



PLANNING COMMISSION

January 9, 2014

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

January 9, 2014

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

APPROVAL OF MINUTES:

- * December 19, 2013

SITE/FINAL PLANS:

- * 1. Special Land Use Permit: Paragon Auto Sales, 7215 South Westnedge Avenue

PUBLIC HEARINGS:

OLD BUSINESS:

- 1. City of Portage 50th Anniversary Celebration – December Passbook Drawing

NEW BUSINESS:

- * 1. Ordinance Amendment #14-A, Sign Regulations
-- adjourn meeting to Conference Room No. 2

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

December 3, 2013 City Council meeting minutes
December 16, 2013 City Council special meeting minutes
Summary of Environmental Activity Report – November 2013

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

PLANNING COMMISSION

December 19, 2013

The City of Portage Planning Commission meeting of December 19, 2013 was called to order by Vice-Chairman Felicijan at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

MEMBERS PRESENT:

Bill Patterson, Dave Felicijan, Betty Schimmel, Brian Somers, Wayne Stoffer, Miko Dargitz and Allan Reiff (arrived at 7:10pm).

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Paul Welch and Rick Bosch

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services and Michael west, Assistant City Planner.

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF MINUTES:

Vice-Chairman Felicijan referred the Commission to the December 5, 2013 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was approved 6-0.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

None.

<p>7:03 p.m. - The Commission took a short recess. 7:07 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1</p>

NEW BUSINESS:

1. 2014 Comprehensive Plan Update, Community Snapshot – Existing Conditions Report: Mr. Forth introduced the item and discussed the background information contained in the Community Snapshot – Existing Conditions Report. Mr. Forth also referred the Commission to the 12/18/2013 email responses from staff to Chairman Welch and Commission Patterson that were included in the final agenda materials.

The Commission discussed the possibility of a marina along Portage Road, near Austin Lake and West Lake, and where such a recommendation should be included in the Comprehensive Plan Update. Mr. Forth stated the recommendation could be included in the Comprehensive Plan Update as either a goal/objective or as

an implementation strategy. Commissioner Somers discussed the possibility of a goal/objective in the Comprehensive Plan Update that addresses a “line of sight” provision/requirement for single family home construction along lakes (e.g., 45 degree line of sight to preserve lake views and provide a more consistent building setback). Commissioner Dargitz suggested inserting language into the Community Identify & History section of the report that references Portage as a “Natural Place to Move” with interconnected trails and bikeways. Commissioner Reiff asked if the Community Snapshot – Existing Conditions Report could include a brief discussion of the transformation of the employment base in the city over the past few decades from a large single employer (Pfizer) to a greater reliance on several smaller employers.

Commissioner Dargitz suggested that forested areas (>5 acres) be included on the Natural Features Map to reflect existing open space areas where the city could be more diligent during review of development projects. Commissioner Dargitz also discussed possible open space or conservation zoning regulations as ways to preserve forested and open space areas on private properties. The Commission discussed how the city could regulate or encourage preservation of open space areas on private properties. Mr. Forth and Mr. West discussed zoning mechanisms including the use of the planned development zoning districts (e.g., Harbors West Planned Development) as methods of encouraging developers to preserve unique natural areas during design of development projects. Mr. Forth indicated he would discuss with the consultant inclusion of forested areas (>5 acres) on the Natural Features Map and goals/objectives and implementation strategies that could be included in the Comprehensive Plan Update to encourage open space and natural area preservation.

Commissioner Dargitz asked why the State Game Area land was included under the “vacant” category of the 2007-2012 Land Use Comparison table and also asked if an acreage breakdown could be provided for the “public/quasi-public recreational & institutional” category. Mr. Forth stated he would review these issues with the consultant and provide more information at a future meeting.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

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

TO: Planning Commission **DATE:** January 2, 2014
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: Special Land Use Permit: Paragon Auto Sales, 7215 South Westnedge Avenue

I. INTRODUCTION:

A Special Land Use Permit application has been submitted by Mr. Irfan Gill, on behalf of Paragon Auto Sales, requesting approval to establish an automobile dealership at 7215 South Westnedge Avenue. The approximate 0.56 acre parcel is zoned B-3, general business and occupied by a 3,072 square foot building, 44-car parking lot and related site improvements. Approximately 2,000 square feet of this existing building is currently occupied by Paragon Leather. According to the applicant, the remaining portion of the building (1,072 square feet) will be used as office space for Paragon Auto Sales. Fifteen (15) existing parking spaces located along the southern portion of the site will be used for vehicle display and sales while the remaining 29 spaces will be used for customer/employee parking for both Paragon Leather and Paragon Auto Sales. Finally, no exterior site improvements or modifications are proposed.

II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • <u>Site:</u> Paragon Leather with 3,072 square foot building and associated site improvements zoned B-3, general business. • <u>South/East:</u> Kalsee Credit Union, 7225 South Westnedge Avenue, zoned B-3. • <u>North:</u> Former Playtime Billiards, 7141 South Westnedge Avenue, zoned B-3. • <u>West:</u> Across South Westnedge Avenue, Putters Family Fun Center (7206 South Westnedge Avenue) zoned B-3.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map component of the Comprehensive Plan identifies the subject property, along with adjacent properties to the north, south, east and west, as appropriate for general business land use. The site is also located within the South Westnedge Avenue Commercial Corridor.
Access	<ul style="list-style-type: none"> • Existing full service driveway from South Westnedge Avenue. • South Westnedge Avenue is designated as a 5 lane major arterial with approximately 24,514 vehicles per day (2012); capacity of 32,200 vehicles per day (level of service "D").
Historic District/Structure	<ul style="list-style-type: none"> • The subject site is not located within a historic district and does not contain any historic structures.
Land Development Regulations	<ul style="list-style-type: none"> • The application has been submitted under Section 42-262.C.1, <i>Special Land Use</i> in the B-3 zoning district: "Vehicle dealerships, licensed by the state, for the sale and rental of and/or recreational vehicles, including accessory uses when related and incidental thereto" subject to conditions. • 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.

III. ANALYSIS:

The proposal to establish a vehicle dealership at the subject site fulfills the requirements for issuance of a Special Land Use Permit. The vehicle dealership will be licensed by the State of Michigan and all vehicle sales/display areas and related customer and employee parking will occur on the existing paved parking lot. Ingress and egress to the site will be provided through the existing full service driveway from South Westnedge Avenue which is situated at least 60 feet from the intersection of any two streets. According to the applicant, no vehicle repairs will be conducted at the site: Vehicle repairs and servicing will occur at an off-site facility. Finally, the proposed automobile dealership will be operated and maintained in compliance with all applicable Code of Ordinance requirements including outdoor lighting, noise, parking and property maintenance related provisions.

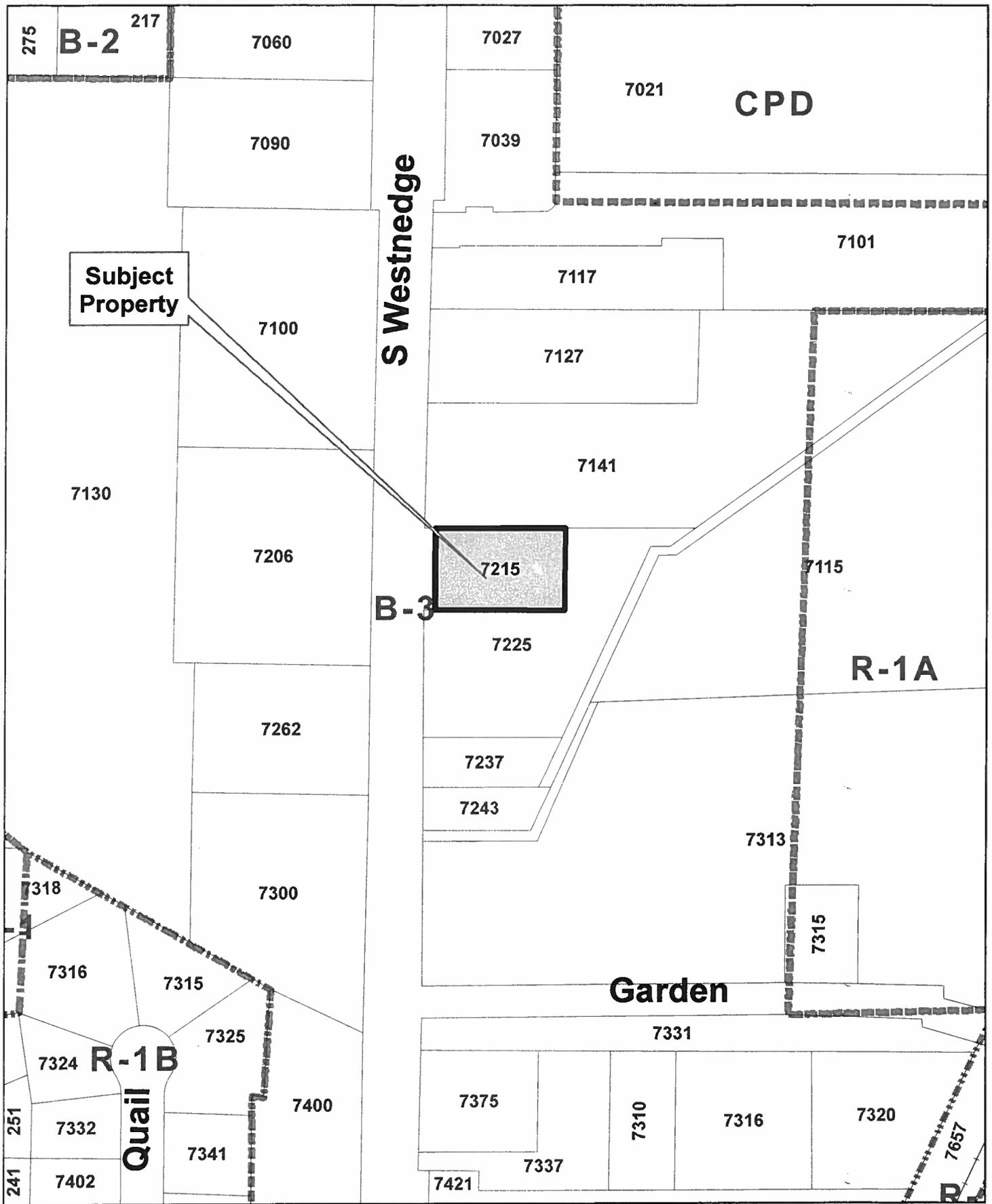
Per statutory requirements, residents/property owners within 300 feet of the zoning lot have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also published in the local newspaper.

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 Paragon Auto Sales, 7215 South Westnedge Avenue, be approved.

Attachments: Vicinity/Zoning Map
Aerial Photograph Map
Special Land Use Permit Application, Supporting Letter and Site Sketch

S:\Commdev\2013-2014 Department Files\Board Files\Planning Commission\PC Reports\Special Land Use Permits\2014 01 03 Paragon Auto Sales, 7215 South Westnedge (SLUP).doc



Special Land Use Permit
7215 South Westnedge Avenue



1 inch = 200 feet

Legend

-  Subject Property
-  Zoning Boundary



1 inch = 50 feet

Aerial Photography

7215 South Westnedge Avenue

Legend

 Subject Property



Department of Community Development

APPLICANT INFORMATION			
Name <i>Paragon Auto Sales</i>		Telephone Number <i>269-323-9483</i>	
Address <i>7215 S. Westnedge Ave</i>		City <i>Portage</i>	State <i>MI</i>
		Zip code <i>49002</i>	
OWNER INFORMATION (if different)			
Name <i>IRFAN GILL</i>		Telephone Number	
Address <i>1960 Schuring Road</i>		City <i>Portage</i>	State <i>MI</i>
		Zip code <i>49024</i>	
PROPERTY INFORMATION			
Address of property <i>7215 S. Westnedge Ave</i>		Zoning District	Land Area (Acres)
Legal Description (or attach separate page)			
PROPOSED USE			
Description of proposed Special Land Use (attach additional page(s), if necessary)			
<i>used Vehicle Dealership (Description Attached)</i>			
OWNER CERTIFICATION			
I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.			
Signature 		Date <i>11-29-2013</i>	

RECEIVED
NOV 29 2013
COMMUNITY DEVELOPMENT

Paragon
Auto Sales

7215 S. Westnedge Ave,
Portage, MI 49002
269-323-9483, Fax 269-323-9482

RECEIVED
DEC 19 2013
COMMUNITY DEVELOPMENT

To
City of Portage,
Dept. of Community Development,
7900 S. Westnedge Ave, Portage, MI 49002
Attn. Board of Planning Commission

December 19th, 2013

Ref: Special Land Use Permit for used Vehicle dealership

The property located at 7215 S. Westnedge Ave in Portage has 3,072 Square feet building. Almost 2,000 square feet is being used by preexisting business, 'Paragon Leather'. The remaining portion of the building which is 1,072 square feet will be used to conduct Used Auto Sales business. The property has 150 x 150 feet paved parking lot with 44 regular size car parking spaces. (*See attached picture*). We are planning to use up to 15 used cars for sale, on the South side of the parking lot as indicated on the *photo attached*. That will leave 29 open parking spaces for Paragon customers and Auto sale customers All vehicles, on our lot will be pre-owned, inspected and fixed as needed before we put them for sale. There will be no repair facility provided at our location. Any repairs will be sent out to certified auto repair facility within 10 miles radius of our property. We will have a office inside the building to conduct auto sales business. It will be state licensed and insured business before we open to public.

According to the Live Publish Muni Code section 42-262, B-3 General Business District requirement for Vehicle Dealership, our property meet the following requirements:-

1. *All vehicles that have been prepared for sales and are ready for sale shall be located in vehicle display area, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within area.*
2. *Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.*
3. *No major vehicle repair or refinishing shall be done on the site*

Hours of Operation: After state license for used auto dealership is issued to us, we will stay open Monday to Saturday from 10 AM to 6 PM for public.

Site Plan: As shown in the attached picture, paved parking lot is 150 x 150 feet with 44 regular size car parking spaces. We are planning to use 15 parking spaces at South side to display used auto for sales as marked on the attached picture. That will leave 29 parking spaces open for the customers.

Sincerely,


Irfan Gill

7215 S. Westnedge Ave

← Westnedge →

Customer Parking

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Customer Parking

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used cars for sale

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Palagon
Leather

Palagon
Auto Sale
office



TO: Planning Commission

DATE: January 3, 2014

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

SUBJECT: Ordinance Amendment 14-A, Sign Regulations

I. INTRODUCTION:

The Sign Ordinance Committee Work Group, which consisted of the Council Sign Ordinance Committee and three members from the Planning Commission, met on October 22nd to review potential amendments to the sign regulations provided in the Zoning Code based on input received from the Business Sign Forum as well as the Planning Commission and Zoning Board of Appeals workshops. As background for the Commission, attached is the September 25, 2013 communication reviewed by the Sign Ordinance Committee Work Group, which summarizes recommended amendments in the areas of: wall signs, non-conforming signs; electronic message display signs; banner signs; temporary signs and the definition of “sign” to permit more flexibility and creativity. In addition, attached is a report from the Ad Hoc Sign Committee that was accepted by City Council on October 22nd and indicates concurrence with the recommendations of the September 25th staff report, but with additional modifications to banner signs and temporary signs.

II. PROPOSED SIGN AMENDMENTS:

Pursuant to the recommendations of the Sign Ordinance Committee Work Group and City Council, attached is draft ordinance language subsequently prepared by staff and the City Attorney. The ordinance language shows revisions in underline (new text) and strikeout (deleted text) and is further summarized below.

1. Section 42-541, Definitions

- Sign and Sign Face. There has been some concern expressed that the Zoning Code definition of “sign” is overly broad and/or that decorative images, graphics and other non-commercial displays, architectural and/or landscape features are not permitted. Accordingly, the definition of “sign” has been modified to:
 - eliminate the wording, “which directs attention to...” and replacing it with language that indicates a sign “identifies, depicts, or otherwise advertises” a product, service, place, activity...”
 - specifically exclude: a) murals, which are to be regulated in the General Provisions of the Zoning Code under Section 42-138; and b) graphics, illustrations, architectural or landscape features used solely for decorative purposes which do not display a business name, logo or trademark and do not identify, depict or otherwise advertise a product, business or service.

- The definition of sign has also been modified to clarify a sign includes the support structure, sign pole and/or anchoring device. This change is proposed to address a prior legal challenge to the definition of a sign.
- Electronic Message Display (EMD). The definition of “dissolve” and “fade” have been deleted from this section. These changes are proposed in combination with revisions to Section 42-542(I), which allow more flexibility in the use of EMD transitions, as discussed in more detail under item #3 below.

2. Sections 42-542(H), Removal of Signs and 42-1284, Removal of Hazardous Signs

These two sections of the Land Development Regulations address removal of a sign if determined to be a hazard to the health, safety or general welfare of the public. During the development of specific ordinance amendment language, an inconsistency between Section 42-542(H) of the Zoning Code (Article 4), and Section 42-1284 of the Sign Code (Article 11) was noted. For Commission information, Article 11 of the Land Development Regulations provides construction and maintenance standards related to signs, which compares to the Zoning Code (Article 4), which regulates the number, size and placement of signs. The proposed amendatory language corrects the inconsistency between the two sections and also stipulates the abatement procedure must be in accordance with the existing abatement procedure contained in Section 24-113(e), Abatement procedure, specified in the Community Quality Code, Chapter 24 of the Code of Ordinances.

3. Section 42-542(I), Electronic or Mechanical Sign Elements

Two issues were identified with regard to EMD sign displays that are proposed for modification: 1) Allowing different types of transitions between sign “frames” to permit a wider array of motion/movement; and 2) concerns involving glare and/or brightness.

- Sign Transitions. Under the current ordinance language, messages on an EMD must be presented in static displays only. The transition from one static display to another can be accomplished through subtle dissolve, fade or similar transitions. While business owners have expressed a concern with EMD sign restrictions, there has been continued input from the general public as well in regard to distractions and potential hazards with regard to these signs. In an effort to allow the business community to utilize more of the available EMD technology, while at the same time address the input from the general public, ordinance language is proposed that will maintain the static display for message frames, yet permit transitions that include traveling or scrolling text and images. Such transitions should occur over not more than one second and should not include images that expand or contract, flash, spin/rotate, twist, bounce or other comparable movements.
- Glare and/or brightness. The sign regulations currently require that all EMDs be equipped with dimming capabilities so that the intensity of the light source can be controlled in the event the sign causes glare. Several existing EMD signs include a manual dimmer that is

not as effective in comparison to an ambient light sensor that adjusts sign brightness according to existing exterior light conditions. The proposed ordinance language would require that all EMD signs be equipped with an automatic ambient light sensor to prevent glare. An automatic ambient light sensor would also improve sign message legibility and extend the life of the EMD.

- In addition to the proposed ordinance language, two other administrative changes will be implemented with the permit application and review process, which include: a) requiring a signed affidavit from the sign owner and operator that the EMD sign regulations have been received and reviewed prior to the issuance of any sign permit that includes an EMD display; and b) requiring a signed affidavit from the sign contractor that the ambient light sensor has been installed and calibrated to ambient light conditions within not more than 10 days after sign installation.
4. Section 42-542(J): A new subsection under General Requirements is proposed that clarifies that all exterior signs within the City of Portage are also subject to the construction and maintenance standards required in Article 11 (Signs) of the Land Development Regulations.
 5. Section 42-543, Signs Permitted in All Districts

The Zoning Code provides a number of mechanisms for businesses to routinely advertise promotions and events via temporary signage, which include: changeable copy board, electronic message displays, banner signs, public event signs (for a non-commercial event of community-wide interest) and holiday decorations. In addition, for grand openings, change of business (ownership) and going out of business events, signs are permitted for a 14-day period. In order to prevent sign clutter and due to the challenges associated with temporary sign enforcement, the current requirements pertaining to the use of temporary signs is recommended, but with the following amendments designed to allow more business flexibility:

- Section 42-543(F), Public Event Signs. Subsection 5 has been modified to clarify that one 64 square foot sign is permitted, and subsection 6 has been added to clarify a 10-foot setback for signs is required. In addition, a new subsection 7 has been added to clarify an EMD sign is permitted subject to the provisions of Section 42-542(I). Finally, a new subsection 8 has been added to clarify that public event signs six square feet in area or less do not require a permit.
- Section 42-543(H), Opening of a New Business, Change in Business or Going out of Business Sales. This section has been modified to permit the use of an EMD sign subject to the provisions of Section 42-542(I).
- Section 42-543(I), Temporary Signs-Generally. A new subsection is proposed that permits businesses to use a 40 square foot temporary sign for one display period (up to seven consecutive days) during any calendar year. This display period would be in addition to a

grand opening, change in ownership/tenancy or going out of business display event. Use of an EMD would also be permitted subject to the provisions of Section 42-542(I).

- Section 42-543(J), Temporary Pedestrian Oriented Signs. A new subsection is proposed that permits businesses to utilize a pedestrian oriented sign not exceeding six square feet in area when located within 10 feet of the main customer entrance. A permit for this type of sign would not be required.

- Section 42-543(K), Banner Signs. Currently, banner signs are only permitted in the business districts. The proposed amendment removes the existing banner provisions in each respective business district, and inserts language in Section 42-543 that permits banner signs in any zoning district (note: except for active home occupations, which are permitted a six square foot sign, such home based businesses are not permitted to have signs, including banner signs). In addition, the following changes are recommended to provide additional flexibility and options to advertise promotions and events via this type of temporary signage:
 - Allow the entire banner to be used for sign copy (current ordinance language limits the sign area to no more than 50% of the area of the banner).
 - Allow the banner to be placed at the property line (10-foot setback is currently required) as long as it does not project into the public right-of-way or over a public sidewalk.
 - In conjunction with the setback revision above, the required height above the adjacent grade has been increased from six to eight feet to address potential vision obstructions and provide more sufficient ground clearance.
 - Provisions regarding maintenance of the banner and its support structure have been clarified.
 - Provisions regarding the permit requirements for banner signs have been added. In particular, a permit is required for the initial installation. However, no permit is required for subsequent banner changes if there is no change to the support structure and/or anchoring device, and the requirements of the subsection are otherwise met.

- Section 42-543(M), Holiday Decorations. Currently, around the annual Christmas holiday, decorations are restricted to the day after Thanksgiving to January 2. It is recommended this display period be extended from November 1 to January 15 to align with more common practice within the community.

- Section 42-543(O), Substitution Clause. This new subsection has been recommended by the City Attorney and addresses First Amendment issues with regard to sign regulation. This clause has been added to comply with legal requirements which forbid the favoring of commercial speech over noncommercial speech.

6. Section 42-544(B), Nonconforming Signs.

In an effort to phase out signs that do not meet current ordinance provisions with regard to sign area, height, setback and/or number of signs on a zoning lot, Section 42-544 of the Zoning Code prohibits any changes (including wording or graphics) to an existing nonconforming sign unless a variance is received. As an alternative to obtaining a variance, a non-conforming sign may be changed and utilized over a five-year period, provided the property/sign owner enters into an agreement with the city to remove the sign at the end of the period with a sign that conforms to the Zoning Code.

In an effort to assist business owners and/or property owners, it is recommended that Section 42-544(B)(2) that prohibits changing words or symbols be deleted, while other provisions intended to gradually phase out such signs remain in place. As a significant number of nonconforming signs have been replaced with conforming signs since the initial adoption of the sign regulations, this revision is reasonable and would not impair the intent of the ordinance, yet allow additional flexibility for sign owners and businesses.

In addition to the above, two other minor changes are recommended: a) the time period provided in Section 42-544(B)(3) in which a non-conforming sign can be re-established after a business vacancy has been increased from 30 days to 180 days; and b) Section 42-544(B)(6) has been amended to clarify what is a substantial improvement to the property that would require removal of a nonconforming sign. The amendment clarifies that the substantial improvement must occur to the main building. Site improvements, such as the parking lot, landscaping or sidewalk are excluded from the market value calculation.

7. Section 42-552, B-2, Community Business, B-3, General Business and CPD, Commercial Planned Development Districts.

The following changes regarding the placement of freestanding signs for corner lots and allowable wall signs in the B-2, B-3 and CPD zoning districts are recommended:

- Section 42-552(D). Properties located on the corner of two intersecting streets are allowed to have one freestanding sign per street frontage. If only one sign is used, the area of the sign may be increased provided the sign is equally oriented to both street frontages. The requirement that the sign be “equally oriented” is proposed to be deleted and instead the one freestanding sign must be placed within 25 feet of both street frontages (i.e. near the intersection). Reducing the restriction that the sign be equally oriented to both street frontages encourages only one sign on the zoning lot, thus reducing sign clutter and provides business and/or property owners increased flexibility.
- Section 42-552(I). Businesses are typically permitted up to a maximum of 100 square feet of wall signage, while larger retailers with significant wall frontage facing the street and significant setbacks receive additional wall signage on a sliding scale. In recent years, the

city has received feedback from the business community and sign industry representatives that suggests a need for additional wall signage for retailers with less than 200 feet of lineal wall frontage. The rationale presented indicates a trend towards smaller stores for “big box” retailers, and the need for sign area that is more in scale with store fronts with larger wall areas at their entrances. In this regard, it is recommended that an additional 25 square foot “bonus” sign area be permitted for buildings with a lineal wall length of 100-200 feet as measured at the main building entrance. With this change, buildings with a minimum wall of 100 lineal feet at the main building entrance would also be eligible for a “bonus” per subsection 2 above if visibility is hindered by significant building setbacks as well.

8. Section 42-132, Special Events. The regulations for Special Events, or outdoor promotional events have been revised to permit one 40 square foot temporary sign to be displayed during the event. In addition, the amendment clarifies that an EMD sign display may be permitted for such signage. Finally, a separate sign permit is not required provided information regarding the proposed sign is submitted with the Special Event permit application.

9. Section 42-138, Murals.

The Zoning Code does not currently include provisions to allow for murals to be placed on exterior building walls. However, ordinance language has been developed to permit murals of an artistic nature, which can create a sense of place and community within the city. Because murals are defined as a non-commercial message, picture, illustration, painting or scene, murals are not proposed to be regulated as a sign and, therefore, the ordinance language is proposed under Division 3, General Provisions, of the Zoning Code. The inclusion of the mural ordinance language in the General Provisions section of the Zoning Code means they are permitted in any zoning district as long as all applicable requirements are fulfilled.

Staff and the City Attorney completed extensive research regarding community regulations and laws pertaining to murals. The requirements that have been developed are minimal so as not to be overly burdensome, and address basic health, safety and welfare issues and take into account matters related to free speech and artistic expression. The major provisions of the ordinance include:

- An intent and definition section.
- Murals cannot: cover windows or doors, project more than six inches from the wall or be located on a roof.
- Murals cannot: have animated parts or light elements, or imitate a traffic sign/device.
- Murals on a historic building must receive approval from the Historic District Commission.
- Murals cannot compromise the structural integrity of the wall/building.

- Murals less than 100 square feet are not regulated. Only one mural per wall is permitted, which may be 1,000 square feet in area or 50% of the wall on which it is placed, whichever is greater.
- Murals cannot contain obscene or offensive content.
- Provisions for maintenance of murals are provided in the ordinance language.
- If a permit is denied by the Director, the applicant can appeal the decision to the Planning Commission.

III. RECOMMENDATION

The Planning Commission is advised to review the proposed amendments during the January 9, 2014 meeting. The initial public hearing involving the proposed changes is scheduled for the January 23, 2014 meeting.

Attachments: September 25, 2013 communication Sign Ordinance Committee Work Group – Potential Sign Amendments
 October 22, 2013 Ad Hoc Sign Committee report to City Council
 Proposed ordinance amendment

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: September 25, 2013

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Sign Ordinance Committee Work Group – Potential Sign Amendments

Subsequent to the Council Sign Ordinance Committee report on July 23rd, the Planning Commission Chairman appointed three members to serve on a Work Group with the Council Committee to assist the City Administration with drafting potential changes to the Sign Ordinance. These members are Rick Bosch, Bill Patterson and Betty Schimmel. As background information for the Planning Commission Work Group members, the attached May 21, 2013 communication was provided regarding public input received during the Business Sign Forum as well as the Planning Commission and Zoning Board of Appeals workshops.

The attached report outlined minor adjustments that may be appropriate in the areas of: wall signs, non-conforming signs; electronic message display signs; banner signs; temporary signs and the definition of “sign” to permit more flexibility and creativity. In the interim, additional research has been completed in regard to potential amendments to the Zoning Code sign regulations and the following is provided for consideration:

➤ Wall Sign area provisions: Historically, the maximum permitted wall sign area was established at 100 square feet regardless of the size of the building wall. In 2003, when a comprehensive update to the Zoning Code was accomplished, the wall sign provisions were amended to permit larger wall signs in the B-2, Community Business, B-3, General Business and CPD, Commercial Planned Development districts for larger retail uses with a minimum 200 lineal feet of building wall. Additional sign area was also permitted for retailers with significant building setbacks from a public or private street. Section 42-552(I) provides the following:

1. For buildings with wall frontage on a public or private street that exceeds 200 lineal feet:

Wall (in lineal feet)	Additional Sign Area Permitted (in square feet)
200--300	50
300--400	75
400--500	100
Greater than 500	125

2. For buildings with wall frontage on a public or private street that exceeds 200 lineal feet and with a setback greater than 300 feet from a public or private street:

Building Setback (in feet)	Additional Sign Area (in square feet)
300—400	50
400—500	75
500—600	100
Greater than 600	125

While the ordinance amendment was well received initially, the city has received feedback in recent years from the business community and sign industry representatives that suggests a need for additional wall signage for retailers with less than 200 feet of lineal wall frontage. The rationale presented indicates a trend towards smaller stores for “big box” retailers, and the need for sign area that is more in scale with store fronts with larger wall areas at their entrances. In this regard, it is recommended that an additional 25 square foot “bonus” sign area be permitted for buildings with a lineal wall length of 100-200 feet (i.e., revise table in subsection 1 above). With this change, buildings with a minimum wall of 100 lineal feet would also be eligible for a bonus per subsection 2 above if visibility is hindered by significant building setbacks as well.

- Nonconforming sign provisions: In an effort to phase out signs that do not meet current ordinance provisions with regard to sign area, height, setback and/or number of signs on a zoning lot, Section 42-544 of the Zoning Code prohibits any changes (including wording or graphics) to an existing nonconforming sign unless a variance is received. The standards for granting a variance for a nonconforming sign must be based on a practical difficulty with regard to unique physical characteristics of the property, or a reduction in the degree of nonconformity with regard to the existing sign or a replacement sign. As an alternative to obtaining a variance, the Zoning Code was amended in 1984 to permit the changes to the wording or sign face (panel) of a non-conforming sign over a five-year period, provided the property/sign owner enters into an agreement with the city to remove the sign at the end of the period with a sign that conforms to the Zoning Code.

In recent years, as variances have been requested to change the sign panel of non-conforming signs to accommodate a new use/tenant, staff has recommended, on a case-by-case basis, that future sign changes that are not structural in nature be permitted without additional review/approval of the Zoning Board of Appeals, provided a sign permit is obtained. This approach was utilized in cases where the practical difficulty causing the need for a variance was not likely to change in the future. While this approach can continue to be utilized, an alternative would be to amend Section 42-544 of the Zoning Code to remove the restrictions that prohibit wording or sign panel changes on non-conforming signs. All other provisions intended to gradually phase out such signs would remain in place. As a significant number of nonconforming signs have been replaced with conforming signs since the initial adoption of the sign regulations, this revision is reasonable and would not impair the intent of the ordinance, yet allow additional flexibility for sign owners and businesses.

- Electronic Message Display (EMD) sign provisions: There are two issues with regard to EMD sign displays that are appropriate for consideration: 1) the reported concerns with regard to glare and/or brightness of EMD signs; and 2) the interest in permitting different types of transitions between signs “frames” to permit a wider array of motion/movement.

With regard to glare, the sign regulations currently require that all EMDs be equipped with dimming capabilities so that the intensity of the light source can be controlled in the event the sign causes glare. However, several existing EMD signs in Portage include a manual dimmer that is not as effective in comparison to an ambient light sensor that adjusts sign brightness according to existing exterior light conditions (e.g., sign is brighter on sunny days, while dimmer in evening hours). It is recommended that the regulations for EMDs be revised to require all new signs with EMDs be equipped with an ambient light sensor to prevent glare, as well as improve the legibility and extend the life of the EMD.

With regard to restrictions on movement and motion, when the EMD sign regulations were being prepared in 2007, four levels of operations were considered, which included: 1) static displays only (message changes with no transitions); 2) static display with fade, dissolve or other similar subtle transition between messages; 3) static displays with travel, scrolling or similar transitions; or 4) full animation, flashing and video. After considering the character of Portage including business corridors in the community, and the operation of existing and future EMDs, a more limited mode of operation was determined appropriate that requires static messages while permitting subtle dissolve, fade or similar transitions. While business owners have expressed a concern with EMD sign restrictions, there has been continued input from the general public as well in regard to distractions and potential hazards with regard to these signs. Therefore, it is recommended that a minor change to the restrictions on motion/movement be accomplished that maintains the static display for message frames, yet permits transitions that include traveling or scrolling text and images. Such transitions should occur over not more than one second and should not include images that expand or contract, flash, spin/rotate, twist, bounce or other comparable movements.

- Banner sign provisions: To provide additional flexibility and options to advertise promotions and events via temporary signs, it is recommended that the provisions for banner signs (currently permitted only in the business districts (as specified in Sections 42-551.C and 42-552.J) be amended to allow banner signs in any zoning district. In addition, the sign regulations currently specify that only 50% of a 20 square foot banner can be used for sign copy. Again, to permit increased flexibility in the use of such signs, the restrictions on the area of the banner that can be used for sign copy is recommended for elimination.
- Temporary sign provisions: The Zoning Code provides a number of mechanisms for businesses to routinely advertise promotions and events via temporary signage, which include: changeable copy board, electronic message displays, banner signs, public event signs (for a non-commercial event of community-wide interest) and holiday decorations. In addition, for grand openings, change of business (ownership) and going out of business events, signs are permitted for a 14-day period. While other communities may permit temporary signs on a more frequent basis, in order to prevent sign clutter and due to the challenges associated with temporary sign enforcement, the current regulation of temporary signs is recommended with minor adjustments as follows:
 - Permit temporary signs for a longer period of time such as 30 days instead of 14 days.
 - Permit temporary signs for outdoor events that obtain a Business Special Event permit.
 - Permit pedestrian oriented temporary signs, not exceeding a specified area (e.g. six square feet) within close proximity to the customer entrance during regular business hours. Provisions to ensure such signs do not block the sidewalk or otherwise create a hazard would be included.
 - Permit public event signs of up to six square feet without a permit.

➤ Definition of “sign” and increased flexibility: There has been some concern expressed that the Zoning Code definition of “sign” is overly broad and/or that decorative images, graphics and other non-commercial displays are not permitted. In this regard, the following is recommended for consideration:

- Revise the definition of a “sign” to specify that graphics and illustrations used for decorative purposes only, which do not display the business name or logo, and/or do not depict a product, service or activity provided on the zoning lot are not included in the definition of a sign and/or will not be counted toward maximum permitted sign area. For example, Panera Bread has graphics illustrating wheat on the awning, Rite Aid has graphics illustrating leaves on the exterior window, Erbelli’s has Italian scenery on the exterior window, amongst others. All of the above are non-commercial messages that do not include the business name, logo and/or depict a product, service or activity on site, but are instead utilized to add interest to the building façade or serve for other utilitarian purposes (e.g. the Rite Aid graphics obscure the view of the interior shelving units).
- Include provisions to permit murals, which are generally defined as a design or illustration painted or drawn on the wall of a building that does not advertise a business, product, service or activity. Appropriate provisions for murals would be incorporated into the regulations and typically include: a permit requirement; limitations on minimum and maximum size; requirements for professional preparation; and requirements for maintenance and/or removal.

The above recommended amendments to the Zoning Code with regard to business signs are provided for review by the Council Sign Ordinance Committee Work Group. If there is support and consensus with regard to the revisions described above, Department staff will next work with the City Attorney to draft specific text amendments for further consideration by the Planning Commission, and subsequently City Council.

If you have any questions or comments regarding this matter, I am available to meet with you at your convenience. Otherwise, it is recommended that this communication be provided to the Council Sign Ordinance Committee Work Group and a meeting be scheduled to review and discuss the proposed sign regulation changes.

Attachments: May 21, 2013 communication (without attachments)

C: Brian J. Bowling, Deputy City Manager
Chris Forth, Deputy Director of Planning, Development and Neighborhood Services

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: May 21, 2013

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

SUBJECT: City Council Sign Committee – Business Sign Forum Executive Summary of Participant Feedback, and Planning Commission and Zoning Board of Appeals workshop feedback

Attached is the Business Sign Forum Executive Summary of Participant Feedback report prepared by TSI Consulting Partners, received on May 13, 2013. The April 13th forum held at City Hall was attended by 35 people in addition to City Council, staff and the forum facilitator, Tim Fallon of TSI. Those in attendance included: 7 business owners; 7 sign contractors; 6 residents; 4 Planning Commissioners; 3 commercial developers; 3 Environmental Board members; 2 Portage Public School representatives; 2 Zoning Board of Appeals members; and 1 Historic District Commission member. With regard to input received during the Business Sign Forum, two methods were utilized during the event: 1) qualitative input was received through facilitated small group discussions; and 2) quantitative input was received through administration of a short survey of the large group. The following information summarizes the feedback received during the forum and conclusions provided in the TSI report:

- Based on feedback from the survey administered:
 - Approximately 58% indicate that signage regulation is too restrictive;
 - Approximately 72% indicate existing signage is effective;
 - Approximately 61% indicate that no change or fewer signs along city streets are appropriate;
 - Approximately 52% favor no change in the size of business signs or smaller business signs;
 - Approximately 69% favor increased use of temporary signs;
 - Approximately 59% indicate interior window signs should remain exempt from regulation;
 - Approximately 69% favor more flexible use electronic message display signs;
 - Survey respondents who characterized themselves as business owners/operators are the strongest proponents of more flexible signage regulation.

- Based on feedback from the small group discussions, the following summary is provided:
 - Strengths of the current approach to sign regulation: Participants indicated the city does a good job balancing interests, communicating code requirements, and consistently enforces the code.
 - Concerns of the current approach to sign regulation: Differing opinions were expressed as to whether the code is too restrictive, adequate or permissive, and some participants indicated sign regulation is not being looked at from a business perspective, especially for small businesses.
 - Improving the approach to regulating business signage: Several recommendations were offered including: more proactive education by the city regarding sign regulations; better education by sign contractors to their customers regarding city sign regulations; consideration of small business-friendly sign regulations; increasing the consistency of sign regulation enforcement; and solicitation of additional citizen input on sign regulation.

- Freestanding signs: Participants suggested minor adjustments for larger signs should be considered, especially with regard to monument signs that use architectural elements and/or landscaping and multi-tenant freestanding signs.
- Wall signs: Most participants indicated regulations are appropriate, some suggested minor adjustments are appropriate, and others suggested small business “sign bonus” area.
- Temporary signs: A number of participants indicated concern over “pop-up” temporary signs which create clutter, while others indicated more wide-spread use of temporary signs should be permitted.
- Electronic message display (EMD) signs: Participant feedback indicated divergent opinions on EMD signs, with some participants wanting to retain or further restrict motion/movement, and others supporting more flexibility in permitting limited motion/movement on EMD signs. In addition to motion/movement, participants expressed concern over the brightness of EMDs.
- Window signs: Consistent with the survey results, most participants felt interior window signs should remain unregulated, while others expressed concern over cluttered appearance.
- Banner signs: Some participants felt banner signs should be permitted in all commercial districts and more education is needed regarding their use within the city.

As indicated in Section 3 of the TSI report, the number of Business Sign Forum participants was relatively small, and the event brought together people with a significant interest in signage regulation. While the event was valuable in obtaining a range of views, “input should not be considered a scientific sample of Portage residents”. Further, the TSI report indicates “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.” In this regard, a copy of my October 26, 2012 communication is attached which also summarizes input received from the Planning Commission and Zoning Board of Appeals in regard to business signs in the community and regulation of signs within the Zoning Code.

Based on the feedback received through the Business Sign Forum and the fall 2012 workshops with the Planning Commission and Zoning Board of Appeals, it appears that the current approach to regulating signs within the community is generally appropriate, with a need to evaluate minor adjustments to the Zoning Code, which include the following:

- Evaluate the provisions for wall signs to determine if additional wall sign area for retailers is appropriate.
- Evaluate the provisions for modifications to existing non-conforming signs and consider permitting changes that are not structural in nature;
- Evaluate the provisions for EMD signs to prevent glare, such as requiring ambient light sensors. In addition, limitations on motion/movement to permit additional types of transitions between sign “frames” can be evaluated.
- Evaluate the provisions for banner signs to permit such signs in any zoning district, without limitations on the area of the sign that can be utilized for sign copy.
- Evaluate permitting temporary signs for a longer period of time (e.g. 30 vs. 14 days) for grand opening, change in business or going out of business event. In addition, permitting temporary signs for Business Special Events can also be evaluated, similar to signage permitted for public events.
- Evaluate the definition of “sign” to permit flexibility in the use of creative, non-commercial displays, paintings and other messages which may positively contribute to community character.

If the Council Sign Committee is in agreement with proceeding with the above recommended modifications to the Zoning Code, department staff and the City Attorney will begin the process of developing ordinance amendments for Planning Commission and City Council review and approval. Alternatively, if the Council Sign Committee feels it is appropriate to pursue additional substantive amendments to the Zoning Code provisions for business signage, it is recommended that prior to moving forward, additional citizen input be obtained through a broad community survey, as previously proposed.

I am available to meet with you to further discuss this matter at your convenience. Otherwise, it is recommended this report be forwarded to the Council Sign Committee and that a meeting be scheduled to discuss the Business Sign Forum report and the recommendations provided above.

Attachments: Business Sign Forum Executive Summary of Participant Feedback report
October 26, 2012 communication regarding Planning Commission and Zoning Board of Appeals input

c: Brian J. Bowling, Deputy City Manager;
Christopher Forth, Deputy Director

MEMORANDUM

DATE: October 22, 2013

TO: Mayor Strazdas, Council and City Manager Maurice Evans

FROM: Ad Hoc Sign Committee (Councilmembers Sackley – Chair, Urban and Mayor Strazdas)

SUBJECT: Report on Today's Meeting

The City Council Ad Hoc Sign Committee met with three chair-appointed representatives of the Planning Commission (Rick Bosch, Bill Patterson and Betty Schimmel), Director Georgeau and City Manager Evans to discuss Director Georgeau's September 25, 2013 Memorandum "Sign Ordinance Committee Work Group – Potential Sign Amendments." A copy of that memorandum has been provided to each council member in paper and electronic format.

During our meeting, we engaged in a thorough discussion of six areas outlined in Vicki's report: wall sign area provisions, Nonconforming sign provisions, electronic message display (EMD) sign provisions, banner sign provisions, temporary sign provisions and definition of "sign" and increased flexibility. Here is a summary of the discussion on each area:

- Wall sign area provisions – The recommendations are supported, as presented.
- Nonconforming sign provisions – The recommendations are supported, as presented.
- Electronic message display (EMD) sign provisions – The group recommends that written acknowledgment of EMD rules/ordinance by the property owner and/or lessee be obtained prior to the issuance of any sign permit. [As an aside, it may be appropriate to complete this process for all previously-permitted EMD signs, as well.] This is similar to the acknowledgment required in our recent collection box ordinance. We also discussed tying administration's proposed recommendation regarding motion/movement -- which the group supports -- to presence of a functioning ambient light sensor. Those sensors, which were not required for early-permitted EMD signs, would be required should the business desire the enhanced motion/movement flexibility.
- Banner sign provisions – The recommendations are supported, as presented. It should be noted that these provisions would not be available to home-based businesses. In addition, administration will review the ordinance language to determine whether the 10-foot setback requirement can be reduced or eliminated to address real-world application.
- Temporary sign provisions – This area attracted the most discussion. Although the group generally supported administration's recommendations, it was determined that extending the temporary sign permit length from 14 to 30 days was not desirable. The recommendation would be to keep this section of the ordinance intact for grand

opening, change of ownership and going out of business events. The group recommends that a new temporary sign category be created with a 7-day permit available to any business (without regard to zoning lot or parcel) on an annual basis.

- Definition of “sign” and increased flexibility – The recommendations are supported, as presented. Further review is required, however, to explore desirable distinction between graphics, illustrations, accessory items, etc. that may extend beyond the permanent structure elements (“blade” signs, balloons, inflatables, etc.). In permitting murals, some attention should be paid to crafting an ordinance that addresses content that may not be in conformance with community standards.

At this time, the committee is seeking the full council’s consent to move this process to the ordinance revision and creation stage. This will involve further internal processing by administration in accordance with the committee’s guidance to-date. Administration and the city attorney will prepare proposed ordinance language and support materials that will be considered by the Planning Commission and, ultimately, the Council in accordance with standard procedure.

Prepared by Councilmember Ed Sackley, Chair
Ad Hoc Sign Committee

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTIONS 42-541; 42-542; 42-543; 42-544; 42-548; 42-551;
42-552; and 42-554, ARTICLE 4 OF CHAPTER 42
ZONING**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 4, shall be amended as follows:

Sec. 42-540. - Intent and purpose: No Change

Sec. 42-541. - Definitions.

A. Sign.

1. A "sign" is ~~considered~~ defined as a name, identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public and which ~~directs attention to~~ identifies, depicts, or otherwise advertises a product, service, place, activity, person, institution, business, or ~~solicitation,~~ use including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designated to advertise, identify or convey information, with the exception of window displays and national, state and local government flags. ~~For the purpose of sign removal, the term "sign" includes a sign structure. The definition does not include: a) Murals as defined in section 42-138(2); b) Graphics, illustrations, architectural or landscape features used solely for decorative purposes which do not display a business name, logo, or trademark and does not identify, depict or otherwise advertise a product, business or service. A sign as defined above includes the support structure, sign pole and/or anchoring device to which the sign is attached.~~
2. A "sign face" is defined as the area of the sign which displays the name, identification, description, illustration or device which ~~directs attention to~~ identifies, depicts, or otherwise advertises a product, service, place, activity, person, institution, business or ~~solicitation~~ use. A sign face does not include any portion of the structural support of the sign.

B. Types of signs referred to in this subdivision are defined as follows:

1-18 No Change.

19. Electronic message display: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. The definitions below (a) through (e) are used in conjunction with an electronic message display ("EMD"):
 - a. ~~Dissolve. A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.~~

~~b. Fade. A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.~~

a. Frame. A complete, static display screen on an electronic message display.

b. Frame effect. A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

c. Transition. A visual effect used on an electronic message display to change from one message to another.

Sec. 42-542. General requirements.

Sections A-G: No Change.

H. Removal of hazardous signs.

~~1. A sign ordered by the director to be removed shall be removed by the owner, agent or person having the beneficial use of the building, structure or land upon which such sign is found within 30 days after written notification of removal from the department of community development.~~

1. Any sign which, in the opinion of the Director, is maintained in violation of the provisions of Section 42-1284, Removal of Hazardous Signs, shall be removed pursuant to the procedure of Section 42-1284. The term "sign" as used herein includes the support structure, sign pole and/or anchoring device to which the sign is attached.

~~2. Upon failure to comply with such notice within the time specified therein, the department shall cause the removal of such sign, and any expense incident thereto shall be paid by the owner of the property, building or structure to which the sign is attached as billed by the city. If the owner of such property fails to pay such bill within 30 days after the bill has been rendered, the director shall report such bill to the council for collection as a single lot assessment against such property in accordance with the Charter.~~

I. Electronic or mechanical sign elements.

1. An accessory sign permitted in the B-1, B-2, B-3, PD, CPD, OS-1, OTR, CCA, CCMU, I-1 and I-2 zoning districts, and a non-accessory sign permitted in the I-1 and I-2 zoning districts, may include an EMD subject to the following requirements:

a. Such display shall contain static or still frame messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, but which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity. Transitions between frame messages may utilize effects such as dissolve, fade, traveling or scrolling text and/or images, provided such transitions occur over a period of time not exceeding one second, and such effects do not include text and/or images that expand or contract, rotate, twist, bounce, flash, undulate, pulse or utilize other similar movements or optical illusions.

- b. The maximum size of an EMD on an accessory or nonaccessory freestanding sign or accessory wall sign shall not exceed the sign measurements specified in this Code for the zoning district in which the zoning lot or use is located.
 - c. Each message on the EMD is changed not more often than once every four seconds.
 - d. The EMD shall be equipped with ~~dimming capabilities so that~~ ambient light monitors which shall continuously monitor and automatically adjust the intensity/brightness level of the light source can be controlled display based on ambient light conditions to prevent glare specified in the Lighting Standards provided in Subdivision 4 of the Zoning Code.
 - e. When the EMD is 200 feet or less from a property line of a zoning lot that is located in a residential zoning district and such EMD is visible from any portion of a residential dwelling unit located within the residential zoning district, the EMD shall only:
 - i. Operate between 7:00 a.m. and 10:00 p.m.; and
 - ii. Display only one "frame" as defined in section 42-541 between 10:00 p.m. and 7:00 a.m.
 - f. When a zoning lot or use incorporates an EMD on a freestanding sign or wall sign in the zoning districts listed in 42-542(l)(1) above, a "copy board" as set forth in section 42-543 (l) shall not be permitted on the sign that incorporates an EMD.
 - g. Notwithstanding subsection 42-542(l)(1)(f), if a conforming freestanding sign or wall sign with an EMD is in existence before the effective date of this ordinance amendment and incorporates a "copy board" element consistent with the provisions of section 42-543(l), said sign shall be considered a conforming sign.
2. An accessory sign for a permitted use in the R-1A through R-1E one-family residential districts, the R-1T residential district, and the RM-1 and RM-2 residential districts, may include an EMD subject to the following requirements:
- a. One property line of the zoning lot must be abutting a major thoroughfare as designated on the major thoroughfare plan and the freestanding sign incorporating an electronic message display must be situated along the property line abutting the major thoroughfare.
 - b. Such display shall contain static or still frame messages only, ~~changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, but~~ which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity. Transitions between frame messages may utilize effects such as dissolve, fade, traveling or scrolling text and/or images, provided such transitions occur over a period of time not exceeding one second, and such effects do not include text and/or images that expand or contract, rotate, twist, bounce, flash, undulate, pulse or utilize other similar movements or optical illusions.

- c. The maximum size of an EMD on an accessory or nonaccessory freestanding sign or accessory wall sign shall not exceed the sign measurements specified in this Code for the zoning district in which the zoning lot or use is located.
- d. Each message on such display is changed not more often than once every four seconds.
- e. The ~~display~~ EMD shall be equipped with ~~dimming capabilities so that~~ ambient light monitors which shall continuously monitor and automatically adjust the ~~intensity~~ brightness level of the ~~light source can be controlled~~ display based on ambient light conditions to prevent glare specified in the Lighting Standards provided in Subdivision 4 of the Zoning Code.
- f. When the EMD is visible from any portion of a one-family residential dwelling unit located within a residential zoning district, the EMD shall only:
 - i. Operate between 7:00 a.m. and 12:00 midnight; and
 - ii. Display only one "frame" as defined in section 42-541 between 9:00 p.m. and 12:00 midnight.
- g. When a zoning lot or use other than a dwelling unit incorporates an EMD on a freestanding sign or wall sign in the zoning districts listed in subsection 42-542(2), a "copy board" as set forth in subsection 42-543(l) shall not be permitted on the sign that incorporates an EMD.
- h. Notwithstanding subsection 42-542(l)(2)(g), if a conforming freestanding sign or wall sign with an EMD is in existence before the effective date of this ordinance amendment and incorporates a "copy board" element consistent with the provisions in section 42-543(l), said sign shall be considered a conforming sign.

J. All exterior signs permitted within the City of Portage shall be subject to the regulations of this section as well as the regulations of Article 11 of this Chapter 42.

Sec. 42-543. - Signs permitted in all districts.

Sections A-E: No Change.

F. Public event signs.

1. One temporary public event sign is permitted per zoning lot for the advertising of a noncommercial public service event.
2. Such temporary sign shall not be erected more than seven days before the public service event takes place and shall be removed not more than two days after the public service event is completed.
3. For a zoning lot with frontage on more than one street, one temporary sign is permitted for each street frontage.

4. For each zoning lot that exceeds two acres in area, an additional temporary sign is permitted for each full two acres.
5. The total square footage for a single sign shall not exceed 64 square feet in area per side.
6. Public event signs shall be setback 10 feet from the property line.
7. An EMD sign display may be utilized provided such signs comply with the provisions of Section 42-542(l).
8. A permit is not required for public event signs six (6) square feet in area or less.

G. No Change.

H. Opening of new business, change of business, or going out of business sales. For the grand opening of a new business in the city, or for a change in ownership or tenancy of an existing business, or for a going out of business sale, the director may grant a permit for a temporary sign for a period not to exceed 14 calendar days, subject to the following conditions:

1. One temporary sign shall be permitted per use.
2. The temporary sign shall not exceed 40 square feet in area per side.
3. The sign must be at least ten feet from any property line.
4. Flashing and/or animated signs are not permitted, except that EMD sign displays may be utilized provided such signs comply with the provisions of Section 42-542(l). When exposed bulbs are used, such bulbs shall be frosted or screened and not exceed 40 watts.
5. Flags, strings of flags, streamers, banners, pennants, balloons or other gas-filled figures may be used in lieu of, or in conjunction with, the sign so long as the maximum permitted square footage for the sign has not been exceeded.
6. The height of the sign shall not exceed the height requirement for freestanding accessory signs in the district in which it is located.
7. For a grand opening of a new business or for a change in ownership or tenancy of an existing business or for a going out of business sale, the director may grant a permit for one additional 30-calendar-day period if the accessory sign area permitted by this subsection was temporarily not available due to reasons beyond the control of the business owner and/or tenant; or upon a finding of some other significant hardship.

I. Temporary signs-generally: In addition to the temporary signs permitted in this section, each use is permitted one (1) temporary sign for one display period not to exceed seven (7) consecutive days in any calendar year. The sign shall be: a) no more than forty (40) square feet in area; b) setback ten (10) feet from the property line; and c) not exceed the height requirement for freestanding accessory signs in the district in which it is located. An

EMD sign display may be utilized provided such signs comply with the provisions of section 42-542(I).

J. Temporary pedestrian oriented signs: In addition the temporary signs permitted in subsections H & I above, each use is permitted one pedestrian oriented temporary sign not more than six (6) square feet in area. Such sign shall be located within 10 feet of the main customer entry for the business it serves, and may be displayed only when the use is open for business. In addition, the sign shall be located in a manner that does not obstruct or create a hazard for vehicular and pedestrian circulation on the property. No permit is required for temporary pedestrian oriented signs.

K. Banner Sign: For each zoning lot, there is permitted one banner. For a zoning lot with frontage on more than one street, one banner is permitted for each street frontage. For each zoning lot that exceeds two acres in area, an additional banner is permitted for each two acres. All banners shall be subject to the following conditions:

1. The banner shall not: a) project or extend into the public right-of-way; or b) extend over a public sidewalk.
2. The banner shall not exceed 25 feet in height.
3. The banner shall not be less than eight feet from the surface of the ground.
4. The banner shall not exceed 20 square feet in area per side.
5. The banner shall not be attached to the surface of any building, to any existing freestanding sign or to any vehicle, or be stretched between poles or trees.
6. The banner shall be kept clean, free from fading, decay and tears. The support structure and brackets shall be maintained in a structurally sound condition.
7. A permit is required for the initial installation of the banner and support structure and/or anchoring device. Banners may be subsequently changed without a permit provided there are no changes to the support structure and/or anchoring device, and all conditions of this section remain satisfied.

L. Copy board. Fifteen square feet per side of sign surface may be added to any freestanding sign in the city, regardless of zoning district classification and also regardless of being classified as a legal nonconforming sign, if the additional square footage is in the form of copy board. For the purposes of this section, the term "copy board" means a sign on which copy is changed manually on the site, i.e., reader boards with changeable letters or changeable pictorial panels.

M. Holiday decorations. A decoration or other display customarily and commonly associated with a national, state, local or religious holiday is permitted, provided that such decoration shall not be displayed for more than ten days, except that such decoration may be displayed between ~~the day after Thanksgiving~~ November 1 and January 15. Holiday decorations shall not require a permit.

N. Election campaign signs. Election campaign signs shall not exceed six square feet in area per side and shall not be placed or project into the public right-of-way. All election campaign signs shall be removed within ten days following the general or special election to which the sign pertains. An election campaign sign shall not require a permit.

O. Substitution Clause. Any graphic, illustration or copy that can be displayed under this subdivision 2, Signs, may contain a noncommercial message.

Sec. 42-544. - Nonconforming signs.

A. A lawfully erected sign, the maintenance of which is made unlawful by this article, may continue to be maintained exactly as such existed at the time when the maintenance thereof became otherwise unlawful under this article.

B. No nonconforming sign shall:

1. Be changed to another nonconforming sign;

~~2. Have any change made in the words or symbols used or the message displayed on the sign, unless the sign is a nonaccessory advertising sign or a bulletin board or similar type of sign specifically designed for periodic changes of message;~~

2. Be structurally altered so as to prolong the life of the sign or change the shape, size, type or design of the sign;

3. Be reestablished after the activity, business or use to which it relates has been discontinued for ~~30~~180 days or longer; or

4. Be reestablished after damage by accident, vandalism or an act of God if the damage requires repair of the structural supports as a result of failure or collapse of the footings, columns or other structural supports as determined by the director

5. Be continued after any substantial improvement has taken place ~~on the site or within or~~ involving the main building. For purposes of this subsection, substantial improvement shall mean any repair, reconstruction or improvement of a ~~structure~~building, the cost of which ~~equals or exceeds~~ 25 percent of the market value of the ~~structure or site improvement (such as the parking lot, site landscaping, sidewalks, or other substantial site element),~~building either before the improvement or repair is started or, if the ~~structure or site improvement~~building has been damaged and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not such alteration affects the external dimensions of the structure ~~and when parking areas or other significant site improvement is first undertaken.~~

C. The zoning board of appeals may permit variances from subsection B, above, or variances related to the alteration or maintenance of a nonconforming sign, only upon the following grounds:

1. The standards of section 42-622(B)(1) are met; or

2. That granting of a variance will reduce the degree of nonconformity of an existing sign; or

3. The granting of a variance will result in the removal of a nonconforming sign and replacement by a sign that, while not meeting the requirements of this article, are, nonetheless, in keeping with the spirit and purpose of this article.

D. Variances. A sign erected as a result of a lawful grant of a variance by the zoning board of appeals shall be subject to the same restrictions and requirements which apply to nonconforming signs in subsection B above and other provisions of this Code.

E. Notwithstanding the provisions of subsection B, above, the face of a nonconforming sign may be changed provided that the owner of the sign and owner of the zoning lot upon which the sign is located (if different from the owner of the sign) shall enter into a written agreement with the city which shall be recorded with the county register of deeds by the owner of the sign and the owner of the zoning lot, and which shall state all of the following:

1. In exchange for the opportunity to change the face of the sign as often as desired, the entire nonconforming sign, which includes the entire face and structure, shall be removed within five years of entering into the agreement.
2. At the conclusion of the five years, the owner of the sign and the owner of the zoning lot shall be responsible for the entire removal of the sign.
3. The owner of the sign and the owner of the zoning lot (including subsequent owners) waive their rights to request variances from the zoning board of appeals a variance from the agreement or any other ordinance provision governing the sign.
4. The agreement shall run with the land and become binding upon any subsequent owners of the sign and zoning lot.
5. The replacement sign, itself nonconforming in any way, may not be erected at the conclusion of the five years.
6. A lien against the zoning lot and any structure on the zoning lot, in the amount of 1½ times the estimated cost of removing the nonconforming sign at the time the agreement is entered into (as established by the director on the date of the agreement) shall come into existence five years after entering into the agreement and remain in effect until the sign is removed.

Sec. 42-545. - R-1A, R-1B, R-1C, R-1D, R-1E and R-1T districts. – No Change

Sec. 42-546. - RM-1 and RM-2 districts. – No Change

Sec. 42-547. - MHC district. – No Change.

Sec. 42-548. - PD, planned development district, subsections A-E, No Change.

~~F. For each zoning lot, there is permitted one banner. For a lot more than one, one banner is permitted for each street frontage. For each zoning lot two acres in area, an additional banner is permitted for each two acres. All banners shall be subject to the following conditions:~~

- ~~1. The banner shall be setback ten feet from any property line.~~

2. ~~The banner shall not exceed 25 feet in height.~~
3. ~~The banner shall not be less than six feet from the surface of the ground.~~
4. ~~The banner shall not exceed 20 square feet in area per side.~~
5. ~~The banner shall not be attached to the surface of any building, to any existing freestanding sign or to any vehicle, or be stretched between poles or trees.~~
6. ~~The banner shall not devote more than 50 percent of the total area per side to sign copy.~~
7. ~~The owner of the zoning lot or banner shall keep the banner in reasonable repair.~~

Subsections G-H, No Change.

Sec. 42-549. - P-1, parking district. – No Change.

Sec. 42-550. - OS-1, office service and OTR, office, technology and research districts. No Change

Sec. 42-551. - B-1, local business district, A-B, No Change.

C. ~~For each zoning lot, there is permitted one banner. For a lot with frontage on more than one street, one banner is permitted for each street frontage. For each zoning lot that exceeds two acres in area, an additional banner is permitted for each two acres. All banners shall be subject to the following conditions:~~

1. ~~The banner shall be setback ten feet from any property line.~~
2. ~~The banner shall not exceed 25 feet in height.~~
3. ~~The banner shall be not less than six feet from the surface of the ground.~~
4. ~~The banner shall not exceed 20 square feet in area per side.~~
5. ~~The banner shall not be attached to the surface of any building, to any existing freestanding sign or to any vehicle, or be stretched between poles or trees.~~
6. ~~The banner shall not devote more than 50 percent of the total area per side to sign copy.~~
7. ~~The owner of the zoning lot or banner shall keep the banner in reasonable repair.~~

Sec. 42-552. - B-2, community business; B-3, general business; and CPD, commercial planned development districts.

Subsections A-C, No Change.

D. For a corner lot, the distance between permitted freestanding signs shall be not less than 100 feet, as measured along the property lines, but in no case shall there be a distance of less than 70 feet between such signs. Each such sign shall be oriented to the street frontage it serves. If one freestanding sign is used, then the percentage of freestanding sign area permitted on one street frontage may be increased 100 percent to a maximum of 120 square feet in area per side, provided that such sign is oriented equally to located not more than 25 feet from both street frontages.

Subsections E-H, No Change.

- I. In addition to the wall signage permitted in subsection H above, the permitted wall sign area may be increased if the criteria listed below is satisfied:

1. For buildings with wall frontage at the main building entrance on a public or private street that exceeds 99200 lineal feet:

<u>Wall (in lineal feet)</u>	<u>Additional Sign Area Permitted (in square feet)</u>
<u>100-199</u>	<u>25</u>
<u>200-299</u>	<u>50</u>
<u>300-399</u>	<u>75</u>
<u>400-499</u>	<u>100</u>
<u>Greater than 500</u>	<u>125</u>

2. For buildings with wall frontage at the main building entrance on a public or private street that exceeds 99200 lineal feet and with a setback greater than ~~300~~ 299 feet from a public or private street:

<u>Building Setback (in feet)</u>	<u>Additional Sign Area (in square feet)</u>
<u>300-399</u>	<u>50</u>
<u>400-499</u>	<u>75</u>
<u>500-599</u>	<u>100</u>
<u>Greater than 600</u>	<u>125</u>

~~J. For each zoning lot, there is permitted one banner. For a lot with frontage on more than one street, one banner is permitted for each street frontage. For each zoning lot that exceeds two acres in area, an additional banner is permitted for each two acres. All banners shall be subject to the following conditions:~~

- ~~1. The banner shall be setback ten feet from any property line.~~
- ~~2. The banner shall not exceed 25 feet in height.~~
- ~~3. The banner shall be not less than six feet from the surface of the ground.~~
- ~~4. The banner shall not exceed 20 square feet in area per side.~~
- ~~5. The banner shall not be attached to the surface of any building, to any existing freestanding sign or to any vehicle, or be stretched between poles or trees.~~
- ~~6. The banner shall not devote more than 50 percent of the total area per side to sign copy.~~
- ~~7. The owner of the zoning or banner shall keep the banner in reasonable repair.~~

Sec. 42-553. - I-1, light industrial and I-2, heavy industrial districts. – No Change.

Sec. 42-554. - CCA, city centre area - mixed use floating district.

Subsections A-C, No Change.

~~D. For each zoning lot, there is permitted one banner. For a lot with frontage on more than one street, one banner is permitted for each street frontage. For each zoning lot that exceeds two acres in area, an additional banner is permitted for each two acres. All banners shall be subject to the following conditions:~~

- ~~1. The banner shall be setback ten feet from any property line.~~
- ~~2. The banner shall not exceed 25 feet in height.~~
- ~~3. The banner shall be not less than six feet from the surface of the ground.~~
- ~~4. The banner shall not exceed 20 square feet in area per side.~~
- ~~5. The banner shall not be attached to the surface of any building, to any existing freestanding sign or to any vehicle, or be stretched between poles or trees.~~
- ~~6. The banner shall not devote more than a total of 50 percent of the sign area to sign copy.~~
- ~~7. The owner of the zoning lot or banner shall keep the banner in reasonable repair.~~

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-132, ARTICLE 4, OF CHAPTER 42
ZONING**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 4, shall be amended as follows:

Sec. 42-132. - Special events.

Sections A-E, No Change.

- F. ~~No temporary signs are permitted; however, any~~ During the special event, an existing changeable copyboard and/or Electronic Message Display sign on the site of the special event may be utilized. In addition, one 40 square foot temporary sign may be displayed during the event. An Electronic Message Display may be utilized provided such signs comply with the provisions of Section 42-542(l). The sign shall be setback 10 feet from any property line and shall not exceed the height specified for signs in the zoning district in which it is located. The sign shall not require a separate sign permit provided information regarding the proposed sign is submitted with the application for the Special Event and is approved by the city prior to display of such sign.

Section G, No Change.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-138, ARTICLE 4 OF CHAPTER 42
ZONING

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 4, shall be amended to add as follows:

Sec. 42-138. Murals.

- A. Intent. A mural is permitted as a means to create a sense of place and community within the city. A mural is not regulated as a sign. It is intended that the mural be solely related to artistic expression and the graphics and illustrations used not advertise or promote any product, service or business.
- B. Defined. A non-commercial message, picture, illustration, painting or scene applied or affixed on the exterior wall of a building or structure through the use of paint, canvas, tile, panels or similar materials such that the mural is made an integral part of the exterior wall and does not identify, depict or otherwise advertise a commercial or non-commercial product, service, or business.
- C. Murals shall be subject to the following conditions and provisions:
1. Murals are not permitted to cover windows or door openings, with the exception of emergency exit doors, provided however that the mural will in no way prohibit or restrict the use of the emergency exit door for its intended purposes.
 2. Murals are not permitted to project more than six (6) inches from the building wall or structure on which they are affixed.
 3. Murals shall not have moving or animated parts, including light elements.
 4. Murals shall not be located on or project above the building roof line.
 5. Murals shall not include representations that imitate or appear to imitate any official traffic sign or device.
 6. Murals are not permitted on a building located within a historic district unless reviewed and approved by the Historic District Commission.
 7. Murals shall not have a detrimental effect on the structural integrity of the wall or structure on which it is applied or affixed.
 8. Except for murals or combination of murals under section 42-138 C (10), not more than one (1) mural is permitted on a wall and the total area of the mural shall not exceed (50%) fifty percent of the total size of the wall or 1000 sq. ft., whichever is greater.

9. Murals shall not contain obscene or offensive content. For the purposes of this section, material is obscene or offensive if applying contemporary community standards, and may include but is not limited to:

i. A reasonable, average person would find the material depicts or describes sexual content in a patently offensive way;

ii. A reasonable, average person would find the material lacks serious literary, artistic, political or scientific value.

10. Any mural or combination of murals measuring less than a total of 100 square feet on a single wall shall not be regulated by this section.

D. Maintenance: Murals shall be maintained in good condition and repair for the life of the mural and shall be kept clean, and free from fading, decay, corrosion and graffiti which was not an original integral part of the message displayed.

E. Permits and appeal process: No mural shall be installed prior to the issuance of a permit. The Director shall approve a completed application for a mural if the conditions contained in this Sections 42-138 are satisfied. A completed application shall be deemed approved if the Director fails to approve or deny such completed application within five (5) business days of its receipt by the City sent to the applicant by first class mail. If denied, the applicant may appeal such denial to the Planning Commission in writing no later than thirty (30) days after the date of the denial. Such appeal shall be heard by the Planning Commission at its next regular or special scheduled meeting which is no less than ten (10) business days from the date of receipt of the applicant's written appeal. The applicant shall have the right to submit relevant documentary and testimonial evidence in support of the appeal and the Director shall have the burden of proof to show that the denial was based on the applicant's failure to comply with one or more of the conditions in Section 42-138(C). The Planning Commission shall decide the appeal within the five (5) business days of the hearing either by motion made at the Planning Commission meeting or in writing. The hearing date may be adjourned to another regular or special Planning Commission meeting if requested by the applicant. An appeal shall be deemed granted and the permit approved if the Planning Commission fails to decide the appeal in the time so required by this section. The applicant shall have the right to appeal any Planning Commission decision as provided by law or equity.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-1284, ARTICLE 11 OF CHAPTER 42
SIGNS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 11, shall be amended as follows:

Sec. Section 42-1284. - Removal of hazardous signs.

Any sign which, in the opinion of the ~~director of community development~~ Director, due to its condition or location, is hazardous to the health, safety or general welfare of the public shall be removed by the owner, agent or person having beneficial use of the building, structure or property upon which the sign is located within 30 days after written notification from the ~~department of community development, city.~~ Upon the failure to comply with such notice within the time specified ~~in such order therein,~~ the department is hereby directed and authorized to ~~cause~~ may initiate the removal of such sign ~~through utilization of,~~ in accordance with the procedure set forth ~~abatement procedures specified in article 10 of this chapter.~~ Any expense incident to Section 24-113(e) of the removal Code of such Ordinances. The sign shall be paid by considered a nuisance under Section 24-113(e) if it is found to be hazardous. The term sign as used herein includes the owner of the building or support structure or property, sign pole and/or anchoring device to which such ~~the~~ sign is attached, ~~as billed by the city. The council is authorized to collect such charges as a single lot assessment against the property in accordance with article 13 of this chapter.~~

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM DECEMBER 3, 2013

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

At the request of Mayor Strazdas, Reverend Dr. David Moffit-Moore of the Portage United Church of Christ gave the invocation and Boy Scout Troop #244 led the City Council and the audience in the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Nasim H. Ansari, Jim Pearson, Patricia M. Randall and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Reid, seconded by Randall, to approve the November 19, 2013 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

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

* **APPROVAL OF ACCOUNTS PAYABLE OF DECEMBER 3, 2013:** Motion by Ansari, seconded by Urban, to approve the Check Register of December 3, 2013, as presented. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

INTERVIEWS FOR THE CITY COUNCIL VACANCY: Mayor Strazdas indicated that the Administration provided applications that were received by 5:00 p.m., Tuesday, November 26, 2013, from four candidates to fill the vacancy on City Council. He explained the process as approved by City Council and asked for input from Council regarding short-listing the list of applicants. Councilmember Ansari noted that the list was not long, only four candidates, and spoke in favor of interviewing each of them and Councilmember Pearson concurred and cited some of the credentials of each of the candidates. Mayor Strazdas concurred and there was a consensus of the rest of Council as well. Discussion followed.

Motion by Pearson, seconded by Randall, to set a Special Meeting for Monday, December 16, 2013, at 7:00 p.m. to be held in City Council Chambers for the purpose of interviewing the four applicants for the open City Council seat.

In answer to Councilmember Randall, Mayor Strazdas indicated that it is appropriate for citizens to comment, normally at the end, as the interview process is an open meeting. Councilmember Pearson noted that there would also be opportunity for citizen comment at the December 17, 2013 Regular City Council Meeting before the discussion and vote on this matter and Mayor Strazdas agreed. Upon a roll call vote, motion carried 6 to 0.

* **FINAL PRELIMINARY PLAT OF OAKLAND FARMS NORTH, 9810 OAKLAND DRIVE:** Motion by Ansari, seconded by Urban, to approve the Final Preliminary Plat of Oakland Farms North, 9810 Oakland Drive. Upon a roll call vote, motion carried 6 to 0.

* **BS&A INTEGRATED MUNICIPAL SOFTWARE PURCHASE:** Motion by Ansari, seconded by Urban, to approve the purchase of the BS&A integrated municipal software system at a cost of \$404,365; approve the purchase of the Faster fleet management software module and software interfaces at a cost of \$55,000; and authorize the City Manager to execute all documents and contracts related to these purchases on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **HOUSEHOLD HAZARDOUS WASTE SERVICES:** Motion by Ansari, seconded by Urban, to approve the contract with Kalamazoo County for household hazardous waste collection during the 2014 calendar year in the not to exceed amount of \$26,000 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.

* **BLUE CARE NETWORK ADVANTAGE PLAN:** Motion by Ansari, seconded by Urban, to approve a one-year contract renewal with Blue Care Network for the Blue Care Network Advantage Plan and authorize the City Manager to execute all documents related to the contract renewal on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **SPECIAL MEETING WITH BOARD AND COMMISSION APPLICANTS:** Motion by Ansari, seconded by Urban, to set a Special Meeting on Tuesday, January 7, 2014, beginning at 5:30 p.m., to interview board and commission applicants. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

PROCESS FOR REGIONALIZING PUBLIC TRANSIT IN KALAMAZOO COUNTY: Kalamazoo County Transportation Authority (KCTA) Chairperson Linda Teeter and KCTA Executive Director Sean McBride provided a presentation and background materials regarding the Kalamazoo County Transportation Authority and an update on the Status of Regionalization of Public Transit. Discussion followed.

Dan Cunningham, 726 Karendale Avenue, asked if there would be future transit connections in the lakes region in the Southeast corner of Portage and noted that many senior citizens would take advantage as riders. Mr. McBride responded that Public Transit has three main services: buses, over 45 vans in the Metro County Connect fleet that provide door-to-door service anywhere in the County to any residence for senior citizens and those who have a qualified disability with rides costing \$3.00 to \$4.00 each way. Also, he said as studies reveal increases in riders, those areas will be considered for future routes when cost effective. Discussion followed.

Councilmember Pearson asked about the reference to legacy costs in the December 2012 White Paper, even though Councilmember Urban asked that Council disregard it. Understanding that this is a transfer from the City of Kalamazoo to the County of Kalamazoo, he pointed out that the shortfall for the City of Kalamazoo retiree healthcare as of today is \$190 million. He asked Mr. McBride for clarification of his statement that there will be no transfer of costs, noting that he is in favor of Public Transportation, and to provide assurances that none of that legacy cost would be transferred to City of Portage taxpayers.

Mr. McBride responded that there are two legacy costs: the pension obligations that are fully funded through the pension system and legacy costs for the retiree healthcare that is partially pre-funded, but not 100% pre-funded. He indicated that the revenue to pay for those costs is coming from four sources as 50% comes from federal and state funds and the (two) millage funds have in the past and will in the future fund the benefit costs of the system. Councilmember Pearson asked whether the City of Portage taxpayer will be paying for any of the \$190 million retiree healthcare legacy costs of the City of Kalamazoo. Mr. McBride responded that moving forward, there will be retiree healthcare cost and KCTA will have to figure out how to fund it.

Councilmember Pearson addressed his fellow Councilmembers and expressed his reservations without having actual numbers before adopting a Resolution. He explained his position and said he had no reservations about the City of Portage paying their fair share going forward, but expressed a desire to have answers to his questions before considering the adoption of a Resolution.

Councilmember Urban asked for confirmation that the City of Portage is currently funding some of those obligations through the 0.4 mill levy approved by the voters of Portage that is used by the KCTA to pay for the line haul that is in the City of Portage. Mr. McBride concurred and Councilmember Urban indicated that any millage increase would go before the voters.

City Manager Maurice Evans clarified that it is not the City of Portage, but the citizens of Portage, who voted and approved the millage to fund transportation services; and he emphasized that it is not the City Government. Discussion followed.

After the motion regarding Item G.3, Communication from the Environmental Board Regarding a Burn Request (Phragmites) (see below), Mayor Pro Tem Reid recognized that she was asking something out of order, noted that with the presentation of the KCTA and their request for a Resolution of Support, and asked that the KCTA request be referred to the Administration to draft a statement of support to provide City Council with something for a future Council Meeting for consideration. Motion by Reid, seconded by Urban, to refer the request for a Resolution of Support to the Administration and for an information report on the plan as it stands and a draft Resolution for discussion. Discussion followed on the KCTA request, the proposed motion as presented and the nature of the memorandum request from the Administration. Upon a roll call vote, motion carried 6 to 0.

PRESENTATION AND ANNUAL UPDATE FROM ENVIRONMENTAL BOARD CHAIRPERSON RUTH CAPUTO: Environmental Board Chairperson Ruth Caputo provided a presentation and annual update on the goals and objectives of the Environmental Board. Discussion followed. Motion by Ansari, seconded by Randall, to receive presentation and annual update from Environmental Board Chairperson Ruth Caputo. Upon a voice vote, motion carried 6 to 0.

COMMUNICATION FROM THE ENVIRONMENTAL BOARD REGARDING A BURN REQUEST (PHRAGMITES): After Environmental Board Chairperson Ruth Caputo provided a presentation regarding a burn request (phragmites), discussion followed. Motion by Urban, seconded by Reid, to receive the communication from the Environmental Board regarding a burn request for phragmites, and refer the Environmental Board's phragmite burn request to the City Administration for review and recommendation. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **TAX EXEMPTION (PAYMENT IN LIEU OF TAXES) FOR MILHAM MEADOWS APARTMENTS:** Motion by Ansari, seconded by Urban, to approve an ordinance to amend the Code of Ordinances of the City of Portage, Michigan, by amending Article 2 of Chapter 70, Taxation, to add Division 11, Milham Meadows Apartments providing a service charge in lieu of taxes, grant the Milham Affordable Limited Dividend Housing Association, LP, a tax exemption and establish a Payment in Lieu of Taxes for the Milham Meadows Apartments located at 2201 and 2301 West Milham Avenue. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 277 of City of Portage Ordinance Book No. 12.

BID TABULATION:

* **PURCHASE OF REPLACEMENT FIRE APPARATUS:** Motion by Ansari, seconded by Urban, to approve the purchase of a Pierce fire pumper from Pierce Manufacturing, Inc., for \$462,377 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 Urban reemphasized the Consent Agenda Items, purchase of a Pierce fire pumper and the purchase of the BS&A integrated municipal software system.

Mayor Pro Tem Claudette Reid reported that Public Media Network (PMN) along with Cable Franchise entities in Grand Rapids, Meridian Township, Livonia, Waterford Township, Plainfield Township, Southfield, Wyoming, Dearborn, West Bloomfield Township, Orion Township, Kalamazoo and Portage are in the process of an audit to determine the accuracy of the AT&T accounting where AT&T reported they have overpaid franchise fees and will be paying much less for the next several payments. She noted that because of the way the law reads, to allow for an audit, it has to be the municipalities rather than the cable company or the consortium that will be doing the audit, and there will be no cost to the municipalities to perform the audit as the cost will be borne by PMN as a group.

Mayor Strazdas announced the winners of the "I Love Portage" Essay Contest: Shreeya Belagali of Central Elementary School and Veronica Fowler of 12th Street Elementary School, who were chosen from nearly 175 entries judged by City Councilmembers. Mayor Strazdas indicated that they will be lighting the city holiday lights at 7:00 p.m., Saturday, December 7, 2013, in the City Centre area in front of the Portage District Library.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:18 p.m.

James R. Hudson, City Clerk

***Indicates Items Included on the Consent Agenda.**

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF DECEMBER 16, 2013**

Mayor Strazdas called the meeting to order at 7:02 p.m. The following Councilmembers were present: Councilmembers Nasim Ansari, Jim Pearson, Patricia Randall, Terry Urban and Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Also in attendance were City Manager Maurice Evans, City Attorney Randy Brown and City Clerk James Hudson.

Following the opening of the meeting and roll call, Mayor Strazdas explained the purpose of the meeting and City Clerk James Hudson listed the applicants who were present for the interviews: Cory Bailes, Connor Farrell, Richard Ford, James Graham and Betty Ongley, who would be late owing to a prior commitment. Former Councilmember Cory Bailes stepped forward and announced that he was removing his application for consideration for the open City Council seat.

At the request of Mayor Strazdas, City Clerk James Hudson and City Attorney Randy Brown selected the order for the interview of each applicant by lot: James Graham, Richard Ford and Connor Farrell. Mayor Strazdas asked that the order of questioning by City Councilmembers be rotated using the normal rotation for roll call votes used by the City Clerk at all Regular City Council Meetings. Councilmember Pearson began the questioning and the rotation followed accordingly by alphabetical order. Discussion followed.

Each applicant was given two minutes to make an opening statement and each Councilmember asked each applicant one question under a time limit of twenty minutes per applicant. Time permitting, Mayor Strazdas offered each of the Councilmembers an opportunity to ask a second question. Discussion followed.

- * 7:06 - 7:26 p.m., City Council questioned James Graham.
- * 7:26 - 7:44 p.m., City Council questioned Richard Ford.
- * 7:44 - 8:04 p.m., City Council questioned Connor Farrell.
- * 8:04 - 8:24 p.m., City Council questioned Betty Ongley.

Questions centered around the budget, funding issues, new revenue sources, personal property taxes, special assessments as an approach to taxing, taxes on businesses, taxes on commercial businesses, a general question regarding applicant opinion on an increase in taxes, how to bring City Council together when divided on an issue, applicant qualifications and bias, customer service, outsourcing, merging services, the central dispatch effort, parks programs, water and sewer rates, economic development, of the services provided by the City what could be added, modified or eliminated, request for new ideas, how to increase the tax base, quality of life, environmental concerns, the recent City Council election, election of the Mayor Pro Tem and the Hedley Amendment. Discussion followed.

Each City Councilmember and City Manager Maurice Evans expressed their appreciation to the applicants for coming to the interview session and for their willingness to serve. Discussion followed.

At the request of Mayor Strazdas and upon the advice of City Attorney Brown, motion by Randall, seconded by Pearson, to add the selection of two new members to the Property Committee to the agenda, and to appoint Councilmember Urban and Councilmember Pearson to the Property Committee. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 8:36 p.m.

James Hudson, City Clerk

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
November 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. 2013 sampling contract approved by City Council with AHC on July 23, 2013. Weekly methane sampling is continuing on-site to collect base line data.</p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -Review of 7 <i>site/building plans and/or plats completed in November 2013.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-Sanitary sewer hookup permits issued in November 2013: 5 residential; 0 commercial.</p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. 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. Treatment application completed in mid-June. Follow-up inspection of treatment completed by Restoration Lake Services.</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 6 inch increase over 2012 levels due to recent rain events. *The 2013 report received and under review.*

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

-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 showing minimal impact.

-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. MDEQ scheduled an audit of the program on July 12,

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

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

Five year plan to implement the current NPDES stormwater permit.

Wellhead Protection Program (WHPP)

Leaf Compost Monitoring Program

National Pollution Discharge Elimination System (NPDES) permit implementation

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. *Next meeting scheduled for December 2013. No new developments.*

Plan to implement and maintain an
Illicit Discharge Elimination

-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

Program (IDEP).

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 of investigating storm water outfalls began in June and is continuing. 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. 2013 results will be received in November. 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 produced promising results. Native species plants successfully established. Native plant weeding and fall mowing is complete. Staff currently working with the Environmental Board on informative signs and long-term maintenance plans.

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 November 2013 – 0. Number of environmental cleanups in November – 0. Emergency spill response contract for 2013-14 with Terra Contracting has been renewed.

Southwest Michigan Regional

Collaborative effort with local

-On May 12, 2009, City Council approved the Southwest Michigan Regional

Sustainability Covenant

government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

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.