security measures at all licensed premises shall comply with the requirements of the MRTMA, including but not limited to MCL 333.27961, and all applicable rules and regulations promulgated by the Department.

(b) A description of the security plan shall be submitted with the application for a City operating license. The security system, shall be maintained in good working order and provide twenty-four hours per day coverage. A separate security system is required for each establishment.

(c) The security plan must comply with all LARA Rules, and must include, at a minimum, the following security measures:

(1) Cameras. The marihuana business shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to marihuana or cash maintained by the marihuana business entity. Cameras shall record operations of the business to an off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty-five (45) days in a secure offsite location in the City or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the City and provided to the Police Department upon request, and updated within seventy-two hours of any change of such location.

(2) Use of safe for storage. The marihuana business shall install and use a safe for storage of any processed marihuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marihuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the City in place of the use of a safe so long as the container is affixed to the building structure.

(3) Alarm system. The marihuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the City shall identify the company monitoring the alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.

**Sec. \_\_ - \_\_ Visibility of activities; control of emissions.**

(a) All activities of marihuana commercial entities, including, without limitation, the cultivating, growing, processing, sale, displaying, manufacturing, selling, and storage of marihuana and marihuana-infused products shall be conducted consistent with the MRTMA, including but not limited to MCL 333.27961 concerning activities to be conducted outside of public view.

(b) No marihuana or marihuana accessories shall be displayed or kept in a business so as to be visible from outside the licensed premises.

(c) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a marihuana commercial entity must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana commercial entity, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

**Sec. \_\_ - \_\_ Marihuana cultivation.**

**(a) Cultivation, generally.**

(1) Marihuana cultivation shall be conducted consistent with the MRTMA, including but not limited to MCL 333.27961, and all LARA rules, within an enclosed, secured area;

(2) Marihuana cultivation shall comply with all applicable requirements of the laws and regulations of the City and the State.

(b) All marihuana products kept on premises where marihuana plants are grown shall be stored in a locked and enclosed space.

(c) The use of any lighting for indoor marihuana cultivation shall be limited to light-emitting diodes (LEDs), compact fluorescent lamps (CFLs) or other fluorescent lighting. All high-intensity discharge (HID) lighting, including, but not limited to, mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high-pressure sodium (HPS) lamps and xenon short-arc lamps, is prohibited.

(d) No marihuana cultivation activity shall result in the emission of any gas, vapors, odors, smoke, dust, heat or glare that is noticeable at or beyond the property line of the dwelling at which the cultivation occurs. Sufficient measures and means of preventing the escape of such substances from a dwelling must be provided at all times. In the event that any gas, vapors, odors, smoke, dust, heat or glare or other substances exit a dwelling, the owner of the subject premises shall be liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The owner shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations. In the event there is a lessee of the subject premises, the owner and the lessee shall be jointly and severally liable for such conditions.

**Sec. \_\_ - \_\_ Odor control.**

(a) No person, tenant, occupant, or property owner shall permit the emission of marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.

(b) Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.

(c) A grower or a processor shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

**Sec. \_\_ - \_\_ Separation of licensed premises.**

A grower establishment and processor establishment are separate marihuana commercial entities requiring separate licenses and separate premises. In addition to all other application requirements for separate premises, each business shall:

- (1) Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area.
- (2) Be divided within a building from floor to roof. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a marihuana business and any adjacent business.

**Sec. \_\_ - \_\_ Prohibited acts.**

- (a) It shall be unlawful for any licensee to permit the consumption of alcohol beverages on the licensed premises.
- (b) It shall be unlawful for any licensee holding a marihuana retailer license, or for any agent, manager or employee thereof, to:
  - (1) sell, give, dispense or otherwise distribute marihuana or marihuana accessories from any outdoor location;
  - (2) display marihuana or marihuana accessories so as to be visible from a public place outside of the marihuana establishment;
- (c) It shall be unlawful for retail marihuana establishments to distribute marihuana or marihuana-infused products to a consumer free of charge.
- (d) It shall be unlawful for any licensee to permit the consumption of retail marihuana or retail marihuana products on the licensed premises.
- (e) It shall be unlawful for any licensee to sell marihuana or marihuana products at a licensed marihuana retailer or microbusiness at any time other than between the hours of 7:00 a.m. and 9:00 p.m. daily.

**Sec. \_\_ - \_\_ Reports of crime.**

Reports of all criminal activities or attempts of violation of any law at the marihuana establishment or related thereto shall be reported to Lowell Police Department within twelve hours of occurrence, or its discovery, whichever is sooner.

**Sec. \_\_ - \_\_ Inspection of licensed premises.**

- (a) During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by Police Department all other City departments for the purpose of investigating and determining compliance with the provisions of this Chapter and any other applicable state and local laws or regulations.
- (b) Consent to Inspection. Application for a marihuana business license or operation of a marihuana business, or leasing property to a marihuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the City manager to conduct routine examinations and inspections of the marihuana business to ensure compliance with this Chapter or any other applicable law, rule, or regulation. For purposes of this Chapter, examinations and inspections of marihuana businesses and recordings from security cameras in such businesses are part of the routine policy of enforcement of this Chapter for the purpose of protecting the public safety, individuals operating and using the services of the marihuana business, and the adjoining properties and neighborhood.
- (c) Application for a marihuana business license constitutes consent to the examination and inspection of the business as a public premise without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a marihuana license without a search warrant.
- (d) A licensee, or an employee or agent of the licensee, shall not threaten, hinder or obstruct a law enforcement officer or a City inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this Chapter, the MRTMA, or applicable state administrative rules.

**Sec. \_\_ - \_\_ Additional requirements.**

- (a) No marihuana business may use metals, butane, propane, or other flammable product, or produce flammable vapors, to process marihuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.
- (b) The City shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business is producing marihuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

**Sec. \_\_ - \_\_ Other laws remain applicable.**

To the extent the State adopts in the future any additional or stricter law or regulation governing the sale or distribution of marihuana, the additional or stricter regulation shall control the establishment or operation of any marihuana commercial entity in the City. Compliance with any applicable State law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Chapter, and noncompliance with any applicable State law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

**Sec. \_\_ - \_\_ Grant of administrative authority.**

The City Manager is granted the power and duty to fully and effectively implement and administer the license application process and issuance of Provisional Approval Certificates and Operating Licenses issued by the City under this Chapter.

**Sec. \_\_ - \_\_ Violations and penalties.**

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Chapter, consistent with MCL 333.27956(2)(d), any person or marihuana establishment, including, but not limited to, any licensee, manager or employee of a marihuana commercial entity, who violates any of the provisions of this Chapter, shall be guilty of a municipal civil infraction and a fine of not more than \$500.

In addition, any person, including any person, customer or member of the public, who violates the provisions of section 4 of the Act, MCL 333.27954, and who acts in a manner contrary to the acts prohibited therein, except as may be otherwise provided in MCL 333.27965, shall be guilty of a misdemeanor.

Notwithstanding the above, to the extent any violation or penalty set forth herein may be deemed inconsistent with any State law, or inconsistent with any rule or penalty which is promulgated by the Department, now or hereafter, including but not limited to those promulgated pursuant to MCL 333.27958, then the State law or Department rule or penalty shall govern over the provisions of this Chapter.

**Sec. \_\_ - \_\_ Additional Provisions**

(a) Notwithstanding any provision herein, to the extent it may be determined that any provision in this Chapter is in conflict with either the MRTMA, or the rules and regulations of LARA, or other provisions of law, then such provision of this Chapter as is in conflict shall be subject to and preempted by the rule or provision of law of this State.

(b) Consistent with the provisions of the MRTMA, nothing herein shall prevent any employer from disciplining any employee for violation of a workplace drug policy or for working while under the influence of marihuana, nor does anything in this Chapter prevent

an employer from developing workplace policies, or from refusing to hire a person because of that person's violation of a workplace drug policy.

(c) Likewise, consistent with the MRTMA, nothing in this Chapter prevents a landlord from prohibiting or otherwise regulating the consumption, cultivation, distribution, processing, sale or display of marihuana and marihuana accessories on leased property except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking as set forth in the MRTMA and the LARA rules.

**Section 2. Publication.** After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with its date of adoption in *The Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 3. Effective Date.** This ordinance shall take effect (subject to its Effective After Approval provisions) ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in *The Lowell Ledger*, a newspaper of general circulation in the City.

YEAS: Councilmembers \_\_\_\_\_

\_\_\_\_\_

NAYS : Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Susan Ullery  
City Clerk

### CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on August \_\_\_\_\_, 2019, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in *The Lowell Ledger*, on \_\_\_\_\_, 2019. I further certify that the above ordinance was entered into the Ordinance Book of the City on \_\_\_\_\_, 2019, and was effective \_\_\_\_\_, 2019, ten (10) days after publication.

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
Susan Ullery  
City Clerk



**CITY OF BATTLE CREEK**  
COMMUNITY SERVICES DEPARTMENT - PLANNING and ZONING

**Medical Marijuana Facility - Provisioning Center Pick List**

This document is required for any and all applicants applying for a City of Battle Creek Medical Marijuana Facility (MMF) Permit for the operation of a new Provisioning Center in the C-2, C-3, C-4, C-5, C-6, and C-7 Commercial zoning districts.

This document will only be used to evaluate multiple permit applications for provisioning centers that are received on the same business day, between 8am and 3pm, if competing applications are submitted for locations within 1,000 feet of each other. In these circumstances, competing applications will be evaluated based upon evaluation and comparison of the completed pick list. Each element listed is of equal value, and the application with the highest number of checked elements will receive site precedence. In case of a tie, the application submitted first as documented by the date/time stamp will receive site precedence.

An applicant who does not gain an approved site precedence shall have up to seven (7) calendar days to submit a new pick list for a new location. If by this deadline a new property location and pick list is not submitted to the Planning Division, the Medical Marijuana Facility Permit application will be denied, and a new application and fee will be required.

The checking of any elements on the pick list are voluntary, however, once the pick list has been submitted, all elements selected on the pick list will be required to be implemented into the final project. The selected elements will be required to be shown on any/all required plans including the site plan and building/trade permit application and plans. If the checked elements are not shown on the applicable plans, the City may not grant approval of said plan/permits. Additionally, throughout construction and/or inspection subject to an approved permit, a City Inspector and/or Planner shall confirm fulfillment of the selected elements. Failure to comply may result in the denial of a Certificate of Occupancy and in all cases will result in the denial of the final permit.

By signing below, the applicant acknowledges that they have read and understand all information contained herein regarding the use and purpose of this document. The applicant understands that this is a legally binding document and failure to comply shall result in the denial of plan approvals, permit issuance, inspection approvals, and/or the denial of a Certificate of Occupancy.

**Facility Address:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

For Office Use Only

Check and initial any of the following elements you, as applicant, voluntarily will include within the scope of the project. Submit any supplemental documentation to this picklist as required below.

### 1) Improved Aesthetics

The project includes, provides, or meets any of the following:

| APPLICANT<br>INITIAL | APPLICANT<br>✓ | ELEMENT TO BE INCLUDED IN PROJECT:   |
|----------------------|----------------|--|
|                      |                | A 25% increase in landscaping beyond the minimum Ch. 1285 landscaping requirement.   |
|                      |                | A 3-foot tall decorative fence along edge of parking lot where facing a right-of-way (non-sight obscuring).  |
|                      |                | The parking lot is only located behind the building.   |
|                      |                | The parking lot is only located to the side of the building and is screened from the nearest street by a 3-foot tall evergreen shrub, or sight- obscuring fence or wall. (Screening material must be located to the side of the building.) |
|                      |                | A building exterior that consists, or will consist, of at least 80% brick, stone, stucco, transparent glass, or a combination thereof.   |
|                      |                | A façade fronting a street that consists, or will consist, of at least 35% windows.  |
|                      |                | A façade facing the public entrance to the building that that consists, or will consist, of at least 35% windows.  |

### 2) Increased Energy Efficiency Design/Operations

The project includes, provides, or meets any of the following:

| APPLICANT<br>INITIAL | APPLICANT<br>✓ | ELEMENT TO BE INCLUDED IN PROJECT:  |
|----------------------|----------------|---|
|                      |                | Entire building meets or will meet the most current adopted version of the Michigan Energy Code for Commercial buildings.   |
|                      |                | Entire building is ENERGY STAR certified and inspected by an ENERGY STAR qualifying person(s). <i>(If this is applicable, then all items marked with an asterisk* below are also applicable.)</i> |
|                      |                | *ENERGY STAR certified water heater or tankless water heater  |
|                      |                | *ENERGY STAR certified appliances (oven, refrigerator, freezer)   |
|                      |                | *ENERGY STAR certified heating and cooling systems (furnace, air conditioning)  |
|                      |                | *ENERGY STAR lighting/fan fixtures  |
|                      |                | *ENERGY STAR certified exterior doors   |
|                      |                | *ENERGY STAR certified TVs, DVDs, Blu-Ray Players, Phones, Speaker Systems, Computers, etc. associated electronics  |
|                      |                | WaterSense labeled lavatory fixtures  |
|                      |                | Carbon filter/scrubber for odor control   |

**3) Impacts to City Services (storm water transportation)**

The project includes, provides, or meets any of the following:

| APPLICANT<br>INITIAL | APPLICANT<br>✓ | ELEMENT TO BE INCLUDED IN PROJECT:   |
|----------------------|----------------|--|
|                      |                | Ability to hold and treat at least 20% more stormwater than the required minimum through raingardens, underground basins, or other methods approved by the City Department of Public Works (DPW).  |
|                      |                | A roof garden covering at least 50% of the total square feet of the roof area of the principle building, or 2,000 sq ft of roof area, whichever is less. The roof garden shall be designed and installed by a qualified entity. A plan(s) for the design, installation, and 2-year maintenance must be submitted with building permit application/plans to fulfill this element. |
|                      |                | A bicycle rack(s) located by the front or main entrance to accommodate at least 4 bicycles.  |
|                      |                | The site is located within 200 ft from a transit stop. (Submit transit map.)   |

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**4) Increased efficiency of property**

The project includes, provides, or meets any of the following:

| APPLICANT<br>INITIAL | APPLICANT<br>✓ | ELEMENT TO BE INCLUDED IN PROJECT:  |
|----------------------|----------------|---|
|                      |                | The project involves re-using an existing building.   |
|                      |                | Re-using or re-occupying a building or portion of a building which has been vacant for at least 1 year. (Submit realtor/ lender data of days listed.) |
|                      |                | Demolition of an existing building and rebuilding on the same lot. (Except in a Historic District).   |

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**5) Low impact to adjacent property value**

The site will or currently meets any of the following:

| APPLICANT<br>INITIAL | APPLICANT<br>✓ | ELEMENT TO BE INCLUDED IN PROJECT:   |
|----------------------|----------------|--|
|                      |                | Is not abutting a Residential Zoning District. (Submit zoning map.)  |
|                      |                | Is not abutting a property with a Residential use. (Submit map and photos.)  |
|                      |                | Is located at least 1,000 feet away from a Residential use or Residential Zoning District in the city or surrounding jurisdictions. (Submit map and photos.) |
|                      |                | The main entrance is not facing a Residential Zoning district or residence. (Submit map and photos.)   |

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**6) Ownership/ Business Establishment**

The applicant has met any of the following at the time of filing the MMF Provisioning Center permit:

| APPLICANT<br>INITIAL | APPLICANT | ELEMENT TO BE INCLUDED IN PROJECT:   |
|----------------------|-----------|--|
|                      | √         | Within the last 10 years, the applicant has at least 5 years being an owner/co-owner of a retail business anywhere in the State of Michigan. (Submit copy of state business license establishing years.)   |
|                      |           | The building or property is owned by the applicant at the time of filing the subject MMF Provisioning Center Permit. (Submit a recorded Deed or similar legal document which affirms ownership by applicant.)<br><i>Land contracts do not satisfy this item.</i> |
|                      |           | The applicant is currently paying a lease or other legal agreement for use of an existing commercial/ industrial tenant space. (Submit a copy of lease showing a beginning and ending lease/ agreement periods.) <i>Land Contracts do not count toward this.</i> |

**7) Accessibility**

The project includes, provides, or meets any of the following:

| APPLICANT<br>INITIAL | APPLICANT | ELEMENT TO BE INCLUDED IN PROJECT:  |
|----------------------|-----------|---|
|                      | √         | All public entrances provide barrier-free accommodations and complies with current ADA requirements. (Only eligible if compliance is not required due to the existing development conditions*.) |
|                      |           | Building and property provides full compliance with the Americans with Disabilities Act Amendment Act of 2008 (ADAA) meeting ANSI A117.1<br>[*Meeting this also meets the item above.]          |

**CITY OF GRAND RAPIDS**  
DESIGN AND DEVELOPMENT DEPARTMENT – DEVELOPMENT SERVICES

**Marihuana Industry Voluntary Equitable Development Agreement  
(MIVEDA)**

This document is for voluntary use by any and all applicants applying for City of Grand Rapids Marihuana Facility (MMF) land use approval for marihuana grower, marihuana processor, and/or marihuana provisioning center. Participation in the MIVEDA program is voluntary. The selection by the Applicant of any voluntarily-offered conditions on the form is at the applicant's own discretion. However, once a completed, signed MIVEDA form has been submitted with a land use application, it is legally enforceable. All voluntarily-offered conditions selected on the form will be required and implemented into the final approval of the project.

Each voluntarily-offered condition listed across 3 categories is of equal value. For example, if an applicant checks B. and C. under Category 1 (Local Residency), that applicant has two voluntarily offered conditions. The application with the highest number of checked voluntarily-offered conditions will receive application consideration precedence.

The selected voluntarily-offered conditions will be required to be shown on any/all required plans including the site plan and building/trade permit application and plans. If the checked voluntarily-offered conditions are not shown on the applicable plans, the City may not grant approval of said plan/permits. Additionally, throughout construction and/or inspection subject to an approved permit, a City Inspector and/or Planner shall confirm fulfillment of the selected voluntarily-offered conditions. Failure to comply may result in the denial of a Certificate of Occupancy and in all cases will result in the denial of the final permit.

Please read this entire document carefully.

By signing below, the applicant acknowledges all of the following:

- The applicant has read and understands all information contained in this document regarding the use and purpose of the MIVEDA.
- The applicant is choosing to participate in MIVEDA.
- The applicant understands that, once submitted this is a legally binding document and failure to comply shall result in the denial of plan approvals, permit issuance, inspection approvals, and/or the denial of a Certificate of Occupancy.

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

For Office Use Only

**Instructions:** Initial any of the following voluntarily-offered conditions you, as the applicant, will disclose, commit to, and/or include within the scope of the project. Applicants who are initialing and submitting this form as part of a Special Land Use (SLU) application shall be the applicant/s for the SLU request and shall be included on all State licensing applications. Please submit any supplemental documentation to the list as described below.

**1) Local Residency** (choose all that apply)

**Verification Commitment:** I understand that the City of Grand Rapids will verify adherence to these criteria annually for a minimum of three years, measured from the date of marihuana facility license issuance by LARA. I agree to provide the City of Grand Rapids information that the City, in its sole discretion, deems necessary to verify satisfaction of these elements. I agree to self-report compliance using a form provided by the City upon request.

\_\_\_\_\_  
Signature of applicant/s

Owner-applicant/s (having a minimum 25% ownership interest in the marihuana facility seeking SLU approval) has/have resided for at least 1 of the last 5 years (minimum of 12 months) in:

APPLICANT INITIAL    APPLICANT ☒    VOLUNTARILY-OFFERED CONDITION TO BE INCLUDED IN PROJECT:

- A. City of Grand Rapids General Target Area as defined by HUD
- B. City of Grand Rapids
- C. Kent County
- D. State of Michigan

*Submittal: Driver's license or State of Michigan ID with an affidavit that includes years and address/es.*

**2) Local Economy** (choose all that apply)

APPLICANT INITIAL    APPLICANT ☒    VOLUNTARILY-OFFERED CONDITION TO BE INCLUDED IN PROJECT:

- A. Commitment to hire 15% of employees or more who are City of Grand Rapids residents, working more than 30 hours/week
- B. Commitment to 24% or more of Micro LBE Participation
- C. Commitment to hire minimum of 30 employees, working more than 30 hours per week.

*Submittal: (A) Business tax records that demonstrate percent employees as city or non-city residents. By offering condition 2 (A), the applicant consents to the City obtaining employee residency income tax percentages from the Income Tax Department. (B) Documentation of Micro LBE participation in accordance with City policies. (C) Business records that demonstrate number of employees. By offering condition 2(C), the applicant consents to the City obtaining withholding information from Income Tax Department to verify number of employees.*

**3) Streamlined Applications**

APPLICANT INITIAL    APPLICANT ☒    VOLUNTARILY-OFFERED CONDITION TO BE INCLUDED IN PROJECT:

- A. No sensitive use separation distance waivers are required

*Submittal: (A) Affidavit and documentation establishing that no sensitive use separation distance waivers are required for the property at issue.*



## Good Neighbor Plan

# Medical Marihuana Facility

### 1. Marihuana Facility Information

Address of proposed marihuana facility: \_\_\_\_\_

Facility type(s):

- ☐ Provisioning Center  
☐ Grower (specify Class and number of proposed plants): \_\_\_\_\_  
☐ Processor  
☐ Secure Transport  
☐ Safety Compliance Facility

Applicant Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Required Attachment*

- ☐ Any and all versions of site plans presented to neighborhood org. and/or nearby owners and tenants.

### 2A. Neighborhood Organization Attestation

TO BE COMPLETED BY NEIGHBORHOOD REPRESENTATIVE

I, the undersigned, am an authorized representative of the Neighborhood Organization listed below. By signing my name to this form, I hereby confirm that the applicant listed in Section 1. of this form has communicated with representatives of this Organization and that such representatives have had adequate opportunities to understand and give meaningful input in the development of this Good Neighbor Plan.

Neighborhood Organization: \_\_\_\_\_

Printed Name and title, if applicable: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

We communicated and/or met with the applicant on the following occasion(s): \_\_\_\_\_

The following components of the Good Neighbor Plan have not been resolved to the satisfaction of this organization:



## Good Neighbor Plan

# Medical Marihuana Facility

## 2B. Statement of Good Faith Effort

CHECK ALL OF THE FOLLOWING THAT APPLY, ONLY IF SECTION 2A CANNOT BE COMPLETED.

- ☐ At least three good faith attempts were made to contact the recognized neighborhood organization for this area. These attempts were done at the following dates and times, using the given method (if method was email, list address emailed. Phone, list phone number called. Mail, list mailing address):

1. Date \_\_\_\_\_ Time \_\_\_\_\_ Method \_\_\_\_\_
2. Date \_\_\_\_\_ Time \_\_\_\_\_ Method \_\_\_\_\_
3. Date \_\_\_\_\_ Time \_\_\_\_\_ Method \_\_\_\_\_

List any additional contact attempts on a separate attachment.

- ☐ There is no recognized neighborhood organization for the area in which this marihuana facility is proposed. Instead, all tenants and owners within three hundred and fifty (350) feet of the property, as measured from all property lines, were contacted, by mail sent on the following date(s):

Date \_\_\_\_\_  
 Attach a copy of the mailing and the names and addresses of those contacted.

- ☐ At least one neighborhood meeting was hosted by the applicant (list details of any and all meetings):

1. Date \_\_\_\_\_ Time \_\_\_\_\_ Location \_\_\_\_\_
2. Date \_\_\_\_\_ Time \_\_\_\_\_ Location \_\_\_\_\_
3. Date \_\_\_\_\_ Time \_\_\_\_\_ Location \_\_\_\_\_

Attach a copy of names and addresses of all parties in attendance (typically a sign-in sheet) at all meetings. List details of any additional neighborhood meetings on a separate attachment.

## 2C. Other organizations

In addition to the local neighborhood organization, the applicant contacted the following other relevant community organizations:

Business Association \_\_\_\_\_ ☐ N/A

Corridor Improvement District \_\_\_\_\_ ☐ N/A

Other \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_



## Good Neighbor Plan

# Medical Marihuana Facility

### 3. Good Neighbor Plan

#### Standards for consideration in the development of a Good Neighbor Plan (Sec. 5.12.06.D.):

Some uses by the nature of the activities occurring within, on, or around the property on which they are located may have a deleterious impact on the neighborhood, business, or industrial district, or any area in which the facility is situated. Potential impacts associated with operations, and opportunities to mitigate those impacts, shall be taken into consideration in the development of a Good Neighbor Plan and Special Land Use request.

Considerations shall include:

- i. The adverse effects, if any, that the hours of operation of the proposed establishment will have upon neighboring properties, with particular attention to the effects of noise, odors, litter, loitering, parking, and glare from exterior lighting or headlights on nearby residential properties.
- ii. The amount and degree of law enforcement activities which could reasonably be anticipated to be generated by the proposed establishment, both outside and inside, with particular emphasis upon noise, calls for service, trespass enforcement, parking, vehicular use by patrons, and vandalism.
- iii. Whether the proposed use makes adequate provisions to eliminate the potential for adverse impacts upon the stability of adjacent areas by depreciating the desirability of the property or nearby properties by the placement of the use; or, conversely, the exacerbation of price escalation in rents or values that would result in the displacement of residents or businesses and how the requested use might reasonably protect the surrounding area so as not to have an adverse impact.
- iv. How the proposed use balances mobility options so as insure increased access and opportunity for those who might not own or be able to operate a vehicle, and to avoid an excessive parking burden or increased congestion in the general area.

**A. Crime Prevention and Awareness.** Staff at the proposed facility will be trained in crime prevention and awareness using the following method(s):

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**B. Marihuana and Sales to Minors.** The following method(s) will be employed to reduce sales of marihuana to minors:

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*Attach separate sheet(s) if additional space is needed.*



## Good Neighbor Plan

# Medical Marihuana Facility

**C. Litter Control.** The following method(s) will be employed to reduce and control the incidence of litter in an around the proposed facility:

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**D. Loitering Control.** The following method(s) will be employed to reduce loitering at or near the proposed facility:

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**E. Trespass Enforcement.** The following method(s) will be employed to reduce trespassing on the property of the proposed facility:

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*Attach separate sheet(s) if additional space is needed.*



## Good Neighbor Plan

# Medical Marihuana Facility

**F. Landscape Maintenance.** Proposed landscaping on the site of the proposed facility, and a plan for its maintenance, includes the following:

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**G. Neighborhood Communication.** The following methods will be used to ensure lines of communication with the neighborhood or business organization(s), owners, and tenants near the proposed facility:

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**H. Anti-Discrimination.** The following method(s) will be used to ensure that discrimination does not take place associated with the proposed facility, particularly as described within City Commission Policies 600-10, 600-11, and 600-17:

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*Attach separate sheet(s) if additional space is needed.*

**LOWELL TOWNSHIP & CITY OF LOWELL WATER AND SEWER FUTURE PLANNING  
AUGUST 20, 2019**

Meeting began at 10:00 AM.

**PRESENT:** Lowell Mayor Mike Devore, Lowell Township Supervisor Jerry Hall, Lowell Township Trustee Bill Thompson, City Manager Michael Burns, Public Works Director Dan Czarnecki, Utilities Supervisor Ralph Brecken, City Attorney Dick Wendt, Township Attorney Jeff Sluggett

Wendt shared the history and explained the current relationship of the water and sewer agreements.

- The Sewer agreement was established in 1987
- The Water agreement was established in 1992
- Both agreements are for 40 years
- Sewer Agreement consists of service area north of Grand River
- The Township has 18% sewer capacity or 252,000 gallons per day
- The Township has no wastewater capacity limitation but has a defined service area.
- If Sewer is available customer must connect
- City was to repair and maintain Township water system but this has changed
- Township is a wholesale customer
- Sewer rates are to reflect a share of townships portion of capital costs
- Agreement expires in 2027
- City agrees in advance to share with township capital improvements. Has not been done until recently
- Two amendments have been made to the agreement
- Both water and sewer agreements define exclusive and nonexclusive service areas
- No capacity limits on water
- Water advisory board is supposed to be created (never was)
  - What happens when you reach 80% capacity
- Water maintenance – each community responsible for local lines (could be done by City employees).

We then discussed Vergennes Township role in this authority. Hale and Burns reached out to them to see if there was interest. Township informed us they were not interested. However if someone wanted to connect they would be amenable to a 425 agreement.

Discussion ensued on Enworks connecting into system. Burns agreed to reach out to Enworks on level of interest.

Discussion began on consideration of authority. Agreement was made that debt obligations needed to be evaluated as we move forward. For next meeting City agreed to provide debt obligations for water and wastewater funds.

We discussed the pros and cons of forming an authority:

#### PROS

- Improved communication with City and Township
- Does it look better on paper? (i.e. grants, future bonding)
- Shifts and balances for system. Growth to system will be in Township and Litehouse. May take future investment costs and shift toward new or growing user base and not pass onto City residents

#### CONS

- Ability for City Limits to expand (i.e. 425 agreements)
- Protecting City Workers
  - Agreed by both City and Township that no City employees would be wronged if authority was formed
- Loss of ownership for City. City has invested in system and had full authority of it.

The discussion continued as to determine if both entities or the township would be a wholesale customer.

A timeframe was discussed and it was determined to develop a six month expectation of developing authority.

Tasks for next meeting: Check with North Kent Sewer Authority in regard to their staffing.

NEXT MEETING TUESDAY SEPTEMBER 11 at 10 AM at LOWELL TOWNSHIP

Meeting ended at 11:30 AM.

# williams&works

engineers | surveyors | planners

## MEMORANDUM

**To:** Lowell City Council  
**Date:** August 29, 2019  
**From:** Andy Moore, AICP  
Whitney Newberry  
**RE:** Riverview Flats – PUD Review

Unity School Investors, LLC has submitted an application for a PUD located at 219 High Street (PPN 41-20-02-260-003). The purpose of this memorandum is to review the PUD plan pursuant to Chapter 15 of the Lowell Zoning Ordinance.

**Background.** The applicant owns two parcels (219 and 238 High Street), however, only 219 High Street is the subject of this application. The subject property is within the Mixed Use district zoning and a portion of the subject property (219 High Street) is located within the Floodplain Overlay district. The total acreage of 219 High Street is approximately 2.0 acres.



The applicant has proposed a condominium project on the subject property, which would include redevelopment of the existing Unity School building and bus garage, known as “Riverview Flats.” The applicant is proposing three phases during the project.

The first phase would convert the former bus garage (on the western portion of the site) into 14 residential condominiums. In order to achieve this, the applicant has proposed an additional story to be constructed on top of the building. This first phase would also include the construction of four enclosed private garages for condominium residents. Access to these condominiums is proposed through the construction of private drives from King Street and Monroe Street. This phase is expected to take approximately one year.

The second phase of Riverview Flats would renovate the existing Unity School building into new condominium units. The applicant has indicated that this building will accommodate approximately 16 residential units. A parking lot for these units is proposed on the east side of the school building with internal access from the private drive created during phase 1. A portion of the former Unity School building currently extends into the High Street right-of-way, which is

not allowed. However, the applicant has indicated on the site plan that this portion will be removed.

The project's third phase would involve the construction of residential units in new buildings on the northeastern corner of the property. There are no buildings presently on this portion of the site. These residential units would be located in two buildings and access would be provided via the private drives from Monroe Street and King Street that were constructed during Phase 1. The applicant has indicated that approximately 14 residential units will be in these buildings comprising Phase 3.

The Planning Commission recommended approval of the project to the City Council during its regular August Planning Commission meeting. At its September meeting, the City Council must hold a public hearing prior to making a decision on the proposed PUD. The Commission included several conditions in its recommendation, which are included at the end of this memorandum.

**Objectives and Qualifying Conditions.** In accordance with Section 15.02 of the City of Lowell Zoning Ordinance, the City Council shall consider the degree to which the proposed PUD satisfies the objectives and qualifying conditions for PUDs. These objectives are listed below, along with our remarks on each.

#### Objectives

1. To encourage the provision and protection of open spaces, cultural/historic resources, the development of recreational amenities, and, where included in the plan, other support facilities in a generally central location within reasonable distance of all dwelling units.

**Remarks:** The proposed development includes the redevelopment of the former Unity School building and bus garage. Preservation of these old structures aligns with the City's value of preserving historic buildings. Since many Lowell residents attended Unity School, its preservation would retain some historic qualities of the building that may be appreciated by residents. Additionally, the PUD plan involves the creation of several residential units near the downtown area. Although the development is not proposing additional support facilities, the location of residential units near the downtown area may allow residents to have access to other support facilities in a walkable environment.

The applicant has included designated open space areas in the plan. This open space includes all areas that do not have structural development. The largest and most prominent open space area is located in the southwestern corner of the subject property. This area has an existing concrete base and the applicant is proposing landscaped islands within the area. There are also smaller sodded open space elements that exist primarily in the corners of the site. The designation of open space on the site plan adheres to this objective. However, the provided open spaces should be considered for their ability to function for the provision or protection of open areas on the property. The size of the parcel limits the amount of open space that may be provided in this

development; however, it does not appear that many of the designated open space areas were designed with the purpose to function as an open space. Yet, in an urban setting, significant open space is not always desired or necessary. Therefore, the role of open spaces in the development should be considered by the City Council.

Recreational activities may be encouraged by the development's proximity to a boat launch on High Street and other City parks, services, and the Riverwalk. However, specific recreational amenities are not included on the plan or described in the narrative. This should also be considered by the City Council.

2. To encourage developers to use a more creative and imaginative approach in the development of property.

**Remarks:** The applicant indicated in the project narrative that previous developers interested in this property had proposed to demolish the existing buildings. The applicant has ostensibly approached this development with the objective of preserving the existing buildings. In order to renovate these buildings, a creative design is required that appears to be somewhat limited through the strict application of the current Mixed Use zoning district standards. Specifically, Mixed Use zoning requires a minimum building frontage of 80% in primary front yards and 50% in secondary front yards, in accordance with Section 16A.04. Because the subject property is a corner lot surrounded by three rights-of-way, the parcel has three front yards. Creating a design that retains the existing buildings and meets the primary and secondary front yard coverage requirements would be difficult, if not impossible, under the strict requirements of the underlying Mixed Use district. Additionally, the mixed use zoning designation does not allow off street parking in the front yard, which limits the amount of parking available for residents. Thus, through PUD rezoning, it appears that a more creative approach is possible that may not have been otherwise feasible if the requirements of the underlying zoning district were applied.

3. To allow for market-driven development or redevelopment in places that are most conducive to accommodating additional activity.

**Remarks:** A cursory review of relevant market data trends suggests that the Lowell housing market is competitive. The proposed development site is located in downtown Lowell, along the Flat River, and adjacent to residential neighborhoods, public facilities, and services. Adequate infrastructure is already in place and accessible at the subject property, so the property is well-positioned as an ideal infill site where relatively dense residential densities are appropriate. If there are concerns about the overall viability of the project, the City Council may request additional evidence from the applicant in order to show that there is demand for the project that would reflect the desire to encourage market-driven redevelopment activity.

4. To facilitate economic development through the creation of a mix of uses and/or building types.

**Remarks:** The applicant has indicated in the project narrative that the project “will generate new real estate tax revenue for the City” as well as “new economic benefits for local businesses with the redevelopment of multiple buildings.” It is possible that the proposed PUD would result in increased property values, as each condominium unit would pay property taxes. The combination of redevelopment and new construction appears to provide a variety of building types that could lead to a successful development. The location of the development near the downtown area can also be expected to generate local economic activity, although this effect will not likely be easily noticeable since only a total of 44 units are proposed. Nevertheless, if successful, the proposed project would likely contribute positively to economic development in the City.

5. To create walkable developments with pedestrian-oriented buildings and open space that connects to nearby destinations or neighborhoods.

**Remarks:** The proposed development is located near the Lowell Riverwalk. This walkway is already connected to sidewalks surrounding the proposed development and will facilitate pedestrian traffic between residential neighborhoods and the downtown area. The applicant has also proposed sidewalks within the development, connecting to surrounding sidewalks on the northern and eastern property boundaries.

The applicant has indicated open space areas on the site plan. A small open space is located in the northeast corner of the property. The landscape plan includes some landscaping at this location, but it does not appear to be intended for public use. Further, there is a portion of concrete space located in the southwest corner of the subject property, adjacent to the former Unity School building. The landscape plan shows several landscape islands in this location; however, the purpose of this space is unclear from the plan. While the proposed development provides minimal open space, a significant amount of open space is not likely necessary in a downtown setting. The City Council should discuss whether the proposed open space is sufficient and appropriate.

6. To provide for the adaptive re-use of significant or historic buildings;

**Remarks:** The applicant has proposed to reuse the former Unity School building and bus garage. This will retain some local cultural and historic characteristics, as many of Lowell’s residents attended the school over the years prior to its closure. Thus, the development appears to provide for the adaptive re-use of significant buildings in the community.

7. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city.

**Remarks:** The applicant has proposed a phased development with a total of three phases. It is important to note that phases one and two of the development will need to exist and function both independently and collectively. Most multi-phase projects take years to reach full build-out, so it is important that each development phase of the development is fully functional on its own, so that the project is functional if subsequent

phases are not developed for long periods of time. The portion of the school building that protrudes into the High Street right of way will need to be addressed in detail in phase 2, although the City Council may request additional information regarding how this will be handled. Further, if the PUD rezoning is approved, each phase will be required to secure site plan approval from the Planning Commission, who will need to verify that the phase, when presented, is consistent with the original PUD rezoning approval.

8. To promote flexibility in design and to permit planned diversification in the location of structures.

**Remarks:** The proposed development is designed so as to utilize the existing buildings on the site. Rezoning to PUD allows greater flexibility in requirements such as parking, setbacks, and front yard build-to zone requirements. Therefore, it appears that rezoning to PUD would allow for diversification in the location of structures, since the development is already somewhat limited by utilizing existing buildings.

9. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.

**Remarks:** Because two buildings already exist on the subject property, utilities are readily available for redevelopment. Redevelopment of existing buildings also contributes to the conservation and efficient use of building materials. Therefore, it appears as though the proposed development would offer an efficient arrangement of buildings and utilities.

Vehicular circulation appears to be efficiently designed to facilitate traffic between different buildings. Internal sidewalks provide logical connections to existing sidewalks bordering the subject property and within the site. Therefore, it appears as though the proposed arrangement would promote efficient use of buildings, circulation systems, land use, and utilities.

10. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation;

**Remarks:** Internal vehicular access is proposed through a private drive with two curb cuts: one on King Street and one on Monroe Street. It appears as though this design would not adversely impact traffic.

Pedestrian circulation includes connections to existing sidewalks bordering the subject property. A sidewalk is also proposed between the former Unity School building and parking lot, which facilitates an internal connection to another sidewalk. Internal sidewalks also connect the former bus garage, the former Unity school, and internal parking spaces developed during phase 2 to existing sidewalks along Monroe Street and King Street. The sidewalks do not connect to the Lowell Riverwalk internally, but connect to the existing sidewalk along King Street, which has a connection point to the Riverwalk. The Riverwalk may also be accessed via the High Street right-of-way.

Additionally, as described above, the southeast portion of the development includes a concrete area with landscape islands. It is unclear whether this is intended to function for pedestrian circulation. The City Council may discuss safe and efficient pedestrian access and circulation with the applicant.

11. To provide for redevelopment of sites and/or buildings that are under-developed or have fallen into disrepair;

**Remarks:** The former Unity School building and bus garage are vacant buildings and have begun to fall into disrepair. The proposed PUD plan would redevelop these buildings and restore them to a useful state.

12. To combine and coordinate architectural styles, building forms, and building relationships within the PUD; and

**Remarks:** The exteriors of existing buildings are consistent with each other. The applicant has indicated in the project narrative that new materials will coordinate and complement the architectural styles and building forms that currently exist. The applicant has submitted building elevations for the phase 1 development, and some renderings of this phase are found on the project website. The City Council may discuss architectural styles and building forms with the applicant to ensure they are consistent throughout the development.

13. To ensure a quality of construction commensurate with other developments within the city.

**Remarks:** In the applicant's narrative, it is stated that the "quality of construction will meet or exceed that of other buildings in and around the City." If desired, the City Council may ask for additional information regarding how the applicant intends to ensure quality of construction, although the preliminary indications are that the materials would be of an acceptable quality.

#### Qualifying Conditions

1. Ownership. The tract of land for which a PUD application is received must be either in one (1) ownership or with written approval of the owners of all affected properties.

**Remarks:** The former Unity School building extends into the High Street right-of-way. However, the applicant has indicated on the site plan that the portion extending into the right-of-way will be removed to the property line. Therefore, there are no owners of affected properties associated with this development and the PUD application is in one ownership. Subject to the removal of the portion of the former Unity School building in the right-of-way, this condition is met.

2. Conditions. To be considered as a PUD, the proposed development must fulfill at least one (1) of the following conditions:

- a. The PUD contains two (2) or more separate and distinct uses, for example, residential dwellings and office or commercial uses;
- b. The PUD site exhibits significant natural features encompassing at least twenty-five (25) percent of the land area of the PUD which will be preserved as a result of the PUD plan.
- c. The PUD is designed to preserve, in perpetuity, at least sixty (60) percent of the total area of the site as open space.
- d. The PUD constitutes a significant redevelopment of an underutilized or vacant property where conventional development may not be feasible.

**Remarks:** It appears as though the PUD Plan fulfills letter (d), as it proposes to redevelop two existing buildings and construct two new buildings on what is presently an underutilized property. Conventional development that complies fully with the underlying Mixed Use zoning regulation may be infeasible unless the buildings are razed. Due to the intent to preserve their historic and cultural character, it appears as though this PUD plan would constitute a significant redevelopment of the vacant property.

3. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted master plan.

**Remarks:** The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended development appears to align well with the Plan's Mixed Use future land use category.

**PUD Plan and Rezoning Standards.** Section 15.10 of the Zoning Ordinance sets forth standards that shall be utilized by the Planning Commission and City Council in reviewing a PUD plan and request for PUD rezoning. These standards are below, along with our remarks on each.

1. The proposed PUD complies with the purpose and qualifying conditions of sections 15.01 and 15.02.

**Remarks:** The proposed PUD appears to comply with the purpose and qualifying sections of 15.01 and 15.02. However, there are a few objectives that may be questionable due to the current design of the plan. These are primarily related to open space.

2. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.

**Remarks:** The future land use map shows the subject property in the Mixed Use designation, which is intended to permit a mixture of residential, office, and commercial land uses. This category may include redevelopment of existing areas or new construction and should promote pedestrian accessibility. The intended development appears to align well with the Mixed Use category. The Master Plan does not consider PUDs on the future land use map.

The PUD plan may be supported through some of the Master Plan's goals and objectives. The Master Plan's goal for Community Image promotes Lowell's image as a historic community with natural resources such as the Flat River. Objectives include measures to improve access and views to the Flat River and restoration of buildings to their original style. Encouraging river access and views may include "demolition of view blocking buildings and structures, building of paths, construction of view overlooks, and others." The proposed PUD plan does not propose additional buildings along the riverfront. The addition of a second story on the bus garage may contribute to diminishing the viewshed; however, the extent to which this would occur is unclear. The residential units in the former bus garage would allow those owners river views.

The Community Image goal also includes an objective to encourage the restoration of building fronts to their original style. By preserving the existing buildings on the site, the applicant may retain their original style. The development appears to support this objective. The applicant has submitted building elevations for phase 1. It does not appear that the new construction would significantly diminish the original historic character of the site. However, the City Council may request additional information regarding building styles and architecture in order to ensure that the building fronts and new construction would not diminish the historic character of the site.

The Master Plan also lists a Land Use goal to "promote a walkable community with stable neighborhoods, and conveniently located public, commercial, and service uses." Objectives include improved pedestrian access to the Flat River, a land use pattern to facilitate walking to and within the downtown area safer and easier, and encouragement of new development in and around the downtown area. The PUD plan appears to align well with the objective for encouraging new development in and around the downtown area. The placement of residential units at this location appears to support this objective of building off of the downtown as the heart of Lowell.

Lastly, the Master Plan defines Housing goals, desiring a variety of housing opportunities on a range of lot sizes to provide affordable housing. The applicant has not submitted any information regarding the targeted income level of these housing units. However, the primary housing types in the surrounding area are single-family residential homes, and some residential-over-retail dwellings along Main Street. The presence of attached condo units may provide diversity in the housing market through different types of units and lot size, as there are few attached condos in the City at present.

3. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

**Remarks:** The Single or Two Family Residential district is located north and east of the subject property and the Public Facilities district is located south and west of the subject property. Uses on adjacent Public Facilities property include the Kent District Library and a small public park with a riverfront walkway. A school is also located in the immediate area. Because the proposed PUD is residential in nature, it appears that the use would be harmonious with the character of the surrounding uses. The PUD plan depicts a higher density than that allowed in the neighboring residential uses. However, because the subject property is also adjacent to the Public Facilities district and the riverfront walkway, the increased density may be more compatible and appropriate at this site, and offer a transition between the lower-intensity neighborhoods to the north and the more intense uses in downtown Lowell.

The subject property contains minimal natural features. The landscape plan submitted by the applicant indicates an increase in overall vegetative density on the site as a result of the development. Therefore, it appears that the natural environment will remain harmonious with the surrounding area.

Because this site was the former location of Unity School, public facilities and services are already available for use. It is expected that the capacity of public services and facilities would support the intended development. However, the City Council may request additional comments and approval from the City Engineer and DPW.

4. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

**Remarks:** The proposed PUD is residential in nature and therefore not expected to involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through excessive production of traffic, noise, smoke, fumes, or glare. The development is likely to have some impact on traffic in the area, as 44 new housing units would eventually be created. Because the development can be accessed via King Street and Monroe Street, it appears as though traffic will be distributed so as not to overload one particular area. Further, many of the future residents may walk to destinations in downtown Lowell, reducing the number of vehicle trips needed.

5. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.

**Remarks:** The City Council may request approval of public service and facility capacities by the City Engineer and DPW. This may be addressed as a condition of approval.

6. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and, regulations.

**Remarks:** This may be addressed as a condition of approval.

**Floodplain Overlay District Standards.** A portion of the subject property is located within the Floodplain Overlay District; therefore, the standards and regulations of Chapter 14 apply to all proposed uses in that district. Section 14.04 of the Zoning Ordinance sets forth additional standards that shall be utilized by the Planning Commission and City Council in reviewing the PUD plan and request for PUD rezoning. These standards are below, along with our remarks on each.

1. "Development, including the erection of structures and placement of manufactured homes, within the floodplain overlay district shall not occur except in accordance with the requirements of ... the following standards":

1. The requirements of this chapter shall be met.

**Remarks:** This may be addressed as a condition of approval.

2. The requirements of the underlying zoning district and applicable general provisions of this ordinance shall be met;

**Remarks:** Contingent upon the applicant's conformance to the applicable standards for PUD approval, this standard would be met.

3. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

**Remarks:** The proposed project may require a Part 31 permit from the Michigan Department of Environmental Quality (DEQ). So far, no permits related to development in the floodplain have been submitted to our knowledge. This may be addressed as a condition of approval.

4. The proposed use and/or structure(s) shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.

**Remarks:** The City Council may request review by the City Engineer regarding the applicant's grading and stormwater management design to ensure the floodplain capacity, volume, and speed of water will not be significantly changed.

5. Utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses shall be designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.

**Remarks:** Portions of land in phases 1 and 2 are within the 100-year floodplain. It appears as though utilities, streets, off-street parking, railroads, structures, and buildings for public or recreational uses are designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare. However, any infill or construction activity that displaces 200 cubic yards or more may require a compensating cut nearby so as not to increase the base flood elevation for the remainder of the area. The City Council may defer to the City Engineer regarding additional comments related to increased flood risk.

2. Specific base flood elevation standards:

1. On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one (1) foot above the flood level; or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this ordinance and shall indicate the elevation to which the structure is floodproofed.

**Remarks:** The applicant has not submitted a plan detailing structural improvements related to flooding. It is unclear from the site plan whether the proposed developments in the floodplain will be elevated at least one foot above the flood level. The City Council may address this with the applicant.

2. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.

**Remarks:** This may be addressed as a condition of approval.

**Discussion.** It is recognized that the PUD approval process involves much collaboration and communication between various parties. This review is more complex than most due to the review procedures, property involved, and phased nature of the development. If approved, the PUD plan provides the basis to which site plans for subsequent phases must adhere, so it is imperative that potential issues or uncertainties regarding the PUD plan be discussed at the project's outset. With this in mind, the City Council should discuss the following topics:

- **Open space.** As a condominium development, open spaces are generally owned and maintained by a developer or condominium association. Undeveloped or improved open areas are often identified as a general common element. Accordingly, the applicant has indicated "open space" on all areas that are not proposed for development. However, the purpose of open space should be discussed. According to Section 15.06 (B) of the Ordinance, open space areas "shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access...such that all properties within the entire PUD may reasonably utilize the available open space." As identified by the Ordinance, open space areas are intended to provide usable areas for residents and be in joint ownership of all property owners within the PUD. The City Council may discuss whether all designated open space areas on the site plan are in agreement with the description of open space in Section 15.06 of the Ordinance. This may include discussion regarding the size, desired dimensions, access points, and potential utilization of such areas.

Additionally, the City Council may discuss maintenance of open spaces with the applicant. This may take the form of a property owner's association or similar entity, which must be approved by the City. This may further describe the role of residents in contributing to the upkeep of the property and the arrangement of maintenance to ensure future upkeep of the property. Condominium bylaws and a master deed addressing these issues should be provided to the City for review prior to authorization.

- **Architectural compatibility.** It is recognized that the proposed development is a long-term project that will involve the collaboration of many parties. In order to ensure consistent architectural standards between each phase, it may be helpful for the City Council to discuss architectural compatibility with the surrounding properties. This may include a discussion of the applicant's intended building forms, the role of architecture in preserving the historic character of the site, and use of similar building materials within each phase.
- **Proximity to downtown.** From a holistic planning perspective, this proposal seems to be consistent with the Master Plan and City's vision for development through the preservation of historic buildings, potential contribution to a walkable community, and redevelopment of a vacant area. The placement of features in close proximity to the downtown area would likely support the economic development of downtown while offering significant improvement to an underutilized site. The site's location would facilitate pedestrian traffic to the downtown area, enhancing residential connections. It would also seem to provide an appropriate transition between less dense residential

uses and the downtown commercial and public uses. The City Council may further consider how this development's location and function would impact the downtown area and its consistency with the Master Plan considering its proposed use, phased development, transitional function, and aesthetic impact.

- **Parking.** Concern was expressed from the Planning Commission and the public regarding the proposed parking on the site plan. The PUD is proposed to contain a total of 44 dwelling units in three phases, and the applicant proposes to serve these units with 49 parking spaces on the property. Section 19.07 of the Zoning Ordinance requires two parking spaces for each residential unit in a multiple-family use, for a total requirement of 88 parking spaces. Thus, the applicant is short of the minimum requirement by 39 spaces. Parking for the site is provided as follows:

| Phase        | # Units   | Parking Required | Parking Provided | Difference |
|--------------|-----------|------------------|------------------|------------|
| 1            | 14        | 28               | 22               | -6         |
| 2            | ~16       | 32               | 10               | -22        |
| 3            | ~14       | 28               | 17               | -11        |
| <b>Total</b> | <b>44</b> | <b>88</b>        | <b>49</b>        | <b>-39</b> |

The applicant's property is located within the MU Mixed Use district. Section 19.02(B) allows on-street or off-street public parking within 400 feet of the property to be counted toward the required minimum parking. The applicant has submitted a review of available parking within 400 feet of the proposed development, and has indicated that 103 spaces are within 400 feet, and that the parking requirements of the Zoning Ordinance are met.

In order to help reduce the number of public parking spaces being used by residents of Riverview Flats, the Planning Commission recommended that 18 spaces located at 238 High Street be permanently dedicated to the development and be allocated as Riverview Flats parking only. While not part of this PUD, 238 High Street is owned by the applicant and contains 18 parking spaces. If those 18 spaces were included in this PUD, it would reduce the number of additional public spaces needed to 21. The Planning Commissions found this acceptable, after reviewing relevant data from ITE and other sources.

It should be noted that these 21 public spaces that would be counted toward the required minimum are also used (and intended to be used) by the public, including Lowell residents, employees, and visitors. There is also a perception that parking downtown is scarce, and allowing a private developer to utilize public parking for future residents may, for some, be a cause for concern.

Further, it should also be noted that the City of Lowell Zoning Ordinance requires the same amount of parking (2 per dwelling) for all residential uses (single, two-family, and multi-family) and does not distinguish between urban and suburban areas, so it is possible that these standards may require more parking than is necessary for urban multi-family projects. Generally, fewer spaces are needed for higher-density urban developments than what is currently required in the City of Lowell Zoning Ordinance.

**Conclusion.** At the September 3, 2019 public hearing, the City Council should discuss the site and carefully consider any comments from the applicant and the public. In addition to the overall project, the following specific items should be discussed by the City Council:

1. Whether the applicant should provide relevant market data showing that the development in this location is appropriate.
2. The intended land use for the concrete area located in the southwestern portion of the subject property.
3. If the quality of construction will meet or exceed that of other buildings in and around the City.
4. Whether the applicant has sufficiently demonstrated if the proposed PUD is consistent with the adopted Master Plan.
5. Whether the capacity of public services and facilities is adequate and any additional questions regarding grading, stormwater management, and capacity of the floodplain.
6. Whether the lowest floor in the floodplain is elevated at least one foot above the base flood level.
7. Whether all necessary permits by the appropriate local, state, and federal authorities, including a floodplain permit, or whether a letter of no authority from the Michigan Department of Natural Resources under authority of Act 451, of the Public Acts of 1994, as amended, has been received. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance could be acceptable.

After the public hearing, the City Council may approve, approve with conditions, or deny the request, or it may table the request for further consideration and analysis. Should the City Council be inclined to make a decision regarding the application, we suggest that the decision be a tentative decision, subject to written findings that would be formally adopted at the next meeting.

In its recommendation of approval, the Planning Commission included the following conditions:

- a. Prior to issuance of any City permits, the applicant shall have paid all application, permit, reimbursable escrow, and other fees related to the request.
- b. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules and regulations, including, but not limited to, all applicable requirements pertaining to barrier-free access and the Americans with Disabilities Act (ADA).
- c. The applicant shall comply with applicable local, state and federal laws, rules and regulations including the requirements of the City's Code of Ordinances, promulgated rules, regulations and policies of the City's Department of Public Works, the City Engineer and Department of Light and Power, and promulgated rules, regulations, and policies of the Lowell Area Fire Authority.

- d. All necessary permits shall have been issued by the appropriate local, state, and federal authorities, including a floodplain permit, or letter of no authority from the Michigan Department of Natural Resources and/or Department of Environment, Great Lakes, and Energy (EGLE) under authority of Act 451, of the Public Acts of 1994, as amended. Where a permit cannot be issued prior to the issuance of zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.
- e. The most recent flood elevation data received from the Federal Insurance and Mitigation Administration (FIMA) shall take precedence over data from other sources.
- f. The applicant shall submit evidence that the requirements of Chapter 14, Floodplain Overlay District of the Zoning Ordinance are or will be satisfied.
- g. If it is determined that the work involved would require a compensating cut pursuant to EGLE requirements, such compensating cut shall occur at a location approved by the City and shall be subject to reasonable regulation and oversight by the City of Lowell.
- h. Consistent with Note 9 of Sheet C 2.0 stating that "as the site is riparian and within a floodplain, stormwater management goals of the project focus on providing stormwater quality improvements and maintaining onsite grading characteristics to provide storage for impending flood conditions." Since the site has a direct discharge to the Flat River, the applicant shall submit evidence to the City Engineer's satisfaction that demonstrates specific stormwater quality Best Management Practices (BMPs).
- i. Site Plan review by the Planning Commission for phases 2 and 3 shall be required.
- j. Eighteen spaces located on 238 High Street as shown on the site plan shall be dedicated to parking for the proposed PUD. The applicant shall submit a copy of a restrictive covenant or similar instrument acceptable to the City Attorney confirming the common ownership and prohibiting the separate conveyance by way of sale or lease of either lot, and confirming that the 18 parking spaces are for the exclusive use of Riverview Flats. Evidence of the recording with the Kent County Register of Deeds shall be provided to the City.
- k. The applicant shall work cooperatively with the Lowell City on the affected High Street area.

As always, please feel free to contact us if there are further questions.



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

## CITY OF LOWELL

### PUBLIC NOTICE

Please take notice that the Lowell City Council will hold a public hearing on Tuesday, September 3, 2019 at 7:00 pm., in the City Hall at 301 East Main Street, Lowell, Michigan. The subject of the hearing will be:

**Request for Planned Unit Development rezoning at 219 High Street for a residential condominium project called "Riverview Flats."**

Unity School Investors, LLC, has submitted an application for Planned Unit Development (PUD) to redevelop property at 219 High Street. The proposed PUD would include redevelopment of the existing Unity School building, the existing bus garage, and the construction of new residential buildings on the subject property. The proposed development would occur in three phases and, when complete, would include 44 residential condominiums.

Copies of the proposed PUD, supporting documentation and materials, and the City's Zoning Ordinance are available for public viewing during regular business hours at Lowell City Hall, 301 East Main Street, Lowell, Michigan. Written Comments will be received until the night of the hearing.

If you are planning to attend this hearing and are handicapped requiring any special assistance, please notify the City Clerk by calling at (616) 897-8457 as soon as possible.

Respectfully,

A handwritten signature in blue ink that reads "Susan Ullery".

Susan Ullery  
City Clerk

Request Number: \_\_\_\_\_

Filing Fee: \_\_\_\_\_



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
Fax (616) 897-4085

## APPLICATION FOR PLANNED UNIT DEVELOPMENT

- All drawings must be sealed by a licensed architect, engineer, and/or landscape architect unless waived by the Zoning Enforcement Officer.
- 10 copies and a PDF of the site plan must be submitted to the City Manager's office no later than three weeks before the Planning Commission meeting to allow adequate staff review.
- The Planning Commission meets the second Monday of the month at 7:00 p.m. where plans are approved, rejected, or modified.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- After approval, public works and building permits must be secured before construction may commence.

1. Street Address and/or Location of Request: 219 High Street
2. Parcel Identification Number (Tax I.D. No.): #41-20- 02-260-003
3. Applicant's Name: Unity School Investors, LLC Phone Number 616.822.6477  
Address: 216 W Main, Unit #6 Lowell MI 49331  
Street City State Zip  
Fax Number 616.585.0804 Email Address todd@estesgroup.com
4. Are You: ☒ Property Owner ☐ Owner's Agent ☐ Contract Purchaser ☐ Option Holder
5. Applicant is being represented by: Todd Schaal Phone Number 616.822.6477  
Address: 216 W Main, Unit #7 Lowell MI 49331
6. Present Zoning of Parcel PUD - Mixed Use Present Use of Parcel Vacant
7. Description of proposed development (attached additional materials if needed):  
Redevelopment of the buildings and property with uses consistent with the Mixed Use zoning.  
(Please see narrative for additional information.)

**The facts presented above are true and correct to the best of my knowledge.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type or Print Your Name Here: \_\_\_\_\_

~~Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it.~~

Owner

Date

The following **CHECKLIST** lists required information needed on the drawing for final plan approval (unless specifically waived by the Planning Commission). Please go over this **CHECKLIST** with the City Manager and Zoning Administrator before presenting to the Planning Commission.

**1. General Information**

- |  |          |
|--|----------|
| a. Name and firm address of the professional individual responsible for preparing site plan and his/her professional seal.   | <u>X</u> |
| b. Name and address of the property owner or petitioner.   | <u>X</u> |
| c. Scale, north arrow, and date  | <u>X</u> |
| d. Acreage (gross and net)   | <u>X</u> |
| e. Zoning of adjacent properties   | <u>X</u> |
| f. Legal property description  | <u>X</u> |
| g. Existing Site Conditions:   |          |
| 1) Boundary survey lines and setbacks.   | <u>X</u> |
| 2) Location sketch showing site, adjacent streets and properties within 200 feet or as directed by the city.   | <u>X</u> |
| 3) Location, width, and purpose of all existing easements and lease areas, including cross-access.   | <u>X</u> |
| 4) Abutting street right(s)-of-way and width.  | <u>X</u> |
| 5) Topography with contour intervals of no more than two (2) feet.   | <u>X</u> |
| 6) Natural features such as wooded areas, surface water feature, floodplains or floodways, wetlands, slopes exceeding 15%, lakes, rivers, creeks, county drains, and other significant site features, including the area of such features. | <u>X</u> |
| 7) Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.   | <u>X</u> |
| 8) Size and location of existing utilities and status, where applicable.   | <u>X</u> |
| h. Proposed Development:   |          |
| 1) Layout of proposed buildings, structures, driveways, parking lots, streets, landscaped areas, and other physical infrastructure, as applicable, including the area of these improvements.   | <u>X</u> |
| 2) Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.  | <u>X</u> |
| 3) Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.   | <u>X</u> |
| 4) Layout and typical dimensions of building envelopes, proposed parcels, and lots.  | <u>X</u> |
| 5) Parking, stacking, and loading calculations, if applicable.   | <u>X</u> |
| 6) Phasing plan, if applicable.  | <u>X</u> |
| 7) Conceptual plan for provision of public water and public sanitary sewer services.   | <u>X</u> |
| 8) Conceptual grading plan.  | <u>X</u> |
| 9) Conceptual stormwater plan.   | <u>X</u> |
| 10) Conceptual plan for provision of public water and public sanitary sewer services.  | <u>X</u> |
| i. Additional Information:   |          |
| 1) A narrative, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential  |          |

density of the project, and documentation indicating how the qualifying conditions in Section 15.02 and the standards of 15.10 are met.

X

- 2) A table detailing all requested deviations identified in the PUD Plan compared to the requirements of the zoning district in which the proposed PUD is located. This table shall clearly identify the requirement in comparison to the requested deviation.

X

- 3) The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

**Standards for Approval.** Prior to approval of a planned unit development application, the planning commission and city council shall ensure that the standards specified in Chapter 15 of the City of Lowell Zoning Ordinance are satisfied by the completion of the planned unit development under consideration. Section 15.10 lists the following standards for approval. Please respond to each, illustrating why the proposal would meet each standard.

- A. The proposed PUD complies with the purpose and qualifying conditions of sections 15.01 and 15.02.

See attached PUD Development Narrative.

- B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with, and further implement the policies of, the adopted master plan.

See attached PUD Development Narrative.

- C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

See attached PUD Development Narrative.

- D. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

See attached PUD Development Narrative.

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- E. The proposed PUD shall not place demands on public services and facilities more than current or anticipated future capacity.

See attached PUD Development Narrative.

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- F. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules, and regulations.

See attached PUD Development Narrative.

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## RiverView Flats

### Condominium Project PUD Development Narrative

April 26, 2019

*May 2019 - Updated as noted*

#### REQUIRED SUBMITTALS:

- Preliminary Development Plans
  - C2.0 – Proposed Site Plan
  - C1.0 – Existing Conditions, Removals & Preliminary SE/SC Plan
  - C3.0 – Grading & Stormwater Management Plan
  - C3.1 Grading & Stormwater Management Plan (Cross Sections & Details)
  - C5.0 – Preliminary Site Details
  - C5.1 – Preliminary Drive Details
  - Architectural Renderings & Floor Plans
- Completed Zoning Application (*information copied onto PUD Application form*)
- Fee payment of \$1,100
  - Application fee of \$100
  - Escrow of \$1,000 (*additional \$4,000 escrow payment made to City*)

#### SUMMARY OF INTENT:

The proposed RiverView Flats condominium project is the redevelopment of the buildings and site commonly known as the former Unity School.

The project will consist of three Phases. The first Phase is the addition of another story to the former bus garage building with the bus garage building being converted into 14-residential condominiums. There will also be the construction of enclosed garages for said condominiums.

The second Phase will be the renovation of the school building into condominiums.

The third Phase will be the construction of condominiums or apartments on the vacant property at the northeast corner of the property.

The first Phase is expected to take approximately one year at a cost of approximately \$2.1-million. The timing of the other Phases will be dependent on market demand.

The current zoning of the property is Mixed Use which was written for the property a few years ago.

To the east and north of the property is residential in an urban environment and with urban density, to the west is the Flat River and to the south is a vacant parcel, a library and then commercial buildings and uses.

The size, location, character and compatibility are consistent with the goals of the City's Master Plan adopted in November of 2007. 'New Development in the City will be encouraged to be located in and around the downtown area...' as taken from page 33 of the Goals and Objectives Chapter of the Master Plan. Further the Master Plan encourages and promotes the rehabilitation of existing buildings and facades and the development of residential uses in the downtown area.

#### Section 15.02

15.01 – The project will protect the cultural and historic history of the property by preserving the former Unity School buildings of which many Lowell residents attended.

15.02 – Past developers that considered development of the property proposed the demolition of the existing buildings and concluded new construction wasn't feasible. Through creative thinking, the developers have figured out a way to utilize and preserve the existing buildings.

15.03 – There is a market driven need for housing in the downtown area.

- 15.04 – The project will generate new real estate tax revenue for the City as well new economic benefits for local businesses with the redevelopment of multiple buildings.
- 15.05 – The project is located along the river front park and walkway as well as bordered by two City sidewalks. It will be unusually friendly and conducive to the neighborhood and pedestrian traffic.
- 15.06 – The project will re-use significant and historic buildings.
- 15.07 – The project will allow phased development.
- 15.08 – The proposed PUD allows flexibility to utilize existing buildings as well as the future construction of new buildings.
- 15.09 – The proposed PUD allows the efficient use of the land and buildings.
- 15.10 – The proposed PUD will have no adverse impacts and will promote efficient pedestrian access and circulation.
- 15.11 – The PUD provides for the redevelopment of the site and buildings which have fallen into disrepair.
- 15.12 – The exteriors of the existing buildings are consistent with each other and new materials will coordinate and compliment architectural styles and building forms within the PUD.
- 15.13 – The quality of construction will meet or exceed that of other buildings in and around the City.

The proposed PUD meets the Qualifying Conditions of:

1. Ownership – The property is under one ownership.
2. d – The project will constitute the significant redevelopment of an under utilized and vacant property where conventional development is not feasible.

*Section 15.10 (These responses correlate to pages 3 and 4 of the PUD application)*

- 15.10 A. As demonstrated above, the proposed PUD complies with the purposes and qualifying conditions of Section 15.01 and 15.02.
- 15.10 B. – The uses within the proposed PUD are consistent with the policies of the Master Plan. Additionally, the uses further and promote the objectives of the Master Plan including the rehabilitation of cultural and historic buildings. The promotion of pedestrian friendly environments. Increasing downtown housing and bringing economic benefits to the City.
- 15.10 C. – The proposed PUD is residential in nature and complimentary to the residential uses adjacent to it. It will be constructed and maintained in a manner harmonious with those uses and within the capacity of the City's services.
- 15.10 D. – As stated, the proposed PUD is residential and will not be hazardous to the adjacent uses of the property nor will any of the adverse conditions referenced in 15.10 D exist.
- 15.10 E. – The proposed uses within the PUD will not place demands on the City's public services greater than their current and contemplated future ability to handle.
- 15.10 F. – The proposed PUD will satisfy all local, state and federal rules and regulations.

**Requested Deviations from Underlying Zoning**

|  |   |
|--|---|
| <b>Zoning:</b><br>Mixed Use - PUD  | No deviation requested. Proposed front setbacks:<br>0-foot minimum; 10-foot maximum |
| <b>Parking:</b><br>67-spaces proposed on site.<br>Additional 103-spaces within 400-feet of project.  | Request deviation to allow parking in the front<br>yard for Phase 2.                |
| <b>Site Access:</b><br>Proposed private drives from King Street and<br>Monroe Street.  | No deviation requested.   |
| <b>Public Utilities:</b><br>Proposed public water, sewer and storm<br>management connections and private utility<br>service connections (gas, phone, electric, cable,<br>etc.) | No deviation requested.   |
| <b>Site Lighting:</b><br>Site lighting will be in accordance with the City's<br>ordinance.   | No deviation requested.   |
| <b>Signage:</b><br>Proposed signage will be in accordance with the<br>City Zoning Ordinance.   | No deviation requested.   |



SCALE: 1" = 100'

FILE NO. 181278-PARKEHIBIT

**LEGEND**

- - IRON STAKE — SET
- - IRON FOUND
- - WOOD STAKE
- R - RECORDED DIMENSION
- D - DEED DIMENSION
- M - MEASURED DIMENSION
- C - CENTER LINE
- x-x - FENCE LINE



Roosien & Associates  
SURVEYING AND ENGINEERING

5055 PLAINFIELD AVE. NE  
GRAND RAPIDS, MI 49525  
TELE. (616) 361-7220  
FAX (616) 361-1822

**AVAILABLE PUBLIC PARKING SPACES  
WITHIN 400 FEET  
OF RIVER VIEW FLATS**

PREPARED FOR:  
UNITY SCHOOLS INVESTORS

DATE:  
6-12-2019

Project: \_\_\_\_\_

Fixture Type: \_\_\_\_\_ Quantity: \_\_\_\_\_

Customer: \_\_\_\_\_

## Specifications

## Material:

RLM shades are constructed of heavy duty spun aluminum. Wall back plate and driver housing are cast aluminum. All fasteners are stainless steel. Inside of shade is reflective white finish for all colors except galvanized paint finish. Screw hardware may not match paint.

## Electrical:

GU24 socket, 120V only. Universal voltage 120-277 is standard. 0-10V, TRIAC and ELV dimming protocols are standard for LED modules. (12w is TRIAC dimming & 120v only)

See page 2 table for LED module and driver specs, voltage and dimming protocols.

## Certifications:

Cord mounts are UL Listed for dry locations. Arm mount, stem mount and wall mount are UL Listed for wet locations.



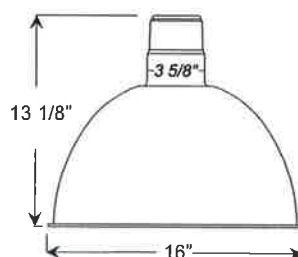
## Finish:

A polyester powder coat high quality finish is electro-statically applied and baked at 430° for exceptional durability and color retention. Products undergo an intensive five-step cleansing and pretreatment process for maximum paint adhesion.

Marine grade finish provides superior salt, humidity and UV protection. This coating withstands up to 3000 hours of continuous salt spray, comes with a 5-year warranty and is available in either a textured or gloss surface.

## Modifications:

Consult factory for custom or modified luminaires.



Weight: 1.5 lbs

D616

LED

## Catalog Logic

**D616** **M016LD** **D** **W** **40K** **RTC** **UNV** **E6** **SWL** **41**

RLM Style Light Source & Wattage Dimming Distribution CCT Driver Housing Voltage Mounting Accessories Finish

## Catalog Number

D616

M016LD

D

W

40K

RTC

UNV

E6

## 1 LIGHT SOURCE &amp; WATTAGES

GU24 (GU24 Socket Only, 120V only)

**M012LD** (12w, 750 lumen, Cree module)  
Integral driver, 120V, TRIAC dimming & narrow distribution only

M009LD (9w, 850 lumen, Cree module)

M010LD (10w, 1250 lumen, Cree module)

M013LD (13w, 1250 lumen, Cree module)

**M016LD** (16w, 2000 lumen, Cree module)

## 2 DIMMING

D (Dimming)

See page 2 table for LED engine and driver specs, voltage and dimming protocols.

## 3 DISTRIBUTION

**W** (T5 Wide Distribution with Dome LED Lens)

N\* (T5 Narrow Distribution with Flat LED Lens)

\*12w is narrow only, select "N".

## 4 COLOR TEMPERATURE (CCT)

27K (2700K)

30K (3000K) (Not Sunset Dim)

35K (3500K) (Not Sunset Dim)

**40K** (4000K) (Not Sunset Dim)

## 5 DRIVER HOUSING

**RTC** (Driver Canopy)

RTCNC (Driver Canopy No Spun Cover)

NA (Housing not required for 12w)

## 6 VOLTAGE

**UNV** (120-277)

## 7 MOUNTING SOURCES

Arm Mounts (Cast back plate included (CB))

E3 E4 **E6** E8 E9

E10 E11 E12 E13 E15 E18

**E19** E25

(See Step 5 for Driver Housing Options)

Wall Mounts

WM40

WM54

WM74

WM317

WM84

Post Mounts

(Postline driver only, 4" OD/125 pole required)

PM10

PM20

PM30

PM40

PM50

PM319

Cord Mounts

**BLC** (6 black cord with 1" x 5 3/8" canopy)

WHC (6 white cord with 1" x 5 3/8" canopy)

Stem Mounts

**VZ** (13/16" OD Rigid Stems with STC Flat Canopy)

2ST6 2ST12 2ST18 2ST24 2ST36 2ST48

**2ST60** 2ST72 2ST96

3/4 (1" OD Rigid Stems with STC Flat Canopy)

**3ST6** 3ST12 3ST18 3ST24 3ST36 3ST48

3ST60 3ST72 3ST96

(See Step 5 for Driver Housing Options)

## 8 ACCESSORIES

**CBC** (Cast back plate Spun Alum Cover)**GR16** (16" Wire Grill)**PC** (Button Photo Cell) Remote Only**SC** (Scroll for Arms)**SLC** (Sloped Ceiling Mount, 20° Max)**SQ** (Square Back Plate)**SWL** (Swivel)**TBK** (Turn Buckle Kit)

## 9 FINISHES

| Standard Grade | Marine Grade             | Standard Grade | Marine Grade                      |
|----------------|--------------------------|----------------|-----------------------------------|
| 40             | NA Raw Unfinished        | 53             | 100 Copper Clay                   |
| 41             | 101 Black                | 56             | 109 Silver                        |
| 42             | 102 Forest Green         | 61             | 106 Black Verde                   |
| 43             | 114 Bright Red           | 70             | 118 Painted Chrome                |
| 44             | 107 White                | 71             | 105 Painted Copper                |
| 45             | 112 Bright Blue          | 72             | 108 Textured Black                |
| 46             | 123 Sunny Yellow         | 73             | 125 Matte Black                   |
| 47             | 120 Aqua Green           | 76             | 121 Textured Architectural Bronze |
| 49             | NA Galvanized            | 77             | 127 Textured White                |
| 50             | 111 Navy                 | 78             | 124 Textured Silver               |
| 51             | 103 Architectural Bronze | 10             | 130 Aspen Green                   |
| 52             | 104 Patina Verde         | 11             | 131 Cantaloupe                    |
| 12             | 133 Lilac                | 13             | 132 Putty                         |

| Premium Grade | Marine Grade              | Premium Grade | Marine Grade          |
|---------------|---------------------------|---------------|-----------------------|
| 81            | 129 Extreme Chrome        | 64            | 116 Candy Apple Red   |
| 80            | 117 Textured Desert Stone | 65            | 122 Cobalt Blue       |
| 67            | 119 Butterscotch          | 82            | 128 Graystone         |
| 66            | 115 Caramel               | 69            | 113 Gunmetal Gray     |
| 68            | 126 Black Silver          | 83            | 134 Oil Rubbed Bronze |

Consult factory for additional paint charges and availability

Project: \_\_\_\_\_

Fixture Type: \_\_\_\_\_ Quantity: \_\_\_\_\_

Customer: \_\_\_\_\_

**LED PERFORMANCE****MODULE**

| LED Wattage | CCT   | Typical Luminous Flux | System Wattage | Typical Efficacy |
|-------------|-------|-----------------------|----------------|------------------|
| 9W          | 2700K | 850                   | 11W            | 97               |
|             | 3000K | 850                   | 11W            | 97               |
|             | 3500K | 850                   | 11W            | 97               |
|             | 4000K | 850                   | 11W            | 97               |
| 10W         | 2700K | 1250                  | 12W            | 125              |
|             | 3000K | 1250                  | 12W            | 125              |
|             | 3500K | 1250                  | 12W            | 125              |
|             | 4000K | 1250                  | 12W            | 125              |
| 12W         | 2700K | 750                   | 12W            | 65               |
|             | 3000K | 750                   | 12W            | 65               |
|             | 3500K | 750                   | 12W            | 65               |
|             | 4000K | 750                   | 12W            | 65               |
| 16W         | 2700K | 2000                  | 19W            | 125              |
|             | 3000K | 2000                  | 19W            | 125              |
|             | 3500K | 2000                  | 19W            | 125              |
|             | 4000K | 2000                  | 19W            | 125              |

**MODULE SPECIFICATION**

- Efficacy 65-125 lumens per watt
- Dimmable down to 1%
- Life: L70 50,000 hours
- Color temp: 2700K, 3000K, 3500K and 4000K
- CRI: >90

**MODULE DRIVER SPECIFICATION**

- Input Voltage: 120-277 Volts; 50/60Hz
- 0-10V, TRIAC and ELV dimming protocols are standard. (24w is 0-10v only)
- Output Current: Constant Current: 440mA to 940mA (model dependent)
- Driver Efficiency > 80%; Power Factor > 0.9
- Integral Surge Protection in conformance to ANSI C62.41 Category A

**MODULE LISTINGS**

- Fully compliant with the RoHS Directive
- Certifications: CE/UL

**WARRANTY**

See [www.anplighting.com](http://www.anplighting.com) for complete fixture warranty.

LED warranty information

- 5 year limited warranty\*

\*Limited Warranty: A typical year is defined as 4380 hours of operation.

Project: \_\_\_\_\_

Fixture Type: \_\_\_\_\_ Quantity: \_\_\_\_\_

Customer: \_\_\_\_\_

**ARM MOUNTS** | Dimensions are Projection x Height | CB included with all arms**Driver Housing**

|   |       |
|---|-------|
|  | RTC   |
|  | RTCNC |

|  |  |  |   |
|--|--|--|---|
| <br>E3   32" x 11 7/8"  | <br>E4   26" x 14"          | <br>E6   26" x 9 1/4"       | <br>E8   29 1/4" x 12 1/2"  |
| <br>E9   28" x 40 5/8"  | <br>E10   52 1/4" x 18"     | <br>E11   35 1/4" x 17 1/4" | <br>E12   37 3/8" x 2"      |
| <br>E13   34" x 34 3/8" | <br>E15   13 3/8" x 10 1/2" | <br>E18   27 3/4" x 21 3/8" | <br>E19   22 3/4" x 95 1/8" |
| <br>E25   23" x 5 1/4"  |  |  |   |

**WALL MOUNTS** | Dimensions are Projection x Height | **POST MOUNTS** | Dimensions are Projection x Height

|   |  |   |   |
|---|--|---|---|
| <br>WM40   13 7/8" x 14 3/4" | <br>WM54   23 3/8" x 18"  | <br>PM10   14 1/2" x 25"     | <br>PM20   30 1/8" x 25"      |
| <br>WM74   22" x 26 1/2"     | <br>WM317   15" x 12 3/4" | <br>PM30   21 5/8" x 28 7/8" | <br>PM40   43 3/8" x 28 7/8"  |
| <br>WM84   26 1/2" x 57 1/4" |  | <br>PM50   27" x 38"         | <br>PM319   16 5/8" x 27 1/2" |

**ACCESSORIES**

|  |   |  |   |
|--|---|--|---|
| <br>CBC | <br>GR16 | <br>PC  | <br>SC  |
| <br>SLC | <br>SQ   | <br>SWL | <br>TBK |

## DESCRIPTION

The patented Lumark Crosstour™ LED Wall Pack Series of luminaries provides an architectural style with super bright, energy efficient LEDs. The low-profile, rugged die-cast aluminum construction, universal back box, stainless steel hardware along with a sealed and gasketed optical compartment make the Crosstour impervious to contaminants. The Crosstour wall luminaire is ideal for wall/surface, inverted mount for façade/canopy illumination, post/bollard, site lighting, floodlight and low level pathway illumination including stairs. Typical applications include building entrances, multi-use facilities, apartment buildings, institutions, schools, stairways and loading docks test.

## SPECIFICATION FEATURES

### Construction

Slim, low-profile LED design with rugged one-piece, die-cast aluminum hinged removable door and back box. Matching housing styles incorporate both a small and medium design. The small housing is available in 12W, 18W and 26W. The medium housing is available in the 38W model. Patented secure lock hinge feature allows for safe and easy tool-less electrical connections with the supplied push-in connectors. Back box includes three half-inch, NPT threaded conduit entry points. The universal back box supports both the small and medium forms and mounts to standard 3-1/2" to 4" round and octagonal, 4" square, single gang and masonry junction boxes. Key hole gasket allows for adaptation to junction box or wall. External fin design extracts heat from the fixture surface. One-piece silicone gasket seals door and back box. Minimum 5" wide pole for site lighting application. Not recommended for car wash applications.

### Optical

Silicone sealed optical LED chamber incorporates a custom engineered mirrored anodized reflector providing high-efficiency illumination. Optical assembly includes impact-resistant tempered glass and meets IESNA requirements for full cutoff compliance. Available in seven lumen packages; 5000K and 4000K CCT.

### Electrical

LED driver is mounted to the die-cast housing for optimal heat sinking. LED thermal management system incorporates both conduction and natural convection to transfer heat rapidly away from the LED source. 12W, 18W, 26W and 38W series operate in -40°C to 40°C [-40°F to 104°F]. High ambient 50°C models available. Crosstour luminaires maintain greater than 89% of initial light output after 72,000 hours of operation. Three half-inch NPT threaded conduit entry points allow for thru-branch wiring. Back box is an authorized

electrical wiring compartment. Integral LED electronic driver incorporates surge protection. 120-277V 50/60Hz or 347V 60Hz models.

### Finish

Crosstour is protected with a Super durable TGIC carbon bronze or summit white polyester powder coat paint. Super durable TGIC powder coat paint finishes withstand extreme climate conditions while providing optimal color and gloss retention of the installed life.

### Warranty

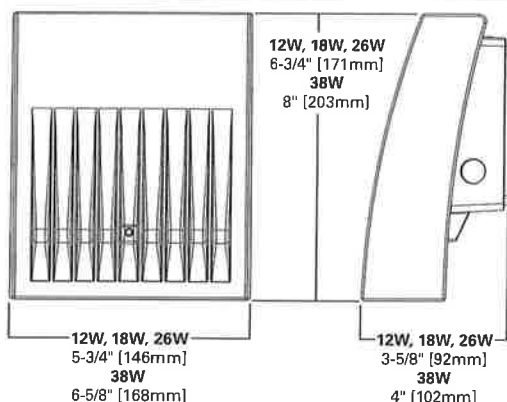
Five-year warranty.



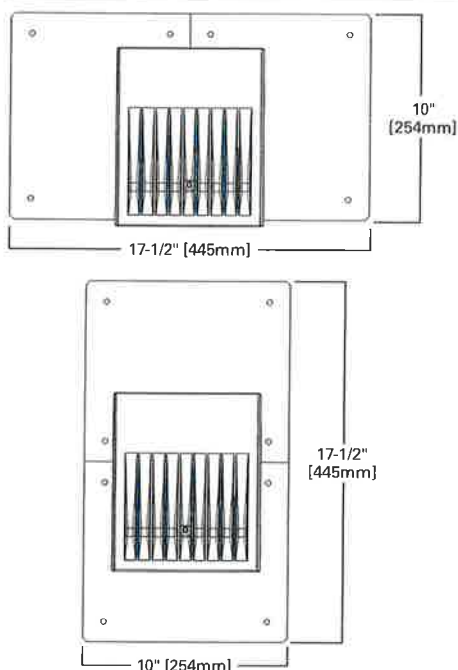
## XTOR CROSSTOUR LED

**APPLICATIONS:**  
WALL / SURFACE  
POST / BOLLARD  
LOW LEVEL  
FLOODLIGHT  
INVERTED  
SITE LIGHTING

## DIMENSIONS



## ESCUTCHEON PLATES



## CERTIFICATION DATA

UL/cUL Wet Location Listed  
LM79 / LM80 Compliant  
ROHS Compliant  
ADA Compliant  
NOM Compliant Models  
IP66 Ingressed Protection Rated  
Title 24 Compliant  
DesignLights Consortium™ Qualified\*

## TECHNICAL DATA

40°C Maximum Ambient Temperature  
External Supply Wiring 90°C Minimum

## EPA

Effective Projected Area (Sq. Ft.):  
XTOR1B, XTOR2B, XTOR3B=0.34  
XTOR4B=0.45

## SHIPPING DATA:

Approximate Net Weight:  
3.7 – 5.25 lbs. [1.7 – 2.4 kgs.]

## LUMENS - CRI/CCT TABLE

| LED Information  | XTOR1B   | XTOR1B-W | XTOR2B   | XTOR2B-W | XTOR3B   | XTOR3B-W | XTOR4B   | XTOR4B-W |
|--|----------|----------|----------|----------|----------|----------|----------|----------|
| Delivered Lumens (Wall Mount)                            | 1,418    | 1,396    | 2,135    | 2,103    | 2,751    | 2,710    | 4,269    | 4,205    |
| Delivered Lumens (With Flood Accessory Kit) <sup>1</sup> | 1,005    | 990      | 1,495    | 1,472    | 2,099    | 2,068    | 3,168    | 3,121    |
| B.U.G. Rating <sup>2</sup>                               | B1-U0-G0 | B1-U0-G0 | B1-U0-G0 | B1-U0-G0 | B1-U0-G0 | B1-U0-G0 | B2-U0-G0 | B2-U0-G0 |
| CCT (Kelvin)   | 5,000    | 4,000    | 5,000    | 4,000    | 5,000    | 4,000    | 5,000    | 4,000    |
| CRI (Color Rendering Index)                              | 70       | 70       | 70       | 70       | 70       | 70       | 70       | 70       |
| Power Consumption (Watts)                                | 12W      | 12W      | 18W      | 18W      | 26W      | 26W      | 38W      | 38W      |

NOTES: 1 Includes shield and visor. 2 B.U.G. Rating does not apply to floodlighting.

## LUMEN MAINTENANCE

| Ambient Temperature | TM-21 Lumen Maintenance (72,000 Hours) | Theoretical L70 (Hours) |
|---------------------|--|-------------------------|
| <b>XTOR1B Model</b> |  |                         |
| 25°C                | > 90%                                  | 255,000                 |
| 40°C                | > 89%                                  | 234,000                 |
| 50°C                | > 88%                                  | 215,000                 |
| <b>XTOR2B Model</b> |  |                         |
| 25°C                | > 89%                                  | 240,000                 |
| 40°C                | > 88%                                  | 212,000                 |
| 50°C                | > 87%                                  | 196,000                 |
| <b>XTOR3B Model</b> |  |                         |
| 25°C                | > 89%                                  | 240,000                 |
| 40°C                | > 88%                                  | 212,000                 |
| 50°C                | > 87%                                  | 196,000                 |
| <b>XTOR4B Model</b> |  |                         |
| 25°C                | > 89%                                  | 222,000                 |
| 40°C                | > 87%                                  | 198,000                 |
| 50°C                | > 87%                                  | 184,000                 |

## CURRENT DRAW

| Voltage | Model Series |        |        |        |
|---------|--------------|--------|--------|--------|
|         | XTOR1B       | XTOR2B | XTOR3B | XTOR4B |
| 120V    | 0.103A       | 0.15A  | 0.22A  | 0.34A  |
| 208V    | 0.060A       | 0.09A  | 0.13A  | 0.17A  |
| 240V    | 0.053A       | 0.08A  | 0.11A  | 0.17A  |
| 277V    | 0.048A       | 0.07A  | 0.10A  | 0.15A  |
| 347V    | 0.039A       | 0.06A  | 0.082A | 0.12A  |

## ORDERING INFORMATION

Sample Number: XTOR2B-W-WT-PC1

| Series  | LED Kelvin Color   | Housing Color   | Options (Add as Suffix)   | Accessories (Order Separately)  |
|---|--|---|---|---|
| XTOR1B=Small Door, 12W<br>XTOR2B=Small Door, 18W<br>XTOR3B=Small Door, 26W<br>XTOR4B=Medium Door, 38W | [Blank]=Bright White (Standard), 5000K<br>W=Neutral White, 4000K | [Blank]=Carbon Bronze (Standard)<br>WT=Summit White<br>BK=Black<br>BZ=Bronze<br>AP=Grey<br>GM=Graphite Metallic<br>DP=Dark Platinum | PC1=Photocontrol 120V <sup>1</sup><br>PC2=Photocontrol 208-277V <sup>1,2</sup><br>347V=347V <sup>3</sup><br>HA=50°C High Ambient <sup>3</sup> | WG/XTOR=Wire Guard <sup>4</sup><br>XTORFLD-KNC=Knuckle Floodlight Kit <sup>5</sup><br>XTORFLD-TRN=Trunnion Floodlight Kit <sup>5</sup><br>XTORFLD-KNC-WT=Knuckle Floodlight Kit, Summit White <sup>5</sup><br>XTORFLD-TRN-WT=Trunnion Floodlight Kit, Summit White <sup>5</sup><br>EWP/XTOR=Escutcheon Wall Plate, Carbon Bronze<br>EWP/XTOR-WT=Escutcheon Wall Plate, Summit White |

## NOTES:

1. Photocontrols are factory installed.
2. Order PC2 for 347V models.
3. Thru-branch wiring not available with HA option or with 347V. Not available with XTOR3B and XTOR4B.
4. Wire guard for wall/surface mount. Not for use with floodlight kit accessory.
5. Floodlight kit accessory supplied with knuckle (KNC) or trunnion (TRN) base, small and large top visors and small and large impact shields.

## STOCK ORDERING INFORMATION

| 12W Series                                      | 18W Series                                      | 26W Series                                    | 38W Series                                      |
|---|---|---|---|
| XTOR1B=7W, 5000K, Carbon Bronze                 | XTOR2B=18W, 5000K, Carbon Bronze                | XTOR3B=26W, 5000K, Carbon Bronze              | XTOR4B=38W, 5000K, Carbon Bronze                |
| XTOR1B-WT=12W, 5000K, Summit White              | XTOR2B-W=18W, 4000K, Carbon Bronze              | XTOR3B-W=26W, 4000K, Carbon Bronze            | XTOR4B-W=38W, 4000K, Carbon Bronze              |
| XTOR1B-PC1=12W, 5000K, 120V PC, Carbon Bronze   | XTOR2B-WT=18W, 5000K, Summit White              | XTOR3B-WT=26W, 5000K, Summit White            | XTOR4B-WT=38W, 5000K, Summit White              |
| XTOR1B-W=12W, 4000K, Carbon Bronze              | XTOR2B-PC1=18W, 5000K, 120V PC, Carbon Bronze   | XTOR3B-PC1=26W, 5000K, 120V PC, Carbon Bronze | XTOR4B-PC1=38W, 5000K, 120V PC, Carbon Bronze   |
| XTOR1B-W-PC1=12W, 4000K, 120V PC, Carbon Bronze | XTOR2B-W-PC1=18W, 4000K, 120V PC, Carbon Bronze |   | XTOR4B-W-PC1=38W, 4000K, 120V PC, Carbon Bronze |

## DESCRIPTION

The Prevail LED area, site luminaire combines optical performance, energy efficiency and long term reliability in an advanced, patent pending modern design. Utilizing the latest LED technology, the Prevail luminaire delivers unparalleled uniformity resulting in greater pole spacing. A versatile mount standard arm facilitates ease of installation for both retrofit and new installations. With energy savings greater than 62%, the Prevail fixture replaces 150-400W metal halide fixtures in general area lighting applications such as parking lots, walkways, roadways and building areas.

## SPECIFICATION FEATURES

### Construction

Construction is comprised of a heavy-duty, single-piece die-cast aluminum housing. The LED drivers are mounted in direct contact with the casting to promote low operating temperature and long life. The die-cast aluminum door is tethered to provide easy access to the driver if replacement is required. A one-piece silicone gasket seals the door to the fixture housing. The optics is mounted on a versatile, aluminum plate that dissipates heat from the LEDs resulting in longer life of the fixture. The fixture is IP66 and 3G vibration rated (ANSI C136.31) to insure strength of construction and longevity in the selected application.

### Optics

Precision molded, high efficiency optics are precisely designed to shape the distribution, maximizing efficiency and application spacing. Available in Type II, III, IV and V distributions with lumen packages ranging from 6,100 to 18,900 nominal lumens. Light engine configurations consist of 1 or 2 high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L92/60,000 hours at 25°C) per IESNA TM-21. For the ultimate level of spill light control, an optional house side shield accessory can be field or factory installed.

### Electrical

LED drivers are mounted to the fixture for optimal heat sinking and ease of maintenance. Thermal management incorporates both conduction and convection to transfer heat rapidly away from the LED source for optimal efficiency and light output. Class 1 electronic drivers have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Available in 120-277V 50/60Hz, 347V 60Hz or 480V 60Hz operation. 480V is compatible for use with 480V Wye systems only. 10kV/10 kA surge protection standard. 0-10V dimming driver is standard with leads external to the fixture to accommodate controls capability such as dimming and occupancy. Suitable for ambient temperatures from -40°C to 40°C. Optional 50°C HA (high ambient) available. Standard NEMA 3-PIN twistlock photocontrol receptacle and NEMA 7-PIN twistlock photocontrol receptacles are available as options.

### Controls

The Prevail LED luminaire control options are designed to be simple and cost-effective ASHRAE and California Title 24 compliant solutions. The ANSI C136.41 compliant NEMA 7-PIN receptacle enables wireless dimming when used with compatible photocontrol. An integrated dimming and occupancy sensor is a standalone control option available in on/off (MSP) and bi-level dimming

(MSP/DIM) operation. The optional LumaWatt system is best described as a peer-to-peer wireless network of luminaire-integral sensors that operate in accordance with programmable profiles. Each sensor is capable of motion and photo sensing, metering power consumption and wireless communication.

### Mounting

Standard pole mount arm is bolted directly to the pole and the fixture slides onto the arm and locks in place with a bolt facilitating quick and easy installation. The versatile, patent pending, standard mount arm accommodates multiple drill patterns ranging from 1-1/2" to 4-7/8". Removal of the door on the standard mounting arm enables wiring of the fixture without having to access the driver compartment. A knock-out on the standard mounting arm enables round pole mounting. Wall mount and mast arm mounting options are available. Mast arm adapter fits 2-3/8" O.D. tenon.

### Finish

Housing and cast parts finished in five-stage super TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Standard color is bronze. Additional colors available in white, grey, black, dark platinum and graphite metallic.

### Warranty

Five-year warranty.



## PRV PREVAIL

LED

AREA / SITE / ROADWAY  
LUMINAIRE



### CERTIFICATION DATA

UL and cUL Wet Location Listed  
IP66-Rated  
3G Vibration Rated  
ISO 9001  
DesignLights Consortium™ Qualified\*

### ENERGY DATA

Electronic LED Driver  
0.9 Power Factor  
<20% Total Harmonic Distortion  
120-277V/50 and 60Hz,  
347V/60Hz, 480V/60Hz  
-40°C Minimum Temperature Rating  
+40°C Ambient Temperature Rating

### EPA

Effective Projected Area (Sq. Ft.): 0.75

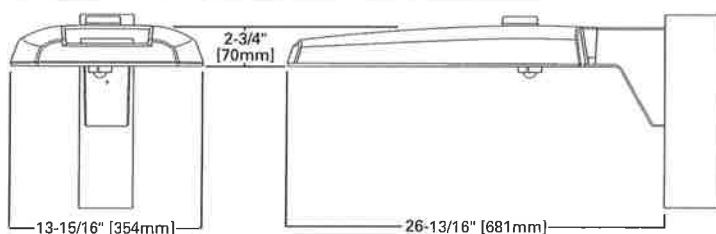
### SHIPPING DATA

Approximate Net Weight:  
20 lbs. (9.09 kgs.)

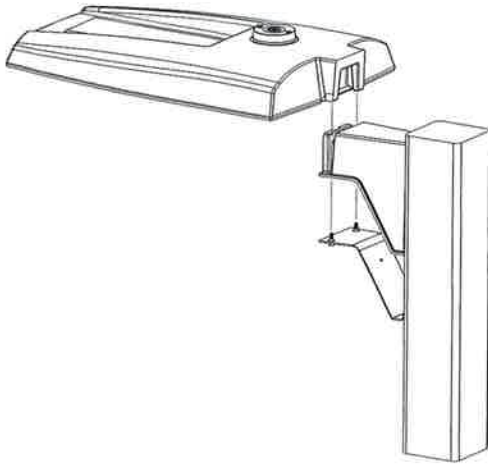


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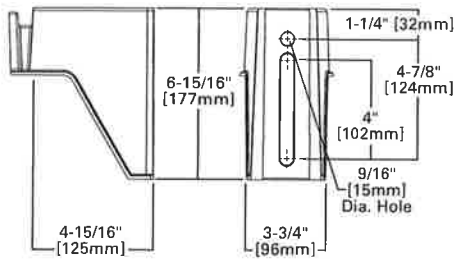
## DIMENSIONS



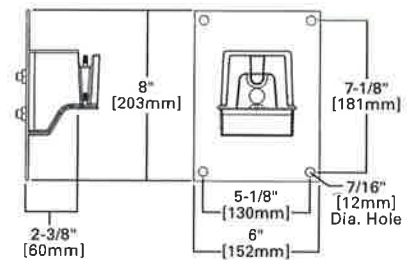
## VERSATILE MOUNT SYSTEM



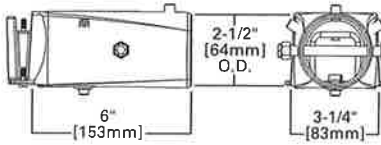
## POLE MOUNT ARM



## WALL MOUNT

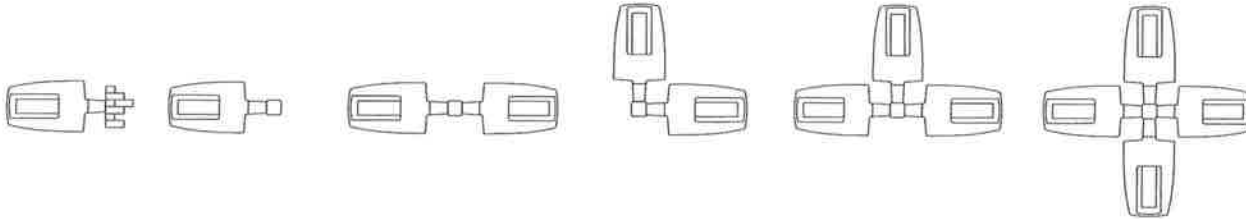


## MAST ARM MOUNT



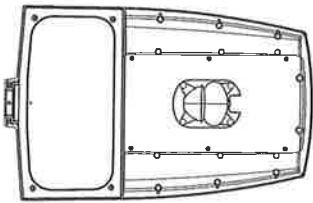
## MOUNTING CONFIGURATIONS AND EPAS

## Wall Mount

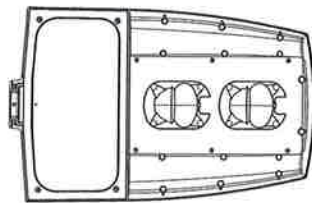
Arm Mount Single  
EPA 0.75Arm Mount 2 @ 180°  
EPA 1.50Arm Mount 2 @ 90°  
EPA 1.50Arm Mount 3 @ 90°  
EPA 2.25Arm Mount 4 @ 90°  
EPA 3.00

## OPTICAL CONFIGURATIONS

## A15 (6,100 Nominal Lumens)



## A25/A40/A60 (10,200/15,100/18,900 Nominal Lumens)



## POWER AND LUMENS

| Light Engine             |            | A15      | A25      | A40      | A60      |
|--------------------------|------------|----------|----------|----------|----------|
| Nominal Power (Watts)    |            | 57W      | 87W      | 143W     | 163W     |
| Input Current @ 120V (A) |            | 0.49     | 0.76     | 1.23     | 1.34     |
| Input Current @ 277V (A) |            | 0.22     | 0.35     | 0.54     | 0.60     |
| Input Current @ 347V (A) |            | 0.18     | 0.28     | 0.45     | 0.49     |
| Input Current @ 480V (A) |            | 0.13     | 0.21     | 0.33     | 0.35     |
| Type II                  | Lumens     | 6,139    | 10,204   | 15,073   | 18,830   |
|                          | BUG Rating | B1-U0-G1 | B2-U0-G2 | B3-U0-G3 | B3-U0-G3 |
| Type III                 | Lumens     | 6,192    | 10,292   | 15,203   | 18,992   |
|                          | BUG Rating | B1-U0-G2 | B2-U0-G3 | B2-U0-G3 | B3-U0-G4 |
| Type IV                  | Lumens     | 6,173    | 10,261   | 15,157   | 18,935   |
|                          | BUG Rating | B1-U0-G3 | B2-U0-G3 | B2-U0-G4 | B2-U0-G5 |
| Type V                   | Lumens     | 6,393    | 10,627   | 15,697   | 19,610   |
|                          | BUG Rating | B3-U0-G3 | B4-U0-G3 | B4-U0-G4 | B5-U0-G4 |

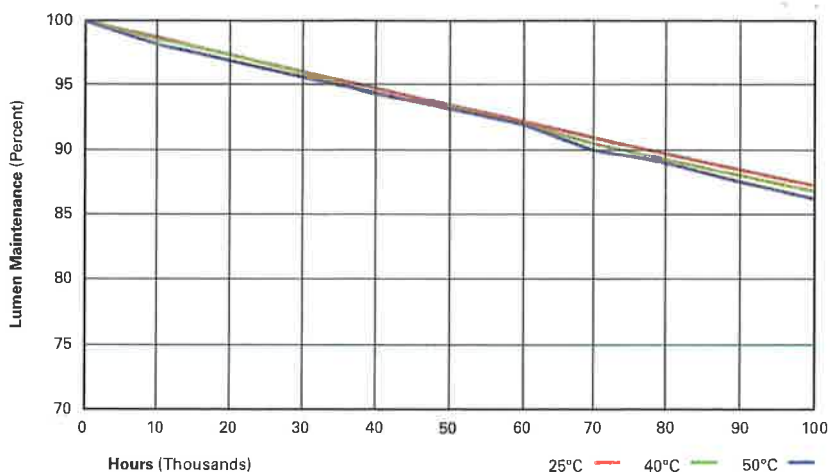
NOTE: Lumen output for standard bronze fixture color. Different housing colors impact lumen output.  
IES files for the non-standard colors are available upon request.

## LUMEN MAINTENANCE

| Ambient Temperature | 25,000 Hours* | 50,000 Hours* | 60,000 Hours* | Theoretical 100,000 Hours | Theoretical L70 (Hours)* |
|---------------------|---------------|---------------|---------------|---------------------------|--------------------------|
| 25°C                | > 96%         | > 93%         | > 92%         | > 87%                     | > 260,000                |
| 40°C                | > 96%         | > 93%         | > 92%         | > 87%                     | > 255,000                |
| 50°C                | > 95%         | > 92%         | > 91%         | > 86%                     | > 250,000                |

## LUMEN MULTIPLIER

| Ambient Temperature | Lumen Multiplier |
|---------------------|------------------|
| 10°C                | 1.02             |
| 15°C                | 1.01             |
| 25°C                | 1.00             |
| 40°C                | 0.99             |



## ORDERING INFORMATION

Sample Number: PRV-A25-D-UNV-T3-SA-BZ

| Product Family <sup>1,2</sup>  | Light Engine <sup>3</sup>  | Driver <sup>4</sup> | Voltage   | Distribution  | Mounting  | Color <sup>6</sup>  |
|--|--|---------------------|---|---|---|---|
| PRV=Prevail  | A15=(1 LED) 6,100 Nominal Lumens<br>A25=(2 LEDs) 10,200 Nominal Lumens<br>A40=(2 LEDs) 15,100 Nominal Lumens<br>A60=(2 LEDs) 18,900 Nominal Lumens | D=Dimming (0-10V)   | UNV=Universal (120-277V)<br>347=347V<br>480=480V <sup>5</sup> | T2=Type II<br>T3=Type III<br>T4=Type IV<br>T5=Type V  | SA=Standard Versatile Arm<br>MA=Mast Arm<br>WM=Wall Mount Arm | AP=Grey<br>BZ=Bronze (Standard)<br>BK=Black<br>DP=Dark Platinum<br>GM=Graphite Metallic<br>WH=White |
| Options (Add as Suffix)  |  |                     |   | Accessories (Order Separately) <sup>11</sup>  |   |   |
| 7030=70 CRI / 3000K CCT <sup>7</sup><br>7050=70 CRI / 5000K CCT <sup>7</sup><br>10K=10kV/10kA UL 1449 Fused Surge Protective Device<br>DIMRF-LW=LumaWatt Wireless Sensor, Wide Lens for 8' - 16' Mounting Height <sup>8,9</sup><br>DIMRF-LN=LumaWatt Wireless Sensor, Narrow Lens for 16' - 40' Mounting Height <sup>8,9</sup><br>MSP/DIM-L12=Integrated Sensor for Dimming Operation, 8' - 12' Mounting Height<br>MSP/DIM-L30=Integrated Sensor for Dimming Operation, 12' - 30' Mounting Height<br>MSP-L12=Integrated Sensor for ON/OFF Operation, 8' - 12' Mounting Height<br>MSP-L30=Integrated Sensor for ON/OFF Operation, 12' - 30' Mounting Height<br>PER=NEMA 3-PIN Twistlock Photocontrol Receptacle <sup>10</sup><br>PER7=NEMA 7-PIN Twistlock Photocontrol Receptacle <sup>10</sup><br>HSS=House Side Shield<br>HA=50°C High Ambient Temperature |  |                     |   | PRVWM-XX=Wall Mount Kit<br>PRVMA-XX=Mast Arm Mounting Kit<br>PRVSA-XX=Standard Arm Mounting Kit<br>HS/VERD=House Side Shield<br>MA1010-XX=Single Tenon Adapter for 3-1/2" O.D. Tenon<br>MA1011-XX=2@180° Tenon Adapter for 3-1/2" O.D. Tenon<br>MA1012-XX=3@120° Tenon Adapter for 3-1/2" O.D. Tenon<br>MA1013-XX=4@90° Tenon Adapter for 3-1/2" O.D. Tenon<br>MA1014-XX=2@90° Tenon Adapter for 3-1/2" O.D. Tenon<br>MA1015-XX=2@120° Tenon Adapter for 3-1/2" O.D. Tenon<br>MA1016-XX=3@90° Tenon Adapter for 3-1/2" O.D. Tenon<br>MA1017-XX=Single Tenon Adapter for 2-3/8" O.D. Tenon<br>MA1018-XX=2@180° Tenon Adapter for 2-3/8" O.D. Tenon<br>MA1019-XX=3@120° Tenon Adapter for 2-3/8" O.D. Tenon<br>MA1045-XX=4@90° Tenon Adapter for 2-3/8" O.D. Tenon<br>MA1048-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon<br>MA1049-XX=3@90° Tenon Adapter for 2-3/8" O.D. Tenon<br>MA1191-XX=2@120° Tenon Adapter for 2-3/8" O.D. Tenon<br>OA/RA1013=Photocontrol Shorting Cap<br>OA/RA1014=NEMA Photocontrol - 120V<br>OA/RA1016=NEMA Photocontrol - Multi-Tap 105-285V<br>OA/RA1027=NEMA Photocontrol - 480V<br>OA/RA1201=NEMA Photocontrol - 347V<br>ISHH-01=Integrated Sensor Programming Remote |   |   |

## NOTES:

- Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to installation instructions IB500002EN and pole white paper WP513001EN for additional support information.
- DesignLights Consortium™ Qualified and classified for both DLC Standard and DLC Premium, refer to [www.designlights.org](http://www.designlights.org) for details.
- Standard 4000K CCT and 70 CRI.
- Consult factory for driver surge protection values.
- Only for use with 480V Wye systems. Per NEC, not for use with ungrounded systems, impedance grounded systems or corner grounded systems (commonly known as Three Phase Three Wire Delta, Three Phase High Leg Delta and Three Phase Corner Grounded Delta systems).
- Different housing colors impact lumen output. IES files for the non-standard colors are available upon request.
- Extended lead times apply. Use dedicated IES files for 3000K and 5000K when performing layouts. These files are published on the Prevail luminaire product page on the website.
- LumaWatt wireless sensors are factory installed and require network components RF-EM-1, RF-GW-1 and RF-ROUT-1 in appropriate quantities. See website for LumaWatt application information.
- LumaWatt wireless system is not available with photocontrol receptacle (Not needed).
- Not available with MSP or DIMRF options.
- Replace XX with paint color.

## STOCK ORDERING INFORMATION

Stock Sample Number: PRVS-A25-UNV-T3

| Product Family | Light Engine   | Voltage                              | Distribution              | Options (Add as Suffix)  |
|----------------|--|--------------------------------------|---------------------------|--|
| PRVS=Prevail   | A15=(1 LED) 6,100 Nominal Lumens<br>A25=(2 LEDs) 10,200 Nominal Lumens<br>A40=(2 LEDs) 15,100 Nominal Lumens<br>A60=(2 LEDs) 18,900 Nominal Lumens | UNV=Universal (120-277V)<br>347=347V | T3=Type III<br>T4=Type IV | MSP/DIM-L30=Integrated Sensor for Dimming Operation, Maximum 30' Mounting Height |

NOTE: Bronze only, 4000K CCT, 120-277V, 347V, standard mounting arm, standard non-fused 10kV MOV and 0-10V dimming.



**LOWELL CITY ADMINISTRATION**  
**INTER OFFICE MEMORANDUM**

**DATE:** August 29, 2019  
**TO:** Mayor DeVore and the City Council  
**FROM:** Michael T. Burns, City Manager  
**RE:** LCTV Distribution

---

At the request of the LCTV Fund advisory committee you have committed to giving them prior notice of the amount that will be available for distribution. I recommend that you make all of the spendable balance in the fund available to the committee so that you can receive their recommendations for the 2019-20 fiscal year.

**Recommended Motion:** That the Lowell City Council authorizes all of the spendable balance of the LCTV Fund for the 2019-20 fiscal year to be available for recommendations from the LCTV Fund advisory committee.



## LOWELL CITY COUNCIL MEMORANDUM

**DATE:** August 26, 2019  
**TO:** Mayor DeVore and the City Council  
**FROM:** Michael T. Burns, City Manager  
**RE:** Resolution 28-19 – Designation of  
September 20, 2019 as “Prisoner of  
War/Missing in Action Recognition Day”

---

The Michael J. Bost Chapter 18 of the Vietnam Veterans of America will observe Prisoner of War/Missing in Action Recognition Day on Friday, September 20, 2019. A brief ceremony will be held at 2:00 p.m. in the chapel of the Michigan Home for Veterans in Grand Rapids.

The attached resolution proclaiming Prisoner of War/Missing in Action Day will be presented by Mayor DeVore during the above mentioned ceremony.

**Recommended Motion: That the Lowell City Council adopt Resolution 28-19 proclaiming Friday, September 20, 2019 as Prisoner of War/Missing in Action Recognition Day.**

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**RESOLUTION NO. 28-19**

**RESOLUTION TO PROVIDE FOR THE DESIGNATION OF  
SEPTEMBER 20, 2019, AS  
"PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY"**

Councilmember \_\_\_\_\_ supported by Councilmember \_\_\_\_\_ moved the adoption of the following resolution:

***WHEREAS**, the United States has fought in many wars, one of the longest was the Vietnamese Conflict; and,*

***WHEREAS**, Friday, September 20, 2019 is a day of remembrance for those who suffered as prisoners of war or are still missing as a result of any conflict; and,*

***WHEREAS**, although cooperation has increased within the past few years, there are still nearly 1700 American servicemen and civilians including 48 from the State of Michigan missing and unaccounted for in Indochina. The uncertainty surrounding their fates has caused their families to suffer great hardship; and,*

***WHEREAS**, increasing public awareness and focusing public attention on this issue is one way to help achieve this goal;*

***NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Lowell, that **Friday, September 20, 2019** shall be designated as:*

**"PRISONER OF WAR/MISSING IN ACTION RECOGNITION DAY"**

*We urge all of our citizens to take note of this important issue and remember those servicemen and civilians who were prisoners of war and those that are still missing and to commemorate the day with appropriate activities.*

YEAS: Councilmembers \_\_\_\_\_

NAYS: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

**RESOLUTION DECLARED ADOPTED.**

Dated: September 3, 2019

\_\_\_\_\_  
Susan Ullery, City Clerk

**CERTIFICATION**

*I, the undersigned Clerk of the City of Lowell, Michigan (the "City"), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City at a regular meeting held on September 3, 2019, and that public notice of said meeting was given pursuant to, and in compliance with, Act 267 of the Public Acts of Michigan of 1976, as amended.*

\_\_\_\_\_  
Susan Ullery, City Clerk

Dated: September 3, 2019

## APPOINTMENTS

|  | Expires    |
|--|------------|
| Abor Board                                     |            |
| Vacancy (Jim Reagan – currently serving)       | 06/30/2019 |
| Construction Board of Appeals                  |            |
| Vacancy (Dan DesJarden – Resigned)             | 01/01/2019 |
| Downtown Development Authority                 |            |
| Vacancy (April McClure – Resigned)             | 01/01/2022 |
| Mayor selection with Council consent           |            |
| Lowell Light and Power                         |            |
| Vacancy (Tina Cadwallader – currently serving) | 06/30/2019 |
| Vacancy (Andrew Schrauben – currently serving) | 06/30/2019 |
| Planning Commission                            |            |
| Vacancy (Tony Ellis – Currently Serving)       | 06/30/2019 |
| Vacancy (Michael Gadula – Currently Serving)   | 06/30/2019 |
| Schneider Manor Appointment                    |            |
| Vacancy (Jim Hodges submitted application)     |            |

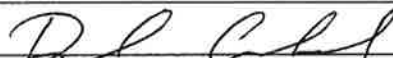
## CITY OF LOWELL

### Application for Board or Commission Appointment

Name: Daniel Crawford  
Address: 1675 Gee Drive, Lowell, MI 49331  
Telephone Numbers: Home N/A Cell 832-677-2225  
Email: CRAWF1dj@gmail.com  
Board or Commission Position Desired: Lowell Light & Power Board

Please give a brief resume of your qualifications for the desired position (you may attach additional information):

Recently (1.5 years) moved into city limits and am looking to be involved helping the community. I am a CPA that can lend my expertise to understanding and helping the board of LL&P make informed decisions to ensure all stakeholders (LL&P, its employees, + the city residents) are represented as LL&P continues to serve the city of Lowell.

  
Signature

**Please return application to:**

City of Lowell  
Attn: City Clerk  
301 East Main Street  
Lowell, MI 49331

Or by email to:  
[sullery@ci.lowell.mi.us](mailto:sullery@ci.lowell.mi.us)