



PLANNING COMMISSION

March 21, 2013

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

March 21, 2013

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * March 7, 2013

SITE/FINAL PLANS:

- * 1. Mulligans Grill and Steakhouse, 9136 Shaver Road (Maximum Parking Requirement)

PUBLIC HEARINGS:

NEW BUSINESS:

- * 1. Planning Commission FY 2012-2013 Goals and Objectives Update (April) and Proposed FY 2013-2014 Goals and Objectives

OLD BUSINESS:

1. 2013-2023 Capital Improvement Program
 - documents previously provided
 - adjourn meeting to Conference Room No. 1

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

February 11, 2013 Zoning Board of Appeals meeting minutes
February 26, 2013 City Council meeting minutes

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

DRAFT

PLANNING COMMISSION

March 7, 2013

The City of Portage Planning Commission meeting of March 7, 2013 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:

Miko Dargitz, Bill Patterson, Dave Felicijan, James Cheesebro, Paul Welch, Rick Bosch, Allan Reiff and Wayne Stoffer (arrived at 7:04 p.m.).

MEMBERS ABSENT:

Dave Artley.

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the February 21, 2013 meeting minutes contained in the agenda packet. Commissioner Reiff stated he would be abstaining from voting since he was not present at the meeting. A motion was offered by Commissioner Welch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was approved 6-0-1 with Commissioner Reiff abstaining.

SITE/FINAL PLANS:

1. Sterling Oaks West (Phase II), 1001 Gulfport Trail. Chairman Cheesebro stated he lived in close proximity to the proposed development and would be abstaining from discussion and voting on the project.

Mr. West summarized the staff report dated February 28, 2013 regarding the request from Sterling Oaks Development Company to construct Phase II of the Sterling Oaks West Planned Development (PD). Mr. West stated Phase II involves the extension of Gulfport Trail, construction of the remaining private streets (Gulf Breeze Road and Gulf Breeze Court), construction of 20 residential condominium units (12 detached dwellings and four 2-unit attached dwellings) and three unplatted parcels. Mr. West discussed the maximum number of dwelling units that are allowed by the International Fire Code with only one point of ingress/egress (30 units) and options available to the developer to secure a second point of ingress/egress. Mr. West indicated the Final Plan is consistent with the March 2007 approved Tentative Plan for the Sterling Oaks West PD and staff was recommending approval subject to the maximum number of residential units be limited to 30 in accordance with the International Fire Code until a second means of ingress and egress is provided.

Mr. Randy Ligman, Ingersoll, Watson & McMachen (applicant's representative), was present to support the final plan. After a brief discussion regarding the elimination of the proposed pedestrian walkway between Sterling Oaks West and Sterling Oaks South, a motion was made by Commissioner Patterson, seconded by Commissioner Felicijan, to recommend to City Council that the Final Plan for Sterling Oaks West PD (Phase

DRAFT

II), 1001 Gulfport Trail, be approved subject to the maximum number of residential units be limited to 30 in accordance with the International Fire Code until a second means of ingress and egress is provided. The motion was approved 8-0-1 with Chairman Cheesebro abstaining.

PUBLIC HEARINGS:

1. Special Land Use Permit: Lakeview Animal Hospital, 8818 Portage Road. Mr. West summarized the staff report dated February 28, 2013 regarding the request by Lakeview Animal Hospital to establish a veterinary hospital/clinic at 8818 Portage Road. Mr. West stated the existing 3,750 square foot building would be renovated to accommodate the use and no site improvements were proposed. Mr. West indicated the Zoning Board of Appeals (ZBA) granted Lakeview Animal Hospital a variance on February 11, 2013 to allow operation of a veterinary hospital at this location since the adjacent property is zoned R-1B, one family residential subject to: 1) A six-foot privacy fence along the west property line be maintained to protect adjacent residential properties; 2) No outdoor kennels or runs are provided on site; 3) The hospital/clinic be limited to the treatment of small animals (i.e. domesticated pets); and 4) No animal crematory facilities shall be provided on site. Mr. West also indicated that all activities associated with the veterinary hospital/clinic will be conducted in the totally enclosed building. Mr. West stated the application fulfills the criteria for issuance of a special land use permit and staff was recommending approval.

Mr. Darrell Greathouse was present to support the application and distributed preliminary elevation drawings that identified his plans to improve the building appearance. Chairman Cheesebro opened the public hearing. No citizens spoke regarding the proposed veterinary hospital/clinic. A motion was made by Commissioner Stoffer, seconded by Commissioner Welch, to close the public hearing. The motion was unanimously approved. A motion was then made by Commissioner Welch, seconded by Commissioner Felicijan, to approve the Special Land Use Permit for Lakeview Animal Hospital, 8818 Portage Road. The motion was unanimously approved.

OLD BUSINESS:

None.

7:28pm - The Commission took a short recess.

7:34pm - The Commission reconvened the meeting in City Hall Conference Room No. 2

NEW BUSINESS:

1. 2013 Major Thoroughfare Plan Status Update Report. Mr. Forth referred the Commission to the 2013 Major Thoroughfare Plan Status Update Report that was provided as a separate document and asked if there were any questions or comments. Several Commission members noted it was helpful to have updated traffic information for the city. A motion was then made by Commissioner Bosch, seconded by Commissioner Stoffer, to accept the 2013 Major Thoroughfare Plan Status Update Report. The motion was unanimously approved.

1. FY 2013-2023 Capital Improvement Program. Mr. Forth summarized the February 22, 2013 memo from City Manager Evans that provided an overview of the FY 2013-2023 Capital Improvement Program (CIP) document with emphasis on the FY 2013-2014 budget year. Mr. Forth discussed the timeline for Planning Commission review of the document and indicated a recommendation to City Council was needed by the March 21st meeting.

Commissioner Reiff asked if money generated through the sale of vehicles, such as a fire truck, is identified as a revenue source in the CIP. Mr. Forth indicated he would provide an answer prior to the next meeting. Mr. Forth did note that the funds from the sale of the former South Westnedge Avenue Portage Community Center

facility had been allocated to development of the Eliason Nature Reserve. Commissioner Reiff also asked whether the 12th Street Sidewalk project should be given a higher priority and moved up in the schedule. Mr. Forth indicated it's an expensive sidewalk project and identified for funding in an appropriate budget year. Commissioner Dargitz asked why the Metsa Court water main extension project was given such a high priority since it only served a few homes. Mr. Forth indicated it was a petitioned request from the residents and was evaluated by the Transportation & Utilities Department based on the specific circumstances. Commissioner Felicijan asked why the Storm Water Drainage Improvements project was given such a high priority and funding while other neighborhoods that are experiencing flooding have not received the same attention. Mr. Forth stated the project was evaluated by the Transportation & Utilities Department based on the specific circumstances. The Commission concurred that additional discussion of the CIP could occur at the March 21, 2013 meeting, prior to formulating a recommendation to City Council. Chairman Cheesebro asked that any Commission questions regarding the CIP be forwarded to staff in advance of the March 21, 2013 meeting so that appropriate responses can be obtained.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioner Dargitz provided an update on the 50th Anniversary Celebration "pass book" idea being worked on by the subcommittee. Commissioner Dargitz distributed a sample entry form that was developed by the subcommittee. The Commission discussed copying and advertising options including use of the City of Portage website and Portager newsletter. Mr. Forth stated he would check regarding use of the city website and/or Portager newsletter. Mr. Forth also suggested the Planning Commission prepare a short memo to City Council that details the "pass book" idea and timeframe for implementation. Commissioner Felicijan stated he would prepare a draft communication to City Council for full Commission review at the March 21, 2013 meeting.

There being no further business to come before the Commission, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

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

TO: Planning Commission**DATE:** March 14, 2013**FROM:** Vicki Georgeau, ^{VG} Director of Community Development**SUBJECT:** Site Plan for Mulligan's Grill and Steakhouse, 9136 Shaver Road.**I. INTRODUCTION/BACKGROUND:**

A site plan has been submitted by L.L. Harris & Associates, on behalf of the Mulligan's Grill and Steakhouse, requesting approval to construct a new 6,000 square foot restaurant building and associated site improvements at 9136 Shaver Road. The approximate 1.9 acre subject parcel is zoned B-3, general business. The site plan fulfills the requirements for an administrative approval; however, the applicant is requesting Planning Commission approval to exceed the maximum parking requirements in accordance with Section 42-520.O of the Zoning Code.

II. ANALYSIS:

Section 42-520.O of the Zoning Code states in part that "...no parking lot shall have parking spaces totaling more than an amount equal to ten percent greater than the minimum parking requirement...". Based on the useable floor area of the restaurant, a maximum of 62 parking spaces is allowed for the use [56 spaces + 6 spaces (10%) = 62 spaces]. The applicant is proposing a total of 87 parking spaces. Requests to exceed the maximum parking requirement are subject to Planning Commission review and determination that the additional parking is necessary "based on documented evidence of actual use and demand provided by the applicant", and consideration of "impacts on the property and surrounding properties including any natural features thereon". Consistent with Section 42-520(O), the applicant has submitted written documentation in support of the additional 25 parking spaces (see attached). According to the information provided by the applicant and past observations of the restaurant use, the new Mulligan's Grill and Steakhouse is anticipated to need approximately 80-90 parking spaces during peak times and special events.

Access to the site will be provided through the existing full-service driveway from Shaver Road. Consistent with the Access Management Ordinance, the applicant has agreed to provide future shared/cross access to the adjacent properties to the north and south. A note has been placed on the plan citing the commitment to this future cross/shared access. Additionally and consistent with the Major Thoroughfare Plan component of the Comprehensive Plan, the applicant has agreed to install a five-foot wide concrete sidewalk along the Shaver Road frontage.

Since the subject site abuts a nonconforming single family residence to the north (zoned I-1, light industry), conflicting land use screening is required. Consistent with ordinance requirements, the plan identifies installation of a 6-foot tall screening fence, 10-foot wide greenstrip area and deciduous tree plantings along the northern portion of the site, between the restaurant use and the adjacent nonconforming single family residence. Outdoor lighting units associated with the new

restaurant will also be installed and maintained consistent with ordinance standards with shielded fixtures and light levels not exceeding 0.3 footcandles along the north property line.

Storm water from the development will be collected and conveyed to a treatment cell and retention basin located along the western portion of the site. The City of Portage Sensitive Land Use Inventory Map identifies a wetland area situated west of the subject site and a preliminary wetlands review conducted by L.L. Harris & Associates identifies a small portion of this wetland area encroaching onto the southwest portion of the site, approximately 40-50 feet from the storm water retention basin. While the applicant is confident that no regulated wetlands are located in close proximity to proposed construction activities, the preliminary wetland boundary identified by L.L. Harris & Associates will be confirmed by a qualified wetland consultant in April-May 2013, prior to any construction activities within this portion of the site.

III. RECOMMENDATION:

The site plan and request to exceed the maximum parking requirement have been reviewed by the City Administrative departments. Based on documented evidence provided by the applicant, staff recommends that the Site Plan and Request to Exceed the Maximum Parking Requirement for Mulligan's Grill and Steakhouse, 9136 Shaver Road, be approved. The construction of these additional 25 parking spaces is necessary for the use and demand of the restaurant and will not adversely impact the subject property, surrounding properties or related natural features.

Attachment: March 12, 2013 Correspondence from Larry Harris (L.L. Harris & Associates)
Site Plan Sheets

s:\commdev\2012-2013 department files\board files\planning commission\pc reports\site plans\mulligans grill and steakhouse, 9136 shaver road- sp.doc



L. L. HARRIS & ASSOCIATES, INC.

Landscape Architecture / Site Planning / Environmental Analysis
3503 Greenleaf Boulevard, Kalamazoo, MI 49008 Phone: 269.375.6859 Fax: 269.375.0410

14 March 2013

RECEIVED
MAR 14 2013
COMMUNITY DEVELOPMENT

Mr. Mike West, Community Planner
Community Development Department
Portage City Hall
7900 South Westnedge Avenue
Portage, MI 49002

RE: **MULLIGAN'S GRILL AND STEAKHOUSE**

Dear Mr. West:

This letter is in response to the Portage Zoning Ordinance Section 42-520, paragraph "O" Maximum Parking Requirement.

Our Client Mulligan's Grill and Steakhouse is prepared to make a sizable investment in a new restaurant facility encompassing 6,000 square feet on the property situated at 9136 Shaver Road. Currently, paragraph "O" of the Zoning Ordinance limits the maximum parking permitted on the site to what is required by the ordinance plus 10%. According to the ordinance, the required parking is determined by the schedule of off-street parking requirements, section 42-523, or as may be approved by the Planning Commission. As I interpret the document, the Planning Commission can approve additional parking based upon documented evidence of actual need as provided by the applicant.

This subsection of the zoning ordinance, applies only to those parking lots that require a minimum of 50 parking spaces, as noted in section 42-523. **Based upon this section, our facility would be permitted 62 parking spaces, or 56 plus 6 (10% additional).**

I am formally making a request to the Planning Commission at this time for additional parking as shown on our site plan. I respectfully request an additional 25 stalls based upon the following existing observed criteria provided by the owner:

- In the past, during peak times, parking has ranged between 80 to 90 automobiles.
- Special Events
 - Food night specials - 80 automobiles.
 - Sporting events such as play-offs, (NCAA, Superbowl, etc) - 80+ automobiles
 - Nightly specials - 85 automobiles.
 - Pool, Dart leagues, Softball leagues, etc. - 80 + automobiles 2 to 4 nights a week in season.
- When training new part time and permanent employees, accepting employment applications, and accommodating working employees during their shifts, Mulligan's will require 10 to 20 parking stalls for their use alone.
- The average anticipated daily parking requirements :
 - Weekdays - 55 automobiles.
 - Weekends - 80 automobiles.

Mr. Mike West
14 March 2013
Page Two

During the design process we have determined that 87 parking stalls is the maximum we can construct on the site due, primarily, to storm water management. The retention basin, sediment cell, and AT&T building / easement, will fill the remainder of the site.

As you can see with the new facility, the anticipated parking will place us near maximum capacity on several occasions throughout the coming years. We respectfully request the additional parking as a way to support the level of commitment that the owner is making to his growing business, and to the level of confidence he has in the City of Portage.

Thank you for your consideration of this request.

Cordially,

L. L. HARRIS & ASSOCIATES, INC.

Larry L. Harris

Larry L. Harris
Agent for Mulligan's Grill and Steakhouse.

LARRY L. HARRIS
 1502 CENTRAL AVENUE
 ANN ARBOR, MICHIGAN 48106
 PHONE: (313) 775-4829
 FAX: (313) 775-0410
 LICENSED LANDSCAPE ARCHITECT—SIT PLANNERS

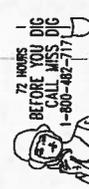


MULLIGAN'S GRILL AND STEAK HOUSE

8136 SHAVER ROAD
 PORTAGE, MICHIGAN

DATE	02/27/13
PROJECT	13-1149-1
SCALE	1"=20'
REVISIONS	03/12/13

GRADING PLAN



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS. EXACT LOCATIONS SHALL BE DETERMINED BY UTILITY LOCATING SERVICES. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF ALL UTILITIES. THE USER SHALL ALSO POST THEM WEST OF SHOWN ON PLAN.

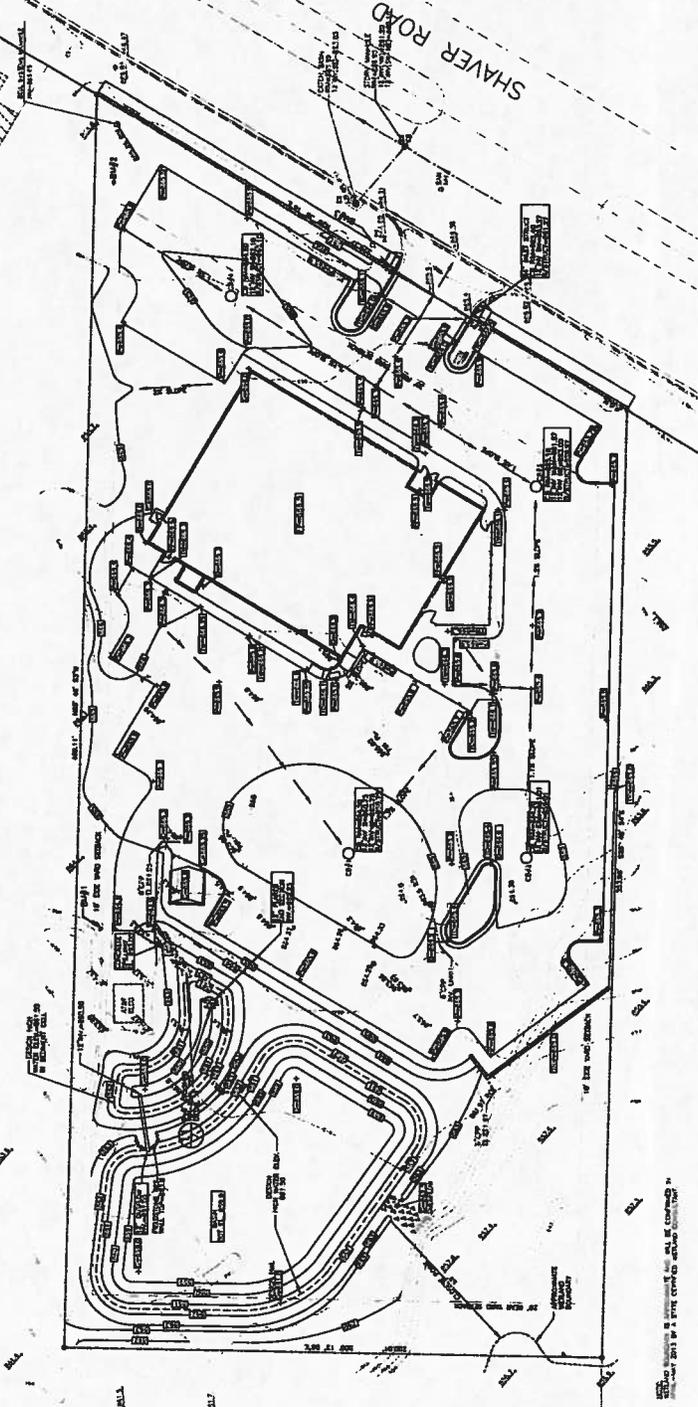


LEGEND

- UNDERGROUND ELECTRIC LINE
- OVERHEAD ELECTRIC LINE
- WATER
- POTABLE WATER SUPPLY NETWORK RT
- SEWER
- GAS LINE
- STURDY
- PROPOSED ELECTRIC
- PROPOSED UTILITY POLE
- AIR CONDITIONING UNIT
- TRANSFORMER
- ELECTRIC SPOT ELEVATION
- ELECTRIC SPOT ELEVATION TO ROOF
- CEILING CONTROL
- PROPOSED SPOT ELEVATION
- PROPOSED CONTROL
- STROMBERG LIGHTING
- ELECTRIC LIGHT POLE
- PROPOSED LIGHT POLE
- STORY CATCH BASIN
- MURKIN
- ELECTRIC WATER VALVE
- CONCRETE EXPANSION JOINT
- CONCRETE SCORE LINE
- RELOCATED TREE
- CORNER TREE

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS. EXACT LOCATIONS SHALL BE DETERMINED BY UTILITY LOCATING SERVICES. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF ALL UTILITIES. THE USER SHALL ALSO POST THEM WEST OF SHOWN ON PLAN.

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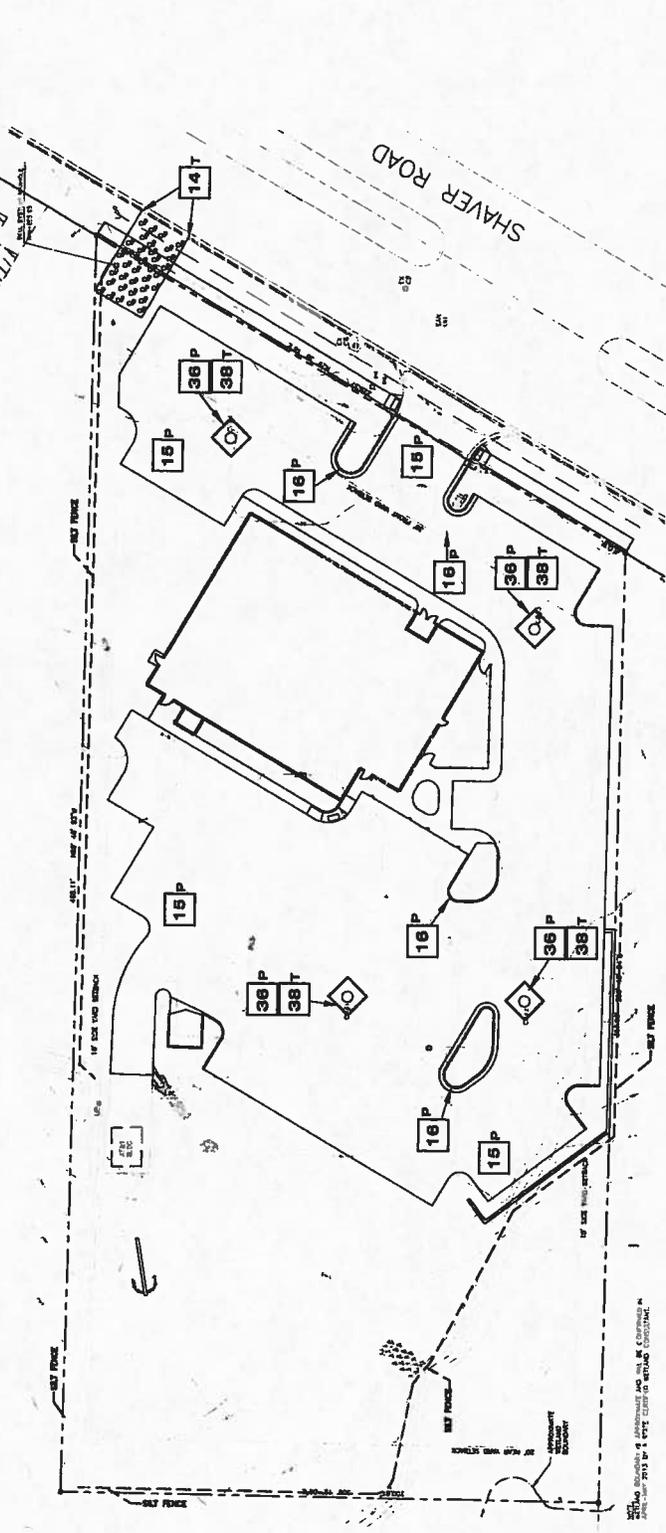
THIS PLAN IS A PRELIMINARY DESIGN. ALL UTILITIES SHALL BE VERIFIED BY UTILITY LOCATING SERVICES. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXACT LOCATION OF ALL UTILITIES. THE USER SHALL ALSO POST THEM WEST OF SHOWN ON PLAN.

LARRY HARRIS
 1901 GREENBUSH BOULEVARD
 KALAMAZOO, MICHIGAN 49009
 PHONE: (269) 725-8800
 FAX: (269) 725-0410
 LICENSED LANDSCAPE ARCHITECTS—SITE PLANNERS

MULLIGAN'S GRILL AND STEAK HOUSE
 9188 SHAVER ROAD
 PORTAGE, MICHIGAN

SCALE 1"=20'
 DATE 02/27/13 PROJECT 13-118-1
 REVISED 03/12/13

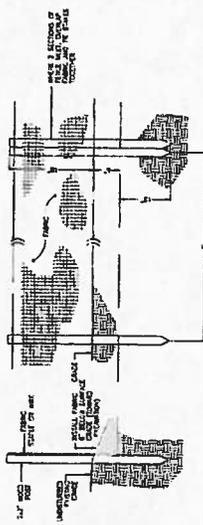
SOIL EROSION CONTROL PLAN
 6 5/7



EROSION CONTROL MEASURES

4	VEGETATION STRIP	INSTALL A STRIP OF PLANT MATERIAL TO PROTECT EXPOSED SOIL FROM EROSION.
6	WOOD CHIP MULCH	APPLY 2-4 INCHES OF WOOD CHIPS TO PROTECT EXPOSED SOIL FROM EROSION.
14	SEDIMENT BARRIERS	INSTALL SEDIMENT BARRIERS TO TRAP SEDIMENT AND PREVENT IT FROM ENTERING ADJACENT AREAS.
15	SWEEP	SWEEP EXPOSED SOIL TO PREVENT EROSION.
16	SOIL STABILIZATION	APPLY SOIL STABILIZATION PRODUCTS TO PROTECT EXPOSED SOIL FROM EROSION.
36	SEDIMENT TRAP	INSTALL SEDIMENT TRAPS TO TRAP SEDIMENT AND PREVENT IT FROM ENTERING ADJACENT AREAS.
38	SEDIMENT TRAP	INSTALL SEDIMENT TRAPS TO TRAP SEDIMENT AND PREVENT IT FROM ENTERING ADJACENT AREAS.
48	SEDIMENT TRAP	INSTALL SEDIMENT TRAPS TO TRAP SEDIMENT AND PREVENT IT FROM ENTERING ADJACENT AREAS.

T=TEMPORARY
 P=PERMANENT



SILT FENCE DETAIL
 NOT TO SCALE

LARRY MAZUR
 3005 CHERRY LANE
 ANN ARBOR, MICHIGAN 48106
 PHONE (313) 739-8899
 FAX (313) 735-0410
 JOCKED LANDSCAPE ARCHITECTS-LIFE PLANNERS

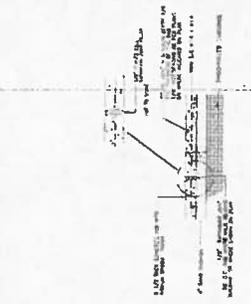
MULLIGAN'S GRILL AND STEAK HOUSE
 8138 SHAYER ROAD
 PORTAGE, MICHIGAN

SCALE AS NOTED
 DATE 02/17/13
 PROJECT 13-1146-1

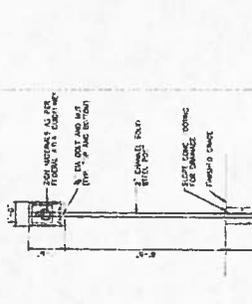
REVISIONS
 03/22/13

S 717

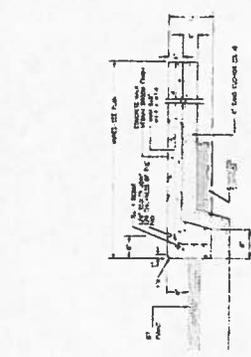
DETAILS



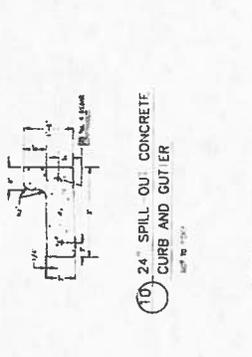
4 CONCRETE WALK AND PATIO DETAIL
 NOT TO SCALE



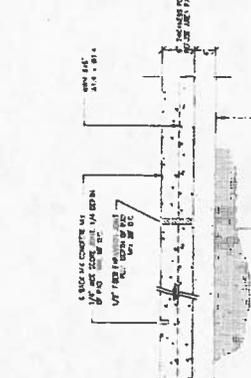
7 BARRIER FREE PARKING SIGN DETAIL
 NOT TO SCALE



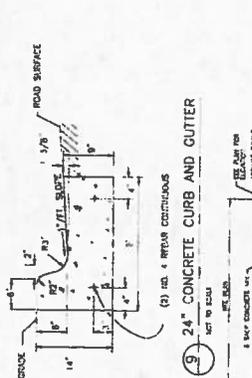
5 THICKENED EDGE CONCRETE WALK
 NOT TO SCALE



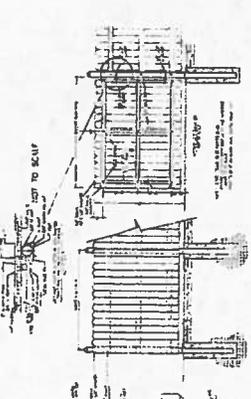
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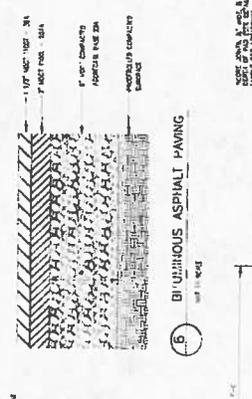
6 CONCRETE REFUSE PAD DETAIL
 SCALE 1/4\"/>



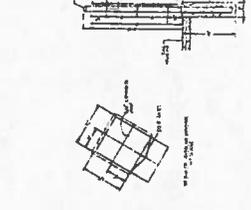
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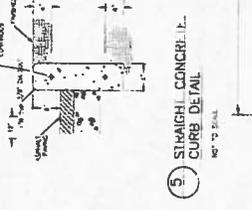
8 STRAIGHT CONCRETE CURB DETAIL
 NOT TO SCALE



11 DRAIN CHUTE DETAIL
 NOT TO SCALE



12 VOLCANIZED WOOD RETAINING WALL
 NOT TO SCALE



13 CONCRETE LIGHT POLE BASE
 NOT TO SCALE

1 PATIO FENCE DETAIL
 NOT TO SCALE
 USE MANUFACTURER'S SPECIFICATIONS FOR FUTURE INSTALLATION DETAILS
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TO: Planning Commission

DATE: March 14, 2013

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

SUBJECT: 2012-2013 City Council Assigned Goals and Objectives Update (April 2013) and Recommended 2013-2014 Goals and Objectives

In November and April of every year, updates on progress made by the respective advisory boards/commissions on the City Council-assigned activities are requested. Additionally, in April of every year, recommended goals and objectives for the upcoming fiscal year are also requested. Attached is a copy of the City Council assigned Advisory Boards and Commissions 2012-2013 Goals and Objectives (activities) that have been approved.

The Commission is advised to review the attached materials and draft transmittal to City Council and discuss the information during the March 21, 2013 meeting. The progress update must be submitted to the Office of the City Clerk by April 15, 2013. If additional discussion is needed, the item can be scheduled for the April 4, 2013 meeting for finalization.

Attachments: Advisory Board communication from Deputy City Clerk dated February 21, 2013
DRAFT Planning Commission transmittal to City Council dated March 22, 2013
Advisory Boards and Commissions Approved FY 2012-2013 Goals and Objectives
Approved FY 2012-2013 Council Mission Statement and Goals and Objectives

S:/Commdev/2012-2013 Department Files/Board Files/Planning Files/PC Reports/Work Program/PC G&O's 2012-13 Update (April 2013) and Recommended 2013-2014 G&Os.doc

CITY OF PORTAGE

RECEIVED COMMUNICATION

OCT 24 2012

COMMUNITY DEVELOPMENT

TO: Advisory Board Chairperson*

DATE: October 24, 2012

FROM: Adam Herringa, Deputy City Clerk *ADH*

SUBJECT: Approved 2012/2013 City Goals & Objectives

Enclosed is a copy of the 2012/2013 Goals and Objectives approved by City Council at the October 23, 2012, City Council Meeting. Please note the following important dates that are included in the attached Goals and Objectives.

- | | |
|--|-------------------------|
| 1. Goals Update 2012-2013 | Due in early April 2013 |
| 2. Recommended Goals for Fiscal Year 2013-2014 | Due in early April 2013 |

Given that Boards and Commissions are receiving their goals and objectives in late October, the traditional November goals and objectives updates will not be necessary.

Please contact the City Clerk Office at (269) 329-4511 if you need assistance or further information.

- * Ruth Caputo, Chair, Environmental Board
 - Mark Reile, Chair, Historic District Commission
 - Pat Maye, Secretary, Human Services Board
 - Susan Williams, Vice-Chair, Park Board
 - James Cheesebro, Chair, Planning Commission
 - Lawrence Smith, Chair, Senior Citizens Advisory Board
 - Sujay Dewan, Chair, Youth Advisory Committee
- c: Maurice S. Evans, City Manager
- Staff Liaison: Christopher Barnes, Environmental Board
 - Erica Eklov, Historic District Commission
 - Elizabeth Money, Human Services Board
 - William Deming, Park Board
 - Chris Forth, Planning Commission ✓
 - Jill Hess, Senior Citizen Advisory Board

DRAFT

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: March 22, 2013
SUBJECT: 2012-2013 Planning Commission Goals and Objectives Update (April 2013) and Recommended 2013-2014 Goals and Objectives

The purpose of this communication is two-fold. First, to update Council on the progress made during the second part of the 2012-2013 fiscal year regarding the City Council assigned goals and objectives. Second, to recommend 2013-2014 goals and objectives for City Council consideration.

2012-2013 Planning Commission Goals and Objectives Update

1. *Continue to guide development to appropriately planned areas of the community and consider the protection of environmentally sensitive areas such as those identified in the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable and efficient use of land at densities that:*
 - a) *Meets the current and future needs of city residents.*
 - b) *Protects key natural and historic resources.*
 - c) *Complements the existing and planned capacity of streets and infrastructure.*

The Planning Commission continues to guide development consistent with the 2008 Comprehensive Plan Update/Future Land Use Map and remains cognizant of the impacts development may have on environmentally sensitive land areas (see Goal 2 below for examples). Additionally, the Planning Commission also continues to ensure new development projects are designed consistent with applicable ordinances through review of site plans, plats and other development proposals.

2. *During project plan review, consider the following:*
 - a) *Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*
 - b) *Adjacent residential neighborhood protection measures.*
 - c) *Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.*

Since July 2012, the Planning Commission has reviewed/approved the following private development projects: conceptual plan amendment for Trade Centre Holdings LLC, 420 and 750 Trade Centre Way; specific plan for Marriott Courtyard, 420 Trade Centre Way; site plan for Bowers Manufacturing (addition), 6565 South Sprinkle Road; special land use permit and site plan for Verizon Wireless (monopine tower), 8080 Oakland Drive; special land use permit for Cristin VanderMolen (group day care home), 2528 Vanderbilt Avenue; special land use permit and site plan for Portage Brewing Company, 7842 and 7908 Portage Road; site plan for FEMA Corporation (addition), 1716 Vanderbilt Avenue; height modification for Mueller Plastics (silos), 6700 South Sprinkle Road; specific plan for

Repertoire Restaurant, 412 West Centre Avenue; special land use permit and site plan for Xtreme Clean Car Wash, 5121 South Westnedge Avenue; final plan for Sterling Oaks West Planned Development (Phase II), 1001 Gulfport Trail; site plan for Main Street Properties, 7509 South Westnedge Avenue; special land use permit for Lakeview Animal Hospital and site plan for Mulligans Grill and Steakhouse, 9136 Shaver Road.

Several of the projects listed above included shared access arrangements and/or measures to protect adjacent residential uses including Portage Brewing Company, Xtreme Clean Car Wash, Repertoire Restaurant and Main Street Properties. Environmental issues were considered as part of the plan reviews for Marriott Courtyard, Repertoire Restaurant and Mulligans Grill and Steakhouse due to the presence of adjacent wetlands, floodplain and/or Portage Creek.

3. *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.*

Two rezoning applications were considered and acted upon by the Planning Commission during the fiscal year to date. At the request of City Council, the Commission reconsidered Rezoning Application #11-4, East Centre Avenue between Lakeview Drive and Garden Lane, at the August 2, 2012 meeting and recommended the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential. Rezoning Application #12-1 involved a request to rezoning 9136 Shaver Road from I-1, light industry to B-3, general business and was recommended for approval by the Planning Commission at the November 15, 2012 meeting.

4. *Consider Zoning Code text amendments including, but not limited to, the City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus.*

At the direction of City Council, the Commission completed a review and recommendation of a proposed Collection (Donation) Box Ordinance Amendment during December 2012/January 2013. At the January 17, 2013 meeting, the Commission voted unanimously to recommend to City Council approval of the Collection (Donation) Box Ordinance Amendment.

5. *When appropriate, engage the Youth Advisory Committee in the planning process.*

Since approval of the Goals and Objectives, opportunities to engage the Youth Advisory Committee have not arisen.

6. *Review the 2013 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.*

Preparation of the 2013 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update was completed and accepted during the March 7, 2013 meeting.

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

The Planning Commission reviewed the FY 2013-23 Capital Improvement Program during the March 7th and 21st meetings. Following discussion at the March 21st meeting, the Commission voted unanimously to recommend to City Council approval of the FY 2013-23 Capital Improvement Program.

DRAFT

8. *Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).*

April 2013 status update complete.

9. *Respond to City Council referrals and directives.*

At the direction of City Council, a Business Sign Workshop was conducted at the October 4, 2012 meeting to obtain Planning Commission comments and concerns regarding existing business signage issues across the city.

In addition and at the request of City Council, the Planning Commission provided ideas and suggestions with regard to the City of Portage 50th Anniversary Celebration during August /September 2012. As a follow-up to this City Council assigned task, the Planning Commission in November/December 2012 discussed ways in which the Portage business community can be recognized as part of the 50th Anniversary Celebration. At the January 3, 2013 meeting, the Commission established a subcommittee to develop operational details associated with the creation of a "pass book" of Portage businesses that citizens could patronize as a way of recognizing area businesses. The subcommittee is currently working on finalization of the "pass book" idea.

DRAFT

Recommended 2013-2014 Goals and Objectives

1. Review and update the Comprehensive Plan.
2. Continue to guide development to appropriately planned area of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable, and efficient use of land at densities that:
 - Meets the current and future needs of city residents
 - Protects key natural and historic resources
 - Complements the existing and planned capacity of streets and infrastructure
3. During project plan review, consider the following:
 - Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
 - Adjacent residential neighborhood protection measures.
 - Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map including regulated wetlands, ground water and surface water.
4. Consider and act appropriately upon site-specific rezonings in the context of the Comprehensive Plan and City Centre Area Plan to encourage sustainable residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.
5. Consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that assist with implementation of the updated Comprehensive Plan, amongst others.
6. When appropriate, engage the Youth Advisory Committee in the community planning process.
7. Review and recommend the annual Capital Improvement Program.
8. Forward update to goals for FY 2013-14 (November 2013 and April 2014) and recommended goals for FY 2014-15 (April 2014).
9. Respond to all City Council referrals and directives.

If Council needs any further information, please advise.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION

James Cheesebro
Chairman

ADVISORY BOARDS AND COMMISSIONS

APPROVED 2012-2013 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 the City Council.
2. Enhance environmental quality and protect natural resources.
 - a. Continue to promote effective recycling plans, the use of recycled/recyclable products and responsible disposal of hazardous and solid waste.
 - b. Protect water quality through the continued implementation of water management principles, including surface water, groundwater and storm water programs.
 - c. Promote environmental protection, planning, monitoring and educational programs.
3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Youth Advisory Committee and Parks Board.
4. Advise the City Council in areas / subjects under the purview of the Environmental Board.
5. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).
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 with book sales of *Where the Trails Crossed*.
 - b. Continue to support the historic educational programs with area youth via Portage Public Schools, the Portage Community Center and other outlets.
 - c. 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, councilmembers and other supporters.
6. Observe National Preservation Week in May by presenting a special event in the community.
7. Advise the City Council in areas / subjects under the purview of the Historic District Commission
8. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).
9. Present an annual verbal report to the City Council in May in conjunction with National Preservation Month.

HUMAN SERVICES BOARD

1. Fulfill advisory role requirements for CDBG program and human/public service funding requests.
 - a. Make recommendations regarding the Community Development Block Grant (CDBG) Program.
 - b. 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. 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. Serve as a resource to City Council for special projects.
 - a. Take appropriate action on projects as assigned by City Council
 - b. Review mechanisms for identifying human service needs in the community.
 - c. 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.
4. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).
5. Present an annual verbal report to the City Council.

PARKS BOARD

1. Continue to work on development of the "Friends of the Park" volunteer and support program. As part of this effort Park Board members will be assigned to help coordinate and/or assist with major activities provided by the Board and the city.
2. Continue implementation of the expanded "Get Active Portage" day at Ramona Park, to include a youth triathlon, health fair and Paddle Fest kayak races.
3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Youth Advisory Committee and Environmental Board.
4. Implement a new "Landmark Sculpture" activity for the community to promote recycling. This event would engage participants in creating Kalamazoo County landmarks out of discarded goods and objects. Evaluate for continuation in 2013.
5. Plan for development and implementation of a new Park Board sponsored community event for the 2013-14 Fiscal Year.
6. Work together with the City Administration to facilitate the development of a Park Master Plan for the Eliason property on Shaver Road.
7. Advise the City Council in areas / subjects under the purview of the Parks Board.
8. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).
9. Present an annual verbal report to the City Council.

PLANNING COMMISSION

1. Continue to guide development to appropriately planned area of the community and consider the protection of environmentally sensitive areas such as those identified in the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable and efficient use of land at densities that:
 - a. Meets the current and future needs of city residents
 - b. Protects key natural and historic resources
 - c. Complements the existing and planned capacity of streets and infrastructure
2. During project plan review, consider the following:
 - a. Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
 - b. Adjacent residential neighborhood protection measures.
 - c. Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.

3. Consider and act appropriately upon site-specific re-zonings 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.
4. Consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus.
5. When appropriate, engage the Youth Advisory Committee in the planning process.
6. Review the 2013 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.
7. Review and recommend the annual Capital Improvement Program.
8. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).
9. Respond to City Council referrals and directives.

SENIOR CITIZEN ADVISORY BOARD

1. Help to increase new and renewal membership to 2,000 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. Advise the City Council and the Portage Senior Center management on issues or projects pertaining to seniors and the Portage Senior Center.
5. Help Senior Center management to increase the number of volunteer leaders to build current and future programs.
6. Continue to explore opportunities for interaction and partnering with the Portage Community Center.
7. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).
8. Present an annual verbal report to the City Council.

YOUTH ADVISORY COMMITTEE

1. Continue to support educating members of the Youth Advisory committee on the roles and functions of City of Portage Government.
2. Continue a commitment to community service by volunteering time at organizations such as the Portage Community Center. In addition, take the initiative to volunteer in support of other causes as the need may arise.
3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Environmental Board and Parks Board.
4. Participate in and support community efforts – specifically those of the Kalamazoo County Substance Abuse Task Force – related to addressing substance abuse in the community.
 - a. Provide teens an opportunity to socialize without the use of drugs and alcohol, including hosting activities such as the Snow Party and Teen Movie Night.
5. Advise the City Council in areas / subjects under the purview of the Youth Advisory Committee.
6. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).
7. Present an annual verbal report to the City Council.

CITY OF PORTAGE
2012-2013 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;
- (4) to encourage effective long-term planning in all considerations within Council purview and
- (5) to ensure transparency and access to information.

2012-2013 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.

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – February 11, 2013

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

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

MEMBERS EXCUSED: Jeffrey Bright

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

APPROVAL OF THE MINUTES: Singer moved and Schimmel seconded a motion to approve the January 28, 2013 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

NEW BUSINESS:

ZBA #12-20, 5260 Lovers Lane: Mais summarized the request for: a) a variance to erect a sign 64 feet above the adjacent I-94 street grade, where a maximum 40-foot high sign is permitted; and b) a variance to erect a 378 square-foot sign, where a maximum 300 square-foot sign is permitted. The applicant, Andy Wenzel, stated the Zoning Code requires sign height to be calculated from adjacent street grade (at I-94) and does not allow height to be measured from elevated roadways such as the Lovers Lane overpass. The topography at the proposed sign location presents a practical difficulty since the grade of I-94 is lower near the elevated Lovers Lane overpass and as a result the sign visibility for west bound traffic was impacted. Concerning the sign area request, a variance was needed because the proposed sign would be setback approximately 145 feet from the nearest travel lane, there are several mature trees in the vicinity which they did not want to remove, and the presence of a 20 foot wide strip of land between the subject property and I-94. Mr. Wenzel stated the proposed 378 square-foot sign is an industry standard size and that 300 square-foot signs were not as common. Linenger inquired what the practical difficulties were with regard to the sign area. Mr. Wenzel stated the increased setback due to the trees and 20 foot wide strip of land. Mr. Wenzel also noted there was an existing billboard (5242 Lovers lane) to the west that was the same size as the proposed sign.

A public hearing was opened. Jim Brutsche, 5421 Lovers Lane stated the existing billboard (5242 Lovers Lane) was highly visible from his home and he did not want to see another such sign located even closer. The public hearing was closed.

Seyburn inquired if the applicant would be willing to accept a variance for a 378 square-foot sign if it were conditioned upon not being an Electronic Message Display. Mr. Wenzel said no. A motion was made by Seyburn, seconded by Schimmel, to grant a) a variance to erect a sign 64 feet above the adjacent I-94 street grade, where a maximum 40-foot high sign is permitted. There are exceptional circumstances applying to the property which include the proximity of the elevated Lovers Lane overpass, and lowered street grade elevation of I-94 that will impact the visibility of the sign; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to display a billboard and be seen; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Smith-No, Schimmel-Yes, Singer-Yes Linenger-No, Rhodus-No, Seyburn-Yes. Motion passed 4-3.

A motion was made by Smith, seconded by Singer to deny the request to erect a 378 square-foot sign, where a maximum 300 square-foot sign is permitted for the following reasons: there are no exceptional or

extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district; the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as erecting a 300 square-foot sign; the variance would be detrimental to adjacent property and the surrounding neighborhood, and; the variance would materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Bunch-Yes, Smith-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-Yes, Seyburn-Yes. Motion passed 7-0.

ZBA #12-21, 6123 South Westnedge Avenue: Mais summarized the request for a variance to replace the sign panels on a nonconforming freestanding sign. James Mikrut of Icon Sign Company was present to answer any questions.

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

A motion was made by Singer, seconded by Schimmel to grant a variance to replace the sign panels on a nonconforming freestanding sign, with the condition that future sign panel replacements may be approved by the city administration, provided no structural changes to the sign are proposed and a sign permit is obtained. There are exceptional circumstances or extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include: the small, shallow lot, building setback, location of existing nonconforming sign and landscaping. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify a business; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Smith-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-Yes, Robbe-Yes. Motion passed 7-0.

ZBA #12-22, 8818 Portage Road: Mais summarized the request for a variance to allow operation of a veterinary hospital adjacent to property zoned R-1B, One Family Residential. Mais stated the request was identical to the variance the Board granted a year ago (ZBA 11-14) but that the variance had expired. Mr. Greathouse stated he agreed with staff's recommendations. Smith noted staff recommended no outdoor kennels. Mr. Greathouse stated he did not intend to have any. Smith inquired if there would be any prospect of the animals creating a disturbance for neighbors. Mr. Greathouse stated most of the animals that would be sick enough to have to stay overnight at his current clinic (10336 Portage Road) are referred to a 24 hour animal hospital, and intends to continue to do so as he does not have overnight staff. Seyburn inquired if there had been any noise complaints at 10336 Portage Road. Mais stated no. Rhodus inquired if a six-foot fence was required at both the edge of the parking lot and the property line. Mais replied just along the property line.

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

A motion was made by Bunch, seconded by Smith, to grant a variance to allow operation of a veterinary hospital adjacent to property zoned R-1B, One Family Residential with the following conditions: 1) a six-foot privacy fence along the west property line be maintained to protect adjacent residential properties; 2) no outdoor kennels or runs are provided on site; 3) the hospital/clinic be limited to the treatment of small animals (i.e. domesticated pets); and 4) no animal crematory facilities shall be provided on site. There are exceptional circumstances or extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include: the operational characteristics of the proposed small-scale veterinary hospital/clinic, and location of existing building from adjacent residential dwelling. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to operate a veterinary clinic; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of

the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Smith-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-Yes, Robbe-Yes. Motion passed 7-0.

OTHER BUSINESS:

Seyburn noted Linenger and Schimmel's terms expired this month and thanked them for their years of service on the Board.

STATEMENT OF CITIZENS:

Henry Kerr, 3111 Fleetwood, stated he and other residents in his neighborhood are concerned about the negative impacts the proposed EMD billboard on the school-owned property at Angling Road Elementary will have on the neighborhood. Mr. Kerr said he understands the Board did not have authority on this issue but wanted to take the opportunity to urge city staff to do what it could to stop what already appeared to be a 'done deal' and was concerned that other billboards will be erected on school property at other locations. Seyburn stated he believed there is case law available which would support the city in trying to prevent the sign and urged staff to consult with the city attorney.

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 8:03 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 26, 2013

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

Mayor Strazdas provided a short synopsis of the Mayor and City Council for the Day Program and called forth the student who was voted Student Mayor for the Day, Stephen Pepps, and City Clerk James Hudson administered the Oath of Office to him. Mayor Strazdas then called forth the students in attendance who were elected Student Councilmembers for the Day from Portage Central High School: Amiee Hofman, Kasia Mietusiewicz and Spencer Westley, and Mr. Hudson administered the Oath of Office to them. Absent with notice owing to the snow storm were the elected Portage Northern Students: Malena Harlan, Maycie McGowan and William Willoughby. The Student Mayor and Student Councilmembers took their seats at the dais.

At the request of Student Mayor Stephen Pepps, Pastor Ken Hale of Victory Baptist Church gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were Deputy City Manager Brian Bowling, City Attorney Randall Brown and City Clerk James Hudson.

The City Clerk called the Student Mayor and Student Councilmembers roll with the following members present: Student Councilmembers Amiee Hofman, Kasia Mietusiewicz and Spencer Westley and Student Mayor Stephen Pepps.

CERTIFICATION: Mayor Strazdas recognized Joseph Seeberger with a Certificate of Recognition for setting a world record by catching a Muskellunge weighing 58 pounds, measuring 59 inches long with a girth of 29 inches on October 13, 2012, on Lake Bellaire in Antrim County.

City Council also recognized the Portage Public Safety Hockey Team for their victory over the Kalamazoo Public Safety Hockey Team as a fundraiser for families in need after a loss due to a deceased Public Safety Officer.

APPROVAL OF MINUTES: Motion by Campbell, seconded by Sackley, to approve the February 12, 2013 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0 for the February 12, 2013 Regular Meeting Minutes as presented, and 6 to 0 with Councilmember Sackley abstaining for the February 12, 2013 Special Meeting Minutes as presented.

* **CONSENT AGENDA:** Student Mayor Pepps asked all of the Student Councilmembers to share in the reading of the Consent Agenda. Councilmember Sackley asked that Item F.5, Fiscal Year 2013-2014 Proposed Budget Review Schedule, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 26, 2013:** Motion by Urban, seconded by Reid, to approve the Check Register of February 26, 2013, as presented. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **SUMMIT POLYMERS, INC. - PA 198 TAX ABATEMENT:** Motion by Urban, seconded by Reid, to adopt Resolution No. 3-13 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for Summit Polymers, Inc., for real and personal property in the estimated amount of \$2.99 million at 6715 Sprinkle Road, Industrial District No. 56, for March 12, 2013, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 1 of City of Portage Resolution Book No. 45.

* **MANN+HUMMEL USA, INC. - PA 198 TAX ABATEMENT:** Motion by Urban, seconded by Reid, to adopt Resolution No. 3-13 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for Mann+Hummel USA, Inc., for personal property in the estimated amount of \$15.89 million at 6400 Sprinkle Road, Industrial District No. 48, for March 12, 2013, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 3 of City of Portage Resolution Book No. 45.

* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT - FOREST DRIVE (LOVERS LANE TO PORTAGE ROAD):** Motion by Urban, seconded by Reid, to approve Contract 13-5011 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Forest Drive (Lovers Lane to Portage Road); amend an engineering services contract with Wightman & Associates, Incorporated, for construction inspection and administration of street improvements on Forest Drive (Lovers Lane to Portage Road) in the not to exceed amount of \$94,500; adopt a Resolution authorizing the City Manager to sign Contract 13-5011; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and the consultant contracts for this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 5 of City of Portage Resolution Book No. 45.

* **LEXINGTON GREEN DRAINAGE CHANNEL:** Motion by Urban, seconded by Reid, to adopt a resolution and endorse a petition to the Office of the Kalamazoo County Drain Commissioner to locate, establish and construct the Lexington Green Channel as a County Drain and authorize the City Manager to execute the documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 7 of City of Portage Resolution Book No. 45.

FISCAL YEAR 2013-2014 PROPOSED BUDGET REVIEW SCHEDULE:

Councilmember Sackley indicated that he relied on the original dates proposed for review of the proposed Fiscal Year 2013-2014 Budget and made travel plans accordingly. Discussion followed. Motion by Sackley, seconded by Campbell, to table the establishment of the dates for review of the proposed Fiscal Year 2013-2014 Budget. Upon a voice vote, motion carried 7 to 0.

* **PORTAGE SENIOR CENTER FEE:** Motion by Urban, seconded by Reid, to amend the 2013 fee schedule to include a \$3.00 drop-in fee for the Portage Senior Center. Upon a roll call vote, motion carried 7 to 0.

* **WATER/SEWER (UTILITY) RATE COMMITTEE VACANCY:** Motion by Urban, seconded by Reid, to fill the recently vacated citizen position on the Water/Sewer (Utility) Rate Committee by appointing Mr. Nasim Ansari. Upon a roll call vote, motion carried 7 to 0.

* **JANUARY 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the January 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

COMMUNICATIONS:

SALE CONTINGENCIES FOR 10323 ARCHWOOD DRIVE: At the request of Mayor Strazdas, Deputy City Manager Brian Bowling indicated that City Council had a communication from Sherry and Jerry Garrett, 10322 Archwood Drive, asking for the establishment of additional contingencies on the city-owned property at 10323 Archwood Drive. He indicated that the City Council Property Committee and City Council voted for two contingencies for 10323 Archwood Drive, a purchase price of \$18,000 and that the purchaser secures a building permit within twelve months of the purchase date. He then referred to the two additional letters via Materials Transmitted from David and Jill Meyle, 217 Cliffwood Avenue, and Margaret Krenselewski, 10315 Archwood Drive, who are also requesting the additional contingency that similar construction be required on 10323 Archwood Drive. He also pointed out that at the Pre-Council Meeting, there was discussion to establish a contingency that no manufactured home be constructed on the property. Lastly, he referenced the communication from the City Manager in Materials Transmitted that distinguished manufactured housing from modular housing and explained. Discussion followed regarding the minimum sized home that can be built on the property and contrasted the requirements with the requirements of an adjacent neighborhood. Councilmember Campbell emphasized the goal to get the property sold, have a house be built on it and place it back on the tax roll. She stressed that City Council already made a decision on this matter and should not refer it back to the Council Property Committee. Mayor Strazdas pointed out that City Council owes a response to the three citizens who expressed concerns with 10323 Archwood Drive. Mr. Bowling interjected that he wished to make it clear that the Administration was not influenced in any way by any independent City Councilmember on this matter and acted solely in response to the concerns of the neighbors as contained in their communications. Discussion followed.

Sherry Garrett, 10322 Archwood Drive, provided a Petition signed by ten of the homeowners who live in Oak Forest Park with the following suggestions for building restrictions for Oak Forest Park Plat:

1. Single family residence of similar construction located within the Plat of Oak Forest Park. (One or two story buildings with basement).
2. No temporary structures.
3. One story shall include not less than 1,400 square feet of usable, enclosed interior floor area, exclusive of porches, garages, breezeways, or other attachments to the principal residence.
4. Two stories or multiple levels or split construction shall not include not less than 1,600 square feet of usable, enclosed interior floor area, exclusive of porches, garages, breezeways, or other attachments to the principal residence.

She also mentioned that Jean and Phil Kowalski, 10329 Archwood Drive, telephoned her to tell her that they were very concerned with the 10323 Archwood Drive property, and she expressed her own concerns for possible restrictions to protect the future of the property and the neighborhood. Discussion followed.

Mr. Bowling indicated that both manufactured and modular homes are allowed in residential areas in the City of Portage. At the request of Mr. Bowling, Community Development Director Vicki Georgeau distinguished the differences between manufactured and modular homes. Discussion followed.

Pam Stafford-Prihoda, 207 Clifford Avenue, asked that City Council allow the residents to continue the community garden until the property is sold understanding that the possibility of a harvest is not guaranteed. Discussion followed. Councilmember Urban indicated that he had no objection to the request, but suggested that the Administration investigate any liability issues or other issues might be present for consideration. Discussion followed. Motion by Urban, seconded by Reid, to refer the

request that the neighbors of Plat of Oak Forest Park continue the community garden at the property at 10323 Archwood Drive for this coming season to the Administration for a report. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Councilmember Sackley abstaining.

Tony Krenselewski, 10315 Archwood Drive, asked if this was the first property that the City of Portage has reselected; and, is this something new - that the city is taking property from the land bank? Mr. Bowling indicated that in his memory this is the first time the City of Portage has had a tax reverted property where the City Council has accepted residential property and is reselling it. Discussion followed. Mr. Krenselewski asked that City Council take into consideration that the neighbors have put a lot of work over the years into this property, not just with the community garden, but by mowing, cleaning the leaves, etc., and otherwise caring for the property. Discussion followed.

In answer to Councilmember Urban, Ms. Georgeau indicated that manufactured homes within a manufactured home community are taxed differently than one in a neighborhood which is treated like all of the other dwellings in the neighborhood, except that it will depreciate faster depending upon maintenance and quality of construction. In answer to Councilmember Pearson, Ms. Georgeau indicated that the concept of placing a manufactured home on the property in question is theoretical; that the property has not been marketed as yet; and, that the analysis of manufactured homes is in response to the residents in the area who have asked that the original plat restrictions be considered, even though they expired in 1979. Discussion followed. She also answered that there has been no discussion of an ordinance change to more specifically address this issue. Discussion followed regarding the square foot requirements in the neighborhood.

Margaret Krenselewski, 10315 Archwood Drive, indicated her opposition to a manufactured home being placed on 10323 Archwood Drive and advocated the building restrictions for Oak Forest Park Plat as presented. Discussion followed.

In light of the fact that a 1,600 square foot home built at \$125 per square foot would cost \$200,000, plus the cost of a basement, excavation, hook-ups, etc., in a neighborhood with an average total value of \$156,000, Councilmember Randall indicated that too many restrictions would cause a hardship on the sale of the lot and noted that City Council is setting precedent and needs to plan for consistency, so she deferred to the Zoning Code as the proper guide for the construction of a home at 10323 Archwood Drive.

Ron Warner, 202 Cliffwood Avenue, shared the same concerns as his fellow neighbors, and also had an environmental concern because after the fire, the house was demolished because of water damage where mold grew which all became part of the backfill into the basement (Note: there never was a fire at this location and the water damage came from a broken pipe). He revealed the presence of black mold in his own home when he purchased it in 2011 that he had to remediate, then left the impression that the property in question could have the same problem and the spores underground would be released once excavation began. Councilmember Pearson responded that the same question was brought up at the Kalamazoo County Environmental Advisory Board and the Drain Commissioner responded that what Portage did was legal and proper and no investigation by the County was necessary. Discussion followed.

Motion by Urban, seconded by Reid, to accept the February 17, 2013 communication from Sherry and Jerry Garrett, 10322 Archwood Drive, the communication from David and Jill Meyle, 217 Cliffwood Avenue, and the communication from Margaret Krenselewski, 10315 Archwood Drive, regarding the sale of 10323 Archwood Drive, and approve an additional contingency on the sale of 10323 Archwood Drive that no manufactured dwelling be constructed on the property. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Councilmember Sackley abstaining. Discussion followed. Mayor Strazdas excused the Student Mayor and Student Councilmembers for the Day and asked that they see the City Clerk for a Certificate of Service signed by City Council.

AD HOC COMMITTEE REPORTS:

CITY COUNCIL SIGN COMMITTEE: Councilmember Sackley gave a brief report on the meeting of the City Council Sign Committee and indicated that it was a continuation of a report that was given at the last City Council Meeting. He said the Committee met with Tim Fallon, TSI Partners Consulting, who was selected to facilitate the discussion and who working with Community Development Director Vicki Georgeau regarding additional aspects of the public forum. He also commented briefly on the Portage Road Lake Center Business District Committee and indicated that the Committee had productive discussions on a wide variety of issues and items related to the Portage Road Lake Center Business District which has been referred to Ms. Georgeau, who will be convening with City Manager Maurice Evans upon his return to discuss possible next steps for the Portage Road Lake Center Business District. He reiterated that there were no actions taken and no recommendations made on either committee. Discussion followed. Motion by Sackley, seconded by Urban, to receive the City Council Sign Committee report and the Portage Road Lake Center Business District Committee report. Upon a voice vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

2013 BOARD OF REVIEW: Mayor Strazdas provided a summary of the February 12, 2013 City Council Meeting and noted that the recommendations that were discussed were a request that legal counsel be in the room with the Board of Review, that there be additional education for Board of Review Members and a final checklist for the Board of Review to consider when making their findings. He pointed out that these items were debated with a resultant split vote on the matter with a request from Councilmember Sackley to consult the Board of Review members to obtain their thoughts. Discussion followed and Mayor Strazdas sought and received a consensus that additional training is good for the Board of Review. Discussion followed regarding the type of training, the extent of the training and whether training by a specialized attorney is warranted for the Board. Deputy City Manager Bowling provided a point of clarity by stating that the Administration would like to see attorney assistance at least at the organizational meeting of the Board of Review to assist with the explanation of State Tax Commission guidelines and the laws in regard to their responsibility. Discussion followed.

Councilmember Randall indicated that she advocated the attorney be present at the organizational meetings on March 4 and 11 to make an organized presentation for a couple of hours or so on each day, but did not see the need for them to remain for the entire time on either day for the sessions of the other presenters. Discussion followed. In response to Councilmember Pearson, Deputy City Manager Bowling summarized the recommendations of the Administration and the results of the poll taken of the Board of Review members. Discussion followed. Mayor Strazdas asked for a consensus that the attorney be present for two hours at the pre-organizational meeting on March 4 and two hours at the organizational meeting on March 11 as presented in the February 4, 2013 letter from Deborah I. Ondersma, attorney with the Varnum Law Firm.

Mayor Strazdas discussed the proposed checklist for the Board of Review and asked for a consensus to utilize it. Discussion followed. In response to Mayor Strazdas, Councilmember Urban indicated that the materials provided at the request of Councilmember Randall reinforces his opinion that an attorney should be present as it is a misdemeanor crime if the Board of Review members do not follow the state law punishable with up to six months in jail and up to a \$300 fine. Discussion followed. Councilmembers Randall, Pearson and Campbell disagreed with Councilmember Urban on the need for an attorney being present at the Board of Review. Discussion followed.

Councilmember Sackley restated his concern of two years ago regarding consistency when the City Council decided to have two Boards of Review, stated his concern for the welfare of the Board of Review volunteer members, expressed his concern with the findings of the review by Southwest

Michigan Governmental Consultants dated January 22, 2012, and the need to follow the law. He then referred to the City Manager Communication and the Director of Financial Services dated February 22, 2013, and emphasized the necessity for City Council to review their decision to have two Boards of Review out of fairness and the need for consistency. He reviewed the findings and stressed the need for training and guidance to prevent any future mistakes by the members of the Board of Review. Discussion followed.

Mayor Pro Tem Reid concurred with Councilmember Sackley and discussed the need for a systematic analysis of the Board of Review actions, the need to protect the Board of Review members and to do everything possible to ensure that each of them has the tools to properly perform their function. She asked the City Attorney the question posed by Board of Review member Richard Ford if an Independent Legal Counsel communication between the two Boards of Review violated state statute or regulations, and Mr. Brown indicated that he had noted it when he received the information just now, but not had a chance to look at the matter. Discussion followed.

Motion by Randall, seconded by Pearson, to implement the additional training sessions, the compliance checklist and that there be no attorney in the 2013 Board of Review sessions. When Mayor Pro Tem Reid asked for a clarification, Councilmember Randall said no attorney in the rooms, no attorney on site and, if there are legal questions that the attorney be contacted by phone and paid by the hour, or whatever it takes. In response to Councilmember Campbell, Councilmember Randall said the attorneys are to be present for the part of the training sessions in which they will be participating, which is the two hours (mentioned in the earlier discussion), not eleven hours. City Attorney asked that the motion state that there has to be a letter of engagement to this special counsel stating March 4, 2013, for two hours at the pre-organizational meeting and March 11, 2013, for two hours at the organizational meeting. Councilmembers Randall and Pearson both agreed to include this language as part of their motion.

City Attorney Brown indicated that there has to be a letter of engagement to this special counsel stating that they be present March 4, 2013, for two hours at the pre-organizational meeting and March 11, 2013, for two hours at the organizational meeting.

Discussion followed regarding the practicality and cost of an "on-call" attorney and whether City Attorney Brown could fill the role as a tax attorney who would be available as a consultant for the Board of Review issues as they might arise. Discussion of the motion followed. Councilmembers Randall and Pearson both agreed that the tax attorney does not need to be available at all times but only on an as needed basis and the option was offered to group petitioner properties and present them all at one time for consideration by the tax attorney. Councilmember Urban expressed his opposition to the motion as presented. Discussion followed regarding the need for the attorney to provide immediate assistance or help at a later date. Councilmember Randall took exception to the analysis provided by the Administration saying it constituted a conflict of interest, but agreed to allow the tax attorney to view recordings of the meeting. Mayor Strazdas indicated he felt that the attorney should be able to tell after viewing the first couple of meetings, he or she would be able to determine any flaws in the process and be able to correct them for all future sessions. Discussion followed.

Councilmember Sackley again referred to the communication from the Administration in response to concerns about the 2012 Board of Review and again expressed his fear of the finding that two thirds of the valuation decisions by one panel of the 2012 Board of Review and one-fifth of the valuation decisions by the other panel of the 2012 Board of Review were not in compliance with various State Tax Commission guidelines and state laws. He proposed that the tax attorney be in the building and watch the sessions streaming in real time for the first two days, not be in the room, to address the deficiencies right away to protect the Board of Review members, the petitioners and staff. Discussion followed.

In response to City Attorney Brown, Councilmember Sackley indicated that it is the intent that the feedback be right away not to write an opinion days later. Councilmember Randall agreed to two sessions for a total of eight hours, but questioned the method by which the tax attorney could provide feedback right away without being disruptive to the parties. Discussion followed and Councilmember Urban asked for a restatement of the motion from the City Clerk. Discussion followed.

The final motion by Randall, seconded by Pearson, reads, "to implement the additional training sessions, i.e., that a letter of agreement be made with the tax attorney to be present March 4, 2013, for two hours at the pre-organizational meeting and March 11, 2013, for two hours at the organizational meeting; to implement the compliance checklist; that the tax attorney be in the building and watch the sessions streaming in real time for the first two days, and not be in the room with the Boards of Review, but address any items not in compliance with various State Tax Commission guidelines and state laws right away; and, thereafter the tax attorney be on call on an as-needed basis." Discussion followed.

Upon a roll call vote, motion carried 7 to 0. In response to Councilmember Urban, Councilmember Campbell volunteered to explain the proceedings to Board of Review member Michael Simon and report back her findings to the Administration. Discussion followed.

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

Portage Environmental Board of January 9, 2013.
Portage Planning Commission of January 17, 2013.
Portage Youth Advisory Committee of January 28, 2013.
Portage Zoning Board of Appeals of January 28, 2013.

BID TABULATIONS:

* **BID RECOMMENDATION – STREET SWEEPER RENTAL:** Motion by Urban, seconded by Reid, to approve a three-year contract with Bell Equipment Company for: rental of two street sweepers for four weeks each for a three year total of \$57,600 for spring sweeping of streets following hydrant flushing; rental of two street sweepers for six weeks each for a three year total of \$80,100 for fall street sweeping of streets following leaf pickup; both with an option for three, one-year renewals, and authorize the City Manager to execute all documents related to this action on behalf of the City. Upon a roll call vote, motion carried 7 to 0.

* **VEHICLE PURCHASE RECOMMENDATION:** Motion by Urban, seconded by Reid, to approve the purchase of four two wheel drive Chevy Tahoe police pursuit vehicles through the State of Michigan Purchasing Program (MiDEAL) at a total cost not to exceed \$107,880 and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Michael Quinn, 7025 Rockford Street, presented himself as an appointee to the Board of Review, thanked Mayor Strazdas for providing the criticisms of the 2012 Board of Review discussed at the interview session, and took exception to some of the criticisms. Councilmember Urban explained.

STATEMENTS OF CITY COUNCIL: Councilmember Randall reviewed dates and times of the Board of Review from the *Portager*: March 11, 1 to 4 p.m., March 12, all day, March 13, all day, March 14 all day and an evening session with additional sessions as needed. She advised concerned citizens to get their information together, contact a realtor and to look at neighboring property assessments. Councilmember Pearson concurred and mentioned the Multiple Listing Service (MLS) as a resource.

Councilmember Sackley expressed his disappointment with his property valuation as it went down instead of increased. He indicated that his goal is not to see the value of his property go down, his taxes go down and revenue to the city reduced because he feels he gets an extremely high value for the taxes he pays. He said he donates to causes in the city such as the Summer Entertainment Series because of the great deal he gets with the city, and he feels just paying his taxes is not enough. Also, he said if the property valuation was based on the value of his neighborhood and the friendship of his neighbors in the Oakwood Forest Subdivision, his taxes should be twice what they are right now.

Councilmember Urban read from the mobile e-mail to all of City Council thanking them for listening to the concerns of the neighbors of 10323 Archwood Drive. He added a caveat to those Board of Review petitioners as a realtor may not know what kind of sales can be used as they cannot be foreclosure sale – they have to be arms length sales – and petitioners may want to talk to a tax expert on these matters. He also expressed his appreciation to the City Assessor and his staff for the hard work they do all of the time, does not question their work and does not question their review. He further expressed his appreciation for the work they have done to respond to all of the questions asked for the meeting tonight, recognizing the office is short-staffed at this time.

Mayor Pro Tem Reid highlighted the Consent Agenda Items F.1, Summit Polymers, Inc. – PA 198 Tax Abatement, F.2, Mann+Hummel, Inc. – PA 198 Tax Abatement, and F.6, Portage Senior Center Fee for drop-in patrons.

Mayor Strazdas reflected upon sequestration and the inability of the U.S Congress to find middle ground and praised the Portage City Council for finding middle ground with regard to the Board of Review matter under Unfinished Business.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:47 p.m.

James R. Hudson, City Clerk

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