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According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540).

According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications.

Public meetings are being monitored and violations of statutes will be prosecuted.

CITY COUNCIL

March 15, 2021

1. Call to Order - 7:00 P.M. – Virtual meeting from remote locations
2. Recitation - Pledge of Allegiance to the Flag of the United States of America
3. Roll Call
4. Presentation
 - (a) Hear presentation by Pat Bowland, CEO and General Manager of MPPA, concerning the State of the City's power supply
 - (b) Hear presentation by Public Safety Director Matthew Breed concerning the department's 2020 Annual Report
 - (c) Hear presentation by District Library Director Valerie Meyerson concerning the Petoskey District Library 2020 Annual Report
5. Consent Agenda – Adoption of a proposed resolution that would confirm approval of the following:
 - (a) March 1, 2021 regular session City Council meeting minutes
 - (b) Acknowledge receipt of a report concerning certain administrative transactions since March 1, 2021
6. Miscellaneous Public Comments

7. City Manager Updates
8. Old Business – Further discussion on priority redevelopment sites
9. New Business
 - (a) Adoption of a proposed resolution that would oppose proposed Federal Communications Commission language regarding 911 fees
 - (b) Consideration to approve a \$42,400 donation by Ambassador Ronald Weiser for the purchase of equipment to support the Public Safety Department
10. City Council Comments
11. Adjournment



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 15, 2021

DATE PREPARED: March 10, 2021

AGENDA SUBJECT: MPPA Presentation – State of the City’s Power Supply

RECOMMENDATION: Hear Presentation from MPPA representative.

Background City Council passed a resolution June 17, 2019 adopting a vision that derives 100% of the community’s electric energy through renewable resources and associated technologies by 2035. In order to effectively transition to 100% renewables, timelines and goals were established to ensure all aspects of such a transition would be identified and considered. One of the goals established by City Council recognized the need to work with the Michigan Public Power Agency (MPPA) and other member jurisdictions to increase the percentage of electric power generated by renewables according to the following schedule: 15% by 2020, 30% by 2025, 70% by 2030 and 100% by 2035. Other notable goals addressed public participation, low-income citizens and an energy strategy that requires an integrated approach across policy areas such as fiscal, energy, economic and infrastructure. Based on these goals and the aforementioned timeline, MPPA has been strategically analyzing and planning for the City and its future power supply needs.

Presentation Pat Bowland, Chief Executive Officer and General Manager of MPPA, will give a brief presentation to City Council to discuss the State of the City’s Power Supply. MPPA handles all wholesale power supply needs and requirements for the City of Petoskey and plays a key role in transitioning to 100% renewables. Mr. Bowland’s presentation will not only include topics specific to the City of Petoskey, but the electric industry as a whole including:

- Long-Term Load Forecast
- Energy Resources vs Capacity Position
- Renewable Resource Target Goals and Current Tracking
- Renewable Resources Capacity and Energy Production Profile Challenges for all Utilities
- Costs Projections associated with Local/Regional Projects vs Utility Scale Projects
- Future Technologies and Opportunities
- Industry Standards and Requirements to Ensure High Reliability

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City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 15, 2021

PREPARED: March 8, 2021

AGENDA SUBJECT: 2020 Public Safety Annual Report Presentation

RECOMMENDATION: That the City Council hear this presentation

Background Public Safety Director Matthew Breed will give a brief presentation to City Council concerning the department's 2020 annual statistics. The 2020 Annual Report is enclosed for your review.

Action City Council hear presentation.

sb
Enclosure



ANNUAL REPORT 2020

City of Petoskey – Department of Public Safety

Prepared by:

Matthew Breed, Director

Gina Ellenberger, Office Manager



Petoskey Department of Public Safety Staff



Director Matthew Breed

Lieutenants



Lt. Adrian Karr



Lt. Todd Troxel



Lt. David Schultz



Lt. Michael Parker

Public Safety Officers

Hunter Arnold
William Bowen
Benjamin Carlson
Lawrence Donovan
John Duch
Karl Fritz
Scott Gosciak

Frederick Haalck
Erik Hoig
Brock Kimball
Scott Lamont
Matthew Mikulski
Keenan Sugg
Adam Whitley

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A MESSAGE FROM THE DIRECTOR

I am pleased to present the 2020 Public Safety Annual Report. This report highlights our operations as well as factors affecting how we perform our duties. Within the report, you will find statistical data along with information related to our many different programs.

There were challenges for the Department on multiple fronts this past year. We are a community-based department and in February 2020, the community was faced with a pandemic; a pandemic that continues to affect all of us. Numerous Executive Orders and MDHHS Orders forced us all to adjust how we live our lives and presented challenges to everyone. Social distancing became the order of the day, from ordered closure of businesses to directing staff to limit unnecessary contact. Providing police, fire, and EMS services is not conducive to “unnecessary contact”, but I am pleased to announce the members of your Public Safety Department have performed in an exemplary fashion during a very difficult time. Information and education were our tools of choice when addressing potential Executive Order violations.

In the midst of dealing with the pandemic, a tragedy occurred in Minneapolis. The tragic death of George Floyd unleashed a sense of rage across the country and brought into question how law enforcement operates. These questions are justified and we have an obligation to provide clear and concise answers. Our answers solidify our transparency and only through transparency will we build the trust of our community. This trust allows us to strengthen our community partnership, a necessity to providing community safety. Working toward that goal, numerous Department members completed accreditation training prior to 2020 enabling the Department to begin the accreditation process in June. The Michigan Law Enforcement Accreditation Commission (MLEAC) set the standards for accreditation. The standards represent the most up-to-date best practices for the safe, effective, efficient, and non-discriminatory delivery of professional law enforcement services possible. The MLEAC program provides us the avenue to demonstrate we meet the professional standard not just in policy, but also in practice. We must not only have the policy, we must adhere to the policy.

Our policies have been rewritten to current standards with emphasis placed on “Use of Force”, “Fair and Impartial Policing”, “Mental Health Intervention”, and “Constitutional Rights”. Additionally, every officer received training this past summer in Violence Prevention, De-escalation, and Implicit Bias. We have an obligation to provide the highest level of ethical, unbiased professional service possible to the citizens we serve, and during 2020 we made great strides towards that goal.

Last spring the Department took delivery of two new Sutphen rescue pumpers. The purchase was made possible by Petoskey’s five-year Public Safety millage. The 2020 purchase was the final step in our plan to upgrade our fire apparatus and provide time for the City to better prepare for replacement costs in the future. It is anticipated our next truck purchase will not be necessary until 2031 followed by one in 2041.

In closing, I would like to thank our community for their support. Through the pandemic as well as police protests, we received support and reassurance from many of our citizens. Your support makes a difference; it not only encourages the Department but it reminds us why we choose this profession. Please feel free to follow us on our Facebook page or via the City website.

Stay healthy and stay safe.

Matthew Breed, Director



Mission Statement

The mission of the Petoskey Department of Public Safety is to provide professional community-oriented police, fire and emergency medical services. We are committed to creating and maintaining an active community partnership with those we serve. We are dedicated to protecting lives and property while maintaining order and assuring fair and equal treatment to everyone.

The Petoskey Department of Public Safety is a proactive agency dedicated to excellence through quality customer service. We shall maintain our high level of professionalism through training, education, innovation and accountability. We shall foster an atmosphere where Department members treat each other fairly, honestly, and equally.

Through commitment to quality service, the Department will meet the public safety needs of the community, recognizing the values of fairness, equality, and respect for human dignity.

Petoskey Department of Public Safety 2020 Annual Report

The Petoskey Department of Public Safety is committed to providing the best possible service for everyone who lives, works, or visits the Petoskey area. Staff believes in a strong partnership with all members of the community in an effort to keep Petoskey a safe, vibrant city.

Police, fire, and emergency medical services are provided through a unified Department of Public Safety. The Department staff of nineteen sworn officers (crossed-trained as certified law-enforcement officer, firefighter, and EMT), six part-time Public Safety Officers, two paid-on-call firefighters, and one office manager provide a wide range of services to the citizens of Petoskey and Bay Harbor. The Department operates eight pieces of fire equipment, eight patrol vehicles, and two rescue boats. All public safety vehicles are equipped with emergency medical equipment.

The fire division provides programs involving inspections, fire prevention in area schools, conducts fire station tours, and provides public appearances and displays of equipment at community events.

Law Enforcement Calls for Service 2016-2020

	2016	2017	2018	2019	2020
Bay Harbor	343	319	324	335	389
Petoskey	7,598	7,763	8,302	8,621	7,074
Total	7,941	8,082	8,626	8,956	7,463

Complaint numbers are generated for activities such as criminal investigations, health and safety checks, suspicious persons or vehicles, alarms, and assisting other departments. Other activities are logged, but not assigned complaint numbers. Usually these events require no follow-up by an officer. Some of these activities include administrative tasks, assisting citizens, and court appearances.

The law enforcement division handles requests for services involving criminal investigations, civil disputes, traffic enforcement, traffic accident investigations, health and safety issues, property maintenance ordinance violations, and general assistance to the public such as vehicle unlocks. In 2020, the Department of Public Safety made 254 total arrests. Of that total, 80 were felony arrests and 174 were misdemeanor arrests.

The Public Safety law enforcement division handled 7,463 requests for service in 2020 and logged 6,629 complaint numbers. While the calls for service and complaint numbers decreased in volume from 2019, our general assistance and general non-criminal complaint numbers increased drastically. This is due largely in part to our COVID-19 response as Public Safety Officers limited unnecessary contact with the public to protect both citizens and themselves. Officers conducted numerous property checks on businesses and properties that were temporarily closed. They also addressed concerns regarding Executive Orders and MDHHS Orders from both businesses and citizens.

Log of Complaints

Incident	Petoskey	Bay Harbor
911 Hang Up	78	7
Abandoned Vehicle	54	1
Accidents	340	11
Alarms	221	67
Animal Complaint	161	4
Assault/Domestic Violence	70	2
Assist Ambulance	552	29
Assist Other Agency	244	2
Breaking and Entering	10	1
Civil Matters/Disputes	242	6
Conservation	1	0
Damage to Property	17	1
Disorderly Conduct	19	0
Embezzlement	1	0
Family-Neglect/Non-Support	8	0
Fire	13	2
Fraud	14	0
General Assistance	709	17
General Non-Criminal	1,255	123
Health and Safety	12	2
Juvenile Complaint	67	1
Larceny	30	0
Liquor Violations	9	0
Lost and Found Property	84	2
Mental Health	87	0
Miscellaneous Criminal	24	0
Misdemeanor Traffic Offense	26	1
Missing Person	2	0
Motor Vehicle Theft	6	0
Murder	1	0
Natural Death	9	0
Noise Complaint	59	6
Obstructing Justice	31	0
Obstructing/Resisting Officer	3	2
Ordinance Violation (Including IPMC/IFC)	109	3
Operating While Intoxicated	27	2
Parking Violation	65	3
Public Relations	78	1
Robbery	1	0
Sex Offense	5	0
Stalking/Intimidation	6	0
Suspicious Situations	614	18
Traffic Stops	688	29
Trespass	13	0
Unlock	203	8
Violation of Controlled Substance Act	9	0
Weapons Offense	1	0
Total	6,278	351

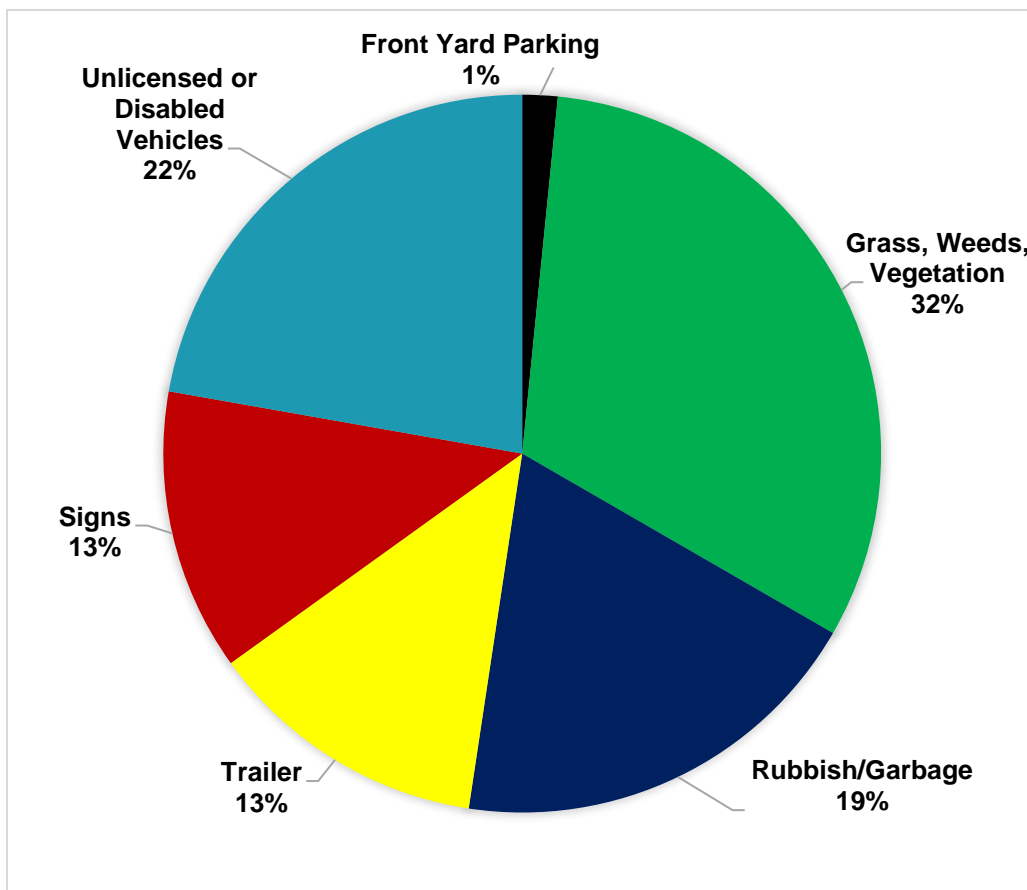
*Statistics are organized by most serious offense

Nuisance Ordinance Enforcement

In early 2010, the Petoskey City Council adopted the International Property Maintenance Code. This Code, in conjunction with the City's nuisance ordinances, provides the tools needed to address health/safety issues as well as concerns commonly referred to as blight complaints. The Department of Public Safety took the lead in enforcement of these ordinances. The ordinances deal with grass, weed, and vegetation issues; garbage/rubbish; trailer violations; unlicensed or disabled vehicles; sign violations; front yard parking; signage on public property; dumpster problems; and unsafe or unsecured buildings.

Potential violations are referred to Public Safety through complaints by citizens and by observations made by Public Safety Officers. Officers work closely with the community in an attempt to gain voluntary compliance. Officers attempt to assist residents and business owners in any way possible to correct the problem and avoid enforcement measures.

In 2020, the Department of Public Safety handled 112 investigations related to Nuisance Ordinance complaints. In addition to the ordinances below, complaints regarding fireworks, noise, and dumpsters were also investigated. All but one of the investigations were closed by voluntary compliance.

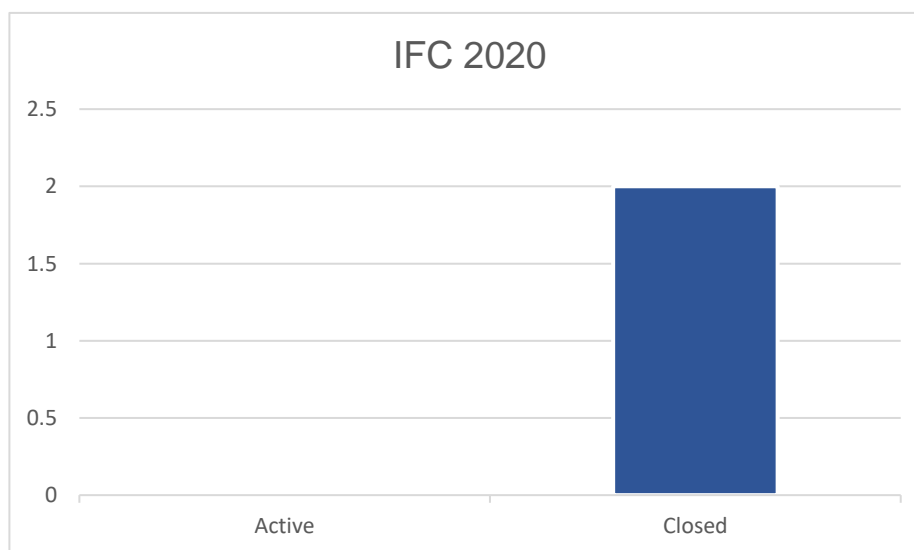
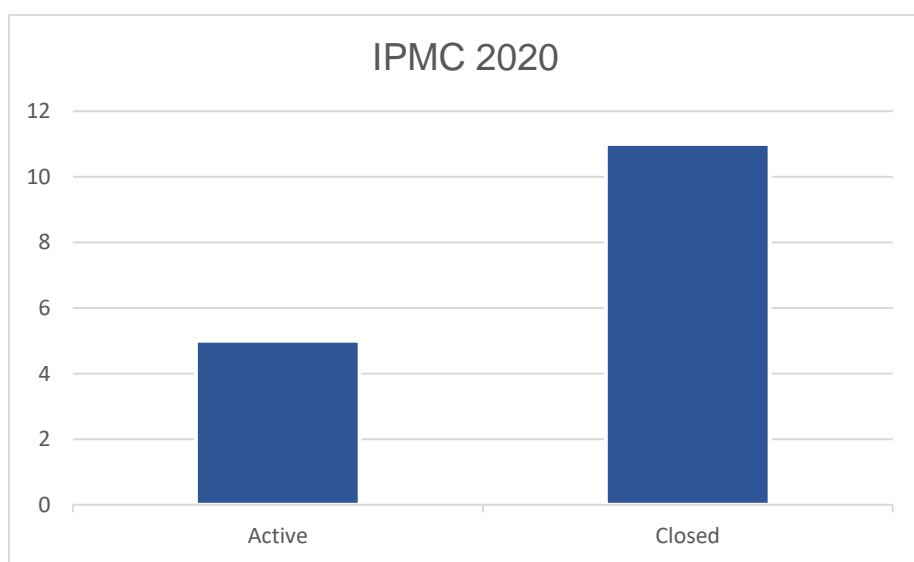


Common Ordinance Violations 2020

International Property Maintenance Code (IPMC) International Fire Code (IFC)

In 2010, the Petoskey City Council adopted by ordinance both the International Property Maintenance Code and an updated version of the International Fire Code. These codes were adopted to regulate and govern the conditions and maintenance of properties, buildings, and structures. These codes provide standards that must be met to ensure that structures are safe, sanitary, and fit for occupancy and use.

The Petoskey Department of Public Safety enforces these ordinances through inspections and investigations conducted by our fire inspectors. The main focus of the Department is to identify problem areas, isolate the violations, and then work with the property owners to correct the situation. Voluntary compliance is the goal, and enforcement action is only taken in cases where no other alternatives are available.



Safety/Educational Programs

The Petoskey Department of Public Safety is committed to working with the community to educate citizens and to assist them in keeping their families safe and secure. Traditionally, our officers help each year by participating in a variety of community events and functions. In past years, Public Safety Officers spoke to schoolchildren, gave station tours, attended job fairs, conducted fire safety demonstrations, and assisted area organizations with requests. However, due to the COVID-19 pandemic, many community activities were cancelled.



TEAM

We provide a structured TEAM (Teaching, Educating, and Mentoring) program to area students. TEAM is a curriculum developed by the Michigan State Police and is approved by the Department of Education for students of every age. At the start of 2020, Officer Benjamin Carlson presented the law-based program to local schools and spent time with students to teach basic safety information. This year, the program focused on “The Big Five” which details safety topics such as stranger awareness, importance of safety belts and booster seats, firearms safety, and personal safety concerns. Due to COVID-19 precautions and school closures, the TEAM program was suspended for the remainder of the year.



Prior to COVID-19 related school closures, PSO Carlson met with St. Francis schoolchildren for “Oreos with Officers”. He also spent some time in their classroom and spoke with them about the “Big Five” safety precautions.

Community Connections

Public Safety Officers enjoy interacting with people throughout the year and taking part in events within the community. Due to COVID-19 safety precautions, many of our usual events were cancelled including our annual Citizens Academy and Open House. While we were disappointed to cancel these events, the safety and health of our community members is always our top priority.



PSO Carlson met with a Boy Scout troop for a tour of our station and a look inside of the patrol cars. PSO Carlson also met with SERVPRO employees who we collaborated with in order to offer free smoke and carbon monoxide detectors to City homeowners.



The Michigan Police Unity Team completed their 313-mile bicycle ride at our station on Lake Street. The Team is comprised of current Michigan officers or survivors of fallen officers and they participate in a yearly ride across the state to honor fallen police officers. This ride raises money for the Michigan Concerns of Police Survivors (MI-C.O.P.S.), an organization that supports law enforcement families and co-workers who have lost an officer in the line of duty. While the Unity Team was at our station, they paid respects to Petoskey Police Officer Robert "Bob" Russell who was killed in the line of duty on June 6, 1950.



A father and son duo, Jeffrey and Keaton Davis, took part in the annual Wish-a-Mile bike ride to raise money for the Make-a-Wish Foundation. The 2020 ride was changed to a virtual ride, allowing riders to choose their own bike path. Jeffrey and Keaton used this opportunity to honor Law Enforcement across the state and stopped by our station with some snacks for the officers.



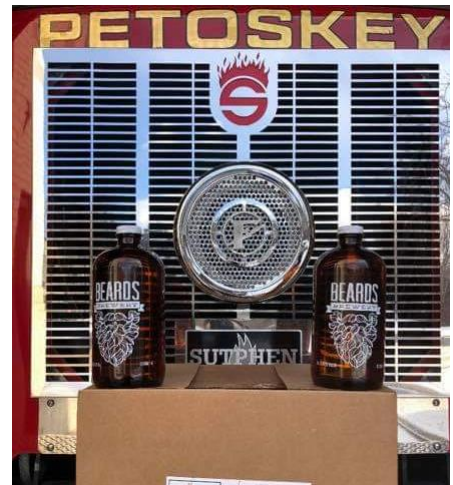
Since many holiday events were cancelled, the Department decided to share some holiday spirit by bringing Santa to town. Public Safety gave Santa a ride in the fire truck as he greeted community members in the downtown and residential areas.



Photo by Hook and Ladder Photography

Thank You

The Public Safety Department would like to thank the many citizens, organizations, and businesses who helped support us during the COVID-19 pandemic. The pandemic has created many hardships for our community as a whole and we are grateful for all the donations, cards, and general well wishes we received.



Above are some examples of the donations the Department received including Walmart's contribution of supplies, Jarvis Restoration deep cleaning of patrol vehicles, and hand sanitizer from distilleries such as Beards Brewery, Mammoth Distillery, Gypsy Vodka and Grand Traverse Distillery. Independence Village provided food for the officers and Meyer Ace Hardware was instrumental in getting us protective gear and respirators.

Detective Position

In June of 2010, the Department created a full-time detective position by assigning one Public Safety Officer to investigations. The detective handles all follow-up investigations from complaints taken by officers as well as a variety of other duties. In 2020, Detective Matthew Mikulski worked on 138 new cases, reopened 8 cases, obtained 105 felony arrest warrants, 72 misdemeanor arrest warrants and 20 search warrants. Detective Mikulski also assisted the Petoskey schools on 80 complaints.



The Public Safety Detective position is on a three-year rotating schedule to allow numerous officers the opportunity to serve. Detective Mikulski has been an Public Safety Officer with the Department since January 2004.

Administrative Services

The administrative offices of Petoskey Department of Public Safety are located within City Hall at 101 East Lake Street. The office processes all criminal paperwork, accident reports, court records, and complaint documentation. Services also include fingerprints for citizens, as well as assisting citizens with walk-in complaints or phone calls. Additionally, the administrative office completed 103 Freedom of Information requests, 23 permits to purchase a handgun, and 53 pistol sales records in 2020. The administrative office also provides a Prescription and Over-the-Counter Drug (POD) Drop Off location for City residents. In 2020, the Department safely disposed of approximately 556 pounds of medications and assisted in the disposal of POD's in neighboring counties as well.



Retirement

In August 2020, Public Safety Officer Dan Smith retired after serving the Department for many years. PSO Smith began his career as a firefighter in September 1988 with the Petoskey Fire Department. He later completed his college education and served as an Escanaba Public Safety Officer until he returned to the Department as a PSO in June 1995. PSO Smith was heavily involved in the fire division of the Department, serving several years as our Fire Inspector and Arson Investigator. PSO Smith also oversaw the Department's fire and medical training and was in charge of the Public Safety West Station since August 2019.



New Officer

Hunter Arnold was sworn in as a Public Safety Officer on November 23, 2020. PSO Arnold earned his Bachelor's Degree from Lake Superior State University where he also attended the Police Academy. Prior to coming to the Department, PSO Arnold served as a Deputy with the Emmet County Sheriff's Office. PSO Arnold is a certified Drug Recognition Expert and will be completing his certification in both firefighting and emergency medical services.



2020 Honors Board of Review Recipients

The Petoskey Department of Public Safety Honor Board of Review is made up of the Director of Public Safety Matthew Breed, Lieutenant Adrian Karr, and Public Safety Officer Larry Donovan. The Board reviews requests for recognition of meritorious service by Department members. These requests for awards are submitted by Department members who wish to have fellow Department members, public safety personnel from other departments, or citizens recognized for outstanding service to the community or to the Department.

Lifesaving Award:

PSO Frederick Haalck
PSO Brock Kimball
Deputy Chad Johnson

This award is intended for individuals directly responsible for saving a human life.

On the evening of January 6, 2020, the Emmet County Sheriff's Office was attempting to locate a suicidal subject. A ping of the subject's cell phone indicated he may be slightly south of the City of Petoskey. Deputy Johnson located the vehicle and advised he had an unconscious male in the driver's seat. PSO's Haalck and Kimball responded to assist Deputy Johnson. With all the doors locked, Deputy Johnson was forced to break a window to gain access to the patient. At this time, PSO's Haalck and Kimball arrived on scene and began a patient assessment. The unconscious patient was barely breathing and had almost no pulse. Observing an empty opioid based pain reliever bottle within the vehicle and noting the patient's condition, the officers quickly administered a dose of naloxone. The patient's condition improved and by the time he was placed in the ambulance, he had recovered a steady pulse as well as productive respirations. Had this subject not been found quickly and naloxone administered rapidly, he would not have survived.

PSO Frederick Haalck, PSO Brock Kimball, and Emmet County Deputy Chad Johnson are hereby recognized with the Lifesaving Award.

Lifesaving Award:

Lt. Todd Troxel
PSO Scott Lamont
Paramedic Brian Patton
EMT Chris Krupa

This award is intended for individuals directly responsible for saving a human life.

On January 22, 2020 at approximately 11:15 A.M., Emmet Ambulance was dispatched to a location just outside the Petoskey City limits for a male sitting in his truck not feeling well. Dispatch soon updated the ambulance crew, advising them the caller was indicating the patient had stopped breathing. Due to the close proximity to the City and the severity of the situation, Lt. Troxel and PSO Lamont responded to assist. Upon arrival, the officers observed EMS staff removing the unconscious man from the vehicle and onto their gurney. It was confirmed the patient was not breathing and had no pulse so the officers began assisting Paramedic Patton and EMT Krupa with lifesaving efforts. CPR was initiated and a bag valve mask was used to deliver high flow oxygen. Working as a team, additional lifesaving measures were performed and the patient's condition improved. Prior to being transported to McLaren Northern Michigan, the patient had regained a pulse and was being assisted with his ventilations.

The quick response and professional teamwork of Lt. Todd Troxel, PSO Scott Lamont, Paramedic Brian Patton, and EMT Chris Krupa saved this patient's life. Their outstanding dedication to help others is hereby recognized with this Lifesaving Award.

Lifesaving Award:

Lt. Michael Parker
PSO Dan Smith
PSO Karl Fritz
PSO Will Bowen
Paramedic Calvin Penfold
Paramedic Sarah Towne

This award is intended for individuals directly responsible for saving a human life.

On April 16, 2020 at approximately 9:05 A.M., Emmet Ambulance and the Petoskey Department of Public Safety were dispatched to 318 State Street, the Petoskey Post Office. Dispatch advised a male subject had passed out inside then updated responders, indicating the subject was an approximately 50-year-old employee who was not breathing. Officers Bowen and Fritz were first on scene and determined the individual was in cardiac arrest. CPR was started and in less than five minutes from the time of dispatch, the first shock was delivered from an AED. Lt. Parker and PSO Smith, along with Paramedics Penfold and Towne arrived on scene. CPR was continued, additional shocks were administered and other lifesaving measures were performed by the responders working as a team. This teamwork continued while the patient was transported to McLaren Northern Michigan. As a result, the subject was conscious upon arrival at the hospital. The rapid response, quick patient assessment, and integrated teamwork saved this man's life. He went from no pulse or respirations to being released from the hospital less than a week later.

The actions of Lt. Michael Parker, PSO Dan Smith, PSO Karl Fritz, PSO Will Bowen, Paramedic Calvin Penfold and Paramedic Sarah Towne exemplify the highest level of EMS care and they are hereby honored for their lifesaving actions.

Lifesaving Award:

Lt. Todd Troxel
PSO Larry Donovan
PSO Will Bowen
Firefighter Scott Noble
Paramedic Adam Peltier
Paramedic Brian Hill

This award is intended for individuals directly involved in saving a human life.

On September 8, 2020 at approximately 11:15 P.M., the Petoskey Department of Public Safety and Emmet Ambulance were dispatched to a residence for a possible overdose. Dispatch advised the 36-year-old female was not breathing. When Lt. Troxel and PSO Bowen arrived on scene, they observed a male subject providing chest compressions to an unconscious female. The two officers took over patient care, completed a quick patient assessment, and then administered a dose of naloxone. PSO Donovan and Firefighter Noble arrived on scene and assisted with ventilations as well as other patient care. Paramedics Hill and Peltier arrived on scene and took over primary patient care. A second dose of naloxone was administered and the patient began to respond. Prior to being transported to the hospital, the patient had a pulse and was breathing on her own. Many lives have been lost due to the opioid crisis however; thanks to the rapid response and teamwork of these responders, this patient's life was saved.

Lt. Todd Troxel, PSO Larry Donovan, PSO Will Bowen, Firefighter Scott Noble, Paramedic Brian Hill and Paramedic Adam Peltier used their training and experience while working as a team to save the life of a woman who would have otherwise died as a result of an opioid overdose.

Lifesaving Award:

PSO Larry Donovan
PSO Karl Fritz
PSO Scott Lamont
PSO Will Bowen

This award is intended for individuals directly responsible for saving a human life.

On Saturday October 24, 2020 at approximately 6:15 P.M., PSO's Donovan and Lamont were dispatched to the area of Bayview Road near McDonald Drive. Dispatch advised they had received multiple calls about a minivan driving erratically, leaving the roadway, striking a road sign and continuing until finally crashing into a light pole. PSO Donovan was first on scene with PSO Lamont close behind. The crash resulted in significant front-end damage with air bag deployment and the officers observed an unconscious male in the driver's seat. Due to the crash damage, officers had to force their way into the vehicle to make patient contact. The patient was producing only an occasional agonal breath and the officers completed a patient assessment. Based on this assessment, PSO's Donovan and Lamont determined the patient may be suffering from an opioid overdose and therefore administered a dose of naloxone. The patient's condition did not improve so noting the patient's large stature; the officers administered a second dose of naloxone. As the officers were removing the patient from the vehicle PSO's Fritz and Bowen arrived on scene to assist. Rescue breathing was provided to the driver using a bag valve mask and supplemental oxygen. After several minutes, the patient became responsive and regained consciousness. The patient was transported to the hospital and released a short time later.

The quick actions and accurate assessment of the situation by PSO's Larry Donovan, Scott Lamont, Karl Fritz and Will Bowen saved the life of a man who would have died without their help.

Certificate of Merit:

PSO Scott Gosciak

This award is for an officer displaying outstanding performance of duty under unusual or difficult conditions.

Unit Citation:

Lt. Todd Troxel
PSO Adam Whitley
PSO Will Bowen

Awarded to two or more officers who, in the line of duty, perform an outstanding service to the Department or to the community.

Saturday August 29, 2020 was a blustery day and at 4:30 P.M., Lt. Troxel and PSO Whitley were on the top floor of the hose tower located to the rear of the Petoskey Public Safety Station. Marine units were in Little Traverse Bay trying to locate a reported sailboat in distress. While attempting to locate the vessel from their elevated location, the officers observed two young men running onto the Petoskey Breakwall. High winds were forcing large waves to crash over the breakwall and the officers knew the young men had put themselves in a hazardous position. As the young men ran further out the breakwall, a wave washed one of them off the wall and into the water. Considering the incoming river current and the adverse weather conditions, the officers knew it would be very difficult for the young man to get to safety. Lt. Troxel contacted the dispatch center requesting a Department call out for a water rescue. While doing this, PSO Whitley was preparing to launch the rescue boat. As Lt. Troxel and PSO Whitley were launching the rescue boat, off-duty Officer Bowen arrived at the breakwall and reported both young men were now in the water struggling. While PSO Bowen continued to monitor the situation and update other responders, PSO Gosciak arrived on the scene. After donning his life jacket and retrieving the ResQdisc from his patrol unit, PSO Gosciak proceeded onto the breakwall. PSO Bowen updated responders that one of the subjects had made it out of the water however; the other appeared to be

having difficulties and was struggling to swim. Further out the breakwall, PSO Gosciak was able to use the ResQdisc to throw a line to the individual and pull him to safety. After helping the young man onto the breakwall, he ensured all parties made it off the breakwall safely.

Lt. Todd Troxel, PSO Adam Whitley, and PSO Will Bowen performed their duties in an outstanding manner. Working as a team these officers developed a two-prong rescue plan, implemented that plan, and accomplished the goal. These officers are hereby awarded the Unit Citation for their outstanding service to the community.

PSO Scott Gosciak displayed outstanding commitment to the safety of others under very difficult conditions and is hereby awarded the Certificate of Merit for his actions.

Certificate of Merit:

PSO Karl Fritz

PSO Will Bowen

This award is for an officer displaying outstanding performance of duty under unusual or difficult conditions.

March 15, 2020 was a quiet Sunday morning until PSO's Fritz and Bowen overheard radio traffic involving an armed subject shooting two people within a home in Charlevoix County. Through communications with dispatch, it became clear that although this was occurring across the county line Officers Fritz and Bowen were the closest law enforcement officers to the scene. Without hesitation, both officers responded to the scene and, working as a team, made a tactical approach on the home. Upon entry to the residence, the officers were able to take the subject into custody and begin rendering aid to the two individuals who had been shot. The quick response to the incident not only saved the life of one of the female victims, it mitigated any further harmful acts that the suspect could have committed had he not been taken into custody quickly.

PSO Karl Fritz and PSO Will Bowen are hereby awarded the Certificate of Merit for their outstanding performance under difficult and highly dangerous conditions.

"Lastly, but mostly, Petoskey DPS deserves an incredible amount of recognition. Officers Karl Fritz and Will Bowen responded immediately—outside their city and even their county. They provided clear communication to other officers. They immediately secured the shooter and began administering aid to the wounded. These Officers went above and beyond to help in this emergency and they sought no recognition, accolade, credit, or anything of the like for the work." - First on-scene MSP unit to the Post Commander

Citizens Award:

Viktor Maier

Meritorious service to the Department by the citizen.

On May 25, 2020 at approximately 7:20 P.M., Viktor Maier was in downtown Petoskey when he heard a woman screaming. Running in the direction of the screaming, Viktor observed a man trying to forcefully pull a woman from a car. Unsure what was happening but seeing that the woman was crying Viktor intervened, yelling at the subject to step away from the woman. This resulted in the subject releasing the woman and redirecting his attention to Viktor. The first arriving officer observed two men arguing in the street, as it turns out, these two men were Viktor and the suspect. Viktor Maier put himself in harm's way for the sake of another person's safety.

This selfless action interrupted an assault in progress and enabled law enforcement to arrest the suspect for domestic violence. Viktor's courage, as well as character, are an example to us all and he is hereby recognized as an outstanding citizen.



The Honor Board Awards, usually presented during a City Council meeting, were done differently this year to observe COVID-19 precautions. Above, Public Safety staff and Emmet County Deputy Chad Johnson receive their awards at the Public Safety Station. Below left, Emmet EMS staff receive their awards at the EMS building. Below right, Director Breed presents Viktor Maier with his Citizens Award.



Training

Public Safety members received training in a variety of areas despite training cancellations and modifications associated with COVID-19 restrictions. In addition to firefighting and emergency medical service training, officers participated in law enforcement training that included firearms proficiency, weapon retention, physical fitness, and interviewing techniques. Every officer also received training in violence prevention, de-escalation, and implicit bias. Additionally, the Department hosted a training on Autism Safety; an initiative of the Autism Alliance of Michigan. This training was endorsed by the Michigan Association of Chiefs of Police and the Michigan Sheriffs' Association and we invited first responders from neighboring agencies to attend as well.

In 2020, the Public Safety Department received a total of 3,480 hours of training.

Law Enforcement	1,050
Fire	1,510
EMS	920



Certifications

In 2020, two Public Safety Department members completed their Firefighter I and II certification. PSO Brock Kimball and Paid on Call Firefighter Sydney Blair (both pictured below) completed the 198-hour program which included classroom work as well as hands-on training. Additionally, Lt. Michael Parker earned his Fire Officer certification through the Regional Fire Training Academy at North Central Michigan College.

Also in 2020, Part-Time Firefighter Joshua Morgan completed his EMT Basic certification through North Central Michigan College. This certification consisted of classroom work as well as practical training and a written examination.



Accreditation

The Public Safety Department officially entered the accreditation program in 2020. The Michigan Law Enforcement Accreditation Commission (MLEAC) bears the responsibility of administering the program and ultimately determines if a department has met the standards and deserves accreditation status. The MLEAC defines accreditation as follows:

“Accreditation is a progressive and time-proven way of helping law enforcement agencies calculate and improve their overall performances. The foundation of accreditation lies in the voluntary adoption of standards containing a clear statement of professional objectives. Participating agencies conduct a thorough self-analysis to determine which of their existing operations already meet some of the standards and/or how the procedures can be adapted to meet the standards and professional objectives. When the procedures are in place, a team of trained Commission assessors verifies that applicable standards have been successfully implemented and the agency is in compliance.”

To achieve accreditation status, departments are required to prove they have written policies or directives to address all 108 standards mandated by the MLEAC. These standards cover a wide range of topics such as administrative, operation, personnel, investigative, and arrestee/detainee handling functions. Additionally departments must also provide “proofs” that they comply with the standards while performing their law enforcement duties. A team of independent auditors will complete an assessment when a department feels they have met all the standards. Part of this audit includes spending time with officers while they are working their shifts to ensure the standards are being adhered to by department members. Due to the in-depth nature and scope of the process, departments are allowed up to two years to complete the task. The Public Safety Department has set a goal to attain accreditation status during the 2021 calendar year.

Public Safety Stations

Fire Station #1

100 West Lake Street

Apparatus assigned to Station #1:

- One 1500 GPM Rescue Engine
- One 100' Aerial Ladder
- Two Support Vehicles
- One 12' Rescue Boat



Photo by Josh Morgan Photography

Fire Station #2 – Station West (Bay Harbor)

3625 Charlevoix Road

Apparatus assigned to Station #2:

- One 1500 GPM Rescue Engine
- One 70' Aerial Ladder
- One 12' Rescue Boat
- One Patrol Unit



Fire and EMS Calls for Service

The Department responded to more fire and emergency medical calls for service in 2020 than in any other year in the history of the Department. These calls for service totaled 871, which is an increase of 74 calls from 2019.

Of the total calls for service in 2020, 322 were classified as a fire response and 549 were a medical response.

Fire and EMS Calls for Service

2016	2017	2018	2019	2020
653	701	806	797	871

Breakdown of Fire and EMS Calls for Service

EMS Calls	549
Fire Calls	322

Emergency Medical Services

Approximately 63% of the calls for emergency medical or fire services answered in 2020 were medical in nature. The Department of Public Safety operates under licensing issued by the Michigan Department of Community Health. Petoskey is the only fire department in Emmet County operating at the “basic-non transport” level. This license is one level below the paramedic level.

With an average response time of 4.6 minutes from the time of notification by the 911 center until arrival, we are often the first medical unit on the scene. All officers hold at minimum a basic EMT license with some officers also holding paramedic licensing.



Basic medical equipment carried on both of the Department's licensed fire engines include splints, Automatic External Defibrillator, oxygen, glucose monitoring, Narcan, airways and OB kits.

The most life threatening condition we encounter is a patient experiencing cardiac arrest. In 2020, the Department had two incidents where we arrived on scene first with a patient in cardiac arrest. The national survival rate is less than 10% for out-of-hospital events. Due to early intervention, we were successful in treating both patients and their lives were saved.



Fire Equipment

The Department upgraded our fire equipment with the purchase of two new Sutphen rescue pumpers. The purchase was made possible by combining the trade-in value of our existing rescue pumpers with the remaining revenue generated by the five-year public safety millage. This was the final step in a plan formulated to upgrade our apparatus. It is anticipated the purchase of new apparatus will not be necessary until the year 2031 with the next purchase not necessary until 2041.

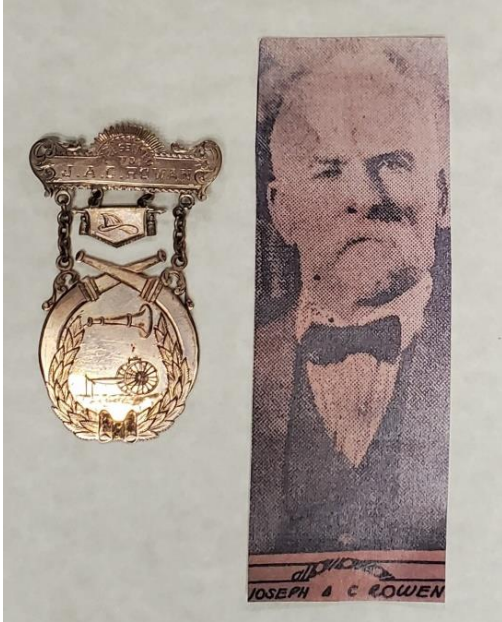


The 1984 Sutphen pumper pictured below was retired from active service. Through an agreement with the Sutphen Corporation, it is now owned by the Northern Michigan Regional Training Center located at North Central Michigan College.



Department History

Petoskey's first recorded fire occurred in a store on East Lake Street on November 21, 1880. Residents made an earnest attempt to extinguish the fire; however, the building was constructed completely of wood and stood close to neighboring businesses. The fire continued to spread as the wind began to blow and eventually destroyed a hotel, three stores, and a small house before it was extinguished. This fire sparked the start of organized fire protection in Petoskey and in 1884 the Petoskey Fire Company was formed by Joseph A.C. Rowan.



This medal was presented to Joseph A.C. Rowan by the Petoskey Fire Company at a banquet given in his honor in 1911, in recognition of organizing the department in 1884 and serving as the Volunteer Chief from that date until 1897.

The medal was returned to the Department by his daughter, Mrs. Ethel Rowan Pasquelle on August 3, 1950.




Above, members of the Petoskey Fire Company meet for a picture on July 7, 1887. Chief and organizer of the fire company, Joseph A.C. Rowan, can be seen in the front row, third from the left.



Above left, a pin from the Michigan Firemens Convention from 1915. Above right, the Petoskey Fire Department gathers for a department photo on July 3, 1916.



For many years, firefighters used horse-drawn engines to respond to fires. In the photo above, Petoskey Fire Department is pictured on July 4, 1921 with two of their horse drawn engines as well as a motorized fire engine.



CITY OF PETOSKEY
To Petoskey Fire Dept. DR.

For Alarm of Fire from Box 25
At 6:45 P. M. July 25 1921.
Chas. Albrecht President
Ref. fire

ROLL CALL	
H. A. Collins, Chief	✓
W. H. Palmer, Asst. Chief	0
Jay Burnham	✓
John Cooklin	✓
Albert Ulrich	✓
Clayton Hankins	✓
Doll Taylor	✓
Norman Peathers	✓
Chester Lee	0
Fred Sifert	0
A. Marsh	0
George Paulus	✓
Chas. Hitchings	✓
Sub.	
Sub.	
No. Ft. Hose Used	Total \$ 7.50
O. K. <u>W. H. Palmer</u> Chief	
<u>J. S. Burnham</u> Sec'y.	

CITY OF PETOSKEY
To Petoskey Fire Dept. DR.

FOR ALARM ON FIRE FROM BOX NUMBER 31
AT 6:30 P. M. July 20 1920.
FREE LUMBS. ON POWER LINES
LAKE WACHTER (STORM)

ROLL CALL	
Varian Thompson, Chief	\$ 6.00
Wm. Melind, Asst. Chief	\$ 6.00
Arthur Bateman, Lieut.	\$ 6.00
Chum Pennell, Driver	\$ 6.00
Lyle Townsend, Driver	\$ 6.00
Dan Beer, Treasurer	\$ 6.00
John Wooden, Secretary	\$ 6.00
Wm. Raymer, <u>P. BEASLEY</u>	\$ 6.00
Chas. Luchrich	\$ 6.00
Bert Lator	\$ 6.00
Leonard Gukoe	\$ 6.00
James Foster	\$ 6.00
Chas. <u>W. O'Brien</u> <u>Duty</u>	\$ 6.00
Dan Greenwell	\$ 6.00
Dale Reberg	\$ 6.00
Dick Bare	\$ 6.00
Wm. Hansen	\$ 6.00
Wesley Ransel	\$ 6.00
Gerald Featherly	\$ 6.00
Oris Pugh	\$ 6.00
Substitute	\$ 6.00
Substitute	\$ 6.00
Substitute	\$ 6.00
Substitute	\$ 6.00
No. Ft. Hose Used <u>100' H.P. 105 Cent</u>	\$ 78.00
No. Chemicals Used	Hose Chemical \$
O. K. <u>Wm. Melind</u> Chief	
<u>Wm. Melind</u> Sec'y.	

Petoskey Fire Department records show roll call rosters that were used to record fire responses.

To the left are roll call logs for fire services in 1921 and 1920.



In August 1954, the Petoskey Fire Department gathered in front of two response vehicles at their station, which is now the Emmet County Building. Chief John Conklin is in the back row, furthest to the right.

Petoskey Firefighters are featured in the Petoskey News Review in September 1976.



In 1988, Tom Postelnick was hired as Petoskey's first Director of Public Safety. Until this time, Petoskey maintained separate fire and police departments. Director Postelnick was instrumental in cross training all personnel in firefighting, emergency medical services, and police operations. Under his leadership, Petoskey Public Safety became the only fully cross-trained Department in Northern Michigan. In May 1989, Public Safety's current Director, Matthew Breed, was hired by Director Postelnick as Petoskey's first fully certified Public Safety Officer. Today, all officers are trained and certified in all three disciplines.

Director Postelnick led the Department until his retirement in 1998.

2020 Petoskey Department of Public Safety Summary of Activities

Law Enforcement Calls for Service

	2016	2017	2018	2019	2020
Bay Harbor	343	319	324	335	389
Petoskey	7,598	7,763	8,302	8,621	7,074
Total	7,941	8,082	8,626	8,956	7,463

Fire/EMS Calls for Service

2016	2017	2018	2019	2020
653	701	806	797	871

Breakdown of Fire and EMS Calls For Service

EMS Calls	549
Fire Calls	322





City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 15, 2021

PREPARED: March 8, 2021

AGENDA SUBJECT: Petoskey District Library Presentation

RECOMMENDATION: That the City Council hear this presentation

Background District Library Director Valerie Meyerson will give a brief presentation to the City Council concerning the Petoskey District Library. The 2020 Annual Report is enclosed for your review.

sb
Enclosure

How to sum up 2020 at the library? Resilient and community driven. Librarians are known for never tooting their own horn, but I have to say, we rocked for what was a pretty awful year for all. Here's some of the highlights of what the library was able to do and accomplish in year 2020.

Curbside Service: In March, staff helped keep the community comfortable and safe by instituting curbside delivery of library items. Patrons can call or text when they are in front of the building, and staff happily bring items out to their vehicle. The service has been so popular that it is here to stay!

Diversify the Library Initiative:

- PDL Director Val Meyerson accepts a donation of \$1500 from Becky Phillip-Kranig, owner of Bearcub Outfitters, and along with community purchases, the library was able to add 87 diverse books purchased from McLean & Eakin Booksellers to our collection.
- Many local businesses display the WELCOME sticker, Northern Michigan Supports Equality, an initiative created by Aaron Nemec of Boyne District Library, with distribution through the local public libraries.
- Unitarian Universalist Congregation of Petoskey gifted a dozen new books to help increase understanding of what it means to be LGBTQ+.



- In the summer we had a very successful first #supporttheirstories community read, a program encouraging everyone in our community to read, educate, and openly talk about other people's stories or life experiences that are different from your own. The book we chose was *White Fragility: Why it's so Hard for White People to Talk About Racism*, by Robin DiAngelo. Along with reading and discussing the book, we encouraged the community to stop by the library and pick up a challenge card, comprised of learning and action items to help the community understand and promote racial justice.

Virtual Library Card Form was created so over 100 patrons had the ability during the stay at home order to access all of PDL's digital collections. From the convenience of home, eligible residents could request a library card number sent to their email in as little as 24 hours. Staff continues to offer this service today!

Digital Services: Expanded the number of Kanopy checkouts per month; increased expenditures on OverDrive collection; added remote, digital access to Value Line and Ancestry.com.

Library Annual Statement

The library was closed for two months due to the pandemic. The staff did an excellent job shifting gears and finding other ways to serve the community. While overall checkouts were down, digital checkouts were up by 26% and the number of cardholders increased by 3%.

Library revenues were over expenditures by 7% and these funds will be set aside for library building improvements. Bond debt continues to be paid, with the last payment scheduled in 2028. For full year end statements, contact the library and speak to the director.



Food for Friends: With your support, we purchased \$760 in gift cards from our downtown restaurants to give to the Women's Resource Center for our annual year end giving tradition.

Outdoor & Virtual Programming: PDL Book Worms wrap-up party, Wild Raptors with Hawk Hill, Tai Chi, outdoor Story Time, Eagle Spirit Dancers, and Jack-o-Lantern Jamboree with pumpkin carving and painting, live music with Holly Keller-Thompson and caricature artist Chris Tamlyn, and library card sign-up month were some of the highlights we were able to host on the library's labyrinth. Virtual programs included Petoskey Poetry Palooza, Endangered Orangutans of Borneo, Code Club, Mount Kilimanjaro, Iditarod Adventure, Ladies of Michigan Lighthouses, Dinosaur Drawing and more!



Growing Readers Together: continued one-on-one tutoring for K-3rd graders. Hosted our final 2020 Family Literacy Night with Oden Fish Hatchery as our community partner.



Beer for Books: A huge thank you to Michael Castiglione with Stiggs Brewery & Kitchen and Lavender Hill Farm for including PDL in their 2020 The Series. Not only did we get to help work three amazing concerts this summer, we accepted a very generous \$750 donation for #beerforbooks.



In October, Public Services Librarian, Jodi Haven, took this beautiful early morning Reading Rainbow picture, posted it to Twitter, and LeVar Burton himself RETWEETED our beautiful library, how cool!



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 15, 2021

PREPARED: March 11, 2021

AGENDA SUBJECT: Consent Agenda Resolution

RECOMMENDATION: That the City Council approve this proposed resolution

The City Council will be asked to adopt a resolution that would approve the following consent agenda items:

- (1) Draft minutes of the March 1, 2021 regular session City Council meeting; and
- (2) Acknowledge receipt of a report from the City Manager concerning all checks that have been issued since March 1, 2021 for contract and vendor claims at \$1,348,499.83, intergovernmental claims at \$89,922.66, and the March 4 payroll at \$202,996.83 for a total of \$1,641,419.32.

sb
Enclosures



CITY COUNCIL

March 1, 2021

A regular meeting of the City of Petoskey City Council was held from virtual locations on Monday, March 1, 2021. This meeting was called to order at 7:00 P.M.; then, after a recitation of the Pledge of Allegiance to the Flag of the United States of America, a roll call then determined that the following were

Present: John Murphy, Mayor
Kate Marshall, City Councilmember
Derek Shiels, City Councilmember
Brian Wagner, City Councilmember
Lindsey Walker, City Councilmember

Absent: None

Also in attendance were City Manager Rob Straebel, Clerk-Treasurer Alan Terry, Parks and Recreation Director Kendall Klingelsmith and Administrative Assistant Lisa Denoyer.

Hear Little Traverse Wheelway Detour Presentation

Tim Knutsen, representative with Beckett and Raeder, gave a brief presentation on the conceptual drawings for the Little Traverse Wheelway detour; reviewed that a relocation study was performed to identify near-term solutions to provide an accessible route bypassing the trail segment by utilizing the US-31 right-of-way for trail routing; reviewed project partners including the City, Resort Township, Top of Michigan Trails Council, Emmet County and MDOT; reviewed that design and engineering guidelines will be used wherever possible which includes ADA requirements; reviewed proposed 10' wide path on north side of US-31 which is not recommended due to challenges including uncertainty regarding shoreline bluff stability, limited space along the edge of the curve at Eppler Road and the available space between St. Francis Cemetery and the north curb edge and limited clearance between the north edge of pavement and the top of bluff just east of the Resort Pike intersection; that a proposed 10' wide path is recommended on the south side of US-31 but has challenges including the route would require crossing US-31 at two locations, drive openings and Eppler and Resort Pike grades present challenges to pedestrian crossings and limited clearance between road right-of-way and edge of pavement in two locations; reviewed total estimated project costs for the south side trail of \$1.5M - \$1.7M; and that the study is complete and conceptual drawings will also be presented to Emmet County Commissioners and Resort Township Board of Trustees this week.

City Councilmembers inquired if these are permanent solutions; if the detour and proposed plan would occur this summer; if the speed limit would change on west side of US-31; inquired if concrete barriers will be used; inquired if the State is working with the City on covering the estimated \$1.5M-\$1.7M costs; suggested that the City contact higher profile contacts at MDOT and State representatives to help with funding; and inquired if a traffic light will be installed at Jackson Street.

Mr. Knutsen responded that the proposed concept would be a permanent solution based on costs and feasible alternatives; that the detour would not be completed by this summer; that MDOT won't reduce speeds currently; that MDOT denied the use of jersey barriers; that when the detour is built outside of American Association of State Highway Transportation Officials (AASHTO) guidelines then MDOT is liable; that there may be some funding from the State, but is doubtful; and that he would contact the City Planner to see if a traffic light was planned at Jackson Street.

The City Manager reviewed that MDOT would typically complete a traffic study and with the number of bikers and pedestrians using the route it could possibly merit reducing speed limits.

Mayor Murphy asked for public comments and heard from those imploring City Council to find a solution to this problem and that it is very dangerous for riders; heard comments on the west side crossing and that bikers may continue on US-31 instead of going down to East Park and back up to the highway; heard a suggestion to connect up to Quarry Drive further down; heard from those in favor of a trail connecting Fairgrounds to East Park and area businesses and neighbors; and heard from the Chamber of Commerce who is willing to help with the project.

Consent Agenda - Resolution No. 19514

Following introduction of the consent agenda for this meeting of March 1, 2021, City Councilmember Wagner moved that, seconded by City Councilmember Shiels adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the February 15, 2021 regular session City Council meeting be and are hereby approved; and

BE IT RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since February 15, 2021 for contract and vendor claims at \$1,345,086.38, intergovernmental claims at \$7,644.89, and the February 18 payroll at \$217,953.04, for a total of \$1,570,684.31 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

Hear Public Comment

Mayor Murphy asked for public comments and there were no comments.

Hear City Manager Updates

The City Manager reported that starting this spring, the Public Safety Department will be enforcing nuisance and IPMC violations in a more proactive manner; that a second medical marijuana facility Special Condition Use permit was approved by the Planning Commission by a 9-0 vote and commended the Planning Commission for their due diligence and attention to detail in the review process that created a much more attractive building and overall better site plan; that staff has been approached by Verizon representatives to expand the number of small cell antennas for 4G broadband technologies within the community and Verizon is proposing six new antennas with a maximum height of no more than 35'; that there will be a special virtual meeting 5:30 P.M., Tuesday, March 9 to review the 2020 Action Plan; that staff and Public Safety union representatives continue to meet to negotiate a new collective bargaining agreement and the next negotiation session is scheduled for March 9; that Patrick Bowland, Chief Executive Officer and General Manager of MPPA, will give a presentation to City Council on March 15, 2021 to discuss MPPA's efforts to achieve the City's renewable energy goals; that the Health Department of Northwest Michigan is reporting Emmet County seniors who have requested to get vaccinated and have not had their first vaccine, should get their shot by the end of this week; that Health Department officials are seeing an increase in the supply of vaccines which will only improve with the recent FDA approval of the Johnson and Johnson vaccine; reviewed the percentage of population that have received vaccines in counties that comprise the Health Department of Northwest Michigan; that these are very encouraging signs but reminded community members to please remain vigilant as COVID variants are on the rise; and thanked the community for following all CDC safeguards and to continue to support our local downtown businesses and restaurants.

Approve Grant Application for Property Acquisition Adjacent to Skyline Property – Resolution No. 19515

The Parks and Recreation Director reviewed the grant application for the acquisition of 55 acres adjacent to the Skyline property owned by the City; that the property is offered by Doug and Pam Boor, who have worked with the City to manage the area; that the Little Traverse Conservancy will be proposing to their Board of Trustees for approval up to \$25,000 towards the purchase of the property and the Boor family has committed \$5,000 towards the City match of \$62,500; that staff met with the North Country Trail Association who has expressed an interest in working with the City; reviewed that this is a great opportunity for the City to encumber additional land for preservation and provide more needed recreational opportunities that could include expanded hiking trails, mountain biking, equestrian trails or rustic camping; reviewed total project cost of \$250,000, grant request of \$187,500 and a City match of \$62,500; and reviewed that the appraisal and letters of support were included for Council's review.

City Councilmembers inquired why there were no letters of support from Bear Creek Township and had concerns that there is no intergovernmental cooperation; heard from those that thought it would have been more helpful to discuss matter in closed session; heard comments that there are other properties owned by the Boor's in the same area and they may want to continue to sell to the City; heard from those in support of the grant application along with further discussions; and discussed possible uses of the property including bike trails vs. foot paths.

City staff responded that the proposed property is relative to currently owned City property; that there is a Bear Creek Township representative on the Parks and Recreation Commission who is in support of this grant application; and that there is value to the purchase at little cost to the City.

City Councilmember Wagner moved that, seconded by City Councilmember Shields adoption of the following resolution:

WHEREAS, the City of Petoskey Parks and Recreation Commission desires to enhance recreational opportunities by acquiring 55 acres adjacent to the Municipal owned Skyline Property; and

WHEREAS, the additional property would increase the Skyline Property to over 500 acres; and

WHEREAS, this acquisition contributes to the goals and objectives identified in the 2018-2022 City of Petoskey's Parks and Recreation Master Plan, outlining the need and the desire to increase recreational opportunities; and

WHEREAS, the State of Michigan Department of Natural Resources is accepting applications for funding assistance through the Michigan Natural Resources Trust Fund for land acquisition projects contributing to the goals and objectives identified within the municipality's approved Parks and Recreation Master Plan; and

WHEREAS, the City of Petoskey Parks and Recreation Commission supports the purchase and recommends that the Petoskey City Council resolve to sponsor a Michigan Natural Resources Trust Fund Application for this project and commit to undertake this project, if funded, and commit to the project match and authorize Robert Straebel, City Manager, or his designee to serve as the City's representative for this project; and

WHEREAS, further request that City Council consider committing up to a 25% local match, that being \$62,500, toward the property acquisition which are estimated at \$250,000:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey Parks and Recreation Commission, acting as appointed officials, request that the City of Petoskey City Council adopt a resolution to authorize Robert Straebel, City Manager, or his designee to serve as the City's representative for this project, authorize the submission of the application and request that Michigan Department of Natural Resources Trust Fund Board consider approval of the grant application for the purchase of 55 acres adjacent to the Municipal owned Skyline Property and provide grant funding in the amount of \$62,500.

Said resolution was adopted by the following vote:

AYES: Shiels, Wagner, Murphy (3)

NAYS: Marshall, Walker (2)

Approve Grant Application for Park Avenue Corridor Enhancements in Pennsylvania Park – Resolution No. 19516

The Parks and Recreation Director reviewed that staff is preparing a Land and Water Conservation Fund Grant application for the development of the Park Avenue Corridor in Pennsylvania Park; that this is the final phase of the Downtown Greenway Corridor; that the project would enhance the sidewalk to a 14-foot corridor that would allow for additional seating and pedestrian traffic; lighting improvements would also be added to the project for a safer and more aesthetic ambiance to the historic area; that the project is referenced in the Parks and Recreation Master Plan and the Capital Improvement Plan schedule for 2022; that \$150,000 is being requested from the State with the 50% matching funds for a total cost of \$300,000; that the DMB approved financial support in the amount of \$50,000 towards the match at their February 16, 2021 meeting; that the DMB also agreed to provide a letter of support that will be submitted as part of the grant application and the Board will be included in the design of the corridor; and that the Parks and Recreation Commission received no public comments at their February 8, 2021 meeting.

City Councilmembers inquired if bump outs and walls are final as part of the enhancements; inquired when the project would begin; heard from those that are in favor of having the DMB be included in the design process; inquired why there was no mention of rail corridor in this final segment; heard from those in favor of using pervious surfaces; and heard from those that would like to see overall plan all at once and not a piecemeal approach.

The Parks and Recreation Director responded that this is the early stage and only conceptual drawings; that sidewalk widening and storm water management is main concept; that the project would occur in 2022; that the project will be completed in phases; that the enhancements help with pedestrian area and seating and also compliments a recreation component.

City Councilmember Marshall moved that, seconded by City Councilmember Shiels adoption of the following resolution:

WHEREAS, the City of Petoskey Parks and Recreation Commission desires to enhance recreational opportunities by developing the final phase of the Downtown Greenway Corridor; and

WHEREAS, the project would include widening the corridor to 14-feet, enhanced lighting, and an increase in seating and pedestrian traffic area; and

WHEREAS, this project contributes to the goals and objectives identified in the 2018-2022 City of Petoskey's Parks and Recreation Master Plan, outlining the need and desire to increase recreational opportunities; and

WHEREAS, the State of Michigan Department of Natural Resources is accepting applications for funding assistance through the Land and Water Conservation Fund for development projects contributing to the goals and objectives identified within the municipality's approved Parks and Recreation Master Plan; and

WHEREAS, the City of Petoskey Parks and Recreation Commission supports the development and recommends that the Petoskey City Council resolve to sponsor a Land and Water Conservation Fund Application for this project and commit to undertake this project, if funded, and commit to the project match and authorize Robert Straebel, City Manager, or his designee to serve as the City's representative for this project; and

WHEREAS, the City of Petoskey Parks and Recreation Commission requests that City Council consider committing up to a 50% local match, that being \$150,000, toward these improvements which are estimated at \$300,000:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey Parks and Recreation Commission, acting as appointed officials, request that the City of Petoskey City Council adopt a resolution to authorize Robert Straebel, City Manager, or his designee to serve as the City's representative for this project, authorize the submission of the application and consider approval of the grant application for the development of Park Avenue Corridor enhancement in Pennsylvania Park and provide grant funding in the amount of \$150,000.

Said resolution was adopted by the following vote:

AYES: Marshall, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

Council Comments

Mayor Murphy asked for Council comments and Councilmember Shiels inquired if there was an interest by City Council to discuss accessory dwelling units and the City Manager responded that Planning Commission will be discussing ADUs in the very near future. Mayor Murphy thanked City Council for participating and that the hospital closed down the COVID ward and encouraged citizens to continue to wear masks and stay safe.

There being no further business to come before the City Council, this March 1, 2021, meeting of the City Council adjourned at 8:40 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/21	02/17/2021	92186	5H Irrigation & Maintenance	101-528-802.000	1,062.50
02/21	02/17/2021	92187	Airgas USA LLC	582-584-775.000	4.19
02/21	02/17/2021	92187	Airgas USA LLC	661-598-785.000	27.33
02/21	02/17/2021	92187	Airgas USA LLC	661-598-785.000	58.45
02/21	02/17/2021	92188	Alliance Entertainment	271-790-761.000	94.98
02/21	02/17/2021	92188	Alliance Entertainment	271-790-761.100	20.25
02/21	02/17/2021	92188	Alliance Entertainment	271-790-761.000	387.88
02/21	02/17/2021	92188	Alliance Entertainment	271-790-760.000	48.70
02/21	02/17/2021	92188	Alliance Entertainment	271-790-761.000	51.99-
02/21	02/17/2021	92189	Alpha Handyman	271-790-930.000	1,070.00
02/21	02/17/2021	92190	American Waste	101-770-802.000	177.57-
02/21	02/17/2021	92190	American Waste	101-756-802.000	59.19-
02/21	02/17/2021	92190	American Waste	101-754-802.000	151.27-
02/21	02/17/2021	92190	American Waste	101-268-802.000	92.08-
02/21	02/17/2021	92190	American Waste	101-265-802.000	177.58-
02/21	02/17/2021	92190	American Waste	101-770-802.000	102.60
02/21	02/17/2021	92190	American Waste	101-756-802.000	34.20
02/21	02/17/2021	92190	American Waste	101-754-802.000	87.40
02/21	02/17/2021	92190	American Waste	101-268-802.000	53.20
02/21	02/17/2021	92190	American Waste	101-265-802.000	102.60
02/21	02/17/2021	92190	American Waste	101-770-802.000	190.00
02/21	02/17/2021	92190	American Waste	582-593-930.000	175.95
02/21	02/17/2021	92190	American Waste	592-551-806.000	336.38
02/21	02/17/2021	92190	American Waste	101-770-802.000	102.60
02/21	02/17/2021	92190	American Waste	101-756-802.000	34.20
02/21	02/17/2021	92190	American Waste	101-754-802.000	87.40
02/21	02/17/2021	92190	American Waste	101-268-802.000	53.20
02/21	02/17/2021	92190	American Waste	101-265-802.000	102.60
02/21	02/17/2021	92191	AT & T MOBILITY	514-587-920.000	395.33
02/21	02/17/2021	92192	AT&T	592-560-850.000	167.39
02/21	02/17/2021	92192	AT&T	592-558-920.000	79.21
02/21	02/17/2021	92193	Beckett & Raeder Inc.	101-770-802.000	4,600.00
02/21	02/17/2021	92194	Blue Care Network	101-172-724.000	375.28
02/21	02/17/2021	92194	Blue Care Network	101-201-724.000	4,532.42
02/21	02/17/2021	92194	Blue Care Network	101-215-724.000	375.28
02/21	02/17/2021	92194	Blue Care Network	101-265-724.000	517.89
02/21	02/17/2021	92194	Blue Care Network	101-268-724.000	1,114.59
02/21	02/17/2021	92194	Blue Care Network	101-345-724.000	12,159.06
02/21	02/17/2021	92194	Blue Care Network	101-789-724.000	780.59
02/21	02/17/2021	92194	Blue Care Network	271-790-724.000	4,053.04
02/21	02/17/2021	92194	Blue Care Network	582-588-724.000	3,527.64
02/21	02/17/2021	92194	Blue Care Network	592-549-724.000	1,125.84
02/21	02/17/2021	92194	Blue Care Network	592-560-724.000	1,125.84
02/21	02/17/2021	92194	Blue Care Network	101-400-724.000	600.45
02/21	02/17/2021	92194	Blue Care Network	101-441-724.000	1,576.18
02/21	02/17/2021	92194	Blue Care Network	101-754-724.000	506.63
02/21	02/17/2021	92194	Blue Care Network	101-756-724.000	1,388.54
02/21	02/17/2021	92194	Blue Care Network	101-770-724.000	2,439.32
02/21	02/17/2021	92194	Blue Care Network	101-773-724.000	382.79
02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	101-172-724.000	948.17
02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	101-208-724.000	592.61
02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	101-345-724.000	6,637.22
02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	101-441-724.000	1,185.22
02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	204-481-724.000	2,923.53
02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	271-790-724.000	395.07
02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	514-587-724.000	790.14

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02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	582-588-724.000	351.44
02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	592-549-724.000	3,358.12
02/21	02/17/2021	92195	BLUE CROSS\BLUE SHIELD - MICH.	592-560-724.000	395.07
02/21	02/17/2021	92196	C. C. Power LLC	582-598-802.000	1,600.00
02/21	02/17/2021	92197	Char-Em United Way	701-000-230.800	51.50
02/21	02/17/2021	92198	Cintas Corp #729	582-593-930.000	9.07
02/21	02/17/2021	92198	Cintas Corp #729	204-481-767.000	67.53
02/21	02/17/2021	92198	Cintas Corp #729	582-588-767.000	133.72
02/21	02/17/2021	92198	Cintas Corp #729	592-560-767.000	64.22
02/21	02/17/2021	92198	Cintas Corp #729	592-549-767.000	64.22
02/21	02/17/2021	92198	Cintas Corp #729	592-544-802.000	45.45
02/21	02/17/2021	92198	Cintas Corp #729	204-481-767.000	66.46
02/21	02/17/2021	92198	Cintas Corp #729	582-593-930.000	9.07
02/21	02/17/2021	92198	Cintas Corp #729	582-588-767.000	66.65
02/21	02/17/2021	92198	Cintas Corp #729	592-560-767.000	27.69
02/21	02/17/2021	92198	Cintas Corp #729	592-549-767.000	27.70
02/21	02/17/2021	92199	Consumers Energy	592-558-920.000	204.05
02/21	02/17/2021	92199	Consumers Energy	592-558-920.000	64.03
02/21	02/17/2021	92199	Consumers Energy	592-558-920.000	631.32
02/21	02/17/2021	92199	Consumers Energy	592-538-920.000	3,556.57
02/21	02/17/2021	92199	Consumers Energy	592-558-920.000	574.96
02/21	02/17/2021	92200	David L Hoffman Landscaping & Nursery	101-770-802.000	2,185.00
02/21	02/17/2021	92201	Decka Digital LLC	592-549-751.000	234.36
02/21	02/17/2021	92202	Derrer Oil Co.	661-598-759.000	3,518.14
02/21	02/17/2021	92203	Dinon Law PLLC	101-266-802.000	630.00
02/21	02/17/2021	92204	DuBois Chemicals Inc.	592-551-783.000	665.12
02/21	02/17/2021	92205	Dunkel Excavating Services Inc.	514-587-802.000	7,563.75
02/21	02/17/2021	92205	Dunkel Excavating Services Inc.	202-479-802.000	7,563.75
02/21	02/17/2021	92205	Dunkel Excavating Services Inc.	514-587-802.000	4,725.00
02/21	02/17/2021	92205	Dunkel Excavating Services Inc.	202-479-802.000	1,312.50
02/21	02/17/2021	92205	Dunkel Excavating Services Inc.	203-479-802.000	1,312.50
02/21	02/17/2021	92206	Dunn's Business Solutions	101-172-751.000	9.84
02/21	02/17/2021	92206	Dunn's Business Solutions	101-201-751.000	9.84
02/21	02/17/2021	92206	Dunn's Business Solutions	101-208-751.000	6.89
02/21	02/17/2021	92206	Dunn's Business Solutions	101-257-751.000	4.92
02/21	02/17/2021	92206	Dunn's Business Solutions	101-215-751.000	5.90
02/21	02/17/2021	92206	Dunn's Business Solutions	101-345-751.000	27.54
02/21	02/17/2021	92206	Dunn's Business Solutions	101-400-751.000	4.92
02/21	02/17/2021	92206	Dunn's Business Solutions	101-441-751.000	14.76
02/21	02/17/2021	92206	Dunn's Business Solutions	101-770-751.000	.98
02/21	02/17/2021	92206	Dunn's Business Solutions	101-773-775.000	.98
02/21	02/17/2021	92206	Dunn's Business Solutions	101-756-751.000	9.84
02/21	02/17/2021	92206	Dunn's Business Solutions	101-789-751.000	1.96
02/21	02/17/2021	92207	Emmet Co. Dept of Public Works	101-529-802.000	7,290.55
02/21	02/17/2021	92208	Englebrecht, Robert	101-257-802.100	3,750.00
02/21	02/17/2021	92209	Factor Systems LLC	101-208-803.000	3,604.34
02/21	02/17/2021	92210	Gale/Cengage Learning	271-790-760.000	24.79
02/21	02/17/2021	92210	Gale/Cengage Learning	271-790-760.000	57.58
02/21	02/17/2021	92210	Gale/Cengage Learning	271-790-760.000	86.37
02/21	02/17/2021	92211	Gibby's Garage	582-593-930.000	204.00
02/21	02/17/2021	92211	Gibby's Garage	514-587-931.000	102.00
02/21	02/17/2021	92211	Gibby's Garage	661-598-931.000	136.00
02/21	02/17/2021	92211	Gibby's Garage	661-598-932.000	1,190.00
02/21	02/17/2021	92211	Gibby's Garage	514-587-931.000	68.00
02/21	02/17/2021	92211	Gibby's Garage	661-598-931.000	850.00
02/21	02/17/2021	92211	Gibby's Garage	661-598-932.000	272.00

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02/21	02/17/2021	92211	Gibby's Garage	582-593-930.000	68.00
02/21	02/17/2021	92211	Gibby's Garage	514-587-931.000	340.00
02/21	02/17/2021	92211	Gibby's Garage	661-598-931.000	578.00
02/21	02/17/2021	92211	Gibby's Garage	661-598-932.000	204.00
02/21	02/17/2021	92212	Gibson Excavating LLC	592-545-802.000	2,415.00
02/21	02/17/2021	92213	GRP Engineering Inc.	582-588-802.000	412.50
02/21	02/17/2021	92213	GRP Engineering Inc.	582-588-802.000	660.00
02/21	02/17/2021	92214	Hubbell Roth & Clark Inc.	592-560-802.000	1,067.27
02/21	02/17/2021	92214	Hubbell Roth & Clark Inc.	592-549-802.000	114.52
02/21	02/17/2021	92215	Ingram Library Services	271-790-760.000	3,327.62
02/21	02/17/2021	92215	Ingram Library Services	271-790-760.100	1,535.79
02/21	02/17/2021	92215	Ingram Library Services	271-790-760.200	331.53
02/21	02/17/2021	92216	KSS Enterprises	101-770-775.000	495.61
02/21	02/17/2021	92216	KSS Enterprises	101-268-775.000	524.16
02/21	02/17/2021	92217	Michigan Officeways Inc.	271-790-751.000	39.95
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-172-751.000	17.40
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-208-751.000	12.18
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-201-751.000	17.40
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-257-751.000	8.70
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-215-751.000	10.44
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-345-751.000	45.24
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-400-751.000	8.70
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-441-751.000	26.10
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-770-751.000	5.22
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-773-775.000	1.74
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-756-751.000	17.40
02/21	02/17/2021	92217	Michigan Officeways Inc.	101-789-751.000	3.48
02/21	02/17/2021	92218	Michigan Water Environment Assoc.	592-560-915.000	650.00
02/21	02/17/2021	92218	Michigan Water Environment Assoc.	592-549-915.000	370.00
02/21	02/17/2021	92219	Northern Copy Express Inc.	101-770-934.000	206.00
02/21	02/17/2021	92220	Peninsula Fiber Network LLC	271-790-850.000	133.80
02/21	02/17/2021	92221	Performance Painting	582-590-802.000	715.00
02/21	02/17/2021	92221	Performance Painting	592-554-802.000	2,318.00
02/21	02/17/2021	92222	Plunkett Cooney	101-266-802.000	1,737.50
02/21	02/17/2021	92222	Plunkett Cooney	101-266-802.000	787.50
02/21	02/17/2021	92222	Plunkett Cooney	101-266-802.000	6,097.87
02/21	02/17/2021	92223	Power Line Supply	582-010-111.000	1,018.20
02/21	02/17/2021	92223	Power Line Supply	582-586-775.000	387.58
02/21	02/17/2021	92223	Power Line Supply	582-010-111.000	11,499.03
02/21	02/17/2021	92223	Power Line Supply	582-586-775.000	41.10
02/21	02/17/2021	92223	Power Line Supply	582-588-785.000	60.00
02/21	02/17/2021	92223	Power Line Supply	582-598-775.000	17.48
02/21	02/17/2021	92224	Proclean North	582-593-930.000	1,463.00
02/21	02/17/2021	92225	Quality First Aid & Safety Inc.	582-593-930.000	42.26
02/21	02/17/2021	92226	Robinson's Landscaping	101-770-802.000	2,247.50
02/21	02/17/2021	92227	Root Mechanical LLC	592-555-802.000	8,936.40
02/21	02/17/2021	92228	Skip's Petoskey Glass Inc.	101-770-934.000	541.49
02/21	02/17/2021	92229	Spectrum Business	101-172-850.000	98.01
02/21	02/17/2021	92229	Spectrum Business	101-201-850.000	52.27
02/21	02/17/2021	92229	Spectrum Business	101-208-850.000	32.67
02/21	02/17/2021	92229	Spectrum Business	101-257-850.000	32.67
02/21	02/17/2021	92229	Spectrum Business	101-215-850.000	26.14
02/21	02/17/2021	92229	Spectrum Business	101-345-850.000	71.88
02/21	02/17/2021	92229	Spectrum Business	582-593-850.000	26.14
02/21	02/17/2021	92229	Spectrum Business	592-549-850.000	39.20
02/21	02/17/2021	92229	Spectrum Business	592-560-850.000	39.21

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02/21	02/17/2021	92229	Spectrum Business	582-593-850.000	38.21
02/21	02/17/2021	92229	Spectrum Business	101-400-850.000	32.67
02/21	02/17/2021	92229	Spectrum Business	101-441-850.000	58.81
02/21	02/17/2021	92229	Spectrum Business	101-756-850.000	39.20
02/21	02/17/2021	92229	Spectrum Business	204-481-850.000	19.60
02/21	02/17/2021	92229	Spectrum Business	204-481-850.000	19.60
02/21	02/17/2021	92229	Spectrum Business	582-588-850.000	65.34
02/21	02/17/2021	92230	Staples Advantage	101-172-751.000	2.85
02/21	02/17/2021	92230	Staples Advantage	101-201-751.000	2.85
02/21	02/17/2021	92230	Staples Advantage	101-208-751.000	2.00
02/21	02/17/2021	92230	Staples Advantage	101-257-751.000	1.43
02/21	02/17/2021	92230	Staples Advantage	101-215-751.000	1.71
02/21	02/17/2021	92230	Staples Advantage	101-345-751.000	7.98
02/21	02/17/2021	92230	Staples Advantage	101-345-751.000	37.39
02/21	02/17/2021	92230	Staples Advantage	592-549-751.000	6.50
02/21	02/17/2021	92230	Staples Advantage	101-201-751.000	31.50
02/21	02/17/2021	92230	Staples Advantage	592-560-751.000	10.87
02/21	02/17/2021	92230	Staples Advantage	101-400-751.000	1.43
02/21	02/17/2021	92230	Staples Advantage	101-441-751.000	4.28
02/21	02/17/2021	92230	Staples Advantage	101-770-751.000	.29
02/21	02/17/2021	92230	Staples Advantage	101-773-775.000	.29
02/21	02/17/2021	92230	Staples Advantage	101-756-751.000	2.85
02/21	02/17/2021	92230	Staples Advantage	101-789-751.000	.55
02/21	02/17/2021	92231	Sunrise Electronics & Security	661-598-932.000	640.00
02/21	02/17/2021	92232	Survalent	582-584-802.000	1,265.00
02/21	02/17/2021	92233	Temperature Control Inc.	592-554-802.000	1,618.52
02/21	02/17/2021	92233	Temperature Control Inc.	592-554-802.000	726.50
02/21	02/17/2021	92233	Temperature Control Inc.	592-554-802.000	259.00
02/21	02/17/2021	92234	Tetra Tech Inc	592-537-802.000	290.00
02/21	02/17/2021	92235	Thompson Park Avenue Properties LLC	514-587-802.100	778.47
02/21	02/17/2021	92236	Tom's Diesel Repair	661-598-931.000	850.55
02/21	02/17/2021	92237	Trace Analytical Laboratories LLC	592-553-801.000	521.20
02/21	02/17/2021	92238	Trophy Case, The	271-790-751.000	24.00
02/21	02/17/2021	92239	USA Blue Book	592-554-775.000	390.60
02/21	02/17/2021	92239	USA Blue Book	592-554-775.000	2,851.29
02/21	02/17/2021	92240	VARNUM LLP	582-588-802.000	102.50
02/21	02/17/2021	92241	Zaremba Equipment Inc.	661-598-932.000	50.58
02/21	02/17/2021	92241	Zaremba Equipment Inc.	661-598-932.000	367.30
02/21	02/24/2021	92250	Amazon Credit Plan	271-790-958.000	141.06
02/21	02/24/2021	92250	Amazon Credit Plan	271-790-958.200	154.82
02/21	02/24/2021	92250	Amazon Credit Plan	271-790-761.000	5.99
02/21	02/24/2021	92250	Amazon Credit Plan	271-790-760.000	172.30
02/21	02/24/2021	92250	Amazon Credit Plan	271-790-802.000	239.88
02/21	02/24/2021	92250	Amazon Credit Plan	271-790-958.100	28.00
02/21	02/24/2021	92251	American Waste	101-773-931.000	190.00
02/21	02/24/2021	92251	American Waste	101-265-802.000	190.00
02/21	02/24/2021	92251	American Waste	101-770-802.000	190.00
02/21	02/24/2021	92251	American Waste	101-754-802.000	190.00
02/21	02/24/2021	92252	Beckett & Raeder Inc.	101-770-970.000	1,037.60
02/21	02/24/2021	92252	Beckett & Raeder Inc.	247-751-802.000	1,840.00
02/21	02/24/2021	92252	Beckett & Raeder Inc.	101-770-802.000	780.00
02/21	02/24/2021	92252	Beckett & Raeder Inc.	247-751-802.000	3,782.47
02/21	02/24/2021	92252	Beckett & Raeder Inc.	101-770-802.000	1,160.00
02/21	02/24/2021	92253	C. C. Power LLC	582-598-802.000	7,680.00
02/21	02/24/2021	92253	C. C. Power LLC	582-586-802.000	1,600.00
02/21	02/24/2021	92254	Charlevoix-Emmet ISD	703-040-234.220	521,451.92

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02/21	02/24/2021	92255	Consumers Energy	592-558-920.000	87.91
02/21	02/24/2021	92255	Consumers Energy	592-558-920.000	197.19
02/21	02/24/2021	92255	Consumers Energy	592-558-920.000	204.62
02/21	02/24/2021	92255	Consumers Energy	592-558-920.000	218.20
02/21	02/24/2021	92255	Consumers Energy	592-558-920.000	167.72
02/21	02/24/2021	92255	Consumers Energy	202-475-920.000	96.21
02/21	02/24/2021	92256	Dearborn Life Insurance Co	701-000-230.190	2,029.10
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-172-724.000	19.16
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-201-724.000	64.05
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-208-724.000	19.16
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-215-724.000	21.35
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-265-724.000	4.79
02/21	02/24/2021	92256	Dearborn Life Insurance Co	582-588-724.000	54.13
02/21	02/24/2021	92256	Dearborn Life Insurance Co	592-549-724.000	50.09
02/21	02/24/2021	92256	Dearborn Life Insurance Co	592-560-724.000	15.81
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-770-724.000	35.45
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-773-724.000	5.75
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-789-724.000	10.54
02/21	02/24/2021	92256	Dearborn Life Insurance Co	204-481-724.000	66.24
02/21	02/24/2021	92256	Dearborn Life Insurance Co	271-790-724.000	69.25
02/21	02/24/2021	92256	Dearborn Life Insurance Co	514-587-724.000	23.19
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-268-724.000	11.98
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-345-724.000	504.17
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-400-724.000	11.50
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-441-724.000	32.57
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-754-724.000	5.27
02/21	02/24/2021	92256	Dearborn Life Insurance Co	101-756-724.000	16.29
02/21	02/24/2021	92257	Decka Digital LLC	101-345-751.000	45.00
02/21	02/24/2021	92257	Decka Digital LLC	592-546-802.000	67.41
02/21	02/24/2021	92257	Decka Digital LLC	592-553-802.000	116.92
02/21	02/24/2021	92258	Delta Dental	101-172-724.000	49.97
02/21	02/24/2021	92258	Delta Dental	101-201-724.000	310.63
02/21	02/24/2021	92258	Delta Dental	101-208-724.000	58.83
02/21	02/24/2021	92258	Delta Dental	101-215-724.000	17.66
02/21	02/24/2021	92258	Delta Dental	101-265-724.000	23.81
02/21	02/24/2021	92258	Delta Dental	101-268-724.000	47.86
02/21	02/24/2021	92258	Delta Dental	592-549-724.000	268.68
02/21	02/24/2021	92258	Delta Dental	592-560-724.000	19.44
02/21	02/24/2021	92258	Delta Dental	701-000-230.110	1,435.67
02/21	02/24/2021	92258	Delta Dental	101-773-724.000	15.99
02/21	02/24/2021	92258	Delta Dental	101-789-724.000	32.03
02/21	02/24/2021	92258	Delta Dental	204-481-724.000	131.51
02/21	02/24/2021	92258	Delta Dental	271-790-724.000	199.53
02/21	02/24/2021	92258	Delta Dental	514-587-724.000	37.10
02/21	02/24/2021	92258	Delta Dental	582-588-724.000	192.22
02/21	02/24/2021	92258	Delta Dental	101-345-724.000	887.55
02/21	02/24/2021	92258	Delta Dental	101-400-724.000	31.86
02/21	02/24/2021	92258	Delta Dental	101-441-724.000	182.50
02/21	02/24/2021	92258	Delta Dental	101-754-724.000	24.88
02/21	02/24/2021	92258	Delta Dental	101-756-724.000	74.37
02/21	02/24/2021	92258	Delta Dental	101-770-724.000	122.90
02/21	02/24/2021	92259	Derrer Oil Co.	661-598-759.000	3,064.45
02/21	02/24/2021	92260	DTE Energy	592-555-920.000	43.88
02/21	02/24/2021	92260	DTE Energy	592-538-920.000	129.66
02/21	02/24/2021	92260	DTE Energy	101-265-924.000	984.43
02/21	02/24/2021	92260	DTE Energy	582-593-924.000	2,699.59

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/21	02/24/2021	92260	DTE Energy	101-773-924.000	34.99
02/21	02/24/2021	92260	DTE Energy	101-265-924.000	264.28
02/21	02/24/2021	92260	DTE Energy	592-558-920.000	34.99
02/21	02/24/2021	92260	DTE Energy	592-538-920.000	96.00
02/21	02/24/2021	92260	DTE Energy	101-345-920.000	1,689.84
02/21	02/24/2021	92260	DTE Energy	271-790-924.000	625.41
02/21	02/24/2021	92260	DTE Energy	592-551-920.000	3,435.86
02/21	02/24/2021	92260	DTE Energy	592-551-920.000	4,230.33
02/21	02/24/2021	92260	DTE Energy	582-593-920.000	364.01
02/21	02/24/2021	92260	DTE Energy	101-345-920.100	1,757.16
02/21	02/24/2021	92260	DTE Energy	592-538-920.000	191.36
02/21	02/24/2021	92260	DTE Energy	271-790-924.000	1,367.29
02/21	02/24/2021	92260	DTE Energy	101-268-924.000	2,096.54
02/21	02/24/2021	92260	DTE Energy	101-770-924.000	579.12
02/21	02/24/2021	92260	DTE Energy	514-587-802.100	207.49
02/21	02/24/2021	92260	DTE Energy	592-538-920.000	244.65
02/21	02/24/2021	92261	Emergency Medical Products	101-345-775.000	126.87
02/21	02/24/2021	92262	Emmet County Treasurer	703-040-222.220	2,434.37
02/21	02/24/2021	92262	Emmet County Treasurer	703-040-222.220	170.77
02/21	02/24/2021	92262	Emmet County Treasurer	703-040-228.220	3,011.60
02/21	02/24/2021	92262	Emmet County Treasurer	703-040-222.220	60,777.41
02/21	02/24/2021	92262	Emmet County Treasurer	703-040-222.220	88,434.31
02/21	02/24/2021	92262	Emmet County Treasurer	703-040-233.000	153.01
02/21	02/24/2021	92262	Emmet County Treasurer	703-040-233.000	178.09
02/21	02/24/2021	92263	Envisionware Inc.	271-790-802.000	1,512.00
02/21	02/24/2021	92264	Fastenal Company	582-586-775.000	27.84
02/21	02/24/2021	92264	Fastenal Company	661-598-785.000	75.32
02/21	02/24/2021	92264	Fastenal Company	582-590-775.000	39.50
02/21	02/24/2021	92264	Fastenal Company	582-588-785.000	294.99
02/21	02/24/2021	92264	Fastenal Company	582-588-785.000	12.44
02/21	02/24/2021	92265	Ferguson Enterprises LLC #2000	101-268-930.000	1,290.80
02/21	02/24/2021	92266	Five Star Screen Printing Plus	101-770-767.000	150.00
02/21	02/24/2021	92267	Great Lakes Energy	592-538-920.000	85.50
02/21	02/24/2021	92267	Great Lakes Energy	592-558-920.000	56.25
02/21	02/24/2021	92267	Great Lakes Energy	101-345-920.100	472.48
02/21	02/24/2021	92267	Great Lakes Energy	592-538-920.000	481.11
02/21	02/24/2021	92267	Great Lakes Energy	592-558-920.000	129.45
02/21	02/24/2021	92268	Great Lakes Pipe & Supply	101-268-930.000	28.27
02/21	02/24/2021	92268	Great Lakes Pipe & Supply	101-268-930.000	13.60
02/21	02/24/2021	92269	GREENWOOD CEMETERY BOARD	703-040-238.220	76,606.36
02/21	02/24/2021	92270	Hahn-Oswald, Martina	271-790-958.100	400.00
02/21	02/24/2021	92271	Health Department of	101-773-931.000	263.00
02/21	02/24/2021	92272	John E. Green Co.	271-790-930.000	746.28
02/21	02/24/2021	92273	Joint Apprenticeship & Training Trust	582-588-912.000	4,000.00
02/21	02/24/2021	92274	LexisNexis Risk Data Management Inc.	514-587-802.000	150.00
02/21	02/24/2021	92275	McCardel Culligan	592-553-802.000	60.00
02/21	02/24/2021	92275	McCardel Culligan	592-553-802.000	60.00
02/21	02/24/2021	92275	McCardel Culligan	592-553-802.000	60.00
02/21	02/24/2021	92275	McCardel Culligan	592-553-802.000	60.00
02/21	02/24/2021	92275	McCardel Culligan	592-553-802.000	60.00
02/21	02/24/2021	92275	McCardel Culligan	592-553-802.000	60.00
02/21	02/24/2021	92275	McCardel Culligan	592-553-802.000	60.00
02/21	02/24/2021	92276	Michigan Rural Water Assoc.	592-549-915.000	105.00
02/21	02/24/2021	92277	Miller Canfield Paddock and	101-266-802.000	866.88
02/21	02/24/2021	92278	North Central Mich. College	703-040-235.220	133,618.70
02/21	02/24/2021	92278	North Central Mich. College	703-040-235.220	120,026.51

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/21	02/24/2021	92279	North Country IT	271-790-802.000	386.00
02/21	02/24/2021	92280	Northern A-1 Environmental Services	592-545-802.000	2,212.50
02/21	02/24/2021	92281	Northern Copy Express Inc.	101-770-802.000	577.00
02/21	02/24/2021	92282	Petoskey Public Schools	703-040-236.220	8,582.25
02/21	02/24/2021	92282	Petoskey Public Schools	703-040-237.220	738.29
02/21	02/24/2021	92282	Petoskey Public Schools	703-040-237.220	582.57
02/21	02/24/2021	92282	Petoskey Public Schools	703-040-233.000	504.97
02/21	02/24/2021	92282	Petoskey Public Schools	703-040-233.000	43.67
02/21	02/24/2021	92282	Petoskey Public Schools	703-040-233.000	30.86
02/21	02/24/2021	92283	Petoskey Regional Chamber	101-101-915.000	340.00
02/21	02/24/2021	92284	Petoskey Rotary Club	101-345-915.000	65.50
02/21	02/24/2021	92285	Plunkett Cooney	101-266-802.000	22.05
02/21	02/24/2021	92285	Plunkett Cooney	204-481-802.000	22.05
02/21	02/24/2021	92285	Plunkett Cooney	582-588-802.000	22.05
02/21	02/24/2021	92285	Plunkett Cooney	592-549-802.000	22.05
02/21	02/24/2021	92285	Plunkett Cooney	592-560-802.000	22.05
02/21	02/24/2021	92285	Plunkett Cooney	101-266-802.000	239.75
02/21	02/24/2021	92286	Proclean North	592-554-802.000	726.00
02/21	02/24/2021	92287	Renkes, Tom	248-739-880.200	150.00
02/21	02/24/2021	92288	Scientific Brake & Equipment	661-598-932.000	265.29
02/21	02/24/2021	92289	SOS Analytical Inc.	592-545-802.000	110.00
02/21	02/24/2021	92289	SOS Analytical Inc.	592-553-801.000	268.00
02/21	02/24/2021	92290	Spectrum Business	101-345-850.000	69.62
02/21	02/24/2021	92290	Spectrum Business	101-345-850.100	181.54
02/21	02/24/2021	92290	Spectrum Business	514-587-802.100	123.15
02/21	02/24/2021	92290	Spectrum Business	101-770-850.000	104.98
02/21	02/24/2021	92291	Standard Electric Company	582-590-775.000	349.04
02/21	02/24/2021	92292	Up North Service LLC	514-587-802.000	5,346.28
02/21	02/24/2021	92293	VSP	101-172-724.000	26.88
02/21	02/24/2021	92293	VSP	101-201-724.000	95.76
02/21	02/24/2021	92293	VSP	101-208-724.000	29.12
02/21	02/24/2021	92293	VSP	101-215-724.000	10.64
02/21	02/24/2021	92293	VSP	101-265-724.000	11.98
02/21	02/24/2021	92293	VSP	582-588-724.000	95.76
02/21	02/24/2021	92293	VSP	592-549-724.000	127.12
02/21	02/24/2021	92293	VSP	592-560-724.000	10.64
02/21	02/24/2021	92293	VSP	701-000-230.110	39.76
02/21	02/24/2021	92293	VSP	101-770-724.000	65.24
02/21	02/24/2021	92293	VSP	101-773-724.000	8.06
02/21	02/24/2021	92293	VSP	101-789-724.000	15.62
02/21	02/24/2021	92293	VSP	204-481-724.000	66.64
02/21	02/24/2021	92293	VSP	271-790-724.000	104.16
02/21	02/24/2021	92293	VSP	514-587-724.000	21.28
02/21	02/24/2021	92293	VSP	101-268-724.000	23.32
02/21	02/24/2021	92293	VSP	101-345-724.000	459.22
02/21	02/24/2021	92293	VSP	101-400-724.000	16.46
02/21	02/24/2021	92293	VSP	101-441-724.000	69.89
02/21	02/24/2021	92293	VSP	101-754-724.000	13.24
02/21	02/24/2021	92293	VSP	101-756-724.000	36.57
02/21	02/17/2021	999141	ACH-CHILD SUPPORT	701-000-230.160	160.23
02/21	02/17/2021	999142	ACH-EFTPS	701-000-230.200	13,205.31
02/21	02/17/2021	999142	ACH-EFTPS	701-000-230.100	23,427.21
02/21	02/17/2021	999142	ACH-EFTPS	701-000-230.200	13,205.31
02/21	02/17/2021	999142	ACH-EFTPS	701-000-230.200	3,088.30
02/21	02/17/2021	999142	ACH-EFTPS	701-000-230.200	3,088.30
02/21	02/17/2021	999143	ACH-ICMA 457	701-000-230.700	1,991.31

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/21	02/17/2021	999143	ACH-ICMA 457	701-000-230.700	5,745.00
02/21	02/17/2021	999144	ICMA 401	701-000-230.700	654.08
02/21	02/17/2021	999145	ICMA-ROTH	701-000-230.900	605.00
02/21	02/17/2021	999146	Mers DC 45	001-000-001.001	347.78
02/21	02/17/2021	999146	Mers DC 45	001-000-001.001	347.62
02/21	02/17/2021	999146	Mers DC 45	701-000-230.120	869.44
02/21	02/17/2021	999146	Mers DC 45	701-000-230.120	869.01
Grand Totals:					<u><u>1,342,363.58</u></u>

Report Criteria:

Check.Check issue date = 02/25/2021-03/10/2021

Check Number	Check Issue Date	Name	GL Account	Amount
92303	03/03/2021	Michigan Writers	271790760400	12.00
92304	03/03/2021	Sawant, Vrushank	582040285000	37.76
92305	03/03/2021	Silk Abstract Co.	701040274000	37.17
92369	03/10/2021	Healing Grace	271790955000	300.00
92370	03/10/2021	Manthei, Peter	582081642300	63.85
92371	03/10/2021	Petoskey Grand LLC	701040274000	5,300.55
92371	03/10/2021	Petoskey Grand LLC	701040274000	370.32
92372	03/10/2021	Shaul, Anita	582081642300	12.78
92373	03/10/2021	Votruba, Michelle	582081642300	1.82
Grand Totals:				6,136.25



BOARD: City Council

MEETING DATE: March 15, 2021

PREPARED: March 9, 2021

AGENDA SUBJECT: Continued Discussion of Priority Redevelopment Sites

RECOMMENDATION: That City Council discuss and provide direction

Background At its February 15 meeting, City Council received an annual update on the Economic Development Strategic Plan implementation progress. As part of the annual review there is a discussion of the RRC priority redevelopment sites and whether any changes are needed. Staff had provided information on the current sites and sites that would likely be undergoing redevelopment in the short to medium term for possible inclusion, as well as tools the City is able to use to assist redevelopment.

As in 2019, there was discussion about the benefit of identifying properties as priority sites rather than just addressing redevelopment assistance requests as received.

Discussion The current priority sites under the RRC program and their status are listed below. Other than the Darling Lot, the other sites are either under contract or the owner plans to develop, which is why additional sites were brought forward for discussion.

The information sheets on all sites are provided on the City website under Redevelopment Ready Communities (enclosed). The only site that is currently on the RRC Priority Sites website is the Darling Lot, however, staff has resent the 502 Michigan Street sheet for inclusion. At this point in time, there is a great need for housing of all price ranges, but particularly workforce housing in the 80-120% Area Median Income range. That is why all of the priority sites discuss housing or mixed-use as the desired development outcome.

- **900 Emmet Street – Gruler Property**

Under contract and waiting to hear whether they will be granted Low Income Tax Credits for a 60 unit multifamily development.

- **Darling Lot**

City Council did not move forward with further exploration of a mixed use development on the site after receiving the conceptual design in 2019.

- **200 East Lake Street**

No further proposals have come forward since the Planning Commission denied a preliminary planned unit development in 2019.

- **502 Michigan Street – Baptist Church**

The property is currently under contract, but no plans have come forward.

Petoskey is a Core Community which means it has tools available that improve the viability of residential development if used in conjunction with programs offered by MEDC. Extra tools are available to Core Communities because they are typically where employment is located and creation of housing near employment centers is sound planning. These tools include tax increment financing, tax abatements and payments in lieu of taxes. Staff had previously provided an incentive matrix to get some idea on which of these tools Council would want to explore further and potentially have policies created that evaluate projects based on objective criteria to meet stated community goals.

As discussed, staff meets with any property owner that is interested in development. However, it is staff's understanding that the priority sites are locations the City is willing to consider use of any tools or incentives possible to assist with redevelopment should the development meet City goals. Also, as a RRC Certified Community, MEDC will provide pre-development assistance funding for conceptual renderings or needed studies of these sites to further the redevelopment process (e.g., what occurred for the Darling Lot).

Staff does not see any downside to having additional sites identified – whether they are officially identified as priority sites or simply potential redevelopment sites to be aware of.

The potential sites include:

- **316/318 East Lake Street** – City Council previously (2015) authorized moving forward with a Community Development Block Grant (CDBG) application to assist the owner in adding six (6) residential units to this building. But due to the complexity of the CDBG process, the owner withdrew his application request. He is again looking at a renovation of this building that has upper stories that have been vacant since the 1920s. As the only remaining wood-frame building downtown, the redevelopment is extremely costly.

The owner has submitted a pro-forma to MEDC for grant consideration, however, the state generally wants to see local participation. The tool that has been discussed, in addition to a façade grant, is an obsolete Property Rehabilitation Act (OPRA) abatement. This tool allows for an abatement of local taxes on the *increased valuation* for a period of *up to* 15 years, but the number of years is at the discretion of City Council. The benefit of this incentive is its flexibility (approved through Council resolutions) and relative short duration.

- **1420 Standish Avenue** – The former Michigan Maple Block site is a large property adjacent to the Bear River. Staff has had preliminary discussions with the owner, who is exploring redevelopment options and understands the need for housing to be included. She would like to be included as a priority redevelopment site.
- **319 State Street** – The former Petoskey News Review building is a likely mixed-use redevelopment site. With its location adjacent to the downtown and greenway corridor, B-2B Mixed Use Corridor zoning, as well as on-site parking, the site has a wide range of use potential.
- **Bay and Howard** – This site was proposed in 2020 for a hotel and the project team is still working to bring it together. A public parking structure would be an essential component.

Another method of incentivizing housing creation that has been discussed is the disposal or donation of City property. The City has scattered sites where housing could be possible – staff has identified three parcels that could potentially be used for housing as they are not currently needed for City operations or dedicated parkland, and a fourth parcel that could be disposed of once the new DPW building is constructed (information enclosed). A request for proposals for the Washington Street lot was put out several years ago and staff shared with realtors and builders without interest (enclosed). At that time, the rationale for selling the property was to create housing **and** to get the property on the tax roll. That is why there is a statement about it not being sold to a non-profit organization. However, the purpose today may be primarily to have housing created that would remain workforce housing. As previously proposed, the requirement for housing and a timeframe should be included.

Action Staff is looking for input and direction from City Council on possible changes to the priority redevelopment sites and interest in potential incentives, as well as whether a new request for proposals should be sent out for surplus property for the purpose of housing development.

at
Enclosures

900 EMMET STREET – GRULER SITE

Parcel Numbers

52-19-06-402-016
52-19-06-402-034
52-19-06-402-038
52-19-06-402-052
52-19-06-402-072
52-19-06-402-074

Current Owner

Al Gruler

Current Zoning

B-2B Mixed Use
Corridor

2018 SEV

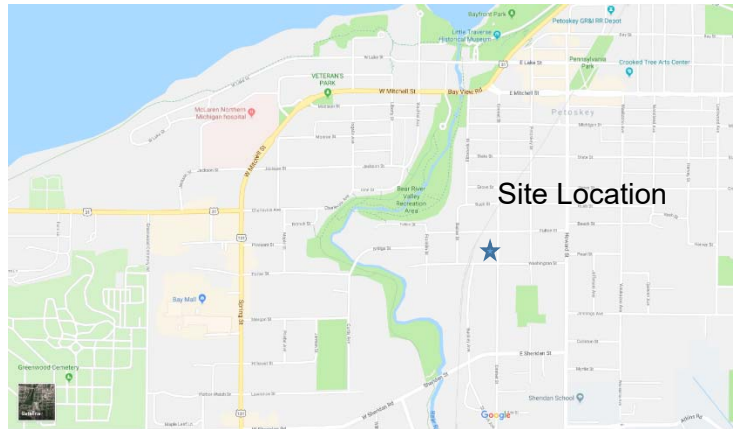
\$138,900

Utilities

Electric, Water, Sewer
City of Petoskey

Gas

DTE Energy
Fiber/Broadband
Charter, AT&T



Map data ©2018 Google

Size: Approximately .85 acres (Dimensions 272' x 153'+)

AADT: Emmet Street 4,472 (2014)

Utilities: Emmet Street was reconstructed in 2017 with all utilities stubbed to the property, including three-phase electric.

SITE SUMMARY

The former lumber yard is within the Old Town Emmet Neighborhood and less than half a mile from the Central Business District. The property houses two pole barns but is mostly a vacant lot.

The site is connected to the Central Business District by the Downtown Greenway Corridor, a linear park with a 10' multi-use trail to be completed in 2018. The City invested \$1.5 million in the reconstruction of Emmet Street 2017, with all utilities stubbed to the property (including three-phase electric). The site is bounded by residential, commercial and industrial uses.

Given the proximity of the site to the downtown, the desired development outcome is a mixed use development that incorporates workforce housing.

For additional information,
please contact:

Al Gruler, Owner
231-347-3432



101 E Lake St.
Petoskey, MI

Amy Tweeten, City Planner
231-347-2500
atweeten@petoskey.us

Darling Lot – 421 Petoskey Street

Parcel Numbers

52-19-06-277-018
52-19-06-277-019
52-19-06-277-020
52-19-06-277-022

Current Owner

City of Petoskey

Current Zoning

B-2 Central Business District

2017 SEV

Municipally owned

Possible Incentives

Brownfield TIF

Utilities

Electric, Water, Sewer

City of Petoskey

Gas

DTE Energy

Fiber/Broadband

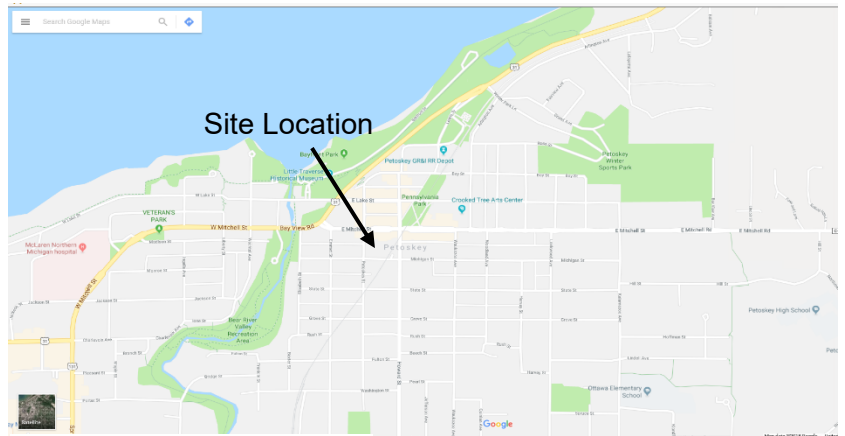
Charter, AT&T



For additional
information,
please contact:

Robert Straebel, City Manager
231.347.2500
rstraebel@petoskey.us

101 E Lake Street
Petoskey, MI 49770



Map data ©2018 Google



Emmet County data



SITE SUMMARY

This property is an existing municipal parking lot two blocks from US 31

Size: ~35,500 Square feet

Dimensions: 145' x 217'+

The site is an existing municipal parking lot on the southern edge of historic Downtown Petoskey.

A parking structure feasibility study has been completed, as covered parking is the first priority for the site, possibly in conjunction with development of 200 E Lake which is a half block away.

An additional desired use for the property is workforce housing. A residential target market analysis for Emmet County and the City of Petoskey was completed in 2019 by Housing North.

200 E LAKE STREET

Current Owner
Petoskey Grand, LLC

Current Zoning
B-2 Central Business
District

2019 SEV
\$1.14M

Possible Incentives
Brownfield TIF

Utilities
Electric, Water, Sewer
City of Petoskey
Gas
DTE Energy
Fiber/Broadband
Charter, AT&T

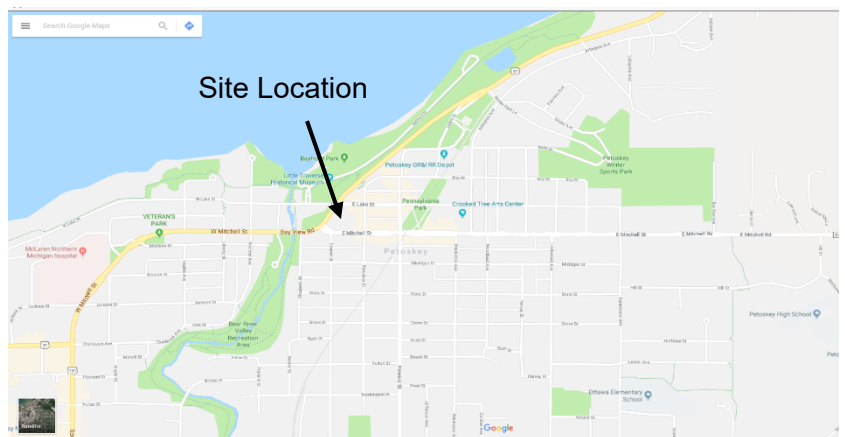
For additional information please
contact:

Larry Rellinger
231-838-6050



Rob Straebel, City Manager
231-347-2500
rstraebel@petoskey.us

101 E Lake St., Petoskey, MI



Map data ©2018 Google



Emmet County data



SITE SUMMARY

Size: A city block, just under 2 acres
(Dimensions 269' x 285' +/-)

AADT: US-31 24,812 (MDOT 2016)

Utilities: New water and sewer lines installed
(2007) in adjacent streets and stubbed to
property.

The site is an entire city block on the west edge of the historic Downtown Petoskey fronting US 31 with excellent views of Little Traverse Bay. The property is development ready with all available utilities and excavated for the potential of underground parking.

The desired development outcome is a mixed use development built to the scale of Downtown Petoskey.

PARR MEMORIAL BAPTIST CHURCH

Parcel Number
52-19-05-100-040

Current Owner
First Baptist Church

Current Zoning
O-S Office Service

2018 SEV
Tax Exempt

Utilities
Electric, Water, Sewer
City of Petoskey
Gas
DTE Energy
Fiber/Broadband
Charter, AT&T

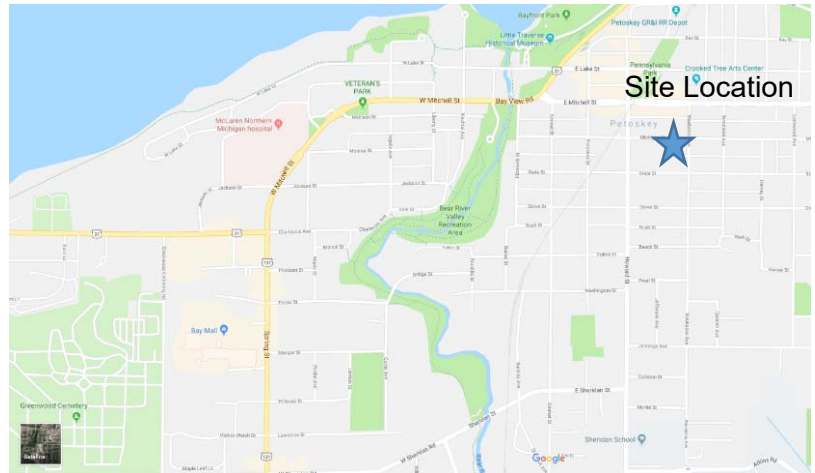
For additional information,
please contact:

Casey Smith, Pastor
231-347-2038



101 E Lake St.
Petoskey, MI

Amy Tweenen, City Planner
231-347-2500
atweenen@petoskey.us



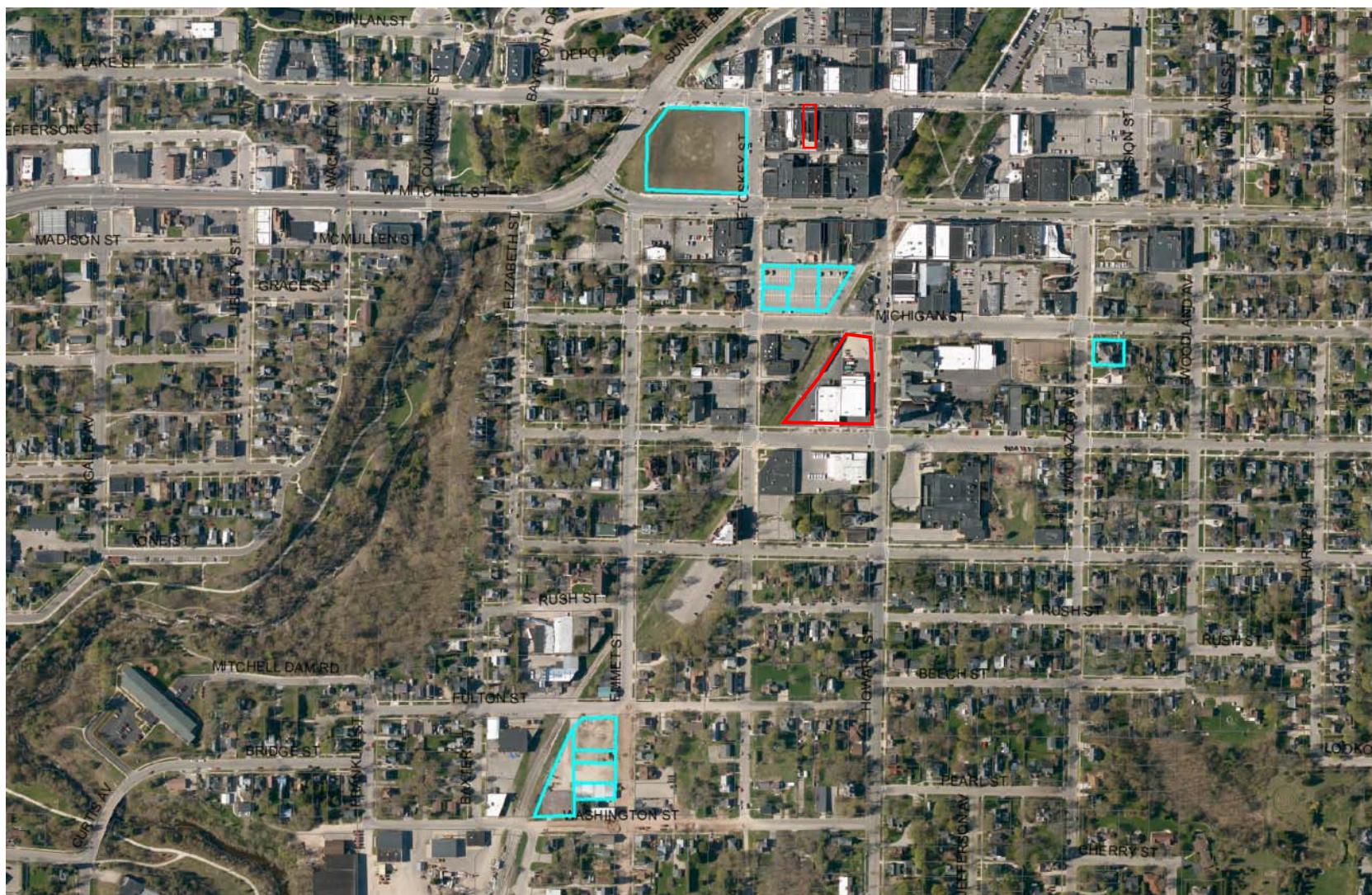
Size: Site is 8,400 Square Feet; Building takes up entire site and has approximately 25,000 Square Feet.

Site: The site is adjacent to the Central Business District but constrained without the possibility of on-site parking. The block is predominantly single family residential, with two elementary schools within one block.

SITE SUMMARY

The historic church was built in 1910 and has had the same congregation for its life. The congregation is building a new facility and looking to sell the historic structure. Preservation of the historic structure, in addition to removal of identified contamination, would likely qualify the site as a brownfield.

Given the proximity of the site to the downtown, the desired development outcome could be housing or office use, which are both permitted uses in the O-S District.



Current Priority Redevelopment Sites



Potential Redevelopment Sites

Map created with Emmet County
data (alt 2-2-21)





Potential Redevelopment Site

Map created with Emmet County
data (alt 2-2-21)



Surplus City Property



Source: Emmet County GIS, 2017 Ortho



City of Petoskey

REQUEST FOR PROPOSALS AND QUALIFICATIONS

Submittal Deadline: June 30, 2015

The City of Petoskey is seeking a buyer for property it owns at 209 Washington Street to construct single-family housing.

The goal of the City is to have new quality construction that will enhance the Old Town Emmet Neighborhood. The development of this property provides an opportunity for new housing in the neighborhood.

The property at 209 Washington Street is an approximately 8,150 square foot lot (50'x163') that has been vacant for many years. The lot is within the RM-2 Multiple Family Zoning District on the block bounded by Washington, Emmet, Fulton and Petoskey Streets and could possibly support a two-unit structure. The property is immediately adjacent to the commercial properties along Emmet Street, within a block of Washington Park and a half mile of Sheridan School.

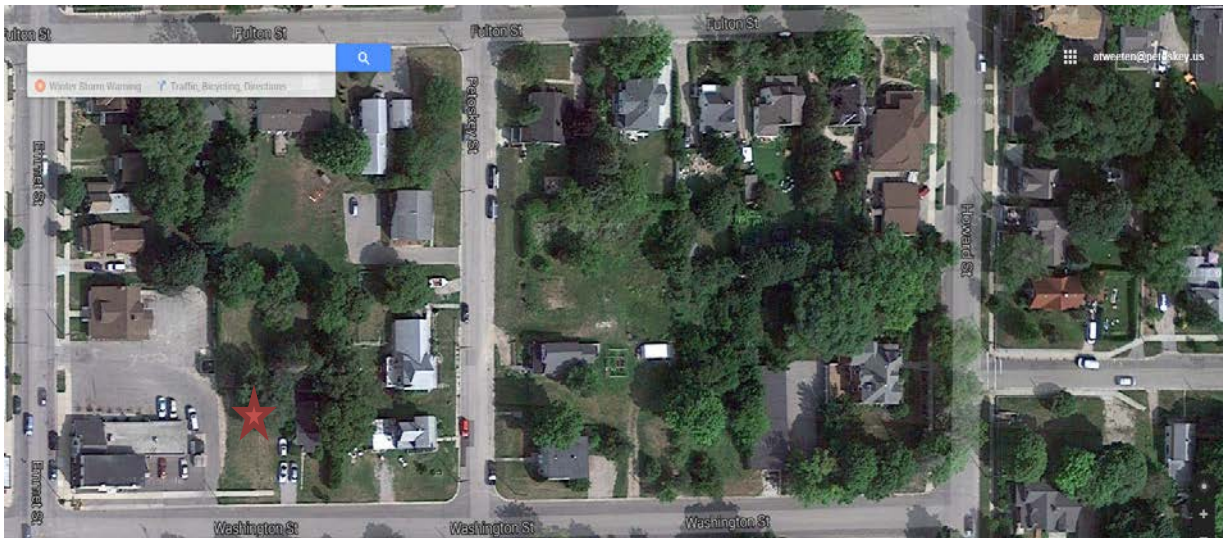
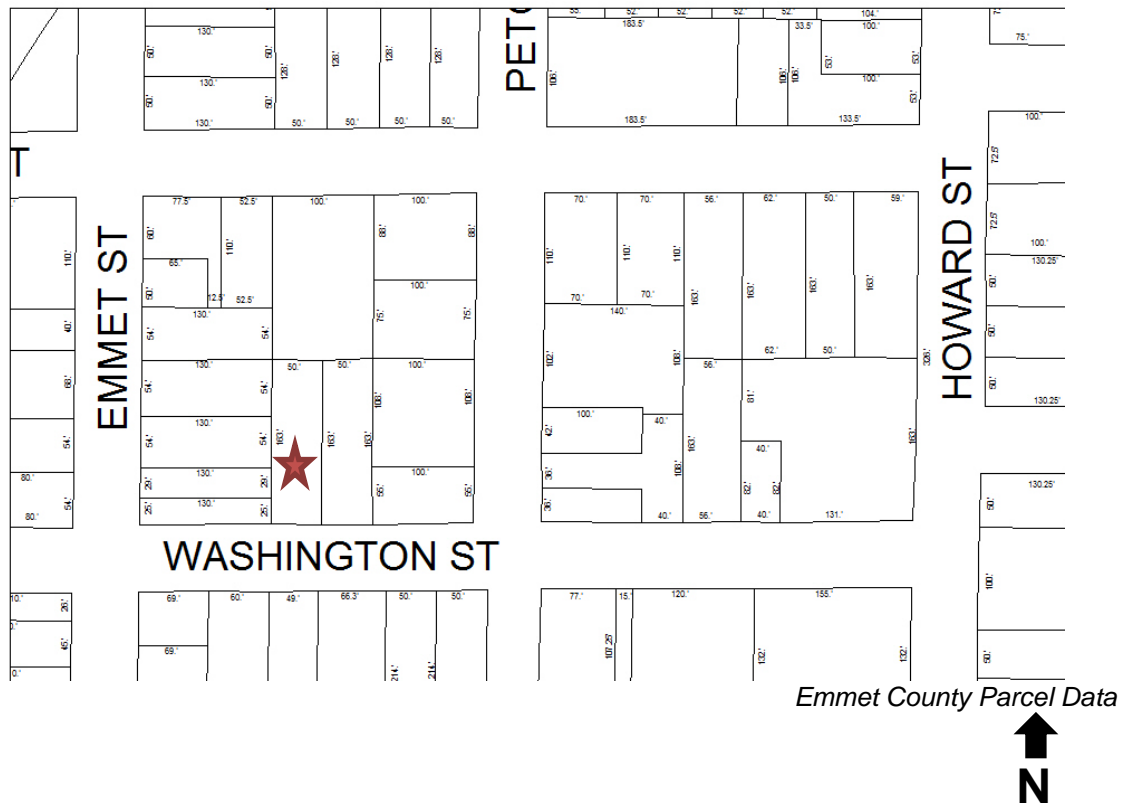


Image courtesy of Google Maps





Proposal Evaluation Criteria and Requirements

Proposals will be evaluated on the following criteria. **Incomplete proposals will not be considered.** Questions or clarifications on the information needed, or regarding zoning regulations should be directed to Amy Tweeten, Petoskey City Planner at 347-2500 or atweeten@petoskey.us.

1. Owner and builder information.
Information on construction experience; licenses and certifications.
2. Financing availability (this information will be kept confidential)
A statement from a bank that funds are available from financing or cash.
Additional information, such as a pre-approval letter, will be required at time of purchase agreement.
3. Ownership
Whether the structure will be owner-occupied or a rental property.
4. Construction Timeline
The goal of the City is to get this property redeveloped as soon as possible.
Proposal shall include a timeline for construction commencement and completion.

5. Proposed Design

As an existing developed area, the compatibility of the architecture and house placement with surrounding houses will be an extremely strong consideration.

- a. Architectural design, including exterior materials
- b. Site plan, including landscaping, access and parking (rear-yard parking and/or a garage is strongly recommended)

6. Land Purchase Price

The City Assessor's estimated value is \$50,000-\$60,000. A price should be included in the proposal, with the understanding that the price will be negotiable based on the proposed development.

Requirements

The successful proposal submitter of this property will enter into a purchase agreement and development agreement with the City of Petoskey committing to the following requirements, at a minimum. The City *may negotiate additional terms* with the successful bidder.

1. The lot will not be sold to an agency that will hold title as a tax exempt entity.
2. A buy-back clause will be included in the purchase agreement allowing the City of Petoskey to repurchase the lot for the selling price should construction not proceed in the timeline established in the development agreement.

By submitting a proposal, you are allowing the City of Petoskey to research previous permits, violations, or judgments against you.

PROPOSAL SUBMITTALS

Interested parties should submit completed proposals no later than **June 30, 2015**. An electronic version and three hard copies should be submitted to:

City of Petoskey
Attn: Amy Tweeten, City Planner
101 E. Lake Street
Petoskey, MI 49770

atweeten@petoskey.us

The City of Petoskey reserves the right to (1) REJECT ANY AND ALL PROPOSALS; (2) WAIVE ANY ERRORS OR IRREGULARITIES IN THE RFP PROCESS OR IN ANY PROPOSAL; (3) RE-ADVERTISE THE RFQ/RFP; AND/OR DEFER OR ABANDON THE PROPERTY SALE.



RRC LEVELS: ESSENTIALS & CERTIFIED

Based on feedback from communities and other stakeholders, RRC offers two levels: “Essentials” and “Certified.” Communities can determine which level is most appropriate for their needs based on capacity, community goals and other local factors. Communities are encouraged to consult with their assigned RRC planner if they are unsure which level they would like to pursue. RRC understands that no two days are the same when it comes to running a local government; in recognition of that, communities can move between

levels if local considerations change.

Each best practice in this handbook includes expectations for Essentials and for Certified. This allows for maximum transparency and easy comparison. In some cases, they are identical, but in many criteria, RRC Certified level includes additional expectations. Once a community determines the level it would like to achieve, it should focus on the appropriate expectations throughout this handbook.

Purpose

ESSENTIALS	Communities who have achieved Essentials status have all the key documents and practices in place to provide a predictable development experience and meet local planning and zoning responsibilities under Michigan law.
CERTIFIED	RRC Certified communities have integrated all the Best Practices into their local processes and proactively seek out community development opportunities while providing a predictable development experience.

Best Practices

ESSENTIALS	Plans and Engagement [BP 1]; Zoning (partial) [BP 2]; Development Review (partial) [BP 3]; Boards and Commissions (partial) [BP 4].
CERTIFIED	Plans and Engagement [BP 1]; Zoning [BP 2]; Development Review [BP 3]; Boards and Commissions [BP 4]; Economic Development and Marketing [BP 5]; Redevelopment Ready Sites [BP 6].

Benefits

ESSENTIALS	Access to assigned RRC planner, RRC library, RRC training opportunities, RRC technical assistance match funding opportunities, and other benefits as identified.
CERTIFIED	All Essentials level benefits, plus access to the Redevelopment Services Team, site marketing support, continued access to RRC technical assistance match funding opportunities, and other ever-evolving benefits such as free event registrations, social media and more.

Best Practice One: Plans and Public Engagement

1.1 Master Plan

Master plans establish a community vision through public engagement and identify how to implement that vision. The plan is an essential document that guides future development throughout the community, adding predictability and community support to the development process.

CRITERIA: The governing body has adopted a master plan in the past five years.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The master plan reflects the community's desired direction for the future.	<input checked="" type="checkbox"/> The master plan reflects the community's desired direction for the future.
<input type="checkbox"/> The master plan identifies strategies for priority redevelopment areas.	<input checked="" type="checkbox"/> The master plan identifies strategies for priority redevelopment areas.
<input type="checkbox"/> The master plan addresses land use and infrastructure, including complete streets.	<input checked="" type="checkbox"/> The master plan addresses land use and infrastructure, including complete streets.
<input type="checkbox"/> The master plan includes a zoning plan.	<input checked="" type="checkbox"/> The master plan includes a zoning plan.
<input type="checkbox"/> The master plan establishes goals, implementation actions, timelines and responsible parties.	<input checked="" type="checkbox"/> The master plan establishes goals, implementation actions, timelines and responsible parties.
<input type="checkbox"/> The master plan is accessible online.	<input checked="" type="checkbox"/> The master plan is accessible online.
	<input type="checkbox"/> Progress on master plan implementation is assessed annually. <i>New</i>

1.2 Downtown or Corridor Plan

Downtowns and major corridors are economic engines for communities. Having a plan for these particular areas adds predictability for future development and can support local efforts to strengthen businesses and create a community gathering space.

CRITERIA: The governing body has adopted a downtown or corridor plan.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The downtown or corridor plan identifies development area boundaries.	<input checked="" type="checkbox"/> The downtown or corridor plan identifies development area boundaries.
<input type="checkbox"/> The downtown or corridor plan identifies projects, and includes estimated project costs and a timeline for completion.	<input checked="" type="checkbox"/> The downtown or corridor plan identifies projects, and includes estimated project costs and a timeline for completion.
<input type="checkbox"/> The downtown or corridor plan includes mixed-use and pedestrian-oriented development elements.	<input checked="" type="checkbox"/> The downtown or corridor plan includes mixed-use and pedestrian-oriented development elements.
<input type="checkbox"/> The plan is available online.	<input checked="" type="checkbox"/> The plan is available online.

NOTE: For essential level, this best practice only applies in instances where the community has an active DDA or CIA TIF.

Best Practice One: Plans and Public Engagement *continued*

1.3 Capital Improvements Plan

Turning plans into action often requires capital investments. These plans, established under Michigan law, help coordinate these investments, which could include infrastructure, facilities, parks, technology and more.

CRITERIA: The governing body has adopted a capital improvements plan.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The capital improvements plan details a minimum of six years (beginning with the current year) of public structures and improvements and is updated annually.	<input checked="" type="checkbox"/> The capital improvements plan details a minimum of six years (beginning with the current year) of public structures and improvements and is updated annually.
<input type="checkbox"/> The capital improvements plan coordinates projects to minimize construction costs.	<input checked="" type="checkbox"/> The capital improvements plan coordinates projects to minimize construction costs.
<input type="checkbox"/> The capital improvements plan coordinates with adopted community plans and the budget.	<input checked="" type="checkbox"/> The capital improvements plan coordinates with adopted community plans and the budget.
<input type="checkbox"/> The capital improvements plan is accessible online.	<input checked="" type="checkbox"/> The capital improvements plan is accessible online.

1.4 Public Participation Plan

Public participation plans help communities establish clear expectations for public engagement, ensuring all groups are represented in decision making processes.

CRITERIA: The community has a public participation plan for engaging a diverse set of community stakeholders.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The plan identifies key stakeholders, including those not normally at the visioning table.	<input checked="" type="checkbox"/> The plan identifies key stakeholders, including those not normally at the visioning table.
<input type="checkbox"/> The plan describes public participation methods and the appropriate venue to use each method.	<input checked="" type="checkbox"/> The plan describes public participation methods and the appropriate venue to use each method.
<input type="checkbox"/> The plan includes the use of both traditional and proactive engagement methods.	<input checked="" type="checkbox"/> The plan includes the use of both traditional and proactive engagement methods.
<input type="checkbox"/> The plan identifies how the community will report out results of engagement efforts.	<input checked="" type="checkbox"/> The plan identifies how the community will report out results of engagement efforts.
<input type="checkbox"/> The community reviews and updates the plan on a regular basis.	<input checked="" type="checkbox"/> The community reviews and updates the plan on a regular basis.
	<input checked="" type="checkbox"/> The community provides an update on engagement activity to the governing body at least annually.

Best Practice Two: Zoning

2.1 Alignment with Master Plan

Under Michigan law, zoning ordinances must be based on an adopted master plan. Ensuring such coordination reduces uncertainty and risk for development.

CRITERIA: The governing body has adopted a zoning ordinance that aligns with the goals of the current master plan.

ESSENTIALS EXPECTATIONS

- ☐ The community has evaluated the master plan's recommendations to determine if changes to the zoning map or ordinance are needed.

CERTIFIED EXPECTATIONS

- ☒ The community has evaluated the master plan's recommendations to determine if changes to the zoning map or ordinance are needed.
- ☒ The community has made updates to the zoning ordinance to align with the goals and zoning recommendations from the master plan.

2.2 Accessibility and User-friendliness

Adding user-friendly components to the zoning ordinance can make it easier to understand, thus removing an initial barrier that disproportionately impacts local, small-scale, and first-time applicants.

CRITERIA: The zoning ordinance is accessible and user-friendly.

ESSENTIALS EXPECTATIONS

- ☐ The ordinance is accessible online.

CERTIFIED EXPECTATIONS

- ☒ The ordinance is accessible online.
- ☒ The ordinance portrays clear definitions and requirements.
- ☒ The ordinance includes graphics, tables or charts.

2.3 Concentrated Development

Allowing for areas of context-sensitive concentrated development provides myriad benefits including enabling pedestrian mobility, providing a sense of place, generating fiscal stability for communities, and leveraging existing infrastructure.

CRITERIA: The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired.

ESSENTIALS EXPECTATIONS

- ☐ The ordinance allows mixed-use buildings by-right in designated areas of concentrated development.

The ordinance requires **ONE** or more of the following elements in areas of concentrated development:

- ☐ Build-to lines
- ☐ Open store fronts
- ☐ Outdoor dining
- ☐ Minimum ground floor transparency
- ☐ Front-facing doorways
- ☐ Parking located in the rear of the building

CERTIFIED EXPECTATIONS

- ☒ The ordinance allows mixed-use buildings by-right in designated areas of concentrated development.

The ordinance requires **TWO** or more of the following elements in areas of concentrated development:

- ☒ Build-to lines
- ☐ Open store fronts
- ☒ Outdoor dining
- ☒ Minimum ground floor transparency
- ☒ Front-facing doorways
- ☒ Parking located in the rear of the building

Best Practice Two: Zoning *continued*

2.4 Housing Diversity

Having an ordinance which clearly allows for diverse housing types creates unique neighborhoods, provides lifestyle options for residents of all ages and income levels, helps attract talent, and provides flexibility for meeting market demand.

CRITERIA: The zoning ordinance allows for a variety of housing options.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
The ordinance allows for TWO or more of the following housing types by-right: <ul style="list-style-type: none"><input type="checkbox"/> Accessory dwelling units (ADU)<input type="checkbox"/> Townhouses/rowhouses<input type="checkbox"/> Triplexes<input type="checkbox"/> Quadplexes<input type="checkbox"/> 6-plexes<input type="checkbox"/> Stacked flats<input type="checkbox"/> Residential above commercial<input type="checkbox"/> Micro units<input type="checkbox"/> Cottage housing/bungalow courts<input type="checkbox"/> Tiny houses	The ordinance allows for THREE or more of the following housing types by-right: <ul style="list-style-type: none"><input type="checkbox"/> Accessory dwelling units (ADU)<input checked="" type="checkbox"/> Townhouses/rowhouses<input checked="" type="checkbox"/> Triplexes<input checked="" type="checkbox"/> Quadplexes<input checked="" type="checkbox"/> 6-plexes<input type="checkbox"/> Stacked flats<input checked="" type="checkbox"/> Residential above commercial<input type="checkbox"/> Micro units<input type="checkbox"/> Cottage housing/bungalow courts<input type="checkbox"/> Tiny houses

2.5 Parking Flexibility

The cost and space consumed by parking can make or break a project financially. Providing flexible options for parking allows for creative and context-sensitive solutions in communities of all sizes and reduces the negative impacts excessive parking can have on a community's sense of place.

CRITERIA: The zoning ordinance includes flexible parking requirements.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
The ordinance includes regulations for TWO or more of the following tools approved either administratively or by the planning commission: <ul style="list-style-type: none"><input type="checkbox"/> Reduction or elimination of required parking when on-street or public parking is available<input type="checkbox"/> Connections between parking lots<input type="checkbox"/> Shared parking agreements<input type="checkbox"/> Parking maximums<input type="checkbox"/> Elimination of parking minimums<input type="checkbox"/> Parking waivers<input type="checkbox"/> Electric vehicle charging stations<input type="checkbox"/> Bicycle parking<input type="checkbox"/> Payment in lieu of parking<input type="checkbox"/> Reduction of required parking for complementary mixed uses<input type="checkbox"/> Banked/deferred parking	The ordinance includes regulations for THREE or more of the following tools approved either administratively or by the planning commission: <ul style="list-style-type: none"><input checked="" type="checkbox"/> Reduction or elimination of required parking when on-street or public parking is available<input checked="" type="checkbox"/> Connections between parking lots<input checked="" type="checkbox"/> Shared parking agreements<input type="checkbox"/> Parking maximums<input type="checkbox"/> Elimination of parking minimums<input type="checkbox"/> Parking waivers<input type="checkbox"/> Electric vehicle charging stations<input checked="" type="checkbox"/> Bicycle parking<input type="checkbox"/> Payment in lieu of parking<input type="checkbox"/> Reduction of required parking for complementary mixed uses<input type="checkbox"/> Banked/deferred parking

Best Practice Two: Zoning *continued*

2.6 Green Infrastructure

Integrating green infrastructure can reduce infrastructure and maintenance costs, provide opportunities for recreation and physical activity, reduce exposure to harmful substances, advance placemaking goals, improve safety, promote community identity and a sense of well-being, and provide economic benefits.

CRITERIA: The zoning ordinance includes standards for green infrastructure.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
N/A	<p>The ordinance includes regulations for THREE or more of the following:</p> <ul style="list-style-type: none"><input type="checkbox"/> Low impact development techniques (rain gardens, bioswales, etc.)<input type="checkbox"/> Rain water collection (blue roofs, cisterns, water harvesting, stormwater vaults, etc.)<input type="checkbox"/> Green roofs<input type="checkbox"/> Permeable pavement<input type="checkbox"/> Steep-slope protections<input type="checkbox"/> Street-tree planting standards<input type="checkbox"/> Tree preservation or replacement standards<input type="checkbox"/> Parking lot internal landscaping standards<input type="checkbox"/> Open space preservation development (i.e., cluster housing)<input type="checkbox"/> Required native or low-maintenance plantings<input type="checkbox"/> Renewable energy<input type="checkbox"/> Buffering standards around water bodies or other natural resources<input type="checkbox"/> Off-site stormwater regulations allowing site developers to participate in district-scale stormwater management plans

Best Practice Three: Development Review

3.1 Defined Processes

Clearly defined development review processes provide predictability for investments big and small.

CRITERIA: The zoning ordinance includes clear steps for major development review processes.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> Processes for site plan review, special land use, rezoning, variances, and text amendments are clearly laid out in the zoning ordinance.	<input type="checkbox"/> Processes for site plan review, special land use, rezoning, variances, and text amendments are clearly laid out in the zoning ordinance.
<input type="checkbox"/> Development review standards are clearly defined.	<input checked="" type="checkbox"/> Development review standards are clearly defined.

3.2 Point of Contact

Having a clearly identified point of contact helps communities offer positive and personalized service which builds a foundation for a predictable development review experience.

CRITERIA: The community has clearly identified a point of contact for development review activities.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The community has an identified development review point of contact, which is clearly indicated on the website.	<input checked="" type="checkbox"/> The community has an identified development review point of contact, which is clearly indicated on the website.

3.3 Conceptual Review

Conceptual review meetings offer a chance for early, informal review of proposed projects. This helps avoid costly mistakes or delays later in the process.

CRITERIA: The community defines and offers conceptual review meetings for applicants.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The community advertises online that conceptual site plan review meetings are available.	<input checked="" type="checkbox"/> The community advertises online that conceptual site plan review meetings are available.
	<input type="checkbox"/> The community has clearly defined expectations posted online and a checklist to be reviewed at conceptual meetings.

Best Practice Three: Development Review *continued*

3.4 Internal Review Process

Clearly documenting the internal review process provides predictability and consistency in the development review process. It also ensures that processes can continue in the event of staff turnover.

CRITERIA: The community has a clearly documented internal staff review policy.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
The internal review process addresses the following: <ul style="list-style-type: none"><input type="checkbox"/> Key steps of the application from submittal to issuing of the permit<input type="checkbox"/> Timelines<input type="checkbox"/> Identifies who reviews applications<input type="checkbox"/> Identifies approval standards	The internal review process addresses the following: <ul style="list-style-type: none"><input type="checkbox"/> Key steps of the application from submittal to issuing of the permit<input type="checkbox"/> Timelines<input checked="" type="checkbox"/> Identifies who reviews applications<input type="checkbox"/> Identifies approval standards<input checked="" type="checkbox"/> The community has established a joint review team.

3.5 Approval Authority

Approving permitted uses at the planning commission or staff level allows faster approval and respects the administrative nature of development review.

CRITERIA: The community streamlines the approval process by using administrative and planning commission approval authority.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> Site plans for permitted uses are approved administratively or by the planning commission.	<input checked="" type="checkbox"/> Site plans for permitted uses are approved administratively or by the planning commission. <input checked="" type="checkbox"/> Permitted uses do not require a formal public hearing (but allow for public comment and other engagement as deemed necessary).

3.6 Fee Schedule

Having a fee schedule allows an applicant to clearly understand their likely costs upfront, reducing surprises further in the process.

CRITERIA: The community maintains a fee schedule.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The fee schedule is available online in an easy-to-find location.	<input checked="" type="checkbox"/> The fee schedule is available online in an easy-to-find location. <input checked="" type="checkbox"/> The fee schedule is reviewed annually and updated as needed.

Best Practice Three: Development Review *continued*

New

3.7 Payment Methods

Clearly identifying methods of payment reduces uncertainty. Communities that accept credit cards offer a highly sought after, modern option that adds flexibility.

CRITERIA: The community offers clear methods of payment.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The community clearly indicates on its website accepted method(s) of payment for development fees.	<input type="checkbox"/> The community clearly indicates on its website accepted method(s) of payment for development fees. <input type="checkbox"/> The community accepts credit card payment for development fees.

3.8 Access to Information

Having key information and forms available online (or organized into a guide) reduces the number of questions the point of contact will need to address and increases the likelihood of a successful development review experience from the beginning.

CRITERIA: The community makes development review information and forms readily available online.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
The community's website includes the following essential items: <ul style="list-style-type: none"><input type="checkbox"/> Zoning ordinance<input type="checkbox"/> Meeting information<input type="checkbox"/> Application(s) for site plan<input type="checkbox"/> Special land use, rezoning, variance<input type="checkbox"/> Zoning text amendment and zoning permits<input type="checkbox"/> Fee schedule<input type="checkbox"/> Conceptual meeting availability	The community has compiled a "Guide to Development," which includes the following: <ul style="list-style-type: none"><input checked="" type="checkbox"/> Relevant contact information<input checked="" type="checkbox"/> Relevant meeting schedules; flowcharts of development review processes<input type="checkbox"/> Conceptual meeting procedures<input type="checkbox"/> Relevant ordinances to review prior to application submission<input checked="" type="checkbox"/> Applications for all major development review processes (at least site plans, special land-uses, variances, and rezoning)<input checked="" type="checkbox"/> Explanation of approval authority for development review processes<input type="checkbox"/> Fee schedule<input type="checkbox"/> Special meeting procedures<input type="checkbox"/> Financial assistance tools<input type="checkbox"/> Design standards and other local guidelines<input checked="" type="checkbox"/> Information on building processes and contacts<input checked="" type="checkbox"/> The "Guide to Development" is available online.

Best Practice Three: Development Review *continued*

3.9 Project Tracking

Having a consistent tracking system keeps staff and applicants informed of a project's development review status. It also ensures continuity in the event of staff turnover or absences.

CRITERIA: The community has a method to track development projects.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
N/A	<input checked="" type="checkbox"/> The community uses a tracking mechanism for projects during the development process, from application to permit.

3.10 Continued Improvement

Collecting feedback and taking time to assess the strengths and challenges of the development review process helps a community keep its processes up to date through continuous improvement.

CRITERIA: The community solicits feedback and regularly reviews the development review experience.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
N/A	<input checked="" type="checkbox"/> The community obtains customer feedback on the development review experience and integrates changes where applicable. <input type="checkbox"/> The community assesses its development review process at least annually to identify potential changes.

Best Practice Four: Boards and Commissions

4.1 Recruitment Process

Having clear and accessible recruitment and appointment procedures reduces barriers to attracting candidates for boards and commissions.

CRITERIA: The community has a clear recruitment and appointment process.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> Board and commission applications are available online.	<input checked="" type="checkbox"/> Board and commission applications are available online. <input type="checkbox"/> The community has clearly documented the process for board and commission appointments online.

4.2 Expectations and Skill-sets

Providing clear expectations on what being a board member entails (and helpful background to have) helps candidates understand which board may best fit their experience and capacity.

CRITERIA: The community sets expectations for board and commission positions.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The community outlines expectations for board and commission positions.	<input checked="" type="checkbox"/> The community outlines expectations for board and commission positions. <input type="checkbox"/> The community identifies desired experience and background for board and commission positions.

4.3 Orientation

Ensuring recently elected or appointed officials have the information they need to perform their new duties makes the development review process more predictable.

CRITERIA: The community provides orientation material to all appointed and elected members of development-related boards and commissions.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The orientation materials include all relevant planning, zoning and development information.	<input checked="" type="checkbox"/> The orientation materials include all relevant planning, zoning and development information.

4.4 Bylaws

Bylaws are required under law for certain boards and commissions. They also provide predictability for board proceeds and therefore the development review experience.

CRITERIA: The community has bylaws for boards and commissions.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The community has adopted bylaws for boards and commissions which are required by law. <input type="checkbox"/> The bylaws are available online.	<input checked="" type="checkbox"/> The community has adopted bylaws for boards and commissions which are required by law. <input type="checkbox"/> The bylaws are available online. <i>New</i>

Best Practice Four: Boards and Commissions *continued*

4.5 Planning Commission Annual Report

All planning commissions in Michigan must issue an annual report as outlined in the MPEA. This is also a great opportunity to assess past activity and communicate with other boards.

CRITERIA: The community issues a planning commission annual report.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The planning commission prepares an annual report for the governing body.	<input checked="" type="checkbox"/> The planning commission prepares an annual report for the governing body.

4.6 Training Strategy *New*

Developing a training strategy identifies opportunities and encourages on-going training aligned with the community's goals, needs, and capacity.

CRITERIA: The community has a documented training strategy.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The strategy identifies training goals and expectations.	<input type="checkbox"/> The strategy identifies training goals and expectations.
<input type="checkbox"/> The strategy identifies funding sources.	<input type="checkbox"/> The strategy identifies funding sources.
<input type="checkbox"/> The strategy identifies how training participants share outcomes with other officials and staff.	<input type="checkbox"/> The strategy identifies how training participants share outcomes with other officials and staff.
<input type="checkbox"/> The strategy identifies how the community consistently encourages training.	<input type="checkbox"/> The strategy identifies how the community consistently encourages training.
<input type="checkbox"/> The strategy is reviewed every two years.	<input type="checkbox"/> The strategy is updated annually.

4.7 Joint Meetings

Joint meetings offer opportunity for direct collaboration between officials to ensure the community's board are rowing in the same direction.

CRITERIA: The community holds joint meetings with boards and commissions.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
N/A	<input checked="" type="checkbox"/> The community holds collaborative work sessions, meetings, trainings or other joint events at least annually.

Best Practice Five: Economic Development and Marketing

5.1 Economic Development Strategy

More than ever, communities and their partners must understand how to leverage their strengths and address their challenges in a competitive market for talent and investment. A local economic development strategy guides those efforts.

CRITERIA: The community has approved an economic development strategy.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
N/A	<ul style="list-style-type: none"><input checked="" type="checkbox"/> The economic development strategy identifies the economic opportunities and challenges of the community.<input checked="" type="checkbox"/> The strategy addresses activities related to key economic development initiatives including business and talent attraction/retention, education and infrastructure.<input type="checkbox"/> The economic development strategy defines specific goals, actions, timelines and responsible parties for implementation.<input type="checkbox"/> The economic development strategy coordinates with a regional economic development strategy.<input checked="" type="checkbox"/> The economic development strategy is accessible online.<input checked="" type="checkbox"/> Progress on the economic development strategy is reported annually to the governing body.

5.2 Incentives Policies

Having clear economic development incentive policies creates predictability and assists communities in making the most efficient use of limited local resources when supporting proposed development projects.

CRITERIA: The community has adopted policies to guide economic development incentives.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
N/A	<ul style="list-style-type: none"><input type="checkbox"/> The community has adopted and/or reviewed formal policies for key economic development incentives within the past five years.<input type="checkbox"/> The policies and corresponding application materials are available online.

Best Practice Five: Economic Development/Marketing *cont.*

5.3 Marketing Plan

Every community has a unique story to tell. A marketing plan coordinates how that story is told to help attract new residents, visitors, businesses, and development.

CRITERIA: The community has a documented marketing plan.

ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
N/A	<ul style="list-style-type: none"><input type="checkbox"/> The marketing plan conducts an inventory of existing assets, including visual, online, and physical resources.<input type="checkbox"/> The marketing plan defines specific goals, strategies and tactics to attract businesses and investment including audiences, messaging, and primary delivery methods.<input checked="" type="checkbox"/> The marketing plan identifies approaches to market priority development sites.<input checked="" type="checkbox"/> The marketing plan aligns marketing efforts with local, regional and state partners.<input type="checkbox"/> The marketing plan identifies core branding elements that provide a consistent community image including: tagline; simple logo(s); primary color palette; primary typefaces; and a collection of community photos.

POST CERTIFICATION APPENDIX

Best Practice Six: Redevelopment Ready Sites®

Best Practice 6 is intended to be a post-certification best practice. As such, communities are strongly encouraged to complete Best Practices 1–5 before attempting to complete this best practice. Communities who complete the other best practices are far more prepared to realize positive outcomes from this best practice and will receive direct support from the Redevelopment Service Team to implement this best practice for the community's priority sites. All RRC Certified communities are expected to

implement this best practice following certification.

The expectations are provided in this handbook in the interest of transparency, so communities know what to expect post-certification. This information also serves to support communities who may not be pursuing certification but would still like guidance on priority site redevelopment best practices. Communities on the path to Essentials level do not need to complete this best practice.

6.1 Prioritize Sites

CRITERIA: The community identifies and prioritizes redevelopment sites.

CERTIFIED EXPECTATIONS

- ☒ The community maintains an updated list of at least three priority sites.

6.2 Basic Information

CRITERIA: The community gathers basic information for at least three priority sites.

CERTIFIED EXPECTATIONS

Required information to include:

- | | |
|---|---|
| <input type="checkbox"/> Photo of the site and/or rendering | <input type="checkbox"/> Building size |
| <input checked="" type="checkbox"/> Desired development outcomes for the site | <input checked="" type="checkbox"/> State equalized value |
| <input checked="" type="checkbox"/> Owner contact information | <input type="checkbox"/> Utility contact information |
| <input checked="" type="checkbox"/> Community contact information | <input checked="" type="checkbox"/> Zoning |
| <input checked="" type="checkbox"/> Utilities on site: water, sewer, electricity, natural gas | <input checked="" type="checkbox"/> Lot size |
| <input type="checkbox"/> Wired broadband infrastructure: DSL, cable, fiber | |

6.3 Vision

CRITERIA: The community has development a vision for at least three priority sites.

CERTIFIED EXPECTATIONS

- ☐ The vision includes desired development outcomes.
- ☐ Community champions for redevelopment of the site are identified.
- ☐ High controversy redevelopment sites may require additional public engagement as identified in the public participation plan.
- ☐ The master plan and zoning ordinance have been reviewed for any updates needed to support the site vision.

POST CERTIFICATION APPENDIX

Best Practice Six: Redevelopment Ready Sites® *continued*

6.4 Potential Resources

CRITERIA: The community identifies potential resources and incentives for at least three priority sites.

CERTIFIED EXPECTATIONS

The community identifies negotiable development tools, financial incentives, and/or in-kind support, based on the project meeting the community's vision and desired development outcomes. Examples include:

- ☐ Density bonuses
- ☐ Local grants and loans
- ☐ Abatements
- ☐ Expedited approval process
- ☐ Waived fees
- ☐ State incentives

6.5 Property Information Package

CRITERIA: The community assembles a property information package for at least one priority site.

CERTIFIED EXPECTATIONS

The property information package includes all basic information, site vision, financial incentives and the following (as applicable):

- | | |
|---|--|
| <input type="checkbox"/> Deed restrictions | <input type="checkbox"/> Property tax assessment information |
| <input type="checkbox"/> Property survey | <input type="checkbox"/> Previous uses |
| <input type="checkbox"/> Known environmental and/or contamination conditions | <input type="checkbox"/> Existing conditions report |
| <input type="checkbox"/> Soil conditions | <input type="checkbox"/> Demographic data |
| <input type="checkbox"/> Planned infrastructure improvements (as identified in the CIP) | <input type="checkbox"/> Surrounding amenities |
| <input type="checkbox"/> GIS information including site location and street maps | <input type="checkbox"/> Natural features map |
| <input type="checkbox"/> Traffic studies | <input type="checkbox"/> Target market analysis |
| <input type="checkbox"/> Market feasibility studies | <input type="checkbox"/> Special zone/district status |

6.6 Marketing

CRITERIA: Prioritized redevelopment sites are actively marketed.

CERTIFIED EXPECTATIONS

- ☐ The sites and property information package(s) are marketing in accordance with the community's marketing strategy.



BOARD: City Council

MEETING DATE: March 15, 2021

PREPARED: March 11, 2021

AGENDA SUBJECT: Consideration to Approve a Resolution Opposing Proposed Federal Communications Commission Language Regarding 911 Fees

RECOMMENDATION: That City Council adopt the enclosed proposed resolution

Background The Charlevoix Cheboygan Emmet Central Dispatch Authority (CCE) is asking each local government entity within the three-county region to approve the enclosed resolution in opposition to proposed Federal Communications Commission (FCC) language regarding the use of surcharge fees. The FCC is soliciting comments on language that proposes to eliminate the utilization of funds for radio infrastructure, mobile radios, portable radios, pagers, automatic vehicle location (AVLs) systems, mobile data computers (MDCs) systems-all equipment critical to the 911 response service. This language also runs contrary with the Michigan Public Act 32 of 1986 which allows for the purchase of the aforementioned equipment.

While CCE officials agree with the intent of the proposed rules, the new language raises concerns for many 911 centers in Michigan. Michigan has a strong reputation for NOT diverting fees by maintaining an 'allowable/disallowable' list, coupled with periodic compliance reviews of counties by the state 911 office. However, there is a conflict between what the FCC defines as allowable use of 911 fees and the definitions used by agencies in the state of Michigan.

The Notice of Proposed Rulemaking (NPRM) appears to only identify costs in the 911 center as allowable. In contrast, the State of Michigan looks at the '911 ecosystem' to include radio systems, in car computer networks, and location services for first responders that are directly dispatched by the 911 center. These systems are critical in allowing information sharing between 911 and first responders.

Due to the potential impact this could have on CCE Central Dispatch as well as Charlevoix, Cheboygan and Emmet County and our user agencies, the CCE Executive Director recommends that each local jurisdiction pass resolutions that support local decision making and control over expenditures directly related to 911 to add to the comments being filed with the FCC on this NPRM. Several jurisdictions in Michigan that are using 911 surcharge fees to support their 911 ecosystem are also passing resolutions in opposition to the new language.

Enclosed is the "FCC Proposed Fee Diversion Notification" document. One item specifically noted is field equipment on page 10, #25. They note in the "11th Report" that the purchase or upgrade of public safety radio equipment was NOT considered 911 related. They are seeking comment on if this should be reexamined.

If passed by City Council, the resolution will be sent to CCE that will officially submit a package of all the resolutions from area counties, townships and cities.

Action Motion to approve and adopt the enclosed resolution regarding the City's opposition to new FCC language limiting the use of 911 fees.

rs
Enclosures



WHEREAS, the Federal Communications Commission ("FCC") is accepting comments in its plan to eliminate the diversion of 911 fees for items it deems not directly related to the 911 process; and

WHEREAS, Michigan Public Act 32 of 1986 provides for each local 911 district to utilize 911 fees within certain limitations that are determined by the State and regularly audited for compliance with the limitations; and

WHEREAS, under Michigan law, allowable uses include radio systems, paging systems, pagers, automatic vehicle location (AVL) systems, and mobile data computers (MDCs); and

WHEREAS, FCC proposed rules impinge upon Michigan's ability to determine the definition of allowable costs for 911 fees; and

WHEREAS, FCC proposed rules would eliminate the utilization of funds for radio infrastructure, mobile radios, portable radios, pagers, AVL systems and MDCs, critical to dispatching the 911 response; and

WHEREAS, the City of Petoskey believes a broader use and interpretation of the phrase "directly related to the 911 process" should be adopted to include the entire 911 dispatching communication process; and

WHEREAS, the City of Petoskey believes that local decision making and local control regarding the utilization of 911 fees is paramount:

NOW, THEREFORE BE IT RESOLVED, that the City of Petoskey supports a broader use and interpretation of the phrase "directly related to the 911 process" and supports local decision making and local control regarding the utilization of 911 fees.

I, Alan Terry, Clerk of the City of Petoskey, do hereby certify that the foregoing is a true copy of a resolution adopted by the City of Petoskey City Council in regular session assembled on the 15th day of March, 2021, and of the whole thereof.

In witness where of, I have here unto set my hand and affirmed the corporate seal of said City this ____ day of March, 2021.

Alan Terry, City Clerk

FCC FACT SHEET*

911 Fee Diversion; New and Emerging Technologies 911 Improvement Act of 2008

Notice of Proposed Rulemaking - PS Docket Nos. 20-291 and 09-14

Background:

Each year people in urgent need of assistance place over 200 million emergency calls to 911 call centers in the United States. Funding for the 911 system is provided in part by dedicated 911 fees established by each state and territory that appear as charges on customer bills for wireless, wireline, and other communications services. Despite the critical importance of 911 service, the Commission's annual reports to Congress on 911 fees show that some states divert a portion of the fees collected for 911 to other purposes.

On December 27, 2020, new federal legislation (the Don't Break Up the T-Band Act of 2020) was signed into law that requires the Commission to take action to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. In particular, section 902 of the new legislation directs the Commission to issue final rules within 180 days defining what uses of 911 fees by states and taxing jurisdictions constitute 911 fee diversion. The Notice of Proposed Rulemaking seeks comment on proposed rules to implement these provisions.

What the Notice of Proposed Rulemaking Would Do:

- Propose rules that would define the types of expenditures of 911 fees by states and taxing jurisdictions that are acceptable under the criteria established in section 902 and the types of expenditures that constitute 911 fee diversion.
- Propose rules that would allow states and taxing jurisdictions to petition the Commission for a determination that expenditures of 911 fees not previously designated as acceptable by the Commission should be treated as acceptable under section 902.
- Propose a rule providing that any state or taxing jurisdiction identified as a 911 fee diverter in the Commission's annual 911 fee report to Congress would be ineligible to serve on any committee, panel, or council established to advise the First Responder Network Authority (FirstNet) or any advisory committee established by the Commission.
- Propose a rule providing that if a state or taxing jurisdiction receives a federal 911 grant, as a condition of the grant it must provide information that the Commission requires in order to prepare the annual 911 fee report to Congress.

* This document is being released as part of a "permit-but-disclose" proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in PS Docket Nos. 20-291 and 09-14, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs/>). Before filing, participants should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. See 47 CFR § 1.1200 *et seq.*

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
911 Fee Diversion)	PS Docket No. 20-291
)	
New and Emerging Technologies 911)	PS Docket No. 09-14
Improvement Act of 2008)	

NOTICE OF PROPOSED RULEMAKING*

Adopted: []

Released: []

Comment Date: (20 days after date of publication in the Federal Register)

Reply Comment Date: (30 days after date of publication in the Federal Register)

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I. INTRODUCTION

1. On December 27, 2020, the President signed the Don't Break Up the T-Band Act of 2020 as part of the Consolidated Appropriations Act, 2021.¹ Section 902 of the new legislation requires the

* This document has been circulated for tentative consideration by the Commission at its February open meeting. The issues referenced in this document and the Commission's ultimate resolutions of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Acting Chairwoman has determined that, in the interest of promoting the public's ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The Commission's *ex parte* rules apply and presentations are subject to "permit-but-disclose" *ex parte* rules. See, e.g., 47 CFR §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. See 47 CFR §§ 1.1200(a), 1.1203.

Commission to take action to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. In particular, it directs the Commission to issue final rules, not later than 180 days after the date of enactment of section 902, designating the uses of 911 fees by states and taxing jurisdictions that constitute 911 fee diversion for purposes of 47 U.S.C. § 615a-1, as amended by section 902.² In this Notice of Proposed Rulemaking, we propose measures to implement section 902. We seek comment on these measures, which are designed to identify those uses of 911 fees by states and other jurisdictions that support the provision of 911 services.³

II. BACKGROUND

2. Congress has had a longstanding concern about the practice by some states and local jurisdictions of diverting 911 fees for non-911 purposes. In the ENHANCE 911 Act of 2004, Congress required states and local jurisdictions receiving federal 911 grants to certify that they were not diverting 911 funds.⁴ In the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act), Congress enacted additional measures to limit 911 fee diversion, codified in 47 U.S.C. § 615a-1 (section 615a-1).⁵ Specifically, section 615a-1(f)(1) provided that nothing in the NET 911 Act, the Communications Act of 1934,⁶ or any Commission regulation or order “shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation . . . for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge.”⁷

3. The NET 911 Act also required the Commission to begin reporting annually on the status in each state of the collection and distribution of fees for the support or implementation of 911 or E911 services, including findings on the amount of revenues obligated or expended by each state “for any purpose other than the purpose for which any such fees or charges are specified.”⁸ Pursuant to this provision, the Commission has reported annually to Congress on 911 fee diversion every year since

(Continued from previous page)

¹ Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Division FF, Title IX, Section 902, Don’t Break Up the T-Band Act of 2020 (section 902).

² Section 902(c)(1)(C).

³ Comments on this Notice of Proposed Rulemaking are due within 20 days after publication of a summary of the document in the Federal Register, and reply comments are due within 30 days after such publication in the Federal Register. The Commission considers this time period necessary given the 180-day statutory deadline for its rulemaking and given the scope of the issues raised.

⁴ Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004, Pub. L. No. 108-494, 118 Stat. 3986 (relevant grant provisions codified as amended at 47 U.S.C. § 942) (*ENHANCE 911 Act*). Congress provided another round of 911 grant funding, with similar non-diversion requirements, in the NG911 Act. Next Generation 9-1-1 Advancement Act of 2012 (Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, Title VI, Subtitle E), 126 Stat. 237 (relevant grant provisions codified at 47 U.S.C. § 942) (*NG911 Act*).

⁵ New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 122 Stat. 2620 (*NET 911 Act*). The NET 911 Act enacted 47 U.S.C. § 615a-1 and also amended 47 U.S.C. §§ 222, 615a, 615b, and 942. See 47 U.S.C. § 615a-1 Editorial Notes.

⁶ 47 U.S.C. § 151 *et seq.*

⁷ 47 U.S.C. § 615a-1(f)(1). Under the NET 911 Act, the Commission’s annual 911 fee report covers states, as well as U.S. territories and the District of Columbia. See 47 U.S.C. § 615b(2).

⁸ 47 U.S.C. § 615a-1(f)(2).

2009.⁹ All 12 of the annual reports issued to date have identified some states that have diverted 911 fees to other uses.¹⁰

4. In October 2020, the Commission released a Notice of Inquiry seeking comment on the effects of fee diversion and the most effective ways to dissuade states and jurisdictions from continuing or instituting the diversion of 911/E911 fees.¹¹ Noting that publicly identifying diverting states in the Commission's annual reports has helped discourage the practice but had not eliminated fee diversion, the Commission sought comment on whether it could take other steps to discourage fee diversion, such as conditioning state and local eligibility for FCC licenses, programs, or other benefits on the absence of fee diversion.¹² The Commission received eight comments and seven reply comments in response to the Notice of Inquiry.¹³

5. The newly enacted section 902 requires the Commission to take additional action with respect to 911 fee diversion. Specifically, section 902(c)(1)(C) adds a new paragraph (3)(A) to section 615a-1(f) that directs the Commission to adopt rules "designating purposes and functions for which the obligation or expenditure of 9-1-1 fees or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable" for purposes of section 902 and the Commission's rules.¹⁴ The newly added section 615a-1(f)(3)(B) states that these purposes and functions shall be limited to "the support and implementation of 9-1-1 services" provided by or in the state or taxing jurisdiction imposing the fee or charge, and "operational expenses of public safety answering points" within such state or taxing jurisdiction.¹⁵ The new section also states that, in designating such purposes and functions, the Commission shall consider the purposes and functions that states and taxing jurisdictions specify as the intended purposes and functions for their 911 fees or charges, and "determine whether such purposes and functions directly support providing 9-1-1 services."¹⁶

6. Section 902 also amends section 615a-1(f)(1) to provide that the rules adopted by the Commission for these purposes will apply to states and taxing jurisdictions that impose 911 fees or

⁹ The Chairman of the Federal Communications Commission submits the annual report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, as mandated by the NET 911 Act and as prepared by the staff in the Public Safety and Homeland Security Bureau. See 47 U.S.C. § 155(a) (stating, inter alia, that "[i]t shall be [the Chairman's] duty ... to represent the Commission in all matters relating to legislation and legislative reports"). These annual reports can be viewed at <https://www.fcc.gov/general/911-fee-reports>.

¹⁰ The Twelfth Report found that five states diverted more than \$200 million in 911 fees or surcharges for non-911 purposes in 2019, or 6.6% of all fees collected. Federal Communications Commission (FCC), Twelfth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges at 49-50, para. 27, Table 16 (2020) (Twelfth Report), <https://www.fcc.gov/files/12thannual911feereport2020pdf>. Following release of the Twelfth Report, the Bureau sought "comment on the Twelfth Report and how it should impact the Commission's ongoing proceeding to end the practice of 911 fee diversion by states and localities." *Public Safety and Homeland Security Bureau Seeks Comment on Twelfth Annual Report to Congress on 911 Fee Diversion in Light of Ongoing Proceeding to Deter Such Practices*, PS Docket Nos. 20-291 and 09-14, Public Notice, 35 FCC Rcd 14144 (PSHSB 2020), <https://www.fcc.gov/document/pshsb-seeks-comment-twelfth-annual-report-911-and-e911-fees>.

¹¹ *911 Fee Diversion; New and Emerging Technologies 911 Improvement Act of 2008*, PS Docket Nos. 20-291 and 09-14, Notice of Inquiry, 35 FCC Rcd 11010, 11010, para. 1 (2020) (*Fee Diversion NOI*).

¹² *Fee Diversion NOI*, 35 FCC Rcd at 11011, 11016, paras. 5, 16.

¹³ These filings can be viewed in the FCC's electronic comment filing system (ECFS) at <https://www.fcc.gov/ecfs/>, under PS Docket Nos. 20-291 and 09-14.

¹⁴ 47 U.S.C. § 615a-1(f)(3)(A) (as amended).

¹⁵ 47 U.S.C. § 615a-1(f)(3)(B) (as amended); Section 902(c)(1)(C).

¹⁶ 47 U.S.C. § 615a-1(f)(3)(B) (as amended); Section 902(c)(1)(C).

charges. Whereas the prior version of section 615a-1(f)(1) referred to fees or charges “obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge,”¹⁷ the amended version reads as follows:

Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, *consistent with the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable.*¹⁸

7. In addition, section 902(c) establishes a process for states and taxing jurisdictions to seek a determination that a proposed use of 911 fees should be treated as having such an acceptable purpose or function even if it is for a purpose or function that has not been designated as such in the Commission’s rules.¹⁹ Specifically, newly added section 615a-1(f)(5) provides that a state or taxing jurisdiction may submit to the Commission a petition for a determination that an obligation or expenditure of a 911 fee or charge “for a purpose or function other than a purpose or function designated under [section 615a-1(f)(3)(A)] should be treated as such a purpose or function,” i.e., as acceptable for purposes of this provision and the Commission’s rules.²⁰ The new section 615a-1(f)(5) provides that the Commission shall grant the petition if the state or taxing jurisdiction provides sufficient documentation that the purpose or function “(i) supports public safety answering point functions or operations,” or “(ii) has a direct impact on the ability of a public safety answering point to . . . (I) receive or respond to 9-1-1 calls; or (II) dispatch emergency responders.”²¹

8. Section 902(d) requires the Commission to create an “interagency strike force” to study “how the Federal Government can most expeditiously end diversion” by states and taxing jurisdictions and to report to Congress on its findings within 270 days of the statute’s enactment.²² It further provides that if the Commission obtains evidence that “suggests the diversion by a State or taxing jurisdiction of 9-1-1 fees or charges,” the Commission shall submit such information to the strike force.²³ In addition, Section 902(c)(1)(C) provides that if a state or taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. § 942) after the date of the enactment of the new legislation, “such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the [annual report

¹⁷ 47 U.S.C. § 615a-1(f)(1) (prior version).

¹⁸ 47 U.S.C. § 615a-1(f)(1) (as amended) (emphasis added); Section 902(c)(1)(A).

¹⁹ 47 U.S.C. § 615a-1(f)(5) (as amended); Section 902(c)(1)(C).

²⁰ *Id.*

²¹ 47 U.S.C. § 615a-1(f)(5) (as amended); Section 902(c)(1)(C).

²² Section 902(d)(3).

²³ Section 902(d)(1). In addition, Section 902(d)(2) provides that, beginning with the first annual fee report “that is required to be submitted after the date that is 1 year after the date of the enactment of this Act,” the Commission shall include in each report “all evidence that suggests the diversion by a State or taxing jurisdiction of 9-1-1 fees or charges, including any information regarding the impact of any underfunding of 9-1-1 services in the State or taxing jurisdiction.”

to Congress on 911 fees].”²⁴ Finally, section 902(d)(4) prohibits any state or taxing jurisdiction identified as a fee diverter in the Commission’s annual report from participating or sending a representative to serve on any committee, panel, or council established to advise the First Responder Network Authority (FirstNet) under 47 U.S.C. § 1425(a) or any advisory committee established by the Commission.²⁵

9. Section 902 does not impose any requirement on states or taxing jurisdictions to impose any fee in connection with the provision of 911 service. As revised, the proviso to Section 615a-1 states that nothing in the Act or the Commission’s rules “shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services” specifically designated by the taxing jurisdiction “for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, consistent with the purposes and functions designated in [the Commission’s forthcoming rules] as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable.”²⁶

III. DISCUSSION

10. With this Notice of Proposed Rulemaking, we propose rules to implement the provisions of section 902 that require Commission action. Specifically, we propose to amend part 9 of our rules to establish a new subpart I that would address 911 fees and fee diversion in accordance with and for the purposes of the statute. Accordingly, we propose to (1) adopt rules that clarify what does and does not constitute the kind of diversion of 911 fees that has concerned Congress (and the Commission), (2) establish a declaratory ruling process for providing further guidance to states and taxing jurisdictions on fee diversion issues, and (3) codify the specific restrictions that section 902 imposes on states and taxing jurisdictions that engage in diversion as defined by our rules (i.e., a reporting requirement upon which eligibility for NTIA grants are to be conditioned, and the exclusion from eligibility to participate on certain committees, panels, councils, and Commission advisory commissions). We tentatively conclude that these proposed changes to part 9 would further Congress’s stated objectives in section 902 in a cost-effective manner that is not unduly burdensome to providers of emergency telecommunications services or to state and taxing jurisdictions. We seek comment on this tentative conclusion and on the proposed changes we set forth below.

A. Definitions and Applicability

11. As a preliminary matter, we note that section 902 defines certain terms relating to 911 fees and fee diversion. To promote consistency, we propose to codify these definitions in our rules with certain modifications, as described below. We seek comment on these proposed definitions.

12. *911 fee or charge.* Section 902 defines “9-1-1 fee or charge” as “a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State or taxing jurisdiction for the support or implementation of 9-1-1 services.”²⁷ We propose to codify this definition in our rules. However, we note that the statutory definition in section 902 does not address services that may be subject to 911 fees other than Commercial Mobile Radio Services (CMRS) and IP-enabled voice services. The reason for this omission is unclear. For example, virtually all states impose 911 fees on wireline telephone services and have provided information on such fees for inclusion in the Commission’s annual fee reports. In addition, as 911 expands beyond voice to include text and other non-voice applications, states could choose to extend 911 fees to such services in the future.²⁸

²⁴ 47 U.S.C. § 615a-1(f)(4) (as amended); Section 902(c)(1)(C).

²⁵ Section 902(d)(4).

²⁶ 47 U.S.C. § 615a-1(f)(1) (as amended); Section 902(c)(1)(A).

²⁷ 47 U.S.C. § 615a-1(f)(3)(d) (as amended); Section 902(c)(1)(C), (f)(1).

²⁸ For example, the Commission has extended 911 obligations to providers of text messaging services. *See Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*, PS Docket Nos. 10-255

(continued....)

13. To promote regulatory parity and avoid gaps that could inadvertently frustrate the rapid deployment of effective 911 services, including advanced Next Generation 911 (NG911) services, we propose to define “911 fee or charge” in our rules to include fees or charges applicable to “other emergency communications services” as defined in section 201(b) of the NET 911 Act. Under the NET 911 Act, the term “other emergency communications service” means “the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 service.”²⁹ The proposed modification will make clear that the rules in subpart I extend to all communications services regulated by the Commission that provide emergency communications, including wireline services, and not just to commercial mobile services and IP-enabled voice services.

14. We tentatively conclude that adoption of this proposed expanded definition of “911 fee or charge” is reasonably ancillary to the Commission’s effective performance of its statutorily mandated responsibilities under section 902 and other federal 911-related statutes that, taken together, establish an overarching federal interest in ensuring the effectiveness of the 911 system.³⁰ The Commission’s general jurisdictional grant includes the responsibility to set up and maintain a comprehensive and effective 911 system, encompassing a variety of communication services in addition to CMRS and IP-enabled voice services. Section 251(e)(3) of the Communications Act of 1934, which directs the Commission to designate 911 as the universal emergency telephone number, states that the designation of 911 “shall apply to both wireline and wireless telephone service,” which evidences Congress’s intent to grant the Commission broad authority over different types of communications services in the 911 context.³¹ Similarly, RAY BAUM’S Act directed the Commission to consider adopting rules to ensure that dispatchable location is conveyed with 911 calls “regardless of the technological platform used.”³² In addition, section 615a-1(e)(2) provides that the Commission “shall enforce this section as if this section was a part of the Communications Act of 1934 [47 U.S.C. 151 et seq.]” and that “[f]or purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.”³³

(Continued from previous page)

and 11-153, Report and Order, 28 FCC Rcd 7556 (2013) (*Bounce-Back Report and Order*) (requiring covered text providers to provide consumers attempting to send a text to 911 with an automatic bounce-back message when the service is unavailable); *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, PS Docket Nos. 11-153 and 10-255, Second Report and Order and Third Further Notice of Proposed Rulemaking, 29 FCC Rcd 9846 (2014) (*Text-to-911 Second Report and Order*) (requiring covered text providers to implement text-to-911 service no later than June 30, 2015 or six months from the date of a PSAP’s request, whichever is later). Further, in RAY BAUM’S Act, which directed the Commission to consider adopting rules to ensure that dispatchable location is conveyed with 911 calls, Congress specifically defined the term “9-1-1 call” to include a voice call “or a message that is sent by other means of communication.” See Section 506 of the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (*RAY BAUM’S Act*), Pub. L. No. 115-141, 132 Stat. 348, 1095 (codified at 47 U.S.C. § 615 note).

²⁹ 47 U.S.C. § 615b(8).

³⁰ See, e.g., *Comcast Corp. v. FCC*, 600 F.3d 642, 646-47 (D.C. Cir. 2010).

³¹ 47 U.S.C. § 251(e)(3). Section 251(e)(3) was added as part of the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (1999) (911 Act), which established 911 as the national emergency number and required the Commission to provide for appropriate transition periods for areas in which 911 was not in use. Congress broadly stated the purpose of the 911 Act as “to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation’s public safety and other communications needs.” 911 Act § 2(b), codified at 47 U.S.C. § 615 note.

³² See *RAY BAUM’S Act*.

³³ 47 U.S.C. § 615a-1(e)(2).

15. Based on the foregoing, we tentatively conclude that including “other emergency communications services” within the scope of the definition of 911 fees we propose is also reasonably ancillary to the Commission’s effective performance of its statutorily mandated responsibilities for ensuring that the 911 system, including 911, E911, and NG911 calls and texts from any type of service, is available, that these 911 services function effectively, and that 911 fee diversion by states and other jurisdictions does not detract from these critical, statutorily recognized purposes.³⁴ Diverting fees collected for 911 service of any type, whether it be wireline, wireless, IP based, or text, undermines the purpose of these federal statutes by depriving the 911 system of the funds it needs to function effectively and to modernize 911 operations.³⁵ We seek comment on this tentative conclusion and on the extent to which our proposed rules would strengthen the effectiveness of a nationwide 911 service.

16. In addition, we seek comment on extending the definition of “911 fee or charge” to include fees or charges designated for the support of “public safety,” “emergency services,” or similar purposes if the purposes or allowable uses of such fees or charges include the support or implementation of 911 services.³⁶ This would be consistent with the approach taken in the agency’s annual fee reports, which found that the mere labelling of a fee is not dispositive and that one must examine the underlying purpose of the fee to determine whether it is (or includes) a 911 fee within the meaning of the NET 911

³⁴ See, e.g., 47 U.S.C. § 151 *et seq.*; 47 U.S.C. § 601; *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996); 911 Act § 3(a), and as codified at 47 U.S.C. §§ 222, 251, 615, 615a, 615b; 47 CFR § 64.3000 *et seq.*, renumbered as 47 CFR § 9.4 *et seq.*; 47 CFR § 20.18, renumbered as 47 CFR § 9.10; 47 CFR § 9.1 *et seq.*, renumbered as 47 CFR § 9.11 *et seq.*; *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36 and 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (2005); *Nuvio Corp. v. FCC*, 473 F.3d 302, 312 (D.C. Cir. 2007) (Kavanaugh, J., concurring); NET 911 Act, as codified at §§ 222, 615a, 615a-1, 615b, 942; CVAA § 106, as codified in part at 47 U.S.C. § 615c(a), (g); *Bounce-Back Report and Order; Text-to-911 Second Report and Order; NG911 Act* §§ 6503-6509, and as codified at 47 U.S.C. §§ 942, 1471-1473; Kari’s Law Act of 2017, Pub. L. No. 115-127, 132 Stat. 326 (2018), codified at 47 U.S.C. § 623; *RAY BAUM’S Act*, codified at 47 U.S.C. § 615 note; *Implementing Kari’s Law and Section 506 of RAY BAUM’S Act; 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules*, PS Docket Nos. 18-261 and 17-239, GN Docket No. 11-117, Report and Order, 34 FCC Rcd 6607 (2019), *corrected by* Erratum, 34 FCC Rcd 11073 (PSHSB Dec. 2, 2019).

³⁵ The 2016 report of the Task Force on Optimal PSAP Architecture (TFOPA) recounted how fee diversion practices have “delayed plans in several states to meet the deployment schedule for the transition to an NG9-1-1 system.” See TFOPA Report at 153-154; *see generally* Legal and Regulatory Framework for Next Generation 911 Services, Report and Recommendations, at Sec. 4.1.4 (2013) (Report to Congress Pursuant to the Next Generation 911 Advancement Act of 2012 (Pub. L. No. 112-96 (2012))), https://www.911.gov/pdf/FCC_Report_Legal_Regulatory_Framework_NG911_Services_2013.pdf. Other commenters have noted instances of fee diversion resulting in the delay of 911 improvements. See New Jersey Wireless Association Reply Comments, PS Docket No. 09-14, at 2 (rec. Feb. 12, 2019) (noting that instead of upgrading to NG911 technology, New Jersey is maintaining a 911 selective router system that is “past its useful life and is now costing more to maintain from previous years, due to its obsolescence”); Letter from Matthew Grogan, 1st Vice President, Nevada APCO at 1 (Feb. 15, 2019) (noting that Nevada 911 funds have been used to purchase police body cameras at a time when “several counties and jurisdictions ... are still not equipped with enhanced 9-1-1 services”), https://www.leg.state.nv.us/App/NELIS/REL/80th2019/ExhibitDocument/OpenExhibitDocument?exhibitId=36516&fileDownloadName=SB%2025_Testimony%20in%20Opposition_Matthew%20Grogan%20Nevada%20Fee%20Diverison.pdf.

³⁶ We also propose a safe harbor in the rules providing that the obligation or expenditure of such fees or charges will not constitute diversion so long as the state or taxing jurisdiction: (1) specifies the amount or percentage of such fees or charges that is dedicated to 911 services; (2) ensures that the 911 portion of such fees or charges is segregated and not commingled with any other funds; and (3) obligates or expends the 911 portion of such fees or charges for acceptable purposes and functions as defined under this section. See *infra* para. 28.

Act.³⁷ We seek comment on these conclusions.

17. We propose that for purposes of implementing section 902, our definition of “911 fee or charge” should similarly extend to fees or charges that are expressly identified by the state or taxing jurisdiction as supporting 911, even if the fee is not labelled as a 911 fee. We tentatively conclude that this is consistent with the purpose of section 902 with respect to diversion of 911 fees and charges.³⁸ We seek comment on this proposal. Does the proposed definition of 911 fees or charges capture the universe of 911 fees or charges that can be diverted? Is the definition overinclusive or underinclusive? Are there other modifications to the definition that would help to prevent 911 fee diversion?

18. *Diversion.* Section 902(f) defines “diversion” as follows:

The term “diversion” means, with respect to a 9-1-1 fee or charge, the obligation or expenditure of such fee or charge for a purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act, as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable.³⁹

We propose to codify this definition, with minor changes to streamline it. Specifically, we propose to define diversion as “[t]he obligation or expenditure of a 911 fee or charge for a purpose or function other than the purposes and functions designated by the Commission as acceptable pursuant to [the applicable rule section in subpart I].”⁴⁰ In addition, we propose to clarify that diversion also includes distribution of 911 fees to a political subdivision that obligates or expends such fees for a purpose or function other than those designated by the Commission. We believe this provision will clarify that states and taxing jurisdictions are also responsible for diversion of 911 fees by political subdivisions, such as counties, that may receive 911 fees. We seek comment on these proposals.

19. *State or taxing jurisdiction.* Section 902 defines a state or taxing jurisdiction as “a State, political subdivision thereof, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).”⁴¹ We propose to codify this definition in our rules. We note that the existing language in section 615a-1 directs the Commission to submit an annual report to Congress on the use of 911 fees by “each State or political subdivision thereof,” and section 902 does not revise this language. We also note that section 902 does not alter the definition of “State” in the existing legislation. Under section 615b, the term “State” means “any of the several States, the District of Columbia, or any territory or possession of the United States.”⁴² Accordingly, provisions in subpart I that apply to any “State or taxing jurisdiction” would apply to the District of Columbia and any United States territory or possession as well. To clarify this and to assist users of the regulations, we propose to add the definition of State to subpart I.

20. Regarding the scope of proposed subpart I, we propose that the rules apply to states or taxing jurisdictions that collect 911 fees or charges (as defined in that subpart) from commercial mobile

³⁷ E.g., Twelfth Report at 51-52, para. 31 (“We do not agree that a fee or charge must be exclusively designated for 911 or E911 purposes in order to constitute a fee or charge ‘for the support or implementation of 9-1-1 or enhanced 9-1-1 services’ under section 6(f)(1) of the NET 911 Act.”); see also Eleventh Report at 43, para. 34.

³⁸ See, e.g., Section 902(c), codified at 47 U.S.C. § 615a-1(f)(3)(A).

³⁹ Section 902(f)(4).

⁴⁰ As proposed for the new Subpart I, “[a]cceptable purposes and functions for the obligation or expenditure of 911 fees or charges are limited to: (1) Support and implementation of 911 services provided by or in the State or taxing jurisdiction imposing the fee or charge; and (2) Operational expenses of public safety answering points within such State or taxing jurisdiction.”

⁴¹ 47 U.S.C. § 615a-1(f)(3)(d) (as amended); Section 902(c)(1)(C), (f)(5).

⁴² 47 U.S.C. § 615b(2).

services, IP-enabled voice services, and other emergency communications services. And as the proposed definitions make clear, such fees or charges would include fees or charges designated for the support of public safety, emergency services, or similar purposes if the purposes or allowable uses of such fees or charges include the support or implementation of 911 services. We seek comment on these proposals.

B. Designation of Obligations or Expenditures Acceptable for Purposes of Section 902

21. Section 902 requires the Commission to issue rules “designating purposes and functions for which the obligation or expenditure of 9-1-1 fees or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable” for purposes of the statute.⁴³ In addition, section 902 provides that the purposes and functions designated as acceptable for such purposes “shall be limited to the support and implementation of 9-1-1 services provided by or in the State or taxing jurisdiction imposing the fee or charge and operational expenses of public safety answering points within such State or taxing jurisdiction.”⁴⁴ Section 902 also provides that the Commission shall consider the purposes and functions that states and taxing jurisdictions specify as their intended purposes and “determine whether such purposes and functions directly support providing 9-1-1 services.”⁴⁵ Moreover, Section 902 provides states and taxing authorities with the right to file a petition with the Commission for a determination that an obligation or expenditure of a 911 fee or charge that is imposed for a purpose or function other than those designated as acceptable for purposes of the statute in the Commission rules should nevertheless be treated as having an acceptable purpose or function for such purposes.⁴⁶

22. We propose to codify the statutory standard for acceptable purposes and functions for the obligation or expenditure of 911 fees or charges by providing that acceptable purposes and functions for purposes of the statute are limited to (1) support and implementation of 911 services provided by or in the state or taxing jurisdiction imposing the fee or charge, and (2) operational expenses of PSAPs within such state or taxing jurisdiction. This proposed language tracks the language in section 902.⁴⁷ In addition, we propose to specify in the rules that examples of such acceptable purposes and functions include, but are not limited to, the following, provided that the state or taxing jurisdiction can adequately document that it has obligated or spent the fees or charges in question for these purposes and functions:

- (1) PSAP operating costs, including lease, purchase, maintenance, and upgrade of customer premises equipment (CPE) (hardware and software), computer aided dispatch (CAD) equipment (hardware and software), and the PSAP building/facility;
- (2) PSAP personnel costs, including telecommunicators’ salaries and training;
- (3) PSAP administration, including costs for administration of 911 services and travel expenses associated with the provision of 911 services;
- (4) Integrating public safety/first responder dispatch and 911 systems, including lease, purchase, maintenance, and upgrade of CAD hardware and software to support integrated 911 and public safety dispatch operations; and

⁴³ 47 U.S.C. § 615a-1(f)(3)(A).

⁴⁴ 47 U.S.C. § 615a-1(f)(3)(B).

⁴⁵ 47 U.S.C. § 615a-1(f)(3)(B).

⁴⁶ 47 U.S.C. § 615a-1(f)(5). Such a petition must be granted if the Commission finds that the State or taxing jurisdiction has provided sufficient documentation to demonstrate that the purpose or function in question supports PSAP functions or operations, or that the purpose or function has a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders. *Id.*

⁴⁷ See 47 U.S.C. § 615a-1(f)(3)(B) (as amended); Section 902(c)(1)(C) (stating that “[t]he purposes and functions designated [by the Commission] shall be limited to the support and implementation of 9-1-1 services provided by or in the State or taxing jurisdiction imposing the fee or charge and operational expenses of public safety answering points within such State or taxing jurisdiction”).

- (5) Providing for the interoperability of 911 systems with one another and with public safety/first responder radio systems.

23. We believe these purposes and functions are consistent with the general standard for designating acceptable uses of 911 fees and charges set out in section 902. They also are consistent with the Commission's past analysis of 911 fee diversion in its annual fee reports, and, as required under section 902, they reflect the Commission's consideration of the purposes and functions that states have specified for their 911 fees and charges. In particular, the Commission has stated in its annual fee reports that the requisite nexus to 911 includes expenditures that (1) support PSAP functions or operations, (2) have a reasonable nexus to PSAPs' ability to receive 911 calls and/or dispatch emergency responders, or (3) relate to communications infrastructure that connects PSAPs (or otherwise ensures the reliable reception and processing of emergency calls and their dispatch to first responders).⁴⁸ In addition, the Commission has stated that expenses associated with integrating public safety dispatch and 911 systems (e.g., purchase of CAD hardware and software to support integrated 911 and dispatch operations) may be 911 related, provided the state or other jurisdiction can document a connection to 911.⁴⁹ We seek comment on our proposed inclusion of these examples of acceptable purposes and functions and any additional examples that should be specified in the rules.

24. We also seek comment on specifying certain examples of purposes and functions that are *not* acceptable for the obligation or expenditure of 911 fees or charges for purposes of the statute. These would include, but are not limited to:

- (1) Transfer of 911 fees into a state or other jurisdiction's general fund or other fund for non-911 purposes;
- (2) Equipment or infrastructure for constructing or expanding non-public safety communications networks (e.g., commercial cellular networks); and
- (3) Equipment or infrastructure for law enforcement, firefighters, and other public safety/first responder entities, including public safety radio equipment and infrastructure, that does not have a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders.

25. Identifying these examples as unacceptable expenditures for purposes of the statute is consistent with the manner in which such expenditures were analyzed in our annual 911 fee reports. For example, the fee reports have repeatedly found that transferring 911 fees to the state's general fund or using 911 fees for the expansion of commercial cellular networks constitutes fee diversion.⁵⁰ The fee reports also have found that expenditures to support public safety radio systems, including maintenance, upgrades, and new system acquisitions, are not 911 related.⁵¹ The Eleventh Report explained that the purchase or upgrade of public safety radio equipment was not considered to be 911 related because "radio networks used by first responders are technically and operationally distinct from the 911 call-handling

⁴⁸ See Tenth Report at 49, para. 40. Under this analysis, funding for 911 dispatcher salaries and training would have a sufficient nexus to 911, but equipment and infrastructure for law enforcement, firefighters, and other first responders generally would not. See also Eleventh Report at 74, para. 59 ("CTIA supports the Commission in requiring documentation sufficient to demonstrate that the expenditures (1) support PSAP functions or operations, (2) have a reasonable nexus to PSAPs' ability to receive 9-1-1 calls and/or dispatch emergency responders, or (3) relate to communications infrastructure that connects PSAPs.").

⁴⁹ See Twelfth Report at 48-49, para. 26; Eleventh Report at 39, para. 26; Tenth Report at 42, para. 26.

⁵⁰ E.g., Twelfth Report at 52-54, paras. 32, 35, 37; Eleventh Report at 40, 42-43, paras. 28, 32, 35; Tenth Report at 43-44, 46-47, paras. 30, 32, 35, 37.

⁵¹ See Twelfth Report at 48-49, para. 26; Eleventh Report at 39, para. 26; Tenth Report at 42, para. 26.

system.”⁵² We seek comment on whether we should reexamine any of these prior findings in light of the impact of the coronavirus pandemic on public safety and emergency communications services, if any.

26. Our proposed designation of acceptable purposes and functions for purposes of the statute is also consistent with the legislative history of the NET 911 Act. In its report on H.R. 3403 (the bill that was enacted as the NET 911 Act), the House Committee on Energy and Commerce noted that several states were known to be using 911 fees for “purposes other than 911 or emergency communications services.”⁵³ The Report also noted that under section 6(f) of the proposed legislation, “[s]tates and their political subdivisions should use 911 or E-911 fees only for direct improvements to the 911 system. Such improvements could include improving the technical and operational aspects of PSAPs; establishing connections between PSAPs and other public safety operations, such as a poison control center; or implementing the migration of PSAPs to an IP-enabled emergency network.”⁵⁴ Further, “[t]his provision is not intended to allow 911 or E-911 fees to be used for other public safety activities that, although potentially worthwhile, are not directly tied to the operation and provision of emergency services by the PSAPs.”⁵⁵

27. We seek comment on our proposed designation of acceptable purposes and functions under the statute. Are the proposed purposes and functions that would be deemed acceptable overinclusive or underinclusive? If the proposed purposes are overinclusive, commenters should explain how and why. What purposes and functions have states and taxing jurisdictions specified as the intended functions for 911 fees and charges, and how should we take these specifications into account as we designate acceptable purposes and functions under section 902? CTIA contends that allowable 911 expenditures should include the nonrecurring costs of establishing a 911 system, the cost of emergency telephone and dispatch equipment, and costs for training for maintenance and operation of the 911 system but should exclude costs for leasing real estate, cosmetic remodeling of facilities, salaries or benefits, or emergency vehicles.⁵⁶ The Commission has found in its 911 fee reports, however, that some PSAP overhead costs, such as 911 telecommunicator salaries, are 911 related.⁵⁷ To the extent that the proposed purposes and functions are underinclusive, commenters should identify what additional purposes and functions should be deemed acceptable, and why.

28. We also propose to define acceptable purposes and functions under section 902 for states and taxing jurisdictions that impose multi-purpose fees or charges intended to support 911 services as well as other public safety purposes. In such instances, we believe states and taxing jurisdictions should have the flexibility to apportion the collected funds between 911-related and non-911 related programs, but that safeguards are needed to ensure that such apportionment is not subject to manipulation that would constitute fee diversion. We therefore propose to adopt a safe harbor in our rules providing that the obligation or expenditure of such fees or charges will not constitute diversion so long as the state or taxing jurisdiction: (1) specifies the amount or percentage of such fees or charges that is dedicated to 911 services; (2) ensures that the 911 portion of such fees or charges is segregated and not commingled with

⁵² See Eleventh Report at 42, para. 32; *see also* Eleventh Report at 44, para. 37 (finding that there was no 911 fee diversion where Virginia allocated a portion of its wireless E911 funding to the Virginia State Police for costs incurred for answering wireless 911 telephone calls and to support sheriff’s 911 dispatchers).

⁵³ See House of Representatives Committee on Energy and Commerce, Report on 911 Modernization and Public Safety Act of 2007 at 11 (Nov. 13, 2007), <https://www.congress.gov/110/crpt/hrpt442/CRPT-110hrpt442.pdf> (“The most recent data available indicate that four states use 911 fees, including wireless and wireline fees, for purposes other than 911 or emergency communications services.”).

⁵⁴ *Id.* at 15.

⁵⁵ *Id.*

⁵⁶ CTIA Comments on NOI at 5-6.

⁵⁷ See, e.g., Eleventh Report at 21, para. 18; Tenth Report at 44-45, para. 33.

any other funds; and (3) obligates or expends the 911 portion of such fees or charges for acceptable purposes and functions as defined under this section. This provision would provide transparency in the use of 911 fees when a state or taxing jurisdiction collects a fee for both 911 and non-911 purposes. It would also enable the Commission to verify through the annual fee report data collection that the 911 portion of such fees or charges is not being diverted.⁵⁸

29. We seek comment on our proposal for determining whether there is diversion of a fee or charge collected for both 911 and non-911 purposes. Are the measures we propose sufficient to provide transparency with respect to diversion in the use of such fees? Are there other measures that would help ensure that 911 fees or charges are fully traceable in states or taxing jurisdictions with such funding mechanisms? In addition, some state laws and regulations provide that any excess 911 funds left over after all 911 expenditures have been covered can be used for non-911 related purposes.⁵⁹ Similarly, some state laws and regulations provide that if the 911 service is *discontinued*, the remaining 911 funds can be disbursed to non-911 uses, such as a general fund. Does the existence or implementation of such provisions for non-911 related disbursements constitute diversion?

C. Petition for Determination

30. Section 902(c)(1)(C) provides that a state or taxing jurisdiction may petition the Commission for a determination that “an obligation or expenditure of a 911 fee or charge for a purpose or function other than a purpose or function designated as 911-related under paragraph (3)(A) [support for 911 services/PSAP expenditures] should be treated as such a purpose or function.”⁶⁰ The state or taxing jurisdiction must demonstrate that the expenditure: (1) “supports public safety answering point functions or operations,” or (2) has a direct impact on the ability of a public safety answering point to “receive or respond to 911 calls” or to “dispatch emergency responders.”⁶¹ If the Commission finds that the state or taxing jurisdiction has provided sufficient documentation to make this demonstration, section 902 provides that the Commission shall grant the petition.⁶²

31. We propose to codify these provisions in new subpart I of the rules. We believe Congress intended this petition process to serve as a safety valve allowing states to seek further refinement of the definition of obligations and expenditures that are considered 911 related. At the same time, the proposed rule would set clear standards for what states must demonstrate to support a favorable ruling, including the requirement to provide sufficient documentation. To promote efficiency in reviewing such petitions, we also propose that states or taxing jurisdictions seeking such a determination

⁵⁸ This proposal is consistent with the agency’s review of the U.S. Virgin Islands’ “Emergency Service” surcharge, which is dedicated for both 911 and non-911 purposes. The Eleventh Report noted that under the U.S. Virgin Islands’ statute, surcharge funds are deposited in an Emergency Service Fund (ESF), with ESF funds allocated 40% to the Virgin Islands Emergency Management Agency (VITEMA) and the other 60% allocated to other specific public safety, non-911 uses. *See* Eleventh Report at 44-45, paras. 39-40. In addition, the percentage of the ESF allocated to VITEMA must be used entirely for 911/E911 support of PSAPs, and the ESF cannot be commingled with or redirected to the general fund or any other account. *See id.* at 45, para. 40. The Commission concluded that the collection and use of these surcharge funds did not constitute diversion of 911 fees. *See* Eleventh Report at 44-45, paras. 39-40.

⁵⁹ The Task Force on Optimal PSAP Architecture (TFOPA) report noted, “The legislative practice of sweeping uncommitted balances of 9-1-1-related accounts, especially those intended to fund NG9-1-1 system infrastructure generally occurs quietly without much public scrutiny.” FCC, Task Force on Optimal PSAP Architecture (TFOPA), Final Report at 153-154 (Jan. 29, 2016), <https://www.fcc.gov/about-fcc/advisory-committees/general/task-force-optimal-public-safety-answering-point> (TFOPA Final Report). The TFOPA Final Report proposed measures to deter such sweeps and advised “there should ultimately be consequences for *repeated* diversions.” *Id.* at 161-162.

⁶⁰ 47 U.S.C. § 615a-1(f)(5)(A).

⁶¹ 47 U.S.C. § 615a-1(f)(5)(B).

⁶² 47 U.S.C. § 615a-1(f)(5)(A).

must do so by filing a petition for declaratory ruling under section 1.2 of the Commission's rules.⁶³ The declaratory ruling process would promote transparency regarding the ultimate decisions about 911 fee revenues that legislatures and executive officials make and how such decisions promote effective 911 services and deployment of NG911. Consistent with the declaratory ruling process outlined in section 1.2(b), we anticipate docketing the petition within an existing or new proceeding.⁶⁴ In addition, we anticipate the Public Safety and Homeland Security Bureau will seek comment on petitions via public notice and with a comment and reply comment cycle.⁶⁵ We propose to delegate authority to the Bureau to rule on these petitions. We seek comment on these proposals and on any possible alternative processes for entertaining such petitions.

D. Other Section 902 Provisions

32. Pursuant to section 902(d)(4), any state or taxing jurisdiction identified by the Commission in the annual 911 fee report as engaging in diversion of 911 fees or charges "shall be ineligible to participate or send a representative to serve on any committee, panel, or council established under section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 . . . or any advisory committee established by the Commission."⁶⁶ We propose to codify this restriction in subpart I and seek comment on this proposal. We also seek comment on the extent to which state and local governments currently diverting 911 fees (based on the Commission's most recent report) now participate in such Commission advisory committees and the impact on them from being prohibited from doing so. Would it be helpful to provide a mechanism for states and taxing jurisdictions to raise questions regarding their eligibility to serve on an advisory committee?

33. Section 902(c)(1)(C) also provides that if a state or taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after the date of enactment of Section 902, "such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare [the annual report to Congress on 911 fees]."⁶⁷ We propose to codify this provision in subpart I and seek comment on this proposal. What effect does this statutory provision and its proposed codification in the Commission's rules have on states or taxing jurisdictions that receive such grants? Does this provision, combined with other statutory anti-diversion restrictions that already apply to 911 grant recipients, increase the likelihood that diverting states and taxing jurisdictions will change their diversion practices?⁶⁸ Are there any aspects of our proposed implementation of section 902 that might create obstacles to state fiscal needs?

⁶³ See 47 CFR § 1.2.

⁶⁴ See 47 CFR § 1.2(b).

⁶⁵ See 47 CFR § 1.2(b).

⁶⁶ Section 902(d)(4) (internal citations omitted). The committees, panels, and councils referred to in section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 are those established to assist FirstNet. See 47 U.S.C. § 1425.

⁶⁷ 47 U.S.C. § 615a-1(f)(4) (as amended); Section 902(c)(1)(C).

⁶⁸ The ENHANCE 911 Act authorizes matching grants for eligible projects, required grant applicants to certify that no portion of 911 charges were obligated or expended for "any purpose other than the purposes for which such charges are designated or presented." See *ENHANCE 911 Act* (codified at 47 U.S.C. § 942(c)(2)). The Middle Class Tax Relief and Job Creation Act of 2012 requires grant recipients that improperly obligated or expended designated 911 charges to return all granted funds to the 9-1-1 Implementation Coordination Office. Sec. 6503, § 158(c)(3), 126 Stat. at 239 (codified at 47 U.S.C. § 942(c)(3)).

IV. PROCEDURAL MATTERS

34. *Initial Paperwork Reduction Act of 1995 Analysis.* This Notice of Proposed Rulemaking may contain new or modified information collection(s) subject to the Paperwork Reduction Act of 1995.⁶⁹ If the Commission adopts any new or modified information collection requirements, they will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, pursuant to the Small Business Paperwork Relief Act of 2002,⁷⁰ we seek specific comment on how we might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”⁷¹

35. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),⁷² requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”⁷³ Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning potential rule and policy changes contained in this Notice of Proposed Rulemaking. The IRFA is contained in Appendix B.

36. *Ex Parte Presentations—Permit-But-Disclose.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda, or other filing in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules. In proceedings governed by section 1.49(f) of the Commission’s rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable.pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

37. *Comment Filing Instructions.* Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before the dates indicated on the first page of this document in CG Docket No. 02-278. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).⁷⁵

⁶⁹ Pub. L. No. 104-13.

⁷⁰ Public Law 107-198.

⁷¹ 44 U.S.C. § 3506(c)(4).

⁷² 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601–612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

⁷³ *Id.* § 605(b).

⁷⁴ 47 CFR §§ 1.1200 *et seq.*

⁷⁵ *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
 - Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
 - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

38. *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

39. *Additional Information.* For additional information on this proceeding, contact Brenda Boykin, Brena.Boykin@fcc.gov or 202-418-2062, or John A. Evanoff, John.Evanoff@fcc.gov or 202-418-0848 of the Public Safety and Homeland Security Bureau, Consumer Policy Division.

V. ORDERING CLAUSES

40. Accordingly, IT IS ORDERED, pursuant to Sections 1, 4(i), 4(j), 4(o), 201(b), 251(e), 301, 303(b), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 154(o), 201(b), 251(e), 301, 303(b), and 303(r), the Don't Break Up The T-Band Act of 2020, Section 902 of Title IX, Division FF of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Section 101 of the New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 47 U.S.C. § 615a-1, and the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 47 U.S.C. §§ 615 note, 615, 615a, and 615b, that this *Notice of Proposed Rulemaking* is hereby ADOPTED.

41. IT IS FURTHER ORDERED that, pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's Rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on the *Notice of Proposed Rulemaking* on or before 20 days after publication in the Federal Register, and reply comments on or before 30 days after publication in the Federal Register.

42. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Proposed Rules

The Federal Communications Commission proposes to amend part 9 of Title 47 of the Code of Federal Regulations as follows:

PART 9 – 911 Requirements

1. Revise the authority citation for part 9 to read as follows: [TO BE INSERTED PRIOR TO FEDERAL REGISTER PUBLICATION]
2. Amend part 9 by adding subpart I to read as follows:

Subpart I – 911 Fees

Sec.

9.21 Applicability.

9.22 Definitions.

9.23 Designation of acceptable obligations or expenditures.

9.24 Petition regarding additional purposes and functions.

9.25 Participation in annual fee report data collection.

9.26 Advisory committee participation.

§ 9.21 Applicability.

The rules in this subpart I apply to States or taxing jurisdictions that collect 911 fees or charges (as defined in this subpart) from commercial mobile services, IP-enabled voice services, and other emergency communications services.

§ 9.22 Definitions.

For purposes of this subpart I, the terms below have the following meaning:

911 fee or charge. A fee or charge applicable to commercial mobile services, IP-enabled voice services, or other emergency communications services specifically designated by a State or taxing jurisdiction for the support or implementation of 911 services. A 911 fee or charge shall also include a fee or charge designated for the support of public safety, emergency services, or similar purposes if the purposes or allowable uses of such fee or charge include the support or implementation of 911 services.

Diversion. The obligation or expenditure of a 911 fee or charge for a purpose or function other than the purposes and functions designated by the Commission as acceptable pursuant to § 9.23. Diversion also includes distribution of 911 fees to a political subdivision that obligates or expends such fees for a purpose or function other than those designated as acceptable by the Commission pursuant to § 9.23.

Other emergency communications services. The provision of emergency information to a public safety answering point via wire or radio communications, and may include 911 and E911 service.

State. Any of the several States, the District of Columbia, or any territory or possession of the United States.

State or taxing jurisdiction. A State, political subdivision thereof, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

§ 9.23 Designation of acceptable obligations or expenditures.

- (a) Acceptable purposes and functions for the obligation or expenditure of 911 fees or charges are limited to:
 - (1) Support and implementation of 911 services provided by or in the State or taxing jurisdiction imposing the fee or charge; and
 - (2) Operational expenses of public safety answering points within such State or taxing jurisdiction.
- (b) Examples of acceptable purposes and functions include, but are not limited to, the following, provided that the State or taxing jurisdiction can adequately document that it has obligated or spent the fees or charges in question for these purposes and functions:
 - (1) PSAP operating costs, including lease, purchase, maintenance, and upgrade of customer premises equipment (CPE) (hardware and software), computer aided dispatch (CAD) equipment (hardware and software), and the PSAP building/facility;
 - (2) PSAP personnel costs, including telecommunicators' salaries and training;
 - (3) PSAP administration, including costs for administration of 911 services and travel expenses associated with the provision of 911 services;
 - (4) Integrating public safety/first responder dispatch and 911 systems, including lease, purchase, maintenance, and upgrade of CAD hardware and software to support integrated 911 and public safety dispatch operations;
 - (5) Providing for the interoperability of 911 systems with one another and with public safety/first responder radio systems.
- (c) Examples of purposes and functions that are not acceptable for the obligation or expenditure of 911 fees or charges include, but are not limited to, the following:
 - (1) Transfer of 911 fees into a State or other jurisdiction's general fund or other fund for non-911 purposes;
 - (2) Equipment or infrastructure for constructing or expanding non-public safety communications networks (e.g., commercial cellular networks);
 - (3) Equipment or infrastructure for law enforcement, firefighters, and other public safety/first responder entities, including public safety radio equipment and infrastructure, that does not have a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders.
- (d) If a State or taxing jurisdiction collects fees or charges designated for "public safety," "emergency services," or similar purposes that include the support or implementation of 911 services, the obligation or expenditure of such fees or charges shall not constitute diversion provided that the State or taxing jurisdiction:
 - (1) Specifies the amount or percentage of such fees or charges that is dedicated to 911 services;
 - (2) Ensures that the 911 portion of such fees or charges is segregated and not commingled with any other funds; and
 - (3) Obligates or expends the 911 portion of such fees or charges for acceptable purposes and functions as defined under this section.

§ 9.24 Petition regarding additional purposes and functions.

- (a) A State or taxing jurisdiction may petition the Commission for a determination that an obligation or expenditure of 911 fees or charges for a purpose or function other than the purposes or functions designated as acceptable in § 9.23 should be treated as an acceptable purpose or function. Such a petition must meet the requirements applicable to a petition for declaratory ruling under § 1.2 of this chapter.
- (b) The Commission shall grant the petition if the State or taxing jurisdiction provides sufficient documentation to demonstrate that the purpose or function:
 - (1) supports public safety answering point functions or operations, or
 - (2) has a direct impact on the ability of a public safety answering point to:
 - (i) receive or respond to 911 calls, or
 - (ii) dispatch emergency responders.

§ 9.25 Participation in annual fee report data collection.

If a State or taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after December 27, 2020, such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)).

§ 9.26 Advisory committee participation.

Notwithstanding any other provision of law, any State or taxing jurisdiction identified by the Commission in the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) as engaging in diversion of 911 fees or charges shall be ineligible to participate or send a representative to serve on any committee, panel, or council established under section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1425(a)) or any advisory committee established by the Commission.

APPENDIX B

Initial Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *Notice of Proposed Rulemaking (NPRM)*. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the *NPRM*. The Commission will send a copy of the *NPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).² In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objectives of, the Proposed Rules

2. The *NPRM* proposes and seeks comment on ways to implement section 902 of the Consolidated Appropriations Act of 2021.⁴ On December 27, 2020, the President signed the Don't Break Up The T-Band Act of 2020, which is Division FF, Title IX, Section 902 of the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260). Section 902 directs the Commission to issue final rules 180 days after enactment on December 27, 2020 designating acceptable purposes and functions for the obligation or expenditure of 911 fees by states and taxing jurisdictions. Section 902 also provides that the use of 911 fees for any purpose or function other than those designated by the Commission constitutes 911 fee diversion.

3. To implement section 902 of the Act, the *NPRM* seeks comment on the Commission's proposals to amend part 9 of the rules to establish a new subpart I regarding "911 Fees." Section 902 defines several terms which the *NPRM* proposes to codify these definitions in the new subpart I of the rules. In addition, section 902 directs the Commission to issue final rules designating purposes and functions for which the obligation or expenditure of 911 fees is acceptable. It also provides that the purposes and functions identified by the Commission as acceptable "shall be limited to the support and implementation of 9-1-1 services provided by or in the State or taxing jurisdiction imposing the fee or charge and operational expenses of public safety answering points within such State or taxing jurisdiction." The *NPRM* seeks comments on proposals to develop an illustrative, non-exhaustive list of permissible and non-permissible uses for purposes of section 902.

4. Section 902 provides that a state or taxing jurisdiction may petition the FCC for a determination that an obligation or expenditure of a 911 fee for a purpose or function other than those deemed acceptable by the Commission should be treated as an acceptable expenditure. Per section 902, the petition must demonstrate that the expenditure: (1) supports public safety answering point (PSAP) functions or operations, or (2) has a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders. If the Commission finds that a state or taxing jurisdiction has provided sufficient documentation to make this demonstration, the statute provides that it shall grant the petition. In addition, the Commission seeks comment on amending the rules to require that if a state or

¹ See 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² See 5 U.S.C. § 603(a).

³ *Id.*

⁴ Consolidated Appropriations Act of 2021, Pub. L. No. 116-260, Division FF, Title IX, Section 902, Don't Break Up the T-Band Act of 2020 (section 902).

taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after December 27, 2020, such state or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the annual report to Congress required by the NET 911 Act. The *NPRM* seeks comment on proposals to codify these provisions in subpart I of part 9 of the rules.

B. Legal Basis

5. This action was taken pursuant to Sections 1, 4(i), 4(j), 4(o), 201(b), 251(e), 301, 303(b), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 154(o), 201(b), 251(e), 301, 303(b), and 303(r), the Don't Break Up The T-Band Act of 2020, Section 902 of Title IX, Division FF of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Section 101 of the New and Emerging Technologies 911 Improvement Act of 2008, Pub. L. No. 110-283, 47 U.S.C. § 615a-1, and the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 47 U.S.C. §§ 615 note, 615, 615a, and 615b.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

6. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.⁵ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁶ In addition, the term “small business” has the same meaning as the term “small-business concern” under the Small Business Act.⁷ A “small-business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁸

7. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein.⁹ First, while there are industry-specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA's) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.¹⁰ These types of small businesses represent 99.9% of all businesses in the United States, which translates to 30.7 million businesses.¹¹

8. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”¹² The

⁵ See 5 U.S.C. § 603(b)(3).

⁶ See *id.* § 601(6).

⁷ See *id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁸ See 15 U.S.C. § 632.

⁹ See 5 U.S.C. § 601(3)-(6).

¹⁰ See SBA, Office of Advocacy, “What's New With Small Business?”, <https://cdn.advocacy.sba.gov/wp-content/uploads/2019/09/23172859/Whats-New-With-Small-Business-2019.pdf> (Sept 2019).

¹¹ *Id.*

¹² 5 U.S.C. § 601(4).

Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations.¹³ Nationwide, for tax year 2018, there were approximately 571,709 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.¹⁴

9. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”¹⁵ U.S. Census Bureau data from the 2017 Census of Governments¹⁶ indicate that there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.¹⁷ Of this number there were 36,931 general purpose governments (county¹⁸, municipal and town or township¹⁹) with populations of less than 50,000 and 12,040 special purpose governments - independent school districts²⁰ with enrollment populations of less than 50,000.²¹ Accordingly, based on the 2017 U.S. Census of Governments data, we

¹³ The IRS benchmark is similar to the population of less than 50,000 benchmark in 5 U.S.C § 601(5) that is used to define a small governmental jurisdiction. Therefore, the IRS benchmark has been used to estimate the number small organizations in this small entity description. See Annual Electronic Filing Requirement for Small Exempt Organizations — Form 990-N (e-Postcard), “Who must file,” <https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard>. We note that the IRS data does not provide information on whether a small exempt organization is independently owned and operated or dominant in its field.

¹⁴ See Exempt Organizations Business Master File Extract (EO BMF), “CSV Files by Region,” <https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-eo-bmf>. The IRS Exempt Organization Business Master File (EO BMF) Extract provides information on all registered tax-exempt/non-profit organizations. The data utilized for purposes of this description was extracted from the IRS EO BMF data for Region 1-Northeast Area (76,886), Region 2-Mid-Atlantic and Great Lakes Areas (221,121), and Region 3-Gulf Coast and Pacific Coast Areas (273,702) which includes the continental U.S., Alaska, and Hawaii. This data does not include information for Puerto Rico.

¹⁵ 5 U.S.C. § 601(5).

¹⁶ See 13 U.S.C. § 161. The Census of Governments survey is conducted every five (5) years compiling data for years ending with “2” and “7”. See also Census of Governments, <https://www.census.gov/programs-surveys/cog/about.html>.

¹⁷ See U.S. Census Bureau, 2017 Census of Governments – Organization Table 2. Local Governments by Type and State: 2017 [CG1700ORG02]. <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. Local governmental jurisdictions are made up of general purpose governments (county, municipal and town or township) and special purpose governments (special districts and independent school districts). See also Table 2. CG1700ORG02 Table Notes_Local Governments by Type and State_2017.

¹⁸ See *id.* at Table 5. County Governments by Population-Size Group and State: 2017 [CG1700ORG05]. <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. There were 2,105 county governments with populations less than 50,000. This category does not include subcounty (municipal and township) governments.

¹⁹ See *id.* at Table 6. Subcounty General-Purpose Governments by Population-Size Group and State: 2017 [CG1700ORG06]. <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. There were 18,729 municipal and 16,097 town and township governments with populations less than 50,000.

²⁰ See *id.* at Table 10. Elementary and Secondary School Systems by Enrollment-Size Group and State: 2017 [CG1700ORG10]. <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. There were 12,040 independent school districts with enrollment populations less than 50,000. See also Table 4. Special-Purpose Local Governments by State Census Years 1942 to 2017 [CG1700ORG04], CG1700ORG04 Table Notes_Special Purpose Local Governments by State_Census Years 1942 to 2017.

²¹ While the special purpose governments category also includes local special district governments, the 2017 Census of Governments data does not provide data aggregated based on population size for the special purpose governments (continued....)

estimate that at least 48,971 entities fall into the category of “small governmental jurisdictions.”²²

10. *Wireless Telecommunications Carriers (except Satellite)*. This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services.²³ The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.²⁴ For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year.²⁵ Of this total, 955 firms employed fewer than 1,000 employees and 12 firms employed 1000 employees or more.²⁶ Thus, under this category and the associated size standard, the Commission estimates that the majority of Wireless Telecommunications Carriers (except Satellite) are small entities.

11. *Wired Telecommunications Carriers*. The U.S. Census Bureau defines this industry as “establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.”²⁷ The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees.²⁸ U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated that year.²⁹ Of this total, 3,083 operated with fewer than 1,000 employees.³⁰ Thus, under

(Continued from previous page) _____

category. Therefore, only data from independent school districts is included in the special purpose governments category.

²² This total is derived from the sum of the number of general purpose governments (county, municipal and town or township) with populations of less than 50,000 (36,931) and the number of special purpose governments - independent school districts with enrollment populations of less than 50,000 (12,040), from the 2017 Census of Governments - Organizations Tables 5, 6, and 10.

²³ See U.S. Census Bureau, 2017 NAICS Definition, “517312 Wireless Telecommunications Carriers (except Satellite)”, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517312&search=2017+NAICS+Search&search=2017>.

²⁴ See 13 CFR § 121.201, NAICS Code 517312 (previously 517210).

²⁵ See U.S. Census Bureau, 2012 Economic Census of the United States, Table ID: EC1251SSSZ5, Information: Subject Series: Estab and Firm Size: Employment Size of Firms for the U.S.: 2012, NAICS Code 517210, <https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517210&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false&vintage=2012>.

²⁶ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

²⁷ See U.S. Census Bureau, 2017 NAICS Definition, “517311 Wired Telecommunications Carriers”, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?code=517311&search=2017>.

²⁸ See 13 CFR § 121.201, NAICS Code 517311 (previously 517110).

²⁹ See U.S. Census Bureau, 2012 Economic Census of the United States, Table ID: EC1251SSSZ5, Information: Subject Series - Estab & Firm Size: Employment Size of Firms for the U.S.: 2012, NAICS Code 517110, <https://data.census.gov/cedsci/table?text=EC1251SSSZ5&n=517110&tid=ECNSIZE2012.EC1251SSSZ5&hidePreview=false>.

this size standard, the majority of firms in this industry can be considered small.

12. *All Other Telecommunications.* The “All Other Telecommunications” category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.³¹ This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.³² Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.³³ The SBA has developed a small business size standard for “All Other Telecommunications,” which consists of all such firms with annual receipts of \$35 million or less.³⁴ For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year.³⁵ Of those firms, a total of 1,400 had annual receipts less than \$25 million, and 15 firms had annual receipts of \$25 million to \$49,999,999.³⁶ Thus, the Commission estimates that the majority of “All Other Telecommunications” firms potentially affected by our action can be considered small.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

13. As indicated in Section A above, the *NPRM* seeks comment on proposed rules to implement section 902. The *NPRM* generally does not propose specific reporting or recordkeeping requirements. The *NPRM* does, however, propose and seek comment on codifying the requirement that states or taxing jurisdictions seeking a Commission determination on 911 fee diversion satisfy certain criteria established in section 902. In such cases, a state or taxing jurisdiction would have to show that a proposed expenditure: (1) supports PSAP functions or operations, or (2) has a direct impact on the ability of a PSAP to receive or respond to 911 calls or to dispatch emergency responders. If the Commission finds that a state or taxing jurisdiction has provided sufficient documentation to make this demonstration, the statute provides that it shall grant the petition. The information and documentation that a state or taxing jurisdiction will have to provide the Commission to make the requisite showing will impact the reporting and recordkeeping requirements for small entities and others subject to the requirements. The Commission proposes to apply the existing declaratory ruling procedures and obligations under section 1.2 of the Commission’s rules, which small entities may already be familiar with, to petitions for determination.

14. In addition, the *NPRM* seeks comment on amending the rules to require that if a state or taxing jurisdiction receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after December 27, 2020, such state or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the

(Continued from previous page) _____

³⁰ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

³¹ See U.S. Census Bureau, 2017 NAICS Definition, “517919 All Other Telecommunications”, <https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517919&search=2017+NAICS+Search&search=2017>.

³² *Id.*

³³ *Id.*

³⁴ See 13 CFR § 121.201, NAICS Code 517919.

³⁵ See U.S. Census Bureau, 2012 Economic Census of the United States, Table ID: EC1251SSSZ4, Information: Subject Series - Estab and Firm Size: Receipts Size of Firms for the U.S.: 2012, NAICS Code 517919, <https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=517919&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false>.

³⁶ *Id.*

Commission to prepare the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)). This proposed requirement is consistent with the requirements of Section 902. Under OMB Control No. 3060-1122, the Office of Management and Budget previously approved and renewed the information collection requirements associated with filing annual 911 fee reports as mandated by the NET 911 Act.

E. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

15. The RFA requires an agency to describe any significant specifically small business alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.³⁷

16. In the *NPRM*, the Commission seeks to implement the provisions of section 902 that require Commission action by proposing changes to part 9 of our rules that would achieve the stated objectives of Congress's mandated rules in a cost-effective manner that is not unduly burdensome to providers of emergency telecommunication services or to states and taxing jurisdictions. Using this approach, we inherently take steps to minimize any significant economic impact or burden for small entities. Specifically, we propose to adopt and codify the definitions in section 902 for certain terms relating to 911 fees and fee diversion in part 9 of our rules. For a few terms, we make limited modifications to the definition to avoid gaps and promote the apparent intent of the new statute.³⁸ In addition to promoting consistency, we believe our proposals will help small entities and others who will be subject to section 902 and our rules avoid additional expenses for compliance which may have resulted if the Commission in the alternative proposed and adopted different definitions for certain terms in section 902 relating to 911 fees and fee diversion.

17. Similarly, to fulfill the Commission obligations associated with issuing rules designating acceptable purposes and functions, for consistency we propose to use language from section 902 codifying the statutory standard for which the obligation or expenditure of 911 fees or charges by any state or taxing jurisdiction is considered acceptable. We also propose to specify in the rules examples of both acceptable and unacceptable purposes and functions for the obligation or expenditure of 911 fees or charges. If adopted, identifying and including these examples in the Commission's rules should enable small entities to avoid unacceptable expenditures in violation of our rules, which could impact eligibility for federal grants and participation in federal advisory committees.

18. Finally, the Commission expects to more fully consider the economic impact on small entities, as identified in comments filed in response to the *NPRM* and this IRFA, in reaching its final conclusions and taking action in this proceeding.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

19. None.

³⁷ 5 U.S.C. § 603(c)(1) - (4).

³⁸ The definitions for the terms "911 fee or charge" and "Diversion" include modifications.



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 15, 2021

PREPARED: March 9, 2021

AGENDA SUBJECT: Donation to Purchase Public Safety Equipment

RECOMMENDATION: That City Council approve proposed donation intended to purchase equipment for the Public Safety Department

Background City staff was contacted by Ambassador Ronald Weiser regarding a donation he would like to make to the Public Safety Department. Mr. Weiser explained he had recently purchased a home in Bay Harbor and wished to show his support for the local Public Safety Department. Upon his request, Director Breed produced a list of unfunded equipment needs. These needs, while not critical, would be very beneficial to the department. Mr. Weiser selected numerous items from the list and advised he would like to donate the funding needed to purchase the equipment. The itemized list of equipment is included with the donation acceptance form being presented to City Council for their approval. The total estimated cost of equipment to be purchased is \$42,400.

Action That City Council motion to approve the donation of \$42,400 by Ambassador Ronald Weiser for the purchase of equipment to support the Public Safety Department.

mb
Enclosures



Department of Public Safety

City of Petoskey

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500 • Fax 231 347-2471

Donation Summary

March 8, 2021

Mr. Ronald Weiser recently purchased a home in Bay Harbor and would like to make a donation to the Public Safety Department to show his support. Mr. Weiser requested a list of equipment needs that were unfunded at this time. A list was provided and the below items were selected by Mr. Weiser for the purpose of showing his support for the Public Safety Department.

Activation Systems for Body Cameras:

SSA kit; automatically activates the officer's body camera if their firearm is drawn from the holster. \$5,200.

AVSC kit; automatically activates the officer's body camera if the officer activates the overhead lights on the patrol vehicle. \$1,700

Exercise Equipment: All officers are required to pass an annual physical fitness assessment. Our standards are higher than most departments and as such, we provide an exercise room for all members. Both our treadmill and elliptical are in need of replacement however, we have not had the finances to do so. We do not currently have a stationary bike. Mr. Weiser indicated he may have a lightly used elliptical and treadmill to donate.

Bike \$2,500.

Patrol Vehicle Radios: Our three county dispatch area recently transitioned to the MPSCS 800mhz radio system, the funding for which came in the form of a millage. Previously we had two mobile radios in each patrol unit to facilitate communications on law enforcement as well as fire channels. Under the millage, we were allowed one radio per vehicle and we do not have the finances to outfit the six patrol units with the second radio. The cost to have a second Motorola radio in each patrol unit would be approximately \$18,000.

RIT Pack: On a fire scene, three officers are assigned the duty of "Rapid Intervention Team" (RIT). The sole responsibility of RIT is the rescue of a down or trapped firefighter within the structure. The RIT pack contains tools and a spare air bottle to assist in lifesaving efforts of the RIT. We have one RIT pack however; we should have one on each of our two ladder trucks. RIT pack cost \$6,500.

Bucket Air System: Our 100 foot ladder truck does not have an air supply hook up in the bucket. Firefighters in the bucket must use air from the pack on their back. Often there is a connection in the bucket to a large tank on the truck allowing firefighters to use this while working in the bucket. This allows firefighters to have a full air pack if they need to leave the bucket to access a roof or perform a rescue. Approximate cost of air system upgrade would be \$5,000.

Bullet Resistant Vest with External Carriers: We have been replacing bullet resistant vests with a staggered approach to avoid a large replacement cost every five years (life span of bullet resistant vests). For the past few years, we have been converting to external vest carriers in attempts to take weight off officer's gun belts. Manufacturers have changed designs as this trend increased resulting in officers having different style carriers. Replacement of 20 external vest carriers so officers all have the same uniform would cost approximately \$3,500.



City of Petoskey **Gift and Donation Acceptance Policy** *Adopted November 7, 2016*

I. Purpose and Policy

The purpose of this policy is to establish a process for acceptance and documentation of donations/gifts made to the City including the installation, long-term maintenance and operation of donated elements to the City which, as determined by the Petoskey City Council or City Manager, will enhance the quality of life in the community. The policy provides guidance when individuals, community groups and businesses wish to make donations or gifts to the City.

Guidelines/Standards for Accepting Gifts or Donations established by this policy will apply to all donations or gifts made after the effective date of this policy. The policy may be amended or repealed, in whole or in part, by the Petoskey City Council.

II. Definitions

“Gift or Donation”- For the purpose of this policy, the terms gift or donation shall be synonymous and hereafter shall be referred to as donations. Donations are any tangible or intangible asset, in whatever condition, the City is prepared to accept pursuant to the policy set forth herein and administrative guidelines promulgated pursuant to this policy. All donations or gifts shall become the sole property of the City unless determined otherwise by the City Council. The City has no duty to return any donation. All donations are irrevocable and otherwise final upon receipt by the City. City Council has the final authority to relocate, remove or dispose of any donation at any time, with or without notice to the Donor.

“Donor” means an individual or legal entity making a donation to the City.

III. Consistency with City Interests

Donations may only be accepted when they have a purpose consistent with the goals and objectives of the City and are in the best interest of Petoskey. The City must always consider the public trust and comply with all applicable laws when accepting donations.

IV. Guidelines/Standards for Accepting Donations

Donations shall be accepted only if they have a valid use to the City. Donations intended to either become incorporated into City parks as well as donations of equipment, vehicles, or facilities intended to supplement those of the City often involve considerations of aesthetics, costs, and compatibility whose features shall be evaluated using the following criteria:

1. The donation will not be in conflict with any provision of the law and shall not be in conflict with comprehensive plans, recreation plans and park design.
2. The donation will not add to the City's workload unless it provides a net benefit to the City.

3. The donation places no restrictions on the City, unless agreed to by the City Council.
4. All donations or gifts shall become the sole property of the City unless determined otherwise by the City Council in writing. The City has no duty to return any donation as all donations are irrevocable and otherwise final upon receipt by the City. City Council has the final authority to relocate, remove or dispose of any donation at any time, with or without notice to the Donor.
5. All donations will receive recognition appropriate to the level and nature of the donation as determined by the City Council. For those of a capital nature, that may be in the form of signage, plaques, markings, or other means the City should deem appropriate. Regardless of the recognition strategy selected, the intent shall be to appropriately honor the donor for their contribution to the community. To ensure uniformity of appearance and good taste on any recognition, the language of such plaques shall also be approved by the City Council. Donation acknowledgments and memorial plaques shall be made of bronze and be of the highest quality, life and durability. In cases where bronze plaques are not feasible, other alternative types may be considered. The appearance of traditional commercial advertising shall be avoided.
6. The City and community have an interest in ensuring the best appearance and aesthetic quality of public lands and facilities. Donations shall reflect the character and be consistent with the intended surroundings and complement the aesthetics of the proposed site.
7. Since donated elements and their associated recognition become City property, the community has an interest in ensuring that all elements remain in good repair and are maintained appropriately. In addition, Petoskey has an interest in ensuring that the short and long-term repair costs are reasonable and that repair parts and materials be readily available. So too, elements must be of a quality to insure a long life, be resistant to weather, wear and tear, and acts of vandalism.
8. The proposed donation cannot substantially interfere with the intended current or future use of the land or facility where it is being proposed to be located. Preference will be given to donations that are unique in nature, have historical or cultural relevance and have the ability to attract visitors to the community.
9. The City also has an interest in knowing in advance the full cost which may be associated with a donation, namely those costs that relate to the installation, maintenance and operation during the donation's expected life cycle. The costs to install, operate, repair, and/or maintain a mechanical and/or electric system proposed for use in conjunction with a donation shall be identified prior to acceptance by the City Council.
10. When considering donations to City parks or City-owned property such as but not limited to statues, memorials, benches or public art pieces which may affect its immediate surroundings, the City Council may request (but is not required to) review by the Petoskey Planning Commission, DMB and/or Parks and Recreation Commission. These boards shall make a recommendation to City Council on whether to approve, approve with conditions or reject the acceptance of a donation.

The City Council may then hold a Public Hearing for such purpose to invite comment from the community with respect to, but not limited to, such issues as: impact on view sheds; safety concerns; potential for noise generation; compatibility with the aesthetic features of parks or park plans or public lands in general.

11. Monetary donations approved by City Council will be deposited to the fund in which the intended use of the donation is to be achieved. This money shall be placed into a restricted fund in the Department's budget responsible to achieve such intended use.
12. The City Council shall not approve any donation that may meet one or more of the following criteria:
 - A. Be offensive or of morally questionable material;
 - B. Donations that are connected with a restriction that entails special considerations or favors beyond any other resident, donating or non-donating;
 - C. Any other concern, real or perceived, that may result in the loss of reputation, appearance of impropriety, or other negative impact on the City from accepting the donation or gift.

V. City Manager Authority to Approve Donations

The City Manager shall be authorized to accept or reject offers of donated money, equipment and in-kind-donations to City Departments or to the City in general up to \$10,000 per donation. Donated money will be expended for general purposes within the department or specified purposes, if agreed upon with the donor, as one-time supplements to the department's operating budget. Donations of equipment will be considered based upon program outcomes, department goals and needs. Each donation will be evaluated for usefulness and potential replacement costs.

When approving donations with a value of less than \$10,000, the City Manager shall base his/her decision upon the Guidelines/Standards in Section IV.

VI. Procedures for Making and Accepting Gifts

The City Council shall have the full and final authority to approve or deny all donation proposals including those made by the City Manager. Prior to submitting a Donation Application Form (Attachment A), the donor or donor's representatives shall contact the City Manager's Office to discuss a proposed donation. Such pre-application meeting shall assist both the prospective donor and the City in determining whether a donation will meet the criteria contained in this policy. If a donation appears to be in accordance with this policy, the donor or donor's representative will then submit a Donation Application Form and meet with City Staff members to determine the specific nature of the donation, proposed location, and yearly maintenance and operational costs for review and processing. The written proposal, including a Staff report, will be sent to City Council for its decision.

City Staff or City Council may request additional information including, but not limited to: scaled drawings; artist's renditions; or other documents to better illustrate the exact nature of the donation. The City may choose to consult with other agencies or organizations in the review process. The City Council may also send any proposal to the appropriate City board or committee for review with subsequent recommendation to City Council.

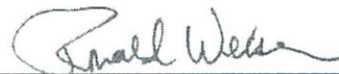
Donation Application Form
Attachment A

Thank you for your interest in donating to the City of Petoskey. Your gift or donation will be considered by the Petoskey City Council after this form is filled out and a Staff report is completed. All donations shall become the sole property of the City and the City has no duty to return the donations. All donations are also subject to the Gift and Donation Acceptance Policy adopted by the City.

1. **Name, Address and Phone Number of Donor:**
Ambassador Ron Weiser
4110 Peninsula Drive
Bay Harbor, Michigan 49770
(734) 646-9797
2. **Description of Gift or Donation:**
Numerous equipment needs that are currently unfunded in our budget, see attached.
3. **Value of the Gift or Donation (market value):** \$42,400.00
4. **What is the intended purpose or use for this gift or donation?**
Equipment needs for the Public Safety Department.
5. **If applicable, what are the yearly maintenance and operational costs associated with this gift or donation?** \$0.00
6. **Do you have or are currently seeking to establish a contractual relationship with the City of Petoskey? If so, please disclose the nature of the contractual relationship:** No.

March 8, 2021

Date:



Signature and Title of Donor

Internal City of Petoskey use only

Date application was received:

3/11/21
Date

This application is: Accepted by the City of Petoskey on _____

Rejected by the City of Petoskey on _____

City Manager Signature/Date