



Agenda: Battle Creek City Commission

Meeting Date: May 19, 2026 - 7:00 PM
Location: City Commission Chambers
Chair: Mayor Mark A. Behnke
Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AWARDS

Random Act of Kindness Certificates - Kamryn Clark, Rex Clark and Sasha Clark

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

PETITIONS COMMUNICATIONS REPORTS

PUBLIC HEARINGS

A Public Hearing to receive public comment on the City of Battle Creek's proposed FY 2026-2027 Budget.

PUBLIC COMMENT REGARDING ANY REMAINING AGENDA ITEMS

ADOPTION OF ORDINANCES

382 - A Resolution adopting Ordinance 12-2026, to amend Chapter 1281 of Title Six — Zoning of the Code of Ordinances to make text corrections, clarify requirements, correct formatting and make changes substantive in nature to Sections 1281.01(k)(8)B., 1281.01(k)(10), 1281.04(c)(1)A&B and 1280.01(g)A.

383 - A Resolution adopting Ordinance 13-2026 to rezone the properties located at 14 Yuba St. (Parcel #8040-00-147-0), 175 Main St. (Parcel #0890-00-075-0), and 169 Main St. (Parcel #0890-00-075-0) from MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District for the purpose of converting an existing vacant single-family residence on the site into an office building to support organization operations. It should be noted that 175 Main St. and 169 Main St. share a common parcel but are separate in their addresses.

COMMISSION COMMENT REGARDING MEETING BUSINESS

CONSENT AGENDA

Minutes

Minutes for the May 5, 2026 City Commission Regular Meeting

Minutes for the May 7, 2026 City Commission Budget Workshop

Petitions, Communications, Reports

City Manager's Report for May 19, 2026

Review Committee Meeting Minutes for May 12, 2026

Ambulance Report for April 2026

Resolutions

384 - A Resolution appointing Megan Bertucci as a new member to the Sustainable Battle Creek Committee.

385 - A Resolution seeking authorization for the City Manager to enter into a permanent Easement For Electric Facilities agreement to Consumers Energy Company through a portion of Lafayette Street, and through a portion of Kendall Street, identified as Parcel No. 52-0390-00-365-0, for the purpose of upgrading and maintaining electricity power transmission infrastructure.

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

386 - A Resolution authorizing the City Manager to sign a ten-year mortgage in the amount of \$862,000 with Recovery Services Unlimited Inc. to operate a recovery transitional housing program at 614 NE Capital, a five-unit apartment building renovated by the City of Battle Creek with federal Community Development Block Grant funds and locally controlled Opioid Settlement funds.

387 - A Resolution seeking acceptance of the proposal of best value from Trapeze Software Group, Inc., dba TripSpark Technologies for Intelligent Transportation Systems (ITS), Computer Aided Dispatch (CAD), and Automatic Vehicle Location (AVL) services in a not-to-exceed three-year amount of \$1,250,000.

388 - A Resolution seeking approval to conduct a Closed Session on two legal matters.

GENERAL PUBLIC COMMENT

(Limited to three minutes per individual)

COMMISSION COMMENTS

RECESS

CLOSED SESSION

RETURN FROM RECESS

ADJOURNMENT

It is the desire of the City Commission to encourage public expression in the course of its meetings. Such expression can be integral to the decision-making process of the City Commission. It is the intention of the City Commission to respect the rights of persons addressing the Commission. Public comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during public comment periods. At the conclusion of the speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during the "Commission Comment" period.

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

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

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

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

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

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

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

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City

based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

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

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

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

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

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

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

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

(d) Uses obscene or profane language;

(e) Engages in slanderous or defamatory speech;

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

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

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

RANDOM ACT OF KINDNESS

CERTIFICATE OF RECOGNITION

The City Commission of the City of Battle Creek recognizes

KAMRYN, REX, AND SASHA CLARK

for their efforts to make our city a better place for all neighbors.

Kamryn, Rex and Sasha Clark volunteered their time to help a fellow neighbor during a time of need. In a stressful moment, they stepped up to lend a hand. These volunteer efforts do not go unnoticed by neighbors. Their efforts and willingness to show up for others makes a difference in the community, and we extend our sincere appreciation for their acts of kindness.

We want to thank Kamryn, Rex, and Sasha for their dedication and commitment to the community and the City of Battle Creek.

“A single act of kindness throws out roots in all directions,
and the roots spring up and make new trees” – Amelia Earhart

* * * * *

This Certificate is presented on behalf
of the City of Battle Creek Commission and the community to
Kamryn, Rex, and Sasha Clark for their volunteer efforts and dedication
to make our great city a better place for all.

* * * * *

Presented by



Mark A. Behnke, Mayor
May 19, 2026



General Detail

A Public Hearing to receive public comment on the City of Battle Creek's proposed FY 2026-2027 Budget.

Battle Creek City Commission

Action Summary

Staff Member: Amanda Zimmerlin, City Manager

Department: City Manager's Office

Summary

A Public Hearing to receive public comment on the City of Battle Creek's proposed FY 2026-2027 Budget.

Budgetary Considerations

History, Background and Discussion

Positions

Attachments

1. Public Hearing for FY 2026-2027 05.19.2026 - Public Hearing for FY 2026-2027 General Fund and Special Funds Budgets General Fund and Special Funds Budgets.pdf
2. FY2027 Preliminary Budget Book FY2027 Preliminary Budget Book.pdf

**CITY OF BATTLE CREEK
NOTICE OF PUBLIC HEARING
FY 2026-2027 GENERAL FUND AND SPECIAL FUNDS BUDGETS**

On Tuesday May 19, 2026, at a regular meeting beginning at 7:00 P.M., the Battle Creek City Commission will hold a Public Hearing in the City Commission Chambers on the 3rd Floor of City Hall located at 10 N Division St., Battle Creek, MI, to receive public comments on the proposed FY 2026-2027 General Fund and Special Funds Budgets.

This Public Hearing is being held pursuant to the requirements of Battle Creek Charter Section 7.4 for the purpose of hearing public comments. A copy of the proposed budget is available for public inspection in the Finance Department, 2nd Floor City Hall, 10 N Division St., Battle Creek, Michigan. Public comments must be compliant with the City's meeting rules set out in Battle Creek Ordinance, 212.02(XVII).

Members of the public may watch the entirety of the city commission meeting in person or live by one of two methods: Either YouTube or through AccessVision on cable or online. To watch:

Visit AccessVision: <http://accessvision.tv/live-17>, or click the Live 17 tab at the top of AccessVision's home page.

[Watch AccessVision on Comcast 17/917 or AT&T 99 on cable TV.](#)

Watch on the City's YouTube channel: <https://www.youtube.com/c/CityofBattleCreekMichigan/featured>

THE PROPERTY TAX MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT THE PROPOSED BUDGET WILL BE A SUBJECT OF THIS HEARING.

The City of Battle Creek has complete authority to establish the number of mills to be levied from within its authorized millage rate.

A copy of the budget is available for public inspection on the City's website at www.battlecreekmi.gov, or by calling the City Manager's office at 269-966-3378.

A copy of the Public Hearing minutes may be obtained by contacting the office of the City Clerk.

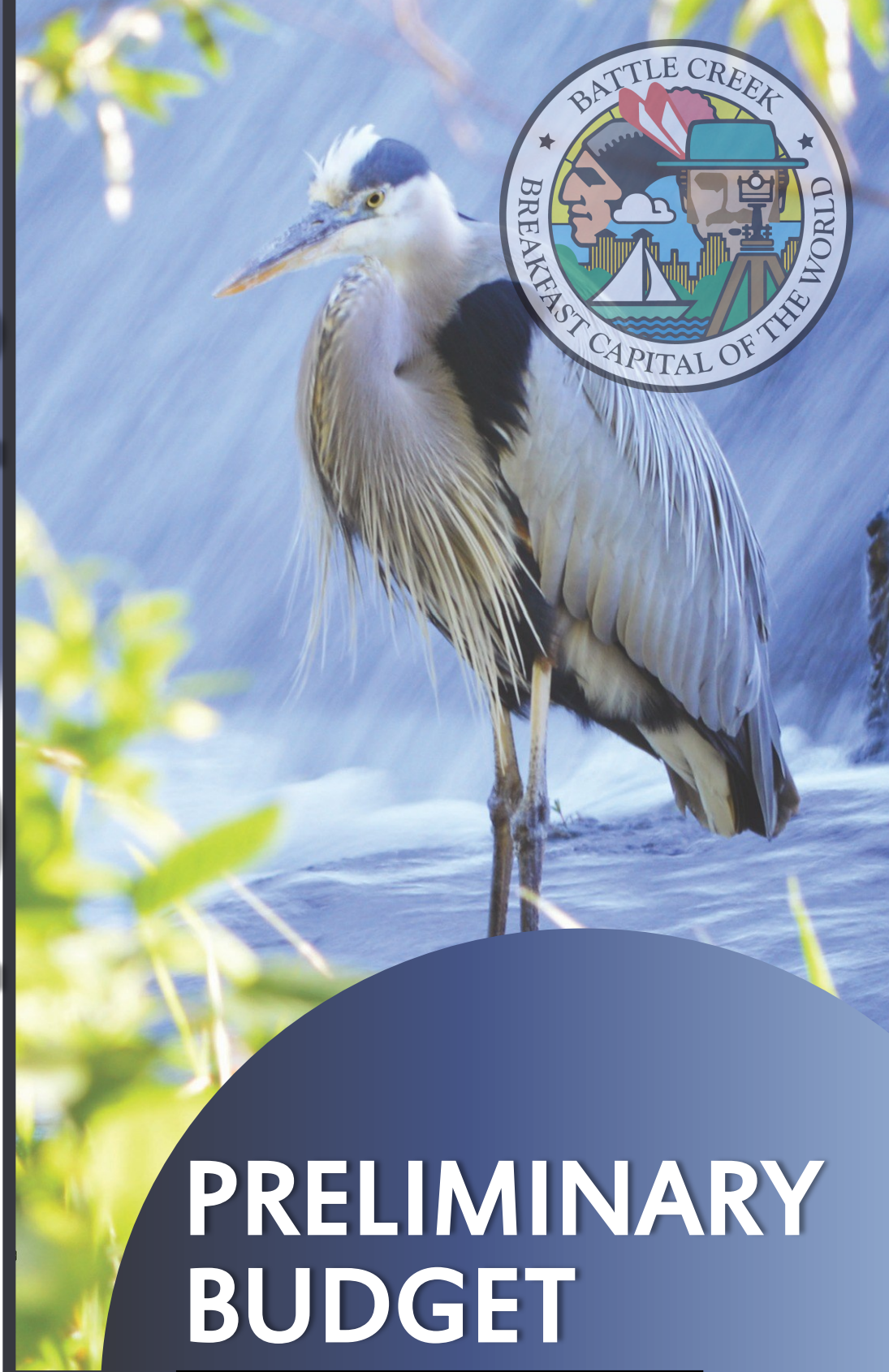
The City of Battle Creek will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired, closed captioning for the hearing impaired and audiotapes of printed materials being considered at this public hearing, to individuals with disabilities upon seven (7) days' notice to the City of Battle Creek by writing or calling the following:

Victoria Houser, Battle Creek City Clerk
P.O. Box 1717, Battle Creek, MI 49016
(269) 966-3378 (Voice)
(269) 966-3348 (TDD)

Questions concerning this matter may be directed to the City Manager's office, at 269-966-3378.

2026-27

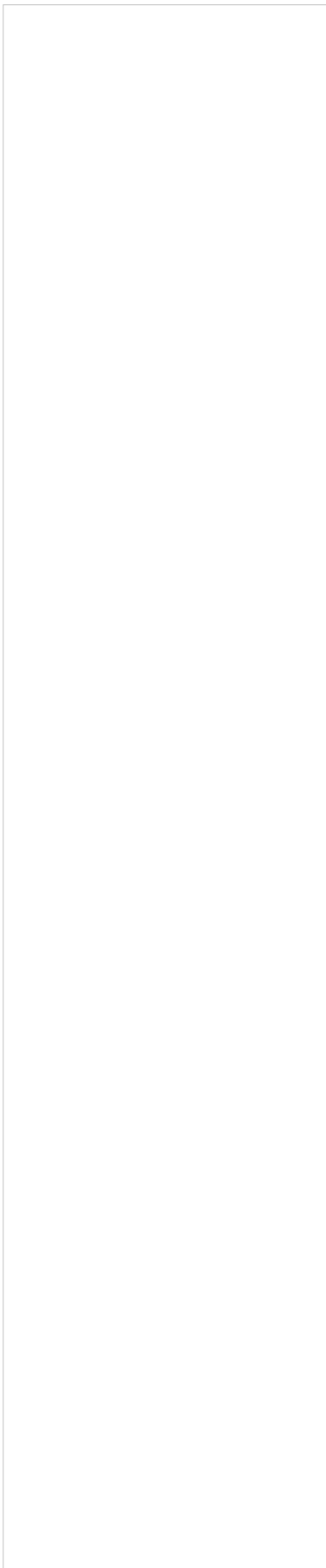
**CITY OF
BATTLE
CREEK
MICHIGAN**



PRELIMINARY BUDGET

FISCAL YEAR 2026-2027

Prepared by the
Finance Department



PROPERTY TAX ANALYSIS

GENERAL FUND REVENUE
Summary & Detail

GENERAL FUND EXPENDITURES
Summary & Detail

GENERAL FUND – FUND BALANCE

OTHER FUNDS – SUMMARIES,
FUND BALANCE AND WORKING CAPITAL

HISTORICAL REVENUE DATA – INCOME TAX,
PROPERTY TAX AND SSR

MBOR PROPERTY VALUE HISTORY

NOTES

MILLAGE COMPARISON

LEVY	Actual 2025-2026	Proposed 2026-2027	INCREASE/ (DECREASE)
OPERATING	7.987	9.113	1.126
CAPITAL PROJECTS/CAPITAL PROJECT DEBT	0.500	0.500	0.000
STREET/DRAINAGE IMPROVEMENTS	1.126	0.000	(1.126)
POLICE & FIRE RETIREMENT	5.583	5.287	(0.296)
TOTALS	15.196	14.900	(0.296)

Operating	\$ 12,521,766
Capital Projects/Capital Projects Debt	\$ 687,028
Streets	\$ -
P&F Pension	\$ 7,263,972
TOTAL	\$ 20,472,766

In 1960 the City was authorized to levy 11.60 mills.

11.3326	Headlee Amendment reduction of operating millage
9.6130	Proposed levy for FY27
<hr/>	
1.7196	Available operating millage

The annual tax impact to a household whose taxable value is:

\$30,000	(\$8.89)
\$50,000	(\$14.82)
\$100,000	(\$29.65)
\$150,000	(\$44.47)
\$200,000	(\$59.30)

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General Fund Revenue Summary

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Proposed Budget
Activity Total: 000 - Revenue	(56,245,466)	(53,393,155)	(55,826,691)	(57,986,477)
Activity Total: 172 - City Manager	(125,126)	(500,000)	-	-
Activity Total: 175 - City Hall Maintenance	(277,699)	(1,000)	(3,500)	(1,000)
Activity Total: 191 - Finance	(76,089)	(84,176)	(81,776)	(81,676)
Activity Total: 215 - Clerk	(40,585)	(3,195)	(5,840)	(3,395)
Activity Total: 253 - Treasurer	66	(200)	(2,700)	(200)
Activity Total: 257 - Assessor	(2,905)	(1,100)	(3,100)	(1,100)
Activity Total: 262 - Elections	(95,595)	-	(350)	(2,650)
Activity Total: 266 - Attorney	(17,940)	(30,000)	(45,000)	(60,000)
Activity Total: 302-430 - Police Dept.	(2,209,717)	(2,042,977)	(2,193,977)	(2,095,281)
Activity Total: 337-339 - Fire Dept.	(12,256)	(5,700)	(5,700)	2,508
Activity Total: 446 - Streets	(1,086,896)	(1,136,473)	(1,136,473)	(1,210,842)
Activity Total: 447 - Engineering	(105,900)	(105,000)	(105,000)	(105,000)
Activity Total: 371-701 - Community Svcs	(467,298)	(399,765)	(350,035)	(295,500)
Activity Total: 751 - Recreation	(2,473,108)	(2,573,287)	(2,679,646)	(2,754,349)
Activity Total: 800 - Cable Access	(437,112)	(467,000)	(467,000)	(467,000)
TOTAL REVENUE: 101 - General Fund	(63,673,624)	(60,743,028)	(62,906,788)	(65,061,962)

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General Fund Revenue Detail

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Proposed Budget
GF Real Prop Tx	(15,751,179)	(16,505,112)	(16,505,112)	(18,880,090)
GF PY Real Tx	(7,374)	-	-	-
GF NEZ Rhb Prop Tx	-	(2,494)	(2,494)	(2,339)
GF Pers Prop Tx	(2,065,778)	(2,395,090)	(2,395,090)	(2,357,814)
GF PY Pers Prop Tx	(38,687)	-	-	-
GF Mobile Home Prop Tx	(1,352)	(5,081)	(5,081)	(5,081)
GF Land Tax	(3,610)	-	-	-
GF PILOT BC Hsg	(17,571)	(16,029)	(19,010)	(19,010)
GF PILOT Sprinview Twr	(17,409)	(16,708)	(14,773)	(14,774)
GF PILOT Bdfrd Mnr	(8,450)	(5,581)	(8,543)	(8,543)
GF PILOT Bent Tree Apts	(5,571)	(5,396)	(5,551)	(5,551)
GF PILOT Knollwood	(4,515)	(4,430)	(4,462)	(4,462)
GF PILOT Minges Crk Vill	(14,097)	(13,534)	(14,649)	(14,649)
GF PILOT Vill Irvng Prk	(784)	(431)	(431)	(784)
GF PILOT Westbrook Plc	(2,847)	(2,785)	(2,785)	(2,847)
GF PILOT Res Westbrook Plc	(2,505)	(2,480)	(2,827)	(2,827)
GF IFT Exempt	(3,015)	(40,999)	(45,364)	(60,565)
GF IT Pers/Partnr	(20,902,727)	(21,037,552)	(23,018,370)	(23,476,527)
GF IT Corp	(2,123,467)	(1,936,700)	(2,285,693)	(2,285,693)
GF IT Refunds	2,327,139	2,221,700	2,396,221	2,396,221
GF Prop Tx Admin	(908,707)	(907,985)	(931,752)	(962,513)
GF Marijuana Tx	(931,659)	(931,000)	(648,205)	(931,000)
GF Liquor Lic	(31,998)	(45,731)	(45,731)	(45,731)
GF PPT Reimb	(606,635)	(675,000)	(675,000)	(675,000)
GF St Statutory	(1,310,407)	(1,952,694)	(1,885,839)	(1,952,694)
GF St Constitutional	(6,292,440)	(5,746,509)	(5,596,616)	(5,746,509)
GF Txfr LDDA	(1,824,882)	(1,803,334)	(1,803,334)	(1,465,495)
GF Dist Crt 10 Fees	(74,733)	(72,800)	(86,800)	(72,800)
GF Invest Appr	(287,902)	(150,000)	(52,000)	(150,000)
GF Invst Int	(1,059,066)	(700,000)	(1,028,000)	(950,000)
GF Other Rent	(1)	-	-	(25,000)
GF Admin Reimb	(10,598)	(10,600)	(10,600)	(10,600)

GF Msc Rev	(34,528)	(38,800)	(38,800)	(38,800)
GF Bd Debt Rec	308	-	-	-
GF Msc Rev	(116,532)	(90,000)	(90,000)	(90,000)
GF NSF Fees	(900)	-	-	-
GF Purch Disc	(164)	-	-	-
GF Over/Short	1,858	-	-	-
Gen Fund SBITA Proceeds	(1,053,142)	-	-	-
Transfer In from ARPA	(3,059,542)	-	(500,000)	(125,000)
GF Txfr Flt	-	(500,000)	(500,000)	-
Activity Total: 000 - Revenue	(56,245,466)	(53,393,155)	(55,826,691)	(57,986,477)
GF CM Txfr ARPA	(125,126)	(500,000)	-	-
Activity Total: 172 - City Manager	(125,126)	(500,000)	-	-
GF CtyHll Maint Msc Rev	(849)	(1,000)	(3,500)	(1,000)
GF CH Maint Txfr ARPA	(276,850)	-	-	-
Activity Total: 175 - City Hall Maintenance	(277,699)	(1,000)	(3,500)	(1,000)
Activity Total: 191 - Finance	(76,089)	(84,176)	(81,776)	(81,676)
Activity Total: 215 - Clerk	(40,585)	(3,195)	(5,840)	(3,395)
Activity Total: 253 - Treasurer	66	(200)	(2,700)	(200)
Activity Total: 257 - Assessor	(2,905)	(1,100)	(3,100)	(1,100)
Activity Total: 262 - Elections	(95,595)	-	(350)	(2,650)
Activity Total: 266 - Attorney	(17,940)	(30,000)	(45,000)	(60,000)
GF PD Ad Msc Rev	(26)	-	-	-
GF PD Ad Mgt Svc Gun Perms	(316)	-	(500)	-
GF PD Ad Mgt Svc Fingerprnt	(5,469)	(4,000)	(5,500)	(4,000)
GF PD Ad Mgt Svc Crim Chks	(445)	(500)	(300)	(500)

GF PD Ad Mgt Svc Accdnt Rep	(9,135)	(10,000)	(5,000)	(10,000)
GF PD Ad Mgt Svc SOM Fngrprnt	(2,131)	(1,500)	(1,700)	(1,500)
GF PD Ad Mgt Svc Msc Rev	(3,795)	-	(3,500)	-
GF PD Adm Notary	-	-	(2,800)	-
GF PD Ad Mgt Svc NSF Fees	(3,230)	(1,500)	(1,000)	(1,500)
GF PD Ad Ed/Trn Msc Rev	(180,711)	(5,000)	(120,000)	(5,000)
GF PD Ad EmSvCoord Aid	(17,181)	(40,000)	(40,000)	(40,000)
GF PD CC Lab Msc Rev	(3,582)	(2,000)	(7,800)	(15,000)
GF PD CC Invest Offndr Reg	(8,750)	(5,000)	(5,000)	(5,000)
GF PD CC Invest Msc Rev	-	-	(6,100)	(6,000)
GF PD CC Sp Inv Msc Rev	(26,676)	(10,000)	(28,900)	(25,000)
GF PD CC MCOLES Msc Rev	(116,000)	(116,000)	(116,000)	(116,000)
GF PD TS Gen Svcs	(864,755)	(40,000)	(40,000)	(40,000)
GF PD TS OUIL Cst Rec	(30,725)	(15,000)	(15,000)	(15,000)
GF PD TS EE Witnss Fees	(13)	-	-	-
GF PD TS Bedfrd CFS	178,250	(800,700)	(800,700)	(816,714)
GF PD TS Msc Rev	(8,267)	(5,000)	(5,000)	(5,000)
GF T&S Auction Proceeds	-	-	(1,400)	-
GF PD TS Txfr DDA	(197,204)	(212,710)	(212,710)	(215,000)
GF PD TS PD Cntrct Gen Svcs	(902,636)	(770,067)	(770,067)	(770,067)
GF Anml Cont Dog Licns	(6,789)	(4,000)	(5,000)	(4,000)
GF Anml Cont Kennel Insp	(130)	-	-	-
Activity Total: 302-430 - Police Dept.	(2,209,717)	(2,042,977)	(2,193,977)	(2,095,281)
GF Fire Adm Permits	(25)	-	-	-
GF Fire Ad Oth Don	(150)	(200)	(200)	(200)
GF Fire Ad Msc Rev	(7,081)	(3,500)	(3,500)	4,708
GF FF Msc Rev	(5,000)	(2,000)	(2,000)	(2,000)
Activity Total: 337-339 - Fire Dept.	(12,256)	(5,700)	(5,700)	2,508
GF Strts Outsd Svc Outsd Chrg	(65,686)	(40,000)	(40,000)	(40,000)
GF Streets Prks Mnt BCCF Grnts	(1,200)	-	-	-
GF Strts PrkBldMnt Msc Rev	(312)	-	-	-
GF Strts CBD Maint Txfr DDA	(1,019,698)	(1,096,473)	(1,096,473)	(1,170,842)

Activity Total: 446 - Streets	(1,086,896)	(1,136,473)	(1,136,473)	(1,210,842)
GF Eng RetBasRhbc Cas Rev Shr	(105,900)	(105,000)	(105,000)	(105,000)
Activity Total: 447 - Engineering	(105,900)	(105,000)	(105,000)	(105,000)
GF Insp Demo Demos	(45,095)	(42,665)	(42,665)	-
GF Insp Weed Cutting	(30,765)	(25,000)	(25,000)	(25,000)
GF Plan Marijuana Tx	(206,840)	(190,000)	(130,000)	(130,000)
GF Plan Bldg Perms	(340)	(1,000)	(120)	-
GF Plan Site Pln Rev	(4,050)	(4,000)	(4,900)	(4,000)
GF Plan Zone Req Fee	(400)	(600)	(750)	(1,500)
GF Plan PC Petitions	(1,500)	(1,500)	(1,600)	-
GF Plan Code Rent Reg	(76,553)	(30,000)	(40,000)	(35,000)
GF Plan Code Vacant Prop	(101,655)	(105,000)	(105,000)	(100,000)
GF Plan Code Msc Rev	(100)	-	-	-
Activity Total: 371-701 - Community Svcs	(467,298)	(399,765)	(350,035)	(295,500)
Subactivity 6223 - Rec KidVenture Camp	(180,400)	(200,000)	(270,000)	(220,000)
Subactivity 6229-6720 - Rec Athletics	(111,295)	(94,530)	(133,371)	(146,280)
Subactivity 6270 - Rec Binder Park Golf	(1,433,226)	(1,543,541)	(1,532,295)	(1,572,733)
Subactivity 6981 - Rec Administration	(11,847)	(1,900)	(7,013)	(11,400)
Subactivity 7100 - Rec Willard Beach	(34,777)	(34,000)	(34,000)	(34,000)
Subactivity 7160 - Rec Flash Flood	(380,304)	(398,500)	(390,750)	(405,700)
Subactivity 7170 - Rec Full Blast Building	(193,081)	(165,816)	(159,616)	(208,736)
Subactivity 9891 - Rec Bailey Park	(128,178)	(135,000)	(152,601)	(155,500)
Activity Total: 751 - Recreation	(2,473,108)	(2,573,287)	(2,679,646)	(2,754,349)
Activity Total: 800 - Cable Access	(437,112)	(467,000)	(467,000)	(467,000)
TOTAL REVENUE: 101 - General Fund	(63,673,624)	(60,743,028)	(62,906,788)	(65,061,962)

General Fund Expense Summary

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Proposed Budget
Activity Total: 000 - Contributions	4,092,701	834,353	834,353	278,441
Activity Total: 101 - City Commission	189,899	200,804	201,304	230,639
Activity Total: 172 - City Manager	1,475,945	1,695,157	1,614,385	1,983,941
Activity Total: 175 - City Hall Maintenance	1,129,563	929,520	971,556	1,200,293
Activity Total: 191 - Finance	1,635,930	1,479,151	1,428,287	1,438,334
Activity Total: 215 - Clerk	387,315	337,904	339,747	359,201
Activity Total: 221 - Income Tax	779,231	723,318	783,171	887,124
Activity Total: 233 - Purchasing	386,240	425,624	426,704	349,733
Activity Total: 253 - Treasurer	455,156	411,480	423,868	425,976
Activity Total: 257 - Assessor	689,274	706,469	709,569	741,054
Activity Total: 262 - Elections	357,480	376,955	216,707	688,754
Activity Total: 266 - Attorney	1,252,148	1,286,274	1,313,113	1,426,717
Activity Total: 267 - Labor Attorney	77,409	133,796	68,796	135,796
Activity Total: 269 - Civil Service	116,224	183,501	133,451	187,625
Activity Total: 270 - Human Resources	560,396	706,149	686,223	806,273
Activity Total: 305-430 - Police Department	25,829,687	25,591,628	24,487,168	27,118,336
Activity Total: 325 - Police Dispatch	324,030	327,553	327,553	327,553
Activity Total: 337-339 - Fire Department	14,543,437	16,163,658	16,023,410	17,239,091
Activity Total: 371-701-703 - Comm Svcs	1,308,902	1,679,793	1,668,743	1,658,454
Activity Total: 446 - Streets	3,614,663	3,672,318	3,641,660	3,887,062
Activity Total: 447 - Engineering	199,951	100,000	100,000	100,000
Activity Total: 594 - BCATS	33,123	33,123	33,123	33,123
Activity Total: 751 - Recreation	3,867,325	3,846,460	3,750,018	3,929,560
Activity Total: 800 - Cable Access	196,573	271,200	271,200	271,200
TOTAL EXPENSE: 101 - General Fund	63,502,602	62,116,188	60,454,109	65,704,280

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General Fund Expense Detail

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Proposed Budget
Activity Total: 000 - Contributions & Transfers	4,092,701	834,353	834,353	278,441
Activity Total: 101 - City Commission	189,899	200,804	201,304	230,639
Activity Total: 172 - City Manager	1,475,945	1,695,157	1,614,385	1,983,941
Activity Total: 175 - City Hall Maintenance	1,129,563	929,520	971,556	1,200,293
Activity Total: 191 - Finance	1,635,930	1,479,151	1,428,287	1,438,334
Activity Total: 215 - Clerk	387,315	337,904	339,747	359,201
Activity Total: 221 - Income Tax	779,231	723,318	783,171	887,124
Activity Total: 233 - Purchasing	386,240	425,624	426,704	349,733
Activity Total: 253 - Treasurer	455,156	411,480	423,868	425,976
Activity Total: 257 - Assessor	689,274	706,469	709,569	741,054
Activity Total: 262 - Elections	357,480	376,955	216,707	688,754
Activity Total: 266 - Attorney	1,252,148	1,286,274	1,313,113	1,426,717
Activity Total: 267 - Labor Attorney	77,409	133,796	68,796	135,796
Activity Total: 269 - Civil Service	116,224	183,501	133,451	187,625
Activity Total: 270 - Human Resources	560,396	706,149	686,223	806,273

Activity Total: 305 - Police Administration	5,839,783	4,641,132	4,210,694	4,378,990
Activity Total: 310 - Police Crime Lab	5,280,151	5,792,957	5,186,630	5,648,146
Activity Total: 315 - Police Patrol	14,056,074	14,450,013	14,376,499	16,337,165
Activity Total: 430 - Police Animal Control	653,679	707,526	713,345	754,035
Activity Total: 325 - Police Dispatch	324,030	327,553	327,553	327,553
Total Police	26,153,717	25,919,181	24,814,721	27,445,889
Activity Total: 337 - Fire Admin	2,457,357	2,782,904	3,115,811	3,678,123
Activity Total: 339 - Fire Firefighters	12,086,080	13,380,754	12,907,599	13,560,968
Total Fire	14,543,437	16,163,658	16,023,410	17,239,091
Subactivity 3880 - Demolitions	136,082	349,852	343,852	307,632
Subactivity 5300 - Weed Control	72,912	122,822	113,470	119,401
Subactivity 0000 - Planning	665,787	764,679	758,884	779,481
Subactivity 5300 - Land Management	32,297	35,000	35,000	35,000
Subactivity 8040 - Code	401,824	407,440	417,537	416,940
Total Community Services	1,308,902	1,679,793	1,668,743	1,658,454
Subactivity 4460 - Streets Outside Services	1,499,839	1,366,740	1,285,649	1,379,096
Subactivity 4551 - Streets Storm Cleanup	105,000	-	7,000	-
Subactivity 4560 - Streets Park Maintenance	782,708	926,420	919,454	994,568
Subactivity 4565 - Streets Willard Beach	74,392	117,992	131,215	121,560
Subactivity 4570 - Streets Linear Park	111,465	154,956	157,964	247,959
Subactivity 7190 - Streets CBD	1,020,584	1,073,520	1,099,005	1,108,041
Subactivity 9520 - Streets Cemeteries	20,675	32,691	41,373	35,839
Total Streets	3,614,663	3,672,318	3,641,660	3,887,062
Activity Total: 447 - Engineering	199,951	100,000	100,000	100,000
Activity Total: 594 - BCATS	33,123	33,123	33,123	33,123
Subactivity 6201 - Rec Sports Forum	102,868	80,905	44,510	2,332
Subactivity 6223 - Rec KidVenture Camp	117,476	172,262	133,500	138,490
Subactivity 6229-6720 - Rec Athletics	164,518	191,485	138,811	102,950

Subactivity 6270 - Rec Binder Park Golf	1,665,325	1,280,300	1,356,320	1,352,294
Subactivity 6981 - Rec Administration	385,542	558,558	515,034	744,687
Subactivity 7100 - Rec Willard Beach	28,088	19,815	43,269	43,479
Subactivity 7160 - Rec Flash Flood	389,283	458,939	387,465	363,340
Subactivity 7170 - Rec Full Blast Building	649,870	695,088	811,304	822,458
Subactivity 9891 - Rec Bailey Park	364,355	389,107	319,804	359,530
Total Recreation	3,867,325	4,117,660	4,021,218	4,200,760
Activity Total: 800 - Cable Access	196,573	271,200	271,200	271,200
TOTAL EXPENSE: 101 - General Fund	63,502,602	62,116,188	60,454,109	65,704,280

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**City of Battle Creek
General Fund
Fund Balance Projection
June 30, 2027**

Fund Balance:	
Unassigned Fund Balance 6/30/25	\$ 12,474,267
Other Fund Balance 6/30/25	3,367,554
Estimated Revenue 7/1/25 - 6/30/26	62,906,788
Estimated Expenditures, 7/1/25 - 6/30/26	60,457,674
Revenues over (under) Expenditures	<u>2,449,114</u>
Projected Unassigned Fund Balance, 6/30/26	13,698,824
Projected Other Fund Balance, 6/30/26	4,592,111
Proposed Revenue, 7/1/26- 6/30/27	65,061,962
Proposed Expenditures, 7/1/26 - 6/30/27	65,704,280
Revenues over (under) Expenditures	<u>(642,318)</u>
Proposed Unassigned Fund Balance, 6/30/27	<u>13,056,506</u>
Proposed Other Fund Balance, 6/30/27	<u><u>\$ 4,592,111</u></u>

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Non-Major Funds

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Proposed Budget
Fund: 249 Building Inspection Fund				
Fund 249 Total Revenue	(959,933)	(1,025,950)	(1,005,732)	(1,025,950)
Fund 249 Total Expense	1,087,263	1,257,651	1,178,036	1,359,196
Total: Building Inspection Fund	127,331	231,701	172,304	333,246
Fund: 265 Narcotics Forfeiture Fund				
Fund 265 Total Revenue	(166,985)	(135,000)	(135,842)	(135,000)
Fund 265 Total Expense	30,190	121,393	85,558	120,281
Total: Narcotics Forfeiture Fund	(136,795)	(13,607)	(50,284)	(14,719)
Fund: 266 Michigan Justice Training Fund				
Fund 266 Total Revenue	(42,795)	(25,000)	(25,000)	(25,000)
Fund 266 Total Expense	19,241	18,000	28,500	18,747
Total: Michigan Justice Training Fund	(23,555)	(7,000)	3,500	(6,253)
Fund: 514 Parking Fund				
Fund 514 Total Revenue	(1,362,759)	(1,316,683)	(1,698,401)	(1,407,292)
Fund 514 Total Expense	1,716,205	1,298,670	1,712,980	1,379,955
Total: Parking Fund	353,447	(18,013)	14,579	(27,337)
Fund: 580 FAA Hangar				
Fund 266 Total Revenue	(542,501)	(606,100)	(606,600)	(606,600)
Fund 580 Total Expense	471,448	689,522	670,583	604,844
Total: FAA Hangar	(71,053)	83,422	63,983	(1,756)

Non-Major Funds (continued)

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Commission Budget
Fund: 244 Economic Development Fund				
Fund 244 Total Revenue	(923,118)	(885,000)	(899,000)	(914,587)
Fund 244 Total Expense	843,866	908,897	957,697	877,654
Total: Economic Development Fund	(79,252)	23,897	58,697	(36,933)
Fund: 596 Solid Waste Fund				
Fund 596 Total Revenue	(4,628,622)	(4,421,394)	(4,540,411)	(4,556,456)
Fund 596 Total Expense	4,604,399	4,611,915	4,433,745	4,699,563
Total: Solid Waste Fund	(24,223)	190,521	(106,666)	143,107
Fund: 597 Intermodal Fund				
Fund 597 Total Revenue	(186,485)	(227,000)	(227,000)	(227,000)
Fund 597 Total Expense	162,869	111,186	112,888	113,639
Total: Intermodal Fund	(23,616)	(115,814)	(114,112)	(113,361)
Fund: 681 Print Shop Fund				
Fund 681 Total Revenue	(240,484)	(218,317)	(263,317)	(268,217)
Fund 681 Total Expense	199,790	224,172	230,751	250,629
Total: Print Shop Fund	(40,694)	5,855	(32,566)	(17,588)

Self-Insurance

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Commission Budget
Fund: 677 Self-Insurance Fund				
REVENUE				
9197 Employee Benefits	(359,686)	(421,236)	(421,236)	(453,162)
9260 Liability Insurance	(1,246,429)	(1,408,066)	(1,408,066)	(1,220,293)
9277 Property Insurance	(405,980)	(368,865)	(368,865)	(446,975)
9280 Health Insurance	(10,156,591)	(10,756,813)	(10,756,813)	(11,181,063)
9281 Dental Insurance	(693,478)	(707,500)	(707,600)	(611,935)
9282 Life Insurance	(182,005)	(201,500)	(201,500)	(143,678)
9283 Vision Insurance	(102,314)	(90,000)	(90,500)	(90,000)
9500 Workers Comp	(1,235,365)	(1,217,154)	(1,217,154)	(1,217,154)
Fund 677 Total Revenue	(14,723,163)	(15,521,134)	(15,521,734)	(15,664,260)
EXPENSE				
9197 Employee Benefits	527,052	552,930	552,018	657,047
9260 Liability Insurance	1,029,551	1,454,955	1,620,955	1,676,697
9277 Property Insurance	429,527	905,592	383,948	398,535
9280 Health Insurance	9,678,390	11,177,085	11,379,592	11,103,583
9281 Dental Insurance	614,708	625,000	400,000	450,560
9282 Life Insurance	164,796	200,000	180,000	201,027
9283 Vision Insurance	93,338	90,000	96,500	90,560
9500 Workers Comp	1,138,823	1,195,908	1,219,731	1,202,876
Fund 677 Total Expense	13,676,185	16,201,470	15,832,744	15,780,885
Total: Self-Insurance Fund	(1,046,977)	680,336	311,010	116,625

Equipment Center

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Commission Budget
Fund: 661 Equipment Center				
0000 Fleet Revenue	(6,913,546)	(7,957,333)	(8,753,948)	(7,733,375)
9325 Fleet Capital Revenue	(4,429,741)	(6,021,656)	(5,731,463)	(7,799,410)
Fund 661 Total Revenue	(11,343,287)	(13,978,989)	(14,485,411)	(15,532,785)
EXPENSE				
9320 Fleet Operating Expense	5,199,548	6,427,544	6,062,576	5,595,004
9325 Fleet Capital Expense	2,115,050	6,578,787	7,231,463	7,518,036
9330 Public Works Building	1,221,804	1,835,642	1,846,619	1,439,733
Fund 661 Total Expense	8,536,403	14,841,973	15,140,657	14,552,773
Total: Self-Insurance Fund	(2,806,884)	862,984	655,246	(980,012)

Information Technology

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Commission Budget
Fund: 670 Information Technology				
REVENUE				
0000 Info Tech Revenue	(1,951,253)	(2,030,523)	(2,030,523)	(2,262,129)
9160 IT/Communications	(250,623)	(312,500)	(312,500)	(324,398)
9170 IT/Geo Info Systems	(1,103,267)	(521,984)	(586,984)	(577,756)
9195 IT/311 Call Center	(597,579)	(675,214)	(675,214)	(666,622)
Fund 670 Total Revenue	(3,902,722)	(3,540,221)	(3,605,221)	(3,830,905)
EXPENSE				
0000 Info Tech Expense	1,930,353	2,256,286	1,977,739	2,408,209
9160 IT/Communications	134,541	353,992	166,528	325,905
9170 IT/Geo Info Systems	488,437	512,763	489,198	827,260
9195 IT/311 Call Center	545,328	622,779	670,580	613,646
Fund 670 Total Expense	3,098,658	3,745,820	3,304,045	4,175,020
Total: Information Technology Fund	(804,065)	205,599	(301,176)	344,115

Streets

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Commission Budget
Fund: 202 Major Streets & Trunkline				
Fund 202 Total Revenue	(9,356,882)	(9,869,803)	(9,560,236)	(14,003,244)
Fund 202 Total Expense	9,475,930	9,562,330	10,126,892	14,184,798
Total: Major Streets	119,049	(307,473)	566,656	181,554
Fund: 203 Local Streets				
Fund 203 Total Revenue	(4,518,426)	(4,406,645)	(4,622,512)	(4,573,241)
Fund 203 Total Expense	4,402,904	5,875,251	4,988,850	5,886,727
Total: Local Streets	(115,522)	1,468,606	366,338	1,313,486

Airport

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Commission Budget
Fund: 581 Airport				
REVENUE				
0000 Airport Revenue	(2,060,674)	(2,472,154)	(2,549,534)	(2,403,104)
9390 Investment Revenue	(10,719)			
5382 FY22 Airport Capital Projects	(3,904)	-	-	-
5383 FY23 Airport Capital Projects	(72,080)	-	-	-
5384 FY23 Airport Capital Projects	(196,106)	-	-	-
8870 BCTIFA Capital Projects	(59,989)	(500,000)	(500,000)	(575,000)
Fund 580 Total Revenue	(2,403,472)	(2,972,154)	(3,049,534)	(2,978,104)
EXPENSES				
5370 Airport Operations	1,669,926	3,434,629	2,306,732	2,368,400
8870 Airport Capital	169,710	172,763	-	-
5382 FY22 Airport Capital Projects	3,904	-	-	-
5383 FY23 Airport Capital Projects	37,580	5,498	5,497	-
5384 FY24 Airport Capital Projects	13,636	-	44,089	-
8870 Airport Capital Projects	434,886	545,974	372,204	575,000
Fund 580 Total Expense	2,329,641	4,158,863	2,728,522	2,943,400
Total: Airport Fund	(73,831)	1,186,709	(321,012)	(34,704)

Sewer

Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Commission Budget
Fund: 590 Sewer				
REVENUE				
Fund 590 Total Revenue	(25,228,362)	(25,851,664)	(26,365,664)	(26,153,969)
EXPENSE				
5480 Sewer Collection	2,892,879	4,463,771	4,197,104	4,315,992
5550 WWTP Operations	7,596,276	8,313,977	9,289,126	8,766,854
5573 Sewer Billing	512,680	571,114	571,114	592,802
5580 Lift Station Operations	(22,984)	1,600,050	916,964	1,831,380
5640 WWTP Maintenance	4,225,116	3,934,220	3,897,277	4,249,487
5800 WWTP Administration	1,404,227	2,411,566	2,365,411	2,329,456
5810 WWTP Labor	874,063	1,092,591	987,268	1,061,798
6060 Sewer Meter Replacement	172,949	2,811	100,000	2,811
6480 Sewer Replacement/Streets	640,997	163,107	1,575,000	-
6530 Solids Handling Building	1,326,480	797,540	2,390,000	-
6590 WWTP Rehab	-	-	1,100,000	-
6645 Sewer Pump Replacmenet	1,385,745	(139,379)	2,200,000	-
5820 Sewer Capital Projects	2,781,109	9,560,169	2,000,000	2,213,028
Fund 590 Total Expense	23,789,539	32,771,538	31,589,264	25,363,608
Total: Sewer Fund	(1,438,823)	6,919,874	5,223,600	(790,361)

Water

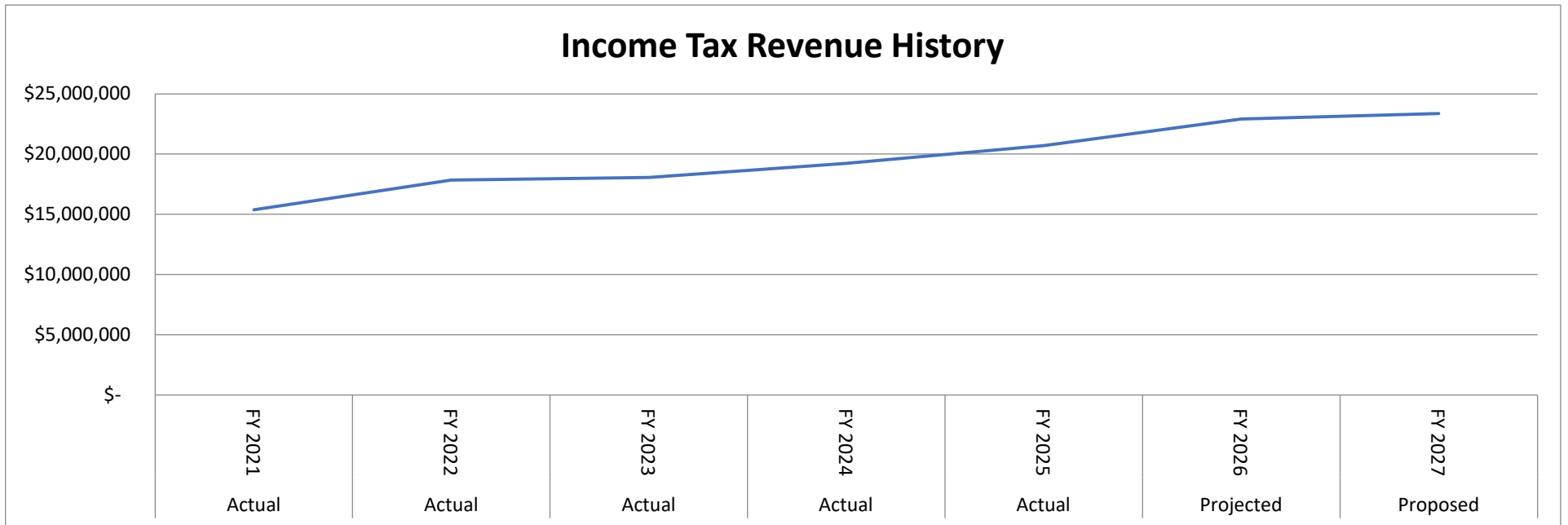
Account Description	2025 Actuals	2026 Revised Budget	2026 Projected Actuals	2027 Commission Budget
Fund: 591 Water				
REVENUE				
Fund 591 Total Revenue	(14,766,239)	(12,139,800)	(15,031,819)	(12,609,408)
EXPENSE				
4440 Water Records	229,935	250,400	257,600	106,461
5560 Water Utility Admin	1,447,481	2,236,737	2,074,015	2,163,350
5570 Water Billing	311,233	286,150	199,580	349,041
5600 Water Field Services	3,650,741	4,555,462	4,483,034	4,445,814
5630 Water Meter Shop	371,845	503,155	576,993	511,863
5710 Verona Pumping Station	3,012,213	3,854,654	3,668,225	3,869,746
5876 Well Head Protection	30,027	72,550	36,200	61,350
5961 Water Replacement/Streets	680,593	85,629	4,514,000	113,450
5992 Storm Cleanup	507	-	-	-
6054 Water System Improvements	-	25,900	100,000	-
6058 Large Valve Replacement	96,065	-	125,000	-
6090 '23 Verona Well Contract	4,730,274	8,796,712	4,679,336	-
6091 Bond Issue	105,138	-	-	-
5877 Water Capital Projects	(4,562,994)	9,018,629	8,901,939	5,306,960
5887 Water System	182,715	188,133	900,000	-
6080 Meter Replacements	172,949	2,811	100,000	-
6090 '23 Wellfield Bond Expense	262,582	940,001	-	-
6091 '25 DWSRF Expense	190,192	38,351,312	16,550,000	-
Fund 591 Total Expense	10,911,499	69,168,235	47,165,922	16,928,035
Total: Water Fund	(3,854,740)	57,028,435	32,134,102	4,318,627

**City of Battle Creek
Selected Funds
Fund Balance/Working Capital/Operating Activities Projections
June 30, 2027**

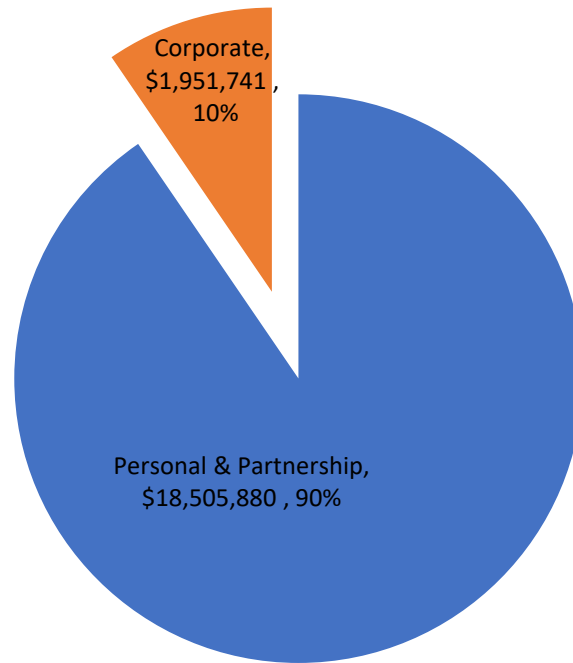
Fund	Balance 6/30/25	Estimated Revenue 2025/2026	Estimated Expenditures/ Expenses 2025/2026	Estimated Balance 6/30/26	Proposed Revenue 2026/2027	Proposed Expenses 2026/2027	Proposed Balance 6/30/27
Special Revenue Funds (Restricted Fund Balance):							
Motor Vehicle Highway							
Major Street Fund	\$ 4,227,327	9,560,236	10,126,892	3,660,671	14,003,244	14,184,798	\$ 3,479,117
Local Street Fund	\$ 1,702,465	4,622,512	4,988,850	1,336,127	4,573,241	5,886,727	\$ 22,641
Michigan Justice Training Fund	\$ 52,207	25,000	28,500	48,707	25,000	18,747	\$ 54,960
Narcotics Forfeiture Fund	\$ 548,911	135,842	85,558	599,195	135,000	120,281	\$ 613,914
Inspections Fund	\$ 1,201,685	1,005,732	1,178,036	1,029,381	1,025,950	1,359,196	\$ 696,135
Enterprise Funds (Working Capital):							
Executive Airport and FAA Fund	\$ 527,218	3,656,134	3,399,105	784,247	3,584,704	3,548,244	\$ 820,707
Auto Parking System Fund	\$ 89,627	1,698,401	1,712,980	75,048	1,407,292	1,379,955	\$ 102,385
Battle Creek Transit Fund	\$ 1,169,461	4,540,981	4,578,727	1,131,715	5,593,900	5,816,294	\$ 909,321
Water and Sewer Fund	\$ 34,526,488	41,397,483	33,751,550	42,172,421	38,763,377	34,788,643	\$ 46,147,155
Solid Waste Collection Fund	\$ 333,164	4,540,411	4,433,745	439,830	4,556,456	4,699,563	\$ 296,723
Intermodal Fund	\$ 11,414	227,000	112,888	125,526	227,000	113,639	\$ 238,887
Economic Development Fund	\$ 548,424	899,000	957,697	489,727	914,587	877,654	\$ 526,660
Internal Service Funds (Unrestricted Net Position):							
Equipment Center Fund	\$ 1,653,235	14,485,411	7,909,194	8,229,452	15,532,785	7,034,737	\$ 16,727,500
Self Insurance Fund	\$ 6,112,342	15,521,734	15,832,744	5,801,332	15,664,260	15,780,885	\$ 5,684,707
Information Technology Fund	\$ 2,282,846	3,605,221	3,304,045	2,584,022	3,830,905	4,175,020	\$ 2,239,907
Reproduction Fund	\$ 30,647	263,317	230,751	63,213	268,217	250,629	\$ 80,801

City of Battle Creek, Michigan
Financial Information/Budget background

Income Tax:	Actual FY 2021	Actual FY 2022	Actual FY 2023	Actual FY 2024	Actual FY 2025	Projected FY 2026	Proposed FY 2027	5 Year Actual Average
Personal & Partnership	\$ 15,783,692	\$ 17,380,668	\$ 18,387,494	\$ 20,074,819	\$ 20,902,727	\$ 23,018,370	\$ 23,476,527	\$ 18,505,880
Corporate	\$ 1,710,228	\$ 2,527,298	\$ 1,709,748	\$ 1,687,962	\$ 2,123,467	\$ 2,285,693	\$ 2,285,693	\$ 1,951,741
Compliance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Refunds	\$ (2,126,906)	\$ (2,070,465)	\$ (2,032,783)	\$ (2,529,987)	\$ (2,327,139)	\$ (2,396,221)	\$ (2,396,221)	\$ (2,217,456)
Total	\$ 15,367,014	\$ 17,837,501	\$ 18,064,459	\$ 19,232,794	\$ 20,699,056	\$ 22,907,842	\$ 23,365,999	\$ 18,240,165
% Change over Prior Year		16.1%	1.3%	6.5%	7.6%	10.7%	2.0%	



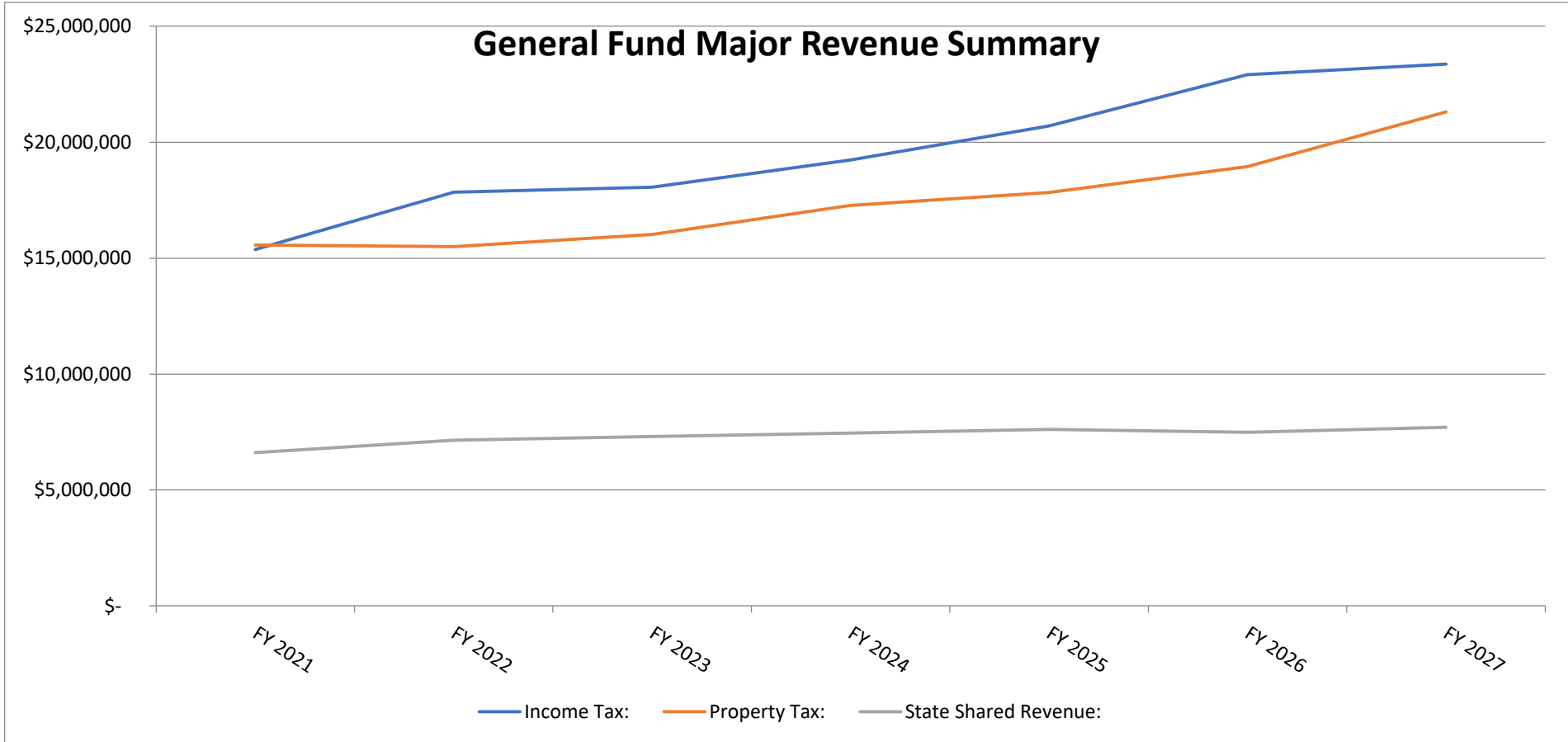
Income Tax Revenue by Source based on 5 Year Average



Property Tax:	Actual FY 2021	Actual FY 2022	Actual FY 2023	Actual FY 2024	Actual FY 2025	Projected FY 2026	Proposed FY 2027	5 Year Actual Average
Real Property	\$ 13,652,915	\$ 13,559,513	\$ 14,020,404	\$ 15,209,286	\$ 15,758,552	\$ 16,507,606	\$ 18,882,429	\$ 14,440,134
Personal Property	\$ 1,867,090	\$ 1,860,550	\$ 1,918,438	\$ 2,016,090	\$ 2,067,129	\$ 2,400,171	\$ 2,362,895	\$ 1,945,859
IFT	\$ 44,617	\$ 69,004	\$ 76,141	\$ 53,572	\$ 3,015	\$ 45,364	\$ 60,565	\$ 49,270
Total	\$ 15,564,622	\$ 15,489,067	\$ 16,014,983	\$ 17,278,948	\$ 17,828,696	\$ 18,953,141	\$ 21,305,889	\$ 16,435,263
% Change over Prior Year		-0.5%	3.4%	7.9%	3.2%	9.7%	12.4%	

State Shared Revenue:	Actual FY 2021	Actual FY 2022	Actual FY 2023	Actual FY 2024	Actual FY 2025	Projected FY 2026	Proposed FY 2027	5 Year Actual Average
Statutory	\$ 1,512,452	\$ 1,542,701	\$ 1,635,263	\$ 1,730,521	\$ 1,310,407	\$ 1,885,839	\$ 1,952,694	\$ 1,546,269
Constitutional	\$ 5,095,491	\$ 5,597,381	\$ 5,657,431	\$ 5,712,615	\$ 6,292,440	\$ 5,596,616	\$ 5,746,509	\$ 5,671,072
Total	\$ 6,607,943	\$ 7,140,082	\$ 7,292,694	\$ 7,443,136	\$ 7,602,847	\$ 7,482,455	\$ 7,699,203	\$ 7,217,340
% Change over Prior Year		8.1%	2.1%	2.1%	2.1%	0.5%	2.9%	

	Actual FY 2021	Actual FY 2022	Actual FY 2023	Actual FY 2024	Actual FY 2025	Projected FY 2026	Proposed FY 2027	5 Year Actual Average
Income Tax:	\$ 15,367,014	\$ 17,837,501	\$ 18,064,459	\$ 19,232,794	\$ 20,699,056	\$ 22,907,842	\$ 23,365,999	\$ 18,240,165
Property Tax:	\$ 15,564,622	\$ 15,489,067	\$ 16,014,983	\$ 17,278,948	\$ 17,828,696	\$ 18,953,141	\$ 21,305,889	\$ 16,435,263
State Shared Revenue:	\$ 6,607,943	\$ 7,140,082	\$ 7,292,694	\$ 7,443,136	\$ 7,602,847	\$ 7,482,455	\$ 7,699,203	\$ 7,217,340



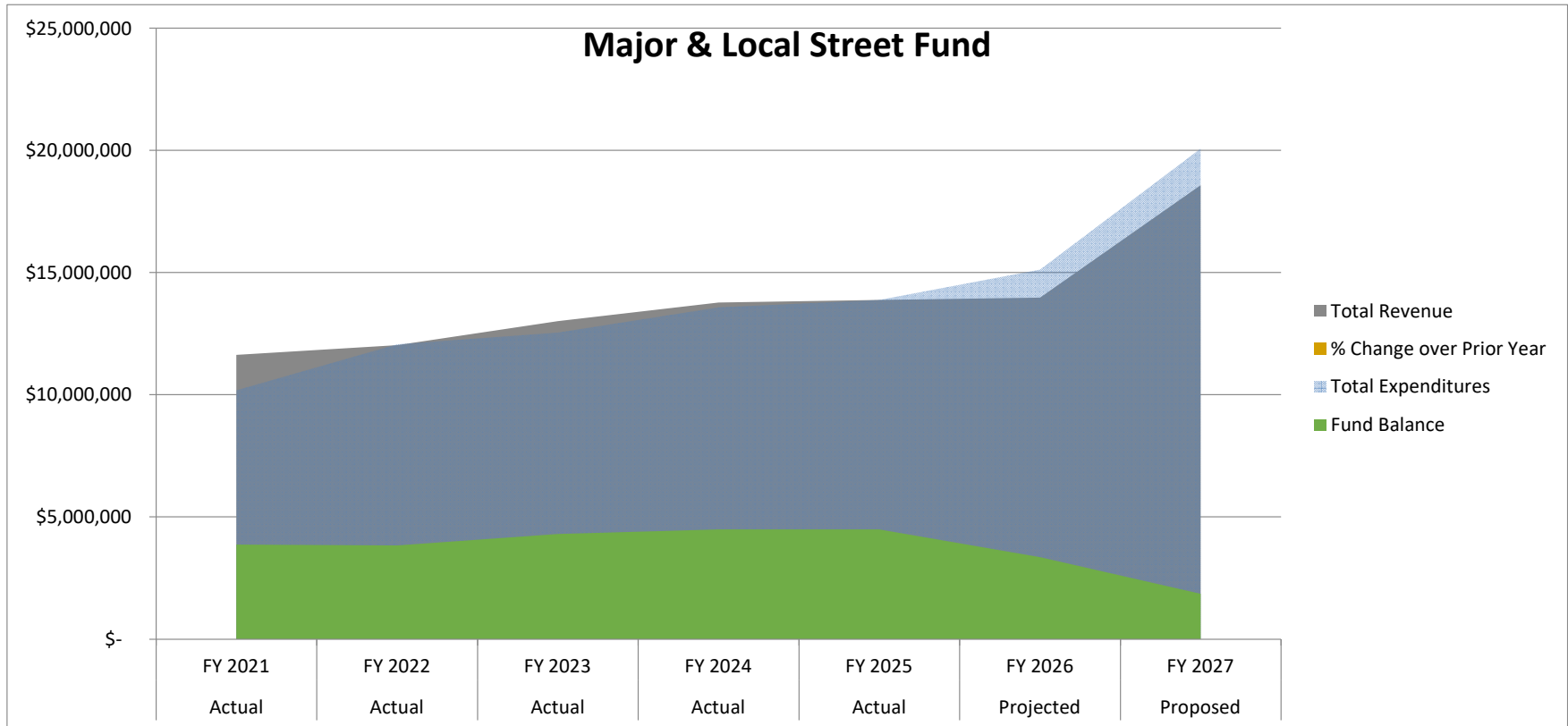
General Fund Revenue Summary

	Proposed Budget FY 2027	% of Total Revenue
Income Tax	\$ 23,365,999	36%
Property Tax	\$ 21,305,889	33%
State Shared Revenue	\$ 7,699,203	12%
Subtotal	\$ 52,371,091	80%

Total General Fund Revenue Budget Proposed	\$ 65,061,962
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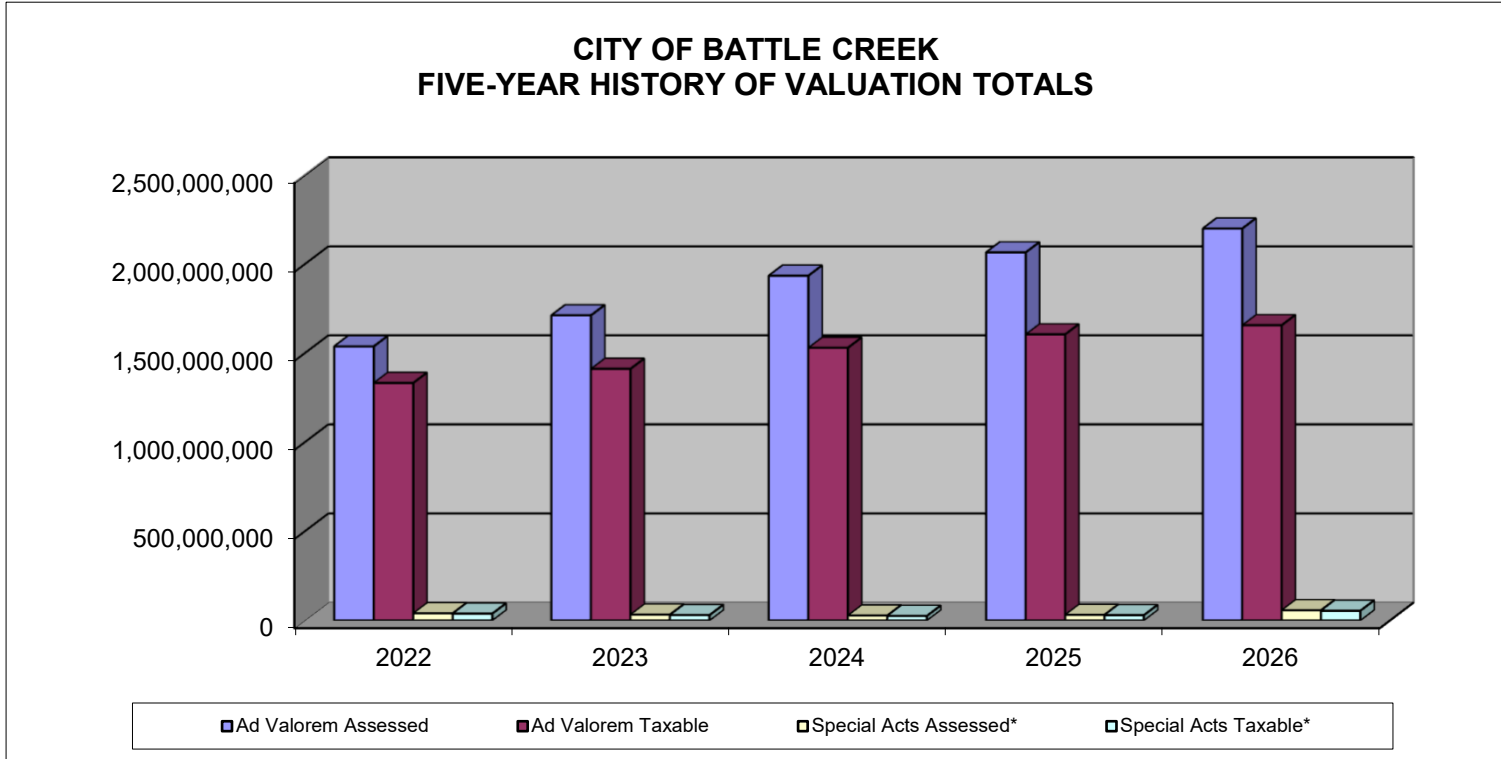
Act 51 Major and Local Streets

	Actual FY 2021	Actual FY 2022	Actual FY 2023	Actual FY 2024	Actual FY 2025	Projected FY 2026	Proposed FY 2027	5 Year Actual Average
Total Revenue								
Major Streets	\$ 7,748,055	\$8,101,405	\$8,833,757	\$9,200,998	\$9,356,882	\$9,560,236	\$14,003,244	\$ 8,648,219
Local Streets	\$ 3,880,927	\$ 3,922,312	\$ 4,173,004	\$ 4,574,090	\$ 4,518,426	\$ 4,406,645	\$ 4,573,241	\$ 4,213,752
Total Revenue	\$ 11,628,982	\$ 12,023,717	\$ 13,006,761	\$ 13,775,088	\$ 13,875,308	\$ 13,966,881	\$ 18,576,485	\$ 12,861,971
Total Expenditures								
Major Streets	\$ 6,521,242	\$ 8,012,610	\$ 8,641,228	\$ 9,371,680	\$ 9,475,930	\$ 10,126,892	\$ 14,184,798	\$ 8,404,538
Local Streets	\$ 3,658,905	\$ 4,053,623	\$ 3,898,898	\$ 4,204,487	\$ 4,402,904	\$ 4,988,850	\$ 5,886,727	\$ 4,043,763
Total Expenditures	\$ 10,180,147	\$ 12,066,233	\$ 12,540,126	\$ 13,576,167	\$ 13,878,834	\$ 15,115,742	\$ 20,071,525	\$ 12,448,301
Change in Fund Balance	\$ 1,448,835	\$ (42,516)	\$ 466,635	\$ 198,921	\$ (3,527)	\$ (1,148,860)	\$ (1,495,040)	
Fund Balance	\$ 3,871,688	\$ 3,829,172	\$ 4,295,807	\$ 4,494,727	\$ 4,491,201	\$ 3,345,867	\$ 1,850,827	



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**CITY OF BATTLE CREEK
FIVE-YEAR HISTORY OF VALUATION TOTALS**



Property Type	2022	2023	2024	2025	2026
Ad Valorem Assessed	1,538,237,252	1,713,211,643	1,935,661,742	2,066,474,579	2,200,690,450
Ad Valorem Taxable	1,333,011,772	1,412,489,803	1,530,507,436	1,605,772,118	1,657,238,577
Special Acts Assessed*	40,330,352	33,261,278	28,039,988	31,741,116	57,522,300
Special Acts Taxable*	38,332,528	30,403,307	25,853,316	29,656,073	54,693,272
Total Assessed	1,578,567,604	1,746,472,921	1,963,701,730	2,098,215,695	2,258,212,750
Total Taxable	1,371,344,300	1,442,893,110	1,556,360,752	1,635,428,191	1,711,931,849

*Special Acts include Industrial Facilities, Neighborhood Enterprise Zone, Obsolete Property Rehabilitation, Renaissance Zone, DNR-PILOT, Land Bank Sales, PA210 COM Rehab.

Ad Valorem includes PA189 & Sr/Dis. Housing

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Resolution No: 382
City Commission Meeting 5/19/2026

382 - A Resolution adopting Ordinance 12-2026, to amend Chapter 1281 of Title Six — Zoning of the Code of Ordinances to make text corrections, clarify requirements, correct formatting and make changes substantive in nature to Sections 1281.01(k)(8)B., 1281.01(k)(10), 1281.04(c)(1)A&B and 1280.01(g)A.

Battle Creek City Commission
Action Summary

Staff Member: Darcy Schmitt, Planning Supervisor

Department: Planning

Summary

RESOLUTION NO. 382

Resolved by the Commission of the City of Battle Creek:

That the following sections are adopted:

Section 1. A Proposed Ordinance, 12-2026, to amend Chapter 1281 of Title Six — Zoning of the Code of Ordinances to make text corrections, clarify requirements, correct formatting and make changes substantive in nature to Sections 1281.01(k)(8)B., 1281.01(k)(10), 1281.04(c)(1)A&B and 1280.01(g)A.

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

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

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

Michigan Zoning Enabling Act.

Budgetary Considerations

None.

History, Background and Discussion

Staff is continuing the process of cleaning up the zoning code by making text corrections, clarifying requirements, and correcting formatting. While the majority of the proposed amendments to Chapter 1281 are not substantive in nature, those that are more impactful are explained in further detail below:

- **Section 1281.01(k)(8)B.**

Added language clarifying the terms “substantial progress” and “bona fide development” relating to the expiration of an approved conditional rezoning.

- **Section 1281.01(k)(10)**

Added language clarifying that minor amendments that do not change the zoning and conditions that were offered and approved are exempt from going through the same process as a new rezoning with conditions.

- **Section 1281.04(c)(1)A&B**

Added language clarifying that only single units of single-family and two-family dwellings are exempt from site plan review. This does not exempt a residential development that requires streets and other infrastructure to be designed and installed by the developer.

- **Section 1280.01(g)A.**

Removed language that requires a second public notice be placed in a newspaper of general circulation prior to the City Commission meeting for all zoning code map and text amendments. This practice has not increased the public attendance at City Commission meetings where action is taken on zoning code amendments in the last three years. Community members that attend the Planning Commission meetings where these amendments are discussed and recommendations are made aware of the date and time the City Commission takes action on the ordinances. Staff believes that the extra public notices do not benefit the community and add additional costs incurred by the city.

Since there are text amendments proposed that are regulatory in nature, a short summary is provided for each section with the substantive changes. However, the summary does not include details relating to scrivener errors or clarifying amendments.

Chapter 1281 Zoning Ordinance/Map Amendments: Amendments to Chapter 1281 focus on clarification of definitions, noticing procedures for public hearings at the Planning Commission level, the elimination of the additional 5-day notice requirement for City Commission

consideration of a proposed amendment, which requires that a notice be published in a newspaper of general circulation at least 5-days prior to consideration of a proposed amendment by the City Commission. Additional amendments to Chapter 1281 include the various punctuation, capitalization and wording changes intended to improve readability and create greater consistency throughout the ordinance, as well as amendments to the conditional rezoning process which seek to clarify steps in the process and to bring the zoning ordinance language into compliance with requirements of the Michigan Zoning Enabling Act.

As required by the Zoning Enabling Act of 2006, as amended, a public hearing is required for an ordinance amendment, and a notice listing the date, time, and subject of a public hearing is required to be advertised no less than fifteen days prior to the hearing. This request was scheduled for the April 22, 2026, Planning Commission meeting, with notice of the hearing published in the April 2, 2026, edition of the Battle Creek Shopper.

Positions

Staff finds that the proposed amendments to the zoning ordinance are needed to fix errors, improve clarification and provide consistency with requirements of the Michigan Zoning Enabling Act.

The Planning Commission held a public hearing on April 22, 2026, and after much discussion, voted to recommend that the City Commission approve the amendments to Chapter 1281. **Based upon findings detailed in this staff report, as described in the attached memorandum and the recommendation of the Planning Commission, staff recommends approval.**

Attachments

- | | | |
|----|--|--|
| 1. | Staff Report-Text Amendment | Staff Report-Text Amendment.pdf |
| 2. | Chapter 1281 Mark Up | Chapter 1281 Mark Up.pdf |
| 3. | Chapter 1281 Clean Copy | Chapter 1281 Clean Copy.pdf |
| 4. | 04.22.2026 Planning Commission Meeting Minutes | 04.22.2026 Planning Commission Meeting Minutes.pdf |



Battle Creek City Planning Commission

Staff report for the April 22, 2026 regular meeting

To: Planning Commissioners

From: Travis Sullivan, Planning and Zoning Administrator

Subject: Request from the City of Battle Creek to consider amendments to Chapter 1281 of the Battle Creek Zoning Code.

Summary

Request from the City of Battle Creek to consider amendments to various sections of Chapter 1281 of the City of Battle Creek zoning code pursuant to Section 1281.01.

Background

Staff is continuing the process of cleaning up the zoning code by making text corrections, clarifying requirements, and correcting formatting. While the majority of the proposed amendments to Chapter 1281 are not substantive in nature, those that are more impactful are explained in further detail below:

- **Section 1281.01(k)(8)B.**
Added language clarifying the terms “substantial progress” and “bona fide development” relating to the expiration of an approved conditional rezoning.
- **Section 1281.01(k)(10)**
Added language clarifying that minor amendments that do not change the zoning and conditions that were offered and approved are exempt from going through the same process as a new rezoning with conditions.
- **Section 1281.04(c)(1)A&B**
Added language clarifying that only single units of single-family and two-family dwellings are exempt from site plan review. This does not exempt a residential development that requires streets and other infrastructure to be designed and installed by the developer.
- **Section 1280.01(g)A.**
Remove language that requires a second public notice be placed in a newspaper of general circulation prior to the City Commission meeting for all zoning code map and text amendments. This practice has not increased the public attendance at City Commission meetings where action is taken on zoning code amendments in the last three years. Community members that attend the Planning Commission meetings where these amendments are discussed and recommendations are made are made aware of the date and time the City

Commission take action on the ordinances. Staff believes that the extra public notices do not benefit the community and add additional cost incurred by the city.

Proposed Zoning Ordinance Text Amendments

Since there are text amendments proposed that are regulatory in nature, a short summary is provided for each section with the substantive changes. However, the summary does not include details relating to scrivener errors or clarifying amendments.

Chapter 1281 Zoning Ordinance/Map Amendments: Amendments to Chapter 1281 focus on clarification of definitions, noticing procedures for public hearings at the Planning Commission level, the elimination of the additional 5-day notice requirement for City Commission consideration of a proposed amendment, which required that a notice be published in a newspaper of general circulation at least 5-days prior to consideration of a proposed amendment by the City Commission. Additional amendments to Chapter 1281 include the various punctuation, capitalization and wording changes intended to improve readability and create greater consistency throughout the ordinance, as well as amendments to the conditional rezoning process which seek to clarify steps in the process and to bring the zoning ordinance language into compliance with requirements of the Michigan Zoning Enabling Act.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing is required for an ordinance amendment, and a notice listing the date, time, and subject of a public hearing is required to be advertised no less than fifteen days prior to the hearing. This request has been scheduled for the April 22, 2026 Planning Commission meeting, with notice of the hearing published in the April 2, 2026 edition of the Battle Creek Shopper.

Staff Recommendation

Staff finds that the proposed amendments to the zoning ordinance are needed to fix errors, improve clarification and provide consistency with requirements of the Michigan Zoning Enabling Act.

Should the Planning Commission have no concerns with the proposed text amendments, staff recommends that the Planning Commission recommend to the City Commission approval of the proposed text amendments **based upon findings detailed in this staff report, as described in this memorandum and in the attached documents.**

Support Material

Chapter 1281 proposed text amendment markup

Chapter 1281 proposed text amendment clean copy

CHAPTER 1281
Administrative Procedures

1281.01 ZONING ORDINANCE/ MAP AMENDMENTS.

(a) Initiation. The City Commission may amend, supplement or change the regulations or the district boundaries of this Zoning Code pursuant to the authority and according to the procedure set forth in The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq. Changes in the text of this Zoning Code may be proposed by:

- (1) The City Commission;
- (2) The Planning Commission; or
- (3) Any interested person or organization through a petition, which shall not be initiated for the same property more often than once every twelve months.

Changes in zoning district boundaries may be proposed by:

- (1) The City Commission;
- (2) The Planning Commission;
- (3) The owner(s) of the premises concerned; or
- (4) The designated agent of a person having an ownership interest in the property.

(b) Definition. An amendment to ~~the this~~ Zoning Code shall be deemed to be any change to the text or ~~to the official~~ map, including:

- ~~(1) — (1) —~~ Petitions for zoning ~~code ordinance~~ amendments; ~~or~~
- ~~(2) rezoning; or~~
- ~~(3) Conditional rezonings.~~

(c) Amendment Applications and Review Procedures. The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this section, and shall be reviewed in accordance with the following procedures. ~~Amendments or A~~Application materials that do not meet the ~~stipulated~~ requirements under Section 1281.01(c)(1), shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.

- (1) Application. (underlined)
 - A. Survey and legal description of the property.
 - B. An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.

Payment of non-refundable application fee.

(d) Technical review. Prior to Planning Commission consideration, the ~~proposed amendment and~~ application materials for the proposed amendment shall be distributed to appropriate City departments, ~~and~~ divisions and staff for review and comment. The ~~proposed amendment and~~ application materials may also be distributed to applicable outside agencies and designated City consultants for review.

—(e2) Public hearing. A public hearing shall be held by the Planning Commission for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq., before it is sent to the City Commission for action. Public hearing notice requirements are as summarized below:

—A. ~~On any amendment to this Zoning Code, the Planning Commission shall hold a public hearing prior to the amendment being referred to the City Commission for action. A record of the comments received at the public hearing shall become a part of the Planning Commission report and recommendation to the City Commission. The following requirements shall pertain to public hearings held before the Planning Commission:~~

—(1.) Not less than a fifteen-day notice of the date, time and place of the hearing shall be published in a newspaper of general circulation in the City.

—(2.) Not less than fifteen-day notice of the date, time and place of the hearing shall be given, by regular mail, to each public utility company and to each railroad company owning or operating any public utility or railroad within the City that registers its name and mailing address with the City Clerk for the purpose of receiving such notices.

—(3.) Not less than fifteen-day notice shall be given, by regular mail, to the owners of property that is the subject of the request. Notice shall also be given to all persons to whom real property is assessed within 300 feet of the subject property affected by the amendment, as listed in the most current assessment roll and to the occupants of all structures with 300 feet of the subject property regardless whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, then notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

—(4.) The notice under subsection (3.) above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than fifteen days before the date the request will be considered. If the name of the occupant is not known, then the term “occupant” may be used for the

intended recipient of the notice. However, failure of property owners to receive such notice, shall not invalidate the amendment.

—(5.) A notice under this section shall do all of the following:

- a. Describe the nature of the request.
- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, then other means of identification may be used.
- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request.

—(6.) For any group of adjacent properties numbering eleven or more that is proposed for rezoning, the requirements of above subsection iii), and the requirement of above subsection 5.b., that street addresses be listed do not apply to that group of adjacent properties.

—(f3) Planning Commission consideration of proposed amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this section, and shall report its findings and recommendation to the City Commission.

—(g4) City Commission action on proposed amendment. Upon receipt of the report and recommendation from the Planning Commission, the City Commission may approve or deny the proposed amendment. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the ~~official~~ Zoning Mmap, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in the ~~is~~ Zoning Code under Section 1281.01(h)(7-12).

~~A. The City Commission, upon receipt of the Planning Commission study and report, shall publish a notice indicating the proposed amendment, proposed use and affected property in a newspaper of general circulation in the City. Such notice shall be published at least five days before the City Commission meeting, and shall indicate the time, date and place of such meeting.~~

(hd) Standards of Review for Amendments. In considering any petition for an amendment to the text of ~~the this~~ Zoning Code or to the Zoning Mmap, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

(1) Consistency with the goals, policies and objectives of the master plan and any sub-area plans. If conditions have changed since the master plan was adopted, consistency with recent development trends in the area shall be considered.

(2) Consistency with the basic intent and purpose of ~~the this~~ Zoning Code.

(3) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(4) The capacity of the City's utilities and services are sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

(5) That conditions have changed since the Zoning Code was adopted or there was an error in the Zoning Code that justifies the amendment.

(6) That the amendment will not be expected to result in exclusionary zoning or spot zoning.

(7) If a ~~rezoning map amendment~~ is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

(8) If a ~~rezoning map amendment~~ is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(9) If a ~~map amendment rezoning~~ is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

(10) If a ~~map amendment rezoning~~ is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

(11) If a ~~map amendment rezoning~~ is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

(12) If a ~~map amendment rezoning~~ is requested, the requested ~~rezoning~~ will not create an isolated or incompatible zone in the neighborhood.

(ie) Notice of Adoption for of Amendment. Following adoption of an amendment by the City Commission, one notice of adoption shall be filed with the City Clerk and one notice shall be published in a newspaper of general circulation in the City within fifteen days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk, which shall identify all map amendments. The required notice of adoption shall be

maintained by the Planning and Zoning Administrator and include all of the following information:

(1) In the case of a newly adopted Zoning ~~Code Ordinance~~, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Battle Creek."

(2) In the case of an amendment(s) to the existing Zoning ~~Code Ordinance~~, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

~~(j)~~ Referendum.

(1) Within seven days after publication of the Zoning ~~Code Ordinance~~, a registered elector residing in the zoning jurisdiction of the City may file with the City Clerk a notice of intent to file a petition under this section, in accordance with Section 401 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3401.

(2) If a notice of intent is filed under subsection (1) above, the petitioner shall have thirty days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction of the City not less than 15% of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, with the City Clerk requesting the submission of the zoning ordinance or part of the zoning ordinance to the electors residing in the zoning jurisdiction of the City for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3402.

(3) Whenever there is a conflict between this ~~section Chapter~~ of the Zoning ~~Code Ordinance and or~~ the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq., the later shall govern.

~~(k)~~ Conditional Rezoning.

(1) Intent. The Planning Commission and City Commission recognize that, in certain instances, it would be an advantage to both the City and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3405, to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this Zoning Code to accomplish, among other things, the objectives of ~~the zoning ordinance and~~ the master plan and to achieve integration of the proposed land development project with the characteristics of the surrounding area.

(2) Definitions. The following definitions shall apply in the interpretation of this Section:

A. "Rezoning Conditions" shall mean conditions regarding the development and use of property proposed by the applicant and approved by the City as part of an approval under ~~this Section~~ 1281.01(k), including review and recommendation by the Planning Commission.

B. "Rezoning with Conditions Agreement" shall mean a written agreement approved and executed by the City and property owner setting forth the conditions attached to the rezoning pursuant to MCL 125.3405 (as amended) and any other terms mutually agreed upon by the parties relative to land for which the City has approved a rezoning with conditions.

C. "Rezoning with Conditions Plan" shall mean a plan of the property which is the subject of a rezoning with conditions, prepared by a Michigan licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the rezoning with conditions plan shall be determined by the applicant, subject to approval of the City Commission after recommendation by the Planning Commission.

D. "Rezoning" shall mean the amendment of ~~the this~~-Zoning Code to change the zoning map classification on property from its existing district to a new district classification.

(3) Authorization and eligibility.

A. The standards ~~described under of this~~ Section 1281.01(h) shall grant a property owner the option of voluntarily proposing conditions for the development and use of property in connection with a submission of a petition seeking a rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

B. In order to be eligible for consideration of a rezoning with conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a rezoning with conditions agreement) that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:

1. The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other physical features of the proposed development.

2. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use. For example: units per acre, maximum usable floor area, or hours of operation.

3. Preservation of open space, natural resources and/or natural features.

4. Improvements to address traffic issues, including paving, substantial improvements to or funding of improvements to major roads to the benefit of the entire City.

5. Site improvements such as signage, lighting, landscaping, building materials for the exterior of some or all structures above and beyond what would otherwise be required by City ordinance.

6. Limitations on permissible uses of the property.

7. Any other conditions that may be voluntarily proposed by the property owner.

(4) Application and review procedures.

A. Application.

1. At the time of making application for amendment of ~~the this~~-Zoning Code seeking a rezoning of property, or at a later time during the process of City consideration of such rezoning a property owner may submit a complete application for approval of a rezoning with conditions to apply in conjunction with the rezoning.

2. The application, which may be amended by the applicant during the process of consideration, shall specify the rezoning conditions proposed by the applicant, recognizing that rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.

3. An application for a rezoning with conditions shall include ~~the proposed a rezoning with and the conditions agreement (“the agreement”). The agreement shall set forth the rezoning conditions~~ and may incorporate a rezoning with conditions site plan.

4. The application shall include a notarized signature of the property owner indicating that the conditions attached to the rezoning are voluntarily offered.

B. Planning Commission review.

1. The proposed rezoning with conditions shall be noticed for a public hearing before the Planning Commission as described under Section 1281.01(e)(1-6).as a proposed legislative amendment of the zoning ordinance.

2. Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Commission on the proposed rezoning with conditions.

C. City Commission review. Upon recommendation by the Planning Commission, the City Commission shall make a final determination to approve or deny the rezoning with conditions as offered by the applicant. The City Commission may only consider the conditions offered by the applicant, and may not attach any other conditions to the rezoning other than those offered by the applicant. The City Commission's deliberations shall include, but not be limited to, ~~a~~-consideration of the review criteria for a rezoning with conditions as described under Section 1281.01(k)(5)A-J.

(5) Review criteria. A rezoning with conditions shall only be approved if it meets the following requirements and standards:

A. The proposed rezoning with conditions will further the goals and objectives of the city master plan.

B. Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the rezoning with conditions agreement).

C. The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:

1. Development and use of the property shall be subject to the more restrictive requirements shown or specified in the rezoning with conditions agreement, and/or in other conditions and provisions set forth in the rezoning with conditions agreement required as part of the rezoning with conditions approval. Such rezoning with conditions agreement shall supersede all inconsistent regulations otherwise applicable under the zoning ordinance.

2. As part of the grant of final approval of a rezoning with conditions, the City Commission shall be authorized to grant modifications to the strict terms of the zoning ordinance governing dimensional requirements on the property; provided, such authorization to grant modifications shall be conditioned upon the City Commission finding that each zoning ~~code ordinance~~-provision sought to be modified will result in an enhancement of the development that would be in the public interest, and that approving the modification would be consistent with the city master plan and compatible with the surrounding area.

D. The proposed rezoning with conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence ~~o~~ of the use of a rezoning with conditions.

E. As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the rezoning with conditions. In determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the City by the City Commission and Planning Commission.

F. The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.

G. Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the rezoning with conditions without negatively impacting the delivery of public services to other properties in the City, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the City.

H. The offered condition(s) are beneficial to the public good and likely to be enforceable.

I. The condition does not have the same effect as a use variance.

J. The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.

(6) Effect of approval. Approval of the rezoning with conditions and rezoning with conditions agreement confirms only the rezoning of the property, subject to any conditions reflected in the rezoning with conditions agreement and after recordation as set forth in subsection (8) below. Any applicable site plan, plat, condominium, special land use, or variance approvals shall be required before any improvements to the property may be undertaken.

If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR Rezoning with Conditions". The zoning map shall specify the new zoning district plus a reference to "CR" e.g., the district classification for the property might be "B-1, Corridor Commercial District (CR, Rezoning with Conditions)", with a zoning map designation of "B-1/CR." Use of the property so classified and approved shall comply with the conditions set forth in the rezoning with conditions agreement. No development or use of the land inconsistent with the conditions of the rezoning with conditions agreement shall be permitted.

(7) Compliance with conditions.

A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the rezoning with conditions agreement. Any failure to comply with a condition contained within the rezoning with conditions agreement shall constitute a violation of this Zoning Code and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

B. No permit or approval shall be granted under this Zoning Code for any use or development that is contrary to an applicable rezoning with conditions agreement.

(8) Period of approval.

A. The rezoning with conditions and agreement shall expire after a period of one year from the effective date of the rezoning unless substantial progress towards obtaining site plan and other required approvals has been made, and shall expire after a period of two years unless development of the property is substantially begun within such two--year period and proceeds diligently and in good faith as required by ordinance to completion.

B. In the event substantial progress towards obtaining site plan approval and other required approvals such as, but not limited to, having concept plans available to participating in a predevelopment meeting with the city, or land survey work underway has not commenced within one year and bona fide development, such as but not limited to, earthwork, utility work, or foundation installation has not commenced within two years from the effective date of the rezoning, the rezoning with conditions and the rezoning with conditions agreement shall be void and of no effect.

C. The property owner may apply for a one--year extension two times. The request must be submitted to the Planning and Zoning Division before the approval time limit expires. The property owner must demonstrate why the extension should be granted, and must also demonstrate that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently thereafter to completion, and if the City Commission finds that there has not been a change in circumstances that would render the rezoning with conditions incompatible with adjacent or nearby use and zoning of land or is otherwise inconsistent with sound zoning policy.

An extension request shall be considered by the City Commission ~~following a recommendation by the Planning Commission.~~

D. If the rezoning with conditions becomes void in the manner provided in this section, the following procedures shall apply:

1. The property owner may seek a new rezoning of the property within thirty days of the expiration of the period of approval.

2. If no application is made for a new rezoning of the property, the land shall revert to its former zoning classification as set forth in MCL 124.3405(2)(as amended). The City Commission shall direct the Planning Commission to proceed with consideration of rezoning the land to its former zoning designation following the standard rezoning procedures set forth in this Zoning Code.

3. Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

(9) Rezoning with conditions agreement requirements. A rezoning with conditions agreement shall be executed between the applicant and the City at the time of City Commission approval of a rezoning with conditions.

A. Rezoning with conditions agreements shall, at a minimum, contain all of the following items:

1. Identification of the requested zoning district and a listing of the conditions offered by the applicant.

2. A statement acknowledging that the rezoning with conditions was proposed by the applicant, and, further agreement and acknowledgment that the conditions and rezoning with conditions agreement are authorized by all applicable state and federal law and constitution, and that the agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the City.

3. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the rezoning with conditions agreement.

4. Agreement and understanding that the approval and rezoning with conditions agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.

5. The date upon which the rezoning with conditions becomes void, as specified in Section 1281.01(kg)(8). If the City Council grants an extension of approval, a new rezoning with conditions agreement with the new expiration date shall be recorded.

6. Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in Section 1281.01(kg)(8), no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

7. Agreement and understanding that each of the requirements and conditions in the rezoning with conditions agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

8. A legal description of the property affected by the rezoning with conditions.

9. Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.

10. Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

B. A rezoning with conditions plan may be included as an exhibit to the agreement. The rezoning with conditions plan may show the conceptual layout of the proposed development or use, along with any other information deemed relevant by the applicant. Inclusion of a rezoning with conditions plan as an exhibit to a rezoning with conditions agreement shall not replace the requirement for preliminary and final site plan, subdivision, condominium, special land use or variance review and approval.

(10) Amendment of rezoning with conditions agreement. Amendment of a rezoning with conditions agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with conditions. This section does not apply to minor amendments that do not change the approved zoning or conditions that were offered.

(11) Recordation of rezoning with conditions agreement. A rezoning with conditions shall become effective following publication in the manner provided by law, ~~or and,~~ after recordation of the rezoning with conditions agreement, whichever is later. All rezoning with conditions agreements shall be recorded with the Calhoun County Register of Deeds.

(12) Termination. The City Commission shall be the only body with the authority to terminate a rezoning with conditions agreement. The consideration to terminate the agreement shall be for reasons of expiration of the agreement, discovery of false information upon which the initial approval was based, or the existence or discovery of new information that alters the viability of the approved rezoning. The termination shall comply with any applicable provisions of this Zoning Code or the rezoning with conditions agreement. If the agreement is terminated, the City shall follow the procedures in Section 1281.01-~~(kg)~~(8)D.

(13) City right to rezone. Nothing in the rezoning with conditions agreement or in the provisions of this section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a rezoning with conditions to another zoning classification. Any such rezoning shall be conducted in compliance with this Zoning Code and the Michigan Zoning Enabling Act.

(14) If land that is subject to a rezoning with conditions agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no rezoning with conditions agreement, the rezoning with conditions agreement attached to the former zoning classification shall cease to be in effect. In such a case, the Planning and Zoning Administrator or their designee shall record with the Calhoun County Register of Deeds a notice that the rezoning with conditions is no longer in effect upon the property owner's written request.

(h) Fees. Petitions for an amendment to this Zoning Code shall be accompanied by a fee as prescribed in the schedule provided for in Section 802.24-. Such fee is applicable when filing a petition for zoning reclassification ~~or special use permits~~ and is nonrefundable.

(i) Protest Petition. An amendment to a zoning ordinance is subject to a protest petition under Section 1281.08-.

(j) An amendment to conform a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the City Commission and the notice of the adopted amendment published without referring the amendment to any other board provided for under this chapter.

1281.02 CERTIFICATES OF OCCUPANCY.

(a) Subsequent to the effective date of this Zoning Code (Adopted on November 24, 2020), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Chief Building Official or their designee or agent. Such a certificate shall state that the new occupancy complies with this Zoning Code.

(b) No permit for excavation, or the erection or alteration of, any building or premise shall be issued before the application has been approved for such activities, and no building or premises shall be occupied until a certificate of occupancy is issued by the Chief Building Official or their designee or agent.

(c) A record of all certificates of occupancy shall be kept on file in the Inspections Division office. Copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in buildings affected by such certificates.

1281.03 APPLICATIONS FOR BUILDING PERMITS AND ZONING PERMITS; RECORDS.

(a) It shall be unlawful for any person to commence excavation for construction of any building or structure, structural changes or repairs in any existing building, a change in use, or moving of an existing building without first obtaining a zoning permit and/or building permit from the City of Battle Creek. No permit shall be issued for construction, alteration or remodeling of any building or structure, or change in use, until an application has been submitted in accordance with the provision of this Zoning Code showing that the construction proposed is in compliance with the provisions of this Zoning Code and with the Building Code adopted by the City. "Alteration" or "repair" of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, use, or any other changes regulated by the Building Code of the City, the Housing Law of Michigan, Public Act 167 of 1917, as amended, being MCL 125.401 et seq., this Zoning Code, except for minor repairs or changes not involving any of the aforesaid provisions.

(b) Each application for a zoning permit shall contain all required information specified in Section 1281.04(d). A record of applications and plot plans shall be kept in the offices of the Planning and Zoning Division.

(c) Zoning permits are required for activities detailed in Section 1281.04(c), and as otherwise specified in this Zoning Code.

(d) No building, plumbing, electrical, drainage or other permit shall be issued until the City of Battle Creek has determined that the plans and designated use indicate that the proposed structure and lot will conform to the provisions of this Zoning Code.

1281.04 SITE PLAN REVIEW.

(a) Purpose. It is the purpose of this chapter to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. Site plan approval shall be required before building permits are granted by the City for parcels subject to this ~~C~~chapter. The regulations contained in this ~~C~~chapter are intended to promote:

- (1) Safe and convenient vehicle and pedestrian traffic movements, both within a site and in relation to access streets;
- (2) Harmonious relationships between buildings, structures and uses, both within a site and within adjacent sites;
- (3) Conservation of natural amenities and resources; and
- (4) Compliance with all other applicable regulations of this Zoning Code.

(b) Application.

(1) Applications for site plan approval shall be available at the Planning and Zoning Division. ~~and a complete application packet shall be filed with the Inspections Division.~~

~~(2)~~ A complete application packet shall consist of an ~~completed~~ application form with all required information, a ~~digital format of the site plan that includes at a minimum the required information under Section 1281.04(d)(1-22)~~ and other applicable drawings, supporting documents information necessary to meet the requirements of the Zoning Code, and the review fee established by Section 802.24. Application packets shall be filed with the Planning and Zoning Division. Incomplete applications will not be accepted.

~~(2) All requirements for site plan approval shall be filed with the Inspections Division at one time, as a complete single submittal.~~

(3) Once a complete application, site plan, and other materials are submitted, the Planning and Zoning Administrator or their designee will schedule a review at the earliest possible date.

(4) Any additional information requested by city staff must be submitted no later than 180 days from the date a complete application is filed. The application shall expire if the requested additional information is not received by the end of the 180-day period. An applicant may submit a new application and fee.

(c) Required Review Based on Proposed Activity. The table below details which type of reviews are required based on the proposed activity.

Proposed Activity	Administrative Review of Site Plan Per Section 1281.04	Administrative Review of Building and Zoning Permits Per Section 1281.03	Planning/City Commission Review Per Section 1281.05
Any proposed new building or parking area or where an alteration, addition, or expansion of existing developments constitute an increase or reduction to the existing buildings or parking area of more than ten percent (10%)	●		
Projects where less than a ten percent (10%) increase or reduction of the building or parking will occur shall adhere to review requirements as outlined in the Stormwater Management Program Technical Reference Manual.		●	
Planned Unit Developments	●		●
Parking lot mill and repave projects where an approved site plan is not on file	●		
Special land uses	●		●
Adult Use Marihuana Microbusiness located in B-1, B-2, I-1 and I-2	●		
Adult Use Marihuana Microbusiness located in T-3	●		●
Adult Use Marihuana Retailers located in B-1, B-2, T-4, T-5, I-1, and I-2	●		
Adult Use Marihuana Retailers located in T-3	●		●
Medical Marihuana Provisioning Center located in B-1, B-2, T-4, T-5, I-1, and I-2	●		
Medical Marihuana Provisioning Center located in T-3	●		●

Medical and Adult Use Marihuana Grow Operation located in I-1 and I-2	●		
Medical and Adult Use Marihuana Processing Facility located in I-1 and I-2	●		
Medical and Adult Use Safety Compliance Facility located in B-1, I-1 and 1-2	●		
Medical and Adult Use Secure Transporter located in B-1, I-1 and I-2	●		
Medical and Adult Use Excess Grow Operation located in I-1 and I-2	●		
Driveway or curb cut relocation where the new driveway will be relocated within 25 feet of the existing driveway location or where a driveway or curb cut is being totally eliminated		●	
Construction and development on any parcel of land proposing or having <u>multiple single family or two-family dwellings, or</u> multi-family, commercial, or industrial uses	●		
Site improvements that include landscaping, lighting, site access, and parking lot grading, layout, and new off-street parking	●		
Landscaping that is less than 25% of the parcel size or 5,000 square feet, whichever is less		●	
Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout		●	
Construction of and/or the conversion of an existing structure to one (1) or more units meeting the definition of a State Licensed Residential Facility		●	
Construction or replacement of a fence, shed, signage, or driveway		●	

(1) Site plan review shall not be required for the following:

- A. ~~A single D~~detached single-family dwelling unit housing and related parking;
- B. ~~A single t~~Two-family dwelling units and related parking;
- C. Agricultural uses; and
- D. Nonresidential accessory buildings no more than 120 square feet in area and all residential accessory buildings.

(2) No grading, removal of trees or other vegetation, land-filling or construction of improvements shall commence for any project which requires site plan approval until a site plan is approved and is in effect, and any other applicable permits are obtained.

(d) Site Development Plans. All site development plans shall be prepared on standard twenty-four inch by thirty-six inch, or thirty-six inch by forty-two inch, architectural or engineering sheets, and are required to incorporate the following information, unless waived by the Planning and Zoning Administrator or their designee:

Site Plan Required Information:

- (1) The title of the proposed project;
- (2) The name of the property owner, proprietor or project director;
- (3) The location of the project, the street name and the address;
- (4) Professional seal of the architect, engineer or designer, and their name, address, phone number, and email address, if available;
- (5) The date drawn and subsequent revision dates;
- (6) The scale of the drawing, the north directional arrow, and vicinity map showing location of project;
- (7) Provide all dimensions, including property lines, easements and rights-of-way, existing and proposed buildings building setback lines, site improvements; gross and net acreage, and zoning classification of the site and adjacent properties;
- (8) Location of adjacent property lines, buildings and structures, sidewalks, parking lots, rights-of-ways, abutting streets, curb cuts, and access easements within 100 feet of the subject property;
- (9) Existing man-made or natural features such as wetlands, waterways, woodlands, and areas with slopes greater than 10%, with an indication of which features will be retained or removed;
- (10) The topography, existing and proposed, including contours with a maximum of two-foot contours, or spot elevations sufficient to determine the topography of the site, so as to clearly indicate required cutting, filling, and grading. The site plan shall contain arrows indicating direction of drainage and stormwater calculations;
- (11) Location and dimension of existing and proposed buildings or structures, including intended uses, floor area, number of floors, width, length, height, number of types of dwelling units (where applicable), and setback distances;
- (12) The location of sidewalks, rights-of-ways, abutting streets, curb cuts, and access easements, ingress and egress drives, both existing and proposed, to thoroughfares, showing traffic patterns into the site from the same, including ultimate pavement width, deceleration lanes and the like; the location of private and public pedestrian walkways;

(13) On-site traffic circulation and parking areas, including the number and size of parking bays, width of maneuvering aisles, designation of fire lanes, the location and size of handicapped parking, surface materials and striping of the parking lot surface to delineate parking bays and individual spaces;

(14) The location of loading berths, truck docks, truck wells, service drives and exterior parking lot lighting, including photometric plan;

(15) The location and size of all existing and proposed public and private utilities above and below ground proposed to service the project and the location of any public or private utility easements, to include water, gas, electric, cable, stormwater, ~~stormsewer~~storm sewer, catch basins, and fire hydrants;

(16) The spatial relationship of buildings on the site, including pedestrian walkways, protective or retaining walls, fences, landscaped buffers, either existing or proposed, and the materials to be utilized, if required;

(17) The location of signs, either existing or proposed, and an indication of their size, height and design pursuant to City sign regulations;

(18) A landscaping plan of the site, including greenbelts or buffers if required, and the identification of all plant and landscape material to be utilized as to type, size and location;

(19) The location and proposed method of screening trash ~~refuse~~ receptacles;

(20) Location of outdoor storage/display areas including a description of the items to be located outdoors, as well as the location and description of required screening;

(21) Storage and containment areas if the use of hazardous substances is involved; and

(22) Any additional information as may be required of the applicant to properly evaluate the proposed development.

(e) Standards for Consideration. The following shall be the standards for consideration of all plans for developments submitted for site plan approval:

(1) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjacent properties and the type and size of buildings.

(2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by topographic modifications, which result in maximum harmony with adjacent areas.

(3) The site plan shall provide reasonable visual and sound privacy for all occupants located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

(4) All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access by some practical means to all sides as may be required by the Building and/or Fire Code.

(5) Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

(6) There shall be provided a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

(7) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are a part of an existing or planned street pattern which serves an adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified by the City Engineer and/or any other entity having authority over said roadway.

(8) Where the Planning Division, City Engineer, or Traffic Engineer finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, they shall require marginal access drives as follows:

A. For a narrow frontage of less than 120 feet, the design will require a single outlet.

B. For a series of adjacent frontages in a developing area, a service road shall be constructed and a single marginal access drive shall serve all establishments fronting thereon, with road cuts not closer than 330 feet centerline to centerline, or 330 feet from a street intersection.

C. The overall design of a marginal access drive shall uphold the purposes of this chapter, promote the public safety, and serve the public interest.

D. Marginal access drives shall be required only if the concept is reasonable in terms of the land available for such an improvement.

(9) All site plans shall be designed in accordance with the City of Battle Creek Stormwater Management Program Technical Reference Manual. All stormwater shall be detained on site for controlled release. Attention shall be given to proper site drainage to ensure neighboring properties will not be adversely affected.

(10) Loading and unloading areas and outside storage areas which face or are visible from residential uses or districts or public thoroughfares, shall be screened by a six-foot solid screening fence (concealment screening) and plant materials no less than six feet in height.

(11) Trash containers must be stored in a trash enclosure constructed of solid screening fence (concealment screening) on all four sides from four inches above the ground to six inches above the trash container. The enclosure shall not be located in the

front yard unless the Planning and Zoning Administrator or their designee finds that there is no other feasible location.

(12) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

(13) Development occurring within the City of Battle Creek wellhead protection area, in accordance with Chapter 1041, shall comply with the requirements established in the performance standards as administered by the Department of Public Works.

(f) Decisions and approval.

(1) The Planning Division, the Inspection Division, and the Department of Public Works shall be responsible for reviewing site plans, and the Planning and Zoning Administrator or their designee shall be responsible for granting approval. A decision approving, conditionally approving, or rejecting a site plan shall be based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted City planning documents, other applicable ordinances, and state and federal statutes.

(2) Any revisions to the site plan shall be submitted in accordance with Section 1281.04(b).

(3) If approved, the site plan shall become part of the record of approval, and subsequent actions related to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance is agreed to by the landowner and the body or official that initially approved the site plan.

(4) A site plan approved under this section shall be valid for a period of one year. If construction has not commenced within this time period, or if construction has ceased for more than one year, the site plan shall become null and void. ~~Thirty days P~~rior to the expiration of an approved final site plan, an applicant may make application for a six-month extension of the site plan. The extension shall be granted if the Planning and Zoning Administrator or designee finds good cause for the extension and that zoning regulations and site conditions of the subject property and adjacent properties have not changed since the approval.

(5) Performance guarantee. In accordance with the Michigan Zoning Enabling Act, the City may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the City, in an amount to cover the estimated cost of the improvements associated with the project, be deposited with the City Clerk to insure faithful completion of the improvements as set out in the site plan approved by the Planning and Zoning Administrator or their designee. If the City has required a performance guarantee, then it shall be subject to the following terms and conditions:

A. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The City may not require the deposit of the performance guarantee until it is prepared to issue the permit.

B. Rebates of cash deposits. Where the performance guarantee has been made in the form of a cash deposit, the performance guarantor shall be entitled to a rebate of the cash deposit in reasonable proportion to the ratio of work completed on the required improvements as satisfactory work progresses. The performance guarantor may request the rebates in three equal installments each time one-third of the entire required work has been satisfactorily completed in accordance with the final approved site plan, including any approved amendments.

C. Failure to complete improvements. If the performance guarantor fails to complete the improvements as approved in the final approved site plan within such time period as is required by the conditions or guarantees as outlined above, then the City may proceed to have such work completed and shall reimburse itself for the cost thereof by appropriating the cash deposit, certified check, or surety bond or by drawing upon the irrevocable letter of credit, or shall take the necessary steps to require performance by the bonding company.

(g) Appeals. An appeal may be taken to the Zoning Board of Appeals by any person aggrieved by a decision of the Planning Division, the City Engineer or the Traffic Engineer as it relates to this chapter. Such appeal shall be taken within such time as is prescribed by Section 1280.03.

(h) Amendments. All site improvements shall conform to the final site plan. A site plan may be amended upon application and in accordance with the procedure herein. The Planning and Zoning Administrator or their designee shall have the authority to determine if a proposed change requires an amendment to an approved final site plan, provided that a revised final site drawing be submitted showing such minor changes, for purposes of record.

(i) As-Built Plan. After construction has concluded, as-built plans shall be submitted to ensure compliance with final site plan approval.

(j) Violations and Penalties.

(1) All site improvements shall conform to the final approved site plan, unless an amendment has been approved by the Planning and Zoning Administrator or their designee. If an amendment has not been approved, the Planning Division may require the applicant to correct any physical changes to the site that were completed without proper approval so as to conform to the approved final site plan.

(2) Stop work order. If improvements and/or construction is being undertaken contrary to this Chapter or the final approved site plan, including any approved amendments, the Planning and Zoning Administrator or their designee shall give written notice to the holder of the building permit, or if a building permit has not been issued, then to the person doing the construction and/or improvements, notifying them of the violation of this Chapter, or other applicable laws and ordinances. If the person doing the construction is not known, or cannot be located with reasonable effort, then the notice may be delivered to the person in charge of, or apparently in charge of, the construction/improvements. If the holder of the permit or the person doing the construction or improvements fails to correspond with the City to show good cause

within one full working day after notice is delivered, the Planning and Zoning Administrator or their designee shall cause a written order to stop construction and/or improvements to be posted on the premises. A person shall not continue, or cause or allow to be continued, construction and/or improvements in violation of a stop work order, except with permission of the Zoning Administrator or their designee to abate the dangerous condition or remove the violation, or except by court order. If an order to stop construction and/or improvements is not obeyed, the Planning and Zoning Administrator or their designee may apply to the Calhoun County circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal prosecution for failure to obey the order.

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

1281.05 SPECIAL LAND USES.

(a) Application for Special Uses; Certificates of Occupancy. An application to build or occupy any of the special uses described in Section 1240.02 shall be submitted in accordance with the following procedure:

(1) Applications shall be submitted through the Planning Division to the Planning Commission. A copy of the application shall be forwarded to the City Commission. Each application shall be accompanied by a nonrefundable filing fee as established in the fee, bond and insurance schedule.

(2) Every application shall be accompanied by the following information and data:

- A. A special use petition form supplied by the Planning Division;
- B. A site plan, plot plan or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their proposed uses;
- C. Preliminary plans and specifications of the proposed development and for all intended construction; and
- D. A statement with supporting evidence regarding the required findings specified in Section 1281.05(c).

(3) Before authorization by the City Commission of any of the special uses referred to in this chapter, the Planning Commission shall cause a study and report concerning the effect of the proposed use on the master plan and on the character and development of the neighborhood.

(4) The Planning Commission may recommend, and the City Commission may impose, such conditions or restrictions upon the construction, location and operation of a special use as is deemed necessary to secure the general objectives of this Zoning Code and to preserve the value of property in the neighborhood. Any proposed special

use shall otherwise comply with all of the requirements set forth in this Zoning Code for the district in which the use is located, except that the City Planning Commission may permit hospitals and institutions to exceed the height limitations of such district.

(5) A special uses permit shall be valid for a period established by the City Planning Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Special use permits shall expire after one year if the use is not under construction or operational. For good cause shown and upon written application, the City Commission may extend a special use permit for six months. The written application to request a six-month extension shall be filed with the Planning and Zoning Division no later than 360 days prior to expiration.

(b) Hearings and Notices. (Requirements for public hearing and hearing notices are the same as for an amendment to the Zoning Code as specified in Section 1281.01 ~~(ee)~~(1-62)).

(c) Decision on Application; Basis for Determination.

(1) The City Commission may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

(2) Before approving, or approving with conditions, a request for a special land use, the Planning Commission and the City Commission shall establish that the general standards specified in the following shall be satisfied by the completion and operation of a proposed development:

A. The use will be harmonious with and in accordance with the general objectives of the master plan.

B. The use will be designed, constructed, operated and maintained so as to be compatible with adjacent uses of land, the natural environment, and harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.

C. The use will not be hazardous or disturbing to existing or future neighboring uses.

D. The use will be an improvement to property in the immediate vicinity and to the community as a whole.

E. The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.

F. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

G. The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.

H. The use will be consistent with the intent and purpose of this Zoning Code.

(3) A request for approval of a special land use shall be approved (except requests for approval of a group child care home, which are discretionary approvals) if the request is in compliance with the standards stated in this ordinance, the conditions imposed under this Zoning Code and other applicable ordinances, and state and federal statutes.

(d) Approval of Special Land Use with Conditions.

(1) Reasonable conditions may be required with the approval of a special land use. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all the following requirements:

A. Be designed to protect the natural resources, the health, safety, and welfare, as well as the social and economic wellbeing, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in this zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

(2) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

(3) To ensure compliance with any conditions imposed pursuant to the section, the City may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the City covering the estimated cost of necessary improvements be deposited with the City Clerk to insure faithful completion of the improvements relative to the imposed conditions. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the special use. Refer to Section 1281.04(f)(4).

(e) Reapplication.

(1) No application for a special use permit shall be submitted for the same property, or any part thereof, or as part of a larger parcel, for a period of six months from the date of Planning Commission decision on a special use application for the property, except on grounds of newly discovered evidence or proof of changed conditions found, in the discretion of the Planning Commission, to be sufficient to justify a reconsideration.

(2) As used in this section, “newly discovered evidence” means a finding that the evidence itself, not merely its materiality, is newly discovered; that the evidence is not cumulative; that the evidence is such as to render a different result probable on rehearing; and that the evidence could not, with reasonable diligence, have been discovered and produced at the time of the original hearing.

(3) For purposes of this section, “proof of changed conditions” shall not include an application for another or different special use than that originally requested.

1281.06 ENFORCEMENT BY ZONING ADMINISTRATOR; APPEALS.

The Planning and Zoning Administrator or their designee shall enforce this Zoning Code. The officers and employees of the City, especially all of the members of the Police Department, shall assist the Planning and Zoning Administrator or their designee by reporting to the Administrator upon observing new construction, reconstruction or land uses or upon observed violations. An appeal from a decision of the Planning and Zoning Administrator or their designee may be made to the Zoning Board of Appeals as provided in Section 1280.03.

1281.07 INTERPRETATION, PURPOSE AND CONFLICTS.

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. This Zoning Code is not intended to interfere with, abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued and not in conflict with any of the provisions of this Zoning Code, or which shall be adopted or issued pursuant to a law relating to the use of buildings or premises and likewise not in conflict with any of the provisions of this Zoning Code, nor is this Zoning Code intended to interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this Zoning Code imposes a greater restriction upon the use of buildings or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of this Zoning Code shall control.

1281.08 PROTEST PETITION, SUBMISSION OF ORDINANCES TO ELECTORS.

(a) An amendment to the zoning ordinance is subject to a protest petition as required by this subsection. If a protest petition is filed, then approval of the amendment to the zoning ordinance shall require a 2/3 vote of the City Commission. The protest petition shall be presented to the City Commission before final legislative action on the amendment and shall be signed by one or more of the following:

(1) The owners of at least 20% of the area of land included in the proposed change.

(2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

(b) Publicly owned land shall be excluded in calculating the 20% land area requirement under subsection (a) above.

1281.09 REQUIREMENT OF PAYMENT OF FEES.

The City may require the payment of reasonable fees for zoning permits as a condition to the granting of authority to use, erect, alter, or locate dwellings, buildings, and structures, including tents and recreational vehicles, within a zoning district established under this act.

1281.10 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of the compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

CHAPTER 1281
Administrative Procedures

1281.01 ZONING ORDINANCE/ MAP AMENDMENTS.

(a) Initiation. The City Commission may amend, supplement or change the regulations or the district boundaries of this Zoning Code pursuant to the authority and according to the procedure set forth in The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq. Changes in the text of this Zoning Code may be proposed by:

- (1) The City Commission;
- (2) The Planning Commission; or
- (3) Any interested person or organization through a petition, which shall not be initiated for the same property more often than once every twelve months.

Changes in zoning district boundaries may be proposed by:

- (1) The City Commission;
- (2) The Planning Commission;
- (3) The owner(s) of the premises concerned; or
- (4) The designated agent of a person having an ownership interest in the property.

(b) Definition. An amendment to the Zoning Code shall be deemed to be any change to the text or map, including:

- (1) Petition for zoning code amendment;
- (2) rezoning; or
- (3) Conditional rezoning.

(c) Amendment Applications and Review Procedures. The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this section, and shall be reviewed in accordance with the following procedures. Application materials that do not meet the requirements under Section 1281.01(c)(1). shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.

- (1) Application. (underlined)
 - A. Survey and legal description of the property.
 - B. An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.

Payment of non-refundable application fee.

(d) Technical review. Prior to Planning Commission consideration, the application materials for the proposed amendment shall be distributed to appropriate City departments, divisions and staff for review and comment. The application materials may also be distributed to applicable outside agencies and designated City consultants for review.

(e) Public hearing. A public hearing shall be held by the Planning Commission for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq., before it is sent to the City Commission for action. Public hearing notice requirements are summarized below:

(1.) Not less than a fifteen-day notice of the date, time and place of the hearing shall be published in a newspaper of general circulation in the City.

(2.) Not less than fifteen-day notice of the date, time and place of the hearing shall be given, by regular mail, to each public utility company and to each railroad company owning or operating any public utility or railroad within the City that registers its name and mailing address with the City Clerk for the purpose of receiving such notices.

(3.) Not less than fifteen-day notice shall be given, by regular mail, to the owners of property that is the subject of the request. Notice shall also be given to all persons to whom real property is assessed within 300 feet of the subject property affected by the amendment, as listed in the most current assessment roll and to the occupants of all structures with 300 feet of the subject property regardless whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, then notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

(4.) The notice under subsection (3.) above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than fifteen days before the date the request will be considered. If the name of the occupant is not known, then the term "occupant" may be used for the intended recipient of the notice. However, failure of property owners to receive such notice, shall not invalidate the amendment.

(5.) A notice under this section shall do all of the following:

a. Describe the nature of the request.

b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, then other means of identification may be used.

c. State when and where the request will be considered.

d. Indicate when and where written comments will be received concerning the request.

(6.) For any group of adjacent properties numbering eleven or more that is proposed for rezoning, the requirements of above subsection iii), and the requirement of above subsection 5.b., that street addresses be listed do not apply to that group of adjacent properties.

(f) Planning Commission consideration of proposed amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this section, and shall report its findings and recommendation to the City Commission.

(g) City Commission action on proposed amendment. Upon receipt of the report and recommendation from the Planning Commission, the City Commission may approve or deny the proposed amendment. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in the Zoning Code under Section 1281.01(h)(7-12).

(h) Standards of Review for Amendments. In considering any petition for an amendment to the text of the Zoning Code or to the Zoning Map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

(1) Consistency with the goals, policies and objectives of the master plan and any sub-area plans. If conditions have changed since the master plan was adopted, consistency with recent development trends in the area shall be considered.

(2) Consistency with the basic intent and purpose of the Zoning Code.

(3) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(4) The capacity of the City's utilities and services are sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

(5) That conditions have changed since the Zoning Code was adopted or there was an error in the Zoning Code that justifies the amendment.

(6) That the amendment will not be expected to result in exclusionary zoning or spot zoning.

(7) If a map amendment is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

(8) If a map amendment is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(9) If a map amendment is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

(10) If a map amendment is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

(11) If a map amendment is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

(12) If a map amendment is requested, the requested zoning will not create an isolated or incompatible zone in the neighborhood.

(i) Notice of Adoption for Amendment. Following adoption of an amendment by the City Commission, one notice of adoption shall be filed with the City Clerk and one notice shall be published in a newspaper of general circulation in the City within fifteen days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk, which shall identify all map amendments. The required notice of adoption shall be maintained by the Planning and Zoning Administrator and include all of the following information:

(1) In the case of a newly adopted Zoning Code, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Battle Creek."

(2) In the case of an amendment(s) to the existing Zoning Code, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

(j) Referendum.

(1) Within seven days after publication of the Zoning Code, a registered elector residing in the zoning jurisdiction of the City may file with the City Clerk a notice of intent to file a petition under this section, in accordance with Section 401 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3401.

(2) If a notice of intent is filed under subsection (1) above, the petitioner shall have thirty days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction of the City not less than 15% of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, with the City Clerk requesting the submission of the zoning ordinance or part of the zoning ordinance to the electors residing in the zoning jurisdiction of the City for their approval,, in accordance with Section 402 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3402.

(3) Whenever there is a conflict between this Chapter of the Zoning Code and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq., the later shall govern.

(k) Conditional Rezoning.

(1) Intent. The Planning Commission and City Commission recognize that, in certain instances, it would be an advantage to both the City and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3405, to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this Zoning Code to accomplish, among other things, the objectives of the master plan and to achieve integration of the proposed land development project with the characteristics of the surrounding area.

(2) Definitions. The following definitions shall apply in the interpretation of this Section:

A. "Rezoning Conditions" shall mean conditions regarding the development and use of property proposed by the applicant and approved by the City as part of an approval under Section 1281.01(k), including review and recommendation by the Planning Commission.

B. "Rezoning with Conditions Agreement" shall mean a written agreement approved and executed by the City and property owner setting forth the conditions attached to the rezoning pursuant to MCL 125.3405 (as amended) and any other terms mutually agreed upon by the parties relative to land for which the City has approved a rezoning with conditions.

C. "Rezoning with Conditions Plan" shall mean a plan of the property which is the subject of a rezoning with conditions, prepared by a Michigan licensed civil engineer or

architect, that may show the location, size, height, design, architecture or other measure or feature for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the rezoning with conditions plan shall be determined by the applicant, subject to approval of the City Commission after recommendation by the Planning Commission.

D. "Rezoning" shall mean the amendment of the Zoning Code to change the zoning map classification on property from its existing district to a new district classification.

(3) Authorization and eligibility.

A. The standards described under Section 1281.01(h) shall grant a property owner the option of voluntarily proposing conditions for the development and use of property in connection with a submission of a petition seeking a rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

B. In order to be eligible for consideration of a rezoning with conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a rezoning with conditions agreement) that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:

1. The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other physical features of the proposed development.

2. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use. For example: units per acre, maximum usable floor area, or hours of operation.

3. Preservation of open space, natural resources and/or natural features.

4. Improvements to address traffic issues, including paving, substantial improvements to or funding of improvements to major roads to the benefit of the entire City.

5. Site improvements such as signage, lighting, landscaping, building materials for the exterior of some or all structures above and beyond what would otherwise be required by City ordinance.

6. Limitations on permissible uses of the property.

7. Any other conditions that may be voluntarily proposed by the property owner.

(4) Application and review procedures.

A. Application.

1. At the time of making application for amendment of the Zoning Code seeking a rezoning of property, or at a later time during the process of City consideration of such rezoning a property owner may submit a complete application for approval of a rezoning with conditions to apply in conjunction with the rezoning.

2. The application, which may be amended by the applicant during the process of consideration, shall specify the rezoning conditions proposed by the applicant, recognizing that rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.

3. An application for a rezoning with conditions shall include the proposed rezoning and the conditions .. and may incorporate a rezoning with conditions site plan.

4. The application shall include a notarized signature of the property owner indicating that the conditions attached to the rezoning are voluntarily offered.

B. Planning Commission review.

1. The proposed rezoning with conditions shall be noticed for a public hearing before the Planning Commission as described under Section 1281.01(e)(1-6).

2. Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Commission on the proposed rezoning with conditions.

C. City Commission review. Upon recommendation by the Planning Commission, the City Commission shall make a final determination to approve or deny the rezoning with conditions as offered by the applicant. The City Commission may only consider the conditions offered by the applicant, and may not attach any other conditions to the rezoning other than those offered by the applicant. The City Commission's deliberations shall include, but not be limited to, consideration of the review criteria for a rezoning with conditions as described under Section 1281.01(k)(5)A-J.

(5) Review criteria. A rezoning with conditions shall only be approved if it meets the following requirements and standards:

A. The proposed rezoning with conditions will further the goals and objectives of the city master plan.

B. Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the rezoning with conditions agreement).

C. The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:

1. Development and use of the property shall be subject to the more restrictive requirements shown or specified in the rezoning with conditions agreement, and/or in

other conditions and provisions set forth in the rezoning with conditions agreement required as part of the rezoning with conditions approval. Such rezoning with conditions agreement shall supersede all inconsistent regulations otherwise applicable under the zoning ordinance.

2. As part of the grant of final approval of a rezoning with conditions, the City Commission shall be authorized to grant modifications to the strict terms of the zoning ordinance governing dimensional requirements on the property; provided, such authorization to grant modifications shall be conditioned upon the City Commission finding that each zoning code provision sought to be modified will result in an enhancement of the development that would be in the public interest, and that approving the modification would be consistent with the city master plan and compatible with the surrounding area.

D. The proposed rezoning with conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a rezoning with conditions.

E. As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the rezoning with conditions. In determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the City by the City Commission and Planning Commission.

F. The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.

G. Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the rezoning with conditions without negatively impacting the delivery of public services to other properties in the City, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the City.

H. The offered condition(s) are beneficial to the public good and likely to be enforceable.

I. The condition does not have the same effect as a use variance.

J. The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.

(6) Effect of approval. Approval of the rezoning with conditions and rezoning with conditions agreement confirms only the rezoning of the property, subject to any conditions reflected in the rezoning with conditions agreement and after recordation as

set forth in subsection (8) below. Any applicable site plan, plat, condominium, special land use, or variance approvals shall be required before any improvements to the property may be undertaken.

If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR Rezoning with Conditions". The zoning map shall specify the new zoning district plus a reference to "CR" e.g., the district classification for the property might be "B-1, Corridor Commercial District (CR, Rezoning with Conditions)", with a zoning map designation of "B-1/CR." Use of the property so classified and approved shall comply with the conditions set forth in the rezoning with conditions agreement. No development or use of the land inconsistent with the conditions of the rezoning with conditions agreement shall be permitted.

(7) Compliance with conditions.

A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the rezoning with conditions agreement. Any failure to comply with a condition contained within the rezoning with conditions agreement shall constitute a violation of this Zoning Code and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

B. No permit or approval shall be granted under this Zoning Code for any use or development that is contrary to an applicable rezoning with conditions agreement.

(8) Period of approval.

A. The rezoning with conditions and agreement shall expire after a period of one year from the effective date of the rezoning unless substantial progress towards obtaining site plan and other required approvals has been made, and shall expire after a period of two years unless development of the property is substantially begun within such two-year period and proceeds diligently and in good faith as required by ordinance to completion.

B. In the event substantial progress towards obtaining site plan approval such as, but not limited to, having concept plans available to participating in a predevelopment meeting with the city, or land survey work underway has not commenced within one year and bona fide development, such as but not limited to, earthwork, utility work, or foundation installation has not commenced within two years from the effective date of the rezoning, the rezoning with conditions and the rezoning with conditions agreement shall be void and of no effect.

C. The property owner may apply for a one-year extension two times. The request must be submitted to the Planning and Zoning Division before the approval time limit expires. The property owner must demonstrate why the extension should be granted, and must also demonstrate that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently

thereafter to completion, and if the City Commission finds that there has not been a change in circumstances that would render the rezoning with conditions incompatible with adjacent or nearby use and zoning of land or is otherwise inconsistent with sound zoning policy. An extension request shall be considered by the City Commission.

D. If the rezoning with conditions becomes void in the manner provided in this section, the following procedures shall apply:

1. The property owner may seek a new rezoning of the property within thirty days of the expiration of the period of approval.

2. If no application is made for a new rezoning of the property, the land shall revert to its former zoning classification as set forth in MCL 124.3405(2)(as amended). The City Commission shall direct the Planning Commission to proceed with consideration of rezoning the land to its former zoning designation following the standard rezoning procedures set forth in this Zoning Code.

3. Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

(9) Rezoning with conditions agreement requirements. A rezoning with conditions agreement shall be executed between the applicant and the City at the time of City Commission approval of a rezoning with conditions.

A. Rezoning with conditions agreements shall, at a minimum, contain all of the following items:

1. Identification of the requested zoning district and a listing of the conditions offered by the applicant.

2. A statement acknowledging that the rezoning with conditions was proposed by the applicant, and, further agreement and acknowledgment that the conditions and rezoning with conditions agreement are authorized by all applicable state and federal law and constitution, and that the agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the City.

3. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the rezoning with conditions agreement.

4. Agreement and understanding that the approval and rezoning with conditions agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.

5. The date upon which the rezoning with conditions becomes void, as specified in Section 1281.01(k)(8). If the City Council grants an extension of approval, a new rezoning with conditions agreement with the new expiration date shall be recorded.

6. Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in Section 1281.01(k)(8), no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

7. Agreement and understanding that each of the requirements and conditions in the rezoning with conditions agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

8. A legal description of the property affected by the rezoning with conditions.

9. Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.

10. Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

B. A rezoning with conditions plan may be included as an exhibit to the agreement. The rezoning with conditions plan may show the conceptual layout of the proposed development or use, along with any other information deemed relevant by the applicant. Inclusion of a rezoning with conditions plan as an exhibit to a rezoning with conditions agreement shall not replace the requirement for preliminary and final site plan, subdivision, condominium, special land use or variance review and approval.

(10) Amendment of rezoning with conditions agreement. Amendment of a rezoning with conditions agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with conditions. This section does not apply to minor amendments that do not change the approved zoning or conditions that were offered.

(11) Recordation of rezoning with conditions agreement. A rezoning with conditions shall become effective following publication in the manner provided by law, or after recordation of the rezoning with conditions agreement, whichever is later. All rezoning with conditions agreements shall be recorded with the Calhoun County Register of Deeds.

(12) Termination. The City Commission shall be the only body with the authority to terminate a rezoning with conditions agreement. The consideration to terminate the agreement shall be for reasons of expiration of the agreement, discovery of false information upon which the initial approval was based, or the existence or discovery of new information that alters the viability of the approved rezoning. The termination shall comply with any applicable provisions of this Zoning Code or the rezoning with conditions agreement. If the agreement is terminated, the City shall follow the procedures in Section 1281.01(k)(8)D.

(13) City right to rezone. Nothing in the rezoning with conditions agreement or in the provisions of this section shall be deemed to prohibit the City from rezoning all or

any portion of land that is subject to a rezoning with conditions to another zoning classification. Any such rezoning shall be conducted in compliance with this Zoning Code and the Michigan Zoning Enabling Act.

(14) If land that is subject to a rezoning with conditions agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no rezoning with conditions agreement, the rezoning with conditions agreement attached to the former zoning classification shall cease to be in effect. In such a case, the Planning and Zoning Administrator or their designee shall record with the Calhoun County Register of Deeds a notice that the rezoning with conditions is no longer in effect upon the property owner's written request.

(h) Fees. Petitions for an amendment to this Zoning Code shall be accompanied by a fee as prescribed in the schedule provided for in Section 802.24. Such fee is applicable when filing a petition for zoning reclassification and is nonrefundable.

(i) Protest Petition. An amendment to a zoning ordinance is subject to a protest petition under Section 1281.08.

(j) An amendment to conform a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the City Commission and the notice of the adopted amendment published without referring the amendment to any other board provided for under this chapter.

1281.02 CERTIFICATES OF OCCUPANCY.

(a) Subsequent to the effective date of this Zoning Code (Adopted on November 24, 2020), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Chief Building Official or their designee or agent. Such a certificate shall state that the new occupancy complies with this Zoning Code.

(b) No permit for excavation, or the erection or alteration of, any building or premise shall be issued before the application has been approved for such activities, and no building or premises shall be occupied until a certificate of occupancy is issued by the Chief Building Official or their designee or agent.

(c) A record of all certificates of occupancy shall be kept on file in the Inspections Division office. Copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in buildings affected by such certificates.

1281.03 APPLICATIONS FOR BUILDING PERMITS AND ZONING PERMITS; RECORDS.

(a) It shall be unlawful for any person to commence excavation for construction of any building or structure, structural changes or repairs in any existing building, a change

in use, or moving of an existing building without first obtaining a zoning permit and/or building permit from the City of Battle Creek. No permit shall be issued for construction, alteration or remodeling of any building or structure, or change in use, until an application has been submitted in accordance with the provision of this Zoning Code showing that the construction proposed is in compliance with the provisions of this Zoning Code and with the Building Code adopted by the City. "Alteration" or "repair" of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, use, or any other changes regulated by the Building Code of the City, the Housing Law of Michigan, Public Act 167 of 1917, as amended, being MCL 125.401 et seq., this Zoning Code, except for minor repairs or changes not involving any of the aforesaid provisions.

(b) Each application for a zoning permit shall contain all required information specified in Section 1281.04(d). A record of applications and plot plans shall be kept in the offices of the Planning and Zoning Division.

(c) Zoning permits are required for activities detailed in Section 1281.04(c), and as otherwise specified in this Zoning Code.

(d) No building, plumbing, electrical, drainage or other permit shall be issued until the City of Battle Creek has determined that the plans and designated use indicate that the proposed structure and lot will conform to the provisions of this Zoning Code.

1281.04 SITE PLAN REVIEW.

(a) Purpose. It is the purpose of this chapter to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. Site plan approval shall be required before building permits are granted by the City for parcels subject to this Chapter. The regulations contained in this Chapter are intended to promote:

- (1) Safe and convenient vehicle and pedestrian traffic movements, both within a site and in relation to access streets;
- (2) Harmonious relationships between buildings, structures and uses, both within a site and within adjacent sites;
- (3) Conservation of natural amenities and resources; and
- (4) Compliance with all other applicable regulations of this Zoning Code.

(b) Application.

(1) Applications for site plan approval shall be available at the Planning and Zoning Division.

(2) A complete application packet shall consist of an application form with all required information, a site plan that includes at a minimum the required information under Section 1281.04(d)(1-22) and other supporting documents necessary to meet the requirements of the Zoning Code, and the review fee established by Section 802.24. Application packets shall be filed with the Planning and Zoning Division. Incomplete applications will not be accepted.

(3) Once a complete application, site plan, and other materials are submitted, the Planning and Zoning Administrator or their designee will schedule a review at the earliest possible date.

(4) Any additional information requested by city staff must be submitted no later than 180 days from the date a complete application is filed. The application shall expire if the requested additional information is not received by the end of the 180-day period. An applicant may submit a new application and fee.

(c) Required Review Based on Proposed Activity. The table below details which type of reviews are required based on the proposed activity.

Proposed Activity	Administrative Review of Site Plan Per Section 1281.04	Administrative Review of Building and Zoning Permits Per Section 1281.03	Planning/City Commission Review Per Section 1281.05
Any proposed new building or parking area or where an alteration, addition, or expansion of existing developments constitute an increase or reduction to the existing buildings or parking area of more than ten percent (10%)	●		
Projects where less than a ten percent (10%) increase or reduction of the building or parking will occur shall adhere to review requirements as outlined in the Stormwater Management Program Technical Reference Manual.		●	

Planned Unit Developments	●		●
Parking lot mill and repave projects where an approved site plan is not on file	●		
Special land uses	●		●
Adult Use Marihuana Microbusiness located in B-1, B-2, I-1 and I-2	●		
Adult Use Marihuana Microbusiness located in T-3	●		●
Adult Use Marihuana Retailers located in B-1, B-2, T-4, T-5, I-1, and I-2	●		
Adult Use Marihuana Retailers located in T-3	●		●
Medical Marihuana Provisioning Center located in B-1, B-2, T-4, T-5, I-1, and I-2	●		
Medical Marihuana Provisioning Center located in T-3	●		●
Medical and Adult Use Marihuana Grow Operation located in I-1 and I-2	●		
Medical and Adult Use Marihuana Processing Facility located in I-1 and I-2	●		
Medical and Adult Use Safety Compliance Facility located in B-1, I-1 and I-2	●		
Medical and Adult Use Secure Transporter located in B-1, I-1 and I-2	●		
Medical and Adult Use Excess Grow Operation located in I-1 and I-2	●		
Driveway or curb cut relocation where the new driveway will be relocated within 25 feet of the existing driveway location or where a driveway or curb cut is being eliminated		●	
Construction and development on any parcel of land proposing or having multiple single family or two-family dwellings, or multi-family, commercial, or industrial uses	●		
Site improvements that include landscaping, lighting, site access, and parking lot grading, layout, and new off-street parking	●		
Landscaping that is less than 25% of the parcel size or 5,000 square feet, whichever is less		●	

Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout		●	
Construction of and/or the conversion of an existing structure to one (1) or more units meeting the definition of a State Licensed Residential Facility		●	
Construction or replacement of a fence, shed, signage, or driveway		●	

(1) Site plan review shall not be required for the following:

- A. A single detached single-family dwelling unit and related parking;
- B. A single two-family dwelling unit and related parking;
- C. Agricultural uses; and

D. Nonresidential accessory buildings no more than 120 square feet in area and all residential accessory buildings.

(2) No grading, removal of trees or other vegetation, land-filling or construction of improvements shall commence for any project which requires site plan approval until a site plan is approved and is in effect, and any other applicable permits are obtained.

(d) Site Development Plans. All site development plans shall be prepared on standard twenty-four inch by thirty-six inch, or thirty-six inch by forty-two inch, architectural or engineering sheets, and are required to incorporate the following information, unless waived by the Planning and Zoning Administrator or their designee:

Site Plan Required Information:

- (1) The title of the proposed project;
- (2) The name of the property owner, proprietor or project director;
- (3) The location of the project, the street name and the address;
- (4) Professional seal of the architect, engineer or designer, and their name, address, phone number, and email address, if available;
- (5) The date drawn and subsequent revision dates;
- (6) The scale of the drawing, the north directional arrow, and vicinity map showing location of project;
- (7) Provide all dimensions, including property lines, easements and rights-of-way, existing and proposed buildings building setback lines, site improvements; gross and net acreage, and zoning classification of the site and adjacent properties;

(8) Location of adjacent property lines, buildings and structures, sidewalks, parking lots, rights-of-ways, abutting streets, curb cuts, and access easements within 100 feet of the subject property;

(9) Existing man-made or natural features such as wetlands, waterways, woodlands, and areas with slopes greater than 10%, with an indication of which features will be retained or removed;

(10) The topography, existing and proposed, including contours with a maximum of two-foot contours, or spot elevations sufficient to determine the topography of the site, so as to clearly indicate required cutting, filling, and grading. The site plan shall contain arrows indicating direction of drainage and stormwater calculations;

(11) Location and dimension of existing and proposed buildings or structures, including intended uses, floor area, number of floors, width, length, height, number of types of dwelling units (where applicable), and setback distances;

(12) The location of sidewalks, rights-of-ways, abutting streets, curb cuts, and access easements, ingress and egress drives, both existing and proposed, to thoroughfares, showing traffic patterns into the site from the same, including ultimate pavement width, deceleration lanes and the like; the location of private and public pedestrian walkways;

(13) On-site traffic circulation and parking areas, including the number and size of parking bays, width of maneuvering aisles, designation of fire lanes, the location and size of handicapped parking, surface materials and striping of the parking lot surface to delineate parking bays and individual spaces;

(14) The location of loading berths, truck docks, truck wells, service drives and exterior parking lot lighting, including photometric plan;

(15) The location and size of all existing and proposed public and private utilities above and below ground proposed to service the project and the location of any public or private utility easements, to include water, gas, electric, cable, stormwater, storm sewer, catch basins, and fire hydrants;

(16) The spatial relationship of buildings on the site, including pedestrian walkways, protective or retaining walls, fences, landscaped buffers, either existing or proposed, and the materials to be utilized, if required;

(17) The location of signs, either existing or proposed, and an indication of their size, height and design pursuant to City sign regulations;

(18) A landscaping plan of the site, including greenbelts or buffers if required, and the identification of all plant and landscape material to be utilized as to type, size and location;

(19) The location and proposed method of screening trash . receptacles;

(20) Location of outdoor storage/display areas including a description of the items to be located outdoors, as well as the location and description of required screening;

(21) Storage and containment areas if the use of hazardous substances is involved; and

(22) Any additional information as may be required of the applicant to properly evaluate the proposed development.

(e) Standards for Consideration. The following shall be the standards for consideration of all plans for developments submitted for site plan approval:

(1) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjacent properties and the type and size of buildings.

(2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by topographic modifications, which result in maximum harmony with adjacent areas.

(3) The site plan shall provide reasonable visual and sound privacy for all occupants located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

(4) All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access by some practical means to all sides as may be required by the Building and/or Fire Code.

(5) Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

(6) There shall be provided a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

(7) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are a part of an existing or planned street pattern which serves an adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified by the City Engineer and/or any other entity having authority over said roadway.

(8) Where the Planning Division, City Engineer, or Traffic Engineer finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, they shall require marginal access drives as follows:

A. For a narrow frontage of less than 120 feet, the design will require a single outlet.

B. For a series of adjacent frontages in a developing area, a service road shall be constructed and a single marginal access drive shall serve all establishments

fronting thereon, with road cuts not closer than 330 feet centerline to centerline, or 330 feet from a street intersection.

C. The overall design of a marginal access drive shall uphold the purposes of this chapter, promote the public safety, and serve the public interest.

D. Marginal access drives shall be required only if the concept is reasonable in terms of the land available for such an improvement.

(9) All site plans shall be designed in accordance with the City of Battle Creek Stormwater Management Program Technical Reference Manual. All stormwater shall be detained on site for controlled release. Attention shall be given to proper site drainage to ensure neighboring properties will not be adversely affected.

(10) Loading and unloading areas and outside storage areas which face or are visible from residential uses or districts or public thoroughfares, shall be screened by a six-foot solid screening fence (concealment screening) and plant materials no less than six feet in height.

(11) Trash containers must be stored in a trash enclosure constructed of solid screening fence (concealment screening) on all four sides from four inches above the ground to six inches above the trash container. The enclosure shall not be located in the front yard unless the Planning and Zoning Administrator or their designee finds that there is no other feasible location.

(12) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

(13) Development occurring within the City of Battle Creek wellhead protection area, in accordance with Chapter 1041, shall comply with the requirements established in the performance standards as administered by the Department of Public Works.

(f) Decisions and approval.

(1) The Planning Division, the Inspection Division, and the Department of Public Works shall be responsible for reviewing site plans, and the Planning and Zoning Administrator or their designee shall be responsible for granting approval. A decision approving, conditionally approving, or rejecting a site plan shall be based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted City planning documents, other applicable ordinances, and state and federal statutes.

(2) Any revisions to the site plan shall be submitted in accordance with Section 1281.04(b).

(3) If approved, the site plan shall become part of the record of approval, and subsequent actions related to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance is agreed to by the landowner and the body or official that initially approved the site plan.

(4) A site plan approved under this section shall be valid for a period of one year. If construction has not commenced within this time period, or if construction has ceased for more than one year, the site plan shall become null and void. Prior to the expiration of an approved final site plan, an applicant may make application for a six-month extension of the site plan. The extension shall be granted if the Planning and Zoning Administrator or designee finds good cause for the extension and that zoning regulations and site conditions of the subject property and adjacent properties have not changed since the approval.

(5) Performance guarantee. In accordance with the Michigan Zoning Enabling Act, the City may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the City, in an amount to cover the estimated cost of the improvements associated with the project, be deposited with the City Clerk to insure faithful completion of the improvements as set out in the site plan approved by the Planning and Zoning Administrator or their designee. If the City has required a performance guarantee, then it shall be subject to the following terms and conditions:

A. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The City may not require the deposit of the performance guarantee until it is prepared to issue the permit.

B. Rebates of cash deposits. Where the performance guarantee has been made in the form of a cash deposit, the performance guarantor shall be entitled to a rebate of the cash deposit in reasonable proportion to the ratio of work completed on the required improvements as satisfactory work progresses. The performance guarantor may request the rebates in three equal installments each time one-third of the entire required work has been satisfactorily completed in accordance with the final approved site plan, including any approved amendments.

C. Failure to complete improvements. If the performance guarantor fails to complete the improvements as approved in the final approved site plan within such time period as is required by the conditions or guarantees as outlined above, then the City may proceed to have such work completed and shall reimburse itself for the cost thereof by appropriating the cash deposit, certified check, or surety bond or by drawing upon the irrevocable letter of credit, or shall take the necessary steps to require performance by the bonding company.

(g) Appeals. An appeal may be taken to the Zoning Board of Appeals by any person aggrieved by a decision of the Planning Division, the City Engineer or the Traffic Engineer as it relates to this chapter. Such appeal shall be taken within such time as is prescribed by Section 1280.03.

(h) Amendments. All site improvements shall conform to the final site plan. A site plan may be amended upon application and in accordance with the procedure herein. The Planning and Zoning Administrator or their designee shall have the authority to determine if a proposed change requires an amendment to an approved final site plan, provided that a revised final site drawing be submitted showing such minor changes, for purposes of record.

(i) As-Built Plan. After construction has concluded, as-built plans shall be submitted to ensure compliance with final site plan approval.

(j) Violations and Penalties.

(1) All site improvements shall conform to the final approved site plan, unless an amendment has been approved by the Planning and Zoning Administrator or their designee. If an amendment has not been approved, the Planning Division may require the applicant to correct any physical changes to the site that were completed without proper approval so as to conform to the approved final site plan.

(2) Stop work order. If improvements and/or construction is being undertaken contrary to this Chapter or the final approved site plan, including any approved amendments, the Planning and Zoning Administrator or their designee shall give written notice to the holder of the building permit, or if a building permit has not been issued, then to the person doing the construction and/or improvements, notifying them of the violation of this Chapter, or other applicable laws and ordinances. If the person doing the construction is not known, or cannot be located with reasonable effort, then the notice may be delivered to the person in charge of, or apparently in charge of, the construction/improvements. If the holder of the permit or the person doing the construction or improvements fails to correspond with the City to show good cause within one full working day after notice is delivered, the Planning and Zoning Administrator or their designee shall cause a written order to stop construction and/or improvements to be posted on the premises. A person shall not continue, or cause or allow to be continued, construction and/or improvements in violation of a stop work order, except with permission of the Zoning Administrator or their designee to abate the dangerous condition or remove the violation, or except by court order. If an order to stop construction and/or improvements is not obeyed, the Planning and Zoning Administrator or their designee may apply to the Calhoun County circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal prosecution for failure to obey the order.

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

1281.05 SPECIAL LAND USES.

(a) Application for Special Uses; Certificates of Occupancy. An application to build or occupy any of the special uses described in Section 1240.02 shall be submitted in accordance with the following procedure:

(1) Applications shall be submitted through the Planning Division to the Planning Commission. A copy of the application shall be forwarded to the City Commission. Each application shall be accompanied by a nonrefundable filing fee as established in the fee, bond and insurance schedule.

(2) Every application shall be accompanied by the following information and data:

- A. A special use petition form supplied by the Planning Division;
- B. A site plan, plot plan or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their proposed uses;
- C. Preliminary plans and specifications of the proposed development and for all intended construction; and
- D. A statement with supporting evidence regarding the required findings specified in Section 1281.05(c).

(3) Before authorization by the City Commission of any of the special uses referred to in this chapter, the Planning Commission shall cause a study and report concerning the effect of the proposed use on the master plan and on the character and development of the neighborhood.

(4) The Planning Commission may recommend, and the City Commission may impose, such conditions or restrictions upon the construction, location and operation of a special use as is deemed necessary to secure the general objectives of this Zoning Code and to preserve the value of property in the neighborhood. Any proposed special use shall otherwise comply with all of the requirements set forth in this Zoning Code for the district in which the use is located, except that the City Planning Commission may permit hospitals and institutions to exceed the height limitations of such district.

(5) A special uses permit shall be valid for a period established by the City Planning Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Special use permits shall expire after one year if the use is not under construction or operational. For good cause shown and upon written application, the City Commission may extend a special use permit for six months. The written application to request a six-month extension shall be filed with the Planning and Zoning Division no later than 30 days prior to expiration.

(b) Hearings and Notices. (Requirements for public hearing and hearing notices are the same as for an amendment to the Zoning Code as specified in Section 1281.01 (e)(1-6).

(c) Decision on Application; Basis for Determination.

(1) The City Commission may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

(2) Before approving, or approving with conditions, a request for a special land use, the Planning Commission and the City Commission shall establish that the general standards specified in the following shall be satisfied by the completion and operation of a proposed development:

A. The use will be harmonious with and in accordance with the general objectives of the master plan.

B. The use will be designed, constructed, operated and maintained so as to be compatible with adjacent uses of land, the natural environment, and harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.

C. The use will not be hazardous or disturbing to existing or future neighboring uses.

D. The use will be an improvement to property in the immediate vicinity and to the community as a whole.

E. The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.

F. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

G. The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.

H. The use will be consistent with the intent and purpose of this Zoning Code.

(3) A request for approval of a special land use shall be approved (except requests for approval of a group child care home, which are discretionary approvals) if the request is in compliance with the standards stated in this ordinance, the conditions imposed under this Zoning Code and other applicable ordinances, and state and federal statutes.

(d) Approval of Special Land Use with Conditions.

(1) Reasonable conditions may be required with the approval of a special land use. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all the following requirements:

A. Be designed to protect the natural resources, the health, safety, and welfare, as well as the social and economic wellbeing, of those who will use the land use or

activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in this zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

(2) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

(3) To ensure compliance with any conditions imposed pursuant to the section, the City may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the City covering the estimated cost of necessary improvements be deposited with the City Clerk to insure faithful completion of the improvements relative to the imposed conditions. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the special use. Refer to Section 1281.04(f)(4).

(e) Reapplication.

(1) No application for a special use permit shall be submitted for the same property, or any part thereof, or as part of a larger parcel, for a period of six months from the date of Planning Commission decision on a special use application for the property, except on grounds of newly discovered evidence or proof of changed conditions found, in the discretion of the Planning Commission, to be sufficient to justify a reconsideration.

(2) As used in this section, “newly discovered evidence” means a finding that the evidence itself, not merely its materiality, is newly discovered; that the evidence is not cumulative; that the evidence is such as to render a different result probable on rehearing; and that the evidence could not, with reasonable diligence, have been discovered and produced at the time of the original hearing.

(3) For purposes of this section, “proof of changed conditions” shall not include an application for another or different special use than that originally requested.

1281.06 ENFORCEMENT BY ZONING ADMINISTRATOR; APPEALS.

The Planning and Zoning Administrator or their designee shall enforce this Zoning Code. The officers and employees of the City, especially all of the members of the Police Department, shall assist the Planning and Zoning Administrator or their designee by reporting to the Administrator upon observing new construction, reconstruction or land uses or upon observed violations. An appeal from a decision of the Planning and Zoning Administrator or their designee may be made to the Zoning Board of Appeals as provided in Section 1280.03.

1281.07 INTERPRETATION, PURPOSE AND CONFLICTS.

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. This Zoning Code is not intended to interfere with, abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued and not in conflict with any of the provisions of this Zoning Code, or which shall be adopted or issued pursuant to a law relating to the use of buildings or premises and likewise not in conflict with any of the provisions of this Zoning Code, nor is this Zoning Code intended to interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this Zoning Code imposes a greater restriction upon the use of buildings or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of this Zoning Code shall control.

1281.08 PROTEST PETITION, SUBMISSION OF ORDINANCES TO ELECTORS.

(a) An amendment to the zoning ordinance is subject to a protest petition as required by this subsection. If a protest petition is filed, then approval of the amendment to the zoning ordinance shall require a 2/3 vote of the City Commission. The protest petition shall be presented to the City Commission before final legislative action on the amendment and shall be signed by one or more of the following:

(1) The owners of at least 20% of the area of land included in the proposed change.

(2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

(b) Publicly owned land shall be excluded in calculating the 20% land area requirement under subsection (a) above.

1281.09 REQUIREMENT OF PAYMENT OF FEES.

The City may require the payment of reasonable fees for zoning permits as a condition to the granting of authority to use, erect, alter, or locate dwellings, buildings, and structures, including tents and recreational vehicles, within a zoning district established under this act.

1281.10 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of the compliance order or

notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order of notice of violation.

CITY OF BATTLE CREEK
PLANNING COMMISSION
10 North Division, Battle Creek, MI 49014
Minutes for April 22, 2026

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

ATTENDANCE: Roll call was taken.

Chairperson Hughes, present
Vice Chairperson O'Donnell, present
Commissioner Morris, present
Commissioner Gray, present
Commissioner Furmato, present

Commissioner Denison, present
Commissioner Moton, absent
Mayor Behnke, present
Commissioner White, present

Staff Present: Travis Sullivan, Planning Administrator, Adam Jenks, Planner, Melody Carlsen, Administrative Assistant, Patrick Batterson, Assistant City Attorney.

APPROVAL OF MINUTES: March 25, 2026.

MOTION MADE BY COMMISSIONER MAYOR BEHNKE TO APPROVE THE MARCH 25, 2026 MEETING MINUTES. MOTION SECONDED BY COMMISSIONER O'DONNELL.

ROLL VOTE: Chairperson Hughes asked everyone in favor to signify by saying "aye".

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

CORRESPONDENCE: None.

ADDITIONS/DELETIONS: None.

PUBLIC HEARINGS/DELIBERATIONS:

A. SPECIAL USE PERMIT REQUEST #PSUP26-0001:

Petition from Battle Creek Memorial Park Association for a special use permit to allow for the expansion of the Memorial Park Cemetery, to include the plotting of a new burial garden upon the unaddressed parcel identified as Parcel #0066-00-110-0 to the west of Helmer Rd. S within the I-1 Light Industrial zoning district. Pursuant to Section 1281.05 of the Zoning Code.

Staff Presentation: Travis Sullivan gave the staff report for #PSUP-0001.

Applicant Presentation: Alexander Yost was present to speak and answer questions.

Questions by Commissioners:

Mayor Behnke asked what a "natural burial is". Mr. Yost responded and explained.

MOTION MADE BY COMMISSIONER GRAY TO APPROVE ITEM PSUP26-0001 WITH THE STAFF RECOMMENDATIONS AS PRESENTED. SECONDED BY COMMISSIONER WHITE.

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

B. REZONING REQUEST #PRZ26-0001:

Petition from Community Action Agency, as well as on behalf of Michael T Moore to rezone the properties located at the following addresses from their current zoning classification of MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District, pursuant to Section 1240.13 and Section 1281.01 of the Zoning Code. Addresses included within this rezoning request include:

14 Yuba St.	Parcel #8040-00-147-0
175 Main St.	Parcel #0890-00-075-0
169 Main St.	Parcel #0890-00-075-0

Staff Presentation: Travis Sullivan gave the staff report for PRZ26-0001.

Applicant Presentation: Joshua Reetz was present to speak.

Public Comment:

James Moreno, 451 Main Steet, asked a clarifying question regarding the current zoning and what the proposed use of the home on Yuba Street would be and if the entirety of the parcels would be T-3. Chairman Hughes and staff responded.

Questions from Commissioners:

Commissioner White asked what the most significant difference between MFR and T-3 was. Ms. White also asked if the applicant has talked to the local residence. Staff responded.

MOTION MADE BY COMMISSIONER GRAY TO APPROVE ITEM PRZ26-0001 WITH THE STAFF RECOMMENDATIONS AS PRESENTED. SECONDED BY COMMISSIONER O'DONNELL.

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

C. ZONING ORDINANCE TEXT AMENDMENTS #A26-02

Petition from the City of Battle Creek to amend various sections of Chapter 1281 (Administrative Procedures) of the zoning ordinance. Pursuant to Section 1281.01 of the Zoning Code.

Staff Presentation: Travis Sullivan gave the staff report for #A26-02.

Questions from Commissioners:

Commissioner Gray asked if the City has considered any economical ways to publish if the required 5-day public meeting notice before a City Commission meeting is no longer required by the Planning Commission. Asked staff if we should include cost saving ways to duplicate the public notice requirement in the motion. Mr. Batterson responded to not include the cost saving recommendations in the motion, staff will make a note of them.

Commissioner White feels more information is better than less, has concerns that residence are not being notified because they do not live within the 300 feet buffer, would like to see some kind of notification still going out to residents, feels that applicants should meet with Neighborhood Planning Counsels before coming to the Planning Commission. Asked about clarifying the motion and the staff recommendation listed in the staff report to take out the requirement for the 5-day public meeting notice. Would like to see this item not taken out, can the motion be everything but the part around notices. Mr. Batterson responded.

Commissioner O'Donnell mentioned the Facebook notices that the City Commission uses and wondered if Planning Commission can do that or if there was an app we could use to get information out.

MOTION MADE BY COMMISSIONER GRAY TO APPROVE #A26-02 WITH THE RECOMMENDATIONS AS PRESENTED BY STAFF. SECONDED BY COMMISSIONER MORRIS.

Commissioner Gray wanted to point out that if this motion is passed, she would like to see the City find ways that do not cost more but are available through other platforms that we may already have access to make sure that we are reaching as many people as possible but still look like the 5-day meeting notice.

Chairman Hughes asked if it was possible to have staff research cost effect ways as an alternative to the 5-say public notice requirement.

ROLL VOTE: Chairman Hughes asked for a role vote.

SEVEN IN FAVOR, ONE OPPOSED, MOTION APPROVED.

D. ZONING ORDINANCE TEXT AMENDMENT #A25-01;

Petition from the City of Battle Creek to consider an amendment to Section 1262.02 of the zoning code to require yards be improved with either natural or living groundcover including grass, plant material, rocks, stones, mulch, etc. in residential districts. Pursuant to Section 1281.01 of the Zoning Code.

Staff Presentation: Travis Sullivan gave the staff report for #A25-01.

Questions from Commissioners:

Commissioner White asked what would happen if someone did not want to plant grass seed or find an alternative to grass, if this item is approved what would the enforcement look like, what happens if a residents cannot afford grass seed, is the city going to pay for it. Asked about enforcement; do you just provide tickets, what's the worse case scenario, can the city take their home. Asked if the commission has to take action on this item right now, feels there is a missing pieces to this.

Commissioner O'Donnell wanted to clarify that the current ordinance reads all other zoning districts except the single family and two-family residents zoning districts, follow this landscaping ordinance, and is already enforced and that we are just changing the language to ensure it is enforceable and usable for the whole city. Mr. Sullivan responded that this is correct. Commissioner O'Donnell asked if not using grass, do resident just need to use some type of ground cover; cedar, rocks, etc. and they can make it a driveway if they follow the zoning rules.

Chairman Hughes agrees that some sort of front lawn cover is needed but has concerns over how it all would be managed and to what extent are we going to be able to keep it under control. It appears there is some leniency in the existing ordinance; the city will work with individuals if they receive a violation. Asked a clarifying questions regarding this item being back up for reconsideration; do the proposed changes in the staff report from last July still apply and if there had been any additional changes within the new staff report.

Commissioner Furmato mentioned the paint program that the city offers and wondered if there could be a plan for grass seed as well.

Mayor Behnke asked Mr. Sullivan why staff has not made a recommendation on this item and asked if this ordinance change was the result of a property located within the Brewer neighborhood. Mr. Sullivan responded to both questions.

Commissioner Denison one thing to think about is that if we are going to enforce grass, it will have to be kept up, there is more to this then what we are talking about, and what kind of burden would this be on the city.

Public Comment:

James Moreno, 1451 Main St, has concerns that the commission does not have a clear look of this issue within the city, has concerns about vacant parcels being used a private driveway. Feels landlords should be held responsible. If we are trying to improve the community as a hole, we need to act now, and we need to help ourselves as a community, if you are property own, you have a responsibility to take care of your property. Chairman Hughes asked Mr. Moreno what feedback he had heard during his NPC meeting regarding the proposed lawn ordinance.

Commissioner Gray asked what the typical number of warnings/notices are received before a citation is moved to the court. Mr. Sullivan responded.

MOTION MADE BY COMMISSIONER WHITE TO POSEPONE ITEM #A25-01 UNTIL THE MAY 27, 2026 PLANNING COMMISSION MEETING. SECONDED BY MAYOR BEHNKE.

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

OLD BUSINESS: None.

NEW BUSINESS: None.

COMMENTS BY THE PUBLIC:

Stella Duckett of 349 Robertson Avenue, had concerns and questions regarding a variance for a sign within 300 feet from her home, also has concerns with the type of business (truck stop) being proposed at this location.

James Moreno of 451 Main Street, had a comment regarding processes. Applicants should make sure they are going to NPC meetings before going to a board/commissions. This way the process is being used like it is supposed to.

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Commissioner Gray had a process question. It would be nice to have staff present at our next meeting the process of applicants going to NPC's prior to board/commissions meetings. Is there a process written anywhere to require this item. Strongly recommends a closer look at this so that we can look at citizens comments in a formal way. Asked what the current process is. Mr. Sullivan responded.

Chairman Hughes has concerns of formalizing the concern of an applicant going to NPC meeting prior to board/commission meeting. There may be a concern of holding up development. The Chairman also asked if there was anything the planning commission could do about neighborhoods hooking up to city water.

Commissioner White shared thoughts on the process or protocols with applicants going to NPC meetings. Asked about traffic studies and who will review those.

Mayor Behnke thanked the commissioners for being in attendance.

ADJOURNMENT: Chairman Hughes adjourned the meeting at 5:48

Submitted by: Melody Carlsen, Administrative Assistant, Planning & Zoning Division.



Resolution No: 383
City Commission Meeting 5/19/2026

383 - A Resolution adopting Ordinance 13-2026 to rezone the properties located at 14 Yuba St. (Parcel #8040-00-147-0), 175 Main St. (Parcel #0890-00-075-0), and 169 Main St. (Parcel #0890-00-075-0) from MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District for the purpose of converting an existing vacant single-family residence on the site into an office building to support organization operations. It should be noted that 175 Main St. and 169 Main St. share a common parcel but are separate in their addresses.

Battle Creek City Commission
Action Summary

Staff Member: Darcy Schmitt, Planning Supervisor

Department: Planning

Summary

RESOLUTION NO. 383

Resolved by the Commission of the City of Battle Creek:

That the following sections are adopted:

Section 1. An Ordinance to rezone the properties located at 14 Yuba St. (Parcel #8040-00-147-0), 175 Main St. (Parcel #0890-00-075-0), and 169 Main St. (Parcel #0890-00-075-0) from MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District for the purpose of converting an existing vacant single-family residence on the site into an office building to support organization operations. It should be noted that 175 Main St. and 169 Main St. share a common parcel, but are separate in their addresses.

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

Section 3. All ordinances or parts of ordinances in conflict with any of the provisions of this

Ordinance are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this Ordinance, which shall remain subject to the Ordinance provision existing at the time of the alleged violation.

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

Budgetary Considerations

None.

History, Background and Discussion

The City of Battle Creek was approached by the applicant, Community Action Agency, regarding interest in establishing an office space at 14 Yuba Street. The subject parcels are owned by Michael T. Moore at 14 Yuba Street and Community Action Agency at 175 and 169 Main Street. Michael T. Moore provided a signed affidavit for Community Action Agency to apply for the rezoning of his property at 14 Yuba St. The three properties (two parcels) are contiguous and are currently zoned MFR High-Density Multiple Family District. Figure 1 below illustrates parcels owned by Michael T. Moore and Community Action Agency. The two parcels currently zoned MFR High-Density Multiple Family District are outlined in red, with the property currently owned by Community Action Agency and zoned T-3 Neighborhood Commercial District in green.

Figure 1 below displays an aerial view of the subject properties and surrounding area. Figure 2 displays the current zoning of the subject parcels.



Figure 1: Aerial view of the subject parcels and those within the immediate vicinity. The subject parcels at 14 Yuba St., 175 Main St, and 169 Main St. are outlined in red, while the additional parcel under Community Action Agency’s ownership is outlined in green.

In order to consolidate the properties in question into Community Action Agency ownership and with the desired uses, 14 Yuba Street, 175 Main St., and 169 Main St. require a zoning change from their current MFR High-Density Multiple Family District status to T-3 Neighborhood

Commercial District status. Should the rezoning application be approved, the applicant would then combine the two parcels prior to their application for site plan review for the construction of an office.

The parcel at 14 Yuba St. currently contains a vacant single-family residence. Should the rezoning be approved, the applicant intends to convert the residence at the site into an office building for Community Action Agency operations.

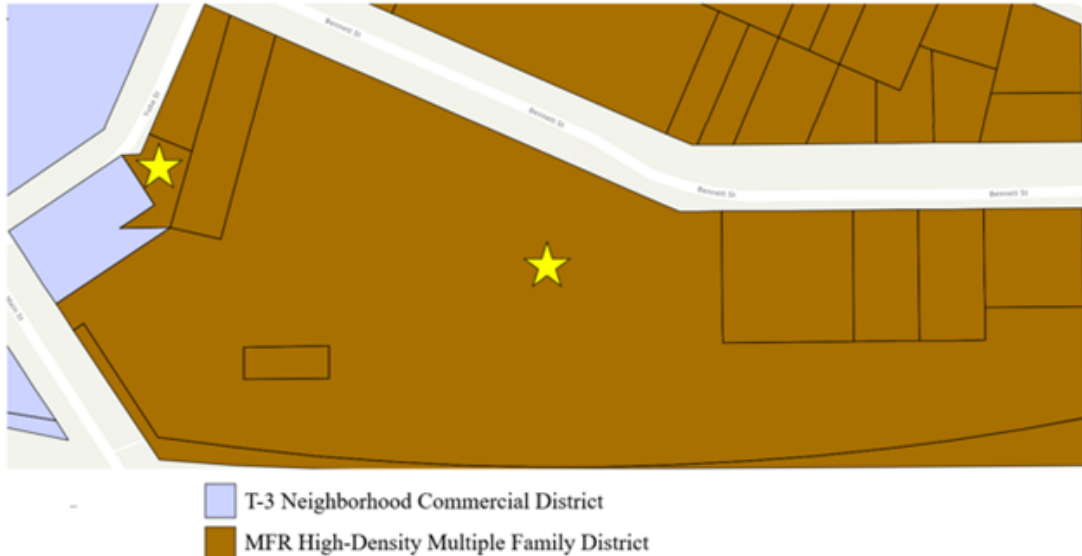


Figure 2: Current zoning of the subject parcels and the surrounding area. A yellow star indicates the location of the subject parcels. Lavender parcels indicate property currently zoned T-3 Neighborhood Commercial District, while brown parcels indicate property currently zoned MFR High-Density Multiple Family District.

Applicable Zoning Ordinance Provisions

If approved, the proposed rezoning would change the subject parcels to the T-3 Neighborhood Commercial District classification, availing the parcels to the permitted uses and dimensional requirements as proscribed by Section 1240.13 (T-3 Neighborhood Commercial District).

The purpose of the T-3 Neighborhood Commercial District is as follows:

“It is the purpose of this district to establish and preserve areas for those commercial uses and facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they serve.”

Section 1281.01 details the regulations and process related to zoning ordinance and map amendments, and is attached as a supporting document to this staff report. In brief summary, Section 1281.01 requires that a public hearing as required under the Michigan Zoning Enabling Act be sufficiently noticed and held by the Planning Commission, at which time a recommendation is made to the City Commission regarding the amendment. Following the public hearing, the recommendation of the Planning Commission and all pertinent documents are forwarded to the City Commission for consideration, which includes a process requiring two

meetings (introduction of the proposed amendment, followed by Commission action on the proposed amendment at the following meeting).

Master Plan

The Planning Enabling Act of 2008 requires a Master Plan be prepared and adopted that will “guide and accomplish development that is coordinated, adjusted, harmonious, efficient, and economical; that considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development; and will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.”

The Master Plan focuses on desired land use patterns for typically a twenty-year time frame, and the enabling legislation and case law require that zoning be based upon this Master Plan. The City of Battle Creek Master Plan was adopted in 2018, and includes a Future Land Use Plan, which is intended to guide decision-making with regard to planning and future land use patterns. Additional guidance should come from the goals and vision articulated in the Master Plan.

Figure 3 below is a portion of the Future Land Use Plan depicting the subject property, the surrounding area, and the corresponding legend:

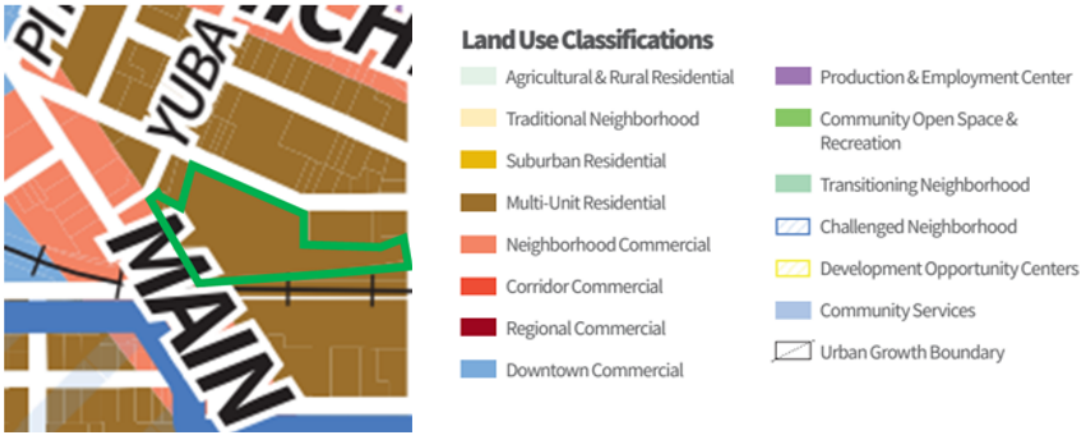


Figure 3: Section of the 2018 Future Land Use Plan depicting the subject properties and surrounding area. The green outline on the map indicates the approximate location of the subject parcels.

The parcels which are the subject of this application are classified as “Multi-Unit Residential” on the Future Land Use Map. While the Future Land Use classification and the applicant’s proposed zoning district (T-3 Neighborhood Commercial) do not align exactly, the proposed rezoning would allow for the continued development and expansion of the Community Action Agency campus and services. Such a rezoning would allow for additional investment in an area which lies geographically near to “Challenged Neighborhood,” as described in the approved Master Plan document. “Challenged Neighborhoods,” in short, according to the Master Plan, are “residential areas of Battle Creek that contain or demonstrate early indicators of blight and disinvestment. Further, these areas are defined by certain conditions that will challenge their ability to attract new investment and revitalization in the future.”

Community Action Agency intends to purchase the property located at 14 Yuba St., contingent upon the successful rezoning, in order to rehabilitate the currently vacant residence and convert the building to allow for additional office space to accommodate five additional employees on the campus. Continued improvement within an area which has struggled to attract new investment, as well as the conversion of a currently vacant residential structure to a new commercial use in support of the existing services offered by Community Action Agency represent a substantial improvement, and aligns directly with Goal #2 as stated in the Master Plan (repositioning land use to reflect the anticipated needs of the community), Goal #5 (elevate downtown as an energetic community focal point and center of government and commerce), and Goal #7 (improve the overall appearance of the community and inspire pride in Battle Creek).

Positions

After reviewing the applicant’s proposed use for the properties at 14 Yuba St., 175 Main St., and 169 Main St., staff believes that the request presents an opportunity to convert the use of a vacant residential structure that would likely otherwise require monitoring and potential future action at the expense of the city, while also allowing for needed office space for the continuation of services provided by Community Action Agency.

The proposed rezoning would also maintain a contiguous zoning district with the T-3 zoning to the west and north of the subject parcels, as well as maintain consistency with the commercial zoning and development immediately to the west of Yuba St. Please refer back to Figure 1, which illustrates the existing T-3-zoned parcel directly at the northeast corner of Main St. and Yuba St., which is also currently owned by Community Action Agency (and includes a portion of their parking lot).

This request went before the Planning Commission at their April 22, 2026 meeting, with notice of the hearing published in the April 2, 2026 edition of the Battle Creek Shopper. Appropriate notices were also mailed to all property owners within a 300-foot radius of the subject parcel no fewer than 15 days prior to the hearing. Both requirements pursuant to the Zoning Enabling Act of 2006, as amended, have been met.

While the applicant has not yet spoken with NPC #1 (Post-Franklin) regarding the proposed rezoning and redevelopment, staff has assisted the applicant with securing time on NPC #1’s May 7, 2026 agenda. Feedback from the meeting will be forwarded to the City Commission for their consideration of final action on the item.

As this is a rezoning request, consideration should be given to the existing zoning district and the potential effect on the neighborhood, the proposed uses allowed by the new zoning classification as it relates to the surrounding zoning and land uses, existing infrastructure, and consistency with the Master Plan. Staff findings include the following:

- The proposed rezoning of the parcels located at 14 Yuba St., 175 Main St., and 169 Main

St. from their current classification of MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District, while not aligning directly with the Future Land Use Map, does help in furthering multiple goals and objectives of the Master Plan document. It is also important for Commissioners to note that while direct alignment between the Future Land Use Map and any proposed rezoning is preferred, the Future Land Use Map is not a binding document. Trends in development and the evolving needs of a neighborhood or specific geographical area to be served should also be considered by the commission in weighing their decision on the application.

- The existing infrastructure is unlikely to be impacted by the proposed rezoning. Existing water and sewer utilities are available to service the building, and an increase in operations of a total of five additional employees is not anticipated to have additional impacts on the city's established street system, which is intended to serve both the current use of the subject property and its conversion to a new office building.

At their April 22, 2026 meeting, based on the above findings, the Planning Commission voted to recommend the City Commission approve Petition PZR26-0001.

On May 7, 2026 the application was presented to NPC #1 where the NPC voted in favor of the application.

Attachments

- | | |
|---|---|
| 1. 14 Yuba St Rezoning_Staff Report | 1. 14 Yuba St Rezoning_Staff Report.pdf |
| 2. Yuba St 14_Rezoning Redacted Application | 2. Yuba St 14_Rezoning Redacted Application.pdf |
| 3. Yube St 14_Owner Affidavit | 3. Yube St 14_Owner Affidavit.pdf |
| 4. Section 1240.13 | 4. Section 1240.13.pdf |
| 5. Section 1281.01 | 5. Section 1281.01.pdf |
| 6. 04.22.2026 Planning Commission Meeting Minutes | 6. 04.22.2026 Planning Commission Meeting Minutes.pdf |



Battle Creek City Planning Commission

Staff report for the April 22, 2026 regular meeting

To: Planning Commissioners

From: Adam Jenks, Planner

Subject: Petition PRZ26-0001 Petition from Community Action Agency, as well as on behalf of Michael T. Moore to rezone the properties located at the following addresses from their current zoning classification of MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District. Addresses included within this rezoning request include:

14 Yuba St.	Parcel #8040-00-147-0
175 Main St.	Parcel #0890-00-075-0
169 Main St.	Parcel #0890-00-075-0

Summary

Petition from Community Action Agency requesting a rezoning of the properties located at 14 Yuba St. (Parcel #8040-00-147-0), 175 Main St. (Parcel #0890-00-075-0), and 169 Main St. (Parcel #0890-00-075-0) from MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District for the purpose of converting an existing vacant single-family residence on the site into an office building to support organization operations. It should be noted that 175 Main St. and 169 Main St. share a common parcel, but are separate in their addresses.

Background/Property Information

The City of Battle Creek has been approached by the applicant, Community Action Agency, regarding interest in establishing an office space at 14 Yuba Street. The subject parcels are owned by Michael T. Moore at 14 Yuba Street and Community Action Agency at 175 and 169 Main Street. Michael T. Moore provided a signed affidavit for Community Action Agency to apply for the rezoning of his property at 14 Yuba St. The three properties (two parcels) are contiguous and are currently zoned MFR High-Density Multiple Family District. Figure 1 below illustrates parcels owned by Michael T. Moore and Community Action Agency. The two parcels currently zoned MFR High-Density Multiple Family District are outlined in red, with the property currently owned by Community Action Agency and zoned T-3 Neighborhood Commercial District in green.

In order to consolidate the properties in question into Community Action Agency ownership and with the desired uses, 14 Yuba Street, 175 Main St., and 169 Main St. require a zoning change from their current MFR High-Density Multiple Family District status to T-3 Neighborhood Commercial District

status. Should the rezoning application be approved, the applicant would then combine the two parcels prior to their application for site plan review for the construction of an office.

The parcel at 14 Yuba St. currently contains a vacant single-family residence. Should the rezoning be approved, the applicant intends to convert the residence at the site into an office building for Community Action Agency operations.

Figure 1 below displays an aerial view of the subject properties and surrounding area. Figure 2 displays the current zoning of the subject parcels.



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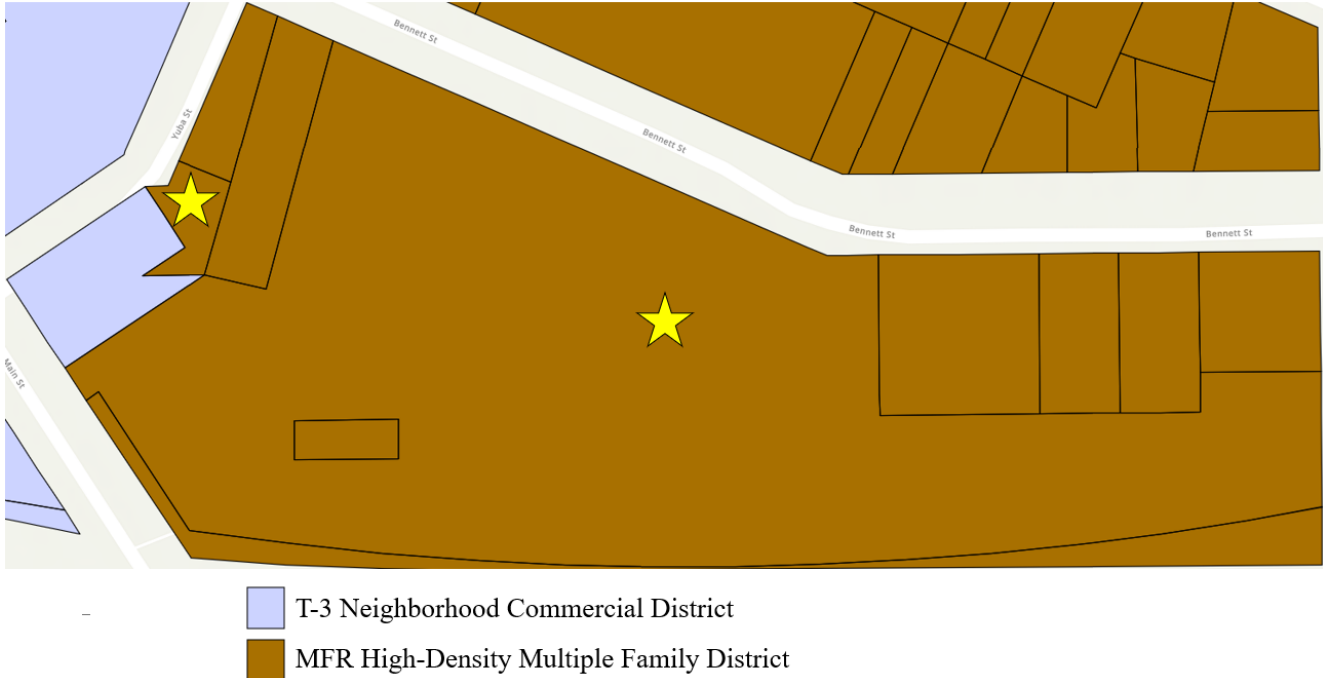


Figure 2: Current zoning of the subject parcels and the surrounding area. Yellow star indicates the location of the subject parcels. Lavender parcels indicate property currently zoned T-3 Neighborhood Commercial District, brown parcels indicate property currently zoned MFR High-Density Multiple Family District.

Applicable Zoning Ordinance Provisions

If approved, the proposed rezoning would change the subject parcels to the T-3 Neighborhood Commercial District classification, availing the parcels to the permitted uses and dimensional requirements as proscribed by Section 1240.13 (T-3 Neighborhood Commercial District).

The purpose of the T-3 Neighborhood Commercial District is as follows:

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Section 1281.01 details the regulations and process related to zoning ordinance and map amendments, and is attached as a supporting document to this staff report. In brief summary, Section 1281.01 requires that a public hearing as required under the Michigan Zoning Enabling Act be sufficiently noticed and held by the Planning Commission, at which time a recommendation is made to the City Commission regarding the amendment. Following the public hearing, the recommendation of the Planning Commission and all pertinent documents are forwarded to the City Commission for consideration, which includes a process requiring two meetings (introduction of the proposed amendment, followed by Commission action on the proposed amendment at the following meeting).

Master Plan

The Planning Enabling Act of 2008 requires a master plan be prepared and adopted that will “guide and accomplish development that is coordinated, adjusted, harmonious, efficient, and economical; that considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms

of such factors as trends in land and population development; and will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.”

The master plan focuses on desired land use patterns for typically a twenty-year time frame, and the enabling legislation and case law require that zoning be based upon this master plan. The City of Battle Creek Master Plan was adopted in 2018, and includes a Future Land Use Plan, which is intended to guide decision making with regard to planning and future land use patterns. Additional guidance should come from the goals and vision articulated in the Master Plan.

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“Challenged Neighborhood,” as described in the approved Master Plan document. “Challenged Neighborhoods,” in short according to the Master Plan, are “residential areas of Battle Creek that contain or demonstrate early indicators of blight and disinvestment. Further, these areas are defined by certain conditions that will challenge their ability to attract new investment and revitalization in the future.”

Community Action Agency intends to purchase the property located at 14 Yuba St., contingent upon the successful rezoning, in order to rehabilitate the currently vacant residence and convert the building to allow for additional office space to accommodate five additional employees at the campus. Continued improvement within an area which has struggled to attract new investment, as well as the conversion of a currently vacant residential structure to a new commercial use in support of the existing services offered by Community Action Agency represent a substantial improvement, and aligns directly with Goal #2 as stated in the Master Plan (repositoining land use to reflect the anticipated needs of the community), Goal #5 (elevate downtown as an energetic community focal point and center of government and commerce), and Goal #7 (improve the overall appearance of the communtiy and inspire pride in Battle Creek).

Request for Rezoning

After review of the applicant’s proposed use for the properties at 14 Yuba St., 175 Main St., and 169 Main St., staff believes that the request presents an opportunity to convert the use of a vacant residential structure that would likely otherwise require monitoring and potential future action at the expense of the city, while also allowing for needed office space for the continuation of services provided by Community Action Agency.

The proposed rezoning would also maintain a contiguous zoning district with the T-3 zoning to the west and north of the subject parcels, as well maintain consistency with the commercial zoning and development immediately to the west of Yuba St. Please refer back to Figure 1, which illustrates the existing T-3-zoned parcel directly at the northeast corner of Main St. and Yuba St., which is also currently owned by Community Action Agency (and includes a portion of their parking lot).

Public Hearing and Notice Requirements

This request has been scheduled for the April 22, 2026 Planning Commission meeting, with notice of the hearing published in the April 2, 2026 edition of the Battle Creek Shopper. Appropriate notices were also mailed to all property owners within a 300-foot radius of the subject parcel no fewer than 15 days prior to the hearing. Both requirements pursuant to the Zoning Enabling Act of 2006, as amended, have been met.

As of April 15, 2026, no comment has been received related to this request.

Neighborhood Outreach

While the applicant has not yet spoken with NPC #1 (Post-Franklin) regarding the proposed rezoning and redevelopment, staff has assisted the applicant with securing time on NPC #1’s May 7, 2026 agenda. Feedback from the meeting will be forwarded to the City Commission in their consideration of final action on the item.

Analysis and Recommendation

As this is a rezoning request, consideration should be given to the existing zoning district and the potential effect on the neighborhood, the proposed uses allowed by the new zoning classification as it relates to the surrounding zoning and land uses, existing infrastructure, and consistency with the Master Plan. Staff findings include the following:

- The proposed rezoning of the parcels located at 14 Yuba St., 175 Main St., and 169 Main St. from their current classification of MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District, while not aligning directly with the Future Land Use Map, does help in furthering multiple goals and objectives of the Master Plan document. It is also important for commissioners to note that while direct alignment between the Future Land Use Map and any proposed rezoning is preferred, the Future Land Use Map is not a binding document. Trends in development and the evolving needs of a neighborhood or specific geographical area to be served should also be considered by the commission in weighing their decision on the application.
- The existing infrastructure is unlikely to be impacted by the proposed rezoning. Existing water and sewer utilities are available to service the building, and an increase in operations of a total of five additional employees is not anticipated to create additional impacts on the city's established street system, which is intended to serve both the current use of the subject property as well as its conversion to a new office building.

Based on the above findings, planning staff recommends that the Planning Commission recommend to the City Commission approval of Petition PRZ26-0001, request for rezoning of the properties located at 14 Yuba St., 175 Main St., and 169 Main St. (Parcel #8040-00-147-0 and Parcel #0890-00-075-0), currently zoned MFR High-Density Multiple Family District to the T-3 Neighborhood Commercial District.

Support Material

Rezoning Application

Affidavit of Owner's Consent and Authorization for Rezoning Application

[Current Zoning Map](#)

Section 1240.13 (T-3 Neighborhood Commercial District)

Section 1281.01 (Zoning Ordinance/Map Amendments)



CITY OF BATTLE CREEK

COMMUNITY SERVICES DEPARTMENT - PLANNING AND ZONING

Rezoning Application

Straight Rezoning
(to new zoning district)

Conditional Rezoning
(to allow specific use/development)

Petition No. _____

Date Received: _____

APPLICANT

Name: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

OWNER (if different from Applicant)

Name: _____

Address: _____

Phone: _____ Fax: N/A

Email: _____

**** If the applicant is not the property owner, a letter signed by the owner agreeing to the rezoning must be included with the application.**

EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 14 Yuba St, 175

Man St, 169 Man St.

Current use of the property: 14 Yuba St: Residential

175 Man St: Commercial

169 Man St: Commercial

List existing structures on the property, size, and the approximate age of each: 14 Yuba St

is one home @ 1760 sq FT. Built in 1900. 175 Main St is

one commercial building @ ^{16,500} 7503 sq FT built in 1906. 169 Main St
is one commercial building @ 12,314 sq FT built in 1990.

Has the property involved ever been the subject of a previous application? If yes, please list each one and

the date the request came before the Planning Commission: NO

FOR STRAIGHT REZONING REQUESTS ONLY:

Current zoning of the property: MFR

Requested zoning district: T3

Describe land uses surrounding the subject property and those in the vicinity: Residential

homes, business, school, park

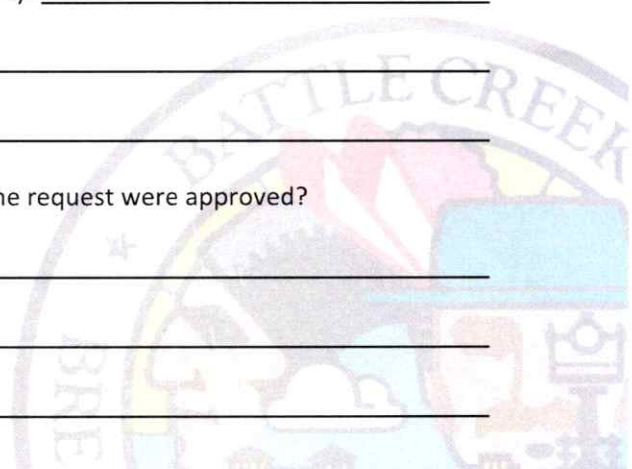
Would the rezoning place excess demands on public resources including roads, utilities, public safety, etc.?

NO

FOR CONDITIONAL REZONING REQUESTS ONLY (please attach extra pages if necessary):

What is the proposed use of the property that warrants the request? Provide specific details as to the use including square footage of each uses proposed for the property: _____

Please list all activities that will take place on the property if the request were approved?



How many employees currently work on the property? How many will be added if the request is approved, and what days/times will they be onsite? 14 Yuba = 0, If approved

Community Action would purchase and convert to office space
Number of employees = 5, Monday - Friday 8am - 5pm

Will the approval of the proposed use necessitate changes to the property, i.e., building construction, additional parking, landscaping, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the development and attach a site plan/building elevations showing existing and proposed improvements. What is the cost of investment proposed if the development were approved?

N/A

What are the proposed hours of operation? Please indicate if the proposed use will be temporary, seasonal, or long-term in nature, providing dates and timeframes if applicable: Long term

if purchased by Community Action
Monday - Friday 8am - 5pm

Explain the basis for which you feel this application should be approved: Community Action
being able to expand their presence and service delivery
in Battle Creek helps the City's most vulnerable citizens.

SUBMITTAL REQUIREMENTS

Each request requires the following items to be submitted along with the completed application; incomplete applications will not be forwarded to the Planning Commission.


1. Payment of a non-refundable \$600.00 filing fee, made payable to the City of Battle Creek.
2. An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.
3. Legal description of subject property and a list of all deed restrictions.
4. Property Site Plan, if site changes are proposed.
5. Building Elevations, if building elevation improvements are proposed.

APPLICANT SIGNATURE


By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for submission of a rezoning application have been submitted. Furthermore, the applicant understands that any approval is based upon the contents of

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PHONE (269) 966-3320 FAX (269) 966-3555 WWW.BATTLECREEKMI.GOV

the submitted application and any future proposed change must be reviewed with the Planning Department and may be subject to approval of a revision of the rezoning by the Planning Commission and City Commission.




(Signature of the Applicant)

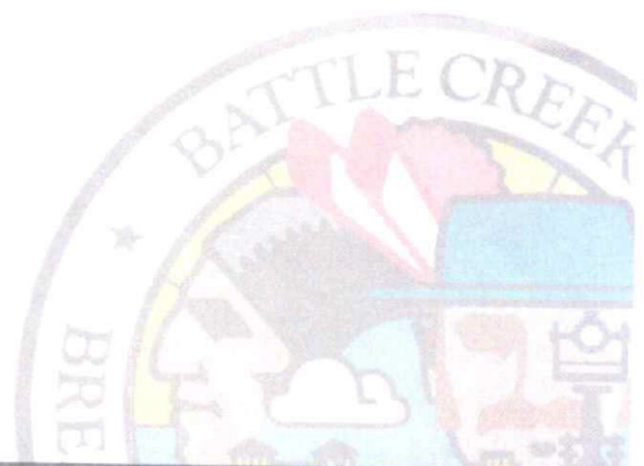


(Printed Name of the Applicant)

3/11/26

(Date)





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AFFIDAVIT OF OWNER'S CONSENT AND AUTHORIZATION FOR REZONING APPLICATION

STATE OF MICHIGAN COUNTY OF CALHOUN

I/We, [Michael T Moore], being first duly sworn, depose and state as follows:

1. I am/We are the record owner(s) in fee simple of the real property commonly known as [14 Yuba St, Battle Creek, MI, 49014], and legally described as [ASSRS PLAT OF SOUTH EAST BATTLE CREEK LOT 145, or 52-8040-00-147-0].
2. I/We understand that "Community Action Agency of South Central Michigan," hereinafter referred to as the "Applicant," intends to file an application for rezoning with the City of Battle Creek Community Services Department – Planning and Zoning to change the zoning classification of the above-described property from its current zoning district "MFR" to "T3".
3. I/We have reviewed the proposed rezoning application and consent to the filing and processing of said application.
4. I/We hereby authorize and grant permission to the Applicant, Community Action to act as my/our agent and representative for the purpose of submitting, pursuing, and prosecuting the rezoning application on my/our behalf, including but not limited to signing necessary forms (where permitted), attending meetings or hearings, providing information, and taking all actions necessary in connection with the application before the Planning Commission, Zoning Board, City Council, or any other reviewing body.
5. This authorization is given voluntarily and is effective until the rezoning application is finally acted upon (approved, denied, or withdrawn), or until revoked in writing by me/us and delivered to the Applicant and the local zoning authority.
6. I/We understand that approval of the rezoning is not guaranteed and that this consent does not obligate me/us to sell the property or accept any terms of sale.
7. I/We make this affidavit for the purpose of complying with local zoning application requirements and certify that the statements herein are true and correct to the best of my/our knowledge and belief.

[Signature]
[Signature of Owner]

Michael Moore
[Printed Name of Owner]

3-11-26
[Date]

[Signature]
[Signature of CA Rep]

Joshua Reetz
[Printed Name of CA Rep]

3/11/2026
[Date]

NOTARY PUBLIC ACKNOWLEDGEMENT:

Michigan
State of

Calhoun
County of

(seal)

I hereby certify that Michael T. Moore (name) appeared before me on this

11th day of March, 2026, and signed this form in my presence

[Signature]
[Notary Public Signature]

L. JONES
Notary Public, State of Michigan
County of Calhoun
My Commission Expires 08-17-2026
Acting in the County of Calhoun

3/11/2026
[Date]

1240.13 T-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Purpose

It is the purpose of this district to establish and preserve areas for those commercial uses and facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they serve.

(b) Permitted Uses

(c) Special Land Uses

<ul style="list-style-type: none"> • Assisted Senior Living (Section 1251.03) • Banquet and Meeting Hall < 100 capacity (Section 1251.08) • Bed and Breakfast (Section 1251.09) • Bookstore • Catering Businesses • Child Care Centers • Community Garden (Section 1251.12) • Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13) • Essential Services • Financial Institutions • Government/Public Uses (Section 1251.14) • Indoor Recreation • Independent Senior Living with Services (Section 1251.21) • Medical or Dental Clinic < 5,000 sq. ft. • Multi-Family Dwelling Units (Section 1251.33) • Office < 17,000 sq.ft. • Outdoor Recreation/ Public (Section 1251.36) • Personal-Scale Wind Energy Facility (Section 1251.39) • Personal Service Establishments (Section 1251.40) • Private Club • Public K-12 Schools • Religious Institutions (Section 1251.42) • Restaurant <ul style="list-style-type: none"> o Carry-Out o Drive-In o Full Service o Limited Service • Retail Sales < 17,000 sq.ft. • Single Family Dwelling Unit Attached • Single Family Dwelling Unit Detached • Two-Family Dwelling Units • State Licensed Residential Facility, Adult Foster Care Family Home, 1-6 persons (Section 1251.47) • Transitional and Supportive Home, 1-6 persons (Section 1251.49) • Transitional and Supportive Home, more than 6 persons (Section 1251.50) 	<ul style="list-style-type: none"> • Adaptive Reuse (Section 1251.01) • Artisan/Maker Space • Bar, Tavern, or Saloon • Brewpub • Cemetery (Section 1251.11) • Distillery, Winery - w/ or w/o food • Drive Thru Business (Section 1251.14) • Farmers' Market (Section 1251.15) • Funeral Homes, Mortuaries • Hotel • Institutions of Higher Education • Pawn Broker • Private K-12 Schools • Marihuana: Medical Marihuana Provisioning Center (Section 1251.24) (Section 1251.30) • Marihuana: Adult-Use Marihuana Retailers (Section 1251.24) (Section 1251.25) • Marihuana: Adult-Use Marihuana Microbusiness (Section 1251.24) (Section 1251.26) • Marinas • Medical or Dental Clinic 5,000 to < 20,000 sq.ft. • Microbrewery • Motel (Section 1251.20) • Nightclub • Office >, = 17,000 sq.ft. • Restaurant <ul style="list-style-type: none"> o Drive-Thru (Section 1251.14) • Retail Sales > or = 17,000 sq.ft.
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Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses. Refer to Section 1250.04, Form Based Development Standards for the T-3, T-5, and T-5 Districts for additional development requirements.

<p>(d) Accessory Uses</p> <ul style="list-style-type: none"> • Accessory Buildings (Section 1260.02) • Food Truck • Accessory Dwelling Unit attached or detached from the primary dwelling • Farmers Market (Section 1251.15)

- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)

(e) Dimension Regulations	
Lot Standards	T-3
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	20(d)
Minimum Lot Width (ft.)	30
Minimum Lot Depth (ft.)	100 (Section 1240.21(a)(7))
Maximum Percent of Building Coverage	40
Primary Dwelling Setback Requirements	
Attached accessory dwellings shall comply with the primary dwelling setback requirements	
Front Yard Setback (ft.)	See Section 1250.04(d)(1)A.
Rear Yard Setback (ft.)	20(h)
Side Yard Setback (ft.)	10(g)
Primary Dwelling Height Requirement	
Attached accessory dwellings shall comply with the primary dwelling height requirements	
Maximum Building Height	36 feet, 3 stories
Detached Accessory Dwelling Setback Requirements	
Detached accessory dwellings shall be located in the rear yard.	
Rear Yard Setback (ft.)	8
Side Yard Setback (ft.)	8
Detached Accessory Dwelling Height Requirement	
Maximum Building Height	20 ft., 1.5 stories

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

(Ord. 10-2020. Passed 11-24-20; Ord. 04-2021. Passed 4-13-21; Ord. 03-2023. Passed 5-2-23; Ord. 12-2023. Passed 10-17-23; Ord. 02-2024. Passed 4-2-24; Ord. 11-2024. Passed 7-16-24.)

1281.01 ZONING ORDINANCE/ MAP AMENDMENTS.

(a) Initiation. The City Commission may amend, supplement or change the regulations or the district boundaries of this Zoning Code pursuant to the authority and according to the procedure set forth in The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq. Changes in the text of this Zoning Code may be proposed by:

- (1) The City Commission;
- (2) The Planning Commission; or
- (3) Any interested person or organization through a petition, which shall not be initiated for the same property more often than once every twelve months.

Changes in zoning district boundaries may be proposed by:

- (1) The City Commission;
- (2) The Planning Commission;
- (3) The owner(s) of the premises concerned; or
- (4) The designated agent of a person having an ownership interest in the property.

(b) Definition. An amendment to this Zoning Code shall be deemed to be any change to the text or to the official map, including:

- (1) Petitions for zoning ordinance amendments; or
- (2) Conditional rezonings.

(c) Amendment Review Procedures. The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.

(1) Technical review. Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate City departments and divisions and staff for review and comment. The proposed amendment and application materials may also be distributed to applicable outside agencies and designated City consultants for review.

(2) Public hearing. A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq., as summarized below:

A. On any amendment to this Zoning Code, the Planning Commission shall hold a public hearing prior to the amendment being referred to the City Commission for action. A record of the comments received at the public hearing shall become a part of the Planning Commission report and recommendation to the City Commission. The following requirements shall pertain to public hearings held before the Planning Commission:

1. Not less than fifteen-day notice of the date, time and place of the hearing shall be published in a newspaper of general circulation in the City.

2. Not less than fifteen-day notice of the date, time and place of the hearing shall be given, by regular mail, to each public utility company and to each railroad company owning or operating any public utility or railroad within the City that registers its name and mailing address with the City Clerk for the purpose of receiving such notices.

3. Not less than fifteen-day notice shall be given, by regular mail, to the owners of property that is the subject of the request. Notice shall also be given to all persons to whom real property is assessed within 300 feet

of the subject property affected by the amendment, as listed in the most current assessment roll and to the occupants of all structures with 300 feet of the subject property regardless whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, then notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

4. The notice under subsection 3. above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than fifteen days before the date the request will be considered. If the name of the occupant is not known, then the term "occupant" may be used for the intended recipient of the notice. However, failure of property owners to receive such notice, shall not invalidate the amendment.

5. A notice under this section shall do all of the following:

a. Describe the nature of the request.

b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, then other means of identification may be used.

c. State when and where the request will be considered.

d. Indicate when and where written comments will be received concerning the request.

6. For any group of adjacent properties numbering eleven or more that is proposed for rezoning, the requirements of above subsection iii), and the requirement of above subsection 5.b., that street addresses be listed do not apply to that group of adjacent properties.

(3) Planning Commission consideration of proposed amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this section, and shall report its findings and recommendation to the City Commission.

(4) City Commission action on proposed amendment. Upon receipt of the report and recommendation from the Planning Commission, the City Commission may approve or deny the proposed amendment. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official zoning map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Zoning Code.

A. The City Commission, upon receipt of the Planning Commission study and report, shall publish a notice indicating the proposed amendment, proposed use and affected property in a newspaper of general circulation in the City. Such notice shall be published at least five days before the City Commission meeting, and shall indicate the time, date and place of such meeting.

(d) Standards of Review for Amendments. In considering any petition for an amendment to the text of this Zoning Code or to the zoning map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

(1) Consistency with the goals, policies and objectives of the master plan and any sub-area plans. If conditions have changed since the master plan was adopted, consistency with recent development trends in the

area shall be considered.

(2) Consistency with the basic intent and purpose of this Zoning Code.

(3) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(4) The capacity of the City's utilities and services are sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

(5) That conditions have changed since the Zoning Code was adopted or there was an error in the Zoning Code that justifies the amendment.

(6) That the amendment will not be expected to result in exclusionary zoning or spot zoning.

(7) If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

(8) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(9) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

(10) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

(11) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

(12) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

(e) Notice of Adoption of Amendment. Following adoption of an amendment by the City Commission, one notice of adoption shall be filed with the City Clerk and one notice shall be published in a newspaper of general circulation in the City within fifteen days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk, which shall identify all map amendments. The required notice of adoption shall be maintained by the Planning and Zoning Administrator and include all of the following information:

(1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Battle Creek."

(2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

(f) Referendum.

(1) Within seven days after publication of the Zoning Ordinance, a registered elector residing in the zoning jurisdiction of the City may file with the City Clerk a notice of intent to file a petition under this section, in accordance with Section 401 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3401.

(2) If a notice of intent is filed under subsection (1) above, the petitioner shall have thirty days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction of the City not less than 15% of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, with the City

Clerk requesting the submission of the zoning ordinance or part of the zoning ordinance to the electors residing in the zoning jurisdiction of the City for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3402.

(3) Whenever there is a conflict between this section of the Zoning Ordinance or the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq., shall govern.

(g) Conditional Rezoning.

(1) Intent. The Planning Commission and City Commission recognize that, in certain instances, it would be an advantage to both the City and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3405, to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this Zoning Code to accomplish, among other things, the objectives of the zoning ordinance and the master plan to achieve integration of the proposed land development project with the characteristics of the surrounding area.

(2) Definitions. The following definitions shall apply in the interpretation of this Section:

A. “Rezoning Conditions” shall mean conditions regarding the development and use of property proposed by the applicant and approved by the City as part of an approval under this section, including review and recommendation by the Planning Commission.

B. “Rezoning with Conditions Agreement” shall mean a written agreement approved and executed by the City and property owner setting forth the conditions attached to the rezoning pursuant to MCL 125.3405 (as amended) and any other terms mutually agreed upon by the parties relative to land for which the City has approved a rezoning with conditions.

C. “Rezoning with Conditions Plan” shall mean a plan of the property which is the subject of a rezoning with conditions, prepared by a Michigan licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the rezoning with conditions plan shall be determined by the applicant, subject to approval of the City Commission after recommendation by the Planning Commission.

D. “Rezoning” shall mean the amendment of this Zoning Code to change the zoning map classification on property from its existing district to a new district classification.

(3) Authorization and eligibility.

A. The standards of this Section shall grant a property owner the option of voluntarily proposing conditions for the development and use of property in connection with a submission of a petition seeking a rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

B. In order to be eligible for consideration of a rezoning with conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a rezoning with conditions agreement) that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:

1. The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other physical features of the proposed development.

2. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use. For example: units per acre, maximum usable floor area, or hours of operation.

3. Preservation of open space, natural resources and/or natural features.
4. Improvements to address traffic issues, including paving, substantial improvements to or funding of improvements to major roads to the benefit of the entire City.
5. Site improvements such as signage, lighting, landscaping, building materials for the exterior of some or all structures above and beyond what would otherwise be required by City ordinance.
6. Limitations on permissible uses of the property.
7. Any other conditions that may be voluntarily proposed by the property owner.

(4) Application and review procedures.

A. Application.

1. At the time of making application for amendment of this Zoning Code seeking a rezoning of property, or at a later time during the process of City consideration of such rezoning a property owner may submit a complete application for approval of a rezoning with conditions to apply in conjunction with the rezoning.
2. The application, which may be amended by the applicant during the process of consideration, shall specify the rezoning conditions proposed by the applicant, recognizing that rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.
3. An application for a rezoning with conditions shall include a rezoning with conditions agreement (“the agreement”). The agreement shall set forth the rezoning conditions and may incorporate a rezoning with conditions plan.
4. The application shall include a notarized signature of the property owner indicating that the conditions attached to the rezoning are voluntarily offered.

B. Planning Commission review.

1. The proposed rezoning with conditions shall be noticed for public hearing before the Planning Commission as a proposed legislative amendment of the zoning ordinance.
2. Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Commission on the proposed rezoning with conditions.

C. City Commission review. Upon recommendation by the Planning Commission, the City Commission shall make a final determination to approve or deny the rezoning with conditions as offered by the applicant. The City Commission may only consider the conditions offered by the applicant, and may not attach any other conditions to the rezoning other than those offered by the applicant. The City Commission's deliberations shall include, but not be limited to, a consideration of the review criteria for a rezoning with conditions.

(5) Review criteria. A rezoning with conditions shall only be approved if it meets the following requirements and standards:

- A. The proposed rezoning with conditions will further the goals and objectives of the city master plan.
- B. Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the rezoning with conditions agreement).
- C. The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:

1. Development and use of the property shall be subject to the more restrictive requirements shown or specified in the rezoning with conditions agreement, and/or in other conditions and provisions set forth in the rezoning with conditions agreement required as part of the rezoning with conditions approval. Such rezoning with conditions agreement shall supersede all inconsistent regulations otherwise applicable under the zoning ordinance.

2. As part of the grant of final approval of a rezoning with conditions, the City Commission shall be authorized to grant modifications to the strict terms of the zoning ordinance governing dimensional requirements on the property; provided, such authorization to grant modifications shall be conditioned upon the City Commission finding that each zoning ordinance provision sought to be modified will result in an enhancement of the development that would be in the public interest, and that approving the modification would be consistent with the city master plan and compatible with the surrounding area.

D. The proposed rezoning with conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence Of the use of a rezoning with conditions.

E. As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the rezoning with conditions. In determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the City by the City Commission and Planning Commission.

F. The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.

G. Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the rezoning with conditions without negatively impacting the delivery of public services to other properties in the City, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the City.

H. The offered condition(s) are beneficial to the public good and likely to be enforceable.

I. The condition does not have the same effect as a use variance.

J. The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.

(6) Effect of approval. Approval of the rezoning with conditions and rezoning with conditions agreement confirms only the rezoning of the property, subject to any conditions reflected in the rezoning with conditions agreement and after recordation as set forth in subsection (8) below. Any applicable site plan, plat, condominium, special land use, or variance approvals shall be required before any improvements to the property may be undertaken.

If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to “CR Rezoning with Conditions”. The zoning map shall specify the new zoning district plus a reference to “CR” e.g., the district classification for the property might be “B-1, Corridor Commercial District (CR, Rezoning with Conditions)”, with a zoning map designation of “B-1/CR.” Use of the property so classified and approved shall comply with the conditions set Forth in the rezoning with conditions agreement. No development or use of the land inconsistent with the conditions of the rezoning with conditions agreement shall be permitted.

(7) Compliance with conditions.

A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the rezoning with conditions agreement. Any failure to comply with a condition contained within the rezoning with conditions agreement shall constitute a violation of this Zoning Code and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

B. No permit or approval shall be granted under this Zoning Code for any use or development that is contrary to an applicable rezoning with conditions agreement.

(8) Period of approval.

A. The rezoning with conditions and agreement shall expire after a period of one year from the effective date of the rezoning unless substantial progress towards obtaining site plan and other required approvals has been made, and shall expire after a period of two years unless development of the property is substantially begun within such two year period and proceeds diligently and in good faith as required by ordinance to completion.

B. In the event substantial progress towards obtaining site plan and other required approvals has not commenced within one year and bona fide development has not commenced within two years from the effective date of the rezoning, the rezoning with conditions and the rezoning with conditions agreement shall be void and of no effect.

C. The property owner may apply for a one year extension two times. The request must be submitted to the Planning Division before the approval time limit expires. The property owner must demonstrate why the extension should be granted, and must also demonstrate that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently thereafter to completion, and if the City Commission finds that there has not been a change in circumstances that would render the rezoning with conditions incompatible with adjacent or nearby use and zoning of land or is otherwise inconsistent with sound zoning policy.

An extension request shall be considered by the City Commission following a recommendation by the Planning Commission.

D. If the rezoning with conditions becomes void in the manner provided in this section, the following procedures shall apply:

1. The property owner may seek a new rezoning of the property within thirty days of the expiration of the period of approval.

2. If no application is made for a new rezoning of the property, the land shall revert to its former zoning classification as set forth in MCL 124.3405(2) (as amended). The City Commission shall direct the Planning Commission to proceed with consideration of rezoning the land to its former zoning designation following the standard rezoning procedures set forth in this Zoning Code.

3. Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

(9) Rezoning with conditions agreement requirements. A rezoning with conditions agreement shall be executed between the applicant and the City at the time of City Commission approval of a rezoning with conditions.

A. Rezoning with conditions agreements shall, at a minimum, contain all of the following items:

1. Identification of the requested zoning district and a listing of the conditions offered by the applicant.

2. A statement acknowledging that the rezoning with conditions was proposed by the applicant, and, further agreement and acknowledgment that the conditions and rezoning with conditions agreement are authorized by all applicable state and federal law and constitution, and that the agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the City.

3. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the rezoning with conditions agreement.
4. Agreement and understanding that the approval and rezoning with conditions agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
5. The date upon which the rezoning with conditions becomes void, as specified in Section 1281.01(g)(8). If the City Council grants an extension of approval, a new rezoning with conditions agreement with the new expiration date shall be recorded.
6. Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in Section 1281.01(g)(8), no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
7. Agreement and understanding that each of the requirements and conditions in the rezoning with conditions agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
8. A legal description of the property affected by the rezoning with conditions.
9. Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.
10. Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

B. A rezoning with conditions plan may be included as an exhibit to the agreement. The rezoning with conditions plan may show the conceptual layout of the proposed development or use, along with any other information deemed relevant by the applicant. Inclusion of a rezoning with conditions plan as an exhibit to a rezoning with conditions agreement shall not replace the requirement for preliminary and final site plan, subdivision, condominium, special land use or variance review and approval.

(10) Amendment of rezoning with conditions agreement. Amendment of a rezoning with conditions agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with conditions.

(11) Recordation of rezoning with conditions agreement. A rezoning with conditions shall become effective following publication in the manner provided by law, and, after recordation of the rezoning with conditions agreement, whichever is later. All rezoning with conditions agreements shall be recorded with the Calhoun County Register of Deeds.

(12) Termination. The City Commission shall be the only body with the authority to terminate a rezoning with conditions agreement. The consideration to terminate the agreement shall be for reasons of expiration of the agreement, discovery of false information upon which the initial approval was based, or the existence or discovery of new information that alters the viability of the approved rezoning. The termination shall comply with any applicable provisions of this Zoning Code or the rezoning with conditions agreement. If the agreement is terminated, the City shall follow the procedures in Section 1281.01 (g)(8)D.

(13) City right to rezone. Nothing in the rezoning with conditions agreement or in the provisions of this section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a rezoning with conditions to another zoning classification. Any such rezoning shall be conducted in compliance with this Zoning Code and the Michigan Zoning Enabling Act.

(14) If land that is subject to a rezoning with conditions agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no rezoning with conditions agreement, the rezoning with conditions agreement attached to the former zoning classification shall cease to be

in effect. In such a case, the Planning and Zoning Administrator or their designee shall record with the Calhoun County Register of Deeds a notice that the rezoning with conditions is no longer in effect upon the property owner's written request.

(h) Fees. Petitions for an amendment to this Zoning Code shall be accompanied by a fee as prescribed in the schedule provided for in Section 802.24 . Such fee is applicable when filing a petition for zoning reclassification or special use permits and is nonrefundable.

(i) Protest Petition. An amendment to a zoning ordinance is subject to a protest petition under Section 1281.08 .

(j) An amendment to conform a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the City Commission and the notice of the adopted amendment published without referring the amendment to any other board provided for under this chapter.

(Ord. 10-2020. Passed 11-24-20; Ord. 12-2023. Passed 10-17-23.)

**CITY OF BATTLE CREEK
PLANNING COMMISSION
10 North Division, Battle Creek, MI 49014
Minutes for April 22, 2026**

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

ATTENDANCE: Roll call was taken.

Chairperson Hughes, present
Vice Chairperson O'Donnell, present
Commissioner Morris, present
Commissioner Gray, present
Commissioner Furrato, present

Commissioner Denison, present
Commissioner Moton, absent
Mayor Behnke, present
Commissioner White, present

Staff Present: Travis Sullivan, Planning Administrator, Adam Jenks, Planner, Melody Carlsen, Administrative Assistant, Patrick Batterson, Assistant City Attorney.

APPROVAL OF MINUTES: March 25, 2026.

MOTION MADE BY COMMISSIONER MAYOR BEHNKE TO APPROVE THE MARCH 25, 2026 MEETING MINUTES. MOTION SECONDED BY COMMISSIONER O'DONNELL.

ROLL VOTE: Chairperson Hughes asked everyone in favor to signify by saying "aye".

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

CORRESPONDENCE: None.

ADDITIONS/DELETIONS: None.

PUBLIC HEARINGS/DELIBERATIONS:

A. SPECIAL USE PERMIT REQUEST #PSUP26-0001:

Petition from Battle Creek Memorial Park Association for a special use permit to allow for the expansion of the Memorial Park Cemetery, to include the plotting of a new burial garden upon the unaddressed parcel identified as Parcel #0066-00-110-0 to the west of Helmer Rd. S within the I-1 Light Industrial zoning district. Pursuant to Section 1281.05 of the Zoning Code.

Staff Presentation: Travis Sullivan gave the staff report for #PSUP-0001.

Applicant Presentation: Alexander Yost was present to speak and answer questions.

Questions by Commissioners:

Mayor Behnke asked what a "natural burial is". Mr. Yost responded and explained.

MOTION MADE BY COMMISSIONER GRAY TO APPROVE ITEM PSUP26-0001 WITH THE STAFF RECOMMENDATIONS AS PRESENTED. SECONDED BY COMMISSIONER WHITE.

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

B. REZONING REQUEST #PRZ26-0001:

Petition from Community Action Agency, as well as on behalf of Michael T Moore to rezone the properties located at the following addresses from their current zoning classification of MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District, pursuant to Section 1240.13 and Section 1281.01 of the Zoning Code. Addresses included within this rezoning request include:

14 Yuba St.	Parcel #8040-00-147-0
175 Main St.	Parcel #0890-00-075-0
169 Main St.	Parcel #0890-00-075-0

Staff Presentation: Travis Sullivan gave the staff report for PRZ26-0001.

Applicant Presentation: Joshua Reetz was present to speak.

Public Comment:

James Moreno, 451 Main Steet, asked a clarifying question regarding the current zoning and what the proposed use of the home on Yuba Street would be and if the entirety of the parcels would be T-3. Chairman Hughes and staff responded.

Questions from Commissioners:

Commissioner White asked what the most significant difference between MFR and T-3 was. Ms. White also asked if the applicant has talked to the local residence. Staff responded.

MOTION MADE BY COMMISSIONER GRAY TO APPROVE ITEM PRZ26-0001 WITH THE STAFF RECOMMENDATIONS AS PRESENTED. SECONDED BY COMMISSIONER O'DONNELL.

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

C. ZONING ORDINANCE TEXT AMENDMENTS #A26-02

Petition from the City of Battle Creek to amend various sections of Chapter 1281 (Administrative Procedures) of the zoning ordinance. Pursuant to Section 1281.01 of the Zoning Code.

Staff Presentation: Travis Sullivan gave the staff report for #A26-02.

Questions from Commissioners:

Commissioner Gray asked if the City has considered any economical ways to publish if the required 5-day public meeting notice before a City Commission meeting is no longer required by the Planning Commission. Asked staff if we should include cost saving ways to duplicate the public notice requirement in the motion. Mr. Batterson responded to not include the cost saving recommendations in the motion, staff will make a note of them.

Commissioner White feels more information is better than less, has concerns that residence are not being notified because they do not live within the 300 feet buffer, would like to see some kind of notification still going out to residents, feels that applicants should meet with Neighborhood Planning Counsels before coming to the Planning Commission. Asked about clarifying the motion and the staff recommendation listed in the staff report to take out the requirement for the 5-day public meeting notice. Would like to see this item not taken out, can the motion be everything but the part around notices. Mr. Batterson responded.

Commissioner O'Donnell mentioned the Facebook notices that the City Commission uses and wondered if Planning Commission can do that or if there was an app we could use to get information out.

MOTION MADE BY COMMISSIONER GRAY TO APPROVE #A26-02 WITH THE RECOMMENDATIONS AS PRESENTED BY STAFF. SECONDED BY COMMISSIONER MORRIS.

Commissioner Gray wanted to point out that if this motion is passed, she would like to see the City find ways that do not cost more but are available through other platforms that we may already have access to make sure that we are reaching as many people as possible but still look like the 5-day meeting notice.

Chairman Hughes asked if it was possible to have staff research cost effect ways as an alternative to the 5-say public notice requirement.

ROLL VOTE: Chairman Hughes asked for a role vote.

SEVEN IN FAVOR, ONE OPPOSED, MOTION APPROVED.

D. ZONING ORDINANCE TEXT AMENDMENT #A25-01;

Petition from the City of Battle Creek to consider an amendment to Section 1262.02 of the zoning code to require yards be improved with either natural or living groundcover including grass, plant material, rocks, stones, mulch, etc. in residential districts. Pursuant to Section 1281.01 of the Zoning Code.

Staff Presentation: Travis Sullivan gave the staff report for #A25-01.

Questions from Commissioners:

Commissioner White asked what would happen if someone did not want to plant grass seed or find an alternative to grass, if this item is approved what would the enforcement look like, what happens if a residents cannot afford grass seed, is the city going to pay for it. Asked about enforcement; do you just provide tickets, what's the worse case scenario, can the city take their home. Asked if the commission has to take action on this item right now, feels there is a missing pieces to this.

Commissioner O'Donnell wanted to clarify that the current ordinance reads all other zoning districts except the single family and two-family residents zoning districts, follow this landscaping ordinance, and is already enforced and that we are just changing the language to ensure it is enforceable and usable for the whole city. Mr. Sullivan responded that this is correct. Commissioner O'Donnell asked if not using grass, do resident just need to use some type of ground cover; cedar, rocks, etc. and they can make it a driveway if they follow the zoning rules.

Chairman Hughes agrees that some sort of front lawn cover is needed but has concerns over how it all would be managed and to what extent are we going to be able to keep it under control. It appears there is some leniency in the existing ordinance; the city will work with individuals if they receive a violation. Asked a clarifying questions regarding this item being back up for reconsideration; do the proposed changes in the staff report from last July still apply and if there had been any additional changes within the new staff report.

Commissioner Furrato mentioned the paint program that the city offers and wondered if there could be a plan for grass seed as well.

Mayor Behnke asked Mr. Sullivan why staff has not made a recommendation on this item and asked if this ordinance change was the result of a property located within the Brewer neighborhood. Mr. Sullivan responded to both questions.

Commissioner Denison one thing to think about is that if we are going to enforce grass, it will have to be kept up, there is more to this then what we are talking about, and what kind of burden would this be on the city.

Public Comment:

James Moreno, 1451 Main St, has concerns that the commission does not have a clear look of this issue within the city, has concerns about vacant parcels being used a private driveway. Feels landlords should be held responsible. If we are trying to improve the community as a hole, we need to act now, and we need to help ourselves as a community, if you are property own, you have a responsibility to take care of your property. Chairman Hughes asked Mr. Moreno what feedback he had heard during his NPC meeting regarding the proposed lawn ordinance.

Commissioner Gray asked what the typical number of warnings/notices are received before a citation is moved to the court. Mr. Sullivan responded.

MOTION MADE BY COMMISSIONER WHITE TO POSEPONE ITEM #A25-01 UNTIL THE MAY 27, 2026 PLANNING COMMISSION MEETING. SECONDED BY MAYOR BEHNKE.

ROLL VOTE: Chairman Hughes asked for a roll vote.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

OLD BUSINESS: None.

NEW BUSINESS: None.

COMMENTS BY THE PUBLIC:

Stella Duckett of 349 Robertson Avenue, had concerns and questions regarding a variance for a sign within 300 feet from her home, also has concerns with the type of business (truck stop) being proposed at this location.

James Moreno of 451 Main Street, had a comment regarding processes. Applicants should make sure they are going to NPC meetings before going to a board/commissions. This way the process is being used like it is supposed to.

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Commissioner Gray had a process question. It would be nice to have staff present at our next meeting the process of applicants going to NPC's prior to board/commissions meetings. Is there a process written anywhere to require this item. Strongly recommends a closer look at this so that we can look at citizens comments in a formal way. Asked what the current process is. Mr. Sullivan responded.

Chairman Hughes has concerns of formalizing the concern of an applicant going to NPC meeting prior to board/commission meeting. There may be a concern of holding up development. The Chairman also asked if there was anything the planning commission could do about neighborhoods hooking up to city water.

Commissioner White shared thoughts on the process or protocols with applicants going to NPC meetings. Asked about traffic studies and who will review those.

Mayor Behnke thanked the commissioners for being in attendance.

ADJOURNMENT: Chairman Hughes adjourned the meeting at 5:48

Submitted by: Melody Carlsen, Administrative Assistant, Planning & Zoning Division.



Agenda: Battle Creek City Commission

Meeting Date: May 5, 2026 - 7:00 PM
Location: City Commission Chambers
Chair: Mayor Mark A. Behnke
Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Lance.

ROLL CALL

City Commission

Mayor Mark Behnke	Commissioner Paige Katsarsky-Smith
Commissioner Jessica LaCosse	Commissioner Jim Lance
Commissioner Jenasia Morris	Commissioner Carla Reynolds
Vice Mayor Sherry Sofia	Commissioner Christopher Simmons, attending remotely

Absent: Commissioner Patrick O'Donnell

City Staff

Amanda Zimmerlin, City Manager	William Kim, City Attorney
Marcie Gillette, Assistant City Manager	Victoria Houser, City Clerk
Shannon Bagley, Police Chief	Bush McCarthy, Fire Chief
Steve Skalski, Public Works Director	

PROCLAMATIONS AWARDS

Proclamation for Professional Municipal Clerks Week 2026

Proclamation for Childcare Provider Appreciation Day 2026

Proclamation for Police Officer Memorial Week and Police Officer Memorial Day 2026

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Resolution 376 was pulled from the agenda.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

PUBLIC COMMENT REGARDING ANY REMAINING AGENDA ITEMS

There were no public comments.

INTRODUCTION OF ORDINANCES

#12-2026 - A Proposed Ordinance, 12-2026, to amend Chapter 1281 of Title Six — Zoning of the Code of Ordinances to make text corrections, clarify requirements, correct formatting and make changes substantive in nature to Sections 1281.01(k)(8)B., 1281.01(k)(10), 1281.04(c)(1)A&B and 1280.01(g)A.

Motion/Vote 1

Motion to Approve

Moved By: Jessica Lacosse

Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

#13-2026 - A Proposed Ordinance, 13-2026 to rezone the properties located at 14 Yuba St. (Parcel #8040-00-147-0), 175 Main St. (Parcel #0890-00-075-0), and 169 Main St. (Parcel #0890-00-075-0) from MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District for the purpose of converting an existing vacant single-family residence on the site into an office building to support organization operations. It should be noted that 175 Main St. and 169 Main St. share a common parcel but are separate in their addresses.

Motion/Vote 1

Motion to Approve

Moved By: Jessica Lacosse

Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher

Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion/Vote 1

Motion to Approve

Moved By: Jessica Lacosse

Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

Minutes

Minutes for the April 21, 2026 City Commission Regular Meeting

Petitions, Communications, Reports

City Manager's Report for May 5, 2026

Planning and Zoning Division 2025 Annual Report

Proclamations Awards

Proclamation for Mental Health Month 2026

Resolutions

374 - A Resolution authorizing a change order to purchase order 20260268 with Stantec Consulting Group, Inc. for additional work on the City's utility rate study in a not-to-exceed amount of \$6,375.00.

Motion/Vote 1
Motion to Approve
Moved By: Jessica Lacosse
Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

375 - A Resolution seeking acceptance of the lowest responsive, responsible bid for Verona Equipment and Painting project from Miller-Davis Company in a not-to-exceed amount of \$91,400.00.

Motion/Vote 1
Motion to Approve
Moved By: Jessica Lacosse
Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance
Nays: None
Abstain: None

MOTION Passed

PULLED - 376 - A Resolution appointing Assistant City Manager Marcie Gillette as an alternate representative for the City of Battle Creek on the Firekeepers Local Revenue Sharing Board.

This resolution was pulled from the agenda.

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

377 - A Resolution seeking authorization for legal signatures in the absence of the City Manager.

Motion/Vote 1
Motion to Approve
Moved By: Jessica Lacosse
Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

378 - A Resolution approving Retention of Outside Counsel for Fire Truck Antitrust Litigation.

Motion/Vote 1

Motion to Approve

Moved By: Jessica Lacosse

Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

379 - A Resolution seeking authorization for the City Manager to sign a contract for the purchase of information technology infrastructure hardware from People Driven Technology, Inc. in an estimated amount of \$1,789,364.00, with unit prices prevailing.

Motion/Vote 1

Motion to Approve

Moved By: Jessica Lacosse

Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

380 - A Resolution seeking acceptance of the lowest responsive, responsible bid for Verona Pumping Station Reroof project from Royalty Roofing USA LLC d/b/a Division 7 Building Contractors in a not-to-exceed amount of \$297,950.00.

Responding to Comm. La Cosse, Ms. Zimmerlin stated the contract terms included 15% for change orders, which is determined by the Purchasing Manager.

Motion/Vote 1

Motion to Approve

Moved By: Jessica Lacosse

Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

381 - A Resolution to approve Petition PSUP26-0001, a special use permit for the expansion of the Sunset Gardens cemetery located at 15769 S Helmer Rd. onto the unaddressed Parcel #0066-00-110-0. The cemetery expansion will include the opening of a new natural burial garden on the cemetery property on Parcel #0066-00-110-0. No new parking will be included with the expansion, as the existing road at Sunset Gardens will provide parking for the expansion with widened cutouts in select areas.

Motion/Vote 1

Motion to Approve

Moved By: Jessica Lacosse

Supported By: Sherry Sofia

Ayes: Paige Katsarky-Smith, Jessica Lacosse, Jenasia Morris, Mark Behnke, Carla Reynolds, Christopher Simmons, Sherry Sofia, James Lance

Nays: None

Abstain: None

MOTION Passed

GENERAL PUBLIC COMMENT

(Limited to three minutes per individual)

Mary Fields expressed appreciation for the Commissioners' work, also thanking the City Manager for taking the time to listen to her concerns, addressing the buildable lots which could be sold for new homes, while also disagreeing with the City's current policy regarding the selling of side lots.

Joe Harris expressed understanding of the challenges the Commissioners face, stating citizens also have a right to express disagreement with the Commission's decisions.

Jerry Steiner also expressed appreciation for the Commissioners' work, but felt residents should have confidence their opinions mattered.

John Kennefick expressed disagreement with the fees the city charges for services, also commenting on the federal debt.

COMMISSION COMMENTS

Comm. Reynolds welcomed Marcie Gillette as the new Assistant City Manager, stating she looked forward to working with her.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 7:29 pm.



Agenda: Battle Creek City Commission

Meeting Date: May 7, 2026 - 6:00 PM
Location: Battle Creek City Hall - City Commission Chambers - 3rd Floor
Chair: Mayor Mark A. Behnke

WELCOME AND INTRODUCTION

Amanda Zimmerlin, City Manager, welcomed everyone to the budget workshop. Ms. Zimmerlin shared that Aaron Kuhn, Revenue Services Director, would be assisting with the evening's presentation.

ROLL CALL

City Commission

Mayor Mark Behnke
Commissioner Paige Katsarsky-Smith
Commissioner Jessica LaCosse
Commissioner Patrick O'Donnell
Vice Mayor Sherry Sofia
Commissioner Christopher Simmons, remotely

Absent:

Commissioner Jim Lance
Commissioner Jenasia Morris
Commissioner Carla Reynolds

City Staff

Amanda Zimmerlin, City Manager
Marcie Gillette, Assistant City Manager
Aaron Kuhn, Revenue Services Director
Shannon Bagley, Police Chief
Danielle Myrkle, Recreation Director
Chad Frein, IT Director

William Kim, City Attorney
Victoria Houser, City Clerk
Steve Skalski, Public Works Director
Phil Kroll, Aviation Director
Bush McCarthy, Fire Chief
Michelle Hull, Human Resource Director

PUBLIC COMMENT - LIMITED TO 3 (THREE) MINUTES PER INDIVIDUAL

Chuck Asher, retired fire staff member, requested funds for health and safety modifications to Fire Station #5.

A Resident stated he, and others, are not pleased with the way city funds are used.

PRESENTATION

1. Presentation of Proposed Budget for Fiscal Year 2027

Ms. Zimmerlin reviewed the workshop agenda, beginning with FY 25-26 General Fund estimates and additions to Fund Balance, followed by the FY 26-27 proposed budget discussion and assumptions.

Mr. Kuhn noted an estimated General Fund addition to fund balance for FY 25-26 in the amount of \$2,449,114, noting the adopted budget showed a use of fund balance of \$847,656. Mr. Kuhn shared that the FY26 year end budget amendment will include a projected transfer to the Capital Improvement fund for future capital project needs. As to revenue, Mr. Kuhn stated Income Tax revenues, Interest Income and Recreation revenues were all over budget. Mr. Kuhn noted a year-end budget adjustment for the fiscal year ending June 30, 2026 will be presented to the Commission in June. After referencing several pages of the budget binder, Mr. Kuhn noted an unassigned balance of \$13,690,824, 21.06% of Estimated FY 27 revenue, in excess of the 17% fund balance policy.

Ms. Zimmerlin noted that the FY 26-27 proposed budget included a 3.2% growth in ad valorem taxable values, translating into property tax revenue growth in the General Fund, the Streets Capital Projects funds and component funds. Ms. Zimmerlin shared that the proposed budget includes support from the DDA for debt service on the Quiet Zone, along with contributions for the Central Business District street maintenance and the cost of 2 downtown Police Officers. Ms. Zimmerlin noted a proposed 3% COL and step increases for non-represented employees is also included, while raises included in settled collective bargaining agreements are also included in the FY27 wages. Ms. Zimmerlin stated revenue numbers include proposed changes to the Fee, Bond & Insurance Schedule, which will come before the Commission in June also. Ms. Zimmerlin noted the proposed budget included the final one-time interest income from ARPA funds. As to new staff positions, Ms. Zimmerlin noted an administrative assistant in the Fire Department, a Social Worker in the Police Department, and 3 Water Plant Operators at the Verona Wellfield were proposed.

Mr. Kuhn shared a history of the City's property tax millage, presenting a comparison of the Actual 2025-2026 millage to the Proposed 2026-2027, demonstrating an increase of 1.126 mills to the Operating budget, corresponding to an 1.126 decrease in Street/Dainage Improvements, and a .296 decrease to the P & F millage, resulting in a proposed decrease of 0.296, which would result in an annual savings of \$30 to a household with a tax value of \$100,000. Mr. Kuhn discussed the General Fund revenue sources, including income tax, property tax, personal property tax loss State reimbursement and State Revenue Sharing. Mr. Kuhn presented a chart with proposed FY27 balances of other selected funds, including Special Revenue Funds, Enterprise Funds and Internal Service Funds.

Ms. Zimmerlin discussed future budget considerations, such as property tax and income tax revenues, the impact of the P & F millage on the City operating millage, and the loss of parking revenues. Ms. Zimmerlin also noted staff would be very watchful of discussions from the May

Concensus Revenue Estimating Conference. Ms. Zimmerlin noted a Public Hearing to take resident and Commission input on the proposed budget was scheduled for May 19, 2026, with the resolution to consider the proposed budget scheduled for June 2, 2026.

COMMISSION COMMENTS

Mayor Behnke invited the commissioners to ask questions or express concerns.

Comm. O'Donnell shared statistics on other cities' operating millage rates, noting Battle Creek is the lowest in Calhoun County, and 10th lowest of all Michigan cities with an income tax.

Responding to Comm. LaCosse, Ms. Zimmerlin stated staff continue to discuss options for Fire Station #5, but would need to wait until construction of the 2 new fire stations are complete to determine remaining contingency funds. Ms. Zimmerlin noted bond funds were being used for new fire stations to replace current Stations #2 and #3, with renovations planned at Station #6, and a previous remodel/renovation of Station #4. Ms. Zimmerlin confirmed staff could consider any remaining balance of the bond fund for other repairs. Comm. Katsarsky-Smith stated Ms. Zimmerlin addressed her concerns with this response.

Mr. Kuhn noted there were many other projects in the Capital Improvement Plan currently underway, or to begin soon, but surplus funds are always considered once projects are complete.

Mayor Behnke stated he was not opposed to using additional fund balance for fire station rehabilitations, but that it was important to remain prudent, while still considering pending issues. Mayor Behnke questioned whether more funds should be returned to residents as the City no longer had an \$850,000 subsidy to Transit. Mayor Behnke expressed his concern for the proposed unassigned fund balance of \$13.7 million, or 21.06% of estimated revenues, which was in excess of the City's 17% fund balance policy, stating there is a need to share back with the residents. Mayor Behnke suggested returning the 1% property tax administrative fee to residents.

Mr. Kuhn stated there was a reduction in the millage rate the prior year when Transit was moved to the TACC, stating there was not an increase this year. Mr. Kuhn confirmed the administrative fee is about \$1M annually, stating staff considered many different future items that may put constraints on the General Fund budget, particularly if income tax revenues decline.

Ms. Zimmerlin stated staff could look at other places in the General Fund to reduce expenses, expressing her preference to keep the administrative fee at the current 1% rate.

Comm. Simmons stated he reviewed the budget binder and that the City Manager answered many of his questions and concerns, stating he had no additional comments.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 6:42 pm.



DATE: 05/14/2026
TO: Mayor, Vice Mayor and City Commissioners
FROM: Amanda Zimmerlin, City Manager
RE: City Manager's Report – May 19, 2026, Regular Meeting Agenda

A Public Hearing to receive public comment on the City of Battle Creek's proposed FY 2026-2027 Budget.

This is a public hearing to receive comments on the City of Battle Creek's proposed FY2026-2027 Budget.

382

A Resolution adopting Ordinance, 12-2026, to amend Chapter 1281 of Title Six — Zoning of the Code of Ordinances to make text corrections, clarify requirements, correct formatting and make changes substantive in nature to Sections 1281.01(k)(8)B., 1281.01(k)(10), 1281.04(c)(1)A&B and 1280.01(g)A.

This Proposed Ordinance, if adopted, would amend Chapter 1281 of Title Six –Zoning of the Code or Ordinances to make text corrections, clarify requirements, correct formatting. This Ordinance would also make substantive changes to Section 1281.01(k)(8)B to clarify what qualifies as “substantial progress” and “bona fide development” for purposes of determining when an approved conditional rezoning expires. Section 1281.01(k)(10): to clarify that minor amendments that do not change the approved zoning or offered conditions are exempt from the full conditional rezoning process. Section 1281.04(c)(1)A & B: to clarify that the site plan review exemption applies only to single units of single-family and two-family dwellings and does not exempt larger residential developments that require developer-installed streets or infrastructure. Section 1280.01(g)A: would remove the requirement for a second newspaper public notice before the City Commission meeting for zoning map/text amendments, since it has not increased attendance and adds unnecessary cost. **Adoption is Recommended.**

383

A Resolution adopting Ordinance, 13-2026 to rezone the properties located at 14 Yuba St. (Parcel #8040-00-147-0), 175 Main St. (Parcel #0890-00-075-0), and 169 Main St. (Parcel #0890-00-075-0) from MFR High-Density Multiple Family District to T-3 Neighborhood Commercial District for the purpose of converting an existing vacant single-family residence on the site into an office building to support organization

operations. It should be noted that 175 Main St. and 169 Main St. share a common parcel but are separate in their addresses.

This Proposed Ordinance, if adopted, would rezone the properties located at 14 Yuba Street, 175 Main Street, and 169 Main Street from MFR High- Density Multi Family District to T-3 Neighborhood Commercial District to allow the conversion of an existing vacant single family home to be converted into an office building in support of the Community Action Partnership organization. **Adoption is Recommended.**

386

A Resolution authorizing the City Manager to sign a ten-year mortgage in the amount of \$862,000 with Recovery Services Unlimited Inc. to operate a recovery transitional housing program at 614 NE Capital, a five-unit apartment building renovated by the City of Battle Creek with federal Community Development Block Grant funds and locally controlled Opioid Settlement funds.

If approved, this Resolution would authorize the City Manager to sign a mortgage agreement with Recovery Services Unlimited Inc. (RSU) for a ten-year mortgage to provide recovery transitional housing. The selection of Recovery Services Unlimited Inc. was done by a competitive bid administered by the Purchasing Department in spring 2025. **Approval is Recommended.**

387

A Resolution seeking acceptance of the proposal of best value from Trapeze Software Group, Inc., dba TripSpark Technologies for Intelligent Transportation Systems (ITS), Computer Aided Dispatch (CAD), and Automatic Vehicle Location (AVL) services in a not-to-exceed three-year amount of \$1,250,000.

If approved, this Resolution would accept the proposal from Trapeze Software Group, Inc., dba TripSpark Technologies for the ITS, CAD, AVL, services in a not to exceed amount of \$1,250,000. The funding sources are comprised of \$1,007,333 in Federal funds, and \$251,834 in matching State funds, for a total of \$1,259,167.00. **Approval is Recommended.**

388

A Resolution seeking approval to conduct a Closed Session on two legal matters.

If approved, this Resolution would permit a Closed Session of the City Commission in Conference Room 302A immediately following the Commission Comments section of the Regular Meeting on Tuesday, May 19, 2026, as authorized by MCL 15.268(e). In two matters of pending litigation, *Scott Marshall v City of Battle Creek*, Worker's Compensation Claim No. BC0-23-000059-01, and *Joseph Shanks v City of Battle Creek*, Worker's Compensation Claim No. BC0-23-000017-01, counsel for the City believes that discussing these matters in an open meeting would have a detrimental financial effect on the litigating or settlement position of the City in both cases. **Approval is Recommended.**

CITY OF BATTLE CREEK REVIEW COMMITTEE AGENDA

Tuesday, May 12, 2026 at 3:30 PM

(Zoom Meeting)

[Click Here to Join Meeting](#)

Meeting ID: 873 7575 7455

Passcode: 559908

One call in: 1-312-626-6799

MINUTES

The Review Committee Meeting started at 3:30pm.

Attendees

- *Mark Behnke, Mayor
- *Sherry Sofia, Vice Mayor
- *Amanda Zimmerlin, City Manager
- *Andy Helmboldt, Chair Person
- *Patti Worden, Executive Assistant

I. SUSTAINABLE BATTLE CREEK COMMITTEE

- a. 1 new appointment
 - i. Megan Bertucci – New Appointment - Term to expire 01/16/2028
- a. Discussion: Behnke, Sofia, Zimmerlin, Liaison (Patty Hoch-Melluish), Board Chair (Andy Helmboldt)

Sustainable Battle Creek Committee - (Appointing Authority) Mayor and City Commission. (Purpose) The purpose of the committee is to increase the city's efforts to incorporate environmentally responsible, cost-effective policy in the planning, administration and economic development of its built infrastructure and natural resources. The committee may make recommendations to the City Commission for its consideration and will be available to the commission as a resource on sustainable policy.

Zimmerlin: Yes No **Comment: Next Commission Meeting for approval**

Behnke: Yes No Comment:

Sofia: Yes No Comment:

The Meeting ended at 3:32pm.

Boards/Committees Applications
(Received April 15, 2026 – May 12, 2026)

Clare Tanner

Community Oversight Board

Andrew Beattie

Airport Advisory Committee

**AMBULANCE SERVICES
MONTHLY PERFORMANCE REPORT**

Report for the month of April 2026

Life Care Ambulance Service

Life Care Ambulance Service is under Contract with the City of Battle Creek effective June 2, 1998. Under the Contract, they are requested to meet the following criteria at a minimum of 90% of all calls per month:

Life-threatening emergency runs throughout the City -- 10 Minutes
Life-threatening emergency runs per Ward – 11 Minutes
Priority 3 Responses -- 20 Minutes

Life-threatening Emergencies City-wide

Number of runs for the month 640. Percentage of runs accomplished within guidelines 90.2%

Life-threatening Emergencies per Ward

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5
Number of Runs	122	192	133	71	122
ALS Responses	195	305	232	117	186
BLS Responses	4	4	4	1	5
Percentage Achieved	92.6%	96.4%	92.3%	94.4%	88.5%

Priority 3 Responses

Number of runs for the month 413. Percentage of runs accomplished within guidelines 91.0%

**RESPONSE TIME PERFORMANCE
 CITY OF BATTLE CREEK
 April 2026**

	Dec-25	Jan-26	Feb-26	Mar-26	Apr-26
PRIORITY 1 CALLS RESPONSES	87.6% 645	86.5% 631	91.1% 542	92.7% 615	90.2% 640
PRIORITY 3 CALLS RESPONSES	87.7% 440	85.4% 431	92.1% 378	93.0% 440	91.0% 413
WARD 1 RESPONSES	90.7% 129	92.6% 108	89.5% 105	95.5% 111	92.6% 122
WARD 2 RESPONSES	89.3% 197	93.0% 214	96.4% 192	93.0% 201	96.4% 192
WARD 3 RESPONSES	90.4% 114	89.0% 118	88.4% 86	93.6% 108	92.3% 133
WARD 4 RESPONSES	86.0% 93	92.8% 83	90.7% 54	88.9% 72	94.4% 71
WARD 5 RESPONSES	79.5% 112	80.6% 108	85.7% 105	88.6% 123	88.5% 122

RESPONSE TYPES
CITY OF BATTLE CREEK

	Dec-25	Jan-26	Feb-26	Mar-26	Apr-26
Priority 1 ALS Responses	633	619	541	608	631
Priority 1 BLS Responses	12	12	1	7	9
Priority 3 ALS Responses	423	402	369	429	404
Priority 3 BLS Responses	17	29	9	11	9
WARD 1					
ALS Responses	225	181	166	212	195
BLS Responses	4	8	4	6	4
WARD 2					
ALS Responses	319	342	312	342	305
BLS Responses	8	11	2	5	4
WARD 3					
ALS Responses	209	186	159	177	232
BLS Responses	8	11	2	1	4
WARD 4					
ALS Responses	137	136	103	125	117
BLS Responses	5	4	0	3	1
WARD 5					
ALS Responses	166	176	170	181	186
BLS Responses	4	7	2	3	5



Resolution No: 384
City Commission Meeting 5/19/2026

384 - A Resolution appointing Megan Bertucci as a new member to the Sustainable Battle Creek Committee.

Battle Creek City Commission
Action Summary

Staff Member: Patricia Worden, Executive Assistant
Department: City Manager's Office

Summary

RESOLUTION NO. 384

Resolved by the Commission of the City of Battle Creek:

That Megan Bertucci is appointed as a new member to the Sustainable Battle Creek Committee with a term expiring on May 19, 2028.

Budgetary Considerations

None.

History, Background and Discussion

The purpose of the committee is to increase the city's efforts to incorporate environmentally responsible, cost-effective policy in the planning, administration and economic development of its built infrastructure and natural resources. The committee may make recommendations to the City Commission for its consideration and will be available to the commission as a resource on sustainable policy.

Positions

The Review Committee is supportive of this appointment.

Attachments



Resolution No: 385
City Commission Meeting 5/19/2026

385 - A Resolution seeking authorization for the City Manager to enter into a permanent Easement For Electric Facilities agreement to Consumers Energy Company through a portion of Lafayette Street, and through a portion of Kendall Street, identified as Parcel No. 52-0390-00-365-0, for the purpose of upgrading and maintaining electricity power transmission infrastructure.

Battle Creek City Commission
Action Summary

Staff Member: Marcel Stoetzel, Deputy City Attorney
Department: City Attorney's Office

Summary

RESOLUTION NO. 385

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to execute the attached Easement For Electric Facilities agreement granting Consumers Energy Company, a Michigan corporation, a permanent easement in, under, across and through a portion of Lafayette Street, and through a portion of Kendall Street, Battle Creek, Michigan 49017, identified as Parcel No. 52-0390-00-365-0, or one in substantially similar form approved by the City Attorney.

Budgetary Considerations

None.

History, Background and Discussion

The City of Battle Creek owns a property identified as Parcel No. 3390-00-055-0 which contains a portion of Lafayette Street, and a portion of Kendall Street. Installation of a thicker pole and longer guy anchor is needed, which will increase the easement area typically used to allow for the maintenance and upgrade by Consumers Energy Company.

Positions

Engineering Infrastructure Coordinator Kimberly Walden supports this Resolution.

Attachments

- 1. MI91601_02272026_City of Battle Creek_52-0390-00-365-0 of BattleMI91601_02272026_City of Battle Creek_52-0390-00-365-0.pdf

EASEMENT FOR ELECTRIC FACILITIES
LN080C Goodale Rblid .19 miles

SAP# 45251514
Agreement# MI00000090601

THE CITY OF BATTLE CREEK, a Michigan municipal corporation, whose address is 10 North Division Street, Battle Creek, Michigan 49014 (hereinafter "Owner")

for \$1.00 and other good and valuable consideration [*exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to MCLA 207.526(f)*] grants and warrants to

CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201 (hereinafter "Consumers")

a permanent easement to enter Owner's land (hereinafter "Owner's Land") located in the City of Battle Creek, County of Calhoun, and State of Michigan as more particularly described in the attached Exhibit A and to construct, operate, maintain, inspect (including aerial patrol), survey, replace, reconstruct, improve, remove, relocate, change the size of, enlarge, and protect a line or lines of electric facilities in, on, over, under, across, and through a portion of Owner's Land (hereinafter "Facility Easement Area") described in the attached Exhibit C, together with any pole structures, poles, or any combination of same, wires, cables, conduits, crossarms, braces, guys, anchors, transformers, electric control circuits and devices, location markers and signs, communication systems, utility lines, protective apparatus and all other equipment, appurtenances, associated fixtures, and facilities, whether above or below grade, useful or incidental to or for the operation or protection thereof, and also the right from time to time hereafter to trim, cut down, and otherwise remove and control any trees, brush, roots, and other vegetation and to conduct such other activities within the Facility Easement Area as may be reasonably necessary in connection therewith as determined by Consumers for the purpose of transmitting and distributing electricity, and also the right, from time to time hereafter, to enter Owner's Land to trim, cut down, and otherwise remove and control any trees, brush, roots, or other vegetation within a portion of Owner's Land (hereinafter "Protection Easement Area") described in the attached Exhibit D, which Consumers, in its sole discretion, determines both are of a species capable of obtaining a height of 35 feet or taller and which may endanger Consumers' facilities.

Access: Consumers shall have the right of unimpaired ingress and egress on, over, and through the Facility Easement Area and the Protection Easement Area for any and all purposes necessary, convenient, or incidental to the exercise by Consumers of the interests and rights granted hereunder and for access to and from its facilities and easements located on neighboring lands, and Owner's activities and any rights Owner grants to any person or entity in the future, shall not, currently or prospectively, disturb, interfere, or limit any rights granted herein to Consumers or Consumers' ability to access its facilities.

Trees and Other Vegetation: Owner shall not plant any trees within the Facility Easement Area without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Buildings/Structures: Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure within 20 feet on each side of the Reference Line as described in the attached Exhibit B, whether temporary or permanent, natural or man-made, without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Restoration: Consumers shall restore as reasonably as practical all that portion of Owner's Land damaged by Consumers during the original installation, maintenance, repair, replacement, and removal of Consumers' facilities on Owner's Land pursuant to its easement rights to the condition existing immediately prior to the damage to Owner's Land; provided however, the provisions of this paragraph shall not apply to anything located within the Facility Easement Area and/or Protection Easement Area in violation of any provisions contained in this Easement for Electric Facilities nor to anything removed, trimmed, cut down, or controlled pursuant to Consumers' easement rights.

Ground Elevation: Owner shall not materially alter the ground elevation within 20 feet on each side of the Reference Line as described in the attached Exhibit B without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Exercise of Easement: Consumers' nonuse or limited use of its easement rights shall not preclude Consumers' later use of its easement rights to their full extent.

Ownership: Owner covenants with Consumers that they are the lawful fee simple owner of Owner's Land, and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

Successors: This Easement for Electric Facilities shall bind and benefit Owner's and Consumers' respective heirs, successors, lessees, licensees, and assigns.

Counterparts: This Easement for Electric Facilities may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

[Remainder of page intentionally left blank.]

Date: _____

Owner: THE CITY OF BATTLE CREEK, a Michigan municipal corporation

Signature

By: _____
Print Name

Its: _____
Print Title

Acknowledgment

The foregoing instrument was acknowledged before me in _____ County, _____,

on _____ by _____ of
Date Name Title

The City of Battle Creek, a Michigan municipal corporation, on behalf of the corporation.

Notary Public

Print Name

County, _____

Acting in _____ County

My Commission expires: _____

Prepared By:
Sarah Allbee, 02/16/2026
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201
Project Manager: Alicia M. Dolphin
Revised By:
Sarah Allbee, 02/27/2026

After recording, return to:
Carrie Main, EP7-464
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

EXHIBIT A

Owner's Land

Land situated in the City of Battle Creek, County of Calhoun, State of Michigan:

AC Hamblins Addition being in the Southwest 1/4 of Section 1, Town 2 South, Range 8 West, described as: A strip of land 100.00 feet wide lying Southerly and adjacent to the Southerly line of Pasco's Addition and on the Northerly line of Lot 327 of AC Hamblins Addition, said strip of land lying Easterly of a line running parallel with and 30.00 feet more or less Easterly of the East line of Kendall Street and lying Westerly of Kalamazoo River cut-off channel (124.00 feet wide), the East line of which is described as: Beginning Southerly on the line platted Hamblin Avenue at a point 1 feet Easterly of the Northwest corner of Lot 207, running Southerly to the South line of Lot 327 through a point on the South line of Lot 231 lying 7.35 feet Easterly of the Southwest corner of Lot 231 as measured, along the South line of Lot 231.

Parcel ID: 52-0390-00-365-0

EXHIBIT B

Reference Line

Legal Description: Reference Line

Legal Description: Reference Line for Electric Facilities and Vegetation Management

A reference line located in the Southwest 1/4 of Section 1, Township 02 South, Range 08 West, Battle Creek Township, Calhoun County, Michigan described as follows:

Commencing at the Southwest Corner of said Section 1, thence North 00° 24' 00" West 1246.92 feet along the West line of said Section 1 to **Reference Point 'A'** and the **Point of Beginning**; thence South 65° 58' 29" East 93.03 feet to **Reference Point 'B'**; thence South 50° 29' 46" East 529.21 feet to **Reference Point 'C'** and the **Point of Ending**.

EXHIBIT B-CONTINUED

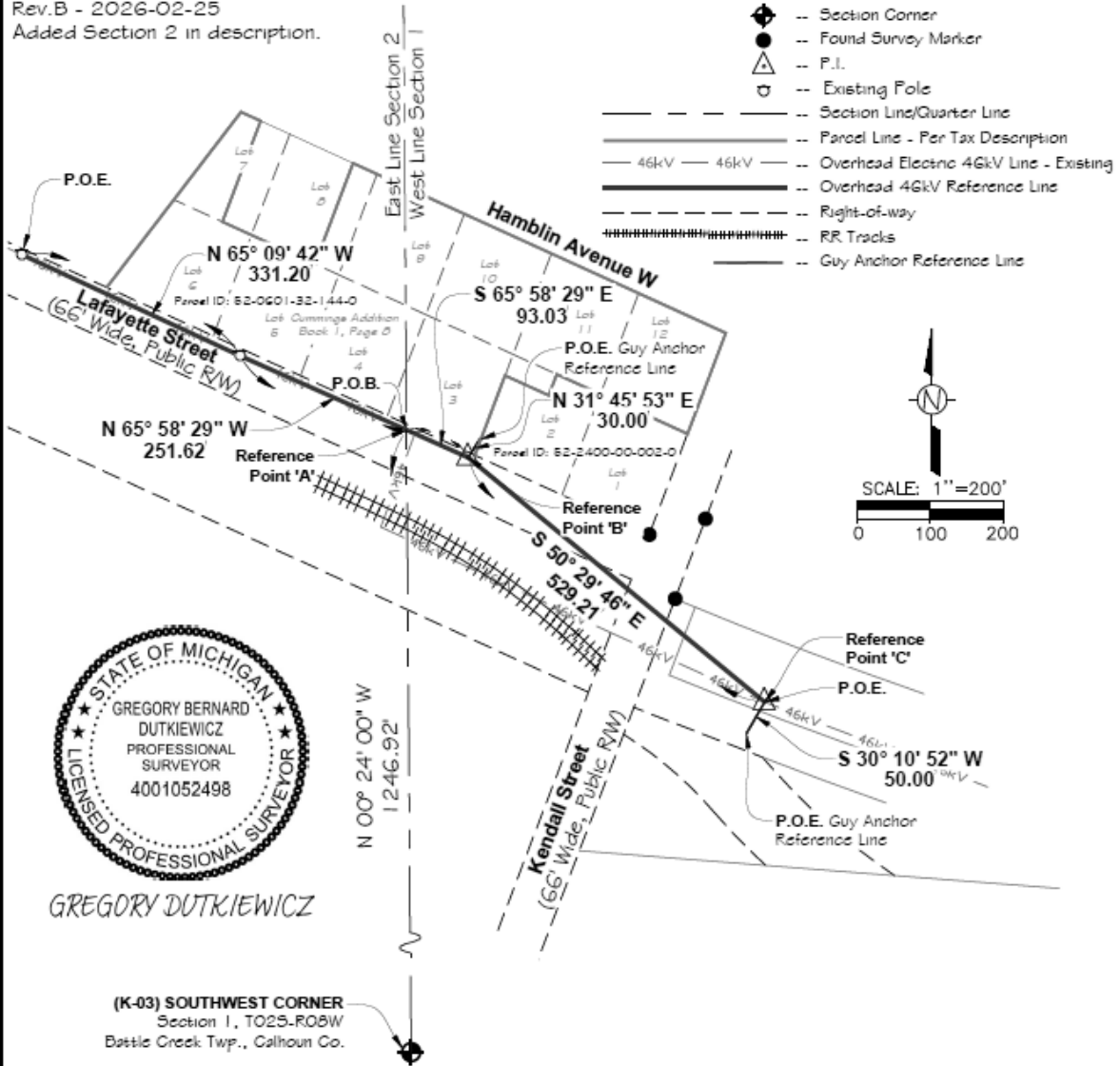
Rev.A - 2026-02-17
 Added Proposed Reference Line
 West of Reference Point 'A',
 added Reference Point 'C', and
 renamed Reference Points.
 Rev.B - 2026-02-25
 Added Section 2 in description.

EASEMENT SKETCH

Liberty to Lafayette-Goodale 46kV
Goodale Line 80C

LEGEND

- Section Corner
- Found Survey Marker
- P.I.
- Existing Pole
- Section Line/Quarter Line
- Parcel Line - Per Tax Description
- 46kV Overhead Electric 46kV Line - Existing
- Overhead 46kV Reference Line
- Right-of-way
- RR Tracks
- Guy Anchor Reference Line



GREGORY DUTKIEWICZ

(K-03) SOUTHWEST CORNER
 Section 1, T02S-R08W
 Battle Creek Twp., Calhoun Co.

Basis of Bearing: Michigan State Plane Coordinate System South Zone NAD83 (2011) - International Feet Avg.
 Combined Scale Factor = 0.99991554. Ground Distances are shown.

<p>1945 WEST PARNALL JACKSON, MICHIGAN 49201 517-786-1526</p>	<p>Liberty to Lafayette-Goodale 46kV Goodale Line 80C Southwest 1/4 Section 1 T2S, R8W, Battle Creek Twp. Calhoun Co., Michigan</p>	<p>Drawing No. SA-27344 Filename: 27344base.dwg Field Crew: Rowe Field Book No. CE-WM 4 Drawn By: J. Ferguson Date: 2/25/26 Scale: 1" = 200' Sheet 1</p>
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2/25/2026 6:25 AM \\lgm\m\cad\proj\proj\27344 liberty to Lafayette - goodale 46kv - goodale line 80c - guide bldwg\27344 base.dwg

EXHIBIT C

Facility Easement Area

All that portion of Owner's Land, if any, that lies within 40 feet of the Reference Line described in Exhibit B.

EXHIBIT D

Protection Easement Area

All that portion of Owner's Land, if any, that lies within the two 40-foot-wide strips of land located on each side of and adjacent to the Facility Easement Area.



Resolution No: 386
City Commission Meeting 5/19/2026

386 - A Resolution authorizing the City Manager to sign a ten-year mortgage in the amount of \$862,000 with Recovery Services Unlimited Inc. to operate a recovery transitional housing program at 614 NE Capital, a five-unit apartment building renovated by the City of Battle Creek with federal Community Development Block Grant funds and locally controlled Opioid Settlement funds.

Battle Creek City Commission
Action Summary

Staff Member: Helen Guzzo, Community Development Supervisor
Department: Community Development

Summary

RESOLUTION NO. 386

Resolved by the Commission of the City of Battle Creek:

That the City Manager is authorized to sign a ten-year mortgage in the amount of \$862,000 with Recovery Services Unlimited Inc. guaranteeing the investment of federal Community Development Block Grant funds and locally controlled Opioid Settlement funds to operate a recovery transitional housing program at 614 NE Capital, a five-unit apartment building renovated by the City of Battle Creek, and any other necessary documents related to this matter with approval of the City Attorney.

Budgetary Considerations

This mortgage guarantees the investment of federal and local funding into the renovations of a building that has been vacant for over 10 years that will be turned over to Recovery Services Unlimited Inc to operate recovery transitional housing for households in recovery from opioid use disorder. The City Commission originally approved a use of Community Development Block Grant (CDBG) funds for the renovation of the building for Rental Rehabilitation to create units of affordable housing for low and moderate income residents of the city where the developer chosen to rehab the property failed to produce the rehabbed units in a timely manner, so the city paid HUD back funds that were expended on the property using Opioid Settlement funds. During the last year, the city has managed the rehabilitation of the property using a mix of

CDBG and Opioid Settlement funds in the amount eight hundred, sixty-two thousand and 00/100 (\$862,000.00), which is secured hereby with an attached mortgage. This amount is made up of funds spent on the rehabilitation of 614 NE Capital, including up to five hundred, three-three thousand, seven hundred thirty-three dollars and 53/100 (\$533,733.53) from the federal CBDG program and up to three hundred, twenty-eight thousand, two hundred sixty-six and 47/100 (328,266.47) from locally controlled national Opioid Settlement funds.

History, Background and Discussion

The selection of Recovery Services Unlimited Inc. (RSU) was done by a competitive bid administered by the Purchasing Department in April/May 2025 where two bidders submitted proposals and a review committee consisting of Helen Guzzo, Community Development Manager; Marcie Gillette, then Director of the Community Services Department; and Dawn Smith, CEO of the Substance Abuse Council selected RSU as the best bidder.

RSU will maintain documentation of opioid use disorder for all residents of said property and provide demographic reports to the city as requested. Participants living in the recovery transitional housing at said property will have income documented at or below 80% of area medium income as determined annually by the U.S. Department of Housing and Urban Development. Recovery transitional housing is defined as short-term housing (less than two years of residency in said property) which is combined with a supportive services program provided or coordinated by RSU designed to support people in recovery from opioid use disorder. RSU will own, manage and operate the rehabilitated property as Recovery Transitional Housing to house households in recovery from opioid use disorder, and will charge residents a program fee to cover the costs of living in recovery transitional housing.

There is a large unmet demand for housing for people in recovery from opioid use disorder. This project used federal CDBG funds and locally controlled opioid settlement funds to create needed housing resources for people in recovery. City Commission members are invited to attend a ribbon cutting ceremony at 614 NE Capital on Wednesday, May 27 at 11:30am. Tours of the property will be offered after the brief ceremony coordinated by the Battle Creek Area Chamber of Commerce.

Positions

Approval is recommended.

Attachments

- 1. Mortgage 614 Capital Ave NE CLEAN Mortgage 614 Capital Ave NE CLEAN.pdf
- 2. Recovery Services Unlimited, Inc Recovery Services Unlimited, Inc.pdf

Mortgage

THIS MORTGAGE, effective on this 27th day of May 2026, by and between **Recovery Services Unlimited Inc.**, a Michigan for profit corporation, whose mailing address is 6221 Westlake Rd, Bellevue, Michigan 49021, the mortgagor of 614 Capital Ave NE, Battle Creek, Michigan 49017 (hereinafter referred to as the "Mortgagor"), and the **City of Battle Creek**, a Michigan municipal corporation, whose mailing address is 10 N. Division St., Suite 117, Battle Creek, Michigan 49014 (herein after referred to as the "Mortgagee").

WITNESETH:

WHEREAS, the Mortgagee, for itself, its successors and assigns, owns the property described in this Mortgage and used federal Community Development Block Grant (CDBG) funding through the City of Battle Creek and locally controlled national Opioid Settlement funds paid to the City of Battle Creek to rehabilitate five residential units in the property to be used for recovery transitional housing.

WHEREAS, Recovery Transitional Housing is defined as short-term housing (less than two years of residency in the property) which is combined with a supportive services program provided or coordinated by the Mortgagor designed to support people in recovery from opioid use disorder;

WHEREAS, Mortgagor will own, manage and operate the rehabilitated property as Recovery Transitional Housing to house households in recovery from opioid use disorder, and the mortgagor will charge residents a program fee to cover the costs of living in recovery transitional housing;

WHEREAS, Mortgagor is justly indebted to Mortgagee in the principal sum of eight hundred, sixty-two thousand and 00/100 (\$862,000.00), which is secured hereby with this Mortgage. This amount is made up of funds spent on the rehabilitation of the property including up to five hundred, three-three thousand, seven hundred thirty-three dollars and 53/100 (\$533,733.53) from the federal CBDG program and up to three hundred, twenty-eight thousand, two hundred sixty-six and 47/100 (328,266.47) from locally controlled national Opioid Settlement funds.

WHEREAS, the amount of rehabilitation assistance to the property triggers a ten-year period of affordability for which opioid recovery transitional housing will be operated. The start date of this affordability period starts the signing of this mortgage and continues for ten years until May 28, 2036. At the end of the ten-year period of affordability, this Mortgage will be forgiven in its entirety.

NOW, THEREFORE, Mortgagor, for the securing of the payment of such principal sum of money and the performance of the covenants and agreements herein contained, does by these presents, MORTGAGE AND WARRANT unto Mortgagee, its successors or assigns, the lands, premises and property situated, lying and being in the City of Battle Creek, and in the County of Calhoun and the State of Michigan, described as follows:

Legal Description: MACGREGORS ADD LOTS 35 & 36 ALSO PART OF LOT 37 DESC AS BEG NW COR OF LOT 37 - NELY ALG SLY LI OF CAPITAL AVE 10 FT - SELY 117.5 FT TO WLY LI OF LOT 37 - NWLY ALG SD WLY LI 20 FT TO ANGLE IN SD WLY LI - NWLY 95.03 FT TO POB.

Parcel Number: 52-4990-00-035-0

Also known as: 614 Capital Ave N.E., Battle Creek, MI 49017

This Mortgage applies TOGETHER with the privileges and appurtenances to the same belonging and all of the rents, issues and profits which may arise or be had therefrom.

TO HAVE AND TO HOLD the above-mortgaged premises, together with the appurtenances thereunto appertaining unto the Mortgagee forever, provided that if the Mortgagor shall pay the principal as provided in the Mortgage executed by the Mortgagor to the Mortgagee and shall pay all other sums herein after provided for, and shall well and truly keep and perform all of the covenants herein contained, then this Mortgage shall be null and void: otherwise, to remain in full effect.

And, Mortgagor hereby COVENANTS as follow:

1. Mortgagor will pay as provided herein.
2. Mortgagor will not permit or suffer the use of the residential unit on the property for which this Mortgage is given for any other purpose than to provide Recovery Transitional Housing for households in recovery from opioid use disorder.
3. Mortgagor will pay before the same becomes delinquent or subject to interest or penalties, all ground rent, taxes, assessments, water rates, and all other charges and encumbrances which now are or shall hereafter be or appear to be a lien upon the premises or any part thereof (unless otherwise agreed to in writing), and that in default thereof, Mortgagee may, without demand or notice, pay the taxes, assessments, charges or encumbrances, and pay such sum of money as Mortgagee may deem to be necessary therefore, and shall be the sole judge of the legality or validity thereof and the amount necessary to be paid in satisfaction thereof.
4. Mortgagor will keep the improvement now existing and hereafter erected on the mortgaged property insured against loss by fire and other such hazards, casualties, natural disasters, and contingencies as may be stipulated by Mortgagee, unless otherwise agreed to in writing. Mortgagee shall be listed as an additional insured on any policy, and shall be provided with a Certificate of Insurance that reflects this additional insured status. A 30-day notice of cancellation or material change shall be provided to the City and so noted on the Certificate of Insurance. All certificates and notices shall be sent to City of Battle Creek, Risk Management, ATTN: Elizabeth Riser, Risk Compliance Manager, 10 N. Division Street, Suite 215. Battle Creek, Michigan, 49014.
5. Mortgagor will not permit or commit any waste on the premises and will keep the buildings thereon and all equipment therein mortgaged, if any, in good repair and promptly comply with all laws, ordinances, regulations and requirements of any governmental body affecting the said mortgaged premises, and should the premises or any part thereof require inspection, repair, care, or attention of any kind or nature not provided by Mortgagor, or by another party responsible, the Mortgagee, being the sole judge of the necessity, may, after notice to Mortgagor, enter or cause entry to be made on the property and inspect, repair, protect, care for or maintain the property as Mortgagee may deem necessary, and may pay such sums of money as Mortgagee may deem necessary therefore, and shall be the sole judge of the amount necessary to be paid.
6. Mortgagor shall pay Mortgagee forthwith the amounts of all sums of money the Mortgagee shall pay or expend pursuant to Mortgage, and such payments made by the Mortgagee shall be a further lien on the premises under this Mortgage.
7. No forbearances on the part of Mortgagee and no extension of the time for the payment of the debt hereby secured, given by Mortgagee, shall operate to release,

discharge, modify, change or affect the original liability of Mortgagor herein either in whole or in part.

8. Upon default being made in the payment of the sums of money herein agreed to be paid or in the performance of any of the covenants, or agreements contained according to the terms secured herein, the mortgagee is hereby authorized and empowered to sell or cause to be sold the property. Proceeds of such a sale would be used to repay federal CDBG grant funds to the U.S. Department of Housing and Urban Development after paying costs and charges of such sale and attorney fees. Any surplus monies (if any) would be rendered to Mortgagee to replace Opioid Settlement funds in the amount spent on the rehabilitation, and any further surplus would be treated as federal program income to the CDBG program.
9. This Mortgage requires Mortgagor to hold such property, to make improvement as needed during the ten-year period of affordability and to operate the property as Recovery Transitional Housing for eligible households for a period of ten years.
10. Mortgagor may not sell or transfer ownership of the property during the ten-year agreement period without the approval of Mortgagee.
11. Mortgagee will maintain documentation of opioid use disorder for all residents of the property and provide demographic reports to Mortgagee as requested. Participants living in the Recovery Transitional Housing at the property will have income documented at or below 80% of area medium income as determined annually by the U.S. Department of Housing and Urban Development.

Signatures follow on the next page.



RECOVERY HOUSING AT 614 CAPITAL AVE NE

Recovery Services Unlimited Program Proposal

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Appendices

- Appendix A: RSU Outpatient Clinic Columbia Avenue LARA License
- Appendix B: RSU Clay Street Recovery House LARA License
- Appendix C: RSU Grant Street Recovery House LARA License
- Appendix D: RSU Cherry Street Recovery House LARA License
- Appendix E: MARR Annual Re-Accreditation Letter 2024-2025
- Appendix F: Katherine O’Hare, MARR- Letter of Support
- Appendix G: Joint Commission Re-Accreditation Letter 2024-2027
- Appendix H: SWMBH Annual Administrative and Clinical Quality Site Review 2024-2025
- Appendix I: Joel Smith, SWMBH- Letter of Support
- Appendix J: Brandi Clanton resume
- Appendix K: Brandi Clanton LARA LMSW licensure
- Appendix L: Brandi Clanton MCBAP CAADC certification
- Appendix M: Brandi Clanton MCBAP CCS certification
- Appendix N: Brandi Clanton MDHHS CPRC certification
- Appendix O: Carol Haller resume

Appendix P: Carol Haller LARA LMSW licensure
Appendix Q: Carol Haller MCBAP CAADC certification
Appendix R: Carol Haller MCBAP CCS certification
Appendix S: Doug Bierlein resume
Appendix T: Adam Fox resume
Appendix U: Adam Fox MDHHS CPRC certification
Appendix V: Ashley Schell resume
Appendix W: Ashley Schell MDHHS CPRC certification
Appendix X: Ashley Schell MDHHS Renewal certification
Appendix Y: RSU Certificate of General Liability Insurance 02/15/2025-02/15/2026
Appendix Z: West Bend Quote Proposal

Section 4.3: Evaluation Criteria

Firm Qualifications

Organizational Background

Recovery Services Unlimited, Inc. (RSU) has been a trusted provider of peer-run Recovery Housing in Battle Creek since 2017. Founded to meet the need for structured, recovery-oriented housing, RSU began with a single Recovery House on Clay Street and has since expanded to operate three primary recovery residences and three Tier 2 long-term supportive housing units, all located in Battle Creek, MI.

Today, RSU provides safe, sober, and supportive housing to up to 27 residents and 3 live-in House Managers across its primary Tier 1 Recovery Houses. In addition, RSU offers continued transitional support through three Tier 2 residences, reserved for program graduates who require affordable, independent housing while also continuing to receive structured recovery support, extended accountability and assistance before fully transitioning into independent living.

Licensure, Certification, and Accreditation

- Licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA)¹
Jim Hoyt, Regulation Officer – hoytj3@michigan.gov | (517) 243-3092
- Certified Level III Programs by the Michigan Association of Recovery Residences (MARR)²
*Katherine O'Hare, Chief Compliance Officer*³ – kohare@micharr.com | (616) 312-2100
- Accredited by the Joint Commission⁴
Brianna Soltis, Accreditation Specialist – bsoltis@jointcommission.org | (630) 792-5136

RSU has also maintained a Recovery Housing contract with Southwest Michigan Behavioral Health (SWMBH)⁵ since 2017 and remains in good standing.
*Joel Smith, Director of SUD Services, SWMBH*⁶ – joel.smith@swmbh.org | (269) 488-6958

Recovery Housing Experience

RSU's Tier 1 Recovery Housing Program serves adult men in early recovery through a structured, phased model that includes:

- Health stabilization
- Employment/education engagement
- Preparation for long-term housing

¹ Appendix A-D: RSU Outpatient Clinic Columbia Avenue, Clay Street Recovery House, Grant Street Recovery House and Cherry Street Recovery House LARA Licenses

² Appendix E: MARR Annual Re-Accreditation Letter 2024-2025

³ Appendix F: Katherine O'Hare, MARR- Letter of Support

⁴ Appendix G: Joint Commission Re-Accreditation Letter 2024-2027

⁵ Appendix H: SWMBH Annual Administrative and Clinical Quality Site Review 2024-2025

⁶ Appendix I: Joel Smith, SWMBH- Letter of Support

All residents receive:

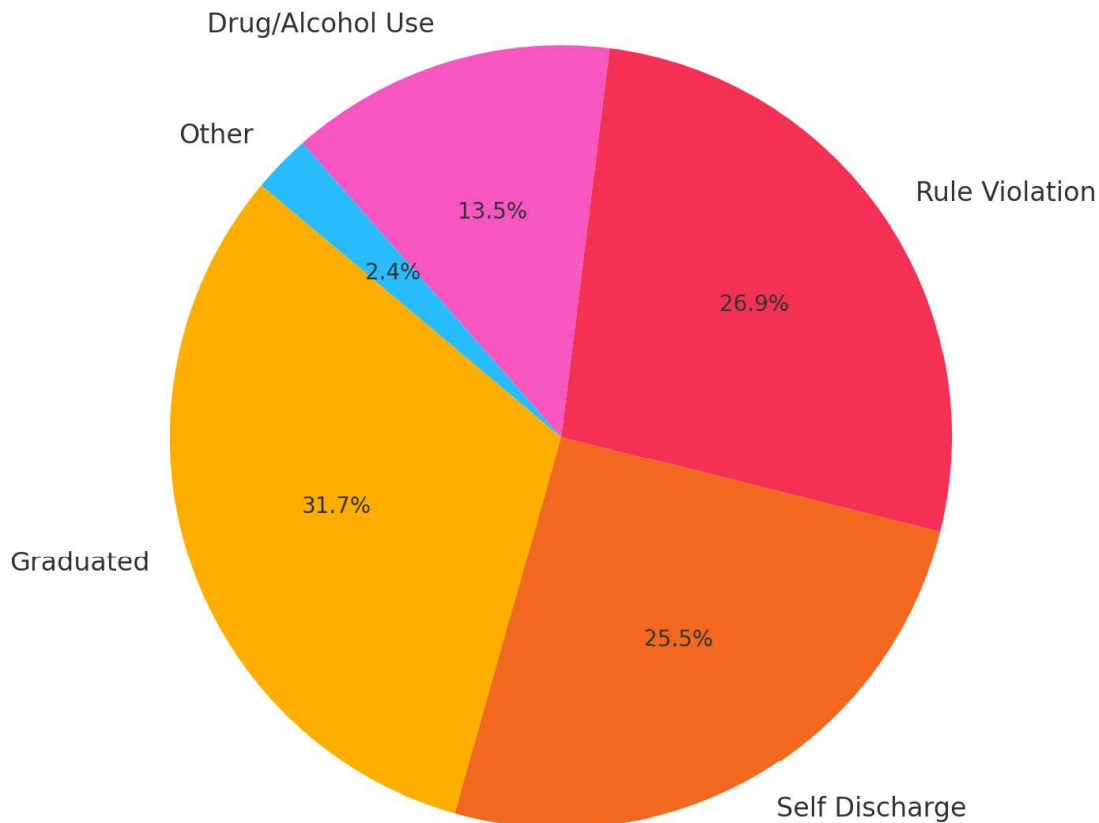
- A structured, sober living environment. Each of the three recovery residences is overseen by a live-in house manager who is a certified Recovery Coach.
- A minimum of four hours of individualized Recovery Coaching per week from State-certified peer recovery coaches (CPRC)
- Outpatient individual and group therapy through RSU's Outpatient Clinic
- Case management for up to two hours per week

Recovery Coaches assist residents in creating personalized recovery plans, building recovery capital, and navigating access to healthcare, employment, education, and housing resources. This integrated continuum of care increases treatment engagement, reduces relapse risk, and promotes sustained recovery.

Program Outcomes *(April 2017 through December 2024)*

- Total Individuals Served: **958**
- Average Length of Stay: **49.56 days**

RSU Recovery Housing Program Outcomes (2017-2024)



Graduation/Successful Completion (90-day program): **31.73%**

Self-Discharge (Participant-Elected Early Discharge): **25.47%**
 Discharge – Program Violation: **26.93%**
 Discharge – Drug/Alcohol Use: **13.47%**
 Other (hospitalization, incarceration, referral, etc.): **2.40%**

Outcome (2017-2024)	Individuals Served	Average Length of Stay (Days)
Graduated	304	88.5
Self Discharge	244	31.73
Rule Violation	258	38.96
Drug/Alcohol Use	129	27.48
Other	23	34.21
Total	958	49.56

In addition to our primary Recovery Houses, RSU operates three "Tier 2" long-term housing properties in Battle Creek, MI, specifically for graduates of our Recovery Housing Program who need continued support and accountability as they transition toward independent living. These include a

- duplex with a 1-bedroom and a 2-bedroom apartment
- 3-bedroom standalone house
- tri-plex with three 1-bedroom apartments

Once an individual successfully completes our structured Tier 1 Recovery Housing Program, they may transition into one of these Tier 2 residences, where they remain actively engaged in RSU's full continuum of care—including individual and group therapy, case management, and recovery coaching services. While the heads of household are graduates of the Recovery Housing Program, many have also chosen to live with their dependent children and/or significant others, further emphasizing RSU's ability to support not only individual recovery but family stability and reunification.

This extended support model ensures continuity of care in a more independent living environment, fostering long-term recovery stability and personal growth. RSU's proven ability to operate multiple peer-led residences and support high-needs populations in recovery positions us as a strong partner for managing a 6-unit apartment complex dedicated to individuals with opioid use disorders. Our integrated, recovery-oriented approach improves housing stability, reduces relapse risk, and promotes sustainable recovery outcomes for individuals who require long-term support beyond the initial treatment phase.

	Individuals Served	Average Length of Stay (Months)

Former Residents	13	20.62
Current Residents	6	18.16

Personnel Qualifications

All required licenses, certifications, and resumes for key personnel are attached. Below is a summary of the qualifications and experience of the team responsible for this project:

Brandi Clanton, LMSW, CAADC, CCS⁷

Executive Director

Brandi has worked in the human services field for over 25 years. She earned her Master of Social Work from Western Michigan University in 2014 and is fully dual licensed in both micro and macro–Social Work through LARA. She holds both the Certified Advanced Alcohol and Drug Counselor (CAADC) and Certified Clinical Supervisor (CCS) credentials through Michigan Certification Board of Addiction Professionals (MCBAP). Brandi opened RSU in 2017 and has provided vision, leadership, and operational oversight of all agency programs ever since.

Carol Haller, LMSW, CAADC, CCS⁸

Clinical Director

Carol is a Master Level Social Worker who earned her MSW from Western Michigan University in 2010. She is fully licensed through LARA and holds both CAADC and CCS credentials through MCBAP. Since 2021, she has served as RSU's Clinical Director, supervising all clinical staff and ensuring quality in service delivery, including assessments, treatment planning, therapy, and case management.

Douglas Bierlein⁹

Property Manager

Doug joined RSU in 2020 and is responsible for the maintenance and upkeep of all RSU properties, including Recovery Houses, Tier 2 housing, and our Outpatient Office. He works closely with city and state officials to ensure all properties remain in full compliance with health, safety, and housing codes.

Adam Fox, CPRC¹⁰

Recovery Housing Program Coordinator

Adam has been with RSU since 2023. He was hired as a House Manager of one of the Tier 1 recovery houses before being promoted to Program Coordinator. He now oversees the day-to-day operations of the Recovery Housing Program. He is a Certified Peer Recovery Coach

⁷ Appendix J-N: Brandi Clanton resume, LARA LMSW licensure, MCBAP CAADC and CCS certifications and MDHHS CPRC certification

⁸ Appendix O-R: Carol Haller resume, LARA LMSW licensure, MCBAP CAADC and CCS certifications

⁹ Appendix S: Doug Bierlein resume

¹⁰ Appendix T-U: Adam Fox resume and MDHHS CPRC certification

through the Michigan Department of Health and Human Services. Adam is responsible for resident accountability, conducting weekly meetings and all necessary oversight of the house manager staff, overseeing drug testing, and ensuring residents are actively engaged in recovery services and meeting all program requirements and responsibilities.

Ashley Schell, CPRC¹¹

Recovery Coach Program Coordinator

Ashley has been with RSU since 2022 and was originally hired as a Recovery Coach before being promoted to Team Leader and ultimately Program Coordinator. She now oversees the RSU Recovery Coach staff including 3 Team Leaders and 15 Recovery Coaches. She is a Certified Peer Recovery Coach through the Michigan Department of Health and Human Services. She is responsible for ensuring the productivity and effectiveness of the certified recovery coach team through strategic leadership and direct supervision to ensure program model integrity and recoveree welfare.

Staffing Plan: Residents of the new Tier 2 housing will be required to attend weekly Relapse Prevention and house meetings with Adam, continue meeting with their assigned Recovery Coach and Therapist, and engage in group therapy and/or case management as clinically indicated.

- Adam Fox will be the primary staff member assigned to residents at the 614 Capital property, providing weekly Relapse Prevention Groups and housing check-in and accountability meetings. Meetings will include a weekly urinalysis drug and alcohol screen.
- Ashley Schell will provide oversight of all recovery coaching staff assigned to the residents. She will review each resident's recovery plan and recovery plan updates and monitor progress towards individualized recovery goals.
- Carol Haller will provide clinical oversight and ensure appropriate service coordination. She will oversee all clinical staff providing Individual therapy, Group therapy and Case Management.
- Douglas Bierlein will manage maintenance and property standards as well as collect program fees.
- Brandi Clanton will oversee the full program, staffing, service delivery, compliance, and quality assurance.

Work Plan

Scope of Service:

The 614 Capital Ave NE Recovery Housing project will serve as Tier 2 Recovery Housing for individuals who have successfully graduated from RSU's Tier 1 Recovery Housing Program. Residents may be single individuals with diagnosed opioid use disorder or families in which the

¹¹ Appendix V-X: Ashley Schell resume, MDHHS CPRC and Renewal certification

head of household have been diagnosed with an opioid use disorder and must be actively engaged in outpatient recovery services. These services include Recovery Coaching, Case Management (if applicable), Individual Therapy, and Group Therapy.

Enrollment into the Program:

There are four main criteria for eligibility for this Tier 2 housing opportunity.

- 1) Participants must demonstrate dedication and commitment to their recovery by successfully completing the RSU 90-day intensive Tier 1 Recovery Housing Program
- 2) Participants must be actively engaged in outpatient recovery services.
- 3) Participants must have a diagnosed opioid use disorder.
- 4) Participants must also possess two or more significant barriers to competitive/ fair market housing included but not limited to past evictions, lack of rental history, limited employment history, low or inconsistent income, poor credit history, criminal record, lack of references, etc. Providing long-term housing opportunities to program graduates who face barriers to fair market rental housing—such as poor credit, criminal records, inconsistent income, or lack of rental history—addresses a critical gap in the recovery continuum.

Without stable, affordable housing, individuals in early recovery are at significantly higher risk of relapse, hospitalization, or recidivism. By offering structured, supportive housing to those who would otherwise be excluded from the rental market, RSU ensures that graduates maintain the momentum of their recovery while continuing to build financial stability, reconnect with family, and participate meaningfully in the workforce and community. These housing opportunities not only support the individual's long-term success but also reduce the burden on emergency services, criminal justice systems, and shelter networks. In doing so, we promote recovery equity, interrupt cycles of instability, and foster a healthier, more inclusive Battle Creek community.

Interested Tier 1 residents will contact RSU's Recovery Housing Program Coordinator to express interest in a Tier 2 apartment. They will then complete a written application and participate in an interview process. As part of the vetting process, Adam and Brandi will consult with the applicant's current Therapist, Recovery Coach, and House Manager. A collaborative decision will be made to determine the applicant's appropriateness and need for the Tier 2 housing opportunity.

Supportive Services:

Residents will have access to a robust and immersive network of supportive services designed to promote stability, accountability, and personal growth throughout their recovery journey. These services include:

- **Individual Therapy Sessions:** Residents will participate in regular one-on-one therapy sessions with licensed clinical therapists. These sessions are tailored to each individual's needs and focus on trauma recovery, mental health stabilization, relapse prevention, emotional regulation, and developing healthy coping mechanisms.
- **Group Therapy Sessions:** Facilitated by trained professionals, group therapy allows residents to share experiences, build peer support networks, and work through common challenges. Evidence-based models such as Cognitive Behavioral Therapy (CBT), Seeking

Safety, and Relapse Prevention will be employed to address a range of recovery-related topics.

- **Recovery Coaching:** Residents will be paired with a Certified Peer Recovery Coach who provides mentorship, encouragement, and real-world guidance. Coaches assist participants in setting and achieving recovery goals, navigating social services, rebuilding life skills, and maintaining long-term sobriety. Recovery Coaching emphasizes empowerment and connection.
- **Case Management Services:** Where clinically appropriate, residents will also receive case management support to address social determinants of health such as employment, education, healthcare access, childcare, legal issues, and housing transitions. Case Managers work collaboratively with the resident's recovery team to ensure a coordinated care approach.

Through this comprehensive support structure, each resident will be immersed in an environment that encourages accountability, celebrates milestones, and fosters community. RSU's wraparound model ensures no one navigates recovery alone—every participant is supported by a dedicated team committed to their success and long-term wellness.

Building Maintenance Plan:

- The Recovery Housing Program Coordinator will discuss any maintenance issues during weekly resident check-ins.
- Monthly walkthroughs will be conducted by the Recovery Housing Program Coordinator in coordination with the Property Manager Doug Bierlein.
- All shared and exterior areas will be maintained regularly by the Property Manager.
- The Property Manager will oversee all yard care and snow removal and ensure seasonal upkeep.
- The Property Manager will also schedule and attend inspections from all overseeing bodies, including those from the City of Battle Creek.
- The sprinkler system will receive an annual inspection.

Program Fees and Utilities:

Residents will pay a monthly Program Fee based on fair and affordable rates:

- Market research indicates average rent in Battle Creek for a one-bedroom unit in moderate to lower-income areas ranges from \$650–\$750/month, while two-bedroom units range from \$800–\$950/month.
- According to HUD's FY2024 Fair Market Rent standards for Calhoun County, the fair market rents are:
 - 1-Bedroom: \$753
 - 2-Bedroom: \$971
- RSU will charge on the low end of the spectrum to ensure affordability:
 - 1-Bedroom: \$650/month
 - 2-Bedroom: \$800/month

Residents will be responsible for paying for their own electricity through Consumers Energy. RSU will cover the cost of:

- Water, sewer, and trash services (City of Battle Creek)
- Gas (Semco Energy)
- Boiler heat (covered by RSU – boiler system is brand new)

Average Length of Stay:

Based on RSU’s historical experience, the average participant remains in Tier 2 housing for approximately 18 to 24 months. Many residents enter the program with significant barriers to independence, including criminal justice involvement, poor credit, past evictions, limited or inconsistent work history, and a lack of safe, supportive environments. The extended length of stay is intentional and critically provides individuals with the time and structure needed to stabilize their recovery, build employment and rental histories, repair credit, and develop essential life skills.

This period also allows participants to strengthen their recovery capital and social support, engage meaningfully in treatment and recovery coaching, and begin to reconnect with family or dependents. With consistent accountability and access to services, residents are better prepared to transition into fair market housing or independent living upon program completion. The result is a stronger foundation for sustained recovery, reduced relapse risk, and a greater likelihood of long-term self-sufficiency.

Special Terms and Conditions

3.5 Insurance

Recovery Services Unlimited has added the City of Battle Creek as a certificate holder and as additionally insured party on the RSU General Liability Insurance¹² through West Bend policy #A230460 for the term 02/15/2025-02/15/2026.

Recovery Services Unlimited has also attached a West Bend Quote Proposal¹³ for the addition of 614 Capital Ave NE for both property and general liability insurance.

¹² Appendix Y: RSU Certificate of General Liability Insurance 02/15/2025-02/15/2026

¹³ Appendix Z: West Bend Quote Proposal

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

P250407

SUBSTANCE USE DISORDER SERVICES PROGRAM LICENSE

THIS LICENSE HAS BEEN ISSUED ACCORDING TO THE PROVISIONS OF ARTICLE 6, SUBSTANCE ABUSE, OF THE PUBLIC HEALTH CODE, ACT NUMBER 368 OF THE PUBLIC ACTS OF 1978, AS AMENDED. THIS LICENSE IS NONTRANSFERABLE, SUBJECT TO LIMITATION, SUSPENSION, OR REVOCATION BY THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS FOR ANY VIOLATION OF THE CODE OR THE RULES PROMULGATED BY ITS AUTHORITY AND MUST BE PROMINENTLY DISPLAYED IN A PUBLIC AREA. THE SUBSTANCE USE DISORDER SERVICES PROGRAM IS LICENSED FOR THE FOLLOWING SERVICE CATAGORIES:

OUTPATIENT

LICENSEE: RECOVERY SERVICES UNLIMITED, INC.

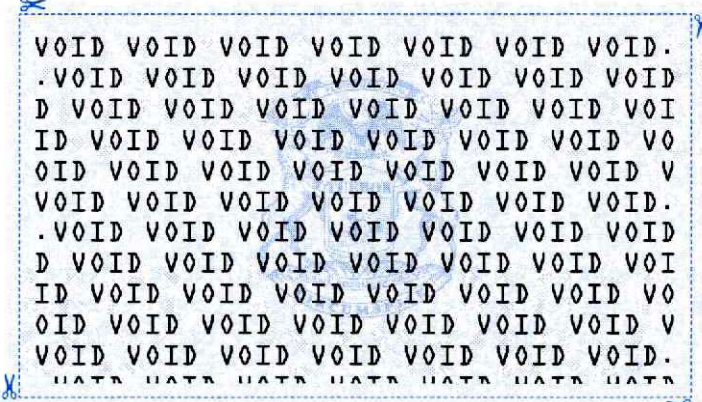
FACILITY: RECOVERY SERVICES UNLIMITED - OUTPATIENT SUD SERVICES
2150 W. COLUMBIA AVE.
BATTLE CREEK MI 49015
CALHOUN COUNTY

PERMANENT I.D. NO.
SA0130133

EXPIRATION DATE
07/31/2025

4939798

THIS DOCUMENT IS DULY
ISSUED UNDER THE LAWS OF
THE STATE OF MICHIGAN.



RECOVERY SERVICES UNLIMITED
70 CLAY ST
BATTLE CREEK MI 49017

COMPLAINT INFORMATION:
THE ISSUANCE OF THIS LICENSE SHOULD NOT BE CONSTRUED AS A WAIVER, DISMISSAL OR ACQUIESCENCE TO ANY COMPLAINTS OR VIOLATIONS PENDING AGAINST THE LICENSEE, ITS AGENTS OR EMPLOYEES.

FUTURE CONTACTS:
YOU SHOULD DIRECT INQUIRIES REGARDING THIS LICENSE OR ADDRESS CHANGES TO THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BY EMAILING LARA-BCHS-NLTCCLS@MICHIGAN.GOV OR CALL 833-757-7308

YOUR LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE.

REVERSE SIDE OF LICENSE CONTAINS IMPORTANT INFORMATION.

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS **0996416**

SUBSTANCE USE DISORDER SERVICES PROGRAM LICENSE

THIS LICENSE HAS BEEN ISSUED ACCORDING TO THE PROVISIONS OF ARTICLE 6, SUBSTANCE ABUSE, OF THE PUBLIC HEALTH CODE, ACT NUMBER 368 OF THE PUBLIC ACTS OF 1978, AS AMENDED. THIS LICENSE IS NONTRANSFERABLE, SUBJECT TO LIMITATION, SUSPENSION, OR REVOCATION BY THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS FOR ANY VIOLATION OF THE CODE OR THE RULES PROMULGATED BY ITS AUTHORITY AND MUST BE PROMINENTLY DISPLAYED IN A PUBLIC AREA. THE SUBSTANCE USE DISORDER SERVICES PROGRAM IS LICENSED FOR THE FOLLOWING SERVICE CATAGORIES:

CAIT

LICENSEE: RECOVERY SERVICES UNLIMITED

FACILITY: RECOVERY SERVICES UNLIMITED
70 CLAY ST
BATTLE CREEK MI 49017
CALHOUN COUNTY

PERMANENT I.D. NO. SA0130125

EXPIRATION DATE 07/31/2025

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RECOVERY SERVICES UNLIMITED
58 GRANT ST
BATTLE CREEK MI 49037

COMPLAINT INFORMATION:
THE ISSUANCE OF THIS LICENSE SHOULD NOT BE CONSTRUED
AS A WAIVER, DISMISSAL OR ACQUIESCENCE TO ANY
COMPLAINTS OR VIOLATIONS PENDING AGAINST THE LICENSEE,
ITS AGENTS OR EMPLOYEES.

FUTURE CONTACTS:
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OR ADDRESS CHANGES TO THE DEPARTMENT OF LICENSING
AND REGULATORY AFFAIRS BY EMAILING
LARA-BCHS-NLTCSLS@MICHIGAN.GOV OR CALL 833-757-7308

YOUR LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE.

REVERSE SIDE OF LICENSE CONTAINS
IMPORTANT INFORMATION.

GRETCHEN WHITMER
GOVERNOR

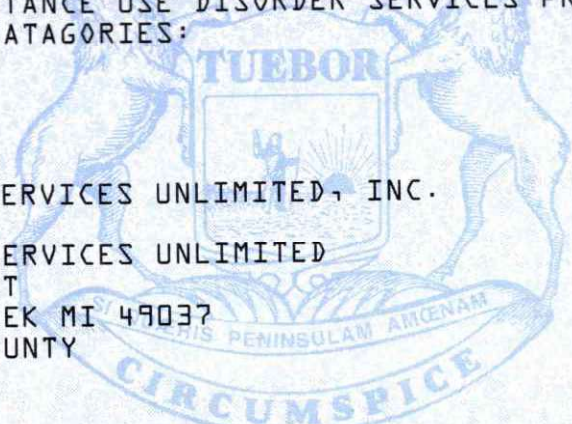
STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS **0996424**

SUBSTANCE USE DISORDER SERVICES PROGRAM LICENSE

THIS LICENSE HAS BEEN ISSUED ACCORDING TO THE PROVISIONS OF ARTICLE 6,
SUBSTANCE ABUSE, OF THE PUBLIC HEALTH CODE, ACT NUMBER 368 OF THE
PUBLIC ACTS OF 1978, AS AMENDED. THIS LICENSE IS NONTRANSFERABLE,
SUBJECT TO LIMITATION, SUSPENSION, OR REVOCATION BY THE DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS FOR ANY VIOLATION OF THE CODE OR THE
RULES PROMULGATED BY ITS AUTHORITY AND MUST BE PROMINENTLY DISPLAYED IN
A PUBLIC AREA. THE SUBSTANCE USE DISORDER SERVICES PROGRAM IS LICENSED FOR
THE FOLLOWING SERVICE CATAGORIES:

CAIT

LICENSEE: RECOVERY SERVICES UNLIMITED, INC.
FACILITY: RECOVERY SERVICES UNLIMITED
58 GRANT ST
BATTLE CREEK MI 49037
CALHOUN COUNTY



PERMANENT I.D. NO. SA0130128
EXPIRATION DATE 07/31/2025
4938282

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THE STATE OF MICHIGAN.

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RECOVERY SERVICES UNLIMITED
130 CHERRY ST
BATTLE CREEK MI 49017

COMPLAINT INFORMATION:
THE ISSUANCE OF THIS LICENSE SHOULD NOT BE CONSTRUED AS A WAIVER, DISMISSAL OR ACQUIESCENCE TO ANY COMPLAINTS OR VIOLATIONS PENDING AGAINST THE LICENSEE, ITS AGENTS OR EMPLOYEES.

FUTURE CONTACTS:
YOU SHOULD DIRECT INQUIRIES REGARDING THIS LICENSE OR ADDRESS CHANGES TO THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BY EMAILING LARA-BCHS-NLTC@MICHIGAN.GOV OR CALL 833-757-7308

YOUR LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE.

REVERSE SIDE OF LICENSE CONTAINS IMPORTANT INFORMATION.

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS **0986417**

SUBSTANCE USE DISORDER SERVICES PROGRAM LICENSE

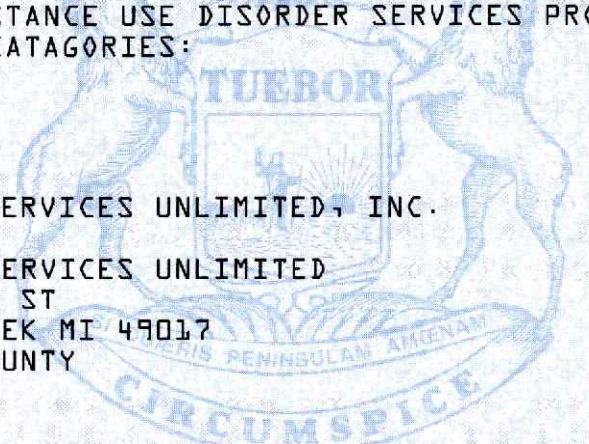
THIS LICENSE HAS BEEN ISSUED ACCORDING TO THE PROVISIONS OF ARTICLE 6, SUBSTANCE ABUSE, OF THE PUBLIC HEALTH CODE, ACT NUMBER 368 OF THE PUBLIC ACTS OF 1978, AS AMENDED. THIS LICENSE IS NONTRANSFERABLE, SUBJECT TO LIMITATION, SUSPENSION, OR REVOCATION BY THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS FOR ANY VIOLATION OF THE CODE OR THE RULES PROMULGATED BY ITS AUTHORITY AND MUST BE PROMINENTLY DISPLAYED IN A PUBLIC AREA. THE SUBSTANCE USE DISORDER SERVICES PROGRAM IS LICENSED FOR THE FOLLOWING SERVICE CATAGORIES:

CAIT

LICENSEE: RECOVERY SERVICES UNLIMITED, INC.
FACILITY: RECOVERY SERVICES UNLIMITED
130 CHERRY ST
BATTLE CREEK MI 49017
CALHOUN COUNTY

PERMANENT I.D. NO. SA0130131
EXPIRATION DATE 07/31/2025
4938283

THIS DOCUMENT IS DULY ISSUED UNDER THE LAWS OF THE STATE OF MICHIGAN.





6/27/24

Congratulations!

The following recovery locations are certified by MARR:

- (9 beds) 130 Cherry St. Battle Creek, MI 49017
- (9 beds) 70 Clay St. Battle Creek, MI 49017
- (9 beds) 58 Grant St. Battle Creek, MI 49037

Recovery Services Unlimited is a Level 3 MARR accredited operator. Your program will be listed under the ‘Accredited Operators’ tab on our website (michiganarr.com). Feel free to present your certification proudly by adding the MARR and NARR Certified Residence logos to your own website. In the unlikely scenario that your certification is ever revoked, you must remove them from all publications.

We hope that you will continue to work diligently to hold up each of these standards to ensure the best possible care for your residents. Please be prepared for possible randomized inspections throughout the certification year. In the event that any changes are made to your program, such as the opening or closing of a home, etc. MARR must be notified within 30 days of said changes and your Certemy profile must be updated. Be sure to mark your calendar for your annual site review on **6/27/25**. We will be in contact within 1 month of your certificate’s expiration date to schedule reinspection.

Have a wonderful year!

-The MARR Team





4/2/25

Michigan Association of Recovery Residences, Inc.
370 Country Club Rd, Ste 20
Holland, Michigan 49423
kohare@micharr.com

Recommendation Letter

To Whom It May Concern:

I am writing on behalf of Brandi Clanton, owner and operator of Recovery Services Unlimited. Recovery Services Unlimited, Inc. (RSU) operates (3) men's recovery residences (RR), all located in the Battle Creek area. RSU has been in good standing and has successfully maintained their certification through the oversight and annual site reviews with MARR since 2019. In August of 2024, Recovery Services Unlimited was recognized as MARR's Operator of the Month, for their consistency, hard work and dedication to maintaining standards and expectations. These RR are accredited by MARR as meeting the National Standards for Recovery Residences (NARR) 3.0 Standards and the Code of Ethics. The NARR Standards incorporate the Social Model of recovery which has been recognized by the Michigan Department of Health and Human Services as the most effective and holistic measure to bring recovery to Michiganders. (See MDHHS Technical Advisory 11, 2015.

The Social Model of recovery provides support to people afflicted with a substance use disorder (SUD) by providing a safe and alcohol/drug free environment after detox and often a short (30-60-day) course of treatment. Studies conducted by the Johns Hopkins Medical School in 2011 concluded that individuals suffering from an SUD were **10 times more likely to remain sober** if given an additional 6-months in an RR. (See *Abstinence – Contingent Recovery Housing and Reinforcement Based Treatment following Opioid Detoxification*, Tuten, et. Al. *Addiction* 2012 Feb. Vol.107(5), pp. 973-982) (emphasis added).

RSU staff have been trained in the Social Model of recovery with both a 20-module cloud-based interactive NARR Standards' training and a 5-module state specific MARR cloud-based interactive training.

In addition to the training of the RSU staff on the Social Model of recovery, all the RSU RR residents are provided with the opportunity to participate with the Recovery Capital assessment instrument (RecCap) developed by Dr. David Best, Professor at the University of Derby, England. The RecCap instrument measures both Recovery Capital and the barriers to recovery at admission and at 45-day and 90-day intervals. The RecCap assessment provides the ability for self-directed recovery planning and measurement after the 30-to-60-day treatment has ended.

In summary, because of the long-standing commitment to providing quality recovery housing, it is my considered opinion and recommendation that Recovery Services Unlimited is deserving of the opportunity for the upcoming RFP #2025-098R for the Recovery Housing project. This will result in better outcomes for the RR individuals and their return to healthy and productive members of the Battle Creek/Kalamazoo area.

Very truly yours,

Katherine O'Hare-Rogers



April 26, 2024

Brandi Clanton, LMSW
Executive Director
Recovery Services Unlimited, Inc
6221 West Lake Road
Bellevue, MI 49021

Joint Commission ID #: 664559
Program: Behavioral Health Care and Human Services
Accreditation Activity: 60-day Evidence of Standards
Compliance
Accreditation Activity Completed : 4/15/2024

Dear Ms. Clanton:

The Joint Commission is pleased to grant your organization an accreditation decision of Accredited for all services surveyed under the applicable manual(s) noted below:

Comprehensive Accreditation Manual for Behavioral Health Care and Human Services

This accreditation cycle is effective beginning March 21, 2024 and is customarily valid for up to 36 months. Please note, The Joint Commission reserves the right to shorten the duration of the cycle.

Should you wish to promote your accreditation decision, please view the information listed under the 'Publicity Kit' link located on your secure extranet site, The Joint Commission Connect.

The Joint Commission will update your accreditation decision on Quality Check®.

Congratulations on your achievement.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Grubbs".

Ken Grubbs, DNP, MBA, RN
Executive Vice President and Chief Nursing Officer
Division of Accreditation and Certification Operations



5250 Lovers Lane, Suite 200, Portage, MI, 49002
P: 800-676-0423
F: 269-883-6670

November 19, 2024

Brandi Clanton
Recovery Services Unlimited
2150 W. Columbia Ave
Battle Creek, MI 49015

Re: 2024 SUD Site Review

Dear Brandi,

On behalf of Southwest Michigan Behavioral Health (SWMBH), I would like to thank you and your staff for your assistance during SWMBH's Administrative and Clinical Quality Site Review that took place on October 9, 2024.

Accompanying this letter, you will find five Excel Workbook documents containing the following:

- 1) "FY24 SUD Clinical Quality Review – RSU" – with CAPs included → 94.6%
- 2) "FY24 RSU Recovery House – Grant" – with no CAPs 100%
- 3) "FY24 RSU Recovery House – Clay" – with no CAPs 100%
- 4) "FY24 RSU Recovery House – Cherry" – with no CAPs 100%
- 5) "FY24 SUD Administrative Review - RSU" – with no CAPs 100%

SWMBH requests a Corrective Action Plan (CAP) to be submitted for any metric that did not meet the scoring criteria. Clinical and Administrative metrics with a score less than 90% have been outlined in the attached workbooks.

- 1) Please complete the column labeled "CAP Submission" within the "FY24 SUD Clinical Quality Review – RSU" workbook under the tab labeled "CAP"

SWMBH requires the CAPs to be completed within 45 days of receipt of this letter, which will be January 3, 2025. The CAPs may be added directly to the accompanying excel workbooks. It is expected that your CAPs will be implemented prior to your submission to SWMBH, and the supporting documentation be provided as proof it was completed. Once received, SWMBH will review your organization's CAPs to ensure that they are both achievable and sustainable. Any further follow up will be provided within 45 days of your CAP submissions.

Please refer to the attached document to view your organization's scores in greater detail. Should you have any questions or concerns please don't hesitate to contact me at (269) 488-6941.

Sincerely,

Brittany Ball
Provider Network Specialist
Southwest Michigan Behavioral Health



April 11, 2025

RE: Letter of Support for Recovery Services Unlimited – RFP# 2025-098R

To Whom It May Concern:

On behalf of Southwest Michigan Behavioral Health (SWMBH), I am pleased to submit this Letter of Support for Recovery Services Unlimited, Inc. (RSU) in response to the City of Battle Creek's Request for Proposals #2025-098R, specifically in support of RSU's proposed Recovery Housing project at 614 NE Capital Avenue.

As the Director of Substance Use Disorder Services for SWMBH, I have had the opportunity to work closely with RSU and witness their commitment to delivering high-quality, person-centered substance use disorder services throughout Calhoun County. RSU is a long-standing provider within our regional network and has consistently been creative, progressive, and responsive to the needs of the Calhoun County community.

As indicated by various reports and health indicators, including the MDHHS Substance Use Vulnerability Index, Calhoun County has been significantly impacted by the opioid epidemic. Last fiscal year, RSU served over 380 SWMBH-funded clients, nearly 30% of whom identified opioids, heroin, or methamphetamine as their primary substance of abuse at admission. With the ongoing challenges presented by the opioid epidemic and simultaneous rising stimulant use, there is an acute and sustained need for the type of safe, recovery-focused housing that RSU is proposing.

The proposed project at 614 NE Capital represents a critical expansion of housing resources for individuals in recovery within our region. The availability of structured, supportive housing is a key factor in sustained recovery, especially for individuals transitioning from inpatient treatment, reentering the community from the justice system, or navigating early recovery. RSU's model combines peer-based support, clinical service integration, and case management, which aligns with national best practices for recovery housing and has consistently yielded strong outcomes in retention, engagement, and long-term stability. Affordable, safe, and independent housing is often elusive to individuals in recovery and without this, sustained recovery is more difficult. This addition to the continuum of services RSU already provides presents the opportunity to for individuals with a substance use disorder to become more independent and improve their quality of life, while sustaining their recovery.

I am pleased to provide this letter of support on behalf of RSU.

Respectfully submitted,

Joel A. Smith, LMSW
Director of Substance Use Disorder Services

BRANDI M. CLANTON

6221 West Lake Road
Bellevue, MI 49021

Phone: 2693640663
bclanton@recovery-services-unlimited.com

Professional Experience

RECOVERY SERVICES UNLIMITED, INC
Executive Director
Battle Creek, MI

March 2017 – Present

The Executive Director position encompasses the supervision of both RSU Outpatient SUD Clinical Services and the Recovery Services Unlimited Recovery Coach and Recovery House Programs.

Core Functions - Duties and Responsibilities:

Billing:

- Performs overall revenue management including: satisfying timely filing requirements and maximizing billing revenue and collections, and resolution of denied/ rejected claims.
- Monitors billing reports to ensure clean claim submission.
- Provides training as required to on-site staff regarding: billing and other revenue cycle related tasks, standard operating procedures.
- With other members of the leadership team, develop continuous processes and priorities for quality improvement to improve revenue cycle outcomes.
- Handle and be knowledgeable of all software utilized in the management of operations related revenue for RSU, including understanding of pertinent service contracts.
- Manage the credentialing of all clinical staff applications with insurance companies.

Administrative oversight:

- Coordinate and supervise program operations to ensure it is operated in accordance with agency Policies and Procedures and applicable regulatory guidelines, DSS and ASAM criteria and contractual obligations.
- Manage the credentialing of all clinical staff applications with insurance companies.
- Provides oversight to ensure RSU services maintain certification, accreditation and licensure by the organization approved by the Substance Abuse and Mental Health Services Administration.

Staff oversight:

- Responsible for overseeing new hire orientation and training, annual performance reviews supporting employee goals and objectives, conducting all disciplinary actions up to termination of Outpatient Clinical staff.
- Oversee staff training and development, performance management, annual review and progressive discipline.
- Participate and provide input during Team members assessments and professional growth evaluations.

Strategic Planning/ Leadership

- Contributes to the development of the ethical framework for the delivery of recovery services.
- Represent RSUs Recovery Coach and Recovery House Programs at the bi-monthly SWMBH Substance Use Coordinators Meetings.
- Develops plans for new programs or activities in collaboration with leadership staff, outside organizations and funding entities. Conducts research to identify service gaps and needs to consumers and identifies effective strategies to meet those needs.
- Ensure RSU programming and service delivery utilizes a strength-based, client-focused, trauma-informed, culturally competent approach.
- Participates in creating and maintaining a workplace that values diversity and treats everyone with dignity and respect without regard to race, color, age, religion, creed, gender, gender-identity, gender expression, sexual orientation, national origin, marital status, the presence of any sensory, mental or physical disabilities.
- Lead agency-wide Healthcare Equity initiatives and training.
- Assumes all other appropriate duties as deemed necessary by Recovery Services Unlimited, leadership team.

Core Competencies:

- Maintain a professional working relationship with all referral sources for the Outpatient SUD Services, Recovery Coach and Recovery House Programs.
- Knowledge of the community-based Substance Use Disorder Recovery System within Calhoun and Kalamazoo counties, including the County ROSC Plan, funding sources and requirements, and Evidence Based Practice to ensure effective services are provided to all residents.
- Knowledge about substance use and/or mental health issues as it relates to creating a specific and measurable Recovery Plan and crisis planning.
- Effectively appraise peer staffs job performance and develop staffs proficiency in the competencies of recovery-oriented, person-centered, voluntary, relationship-focused and trauma-informed services.
- Work collaboratively with other team members, including working collaboratively with people providing peer support.

SHARE CENTER
Director of Recovery Services
Battle Creek , MI

July 2013 – March 2017

- Designs and manages overall components of Certified Recovery Coach Services (CRCS) and Transitional Housing Services.
- Provides direct supervision oversight of Certified Recovery Coach Services through approximately a one hour weekly meeting to discuss/review desired customer outcomes, goals and interventions, based on the case management treatment plan and/or and required adjustments in the treatment plan.
- Provides educational and clinical progress note(s) documentation oversight.
- Reviews treatment plan regarding hopes, dreams, and interventions for every customer
- Conducts weekly meetings, establishing/facilitating agenda and complying meeting minutes.
- Coordinates continuing education initiatives to enhance behavioral health and substance abuse clinical knowledge.
- Provides direct oversight of staff recruitment, coordination of certification training and allocation of appropriate staffing support base on referrals/case load.
- Provides direct oversight of the on-boarding and all monitoring of all related compliance standards.
- Assigns customer(s) and finalizes all case load assignments and analyzes productivity.
- Responsible in conducting new hire ninety-day and all annual performance review supporting their goals/objectives and recommended compensation adjustments.
- Responsible in conducting and disciplinary actions up to termination based on level of infraction(s).
- Monitors all consumer authorization period and facilitates treatment plan reauthorization as indicated with Clinical Partners.
- Attends weekly Leadership Team meetings.
- Assigned other duties as indicated.

KEYSTONE, INC.
Assistant Director
Kalamazoo, MI

July 2009 – May 2012

- Oversaw daily operations of the facility, including: staff supervision (hiring, training, scheduling and terminations); inventory management, supply and procurement; and all administrative duties i.e., financial responsibilities including budget negotiations, billing and payments, petty cash and payroll.
- Assisted individuals with mental illness in determination and articulation of personal goals for recovery and identifying objectives required to reach his or her recovery goals; using specific intervention strategies.
- Utilized and taught problem solving techniques, identifying and combating negative self-talk, identifying and overcoming fears, and assisting individuals in building social skills within their community.
- Provided peer interventions for individuals with Mental Illness regarding, symptoms of mental illness, coping skills, relapse prevention, and resource connection by: engaging individuals through outreach and support.

INTERACT OF MICHIGAN- ACTION EMPLOYMENT SERVICES
Peer Support, Employment Specialist
Kalamazoo, MI

March 2009 – July 2009

- Facilitated supportive one-on-one and group format employment services to consumers within the Mental Health System including training consumers on necessary job-related skills: interviewing, symptoms management, resume building, etc.
- Coordinated Peer-to-Peer communication and public relations to community groups to discuss AES opportunities and other work-related benefits.
- Ensured compliance with procedures, standards, and policies for agency operations.

HOPE NETWORK- REHABILITATION SERVICES
Independent Living Skills Instructor
Kalamazoo, MI

June 2008 – March 2009

- Provided personal care, protection, and supervision to individuals residing in a transitional, short-term and/or long-term residential rehabilitation program.
- Assisted in coordinating individuals schedules and implementing clinical treatment plans as established by the individual and his/her interdisciplinary treatment team.
- Modeled appropriate behavior and taught life skills to residents.
- Developed and maintained therapeutic relationships with individuals and families.

GATEWAY COMMUNITY SERVICES/ CROSSROADS PROGRAM
Independent Living Skills Instructor/ Direct Care Worker
Lansing , MI

June 2005 – June 2008

- Supervised Homeless and At-Risk youth, ages 13-20, in a Residential setting.
- Advocated for clients within the community. Supervised and executed various projects and fundraising events. Supervised and trained volunteers.
- Taught and modeled Independent Living Skills to clients. Evaluated client progress and behavior.
- Administered medication, urinalysis testing and alcohol testing.
- Assisted clients in meeting their case management goals. Recorded daily activities of the client.
- Provided crisis management over the phone and face-to-face.

Education

WESTERN MICHIGAN UNIVERSITY, Kalamazoo, MI
Bachelors Degree Social Work 2011
Masters Degree Social Work GPA: 3.94 2014

Specialized Training

Masters of Social Work State License, September 2016
Macro and Micro Full License
License Number: 680109708
State of Michigan Board of Social Work

Certified Advanced Alcohol and Drug Counselor, April 2021
MCBAP Certification Number: C-04379
Michigan Certification Board for Addiction Professionals

Certified Clinical Supervisor, October 2022
MCBAP Certification Number: S-20468
Michigan Certification Board for Addiction Professionals

Certificate of Achievement- CCAR Recovery Coach Academy, June 2015
Recovery Allies, Grand Rapids Michigan

SOAR Certification, State of Michigan, September 2013
Substance Abuse and Mental Health Services Administration

Certified Peer Support Specialist, June 2009
State of Michigan Department of Community Health

Community Involvement

President, Board of Directors

Alano Club of Battle Creek July 2024 - Present

- Lead strategic initiatives to expand community outreach and enhance support services for individuals in recovery.
- Play a key role in securing funding and donations to support the club's mission of providing a safe space for recovery.

Treasurer, Board of Directors

Alano Club of Battle Creek August 2023 July 2024

- Managed financial operations, including budgeting, financial reporting, and resource allocation for various recovery programs.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
P.O. BOX 30670
LANSING, MI 48909

STATE OF MICHIGAN - DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BOARD OF SOCIAL WORK
MASTERS SOCIAL WORKER LICENSE

MACRO
CLINICAL

BRANDI MARIE CLANTON

LICENSE NO.	EXPIRATION DATE	
6801097088	10/05/2026	2331150108

BRANDI MARIE CLANTON
6221 WESTLAKE ROAD
BELLEVUE, MI 49021

COMPLAINT INFORMATION:
THE ISSUANCE OF THIS LICENSE SHOULD NOT BE CONSTRUED
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OR CALL (517) 241-0199

YOUR LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE.

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BOARD OF SOCIAL WORK
MASTERS SOCIAL WORKER LICENSE
MACRO
CLINICAL

BRANDI MARIE CLANTON

LICENSE NO.
6801097088

EXPIRATION DATE
10/05/2026

2331150108

THIS DOCUMENT IS DULY
ISSUED UNDER THE LAWS OF
THE STATE OF MICHIGAN

**Michigan Certification
Board for Addiction Professionals**

This certifies that

Brandi Clanton

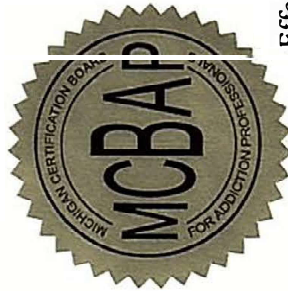
has met the requirements for the

CAADC

CERTIFIED ADVANCED ALCOHOL AND DRUG COUNSELOR

as established by the

*Michigan Certification Board for Addiction Professionals
and the
International Certification & Reciprocity Consortium*



Effective **05/01/23**

To expire on **05/01/26**

Certificate Number

C-04379

Janifer E. Mitchell, LPC, CCS, CAADC

Executive Director

**Michigan Certification
Board for Addiction Professionals**

This certifies that

Brandi Clanton

has met the requirements for the

CCS

CERTIFIED CLINICAL SUPERVISOR

as established by the

Michigan Certification Board for Addiction Professionals

and the

International Certification & Reciprocity Consortium

Effective **10/12/22**

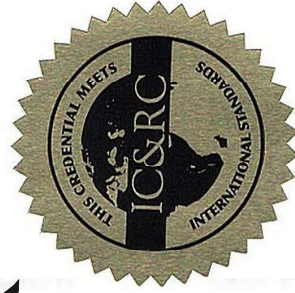
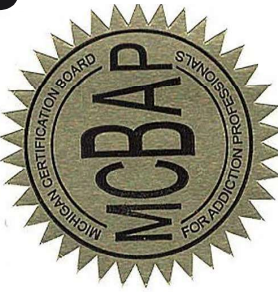
To expire on **10/01/25**

Certificate Number

S-20468

Jennifer E. Mitchell, LPC, CCS, CAADC

Executive Director



Michigan Department of Health and Human Services

Acknowledges that

Brandi Clanton

Has met the state requirements for

Certified Peer Recovery Coach



Larry P. Scott, Director
Office of Recovery Oriented Systems of Care
Michigan Department of Health and Human Services



Pamela Werner, Manager
Office of Recovery Oriented Systems of Care
Michigan Department of Health and Human Services

Carol A. Haller

107 Monroe Street
Kalamazoo, MI 49006
Phone: 269-257-0777
challer@recoverysercviesunlimited.com

EXPERIENCE

April 2021
to
Present

Recovery Services Unlimited
Clinical Director April 2021 to Present

Battle Creek, MI

Provide administrative and clinical leadership to designated staff, including collaboration in the development of operating budget, services, and activities related to programs. Provide 24/7 consultation and support for all direct service personnel. Insure proper and timely submittal of required program reports and all other reports. Report on a regular basis to the Director of Recovery Services regarding program activities, program services, program needs and changes, and service provision data. Review and supervise clinical staff case records. Prepare clinical reports for all funding sources. Schedule and attend monthly clinical review meetings with staff. Monitor and assess the performance of self, other individuals or organizations to make improvements or take corrective action. Maintain comprehensive quality programs of counseling activities tailored to the special and varied needs of the population served. Stimulate staff development by presenting adequate orientations, in-service training, and by encouraging the search for new knowledge. Chair the RSU Records Review Committee and develop all necessary quarterly and annual reports for the RSU Continuous Quality Improvement Committee. Serves on the Continuous Quality Committee and participate in Quality Assurance procedures, including evaluating customer satisfaction, measuring indicators of successful treatment, monitoring compliance with the organization's policies and procedures, and instituting corrective action plans as indicated. Review staff job descriptions annually and complete written performance evaluations and other personnel actions as needed. Will provide supervision of staff while completing and maintaining the Michigan Certification Board of Addition Professional requirements for plans and development plans including; CADC, CADC-DP, CAADC, CAADC-DP and CCS Certifications

Therapist April 2021 to Present

Provide outpatient therapy, psychotherapy and counseling for individuals, families, couples or groups
Therapeutic support is provided as outlined in the individualized plan of service based on person-centered planning and utilizing evidence-based practices. Utilize evidence-based treatments within their scope of practice. Implement treatment activities designed to reduce maladaptive behaviors, maximize behavioral self-control, or restore normalized psychological functioning, reality orientation, re -motivation, and emotional adjustment, thus enabling improved functioning and more appropriate interpersonal and social relationships.
Treatment is provided within clinical settings and may occur within community settings. Act as a liaison within the community to ensure a continuum of care and support for customers.
Document all service contacts within 24 hours of contact, including face-to-face, collateral, and networking contacts. Demonstrate appropriate and complete documentation of treatment-related information including treatment plans and reviews, progress notes, correspondence, release of information, etc. in compliance with agency, SWMBH and JCAHO standards. Ensure compliance and participation with competency improvement

activities including, but not limited to, credentialing, continuing education per licensure requirements or 24 hours of annual clinical-based training, whichever is greater. Act as a clinical resource for agency teams and conduct educational presentations. Participate in regular interdisciplinary staff meetings and Substance Use Program supervision. Participate in regular group supervision and individual supervision as a means of enhancing professional growth, reviewing the provision of clinical services and addressing administrative issues. Participate in the evolution and refinement of quality improvement processes in relation to the substance abuse program. Provide and collect the client satisfaction survey upon residents' discharge from the program. Participate in the bi-annual compliance audit with the Recovery Services Unlimited compliance officer. Maintain compliance with governmental regulations and industry requirements. Perform other duties as assigned by the supervisor, which are consistent with the position and in compliance with agency policies and procedures

2021
to
April 2021

Summit Pointe
Clinician 2021 to April 2021

Battle Creek, MI

Facilitated individual and group therapy sessions utilizing evidence-based practices
Provided therapeutic support as outlined in the individual plan of service based on person-centered planning and utilizing evidence-based practices
Implemented treatment activities designed to meet treatment goals
Acted as a liaison within the community to ensure a continuum of care and support for customers
Acted as a clinical resource for agency teams
Assisted with development of Intensive Outpatient Program
Responsible for maintaining paperwork in EHR and in accordance with Community Mental Health Authority standards.

On-call Crisis Clinician 2021 to 2021

Completed pre-screened assessments for individuals presenting for inpatient treatment and assessed for appropriate level of care
Coordinated with community partners in assisting with crisis situations
Established placement for individuals requiring hospitalization
Completed petitions and assisted with alternative treatment orders
Developed crisis and safety plans to divert from inpatient hospitalization

Case manager 2021 to 2021

Provided intensive community-based services to support SPMI and co-occurring customers' psychiatric stability and increased independence
Assisting with designing and implementing strategies for obtaining services and supports that are goal-oriented and individualized
Worked as a part of an interdisciplinary team including psychiatrists, registered nurses, psychologists, and social workers
Coordinated with psychiatric hospital staff, probate court, supported employment, and other healthcare providers. Responsible for maintaining paperwork in EHR and in accordance with Community Mental Health Authority standards

August 2010
to
2012

Catholic Charities of West Michigan
Families First of Michigan Worker

Grand Rapids, MI

Provided intense home-based short-term counseling, life skills education and supportive services
Developed safety plans with families in crisis that were designed to support and preserve

the family unit, reduce the need for out-of-home placement and prevent the recurrence of child abuse and neglect
Performed assessments, developed strength-based treatment plans, planned for termination and followed up at three, six and twelve-month intervals
Coordinated with referring workers from Child Protective Services and the Domestic Crisis Center and other social agencies
Advocated for clients to assist with overcoming barriers, identifying strengths and developing a support system.
Assisted families in meeting goals by teaching, modeling, and reinforcing appropriate parenting and by providing concrete services and connections to community services

September 1999
to
August 2010

Michigan Family Resources, Inc., Head Start For Kent County **Grand Rapids, MI**
Family Service Worker Mentor September 1999 to August 2010

Mentor and train the agency's Family Service Workers
Function as a Family Service Worker for 98 families
Proactively assist Family Service Workers with projects that enhance client involvement
Develop networks of community resources to improve the delivery of community services to clients
Assist with assessment of agency programs and adherence to Federal Performance Standards
Collaborate and partner with area agencies to obtain appropriate services for families
Recruit, enroll, and determine the eligibility of clients

Family Service Worker September 1999 to August 2010

Establish mutual trust and assist clients in identifying goals, strengths, necessary services, and other support activities
Advocate with clients to obtain needed community services
Document, track, and follow up on services provided for families
Perform initial and follow-up home visits; focusing on goals, education, and family empowerment
Conduct educational parent meetings and trainings

September 2009
to
2010

Project Rehab, Proaction Behavioral Health Alliance, **Grand Rapids, MI**
Clinician/Intern

Provided group and individual therapy to clients with mental health and substance-use disorders
Performed biopsychosocial assessments and developed person-centered treatment plans
Facilitated and co-facilitated women's empowerment, grief, cognitive behavior, and relapse prevention groups
Coordinated discharge planning
Completed monthly progress reports, treatment plan reviews, and discharge summaries for submission to Department of Corrections and Community Mental Health Agencies

September 2008
to
June 2009

Family Outreach Center, Kent County Correctional Facility **Grand Rapids, MI**
Jail Mental Health Clinician/Intern

Conducted individual therapy
Developed treatment plans
Assessed all clients for risk factors, and determined the level of care necessary while in the facility
Assessed and diagnosed mental illness
Facilitated groups with severely persistently mentally ill clients
Planned for continuation and/or referral for services once released

September 1998
to
2007

Wedgwood Christian Services
Youth Treatment Specialist

Grand Rapids, MI

Assisted in the development, implementation, and evaluation of residential treatment programs
Facilitated groups and activities
Counseled and supervised adolescents living in a residential treatment program
Served as captain and assistant on emergency crisis team
Assisted with managing daily operations
Coordinated and communicated with referring workers, families, therapists, and other agencies

EDUCATION

2010 **Western Michigan University**, Kalamazoo, MI
Masters Social Work

1998 **Grand Valley State University**, Allendale, MI
Bachelors Social Work

CERTIFICATIONS AND LICENSURES

Masters of Social Work State License, October 2013
License Number: 6801092402
State of Michigan Board of Social Work

Certified Advanced Alcohol and Drug Counselor, March 2018
MCBAP Certification Number :C-03518
Michigan Certification Board for Addiction Professionals

Certified Clinical Supervisor, April 2021
MCBAP Certification Number: S-20368
Michigan Certification Board for Addiction Professionals

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
P.O. BOX 30670
LANSING, MI 48909

STATE OF MICHIGAN - DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BOARD OF SOCIAL WORK
MASTERS SOCIAL WORKER LICENSE

CLINICAL

CAROL ANN HALLER

LICENSE NO.	EXPIRATION DATE	
6801092402	10/30/2026	2339110208

CAROL ANN HALLER
107 MONROE STREET
KALAMAZOO, MI 49006

COMPLAINT INFORMATION:
THE ISSUANCE OF THIS LICENSE SHOULD NOT BE CONSTRUED
AS A WAIVER, DISMISSAL OR ACQUIESCENCE TO ANY
COMPLAINTS OR VIOLATIONS PENDING AGAINST THE
LICENSEE, ITS AGENTS OR EMPLOYEES.

FUTURE CONTACTS:
YOU SHOULD DIRECT INQUIRIES REGARDING THIS LICENSE OR
ADDRESS CHANGES TO THE DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS BY EMAILING BPLHELP@MICHIGAN.GOV
OR CALL (517) 241-0199

YOUR LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE.

GRETCHEN WHITNER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BOARD OF SOCIAL WORK
MASTERS SOCIAL WORKER LICENSE
CLINICAL

CAROL ANN HALLER

LICENSE NO.
6801092402

EXPIRATION DATE
10/30/2026

2339110208

THIS DOCUMENT IS DULY
ISSUED UNDER THE LAWS OF
THE STATE OF MICHIGAN

**Michigan Certification
Board for Addiction Professionals**

This certifies that

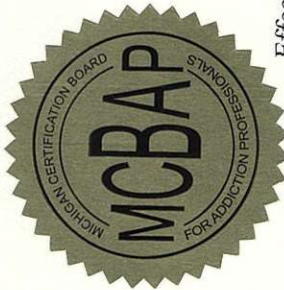
Carol Haller

has met the requirements for the

CAADC

CERTIFIED ADVANCED ALCOHOL AND DRUG COUNSELOR

as established by the



*Michigan Certification Board for Addiction Professionals
and the
International Certification & Reciprocity Consortium*



Effective **02/01/23**

Certificate Number

To expire on **02/01/26**

C-03518

Jennifer Z. Mitchell, LPC, CCS, CAADC

Executive Director

**Michigan Certification
Board for Addiction Professionals**

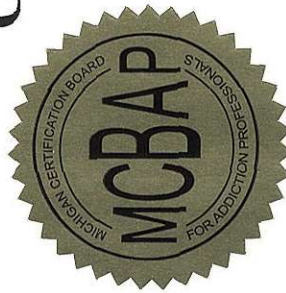
This certifies that

Carol Haller

has met the requirements for the

CCS

CERTIFIED CLINICAL SUPERVISOR



as established by the

*Michigan Certification Board for Addiction Professionals
and the
International Certification & Reciprocity Consortium*



Effective **02/01/23**

To expire on **02/01/26**

Certificate Number

S-20368

Jennifer Z. Mitchell, LPC, CCS, CAADC

Executive Director

Douglas J. Bierlein

6221 Westlake Road
Bellevue, MI 49021
Phone: (269)589-2517
Fax: (269)397-6621
doughbierlein@gmail.com

SUMMARY OF QUALIFICATIONS

- Experienced property maintenance and facilities professional with a strong background in residential remodeling, repair, and upkeep.
 - Proven ability to oversee day-to-day operations of multi-unit housing with a focus on safety, compliance, and resident satisfaction.
 - Skilled in performing preventative maintenance, coordinating repairs, managing vendor relationships, and maintaining compliance with local building codes and agency standards.
 - Reliable, detail-oriented, and responsive, with a commitment to supporting recovery-focused housing in a safe, welcoming environment.
-

EXPERIENCE

January 2020
to
Present

Recovery Services Unlimited, Inc
Property Manager

Battle Creek, MI

- Supervised all RSU-owned and operated properties, including outpatient clinical buildings and multiple recovery residences.
- Oversaw staff to ensure compliance with agency policies and regulatory standards set by MARR, SWMBH, Joint Commission, LARA, and the City of Battle Creek.
- Ensured timely acquisition and maintenance of all required property permits and licenses.
- Provided 24/7 consultation and support to Recovery Housing Program staff and responded promptly to maintenance and repair requests.
- Maintained accurate documentation of property needs, repairs, inventory, and compliance reports in accordance with agency and regulatory guidelines.
- Collaborated with leadership through regular updates, attended weekly team meetings, and supported staff development through orientation and training.
- Completed all required trainings, reports, and additional duties as assigned, maintaining a high standard of service delivery.

September 2019
to
January 2020

Mr. Handyman
Home Renovation Specialist

Kalamazoo, MI

- Provided high-quality home repair and renovation services to residential clients as an independent contractor.
- Specialized in minor home improvements, including bathroom remodeling, flooring installation, drywall repair, and interior/exterior painting.
- Assessed project scope, sourced materials, and executed repairs in a timely and cost-effective manner.
- Ensured client satisfaction through clear communication, attention to detail, and reliable service delivery.
- Maintained tools, equipment, and safety standards in accordance with industry best practices.

February 2018
to
September 2019

Brookside Apartments
Maintenance and Remodeling Technician

Battle Creek, MI

- Performed general maintenance and repairs to apartment units, including plumbing, electrical, and HVAC support.
- Completed remodeling projects such as flooring installation, painting, drywall repair, and fixture upgrades.
- Prepared vacant units for new tenants by conducting inspections, completing necessary repairs, and ensuring all appliances and systems were fully functional.
- Responded promptly to maintenance requests, providing efficient and high-quality service to residents.
- Maintained inventory of tools and supplies and coordinated with vendors and contractors when needed.
- Ensured compliance with safety regulations and property management standards.

April 2015
to
February 2018

Mackey Incorporated
CNC Machinist

Byron City, MI

- Operated CNC machines to manufacture precision parts according to technical specifications and blueprints.
- Set up machinery, selected appropriate tools, and loaded raw materials to initiate production runs.
- Monitored machine operations, made adjustments as needed, and performed quality checks to ensure accuracy and adherence to tolerances.
- Interpreted engineering drawings and utilized measuring instruments such as calipers, micrometers, and gauges to inspect finished products.
- Performed routine maintenance on machines and reported any malfunctions or safety concerns to supervisors.
- Maintained a clean and organized work area, following all safety protocols and contributing to a team-oriented environment.

June 2002
to
April 2015

Firestone Complete Auto Care
Auto Technician & Service Manager

South Redford, MI

- Diagnosed, repaired, and maintained a wide range of vehicles, including brake systems, engines, suspensions, and electrical systems.
- Performed routine maintenance services such as oil changes, tire rotations, alignments, and fluid checks.
- Managed daily shop operations, including scheduling repairs, coordinating workflow, and ensuring timely service delivery.
- Supervised and supported a team of technicians, providing guidance, training, and quality control.
- Communicated with customers to explain diagnoses, recommend services, and provide accurate estimates.
- Maintained accurate service records and ensured compliance with company policies and safety standards.
- Monitored inventory levels and ordered parts and supplies to maintain efficient shop operations.

EDUCATION

2002

Lee M Thurston High School, South Redford, MI
High School Diploma General GPA: 3.5

ADAM FOX

P 269-264-2608

E AFox@RecoveryServicesUnlimited.com

A 138 Cherry Street
Battle Creek, MI 49017

OBJECTIVE

I hope to further my education and training in the field of SUD treatment services. While maintaining a strong work ethic, positive attitude, and an unbridled dedication to the company.

EXPERIENCE

December 6, 2024-Present

Recovery Housing Program Coordinator/Drug Testing Manager
Recovery Services Unlimited Inc.
2150 West Columbia Avenue
Battle Creek, MI 49015
269-397-2234

August 1, 2023-December 5, 2024

Recovery House Manager/Drug Testing Manager
Recovery Services Unlimited Inc.
2150 West Columbia Avenue
Battle Creek, MI 49015
269-397-2234

March 2023-July 2023

General Labor
SnackWerks
180 Goodale Avenue
Battle Creek, MI 49037
269-719-8282

July 2015-March 2020

Production Welder
Tenneco Automotive Inc.
904 Industrial Road
Marshall, MI 49068
269-781-1350

EDUCATION

UTI Nascar Technical Institute
220 Byers Creek Road
 Mooresville, NC 28117

Fox Hollow Christian School
217 Viking Drive
Battle Creek, MI 49017

Pennfield Senior High School
8587 Q Drive North
Battle Creek, MI 49017

Calhoun Area Tech Center
475 Roosevelt Avenue East
Battle Creek, MI 49017

KEY SKILLS

- PLANNING/SCHEDULING
- MARKETING
- PROPERTY MANAGEMENT
- ACCOUNTING
- WELDING/FABRICATION
- AUTOMOTIVE RESTORATION/REPAIR
- GASOLINE/DIESEL ENGINE DIAGNOSIS/REPAIR/BUILD

August 2007-May 2010

Front Desk/Night Auditor

September 2012-January 2015

Front Desk/Night Auditor/Assistant General Manager

Holiday Inn Express

17262 Sam Hill Drive

Marshall, MI 49068

269-789-9301

February 2009-January 2013

Shift Leader/Tire Care Technician

Loves Travel Stops and Country Stores

18620 Partello Road

Marshall, MI 49068

269-781-9203

June 2005-January 2008

Primary Maintenance

McDonald's Corporation

1695 West Michigan Avenue

Battle Creek, MI 49017

269-964-2486

September 2004-December 2004

Trainer/Shift Leader

Steak and Shake

5990 Beckley Road

Battle Creek, MI 49015

269-979-8866

April 2002-August 2004

Owner/Operator

Quality Transportation Service

1030 East Columbia Avenue

Battle Creek, MI 49014

REFERENCES/PERSONAL

Brooke Shelton

809 North Monroe Street

Albion, MI 49224

1-517-629-4015

AWARDS

- EMPLOYEE OF THE MONTH
- EMPLOYEE OF THE QUARTER
- EMPLOYEE OF THE YEAR
- GM PERFECT QUALITY
10.10.10. AWARD
- HIGHEST PRODUCTION
FISCAL YEAR 2018
- VARIOUS ADVANCED
COMPLETION AWARDS

Michael Provost
2538 Sullins Road, Lot 30
Athens, TN 37303
269-213-1630

Christopher Trevino-Wells
127 Holly Road
Battle Creek, MI 49017
269-420-0140

REFERENCES/BUSINESS

Douglas Bierlein
Mechanic/Property Manager
6221 Westlake Road
Bellevue, MI 49021
269-589-2517

Lyndsay Mack
Peer Recovery Coach
136 Cherry Street
Battle Creek, MI 49017
269-234-3186

Brandi Clanton
Business Owner
6221 Westlake Road
Bellevue, MI 49021
269-397-2234

Michigan Department of Health and Human Services

Acknowledges that

Adam Christopher Fox

Has successfully completed the 40 hour training and examination and is hereby awarded the title of

Certified Peer Recovery Coach

April 15, 2024

Julie Smythe

Julie Smythe, MA, CPSS
Coordinator of Peer Recovery Services
Bureau of Specialty Behavioral Health Services
Michigan Department of Health & Human Services

Pamela Werner

Pamela Werner, MA,
Manager of Peer Recovery Services
Bureau of Specialty Behavioral Health Services
Michigan Department of Health & Human Services

Ashley Schell

Certified Peer Recovery Coach Specialist

Battle Creek, MI 49014

Aschell@RecoveryServicesUnlimited.com

+1 269 589 2470

I have a great amount of experience in recovery and assisting in guiding others on their journey to recovering and improving their lives. Through my experiences I can offer advice, wisdom, resources and knowledge on moving forward to a Substance free and fulfilling future.

Work Experience

Support staff

Women's Life Recovery Program (The Haven of Rest) - Battle Creek, MI

August 2021 to October 2022

As support staff I monitor students in the program from 4pm-midnight. I dispense medication, oversee smoke breaks and chores, make chore lists, search belongings of new students and students that come back from outings, administer drug tests, monitor phone calls, resolve conflict between students, transport students, and stay readily available for students to talk when they have a problem and give advice.

Peer Recovery Coach

Recovery Services Unlimited - Battle Creek, MI

June 2022 to Present

As a Peer Recovery Coach, I assist customers in gaining recovery supports and resources in order to gain and maintain a more productive and substance free life. I connect them to recovery meetings, Substance Use Therapy and groups, housing assistance opportunities and employment resources, advocacy in legal proceedings and medical appointments while modeling appropriate and beneficial behaviors that reflect a positive lifestyle.

Team Leader of Women's Recovery Coaching Team

Recovery Services Unlimited - Battle Creek, MI

September 2024 to Present

As Team Leader I monitor and oversee the daily productivity and effectiveness of the members of my team and ensure they are meeting required productivity levels and position responsibilities. I facilitate team meetings weekly to provide direct support and assistance to members of the team including hiring, training, monitoring, evaluation and job coaching while identifying opportunities for growth.

Recovery Coaching Program Coordinator

Recovery Services Unlimited - Battle Creek, MI

November 2024 to Present

As Recovery Coach Program Coordinator I oversee the daily operations and overall supervision of the Recovery Services Unlimited Recovery Coaching Program which include facilitating weekly staff meetings, team member assessments, annual performance reviews, provide direct support and assistance to members of the team including hiring, training, monitoring, evaluation, crisis management, problem solving, disciplinary action up to termination and job coaching while identifying and providing opportunities for growth, providing direct oversight of the Recovery Coaching Team Leaders and providing direct reports to the Director of Recovery Services Unlimited.

Education

Associate in Arts (AA) in Paralegal Studies

Keiser University - Fort Lauderdale, FL

Skills

- Coordination of care of customers with internal and external agencies
- Maintaining order within the Recovery Coaching Program
- Motivational interviewing
- Strong leadership skills
- Facilitating staff meetings
- Advocating with Legal authorities on behalf of customers
- Conflict Management
- Multitasking and time management
- Judgment and decision making
- Strong organizational skills
- Complex problem solving
- Confidentiality protection

Certifications and Licenses

Mental Health First Aid

April 2022 to April 2024

CCAR Certified

June 15, 2022

State Certified Peer Recovery Coach

February 28, 2023

Michigan Department of Health and Human Services

Acknowledges that

Ashley Kennedy

Has successfully completed the 40 hour training and examination and is hereby awarded the title of

Certified Peer Recovery Coach

February 28, 2023

Julie Smythe

*Julie Smythe MA, CPSS
Coordinator of Peer Recovery Services
Bureau of Community Based Services
Michigan Department of Health & Human Services*

Pamela Werner

*Pamela Werner, Manager
Peer Recovery Services
Bureau of Community Based Services
Michigan Department of Health and Human Services*

Michigan Department of Health and Human Services

Peer Services Area

Name: Ashley Kennedy (Schell)

Certification:

Certified Peer Recovery Coach

Certified Peer Support Specialist

3723

CERTIFICATION NUMBER

02/01/2027

NEXT RENEWAL DUE DATE



It is your responsibility to retain this document as verification that you have completed the necessary continuing education requirements until the date listed above. Verification is only valid for the certification(s) indicated.

Beginning on 02/01/2025 , you can begin accruing continuing education credits that are due on 02/01/2027 . Credits earned before 02/01/2025 will not count toward your next renewal period.

Questions? Reach out to MDHHS-CEPEERSUPPORT@michigan.gov.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/26/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Insurance Network Agency Inc. 732 Capital Ave SW Battle Creek, MI 490155018	CONTACT NAME: Fernando Rosa PHONE (A/C. No. Ext): 269-968-0577 FAX (A/C. No): 269-968-9220 E-MAIL ADDRESS: Frosa@insurancenetworkagency.com													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : West Bend</td> <td>15350</td> </tr> <tr> <td>INSURER B : Travelers Indemnity Company</td> <td>25658</td> </tr> <tr> <td>INSURER C : Hiscox</td> <td>HIS</td> </tr> <tr> <td>INSURER D : CNA Surety</td> <td>CNA</td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : West Bend	15350	INSURER B : Travelers Indemnity Company	25658	INSURER C : Hiscox	HIS	INSURER D : CNA Surety	CNA	INSURER E :		INSURER F :
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INSURER F :														
INSURED Recovery Services Unlimited Inc Brandi Clanton 6221 Westlake Rd Bellevue MI 49021														

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	X		A230460	02/15/2024 02/15/2025	02/15/2025 02/15/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Prof Liability Agg \$ 3,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			A230460	02/15/2024 02/15/2025	02/15/2025 02/15/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	UB-7H899426	02/15/2024 02/15/2025	02/15/2025 02/15/2026	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Professional Liability			UDC-4182573-EO-21	06/07/2024	06/07/2025	Per Claim 1,000,000 Aggregate 3,000,000
D	Dishonesty Bond			65454100	04/13/2024	04/13/2025	Fidelity 5,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Battle Creek is named as Additional Insured in Respect to General Liability.

CERTIFICATE HOLDER**CANCELLATION**

CITY OF BATTLE CREEK
 10 N Division St Room 111
 Battle Creek, MI 49014

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ADDITIONAL REMARKS SCHEDULE

AGENCY Insurance Network Agency Inc.		NAMED INSURED Recovery Services Unlimited Inc Brandi Clanton 6221 Westlake Rd Bellevue MI 49021	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE 15350		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: _____ **FORM TITLE:** _____

Locations:

70 Clay St, Battle Creek, MI 49017
 58 Grant St, Battle Creek, MI 49037
 130 Cherry St, Battle Creek, MI 49017,
 6221 Westlake Rd, Bellevue, MI 49021
 136-138 Cherry St Battle Creek, MI 49017
 2150 Columbia Ave W Battle Creek, MI 49015.

Clinician(s):
 Location: 2150 Columbia Ave W Battle Creek, MI 49015

Brandi Clanton, LMSW, CAADC
 Clinician/Executive Director

Carol Haller, LMSW, CCS, CAADC
 Clinician/Clinical Director

Patrick Klein, LLMSW, CAADC
 Outpatient Clinician

Kira Jones, LLMSW, CAADC-DP
 Outpatient Clinician

Phoebe Ostland, LLMSW, CAADC-DP
 Outpatient Clinician

Tucker Smith, BCJ, CAADC-DP, CPRC
 MSW Intern/Outpatient Clinician

Timothy Moore, BSW
 MSW Intern

Jackie Gelardi- Hongach, BSW, CADC-DP, CPRC
 Case Manager

Commercial Lines Policy Declarations

Customer Number: 1000072453
Policy Number: A230460 08

Policy Period: 02/15/2025 to 02/15/2026
at 12:01 AM Standard Time at Your Mailing Address Shown Below

Named Insured and Address:
Recovery Services Unlimited, Inc
6221 Westlake Rd
Bellevue, MI 49021

Agency Name and Address: 21315
INSURANCE NETWORK AGENCY, INC
732 CAPITAL AVE. SW
BATTLE CREEK, MI 49015
269-968-0577

Location Schedule

Loc	Address	City	County	State	Zip
1	6221 Westlake Rd	Bellevue	Kalamazoo	MI	49021
2	70 Clay St	Battle Creek	Calhoun	MI	49017
3	58 Grant St	Battle Creek	Calhoun	MI	49037
4	130 Cherry St	Battle Creek	Calhoun	MI	49017
5	136-138 Cherry St	Battle Creek	Calhoun	MI	49017
6	2150 Columbia Ave W	Battle Creek	Calhoun	MI	49015
7	614 Capital Ave NE	Battle Creek	Calhoun	MI	49017

Commercial Lines Policy Declarations

Customer Number: 1000072453
Policy Number: A230460 08

Policy Period: 02/15/2025 to 02/15/2026
at 12:01 AM Standard Time at Your Mailing Address Shown Below

Named Insured and Address:
Recovery Services Unlimited, Inc
6221 Westlake Rd
Bellevue, MI 49021

Agency Name and Address: 21315
INSURANCE NETWORK AGENCY, INC
732 CAPITAL AVE. SW
BATTLE CREEK, MI 49015
269-968-0577

Forms Schedule

Number	Edition	Description
IL0953Y	0115	EXCLUSION OF CERTIFIED ACTS OF TERRORISM
IL0985	1220	DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT
WB214	0524	MEMBERSHIP AND VOTING NOTICE
IL0935Y	0702	EXCLUSION OF CERTAIN COMPUTER-RELATED LOSSES
IL0017Y	1198	COMMON POLICY CONDITIONS
WB241	0524	WEST BEND INSURANCE COMPANY NAME CHANGE ENDORSEMENT
IL0021	0908	NUCLEAR ENERGY LIABILITY EXCLUSION ENDORSEMENT (BROAD FORM)
WB660	0824	TWO OR MORE COVERAGE FORMS OR POLICIES ISSUED BY US
IL0286Y	0417	MICHIGAN CHANGES - CANCELLATION AND NONRENEWAL

This is not a complete representation of all forms that may be attached to your policy



Binding Instructions

General Information

Customer Name: Recovery Services Unlimited, Inc
Quote/Policy Number: A230460 Quoted Policy Term: 02/15/2025 to 02/15/2026

Thank you for choosing West Bend Insurance Company, we appreciate your business! To ensure that we process your new business correctly, please help us verify the following information:

Effective Date: _____ Expiration Date: _____

Customer Care Agencies: Please issue this policy through Customer Care (circle one): Yes No

Direct Mail: Please mail this policy directly to the insured (circle one): Yes No

Payment Plan Options

Please issue with the following Payment Plan Option (circle one):
Note – Special Events must be paid in full at the time of binding.

Annual Quarterly 10 Equal Payments
Semi-Annual Down Payment Plus Nine 12 Equal Payments

Checks for down payment should be made payable to West Bend Insurance Company and sent with your binding instructions to 1900 S 18th Avenue, West Bend, WI 53095.

Premiums

Premiums should be issued per line as follows:

General Liability \$ _____ Crime & Fidelity: \$ _____
Property: \$ _____ Commercial Auto: \$ _____
Work Comp: \$ _____ Inland Marine: \$ _____
Umbrella: \$ _____ Liquor Liability: \$ _____
EPLI: \$ _____ Directors and Officers: \$ _____

Comments:

Loss History:

- Already submitted with the original application materials.
- Have been ordered from the previous carrier and will be forwarded upon receipt.
- Not applicable – no prior loss history available or this is a new business venture.

WB 2582 02 25

Equipment Breakdown Insurance Including Electronic Circuitry Impairment

West Bend automatically provides coverage for Equipment Breakdown.
Here's why . . .

7 Reasons Why You Need Equipment Breakdown Insurance

1. Equipment You Depend On

Your Business may depend on many types of equipment such as:

- Electrical Equipment,
- Mechanical Equipment,
- Business Equipment,
- Refrigeration Equipment and
- Heating & Cooling Systems
- Computers or Electronic Data Processing Equipment

This equipment is subject to sudden and accidental breakdown.

2. Complements Your Property Insurance

Typical property insurance covers equipment for standard perils, such as fire, but excludes losses due to:

- Mechanical Breakdown
- Electrical arcing
- Damage to Steam Boilers & Hot Water Heaters

Now, your property insurance also includes an endorsement that covers "Equipment Breakdown" for these hazards and more!

3. Equipment Breakdown Insurance Covers More Than Just Repair Costs

Equipment Breakdown Insurance helps protect you from the costs associated with losses to your building's equipment. It pays for:

- Cost to repair or replace equipment damaged by breakdown
- Other costs or expenses to limit the loss or speed business restoration
- Loss of Business income due to an "accident"

4. Mandatory Equipment Inspections

Most states and many local governments require that commissioned inspectors inspect boilers and pressure vessels. With West Bend providing these inspection services, you can avoid local inspection fees in a

majority of jurisdictions. Only the certificate fee would be your responsibility.

5. Losses Can Be Costly

When equipment fails, it often leads to a variety of unanticipated expenses. To assess the value of Equipment Breakdown Insurance, consider the following costs:

- Investment in electrical equipment and machinery.
- Income for the period you have to shut or slow down because a breakdown interrupts business.
- Extra expenses you may incur to rent spares or rush repairs.

It adds up, doesn't it? Considering what's at stake, every business needs Equipment Breakdown Coverage. On the following page you will find real-life claim examples demonstrating the value of Equipment Breakdown Coverage.

6. What's More Likely: Equipment Failure . . . Or A Fire?

Ask yourself: What's more likely: a power surge that damages electrical distribution equipment or a major fire? You're probably adequately insured for fire. Shouldn't you insure for what's more likely to occur?

7. Evolving Exposures Require Evolving Coverage Solutions

West Bend's Equipment Breakdown coverage also includes a variety of coverages designed to address today's modern equipment risks. Some key coverages include:

- Microelectronics Coverage
- Cloud Computing Service Interruption
- Service Interruption Data Restoration
- Off Premises Business Income, Extra Expense and Data Restoration Coverage
- Public Relations Coverage

This summary gives general information. For all coverages, conditions and exclusions refer to the Equipment Breakdown Endorsement.

Equipment Breakdown Coverage

Loss Examples

Equipment breakdown is **not** infrequent. Here are examples of the type of losses that **can and do** occur.

Retail Store: Electrical arcing occurred from an electrical surge, which damaged a transformer supplying power to a store. A rental transformer was installed while repairs were made.

Total Paid Loss: \$52,279

Office: The 400 HP motor of an office building's roof top air conditioning unit shorted out, causing damage to the motor, bearings and impeller. A rental air conditioning unit was installed to avert a business interruption loss while the damaged unit was replaced.

Total Paid Loss: \$122,206

Contractor's Shop: Piping of air conditioning system leaks into telephone switching equipment. Shorts out equipment.

Total Paid Loss: \$89,859

Restaurant: A power surge damaged a restaurant's refrigeration compressor motor, computer and point of sale system. The insured lost data including the insured's website customer info, mapping for deliveries and recipes, as a result of the event that had to be restored on the replacement equipment.

Total Paid Loss: \$57,160

Auto Services: A valve on an air compressor pump breaks while the air compressor is running. The pressure causes oil to spew out in a mist, covering everything.

Total Paid Loss: \$20,849

Wood Products Mfg: A table feeding sheets of particle board into a saw suddenly stops. Circuit boards were visually inspected and no observable indications of shorting or discoloration were found. Circuit board replacement was undertaken and restored the machine back to operation.

Total Paid Loss: \$16,000

Apartments and Condominiums: An elevator suddenly stopped operating. A circuit board was suspected as having a problem, so it was removed and examined revealing no detectable physical damage. The circuit board was replaced and the elevator was returned to service. Without conducting any further forensic investigation, the claim was paid based on the cost of labor and material to replace the circuit board.

Total Paid Loss: \$2,100

Retail: A retail store lost power. Once power is restored, it is discovered that all of the point of sale registers and phone system had lost functionality. Rebooting the system does not work. The repair company was unable to get the system to reboot and found no physical damage. However, one of the disks was replaced and the systems immediately began working.

Total Paid Loss: \$14,000

This summary gives general information. For all coverages, conditions and exclusions refer to the Equipment Breakdown Endorsement.

Commercial Property Coverage Declarations

Customer Number: 1000072453
Policy Number: A230460 08

Policy Period: 02/15/2025 to 02/15/2026
at 12:01 AM Standard Time at Your Mailing Address Shown Below

Named Insured and Address:
Recovery Services Unlimited, Inc
6221 Westlake Rd
Bellevue, MI 49021

Agency Name and Address: 21315
INSURANCE NETWORK AGENCY, INC
732 CAPITAL AVE. SW
BATTLE CREEK, MI 49015
269-968-0577

Description of Location or Premises

Loc	Bldg	Building and Occupancy Description	Construction	Protection Class
2	1	Building #1 - Sober Living facility [0074] Boarding and Lodging Houses, Rooming Houses, Fraternities and Sororities, Dormitories - Up to 10 Units	Frame	03
3	1	Building #1 - Sober Living Facility [0074] Boarding and Lodging Houses, Rooming Houses, Fraternities and Sororities, Dormitories - Up to 10 Units	Frame	03
4	1	Building #1 - Sober Living Facility [0074] Boarding and Lodging Houses, Rooming Houses, Fraternities and Sororities, Dormitories - Up to 10 Units	Frame	03
4	2	Building #2 - Garage [0074] Boarding and Lodging Houses, Rooming Houses, Fraternities and Sororities, Dormitories - Up to 10 Units	Frame	03
5	1	Buildng #1 - Rental Dwelling [0196] Dwellings - 1 Family	Frame	03
5	2	Building #2 - Rental Dwelling 2 [0196] Dwellings - 1 Family	Frame	03



West Bend Insurance Company
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Endorsement - Quote Proposal

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 269-968-0577

Description of Location or Premises

Loc	Bldg	Building and Occupancy Description	Construction	Protection Class
6	1	Office/Counseling [0702] Offices - Non-Governmental	Frame	03
7	1	Building #1 - Sober Living Facility [0074] Boarding and Lodging Houses, Rooming Houses, Fraternities and Sororities, Dormitories - Up to 10 Units	Joisted Masonry	03
7	2	Building #2 - Garage #1 [0074] Boarding and Lodging Houses, Rooming Houses, Fraternities and Sororities, Dormitories - Up to 10 Units	Frame	03
7	3	Building #3 - Garage #2 [0074] Boarding and Lodging Houses, Rooming Houses, Fraternities and Sororities, Dormitories - Up to 10 Units	Frame	03

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Commercial Property Coverage Schedule

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
2	1	Building	\$547,400	80%	Special	\$3,033
		Replacement Cost				
		Inflation Guard - 4%				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
2	1	Business Personal Property	\$50,000	80%	Special	\$320
		Replacement Cost				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
3	1	Business Personal Property	\$50,000	80%	Special	\$271
		Replacement Cost				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
4	1	Building	\$302,800	80%	Special	\$1,791
		Replacement Cost				
		Inflation Guard - 4%				



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Endorsement - Quote Proposal

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Deductible - \$2,500

Wind/Hail Deductible - \$5,000

Wind/Hail Cosmetic Damage Roof
and Exterior Surfacing Excluded

Wind/Hail Actual Cash Value Roof
and Exterior Surfacing

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
4	1	Business Personal Property	\$50,000	80%	Special	\$305
		Replacement Cost				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
4	2	Building	\$15,800	80%	Special	\$110
		Replacement Cost				
		Inflation Guard - 4%				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				
		Wind/Hail Cosmetic Damage Roof and Exterior Surfacing Excluded				
		Wind/Hail Actual Cash Value Roof and Exterior Surfacing				

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Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
5	1	Building	\$256,600	80%	Special	\$1,162
		Replacement Cost				
		Inflation Guard - 4%				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
5	1	Business Personal Property	\$5,000	80%	Special	\$34
		Replacement Cost				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
5	2	Building	\$131,700	80%	Special	\$644
		Replacement Cost				
		Inflation Guard - 4%				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
5	2	Business Personal Property	\$5,000	80%	Special	\$31
		Replacement Cost				
		Deductible - \$2,500				

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Wind/Hail Deductible - \$5,000

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
6	1	Building	\$555,800	80%	Special	\$2,216
		Replacement Cost				
		Inflation Guard - 4%				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
6	1	Business Personal Property	\$75,000	80%	Special	\$352
		Replacement Cost				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
7	1	Building	\$1,275,000	80%	Special	\$5,582
		Replacement Cost				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
7	2	Building	\$50,000	80%	Special	\$341
		Replacement Cost				
		Deductible - \$2,500				

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Wind/Hail Deductible - \$5,000

Loc	Bldg	Type	Limit of Insurance	Coinsurance	Cause Of Loss	Premium
7	3	Building	\$20,000	80%	Special	\$136
		Replacement Cost				
		Deductible - \$2,500				
		Wind/Hail Deductible - \$5,000				

See attached Forms Schedule for forms and endorsements applicable to this coverage.

Commercial Property Endorsements and Miscellaneous Premiums

Customer Number: 1000072453
Policy Number: A230460 08

Policy Period: 02/15/2025 to 02/15/2026
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Endorsements – Applicable to All Locations

Description	Form Number	Premium
Equipment Breakdown	WB34	\$1,161
Property Additional Coverages and Coverage Extensions Endorsement – Essential	WB2906	\$450
Water Backup, Sump Pump Overflow	WB1337	\$50

Miscellaneous Premiums

Description	Form Number	Premium
Terrorism Risk Insurance Act		\$0
Terrorism Risk Insurance Act (Fire Only)		\$0
Total Commercial Property Premium:		\$17,989

See attached Forms Schedule for forms and endorsements applicable to this coverage.



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Endorsement - Quote Proposal

Commercial Property Forms Schedule

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269-968-0577

Forms Schedule

Number	Edition	Description
CP0010	1012	BUILDING AND PERSONAL PROPERTY COVERAGE FORM
CP0090	0788	COMMERCIAL PROPERTY CONDITIONS
CP0140	0706	EXCLUSION OF LOSS DUE TO VIRUS OR BACTERIA
CP0321Z	1012	WINDSTORM OR HAIL DEDUCTIBLE
CP0401	1000	BRANDS AND LABELS
CP1030	0917	CAUSES OF LOSS - SPECIAL FORM
CP1036X	1012	LIMITATIONS ON COVERAGE FOR ROOF AND EXTERIOR SURFACING
CP1075	1220	CYBER INCIDENT EXCLUSION
CP1218	1012	LOSS PAYABLE PROVISIONS
WB1337	0118	WATER BACK UP, SUMP PUMP OVERFLOW
WB2906	0524	PROPERTY ADDITIONAL COVERAGES AND COVERAGE EXTENSIONS ENDORSEMENT
WB34	0118	EQUIPMENT BREAKDOWN COVERAGE ENDORSEMENT
WB539	0523	AUTOMATIC BUILDING VALUE INCREASE
WB898	0118	YOUR BUSINESS PERSONAL PROPERTY AMENDMENT TENANT GLASS
WB2944	0521	UNMATCHED PROPERTY DAMAGE EXCLUSION

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Commercial Property Forms Schedule

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Forms Schedule

Number	Edition	Description
CP0120	0523	MICHIGAN CHANGES

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Commercial General Liability Coverage Declarations

Customer Number: 1000072453
Policy Number: A230460 08

Policy Period: 02/15/2025 to 02/15/2026
at 12:01 AM Standard Time at Your Mailing Address Shown Below

Named Insured and Address:
Recovery Services Unlimited, Inc
6221 Westlake Rd
Bellevue, MI 49021-8233

Agency Name and Address: 21315
INSURANCE NETWORK AGENCY, INC
732 CAPITAL AVE. SW
BATTLE CREEK, MI 49015
269-968-0577

Insured is a(n) Corporation

Limits of Insurance

General Aggregate Limit (other than Products/Completed Operations)	\$3,000,000
Products/Completed Operations Aggregate Limit	\$3,000,000
Each Occurrence Limit	\$1,000,000
Personal and Advertising Injury Liability Limit	\$1,000,000
Damage to Premises Rented to You Limit	\$300,000
Medical Expense Limit, Any One Person	\$10,000

See attached Forms Schedule for forms and endorsements applicable to this coverage.

Commercial General Liability Classification Schedule

Customer Number: 1000072453
Policy Number: A230460 08

Policy Period: 02/15/2025 to 02/15/2026
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Recovery Services Unlimited, Inc
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732 CAPITAL AVE. SW
BATTLE CREEK, MI 49015
269-968-0577

Commercial General Liability Classifications

Loc	Class Code	Description	Exposure	Premium Basis	Rate	Premium	Coverage
1	61226	Buildings or Premises - office - Other than Not-For-Profit	120	Area	129.049 Included	\$15 Included	Prem/Ops Prod/Co
1	70063	PROFESSIONAL COUNSELING LIABILITY(MEDIUM-OUTPATIENT)	3,000	Contacts	13.453 Included	\$404 Included	Prem/Ops Prod/Co
1	70066	PHYSICAL ABUSE and MOLESTATION (MEDIUM-OUTPATIENT)	3,000	Contacts	7.793 Included	\$234 Included	Prem/Ops Prod/Co
2	61000	Boarding or Rooming Houses	4	Units	75.706 Included	\$303 Included	Prem/Ops Prod/Co
3	61000	Boarding or Rooming Houses	9	Units	75.706 Included	\$681 Included	Prem/Ops Prod/Co
4	61000	Boarding or Rooming Houses	5	Units	75.706 Included	\$379 Included	Prem/Ops Prod/Co
5	63010	Dwellings - one-family (lessor's risk only)	2	Dwellings	114.479 Included	\$229 Included	Prem/Ops Prod/Co

Commercial General Liability Classification Schedule

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269-968-0577

Commercial General Liability Classifications

Loc	Class Code	Description	Exposure	Premium Basis	Rate	Premium	Coverage
6	61226	Buildings or Premises - office - Other than Not-For-Profit	3,175	Area	129.049 Included	\$410 Included	Prem/Ops Prod/Co
6	70063	PROFESSIONAL COUNSELING LIABILITY(MEDIUM-OUTPATIENT)	11,000	Contacts	13.453 Included	\$1,480 Included	Prem/Ops Prod/Co
6	70066	PHYSICAL ABUSE and MOLESTATION (MEDIUM-OUTPATIENT)	11,000	Contacts	7.793 Included	\$857 Included	Prem/Ops Prod/Co
7	61000	Boarding or Rooming Houses	7	Units	75.706 Included	\$530 Included	Prem/Ops Prod/Co

Commercial General Liability Endorsements and Miscellaneous Premiums

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Additional Insureds

Description	Form Number	Premium
Designated Person	CG2026	\$25
Owners/Contractors Completed Ops	CG2037	\$100
Designated Person	CG2026	\$25

Endorsements

Description	Form Number	Premium
Voluntary Property Damage Coverage	WB144	Included
Amendment - Who Is An Insured	WB1460	Included
Plus Pak - Liability	WB2000GL	\$50

Miscellaneous Premiums

Description	Form Number	Premium
Terrorism Risk Insurance Act		\$0

Total General Liability Premium: \$5,722



West Bend Insurance Company
1900 S. 18th Ave. | West Bend, WI 53095

Endorsement - Quote Proposal

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Forms Schedule

Number	Edition	Description
CG0001	0413	COMMERCIAL GENERAL LIABILITY COVERAGE FORM
CG2026	1219	ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION
CG2037	0413	ADDITIONAL INSURED OWNERS, LESSEES OR CONTRACTORS COMPLETED OPERATIONS
CG2106	1223	EXCLUSION - ACCESS OR DISCLOSURE OF CONFIDENTIAL OR PERSONAL MATERIAL OR INFORMATION
CG2109	0615	EXCLUSION UNMANNED AIRCRAFT
CG2147	1207	EMPLOYMENT-RELATED PRACTICES EXCLUSION
CG2173	0115	EXCLUSION OF CERTIFIED ACTS OF TERRORISM
CG4009Z	1219	AMENDMENT OF LIQUOR LIABILITY EXCLUSION - LIMITED EXCEPTION FOR BRING YOUR OWN ALCOHOL
CG4032	0523	EXCLUSION - PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES (PFAS)
CG4035	1223	EXCLUSION - CYBER INCIDENT
WB3109GL	0223	EXCLUSION - DISCRIMINATION
NS0169	0202	EXCLUSION - MED PAY COVERAGE (RESIDENTS, PATIENTS OR CLIENTS)
NS0266	0904	EXCLUSION - MEDICAL PAYMENTS FOR VOLUNTEERS
NS0273	0708	LIMITED FUNGI COVERAGE
WB144	1099	VOLUNTARY PROPERTY DAMAGE COVERAGE

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Forms Schedule

Number	Edition	Description
WB1460	0118	AMENDMENT - WHO IS AN INSURED
WB1468GL	0224	EXCLUSION - ASBESTOS OR ASBESTOS PRODUCTS
WB1958GL	0414	EXCLUSION - LEAD LIABILITY
WB2000GL	0118	PLUS PAK - LIABILITY
WB1392GL	0223	EXCLUSION - BIOMETRIC IDENTIFIERS OR BIOMETRIC DATA
WB3113	0224	EXCESS PROVISION
WB3127GL	0224	EXCLUSION - NONCOMPENSATORY DAMAGES
WB39GL	0225	EXCLUSION – HUMAN TRAFFICKING
CG0168	1120	MICHIGAN CHANGES
NS0001MI	0821	PROFESSIONAL COUNSELING LIABILITY COVERAGE
WB3105GLMI	0223	PHYSICAL OR SEXUAL ABUSE OR SEXUAL MOLESTATION LIABILITY COVERAGE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.
PROFESSIONAL COUNSELING LIABILITY COVERAGE

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Each Occurrence Limit	\$ 1000000
Aggregate Limit	\$ 3000000

Unless specifically stated in this Coverage Form, all terms, conditions, exclusions and definitions of the Commercial General Liability Coverage Form apply.

A. COVERAGE

The following is added to **Section I – Coverages:**

PROFESSIONAL COUNSELING LIABILITY

We will pay all sums which a “covered person” becomes legally obligated to pay as damages because of any act, error or omission of the insured arising out of the insured’s professional “counseling” activities or the professional “counseling” activities of others for which the insured is liable. The damages:

1. must constitute, or arise directly out of, a “counseling” activity undertaken on your behalf by a “professional counselor”, or “lay counselor”.
2. must be an “occurrence” taking place in the “coverage territory” during the policy period.

B. EXCLUSIONS

The following exclusions are added as respects Counseling Liability Coverage only.

This insurance does not apply to:

1. liability assumed by the insured under any contract or agreement;
2. loss sustained by any “covered person” by your job applicant, by any volunteers or student interns or by any person who is employed by you (or who has been hired by you) at the time that the “counseling” takes place;

3. any claims made against you, your employees, volunteers or any other person for whom you are legally responsible, alleging injury or damage because of sexual and/or physical abuse, negligent or deliberate touching, or for any claims that you are responsible for the aforementioned because of alleged negligent hiring, training or supervision of your employees or other persons for whom you are legally responsible.
4. liability resulting from the rendering of or failure to render: medical, radiological, surgical, dental or nursing treatments, including shock therapy, and the prescription, utilization, furnishing or dispensing of drugs or medical, radiological, surgical, dental or nursing supplies or appliances;
5. liability resulting from commitment of any person to a psychiatric or mental health institution;
6. liability resulting from a “covered person’s” acts, errors or omissions as a member of a formal accreditation or similar professional board or committee of any hospital, mental health institution or professional society;
7. liability resulting from accepting and/or undertaking custodial care or responsibility of any person pursuant to request, instruction, authorization or direction of any governmental agency, authority, board or officer having such authority or responsibility;
8. loss of any kind arising directly or indirectly out of the rendering of any advice that is outside the scope of psychological “counseling” or is provided by a psychiatrist;
9. injury arising out of willful violation of a penal statute or ordinance committed by or with the knowledge or consent of any “covered person”;
10. any dishonest, fraudulent or criminal act or omission of any “covered person”;

However, with respect to damages arising out of any criminal act, this exclusion only applies to the extent that the insured:

- a. Admits, under oath; or
- b. Is determined in any legal proceeding; to have committed or directed the criminal act. For purposes of this exclusion, a determination in any legal proceeding includes, but is not limited to, a criminal conviction, a judgment, decree, ruling or order pronounced by any court of competent jurisdiction or an order or ruling pronounced by any administrative agency.

- 11. loss of any kind on behalf of any "professional counselor", or "lay counselor" unless such counselor is authorized by you to engage in "counseling" activity arising only out of operations covered by this policy. We will, however, cover the legal liability of you and your leaders in connection with unauthorized "counseling" activity if such activity is otherwise covered by this Coverage Form.
- 12. "personal injury" of any kind if the "personal injury" arises out of:
 - a. the publication of material by a "covered person" if the "covered person" publishes the material knowing it is false; or
 - b. the publication of information through any advertising, publishing, broadcasting or telecasting business which is owned or operated by you;
- 13. fines or non-compensatory penalties, or for any exemplary or punitive damages awarded in any legal proceeding if the legal proceeding is based in whole or in part upon any "counseling" activity.

C. LIMITS OF INSURANCE

The following is added as respects Counseling Liability Coverage only:

The Each "Occurrence" limit shown on this Coverage Form is the most we will pay for all losses arising out of an "occurrence" resulting from a "counseling" activity. This limit is the most we will pay regardless of:

- 1. the number of persons or entities to whom this policy provides coverage;
- 2. the number of losses or related losses arising directly or indirectly out of one or more related acts, errors, omissions, decisions, incidents, events or breaches of duty;
- 3. the number of persons acted upon, or who otherwise sustain injury, damage or loss;
- 4. the number of claims made or suits brought, or the number of persons initiating such claims or suits;

- 5. the number of "counseling" activities or other acts, errors, omissions, decisions, incidents, events or breaches of duty contributing to injury, damage or loss; or
- 6. the extent or duration of the "counseling" activity or the number of acts, errors or omissions, decisions, incidents, events or breaches of duty contributing to the injury, damage or loss.

The limits of insurance provided by this Coverage Form are considered part of the Limit of Insurance provided by the Commercial General Liability coverage part.

No coverage is provided for Counseling Liability except as provided herein, under this Coverage Form.

The Aggregate limit shown on this Coverage Form is the most we will pay under this Coverage Form for all occurrences taking place during the policy period to which this additional coverage applies.

The limits of this Coverage Form apply separately to each consecutive annual period and to any remaining period of less than 12 months, starting with the beginning of the policy period shown in the Declarations, unless the policy period is extended after issuance for an additional period of less than 12 months. In that case, the additional period will be deemed part of the last preceding period for purposes of determining the limits of insurance.

D. DEFINITIONS

The following definitions are added as respects Counseling Liability only:

- 1. "Covered person" means you, your "professional counselors", and your "lay counselors".
- 2. "Lay counselor" means your appointed person or your employee or your volunteer who:
 - a. has been trained to counsel others; and
 - b. is specifically authorized by you or your leaders to engage in "counseling" activities on behalf of your organization.
- 3. "Professional counselor" means your appointed person, your employee or your volunteer who:
 - a. has been professionally trained through obtaining education degrees to perform "counseling" activities; and
 - b. is generally authorized by you or your leaders to engage in "counseling" activities on behalf of your organization.
- 4. "Counseling" means: professional guidance of the individual by utilizing psychological methods especially in collecting case history data, using various techniques of personal interview and/or testing interests and aptitudes, directing another person's conduct or course of life.



Resolution No: 387

City Commission Meeting

5/19/2026

387 - A Resolution seeking acceptance of the proposal of best value from Trapeze Software Group, Inc., dba TripSpark Technologies for Intelligent Transportation Systems (ITS), Computer Aided Dispatch (CAD), and Automatic Vehicle Location (AVL) services in a not-to-exceed three-year amount of \$1,250,000.

Battle Creek City Commission

Action Summary

Staff Member: Chris Huff, Purchasing Agent

Department: Purchasing

Summary

RESOLUTION NO. 387

Resolved by the Commission of the City of Battle Creek:

That the proposal of best value for Intelligent Transportation Systems (ITS), Computer Aided Dispatch (CAD), and Automatic Vehicle Location (AVL) services is accepted from Trapeze Software Group, Inc., dba TripSpark Technologies in a not-to-exceed three-year amount of \$1,250,000. The City Manager is authorized to execute Contract No. 2026-070R, which will be paid from 588.596.6322.973010.

The City Manager or her designee is also authorized to approve change orders up to an additional \$9,167 for City-initiated and pre-approved changes in scope.

Budgetary Considerations

The funding sources are comprised of \$1,007,333 in Federal funds, and \$251,834 in matching State funds, for a total of \$1,259,167.

History, Background and Discussion

The solicitation was issued March 23, 2026, for Intelligent Transportation Systems (ITS), Computer Aided Dispatch (CAD), and Automatic Vehicle Location (AVL) services for the Transportation Authority of Calhoun County (TACC).

The purchase and implementation of current state-of-the-art Intelligent Transportation System (ITS) technology on all Ride Calhoun vehicles will support paratransit, microtransit, and fixed route services. This technology will assist management in decision-making, scheduling, reporting, and customer service. This technology will address the agency’s technology challenges and gaps, allowing TACC to monitor vehicles, operations, and improve data collection.

Copies of the RFP were provided to all companies registered in our system as providing similar software, as well as additional specific companies identified by Mallory Avis, TACC Executive Director. In addition, an advertisement was placed in the Battle Creek Shopper and on the City’s bid management site.

Vendor questions were due April 10, 2026, and the City provided an addendum that contained all vendor questions and Transit’s answers, and that was issued on April 15, 2026.

Proposals were due May 1, 2026, and were received from the following companies:

- IT Curves
- LMK Resources
- Peak Transit
- River North Transit (VIA)
- Spare Labs
- Strategic Mapping Inc
- Swiftly
- Transit Technologies
- TripSpark

Proposals were sent to the selection committee, which consisted of:

- Mallory Avis, TACC Executive Director
- Shannon Wedl, TACC Procurement Manager

Committee members met on May 4, 2026, and rated the proposals against the evaluation criteria published in the RFP. Price and other factors are considered during a best value selection process with an RFP.

The attached memo by Mallory Avis details the scoring and selection process and provides a recommendation for award to TripSpark Technologies. The other attached memo, Evaluation Team ITS RFP Recommendation of TripSpark, gives more details on the selected company.

Positions

Attachments

- | | | |
|----|---|---|
| 1. | Evaluation Team ITS RFP Recommendation of TripSpark | Evaluation Team ITS RFP Recommendation of TripSpark.pdf |
| 2. | Mallory Avis Memo | Mallory Avis Memo.pdf |

ITS RFP Evaluation Team Final Recommendation

After a thorough review of the submitted proposals, vendor demonstrations, and evaluation criteria, the evaluation team recommends selecting TripSpark as the preferred vendor for our Intelligent Transportation System (ITS) Request for Proposal (RFP).

TripSpark distinguished itself throughout the evaluation process by offering a comprehensive, high-quality solution that met or exceeded all required and optional specifications. Their proposal was complete, well organized, and presented in a highly user-friendly format, which made it easy for the evaluation team to review and compare.

During the demonstration and interview, TripSpark provided a polished and informative presentation. Their team answered all follow-up questions thoroughly and demonstrated a clear understanding of our operational needs. Both their written proposal and live presentation confirmed that their solution fully satisfies our requirements.

Several factors make TripSpark the strongest choice:

Implementation and Training Support

TripSpark offers exceptional implementation assistance, including:

- Staff on campus for 60 days during deployment
- A 12-week full-service launch window
- Comprehensive support to ensure a smooth transition

This level of onsite support significantly reduces implementation risk and helps ensure that staff is properly trained.

Comprehensive Functionality

All required and optional components identified in the RFP are included in TripSpark's proposal. Their platform offers robust capabilities for both fixed-route and on-demand transportation services.

Operational Improvements

TripSpark's software will streamline several key operational processes, including:

- Complaint management
- Rider suspensions
- Detour management
- Driver route training
- Real-time traffic integration

These efficiencies will help improve staff productivity, reduce administrative burden, and enhance service reliability.

User Experience

The customer-facing mobile application appears intuitive and user-friendly, which should improve the rider experience and increase adoption among the community.

Industry Experience and Product Quality

TripSpark has extensive experience in the transit technology industry and offers mature, high-quality software platforms that are widely used for both fixed-route and demand-response transit systems.

Conclusion

TripSpark consistently performed at the highest level throughout every phase of the evaluation. Their proposal was comprehensive, their demonstration was outstanding, and their implementation and pricing terms provide significant operational and financial advantages.

Based on the strength of their proposal, quality of their software, implementation support, and overall value, I recommend that TripSpark be selected as the preferred vendor for the ITS RFP.



MEMO

To: Chris Huff, Purchasing Agent
 From: Mallory Avis, Executive Director
 Date: May 12, 2026
 Subject: RFP 2026-070R - Intelligent Transportation Systems (ITS) Award
 Cc: Shannon Wedl, Procurement and Grants Manager
 Kristy Grestini, Director of Administration and Planning

Chris:

The Transportation Authority of Calhoun County thanks you for your assistance in facilitating the process of the Request for Proposals (RFP) for a new Intelligent Transportation System (ITS). This technology will replace the current computer aided dispatch (CAD), automatic vehicle location (AVL), and interactive voice response (IVR) systems in the public transit system, as well as incorporate new technologies such as on-demand ride scheduling, data reporting, automated voice annunciation (AVA), and passenger-facing technology.

This purchase is supported through Federal Transit Administration (FTA) and Michigan Department of Transportation (MDOT) grant funds, which are detailed below.

This procurement was conducted through a competitive Request for Proposals (RFP). The RFP review committee reviewed and scored nine total proposals. The four highest-scoring proposals were asked to participate in an interview and a demonstration of their solution.

The consensus vendor scores (out of 500) were:

TripSpark:	434
VIA:	400.1
Spare:	394
IT Curves:	389.3
Transit Technologies:	361
Peak Transit:	358
Strategic Mapping:	321
LMK Resources:	251
Swiftly:	Not Scored*

*As no other vendor submitted a partial solution, the review committee elected not to score Swiftly. Swiftly provided a fixed-route solution only.



The review committee provided the following summary:

After a thorough review of the submitted proposals, vendor demonstrations, and evaluation criteria, the evaluation team recommends selecting TripSpark as the preferred vendor for the Intelligent Transportation System (ITS) Request for Proposal (RFP).

TripSpark distinguished itself throughout the evaluation process by offering a comprehensive, high-quality solution that met or exceeded all required and optional specifications. Their proposal was complete, well organized, and presented in a highly user-friendly format, which made it easy for the evaluation team to review and compare.

During the demonstration and interview, TripSpark provided a polished and informative presentation. Their team answered all follow-up questions thoroughly and demonstrated a clear understanding of our operational needs. Both their written proposal and live presentation confirmed that their solution fully satisfies our requirements.

Several factors make TripSpark the strongest choice:

Implementation and Training Support

TripSpark offers exceptional implementation assistance, including:

- Staff on campus for 60 days during deployment
- A 12-week full-service launch window
- Comprehensive support to ensure a smooth transition

This level of onsite support significantly reduces implementation risk and helps ensure that staff is properly trained.

Comprehensive Functionality

All required and optional components identified in the RFP are included in TripSpark's proposal. Their platform offers robust capabilities for both fixed-route and on-demand transportation services.

Operational Improvements

TripSpark's software will streamline several key operational processes, including:

- Complaint management
- Rider suspensions
- Detour management
- Driver route training
- Real-time traffic integration

These efficiencies will help improve staff productivity, reduce administrative burden, and enhance service reliability.

User Experience

The customer-facing mobile application appears intuitive and user-friendly, which should improve the rider experience and increase adoption among the community.

Industry Experience and Product Quality

TripSpark has extensive experience in the transit technology industry and offers mature, high-quality software platforms that are widely used for both fixed-route and demand-response transit systems.

Conclusion

TripSpark consistently performed at the highest level throughout every phase of the evaluation. Their proposal was comprehensive, their demonstration was outstanding, and their implementation and pricing terms provide significant operational and financial advantages.

Based on the strength of their proposal, quality of their software, implementation support, and overall value, we recommend that TripSpark be selected as the preferred vendor for the ITS RFP.

The total contract award for TripSpark Technologies is \$1,250,000. The GL for this project is 588.596.6322.973010. The funding sources are comprised of \$1,007,333 in Federal funds, and \$251,834 in State matching funds.

<u>Grant</u>	<u>Federal</u>	<u>State</u>	<u>Total</u>
MI-2020-003-01	\$626,692	\$156,674	\$783,366
MI-2021-015-00	\$130,641	\$32,660	\$163,301
MI-2025-004-00	\$250,000	\$62,500	\$312,500
Total	\$1,007,333	\$251,834	\$1,259,167

Thank you again for your assistance with this project to enhance transit operations and improve rider experience!



Mallory Avis
Executive Director



Resolution No: 388
City Commission Meeting 5/19/2026

388 - A Resolution seeking approval to conduct a Closed Session on two legal matters.

Battle Creek City Commission
Action Summary

Staff Member: William Kim, City Attorney

Department: City Attorney's Office

Summary

RESOLUTION NO. 388

Resolved by the Commission of the City of Battle Creek:

That a Closed Session of the City Commission shall be held in Conference Room 302A immediately following the Commission Comments section of the Regular Meeting on Tuesday, May 19, 2026, as authorized by MCL 15.268(e). The Michigan Open Meetings Act (OMA) permits a public body, upon a 2/3 majority vote, to meet in closed session under Section 8(1)(e), "To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigation or settlement position of the public body." MCL 15.268(e).

In two matters of pending litigation, *Scott Marshall v City of Battle Creek*, Worker's Compensation Claim No. BC0-23-000059-01, and *Joseph Shanks v City of Battle Creek*, Worker's Compensation Claim No. BC0-23-000017-01, counsel for the City believes that discussing those matters in an open meeting would have a detrimental financial effect on the litigating or settlement position of the City in both cases.

Amanda E. Zimmerlin, City Manager, is hereby appointed as the designated secretary to record and prepare appropriate Minutes of this Closed Session.

Budgetary Considerations

None.

History, Background and Discussion

As permitted under the Michigan Open Meetings Act, a public body, upon a 2/3 majority vote, may meet in closed session in order to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body. Counsel for the City believes an open meeting would have a detrimental financial effect on the litigation or settlement position of the public body in both instances of the above cited pending litigation.

Positions

The City Attorney and Human Resources Director support this Resolution.

Attachments