



Agenda

Special Meeting of the City Commission

City of Kalamazoo

Monday, September 17, 2012

6:00 p.m.

City Hall – Community Room, Second Floor - 241 West South Street

1. CALL TO ORDER/ROLL CALL
2. COMMUNICATIONS
3. NEIGHBORHOOD PRESENTATIONS:
 - Eastside Neighborhood Association
Pat Taylor, Exective Director
 - Edison Neighborhood Association
Bill Wells, President
Tammy Taylor, Exective Director
 - Parker Duke Neighborhood Association
Bill Hughes, President
4. CITIZEN COMMENTS
5. MISCELLANEOUS COMMENTS AND CONCERNS BY COMMISSIONERS
6. ADJOURNMENT



Agenda

Regular Meeting of the City Commission

City of Kalamazoo

Monday, September 17, 2012

7:00 p.m.

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: **Pastor Jeff Jones**, Kalamazoo Valley Family Church
2. Pledge of Allegiance
3. Introduction of Guests
4. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. The public is invited to attend the following meetings of boards and commissions:
 - a. The **Kalamazoo Municipal Golf Association** will meet on Tuesday, September 18, 2012 at 7:00 p.m., in the Third Floor Conference Room at City Hall.
 - b. The **Environmental Concerns Committee** will meet on Wednesday, September 19, 2012 at 4:30 p.m., in the Community Room at City Hall.
 - c. The **Economic Development Corporation** will meet on Thursday, September 20, 2012 at 7:30 a.m., in the Community Room at City Hall. The **Brownfield Redevelopment Authority** will meet immediately following.
 - d. The **Kalamazoo Transit Authority Board** will meet on Friday, September 28, 2012 at 8:15 a.m., in the Metro Transit Conference Room, located at 530 N. Rose.
2. The City is accepting applications for appointment to various city Commission advisory boards and commissions. Interested citizens are encouraged to contact the City Clerk's Office at 337-8792 to request an application form or to obtain additional information on board vacancies.

E. PUBLIC HEARINGS

1. Receive public comments regarding a recommendation to adopt a RESOLUTION to establish PA 198 Industrial Development District #127 around the perimeter of property owned by 3825 Emerald Drive, LLC (dba Imperial Beverage) located at 3825 Emerald Drive. **(Action: Motion to adopt the resolution)**

F. CONSENT AGENDA

(Action: Motion to approve items "1-6" and hold item "7" until October 1, 2012)

1. Consideration of a recommendation to approve a vehicle lease agreement with South County Community Services to allow Kalamazoo Metro Transit to pilot placing a community service van in Vicksburg for use by county residents; and authorize the City Manager to sign all contracts and related documents.
2. Consideration of a recommendation adopt a RESOLUTION to set a public hearing on October 1, 2012 to consider an application from Graphic Packaging International, Inc. for a PA 198 Industrial Facilities (Tax) Exemption Certificate for three years for personal property valued at \$11,953,932 and for six years for real property improvements valued at \$1,175,898 in existing Industrial Development District No. 10 located at 1421 North Pitcher Street.
3. Consideration of a recommendation to offer for first reading an ORDINANCE to rezone 2610 Airview Blvd. from Zone M-1 (Manufacturing, Limited District) to Zone CC (Commercial, Community District), and schedule a public hearing for October 1, 2012.
4. Consideration of a recommendation to offer for first reading an ORDINANCE to provide that the possession of marijuana, except as permitted by law, is a misdemeanor which may be enforced by use of an appearance ticket.
5. Consideration of a recommendation to accept funding from Oakwood Neighborhood Association for \$1,859.68 to fund an after school tutoring program 3 days per week from September 24 – December 21, 2012 at Oakwood Neighborhood Association.
6. Consideration of a recommendation to accept funding from Milwood Elementary for \$2,451.19 to fund the Lunch n Learn program at Milwood Elementary school, beginning October 8 – December 21, 2012 and authorize the City Manager to sign all contracts and related documents.

7. Consideration of a recommendation to approve a correcting quit claim deed regarding the previous transfer of 701 East Michigan Avenue to the City of Kalamazoo Brownfield Redevelopment Authority and to authorize the City Manager to sign the deed.

G. REGULAR AGENDA

H. REPORTS AND LEGISLATION

1. City Manager's Report

I. UNFINISHED BUSINESS

J. POLICY ITEMS

K. NEW BUSINESS

L. CITIZEN COMMENTS

M. MISCELLANEOUS COMMENTS AND CONCERNS BY COMMISSIONERS

N. CLOSED SESSION

O. ADJOURNMENT

ADDITIONAL INFORMATION

Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: www.kalamazoocity.org

The Kalamazoo City Commission meetings are held the first, third and fifth Mondays at 7:00 p.m. and are shown live on the Public Media Network on Channel 98. The meetings are rebroadcast on Tuesday at 1:00 p.m. and 2:00 p.m., Saturday at 11:00 a.m. and Sunday at 8:00 p.m. on Channel 98.

GUIDELINES FOR PUBLIC PARTICIPATION AT CITY COMMISSION MEETINGS

Welcome to the Kalamazoo City Commission meeting, and thank you for your participation in Kalamazoo local government. The City Commission recognizes that citizens who make the effort to attend a Commission meeting often feel passionately about an issue. The following guidelines are not meant to discourage individual expression; rather, they exist to facilitate the orderly conduct of business and to ensure that all citizens who wish to address the City Commission are able to do so in an atmosphere of civility and respect, without fear or intimidation.

1. Out of respect for business being conducted during the meeting, please turn off all cell phones and pagers prior to the start of the meeting.
2. In an effort to maintain order and to allow a respectful discussion, please do not make comments from the audience area. Audience members should also refrain from applause or other audible noise at times not formally recognized as appropriate by the meeting chair.
3. Citizens have opportunities to address the Commission at the following times during a meeting:
 - a. Consideration of Regular Agenda items. Citizens are permitted to speak to the Commission on Regular Agenda and Unfinished Business prior to the City Commission voting, except those votes setting a public hearing. (Note: The Consent Agenda is a list of items proposed for City Commission approval to be voted upon all at one time. This is a time-saving procedure as most Consent Agenda items are housekeeping measures. A citizen may request an item be removed from the Consent Agenda for individual consideration or discussion.) Comments must be germane to the specific item under consideration.
 - b. The Citizen Comment period near the end of the meeting is for comment on Agenda or Non-Agenda items.
4. To address the City Commission, please sign in at the podium near the Clerk's station and then proceed to the podium directly in front of the dais when invited by the meeting

chair. Before beginning your comments, please clearly state your name for the record and whether you reside within the city limits. Comments are limited to four minutes.

5. Citizen comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during citizen comment periods. At the conclusion of a speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during "Miscellaneous Comments and Concerns of Commissioners."
6. Signs, placards and banners are permitted in Chambers during open meetings but only along the perimeter of the room (side and back walls) and only if they do not obstruct the vision of others.

If you have any questions, please feel free to contact the City Clerk's Office at 269.337.8792



Commission Agenda Report

Date: **09/17/12**
Item **E1**

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Prepared By: Jerome R. Kisscorni, Executive Director of the EDC

DATE: September 12, 2012

SUBJECT: Resolution to Approve Industrial Development District #127 for 3825 Emerald Drive, LLC

RECOMMENDATION

It is recommended that the City Commission adopt a resolution to establish PA 198 Industrial Development District #127 around the perimeter of property owned by 3825 Emerald Drive, LLC (dba Imperial Beverage) located at 3825 Emerald Drive.

BACKGROUND

The property owner, 3825 Emerald Drive, LLC, purchased the former DesignWare building located at 3825 Emerald Drive in October 2011. This action will establish an IDD around the perimeter of that property. Building tenants will thereafter be eligible to apply for PA 198 tax abatements for investments made within the building.

3825 Emerald Drive, LLC operates the 606,439 square-foot building. The current tenants include Maine Plastics and Imperial Beverage. Maine Plastics is a 31-person converter (recycler) of surplus, waste and scrap plastic products into dry reusable products. Their headquarters is in Zion, Illinois and they operate ten facilities throughout the United States.

Imperial Beverage was established in 1933 and is owned by Kalamazoo's Cekola family. The firm is a large distributor of fine wines, craft beers, sodas and mixers. They currently employ approximately 180 people, full-time.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation. A public hearing is scheduled for September 17, 2012 to consider the request by 3825 Emerald Drive, LLC to establish Industrial Development District #127.

FISCAL IMPACT

The City Assessor's staff will complete a fiscal impact analysis based upon the applicant's Industrial Facility Exemption Certificate application, once it is submitted to the city. Subsequent memoranda and attachments from staff will contain that fiscal impact information.

ALTERNATIVES

- The City Commission could choose to approve the application, as recommended.
- The City Commission could choose to approve the request with specific boundary recommendations.
- The City Commission could choose not to approve the resolution to establish Industrial Development District #127 for 3825 Emerald Drive, LLC. By such action, the building tenants would be ineligible to apply for Industrial Facilities Tax Exemption Certificates.

ATTACHMENTS

Resolution

Map

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT #127

Minutes of a regular meeting of the City Commission of the City of Kalamazoo held on September 17, 2012, at or after 7:00 p.m., local time, at City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, pursuant to 1974 PA 198, MCLA Sec. 207.551, et seq., the owner of the industrially-zoned subject property has requested that the property located at 3825 Emerald Drive be established as an Industrial Development District; and,

WHEREAS, 1974 PA 198 requires that in order to establish a district, a hearing must first be held pursuant to notice.

WHEREAS, during said public hearing, the City Commission heard all persons desiring to be heard either orally or in writing with respect to the designation of the subject property and Industrial Development District, pursuant to 1974 PA 198, MCLA Sec. 207.551, et seq.;

NOW, THEREFORE, BE IT RESOLVED:

That the following described property be designated Kalamazoo Industrial Development District No. 127:

G36-5-1 Section 36 T2S R11W Commencing at the west 1/4 post of Section 36 T2S R11W; thence North 155.14ft along the west line of Section 36; thence Easterly 216ft forming an angle of 90deg 35min as measure from the north to the east with the west line of Section 36 to the point of beginning for the following eight courses; (1) thence Northerly 1466.73ft forming an interior angle of 90deg 35min with the eighth or closing course; (2) thence Easterly 1022.15ft forming an interior angle of 90deg with the course 1 to a point 50ft Westerly and radially from the center line of the main track of the Pennel Company; (3) thence Southerly 1024.39ft along a curve to the right with radius of 5670.85ft and a chord which forms an interior angle of 94deg 42min 30sec with course 2 and has a chord length of 1023ft; (4) thence Southerly 85.36ft forming an interior angle of 174deg 49min 30sec with the chord of the course 3 to a point 20ft Northwesterly and radially from the center line of a side track of Pennel Company; (5) thence Southwesterly 292.13ft along a curve to the right with a radius of 336.44ft and a chord with forms an interior angle of 133deg 24min with course 4 and has a chord length of 283.04ft; (6) thence Westerly 76.65ft forming an interior angle of 155deg 07min 30sec with the chord of course 5; (7) thence Southwesterly 255.50ft along a curve to the left with a radius of 377.95ft and a chord with forms an interior angle of 199deg 22min with course 6 and has a chord length of 250.67ft; (8) thence Westerly 626.21ft forming an interior angle of 141deg 59min 30sec with the chord of course 7 to the point of beginning. Excluding commencing at the West 1/4 post of Section 36; thence North 155.14ft along the west line of Section 36; thence South 89deg 25min 00sec East 216ft for the point of beginning of this exclusion; thence North 125ft; thence South 89deg 25min 00sec East 50ft; thence South 125ft; thence North 89deg 25min 00sec West 50ft to the point of beginning. Entire parcel contains approximately 34.61 Ac

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on September 17, 2012. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.

Scott A. Borling, City Clerk

Proposed IDD #127

Property Address: 3825 Emerald Drive

Property Identification Number: 06-36-162-001



Legend

Parcel

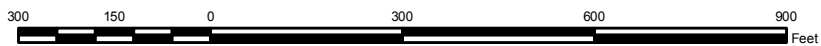
Parcel Numbers

Parcel Addresses

Street Name

1 inch = 300 feet

August 18, 2012 awcf



Map is intended for assessment purposes only and is NOT at a survey level of accuracy.



Commission Agenda Report

City of Kalamazoo

Date: **09/17/12**

Item **F1**

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Prepared by: William J. Schomisch, Executive Director of Transportation

DATE: September 14, 2012

SUBJECT: Community Service Van Program-Vehicle Lease Agreement

RECOMMENDATION

It is recommended that the City Commission approve a vehicle lease agreement with South County Community Services, 101 S. Main Street, Vicksburg MI to allow Kalamazoo Metro Transit to pilot placing a community service van in Vicksburg for use by county residents; and authorize the City Manager to sign all contracts and related documents.

BACKGROUND

Since 2005, Kalamazoo Metro Transit has been operating a Community Service Van Program, (CSVP), a specialized service program sponsored and funded by the Michigan Department of Transportation that allows local agencies to use accessible vans for client trips at no cost to the agency. The program currently operates with 6 accessible vans that are stored at the Metro Transit facility located at 530 N Rose Street. The basis for the program is to allow agency volunteers, certified by Metro Transit staff, to check out a van(s) 7 days a week at no cost to the agency.

Metro Transit wishes to expand the current CSVP program by piloting the placement of an accessible van in an out county area. This program expansion would allow flexibility and expand its service availability for residents of Kalamazoo County. South County Community Services is a non-profit agency serving seniors and people with disabilities within Kalamazoo County. South County has indicated a willingness to participate in a pilot project to place a van in Vicksburg for its employees or volunteers under its direction in order to better service its clients. While the focus would be on South County clients, the CSVP is open to anyone as long as the driver has been certified by Metro Transit staff. This vehicle lease agreement shall run through December 31, 2012 and may be extended by mutual agreement.

The vehicle lease agreement has been reviewed and approved by the City Attorney's office.

COMMUNITY RESOURCES CONSULTED

This agreement does not have to be reviewed and approved by the city's Transit Authority Board, (TAB), however, the proposed pilot project has been shared with both the TAB and the Kalamazoo County Transportation Authority, (KCTA), and both bodies support the implementation of this pilot project.

FISCAL IMPACT

The Community Service Van Program is funded through the Michigan Department of Transportation. Their Specialized Services Program reimburses transit agencies at \$4.07 per passenger carried. This revenue source covers normal operating expenses (fuel, oil, etc.). Capital funding, available at 80% federal and 20% state is used to acquire accessible 7 passenger vans which can also transport 2 wheelchair passengers. There are no city general fund dollars used to support this program and there is no negative impact upon Metro Transit's annual operating budget.

ALTERNATIVES

The Community Service Van program has proved to be a very successful addition to public transportation alternatives available to county residents. This program fulfills a need not always met by Metro County Connect demand/response services.

The placement of accessible vans in the out county area will enhance the service availability while at the same time offering a more cost effective method to providing service to county residents.

Staff review did not identify other practical alternatives for this recommendation.

ATTACHMENTS

No attachments



Commission Agenda Report

City of Kalamazoo

Date: **09/17/12**

Item **F2**

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Reviewed By: Jerome R. Kisscorni, Executive Director of the EDC
Prepared By: Warren J. Cook, Business Growth Specialist

DATE: August 28, 2012

SUBJECT: Schedule a Public Hearing for Graphic Packaging International, Inc.'s PA 198 Industrial Facility Exemption Certificate Application for New Equipment and Building Improvements

RECOMMENDATION

It is recommended that the City Commission adopt a resolution to set a public hearing on October 1, 2012 to consider an application from Graphic Packaging International, Inc. for a PA 198 Industrial Facilities (Tax) Exemption Certificate (IFEC) for three years for personal property valued at \$11,953,932 and for six years for real property improvements valued at \$1,175,898 in existing Industrial Development District No. 10 located at 1421 North Pitcher Street.

BACKGROUND

Graphic Packaging International, Inc. is the wholly-owned primary operating subsidiary of Graphic Packaging Holding Company. Graphic Packaging Holding Company, together with its subsidiaries, is a leading provider of paperboard packaging solutions for a wide variety of products to food, beverage and other consumer product companies. Graphic Packaging International's Carton Plant in Kalamazoo is going to add approximately \$11,953,932 in new and transferred equipment and \$1.175 million for real property improvements. This includes a \$7.8 million press relocated from Indiana.

The applicant proposes to retain 325 existing jobs and add 28 new full-time positions beyond those created during their 2009 plant expansion, within the first two years of the IFEC approval. Graphic Packaging International has voluntarily provided information showing that the firm's average wages for both existing and new full-time positions exceed hourly standards based on 125 percent of the federal poverty income guidelines issued by the US Department of Health and Human Services for a family of three and the company provides health care insurance coverage.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation. A public hearing would be scheduled for October 1, 2012 on the request to consider Graphic Packaging International's application for a PA 198 tax exemption on real and personal property.

FISCAL IMPACT

The impact on the city budget of approving this certificate application request has been estimated by the City Assessor. An analysis of that first year impact is attached. Based on that analysis, the city will add approximately \$3,698,600 in new taxable value to the IFT tax rolls from the proposed \$11,953,932 new personal property investment and \$587,900 in new taxable value from the proposed \$1,175,898 new real property investment. The new taxable value will yield approximately \$82,600 in new city revenue beginning in 2013. The amount of abated city property tax revenues during that same first year will be approximately \$41,300.

Further, all other taxing jurisdictions will share in an estimated \$167,500 in additional new taxes (city new revenues are excluded from that amount) from the investment, while collectively abating an estimated \$102,600 – in the first year of the abatement.

Given the amount of new equipment being requested for approval, the amount of older equipment (with large depreciation values) being relocated from outside Michigan and the normal depreciation in personal property values during the life of this abatement, future revenues received from the abated investment should be expected to decrease from the first year values.

ALTERNATIVES

- The City Commission could choose to approve the resolution, as recommended.
- The City Commission could choose to approve the resolution with specific conditions.
- The City Commission could choose not to approve the resolution to set the public hearing to consider Graphic Packaging International's PA 198 new real and personal property exemptions. Such action would likely compromise future expansion decisions at this location.

ATTACHMENTS

Resolution
Map
City/Company Agreement
IFT 1st Year Fiscal Impact Analysis

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION SETTING A TIME TO CONSIDER AN APPLICATION FOR
AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE**

Minutes of a regular meeting of the City Commission of the City held on September 17, 2012, at or after 7:00 p.m., local time, at City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, 1974 PA 198 provides for an industrial facilities tax exemption certificate for construction of a new facility or acquisition of new machinery and equipment; and

WHEREAS, pursuant to 1974 PA 198, MCLA Sec. 207.551, et seq., the City Commission has established Kalamazoo Industrial Development District No. 10; and

WHEREAS, GRAPHIC PACKAGING INTERNATIONAL, Inc. has applied for an Industrial Facilities Exemption Certificate under the provisions of 1974 PA 198, Sec. 5(1); and

WHEREAS, 1974 PA 198, Sec. 5(2) provides that before acting upon an application for an Industrial Facilities Exemption Certificate, the City Commission shall afford the Applicant, the Assessor, and a representative of the affected taxing units an opportunity for a hearing;

NOW, THEREFORE, BE IT RESOLVED, as follows:

(1) That the application of GRAPHIC PACKAGING INTERNATIONAL, Inc. for an Industrial Facilities Tax Exemption Certificate shall remain on file in the Office of the City Clerk.

(2) That the City Commission shall meet at City Hall on October 1, 2012, at or after 7:00 p.m., local time, and shall provide to the City Assessor and a representative of each of the taxing units an opportunity to be heard on the question of the application for the Industrial Facilities Tax Exemption Certificate with regard to proposed expenditures within Kalamazoo Industrial Development District No. 10.

(3) That the City Clerk immediately inform, in writing, the City Assessor, and the

legislative body of each taxing unit which levies ad valorem property taxes in the City of Kalamazoo on the property located within Kalamazoo Industrial Development District No. 10 as follows:

(a) That the City of Kalamazoo has established Kalamazoo Industrial Development District No. 10, and has now received and will consider an application for an Industrial Facilities Exemption Certificate for the installation of new machinery and equipment within said district.

(b) That the City Commission shall meet on October 1, 2012, in City Hall at 7:00 p.m. local time, to afford the City Assessor and a representative of each of the taxing units an opportunity to be heard with regard to the application.

(c) That as to the installation of new machinery and equipment in Kalamazoo Industrial Development District No. 10, the Industrial Facilities Tax Exemption Certificate has been requested in the amount of estimated expenditures, which amount is \$11,953,932.

(d) That as to the installation of new building improvements in Kalamazoo Industrial Development District No. 10, the Industrial Facilities Tax Exemption Certificate has been requested in the amount of estimated expenditures, which amount is \$1,175,898.

SCOTT A. BORLING, CITY CLERK

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:


ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on September 17, 2012. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.

Scott A. Borling, City Clerk

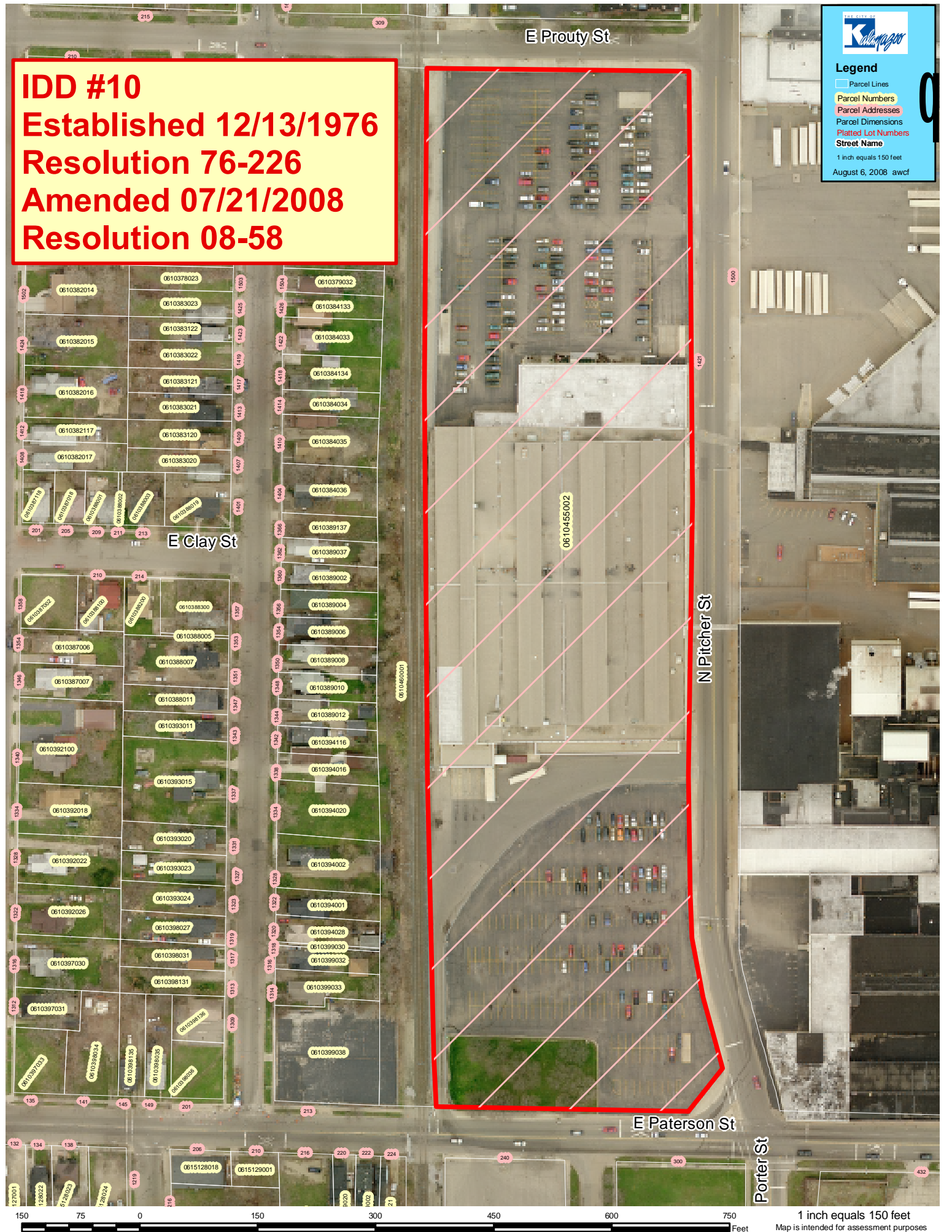


Legend

- Parcel Lines
- Parcel Numbers
- Parcel Addresses
- Platted Lot Dimensions
- Street Name

1 inch equals 150 feet
August 6, 2008 awcf

IDD #10
Established 12/13/1976
Resolution 76-226
Amended 07/21/2008
Resolution 08-58



1 inch equals 150 feet
 Map is intended for assessment purposes only and is NOT at a survey level of accuracy.

INDUSTRIAL FACILITIES

EXEMPTION CERTIFICATE [IFEC] AGREEMENT (P.A. 198)

AGREEMENT made _____, 2012, between the CITY OF KALAMAZOO, Kalamazoo County, Michigan (“City”); and Graphic Packaging International, Inc., located at 1421 N. Pitcher Street, City of Kalamazoo, Kalamazoo County, Michigan (“Applicant”).

Recitals:

A. The City has received a written application from Applicant under Public Act 198 of 1974, MCL 207.551 et. seq. (the “Act”), for the issuance of an Act 198 Industrial Facilities (Tax) Exemption Certificate (“Certificate”) for 1421 N. Pitcher Street (the “Project”) that was established as:

Industrial Development District and/or Plant Rehabilitation District Number (the “District”) by the City of Kalamazoo on 12/13/1976, which site is located at 1421 N. Pitcher Street, Kalamazoo, Michigan.

B. The Applicant has represented to the City that granting of the Certificate will enable it to complete the facility, which will create employment, retain employment, or prevent a loss of employment within the City.

C. The City has established a tax incentive policy that provides opportunities for business development, redevelopment and expansion, and more effectively uses those incentives to benefit the local economy through stimulating economic growth, creation/retention of jobs, increasing tax revenue, and providing a more favorable living and business climate.

D. The City has determined that Applicant meets the requirements within its tax incentive policy.

E. Public Act 334 of 1993, MCL 207.572, requires a written agreement between the City and the Applicant before the Michigan Department of Treasury may approve a Certificate (“Agreement”).

F. Before entering into this Agreement, Applicant has had the opportunity to review the City’s tax incentive policy as it relates to Act 198 Tax Abatements, and to seek legal counsel

regarding this policy, the relevant provisions of the Act and its rights and obligations as set forth below.

NOW, THEREFORE, in consideration of the approval of the Industrial Facilities Exemption Certificate, the parties agree as follows:

1. The above recitals are acknowledged as true and correct and are incorporated by reference into this section.
2. The Applicant, as a result of the construction, restoration, replacement, or other capital investments (collectively "Improvements") to an existing or new facility or in new technology, as more fully stated in its application, shall create not less than 28 new full time equivalent jobs and relocate and retain not less than 325 full time equivalent existing jobs, as detailed below, from its existing location as a consequence of, and for the duration of, its Project. The Applicant agrees to pay the City's wage standard for such new jobs within the District, defined as an hourly rate, which, on an annual basis, is equal to or exceeds:

- a. 125% of the federal poverty income guidelines from the U.S. Department of Health and Human Services for a family of three, plus health care insurance coverage; or
- b. 150% of the federal poverty income guidelines from the U.S. Department of Health and Human Services for a family of three if health benefits are not provided to the employees.

The specific categories of employment to be used by the applicant in reporting are shown below. In addition, the average wage information, per category of job is also identified below and shown as it will be reported during the annual abatement report.

JOBS INFORMATION	Initial Year of Abatement			
	Jobs Created		Jobs Retained	
	New Full-time Jobs	Average Weekly Wage	Full-time Jobs	Average Weekly Wage
Jobs Category				
Managerial	2	TBD	22	\$1,578.53
Professional			4	\$1,357.21
Technical			2	\$1,857.21
Sales			3	\$950.64
Clerical			22	\$849.34
Craftsman (skilled)	2	\$1,034.20	24	\$982.76
Operators(semi-skilled)			162	\$826.00
Laborers (untrained)	24	\$ 608	85	\$616.80
Service			1	\$705.20

3. Applicant expects that the costs of the proposed Improvements as the basis for which the Certificate is issued, shall be within 10 percent (10%) of the estimated amount stated in its application for the Certificate.

4. Throughout the term of this Agreement, and as long as the Certificate remains effective, Applicant shall, in addition to the requirements under section 2, perform or satisfy each of the following obligations:

a. The Applicant will not cease or relocate any portion of the business, facility or operations located within the District prior to the termination of the Certificate without the prior approval by the City of a transfer of the Certificate to a third party who continues adequate operations within the District or elsewhere in the City.

b. Applicant will pay all taxes owing under this Certificate when due, and will timely file its annual personal property tax statements with the City Assessor's Office.

c. The Applicant shall submit annual or other regular reports to the City and the City Assessor as required under City policy and procedure, setting forth the progress in attaining and maintaining the requirements of this Agreement and the provisions of the application for the Certificate. Applicant acknowledges its responsibility to report the Project completion within 30 days and final investment and job creation/retention

figures within 90 days of completion of the IFEC project to both the State Tax Commission and the City Assessor's Office.

d. By accepting the benefits of the tax abatement Applicant waives appeal of personal or real property tax assessments concerning property which is the subject of the Certificate. Appeal of such personal or real property taxes is considered a default of this Agreement, for which the City may seek its remedies under section 7.

e. The Applicant shall comply with all applicable City codes.

5. The parties agree that the City, in approving the tax abatement, has relied on the actions, representations, promises, and good faith of Applicant, including the estimates and expectations described in its application, to mean the state approved form for this purpose plus any supplemental information required by the City to process such application. These documents are attached and incorporated by reference as Exhibit A.

6. The term of the Certificate granted by the City shall be three (3) years for personal property (machinery and equipment) and six (6) years for real property (building).

a. This Agreement shall remain in force as to each Certificate granted for the term of such Certificate.

7. The parties agree that exclusive jurisdiction to commence proceedings for any disputes in this Agreement shall be in Kalamazoo County, Michigan. The City shall enforce any default of the provisions of this Agreement in law or equity, and without limitation include:

a. the right to request that the State Tax Commission either reduce the term of the abatement or revoke the Certificate prospectively.

b. the right to revoke the Certificate and terminate the District.

c. the right to require the Applicant to repay the City all abated taxes which previously benefited the Applicant for disbursement proportionately to all taxing units having taxing jurisdiction over the improvements, plus all accrued interest, penalties and administration fees

d. the right, at its option, to seek repayment of future taxes as allowed under section 21(2) of the Act, being MCL 207.571(2).

e. the right to collect any payments due under the above subsections c. and d. by either court proceedings or by adding to the next taxes due against the Applicant's property on the next tax roll of the City.

8. The City, however, shall not seek any remedy under section 7 until after all of the following have occurred:

a. The City shall have given written notice to the Applicant declaring a default and specifying the manner in which the Applicant is in default. Before a default is declared, the City and the Applicant shall meet with appropriate representatives to discuss the claimed default and how it may be cured.

b. The Applicant has not cured that default within thirty (30) days after receiving the notice, except that if the Applicant is diligently pursuing a cure, this thirty (30) day period shall automatically be extended for an additional thirty (30) days.

9. It is understood that the City of Kalamazoo encourages the Applicant to review job applications of city residents, particularly those City of Kalamazoo residents who have completed or have participated in local employment training programs, prior to filling new jobs in its facilities. In fulfilling this requirement Applicant will make good faith efforts to consult with Michigan Works and/or other workforce development agencies identified in the list provided to the Applicant by the City as a part of this Application.

10. The Applicant further agrees that during the term of the Certificate, the Applicant shall not discriminate against any person on the basis of race, creed, color, sex, religious orientation, age, or other criteria as prohibited by City, state or federal ordinances and legislation.

11. The Applicant further agrees that if Applicant ceases its use of the Project, and another entity asks the City for a transfer of the abatement, the Applicant will cooperate with the City regarding the transfer by advising the transferee or new owner of the terms and conditions of this Agreement and by assisting the City to obtain the signature of the authorized agent of the transferee or new owner on this Agreement or one substantively the same.

12. Notices required under this Agreement are effective if done in writing and forwarded or delivered to the other party (i) in person, or (ii) through a nationally recognized overnight courier, or by first-class or certified mail-return receipt requested, with postage fully pre-paid, and addressed to the parties at the last known address in the City of Kalamazoo.

13. If the various sections and provisions of this Agreement are declared unconstitutional or invalid by any court of competent jurisdiction, the same shall not affect the validity of the Agreement as a whole or any other section or provision except the section or provision declared to be unconstitutional or invalid.

14. The benefits and obligations under this Agreement shall accrue to and shall bind the successors, assignees, and transferees of the Applicant.

15. This Agreement contains all of the terms of the Agreement between the parties with respect to its subject matter and may be amended only in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Signed in the presence of:

CITY OF KALAMAZOO

By _____

Its _____

GRAPHIC PACKAGING INTERNATIONAL, INC.

Martha M. Barr

By Philip H. Smith, II

Its VICE PRESIDENT GRAPHIC BUSINESS SYSTEMS

TO: Kalamazoo City Commission
 FROM: Constance Darling, Assessor
 DATE: August 20, 2012
 SUBJECT: GRAPHIC PACKAGING
 SCHOOL: Kalamazoo Public

TAX ABATEMENT IMPACT STATEMENT

OWNER	PROP TYPE	CERT TYPE	OPERATING REVENUE - CITY			REVENUE - ALL OTHER			TOTAL REVENUE		TOTAL TAXABLE VALUE	TOTAL EFFECTIVE VALUE
			NEW IFT REVENUE	ABATED REVENUE	REVENUE IF NO IFT	NEW IFT REVENUE	ABATED REVENUE	REVENUE IF NO IFT	NEW IFT REVENUE	TOTAL ABATED REVENUE		
GRAPHIC PACKAGING	R	N	\$5,665	\$5,665	\$11,330	\$16,588	\$18,690	\$35,278	\$22,253	\$24,355	\$587,949	\$587,949
	P	N	\$35,637	\$35,637	\$71,274	\$48,314	\$83,953	\$132,267	\$83,951	\$119,590	\$3,698,600	\$3,698,600

	TOTAL TAXABLE	IFT ROLL	% OF TOTAL
BEGINNING 2012 ROLL	\$1,504,880,068	\$56,471,112	3.8%
IFT'S IN PROCESS	\$5,669,546	\$5,669,546	100.0%
TOTAL	\$1,510,549,614	\$62,140,658	4.1%



Commission Agenda Report

City of Kalamazoo

Date: **09/17/12**

Item **F3**

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Reviewed By: Andrea Augustine, City Planner
Prepared By: Rob Bauckham, Assistant City Planner

DATE: September 14, 2012

SUBJECT: Rezoning request for 2610 Airview Blvd.

RECOMMENDATION

It is recommended that at its September 17, 2012 meeting, the City Commission offer for first reading an ordinance to rezone 2610 Airview Blvd. from Zone M-1 (Manufacturing, Limited District) to Zone CC (Commercial, Community District), and schedule a public hearing for the October 1, 2012 meeting.

BACKGROUND

The subject property for this rezoning request contains a vacant building and parking lot that was formerly utilized for an office product sales and rental business. The southern approximately one-half of the site is a vacant lawn area. The applicant for the request has an option to purchase the property, pending the outcome of the rezoning process. They are proposing to remove the existing office building and parking lot, and construct a 14,860-square-foot, four-story hotel in its place. The hotel would contain 76 guest rooms, a swimming pool, and a carport. The primary purpose of the hotel would be to serve the patrons of the adjacent Kalamazoo/Battle Creek International Airport.

New hotels are not a permitted or a special use in the M-1 zoning district. However, they are a permitted use in the CC zoning district. The properties immediately to the west of the subject site are currently zoned CC, and the future land use plan supports such a rezoning for the property.

Rezoning requests are first reviewed by the Planning Commission, which issues a recommendation to the City Commission. The City Commission has the final authority in rezoning requests. A final site plan for the proposed hotel is not yet available. A concept plan has been attached to this report. The concept plan shows the possible configuration of the hotel and parking area on the site. The applicant is exploring acquiring some land from the adjacent restaurant property to the west for the proposed swimming pool, and the concept plan reflects this layout. If they are not successful in acquiring the adjacent land area, they will place the pool on the subject property, and

possibly within the building. If the rezoning is approved, the applicant will provide a final plan to the Site Plan Review Committee for review and approval prior to obtaining a building permit to construct the hotel.

COMMUNITY RESOURCES CONSULTED

Notices were mailed to all property owners and occupants located within a 300-foot radius of the subject property to inform them of the public hearing for the request scheduled before the Planning Commission, and to encourage their attendance at the meeting. Such notification was also provided to the Milwood Neighborhood Watch Association. A notice of the hearing was also published in the *Kalamazoo Gazette* prior to the meeting. The same notification process will be conducted for the public hearing to be held by the City Commission.

FISCAL IMPACT

The current vacant commercial building on the subject property generates approximately \$3,600 annually in tax revenue for the city. The proposed hotel development project has been estimated to be valued at \$5 million, which will generate approximately \$55,000 annually in tax revenue for the city.

ALTERNATIVES

The City Commission has the option of not approving the rezoning request. There are no other known renovation or redevelopment projects planned for the site. If it is not rezoned, the proposed hotel project will not be implemented. It is recommended that the City Commission approve the rezoning request.

ATTACHMENTS

Ordinance
Aerial photograph
Existing and proposed zoning maps
Existing land use map
Concept plan
Planning Commission meeting minutes (September 6, 2012)

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 1.8.A. ZONE DISTRICT MAP OF THE ZONING ORDINANCE, BEING APPENDIX A OF THE KALAMAZOO CODE

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Under Section 1.8.E. the Zone District Map described in Section 1.8.A. is amended as follows:

The land area hereinafter described to be rezoned from Zone M-1 (Manufacturing, Limited District) to Zone CC (Commercial, Community District)

That area of land in Section P-2 of the City of Kalamazoo, County of Kalamazoo, State of Michigan, commonly referred to as 2610 Airview Blvd., more fully described as:

Lot 6 of the Air Park Plat

A map identifying the land area is attached.

Section 2. Repealer. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

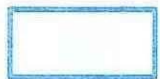
CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been available as required by said Act, and furthermore, said ordinance was duly recorded, posted, and authenticated by the Mayor and City Clerk as provided by the Charter of said City.

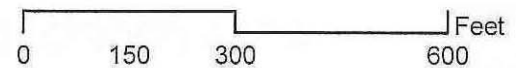
Bobby J. Hopewell, Mayor

Scott A. Borling, City Clerk

P.C. #2012.10 - 2610 Airview Blvd.
Rezone from Zone M-1 to Zone CC to accommodate a new hotel.



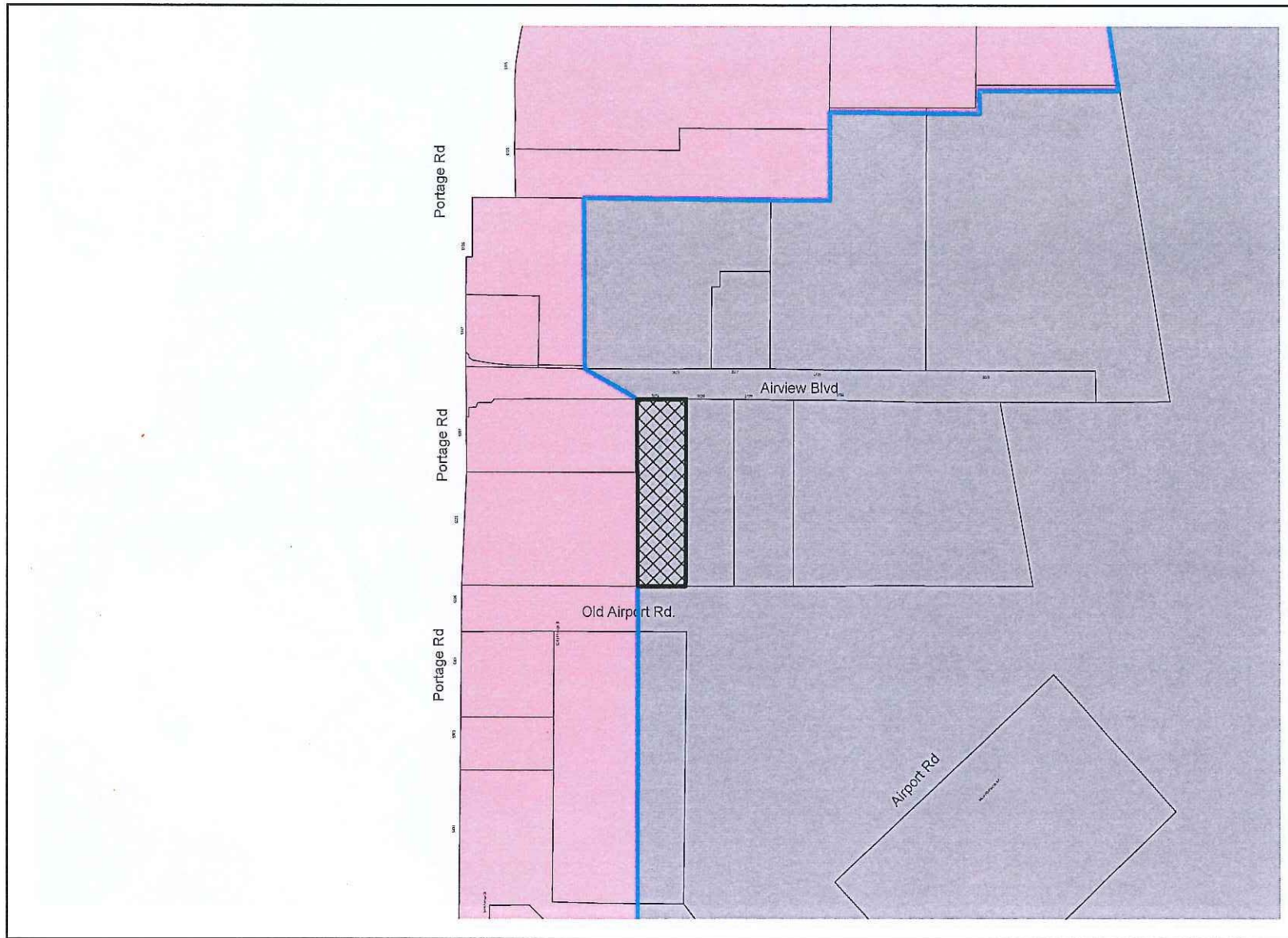
AREA PROPOSED FOR REZONING



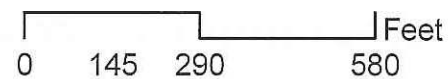
P.C. #2012.10 - 2610 Airview Blvd.
 Rezone from Zone M-1 to Zone CC to accommodate a new hotel.

EXISTING ZONING

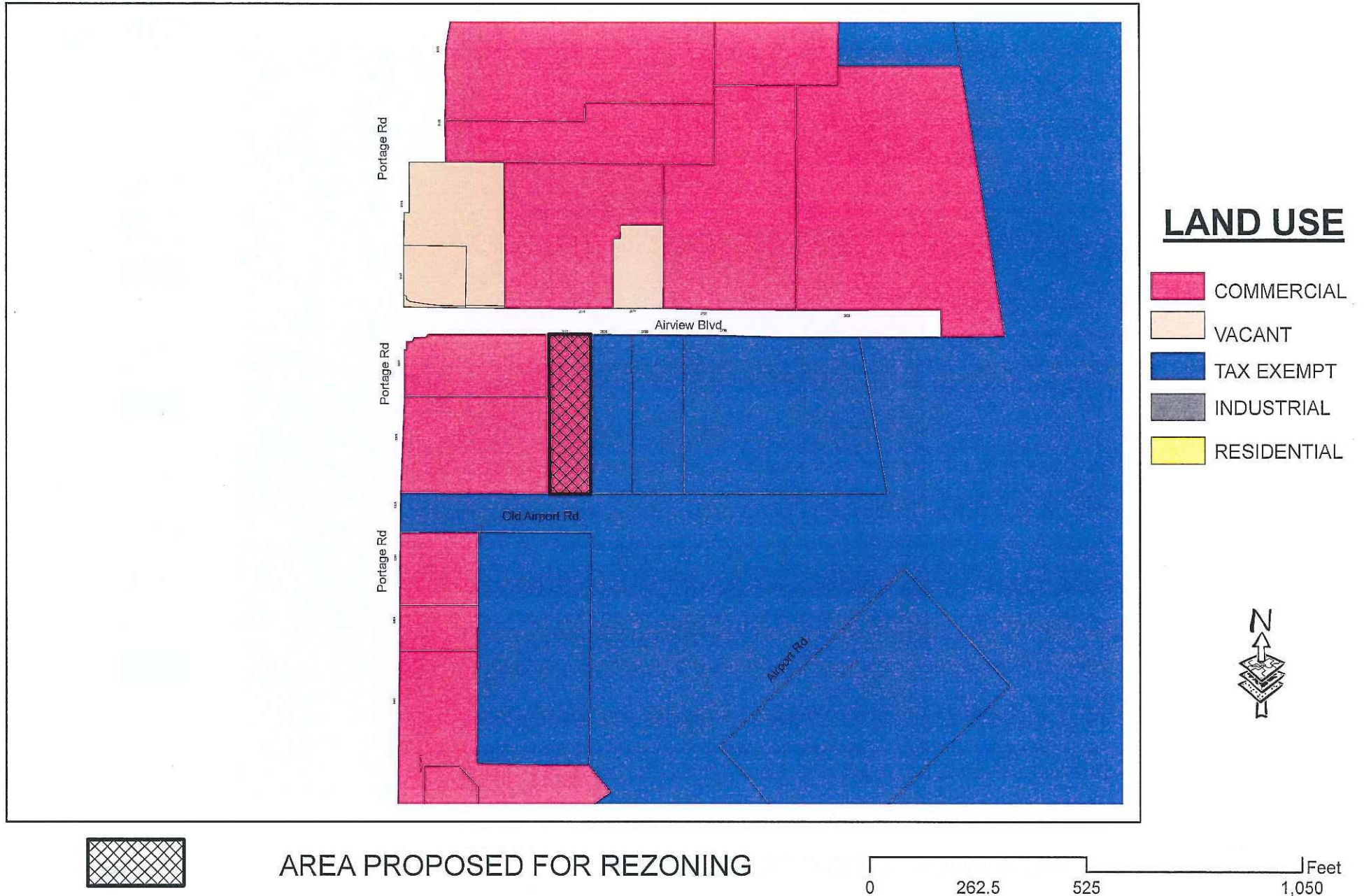
-  CBTR
-  CC
-  CCBD
-  CMU
-  CN-1
-  CO
-  M-1
-  M-2
-  PUD
-  RD-19
-  RM-15
-  RM-15C
-  RM-36
-  RMU
-  RS-5
-  RS-7



AREA PROPOSED FOR REZONING



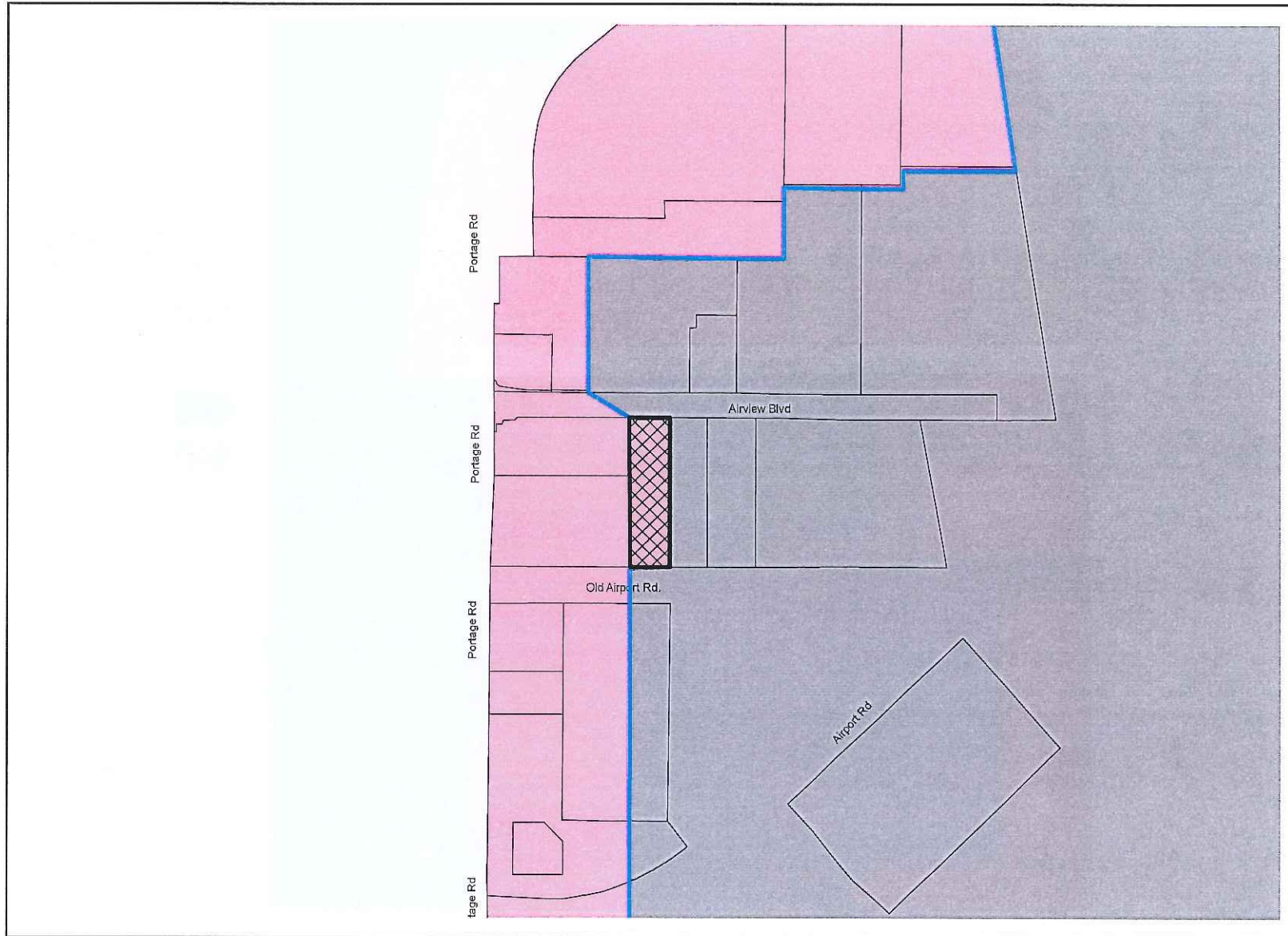
P.C. #2012.10 - 2610 Airview Blvd.
Rezone from Zone M-1 to Zone CC to accommodate a new hotel.



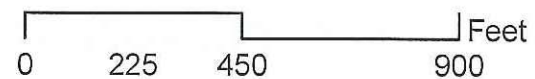
P.C. #2012.10 - 2610 Airview Blvd.
 Rezone from Zone M-1 to Zone CC to accommodate a new hotel.

PROPOSED ZONING

-  CBTR
-  CC
-  CCBD
-  CMU
-  CN-1
-  CO
-  M-1
-  M-2
-  PUD
-  RD-19
-  RM-15
-  RM-15C
-  RM-36
-  RMU
-  RS-5
-  RS-7



AREA PROPOSED FOR REZONING

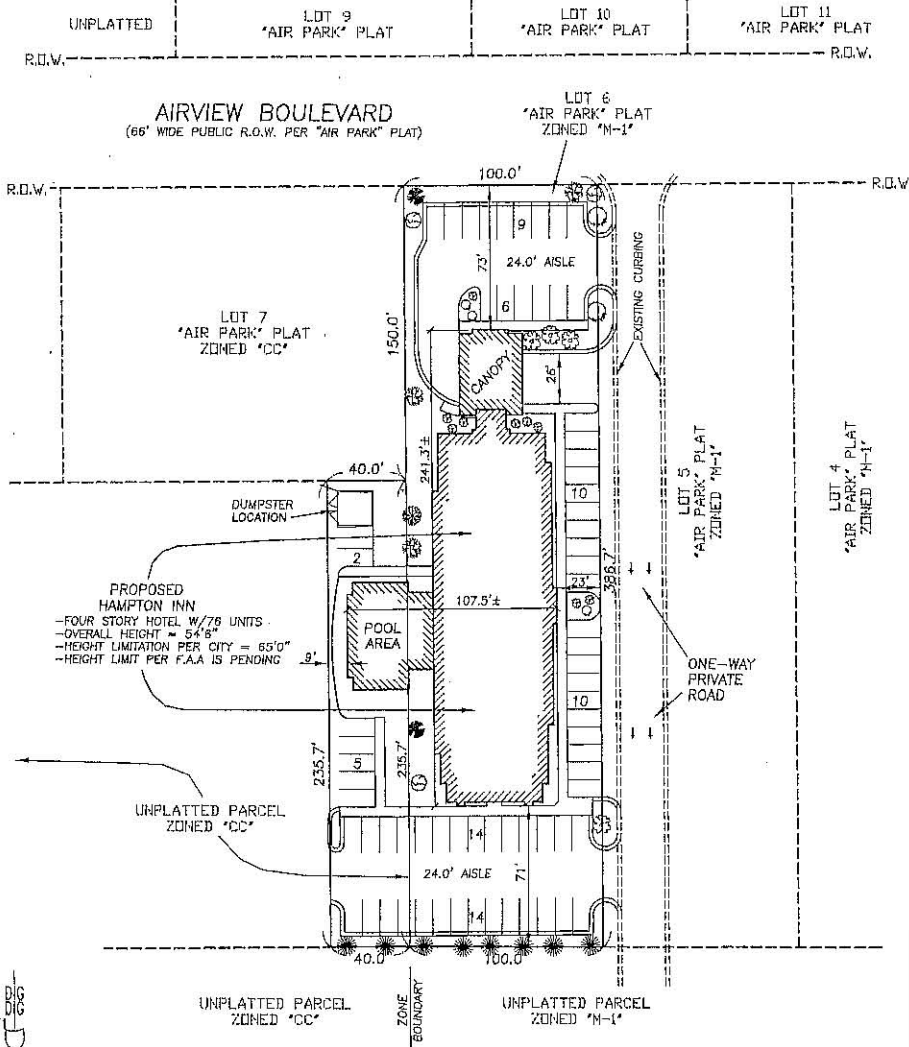




N

CONCEPTUAL SITE PLAN for HAMPTON INN

in KALAMAZOO, MICHIGAN



UNPLATTED | LOT 9 'AIR PARK' PLAT | LOT 10 'AIR PARK' PLAT | LOT 11 'AIR PARK' PLAT

AIRVIEW BOULEVARD
(66' WIDE PUBLIC R.O.W. PER 'AIR PARK' PLAT)

LOT 6 'AIR PARK' PLAT ZONED 'M-1'

LOT 7 'AIR PARK' PLAT ZONED 'CC'

LOT 5 'AIR PARK' PLAT ZONED 'M-1'

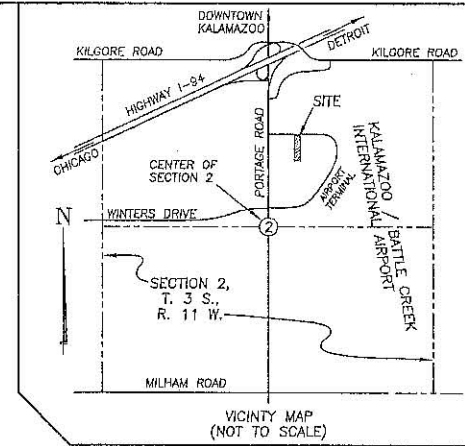
LOT 4 'AIR PARK' PLAT ZONED 'M-1'

PROPOSED HAMPTON INN
-FOUR STORY HOTEL W/76 UNITS
-OVERALL HEIGHT ~ 54'6"
-HEIGHT LIMITATION PER CITY = 65'0"
-HEIGHT LIMIT PER F.A.A IS PENDING

UNPLATTED PARCEL ZONED 'CC'

UNPLATTED PARCEL ZONED 'CC'

UNPLATTED PARCEL ZONED 'M-1'



SITE DATA:	
-TOTAL PARCEL AREA = 48,050 SQ.FT. (1.10 ACRES)	<small>SUBJECT TO VARIANCE ORDINANCE THAT 80% OF SITE MAXIMUM MAY BE IMPERVIOUS.</small>
-AREA OF MAIN BUILDING = 11,320 SQ.FT.	
-CANOPY AREA = 1380 SQ.FT.	
-POOL AREA = 2140 SQ.FT.	
-TOTAL BUILDING AREA = 14,840 SQ.FT. (30.9%)*	
-TOTAL LANDSCAPED/LAWN AREA = 9240 SQ.FT. (19.2%)	
-TOTAL PAVEMENT/CONC. AREA = 23,970 SQ.FT. (49.9%)*	
-TOTAL NUMBER OF SHOWN PARKING SPACES = 70	
-ALL SHOWN SPACES MEASURE 9.0' x 18.0'	
-BARRIER FREE SPACES WOULD BE REQUIRED BUT HAVE NOT BEEN SHOWN HEREON.	
GENERAL NOTES:	
1) SHOWN LAYOUT IS PRELIMINARY & SUBJECT TO ADJUSTMENT.	
2) DEVELOPMENT OF SITE WOULD HAVE TO COMPLY WITH CITY OF KALAMAZOO REQUIREMENTS & WOULD BE SUBJECT TO THE CITY'S SITE PLAN REVIEW PROCESS.	
3) RE-ZONING OF PROPERTY ZONED 'M-1' MAY BE REQUIRED.	
4) NORTH/SOUTH DRIVE TO THE EAST OF THE SITE IS OWNED BY KALAMAZOO COUNTY AND SHOWN IMPROVEMENTS WOULD BE SUBJECT TO COUNTY REVIEW AND APPROVAL.	
5) EASEMENTS & RESTRICTIONS HAVE NOT BEEN SHOWN HEREON.	
6) VARIANCE MAY BE REQUIRED RELATIVE TO CITY'S ORDINANCE REQUIREMENT THAT 80% OF SITE MAXIMUM MAY BE IMPERVIOUS.	
7) LAYOUT CHANGES MAY BE REQUIRED BASED ON OWNER REQUIREMENTS AND/OR CITY REQUIREMENTS.	
8) STORM WATER DISPOSAL LOCATION MAY HAVE TO BE UNDER PAVED PARKING LOT.	

ODYSSEY HOTEL GROUP
c/o FOCUS CONSTRUCTION, INC.
191 WAUKEGAN ROAD, SUITE 202
NORTHFIELD, IL 60093
(847) 441-0474

CONCEPTUAL SITE PLAN HAMPTON INN		DATE: 8/9/2012
SITE @ 2810 AIRVIEW BLVD., CITY OF KALAMAZOO, T. 3 S., R. 11 W., KALAMAZOO COUNTY, MI		SHEET: 1A
Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		JOB No.: 36085
1133 East Millham Road • Portage, Michigan 49008 • Area 269 344-6165 • Fax 269 344-0556		

City of Kalamazoo
PLANNING COMMISSION
Minutes Excerpt
September 6, 2012
DRAFT

Second Floor, City Hall
City Commission Chambers
241W. South Street, Kalamazoo, MI 49007

Members Present: Mark Fricke, Chair; Geoffrey Cripe; Todd Hamilton; Rachel Hughes-Nilsson; Edward Planeta; Reed Youngs

Members Excused: Casey Fawley, Vice Chair

Members Absent: Rico White; Angela Reynolds

City Staff: Andrea Augustine, City Planner; Robert Bauckham, Assistant City Planner, John Kneas, Assistant City Attorney; Amy Thomas, Recording Secretary

A. CALL TO ORDER

Commissioner Fricke called the meeting to order at 7:00 p.m.

F. PUBLIC HEARINGS

P.C. #2012.10: Consideration of a request from Rachit Dhingra to rezone 2610 Airview Blvd. from Zone M-1 (Manufacturing, Limited District) to Zone CC (Commercial, Community district).

Planner Bauckham provided the staff report which is included in these minutes by reference hereto. The subject property is located between Portage Road and the Kalamazoo/Battle Creek International Airport. The northern portion of the parcel contains a vacant building which was formerly utilized as an office supply and sales business; the southern portion of the parcel is a lawn area. The applicant has an option to purchase the property; he will be exercising that option pending the outcome of the rezoning request. If the rezoning request is approved, the existing building will be removed. A new 14,860 square foot, four-story hotel would be constructed in its place. The hotel would have 76 guest rooms, a swimming pool and a parking facility with car ports.

New hotels are not a permitted use in the M-1 zoning district. In order for this project to proceed, a rezoning is needed. The adjacent properties to the west are in the CC commercial zone where hotels are a permitted use. The applicants are requesting that the subject property be rezoned CC (Commercial, Community District). The future land use plan and map support this rezoning. A final site plan has not yet been provided, but a concept plan was provided in the Planning Commission packets. If the rezoning is approved, the applicants would need to submit a final site plan to city staff for review and approval prior to construction of the new building. The concept plan shows the proposed layout of the new hotel in a north-south direction. The applicants are also looking at the possibility of purchasing some property to the west for a portion of the swimming pool. City staff is recommending that the Planning Commission recommend to the City Commission to approve the rezoning request

Eric Fors, Odyssey Hotel Group, and Rachit Dhingra, owner, were present to answer questions. There were no questions for the applicants.

Public Hearing

There were no public comments and the public hearing was closed.

Commissioner Youngs, supported by Commissioner Planeta, moved approval of P.C. #2012.10, consideration of a request from Rachit Dhingra to rezone 2610 Airview Blvd. from Zone M-1 (Manufacturing, Limited District) to Zone CC (Commercial, Community District). With a roll call vote, the motion carried unanimously.



Commission Agenda Report

City of Kalamazoo

Date: **09/17/12**

Item **F4**

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Clyde J. Robinson, City Attorney

DATE: September 14, 2012

SUBJECT: Marijuana Ordinance

RECOMMENDATION

It is recommended that the City Commission offer for first reading an ordinance to provide that the possession of marijuana, except as permitted by law, is a misdemeanor which may be enforced by use of an appearance ticket.

BACKGROUND

Currently the City does not prosecute the possession or use of marijuana as an ordinance offense. As a statutory offense the possession of marijuana is a misdemeanor which carries a penalty of 1 year imprisonment, or \$2000 fine, or both. The proposed penalty as a misdemeanor ordinance offense would carry a 93 day jail term, or \$100 fine or both.

Enforcement of the statutory offense, particularly for small amounts of marijuana, requires an inordinate amount of KDPS resources to catalogue and test marijuana held as evidence. The KDPS believes that enforcing the offense as an ordinance with a lower penalty and permitting issuance of an appearance ticket in lieu of making an actual custodial arrest will be a better use of law enforcement resources.

The ordinance also includes a subsection which parallels the statutory provision found at MCL 333.7411. This provision provides that a person who has never been convicted of a controlled substance offense, upon a plea of guilty, for the court to defer the entry of a judgment of guilt and place the individual on probation. If the individual successfully completes the term of probation, the case against him or her is dismissed and it is not considered a conviction. However, an individual is permitted only one such dismissal of this nature.

Additionally, the ordinance makes specific reference to City Charter Section 198 which makes possession of 1 ounce (roughly 28 grams) or less of marijuana by a person 21 years or older the lowest law enforcement priority of the KDPS.

COMMUNITY RESOURCES CONSULTED

A similar City of Portage ordinance has been enforced by the District Court since 1992. In August of this year the City of Chicago adopted an ordinance to enforce possession of small amounts of marijuana (15 grams or less) through the issuance of a citation in lieu of arrest. One factor considered by Chicago aldermen was the savings of police time by not having to process arrestees for small amounts of marijuana. (See attached Chicago Tribune article.)

FISCAL IMPACT

It is anticipated that enforcement of possession of marijuana will result in savings to the KDPS through elimination of processing arrestees and in lab/evidence expenses. The significance of having officers freed up to respond to calls of service instead of being tied up processing an arrest cannot be understated.

ALTERNATIVES

If the ordinance is not adopted, possession of small amounts of marijuana would continue to be prosecuted as a statutory offense, resulting in continued expense to the KDPS and exposure to greater penal sanctions by offenders.

ATTACHMENTS

Proposed ordinance

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO ADD SECTION 22-29 TO THE CITY CODE OF ORDINANCES TO ADDRESS THE POSSESSION OF MARIJUANA, PROVIDE ENFORCEMENT BY APPEARANCE TICKET AND PROVIDE PENALIES FOR VIOLATION

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Section 22-39 of the Kalamazoo City Code is created to read as follows:

“Sec. 22-39 Marijuana Possession; Penalty

- A. No person shall knowingly or intentionally possess marijuana except as authorized by law.
- B. As used in this section, "Marijuana" shall have the same meaning as the definition of “marihuana” as set forth in section 7106 of the Michigan Public Health Code, MCL 333.7106.
- C. This section shall be construed and enforced in a manner consistent with Section 198 of the City Charter.
- D. This section may be enforced by issuance of an appearance ticket in lieu of arrest pursuant to MCL 764.9c.
- E. Penalty for Violation
 - (1) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100, or both.
 - (2) When a person who has not previously been convicted of a violation of this section, or a state or federal statute substantially corresponding to this section, pleads guilty to or is found guilty of a violation of this section, the court, without entering a judgment of guilt with the consent of the accused, may defer further proceedings and place the individual on probation upon terms and conditions that shall include, but are not limited to, payment of a probation supervision fee as prescribed at MCL 711.3c. The terms and conditions of probation may include participation in a drug treatment court. Upon violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed to impose sentence. Upon fulfillment of the terms and conditions of the court imposed probation, the court shall discharge the individual and dismiss the proceedings. Any discharge and dismissal under this

section shall be without adjudication of guilt and, is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime; however, there may only be one discharge and dismissal under this section as to an individual. The intent of this subsection is to provide the same options to an individual who violates this ordinance as exists at section 7411 of the Public Health Code, MCL 333.7411."

Section 2. Repealer.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3 Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2012. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

Bobby J. Hopewell, Mayor

Scott Borling, City Clerk



Commission Agenda Report

Date: **09/17/12**

Item **F5**

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Reviewed By: Frances Jewell, CPRP Parks and Recreation Managing Director
Prepared By: Denise Siegel, Recreation Manager

DATE: September 14, 2012

SUBJECT: Grant Acceptance/Oakwood Neighborhood Association (ONA) After School Program.

RECOMMENDATION

It is recommended that the City Commission accept funding from Oakwood Neighborhood Association (ONA) for \$1859.68 to fund an after school tutoring program 3 days per week from September 24 – December 21, 2012 at Oakwood Neighborhood Association.

BACKGROUND

The Department of Parks and Recreation has an ongoing objective to seek alternative funding for programming beyond City general fund dollars. For the past 5 years Parks and Recreation staff have provided assistance in offering an after school tutoring program at the Oakwood Neighborhood Association.

The Tutor/Homework Help program operates Monday – Friday from 3:30 – 5 p.m. at the Oakwood Neighborhood Association and provides tutoring in all subjects for the youth registered in the program. A maximum of 12 youth register for this program. Parks and Recreation fund staff for 2 days per week of programming and the Oakwood Neighborhood Association funds three days per week, which allows for a 5 day per week for the program.

COMMUNITY RESOURCES CONSULTED

The Department of Parks and Recreation and Oakwood Neighborhood Association are partnering in this program.

FISCAL IMPACT

Funds for a two day a week program are included in the Parks and Recreation 2012 Budget. All other direct expenses related to the additional three days per week programming will be covered by funds from ONA. Parks and Recreation will invoice the ONA monthly for reimbursement. The funding will be used to support two part-time positions assigned to this program.

ALTERNATIVES

There is the alternative to not accept these funds, but this is not being recommended. Funds are not available in the Parks and Recreation budget to support the 3 days of this program.

ATTACHMENTS

None



Commission Agenda Report

Date: **09/17/12**

Item **F6**

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Reviewed By: Frances Jewell, CPRP Parks and Recreation
Managing Director
Prepared By: Denise Siegel, Recreation Manager

DATE: September 14, 2012

SUBJECT: Grant Acceptance/Milwood Elementary Lunch and Learn Program

RECOMMENDATION

It is recommended that the City Commission accept funding from Milwood Elementary for \$2,451.19 to fund the Lunch n Learn program at Milwood Elementary school, beginning October 8 – December 21, 2012. We ask that City Manager sign all contracts and related documents.

BACKGROUND

The Department of Parks and Recreation has an ongoing objective to seek alternative funding for programming beyond City general fund dollars. For many years, the department has partnered with Kalamazoo Public Schools (KPS) for various programs and services. The Lunch n Learn program is one of those programs.

For the last six years City staff has been contacted by KPS to seek a proposal from Parks and Recreation to provide services during the lunch hour at Milwood Elementary School. The Lunch n Learn Program is designed to provide structured developmental activities during lunch recess for fourth and fifth graders at Milwood. The program will provide Lunch time activities three days a week for Milwood from October 8 – December 21, 2012. According to Milwood, recess disciplinary referrals to the Office decreased by approximately 20% from the 2009/2010 and 2010/2011 school years as a result of the lunch time program.

The grant funds will be used to hire three part time positions and will be supervised by Parks and Recreation's Youth Program Coordinator. This type of program helps support the Kalamazoo Promise by furthering the school readiness of fourth and fifth graders.

COMMUNITY RESOURCES CONSULTED

Kalamazoo Public Schools

FISCAL IMPACT

The funds will be used to hire three part-time positions assigned to this program. Parks and Recreation will invoice Milwood Elementary for reimbursement.

ALTERNATIVES

There is the alternative to not accept these funds, but this is not being recommended. Funds are not available in the Parks and Recreation budget to support this program

ATTACHMENTS

There are no attachments



Commission Agenda Report

City of Kalamazoo

Date: **09/17/12**

Item **F7**

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Clyde J. Robinson, City Attorney
Prepared By: John W. Kneas, Assistant City Attorney

DATE: September 10, 2012

SUBJECT: 701 East Michigan Avenue – Correcting Quit Claim Deed to
City of Kalamazoo Brownfield Redevelopment Authority

RECOMMENDATION

It is recommended that the City Commission approve a correcting quit claim deed regarding the previous transfer of 701 East Michigan Avenue to the City of Kalamazoo Brownfield Redevelopment Authority (BRA) and authorize the City Manager to sign it.

BACKGROUND

On March 13, 1997 the City acquired title to 701 East Michigan Avenue (Property) under a quit claim deed from the Department of Natural Resources for the State of Michigan (DNR Deed). Consistent with the State's standard practice when the State transferred property under the former tax reversion process, the DNR Deed contained language that reserved certain mineral rights and aboriginal antiquities to the State (Reserved Rights).

On September 13, 2000, the City transferred the Property to BRA (BRA Deed). Since then BRA has spent over \$162,000 on removing the foundation of the former Consumer Power Company power plant and making other site improvements in order to better market the Property for redevelopment.

As much publicized earlier this summer, on June 21, 2012 BRA signed a Redevelopment and Purchase Agreement with ENMAR, L.L.C. for the purpose of Arcadia Brewing Company (Arcadia Ales) expanding its brewing operations and opening a brew-pub on the Property. The owners of ENMAR, L.L.C. are principal owners of Arcadia Ales.

From the title commitment issued in anticipation of the closing on the sale, ENMAR asked BRA to request the State to release its Reserved Rights in the Property – a not uncommon practice. BRA submitted its application to the State and learned that the State could not release the Reserved Rights since the legal description in the BRA

Deed did not exactly matchup with the legal description in the DNR Deed - as the State requires to release its Reserved Rights.

The solution to satisfy the title commitment and the request from ENMAR is the recording of the attached correcting quit claim deed. (The correcting legal description is also the same one as reflected in the Assessor's records and the title commitment.) This approach is acceptable to the State for processing BRA's application to release the Reserved Rights.

COMMUNITY RESOURCES CONSULTED

Due to nature of the requested action no community resources were consulted.

FISCAL IMPACT

None

ALTERNATIVES

No alternative is recommended as the requested action is consistent with the requirements under the title commitment and the State's release of Reserved Rights.

ATTACHMENTS

Correcting Quit Claim Deed

QUIT CLAIM DEED

The Grantor, THE CITY OF KALAMAZOO, a municipal corporation, whose address is 241 W. South Street, Kalamazoo, Michigan 49007, quit claims to Grantee, the CITY OF KALAMAZOO BROWNFIELD REDEVELOPMENT AUTHORITY, a Michigan public body corporate, whose address is 241 W. South Street, Kalamazoo, Michigan 49007, the following described premises situated in the City of Kalamazoo, County of Kalamazoo, State of Michigan, and commonly known as 701 East Michigan Avenue (Parcel No. 06-15-429-002):

SEE ATTACHED EXHIBIT A

for the sum of: LESS THAN ONE HUNDRED DOLLARS

subject to all recorded conditions, restrictions, easements, limitations, and building and use restrictions of record.

Note: This deed is intended to replace the quit claim deed between the parties dated September 13, 2000 and recorded at Document No. 2001-010068 in order to correct a recently discovered error in the legal description from the earlier deed.

This transaction is exempt from any revenue or transfer tax under MCL 207.505(a),(h) or (o) and MCL 207.526(a),(h)(i) or (q).

THE CITY OF KALAMAZOO

Kenneth P. Collard, City Manager

CORPORATE ACKNOWLEDGMENT

STATE OF MICHIGAN }
 }
COUNTY OF KALAMAZOO }

The foregoing instrument was acknowledged before me on October____, 2012, by Kenneth P. Collard, City Manager of THE CITY OF KALAMAZOO, on its behalf.

Notary Public
Kalamazoo County, Michigan
My commission expires: _____

DRAFTED BY AND AFTER RECORDED RETURN TO:
John W. Kneas (P26112)
Assistant City Attorney
241 West South Street
Kalamazoo, MI 49007-4707
(269) 337-8185

EXHIBIT A

Parcel of land located in the Southeast 1/4 of Section 15, Town 2 South Range 11 West, being a part of UNION ADDITION, Liber 3 of Plats Page 26, and being a part of HARRIS'S PLAT ON UNION ADDITION, Liber 3 of Plats Page 26, more particularly described as follows: commencing at the East 1/4 post of Section 15; thence South 00 degrees 14 minutes 04 seconds East 89.37 feet along the east line of Section 15 to the south line of a 100 foot railroad right-of-way and the point of beginning for the following; thence 95.89 feet along the south line of said railroad right-of-way on a curve to right with a radius of 3500 feet and a chord of South 82 degrees 52 minutes 51 seconds East 95.88 feet to the west line of Amperssee Street; thence South 03 degrees 19 minutes 58 seconds East 20.19 feet along the west line of Amperssee Street; thence 134.10 feet along the south line of a 19.8 feet alley on a curve to left with a radius of 3480.20 feet and a chord of North 83 degrees 08 minutes 07 seconds West 134.09 feet; thence South 03 degrees 19 minutes 58 seconds East 62.61 feet parallel to the west line of Amperssee; thence North 86 degrees 40 minutes 02 seconds East 4.0 feet; thence South 03 degrees 19 minutes 58 seconds East 145.98 feet parallel to the west line of Amperssee 145.98 feet to the north line of East Michigan Avenue; thence 65.43 feet along the north line of East Michigan Avenue on a curve to right with a radius of 640.0 feet and a chord of South 81 degrees 11 minutes 20 seconds West 65.40 feet; thence South 84 degrees 06 minutes 54 seconds West 277.74 feet along the north line of East Michigan Avenue; thence North 31 degrees 57 minutes 04 seconds West 330.75 feet to the south line of a 100 foot railroad right-of-way; thence 537.45 feet along the south line of said railroad right-of-way on curve to right with radius of 3500 feet and a chord of South 88 degrees 03 minutes 54 seconds East 536.93 feet to the point of beginning.

Date: **09/17/12**

Item **H1**



CITY MANAGER REPORT
September 17, 2012

1. Departmental Reports and Project Updates

2. Communication
 - a. Inside the City, August 2012

3. Special Reports:
 - a. August 2012 Purchases

City Manager's Report

SEPTEMBER 17, 2012

Administration & Finance

➤ Assessor

Approximately 10% of all parcels in the City will be reviewed for the 2013 assessment roll.

➤ Budget and Accounting

Budget directives have been prepared and distributed to departments with a due date of September 17th.

A study is being conducted to identify and document all General Fund revenue sources.

The Budget & Accounting Division has received the Distinguished Budget Presentation Award from the Government Finance Officers Association for the FY 2012 Adopted Budget Document.

The 2nd Quarter Report has been submitted.

➤ Purchasing/Risk Management

In collaboration with City Departments bid documents were prepared, invitation for bids advertised and distributed through the City's website, and bids received for four purchasing projects.

Staff is administering prevailing wages for eight construction contracts.

The position of Purchasing/Mail Clerk has been filled.

➤ Treasury

No report.

Community Planning & Development

➤ Planning

The August 2nd Planning Commission meeting was cancelled. Rachel Hughes-Nilsson was appointed to the Commission to fill a vacancy. Two site plans were

processed for a building addition to Fabri-Kal on Manchester, and for a new building for Nature's Way Preschool on Oakland Drive.

The Food Truck ordinance was adopted and an application form was created for the food truck vendors. Amendments were approved to the Zoning Ordinance to allow limited food production and related light manufacturing uses in the downtown area.

Preliminary plans were received for a new hotel facility to be located directly west of the airport. The project will need a rezoning and site plan approval.

➤ Zoning

At the August 9th Zoning Board of Appeals meeting, the Board approved a dimensional variance for 1809 Reed Avenue to allow the off-street parking for Kalamazoo Air Soft to be located 450 feet from the subject property where 300 feet is the maximum distance per the Zoning Ordinance. The Board also granted four variances with conditions related to the erection of a 150 square foot L.E.D. reader board on the Park Trades Center building. This sign will be used for off-premises advertisement 50% of the time for businesses on the north side of Kalamazoo (in Census Tracts 2 and 3) with the remaining advertisement time being utilized for on-premises businesses. The final request approved by the Zoning Board of Appeals was a dimensional variance of two feet for a detached garage at 2221 Mount Olivet Road.

➤ Building & Trades

In the month of August 2012 there were 322 permits issued, representing \$610,225 in construction valuation. These figures brought year-to-date permits to 1,889 representing year-to-date construction valuation of \$31,986,607.

➤ Community Development

The 2013 Program Year HUD application process is currently underway. Three Pre-Application Submission Trainings were held to allow potential applicants the opportunity to ask questions about the application process for the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program (HOME). A total of 48 organizations attended the three sessions. The first phase of the application process, which is the Letter of Intent and Needs Worksheet, is due by September 10th. Grant applications are due by October 26th.

At the close of the 2011 Program Year, HUD requires that the City develop the Consolidated Annual Performance and Evaluation Report (CAPER), which is due by September 28th. The CAPER details the performance outcomes of the CDBG, HOME, and ESG funds. The performance of each subrecipient that received funds from the City and the activities performed by the City are described for public review. A fifteen day public comment period on the CAPER will begin on September 10th

and Community Development Act Advisory Committee (CDAAC) will hold a public hearing on September 13th.

Economic Development

➤ Brownfield Redevelopment

The Brownfield Redevelopment Authority (BRA) approved Brownfield Plan Amendment #20 on August 16th, and the City Commission approved the amendment on September 4th. The amendment adds four chapters to the plan and amends three existing chapters.

On August 16th, the BRA approved activities related to a lagoon closure at 511 East Paterson Street, the site of the former General Chemical Company.

The BRA also approved grubbing and vegetation clearing activities at BRA-owned properties located at 433 and 434 Ampersee Street and 667 and 701 East Michigan Avenue, and fencing of the Ampersee parcels. This work is intended to eliminate current trespassing issues on the property. The grubbing and clearing activities have since been completed, and fencing is scheduled to begin soon.

The BRA approved a contract for pre-demolition activities at the former Sun Chemical Company property located at 1807 North Pitcher Street. This property is owned by the county and an agreement has been reached between the county and the BRA whereby the activities will be managed by Economic Development staff and paid for using county funds that could be reimbursed should a redevelopment project be realized on the site in the future. Upon completion of the activities, the property will be transferred to the BRA for redevelopment purposes.

Staff has been in negotiations with prospective developers on at least five potential brownfield redevelopment projects relating to additional downtown and near downtown redevelopment. Staff has been working with development teams, internal staff, Southwest Michigan First and the Michigan Economic Development Corporation to support separate redevelopment projects.

➤ Economic Development

The City Commission approved changes to the PA 198 policy reducing the duration of tax abatements from 6 + 6 years to 6 years for real property and from 3 + 3 years to 3 years for personal property, and changing the fee from a graduated scale to a flat fee of \$1,500.

A PA 198 tax abatement application was received from Graphic Packaging International for a project involving the relocation of a \$7.9 million press from one of the company's Indiana facilities, in addition to several other equipment and plant renovation items.

Staff responded to various information requests from eight business prospects interested in starting or expanding a business in Kalamazoo.

Staff conducted business retention visits with two companies.

Human Resources

➤ September Training/Presentation Schedule

Class Title	Date	Time	Location
Discrimination & Harassment Prevention Training	9/19/12	7:30am – 11:00am	Harrison Facility (Training Room – Bldg. #24)
Municipal Employees Retirement System of Michigan (MERS) Presentation	9/11/12	11:00am – 12:00pm (Session #1)	City Hall (Commission Chambers)
		1:00pm – 2:00pm (Session #2)	

➤ Michigan Blood Drive

City of Kalamazoo sponsored a blood drive on September 11th at City Hall in the Community Room from 10:00am to 2:00pm. Employees who were interested registered online or contacted the Human Resources Department at 337-8070.

Information Technology

➤ Wastewater Operations

Public Services have entered into an agreement with Hach to provide a comprehensive software solution for plant and laboratory data. The new software will replace our existing SQL*LIMS program and add functionality for Wastewater Operations data handling and reporting needs. Preliminary work has begun on this project and an implementation timeline is being developed. IT staff is working with lab and operations staff to complete this project.

➤ Asset Management-Public Services

Staff has purchased the equipment module for our Lucity Asset Management System (Formerly GBA). This equipment module will allow for the migration of existing Proteus Maintenance Work Order system to Lucity and will allow us to further move toward a standardized approach to asset management and work orders. Data conversion and setup has begun.

➤ Fuel Management System

Staff is working with Fleet Services to replace the City's fuel management system. The software has been installed and controllers at the pumps at both Harrison and Stockbridge are being replaced. The new fueling system will utilize our existing proximity cards to authorize fuel eliminating the need for an additional fuel key.

➤ Assessing Contractor Access

Staff completed the setup for the City's assessing contractor to fully access all required City systems in a secure fashion including specific limited access to BS&A, the City's file and folder structure, and other components. This includes a site-to-site VPN which limits access from a specific subset of devices on the contractor's network to a specific subset of devices on the City's network.

➤ Metro ITS Project

Working with the vendor (Avail Technologies), staff completed installation of the Intelligent Transportation System (ITS) servers that will fully manage all aspects of the ITS implementation. This included all network related components including the wireless (cellular) network for the busses participating in the current pilot testing.

Four Metro Transit busses were fully equipped with ITS equipment in July for Pilot testing. This includes on-board computers, GPS tracking equipment, and cellular 4G networks to allow for testing of the real-time information data gathering and reporting for the ITS project. Upon successful completion of the Pilot test phase, Metro Transit will work with Avail Technologies to install the equipment on the remainder of the fixed-route busses.

Parks & Recreation

➤ Administration

Staff met with Greg Ayres and Michelle Falker from Discover Kalamazoo to discuss professional baseball coming back to Mayors' Riverfront Park/Homer Stryker Field and how Ms. Falker could assist Parks & Recreation in promoting our facilities for tournaments.

Staff met with Charlie Fleetham (Project Innovations), to discuss the 2012 Street Academy program. Staff will be working with Charlie in making some revisions to the program and are planning on offering the program this fall.

The Summer Youth Employment Program ended on August 17th. Approximately 120 youth participated. Youth Opportunities Unlimited (YOU) will be sending Parks and Recreation a final report within the next month.

➤ Parks

The Axtell Creek Park Playground Improvement project is out to bid. A pre-bid meeting was held on August 22nd and bids were opened on August 30th. It is expected that the project will be completed by year end.

The State of Michigan DNR approved the low bid contractor (Kamps Construction), to perform the construction of the LaCrone Park Phase 2 Improvement project. A contract needs to be put in place and approved by the City Commission prior to the work beginning. It is expected that the construction will be completed by year end.

The Spring Valley Park Stormwater Improvement project is in Purchasing and is being prepared to be put out to bid.

➤ Farmer's Market

Staff met with Purchasing to review the Request for Proposals (RFP) from qualified organizations/individuals for the operation, overall management and marketing of the Kalamazoo Farmers' Market to begin January, 2013. The successful proposal shall be expected to comply with all applicable Michigan Codes and Farmers Market rules. Our goal is to have the RFP out for bid by mid-September.

➤ Recreation

Summer Extended Camp sites were held at three locations: Milham Park, Douglass Community Association and the Youth Development Center (YDC). The programs ran from July 30th through August 16th and each site hosted approximately 50 participants. Activities at the camps included field trips, swimming at Kik Pool, game days, and the Milham Park site activities included Martial Arts. All three sites ended with a picnic and big game and/or carnival day with special games, prizes and snacks. Over 40 youth at the Douglass Summer Extended Camp participated in swim lessons at the Kik Pool, which was funded by monies from the Sally Appleyard estate.

The overall attendance at the Summer Extended Camps this year was up by 100 participants over last summer's attendance. The YDC site was very beneficial on the extremely hot days and turned out to be an attendance booster at that site, knowing the youth had air conditioning.

The Counselors in Training (CIT's) were treated to a thank you breakfast by the staff. The CIT's shared stories and received thank you letters and certificates of completion. Thirteen youth, ages 13-17, completed the CIT program and were an asset to the camps. Two CIT's were placed at each of the six camps; as well as, three with the Summer Fun in August sites.

Hip Hop Connection Dance Team completed its second session with a special dance games day and snacks. They also reviewed their dances they learned for family and friends.

Staff participated in the National Night Out event at the Edison Neighborhood Association on August 7th, where they provided fun games and activities along with face painting for youth and families. Staff also hosted a table that provided games and activities, for the Mothers of Hope event held in Spring Valley Park

With the aid of the Sears Grant from the Kalamazoo Community Foundation, Recreation staff was able to take 12 youth on an overnight camping trip. The group stayed at the Markin Glenn group campsite and learned how to set up a campsite, cook dinner over a fire, how to fish using a pop can and fishing line and also what it's like to camp in the rain.

Parks & Recreation and the Derek Jeter's Turn 2 Foundation partnered for the 8th consecutive year to host the Turn 2 Baseball Camp from August 8th through August 11th. There were 120 youth registered for the program, with an extensive wait list this year. Participants went through a variety of drills each day, were given daily messages from Derek Jeter's book, heard from local high school Turn 2 scholarship winners; as well as a special guest speaker, Mike Torrez, and had a banquet on the last day with their family to recognize their efforts for the four day camp. As an award for their hard work, positive attitude and daily attendance, 25 youth from the camp were chosen by the coaches to attend a Chicago White Sox vs. New York Yankees baseball game. The tickets, food, and transportation were provided by the Turn 2 Foundation.

Field Trip Fest 8 took place August 20th through August 24th. The program filled to capacity two days after registration opened. Besides the 60 youth who were able to participate, the program had 26 youth on a waitlist. This year's trips included going to Airway Lanes for golf, bowling, and arcade, to Western Michigan's Gable Natatorium for their pool and water obstacle course, riding Amtrak to Battle Creek to go to Full Blast, taking a tour of the DeBrand Chocolate Factory, and going to the Fort Wayne Zoo, visiting Jellystone Camping Resort for their four pools, three water slides, arcade, mini golf, and two oversized pillow trampolines, and the final trip was to Michigan's Adventure. We used the City's three vans; as well as, the Boys & Girls Club bus to transport the participants to their destinations.

Kik Pool is now closed for the season, a total of 4,074 swimmers participated in open swim and lap swim this year. Six "Learn to Swim" classes were held that served 165 participants and the "Swim for Success" program served 25 youth three times a week for eight weeks. The "Swim for Success" program was a partnership with the City and Kalamazoo College and was funded by Schupan & Sons.

Public Safety

- In August, Criminal Investigation Division (CID) was finally able to locate and arrest Sam Steel in Atlanta, Georgia with the assistance of a FBI Task Force. We have been searching for Steel for eight months since the homicide warrants were issued on him for the murder of Milo Conklin.
- Robert Medema, a long standing local business man, was killed in his home on August 10th. CID worked countless hours investigating this homicide and arrested two suspects on the August 17th. After the arrest, Detectives continue to spend considerable amount of time preparing the case for trial.
- Kalamazoo Valley Enforcement Team has investigated 68 meth labs for the year to date.

Public Services

- 170.5 cubic yards of bulk material, brush, etc. were picked up for the 2012 Building Blocks project at a total cost of \$6,017. Staff worked with Western Michigan University student housing owners to resolve bulk trash pick-up issues.
- Staff flushed hydrants and met with customers as needed to address water quality concerns.
- E-mail contact with the Kalamazoo River Watershed Council, the Kalamazoo Area Stormwater Work Group, and the Portage Creek Watershed Steering Committee. Staff prepared a letter for a TMDL Water Quality Monitoring Grant project submitted by W.M.U. The City committed to analyze ~500 samples (250 phosphorus and 250 TSS) during a two-year period.
- Staff has arranged using in-house crews to remove large amounts of debris from the Schippers property from approved and illegal dumping. City and Envirologic staff met on September 5th to discuss a draft report prepared for MDEQ in response to requirements within the Interim Remedial Action Plan (IRAP). A separate meeting was held with the MDEQ Project Manager on September 7th to discuss the status of the site prior to report submission. Staff plans to request reduced sampling frequency and reduced sampling parameters.
- Staff met with EPA Region V Superfund staff on September 5th in Chicago to discuss the implementation of the remedial action for the former Allied Disposal site. The Environmental Quality Company has submitted a fixed price to remediate the site by complete removal of all PCB contaminated material. EPA has responded by indicating they can't consider this option since, from a procedural perspective, it isn't allowed according to the conventional CERCLA Superfund process. Ahead of the meeting, a letter will be forwarded to EPA containing EQ's response to EPA's earlier comments. From the most recent EPA information, the Feasibility Study, which

presents an analysis of all viable options being considered by EPA will be released for public comment sometime in October.

- All reports have been submitted to the MDEQ prior to their due dates. The only remaining annual report is the Biosolids Report due in October.
- Biosolids composting pilot project has been completed. Kalamazoo Water Reclamation Plant (KWRP) primary plus secondary solids were composted with leaves and wood chips using mechanical windrowing. Necessary "time and temperature" requirements for Class A EQ biosolids was easily met. Composted biosolids were screened and mixed with sand to produce a final product prescription soil. The contractor and Public Services personnel collected samples throughout study to verify quality parameters. Contractor has submitted Pilot Project Report which includes the pilot project description and a summary of the analytical data. Environmental Services staff will discuss results with KWRP staff to determine next steps.
- Contract has been signed with Fishbeck, Thompson, Carr & Huber (FTC&H) to provide safety training, jobsite observations and compliance assistance, as needed. A safety training matrix and organizational charts were emailed to FTC&H Team leader ahead of time. A scheduled kickoff meeting to schedule new employee training and prioritize 2012 training requirements for all Department Personnel. Environmental Services and KWRP staff has conducted a gas detector, manhole safety work practice and accident reporting and investigation training for new personnel on August 30th.
- Hired two new employees for Streets. Staff continues to work on scatter site projects for paving and concrete sites. Forestry crews and contractor continue to deal with the Ash tree concerns.

Transportation

- **Ridership**

The ridership report for July 2012 indicates a total of 184,254 passenger trips taken on Metro Transit fixed route service. This is an increase of 25,949 passengers (+16.07%) from July 2011. Additionally, there were a total of 4,049 ADA trips taken. This is an increase of 216 rides (5.6%) along with 6,617 on Metro County Connect countrywide, an increase of 425 trips (+16.7%) from July 2011. When you include 692 Specialized Service trips the system total for July was 195,612 rides provided, which is an increase of 26,298 (+15.5%) higher than July 2011.

- **Diesel Fuel**

Metro Transit purchased 18,000 gallons of diesel fuel at \$3.3565 per gallon on August 17, 2012. The average year to date price is \$3.07. Diesel fuel is budgeted at

\$2.75 per gallon for 2012. Year to date thru August 7th, we have spent \$772,500 on diesel fuel.

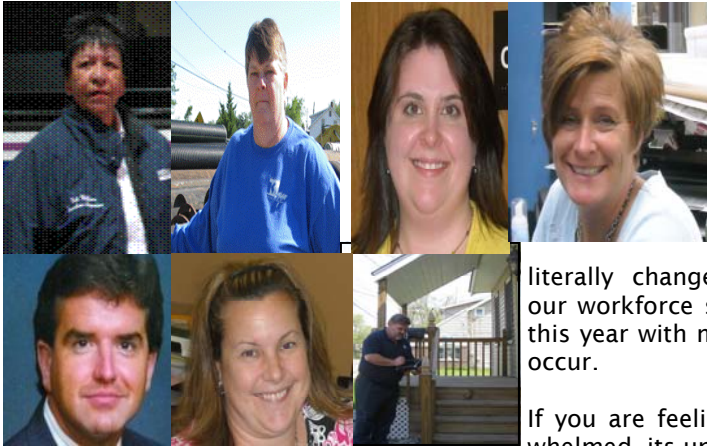
INSIDE *the* CITY

A primary source of news and information for City employees regarding internal events, policies and procedures that affect our work for the residents.



September 2012 Edition

Message from the City Manager's Office . . .



This is a very interesting time for the City.

Retirees, new hires and promotions have literally changed the face of our workforce since January of this year with more changes to occur.

If you are feeling a little overwhelmed, its understandable.

- » 265 employees eligible for early retirement
- » 219 employees accept early retirement

As of June 30, 2012:

- » 90 employees have retired
- » 129 employees scheduled to retire by 2014

Those numbers are pretty significant in departments like Public Safety where 64 employees will retire or Public Services with 91 employees. Consider the implications of a smaller sized department, such as the City Attorney's Office, when there are two less employees due to retirement.

» The plan does include 129 positions to be backfilled. Promotions throughout the organization may mean the colleague who was sitting next to you just yesterday could be your new supervisor tomorrow or may be located in another department working with completely different duties! And some staff are doing double-duty while vacant positions are in process of being filled.

No department stands alone; employee changes have or will occur in the City Manager's Office, City Attorney's Office, Human Resources, Management Services, Public Safety, Public Services, Community Planning, Economic Development, Parks & Recreation, and Metro Transit. How we deliver service has also changed.

More detailed information is located on page two of this issue of *Inside the City*. The complete report is online on the city's website on the Gov. Quick Links/ERI: September 4, 2012, ERI/SAP/Budget 2nd Quarter Report.

It is a testament to everyone's hard work and dedication that the process has been managed so successfully. Thank you for your patience, support and assistance.

INSIDE THIS EDITION

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Important Things to Know

Governor and Attorney General Approve Kalamazoo Charter Amendments for November Ballot 5



City's Plan to Solve \$6 Million Budget Deficit is Outpacing Projections

The City of Kalamazoo's plan to strategically reduce staff and realign service delivery is slightly ahead of schedule in eliminating a projected \$6 million budget deficit by 2014.

The latest financial projections estimate actual savings could reach \$7.9 million by Fiscal Year 2014, a development that's welcome news in the face of an unexpected write-off for \$2.4 million of uncollectable property tax bills dating back decades. These unpaid property taxes were transferred to the county's tax revolving fund in past years and have now been charged back to the city because the bills were ultimately uncollectible.

The August report is the first in a series of quarterly updates on the status of the Early Retirement Incentive/Strategic Alignment Plan that will reduce the city's workforce by 90 positions by 2014. That's the result of 219 city employees who have chosen to accept a retirement incentive and a strategic service-delivery plan that will fill only 129 of those vacancies. The retirements and new hires are planned over several years and will be completed by January 2014.

The financial impact projected through the end of this year predicts an additional net savings of \$2.2 million as the first groups of retirees leave and some new hires come on board. Those savings are in addition to the \$600,000 already included in the FY 2012 budget expected to result this year from the ERI/SAP. Jerome Post, city human resources director, reported that retirement departures are ahead of original expectations, while new hirings are slightly behind. According to Post, 90 city employees have retired to date, compared to 78 expected. He said that's primarily because some Department of Public Safety employees who were already qualified for retirement were allowed to leave in the early weeks of the program.

The plan had anticipated that 61 vacancies would be filled by the end of the second quarter; 46 actually have been filled. Salary costs for new hires are lower, because they have less seniority and their pay is based on newly negotiated rates that have been reduced 5 percent. The Strategic Alignment Plan had anticipated 39 city positions would be eliminated following retirements in the first six months of the year and that target was met. Another 51 positions will be eliminated as more retirees leave during the managed exodus over the next 18 months. The city's program continues to focus on maintaining a diverse workforce, the latest employment figures show. Before ERI-SAP implementation, Kalamazoo's municipal workforce was 70.8 percent male, 29.2 percent female, 79.6 percent white and 20.4 percent minority. At the end of the second quarter, the figures were 70.3 percent male, 29.7 percent female, 79.4 percent white and 20.6 percent minority.

City staff have recruited at a variety of job fairs and in professional circles to attract new job applicants. A list of available jobs and the means to apply online are found on the city's website at <http://agency.governmentjobs.com/kalamazoomi/default.cfm>.

The ERI program—accepted by 219 of 265 eligible employees—allows the city to manage a turning-point exodus of manpower and institutional knowledge. Nearly 25 percent of the city's workforce would have been eligible for regular retirement over the next five years anyway. By agreeing to ERI, departing employees are leaving on a schedule managed by the city that reflects cost-saving new hiring and program changes. Overall program savings also are budgeted to repay the city's pension fund roughly \$5.6 million, the cost of implementing the early retirement initiative. Eliminating 90 staff positions means the city will have to do some things differently, more efficiently, while maintaining core services. Here are some examples of planned changes to accomplish that:

- ◇ Many departments will absorb the work of departing retirees without replacing them. Technology improvements like online utility payments, Coplogic, a new, online method for the public to report non-emergency crimes, and NEOGOV will help perform some of that work more efficiently.
- ◇ Current rental housing certifications that are effective for 28 and 40 months will be extended an additional 6 or 12 months as the number of inspectors is reduced from seven to four. Existing rental certificates are being extended by 6 months to assist with the departmental transition.
- ◇ A multi-department, collaborative team has been redesigned to expand resources for enforcing code compliance and improving quality-of-life issues in our neighborhoods. It includes manpower committed by Public Safety's COPS Division, Public Services and Community Planning and Development.
- ◇ Private contractors are being used in high-need times to supplement the city's smaller building inspection team. Other services like mowing, custodial and property-assessing work also have been outsourced at lower costs.
- ◇ SWMF will be contracted to replace in-house economic development outreach services and to handle business investment tax break applications.
- ◇ Reorganization of Public Safety divisions and work schedules reflect reduced staffing. At the end of the second quarter, the department had 224 sworn officers, down from 243. Coplogic is expected to go live by October.
- ◇ Cross-training utility workers to handle both operations and maintenance jobs.
- ◇ Work responsibilities are being transferred to other departments to better capitalize on staff and resources. For example, Community Planning and Development is taking responsibility for neighborhood issues like weed ordinance enforcement from Public Services, while the clerk's office will take on brownfield reporting from Economic Development and city commission agenda preparation from the City Manager's Office.

Staff Changes



RETIRES

Community Planning

Wayne Cutler, Electrical Inspector
28 years of service

Lee Larson, Building Inspector/Plan
Review Rehab Technician
20 years of service

Margaret Mixon, Anti-Blight/DBB Clerk
27 years of service

Metro Transit

Lorraine Brown, Dispatch Supervisor
28 years of service

Betty Clark, Payroll Clerk
33 years of service

Milo Quick, A Mechanic
5 years of service

Yolanda Williams, Dispatch Supervisor
23 years of service

Public Safety

Martin Buffenbarger, Public Safety
Sergeant
22 years of service

Public Services

Robert Baxter, Lead Maintenance
Mechanic
21 years of service

Jerry Blackburn, Wastewater
Operator II
24 years of service

David Deright, Wastewater
Operator/Maintainer II
21 years of service

Gary Ossino, Wastewater
Operator/Maintainer I
25 years of service

William Vandusen, Water Operator III
24 years of service

PROMOTIONS AND LATERAL MOVES

Community Planning

Nancy Hess, Housing Inspector II to
Code Compliance Inspector II

Laura Loviska, Clerk Cashier II to Com-
munity Development Secretary

Metro Transit

Jermaine King, Part Time Driver to Full
Time Driver

Matthew Koops, Part Time Driver to Full
Time Driver

Ken Teutsch, Part Time Driver to Full
Time Driver

Yvonne Thrash, Dispatch Supervisor to
Operations Manager

Marcel Williams, Part Time Driver to Full
Time Driver

Public Safety

Michelle Deleeuw, Part Time Dispatcher
Day to Full Time Dispatcher Night

Laura Heckelman, Part Time Dispatcher
to full Time Dispatcher Night

Public Services

Mark Klok, Wastewater
Operator/Maintainer Appr to Environ-
mental Service Tech II

NEW HIRES

Community Planning

Jason Brinkuis, Building Inspector/
Plan Review Technician

Michael Deitz, Housing Inspector II

Mark Hess, Building Inspector/Plan
Review Technician

Michael Nelson, Code Compliance II

Metro Transit

Erica Harvey, Part Time Driver

Angie O'Bryant, Part Time Driver

Reginal Spencer, Part Time Driver

Sonia Spencer, Part Time Driver

Onetress Thompson, Part Time Driver

Public Services

Richard Brown, Environmental Service
Tech III

Melissa Gaston, Wastewater
Operator/Maintainer Appr

Thomas Koporetz, Process Control
Engineering Supervisor

Malissa Miller, Environmental Service
Tech II

David Vandyk, Environmental Service
Tech I

Sean Wagster, Environmental Service
Tech I



Kalamazoo's City Attorney Robinson
Legal Leader in Michigan Municipal Law

Kalamazoo City Attorney Clyde Robinson has collaborated with Thomas M. Cooley Law School professor Gerald Fisher to publish a new, authoritative legal guide for municipal government attorneys.

The pair edited the 700-page "Michigan Municipal Law" volume recently published by the Ann Arbor-based Institute of Continuing Legal Education. In addition, Robinson co-authored a chapter on "Implementing Local Policies" that outlines procedures for drafting and adopting local ordinances and guidelines for local initiatives, referendums and charter amendments.

The new book is considered the most comprehensive and contemporary guide to Michigan municipal law issues ranging from property taxes and liquor licensing to ordinance enforcement and medical marijuana operations. But even as the ink was drying, Michigan lawmakers enacted new election laws in early July not included in the latest publication.

Robinson and Fisher are among 29 practicing attorneys, representing in-house municipal counsel, private practices and the Michigan Attorney General's office, who contributed chapters to the legal volume. Former Kalamazoo city attorney Don M. Schmidt, now in private practice with Miller Canfield, was tapped to co-author a chapter entitled "Sunshine Laws and Local Government." It deals with Michigan's Open Meetings Act and Freedom of Information Act, both preserving the public's access to the actions and records of the state's governmental units. According to Robinson, this marks the second time ICLE has commissioned a comprehensive update on pertinent statutes and case law pertaining predominantly to legal issues facing Michigan's cities. Authors were chosen for their legal expertise on specific topics.

"I wish I had paid better attention in English class," Robinson grinned, recalling his editing duties. "For some articles, the reading was effortless. Others needed a little more work by way of elaboration on the basic concepts."

Two new topics included in the 2012 volume are intergovernmental cooperation - an issue elevated by tenuous finances and state incentives - and medical marijuana - a 2008 ballot initiative passed by Michigan voters that allows the cultivation, distribution and use of the otherwise controlled substance by persons with certain medical conditions. Robinson said the volume - complete with sample forms and precedent court decisions - is a reference for attorneys on both sides of municipal law issues and procedures. Some "hard copies" have been printed and will be distributed to Michigan law schools. But most ICLE members will have access to the complete volume online.

The Kalamazoo city attorney who has 32 years of municipal law experience said the honorarium he received for his 100-plus hours of evening and weekend editing work "probably represents something at or less than minimum wage." "When I saw the book, I felt a sense of accomplishment," Robinson said. "There's a certain amount of pride in doing this work." Kalamazoo city commissioners approved Robinson taking on the private editing work in November 2010. When Robinson recently shared the final product with city commissioners, he joked that he might need time off for the book promotion tour.

"I was talking about doing the Today Show and Letterman," Robinson mused. "(Commissioner) Don Cooney said more likely Nickelodeon at Night."

14th Annual Employee Appreciation Celebration

The August edition of *Inside the City* included acknowledgement of the 14th Annual Employee Appreciation. With apologies to several employees, their names were not included in that recognition. Please congratulate:

30 Years of Service

Tammy Williams

25 Years of Service

Brian Burlingham
Chris Tomilo

20 Years of Service

Tammy Wright

Thank you to everyone for your commitment to the organization and our community!

GOVERNOR AND ATTORNEY GENERAL APPROVE KALAMAZOO CHARTER AMENDMENTS FOR NOVEMBER BALLOT

The Kalamazoo City Commission's charter amendment language for the November ballot has been approved by the offices of the governor and the attorney general.

Kalamazoo voters will decide on proposed charter amendments on Nov. 6. Commissioners voted in July to put the proposals on the ballot.

Joshua O. Booth, assistant attorney general opined the charter amendment language conforms to the Home Rule City Act.

Governor Snyder said he approved the proposed amendment for placement on the Nov. 6 ballot, based on the review by the attorney general's office.

The proposed charter amendments include:

- changing city commission meetings to twice a month from every two weeks
- changing the time period for collecting signatures on city commissioner nominating petitions from between 60 and 30 days before the election to a 60-day window
- moving the inaugural meeting following the November odd-year election to 7 p.m.
- requiring public notice of a newly adopted ordinance in a newspaper of general circulation in the city, instead of one that is printed in the city
- changing where the city is allowed to publish those notices

Other proposals include: allowing the city commission to appoint a board of election inspectors for each precinct in conformance with state election law and ; deleting references to the city health inspector, a position that hasn't been filled for years.





INTEROFFICE MEMO

To: Kenneth P. Collard, City Manager, ICMA-CM, P.E.

From: Nicholas Lam, CPPO, Purchasing Director *N. Lam*

Date: September 4, 2012

Subject: August 2012 Purchases

I am forwarding for the City Commission and your information a summary of the purchases and change orders between \$50,000 and \$100,000 administratively approved during August 2012.

c: Thomas Skrobola, Director of Management Services, CFO

August 2012 PURCHASES ADMINISTRATIVELY APPROVED BETWEEN \$50,000 AND \$100,000

DESCRIPTION	VENDOR		AMOUNT	COMMENT
	Location	MBE/WBE?		
Provide professional safety consulting services for City operations	Fishbeck, Thompson, Carr & Huber Grand Rapids, MI	No	\$93,000.00	Chosen using qualifications based selection process
18,000 gallons diesel fuel	Lemmen Oil Company Coopersville, MI	No	\$60,417.00	Low bid
18,000 gallons diesel fuel	Petersen Oil Company Greenville, MI	No	\$56,214.00	Low bid

August 2012 CHANGE ORDERS ADMINISTRATIVELY APPROVED BETWEEN \$50,000 AND \$100,000

DESCRIPTION	VENDOR		COMMENT
	Location	MBE/WBE?	
There were no change orders between \$ 50,000 and \$ 100,000			