

CITY OF
PORTAGE
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PLANNING COMMISSION

January 3, 2013

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

January 3, 2013

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * December 20, 2012

PUBLIC HEARINGS:

- * 1. Preliminary Report: Donation Box Ordinance Amendment
- * 2. 2013 Recreation and Open Space Plan Update

SITE/FINAL PLANS:

NEW BUSINESS:

OLD BUSINESS:

- * 1. City of Portage 50th Anniversary Celebration – Recognition of Portage Businesses

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

November 2012 Summary Environmental Activity Report
December 4, 2012 City Council meeting minutes

Star (*) indicates printed material within the agenda packet.

PLANNING COMMISSION

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December 20, 2012

The City of Portage Planning Commission meeting of December 20, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

MEMBERS PRESENT:

Wayne Stoffer, Miko Dargitz, Allan Reiff, Dave Felicijan, James Cheesebro, Rick Bosch and Dave Artley (arrived at 7:08pm).

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Bill Patterson and Paul Welch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Assistant City Planner; and Randy Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the December 6, 2012 meeting minutes contained in the agenda packet and stated he would be abstaining from voting since he was not present at this meeting. A motion was offered by Commissioner Reiff, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was approved 5-0-1 with Chairman Cheesebro abstaining.

PUBLIC HEARINGS:

1. Special Land Use Permit and Site Plan for Xtreme Clean Car Wash, 5121 South Westnedge Avenue. Mr. West summarized the staff report dated December 14, 2012 regarding the special land use permit and site plan applications submitted by Xtreme Clean Car Wash of Michigan requesting approval to construct a two-bay car wash and associated site improvements at 5121 South Westnedge Avenue. Mr. West indicated the automatic car wash was proposed on a portion of the larger Meijer zoning lot located east of the gasoline/convenience store, along the north side of Andy Avenue. Mr. West reviewed the special land use permit conditions of approval from the Zoning Code and also discussed the noise assessment performed Dr. William Clark for the proposed development project. Mr. West also stated the applicant would be installing a concrete sidewalk along the north side of Andy Avenue to fill in an existing gap and would also be installing a six-foot tall row of arborvitae trees between the automatic car wash site and Andy Avenue to help buffer the use from the single family residences to the south. Mr. West referred the Commission to a letter received from Ms. Pamela Salak, 5314 Plateau Street, that was included in the final agenda packet. Based on the information submitted by the applicant, Mr. West indicated staff was recommending approval of both the special land use permit and site plan.

Mr. Corbin Buttleman (applicant) and Mr. David Hendershott (applicant's engineer) were present to support the application. Mr. Buttleman discussed the considerations that have been incorporated into the site and building design to address noise and other potential concerns and the desire to be a good neighbor to area

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residents and Meijer. Mr. Buttleman also discussed the noise assessment that was prepared by Dr. William Clark, the technology of the automatic car wash and operational aspects of the facility that can be modified if problems or concerns are discovered in the future. The Commission, applicant and staff next discussed various aspects of the proposed automatic car wash facility including the building orientation, door design, location and type of dryer units, exterior vacuums, proposed landscaping along Andy Avenue, ambient noise levels in the surrounding area and the noise assessment prepared by Dr. Clark. The public hearing was then opened by Chairman Cheesebro. No citizens spoke regarding the proposed development project. A motion was then made by Commissioner Reiff, seconded by Commissioner Bosch, to close the public hearing. The motion was unanimously approved.

The Commission and staff continued discussion of noise related issues and operational changes that could be made to the automatic car wash including limiting hours of operation if noise was determined to be a problem in the future. Attorney Brown discussed two situations in which the Commission could limit the hours of operation for the automotive car wash use: 1) If the applicant agrees to limit the hours of operation, or, 2) If a finding was made by the Commission that determines limiting the hours of operation is necessary to protect adjacent residential areas. Attorney Brown also discussed two scenarios the Commission could consider regarding approval of the special land use permit if an element of uncertainty exists regarding noise effects on the surrounding neighborhood: 1) Approve the special land use permit with no conditions and allow staff to address any future noise related violations through issuance of a civil infraction ticket and enforcement action, or, 2) Approve the special land use permit with a broad condition that protects the surrounding residential neighborhood. Attorney Brown indicated that imposing such a condition would allow the Commission to later test this condition against the standards of review contained in the ordinance and require mitigation and/or operational changes, if a noise related issue was identified. Attorney Brown provided sample language that could be added to a motion for approval if an appropriate finding was made by the Commission regarding undetermined noise impacts associated with the proposed automatic car wash. Based on this discussion, Commissioner Dargitz asked if the staff recommendation would change. Mr. West indicated that in formulating the recommendation, staff relied upon the expert testimony provided by Dr. Clark and the conclusions contained in the noise assessment report that the automatic car wash operation would comply with applicable noise ordinance standards. If an ordinance violation was discovered after construction of the automatic car wash, Mr. West indicated staff could initiate enforcement action and work with the applicant to take corrective action. Commissioner Bosch concurred with the staff recommendation and the conclusions reached by Dr. Clark and does not believe any conditions are necessary with a motion to approve. Commissioner Bosch indicated that staff has the ability to respond quicker and more efficiently than the Commission to address any future noise violations.

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Artley, to approve the Special Land Use Permit for Xtreme Clean Car Wash, 5121 South Westnedge Avenue. The motion was unanimously approved 7-0. The Commission next discussed the site plan for the proposed automatic car wash. Mr. Hendershott clarified the discrepancy on Sheet C101 regarding the number of trees to be planted along Andy Avenue and indicated that a total of 22 arborvitae and three pear trees would be installed. A motion was then made by Commissioner Bosch, seconded by Commissioner Stoffer, to approve the Site Plan for Xtreme Clean Car Wash, 5121 South Westnedge Avenue. The motion was unanimously approved 7-0.

OLD BUSINESS:

None.

7:50pm - The Commission convened the meeting to City Hall Conference Room No. 1

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NEW BUSINESS:

1. Donation Box Ordinance Amendment. Mr. Forth and Attorney Brown summarized the December 14, 2012 staff report and the draft ordinance language that has been prepared for Commission consideration. Attorney Brown indicated the draft ordinance would not be part of the Zoning Code, but rather part of the Code of Ordinances (Chapter 24, Community Quality), and existing donation boxes would be subject to the regulations. The Commission, staff and Attorney Brown next discussed various aspects of the proposed ordinance including different regulatory approaches and standards that could be adopted to address the proliferation of donation boxes across the city. The Commission asked staff for additional information regarding Kalamazoo Township's approach of prohibiting donation boxes since they are not specifically identified in the zoning ordinance. Mr. Forth stated additional information will be provided with the preliminary staff report, prior to the January 3rd public hearing. The Commission next discussed possible ordinance standard changes including establishing a maximum number of donation boxes across the city, increasing the distance separation requirement between donation boxes, regulating the number of donation boxes by organization and reducing the size and/or number of donation boxes permitted on a single parcel.

After additional discussion, the Commission asked staff for further consideration of the following possible changes: 1) Increasing permit fees; 2) Increasing the distance separation requirement between donation boxes to 1,000 or 1,500 feet; 3) Reducing the number of donation boxes allowed on a property from two to one; 4) Reducing the size of the donation box; and 5) Reducing the amount of time a property owner/operator is given to correct a violation. Mr. Forth indicated that staff would consider these changes and provide additional information with the preliminary report, prior to the January 3rd public hearing.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Christopher T. Forth, AICP
Deputy Director of Planning, Development & Neighborhood Services

TO: Planning Commission

DATE: December 28, 2012

FROM: Vicki Georgeau, ^{VG} Director of Community Development

SUBJECT: Preliminary Report: Donation Box Ordinance Amendment

I. INTRODUCTION:

During the past several months, donation boxes for the purpose of collecting clothing, books, and other household items began to appear along commercial corridors throughout the city. While the city has not experienced notable problems or citizen complaints associated with the various donation boxes, discussion has ensued regarding potential public health, safety and community quality concerns associated with the donation boxes. During the September 25, 2012 City Council meeting, Council requested the City Administration develop ordinance language to address concerns expressed associated with the location of donation boxes. The City Administration has worked with the Office of the City Attorney to draft ordinance language based on available regulatory options and best practices utilized in other communities.

The following provides background information regarding donation boxes currently located in the city, a summary of the proposed ordinance language, and additional information in response to the Planning Commission's preliminary discussion on December 20, 2012.

II. BACKGROUND INFORMATION:

A survey of all commercially zoned properties has been accomplished, and 24 existing donation boxes at 18 separate locations were identified throughout the city as of December 12, 2012. The attached Donation Box Location Map illustrates the location of the donation boxes identified. A series of photos is also attached that provides the address, principal use, and illustrates the location and condition of each donation box. For Commission information, based on a field survey in late August 2012, there were a total of 18 donation boxes located at 14 different locations.

As shown in the attached photos of the identified donation boxes, many are located in a manner that are visible from the public street right-of-way, several are located within the parking lot interior, and two are located against the exterior building wall. The location of the identified donation boxes do not create problems with regard to obstruction of required parking spaces or maneuvering lanes, internal or external traffic flow, or vision obstructions. However, accumulation of litter and donated items placed on the ground around donation boxes has been observed and documented.

Some concern has also been expressed with regard to whether the donation boxes are operated by non-profit or for-profit organizations, and whether the donation boxes are operated by "legitimate" non-profit organizations. A variety of organizations operate donation boxes located within the city. A large number of boxes are operated by Planet Aid, while the Cancer Federation, Community Patriots, Homeless Empowerment Relationship Organization (HERO), Childhood Disease Research Foundation, USAgain, Metro Charities and Better World Books also operate within the city. Planet

Aid, the Cancer Federation, HERO, Childhood Disease Research Foundation and Metro Charities are non-profit organizations, whereas Community Patriots, Better World Books and USAgain are for profit organizations.

As noted, donation boxes are operated by both non-profit and for-profit organizations. Further, the City Attorney has reviewed this matter and determined the city cannot distinguish, from a regulatory perspective, between a charitable or for-profit use. The City Attorney has indicated that there are State statutes (the Michigan Consumer Protection Act, and the Charitable Organizations and Solicitations Act) that regulate charitable clothing donation boxes, which are intended to ensure proper disclosure regarding the operation of boxes.

As required by the Michigan Consumer Protection Act, the donation boxes have wording that identifies the organization responsible for the use, which have not been considered “signs” regulated by the Zoning Code. This determination is similar to wording/advertising on vending machines, gas pumps, and ATM/ drive-through facilities that are oriented to the customer, as opposed to the public street right-of-way.

III. PROPOSED ORDINANCE LANGUAGE

The Department has contacted several communities in southwest Michigan regarding donation boxes and other similar exterior accessory uses (including: the cities Kalamazoo, Wyoming, and Kentwood, and the townships of Oshtemo, Texas, Kalamazoo, and Plainfield). With the exception of Kalamazoo Township, none of the southwest Michigan communities surveyed have specific regulations for these types of accessory uses. Kalamazoo Township has taken the approach that donation boxes are not a use specified in the Zoning Code and are therefore not permitted. However, it may be problematic for the city to prohibit this type of business use altogether, especially in consideration of other exterior accessory uses that have been in existence throughout the community for many years.

Communities located in southeast Michigan and outside of the State of Michigan have recently adopted regulations for donation boxes. For example, the cities of Romulus, Grosse Ile, and Woodhaven, Michigan recently adopted regulations, and the City of Wayne, South Lyon and Brownstown Township are in the process of adopting regulations for donation boxes. Of the identified communities that have adopted ordinances for donation boxes, regulations typically include the following provisions:

- Requirement for a Permit: permit applications must include property owner permission, contact information for the donation box operator, and a drawing of the donation box location;
- Location Requirements: donation boxes are prohibited in residential zoning districts, cannot be located in a required front, side and/or rear yard area, and must be located in a manner that does not obstruct or impede fire lanes, exit doors, off-street parking and maneuvering lanes, access drives and sidewalks;
- Limits on Number of Boxes: many communities restrict the number of donation boxes on one specific property;
- Maintenance Requirements: specifications on the condition of the donation box, and prohibition of junk/debris in the immediate area surrounding the donation boxes.

Some communities have chosen to amend their Zoning Code to include donation box regulations, while others have amended their community codified ordinances to regulate donation boxes and require a business permit or license. After considering the nature of this accessory use, the proliferation and location of the donation boxes in the community, the potential to cause blight,

ordinance language is proposed to be added to Chapter 24, Community Quality.

The following is a brief summary of the substantive sections of the proposed ordinance language:

- Donation boxes shall be maintained in good condition and appearance, and must be serviced and emptied so that debris and other material do not accumulate in the area surrounding a donation box.
- The property owner must submit an affidavit providing written permission to place a box(es) on the property, and a local contact for the donation box operator must be provided to the city.
- Operator information must be displayed on the box and state if it is a non-profit or for-profit entity.
- Donation boxes are not permitted on land used for residential purposes, undeveloped property, or property where the principal use has been closed or unoccupied for more than 30 days.
- No more than two boxes are allowed on a single lot of record. Donation boxes placed on separate lots of record must be at least 500 feet apart.
- A maximum donation box size is specified, with a requirement that boxes be locked or otherwise secured.
- Donation boxes must be located at least ten feet from: a public right-of-way, public sidewalk, driveway and from a side or rear property line if the adjacent property is use for residential purposes.
- The location of donation boxes must not create visions obstructions, obstruct fire lanes or building exits, or interfere/encroach into any access drive, parking lot maneuvering lane or required off-street parking space.
- Every donation box, including those that exist upon adoption and effective date of the ordinance, must apply for a permit and comply with all requirements. The permit is valid for one calendar year (or portion thereof) and must be annually renewed.
- A permit can be revoked upon proper notice for failure to comply with the requirements of the ordinance. If the permit has been revoked, the permit will not be renewed for the subsequent calendar year. In addition, if three written violation notices are provided to a permittee during any given calendar year, the permit will not be renewed for the subsequent permit year.
- Any person aggrieved by a decision of the Director can appeal that decision to the Planning Commission.
- The recommended fee for an initial annual permit is \$50, \$25 for the annual renewal, and \$150 for an appeal.

Staff has reviewed the existing donation boxes to determine what, if any, do not comply with the proposed minimum ordinance requirements. Based on this review, the following donation boxes would not be in compliance:

- 5905 South Westnedge Avenue. The donation box is not located ten feet from the adjacent public right-of-way. However, the box can be moved to a conforming location.
- 6355 South Westnedge Avenue. The building located at 6355 South Westnedge (former K-Mart) has been unoccupied for an extended period of time. However, the development is being renovated for Dick's Sporting Goods.
- 8086 Portage Road and 8136 Portage Road. The donation boxes do not meet the minimum 500 foot separation distance. Also, the donation box located at 8086 Portage Road is not located ten feet from the adjacent public right-of-way. However, both boxes can be moved to conforming locations.
- 5469 South Sprinkle Road. The donation box is not located ten feet from the adjacent public right-of-way. However, the box can be moved to a conforming location.
- 9119 South Sprinkle Road. Three boxes are located on the same lot of record. One must be removed.
- 8350 Shaver Road. Three boxes are located on the same lot of record. One must be removed.

While the proposed ordinance would amend Chapter 24, Community Quality, it has been recommended by the City Attorney that the Planning Commission and City Council review the proposed amendment in the same manner as a Zoning Code amendment. This approach has been advised for several reasons, which include that: the Planning Commission is the appellate body; the ordinance has zoning elements (e.g., specifies use of land where donation boxes are permitted and provisions for the location of donation boxes), and several property owners and donation box operators

will be affected if the ordinance is adopted.

IV. PRELIMINARY PLANNING COMMISSION REVIEW

During the December 20, 2012 meeting, the Commission reviewed and discussed the draft ordinance language. At the conclusion of the discussion, the Commission requested that staff consider modifications to the ordinance language involving permit fees, distance separation between boxes, number of boxes per site, donation box size and ordinance enforcement. The following provides additional information related to each of these topics.

Permit Fees. The Planning Commission suggested that the permit fee to locate a donation box be increased. The recommended permit fee of \$50 per donation box is based on approximately one hour of staff time needed to process a typical permit, with an average administrative cost for the provision of community development services of \$57/hour. The \$25 fee for a renewal permit is reasonable, since the information will already be on file and the location of the donation box will likely not change. Finally, the \$150 Planning Commission appeal fee is based on an estimated three hours of staff time. After again reviewing the average amount of time necessary to process an application for a donation box permit, staff has concluded that the proposed fees, which are based on the cost to provide services, are appropriate. For Planning Commission information, community development fees are not intended to cover all of the administrative costs. A fee for service charge that encompasses all costs associated with a development application has been considered cost prohibitive. However, community development fees are reviewed on an annual basis. If it is determined through actual permit processing that more staff time must be allocated for this activity, the permit fee can be adjusted.

Distance Separation. The proposed ordinance language stipulates that donation boxes must be spaced at least 500 feet apart if located on separate lots of record. During the December 20, 2012 meeting, the Commission suggested increasing the distance separation to 1,500 feet. The initial 500 foot separation distance suggested by staff was based on other similar ordinance standards and the impact 500 feet would have on existing donation box locations. The 500 foot standard would not impact current donation box locations, with the exception of two boxes located at 8086 and 8136 Portage Road. Currently, these two boxes are approximately 490 feet apart so a minor, on-site adjustment to the location would ensure compliance with the 500 foot minimum distance.

Increasing the separation to 1,500 feet (more than a quarter mile) appears to be excessive and would require that four existing donation boxes be either relocated or removed. The existing boxes that would not meet the 1,500 foot separation distance include the following (number in parentheses indicates the current estimated separation distance):

1. 5121 South Westnedge and 5108 South Westnedge (900 feet)
2. 6207 South Westnedge and 6355 South Westnedge (900 feet)
3. 129 West Centre and 330 East Centre (1,400 Feet)
4. 8086 Portage Road and 8136 Portage Road (490 feet)

The intent of the proposed separation distance is to prevent the proliferation of boxes in close proximity to one another along the major commercial corridors and during the initial research, staff believed that a minimum separation distance of 500 feet would achieve this objective. It should also be noted that while several of the boxes are located near and clearly visible from the adjacent roadway,

many others are not, such as the boxes located at Wal Mart, Meijer, Lowe's, Sam's Club and Portage Centre Plaza. As a result, the 500 foot distance separation appears reasonable. However, if the Commission prefers a separation distance greater than 500 feet, the proposed ordinance language could be modified to permit a minimum separation distance of 1,000 feet. A 1,000 foot separation distance would require the removal or relocation of one existing donation box as indicated in No. 4 above. Since both of these boxes are owned and operated by Planet Aid, they could simply be combined onto one site. The boxes identified in Nos. 1 and 2 above would only require minor on-site adjustments.

Number of donation boxes per site. The Planning Commission suggested limiting the number of donation boxes to one per lot of record. Given the relatively small size of these boxes, permitting a maximum of two per lot of record would not have a significant impact if the boxes abutted one another. Two boxes can be placed in a manner to occupy a small area, such as within one non-required parking space. In addition, if two boxes were permitted on a single parcel or lot of record, the likelihood for an accumulation of donated materials and/or debris on the ground around the boxes may be reduced. Therefore, staff is recommending that two boxes be permitted per parcel or lot of record with the stipulation that the boxes abut one another.

Donation box size. During the December 20, 2012 meeting, the Planning Commission discussed further limiting the size of donation boxes. During review of the existing donation boxes located in the city, the boxes range in size from 4 feet wide, by 4 feet in depth, and 6 feet in height to approximately 6 feet wide, by 6 feet in depth, and 7 feet in height. The size and corresponding impact of the larger box size compared to the smaller box size is minimal and, as a result, staff recommends donation boxes be no larger than the size of largest box now located in the community.

Ordinance enforcement. The Planning Commission also briefly discussed the amount of time the ordinance allows for a property owner/operator to correct a violation. Section 24-145.A.1 of the proposed ordinance allows a maximum of 10 days to correct a violation, consistent with other correction time periods specified in Chapter 24 of the Community Quality Code. Nevertheless, depending on the nature of the violation, a correction period less than 10 days can be required.

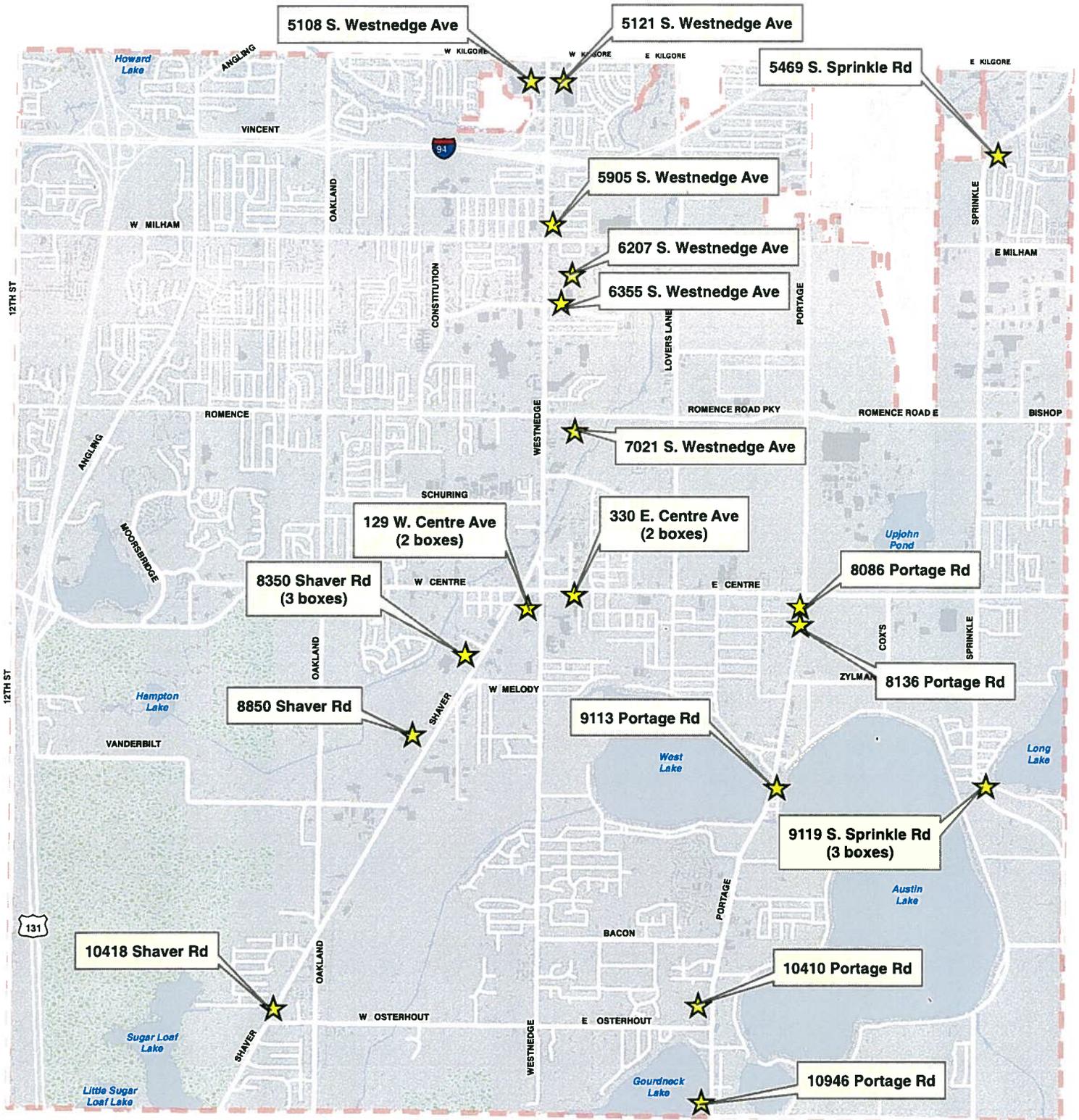
V. RECOMMENDATION

In accordance with the Planning Commission policy of accepting public comment at the initial meeting and concluding the discussion regarding the ordinance amendment at a subsequent meeting, it is recommended that public comment be received during the January 3, 2013 meeting and the public hearing be adjourned to the January 17, 2013 meeting.

Attachments: Donation Box Location Map
 Photos of Donation Boxes
 Proposed Donation Box Ordinance and Fee Resolution

Donation Box Location Map

Date: 12/14/2012



★ Donation Box



1 inch = 4,200 feet



Meijer, 5121 S. Westnedge



Lowes, 5108 S. Westnedge



Hoffman Party, 5905 S. Westnedge



Toys R Us, 6207 S. Westnedge



Former K-Mart, 6355 S. Westnedge



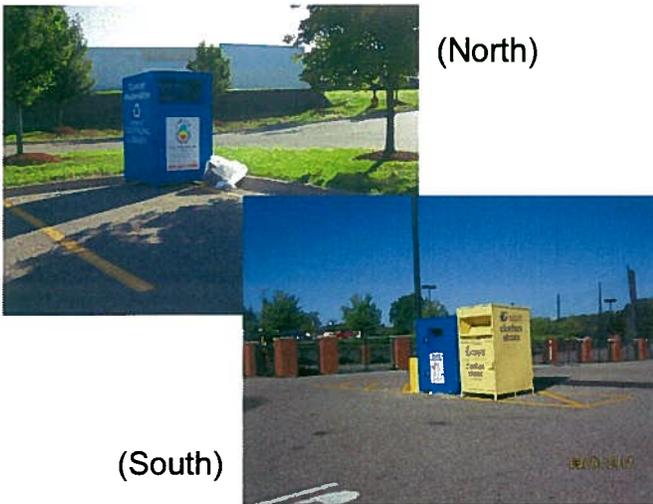
Sam's Club, 7021 S. Westnedge



Sweets Convenience, 330 E. Centre



Portage Centre Plaza, 129 W. Centre



(South)

Wal-Mart, 8350 Shaver



Meijer, 8850 Shaver



DN's Party Store 10418 Shaver



Sprinkle Rd. Laundry, 5469 Sprinkle



Shiney Brite, 8086 Portage



Joy Fong, 8136 Portage



H & B Market, 9113 Portage



Lakeshore Market, 9119 Sprinkle



Kaps Restaurant, 10410 Portage



Connie's, 10946 Portage

CHAPTER 24, COMMUNITY QUALITY, ARTICLE 6. DONATION BOXES

Sec. 24-140. Intent and Definitions.

A. The Donation Boxes Ordinance is intended to be a regulatory ordinance in the public's health, safety and welfare for the protection of all citizens who use donation boxes. The intent of this Donation Boxes Ordinance is to impose restrictions and conditions on all donation boxes in the City so that they are, and remain, clean, safe and do not create hazards to pedestrians and to vehicular traffic. The ordinance is passed under the City's regulatory authority pursuant to MCLA 117.4, et. seq., and City Charter.

B. *Operator* means a person who owns, operates or otherwise is in control of donation boxes to solicit donations of salvageable personal property.

Director means the Director of Community Development for the City of Portage.

Permittee means the person who is issued a permit authorizing placement of donation box(es) on real property.

Real property, Property or Land means a lot of record located in the City of Portage.

Property owner means the person who is an owner of real property where the donation box(es) are located.

Donation box means any container, receptacle, or similar device that is located on any parcel or lot of record within the City and that is used for soliciting and collecting donations of clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material governed or regulated by the Zoning Code, any rubbish or garbage receptacle or any donation box located within a building.

Sec. 24-141. Donation Box Permit.

No later than ninety (90) days from the effective date of this article, no person shall place, operate, maintain or allow any donation box on any real property without first obtaining an annual permit issued by the Department of Community Development ("Department"), to locate a donation box.

Sec. 24-142. Application for a Permit.

- A. Any person desiring to secure a permit shall make an application to the Department of Community Development.
- B. A permit shall be obtained for each donation box(es) proposed. Combining fees for donation box(es) located on a lot of record may be addressed in the fee resolution.
- C. 1. The application for a permit shall be upon a form provided by the Department. The applicant shall furnish the following information:

- (i) Name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a corporation applicant, all stockholders owning more than five percent of the stock of a corporate applicant, and any other person who is interested directly in the ownership or operation of the business, including all aliases.
 - (ii) Date of birth of individuals and date of establishment of any entity.
 - (iii) Written proof that the individual is at least 18 years of age.
 - (iv) Whether the applicant has previously received a permit for a donation box in the city or operates a donation box or similar type receptacle without a permit in the city.
 - (v) The name, address, email and telephone number of a contact person for all matters relating to a donation box located in the city.
2. The physical address of the real property where the donation box is proposed to be located.
 3. A scaled drawing sufficient to illustrate the proposed location of the donation box on the real property, the dimensions of the proposed donation box and that the location complies with the requirements of Section 24-143 of this Article 6 of Chapter 24.
 4. If not the owner of the real property, an affidavit from the property owner providing written permission to place the donation box(es) on the property, as well as an acknowledgment from the property owner of receipt of a copy of this ordinance. shall be provided on a form provided by the Director.
 5. A nonrefundable fee in an amount established by resolution of City Council.
- D. Within ten (10) days of receiving an application for a permit, the Director shall notify the applicant whether the permit is granted or denied. If the Director denies an application, the Director shall state in writing the specific reasons for denial.
 - E. No person to whom a permit has been issued shall transfer, assign or convey such permit to another person or legal entity.
 - F. A person shall be issued a permit by the Director if the requirements of this article are satisfied.

Sec. 24-143. Requirements for a permit.

- A. A Permittee shall operate and maintain, or cause to be operated and maintained, all donation boxes located in the City for which the Permittee has been granted a permit as follows:

1. Donation boxes shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti;
2. Donation boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents;
3. Donation boxes shall contain in two (2") inch type visible from the front of each donation box the name, address, email, website and phone number of the operator, as well as whether the donation box is owned and operated by a for profit company or a not for profit company.
4. Donation boxes shall be serviced and emptied as needed, but at least every thirty (30) days.
5. The Permittee and property owner shall maintain, or cause to be maintained, the area surrounding the donation boxes, free from any junk, debris or other material. The property owner shall be responsible to the extent provided by law for the City's cost to abate any nuisance, in accordance with Section 24-113(e), Abatement Procedure, of the City Code.
6. Donation boxes shall:
 - a. not be permitted on any land used for residential purposes;
 - b. not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than thirty (30) days;
 - c. not be less than 500 feet from another donation box. This requirement shall not apply to donation boxes located on a single lot of record. In no event shall there be more than two (2) donation boxes on any one lot of record'
 - d. not exceed 7.0 feet in height, 6 feet in width and 6 feet in depth;
 - e. not cause a visual obstruction to vehicular or pedestrian traffic;
 - f. not be placed closer than 10 feet from: i) a public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a 5 foot clearance; ii) a public right-of-way; iii) a driveway; or iv) a side or rear property line of adjacent property used for residential purposes;
 - g. not cause safety hazards with regard to a designated fire lane or building exit;

- h. not 1) interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic; 2) encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space; and
- i. be placed on a level, hard (asphalt or concrete) paved, dust-free surface.

Sec. 24-144. Term of Permit and Renewal of permit.

- A. The permit year shall begin on January 1 in each year and shall terminate on December 31 of the same calendar year. An annual permit issued between December 1 and December 31 of any year shall expire on December 31 of the calendar year next following issuance thereof.
- B. A donation box permit shall be renewed annually. The application for renewal must be filed not later than thirty (30) days before the permit expires. The application for renewal shall be upon a form provided by the Director.
- C. The Director shall either approve or deny the renewal of a permit within ten (10) days of receipt of the complete renewal application and payment of the renewal fee. Failure of the Director to act before expiration of the permit shall constitute approval of the renewal of the permit.
- D. A permit renewal fee set by resolution of the City Council shall be submitted with the application for renewal.
- E. Prior to expiration of the permit, the Permittee may voluntarily cancel the permit by notifying the Director in writing of the intent to cancel the permit. The permit shall become void upon the Director's receipt of a written notice to intent to cancel the permit.
- F. The Director shall approve the renewal of a permit if the Director finds that no circumstances existed during the term of the permit which would cause a violation to exist, and that at the time of submission of the application for renewal, or at any time during the renewal of the application for renewal, there were not circumstances inconsistent with any finding required for approval of a new permit. Any Permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent calendar year.
- G. If the permit expires and is not renewed, the donation box(es) must be removed from the real property within a maximum of ten (10) days after expiration of the permit.

Sec. 24-145. Revocation of permit, removal of donation boxes and liability.

- A. 1. The Director shall have the right to revoke any permit issued hereunder for a violation of this article. Any of the grounds upon which the Director may refuse to issue an initial permit shall also constitute grounds for such

revocation. In addition, the failure of the Permittee to comply with the provisions of this article or other provisions of this code or other law shall also constitute grounds for revocation of the permit. The Director shall provide a written notification to the Permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten (10) days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the Director and, thereafter, the Permittee shall not be eligible for a permit on the property for the subsequent calendar year.

2. Upon revocation, the donation box shall be removed from the real property within ten (10) days and, if not so removed within the time period, the City may remove, store or dispose of the donation box at the expense of the Permittee and/or real property owner. All costs associated with the removal of the donation box incurred by the City, or the City's contractor shall be the responsibility of the property owner. If such obligation is not paid within thirty (30) days after mailing of a billing of costs to the property owner, the City may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the City, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

- B. A permit for a donation box may be revoked if any governmental authority or agency determines that the donation box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

Sec. 24-146. Appeal to Planning Commission.

Any person aggrieved by the decision rendered by the Director in granting or denying an application for a permit under this article or in revoking a permit issued under this article may appeal the decision to the Planning Commission. The appeal shall be made by filing a written notice thereof with the Department of Community Development setting forth the grounds for the appeal not later than ten (10) days after receiving notice of the decision of the Director. The Planning Commission may grant relief if the applicant presents clear and convincing evidence that there was an error in the decision of the Director.

Sec. 24-147. Penalty and Remedies.

- A. In addition to revocation of permit pursuant to Section 24-145, any person violating the provisions of this article is guilty of a civil infraction.
- B. In addition to the penalty provided in Subsection (A) of this section, any condition caused or permitted to exist in violation of the provisions of this article, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.

- C. Nothing in this article shall prevent the City from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this article.
- D. The real property owner and Permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.
- E. No fines shall be imposed for a violation of this article until ninety (90) days after its effective date. All donation boxes existing at the effective date of the ordinance shall apply for a permit as required herein within thirty (30) days of the effective date. Any donation boxes not in compliance with this article after ninety (90) days of the effective date shall be subject to all remedies for violation as provided herein.

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**CITY OF PORTAGE
RESOLUTION FOR PERMIT FEE UNDER ARTICLE 6 OF CHAPTER 24
COMMUNITY QUALITY**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 20____ at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, under Chapter 24, Community Quality, Article 6, Donation Boxes, Council may establish by resolution the permit fee for donation boxes;

NOW, THEREFORE, BE IT RESOLVED that the initial permit fee of \$50; permit renewal fee of \$25.00; and appeal of administrative decision fee of \$150.00 is hereby established for permits involving donation boxes.

IT IS FURTHER RESOLVED that a single Permittee who makes application for two (2) donation boxes on a single lot of record, shall be subject to only one (1) permit fee.

YES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on _____, 20____, the original of which is in the official proceedings of the City Council.

James R. Hudson, City Clerk

Approved as to form:
Date _____

City Attorney

TO: Planning Commission
FROM: Vicki Georgeau,  Director of Community Development
SUBJECT: 2013 Recreation and Open Space Plan Update

DATE: December 28, 2012

The Department of Parks, Recreation and Public Services has initiated an update of the 2008 Recreation and Open Space Plan. The Recreation and Open Space Plan is a component of the Comprehensive Plan and is updated every five years and amended, as necessary, to provide a valuable planning tool and fulfill Michigan Department of Natural Resources (MDNR) requirements for park acquisition and development grants.

The following summarizes the substantive changes since the 2008 Plan update:

1. The Eliason Nature Reserve has been added to the inventory of park facilities.
2. The combination of West Lake Nature Preserve, South Westnedge Park, Bishops Bog, Schrier Park and Eliason Nature Reserve has been identified as the Portage South Central Greenway. These adjoining recreational areas encompass more than 450 acres and five miles of trails.
3. Content of the Plan has been revised to fulfill MDNR Grants requirements.
4. Section III, Administrative Structure, has been updated to reflect changes in the city organization and the revised vision and mission for the Parks & Recreation divisions.
5. Section IV, Recreation Inventory has been revised to be consistent with MDNR Grant guidelines. Parks have been reclassified, descriptions updated and information on accessibility and MDNR Grant inventory added.
6. Section V, Planning Process, Public Input and Public Information has been added to fulfill MDNR requirements.
7. Section VIII, Short-term Objectives and Section IX, Action Plan Priority List and Financial Program has been updated to reflect the 2012-2013 Capital Improvement Program

During the October 18, 2012 meeting, the Planning Commission reviewed the draft 2013 Recreation and Open Space Plan Update and recommended several minor revisions. Attached is a copy the October 18, 2012 meeting minutes that summarizes the Commission discussion. The Plan has been revised and incorporates these revisions. A copy of the revised Plan is enclosed.

Following the October 18, 2012 Planning Commission meeting, the Plan was forwarded to the City Council for review and authorization to distribute to adjacent communities and Kalamazoo County in accordance with the Michigan Planning Enabling Act (Act 33 of 2008, as amended). On November 6, 2012, the Council approved distribution of the Plan and the adjacent communities and Kalamazoo County were notified to review and comment on the draft Plan. The 42 day review period ended on December 26, 2012 and letters were received from Oshtemo Township and Kalamazoo County (attached).

Pursuant to the Michigan Planning Enabling Act, the Planning Commission is required to conduct a public hearing and consider any comments regarding the proposed Plan amendment prior to adoption. The public hearing is scheduled for January 3, 2013. Subject to any additional discussion and/or comments received during the January 3rd meeting, the Planning Commission is advised to adopt the 2013 Recreation and Open Space Plan Update. Following Planning Commission action, the Plan will be forwarded to the City Council. For Commission information, the MDNR requires that the recreation plan element of the Comprehensive Plan be adopted by the local governing body.

Attachments: October 18, 2012 Planning Commission meeting minutes
Revised 2013 Recreation and Open Space Plan Update
Letters from Oshtemo Township and Kalamazoo County

PLANNING COMMISSION

October 18, 2012

The City of Portage Planning Commission meeting of October 18, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

MEMBERS PRESENT:

Wayne Stoffer, Bill Patterson, Paul Welch, Dave Felicijan, Rick Bosch, Miko Dargitz, David Artley, Allan Reiff and James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Assistant City Planner; Randall Brown, City Attorney; and Jill Hess, Deputy Director of Recreation & Senior Citizen Services.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the October 4, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved.

PUBLIC HEARINGS:

None.

SITE/FINAL PLANS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. 2013 Recreation and Open Space Plan Update. Mr. Forth summarized the staff report dated October 12, 2012 regarding the proposed update to the Recreation and Open Space Plan component of the Comprehensive Plan. Mr. Forth explained the statutory process for updates to the Comprehensive Plan

pursuant to the Michigan Planning Enabling Act and stated this was the first step whereby the Planning Commission reviews the draft document and then submits it to City Council for review, comment and distribution to adjacent communities and the county. After distribution and a 42 day review comment period, Mr. Forth indicated the Planning Commission will then conduct a public hearing and forward a recommendation to City Council who will formally adopt the Plan Update. Mr. Forth then summarized the major changes to the Plan Update and then introduced Ms. Jill Hess, Deputy Director of Recreation & Senior Citizen Services.

Ms. Hess, Mr. Forth and the Commission next discussed various aspects of the 2013 Recreation and Open Space Plan Update including the annual parks/facilities assessment process, the use of the Plan Update for Michigan Department of Natural Resources (MDNR) grant applications, reduction in the surrey and canoe rental program, funding sources for recreational programs and services and the upcoming public hearing for the Eliason Nature Reserve Master Plan. Commissioner Dargitz suggested including a map of sensitive areas in the 2013 Open Space and Recreation Plan Update document, similar to the map contained in the 2008 Comprehensive Plan (Map 3 – Natural Features). Commissioner Stoffer asked where “Allan Creek” was in the city? Mr. Forth and Ms. Hess indicated they would research but believe the reference may be to Davis Creek. Commissioner Reiff stated there are many terms in the Plan document that are not commonly known and suggested inclusion of definitions to assist the intended user of the document. Commissioner Artley stated the City of Portage does an excellent job managing the park/trails system which enhances the quality of life for all residents. Commissioner Reiff indicated the data contained in Table 1 – Average Monthly Climatological Data does not correlate with the text at the top of Page II-2. Ms. Hess stated she would review and make adjustments where necessary. Commissioner Reiff also provided a list of typographical errors he identified while reviewing the plan document. Commissioner Welch inquired as to why there was no reference to gun clubs/shooting ranges in Table 6 – Major Facilities (within 30 minutes travel time). Ms. Hess indicated she would review and discuss with Parks Department staff and make changes, where appropriate.

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to forward the 2013 Recreation and Open Space Plan Update to City Council with consideration of the following: 1) Inclusion of a natural features/sensitive areas map similar to the map included in the 2008 Comprehensive Plan; 2) Inclusion of definitions within the text portion of the Water Resources section, and 3) Inclusion of other clarifications/corrections identified by the Commission during the review and discussion of the draft document (see previous paragraph). The motion was unanimously approved.

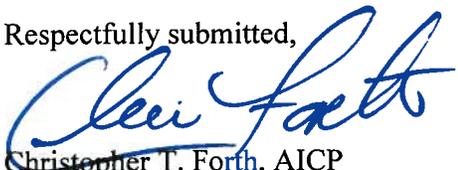
STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:45p.m.

Respectfully submitted,



Christopher T. Forth, AICP

Deputy Director of Planning, Development & Neighborhood Services

December 12, 2012

City of Portage Planning Commission
c/o James Cheesebro, Chairman
Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002



RECEIVED

DEC 12 2012

COMMUNITY DEVELOPMENT

RE: Proposed 2013 City of Portage Recreation and Open Space Plan

Dear Planning Commissioners:

At their November 29, 2012 meeting, the Oshtemo Charter Township Planning Commission reviewed the proposed amendments to the City of Portage Master Plan regarding Recreation and Open Space. Upon the recommendation of Staff, the Planning Commission found the proposed amendments to have no adverse impact on the Township and therefore have no comments for you as you continue to develop your Plan.

Best of luck as you continue in your process and work towards implementation of your goals.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "G. Milliken".

Gregory Milliken, AICP
Planning Director



Department of Planning & Community Development

201 West Kalamazoo Avenue, Rm. 202 · Kalamazoo, Michigan 49007
Phone: (269) 384-8112 · FAX: (269) 383-8920 · Email: LMJARN@kcalcounty.com

Lotta Jarnefelt, Director

RECEIVED

DEC 14 2012

COMMUNITY DEVELOPMENT

December 10, 2012

City of Portage Planning Commission
C/o James Cheeseboro, Chairman
Department of Community Development
7900 S. Westnedge Ave
Portage, MI 49002

Re: Proposed Amendment to 2013 City of Portage Recreation and Open Space Plan

Dear Mr. Cheeseboro:

At its meeting on December 6, 2012, the Kalamazoo Metropolitan County Planning Commission (KMPC) reviewed the proposed amendment to the Recreation and Open Space Plan element of the City of Portage Comprehensive Plan. The KMPC found the document to be very thorough, informative, and well executed.

The Kalamazoo Metropolitan County Planning Commission voted unanimously to recommend approval of the proposed amendment to City of Portage **Recreation and Open Space Plan** and determined that the proposed plan is **CONSISTENT** with the planning and zoning of the neighboring units of government in Kalamazoo County.

If I can be of further assistance, please feel free to call me at (269) 384-8115.

Sincerely,

A handwritten signature in cursive script that reads "Lotta Jarnefelt".

Lotta Jarnefelt

TO: Planning Commission

DATE: December 28, 2012

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: City of Portage 50th Anniversary Celebration – Recognition of Portage Businesses

During the December 18, 2012 meeting, the City Council received and discussed the Planning Commission recommendation (attached) regarding recognition of Portage businesses as part of the 50th Anniversary Celebration. The City Council has advised that the Planning Commission is authorized to proceed with establishing a subcommittee to identify operational details involving the “pass book” idea. Attached for Commission review is a copy of the December 18, 2012 City Council summary meeting minutes.

The Commission is advised to establish a subcommittee consisting of not more than four members. If necessary, staff will be available on a limited basis to assist the Commission.

Attachments: Planning Commission transmittal to City Council dated December 10, 2012
December 18, 2012 City Council summary meeting minutes

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: December 10, 2012

SUBJECT: City of Portage 50th Anniversary Celebration – Recognition of Portage Businesses

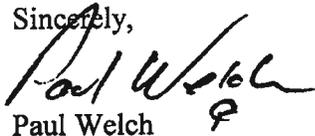
Pursuant to your October 24, 2012 communication, the Planning Commission considered and discussed ways in which the Portage business community can be recognized as part of the 50th Anniversary Celebration during the November 1st, November 15th and December 6, 2012 meetings (see meeting minutes attached). After discussing and considering several ideas and suggestions offered by various Commissioners, it was the consensus of the Commission to suggest to City Council the following 50th Anniversary Celebration idea for consideration:

- Creation of a “pass book” to support and recognize participating Portage businesses. Citizens who patronize participating businesses would have their pass book validated to verify a business visit. At the end of a defined period of time, pass books would be collected and people who participated in the 50th Anniversary Celebration activity would have their name entered in a drawing to win a prize. The prize(s) would likely be item(s) donated from the participating businesses.

The Commission appreciates the opportunity to provide input on ways to recognize the Portage business community as part of the 50th Anniversary Celebration. If City Council authorizes the Commission to proceed with the above idea, a subcommittee of the Planning Commission can be established to identify the operational details of the activity. Once the specific details of the activity are identified, the Commission can report back to the Council.

If additional information is needed from the Commission regarding this matter, please contact either myself or Chairman Cheesebro.

Sincerely,



Paul Welch
Vice-Chairman

Attachment: November 1st and 15th, 2012 Planning Commission meeting minutes
December 6, 2012 Planning Commission meeting minutes (Draft)

City Council Meeting Summary

December 18, 2012

CHECK REGISTER

- ◆ Approved the Check Register of December 18, 2012, as presented.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Ed Halcomb, 9834 Woodlawn Drive, requested that Fire Station No. 3 be manned with firefighters and fire equipment twenty-four hours a day, seven days a week, for the second time, and provided a review of his life experiences as a career firefighter for the City of Portage.

REPORTS FROM THE ADMINISTRATION

- ◆ Authorized the Mayor and City Clerk to execute the two-year replacement labor agreement with the Portage Police Officers Association in accordance with the Act 312 Arbitration Award.
- ◆ Approved one-year contract renewals for employee health insurance offered through Blue Care Network-10 (HMO plan), and Blue Cross Blue Shield of Michigan (PPO-1 and PPO-2 plans); up to a one year contract for PPOA retiree supplemental health insurance through Blue Care Network (Medicare Advantage plan) and authorized the City Manager to execute all documents on behalf of the city.
- ◆ Adopted the Proposed 2013 Charges for Documents fee schedule; the recommended fee schedules for recreation programs and park facilities for 2013; the Resolution for Community Development Fees; and the 2013 Special Assessment Rate Resolution; and approved the proposed new Arrest Warrant Processing Fee.
- ◆ Adopted the Resolution setting the dates and times for the 2013 March Board of Review sessions.
- ◆ Authorized payment to the Michigan Municipal League in the amount of \$8,554 for year 2013 membership dues.
- ◆ Received the communication from the City Manager regarding the November 2012 Summary Environmental Activity Report as information only.
- ◆ Received the Department Monthly Reports.

COMMUNICATIONS

- ◆ Received the communication from Kalamazoo County 8th District Court Chief Judge Paul J. Brindenstine dated November 30, 2012, regarding the proposed closure of the 8th District Court South location and referred the communication to the City Manager for further discussion, investigation and a report back to City Council.
- ◆ Received the report from the Historic District Commission regarding the potential of a tour of Portage historic homes and Train Barn open house in recognition of the city's 50th Anniversary and indicated that the City Council wants the Historic District Commission to move forward with their plan.
- ◆ Received the report from the Park Board regarding the possibility of a community art competition in recognition of the city's 50th Anniversary.
- ◆ Received the report from the Planning Commission and authorized them to proceed with the idea in the report of forming a subcommittee that can establish operational details of that activity; and to communicate to them that staff time is not available to support this activity.

AD HOC COMMITTEE REPORT

- ◆ Authorized the City Manager to negotiate with Mr. Scheifler to offer an amount to purchase the property at 117 East Center Avenue and, if an agreement is reached, to bring it before City Council in order to then have the City Manager order a Phase I Environmental Study and an appraisal of the property.

BID TABULATIONS

- ◆ Approved the low bids for comprehensive janitorial services submitted by New Fresh Cleaning Services in the amount of \$16,560 for the Police Division Building; and LaCosta Facility Support Services in the amount of \$13,212 for City Hall, \$19,764 for the Parks, Recreation and Public Services Building, \$6,780 for the Senior Center and \$3,744 for the District Court, both for the period of January 13, 2013, to January 11, 2014, with the option of three one-year renewals and authorized the City Manager to sign all other documents related to this action on behalf of the city.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Mayor Pro Tem Reid and City Council wished everyone a safe, Merry Christmas and happy holiday season.
- ◆ Councilmember Pearson also encouraged everyone to hug their children not once, but twice, whether they have been naughty or nice.

MATERIALS TRANSMITTED

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
November 2012 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation (AHC) on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. Investigation into methane gas presence in the groundwater is underway. First round of sampling completed in April 2012. Second round of sampling completed in June 2012. Initial results indicate no off-site impact. <i>Annual report submitted to MDEQ. Review meeting held September 21, 2012 with MDEQ with follow-up in October. AHC currently preparing future monitoring plan and cost estimate.</i>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. -Review of 4 site/building plans and/or plats completed in November 2012.
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	-Sanitary sewer hookup permits issued in November 2012: 3 residential; 1 commercial. One connection made as part of the mandatory sewer connection program.
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. The 2011 lake survey and treatment preparations are complete. Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. Lake Association has completed 2012 plan and lake treatment completed in May 2012. Review of program underway by Lakeshore Environmental Consultants. <i>Planning underway for the 2013 season.</i>

Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. The 2011 annual report received. Groundwater results show that the general groundwater table on the east side of Portage has risen approximately one foot in 2011 and is generally at levels seen in 2009. Groundwater levels, especially on the east side of Portage, have decreased in 2012 as a result of seasonal rainfall deficiencies.
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Plan implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2011 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Annual sampling completed in June 2011 minimal impacts noted. Sampling completed in June 2012 with minimal groundwater impacts.
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice from MDNRE rescinding the 2008 permit due to a recent court case ruling.

MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2014. City staff presented public information with other local agencies at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association. 2010-11 annual report was submitted on January 20, 2012. Implementation is ongoing. Stormwater informational talk was given to Pfizer, Inc., employees on April 28, 2012. MDEQ scheduled an audit of the program for July 12, 2012. Audit completed with satisfactory results. Several follow-up items with MDEQ to be addressed by staff. Program implementation is ongoing.

National Pollution Discharge Elimination System (NPDES) permit implementation
 Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current watershed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. *Grant for watershed update was awarded to Calhoun County Conservation District. First kick-off meeting scheduled for December 13, 2012.*

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI. Implementation is ongoing.

Storm Sewer Outfall Testing

On March 23, 2011 City Council awarded a four year contract to Wightman Environmental to perform testing of (selected storm sewers). Surface water discharges. This work is required as part of the NPDES permit. 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. *Testing will continue in November 2012. Report will be due in January 2013. Testing results are reported to MDEQ.*

Garden Lane Arsenic Removal Facility

Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. Facility is in regular operation. Plant tour for Stryker Engineering group was held on June 19, 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design with Native Connections Inc. for the facility. *Regrading and installation of native landscaping seeding completed on November 16, 2012. Germination results in spring 2013 will determine if additional seeding is required.*

Environmental Incident/Spill Clean Up Notification

Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.

-The number of environmental incident/spill investigations performed in November 2012 – 1. Number of environmental cleanups in November – 0. Emergency spill response contract for 2012-13 with Terra Contracting is in

place. *One minor gasoline spill occurred on November 27, 2012 on Romence Road. Investigation revealed little environmental impact and clean up was performed by the owner's environmental response company.*

Hampton Wetland Area Water Level
Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.

Southwest Michigan Regional Sustainability Covenant

Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.

CITY COUNCIL MEETING MINUTES FROM DECEMBER 4, 2012

The Regular Meeting was called to order by Mayor Strazdas at 7:30 p.m.

At the request of Mayor Strazdas, Councilmember Terry Urban gave an invocation and City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Reid, to approve the November 20, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Reid to read the Consent Agenda. Councilmember Sackley asked that Items F.4, 117 East Centre Avenue Property, and L.1, Proposal Tabulation and Recommendation – Banking Services, be removed from the Consent Agenda. Motion by Pearson, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 4, 2012:** Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of December 4, 2012. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

BOWERS MANUFACTURING COMPANY – PA 198 TAX ABATEMENT: Mayor Strazdas opened the public hearing and City Manager Maurice Evans explained that the purpose of this public hearing is to review the request by Bowers Manufacturing to expand Industrial Development District No. 53 (IDD No. 53) in order to facilitate the construction of a 37,895 square foot building addition and 6,950 square feet of loading docks and related building improvements on the east side of the manufacturing facility located at 6565 Sprinkle Road. He indicated that the proposed investment of \$2.81 million will result in the creation of 25 new jobs. He reviewed the history of IDD No. 53, including the grant of tax abatements in 1993, 1996, 2000 and 2007. Discussion followed.

Mayor Strazdas opened the public hearing to comments from the audience. Hearing none, motion by Sackley, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Sackley, seconded by Campbell, to adopt Resolution No. 2-12 expanding Industrial Development District No. 53. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 469 of City of Portage Resolution Book No. 44.

BOWERS MANUFACTURING COMPANY – PA 198 TAX ABATEMENT: Mayor Strazdas opened the public hearing and City Manager Evans explained that the request for the tax abatement is in conformance with the City Council policy of granting a six-year abatement for real property and a three-year abatement for personal property. He also indicated that this is representative of quality growth in the County and that there is the additional requirement to approve the tax abatement agreement and the affidavit of fees.

Mayor Strazdas opened the public hearing to comments from the audience and Jim Bush, General Manager of Bowers Manufacturing, indicated that Bowers Manufacturing has had the good

fortune of having many expansions with the help of City Council. He expressed his appreciation and indicated that the Company has already hired 30 people and will probably hire another 60.

Mayor Strazdas expressed his concerns for the city and other taxing units such as the Portage District Library who will see some tax losses with each tax break over three or six years, but he stressed that there will be a net tax gain from the expansion plus the economic boost for the local economy by the pay brought by new jobs.

Mr. Bush explained the manufacturing process involved and listed some of the companies who are customers of Bowers Manufacturing. Discussion followed.

Motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Sackley, seconded by Pearson, to adopt Resolution No. 4-12, approving the Industrial Facilities Exemption Certificate for the Bowers Manufacturing Company at 6565 Sprinkle Road (for six years on the real property and three years on the personal property) in the total amount of \$2.81 million; and approve the tax abatement agreement and affidavit between the City of Portage and Bowers Manufacturing Company. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 473 of City of Portage Resolution Book No. 44.

PETITIONS AND STATEMENTS OF CITIZENS: Ed Halcomb, 9834 Woodlawn Drive, requested Fire Station No. 3 be manned with firefighters and fire equipment twenty-four hours a day, seven days a week, provided a review of his life experiences as a firefighter for the City of Portage and listed some of his credentials as support for his position. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **REZONING APPLICATION #12-01 (9136 SHAVER ROAD):** Motion by Pearson, seconded by Reid, to accept Rezoning Application #12-01 for first reading and set a public hearing for January 8, 2013, at 7:30 p.m. or as soon thereafter as may be heard, to consider approving Rezoning Application #12-01 and rezone 9136 Shaver Road to B-3, general business, subsequent to the public hearing. Upon a roll call vote, motion carried 7 to 0.

* **HOUSEHOLD HAZARDOUS WASTE PROGRAM – INTERGOVERNMENTAL COOPERATION:** Motion by Pearson, seconded by Reid, to approve the contract with Kalamazoo County for household hazardous waste collection during the 2013 calendar year in the not to exceed amount of \$26,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SPECIAL MEETING WITH BOARD AND COMMISSION APPLICANTS:** Motion by Pearson, seconded by Reid, to set a Special Meeting on Tuesday, January 8, 2013, beginning at 5:30 p.m. to interview board and commission applicants. Upon a roll call vote, motion carried 7 to 0.

117 EAST CENTRE AVENUE PROPERTY: Mayor Strazdas turned to Councilmember Sackley, who asked that this item be removed from the Consent Agenda. Councilmember Sackley indicated that it is not necessary to refer this matter to the City Council Property Committee since the Committee is present and shared his discussion with City Manager Evans, who indicated he is ready to proceed with the purchase, recognizing that an environmental study needs to be conducted on the property. He reflected his intent to refer the matter to the Administration, to conduct an environmental study, to negotiate an agreement with the seller and to present the agreement to City Council for approval in order to provide good customer service to Mr. Schiefler, who wrote his letter four weeks ago. Discussion followed.

In answer to the concerns expressed by Councilmember Pearson, Mr. Evans indicated that he has had time to investigate the matter further since the early Monday morning discussion with him at the Preparatory City Council Subcommittee Meeting. He pointed out that the property is zoned B-3, general business, that a preliminary investigation shows no pollution on the property, but the Administration still wishes to perform a Phase I Environmental Assessment there. He acknowledged the need to have a public purpose before purchasing the property and reflected on the efforts in the past to expand the Senior Center and the accumulation of surrounding properties for those efforts. At his request, Community Development Director Vicki Georgeau displayed a vicinity map and focused on 117 East Centre and city-owned parcels in the area. Mr. Evans summed up by saying that the purchase of this property is in compliance with what would be best for the community with regards to the development of the area; that the price is reasonable even without any negotiations with Mr. Schiefler; that he would recommend to the Property Committee that the Administration proceed with the purchase of the property; and, that City Council could act on the matter now recognizing that the agreement would be brought back to City Council for approval. He expressed a concern with the time frame and discussion followed.

Councilmember Urban raised the question of what is the purpose of purchasing this property and his concern that the only reason that can be given at this time is for resale as there appears that there is neither a legal public purpose in mind for this property or the area properties, nor an economic development purpose at this time. At his request, City Attorney Brown indicated that a public purpose is very broad, and he was not too concerned about whether the city could propose a public purpose for the property. He asked City Council to keep in mind that a written agreement would need to be signed, first, and then the due diligence elements of the process would be addressed, subsequently.

Mr. Evans indicated that the purchase of this property would strengthen the city's position that it was for a public purpose as the city would be placed in a better position to facilitate development of the area as the property would be controlled by the municipality instead of a private individual. He also pointed out that any purchase agreement approved by City Council would have contingencies as a part of the agreement. Discussion followed about the time frame of the negotiations.

Mayor Pro Tem Reid expressed her concern about setting a precedent by purchasing the property without a stated purpose and her interest in obtaining a list of possible use options that would serve a public purpose. She advocated including the plan for a public purpose as part of the due diligence portion of the process. Discussion followed.

Motion by Sackley, seconded by Reid, to authorize the City Administration to proceed with negotiating a purchase agreement with the seller, Mr. Roger L. Schiefler, with the agreement to be brought back to City Council for approval. Discussion followed. Councilmember Urban expressed his reservations. Motion withdrawn.

Motion by Pearson, seconded by Randall, to refer the request from Mr. Roger L. Schiefler regarding the property at 117 East Centre Avenue to the Ad Hoc Property Committee for review and recommendation. Discussion followed.

Motion by Pearson, seconded by Randall, to amend the motion to read to refer the request from Mr. Roger L. Schiefler regarding the property at 117 East Centre Avenue to the Administration, who would refer the matter directly to the Ad Hoc Property Committee for review and recommendation. Discussion followed and Councilmember Urban expressed his reservations with the discussion of the motion as he does not agree that sales negotiations are appropriate as yet and he understood that this is part of the intent of the discussion. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Councilmember Urban abstaining.

COMMUNICATIONS:

KALAMAZOO COUNTY BOARD OF COMMISSIONERS ADMINISTRATIVE ASSISTANT TINA BECKER: At the request of Mayor Strazdas, Mr. Evans indicated that this communication was probably distributed to all of the municipalities in Kalamazoo County. At the request of Mayor Pro Tem Reid, City Manager Evans agreed to place this information on the city website. After discussion, motion by Urban, seconded by Campbell, to receive the communication from Kalamazoo County Board of Commissioners Administrative Assistant Tina Becker regarding current vacancies on county-wide boards and commissions. Upon a voice vote, motion carried 7 to 0.

PORTAGE CENTRAL HIGH SCHOOL STUDENTS: Councilmember Sackley reviewed the communications and recommended referring the letters to the Environmental Board. Motion by Reid, seconded by Pearson, to refer the communications from several Portage Central High School students regarding environmental initiatives to the Environmental Board for review and recommendation. Upon a voice vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Zoning Board of Appeals of October 8 and October 15, 2012.
Portage Public Schools Board of Education Regular Business of October 22, Policy Governance Session of October 23 and Special Meeting and Committee of the Whole Work Session of November 5, 2012.

BID TABULATION:

PROPOSAL TABULATION AND RECOMMENDATION – BANKING SERVICES: Councilmember Sackley raised the question of why J.P. Morgan Chase Bank was recommended instead of one of the two lowest bidders for banking services for the city. Councilmember Campbell questioned the recommended contract period of five years and advocated no more than a three year period owing to the change in technologies.

Finance Director Daniel Foecking responded to Councilmember Campbell by saying that the prices quoted are for a one year period and he agreed with her that technology has moved forward. He cited the example that J.P. Morgan Chase Bank takes scanned checks from multiple sources and transfers it into the city's bank account on the same day at a reduced cost. He pointed out that this is much more streamlined than the process used by J.P. Morgan Chase Bank six years ago saying that this is a much improved process than the one used by them six years ago. He also explained that the prices quoted are for a one year period and can be adjusted after the first year, that Chase has reduced their prices twice in the last six years and the current bid reflects yet another cost reduction. Discussion followed.

Motion by Sackley, seconded by Reid, to accept the proposal submitted by J.P. Morgan Chase Bank for comprehensive banking services for a period of up to five years and authorize the City Manager to execute all documents related to this contract on behalf of the city. Discussion followed.

At the request of Councilmember Pearson, motion by Sackley, seconded by Reid, to amend the motion to read accept the proposal submitted by J.P. Morgan Chase Bank for comprehensive banking services for a period of consecutive one-year contracts up to five years and authorize the City Manager to execute all documents related to this contract on behalf of the city. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Pearson gave tribute to Christine Berro, Portage District Librarian, who is retiring and recognized her as a very active volunteer in the community. Mayor Strazdas concurred.

Councilmember Campbell noted the Portage Northern High School versus Portage Central High School 9th Annual Hockey Classic, Monday, December 10, 2012, at 6 p.m. which serves as a fundraiser for the Portage Rotary Club. Discussion followed.

Councilmember Urban cited good weather at the Annual Christmas Tree Lighting Ceremony, Saturday, December 1, 2012, and told the Mayor he was missed.

Mayor Pro Tem Reid listed some of the volunteer opportunities on some of the Kalamazoo County Boards from the communication from Kalamazoo County Board of Commissioners Administrative Assistant Tina Becker regarding current vacancies on county-wide boards and commissions. She also concurred with Councilmember Urban and indicated there were large crowds of people in attendance at the tree lighting ceremony.

Mayor Strazdas expressed his excitement over the new development in the industrial sector of the city and conjectured it is a signal for an economic turn-around.

ADJOURNMENT: There being no further discussion, Mayor Strazdas adjourned the meeting at 9:12 p.m.

James R. Hudson, City Clerk

***Indicates items included on the Consent Agenda.**