



PLANNING COMMISSION

February 21, 2013

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

February 21, 2013

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * January 17, 2013

SITE/FINAL PLANS:

- * 1. Site Plan: Main Street Properties, 7509 South Westnedge Avenue

PUBLIC HEARINGS:

NEW BUSINESS:

1. Planning Commission Training – Site Plan Review & Access Management
-- adjourn to Conference Room No. 1

OLD BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

December 2012 Summary Environmental Activity Report
January 8th and 22nd, 2013 City Council meeting minutes
January 28, 2013 Zoning Board of Appeals meeting minutes

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

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PLANNING COMMISSION

January 17, 2013

The City of Portage Planning Commission meeting of January 17, 2013 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Dave Felicijan and Dave Artley.

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 January 3, 2013 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Welch, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was approved 7-0.

PUBLIC HEARINGS:

1. **Final Report: Donation Box Ordinance Amendment.** Mr. Forth summarized the final staff report dated January 11, 2013 regarding the proposed donation box ordinance. Mr. Forth discussed the previous Planning Commission review of the proposed ordinance and public comment received during the January 3rd meeting. Mr. Forth also reviewed the four proposed changes requested by the Commission during the January 3rd meeting including increasing the distance separation requirement from 500 feet to 1,000 feet, allowing two donation boxes per site if the boxes are operated by the same company and abut each other, requiring liability insurance and requiring the donation boxes to be made of metal. Mr. Forth indicated staff was supportive of an increased distance separation requirement and requiring metal boxes, but did not believe it necessary to require: 1) both donation boxes on the same site be operated by the same company; and 2) liability insurance. Mr. Forth referred the Commission to the rationale for this position contained in the staff report and the highlighted/strike version of the ordinance that identified changes made since the January 3rd meeting. Lastly, Mr. Forth referred the Commission to the January 11, 2013 e-mail communication received from Mr. Mike Holt of American Textile Recycling Services (ATRS) that was included in the final agenda packet.

The public hearing was reconvened by Chairman Cheesebro. Four citizens spoke in regards to the proposed ordinance amendment: 1) Carlo Cavallaro (attorney representing USAgain), 2) Dan Dalton (attorney representing Planet Aid), 3) Dustin Holland (Vice-President, Better World Books) and 4) Catherine Sutter

DRAFT

(Community Relations Coordinator, American Textile Recycling Services). Mr. Cavallaro again stated support of the ordinance with one suggested change to Section 24-142.C.4 that would allow either the entity owning or leasing the property to provide written permission as part of the application for a permit. Mr. Cavallaro also indicated he has experienced no issues with a USAgain box being situated adjacent to a donation box from another organization. Mr. Dalton also stated support of the ordinance with the same change suggested by Mr. Cavallaro. Mr. Dalton indicated he has experienced no real safety issues associated with the donation boxes other than a very rare incident where a vehicle might drive into a box or a person receiving a minor cut when placing a donated item into the box. Mr. Holland also expressed support of the ordinance and the staff recommended allowance for up to two boxes on a site regardless of the organization affiliation. Mr. Holland again requested a slight change to the ordinance that would reduce the minimum text size for organization information from 2-inch to ½-inch size. Mr. Holland stated Better World Books currently has a ½-inch size print on the boxes and all the information is visible and legible. Ms. Sutter also stated support of the ordinance and referred the Commission to suggestions outlined in the January 11, 2013 e-mail communication from Mr. Mike Holt. Ms. Sutter distributed additional information regarding ATRS including a letter of reference from the Michigan Humane Society, an Internal Revenue Service letter affirming ATRS's exempt status, a certificate of liability insurance and a commitment letter that is provided to all ATRS sponsors. No additional citizens spoke regarding the proposed ordinance language. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to close the public hearing. The motion was unanimously approved.

The Commission, Mr. Forth and Attorney Brown discussed the proposed ordinance language, including comments from the Planning Commission and public. Commissioners Welch and Cheesebro stated they would be supportive of a reduction in the minimum 2-inch text size referenced in Section 24-143.A.3. Commissioner Patterson concurred stating a one-half inch type size appears to be a standard on existing donation boxes and large enough to convey the necessary information. Commissioner Reiff asked for additional staff explanation on why a requirement for liability insurance is deemed unnecessary. Mr. Forth stated the Planning Commission typically approves a variety of different uses through special land use permit and site plan approvals that are more intensive and inherently have a higher risk of hazard without a requirement for liability insurance. Mr. Forth indicated the issue of liability insurance is a private matter between the property owner and operator and the city has historically not been involved with these issues as a matter of ordinance requirements. Attorney Brown stated the requirement for proof of liability insurance would not further protect the city and would require the city to confirm that insurance was in place for the entire time the donation box was located on a property. Attorney Brown also indicated that he had spoken with the Financial Services Director for the city and an expert in risk management, who concluded requiring submission of proof of liability insurance for placement of donation boxes was not necessary.

After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bosch, to recommend to City Council that the Donation Box Ordinance Amendment be adopted without requiring the same operator to maintain both donation boxes in order to have two boxes on a lot of record and without the private liability insurance requirements. The motion also included a modification to Section 24-143.A.3 to require a minimum text size of one-half inch. The motion was unanimously approved.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

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STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: February 15, 2013

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Site Plan for Main Street Properties, 7509 and 7545 South Westnedge Avenue.

I. INTRODUCTION/BACKGROUND:

A site plan has been submitted by Mr. Chris Housler, on behalf of Main Street Properties IV LLC, requesting approval to construct a 4,950 square foot restaurant/office building along the northern portion of the existing Main Street Pub zoning lot located at 7509 and 7545 South Westnedge Avenue. The approximate 3.5 acre zoning lot is zoned B-3, general business.

As background information, the original site plan for Main Street Properties was approved by the Planning Commission in February 2007 and included retention of the 8,240 square foot Sauder Furniture building (Formerly Furniture Now), construction of a new 5,624 square foot Main Street Pub building, construction of a future 8,960 square foot retail building and associated site improvements. With the exception of the future retail building, all other site related improvements have been constructed. The applicant is now proposing to replace the 8,960 square foot future retail building with a 4,950 square foot restaurant/office building.

As part of the February 2007 site plan approval, the applicant agreed to close the existing full-service driveway located along the southern portion of the zoning lot, adjacent to Sauder Furniture, and install a 10-foot greenstrip area along the South Westnedge Avenue frontage *"within 24 months of site plan approval or upon a change in occupancy or redevelopment of the Furniture Now building, whichever comes first."* In August 2009, the applicant requested an additional five-year extension to close the south driveway and install the greenstrip due to the challenging economic conditions. The Planning Commission subsequently approved a two-year extension until September 15, 2011 or until redevelopment of the south building, whichever occurs first. In conjunction with the site plan now before the Commission, the applicant is requesting another extension to close the south driveway and install the greenstrip until redevelopment of the furniture store building occurs. In a correspondence dated February 12, 2013 (see attached), the applicant identifies similar reasons previously cited in 2007 and 2009 including the need to retain the southern driveway and parking in front of the building for truck maneuvering and to minimize customer confusion.

II. ANALYSIS:

While the goal of access management is to minimize driveway locations along major thoroughfares and facilitate shared/cross access arrangements between properties, where possible, it is also understood from the applicant that closure of the southern driveway and installation of the 10-foot greenstrip may adversely impact operations at the existing furniture store. The loading/unloading area for the furniture store is located along the southeast corner of the building and truck deliveries (incoming and outgoing) currently utilize the southern driveway, which minimizes maneuvering conflicts with Main Street Pub and future restaurant/office tenants to the north. Closure of the southern driveway and restoration of the

10-foot greenstrip area along this portion of the South Westnedge Avenue frontage would also result in the loss of seven existing parking spaces in front of the furniture store building. Finally, current traffic generation associated with the furniture store use is minimal. Based on the foregoing information, staff believes the applicant's request is reasonable and can be supported. Although the applicant indicates the driveway will be closed upon redevelopment of the furniture store, staff is recommending that continuation of this driveway be evaluated upon submittal of a site plan. Depending on the future use(s) and site design, retention of this driveway may be warranted.

Consistent with the Access Management Ordinance, shared/cross access is currently provided (at two locations) with the adjacent commercial property to the north. Storm water from the development is collected and conveyed to an existing treatment cell/retention basin located along the northeast portion of the zoning lot: This storm water system was constructed as part of the 2007 approved site plan and has been designed to accommodate storm water runoff from the entire development. Finally, new outdoor lighting units associated with the restaurant/office building will comply with applicable ordinance requirements.

III. RECOMMENDATION:

The site plan and driveway closure extension request has been reviewed by the City Administrative departments. Staff recommends the site plan for Main Street Properties, 7509 and 7545 South Westnedge Avenue, be approved. Continuation of the southern driveway and installation of the 10-foot greenstrip will be evaluated upon submittal of a site plan for redevelopment of the furniture store building.

Attachment: February 12, 2013 Correspondence from Chris Housler (Main Street Properties)
Site Plan Sheets

S:\2012-2013 Department Files\Board Files\Planning Commission\PC reports\Site Plans\Main Street Properties, 7509 and 7545 South Westnedge -SPv2.doc

Main St. Properties IV
1332 West Michigan Ave
Kalamazoo, MI 49006

RECEIVED
FEB 12 2013
COMMUNITY DEVELOPMENT

2/12/2013

Dear Mr. Forth and City of Portage

Re: Main St Pub and Retail Building, 7509 S. Westnedge Ave

We would like to request an retention of the 8/6/2009 Planning Commission ruling that would allow the drive and landscaping around the existing furniture store to remain as is until the site is redeveloped.

We feel that the retention of the drive to the south of the property and the parking spots in front of the store are essential for the economic success of this tenant. We feel a change at this time would make it difficult for truck maneuverability and create customer confusion with the loss of front door parking spaces.

We are now starting phase 2 of 3 on the redevelopment of this sight, our goal after completion of phase 2 is to aggressively market the redevelopment of the furniture location.

Thank you for your consideration.

Chris Housler, Member

MATERIALS TRANSMITTED

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

<u>Project/Activity</u> Portage City Landfill	<u>Description</u> Ongoing groundwater monitoring of former municipal landfill.	<u>Status</u>
		<p>-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 costs and plan to finalize the MDEQ sampling requirements at the former landfill site.</i></p>
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.	<p>-Coordination with property owners and City or State agencies ongoing. -Review of 2 site/building plans and/or plats completed in December 2012.</p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-Sanitary sewer hookup permits issued in December 2012: 3 residential; 2 commercial.</p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. <i>Special emphasis on weed control and non-point source pollution reduction.</i>	<p>-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. Lake Association has completed 2012 plan and lake treatment completed in May 2012. <i>Review of program completed by Lakeshore Environmental Consultants. Planning underway for the 2013 season. Association has chosen to use Restorative Lake Services for consulting sources for 2013.</i></p>
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-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</p>

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. *The 2012 report received and groundwater levels, especially on the east side of Portage, have decreased as a result of seasonal rainfall deficiencies. Typical groundwater table elevations drop is one to three feet.*

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. Sampling completed in June 2012 with minimal groundwater impacts. *Next sampling in June 2013.*

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 MDEQ. SWIPPI was submitted for MDEQ approval on June 25, 2010. Permit implementation is ongoing. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDEQ expected to issue new permit in 2014. *City staff presented public information with other local agencies at the 2011 and 2012 Home Expo. 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 in December 2012. 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 held December 13, 2012 to introduce working partners and information gathering. Next meeting scheduled for March 2013.*

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 by submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Implementation is ongoing. *Two potential illicit discharges were investigated with MDEQ in 2012.*

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 which discharge to surface water. 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. 2012 report received with continuing minor impacts from the Woodland Avenue outfall. 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.

Facility is in operation with ribbon cutting held August 2, 2010. 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 planning 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 December 2012 - 0. Number of environmental cleanups in December - 0. Emergency spill response contract for 2013-14 with Terra Contracting will be renewed.

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 MDEQ staff to determine feasible method to lower water levels. Association currently working with MDEQ 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 MDEQ 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. Seasonal low water levels have reduced the urgency to control water levels.

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 JANUARY 8, 2013

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

At the request of Mayor Strazdas, Pastor Bill Abernathy of the Berean Baptist Church of Portage gave the invocation and the 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 Reid, seconded by Campbell, to approve the December 18, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Sackley and Mayor Strazdas abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Campbell to read the Consent Agenda, and added Item K.1, Appointments to Various Boards and Commissions. Motion by Campbell, seconded by Urban, to approve the Consent Agenda motions as read. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 8, 2013:** Motion by Campbell, seconded by Urban, to approve the Accounts Payable Register of January 8, 2013. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

REZONING APPLICATION #12-01 (9136 SHAVER ROAD): Mayor Strazdas opened the public hearing and, at his request, City Manager Maurice Evans explained that this is a rezoning request from I-1, light industrial, to B-3, general business, to help facilitate the redevelopment of the site for a new Mulligans Grill and Sports Bar. He indicated that there has been recent development along the Shaver Road corridor and deferred to Community Development Director Vicki Georgeau, who presented various maps of the area and explained that the rezoning request is consistent with surrounding land uses and zoning patterns, the Comprehensive Plan and the Future Land Use Map. Discussion followed.

Mayor Strazdas opened the public hearing for comment from the public. There being no further comment or discussion, 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 Reid, to approve Rezoning Application #12-01 and rezone 9136 Shaver Road to B-3, general business. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 241 of City of Portage Ordinance Book No. 12.

STATEMENTS OF CITIZENS: Phil Stinchcomb, 1607 Bellaire Avenue, objected to the state enabled tax administration fee of 1% of the property tax bill collected as reimbursement for tax administration in lieu of having the six other taxing jurisdictions invoice and collect their own taxes or reimburse the city for their respective pro rata share of the cost of tax administration. He also asked for this to be reevaluated.

REPORTS FROM THE ADMINISTRATION:

- * **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT - MALL DRIVE PROJECT (CONSTITUTION BOULEVARD TO SOUTH WESTNEDGE AVENUE):** Motion by Campbell, seconded by Urban, to approve Contract 12-5589 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Mall Drive, from Constitution Boulevard to South Westnedge Avenue; approve an engineering services contract with Abonmarche Consultants, Incorporated, for construction inspection and administration for street improvements on Mall Drive, from Constitution Boulevard to South Westnedge Avenue, in the not to exceed amount of \$39,750; adopt a Resolution authorizing the City Manager to sign Contract 12-5589; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and the consultant contracts for this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 487 of City of Portage Resolution Book No. 44.

- * **2010 CENSUS LIQUOR LICENSE – CONSIDERATION OF CONDITIONAL APPROVAL FOR THE REPERTOIRE COFFEE HOUSE AND THEATER, INC.:** Motion by Campbell, seconded by Urban, to grant Conditional Approval of the 2010 Census Liquor License, above all others, to the Repertoire Coffee House and Theater, Inc., subject to obtaining necessary permits, approvals and commencement of construction within six months and completion of the restaurant not more than one year after issuance of applicable building permits. Upon a roll call vote, motion carried 7 to 0.

- * **COMMEMORATIVE 50TH ANNIVERSARY COFFEE TABLE BOOK:** Motion by Campbell, seconded by Urban, to approve the production of an update to “This Place Called Portage: Its Past and Present” by Larry Massie and that donations from area businesses be requested to fund that update. Upon a roll call vote, motion carried 7 to 0.

- * **OUTLOT A OF NORTON’S SUBDIVISION – 10244 PORTAGE ROAD:** Motion by Campbell, seconded by Urban, to refer the request from Walter Hansen, on behalf of Lakeview Animal Hospital, to purchase the city-owned Outlot A of Norton’s Subdivision – 10244 Portage Road to the City Council Ad Hoc Property Committee for review and recommendation. Upon a roll call vote, motion carried 7 to 0.

732 EAST CENTRE AVENUE (ELZINGA): Mayor Strazdas introduced the item and deferred to City Manager Evans, who explained the recommendation here is to refer the matter to the Administration for a report to be presented to the Property Committee for consideration of whether the City wants to be involved in this property or not as a question to be posed to City Council. Discussion followed.

Councilmember Campbell opposed presenting the matter to the Property Committee as prior submissions to the Committee had a clear public purpose. She pointed out that this matter closely represents “speculation” which is outside the purview of City Council. She restated that she is in favor of referring the matter to the Administration for a review, but emphasized it is not appropriate to present it to the Property Committee. Councilmember Sackley concurred.

Motion by Sackley, seconded by Campbell, to receive the communication from Jake and Dan Elzinga regarding the property at 732 East Centre Avenue and referred it to the City Administration for determination of city use of the property for any potential public purpose and report back to City Council. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

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

Portage Environmental Board of November 14, 2012.

Portage Public Schools Board of Education Regular Business of November 19 and Special of November 27, 2012.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Campbell, seconded by Urban, to reappoint Wes Mazurek, Bill Fries, Michael Quinn and Michael Simon and appoint William Brandt and Richard Ford with terms ending January 31, 2014, to Board of Review with the breakout of the two Boards occurring at a later date; appoint Richard Kraas and Roger Stamper with terms ending October 31, 2015, to the Investment Committee; and appoint Effie Kokkinos with unfulfilled term ending October 1, 2013, to the Human Services Board. Upon a roll call vote, motion carried 7 to 0.

BID TABULATION:

* **ROMENCE ROAD PARKWAY/ANGLING ROAD ENGINEERING CONSULTANT PROPOSALS:** Motion by Campbell, seconded by Urban, to award an engineering services contract to Bergmann Associates of East Lansing, Michigan, for the Romence Road Parkway (Lovers Lane to Portage Road) and Angling Road (West Centre Avenue to Squire Heath Lane) major street reconstruction in the not to exceed amount of \$29,690 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Campbell, City Manager Evans and Mayor Strazdas highlighted the recent visit by the Harlem Globetrotters to the Millennium Ice Rink for "Basketball on Ice" as the opening event in celebration of the 50th Anniversary of Portage becoming a city.

Mayor Pro Tem Reid expressed her appreciation for the Portage City Flags displayed along South Westnedge Avenue and Mayor Strazdas concurred and commented on the history of Portage, the balance mix of residential, commercial and industrial uses and gave credit to the fine stewardship of former City Councils and Administration.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 7:59 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF JANUARY 8, 2013 - BOARDS AND COMMISSION APPLICANTS**

Mayor Peter Strazdas called the meeting to order at 5:33 p.m. The following Councilmembers were present at this meeting: Councilmembers Jim Pearson, Patricia Randall, Ed Sackley and Terry Urban, Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Councilmember Elizabeth Campbell arrived at 5:37 p.m. Also present were City Manager Maurice Evans and City Clerk James Hudson.

Council interviewed applicants for the following Boards and Commissions:

* 5:33-6:37 p.m., Richard Ford, Bill Brandt, Michael Quinn and Wes Mazurek for the Board of Review. Mayor Strazdas summarized the discussion that followed the interviews by indicating that there is a preference for two segments for the Board of Review; that there is a need for more training; that the idea of having an independent lawyer present for the Board of Review needs to be explored, including checking other jurisdictions to see if they have attorneys present during the Board of Review; that there needs to be a recap at the end of the sessions to include a review of the data and a debriefing; and that the data form used by the Board of Review Members needs to be revised to maximize consistency between the segments of the Board and to ensure good checks and balances. Discussion followed and there was a consensus to leave the make-up of the Board of Review at two Boards with three members.

* 6:38-6:51 p.m., Richard Ford, Robert Soltis and James White for the Zoning Board of Appeals. Discussion followed.

* 6:52-7:02 p.m., Richard Kraas and Roger Stamper for the Investment Committee. Discussion followed.

* 7:03 -7:10 p.m., City Council discussed the Human Services Board with Human Services Board Chair Sandra Sheppard. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:11 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM JANUARY 22, 2013

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

At the request of Mayor Strazdas, Pastor Richard Hertsel of the Centre Avenue Community Church of God gave the invocation and the 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, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Councilmember Jim Pearson was absent with notice. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATION: After Mayor Pro Tem Reid and Mayor Strazdas shared the reading of a Resolution honoring Christine Berro, motion by Urban, seconded by Randall to issue a Resolution honoring Christine Berro, Director of the Portage District Library. Upon a voice vote, motion carried 6 to 0.

APPROVAL OF MINUTES: Motion by Campbell, seconded by Sackley, to approve the January 8, 2013 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Sackley to read the Consent Agenda. Motion by Sackley, seconded by Urban, to approve the Consent Agenda motions as read. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 22, 2013:** Motion by Sackley, seconded by Urban, to approve the Accounts Payable Register of January 22, 2013. Upon a roll call vote, motion carried 6 to 0.

STATEMENTS OF CITIZENS: State Representative Margaret O'Brien provided a review of the State of the State Address given by Governor Snyder where he said he expressed a concern that there are policies that create unfunded mandates and a concern with house foreclosures when owners are able to have their house go into foreclosure, then buy back the house at a lower cost. He revealed a general transportation plan with a focus on investing in roads and bridges and pointed out that unemployment is down and housing prices are up, but pointed out that government lags behind the private sector and warned that recovery is not necessarily the case. She indicated that the state budget was flat and that budgets would remain flat for the next couple of years; so, when the Governor introduces the budget in February, it should reflect transparency, making sure of efficiency, but she pointed out that Portage already leads the way in these areas.

She indicated that she was working on updating the methodology of assessing, the use of outdated data and the streamlining of the property assessment process in Michigan in order to make it easier and more understandable for the property owner, the municipality and the assessor.

She indicated that she and State Senator Tanya Schuitmaker and Representative Nesbitt are sponsoring a personal property tax forum for local elected officials later in the year with Lieutenant Governor Brian Calley to answer any questions regarding personal property relief. Discussion followed.

In response to City Manager Evans, she indicated the State is expecting a surplus at the end of the year, and that the Rainy Day Fund is not being spent, but is being "built up" and has gone from \$5 million to \$500 million; and, regarding the outstanding Legacy Costs, she indicated that the State is not just making interest payments, but is paying more than the minimum payments with current savings already of millions of dollars.

With regard to Mr. Evans' question regarding the Michigan Department of Treasury Personal Property Tax Guidelines, she indicated that "immediate effect" at the State level means 90 days from the passage of the legislation; or, if it does not have "immediate effect," it goes into effect 90 days after the end of the legislature. She then indicated that Personal Property Tax changes are scheduled to go into effect April 1, 2013, and the Department of Treasury has been working on the rules and this is a fair question to ask Lieutenant Governor Calley at the personal property tax forum. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **STRYKER CORPORATION, PA 198 TAX ABATEMENT:** Motion by Sackley, seconded by Urban, to adopt Resolution No. 3-13 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for the Stryker Corporation for real and personal property in the estimated amount of \$5.64 million at 4100 East Milham Avenue, Industrial District No. 63, for February 12, 2013. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 489 of City of Portage Resolution Book No. 44.

* **2013 RECREATION AND OPEN SPACE PLAN UPDATE:** Motion by Sackley, seconded by Urban, to resolve to adopt the 2013 Recreation and Open Space Plan Update and authorize the City Manager to submit the approved plan to the Michigan Department of Natural Resources to comply with applicable grant requirement guidelines. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 491 of City of Portage Resolution Book No. 44.

* **DECEMBER 2012 ENVIRONMENTAL ACTIVITY REPORT:** Motion by Sackley, seconded by Urban, to receive the communication from the City Manager regarding the December 2012 Summary Environmental Activity Report - Information Only. Upon a roll call vote, motion carried 6 to 0.

* **CLOSED SESSION:** Motion by Sackley, seconded by Urban, to hold a closed session immediately following the regularly scheduled City Council Meeting of January 22, 2013, to discuss a City Attorney communication. Upon a roll call vote, motion carried 6 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Sackley, seconded by Urban, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

COMMUNICATION FROM PORTAGE YOUTH ADVISORY COMMITTEE: Youth Advisory Committee Chair Sujay Dewan introduced Secretary Catherine Cartier, Matthew Cartier and Audrey Searing and proceeded to provide the Annual presentation by the Portage Youth Advisory Committee. He reflected on the growth of the Committee from 13 members to a 30 member set of volunteers and a "think tank" for the City of Portage. He reviewed the activities of the past year of the Committee and gave special recognition to Deputy City Clerk Adam Herringa for his excellent guidance and support for the Committee and the special work of the Youth Advisory Committee members. Secretary Catherine Cartier, Mr. Dewan and Matthew Cartier reviewed the future calendar of events as planned by the Youth Advisory Committee, shared some pictures of relevant past activities and provided

details of the events planned for the celebration of the 50th Anniversary of the City of Portage. Discussion followed.

COMMUNICATION FROM THE ENVIRONMENTAL BOARD: Environmental Board Member Martin Sepanik provided an annual summary of the activities of the Environmental Board, stressing the progress and the successes of the 2012 Purple Loosestrife Program. He emphasized that the Board has the diversity needed to advise on a wide range of scientific and practical environmental concerns with the scientists, a master gardener and a lawyer as members, for example, which makes for a lot of exchange of ideas. Discussion followed.

COMMUNICATION FROM HUMAN SERVICES BOARD CHAIR SANDRA SHEPPARD: Mayor Strazdas asked Community Development Director Vicki Georgeau, who explained the need to appoint a Human Services Board representative to the Kalamazoo Transit Authority Local Advisory Committee since the former representative on the Committee, Marc Meulman, has moved out of the City of Portage and resigned from the Board. Discussion followed. Motion by Reid, seconded by Randall to appoint Pat Maye as the City of Portage Human Services Board representative to the Kalamazoo Transit Authority Local Advisory Committee. Upon a roll call vote, motion carried 6 to 0.

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

Portage Historic District Commission of December 5, 2012.

Portage Park Board of December 5, 2012.

Portage Human Services Board of December 6, 2012.

Portage Youth Advisory Committee of December 10, 2012.

Portage Environmental Board of December 12, 2012.

Portage Human Services Board of January 3, 2013.

Portage Planning Commission of January 3, 2013.

BID TABULATIONS:

* **BID RECOMMENDATION – MOWING AND TRIMMING:** Motion by Sackley, seconded by Urban, to approve a three-year contract with the low bidders: Irish Ayres Enterprises, LLC, in the annual amount of \$116,026 for mowing, trimming and landscape maintenance of city roadsides/ boulevards, City Centre and outlots; and J&J Lawn Service, Incorporated, in the annual amount of \$12,445 for mowing, trimming and landscape maintenance of Michigan Department of Transportation (MDOT) properties within the city, both with an option for three, one-year renewals, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **BID RECOMMENDATION – LANDSCAPE BED MAINTENANCE:** Motion by Sackley, seconded by Urban, to approve the low bid for a three-year contract with Stap Brothers in the yearly amount of \$32,054 for landscape bed maintenance, with an option for three annual contract extensions and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

RECESS: City Council adjourned to go into a closed session at 8:10 p.m.

RECONVENE: City Council returned from closed session at 9:07 p.m.

Mayor Strazdas thanked City Attorney Randy Brown for his legal opinion as discussed in closed session, and he introduced Item M, Other City Matters.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban urged citizens to cease the use of the cell phone while driving during the bad weather as “cell phones and ice do not mix.”

Mayor Strazdas reflected on the January 21, 2013 Portage Public School Board Meeting in City Council Chambers wherein citizens came to discuss the erection of electronic billboards on Portage Public School property and indicated that he, City Council and the Administration have also received communications from citizens regarding this proposal. So, in light of the public discussion of the Portage Public School proposal to contract with private business to erect and lease electronic billboards on school properties, Mayor Strazdas asked for a consensus of City Council to have the Administration and the City Attorney present information regarding billboards as an educational effort for Council. He also encouraged each Councilmember to provide anything he or she might want targeted to the City Manager for inclusion in the report. When he asked for City Council input, Mayor Pro Tem Reid concurred with the approach and encouraged the Administration to reach out to the Michigan Department of Transportation (MDOT) to discuss the MDOT approval process. There was a consensus of City Council to have the Administration and the City Attorney present information regarding billboards as an educational effort for Council.

Mayor Strazdas reflected upon his recent experience in Washington, D.C., with the inauguration and expressed his appreciation for the smooth transition of power in the United States after a Presidential Election.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:10 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – January 28, 2013

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Linenger at 7:00 p.m. in the Council Chambers. Seven people were in the audience.

MEMBERS PRESENT: Rob Linenger, Timothy Bunch, Doug Rhodus, Betty Schimmel, Michael Robbe, Mariana Singer, and Glenn Smith.

MEMBERS EXCUSED: Lowell Seyburn, Jeffrey Bright

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Singer moved and Schimmel seconded a motion to approve the December 10, 2012 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

NEW BUSINESS:

ZBA #12-18, 251 and 325 Mall Drive: Mais summarized the request for a 29-foot variance to construct a 7,575 square-foot restaurant 46 feet from the front (north) property line, where a minimum 75-foot setback is required. Josh Weiner and Tim Timmons were present to answer any questions. Mr. Weiner stated he agreed with the staff report and that the neighbors supported the request as well. Linenger inquired if the applicant had received site plan approval already. Mr. Weiner stated the site plan may vary in some details, but would closely resemble the conceptual plan the Board was looking at when it comes up for site plan review. Linenger inquired if they had considered altering their access arrangement onto Mall Drive so that the Southland Mall access would align directly with this development's access. Mr. Weiner stated they had and that the issue has been discussed on previous occasions with staff where it was determined the existing arrangement was preferable. Rhodus inquired who owned the property. Mr. Weiner stated BW3 Acquisitions LLC was an entity created by his corporation.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Bunch, seconded by Singer, to grant a 29-foot variance to construct a 7,575 square-foot restaurant 46 feet from the front (north) property line, where a minimum 75-foot setback is required, conditioned upon 1) the building height be limited to 25 feet to ensure a low-profile building ; and 2) the building design and materials include masonry (brick) materials and several window openings consistent with the conceptual building elevations. There are exceptional circumstances applying to the property which include the location of the existing building and limited building width along the north side of the building; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to construct a business of reasonable dimensions; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Smith-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-No, Robbe-No. Motion passed 5-2.

ZBA #12-19, 6600 Ring Road: Mais summarized the request for a 194 square-foot variance to erect a 194 square-foot wall sign where there already exists a sign that is the maximum permitted 225 square feet. Scott Urbane and Roger Lubs were present to answer questions. Mr. Lubs stated that the IMAX theater was unique in the area, and that the next nearest theaters were in Grand Rapids or Lansing. Mr. Lubs said the business draws many school busses for field trips and other patrons from outside the community who are not familiar with the area and that the IMAX sign was necessary to help with way-finding. Mr. Urbane

showed photographs depicting the limited visibility of the site from Ring Road. Linenger noted the request greatly exceeds what is permitted and wondered if the applicant had considered removing or reducing the existing wall sign. Mr. Lubs said they had not because they wanted to achieve roughly equal balance between signs identifying "Celebration Cinema" and the "IMAX" theaters. Mr. Lubs stated the IMAX theater is bigger than regular theaters and wanted the sign to reflect that. Schimmel inquired that if the Celebration Cinema sign was not even visible from Ring Road, why not remove it and allocate the sign area for IMAX. Mr. Lubs stated the existing Celebration sign is visible from the food court at the mall and is important to draw customers from the mall. Schimmel and Smith both inquired if other businesses around the mall got wall sign variances. Mais responded that several businesses including Cole-Century, Sears, and JC Penney got wall sign variances of various sizes, but were for smaller signs than the present application. Smith stated he did not see an aesthetic problem with the theater having larger signage, but wondered if the applicant would consider reducing the size of the IMAX sign as recommended by staff. Mr. Lubs said IMAX was almost like a separate entity and it was important to maintain a rough balance between the Celebration and IMAX sign sizes. Bunch stated he was concerned about granting a variance for the largest sign in vicinity as it would set a precedent. Singer stated she did not see why 70 inch tall letters were needed for the IMAX sign. Mr. Lubs stated they would be willing to make do with a 120 square-foot sign. Robbe stated the applicant should be making a choice to either advertise Celebration Cinema or IMAX and if they wanted to choose a large IMAX sign, the Celebration sign should be removed from the east elevation.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Smith, seconded by Singer to grant a 120 square-foot variance to erect a 120 square-foot wall sign, where the maximum permitted 225 square feet of signage already exists. There are exceptional circumstances or extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include: much of the wall signage is obscured from view of Ring Road due to the elevation change and that IMAX was like a second entity. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify a business, and that other businesses in the area had received wall sign variances; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-No, Smith-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-No, Robbe-No. Motion passed 4-3.

OTHER BUSINESS: Schimmel noted the Board would soon be losing the Chair and Secretary due to term limits and that perhaps elections should be scheduled for new officers soon. Mais stated the rules & procedures stated the Vice Chair takes over as chair for the remainder of the term, but would look into what needed to be done to replace the Secretary.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 8:07 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator