

# 2012-13 City Directory

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**City of Portage**

7900 South Westnedge Avenue • Portage, Michigan 49002

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# City of Portage



# 2012-13 City Directory



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## MEMBERS OF CITY COUNCIL - 2012-2013

### Mayor - Peter J. Strazdas

7130 Crown Pointe Circle, 49024.....327-4478

### Mayor Pro Tem - Claudette S. Reid

5419 Woodmont Drive, 49002 .....329-7183  
Bus. (517) 241-0382

### Councilperson - Elizabeth A. Campbell

10548 Abigail Street, 49002 .....321-9383

### Councilperson - James D. Pearson

3004 East Shore Drive, 49002 .....327-9136

### Councilperson - Patricia M. Randall

6702 Oleander Lane, 49024.....324-7779

### Councilperson - Edward J. Sackley III

10314 Archwood Drive, 49002.....323-8119  
Bus. 385-2408

### Councilperson - Terry R. Urban

211 Cherryview Drive, 49024.....323-8160

*Responsibilities as set forth in the City Charter, Chapter 4:*

### The City Council

Section 4.1. The Council shall consist of the Mayor and the six Councilmembers. The Council shall exercise all of the legislative and policy making powers of the City and shall provide for the performance of all duties and obligations imposed upon the City by law. The annual compensation of each Councilperson shall be \$5,000.00 to be divided equally on a quarterly basis and that the Mayor receive \$7,500.00 to be paid on a quarterly basis.

### Expiration of Terms of Office

Section 4.2. Beginning with the regular City election in November of 1975, three Councilmembers shall be elected for terms of four years, and three Councilmembers and the Mayor shall be elected for terms of two years. Thereafter, at each regular City election, a Mayor shall be elected for a term of two years and three Councilmembers for terms of four years. All such terms of office shall expire in the last year of such term of office on the first Monday in November following the regular City elections.

### Organization of the Council

Section 4.3. The Council shall hold an organizational meeting, which may be combined with its regular meeting on the first Tuesday in every November for the purpose of organizing and choosing a Mayor Pro Tem who shall serve for a period of one year and thereafter until a successor is appointed.

### The Mayor

Section 4.4. (a) The Mayor shall be recognized as the Chief Executive Officer of the City and shall perform all duties provided or required by him or her by law or by the Council.

(b) He/she shall be the presiding officer of the Council.

(c) He/she shall be a member of the Council with all the powers and duties of that office, including the right and duty to vote on questions before the Council.

(d) He/she shall advise the Council concerning the legislative and policy-making affairs of the City and make recommendations thereon.

(e) He/she shall recommend to the Council his or her selection for the office of City Manager whenever there is a vacancy in that office. In case the Council shall not appoint any such nominee, he/she shall make additional nominations until an appointment is made by the Council.

(f) In emergencies, he/she shall have the powers conferred by law upon peace officers and shall exercise such powers, as the city's chief executive officer, to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property.

(g) He/she shall not possess the veto power.

### **The Mayor Pro Tempore**

Section 4.5 The Mayor Pro Tempore shall succeed to the office of Mayor when a vacancy occurs in that office, until such time as the Council shall appoint an elected member of the Council to fill such vacancy. He/she shall have and exercise the powers and duties of the Mayor when the Mayor is absent or unable to perform the duties of his or her office.

### **Meetings of the Council**

Section 4.6 (a) The Council shall meet in the established Council Chamber, or in such other place as may be established by ordinance, and shall hold at least two regular meetings in each month.

(b) Special meetings of the Council shall be held at the regular meeting place of the Council. The City Clerk may call a special meeting on the written request of the Mayor or any three members of Council. Notice required for the meeting shall be given in accordance with Section 5 of Act No. 267 of the Public Acts of 1976, as amended and the business to be transacted thereat shall be limited to that stated or given in the notice.

(c) At least eighteen hours written notice shall be given of special meetings, designating the time and purpose of the meeting (Open Meetings Act 267 of 1976 Chapter 15.265, Sec. 5.(1)(4).) Such notice shall be given personally by the Clerk to each member of the Council, or written notice may be left at the usual place of residence or business of each member of the Council by the Clerk or by someone designated by him or her. A copy of such notice shall also be delivered at the place of business of each newspaper which has its chief place of business in the city, but this requirement shall not be jurisdictional to the holding of any such meeting or affect the validity of any action taken thereat.

(d) In an emergency, any special meeting shall be a legal meeting without such notice, if all members are present or, if there be a quorum present, all absent members have waived in writing the required notice thereof. Waivers may be made either before or after the time of the meeting. The fact deemed to constitute an emergency as grounds for holding a special meeting without notice under authority of this subsection shall be set forth in the journal of the meeting.

(e) An affidavit of the giving or serving of any notice required by this section shall be made a part of the journal of a special meeting. All waivers of notice shall be attached to and made a part of the journal of the special meeting to which they pertain.

(f) No business shall be transacted at any special meeting of the Council except that stated or given in the notice of the meeting.

(g) All regular and special meetings of the Council shall be public meetings and the public shall have a reasonable opportunity to be heard at a reasonable time in the course of each meeting.

(h) Four members of the Council shall be a quorum for the transaction of business. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

(i) The Council shall determine its own rules and order of business and shall keep a journal, in the English language, of all its proceedings. The journal of each meeting of the Council shall be signed by the Clerk. The vote upon all matters considered by the Council shall be taken by "Yes" and "No" votes which shall be entered upon record, except that, where the vote is unanimous, it shall be necessary only so to state.

(j) The Council may compel attendance of its members and any officer or employees of the City at its meetings. It may punish for nonattendance in such manner as it may prescribe by its rules.

(k) No member of the Council may vote on any question upon which he/she has a substantial direct or indirect financial interest other than an interest similar to that of other citizens affected, otherwise, each member of the Council shall vote on each question before the Council for determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any Council meeting, such question shall be voted on before the question to which it applies is voted upon, but the Council members affected may not vote on such determination.

(l) The vote of a majority of the members present at a regular meeting shall be required for official action by the Council, unless a larger majority is required by law. In the case of a special meeting, the vote of at least four members of the Council shall be required for official action by the Council, unless a larger majority is required by law.

(m) The Clerk shall prepare an agenda of the business to be considered at each regular Council meeting. No business shall be considered by the Council, unless placed upon the agenda for the meeting not later than 12 o'clock noon, on the Friday

preceding the meeting, except upon the approval of four or more members of the Council.

(n) There shall be no standing committees of the Council.

### **Health Functions of the Council**

Section 4.7. The Council shall be the Board of Health of the City. In such capacity it shall act to preserve the public health as provided by and in accordance with law. The health functions of the Council may be exercised by the Kalamazoo County Health Department in so far as it may have health jurisdiction in the City and to the extent and in the manner provided by law.

### **Limitations on Council Actions**

Section 4.8. No member of the Council shall direct or demand the appointment of any person to his or her promotion within, or his/her removal from any office or employment in the City government. Except for purposes of inquiry authorized by it, the Council and its members shall deal with the administrative officers and employees of the City solely through the City Manager concerning matters relating to the performance of their several official duties and employments. No action contrary hereto shall be valid or binding upon the City Manager or any officer or employee of the City.

**RULES OF ORDER AND PROCEDURE  
FOR THE CITY COUNCIL  
PORTAGE, MICHIGAN**

**Section 1. Convening of Meeting; Quorum:**

The Mayor, or in his absence or at his direction, the Mayor Pro Tem, shall, at the time fixed for meeting, take the chair for convening the Council. The presence of four (4) members of the meeting shall constitute a quorum for the transacting of business.

**Section 2. Order of Business:**

The Business of all regular meetings shall be transacted as far as possible in the following order:

- |  |  |
|--|--|
| CALL TO ORDER                            | G. Communications                              |
| Invocations                              | H. Unfinished Business                         |
| Pledge of Allegiance                     | I. Minutes of Boards & Commissions             |
| Roll Call                                | J. Ad Hoc & Special Committee Reports          |
| A. Approval of Minutes                   | K. New Business                                |
| B. Approval of the Consent Agenda        | L. Tabulation of Bids                          |
| C. Approval of Check Register & Payrolls | M. Other City Matters & Statements of Citizens |
| D. Public Hearings                       | N. Materials Transmitted                       |
| E. Petitions & Statements of Citizens    | ADJOURNMENT                                    |
| F. Reports from the City Administration  |  |

**Section 3. Reading of Minutes:**

Unless a reading of the minutes of a meeting is requested by a member of the Council, such minutes may be approved or corrected without reading if the City Clerk has previously furnished each member with a true copy thereof.

**Section 4. Agenda for Meeting:**

Any Councilmember, Mayor or City Manager may prepare items for consideration on the agenda of Council meetings. The Clerk shall prepare copies of the agenda of the business to be considered at each regular council meeting. No business shall be placed on the agenda by the Clerk unless received not later than 12:00 o'clock noon on the Friday preceding the meeting, except upon the approval of four (4) or more members of the Council.

**Section 5. Regular Meetings; Time-Place:**

The Council shall meet regularly every other Tuesday at 7:30 o'clock p.m. in the Council Chambers of the Portage City Hall, 7900 S. Westnedge Ave., Portage, Michigan; however, the Council may cancel all but two Tuesday meetings in each month by giving notice of said cancellation as required by Act 267 of the Public Acts of 1976. When the day fixed for any regular meeting falls upon a national holiday, or the eve of a national holiday, or upon any regular or special election day, the council may determine to hold such meeting at the same hour within a week preceding or succeeding the regular day or cancel the meeting as provided above. Notice of the time and place of the changed meeting date or cancellation shall be given in accordance with Act 267 of Public Acts of 1976. Meetings may be held in other locations provided notice is given pursuant to Act 267 of Public Acts of 1976.

The Council shall hold an organizational meeting, which may be combined with its first regular meeting in November for the purpose of organizing and choosing a Mayor Pro Tem who shall serve for a period of one year and thereafter until a successor is appointed.

**Section 6. Meetings: Notice Required:**

The City Clerk shall call a special meeting on the written request of the Mayor, or any three members of the Council. Notice required for the special meeting will be given in accordance with Section 5 of Act 267 of the Public Acts of 1976, and the business to be transacted at such meeting will be limited to that stated or given in the notice.

**Section 7. Presiding Officer; Powers and Duties:**

(a) The Mayor shall be the presiding officer of the Council. He shall state every question coming before the Council, announce the decision of the Council on all matters, and decide all questions of order; provided, however, that upon an appeal to the Council, a majority vote of the Council shall conclusively determine such question of order. He shall vote on all questions. He shall at the request of a Council member divide any question, if such question in his opinion is subject to division, and he shall submit it as divided.

(b) The Mayor may refer any communication, question or petition to the City Manager of the City for action, reply or procedure to dispose of such matter.

**Section 8. Statements of Citizens:**

All citizens shall have an opportunity to be heard during the course of each meeting after standing and being recognized by the presiding officer, and stating their name, street address and city. No citizen shall speak for longer than four (4) minutes unless the rules are suspended in accordance with Section 11(a).

**Section 9. Rules of Debate:**

(a) There shall be no debate or discussion of any issue prior to the proper introduction of said issue.

(b) When a motion is under debate, only the following motions shall be in order:

1. Motion to adjourn.
2. Motion to take a recess.
3. Motion to lay on the table.
4. Motion for the previous question.
5. Motion to postpone to a day certain.
6. Motion to refer to a committee of the council.
7. Motion to amend or substitute.
8. Motion to postpone indefinitely.

(c) A motion to adjourn and a motion to lay on the table shall always be in order and without debate.

(d) After a motion is made to close debate, the presiding officer shall poll the Council on the question of closing the debate. If the yes's prevail, the presiding officer shall immediately poll the Council on the principal question, or questions, without further debate.

(e) All votes shall be taken by yes and no, and be entered upon the journal to show the names of those voting in the affirmative and in the negative, except if the vote is unanimous, the record need merely so state.

(f) When a question has once been decided, it shall be in order for any member who voted on the prevailing side of the question or a member who did not vote by reason of absence to move reconsideration thereof.

**Section 10. Ordinances, Resolution, Motions, Contracts:**

(a) All ordinances, resolution and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney.

(b) Ordinances, resolutions and other matters that are subjects requiring action by the Council, shall be introduced and

sponsored by the Mayor or a member of the Council; otherwise, they shall not be considered.

(c) Each proposed ordinance shall be introduced in written form. Reading of the title shall be sufficient for the introduction of an ordinance unless a member of the Council requests that the proposed ordinance be read in full. The Council may also request that the introducer give an explanation of the proposed ordinance. Upon the introduction of an ordinance, the Council may:

1. Postpone the proposed ordinance for consideration at the next regular meeting of the Council or at a later regular Council meeting specified in the motion to postpone; or

2. Refer the proposed ordinance to an ad hoc committee of three (3) Councilmembers named by the Mayor for study and recommendation to the Council. When such committee reports back to the Council, the ordinance may then be adopted or postponed as above. Any proposed ordinance may be amended by the Council at any time prior to its adoption by the vote of four (4) or more of its members.

3. When an emergency ordinance is introduced for adoption at any meeting, it shall be read in full before the Council and may be passed at such meeting in accordance with the provisions of Section 5.3 (b) of the City Charter.

**Section 11. Suspending; Amending Rules:**

(a) These rules may be suspended by a vote of five (5) members of the City Council present and voting.

(b) These rules may be amended by a vote of five (5) members of the City Council present and voting.

**Section 12. Roll Call Votes:**

All roll call votes are to rotate in staggered alphabetical order, such that no member of the City Council, including the presiding officer, votes in the same position for consecutive roll call votes.

**Section 13. Attendance:**

Councilmembers who will be absent shall, if possible, notify the City Clerk prior to meeting.

**Section 14. Governing Rules of Order:**

Roberts Rules of Order may apply to all other items not provided for in these rules, except where they may be inconsistent with said rules.

**Section 15.**

If a vacancy occurs on the City Council, except in the case of recall, the Council shall fill the vacancy by appointment within 60 days thereafter. In making its appointment Council may consider appointing any eligible person.

11/13/91, 11/9/93, 11/14/95, 11/18/97, 1/06/03, 11/06/07, 11/17/09, 11/15/11

**CITY MANAGER,  
DEPARTMENT HEADS  
AND ADMINISTRATORS**

City Manager Maurice Evans.....	329-4400
Deputy City Manager Brian Bowling .....	329-4402
Benefit Services Director Patti Thompson .....	329-4536
Deputy Director of Benefit Services Tracy Schmitt .....	329-4507
City Assessor James Bush.....	329-4431
Deputy City Assessor Brian Oakey.....	329-4432
City Attorney Randall Brown.....	323-8812
Assistant City Attorney Charles Bear .....	323-8812
City Clerk James Hudson.....	329-4511
Deputy City Clerk Adam Herringa .....	329-4512
Community Development Director Vicki Georgeau .....	329-4480
Deputy Director of Planning, Development and Neighborhood Services Chris Forth .....	329-4474
Deputy Director of Building Services Terry Novak .....	329-4467
Employee Development Director Rob Boulis.....	324-9228
Deputy Director Robert Sames.....	324-9241
Finance Director Daniel Foecking .....	329-4451
Deputy Director Accounting/Budget Patricia Fitnich .....	329-4452
Deputy Director Revenue/Treasury .....	329-4453
Information/Technology Services Director Devin Mackinder.....	324-9217
Parks, Recreation & Property Management Director William Deming.....	329-4521
Deputy Director Jill Hess.....	329-4550
Parks Superintendent John Milowe.....	329-4524
Public Safety Director - Police / Fire Chief Richard White .....	329-4560
Senior Deputy Police / Fire Chief - Administration Daniel Mills .....	329-4562
Senior Deputy Police Chief - Operations Kit Lirot.....	329-4564
Senior Deputy Fire Chief - Operations John Podgorski .....	329-4481
Purchasing and Financial Services Director Robert Luders.....	329-4531
Streets & Equipment Director Jack Hartman .....	329-4445
Deputy Director of Fleet and Facilities Rod Russell.....	329-4441
Deputy Director of Streets Ray Waurio .....	329-4430
Transportation & Utilities Director W. Christopher Barnes.....	324-9256
Traffic Engineer Muhammad Arif.....	324-9221
Utilities Engineer Kendra Gwin.....	329-4442

## **ADVISORY BOARDS AND COMMISSIONS IN THE CITY OF PORTAGE**

The City of Portage relies heavily upon citizen participation on many Boards and Commissions that help to serve the residents. In November of 1990 City Council established a policy to guide appropriate interaction between the advisory boards and the Council. This policy provides that the Council:

- May request advisory boards to review specific programs developed by the City Administration subsequent to receipt by the City Council of the proposed programs;
- May request advisory boards to research various subjects or issues confronting the community; and,
- Shall regularly receive advisory board meeting minutes and periodic status reports as a means of keeping Council apprised of advisory board activities and programs.

The advice received from these groups assists the City Council and administrative staff in making Portage a better place in which to live. These citizens provide the talent and experience needed to meet the diversity of challenges facing the community.

A Volunteer Resume Form is available at the City Clerk's Office for anyone who is interested in being involved in any City organizations. Participation on these boards and commissions gives citizens direct influence on decisions which shape our community. The City needs and appreciates the active commitment of concerned citizens to assure that our community continues to grow in a manner which is fully consistent with the needs and desires of its citizens.

### **ADVISORY BOARD ATTENDANCE POLICY**

The attendance of citizens appointed by the City Council to Advisory Boards of the City of Portage at the meetings held by those Boards is a matter of importance. Persons seeking to serve on Advisory Boards should be familiar with the time requirements of the respective Board and be committed to attending.

To serve on an Advisory Board, one should be present at all meetings held by the respective Board. Attendance history is reviewed as a consideration in reappointments to Advisory Boards.

Citizens serving on Advisory Boards should have, as a goal, 100% attendance at regularly scheduled meetings; however, situations of illness, scheduled vacation and other serious matters are understood as unavoidable.

## **CITIZEN ADVISORY BOARDS**

### **Sec. 2-251. Generally.**

(a) The City Council recognizes and appreciates the value of citizen boards and commissions. The ordinances creating the various boards and commissions demonstrate the important role that each board and commission plays in the decision-making process of the Council and establish the process by which the advice is provided to the Council.

(b) Boards and commissions of the Council are divided into the following categories:

(1) Advisory boards and commissions established by ordinance: park board, human services board, environmental board, senior citizens advisory board.

(2) Boards and commissions established by the Charter and state statute: planning commission, zoning board of appeals, board of review, economic development corporation/tax increment financing board, Brownfield rebuild permit authority, construction board of appeals, historic district commission, board of canvassers, local development finance authority, local officers compensation commission.

(c) The advice received from boards and commissions should represent, as much as possible, an independent viewpoint from that of advice given the Council by the administration. Staff liaisons provided to each board and commission by the City Manager should not be considered personnel staff of the board or commission. The staff liaison should be used for the clarification of various policies and procedures and to offer suggestions for developing reports and recommendations requested by the Council. Boards and commissions are advisory only and are not empowered with oversight responsibilities.

(d) The determination of topics and areas of review for the advisory boards and commissions is bidirectional in that boards and commissions, through their annual reports to the Council in November of each year, will suggest topics and areas of long-term review that they feel should be considered during the annual planning process of the City Council. The Council will review each suggestion during the annual planning process and establish priorities from each advisory board and commission for the following year. Priorities will be based upon the short and long range goals and objectives of the city as determined by the City Council.

(e) The Council, from time to time, will ask for advice on other specific matters that come before the Council for action that may not have been included in the short and long range planning process.

(Code 1983, § 250.01; Ord. No. 091-10, § 1, 5-7-1991)

### **Sec. 2-252. Attendance at meetings.**

All members of commissions, boards and committees created by the Council shall attend each meeting of the body to which they were appointed, unless excused by a majority of a quorum of the body at that meeting. Should a member incur three unexcused absences within one calendar year, the person shall be automatically terminated from the body. The chairperson of the body shall inform the City Clerk when a member has incurred three unexcused absences. The Clerk shall notify the Mayor and Council, and the Mayor or Council, as the case may be, shall replace the person so terminated as soon as conveniently possible.

(Code 1983, § 250.02; Ord. No. 091-10, § 1, 5-7-1991)

### **Sec. 2-253. Liaison between boards and city administration.**

The City Manager may appoint a city staff member as liaison to each citizen board. It shall be the duty of the staff member so assigned to follow the progress of the board and to offer explanations and clarifications of various city policies and procedures. The city staff liaison shall not be considered staff personnel for the board for the conduct of research or the completion of special projects.

(Code 1983, § 250.03; Ord. No. 091-10, § 1, 5-7-1991)

## **BOARD OF REVIEW**

*One year terms, expiring January 31. Members meet during the second Monday, Tuesday, Wednesday, Thursday (and as needed), and fourth Tuesday of March, the Tuesday following the third Monday in July and Tuesday following the second Monday in December.*

*City Assessor James Bush (Clerk of the Board)*

### **Sec. 8.4. Board of Review**

(a) A Board of Review shall be composed of three, six or nine members who shall have the qualifications for holding elective city office as set forth in this charter, who have the training as required by City Council and who are freeholders of property assessed for taxes in the city. The Council shall set the compensation of the members of the Board of Review on a per diem basis. If six or nine members are appointed as provided in this section, the membership of the Board of Review shall be divided into committees of three members each which may meet on alternate days or concurrently as determined by the Board of Review for the purpose of hearing and deciding matters. Two of the three members of a board of review committee shall constitute a quorum for the transaction of the business of the committee. However, a majority of the entire Board of Review membership shall endorse the assessment roll as provided in this Charter.

(b) The members of the Board of Review shall be appointed by the Mayor, subject to confirmation by the Council, and may be removed for reasons of nonfeasance or misfeasance by a vote of five or more members of the Council. Board of Review Members shall be appointed during the month of January of each year beginning January, 2011 for a term of one year except that members serving terms of three years at the time of adoption of this Amendment shall continue until the expiration of their term. City Council may appoint not more than two alternate members for the same term as regular members of the Board of Review. Each alternate member shall have the same qualifications for holding the office as regular members. An alternate member may be called to perform the duties of a regular member of the Board of Review in the absence of a regular member. An alternate member may also be called to perform the duties of a regular member of the Board of Review for the purpose of reaching a decision and issues protested in which a regular member has abstained for reasons of conflict of interest.

(c) The Board shall annually, on the first day of its meeting, select one of its members chairman for the ensuing year. The Assessor shall be Clerk of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question. State law references: Board of Review, MCL 211.28—211.33, 211.107, MSA 7.28—7.33, 7.161.

### **Sec. 8.5. Duties and Functions of Board of Review.**

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are, by law, conferred upon and required of boards of review in townships, except as otherwise provided in this Charter. At the time, and in the manner provided in the following section, it shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. Except as otherwise provided by law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll. The Assessor shall make a permanent record of all proceedings of the Board and enter therein all resolutions and decisions of the Board. Such record shall be filed with the Clerk on or before the first day of May following the meeting of the Board of Review. State law references: Functions of board of review, MCL 211.29—211.30a, MSA 7.29—7.30(1).

### **Sec. 8.6. Meetings of the Board of Review.**

(a) The Board of Review shall convene in its first session of [on] the second Monday in March of each year at such time of the day and place as shall be designated by the Council and shall continue in session for at least six (6) hours during each of at least three (3) successive days for the purpose of considering and correcting the assessment roll prepared and presented by the Assessor, and on such additional days as may be required to hear persons who have given notice of desire to be heard within such three-day period. The Assessor shall order the publication of the time and place of the meeting of the Board of Review. Such publication shall be made not less than ten (10) days prior to the first meeting of the Board in each year.

(b) In each case where the assessed value of any property is changed or any property is added to the roll by the Board, or the Board has resolved to consider at its second session the increasing of an assessment, or the adding of any property of [to] the roll, the Assessor shall give notice thereof to the owner of any such property, as shown by such roll, by first class letter,

mailed no later than the day following the end of the first session of the Board. Such notice shall state the date[,] the time, place, and purpose of the second session of the Board. The failure of the owner to receive such notice shall not invalidate any assessment roll or any assessment or levy of taxes thereon.

(c) The Board of Review shall convene in its second session on the Tuesday following the fourth Monday in March of each year, at such time of the day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than six hours on the day that the Board convenes in its second session. At such second session, the Board may not increase any assessment, except in those cases with respect to which the Board resolved at its first session to consider such increase at its second session. This provision shall not apply to the addition of any omitted property to the roll.

State law references: Meetings of board of review, MCL 211.29, 211.30, MSA 7.29, 7.30.

**Sec. 8.7. Endorsement of Roll.**

After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, a majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement or statement shall not affect the validity of such roll. In the event that the Board of Review shall fail or refuse to so review the assessment roll of the City, such roll, as prepared and presented to the Board of Review by the Assessor, shall be the assessment roll for the year for which it was prepared and shall stand as though it had been certified by the Board of Review and the amounts required to be certified by Section 8.9 shall be spread thereon by the Assessor and collected by the Treasurer.

State law references: Completion of roll, MCL 211.30a, MSA 7.30, (1).

**Sec. 8.8. Validity of Assessment Roll.**

Upon the completion of the assessment roll, and from and after midnight ending the last day of the meeting of the Board of Review, it shall be the assessment roll of the City for County, school, and City taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

**Sec. 8.9. Clerk to Certify Tax Levy.**

Within three days after the Council has adopted the budget for the ensuing fiscal year of the City, the Clerk shall certify to the Assessor the total amount which the Council has determined shall be raised by general tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed, or charged upon such roll upon any property or against any person.

State law references: Deadline for certification of levy, MCL 211.216, MSA 7.76.

## CONSTRUCTION BOARD OF APPEALS

*Three year terms, expiring June 1. Seven members, meeting when called at Portage City Hall.*

*Terry Novak, Deputy Director of Building Services, Ex Officio*

### **Sec. 42-51. Established; membership; appointment and term of members.**

(a) The construction board of appeals is hereby created, consisting of seven members who are qualified with experience and training to pass upon pertinent matters. The construction board of appeals shall consist of the following:

- (1) One structural engineer or architect registered in the city with at least five years of experience as such.
- (2) One master plumber registered in the city with at least five years of experience as such.
- (3) One master electrician registered in the city with at least five years of experience as such.
- (4) Two building contractors registered in the city with at least five years of experience as such.
- (5) One representative of the city at large.
- (6) One mechanical contractor registered in the city with at least five years experience as such.

(b) If a representative is not available from each of the categories listed in subsection (a) of this section, then the council may appoint more than one representative from any category so listed, or others who do not fit within the categories, if, in the opinion of the council, they are qualified with experience and training to pass upon pertinent matters.

(c) The director of community development and fire chief, or his designee, shall be ex officio members, who shall not have the right to vote.

(d) All members shall be appointed by the mayor and subject to approval of the council by majority vote.

(e) The term of each appointed member shall be for three years or until his successor takes office, except that the terms of two of the members first appointed shall be for one year and two of the members for two years.

(f) A vacancy on the construction board of appeals occurring otherwise than through the expiration of terms of office shall be filled for the unexpired term by the mayor.

(g) The terms of the first members of the construction board of appeals shall begin June 1 of the calendar year in which they are appointed.

(h) Any appeals which are pending before the building board of appeals, plumbing board, electrical board and mechanical board on the effective date of the ordinance codified in this section shall be decided by the construction board of appeals. (Code 1983, § 257.01; Ord. No. 098-05, 6-2-1998)

### **Sec. 42-52. Powers and duties; granting of variances.**

(a) The construction board of appeals shall have the following responsibilities and duties:

(1) Determine and decide whether or not a structure is unsafe under article 14 of this chapter, pertaining to housing/property maintenance.

(2) Hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the State Construction Code Act (MCL 125.1501 et seq., MSA 5.2949(1) et seq.).

(3) Hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Uniform Building Code as adopted by article 8, division 2 of this chapter, the Uniform Mechanical Code as adopted by article 8, division 4 of this chapter, and the Uniform Fire Code as adopted by chapter 34, article 3.

(4) Approve alternate materials and methods of installation.

(5) Establish means and methods of determining the qualifications of an applicant for a license issued under appropriate chapters of this Code.

(6) Perform all duties and powers conferred by state law and/or this Code.

(b) After a public hearing, the board may grant a specific variance to a substantive requirement of the code if the literal application of the substantive requirement would result in exceptional practical difficulty to the applicant, and if both of the following requirements are satisfied:

(1) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from the performance required by the code for that particular item or part for the health, safety and welfare of the people of the city, and the spirit of the code shall be

observed, public safety secured and substantial justice done.

(2) The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment to the code with respect to the condition reasonably practical or desirable.

(Code 1983, § 257.02; Ord. No. 098-05, 6-2-1998)

Sec. 42-53. Conditions on variances.

The construction board of appeals may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety and welfare of the people of the city. The breach of a condition shall automatically invalidate the variance and any permit, license and certificate granted on the basis of it. In no case shall more than minimum variance from the code be granted that is necessary to alleviate the exceptional practical difficulty.

(Code 1983, § 257.03; Ord. No. 098-05, 6-2-1998)

**Sec. 42-54. Decisions.**

The construction board of appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the administrative official charged with enforcement of the code not more than 30 days after submission of the appeal. Failure by the construction board of appeals to hear an appeal and file a decision within the time limit is a denial of the appeal for purposes of authorizing the institution of an appeal to the state construction code commission. A copy of the decision and statement of the reasons for the decision shall be delivered or mailed, before filing, to the party taking the appeal.

(Code 1983, § 257.04; Ord. No. 098-05, 6-2-1998)

**Sec. 42-55. Meetings and rules of procedure; records.**

(a) At the first meeting of the construction board of appeals, it shall adopt bylaws and rules of procedure covering any matter necessary to enable the board to act. The secretary of the board shall keep records of the meetings. The minutes of the meetings shall be in writing and state the substance of the matters considered. An order of the board shall be set out in full and shall state the grounds of that order in a manner to apprise the petitioner of the basis thereof. The business of the board of appeals performed shall be conducted at a public meeting of the board of appeals held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq., MSA 4.1800(11) et seq.), and public notice of the time, date and place of the meeting shall be given in the manner required by such act.

(b) A record of decisions made by the board of appeals, properly indexed, and any other writing prepared, owned, used or in the possession of or retained by the board of appeals in the performance of an official function, shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq., MSA 18.1801(1) et seq.).

(Code 1983, § 257.05; Ord. No. 098-05, 6-2-1998)

Charter references: Records to be public and inspection thereof, § 1.3.

**Sec. 42-56. Quorum; officers.**

A majority of the members of the construction board of appeals shall constitute a quorum for the transaction of business. The board shall annually elect a chairperson and secretary and such other officers as it deems necessary.

(Code 1983, § 257.06; Ord. No. 098-05, 6-2-1998)

## DOWNTOWN DEVELOPMENT AUTHORITY

*Four year terms, expiring July 1. Eight to twelve members, meeting when called at Portage City Hall.*

*Vicki Georgeau, Director of Community Development, Staff Liaison*

**\*Cross references:** Boards, commissions and authorities, § 2-231 et seq.

**State law references:** Downtown development authorities, MCL 125.1651 et seq., MSA 5.3010(1) et seq.

### DIVISION 1. GENERALLY

#### Sec. 22-91. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* means Public Act No. 197 of 1975 (MCL 125.1651 et seq., MSA 5.3010(1) et seq.).

*Authority* means the downtown development authority of the city created by this article.

*Board* and *Board of Directors* mean the board of directors of the authority, the governing body of the authority.

*Business District* means an area in the downtown of the city zoned and used principally for business.

*Chief Executive Officer* means the City Manager.

*Development Area* means that area to which a development plan is applicable.

*Development Plan* means that information and those requirements for development as required by the act.

*Development Program* means the implementation of the development plan.

*Downtown District* means the area in the business district described in section 22-94.

*Governing Body* means the city council.

*Operations* means office maintenance, including salaries and expenses of employees, office supplies, consultation fees, design costs and other expenses incurred in the daily management of the authority and its activities.

*Public facility* means a street, plaza or pedestrian mall, and any improvements thereto, including street furniture and beautification, parks, parking facilities, recreational facilities, rights-of-way, structures, waterways, bridges, lakes, ponds, canals, utility lines or pipes, buildings, and access routes to any of the foregoing, designed and dedicated to use by the public generally, or used by a public agency.

(Ord. No. 98-14, art. I, § 4, 7-7-1998)

**Cross references:** Definitions generally, § 1-2.

**State law references:** Similar provisions, MCL 125.1651, MSA 5.3010(1).

#### Sec. 22-92. Incorporation.

This article shall serve as the permanent articles of incorporation of the downtown development authority of the city.

(Ord. No. 98-14, art. I, § 1, 7-7-1998)

#### Sec. 22-93. Authority established; powers.

There is hereby created, pursuant to the act, a downtown development authority for the city. The authority shall be a public body corporate and shall be known as and exercise its powers under the title of "Downtown Development Authority of the City of Portage." The authority may adopt a seal, may sue and be sued in any court of this state, and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this article and the act.

(Ord. No. 98-14, art. I, §§ 2, 6, 7-7-1998)

**State law references:** Creation of authority authorized and general powers thereof, MCL 125.1652, MSA 5.3010(2).

#### Sec. 22-94. Boundaries of downtown district

The boundaries of the downtown district shall be as follows:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 3 AND THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 11 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER POST OF SECTION 3; THENCE EAST ALONG THE EAST-WEST QUARTER LINE OF SECTION 3 131.69 FEET TO A POINT 34.31 FEET WEST OF THE SOUTHEAST CORNER OF LOT 19 OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD

ACRES AND THE PLACE OF BEGINNING; THENCE NORTHWESTERLY 100.00 FEET TO THE NORTHWEST CORNER OF LOT 19; THENCE NORTHERLY 66.00 FEET ALONG THE WEST LINE OF LOT 18 OF SUCH ASSESSOR'S PLAT TO THE NORTHWEST CORNER OF LOT 18; THENCE NORTHERLY 66.00 FEET ALONG THE WEST LINE EXTENDED OF LOT 18 TO THE SOUTHWEST CORNER OF LOT 17 OF SUCH ASSESSOR'S PLAT, THENCE CONTINUING NORTHERLY 264.00 FEET MORE OR LESS ALONG THE WEST LINE OF LOTS 14, 15, 16 AND 17 OF SUCH ASSESSOR'S PLAT TO THE NORTHWEST CORNER OF LOT 14; THENCE WESTERLY 80.00 FEET MORE OR LESS TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DEHAAN DRIVE WITH THE WEST RIGHT-OF-WAY LINE OF SOUTH WESTNEDGE AVENUE; THENCE WESTERLY 590.00 FEET MORE OR LESS ALONG THE SOUTH RIGHT-OF-WAY LINE OF DEHAAN DRIVE TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF DEHAAN DRIVE WITH THE EAST RIGHT-OF-WAY LINE OF CLARA DRIVE; THENCE SOUTHWESTERLY 280.00 FEET MORE OR LESS ALONG THE EAST RIGHT-OF-WAY LINE OF CLARA DRIVE; THENCE WESTERLY 50.00 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 108 OF SUCH ASSESSOR'S PLAT; THENCE WESTERLY 63.40 FEET MORE OR LESS ALONG THE SOUTH LINE OF LOT 108; THENCE SOUTH 58 DEGREES 3 MINUTES 8 SECONDS WEST, 119.84 FEET; THENCE SOUTH 72 DEGREES 5 MINUTES 59 SECONDS WEST, 163.48 FEET; THENCE NORTH 89 DEGREES 2 MINUTES 44 SECONDS WEST, 250.80 FEET; THENCE NORTH 84 DEGREES 28 MINUTES 18 SECONDS WEST, 1,241.33 FEET MORE OR LESS TO THE SOUTH LINE OF SUCH ASSESSOR'S PLAT; THENCE WESTERLY 21.00 FEET MORE OR LESS ALONG THE SOUTH LINE OF SUCH ASSESSOR'S PLAT TO THE SOUTHWEST CORNER OF LOT 98 OF SUCH ASSESSOR'S PLAT; THENCE NORTH 0 DEGREES 20 MINUTES 0 SECONDS WEST, 419.30 FEET ALONG THE NORTH-SOUTH QUARTER LINE OF SECTION 4; THENCE EASTERLY 1,763.82 FEET TO THE NORTHWEST CORNER OF LOT 68 OF SUCH ASSESSOR'S PLAT; THENCE NORTHEASTERLY 481.00 FEET MORE OR LESS ALONG THE CENTERLINE OF THE WEST BRANCH OF PORTAGE CREEK; THENCE NORTHEASTERLY 188.00 FEET MORE OR LESS ALONG SUCH CREEK; THENCE NORTHERLY ALONG SUCH CREEK TO A POINT ON THE EAST-WEST EIGHTH LINE OF SECTION 4, 458.64 FEET WEST OF THE EAST LINE OF SECTION 4; THENCE WESTERLY 50.00 FEET ALONG SUCH EAST-WEST EIGHTH LINE; THENCE NORTHERLY 289.06 FEET PARALLEL WITH THE EAST LINE OF SECTION 4; THENCE NORTH 85 DEGREES 16 MINUTES 20 SECONDS WEST, 549.72 FEET; THENCE NORTH 58 DEGREES 41 MINUTES 0 SECONDS WEST, 317.39 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 4; THENCE NORTH 0 DEGREES 0 MINUTES 3 SECONDS WEST, 527.79 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 4 TO A POINT 480.37 FEET SOUTH OF THE NORTH LINE OF SECTION 4, SUCH POINT ALSO BEING IN THE SOUTH LINE OF LOT 17 OF KILGORE PLAT, THENCE EAST ALONG THE SOUTH LINE OF KILGORE PLAT 869.44 FEET TO THE SOUTHWEST CORNER OF LOT 5 OF SUCH PLAT; THENCE NORTH ALONG THE WEST LINE OF LOT 5, 125.00 FEET; THENCE EAST 154.00 FEET TO THE EAST LINE OF LOT 4 OF SUCH PLAT; THENCE NORTH 322.37 FEET TO THE NORTH LINE OF SECTION 4; THENCE EASTERLY 304.00 FEET TO THE NORTHEAST CORNER OF SECTION 4, THIS POINT ALSO BEING THE NORTHWEST CORNER OF SECTION 3; THENCE CONTINUING EASTERLY 951.78 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 3 TO THE WEST LINE EXTENDED OF LOT 121 OF RIDGEBROOK NO. 1; THENCE SOUTHERLY 50.00 FEET ALONG THE WEST LINE EXTENDED OF LOT 121 TO THE NORTHWEST CORNER OF LOT 121; THENCE CONTINUING SOUTHERLY 157.09 FEET ALONG THE WEST LINE OF LOT 121 TO THE SOUTHWEST CORNER OF LOT 121; THENCE SOUTHWESTERLY 173.82 FEET ALONG THE NORTH LINE OF LOT 122 OF RIDGEBROOK NO. 1 TO THE NORTHWEST CORNER OF LOT 122 AND THE EASTERLY RIGHT-OF-WAY LINE OF OLD KILGORE ROAD, THENCE SOUTHERLY 1,255.74 FEET ALONG THE WESTERLY LINE AND THE WESTERLY LINE EXTENDED OF RIDGEBROOK NO. 1 TO A POINT IN THE NORTH LINE OF LOT 64 OF TERRACE HEIGHTS; THENCE WESTERLY 183.95 FEET ALONG THE NORTH LINE OF LOTS 64, 65 AND 66 OF TERRACE HEIGHTS TO THE NORTHWEST CORNER OF LOT 66; THENCE SOUTHERLY 132.00 FEET ALONG THE WEST LINE OF LOT 66 TO THE SOUTHWEST CORNER OF LOT 66 AND THE NORTH RIGHT-OF-WAY LINE OF ANDY AVENUE; THENCE WESTERLY 264.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF ANDY AVENUE TO THE WEST LINE OF TERRACE HEIGHTS; THENCE SOUTHERLY 858.00 FEET ALONG THE WEST LINE OF TERRACE HEIGHTS TO THE SOUTHWEST CORNER OF LOT 9 OF TERRACE HEIGHTS AND A POINT IN THE NORTH LINE OF LOT 53 OF SUCH ASSESSOR'S PLAT; THENCE WESTERLY 165.00 FEET ALONG THE NORTH LINE OF LOTS 53, 54 AND 55 OF SUCH ASSESSOR'S PLAT TO THE NORTHWEST CORNER OF LOT 55; THENCE SOUTHERLY 198.00 FEET ALONG THE WEST LINE AND THE WEST LINE EXTENDED OF LOT 55 TO THE NORTHWEST CORNER OF LOT 20 OF SUCH ASSESSOR'S PLAT; THENCE CONTINUING SOUTHERLY 132.00 FEET ALONG THE WEST LINE OF LOT 20 TO THE SOUTHWEST CORNER OF LOT 20 AND THE SOUTHEAST CORNER OF LOT 19; THENCE WESTERLY 34.31 FEET ALONG THE EAST-WEST QUARTER LINE OF SECTION 3 AND ALONG THE SOUTH LINE OF LOT 19 TO THE PLACE OF BEGINNING.

**State law references:** Determination of boundaries required, MCL 125.1653(3), MSA 5.3010(3a), (3); alteration of boundaries, MCL 125.1653(4), MSA 5.3010(3a), (4).

**Sec. 22-95. Determination of necessity.**

The city council hereby determines that it is necessary for the best interests of the city to halt property value deterioration and increase property tax valuation where possible in the business district of the city, to eliminate the causes of that deterioration and to promote economic growth by establishing a downtown development authority pursuant to the act. (Ord. No. 98-14, art. I, § 5, 7-7-1998)

**Sec. 22-96. Fiscal year.**

The fiscal year of the authority shall begin on July 1 of each year and end on June 30 of the succeeding year, or such other fiscal year as may hereafter be adopted by the city. (Ord. No. 98-14, art. VIII, § 1, 7-7-1998)

**Sec. 22-97. Budget.**

The board of directors shall annually prepare a budget and shall submit it to the city council on the same date that the proposed budget for the city is required by law to be submitted to the city council. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the city council. The board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds. (Ord. No. 98-14, art. VIII, § 2, 7-7-1998)

**Sec. 22-98. Financial reports; audits.**

The authority shall submit financial reports to the city council at the same time and on the same basis as departments of the city are required to submit reports. The authority shall be audited annually by the same independent auditors auditing the city and copies of the audit report shall be filed with the city council. (Ord. No. 98-14, art. VIII, § 3, 7-7-1998)

**Sec. 22-99. Dissolution of authority upon completion of purposes; ownership of property and assets.**

The authority shall be dissolved by ordinance of the city council after it has completed the purposes for which it was organized. The property and assets of authority remain and after the satisfaction of the authority shall belong to the city. (Ord. No. 98-14, art. X, §§ 1, 2, 7-7-1998)

**State law references:** Similar provisions, MCL 125.1680, MSA 5.3010(30).

**Secs. 22-100—22-120. Reserved.**

**DIVISION 2. BOARD OF DIRECTORS**

**Sec. 22-121. Membership; appointment and term of members; compensation of members.**

The authority shall be under the supervision and control of the board of directors, consisting of the chief executive of the city and not less than eight and not more than 12 members as determined by the city council. The members shall be appointed by the chief executive officer of the city, subject to approval by the city council. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Not less than one of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it. Of the members first appointed, an equal number, as near as is practical, shall be appointed for one year, two years, three years and four years. Members shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the chief executive officer of the city for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. (Ord. No. 98-14, art. II, § 1, 7-7-1998)

**State law references:** Similar provisions, MCL 125.1654(1), MSA 5.3010(4), (1).

**Sec. 22-122. President.**

The president of the board of directors shall be elected by the board of directors. (Ord. No. 98-14, art. II, § 2, 7-7-1998)

**State law references:** Similar provisions, MCL 125.1654(1), MSA 5.3010(4), (1).

**Sec. 22-123. Oath of office.**

Before assuming the duties of office, a member of the board shall qualify by taking and subscribing to the constitutional oath of office.

(Ord. No. 98-14, art. II, § 3, 7-7-1998)

**State law references:** Similar provisions, MCL 125.1654(2), MSA 5.3010(4), (2).

**Sec. 22-124. Officers designated.**

The officers of the authority shall be as follows:

1. A president.
2. A vice-president.
3. A secretary.
4. A treasurer.

(Ord. No. 98-14, art. II, § 4, 7-7-1998)

**Sec. 22-125. Election of officers; acceptance of positions.**

The board of directors, by resolution adopted by a majority of its members at a regular or special meeting, shall elect the officers to terms of office set forth in the resolution. The board may elect one or more assistant secretaries and assistant treasurers of the authority. Officers and members of the board shall acknowledge their acceptance of the position by filing an acknowledgment thereof with the secretary of the authority.

(Ord. No. 98-14, art. II, § 5, 7-7-1998)

**Sec. 22-126. Offices of secretary and treasurer may be held by same person.**

The offices of secretary and treasurer may be vested in one person, if approved by the board, in which event such person shall be the secretary-treasurer.

(Ord. No. 98-14, art. II, § 6, 7-7-1998)

**State law references:** Secretary and treasurer authorized, MCL 125.1655(2), (3), MSA 5.3010(5), (2), (3).

**Sec. 22-127. Meetings and rules of procedure.**

(a) The board shall perform and conduct all business public meetings held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq., MSA 4.1800(11) et seq.).

(b) The board shall adopt any rules necessary governing its procedure and the holding of regular meetings, subject to the approval of the governing body.

(c) Special meetings may be held when called in the manner provided for in the rules of the board, as long as such meetings comply with Public Act No. 267 of 1976 (MCL 15.261 et seq., MSA 4.1800(11) et seq.).

(Ord. No. 98-14, art. III, §§ 1—3, 7-7-1998)

**State law references:** Similar provisions, MCL 125.1654(3), MSA 5.3010(4), (3).

**Sec. 22-128. Records to be public; publication of expense items.**

(a) All writings, items or records prepared, owned or used, in the possession of, or retained by the board in the performance of its official function shall be made available to the public in compliance with the Freedom of Information Act (MCL 15.231 et seq., MSA 4.1801(1) et seq.).

(b) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

(Ord. No. 98-14, art. IV, §§ 1, 2, 7-7-1998)

**State law references:** Similar provisions, MCL 125.1654(6), MSA 5.3010(5), (6).

**Sec. 22-129. Powers.**

The authority shall have all the powers expressed, granted or reasonably implied by the act. No enumeration of the powers granted to the authority in this article shall be interpreted as a limitation of the powers granted to the authority, it being the intention of this article to grant to the authority all powers granted to a downtown development authority by the act.

(Ord. No. 98-14, arts. V, VI, 7-7-1998)

**State law references:** Powers generally, MCL 125.1657 et seq., MSA 5.3010(7) et seq.

**ECONOMIC DEVELOPMENT CORPORATION /  
TAX INCREMENT FINANCE AUTHORITY AND  
BROWNFIELD REDEVELOPMENT AUTHORITY**

*Six year terms, expiring December 31. Nine members, meeting when called at Portage City Hall.*

*Vicki Georgeau, Director of Community Development, Ex Officio*

**ECONOMIC DEVELOPMENT CORPORATION\***

**\*State law references:** Economic Development Corporations Act, MCL 125.1601 et seq., MSA 5.3520(1) et seq.

**Sec. 22-31. Purpose; findings.**

There exists in the city a certain need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industries and commercial enterprises and to strengthen and revitalize the city's economy. It is necessary to provide the means and methods for the encouragement and assistance of industrial and commercial enterprises in locating and expanding in the city, to more conveniently provide needed services and facilities of such enterprises to the city and its residents. Public Act No. 338 of 1974 (MCL 125.1601 et seq., MSA 5.3520(1) et seq.), provides for the incorporation of an economic development corporation for the city to accomplish such purposes. An application has been filed pursuant to the cited act for permission to incorporate the economic development corporation of the city and a public hearing on such application and any competing application has been held.

(Min. Bk. 1977, p. 462, Vol. 6, 10-4-1977; Code 1967, § 2-117; Code 1983, § 247.01)

**Sec. 22-32. Approval of application and articles of incorporation.**

The application dated August 30, 1977, filed by Betty Lee C. Ongley, Donald P. Ziemke and Thomas C. Bieberle, to incorporate the economic development corporation of the city, and the proposed articles of incorporation for such corporation, are hereby approved.

(Min. Bk. 1977, p. 462, Vol. 6, 10-4-1977; Code 1967, § 2-118; Code 1983, § 247.02)

**State law references:** Incorporation application authorized, MCL 125.1604, MSA 5.3520; approval of articles of incorporation to be by city resolution, MCL 125.1629, MSA 5.3520(29).

**Sec. 22-33. Publication of articles of incorporation.**

The city clerk shall publish a copy of the articles of incorporation of the economic development corporation in the Kalamazoo Gazette promptly after passage of the legislation codified in this article. The publication shall include the following: "A citizen of this City may question the incorporation by filing suit in the Circuit Court of Kalamazoo County within 60 days after the filing of certified copies of the articles of incorporation with the Secretary of State and the Clerk of the City of Portage."

(Min. Bk. 1977, p. 462, Vol. 6, 10-4-1977; Code 1967, § 2-119; Code 1983, § 247.03)

**State law references:** Publication of notice and right to question incorporation, MCL 125.1031, MSA 5.3520(31).

**ARTICLES OF INCORPORATION**

These Articles of Incorporation are signed and acknowledged by the incorporators for the purpose of forming an Economic Development Corporation under the provisions of Act No. 338 of the Public Acts of 1974, as amended.

**ARTICLE I**

Name. The name of the corporation is the Economic Development Corporation of The City of Portage.

**ARTICLE II**

Purpose. The corporation is organized with reference to Act 338 of the Public Acts of 1974. Its purpose will be to alleviate and prevent conditions of unemployment, to assist and retain local industries and commercial enterprises, to strengthen

and revitalize the economy of the City of Portage, to provide means and methods for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping, and expanding in the City of Portage, to encourage the location and expansion of commercial enterprises in the City of Portage, to more conveniently provide needed services and facilities of the commercial enterprises in the City of Portage and its residents, and to accomplish the foregoing by the following means:

- (a) Construct, acquire by gift or purchase, reconstruct, improve, maintain or repair projects and acquire the necessary lands for the site therefore.
- (b) Acquire by gift or purchase the necessary machinery, furnishings, and equipment for a project.
- (c) Borrow money and issue its revenue bonds or revenue notes to finance part or all of the cost of the acquisition, purchase construction, reconstruction, or improvement of a project or any part thereof, the cost of the acquisition and improvement of the necessary sites therefore, the acquisition of machinery, furnishings, and equipment therefore, and the costs necessary or incidental to the borrowing of money and issuing of bonds or notes for such purpose.
- (d) Enter into leases, lease purchase agreements or installment sales contracts with any person, firm, or corporation for the use or sale of the project.
- (e) Mortgage the project in favor of any lender of money to the corporation.
- (f) Sell and convey the project or any part thereof for a price and at a time as the corporation determines.
- (g) Lend, grant, transfer, or convey funds, received pursuant to Section 27 of Act 338 of Public Acts of 1974, as amended, as permitted by law, but subject to applicable restrictions affecting the use of those funds.
- (h) Assist and participate in the designation of the land area which will be acquired in the implementation of a project and of the City.
- (i) Prepare, assist and aid in the preparation of plans, services, studies and recommendations relative to the public purposes of the corporation and secure approval of the same by the affected municipalities.
- (j) Encourage citizen participation and assistance in industrial and commercial enterprises, housing and community improvements and to disseminate information to the general public concerning the purposes and objectives of the corporation.
- (k) Aid, assist and participate in the acquisition, rehabilitation or construction of industrial and commercial improvements, dwelling units or other structures or matters incidental thereto.
- (l) Hold, demolish, repair, alter and improve or otherwise develop, clear, and dispose of real property.
- (m) Enter into agreements and contracts with and accept grants from any state or federal agency or department, its political subdivisions and agency or department thereof, or any other official public body and any individual, corporation or other organization in connection with the purpose of the corporation, subject to applicable laws and regulations.
- (n) Accept, hold, own and acquire by bequest, devise, gift, purchase or lease any property, real or mixed, whether tangible or intangible, without limitation as to kind, amount, or value.
- (o) Sell, convey, lease, rent, and mortgage of any such property, or any interest therein or proceeds therefrom, and to invest and reinvest the principal thereof and receipts therefrom, if any, subject to applicable laws and regulations.
- (p) In general, and subject to such limitations and conditions as are or may be prescribed by law, to exercise such other powers which now are or hereafter may be conferred by law upon a corporation organized pursuant to Act 338, Public Acts of 1974, as amended, and for the foregoing purposes.
- (q) This corporation shall not, however, exercise jurisdiction over any project within a municipality which has been or may hereafter authorize the organization of any economic development corporation for such municipality, unless said constituent municipality and its corporation each specifically consent to such jurisdiction.

### ARTICLE III

**Section 1. Directors Management.** The business and affairs of the corporation shall be managed by its board of directors, except as otherwise provided by statute, by the Articles of Incorporation or by the bylaws.

**Section 2. Board of Directors.** The board of directors of the corporation shall consist of not less than nine persons, not more than three of whom shall be an officer or employee of the City. The Mayor and any member of the City Council may serve on the board of directors. These directors shall be appointed for terms of six years, except of the directors first appointed, four shall be appointed for six years, one for five years, one for four years, one for three years, one for two years, and one for one year. All additional appointees shall be for a one year term. The corporation shall notify the Mayor of the City of Portage in writing of the corporation's intention to commence preparation of a project plan, and there shall be appointed

promptly after such notice two additional directors of the corporation who shall be representative of neighborhood residents likely to be affected by each such project proposed by the corporation and who shall cease to serve when the project for which they are appointed is either abandoned or, if undertaken, is completed in accordance with the project plan. Directors shall serve without salary, but may be reimbursed their actual expenses incurred in the performance of their official duties, and may receive a per diem of not more than \$50. The meetings of the board of directors shall be public.

**Section 3. Appointment of Board.** The Mayor of the City of Portage, with the advise and consent of the City Council, shall appoint the members of the board of directors. Subsequent directors shall be appointed in the same manner as original appointments at the expiration of each director's term of office. A director whose term of office has expired shall continue to hold office until his/her successor has been appointed. A director may be reappointed to serve additional terms. If a vacancy is created by death or resignation or removal by operation of law, a successor shall be appointed within thirty days to hold office for the remainder of the term of office so vacated.

**Section 4. Removal.** A director may be removed from office for cause by a majority vote of the City Council.

**Section 5. Conflict of Interest.** A director who has a direct interest in any matter before the corporation shall disclose his/her interest prior to the corporation taking any action with respect to the matter, which disclosure shall become a part of the record of the corporation's official proceedings and the interested director shall further refrain from participation in the corporation's proceedings relating to the matter.

#### ARTICLE IV

**Section 1. Officers.** The officers of the corporation shall consist of a president, secretary, treasurer, and if desires, one or more vice presidents, and such other officers as may from time to time be determined by the board of directors, each of whom shall be elected by the directors. Two or more offices may be held by the same person, but an officer shall not execute, acknowledge or verify an instrument in more than one capacity, if the instrument is required by law or the articles or bylaws to be executed, acknowledged or verified by two or more officers.

**Section 2. Election and Term of Office.** The officers of the corporation shall be elected annually by the board of directors. If the election of officers shall not be held or made at such meeting, such election shall be held or made as soon thereafter as is convenient. Each officer so elected shall hold office for the term of which he/she is elected and until his/her successor is elected and qualified, or until his/her resignation or removal.

**Section 3. Removal.** Any officer elected by the board of directors may be removed by the board of directors with or without cause whenever, in its judgment, the best interests of the corporation would be served thereby.

**Section 4. Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled at any meeting of the board of directors for the unexpired portion of the term of such office.

**Section 5. President.** The president shall be the Chief Executive Officer of the corporation, but he/she may from time to time delegate all or any part of his/her duties to an executive vice president, if one is elected, or to any vice president. He/she shall preside at all meetings of the directors; he/she shall have general and active management of the business of the corporation, and shall see that all orders and resolutions of the board are carried into effect. He/she shall execute all bonds, mortgages, conveyances and other instruments entered into pursuant to the powers of the corporation as set forth in the articles of incorporation with the approval and authority of the board of directors. He/she shall be ex-officio a member of all standing committees.

**Section 6. Vice Presidents.** The vice president shall perform such duties as are delegated to him/her by the president and he/she and the other vice presidents in order of their seniority shall, in the absence or in the event of the disability of the president, perform the duties and exercise the powers of the president, and shall perform such other duties as the board of directors shall prescribe.

**Section 7. Secretary.** The secretary shall attend all meetings of the board and record all votes and the minutes of all proceedings in a book to be kept for that purpose; and shall perform like duties for the standing committees when required. He/she shall give, or cause to be given, notice of all meetings of the board of directors, and shall perform such other duties as may be prescribed by the board of directors under whose supervision he/she shall be. He/she shall keep in safe custody the seal of the corporation, and when authorized by the board, affix the same to any instrument requiring it, and when so affixed it shall be attested by his/her signature or by the signature of the treasurer. He/she shall be sworn to the faithful discharge of his/her duties. The assistant secretary, if one is elected, shall perform the duties and exercise the power of the secretary in his/her absence or in the event of his/her disability.

**Section 8. Treasurer.** The treasurer shall have the custody of the corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the corporation and shall deposit all moneys, and other valuable effects, in the name and to the credit of the corporation in such depositories as may be designated by the board of directors. He/she shall disburse the funds of the corporation as may be ordered by the board, taking proper vouchers for such disbursements, and shall render to the president and Mayor, at the regular meetings of the board, or whenever they may require an account of all his/her transactions as treasurer and of the financial condition of the corporation. He/she shall give the corporation a bond if required by the board of directors in a sum, and with one or more sureties satisfactory to the board, for the faithful performance of the duties of his/her office, and for the restoration to the corporation, in case of his/her death, resignation, retirement or removal from office, of all books, papers, vouchers, money and other property of whatever kind in his/her possession or under his/her control belonging to the corporation. The assistant treasurer, if one is elected, shall perform the duties and exercise the power of the treasurer in his/her absence or in the event of his/her disability.

**Section 9. Delegation of Duties of Officers.** In the absence of any officer of the corporation, or for any other reason that the board may deem sufficient, the board may delegate, from time to time and for such time as it may deem appropriate, the powers or duties, or any of them, of such officer to any other officer, or to any director, provided a majority of the board then in office concurs therein.

**Section 10. Salaries.** The officers of the corporation shall serve without salary; provided, that nothing herein contained shall be construed to preclude any officer from serving the corporation in any other capacity and receiving compensation therefore.

## ARTICLE V

Location of the first registered office is: The City Clerk's Office.

The post office address of the first registered office is: 7900 S. Westnedge, Portage, Michigan 49002.

## ARTICLE VI

The name of the first resident agent is Donald P. Ziemke.

## ARTICLE VII

The amount of assets which said corporation possesses is:

1. Real property; None
2. Personal property: None

The corporation will be financed from donations, gifts, grants, and devises, either solicited or unsolicited, obtained from public authorities, individuals, corporations and other organizations, by earnings from its activities, borrowings, and issuance of revenue bonds.

## **ARTICLE VIII**

The names of the incorporators are as follows:

1. Donald P. Ziemke
2. Betty Ongley
3. Thomas Bieberle

## **ARTICLE IX**

The corporation shall become effective sixty days after adoption of a resolution authorizing this incorporation, its publication and its final approval as provided by law. The term of the corporation existence is perpetual.

## **ARTICLE X**

No part of the net earnings of the corporation shall inure to the benefit of any members, trustee, officers or director of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes), and no member, trustee, officer or director of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

Upon dissolution of the corporation or the winding up of its affairs, all property and assets of the corporation shall be distributed exclusively to the City of Portage, Michigan, or its successor.

## **ARTICLE XI**

These Articles of Incorporation shall be published in the Kalamazoo Gazette in accordance with the provisions of Act 338 of Public Acts of 1974, as amended.

## **ARTICLE XII**

The initial bylaws of a corporation shall be adopted by its board of directors by majority vote, and approved by the City Council of the City of Portage by resolution. The board may amend or repeal bylaws or adopt new bylaws subject to the approval of the City Council by resolution. The bylaws may contain any provision for the regulation and management of the affairs of the corporation not inconsistent with law or these Articles of Incorporation. Adopted August 30, 1977.

On September 3, 1985 Council adopted a resolution establishing the Tax Increment Finance Authority (TIFA) and merged the two boards.

As per the resolution establishing TIFA:

1. The Resolution shall serve as the permanent Articles of Incorporation or the Tax Increment Finance Authority of the City of Portage, (the "Authority").
2. Pursuant of Public Act No. 450 of the Michigan Public Acts of 1980, as amended, (the "Act"), there is hereby established a Tax Increment Finance Authority, (the "Authority").
3. The boundaries of the Authority District shall be as set forth in Appendix 1.
4. The Authority shall be under the supervision and control of the Tax Increment Finance Board (the "Board"). The Economic Development Corporation Board of Directors is hereby designated as the Tax Increment Finance Board. Insofar as possible, three of the members of the Board shall be representatives of the Portage Public Schools.

5. The majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall annually elect one of its members as Chairperson, one of its members as Vice-chairperson, and one of its members as Secretary.

6. The Board shall prescribe and adopt rules of procedure and the holding of regular meetings, subject to the approval of City Council. Special meetings may be held when called in the manner provided in the rules of the Board.

7. In accordance with the provisions of the Act, the Board may:

(a) Prepare an analysis of economic changes taking place in the municipality and its environs as those changes relate to urban deterioration in the development areas.

(b) Study and analyze the impact of growth upon development areas.

(c) Plan and propose the construction of a public facility, an existing building, or a multiple family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the Board, aids in the revitalization and growth of the development areas.

(d) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the decline of property values and to promote the growth of the development areas, and take such steps as may be necessary to implement the plans to the fullest extent possible.

(e) Implement any plan of development in a development area necessary to achieve the purposes of Public Act No. 460 of 1980, in accordance with the powers of the Authority as granted by said act.

(f) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(g) Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority considers proper, own, convey, demolish, relocate, rehabilitate, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interest therein, which the Authority determines is reasonably necessary to achieve the purposes of Public Act No. 450 of 1980, and to grant or acquire licenses, easements, and options with respect thereto.

(h) Improve land, prepare sites for buildings, including the demolition of existing structures and construct, reconstruct, rehabilitate, restore, and preserve, equip, improve, maintain, repair, and operate any building, including any type of housing, and any necessary or desirable appurtenances thereto, within the development area for the use, in whole or in part, of any public or area for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

(i) Fix, charge, and collect fees, rents, and charges for the use of any building or property or any part of a building or property under its control, or a facility in the building or on the property, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the Authority.

(j) Lease any building or property or part of building or property under its control.

(k) Accept grants and donations of property, labor or other things of value from a public or private source.

(l) Acquire and construct public facilities.

(m) Incur costs in connection with the performance of its authorized functions, including but not limited to, administrative costs, architect, engineer, legal, and accounting fees.

(n) Authorize, issue and sell its tax increment bonds, subject to the limitations set forth in Public Act 450 of 1980, to finance a development program.

8. The Secretary of the Board shall keep a correct written record of all the Board's business and transactions. The records shall be filed with the City Clerk and shall be a public record available for inspection.

9. The Authority shall be considered an instrumentality of a political subdivision for purposes of Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

10. The City of Portage may take private property under Act No. 87 of the Public acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, for the purpose of transfer to the Authority, and may transfer the property to the Authority for use as authorized in the development program, on terms and conditions it considers appropriate. The taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

11. The activities of the Authority shall be financed from one (1) or more of the following sources.
- (a) Contributions to the Authority for the performance of its functions.
  - (b) Revenues from any property, building, or facility owner, leased, licensed, or operated by the Authority or under its control, subject to the limitations imposed upon the Authority by trusts or other agreements.
  - (c) Tax increments received pursuant to a tax increment financing plan established under Sections 13 to 15 of the Act.
  - (d) Proceeds of tax increment bonds issued pursuant to Section 15 of the Act.
  - (e) Proceeds of revenue bonds issued pursuant to Section 12 of the Act.
  - (f) Money obtained from any other sources approved by the City Council of the City of Portage.

12. The Authority may borrow money and issue its negotiable revenue bonds pursuant to Act No. 94 of the Public Acts of 1933, as amended, being Sections 141.101 to 141.139 of the Michigan Compiled Laws. Revenue bonds issued by the Authority shall not, except as hereinafter provided, be considered a debt of the City of Portage or of the State.

The City of Portage by majority vote of the members of its governing body may pledge its full faith and credit limited tax to support the Authority's revenue bonds.

13. By resolution of its Board, the Authority may authorize, issue, and sell its tax increment bonds, subject to the limitations set forth in this section, to finance a development program. The bonds shall mature in not more than 30 years and shall be subject to Act No. 202 of the Public Acts of 1943, as amended, being Sections 131.1 to 138.2 of the Michigan Compiled Laws. The Authority may pledge for annual debt service requirements in any one (1) year not more than 80% of the estimated tax increment revenue to be received from a development area for that year, and the total aggregate amount of borrowing shall not exceed an amount with the 80% of the estimated tax increment revenue will service as to annual principal and interest requirements. The bonds issued under this section shall be considered a single series for the purposes of Section 4 of Chapter V of Act No. 202 of the Public Acts of 1943, as amended, being Section 135.4 of the Michigan Compiled Laws.

The City of Portage by majority vote of the members of its City Council may pledge its full faith and credit for the payment of the principal of and interest on the Authority's tax increment bonds.

14. When this Board decides to finance a project in a development area pursuant to this Act, it shall prepare a development plan in accordance with Section 16 of the Act.

15. The director of the Authority shall prepare and submit for the approval of the Board a budget for the operation of the Authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Before the budget may be adopted by the Board, it shall be approved by the City Council of the City of Portage.

16. The Authority shall have all of the powers granted to it by the Act.

17. This Resolution shall take effect upon its adoption.

On behalf of the City of Portage, the Mayor and City Clerk hereby execute this Resolution incorporating the Authority.

## TAX INCREMENT FINANCE AUTHORITY\*

**State law references:** The Tax Increment Finance Authority Act, MCL 125.1801 et seq., MSA 3.540(201) et seq.

### **Sec. 22-61. Established.**

Pursuant to Public Act No. 450 of 1980 (MCL 125.1801 et seq., MSA 3.540(201) et seq.), there is hereby established a tax increment finance board of and for the city.

(Code 1983, § 281.01; Ord. No. 085-11, 5-28-1985)

**State law references:** Power to establish tax increment finance authority, MCL 125.1802(1), MSA 3.540(202), (1); authority to create board, MCL 125.1804(1)(f), MSA 3.540(204), (1)(f).

### **Sec. 22-62. Membership; appointment and term of members.**

The tax increment finance board shall consist of nine electors of the city, appointed by the mayor, subject to the approval of the council. Three of the members of the board shall be representatives of the city public schools. Each member shall be appointed to serve a term of four years. An appointment to fill a vacancy shall be made by the mayor for the unexpired term only.

(Code 1983, § 281.02; Ord. No. 085-11, 5-28-1985)

**State law references:** Board membership, MCL 125.1804(1)(f), MSA 3.540(204), (1)(f).

### **Sec. 22-63. Quorum; officers.**

The majority of the members of the tax increment finance board shall constitute a quorum for the transaction of business. The board shall annually elect one of its members as chairperson, one of its members as vice-chairperson and one of its members as secretary.

(Code 1983, § 281.03; Ord. No. 085-11, 5-28-1985)

**State law references:** Selection of chairperson, MCL 125.1804(2), MSA 3.540(204), (2).

### **Sec. 22-64. Meetings and rules of procedure.**

The tax increment finance board shall prescribe and adopt rules of procedure and provide for the holding of regular meetings, subject to the approval of the council. Special meetings may be held when called in the manner provided in the rules of the board.

(Code 1983, § 281.04; Ord. No. 085-11, 5-28-1985)

**State law references:** Similar provisions, MCL 125.1804(4), MSA 3.540(204), (4).

### **Sec. 22-65. Powers.**

The tax increment finance board may:

(1) Prepare an analysis of economic changes taking place in the city and its environs as those changes relate to urban deterioration in the development areas.

(2) Study and analyze the impact of growth upon development areas.

(3) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the revitalization and growth of the development area.

(4) Plan, propose and implement an improvement to a public facility within the development area to comply with the barrier-free design requirements of the state construction code promulgated under the State Construction Code Act of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.).

(5) Develop long range plans, in cooperation with the agency which is chiefly responsible for planning in the city, designed to halt the decline of property values and to promote the growth of the development area, and take such steps as may be necessary to implement the plans to the fullest extent possible.

(6) Implement any plan of development in a development area necessary to achieve the purposes of Public Act No. 450 of 1980 (MCL 125.1801 et seq., MSA 3.540(201) et seq.), in accordance with the powers of the authority as granted by such act.

(7) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(8) Acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper, own, convey, demolish, relocate, rehabilitate or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of Public Act No. 450 of 1980 (MCL 125.1801 et seq., MSA 3.540(201) et seq.), and to grant or acquire licenses, easements and options with respect thereto.

(9) Improve land, prepare sites for buildings, including the demolition of existing structures, and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building, including any type of housing, and any necessary or desirable appurtenances thereto, within the development area for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

(10) Fix, charge and collect fees, rents and charges for the use of any building or property or any part of a building or property under its control, or a facility in the building or on the property, and pledge the fees, rents and charges for the payment of revenue bonds issued by the authority.

(11) Lease any building or property or part of a building or property under its control.

(12) Accept grants and donations of property, labor or other things of value from a public or private source.

(13) Acquire and construct public facilities.

(14) Incur costs in connection with the performance of its authorized functions, including but not limited to administrative costs and architects', engineers', legal and accounting fees.

(Code 1983, § 281.05; Ord. No. 085-11, 5-28-1985)

**State law references:** Similar provisions, MCL 125.1807, MSA 3.540(207).

#### **Sec. 22-66. Records.**

The secretary of the tax increment finance board shall keep a correct written record of all the board's business and transactions. The record shall be filed with the city clerk and shall be a public record available for inspection.

(Code 1983, § 281.06; Ord. No. 085-11, 5-28-1985)

**State law references:** Records to be public, MCL 125.1804(4), MSA 3.540(204), (4).

## **BROWNFIELD REDEVELOPMENT FINANCING ACT (EXCERPT)**

Act 381 of 1996

### **125.2655 DESIGNATION OF BOARD BY GOVERNING BODY; MEMBERSHIP; TRUSTEES; APPLICABILITY OF SUBSECTION (2); ELECTION OF CHAIRPERSON, VICE-CHAIRPERSON, AND OTHER OFFICERS; OATH; PROCEDURAL RULES; MEETINGS; SPECIAL MEETINGS; REMOVAL OF MEMBER; RECORDS OPEN TO PUBLIC; QUORUM.**

#### **Sec. 5.**

(1) Each authority shall be under the supervision and control of a board chosen by the governing body. Subject to subsection (2), the governing body may by majority vote designate 1 of the following to constitute the board:

(a) The board of directors of the economic development corporation of the municipality established under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.

(b) The trustees of the board of a downtown development authority established under 1975 PA 197, MCL 125.1651 to 125.1681.

(c) The trustees of the board of a tax increment financing authority established under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

(d) The trustees of the board of a local development financing authority established under the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174.

(e) Not less than 5 nor more than 9 persons appointed by the chief executive officer of the municipality subject to the approval of the governing body. Of the initial members appointed, an equal number, as near as practicable, shall be appointed for 1 year, 2 years, and 3 years. A member shall hold office until the member's successor is appointed and qualified. Thereafter, each member shall serve for a term of 3 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for reasonable actual and necessary expenses.

(2) The governing body of a municipality in which a board described in subsection(1)(b), (c), or (d) has been established shall designate the trustees of 1 of those boards to constitute the board. This subsection shall only apply in the event a board described in subsection (1)(b), (c), or (d) is authorized under subsection (1) to serve as the board of the authority.

(3) The members shall elect 1 of their membership as chairperson and another as vice-chairperson. The members may designate and elect other officers of the board as they consider necessary.

(4) Before assuming the duties of office, a member shall qualify by taking and subscribing to the oath of office provided in section 1 of article XI of the state constitution of 1963.

(5) The board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held when called in the manner provided in the rules of the board. Meetings of the board shall be open to the public, in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) After notice and an opportunity to be heard, a member of the board appointed under subsection (1)(e) may be removed before the expiration of his or her term for cause by the governing body. Removal of a member is subject to review by the circuit court.

(7) All financial records of an authority shall be open to the public under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(8) A majority of the members of the board appointed and serving shall constitute a quorum. Action may be taken by the board at a meeting upon a vote of the majority of the members present.

**History:** 1996, Act 381, Eff. Sept. 16, 1996 ;—Am. 2000, Act 145, Imd. Eff. June 6, 2000 .

## **BROWNFIELD REDEVELOPMENT FINANCING ACT (EXCERPT)**

Act 381 of 1996

### **125.2656 APPOINTMENT OR EMPLOYMENT OF DIRECTOR, TREASURER, SECRETARY, PERSONNEL, AND CONSULTANTS; ASSISTANCE PROVIDED BY MUNICIPALITY; RETIREMENT AND INSURANCE PROGRAMS.**

#### **Sec. 6.**

(1) The board may employ and fix the compensation of a director of the authority, subject to the approval of the governing body creating the authority. The director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before entering upon the duties of the office, the director shall take and subscribe to the oath of office provided in section 1 of article XI of the state constitution of 1963 and shall furnish bond by posting a bond in the sum specified in the resolution establishing the authority. The bond shall be payable to the authority for the use and benefit of the authority, approved by the board, and filed with the clerk of the municipality. The premium on the bond shall be considered an operating expense of the authority, payable from funds available to the authority for expenses of operation. The director shall be the chief officer of the authority. Subject to the approval of the board, the director shall supervise and be responsible for the preparation of plans and the performance of the functions of the authority in the manner authorized by this act. The director shall attend the meetings of the board and shall render to the board and to the governing body a regular report covering the activities and financial condition of the authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of the office, the acting director shall take and subscribe to the oath of office referenced in this subsection and furnish bond as required of the director. The director shall furnish the board with information or reports governing the operation of the authority, as the board requires.

(2) The board may appoint or employ and fix the compensation of a treasurer who shall keep the financial records of the authority and who, together with the director, if a director is appointed, shall approve all vouchers for the expenditure of funds of the authority. The treasurer shall perform other duties as may be delegated by the board and shall furnish bond in an amount as prescribed by the board.

(3) The board may appoint or employ and fix the compensation of a secretary who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the board and keep a record of its proceedings and shall perform other duties as may be delegated by the board.

(4) The board may employ and retain personnel and consultants as considered necessary by the board, including legal counsel to advise the board in the proper performance of its duties and to represent the authority in actions brought by or against the authority.

(5) Upon request of the authority, the municipality may provide assistance to the authority in the performance of its powers and duties.

(6) The employees of an authority may be eligible to participate in municipal retirement and insurance programs of the municipality as if they were civil service employees on the same basis as civil service employees.

**History:** 1996, Act 381, Eff. Sept. 16, 1996 .

## BROWNFIELD REDEVELOPMENT FINANCING ACT (EXCERPT)

Act 381 of 1996

### 125.2657 POWERS OF AUTHORITY; DETERMINING CAPTURED TAXABLE VALUE; TRANSFER OF MUNICIPALITY FUNDS TO AUTHORITY.

#### Sec. 7.

- (1) An authority may do 1 or more of the following:
  - (a) Adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business.
  - (b) Incur and expend funds to pay or reimburse a public or private person for costs of eligible activities attributable to an eligible property.
  - (c) As approved by the municipality, incur costs and expend funds from the local site remediation revolving fund created under section 8 for purposes authorized in that section.
  - (d) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties, including, but not limited to, lease purchase agreements, land contracts, installment sales agreements, and loan agreements.
  - (e) On terms and conditions and in a manner and for consideration the authority considers proper or for no monetary consideration, own, mortgage, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in the property, that the authority determines are reasonably necessary to achieve the purposes of this act, and grant or acquire licenses, easements, and options with respect to the property.
  - (f) Acquire, maintain, repair, or operate all devices necessary to ensure continued eligible activities on eligible property.
  - (g) Accept grants and donations of property, labor, or other things of value from a public or private source.
  - (h) Incur costs in connection with the performance of its authorized functions, including, but not limited to, administrative costs and architect, engineer, legal, or accounting fees.
  - (i) Study, develop, and prepare the reports or plans the authority considers necessary to assist it in the exercise of its powers under this act and to monitor and evaluate the progress under this act.
  - (j) Procure insurance against loss in connection with the authority's property, assets, or activities.
  - (k) Invest the money of the authority at the authority's discretion in obligations determined proper by the authority, and name and use depositories for its money.
  - (l) Make loans, participate in the making of loans, undertake commitments to make loans and mortgages, buy and sell loans and mortgages at public or private sale, rewrite loans and mortgages, discharge loans and mortgages, foreclose on a mortgage, commence an action to protect or enforce a right conferred upon the authority by a law, mortgage, loan, contract, or other agreement, bid for and purchase property that was the subject of the mortgage at a foreclosure or other sale, acquire and take possession of the property and in that event compute, administer, pay the principal and interest on obligations incurred in connection with that property, and dispose of and otherwise deal with the property, in a manner necessary or desirable to protect the interests of the authority.
  - (m) Borrow money and issue its bonds and notes under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, in anticipation of collection of tax increment revenues.
  - (n) Do all other things necessary or convenient to achieve the objectives and purposes of the authority, this act, or other laws that relate to the purposes and responsibilities of the authority.
- (2) The authority shall determine the captured taxable value of each parcel of eligible property. The captured taxable value of a parcel shall not be less than zero.
- (3) A municipality may transfer the funds of the municipality to an authority or to another person on behalf of the authority in anticipation of repayment by the authority.

**History:** 1996, Act 381, Eff. Sept. 16, 1996 ;—Am. 2000, Act 145, Imd. Eff. June 6, 2000 ;—Am. 2002, Act 413, Imd. Eff. June 3, 2002 .

## ENVIRONMENTAL BOARD

*Three year terms, expiring October 1. Nine members, meetings on the second Wednesday of every month at 7:00 P.M. at Portage City Hall.*

*Christopher Barnes, City Engineer, Ex Officio*

### **Sec. 24-31. Established.**

There is hereby established an environmental board of and for the city.  
(Code 1983, § 272.01; Ord. No. 091-10, § 4, 5-7-1991)

### **Sec. 24-32. Purpose.**

It is the purpose of the environmental board to advise the council on matters pertaining to the environment and matters relating to the protection and enhancement of the groundwater resources of the city. The environmental board shall be available to ensure the appropriate consideration of environmental and groundwater issues as determined necessary by the city council.  
(Code 1983, §§ 272.02, 279.02; Ord. No. 091-10, § 4, 5-7-1991)

### **Sec. 24-33. Membership; appointment and term of members; assumption of responsibilities of groundwater commission.**

(a) The environmental board membership shall initially consist of 15 electors of the city having an interest in the environment. The nine board members who hold seats on the environmental board immediately before the effective date of the amendment codified in this subsection may continue as members of the board until their term expires and shall be eligible for reappointment pursuant to city council policy. The terms for these members shall continue to be a three-year term.

(b) The remaining six seats of the environmental board shall be temporary and shall be held by the membership of the groundwater commission as it existed immediately before the repeal of chapter 279 of the Codified Ordinances of 1983, pertaining to the groundwater commission. Each temporary member's term shall expire at the same time his term would have expired on the groundwater commission. Temporary seats shall be permanently eliminated and the environmental board shall consist of the remaining members upon the occurrence of any of the following:

- (1) A member holding a temporary seat resigns;
- (2) A member holding a temporary seat fails to serve for any reason;
- (3) The term of the temporary seat expires.

(c) The member holding a temporary seat on the environmental board may make application at the appropriate time for one of the nontemporary seats on the environmental board.

(d) The environmental board shall assume responsibility over all matters previously handled by the groundwater commission.  
(Code 1983, § 272.03; Ord. No. 091-10, § 4, 5-7-1991; Ord. No. 096-04, 3-19-1996)

### **Sec. 24-34. Quorum; officers.**

The majority of members of the environmental board shall constitute a quorum for the transaction of business. The board shall annually elect a chairperson, vice-chairperson and secretary and such other officers as it deems necessary.  
(Code 1983, § 272.04; Ord. No. 091-10, § 4, 5-7-1991)

### **Sec. 24-35. Meetings and rules of procedure.**

The environmental board shall prescribe rules of operation, subject to the approval of the council, and provide for regular meetings of the board.  
(Code 1983, § 272.05; Ord. No. 091-10, § 4, 5-7-1991)

### **Sec. 24-36. Annual report; assignment of duties.**

In November of each year the board shall file a report with the council, which shall consist of a concise statement of the activities of the board for the past year and a list of suggested topics of study for the upcoming year. The council, upon receipt of the annual report of the board, shall determine principal tasks, topics of study and priorities of the board for the upcoming year.  
(Code 1983, § 272.06; Ord. No. 091-10, § 4, 5-7-1991)

### **Sec. 24-37. Records.**

The secretary of the environmental board shall keep a correct written record of all business and transactions of the board, a copy of which shall be forwarded to the city council following each meeting of the board. The records shall be filed with the city clerk and shall be a public record available for inspection.  
(Code 1983, § 272.07; Ord. No. 091-10, § 4, 5-7-1991)

## HISTORIC DISTRICTS AND COMMISSION

Three year terms, expiring December 31. Nine members, meeting on the 1st Wednesday of every month at 8:15 a.m. at Portage City Hall.

Erica Eklov, Office of the City Manager, Ex Officio

### Sec. 38-31. Purpose of article.

Pursuant to Public Act. No. 169 of 1970 (MCL 399.201 et seq., MSA 5.3407(1) et seq.), historic preservation is declared to be a public purpose and public necessity to do one or more of the following:

- (1) Safeguard the heritage of the city by preserving one or more historic districts in the local unit that reflect elements of the city's history, architecture or archaeology.
- (2) Stabilize and improve property values in each district and the surrounding areas.
- (3) Foster civic beauty.
- (4) Strengthen the local economy.
- (5) Promote the use of historic districts for the education, pleasure and welfare of the citizens of the city.

(Code 1983, § 282.01; Ord. No. 093-05, 5-11-1993)

**State law references:** Similar provisions, MCL 399.202, MSA 5.3407(2).

### Sec. 38-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* means work that changes the detail of a resource but does not change its basic size or shape.

*Certificate of Appropriateness* means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

*Committee* means a historic district study commission appointed by the council.

*Demolition* means the razing or destruction, whether entirely or in part, of a resource, and includes but is not limited to demolition by neglect.

*Demolition by Neglect* means neglect in maintaining, repairing or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

*Denial* means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

*Historic District* means an area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering or culture.

*Historic Preservation* means the identification, evaluation, establishment and protection of resources significant in history, architecture, archaeology, engineering or culture.

*Historic Resource* means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering or culture of the city.

*Notice to Proceed* means written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under this article.

*Open Space* means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.

*Ordinary Maintenance* means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this article.

*Proposed Historic District* means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

*Repair* means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this article.

*Resource* means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects,

features or open spaces located within a historic district.

*Work* means construction, addition, alteration, repair, moving, excavation or demolition.  
(Code 1983, § 282.02; Ord. No. 093-05, 5-11-1993)

**Cross references:** Definitions generally, § 1-2.

**State law references:** Similar provisions, MCL 399.201, MSA 5.3407(1).

**Sec. 38-33. Ordinary maintenance; work under existing permits.**

Nothing in this article shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource under a permit issued by the department of community development or other duly delegated authority before May 11, 1993.

(Code 1983, § 282.12; Ord. No. 093-05, 5-11-1993)

**State law references:** Similar provisions, MCL 399.210, MSA 5.3407(10).

**Sec. 38-34. Enforcing agency.**

The department of community development shall be charged with the enforcement of the provisions of this article.

(Code 1983, § 282.15; Ord. No. 093-05, 5-11-1993)

**Sec. 38-35. District established; boundaries.**

A historic district within the city is hereby created, which district shall include the following described lands and the structures situated thereon:

Property Address: 5029 Angling Road Tax ID No. 3580-049-O

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Legal Description:

HILL N BROOK VILLAGE LOT 49 & 50 EXC NELY 25 FT OF LOT 50 ALSO BEG AT NE COR LOT 44 TH S ON E LI SD LOT 57.60 FT TH SWLY 248.55 FT TO A PT ON W LI LOT 43 146.34 FT N OF SW COR TH N ALG SD W LI 11.43 FT TO NW COR SD LOT TH NELY ALG N LI SD LOT 67.39 FT TH CONT NELY ALG N LI LOT 44 190.19 FT TO PL OF BEG.

Property Address: 5260 Angling Road Tax ID No. 6-015-A

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Legal Description:

SECTION 6-3-11 BEG AT A PT 132 FT S OF NE COR S 1/2 NE 1/4 SEC 6, TH S 198 FT TH W 233 FT, TH N 198 FT, TH E 233 FT TO P.O.B., EXC E 33 FT FOR HWY.

Property Address: 5719 Angling Road Tax ID No. 761-042-O

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Legal Description:

SUPERVISORS PLAT OF BOYLANS ACRES #1 LOT 42 AND LOT 43. ALSO BEG AT SE COR SD LOT 43, TH N ALG E LI LOTS 43 AND 42 TO NE COR SD LOT 42, TH E 19 FT, TH S 75 FT, TH E 30 FT, TH S 10 FT, TH E 100 FT, TH S 85 FT, TH W 149 FT TO P.O.B.

Property Address: 6638 Angling Road Tax ID No. 7-286-O

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Legal Description:

SEC 7-3-11 COM NE COR RECD PLAT OF HARBELLE ACRES TH N 33 DEG 25 MIN 40 SEC E 561.43 FT FOR PL OF BEG TH N 56 DEG 34 MIN 20 SEC W 233 FT TH N 33 DEG 25 MIN 40 SEC E 211.45 FT TH S 61 DEG 09 MIN 50 SEC E 200.64 FT TH S 56 DEG 34 MIN 20 SEC E 33 FT TH S 33 DEG 25 MIN 40 SEC W 227.51 FT TO PL OF BEG. ALSO COM AT NE COR RECD PLAT OF HARBELLE ACRES TH N 33 DEG 25 MIN 40 SEC E 561.43 FT TH N 56 DEG 34 MIN 20 SEC W 328 FT FOR PL OF BEG TH S 56 DEG 34 MIN 20 SEC E 95 FT TH N 33 DEG 25 MIN 40 SEC E 211.45 FT TH N 61 DEG 09 MIN 50 SEC W TO A PT TH SWLY TO P.O.B., ALSO COM AT NE COR RECD PLAT OF HARBELLE ACRES, TH N 33 DEG 25 MIN 40 SEC E 789.44 FT TO P.O.B., TH N 56 DEG 34 MIN 20 SEC W 33 FT, TH N 61 DEG 09 MIN 50 SEC W 300.97 FT, TH N 33 DEG 25 MIN 40 SEC E 197.88 FT, TH SELY 129.99 FT, ALG A CURVE TO THE RIGHT WITH A RADIUS OF 227 FT, TH S 56 DEG 34 MIN 20 SEC E 210 FT TO CTR LI ANGLING RD, TH S 33 DEG 25 MIN 40 SEC W ALG SD CTR LI 210 FT TO P.O.B.

Property Address: 506 Bacon Avenue Tax ID No. 34-055-O

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Legal Description:

SEC 34-3-11 W 8 R OF N 10 R OF NE 1/4 NW 1/4 SEC 34.

Property Address: 704 Bacon Avenue Tax ID No. 4740-005-C

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Legal Description:

LUDINGTON ACRES N 238 FT OF LOT 5.

Property Address: 214 Brown Avenue Tax ID No. 1480-002-O

Legal Description:  
CLARENCE PLAT LOT 2 & 3.

Property Address: 309 East Centre Avenue Tax ID No. 00015-345-O

Legal Description:  
K15-33 SEC 15-3-11 BEG AT A PT 591.32 FT E OF SW COR SEC 15 TH N 165 FT, TH E 72.82 FT, TH N 594 FT, TH E 150 FT, TH S 759 FT, TH W 220.67 FT TO P.O.B. RES S 43 FT FOR HWY PURPOSES. EXC N 333 FT.

Property Address: 515 East Centre Avenue Tax ID No. 4200-003-O

Legal Description:  
LAKEWOOD HOMES LOT 3.

Property Address: 903 East Centre Avenue Tax ID No. 15-465-O

Legal Description:  
SEC 15-3-11 BEG AT S 1/4 POST SEC 15 TH E 6 R TH N 40 R TH W 6 R TH S 40 R TO BEG EXC W 1 R OF S 30 R & W 2 R OF N 10 R FOR HWY.

Property Address: 1521 East Centre Avenue Tax ID No. 15-570-O

Legal Description:  
SEC 15-3-11 BEG 21 RW OF SE COR SEC 15 TH W ON SEC LI 7 R TH N 80 R TH E 7 R TH S 80 R TO BEG.

Property Address: 7328 Garden Lane Tax ID No., Part of 15-170-O

Legal Description:  
SEC 15-3-11 COM AT W 1/4 POST SEC 15, TH E 650 FT TO THE E LI OF CONRAIL RR ROW TO P.O.B., TH NLY ALG SD ROW 812.85 FT TO THE S LI OF GARDEN LANE, TH S 74 DEG 55 MIN E 162.3 FT, THE S 24 DEG 43 MIN W 760 FT, TH W 190 FT TO P.O.B.

Property Address: 8009 Cox's Drive Tax ID No. 24-081-O

Legal Description:  
SEC 24-3-11 COM AT NW COR SEC 24, TH S 132 FT TO P.O.B., TH CONT S TO NW COR OF S 3/4 OF W 1/2 OF NW 1/4 SEC 24, TH E 420 FT, TH N TO N LI OF SD SEC, TH W 120 FT TH S 137 FT, TH W 199.39 FT, TH N 5 FT, TH W 100.61 FT TO P.O.B., RES COX DR AND CENTRE AVE FOR ROW.

Property Address: 10234 East Shore Drive Tax ID No. 36-020-O

Legal Description:  
THE W 1/2 OF THE SE 1/4 OF SEC 36-3-11 EXC THE S 1/2 OF THE W 1/2 OF THE SE 1/4 THEREOF.

THE N 1/2 OF THE NE 1/4 OF THE SE 1/4 OF SEC 36-3-11.

THAT PORTION OF THE S 1/2 OF THE NE 1/4 OF THE SE 1/4 OF SEC 36-3-11 LYING ELY OF THE FORMER WLY ROW LI OF THE GR & IN RR CO.

THE S 1/2 OF THE NE 1/4 OF SEC 36-3-11 EXC: PART OF THE NE 1/4 OF SEC 36-3-11: COM AT THE S 1/4 POST OF SD SEC 36; TH N 00 DEG 00 MIN 00 SEC E ON THE N & S 1/4 LI SD SEC 36 A DIS OF 2,640.06 FT TO THE CTR OF SD SEC 36; TH CONT N 00 DEG 00 MIN 00 SEC E ON SD N & S 1/4 LI 619.52 FT TO POB OF THE LAND HEREIN DESCRIBED; TH CONT N 00 DEG 00 MIN 00 SEC E ON SD N & S 1/4 LI 105.34 FT TO THE CTR LI OF THE AUSTIN LAKE OUTLET CHANNEL; TH S 37 DEG 41 MIN 59 SEC E ON SD CTR LI 88.33 FT TO THE N EDGE OF PAVEMENT ON EAST SHORE DRIVE; TH S 56 DEG 15 MIN 14 SEC W 52.19 FT TO THE SE COR OF LOT 1, SUNNY HEIGHTS; TH S 58 DEG 41 MIN 43 SEC W ON THE SLY LI OF SD LOT 1 A DIS OF 12.43 FT TO THE POB. EXC PART OF THE NE 1/4 OF SEC 36-3-11: COM AT THE S 1/4 POST OF SD SEC 36, TH N 00 DEG 00 MIN 00 SEC E ON THE N & S 1/4 LI OF SD SEC 36 A DIS OF 2,640.06 FT TO THE CTR OF SD SEC 36; TH CONT N 00 DEG 00 MIN 00 SEC E ON SD N & S 1/4 LI 619.52 FT TO THE SELY LI OF LOT 1, SUNNY HEIGHTS; TH N 58 DEG 41 MIN 43 SEC E ON THE SELY LI OF SAID LOT 1 A DIS OF 12.43 FT TO THE SE COR OF SD LOT 1; TH N 56 DEG 15 MIN 14 SEC E 52.19 FT TO A POINT ON THE NLY EDGE OF PAVEMENT OF EAST SHORE DRIVE & POB; TH N 37 DEG 41 MIN 59 SEC W ON THE CTR LI OF THE AUSTIN LAKE OUTLET CHANNEL 88.33 FT TO SD N & S 1/4 LI; TH N 00 DEG 00 MIN 00 SEC E ON SD N & S 1/4 LI 43.88 FT TO AN INTERMEDIATE TRAVERSE LI; TH N 42 DEG 30 MIN 58 SEC E ON SD INTERMEDIATE TRAVERSE LI 172.13 FT TO A MEANDER COR; TH S 46 DEG 20 MIN 20 SEC E 156.64 FT TO THE NLY EDGE OF PAVEMENT OF SD EAST SHORE DRIVE; TH S 52 DEG 58 MIN 04 SEC W 220.00 FT TO POB. ALSO ALL THAT LAND LYING BETWEEN SD INTERMEDIATE TRAVERSE LI, THE N & S 1/4 LI OF SD SEC 36 EXTENDED TO THE WATER'S EDGE OF AUSTIN LAKE, THE WATER'S EDGE OF AUSTIN LAKE & A LI EXTENDING N 46 DEG 20 MIN 20 SEC W FROM SD MEANDER CORNER.

Property Address: 2106 Forest Drive Tax ID No. 340-086-A

Legal Description:  
AMES WEST LAKE PARK A PART OF LOT 86 DESC AS FOL BEG AT SE COR LOT 86 TH NELY ALG SELY LI SD LOT 188.71 FT TO NE COR LOT 86 TH WLY ALG NLY LI SD LOT 220 FT TH SLY 112.26 FT TO A PT IN SLY LI SD LOT 144 FT SWLY OF SE COR LOT 86 TH SELY ALG SLY LI SD LOT 144 FT TO PL OF BEG.

Property Address: 7706 Innisbrook Drive Tax ID No. 9402-036-O

Legal Description:  
WOODBIDGE HILLS #2 LOT 36.

Property Address: 2663 Mandigo Avenue Tax ID No. 35-145-A

Legal Description:  
SEC 35-3-11 BEG AT A PT 1810 FT W OF SE COR SEC 35, TH N 699.14 FT, TH S 66 DEG 52 MIN 51 SEC W TO A PT 448 FT N OF S SEC LI, TH S 448 FT TO S LI OF SEC 35, TH E 599.62 FT TO POB.

Property Address: 6825 Sprinkle Road Tax ID No., Part of 12-115-D

Legal Description:  
SEC 12-3-11 BEG 527 FT N OF S 1/4 POST SEC 12, TH N 150 FT, TH E 300 FT, TH S 150 FT, TH W 300 FT TO P.O.B.

Property Address: 2027 East Milham Avenue Tax ID No. 2-050-O

Legal Description:  
SEC 2-3-11 COM AT A PT 80 R E OF SW COR SEC 2 TH N 358.22 FT TH W 152 FT TH S 358.22 FT TH E 152 FT TO PL OF BEG.

Property Address: 4415 East Milham Avenue Tax ID No. 1-145-O

Legal Description:  
SEC 1-3-11 COM S 1/4 POST SEC 1 TH N 33 FT TH N 89 DEG 37 MIN 40 SEC E 1168.13 FT TO PL OF BEG TH N 138.73 FT TH E 93 FT TH S 138.73 FT TH S 89 DEG 37 MIN 40 SEC W 93 FT TO PL OF BEG.

Property Address: 1324 West Milham Avenue Tax ID No. 3700-084-O

Legal Description:  
SECTION 4, TOWN 3 SOUTH, RANGE 11 WEST: BEGINNING AT THE NORTHWEST CORNER OF LOT 87 PLAT OF HOMEACRES, THENCE EAST 100 FT, THENCE SOUTH 100 FT. THENCE WEST 100 FT, THENCE NORTH 100 FT TO PLACE OF BEGINNING. RESERVING DRIVEWAY TO MILHAM RD.

Property Address: 1705 West Milham Avenue Tax ID No. 8-003-O

Legal Description:  
SEC 8 & 9-3-11 BEG AT A POT 82.5 FT W OF NE COR SEC 8 TH E ALG N LI SECTIONS 8 & 9 A DISTANCE OF 165 FT TH S 297 FT TH W 165 FT TH N 297 FT TO PL OF BEG. EXC N 33 FT FOR HWY.

Property Address: 3221 West Milham Avenue Tax ID No. 8-250-O

Legal Description:  
SEC 8-3-11 BEG N W COR SEC 8 TH E 283 FT TH S 240 FT TH W TO W LI SD SEC TH N ALG SD W LI 240 FT TO PL OF BEG. RES N & W 33 FT FOR HWY PURP.

Property Address: 3821 West Milham Avenue Tax ID No. 7-025-O

Legal Description:  
SEC 7-3-11 W 1/2 NE 1/4 SEC 7 EXC S 165 FT ALSO EXC US 131 ROW, ALSO EXC MICHIGAN HIGHWAY EASEMENT.

Property Address: 8021 Oak Street Tax ID No. 7200-113-O

Legal Description:  
ROSE DALE SUBDIVISION LOTS 113 & 114 EXC S 5 FT OF LOT 114, ALSO INCLUDING THE W 1/2 OF THE ABUTTING VACATED ALLEY.

Property Address: 5134 Oakland Drive Tax ID No. 5-010-O

Legal Description:  
SEC 5-3-11 COM AT NE COR OF W 1/2 NE FR 1/4 SEC 5 TH S O DEG 32 MIN E 783 FT FOR PL OF BEG TH S O DEG 32 MIN E 363 FT TH S 89 DEG 28 MIN W 313.5 FT TH N O DEG 32 MIN W 363 FT TH N 89 DEG 28 MIN E 313.5 FT TO BEG.

Property Address: 5720 Oakland Drive Tax ID No. 5-085-O

Legal Description:  
SEC 5-3-11 BEG AT A PT IN E LI W 1/2 SE 1/4 SEC 5 1190 FT S OF EW 1/4 LI SD SEC TH W 283 FT TH N 200 FT TH W 113 FT TH S 432.64 FT TH E 113 FT TH N 100 FT TH E 283 FT TH N 132.64 FT TO PL OF BEG. EXC E 33 FT FOR HWY.

Property Address: 6235 Oakland Drive	Tax ID No. 8-110-O
Legal Description: SEC 8-3-11 COM AT NW COR E 1/2 NE 1/4 SEC 8 TH S ALG W LI SD E 1/2 1320 FT FOR PL BEG TH S ALG SD W LI 132 FT TH E 200 FT TH N 132 FT TH W 200 FT TO BEG.	
Property Address: 7119 Oakland Drive	Tax ID No. 6060-009-O
Legal Description: PERRY ACRES LOT #9.	
Property Address: 7336 Garden Lane	Tax ID No., Part of 15-170-O
Legal Description: SEC 15-3-11 COM AT W 1/4 POST SEC 15, THE E 960 FT TO P.O.B., TH N 24 DEG 43 MIN E 720 FT TO THE S LI OF GARDEN LANE, TH S 74 DEG 55 MIN E 100 FT, TH S 15 DEG 05 MIN W 672.41 FT, TH W 185 FT TO P.O.B.	
Property Address: 703 East Osterhout Avenue	Tax ID No. 34-120-O
Legal Description: SEC 34-3-11 COM C 1/4 POST SEC 34 TH W 551.46 FT FOR PL OF BEG TH N 720.52 FT TH W 194.54 FT TH S 720.52 FT TH E 194.54 FT TO PL OF BEG.	
Property Address: 922 West Osterhout Avenue	Tax ID No. 33-120-O
Legal Description: SEC 33-3-11 E 32 R OF W 66 R OF E 1/2 NW 1/4 SEC 33.	
Property Address: 5830 Portage Road	Tax ID No. 2-065-O
Legal Description: SEC 2-3-11 COM AT THE S 1/4 POST OF SEC 2 TH N 4 DEG 22 MIN W ALG CTR LI OF PORTAGE ROAD 616.53 FT FOR P O B CONT N 34.12 FT TH N O DEG 24 MIN E 230 FT TH N 89 DEG 36 MIN W 330 FT TH S O DEG 24 MIN W 264 FT TH S 89 DEG 36 MIN E TO PL OF BEG.	
Property Address: 10209 Portage Road	Tax ID No. 35-025-O
Legal Description: SEC 35-3-11 BEG AT PT 1000 FT N & 198 FT E OF W 1/4 POST SEC 35 TH N 396 FT TH W TO CL PORTAGE RD TH NELY ALG SD CL 214 FT MOL TO S LI WETHERBEE AVE. TH E ALG SD S LI 717.6 FT TH S 331.78 FT TH SWLY 99.09 FT TH SWLY 204.66 FT TH S 89 DEG 57 MIN W 475.94 FT TO PL OF BEG.	
Property Address: 904 Schuring Road	Tax ID No. 16-405-O
Legal Description: SECTION 16, TOWN 3 SOUTH, RANGE 11 WEST: BEGINNING AT CENTER 1/4 POST SECTION 16, THENCE WEST 90 FT, THENCE NORTH 120 FT, THENCE EAST 90 FT, THENCE SOUTH 120 FT TO PLACE OF BEGINNING.	
Property Address: 6869 Sprinkle Road	Tax ID No., Part of 12-115-D
Legal Description: SEC 12-3-11 BEG 327 FT N OF S 1/4 POST SEC 12, TH N 200 FT, TH E 300 FT, TH S 200 FT, TH W 300 FT TO P.O.B.	
Property Address: 9844 Sprinkle Road	Tax ID No. 25-190-O
Legal Description: SEC 25-3-11 BEG AT PT 429 FT N OF SE COR SEC 25 TH N ALG E LI SD SEC 178.57 FT TH W 639.12 FT TH S 11 DEG E 182.17 FT TH E 602.95 FT TO PL OF BEG. RES E 33 FT FOR HWY.	
Property Address: 2112 Vanderbilt Avenue	Tax ID No. 29-105-O
Legal Description: SEC 29-3-11 BEG N 1/4 POST SEC 29 TH S ALG NS 1/4 TO CTR LI VANDERBILT RD TH E ALG SD CTR LI 1065 FT FOR PL OF BEG TH CONT E 255 FT TH N 343 FT TH W 262 FT TH S 34 FT TH E 7 FT TH S 309 FT TO PL OF BEG.	
Property Address: 7719 South Westnedge Avenue	Tax ID No. 15-275-O
Legal Description: SEC 15-3-11 W 150 FT OF N 1000 FT E 1/2 W 1/2 SW 1/4 & ALL THAT PART OF N 1000 FT OF W 1/2 W 1/2 SW 1/4 LYING ELY OF NYC RR ROW ALSO BEG AT A PT IN W LI SD SEC 66 R N OF SW COR SD SEC TH E 660 FT TH N 551 FT TH W 458 FT TO ELY LI NYC RR ROW TH SWLY ALG SD ROW TO INTERSECTION WITH S WESTNEDGE AVE TH S ALG W LI SD SEC TO PL OF BEG.	

Property Address: 8643 South Westnedge Avenue

Tax ID No. 22-250-O

Legal Description:

SEC 22-3-11 BEG IN W LI SEC 22 AT A PT 931.5 FT S OF W 1/4 POST SD SEC TH S ALG W LI SD SEC 149.25 FT TH E PAR TO E & W 1/4 LI SD SEC 561 FT TH N PAR TO W LI SD SEC 149.25 FT TH W 561 FT TO PL OF BEG RES W 33 FT FOR HWY PURPOSES.

Property Address: 9426 South Westnedge Avenue

Tax ID No. 28-022-O

Legal Description:

SEC 28-3-11 COM E 1/4 POST SEC 28 TH N 160 FT FOR PL OF BEG, TH W 163 FT TH N 170 FT TH E 163 FT TH S 170 FT TO PL OF BEG. RES E 33 FT FOR HWY.

Property Address: 10401 South Westnedge Avenue

Tax ID No. 34-080-O

Legal Description:

SEC 34-3-11 BEG AT PT 165 FT N OF W 1/4 POST SEC 34 TH E PAR EW 1/4 LI 629.63 FT TH N 555.57 FT TH W TO W LI SD SEC TH S ALG W LI SD SEC 555.52 FT TO PL OF BEG.

(Code 1983, § 282.03; Ord. No. 093-02, 1-5-1993; Ord. No. 093-05, 5-11-1993)

**State law references:** Designation of historic districts, MCL 399.203, MSA 5.3407(3).

**Sec. 38-36. Notice of designation.**

Within 30 days after any land has been designated under this article as a part of a historic district, the city clerk shall cause a document to be recorded with the county register of deeds describing such land and indicating it has been included within a historic district pursuant to the provisions of this article.

(Code 1983, § 282.04; Ord. No. 093-05, 5-11-1993)

**State law references:** Similar provisions, MCL 399.203(3)(b), MSA 5.3407(3), (3)(b).

**Sec. 38-37. Modification or elimination of district; review of work in proposed district; emergency moratorium on work.**

(a) The sites included in the historic district may be changed by ordinance to add historic districts, modify boundaries of an existing historic district or eliminate an existing historic district. Before establishing, modifying or eliminating a historic district, a historic district study committee, appointed by the city council, shall comply with the procedures in Public Act No. 169 of 1970 (MCL 399.201 et seq., MSA 5.3407(1) et seq.).

(b) In considering elimination of a historic district, the committee shall follow the procedure set forth in Public Act No. 169 of 1970 (MCL 399.201 et seq., MSA 5.3407(1) et seq.), but with the intent of showing one or more of the following:

- (1) The historic district has lost those physical characteristics that enabled establishment of the district.
- (2) The historic district was not significant in the way previously defined.
- (3) The historic district was established pursuant to defective procedures.

(c) Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering or cultural significance of a proposed historic district, the city council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the historic district commission pursuant to sections 38-38 and 38-64. The historic district commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(d) If the council determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the council may, by resolution, declare an emergency moratorium on all such work for a period not to exceed six months. The council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

(Code 1983, § 282.05; Ord. No. 093-05, 5-11-1993)

**State law references:** Similar provisions, MCL 399.214, MSA 5.3407(14).

**Sec. 38-38. Procedure for approval of work; criteria for review; permit.**

(a) Permit required; issuance. A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district or, pursuant to subsection (d) of this section, work affecting the interior arrangements of a resource is performed within a historic district. The person proposing to do that work shall file an application for a permit with the historic district commission. A permit shall not be issued and proposed work shall not proceed until the historic district

commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed by this article.

State law references: Similar provisions, MCL 399.205(1), MSA 5.3407(5), (1).

(b) Appeal of denial of permit. An applicant aggrieved by a decision of the historic district commission concerning a permit application may file an appeal with the state historic preservation review board of the state historical commission within the department of state. The appeal shall be filed within 60 days after the decision is furnished to the applicant. The applicant may submit all or part of the appellant's evidence and arguments in written form. A permit applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the circuit court.

State law references: Similar provisions, MCL 399.205(2), MSA 5.3407(5), (2).

(c) Criteria for review. In reviewing plans, the historic district commission shall follow the U.S. Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 CFR 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the historic district commission may be followed if they are equivalent in guidance to the Secretary of the Interior's standards and guidelines and are established or approved by the bureau. The historic district commission shall also consider all of the following:

(1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.

(2) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.

(3) The general compatibility of the design, arrangement, texture and material proposed to be used.

(4) Other factors, such as aesthetic value, that the historic district commission finds relevant.

**State law references:** Similar provisions, MCL 399.205(3), MSA 5.3407(5), (3).

(d) Restrictions on disapproval of work. The historic district commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless work will cause visible change to the exterior of the resource. The historic district commission shall not disapprove an application due to considerations not prescribed in subsection (c) of this section.

**State law references:** Similar provisions, MCL 399.205(4), MSA 5.3407(5), (4).

(e) Preservation plan. If an application is for work that will adversely affect the exterior of a resource the historic district commission considers valuable to the city, state or nation, and the historic district commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state or nation, the historic district commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

**State law references:** Similar provisions, MCL 399.205(5), MSA 5.3407(5), (5).

(f) Conditions for issuance of notice to proceed. Work within a historic district shall be permitted through the issuance of a notice to proceed by the historic district commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the historic district commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or to the structure's occupants.

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing and environmental clearances.

(3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to an appropriate vacant site within the historic district, have been attempted and exhausted by the owner.

(4) Retaining the resource is not in the interest of the majority of the city.

**State law references:** Similar provisions, MCL 399.205(6), MSA 5.3407(5), (6).

(g) Delegation of authority by commission. The historic district commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to its staff, or to another delegated authority. The historic district commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness under this subsection. On at least a quarterly basis, the historic district commission shall review the certificates of appropriateness, if any, to determine whether or not the delegated responsibilities should be retained.

**State law references:** Similar provisions, MCL 399.205(10), MSA 5.3407(5), (10).

(h) Demolition by neglect. Upon a finding by the historic district commission that a historic resource within a historic district or proposed historic district subject to its review and approval is threatened with demolition by neglect, the historic district commission may do either of the following:

(1) The historic district commission may require the owner of the resource to repair all conditions contributing to demolition by neglect.

(2) If the owner does not make repairs within a reasonable time, the historic district commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner and may be levied by the local unit as a special assessment against the property. The historic district commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court. State law references: Similar provisions, MCL 399.205(11), MSA 5.3407(6), (11).

(i) Authority to require restoration or modification when work is done without permit. When work has been done upon a resource without a permit, and the historic district commission finds that the work does not qualify for a certificate of appropriateness, the historic district commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the historic district commission may seek an order from the court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the court, the historic district commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. When acting pursuant to an order of the circuit court, a historic district commission or its agents may enter a property for purposes of this section.

**State law references:** Similar provisions, MCL 399.205(12), MSA 5.3407(5), (12).  
(Code 1983, § 282.09; Ord. No. 093-05, 5-11-1993)

#### **Sec. 38-39. Acquisition of historic property by city.**

If all efforts of the historic district commission to preserve a resource fail, or if it is determined by the council that public ownership is most suitable, the council, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the historic district commission or standing committee. The historic district commission or standing committee is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the city. Upon recommendation of the historic district commission or standing committee, the city may sell resources acquired under this section, with protective easements included in the property transfer documents, if appropriate.

(Code 1983, § 282.10; Ord. No. 093-05, 5-11-1993)

**State law references:** Similar provisions, MCL 399.207, MSA 5.3407(7).

#### **Sec. 38-40. Determination of property values for assessment purposes.**

The assessor, to the extent permitted by state law, shall not consider designation of a historic district in determining the true cash value for assessment purposes.

(Code 1983, § 282.16; Ord. No. 093-05, 5-11-1993)

#### **Sec. 38-41. Penalty; correction of unlawful work.**

(a) A person who violates this article is responsible for a civil infraction of not more than \$5,000.00.

(b) A person who violates this article may be ordered by the court to pay the cost to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Code 1983, § 282.17; Ord. No. 093-05, 5-11-1993)

#### **Sec. 38-61. Membership; compensation of members.**

(a) Composition; appointment and term of members. There is a historic district commission consisting of nine members, who shall reside within the city and shall be registered voters. Members shall be appointed by the city council for terms of office of three years.

(b) Vacancies. A vacancy occurring in the membership of the historic district commission for any cause shall be filled within 60 days by a person appointed by the city council for the duration of the unexpired term.

(c) Special membership requirements. At least three, if available, members of the historic district commission shall be appointed from a list of residents submitted by a duly organized and existing preservation society located in the city (if

one exists) or from the historic district study committee. At least one member of the historic district commission shall be an architect duly registered in the state if such person resides in the city and is available for appointment. Three members of the historic district commission shall be property owners of property in the historic district, if such people are available for appointment.

(d) Compensation of members. Members of the historic district commission shall serve without compensation. (Code 1983, § 282.06; Ord. No. 093-05, 5-11-1993; Ord. No. 096-03, 3-19-1996)

**State law references:** Historic district commissions, MCL 399.204, MSA 5.3407(4).

### **Sec. 38-62. Meetings; adoption of rules, standards and guidelines.**

(a) Adoption of rules of procedure. The historic district commission shall adopt rules and procedures for the transaction of its meetings.

(b) Records to be public. The historic district commission shall keep a record of its resolutions, proceedings and actions. A writing prepared, owned, used, in the possession of or retained by the historic district commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act (MCL 15.231 et seq., MSA 4.1801(1) et seq.).

State law references: Similar provisions, MCL 399.205(8), MSA 5.3407(5), (8).

(c) Meetings to be public. All meetings of the historic district commission shall be open to the public in accordance with the Open Meetings Act (MCL 15.261 et seq., MSA 4.1800(11) et seq.). Any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the historic district commission makes its decision.

**State law references:** Similar provisions, MCL 399.205(7), MSA 5.3407(5), (7).

(d) Special meetings. The historic district commission shall provide for the calling of special meetings by the chairperson or by at least two members of the historic district commission. All members of the historic district commission shall receive written notification in advance of such special meeting.

(e) Notice of meetings. Notices of all meetings, including an agenda of matters to be considered, shall be transmitted to the city council and the city planning commission.

(f) Adoption of standards and guidelines. The historic district commission shall adopt design review standards and guidelines for resource treatment to carry out its duties under this article.

(Code 1983, § 282.07; Ord. No. 093-05, 5-11-1993)

### **Sec. 38-63. Powers and duties.**

(a) Duty to review plans. The historic district commission shall have the duty to review and approve applications, including proposals and plans, for construction, alteration, repair or demolition in the historic district, as more fully set forth in section 38-38.

(b) Duty to maintain roster of established and potential districts. The historic district commission shall have the duty to maintain a current listing of the sites in the historic district and a brief statement of the significance of each.

(c) Authority to initiate district modification procedures. The historic district commission shall have the authority to initiate modification procedures to the historic district, as set out in this article, on its own motion.

(d) Other duties. The historic district commission shall have such other duties as are reasonable and necessary for the efficient administration and implementation of this article.

(Code 1983, § 282.08; Ord. No. 093-05, 5-11-1993)

### **Sec. 38-64. Decisions.**

The historic district commission shall file certificates of appropriateness, notices to proceed, and denials of applications for permits with the department of community development. A permit shall not be issued until the historic district commission has acted as prescribed by this article. If a permit application is denied, the decision shall be binding on the city. A denial shall be accompanied with a written explanation by the historic district commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for historic district commission review when suggested changes have been made. The denial shall also include notification of the applicant's rights of appeal to the state historic preservation review board and to the circuit court. The failure of the commission to act within 60 calendar days after the date a complete application is filed with the commission, unless an extension is agreed upon in writing by the applicant and the commission, shall be considered to constitute approval.

(Code 1983, § 282.11; Ord. No. 093-05, 5-11-1993)

**State law references:** Similar provisions, MCL 399.209(1), MSA 5.3407(9), (1).

**Sec. 38-65. Acceptance and administration of grants and gifts.**

(a) State and federal grants. The historic district commission shall have the power to accept and administer gifts, grants or bequests for historic restoration purposes from the state or federal government.

(b) Public and private gifts. The historic district commission shall have the power to accept and administer public and private gifts, grants or bequests for historical purposes.

(c) Administration of funds. The city finance director shall hold the funds as trustee of the historic district commission for all gifts, grants and bequests, and authorized expenditures shall be certified to the finance director by the secretary or other officer designated by the historic district commission.

(d) Title to real property. Notwithstanding anything in this article to the contrary, the title to all real property accepted and administered by the historic district commission shall be received and held in the name of the city.

(Code 1983, § 282.14; Ord. No. 093-05, 5-11-1993)

**State law references:** Gifts, grants, etc., MCL 399.206, MSA 5.3407(6).

**Sec. 38-66. Appeals.**

Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under section 38-38(a) may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board under section 38-38(b).

(Code 1983, § 282.13; Ord. No. 093-05, 5-11-1993)

**State law references:** Similar provisions, MCL 399.21, MSA 5.3407(11).

## HUMAN SERVICES BOARD

*Three year terms, expiring October 1. Nine members, meeting on the first Thursday of each month at 6:30 p.m. at Portage City Hall.*

*Elizabeth Money, Neighborhood Program Specilaist, Ex Officio*

### **Sec. 2-271. Established.**

There is hereby established a human services board of and for the city.  
(Code 1983, § 270.01; Ord. No. 091-10, § 3, 5-7-1991)

### **Sec. 2-272. Purpose.**

It is the purpose of the human services board to advise the city council on matters to ensure that all persons in the city enjoy equal freedom to pursue peaceably their just aspirations, and that practices or conditions, based on or resulting from consideration of race, sex, religion, color, national origin, age or association, which result in hindrance or restrictions on the enjoyment or exercise of the freedom are harmful to the common good and contrary to the public policy of the city. In this regard, the board shall seek to facilitate the satisfaction of the basic human needs of Portage citizens by advising the city council, and as may be directed by city council, educating human services agencies and the community at large. In addition, the board shall serve as an advisory board to the city council on matters related to public transportation.  
(Code 1983, § 270.02; Ord. No. 091-10, § 3, 5-7-1991; Ord. No. 04-04, § 1, 4-27-2004; Ord. No. 09-04, 4-14-2009)

### **Sec. 2-273. Membership; appointment and term of members; alternate members.**

(a) The membership of the human services board shall be nine members.  
(b) In addition, the council may, if it so wishes, appoint not more than two alternate members for two-year terms. An alternate member may be called on to sit as a regular member of the board in the absence of a regular member. An alternate member may also be called on to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of a conflict of interest. In such case, the alternate member shall serve until a final decision is made. An alternate member shall have the same voting rights as a regular member of the board.  
(Code 1983, § 270.03; Ord. No. 091-10, § 3, 5-7-1991; Ord. No. 094-07, 6-28-1994; Ord. No. 096-08, 6-11-1996)

### **Sec. 2-274. Quorum; officers.**

The majority of members of the human services board shall constitute a quorum for the transaction of business. The board shall annually elect a chairperson, vice-chairperson and secretary and such other officers as it deems necessary.  
(Code 1983, § 270.04; Ord. No. 091-10, § 3, 5-7-1991)

### **Sec. 2-275. Meetings and rules of procedure.**

The human services board shall prescribe rules of operation subject to the approval of the council and provide for regular meetings of the board.  
(Code 1983, § 270.05; Ord. No. 091-10, § 3, 5-7-1991)

### **Sec. 2-276. Annual report; assignment of duties.**

In November of each year the human services board shall file a report with the council which shall consist of a concise statement of activities of the board for the past year and a list of suggested topics of study for the upcoming year. The council, upon receipt of the annual report of the board, shall determine principal tasks, topics of study and priorities of the board for the coming year.  
(Code 1983, § 270.06; Ord. No. 091-10, § 3, 5-7-1991)

### **Sec. 2-277. Records.**

The secretary of the human services board shall keep a correct written record of all the business and transactions of the board, a copy of which shall be forwarded to the city council following each meeting of the board. The record shall be filed with the city clerk and shall be a public record available for inspection.  
(Code 1983, § 270.07; Ord. No. 091-10, § 3, 5-7-1991)

**Charter references:** Records to be public and inspection thereof, § 1.3.

## **LOCAL DEVELOPMENT FINANCE AUTHORITY**

*Four year terms, expiring March 31. Eleven members, meeting when called at Portage City Hall.*

*Vicki Georgeau, Director of Community Development, Ex Officio*

### **CITY OF PORTAGE RESOLUTION APPROVING FORM OF AGREEMENT CONTEMPLATED BY SECTION 12(6) OF THE LDFA ACT**

WHEREAS, the City Council of the City of Portage has passed a resolution setting forth its intent to create a Local Development Finance Authority (LDFA) under Act No. 281 of the Michigan Public Acts of 1986 (the LDFA Act) for the purposes set forth in the LDFA Act in an area within the City of Portage (the LDFA District), and

WHEREAS, to induce other public corporations having an interest in the real and personal property taxes within the LDFA District to support the proposed district and Tax Increment Financing Plan to be approved by the LDFA in the future, the City Council is willing to commit to all such public corporations as to its intentions at the time the LDFA Financing Plan (the "Plan") is presented to the City Council as required in the LDFA Act,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Portage as follows:

1. Except as to taxes captured from a facility known as Building 335 proposed to be constructed by the Upjohn Company, a description of which is included as Appendix A attached hereto, the City will not seek to capture further taxes on any property within the proposed LDFA District, a copy of which is attached hereto as Appendix B, nor will the City approve any development plan or tax increment financing plan or modification thereof that attempts to capture more funds than set forth in Appendix C.

2. The City will, as a part of the Plan to be approved by it, capture property taxes as follows:

(a) Real property taxes for not to exceed 12 years,

(b) Personal property taxes for not to exceed 6 years.

(c) The actual taxes to be captured from the public corporations receiving taxes from property within the LDFA District and the amounts thereof are as set forth in Appendix C.

3. The Local Development Finance Authority shall not capture any revenue that is produced by voter-approved extra voted millages which did not exist as of the effective date of this Agreement.

4. The City will as a part of the Plan agree that captured tax revenues will be used to pay a part or all of the costs of the public improvements described in Appendix D.

5. The City will agree that when the bonds issued to finance the public improvements described in Appendix D are retired, it will cause the Authority to dissolve as provided in Section 20 of the LDFA Act.

6. The City will agree no further LDFA Districts will be created by the City except by mutual agreement of the public corporations described in Appendix C.

7. The City will prepare and present an Agreement to the public corporations set forth in Appendix C containing the terms and conditions set forth in Paragraphs 1 through 6 of this Resolution at the time the Plan is approved by the City. Contained within said agreement shall be the paragraphs set forth in Appendix E.

Adopted at the regular meeting of the Portage City Council, held in said City on the 20th day of March, 1990 at 7:30 p.m.

**RESOLUTION TO CREATE A LOCAL DEVELOPMENT FINANCE AUTHORITY  
AND DESIGNATING THE BOUNDARIES OF A  
LOCAL DEVELOPMENT FINANCE DISTRICT**

WHEREAS, pursuant to the provisions of Act No. 281, Public Acts of Michigan of 1986 (the "Act"), the City of Portage wishes to establish a Local Development Finance Authority so it can create and implement a Development and Tax Increment Financing Plan to develop part of the City of Portage within the local development finance district described below.

WHEREAS, the boundaries of the proposed Local Development Finance District (the "District") are as set forth in Attachment A, which is by this reference made a part of this resolution, and

WHEREAS, this action is being undertaken to eliminate the conditions of unemployment, underemployment, and joblessness, and to promote economic growth in the community, utilizing tax increment financing,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, as follows:

RESOLUTION ESTABLISHING AND IMPLEMENTING  
THE LOCAL DEVELOPMENT FINANCE AUTHORITY  
OF THE CITY OF PORTAGE

1. This Resolution shall serve as the permanent Articles of Incorporation of the Local Development Finance Authority of the City of Portage, (the "Authority").

2. Pursuant of Public Act No. 281 of the Michigan Public Acts of 1986, as amended, (the "Act"), there is hereby established a Local Development Finance Authority, (the "Authority").

3. The boundaries of the Authority District shall be as set forth in Appendix A.

4.(1) The Authority shall be under the supervision and control of the Board (the "Board"), which shall include:

(a) Seven (7) members appointed by the Chief Executive of the City of Portage.

(b) One (1) member appointed by the Board of Commissioners of the County of Kalamazoo.

(c) One (1) member representing the Kalamazoo Valley Community College appointed by the chief executive officer of that Community College.

(d) Two (2) members appointed by the chief executive officer of the Portage Public Schools, which levied 20% or more of the ad valorem property taxes levied against all property located in the authority district in the year 1989.

4.(2) Of the members first appointed, an equal number, as near as possible, shall have terms designated by the City Council of the City of Portage of 1 year, 2 years, 3 years, and 4 years. However, a member shall hold office until the member's successor is appointed. After the first appointment, each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made in the same manner as the original appointment. An appointment to fill an unexpired term shall be for the unexpired portion of the term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

5. The majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall annually elect one of its members as Chairperson, one of its members as Secretary and one of its members as Treasurer.

6. The Board shall prescribe and adopt rules of procedure and the holding of regular meetings, subject to the approval of City Council. Special meetings may be held when called in the manner provided in the rules of the Board.

7. Subject to notice and an opportunity to be heard, a member of the board may be removed before the expiration of his or her term for cause by the governing body, of the appointing unit. Removal of a member is subject to review by the circuit court.

8. All expense items of the authority shall be publicized annually and the financial records shall be open to the public pursuant to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

9. The board may employ and fix the compensation of a director, subject to the approval of the City Council of the City of Portage as provided in the Act. The director shall serve at the pleasure of the board.

10. The Board and its Chairperson, Secretary and Treasure shall have those duties and powers as are set forth in the Act.

11. In accordance with the provisions of the Act, the Board may:

(a) Study and analyze unemployment, underemployment, and joblessness and the impact of growth upon the authority district or districts.

(b) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility.

(c) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the City of Portage, to promote the growth of the Authority District and take the steps that are necessary to implement the plans to the fullest extent possible to create jobs, and promote economic growth.

(d) Implement any plan of development necessary to achieve the purposes of this act in accordance with the powers of the Authority as granted by the Act.

(e) Make and enter into contracts necessary or incidental to the exercise of the board's powers and the performance of its duties.

(f) Acquire by purchase or otherwise on terms and conditions and in a manner the authority considers proper, own or lease as lessor or lessee, convey, demolish, relocate, rehabilitate, or otherwise dispose of real or personal property, or rights of interest in that property, which the authority determines is reasonably necessary to achieve the purposes of the Act, and to grant or acquire licenses, easements, and options with respect to the property.

(g) Improve land, prepare sites for buildings, including the demolition of existing structures, and construct, reconstruct, rehabilitate, restore and preserve, equipment, improve, maintain, repair, or operate a building, as provided in Section 12(3) of the Act for use, in whole or in part, of a public or private person or corporation, or a combination thereof.

(h) Fix, charge, and collect fees, rents, and charges for the use of a building or property or a part of a building or property under the board's control, or a facility in the building or on the property, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the Authority.

(i) Lease a building or property or part of a building or property under the board's control.

(j) Accept grants and donations of property, labor, or other things of value from a public or private source.

(k) Acquire and construct public facilities as defined by the Act.

(l) Incur costs in connection with the performance of the board's authorized functions including, but not limited to, administrative costs, and architects, engineers, legal, and accounting fees.

(m) Plan, propose, and implement an improvement to a public facility on eligible property to comply with the barrier free design requirements of the state construction code promulgated under the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws.

12. The Authority shall be considered an instrument of a political subdivision for purposes of Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

13. The City of Portage may take private property under Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, for the purpose of transfer to the Authority, and may transfer the property to the Authority for use as authorized in the development program, on terms and conditions it considers appropriate. The taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

14. The activities of the Authority shall be financed from one (1) or more of the following sources:

(a) Contributions to the Authority for the performance of its functions.

(b) Revenues from any property, building, or facility owned, leased, licensed, or operated by the Authority or under its control, subject to the limitations imposed upon the Authority by trusts or other agreements.

(c) Tax increments received pursuant to a tax increment financing plan established under Section 12 to 14 of the Act.

(d) Proceeds of tax increment bonds issued pursuant to Section 14 of the Act.

(e) Proceeds of revenue bonds issued pursuant to Section 11 of the Act.

(f) Money obtained from any other sources approved by the City Council of the City of Portage.

15. The Authority may borrow money and issue its negotiable revenue bonds pursuant to Act No. 94 of the Public Acts of 1933, as amended, being Section 141.101 to 141.139 of the Michigan Compiled Laws. Revenue Bonds issued by the Authority shall not, except as hereinafter provided, be considered a debt of the City of Portage or of the state.

The City of Portage by majority vote of the members of its governing body may pledge its full faith and credit limited tax to support the Authority's revenue bonds.

16. (a) By resolution of its Board and subject to the limitations set forth in this section, the Authority may authorize, issue, and sell its tax increment bonds to finance a development program. The bonds shall mature in 30 years or less and shall be subject to the municipal finance act, Act No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3 of the Michigan Compiled Laws. The Authority may pledge for debt service requirements the tax increment revenue to be received from an eligible property. The bonds issued under this section shall be considered a single series for the purposes of section 4 of the municipal finance act, Act No. 202 of the Public Acts of 1943, being section 135.4 of the Michigan Compiled Laws.

(b) The City of Portage by majority vote of the members of its City Council may make a limited tax pledge to support the Authority's tax increment bonds or, if authorized by the voters of the City, pledge its full faith and credit for the payment of the principal of and interest on the Authority's tax increment bonds.

(c) Bonds and notes issued by the Authority and the interest on and income from those bonds and notes are exempt from taxation by the state or a political subdivision of this state.

17. When this Board decides to finance a project in a development area pursuant to this act, it shall prepare a development plan in accordance with Section 15 of the Act.

18. The director of the Authority shall prepare and submit for the approval of the Board a budget for the operation of the Authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of the municipal departments. Before the budget may be adopted by the Board, it shall be approved by the City Council of the

City of Portage.

19. When the Authority has completed the purposes for which it was organized shall be dissolved by resolution of the City Council of the City of Portage. The Authority shall have all the powers granted to it by the Act as it currently exists or as the Act may be amended in the future and the enumeration of powers herein shall not be an attempt to limit such powers.

20. This Resolution shall take effect upon its adoption.

21. This resolution shall be filed by the City Clerk with the Secretary of State promptly after its adoption and shall be published once by the City Clerk in the Kalamazoo Gazette, a newspaper of general circulation in the City of Portage.

22. All resolutions and parts of resolutions in conflict herewith are rescinded.

## **ATTACHMENT A**

### **PROPOSED LDFA DISTRICT BOUNDARIES**

The proposed LDFA District description for Upjohn involves lots 81 through 84 plus the east 685 ft. of lots 85 through 88, except the north 91 ft. of the east 360 ft. of lot 88, also the south 507 ft. of vacated Gertrude Ave. within the plat of Portage Heights, also lots 28 through 49 within the plat of Timberland Grove. Also unplatted land located within sections 10, 11, 13, 14 and 15.

Described as:

LANDS WITHIN THE CITY OF PORTAGE DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SECTION 10 THENCE SOUTH 33 FT. FOR PLACE OF BEGINNING, THENCE WESTERLY ALONG THE SOUTH LINE OF EAST MILHAM AVE. 1247.22 FT. TO THE EAST LINE OF LOVERS LANE, THENCE SOUTHERLY ALONG SAID EAST LINE 3,234 FT. TO THE NORTH LINE OF RAMONA AVE., THENCE EASTERLY ALONG SAID NORTH LINE 3,019 FT. THENCE NORTH 280.5 FT., THENCE EAST 396 FT., THENCE SOUTH 280.5 FT. TO THE NORTH LINE OF RAMONA AVE., THENCE EASTERLY ALONG SAID NORTH LINE 476 FT. TO THE WEST LINE OF PORTAGE RD., THENCE SOUTHERLY ALONG SAID WEST LINE 698 FT., THENCE WESTERLY ALONG THE SOUTH LINE OF PORTAGE HEIGHTS #1 PLAT 1,270 FT. TO THE EAST LINE OF LINNEMAN AVE., THENCE SOUTHERLY ALONG SAID EAST LINE 700 FT. TO THE SOUTH LINE OF KROMDYKE AVE., THENCE WESTERLY ALONG SAID SOUTH LINE 1,320 FT. TO THE EAST LINE OF GERTRUDE DR., THENCE SOUTH ALONG SAID EAST LINE 120 FT. , THENCE WEST 66 FT., THENCE NORTH 74 FT., THENCE WESTERLY 342 FT., THENCE NORTH 91 FT., THENCE WEST 342 FT., THENCE SOUTH 673 FT., THENCE WEST 550 FT. TO THE EAST LINE OF LOVERS LANE, THENCE SOUTH ALONG SAID EAST LINE 66 FT., THENCE EAST 800 FT., THENCE SOUTH 220 FT., THENCE WEST 800 FT. TO THE WEST LINE OF LOVERS LANE, THENCE SOUTH ALONG SAID EAST LINE 2,385 FT. TO THE SOUTH LINE OF NORTHEAST 1/4 OF SECTION 15, THENCE EAST ALONG SAID SOUTH LINE 1,265 FT. TO THE WEST 1/4 POST OF SECTION 14, THENCE SOUTH ALONG WEST SECTION LINE, 1,320 FT., THENCE EAST 2,260 FT., THENCE SOUTH 330 FT., THENCE EAST 360 FT. TO THE WEST LINE OF PORTAGE RD., THENCE SOUTH ALONG SAID WEST LINE 210 FT., THENCE EAST 100 FT. TO THE EAST SIDE OF PORTAGE RD., THENCE EAST 125 FT., THENCE SOUTH 66 FT., THENCE EAST 792 FT., THENCE SOUTH 220 FT., THENCE WEST 578 FT., THENCE SOUTH 451 FT., TO THE NORTH LINE OF EAST CENTRE AVE., THENCE EAST ALONG SAID NORTH LINE 3,498 FT. TO THE WEST LINE OF CONRAIL RAILROAD R.O.W., THENCE NORTH ALONG SAID WEST LINE 5,212 FT. TO THE SOUTH LINE OF BISHOP RD., THENCE WEST ALONG SAID SOUTH LINE 1,251 FT., THENCE SOUTH 17 FT., THENCE WEST 33 FT., THENCE NORTH 100 FT. TO THE WEST LINE OF MASTENBROOK DR., THENCE NORTHERLY ALONG SAID WEST LINE APPROXIMATELY 5,312 FT. TO THE SOUTH LINE OF EAST MILHAM AVE., THENCE WESTERLY ALONG SAID SOUTH LINE 4,569 FT. TO THE PLACE OF BEGINNING. EXCEPT COMMENCING AT SOUTHWEST CORNER OF SOUTHEAST 1/4 OF SOUTHEAST 1/4 OF SECTION 14, THENCE NORTH 264 FT., FOR BEGINNING, THENCE NORTH 36 FT., THENCE EAST 358.32 FT., THENCE SOUTH 36 FT., THENCE WEST 358.32 FT. TO PLACE OF BEGINNING.

## LOCAL OFFICERS COMPENSATION COMMISSION

*Seven year terms, expiring October 1. Seven members, meeting when called in each odd-numbered year at Portage City Hall.*

*Adam Herringa, Deputy City Clerk, Staff Liaison*

### **Sec. 2-311. Established; membership; appointment and term of members.**

There is hereby established a local officers compensation commission of and for the city, which shall determine the salaries of all local elected officials. The commission shall consist of seven members who are registered electors of the city, appointed by the mayor, subject to confirmation by a majority of the council. Members of the commission shall serve for terms of seven years. Members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired terms. No member or employee of the legislative, judicial or executive branch of any level of government or members of the immediate family of such member or employee shall be eligible to be a member of the commission. (Min. Bk. 1974, p. 190, Vol. 5, 12-30-1974; Code 1967, § 2-112; Code 1983, § 278.01)

**State law references:** Similar provisions, MCL 117.5c(a).

### **Sec. 2-312. Duties.**

The local officers compensation commission shall determine the salaries of local elected officials, which determination shall be the salaries unless the council, by resolution adopted by two-thirds of its members, rejects them. The determinations of the commission shall be effective 30 days following their filing with the city clerk unless rejected by the council. In case of rejection, the existing salaries shall prevail. Any expense, allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of city business and accounted for to the city.

(Min. Bk. 1974, p. 190, Vol. 5, 12-30-1974; Code 1967, § 2-113; Code 1983, § 278.02)

**State law references:** Similar provisions, MCL 117.5c(b).

### **Sec. 2-313. Meetings; quorum; chairperson; compensation of members.**

(a) The local officers compensation commission shall meet for not more than 15 session days in 1975 and every odd-numbered year thereafter, and shall make its determination within 45 calendar days of its first meeting. A majority of the members of the commission constitutes a quorum for conducting the business of the commission. The commission shall take no action and make no determination without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairperson from among its members.

(b) As used in this section, the term "session days" means calendar days on which the commission meets and a quorum is present.

(c) The members of the commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

(Min. Bk. 1974, p. 190, Vol. 5, 12-30-1974; Code 1967, § 2-114; Code 1983, § 278.03)

**State law references:** Similar provisions, MCL 117.5c(c).

### **Sec. 2-314. Meetings to be public; notice of meetings.**

The business which the local officers compensation commission may perform shall be conducted at a public meeting of the commission held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date and place of the meeting of the commission shall be given in the manner required by such act.

**State law references:** Similar provisions, MCL 117.5c(d).

### **Sec. 2-315. Records to be public.**

A writing prepared, owned, used, in the possession of or retained by the local officers compensation commission in the performance of an official function shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq.).

**State law references:** Similar provisions, MCL 117.5c(e).

**Cross references:** Officers and employees, § 2-61 et seq.

**State law references:** Local officers compensation commission, MCL 117.5c.

## PARK BOARD

*Three year terms, expiring October 1. Nine members, meeting on the first Wednesday of each month at 6:30 p.m. Meetings during April through October at various parks and at Stuart Manor from November through March.*

*Bill Deming, Director of Parks and Recreation, Ex Officio*

### **Sec. 54-31. Established.**

There is hereby established a park board of and for the city.  
(Code 1983, § 268.01; Ord. No. 091-10, § 2, 5-7-1991)

### **Sec. 54-32. Purpose.**

It is the purpose of the park board to advise the council regarding the provision of adequate park and recreation programs and facilities for the broadest enjoyment of all city residents.  
(Code 1983, § 268.02; Ord. No. 091-10, § 2, 5-7-1991)

### **Sec. 54-33. Membership; appointment and term of members.**

The park board shall consist of nine electors of the city having an interest in the park and recreation facilities. The members shall be appointed by the council for terms of three years, so arranged and appointed that the terms of three members commence on October 1 of each year.  
(Code 1983, § 268.03; Ord. No. 091-10, § 2, 5-7-1991)

### **Sec. 54-34. Quorum; officers.**

The majority of members of the park board shall constitute a quorum for the transaction of business. The board shall annually elect a chairperson, vice-chairperson and secretary and such other officers as it deems necessary.  
(Code 1983, § 268.04; Ord. No. 091-10, § 2, 5-7-1991)

### **Sec. 54-35. Meetings and rules of procedure.**

The park board shall prescribe rules for operation subject to the approval of the council and provide for regular meetings of the board.  
(Code 1983, § 268.05; Ord. No. 091-10, § 2, 5-7-1991)

### **Sec. 54-36. Annual report; assignment of duties.**

In November of each year the park board shall file a report with the council, which shall consist of a concise statement of the activities of the board for the past year and a list of suggested topics of study for the upcoming year. The council, upon receipt of the annual report of the board, shall determine principal tasks, topics of study and priorities of the board for the coming year.  
(Code 1983, § 268.06; Ord. No. 091-10, § 2, 5-7-1991)

### **Sec. 54-37. Records.**

The secretary of the park board shall keep a correct written record of all business and transactions of the board, a copy of which shall be forwarded to the city council following each meeting of the board. The records shall be filed with the city clerk and shall be a public record available for inspection.  
(Code 1983, § 268.07; Ord. No. 091-10, § 2, 5-7-1991)

**Charter references:** Records to be public and inspection thereof, § 1.3.

## PLANNING COMMISSION

*Three year terms, expiring May 31. Nine members meet on the 1st and 3rd Thursday, 7:00 p.m. at Portage City Hall.*

*Chris Forth, Deputy Director of Planning, Development and Neighborhood Services, Ex Officio*

### **Sec. 42-31. Established; adoption of state law.**

There is hereby established a planning commission of and for the city. For the purpose of planning in the city, Public Act No. 285 of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.) is hereby adopted and made applicable.

(Min. Bk. 1964, p. 61, 6-9-1964; Code 1967, § 12-1; Code 1983, § 1210.01)

**State law references:** Authority to create planning commission, MCL 125.32, MSA 5.2992.

### **Sec. 42-32. Membership; appointment and term of members.**

The planning commission shall be composed of nine members. Members of the commission shall be appointed as provided in Public Act No. 285 of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.) for three-year terms beginning on June 1 of the calendar year in which they are appointed. The terms shall be so arranged that the terms of three members will expire in each year.

(Min. Bk. 1964, p. 61, 6-9-1964; Code 1967, § 12-3; Code 1983, § 1210.03)

**State law references:** Planning commission membership, MCL 125.33, MSA 5.2993.

### **Sec. 42-33. Powers and duties.**

The planning commission shall possess and exercise all of the powers, duties and functions of planning commissions in cities as prescribed and set forth in Public Act No. 285 of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.), and shall be subject to all limitations on such powers, duties and functions as are provided in such act.

(Min. Bk. 1964, p. 61, 6-9-1964; Code 1967, § 12-2; Code 1983, § 1210.02)

**State law references:** Planning commission powers generally, MCL 125.36 et seq., MSA 5.2996 et seq.

### **Sec. 42-34. Construction of statutory terms.**

Terms in Public Act No. 285 of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.) shall be construed in harmony with this article and the customary meanings of words and terms therein as such words and terms may be applied in fulfilling the purpose of such act in the city.

(Min. Bk. 1964, p. 61, 6-9-1964; Code 1967, § 12-4; Code 1983, § 1210.04)

## SENIOR CITIZENS ADVISORY BOARD

*Three year terms, expiring October 1. Nine members, meeting on the third Wednesday of each month at 2:30 p.m. at the Portage Senior Center.*

*Jill Hess Parks and Recreation Deputy Director, Ex Officio*

### **Sec. 2-291. Established.**

There is hereby established a senior citizens advisory board of and for the city.  
(Code 1983, § 274.01; Ord. No. 091-10, § 5, 5-7-1991)

### **Sec. 2-292. Purpose.**

It is the purpose of the senior citizens advisory board to advise the council regarding the establishment and provision of services to aging persons in the city, and the board shall encourage, promote, assist and safeguard the rights and abilities of older people to maintain maximum health, well-being and independence.

(Code 1983, § 274.02; Ord. No. 091-10, § 5, 5-7-1991)

Sec. 2-293. Membership; appointment and term of members; alternate members.

(a) The senior citizens advisory board shall consist of nine electors of the city at least 50 years of age appointed by the council. The members shall be appointed by the council for terms of three years, so arranged and appointed that the terms of three of the members shall commence on October 1 of each year.

(b) In addition, the council may, if it so wishes, appoint not more than two alternate members for two-year terms. An alternate member may be called on to sit as a regular member of the board in the absence of a regular member. An alternate member may also be called on to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reason of a conflict of interest. In such case, the alternate member shall serve until a final decision is made. An alternate member shall have the same voting rights as a regular member of the board.

(Code 1983, § 274.03; Ord. No. 091-10, § 5, 5-7-1991; Ord. No. 092-22, 7-21-1992; Ord. No. 98-13, 9-22-1998; Ord. No. 98-20, § 274.03, 9-22-1998; Ord. No. 11-05, 3-22-2011)

### **Sec. 2-294. Quorum; officers.**

The majority of members of the senior citizens advisory board shall constitute a quorum for the transaction of business. The board shall annually elect a chairperson, vice-chairperson and secretary and such other officers as it deems necessary.

(Code 1983, § 274.04; Ord. No. 091-10, § 5, 5-7-1991)

### **Sec. 2-295. Meetings and rules of procedure.**

The senior citizens advisory board shall prescribe rules of operation subject to the approval of the council and provide for regular meetings of the board.

(Code 1983, § 274.05; Ord. No. 091-10, § 5, 5-7-1991)

### **Sec. 2-296. Annual report; assignment of duties.**

In November of each year the senior citizens advisory board shall file a report with the council which shall consist of a concise statement of the activities of the board for the past year and a list of suggested topics of study for the upcoming year. The council, upon receipt of the annual report of the board, shall determine principal tasks, topics of study and priorities of the board for the coming year.

(Code 1983, § 274.06; Ord. No. 091-10, § 5, 5-7-1991)

### **Sec. 2-297. Records.**

The secretary of the senior citizens advisory board shall keep a correct written record of all business and transactions of the board, a copy of which shall be forwarded to the city council upon approval by the board. The records shall be filed with the city clerk and shall be a public record available for inspection.

(Code 1983, § 274.07; Ord. No. 091-10, § 5, 5-7-1991; Ord. No. 11-05, 3-22-2011)

## YOUTH ADVISORY COMMITTEE

*One year terms, expiring June 30. Thirty members, meeting at least monthly at Portage City Hall.*

*Adam Herringa, Deputy City Clerk, Staff Liaison*

### **Sec. 2-231. Youth involvement in local government program.**

(a) The city council finds that involvement and participation of youthful members of the community in city government is beneficial to both youth and the community as a whole and in furtherance of these goals may establish a youth advisory committee and appoint youth participants as provided below.

(b) The council may, by resolution, establish a youth advisory committee and may appoint one youth participant as a guest to certain city boards, commissions and committees as determined by the resolution to expose youth of the city to local government. The resolution shall establish eligibility requirements and other conditions, restrictions and goals which council deems appropriate and in furtherance of the objectives of establishing the youth in local government programs. Members of the youth advisory committee and all of the youth participants may be removed with or without cause. Youth advisory committee members and youth participants shall not be considered administrative or appointive city officers or employees of the city.

Resolution establishing a youth Advisory Committee adopted on May 13, 2008 and modified on May 24, 2011.

(Ord. No. 08-04, 5-13-2008)

(Secs. 2-232--2-250. Reserved.)

(Resolutions filed on pages 95 and 281 of City of Portage Resolution Book No. 43 and page 237 of City of Portage Resolution Book No. 44)

**\*Charter references:** Citizen committees, § 6.13; board of review, § 8.4 et seq.

**Cross references:** Tax Increment Finance Board, § 22-61 et seq.; Downtown Development Authority, § 22-91 et seq.; Environmental Board, § 24-31 et seq.; historic district commission, § 38-61 et seq.; Planning Commission, § 42-31 et seq.; Construction Board Of Appeals, § 42-51 et seq.; Board Of Zoning Appeals, § 42-191 et seq.; Park Board, § 54-31 et seq.; Cable Television Board, § 74-37.

## ZONING BOARD OF APPEALS

*Three year terms, expiring February 28. Seven members, meeting the second Monday of every month at 7:00 p.m. at Portage City Hall.*

*Jeff Mais, Zoning and Codes Administrator, Ex Officio*

### **Sec. 42-191. Established; membership; appointment and term of members.**

(a) There is hereby established a board of zoning appeals, which shall perform its duties and exercise its powers as provided in section 5 of Public Act No. 207 of 1921 (MCL 125.585, MSA 5.2935), and in such a way that the objectives of this article are observed, public safety secured and substantial justice done. The board shall consist of seven members appointed by the council. Each member shall hold office for a three-year term.

(b) In addition, the council may, if it so wishes, appoint not more than two alternate members for the same term as regular members of the board. An alternate member may be called on a rotating basis to sit as a regular member of the board in the absence of a regular member. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in such case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the board.

(Code 1983, § 1244.01; Ord. No. 087-03, 4-14-1987)

**State law references:** Zoning board authorized and membership, MCL 125.585(1), (2), MSA 5.2935, (1), (2).

### **Sec. 42-192. Meetings; records; quorum.**

All meetings of the board of zoning appeals shall be held at the call of the chairperson and at such time as the board may determine. All hearings by the board shall be open to the public. The city clerk or his representative shall keep minutes of board proceedings (showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact) and keep records of its hearings and other official actions. Four members of the board shall constitute a quorum for the conduct of its business. The board may subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(Min. Bk. 1980, p. 241, Vol. 8, 6-3-1980; Code 1983, § 1244.02)

**State law references:** Public meetings required, MCL 125.585a, MSA 5.2935(1).

### **Sec. 42-193. Appeal procedure.**

An appeal may be taken to the board of zoning appeals by any person affected by a decision of the director of community development. Such an appeal shall be taken within such time as may be prescribed by the board by general rule, by filing, with the director and with the board, a notice of appeal specifying the grounds thereof. The director shall forthwith transmit to the board all the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the director certifies to the board, after notice of appeal has been filed with him, that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record. The board shall select a reasonable time and place for hearing the appeal, give due notice thereof to the parties, and render a decision on the appeal without unreasonable delay. A person may appear and testify at the hearing, whether in person or by duly authorized agent or attorney.

(Min. Bk. 1980, p. 241, Vol. 8, 6-3-1980; Code 1983, § 1244.03)

**State law references:** Similar provisions, MCL 125.585(5), (7), (8), MSA 5.2935, (5), (7), (8).

### **Sec. 42-194. Fees.**

The council may from time to time prescribe and amend, by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the board of zoning appeals. At the time the notice of appeal is filed, the fee shall be paid to the city treasurer.

(Min. Bk. 1980, p. 241, Vol. 8, 6-3-1980; Code 1983, § 1244.04)

**Sec. 42-195. Jurisdiction.**

The board of zoning appeals may not alter or change the zoning district classification of any property, or make any change in this article, but it may act upon those matters where this article provides for an interpretation, exception or special approval permit and may authorize a variance as provided for in this section and the laws of the state. Specifically, the board may:

(1) Administrative review. Hear and decide appeals where it is alleged by the appellant that there is an error in an order, requirement, permit, decision or refusal made by the director of community development in carrying out or enforcing this article.

(2) Variances. Authorize, upon an appeal, a variance or modification of the provisions of this article relating to the construction, or structural changes, equipment, the alteration of buildings or structures or the use of land, buildings or structures, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this article. In granting a variance, the board shall state the grounds upon which it justifies such granting.

(3) Exceptions and special approvals. Hear and decide, in accordance with this article, requests for exceptions, for interpretations of the zoning map and for decisions on special approval situations on which this article specifically authorizes the board to pass, including the following:

(a) Interpreting the provisions of this article in such a way as to carry out the intent and purpose of the plan as shown upon the zoning map fixing use districts, accompanying and made a part of this article, where the actual street layout on the ground varies from the street layout as shown on the map.

(b) Permitting the erection and use of a building or premises for public utility purposes upon recommendation of the planning commission.

(c) Permitting the modification of the automobile parking or loading space requirements where, in a particular instance, such modification will not be consistent with the purpose and intent of such requirements.

(d) Permitting such modification of the height and area regulations as may be necessary to secure an appropriate improvement of the lot which is of such a shape or so located, with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

(e) Permitting temporary buildings and/or temporary uses for periods not to exceed two years in undeveloped sections of the city and for periods not to exceed six months in developed sections, with the granting of additional six-month extensions being permissible.

(f) Permitting, upon proper application, temporary uses not otherwise permitted in the district for not more than 12 months, with the granting of a 12-month extension being permissible upon further review by the board. The board of zoning appeals, in granting permits for such temporary uses, shall do so under the following conditions:

1. The temporary uses shall not require the erection of any capital improvements of a structural nature. In classifying uses as not requiring capital improvements, the board shall determine that they are either demountable structures relating to the permitted use of the land; temporary recreational developments such as but not limited to golf driving ranges, outdoor archery courts or amusement rides; or other structures which do not require foundations, heating systems or permanent sanitary or other permanent utility connections.

2. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the residents of the city shall be made at the discretion of the board.

3. The use shall be in harmony with the general intent of the district in which it is proposed and will be located.

4. The temporary use shall be granted in writing, providing all conditions as to the nature of development permitted, the length of time permitted, hours of operation, any special conditions imposed by the board, and arrangements for removing the use at the termination of such temporary permit.

(g) Permitting the modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.

(Min. Bk. 1980, p. 241, Vol. 8, 6-3-1980; Min. Bk. 1982, p. 118, Vol. 9, 4-27-1982; Code 1983, § 1244.05; Ord. No. 092-02, 3-3-1992; Ord. No. 096-06, 4-23-1996)

**State law references:** Appeal powers, MCL 125.585(3), MSA 5.2935, (3).

**Sec. 42-196. Actions by board.**

(a) In consideration of all appeals, proposed variances or other matters referred to the board of zoning appeals, before making variations from this article in a specific case, the board shall first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any manner or respect impair the public health, safety, comfort, morals or welfare of the residents of the city. The concurring vote of four members of the board is necessary to reverse any order, requirement, decision or determination of the director of community development or to decide in favor of the applicant on any matter upon which the board is authorized by this article to render a decision. However, the concurring vote of five members of the board is necessary to grant a variance from uses of land permitted in this article. Nothing contained in this section shall be construed to give or grant to the board the power or authority to alter or change this article or the zoning map, such power and authority being reserved to the mayor and council in the manner provided by law. In granting a variance, exception or special approval, the board may attach thereto such conditions regarding the location, character and other features of the proposed use as it may deem reasonable in furtherance of the purposes and objectives cited in this section.

(b) In exercising the powers set forth in subsection (a) of this section, the board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the director of community development from whom the appeal was taken.

(Min. Bk. 1980, p. 241, Vol. 8, 6-3-1980; Code 1983, § 1244.06)

**Sec. 42-197. Public hearings required; notice of hearings.**

The board of zoning appeals shall make no determination except in a specific case and after a public hearing conducted by the board. It shall, by general rule or in specific cases, determine the interested parties who, in the opinion of the board, may be affected by a matter brought before it, which shall in all cases include all owners of record of property within 300 feet of the premises in question. Such parties shall be notified of such a hearing, such notices to be delivered personally or by mail addressed to the parties at the addresses given in the last assessment roll. The board may require a person applying to the board for relief to give such notice to such other interested parties as it shall prescribe.

(Min. Bk. 1980, p. 241, Vol. 8, 6-3-1980; Code 1983, § 1244.07)

**Sec. 42-198. Expiration of orders.**

(a) No order of the board of zoning appeals permitting the erection of a building shall be valid for longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(b) No order of the board permitting a use of a building or premises shall be valid for longer than one year unless such use is established within such period. However, where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Min. Bk. 1980, p. 241, Vol. 8, 6-3-1980; Code 1983, § 1244.08)

**2012 City Council Committee Appointments**

	<b>Committee</b>	<b>Committee Type</b>	<b>Appointment(s)</b>
<b>On-going Committees</b>	City Manager Salary Review/Evaluation Committee	Standing/Active Council Committee	Urban (Chair), Pearson, Sackley
	Water/Sewer (Utility) Rate Committee	Standing/Active Council / Staff Committee	Sackley (Chair), Pearson, Reid
	Advisory Board Review Committee	Standing/Active Council Committee	Campbell (Chair), Pearson, Reid
	City Council Investment Committee	Standing/Active Council/Staff Committee	Strazdas, Evans
	Community Survey Committee	Standing/Active Council Committee	Reid (Chair), Sackley, Urban
	City Council Property Committee	Standing/Active Council Committee	Campbell (Chair), Randall, Sackley
	City Council School Committee	Standing/Active Council Committee	Strazdas (Chair), Campbell, Pearson
<b>External / Community Committees</b>	Kalamazoo Area Transportation Study Policy Committee	Citizen Committee (Voting)	Urban (Alternate – Reid)
	Discover Kalamazoo Advisory Board	Citizen Committee (Voting)	Randall
	Kalamazoo County Environmental Health Advisory Council	Citizen Committee (Voting)	Randall
	Austin Lake Board	Citizen Committee (Voting)	Campbell, Sackley
	Long Lake Board	Citizen Committee (Voting)	Urban
	Community Action Board	Citizen Committee (Voting)	Reid
	PMN Board	Citizen Committee (Voting)	Reid, Sackley
	Metro Transit ADA Local Advisory Committee	Citizen Committee (Voting)	Reid
	Kalamazoo County Public Arts Commission	Citizen Committee (Voting)	Sackley
<b>General Meetings</b>	Pre-Council Meetings	Meetings	Strazdas, Reid, Consent Agenda Reader (Rotating)
	Council of Governments (COG)	Meetings	Open to All
	Legislative Roll Call	Meetings	Open to All
	Southwest Michigan Alliance	Meetings	Open to All

**2012 City Council Topics Committee Appointments**

2012 Topics	Appointments
Housing and Neighborhoods	Reid (Chair) Randall, Urban
Regional Cooperation Initiatives	Committee of the Whole
Business and City of Portage	Randall (Chair), Campbell, Pearson
Sign Ordinance	Sackley (Chair), Campbell, Urban
FOIA and Information Requests	Campbell (Chair), Pearson, Urban
Fees – Transparency and Fairness	Reid (Chair), Pearson, Strazdas
Ethics/Rules/Procedures	Urban (Chair), Campbell, Randall

## MAYORS AND COUNCILMEMBERS

(\*Denotes deceased)

1964-66	<ul style="list-style-type: none"> <li>* Bernard Mein, Mayor</li> <li>Carroll Staffen</li> <li>* Clair Branch</li> <li>* Jack Bartley (res. 7/13/65)</li> <li>* John J. Schuring</li> <li>* Anthony Lemmer</li> <li>* Okko Brouwer</li> <li>* Frank Dailey (app. 8/24/65)</li> </ul>	1975-77	<ul style="list-style-type: none"> <li>Betty Lee Ongley, Mayor</li> <li>Thomas Bloom</li> <li>Engel Corstange</li> <li>Elmer Adams Jr. (res. 3/29/77)</li> <li>Thomas Centilla</li> <li>* Donald Hinga (res. 11/9/76)</li> <li>* Kurt Stern</li> <li>Richard Schwikert (app. 11/16/76, res. 6/15/77)</li> <li>* Joseph VandeMaele (app. 4/26/77)</li> <li>* George Ray Jr. (app. 8/7/77)</li> </ul>
1966-68	<ul style="list-style-type: none"> <li>* Anthony Lemmer, Mayor</li> <li>* John J. Schuring</li> <li>* Joseph VanDussen</li> <li>* Richard James</li> <li>* Hubert Van Peenen</li> <li>Robert Duncan</li> <li>* Donald Hinga</li> </ul>	1977-79	<ul style="list-style-type: none"> <li>Betty Lee Ongley, Mayor</li> <li>* Anna Hinga</li> <li>* Kurt Stern</li> <li>Robert Jameyson</li> <li>* Joseph VandeMaele</li> <li>Engel Corstange</li> <li>Thomas Centilla</li> </ul>
1968-70	<ul style="list-style-type: none"> <li>* Anthony Lemmer, Mayor (dec. 10/8/68)</li> <li>Betty Lee Ongley</li> <li>* Donald Hinga</li> <li>Ronald Bushouse</li> <li>* Richard James (res. 1/7/69)</li> <li>* Hubert VanPeenen</li> <li>Robert Duncan, Mayor (app. 10/15/68)</li> <li>* Kurt Stern (app. 10/29/68)</li> <li>* Everett Saudek (app. 1/14/69)</li> </ul>	1979-81	<ul style="list-style-type: none"> <li>Engel Corstange, Mayor</li> <li>* Anna Hinga</li> <li>* Donald Overlander</li> <li>Thomas Bieberle</li> <li>* Kurt Stern</li> <li>Robert Jameyson</li> <li>* Joseph VandeMaele</li> </ul>
1970-73	<ul style="list-style-type: none"> <li>Robert Duncan, Mayor</li> <li>Betty Lee Ongley</li> <li>* Donald Hinga</li> <li>Ronald Bushouse (res. 12/26/72)</li> <li>* Kurt Stern</li> <li>* John J. Schuring</li> <li>* Larkin Winther (dec. 9/3/92)</li> <li>Engel Corstange (app. 1/2/73)</li> </ul>	1981-83	<ul style="list-style-type: none"> <li>Engel Corstange, Mayor</li> <li>* Kurt Stern</li> <li>Charles Marschke</li> <li>Paul Wartner (res. 12/21/82)</li> <li>* Anna Hinga</li> <li>* Donald Overlander</li> <li>Thomas Bieberle</li> <li>* Joseph VandeMaele (app. 2/15/83)</li> </ul>
1973-75	<ul style="list-style-type: none"> <li>Betty Lee Ongley, Mayor</li> <li>* Donald Hinga</li> <li>* Larkin Winther (res. 1/7/75)</li> <li>* Kurt Stern</li> <li>Thomas Centilla</li> <li>Engel Corstange</li> <li>* George Adams (dec. 2/16/75)</li> <li>Elmer Adams, Jr. (app. 1/21/75)</li> <li>Thomas Bloom (app. 4/15/75)</li> </ul>	1983-85	<ul style="list-style-type: none"> <li>Engel Corstange, Mayor</li> <li>Dale Shugars</li> <li>* Claude Schuring</li> <li>* Anna Hinga</li> <li>* Kurt Stern</li> <li>Charles Marschke</li> <li>* Donald Overlander</li> </ul>

1985-87	Charles Marschke, Mayor Gary P. Brown Georgia Vavra Dale Shugars * Anna Hinga * Claude Schuring * Donald Overlander	1997-99	Gary P. Brown, Mayor James G. Graham Vicki J. Locke Romeo E. Phillips Terry R. Urban Ted W. Vliek, Sr. (res. 01/01/99) John W. Zull Georgia Vavra (app. 01/01/99)
1987-89	* Donald Overlander, Mayor Richard Schreur John W. Zull Nancy Jean Gary P. Brown Georgia Vavra Dale Shugars	1999-01	Gary P. Brown, Mayor James G. Graham Nasim Ansari Vicki J. Locke Dorothy M. Sutter Terry R. Urban John W. Zull (res. 01/01/01) Romeo E. Phillips (app. 01/01/01)
1989-91	* Donald Overlander, Mayor Dale Shugars (res. 12/01/90) Lewis W. Bashaw Nancy Jean Richard Schreur Dorothy M. Sutter John W. Zull Gary Brown (app. 12/03/90)	2001-03	James G. Graham, Mayor Ted W. Vliek, Sr. Nasim Ansari (res. 12/18/02) Betty Lee Ongley Peter J. Strazdas Dorothy M. Sutter Terry R. Urban Larry B. DeShazor (app. 01/07/03)
1991-93	* Donald Overlander, Mayor John W. Zull Lewis W. Bashaw Nancy Jean Romeo E. Phillips Richard Schreur Dorothy M. Sutter	2003-05	James G. Graham, Mayor Ted W. Vliek, Sr. Larry B. DeShazor Margaret E. O'Brien Betty Lee Ongley Peter J. Strazdas Terry R. Urban
1993-1995	* Donald Overlander, Mayor Nancy Jean Lewis W. Bashaw Vicki J. Locke Romeo E. Phillips Dorothy M. Sutter John W. Zull	2005-07	Peter J. Strazdas, Mayor Ted W. Vliek, Sr. Larry B. DeShazor (res. 12/16/08) Margaret E. O'Brien Claudette S. Reid Edward J. Sackley, III Terry R. Urban
1995-97	Gary P. Brown, Mayor Dorothy M. Sutter Lewis W. Bashaw Vicki J. Locke Romeo E. Phillips Ted W. Vliek, Sr. John W. Zull	2007-09	Peter J. Strazdas, Mayor Edward J. Sackley, III Elizabeth A. Campbell Larry B. DeShazor (res. 12/16/08) Margaret E. O'Brien Claudette S. Reid Terry R. Urban Ted W. Vliek (app. 01/13/09)

2009-11 Peter J. Strazdas, Mayor  
Edward J. Sackley, III  
Cory A. Bailes (app. 12/21/10)  
Elizabeth A. Campbell  
Margaret E. O'Brien (res. 12/21/10)  
Patricia M. Randall  
Claudette S. Reid  
Terry R. Urban

2011-2013 Peter J. Strazdas, Mayor  
Claudette S. Reid  
Elizabeth A. Campbell  
James D. Pearson  
Patricia M. Randall  
Edward J. Sackley, III  
Terry R. Urban

## CITY MANAGERS

Paul Flynn.....	1964-1966
David Firestone.....	1966-1974
Donald Ziemke .....	1974-1984
Michael Stampfler.....	1985-2005
Maurice S. Evans.....	2005- Present