

Petition
(Update – 25 February 2014)

RECEIVED
FEB 25 2014
COMMUNITY DEVELOPMENT

To: City of Portage – Planning Commission

**Do not approve a permit for a potential
bomb next to a school and residential
homes!**

Great Lakes Convenience Inc has applied for a permit to build a gas station at the former Farmers Market on Centre Street in Portage, Mi.

Explosions are a real risk. Some recent gas station explosions in the US: Cantwell, AK; Powhatton, VA, Grayson, KY, Danbury, CT. Underground storage tanks can leak and pollute neighboring land. Spills can occur while filling the tanks and/or vehicles. Vapors from gasoline (so called VOC's) can pollute the environment.

Signing this petition does not mean that you are against establishing a new gas station in Portage. Nor does it mean that you are against developing the former Farmers Market. It does mean that you would to see a gas station developed at a safe location away from children and homes!

Signed by 161 concerned citizens.
(Visit the petition online at: <http://chn.ge/1eTwxxl>)

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1 Breakdown of the numbers:

161 people signed the petition:

- 78 signatures are from citizens within the City of Portage (48%).
- 35 signatures are from people outside Portage but within Kalamazoo County (22%).
- 48 signatures (30%) are from people outside Portage and Kalamazoo County (30%).

41 people also left comments and remarks:

- 29 comments are from citizens of Portage (71%). Many of these comments are made by residents of the "Loehr Acres neighborhood" and/or parents with children at the Otis Montessori School.
- Most of the other comments are from people with friends, family or rental property in the neighborhood.

2 Signatures

Colleen Steves Kalamazoo Township, MI, United States 2014-01-14

Bart Litjens Portage, MI, United States 2014-01-14

Sarah Gerstner Kalamazoo, MI, United States 2014-01-14

Kirsten Shaw Portage, MI, United States 2014-01-14

Lindsey Enders Schoolcraft, MI, United States 2014-01-14

Sara Johnson Vicksburg, MI, United States 2014-01-14

Cindy Kotecki Portage, MI, United States 2014-01-14

Jennifer Regulski Kalamazoo, MI, United States 2014-01-14

Allison collins Kalamazoo, MI, United States 2014-01-14

Kaitlin Hines Portage, MI 2014-01-14

Jennifer Caswell Portage, MI, United States 2014-01-14

Emily Brady Portage, MI, United States 2014-01-14

Shannon Shell Kalamazoo, MI, United States 2014-01-14

Jennifer Pearson Kalamazoo, MI, United States 2014-01-14

Amy Cordes Lawton, MI, United States 2014-01-14

Claudia Brady Farmington Hills, MI, United States 2014-01-14

Victor Perez Oxnard, CA, United States 2014-01-14

Nancy Centers Portage, MI, United States 2014-01-14

Jennie Negri Kalamazoo, MI, United States 2014-01-14

Sarah Lettow Kalamazoo, MI, United States 2014-01-14

Michael Rocklin Portage, MI, United States 2014-01-14

marlene tyler portage, MI, United States 2014-01-14

Lauren Centers Portage, MI, United States 2014-01-14

Ken Kowalski Portage, MI, United States 2014-01-14

Michelle Theodore Portage, MI, United States 2014-01-14

Jamie Boehringer Kalamazoo, MI, United States 2014-01-14

Merry Courtney Portage, MI, United States 2014-01-14

NICOLE CASWELL PORTAGE, MI, United States 2014-01-14

Heidi Deason Portage, MI, United States 2014-01-14

Brittany Hall Portage, MI, United States 2014-01-14

Emily rood Portage, MI, United States 2014-01-14

hannah penar Kalamazoo, MI, United States 2014-01-14

Amanda Underwood portage, MI, United States 2014-01-14

Amy Verile Kalamazoo, MI, United States 2014-01-14

Erin Atkinson Albuquerque, NM, United States 2014-01-14

Caitlin VanderPloeg Portage, MI, United States 2014-01-14

Ashley Carr Portage, MI, United States 2014-01-14

Ryan Coons San Diego, CA, United States 2014-01-14

gabriel koewers portage, MI, United States 2014-01-14

Stephanie Rose Portage, MI, United States 2014-01-14

Alicia Rogers Scotts, MI, United States 2014-01-14

Margaret Posthumus Portage, MI, United States 2014-01-14

Anne Paulton Schoolcraft, MI, United States 2014-01-14

Bonnie Muehleise Schoolcraft, MI, United States 2014-01-14

Sergey Bulgakov Санкт-Петербург, г. , Russian Federation 2014-01-14

kerry koss portage, MI, United States 2014-01-14

Stanley Roberts Portage, MI, United States 2014-01-14

Dean Stevens Willis, MI, United States 2014-01-14

Concerned Citizen New City, NY, United States 2014-01-14

Harrison Walker Ames, IA, United States 2014-01-14

Patrick Muehleise Schoolcraft, MI, United States 2014-01-14

Patrick Michael Muehleise Portage, MI, United States 2014-01-14

Alicia Batt Minneapolis, MN, United States 2014-01-14

Laura DeVries Kalamazoo, MI, United States 2014-01-14

emily slaba Germantown, TN, United States 2014-01-15

Ruth Hall Portage, MI, United States 2014-01-15

Elizabeth Crawford Portage, MI, United States 2014-01-15

Gregory Hall Portage, MI, United States 2014-01-15

Elliot Hall Portage, MI, United States 2014-01-15

Heather Reinholt Kalamazoo, MI, United States 2014-01-15

Margaret Kendall Portage, MI, United States 2014-01-15

Ashleigh Rondon Kissimmee, FL, United States 2014-01-15

Jeremy Kendall Kalamazoo, MI, United States 2014-01-15

Ariana C Portage, MI, United States 2014-01-15

Annika Ehrig Portage, MI, United States 2014-01-15

Annie Hannon cuba, AL, United States 2014-01-15

Chantal Buslot Hasselt, TX, United States 2014-01-15

Nidhi Sharma San Jose, CA, United States 2014-01-15

Rachel Kendall Portage, MI, United States 2014-01-15

Kelli Visser Portage, MI, United States 2014-01-15

John Richard Young East Norriton, Montgomery County, PA, 2014-01-15
United States

John Cavanaugh Grand Rapids, MI, United States 2014-01-15

Chris Louis Vicksburg, MI, United States 2014-01-15

Kerri Robinson Grand Rapids, MI, United States 2014-01-15

Connor Farrell Portage, MI, United States 2014-01-15

becky visser Portage, MI, United States 2014-01-15

ROBERT VISSER KALAMAZOO, MI, United States 2014-01-15

Sue Kovach Portage, MI, United States 2014-01-15

Marsha Peters Grand Rapids, MI, United States 2014-01-15

Teresa Watson Galesburg, MI, United States 2014-01-15

Lisa Krietz Portage, MI, United States 2014-01-15

Jacob Hines Portage, MI, United States 2014-01-15

Kara Paetschow Grand Rapids, MI, United States 2014-01-15

melissa newcomb portage, MI, United States 2014-01-15

Daniela Litjens Portage, MI, United States 2014-01-15

Diane Slater Schoolcraft, MI, United States 2014-01-15

Kathleen Langstrom Grand Junction, MI, United States 2014-01-15

Adam Weber Hood River, OR, United States 2014-01-15

Susan Visser Kalamazoo, MI, United States 2014-01-16

Sean Mays Portage, MI, United States 2014-01-16

Joel Dunn Winona, MN, United States 2014-01-16

Aubrey Norman Portage, MI, United States 2014-01-16

Chelsea Koster Portage, MI, United States 2014-01-16

Nikkole Nethery St Amant, LA, United States 2014-01-17

Andrew Uggeri Mattawan, MI, United States 2014-01-17

Justin Paulton Portage, MI, United States 2014-01-18

Edward Fitts Portage, MI, United States 2014-01-18

Pam Boland Grovetown, GA, United States 2014-01-19

Brent Richman Portage, MI, United States 2014-01-19

Tim Visser Portage, MI, United States 2014-01-19

Marlene Bumpous Portage, MI, United States 2014-01-20

Nell Klien Portage, MI, United States 2014-01-20

R Mentzer Portage, MI, United States 2014-01-20

Lisa Fender Portage, MI, United States 2014-01-20

racheal dordeski farmington, MI, United States 2014-01-20

Barb Walker Portage, MI, United States 2014-01-20

horton deanna tucson, AZ, United States 2014-01-20

Larry Ekema Kalamazoo, MI, United States 2014-01-20

Craig Bogue Schoolcraft, MI, United States 2014-01-20

Krista Ploski Portage, MI, United States 2014-01-20

Suzanna Falk Portage, MI, United States 2014-01-20

Connie Arnsman Schoolcraft, MI, United States 2014-01-20

Deborah Hutchins Portage, MI, United States 2014-01-20

Benjamin Hutchins Portage, MI, United States 2014-01-20

Elizabeth Terhofter Portge, MI, United States 2014-01-20

Emily Terhofter Portage, MI, United States 2014-01-20

Nita Clark Portage, MI, United States 2014-01-20

Jason Vandyke Portage, MI, United States 2014-01-20

Greg Greenman Portage, MI, United States 2014-01-20

Rick Hutchins Portage, MI, United States 2014-01-20

Edward Laurson Denver, CO, United States 2014-01-20

Lorraine Mosier Portage, MI, United States 2014-01-21

Dominic Andwan Portage, MI, United States 2014-01-21

Kristie Berryman Portage, MI, United States 2014-01-21

Kristi Fitts Portage, MI, United States 2014-01-21

Robert Bingham Portage, MI, United States 2014-01-21

John Barker Portage, MI, United States 2014-01-21

Richard Wielopolski Portage, MI, United States 2014-01-21

London Crowley Portage, MI, United States 2014-01-21
Elaine Brady Portage, MI, United States 2014-01-21
Mary Wielopolski Portage, MI, United States 2014-01-21
Amy Small Portage, MI, United States 2014-01-21
Sarah Hoffman Portage, MI, United States 2014-01-21
Tracy Kingsley Portage, MI, United States 2014-01-21
Karie Dailey Portage, MI, United States 2014-01-21
Dawb Hite Portage, MI, United States 2014-01-21
Robin Jackson Portage, MI, United States 2014-01-22
Tim Jackson Portage, MI, United States 2014-01-22
Lisa Corcoran portage, MI, United States 2014-01-22
Gerald Hojnicky Dearborn, MI, United States 2014-01-22
Kathryn Dunckel Portage, MI, United States 2014-01-22
David Taylor Fulton, MI, United States 2014-01-22
Lawrence Drozan Northville, MI, United States 2014-01-22
Betsy Meschke Portage, MI, United States 2014-01-23
Karen Bochenek White Lake Township, MI, United States 2014-01-23
Tabitha Penny Portage, MI, United States 2014-01-23
melissa snyder Portage, MI, United States 2014-01-23
Jennifer Krause Paw Paw, MI, United States 2014-01-23
James Krause Paw Paw, MI, United States 2014-01-23
Jennifer Stephens Portage, MI, United States 2014-01-23
Ashley Tanski Random Lake, WI, United States 2014-01-23
Kaitlen Bingham Portage, MI, United States 2014-01-24
Holly Henley Ninety Six, SC, United States 2014-01-24
Brittany Bogema portage, MI, United States 2014-01-24

Tracy Bogema Portage, MI, United States 2014-01-24

Larry Haveman Otsego, MI, United States 2014-01-24

Kellie Garcia Portage, MI, United States 2014-01-24

Kelly Fox Portage, MI, United States 2014-01-25

GR Young Kalamazoo, MI, United States 2014-01-25

scarlette raie norco, CA, United States 2014-01-27

Elaine Chao Portage, MI, United States 2014-01-28

Kaitlynn Taylor Portage, MI, United States 2014-02-18

3 Comments and remarks

Bart Litjens Portage, MI 2014-01-14 There are better and safer locations in Portage for a gas station!

Sarah Gerstner Kalamazoo, MI 2014-01-14 It makes me so sad to think that a place that once held a farm stand that promoted healthy living and a sense of community may soon house an environmental hazard and eye sore of a gas station!

Jennifer Caswell Portage, MI 2014-01-14 My son was a student at Otis Montessori and we try to promoted a healthy lifestyle on all levels.

Nancy Centers Portage, MI 2014-01-14 I live within 300 feet of this location. A gas station in the middle of a residential area does not make sense at all. We have lived in our home for 30 years and will see our property values go down. There are much better locations for gas stations. I am also concerned about the traffic in and out of that area with no traffic light. There are already 2 convenience stores in that area on Centre St.,one 2/10 of a mile west and one 3/10 of a mile east. Please do NOT approve this permit!

Merry Courtney Portage, MI 2014-01-14 Do Not want the potential for violence, or loud noises and bright lights in my back yard. Portage has plenty of other places for this type of business

Brittany Hall Portage, MI 2014-01-14 The gas station would also bring traffic and crime into the neighborhood. There are lots of gas stations, convenience stores and restaurants around here! How about another market for fresh food and plants? That's what we need!

Amanda Underwood Portage, MI 2014-01-14 We have enough gas stations! Why risk the safety of families and children in our community?

Bonnie Muehleise Schoolcraft, MI 2014-01-14 I own 8022 and 8014 Lakewood Dr. And this would compromise future rentals

Dean Stevens Willis, MI 2014-01-14 The safety of children should be our first consideration.

Pat Muehleise Schoolcraft, MI 2014-01-14 Besides the most important concerns of immediate safety, how many abandoned gas station sites (due to underground contamination) like Westnedge & Centre (Muffler Man), Oakland & Centre, Portage Rd & Zylman does the City of Portage want dotting its landscape in the decades to come?

Ruth Hall Portage, MI 2014-01-15 I do not want the responsibilities that accompany a gas station being in the neighborhood. We can go to Westnedge Ave to buy gas and food. We live in a residential area for a reason.

Gregory Hall Portage, MI 2014-01-15 We don't need a commercial business location in a residential area. The corner of Portage Road and Centre Street would be an ideal location for this business. I don't think my family or community should be forced to deal with the safety risks and environmental concerns that accompany having a commercial business in such close proximity to our homes.

ROBERT VISSER KALAMAZOO, MI 2014-01-15 My children and grandchildren live a block away and there well being comes before anything else!

Marsha Peters Grand Rapids, MI 2014-01-15 I just don't think a gas station in a residential neighborhood and a school district is appropriate...

melissa newcomb portage, MI 2014-01-15 does not seem safe near a school when there is gas involved a store that sellls stuff yes but not a gas station not good for that area.

Edward Fitts Portage, MI 2014-01-18 Concerns over traffic patterns, safety of children, devaluation of property, light and noise pollution if this request is approved.

Nell Klien Portage, MI 2014-01-20 Grandchild attends Otis. Access in area difficult as it is. Playgrounds should not be situated next to gas stations!

Lisa Fender Portage, MI 2014-01-20 This proposed gas station will be next to a Montessori school.

Barb Walker Portage, MI 2014-01-20 This is an extremely poor decision. I'm sure there are other potential locations for ANOTHER gas station. It does NOT belong next to a school or so close to residential homes!

Deanna Horton Tucson, AZ 2014-01-20 I have friends with children in the neighborhood

Craig Bogue Schoolcraft, MI 2014-01-20 Bring back the market. We do not need any more penny-pinching, record-profit making gas stations around here.

Suzanna Falk Portage, MI 2014-01-20 This is not what the neighborhood needs.

Deborah Hutchins Portage, MI 2014-01-20 Property values will decline. There is no need for a gas station in our quiet

residential community, nor is there a need for a 3rd convenience store in less than 1/2 mile on Centre Street!!

Nita Clark Portage, MI 2014-01-20 Traffic & lighting in residential neighborhood would reduce property values.
Also too close to the school!

Greg Greenman Portage, MI 2014-01-20 I was tolled that they tried to reopen the MARKET but the city said NO. The city did not want an OPEN AIR MARKET. We also have a C-store just down the road that has served portage for a long time.

Rick Hutchins Portage, MI 2014-01-20 My concern is property values within the neighborhood and traffic congestion.
My disappointment lies with the Planning Commission for even considering the former Market property for this type of development. The Market was very beneficial to the area and a like-business should be its replacement. Shame on the Commission for not considering local residents!

Lorraine Mosier Portage, MI 2014-01-21 We don't need a gas station that close to our Platte, no matter "HOW" safe they say it will be PLUS we don't need the extra traffic coming out of Centre St. there on a year round basis (as opposed to only spring/summer months that the fruit market had!!)

Dominic Andwan Portage, MI 2014-01-21 Opposed to gas station as development of site next to school and playground. Wait for safer, better property use please.

Kristi Fitts Portage, MI 2014-01-21 This is unsafe for a residential area. Too much traffic could cause even more crime in this area. Also traffic off of Lakewood and Centre Street is ridiculous now... This will only cause more traffic congestion. The space is just simply too small for a gas station let alone a restaurant, also. There's a school right next door ...I would like to continue to have a safe environment for my 12-year-old son. There are just too many reasons NOT to put a gas station in this area... I could go on and on...

John Barker Portage, MI 2014-01-21 I don't see any gas stations next to Portage Public Schools playgrounds. We don't need one here.

London Crowley Portage, MI 2014-01-21 Property value will decline, the noise, traffic, a bug pond, a 3rd convenience store in less than a half mile, how about the lights? Please build a farmers market everyone loved the market!

Lillie Brady portage, MI 2014-01-21 Do we really need another gas station convince store in less than one half mile, the traffic by 2 schools, ruin property values, the lights, the noise, ruin my view and safety of the neighborhood, what about the environment and a bug pond?

Sarah Hoffman Portage, MI 2014-01-21 It will cause worse traffic from the high school. I'd rather see it on Lovers Lane

Robin Jackson Portage, MI 2014-01-22 Don't want gas station, too busy, traffic, kids going to school

Lisa Corcoran portage, MI 2014-01-22 I do not want a gas station in my back yard! I don't want to smell gas fumes in the summer or any other day. It's next to a school I don't want to deal with traffic coming thru my neighbor hood. BRING BACK THE MARKET or put a coffee shop there instead. We have enough gas stations in our surrounding area. Thank you!

Gerald Hojnicky Dearborn, MI 2014-01-22 It concerns my granddaughters who attend school there..

Lawrence Drozan Northville, MI 2014-01-22 do not want to set precedent of putting gas stations next to existing schools.

Karen Bochenek White Lake Township, MI 2014-01-23 Do not believe gas stations should be near schools any places where children would be!

Brittany Bogema portage, MI 2014-01-24 This is not a proper location for a gas station. A normal business should go in there or a local fresh produce and farmers market again. Keep it local.

Larry Haveman Otsego, MI 2014-01-24 The center street market was the perfect kind of business in this location. Not a gas station!

Kelly Fox Portage, MI 2014-01-25 Too close to residential area, especially Otis Montessori. Just asking for trouble.

4 City of Portage, in your own words....

City of Portage, Community Snapshot, Existing Condition Report, Prepared December 2013:

Office Corridor Development

“Centre Avenue (US 131 to Portage Road): This corridor serves as a linking road between several of the city’s main commercial and industrial corridors and connection to US 131. As such, many of the remaining residences are subject to conversion into office uses.

Since neighborhoods line the corridor, maintaining an office mix along the corridor is a good strategy to buffer the neighborhoods from traffic and nearby commercial businesses.

Existing retail nodes at Angling Road and West Centre Avenue, West Center Avenue and Oakland Drive, and Lovers Lade and East Centre Avenue should be maintained as neighborhood commercial.”

[Underline is added]

City of Portage – Portage 2025, Portage Visioning Project, Final Report, April 2007:

“The end result of Portage 2025 will not be a report that collects dust on a shelf, but ideas that will be used as a tool by future City Councils, Boards and Commissions as they go about their statutory and advisory roles to govern and shape the City of Portage. The vision and goals developed from the Portage 2025 process will serve as the framework for taking the first step for the next generation and will help ensure that the City of Portage remains “A place for opportunities to grow.”

One of the goals:

“Strong economic development while protecting neighborhoods. City planning avoids commercial development at the expense of neighborhoods.”

[underline is added]


DEQ & LARA
Storage Tank Information Database

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Storage Tank Facilities List

Facility and Tank Details

Facility Information:

Facility ID: 00000941
 Great Lakes Convenience Inc
 6785 Whitneyville Ave SE, Alto, MI 49302
 Phone#: (616) 863-6845

Owner Information:

Great Lakes Convenience Inc
 6785 Whitneyville Ave SE, Alto, MI 49302
 Phone#: (616) 868-6845

Tank ID	Tank Status	Capacity (in gallons)	Installation Date	Substance Stored	Tank Release Detection	Piping Release Detection	Piping Material	Piping Type	Construction Material	Impressed Device
1	Removed from Ground	9500	4/7/1976 12:00:00 AM	Gasoline			Galvanized Steel		Asphalt Coated or Bare Steel	No
2	Removed from Ground	9500	4/7/1976 12:00:00 AM	Gasoline			Galvanized Steel		Asphalt Coated or Bare Steel	No
3	Removed from Ground	5000	7/1/1980 12:00:00 AM	Diesel	Automatic Tank Gauging	Automatic Line Leak Detectors	Fiberglass reinforced plastic, Secondary Containment	Pressure	Asphalt Coated or Bare Steel, Lined Interior	No
4	Removed from Ground	10000	1/1/1987 12:00:00 AM	Gasoline	Automatic Tank Gauging	Automatic Line Leak Detectors	Fiberglass reinforced plastic, Secondary Containment	Pressure	Cathodically Protected Steel	No
5	Removed from Ground	10000	8/1/1987 12:00:00 AM	Gasoline	Automatic Tank Gauging	Automatic Line Leak Detectors	Fiberglass reinforced plastic, Secondary Containment	Pressure	Cathodically Protected Steel	No
6	Currently In Use	25000	9/28/2010 12:00:00 AM	Gasoline	Interstitial Monitoring Double Walled Tank	Automatic Line Leak Detectors, Interstitial Monitoring Double Walled Piping	Fiberglass Reinforced Plastic, Double Walled	Pressure	Composite (Steel with Fiberglass), Double Walled	No
7	Currently In Use	16000	9/28/2010 12:00:00 AM	Gasoline, Diesel, Kerosene	Interstitial Monitoring Double Walled Tank	Automatic Line Leak Detectors, Interstitial Monitoring Double Walled Piping	Fiberglass Reinforced Plastic, Double Walled	Pressure	Composite (Steel with Fiberglass), Double Walled	No

Release Information

Leak ID	LUST Site Name	Discovery Date	Substance Released	Release Status	Closed Date	Evaluation	Land Use Restrictions
C-0336-98	J & S Auto Service	04/30/1998	Unknown	Closed	12/08/2000	Tier II Evaluation	Notice of Corrective Action
C-0183-10	Great Lakes Convenience Inc	10/06/2010	Gasoline, Diesel, Gasoline	Open			NONE

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Ronald & Nancy Centers

8038 Lake Wood Dr
Portage, MI 49002
269-599-8786

RECEIVED

2014 JAN 22 10:58 AM

January 22, 2014

Dear Portage Planning Commission,

We are writing to express our concern over the planned Gas Station / Convenience Store / Drive-thru Restaurant at 710 and 732 East Centre Avenue and ask you to please deny the request for the Special Land Use Permit to Great Lakes Convenience, Inc. As homeowners in this neighborhood for almost 30 years, our concerns over the proposal for this parcel are many. It is our hope that as property owners within 300 feet of the subject parcel you will look at our concerns thoroughly and consider them seriously.

This is a lovely, tranquil family neighborhood that would be adversely affected by the proposed businesses on this parcel. Please consider the following:

- There are currently two convenience stores on that stretch of road in close proximity. One is 2/10 of a mile to the west of this parcel; the other is 3/10 of a mile to the east.
- The proposed businesses are directly adjacent to a pre-school.
- This is not an active strip of commerce, but rather an area of homes, churches, doctor's offices and schools.
- The proposed use of this property has us deeply concerned for the following reasons:
 - *Noise pollution.* Between back-up beepers, diesel engines, loud car stereos and customers shouting across the gas bays; gas station/convenience stores can be extremely noisy and not at all an establishment that belongs near homes.
 - *Light pollution.* Lighting is essential to restaurant, gas station and convenience store safety and profitability. Intense bright lighting is essential so that customers will be more likely to patronize the establishment and be less inviting to criminals. Therefore, we residents will suffer glare in our windows and lose our view of the nighttime sky. If under lit, there would be a potential for crime.
 - *Environmental pollution.* The environmental ramifications are most concerning, impacting our air quality. Idling engines emit a large quantity of particulates into the atmosphere. These particulates can pose significant health risks for those of us living near this property. A number of compounds injurious to health can be emitted while fueling a vehicle and from the exhaust of idling engines. Health effects range from nausea and headaches to cancer.
 - *Increase in crime and loitering.* For a variety of reasons, convenience stores and gas stations are often very popular targets of crime, most notably, shoplifting and robbery, which can include armed robbery. Again, not at all an establishment that belongs near schools, homes and families.

- *Increase in traffic.* Traffic is a major concern along with increase in accidents without the benefit of a traffic light to exit back out onto Centre Ave, particularly when pulling out of the property and heading west.
- *Property Values.* A real-estate purchase is often the largest single investment in one's life. This is the case with us and our home. This proposed establishment will negatively influence the value of our home. It is not difficult to understand that homes near or adjacent to a gas station will have a lower value than the same home that is not near or adjacent to a gas station. If you consider just the number of homes within 300 feet of this property, you will note that there will be a significant loss of property value, which in turn relates to years of personal investment for many families.

The goal for this property should be to find a family friendly business that will attract families to our neighborhood with an opportunity to increase our property values, not to approve the addition of a business that will drive families out of this area, drive down our property values and destroy the nature of our quiet family neighborhood.

We feel that as a member of the Portage Planning Commission, you have been placed in a position to help us maintain the character of our community and keep this type of business out of our neighborhoods and restrict them to active commercial strips and intersections.

We respectfully request that you deny this permit submitted by Great Lakes Convenience, Inc.

Sincerely,



Ronald L. Centers



Nancy L. Centers

8038 Lake Wood Dr.
Portage, MI 49002
269-599-8786
ncenters@charter.net

To Whom it may Concern:

I live in the neighborhood behind the Centre Market. I understand it was sold to a party that would like to put in a Party/gas station store. I do not think this would be a good fit for our neighborhood

We already have two party stores within blocks of each other.

The Centre Market was such a great loss to us. I would like to see a year round fruit and vegetable market along with a garden center.

Marcia Swank
8132 Lane

Adrian J. Koopsen

Builder, Inc.

7612 Garden Lane
Portage, MI 49002
(269) 806-0190 Voice
(269) 323-1874 Fax

January 21, 2014

Christopher Forth
Deputy Director
Planning, Development and Neighborhood Services
City of Portage
Portage, MI
329-4474

Chris,

As a long time Portage resident living within three blocks of the Centre Street Fruit Market since 1961 (except from 1982 – 1992) I wanted to express my support for the proposed gas station / convenience store / fast food restaurant proposed for the property where the market once was operated.

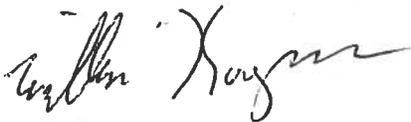
This business would be helpful to our neighborhood by increasing property values with new business rather than vacant property, it would be a convenient location for gas and convenience products, and help further develop East Centre as a commercial corridor similar to the new retail along west Centre (Biggby Coffee retail).

I will be out of town on Thursday evening so I will not be able to attend the public meeting.

If you have any questions, feel free to call me at 806-0190

Thank you for allowing me to voice my support.

Bill Koopsen
7576 Garden Lane
Portage, MI 49002
806-0190



January 20, 2014
8247 Lovers Lane
Portage, MI 49002

Planning Commission
City of Portage
7900 South Westnedge Avenue
Portage, Michigan 49002

Dear Members of the Planning Commission;

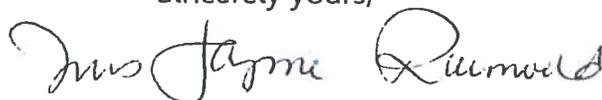
I am writing to express my opposition to a Special Land Use Permit for property on East Centre (formerly the Centre Street Market property). The proposed use of this property as a gas station, convenience store and drive-thru restaurant seems to me to be a very wrong fit for this area of East Centre Avenue.

I actually grew up in the Centre/Lovers Lane neighborhood, and have seen many, many changes over the years. However, I am completely opposed to this use of this property, feeling that it is just too intense for a largely residential area, with a preschool directly next door. It seems glaringly obvious to many that a gas station shouldn't need to move in next to a preschool. I would also question the number of convenience stores that are located so close to a high school and middle school.

In addition, there are *already* TWO convenience stores in *very* close proximity to this proposed location: Sweet Convenience Store and the Lovers Lane Mart. According to Google Maps, the distance between those 2 stores is just ½ mile. Do we honestly need another convenience store in between? That is not even taking into consideration that there is a Walgreen's just a little drive in the other direction or the BP gas station with its convenience store about another mile or two down the road.

I'm not sure what type of "image" you would want for the Centre Ave. corridor, but I hardly think that a convenience store every ¼ mile portrays a healthy, progressive community. I also do not believe that this saturation of convenience stores will bring any positive benefits to this modest residential neighborhood. Please carefully consider our neighborhood (and community), and I strongly urge you to deny this Special Land Use Permit.

Sincerely yours,

A handwritten signature in cursive script that reads "Mrs. Jayme Ruimveld". The signature is written in dark ink and is positioned above the printed name.

Mrs. Jayme Ruimveld

January 20, 2014

To: Portage Planning Commission

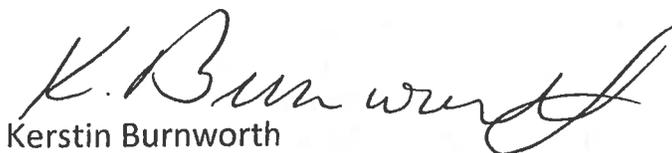
Re: Special Land Use Permit

As a new member of the neighborhood, directly impacted by this request, I wanted to submit my disapproval.

While looking for a home to purchase, my fiancé and I drove thru all areas of Portage and settled on 801 Pasma Ave. The proximity to my daughter's school, PCHS, and the quiet neighborhood, were why I chose to purchase this house. My bedroom window looks directly into the back of the old Centre Street Market. Having shopped at the market and knowing that they were always closed in the winter months, I felt like this was a perfect spot. Now, with this possible development, I will instead have bright lights and more traffic out my bedroom window. While I can appreciate the desire to develop this property, I'm sure there are better uses that will fit the neighborhood better. The fact that the Montessori School is right next door would increase the risk to many young children of more traffic and the dangers of gasoline.

Please accept this letter as my direct opposition to this development.

Regards,


Kerstin Burnworth

801 Pasma Ave.

Portage, MI 49002

January 20, 2014

City of Portage Planning Commission

Re. Special Use Permit, 732 E. Centre, Gas Station/Convenience Store/Drive Through

Dear Planning Commissioners,

We am writing to express our opposition to the application submitted by Great Lakes Convenience Inc. for a Special Use Permit for a five-pump gas station, convenience store and small restaurant/drive through lane at 732 E. Centre Ave. As residents of southeast Portage, we are very familiar with the site and surrounding land uses. Our concerns are as follows:

1. The proposed land use would be incompatible with the predominantly residential and low impact commercial uses in the East Centre corridor. The city has done a nice job of balancing the introduction of office, service and low impact commercial uses in this area with the continuing residential character of the corridor. The introduction of the proposed use would be the first intrusion of a high intensity land use, which could signal the decline of residential uses in this area. It would also introduce a major new land use with extended operating hours, possibly 24 hours a day. That would also be incompatible with residential usage.
2. As depicted in the conceptual site plan, the use would have gas pumps, a convenience store, and a small restaurant with a drive-through lane. This would be a substantial traffic generator in a location that is ill-suited to multiple conflicting traffic movements. With the nearest traffic lights at Lovers Lane and Mustang Drive, this site is too far away to operate in the shadow of these signals. The volume of trips and number of conflicting turning movements generated by these uses would create a hazardous situation for drivers, walkers and bike riders on East Centre.
3. Portage has generally been able to locate gas stations outside of residential areas except when adjacent to other major commercial developments. Gas stations/convenience stores/drive through restaurants require significant lighting for security, have multiple signs including freestanding, wall and/or digital signage, create noise, generate exhaust from idling cars, and permit outdoor displays of items like mulch and car products. This is not appropriate immediately adjacent to and facing established residential uses.
4. One adjacent use is a preschool that my own children attended for a number of years. Their play yard would be feet from a drive through lane, gas pumps, and tankers offloading gasoline. Parents dropping off and picking up children would be forced to compete with traffic from this intensive use, in addition to the large amount of traffic already present at peak hours from the

school complex, and workers travelling to and from the Portage industrial area.

5. The zoning history of the Centre Street Market goes far back to when many of these parcels were greenhouses or uses associated with them. While the subject site is zoned B-3, it is not designated for general commercial uses in the Future Land Use Plan, which is a reflection of the ambiguity that the City felt about having this area become as commercial as other major streets like South Westnedge or Portage Road. We believe that retaining the lower intensity commercial designation in the Future Land Use Plan was intended as a means of keeping commercial uses on East Centre less intense than the full range permitted as special uses.

With these specific concerns in mind, we urge you to deny the Special Use Permit application. This type of development would be perfectly suited for undeveloped land in the Centre corridor such as the southeast corner of Portage Road and East Centre, which has access to signalization, is opposite commercial uses, and is not adjacent to residential development. It is not, however, suitable for the proposed site, or appropriate as a neighbor for single-family homes and a preschool.

Sincerely,



Lisa Wininger

1811 Apple Street
Portage, MI 49002



Dr. Keith Kroll

From: "John C. and Susan M. Barker" <john.barker@att.net>
To: <stephent@portagemi.gov>, <forthc@portagemi.gov>, <georgeav@portagemi.gov>
Date: 1/21/2014 8:27 AM
Subject: Special land use permit for 710 and 732 East Centre Ave.

Att: Vicki Georgeau

We have been residents of Portage at 728 Pasma since 1979. The special use permit for the East Centre location is completely out of character for this location. I spoke with Mr. West of your office on 1/13/2014 at length about this project. He agreed that office space would be a much preferred alternative than a gas station. Resistance to change is often expected to new developments. Even though zoning supports this gas station we believe that even efforts to satisfy the noise, lighting, traffic, and obvious safety issues (Montessori immediately adjacent) will not override the compelling concerns of residential neighbors. If approved, this business will not enjoy the patronage of its neighbors nor their goodwill. Let's have a business to help support the tax base that's more in line with a very residential setting, but NOT a gas station. Great Lakes can put all the lipstick on this pig they want (convenience store, restaurant, "it won't even look like a gas station"), but in the end it's still a GAS STATION. Please consider carefully when making your decision. Thanks for listening...John & Sue Barker.

From: "Toni Sergeant" <tsergeant06@yahoo.com>
To: <stephent@portagemi.gov>, <forthc@portagemi.gov>, <georgeav@portagemi.gov>
Date: 1/27/2014 10:38 PM
Subject: Former farmer's market location on Centre St.

I am writing to express my feelings regarding the proposed plans to build a gas station/convenience store in the former farmer's market location along Centre Street.

I am not in favor of this business being built in this location. I believe there are plenty of locations along Shaver Rd. or S.Westnedge that would be better suited. With this location's proximity to two different schools, a funeral home and an established residential area I believe the increased traffic and noise would not be favorable or safe. Personally, I would love to see a similar business return to this location as the farmer's market was always a very nice addition to the community. I would love to see a business such as the People's Food Co-op or similar fresh/local food option return to our community. I believe there is a big desire by people in Portage and the surrounding areas to have regular access to fresh produce and the like. Even Texas Corners has a wonderful farmer's market. It would be wonderful if Portage were to add something similar. If there are also greenhouses that go along with that property there could be the potential to add even cold weather access to fresh produce.

Long story short, I think Portage has many better options to add more gas stations. I hope your committee will work to keep that particular stretch of Centre street free of extra traffic and noise for the benefit of the residents who currently reside and who will in the future.

Thank you for your time and consideration.

Respectfully,

Toni Sergeant

From: "Dennis Laskowsky" <dlaz0@aol.com>
To: <stephent@portagemi.gov>, <forthc@portagemi.gov>, <georgeav@portagemi.go...>
Date: 1/27/2014 2:38 PM
Subject: Special Use Permit for the former Center Street Market

I attended the Planning Commission meeting on Thursday January 23rd for the discussions on the requested special land use permit for the former Centre Street Market property.

I listened carefully to all the speakers and their concerns regarding the proposed use of the property. All the residents had very valid concerns but I don't believe the most serious concerns were presented. I am a retired International Quality Manager from Flowserve Corporation which manufactures pumps, valves, and seals for the petrochemical industry. Flowserve manufactures much of equipment Don Ziemke noted would be in place to protect the environment. This brings me to my concerns; no matter how high the quality of this equipment, it does fail over time and when it does there is typically some type of contamination which has to be mitigated. It is one thing when a facility like the proposed gas station is located away from residential areas but when it is in a neighborhood, there are environmental consequences for the neighbors. There are a number of closed service stations in the Portage area and they all thought that they had the latest technologies in place at the time, yet most of them are now brownfield sites. We do not need another one in 20-30 years.

I strongly believe that an environmental impact study is also necessary. For no other reason than to be assured the children in the adjacent school are protected. All underground tanks have to be vented to the atmosphere which emits hydrocarbon vapors to the environment even when filtered. In addition Mr Ziemke noted that they projected 1200 vehicles per day would visit the proposed site. All of those vehicles emit various emissions but most dangerous is carbon monoxide. All of the emissions this site will generate contribute to Ozone which is a known environmental concern hence Ozone Action Days. Considering the prevailing winds are typically from the SW to the NW, that puts the children in the adjacent school directly downwind of the proposed site. The levels of Ozone and emissions from vehicles, fuel pump nozzles, incidental spills, and vent pipe vapors most likely will have long term effects on the health of the children that attend the school daily. Their exposure will be significantly higher than normally allowed by clean air standards in place today. While the exposure will be less, the vapors will continue down wind and will affect the neighbors to the east and south east of the proposed facility.

I also have concerns about the traffic numbers presented at the meeting. Their traffic engineer did not note the times the studies were conducted but would presume the study was done from 9am to 4 pm considering the person that did the studies had to travel from Lansing to conduct the studies. The heaviest traffic times are from 6:30 am to 8:30 am and from 4 pm to 6:30 pm when most traffic is folks commuting to work or home again. I can say with certain there is not a time when I am heading east on Centre Street in the late afternoon that I do not have to slow down for one or more vehicles turning onto the adjacent side street (Lakeside). The noted 5 cars per hour may be true between the morning and afternoon commute but I don't believe they are valid during normal commuting hours. We also need to remember that this is the same times that children are walking to and from school past the proposed facility. The Centre Street traffic and traffic entering the proposed facility will also be highest during normal commuting hours. We must also remember that traffic engineers that work for the individual requesting a change will prepare cases to support their client.

I have been a Portage resident for 42 years living at 1814 Thrushwood Ave. which is downwind from the proposed facility.

I along with my wife and my neighbors that are aware of the request are opposed to the proposed special land use permit.

Dennis & Donella Laskowsky
1814 Thrushwood Ave.
Portage, Mi. 49002
Ph 269-327-8648



City of Portage
7900 South Westnedge Ave.
Portage, MI 49002

L. Elaine Brady
725 Pasma Ave.
Portage MI 49002

January 23, 2013

To Whom It May Concern,

I am very opposed to having a gas station/convenience store/ drive thru developed behind my home. I enjoy the peace and quiet my neighborhood offers and certainly do not want a drainage pond behind my fence.

I am very concerned about the value of my home declining and the amount of traffic that yet another convenience store would bring. I would like the following to be considered before any development is agreed upon: Would a gas station affect the environment? What guarantee would we have that it would not? Would we need a traffic light, and what kind of lighting would the property have?

Don Ziemke did come to my house to introduce himself and share his vision for a business. I found him to be professional and kind. While I do not want a gas station in my neighborhood, I would encourage you to work with him on another location. Please have somebody run the Centre St Market; the community misses it and I still get phone calls asking when it will reopen.

I do hope you will consider my home life, the environment of my community and the concerns I have noted. Please feel free to contact me with any further discussion.

Sincerely,

L. Elaine Brady

L. Elaine Brady

January 23, 2014

Dear Portage Planning Commission,

We are commenting on the application submitted by Great Lakes Convenience, Inc requesting a Special Land Use Permit to establish a gasoline station, convenience store and drive-thru restaurant at 710 and 732 East Centre Avenue.

As a land owner at 743 East Centre Avenue (recently rezoned OS-1; non-conforming single family residence) directly across the street from these properties we have a number of concerns:

1) Contrary to Comprehensive Plan

- a. While the property at 732 E. Centre is zoned B-3, this does not conform to the city's comprehensive plan for this corridor to be zoned OS-1, light office.

2) Significantly Greater Business Traffic

- a. A gas station / convenience store / drive thru restaurant will have a significantly greater traffic pattern than was previously established by the prior tenant, Centre Street Market.

3) Significantly Greater Duration and Type of Business Traffic

- a. This proposal would also have a significantly greater duration of traffic. The Market was only open six days a week from 8:00 a.m. until 6:00 p.m. The current proposal is for operations from 6am – 11pm Monday thru Friday; 7am – 11pm Saturday and Sunday.
- b. As this property is adjacent to properties currently zoned residential and residences zoned light office we suggest operational hours be limited to no earlier than 8:00 a.m. and no later than 9:00 p.m. for any business.

4) Other Traffic Problems

- a. Greater difficulty entering and exiting our driveway. We currently experience some difficulties with traffic turning south into the property at 710 E. Centre Ave and also turning south onto Lakewood from the east when we are trying to use the turn lane entering our driveway from the west. This will be significantly more difficult if the proposed full service driveway arrangement across from our driveway is approved.

5) Environmental Concerns

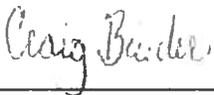
- a. While technology has improved, there are always potential environmental issues with Underground Storage Tanks such as leakage and vapors.
- b. Noise will also be an issue. We currently understand normal “road” noises living adjacent to Centre Street. The current proposal would have significantly more noise from vehicles and individuals, which would be especially evident from 6am – 8am and 9pm – 11pm.
- c. Lighting will also be an issue before 8am and after 9pm.

Loitering Issues

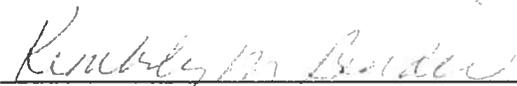
- d. Even with law enforcement controls, loitering can and will be an issue. Especially as this property is located less than .75 miles from Portage Central High School.
- e. As a former gas station employee I recognize many former and current students will stop in on Friday and Saturday nights to see where the “parties” are that night.

Recommendation

We recommend this Special Land Use Permit be denied for this proposed development as it is too intensive given the size, configuration, traffic flow/safety and location of this property in relation to the residences and one business surrounding this property.



Craig Binder
743 East Centre Avenue



Kimberly Binder
743 East Centre Avenue



Department of Community Development

TO: Planning Commission **DATE:** February 28, 2014
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Texas Township Master Plan Amendment

I. INTRODUCTION

Attached is a communication from the Charter Township of Texas regarding a proposed Master Plan Amendment involving an approximate 5-acre parcel of land located at 7569 South 8th Street. The proposed amendment involves a Master Plan Map change from low density residential to industrial. According to the Texas Township Clerk, the Master Plan Amendment is being proposed concurrently with an application for a conditional rezoning of the property to support a proposed mini-storage development. The property in question is situated approximately two miles west of the City of Portage corporate boundary.

A copy of the proposed Master Plan Amendment was provided to the Department of Community Development on February 14th. Pursuant to the Michigan Planning Enabling Act, Texas Township is requesting review and comment from all contiguous municipalities and other required agencies by April 5, 2014.

Staff has reviewed the proposed Master Plan Amendment and does not have any specific comments. The Planning Commission is advised to review the Texas Township Master Plan Amendment during the March 6, 2014 meeting. Any Commission comments will be forwarded to the Texas Township Planning Commission for consideration.

Attachment: Communication from Charter Township of Texas (received February 14, 2014)

S:\Commdev\2013-2014 Department Files\Board Files\PLANNING COMMISSION\PC Reports\2014 02 28 Texas Township Master Plan Amendment.doc



7110 West "Q" Avenue
Kalamazoo, Michigan 49009
Phone (269) 375-1591
Fax (269) 375-0791

February 11, 2014

RECEIVED

FEB 14 2014

COMMUNITY DEVELOPMENT

Re: Master Plan Amendment

Dear Clerk and/or Planning Commission Chairperson:

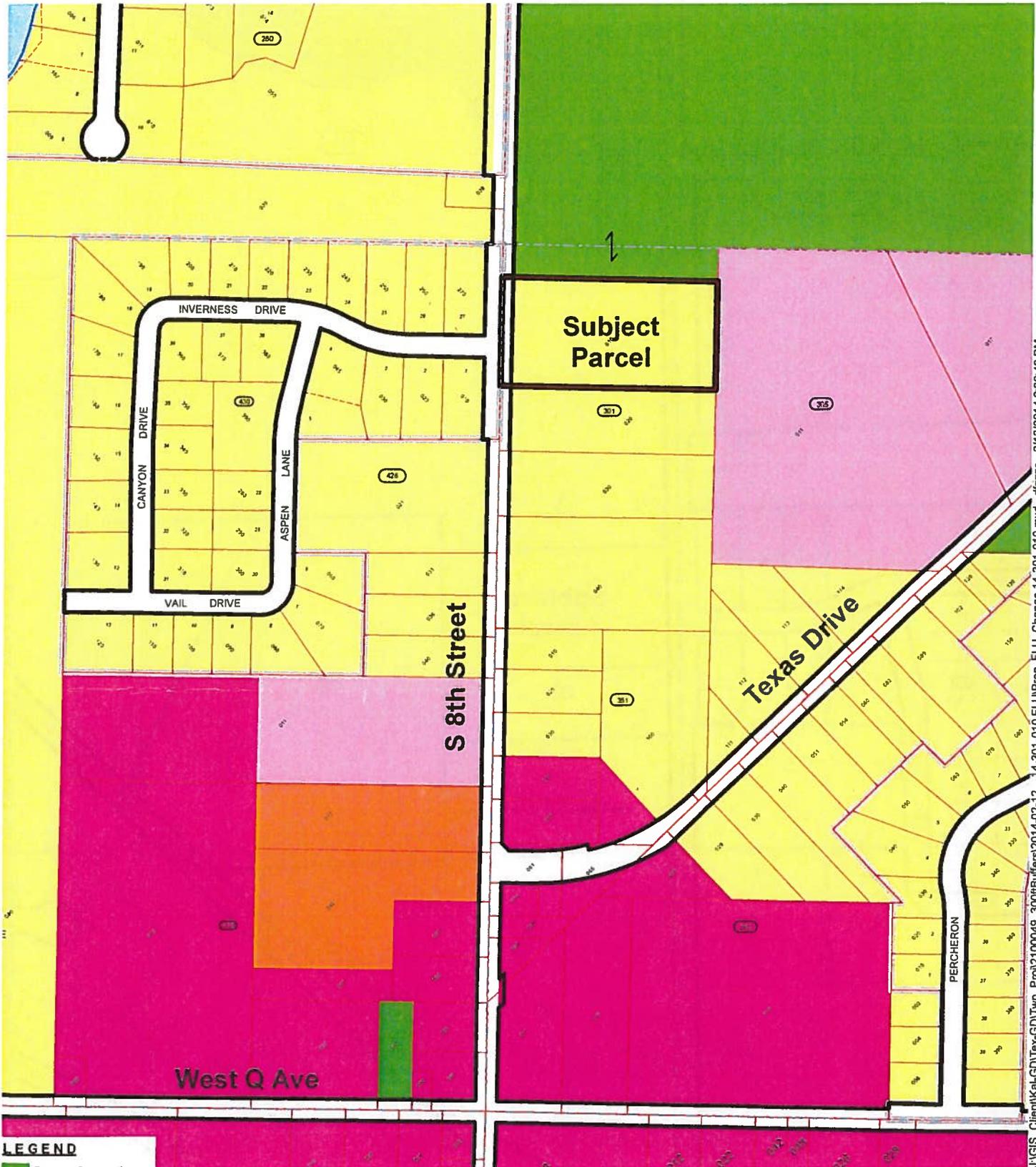
This letter and the attached material were authorized for distribution to all surrounding units of government by the Texas Township Board of Trustees on February 10, 2014. This submission relates to a private application to amend the Texas Township Master Plan Map from Low Density Residential to Industrial. This plan amendment is being processed in support of an application for conditional rezoning, providing the applicant the opportunity to amend the plan for a specific property rather than wait until such time a master plan update is initiated by the Texas Township Planning Commission.

This submission of this letter and the attached is required under the Michigan Planning Enabling Act and Texas Township seeks to have you and/or the Planning Commission review and comment on this request within 42 days of receipt of this letter. If you desire to comment, please forward such comments to:

**The Texas Township Planning Commission
(ATTN: Township Clerk)
7110 W. Q Avenue,
Kalamazoo, MI 49009**

Sincerely,

Linda Kerr, Texas Township Clerk

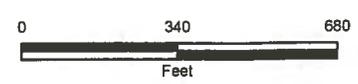


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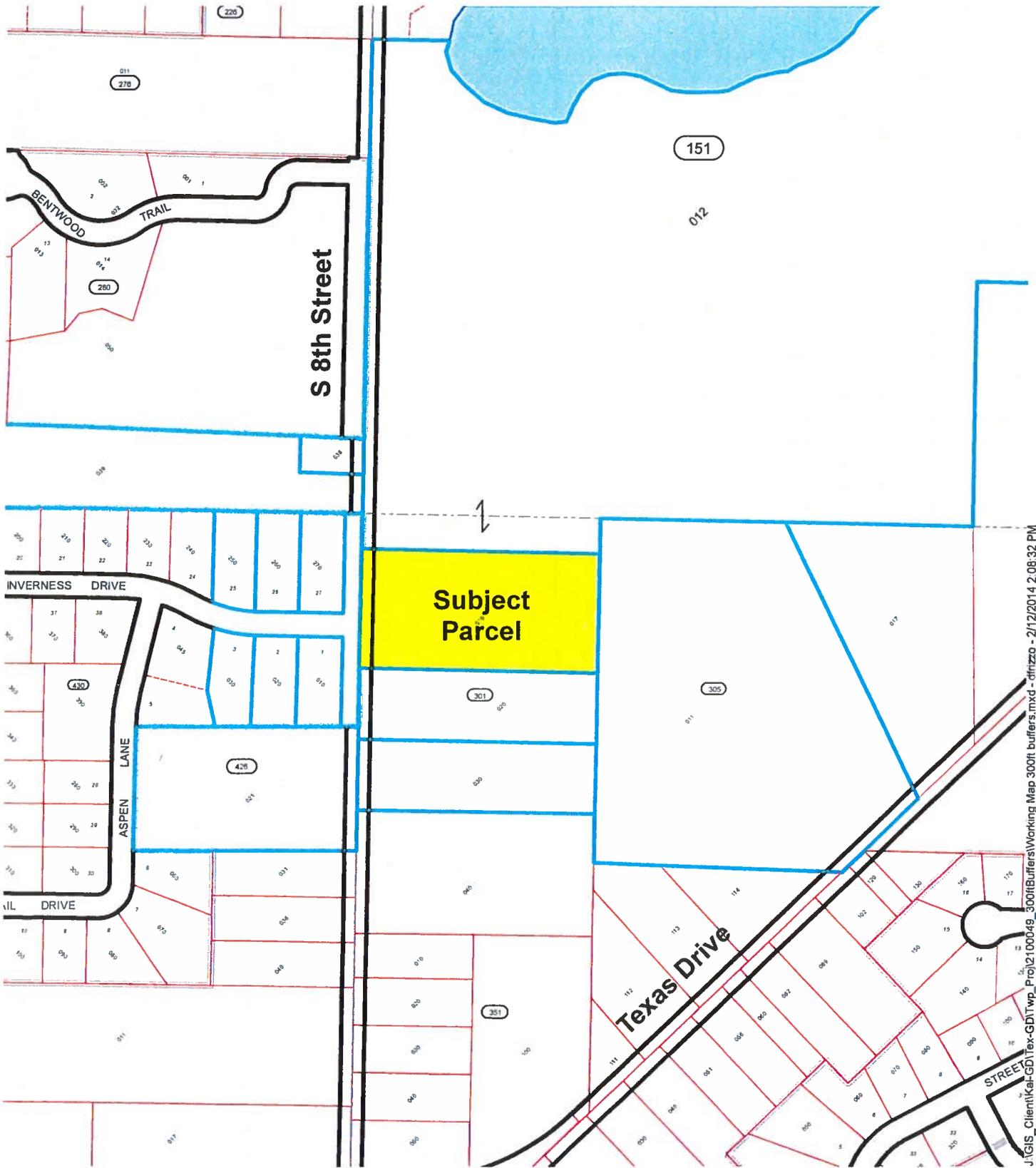
- LEGEND**
- Resource Conservation
 - Agricultural
 - Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Neighborhood Commercial
 - Central Commercial
 - Regional Commercial
 - Business Training
 - Office
 - Institutional
 - Industrial

Texas Township
Kalamazoo County, Michigan
Proposed Change
From Low Density Residential
To Industrial

Date Printed: 2/13/2014



Prein&Newhof



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Texas Township
Kalamazoo County, Michigan

7569 S. 8th St (Tax ID: 14-301-010)
300 ft Notification Parcels



This map is intended for reference purposes only. While it is intended to be an accurate graphic representation, its accuracy cannot be guaranteed. Therefore, neither Texas Township nor Prein&Newhof shall be held liable for its contents. Any conclusions or information derived from this map is at the users sole risk.

Date Printed: 2/12/2014

Prein&Newhof

RECEIVED

FEB 19 2014

TEXAS CHARTER TOWNSHIP PLANNING COMMISSION

COMMUNITY DEVELOPMENT

NOTICE OF TRANSMITTAL OF PROPOSED LAND USE PLAN (MASTER PLAN) AMENDMENT(S)

Enclosed is a copy of proposed amendment(s) to the Texas Charter Township Land Use Plan. In accordance with Section 41 of the Michigan Planning Enabling Act (MCL 125.3841), the enclosed proposed amendment(s) is(are) being submitted to you for review and comment. In accordance with the aforementioned Act, any written comment that you wish to make with respect to the proposed amendment(s) should be submitted to the Texas Charter Township Planning Commission within 42 days from the submission of this Notice to you (by April 5, 2014). Please direct any such written comments to:

Texas Charter Township Planning Commission
Att: Larry Loeks, Secretary
Texas Charter Township Hall
7110 W Q Avenue
Kalamazoo, MI 49009

If you are a Planning Commission or a legislative body, then you are required under the above-mentioned statute to concurrently submit a copy of any such written comments to the Kalamazoo Metropolitan County Planning Commission at 201 West Kalamazoo Avenue, Kalamazoo, MI 49007.

If you have any questions, please feel free to contact the Township Clerk Linda Kerr or Deputy Clerk Theresa Paddock at (269) 375-1591.

TEXAS CHARTER TOWNSHIP
By: Larry Loeks, Secretary

TEXAS CHARTER TOWNSHIP PLANNING COMMISSION

Proposed Land Use Plan (Master Plan) Amendment

It is proposed to amend the Texas Charter Township Land Use Plan (Master Plan) so as to change the land use classification of the following described land from an existing R-2 Residential Single Family land use classification to the I-1 Industrial – Restricted land use classification:

Section 14-3-2 The South 20 rods of the North 26 Rods of the West 40 rods of the southwest $\frac{1}{4}$.

The above-described land is for property addressed as: 7569 S. 8th Street and is more generally described as an approximately 5-acre parcel of land located north of the Texas Drive/8th Street intersection on the east side of 8th Street across from Inverness Drive.

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 11, 2014

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

At the request of Mayor Strazdas, Father Stan Witek of St. Catherine of Siena Catholic Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter 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 Ansari, seconded by Reid, to approve the January 21, 2014 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

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

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 11, 2014:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of February 11 2014. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: County Commissioner Phil Stinchcomb, 1607 Bellaire Avenue, provided an update regarding Kalamazoo County activities, including the restructuring of a \$63 million retiree benefit fund and other post employment benefits, and he provided examples and a discussion of the findings and changes. He publicly congratulated City Manager Maurice Evans on his retirement and wished him well. He also wished City Council well in their search for a new City Manager. Discussion followed.

House of Representatives Member Margaret O'Brien, 1220 Forest Drive, expressed her appreciation to Mr. Evans for his exemplar service as a City Manager and his responsiveness to her questions. She also provided an update regarding the State of Michigan activities, including road projects and transportation, the \$51.6 billion budget, education funding for all levels and a tax relief plan proposed by Governor Snyder in the amount of \$102.7 million. She noted that there is a 3% increase in Constitutional revenue sharing and a 15% increase in Economic Vitality Incentive Program (EVIP), formally known as statutory revenue sharing. She also outlined a plan for growing the State savings account to accommodate State emergencies, the unfunded liabilities of \$52 billion and efforts to pay down debt. Discussion followed.

Bob Hassing, 1821 West Milham Avenue, expressed dismay for receiving two complaint-driven warnings and a citation to appear in District Court for failure to remove the snow and ice on his sidewalk as he was away during the recent storms. Mayor Strazdas provided a review of the many past discussions and special meetings of City Council that addressed this issue and, at his request, Mr. Evans explained the several day complaint-driven process used before a citation is actually issued. Discussion followed. In answer to Councilmember Randall, Mr. Hassing indicated that there probably is a fine associated with the citation since the matter is now being handled in Circuit Court, and Councilmember Randall suggested the need for a grace period until there is a thaw because of the severity of the storm and the difficulty involved in removing the ice and snow. Mr. Hassing concurred that it is impossible for him to personally remove his ice and snow at this time and the danger he faces trying to enter

Milham Avenue from his driveway because of the snow mounds. Councilmember Reid expressed an interest in having City Manager Evans investigate the extenuating circumstances involved in the snow and ice removal situation of Bob Hassing, 1821 West Milham Avenue. Discussion followed. Councilmember Ansari concurred with Councilmember Reid.

At the request of Mayor Pro Tem Pearson, Community Development Director Vicki Georgeau indicated that there have been 100-150 complaints, mainly during the month of January, which resulted in 300 to 350 violation notices. She noted that the complaints are usually concerning major streets and where pedestrians or school children have to walk. She said the Department responds to complaints, sends letter requesting cooperation that snow be removed within 24 hours, and allows for a couple of days for the property owner to receive their mail and make an effort to remove the snow. She also said if it is snowing on the day set for re-inspection, the Department delays the inspection to allow for a reasonable time for people to respond.

She indicated that about ten citations were issued which results when: more than two notices were sent; no response was received; and no effort at all was attempted to remove the snow. She also indicated that, in some of those cases, there may have been problems in previous years and/or there may have been repeated complaints from citizens. However, she emphasized that with only ten citations issued out of 100-150 complaints, most people are doing their best to remove the snow, especially considering the amount of snowfall this winter, and cited the challenges for the neighbors and the Community Development Department. Discussion followed.

Motion by Reid, seconded by Ansari, to direct City Manager Evans to investigate the specific situation of Bob Hassing, 1821 West Milham Avenue, and the snow removal issues related to the citation he has received and report back to City Council at the next Regular City Council Meeting, February 25, 2014. Discussion followed.

Councilmember Urban took exception to the comment by Mayor Pro Tem Pearson that past City Councilmembers “punted” because they could not find another solution beyond the requirements of the City Ordinance. He noted that City Council spent at least one Saturday morning and many hours in other Regular City Council Meetings in an attempt to try to work through the problem where no solution or change was feasible. He empathized with Mr. Hassing and said he wished “it were different, too,” but sometimes there is not an answer that works for everyone, and City Council has to balance the responsibilities of the property owner in these cases with the needs of people who need to walk somewhere, and this is where Council found that balance. Upon a roll call vote, motion carried 7 to 0. Discussion followed and when Mr. Hassing offered his pictures of his situation, Mayor Strazdas suggested he communicate with Community Development Director Vicki Georgeau.

REPORTS FROM THE ADMINISTRATION:

* **CITY OF PORTAGE - PAVILION TOWNSHIP SANITARY SEWER TRANSPORT AGREEMENT:** Motion by Urban, seconded by Reid, to approve the Sanitary Sewer Transport Agreement between the City of Portage and Pavilion Township and authorize the Mayor and City Clerk to sign the agreement on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **ORDINANCE AMENDMENT 14-A, SIGN REGULATIONS:** Motion by Urban, seconded by Reid, to accept Ordinance Amendment 14-A, Sign Regulations for first reading and set a public hearing for March 11, 2014, at 7:30 p.m. or as soon thereafter as may be heard; and, subsequent to the public hearing, consider approving Ordinance Amendment 14-A, Sign Regulations. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

RESTORATION OF THE 10% SENIOR CITIZEN DISCOUNT: Mayor Strazdas deferred to Councilmember Ansari, who indicated that for over 30 years “the City of Portage offered a Senior Citizen Discount that provided a 10 percent reduction on water charges to utility customers over the age of 62 years. After a staff review, the program was determined to be non-compliant with current non-discrimination requirements. City Council voted to discontinue the program as of October 1, 2013. Council was advised that the discount was ‘unconstitutional’ and that continuation of the discount could lead to possible litigation. Giving seniors a water discount is a time-honored tradition of appreciation by communities.” He cited some Michigan cities he discovered using Google where a senior citizen discount water rate is available, and some from across the country, and indicated that he could not find where the practice had been challenged. Finally, he emphasized it is a benevolent benefit that shows compassion for seniors for their services and noted that the budget impact is minimal.

Motion by Ansari, seconded by Pearson, to rescind the previous action taken by City Council and restore the 10% reduction Senior Citizen Discount that was terminated on October 1, 2013. Councilmember Urban called for a point of order and City Attorney Brown explained. Discussion followed.

Mayor Pro Tem Pearson reflected on the discussion and action on October 1, 2013, by City Council. He said at that time, City Council had an opinion by the City Attorney that the long time senior citizen discount was unconstitutional. He noted that the subject came up when the Human Services Board Chair asked why there was no discount for low income people which was referred to staff who informed Council that we not only can not do that, but that we also can no longer give the senior citizen discount because it could be unconstitutional. He expressed his dismay that he voted for rescinding the discount as he was against it, but understood that it could be unconstitutional, and indicated that it was the one vote he regretted during his two years as a Councilmember. He said that the legal opinion from Bond Counsel John Axe indicated that the 10% discount was defined to be a free service interpreted as a free service, but he disagreed, explained and provided justification for his position.

City Attorney Brown offered a clarification of his opinion on this matter stating that his opinion did not state that this program was unconstitutional. He admitted that he said that an argument could be presented that there are classifications that are different and that may be unfair, as a possibility, but it is up to City Council to decide whether it wants the program or not and emphasized that he did not say that it is unconstitutional. He then expressed his thought that the City Council decided this question on the basis that Bond Counsel John Axe expressed his opinion that this was a free service under the Bond Instrument and he said that a free service was like a discount; furthermore, Mr. Axe clearly said that this discount would be in violation of the Bond Instrument. Mr. Brown said that he understood that this is the reason City Council used to vote that the discount program was over and that City Council relied on the decision by John Axe, Bond Counsel, to come to that conclusion. He noted that he saw some issues with the program, but that he could not and did not say it was unconstitutional.

Mayor Pro Tem Pearson apologized for his misunderstanding, explained himself and thanked Mr. Brown for his clarification. Mayor Strazdas concurred and asked Mr. Brown to interpret, again, the opinion of Mr. Axe.

Mr. Brown referred to the March 21, 2013 opinion of Mr. Axe where he dealt with the low income water and sewer discount program with a 10% discount on utilities and he cited a provision in the bond instrument that reads, “Free service shall not be furnished by a public improvement to a person, firm or corporation.” He indicated that Mr. Axe interpreted that free service to mean, “service provided to any customer of the system without taking into account the water usage by that customer,” and that he (Mr. Axe) felt quite certain that a low income water and sewer discount program with a 10% discount on utilities would be a free service and would violate the bond. In response to Mayor Strazdas, Mr. Brown indicated that it was the opinion of John Axe, Bond Counsel, that it would violate the bond instrument. Discussion followed.

Mayor Strazdas indicated that he was generally in favor of the motion, but expressed the need for the motion to indicate when the program would start and what fund would be used. Councilmember Ansari responded that he is not asking for something new, that the Program should continue as it has for over 30 years, and that it did not matter which fund is used to provide the \$80,000 in discounts.

Motion by Pearson, seconded by Ansari, to amend the motion to also read, "...to restore the senior citizens discount immediately under the same conditions that it (sic) existed for 20 years, (with the) same source of funding, in everything, in every regard, as we are just continuing what we had for a long time." Discussion followed.

Councilmember Reid expressed her concern that there is a difference between the General Fund and an Enterprise Fund and inquired whether it would be preferable to somehow fund the Program through the General Fund. Discussion followed.

City Attorney Brown clarified that if City Council rescinds the previous action taken by City Council and reinstates the 10% reduction Senior Citizen Discount, that it would go back to just the way it was before was terminated; however, he noted that a date needs to be added of when the motion becomes effective and the Program begins. Mayor Pro Tem Pearson stated February 11, 2014, and Councilmember Ansari concurred. Discussion followed.

After expressing his analysis and rationale, Councilmember Ford offered a friendly amendment to change the age requirement of the senior citizen discount to 65 years to put Portage in accordance with the Social Security Administration stance on retirement. He mentioned that this defines the class more appropriately, helps City Council to move forward and making the age factor less arbitrary and explained. Both Councilmember Ansari and Mayor Pro Tem Pearson agreed with the amendment. Discussion followed.

Mayor Strazdas asked the motion makers if they would be interested in considering the low income people who are in need of this discount program. Councilmember Ansari expressed a concern that the amount of money involved is a lot more, but agreed that it could be considered sometime in the future. Mayor Pro Tem Pearson concurred that it would cost a lot of money as it would be applied to both sewer and water, expressed a caveat that a person's income has to be validated each year, but once a person reaches 65, it does not have to be tracked. So, he opined that a program based on low income is too complicated and would take a lot of staff time.

Councilmember Urban pointed out that the \$80,000 in question is equal to the entire subsidy currently provided to the Senior Center and argued that the \$5.00 per month to the single mother making \$12,000 or \$13,000 a year is a lot. He acknowledged that the senior discount program is a wonderful tradition that has passed its time, and noted that in all age groups in the City, there are people of various means with some of the wealthiest individuals in the County who over the age of 65 living in the City of Portage. He admitted that the motion proposes a "feel good" program, but a low income-based program could be set with in the parameters at near the \$80,000 figure, and he indicated that he cannot go against the advice of Bond Counsel in this matter. He argued that a discount program for utilities should be needs-based and available to all segments of our population; and, City Council needs to decide what the amount should be and not just pick an age of 65 and fund whatever the amount of subsidy might be. Discussion followed.

Mayor Strazdas recognized Deputy City Manager Brian Bowling, who asked for time to accommodate the billing as part of the motion to reinstate the Senior Citizen Discount Program owing to some practical difficulties, preferably two billing cycles. Discussion followed. Mayor Pro Tem Pearson proposed August 11, 2014, as such a date. Discussion followed. Councilmember Ansari concurred.

Councilmember Reid expressed her concern that City Council has expressed an interest in going forward with doing something where Bond Counsel has some significant issues, and in a way that is putting the City at a potential risk. She pointed out that Bond Counsel or the banks could bring this up as an issue and this could potentially have an impact on the City Bond Rating. She noted that City Council is doing something very quickly without really having all of the information about how this is going to impact the City, plus we have the opinion of Bond Counsel that this is a problem and explained her position.

Mayor Strazdas said he was in favor of the proposal, and expressed his concern regarding the funding source and his wish to do it right. Discussion followed regarding funding and Councilmember Ansari advocated taking it from the fund balance or the "rainy day fund" and said he is not concerned about the issues raised by Councilmember Reid. Discussion followed. City Attorney Brown restated that if City Council reinstates the Program, the funds would come from the exact fund it came from before. Discussion followed. City Manager Evans indicated that the proper funding source would be the Water Fund and any rate adjustments would be addressed by City Council at a later time. Discussion followed.

The motion with the amendments was made by Ansari, seconded by Pearson, to rescind the previous motion eliminating the 10% Senior Citizen Discount on water and restore the 10% Senior Citizen Discount on water billing for persons who are 65 years of age, effective August 11, 2014, to be funded by the water fund. Upon a roll call vote, motion carried 5 to 2. Yeas: Councilmembers Ansari, Ford, Randall, Mayor Pro Tem Pearson and Mayor Strazdas. No: Councilmembers Urban and Reid.

UNFINISHED BUSINESS:

* **SALE OF CITY OUTLOTS - 7200 BALFOUR DRIVE AND 1600 FRIENDLY AVENUE:** Motion by Urban, seconded by Reid, to adopt the resolutions to sell 7200 Balfour Drive and 1600 Friendly Avenue. Upon a roll call vote, motion carried 7 to 0.

* **NEW CEMETERY RULES - PETS:** Motion by Urban, seconded by Reid, to adopt the proposed amendments to the City of Portage Code of Ordinances Chapter 18, Cemeteries, Section 18-10, Section 18-23 and Section 18-29. Upon a roll call vote, motion carried 7 to 0.

* **DRAFT 2014 REVISIONS TO GENERALLY ACCEPTED AGRICULTURE AND MANAGEMENT PRACTICES (GAAMPs) FOR LIVESTOCK:** Motion by Urban, seconded by Reid, to accept the communication regarding draft 2014 revisions to Generally Accepted Agricultural and Management Practices for Livestock. Upon a roll call vote, motion carried 7 to 0.

BOARD OF REVIEW APPOINTMENTS: Motion by Ford, seconded by Randall, to appoint Wes Mazurek, Marianna Singer and Keith Hearit to the first Board of Review, and appoint Michael Quinn, William Brandt and Lori Knapp to the second Board of Review. Upon a roll call vote, motion carried 7 to 0.

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

Portage Public Schools Board of Education Policy Governance Retreat and Regular Business of December 9, 2013; Special of December 30, 2013; Special of January 6, 2014; and Policy Governance Retreat and Organizational Meeting of January 13, 2014.

Portage Park Board of January 8, 2014.

Portage Human Services Board of January 23, 2014.

Portage Planning Commission of January 23, 2014.

BID TABULATION:

* **2014 STORMWATER RETENTION REHABILITATION PROGRAM:** Motion by Urban, seconded by Reid, to award two separate contracts for the 2014 Stormwater Retention Rehabilitation Program to the low bidders: Lounsbury Excavating Incorporated, for Divisions 1 & 2 in the not to exceed amount of \$36,875; Quantum Construction for Division 3 in the not to exceed amount

of \$4,700; and authorize the City Manager to execute all documents related to these contracts on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Mayor Strazdas provided a review of the City Council Retreat Activities earlier in the day at the Fetzer Institute, Oshtemo. He noted that discussion centered around City Council dialogue and team building; the Rules and Procedure for the newly instituted Committee of the Whole Meetings, fewer task forces and fewer subcommittees. He also indicated that time was spent on understanding the relationships among Councilmembers and policy considerations on this matter. He said some of the topics discussed were in the area of Financial, such as taxes, services and potential tax base increases; changing from paper to electronic agendas, affordable housing trends in the City of Portage and vehicles and opportunities for contraction of budget expenses. Discussion followed.

Mayor Strazdas and City Council expressed appreciation for the hospitality of the Fetzer Institute staff, pledged to send a letter of thanks to them and expressed a willingness to work together for the betterment of Portage. Also, they wished City Manager Evans good luck in his retirement.

Councilmember Reid indicated that she attended the "Wear Red for Women" luncheon with the theme, *Heart Disease – the Number one Killer of Women in the U.S.*, in order to provide awareness for women to exercise, watch what foods they eat and to handle their stress because the best gift for Valentine's Day is a healthy heart.

City Manager Evans expressed kudos to Bill Deming and Ray Waurio for snow removal efforts by the Department, especially considering the volume of snowfall.

RECESS: 9:18 p.m.

RECONVENE: 9:25 p.m. in Conference Room #1.

The City Clerk noted the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Also in attendance were Deputy City Manager Brian J. Bowling, City Attorney Randy Brown and City Clerk James R. Hudson.

City Council discussed the procedure options for selecting a new City Manager and the need to identify the desired qualities necessary for a Portage City Manager. There was a consensus of City Council to meet either Tuesday, February 18, 2014, or Thursday February 20, 2014, from 5:30 p.m. to 6:30 p.m. to receive an educational seminar on the procedure options for selecting a new City Manager from Sheri Welsh, a Consultant who volunteers for the Chamber of Commerce and owns a search firm business.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:30 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 FEBRUARY 18, 2014

The Special Meeting was called to order by Mayor Peter Strazdas at 5:34 p.m.

Mayor Strazdas opened the meeting, explained that the purpose of the meeting was for City Council to become educated regarding the process of selecting a City Manager by Sheri Welsh of Welsh & Associates, 141 East Michigan Avenue, Suite 300, Kalamazoo. He noted that Mayor Pro Tem Pearson was available on the speaker phone and was interested in attending the meeting via teleconference. At the request of Mayor Pro Tem Pearson, Mayor Strazdas indicated who was present for the meeting.

At the request of Mayor Strazdas, the City Clerk called the roll with the following members present: Councilmembers Richard Ford, Patricia Randall, Claudette Reid and Terry Urban and Mayor Strazdas. Councilmember Nasim Ansari was absent with excuse and Mayor Pro Tem Jim Pearson attended via Teleconference. Also in attendance were Deputy City Manager Brian Bowling, City Attorney Randall Brown and City Clerk James Hudson.

Mayor Strazdas introduced the communication from the City Manager recommending that City Council authorize deliberating and voting while not physically present at a meeting. At the request of Mayor Strazdas, City Attorney Randy Brown indicated that City Council should authorize deliberating and voting while not physically present at a meeting.

Councilmember Randall asked whether a teleconference is appropriate for Regular City Council Meetings. Mr. Brown indicated that from a legal perspective, it is permitted. Councilmember Reid indicated her discomfort about the voting aspect of the situation based upon the fact that the person on the phone is missing the ability to fully participate, listen and be able to say things since the person who is not present is missing all of the visual and interpersonal part of the communication noting that only 7% of the communication is the "word" and the rest is the intonations, the body language, reactions, etc., so the person on the phone is not getting as rich a communication. Mr. Brown said that could be taken into consideration by City Council to decide not do it all, but from a legal perspective, it is permissible. He disclosed that he informed Mayor Strazdas that there are prepared Teleconferencing Rules that will be on the February 25, 2014 Regular City Council Meeting Agenda for consideration; however, as he stated in his opinion that City Council should authorize this particular call with Mayor Pro Tem Pearson at this time and offered a prepared motion for this purpose.

Mayor Strazdas emphasized that from his perspective, Council is not currently into "heavy" deliberations as this is an education session and expressed his support to have Mayor Pro Tem Pearson participate in the meeting. Councilmember Urban pointed out that since Councilmember Ansari is delayed at an airport, there is the situation wherein two Councilmembers may want to participate. Discussion followed. City Clerk James Hudson indicated that technology is an issue in the Council Chambers. Mayor Strazdas responded that, nevertheless, there are opportunities to deploy technologies there, and he does not want this Council to be stymied to do business by technology and explained. Discussion followed.

With a quorum of City Council physically present, motion by Urban, seconded by Reid,

to permit Mayor Pro Tem Pearson to attend the Special Meeting of the City Council on February 18, 2014, at 5:30 p.m. by teleconference since he is unable to physically attend the meeting as a result of being in the State of California, and that he may vote on all questions properly before the Council at the Special Meeting while participating by teleconference. Discussion followed and Councilmember Randall indicated that she can not attend the next meeting and wished to participate in the same manner as Mayor Pro Tem Pearson tonight through teleconferencing. Discussion followed. Upon a roll call vote, motion carried 5 to 0. Mayor Strazdas made it clear to Mayor Pro Tem Pearson that he can now participate and he can vote. Discussion followed.

City Attorney Brown addressed the request from Councilmember Randall to participate in the same manner as Mayor Pro Tem Pearson tonight through teleconferencing, by telling Council that because the question is not on the agenda, a vote of four Councilmembers is necessary to place the question on the agenda in order to consider it. Discussion followed. He also mentioned that his Draft Rules that allow teleconferencing on a regular basis are ready for the Tuesday, February 25, 2014 City Council Agenda, but whether City Council will pass them in their current form is unknown at this time and explained.

Councilmember Reid expressed her concern that the technology may not be available in Council Chambers by Tuesday, restated her discomfort and distinguished a Special Meeting for educational or process purposes from a meeting where there are a lot of votes on very important matters.

Mayor Strazdas advocated Council to review the Draft Rules, and check the technology in Council Chambers before Council considers allowing teleconferencing on a regular basis. In the interest of a matter as important as adopting the Teleconferencing Rules, Councilmember Ford asked whether Councilmember Randall could express her comments with the City Clerk in writing before the next meeting since the Agenda Packets will be delivered on Friday, and Mr. Hudson indicated that Council can always do that. Councilmember Ford also indicated that for something as important as adopting rules, all City Councilmembers should have the opportunity to provide their input to be discussed at the meeting. Mayor Strazdas concurred. Councilmember Ford stated his position that it might be okay to participate in a Regular Meeting through teleconferencing, but that it should not be the rule that a Councilmember use teleconferencing instead of attending the meeting, and that it should be the exception. Discussion followed.

Mayor Strazdas reviewed past discussion, outlined the plan regarding the selection of a City Manager, and introduced Sheri Welsh of Welsh & Associates, 141 East Michigan Avenue, Suite 300, Kalamazoo, who provided her agenda to City Council and reviewed her background, her credentials and experience. She reviewed her credentials and described the services provided by her company. She then outlined what City Council needs to do in preparation of the selection of a new City Manager, including an updated City Manager resume, that needs to be substantial and defines Council's role expectations; a set of qualifications, such as degree requirements, fields of study, credentials, years of experience, any specific areas desired in his or her background, size of the organization or city and areas of expertise, keeping in mind where Council wants the City of Portage to go.

Ms. Welsh mentioned that the other matters that have to be set from the onset are salary

range, benefits and a potential relocation package. She indicated that City Council needs to identify and drive the timeframe within which to work, not the search firm, knowing that it can be tweaked. She noted that the interview process has to be agreed upon such as how many interviews, interviews with finalists, or the possibility of bringing together some of the stakeholders in the community; and, all of this has to be built into the timeline. She indicated that City Council needs to define what type of search firm to enlist, whether it is a national firm, one that specializes in governmental entities, a firm that understands what it means to live and work for a governmental entity in West Michigan, a minority firm, a local firm, a Michigan-based firm, etc., and explained. She then asked if there were any questions. In answer to Mayor Strazdas, Mayor Pro Tem Pearson said he had no questions regarding the presentation thus far.

In answer to Councilmember Randall, who asked what is a reasonable timeframe, Ms. Welsh, speaking from the search firm perspective, indicated that from the time the search firm gets all of the specifications and knows what work is involved, and the time the search firm produces qualified candidates, a three-month window is typical, although it can go longer. Mayor Strazdas summed up and conjectured that all things considered, the total timeframe is 5 to 8 months and Ms. Welsh agreed, asked Council to be flexible because things can go wrong in this process and explained. Discussion followed.

In answer to Councilmember Urban, Ms. Welsh agreed that three months sounds like a long time, but noted that the search firm should also be approaching those who are happy in their current positions, not just those who have responded to an advertisement and submitted a resume. She explained why extra time may be necessary in order to present a proper number of qualified candidates who are capable of doing the job and doing it well, leaving it up to City Council to decide who is best from a personality, fit and/or synergy standpoint.

When Councilmember Reid asked Ms. Welsh to discuss the advantages and disadvantages of searching regionally, statewide or nationally, she began discussing the Request for Proposal (RFP) process as this is a part of that discussion. She mentioned that key questions to ask the search firm include: ask about their experience with the Executive Search Process to make sure they have not been filling midrange positions; rather, that they have been filling senior leadership positions; ask about their experience with working with government searches and Chief Executive Officer searches; working with non-profit organizations; and, explore what their track record of success or failure is; also, ask what do they know about Southwest Michigan as distinguished from other areas of the country. She also indicated that it is important to know that whoever is managing the search is a professional who is not just starting in the business, and has a good track record in order to trust his or her expertise.

Continuing with the RFP process description, Ms. Welsh explained that it is important to see a detailed outline of the process used by the search firm to check to see if how they do their work and choose candidates is well thought out. She explained why and compared “associations” with “professional” search firms as examples. She discussed relocation issues, sticking power, fee structure, any guarantees and a “hands off” policy in relation to the search firm options. She also said that the Council should define the expectations of the search firm; for example, is there a preference for in-person versus a telephone or “Skype” interview, for the search firm to do the reference checks, for the search firm to coordinate the on-site interviews, or for the search firm to guide Council through the salary negotiations. She also explained that the manager in charge of the search should be present. Discussion followed. At the request of Councilmember

Ford, Ms. Welsh explained the reasons for checking references and possible pitfalls to look for.

Ms. Welsh summed up by indicating that all of the aforementioned elements of what Council wants in a candidate have to be included in the RFP, such as the position description, qualifications, salary range, the potential relocation package, the timeframe in order to let the firm know what is involved in the request and explained. She also mentioned that a couple of descriptive paragraphs regarding the City of Portage should be included in the RFP. Discussion followed. She then asked if there were any questions. Discussion followed regarding reference checking and, in answer to Councilmember Reid, Ms. Welsh provided a background of how executive search firms work in order to distinguish the generalists from the specialists and the crossover among the non-profit sector, the private sector and the public sector search firms. Discussion followed. When Councilmember Randall asked if there is a magic number of firms to be considered, Ms. Welsh answered, not really, but that it is important to interview the firms and the person who will be managing the search in person to make sure that “you connect with them” and are confident in their ability, but mentioned that no more than three firms would probably be necessary and explained.

Next, she stressed that it is important to establish the criteria upon which to select the search firm, for example: cost (low bidder), type of company (Michigan-based, minority owned, national or a local search firm) and noted that it is necessary to weigh what is most important to Council in the selection of the search firm. Lastly, she said that it is imperative that Council hold the search firm accountable for results. She used the recent City of Kalamazoo experience as an example, and, in answer to Councilmember Reid, she mentioned that accountability is covered in the termination language in the contract in order to avoid any pitfalls that could arise and explained.

In answer to Mayor Strazdas, Mayor Pro Tem Pearson said he was listening and agreed that it would take approximately six months to recruit for the position and Council should not be recruiting from an unemployment list of candidates. He shared his experience on the City Manager Salary Review/Evaluation Committee that gave him the perspective that because City Managers on the East and West Coasts make a lot more than City Managers in the Midwest, the search should be regional in nature. He expressed an interest in “jump starting” the process, to get an updated job description and to finalize the RFP as soon as possible. Mayor Strazdas thanked Ms. Welsh for sharing her best practices and for being candid and reviewed her recommended process.

In answer to Mayor Strazdas, she indicated that she could help facilitate the process with City Council. She suggested that each Councilmember review the job description, ask themselves what do they really want and need, put these thoughts together and come back to another meeting such as this one for an hour or so to succinctly determine the elements that need to be included in the job description and the position requirements. Discussion followed.

In answer to Mayor Strazdas, Deputy City Manager Brian Bowling indicated that Employee Development Director Rob Boulis would be the person who would work on any

changes to the job description, and offered an updated resume with current formatting to City Council for review purposes.

Ms. Welsh emphasized that the Purchasing Department needs to also be involved in the RFP process and City Attorney Brown noted that the City Manager position is outlined in the *City Charter*, which has to be the basis of the description which can be expanded from there. Mayor Strazdas asked for a consensus of Council to allow Ms. Welsh to facilitate creating an updated job description and the other things Council may want in a City Manager. Discussion followed. Deputy City Manager Bowling described the updated City Manger job description of 2006. Discussion followed. Ms. Welsh emphasized the need for the qualifications segment, and Mr. Bowling noted that it could be dependent on the profile presented by Council to help determine the type of individual or the skill set of the individual that is desired. Discussion followed.

Mayor Pro Tem Pearson said he liked the idea of having Sheri Welsh facilitate the process, that Council needs a taskmaster and Council should meet every week to a week and a half. He asked City Attorney Brown that, if Council is to meet more often, considering the travel plans of Council, that he work out the teleconference option in order for all to participate in the discussion and share their ideas. Mayor Strazdas concurred except for the making of the final decision. Discussion followed.

After a brief discussion regarding the scheduling of meetings to address this matter, there was a consensus of Council to have Sheri Welsh to facilitate this process. Councilmember Randall requested that Council set a time for every Tuesday until the process is well on its way. Councilmember Urban reminded City Council that at the last set of final interviews for City Manager, one person said she was not willing to relocate from the East side of the State, and he said she should not have gotten to the final interview stage. Discussion followed.

Motion by Randall, seconded by Reid, to accept the proposal from Sheri Welsh to take City Council to the next step in the process of selecting a City Manager by assisting City Council in determining the job description, qualifications, salary range, benefits, relocation package, timeframe, the search process (including who needs to be involved and when) and other characteristics of what Council wants in a City Manager at a rate of \$125 per hour with a minimum of 5 hours and a maximum of 15 hours billable time. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

After a discussion of Council Calendars and availability, Mayor Pro Tem Pearson advocated Tuesdays. Councilmember Urban indicated that Tuesdays are fine, but 5:30 p.m. is not a good time for him. Discussion followed. Councilmember Urban indicated that a more agreeable time would be 6 p.m. for him, and Councilmember Randall asked that an end time be established. There was a consensus of Council that these meetings take place on Tuesdays from 6 p.m. until 7 p.m.

Mayor Strazdas shared that Councilmember Randall could not be at the February 25, 2014 Meeting; that he would be gone for the March 4, 2014 Meeting; Councilmember Reid and Mayor Pro Tem Pearson would be out of the country for the March 4, 2014 Meeting; and, Sheri

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
January 2014 (*updates in italics*)

<u>Project/Activity</u> Portage City Landfill	<u>Description</u> Ongoing groundwater monitoring of former municipal landfill.	<u>Status</u>
		<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. No harmful methane levels have been detected to date. Soil boring installation will begin as weather allows. <i>AHC is proceeding with the installation of private methane detection device at several adjacent properties.</i></p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -Review of 5 site/building plans and/or plats completed in January 2014.</p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-Sanitary sewer hookup permits issued in January 2014: 2 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. <i>Permitting underway for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake Sciences, LLC. The Lake Board is working on a new special assessment plan.</i></p>

Retention Basin
Sampling Program
(Groundwater Elevation)

Investigation regarding potential impact
of retention basins on groundwater levels.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be 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 was received noting minimal impacts. The 2013 report is available on the website for public information.*

Wellhead Protection
Program (WHPP)

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

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

Leaf Compost
Monitoring Program

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

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2011 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2012 with minimal groundwater impacts. Sampling completed in June 2013 with results showing minimal impact. *Next sampling in June 2014.*

National Pollution
Discharge Elimination
System (NPDES) permit
implementation

Five year plan to implement the current
NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. SWIPPI was submitted for MDEQ approval on June 25,

2010. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. The 2010-11 annual report was submitted on January 20, 2012. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. Several follow-up items with MDEQ were addressed by staff in December 2012. City website updated in February to provide education of Illicit Storm Water Discharge. Currently, staff is working on proposals with other local governments to use a billboard advertising campaign for pollution awareness. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013.

National Pollution Discharge Elimination System (NPDES) permit implementation

Kalamazoo River Mainstream 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 Conversation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water

quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Next meeting scheduled for March 2014.

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

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Two potential illicit discharges were investigated with MDEQ in February 2012. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. *The 2013 program of investigating storm water outfalls began in June and is complete. 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 were 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

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

with spill containment and spill cleanup.

Southwest Michigan Regional Sustainability Covenant

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

in January – 0. Number of environmental cleanups in January – 0.

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

Welsh would be out of town February 25, 2014. There was consensus to set a Special Meeting on March 11, 2014, from 6 p.m. until 7 p.m. to discuss the next steps in selecting a City Manager, to include City Attorney Brown.

Mayor Strazdas asked Ms. Welsh to work with the City Administration to get the e-mails of City Council in order to e-mail each of them her questionnaire to begin the process. Discussion followed and there was a consensus of City Council that each Councilmember then e-mails his or her answers to Ms. Welsh at which time she compiles the information. She then e-mails the compiled questionnaire back to each Councilmember for discussion at the March 11, 2014 Special Meeting. Discussion followed.

Mayor Strazdas outlined a plan of action from there. Discussion followed. Councilmember Urban left at 6:58 p.m. and returned at 7:01 p.m. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:01 p.m.

James R. Hudson, City Clerk