



# PLANNING COMMISSION

**August 1, 2013**

# **CITY OF PORTAGE PLANNING COMMISSION**

## **A G E N D A**

**August 1, 2013  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES:**

- \* June 20, 2013

### **PUBLIC HEARINGS:**

- \* 1. Special Land Use Permit: Appletree Learning Center, 1518 and 1530 East Centre Avenue

### **SITE/FINAL PLANS:**

- \* 1. Site Plan: Appletree Learning Center, 1518 and 1530 East Centre Avenue

### **NEW BUSINESS:**

- \* 1. Council Sign Committee and Planning Commission Work Group

### **OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – July Passbook Drawing

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

June 10, 2013 Zoning Board of Appeals meeting minutes  
June 11<sup>th</sup> and 25<sup>th</sup>, 2013 City Council meeting minutes  
June 2013 Summary Environmental Activity Report

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

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**PLANNING COMMISSION**

**June 20, 2013**

The City of Portage Planning Commission meeting of June 20, 2013 was called to order by Vice-Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

**MEMBERS PRESENT:**

Bill Patterson, Rick Bosch, Miko Dargitz, Allan Reiff, Wayne Stoffer, Dave Felicijan, Paul Welch, Betty Schimmel and Henry Kerr.

**MEMBERS ABSENT:**

None.

**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:**

Vice-Chairman Welch led the Commission in the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Vice-Chairman Welch referred the Commission to the May 30, 2013 special meeting minutes contained in the agenda packet. Commissioner Dargitz asked that the minutes be amended at the bottom of page 2 (beginning of second complete paragraph) to include the following: "which included the subcommittee intent that the other Planning Commission members would not be required to visit 10-20 businesses as suggested by staff and the desire to launch the passbook program in July and not September due to the start of the Comprehensive Plan update". After a brief discussion, a motion was then offered by Commissioner Dargitz, seconded by Commissioner Felicijan, to approve the minutes as amended. The motion was unanimously approved.

**SITE/FINAL PLANS:**

None

**PUBLIC HEARINGS:**

1. Special Land Use Permit: Indoor Dog Day Care, 129 West Centre Avenue. Mr. West summarized the staff report dated June 13, 2013 regarding the request by Portage Centre Plaza LLC to establish an indoor dog day care center is a Portage Centre Plaza shopping center tenant suite. Consistent with Section 42-652 of the Zoning Code, Mr. West indicated the dog day care center was determined to be a use not specifically addressed in the Zoning Code and a use that may be allowed in the B-3 zone as a special land use subject to Planning Commission review and consideration. Mr. West described the proposed indoor dog day care use that was proposed to be located in the southwestern building and the building construction measures the applicant would

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complete to address potential noise and odors. Mr. West stated staff was supportive of the indoor dog day care use, as proposed by the applicant, subject to the four conditions identified in the staff report.

The Commission and staff discussed the differences between the proposed indoor dog day care and a commercial kennel, standards regarding minimum square footage per dog and previous dog day care approvals in the city. Mr. Mike Kreps (applicant's representative) and Mr. Tanner Nicholson (Portage Centre Plaza LLC) were present to support the application and explain the indoor dog day care use. Commissioner Felicijan asked if the applicant had an evacuation plan for the dogs in the event of a fire or other emergency. Mr. Kreps indicated the building was protected by a fire sprinkler system, however, additional consideration would need to be given to a building evacuation plan for the dogs. Vice-Chairman Welch opened the public hearing. No citizens spoke regarding the proposed indoor dog day care center. A motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Portage Centre Plaza LLC (indoor dog day care), 129 West Centre Avenue, subject to the following conditions: 1) No outdoor exercise areas, kennels/runs or other activities; 2) No overnight boarding, breeding or selling of dogs; 3) Hours of operation be restricted to 7am-7pm, Monday through Saturday (as proposed by the applicant) and 4) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health. The motion also included the applicant's commitments to install additional building walls, air exchange units and waste collection and disposal devices as indicated in the application materials and June 13, 2013 staff report. The motion was unanimously approved.

#### **NEW BUSINESS:**

1. Election of Officers. Vice-Chairman Welch discussed the recent vacancy of the Chairman position and asked if there were any nominations or Commissioners interested in the position of Chairman. Commissioner Reiff nominated Paul Welch for the position of Chairman. There being no additional nominations or interested Commissioners, by unanimous consent Paul Welch was elected as Chairman. Commissioner Dargitz nominated Dave Felicijan for the position of Vice-Chairman. There being no additional nominations or interested Commissioners, by unanimous consent Dave Felicijan was elected as Vice-Chairman. Commissioner Reiff nominated Wayne Stoffer for the position of Secretary. There being no additional nominations or interested Commissioners, by unanimous consent Wayne Stoffer was elected as Secretary.

#### **STATEMENT OF CITIZENS:**

None.

7:30pm - The Commission took a short recess.

7:35pm - The Commission reconvened the meeting in City Hall Conference Room No. 1

#### **OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – Recognition of Portage Businesses. Mr. Forth summarized the June 14, 2013 staff report that included suggestions for consideration of the Passbook program and also referred the Commission to highlight-strike versions of the various Passbook documents, as proposed by Attorney Brown and staff. Commissioners Felicijan and Dargitz expressed concern regarding the suggestion to eliminate business names from the press release and Portager article. Commissioner Dargitz discussed her initial contact with the 13 businesses currently listed and her commitment to provide advertising for these businesses. Commissioner Dargitz also discussed the intent to highlight specific businesses that have

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agreed to donate a gift for the Passbook program. Attorney Brown restated his concern over emphasizing one business over another business and the appearance that the city is endorsing certain businesses in a non public forum. Attorney Brown indicated the 13 businesses currently listed were specifically approached/solicited, while other businesses were not. Attorney Brown stated that listing all the participating businesses in the Passbook (without any special emphasis) was acceptable; however, strongly recommended against any specific business listing in the press release, Portager or on the web site. The Commission, Attorney Brown and staff next discussed other activities where the city lists specific businesses (i.e., New and Expanding Businesses article in Portager and leaf pick up bag advertisement and coupons in Portager) and the differences between these activities and the Passbook program. Attorney Brown stated the purpose of the Passbook is to celebrate the City of Portage 50<sup>th</sup> Anniversary and businesses within the community and not to advertise or promote specific businesses. After additional discussion, the Commission agreed to eliminate specific business listing from the press release and Portager and not to place any specific emphasis on businesses that donate a gift for the Passbook program.

The Commission also reviewed the various passbook documents and the proposed changes recommended by Attorney Brown and staff. In regard to the News Release, no additional changes were proposed by the Commission. In regard to the Portager article, the Commission discussed a minor change to the second paragraph to clarify the completed Passbook needs to be received by the last day of the month to be eligible for that month's drawing. In regard to the Business Registration form, the Commission agreed to change the word "expose" to "connect". In regard to the Participating Business Instructions sheet, the Commission only had a minor change to No. 1 and the elimination of the word "with". In regard to the Frequently Asked Questions sheet, the Commission agreed to reword No. 2 (b) to state the businesses will be recognized when gift(s) are awarded. The Commission also clarified No. 9 (a) that the raffle/drawing would be held each month at the first meeting of the Planning Commission.

Commissioners Dargitz and Felicijan indicated the Passbook was not yet ready for full review and they were hoping final changes would be completed by early next week. Commissioner Dargitz discussed changes to the Passbook since the May 30<sup>th</sup> meeting and Commissioner Felicijan discussed the desire to issue the News Release on June 26<sup>th</sup>. Mr. Forth suggested the 28<sup>th</sup> to allow for time to finalize the documents and website. Commissioner Felicijan agreed. Mr. Forth reviewed the suggestions listed in the five bullet items included in the June 14, 2013 staff report. Commissioner Felicijan stated these suggestions would be addressed by the subcommittee. Mr. Forth stated he would contact Commissioners Dargitz and Felicijan with links to the city web site and the primary contact person for getting documents uploaded. Attorney Brown stated he would like to review the Passbook once finalized and before the document was uploaded to the web site. After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to move forward with the Passbook program as discussed during the meeting and to give the subcommittee authority to make changes to the program and documents, as needed. The motion was unanimously approved.

#### **ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

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

**TO:** Planning Commission **DATE:** July 25, 2013

**FROM:** Vicki Georgeau <sup>13</sup> Director of Community Development

**SUBJECT:** Special Land Use Permit and Site Plan: Appletree Learning Center, 1518 and 1530 East Centre Avenue

### I. INTRODUCTION:

Special Land Use Permit and Site Plan applications have been submitted by BBI Holdings LLC requesting approval to establish an 11,645 square foot child day care center and associated site improvements at 1518 and 1530 East Centre Avenue. A single family residence, along with the remainder of the former greenhouse buildings that previously occupied this site, were demolished in the Fall of 2012. The approximate 2.8 acre zoning lot is vacant and zoned R-1B, one family residential.

### II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> <li>• <u>Site:</u> Vacant land zoned R-1B, one family residential.</li> <li>• <u>East:</u> Portrait studio and law office (1612 and 1662 East Centre) zoned OS-1, office service and single family residential parcels zoned R-1B.</li> <li>• <u>West:</u> Single family residential dwellings zoned R-1B abut directly to the west. Daycare center and single family dwellings further to the west zoned OS-1.</li> <li>• <u>South:</u> Single family residential dwellings zoned R-1B.</li> <li>• <u>North:</u> Across East Centre Avenue, single family residential parcels zoned OS-1 and R-1B.</li> </ul>
Comprehensive Plan	<ul style="list-style-type: none"> <li>• Future Land Use Map component of the Comprehensive Plan identifies the northern approximate 300-feet of the subject property, along with adjacent parcels to the east and west, and parcels along the north side of East Centre Avenue, as appropriate for office land use. These properties are also located within the Centre Avenue Office Corridor. The southern approximate 265-feet of the subject property, along with adjacent parcels to the south, southeast and southwest are also designated for low density residential land use.</li> </ul>
Access	<ul style="list-style-type: none"> <li>• Full service driveway from East Centre Avenue, situated along the western portion of the site.</li> <li>• East Centre Avenue is designated as a 5 lane major arterial with approximately 20,233 vehicles per day (2011); capacity of 37,100 vehicles per day (level of service "D").</li> </ul>
Environmental Issues	<ul style="list-style-type: none"> <li>• Review of the Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.</li> </ul>
Historic District/Structure	<ul style="list-style-type: none"> <li>• The subject site is not located within a historic district and does not contain any historic structures.</li> </ul>
Land Development Regulations	<ul style="list-style-type: none"> <li>• The application has been submitted under Section 42-182.D, <i>Special Land Use</i> in the R-1B zoning district: "<i>Day care centers, not including dormitories</i>" subject to conditions.</li> <li>• Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.</li> </ul>

### **III. ANALYSIS:**

The proposal to establish a child day care center at the subject site fulfills the requirements for issuance of a Special Land Use Permit. The subject site is located adjacent to an OS-1 district (to the east) and while the property at 1508 East Centre Avenue is also zoned R-1B, one-family residential, given the zoning pattern to the west and east and future land use designation for the vicinity, the property is not considered to be located in the interior part of a one-family residential district. An outdoor play area (approximately 26,800 square feet) will be provided along the south side of the day care building and has been located to provide a minimum 150 foot setback from adjacent residential dwellings to the east, west, south and southwest. To screen this outdoor play area from adjacent residential properties, the applicant is proposing to install a 6-foot tall wooden fence around the west, south and east sides of the outdoor play area.

Access to the site will be provided through a full-service driveway from East Centre Avenue situated along the western portion of the site. Consistent with the Access Management Ordinance, the applicant has agreed to provide future shared/cross access to the adjacent property to the west upon its redevelopment. A note has been placed on the plan citing the commitment to this future cross/shared access. Storm water from the development will be collected and conveyed to a retention basin located along the southwestern portion of the site, between the fenced outdoor play area and the western property line.

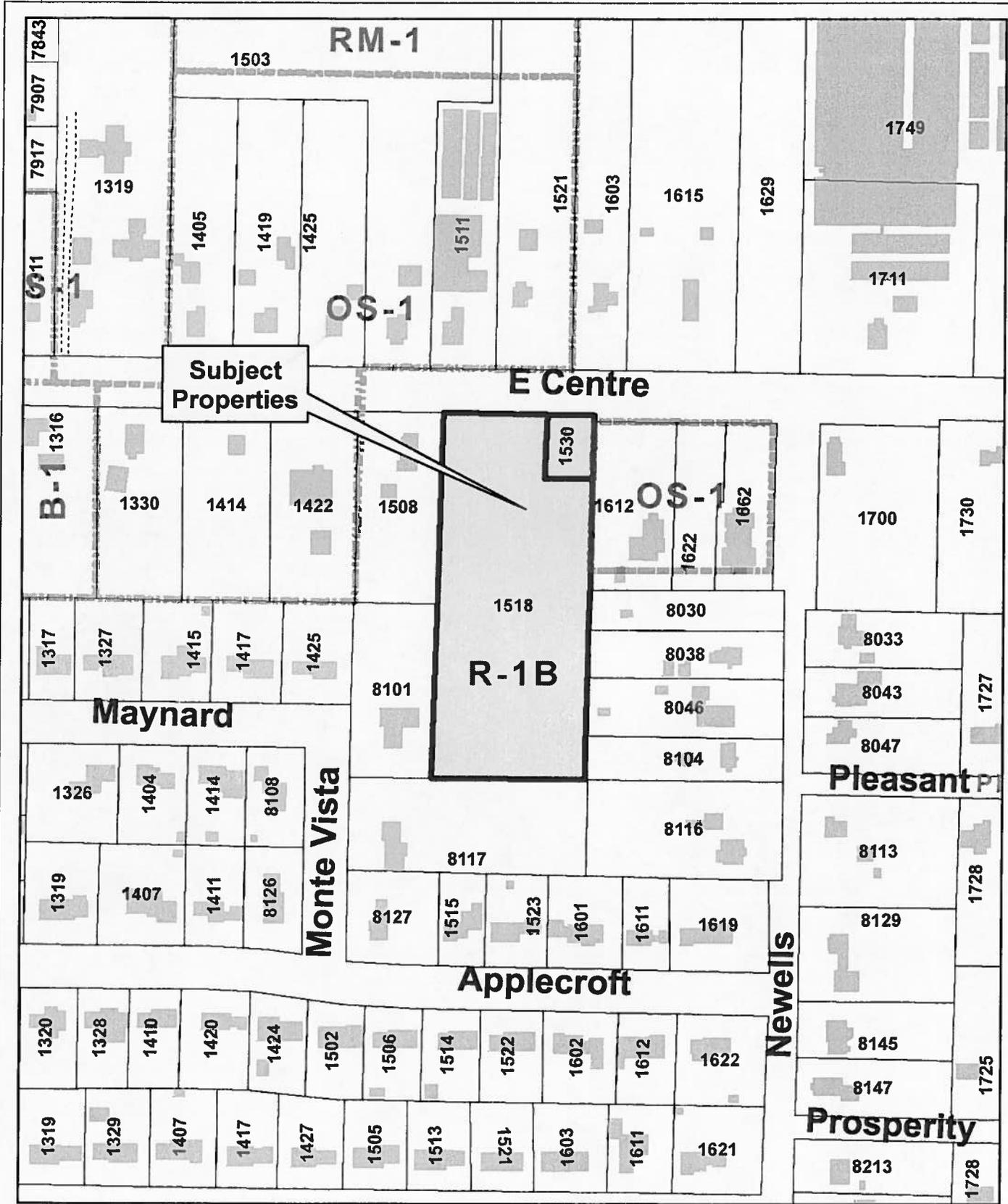
Since the subject site abuts a single family residence and R-1B zoning to the west, conflicting land use screening is required between the parking lot and the western property line. Consistent with ordinance requirements, the plan identifies installation of a 6-foot tall wooden screening fence, 10-foot wide greenstrip area and deciduous tree plantings (every 30-feet) along the western portion of the site, between the parking lot and the adjacent single family residence. Outdoor lighting associated with the child day care center will also be installed and maintained consistent with ordinance standards with shielded fixtures and light levels not exceeding 0.3 footcandles along the west, south and southeast property lines, where abutting single family residential zoning/land use.

Per statutory requirements, residents/property owners within 300 feet of the zoning lot have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also published in the local newspaper.

### **IV. RECOMMENDATION:**

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Appletree Learning Center, 1518 and 1530 East Centre Avenue, be approved. Additionally, the Site Plan for Appletree Learning Center, 1518 and 1530 East Centre Avenue, is also recommended for approval.

Attachments: Vicinity/Zoning Map  
Aerial Photograph  
Special Land Use Permit Application  
Site Plan Sheets

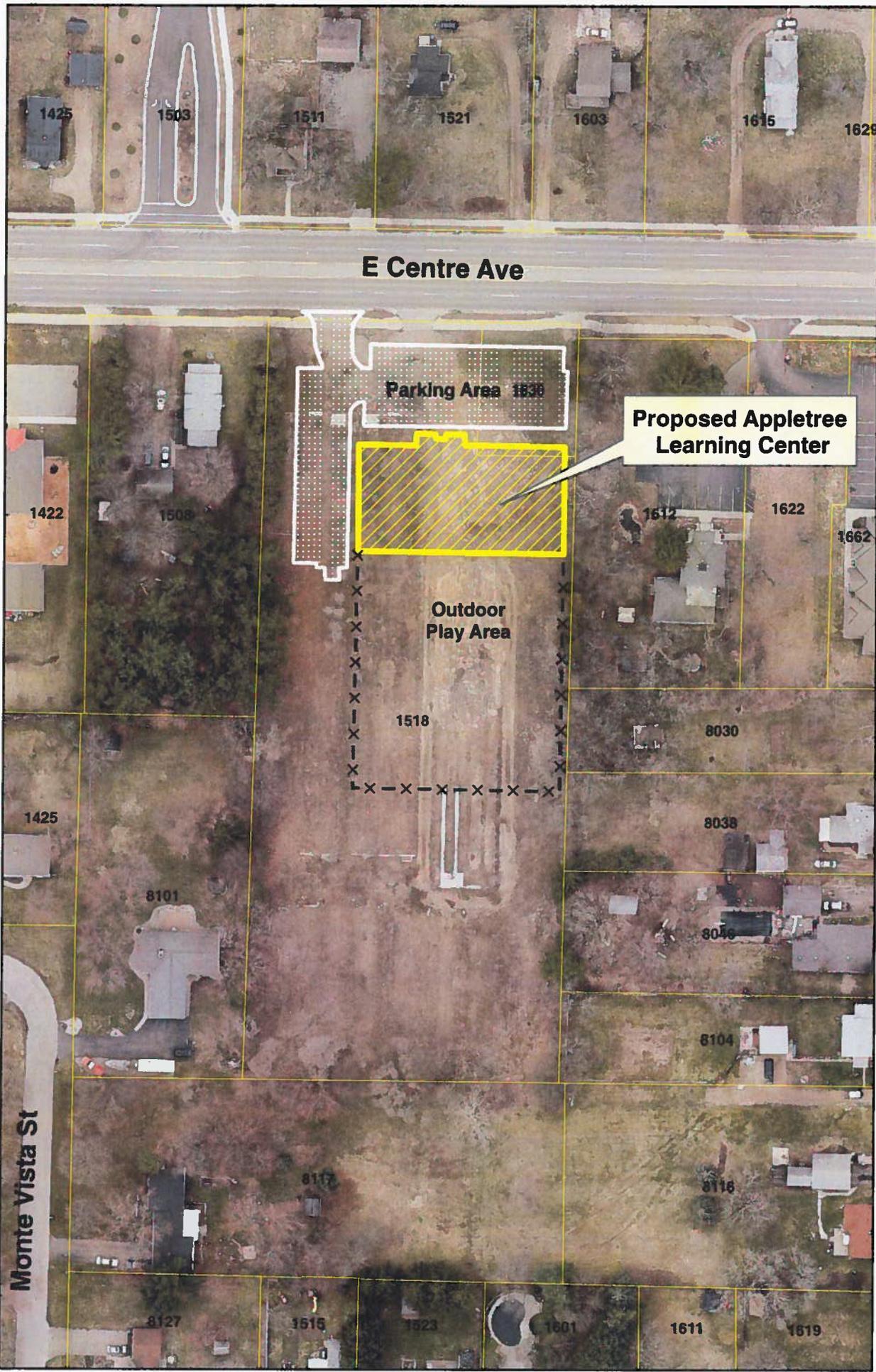


1 inch = 200 feet

## Special Land Use Permit 1518 & 1530 East Centre Avenue

**Legend**

- 300' Notification Boundary
- Subject Properties
- Zoning Boundary



**Appletree Learning Center**  
1518, 1530 East Centre Avenue

1 inch = 100 feet





Department of Community Development

**APPLICANT INFORMATION**

Name BBI Holdings, LLC		Telephone Number (616) 291-4192	
Address 5475 Settlers Pass	City Kentwood	State MI	Zip code 49512

**OWNER INFORMATION** (if different)

Name Will be same as applicant		Telephone Number	
Address	City	State	Zip code

**PROPERTY INFORMATION**

Address of property 1518 and 1530 E Centre Ave	Zoning District R1-A	Land Area (acres) approx. 2.8 acres
Legal Description (or attach separate page) See attached and see site plan		

**PROPOSED USE**

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

Construct an approximate 11,645 sf day care facility licensed for up to 168 children

Construct related parking area and outdoor play area.

**OWNER CERTIFICATION**

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

*David S. Bovey*  
Signature

06-17-2013  
Date

RECEIVED

JUL 03 2013

COMMUNITY DEVELOPMENT

## LEGAL DESCRIPTION OF PROPERTY:

**PARCEL 00022-010-A (1518 E Centre Avenue):**

Section 22, T3S, R11W - Beginning 377 ft west of the northeast corner of Section 22; thence West 151 feet; thence South 595 feet; thence East 221 feet; thence North 462 feet; thence West 70 feet; thence North 133 ft to Point of Beginning, excluding South 1 Rod for R.O.W., also excluding North 33 ft for highway purposes.

**PARCEL 00022-005-A (1530 E Centre Avenue):**

Section 22, T3S, R11W - Beginning 307 ft west of the northeast corner of Section 22; thence West 70 ft; thence South 133 ft; thence East 70 ft; thence North 133 ft to Point of Beginning; excluding North 33 ft for highway purposes.

# **Site Plan/ Special Land Use Request Associated with Appletree Learning Center 1518 and 1530 E Centre Avenue**

## **OVERVIEW OF PROPOSED USE:**

BBI Holdings, LLC, is proposing to construct an 11,645 sf building that will be used by Appletree Learning Center as a day care. In addition to the building, an outdoor 26,800 sf play area will be provided, as well as 48 parking spaces. The facility will be licensed for up to 168 children and will provide a needed service to the area.

The activities occurring at the site will primarily be conducted inside the building. The children are occasionally brought outside to the fenced-in play area. The outside activities are always supervised and are in smaller groups of approximately 32-40 children at one time.

The facility will obtain State licensing and all other required local and state permits and approvals.

The hours of operation will be 6 am to 6 pm Monday through Friday.

There will be approximately 30 people employed by Appletree Learning Center to operate the site, with approximately 15-20 of them working at any given time.

The center will be licensed for 168 children. On an average day, it is anticipated that there will be approximately 130 children at the site. The busiest time of day for drop off will be between 7:30 and 8:30 am, when it is anticipated that there will be approximately 40 families dropping their children off. Regarding traffic and safety internal to the site, please note that Appletree Learning Center requires all people dropping off and picking up their children to walk their children to/from the building. Therefore, no children will be outside by themselves and no formal drop off area is required or desired. Access to the site will be from a proposed shared driveway that will service both the Appletree site as well as the vacant parcel to the east of the site.

The proposed building is a very attractive building. In general, the building materials consist of split face and smooth single-score block with integral color, windows, E.I.F.S., shutters, and asphalt shingles. The eave height is 11 ft above grade. Elevations have been submitted as part of the submittal for review and approval.





**NEDERVELD**  
 LANDSCAPE ARCHITECTS  
 1000 N. LAUREL ST. CHICAGO, IL 60610  
 TEL: 312.467.1100 FAX: 312.467.1101  
 WWW.NEDERVELD.COM

**CHICAGO**  
 OFFICE: 1000 N. LAUREL ST. CHICAGO, IL 60610  
 TEL: 312.467.1100 FAX: 312.467.1101  
 WWW.NEDERVELD.COM

**GRAND RAPIDS**  
 OFFICE: 1000 N. LAUREL ST. CHICAGO, IL 60610  
 TEL: 312.467.1100 FAX: 312.467.1101  
 WWW.NEDERVELD.COM

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 OFFICE: 1000 N. LAUREL ST. CHICAGO, IL 60610  
 TEL: 312.467.1100 FAX: 312.467.1101  
 WWW.NEDERVELD.COM

**APPLETREE LEARNING CENTER**  
 LANDSCAPE PLAN FOR  
 3258 & 1820 E Centre Avenue  
 CITY OF PEORIA, PEORIA COUNTY, ILLINOIS

**GOVERNOR BUILDERS**  
 Attention: Dan Boverhof  
 800 South Pine  
 Peoria, IL 61614

NO.	DATE	DESCRIPTION
1	10/15/10	PRELIMINARY
2	11/15/10	REVISED
3	12/15/10	REVISED
4	01/15/11	REVISED
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7	04/15/11	REVISED
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204	09/15/27	REVISED
205	10/15/27	REVISED
206	11/15/27	REVISED
207	12/15/27	REVISED
208	01/15/28	REVISED
209	02/15/28	REVISED
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 WWW.NEDELVELD.COM

**CHICAGO**  
 GRAND HAVENS  
 HOLLAND  
 ...

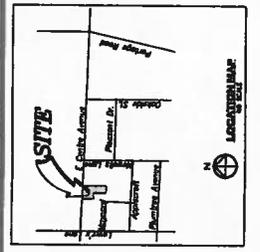
**APPLTRRE LEARNING CENTER**  
 1515 S. 15TH ST. CHICAGO, IL 60603  
 CITY OF CHICAGO, PLANNING DEPARTMENT, DIVISION OF PERMITS, PLANNING AND COMMUNITY DEVELOPMENT

**GOERING, UHRY, and Gull Builders Control Plans Inc.**

**BOERHOF BUILDERS**  
 Architects  
 Dan Boerhof  
 5255 Southland Plaza  
 60637-1100 Chicago, IL

NO.	DATE	DESCRIPTION
1	10/15/13	ISSUED FOR PERMITS
2	10/15/13	ISSUED FOR PERMITS
3	10/15/13	ISSUED FOR PERMITS
4	10/15/13	ISSUED FOR PERMITS
5	10/15/13	ISSUED FOR PERMITS
6	10/15/13	ISSUED FOR PERMITS
7	10/15/13	ISSUED FOR PERMITS
8	10/15/13	ISSUED FOR PERMITS
9	10/15/13	ISSUED FOR PERMITS
10	10/15/13	ISSUED FOR PERMITS

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 4 OF 4



**LEGEND**

- EX. GRADE CONTOUR
- PROJ. GRADE CONTOUR
- EX. UTILITIES, EXISTING SPOT ELEVATION
- PROJ. UTILITIES, EXISTING SPOT ELEVATION

**NOTICE TO CONTRACTOR**

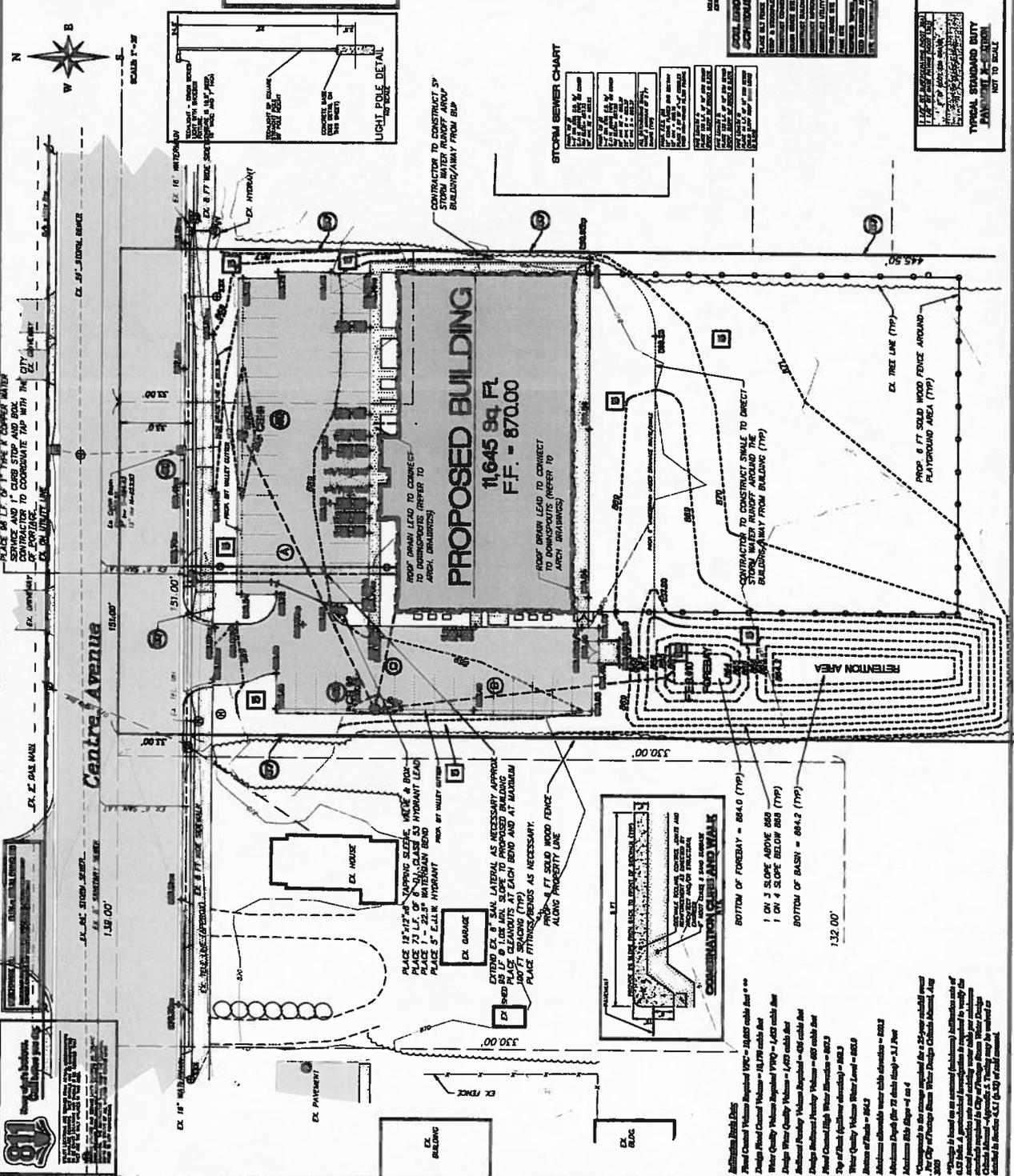
1. REFER TO ALL SHEETS FOR NOTES AND SPECIFICATIONS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO CODES AND ORDINANCES.
3. ALL UTILITIES SHALL BE DEPTH MARKED AND LOCATED PRIOR TO CONSTRUCTION.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO CODES AND ORDINANCES.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO CODES AND ORDINANCES.
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8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO CODES AND ORDINANCES.
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO CODES AND ORDINANCES.
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO CODES AND ORDINANCES.



**SOIL EXPOSURE CONTROL SCHEDULE**

ACTIVITY	START DATE	END DATE
1. EXCAVATION	10/15/13	10/20/13
2. FOUNDATION	10/20/13	10/25/13
3. ROOF	10/25/13	11/05/13
4. INTERIOR	11/05/13	11/15/13
5. EXTERIOR	11/15/13	11/25/13
6. FINISH	11/25/13	12/05/13

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**G5D**  
 4 OF 4



**18**  
 THE CITY OF CHICAGO  
 DEPARTMENT OF PERMITS  
 1515 S. 15TH ST.  
 CHICAGO, IL 60603

**NOTICE TO CONTRACTOR**

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**TO:** Planning Commission **DATE:** July 25, 2013  
**FROM:** Vicki Georgeau, <sup>VJ</sup> Director of Community Development  
**SUBJECT:** Council Sign Committee and Planning Commission Work Group

Attached for your information is the *Executive Summary of Participant Feedback* prepared by TSI Consulting Partners for the City of Portage Business Sign Forum held at City Hall on April 13, 2013. The City Council Sign Committee met on July 15, 2013 to discuss the findings of the attached report, as well as feedback received from the Planning Commission and Zoning Board of Appeals in the fall 2012.

On July 23<sup>rd</sup>, the Council Sign Committee made a report and recommendation to the full City Council to convene a Work Group of the Sign Committee and three Planning Commissioners selected by the chair of the Planning Commission. The Work Group will consult with the City Administration in crafting potential amendments to the Zoning Code sign regulations that are determined appropriate. Once appropriate Zoning Code sign regulation amendments are drafted, formal review and approval through the required public hearing process will occur by the full Planning Commission and City Council.

Therefore, at the August 1, 2013 meeting, it is requested that the Planning Commission designate three members who will serve on the Council Sign Committee Work Group over the next few months in regard to this matter.

Attachment: City of Portage Business Sign Forum *Executive Summary of Participant Feedback* report

# **City of Portage Business Sign Forum**

## **Executive Summary of Participant Feedback**

### **April 13, 2013**

#### **INTRODUCTION**

This *Executive Summary* provides TSI Consulting Partners' analysis of the input received during the City of Portage's Sign Forum on April 13, 2013. Approximately 34 participants in the Sign Forum gave input in two ways:

- Providing qualitative input in response to open-ended questions asked in facilitated focus groups, and
- Providing quantitative input in response to survey questions asked in a large group setting by entering their answers on key pads.

This *Executive Summary* is divided into three sections.

- "Section 1: Summary of Survey Responses" reports the number and percentage of participant responses to each of the nine questions on the survey.
- "Section 2: Key Themes from the Focus Groups" summarizes input from the focus groups by theme under each question. Additional input from the survey is also included where appropriate to provide additional insight.
- "Section 3: TSI's Conclusions" provides several conclusions based on TSI's analysis of both survey and focus group responses.

This *Executive Summary* provides highlights of participant input and should not be considered a comprehensive summary of all participant responses.

#### **SECTION 1: SUMMARY OF SURVEY RESPONSES**

Participant responses to each of the nine questions in the survey are summarized with graphic displays of the results on pages 2 through 6 below.

Session Name: City of Portage v2

Date Created: 4/19/2013 4:00:37 PM

Active Participants: 34 of 34

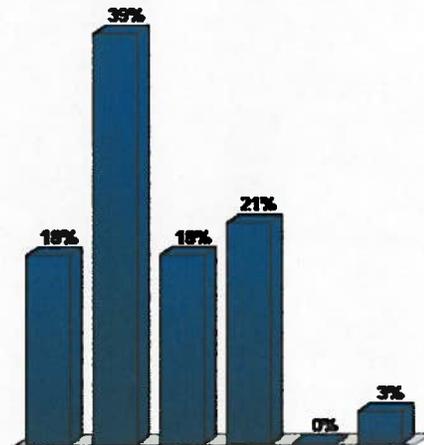
Average Score: 0.00%

Questions: 9

## Results By Question

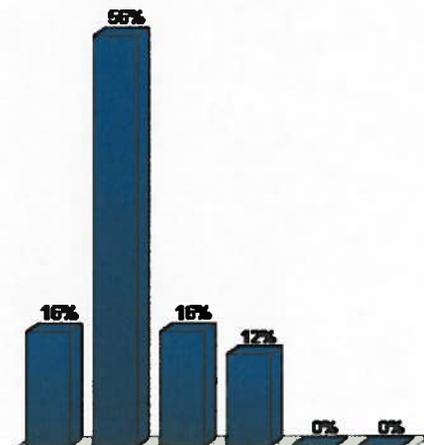
1.) On a scale of 1 to 5, the existing approach to regulating signage in the City of Portage is: (Multiple Choice)

Responses		
	Percent	Count
Far too restrictive;	18.18%	6
Somewhat too restrictive;	39.39%	13
Appropriate / At the right level;	18.18%	6
Somewhat too permissive;	21.21%	7
Far too permissive;	0%	0
Not sure/no opinion.	3.03%	1
<b>Totals</b>	<b>100%</b>	<b>33</b>



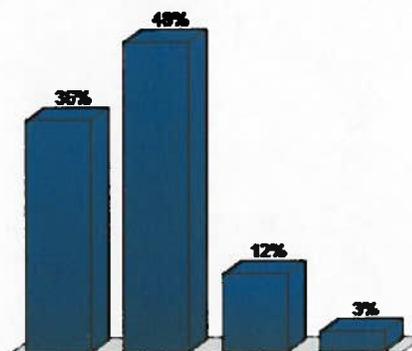
2.) On a scale of 1 to 5, I think existing signs in business areas of the City of Portage are: (Multiple Choice)

Responses		
	Percent	Count
Highly effective;	15.62%	5
Somewhat effective;	56.25%	18
Neither effective or ineffective;	15.62%	5
Somewhat ineffective;	12.5%	4
Highly ineffective;	0%	0
Not sure/no opinion.	0%	0
<b>Totals</b>	<b>100%</b>	<b>32</b>



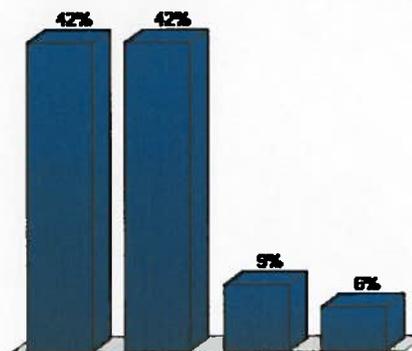
3.) With regard to the number of signs permitted for each business, on a scale of 1 to 3, I favor: (Multiple Choice)

Responses	
Percent	Count
More signs in business areas along city streets;	36.36% 12
No change in the number of signs in business areas along city streets;	48.48% 16
Fewer signs in business areas along city streets;	12.12% 4
Not sure/no opinion.	3.03% 1
<b>Totals</b>	<b>100% 33</b>



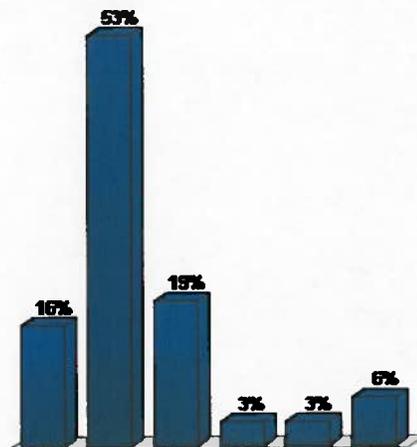
4.) With regard to the size of signs permitted for each business, on a scale of 1 to 3, I favor: (Multiple Choice)

Responses	
Percent	Count
Larger signs in business areas;	42.42% 14
No change in the size of signs in business areas;	42.42% 14
Smaller signs in business areas;	9.09% 3
Not sure/no opinion.	6.06% 2
<b>Totals</b>	<b>100% 33</b>



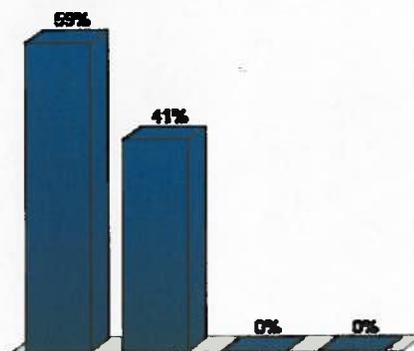
5.) Temporary signs are permitted for a period of 14 days for grand openings, change of business or going out of business events. On a scale of 1 to 5, should regulations for temporary signs be: (Multiple Choice)

Responses	
Percent	Count
Modified to permit their use anytime;	15.62% 5
Modified to increase the frequency of use;	53.12% 17
Remain unchanged;	18.75% 6
Modified to reduce their use;	3.12% 1
Modified to prohibit their use;	3.12% 1
Not sure/no opinion.	6.25% 2
<b>Totals</b>	<b>100% 32</b>



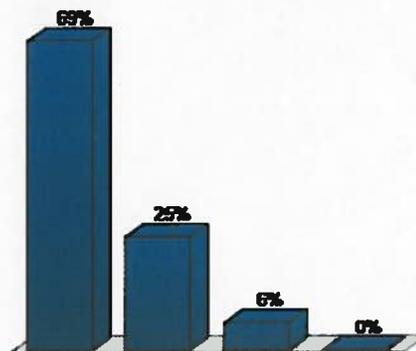
6.) Interior window signs are exempt from regulation by the sign code. On a scale of 1 to 3, should interior window sign regulations: (Multiple Choice)

Responses	
Percent	Count
Remain unchanged/exempt from sign regulation;	59.38% 19
Be regulated to restrict their use;	40.62% 13
Be regulated to prohibit their use.	0% 0
Not sure/no opinion.	0% 0
<b>Totals</b>	<b>100% 32</b>



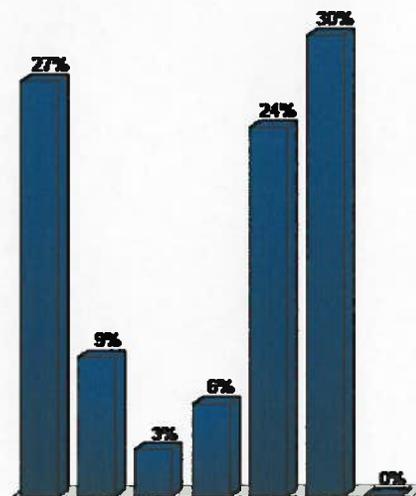
7.) Electronic Message Display (EMD) signs are permitted, but must have static (non-moving) images that change not more than once per 4 seconds. On a scale of 1 to 3, should EMD sign regulations: (Multiple Choice)

Responses	
Percent	Count
Be modified to permit more flexible use;	68.75% 22
Remain unchanged;	25% 8
Be modified to prohibit their use;	6.25% 2
Not sure/no opinion.	0% 0
<b>Totals</b>	<b>100% 32</b>



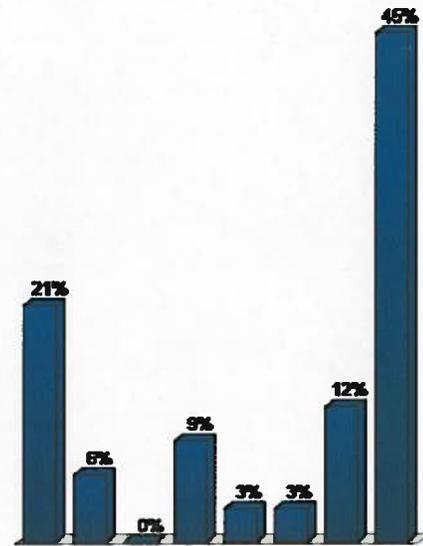
8.) Choose the one category below that best describes you: (Demographic Assignment)

Responses	
Percent	Count
Business owner/operator;	27.27% 9
Commercial developer/landlord;	9.09% 3
Commercial realtor;	3.03% 1
Sign contractor;	6.06% 2
Resident of the City of Portage;	24.24% 8
City Advisory Board/Commissioner	30.3% 10
Other.	0% 0
<b>Totals</b>	<b>100% 33</b>



9.) If you own/operate a business in Portage, please choose the one category below that best describes the type of business: (Demographic Assignment)

	Responses	
	Percent	Count
Service business (personal service, etc.);	21.21%	7
Office (medical, professional, etc.);	6.06%	2
Retail (general merchandise);	0%	0
Retail (specialty, convenience);	9.09%	3
Retail (eating and drinking);	3.03%	1
Industrial/manufacturin g	3.03%	1
Other;	12.12%	4
Not a business owner/operator.	45.45%	15
<b>Totals</b>	<b>100%</b>	<b>33</b>



## **SECTION 2: KEY THEMES FROM FOCUS GROUPS**

Focus group participants were asked open-ended question in small groups of ten participants or less. A facilitator led each focus group – asking the following questions while a recorder summarized participant responses.

- What do you see as the strengths of the City of Portage’s current approach to regulating business signage?
- What concerns do you have about the current approach to regulating signage?
- What suggestions do you have for improving the approach to regulating business signage?
- What are your thoughts on:
  - Free standing signs
  - Wall signs
  - Temporary signs
  - Electronic message displays
  - Window signs
  - Banner signs

### **What do you see as the strengths of the City of Portage’s current approach to regulating business signage?**

- Overall, the City of Portage does a good job balancing interests related to the use of signage.
  - The approach balances aesthetics, safety and business identification/visibility.
  - The intent of the sign ordinance is good. City is trying to work on behalf of the community.
  - Community aesthetics are very important – especially for people who live in the community and enjoy it every day.
  - City has done a good job controlling sign blight and distractive signs.
  - Overall, many participants see the ordinance as working well.
  - Some view the ordinance as “average” compared to other communities.
  - Others see it as above average but still see room for improvement.
- The ordinance is important for consistency.
  - The consistency of the ordinance means that we all follow the same rules.
  - The City of Kalamazoo’s lack of restrictions has led to real problems there.
  - The appeals process allows for variances in appropriate situations.
- The ability to enforce the ordinance helps ensure consistency.
  - Some see enforcement as uniform and consistent.
  - Others see enforcement as inconsistent – as is illustrated by responses to the next question.
- City staff is clear about the current code and provides clear communication.
  - Staff members are friendly, professional and provide good customer service.
  - The City is receptive to input from all concerned parties.

- A number of participants expressed appreciation of the City's efforts to host this meeting and request input from everyone.

### **What concerns do you have about the current approach to regulating signage?**

- Participants expressed a range of views on current signage regulations.
  - Some express concern that current regulations are too restrictive and inhibit business growth.
  - Others see it as adequate but do not want it to become more restrictive.
  - Some participants, particularly those most concerned with aesthetics, express a desire to increase restrictions. (The responses to survey question 1 reported above on page 2 illustrate this range of views.)
  - The sign code is too complex.
  - The broad definition of "sign" and the inability to apply more discretion and reasonableness in what constitute a "sign" is an issue.
  - What's the rational basis for the sign sizes permitted under the ordinance?
  - There needs to be future consideration and allowances for mixed use developments consistent with City of Portage Vision 2025 Plan.
  - The sign code needs to keep up with rapidly changing technology.
  - The variance process is daunting.
- Signage is not being looked at from a business perspective.
  - Portage's sign code is perceived as hostile towards business compared to communities like Kalamazoo or Vicksburg
  - In considering the sign code, the important question for the City to ask is: "Does signage help a business grow?"
  - Currently, there isn't an effective way to advertise a new service, member, or product.
  - Business owners face difficult times; they need more opportunities/allowances for on-premises signage, such as:
    - Slightly larger signs
    - More temporary signage options
  - Businesses are unaware signage is nonconforming until after they move in and are forced to sign a five-year agreement to remove the sign.
- Current signage regulations are more appropriate for big business than for small business.
  - The code seems to be geared towards big chains, not local small businesses.
  - The City should have separate standards for large businesses and small businesses.
  - There's too much emphasis on safety at the expense of small businesses being able to get their message out.
- Because enforcement is complaint-based, it's inconsistent.
  - The City doesn't have the budget to have the staff drive all the key routes on a daily basis.
  - Violations are brought to the staff's attention by employees, the City Council and concerned citizens.
  - There is no enforcement of sign violations by churches and schools.

- There have been times when staff members may have an underlying agenda regarding the use and appearance of signs. They should be unbiased and just let the sign code speak for itself.
- Zoning Board members are not well-informed about sign code.

**What suggestions do you have for improving the approach to regulating business signage?**

- The City of Portage needs to consider ways to provide more proactive advice on signage regulations.
  - There's a need for more education for business owners regarding the types of signs that are allowed in the City of Portage.
  - The need for education and advice is even more critical to help small businesses.
  - Before conducting a survey or considering changes to the ordinance, the City needs to educate the community on what the current sign regulations are. If businesses were fully aware of the current requirements, ordinance changes may not be necessary.
- Adopt ordinance amendments friendly to small businesses.
  - For example, allow small businesses to use inexpensive, temporary signs.
  - Don't penalize the smaller business owners; they don't have the advertising budget of larger businesses.
  - Have a special liaison or ombudsman to help small businesses with code issues.
- Sign contractors need to do a better job of helping their clients understand what the ordinances are in the City of Portage and the importance of complying with them.
  - They need to advise clients on what they can and can't do in the City.
  - If they promote the full capability of an electronic message display, they are overselling their customer.
  - They need to let customers know that regardless of what the sign is capable of doing, only certain things are allowed within the City of Portage.
- Increase the consistency of enforcement of signage regulation.
  - The City needs to make it easier to report violations – by telephone, email, etc.
  - The methods need to be confidential. (That's why the City's website specifically says not to use the website to report ordinance violations.)
  - One remedy for "snipe" temporary signs would be to find a volunteer whose sole job is to remove them.
  - The City of Portage needs to follow its own signage regulations.
- Find more creative ways to solicit additional citizen input regarding signage in the community.
- Participants provided the following suggestions for changing signage regulation.
  - Adopt state sign regulations to ensure consistent standards between the City of Portage and the public schools.
  - Have sign companies draft the new sign code.
  - Consider an ordinance option that would allocate a total square footage formula to a property (based on size, frontage, etc.) and give the business owner the

- flexibility to determine how to distribute that total square footage among different sign types – such as freestanding, wall, billboard, etc.
- Allow larger signs so that businesses don't have to resort to a roadside "clown suit" strategy
  - Use new approaches to ordinance development in order to allow creative signs.
  - Provide more advertising options for businesses using technology.
  - Consider increasing the square footage on billboards (600+ square feet is standard size) and allow them in districts zoned other than industrial – especially along US-131 and I-94.
  - Consider removing billboards from other inappropriate locations within the community.
  - Don't require landscaping along streets; it sometimes obstructs the visibility of signage.

### **Free standing signs**

- The City should make minor adjustments to its regulations in order to allow for more sign area.
- The City needs to continue to be sensitive to vision blockage.
- Business signs for corner lots should not be permitted at the corner (intersection).
- I have a strong preference for monument signs. Often, they have an architectural element that is very aesthetic. In addition, if there is an attractive border/architectural element or landscaping around the base of the sign, it helps aesthetically. If signs use these features, the City could allow them to be larger – loosening the restrictions on monument signs to apply the size/scale restriction only to the sign face.
- Multi-tenant freestanding business signs are often too small to be effective in identifying the businesses. When larger tenant suites are broken up into smaller suites, the business name for each tenant ends up being too small.

### **Wall signs**

- Most participants thought that the current wall sign regulations are appropriate.
- Some thought minor adjustments could be made to allow for more sign area.
- Some indicated smaller businesses could be given a "sign bonus."

### **Temporary signs**

- A number of participants expressed concern about pop up temporary signs.
  - Pop up signs are an eye sore, and the City should tighten restrictions on them.
  - As a business owner, I think that temporary signs – particularly pop up signs – are clutter and an eye sore. They should be restricted more.
  - As a resident I totally agree.
  - Too many 'snipe' yard signs and telephone pole signs blight major intersections.

- Firms on the internet actually promote these “bandit signs” – knowing that they will only survive for two to three days.
- A number of participants suggested expanding the use of temporary signs.
  - Provide more options for business owners to advertise special events for short periods of time
  - Allow more days for temporary signs. (Texas Township allows 52 days per year, and the City of Kalamazoo allows 30 days per year.)
  - Allow temporary signs for sales in commercial zones for two weeks every year.
  - Two weeks for temporary signs is sufficient, but we could consider four weeks.
  - Temporary signage should be expanded to include advertising a new service, member, product or special event.
- Other participants want to keep temporary sign availability limited and appreciate the current approach to temporary signs. In addition, concern was expressed that temporary signs advertising festivals downtown detract from business and should be more tightly restricted.
- Participants provided the following suggestions regarding regulation of temporary signs.
  - Require permits for the temporary signs like Kalamazoo does.
  - Reduce the application fee for temporary signs.
  - We need stronger enforcement on temporary signs and put teeth into the regulation.
  - We need increased enforcement of pop up temporary signs, including increasing the consequence for repeat offenses. Removing the sign is not a sufficient disincentive.
  - The City should consider whether to regulate political signs. During the election season, they can get out of hand. Candidates don't do a good job of taking down their signs after the election.
  - There's a need to enforce the current code on temporary signage equally.
- Survey results demonstrate that all eight respondents describing themselves as business owners/operators support more frequent use of temporary signs.

### **Electronic message displays**

- Participants expressed significant differences of opinion on electronic message displays.
  - Some residents argue that the ordinance regulating electronic message displays should stay at least as restrictive as it is – if not become more restrictive.
  - They prefer less movement on electronic message displays – expressing concern about safety, particularly driver distraction.
  - They also express a desire for appropriate regulation knowing that the number of electronic message displays will increase over time.
  - Business owners view the sign ordinance as very restrictive of the use of electronic message displays. They want greater flexibility to more fully utilize the capability of electronic message displays.

- As a business owner with an electronic message display, I would like to see fewer restrictions on them.
  - At present, the only possibility is “block on/block off” with a four second message. I’d like to have more flexibility to allow “twinkle on/twinkle off.”
  - I agree that we don’t want to allow video or push electronic signage to the extreme.
- The City should allow softer transitions for electronic message displays to reduce a harsh or flash transition from one image to the next.
- Some business owners want the ability to use video while other business owners think the City should stop short of allowing video.
- As technology becomes more inexpensive, electronic message displays will proliferate and there will be pressure on the City to ease restrictions.
- Some participants expressed concern about the brightness of electronic message displays, particularly its impact of neighborhoods, the elderly and safety at night.
- The City should consider further regulation of sign brightness, such as using photo sensors that adjust brightness and contrast based on ambient light levels.
- Concerned was expressed about the visual impact of an existing I-94 electronic billboard on the residential area surrounding it.
- Some participants urge stronger enforcement of electronic message display violations.
  - Some businesses are in violation of the ordinance.
  - There doesn’t seem to be enforcement of violations by churches and schools.
  - Businesses that are complying with the ordinance are being disadvantaged by those who go against the ordinance without suffering any consequences.
  - With all signs other than electronic message displays, compliance with the ordinance occurs when the sign is erected. With electronic message displays, compliance can be a day-by-day or hour-by-hour issue. Every time the business changes its message, the sign can violate the ordinance.
- Survey results indicate that all but one of the nine respondents that categorize themselves as business owners/operators favor allowing more flexible use of electronic message displays.

### **Window signs**

- The biggest concern expressed about window signs is that they often create clutter and are “tacky.”
- Even those participants who view window signs as creating clutter and question their effectiveness don’t necessarily advocate regulating them.
- Other participants do recommend regulating window signs.
- Because window signs are more often oriented toward foot traffic than vehicle traffic, they don’t pose the level of safety concern as other signs.
- All respondents (eight) that characterize themselves as business owners/operators want window signs to remain exempt from regulation. 50% (four respondents) of those who characterize themselves as residents think window signs should be regulated to restrict their use.

## **Banner signs**

- Some participants recommend that banner signs be allowed in all commercial districts and on all commercial property.
- Some business owners participating in the Sign Forum were unfamiliar with the possibility of using banner signs and appreciated the additional flexibility they provide for promoting their businesses.
- Some participants expressed concern that banner signs are too costly to help small business owners.

### **SECTION 3: TSI CONCLUSIONS**

This section provides TSI Consulting Partners' conclusions based on its analysis of the survey results and focus group input.

- The Sign Forum provided an effective approach for:
  - Convening a wide range of participants interested in signage regulation in the City of Portage,
  - Securing their input on current and potential approaches to signage regulation,
  - Providing a forum for community dialogue on signage regulation in which differing views could be voiced, summarized and reported.
- The difficulty of regulating signage in the City of Portage is illustrated by response to survey question 1 – which is reported on page 2 above.
  - 19 of 33 respondents (approximately 58%) indicate that signage regulation is too restrictive.
  - Six respondents (approximately 18%) indicate that it is appropriate/at the right level.
  - Seven respondents (approximately 21%) indicate that it is too permissive.
- The survey respondents who characterized themselves as business owners/operators are the strongest proponents of more flexible signage regulation.
  - Four respondents (50%) view the existing approach as “far too restrictive.”
  - Four respondents (50%) view it as “somewhat too restrictive.”
  - Six respondents (67%) would like more signs in business areas along city streets.
  - Seven respondents (78%) would like to see larger signs.
- Participants voluntarily self-selected to attend the Sign Forum. As a result, it brought together people with a significant interest in signage regulation. While this is a valuable method of surfacing a range of views on signage regulation, this input should not be considered a scientific sample of Portage residents.
- The number of people participating in the Sign Forum is relatively small – 34. In addition, when considering the views expressed of categories of participants – such as business owner/operators or residents – the numbers are even smaller. (In most cases, less than 10.) As a result, policy makers and administrators will need to consider the input from the Sign Forum in light of other factors in developing and implementing approaches to regulating signage within the City of Portage.

**MATERIALS TRANSMITTED**

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – June 10, 2013

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

**MEMBERS PRESENT:** Lowell Seyburn, Doug Rhodus, James White, Jeff Bright, Michael Robbe, and Mariana Singer.

**MEMBERS EXCUSED:**

Bob Soltis, Tim Bunch, Glenn Smith

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

**APPROVAL OF THE MINUTES:** Bright moved and Robbe seconded a motion to approve the May 13, 2013 minutes as submitted. Upon voice vote, motion was approved 6-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**ZBA #12-24, 7152 Starbrook Street:** Mr. Mais summarized the request for a front yard setback variance to construct a garage addition 22 feet from the (east) front property line, where a minimum 30-foot setback is required. Gene Heilman explained that his parents aged in place at this location and experienced considerable difficulties living there due to it not being barrier free. Mr. Heilman proposed constructing a new stairwell which could be fitted with an electric wheelchair lift that would require moving the garage forward five feet closer to the front property line. Bright inquired if the applicant had spoken to his neighbors about the request. Mr. Heilman stated yes and that he had even altered his plans to accommodate their wishes. Rhodus inquired if anyone was currently living there. Mr. Heilman stated no. Robbe inquired why the stairway couldn't be shifted back instead of forward. Mr. Heilman said moving it back would mean cutting into the fireplace foundation and every builder he talked to advised against this due to the difference in soil compaction between the existing chimney foundation and new construction. White commented that shifting it backwards could also create unintended problems with the garage foundation/footings.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Singer, seconded by Bright to grant a variance to construct a garage addition 22 feet from the (east) front property line, where a minimum 30-foot setback is required. There are exceptional circumstances applying to the property that do not apply generally to other properties in the zoning district which include the location of the nonconforming dwelling on the lot and the existing dwelling design; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to have barrier-free housing; the immediate practical difficulty 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: Robbe-No, Singer-Yes White-Yes, Rhodus-Yes, Seyburn-Yes, Bright-Yes. Motion passed 5-1.

ZBA #12-28, 4431, 4301 West Centre Avenue: Mais summarized the request for a variance to allow replacement of a nonconforming sign panel at 4301 West Centre Avenue. Andy Goldberg was present on behalf of the applicant to answer questions.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Bright, seconded by White to grant a variance to allow replacement of a nonconforming sign panel at 4301 West Centre Avenue, conditioned upon no additional freestanding signs be permitted at 4301 West Centre Avenue, and that future sign panel changes be permitted without Board review and approval, provided the sign is not structurally altered in any way and that a sign permit is obtained. There are exceptional circumstances applying to the property that do not apply generally to other properties in the zoning district which include the limited visibility of the bank property at 4431 West Centre Avenue, and the variance will enhance site safety and aesthetics; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify a business near the main access drive; 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: Robbe-Yes, Singer-Yes White-Yes, Rhodus-Yes, Seyburn-Yes, Bright-Yes. Motion passed 6-0.

**OTHER BUSINESS:**

Officer elections were held: Lowell Seyburn – Chair, Jeff Bright – Vice Chair, Mariana Singer - Secretary

**STATEMENT OF CITIZENS:**

None

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator

## CITY COUNCIL MEETING MINUTES FROM JUNE 11, 2013

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

At the request of Mayor Pro Tem Reid, Pastor Kyle Douglass of ReCAST Church of Mattawan 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 and Mayor Pro Tem Claudette S. Reid. Mayor Peter J. Strazdas was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by Urban, to approve the May 28, 2013 Regular Meeting Minutes as presented. Upon a roll call vote, motion carried 5 to 0 with Councilmember Campbell abstaining.

\* **CONSENT AGENDA:** Mayor Pro Tem Reid asked Councilmember Sackley to read the Consent Agenda. Motion by Sackley, seconded by Urban, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 6 to 0.

Mayor Pro Tem Reid asked that an item regarding potential modifications to City Manager's Employment Agreement be added to the City Council Agenda under New Business. Motion by Reid, seconded by Sackley, to add potential modifications to City Manager's Employment Agreement to the City Council Agenda under New Business. Upon a roll call vote, motion carried 6 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE OF JUNE 11, 2013:** Motion by Sackley, seconded by Urban, to approve the Check Register of June 11, 2013, as presented. Upon a roll call vote, motion carried 6 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Keshona Tomorrow, representing Rite Aid, 1915 West Centre Avenue, introduced the new Wellness format being rolled out at Rite Aid and explained. She also invited City Council to the Ribbon-cutting Ceremony on Friday at 10:30 a.m.

### REPORTS FROM THE ADMINISTRATION:

\* **DELINQUENT WATER AND SEWER BILLS:** Motion by Sackley, seconded by Urban, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2013, will be transferred to the 2013 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 6 to 0.

\* **CITY ORDINANCE AMENDMENT:** Motion by Sackley, seconded by Urban, to accept for first reading the proposed amendment to the City of Portage Code of Ordinances by adding Article 9, Midwest Energy Cooperative Franchise, to Chapter 14, Business, Sections 14-192 through 14-202; place the ordinance on file for public inspection with the City Clerk; and, consider final adoption on July 9, 2013. Upon a roll call vote, motion carried 6 to 0.

\* **LOCAL OFFICERS COMPENSATION COMMISSION REPORT:** Motion by Sackley, seconded by Urban, to receive the communication from the Local Officers Compensation Commission. Upon a roll call vote, motion carried 6 to 0.

\* **CITY OF PORTAGE - CHARTER TOWNSHIP OF TEXAS SANITARY SEWER TRANSPORT AGREEMENT:** Motion by Sackley, seconded by Urban, to approve the Sanitary Sewer Transport Agreement between the City of Portage and the Charter Township of Texas and

authorize the Mayor and City Clerk to sign the agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **COMMUNITY SERVICE VAN FOR THE PORTAGE SENIOR CENTER:** Motion by Sackley, seconded by Urban, to approve entering into a Community Service Van Program Lease Agreement with the City of Kalamazoo for storage and use of a van by the City of Portage and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **CHEVROLET TAHOE POLICE VEHICLE EQUIPMENT CHANGEOVER:** Motion by Sackley, seconded by Urban, to approve the expenditure for four (4) Chevrolet Tahoe police vehicle equipment changeovers to Emergency Vehicle Products, in an amount not to exceed \$39,604.48, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **PURCHASE OF FIVE MOTOROLA APX 7000 PATROL RADIOS AND ACCESSORIES:** Motion by Sackley, seconded by Urban, to approve the purchase of five dual band Motorola radios for \$36,849.75 from Motorola Solutions, Inc., a sole source vendor with a state bid contract, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **MAYOR'S PROCLAMATION PROPOSED GUIDELINES:** Motion by Sackley, seconded by Urban, to adopt the Mayor's Proclamation Guidelines. Upon a roll call vote, motion carried 6 to 0.

#### **COMMUNICATION:**

**PLANNING COMMISSION - CITY OF PORTAGE 50<sup>TH</sup> ANNIVERSARY CELEBRATION OF PORTAGE BUSINESSES – PASSBOOK:** Planning Commissioners David Felicijan, Miko Dargitz and Paul Welch addressed City Council regarding the Passbook Concept and draft Passbook provided to Council and the Planning Commission Communication dated May 30, 2013. Discussion followed regarding time constraints, clarity of the project, the evolution of the Passbook Concept, the implementation of the plan thus far and the staff involvement in the Passbook Program. Commissioner Felicijan noted that Commissioner Dargitz has done 99.9% of the work and restated his request for clarity from City Council. Discussion followed. Mayor Pro Tem Reid explained the Passbook Program for the audience. Discussion followed. City Attorney Brown asked for the opportunity to modify some of the verbiage.

Motion by Sackley, seconded by Pearson, to accept the communication from the Planning Commission regarding the City of Portage 50<sup>th</sup> Anniversary Celebration of Portage Businesses – Passbook Concept and Draft Passbook; that the City Attorney review which has already begun be completed; that the Administration participation as outlined by the Planning Commission continue; and, that any expenditure of funds required to implement this Program come from the City Council Training, Education and Meetings Fund. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Mayor Pro Tem Reid thanked the Commissioners for their work.

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

Portage Historic District Commission of April 10 and May 1, 2013.

Portage Park Board of May 1, 2013.

Portage Board of Education Special and Committee of the Whole Work Session of May 6, 2013.

## **AD HOC COMMITTEE REPORTS:**

**50<sup>TH</sup> ANNIVERSARY BANNER COMPETITION WINNER:** Councilmember Pearson reviewed the activity of the City Council School Committee with regard to selecting a banner to commemorate the 50<sup>th</sup> Anniversary of the City of Portage. He referred to the picture of the banner in the City Council Agenda packet and indicated that it was the work of Samantha O'Brien, a student at Portage Northern High School, and was designed in Ms. Myer's Desktop Publishing class. He outlined the request to approve the design and to install two of them at each of the Portage Public School championship locations for \$1,254.00 to be funded through the City Council Training, Education and Meetings Fund. At the request of Mayor Pro Tem Reid, motion by Pearson, seconded by Campbell, to approve the design as presented, and to install two of them at each of the Portage Public School championship locations for \$1,254.00 to be funded through the City Council Training, Education and Meetings Fund. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

**AD HOC PROPERTY COMMITTEE:** Councilmember Campbell reviewed the Property Committee discussion of the three non-conforming, buildable City Outlots located at: 7200 Balfour, 7138 Capri Street and 1600 Friendly Avenue, and indicated that no minimum disposal amounts had been established. Discussion followed. City Manager Maurice Evans advocated starting the process with the dollar amounts provided and see where it goes, but not to start with the minimum appraisal amounts.

Community Development Director Vicki Georgeau explained when the Property Committee first looked at these lots, they asked for appraisals with the highest and best use in mind as they were buildable. However, subsequent to the last Property Committee meeting, Pro Appraisal Services was asked to provide new appraisals with the understanding that the lots would be designated as not buildable. She discussed the resultant appraisals of each of the three City Outlots as presented to each of the adjacent property owners and indicated that notice would be provided to property owners within three hundred feet of each of the properties, which is similar to the notice provided to neighbors within three hundred feet of a rezoning or a special land use, which was requested by Councilmember Sackley.

Councilmember Sackley noted that these properties have existed as outlots for 40 to 65 years; that there was never an intention to build homes on them; that the R-1B designation for non-conforming lots would allow a 5 foot side setback which would place the home very close to the property line; that because they are buildable, but non-conforming lots, the hardship threshold that must be met to make a petition to the Zoning Board of Appeals would be much easier to make because of the nature of the structure and the non-conforming lot. He noted that even though there is no guarantee that the threshold would be met, the hardship would be a given because of the type of lot. Discussion followed. He summed up the recommendation of the Property Committee, saying that the Administration should let the adjacent property owners know that these properties are available for purchase; that they can be divided; also, let the other neighbors in the neighborhood know about it and see what comes back.

At the request of Councilmember Pearson, City Attorney Brown explained Adverse Possession, Tacking and that this theory of law depends on the facts. Discussion followed.

Motion by Campbell, seconded by Pearson, to review what the Administration and City Attorney Brown have provided and bring back a recommendation at the next Regular City Council Meeting. Discussion followed. Upon a voice vote, motion carried 6 to 0.

## **NEW BUSINESS:**

**CITY MANAGER'S EMPLOYMENT AGREEMENT:** Mayor Pro Tem Reid provided a summary of the request from City Manager Maurice Evans for changes to his employment contract. Discussion followed. City Manager Evans volunteered that his request pertained to healthcare and outplacement services for after he leaves employment with the City of Portage. Motion by Sackley, seconded by Urban, to refer potential modifications to City Manager's Employment Agreement to the City Manager Evaluation Committee for review and report back on recommendations to the City Council. Upon a roll call vote, motion carried 6 to 0.

## **BID TABULATIONS:**

- \* **TEMPORARY/SEASONAL EMPLOYMENT SERVICES CONTRACT:** Motion by Sackley, seconded by Urban, to award a contract to OnStaff USA to provide temporary and seasonal employment services through Fiscal Year 2013-14, in an estimated amount of \$244,753.60, with the option of two one-year renewals and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 6 to 0.
  
- \* **WESTFIELD PARK PLAYGROUND RENOVATIONS:** Motion by Sackley, seconded by Urban, to award the bid for the Westfield Park playground renovations to Play Environments, Incorporated, in the amount of \$62,400 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

## **OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Sackley indicated that he attended a meeting of the Kalamazoo County Substance Abuse Task Force yesterday and explained that in 2007-2008, the community and the region experienced some unfortunate occurrences that stimulated some interest and focus on prevention of negative behaviors and outcomes related to alcohol, illegal drugs and prescription drugs. He mentioned that the task force has been very successful and that the Portage Youth Advisory Committee has teamed up with other schools and youth groups in other communities on this. He acknowledged the continued, regular, loyal participation of representatives from the City of Portage, the City Department of Public Safety and Portage Public Schools and recognized each group for their involvement.

Councilmember Randall invited the citizens of Portage to the Taste of Portage, June 22, 2013, 4:30 p.m. until 9:00 p.m., at the Overlander Bandshell, commemorating the 50<sup>th</sup> Anniversary of the City of Portage as a part of the Summer Entertainment Series. She noted that all of the Board and Commission Members have been invited as part of the 50<sup>th</sup> Anniversary of the City of Portage Celebration.

Councilmember Pearson reflected on his days as a Planning Commissioner and made a point to say that the Planning Commission is strictly volunteer and without pay. He also pointed out that City Council received Item F.3, from the Local Officers Compensation Commission, a communication recommending no increase in compensation for the Mayor or the City Council. He then proudly emphasized the community service aspect of serving on City Council.

City Manager Evans apologized for the written recommendation provided under J.2, Ad Hoc Property Committee Report, thinking it is usually a verbal report with no action taken. He also recognized the Sergeant of Arms for tonight, Nathan Slavin, as a recipient of the Meritorious Service Award at the Public Safety Awards Ceremony on June 3, 2013.

Mayor Pro Tem Reid highlighted Item F.5, Community Service Van for the Portage Senior Center, received from the Kalamazoo Transit Authority (KCTA) and funded by the recent millage passed by the voters on May 7, 2013. She also expressed her appreciation to KCTA and the voters. She noted that she recently represented the City of Portage at the opening of the Taoist Tai Chi Society in Portage and welcomed them. She thanked all of the Police and Fire personnel for their service and supported their recognition at the Public Safety Awards Ceremony on June 3, 2013.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:44 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.

## CITY COUNCIL MEETING MINUTES FROM JUNE 25, 2013

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

At the request of Mayor Strazdas, Councilmember Terry Urban gave the invocation and 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 and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Councilmember Edward J. Sackley was absent with notice. Also in attendance were City Manager Maurice Evans, City Attorney Randall Brown and City Clerk James Hudson.

**SPECIAL AWARD:** Mayor Strazdas issued special recognition to Samantha O'Brien, Portage Northern High School student, for receiving the designer award for the City of Portage 50<sup>th</sup> Anniversary Banner Competition from the City Council School Committee. State Representative Margaret O'Brien read a Tribute to Samantha O'Brien issued by Governor Rick Snyder, State Representative Tonya Schuitmaker and herself. She also recognized the contributions of the youth in our community, especially her daughter this night for this accomplishment.

**APPROVAL OF MINUTES:** Motion by Urban, seconded by Reid, to approve the Regular Meeting Minutes of June 11, 2013, as presented. Upon a voice vote, motion carried 5 to 0 with Mayor Strazdas abstaining.

\* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Reid to read the Consent Agenda. Councilmember Randall asked that Item F.4, Acquisition of 1614 West Osterhout Avenue, be removed from the Consent Agenda. Councilmembers Campbell and Pearson asked that Item F.6, Permit to Conduct Fireworks Display, be removed from the Consent Agenda. Mayor Strazdas removed Item F.7, Self-contained Breathing Apparatus (SCBA), from the Consent Agenda. Motion by Reid, seconded by Urban, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 6 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 25, 2013:** Motion by Reid, seconded by Urban, to approve the Check Register of June 25, 2013, as presented. Upon a roll call vote, motion carried 6 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** State Representative Margaret O'Brien, 1625 Bellaire Avenue, provided an update from the State of Michigan and indicated that there is more money for Revenue Sharing back to the communities; that there was some unanticipated one-time funds for roads that are now likely to be ear-marked for still unknown non-freeway related projects; that there was an increase in the amount of funding for debt; that there was an increase in the rainy day savings account; and that the State House of Representatives passed the budget during the last week of May for the third year in a row. Discussion followed regarding her service on the Transportation Committee, her work with the Fireworks issue, State Pension funding and the Rainy Day Fund.

Board of Review Members Richard Ford, Michael Quinn and Wes Mazurek read from prepared statements that outlined concerns with bias and conflicts in the training received, the bias of the City Assessor, possible Open Meetings Act violations, denials of decades of depreciation, upward changes of class of construction that inflate assessments and prior Board of Review decisions nullified by the Assessor for subsequent years, improper alterations of property cards by the City Assessor, the need for earlier notice of tax assessment changes to the citizens, a perception of being publicly criticized

in City Council Chambers and their appreciation for the assistance from the Administration. They provided a letter of concerns signed by the Board of Review Members that was shown to Mayor Strazdas, although admittedly not in full agreement by all of the Members who signed it, yet was never revised to reflect a consensus of the Board as requested by Mayor Strazdas. Mr. Ford offered some solutions: the City of Portage could exercise the right to appeal the Board of Review decisions if they disagree with them, and noted that none have been appealed; could reduce the nonconformity as a result of the sales study because some citizens knew about it and how it works and others did not which would result in a more meaningful appeal; could use Board of Review input and modify the client checklist to accommodate hardship cases and commercial appeals; and could allow Board of Review input to assist in determining the type of training to be conducted. Mr. Ford read a statement from Board of Review Member Bill Fries, who concurred with the concerns expressed previously and added a concern that false building permits are being used by the Assessor that do not exist anywhere in City Hall should not add value to the home. Mr. Fries asked City Council to investigate the discrepancies found by the Board of Review and offered the following solutions: to revert all properties back to original class of construction; to have an external assessment to earn back the trust of the citizens; to establish guidelines for property owners seeking permits for improvements; to have transparency of all records and changes; to mail out tax notifications early as mentioned by Mr. Mazurek; and to insert an information page in the *Portager* about taxation and taxes. At the request of Mr. Fries, Mr. Ford provided pages from the Assessor's Manual to City Council for their review. Discussion followed.

Marilyn Longjohn, 4011 Burkwood Drive, indicated that she moved into Portage in 1969 and in 2011, she went to the City Assessor to have her Assessor Record Card corrected as the City Assessor had her property as being 18 years old, yet her neighbors' houses were 32 years old, according to the records. She also indicated that the classification of her property had been in the C+ range, but was now in the B range. She was told to go to the Board of Review. She said she did not wish to contest her taxes, but she just wanted the record on her house to be accurate. When the Assessor indicated that he would put an extra year on the age of her property, she became suspicious. When she went before the Board of Review and asked about the disparity in the ages of the properties on her street, the Assessor representative indicated that they had to justify the amount of taxes that the property owner pays. She emphasized that her experience with the City Assessor reconfirms some of the comments by Board of Review Members Richard Ford, Michael Quinn and Wes Mazurek. Mayor Pro Tem Reid asked who had made the statement that the City of Portage had to justify the amount of taxes that the property owner pays, and Ms. Longjohn responded that it was not a member of the Board of Review, but someone who was sitting in on the Board of Review from the City, and apologized for not knowing who the person was; nevertheless, she commented that she did know that there are record cards that have been changed. Mayor Pro Tem Reid thanked her.

Ted Varas, 6645 Oleander Lane, former Board of Review Member, confirmed that the MTA Training taught unequivocally that the Class of Construction of a building does not change, and noted his observation of changes in the Class of Construction on the Assessor Cards when he served on the Board of Review, even with no change or addition to the structure. Discussion followed.

## **REPORTS FROM THE ADMINISTRATION:**

**EMERGENCY FIREWORKS REGULATION:** At the request of Mayor Strazdas, City Manager Maurice Evans indicated that because of a recent change in the state law that allows for more local control over the use of fireworks and a recent change in the City of Kalamazoo fireworks ordinance, this is an opportunity to consider options for the City of Portage Code of Ordinances to make the regulation of the use of fireworks in the city more restrictive.

At the request of Mayor Strazdas, City Attorney Randy Brown provided some background for the legal basis for the change in State Law that gives municipalities more power to regulate the use of fireworks in the community. He indicated that once a draft was presented to City Council, suggestions

were presented that prompted a second draft of the ordinance and even a third draft known as Attachment A and Attachment B, respectively. He outlined Attachment A as the proposed Emergency ordinance and explained Attachment B is being proposed for first reading for review, consideration and modification for future approval as a more permanent and comprehensive fireworks ordinance. In response to Mayor Strazdas, Mr. Brown indicated that his preference is for City Council to take the least restrictive means for addressing this matter and, if inclined, to pass an Emergency Ordinance to address the upcoming 4<sup>th</sup> of July Holiday, to just deal with that event, as this is the true emergency before City Council at the present time. Secondly, he indicated that his next preference is for City Council to accept Attachment B for first reading and to discuss any issues that would arise concerning questions and suggestions which would be more appropriately addressed after the emergency ordinance is in place. Discussion followed.

Councilmember Urban indicated that the time for the emergency should extend beyond the upcoming holiday through the time it takes to consider an ordinance in final form; so, he suggested that the emergency ordinance should extend a couple of months or a set period of time to allow time to go through the process to decide on the permanent ordinance and explained. Discussion followed and Councilmembers expressed their concerns with the timing of the restrictions, the fact that families are making plans or have plans for their respective celebrations, the appropriateness of a fireworks ban from 1 a.m. until 8 a.m., and the reasonableness and enforcement of the not more than \$500.00 penalty amount.

Motion by Urban, seconded by Reid, to adopt as an emergency ordinance Article 7, Consumer Fireworks, of Chapter 34, Fire Prevention and Protection, Attachment A as presented in Materials Transmitted of June 25, 2013, with a change in the language in Section 34-159 to read, "1. A person shall not ignite, discharge or use consumer fireworks from June 26, 2013, until September 1, 2013, between the hours of 1 a.m. until 8 a.m." and a change in the language in Section 34-161 to read, "1. A person violating the provisions of this Article shall be responsible for a civil infraction punishable by a civil fine of not more than \$100.00 for each violation" and to repeal Section 50-82, Fireworks, of Article 3 of the Portage Code. Discussion followed regarding the ending date of the emergency ordinance and City Attorney Brown indicated that a 90 day period is usually considered reasonable. Motion by Urban, seconded by Reid, to amend the motion to read September 10, 2013, instead of September 1, 2013. Discussion followed.

Laura Tupper, 9516 East Shore Drive, spoke in opposition to fireworks as she witnesses them every single weekend all summer long at all hours of the evening, Thursday, Friday, Saturday and Sunday. She asked why the rights of those who shoot fireworks seem to be more paramount than her right to the quiet enjoyment of her home and indicated she did not wish to wait until September. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Discussion followed. City Attorney Brown reminded City Council that the City Noise Ordinance can also apply during the times outside the the 1 a.m. until 8 a.m. restriction, depending upon the circumstances, the type of neighborhood, the time of day and the noise level. Discussion followed.

**FIREWORKS REGULATION (FIRST READING):** Councilmember Urban expressed an interest in presenting an ordinance for first reading that would address questions and concerns regarding the use of consumer fireworks outside the 1 a.m. until 8 a.m. restriction contained in the aforementioned and approved Emergency Fireworks Ordinance. Discussion followed. Motion by Urban, seconded by Campbell, to accept for first reading an ordinance to amend the Code of Ordinances of the City of Portage, Michigan, by adding Article 7, Consumer Fireworks, of Chapter 34, Fire Prevention and Protection, by repealing Section 50-82, Fireworks, of Article 3, Offenses Against Public Safety, of Chapter 50, as contained in Attachment B as presented in Materials Transmitted of June 25, 2013, and to set July 9, 2013, for second reading. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

\* **BUDGET AMENDMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDGB) PROGRAM FY 2013-14 ANNUAL ACTION PLAN AND FY 2013-14 HUMAN/PUBLIC SERVICE FUNDING FROM THE GENERAL FUND:** Motion by Reid, seconded by Urban, to approve the recommended budget amendments for the FY 2013-14 Annual Action Plan for the CDBG Program and FY 2013-14 Human/public service funding from the General Fund. Upon a roll call vote, motion carried 6 to 0.

\* **2013 – 2016 TRAFFIC SIGNAL MAINTENANCE CONTRACT (WINDEMULLER ELECTRIC, INCORPORATED):** Motion by Reid, seconded by Urban, to approve a contract extension for maintenance of the city traffic signal system from July 1, 2013 to June 30, 2016 with Windemuller Electric, Incorporated, in the total amount not to exceed \$133,800 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

**ACQUISITION OF 1614 WEST OSTERHOUT AVENUE:** As a member of the Property Committee, Councilmember Randall reviewed the process thus far in this proposed transaction. She noted that the property offered by Bill Patterson for an extended bikeway to Osterhout Avenue from the Eliason Property on Shaver Road with an asking price of \$175,000 for 18 acres that included \$19,000 in back taxes. She indicated that the City Assessor quoted \$295,750 as the true cash value of the property; that staff was opposed to any independent appraisal of the parcel because in general the City obtains appraisals for property under eminent domain proceedings or where the sale price is near the market value; however, since this property is being offered to the city for a price that is less than 60% of its estimated value, an appraisal is not considered necessary. She outlined the appraisal option as exercised by City Council that resulted in an appraised value of \$163,000 and pointed out that the Assessor's value was over assessed by \$132,750 and explained some discrepancies in the history of the valuation of the property by the Assessor. As a result, she asked that City Council consider outsourcing the City Assessor function on the basis of uniformity and integrity. She mentioned the proposed savings of \$250,000 contained in the preliminary bid from WCA, who is performing the Assessor function of the City of Kalamazoo. She thanked the Board of Review Members again for coming. Discussion followed. Councilmember Campbell countered to offer the \$155,000 and have the seller pay the \$19,000 taxes, but Councilmember Urban indicated that the offer is \$155,000 and have the City pay the \$19,000 taxes. Discussion followed.

Motion by Urban, seconded by Reid, to authorize the City Manager to proceed with negotiation of a purchase agreement for 1614 West Osterhout Avenue in an amount not to exceed \$163,000. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

\* **2010 CENSUS LIQUOR LICENSE FOR THE REPERTOIRE COFFEE HOUSE AND THEATRE, INC.:** Motion by Reid, seconded by Urban, to approve the requested 60-day extension to start construction and 90-day extension to complete construction of the Repertoire restaurant/blues-jazz club, which received Conditional Approval for the 2010 Census Liquor License on January 8, 2013. Upon a roll call vote, motion carried 6 to 0.

**PERMIT TO CONDUCT FIREWORKS DISPLAY:** Councilmembers Campbell and Pearson indicated they would be abstaining from the motion. Motion by Urban, seconded by Randall, to approve a permit for a fireworks display on July 4, 2013, sponsored by the Portage Rotary Club. Upon a roll call vote, motion carried 4 to 0 with Councilmembers Campbell and Pearson abstaining.

**SELF-CONTAINED BREATHING APPARATUS (SCBA):** Mayor Strazdas asked that the item be pulled off for the region to get the recognition it deserves for the collaboration, work and leadership of Portage personnel to be able to cooperatively obtain this grant. He stressed that uniformity is key where the equipment is interchangeable among the surrounding jurisdictions.

Motion by Reid, seconded by Urban, to accept the Federal Emergency Management Agency (FEMA) Regional Fire Act Grant for the replacement of worn and outdated self-contained breathing apparatus (SCBA) in the amount of \$893,491 and serve as the sponsoring agency for five other local fire departments participating in this grant. Councilmember Urban indicated that this is a safety measure for public safety as well as the safety of the firefighter who can be confident that the equipment from all of the jurisdictions on site is the same as the equipment he uses from his own unit. Upon a roll call vote, motion carried 6 to 0.

\* **WOODBIDGE OFFICE BUILDING, LLC, CLASS C LIQUOR LICENSE:** Motion by Reid, seconded by Urban, to support the request to transfer ownership of an escrowed 2012 Class C licensed business with Sunday Sales Permit (pm) & Specific Purpose Permit (Food) from River City Food Co. (Finley's Restaurant) to Woodbridge Office Building, LLC. Upon a roll call vote, motion carried 6 to 0.

\* **CENTRE STREET TAP HOUSE CLASS C LIQUOR LICENSE:** Motion by Reid, seconded by Urban, to support the request from Centre Street Tap House to transfer ownership of an escrowed 2013 Class C License with Sunday Sales Permit (pm) and Dance-Entertainment Permit, from Skybar, Inc. (139 Edwards Street, Kalamazoo) and to transfer location (Governmental Unit) (MCL 436.1531(1)) to 3251 West Centre Avenue (Centre Street Tap House), in the City of Portage. Upon a roll call vote, motion carried 6 to 0.

\* **MAY 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Urban, to receive the communication from the City Manager regarding the May 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Urban, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

#### **UNFINISHED BUSINESS:**

\* **MAY 28, 2013 CITY COUNCIL AGENDA ITEM K.1, 2013 BOARD OF REVIEW – FOLLOW-UP:** Motion by Reid, seconded by Urban, to schedule the regular meeting of August 13, 2013, as the date for discussion of questions pertaining to the Board of Review. Upon a roll call vote, motion carried 6 to 0.

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

Portage Zoning Board of Appeals of May 13, 2013.

Portage Planning Commission Regular of May 16 and Special of May 30, 2013.

Portage Board of Education Regular of May 20 and Committee of the Whole and Special Work Session of June 3, 2013.

#### **NEW BUSINESS:**

**CITIZEN-COUNCIL INQUIRY (SUMMER ENTERTAINMENT SERIES):** Mayor Pro Tem Reid discussed a request from David Ostrem, 1515 Dogwood, regarding the possibility of private options for replacing events of the Summer Entertainment Program and for the Administration to provide the policy parameters for a private approach to the Program.

**COMMITTEE REPORT:** Councilmember Urban, as the Portage Representative on the Kalamazoo County Transit Authority, discussed a plan to consolidate transportation in the County and the process going forward for final approval.

**BID TABULATION:**

\* **EQUIPMENT PURCHASE RECOMMENDATION:** Motion by Reid, seconded by Urban, to approve the purchase of the Rotary Portable Column Lift System for a cost of \$56,033.09, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL:** Councilmember Randall, Pearson, Mayor Pro Tem Reid and Mayor Strazdas thanked Board of Review Members Richard Ford, Michael Quinn and Wes Mazurek and former Board of Review Member Ted Varas for coming before City Council and presenting their concerns and for the fine job they have been doing.

City Manager Evans expressed kudos to Accounting / Payables Supervisor Bill Furry and Finance Director Daniel Foecking for receiving the Certificate of Achievement for Excellence in Financial Reporting for the 25<sup>th</sup> year in a row.

Mayor Pro Tem Reid and Mayor Strazdas reflected on the success of the Taste of Portage and Mayor Strazdas noted that there are six new Eagle Scouts, all from Troop 244.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:54 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.

SUMMARY ENVIRONMENTAL ACTIVITY REPORT  
June 2013 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation (AHC) on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. Investigation into methane gas presence in the groundwater continues. First round of sampling completed in April 2012. Second round of sampling completed in June 2012. Initial results indicate no off-site impact Annual report submitted to MDEQ. Review meeting held September 21, 2012 with MDEQ with follow-up in October. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. <i>Weekly methane sampling is continuing on-site to collect base line data.</i></p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -<i>Review of 3 site/building plans and/or plats completed in June 2013.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-<i>Sanitary sewer hookup permits issued in June 2013: 4 residential; 0 commercial. One connection made in conjunction with the mandatory sewer connection program.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. Lake Association has completed 2012 plan and lake treatment completed in May 2012. Permitting complete for the 2013 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Services for consulting services for 2013. <i>Treatment application completed in mid-June. Follow-up inspection of treatment success will be done by Restoration Lake Services.</i></p>
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be</p>

considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. This program will focus primarily on groundwater level information. The 2012 report received and groundwater levels, especially on the east side of Portage, have decreased as a result of seasonal rainfall deficiencies. *Groundwater table elevations show about a one-foot increase over 2012 levels due to recent rain events.*

Wellhead Protection Program (WHPP)  
Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Staff has been invited by MDEQ to participate in Water Supply Emergency Planning. Emergency planning roundtable held on June 10, 2013. Plan implementation is ongoing.

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

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2011 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2012 with minimal groundwater impacts. *Sampling completed in June 2013 with results pending.*

National Pollution Discharge Elimination System (NPDES) permit implementation  
Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. SWIPPI was submitted for MDEQ approval on June 25, 2010. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. The 2010-11 annual report was submitted on January 20, 2012. Storm water informational talk was given to Pfizer, Inc., employees on April 28, 2012. MDEQ scheduled an audit of the program on July

12, 2012. Audit completed with satisfactory results. Several follow-up items with MDEQ were addressed by staff in December 2012. City website updated in February to provide education of Illicit Storm Water Discharge. Currently, staff is working on proposals with other local governments to use a billboard advertising campaign for pollution awareness. Program implementation is ongoing.

National Pollution Discharge Elimination System (NPDES) permit implementation

Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current Watershed Plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. Grant for watershed update was awarded to Calhoun County Conservation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. *Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed.*

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new

ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Two potential illicit discharges were investigated with MDEQ in February 2012. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. *The 2013 program began in June.* Implementation is ongoing.

**Storm Sewer Outfall Testing**

On March 23, 2011, City Council awarded a four year contract to Wightman Environmental to perform testing of selected storm sewers which discharge to surface water. This work is required as part of the NPDES permit. The 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. The 2012 report received with continuing minor impacts from the Woodland Avenue outfall. Testing results are reported to MDEQ as part of the NPDES annual report.

**Garden Lane Arsenic Removal Facility**

Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.

Facility is in operation with ribbon cutting held August 2, 2010. The facility is producing approximately one million gallons of water per day. Facility is in regular operation. Plant tour for Stryker Engineering group was held on June 19, 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design with Native Connections, Inc., for the facility. Regrading and installation of native landscaping seeding completed on November 16, 2012. Spring 2013 germination shows promising results. Area will require weeding of non-native species in summer. Staff currently working with the Environmental Board on informative signs.

**Environmental Incident/Spill Clean Up Notification**

Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.

*-The number of environmental incident/spill investigations performed in June 2013 - 0. Number of environmental cleanups in June - 0. Emergency spill response contract for 2013-14 with Terra Contracting has been renewed.*

**Hampton Wetland Area Water Level**

Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDEQ staff to determine feasible method to lower water levels. Association currently working with MDEQ permit staff on February 26, 2010 to clarify

permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDEQ held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider Governmental Lake Board. The Association is considering next steps. No new developments. Seasonal low water levels have reduced the urgency to control water levels.

**Southwest Michigan Regional  
Sustainability Covenant**

Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.