



PLANNING COMMISSION

May 1, 2014

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**May 1, 2014
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * April 17, 2014

PUBLIC HEARINGS:

- * 1. Conceptual Plan Amendment: Sam's Club Fueling Station, 7021 South Westnedge Avenue

SITE/FINAL PLANS:

- * 1. Specific (Site) Plan: Sam's Club Fueling Station, 7021 South Westnedge Avenue

PUBLIC HEARINGS:

- * 1. Preliminary Report: Rezoning Application #14-2, East Centre Avenue and Pasma Avenue

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

March 25 2014 City Council regular meeting minutes
March 25, 2014 City Council special meeting minutes
April 8, 2014 City Council regular meeting minutes

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

PLANNING COMMISSION

April 17, 2014

DRAFT

The City of Portage Planning Commission meeting of April 17, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 12 citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the role and the following Commissioners were present: Patterson, Bosch, Stoffer, Welch, Felicijan, Reiff, Dargitz, Schimmel and Somers.

A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to approve the role. The motion was unanimously approved 9-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the April 3, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the minutes as submitted. Commissioners Welch, Stoffer and Reiff stated they were not present at the meeting, therefore, would be abstaining. The motion was unanimously approved 6-0-3.

PUBLIC HEARINGS:

1. Special Land Use Permit (reapproval): Cristin's Creative Corner, 9416 Shaver Road. Mr. West summarized the staff report dated April 11, 2014 regarding the request by Ms. Cristin Muniz to reestablish a child day care center at 9416 Shaver Road. Mr. West stated that on November 16, 2006 the Planning Commission approved a special land use permit and site plan that allowed establishment of this child day care facility at the subject site. Mr. West indicated the applicant operated the child day care center at the site from 2006 to 2012. Since the use had not operated at this location for more than six months, Mr. West stated the original special land use permit approval expired. Mr. West indicated the applicant has resubmitted the special land use permit application requesting to reestablish the child day care facility at the site consistent with the November 2006 approval. Mr. West stated staff was supportive of the proposal to reestablish the child day care center.

Ms. Cristin Muniz (applicant) was present to support the application and explain the request to reestablish the child day care center. Chairman Welch opened the public hearing. No citizens spoke regarding the proposed child day care center. A motion was made by Commissioner Felicijan, seconded by Commissioner Reiff, to close the public hearing. The motion was unanimously approved. A motion was then made by Commissioner Patterson, seconded by Commissioner Somers, to reapprove the Special Land Use Permit for Cristin's Creative Corner, 9416 Shaver Road. The motion was unanimously approved 9-0.

2. Special Land Use Permit (reapproval): Indoor Dog Day Care, 129 West Centre Avenue. Mr. West summarized the staff report dated April 11, 2014 regarding the request by Portage Centre Plaza LLC to establish

DRAFT

an indoor dog day care center within a portion of a building located within the Portage Centre Plaza shopping center. Mr. West stated that on June 20, 2013 the Planning Commission approved a special land use permit that allowed establishment of this indoor dog day facility at the subject site; however, the use was not established within the required six month period and the approval expired. Mr. West indicated the applicant has resubmitted the special land use permit application requesting reapproval with no changes from the June 2013 approval. As previously indicated, Mr. West stated the indoor dog day care center was determined to be a use not specifically addressed in the Zoning Code and a use that may be allowed in the B-3 zone as a special land use subject to Planning Commission review and consideration. Mr. West summarized the proposal and the building construction measures the applicant would complete to address potential noise and odors. Mr. West stated staff was supportive of the indoor dog day care use, as proposed by the applicant, subject to the four conditions identified in the staff report.

Mr. Mike Kreps (applicant's representative) was present to support the application and explain the indoor dog day care use. The Commission and the applicant next discussed construction of the demising wall along the north side of the tenant spaces and the anticipated start date for construction. Chairman Welch opened the public hearing. No citizens spoke regarding the proposed indoor dog day care center. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to reapprove the Special Land Use Permit for Portage Centre Plaza LLC (indoor dog day care), 129 West Centre Avenue, subject to the following conditions: 1) No outdoor exercise areas, kennels/runs or other activities; 2) No overnight boarding, breeding or selling of dogs; 3) Hours of operation be restricted to 7am-7pm, Monday through Saturday (as proposed by the applicant) and 4) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health. The motion also included the applicant's commitments to install additional building walls, air exchange units and waste collection and disposal devices as indicated in the application materials and June 13, 2013 staff report. The motion was unanimously approved 9-0.

3. Conceptual Plan Amendment for Sam's Club Fueling Station, 7021 South Westnedge Avenue. Mr. Forth summarized the staff report dated April 11, 2014 regarding the request by Sam's Real Estate Business Trust to amend the previously approved conceptual plan for Sam's Club to include construction of a fueling station along the northwest portion of the existing site. Mr. Forth briefly discussed the original 2005 conceptual plan and site plan approvals for the Sam's Club retail center and various aspects of the proposed fueling station amendment including anticipated traffic generation, building setbacks and storm water management. In conjunction with the proposed conceptual plan amendment, Mr. Forth stated the applicant was also requesting a parking modification to provide a total of 539 spaces for the overall development and has provided documentation in support of the request. The Commission and Mr. Forth discussed issues involving the existing access arrangement at Sam's Club and shared/cross access connections with adjacent properties. Mr. Matt Ross of Dean L. Carlson Engineers (applicant's representative) was present to support the conceptual plan amendment and explain the fueling station development. Mr. Ross reviewed a PowerPoint presentation and discussed various aspects of the project including anticipated traffic generation, requested parking modification, adequacy of the site to accommodate the use, storm water management system, fueling truck deliveries and emergency spill response procedures.

The public hearing was opened by Chairman Welch. Four citizens spoke in regard to the proposed fueling station development: 1) Tom DeWolf, manager of CareLinc, 7017 South Westnedge Avenue; 2) Richard King, owner of Tuffy Muffler, 7027 South Westnedge Avenue; 3) Ben Boyer, owner of the building located at 7117 South Westnedge Avenue; and 4) John Jures, representing PlazaCorp, the owner of the retail building located at 7101 South Westnedge Avenue. Mr. DeWolf discussed oxygen storage and deliveries associated with the CareLinc facility and expressed safety concerns regarding the proximity of the proposed fueling station. Mr. DeWolf also expressed concerns regarding possible increased cut-through vehicular traffic and drainage patterns

DRAFT

between the CareLinc and Sam's Club sites. Mr. King stated that he welcomes the fueling station; however, also expressed concerns about increased cut-through traffic between the Tuffy Muffler/CareLinc site and the Sam's Club site. Mr. Boyer and Mr. Jurras discussed joint agreements between Sam's Club and PlazaCorp including a "no build" area where the fueling station is proposed. Mr. Boyer indicated that he opposes the fueling station at this time given the existing "no build" agreement. Mr. Jurras stated Sam's Club has approached PlazaCorp to discuss possible modification to the "no build" agreement; however, no resolution has yet been received between the two parties.

The Commission, Mr. Ross and staff discussed citizen concerns regarding the oxygen storage at the CareLinc facility, possible increased cut-through traffic, storm water drainage patterns and the "no build" agreement between Sam's Club and PlazaCorp. Mr. Forth indicated the Fire Department is aware of the CareLinc location and operational aspects of facility and has reviewed and approved the site plan for the Sam's Club fueling station. Attorney Brown stated that any private development agreement or restriction should not be a factor in the Planning Commission consideration of the conceptual plan and site plan. Attorney Brown indicated the application should be reviewed in context with applicable Zoning Code provisions. Commissioner Reiff suggested adjourning the public hearing given the number of outstanding issues. Mr. Forth advised the Commission that public notices were mailed 15 days ago and was unaware of the adjacent property owner concerns until tonight's meeting. After additional discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Reiff, to adjourn the Conceptual Plan Amendment and Site Plan for Sam's Club Fueling Station, 7021 South Westnedge Avenue, to the May 1, 2014 meeting to allow the applicant and staff additional time to provide information regarding concerns associated with oxygen storage and deliveries at the CareLinc facility, cut-through traffic, cross access, and storm water drainage issues between the Sam's Club and CareLinc/Tuffy Muffler sites. The motion was unanimously approved 9-0.

8:50 p.m. - The Commission took a short recess.

8:55 p.m. - The Commission reconvened the meeting.

SITE/FINAL PLANS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. 2014 Comprehensive Plan Update, City Centre Subarea and Implementation chapters and Presentation by LSL Planning, Inc. Mr. Forth provided a short introduction of the documents provided to the Commission including the City Centre Subarea and Implementation chapters, amendments to the 2013 Recreation and Open Space Plan and the full draft 2014 Comprehensive Plan Update. Mr. Forth indicated that subject to Planning Commission approval, the complete draft document will be forwarded to City Council for review and authorization to distribute to adjacent communities and other applicable agencies for the 42 day public comment period. After the 42 day period ends, a public hearing will be scheduled to adopt the plan, which is tentatively scheduled for June 19, 2014. Mr. Forth introduced Brad Strader and Kathleen Duffy of LSL Planning who will provide a brief overview of the 2014 Comprehensive Plan Update.

Mr. Strader presented the 2014 Comprehensive Plan Update and discussed the organization of the document, reduction in number of pages and efforts made to reduce redundancy throughout the Plan. Mr. Strader reviewed and summarized the seven chapters of the Plan including the Introduction, Community + Quality of Life, Transportation, Land Use + Character, City Centre Subarea, Lake Centre Subarea and

DRAFT

Implementation. Ms. Duffy provided an overview of the City Centre Subarea and Implementation chapters. Commissioner Dargitz asked if it was effective to have all the municipal buildings aggregated in the City Centre Area and whether there were any opportunities to consider relocation of certain facilities such as the Streets & Equipment salt storage yard in order to create a more dynamic, walkable development area for community gathering areas, restaurants and retail. Mr. Strader stated some communities have plans to relocate municipal facilities when there was an underutilized resource such as lakefront property involved in East Grand Rapids. Ms. Duffy stated having the municipal buildings in a centralized location can be an asset to the community and serve as a strong anchor to facilitate additional development. Ms. Duffy also discussed the Implementation Tools table and checklists and provided an explanation of the Short-Term, Long-Term and Ongoing columns in the table. Mr. Strader reviewed the Zoning Plan section within the Implementation chapter and its connection with the Future Land Use Map and Development Guidelines. Mr. Strader indicated the Plan is still a working draft document and any further changes following tonight's meeting, could still be incorporated into the Plan prior to final adoption.

Mr. Strader asked if the Planning Commission had any comments on the Plan at this time. Chairman Welch asked if efforts to expand walkability and future pedestrian access across major thoroughfares was included in the Plan document. Ms. Duffy stated there were references in the body of the document and if needed, more specific language could be added to the Implementation chapter. Commissioner Stoffer noted the large green text boxes in the Plan were difficult to read and also stated the City Centre Subarea and Lake Centre Subarea chapters were both referenced as Chapter 6. Commissioner Stoffer also asked about the extension of the Northwest Portage Bikeway west to the US-131 right-of-way and then north to Harbors West Park as shown in previous plans. Mr. Forth indicated that future extension had been removed due to the difficulty of crossing West Milham and the trail system proposed in additional phases of the Harbors West subdivision provides another alternative for pedestrian to get to/from Harbors West Park. Commissioner Reiff stated the Portage Community Center was no longer called the Portage Community Outreach Center (PCOC) and references in the Plan should be corrected. After additional discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Reiff, to forward to 2014 Comprehensive Plan Update to City Council for review and authorization to distribute the draft Plan to adjacent communities and other agencies for public comment pursuant to statutory requirements. The motion was unanimously approved 9-0.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: April 25, 2014

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Conceptual Plan Amendment for Sam's Club Fueling Station, 7021 South Westnedge Avenue

I. INTRODUCTION:

An application to amend a previously approved conceptual plan involving Sam's Club located at 7021 South Westnedge Avenue has been received from Sam's Real Estate Business Trust. The conceptual plan amendment proposes to add an accessory fueling station near the northwest corner of the site. The fueling station will consist of eight fueling pumps islands an overhead canopy and a 192 square foot kiosk (attendant) building. The fueling station will only be available to Sam's Club members and will operate Monday through Saturday from 6:00 a.m. to 9:00 p.m. and on Sunday from 9:00 a.m. to 7:00 p.m. There will be no other retail sales. The 12.45 acre property is zoned CPD, commercial planned development.

In 2005, the Planning Commission reviewed/recommended approval and City Council subsequently approved the conceptual plan for the Sam's Club development that included construction of a new 135,548 square foot retail building and associated site improvements. The original conceptual plan approval by City Council also included three modifications pertaining to off-street parking, screening/buffering and building height. In regard to the parking modification, City Council approved a total of 631 parking spaces to serve the development project where 732 parking spaces were required by the Zoning Code. In conjunction with the proposed conceptual plan amendment and construction of the fueling station, the applicant is requesting another parking modification to allow a total of 539 spaces. Attached is an amended conceptual plan, written narrative and supporting information submitted by the applicant for the proposed fueling station.

II. COMMERCIAL PLANNED DEVELOPMENT PROCEDURES/REQUIREMENTS:

For development projects within the CPD zone, the Zoning Code requires that City Council approve a conceptual plan for development after a public hearing and after Planning Commission review and recommendation. The conceptual plan is intended to show the overall development of the area including proposed uses, number and location of building sites, parking, location of streets/driveways and so forth. The specific (site) plan shows the proposed development details and characteristics for each individual site. The Zoning Code stipulates that the Planning Commission subsequently reviews and approves the specific (site) plan. If a specific (site) plan is not received by the time required in an approved program of development, or two years after approval of the conceptual plan, whichever is less, the conceptual plan approval shall expire.

While a specific (site) plan for the Sam's Club retail building was submitted and approved in 2005, the accessory fueling station was not identified in the original conceptual plan/narrative. Therefore, the applicant is submitting an amended conceptual plan/narrative which details the proposed fueling station. In conjunction with the amended conceptual plan/narrative, the applicant has also submitted a

specific (site) plan for the Sam's Club Fueling Station project and is requesting concurrent review and conditional approval by the Planning Commission during the May 1, 2014 meeting. A separate report will be provided in the May 1, 2014 agenda that includes details the specific (site) plan.

IV. PUBLIC REVIEW/COMMENT

The Planning Commission convened a public hearing at the April 17, 2014 meeting. Four citizens spoke expressing concerns including the proximity of the proposed fueling station to oxygen storage at the adjacent CareLinc facility, possible increased cut-through vehicular traffic between the Tuffy Muffler/CareLinc sites and Sam's Club site, drainage patterns along the shared property line of Sam's Club and CareLinc, and a private "no build" agreement between Sam's Club and PlazaCorp where the fueling station is proposed. Responses to these cited concerns are addressed in the Analysis section of this report (below).

V. ANALYSIS:

Section 42-414.A of the Zoning Code establishes standards and objectives of review for conceptual plans that the Planning Commission and City Council are to consider as part of the recommendation/approval process. The following information summarizes the proposed conceptual plan amendment as requested by the applicant.

Surrounding Land Uses/Zoning – The land use/zoning pattern surrounding the Sam's Club zoning lot is as follows:

- North: Across Romence Road Parkway, retail building zoned B-2, community business and vacant land owned by the City of Portage zoned B-2, community business and I-1, light industry.
- East: Vacant property owned by the City of Portage zoned R-1A, one family residential.
- South: Commercial center under separate ownership zoned B-3, general business.
- West: Various commercial land uses (Texas Roadhouse, Tuffy Muffler, Carelinc Medical Supply) zoned B-3, general business.

Access/Traffic Generation – Access to the fueling station will be provided through the existing Sam's Club driveways that include a shared, full-service driveway from South Westnedge Avenue; full-service from Romence Road Parkway located on the west side of the building; and a limited turning movement driveway (right-in/right-out) from Romence Road Parkway located on the east side of the building. No new driveways are proposed with the fueling station and existing cross access arrangements with adjacent businesses will be maintained. To address concerns from Tuffy Muffler and CareLinc regarding possible increased cut-through traffic, the plan for the Sam's Club Fueling Station has been revised to include an elongated, curbed island along the west side of the fueling station. This curbed island preserves the existing cross access connection, while making the vehicular route between the sites less direct. Internal signage directing vehicles exiting the fueling station to the main southern access drive on South Westnedge Avenue is also identified on the revised plan. This sign will be modified prior to installation to also direct exiting vehicles to Romence Road Parkway.

South Westnedge Avenue, between Romence Road and Garden Lane, is designated a 5-lane major arterial roadway with 26,051 vehicles per day (2013) and a capacity 37,100 vehicles per day (level of service "D"). Romence Road Parkway, between South Westnedge Avenue and Lovers Lane, is

designated a 4-lane minor arterial roadway with 10,738 vehicles per day (2012) and a capacity of 33,000 vehicles per day (level of service “D”).

A comprehensive traffic study for the overall Sam's Club development including the adjacent commercial building to the south was completed during the 2005 review and approval. In conjunction with the original 2005 approval and construction of Sam's Club and retail building to the south, several major roadway improvements were completed at the South Westnedge Avenue/Romence Road Parkway intersection and along Romence Road Parkway. The applicant has provided trip generation information for the fueling station obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition. ITE estimates 222 PM peak hour trips (129 new PM peak hour trips); however, this estimate is considered high since the fueling station is available only to Sam's Club members. Additional traffic generation associated with the Sam's Club fueling station is expected to be minimal and can be accommodated by the adjacent roadway system.

Parking – With regard to the parking modification, the applicant is proposing to reduce the current number of parking spaces from 631 to 539, which is 193 (26%) fewer spaces than required by ordinance (539 spaces proposed/732 spaces required). Based on operations of other Sam's Club facilities across the county, the applicant has indicated the reduction in parking will not be detrimental to the site or adjacent properties, and will provide adequate parking while maintaining the current aesthetics of the parking lot. The proposal of 539 parking spaces represents a ratio of 3.97 spaces per 1,000 square feet of building area, which is consistent with the current Sam's Club guideline of 4 spaces per 1,000 square feet of building area. Similar parking reductions of approximately 20% have also been granted to the Wal-Mart facility on Shaver Road, Lowes Home Improvement store on South Westnedge Avenue and the recently reviewed Earth Fare commercial planned development near the southwest corner of West Kilgore Road and South Westnedge Avenue. Based on information provided by the applicant, “members only” nature of the Sam's Club facility and on-site observations, staff supports the parking modification since adequate off-street parking remains to accommodate Sam's Club members.

Structure Setbacks/Height – The proposed fueling canopy will be approximately 18-feet in height and setback approximately 32-feet from the Romence Road Parkway right-of-way. The kiosk building will be approximately 11-feet in height and setback approximately 71-feet from the Romence Road Parkway right-of-way. The canopy will have minimal impact on Romence Road Parkway since it is an open air structure, oriented so the narrow portion of the canopy is adjacent to Romence Road Parkway and is located behind or west of the existing CareLinc building. In regard to the concern expressed at the April 17th meeting regarding a possible “no build” agreement between Sam's Club and PlazaCorp, the Commission was advised by Attorney Brown that private development agreements should not be considered as part of the conceptual plan/site plan review process.

Utilities – A storm water treatment system and infiltration basin was constructed near the northeast portion of the Sam's Club facility in 2005. Storm water from the fueling station will be collected and conveyed to this existing system, after passing through a spill containment unit located beneath the parking lot. Planned grading activities and the installation of the elongated curbed island along the west side of the fueling station site will ensure that drainage from the fueling station area will not flow

onto the adjacent CareLinc site. Municipal water and sanitary sewer will serve the proposed fueling station and kiosk building.

Environmental Issues – The subject property does not contain any designated floodplain, wetland or other environmentally sensitive features. Designated wetland areas are present on the adjacent property to the east which is owned by the City of Portage. In addition to the storm water spill containment and treatment system, the fueling station will also be equipped with emergency shut off devices located on the exterior of the kiosk building. Emergency spill response procedures for both minor and major spill events have also been developed and implemented by Sam's Club. Finally, underground storage tanks and related pump islands associated with the fueling station will be installed and monitored consistent with state and federal regulations (Michigan Department of Environmental Quality is the regulating agency for fueling stations).

Regarding concerns expressed during the April 17th meeting about the proximity of the Sam's Club Fueling Station from oxygen cylinder storage at the adjacent CareLinc site, the Portage Fire Department was again consulted on this matter and have not expressed any safety or Fire Code related concerns. Adequate separation distances exist between existing/proposed uses in this section of the city and operational procedures in place at both CareLinc and the proposed Sam's Club Fueling Station will mitigate health and safety related concerns and issues.

Integration of the Development – The fueling station canopy and kiosk building will include earth tone colors (browns/tans) that are consistent with the existing color scheme at the Sam's Club retail site. A color elevation of the fueling station is attached with the application materials. The previously approved decorative wrought iron fence with brick pilasters and associated landscaping along the Romence Road Parkway will be maintained with construction of the accessory fueling station. Finally, outdoor lighting associated with the fueling station will include recessed lighting units beneath the canopy to minimize brightness and reduce glare.

VI. RECOMMENDATION:

Based upon the above analysis and subject to any comments received during the public hearing, staff advises the Planning Commission to recommend to City Council that the Conceptual Plan Amendment for Sam's Club Fueling Station, 7021 South Westnedge Avenue, be approved with the requested parking modification. Based on information provided by the applicant and the characteristics of the development, provisions of Section 42-414.G (Authority to waive or modify standards) have been satisfied.

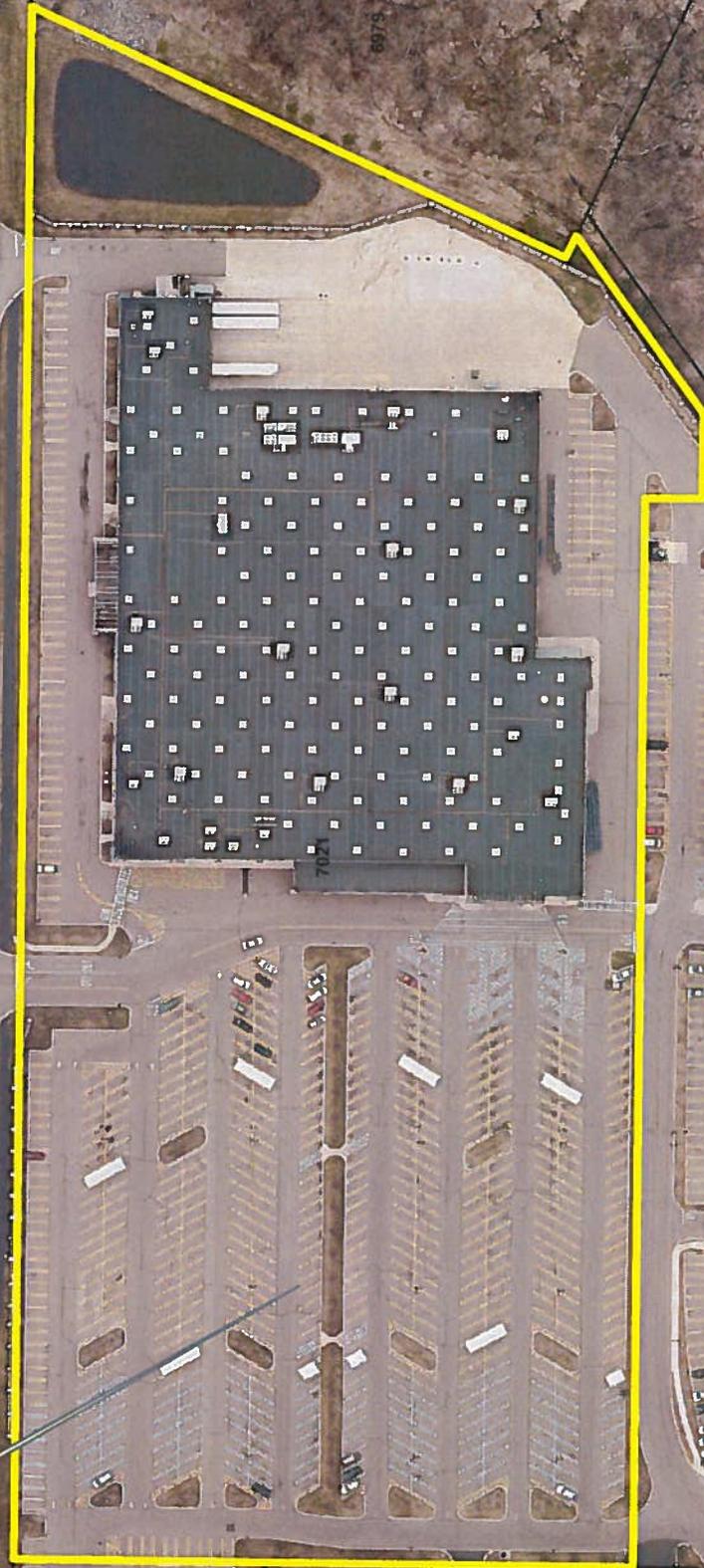
Attachments: Zoning/Vicinity Map
Aerial Photograph
Conceptual Plan Amendment (April 4, 2014 narrative and revised conceptual plan drawing)
Color elevation drawing (fueling station)
Emergency Spills Response Procedures

Subject Property

Romence Rd

Romence Road Py

S Westnedge Av



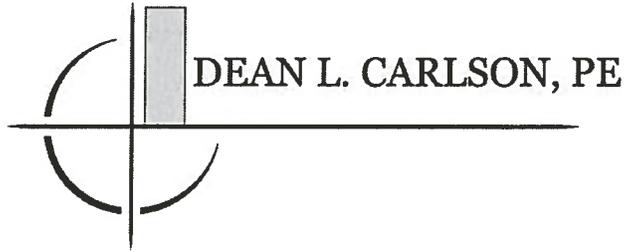
Subject Property

2013 Aerial Photography

Aerial Photography 7021 South Westnedge Avenue



1 inch = 150 feet



April 25, 2014

Vicki Georgeau
Director of Community Development
City of Portage
Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

RECEIVED
APR 25 2014
COMMUNITY DEVELOPMENT

Re: Plan Revisions
Proposed Sam's Club Fueling Station #6661-500 Development

The following is a narrative describing the revisions made to the Site Plan and Conceptual Plan per the Planning Commission meeting on April 17, 2014.

A. Traffic Issues

A concern of both the Planning Commission and the neighboring property owner to the west of the development was cut through traffic from Westnedge Avenue. To address this problem, the curb island to the west of the fueling station was extended north to create a peninsula and a sign was added at the only exit point directing traffic to "Exit Left to South Westnedge Avenue." Please see the accompanying Site Plan, sheet 4 of 12, for more information.

B. Drainage

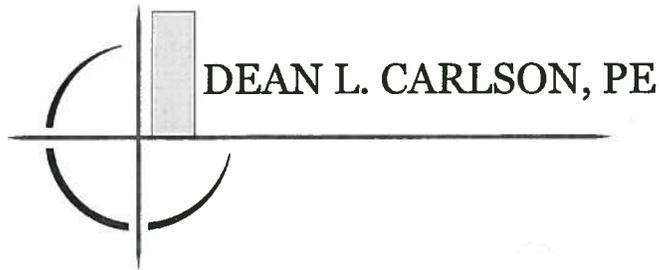
Because the island to the west of the fueling station was extended north, drainage from this area of future station will not drain into the west collection drive. A curb inlet was added to this new section of curb to collect stormwater runoff and route it through the Spill Containment Unit. Please see the accompanying Grading Plan, sheet of 12, for more information.

In addition to the items above, it is our understanding the planning staff will be in contact with the fire marshal to discuss the adjacent property owner's storage of oxygen tanks. Walmart staff is also reaching out to the adjacent properties' owners to discuss those private matters brought up during the previous Planning Commission meeting.

Please call or write if you have any questions or need additional information prior to the May 1, 2014 Planning Commission meeting.

Sincerely,

Dean L. Carlson, PE
President



April 4, 2014

Vicki Georgeau
Director of Community Development
City of Portage
Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

RECEIVED
APR 08 2014
COMMUNITY DEVELOPMENT

Re: Conceptual Plan Narrative
Proposed Sam's Club Fueling Station #6661-500 Development

The following is a narrative to accompany the Conceptual Plan in order to amend the previously approved Conceptual Plan.

A. PURPOSE AND OBJECTIVES

The purpose of the proposed land development is to add a fueling station to the existing Sam's Club parking lot. The existing Sam's Club parcel is 12.45± acres and is zoned Commercial Planned Development (CPD). The existing club that was approved in 2005 is approximately 135,548± sq. ft. in size. The original Sam's Club Development plans were developed to incorporate the adjacent Plaza Corporation as a part of the overall development, although the adjacent parcel is zoned General Business (B-3). The Plaza Corp. development, which is 3.62± acres and contains a 27,516± sq. ft. building, was not subject to City Council approval due to its zoning classification.

The fueling station development is requesting Conceptual Plan and Site Plan approval (conditioned on approval from City Council) for the 192± square foot fueling station addition that includes eight (8) fueling pumps, or sixteen (16) fueling positions. The fueling station addition will be located in the Northwest corner of the Sam's Club parking lot, and will be constructed of pre-finished metal. For location and colors of the pre-finished metal, refer to the colored rendering.

The fueling station will be equipped with emergency shut off buttons, located on the exterior of the kiosk. A spill kit for minor spills will also be provided at the kiosk. Standard operating procedures for minor and major spills will be left on site. These procedures are included in kiosk attendant training. See accompanying spill kit information for more on the procedures and spill kit provided at the kiosk. A spill containment unit is also being provided at part of the new storm sewer system. Refer to section N of this narrative for more information.

B. GENERAL PLAN OF DEVELOPMENT

Construction of the proposed fueling station is anticipated to begin after all necessary permits and approvals are obtained in the summer of 2014.

C. MAP OR MAPS

See accompanying Conceptual Plan by Dean L. Carlson, P.E.

D. NAME OF THE DEVELOPMENT

Sam's Real Estate Business Trust is owner/developer of the 12.45± acres.

- E. CONTIGUOUS HOLDINGS OF THE LAND OWNER
There are no contiguous holdings of the land owner at this time.
- F. PROPERTY LINES OF ADJECENT TRACKS OF LAND
See accompanying Conceptual Plan by Dean L. Carlson, P.E.
- G. EXISTING STREETS AND EASEMENTS
See accompanying Conceptual Plan by Dean L. Carlson, P.E.
- H. LOCATION OF EXISTING SEWERS, WATER MAINS, STORM DRAINS AND OTHER UNDERGROUND FACILITIES
See accompanying Conceptual Plan by Dean L. Carlson, P.E.
- I. TOPOGRAPHY
See accompanying Conceptual Plan by Dean L. Carlson, P.E.
- J. USE, HEIGHT, SETBACKS
The Sam's Club property is zoned CPD, and the current use is retail. As shown on the colored rendering, the highest point of the fueling station is the top of the canopy, which measures 18'-2". The proposed height of the kiosk is 10'-10" at its highest point. The proposed setback for the fueling station addition from Romence Road, which can be seen on the accompanying Conceptual Plan by Dean L. Carlson, P.E., is 32.45'± for the canopy and 71.87'± for the kiosk.
- K-L. PROGRAM OF DEVELOPMENT
The scope of work for the development prior to construction commencement will include demolition of a portion of the existing parking lot. The construction of the proposed development is intended to commence late fall/early winter 2014. The Sam's Club fueling station development is expected to be completed by early 2015.
- M. COMMON OPEN SPACE
According to the definition received from the City of Portage, there is no common open space other than that normally found in retail development of this nature. The applicant and tenants assure maintenance of the parking area, landscaped areas, lighting, and signs in a first class manner.
- N. DISTRIBUTION OF WATER, DISPOSITION OF SANITARY WASTE AND STORM WATER
Water distribution for the development will be controlled by the City of Portage. Sanitary sewer will be constructed, pending approval by the City of Portage. The existing on-site storm sewer system will be modified to convey storm water for the fueling station addition to the existing Sam's Club detention pond located behind (east of) the Sam's Club building. The existing detention pond is an infiltration basin.

Because the fueling station is classified as a "hot spot" per the Stormwater Design Criteria Manual, spill containment provisions are required for the site. The stormwater runoff from the areas located under the canopy and above the fuel tanks will drain to the west, to one of two existing inlets, which will both be routed through the spill containment unit. See accompanying Post-Dev Drainage Areas plan by Dean L. Carlson, P.E. for the drainage areas for the fueling station. The spill containment unit chosen for this site is the Contech VortClarex system. The unit was sized based on needing to hold 456.5 cu.ft. of stormwater. This volume was found by multiplying 0.83 acres of impervious area by 550 cu.ft./acre. The location of the system can be

seen on the Grading Plan by Dean L. Carlson, P.E. For specifications of the unit, see accompanying Detail Sheets by Dean L. Carlson, P.E.

O. TRAFFIC ISSUES AND IMPACTS

No traffic issues are anticipated from the fueling station addition within the existing Sam's Club development. No new driveways or City of Portage ROW curb cuts are proposed. Per the Commercial Plan Development Narrative approved for the Sam's Club in 2005, a reduction in parking was requested from City Council. The reduction requested for the Sam's Club was from the required 732 spaces per the ordinance to 631 spaces. Sam's Club is now requesting a further reduction in required parking from 631 spaces to 539 spaces to accommodate the fueling station addition, per section 42-414.G. of the ordinances. Based on operations across the United States, Wal-Mart has recently revised their conditions to specify a maximum parking ratio of 4 spaces per 1,000 sq. ft. of building area for a Sam's Club site. At 539 spaces, the modified parking ratio will be 3.97/1,000 sq. ft., which is just shy of the current Wal-Mart guidelines. This reduction will not affect the parking for the adjacent shopping center to the south of the Sam's Club, nor will it affect the shared parking with the development to the west of the club. With the proposed reduction in parking, the objective of having an aesthetically pleasing parking lot while providing enough parking for the costumers will still be met without maintaining the initial required parking ratio. Because the parking lot is bound by developments to the south and west, as well as Romence Road to the north and the Sam's Club building followed by the stormwater management facility to the east, there is no reasonable place to add additional parking stalls without impacting the landscaping for the site. In summary, the reduction in parking will neither be detrimental to the adjoining properties or to the overall objective of the site, which is to provide adequate parking while maintaining the current aesthetics of the parking lot.

A detailed traffic impact study was previously prepared for the Sam's Club development. This study indicated that the Sam's Club development would generate 849 (426 inbound and 423 outbound) trips during the Weekday Midday Peak Hour, 742 (374 inbound and 368 outbound) trips during the Weekday P.M. Peak Hour, and 1,158 (582 inbound and 576 outbound) trips during the Saturday Peak Hour. With pass-by and internal trip reduction, the Sam's Club development would generate 612 (307 inbound and 305 outbound) trips during the Weekday Midday Peak Hour, 534 (269 inbound and 265 outbound) trips during the Weekday P.M. Peak Hour, and 835 (419 inbound and 416 outbound) trips during the Saturday Peak Hour.

The original traffic study recommended the following improvements be made as part of the Sam's Club Development:

- Widen the east side of South Westnedge Avenue from the Sam's Club Driveway, north to Romence Road Parkway, for the construction of a northbound-to-eastbound right-turn lane;
- Construct East Drive on the south side of Romence Road Parkway as a right-in/left-out only driveway, with one inbound lane and one outbound lane;
- Widen the south side of Romence Road Parkway, west of the proposed East Drive, for the construction of an eastbound-to-southbound right-turn lane;
- Construct South Drive as a full access driveway with one inbound lane, an exclusive westbound-to-southbound left-turn lane, and an exclusive westbound-to-northbound right-turn lane;
- Construct West Drive on the south side of Romence Road Parkway as a full access driveway with one Inbound lane, an exclusive northbound-to-westbound left-turn lane, and an exclusive northbound-to-eastbound right-turn lane;
- Widen the south side of Romence Road Parkway, west of West Drive, for the construction of an eastbound-to-southbound right-turn lane;

- Remove the existing full access driveway west of the proposed West Drive, and replace the corresponding curb cut in the landscaped median with new curb and gutter;
- Remove a section of the landscaped median at West Drive for the construction of a westbound-to-southbound left-turn lane;
- Remove a section of the landscaped median at West Drive to allow the northbound-to-westbound left-turn movement to exit the site and the westbound-to-southbound left-turn movement to enter the site.

Based on a review of available construction plans and aerial photography, the improvements recommended in the original traffic study appeared to have been completed in conjunction with the construction of the Sam's Club.

The development of the proposed 8-pump Sam's Club fueling station is expected to result in minimal, if any, increases in trips to the site. The traffic patterns at the entrance/exit drives are, in general, expected to follow the existing traffic patterns. The proposed fueling station will be a self-service, "members only" fueling station with operating hours of 6:00 AM to 9:00 PM Monday through Saturday, and 9:00 AM to 7:00 PM Sunday. A small kiosk is provided for one attendant and there will be no access to the public and there will be no other retail sales beyond fuel sales.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, an 8 pump (16 positions) fueling station would generate a total of 222 PM peak hour trips. Utilizing a 42% "pass-by" trip reduction, as suggested by ITE data, would result in 129 new PM peak hour trips. Since the proposed Sam's Club fueling station is only open to Sam's Club members, it would seem to reason that this projection based on the ITE Trip Generation Manual significantly overestimates both the "new" and overall trips that would be generated by the proposed fuel station.

In addition, the proposed Sam's Club fueling station will be located within an area of the existing parking lot that is a convenience for those customers already shopping at the Sam's Club. A direct access to the public roadway is not being proposed. The success of the fueling station is expected to be driven by the internal capture of those customers already shopping at the Sam's Club and not as a convenient stop for "pass-by" trips. Due to the membership requirement and the lack of a direct connection between the fueling station area and a public road, it seems reasonable to conclude that very few trips would occur that are not also related to a shopping trip to the Sam's Club.

It should be noted that there is potential for the Sam's Club to realize a nominal increase in membership (say 5% or less) following the construction of the fueling station. If that is the case, then based on ITE data for Land Use Code (LUC) 857 "Discount Club", a 5% net increase in site generated trips would result in approximately 14 entering and 14 exiting trips (28 total) in the critical PM peak hour. When this minor number of trips is spread across multiple site access points, the overall site impact is negligible.

Based on our research, it appears that the transportation planning industry has yet to identify the reduced traffic impacts of "members only" fueling stations. Furthermore, the data that is available from the ITE Trip Generation Manual for regular fueling stations appears to significantly overestimate the amount of traffic for this type of development when considering the membership requirements for both the use of the fuel station and for shopping at the Sam's Club. Therefore, in the absence of suitable data, estimates were made based on our experience with Sam's Club developments over the last 25+ years and conversations with our Client.

In summary, the number of "new" trips expected to be generated by the Sam's Club fueling station are expected to be minor and are not anticipated to have a significant impact on traffic operations on site or on the surrounding roadway network.

P. COVENANTS, EASEMENTS, AND RESTRICTIONS

See accompanying Conceptual Plan by Dean L. Carlson, P.E.

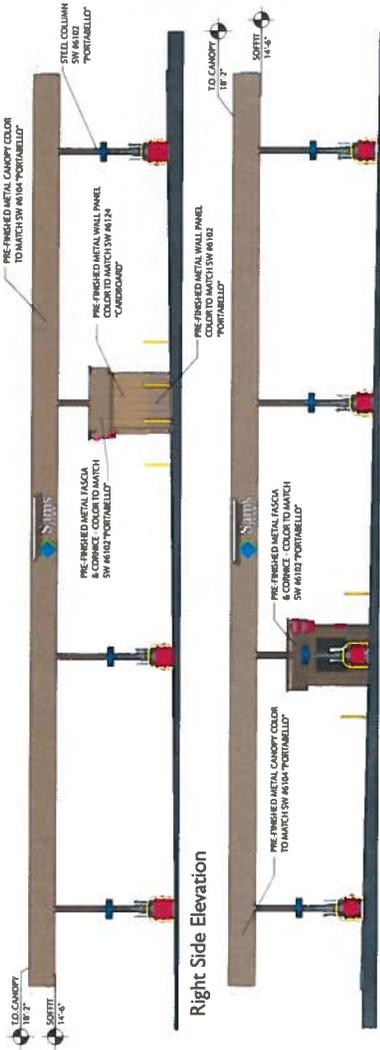
Q. INVENTORY OF NATURAL FEATURES

No wetlands were found on-site. Additionally, the site is not located within a floodplain. Given the existing site has been in operation as a commercial development for 8 years, no endangered species or threatened species are anticipated to be found.

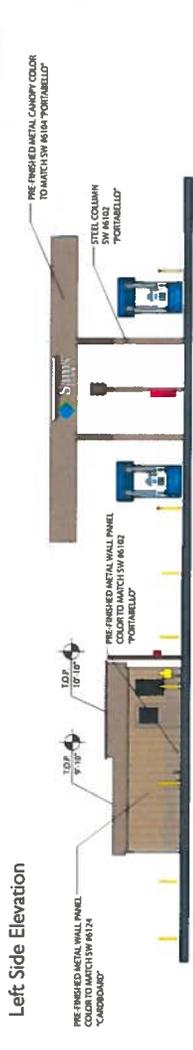
Sincerely,



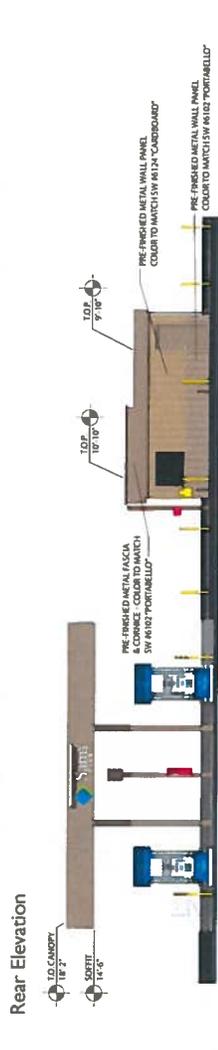
Dean L. Carlson, PE
President



Right Side Elevation



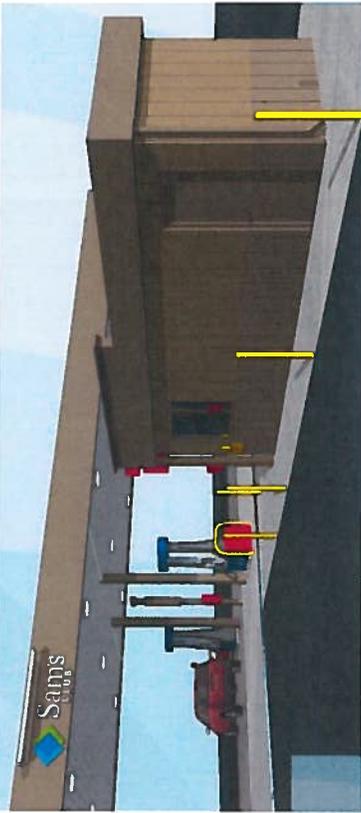
Left Side Elevation



Rear Elevation



Front Elevation



MAR 5 2014

RECEIVED



FEBRUARY 27, 2014 #6661 PORTAGE, MI

FUEL STATION

PAGE 1

FOR AHJ REVIEW - CLIENT APPROVED
 Building designs shown are an artistic representation of the design intent. Actual color or materials may vary. NOT FOR CONSTRUCTION



CLEAN UP GAS STATION SPILLS

Equipment needed: 55 – Gallon Steel Drum, PPE – (PPE will always be gloves, goggles, and an apron order #550478823), Bucket Liners (order #9953631), Absorbent (Oil Dri), Black Permanent Marker, Push Broom, Dust Pan

Spill Clean Up: **Major Spills**

1. Major spills are defined as those involving liquids in amounts that are free flowing on the parking lot and leave stains or discoloring in an area covering more than 3 ft. by 3 ft., either as a result of incidents relating to tanker deliveries or dispensing pumps. Leaks may be detected initially by the abnormally strong smell of gasoline. The action to take for major spills is as follows:
 - a. Immediately shut down the pumps by using the emergency shut-off button
 - b. Call 911 for the fire department and call alarm center at 1-800-530-9924
 - c. If any person has been badly splashed, call 911 for ambulance services
 - d. Prevent access to the Gas Station except for emergency services personnel

Spill Clean Up: **Minor Spills**

2. Minor spills are defined as those involving liquids that do not run far on the parking lot and that leave a stained or discolored area no bigger than 3 ft. by 3 ft. Minor spills are normally the result of a blow back due to a constriction of the pump hose or because the automatic shut-off nozzle has not worked correctly. The action to take for minor spills is as follows:
 - Required resources are PPE, absorbent material (Oil Dri), 55-gallon steel drum, bucket liners, push broom, dust pan and black permanent marker
 - Using the black permanent marker write on the outside of the bucket liner:
 - Date
 - Product Name (Fuel Debris/Absorbent)
 - Associate's Name
 - Put on PPE
 - All spills are to be cleaned up using absorbent (Oil Dri)
 - Sprinkle Oil Dri around the edge of the spill area
 - Sweep the Oil Dri to the center of the spill area
 - Using the dust pan sweep up the used Oil Dri
 - Place the used absorbent into the bucket liner
 - Twist the neck of the bucket liner and tie a knot
 - If necessary use more than one bucket liner, be sure to write the information noted above on each bucket liner that is being used
 - Place the bucket liner containing the used absorbent into the 55-gallon steel drum
 - When placing waste in the 55-gallon drum unlatch the lid attachment ring, remove the ring and lid, and place the bucket liner of waste in the drum. Place the lid back on the drum, attach the lid attachment ring, and latch the ring closed. Make sure the lid is secured and attached to the drum.

Drum Set Up/Maintenance

Haz-Waste service provider will place 55 gallon steel drum on concrete/pavement protected by curb and/or bollards



Service provider will label drum on side with completed haz-waste label in plastic sleeve

Drum lid must be closed and secured at all times (except when adding waste)

Waste removal will be scheduled by haz waste service provider to align with facility haz-waste pick up

AP Manager will review drum and set up with weekly hazardous waste inspection

AP Manager will correct labeling issues as needed:

- Label faded or not legible - replace label and complete according to 'Hazardous Waste Label Correction SOP'
- Accumulation start date missing - write an accumulation start date that aligns with the date of the last hazardous waste service event

- ⚠ If your facility requires a drum cap, it must also be in place at all times (except when adding waste)
- ⚠ If drum fills before schedule pick up, a special service event will provide for early pick up

SOP Reference - Drum Set Up, Hazardous Waste Label Correction

Hazardous Waste Spill Management

Is the spill a MAJOR spill (larger than 3 ft x 3 ft)?

YES **NO**

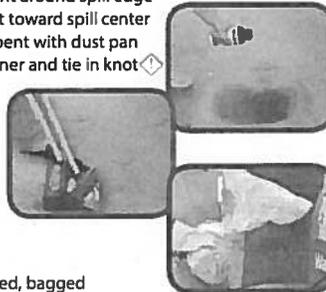
- Immediately shut down pumps with emergency shut-off button
- Call 911 for fire dept. and Alarm Central at 1-800-530-9924
- Request ambulance from 911 if anyone badly splashed
- Bar access to gas station except by emergency personnel

Spill must be processed using required material

Write: Date, 'Fuel Debris/Absorbent', Associate's name, on bucket liner

Put on PPE

- Absorb Spill
- Sprinkle absorbent around spill edge
 - Sweep absorbent toward spill center
 - Sweep up absorbent with dust pan
 - Place in bucket liner and tie in knot



Place labeled, bagged waste inside 55 gallon drum

Drum must be closed securely before and after putting waste inside

Drums should only hold bagged absorbent material, contaminated PPE, and drained fuel filters (service provider maintains fuel filters).

- ⚠ PPE (gloves, goggles, apron), absorbent material (Oil-Dri), 55-gallon drum, bucket liners, push broom, dust pan, permanent black marker
- ⚠ Use multiple labeled bags if needed

SOP Reference - Clean Up Gas Station Spills, Spill Clean Up Walmart Express Fuel Station, Change Fuel Filters

Spill Bucket Maintenance

Unlock and open fuel kiosk

Gather spill cleanup material and screwdriver

Go to and open the spill bucket with a screwdriver (place tip under lever and lift up)



Place lid to side and visually inspect spill bucket

Does the spill bucket contain liquid?

YES **NO**

Write: Date, 'Fuel Debris /Absorbent', and Associate's Name, on bucket liner

Return lid to spill bucket and lock by pressing lever down. Move to next Spill-Bucket.

Put on PPE

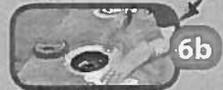
Is there enough liquid to use Tough Guy Measuring Cup?

YES **NO**

Use Tough Guy Measuring Cup to remove excess liquid



Pour absorbent in bucket liner



Wipe liquid residue in spill bucket with paper towel

Place paper towel and all clean up material used in labeled bucket liner

Empty Tough Guy Measuring Cup liquid onto absorbent in bucket liner

Place labeled bucket liner(s) in 55 gallon drum



Lightly squeeze bucket liner absorbent in bag to help absorb liquid (add more if needed)

Drum must be closed securely before and after putting waste inside

Drums should only hold bagged absorbent material, contaminated PPE, and drained fuel filters (service provider will maintain fuel filters).

Continue to step 6b

- ⚠ Spill buckets are to be clean of liquid and debris at all times
- ⚠ PPE (gloves, goggles, apron), absorbent material (Oil-Dri), paper towels, bucket liners, Tough Guy Measuring Cup, permanent black marker
- ⚠ Repeat all steps for each spill bucket

SOP Reference - Cleaning of Spill Buckets

FUEL ENVIRONMENTAL COMPLIANCE

EMERGENCY SPILL RESPONSE

Step 1: Stop the Release

- If safe take immediate action to prevent the release of more product.
- Hit emergency pump shutoff switch (typically a red button).
- Turn off power to dispenser and/or product pumps.

Step 2: Call for Help

- Contact the Primary Operator (Asset Protection Manager or Member Service Assistant Manager a.k.a. A/B Operator).
- Contact your local fire or emergency response authority if conditions warrant.

Step 3: Identify any Hazards

- Identify any potential fire, explosion, or vapor hazards and take action to evacuate the area.
- Warn customers not to start vehicles for their own safety if explosion hazard exists.

Step 4: Contain the Release

- Use approved "Oil Dry" to contain, absorb, and clean-up any surface release before it reaches the environment (storm drain, water, or soil).

Additional Actions:

- Take pictures of the incident.
- Document any conversations and contact information of anyone involved in the spill or clean-up.
- A member of management is to maintain a site presence during clean-up to oversee project.
- If a situation develops at your location that could possibly attract media or public attention, call Sam's Club Public Relations at (800) 331-0085

Important Contacts

Fire & Police Department: 911

Primary Operator (A/B Operator): _____

24 Hour Emergency: (479) 616-4592

Fuel Environmental Compliance: (479) 204-6131 / (479)277-8205

FUEL ENVIRONMENTAL COMPLIANCE

Kevin E. Allen, Fuel Environmental Compliance Sr. Manager

(479)204-6131

Nick Prince, Fuel Environmental Project Manager

(479)277-8205

Fax: (877)795-8817

E-mail: fuelec@wal-mart.com



Savings Made Simple

TO: Planning Commission

DATE: April 25, 2014

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

SUBJECT: Specific (Site) Plan for Sam's Club Fueling Station, 7021 South Westnedge Avenue

I. INTRODUCTION:

A specific (site) plan has been submitted by Sam's Real Estate Business Trust to construct an accessory fueling station at the existing Sam's Club retail facility located at 7021 South Westnedge Avenue. The fueling station is proposed along the northwest portion of the existing Sam's Club site and will consist of eight fueling pumps (16 pump dispensers), an overhead canopy, a 192 square foot kiosk (attendant) building and associated site improvements. The 12.45 acre Sam's Club property is zoned CPD, commercial planned development and the fueling station project has been designed in substantial conformance with the proposed amended conceptual plan which is currently being considered by Planning Commission and will subsequently be reviewed by City Council.

The fueling canopy and kiosk building will be setback approximately 32-feet and 71-feet, respectively, from the Romence Road Parkway right-of-way. Storm water from the fueling station will be collected and conveyed to a spill containment unit located along the west side of the fueling canopy prior to discharge into the existing storm water system that includes a treatment cell and infiltration basin located northeast of the existing Sam's Club retail building. Fueling pumps will be equipped with emergency shut-off devices and underground storage tanks and related equipment will be installed and monitored consistent with state and federal regulations. Outdoor lighting associated with fueling canopy will consist of recessed units to reduce brightness and eliminate glare.

No new driveways will be constructed with the fueling station project and access to the site will continue to be provided through existing driveways from Romence Road Parkway and South Westnedge Avenue. Existing shared/cross access arrangements with adjacent properties including Texas Roadhouse, Tuffy Muffler and CareLinc Medical Supply to the west and the PlazaCorp retail building and office developments to the south will also be maintained. Finally and consistent with the proposed amended conceptual plan/narrative, a total of 539 parking spaces will serve the overall Sam's Club development.

II. RECOMMENDATION:

The development project has been reviewed by the City Administrative departments. Staff recommends that the specific (site) plan for Sam's Club Fueling Station, 7021 South Westnedge Avenue, be approved subject to 1) City Council approval of the Conceptual Plan Amendment. If City Council approves the conceptual plan with modifications affecting the specific (site) plan, these modifications would also apply to the Planning Commission conditional approval of the specific (site) plan.

Attachments: Specific (Site) Plan Sheets
Fueling Canopy Photometric Plan

SITE DEVELOPMENT PLANS

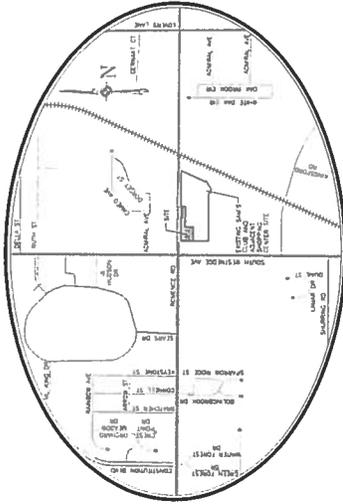
SAM'S FUELING STATION #6661-500

7021 SOUTH WESTNEDGE AVENUE

PORTAGE, MICHIGAN 49002

INDEX OF SHEETS

SHEET	TITLE SHEET
SHEET 1	TOPOGRAPHIC SURVEY
SHEET 2	OVERALL SITE PLAN
SHEET 3	SITE PLAN
SHEET 4	PAVEMENT MARKING AND SIGNAGE PLAN
SHEET 5	GRADING PLAN
SHEET 6	UTILITY PLAN
SHEET 7	LANDSCAPE PLAN
SHEET 8	LANDSCAPE DETAILS
SHEET 9	DETAILS
SHEET 10	DETAILS
SHEET 11	DETAILS
SHEET 12	DETAILS



VICINITY MAP
NTS

DEVELOPED BY:



SAM'S REAL ESTATE BUSINESS TRUST
10000 WESTNEDGE AVENUE
PORTAGE, MI 49002
(419) 273-4000

ENGINEER:

DEAN L. CARLSON, PE

7008 Ludwigsburg Commerce, Barabolt, TN 38013
Phone (601) 884-0404 • Fax (601) 884-0710

ALL SITEWORK FOR THIS PROJECT SHALL MEET OR EXCEED THE "SITE SPECIFIC SPECIFICATIONS"
ALL NECESSARY INSPECTIONS, AND/OR CERTIFICATIONS REQUIRED BY THE CITY OF PORTAGE, MICHIGAN, SHALL BE COMPLETED PRIOR TO CONTRACT COMPLETION AND THE FINAL CONNECTION OF SERVICES
CONTRACTOR SHALL CONTACT 811 FOR LOCATION OF ALL UTILITIES, AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION.



UTILITY RESPONSIBILITIES

UTILITY RESPONSIBILITY	CONTRACTOR RESPONSIBILITY
<p>WALMART STORES WALMART STORES 1771 SOUTH WESTNEDGE AVENUE PORTAGE, MI 49002 PHONE: (419) 273-4000 FAX: (419) 273-4000</p>	<p>INSTALLER SHALL PROVIDE AND INSTALL CABLE FOR ALL TELEVISION, CABLE, AND FIBER OPTIC SERVICES. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO ANY NEW INSTALLATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.</p>
<p>LECO LECO ENERGY 1771 SOUTH WESTNEDGE AVENUE PORTAGE, MI 49002 PHONE: (419) 273-4000 FAX: (419) 273-4000</p>	<p>PROVIDE AND INSTALL ALL NECESSARY ELECTRICAL SERVICE TO THE STORE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.</p>
<p>WALMART STORES WALMART STORES 1771 SOUTH WESTNEDGE AVENUE PORTAGE, MI 49002 PHONE: (419) 273-4000 FAX: (419) 273-4000</p>	<p>PROVIDE AND INSTALL ALL NECESSARY WATER AND SEWER SERVICE TO THE STORE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.</p>

THIS INFORMATION HAS BEEN PROVIDED FOR INFORMATION PURPOSES. THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL NECESSARY PERMITS, APPROVANCES, TECHNICAL AND LOCAL AND OTHER AGENCIES TO MEET OR EXCEED THE SPECIFICATIONS OF THE CITY AND PROVIDE ALL NECESSARY PERMITS FOR THE WORK IN THEIR CLUMP WITHIN THE CITY.

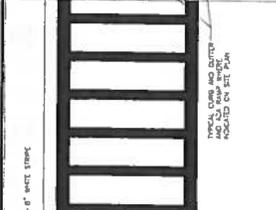
ADDITIONAL GOVERNING AGENCIES CONTACTS:

- CITY OF PORTAGE**
CITY OF PORTAGE
1771 SOUTH WESTNEDGE AVENUE
PORTAGE, MI 49002
PHONE: (419) 273-4000
FAX: (419) 273-4000
- STATE OF MICHIGAN**
STATE OF MICHIGAN
1771 SOUTH WESTNEDGE AVENUE
PORTAGE, MI 49002
PHONE: (419) 273-4000
FAX: (419) 273-4000
- PORTAGE**
PORTAGE
1771 SOUTH WESTNEDGE AVENUE
PORTAGE, MI 49002
PHONE: (419) 273-4000
FAX: (419) 273-4000

CONSTRUCTION PHASING NOTICE

THE CITY OF PORTAGE AND LOCAL AGENCIES HAVE BEEN ADVISED OF THE CONSTRUCTION PHASING NOTICE. THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL NECESSARY PERMITS, APPROVANCES, TECHNICAL AND LOCAL AND OTHER AGENCIES TO MEET OR EXCEED THE SPECIFICATIONS OF THE CITY AND PROVIDE ALL NECESSARY PERMITS FOR THE WORK IN THEIR CLUMP WITHIN THE CITY.

CROSSWALK MARKING W/ LONGITUDINAL STRIPES



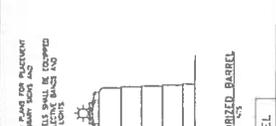
CROSSWALK STRIPING



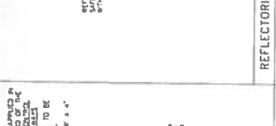
STRIPING



STOP SIGN AND MARKING



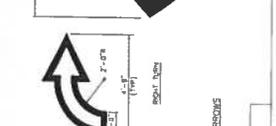
REFLECTORIZED BARREL



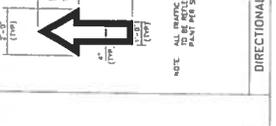
REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



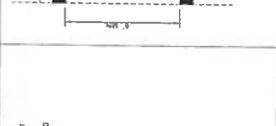
REFLECTORIZED BARREL



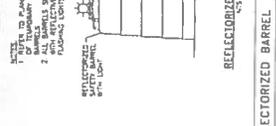
REFLECTORIZED BARREL



REFLECTORIZED BARREL



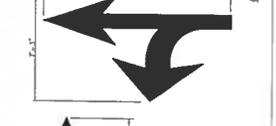
REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



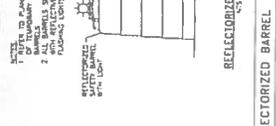
REFLECTORIZED BARREL



REFLECTORIZED BARREL



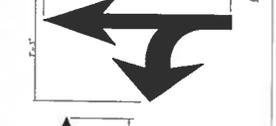
REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



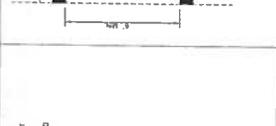
REFLECTORIZED BARREL



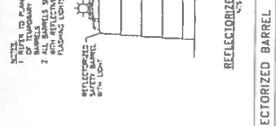
REFLECTORIZED BARREL



REFLECTORIZED BARREL



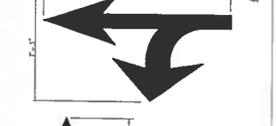
REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



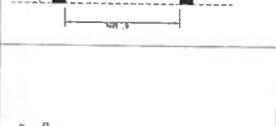
REFLECTORIZED BARREL



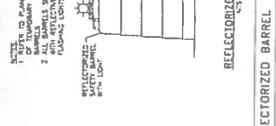
REFLECTORIZED BARREL



REFLECTORIZED BARREL



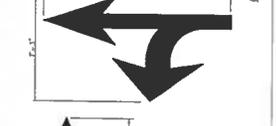
REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



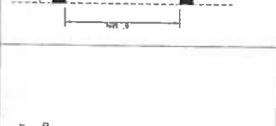
REFLECTORIZED BARREL



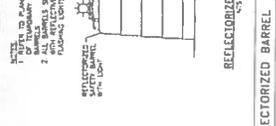
REFLECTORIZED BARREL



REFLECTORIZED BARREL



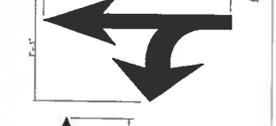
REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



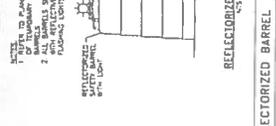
REFLECTORIZED BARREL



REFLECTORIZED BARREL



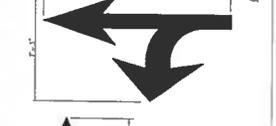
REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



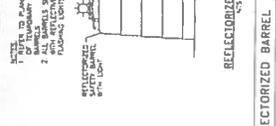
REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



REFLECTORIZED BARREL



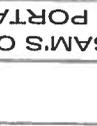
REFLECTORIZED BARREL



REFLECTORIZED BARREL

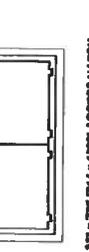


REFLECTORIZED BARREL



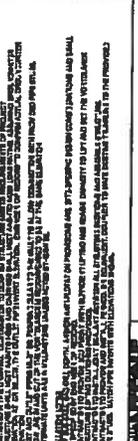
VOLVO-3 DESIGN NOTE

1. THE VOLVO-3 FENCE SYSTEM IS A COMPLETE SYSTEM INCLUDING THE FENCE, STANDARDS, AND GATES. IT IS NOT TO BE MODIFIED OR ADAPTED TO OTHER TYPES OF FENCES OR GATES. THE VOLVO-3 FENCE SYSTEM IS DESIGNED TO BE USED AS SHOWN AND IS NOT TO BE MODIFIED OR ADAPTED TO OTHER TYPES OF FENCES OR GATES. THE VOLVO-3 FENCE SYSTEM IS DESIGNED TO BE USED AS SHOWN AND IS NOT TO BE MODIFIED OR ADAPTED TO OTHER TYPES OF FENCES OR GATES.



VORTCLAREX VCL-33 STANDARD DETAIL

1. THE VORTCLAREX VCL-33 FENCE SYSTEM IS A COMPLETE SYSTEM INCLUDING THE FENCE, STANDARDS, AND GATES. IT IS NOT TO BE MODIFIED OR ADAPTED TO OTHER TYPES OF FENCES OR GATES. THE VORTCLAREX VCL-33 FENCE SYSTEM IS DESIGNED TO BE USED AS SHOWN AND IS NOT TO BE MODIFIED OR ADAPTED TO OTHER TYPES OF FENCES OR GATES.



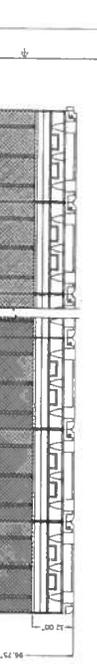
CONTECH
 CONTECH METROPOLITAN BARRICADE
 10000 W. 101ST AVE., SUITE 100, MIAMI, FL 33156
 (772) 271-8000



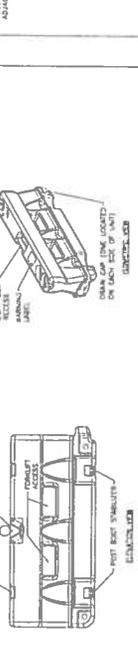
TEMPORARY CONSTRUCTION FENCE



TEMPORARY CONSTRUCTION FENCE



YODOCK METROPOLITAN BARRICADE
 YODOCK
 CONTECH MANUFACTURING CORPORATION
 10000 W. 101ST AVE., SUITE 100, MIAMI, FL 33156
 (772) 271-8000



TO: Planning Commission

DATE: April 25, 2014

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

SUBJECT: Preliminary Report – Rezoning Application #14-2, East Centre Avenue and Pasma Avenue

I. INTRODUCTION:

During the April 3, 2014 meeting, the Planning Commission reviewed and discussed the existing zoning, land use and Future Land Use Map designations of several properties located along the south side of East Centre Avenue, east of Lakewood Drive. This review was prompted by a recent development proposal involving a gas station, convenience store and drive-thru restaurant at 710 and 732 East Centre Avenue. Specifically, there are seven East Centre Avenue properties and portions of three other Pasma Avenue properties zoned B-3, general business that are inconsistent with the Comprehensive Plan designation of office. In addition, the property at 710 East Centre Avenue is zoned P-1, vehicular parking (with the exception of the west 5-feet that is zoned R-1A, one family residential). At the conclusion of the April 3rd discussion, the Planning Commission voted unanimously to initiate the process to consider rezoning 732, 810, 830, 906, 912, 916 and 918 East Centre Avenue from B-3, general business to OS-1, office service, 710 East Centre Avenue from P-1, vehicular parking to OS-1, office service (excepting the west 5-feet) and the northern approximate 50-feet of 907, 913 and 923 Pasma Avenue from B-3, general business to R-1A, one family residential. A copy of the April 3, 2014 Planning Commission meeting minutes is attached while a listing of the properties involved with this rezoning consideration is provided in the table below.

Address	Parcel Number	Existing Zoning	Proposed Zoning
710 East Centre Avenue	04680-016-O	P-1/R-1A (west 5 feet)	OS-1/R-1A (west 5 feet)
732 East Centre Avenue	00022-150-O	B-3	OS-1
810 East Centre Avenue	00022-145-O	B-3	OS-1
830 East Centre Avenue	00022-140-O	B-3	OS-1
906 East Centre Avenue	00022-105-O	B-3	OS-1
912 East Centre Avenue	00022-100-O	B-3	OS-1
916 East Centre Avenue	00022-101-O	B-3	OS-1
918 East Centre Avenue	00022-095-O	B-3	OS-1
907 Pasma Avenue (north 50-feet)	04683-154-O	B-3	R-1A
913 Pasma Avenue (north 50-feet)	04683-155-A	B-3	R-1A
923 Pasma Avenue (north 50-feet)	04683-155-B	B-3	R-1A

II. EXISTING CONDITIONS:

Ownership, Zoning and Land Use. The table on the following page and attached zoning and aerial photo maps summarize and illustrate the ownership, zoning and land use of these 11 parcels.

Parcel	Ownership	Acres	Zoning	Land Use
710 East Centre Avenue	Alto Convenience, Inc.	0.39	P-1 (west 5-foot zoned R-1A)	Former Centre Street Market Parking Lot/Vacant
732 East Centre Avenue	Alto Convenience, Inc.	1.85	B-3	Former Centre Street Market/Vacant
810 East Centre Avenue	Crankshaw, Gary K & K.E.	1.85	B-3	Otis Montessori Academy
830 East Centre Avenue	KEC Holdings, LLC	0.93	B-3	Vacant
906 East Centre Avenue	Elzinga, Tamara – Rev Trust	1.34	B-3	Non-conforming single family residence
912 East Centre Avenue	Hall, Ruth J & D. C. Trust	0.44	B-3	Non-conforming single family residence
916 East Centre Avenue	D & D Greenhouses, LLC	0.62	B-3	Greenhouses/Vacant
918 East Centre Avenue	D & D Greenhouses, LLC	3.95	B-3	Greenhouses/Vacant
907 Pasma Avenue (north 50-feet)	Brosofske, Ronald J & P.A.	0.40	B-3	Single family residence (rear yard)
913 Pasma Avenue (north 50-feet)	Bradshaw, Nicole E	0.20	B-3	Single family residence (rear yard)
923 Pasma Avenue (north 50-feet)	Pennell, Laura L	0.20	B-3	Single family residence (rear yard)

Zoning/Development History. With the exception of the 710 East Centre Avenue parcel, which was rezoned to P-1 in 1998, the above referenced properties have maintained the B-3, general business zoning classification since comprehensive rezoning of the city in 1965.

In 1998, a request was received to rezone 710 East Centre Avenue from R-1A to B-3 to accommodate a planned expansion of the Centre Street Market (Rezoning Application #97-12). In a report dated July 1, 1998, the Department of Community Development recommended the subject property be rezoned to OS-1, office service and, furthermore, expand the OS-1 zoning to include the Centre Street Market parcel (732 East Centre Avenue) and Otis Montessori School parcel (810 East Centre Avenue). As part of the final analysis, staff indicated the proposed B-3 zone was not consistent with the Comprehensive Plan and Future Land Use Map designations of office, the surrounding land use/zoning pattern and the proposed B-3 district represents "...the most intense of the commercial districts" with potential uses including "...gas stations, automotive repair, new/used car lots, motels/hotels, dry cleaning plants, among others". Staff further concluded that these "...higher intense commercial uses will have a greater impacts on the surrounding residential uses" and that there were "...other more appropriate sites within the city and City Centre area to accommodate general business, higher intense retail uses". After considering the request, City Council approved a zoning change to P-1, vehicular parking for 710 East Centre Avenue with the exception of the west 5-foot along Lakewood Drive that was to remain zoned R-1A to prevent vehicular access to/from Lakewood Drive.

Consistent with the Comprehensive Plan, there have been many zoning changes to OS-1 along East Centre Avenue during the past couple decades. The most recent OS-1 rezoning occurred in 2013 when City Council rezoned several properties located along the north side of East Centre Avenue, between Lakewood Drive and Garden Lane, from one family residential to office service. While these various

OS-1 zoning changes have been gradual along this designated office corridor, it clearly represents a consistent trend involving East Centre Avenue frontage properties transitioning from residential to office zoning/land use.

Public Streets/Utilities. East Centre Avenue, between Waylee Street and Portage Road, is designated a 5-lane major arterial roadway with 20,233 vehicles per day (2011) and a capacity of 37,100 vehicles per day (level of service “D”). Municipal water and sanitary sewer are available along East Centre Avenue.

Historic District/Structures. The properties subject to the rezoning consideration are not located within a historic district and do not contain any historic structures.

Environmental Issues. The City of Portage Sensitive Land Use Inventory Map does not identify wetland or floodplain areas on or adjacent to the properties subject to the rezoning consideration.

III. PRELIMINARY ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Map Consistency. The Comprehensive Plan/Future Land Use Map has long designated the properties along East Centre Avenue as appropriate for office land use. The northern portion of the three Pasma Avenue properties is identified for low density residential land use. These land use designations date back to the 1996 Comprehensive Plan that was adopted by the Planning Commission and has carried forward with each subsequent Plan update (2002, 2008 and pending 2014). This section of East Centre Avenue is also designated as an office corridor with a predominant office, residential and institutional land use pattern. The Comprehensive Plan identifies the office land use designation and the corresponding OS-1 district as an effective transition zone between residential uses and major arterial roadways since office uses typically have limited hours of operation (weekdays from approximately 8am-5pm), a building style and mass similar to residential structures and less traffic generation.

In regard to commercial land use designations, the Comprehensive Plan describes general business areas as providing a full range of retail goods and services catering more to automobile traffic from a broader market area, up to a 10 mile radius, including surrounding communities. General business uses include retail stores, hotels and motels, fast food and sit-down style restaurants, automobile sales and services, furniture and appliance stores and highway service establishments with patrons originating from area neighborhoods, surrounding communities, through travelers and surrounding businesses and industries. The Future Land Use Map identifies appropriate locations for general business areas and the corresponding B-3 district as concentrated to primary commercial nodes (e.g., Centre-Portage, Centre-Westnedge-Shaver), along major thoroughfares (Westnedge, Portage, Shaver) and at major roadway intersections in a manner that prevents a sprawling commercial corridor.

The Comprehensive Plan indicates that local business areas are intended to encourage and support low intensity local business uses and service establishments (i.e., convenience stores, small sit-down style restaurants, pharmacies, banks, offices, etc.) which provide convenience goods and services to residents and employees in the immediate neighborhood, generally within a two mile radius, while maintaining a compatible neighborhood scale. Local business areas are generally located at secondary street intersections or nodes, near single-family residential neighborhoods accessible by walkway or bikeway connections, where the economic vitality of the businesses are a direct result of patronization by local customer traffic. The Future Land Use Map identifies appropriate locations for local business areas and the corresponding B-1 district as concentrated to neighborhood commercial nodes located near secondary street intersections (e.g., West Centre-Oakland, East Centre-Lovers Lane, East Centre-South Sprinkle, Long Lake-South Sprinkle, West Milham-South 12th Street). The Comprehensive Plan also states a strategy of the local business area is to confine neighborhood centers to small nodes and avoid allowing nearby parcels to be converted to commercial use which often leads to decentralization of the small business node and a strip commercial development pattern.

As stated in the Comprehensive Plan, the Future Land Use Plan is a representation of general physical features/land use activities in the city when fully developed and does not imply that all of the changes will or should occur in the near term. Development and redevelopment will proceed in a manner consistent with policies on the environment, transportation and infrastructure capacity, as examples, and other matters which help determine the appropriate timeframe. Zoning decisions should, over time, produce changes that gradually establish greater conformity between the Zoning Map and the Future Land Use Plan. The Future Land Use Map should be carefully considered to ensure consistency is maintained when making decisions on planning and development matters: Community changes which directly conflict with the Future Land Use Map could undermine the long-term objectives of the city and should be avoided.

With regard to existing zoning, there is no “vested interest” that guarantees zoning will not change: In fact zoning changes are suggested in the Comprehensive Plan, such as along East Centre Avenue. However, and during preparation of the Plan, such changes were carefully considered to ensure the general development arrangement remains consistent and landowners will be ensured a reasonable use of their land.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies that influence the use of land for consistency with community development objectives. An evaluation of the Development Guidelines will be provided with the staff recommendation.

Suitability and Differences Between Existing/Proposed Zoning Districts. As was evident with the recent proposal by Great Lakes Convenience to construct a gasoline station/convenience store /fast food restaurant at the former Centre Street Market property, the B-3 zoning district allows a variety of intensive commercial land uses, either as principal permitted uses or special land uses, that may not be

appropriate adjacent single family residences and other institutional land uses such as child day care facilities and schools. As information for the Commission, staff is also considering an ordinance amendment to establish specific locational requirements for gasoline stations in the B-3 zone. Differences between the B-3 and OS-1 zoning districts are summarized in the table below.

Differences Between B-3 and OS-1 Zoning Districts		
Requirement	B-3	OS-1
Intent	Designed to provide sites for more diversified businesses and are often located to serve pass by traffic with locations typically mapped along major traffic arteries and/or adjacent to B-2 community business districts.	Designed to accommodate office and institutional land use activities and planned to serve as transitional areas between residential districts and commercial districts and between major thoroughfares and residential districts.
Allowable Uses (examples)	Retail and Service Establishments; Restaurants (sit-down style and fast food with drive thru); Micro-breweries and Brew Pubs; Theaters, Assembly Halls and Concert Halls; Business Schools and Colleges; Gasoline Stations; Automobile Repair Stations; Automatic and Self-Service Car Washes; New/Used Vehicle Dealerships; Dry Cleaning Plants; Motels/Hotels.	Executive, Administrative and Professional Offices; Medical Offices and Clinics; Banks and Credit Unions; Art and Photographic Studios; Personal Service Establishments; Institutional Uses such as Public and Private Elementary, Intermediate and High Schools, Public and Private Colleges and Universities, Religious Institutions, Child Day Care Centers, Rest and Convalescent Homes; Funeral Homes; Vocational, Trade and Business Schools.
Setbacks	Front: 30' (10' for parking) Rear: 20' Side: 0-10' (depending on adjacent zoning/land use and Building Code)	Front: 27' (10' for parking) Rear: 20' Side: 0-15' (depending on adjacent land use and Building Code)
Height	35' (one-story and 25' where adjacent residential district; increases in permitted subject to PC/CC approval)	Same
Screening	6' berm (if greater than 3 acres). 6' screen, 10' greenstrip (if less than 3 acres)	Same
Signage	Freestanding: Up to 187 sq. ft. Wall: Up to 100 sq. ft. ¹	Freestanding: Up to 75 sq. ft. Wall: Up to 100 sq. ft.

¹ Can be increased if the length of the wall is ≥100 feet.

Existing Land Use/Impacts of Proposed Zoning Change. As shown on the attached Aerial Photo Map, a large portion of the proposed rezoning area is currently vacant and impacts of a proposed zoning change would vary depending on the particular property. As the Commission is aware, the former Centre Street Market property (710 and 732 East Centre Avenue) is currently vacant and under new ownership. While the request for a gasoline station/convenience store development has been withdrawn by the owner, Great Lakes Convenience has indicated plans to construct a new 8,000 square foot retail strip center with a restaurant and drive-thru component (a concept plan has been recently submitted and is being reviewed by the City Administration at the request of the property owner). If a zoning change to OS-1 occurred prior to construction of the retail strip center, the proposed retail uses would not be permitted. However, if construction of the project occurred before the OS-1 zoning change, any established retail uses would

become nonconforming. Alternatively, the uses within the development could be converted to personal service and/or office uses permitted within the OS-1 district.

A zoning change from B-3 to OS-1 for the remainder of the East Centre Avenue properties would have limited impact on the current uses. The existing Otis Montessori Academy would continue as a special land use in the OS-1 district and would be allowed to expand subject to Planning Commission review/approval. The two nonconforming single family residential parcels located at 906 and 912 East Centre Avenue would remain nonconforming, while the existing greenhouses located at 916 and 918 East Centre Avenue would become nonconforming uses. As additional information, Section 42-133 of the Zoning Code provides regulations for nonconforming lots, buildings, structures and uses. In summary, a nonconforming use may continue until it is removed, changed to a conforming use or intentionally abandoned. A property and/or building with a nonconforming use can have a change of tenancy, ownership or management without losing its nonconforming status. General maintenance and repair of the property and/or building in which the nonconforming use is located is also permitted. Additionally, if a building in which a nonconforming use is located were destroyed by fire, tornado or other act of God, the building could be reconstructed to its original location within 18 months. Finally, nonconforming uses can not be enlarged to occupy a greater area of land, and cannot be moved in whole or part to another area of the property without review by the Zoning Board of Appeals. However, a review of the attached aerial photograph indicates there is minimal vacant land remaining for expansion.

A zoning change from P-1 to OS-1 (while retaining the west 5-feet as R-1A) at 710 East Centre Avenue would have no impact on the existing off-street parking lot, while permitting additional office development options for the property owner with minimal impacts on the adjacent properties. A zoning change from B-3 to R-1A for the northern portions of 907, 913 and 923 Pasma Avenue parcels would further protect the existing single family residences and correct this zoning map irregularity.

Traffic Considerations. The proposed OS-1 rezoning and associated development/redevelopment of the East Centre Avenue properties is anticipated to generate less traffic than development/redevelopment under the existing B-3 district. Specific access management related issues including driveway locations and shared/cross access will be reviewed at the site plan stage of redevelopment/redevelopment.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the May 1, 2014 meeting and adjourn the public hearing to the May 15, 2014 meeting.

Attachments: Rezoning Application and April 3, 2014 Planning Commission meeting minutes
Zoning/Vicinity Map
Future Land Use Map
Aerial Photo Map

APPLICATION FOR ZONING AMENDMENT

Application number #14-2

Date April 3, 2014

APPLICATION INFORMATION:

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings.

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 2, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at _____ between _____ Street and _____ Street on the _____ side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of _____ feet and a depth of _____ feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

_____ various (see listing attached)

2. a. Do you own the property to be rezoned? Yes _____ No X

b. Name of the owner of the property to be rezoned: various (see listing attached)

Address _____

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Rezoning consideration consistent with City of Portage Comprehensive Plan.

4. CURRENT ZONING: B-3/P-1 PROPOSED ZONING: OS-1/P-1/R-1A

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

<u>Paul Welch, Chairman</u> (Signature of Applicant)	<u>City of Portage Planning Commission</u> (Signature of Applicant)
<u>7900 South Westnedge Avenue</u> (Address)	<u>Portage, Michigan 49002</u> (Address)
<u>(269) 329-4477 (Community Development Department)</u> (Phone)	<u>(Phone)</u>

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

Rezoning Application #14-2

Address	Ownership	Parcel Number	Existing Zoning	Proposed Zoning
710 East Centre Avenue	Alto Convenience, Inc.	04680-016-O	P-1/R-1A (west 5 feet)	OS-1/R-1A (west 5 feet)
732 East Centre Avenue	Alto Convenience, Inc.	00022-150-O	B-3	OS-1
810 East Centre Avenue	Crankshaw, Gary K & K.E.	00022-145-O	B-3	OS-1
830 East Centre Avenue	KEC Holdings, LLC	00022-140-O	B-3	OS-1
906 East Centre Avenue	Elzinga, Tamara – Rev Trust	00022-105-O	B-3	OS-1
912 East Centre Avenue	Hall, Ruth J & D. C. Trust	00022-100-O	B-3	OS-1
916 East Centre Avenue	D & D Greenhouses, LLC	00022-101-O	B-3	OS-1
918 East Centre Avenue	D & D Greenhouses, LLC	00022-095-O	B-3	OS-1
907 Pasma Avenue (north 50-feet)	Brosofske, Ronald J & P.A	04683-154-O	B-3	R-1A
913 Pasma Avenue (north 50-feet)	Bradshaw, Nicole E	04683-155-A	B-3	R-1A
923 Pasma Avenue (north 50-feet)	Pennell, Laura L	04683-155-B	B-3	R-1A

of South Westnedge Avenue and West Kilgore Road. Mr. West indicated the Planning Commission concluded its review and recommendation of the proposed CPD, commercial planned development rezoning application and associated conceptual plan/narrative on February 20, 2014 and City Council would be conducting a public hearing to consider these applications on April 15, 2014. In an effort to expedite the Earth Fare project, Mr. West stated the applicant has requested Planning Commission review and conditional approval of the specific (site) plan. Mr. West indicated the development project has been designed in substantial conformance with the proposed conceptual plan.

Mr. Andy Wenzel of The Hinman Company (applicant representative) was present to support the development project. Mr. Wenzel presented a revised building elevation and discussed site related issues including access, loading/unloading area, internal landscape islands and sidewalk installation along West Kilgore Road and South Westnedge Avenue and within the site. After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Specific (Site) Plan for Earth Fare, 605 and 531 West Kilgore Road, subject to City Council approval of the Conceptual Plan submitted by Jereco LLC and 5024 South Westnedge LLC for the 5.3 acre tract of land located near the southwest corner of South Westnedge Avenue and West Kilgore Road. Attorney Brown suggested the motion include a statement that any condition placed on the conceptual plan approval by City Council would also apply to the site plan approval by the Planning Commission. Commissioners Bosch and Patterson concurred. The motion was unanimously approved 6-0.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **East Centre Avenue Rezoning Consideration.** Mr. Forth summarized the staff report dated March 28, 2014 regarding the staff recommendation to initiate a rezoning consideration of several properties located along the south side of East Centre Avenue, east of Lakewood Drive. Mr. Forth reviewed the properties involved in the recommended rezoning area, existing land use and ownership information. Mr. Forth also provided background information regarding the surrounding zoning/land use pattern and the Future Land Use Map designation of this area. Mr. Forth discussed the nonconforming use regulations of the Zoning Code and the impacts an OS-1 rezoning would have on existing land uses. Mr. Forth then discussed the staff recommendation to initiate the process to consider rezoning 732, 810, 830, 906, 912, 916 and 918 East Centre Avenue from B-3, general business to OS-1, office service, 710 East Centre Avenue from P-1, vehicular parking to OS-1, office service (excepting the west 5-feet) and the northern approximate 50-feet of 907, 913 and 923 Pasma Avenue from B-3, general business to R-1A, one family residential.

Vice-Chairman Felicijan stated he believes a rezoning is appropriate, however, some B-1, local business zoning should be considered. Vice-Chairman Felicijan also indicated he believes there is an over capacity of office zoned property in the city and asked whether Great Lakes Convenience alternative proposal for a retail strip center and restaurant would be allowed in the OS-1 district. Mr. Forth stated the retail/restaurant use would not be allowed in the OS-1 district. Commissioner Patterson stated Great Lakes Convenience purchased 710 and 732 East Centre Avenue for commercial purposes and believes the alternative proposal should be considered by the Planning Commission before initiating any rezoning consideration of the property. Commissioner Dargitz indicated she prefers smaller commercial nodes and the B-1 zone to help facilitate more walkable and neighborhood friendly commercial uses. Commissioner Patterson concurred but stated he still believes it is premature to consider a rezoning until Great Lakes Convenience comes forward with alternative

development plan for retail strip center and restaurant. Mr. Forth indicated there have been no discussions or contact with Great Lakes Convenience since the March 20, 2014 Planning Commission meeting. Mr. Forth stated the appropriate approach to soliciting public comment regarding any rezoning is through the formal public hearing process.

Vice-Chairman Felicijan asked if any person in the audience would like to comment on the consideration to initiate a rezoning consideration of these several properties. Mr. Craig Binder (743 East Centre Avenue) stated he was in favor with the rezoning, however, was not familiar with the B-1 zoning district. Ms. Brittany Hall (8108 Kingston) stated she would be supportive of a lower intensity commercial zoning that limited uses and hours of operation to minimize impacts on the adjacent residential neighborhood. Attorney Brown stated the hours of operation for a principal permitted use could not be restricted.

After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Bosch, to initiate the process to consider rezoning 732, 810, 830, 906, 912, 916 and 918 East Centre Avenue from B-3, general business to OS-1, office service, 710 East Centre Avenue from P-1, vehicular parking to OS-1, office service (excepting the west 5-feet) and the northern approximate 50-feet of 907, 913 and 923 Pasma Avenue from B-3, general business to R-1A, one family residential. The motion was unanimously approved 6-0.

2. Comstock Township Master Plan Amendments. Vice-Chairman Felicijan referred the Commission to the communication received from Comstock Township regarding proposed amendments to the Master Plan. Proposed amendments involve several properties located along River Street, north of the I-94 Business Loop, approximately two miles from the City of Portage corporate boundary. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to receive the Comstock Township Master Plan Amendments with no specific comments offered. The motion was unanimously approved 6-0.

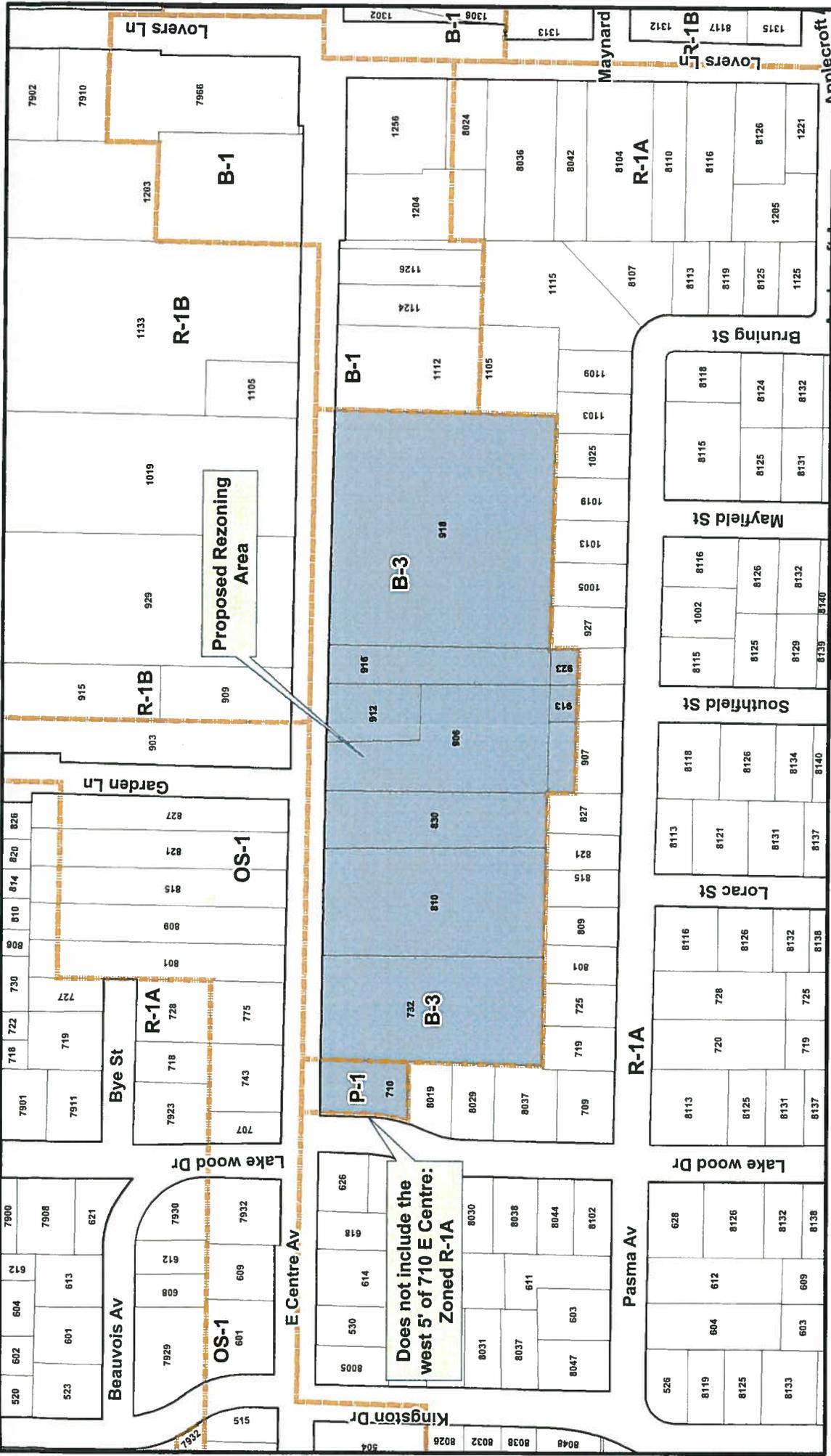
8:00 p.m. - The Commission took a short recess.

8:10 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

3. 2014 Comprehensive Plan Update, Transportation and Land Use + Character. Mr. Forth referred the Commission to the draft Transportation chapter of the 2014 Comprehensive Plan Update. Mr. Forth summarized the Introduction, Complete Streets, Context Sensitive Streets, Corridor Management and Street Capacity and Operations sections and asked if the Commission had any comments. Commissioner Dargitz asked if non-paved pathways can be an alternative where sidewalks along streets are not provided or planned. Mr. Forth stated they are an option in certain locations. Commissioner Dargitz also asked where the roadway capacity tables were and how roadway projects were presented to KATS for funding. Mr. Forth stated roadway capacity tables were being finalized and were being added to the Community Snapshot report. Mr. Forth also explained how roadway projects were presented to KATS by the local agencies and prioritized for funding purposes.

Mr. Forth then referred the Commission to the draft Land Use + Character chapter of the 2014 Comprehensive Plan Update. Mr. Forth summarized the various sections of the chapter and asked if the Commission had any comments. Vice-Chairman Felicijan stated on page 43 there is a reference to "see table at right", however, there is no table. Mr. Forth stated that reference was a carry-over from a previous section and would be removed. Commissioner Dargitz asked how "transitions" between land uses were being proposed with changes to the Future Land Use Map. Mr. Forth stated the Future Land Use Map was intended to identify general land use patterns across the city and more specific area reviews could be performed after adoption of the plan. Commissioner Somers asked whether language could be added to Page 48 (Lakefront Residential) that would reference a goal of establishing a more consistent lakefront setback to preserve the viewshed for all lakefront residents (i.e., 45 degree viewshed). Mr. Forth indicated this suggestion is probably best included in the Implementation Strategies section of the plan.

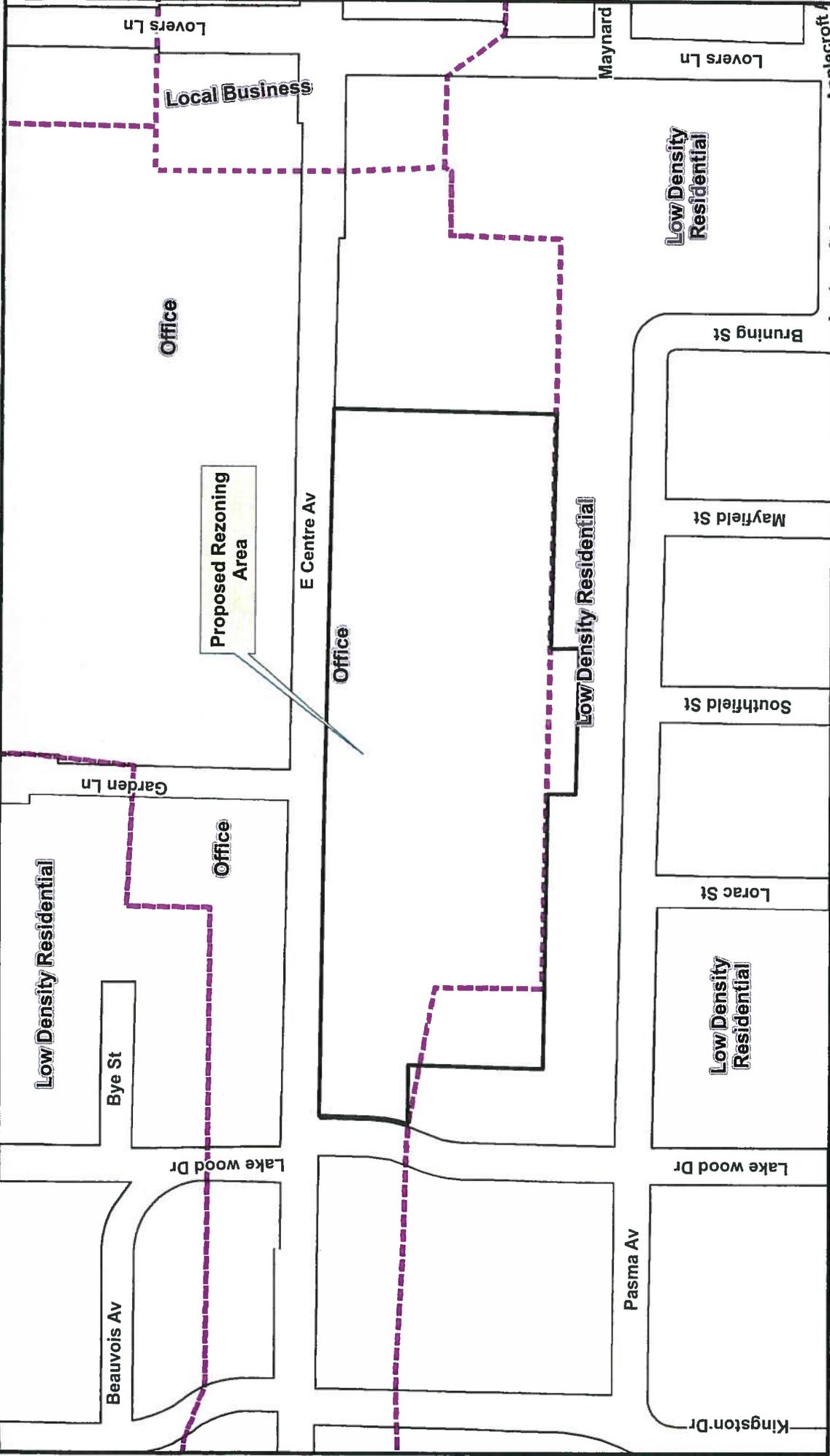
Mr. Forth reviewed the March 28, 2014 staff report and Future Land Use Map that identifies 19 proposed changes and asked if the Commission had any comments. Commissioner Dargitz suggested reordering the



**Rezoning Consideration
700-900 Block
East Centre Avenue**

Zoning Boundary
Proposed Rezoning Area

1 inch = 160 feet



**Future Land Use Map
700-900 Block
East Centre Avenue**

- Proposed Rezoning Area
- Future Land Use



1 inch = 160 feet



**Aerial Photography
700-900 Block
East Centre Avenue**



1 inch = 160 feet

 Proposed Rezoning Area

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM MARCH 25, 2014

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

At the request of Mayor Strazdas, Pastor Hayden McAndrew of Kalamazoo Valley Family Church gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Randall, to approve the Special and Regular Meeting Minutes of March 11, 2014, and the Special Meeting Minutes of March 18, 2014, as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ansari to read the Consent Agenda. Mayor Strazdas removed Items F.1, Michigan Department of Transportation Contracts – Oakland Drive (I-94 to Kilgore Road) and Portage Road (East Centre Avenue to Romence Road Parkway), and F.2, South Central Trail & Trailhead Grant, from the Consent Agenda. Motion by Pearson, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 25, 2014:** Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of March 25, 2014, as presented. Upon a roll call vote, motion carried 7 to 0.

STATEMENT OF THE MAYOR: Mayor Strazdas addressed a variety of activities that have taken place recently in Portage. He indicated that City Manager Maurice Evans and Deputy City Manager Brian Bowling have expressed an interest in retiring, April 1 and April 4, 2014, respectively. He asked three things of the City Council and the community: first, he announced that Mr. Evans has selected Employee Development Director Rob Boulis, effective Friday, April 4, 2014, as Acting Deputy City Manager; he recognized Mr. Boulis in the audience and asked that City Council and the community give Mr. Boulis 100% of their support as City Council goes forward to find an Acting City Manager; secondly, he asked everyone to carefully and expeditiously find an Acting City Manager, asked the community to participate and support that process as outlined in Item F.3, Acting City Manager Job Posting, and asked City Council to give their undivided attention to this process; thirdly, he asked Council to find the very best City Manager. He reflected that under New Business, the Request for Proposal (RFP) to select an executive search firm as discussed in the earlier Special Meeting, will be presented for City Council consideration and approval. Finally, he asked that City Council and the community take the high road and focus on the future and not dwell on the past. He pointed out that Portage is a great community with great citizens and great businesses, and that needs to be shown to potential Acting City Manager candidates and to potential permanent City Manager candidates and explained.

PETITIONS AND STATEMENTS OF CITIZENS: Michael Bogren, Attorney with Plunkett & Clooney, Attorneys at Law, 950 Trade Center Way, indicated that he had been retained by a group of concerned Portage citizens who want City Council to be aware and address recent reports of the activities of some members of this Council. He expressed his understanding that this is in the early investigative stage and that it is not known whether these allegations should result in further actions. He indicated that the major issue in this point is that a Councilmember has taken it upon himself to contact potential City Manager candidates prior to this City Council determining their preferred approach to filling this important position. He also indicated that it is his understanding that an individual has come

forward who witnessed a Councilmember who had a personal meeting with a local administrator of a local community. He said that he and his constituents fully embrace the statements that Mayor Strazdas just shared. He noted that the citizens have been promised a transparent process and that he and his constituents believe that this is a problematic start. He said that these issues together with allegations of conversations between union representatives and one or more Councilmembers during collective bargaining heightened these concerns. He also expressed a concern that there are media reports that there are Councilmembers, who advocate changes that could potentially be very disruptive to the City Manager form of government that has served this community so well for fifty years. He said that his clients are highly concerned that there are members of City Council, who may have an undisclosed agenda that would undermine the future of this City. He restated that he and his constituents fully embrace the statements that Mayor Strazdas shared earlier and their belief that they should be embraced by every member of City Council and every citizen of the City of Portage.

Tom Fox, 1330 Osterhout Avenue, indicated that Deputy City Manager Brian Bowling is current on all City matters, benefits from the historical perspective, and that staff looks to him for guidance in the absence of the City Manager; the Deputy is the interim City Manager in the absence of the City Manager. Mr. Fox expressed his opinion that four Councilmembers have denigrated the importance of that experience and would appoint an interim Manager who is less current on City business; they have undermined the continuity possible by not continuing the Deputy as the most informed interim City Manager. He expressed his dismay because he believed that these four City Councilmembers are intentionally short-changing Portage citizens and said he finds the way they handled this matter reprehensible; nevertheless, he noted that he will fully support the Acting Deputy City Manager and whatever process decided upon that gets whatever Portage needs. He said he felt the need to express himself because he felt that there was a majority of City Council not acting appropriately.

Representative of the House Margaret O'Brien, 1220 Forest Drive, recognized Deputy City Manager Brian Bowling for nearly 38 years of service to Portage, indicated that this is not typical in the working world of today and recounted her work experience with him when she served as City Councilmember for which the community owes a huge debt of gratitude. She said she has known Mr. Bowling for his professionalism, devoted service and honesty. She said that he will be sorely missed by her in her position as a State Representative. She reflected on her experience as a City Councilmember with the appointment of Maurice Evans as City Manager because of his integrity, his care for his community and the people with whom he worked who wrote a letter to the media encouraging Portage to hire him because they knew that this was his dream job. She also cited his patience, his willingness to debate her on issues where they disagreed and his wisdom. She summed up by commenting on how much she benefited from the counsel of both Brian and Maurice and her appreciation of their friendship.

Dan Bement, 6437 Hampton Street, introduced himself as a retired Lt. Colonel of the U.S. Army and Operations Director of a large Federal Agency dealing with disasters and former Environmental Board Chair for the City of Portage in order to let City Council know that he has had experience managing many people in many large organizations. He expressed the need to trust your organization, trust your leadership and take the opportunity to allow your subordinates to excel and, if necessary, take your place, and explained. He considered having Deputy City Manager Brian Bowling serve as Acting City Manager until a new authorized Manager is selected under proper authority was a simple, five minute decision that Council turned into an embarrassment to the City of Portage and to the Deputy City Manager. As a citizen, he apologized to Deputy City Manager Brian Bowling for the actions taken. He said he will support the initiatives outlined by Mayor Strazdas, will support the newly appointed Acting Deputy City Manager and the new Acting City Manager. He expressed his hope and faith that City Council in the future will give better support, positive support for the officials of this city.

REPORTS FROM THE ADMINISTRATION:

MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACTS – OAKLAND DRIVE (I-94 TO KILGORE ROAD) AND PORTAGE ROAD (EAST CENTRE AVENUE TO ROMENCE ROAD PARKWAY): Mayor Strazdas reviewed the timeliness of these road projects when considering the growing number of potholes, the condition of the roads because of the winter weather and the road policy of the State. He asked Transportation and Utilities Director Chris Barnes to highlight these “bonus” road projects and recognized that Representative Margaret O’Brien was instrumental in getting these road projects for Portage. Mr. Barnes explained the Road Risks Reserve Funding Program used to fund around a hundred specific projects across the State, and owing to the efforts of Representative Margaret O’Brien, Portage was able to receive funding for two projects. He outlined the history of the projects funded by the State and described some of the other projects scheduled for the summer.

At the request of Mayor Strazdas, Representative Margaret O’Brien explained how she was directly instrumental in getting these projects by sharing the success of Portage and discussed millage commitments, taxes and revenues. Discussion followed.

Motion by Urban, seconded by Randall, to approve Contract 2014-0194 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Oakland Drive (I-94 to Kilgore Road); approve Contract 2014-0207 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Portage Road (East Centre Avenue to Romence Road Parkway); adopt Resolutions authorizing the City Manager to sign Contracts 2014-0194 and 2014-0207; and authorize the City Manager to sign all other documents with the Michigan Department of Transportation related to these projects on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 233 and 235 of City of Portage Resolution Book No. 45.

SOUTH CENTRAL TRAIL & TRAILHEAD GRANT: Mayor Strazdas introduced this item and asked Parks Director Bill Deming to share information about the Eliason Reserve property and to explain the request. Mr. Deming provided some history of the proposed bikeway/trail plan that did not include the property, but that the acquisition of the property provides the opportunity for green space, the important control of 80% of Bishop’s Bog and the implementation of a plan to incorporate the property into a better plan for bikeways and multi-use trails and explained. Discussion followed.

Motion by Reid, seconded by Urban, to resolve to support a Michigan Natural Resources Trust Fund grant application to the Michigan Department of Natural Resources for the South Central Trail & Trailhead project and authorize the City Manager to execute all documents related to the action on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 237 of City of Portage Resolution Book No. 45.

ACTING CITY MANAGER JOB POSTING: Mayor Strazdas introduced this item, asked for the support of City Council and recognized the support of the Employee Development Department. He mentioned that the suggested listing of media for distribution of the posting information includes: the City of Portage website, the Michigan Municipal League (MML), the International City/County Management Association (ICMA) and MLive. He stressed the need to move immediately on this matter as a City Council and noted that all applications will be returned through the Employee Development Department with a deadline of April 15, 2014. He mentioned that City Council has asked for the guidance of legal counsel, so City Attorney Randy Brown will be working with Labor Attorney Kevin McCarthy to ensure proper implementation of this process. He mentioned that all meetings will be public and will happen sometime later in April to allow the community and City Council to weigh in on this matter. Mayor Strazdas asking for consensus on this item, he confirmed that the closing date had changed from April 30, 2014, to April 15, 2014, for Councilmember Reid and discussion followed.

Mayor Pro Tem Pearson indicated that the Job Description looks fine and, in response to Councilmember Reid, Employee Development Department Director Rob Boulis indicated that the City would be accepting applications both on-line and in hard copy, and noted that 85% of the applications are currently received electronically and that he expected this process to be the same.

When Councilmember Reid asked if there were other places that he might consider for the posting, Mr. Boulis indicated that these posting locations were at his suggestion and explained he could not think of any other locations in the State of Michigan and advised that Council does not need to go beyond the State of Michigan for the Acting City Manager position and explained. Discussion followed.

Motion by Ansari, seconded by Ford, to accept the draft job posting and posting distribution list for solicitation of Acting City Manager candidates and identify the appropriate location/individual for receipt of applications. Upon a roll call vote, motion carried 7 to 0.

* **FEBRUARY 2014 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Pearson, seconded by Reid, to receive the communication from the City Manager regarding the February 2014 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

COMMUNICATIONS:

WATER/SEWER (UTILITY) RATE COMMITTEE VACANCY: Mayor Strazdas explained the purpose of the Committee. Discussion followed. Motion by Pearson, seconded by Randall, to appoint Randy Orwig to fill the vacant citizen position on the Water/Sewer (Utility) Rate Committee. Upon a roll call vote, motion carried 7 to 0.

PUBLIC MEDIA NETWORK (PMN) BOARD OF DIRECTORS APPOINTMENT: Mayor Strazdas explained that as the Treasurer of the PMN Board, the City is looking to keeping former Mayor Pro Tem Ed Sackley on the Board.

Councilmember Randall questioned the setting of a precedent by placing a Councilmember serving on a Board as a citizen representative on that Board as he or she leaves office. Her second concern is that every time there have been appointments to Boards and Commissions that City Council has had an excess number of applicants, and reminded Council that Mr. Sackley serves on the Austin Lake Governmental Board as a citizen representative, and provided her opinion that there are a lot of capable people in the City of Portage who would welcome this opportunity.

In response to Mayor Strazdas, Councilmember Randall and Mayor Pro Tem Pearson, City Clerk Jim Hudson indicated that there have not been a number of applicants for the PMN Board, that the only applicant, Ayesha Mangla, was stepping down and that Don Ramlow had to be recruited to serve on the Board when Portage joined because of the lack of applicants.

Councilmember Reid described the make-up of the Board as being unique with both citizens and Council representation. She also said that Mr. Sackley has taken a very active role on the Board and is handling the finances. Moreover, he provides some keen insights owing to his background, and she indicated that City Council has been asked by PMN if there is any way he can be reappointed because of the role that he has and expressed her support for the recommendation and explained. Discussion followed.

In answer to Mayor Pro Tem Pearson, Mayor Strazdas noted that Mr. Sackley is looking to fulfill an unexpired two-year term, and Mayor Pro Tem Pearson indicated that he does a great job as Treasurer and President on the Austin Lake Governmental Lake Board. In answer to Mayor Pro Tem Pearson, Councilmember Reid indicated that Mr. Sackley has served on PMN for three years. Discussion followed.

Motion by Reid, seconded by Urban, to appoint Ed Sackley as a citizen-at-large to a two-year position effective immediately to fulfill the unexpired term ending on May 31, 2015, to the Public Media Network Board of Directors. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

WATER AND/OR SEWER BILLING DISCOUNT: Mayor Strazdas introduced Mr. Barnes, who drew information from his March 20, 2014 communication to City Manager Maurice Evans, and explained the effects of the very cold winter weather on water services and the costs associated to the homeowner. He noted that he reviews of the bills individually and plans to use the 125% cap on the winter quarter water usage. Discussion followed.

Motion by Reid, seconded by Ford, to refer the matter of a potential water billing discount to the Utility Rate Committee for review and recommendation. Upon a roll call vote, motion carried 7 to 0.

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

Portage Youth Advisory Committee of January 13, 2014.
Portage Environmental Board of February 12, 2014.
Portage Planning Commission of March 6, 2014.

COUNCIL COMMITTEE REPORTS:

COUNTYWIDE PUBLIC TRANSIT SYSTEM ADMINISTRATIVE WORK GROUP UPDATE - MAYOR PRO TEM PEARSON: Mayor Strazdas indicated that Mayor Pro Tem Pearson submitted a report to City Council on the meeting of the Countywide Public Transit System Administrative Work Group on March 14, 2014. He reviewed the discussion on proposed bus service locations, and read the changes to three routes with new extensions: one to Route 26, one to Route 27 and one to Route 4.

Motion by Randall, seconded by Reid, to receive the Countywide Public Transit System Administrative Work Group Update from Mayor Pro Tem Pearson as information only. Upon a voice vote, motion carried 7 to 0.

NEW BUSINESS:

REQUEST FOR PROPOSALS (RFP) FOR PROFESSIONAL SERVICES: Mayor Strazdas explained Council activity in the earlier meetings where Council worked through the various stages of the process to finalize a Request for Proposals (RFP) for Professional Services from an Executive Search Firm and outlined the timeline and the plan going forward.

Motion by Reid, seconded by Ansari, to accept the Request for Proposals (RFP) for Professional Services as prepared by Sheri Welsh, Welsh and Associates, and as finalized by City Council during the Tuesday, March 25, 2014 City Council Work Session, for an executive search firm for the position of City Manager, and to refer the RFP to the City Manager for distribution to professional search firms. Upon a roll call vote, motion carried 7 to 0.

FOUR INITIATIVES PROPOSED BY MAYOR PRO TEM PEARSON: Mayor Strazdas introduced the item as a communication from Mayor Pro Tem Pearson, who read the first of his four statements as presented to City Council, the proposed "Learning Tour." Motion by Ansari, seconded by Reid, to receive the Four Initiatives Proposed by Mayor Pro Tem Pearson.

Mayor Strazdas referred to the 2013 Retreat Summary of Action Items approved by City Council on February 25, 2014, as the focus of the work for Council during the upcoming Committee of the Whole Meetings. Mayor Pro Tem Pearson continued to read the remaining three statements and explained each of them. Discussion ensued.

Councilmember Ford indicated that he advocated discussion of the implementation of an Electronic Agenda, an increase in the use of social media and web-based streamed City Council Meetings as topics for discussion at a Committee of the Whole Meeting. Discussion followed.

Councilmember Randall said that she had already been contacted by several business owners and one developer who wish to participate in the "Learning Tour" of the City. She indicated that it is about leadership, not control, and staff and the community can be better served if there are open lines of communication. She pointed out that there have been policies adopted that have directly prohibited communication with staff, emphasized the positive nature of the initiative and expressed some urgency to have the discussion.

Councilmember Reid pointed out that Mayor Pro Tem Pearson indicated that these items had been discussed at the City Council strategic planning, but, as presented, these items were not discussed at the City Council strategic planning. She also expressed her belief that there is not a consensus on all of these items, and did not want any of the citizens to believe that Council has agreed to move forward on them. She expressed her opinion that these are great items and is looking forward to a discussion of them, but there has been no decision regarding that discussion, yet.

Mayor Strazdas again referred to the 2013 Retreat Summary of Action Items approved by City Council on February 25, 2014, as the focus of the work for Council during the upcoming Committee of the Whole Meetings, and, unless there is a change, this is the document he would be working from. Upon a voice vote, motion carried 7 to 0.

BID TABULATION:

* **RADIO CONSOLE UPGRADE:** Motion by Pearson, seconded by Reid, to award a contract to SAT Radio Communications Ltd. for the purchase of radio console equipment in the amount of \$58,140.75 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Former Mayor Betty Ongley commented that March is Nationally American Red Cross Month, and as Chair of the local Red Cross Chapter, she indicated that they are hard at work helping with local fires, disasters and the flooding that is coming after the snow melts. She also mentioned that March is Women's History Month and that she spoke that morning to the Stryker Women's Network, who meet quarterly and noted that we are very fortunate to have Stryker to attract these wonderful people, and expressed her appreciation for them and for the women on City Council.

STATEMENTS FROM MAYOR AND CITY COUNCIL: Councilmember Ansari expressed his respect for retiring Deputy City Manager Brian Bowling and his contribution to the City, and noted his belief that Mr. Bowling was a viable candidate for the position of City Manager; however, he also said he believed it is also fair to follow a process in which all suitable candidates should be

treated fairly and justly, and no candidate should have an unfair advantage over the other. He expressed his hope that Council can stick to the facts at hand, concentrate on the issues concerning our City, and focus on hiring our next City Manager and Acting City Manager, so we can all move forward.

Councilmember Reid thanked Employee Development Director Rob Boulis for his willingness to be Acting Deputy City Manager in addition to his full time job. She recognized that it is a reflection of his feelings for Portage and the service that needs to be provided. She said that she was very proud to be able to serve with retiring Maurice Evans, who has shown extreme strength as well as civility in all kinds of situations. She said he is very principled with great integrity and those are the kinds of characteristics that have made him a leader and very approachable not only for staff and citizens in the City, but also he has been a leader in the Region. She emphasized that he has worked on the committees related to transportation, related to central dispatch and a lot of the intergovernmental cooperation initiatives for the City and has been an extremely important person in these matters. She indicated that he has helped to frame the discussion, making Portage a very active participant, positioned to have these discussions about collaborative services and able to obtain better results for Portage; so, he will not only be missed by the citizens of Portage, but by the whole Region. She also thanked retiring Deputy City Manager Brian Bowling for his 37+ years of fine service to the City of Portage, who has worked "behind the scenes," has been an advocate and knows more about Portage than anyone. She expressed her appreciation for the opportunity to listen to the citizens who made statements earlier in the meeting and stated that, moving forward, she will be open, will listen to her colleagues, will be civil in all of her contacts with people, and will make sure that she is being as collaborative as possible as Council will continue to address difficult issues. She pointed out that she will be making decisions on what is most important for the best interest of the citizens of Portage and of the City. She said that there are going to be times when she will not agree with her colleagues, but that is why she was elected. She said she is going to help Mayor Strazdas to depict Portage as positive as possible, so the very best possible City Manager can be attracted, and she indicated that she is not interested in any derisiveness directed at City Council, especially at a time when the important task of obtaining the best City Manager possible is at hand.

Councilmember Ford thanked all who attended the meeting and thanked City Manager Maurice Evans and Deputy City Manager Brian Bowling for their service. He mentioned that he and his wife found Portage to be very attractive in 2009 when they moved here, and speculated that Maurice and Brian were part of the reason for that. He also thanked Mayor Strazdas for his expert understanding of *Roberts Rules of Order*, which helped Council get through the Work Session last week, and for his leadership earlier before Petitions and Statements of Citizens. He thanked Employee Director Rob Boulis for his willingness to be Acting Deputy City Manager, and expressed his appreciation for the timelines provided by Sheri Welsh for the City Manager search and hoped everyone can meet during these times in order to progress with the search.

Councilmember Randall thanked the citizens for their participation and Employee Director Rob Boulis for his willingness to be Acting Deputy City Manager. She also expressed her appreciation to City Manager Maurice Evans and Deputy City Manager Brian Bowling for their service and wished them a healthy retirement. She mentioned she attended a Press Conference and rally earlier today at St. Joseph Catholic Church, Kalamazoo, for immigration reform and mentioned that there is a bus going across the United States, both in the North and in the South, with Michigan being the 13th state visited. It is about keeping families together and encouraging those in higher government to support their effort. She indicated that she attended the welcome program for new Kalamazoo City Manager James Ritsema, and that she is looking forward to working with the City of Kalamazoo and the City of Portage.

Councilmember Urban also thanked Employee Director Rob Boulis for his willingness to be Acting Deputy City Manager in what really was a desperate situation. He thanked Deputy City Manager Brian Bowling for his 38 years of dedication and service to the City; he noted that his contribution to this community is truly incalculable; and, he said that Mr. Bowling is responsible for much of what is

good about this City in part or in whole and gave examples. He said he thinks it was a grave mistake for the welfare of Portage that Council did not let Mr. Bowling do his specific job, filling in for the City Manager when he is not available. He indicated that this disregarded a normal practice of a vital city, that it denigrated Mr. Bowling and subjected him to what amounted to abusive treatment, and subjected the City to the expense of searching for an outside Acting City Manager. He said that this is abandoning good governance for personal grievances and agendas. He pointed out that Mr. Bowling offered to not only do his job, but to also work even harder during this transition to help the City and was virtually ignored. He wished Mr. Bowling well in his retirement and thanked him sincerely for always working for the best interests of the City. He said Portage could not have had a better City Manager than Maurice Evans to guide the City through the financial crisis beginning in 2008 that continues to this day. Portage has weathered the storm without lay-offs and, while some cuts have been made, Portage has been able to maintain our high service level; this has been possible because of the dedication of the City of Portage employees and explained. He said that this was possible owing to the leadership of Maurice Evans because staff has been willing to take on extra responsibilities and get Portage through this financial crisis, and indicated that he will not only be missed by the citizens of Portage, but by the whole county. He wished Mr. Evans the best in his retirement where he will be able to enjoy his family for years to come.

Mayor Pro Tem Pearson thanked Employee Director Rob Boulis for his willingness to be Acting Deputy City Manager, and wished City Manager Maurice Evans and Deputy City Manager Brian Bowling well in their retirement. He concurred with Councilmember Reid by emphasizing that the most important role of City Council is finding a City Manager and explained.

Mayor Strazdas thanked Employee Director Rob Boulis for his willingness to be Acting Deputy City Manager and asked for support for Mr. Boulis from Council and the community. He highlighted the recent Boy Scout Court of Honor with 80+ Scouts, their parents and relatives that he attended, along with the many churches and other similar entities that contribute to the social fiber of Portage. Mayor Strazdas reviewed the fabulous job performed by Maurice Evans as City Manager and Brian Bowling, who did get results, and the community owes both of them gratitude for their efforts and listed many examples, especially no legacy costs. He mentioned Respecting Differences 2014, at 1:30 p.m., Tuesday, March 25 and at 9:00 a.m., Wednesday, March 26, 2014, at Chenery Auditorium, Kalamazoo, asked City Council to be respectful whenever there is disagreement, and asked all citizens to respect one another and appreciate each of our differences.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:30 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 MARCH 25, 2014**

The Special Meeting was called to order by Mayor Peter Strazdas at 6:00 p.m.

At the request of Mayor Strazdas, 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 Sheri Welsh of Welsh & Associates, 141 East Michigan Avenue, Suite 300, Kalamazoo, City Attorney Randall Brown and City Clerk James Hudson.

Mayor Strazdas explained that the purpose of the meeting was for City Council to continue the process of selecting a City Manager led by Sheri Welsh of Welsh & Associates, 141 East Michigan Avenue, Suite 300, Kalamazoo, and outlined the preferred timeline for distributing the Request for Proposal (RFP) to Executive Search Firms.

Mayor Strazdas asked for questions and received a consensus on the job description as presented by Ms. Sheri Welsh, who indicated she had incorporated all of the changes requested by Council from the last meeting. Discussion followed regarding the "Request for Proposals – Professional Services." Council agreed that all proposals, questions pertaining to the scope of work to be accomplished, the selection process, insurance requirements or other procedural requirements should be directed to Robert Luders as the Director of Finance and Purchasing with a due date of April 25, 2014, for opening the RFP's. She noted that a need for flexibility with that date might reveal itself as discussion continues. Discussion followed.

Ms. Sheri Welsh mentioned that the sections that followed are standard with all RFP's and were vetted and obtained from the Purchasing Department. Discussion followed regarding the Insurance Section. Councilmember Urban asked that "sexual orientation" be added to Section 1.5, Non-Discrimination, and discussion followed. Ms. Welsh reviewed Section 1.9, Proposals, and, at the prompting of Councilmember Urban, there was a consensus to add "similar public or municipal searches" to Section 1.9, Proposals, Subsection 1.9.4.

Ms. Welsh listed the Award Criteria in Section 1.10 and noted that the ranking of the criteria is hers, not necessarily that of the bidder. Discussion followed. There was a consensus to include City Attorney Randy Brown's recommendation that the words "not necessarily in this order" be added to Section 1.10, Award Criteria, to reflect that the order is flexible. Discussion followed. Ms. Welsh advised Council that they do not want to pick a firm because they are the lowest price when they are convinced that the firm cannot do the job because that would be a mistake.

When Ms. Welsh discussed the "Scope of the Project," Council added that the City of Portage is 35.2 square miles, annotate that the recent City Manager retired after eight years of service under Section 2.1, Purpose and Background, and included the words "from the Midwest or ties from the Midwest" under Section 2.3. City Attorney Brown advised Council that all "cuts" have to take place at an open meeting and that Council should not be involved in this part of the selection process since a Court may find that a public body was involved which would violate the Open Meetings Act. Discussion followed.

Ms. Welsh discussed the “Consultant Responsibilities and Tasks” and directed Council’s attention to 3.3, Time and Progress, and outlined what she thought was a doable timetable for the project. She directed discussion regarding Section 3.6, City Contract Administrator, through Section 3.14, Termination for Default. Ms. Welsh indicated that she would adjust the spacing for “City of Portage Information Sheet” and explained each of the sections of the “City of Portage Project Information Sheet.” In answer to Mayor Pro Tem Pearson, she indicated that Council has to make a selection of search firms who should receive the RFP.

At the request of Mayor Strazdas, Ms. Welsh reviewed all of the changes as proposed throughout the discussion. Discussion followed. Ms. Welsh asked to be notified after the Regular Meeting to let her know if the RFP was approved and Mayor Strazdas indicated that he would contact her. In answer to Mayor Strazdas, she indicated that Council should contact other similar entities that have recently performed this type of search and explained.

City Attorney Brown distinguished a request for a bid (RFB) from a request for a proposal (RFP) for Councilmember Randall. He noted that Council could send an RFP to whomever it wants, and Council would not have to send an RFP to the firm that Councilmember Randall referenced from her e-mail. Mayor Strazdas recounted some recent public sector searches by: the City of Kalamazoo, Portage Public Schools, Kalamazoo County Transit Authority and Kalamazoo County.

Mayor Strazdas asked Council to consider it appropriate for Mr. Luders to contact the Purchasing Agents of each of these four public agencies for their list of search firms which they considered. As advised by Ms. Welsh, he recommended having a conversation with the chief elected official of each of the four groups for his or her opinion of whether a particular firm on that list should not be asked to participate and for those firms that served them well.

In answer to Councilmember Urban, Ms. Welsh indicated that this could be a public call on the Portage website, but that there are no professional associations for executive search firms. She suggested that with the number of searches that have been conducted in this community over the last five years, the good firms are known. Discussion followed. Mayor Pro Tem Pearson suggested contacting a firm within three and one half hours or within 300 miles. Mayor Strazdas concurred, summarized the discussion and confirmed with Mr. Brown that any responses are subject to the Freedom of Information Act, but Council would not incur liability because they could take the advice (of local community officials) or not.

Councilmember Reid reflected on her own experience and asked that Council not be limited geographically because she wanted to hear from firms that may have a representative in the area, but may be headquartered outside the three and one half hour time limit or outside the 300 mile radius. Councilmember Randall summed up that Council is looking for a national firm with a regional focus and Councilmember Reid agreed. Discussion followed.

Mayor Strazdas said that to expedite obtaining an executive services search firm and, since he has a sense that Council wants to move forward, as soon as Council approves the RFP and Mr. Luders gets the list from the agencies, he can be authorized to “push it out the door” and Council can disclose any problem with a search firm “on the fly” as it becomes known.

Discussion followed and Mayor Strazdas summed up, thanked Ms. Welsh for her services and City Attorney Brown for his March 25, 2014 Mayor and City Council communication regarding the Open meetings Act. He said that he anticipates a motion at the Regular City Council Meeting scheduled for 7:30 p.m. that reflects the consensus of the Council discussion at this meeting.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Jim Atkinson, 1685 Bradenton Place, asked a question of Ms. Welsh: if he were a desirable candidate who was aware of a dysfunctional City Council, what would you tell me to convince me to be a candidate? Ms. Welsh asked for a clarification of what he meant by a dysfunctional City Council, and indicated that she did not agree that the Portage Council was dysfunctional, as this is a very strong word, but noted that if there were any perceived problems or concerns that the firm would have to be very open with the candidate. Mr. Atkinson conjectured that he read the paper and he observed that Portage has a dysfunctional Council. Ms. Welsh said all seasoned City Managers will deal with political “hot potatoes” at some point in their careers, so if they are afraid of anything, they should get out of the business, and they certainly should not look at making a change. Mr. Atkinson seemed satisfied and thanked her for her answer.

Dan Bement, 6437 Hampton Street, introduced himself as a retired Lt. Colonel of the U.S. Army and a retired Operations Director of Homeland Security Region 5, Chicago, Illinois, and a former Environmental Board Chair for the City of Portage many years ago. He thanked City Manager Maurice Evans and Deputy City Manager Brian Bowling for their services. He indicated his astonishment of the actions of City Council in not supporting Deputy City Manager Brian Bowling as Acting City Manager and not taking the opportunity to allow him to excel. He expressed his view that a fundamental principle of organizational management is there is a commander and a deputy and the deputy serves in his or her place. He expressed his opinion that having Deputy City Manager Brian Bowling as Acting City Manager was a simple decision that Council turned into an embarrassment to the City of Portage and to the Deputy City Manager. As a citizen, he apologized to Deputy City Manager Brian Bowling for the actions taken. He thanked City Council for the opportunity to make these comments and expressed his hope that in the future, Council would be more positive and supportive of the officials, at least the highest officials of this City. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:02 p.m.

James R. Hudson, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF APRIL 8, 2014**

The Special Meeting was called to order by Mayor Peter Strazdas at 5:59 p.m.

At the request of Mayor Strazdas, 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 Strazdas. Also in attendance were Labor Attorney Kevin McCarthy, Assistant City Attorney Charlie Bear, Acting Deputy City Manager Rob Boulis and City Clerk James Hudson.

Mayor Strazdas explained that the purpose of the meeting was for City Council to continue the process of selecting a City Manager and referred to the invoice provided to City Council for the services rendered by Sheri Welsh of Welsh & Associates, 141 East Michigan Avenue, Suite 300, Kalamazoo. Motion by Ansari, seconded by Randall, to direct Acting Deputy City Manager Rob Boulis to pay the invoice of \$1,875.00 to Sheri Welsh of Welsh & Associates. Upon a roll call vote, motion carried 7 to 0.

Mayor Strazdas introduced Labor Attorney Kevin McCarthy, who provided some of his background in Labor Law and provided the advice necessary to prevent any missteps in the City Manager interview and hiring process. Mr. McCarthy began by referring to his March 21, 2014 Memorandum provided to City Council via the March 28, 2014 Materials Transmitted that outlined hiring procedures. He indicated that the Lawful and Unlawful Inquires listed were from the Michigan Department of Civil Rights Pre-Employment Inquiry Guide and explained a number of them. He told them to be careful to not ask a question that has the propensity to generate the same information listed on the Unlawful Pre-Employment Inquires list from the Michigan Department of Civil Rights Pre-Employment Inquiry Guide. He also cautioned Council to not ask any questions regarding disability, but indicated that they can ask, "Are you physically and psychologically able to perform this job with or without accommodations?" He advised that questions need to be presented in a positive way and that questions relating to a candidate's health or disabilities are particularly touchy (See March 21, 2014 Memorandum by Labor Attorney Kevin McCarthy, pages 4-6).

Next, Mr. McCarthy addressed the use of social media and cautioned City Council to only access information that is generally available to the public and explained. He reminded Council that certain sites have the capability for a person to find out who has accessed his or her information and this could be used in some instances to allege that personal information was used to disqualify a candidate and could give rise to a lawsuit. Councilmembers Ford and Reid indicated that they had been contacted by a City Manager who was interested in the Portage position on Linked-In, but provided no response. Discussion followed. Councilmember Urban asked the advice of Mr. McCarthy regarding the fact that a Councilmember could get a request from a City Manager who was interested in the Portage position on Linked-In and act on it or befriend the person inadvertently. Mr. McCarthy assured him and Council that this was okay as long as no one acts on the request itself. Discussion followed.

Mr. McCarthy advised City Council that it is critical that they find a recruiter with whom they are comfortable, who understands both what Council is trying to accomplish, and what is most important to Council. He encouraged strong communications back and forth to minimize the possibility of any kind of failure. Secondly, he reminded Council that they are paying the recruiter a fee and that recruiter is working for them; they are not working for the recruiter. He cautioned them to be mindful that sometimes there is a person "whispering in your ear" who may have an agenda, perhaps a friend who has a candidate, for example; and, even though that person may be acting in good faith, he explained that that person is not a professional and can easily be "dead wrong." He advised them to follow their own process with some flexibility to deal with matters as they occur that were not contemplated. He warned Council to avoid following the process of a recruiter that contravenes the Council's process because that is where trouble begins, and he gave examples of how that happens.

Mr. McCarthy deferred to the City Attorney's Office where the Open Meetings Act is concerned and advised them to only meet as City Councilmembers, to only meet and have conversations with candidates in open meetings. He also warned them that, even if it is less than a quorum, two Councilmembers, for example, should not be driving a candidate around the community showing her or him, churches, schools, roads, etc., and saying what a great community it is because this sure looks like an interview. He noted that any prior vetting should be performed by the recruiter; also, let the recruiter know what are the most important questions for the candidates. Finally, applications can be viewed in a Closed Session where Council can discuss what is on the application, but not compare that application with other applications, not rank the candidates and not screen candidates out. He said if there is such a meeting, any terminology used after the session should be measured. He gave the example of not using the terms "top candidate" or the "preferred candidate" coming out of the meeting because this indicates that Council did not just look at the applications, but screening, ranking or putting the candidates in some sort of order took place and this would be a violation of the Open Meetings Act.

Councilmember Urban brought up the fact that the candidate has to request that the application for employment remain confidential before discussion of "specific contents" of an application can take place in closed session and Mr. McCarthy agreed. Discussion followed. Councilmember Urban asked whether City Council can review these applications and do nothing with the applicant without disclosing his or her name in a public meeting. Discussion followed. Mayor Strazdas indicated that this issue will become a part of the search for an Acting City Manager and suggested that the timeline for that process will provide the opportunity to obtain more detail and an opinion regarding this and other matters as they arise. He gave the example of "How do we short-list?" Discussion followed.

Councilmember Randall asked if City Council has to give the exact amount of time for each applicant, or give the exact questions to each applicant. Mr. McCarthy indicated that the questions do not have to be identical, but recommended that Council allocate the same amount of time for each applicant. He noted that each applicant will be different with the amount of time necessary to address a question, and all questions should be job-related. Mr. Boulis recommended that all questions be identical except where there is something in the background of one candidate that does not apply to another candidate such as, "Why were you fired from your last position?" Discussion followed.

In answer to Councilmember Ford, Mr. McCarthy agreed that if someone asks about the position, they should be referred to the website which would provide the name of the recruiter and other pertinent information necessary to place application. Discussion followed.

Assistant City Attorney Charlie Bear referred City Council to Section 3, page 3, of the March 25, 2014 City Attorney Opinion received by Council via the March 28, 2014 Materials Transmitted that addresses the fact that an application for employment remains confidential and discussion of "specific contents" in the application can only take place in a Closed Session, and only at the request of the applicant, and Section 5, page 3, where decisions made by a public body, including a sub-quorum committee to reduce the number of candidates, must take place in open session. Discussion followed and Mr. McCarthy indicated that the names could be shielded by just letting the public know the names of the candidates still in contention for the position without naming those who are not.

When Councilmember Urban queried whether employment applications are subject to the Freedom of Information Act (FOIA), discussion followed and he agreed to skip that question for now since he was satisfied with the answer provide by Mr. McCarthy.

When Mayor Pro Tem Pearson asked about the applicant who requests anonymity because of her or his current position, Mr. McCarthy restated his position and indicated that he would get back to City Council regarding the question of whether these applications can be obtained using FOIA. Mr. Bear noted that there is case law to support the anonymity of the application for police officers, but would have to check to see if it applies here. Discussion followed. Mayor Strazdas expressed his wish to respect everyone's calendar from now until September and asked for any information from each Councilmember regarding dates and times when he or she would not be able to attend a meeting. Discussion followed and there was a consensus of City Council for the following timeline to obtain an Acting City Manager:

Before 4/15/14	Continue to receive applications and continue to recruit applicants for Rob Boulis to contact.
4/16/14	City Council receives all of the applications by home delivery or other personal service.
4/16/14 through 4/21/14	City Council reviews the applications and fills out the provided checklists with no cross-chat. City Attorney Legal Opinion regarding the review of applications in closed session. City Council receives the opinion of Rob Boulis regarding which applicants do not meet the requirements of the job description.
4/21/14, 6:00 p.m., Conf. Rm. #1	City Council also reviews the evaluation form and the checklist questionnaire for the interviews with adds/deletes to be changed by City Manager's Office and sent back to City Council. City Council identifies applicants to be interviewed and preferences on a White Board for a "short list." Rob Boulis conducts background checks for 4/30/14 and/or 4/28/14 meeting(s).

4/30/14, with Backup Date of 4/28/14,
probably from 6:00 p.m. to 8 p.m.

City Council conducts public interviews with candidates and brings his or her list of questions. City Council gets ranking on the other documents from Rob Boulis, evaluation form and short-listing. After the meeting, consensus check or City Council opinion using "Round Robin" to ascertain a high-ranking individual.

Week of 5/5/14 during business hours

Rob Boulis schedules reference checks to be performed by Mayor Strazdas, Mayor Pro Tem Pearson and himself over the telephone. Rob Boulis provides written findings of fact and any problems with background checks to City Council. City Council discusses candidate preferences of each Councilmember to be considered at the Regular Meeting.

5/13/14 Possible Early Meeting

5/13/14 Regular Meeting

Nomination, subsequent motion, discussion and public vote for Acting City Manager. Motion, discussion and public vote giving the Compensation Committee (Mayor Strazdas, Mayor Pro Tem Pearson and Councilmember Ford) authority to negotiate with the candidate. Rob Boulis will assist. Rob Boulis provides reasonable benefits and compensation information from Michigan Municipal League (MML) and/or other services. Kevin McCarthy provides a drafted employment contract for the Compensation Committee for use in negotiation of the terms of the open-ended, temporary contract and makes changes as necessary making sure the City of Portage is protected.

After 5/13/14 Negotiations

Mayor Strazdas summed up and outlined the plan of action. Discussion followed. At the request of Councilmember Urban, Mayor Strazdas directed City Clerk Jim Hudson to provide the timeline of the discussion of the process to obtain an Acting City Manager. Discussion followed. Mayor Strazdas noted that he and Rob Boulis will be absent for the Regular Meeting, Tuesday, April 15, 2014.

ADJOURN: Mayor Strazdas adjourned the meeting at 8:53 p.m.

James R. Hudson, City Clerk