CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

August 19, 2010

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

August 19, 2010
(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

* July 1, 2010

SITE/FINAL PLANS:

* 1. Site Plan: Midwest Fasteners (expansion), 9031 Shaver Road
* 2. Site Plan: The Bridge Church (outdoor soccer-softball fields), 7198 Angling Road

PUBLIC HEARINGS:

* 1. Special Land Use Permit: The Bridge Church (outdoor soccer-softball fields), 7198 Angling Road

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

* 1. Election of Officers – Request from Commissioner Pearson to postpone

NEW BUSINESS:

* 1. 2009-10 Planning Commission Work Program Final Update and Proposed FY 2010-11 Work Program
* 2. Planning Commission Rules of Procedures

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

June 2010 Summary of Environmental Activities Report
June 14th and July 12th, 2010 Zoning Board of Appeals meeting minutes
June 22nd, July 13th and July 27th, 2010 City Council meeting minutes

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

PLANNING COMMISSION

DRAFT

July 1, 2010

The City of Portage Planning Commission meeting of July 1, 2010 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

MEMBERS PRESENT:

Cory Bailes, Mark Siegfried, Paul Welch, Jim Pearson, Miko Dargitz, Bill Patterson, and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Wayne Stoffer and Rick Bosch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Charlie Bear, Assistant City Attorney.

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the June 17, 2010 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bailes, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

1. Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue. Mr. Forth summarized the staff report dated June 25, 2010 involving a final plan submitted by H & G II, Inc. to construct Phase I of the retail portion of the Greenspire Planned Development. Mr. Forth indicated the project proposes construction of a one-story, 13,400 square foot retail building and associated site improvements. Mr. Forth discussed the proposed access arrangement from West Centre Avenue, opposite Cooley Drive, and interconnections that would be constructed with the adjacent Greenspire Apartment complex at Stonebridge Court and Greenspire Drive. Mr. Forth reviewed the proposed grading changes associated with the development project and the commitment by the applicant to retain an approximate 80-foot wide vegetative buffer along West Centre Avenue until such time that further commercial/retail development was proposed. Mr. Forth also summarized the applicant's proposal to bank 54 parking spaces in greenspace consistent with Section 42-520.N (Deferred Parking) of the Zoning Code. Mr. Forth referred the Commission to the June 23, 2010 letter provided by the applicant and indicated staff was supportive of the deferred parking proposal.

The Commission and staff discussed various elements of the project and the previously approved tentative plan/narrative. Commissioner Pearson asked if installation of the deferred parking at a future date could be

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administratively review/approved. Mr. Forth said installation of the deferred parking could be administratively approved. Commissioner Dargitz asked for clarification involving the increase in the floor area from 12,000 sq. ft. as shown on the approved tentative plan to 13,400 sq. ft. as shown on the final plan. Mr. Forth explained that the increase floor area did not exceed the criteria listed in Section 42-375(H) of the Zoning Code. Mr. Greg Dobson of H & G II, Inc. was present to support and explain the retail project. No citizens spoke in regard to the development project. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to recommend to City Council the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue, be approved. The motion was unanimously approved.

2. Final Plan for Greenspire Apartments (Phase IV), 8380 Greenspire Drive. Mr. Forth summarized the staff report dated June 25, 2010 involving a final plan submitted by H & G II, Inc. to construct Phase IV (36 additional apartment units) within the Greenspire Planned Development. Mr. Forth indicated Phase IV includes two, three-story apartment buildings (24 units in one building and 12 units in another), one 12 stall garage and associated site improvements. Mr. Forth reviewed the proposed building and parking lot setbacks from the east property line. Mr. Forth also discussed the proposed access arrangement and stated a second access drive from West Centre Avenue, opposite Cooley Drive with interconnections with the adjacent Greenspire Apartment complex, would be constructed in conjunction with Phase IV.

The applicant, Mr. Greg Dobson, H & G II, Inc., was present to support and explain the apartment project. Mr. Dobson mentioned that to his knowledge, these two buildings will be the first LEED certified multi-family buildings in the City of Portage. No citizens spoke in regard to the development project. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Welch, to recommend to City Council the Final Plan for Greenspire Apartments (Phase IV), 8380 Greenspire Drive, be approved. The motion was unanimously approved.

3. Final Plan for Lake Michigan Credit Union, 4100 West Centre Avenue. Mr. Forth summarized the staff report dated June 25, 2010 involving a final plan submitted by American Village Builders to construct a new 3,000 square foot credit union building and associated site improvements. Mr. Forth stated the credit union project was proposed on a portion of the 3.8 acre tract of land and the applicant was preparing the site for two additional future development projects. Mr. Forth briefly discussed the history of the Woodbridge Hills Planned Development (PD) and indicated the credit union project was proposed in a portion of the PD designated for commercial/retail land use. Mr. Forth also discussed the proposed access arrangement and stated the site would be served through cross access connections with the existing Marsh Pointe Drive (private) to the west and the existing Woodbridge Shopping Drive (private) to the east: No new access drives from West Centre Avenue are proposed.

Commissioner Dargitz asked if the Marsh Pointe residents were aware of the cross access arrangement. Mr. Forth indicated that when Woodbridge Development sold the Marsh Pointe property several years ago, an easement for access and utility connection was retained. Mr. Forth mentioned he did speak with one Marsh Pointe resident who did not object to the cross access. This resident also believed the planned cross access connection with the Woodbridge Shopping center is benefit to the Marsh Pointe residents. Mr. Greg Dobson, American Village Builders, was present to support and explain the credit union project. Chairman Cheesebro asked about sidewalk installation along Marsh Pointe Drive and the internal east/west maneuvering lane. Mr. Dobson explained why sidewalk installation was problematic such as topographic differences and lack of connecting sidewalks. Commissioner Siegfried mentioned he jogs in this area and asked if anything is planned to improve the visibility at the southeast corner of the property adjacent to Woodbridge Shopping Drive. An existing wall and vegetation creates a vision obstruction for vehicles turning onto West Centre creating a conflict point between vehicles and pedestrians using the sidewalk. Mr. Dobson said he also jogs in this area and has experienced similar problems. Mr. Dobson said he would further evaluate the situation. No citizens spoke in regard to the development project. After a brief conversation, a motion was made by Commissioner Pearson, seconded by Commissioner Bailes, to recommend to City Council the Final Plan for Lake Michigan Credit Union, 4100 West Centre Avenue, be approved. The motion was unanimously approved.

DRAFT

PUBLIC HEARINGS:

None.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

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

Respectfully submitted,

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

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CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** August 12, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Site Plan for Midwest Fasteners (addition), 9031 Shaver Road.

I. INTRODUCTION:

A site plan has been submitted by Balkema Construction, on behalf of Midwest Fasteners, to construct a 80,179 square foot building addition at the existing Midwest Fasteners facility located at 9031 Shaver Road. The applicant has indicated that the expansion will be utilized for warehousing and storage. No additional site improvements are proposed. The 16.32 acre property is zoned I-2, heavy industry.

Access to the site will continue through the existing full-service driveway from Shaver Road and a fire lane already exists around the entire facility. Storm water from the roof of the building addition will be collected and conveyed to a shallow swale area located along the west side of the proposed addition. Treatment of the roof water is not required prior to infiltration.

II. RECOMMENDATION:

The site plan has been reviewed by the City Administrative departments. Staff recommends the site plan for Midwest Fasteners (addition), 9031 Shaver Road, be approved.

Attachment: Site plan

s:\2010-2011 department files\board files\planning commission\pc reports\site plans\midwest fasteners, 9031 shaver road.doc

New Building Addition to:

MIDWEST FASTENERS, INC.

9031 SHAVER ROAD PORTAGE, MICHIGAN

August 12, 2010

Job No. 1017

Issued For Site Plan Review

Architect

Slocum Associates, Inc.
Architects AIA
521 Riverview Drive / Kalamazoo Michigan 49004 269.381.2420

Construction Manager

BALKEMA CONSTRUCTION
4124 Douglas Ave., Kalamazoo, MI 49004 269.388.2244

Building and Site Information

CODE:
Michigan Building Code 2000

OCCUPANCY CLASSIFICATION:
Building: S-2 70 Occupants (no increase)

CONSTRUCTION TYPE:
Building 2B PROTECTED

	CODE	PROJECT
ALLOWABLE FLOOR AREA: Building Gross:	26,000 sf*	247,721 total sf 167,542 existing sf 80,179 new sf

* Unlimited floor area per Section 507 of MBC 2000.

HEIGHT + NUMBER OF STORIES
Building By Code: 4 st., 55'-0" high 1 st., 33'-10 1/2" high

Sheet Index

A000 COVER SHEET + INDEX

C001 SITE DEVELOPMENT DETAILS
C002 SITE DEVELOPMENT PLAN

RECEIVED
AUG 12 2010
COMMUNITY DEVELOPMENT

MIDWEST FASTENERS, INC.

JOB NO. 1017

LEGAL DESCRIPTION

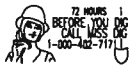
BEGINNING AT THE NORTH QUARTER POST OF SECTION 28, TOWN 3 SOUTH, RANGE 11 WEST, MICHIGAN; THENCE SOUTH ALONG THE QUARTER SECTION LINE 660 FEET; THENCE WEST PARALLEL WITH THE NORTH SECTION LINE 1244.74 FEET, MORE OR LESS, TO THE EAST LINE OF THE RIGHT-OF-WAY OF THE NEW YORK CENTRAL RAILROAD COMPANY; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID RAILROAD RIGHT-OF-WAY 1010.88 FEET, MORE OR LESS, TO THE NORTH SECTION LINE; THENCE EAST ALONG THE NORTH LINE OF SECTION 28 TO THE NORTH QUARTER POST, BEING THE PLACE OF BEGINNING. TOGETHER WITH THE EAST 30 FEET OF THAT PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 28, LYING SOUTH OF THE AFOREMAID PARCEL, BEING APPROXIMATELY 16.32 ACRES.

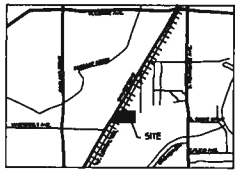
APPROPRIATE PERMITS TO BE OBTAINED FROM THE CITY OF PORTAGE.

AN EMERGENCY KEY BOX FOR FIRE DEPARTMENT ACCESS WILL BE PROVIDED. KEY BOX LOCATION TO BE DETERMINED UPON SUBMITTAL OF BUILDING PLANS.

A PRETREATMENT PERMIT FORM WILL BE SUBMITTED PRIOR TO ISSUANCE OF A BUILDING PERMIT.

ALL PAVEMENT MARKINGS AND TRAFFIC SIGNS TO CONFORM TO THE STANDARDS SET FORTH IN THE CURRENT EDITION OF THE MDA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.





VICINITY MAP
NOT TO SCALE

RECEIVED
AUG 12 2010
COMMUNITY DEVELOPMENT

SITE DATA

1. SITE ADDRESS: MIDWEST FASTENERS, INC. 1020 SHAFER ROAD PORTAGE, MICHIGAN
2. OWNER: MIDWEST FASTENERS, INC. 1020 SHAFER ROAD PORTAGE, MICHIGAN
3. ZONING: I-2
4. PROPOSED USE: METAL FASTENERS PACKAGING & DISTRIBUTION FACILITY.
5. SITE AREA: 4.98±/- SF. (16.32 ACRES)
6. BUILDING TYPE CONST: SINGLE STORY, SLAB ON GRADE, METAL BUILDING.
7. BUILDING HEIGHT: 32'-10" APPROX.
8. PARKING REQUIREMENTS:
   REQUIRED: 3. PLUS 1 FOR EACH 1.10 EMPLOYEES IN LARGEST WORKING SHIFT. (20 EMPLOYEES/1.10 EMPLOYEES PER SPACE = 20 + 3 = 23 SPACES REQUIRED)
   PROVIDED: 69 EXISTING SPACES (3 EXISTING BARRIER FREE SPACES) *
   * NO ADDITIONAL PARKING SHALL BE REQUIRED FOR THE WAREHOUSE ADDITION DUE TO INCREASE IN STAFF.
9. ALL FLOOR DRAINS TO BE CONNECTED TO SANITARY LINE.
10. THE PROJECT WILL BE CONSISTENT WITH SURROUNDING STRUCTURES. THE BUILDING AND SITE WILL CONFORM TO ALL APPLICABLE BUILDING AND ZONING CODES.

GENERAL NOTES (SITE WORK)

1. DEMOLITION.
   a. REMOVAL OF EXISTING UTILITIES, STRUCTURES AND SLABS SHALL BE AS SHOWN ON THE CONSTRUCTION DRAWINGS. IF REMOVAL LIMITS ARE NOT SHOWN, THEY SHALL BE THE MINIMUM REQUIRED TO COMPLETE THE PROJECT.
   b. DISCONNECTS OF ALL UTILITIES TO BE REMOVED SHALL BE BY THE TRADE INVOLVED OR THE APPROPRIATE UTILITY CO. AS DIRECTED BY THE GENERAL CONTRACTOR.
   c. DISPOSAL OF MATERIAL REMOVED SHALL BE OFF SITE BY THE GENERAL CONTRACTOR.
2. SITE PREPARATION.
   a. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PERFORMED BY THE OWNER IN COMPLIANCE WITH ACT 347.
   b. ORGANIC TOPSOIL SHALL BE STRIPPED FROM THE CONSTRUCTION AREA TO DEPTHS RANGING FROM APPROXIMATELY 6" TO 30" AND STOCKPILED AS INSTRUCTED BY THE G.C. FOR LATER USE.
3. EARTHWORK.
   a. CALL MISS DIG AT 1-800-482-7171 BEFORE BEGINNING EXCAVATION.
   b. EXCAVATION SHALL BE LEVEL TO EXACT DEPTHS AND DIMENSIONS INDICATED ON DRAWINGS.
   c. CONSTRUCTION OF FOUNDATIONS AND SLABS-ON-GRADE WILL BE ON COMPACTED FILL IN MOST AREAS. LAYERED COMPACTION SHALL BE PERFORMED TO A MINIMUM DENSITY OF 95% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM DESIGNATION D-698 VALUES.
   d. PLACE A MIN. 6 INCHES OF BANK RUN SAND COMPACTED TO 95% OF MAXIMUM DENSITY UNDER ALL FLOOR SLABS ON GRADE.
   e. SOIL TESTING WILL BE CONTRACTED AND PAID FOR BY THE GENERAL CONTRACTOR.
   f. SITE SHALL BE FINE GRADED BEFORE PLACING TOP SOIL OR GRANULAR BASE MATERIAL.
   g. EXTERIOR SURFACE DRAINAGE SHALL BE AWAY FROM BUILDINGS.
   h. ALL TOPOGRAPHICAL INFORMATION WAS PROVIDED BY OWNER AND ASSUMED CORRECT. THE CONTRACTOR SHALL VERIFY ALL EXISTING AND NEW GRADES PRIOR TO COMMENCEMENT OF ANY WORK. THIS OFFICE SHALL NOT BE HELD RESPONSIBLE FOR ANY MISSING OR ERRONEOUS INFORMATION.
   i. EXTERIOR CONC. SLAB TO BE 6" W/ LIMESTONE AGGREGATE, 6x6 W2.9xW2.9 WWF.

TYPICAL MATERIALS, SYMBOLS AND DESCRIPTIONS

MANHOLE
STORM SEWER MANHOLE
SANITARY SEWER MANHOLE
PHONE CO MANHOLE
ELEC CO MANHOLE
WATER MANHOLE
CATCH BASIN/CURB INLET
UTILITY POLE W/ LIGHT
UTILITY POLE
LIGHT POLE
FLAG POLE
YARD LAMP - POLE
PHONE BOOTH
MONITOR WELL
ELECTRIC BOX / TRANSFORMER
AIR CONDITIONING UNIT
UNDERGROUND TELEPHONE MARKER
UNDERGROUND TELEPHONE MARKER
EXIST SPOT GRADE
FINISH GRADE
FIRE HYDRANT
WATER VALVE
WATER METER
GAS VALVE
UNDERGROUND GAS MARKER
GAS METER
BASKETBALL NET
MAIL BOX
PARKING METER
SIGN
SOIL BORING
CONCRETE BOLLARD
EXIST TREE TO REMAIN
NEW TREE
TREE TO BE REMOVED
OVERHEAD ELEC LINE
UNDERGROUND ELEC LINE
GAS LINE
WATER LINE
FENCE LINE
CENTER LINE
PROPERTY LINE
STORM LINE
SANITARY LINE
TELEPHONE LINE
EXIST OVERHEAD ELEC LINE
EXIST UNDERGROUND ELEC LINE
EXIST GAS LINE
EXIST WATER LINE
EXIST TELEPHONE LINE
EXIST STORM LINE
EXIST SANITARY LINE

Slocum Architects
321 South Riverview Drive
Kalamazoo, Michigan 49001
Ph (269)381-2120 Fax (269)381-3399
www.slocumarchitects.com

BALKEMA CONSTRUCTION
424 Douglas Ave.
Kalamazoo, MI 49004
(269) 388-2244

NEW BUILDING ADDITION TO
MIDWEST FASTENERS, INC.
51 MICHIGAN AVE. W.
PORTAGE, MICHIGAN

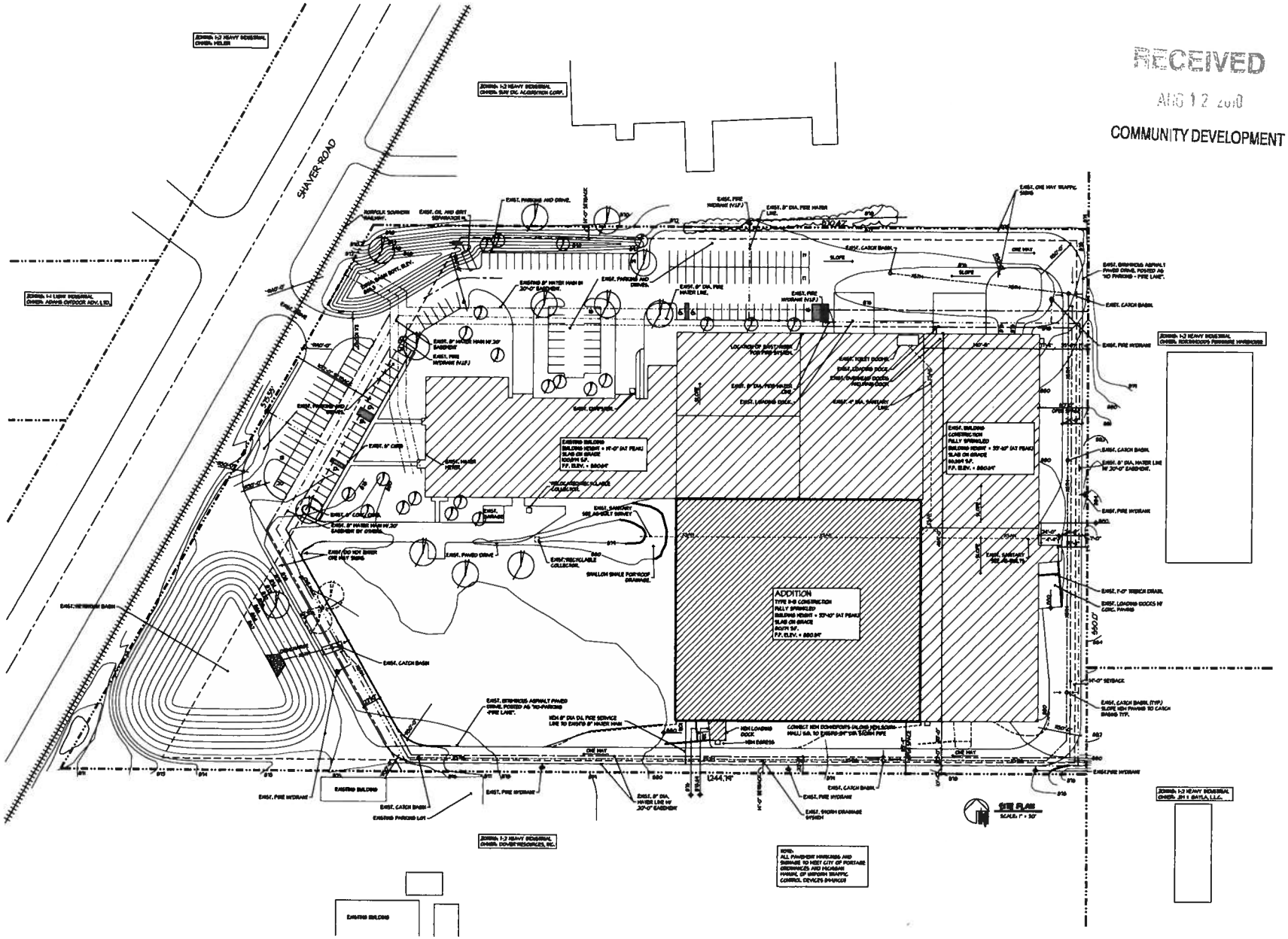
SHEET TITLE
SITE DEVELOPMENT DETAILS

FILE NAME
XXXXXXXXXX

ISSUED
ISSUED FOR SITE PLAN REVIEW -
08/06/10

JOB NUMBER
1017

C001



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AUG 12 2010
COMMUNITY DEVELOPMENT

Slocum Architects
521 South Riverview Drive
Kalamazoo, Michigan 49004
Ph (269)381-2430 Fax (269)381-3399
www.slocumarchitects.com

BALKEMA CONSTRUCTION
4524 Douglas Ave.
Kalamazoo, MI 49004
(269) 388-2244

New Building Addition to
Midwest Fasteners, Inc.
51 Michigan Ave. W.
Portage, Michigan

SHEET TITLE
SITE DEVELOPMENT PLAN

FILE NAME
KKCOORD.DWG

ISSUED
ISSUED FOR SITE PLAN REVIEW - 08/03/10

JOB NUMBER
1017

C002

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** August 12, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Site Plan for The Bridge Church, 7198 Angling Road.

I. INTRODUCTION:

A site plan (refer to site plan included with the special land use permit application) has been submitted by Slocum Associates, on behalf of The Bridge Church, to install an athletic field for soccer, lacrosse and other activities and a softball field. Construction of a 32-foot by 72-foot (2,304 square feet) pole building setback 26 feet from the north property line intended to be used for storage of church equipment is also proposed. The building will also include 16-foot overhangs to accommodate picnic tables and shelter from the sun/rain. The athletic fields and accessory building will be located on the west side of the building adjacent to US-131. The church is not proposing to add to the 229 off-street parking spaces. The 10.5 acre property is zoned R-1B, one family residential.

Access to the site will continue through the existing full-service driveway from Angling Road. Storm water from the site will continue to flow towards an existing retention area located near the northwest corner of the site but will be redirected around the athletic fields. The applicant is also proposing to install four new 20-foot tall light poles to illuminate the drive near Angling Road. Since the properties to the north and south are occupied by single-family residential dwellings, the amount of illumination at the property line cannot exceed 0.3 foot-candles. Installation of the new lighting units will comply with this ordinance requirement.

II. RECOMMENDATION:

The site plan has been reviewed by the City Administrative departments. Staff recommends the site plan for The Bridge Church, 7198 Angling Road, be approved.

S:\2010-2011 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Site Plans\The Bridge Church, 7198 Angling.doc

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** August 12, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Special Land Use Permit Amendment: The Bridge Church, 7198 Angling Road

I. INTRODUCTION:

An application has been submitted by the Reverend Daniel Teerman on behalf of The Bridge Church to amend the previously approved Special Land Use Permit to install an athletic field for soccer, lacrosse and other activities and a softball field. Construction of a 32-foot by 72-foot (2,304 square feet) pole building intended to be used for storage of church equipment is also planned. The building will also include 16-foot overhangs to accommodate picnic tables and shelter from the sun/rain. The church is not proposing to add to the 229 off-street parking spaces. The 10.5 acre property is zoned R-1B, one family residential.

In 1991 the Planning Commission approved the special land use permit application and site plan submitted by Faith Reformed Church to construct a 40,225 square foot facility and associated site improvements. The athletic field and storage building area was identified as storm water retention and open space.

III. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	• The site is bordered to the north, south and east by single family residences zoned R-1B. Located to the west is the US-131 highway.
Comprehensive Plan	• Future Land Use Map component of the Comprehensive Plan identifies the subject site along with surrounding properties as appropriate for single-family residential land use.
Access	• Existing full service driveway from Angling Road.
Environmental Issues	• Environmentally sensitive areas (100-year floodplain and/or wetlands) are not present on or adjacent to the subject site.
Land Development Regulations	• The application has been submitted under Section 42-182(A): Religious Institutions – *Special Land Uses* in the R-1B zoning district. • Section 42-462, *General Standards for Review of Special Land Uses*, sets forth additional criteria for evaluating a special land use and allows conditions to be established.
Historic District/ Structure	• The subject site is not located within a historic district and does not contain any historic structures.

IV. ANALYSIS:

According to the letter submitted by Reverend Teerman, the athletic fields are intended to be used for "ministry purposes as it relates to these activities." Athletic fields and a storage building for use by a church are considered accessory to principal or main use. Use of the fields will generate traffic to and from the existing facility and along the adjacent roadways at times other than normal church services. The adjacent roadways can accommodate this traffic additional traffic. While noise associated with the use of the outdoor fields can be anticipated, the fields are located at the west end of the site behind the existing church building and adjacent to US-131. The nearest single-family dwelling to the north is 450 feet away and there are no single-family dwellings located south of the proposed athletic fields. Impacts associated with the use of the fields for church-related activities are anticipated to minimal, if any.

The possibility exists that the fields may be rented to other organizations. Based on conversations with the City Attorney, while there may be increased activity, it is problematic to restrict the church from allowing use of the fields if the associated increase in traffic and noise will not unduly impact the adjacent residential neighborhood. Church officials do not know how often the fields may be rented so an assessment of the potential impacts cannot be completed. In the future, if it is determined that the traffic and/or noise generated from the rental of the athletic fields to other organizations negatively impacts the adjacent residential neighborhood, review of the special land use permit by the Planning Commission can occur.

The special land use permit has also been reviewed in the context of the General Standards of Review contained in Section 42-462. The General Standards of Review with a brief analysis are presented below:

- Promote the intent and purpose of this article. Article 4, Zoning, promotes the public health, safety, comfort, convenience or general welfare through orderly land uses. Installation of athletic fields for use by church members promotes healthy lifestyles, sense of community, youth activities, among others.
- Be compatible with adjacent uses of land and the natural environment. The athletic fields are located between the existing building and US-131 highway well removed from existing single-family dwellings, which will limit impacts.
- Not unduly affect the capacities of public services or facilities. Public services or facilities are not anticipated to be unduly affected as a result of the seasonal use of the athletic fields. Water and sanitary sewer services are not planned and police and fire services would be minimal, if any.
- Be consistent with the public health, safety and welfare. Seasonal use of the athletic fields would be consistent with the public health, safety and welfare. See above.
- Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan. Establishment of the athletic fields promotes an efficient and environmentally friendly use of land.
- Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use. Based on the information provided by church officials, the seasonal use of the athletic fields will not negatively impact traffic flow and safety on Angling Road. The use of the fields can be monitored including the intensity of the activities to ensure that adjacent residents are impacted.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper.

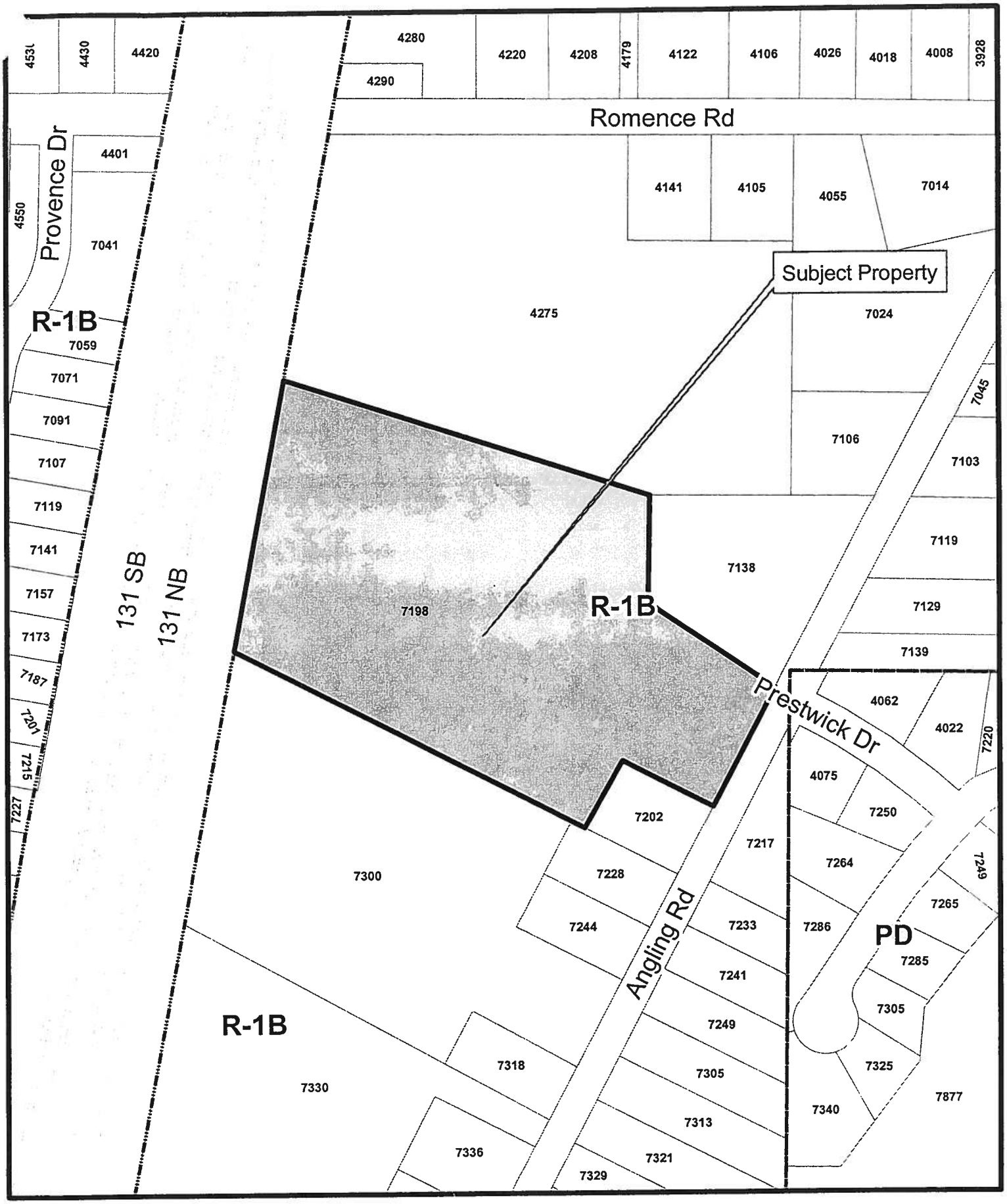
Additional site specific details including access, storm water management and outdoor lighting will be reviewed and further discussed as part of the formal site plan consideration.

V. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for the Bridge Church, 7198 Angling Road, be approved subject to the following:

1. The soccer and softball field not be lighted;
2. Use of a public address (PA) system be prohibited;
3. Review of the special land use permit by the Planning Commission in November 2011 be completed to assess neighborhood impacts, if any. (If the athletic fields have not been rented to outside organizations during this time period, review of the special land use permit will not be necessary.)

Attachments: Vicinity/Zoning Map; Special Land Use Permit application and materials
Aerial photograph



SPECIAL LAND USE PERMIT (amendment)

7198 Angling Road

N

0 65 130 260 Feet

Subject Property

Zoning Boundary

CITY OF
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Department of Community Development

APPLICANT INFORMATION

Name		Telephone Number	
Daniel Teerman (the bridge)		269-323-9444	
Address	**City**	**State**	**Zip code**
7200 Angling Rd.	Portage	MI	49024

OWNER INFORMATION (if different)

Name		Telephone Number	
The bridge			
Address	**City**	**State**	**Zip code**

PROPERTY INFORMATION

Address of property	Zoning District	Land Area (acres)
7200 Angling Rd.		10 (??)

Legal Description (or attach separate page)

PROPOSED USE

Description of proposed Special Land Use (attach additional page(s), if necessary)

Attached

OWNER CERTIFICATION

I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.

Signature: [signature] Date: 7-22-10

RECEIVED
JUL 22 2010
COMMUNITY DEVELOPMENT

July 13, 2010

To: City of Portage Planning Commission
Re: Usage of Field at 7200 Angling Rd.

To whom it May Concern:

I am writing to the site planners of the city regarding the use of the open space on our grounds. This space is merely being leveled and groomed so that people can play on the field without injury, whether for soccer, lacrosse, softball or other activities. We have every intention of using this field for ministry purposes as it relates to these activities.

We also foresee the possibility of other organizations using this complex for soccer, lacrosse or softball, whether it is local schools or leagues. It is possible that we will rent this field to other organizations since we presently rent the rest of our facility in this way. Currently, we do not have any contracts or agreements with any organizations to use or rent this field.

Also, we plan on erecting a pole building in the next 6 months on the property near the field. This is for storage of church equipment – chairs, etc. – and to store soccer, softball and lacrosse goals and equipment. Bruce will show the dimensions and type of building on the revised site plan.

We make every effort to bless our neighbors who live near us, allowing them to walk and use our grounds freely. This field will be no exception. We hope the city will approve the site plan that has been submitted so that we can move forward in making this a space that many people can enjoy.

Sincerely,

Rev. Daniel Teerman
Lead Disciple
The Bridge

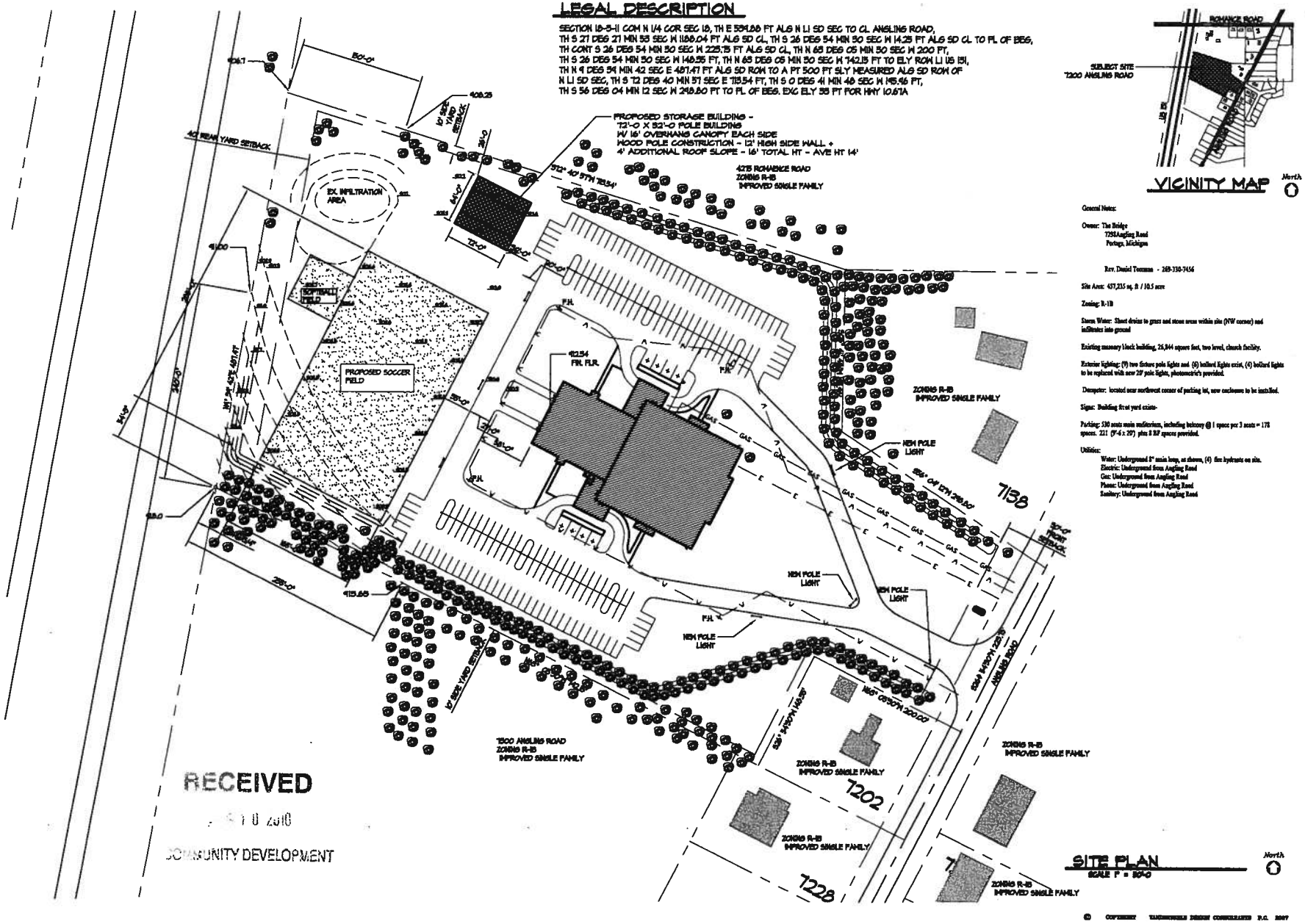
Vicinity Map
7198 Angling Road

Imagery: March 2009

1 inch = 200 feet

LEGAL DESCRIPTION

SECTION 18-3-11 COM N 1/4 COR SEC 18, TH E 594.86 FT ALG N LI SD SEC TO CL ANGLING ROAD, TH S 27 DEG 27 MIN 53 SEC W 1188.04 FT ALG SD CL, TH S 26 DEG 54 MIN 30 SEC W 14.23 FT ALG SD CL TO PL OF BEG, TH CONT S 26 DEG 54 MIN 30 SEC W 225.75 FT ALG SD CL, TH N 63 DEG 05 MIN 30 SEC W 200 FT, TH S 26 DEG 54 MIN 30 SEC W 148.35 FT, TH N 63 DEG 05 MIN 30 SEC W 742.15 FT TO ELY ROW LI US 131, TH N 9 DEG 54 MIN 42 SEC E 487.47 FT ALG SD ROW TO A PT 500 FT SLY MEASURED ALG SD ROW OF N LI SD SEC, TH S 72 DEG 40 MIN 57 SEC E 713.54 FT, TH S 0 DEG 41 MIN 46 SEC W 145.46 FT, TH S 56 DEG 04 MIN 12 SEC W 248.80 FT TO PL OF BEG. EXC ELY 33 FT FOR HWY 10.67A



General Notes:

Owner: The Bridge
7200 Angling Road
Portage, Michigan

Rev. Daniel Torrence - 269-330-7456

Site Area: 457,235 sq. ft / 10.5 acre

Zoning: R-1B

Storm Water: Sheet drains to grass and stone areas within site (NW corner) and infiltrates into ground

Existing masonry block building, 26,844 square feet, two level, church facility.

Exterior lighting: (9) two fixture pole lights and (6) bollard lights exist, (4) bollard lights to be replaced with new 20' pole lights, photometric's provided.

Dumpster: located near northwest corner of parking lot, new enclosure to be installed.

Signs: Building fit at yard existe-

Parking: 530 seats main auditorium, including balcony @ 1 space per 3 seats = 178 spaces. 221 (9'-6 x 20') plus 8 BF spaces provided.

Utilities:
Water: Underground 8" main loop, as shown, (4) fire hydrants on site.
Electric: Underground from Angling Road
Gas: Underground from Angling Road
Phone: Underground from Angling Road
Sanitary: Underground from Angling Road

SITE PLAN
SCALE 1" = 80'-0

RECEIVED
2016
COMMUNITY DEVELOPMENT

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NO.	DATE	REVISION
7		
6		
5		
4		
3	06/04/18	REVISION PER CITY RTN OF 5/4/18
2	11/21/16	PER REVISED PLAN RTN OF 11/18/16
1		

BUILDING MODIFICATIONS
THE BRIDGE
7200 ANGLING ROAD PORTAGE, MI

SITE PLAN

Vanderweele Design Consultants, P.C.

PLOT SCALE
1:1
ISSUE DATE
6/28/18
DRAWN BY
DAV
SHEET NO.
C1.01
PROJECT NO.
7216A

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** August 12, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Request from Commissioner Pearson to postpone election of officers

Attached is an e-mail communication from Commissioner Pearson requesting the Planning Commission postpone the election of officers until there is a full, nine member Commission. Commissioner Pearson will not be present during the August 19, 2010 meeting.

Attachment: E-mail communication from Commissioner Pearson dated August 9, 2010

S:\2010-2011 Department Files\Board Files\PLANNING COMMISSION\PC Reports\2010 08 12 Postpone election of officers.doc

From: Jim Pearson <jimpearson4@gmail.com>
To: Chris Forth <forthc@portagemi.gov>, Mike West <westm@portagemi.gov>, Jim...
Date: 8/9/2010 9:40 AM
Subject: PC elections

Hi Chris-

I will miss the Aug 19th Planning Commission meeting due to a graduation ceremony we are attending for our son at Fort Benning, Georgia.

Please postpone PC elections until we have that full board to vote.

Thanks,

Jim

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** August 13, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: 2009-10 Planning Commission Work Program Final Update and Proposed FY 2010-11 Work Program.

I. INTRODUCTION:

The Planning Commission customarily adopts an annual Work Program that includes the duties and responsibilities of the Commission per statute and local ordinance, incorporates approved City Council Advisory Board Goals and Objectives and City Council Mission Statement and Goals & Objectives. Attached is the 2009-10 Work Program, adopted by the Planning Commission in June 2009. Progress made by the Commission on these work items during the past fiscal year is summarized below.

II. FY 2009-10 WORK PROGRAM (FINAL UPDATE):

- **City Council Assigned Goals and Objectives** were completed during the past fiscal year.

1. *Explore neighborhood areas that might benefit from low-impact nonresidential uses by expanding home occupation regulations and/or other mixed-use options.*

   Ordinance Amendment #09-C involving expansion of home occupation regulations was prepared and reviewed during late 2009/early 2010 and recommended to City Council for approval during the January 21, 2010 meeting. The ordinance amendment was not approved by City Council and efforts are underway to prepare an alternative ordinance to address issues raised by the Council members.

2. *Prioritize the three Commercial Revitalization areas and consider a revitalization program covering appropriate rezonings, public infrastructure improvements and financial assistance and incentive programs.*

   Preparation of the South Sprinkle Road revitalization plan is underway by staff. The Kalamazoo County Road Commission is proposing a roadway project involving this segment of South Sprinkle Road for 2011. Preparation of the roadway reconstruction plans are in process. The draft revitalization plan is being developed and review by the Commission will occur this fall.

3. *Create a friendly walkable "downtown" City Centre Area that integrates with existing commercial/retail district along South Westnedge Avenue.*

   Included in the 2010-2020 Capital Improvement Program, Public Facilities category is Project 12, City Center Area Improvements, that is intended to improve lighting, pedestrian facilities and signage within the City Centre Area. Also, the walkability of the City Centre Area will continue as development and redevelopment activities occur in the area, such as the new Portage Central High School project, which has incorporated many internal and external walkable elements.

4. *Continue to guide development to appropriately planned areas of the community.*

The Planning Commission continues to guide development consistent with the 2008 Comprehensive Plan Update and Future Land Use Map as well as continues to ensure new development projects in the context of site plans, final plans and other proposals are designed consistent with applicable ordinances.

5. *Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.*

   Three rezoning applications were received and acted upon by the Planning Commission and approved by the City Council: Rezoning Application 09-01: Greenspire Planned Development (West Centre Avenue and Greenspire Drive) and Rezoning Application 09-02 (9804, 9810, 9818, 9832 and 9842 Oakland Drive and 2180–2408 Oakland Farms Trail).

6. *During project plan review, consider parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*

   In October 2009, the Planning Commission reviewed and recommended to City Council approval of a 2009-2010 Capital Improvement Program Budget Amendment (Streets Category) that involved a request by the Portage Public Schools to advance funding for the construction and signalization of the East Centre Avenue/Currier Drive/Mustang Boulevard intersection to Summer 2010.

   The Planning Commission also approved several site plans that involved driveway consolidation, driveway closure, cross access or a commitment to provide cross access in the future (CentrePort Commons, 8019 Portage Road; 5/3 Bank, 2610 East Centre Avenue; Portage Animal Hospital, 8037 Portage Road; Deals Unlimited, 8705 Portage Road; Greenspire Retail, 3205 West Centre; Lake Michigan Credit Union, 4100 West Centre; Mullin's Auto Service, 9444 Sprinkle Road; and Tulgetske Dental, 6242 Lovers Lane).

7. *Review and recommend the annual Capital Improvement Program.*

   The 2010-2020 Capital Improvement Program was recommended in March/April 2010.

8. *Annual review/update of the Major Thoroughfare Plan components of the Comprehensive Plan, where necessary.*

   The review of the 2010 Major Thoroughfare Plan Status Update was completed in March/April 2010.

9. *Forward recommended goals for FY 2010-11 (November 2009) and update to goals for FY 2009-10 (November 2009 and April 2010).*

   Updates were provided to City Council in November 2009 and April 2010.

- **Current Planning Activities** were also completed during the past fiscal year including the review and decision/recommendation of – 10 site/final plans; eight special land use permits; one preliminary plat (The Homestead III); two zoning map applications (Rezoning Application #09-01, Greenspire Planned Development, West Centre Avenue/Greenspire Drive and Rezoning Application #09-02, Oakland Drive and Oakland Farms Trail); three zoning ordinance text amendments (Ordinance Amendment #09-A, Floodplain Management Regulations; Ordinance Amendment #09-B, Sign Ordinance Regulations; Ordinance Amendment #09-C, Home

Occupation Regulations); two accessory buildings; one height modification; and four adjacent community planning document reviews.

- **Long Range Planning Activities** were also completed. Ordinance Amendment #09-C, Home Occupation Regulations was developed and reviewed in 2009/2010 and recommended to City Council at the January 21, 2010 meeting. The 2010 Major Thoroughfare Plan Status Update was also reviewed and accepted at the April 1, 2010 meeting.

- **Planning Commission Training Session** was presented by the Department of Community Development and Department of Transportation & Utilities on June 4, 2009 and included Commissioner training in the areas of site plan review, access and storm water management.

III. FY 2010-11 WORK PROGRAM (PROPOSED):

The proposed FY 2010-11 Planning Commission Work Program has been prepared and is attached for review and consideration. Also, attached are the City Council Advisory Boards and Commissions Approved FY 2010-11 Goals and Objectives and FY 2010-11 City Council Mission Statement and Goals & Objectives. The Commission is advised to review and discuss the attached materials during the August 19, 2010 meeting and, if no further changes, adopt the FY 2010-11 Planning Commission Work Program.

Attachments: Adopted FY 2009-10 Planning Commission Work Program
Proposed FY 2010-11 Planning Commission Work Program
City Council Advisory Boards and Commissions Approved FY 2010-11 Goals and Objectives
FY 2010-11 City Council Mission Statement and Goals & Objectives

FY 2009-10 PLANNING COMMISSION WORK PROGRAM

The FY 2009-10 work program reflects the established duties and responsibilities of the Planning Commission as specified by statute and local ordinance, and the guidance provided by the City Council Mission Statement and Goals & Objectives for the community.

The following work program outlines activities of the Planning Commission for FY 2009-10.

- **Council Assigned Goals and Objectives** -- The City Council Assigned 2009-10 Planning Commission Goals and Objectives were approved at the June 9, 2009 Council meeting and will require Planning Commission review and discussion throughout the fiscal year. Workshop/Special meetings can also be convened to address the 2009-10 Goals and Objectives.

  Assigned Goals and Objectives for 2009-10 include the following:

  1. Explore neighborhood areas that might benefit from low-impact nonresidential uses by expanding home occupation regulations and/or other mixed-use options.
  2. Prioritize the three Commercial Revitalization areas and consider a revitalization program covering appropriate rezonings, public infrastructure improvements and financial assistance and incentive programs.
  3. Create a friendly walkable "downtown" City Centre Area that integrates with existing commercial/retail district along South Westnedge Avenue.
  4. Continue to guide development to appropriately planned area of the community.
  5. Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.
  6. During project plan review, consider parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
  7. Review and recommend the annual Capital Improvement Program.
  8. Annual review/update of the Major Thoroughfare Plan components of the Comprehensive Plan, where necessary.
  9. Forward recommended goals for FY 2010-11 (November 2009) and update to goals for FY 2009-10 (November 2009 and April 2010).

- **Current Planning Activities** -- Ongoing Commission responsibilities involve planning for infrastructure, review of development projects and activities and implementation of the planning programs. In FY 2009-10, these responsibilities include:

  1. Site and project plan review and approvals/recommendations per the Zoning Code.
  2. Review and recommendation of the Capital Improvement Program.
  3. Review and recommendation of rezoning applications.
  4. Review and recommendation of Zoning Code amendments including consideration of neighborhood areas that may benefit from low-impact nonresidential uses through expansion of home occupation regulations and/or mixed use options.

- **Long Range Planning Activities** – Review and consider implementation strategies contained in the 2008 Comprehensive Plan and 2008 City Centre Area Plan.

- **Planning Commission Training** -- To increase the effective decision making of all Planning Commissioners, continuing education is important. Given the current budget constraints, staff will continue to identify innovative and cost effective training methods for Planning Commission members. Additionally, Planning Commissioners are encouraged to review information received from the Michigan Association of Planning (MAP) and visit the website at www.planningmi.org or the American Association of Planning website at www.planning.org. Other training activities may include staff presentations, distribution of literature and articles on planning, among others, with funding to be determined.

S:/Commdev/Department Files/Board Files/Planning Files/PC Reports/PCWorkProgram2009-10(proposed).doc

FY 2010-11 PLANNING COMMISSION WORK PROGRAM

The FY 2010-11 work program reflects the established duties and responsibilities of the Planning Commission as specified by statute and local ordinance, and the guidance provided by the City Council Mission Statement and Goals & Objectives for the community.

The following work program outlines activities of the Planning Commission for FY 2010-11.

- **Council Assigned Goals and Objectives** -- The City Council Assigned 2010-11 Planning Commission Goals and Objectives were approved at the July 27, 2010 Council meeting and will require Planning Commission review and discussion throughout the fiscal year. Workshop/Special meetings can also be convened to address the 2010-11 Goals and Objectives.

  Assigned Goals and Objectives for 2010-11 include the following:

  1. Continue to guide development to appropriately planned area of the community.
  2. Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.
  3. During project plan review, consider parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
  4. Review and recommend the annual Capital Improvement Program.
  5. Review/update of the Major Thoroughfare Plan components of the Comprehensive Plan, where necessary.
  6. Forward recommended goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

- **Current Planning Activities** -- Ongoing Commission responsibilities involve planning for infrastructure, review of development projects and activities and implementation of the planning programs. In FY 2010-11, these responsibilities include:

  1. Site and project plan review and approvals/recommendations per the Zoning Code.
  2. Review and recommendation of the Capital Improvement Program.
  3. Review and recommendation of zoning map and zoning text amendments.
  4. Prioritize the three Commercial Revitalization areas and consider a revitalization program covering appropriate rezonings, public infrastructure improvements and financial assistance and incentive programs.

- **Long Range Planning Activities** – Ongoing Long Range Planning Activities by the Commission during 2010-2011 include:

  1. Review and consider implementation strategies contained in the 2008 Comprehensive Plan and 2008 City Centre Area Plan.
  2. Update of the Major Thoroughfare Plan (Chapter 8, Transportation, contained in the 2008 Comprehensive Plan)

- **Planning Commission Training** -- To increase the effective decision making of all Planning Commissioners, continuing education is important. Given the current budget constraints, staff will continue to identify innovative and cost effective training methods for Planning Commission members. An updated training session is being prepared by staff and will be presented to the Commission in the Fall 2010. Additionally, Planning Commissioners are encouraged to review information received from the Michigan Association of Planning (MAP) and visit the website at www.planningmi.org or the American Association of Planning website at www.planning.org.

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** July 23, 2010

FROM: Ad-Hoc Advisory Board Review Committee *

SUBJECT: 2010-2011 Goals for Advisory Boards

ACTION RECOMMENDED: That City Council adopt the 2010-2011 Advisory Boards and Commissions Goals and Objectives.

The Council Ad-Hoc Advisory Board Review Committee met on July 14, 2010 to review the goals and objectives submitted by the Advisory Boards and Commissions for Fiscal Year 2010-2011. As a result, two general suggestions pertaining to the goals and objectives process have been incorporated into the Advisory Boards and Commissions 2010-2011 Goals and Objectives:

1. **Establishment of an annual verbal presentation to the City Council by certain Advisory Boards and Commissions on a schedule to be determined by the City Clerk.** This will allow the Council to receive a more in-depth update as to the efforts made by the Advisory Boards and Commissions. The Committee recommends that the Planning Commission be exempt from this requirement as the Council is regularly advised of Planning Commission activities as part of routine processes.

2. **Modification of the schedule for submission of Advisory Board and Commission written updates to current goals and objectives and suggested goals and objectives for the subsequent fiscal year.** Currently, Advisory Boards and Commissions submit the first of two updates to current goals and objectives in November each year. Also in November, the Advisory Boards and Commissions submit suggested goals and objectives for the upcoming fiscal year, which begins in July. Subsequently, the Advisory Boards and Commissions submit the second update to current goals and objectives in April each year. It is recommended that submission of suggested goals and objectives for the next fiscal year be shifted to April. This will allow the Advisory Boards and Commissions to consider current events to allow for the submission of the most timely suggested goals and objectives possible, rather than goals and objectives that are formulated six months prior to consideration and approval by the Council.

The attached Advisory Boards and Commissions 2010-2011 Goals and Objectives are recommended for Council approval.

Attachment

* Councilmember Elizabeth Campbell
Councilmember Patricia Randall
Councilmember Claudette Reid

ADVISORY BOARDS AND COMMISSIONS
APPROVED 2010-2011 GOALS AND OBJECTIVES

ENVIRONMENTAL BOARD

1. Continue to implement the City Council approved Purple Loosestrife bio-control plan:
   a. Release additional beetles at appropriate surveyed sites as beetle supplies are available.
   b. Provide oversight to the work group.
   c. Submit an annual progress report to City Council.

2. Promote general environmental awareness to the public.
   a. Organizing Earth Day activities
   b. Increase the use of the city's website for environmental education
   c. Publish articles in the *Portager*
   d. Update the public sign in Lakeview Park
   e. Continue to develop the rain garden at the new water treatment plant
   f. Work with other regional organization promoting public environmental programs.

3. Communicate with City Council on environmental issues and periodically discuss the Summary Environmental Activity report with the city staff liaison.

4. Continue to expand relationships with other environmental groups such as Kalamazoo Environmental Council, Sustainable Business Forum, Watershed Council and Portage area lake associations as time permits.

5. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

6. Present an annual verbal report to the City Council.

HISTORIC DISTRICT COMMISSION

1. Safeguard the heritage of the city through the exterior preservation of the historic district by evaluating and considering applications for Certificates of Appropriateness. Identify and evaluate historically significant structures in the City of Portage.

2. Increase visibility and public awareness of the Portage Historic District.
   a. Continue to interview and transcribe select interviews with historic homeowners and other people knowledgeable about Portage's history.
   b. Continue with book sales of *Where the Trails Crossed.*
   c. Continue to support the historic educational programs in the Portage Schools.
   d. Continue to have communication and cooperation with similar organizations in the local community.

3. Maintain a Library exhibit wall of framed photos representing the history of Portage. Continue to add new material throughout the year. This exhibit will be on display at the Portage District Library.

4. Present a Preservation Award to a citizen who has met the criteria as established by the Portage Historic Commission.

5. Continue the biannual newsletter called *Picket Fences* to be distributed to homeowners of Portage historic homes, council members and other supporters.

6. Observe National Preservation Week in May by presenting a special event in the community.

7. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

8. Present an annual verbal report to the City Council.

HUMAN SERVICES BOARD

1. Fulfill advisory role requirements for CDBG program and human/public service funding requests.
   a. To make recommendations regarding the Community Development Block Grant (CDBG) Program.
   b. To make recommendations regarding human/public service funding from the CDBG Program and General Fund to the City Council
      - Convene public hearings for the CDBG Program Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report.
      - Hear appeals from the CDBG Housing Program Guidelines.
      - Review fair housing activities.
      - Review applications and presentations from agencies for human/public services and recommend funding levels to City Council.

2. To serve as a resource and provide information to City Council regarding public transportation in the City of Portage.
   a. Advise City Council on matters pertaining to public transportation in the City of Portage and make recommendations as appropriate.
      - Review public transportation needs within the City of Portage.
      - Review countywide demand/response of transportation services.

3. To serve as a resource to City Council for special projects.
   a. To take appropriate action on projects as assigned by City Council
   b. Identify and educate City Council on emerging human service issues in Portage.
      - Continue to serve on Metro Transit ADA Advisory Committee.
      - Assist City Council with Red Ribbon Week activities.
      - Review mechanisms for identifying human service needs in the community, such as the community survey.

4. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

5. Present an annual verbal report to the City Council.

PARKS BOARD

1. Continue to participate in Portage cultural and special events as event volunteers and fundraising for marketing efforts. Possible venues include:
   a. Concerts
   b. Festivals
   c. Recreation programs special events

2. Continue implementation of a Kayak Race using Ramona Park as the staging area and expand the event for 2011.

3. Continue cooperative assistance with Youth Advisory Committee and Environmental Board for an Earth Day event, building upon the framework developed for previous years' events.

4. Coordinate a "Health Day" event in one or more park facilities to promote the Healthy Community movement.

5. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

6. Present an annual verbal report to the City Council.

PLANNING COMMISSION

1. Continue to guide development to appropriately planned area of the community.

2. Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.

3. During project plan review, consider parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.

4. Review and recommend the annual Capital Improvement Program.

5. Review / update the Major Thoroughfare Plan components of the Comprehensive Plan, where necessary.

6. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

SENIOR CITIZEN ADVISORY BOARD

1. Help to increase new and renewal membership to 2,500 or more.

2. Help to increase funding for operational support: investigate new ideas and sources of funding in cooperation with the Friends of the Portage Senior Center.

3. Continue development of innovative programming to reach the population of seniors 50 years of age and older.

4. Conduct discussions on specific senior center topics in cooperation with the Friends of the Portage Senior Center and the City Council on the results of the Portage Visioning Project.

5. Advise the City Council and the Portage Senior Center management on issues or projects pertaining to the seniors and the Portage Senior Center.

6. Assist with the self assessment in preparation for re-accreditation of the Portage Senior Center.

7. Continue working with the Portage Community Center to explore the potential for new opportunities for volunteers, services and other interactions.

8. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

9. Present an annual verbal report to the City Council.

CITY OF
PORTAGE
A Place for Opportunities to Grow

CITY OF PORTAGE
2010-2011 COUNCIL MISSION STATEMENT and GOALS & OBJECTIVES

Mission Statement of the Portage City Council

To function as the elected body serving the shareholders (all citizens) of the city:

(1) to ensure the long-term financial health of the city;

(2) to promote the highest level of quality of life in all aspects for all residents;

(3) to provide positive leadership for the entire county-wide community in all areas of municipal governance; and

(4) to encourage effective long-term planning in all considerations within Council purview.

(5) to ensure transparency and access to information.

2010-2011 GOALS & OBJECTIVES

COMMUNITY DEVELOPMENT

Goal: Promote quality of life in Portage.

Objectives:

- Continue prevention and enforcement efforts concerning substance abuse.
- Continue effective community safety programs through prevention, enforcement, and education.
- Ensure decent and safe housing and the livability of community neighborhoods.
- Maintain effective planning and development programs to promote orderly, attractive, and environmentally sound growth.
- Continue a commitment to human services to enhance the desirability of the community.
- Continue to encourage citizen involvement in crime prevention measures – business and residential.
- Maintain a coordinated and innovative approach toward developing park land and providing recreational opportunities.
- Continue planning and implementing programs and projects to enhance the City Centre area.
- Promote aesthetic and cultural enhancement.

ECONOMIC DEVELOPMENT

Goal: Demonstrate a commitment to quality economic growth and development.

Objectives:

- Develop an improvement strategy to ensure the continued strength of the city.
- Promote business diversification.

TRANSPORTATION

Goal: Continue to plan and implement improvements to move people and commerce safely and effectively through the community.

Objectives:

- Implement projects proposed within the major thoroughfare plan.
- Continue to implement operational and functional improvements to improve traffic safety and movement.
- Evaluate and promote alternate modes of transportation.
- Continue appropriate improvement of the local street system.
- Continue to seek alternative approaches and methods to enhance preventive maintenance programs.

CUSTOMER RELATIONS

Goal: Promote excellent customer relations.

Objectives:

- Continue emphasis on courteous public service.
- Continue efforts to enhance communication between local government, citizens, the business community and the local educational institutions on city projects and services.

PUBLIC IMPROVEMENTS

Goal: Continue to improve the infrastructure to meet demonstrated needs.

Objectives:

- Continue to improve the wastewater and stormwater systems.
- Continue to improve the water system.
- Promote underground utilities within the city.
- Continue to expand, update and maintain equipment and facilities to provide for the effective operation of city departments.
- Maintain a systematic preventative maintenance program for city-owned buildings.

QUALITY OF ENVIRONMENT

Goal: Enhance environmental quality and protect natural resources.

Objectives:

- Continue to promote effective recycling plans, the use of recycled/recyclable products, and the responsible disposal of hazardous and solid waste.
- Protect water quality through the continued implementation of water management principles, including surface water, groundwater, and stormwater programs.
- Promote environmental protection, planning, monitoring, and educational programs.

SERVICE DELIVERY

Goal: Continue to provide high quality, effective and cost efficient municipal services.

Objectives:

- Continue to evaluate alternatives to meet increased service demands.
- Promote teamwork and unity of purpose between the public and private sectors.
- Continue to increase efficiency by applying new technology.
- Continue to prioritize existing services--including the elimination of low-priority services.
- Monitor, evaluate, and communicate service delivery options.
- Continue to pursue mutually beneficial intergovernmental ventures.
- Expand employee training and wellness programs and opportunities to ensure a well trained, healthy and motivated work force.
- Improve the utility of citizen advisory boards.
- Evaluate and propose possible Charter and ordinance revisions.
- Continue to evaluate contracting or privatizing city services and programs.

FINANCE AND BUDGETING

Goal: Maintain the financial health of the city.

Objectives:

- Continue to pursue revenue enhancement through alternate funding opportunities.
- Assess financing methods for future capital improvement needs.
- Continue to evaluate expenditures to provide for the most effective and efficient use of city resources.
- Promote volunteerism to assist in providing important services.
- Promote safety and minimize risk exposure by continuing to identify and prevent accident/ liability exposure.
- Consider and implement alternative means of addressing city insurance needs to further enhance financial health of the city.

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** August 12, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: 2010 Planning Commission Rules of Procedure

During the past several weeks, staff and the City Attorney have been revising/updating the Planning Commission Rules of Procedure (attached). The original Planning Commission Rules of Procedure (attached) were first adopted in 1964 and amended as necessary. The updated Rules of Procedure address changes in the enabling legislation, functions and duties of the Commission, conflict of interests, meetings and agendas, role of staff, among others.

The Planning Commission is advised to review the revised Rules of Procedure during the August 19, 2010 meeting and, subsequent to this discussion, adopt the 2010 Planning Commission Rules of Procedure.

Attachments: 2010 Planning Commission Rules of Procedure
Original Planning Commission Rules of Procedure, as amended

S:\2009-2010 Department Files\Board Files\PLANNING COMMISSION\Rules of Procedure\2010 08 12 PC Rules of Pro MMO.doc

7900 South Westnedge Avenue ◆ Portage, Michigan 49002 ◆ (269) 329-4477
www.portagemi.gov

CITY OF PORTAGE PLANNING COMMISSION

RULES OF PROCEDURE

ARTICLE I – COMMISSION AUTHORITY, PURPOSE AND OBJECTIVES

Section 1. The Commission shall exercise such powers and perform such duties as are authorized and required by P.A. 33 of 2008, Michigan Planning Enabling Act (M.C.L 125.3801 *et seq.*), as amended, P.A. 110 of 2006, Michigan Zoning Enabling Act (M.C.L. 125.3101 *et seq.*), as amended, and City of Portage City Charter and Code of Ordinances.

Section 2. The Commission shall make and approve a master plan as a guide for development within the City of Portage. The Commission shall review and act upon all proposed zoning ordinances, zoning amendments, special land use permits, site plans, preliminary plats, amendments to land use plans, capital improvement programs, plans from adjacent and contiguous governmental units, and other related duties, pursuant to statutory and ordinance requirements.

Section 3. The Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

Section 4. The Commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

ARTICLE II – MEMBERSHIP AND OFFICERS OF COMMISSION

Section 1. Membership of the Commission shall consist of nine members. Members of the Commission shall be appointed by the Mayor subject to approval of a majority of City Council elected and serving in accordance with the Michigan Planning Enabling Act and per City Charter.

Section 2. The officers of the Commission shall consist of a Chairperson, Vice-Chairperson and a Secretary and other officers as may be considered advisable, per the Michigan Planning Enabling Act.

Section 3. Said officers shall be elected by majority vote of the Commission from among its members at the annual meeting in June and shall serve for a period of one year, or until their successors are elected. Nomination of officers shall be made from the floor of the meeting and the election shall be immediately thereafter. Vacancies in office shall be filled by regular election procedure no later than the second meeting after the office becomes vacant.

Section 4. The Chairperson shall preside at all meetings of the Commission. The Chairperson shall have a vote upon all actions as a Commissioner. The Chairperson shall sign all documents authorized by the Commission. The Chairperson may appoint members to committees and advisory committees, subject to majority approval by the Commission.

Section 5. In the event the office of the Chairperson shall become vacant by death, resignation or otherwise, the Vice-Chairperson shall become Chairperson for the unexpired term of this office.

Section 6. In the event of the absence of the Chairperson or the inability of the Chairperson to discharge the duties of this office, such duties shall for the time being devolve upon the Vice-Chairperson. In the event the Vice-Chairperson is for like reason, unable to act, such duties shall for the time being devolve upon the Secretary.

Section 7.

(a) Each member of the Commission shall avoid conflicts of interest and not deliberate on, vote on, or review a matter where a conflict of interest exists. Conflicts of interest include, but are not limited to the following: where the concern involves the member, the immediate family or household of the member; where the subject property is owned by or is within 300 feet to property owned by the member; or where there is a corporation, partnership or other entity in which the member has an ownership, employment, or other financial interest. Conflicts of interest of a member may also arise where the member may derive a personal profit or gain, directly or indirectly, from his or her official position or authority or benefit financially from confidential information which the member has obtained or may obtain by reason of that position or authority or where the member has a substantial direct or indirect financial, personal or ownership interest other than an interest similar to that of other citizens affected.

(b) Potential conflicts of interest shall be raised by a member as soon as known by the member and if a conflict of interest exists, the member shall not receive materials concerning the conflict of interest, participate in discussions regarding the matter, attend a closed session in which the matter is discussed and shall exit the meeting room during deliberation of the matter.

(c) A member is disqualified from participating, reviewing or voting on a matter if the remaining members of the Planning Commission disqualifies the member from voting by majority vote.

(d) Failure of a member to disclose a potential conflict of interest as required by these by-laws constitutes malfeasance in office.

Section 8. If a member of the Commission has *ex parte* contact with an applicant who has a request before the Commission, the member shall disclose such contact to the Commission at the public hearing or deliberation of the matter.

ARTICLE III – MEETINGS

Section 1. Regular meetings of the Commission shall be held the 1st and 3rd Thursday of each month at Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002 for the transaction of such business as may be brought before the Commission. When a regular meeting falls on or near a holiday, the meeting schedule may be adjusted as determined by the Commission. Special meetings to accommodate applicant requests and additional business may also be scheduled periodically by the Commission. All meetings of the Commission shall be open to the public and shall comply with the Open Meetings Act.

Section 2. The second regular meeting held in the month of June shall constitute the annual meeting of the Commission.

Section 3. Members of the Commission shall be notified in writing of the time and place of all meetings not less than 48 hours before the meeting. Notices of meetings of the Commission shall specify the business to be transacted and no other business shall be officially considered at said meeting, unless added by the affirmative vote of at least five members of the Commission.

Section 4. A written agenda shall be prepared for all meetings before the Commission. The normal order of business shall be as follows:

(a) Call to Order
(b) Pledge of Allegiance
(c) Approval of Minutes
(d) Site/Final Plans
(e) Public Hearings
(f) Plats/Residential Condominiums
(g) Old Business
(h) New Business
(i) Statement of Citizens
(j) Adjournment

Section 5. During meetings where a large number of citizens may be anticipated to be present who may wish to speak regarding an agenda item, the Chairperson may establish a time limit for public comment and request that citizens not repeat previously voiced comments. Further, the Commission may adjourn the public hearing to a larger venue if circumstances require.

Section 6. The City Manager, or designate, on behalf of the Commission, shall prepare all public notices for agenda items pending before the Commission consistent with the Michigan Planning Enabling Act, Michigan Zoning Enabling Act, Open Meetings Act and other applicable statutes.

Section 7. The City Manager, or a member of the City Administration as designated by the City Manager, shall attend all Commission meetings.

Section 8. The City Attorney, or designate, shall provide professional legal advice and attend all Commission meetings.

Section 9. Following every meeting, the City Manager, or designate, shall prepare summary meeting minutes for review and approval by the Commission at the next scheduled meeting.

ARTICLE IV – QUORUM AND VOTING

Section 1. Five members of the Commission shall constitute a quorum for the transaction of business.

Section 2. At least five concurring votes shall be necessary for decisions made by the Commission, except when a motion involves an amendment to the Master Plan, which shall require an affirmative vote of at least 2/3 (six concurring votes) of the membership of the Commission and unless otherwise provided by law or these Rules of Procedure

Section 3. Each Commissioner present shall be entitled to one vote in meetings of the Commission.

Section 4. The City Manager, or designate, City Attorney and other officials of the City may participate in Commission discussions, but shall not vote, introduce motions or initiate any other parliamentary action.

ARTICLE V – COMMITTEES

Section 1. The Commission may approve committees of Commission members with such duties and functions as it deems available. The Chairperson with approval of a majority of the Commission may approve appointment of advisory committees whose members are not members of the planning commission, per the Michigan Planning Enabling Act.

Section 2. The Commission may also authorize advisory committees whose membership may consist of individuals whose experience, training or interest may qualify them to lend valuable assistance to the Commission by acting in an advisory capacity in consulting with the Commission on the technical and special phases of its programs.

ARTICLE VI – AMENDMENTS

Section 1. These by-laws may be altered or suspended, amended or repealed by a majority of the Commission at any regular or special meeting, [subject to Article III as relating to special meetings.] – What is intent of this phrase?

ARTICLE VII – RULES OF ORDER

Section 1. In all cases not covered by these rules, Roberts Rules of Order will govern.

CITY OF PORTAGE PLANNING COMMISSION

RULES OF PROCEDURE

ARTICLE I - COMMISSION AUTHORITY

Section 1. The Commission shall exercise such powers and perform such duties as are authorized and provided by the statutes and laws of the State of Michigan, and particularly Act 285 of the Public Acts of 1931 as amended.

Section 2. The function and duties of the Planning Commission shall be as provided in Section 6 of the aforementioned Act and the City ordinance.

ARTICLE II - OFFICERS OF COMMISSION

Section 1. The officers of the Commission shall consist of a Chairman, Vice Chairman and Secretary.

Section 2. Said officers shall be elected by the Commission from among its members at the annual meeting in June and shall serve for a period of one year, or until their successors are elected.

Section 3. ~~Member of the Commission shall be elected to the same office for more than two successive years.~~ (DELETED 6-19-75)

Section 4. The Chairman shall be the chief executive officer of the Commission and shall preside at all meetings of the Commission. He shall appoint all committees, or advisory committees or councils established by the Commission unless otherwise provided by the Commission. He shall have a vote upon all resolutions as a Commissioner. He shall sign all contracts and legal documents authorized by the Commission.

Section 5. In the event the office of the Chairman shall become vacant by death, resignation or otherwise, the Vice-Chairman shall become Chairman for the unexpired term of this office.

Section 6. In the event of the absence of the Chairman or his inability to discharge the duties of his office, such duties shall for the time being devolve upon the Vice-Chairman. In the event the Vice-Chairman is for like reason, unable to act, such duties shall for the time being devolve upon the Secretary.

ARTICLE III - MEETINGS

Section 1. Regular meetings of the Planning Commission shall be held each month for the transaction of such business as may be brought before the regular meeting: provided said meeting of said Commission may be held at such location or place as may be determined by the Commission. Meetings of the Commission shall be open to the public.

Section 2. The regular meeting held in the month of June shall constitute the regular annual meeting of the Commission.

Section 3. All members of the Commission shall be notified in writing of the time and place of the regular meeting at least three (3) days prior thereto.

Section 4. Special meetings of the Commission may be called at any time by the Chairman and in his absence the Vice-Chairman or on written request of any three (3) Commissioners, at such time or place as may be deemed necessary.

Section 5. All members of the Commission shall be notified in writing of the time, place and purpose of all special meetings of the Commission at least three (3) days prior thereto. Notices of special meetings of the Commission shall specify the business to be transacted at said special meeting and no other business save that specified shall be officially considered at said special meeting, unless added by the affirmative vote of at least five (5) members of the Commission.

ARTICLE IV - QUORUM & VOTING

Section 1. Five (5) members of the Commission shall constitute a quorum for the transaction of business, at least five concurring votes shall be necessary for a decision by the Commission of any meeting of the Commission. Each Commissioner present shall be entitled to one (1) vote in meetings of the Commission.

ARTICLE V - COMMITTEES

Section 1. The Commission may appoint committees of Commission members with such duties and functions as it deems advisable.

Section 2. The Commission may also authorize advisory committees whose membership may consist of individuals whose experience training or interest in the program may qualify them to lend valuable assistance to the Commission by acting in an advisory capacity in consulting with the Commission on the technical and special phases of its program.

Section 3. The City Manager or a member of his staff shall attend all Committee meetings.

ARTICLE VI - AMENDMENTS

Section 1. These by-laws may be altered or suspended, amended or repealed by a majority of the Commission at any regular or special meeting, subject to Article III as relating to special meetings.

ARTICLE VII - RULES OF ORDER

Section 1.

Adopted June 24, 1964

Section 1. In all cases not covered by these rules, Roberts Rules of Order will govern.

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MATERIALS TRANSMITTED

CITY OF PORTAGE **COMMUNICATION**

TO: Maurice S. Evans, City Manager **DATE:** July 12, 2010

RECEIVED
JUL 12 2010
CITY MANAGER'S OFFICE
PORTAGE, MI

FROM: Dallas Williams, Director of Transportation & Utilities

SUBJECT: June 2010 Environmental Activity Report – Information Only

In keeping with goals and objectives adopted by the Council emphasizing the need to enhance environmental quality and protect natural resources, the following information is intended to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

Important environmental issues being monitored and coordinated by the Administration are attached. The Summary Environmental Activity Report will continue to be provided on a monthly basis to the Council, Planning Commission and Environmental Board.

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
June 2010 (*updates in italics*)

Project/Activity	**Description**	**Status**
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. *Sampling performed in June 2010. Annual report submitted to MDNRE in June 2010.* General groundwater quality continues to improve, but site will require monitoring for the foreseeable future.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. *-Review of 2 site/building plans and/or plats completed in June 2010.*
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	*-Sanitary sewer hookup permits issued in June 2010: 2 residential, 3 commercial. Two sewer deferments were granted by the Mandatory Sewer Deferment Committee.*
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process initiated (Resolution #1) on December 7, 2004. Resolution #3 was approved by City Council on January 11, 2005. Resolution #5 was adopted by City Council on February 8, 2005. On March 22, 2005, City Council approved a contract with Aquatic Services, Goodrich, MI, to perform annual weed treatment. West Lake currently working with the Kalamazoo County Drain Commissioner to create a filtration system on the Austin Lake Drain. On July 10, 2007, City Council authorized the Administration to submit a grant application in the amount of $5,000 to the Kalamazoo Foundation to assist funding the filtration system. Construction bids received by the Drain Commissioner on November 14, 2006. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008 . On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. Spring 2009 weed control application was completed in June 2009. New 5 year improvement plan and special assessment process was approved by

		City Council on March 23, 2010. *The 2010 lake treatment is underway and will be completed by June 30.*
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. City staff has initiated a compilation of all city retention basin groundwater levels. Winter sampling performed in early December 2009 with results submitted. Report under staff review. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. *Sampling of retention basins was completed on June 25, 2010.*
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. City staff made a presentation to the American Water Works Association at their April 25, 2008 meeting to highlight current city initiatives. Plan implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Next sampling scheduled for July 2010.
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. Permit implementation is ongoing. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. Revised SWIPPI to incorporate watershed management plans. Annual report was submitted December 29, 2006. SWIPPI comments received from the MDEQ and revisions resubmitted. Public education plan submitted to MDEQ on October 31, 2007. Additional NPDES SWIPPI data and public education plan submitted on November 6, 2007. Annual report was submitted December 31, 2007. The MDEQ approved the revised public education plan and SWIPPI on January 15, 2008. Re-application for permit

		extension was submitted on March 24, 2008. New permit applications are due August 1, 2008 for a 5 year permit cycle. The permit application for the city was submitted to MDEQ on July 31, 2008. Annual permit report submitted in December 31, 2008. Next five year permit expected in fall 2009. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. City staff worked with other agencies at the 2010 Home Expo on March 17 – 20, 2010. Staff currently working on updated SWIPPI submittal to MDNRE. *SWIPPI was submitted for MDNRE approval on June 25, 2010.*
National Pollution Discharge Elimination System (NPDES) permit implementation	Kalamazoo River Mainstem Watershed Management Plan	-First meeting was held September 17, 2004. The public participation plan for the Watershed was submitted on November 22, 2004. The Public Education Plan was submitted December 31, 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. Watershed Committee meeting held November 22, 2005. Watershed planning focused on threatened uses and potential correction of water quality. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. Public information meeting was held at County Fairgrounds on October 24, 2006. Revised Watershed Plan submitted November 30, 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.
	Portage River Watershed Management Plan	-Public participation plan submitted June 28, 2004. The Public Education Plan was submitted December 31, 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. First watershed meeting was held November 29, 2005. Meeting focused on water quality in the watershed and identification of pollution sources. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009.

	Five year plan to implement an Illicit Discharge Elimination Plan (IDEP).	-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On May 27, 2003, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the West Fork element of the IDEP. On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of $152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of $184,264 for the remainder of the IDEP for the entire city. Due to a less than anticipated number of illicit connections, city staff asked MDEQ to expand mapping activities under the grant program. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. *IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.*
Garden Lane Arsenic Removal Facility	Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.	-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Feasibility study recommended construction of a filter system using various filter media materials. Small scale pilot studies began in spring 2007. Pilot studies completed with generally favorable results. Geotechnical soils report completed in April 2007 and wetlands delineation received in May. Operating plants visited in May to familiarize staff with various arsenic removal processes. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were bids received on November 25, 2008. Contract awarded by City Council on December16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Construction underway with clearing and earth work complete. Underground piping and foundation work complete. Concrete floors and wall construction complete. Outside piping and inside plumbing complete. Building interior and exterior site work complete. Interior painting complete. Garden Lane Well #4 drilling is complete and well building is completed. Start up activities began in May 2010. *Final warranty items and personnel training ongoing during plant operation.*
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with	*-The number of environmental incident/spill investigations performed in June 2010-0. The number of incidents requiring city forces/contractor emergency cleanups–0. Close out of gasoline spill on Sprinkle Road near Zylman Road*

	spill containment and spill cleanup.	*due to a vehicle crash is complete with reimbursement funds received.*
Localized Groundwater Table Investigation	Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.	-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Current activities are focused on assisting the affected property owners with possible solutions. A storm drainage line extension project has been designed with a bid opening set for September 18, 2008. City Council awarded a contract to Peters Construction Company on September 23, 2008. Construction began in mid October. Project was extended to serve 3 additional properties. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through May 2010. *Levels remain stable despite 5" of rainfall in June. Sampling will continue through the summer months.*
Hampton Wetland Area Water Level	Assistance with the Inverness Condominium Association to Review Surface Water Levels	-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Current activity has centered on meeting with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff to clarify permit requirements.
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Success of grant application may not be known until late summer.

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CITY OF PORTAGE ZONING BOARD OF APPEALS
Minutes of Meeting – June 14, 2010

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Henry Kerr at 7:00 p.m. in the Council Chambers. Approximately 5 people were in the audience.

MEMBERS PRESENT: Henry Kerr, Rob Linenger, Betty Schimmel, Lowell Seyburn, Marianne Singer, Donald Mordas
MEMBERS EXCUSED: Timothy Bunch, Daniel Rhodus
MEMBERS ABSENT: David Felicijan
IN ATTENDANCE: Vicki Georgeau, Deputy Director of Neighborhood Services, Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Linenger moved, and Schimmel seconded a motion to approve the May 10, 2010 minutes with one revision. Upon voice vote, motion was approved 6-0.

NEW BUSINESS:

ZBA# 09-22, 10095 South 12th Street: Staff summarized the request for a) approval for a private stable with one horse on 1.2 acres where a minimum two acres is required; b) a variance from the required 125 foot setback for manure to be located 45 feet from the north, south and east property lines; c) a variance to retain a 576 square foot detached accessory building and construct an attached 216 square foot lean-to structure, which exceeds the permitted accessory building area by 312 square feet; d) a variance to permit the raising of 10 chickens on a 1.2 acre parcel where 10 acres is required for general agriculture/farm; or e) a Temporary Use Permit to keep the chickens for a 12-month period (with the option to request one 12-month extension). Valerie Masasi was present to explain her request, and noted that she understood the pole barn met code when she purchased the property, and would like permission to have a horse, which will be partially pastured on the neighboring property to the south and wishes to retain 10 chickens with a coop adjacent to the rear of her home. The applicant indicates the neighbors are in full support of her request. Kerr inquired if a written agreement exists with the property owner to the south exists to allow the horse to pasture on the neighbors property. The applicant and property owner to the south indicated no, but both agreed a written agreement could be developed. Singer inquired regarding the purpose of storing manure on the property. The applicant indicated manure for one horse would not smell, would be used for garden soil and otherwise biodegrade. In response to Linenger, the applicant verified there is no horse on the property now, that the cement floor in the detached garage would be problematic for housing a horse, and that she has no plans to remove mature trees that screen her property from the neighbors and US 131. In response to Seyburn, the applicant verified the house is two-stories and is 1,056 square feet in area on the ground floor.

A public hearing was opened. Sandy Eldridge, 10105 South 12th Street, spoke in strong support of all the requested approvals and variances, and that a written agreement to allow the horse on her property would be no problem as she previously owned a horse for many years. There being no further comments, public hearing was closed.

A motion was made by Linenger, supported by Singer, to grant a) approval for a private stable with one horse on 1.2 acres where a minimum two acres is required; b) a variance from the required 125 foot setback for manure to be located 45 feet from the north, south and east property lines; c) a variance to retain a 576 square foot detached accessory building and construct an attached 216 square foot lean-to structure, which exceeds the permitted accessory building area by 312 square feet; d) a variance to permit the raising of 10 chickens on a 1.2 acre parcel where 10 acres is required for general agriculture/farm, with the following conditions: 1) no removal of mature trees that serve as a screen for the proposed lean to and pole barn and manure storage location, 2) a building permit is obtained for the pole barn and lean-to, and 3) upon withdrawal of permission from the neighbor to the south to allow the horse to pasture on the property, that the horse be removed. The practical difficulty for the above requests being: for the private stable and manure location - no interference with the rights and enjoyment of neighboring properties, the proximity of U.S. 131, the location of mature trees and rural character of vicinity, and the unusual shape/narrow width of the property, and the permission of adjacent property owner to the south to utilize their property for horse pasture area; for the accessory building and lean-to - the proximity of U.S. 131, and location of mature trees; and for

the chickens – the rural character of vicinity and existing location of screening and adjacency to the home. In addition, there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the rural character of the property; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to use the property for agricultural purposes, which is similar to that possessed by other properties in the same zoning district and vicinity; the immediate practical difficulty causing the need for the pole barn variance was not created by the applicant; the variances will not be detrimental to adjacent property and the surrounding neighborhood; and the variances will not materially impair the intent and purpose of the Zoning Ordinance, and adjacent property owners are in support of the request and the adjacent property owner to the south has granted permission to allow the horse to pasture on their property. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. After further discussion and upon roll call vote (Linenger-Yes, Kerr-Yes, Schimmel-Yes, Mordas-Yes, Singer–Yes, Seyburn-Yes,) motion carried 6-0.

ELECTION OF OFFICERS: Linenger nominated Kerr for Chair, and Schimmel for Secretary. Schimmel nominated Linenger for Vice-Chair. Upon roll call vote, (Linenger-Yes, Kerr-Yes, Schimmel-Yes, Mordas-Yes, Singer–Yes, Seyburn-Yes,) the nominated slate of officers was approved 6-0.

STATEMENT OF CITIZENS: Staff indicated that Board member Rhodus inquired and expressed concern over the roof signs at the Shamrock Montessori School at 7508 Oakland Drive, noting that the shamrock was painted over into a circle shape and that a smaller shamrock was painted on the roof near the chimney. Staff further indicated that a letter has been provided to the property owner in an effort to resolve the matter. Kerr noted a concern regarding the for real estate signs at Milham Meadows Apartments on the corner of Oakland Drive and West Milham Avenue. Staff indicated it was understood that the sign meets code requirements, but that smaller signs have been erected periodically, and enforcement action has occurred in this regard.

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:38 p.m.

Respectfully submitted,

Vicki Georgeau, AICP
Deputy Director of Neighborhood Services

CITY OF PORTAGE ZONING BOARD OF APPEALS
Minutes of Meeting – July 12, 2010

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Henry Kerr at 7:00 p.m. in the Council Chambers. Approximately 5 people were in the audience.

MEMBERS PRESENT: Timothy Bunch, David Felicijan, Henry Kerr, Rob Linenger, Betty Schimmel, Lowell Seyburn, Marianne Singer, Daniel Rhodus
MEMBERS EXCUSED: Donald Mordas
IN ATTENDANCE: Vicki Georgeau, Deputy Director of Neighborhood Services, Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Felicijan moved and Linenger seconded a motion to approve the June 14, 2010 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 10-01; 6925 South Westnedge Avenue: Staff summarized the request for a) an appeal of the administrative decision denying a sign permit application to replace the pole of the existing nonconforming McDonald's restaurant freestanding sign and an interpretation that Sections 42-541(A) and 42-544(B) of the City Code of Ordinances authorize replacement of the sign pole; or b) a variance to modify an existing nonconforming freestanding sign. Staff also referred to the correspondence from the City Attorney regarding request a). Paul Nystrom was present on behalf of Golden Arch Realty Corporation, and summarized the applicant's arguments, noting the importance of the sign to the McDonald's restaurant business, the need to replace the sign pole which has corrosion at the base. Mr. Nystrom compared the actual sign area to the sign area as defined by the Zoning Code. With regard to the appeal and interpretation, the applicant reiterated his position that a pole is not part of a sign, that the definition of sign in Article 11 is not applicable to Article 4, Zoning, of the City Code, and that when the Zoning Code is unclear, the benefit of the doubt goes to the property owner. With regard to the variance, the applicant notes the degree of nonconformity will be reduced as the setback will meet the code, the sign size will be reduced, and that trees and adjacent buildings block the sign visibility. In addition, the applicant agreed to forego the second sign permitted on Admiral Avenue. In response to Kerr, the applicant noted that the pole supported the sign. Kerr noted without the pole, there can be no freestanding sign. Felicijan asked if the applicant has inspection or other structural reports that indicate the sign pole should be replaced. The applicant indicated for precautionary measures, the applicant desires to replace the pole in the near future. Felicijan asked if the city would allow replacement of the pole if it was determined hazardous. Staff indicated a hazardous condition would have to be addressed, but because the sign is nonconforming, and the ordinance does not allow a structural alteration to the sign. Felicijan asked if the trees along South Westnedge Avenue are required and owned by McDonalds. The applicant indicated yes, and staff indicated the trees are likely part of required site landscaping, and while the trees can be trimmed or replaced, replacement with smaller trees would not be desirable. Schimmel noted that many other McDonald's have much smaller signs and that most customers know where the restaurant is located or can easily find it with cell phone/GPS technology. The applicant indicated most customers buy on a spur of moment view of the sign and/or restaurant building and most people do not have modern GPS technology. Linenger asked where a sign would be located on Admiral, noting very little green space availability. Mr. Nystrom indicated a location had not been previously contemplated, but they would evaluate further if forced to erect a smaller sign on South Westnedge Avenue. In response to Linenger, Assistant City Attorney Bear reviewed the ordinance provisions, and indicated that the Zoning Code is not unclear. Mr. Bear reiterated the points in his correspondence, including that a pole or other support structure is part of a sign, that the intent of the sign regulations in Article 4 reference construction and anchoring of signs, that a freestanding sign includes its pole, that Article 11 of the Land Development regulations is intended to be read together with Article 4, Zoning, and that replacement of the sign pole is a structural alteration that is not permitted for a nonconforming sign. Linenger asked the applicant if an engineer has recommended repairs to the sign pole instead of replacement. The applicant indicated bracing could potentially be accomplished.

A public hearing was opened. As no written or verbal comments were received, the public hearing was closed.

Seyburn noted that the statute encourages nonconforming uses and structures to eventually phase out, and notes that changing the sign pole is more than normal maintenance and would extend the life of the sign. Seyburn also notes that he likes the tall mature trees that have grown over the years and it would be unfortunate if the trees were

removed with smaller trees. In the past, Seyburn recalls that the Board had approved sign variances with a similar reduction in the degree of nonconformity. Staff noted that per the sign area defined in the Zoning Code, the proposed sign would be only 21% smaller than the existing sign. Seyburn noted the Board determines if the reduction meets the intent of the Code, and staff noted that the applicant has a standard 200 square foot sign that may be more acceptable, from a staff perspective. In response to Singer and Linenger, staff confirmed that the proposed sign would be moved to meet the setback, but that the height would remain at 36 feet.

A motion was made by Linenger, supported by Felicijan, to deny an appeal of the administrative decision which denied a sign permit application to replace the pole of the existing nonconforming McDonald's restaurant freestanding sign and the interpretation that Sections 42-541(A) and 42-544(B) of the City Code of Ordinances authorize replacement of the sign pole because a "sign" as defined in the Zoning Code includes the pole and due to a lack of practical difficulty. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. After further discussion and upon roll call vote (Linenger-Yes, Kerr-Yes, Schimmel-Yes, Felicijan-Yes, Singer–Yes, Seyburn-Yes, Bunch-yes) motion carried 7-0.

A motion was made by Linenger, supported by Felicijan, to deny a variance to modify an existing nonconforming freestanding sign for the following reasons: the variance would materially impair the intent and purpose of the zoning ordinance, the lack of practical difficulty, conforming alternatives are available; and maintenance repairs appear to be necessary and achievable. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. After further discussion and upon roll call vote (Linenger-Yes, Kerr-Yes, Schimmel-Yes, Felicijan-Yes, Singer–Yes, Seyburn-No, Bunch-Yes) motion carried 6-1.

<u>ZBA# 10-02; 7021 and 7101 South Westnedge Avenue:</u> Staff summarized the request for a variance to change a 140 square foot existing Sam's Club store sign panel on a 224 square foot nonconforming freestanding sign. Staff also reviewed the practical difficulties noted in 2005 when the Board granted a variance for the existing sign, which was conditioned upon no additional signs on Romence Road Parkway. Ryan Shrimplin was present to explain the variance was requested to allow Sam's Club to change its freestanding sign panel consistent with a new corporate logo and that no other changes to the sign would be made. The sign will not be moved, enlarged or otherwise altered. Linenger asked if there is an intent to erect signs on Romence Road Parkway. The applicant indicated no.

A public hearing was opened. As no written or verbal comments were received, the public hearing was closed.

A motion was made by Linenger, supported by Felicijan, to approve a variance to change a 140 square foot existing Sam's Club store sign panel on a 224 square foot nonconforming freestanding sign conditioned upon no additional freestanding signs be located on Romence Road for the following reasons: there are exceptional circumstances applying to the property that include the freestanding sign authorized at the May 9, 2005 ZBA meeting, the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify the existing business with an update logo; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. After further discussion and upon roll call vote (Linenger-Yes, Kerr-Yes, Schimmel-Yes, Felicijan-Yes, Singer–Yes, Seyburn-Yes, Bunch-no) motion carried 7-0.

<u>STATEMENT OF CITIZENS:</u> Felicijan apologized for his absences at recent Board meetings.

<u>ADJOURNMENT:</u> There being no further business, the meeting was adjourned at approximately 8:05 p.m.

Respectfully submitted,

Vicki Georgeau, AICP
Deputy Director of Neighborhood Services

CITY COUNCIL MEETING MINUTES FROM JUNE 22, 2010

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

At the request of Mayor Strazdas, Pastor Phillip Kok of Prairie Edge Christian Reformed Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Sackley, to approve the June 8, 2010 Regular and Special Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF JUNE 22, 2010:** Motion by Urban, seconded by Reid, to approve the Check Register of June 22, 2010. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

PRESENTATION BY THE KALAMAZOO COUNTY TRANSPORTATION AUTHORITY: KCTA Board Vice Chairman Greg Rosine, 2526 Pine Ridge Road, Kalamazoo, provided a Presentation on behalf of the Kalamazoo County Transportation Authority.

JAMES CHAMNESS, 5701 EAST CORK STREET, KALAMAZOO: James Chamness presented City Council with a letter of retraction of his remarks made in his letter dated March 3, 2009, and his statements to the Portage City Council at the March 10 and March 24, 2009 Regular City Council Meetings.

REPORTS FROM THE ADMINISTRATION:

* **FY 2010-11 COMMUNITY DEVELOPMENT BLOCK GRANT AND GENERAL FUND CONTRACTS:** Motion by Urban, seconded by Reid, to approve the Fiscal Year 2010-11 Community Development Block Grant Fund contracts and General Fund human/public services contracts and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **CONTINUING SERVICES OF ASSESSING CONSULTANT:** Motion by Urban, seconded by Reid, to approve a contract in the not-to-exceed amount of $25,000 for the continued consulting services of Joyce Foondle, Southwest Michigan Government Consultants, for assistance in the Office of the City Assessor and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **MMRMA RISK AVOIDANCE PROGRAM GRANT:** Motion by Urban, seconded by Reid, to award a contract to the sole source provider, Road Safety International, Inc., of Thousand Oaks, California, in the amount of $16,500 for the purchase of the Safe Force Driving System and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

PERMIT TO CONDUCT A FIREWORKS DISPLAY: City Manager Evans indicated that the Portage Rotary Club submitted an application for a permit to conduct a public fireworks display on July 3, 2010, at McCamley Field. Mr. Evans indicated that the fireworks display will be conducted by Night Magic, Incorporated, a professional pyrotechnic company that has been used in the past, and has a long record of conducting public fireworks displays. Councilmember Campbell indicated that she submitted the application on behalf of the Portage Rotary Club and felt the need to recuse herself from discussion and the vote. City Attorney Brown concurred. Motion by Sackley, seconded by O'Brien, to approve a permit for a proposed fireworks display on July 3, 2010, sponsored by the Portage Rotary Club. Upon a roll call vote, motion carried 6 to 0 with Councilmember Campbell abstaining.

* **CLOSED SESSION:** Motion by Urban, seconded by Reid, to go into closed session immediately following the regularly scheduled meeting of Tuesday, June 22, 2010, to discuss a personnel matter. Upon a roll call vote, motion carried 7 to 0.

* **MAY 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the May 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 7 to 0.

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

Portage Zoning Board of Appeals of May 10, 2010.
Portage Historic District Commission of May 12, 2010.
Portage Planning Commission of May 20, 2010.

BID TABULATIONS:

* **TRAFFIC SIGNAL MAINTENANCE:** Motion by Urban, seconded by Reid, to award a contract for maintenance of the city traffic signal system from July 1, 2010, to June 30, 2013, to Windemuller Electric, Incorporated, in the not-to-exceed amount of $125,700 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **CONSOLIDATED STORAGE EQUIPMENT PURCHASE:** Motion by Urban, seconded by Reid, to approve the purchase of Hewlett-Packard consolidated storage equipment from SARCOM, Incorporated, at a total cost of $42,310 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 7 to 0.

* **WESTFIELD WELL #2 PUMP AND MOTOR REHABILITATION:** Motion by Urban, seconded by Reid, to award a contract for the Westfield Well #2 Pump and Motor Rehabilitation to Peerless-Midwest, Incorporated, in the not-to-exceed amount of $15,600 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

ADJOURNED TO ENTER INTO A CLOSED SESSION: 7:55 p.m.
RECONVENED: 9:03 p.m.

NEW BUSINESS:

CLOSED SESSION: Mayor Strazdas deferred to Councilmember Urban, who indicated that the committee used the same evaluation instrument that was used in the past and, because of the financial difficulties of the State, County and City of Portage, City Manager Maurice Evans asked that the committee not consider a salary increase or a meritorious bonus, so the committee did not discuss this option, but would have considered an increase and a bonus under normal economic conditions. Councilmember Urban said that City Council feels Mr. Evans again achieved an overall rating of Exceeds Expectations.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember O'Brien reminded everyone of the parades and fireworks forthcoming to celebrate July 4.

City Manager Evans expressed his appreciation for the City of Portage when he indicated that, even with the current challenging economic times, there is nowhere else he would rather be than in this community.

Mayor Pro Tem Sackley indicated that City Manager Evans is the right person at the right time and pointed out that he brings out the best in everyone - City Council, staff and volunteers.

Mayor Strazdas concurred with Mayor Pro Tem Sackley and stated that it was difficult to work through tough times and still maintain quality departments and thanked Mr. Evans for his efforts. Mayor Strazdas also thanked the Salvation Army for the Food for Haiti campaign at the old Sam's Club location on Mall Drive and congratulated area residents for producing more bags of food for Haiti than the City of Chicago.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:12 p.m.

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James R. Hudson, City Clerk

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

CITY COUNCIL MEETING MINUTES FROM JULY 13, 2010

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

At the request of Mayor Pro Tem Sackley, Councilmember Urban gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall and Terry R. Urban and Mayor Pro Tem Edward J. Sackley. Councilmember Claudette S. Reid arrived at 7:37 p.m. Mayor Peter J. Strazdas was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Campbell, to approve the June 22, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Sackley asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that Item F.5, Appointment to the Public Media Network Board of Directors, be removed from the Consent Agenda. Motion by Urban, seconded by O'Brien, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF JULY 13, 2010:** Motion by Urban, seconded by O'Brien, to approve the Check Register of July 13, 2010. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

REZONING APPLICATION #09-02 (OAKLAND DRIVE AND OAKLAND FARMS TRAIL): Mayor Pro Tem Sackley introduced Community Development Director Jeffrey Erickson, who indicated that Hyland Associates, LLC, initially requested that the east 5.91 acres of 9810 Oakland Drive be rezoned R-1C, one family residential, to R-1B, one family residential, to facilitate Phase II of the Oakland Farms subdivision. Mr. Erickson said that during the April 1, 2010 Planning Commission Meeting, the Planning Commission expanded the rezoning area to include several properties along Oakland Drive and all lots within Phase I of the Oakland Farms subdivision. He explained that the expanded rezoning application includes 25 properties on approximately 30 acres and was initiated to establish a more consistent and coherent zoning pattern in this area of the city and to facilitate residential development. He noted that in a report dated May 14, 2010, the Department of Community Development recommended the properties be rezoned from R-1C and R-1T, to R-1B; that the proposal is consistent with the Comprehensive Plan; that it will create a cohesive zoning pattern; and, that it encourages appropriate development and will result in the preservation of a substantial amount of R-1C zoned land.

Mr. Erickson emphasized that the staff support of the expanded rezoning is based on the following additional considerations: the fragmented zoning pattern that is present in this area will be corrected; the existing R-1T district, within which 10 single family homes have been constructed and three more are under construction, which meet R-1B district standards, will be changed to a zoning district that will ensure conforming development; the future phase of the Oakland Farms plat (to the immediate north of the first phase) will be zoned R-1B and very different zoning districts that allow very different residential uses across a common public street will be precluded; elimination of the R-1T zone will result in more similar residential development between the adjacent R-1C-zoned area and the proposed R-1B zone; given the nonresidential zoning pattern and uses across Oakland Drive and in the sounding area, the area proposed for rezoning is considered to be better suited for the smaller, more affordable homes planned by the applicant, while the larger interior land area adjacent to the Gourdneck

State Game area can remain available for larger lot, larger dwelling development; the area proposed for rezoning is limited and provides the opportunity to preserve a significant amount of R-1C-zoned land in this vicinity for future residential development; and, the 2010 proposed rezoning area is preferable to the oddly configured land area in the rezoning application proposed in 2006.

Mr. Erickson also indicated that the Planning Commission convened a public hearing involving the expanded rezoning application on May 6 and 20, 2010. He said that on May 19, 2010, correspondence was received from Ms. Ondrea Louden, representing the owner of the adult foster care home located at 9842 Oakland Drive, and requested that the property be excluded from rezoning consideration. He also said she attended the May 20, 2010 public hearing and requested 9842 Oakland Drive be excluded, and the Planning Commission voted unanimously to recommend to City Council that Rezoning Application #09-02 be approved and the properties, excluding 9842 Oakland Drive, be rezoned to R-1B, one family residential. Mr. Erickson said that the Department of Community Development supports the Planning Commission recommendation and presented a map that illustrated the alternative rezoning proposal.

Discussion followed regarding the preference to rezone all of the property R-1B and/or R-1C versus R-1T as it relates to development of the property and the Comprehensive Plan.

Ondrea Louden, representing the owner of the adult foster care home located at 9842 Oakland Drive, explained why she requested that the property be excluded from rezoning consideration and offered to answer any questions. Discussion followed regarding the legally non-conforming status of the property and the consequences of leaving it that way or rezoning it. City Attorney Randy Brown explained the law and more discussion followed.

Susan Ver Sluis, 9818 and 9832 Oakland Drive, expressed opposition to the proposed rezoning of 9818 and 9832 Oakland Drive because it would restrict possible uses currently available under the R-1T zoning causing her direct economic hardship. She offered a compromise to withdraw her protest petition against rezoning 9818 Oakland Drive if City Council voted to have 9832 Oakland Drive remain R-1T. Discussion followed.

When the suggestion was posed to take the matter back to the Planning Commission for further review, Dan Martz, 7545 South 10th Street, Kalamazoo, spoke in favor of a compromise in order to save planning and construction time. Discussion followed.

Motion by Urban, seconded by O'Brien, to close the public hearing. Upon a voice vote, motion carried 6 to 0. Discussion followed.

Motion by O'Brien, seconded by Campbell, to amend the Code of Ordinances of the City of Portage, Michigan, by amending Article 4 of Chapter 42, Land Development Regulations, changing the zoning of the tract of land located in Section 29, Township 3 South, Range 11 West, described as: 9810, 9804, 9818, 9832 and 9842 Oakland Drive, 2180, 2201, 2212, 2236, 2235, 2259, 2258, 2282, 2281, 2309, 2310, 2334, 2333, 2355, 2356, 2380, 2379, 2407 and 2408 Oakland Farms Trail, from R-1C, one family residential, and R-1T, attached residential, to R-1B, one family residential, with the exception of 9832 and 9842 Oakland Drive. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Raghuram Elluru, 6719 Oleander Lane, complained that $27,000 in attorney fees and staff time was utilized on behalf of the citizens of Portage to defend against his property tax appeal that resulted in a refund of $750 in city taxes per year for his property at 6719 Oleander Lane (plus more for the other taxing jurisdictions). He requested an explanation of the action taken by City Council to spend an extra $6,600 to defend this case further and complained that the process was grueling. Councilmember Randall concurred, indicated that she was advised not to go into closed session regarding this matter and asked the Administration for the computer back-up tapes for all property information from 2005 through 2010 in order for her to ensure that property owners in Portage are being handled fairly.

NOTE: Councilmember Randall asked that the minutes reflect the actual amount spent by the City defending the Elluru case at $27,206.85 at the July 27, 2010 Regular City Council Meeting.

Robert Jones, 3228 West Michigan Avenue, Kalamazoo, complimented Raghuram Elluru and Councilmember Randall for challenging city property assessment practices and made the suggestion that the City Council determine a mechanism to look into the matter.

Isaac King, 3352 Bellflower Drive, spoke in opposition to his tax assessment, indicated that he travels a lot and missed getting his assessment change notice, so Mayor Pro Tem Sackley offered to get him an appointment with the City Assessor. Discussion followed.

In response to Councilmember Randall's comment that she was advised to not go into the closed session regarding her neighbor, Raghuram Elluru, 6719 Oleander Lane, Catherine Gleason, 2928 Lamplite Circle, asked whether a Councilmember has ever been excluded from a meeting before, so Mayor Pro Tem Sackley and Councilmember Urban answered in the affirmative and provided some examples for her and City Attorney Brown explained the applicable law. Discussion followed.

Larry Provancher, 7414 Starbrook Street, admitted that, as a County Commissioner, he had a conflict with regard to a sale of property, was allowed to be privy to all of the information regarding the matter, but did not vote on it. Discussion followed.

Michael Quinn, 7025 Rockford Street, expressed the opinion that a conflict means a person may have an advantage and said he could not imagine what the conflict would be; therefore, it is up to the Councilmember to decide. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **AVALON WOODS CIRCLE – PROPOSED STREET NAME CHANGE:** Motion by Urban, seconded by O'Brien, to approve Resolution No. 1 and set a public hearing for July 27, 2010, at 7:30 p.m. or as soon thereafter as may be heard and subsequent to the public hearing, consider approving Resolution No. 2 renaming the street from Avalon Woods Circle to Avalon Woods Court. Upon a roll call vote, motion carried 6 to 0.

* **FINAL PLANS FOR THE GREENSPIRE PLANNED DEVELOPMENT:** Motion by Urban, seconded by O'Brien, to consider approving the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue, and the Final Plan for Greenspire Apartments (Phase IV), 8380 Greenspire Drive. Upon a roll call vote, motion carried 6 to 0.

* **FINAL PLAN FOR LAKE MICHIGAN CREDIT UNION, 4100 WEST CENTRE AVENUE:** Motion by Urban, seconded by O'Brien, to approve the Final Plan for Lake Michigan Credit Union, 4100 West Centre Avenue. Upon a roll call vote, motion carried 6 to 0.

* **HILLSMOOR LANE STREETSCAPE ENHANCEMENT:** Motion by Urban, seconded by O'Brien, to approve the installation of the Hillsmoor Lane cul-de-sac island landscape treatments located in the public right-of-way and authorize the City Manager to execute the Streetscape Enhancement Agreement. Upon a roll call vote, motion carried 6 to 0.

PUBLIC MEDIA NETWORK BOARD OF DIRECTORS MEMBER: Councilmember Urban explained that Jeremy Vryhof expressed a great deal of enthusiasm when he was appointed to the Public Media Network Board of Directors. However, he has since indicated that he accepted a temporary assignment overseas, making it difficult to serve on the Public Media Network Board of Directors. Councilmember Urban volunteered to serve on an interim basis until Mr. Vryhof returns from his assignment.

Motion by Campbell, seconded by O'Brien, to appoint Councilmember Terry Urban on an interim basis until Jeremy Vryhoff returns from assignment overseas to the two-year position effective immediately with the term ending on May 31, 2012, to the Public Media Network Board of Directors. Upon a roll call vote, motion carried 6 to 0.

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

Portage Environmental Board of May 12, 2010.
Portage Senior Citizen Advisory Board of May 19, 2010.
Portage Board of Education Regular Business of May 24, Special of May 27 and Special and Committee of the Whole Work Session of June 7, 2010.
Portage Park Board of June 2, 2010.
Portage Planning Commission of June 17, 2010.

BID TABULATIONS:

* **PAVEMENT MARKING SERVICES CONTRACT RENEWAL - RECOMMENDATION:** Motion by Urban, seconded by O'Brien, to award a one-year contract renewal to provide pavement marking services to Michigan Pavement Markings, LLC, of Wyoming, Michigan, in an amount not to exceed $86,000 and authorize the City Manager to execute all documents related to this contract renewal on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **COMPACTOR TRUCK WITH OPERATOR RENTAL - CONTRACT RENEWAL RECOMMENDATION:** Motion by Urban, seconded by O'Brien, to approve a one-year contract renewal with Republic Services of Michigan Hauling, LLC, dba Republic Waste Services of Western Michigan, to provide four compactor trucks with operators at an hourly rate of $117.75 for the 2010 Fall Leaf Pickup Program in the not-to-exceed amount of $48,000 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **SHUMAN WELL #1 PUMP AND MOTOR REHABILITATION:** Motion by Urban, seconded by O'Brien, to award a contract for the Shuman Well #1 Pump and Motor Rehabilitation to Peerless-Midwest, Incorporated, in the not-to-exceed amount of $23,650 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.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Campbell thanked everyone who participated in the 4th of July Freedom Fest.

Councilmember Reid asked everyone to take the survey on the 2035 Transportation Plan at http://www.katsmpo.org/.

Councilmember O'Brien recognized Kalamazoo County Commissioner John Zull and State House Representative Larry DeShazor, and she and Councilmember Urban thanked Councilmember Campbell for her efforts with Freedom Fest.

City Manager Evans reminded everyone of the Summer Entertainment Series and congratulated and commended Parks & Recreation Director Bill Deming for 30 years of service.

Mayor Pro Tem Sackley indicated that City Council and the Administration conducted an eight month review of the assessing process of the City of Portage and the City Council voted to close that review in April with a unanimous vote. He also pointed out that the City Council is the appeal body to determine if a conflict exists should there be a question of about whether a Councilmember should not attend a session or vote on an item. Furthermore, he noted that Councilmember Randall voluntarily recused herself from the Elluru Closed Session and did not bring the matter before City Council.

ADJOURNMENT: Mayor Pro Tem Sackley adjourned the meeting at 9:37 p.m.

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James R. Hudson, City Clerk

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

CITY COUNCIL MEETING MINUTES FROM JULY 27, 2010

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

At the request of Mayor Strazdas, the Kids Ministry Pastor of the Kalamazoo Valley Family Church, Tim Hoult, gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The Deputy City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Terry R. Urban was absent with excuse. Also in attendance were Deputy City Manager Brian J. Bowling, City Attorney Randall Brown and Deputy City Clerk Adam D. Herringa.

PROCLAMATION: Mayor Strazdas issued a proclamation recognizing and celebrating the 20th Anniversary of passage of the Americans with Disabilities Act and reaffirmed the commitment of the City of Portage to work toward full ADA compliance.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the July 13, 2010 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. No items were removed from the Consent Agenda. Motion by Sackley, seconded by Campbell, to approve the Consent Agenda motions as presented/amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF JULY 27, 2010:** Motion by Sackley, seconded by Campbell, to approve the Check Register of July 27, 2010. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

AVALON WOODS CIRCLE – PROPOSED STREET NAME CHANGE: Mayor Strazdas introduced Community Development Director Jeffrey Erickson, who reviewed the matter and the reason for the proposed name change from Avalon Woods Circle to Avalon Woods Court. Mr. Erickson assured City Council that residents of the street have been notified of the proposed changed.

Mr. Richard Ender, who lives on Avalon Woods Circle (Court), commented that he was the resident who raised the matter of the name change and emphasized the importance of the change as it will help to alleviate confusion for emergency responders. Councilmember O'Brien thanked Mr. Ender for bringing the matter to the attention of City Administration.

Motion by Sackley, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 6 to 0. Motion by O'Brien, seconded by Sackley, to adopt Resolution No. 2 renaming the street from Avalon Woods Circle to Avalon Woods Court. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 65 of City of Portage Resolution Book No. 44.

REPORTS FROM THE ADMINISTRATION:

* **PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY SALE OF PROPERTY:** Motion by Sackley, seconded by Campbell, to adopt the Resolution of Intent to Approve Second Amendment to Development Agreement Selling Real Estate to H&G, LLC, and place the resolution on file in the Office of the City Clerk for 28 days and consider final action to approve the agreement on August 24, 2010. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 67 of City of Portage Resolution Book No. 44.

* **WATER MAIN EASEMENT RESOLUTION, 10619 WOODLAWN DRIVE AND 10625 WOODLAWN DRIVE:** Motion by Sackley, seconded by Campbell, to adopt the Resolution to Relinquish a Water Main Easement, place the Resolution on file with the City Clerk for 28 days and take final action on August 24, 2010. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 77 of City of Portage Resolution Book No. 44.

* **LOCAL DEVELOPMENT FINANCE AUTHORITY:** Motion by Sackley, seconded by Campbell, to confirm City Manager appointments to the Local Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 81 of City of Portage Resolution Book No. 44.

* **PROFESSIONAL SERVICES CONTRACT - QUADRANT II MARKETING:** Motion by Sackley, seconded by Campbell, to approve a two-year professional services contract with Quadrant II Marketing to provide advertising sales and publication preparation of the Portage Senior Center monthly newsletter at an annual cost not to exceed $14,000 and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 6 to 0.

* **CLOSED SESSION:** Motion by Sackley, seconded by Campbell, to go into closed session immediately following the regularly scheduled meeting of Tuesday, July 27, 2010 to discuss an attorney/client communication. Upon a roll call vote, motion carried 6 to 0.

* **JUNE 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Sackley, seconded by Campbell, to receive the communication from the City Manager regarding the June 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

* **MONTHLY REPORTS:** Motion by Sackley, seconded by Campbell, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 6 to 0.

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

Portage Zoning Board of Appeals of June 14, 2010.
Portage Board of Education Regular Business of June 21, 2010.
Kalamazoo County Board of Commissioners Committee of the Whole of July 6 and Regular of July 7, 2010

AD HOC COMMITTEE REPORT: Mayor Strazdas asked Councilmember Campbell to initiate discussion on this topic. Councilmember Campbell stated that the Advisory Board Review Committee, composed of herself, Councilmember Randall and Councilmember Reid, met on July 14 to review the proposed goals and objectives of various advisory boards and commissions. Councilmember Campbell indicated that the subcommittee is recommending two changes to the goals and objectives process. The changes are to require certain boards and commissions to appear before City Council and provide a verbal presentation once per year and to move the deadline for submission of proposed goals and objectives to April of each year.

Mayor Pro Tem Sackley, Councilmember Reid and Mayor Strazdas each offered support for the idea of asking boards and commissions to provide an annual report to City Council. Mayor Pro Tem Sackley asked that the Youth Advisory Committee be included in the report to City Council. Discussion followed.

Motion by O'Brien, seconded by Campbell, to adopt the 2010-2011 Advisory Boards and Commissions Goals and Objectives including the two recommendations from the Committee and including asking the Youth Advisory Board to also provide goals and objectives and a report each year. Upon a roll call vote, motion carried 6 to 0.

NEW BUSINESS: Motion by Sackley, seconded by Reid, that Mr. McNeely's appeal be denied for the reason that his request for public records under the Freedom of Information Act was granted and he was furnished all records of the City of Portage that pertain to his request. However, the motion is supplemented by delivery of a duplicate copy of the materials previously provided to Mr. McNeely, this one time only, at no cost to the requestor, and we understand from talking with Administration that the original materials were sent out via regular mail and we have no verification of delivery although he did not say he did not receive them. In an abundance of caution, as a courtesy this time only, the documents will be provided by a method that indicates that delivery was accepted. Upon a roll call vote, motion carried 6 to 0.

BID TABULATION:

* **BIKE LANE ASPHALT REPAIRS - RECOMMENDATION:** Motion by Sackley, seconded by Campbell, to approve the low bid from J. Allen and Company, Incorporated, to provide repairs to selected major street bike lanes in the not-to-exceed amount of $21,045.40 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid commented that the Environmental Report indicated that groundwater levels have remained stable despite five inches of rain since June and that the City continues to monitor water levels. She also mentioned the upcoming performances of *Alice in Wonderland* at the Hayloft Theater. Councilmember Reid then read a statement in response to comments related to tax assessments made by two individuals who spoke during the public comment section of the most recent City Council meeting, Dr. Elleru and State Representative Jones. She noted that this was her opinion and not a statement expressing opinions of other Councilmembers or City staff. Councilmember Reid then commented on the Board of Review, the need for City Administration to protect the interests of the City as a whole, rulings and proceedings related to the tax appeal of Dr. Elleru and reviewed the various actions taken by City Council and Administration in response to issues raised regarding tax assessment in the City of Portage. Councilmember Reid opined that the current system of property appraisal sets up an adversarial relationship between cities and their citizens and commented that property taxes are highly misunderstood. Councilmember Reid concluded her statement by offering that she believes the City of Portage is doing the very best it can in this regard and implored all state legislators to study and improve the property valuation, appeals and taxation process.

Mayor Pro Tem Sackley thanked Councilmember Reid and offered comments regarding the 2nd annual Paddlefest. He then commented on a pipeline leak that has resulted in at least 800,000 gallons of petroleum being released into Talmadge Creek which has subsequently flowed into the Kalamazoo River. Mayor Pro Tem Sackley asked City Administration to provide a report on any pipelines in Portage that go near lakes, streams and other bodies of water. He asked that the report reflect transmission of not just oil but other fluids as well, including sanitary sewer trunks, and that a map be provided. Finally, Mayor Pro Tem Sackley commented on a recent *Kalamazoo Gazette* article regarding items that Councilmember Reid referenced in her statement. Mayor Pro Tem Sackley stated that the article insinuated that the City Council made a decision to appeal a tax assessment ruling in closed session. Mr. Sackley strongly emphasized that City Council does not make decisions in closed session

and cited the FOIA appeal from earlier in the evening in which City Council discussed the matter in closed session but voted openly. He then stated that a review into assessment practices began in September of last year and was concluded on April 23, 2010. He also stated that it was his belief that the tax assessment issue is being politicized and asked that those involved rethink their decision to make this a partisan matter. He concluded by emphasizing that the Portage City Council is not a partisan body and expressed his hope that anyone looking to politicize an issue in Portage would reconsider.

Mayor Strazdas commented that he had been out of town at a number of localities and stated that, when he travels, he realizes how he misses the City of Portage. He commented that every area is facing challenges but that Portage, thankfully, does not have as many challenges as others. He concluded by stating that he is pleased with the low level of taxes and high level of service in Portage.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:34 p.m.

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Adam D. Herringa, Deputy City Clerk

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