



Agenda

City Commission Business Meeting

City of Kalamazoo

Monday, August 3, 2020

7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: Bishop Daniel S. Cunningham, The Empowerment Center
2. Introduction of Guests
3. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

E. PUBLIC HEARINGS

F. PUBLIC COMMENTS

G. CONSENT AGENDA

(Action: Motion to approve items “1-5”, postpone item “6” until August 17, 2020, and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of a Contract Supplemental and Change Order with SWT Excavating For 2019 New Service Lines Bid Ref#91244-001-0
2. Approval of a contract with Mall City Mechanical, Inc for the Stockbridge Facility HVAC/Boiler upgrades in the amount of \$928,500.

3. Approval of a memorandum of understanding with the Kalamazoo Regional Education Service Agency, Youth Opportunities Unlimited (YOU), for YOU to administer the Summer Youth Employment Program in the amount of \$825,000.
4. Adoption of a RESOLUTION setting a public hearing on August 17, 2020, to consider a request from Graphic Packaging International, LLC. for a PA 198 Industrial Facilities Tax Exemption Certificate (IFEC) for 12 years for real property valued at \$191,000,000.
5. Approval of an easement with Bronson Methodist Hospital at 400 E. Lovell Street to allow construction of a segment of the Kalamazoo River Valley Trail.
6. Approval of the acquisition of eight tax-foreclosed properties from the Kalamazoo County Treasurer under first right of refusal, in an amount not to exceed \$199,730.89. *(Postpone until August 17, 2020)*

H. REGULAR AGENDA

1. Approval of the following actions to allow certain on-premises liquor licensees expanded use of shared areas for consumption of alcohol pursuant to Public Act 124 of 2020:
 - a. Adoption of an ORDINANCE amending Chapter 4A “ALCOHOLIC BEVERAGES” to permit the creation of Social Districts and Commons Areas;
 - b. Adoption of a RESOLUTION designating Social Districts containing Commons Areas and establishing a management and maintenance plan.

(Action: Motion to adopt the ordinance and resolution)

I. REPORTS AND LEGISLATION

1. City Manager’s Report

J. UNFINISHED BUSINESS

K. POLICY ITEMS

L. NEW BUSINESS

M. COMMISSIONER COMMENTS

N. CLOSED SESSION

O. ADJOURNMENT

ADDITIONAL INFORMATION

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Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: www.kalamazoocity.org

The Kalamazoo City Commission business meetings are held on the first and third Mondays at 7:00 p.m. and are shown live on the Public Media Network (channel 190 for Charter customers, channel 99 for U-Verse customers). Business meetings are also web streamed live on the City's YouTube channel at <https://goo.gl/Q6DW37>. Public Media Network rebroadcasts these meetings on Tuesdays at 8:00 a.m., Wednesdays, at 1:00 a.m., and Thursdays at 3:00 p.m. Recorded meetings are also available on-demand on the YouTube channel.



City Commission Agenda Report

City of Kalamazoo

Date: **8/3/2020**

Item: **G.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Anna C. Crandall, EIT, Senior Civil Engineer - Water Resources

DATE: August 3, 2020

SUBJECT: Approval of a Contract Supplemental and Change Order with SWT Excavating For 2019 New Service Lines Bid Ref#91244-001-0

RECOMMENDATION:

It is recommended that the City Commission approve a contract supplemental and change order in the amount of \$120,000.00 with SWT Excavating for 2019 New Service Lines.

BACKGROUND:

In 2019, in an effort to streamline the process for new water services to be installed system wide, Public Services took back management of the process from the townships and prepared bid documents for private contractor services to supplement the work performed by City Crews. Bids were opened for the project on December 6, 2018. One bid was received, with SWT Excavating, Inc. being the low responsive bidder. SWT Excavating was awarded the contract and has been performing well. More services were installed than what was originally estimated, so a supplemental to the contract and a change order to the purchase order are required for final billing of the work done on the 2019 contract.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

New Water Main & Service Inspection - Inspection of new water mains and service connections.

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing



Environmental Responsibility - A green and health City.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The funding for the project is available in the City’s Water Capital Improvement Budgets. Small Service connections are funded by contributions in aid of capital payments from customers.



City Commission Agenda Report

City of Kalamazoo

Date: **8/3/2020**

Item: **G.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Rick Watson, Facilities Maintenance Manager

DATE: August 3, 2020

SUBJECT: Boiler Upgrade-Stockbridge Main Building Bid Ref# 92567-003.0

RECOMMENDATION:

It is recommended that City Commission approve a contract with Mall City Mechanical, Inc for the Stockbridge Facility HVAC/Boiler upgrades in the amount of \$928,500.

BACKGROUND:

The Purchasing Division solicited bids for phase one of a total facility upgrade addressing the HVAC issues with the main building. The HVAC mechanical components at the Stockbridge Facility are over 25 years old and both chiller and boilers have failed. The chiller was replaced in fall 2019, the boiler failed early Spring 2020. UV sanitation to the air handling equipment will also be installed as part of this upgrade.

This facility has had temperature issues for years. This upgrade will resolve erratic temperatures, save operational costs due to newer technology and provide better indoor air quality. Design for upgrades were completed four years ago; CIP funds have been allocated for this work.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
City Wide Maintenance

Strategic Goal Impact:



Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The budget for this project was included in the Water Fund 2020 Adopted Capital Improvement Plan, Project #wat0800047 Stockbridge Facility Upgrades for a total of \$1,000,000. There is adequate budget remaining in this project to fund the cost of this proposed contract.

BID RESULTS SUMMARY

PROJECT: Boiler Upgrade-Stockbridge Main Building

DATE: July 28, 2020

BIDDERS SOLICITED: 41

BIDDERS RESPONDED: 4

MBE/WBE BIDS SOLICITED: 8

MBE/WBE BIDDERS RESPONDED: 0

BID REFERENCE NO: 92567-003.0

MBE/WBE AWARDED: No

ISSUE DATE: July 1, 2020

BID OPENING: July 9, 2019

APPROVAL REQUIRED: City Commission

FUNDED BY: FFE

<u>BIDDERS</u>	<u>AMOUNT BID</u>	<u>LOCATION</u>
Mall City Mechanical, Inc.	\$928,500.00	Kalamazoo, MI
A-1 Refrigeration	\$975,984.00	Kalamazoo, MI
Elite Companies	\$1,199,000.00	Kalamazoo, MI
Andy J. Egan	\$1,436,900.00	Grand Rapids, MI

Purchasing procedures have been followed and City Attorney has reviewed as to form.



Melissa Fuller
*Deputy Director of Mgmt Services/
Purchasing Agent*



City Commission Agenda Report

City of Kalamazoo

Date: **8/3/2020**

Item: **G.3.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Prepared by: Sean Fletcher, CPRP, Parks and Recreation Director

DATE: August 3, 2020

SUBJECT: Memorandum of Understanding between the City of Kalamazoo and Kalamazoo Regional Educational Service Agency (Youth Opportunities Unlimited)

RECOMMENDATION:

It is recommended that the City Commission approve the memorandum of understanding with the Kalamazoo Regional Education Service Agency - Youth Opportunities Unlimited. K-RESA/YOU will hire approximately 180 youth between the ages of 14 - 21 to participate in virtual career exploration and employability skills training. Additional funds will be utilized during the school year to provide in person opportunities for paid internships, additional training, talent tours, job shadowing, and continued career coaching.

BACKGROUND:

The City and Kalamazoo Regional Education Service Agency - Youth Opportunities Unlimited have worked together to provide summer youth employment opportunities since 2005.

This year, due to COVID19 the program has been altered to ensure the safety of all youth and staff. Youth will not be working in neighborhoods this year, but will have many great opportunities, including virtual career exploration and employability skills training. Additional opportunities will be available during the school year and include in-person opportunities for paid internships, additional training, talent tours, job shadowing, and continued career coaching.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):
Summer Youth Employment

Strategic Goal Impact:



Youth Development - A place with supports where young people thrive

Discussion: Educational Development & Attainment & Opportunities for Skill Building



Shared Prosperity - Abundant opportunities for all people to prosper

Discussion: Education & Community Partnerships

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The Foundation for Excellence provides \$825,000.00 for this program.

**Memorandum of Understanding between the City of Kalamazoo and Kalamazoo Regional Educational Service Agency, Youth Opportunities Unlimited
(July 2020)**

The City of Kalamazoo will provide funding for the Kalamazoo Regional Educational Service Agency (KRESA), Youth Opportunities Unlimited (YOU) will provide summer employment and training opportunities for youth. This letter serves as an agreement between KRESA/YOU and the City of Kalamazoo (City).

All services will be provided in accordance with the following terms:

1. A Purchase Order will be issued by the City of Kalamazoo to K-RESA in the amount \$825,000.00. This is the maximum contractual amount of funding for the 2020 My City/Summer Youth Employment Program, which the City agrees to pay. Any unused funds will be returned to the City.
2. Upon receiving an invoice, the City will make three payments to K-RESA, one on or before August 7, one on or before August 31, and the final payment will be due 10 days following receipt by the City of the final report submitted by K-RESA/YOU following the completion of the program.
3. The youth and career coaches employed for this program are employees of K-RESA/YOU; they will not be considered employees of the City of Kalamazoo.
4. The budget amount of \$825,000.00 will support the hiring of approximately 180 youth between the ages of 14 - 21 to participate in virtual career exploration and employability skills training. Additional funds will be utilized during the school year to provide in person opportunities for paid internships, additional trainings, talent tours, job shadows, and continued career coaching.
5. Additional work may be identified by the City and YOU and conducted within the Kalamazoo Public School District and other City of Kalamazoo neighborhoods.
6. Youth will be employed from June 22, 2020 through August 7, 2020. KRESA/YOU Summer Career Coaches will be employed from approximately June 15, 2020 through August 14, 2020. YOU staff will be employed with the project from approximately April 6, 2020 – August 31, 2020.

Youth will have the opportunity to continue employment during the school year and YOU Career Coaches will be employed with the project during that time.
7. Training modules with appropriate speakers will be developed and implemented as part of the summer work program. A schedule, topics to be discussed, number of sessions, and times of the training modules will be provided to the City.
8. The City and KRESA/YOU will work closely with each other to determine the specificity of data to be collected and identify any special needs or requests.
9. KRESA/YOU will submit a final report for this project due 30 days after the end of the program. The report shall include a summary of expenditures, and program statistics, such as number of youth hired, number of career coaches, participant demographics, and a summary of all training conducted.

AGREEMENT

I/we acknowledge and agree to the terms of this Memorandum of Understanding.

For the City of Kalamazoo

For Kalamazoo RESA/YOU

By: James K. Ritsema, City Manager

By: David Campbell, Superintendent

Date

Date



City Commission Agenda Report

City of Kalamazoo

Date: **8/3/2020**

Item: **G.4.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by: Rebekah Kik, Director, Community Planning & Economic Development Department
Prepared by: Antonio Mitchell, Community Investment Manager, Community Planning & Economic Development Department

DATE: August 3, 2020

SUBJECT: Resolution to schedule a Public Hearing for Graphic Packaging International, LLC. Industrial Facilities Exemption Certificate (IFEC) Application.

RECOMMENDATION:

It is recommended that the City Commission adopt a resolution to set a public hearing on August 17, 2020, to consider a request from Graphic Packaging International, LLC. for a PA 198 Industrial Facilities Tax Exemption Certificate (IFEC) for 12 years for real property valued at \$191,000,000.

BACKGROUND:

Graphic Packaging International, LLC (GPI) has been in business in the City of Kalamazoo since 1867 and will continue with this growth and expansion for many years in this region of Michigan. GPI employs around 18,000 people worldwide and currently has 625 employees based at the Kalamazoo plant. The construction expansion is expected to take two years and bring 1,000 jobs to Kalamazoo during the construction time period. The project includes expansion and redevelopment of the property through selective building and site demolition and abatement.

The Kalamazoo County Brownfield Redevelopment Authority has approved a work plan including local and school tax capture for more than \$21 million for Graphic Packaging expansion.

Graphic Packaging International, LLC plans to invest around \$600 million to current paperboard machine operations in the City of Kalamazoo. The organization expansion will allow Graphic Packaging to manufacture approximately 500,000 tons of coated recycled paperboard annually

in Kalamazoo, representing 44 percent of North American production of the product. This would make the Kalamazoo facility the largest producer of recycled paperboard in North America.

STRATEGIC VISION ALIGNMENT:



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.



Shared Prosperity - Abundant opportunities for all people to prosper

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

FISCAL IMPACT:

The City Assessor's staff has completed a fiscal impact analysis based upon the company's tax exemption certificate application. With the Industrial Facilities Tax Exemption and Kalamazoo County Brownfield Redevelopment Authority (BRA) designation there will be no tax revenue to the City of Kalamazoo and most taxing authorities.

Application for Industrial Facilities Tax Exemption Certificate

Attachment A

Graphic Packaging International ("GPI") is expecting to invest approximately \$615,000,000 for a new paper machine, building for that new machine and warehouse. The investment will be located on site at the Company's Kalamazoo Mill facility. The investment will address brownfield considerations related to several properties that were purchased with clean up and construction of a manufacturing building and warehouse. The investment will position GPI with a low cost high quality recycled paperboard operation providing a level of long term viability for the facility. The facility will manufacture over 40% of the North America Coated Recycled Paperboard. This will support the community with high paying jobs, retention of these jobs and an increase demand for recycled paper that can be supplied in the region which will divert that recycled paper from landfills.

Capital Investment Detail

Updated: 06/29/2020

Projected project costs - \$615M

Real Property - \$191M

	Year 1	Year 2	Year 3	Year 4	
	2019	2020	2021	2022	Total
Capital Investment					
Land Costs	\$2	\$3			\$5
Building - New Construction	\$5	\$50	\$25		\$80
Building - Purchase of Existing		\$5			\$5
Building - Renovations	\$10	\$20	\$20		\$50
Allocated Labor and Engineering	\$2	\$33	\$17		\$51
Building - Annual Lease Cost					\$0
Building - Leasehold Improvements					\$0
Total land and building costs	\$19	\$111	\$62	\$0	\$191

TO: Kalamazoo City Commission
FROM: Aaron Powers, Assessor
DATE: July 27, 2020
SUBJECT: Graphic Packaging International, LLC
SCHOOL: Kalamazoo Public Schools

TAX ABATEMENT IMPACT STATEMENT

			NOTE: Property is located in a County Brownfield Plan City of Kalamazoo and most other taxing authorities will not see any revenue until the capture is complete.									
			OPERATING REVENUE - CITY			REVENUE - ALL OTHER			TOTAL REVENUE			
OWNER	PROP TYPE	CERT TYPE	NEW IFT REVENUE with Brownfield	ABATED REVENUE with Brownfield	REVENUE IF NO IFT with Brownfield	NEW IFT REVENUE with Brownfield	ABATED REVENUE with Brownfield	REVENUE IF NO IFT with Brownfield	NEW IFT REVENUE with Brownfield	TOTAL ABATED REVENUE with Brownfield	TOTAL TAXABLE VALUE	TOTAL EFFECTIVE VALUE
Amounts during Brownfield												
Graphic Packaging International	R	N	\$0	\$480,000	\$0	\$173,200	\$2,045,916	\$2,219,116	\$173,200	\$2,525,916	40,000,000	20,000,000

TOTAL TAXABLE			IFT ROLL			% OF TOTAL						
BEGINNING 2020 ROLL			\$1,686,097,223			\$13,475,178		0.8%				
IFT'S IN PROCESS			\$40,000,000			\$40,000,000		100.0%	Anticipated gain to city budget from initial request			
TOTAL			\$1,726,097,223			\$53,475,178		3.1%				
									estimated company savings over initial period			
									\$ 14,754,864			
									estimated city revenue gained over initial period			
									\$ -			
									estimated city revenue lost over initial period			
									\$ 2,880,000			

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION SETTING A TIME TO CONSIDER AN APPLICATION FOR
AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE**

Minutes of a regular meeting of the City Commission of the City held on August 3, 2020, at or after 7:00 p.m., local time, and conducted electronically in conformity with Governor Whitmer's Executive Order No. 2020-154 issued by Governor Whitmer.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, 1974 PA 198 provides for an industrial facilities tax exemption certificate for construction of a new facility or acquisition of new machinery and equipment; and

WHEREAS, pursuant to 1974 PA 198, MCLA Sec. 207.551, et seq., the City Commission has established Kalamazoo Industrial Development District No. 10; and

WHEREAS, GRAPHIC PACKAGING INTERNATIONAL, INC. has applied for an Industrial Facilities Exemption Certificate under the provisions of 1974 PA 198, Sec. 5(1); and

WHEREAS, 1974 PA 198, Sec. 5(2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall afford the Applicant, the Assessor, and a representative of the affected taxing units an opportunity for a hearing;

NOW, THEREFORE, BE IT RESOLVED, as follows:

(1) That the application of GRAPHIC PACKAGING INTERNATIONAL, INC. for an Industrial Facilities Tax Exemption Certificate shall remain on file in the Office of the City Clerk.

(2) That the City Commission shall meet at City Hall on August 17, 2020 at or after 7:00 p.m., local time, and shall provide to the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of the application for the Industrial Facilities Tax Exemption Certificate with regard to proposed expenditures within Kalamazoo Industrial Development District No. 10.

(3) That the City Clerk immediately inform, in writing, the City Assessor, and the legislative body of each taxing unit which levies ad valorem property taxes in the City of Kalamazoo on the property located within Kalamazoo Industrial Development District No. 10:

- (a) That the City of Kalamazoo has established Kalamazoo Industrial Development District No. 10 and has now received and will consider an application for an Industrial Facilities Exemption Certificate for the installation of new machinery and equipment within said districts.
- (b) That the City Commission shall meet on August 17, 2020, at 7:00 p.m. local time, to afford the City Assessor and a representative of each of the taxing units an opportunity to be heard with regard to the application.
- (c) That as to the construction of new building to house machinery and equipment in Kalamazoo Industrial Development District No. 10, the Industrial Facilities Tax Exemption Certificate has been requested in the amount of estimated expenditures, which amount is 191,000,000.

SCOTT A. BORLING, CITY CLERK

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on August 3, 2020 Public notice was given, and the meeting was conducted in compliance with Executive Order 2020-154 issued by Governor Whitmer on July 17, 2020 suspending portions of the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.

Scott A. Borling, City Clerk

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City Commission Agenda Report

City of Kalamazoo

Date: **8/3/2020**

Item: **G.5.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Sean Fletcher, Director of Parks and Recreation
Prepared by: Kerry Williams, Grant Specialist

DATE: August 3, 2020

SUBJECT: Approval of Easement for Kalamazoo River Valley Trail

RECOMMENDATION:

It is recommended that the City Commission approve an easement with Bronson Methodist Hospital for a section of the Kalamazoo River Valley Trail at 400 East Lovell St. in downtown Kalamazoo and authorize the City Manager to sign all related documents.

BACKGROUND:

As part of the City's goal to create a Connected City, plans have been developed to extend the KRVV from South Town to UpJohn Park and beyond to the Kalamazoo Farmer's Market and Reed Court. This project will provide increased access and safety for bicyclists and pedestrians alike.

The completion of the trail requires an Easement on 400 East Lovell Street, property owned by Bronson Methodist Hospital, to connect the trail between South Town and Walnut. An image of the proposed construction at this site is included.

Finally, the City was awarded a Michigan Department of Natural Resources Trust Fund grant for \$300,000 support the completion of this project. The City Commission officially accepted the grant on June 17, 2019. This Easement is required as a condition of accepting the grant.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



Connected City - A City networked for walking, biking, riding, and driving

Discussion: Fostering a complete network of bicycle trails.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Discussion: Construction phase of project.

Engagement/Communication Tools: Trail will be celebrated with a ceremony when completed.

FISCAL IMPACT:

This easement is necessary for completion of the trail and acceptance of a \$300,000 Michigan Department of Natural Resources Trust Fund Grant (TF18-0226), which was approved by City Commission on June 17, 2019.

PUBLIC UTILITY EASEMENT

THIS AGREEMENT dated _____, 2020 between BRONSON METHODIST HOSPITAL a Michigan non-profit corporation, whose address is 601 JOHN ST, BOX 9 KALAMAZOO, MI 49007 ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at 400 E LOVELL ST in the City and County of Kalamazoo, which is more specifically described on the attached Exhibit A ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Portage Creek Trail Extension.
- C. Grantor agrees to grant to the City a utility easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

1. Grant of Easement. In consideration of less than One Hundred Dollars (\$100.00) plus other valuable consideration, Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through that portion of the Property as described in Exhibit A. ("Easement Area")
2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing the paved path within the Easement Area.
3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary through the Property, in order to carry out the Utility Activities, subject to the following conditions:

- a) Perform the Utility Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Utility Activities to the same condition as existed before any such utility activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Utility Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.
9. Exemption from Transfer Tax. This easement is exempt from transfer tax pursuant to MCL 207.505(5)(a) and MCL 207.526(6)(a). *[If consideration is actually paid, transfer taxes will be assessed based on the amount paid under both MCL 207.505 & 526]*

BRONSON METHODIST HOSPITAL

By: Michael S. Way
Its: SVR

STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on March 12,
2020, by Michael S. Way, on behalf of the Grantor.

Lisa G. Currie
Lisa G. Currie Notary Public
Kalamazoo County, Michigan
My commission expires: 12-29-2020

CITY OF KALAMAZOO

By: _____
James K. Ritsema
Its: City Manager

STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

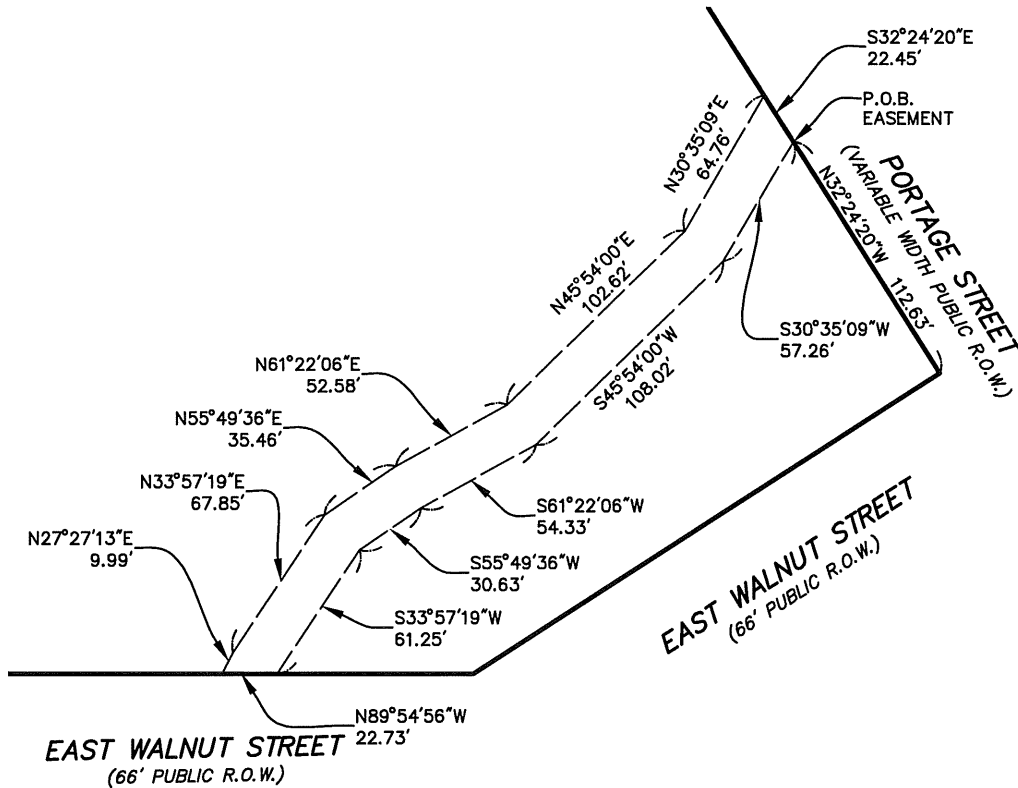
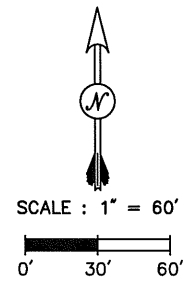
The foregoing instrument was acknowledged before me on _____,
20__ by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its
City Manager.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____

Prepared By & After Recording Return To:
The Office of City Attorney
241 W. South St.
Kalamazoo, MI 49007
(269) 337-8185

EXHIBIT "A"

EASEMENT SKETCH



Non-Motorized Path Easement:

Commencing at the intersection of the North right-of-way line of East Walnut Street and the West right-of-way line of Portage Street; thence North 32°-24'-20" West along the Westerly right-of-way line of Portage Street, 112.63 feet for the place of beginning of the easement hereinafter described; thence South 30°-35'-09" West, 57.26 feet; thence South 45°-54'-00" West, 108.02 feet; thence South 61°-22'-06" West, 54.33 feet; thence South 55°-49'-36" West, 30.63 feet; thence South 33°-57'-19" West, 61.25 feet to the Northerly right-of-way line of East Walnut Street; thence North 89°-54'-56" West, 22.73 feet; thence North 27°-27'-13" East, 9.99 feet; thence North 33°-57'-19" East, 67.85 feet; thence North 55°-49'-36" East, 35.46 feet; thence North 61°-22'-06" East, 52.58 feet; thence North 45°-54'-00" East, 102.62 feet; thence North 30°-35'-09" East, 64.76 feet to the Westerly right-of-way line of Portage Street; thence South 32°-24'-20" East thereon, 22.45 feet to the place of beginning.

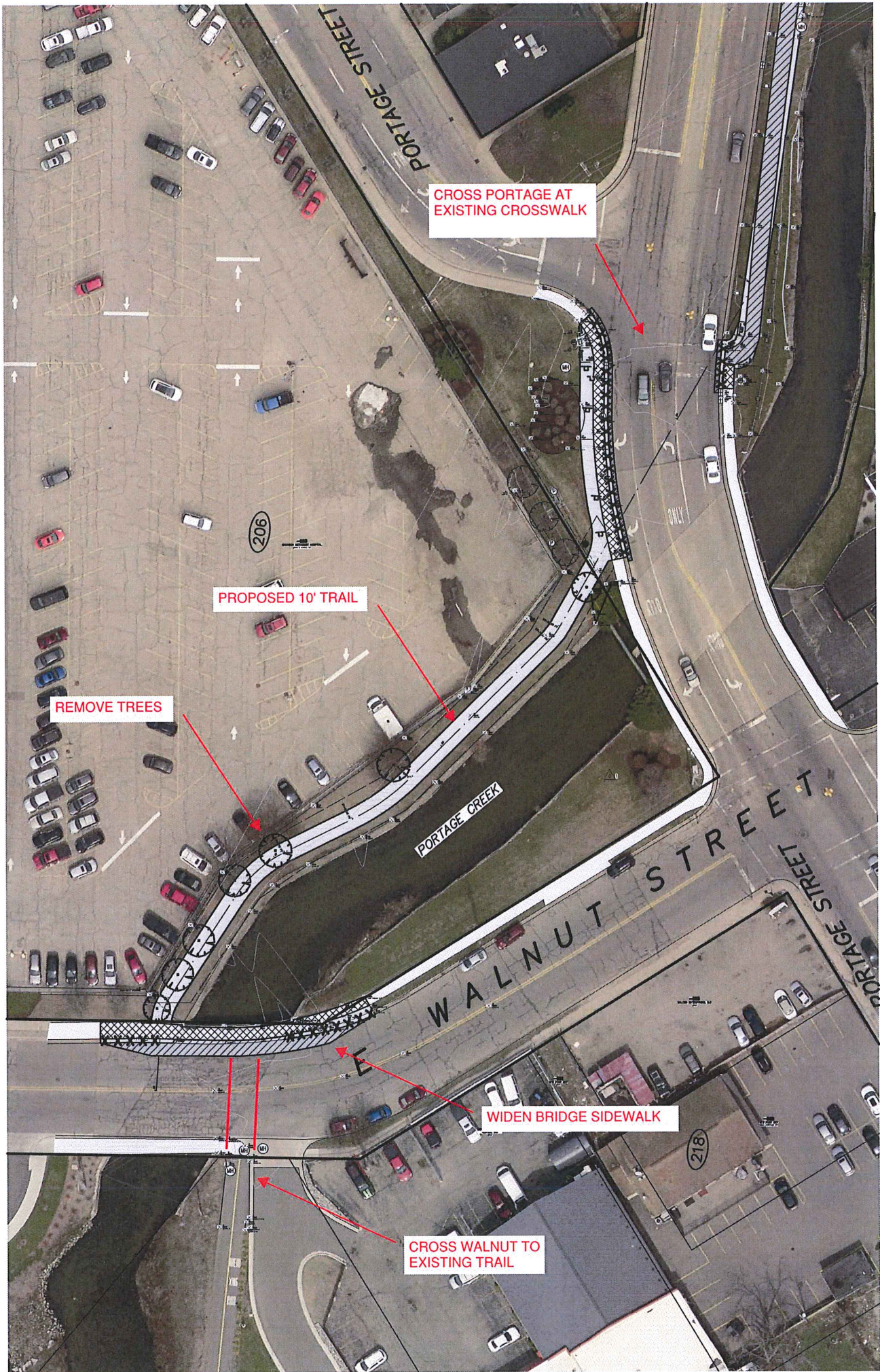
J:\PORTHUM - PREIN - WALNUT-PORTAGE EASEMENT.dwg - EASEMENT SKETCH - Jan. 10, 2019 - 08:10am

Prein & Newhof
Engineers • Surveyors • Environmental • Laboratory

1707 South Park St. Suite 200 t. (269) 372-1158
Kalamazoo, MI 49001 f. (616) 364-6955
www.preinnewhof.com info@preinnewhof.com

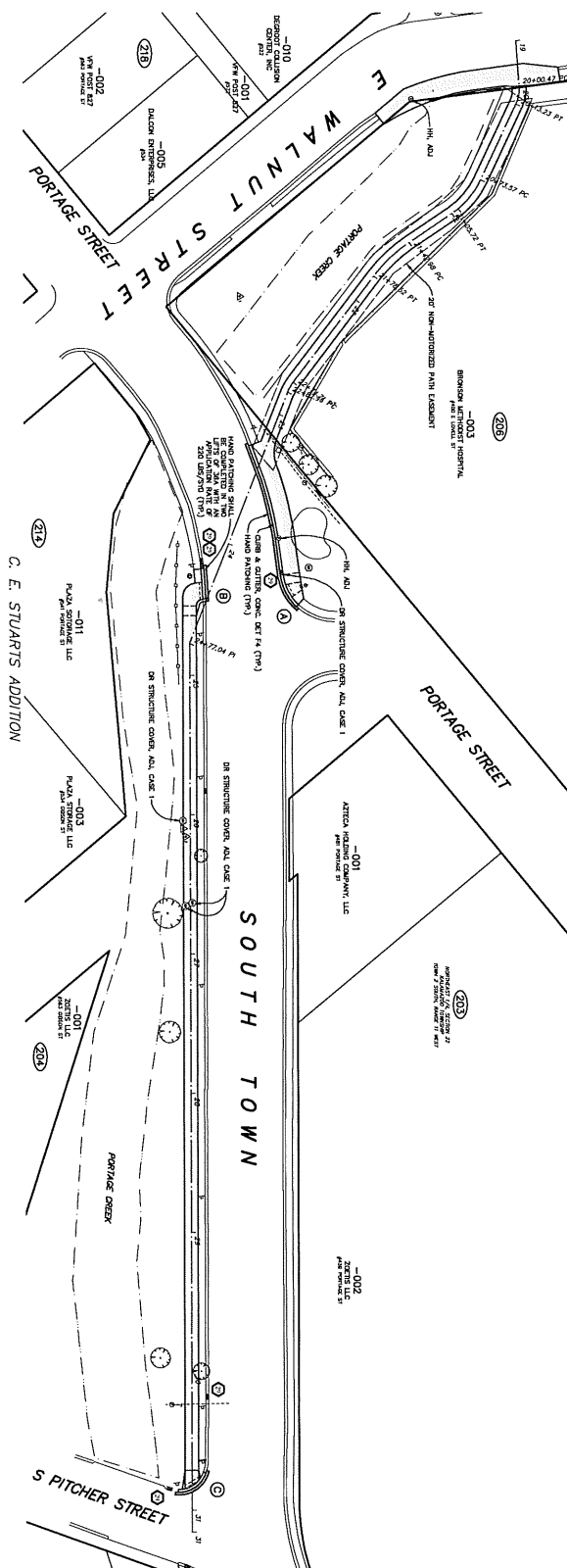
LOCATED IN : SECTION 22
TOWN 2 SOUTH, RANGE 11 WEST
CITY OF KALAMAZOO,
KALAMAZOO COUNTY, MICHIGAN

Date : 06/10/2019 PAGE
Project No. 2190061 1 OF 1



CONTRACT NUMBER	
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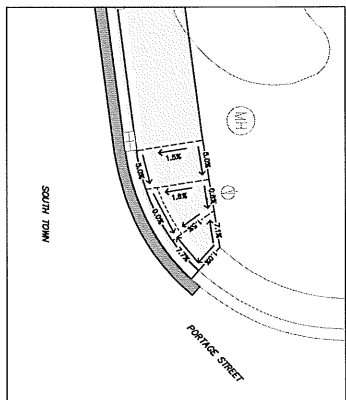


PROPOSED PAVEMENT LEGEND

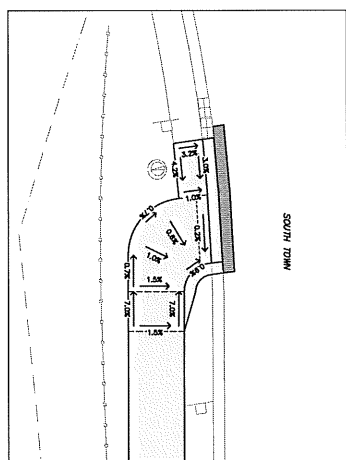
- PROPOSED MA
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- PROPOSED CONC. 4" & 8" THK

SOIL EROSION CONTROL LEGEND

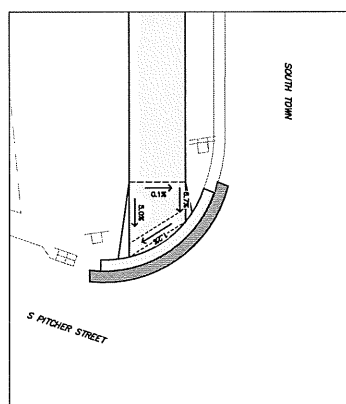
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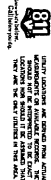
A SIDEWALK RAMP GRADING DETAILS North



B SIDEWALK RAMP GRADING DETAILS North



C SIDEWALK RAMP GRADING DETAILS North



PROJECT DATA INFORMATION
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SHEET NO.
DATE
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SCALE: 1" = 10'

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Prein&Newhof
Engineers Surveyors Environmental Scientists

CITY OF KALAMAZOO
KURT EXTENSION
NORTH TRAIL SITE PLAN

PROJECT NO.
2190061
SHEET NO.
4 OF 5



City Commission Agenda Report

City of Kalamazoo

Date: **8/3/2020**

Item: **G.6.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Prepared by: Rebekah Kik, Community Planning and Economic Development Director

DATE: August 3, 2020

SUBJECT: Acquisition of Tax Foreclosed Parcels Under First Right of Refusal

RECOMMENDATION:

It is recommended that the City Commission proceed with the acquisition of eight tax foreclosed properties from the Kalamazoo County Treasurer under first right of refusal, in an amount not to exceed \$199,730.89. If acquired, the parcels would undergo a substantial transformation and would be returned to the tax rolls for affordable home ownership.

BACKGROUND:

The General Property Tax Act (PA123 of 1999) allows a City, under MCL 211.78(m)(1) to purchase tax foreclosed properties for the minimum bid which is defined in statute. Properties may be purchased from the County Treasurer by the approval of the governing board and by completing an application and submitting it with the required payment amount. The purchase price of \$199,730.89 equals the base tax for years 2011 – 2019 plus interest and fees. If approved, the City will become the title holder on the date the County Treasurer transfers the property to the City of Kalamazoo, and the 2020 summer tax bills in the amount of \$12,174.13 will be paid to the City Treasurer.

Staff has reviewed the 2020 list of tax-foreclosed properties. Considering the size and type (residential, commercial, etc.) of property and the proximity of the properties to targeted redevelopment areas, the properties of interest are:

Condemned Row Houses – Florence/Lawrence Street

06-16-278-011	532 Lawrence Street
06-16-278-800	528 Lawrence Street
06-16-279-008	518 Lawrence Street

06-16-279-010	516 Lawrence Street
06-16-279-011	514 Lawrence Street
06-16-279-014	508 Lawrence Street
06-16-279-015	506 Lawrence Street
06-16-279-016	504 Lawrence Street

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



Complete Neighborhoods - residential areas that support the full range of people's daily needs

Discussion - Affordable Housing development

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

CPED Staff will be reaching out to neighbors to discuss and inform the rehabilitation of the homes. Work with the neighborhood to identify residents ready for home ownership prior to the project completion.

Collaborate (two-way conversation) - the community will have a chance to shape the project by providing feedback.

Engagement/Communication Tools

Zoom meetings, videos, and City website postings

FISCAL IMPACT:

The purchase price of \$199,730.89 equals the base tax for years 2011 – 2019 plus interest and fees. If approved, the City will become the title holder effective 12/31/2019, and the 2020 summer tax bills in the amount of \$12,174.13 will be paid to the City Treasurer. The purchase price and tax bills will be paid from the \$775,000 set aside in the 2020 Foundation for For Excellence-funded Housing budget for Incremental Development projects.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING PURCHASE OF TAX-FORECLOSED PROPERTY
FROM KALAMAZOO COUNTY**

Minutes of a regular meeting of the City Commission of the city held on the August 3, 2020, at 7:00 p.m., local time, at the City Hall.

PRESENT:

ABSENT:

RECITALS:

- A.** The General Property Tax Act (as amended by Act 123 of Public Acts 1999) allows a City, under MCL 211.78m(1) to purchase a tax foreclosed property for the minimum bid which is defined in statute.
- B.** The City has identified the following parcels (the Properties) that are under the jurisdiction of the Kalamazoo County Treasurer and are available for acquisition under the provisions of MCL 211.78m(1).

Condemned Row Houses – Florence/Lawrence Street

06-16-278-011	532 Lawrence Street
06-16-278-800	528 Lawrence Street
06-16-279-008	518 Lawrence Street
06-16-279-010	516 Lawrence Street
06-16-279-011	514 Lawrence Street
06-16-279-014	508 Lawrence Street
06-16-279-015	506 Lawrence Street
06-16-279-016	504 Lawrence Street

- C.** The City of Kalamazoo desires to acquire the Properties for purposes of affordable homeownership development, neighborhood revitalization, and related public purposes.
- D.** The City of Kalamazoo plans to obtain resident and stakeholder feedback on the redevelopment of these Properties.

THEREFORE IT IS RESOLVED:

1. The City of Kalamazoo is authorized to make application to the Kalamazoo County Treasurer, for conveyance of _____ the Properties to the City of Kalamazoo for the minimum bid of the delinquent taxes in amount of \$199,730.89, plus any additional fees and interest, as required under MCL 211.78m(1).

The above resolution was offered by _____ and seconded by _____.

AYES:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the city of Kalamazoo at a regular meeting held on August 6, 2018. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.

Scott A. Borling, City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **8/3/2020**

Item: **H.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik
Prepared by: Christina Anderson on behalf of Andrew Haan, Downtown
Kalamazoo Partnership

DATE: August 3, 2020

SUBJECT: Approval of Social Districts in Downtown Kalamazoo

RECOMMENDATION:

It is recommended that the City Commission take the following actions to allow certain on-premises liquor licensees expanded use of shared areas for consumption of alcohol pursuant to Public Act 124 of 2020:

- a. Adopt an ordinance amending Chapter 4A "ALCOHOLIC BEVERAGES" to permit the creation of Social Districts and Commons Areas; and
- b. Adopt a resolution designating Social Districts containing Commons Areas and establishing a management and maintenance plan.

BACKGROUND:

COVID-19 and the resultant executive orders closing restaurants and bars have had a dramatic impact on businesses across the State of Michigan. Locally, businesses in downtown were surveyed by the Kalamazoo Downtown Partnership to better understand these impacts. It was discovered that 75% reported revenue decreases above 50%, 59% of businesses reported having to lay off employees, 30% expect to re-hire fewer employees than were laid off, and 42% of businesses reported likelihood of closing moderate to very high. Additionally, Downtown visitors were surveyed, with a high percentage being more comfortable patronizing businesses in outdoor settings.

In order to help offset similar impacts statewide, Public Act 124 of 2020 was signed into law in July 2020. PA 124 allows municipalities to designate "social districts" and "commons areas" within those districts, into which customers of licensed establishments could serve alcoholic

drinks. Patrons could take a drink into the commons area, wander about, shop in store, browse a gallery, or pause to enjoy their drink on a bench or table in the public realm. A commons area could be established any place in the City that has three or more licensed establishments contiguous to the commons area.

With the greatest concentration of licensed establishments in the City within Downtown, and with data supporting the need for interventions, it is proposed that the City's first social district and commons area be established along the Kalamazoo Mall, Michigan Avenue, and associated adjacent blocks (see attached map). The proposed commons area would operate seven days a week, 10am-10pm Sunday-Thursday, and 10am-12am Friday and Saturday. In accordance with PA 124, establishments will be required to serve in plastic cups no larger than 16oz that identify the social district, and the licensed establishment serving them. No other open containers will be permitted in the commons area. The area will be maintained by Kalamazoo Downtown Partnership.

Numerous communities in Ohio, including peers like Toledo have met success operating under the similar designated outdoor refreshment area program, in place since 2015. The proposed program would be monitored regularly for compliance, cleanliness, and economic impact. Adjustments to hours, operations, or other policies may be made at a later date, should they be deemed necessary. Also, additional commons areas may be established should businesses in other parts of downtown or other neighborhood nodes express interest.

STRATEGIC VISION ALIGNMENT:



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.



Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.

Small businesses are operating at dramatically reduced capacity as a result of COVID-19. This action is intended to boost capacity to support the economic vitality of Downtown. As the pandemic starts to recede, these areas will provide an opportunity for larger gatherings and events, bringing much need attention and activity in Downtown.

COMMUNITY ENGAGEMENT:

The Kalamazoo Downtown Partnership has communicated this opportunity to its business contact list of over 250 individuals on multiples occasions in recent weeks. Feedback has been uniformly positive. The boards of the Kalamazoo Downtown Partnership and Downtown Economic Growth Authority, composed of members representing businesses, anchor institutions, residents, property owners, and community members are in support of this proposal. Additionally, multiple participatory webinars have been hosted with downtown stakeholders to establish recommended boundaries, hours, and operational plans for the commons areas.

FISCAL IMPACT:

It is anticipated that this will have a positive impact on the economic condition of Downtown. Diners will be encouraged to remain downtown longer, visiting retail establishments and other venues, injecting more dollars into the local economy. Small, locally-owned businesses, and their employees will be the primary benefactors of this program.

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 4A “ALCOHOLIC BEVERAGES” TO PERMIT THE CREATION OF SOCIAL DISTRICTS AND COMMONS AREA, AND THE REGULATION THEREOF.

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Chapter 4A “Alcoholic Beverages” is amended by the addition of Section 4A-6 to read as follows:

“§ 4A-6. Social Districts and Commons Area

A. Pursuant to the authority granted by Public Act 124 of 2020 the City Commission may designate by resolution social districts and commons areas, which shall be clearly marked with appropriate signage, within a social district.

B. The creation of a commons area shall include the adoption of a management and maintenance plan, which may be amended as necessary, for the protection of the health and safety of the community and includes, but is not limited to, limitations on the hours of operation for a commons area.

C. Except as provided by State law, the holder of a social district permit issued by the Michigan Liquor Control Commission may sell alcoholic liquor for consumption within the confines of a commons area if both of the following requirements are met:

- 1) The holder of the social district permit only sells and serves alcoholic liquor on the holder’s licensed premises;
- 2) The holder of the social district permit only serves alcoholic liquor to be consumed in the commons area in a container to which all of the following apply:
 - a) the container prominently displays the social district permittee’s trade name or logo or some other mark that is unique to the social district permittee’s on-premises license;
 - b) the container prominently displays a logo or some other mark that is unique to the commons area;
 - c) the container is not glass; and
 - d) the container has a liquid capacity that does not exceed 16 ounces.

D. A purchaser may remove a container of alcoholic liquor sold by a holder of a social district permit from the social district permittee’s licensed premises if all of the following conditions are met:

- 1) The purchaser does not remove the container from the commons area;
- 2) The purchaser does not possess the container in a motor vehicle; and
- 3) While possessing the container, the purchaser does not enter the licensed premises of a social district permittee other than the social district permittee from which the purchaser purchased the container.

E. The consumption of alcoholic liquor from a container in a commons area as allowed under this section may only occur during the hours established by the management and maintenance plan for the commons area.

F. This section is to be strictly construed as a limited exception to, and not in conflict with, Section 22-42.1 and Section 22-57 of the Kalamazoo City Code which generally prohibit the public consumption and possession of open containers of liquor and alcoholic beverages.

G. A purchaser of alcoholic liquor violating the restrictions set forth in this section is guilty of misdemeanor punishable by a fine of up to \$500 and associated court costs.

H. As used in this section:

1) "Commons area" means an area within a social district clearly designated and clearly marked in accordance with a resolution adopted by the City Commission and which is shared by and contiguous to the premises of at least 2 qualified licensees.

2) "Qualified licensee" means a retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises; and a manufacturer with either: a) an on-premises tasting room permit, b) an off-premises tasting room license, or c) a joint off-premises tasting room license.

I. The City Commission reserves the ability to revoke the social district designation if it determines that the activities within or existence of the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Before revoking the designation, the City Commission will hold at least 1 public hearing, the time and place thereof which shall be noticed as required by the Open Meetings Act, MCL15.261 *et seq.*, on the proposed revocation.

J. The City Clerk is authorized and directed to file this ordinance and any resolutions setting forth the designation of the social district and commons areas along with the management and maintenance plans adopted pursuant to ordinance with the Michigan Liquor Control Commission.

K. This section sunsets and shall be of no further legal effect after December 31, 2024."

Section 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Declaration of Emergency

Declaration of Emergency. The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death and is easily spread from person to person. Since March 10, 2020 the Governor has issued a series of Executive Orders in an effort to suppress the spread of COVID-19 which required businesses to temporarily close or significantly curtail operations in an effort to limit in-person contact to the fullest extent possible; as a result of these efforts, retail and service businesses have suffered a loss of revenue, with small businesses being particularly hard hit. And the success of such businesses is a key component of an economically vibrant City and in particular its downtown, it is determined by the City Commission that immediate action is required to address the challenges of retail and services businesses in reopening for business while continuing to observe social distancing protocols to prevent the spread of COVID-19. Therefore, this ordinance is enacted pursuant to Section 13 of the City Charter as an emergency measure for the preservation of the public peace, property, health or safety.

Section 4. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance, by affirmative vote by 5 members of the City Commission shall take effect immediately.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2020. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

David F. Anderson, Mayor

Scott Borling, City Clerk

f:\ord\4-2amendment

CITY OF KALAMAZOO, MICHIGAN RESOLUTION NO. _____

**A RESOLUTION DESIGNATING SOCIAL DISTRICTS CONTAINING COMMONS
AREAS AND ADOPTING A MANAGEMENT AND MAINTENANCE PLAN IN ORDER
TO ALLOW CERTAIN ON-PREMISES LIQUOR LICENSEES EXPANDED USE OF
SHARED AREAS FOR CONSUMPTION OF ALCOHOL PURSUANT TO PUBLIC ACT
124 OF 2020**

Minutes of a regular meeting of the City Commission of the City held on August 3, 2020,
at or after 7:00 o'clock p.m., local time, at City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

The following preamble and resolution was offered by _____

and supported by _____.

WHEREAS, the Michigan Liquor Control Code was recently amended by 2020 Public Act 124 (the Act) to allow the governing body of a local governmental unit to designate social districts and commons areas which may be used by qualified licensees to obtain a social district permit from the Michigan Liquor Control Commission (MLCC) to utilize expanded areas for the consumption of alcohol; and

WHEREAS, if the governing body of a local governmental unit designates a social district that contains a commons area, the governing body must define and clearly mark the commons area with signs, establish local management and maintenance plans including, but not limited to, hours of operation for submittal to the MLCC, and maintain the commons areas in a manner that protects the health and safety of the community; and

WHEREAS, the City Commission finds that designating social districts and commons areas pursuant to the Act is in the best interests of the citizens of the City of Kalamazoo especially in light of COVID-19 restrictions on indoor gatherings and social distancing recommendations;

NOW, THEREFORE, BE IT RESOLVED that the City Commission designates the social districts and commons areas as provided on the attached maps, establishes the attached management and maintenance plan, and authorizes the City Manager or his designee to take all such other actions necessary in order to implement this Resolution and comply with the Act.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to forward this Resolution and the attached maps and management and maintenance plans to the MLCC as required by the Act together with this Resolution.

The above resolution was offered by _____ and supported
by _____.

AYES:

NAYS:

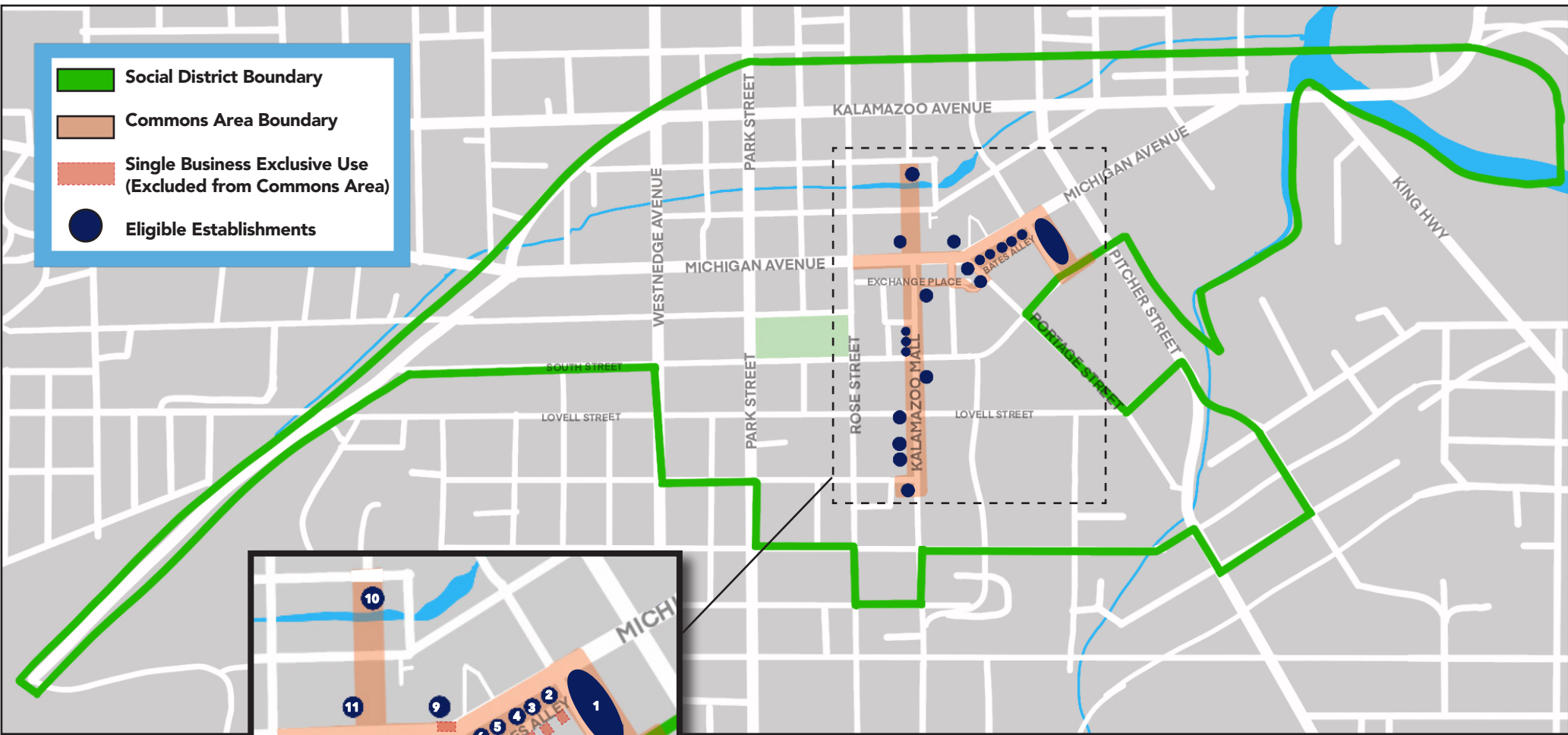
ABSTAIN:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on August 3, 2020. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling
City Clerk



DOWNTOWN KALAMAZOO COMMONS AREA LOCATIONS

- | | | |
|--|--------------------------------|----------------------------------|
| 1 Entertainment District
The Gatsby
Wild Bull
District Square
Skydeck
Loft 310 | 7 Stamped Robin | 15 Taco Bob's |
| 2 Coney Island | 8 LFG | 16 Central City Tap House |
| 3 Tempo Vino | 9 The Wine Loft | 17 Tibb's Brewing Company |
| 4 Green Top Tavern | 10 Final Gravity | 18 The State Theatre |
| 5 Fuze | 11 Radisson Plaza Hotel | 19 Harvey's on the Mall |
| 6 Olde Peninsula | 12 The Union | 20 Papa Pete's |
| | 13 Principle | |
| | 14 Rustica | |

* Additional Single Business Exclusive Use areas may be added



DOWNTOWN KALAMAZOO SOCIAL DISTRICT AND COMMONS AREA(S)

Management and Maintenance Plan

OPERATION:

1. The Social District and Commons Areas shall be open for operation Sunday through Thursday from 10am to 10pm, and Friday and Saturday from 10am to midnight.
2. No tents or lighting shall be installed within the Social District or Commons Area(s) without City permission.
3. No amplified sound shall be used in the Social District or Commons Areas without City permission.
4. Umbrellas may be installed but shall not be mechanically fastened to street or sidewalk surfaces.
5. Dogs are permitted in the Social District and Commons Areas (the City's leash laws still apply, as does the obligation to pick up after your dog).

ACCESS:

1. Pedestrian access shall be maintained to all buildings in the Social District and Commons Areas as required by the City of Kalamazoo.
2. Emergency access shall be maintained to all adjacent properties in the Social District and Commons Areas as required by the City of Kalamazoo.

ALCOHOL:

1. Alcoholic beverages are allowed in the Commons Area(s) only in accordance with a Social District Permit issued by the Michigan Liquor Control Commission (MLCC), any accompanying MLCC regulations, and City of Kalamazoo requirements.
2. Alcoholic beverages shall only be purchased at the licensed premises of a Social District Permit holder and must be consumed in designated Commons Areas.

SEATING, TABLES, AND RELATED FURNISHINGS:

1. Kalamazoo Downtown Partnership will maintain any seating, tables, and related furnishings that have been purchased and deployed by KDP within the Social District.
2. Seating, tables, and related furnishings that have been provided by individual Social District Permit Holders shall be the sole responsibility of the Social District Permit Holders and must comply with ADA accessibility requirements. Under certain circumstances, Social District Permit holders may use public space for seating, tables, and related furnishings. Interested Social District Permit holders must contact Kalamazoo Downtown Partnership for necessary reviews and municipal approvals.
3. Related furnishings are defined as planters, fencing, spatial delineators or other elements that are deployed as part of a seating expansion within the Social District.

SIGNAGE

1. Kalamazoo Downtown Partnership in consultation with the City will provide signage that designates the Commons Area(s) and Commons Area(s) boundaries.
2. Existing City of Kalamazoo sign ordinances are still applicable within Social District and Commons Area(s)

TRASH AND RECYCLING:

1. Kalamazoo Downtown Partnership will provide temporary trash cans and/or recycling cans within Commons Area(s) and at Commons Area boundaries and will maintain these trash cans and/or recycling cans and conduct trash removal operations at these locations for the duration of the Social District and Commons Area operation so long as it is economically feasible to do so.
2. At locations where existing trash cans are already installed, Kalamazoo Downtown Partnership and City of Kalamazoo will continue their current maintenance and trash removal operations.

REVIEW:

1. The Management and Maintenance Plan shall be included in any future Social District reviews conducted by the City of Kalamazoo or other entities.
2. Kalamazoo Downtown Partnership shall be included in any review and consulted on any revisions to the Social District and Management and Maintenance Plan.
3. Alcoholic beverages consumed in Commons Areas are required to be in designated cups per the requirements of the MLCC and the City of Kalamazoo.
4. Social District Permit holders are responsible for the sale of alcohol on their licensed premises in accordance with their individual Social District Permits and all MLCC rules and regulations, including confirming the consumer's identification and age, and prohibiting the sale of alcohol to intoxicated parties.
5. During regular patrols, Kalamazoo Department of Public Safety will monitor Commons Area(s) as assigned for compliance with MLCC and City of Kalamazoo rules and regulations.
6. Kalamazoo Downtown Partnership staff and/or contractors will also monitor Commons Areas and report compliance issues to the proper authorities so long as it is economically feasible to do so.
7. Additional commons areas may be considered at a future date by City Commission.

SOCIAL DISTANCING AND COVID-19 RESPONSE:

1. All users of Social District and Commons Area(s) shall follow State of Michigan social distancing requirements.
2. All users of Social District and Commons Areas shall comply with State of Michigan Executive Orders, including but not limited to, complying with limits on social gatherings and requirements relating to face masks.