

6:00 p.m. City Council Committee of the Whole.

7:30 p.m. Call to Order.

Swearing in of Student Mayor and Councilmembers for the Day

Invocation: Pastor Joan Herbon of the Lord of Life Lutheran Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Fair Housing Month Resolution.
2. Lending Hands of Michigan Month Proclamation.

A. Approval of the Committee of the Whole and Regular Meeting Minutes of March 10, 2015.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of March 24, 2015, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council establish a public hearing for April 28, 2015, to consider resolutions to:
 - a. adopt the recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water;
 - b. adopt the recommendation that the water commodity rate remain at \$3.19 per 1,000 gallons of metered water;
 - c. adopt the recommendation that adjustments be made to both the sewer and water base quarterly charges;
 - d. adopt the recommendation that the new rates become effective on October 1, 2015; and
 - e. adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2015 Utility Rate Financial Study.
- * 2. Communication from the City Manager recommending that City Council:
 - a. approve Contract 15-5048 between the Michigan Department of Transportation and the City of Portage for improvements along South Westnedge Avenue from Mall Drive to Dawnlee Avenue;
 - b. adopt a Resolution authorizing the City Manager to sign Contract 15-5048, and authorize the City Manager to sign all other documents related to this project on behalf of the city.
- * 3. Communication from the City Manager recommending that City Council adopt:
 - a. a resolution setting a public hearing to deed the easement rights located in Lexington Green, Lexington Green No.1 and Lexington Green No. 3 plats, to the Lexington Green Drain #319 Drainage District, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015;
 - b. a resolution to grant an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction, operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court, approve a license agreement to perform drainage work in Lexington Green Park, and place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015;
 - c. a resolution to transfer jurisdiction and ongoing maintenance of the storm drainage systems in Commercial Avenue, Environmental Drive, Quality Way, Quality Court, as well as drain crossings at Meredith Street

and Bishop Avenue, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015, and authorize the City Manager to execute all documents related to the above resolutions on behalf of the city.

- * 4. Communication from the City Manager recommending that City Council approve the revisions to the Brownfield Redevelopment Incentive Policy.
- * 5. Communication from the City Manager recommending that City Council adopt the resolution of support for the Kalamazoo County Brownfield Redevelopment Authority Brownfield Redevelopment Plan for 4460 Commercial Drive for tax capture in the maximum amount of \$100,634 over a period of up to 20 years (including five years for the Local Site Remediation Revolving Fund) or when eligible activities have been fully reimbursed, whichever occurs first.
- * 6. Communication from the City Manager recommending that City Council:
 - a. accept Ordinance Amendment #14/15-A for first reading and set a public hearing for April 28, 2015, and
 - b. subsequent to the public hearing, approve Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations.
- * 7. Communication from the City Manager recommending that City Council approve the purchase of a 2015 Elgin Street Sweeper, through the State of Michigan purchasing program (MiDEAL) at a purchase price of \$146,207 and authorize the City Manager to execute all documents related to these purchases on behalf of the city.
- * 8. Communication from the City Manager recommending that City Council set a Committee of the Whole (COW) Meeting for Tuesday, April 14, 2015, at 6:00 p.m. in Conference Room No. 1 to discuss supporting regionalization while focusing on Portage.
- * 9. Communication from the City Manager recommending that City Council adopt the Resolution Designating Polling Places and Rate of Compensation for the May 5, 2015 Special Election.
- * 10. Communication from the City Manager regarding the sale of city property (10323 Archwood Drive update) – Information Only.
- * 11. Communication from the City Manager regarding the February 2015 Summary Environmental Activity Report – Information Only.
- * 12. Department Monthly Reports.

G. Communications:

- 1. Presentation from Environmental Board Secretary Tim Winslow regarding Single-Stream Recycling, including a Resolution adopted by the Environmental Board.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

- 1. Portage Human Services Board of February 5, 2015.
- 2. Portage Youth Advisory Committee of February 9, 2015.
- 3. Portage Planning Commission of March 5, 2015.
- 4. Portage Brownfield Development Authority Draft of March 11, 2015.

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council award an engineering contract for the Stormwater, Asset Management, and Wastewater Program (SAW) to Hurley & Stewart, LLC, in the

amount not to exceed \$209,000 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.
2. From City Council and City Manager.
- * 3. Reminder of Meetings:
 - a. Thursday, March 26, 4:30 p.m., Public Media Network Board of Directors, 3rd Floor, 359 South Kalamazoo Mall.
 - b. Wednesday, April 1, 8:15 a.m., Historic District Commission, City Hall Room No. 2.
 - c. Wednesday, April 1, 6:30 p.m., Park Board, Schrier Park.
 - d. Thursday, April 2, 6:30 p.m., Human Services Board, City Hall Room #1.
 - e. Thursday, April 2, 7:00 p.m., Planning Commission, Council Chambers.
 - f. Wednesday, April 8, 7:00 p.m., Environmental Board, City Hall Room No. 1.
 - g. Monday, April 13, 6:30 p.m., Youth Advisory Committee, City Hall Room No. 1.
 - h. Monday, April 13, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
 - i. Tuesday, April 14, 6:00 p.m., Committee of the Whole Work Session, City Hall Room No. 1.

N. Materials Transmitted.

Adjournment.

CITY COUNCIL MEETING SUMMARY

March 10, 2015

ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Check Register of March 10, 2015, as presented.

PUBLIC HEARING

- ◆ Adopted Resolution No. 5 for the West Osterhout Avenue Sanitary Sewer Project #414-S, confirming the Special Assessment Roll.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ City Manager Laurence Shaffer, all Councilmembers, Mayor Strazdas and City Clerk James Hudson congratulated Parks, Recreation and Senior Citizens Services Director Adam Herringa on his promotion from Deputy City Clerk.

REPORTS FROM THE ADMINISTRATION

- ◆ Approved the revisions to the city's Industrial Tax Abatement Incentive Policy.
- ◆ Set a Committee of the Whole (COW) Meeting for Tuesday, March 24, 2015, at 6:00 p.m. in Conference Room No. 1 to discuss promoting Community Engagement and the role of social media in order to communicate with Portage citizens.
- ◆ Confirmed the appointment of Adam Herringa as the Director of Parks, Recreation & Senior Citizen Services, effective March 30, 2015.

UNFINISHED BUSINESS

- ◆ Adopted the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2012 edition of the International Fire Code.
- ◆ Authorized the City Administration to begin Leaf, Brush and Spring Cleanup collections with residential property owners along private streets who have fulfilled the required conditions with the Department of Public Services for extending the collection programs to private streets.

COUNCIL COMMITTEE REPORTS

- ◆ Council received the March 10, 2015 City Manager Employment Manual Task Group Report.

BID TABULATIONS

- ◆ Awarded a two-year contract for pavement marking services to selected streets to Michigan Pavement Markings, LLC in an amount not to exceed \$89,000 for the first year and an estimated amount of \$126,583.75 for the second year, with an option for four one-year renewals, and authorized the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Awarded a contract for the purchase of traffic signal poles, mast arms and assemblies for select city locations to Carrier and Gable, Incorporated, in the amount not to exceed \$77,654 and authorized the City Manager to execute all documents related to this matter on behalf of the city.
- ◆ Approved the bid for oil and grit separator improvements to Lounsbury Excavating Inc., of Paw Paw, Michigan in the amount of \$34,000 and authorized the City Manager to execute all documents related to this matter on behalf of the city.
- ◆ At the request of the West Lake Improvement Association, awarded a contract for the 2015 West Lake Management Program to Professional Lake and Land Management Corporation, for lake weed treatment measures in the estimated annual amount of \$15,120, approved three additional one-year extensions to the contract, and authorized the City Manager to execute all documents related to this action on behalf of the city.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Ford expressed his enthusiasm to be able to discuss Social media at the next Committee of the Whole (COW) Meeting.
- ◆ Councilmember Randall expressed her appreciation for the COW, the opportunity to work together on some long overdue topics that are long overdue. She said she is filled with optimism on many different fronts, and weather is one of them. Mayor Strazdas concurred and mentioned the PA 198 Policy approved tonight that was the result of the work by Council at a COW Meeting.
- ◆ Councilmember Urban expressed his enjoyment when he attended his Father-Daughter Dance at Portage Central Elementary School with his seven and nine year old daughters.
- ◆ Councilmember Reid explained that Councilmember Ansari's reference to the \$23,000 from Public Media Network (PMN) stems from their standardizing the equipment among the municipalities, purchasing the City of Portage equipment and supplementing it as necessary which makes it easier for staff and volunteers to operate and provides system back-up equipment.
- ◆ City Manager Shaffer announced that the Zoetis Corporation is giving the City of Portage \$10,000 in support of the Dog Park effort. Also, an anonymous donor will be committing \$20,000 to the effort where \$56,000 will be necessary.
- ◆ Mayor Strazdas thanked AT&T for their annual donation to the Winter Blast Race of Portage. He also highlighted the Revisions of the Industrial Tax Abatement Policy passed by City Council earlier in the meeting and thanked them for it. He thanked the media for the coverage of the South Westnedge project although he had a number of phone calls over the weekend on it from many businesses who expressed concern for a potential negative impact and asked for a report back from the City Manager on the plan of action regarding this matter.

COMPLETE MINUTES OF EACH CITY COUNCIL MEETING ARE AVAILABLE ON THE CITY WEBSITE AT PORTAGEMI.GOV, IN CITY HALL AND IN THE DISTRICT LIBRARY. MINUTES OF CITY BOARDS AND COMMISSIONS ARE AVAILABLE ON REQUEST FROM VARIOUS DEPARTMENTS.



City of Portage Proclamation

FAIR HOUSING RESOLUTION

WHEREAS, 2015 is the 47th anniversary of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended, to prohibit housing discrimination when based on race or color, national origin, religion, sex, familial status or disability, and declared that equal housing opportunity is a basic right of every American; and

WHEREAS, the Michigan State Legislature passed the Elliott-Larsen Civil Rights Act of Michigan in 1976 to protect people from housing discrimination based on religion, color, race, national origin, age, sex, familial status or marital status; and

WHEREAS, the Michigan State Legislature passed the Michigan Persons and Disabilities Civil Rights Law of 1976 to protect individuals with disabilities from housing discrimination; and

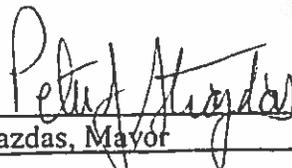
WHEREAS, the City of Portage has completed an Analysis of Impediments to Fair Housing, and annually undertakes activities to further fair housing efforts and educate the public on fair housing issues; and

WHEREAS, equal housing opportunity is a goal to be achieved within the City of Portage.

NOW, THEREFORE BE IT RESOLVED, that I, Peter J. Strazdas, by virtue of the authority vested in me as the Mayor of Portage, Michigan, do hereby resolve the month of April 2015, as *FAIR HOUSING MONTH* in hope that this observance will promote fair housing practices throughout the City.



Signed this 24th day of March 2015


Peter J. Strazdas, Mayor



City of Portage Proclamation

LENDING HANDS OF MICHIGAN MONTH

WHEREAS, the mission of **LENDING HANDS OF MICHIGAN** is to lend various kinds of medical, home health and other related equipment for free and to anyone living in the service area, for up to nine months, regardless of age, sex, creed, race, income or disability; and

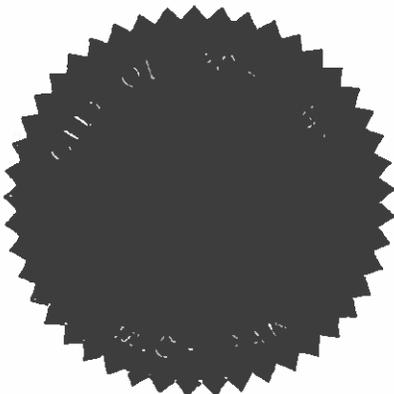
WHEREAS, **LENDING HANDS OF MICHIGAN** provided 3,195 clients 5,694 pieces of free home medical equipment in 2014 for a total of 655,879 days with an average per use per client of 7.3 months, which is an increase of 8.2% in the number of clients served and 36.2% increase in equipment provided over 2013; and

WHEREAS, this represents a total savings of \$1,051,026 or an average savings of over \$353 per client; and

WHEREAS, a total of 1,132 pieces of home medical equipment of various kinds of supplies were donated in 2014 to **LENDING HANDS OF MICHIGAN** and a total of 52 volunteers provided 5,486 hours of service during 2014 with a value of \$114,383; and

WHEREAS, the donation total in 2014 was \$64,700, and donors received \$18.00 for every dollar invested/donated, plus a total of 1,132 pieces of home medical equipment of various kinds were donated in 2014 to **LENDING HANDS OF MICHIGAN**.

NOW, THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, do hereby proclaim May 2015, as **LENDING HANDS OF MICHIGAN MONTH** in the City of Portage and urge our citizens and all agencies and organizations interested in meeting the need for free home medical equipment owing to current economic conditions, decreases in insurance coverage, cuts to retirement benefits, high unemployment and less benefits from the government.



Signed this 24th day of March 2015

Peter J. Strazdas, Mayor

**MINUTES OF THE COMMITTEE OF THE WHOLE WORK SESSION
OF MARCH 10, 2015**

Mayor Strazdas called the meeting to order at 6:03 p.m. The following Councilmembers were present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. Randall and Claudette Reid, and Mayor Peter Strazdas. Councilmember Terry Urban arrived at 6:07 p.m. Mayor Pro Tem Jim Pearson was absent with notice. Also present were City Attorney Randy Brown, City Manager Larry Shaffer, Deputy City Manager Rob Boulis, Community Development Director Vicki Georgeau and City Clerk James Hudson.

Mayor Strazdas reviewed the past COW Meetings and confirmed that the topic, "Study of the City Retail Profile to guide City Council efforts," had been deferred to the COW Meeting tonight from the last meeting. He announced that the March 24, 2015 COW Meeting would be a discussion of promoting community engagement through the use of social media which is an extension of the discussion tonight. He mentioned the plan to discuss a portion of the Comprehensive Plan, the "Miracle Three miles" of Portage, Portage Commerce Square and the risk of an overbuilt commercial community.

Councilmember Reid asked that the impact of the switch to retail on-line be addressed.

Mayor Strazdas introduced Community Development Director Vicki Georgeau, who began a discussion of the City Retail Profile as a guide for City Council efforts and referenced the Crossroads Mall, South Westnedge Avenue, Milham Avenue, Centre Avenue and the mixed uses on Shaver Road. She pointed out that there has not been plans for large areas, but core nodes to serve neighborhoods, and emphasized that in 2002 and 2008, a key strategy of the plan was not to build to compete with what we have. She said that the amount of land area in the City designated for commercial use has remained relatively stable during the ten year period between 2002 and 2012 with land area used for commercial purposes averaging approximately 910 acres, or 4.1% of the total during this time period. She discussed the commercial revitalization area, large malls that are failing because of the recession and vacancies such as Kmart and the old Sam's Club properties that are filling up and are strong for now. She said that the trend now is going from the big boxes to mixed use and small or midsized boxes and this was made possible in 2011 with the Zoning Code Amendments regarding redevelopment. Discussion followed.

In answer to Councilmember Ansari, Ms. Georgeau indicated that there has been internal planning around large parcels in the industrial corridors to ensure the parcels are ready for development. She mentioned particular interest has been given recently to the Brownfield sites, and gave the example that Accu-Mold wants to move to Industrial Drive. She stressed this is important for employment, tax base and higher paying jobs.

City Manager Larry Shaffer indicated that the revisions to the Industrial Tax Abatement Incentive Policy is on the Regular City Council Meeting Agenda for Council Consideration at 7:30 p.m. He listed some of the many assets the City of Portage has to offer and indicated that the process and incentives of the Policy are commensurate with the Industrial growth needs of the City. Discussion followed.

In answer to Councilmember Randall, Ms. Georgeau indicated that there is no control over the types of stores or concerns that may rent space in the various business zoned properties in the City. City Attorney Randy Brown indicated that when the property is owned by the City, more control is possible. Discussion followed.

Councilmember Reid expressed a concern that the quality of some stores was going down, and she asked whether the City was assessing the quality of the current commercial retail establishments and/or tracking what kinds of stores are in close proximity to one another in order to get a proper mix. Discussion followed regarding the frustration that the Chamber of Commerce no longer has a support system for small businesses and the need to work with them to formulate one.

Councilmember Urban reminded Council that the West Main and the Maple Hill Malls disappeared and that the City needs to be prepared in order to minimize any impact from events such as this here in Portage.

Councilmember Ford expressed his opinion that the anchor stores would possibly be closing owing to an outlet mall that is planned to be built 45 minutes away.

Councilmember Ansari emphasized the need to work with the Chamber of Commerce and Southwest Michigan First. Mayor Strazdas summed up the need to find out how the City can work with the owners of the Crossroads Mall to help them to be successful.

Mayor Strazdas introduced the discussion of the City Visioning Process letting everyone know that there were 150 participants in Portage 2025 in 2007 with four forums that were two hours in length, and a renewal event in 2008. He reviewed some of the many goals presented by the first event that were opportunities for citizen engagement, including: the City Center Area Plan, the 2011 Community Survey, the 2013 Business Sign Forum, the Lake Center District Informational Planning Meeting of April 2013, and the 2014 update of the Comprehensive Plan. He offered the suggestion to host a one-evening visioning project similar to the Portage 2025 Renewal Event of 2008 as an effective means of increasing citizen engagement. He also advocated the use of a professional facilitator plus a keynote speaker along with community wide announcements and any other promotions to get the word out. He said topics should include Comprehensive Plan topics, and a discussion of “branding” was mentioned.

Since it has been seven years since Portage 2025 and there has been contraction and survival in the commercial realm, and Mayor Strazdas indicated that there is a need to get citizens of Portage engaged for a brighter future, and that he believes Portage citizens are ready for another visions process. He recommended a keynote speaker and to connect the things that happened since 2008 to the 2025 Visioning Process to see what has been done. Discussion followed regarding brainstorming and transformation.

When asked by Mayor Strazdas, Environmental Board Member Martha Dahlinger, 2612 Chopin Avenue, agreed that this strategy would be very useful and Councilmember Reid concurred saying it is important for citizen participation to know what has been done in the past. She proposed a series of programs on Public Media Network and that they also be posted on the city website. Discussion followed.

Councilmember Reid mentioned that that the Council of Governments (COG) has been discussing the citizen engagement topic and COG is really focusing on notification and informing as it is important to let the public know at what stage they are entering into a process and to know where the work performed has had an impact.

Discussion followed and City Manager Shaffer stressed that a good Capital Improvement Program starts with the neighborhoods to let them know what the City is doing and that measurement is key. He noted that the option of Big Data research with the BS&A Software is used to inform citizens whether or not we accomplished the goals of a plan.

Councilmember Reid indicated that the development of Center Avenue took nine months of visiting and planning and suggested the use of Portage Alert to target a particular area and to utilize social engagement tools to get citizens involved.

Mayor Strazdas interjected that that is the topic of the next COW where Technology Director Devin Mackinder will present the technology tools and techniques applicable for this purpose.

STATEMENTS OF CITIZENS: Martha Dahlinger, 2612 Chopin Avenue, indicated that the last Census revealed that things are changing dramatically. She noted that a lot of stores no longer exist; that sustainability and brainstorming are important considerations for growth; and, that preparation should include contacting neighborhoods to get citizens together so they can establish a comfort level ahead of time for their discussions.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:08 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM MARCH 10, 2015

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

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

The City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, and Mayor Peter Strazdas. Mayor Pro Tem Jim Pearson was absent with notice. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ansari, to approve the Committee of the Whole Meeting Minutes and the Regular Meeting Minutes of February 24, 2015, as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Mayor Strazdas removed Item F.2, March 24, 2015 Committee of the Whole (COW) Meeting, from the Consent Agenda. Motion by Reid, seconded by Ansari, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0 with Mayor Strazdas abstaining from Item L.4, West Lake Weed Management – 2015 Application Program.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 10, 2015:** Motion by Reid, seconded by Ansari, to approve the Accounts Payable Register of March 10, 2015. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT #414-S: Mayor Strazdas opened the public hearing and deferred to City Manager Larry Shaffer, who indicated that Rick Griffioen, 325 West Osterhout Avenue, objected to the Special Assessment and wanted time to combine the two properties to save the charges for 66 feet of frontage, as it is vacant land and is not really much of a benefit to him. Mr. Shaffer indicated that Mr. Griffioen combined the parcels and the Special Assessment Roll reflects the adjusted amounts as a result. Mr. Shaffer also pointed out that if the combined property was split in the future, the newly formed parcel would be assessed at the rate of an 80 foot lot, so the cost would be higher than that of the 66 foot lot as it exists currently.

Mayor Strazdas introduced Transportation & Utilities Director Chris Barnes, who explained that the public hearing is for sanitary sewer on West Osterhout Avenue, from Lloy Street to South Westnedge Avenue. He indicated that the project will be completed in conjunction with the planned reconstruction of the street and other improvements, including individual sewer laterals.

In response to Councilmember Ford, Mr. Barnes indicated that the life expectancy of the road is 20 years.

Dave Hoeksema, 443 West Osterhout Avenue, objected that he does not see a benefit to him from the project. He said that there are four houses on the street that take up 67 acres of land, which is rural to him. He indicated that the City has placed his property in a Tier 2, which is installation of sewer, but not hooking up to it, and he argued that he is a Tier 3 owing to the rural nature of this area. Discussion followed.

Motion by Reid, seconded by Ansari, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Urban, seconded by Reid, to adopt Resolution No. 5 for the West Osterhout Avenue Sanitary Sewer Project #414-S, confirming the Special Assessment Roll. Upon a roll call vote, motion carried 6 to 0.

STATEMENTS OF CITIZENS: Mayor Strazdas congratulated newly appointed Parks, Recreation and Senior Citizens Services Director Adam Herringa, asked City Manager Laurence Shaffer to comment on his selection and invited Mr. Herringa to say a few words. Mr. Shaffer reflected that he has interviewed many, many candidates over the years and Mr. Herringa was chosen by a large margin in this instance noting that he has provided a multitude of services to this community, his creativity, energy and enthusiasm giving him a great expectation that he will continue the fine work of Bill Deming and the quality of life of our citizens will be enhanced by his time in office. Mayor Strazdas concurred and all of Council and the City Clerk congratulated Adam, expressed their appreciation for his work and admiration of his leadership and confidence that he will perform very well in his new position.

Mr. Herringa introduced his wife, Rebecca Clore, who has always been supportive of him and his career and said, "Hell-o" to his two daughters at home. He thanked all for their kind words, indicated that he was looking forward to this exciting opportunity, as he considers it a privilege to continue to serve the citizens of the community in new and even greater ways. He thanked them for his support and said he was looking forward to "getting started."

REPORTS FROM THE ADMINISTRATION:

* **INDUSTRIAL TAX ABATEMENT INCENTIVE POLICY - REVISIONS:** Motion by Reid, seconded by Ansari, to approve the revisions to the city's Industrial Tax Abatement Incentive Policy. Upon a roll call vote, motion carried 6 to 0.

MARCH 24, 2015 COMMITTEE OF THE WHOLE: Mayor Strazdas indicated that the topic for the next Committee of the Whole (COW) needs to change slightly and asked for a motion to reflect that. Motion by Urban, seconded by Reid, to set a Committee of the Whole Meeting for Tuesday, March 24, 2015, at 6:00 p.m. in Conference Room No. 1 to discuss promoting Community Engagement and the role of social media in order to communicate with Portage citizens. Upon a roll call vote, motion carried 6 to 0.

* **DIRECTOR OF PARKS, RECREATION & SENIOR CITIZEN SERVICES APPOINTMENT:** Motion by Reid, seconded by Ansari, to confirm the appointment of Adam Herringa as the Director of Parks, Recreation & Senior Citizen Services, effective March 30, 2015. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

CODE OF ORDINANCES AMENDMENT - FIRE PREVENTION AND PROTECTION: Mayor Strazdas deferred to Mr. Shaffer, who indicated that at the behest of the City Council, two public meetings were held to discuss the 2012 International Fire Code on February 5 and February 11, 2015, and were hosted by Public Safety Director Richard White, Senior Deputy Fire Chief John Podgorski, Assistant Fire Chief Stacy French and himself. He noted that some Councilmembers and interested citizens attended the sessions and two citizens were very interested and very instrumental in working with the City of Portage on this particular code segment, including Park Board Member Tim Earl, 6862 Shallowford Way, who was present, and Charles Agosti, 1723 Romence Road.

He mentioned that he, Chief White and Chief Podgorski met with Mr. Agosti and worked out some of the issues for him and his business. Mr. Shaffer pointed out that the 2012 Fire Code replaces

the 2009 Fire Code and is in sync with the 2012 Building Code as adopted by the State of Michigan, so this allows the City to eliminate conflicts among the three codes.

Mr. Shaffer listed the issues created as a result of the new 2012 Fire Code, including the cost of in-building amplification for public radio systems, alternative radio systems at less cost and still be more effective and explained the need for uniformity of systems among responders. He described a Portage Fire Safety system based on educating the public that is very effective in protecting the people we serve. Discussion followed.

Councilmember Urban indicated that when this item first came before Council, he initiated the delay for action as he did not feel he had enough support information. After some quick research, he found that the changes would impact his activities at a non-profit group with which he works where he coincidentally was responding to a fire inspection and asked for more information; also, he never meant for the delay to indicate that he did not support the 2012 Fire Code, but to get more information.

Motion by Urban, seconded by Ford, to adopt the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2012 edition of the International Fire Code. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

PROPOSAL TO EXTEND LEAF, BRUSH AND SPRING CLEANUP COLLECTIONS TO PRIVATE STREETS: Mayor Strazdas deferred to Mr. Shaffer, who indicated that two public sessions were held on a very snowy and cold weather day, yet 75 to 80 people showed up to discuss the pickup of leaves and brush along private roads. Public Services Director Rod Russell visited those sites that might be affected, worked up some plans, but no agreements, with how to address those associations with the available resources, and his findings were very encouraging. He said the original estimate for this service was just over \$100,000, but based on Mr. Russell's review, that the cost can be reduced considerably. Indemnification (hold harmless) Agreements drafted by City Attorney Randy Brown have been shared with interested parties are structurally sound, may only need slight changes to meet the satisfaction of some of the parties, and will not prevent an agreement with the City. He indicated that the policy holds that those who become interested in the service must apply on or before April 1st of each year for the July 1st pick-up and explained. He mentioned that the current millage at 0.3455 generates approximately \$675,000 per year, and the full 0.4 millage rate would generate approximately \$790,000, well within the range of expenses listed by the former Director of Public Services, plus optional efficiencies can be implemented for any anticipated excesses and gave examples. Discussion followed.

Mayor Strazdas reflected back on a 1997 Communication from then City Manager Michael Stampfer, who informed citizens on private streets of the option of placing leaves, branches or materials for Spring Cleanup on public streets for pick-up, so the option was always there within budget ever since the inception of the program. Discussion followed.

Councilmember Ansari spoke in support on the basis of fairness and welcomed the option since people were getting taxed, so they should be getting the service.

In answer to Councilmember Ford, Mr. Shaffer explained that the original cost estimate from Fall 2014 was \$100,889 and was based upon an estimated 1,000 participants and explained some of the various alternatives discovered by Mr. Russell that will reduce those costs. He said there may be some surprises, yet he is confident that no big surprises should present themselves.

Councilmember Randall expressed her support for the matter and thanked Mr. Shaffer for his efforts quoting him by saying, "to expand services to the people we serve."

Mayor Strazdas indicated that City Council does not have a policy before them, but it is his understanding if a property owner applies after April 1, they will not get the service until the following year, and the property owner must provide an indemnification agreement in order to get the service. Mr. Shaffer concurred and distinguished that those properties on the private roads are inseparable from the balance of the properties adjacent or contiguous to that private road, so all of those properties must indemnify the City. Discussion followed. Mayor Strazdas asked that a policy document be created to cover this matter.

Councilmember Reid expressed her support of this concept, but had questions regarding the implementation. She questioned whether there is an artificially small cost regarding implementing this policy because many entities are moving cautiously. She commented that condominiums will ask for more service as time goes on and only one of the citizens on the private streets has worked with us and, even though many have received the letter of information on the matter, the Administration has not reached out to them like they have with the condominiums. She commented on the issue of future costs and the changes in the process over the years. Discussion followed.

Councilmember Urban asked whether the individual indemnification agreements come back to City Council for approval, and City Attorney Randy Brown indicated that they would not be coming back to City Council. He said that tonight Council is giving the Administration the authority to implement the program with no specifics about the program and no particular properties involved and explained. In answer to Councilmember Urban, Mr. Brown indicated that a license does not have to go before City Council, either; and many times a license resembles an easement, so to be safe, it comes to Council. He noted that the indemnification agreements do not involve the expenditure of any funds, but are just to protect the City; therefore, the City Manager can sign them. Councilmember Urban referenced the complete history and expenditures of the millage received by Council on the dais which reflects that the millage has been at the maximum a number of times and at a maximum plus a deficit at times and analyzed the program based upon the funding from the millage and the cost of the service. He made it clear that the City has not been doing anything wrong by not providing the service based upon the City Attorney's opinion and case law. He expressed his discomfort for not having the detailed policy or the indemnification agreements before Council for consideration. Discussion followed.

In answer to Councilmember Urban and Mayor Strazdas, City Attorney Brown indicated that Council is approving the program just as you approve entering into a contract and the City Manager negotiates the contract, the City Attorney approves it and the City Manager signs it. He drew a comparison between contracts and indemnification agreements and noted that a Council very rarely approves every contract of the City. Discussion followed.

Motion by Randall, seconded by Ansari, to authorize the City Administration to begin Leaf, Brush and Spring Cleanup collections with residential property owners along private streets who have fulfilled the required conditions with the Department of Public Services for extending the collection programs to private streets. In answer to Mayor Strazdas, Mr. Shaffer indicated that this policy would include a report back at least once every six months throughout the operation of this program, including: what we have learned; who has come on board; what it has cost the City; what is our rate of expenditures; and a prediction of the effect of this program in future years.

In answer to Mayor Strazdas, Mr. Shaffer confirmed that, if the Administration wishes to alter the level of services of this program, the question will come to Council; that the Administration will follow the indemnification process as clarified by the City Attorney; and, that the program will operate within budget.

In answer to Councilmember Reid, who asked about the rationale behind the manufactured housing parks which are not included in the program because they are commercial and to distinguish this from condominiums, Mr. Shaffer indicated that the condominium owner owns not only their unit, but also owns an undivided share of the common area. He also pointed out that with a manufactured housing park, the property owner owns not only the manufactured housing, but also the fee interest in the property underneath it; it is owned by the managing rental company, which makes the manufactured housing park more like an apartment complex, plus it has always been listed as a commercial property rather than a residential property. Discussion followed.

Councilmember Urban expressed a concern that the information is being presented without enough time to fully digest and coordinate it with other information available to him. Discussion followed.

Catherine Kaufman, 7640 West Saint Andrews Circle, spoke on behalf of the Inverness Condominium Association as President. She thanked City staff and Councilmember Randall for bringing this matter forward, expressed her appreciation for the public sessions and her understanding of

the program. She indicated that it is an issue of fairness since the property owners have paid for seventeen years, but have not received the service. Discussion followed. When she indicated that she applied to serve on a Board or Commission twice on line, but was never contacted, Mayor Strazdas asked Mr. Shaffer to look into why this happened.

Mike Yager, 7415 Bryn Court, expressed his opinion that the \$100,889 figure was high, that he only heard of the \$4,000 figure tonight and asked that City Council analyze the figures. He cited the four elements to the program: leaf pick-up, branch pick-up, Spring Cleanup and composting. He noted that Mr. Bill Deming did not project any increase in cost for composting or branch pickup; he projected a 10% increase for the Spring Cleanup Program which made sense to him owing to the inclusion of another 1,100 properties; however, Mr. Deming increased the estimate of the leaf pickup by 30% for the key elements of temporary laborers, rental equipment and fuel costs which Mr. Yager thought was excessive. He advocated efficiencies over millage increases by reducing the number of leaf pickup to two instead of three. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the following Boards and Commissions:

Portage Public Schools Board of Education Regular Meeting of January 26, 2015, Committee of the Whole Work Session of February 9, Special Meeting of February 11 and Special Meeting of February 17, 2015.

Portage Human Services Board of February 5, 2015.

Portage Planning Commission of February 19, 2015.

COUNCIL COMMITTEE REPORTS:

CITY MANAGER EMPLOYMENT MANUAL TASK GROUP: Councilmember Ford provided a brief introduction of the March 10, 2015 City Manager Employment Manual Task Group Report and he and Councilmember Reid indicated that the focus of the Report regarded procedures for filing grievances against the City Manager by employees. Councilmember Reid identified a range of options for actions that employees can take when bringing a grievance against the City Manager, such as: presenting the grievance to the entire City Council at a Council Meeting; to the Mayor or any Councilmember in writing or via email addresses on the website; to the Human Resources Director; or to any department director. Councilmember Randall expressed her appreciation for the professionalism of Deputy City Manager Rob Boulis and for his skill set from working in Human Resources. Discussion followed.

Motion by Ford, seconded by Ansari, to receive the March 10, 2015 City Manager Employment Manual Task Group Report. Upon a voice vote, motion carried 6 to 0.

BID TABULATIONS:

* **PAVEMENT MARKINGS SERVICES BID TABULATION – RECOMMENDATION:** Motion by Reid, seconded by Ansari, to award a two-year contract for pavement marking services to selected streets to Michigan Pavement Markings, LLC in an amount not to exceed \$89,000 for the first year and an estimated amount of \$126,583.75 for the second year, with an option for four one-year renewals, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **TRAFFIC SIGNAL POLE AND MAST ARM PROCUREMENT:** Motion by Reid, seconded by Ansari, to award a contract for the purchase of traffic signal poles, mast arms and assemblies for select city locations to Carrier and Gable, Incorporated, in the amount not to exceed

\$77,654 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **FIRE STATION 1 OIL AND GRIT SEPARATOR:** Motion by Reid, seconded by Ansari, to approve the bid for oil and grit separator improvements to Lounsbury Excavating Inc., of Paw Paw, Michigan in the amount of \$34,000 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **WEST LAKE WEED MANAGEMENT – 2015 APPLICATION PROGRAM:** Motion by Reid, seconded by Ansari, to, at the request of the West Lake Improvement Association: award a contract for the 2015 West Lake Management Program to Professional Lake and Land Management Corporation, for lake weed treatment measures in the estimated annual amount of \$15,120; approve three additional one-year extensions to the contract, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Ford expressed his enthusiasm to be able to discuss Social media at the next Committee of the Whole (COW) Meeting.

Councilmember Randall expressed her appreciation for the COW, the opportunity to work together on some long overdue topics that are long overdue. She said she is filled with optimism on many different fronts, and weather is one of them. Mayor Strazdas concurred and mentioned the PA 198 Policy approved tonight that was the result of the work by Council at a COW Meeting.

Councilmember Urban expressed his enjoyment when he attended his Father-Daughter Dance at Portage Central Elementary School with his seven and nine year old daughters.

Councilmember Reid explained that Councilmember Ansari's reference to the \$23,000 from Public Media Network (PMN) stems from their standardizing the equipment among the municipalities, purchasing the City of Portage equipment and supplementing it as necessary which makes it easier for staff and volunteers to operate and provides system back-up equipment.

City Manager Shaffer announced that the Zoetis Corporation is giving the City of Portage \$10,000 in support of the Dog Park effort. Also, an anonymous donor will be committing \$20,000 to the effort where \$56,000 will be necessary.

Mayor Strazdas thanked AT&T for their annual donation to the Winter Blast Race of Portage. He also highlighted the Revisions of the Industrial Tax Abatement Policy passed by City Council earlier in the meeting and thanked them for it. He thanked the media for the coverage of the South Westnedge project although he had a number of phone calls over the weekend on it from many businesses who expressed concern for a potential negative impact and asked for a report back from the City Manager on the plan of action regarding this matter.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:13 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of March 24, 2015, as presented.

Bi-weekly, the City Council reviews and approves the Accounts Payable Register, including checks issued to vendors and the electronic funds transfer register. Attached please find the Accounts Payable Register for the period March 1, 2015 through March 15, 2015. The time period noted includes \$255,791.85 for electronic transfers and \$1,389,327.59 for checks issued to vendors for a total of \$1,645,119.44.

FUNDING: N/A

Attachments: Accounts Payable Register

Check Date From: 3/1/2015 12 TO 3/15/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
03/13/2015	3845(A)	0104	ADMIRAL LOCK & KEY SERVICE	29.25
03/13/2015	3846(A)	0114	AMERICAN HYDROGEOLOGY CORP.	1,901.65
03/13/2015	3847(A)	0113	AMERICAN SAFETY & FIRST AID	250.16
03/13/2015	3848(A)	3428	ANIMAL REMOVAL SERVICE, LLC	1,495.00
03/13/2015	3849(A)	1253	APOLLO FIRE EQUIPMENT COMPANY	227.81
03/13/2015	3850(A)	3114	B & B YARDSCAPE	960.00
03/13/2015	3851(A)	3495	BATTERIES PLUS	807.92
03/13/2015	3852(A)	3545	BRENNER OIL CO.	21,830.85
03/13/2015	3853(A)	2690	C D W GOVERNMENT, INC.	51,099.26
03/13/2015	3854(A)	3556	C M P DISTRIBUTORS, INC.	712.00
03/13/2015	3855(A)	0191	CONTINENTAL LINEN SERVICES	53.23
03/13/2015	3856(A)	4741	DATA CONSTRUCTS LLC	97.95
03/13/2015	3857(A)	0959	EMPLOYMENT GROUP, INC.	676.78
03/13/2015	3858(A)	0008	ENTENMANN-ROVIN CO.	642.20
03/13/2015	3859(A)	2608	FIRE SERVICE MANAGEMENT	2,442.64
03/13/2015	3860(A)	2071	GAIL ANDRUS TRAVEL	585.75
03/13/2015	3861(A)	4891	GLOBAL TELEMATIC SOLUTIONS LLC	800.00
03/13/2015	3862(A)	0063	INDUSCO SUPPLY CO., INC.	119.87
03/13/2015	3863(A)	3957	JAROTH, INC	303.00
03/13/2015	3864(A)	3775	MATERIALS RESOURCES	270.68
03/13/2015	3865(A)	4746	MAURER'S TEXTILE RENTAL SERVICES	282.55
03/13/2015	3866(A)	4828	PECKELS, CHRISTINE	180.00
03/13/2015	3867(A)	4826	POULIOT, GRETCHEN	24.00
03/13/2015	3868(A)	1505	SNELL, DEBRA	240.00
03/13/2015	3869(A)	4612	TECHNOLOGY SOLUTIONS	382.50
03/13/2015	3870(A)	4417	THOMPSON, HELENE	210.00
03/13/2015	3871(A)	4609	UNITED WATER ENVIRONMENTAL SERVICES	167,775.40
03/13/2015	3872(A)	0699	W W GRAINGER INC	159.10
03/13/2015	3873(A)	0425	WIGHTMAN & ASSOCIATES, INC.	360.00
03/13/2015	3874(A)	4322	WOLVERINE POWER SYSTEMS	872.30
			SUBTOTAL:	30 CHECKS
				255,791.85
03/04/2015	292641	0514	KALAMAZOO COUNTY TREASURER	5,590.00
03/13/2015	292643	999999	7TH DISTRICT COURT	200.00
03/13/2015	292644	999999	81ST DISTRICT COURT	250.00
03/13/2015	292645	0640	A I S CONSTRUCTION EQUIP. CO.	169.38
03/13/2015	292646	3305	ADP, INC.	826.44
03/13/2015	292647	0533	ALLEGRA PRINT & IMAGING	1,646.60
03/13/2015	292648	0849	AT&T	122.53
03/13/2015	292649	0863	AUTOMATIC MICROFILM CO.	259.60
03/13/2015	292650	1148	B S & A SOFTWARE	2,200.00
03/13/2015	292651	0532	BARKER, DAVID	500.00
03/13/2015	292652	3339	BESCO WATER TREATMENT, INC.	36.00
03/13/2015	292653	999999	BLAIR, JOHN	44.00
03/13/2015	292654	0532	BOULIS, ROB	415.19
03/13/2015	292655	0532	BOULIS, ROB	84.00
03/13/2015	292656	4645	BRUCE'S TRUCK & AUTO ACCESSORIES	1,085.00
03/13/2015	292657	999999	BUCKHHOLZ, MELVIN	20.00
03/13/2015	292658	0068	BYHOLT INC.	1,794.68
03/13/2015	292659	2887	C B C INNOVIS INC	25.75
03/13/2015	292660	4768	C T S TELECOM, INC.	674.17
03/13/2015	292661	2883	CALIBRE PRESS	329.00
03/13/2015	292662	2883	CALIBRE PRESS	329.00
03/13/2015	292663	0437	CAMPBELL AUTO SUPPLY	105.78
03/13/2015	292664	0168	CARLETON EQUIPMENT CO.	1,217.30
03/13/2015	292665	3080	CHARTER COMMUNICATIONS	366.98
03/13/2015	292666	999999	CHICAGO TITLE OF MICHGAN	40.19
03/13/2015	292667	4649	CITY OF KALAMAZOO (TRANS MILLAGE)	4,058.51
03/13/2015	292668	0540	CITY OF KALAMAZOO TREASURER	219,098.44
03/13/2015	292669	0177	CITY OF PORTAGE	920.73
03/13/2015	292672	0189	CONSUMERS ENERGY-BILL PMT CNT	1,135.00

Check Date From: 3/1/2015 12 TO 3/15/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
03/13/2015	292673	0189	CONSUMERS ENERGY-BILL PMT CNT	100.00
03/13/2015	292674	999999	CONTROLLED F.O.R.C.E.	570.00
03/13/2015	292675	3226	CORE TECHNOLOGY CORP.	1,500.00
03/13/2015	292676	1920	CORNERSTONE OFFICE SYSTEMS	125.00
03/13/2015	292677	4620	COSTAR REALTY INFORMATION, INC.	294.68
03/13/2015	292678	4851	CPR CONNECTION OF NORTH AMERICA INC	79.30
03/13/2015	292679	0195	CROSSROADS CAR WASH	641.50
03/13/2015	292680	0203	D L GALLIVAN INC.	33.86
03/13/2015	292681	2019	DAN WOOD COMPANY	1,977.37
03/13/2015	292682	4658	DAVID RICE	750.00
03/13/2015	292683	999999	DIDAS, LOWELL	30.00
03/13/2015	292684	1874	DIESEL INJECTION SERVICE, LLC	693.74
03/13/2015	292685	2948	EMERGENCY VEHICLE PRODUCTS	9,114.15
03/13/2015	292686	0959	EMPLOYMENT GROUP, INC.	338.39
03/13/2015	292687	999999	EVANS, AUTUM	75.00
03/13/2015	292688	5057	EXECUTIVE COMMUNICATION SYSTEMS	2,249.95
03/13/2015	292689	0985	F D LAKE COMPANY	619.01
03/13/2015	292690	4422	FIRST DUE FIRE SUPPLY CO.	107.30
03/13/2015	292691	999999	FORTIS GROUP	650.00
03/13/2015	292692	999999	FORTIS GROUP	650.00
03/13/2015	292693	999999	GHOSH, SUPROTIK STOTZ	44.00
03/13/2015	292694	0517	GORDON WATER SYSTEMS	73.00
03/13/2015	292695	999999	GRAND TRAVERSE PIE COMPANY	93.50
03/13/2015	292696	0598	GRIFFIN PEST SOLUTIONS, INC.	100.00
03/13/2015	292697	999999	HARDY, LOU ANN	20.00
03/13/2015	292698	0691	HOME DEPOT	845.45
03/13/2015	292699	1974	HOWARD PRINTING	4,935.00
03/13/2015	292700	5012	HUMPHREYS CAMPBELL DUST & HUMPHREYS	249.08
03/13/2015	292701	4964	INCLUSION SOLUTIONS LLC	69.30
03/13/2015	292702	999999	KALAMAZOO COUNTY BROWNFIELD	81.67
03/13/2015	292703	0087	KALAMAZOO COUNTY ROAD COMMISSI	238.03
03/13/2015	292704	0514	KALAMAZOO COUNTY TREASURER	53,460.62
03/13/2015	292705	4756	KALAMAZOO GAZETTE	88.62
03/13/2015	292706	0721	KALAMAZOO REG'L EDUC SVS AGENG	80,584.67
03/13/2015	292707	0230	KALAMAZOO VALLEY COMMUNITY COL	23,512.81
03/13/2015	292708	1761	KEISLER POLICE SUPPLY	1,410.00
03/13/2015	292709	3250	KENNEDY INDUSTRIES, INC.	5,837.00
03/13/2015	292710	0532	KHALED, JOAN	147.00
03/13/2015	292711	999999	KHALED, JOAN	30.00
03/13/2015	292712	5107	KINGSCOTE CHEMICALS INC.	55.67
03/13/2015	292713	1736	KRAMES STAYWELL, LLC	61.97
03/13/2015	292714	4838	LACOSTA FACILITY SUPPORT SERVICES	3,360.79
03/13/2015	292715	0240	LAWSON PRODUCTS, INC	2,124.69
03/13/2015	292716	999999	LEAGUE TOOLBOX	300.00
03/13/2015	292717	0532	LORD, JAMES	84.00
03/13/2015	292718	2630	LOWE'S HOME CENTER	37.56
03/13/2015	292719	0945	M M R M A	223,067.00
03/13/2015	292720	2124	MARTIN SPRING & DRIVE, INC.	2,328.03
03/13/2015	292721	999999	MARUCCI, JOHN	22.00
03/13/2015	292722	0728	MCDONALD'S TOWING & RESCUE, INC.	428.00
03/13/2015	292723	5001	MED EXPRESS	35.00
03/13/2015	292724	5027	MEEKHOF TIRE SALES & SERVICE INC.	1,763.72
03/13/2015	292725	0258	MENARDS, INC	63.89
03/13/2015	292726	4777	MICH MUNICIPAL POLICE & FIRE REPAIR	958.90
03/13/2015	292727	0763	MICHIGAN ASSESSOR'S ASSOC.	350.00
03/13/2015	292728	0649	MICHIGAN ASSOC. OF PLANNING	230.00
03/13/2015	292729	999999	MINER, APRIL	44.00
03/13/2015	292730	0089	MLIVE MEDIA GROUP	1,059.94
03/13/2015	292731	2251	MODERN SEWER, DRAIN & PLUMBING	184.00
03/13/2015	292732	0286	MULDERS LANDSCAPE SUPPLIES INC	17,518.00
03/13/2015	292733	0978	NATIONAL IMPRINT CORP.	476.60
03/13/2015	292734	4351	NEW FRESH CLEANING SERVICE	1,380.00
03/13/2015	292735	1154	NEW WORLD SYSTEMS	1,395.00

Check Date From: 3/1/2015 12 TO 3/15/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
03/13/2015	292736	1154	NEW WORLD SYSTEMS	1,620.00
03/13/2015	292737	999999	NORTHROP, JENNIFER	100.00
03/13/2015	292738	5032	O'REILLY AUTO PARTS	133.98
03/13/2015	292739	999999	OAKLAND COMMUNITY COLLEGE	720.00
03/13/2015	292740	999999	OAKLAND COMMUNITY COLLEGE	720.00
03/13/2015	292741	1721	OFFICE DEPOT, INC.	1,017.16
03/13/2015	292742	0301	OFFICEMAX INCORPORATED	138.95
03/13/2015	292743	4329	ONSTAFF USA INC	12,135.62
03/13/2015	292744	0532	PATTERSON, TREVER	500.00
03/13/2015	292745	4852	PCM SALES, INC.	44,471.11
03/13/2015	292746	0610	PETTY CASH-FIRE	106.90
03/13/2015	292747	0890	PETTY CASH-POLICE DEPT.	387.35
03/13/2015	292748	0532	PIERMAN, BRANNON	500.00
03/13/2015	292749	1415	PORTAGE CLEANERS & LAUNDRY	1,100.85
03/13/2015	292750	0810	PORTAGE DISTRICT LIBRARY	12,535.70
03/13/2015	292751	0590	PORTAGE PUBLIC SCHOOLS	95,549.91
03/13/2015	292752	999999	PORTAGE ROTARY	73.35
03/13/2015	292753	3209	PRO-FLEET	2,448.00
03/13/2015	292754	999999	PROSECUTING ATTORNEY'S ASSOC OF MI	40.00
03/13/2015	292755	999999	PROSECUTING ATTORNEY'S ASSOC OF MI	40.00
03/13/2015	292756	999999	PUBLIC AGENCY TRAINING COUNCIL	295.00
03/13/2015	292757	3139	QUADRANT II MARKETING, LLC	2,018.40
03/13/2015	292758	3762	QUALIFICATION TARGETS, INC.	111.23
03/13/2015	292759	2351	RANDALL L BROWN & ASSOC. PLC	150.00
03/13/2015	292760	0327	RATHCO SAFETY SUPPLY, INC.	60.00
03/13/2015	292761	999999	REAUME, LINDA JEAN	5,800.00
03/13/2015	292762	5097	RECREONICS, INC.	4,886.98
03/13/2015	292763	4686	RENEWED EARTH, INC.	7,916.66
03/13/2015	292764	4443	REPUBLIC SERVICES OF WEST MICHIGAN	44,396.74
03/13/2015	292765	0438	RIDGE AUTO NAPA	672.88
03/13/2015	292766	0337	RIGHT-WAY RENTAL, INC.	94.34
03/13/2015	292767	5047	SIMPLIFILE LC	155.00
03/13/2015	292768	1423	SOIL & MATERIALS ENGINEERS, INC	149.35
03/13/2015	292769	3721	SPRINT	306.16
03/13/2015	292770	4825	STALKER RADAR	123.12
03/13/2015	292771	2010	STATE INDUSTRIAL PRODUCTS CORP	762.00
03/13/2015	292772	0368	STATE OF MICHIGAN (DOT)	76,204.24
03/13/2015	292773	0820	STATE OF MICHIGAN (MDEQ)	45.00
03/13/2015	292774	0722	STATE OF MICHIGAN (TREASURY)	224,160.68
03/13/2015	292775	0369	STATE SYSTEMS RADIO, INC	1,396.72
03/13/2015	292776	0449	SUNGARD PUBLIC SECTOR	34,695.94
03/13/2015	292777	4539	T D S METROCOM, LLC	3,222.97
03/13/2015	292778	3665	T-MOBILE USA INC	29.99
03/13/2015	292779	3821	TASER INTERNATIONAL, INC	1,386.65
03/13/2015	292780	999999	THAYER, JEAN	44.00
03/13/2015	292781	0385	THOMPSON INFORMATION SERVICES	499.00
03/13/2015	292782	2220	TOO CLEAN JANITORIAL	25.00
03/13/2015	292783	3208	TOY BOX STORAGE	175.44
03/13/2015	292784	3208	TOY BOX STORAGE	1,848.00
03/13/2015	292785	0392	U S POSTMASTER	3,575.00
03/13/2015	292786	0545	UNITED PARCEL SERVICE	35.64
03/13/2015	292787	2610	UNIVERSAL TOOL INC.	800.00
03/13/2015	292788	999999	VANANTWERP, JANE	150.00
03/13/2015	292789	4808	VANCE OUTDOORS, INC.	3,600.00
03/13/2015	292790	4653	VERIZON WIRELESS SERVICES, LLC	1,903.97
03/13/2015	292791	1280	W. S. DARLEY & CO.	1,046.72
03/13/2015	292792	0413	WEST MICHIGAN OFFICE INTERIORS	956.00
03/13/2015	292793	4306	WESTERN MICHIGAN INT'L TRUCKS	1,128.07
03/13/2015	292794	999999	WICKHAM, PATRICK	11.32
03/13/2015	292795	3061	WINDEMULLER ELECTRIC, INC.	8,147.32
03/13/2015	292796	2684	XEROX CORPORATION	1,219.69
03/13/2015	292797	999999	7TH DISTRICT COURT	300.00
03/13/2015	292798	999999	ALEXANDER, CHARLES & BARBARA	325.00

CITY OF PORTAGE CHECK REGISTER

Check Date From: 3/1/2015 12 TO 3/15/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
03/13/2015	292799	0189	CONSUMERS ENERGY-BILL PMT CNT	85,731.46
03/13/2015	292800	0189	CONSUMERS ENERGY-BILL PMT CNT	1,135.00
			SUBTOTAL:	
			157 CHECKS	1,389,327.59
			TOTAL:	
			187 CHECKS	1,645,119.44

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: 2015 Utility Rate Financial Study



SUPPORTING PERSONNEL: Kendra Gwin, Interim Director of Transportation & Utilities

ACTION RECOMMENDED:

That City Council establish a public hearing for April 28, 2015 to consider resolutions to:

- a. adopt the recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water;
- b. adopt the recommendation that the water commodity rate remain at \$3.19 per 1,000 gallons of metered water;
- c. adopt the recommendation that adjustments be made to both the sewer and water base quarterly charges;
- d. adopt the recommendation that the new rates become effective on October 1, 2015; and
- e. adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2015 Utility Rate Financial Study.

The City Council Water/Sewer (Utility) Rate Study Committee (Councilmembers Ansari, Ford and Reid, citizens Randy Orwig and Ted W. Vliek, Sr.) has completed a review of the 2015 Utility Rate Financial Study as prepared by the City Administration. The 2015 Utility Rate Financial Study focuses on ensuring the financial health and stability of the utility system. Following a thorough review and analysis of the 2015 Utility Rate Financial Study, the City Council Water/Sewer Utility Rate Study Committee majority voted (4 to 1) to recommend water and sewer rates and charges only as proposed.

On November 16, 2010, City Council awarded Utility Financial Solutions, LLC (UFS) a contract to perform the 2011 Water and Wastewater Rate Study. The purpose of the UFS analysis was to determine the actual cost to provide water and wastewater services to the utility customers. The proposed 2015-2016 utility rates are based in large part on the results of the comprehensive analysis performed by UFS.

The cost of service analysis prepared by UFS showed that the former rate structure was insufficient to ensure the receipt of revenues necessary to cover the fixed costs of the utility. To address this issue, the proposed 2011-2012 rates began the trend of shifting revenue collection based on the quarterly (meter) charges while keeping the commodity rate increases in line with normal inflationary costs. A copy of the 2015 Utility Rate Financial Study is included under separate cover in the Materials Transmitted of March 20, 2015.

In 2008, the city received a letter from the State of Michigan requiring a financial plan to rectify the Water Fund deficit. The city has followed the plan submitted to the State of Michigan to eliminate the Water Fund deficit by 2013-2014. Water and sanitary sewer rate increases required to eliminate the deficit and meet the conditions in the financial plan submitted to the State of Michigan have been substantial since 2008. The City Administration continues to implement an action plan consisting of the following elements:

1. The focus of the utility rate review has changed to give additional consideration to working capital, debt service and fund balance with the utility funds. More specifically:
 - a. In addition to the current revenue/expenditure analysis, a working capital analysis is performed. The yearly analysis includes necessary cash elements to ensure that adequate funds are available to meet ongoing obligations.
 - b. A minimum debt coverage ratio of 1.25 has been established and targeted in future years. This standard ensures adequate funds are available to meet debt payments, support variations in sales due to wet summers, fluctuating treatment costs and other such variables, as they may occur.
 - c. Levels of working capital (cash) will be re-established over time, then maintained within the range of approximately three to four months of current liabilities for each fund. This currently translates to approximately \$2.8 million for the Sewer Fund and \$2.9 million for the Water Fund.
2. Outstanding bond issues will continue to be reviewed/recommended for potential refinancing to save on interest charges and lower expenses to the utility funds.
3. The City Administration will continue to investigate opportunities in the areas of the utility fund operations in the interest of further reducing operating expenses of the utility funds over time.

The projected revenues, expenditures and resulting rate modifications in the Sewer Fund and Water Fund as contained in the 2015 Utility Rate Financial Study for fiscal year 2015-2016 result in a combined rate increase of 0.94 percent to the typical residential customer. Projected rate increases for the combined funds for 2016-2017 through 2019-2020 are projected between 0.12 percent and 1.06 percent in the 2015 Utility Rate Financial Study.

For fiscal year 2015-2016, the sewer commodity rate is recommended to remain at \$4.60 per thousand gallons of metered water. The water commodity rate is recommended to remain at \$3.19 per thousand gallons of metered water. Basic quarterly charges for both sewer and water use, which are calculated to provide funding for certain fixed costs for the utility systems, are recommended to be increased to meet current expenditures.

The net effect of the combined sewer and water rate recommendations on the typical residential customer is an overall utility rate increase of 0.94 percent. The combined utility rate recommendations represent an annual increase of approximately \$6.98 (from approximately \$739.49 per year to approximately \$746.47 per year) for the typical residential customer with both public sewer and water service. On a monthly basis, the recommended rates would result in an increased monthly cost of \$0.58 to the typical residential customer.

Items less significant in dollar amount but still important to the continuing financial health of the utility systems were also reviewed by the City Council Water/Sewer Utility Rate Study Committee. It is essential that the amount charged for these services recover the costs to provide such services. If charges are inadequate to allow for recovery of costs, rate payers subsidize the service provided.

Charges and fees reviewed in the context of the 2015 Utility Rate Financial Study include water connection charges, meter charges, meter box charges, hydrant meter charges and water processing fees. It is recommended that all current charges remain unchanged. If approved, the proposed rate changes would be adopted July 1, 2015, with the new rates becoming effective October 1, 2015.

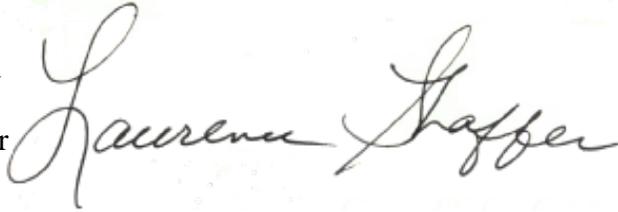
It is recommended that City Council establish a public hearing on April 28, 2015 for consideration of the proposed rates and charges as set forth in the 2015 Utility Rate Financial Study.

FUNDING: N/A

Attachments: 2015 Utility Rate Financial Study

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Michigan Department of Transportation (MDOT) Contract 15-5048
Improvements to South Westnedge Avenue from Mall Drive to Dawnlee Avenue

SUPPORTING PERSONNEL: Kendra Gwin, Interim Director of Transportation & Utilities

ACTION RECOMMENDED: That City Council:

- a. approve Contract 15-5048 between the Michigan Department of Transportation and the City of Portage for improvements along South Westnedge Avenue from Mall Drive to Dawnlee Avenue;
- b. adopt a Resolution authorizing the City Manager to sign Contract 15-5048, and authorize the City Manager to sign all other documents related to this project on behalf of the city.

The South Westnedge Avenue Reconstruction Project includes the complete reconstruction of approximately three-quarters of a mile on South Westnedge Avenue, from Mall Drive north to Dawnlee Avenue. The project includes the replacement of the water main, traffic signalization and supports, and other additions expected to enhance the completed project. The project will be administered by the Michigan Department of Transportation (MDOT).

MDOT requires that cost-sharing agreements associated with its projects receiving federal funds be approved prior to the award of construction contracts. This particular MDOT requirement will apply to the South Westnedge Avenue project. The roadway project is budgeted as part of the Fiscal Year 2014-2015 Capital Improvement Program (CIP) and will be completed during the 2015 construction season. In preparation for the South Westnedge Avenue Reconstruction Project, the city has completed all engineering specifications in preparation for the MDOT bid process with Abonmarche Consultants, Inc. in the amount of \$155,800 (14).

The 2014-2017 Transportation Improvement Plan (TIP), administered by the Kalamazoo Area Transportation Study (KATS), appropriated \$860,000 (1) for use on the South Westnedge Avenue Reconstruction Project. Second, the City of Portage appropriated \$370,000 (2) from its Major Streets CIP project. Third, the city appropriated \$575,000 (3) from the Water Fund for the water improvements portion of this project. Those three amounts, totaling \$1,805,000, constitutes the city's original appropriations for the South Westnedge Avenue Reconstruction Project. Abonmarche Consultants estimated the project to cost at \$2,443,287.

On March 6, 2015, MDOT received two bids for the South Westnedge Avenue Reconstruction Project. The low bid in the amount of \$2,803,081.62 (10) was submitted by Hoffman Brothers, Incorporated. Hoffman Brothers, Incorporated, is a local construction company that has satisfactorily performed similar projects in the city.

Jonathan Start, Executive Director of KATS, the regional Metropolitan Planning Organization (MPO) is responsible for recommending the distribution of Federal Highway Administration funding through the State Transportation Program (STP), which is also referred to as "TIP" funds. For the City of Portage, Councilmembers Reid and Urban both serve on the KATS Policy Committee. Since the low bid for the South Westnedge Avenue Reconstruction Project was significantly over the budgeted amount of \$1,805,000, city staff have explored funding options with KATS. However, TIP funding requirements limit the flexibility of the use of these funds. If the city does not authorize MDOT to proceed with the contract, the original \$860,000 (1) in TIP funding might be in jeopardy. Therefore, the City Administration has requested that KATS amend the TIP and transfer \$521,000 (4) in TIP funds from the planned West Osterhout Avenue Reconstruction Project to the South Westnedge Avenue Reconstruction Project. The engineer's estimate for the West Osterhout Avenue Reconstruction Project is over \$1,200,000 and appropriations including the TIP designation is approximately \$1,400,000. The City Administration plans to proceed with bidding the West Osterhout Reconstruction Project in May 2015 without TIP funding. If the bids reveal that additional appropriations are needed for the West Osterhout Reconstruction Project, recommendations will be prepared and made to City Council.

Additional proposed funding for the South Westnedge Avenue Reconstruction Project will come from the unused Capital Improvement Program (CIP) appropriations from the Portage Road and Gladys Street/Newport Road reconstruction projects in the amount of \$550,800 (5). An additional \$227,000 (6) will come from the Water Fund. The TIP amendment to approve the re-designation will be before the KATS Policy Committee on March 25, 2015.

It has been the policy of MDOT to submit cost-sharing agreements to local municipalities once the project has been advertised for construction bids. MDOT cannot award a construction contract without a signed cost-sharing agreement from the local municipality. The city share of expenses is based on construction costs received by MDOT on March 6, 2015. MDOT must execute a contract with the contractor within 49 days of the bid date.

Therefore, it is recommended that City Council approve Contract 15-5048 between the Michigan Department of Transportation and the City of Portage for improvements on South Westnedge Avenue from Mall Drive to Dawnlee Avenue and adopt a Resolution authorizing the City Manager to sign Contract 15-5048 and all other documents related to this project on behalf of the city.

FUNDING: City share will be funded through 2014-2015 Major Street Reconstruction Fund and Water Utility Fund.

Attachments: Resolution for MDOT Contract 15-5048
South Westnedge Avenue Reconstruction Project Funding Strategy Plan

**CITY OF PORTAGE
RESOLUTION**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2015 at 7:30 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____.

RESOLVED, that the City Council for the City of Portage does hereby authorize the City Manager, Laurence Shaffer, to sign Contract 15-5048 between the City of Portage and the Michigan Department of Transportation. This contract is for reconstruction work along South Westnedge Avenue from Mall Drive to Dawnlee Avenue including pavement removal, cold milling, hot mix asphalt paving, drainage improvement, concrete curb and gutter, concrete sidewalk, sidewalk ramp and traffic signal work resurfacing, concrete curb and gutter, sidewalk ramps and all together necessary related work.

ADOPTED: YEAS:
NAYS:
ABSENT:

James R. Hudson, City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2015 that the foregoing is a true and complete copy of the original on file in my office.

James R. Hudson, City Clerk

APPROVED AS TO FORM
DATE 3/23/15
per

CITY ATTORNEY

South Westnedge Reconstruction Project

REVENUE

	<u>Original Revenue</u>	<u>Adjustments</u>	<u>Project Total</u>
Federal STP	\$860,000 (1)	\$521,000 (4) + TIP Ost.	\$1,381,000 (9)
City CIP	\$370,000 (2)	\$550,800 (5) + Portage Road (\$587,500) + Gladys/Newport	\$920,800 (8)
City Water (Cash Balance \$4.22 million)	\$575,000 (3)	\$227,000 (6) + water cash	\$802,000 (7)
TOTAL	\$1,805,000	\$1,298,800	\$3,103,800

EXPENSE

Hoffman Contract	\$2,804,000 (10)		
		\$764,919 Water (11) \$2,043,081 Street (12) \$1,634,465 Street @ 80% (13)	
Engineering	\$155,800 (14)	Engineer (19)	\$155,800
		Water (20)	\$802,000
Project @ 5% Contingency	\$140,000 (15)	Street (21)	\$2,146,000
	\$102,000 Streets (16) \$38,000 Water (17)		
	\$3,103,800 (18)		\$3,103,800 (22)

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Lexington Green Drain #319 Easement Vacation and Work Agreements

SUPPORTING PERSONNEL: Kendra Gwin, Interim Director of Transportation & Utilities

ACTION RECOMMENDED:

That City Council approve:

- a. a resolution setting a public hearing to deed the easement rights located in Lexington Green, Lexington Green No.1 and Lexington Green No. 3 plats to the Lexington Green Drain #319 Drainage District, placing the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015;
- b. a resolution to grant an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction, operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court, approve a license agreement to perform drainage work in Lexington Green Park, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015;
- c. a resolution to transfer jurisdiction and ongoing maintenance of the storm drainage systems in Commercial Avenue, Environmental Drive, Quality Way, Quality Court as well as drain crossings at Meredith Street and Bishop Avenue, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015, and authorize the City Manager to execute all documents related to the above resolutions behalf of the city.

The Lexington Green Drain is a drainage channel serving a portion of the Lexington Green area, Lexington Green Park and areas east of Portage in Pavilion Township. The drain discharges into the Davis Olmstead Drain near the intersection of Sprinkle Road and Meredith Street. On August 9, 2011, City Council authorized submission of an application to designate the Lexington Green drain as a Kalamazoo County drain. In accordance with the application, the Kalamazoo County Office of the Drain Commissioner has completed a study of the practicality of the drain including the drainage route, type and cost estimate. A drainage district has been established and affirmed by the Drain Commissioner and placed on file in the Office of the Drain Commissioner. A copy of the drainage district map is attached. On February 26, 2013, City Council approved a resolution to

endorse a petition to the Office of the Kalamazoo County Drain Commissioner to locate, establish and construct the Lexington Green drain as a County Drainage District. On July 10, 2013 the Office of the Drain Commissioner convened a Board of Determination for the proposed drain. The board made a determination that the district was necessary and conducive to the public health, convenience and welfare of the City of Portage and Pavillion Township. The Office of the Drain Commissioner has completed plans and specifications for the drainage project. However, before project bidding and construction can commence, transfer of specific city rights to the Lexington Green Drainage District #319 must be completed. In summary, if approved by City Council, the city will transfer all drainage system infrastructure and improvements for the drainage district to the County Drain Commissioner and allow the County Drain Commissioner to maintain, operate and improve the system as necessary to enhance overall drainage in the area.

Therefore, it is recommended that City Council approve a resolution setting a public hearing on granting a quit claim deed to the Lexington Green Drain #319 Drainage District easement rights located in Lexington Green, Lexington Green No. 1 and Lexington Green No. 3 plats, placing the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015; approve a resolution to grant an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court and license agreement to perform drainage work in Lexington Green Park, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015; approve a resolution to transfer jurisdiction and ongoing maintenance of the storm drainage systems on Commercial Avenue, Environmental Drive, Quality Way, Quality Court as well as drain crossings at Meredith Street and Bishop Avenue, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015, and authorize the City Manager to execute all documents related to the above resolutions on behalf of the city.

FUNDING: Proposed 2015 – 2016 Capital Improvement Program for Drain Improvement Assessment.

Attachments: Resolutions
Drainage District Map

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Quality Court from Quality Way east to the end of the road.

Meredith Street - Drain Crossing

That part of the Lexington Green Drain laying within the Meredith Street right-of-way and described as commencing at the South 1/4 corner of Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence N89°37'40"E 1,041.05 feet; thence N06°36'30"E 2,153.64 feet along the centerline of Meredith Street to the point of beginning; thence N06°36'30"E 86.37 feet along the centerline of Meredith street 66.00 feet wide centered on said centerline; said area contains 0.13 acres.

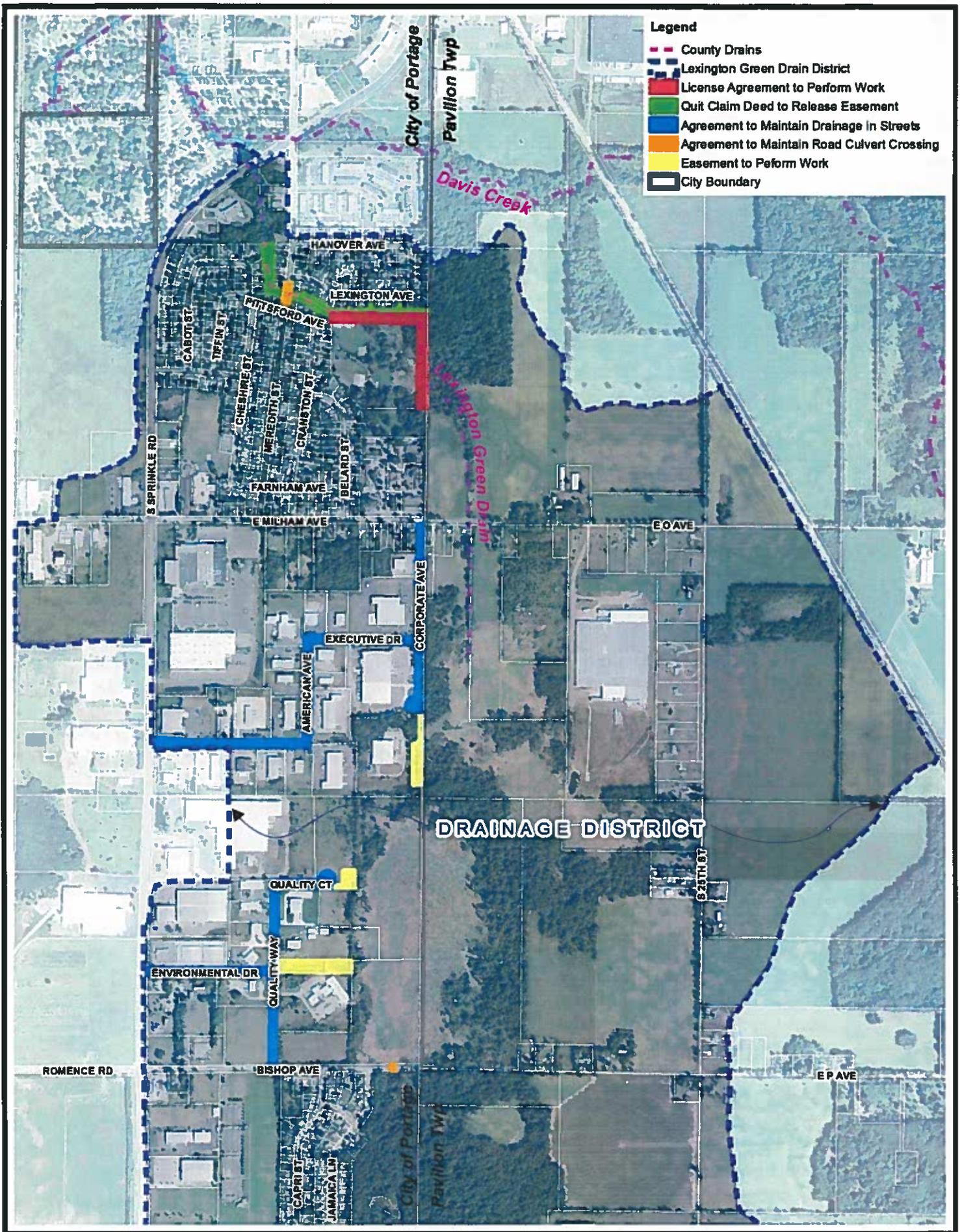
Bishop Avenue - Drain Crossing

That part of the Lexington Green Drain laying within the Bishop Avenue right-of-way and described as commencing at the Northeast corner of Section 13 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence West along North line of said section 368.08 feet to the Point of Beginning; thence continuing West 80 feet along the North line of Section 13 66.00 feet wide centered on said section line; said area contains 0.12 acres.

PLEASE TAKE FURTHER NOTICE that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Any person(s) objecting to this vacation should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and vacate said portion.

Dated: _____, 2015.

James R. Hudson, City Clerk



- Legend**
- County Drains
 - Lexington Green Drain District
 - License Agreement to Perform Work
 - Quit Claim Deed to Release Easement
 - Agreement to Maintain Drainage in Streets
 - Agreement to Maintain Road Culvert Crossing
 - Easement to Perform Work
 - City Boundary

DRAINAGE DISTRICT

CITY OF PORTAGE
RESOLUTION TO QUIT CLAIM CERTAIN EASEMENT RIGHTS

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall Building in said City on the ___ day of _____, 2015, at 7:30 p.m. Local Time.

PRESENT: _____

ABSENT: _____

Resolution offered by Councilmember _____
and seconded by Councilmember _____.

BE IT RESOLVED that the City of Portage quit claims drainage easements as described below to the Lexington Green Drain #319 Drainage District, a public body corporate under jurisdiction of the Kalamazoo County Drain Commissioner of 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007, its rights, title and interest in the drainage easements depicted on the attached exhibits, legally described as follow:

A Drainage Easement within the annexed plat of "Lexington Green" being a subdivision of part of the Southeast ¼ and South 5 acres of the East ½, Northeast ¼, Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: the South 40 feet of parcels 26 through 43; and also, the East 10 feet of parcel 33; and also the West 10 feet of parcel 32; and also the East 7.5 feet of parcel 29; and also the West 7.5 feet of parcel 28; Said easement containing 1.33 acres.

And

A Drainage Easement within the annexed plat of "Lexington Green No. 1" being a subdivision of part of the Southeast ¼, Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: Commencing at the South ¼ corner of Section 1, T3S, R11W, thence East a distance of 50.00 feet to the East right-of-way line of Sprinkle Road, thence North along the East right-of-way line of Sprinkle Road a distance of 1280.58 feet; thence North a distance of 774.00 feet to a point of curvature; thence northeasterly along the arc of a curve, radius = 1382.29 feet; chord = 609.49, chord bearing = N12°44'10"E; interior angle = 25°28'23", a distance of 614.55 feet to the E-W ¼ line of said Section 1; Thence N88°58'12"E along the E-W ¼ line of said Section 1 a distance of 860.37 feet to the point of beginning; Thence continuing N88°58'12"E along the E-W ¼ line of said Section 1 a distance of 130.00 feet; thence S00°00'00"E 413.39 feet; thence S78°36'25"E 92.98 feet to the West right-of-way line of Meredith Street; thence S06°09'00"W 80.34 feet along the West right-of-way line of Meredith Street; thence N78°36'25"W 158.88 feet; thence N06°46'29"W 334.78 feet; thence S57°17'44"W 130.39 feet to the Northeast right-of-way line of Cheshire Street; thence

EXHIBIT B

CITY OF PORTAGE, MICHIGAN
NOTICE OF INTENTION TO QUIT CLAIM CERTAIN EASEMENT RIGHTS
IN THE CITY OF PORTAGE, MICHIGAN

PLEASE TAKE NOTICE, that on the ____ day of _____, 2015, the City Council for the City of Portage adopted a resolution providing notice of intent to quit claim certain easement rights, as described as follows:

A Drainage Easement within the annexed plat of "Lexington Green" being a subdivision of part of the Southeast ¼ and South 5 acres of the East ½, Northeast ¼, Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: the South 40 feet of parcels 26 through 43; and also, the East 10 feet of parcel 33; and also the West 10 feet of parcel 32; and also the East 7.5 feet of parcel 29; and also the West 7.5 feet of parcel 28; Said easement containing 1.33 acres.

And

A Drainage Easement within the annexed plat of "Lexington Green No. 1" being a subdivision of part of the Southeast ¼, Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: Commencing at the South ¼ corner of Section 1, T3S, R11W, thence East a distance of 50.00 feet to the East right-of-way line of Sprinkle Road, thence North along the East right-of-way line of Sprinkle Road a distance of 1280.58 feet; thence North a distance of 774.00 feet to a point of curvature; thence northeasterly along the arc of a curve, radius = 1382.29 feet; chord = 609.49, chord bearing = N12°44'10"E; interior angle = 25°28'23", a distance of 614.55 feet to the E-W ¼ line of said Section 1; Thence N88°58'12"E along the E-W ¼ line of said Section 1 a distance of 860.37 feet to the point of beginning; Thence continuing N88°58'12"E along the E-W ¼ line of said Section 1 a distance of 130.00 feet; thence S00°00'00"E 413.39 feet; thence S78°36'25"E 92.98 feet to the West right-of-way line of Meredith Street; thence S06°09'00"W 80.34 feet along the West right-of-way line of Meredith Street; thence N78°36'25"W 158.88 feet; thence N06°46'29"W 334.78 feet; thence S57°17'44"W 130.39 feet to the Northeast right-of-way line of Cheshire Street; thence Northwest along the arc of a curve of said right-of-way line, radius = 100.00 feet, chord = 20.12', chord bearing = N26°28'46"W, a distance of 20.15 feet; thence N57°17'44"E 137.93 feet; thence N06°46'29"W 124.25 feet to the point of beginning; and also the North 40 feet of Lot 252; said easement contains 1.42 Acres.

And

A drainage easement within the annexed plat of "Lexington Green No. 3" being a subdivision of part of the Southeast 1/4 of Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: the rear 40.00 feet of lots 360, 361, 362, and 363, Lexington Green Subdivision No. 3; and also the Westerly 10.00 feet of lot 363, Lexington Green Subdivision No. 3; Said easement containing 0.35 acres.

PLEASE TAKE FURTHER NOTICE that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Any person(s) objecting to this vacation should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and vacate said portion.

Dated: _____, 2015.

James R. Hudson, City Clerk

CITY OF PORTAGE
RESOLUTION TO CONVEY CERTAIN EASEMENT RIGHTS
AND GRANT LICENSE

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall Building in said City on the ___ day of _____, 2015, at 7:30 p.m. Local Time.

PRESENT: _____

ABSENT: _____

Resolution offered by Councilmember _____
and seconded by Councilmember _____.

BE IT RESOLVED that the City of Portage convey and release to the Lexington Green Drain #319 Drainage District, a public body corporate under jurisdiction of the Kalamazoo County Drain Commissioner of 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007, an easement for the purpose of the establishment, construction, operation, maintenance, and improvement of the drain and corresponding infiltration basins, over and across land owned by the city. The easement is depicted on the attached exhibits, legally described below:

PARCEL NUMBER 00012-115-B

A parcel of land situated in the Southeast quarter of Section 12, T. 3S. R. 11W.; City of Portage, Kalamazoo County, Michigan being more particularly described as follows:

Commencing at the South quarter corner of Section 12, T. 3 S., R. 11 W.; thence N.00°00'04"W. 907.00 feet along the North and South quarter line of said section; thence N.89°19'02"E. 1195.00 feet parallel with the South line of the Southeast quarter of said section; thence N. 00°00'04" W. 773.07 feet parallel with said quarter line; thence continuing N. 00°00'04" W. 141.64 feet parallel with said quarter line to a point S. 00°00'04" E. 825.00 feet parallel with said quarter line from the East and West quarter line of said Section; thence N. 89°21'53" E. 426.72 feet parallel with said East and West quarter line; thence Northeasterly 58.28 feet along the arc of a curve to the left having a radius of 44.37 feet and a chord N. 51°44'13" E. 54.18 feet; thence Northerly, Easterly and Southerly 217.14 feet along the arc of a curve to the right having a radius of 75.00 feet and a chord S. 82°56'58" E. 148.86 feet; thence S. 00°00'04" E. 49.17 feet parallel with said North and South quarter line to the Place of Beginning; thence continuing S. 00°00'04" E. 30.00 feet to a point S. 00°00'04" E. 891.00 feet parallel with said

North and South quarter line from said East and West quarter line; thence N. 89°21'53" e. 200.00 feet parallel with said East and West quarter line; thence N. 00°00'04" W. 175.00 feet; thence S. 89°21'53" W. 125.00 feet; thence S. 00°00'04" E. 145.00 feet; thence S. 89°21'53" W. 75.00 feet to the Place of Beginning.

PARCEL NUMBER 00012-115-S

Property Description: a parcel of land located in the City of Portage, Kalamazoo County, Michigan, Section 12, T 3S, R 11W, beginning 1261 feet East & 937 feet North of S 1/4 post Section 12, thence East 715 feet, thence North 135.20 feet, thence West 715 feet, thence South to the point of beginning. 2.22 acres.

Easement Description: a drainage easement on parcel 00012-115-S, Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan, described as follows: beginning 1261 feet East & 937 feet North of S 1/4 post Section 12, thence East 715 feet, thence North 135.20 feet, thence West 715 feet, thence South to the point of beginning.

PACEL NUMBER 00012-00-1B

Property Description: a parcel of land situated in the NE 1/4 of Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan, commencing at 1849.87 feet South of the NE corner thereof, West 50 feet, South 10 feet, East 20 feet, South 235 feet, South 20 degrees, West 58.5 feet, West 45 feet, South 405 Feet, East 95 feet, North 705 feet to beginning.

Easement Description: A parcel of land situated in the NE 1/4 of Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan being more particularly described as follows: Part of the NE 1/4 commencing at 1849.87 feet South of the NE corner thereof, West 50 feet, South 10 feet, East 20 feet, South 235 feet, South 20 degrees, West 58.5 feet, West 45 feet, South 405 Feet, East 95 feet, North 705 feet to beginning.

FURTHER, BE IT RESOLVED that the City of Portage convey and release to the Lexington Green Drain #319 Drainage District, a public body corporate under jurisdiction of the Kalamazoo County Drain Commissioner of 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007, a license for the purpose of the establishment, construction, operation, maintenance, and improvement of the drain and corresponding infiltration basins, over and across land owned by the city. The license area is depicted on the attached exhibit, legally described below:

LICENSE FOR DRAIN WORK

A License agreement on Parcel 00001-155-O, Section 1, T3S, R11W, City of Portage, Kalamazoo County, Michigan Described as follows: the north 40 feet and the east 85 feet of the north 695 feet of said parcel.

BE IT FURTHER RESOLVED that notice, in substantially the form attached as Exhibit "B", be published in a newspaper of general circulation within the City, giving notice of the City's intent to convey and release the previously described drain easements and license.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

YEAS: _____

NAYS: _____

ABSENT: _____

James R. Hudson, City Clerk

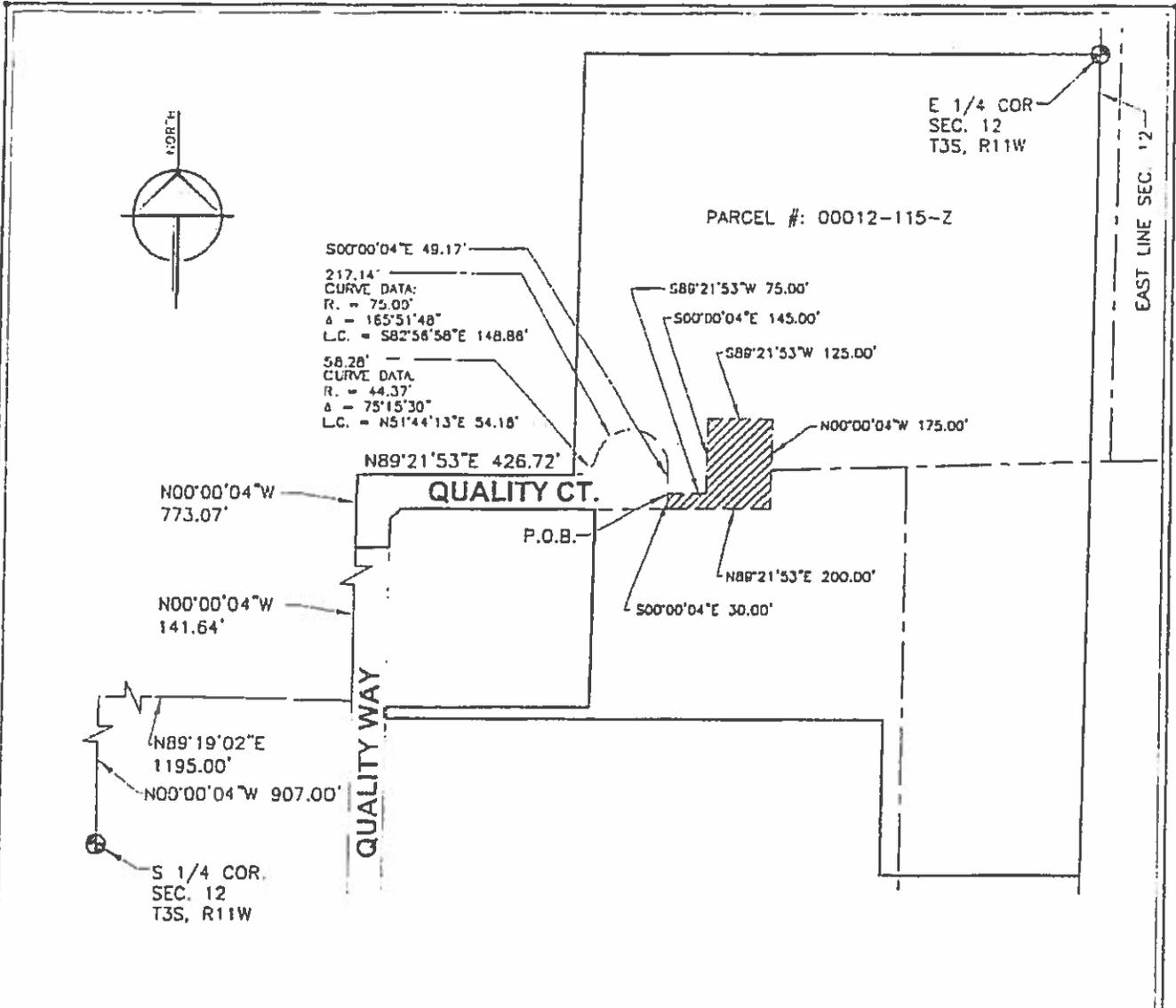
STATE OF MICHIGAN)
): SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ___ day of _____, 2015, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this _____ day of _____, 2015.

James R. Hudson, City Clerk

APPROVED AS TO FORM
DATE 3/20/15
rn
CITY ATTORNEY



EASEMENT DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 12, T. 3S., R. 11W.; CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

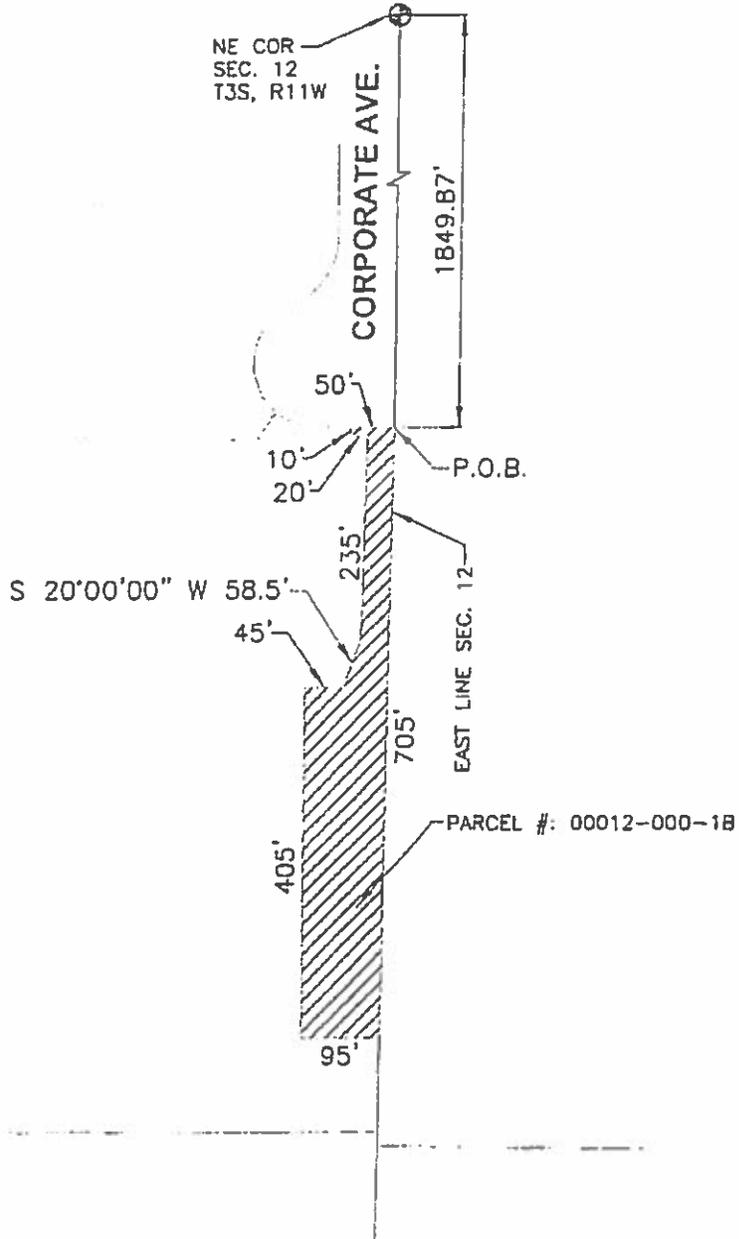
COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 12, T. 3 S., R. 11 W.; THENCE N.00°00'04"W. 907.00 FEET ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION; THENCE N.89°19'02"E. 1195.00 FEET PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE N. 00°00'04" W. 773.07 FEET PARALLEL WITH SAID QUARTER LINE; THENCE CONTINUING N. 00°00'04" W. 141.64 FEET PARALLEL WITH SAID QUARTER LINE TO A POINT S. 00°00'04" E. 825.00 FEET PARALLEL WITH SAID QUARTER LINE FROM THE EAST AND WEST QUARTER LINE OF SAID SECTION; THENCE N. 89°21'53" E. 426.72 FEET PARALLEL WITH SAID EAST AND WEST QUARTER LINE; THENCE NORTHEASTERLY 58.28 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 44.37 FEET AND A CHORD N. 51°44'13" E. 54.18 FEET; THENCE NORTHERLY, EASTERLY AND SOUTHERLY 217.14 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET AND A CHORD S. 82°56'58" E. 148.86 FEET; THENCE S. 00°00'04" E. 49.17 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE TO THE PLACE OF BEGINNING; THENCE CONTINUING S. 00°00'04" E. 30.00 FEET TO A POINT S. 00°00'04" E. 891.00 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE FROM SAID EAST AND WEST QUARTER LINE; THENCE N. 89°21'53" E. 200.00 FEET PARALLEL WITH SAID EAST AND WEST QUARTER LINE; THENCE N. 00°00'04" W. 175.00 FEET; THENCE S. 89°21'53" W. 125.00 FEET; THENCE S. 00°00'04" E. 145.00 FEET; THENCE S. 89°21'53" W. 75.00 FEET TO THE PLACE OF BEGINNING.

Prepared By: Land & Resource
3800 W. River Dr. Suite A
Comstock Park, MI 49321



EXHIBIT A

Date: DEC. 2013
Drawn By: NDJ



PROPERTY DESCRIPTION

PARCEL: 00012-000-1B

PART OF THE NORTHEAST QUARTER COMMENCING AT 1849.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF WEST 50 FEET SOUTH 10 FEET EAST 20 FEET SOUTH 235 FEET SOUTH 20 DEGREES WEST 58.5 FEET WEST 45 FEET SOUTH 405 FEET EAST 95 FEET NORTH 705 FEET TO BEGINNING. SECTION 12 TOWN 3 SOUTH, RANGE 11 WEST

EASEMENT DESCRIPTION

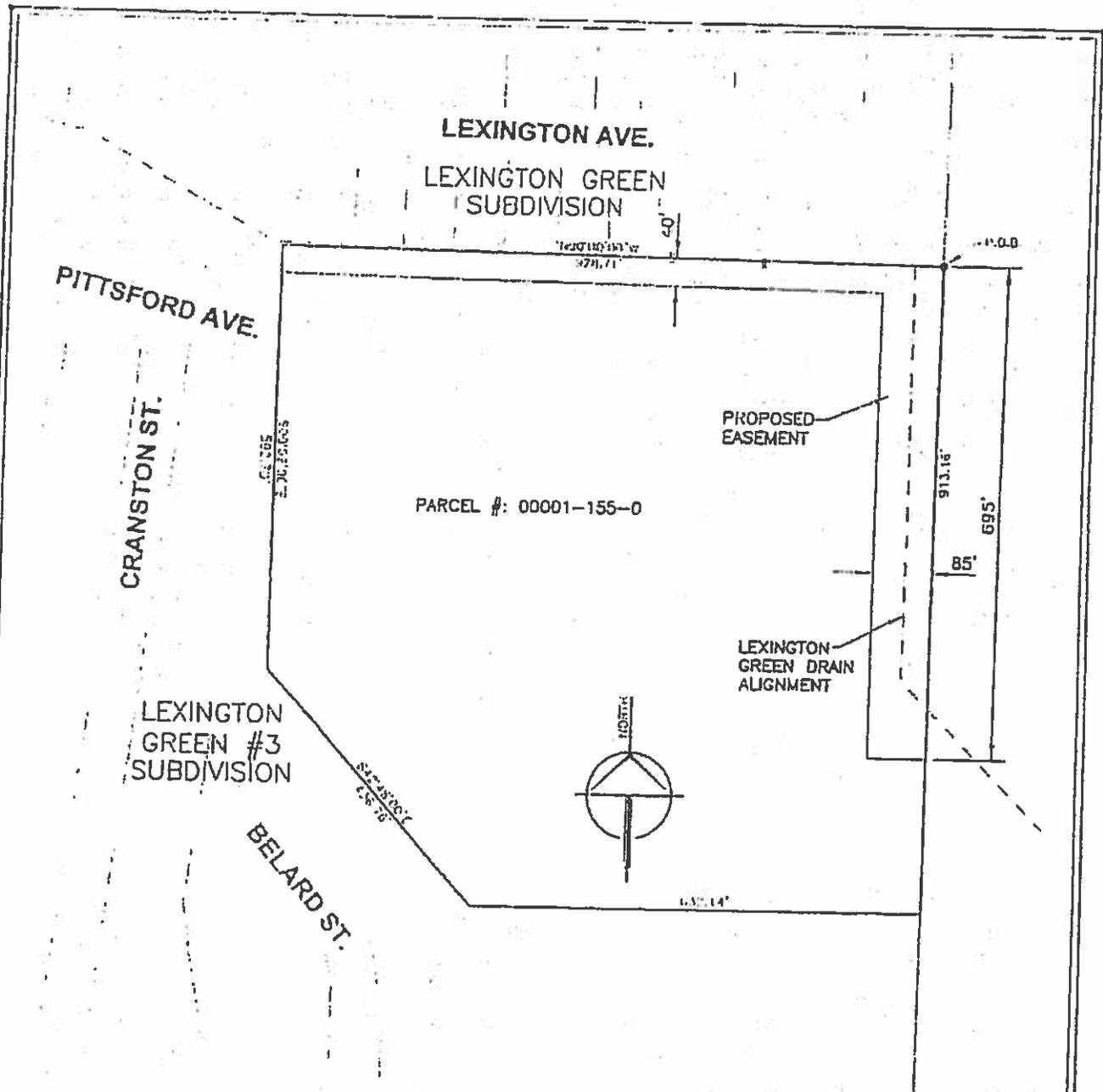
A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST; CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF THE NORTHEAST 1/4 COMMENCING AT 1849.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF WEST 50 FEET SOUTH 10 FEET EAST 20 FEET SOUTH 235 FEET SOUTH 20 DEGREES WEST 58.5 FEET WEST 45 FEET SOUTH 405 FEET EAST 95 FEET NORTH 705 FEET TO BEGINNING. SECTION 12 TOWN 3 SOUTH, RANGE 11 WEST

Prepared By: Land & Resource
 3400 W River Dr Suite A
 Comstock Park, MI 49321



EXHIBIT A	Date: FEB. 2015
	Drawn By: RAC



PROPERTY DESCRIPTION

PARCEL #: 00001-155-0
 CITY OF PORTAGE, SECTION 1, T3S, R11W
 BEGINNING AT THE SOUTHEAST CORNER OF RECORDED PLAT LEXINGTON GREEN, THENCE WEST ALONG SAID LINE SAID PLAT 928.71 FEET THENCE S00°02'00"E 592.7 FEET THENCE S42°48'00"E 436.76 FEET THENCE EAST 632.14 FEET TO EAST LINE SECTION 1 THENCE N0°02'00"W ALONG EAST LINE SAID SECTION 913.16 FEET TO PLACE OF BEGINNING 18.4 ACRES.

EASEMENT DESCRIPTION

A DRAINAGE EASEMENT ON PARCEL 00001-155-0, SECTION 1 T3S R11W, CITY OF PORTAGE, KALAMAZOO COUNTY MICHIGAN DESCRIBED AS FOLLOWS: THE NORTH 40 FEET AND THE EAST 85 FEET OF THE NORTH 695 FEET OF SAID PARCEL.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49327



EXHIBIT A

Date: DEC. 2013

Drawn By: NDJ

EXHIBIT B

**CITY OF PORTAGE, MICHIGAN
NOTICE OF INTENTION TO CONVEY CERTAIN EASEMENT RIGHTS AND GRANT
LICENSE IN THE CITY OF PORTAGE, MICHIGAN**

PLEASE TAKE NOTICE, that on the ____ day of _____, 2015, the City Council for the City of Portage adopted a resolution to grant an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction, operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court, approve a license agreement to perform drainage work in Lexington Green Park, and place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015. The affected parcels are more specifically described as follows:

PARCEL NUMBER 00012-115-B

A parcel of land situated in the Southeast quarter of Section 12, T. 3S. R. 11W.; City of Portage, Kalamazoo County, Michigan being more particularly described as follows:

Commencing at the South quarter corner of Section 12, T. 3 S., R. 11 W.; thence N.00°00'04"W. 907.00 feet along the North and South quarter line of said section; thence N.89°19'02"E. 1195.00 feet parallel with the South line of the Southeast quarter of said section; thence N. 00°00'04" W. 773.07 feet parallel with said quarter line; thence continuing N. 00°00'04" W. 141.64 feet parallel with said quarter line to a point S. 00°00'04" E. 825.00 feet parallel with said quarter line from the East and West quarter line of said Section; thence N. 89°21'53" E. 426.72 feet parallel with said East and West quarter line; thence Northeasterly 58.28 feet along the arc of a curve to the left having a radius of 44.37 feet and a chord N. 51°44'13" E. 54.18 feet; thence Northerly, Easterly and Southerly 217.14 feet along the arc of a curve to the right having a radius of 75.00 feet and a chord S. 82°56'58" E. 148.86 feet; thence S. 00°00'04" E. 49.17 feet parallel with said North and South quarter line to the Place of Beginning; thence continuing S. 00°00'04" E. 30.00 feet to a point S. 00°00'04" E. 891.00 feet parallel with said North and South quarter line from said East and West quarter line; thence N. 89°21'53" e. 200.00 feet parallel with said East and West quarter line; thence N. 00°00'04" W. 175.00 feet; thence S. 89°21'53" W. 125.00 feet; thence S. 00°00'04" E. 145.00 feet; thence S. 89°21'53" W. 75.00 feet to the Place of Beginning.

PARCEL NUMBER 00012-115-S

Property Description: a parcel of land located in the City of Portage, Kalamazoo County, Michigan, Section 12, T 3S, R 11W, beginning 1261 feet East & 937 feet North of S 1/4 post Section 12, thence East 715 feet, thence North 135.20 feet, thence West 715 feet, thence South to the point of beginning. 2.22 acres.

Easement Description: a drainage easement on parcel 00012-115-S, Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan, described as follows: beginning 1261 feet East & 937 feet North of S 1/4 post Section 12, thence East

715 feet, thence North 135.20 feet, thence West 715 feet, thence South to the point of beginning.

PACEL NUMBER 00012-00-1B

Property Description: a parcel of land situated in the NE 1/4 of Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan, commencing at 1849.87 feet South of the NE corner thereof, West 50 feet, South 10 feet, East 20 feet, South 235 feet, South 20 degrees, West 58.5 feet, West 45 feet, South 405 Feet, East 95 feet, North 705 feet to beginning.

Easement Description: A parcel of land situated in the NE 1/4 of Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan being more particularly described as follows: Part of the NE 1/4 commencing at 1849.87 feet South of the NE corner thereof, West 50 feet, South 10 feet, East 20 feet, South 235 feet, South 20 degrees, West 58.5 feet, West 45 feet, South 405 Feet, East 95 feet, North 705 feet to beginning.

LICENSE FOR DRAIN WORK

A License agreement on Parcel 00001-155-O, Section 1, T3S, R11W, City of Portage, Kalamazoo County, Michigan Described as follows: the north 40 feet and the east 85 feet of the north 695 feet of said parcel.

PLEASE TAKE FURTHER NOTICE that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Any person(s) objecting to this vacation should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and vacate said portion.

Dated: _____, 2015.

James R. Hudson, City Clerk

CITY OF PORTAGE
RESOLUTION TO GRANT PERMISSION TO PERFORM WORK

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall Building in said City on the ___ day of _____, 2015, at 7:30 p.m. Local Time.

PRESENT: _____

ABSENT: _____

Resolution offered by Councilmember _____
and seconded by Councilmember _____.

BE IT RESOLVED that the City of Portage grant perpetual permit to the Lexington Green Drain #319 Drainage District, a public body corporate under jurisdiction of the Kalamazoo County Drain Commissioner of 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007, its assigns and successors in interest, for purposes of constructing, improving, repairing and maintaining the City Drains and the Drain in, under and upon any a and all granted roads, rod rights of way and public property held by the city necessary for the construction, improvement repair and maintenance of the City Drains, and the Drain, as depicted on the attached exhibits, legally described as follow:

Commercial Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Commercial Avenue from Sprinkle Road to American Avenue.

American Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of American Avenue from Commercial Drive to Executive Drive.

Executive Drive - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Executive Drive from American Avenue to Corporate Avenue.

Corporate Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Corporate Avenue from E Milham Avenue south to the end of the road.

Environmental Drive - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Environmental Drive from Sprinkle Road to Quality Way.

Quality Way - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Quality Way from Quality Court to Bishop Avenue.

Quality Court - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Quality Court from Quality Way east to the end of the road.

Meredith Street - Drain Crossing

That part of the Lexington Green Drain laying within the Meredith Street right-of-way and described as commencing at the South 1/4 corner of Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence N89°37'40"E 1,041.05 feet; thence N06°36'30"E 2,153.64 feet along the centerline of Meredith Street to the point of beginning; thence N06°36'30"E 86.37 feet along the centerline of Meredith street 66.00 feet wide centered on said centerline; said area contains 0.13 acres.

Bishop Avenue - Drain Crossing

That part of the Lexington Green Drain laying within the Bishop Avenue right-of-way and described as commencing at the Northeast corner of Section 13 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence West along North line of said section 368.08 feet to the Point of Beginning; thence continuing West 80 feet along the North line of Section 13 66.00 feet wide centered on said section line; said area contains 0.12 acres.

BE IT FURTHER RESOLVED that notice, in substantially the form attached as Exhibit "B", be published in a newspaper of general circulation within the City, giving notice of the City's intent to grant perpetual permit to perform the herein described drain work.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

YEAS: _____

NAYS: _____

ABSENT: _____

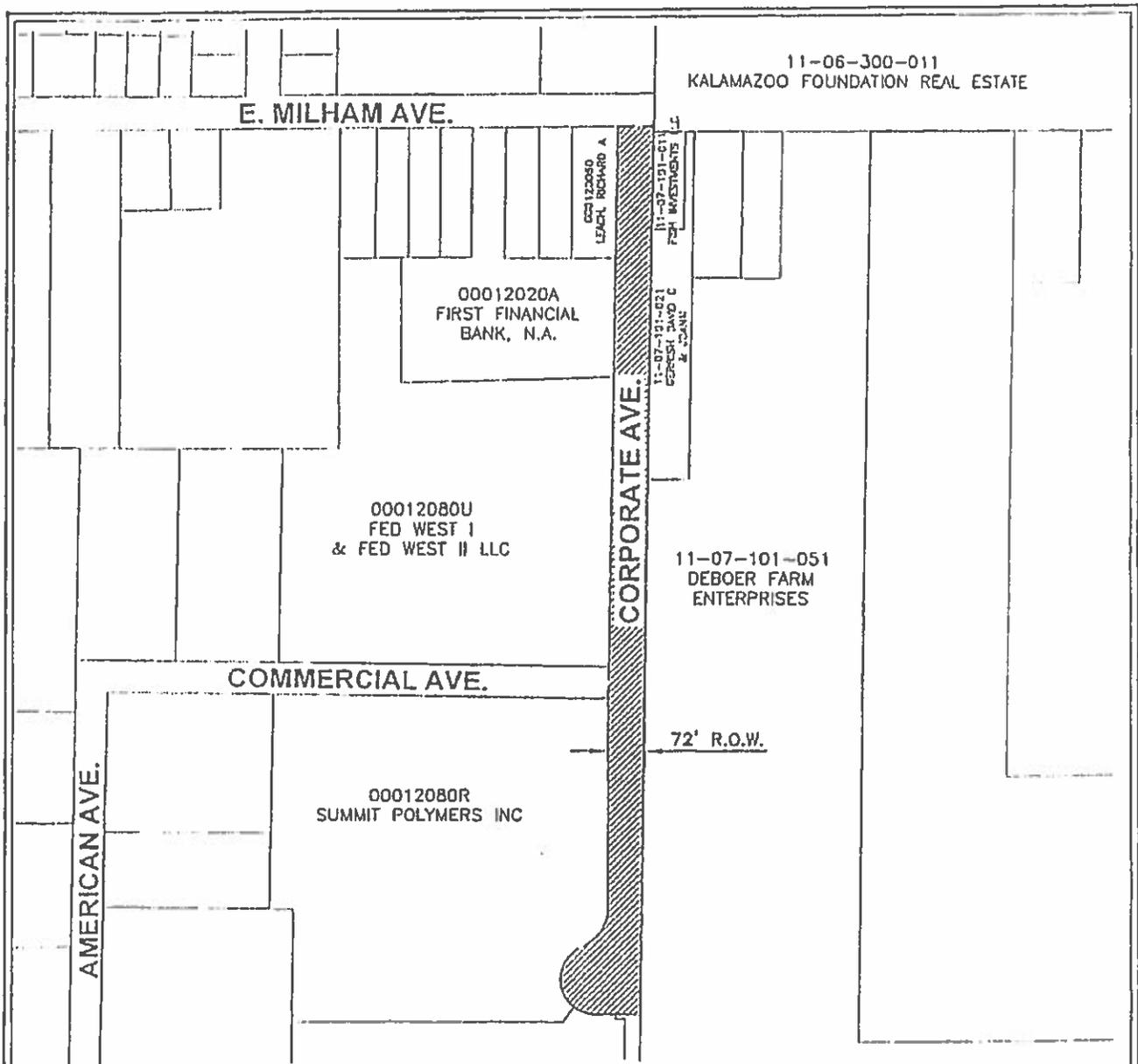
James R. Hudson, City Clerk

STATE OF MICHIGAN)
): SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ___ day of _____, 2015, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this _____
Day of _____, 2015.

James R. Hudson, City Clerk



DESCRIPTION

A RIGHT-OF-WAY IN SECTION 12, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: THE FULL ROAD RIGHT-OF-WAY WIDTH OF CORPORATE AVENUE FROM E MILHAM AVENUE SOUTH TO THE END OF THE ROAD.

Prepared By: Land & Resource
3800 W. River Dr. Suite A
Comstock Park, MI 49321

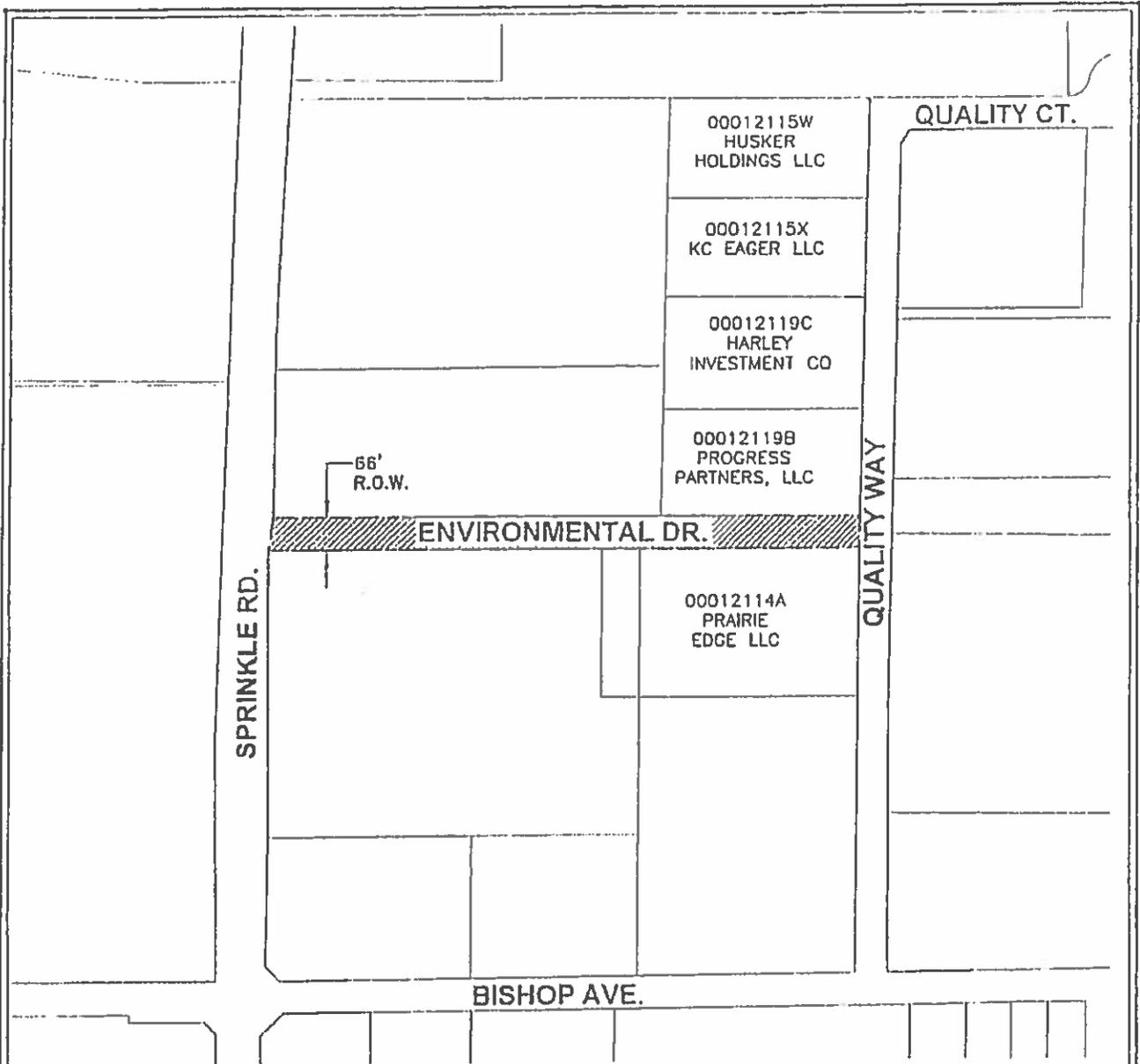


EXHIBIT A

Date: MAY, 2014

Drawn By: LGG

ut: 11-2711 - 5:55pm 11-06-2014 Location: C:\Users\jg\Documents\11-06-2014\11-06-2014-001.dwg Plot Date: 11-06-2014 5:55pm



DESCRIPTION

A RIGHT-OF-WAY IN SECTION 12, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: THE FULL ROAD RIGHT-OF-WAY WIDTH OF ENVIRONMENTAL DRIVE FROM SPRINKLE ROAD TO QUALITY WAY.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321

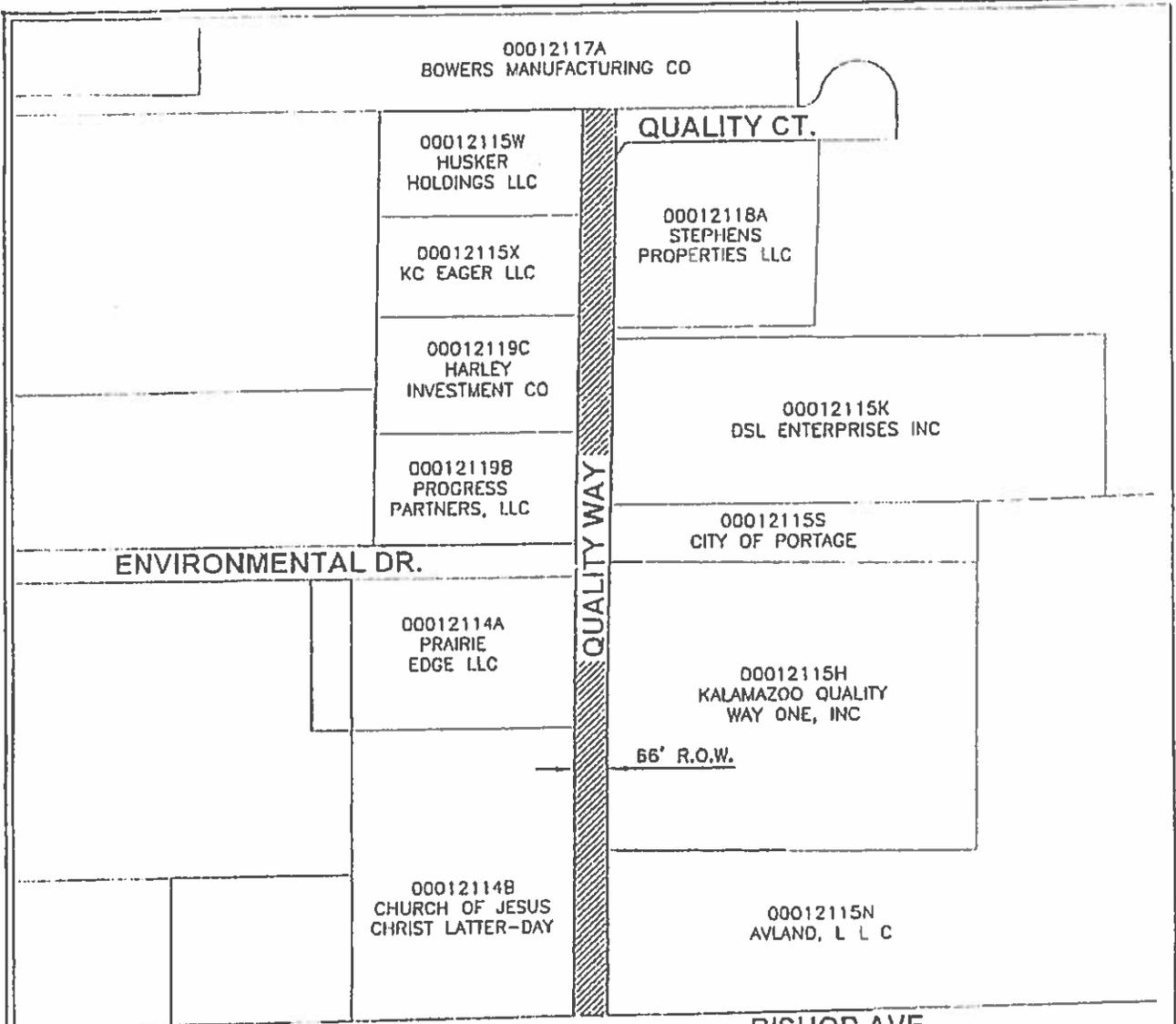


EXHIBIT A

Date: MAY, 2014

Drawn By: LGG

10/12/2014 5:54pm H:\Projects\11-008 Lantion Geo\11-01812\Map\Comments-PAGE 001.dwg 10/12/2014 10:22:27



DESCRIPTION

A RIGHT-OF-WAY IN SECTION 12, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: THE FULL ROAD RIGHT-OF-WAY WIDTH OF QUALITY COURT FROM QUALITY WAY EAST TO THE END OF THE ROAD.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321

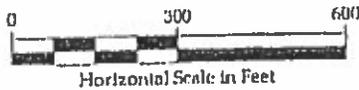
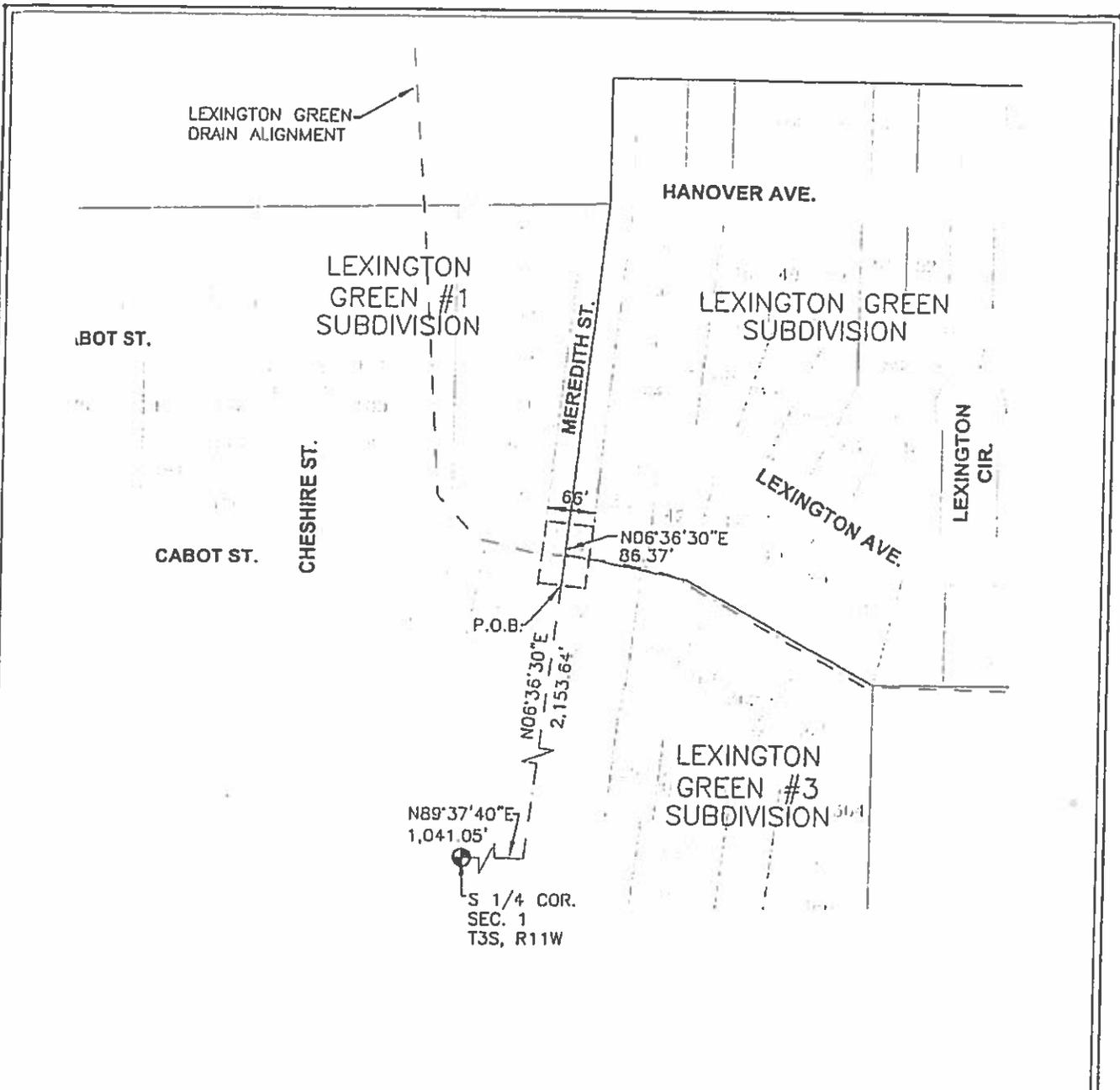


EXHIBIT A

Date: MAY, 2014

Drawn By: LGG

I:\Projects\13-000 (Ludwig Owen)\13-000\Drawings\13-000-001.dwg, 10/25/13



LEXINGTON GREEN DRAIN - MEREDITH STREET CROSSING

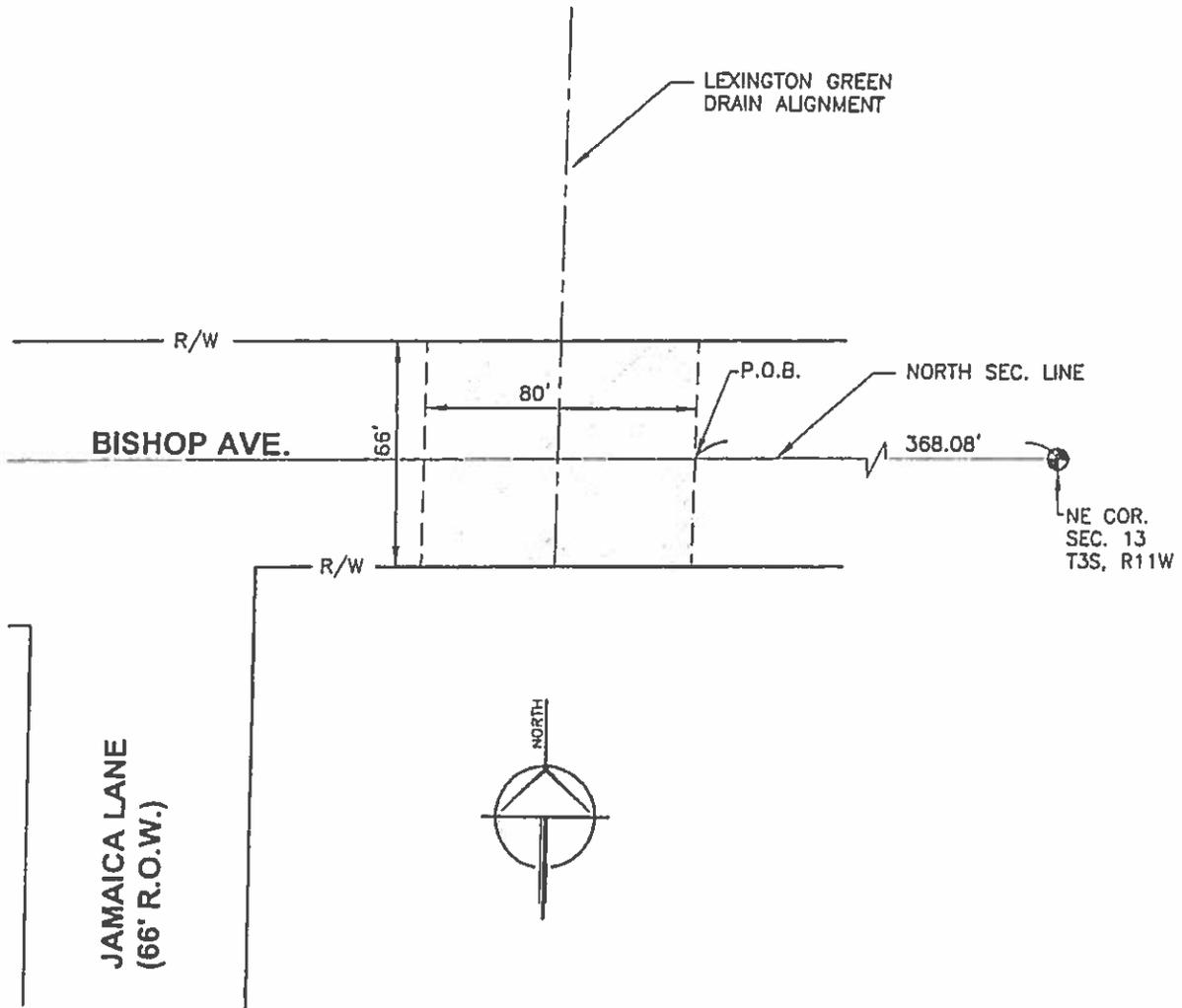
THAT PART OF THE LEXINGTON GREEN DRAIN LAYING WITHIN THE MEREDITH STREET RIGHT-OF-WAY AND DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER SECTION 1 T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; THENCE N89°37'40"E 1,041.05 FEET; THENCE N06°36'30"E 2,153.64 FEET ALONG THE CENTERLINE OF MEREDITH STREET TO THE POINT OF BEGINNING; THENCE N06°36'30"E 86.37 FEET ALONG THE CENTERLINE OF MEREDITH STREET 66.00 FEET WIDE CENTERED ON SAID CENTERLINE;

SAID AREA CONTAINS 0.13 ACRES.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321



EXHIBIT A	Date: DEC. 2013
	Drawn By: NDJ



LEXINGTON GREEN DRAIN - BISHOP AVENUE CROSSING

THAT PART OF THE LEXINGTON GREEN DRAIN LAYING WITHIN THE BISHOP AVENUE RIGHT-OF-WAY AND DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SECTION 13 T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; THENCE WEST ALONG NORTH LINE OF SAID SECTION 368.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST 80 FEET ALONG THE NORTH LINE OF SECTION 13 66.00 FEET WIDE CENTERED ON SAID SECTION LINE;

SAID AREA CONTAINS 0.12 ACRES.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321



EXHIBIT A

Date: DEC 2013

Drawn By: NDJ

EXHIBIT B

**CITY OF PORTAGE, MICHIGAN
NOTICE OF INTENTION TO GRANT PERMISSION TO PERFORM WORK
IN THE CITY OF PORTAGE, MICHIGAN**

PLEASE TAKE NOTICE, that on the ____day of _____, 2015, the City Council for the City of Portage adopted a resolution to transfer jurisdiction and ongoing maintenance of the storm drainage systems and drain crossings for those locations further described below, placed the resolution on file with the City Clerk for 28 days and will take final action on April 28, 2015.

Commercial Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Commercial Avenue from Sprinkle Road to American Avenue.

American Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of American Avenue from Commercial Drive to Executive Drive.

Executive Drive - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Executive Drive from American Avenue to Corporate Avenue.

Corporate Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Corporate Avenue from E Milham Avenue south to the end of the road.

Environmental Drive - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Environmental Drive from Sprinkle Road to Quality Way.

Quality Way - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Quality Way from Quality Court to Bishop Avenue.

Quality Court - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Quality Court from Quality Way east to the end of the road.

Meredith Street - Drain Crossing

That part of the Lexington Green Drain laying within the Meredith Street right-of-way and described as commencing at the South 1/4 corner of Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence N89°37'40"E 1,041.05 feet; thence N06°36'30"E 2,153.64 feet along the centerline of Meredith Street to the point of beginning; thence N06°36'30"E 86.37 feet along the centerline of Meredith street 66.00 feet wide centered on said centerline; said area contains 0.13 acres.

Bishop Avenue - Drain Crossing

That part of the Lexington Green Drain laying within the Bishop Avenue right-of-way and described as commencing at the Northeast corner of Section 13 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence West along North line of said section 368.08 feet to the Point of Beginning; thence continuing West 80 feet along the North line of Section 13 66.00 feet wide centered on said section line; said area contains 0.12 acres.

PLEASE TAKE FURTHER NOTICE that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Any person(s) objecting to this vacation should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and vacate said portion.

Dated: _____, 2015.

James R. Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Brownfield Redevelopment Incentive Policy Update

SUPPORTING PERSONNEL: Victoria Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve the revisions to the Brownfield Redevelopment Incentive Policy.

In 2001, the city established a Brownfield Redevelopment Authority and five Brownfield Plans were approved for redevelopment projects that utilized State of Michigan Single Business Tax (SBT) Credits. In 2006, City Council adopted a formal Brownfield Redevelopment Policy that added criteria and a five-year time frame for the use of tax increment financing (TIF), in conjunction with the SBT credits, to reimburse private property owners for eligible activities related to brownfield redevelopment. In July 2008, minor revisions to the city policy were made to reflect the adoption of the Michigan Business Tax (MBT). Since the July 2008 revisions to the policy, state tax reforms have eliminated and replaced the MBT and tax credits for brownfield redevelopment. To reflect these reforms, revisions to the Portage Brownfield Redevelopment Incentive Policy are necessary, including reconsideration of the criteria associated with the use of TIF to reimburse private property owners for eligible brownfield redevelopment expenses.

During the January 22, 2015 and February 10, 2015 Committee of the Whole meetings, City Council discussed ways to enhance economic development and potential revisions to both the Brownfield Redevelopment Incentive Policy and the Industrial Tax Abatement Incentive Policy (authorized under Public Act 198). Subsequent to the Committee of the Whole meetings, the Portage Brownfield Redevelopment Authority met on March 11, 2015 and considered recommended revisions to the policy, summarized as follows:

- The policy has been revised to eliminate all references to the MBT credit program;
- The policy has been revised to extend the use of TIF from five years to up to 15 years. Similar to the City of Portage policy for industrial tax abatements, this initial time limit is half of the time period permitted by statute;
- As the community ages, revisions to the policy to more explicitly provide TIF incentives for blighted and functionally obsolete buildings have been made. With regard to functionally obsolete buildings, the City Assessor must review and determine if a building is functionally obsolete. Such a review should be limited to buildings with significant redevelopment challenges. Furthermore, with both functionally obsolete and blighted buildings, reimbursement of eligible

expenses should be limited to those activities necessary to cure the functional obsolescence and/or remove blighting factors.

- Finally, language has been added to the policy that provides guidance with regard to the manner in which the City of Portage will approve partnerships with the Kalamazoo County Brownfield Redevelopment Authority (KCBRA). In particular, language has been added that future KCBRA plans be consistent with the city's policy and the TIF capture timelines above. Furthermore, a provision has been added to permit an additional five-year TIF capture period to reimburse the KCBRA Local Site Remediation Revolving Fund (LSRRF), which provides funding to assist applicants with up front expenses, such as those noted above.

In the attached March 6, 2015 communication from the Department of Community Development, approval of the revisions has been recommended. After review and discussion, on March 11, 2015, the Portage Brownfield Redevelopment Authority recommended that City Council approve the proposed Brownfield Redevelopment Incentive Policy revisions.

Therefore, it is recommended that City Council approve the revisions to the Brownfield Redevelopment Incentive Policy.

FUNDING: Not Applicable

Attachments: Brownfield Redevelopment Authority Minutes dated March 11, 2015
Department of Community Development report dated March 6, 2015
Brownfield Redevelopment Incentive Policy (underline and strikeout version)

Brownfield Redevelopment Authority

Minutes of Meeting – Wednesday, March 11, 2015

The meeting of the City of Portage Brownfield Redevelopment Authority was called to order by Secretary King at 8:17 a.m. in Council Chambers, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT: Tom King, Devrim Yaman, Jeff Monroe, Bradley Galin, Jeffrey Kalmbach, Robert Kelber, Daniel Vomastek (arrived at approximately 8:30 a.m.).

MEMBERS EXCUSED: A motion was offered by Monroe, seconded by Kelber to excuse members Alburnus, Lewandowski and Vomastek. The motion was approved 6-0.

IN ATTENDANCE: Vicki Georgeau, Community Development Director; Lotta Jarnefelt and Rachel Grover, Kalamazoo County Department of Planning and Community Development, Joe Agostinelli, Chair of Kalamazoo County Brownfield Redevelopment Authority and Dave Stegink, Envirollogic Technologies.

APPROVAL OF MINUTES: The minutes from the November 6, 2013 meeting were introduced for approval. A motion was offered by Yaman, seconded by Monroe to approve the minutes as submitted. The motion was approved 7-0.

BUSINESS:

1. Election of Officers. A motion was offered by Monroe, seconded by Yaman to nominate the existing slate of officers for re-election: King as Chairman, Alburnus as Vice-Chairman, and Kalmbach as Secretary/Treasurer of the Brownfield Redevelopment Authority. There being no further discussion, the motion was approved 7-0.

Chairman King asked each Board member to review the member listing included in the agenda to ensure the information is correct. King also noted that Rules of Procedure were included in the agenda and inquired of staff if the document has been reviewed by the Authority for necessary revisions. Georgeau indicated that the Rules of Procedure were provided in the agenda for reference purposes only, but agreed it may be appropriate for the staff and the Authority to review the document for necessary changes at the next Authority meeting.

2. Revised Brownfield Redevelopment Incentive Policy. Georgeau provided an overview of the proposed revisions to the policy and explained that City Council had preliminarily reviewed policy revisions during the Committee of the Whole meeting on February 10th, concurrent with recommended revisions to the city's Industrial Tax Abatement Policy and in the context of enhancing the city's role in economic development. Georgeau further explained the policy revisions included: elimination of references to state tax credits; an extension of the time period permitted for tax increment financing (TIF) from five to 15 years, revisions to criteria for Council to consider in granting TIF revenue capture for longer than 15 years; criteria for considering functionally obsolete and/or blighted properties; and the addition of process and criteria to review when brownfield plans are proposed through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA). King requested clarification of the process for review and approval of KCBRA plans. Georgeau explained that state statute requires the elected body of the local unit of government to pass a resolution of

support for all county brownfield plans. King also requested clarification regarding the criteria for use of TIF revenue capture in Section 3 of the policy. Georgeau explained that this criteria is for review only when a TIF capture period beyond 15 years is requested by an applicant. After further discussion, a motion was offered by Monroe and seconded by Galin to recommend to City Council approval of the proposed Brownfield Redevelopment Incentive Policy revisions. The motion was approved 7-0.

3. Kalamazoo County Brownfield Redevelopment Plan, 4460 Commercial Drive. Georgeau summarized the Brownfield Redevelopment Plan for 4460 Commercial Drive prepared by the KCBRA. Georgeau also introduced Lotta Jarnefelt and Rachel Grover with the Kalamazoo County Department of Planning and Community Development, Joe Agostinelli, Chairman of the KCBRA and Dave Stegink, environmental consultant for the KCBRA. Georgeau explained that the applicant, Accu-Mold, LLC, is proposing to utilize the KCBRA program due to the availability of funds to pay for up front expenses and because the KCBRA policy allows for a longer tax increment financing (TIF) revenue capture period compared to the existing Portage Brownfield Redevelopment Incentive Policy. Furthermore, the Accu-Mold expansion project is on a fast track with acquisition slated for early April 2015 and building and site improvements slated to begin in late April 2015. Georgeau noted the subject property is improved with a 20,000 square foot building and parking lot and the property is eligible under the Brownfield Redevelopment Act because the building is functionally obsolete. The applicant will be investing \$1.8 million to acquire and renovate the building, and \$125,000 will be spent on selective building and site demolition to cure the functional obsolescence.

Monroe and Galin inquired if there are any environmental concerns and/or underground tanks on the property. Joe Agostinelli and David Stegink indicated there are no known environmental issues with the property. Monroe inquired as to the age and prior use of the building. Agostinelli indicated the building was first constructed in the 1980's and had been divided up into several smaller tenant suites used for small scale manufacturing, assembly and offices. Agostinelli further indicated that the redevelopment project will be supported by the Michigan Economic Development Corporation.

After further discussion, a motion was offered by Kalmbach, seconded by Monroe that the Brownfield Redevelopment Authority recommend to City Council that the resolution of support involving the KCBRA Brownfield Redevelopment Plan for 4460 Commercial Drive be approved. The motion was approved 7-0.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business to come before the Authority, the meeting was adjourned at 8:25.

Respectfully submitted,

Vicki Georgeau, Director

TO: Brownfield Redevelopment Authority

DATE: March 6, 2015

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

SUBJECT: Brownfield Redevelopment Policy Update

I. INTRODUCTION:

The Brownfield Redevelopment Financing Act (PA 381 of 1996, as amended) allows a city, village, township or county to establish a Brownfield Redevelopment Program for the purposes of facilitating the reuse of contaminated, functionally obsolete or blighted buildings and properties.

In 2001, the city established a Brownfield Redevelopment Authority and five Brownfield Plans were approved for redevelopment projects that utilized state Single Business Tax (SBT) Credits. In 2006, City Council adopted a formal Brownfield Redevelopment Policy that added criteria and a five-year time frame for the use of tax increment financing (TIF), in conjunction with SBT credits, to reimburse private property owners for eligible activities related to brownfield redevelopment. In July 2008, minor revisions to the policy were made to reflect the adoption of the Michigan Business Tax (MBT).

Since the July 2008 revisions to the policy, state tax reforms have eliminated and replaced the MBT and tax credits for brownfield redevelopment were eliminated. To reflect these reforms, revisions to the Portage Brownfield Redevelopment Policy are necessary, including reconsideration of the criteria associated with the use of TIF to reimburse private property owners for eligible brownfield redevelopment expenses.

II. CITY OF PORTAGE BROWNFIELD REDEVELOPMENT INCENTIVE POLICY

As noted above, revisions to the Brownfield Redevelopment Incentive Policy are necessary. As additional information for the Authority, during the January 22nd and February 10, 2015 Committee of the Whole meetings, City Council discussed ways to enhance economic development and potential revisions to both the Brownfield Redevelopment Incentive Policy and the Industrial Tax Abatement Incentive Policy (authorized under Public Act 198) were reviewed in this context. The following revisions have been incorporated into the attached Brownfield Redevelopment Incentive Policy and are recommended for review and consideration of the Authority, prior to final review and approval by City Council:

- The policy has been revised to eliminate all references to the MBT credit program.
- While competitive grants for brownfield redevelopment projects are available through the State of Michigan in place of the former tax credits, the award criteria emphasizes central cities and projects within traditional downtown areas. It is therefore uncertain whether brownfield redevelopment projects in Portage would be successful in receiving such grants.

Based on the above, the length of time when TIF capture can be utilized with a brownfield redevelopment project is recommended to be lengthened. While state statute allows a 30-year time period for TIF capture, many communities limit the capture to a shorter time period. In this regard, the policy has been revised to extend the use of TIF from five years to up to 15 years. Similar to the City of Portage policy for industrial tax abatements, this initial time limit is half of the time period permitted by statute.

- While the current policy includes references to blighted and functionally obsolete buildings, all previously approved Brownfield Plans in Portage have involved sites with environmental contamination. As the community ages, revisions to the policy to more explicitly provide TIF incentives for blighted and functionally obsolete buildings have been made. With regard to functionally obsolete buildings, the City Assessor must review and determine if a building is functionally obsolete, and such determination should be limited to buildings with significant redevelopment challenges. Furthermore, with both functionally obsolete and blighted buildings, reimbursement of eligible expenses should be limited to those activities necessary to cure the functional obsolescence and/or remove blighting factors.
- Finally, language has been added to the policy that provides guidance with regard to the manner in which the City of Portage will approve partnerships with the Kalamazoo County Brownfield Redevelopment Authority (KCBRA).

As background information, in 2002 Kalamazoo County created a Brownfield Redevelopment Authority that also provides incentives for brownfield redevelopment. While most of the county's work has occurred within townships, there have been instances where the KCBRA adopted brownfield plans within the cities of Kalamazoo and Portage. For example, in 2013 the Portage Brownfield Redevelopment Authority and City Council approved a KCBRA plan for the redevelopment of 9008 Portage Road, an environmentally contaminated former gas station site. The applicant and property owner sought assistance via the KCBRA to obtain financial assistance with the up-front expenses of completing assessment studies (e.g. Phase 1 and Baseline Environmental Assessment) and preparation of a Brownfield Plan, and due to a longer TIF capture period offered through the KCBRA. Due to the level of contamination and proximity of the site to West Lake, and because the TIF capture from the city was relatively small, the Portage Brownfield Redevelopment Authority and City Council recommended approval of the KCBRA plan within Portage.

With specific regard to the Portage Brownfield Redevelopment Policy, language has been added that future KCBRA plans be consistent with the city's policy and the TIF capture timelines above, with a provision that an additional five-year TIF capture period be permitted to reimburse the KCBRA Local Site Remediation Revolving Fund (LSRRF), which provides funding to assist applicants with up front expenses, such as those noted above.

III. RECOMMENDATION:

The City of Portage Brownfield Redevelopment Incentive Policy revisions have been prepared by the City Administration and preliminarily reviewed by City Council. Staff advises that the Authority review the revisions, and if acceptable, recommend to City Council that policy revisions be approved.

Attachment: Revised City of Portage Brownfield Redevelopment Incentive Policy

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT INCENTIVE POLICY

The City of Portage encourages the growth and development of the local industry and business tax base, the creation of additional job opportunities for community residents and desires to continue to provide incentives for industry and business expansion. The City Council also recognizes the essential responsibility to the community to maintain the array of public services necessary to ensure the high quality of life that exists in Portage. To facilitate tax base expansion and to fulfill these responsibilities, the City Council hereby establishes this City of Portage Brownfield Redevelopment Incentive Policy.

The City of Portage is ~~A Place for Business Opportunities to Grow!~~ Natural Place to Move. To continue to be a community in which growth and development can prosper, the following attributes important to all industries and businesses will be maintained:

- **Low Tax Rate.** The maintenance of the lowest feasible tax rate compared to other full-service cities is essential to economic development and will facilitate expansion and job creation: A very competitive City of Portage tax rate will be continued.
- **Utility Service Rates.** The maintenance of competitive utility rates is also important to provide opportunities for continued growth and development: Cost effective rates and the efficient delivery of utility services by the City of Portage will be continued.
- **Capital Improvements.** Investments in existing public street, water and sewer infrastructure and the expansion of these public systems are necessary and will encourage additional private sector investment: The annual 10-year Capital Improvement Program budget will continue to reflect essential public improvements within the community.
- **Quality of Life Investments.** To provide opportunities for industry and business expansion and to ensure high quality of life standards, public safety, business and neighborhood services, cultural and recreational programming and related community attributes must be maintained: Quality of life investments will be continued by the City of Portage to foster a safe, *-Living, Working and Learning-* community.

In addition to these important locally-determined economic development and growth factors, the City Council will offer eligible industries and businesses the opportunity to apply for brownfield incentives under Michigan Statute. The City Council is desirous of fostering brownfield redevelopment to strengthen the tax base and to encourage job creation. The City Council also recognizes its fiduciary responsibility to the community to provide public services and uphold the quality of life. Periodic review of the brownfield policy is necessary to ensure consistency with the community needs and objectives.

Inquiries concerning this policy can be directed to the Department of Community Development (269.329.4477), or the Office of the City Clerk (269.329.4511) in Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002.

Brownfield Redevelopment Incentive Policy

The following sections reference the framework for processing and considering brownfield redevelopment incentive applications as provided under the Brownfield Redevelopment Financing Act (PA381 of 1996, as amended). This policy, these procedures and related provisions will

assist the private investors in the ongoing effort to enhance the productive capacity of environmentally distressed, functionally obsolete or blighted buildings and properties and contribute to the health and vibrancy of the City of Portage. The following sections address --

1. The Intent of the City of Portage Brownfield Redevelopment Program
2. The General Review Criteria for Brownfield Applications
3. Brownfield Redevelopment Financial Incentives in the City of Portage
4. Brownfield Redevelopment Application Review Process
5. Amendment of the City of Portage Brownfield Plan Process
6. State of Michigan Review Process
7. Annual Report Requirements for the City and the Applicant
- 7.8. Coordination with the Kalamazoo County Brownfield Redevelopment Authority

1. The Intent of the City of Portage Brownfield Redevelopment Program

Per the resolution adopted by the City Council in July 2001, the City of Portage Brownfield Redevelopment Program was established to facilitate reuse of environmentally distressed, property (functionally obsolete, and/or blighted buildings and property areas) in the community. This economic development program is intended to place vacant and/or underutilized/blighted properties back into productive use, fostering reinvestment in the city and, also, discouraging sprawl development. Consistent with the intent of PA381 of 1996, as amended, City Council established the Portage Brownfield Redevelopment Authority in August 2001 and appointed the Board of Directors of the Portage Economic Development Corporation/Tax Increment Finance Authority (EDC/TIFA) to serve as the Portage Brownfield Redevelopment Authority.

The objective of the Act is to assist in effectively addressing brownfield properties and consider the level of assistance necessary to encourage redevelopment. It is acknowledged that the greater development costs associated with a brownfield, when compared to the development costs of a property that is not environmentally contaminated, functionally or obsolete, or blighted, is a significant consideration in successful redevelopment and use. The State of Michigan has enacted programs to assist in brownfield redevelopment, including Michigan Business Tax credits, and has authorized local units of government to capture incremental increases in local and school property tax revenues to finance eligible activities on a brownfield property including environmental response activities, demolition, public infrastructure improvements, site preparation and lead and asbestos abatement.

2. The General Review Criteria for Brownfield Applications

The City Council will evaluate brownfield redevelopment applications based on the following criteria. The criteria shall be equally applied during the review of applications from eligible property owners:

- The brownfield redevelopment application will facilitate the environmental clean-up to accepted State of Michigan standards and the productive reuse of one or more distressed properties, or
- The brownfield redevelopment will facilitate the demolition and removal of a functionally obsolete building (or selective interior building demolition) and site condition, or a blighted building and site condition.
- ~~The brownfield redevelopment application involves property that is included in the Portage Brownfield Redevelopment Plan.~~
- The brownfield redevelopment application involves property that is designated zoned for office, business or industrial use ~~in the Portage Zoning Code~~ and/or is planned for office, business or industrial use in the Portage Comprehensive Plan.
- The financial incentives to be provided for the project will not result in the impairment of the operation or the financial soundness of any affected taxing unit.

- A public purpose would be served; i.e., expanded tax base as well as the multiplier effects of additional employment, income and capital investment in the community.
- The project will provide for an expansion of the employment base in the community.
- The proposed facilities will be compatible with the present and future requirements for city services such as roads, utilities and public safety.
- The applicant meets current financial obligations to the city, is in compliance with all applicable state and city codes and ordinances and has no pending or current litigation against the city (including appeals to the Michigan Tax Tribunal).

The preceding criteria are not intended to be exhaustive. The City Council reserves the right to consider such additional criteria that are intended under this policy and that are consistent with promoting the general health, safety, and welfare of the City of Portage.

3. Brownfield Redevelopment Financial Incentives in the City of Portage

The Portage City Council wishes to encourage the environmental clean-up and/or the redevelopment of eligible brownfield sites by leveling the playing field between “brownfield” and “greenfield” sites. The Portage City Council will offer the following incentives to stimulate reinvestment in eligible brownfield sites.

- A. ~~Michigan Business Tax Credit.~~ The preferred approach to foster the redevelopment of brownfield properties by the private sector is to support an application to the State of Michigan for the Michigan Business Tax (MBT) credit program for small projects (\$10 million or less) and large projects (over \$10 million) where developers of eligible brownfield properties can receive a tax credit equal to 12.5 percent of the eligible investment. Eligible investment costs include demolition, construction, restoration, alteration, renovation, site improvements, and addition of machinery, equipment and fixtures for the owner or lessee. It is recognized that the City of Portage support for the issuance of a tax credit and the receipt of this tax credit by the property owner represents a significant redevelopment incentive.
- B. ~~Tax Increment Financing Incentive.~~ Tax increment financing (TIF) allows the use of tax revenues that result from an increase in taxable value caused by the construction of new ~~commercial or industrial~~ facilities or the rehabilitation of existing facilities. Tax revenues can then be used to fund/reimburse the cost of eligible brownfield redevelopment activities.
 1. The Portage City Council will support tax increment financing if such financing is necessary for the granting of a Michigan Business Tax credit by the State of Michigan foreconomic feasibility of an office, commercial or industrial project on a brownfield site. ~~The state and all local taxing jurisdictions are expected to participate.~~ Tax increment financing may be approved to reimburse the applicant only for those costs attributed to approved activities directly related to the brownfield property such as public infrastructure, storm water retention, environmental response, demolition ~~that is a response activity~~, including reasonable interest expenses as allowed by the Act, and for related fees and costs associated with the tax increment plan, financing, scheduling, reporting and related activities. City Administration costs for review and approval of the brownfield application and plan that involve tax increment financing will be incorporated into the tax increment finance plan as allowed by the Act. The city will not borrow money or issue negotiable revenue bonds or notes to finance eligible activities.
 2. In order for a project to be considered for tax increment financing, the following minimum threshold criteria must be met:
 - a. The property must be zoned and/or designated for office or business use and located in a “Commercial Revitalization Area”, the Lake Centre subarea, or the City Centre subarea as

- identified in the Comprehensive Plan and meet the ~~business~~ guidelines of the state brownfield program; ~~(retail operations that are not "big box" retailers unless as an anchor in a retail center located in an historically underserved market in a traditional downtown area or a significant commercial node that complements rather than competes with existing retailers);~~ OR
- b. The property must be zoned and/or designated for industrial use and located within the general industrial area identified in the Comprehensive Plan and meet the manufacturing guidelines of the state brownfield program ~~(preference given to re-use of existing obsolete/blighted industrial facilities by a Michigan manufacturer in a competitive industry, which preserves/creates jobs, or is high growth potential technology-based company);~~ AND
 - c. The local tax capture is limited to a maximum of 15 years or when 100% reimbursement of eligible expenses is achieved, whichever time period is shorter. Eligible expenses for projects that involve a functionally obsolete building or blighted building/property shall be limited to activities that demolish and/or remove the obsolete or blighted factors of the building/property predetermined amount as approved by the City Council; AND
 - d. The applicant is not responsible for any existing on-site environmental contamination and/or blighted building or site conditions.
3. The City Council may make modifications to increase the financial assistance and level of city participation, which are deemed appropriate and consistent with the requirements of Act 381 and objectives stated in this policy. The following shall be considered for such, for a brownfield projects that:
- a. The project is ~~transformative and~~ involves the following significant economic development benefits to the community.:
 - a. ~~The project is necessary for a new business to locate or an existing business to expand in the city.~~
 - b. The minimum taxable value of the project upon completion will be at least ~~\$\$\$10~~ million.
 - c. The project will result in the creation ~~and/or retention of: a 100 or more new jobs with a median annual salary above 80% of the Kalamazoo County Area Median Income for a single-person household; OR 50 new jobs, all of which have an annual salary above 80% of the Kalamazoo County Area Median Income for a single-person household~~ significant number of full time equivalent jobs in the community.
 - d. ~~The project will result in a significant average annual salary level for each full time equivalent job.~~
 - e. ~~The project has the potential to create spin-off development through multiplier effects that have positive community economic impact.~~
 - f.d. Others benefits as may be determined by the City Council.

4. Brownfield Redevelopment Application Review Process

The application review process is intended to allow the community the opportunity to review the proposed brownfield redevelopment project in advance of the finalization of a formal brownfield plan amendment. Approval of the application by the City Council will allow the applicant to proceed with preparation of the formal brownfield plan amendment. The application review process includes the following information/steps:

- A. Applications shall be ~~completed and~~ submitted to the Department of Community Development and include ~~the following~~:
1. ~~Application form~~ Letter of application, together with the adopted fee.
 2. Project summary ~~of the overall project investment and proposed job creation/retention, with a~~ preliminary site plan ~~or~~; site sketch, graphics or other illustrations that detail the project.
 3. Summary of environmental conditions and eligible activities that necessitate consideration of a brownfield plan amendment.
 4. Preliminary estimate of the captured taxable value and tax increment revenues from all eligible properties, ~~if applicable~~.
 5. Preliminary estimate of the impact of tax increment financing on the revenues of all taxing units subject to tax capture, ~~if applicable~~.

The application will be promptly processed when all required information has been submitted.

- B. Review of a brownfield redevelopment application will be coordinated by the Department of Community Development ~~and a report will be prepared for the consideration of the City Manager. The Department of Community Development may request the assistance of appropriate departments in the preparation of the report. If the application requests the tax increment financing incentive, the Finance Department will be involved in the review of the application and financing documents and may request the services of municipal financial consultants.~~ The report will include appropriate analyses and be prepared giving consideration to the application, Michigan Statue, the General Review Criteria specified in this policy and any other pertinent considerations. If City Council approves the brownfield redevelopment application, the approval will extend for a six month period, after which a new application will be required. During this approval period, the applicant will prepare an amendment to the City of Portage Brownfield Plan, which will be considered as required by Act 381 and relevant statutory requirements.

5. Amendment to the City of Portage Brownfield Plan Process

Within six months of the City Council approval of the brownfield application, the applicant may proceed and prepare an amendment to the City of Portage Brownfield Redevelopment Plan for consideration by the city to include an additional eligible property per the following ~~sections~~:

- A. Preparation of the Brownfield Redevelopment Plan. The applicant, or designated agent, is responsible for preparing the Brownfield Redevelopment Plan consistent with the Act. The Brownfield Redevelopment Plan shall be properly completed and submitted to the Department of Community Development.
- B. City Administrative Review. The Brownfield Redevelopment Plan will be reviewed by the Department of Community Development ~~and a report will be prepared for consideration by the City Manager. The Department of Community Development may request the assistance of appropriate departments including the Office of the City Attorney in the preparation of the report. If the application includes tax increment financing incentives, development agreement and related documents, the Finance Department will review the application and may involve the services of municipal financial consultants. The A~~ report will be prepared and include appropriate analyses, ~~and be prepared~~ giving consideration to the approved brownfield application, Michigan Statute, this policy and any other pertinent considerations. The review and report will be provided to the Brownfield Redevelopment Authority and to City Council for consideration at the public hearing on the plan.
- C. Brownfield Redevelopment Authority Review. The Authority will review the Brownfield Redevelopment Plan and related documents and develop a recommendation that will be forwarded to City Council. After review by the Authority, the plan will be forwarded to the City Council.

- D. Public Hearing on the Brownfield Redevelopment Plan. City Council will hold a public hearing on the plan consistent with Act 381 including written notice to taxing units subject to tax capture.
- E. Resolution adopted by City Council. After consideration of the proposal and Brownfield Redevelopment Plan, development agreement and related documents, City Council will ~~consider~~ adopt a resolution certifying the plan ~~to the State of Michigan.~~
~~The applicant would then submit the plan and related documents to the Michigan Department of Environmental Quality (MDEQ) and Michigan Economic Growth Authority (MEGA) for review and approval.~~

6. State of Michigan Review Process

~~If captured school taxes will be used to reimburse the cost of environmental response activities, or any non-environmental activities, approval of the Brownfield Redevelopment Plan and a Work Plan by the MDEQ and/or the MEDC is necessary. A Work Plan details the proposed project, specific activities to be undertaken, and the costs and time frame for completion. The MDEQ and MEDCGA will review the Brownfield Redevelopment Plan and Work Plan to ensure consistency with statutory, procedure and process requirements, and notify the City of Portage Brownfield Redevelopment Authority that the plan has been approved, approved with conditions, denied or if additional information is needed prior to approval. The applicable state agency(ies) will approve the Michigan Business Tax Credit and Tax Increment Finance Incentives, including the required Work~~

~~Plans.~~ The city and the authority will only use tax increment revenues in a manner consistent with the approval(s) granted by the applicable state agency(ies). If the plan is approved or approved with conditions by the State of Michigan, the City Council and other local units will be advised, as applicable.

7. Annual Report Requirements for the City of Portage and the Applicant

In accordance with Act 381 requirements, an annual financial report will be submitted to the City Council and the State Tax Commission on the status of the activities.

8. Coordination with Kalamazoo County Brownfield Redevelopment Authority

The Kalamazoo County Brownfield Redevelopment Authority (KCBRA) was created in 2002, which also provides incentives for brownfield redevelopment. While most KCBRA projects have occurred within Kalamazoo County townships, the City of Portage may permit a KCBRA project within the city. The KCBRA has established a Local Site Remediation Revolving Fund (LSRRF) that provides funding to assist applicants with up front expenses including environmental studies and preparation of a Brownfield Redevelopment Plan. In the event an applicant seeks approval through the KCBRA, the following criteria and process shall be utilized for the review and approval process:

- KCBRA staff reviews the initial application and consults with the City of Portage Department of Community Development regarding the project.
- KCBRA Brownfield Plans proposed within the City of Portage must be consistent with the criteria and TIF capture provisions outlined in the City of Portage Brownfield Redevelopment Incentive Policy. An additional TIF capture period will be permitted for a period of not more than five years to fund the LSRRF. Dependent on the amount of TIF capture and scope of the project, this time period may be shortened to less than five years.
- After the KCBRA reviews and approves Brownfield Plan, the plan shall be submitted to the City of Portage Department of Community Development. After review by the City Administration, the

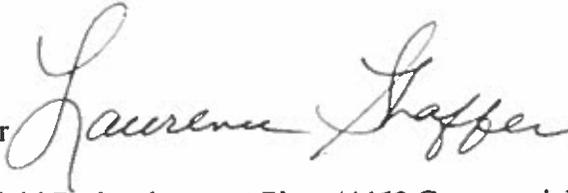
City of Portage Brownfield Redevelopment Authority will review the Brownfield Plan and make a recommendation to City Council.

- The City Council will then review the Brownfield Plan and if approved, adopt a Resolution Approving a Brownfield Plan.
- If approved by the Kalamazoo County Board of Commissioners and the State of Michigan (if applicable), the KCBRA shall provide an executed copy of the development agreement for the project and annually provide a report regarding Brownfield Plan projects within the City of Portage.

DATE OF ADOPTION BY CITY COUNCIL: July 22, 2008

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Kalamazoo County Brownfield Redevelopment Plan (4460 Commercial Drive)

SUPPORTING PERSONNEL: Victoria Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve the resolution of support for the Kalamazoo County Brownfield Redevelopment Authority Brownfield Redevelopment Plan for 4460 Commercial Drive for tax capture in the maximum amount of \$100,634 over a period of up to 20 years (including five years for the Local Site Remediation Revolving Fund) or when eligible activities have been fully reimbursed, whichever occurs first.

Pursuant to the Brownfield Redevelopment Financing Act (PA 381 of 1996), Accu-Mold LLC, has approached Kalamazoo County and requested assistance through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) with eligible non-environmental building and site demolition activities involving 4460 Commercial Avenue. Accu-Mold has an option to purchase the property and plans to relocate and expand its existing business at 7622 South Sprinkle Road to 4460 Commercial Avenue. Accu-Mold will invest an estimated \$1.8 million in the 4460 Commercial Avenue facility, retain 18 jobs and create 12 new jobs. Accu-Mold is requesting to utilize tax increment financing (TIF) for reimbursement of eligible activities including demolition expenses related to a functionally obsolete building/site.

Although the City of Portage also has an established Brownfield Redevelopment program, Kalamazoo County has funding to pay for the up-front expenses of completing assessment studies and preparation of Brownfield Plans. In addition, the KCBRA policy allows for a longer TIF capture time period (up to 30 years per state statute), compared to the existing Portage Brownfield Redevelopment Incentive Policy (which permits up to five years of TIF capture), and the proposed revised policy, which recommends up to 15 years for TIF capture. Therefore, the opportunity again exists for the City of Portage to partner with the KCBRA to incentivize the renovation and reuse of a functionally obsolete building at 4460 Commercial Drive. As information, this is the second collaborative brownfield project involving the City of Portage and Kalamazoo County. The first one was approved in 2013 and involved redevelopment of a former gasoline station located at 9008 Portage Road. With regard to the Accu-Mold project, the requested TIF capture period is a total of 20 years, 15 years to reimburse the applicant and KCBRA for eligible expenses, and an additional five years of tax increment revenue will be directed towards the KCBRA Local Site Remediation Revolving Fund (LSRRF).

As indicated in the 4460 Commercial Drive Brownfield Plan prepared by the Kalamazoo County consultant, the 2.8 acre property is improved with a 20,000-square-foot building and parking lot. The building design accommodates several tenant suites and the interior consists of several non-load bearing walls that must be removed to accommodate an open, more modern manufacturing process. Additionally, older electrical and lighting systems that currently exist in the building need to be removed. In order to be considered an eligible brownfield due to functional obsolescence, Act 381 requires a signed affidavit by a level 3 or 4 property assessor stating the property is functionally obsolete and the reasons for that opinion. The City of Portage Assessor has provided an affidavit declaring the property functionally obsolete, which has been incorporated into the Brownfield Plan.

Eligible activities associated with the redevelopment efforts proposed to be funded through state and local tax reimbursement include the following:

- Phase I ESA; Brownfield Plan Preparation; Act 381 Work Plan
- Building and Site Demolition (interior walls, electrical/lighting and parking lot islands)

The estimated cost to complete all eligible activities is \$180,403.45. In addition to reimbursement for eligible site activities, the KCBRA has requested an additional five years of tax capture LSRRF in the amount of \$14,958.45. The LSRRF is used to make funds available for other brownfield projects in the county. Finally, and as required by the Brownfield Redevelopment Financing Act involving the use of school tax increment revenues, approximately \$6,000 must be deposited into the State Brownfield Redevelopment Fund. Based on the level of investment, the increase in taxable value available for capture is approximately \$100,000. Based on 15 years of tax capture (plus five years for the LSRRF), the tax increment available for capture by all entities is \$100,634. Of the \$100,634, Kalamazoo County and the State of Michigan will receive \$27,458 and \$6,000, respectively. Accu-Mold LLC will receive \$67,175 of the \$125,000 of eligible expenses. During this time period, the City of Portage will forego approximately \$21,851 in tax revenue.

The KCBRA reviewed the Brownfield Plan for 4460 Commercial Avenue on February 26, 2015 and recommended approval of the Plan to the County Board of Commissioners. In a report dated March 6, 2015, the Department of Community Development recommended the resolution of support prepared by the City Attorney be approved for the Brownfield Plan at 4460 Commercial Drive. The City of Portage Brownfield Redevelopment Authority met on March 11, 2015 to consider the brownfield redevelopment plan. Following the discussion, the Board voted unanimously to recommend to City Council that the resolution of support be approved.

Any approval by the Kalamazoo County Board of Commissioners will be contingent upon City of Portage Council approval of the resolution of support. The Brownfield Plan will also be presented to the County Board Committee of the Whole on March 17, 2015 and a public hearing will be set for April 7, 2015 subject to City Council approval of the Kalamazoo County Brownfield Redevelopment Authority Brownfield Redevelopment Plan for 4460 Commercial Drive for tax capture in the maximum amount of \$100,634 over a period of up to 20 years.

FUNDING: Not Applicable

Attachments: Brownfield Redevelopment Authority Minutes dated March 11, 2015
Department of Community Development report dated March 6, 2015

Brownfield Redevelopment Authority

Minutes of Meeting – Wednesday, March 11, 2015

The meeting of the City of Portage Brownfield Redevelopment Authority was called to order by Secretary King at 8:17 a.m. in Council Chambers, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT: Tom King, Devrim Yaman, Jeff Monroe, Bradley Galin, Jeffrey Kalmbach, Robert Kelber, Daniel Vomastek (arrived at approximately 8:30 a.m.).

MEMBERS EXCUSED: A motion was offered by Monroe, seconded by Kelber to excuse members Alburtus, Lewandowski and Vomastek. The motion was approved 6-0.

IN ATTENDANCE: Vicki Georgeau, Community Development Director; Lotta Jarnefelt and Rachel Grover, Kalamazoo County Department of Planning and Community Development, Joe Agostinelli, Chair of Kalamazoo County Brownfield Redevelopment Authority and Dave Stegink, Envirollogic Technologies.

APPROVAL OF MINUTES: The minutes from the November 6, 2013 meeting were introduced for approval. A motion was offered by Yaman, seconded by Monroe to approve the minutes as submitted. The motion was approved 7-0.

BUSINESS:

1. **Election of Officers.** A motion was offered by Monroe, seconded by Yaman to nominate the existing slate of officers for re-election: King as Chairman, Alburtus as Vice-Chairman, and Kalmbach as Secretary/Treasurer of the Brownfield Redevelopment Authority. There being no further discussion, the motion was approved 7-0.

Chairman King asked each Board member to review the member listing included in the agenda to ensure the information is correct. King also noted that Rules of Procedure were included in the agenda and inquired of staff if the document has been reviewed by the Authority for necessary revisions. Georgeau indicated that the Rules of Procedure were provided in the agenda for reference purposes only, but agreed it may be appropriate for the staff and the Authority to review the document for necessary changes at the next Authority meeting.

2. **Revised Brownfield Redevelopment Incentive Policy.** Georgeau provided an overview of the proposed revisions to the policy and explained that City Council had preliminarily reviewed policy revisions during the Committee of the Whole meeting on February 10th, concurrent with recommended revisions to the city's Industrial Tax Abatement Policy and in the context of enhancing the city's role in economic development. Georgeau further explained the policy revisions included: elimination of references to state tax credits; an extension of the time period permitted for tax increment financing (TIF) from five to 15 years, revisions to criteria for Council to consider in granting TIF revenue capture for longer than 15 years; criteria for considering functionally obsolete and/or blighted properties; and the addition of process and criteria to review when brownfield plans are proposed through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA). King requested clarification of the process for review and approval of KCBRA plans. Georgeau explained that state statute requires the elected body of the local unit of government to pass a resolution of

support for all county brownfield plans. King also requested clarification regarding the criteria for use of TIF revenue capture in Section 3 of the policy. Georgeau explained that this criteria is for review only when a TIF capture period beyond 15 years is requested by an applicant. After further discussion, a motion was offered by Monroe and seconded by Galin to recommend to City Council approval of the proposed Brownfield Redevelopment Incentive Policy revisions. The motion was approved 7-0.

3. Kalamazoo County Brownfield Redevelopment Plan, 4460 Commercial Drive. Georgeau summarized the Brownfield Redevelopment Plan for 4460 Commercial Drive prepared by the KCBRA. Georgeau also introduced Lotta Jarnefelt and Rachel Grover with the Kalamazoo County Department of Planning and Community Development, Joe Agostinelli, Chairman of the KCBRA and Dave Stegink, environmental consultant for the KCBRA. Georgeau explained that the applicant, Accu-Mold, LLC, is proposing to utilize the KCBRA program due to the availability of funds to pay for up front expenses and because the KCBRA policy allows for a longer tax increment financing (TIF) revenue capture period compared to the existing Portage Brownfield Redevelopment Incentive Policy. Furthermore, the Accu-Mold expansion project is on a fast track with acquisition slated for early April 2015 and building and site improvements slated to begin in late April 2015. Georgeau noted the subject property is improved with a 20,000 square foot building and parking lot and the property is eligible under the Brownfield Redevelopment Act because the building is functionally obsolete. The applicant will be investing \$1.8 million to acquire and renovate the building, and \$125,000 will be spent on selective building and site demolition to cure the functional obsolescence.

Monroe and Galin inquired if there are any environmental concerns and/or underground tanks on the property. Joe Agostinelli and David Stegink indicated there are no known environmental issues with the property. Monroe inquired as to the age and prior use of the building. Agostinelli indicated the building was first constructed in the 1980's and had been divided up into several smaller tenant suites used for small scale manufacturing, assembly and offices. Agostinelli further indicated that the redevelopment project will be supported by the Michigan Economic Development Corporation.

After further discussion, a motion was offered by Kalmbach, seconded by Monroe that the Brownfield Redevelopment Authority recommend to City Council that the resolution of support involving the KCBRA Brownfield Redevelopment Plan for 4460 Commercial Drive be approved. The motion was approved 7-0.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business to come before the Authority, the meeting was adjourned at 8:25.

Respectfully submitted,

Vicki Georgeau, Director

TO: Brownfield Redevelopment Authority

DATE: March 6, 2015

FROM: Vicki Georgeau, ^hDirector of Community Development

SUBJECT: Kalamazoo County Brownfield Redevelopment Plan, 4460 Commercial Avenue

I. INTRODUCTION:

The Brownfield Redevelopment Financing Act (PA 381 of 1996, as amended) allows a city, village, township or county to establish a Brownfield Redevelopment Program for the purposes of facilitating the reuse of contaminated, blighted or functionally obsolete properties. Pursuant to the Act, Accu-Mold LLC, has approached Kalamazoo County and requested assistance through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) with eligible non-environmental building and site demolition activities involving 4460 Commercial Avenue. Accu-Mold LLC has an option to purchase the property and plans to relocate and expand the existing business at 7622 South Sprinkle Road to 4460 Commercial Avenue. Accu-Mold LLC is requesting to utilize tax increment financing (TIF) for reimbursement of eligible demolition expenses related to a functionally obsolete building/site.

Although the City of Portage also has an established Brownfield Redevelopment program, Kalamazoo County has funding to pay for the up front expenses of completing assessment studies (e.g. Phase 1 and Baseline Environmental Assessment) and preparation of Brownfield Plans. Attached is a letter dated February 26, 2015 from Ms. Lotta Jarnefelt, Director of the Kalamazoo County Department of Planning and Community Development regarding the proposed Brownfield Plan for 4460 Commercial Avenue. This brownfield redevelopment project will provide assistance to a locally owned and operated small business that is experiencing growth and needs to expand its facilities/operation. The building located at 4460 Commercial Avenue has been vacant for several years due, in part, to the interior arrangement of walls and supporting utilities that have made the building functionally obsolete.

Regardless of the local governmental unit, a Brownfield Redevelopment Program is an important economic redevelopment tool to facilitate the successful reuse of contaminated, blighted and/or functionally obsolete properties, further improve the environment and/or properties, increase the local tax base/economy and create new job opportunities or retain existing. In addition to economic benefits, redeveloping brownfields encourages the reuse of commercial, industrial and residential properties in urban areas where public infrastructure is already in place. Furthermore, this project represents an example of ongoing inter-governmental cooperation through the use of the KCBRA and the financial assistance it can provide with upfront environmental study expenses. For Board information, this is the second collaborative brownfield project involving the City of Portage and Kalamazoo County. The first one was approved in 2013 and involved redevelopment of a former gasoline station located at 9008 Portage Road.

II. PROPOSED KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT PLAN, 4460 COMMERCIAL AVENUE

Attached is a copy of the 4460 Commercial Avenue Brownfield Plan prepared by the KCBRA consultant and approved by the KCBRA on February 26, 2015. The subject property is approximately 2.8 acres in size and improved with a 20,000 square foot building and associated off-street parking lot. The building design accommodates several tenant suites and, the interior consists of several non-load bearing walls that must be removed to accommodate an open, more modern manufacturing process. Additionally, older electrical and lighting systems that currently exist in the building need to be removed.

In order to be considered an eligible brownfield “facility” due to functional obsolescence, Act 381 requires a signed affidavit by a level 3 or 4 assessor stating the property is functionally obsolete and the reasons for that opinion. Attached is a copy of the signed affidavit from the City of Portage Assessor acknowledging the property is functionally obsolete in accordance with Act 381 requirements and eligible for financial assistance. The City Assessor concluded the property, as it exists today, “...is not marketable as separate leasing spaces are no longer feasible in today’s industrial market. The functional obsolescence can only be cured by selective demolition of the majority of the non-load bearing partitions.”

Accu-Mold LLC is a locally owned and operated small business that is experiencing growth and needs to expand its facilities/operation. Accu-Mold LLC’s current facility located at 7622 South Sprinkle Road consists of two buildings. The main building is 8,400 square feet in area and the second building is 3,200 square feet. Relocation of Accu-Mold LLC to 4460 Commercial Avenue will nearly double the amount of space available for their manufacturing processes. Accu-Mold LLC will invest an estimated \$1.8 million in the 4460 Commercial Avenue facility, retain 18 jobs and create 12 new jobs.

Accu-Mold LLC indicates that in order to overcome the financial challenges associated with preparing the interior of the building and parking lot to accommodate their manufacturing processes, capture of the tax increment from the increase in property value is needed to fund eligible activities. Eligible activities associated with the site remediation efforts proposed to be funded through state and local tax reimbursement include the following:

- Phase I ESA
- Brownfield Plan Preparation
- Building and Site Demolition (interior walls, electrical/lighting systems and parking lot islands)
- Act 381 Work Plan

Because the City of Portage is designated as a “qualified local unit of government,” capture of local and school tax dollars may also be used for site/building demolition, among others. As shown in Tables 1 in the Brownfield Plan, the estimated cost to complete all eligible activities is \$180,403.45 which includes a 15% contingency (\$20,145) and Kalamazoo County Administrative fee (\$5,000). In addition to reimbursement for eligible site activities, the KCBRA is also requesting an additional five years of tax capture for the Local Site Remediation Revolving Fund (LSRRF) in the amount of

\$14,958.45. The LSRRF is used to make funds available for other brownfield projects in the County. Finally, and as required by the Brownfield Redevelopment Financing Act involving the use of school tax increment revenues, \$6,000 must be deposited into the State Brownfield Redevelopment Fund.

Based on the level of investment being made to 4460 Commercial Avenue by Accu-Mold LLC, the increase in taxable value available for capture is approximately \$100,000. Based on 15 years of tax capture (plus five years for the LSRRF), the tax increment available for capture by all entities is \$100,633. Of the \$100,633, Kalamazoo County and the State of Michigan will receive \$27,458 and \$6,000, respectively. Accu-Mold LLC will receive \$67,175 of the \$125,000 of eligible building/site expenses.

Table 4 shows the estimated foregone tax revenue for each taxing jurisdiction during the duration of the brownfield plan. During this time period, the City of Portage will forego approximately \$21,851. After reimbursement of eligible activities and LSRRF captures are complete the tax revenue is distributed to the traditional taxing jurisdictions.

KCBRA reviewed the Brownfield Plan for 4460 Commercial Avenue on February 26th and recommended approval of the Plan to the County Board of Commissioners. Any approval by the County Board of Commissioners is contingent on Portage City Council approval of the attached resolution, which will be presented to City Council on March 24, 2015. The Brownfield Plan will also be presented to the County Board Committee of the Whole on March 17th and a public hearing will be set for April 7th (subject to City Council approval of the resolution). It is anticipated that the plan will be approved by the Kalamazoo County Board of Commissioners subsequent to the public hearing on April 7th.

III. CITY OF PORTAGE BROWNFIELD REDEVELOPMENT PROGRAM

As background information for the Authority members, City of Portage Brownfield Redevelopment Program was established in 2001 with the designation of the EDC/TIFA Board as the Brownfield Redevelopment Authority and approval of the first brownfield redevelopment plan. Since 2001, seven brownfield redevelopment plans have been approved by the Authority and City Council.

The City of Portage adopted a Brownfield Redevelopment Policy in 2006, which was amended in 2008, and is currently proposed for amendment. The proposed 2015 policy incorporates criteria, procedures and provisions to ensure that brownfield redevelopment applications are consistently and uniformly processed when received. The proposed brownfield plan for 4460 Commercial Avenue is consistent with the general review criteria provided in section 2 of the policy.

IV. RECOMMENDATION:

The KCBRA Brownfield Redevelopment Plan for 4460 Commercial Avenue been reviewed in the context of the proposed 2015 Brownfield Redevelopment Incentive Policy. Approval of the Plan will facilitate reuse of a building that has been vacant for several years and provide assistance to a

locally owned and operated small business that is experiencing growth and needs to expand. Participation by Kalamazoo County will assist the property owner with upfront expenses associated with remediation efforts. Based on the foregoing, staff advises that the Brownfield Redevelopment Authority recommend to City Council that the attached resolution of support be approved for tax capture in the amount of \$ 100,633.80 for up to 15 years (including five additional years of tax capture for the LSRRF). Approval of the plan amendment by the Kalamazoo County Board of Commissioners will permit the applicant to prepare the Act 381 Work Plan, which is required by the State of Michigan when capture of school taxes is proposed.

The redevelopment of the property is consistent with City of Portage land use and environmental objectives and will provide additional tax base growth and related economic benefits to the community.

Attachment: February 27, 2015 letter from Ms. Lotta Jarnfelt, Kalamazoo County
4460 Commercial Avenue Brownfield Redevelopment Plan
Resolution of support



Department of Planning & Community Development

201 West Kalamazoo Avenue, Rm. 101 · Kalamazoo, Michigan 49007
Phone: (269) 384-8112 · FAX: (269) 383-8920 · Email: LMJARN@kalamazoo.gov

Lotta Jarnefelt, Director

Date: February 27, 2015

To: Victoria Georgeau, Director of Community Development
City of Portage Department of Community Development

From: Lotta Jarnefelt, Director of Department of Planning and Community Services, for
Kalamazoo County Brownfield Redevelopment Authority (KCBRA)

Re: County Brownfield Plan for site located at 4460 Commercial Avenue, Portage, Michigan
(Accu-Mold LLC)

I. Project Background

On January 22, 2015 the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) approved an application for assistance in the redevelopment of a commercial building located in the Portage Commerce Park at 4460 Commercial Avenue. The applicant is Mr. Larry Gildea, Vice President of Sales at Accu-Mold.

Accu-Mold is experiencing growth and the redevelopment of the site allows for expansion of their business allowing for the creation of 12 new jobs and retaining an additional 18 jobs. Accu-Mold's investment in the project is expected to be 1.8 Million.

To support the project, the KCBRA was asked to develop and adopt a Brownfield Plan. It was presumed that the capture of school tax increment for this project would also be supported by MDEQ or MEDC, thus an Act 381 Work Plan was also needed.

Envirologic Technologies (ET), the KCBRA's brownfield consultant, prepared the Brownfield Plan for the site. The Plan was approved by the KCBRA at their meeting on February 26. Anticipated eligible activities include interior building demolition, site demolition and site preparation associated with new or improved parking areas, and Baseline Environmental Assessment activities (Phase I Environmental Site Assessment).

In developing the Plan, ET staff met with Accu-Mold LLC representatives to determine specific details regarding the eligible costs. ET has prepared the Plan, secured an affidavit or statement regarding the functional obsolescence from the City of Portage assessor, and prepared the Notices to Taxing Jurisdictions, Notice of the Public Hearing and other supporting materials to adopt this plan. MEDC supports this project and has issued an offer letter to Accu-Mold, which includes a MEDC Tribal Business Development Grant and school tax capture under an Act 381 Work plan.

Discussions with staff at the City of Portage Department of Community Development indicate that staff will recommend to the Portage Brownfield Redevelopment Authority and the Portage City Council to allow the KCBRA to adopt the Brownfield Plan through the County BRA (instead of the Portage BRA).

II. The Brownfield Plan

The Brownfield Plan for the 4460 Commercial Avenue site uses the Tax Increment Financing (TIF) tool to recoup KCBRA's expenses (\$7,500) for writing the Brownfield Plan and the Act 381 Plan. It also lists an estimated \$125,000 for eligible Site and Building Demolition cost by the developer, as well as contingencies and administrative expenses for a total of \$159,445 that will be recouped by the TIF over 15 years. In addition, the Plan includes the collection of up to five years of TIF beyond the initial 15 years to help fund the KCBRA Local Site Remediation Fund (LSRRF), an estimated \$14,958.

The KCBRA will only create a County Brownfield Plan if the municipality where the site is located in fully supports it. To date, there are County Brownfield Plans in Comstock Township (the Midlink Business Park), Kalamazoo Township (2700 N Pitcher St), Village of Schoolcraft (306 North Grand St and 555 E. Eliza Street), Oshtemo Township (Corner@Drake) and the City of Kalamazoo (232 W Michigan Ave). The Accu-Mold site would be the second KCBRA Brownfield Plan in Portage, the first one being 9008 Portage Road, approved in 2013.

The Accu-Mold project would be an improvement for the site and the surrounding area in many ways:

1. The site has been determined functionally obsolete, and Accu-Mold would return it to productive use
2. The property would have an increased taxable value
3. The County Brownfield Plan would be a co-operative inter-governmental effort
4. TIF collected would recoup KCBRA's and developer's eligible brownfield expenses
5. Collection of TIF for the LSRRF at the end of the BRA Plan would provide some funding for additional Brownfield redevelopment in the County

The KCBRA engaged input from the Portage Department of Community Development when developing the Plan. The proposed timeline for 4460 Commercial Avenue Brownfield Plan is as follows:

1. **January 22:** Kalamazoo County Brownfield Redevelopment Authority (KCBRA) approved the application for funds to complete a Brownfield Plan and Act 381 Work Plan.
2. **February 27:** KCBRA approved Brownfield Plan, contingent on support by Portage BRA and City Council
3. **Week of March 9:** Portage BRA holds meeting to review Brownfield Plan
4. **March 17:** KCBRA presents project to County Committee of the Whole. Public hearing is scheduled for April 7.
5. **March 25:** Portage City Council approves Brownfield Plan, passes resolution (see attached proposed draft). KCBRA and/or Portage Planning staff will present the project to the City Council in person or in writing.
6. **Before March 29:** KCBRA staff sends notices to all affected taxing jurisdictions and prepares Public Notice 10 days prior to public hearing
7. **April 7:** County Board of Commissioners hold public hearing and adopts Plan
8. **After April 7:** ET/County staff submits 381 Work Plan to MEDC
9. **June 7:** Statutory deadline for MEDC Review of 381 Work plan.

III. City of Portage Support for Brownfield Plan.

Support from the Portage BRA and approval from the Portage City Council are essential in order for the project to move forward. The KCBRA respectfully requests that these two entities support the creation of a County Brownfield Plan for Accu-Mold LLC at the 4460 Commercial Avenue site.

Thank you.



Lotta Jarnefelt

Please direct any questions to:

Kalamazoo County Department of Planning and Community Development:
Lotta Jarnefelt, Director, LMJARN@kalcounty.com, Ph 269-284-8115

Rachael Grover, Resource Coordinator, RAGROV@kalcounty.com. Ph 269-383-8305

David Stegink, Envirollogic Technologies, Inc. and KCBRA Brownfield Consultant,
stegink@envirollogic.com, Ph 269-342-1100, Cell 269-615-1009



envirologic

environmental consulting + services

**KALAMAZOO COUNTY
BROWNFIELD REDEVELOPMENT AUTHORITY**

BROWNFIELD PLAN

**ACCU-MOLD, LLC
FUTURE ACCU-MOLD HEADQUARTERS
4460 COMMERCIAL AVENUE
PORTAGE, MICHIGAN 49002**

FEBRUARY 23, 2015

Approved by Kalamazoo County BRA: February 26, 2015
Approved by City of Portage BRA:
Approved by City of Portage City Council:
Approved by Kalamazoo County Board of Commissioners:

Prepared with the assistance of:

**ENVIROLOGIC TECHNOLOGIES, INC.
2960 Interstate Parkway
Kalamazoo, Michigan 49048
(800) 272-7802**

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ATTACHMENTS

ATTACHMENT A:	<i>Figure 1: Location Map</i> <i>Figure 2: Eligible Properties</i>
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ATTACHMENT C:	<i>Notice of Public Hearing</i>
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**BROWNFIELD PLAN
ACCU-MOLD, LLC
4460 COMMERCIAL AVENUE
PORTAGE, MICHIGAN**

I. GENERAL DEFINITIONS AS USED IN THIS PLAN

The definitions in this plan are as defined in 1996 PA 381 Sec. 2

II. ELIGIBLE PROPERTIES

Introduction and Purpose

The purpose of this plan, to be implemented by the Authority, is to satisfy the requirements for a Brownfield Plan as specified in Act 381 of the Public Acts of the State of Michigan of 1996, as amended, MCL 125.2651 et. seq., which is known as the "Brownfield Redevelopment Financing Act." Terms used in this document are as defined in Act 381.

The focus of this Brownfield Plan is to support the redevelopment of a vacant industrial building in the Portage Commerce Park (an industrial park). The building, located at 4460 Commercial Avenue was constructed to be a multi-tenant building. Accu-Mold intends extensive renovation of the building to convert it into a large, open space, single user industrial operation. Accu-Mold is a plastics engineering and manufacturing firm specializing in product design, mold design and production, injection molding, over-molding and insert molding. Accu-Mold is experiencing growth and the redevelopment of this site allows for expansion of their business allowing for the creation of 12 new jobs while retaining an additional 18 jobs. Total investment expected in the project is \$1.8 Million including purchase costs.

Due to the age and inadequacies of the buildings, it has been declared functionally obsolete by the City of Portage Assessor.

Eligible Property Information

The property is a made up of a single parcel of land with a property identification number of 06442-008-0. The property is improved with a single 20,000 square foot single story building constructed in 1991. Employee and truck parking areas are located on the north, east and west

sides of the building. A map showing the property location and boundaries is included in Attachment A.

Proposed Redevelopment

Significant portions of the interior building will be demolished to create a large open manufacturing space conducive to modern manufacturing. The demolition will include removal of interior walls, removal of obsolete electrical and lighting systems, and other interior removals. The renovation of the building will require upgraded electrical systems, modern lighting systems, improvements for material handling systems and manufacturing equipment, and replacement of freight doors.

The exterior parking lot has several islands with landscaping. While this previous design was suitable for employee parking, it is not conducive to safe and effective semi-tractor traffic. Site demolition activities will include the removal of these obstacles to efficient and safe truck traffic. Sidewalks, curbing and the existing asphalt parking lot will be repaired.

The building will become the new headquarters of Accu-Mold.

Total investment expected in the project is \$1.8 Million including purchase costs.

Brownfield Conditions

The building was constructed in 1991. The City of Portage Assessor, a Level 4 Assessor, inspected the property and identified the site as functionally obsolete, indicating the following:

Specifically, the property is currently over improved with six or more individual tenant spaces, several which have numerous offices or work rooms. The property as it currently exists is not marketable as the separate leasing spaces are no longer feasible in today's industrial market. The functional obsolescence can only be cured by the selective demolition of the majority of the non-load bearing partitioning.

A Phase I Environmental Site Assessment was prepared for the property acquisition and the results of the assessment did not identify any Recognized Environmental Conditions.



The Plan

(a) A description of the costs of the plan intended to be paid for with tax increment revenues (Section 13(1)(a))

Michigan Department of Environmental Quality eligible activities

A Phase I Environmental Site Assessment compliant with the ASTM E1527-13 standard and the standards for All Appropriate Inquiry has been completed. The cost for the Phase I ESA is \$1,800.

These environmental costs are eligible for reimbursement using both local and school tax increment revenues.

Michigan Strategic Fund eligible activities

Non-environmental activities that are eligible for reimbursement with tax increment revenues include site and building demolition. Site and building demolition costs have been estimated by a contractor to be approximately \$125,000. This cost is comprised of general interior demolition activities of approximately \$50,000 (20,000 sq.ft. @ \$2.50/sq.ft.), removals of doors (\$10,000), removals of curbing, sidewalks, and exterior structures (\$10,000), milling existing asphalt lot (\$15,000), limited roof removals (\$10,000), soft costs such as engineering, architectural, project management (\$15,000), and miscellaneous removals (\$15,000).

For the purposes of this Plan, it is assumed that these costs would be reimbursed using local and school tax increment revenues. To use school tax increment revenues for these activities, it will be necessary to garner support from the Michigan Strategic Fund, develop an Act 381 Work Plan, and have the Work Plan approved by the Michigan Strategic Fund. The development of the Brownfield and Act 381 Work Plan is also an eligible activity and has been estimated to cost \$7,500.

Contingencies allowed in the Act of up to 15% on these costs are also an eligible expense.

This Brownfield Plan anticipates the capture of both real and personal property taxes from school and local taxes.



Authority Expenses

Eligible and actual costs incurred by the Kalamazoo County Brownfield Redevelopment Authority are also included in the Plan as an eligible expense. Such expenses could include costs of public notifications, legal, and other costs to administer the Plan. These will be reimbursed with local tax increment revenues only.

(b) A brief summary of the eligible activities that are proposed for each eligible property (Section 13(1)(b))

Environmental

Eligible environmental activities will include BEA activities – specifically, the development of a Phase I ESA.

Non-Environmental

The eligible non-environmental activities at the site include Site and Building Demolition. *Building demolition* includes but is not necessarily limited to a pre-demolition audit or survey; deconstruction or select demolition of building elements (products or materials) to be reused or recycled; demolition of a building; proper disposal of non-reusable or non-recyclable building elements; recycling of demolition arisings (such as concrete and brick) to produce recycled aggregates if conducted on site for re-use; foundation and basement removals; dewatering during foundation and basement removals; sheeting/shoring to protect adjacent buildings, structures or improvements during foundation and basement removals; fill; compaction; and rough grading to balance the site where the former building was located.

Site demolition includes but is not necessarily limited to removal of abandoned utilities; underground storage tanks; parking lots; roads; curbs and gutters; rail spurs; sidewalks; bike paths; other similar or related structure or improvement; fill, compaction and rough grading to balance the site where the former structures or improvements were located. Professional fees directly related to building and site demolition such as geotechnical, architectural, engineering, design, legal, or other professional services are also eligible activities.

As allowed by 1996 PA 381, a 15% contingency has been included in this Plan as an eligible expense.



Refer to Table 1 for a summarization of eligible activities expected to be incurred in the redevelopment.

(c) An estimate of the captured taxable value and tax increment revenues for each year of the plan from each parcel of eligible property. (Section 13(1)(c))

The Initial Taxable Value for this Plan shall be the taxable value of the eligible property established at the time this Brownfield Plan is adopted (i.e., the 2015 Taxable Value). The property has a taxable value of \$197,600. The improvements are expected to add approximately \$100,000 in improved taxable value (i.e., \$297,600 taxable value in 2016).

Refer to Tables 2, 3, and 4 for further detail of the tax increment revenues projected in each year of the Brownfield Plan.

(d) The method by which the costs of the plan will be financed, including a description of any advances made or anticipated to be made for the costs of the plan from the municipality. (Section 13(1)(d))

The costs of this Plan are anticipated to be borne by the developer. At this time, no advances are being made by the municipality to the developer though such advances could be made in the future to incentivize the project.

(e) The maximum amount of note or bonded indebtedness to be incurred, if any. (Section 13(1)(e))

The Kalamazoo County Brownfield Redevelopment Authority has no plans to incur indebtedness at this time, though such plans could be made in the future, if appropriate to support development of this site.

(f) The duration of the Brownfield Plan, which shall not exceed the lesser of the period authorized under subsections (4) and (5) or 30 years. (Section 13(1)(f))

This Plan anticipates that the investment in the property will occur in 2015. This investment will result in a newly established taxable value beginning in 2016 and this Plan anticipates that 2016 would be the year in which tax capture is initiated. The initial taxable value will be the value of the property established for the 2015 tax year. This Plan is designed to capture 15 years of tax increment revenues to be used to reimburse the eligible activities and an additional 5 years of tax

increment revenues captured for placement in the County Brownfield Redevelopment Authority's Local Site Remediation Revolving Fund.

Table 1

Summary of Eligible Costs

4460 Commercial Avenue
Portage, MI

Eligible Activities	Estimated Cost
<u>BEA Activities</u>	\$ 1,800.00
BEA Activities	
<u>Due Care Activities</u>	\$ -
<u>Additional Response Activities</u>	
<u>MSF Non Environmental Activities</u>	
Site Preparation Activities	\$ -
Site and Building Demolition	\$ 125,000.00
General demo 20,000 sq.ft. @ \$2.50/sq.ft. = \$50,000	
Door removals \$10,000	
Curbs, sidewalks, exterior \$10,000	
Asphalt removals \$15,000	
Limited roof removals \$10,000	
Soft Costs \$15,000	
Miscellaneous removals \$15,000	
Asbestos Survey and Abatement	\$ -
<u>Brownfield Plan and Act 381 Work Plan</u>	\$ 7,500.00
TOTAL COSTS OF ELIGIBLE ACTIVITIES	\$ 134,300.00
Financing Costs	\$ -
Contingencies (15%)	\$ 20,145.00
Administrative Costs of the Authority (estimated)	\$ 5,000.00
TOTAL REIMBURSEMENTS	\$ 159,445.00
Captured and Disbursed to State Revolving Fund	\$ 6,000.00
Additional Capture for LSRRF	\$ 14,958.45
Total	\$ 180,403.45

Table 2

Estimate of Total Captured Incremental Taxes

4460 Commercial Avenue
Portage, MI

Year	Annual Total Millage†	Initial Taxable Value	Tax Revenues from Initial Taxable Value	Estimated Future Taxable Value	Estimated Future Tax Revenues	Incremental Tax Revenues	Available for Capture
2016	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2017	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2018	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2019	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2020	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2021	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2022	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2023	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2024	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2025	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2026	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2027	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2028	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2029	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2030	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2031	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2032	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2033	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2034	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
2035	50.3169	\$ 197,600.00	\$ 9,942.62	\$ 297,600.00	\$ 14,974.31	\$ 5,031.69	\$ 5,031.69
TOTAL							\$ 100,633.80

† - Does not include debt millages

* - Total includes five year future capture to Local Site Remediation Revolving Fund

(g) An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions in which the eligible property is located. (Section 13(1)(g))

Refer to Tables 2, 3, and 4 for details.

(h) A legal description of each parcel of eligible property to which the plan applies, a map showing the location and dimensions of each eligible property, a statement of the characteristics that qualify the property as eligible property and a statement of whether personal property is included as part of the eligible property. (Section 13(1)(h))

A map showing the location of the property is included in Attachment A.

The legal description of the property is "Portage Commerce Park #2, Lot 8".

The City of Portage Assessor, a Level 4 Assessor has inspected the property and determined that the properties meet the definition of functionally obsolete. A copy of the Statement demonstrating functional obsolescence is attached to this Plan.

Personal property will be included as part of the eligible property.

(i) Estimates of the number of persons residing on each eligible property to which the plan applies and the number of families and individuals to be displaced. (Section 13(1)(i))

No persons reside on the eligible property to which the plan applies.

(j) A plan for establishing priority for the relocation of persons displaced by implementation of the plan. (Section 13(1)(j))

Not applicable.

(k) Provision for the costs of relocating persons displaced by implementation of the plan. (Section 13(1)(k))

Not applicable.

(l) A strategy for compliance with 1972 PA 227, MCL 213.321 to 213.332. (Section 13(1)(l))

Not applicable.



(m) A description of proposed use of the local site remediation revolving fund. (Section 13(1)(m))

The Brownfield Redevelopment Authority does plan to capture tax increment for the Local Site Remediation Revolving Fund (LSRRF).

(n) Other material that the authority or governing body considers pertinent. (Section 13(1)(n))
Not applicable.

H:\Projects\Projects_K\Kalamazoo County\Brownfield Redevelopment Authority\Accu-Mold Portage\Accu Mold BF Plan.docx



Table 3

Estimate of Annual Effect on Taxing Jurisdictions

4460 Commercial Avenue
Portage, MI

SUMMER TAXES ¹									
Taxing Jurisdiction	City of Portage	KVCC	KRESA-ISD ¹	State Ed ³	School Bldg Debt	School Oper	County Summer	Transportation	Total
Millage	10.9256	2.8135	4.5416	6	5.8	18	4.6871	0.4	53.1678
Initial Taxable Value	\$ 197,600.00	\$ 555.95	\$ 897.42	\$ 1,185.60	\$ 1,146.08	\$ 3,556.80	\$ 926.17	\$ 79.04	\$ 10,505.96
Future Taxable Value	\$ 297,600.00	\$ 3,251.46	\$ 1,351.58	\$ 1,785.60	\$ 1,726.08	\$ 5,356.80	\$ 1,394.88	\$ 119.04	\$ 15,822.74
Captured Taxable Value	\$ 100,000.00	\$ 1,092.56	\$ 454.16	\$ 600.00	\$ -	\$ 1,800.00	\$ 468.71	\$ 40.00	\$ 4,736.78

WINTER TAXES ²				
Taxing Jurisdiction	District Library	County Pub Safety	County Juv Home	Total
Millage	1.5	1.4491	0.2239	3.173
Initial Taxable Value	\$ 296.40	\$ 286.34	\$ 44.24	\$ 626.98
Future Taxable Value	\$ 446.40	\$ 431.25	\$ 66.63	\$ 944.28
Captured Taxable Value	\$ 150.00	\$ 144.91	\$ -	\$ 294.91

1. Based on millages from 2014 taxes
2. Based on millages from 2014 taxes
3. Half of captured SET conveyed to State Brownfield Redevelopment Fund
4. Non-Debt portion of millage only

Total Millage	56.3408
Total Annual Future Tax Liability	\$ 16,767.02
Total Capturable Local Millages	\$ 26,316.9
Total Annual Capturable Local Tax Increment	\$ 2,631.69
Total Capturable School Millages	\$ 24,000.00
Total Annual Capturable School Tax Increment	\$ 2,400.00
Total School and Local Tax Increment Revenue/Yr	\$ 5,031.69

Table 4

Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction

4460 Commercial Avenue
Portage, MI

Year	Captured Taxable Value	City of Portage	KVCC	KRESA-ISD	State Ed ³	School Bling Debt	School Oper	County Summer	Transportation	District Library	County Pub Safety	County Juv Home	Total	
		10 9756	2,8135	4,5416	6	5.8	18	4,6871	0.4	1.5	1,4491	0.2239	56,3408	
2016	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2017	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2018	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2019	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2020	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2021	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2022	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2023	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2024	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2025	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2026	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2027	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2028	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2029	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2030	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2031	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2032	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2033	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2034	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
2035	\$ 100,000.00	1,092.56	281.35	454.16	600.00	-	1,800.00	468.71	40.00	150.00	144.91	-	5,031.69	
TOTAL CAPTURED TAXES	\$	21,851.20	\$	9,063.20	\$	12,000.00	\$	9,374.20	\$	3,000.00	\$	2,898.20	\$	100,633.80

3. Half of SET conveyed to State Brownfield Redevelopment Fund

Table 5
 Reimbursement Schedule
 4460 Commercial Avenue
 Portage, Michigan

Year	Incremental Taxes Captured	Funds Disbursed					
		Authority or Developer (School)	Authority or Developer (Local)	Administrative Costs (Local)	LSRRF (School)	LSRRF (Local)	Brownfield Redevelopment Fund
2016	5,031.69	2,100.00	131.69	2,500.00			300.00
2017	5,031.69	2,100.00	2,131.69	500.00			300.00
2018	5,031.69	2,100.00	2,131.69	500.00			300.00
2019	5,031.69	2,100.00	2,131.69	500.00			300.00
2020	5,031.69	2,100.00	2,131.69	500.00			300.00
2021	5,031.69	2,100.00	2,131.69	500.00			300.00
2022	5,031.69	2,100.00	2,631.69				300.00
2023	5,031.69	2,100.00	2,631.69				300.00
2024	5,031.69	2,100.00	2,631.69				300.00
2025	5,031.69	2,100.00	2,631.69				300.00
2026	5,031.69	2,100.00	2,631.69				300.00
2027	5,031.69	2,100.00	2,631.69				300.00
2028	5,031.69	2,100.00	2,631.69				300.00
2029	5,031.69	2,100.00	2,631.69				300.00
2030	5,031.69	2,100.00	2,631.69				300.00
2031	5,031.69	2,100.00				2,631.69	300.00
2032	5,031.69	2,100.00				2,631.69	300.00
2033	5,031.69	2,100.00				2,631.69	300.00
2034	5,031.69	2,100.00				2,631.69	300.00
2035	5,031.69	300.00			1,800.00	2,631.69	300.00
Totals	100,633.80	40,200.00	34,475.35	5,000.00	1,800.00	13,158.45	6,000.00

**ATTACHMENT A
FIGURES**

Figure 1: Location Map
Figure 2: Eligible Properties





SCALE 1" = 80'

NOTE:
THIS IS NOT A PROPERTY BOUNDARY SURVEY. PROPERTY BOUNDARIES SHOWN ON THIS MAP
WERE OBTAINED FROM AERIAL PHOTOGRAPHS AND SHOULD NOT BE USED TO ESTABLISH PROPERTY BOUNDARY LOCATIONS IN THE FIELD.

FUTURE ACCU-MOLD SITE
4460 COMMERCIAL AVE.
PORTAGE, MI

SITE PLAN

envirologic
environmental consulting + services
10000 WILSON AVE
ANN ARBOR, MICHIGAN 48106
PH: (953) 242-1100 FAX: (953) 242-9483

PROJECT NO:
150026
FIGURE NO:
2

ATTACHMENT B

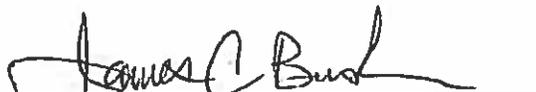
STATEMENT REGARDING FUNCTIONAL OBSOLESCENCE



AFFIDAVIT OF CITY OF PORTAGE ASSESSOR

I, James C. Bush, being duly sworn, states that if called upon will testify to the following facts:

1. I am employed by the City of Portage, the City Assessor, and have held that position for approximately 15 years.
2. I am a certified Michigan Master Assessing Officer (Level IV Certificate No. R-2911).
3. I am familiar with the property located at 4460 Commercial Avenue in the City of Portage. I have physically inspected both the exterior and interior of the property on December 19, 2014 and in my opinion the property is functionally obsolete as more specifically described below.
4. This affidavit is given in accordance with MCL 125.2663(1) (h) and is made to confirm this property qualifies as 'Functionally Obsolete Property' as that term is defined under MCL 125.2652(r). The following facts, without limitation, form the basis for my expert opinion:
5. The property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super adequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding properties. Specifically, the property is currently over improved with six or more individual tenant spaces, several which have numerous offices or work rooms. The property as it currently exists is not marketable as the separate leasing spaces are no longer feasible in today's industrial market. The functional obsolescence can only be cured by the selective demolition of the majority of the non-load bearing partitioning. The three attachments are interior building sketches and photographs of the subject property interior.


James C. Bush, City Assessor

Subscribed and sworn to before me by James Bush on February 25, 2015.


Tamara Stephens, Notary Public
Kalamazoo County, Michigan
Commission Expires: June, 29, 2017
Acting in Kalamazoo County

Prepared by:
James C. Bush, City Assessor (R-2911)
7900 South Westnedge Avenue
Portage, MI 49002
(269) 329-4431

TAMARA STEPHENS
Notary Public, VanBuren Co. MI
My Commission Expires June 29, 2017

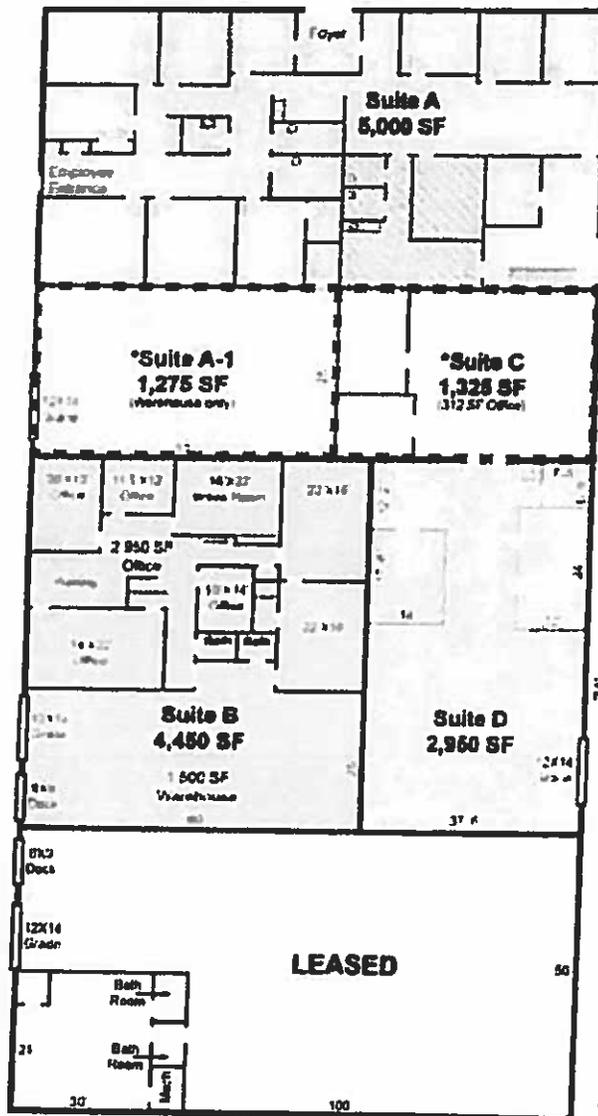


INDUSTRIAL

For Sale or Lease

4460 Commercial Avenue, Portage, Michigan

Floor Plan



Suite	Total Sq. Ft.	Office Sq. Ft.	Whrs Sq. Ft.	Lease Rate
Suite A	5,000	5,000	N/A	\$4.50
Suite B	4,450	2,950	1,500	\$4.50
Suite D	2,950	268	2,682	\$4.00
Suite A+A1	6,275	5,000	1,275	\$4.50
Suite C+D	4,275	600	3,675	\$4.00
Suite C+D+A1	5,550	600	4,950	\$4.00

***Other Options Available**

Suite A+C	6,375	5,312	1,013	*See Broker
Suite A+C+D	9,275	5,800	3,675	*See Broker
Suite A+A1+C+D	10,550	5,600	4,950	*See Broker

* Suite A-1 & Suite C are not available alone

625 SF Mezzanine Area

Suite Dimensions to be verified



Information is subject to verification and no liability for errors or omissions is assumed. Price and terms are subject to modification.

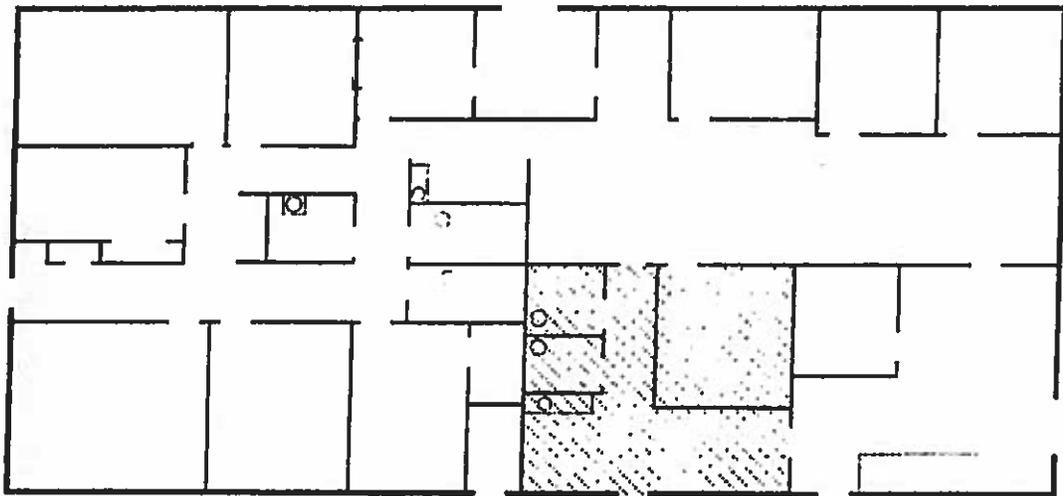


INDUSTRIAL

For Sale or Lease

4460 Commercial Avenue, Portage, Michigan

Floor Plan – Suite A



 **625 SF
Mezzanine Area**

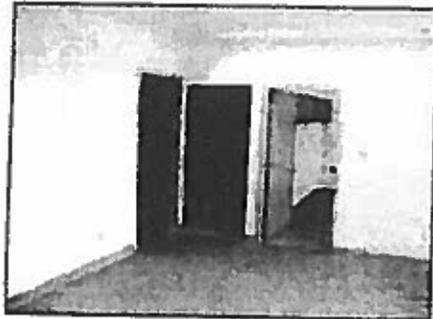
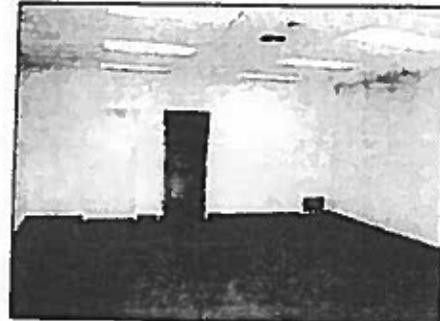
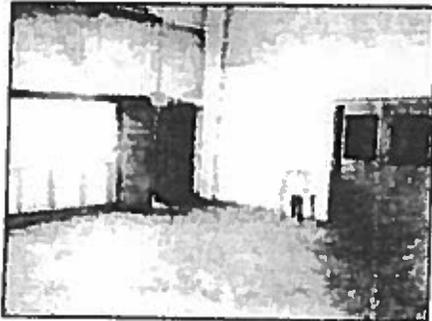
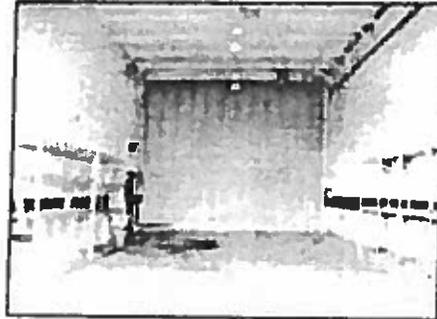
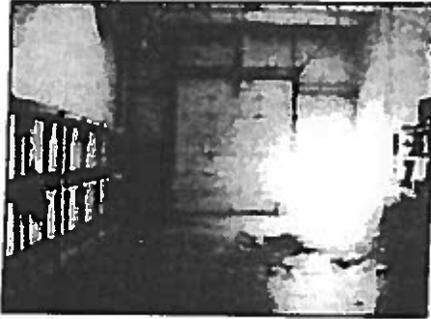
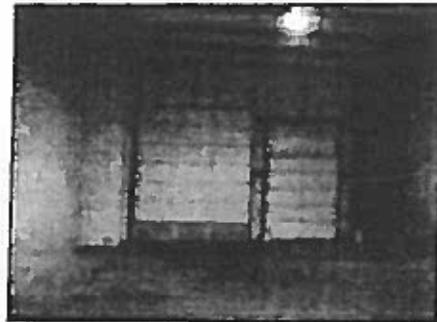
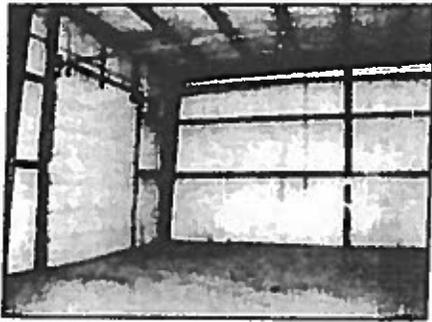


INDUSTRIAL

For Sale or Lease

4460 Commercial Avenue, Portage, Michigan

Interior Photos



Information is subject to verification and no liability for errors or omissions is assumed. Price and terms are subject to modification.

ATTACHMENT C
NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

**THE BROWNFIELD REDEVELOPMENT AUTHORITY
OF KALAMAZOO COUNTY**

**REGARDING INCLUSION INTO THE COUNTY'S BROWNFIELD PLAN
OF
4460 COMMERCIAL AVENUE, PORTAGE, MICHIGAN
COUNTY OF KALAMAZOO, MICHIGAN**

TO ALL INTERESTED PERSONS IN THE COUNTY OF KALAMAZOO

PLEASE TAKE NOTICE that the County Commissioners of the County of Kalamazoo, Michigan, will hold a Public Hearing on Tuesday, the 7th day of April, 2015, at approximately 7p.m., Eastern Daylight time in the Commissioners Chambers within the County Building, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, to receive public comment on an amendment to the County's Brownfield Redevelopment Plan to include therein portions of the property located at 4460 Commercial Avenue in Portage, Michigan. The following legal parcels are included in the "eligible property":

Parcel ID#
064420080

The property consists of a single parcel of land occupying approximately 2.79 acres. The property is within Portage Commerce Park and has been used for industrial purposes since 1991. The property will be redeveloped to provide space for the business expansion of a local manufacturer.

The Brownfield Plan, which includes a site map and legal descriptions of the parcels, is available for public inspection at the County Brownfield Redevelopment Authority office, located at 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007. All aspects of the plan are open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the Brownfield Redevelopment Authority of Kalamazoo County at (269) 384-8112. THIS NOTICE is given by order of the County Board of Commissioners of the County of Kalamazoo, Michigan.

Timothy A. Snow, Clerk
County of Kalamazoo

ATTACHMENT D
NOTICE TO TAXING JURISDICTIONS



NOTICE TO ALL TAXING JURISDICTIONS

The Kalamazoo County Board of Commissioners proposes to approve a Brownfield Plan for an industrial property located at 4460 Commercial Avenue in Portage, Michigan.

The County of Kalamazoo has established a Brownfield Redevelopment Authority (the "Authority") in accordance with the Brownfield Redevelopment Act, Act No. 381 of the Michigan Public Acts of 1996, as amended (the "Act").

The Act was enacted to provide a means for local units of government to facilitate the revitalization of environmentally distressed (and/or functionally obsolete or blighted) areas. The Authority Board has prepared and adopted a Brownfield Plan related to the redevelopment of the industrial property located at 4460 Commercial Avenue in Portage. The anticipated future use of the property is industrial and will support the expansion of a local manufacturer based in Portage and allow that manufacturer to retain existing jobs and add new jobs. The property has been identified as a "functionally obsolete" as defined in the Act. This document serves to notify local taxing units of the intent to approve a Brownfield Plan for the noted property.

The Act permits the use of the tax increment financing in order to provide the Authority with the means of financing the redevelopment project included in the Brownfield Plan. Tax increment financing allows the Authority to capture tax revenues attributable to increases in the taxable value of real and personal property located on the "eligible property", which may include certain adjacent or contiguous parcels. Increases in taxable value may be attributable to various factors, including new construction, rehabilitation, remodeling, alterations, additions, and the installation of personal property on the eligible site.

The plan will be considered for adoption at the April 7, 2015 meeting of the Kalamazoo County Board of Commissioners held at 7 pm in the Kalamazoo County Building – 201 West Kalamazoo Avenue, Kalamazoo, Michigan. If you have any questions or comments concerning the Brownfield Redevelopment Authority or adoption of the Plan you may attend the meeting and express those concerns during the public comment period. You may also direct inquiries to Ms. Lotta Jarnfelt of the Kalamazoo County Department of Planning and Community Development (269) 384-8112.

Dated: _____, 2015

Mr. Timothy A. Snow
Kalamazoo County Clerk

ATTACHMENT E

RESOLUTION APPROVING A BROWNFIELD PLAN



**CITY OF PORTAGE
KALAMAZOO COUNTY
RESOLUTION:**

**RESOLUTION SUPPORTING APPROVAL OF A BROWNFIELD PLAN
BY THE CITY OF PORTAGE
PURSUANT TO AND IN ACCORDANCE WITH
THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

At a regular meeting of the City Council of the City of Portage, Michigan, held at City Hall located at 7900 South Westnedge, Portage, Michigan, on the 24th day of March, 2015 at 7 p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the City Council of the City of Portage, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), have formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of Kalamazoo County (the "Authority") and have designated that all related activities shall proceed through the BRA; and

WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the City Council of the City of Portage, the Brownfield plan (the "Plan") attached hereto, to be carried out within the City of Portage, relating to the redevelopment project on the industrial property located at 4460 Commercial Avenue in the City of Portage, Michigan, (the "Site"), as more particularly described and shown in Figure 1 and Attachment "A" contained within the attached Plan; and

WHEREAS, the City Council of the City of Portage have reviewed the Plan, and have been provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Portage concurs with the provisions of the Plan in the form attached to this Resolution; and

BE IT FURTHER RESOLVED that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

All resolutions or part of resolutions are, to the extent of any conflict with this resolution, rescinded.

ADOPTED:

AYES:

NAYES:

ABSTAINED:

James R. Hudson, City Clerk

I, James R. Hudson, do hereby certify that I am the appointed and acting City Clerk of the City of Portage, Michigan and that the foregoing resolution was adopted by the City of Portage on the 24th day of March, 2015.

James R. Hudson, City Clerk

KALAMAZOO COUNTY, MICHIGAN

**RESOLUTION APPROVING A BROWNFIELD PLAN
BY THE COUNTY OF KALAMAZOO
PURSUANT TO AND IN ACCORDANCE WITH
THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

At a regular meeting of the Board of Commissioners of Kalamazoo County, Michigan, held in the Board of Commissioners Room, County Administration Building located at 201 W. Kalamazoo Avenue, Kalamazoo, Michigan, on the 7th day of April, 2015 at 7 p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, the Kalamazoo County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), have formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of Kalamazoo County (the "Authority") and have designated that all related activities shall proceed through the BRA; and

WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the Kalamazoo County Board of Commissioners, the Brownfield plan (the "Plan") attached hereto, to be carried out within the City of Portage, relating to the redevelopment project on the industrial property located at 4460 Commercial Avenue in the City of Portage, Michigan, (the "Site"), as more particularly described and shown in Figure 1 and Attachment "A" contained within the attached Plan; and

WHEREAS, the Kalamazoo County Board of Commissioners have reviewed the Plan, and have been provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; and

WHEREAS, the Kalamazoo County Board of Commissioners have noticed and held a public hearing in accordance with Section 13(10,11,12 and 13) of the Act, and

WHEREAS, the City of Portage has passed a resolution supporting adoption of the Plan;

WHEREAS, the Kalamazoo County Board of Commissioners have made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan, was feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and

WHEREAS, as a result of its review of the Plan, the Kalamazoo County Board of Commissioners concur with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. **Plan Approved.** Pursuant to the authority vested in the Kalamazoo County Board of Commissioners, by the Act, the Plan is hereby approved in the form attached to this Resolution.
- 2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
- 3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
COUNTY OF KALAMAZOO) ss:

I, the undersigned, the fully qualified Clerk of Kalamazoo County, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the County Board of Commissioners of Kalamazoo County at a regular meeting held on the 7th day of April, 2015, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 7th day of April, 2015.

Timothy A. Snow, Kalamazoo County Clerk

CITY OF PORTAGE

**RESOLUTION APPROVING A BROWNFIELD PLAN PURSUANT TO AND
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE
STATE OF MICHIGAN OF 1996, AS AMENDED**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2015 at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, the City of Portage, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has formally resolved to participate in the Brownfield Redevelopment Authority of Kalamazoo County (the "Authority") and has designated that all related activities shall proceed through the Authority; and

WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the City Council of the City of Portage, the Brownfield Plan (the "Plan") attached hereto, to be carried out within the City, relating to the redevelopment of the industrial property located at 4460 Commercial Avenue, Portage, Michigan; and

WHEREAS, the City Council of the City of Portage, has reviewed the Plan, and was provided a reasonable opportunity to express its views and recommendations regarding the Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Portage concurs with the provisions of the Plan in the form attached to this Resolution; and

BE IT FURTHER RESOLVED that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

ADOPTED: _____

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

James R. Hudson, City Clerk

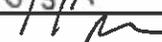
CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, Michigan, and that the foregoing resolution was adopted by the City of Portage on the ____ day of _____, 20__.

James R. Hudson, City Clerk

Approved as to form:

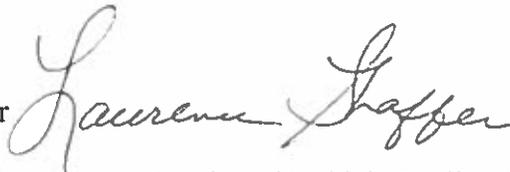
Date: 3/5/15



City Attorney

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations

SUPPORTING PERSONNEL: Victoria Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council:

- a. accept Ordinance Amendment #14/15-A for first reading and set a public hearing for April 28, 2015, and
- b. subsequent to the public hearing, approve Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations.

During recent months, the Planning Commission has considered modifications to Zoning Code regulations pertaining to auto repair facilities and gasoline stations. The proposed modifications were introduced by the Department of Community Development to address the way in which auto repair facilities and gasoline stations have evolved over time. Currently, the Zoning Code defines auto repair activities as either minor or major. Minor repair activities are permitted in the community business (B-2), general business (B-3) and industrial zoning districts (I-1 and I-2), while major auto repair activities are only permitted in industrial districts. The definition of major auto repair also includes auto body repair. Finally, and with regard to gasoline stations, this type of land use is permitted in the B-3 and I-1 zoning districts, subject to issuance of a special land use permit by the Planning Commission. Other than the General Standards for Review of Special Land Uses contained in the Zoning Code, there are no specific conditions pertaining to the operation or location of gasoline stations.

Auto Repair Activities. Although the Zoning Code separates minor auto repair activities from major auto repair activities, a survey of auto repair facilities located in the B-3 district indicates most offer comprehensive automotive repair and servicing activities that include some form of major repair work such as engine, transmission or other vehicle component repair. Recognizing that many local auto repair facilities offer comprehensive services, staff visited several auto repair businesses to compare external impacts associated with the operation of minor and major repairs. The visits revealed few external differences between businesses with major and minor repair activities. Based on the review of existing repair facilities, the potential adverse land use impacts of major repair facilities are similar to those of minor repair facilities. The primary impacts associated with both types of auto repairs is outside storage and vehicle parking.

The propose amendments would eliminate the reference to “minor” and “major” auto repair and combine both into one land use activity with a new definition of “Auto Repair.” Auto repair activities would be permitted in the B-2 district (subject to review and approval of a special land use permit by the Planning Commission), B-3, I-1 and I-2 zoning districts with operational conditions that include:

- All repair activities to be conducted completely within the building;
- Vehicle awaiting repairs and/or inoperable vehicles shall not be outdoors for more than 14 days, and all other vehicles shall not be stored outdoors for more than 90 days; and
- Outside storage of parts and other material must be screened from view by an opaque fence or wall not less than six feet in height, within the rear yard.

The proposed amendments also include a new definition for auto body repair - “Auto Collision/Body Shops”- with location standards. Auto collision/body shops would continue to be allowed only in the I-1 district as a special land use and added as a special land use in the I-2 district (currently not specifically referenced in I-2 zone). Locational and operational requirements have been added to the ordinance language and include:

- The zoning lot must not abut a single family residential district or land designated for residential use in the PD zone; and
- All vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six feet in height.

Language has also been added to protect existing auto collision/body shops that do not meet the locational requirements, while adding clarifying language when an existing auto collision/body shop must comply with the requirements for screening outdoor storage of vehicles.

Vehicle Fueling Stations. With regard to vehicle fueling (gasoline) stations, a 2014 application to establish this type of facility on East Centre Avenue generated significant controversy, concern and discussion regarding the appropriateness of a gasoline station when adjacent to a single family residential neighborhood and/or a child day care/preschool facility. While this development project was eventually withdrawn, the issue of the appropriateness of this land use adjacent to a residential use and child day care facility and/or school remained. In order to address the impacts associated with the operation of gas stations, specific ordinance standards have been developed that include:

- A new definition of “Vehicle Fueling Stations;”
- New locational requirements that a fueling station not abut or be within 300 feet of a residential zoning district, day care facility, public/private school or religious institution.
- Air compressors and vacuums stations shall not be located in the front yard area and outside storage/display areas must be adjacent to the building wall or the pump islands. If an existing station does not meet these operational standards, compliance would be required when a building permit for an addition, structural alternation or repair exceeds 25% of the appraised replacement cost of the entire building or structure, exclusive of the foundation.

If an existing vehicle fueling station does not meet the new locational requirement, language has been added to provide a level of protection for these facilities. This requirement would not prevent an existing fueling station that does not meet the locational standard from expanding and/or

reconstructing. Language has also been added to prevent a fueling station that does not meet the locational requirement from re-establishing if the use has been abandoned for a period of 90 days or more.

The proposed fueling station regulations are not applicable to existing fueling stations located in the PD, planned development or CPD, commercial planned development districts. Impacts, if any, associated with fueling stations located in the PD or CPD districts can be addressed during the tentative/conceptual plan review process, which is subject to the public hearing process before the Planning Commission and City Council.

In a report dated February 27, 2015, the Department of Community Development has recommended that Ordinance Amendment #14/15-A be approved.

Following preliminary discussions concerning the proposed ordinance amendments on December 18, 2014 and January 22, 2015, the Planning Commission convened a public hearing February 19, 2015 and March 5, 2015 to consider Ordinance Amendment #14/15-A. No citizens spoke in regard to the proposed Zoning Code text amendment. At the conclusion of the March 5 meeting, the Commission unanimously voted to recommend to City Council that Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations, be approved.

FUNDING: Not Applicable

Attachments: Planning Commission transmittal dated March 13, 2015
Planning Commission Minutes dated February 19th and March 5th, 2015
Department of Community Development report dated February 27, 2015
Ordinance Amendment

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: March 13, 2015

SUBJECT: Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations

During the December 18, 2014 and January 22, 2015 Planning Commission meetings, the Commission began discussions of recommended changes to regulations for auto repair facilities and vehicle fueling stations. The changes are being considered as part of the Planning Commission approved FY2014-15 Work Program, which included Zoning Code amendments pertaining to several topics. Amongst the Zoning Code amendments to be prepared for consideration were revised/updated regulations pertaining to "Auto Service Station" and "Gas Station."

The Planning Commission convened a public hearing during the February 19, 2015 and March 5, 2015 meetings to consider Ordinance Amendment #14/15-A. No citizens spoke during the public hearing. At the conclusion of the March 5th meeting, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend to City Council that Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations, be approved. The motion was unanimously approved 5-0.

Sincerely,

A handwritten signature in blue ink that reads "Dave Felicijan". The signature is written in a cursive style with a large initial "D".

Dave Felicijan
Vice-Chairman

PUBLIC HEARINGS:

1. Final Report for Ordinance Amendment #14/15-A: Auto Repair and Vehicle Fueling Station Regulations.

Mr. Forth summarized the staff report dated February 27, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth summarized the proposed ordinance amendments. Mr. Forth also discussed previous Planning Commission review of the ordinance language and changes that were made since the February 19th meeting concerning abandonment. Commissioner Patterson asked if an existing vehicle fueling station that did not meet the locational standards and was closed for an extended period of time, would it be allowed to reopen. Mr. Forth discussed the abandonment clause of the nonconforming use regulations and indicated the burden of proof to determine abandonment falls on the city. Attorney Brown concurred and expanded on the abandonment provisions of the ordinance and discussed the criteria for determining whether a use has been abandoned. Attorney Brown also stated there must be an intent to abandon the use by the property owner.

Vice-Chairman Felicijan reconvened the public hearing. No citizens were present to speak regarding the proposed ordinance amendment. A motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved 5-0. A motion was then made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend to City Council that Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations, be approved. The motion was unanimously approved 5-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Historic District Modification, 3821 West Milham Avenue. Mr. Forth summarized the staff report dated February 27, 2015 regarding a request pending before the Historic District Commission from Patrick and Lisa Lynch to remove approximately 16.5 acres of land from the existing Van Riper historic district property. Mr. Forth stated the proposed historic district modification would facilitate the construction of an approximate 180,000 square foot senior living facility along the western portion of 3821 West Milham Avenue, adjacent US-131. Mr. Forth discussed the Local Historic Districts Act related to the role of the Planning Commission to review the preliminary report from the Portage Historic District Study Committee and provide a recommendation. Mr. Forth stated the Historic District Commission has scheduled a public hearing to consider this matter on March 11, 2015 and the Planning Commission recommendation will be provided in advance of the public hearing.

Commissioner Dargitz stated she knows the owners of the historic property, however, does not have any financial or other conflict of interest in the property that would prevent her from voting on the proposed modification. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Somers, to recommend that the Historic District Modification, 3821 West Milham Avenue, be approved as detailed in the Department of Community Development report dated February 27, 2015. The motion was unanimously approved 5-0.

7:25 p.m. - The Commission took a short recess.

7:30 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 2

2. 2015-2025 Capital Improvement Program. City Manager Schaffer was in attendance for this agenda item and introduced himself to the Commission. Mr. Forth referred the Commission to the 2015-2025 Capital Improvement Program (CIP) that was included in the agenda packet as a separate document. Mr. Forth summarized the February 23, 2015 memo from City Manager Schaffer that provided an overview of the FY 2015-

PLANNING COMMISSION

February 19, 2015

The City of Portage Planning Commission meeting of February 19, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the roll excusing Commissioners Bosch, Somers and Schimmel. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the February 5, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Felicijan, to approve the minutes as submitted. The motion was unanimously approved 6-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report for Ordinance Amendment #14/15-A: Auto Repair and Vehicle Fueling Station Regulations. Mr. Forth summarized the staff report dated February 13, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Commissioner Dargitz asked if there were any concerns about locating a gas station near an environmentally sensitive area such as the Portage Creek. Mr. Forth indicated MDEQ requirements for installation and maintenance of underground storage tank systems minimize concerns. Mr. Forth also noted city requirements for storm water management and spill containment concerning gas stations that would also minimize threats to the environment. Commissioner Dargitz also asked how the 300 foot distance separation was measured. Mr. Forth stated the distance was measured from property line to property line. Commissioner Richmond asked if a gas station not currently meeting the locational requirements would be impacted due to a change in ownership. Mr. Forth stated a change in ownership would not affect the status of the gas station.

Attorney Brown briefly discussed the applicability of the nonconforming regulations section of the Zoning Code and how it would apply to existing gas stations that do not meet the locational requirements. Attorney Brown, Mr. Forth and the Commission next discussed the proposed ordinance language and whether an existing gas station that does not meet the locational requirements and was abandoned would be allowed to reestablish. Mr. Forth indicated staff would discuss this issue further with Attorney Brown and provide additional information at the March 5, 2015 meeting.

Chairman Welch opened the public hearing. No citizens were present to speak regarding the proposed ordinance amendment. A motion was then made by Commissioner Dargitz, seconded by Commissioner Patterson, to adjourn the public hearing for Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations, to the March 5, 2015 meeting. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: February 27, 2015

FROM: Vicki Georgeau^{VA} Director of Community Development

SUBJECT: Final Report: Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations

I. INTRODUCTION:

The Planning Commission has deliberated over recommended changes to regulations for auto repair facilities and vehicle fueling stations during the past several meetings. The changes are being considered as part of the Planning Commission approved FY2014-15 Work Program, which included Zoning Code amendments pertaining to several topics. Amongst the Zoning Code amendments to be prepared for consideration were revised/updated regulations pertaining to "Auto Service Station" and "Gas Station."

This report provides historical background information pertaining to auto-related services, recommended changes to regulations for auto repair facilities and auto fueling stations, a summary of previous Planning Commission discussions and concludes with recommended ordinance language.

II. AUTO REPAIR FACILITIES:

Regulations regarding automobile repair/servicing have remained basically unchanged since comprehensive zoning of the city in 1965. Between 1965 and 2003, the Zoning Code established two categories for auto repair/servicing: Auto Service Station that permitted "...the servicing of and minor repair of automobiles" and Auto Repair Station that permitted "...general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles." Since auto repair activities and gasoline stations were commonly conducted together in the 1960s, the Auto Service Station and Auto Repair Station categories also allowed the sale of gasoline/engine fuels as an associated, on-site use. An Auto Service Station (minor repairs) was a use permitted in the B-3, general business district subject to review and approval of a special land use permit by the Planning Commission and as a permitted use in the I-1, light industrial district. An Auto Repair Station (major repairs) was permitted as a special land use in the I-1 district.

In 2003, the Zoning Code was amended to separate auto repair activities into two types: major and minor. The 2003 amendment also recognized the marketplace change that vehicle fueling stations were becoming less associated with auto repair and more associated with convenience shopping needs such as food and beverages. The definition of Auto Repair Station was replaced with Auto Repair Station – Major (description remained the same) and Auto Repair Station – Minor with the following description change, "...where the following services may be carried out such as minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding three tons gross vehicle weight; provided, however, there is excluded any repair or work

included in the definition of Auto Repair Station – Major. The definition of Auto Service Station remained basically unchanged to include vehicle fueling/gasoline stations that also may include the sale of minor accessories and the servicing and minor repair of automobiles. Currently, Auto Repair Station – Minor is allowed as a permitted use in the B-3 district and a special land use in the B-2 and I-1 districts, while Auto Repair Station – Major is allowed as a special land use in the I-1 district.

A survey of auto repair facilities currently located in the B-3 zoning district indicates most offer comprehensive automotive repair and servicing activities that include some form of what is considered major repair work such as engine, transmission or other vehicle component repair. Since major auto repair activities are only permitted in the I-1 and I-2, industrial districts, auto repair businesses located in the B-3 district that offer major repair services may not be completely in conformance with the Zoning Code requirements.

Recognizing that many local auto repair facilities offer comprehensive services, staff visited several businesses to compare external impacts associated with the operation of minor and major repairs. The visits revealed few external differences between businesses with major and minor repair activities. Several sites had a minimal amount of discarded auto parts outdoors such as used tires and a couple of sites had inoperable vehicles that had apparently been on-site for an extended period of time. Minor repair facilities such as Belle Tire or Midas Muffler had few, if any, vehicles left on-site after business hours while several of the facilities that offer more comprehensive services had several vehicles on-site, often located within a fenced enclosure. Based on the review of existing repair facilities, the potential adverse land use impacts of major repair facilities are similar to those of minor repair facilities. Engine and/or transmission rebuilding activities, for example, can often be less impactful than some minor repair activities (e.g. noise associated with removing/replacing exhaust systems and tire repair/replacement) since rebuilding related activities including assembly, disassembly and/or machining of automobile related components are performed indoors with precision machines and tools in a controlled environment. The primary impacts associated with both types of auto repairs is outside storage and vehicle parking.

III. VEHICLE FUELING STATION:

As the Commission will recall, a recent 2014 application for an “Auto Service Station” (gasoline/vehicle fueling station) redevelopment project at the former Centre Street Market site, 710 and 732 East Centre Avenue, generated significant controversy, concern and discussion regarding the appropriateness of this use when adjacent to a single family residential neighborhood and/or a child day care/preschool facility. While this “Auto Service Station” (gasoline/vehicle fueling station) proposal was eventually withdrawn by the applicant and the property subsequently rezoned from B-3, general business to B-1, local business, the issue of the appropriateness of this land use adjacent to a residential uses and child day care facility and/or school still remains. Since 1965, gasoline/vehicle fueling stations (“Auto Service Station”) have been allowed in the B-3 and I-1 zoning districts as special land uses without specific conditions. For Commission information, attached is a map that shows the location of existing fueling stations in the City of Portage.

In reviewing the East Centre Avenue gas station proposal, staff and the Planning Commission relied heavily on the General Standards for Review of Special Land Uses provisions of the Zoning Code (Section 42-462) in reviewing potential impacts from the proposed gas station on the adjacent single

family residential neighborhood and child day care/preschool facility. In order to address the impacts associated with the operation of gas stations, specific ordinance standards are recommended.

The most significant ordinance change involves the location of a vehicle fueling station in relation to a residential zoning district, day care center, public/private school or religious institution (many religious institutions operate child day care facilities). Two alternatives were presented to the Commission. The first alternative recommended that a fueling station not be adjacent to or abut one of the land uses noted above. The second alternative recommended a fueling station not abut or be within 300 feet of the protected land uses referenced above. The location requirement that a fueling station not abut or be within 300 feet of a residential land uses, child care, school and church facilities reduced the number of locations suitable for a new vehicle fueling station, while providing additional protections for these nearby land uses. With the 300-foot separation standard, the attached map illustrates there are still over 200 parcels available for new vehicle fueling station development, in addition to the 16 existing fueling stations within the community. During the January 22, 2015 meeting, the Commission agreed to proceed with an ordinance amendment that would require fueling stations to be located in either the B-3 or I-1 zoning districts to be at least 300 feet away from a residential land uses, child care, school and church facilities.

In an effort to address existing vehicle fueling stations that would not meet the new locational requirements, language has been added to provide a level of protection for these facilities. Also, the proposed fueling station regulations are not applicable to existing fueling stations located in the PD, planned development or CPD, commercial planned development districts. These fueling stations include BP, 4421 West Centre; Sam's Club, 7021 South Westnedge; and a proposed fueling station for Wal-Mart, 8350 Shaver Road. Impacts, if any, associated with fueling stations located in the PD or CPD districts can be addressed during the tentative/conceptual plan review process, which is subject to the public hearing process before the Planning Commission and City Council.

IV. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing during the February 19, 2015 meeting. No verbal or written citizen comments regarding the proposed ordinance amendment were received at the meeting. The Commission, staff and the City Attorney briefly discussed the applicability of the nonconforming regulations section of the Zoning Code and whether the provisions would apply to an existing gas station that does not meet the proposed locational requirements, and, furthermore, whether an abandoned gas station that does not meet the proposed locational requirements would be protected and allowed to reestablish.

V. PROPOSED ORDINANCE LANGUAGE:

Staff has researched many other community ordinances related to auto repair facilities and vehicle fueling stations, discussed the proposed auto repair amendments with several local business owners, and has considered public comment received and administrative/Planning Commission decisions concerning these uses. As a result of these research efforts, staff is recommending auto repair facilities no longer be classified as either minor or major and two new/updated definitions be established: Auto Repair and Auto Collision/Body Shop. Staff is also recommending that the

definition of Auto Service Station be changed to Vehicle Fueling Station and the definition be revised to reflect the current operational characteristics.

Attached is draft ordinance language prepared by the staff and the City Attorney. The attached draft ordinance language identifies proposed revisions in underline (new text) and strikeout (deleted text) format. A “clean” version without the underline and strikeout text is also provided. The proposed changes are summarized below.

Section 42-112, Definitions

Auto Repair Station – Minor, Auto Repair Station – Major and Auto Service Station. These three definitions are proposed to be rewritten and replaced with the following:

Auto Repair: A place where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and incidental replacement of parts occurs.

Auto Collision/Body Shop: A place where automobile repair, collision and/or auto body services such as general repair, rebuilding or reconditioning of motor vehicles; body, frame or fender repair; painting; and undercoating of automobiles occurs.

Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

These modifications separate auto repair uses from auto collision/body shop and vehicle fueling station uses. The modifications also recognize that auto collision/body shops typically have more potential adverse land use related impacts such as long term outdoor storage of damaged vehicles, body and frame straightening, reconditioning of automobiles, painting and undercoating. Auto collision/body shops would be allowed only in the industrial zoning districts.

Section 42-261. B-2, community business district

C. Special land uses (Items 2. and 4.)

Changes have been made to this section to eliminate references to “minor” and “major” auto repair and replace with new definitions and terminology. Auto repair facilities would continue to be permitted use in the B-2 district (without being limited to only minor repairs) as a special land use subject to conditions.

Section 42-262. B-3, general business district

B. Principal permitted uses (Item 4.)

C. Special land uses (Items 1. and 4.)

Changes have been made to these sections to eliminate references to “minor” and “major” auto repair and “automobile service stations” and replace with newly defined uses. Auto repair facilities would continue to be a permitted use in the B-3 district (without being limited to only minor repairs) as a separate facility or associated with a vehicle dealership, and as a permitted use in the I-1 and I-2 districts. In regard to Auto Repair, operational conditions were added that: require all repair activities to be conducted completely within the building; restrict the length of time a vehicle awaiting repair or inoperable vehicles may be outdoors; and screening requirements for outside storage of parts and other material.

In regard to Vehicle Fueling Stations, the location requirement that a fueling station not abut or be within 300 feet of a residential land uses, child care, school and church facilities has been added. This requirement would not prevent an existing fueling station that does not meet the locational standard from expanding and/or reconstructing. However and based on discussions during the February 19th meeting, language has been added to prevent a fueling station that does not meet the locational requirement from re-establishing if the use has been abandoned for a period of 90 days or more. For determining whether the use has been abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply. Other conditions have been included such as location of air compressors and vacuums stations, outside storage/display areas, and a provision to protect existing stations that may not be able to comply with the new locational standards. Finally, language has been incorporated that clarifies when an existing fueling station must comply with the requirements applicable to air compressors and vacuum stations, and outdoor storage and display. Compliance with the ordinance is required when a building permit for an addition, structural alternation or repair exceeds 25% of the appraised replacement cost of the entire building or structure, exclusive of the foundation. This ordinance language is similar to the language contained in Section 42-571 concerning landscaping and screening.

Section 42-280. I-1, light industrial district

B. Principal permitted uses (Item 20.)

C. Special land uses (Item 2.)

Changes have been made to these sections to eliminate references to “minor” and “major” auto repair and “automobile service station” and replace with newly defined uses. Changes also include allowing Auto Repair as a permitted use in the I-1 district (currently a special land use) with the same operational conditions related to the length of time a vehicle may be located outdoors. Vehicle fueling stations are also allowed to continue in the I-1 district with the same conditions applicable within the B-3 district.

Auto Collision/Body Shops continue to be allowed as a special land use in the I-1 district with the added requirements that the zoning lot not abut a single family residential zoning district or land designated for residential use in the PD zone and that all vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six-feet in height. Additionally, language has been added to protect existing auto

collision/body shops that do not meet the locational requirements, while adding clarifying language as to when an existing auto collision/body shop must comply with the requirements for screening outdoor storage of vehicles.

Section 42-281. I-2, heavy industrial district

C. Special land uses (Item 7.)

Currently, Auto Collision/Body Shop is not specifically referenced in the I-2 district so changes have been made to add this use as special land use in the I-2 district. Auto Collision/Body Shops include the requirements that the zoning lot not abut a single family residential zoning district or land designated for residential use in the PD zone and that all vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six-feet in height. Finally, language has also been added to protect existing auto collision/body shops that do not meet the locational requirements, while adding clarifying language as to when an existing auto collision/body shop must comply with the requirements for screening outdoor storage of vehicles.

VI. RECOMMENDATION

Based on the above analysis and subject to any comments received during the March 5, 2015 public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations, be approved.

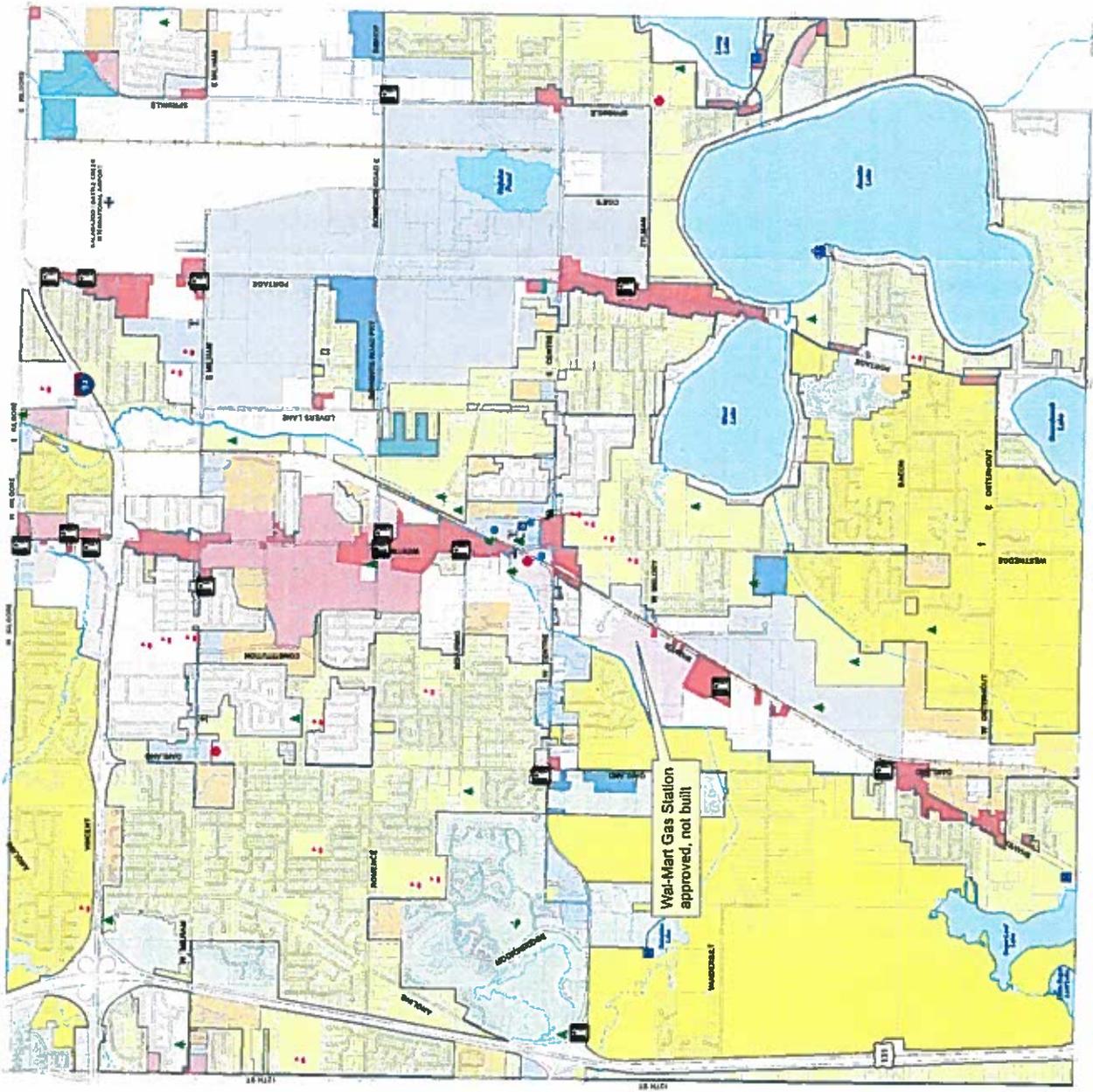
Attachments: Map of existing gas station locations
Map of potential gas station locations with 300-foot separation requirement
Ordinance Amendment (highlight/strike and clean versions)
December 18, 2014 and January 22, 2015 Planning Commission meeting minutes



Gas Station Locations

Gas Stations

- B-1 Local Business
- B-2 Community Business
- B-3 General Business
- CPD Commercial Planned Development
- I-1 Light Industry
- I-2 Heavy Industry
- OS-1 Office Service
- OTR Office Technology and Research
- P-1 Vehicular Parking
- PD Planned Development
- R-1A One Family Residential
- R-1B One Family Residential
- R-1C One Family Residential
- R-1D One Family Residential
- R-1E Estate Residential
- R-1T Attached Residential
- RM-1 Multiple Family Residential
- RM-2 Multiple Family Residential
- MHC Mobile Home Community



Station Owner	Property Address
J DAVIS INC	4421 W CENTRE AV
MERCURY PETROLEUM LLC	507 W MILHAM AV
JFB REAL ESTATE LLC	7938 OAKLAND DR
JFB REAL ESTATE LLC	7938 OAKLAND DR
SPEEDWAY SUPERAMERICA, LLC	8379 PORTAGE RD
EMRO MARKETING CO	5974 PORTAGE RD
PORTAGE FAMILY REAL ESTATE, LLC	5316 PORTAGE RD
SHELL MARKETING RESOURCES, LLC	5126 PORTAGE RD
KAL DRAME INC	8950 SHAYER RD
AMERICAN GAS & OIL INC	7025 S SPRINKLE RD
CAH LAND COMPANY, LLC	7460 S WESTNEDGE AV
SHELL MARKETING RESOURCES, LLC	7000 S WESTNEDGE AV
ADMIRAL PETROLEUM #26	5342 S WESTNEDGE AV
ENTERPRISES, INC	5231 S WESTNEDGE AV
EMRO MARKETING CO	5012 S WESTNEDGE AV
SHELL MARKETING RESOURCES, LLC	7000 S WESTNEDGE AV



1 inch = 3,200 feet

[HIGHLIGHT & STRIKE VERSION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS, SEC. 42-261, B-2, COMMUNITY BUSINESS DISTRICT, SEC.
42-262, B-3, GENERAL BUSINESS DISTRICT,
SEC. 42-280, I-1, LIGHT INDUSTRIAL DISTRICT, AND
SEC. 42-281, I-2, HEAVY INDUSTRIAL DISTRICT, OF ARTICLE 4, ZONING,
OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

~~Auto Collision/Body Shop repair station—Major: A place with or without the sale of petroleum products (excluding gasoline and diesel fuel for motor vehicles), where automobile repair, collision and/or auto body services the following services may be carried out such as general repair, engine rebuilding and rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and overall painting; and undercoating of automobiles occurs.~~

~~Auto repair station—Minor: A place with or without the sale of petroleum products (excluding gasoline and diesel fuel for motor vehicles), where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and the following services may be carried out such as minor repairs, incidental replacement of parts occurs, or motor service to passenger automobiles and trucks not exceeding three tons gross vehicle weight; provided, however, there is excluded any repair or work included in the definition of "Auto repair station—Major."~~

~~Auto service station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises. Services may include the sale of minor accessories and the servicing and minor repair of automobiles. Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.~~

~~Vehicle repair, major: See "Auto repair station—Major".~~

~~Vehicle repair, minor: See "Auto repair station—Minor".~~

Sec. 42-261. - B-2 community business district.

A. through B. No change.

C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. No change.
2. Auto repair ~~station, minor.~~
 - a. The minimum lot size shall be 30,000 square feet, with a minimum width of 150 feet.
 - b. All services shall be performed within a completely enclosed building.
 - c. No service bay shall open to or face any public street.
 - d. Not less than 20 percent of the ground area of the site shall be landscaped as a green area pursuant to an approved site plan.
 - e. In locations where the use abuts a residential district, the planning commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.
 - f. No auto collision/body shop ~~major vehicle repair~~ activities shall be permitted.
 - g. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site plan and architecture of the cluster of establishments. No additional curb openings onto a public street shall be permitted.
 - h. No outside storage of parts and/or materials shall be allowed.
 - i. No overnight outdoor storage/parking of automobiles that have been or are awaiting service or parts is permitted.
3. Automatic carwashes. No changes.
4. Vehicle dealerships, licensed by the state as a new vehicle dealer, for the sale of new motor vehicles, including accessory uses when related and incidental thereto, such as service areas and areas for the sale of used motor vehicles.
 - a. through g. No change.
 - h. Activities permitted at auto repair and auto collision/body shops as defined in Section 42-112 Major and minor vehicle repairs shall may be permitted when conducted completely within the building, with no outside storage of parts and/or materials.
 - i. through l. No change.
5. through 7. No change.

D. No change.

Sec. 42-262. - B-3 general business district.

A. No change.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

1. through 3. No change.

4. Auto repair ~~station~~—~~Minor.~~ subject to the following:

- a. When conducted completely within the building.
- b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be located outdoors for more than ninety (90) days.
- c. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

5. through 15. No change.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto subject to the following:

- a. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
- b. Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
- c. ~~No major vehicle repair or refinishing shall be done on the site.~~ Auto repair activities are permitted subject to the following:

i. When conducted completely within the building.

ii. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.

iii. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

2. through 3. Unchanged.

4. Vehicle fuelingAutomobile service stations for the sale of gasoline, oil and minor accessories only, but not including major vehicle repair or other activities where any adverse external effects could extend beyond the property line subject to the following:

a. The zoning lot does not abut or is not located within 300 feet of the following:

- i. a residential zoning district;
- ii. land designated for residential use in a PD, planned development district;
- iii. child day care facility;
- iv. public/private school; or
- v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 4(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 4(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

-b. Air compressors and vacuum stations shall not be located in the front yard area.

c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 4(b) and 4(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

5. through 9. Unchanged.

D. Unchanged.

Sec. 42-280. I-1, light industrial district.

A. Unchanged.

B. 1 through 19, Unchanged.

20. Auto repair subject to the following:

a. All repair activities are conducted completely within the building.

b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be located outdoors for more than ninety (90) days.

C. Special land uses: The following uses may be allowed in an I-1 light industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle fueling ~~Automobile-service~~ stations subject to the following:

a. The zoning lot does not abut or is not located within 300 feet of the following:

i. a residential zoning district;

ii. land designated for residential use in a PD, planned development district;

iii. child day care facility;

iv. public/private school; or

v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 1(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 1(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

b. Air compressors and vacuum stations shall not be located in the front yard area.

c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 1(b) and 1(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such

construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

2. Automobile repair stations (major and minor) Collision/body shops subject to the following:

a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district. Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 2(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;

b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 2(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

3. through 11, Unchanged.

D. Unchanged.

Sect. 42-281, I-2 heavy industrial district.

A. through B. Unchanged.

C. Special land uses: The following uses may be allowed in an I-2 heavy industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1 through 6, Unchanged.

7. Auto collision/body shops subject to the following:

a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district. Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 7(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;

b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section

42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 7(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

[CLEAN VERSION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS, SEC. 42-261, B-2, COMMUNITY BUSINESS
DISTRICT, SEC. 42-262, B-3, GENERAL BUSINESS DISTRICT,
SEC. 42-280, I-1, LIGHT INDUSTRIAL DISTRICT, AND
SEC. 42-281, I-2, HEAVY INDUSTRIAL DISTRICT, OF ARTICLE 4, ZONING,
OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

Auto Collision/Body Shop : A place where automobile repair, collision and/or auto body services such as general repair, rebuilding or reconditioning of motor vehicles; body, frame or fender repair; painting; and undercoating of automobiles occurs.

Auto Repair: A place where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and incidental replacement of parts occurs.

Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

Sec. 42-261. - B-2 community business district.

A. through B. No change.

C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. No change.
2. Auto repair.
 - a. The minimum lot size shall be 30,000 square feet, with a minimum width of 150 feet.
 - b. All services shall be performed within a completely enclosed building.

- c. No service bay shall open to or face any public street.
 - d. Not less than 20 percent of the ground area of the site shall be landscaped as a green area pursuant to an approved site plan.
 - e. In locations where the use abuts a residential district, the planning commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.
 - f. No auto collision/body shop activities shall be permitted.
 - g. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site plan and architecture of the cluster of establishments. No additional curb openings onto a public street shall be permitted.
 - h. No outside storage of parts and/or materials shall be allowed.
 - i. No overnight outdoor storage/parking of automobiles that have been or are awaiting service or parts is permitted.
3. Automatic carwashes. No changes.
4. Vehicle dealerships, licensed by the state as a new vehicle dealer, for the sale of new motor vehicles, including accessory uses when related and incidental thereto, such as service areas and areas for the sale of used motor vehicles.
- a. through g. No change.
 - h. Activities permitted at auto repair and auto collision/body shops as defined in Section 42-112 may be permitted when conducted completely within the building, with no outside storage of parts and/or materials.
 - i. through l. No change.
5. through 7. No change.

D. No change.

Sec. 42-262. - B-3 general business district.

A. No change.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

- 1. through 3. No change.
- 4. Auto repair subject to the following:

- a. When conducted completely within the building.
- b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be located outdoors for more than ninety (90) days.
- c. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

5. through 15. No change.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- 1. Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto subject to the following:
 - a. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - c. Auto repair activities are permitted subject to the following:
 - i. When conducted completely within the building.
 - ii. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.
 - iii. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is

the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

2. through 3. Unchanged.

4. Vehicle fueling stations subject to the following:

- a. The zoning lot does not abut or is not located within 300 feet of the following:
 - i. a residential zoning district;
 - ii. land designated for residential use in a PD, planned development district;
 - iii. child day care facility;
 - iv. public/private school; or
 - v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 4(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 4(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

- b. Air compressors and vacuum stations shall not be located in the front yard area.
- c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.
- d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 4(b) and 4(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

5. through 9. Unchanged.

D. Unchanged.

Sec. 42-280. I-1, light industrial district.

A. Unchanged.

B. 1 through 19, Unchanged.

20. Auto repair subject to the following:

- a. All repair activities are conducted completely within the building.
- b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be located outdoors for more than ninety (90) days.

C. Special land uses: The following uses may be allowed in an I-1 light industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle fueling stations subject to the following:

- a. The zoning lot does not abut or is not located within 300 feet of the following:
 - i. a residential zoning district;
 - ii. land designated for residential use in a PD, planned development district;
 - iii. child day care facility;
 - iv. public/private school; or
 - v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 1(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 1(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

- b. Air compressors and vacuum stations shall not be located in the front yard area.
- c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.
- d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 1(b) and 1(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

2. Auto Collision/body shops subject to the following:

- a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district. Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 2(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;
- b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 2(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

3. through 11, Unchanged.

D. Unchanged.

Sect. 42-281, I-2 heavy industrial district.

A. through B. Unchanged.

C. Special land uses: The following uses may be allowed in an I-2 heavy industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1 through 6, Unchanged.

7. Auto collision/body shops subject to the following:
 - a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district. Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 7(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;
 - b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 7(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

NEW BUSINESS:

1. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations. Mr. Forth summarized the staff report dated December 12, 2014 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth indicated this first round of proposed ordinance amendments was consistent with the Planning Commission's FY 2014-2015 Work Program and Implementation Strategies contained in the 2014 Comprehensive Plan. Mr. Forth provided historical background regarding Zoning Code regulations pertaining to auto-related services and indicated that regulations have remained basically unchanged since comprehensive zoning of the City in 1965.

Mr. Forth reviewed current definitions that classify auto repair stations into two categories: Auto Repair Station (Minor) that is allowed in the B-3 district as a permitted use and in the B-2 and I-1 districts as special land uses; and, Auto Repair Station (Major) that is allowed in the I-1 district. The definition of Auto Repair Station (Major) includes auto collision/body shop activities and engine rebuilding activities. Mr. Forth indicated a survey of auto repair stations currently located in the B-3 zone indicates that most of these facilities offer comprehensive automotive repair and servicing that includes some form of "major" repair work such as engine, transmission or other vehicle component repair/rebuilding. Mr. Forth stated a further inspection of many of these facilities also discovered that external impacts associated with auto repair stations that conduct some form of "major" repair (e.g., engine and/or transmission rebuilding and repair) are similar to many "minor" auto repair activities (e.g., exhaust and tire repair and replacements). As a result and after researching several other community ordinances, Mr. Forth indicated staff was recommending the current definitions of Auto Repair Station (Minor) and Auto Repair Station (Major) be rewritten and replaced with Auto Repair Station and Auto Collision/Body Shop to clearly separate auto repair activities from auto collision/body shop activities. Mr. Forth stated Auto Repair Stations would be allowed as permitted uses in the B-3 and I-1 districts and as a special land use in the B-2 district, while Auto Collision/Body Shops would be allowed as special land uses in the I-1 and I-2 district. Mr. Forth indicated new operational standards were also proposed by staff that address auto repair activities being conducted completely within the building, restrictions on the length of time a vehicle awaiting repair may be stored outdoors and screening provisions for outdoor storage of parts, tires and other materials. Mr. Forth also stated a new locational requirement was also proposed for auto collision/body shops where the zoning lot does not abut a single family residential zoning district or land designated for residential use in the PD, planned development district. The Commission and staff briefly discussed the length of time provision for outdoor storage of vehicles awaiting repair, however, did not request any changes to the ordinance language at this time.

In regard to auto service stations (gasoline/fueling stations), Mr. Forth indicated staff was also recommending a modification to the definition to more clearly describe these uses. Mr. Forth indicated staff has prepared a new definition, Vehicle Fueling Station, that would replace Auto Service Station. Mr. Forth briefly discussed the recent controversial gasoline station redevelopment project at the former Centre Street Market property (710 and 732 East Centre Avenue) and stated that since 1965 there have been no specific conditions for locating a Vehicle Fueling Station in the B-3 or I-1 districts as a special land use. To address this issue, Mr. Forth indicated that staff was also recommending new locational and operational standards for Vehicle Fueling Stations including the requirement that a new Vehicle Fueling Station can not be adjacent to or abutting a residential zoning district, day care center, public/private school or religious institution.

Mr. Forth also presented maps that depicted the locations of existing Vehicle Fueling Stations across the city and areas that would be available for citing new Vehicle Fueling Stations based on proposed locational requirements. The Commission and staff next discussed various aspects of the proposed ordinance amendment including whether or not a minimum distance requirement (e.g. 300-feet) should be used for citing new Vehicle Fueling Stations from residential zoning districts, day care centers, public/private schools and religious institutions. After additional discussion, Mr. Forth indicated that staff would provide alternative maps and ordinance language that presented a minimum distance requirement for Vehicle Fueling Stations for further Commission review and discussion at the January 8, 2015 meeting.

PLANNING COMMISSION

January 22, 2015

 COPY

The City of Portage Planning Commission meeting of January 22, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Bosch (yes), Somers (yes) and Schimmel (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the roll excusing Commissioners Dargitz and Richmond. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the December 18, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Stoffer, seconded by Commissioner Schimmel, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

1. Site Plan: Pinefield (Phase 3), 6291 South 12th Street. Mr. West summarized the staff report dated January 16, 2015 regarding a request by Pinefield, LLC to construct Phase 3 of the Pinefield residential development. Mr. West indicated Phase 3 proposed construction of seven four-unit buildings and one two-unit building (30 units total), four detached storage buildings and associated site improvements on the vacant parcel located north of Pinefield (Phase 2). Mr. West discussed the proposed access to Phase 3, reconfiguration of the existing storm water retention basin and the applicant's plans to preserve existing mature evergreen trees along the northern property line and install supplemental evergreen and deciduous tree plantings along the northwest portion of Phase 3 where adjacent the single family residence located at 6255 South 12th Street.

Mr. Bob Deppe of Pinefield, LLC (applicant/owner) was present to support the site plan. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the Site Plan for Pinefield (Phase 3), 6291 South 12th Street. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

1. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations. Mr. Forth summarized the staff report dated January 2, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth summarized changes made to the draft ordinance language since Commission review and discussion at the December 18, 2014 meeting. The

Commission did not have any additional comments regarding the proposed ordinance amendment. A motion was then made by Commissioner Bosch, seconded by Commissioner Patterson, to schedule a public hearing for February 19, 2015 to formerly consider Ordinance Amendment #14/15-A. The motion was unanimously approved.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

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

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Equipment Purchase Recommendation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

ACTION RECOMMENDED: That City Council approve the purchase of a 2015 Elgin Street Sweeper, through the State of Michigan purchasing program (MiDEAL) at a purchase price of \$146,207 and authorize the City Manager to execute all documents related to this purchase on behalf of the city.

Sweeping of city streets following the Fall Leaf Collection Program and during the spring season are key components in assuring citizen satisfaction. The current 2007 Elgin street sweeper owned by the city is in need of repairs and has become costly to maintain. This sweeper is currently out of service due to an auxiliary engine failure and the estimated cost for repairs is \$49,000. The maintenance costs for the 2007 Elgin sweeper to date totals \$138,500 since being put in service in 2007. It is not recommended that additional funds be used to further repair this sweeper.

The proposed replacement sweeper can be purchased through the State of Michigan Purchasing Program (MiDEAL), at a purchase price of \$146,207. The City of Portage has entered into the MiDEAL program to utilize the extended purchasing agreement service, as there is a significant economic advantage realized by the city when purchasing through this cooperative program. The 2007 Elgin sweeper will generate a trade in value of \$30,000, which has been deducted from the new sweeper's purchase price. The total cost to the city of \$146,207 accounts for this trade in value.

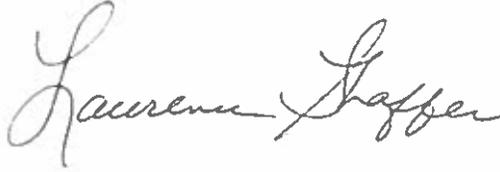
It is recommended that City Council approve the purchase of a new 2015 Elgin street sweeper through the MiDEAL program in the amount of \$146,207 and authorize the City Manager to execute all documents related to this purchase on behalf of the city.

FUNDING: The \$146,207 expense for the 2015 replacement sweeper will be funded by the FY 2014-2015 Equipment Fund.

Attachments: N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: April 14, 2015 Committee of the Whole Meeting

SUPPORTING PERSONNEL: James Hudson, City Clerk

ACTION RECOMMENDED: That City Council set a Committee of the Whole (COW) Meeting for Tuesday, April 14, 2015, at 6:00 p.m. in Conference Room No. 1 to discuss supporting regionalization while focusing on Portage.

Following the City Council Goal Setting Session on December 15, 2014, City Council decided to hold Committee of the Whole meetings prior to each Regular City Council Meeting. Based on a review of the items listed as "Strategic Priorities" from the Council Goal Session, it is recommended that City Council set a Committee of the Whole Meeting for Tuesday, April 14, 2015, at 6:00 p.m. in Conference Room No. 1 to discuss supporting regionalization while focusing on Portage.

FUNDING: N/A

Attachments: N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Election Polling Places and Rate of Compensation Resolution

SUPPORTING PERSONNEL: James Hudson, City Clerk

ACTION RECOMMENDED: That City Council adopt the Resolution Designating Polling Places and Rate of Compensation for the May 5, 2015 Special Election.

Attached is a Resolution listing the polling places established for the Special Election to be held on May 5, 2015. This Resolution also establishes the rate of pay for precinct chairpersons and other election officials.

FUNDING: The State of Michigan, via Kalamazoo County, is responsible for reimbursing local jurisdictions for the cost of the election.

Attachments: Resolution Designating Polling Places and Rate of Compensation

**CITY OF PORTAGE
RESOLUTION**

Moved by:
Supported by:

RESOLVED that the following locations be and are hereby designated as polling places for the SPECIAL ELECTION to be held on May 5, 2015, and that the polling places are to remain open from 7:00 o'clock a.m. until 8:00 o'clock p.m. on the day of the election.

1. The Portage Public Schools (PPS) "Dog House" Multipurpose Gym – 1000 Idaho Avenue
2. Goldentree Apts. Community Building - 4795 E. Milham Avenue
3. Portage Senior Center - 320 Library Lane
4. Lord of Life Lutheran Church – 9420 Portage Road
5. PPS "Stable" Multipurpose Gym – 8305 South Westnedge Avenue
6. Lord of Life Lutheran Church – 9420 Portage Road
7. K/RESA – 1819 E. Milham Avenue
8. Chapel Hill United Methodist Church – 7028 Oakland Drive
9. Prince of Peace Lutheran Church – 1747 W. Milham Avenue
10. PPS "Stable" Multipurpose Gym – 8305 South Westnedge Avenue
11. Kalamazoo First Assembly of God – 5500 Oakland Drive
12. PPS "Stable" Multipurpose Gym – 8305 South Westnedge Avenue
13. St. Catherine of Siena Catholic Church – 1150 W. Centre Avenue
14. Chapel Hill United Methodist Church – 7028 Oakland Drive
15. PPS "Dog House" Multipurpose Gym – 1000 Idaho Avenue
16. The Bridge Church – 7200 Angling Road
17. Pathfinder Church - 8740 S. Westnedge Avenue
18. The Bridge Church – 7200 Angling Road
19. Kalamazoo First Assembly of God – 5500 Oakland Drive
20. Absentee Voter Counting Board - Portage City Hall, 7900 South Westnedge Avenue

BE IT FURTHER RESOLVED that the City of Portage establish an Election Receiving Board for the election to be held on May 5, 2015 to convene from 8:00 o'clock p.m. until 10:30 p.m. on the day of each election.

BE IT FURTHER RESOLVED that the rate of pay for the Election Precinct Inspectors be as follows: \$120.00 (plus \$15 for attending each Training Session) for each precinct inspector, \$130.00 (plus \$15 for attending each Training Session) for each assistant precinct chairperson, \$145.00 (plus \$15 for attending each Training Session) for each precinct chairperson, and \$25.00 (plus \$15 for attending each Training Session) for each receiving board member.

YES:
NO:
ABSENT:

James R. Hudson, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on March 24, 2015, the original of which is in the official proceedings of the City Council.

James R. Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Sale of city property (10323 Archwood Drive update)

SUPPORTING PERSONNEL: Victoria Georgeau, Director of Community Development

ACTION RECOMMENDED: Information Only

On July 23, 2013, City Council approved an Ad Hoc Property Committee recommendation for the city to proceed with listing the property at 10323 Archwood Drive for sale and to utilize a real estate professional for the marketing of the property.

The city subsequently entered into a listing agreement with Paul Valentin with Jaqua Realtors. Based on the appraisal prepared in December 2012, the property list price was established at \$18,000 and includes the following conditions of sale established by City Council: 1) obtain a building permit for the construction of a one-family dwelling within 12 months of purchase; and, 2) no manufactured dwelling may be constructed on the property. On August 12, 2014, City Council modified the conditions of sale to provide an incentive that any buyer who constructs a single-family dwelling within two years of the purchase receive a \$3,000 refund on the purchase price.

In response to recent inquiries regarding the property and concerns over the lack of municipal water and sewer service on Archwood Drive and a portion of Cliffwood Drive, the City Administration administered a survey of property owners in the vicinity to determine the level of support for installation of municipal water and sewer, which would be accomplished with a special assessment. Based on the supportive responses received, the City Administration intends to reschedule the planned sewer installation for this area from FY 2018-19 to FY 2016-17. In addition, a municipal water main construction project will be proposed in the FY 2016-2026 Capital Improvement Program for FY 2016-17 as well.

The property profile information for 10323 Archwood Drive has been revised accordingly and is also attached for City Council information. The City Administration is hopeful that these capital improvement projects will further stimulate the sale of the property at 10323 Archwood Drive.

FUNDING: Not Applicable

Attachments: Property profile – 10323 Archwood Drive

ONE-FAMILY RESIDENTIAL PROPERTY FOR SALE

**10323 Archwood Drive, Portage, Michigan,
List Price: \$18,000**

Desirable property on Archwood Drive, located just east of the South Westnedge/Cliffwood Avenue intersection and ideal for construction of a one-family residential dwelling.

Excellent location in southeast Portage near city parks, nature preserves, trails and lakes. As shown on the vicinity map below, this 0.7 acre vacant property is located on a quiet cul-de-sac street within a close-knit neighborhood.

Existing homes on this street are served by private wells and septic systems for water and sanitary sewer disposal. NOTE: installation of municipal sewer and water service is planned in spring 2017.



A two-story one-family dwelling was previously located on this lot. Significant water damage to the structure necessitated the demolition of the dwelling which was accomplished by the City of Portage in accordance with Code. Inert concrete and asphalt debris remains where the foundation of the dwelling and septic tank were located. The private water well was also abandoned in accordance with Code.

The City of Portage will accept offers to purchase the property from all interested parties. A list price of \$18,000 has been established, based on an appraisal completed in December 2012. As an incentive, the City of Portage will offer a \$3,000 refund to any

buyer that constructs a single-family dwelling within two years of the purchase. Please note that the sale of this property will be conditioned to prohibit a manufactured dwelling from being constructed on the property.

Interested parties should submit written offers to the Department of Community Development, 7900 South Westnedge Avenue, Portage. Completion of a Greater Kalamazoo Association of Realtors "Authorized Buy and Sell Agreement" or similar document, is preferred and should accompany the offer on the property. Questions regarding the sale of the property should be directed to the Department of Community Development at (269) 329-4477.

PROPERTY/SUPPLEMENTAL INFORMATION

List Price: \$18,000

Site Sketch (shown below)

Terms: Cash

Conditions of Sale:

- Construction of manufactured dwellings is not permitted.
- A \$3,000 refund will be provided to any buyer that constructs a single-family dwelling within two years of the purchase.

Zoning: R-1C, One-Family Residential

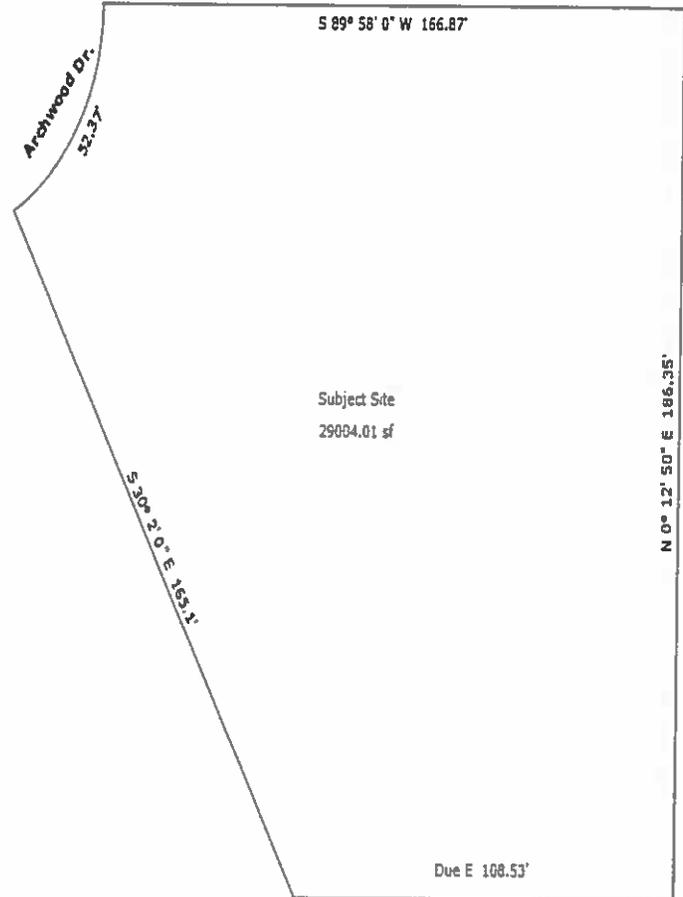
Minimum Building Setbacks:

- Front lot line: 30 feet
- Side lot line: 12 feet
- Rear lot line: 40 feet

Maximum building lot cover: 25% of lot area

Minimum residential floor area

- One-story: 1,600 square feet
- 1-½ story: 1,280 square feet first floor, 400 square feet second floor
- Two-story: 1,000 square feet 1st floor, 1,000 feet second floor



Utilities: No municipal water or sewer. Site previously served by private well and septic system. Installation of municipal water and sewer is currently planned for spring 2017.

Other:

A two-story one-family dwelling was previously located on this lot. Significant water damage necessitated the demolition of the dwelling, which was accomplished by the City of Portage in accordance with Code. Inert concrete and asphalt debris remains where the prior house foundation and septic tank were located. The private water well was also abandoned in accordance with Code.



CITY COUNCIL AGENDA ITEM F.11
MARCH 24, 2015

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

A handwritten signature in black ink, which appears to read "Laurence Shaffer", is written over the "FROM:" line and extends slightly to the right.

SUBJECT: February 2015 Environmental Activity Report

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities

Attached please find the February 2015 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes, P.E. New material or material of specific interest to City Council is presented in italics.

City Council has a quality of environment goal to "*enhance environmental quality and protect natural resources.*" The summary report is intended for informational purposes and to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

FUNDING: N/A

Attachments: February 2015 Environmental Activity Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
February 2015 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2nd year of AHC's contract is underway.</p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -Review of 6 site/building plans and/or plats completed in February 2015.</p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-Sanitary sewer hookup permits issued in February 2015: 0 residential; 0 commercial.</p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Permitting complete for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake</p>

Sciences, LLC. The West Lake Improvement association has completed a five year plan in preparation for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. *The 2015 weed treatment bids were received on February 24, 2015. On the City Council agenda for March 10, 2015.*

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. The 2013 report was received noting minimal impacts. The 2013 report is available on the website for public information. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in July 2014 and October 2014. *Monthly sampling at two retention basins continues. Current findings show a rise in groundwater levels of approximately eight inches over 2014 levels.*

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program will be initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway. Wellfield delineation completed. Engineering intern has completed contamination source inventory. Final report preparation underway.

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first

Retention Basin
Sampling Program
(Groundwater
Elevation)

Investigation regarding potential impact of retention basins on groundwater levels.

Wellhead Protection
Program (WHPP)

Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

Leaf Compost
Monitoring Program

Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.

sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2014, with report submitted. No significant change in groundwater impacts.

<p>National Pollution Discharge Elimination System (NPDES) Permit Implementation</p>	<p>Five year plan to implement the current NPDES stormwater permit.</p>	<p>-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. <i>New permit application is underway and due in April 2015.</i></p>
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<p>National Pollution Discharge Elimination System (NPDES) Permit Implementation</p>	<p>Kalamazoo River Mainstream Watershed Management Plan</p>	<p>-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River</p>
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Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conservation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP) Storm Sewer Outfall Testing.

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary.

report received. Report will be submitted to MDEQ as part of the annual report.

Garden Lane Arsenic Removal Facility	<i>Native Prairie Restoration</i>	Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational sign design for three signs is complete and sign fabrication is underway.
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	Emergency spill response contract for 2013-14 with Terra Contracting has been renewed. <i>The number of environmental incident/spill investigations performed in February – 0. Number of environmental cleanups in February – 0. 2015 Contract is in process.</i>
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.



A Resolution in Support of Single-Stream Recycling

City Council,

Expressing concern that Michigan's recycling rate at 14.5% is lower than that of the national average (29%) and other Great Lakes states (31%) and that the Governor has specifically declared increasing Michigan's recycling rate as one of his foremost goals,

Taking note that single-stream recycling is an effective means of increasing recycling rates, many area municipalities already have single-stream recycling, and the City of Portage's own pilot single-stream recycling program saw a doubling of its recycling rate,

Be it therefore resolved, that the Environmental Board for the City of Portage recommends that the City of Portage seek bids for single-stream recycling and that the City of Portage do everything in its power to further make the City of Portage a natural place to move.

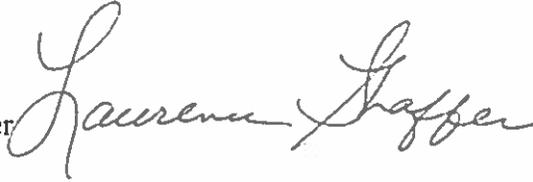
Sincerely,

Ruth E. Caputo, Chair

City of Portage Environmental Board

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Stormwater, Asset Management, and Wastewater Program (SAW Grant)

SUPPORTING PERSONNEL: Kendra Gwin, Interim Director of Transportation & Utilities

ACTION RECOMMENDED: That City Council award an engineering contract for the Stormwater, Asset Management, and Wastewater Program (SAW) to Hurley & Stewart, LLC, in the amount not to exceed \$209,000 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

In April 2013, the Michigan Department of Environmental Quality (MDEQ) announced a grant program focused on Stormwater, Asset Management and Wastewater Programs (SAW). The grant program is primarily directed at assisting communities to improve the asset management and mapping of stormwater and wastewater systems. A grant application for the city was approved by City Council on November 7, 2013.

For Portage, the need which best fits the grant program parameters is the preparation of an assessment management plan of city-owned and maintained stormwater basins. The total grant request was for \$199,768 with a city match of \$21,758.

The scope of work proposed in the grant application entails analyzing stormwater basins for:

- Stormwater disposal efficiencies
- Categorization of natural features
- Analysis, mapping and database establishment
- Individual maintenance and operation recommendations for each of the 63 city stormwater basins

On September 2014, the city received notice of the grant award. Grant agreement was executed in November 2014. On January 15, 2015, nine proposals for the asset management plan were received. The selection of the consultants is based primarily on the proposed scope of service anticipated by each consultant along with the qualification, experience, estimated hours and completion time. While not the lowest bid, based on the review of the proposals, it was determined that the proposal from Hurley & Stewart, LLC best fit the requirements of the city and grant provisions. Hurley & Stewart, LLC, has designed a number of the stormwater basins in the city and is very familiar with the city stormwater design criteria.

Therefore, it is recommended that City Council award an engineering contract for the Stormwater, Asset Management, and Wastewater Program to Hurley & Stewart, LLC in the amount not to exceed \$209,000 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

FUNDING: Sufficient funding is available in the Fiscal Year 2014 – 2015 Water Fund budget for the \$21,758 city share. The State of Michigan SAW Grant will provide \$199,768.

Attachments: Bid Tabulation

TABULATION OF PROPOSALS
STORM WATER BASIN ASSET MANAGEMENT PLAN

<u>FIRM</u>	<u>BID</u>	<u>EST. PROJECT HOURS</u>	<u>PROJECT COMPLETION TIMETABLE</u>		
			<u>INITIAL DRAFT</u>	<u>FINAL DRAFT</u>	<u>MDEQ SUBMITTAL</u>
Johnson & Anderson, Inc. 4494 Elizabeth Lake Road Waterford, MI 48328	\$134,360.00	1323	2/28/16	33/1/2016	6/30/16
Hurley & Stewart, LLC 2800 S. 11th Street Kalamazoo, MI 49009	\$209,000.00	2980	1/31/16	8/31/16	1/31/17
URS Corporation Great Lakes 27777 Franklin Rd., Ste 200 Southfield, MI 48034	\$213,721.00	2153	8/31/15	12/31/15	4/30/16
Abonmarche Consultants, Inc. 95 W. Main Street Benton Harbor, MI 49022	\$213,720.00	2010	10/16/15	12/18/15	1/8/16
Wightman & Associates, Inc. 9835 Portage Road Portage, MI 49002	\$213,720.00	1629	2/28/16	4/30/16	6/30/16
Seven Generations Architecture & Engineering, LLC 4464 Campus Drive, Suite 101 Kalamazoo, MI 49008	\$217,450.00	1716	4/28/17	6/23/17	7/21/17
Driesenga & Associates, Inc. 552 South 8th Street Kalamazoo, MI 49009	\$217,500.00	1996	10/14/15	5/16/16	9/14/16
Jones & Henry Engineers, Ltd. 4791 Campus Drive Kalamazoo, MI 49008	\$217,515.00	2801	2/19/15	4/15/16	5/13/216
Paradigm Design, Inc. 550 3 Mile Road NW, Suite B Grand Rapids, MI 49544	\$217,520.00	2520	8/15/15	9/15/15	9/30/15