



PLANNING COMMISSION

July 24, 2014

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**July 24, 2014
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * June 19, 2014

SITE/FINAL PLANS:

PUBLIC HEARINGS:

OLD BUSINESS:

- * 1. 2014 Comprehensive Plan (final document)

NEW BUSINESS:

- * 1. Schoolcraft Township Future Land Map Amendment (Master Plan Map 8)

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

June 10, 2014 City Council regular meeting minutes
June 10, 2014 City Council special meeting minutes
June 24, 2014 City Council regular meeting minutes
May 2014 Summary of Environmental Activity Report

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

PLANNING COMMISSION

June 19, 2014

 **DRAFT**

The City of Portage Planning Commission meeting of June 19, 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 nine citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. West called the roll and the following Commissioners were present: Richmond, Somers, Schimmel, Felicijan, Welch, Stoffer and Patterson. Chairman Welch indicated communications were received from Commissioners Dargitz and Bosch requesting to be excused from the meeting. A motion was made by Commissioner Schimmel, seconded by Commissioner Felicijan, to approve the roll excusing Commissioners Dargitz and Bosch. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the June 5, 2014 meeting minutes contained in the agenda packet. Commissioner Felicijan stated he would be abstaining from voting on the minutes since he was not present at the meeting. A motion was made by Commissioner Somers, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 6-0-1.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. 2014 Comprehensive Plan Update and 2013 Recreation and Open Spaces Plan amendments. Mr. West summarized the staff report dated June 13, 2014 including minor revisions to the Future Land Use Map in the area along Portage Road, between West Lake and Austin Lake, to be consistent with the Lake Center Core Node Map. Mr. West introduced Brad Strader and Kathleen Duffy from LSL Planning who presented a PowerPoint presentation of the Plan update. Ms. Duffy discussed the public input process and efforts made to solicit citizen comments and ideas regarding the Plan update beginning with an open house/community workshop that was held on October 2, 2013. Ms. Duffy then reviewed the Introduction and Community + Quality of Life chapters of the Plan. Mr. Strader discussed the other components of the Plan including the Transportation, Land Use + Character, City Centre Subarea, Lake Center Subarea and Implementation chapters. Mr. Strader discussed the steps the Commission should take after the Plan is adopted to implement various goals and strategies.

The public hearing was opened by Chairman Welch. No citizens spoke regarding the Plan update. A motion was made by Commissioner Stoffer, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Patterson, to adopt the 2014 Comprehensive Plan with the Future Land Use Map revisions noted in the June 13, 2014 staff report, and the 2013 Recreation and Open Space Plan amendments. The motion was unanimously approved 7-0.

2. Conceptual Plan Amendment: Wal-Mart (expansion), 8350 Shaver Road. Mr. West summarized the staff report dated June 13, 2014 regarding the request by Wal-Mart Stores, Inc. to amend the previously approved conceptual. Mr. West stated the conceptual plan amendment proposes to modify the program of development involving construction of an approximate 41,000 square foot Supercenter building addition along the north and east sides of the existing retail store and a vehicle fueling station along the southern portion of the site. Mr. West indicated the conceptual plan amendment also proposes to designate an approximate 1.7 acre area for future retail "outlot" development that was previously identified for off-street parking along the eastern portion of the site. Mr. West summarized the original 2003 conceptual plan approval and modifications that were granted regarding parking, building height and screening/buffering. In conjunction with the conceptual plan amendment and construction of a smaller 41,000 square foot Supercenter expansion, Mr. West stated the applicant was also requesting another parking modification to allow a total of 856 spaces to serve the Wal-Mart development project. Mr. West indicated the applicant is also requesting a continuation of the previously granted height modification to allow the approximate 41,000 square foot building expansion to vary in height from 20-feet (west side) to a maximum height of 34-feet (east side) so as to match existing building elevations.

Mr. Paul Furtaw of Bergmann Associates (applicant's representative) was present to support the conceptual plan amendment and explain the development project. Mr. Furtaw also discussed the on-site meeting and inspection of the storm water management system that occurred on June 10th with city staff and representatives of the adjacent Brookwood Estates neighborhood. Mr. Furtaw stated that Wal-Mart is committed to properly maintaining the natural storm water discharge area located between the development site and Portage Creek, as well as make any corrective actions that may be necessary. The public hearing was opened by Chairman Welch. Three citizens spoke regarding the proposed conceptual plan amendment: 1) Dave Ostrem, 1515 Dogwood; 2) Audrey Curry, 1311 Dogwood and 3) Andrea Stork, 1515 Dogwood. Mr. Ostrem referenced an email correspondence and video he sent to some of the Commissioners earlier in the day that showed storm water runoff from the Wal-Mart development discharging into the Portage Creek. Mr. Ostrem stated the on-site meeting with Mr. Furtaw and Chris Barnes from the city was very productive and he was encouraged by the cooperation to address his concerns regarding discharge to Portage Creek. Ms. Curry expressed concerns about the proposed Wal-Mart expansion and additional storm water drainage to the Portage Creek. Ms. Curry indicated the proposed expansion was an excellent opportunity to bring storm water system up to current standards. Ms. Stork also expressed concerns about increased storm water runoff and the addition of a fueling station to the development site. The Commission, Mr. Furtaw and Mr. West discussed various aspects of the storm water management system including existing treatment that takes place prior to the overland discharge to the natural area to the west of the Wal-Mart store, spill containment measures that will be installed in conjunction with the fueling station and additional design and management practices that can be incorporated into the overall site with development of the specific/site plan. A motion was then made by Commissioner Patterson, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 7-0.

After additional discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Schimmel, to recommend to City Council that the Conceptual Plan Amendment for Wal-Mart (expansion), 8350 Shaver Road, be approved with the requested parking modification. The motion included a finding that 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. The motion was then unanimously approved 7-0.

OLD BUSINESS:

None.

NEW BUSINESS:

 **DRAFT**

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Michael K. West, AICP
Senior City Planner



Department of Community Development

TO: Planning Commission **DATE:** July 18, 2014
FROM: Vicki Georgeau, ^{VJ} Director of Community Development
SUBJECT: 2014 Comprehensive Plan

Enclosed for Planning Commission use is the final printed version of the 2014 Comprehensive Plan. The appendices (Community Snapshot, Public Input Summary and Lake Center Market Study) are on a CD located at the end of the document.

Staff is in the process of developing the FY2014-2015 Work Plan that will include evaluating the Implementation Strategies contained in Chapter 7 and identification of the top 5-10 strategies that can then be reviewed and prioritized with the Planning Commission. This preliminary Work Plan will be provided to the Commission for discussion during the August 21, 2014 meeting. Prior to the August 21st meeting, the Commission members should also review the implementation strategies with the intent to identify the top 5-10 strategies. During the August 21st meeting, a prioritized list of strategies can be finalized as part of the Work Plan and over the next several months implementation efforts will be ongoing.

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TO: Planning Commission **DATE:** July 18, 2014
FROM: Vicki Georgeau, ^MDirector of Community Development
SUBJECT: Schoolcraft Township Future Land Use Map Amendment – Master Plan Map 8

I. INTRODUCTION

Attached is a communication from the Schoolcraft Township Planning Commission regarding a proposed amendment to the Future Land Use Map component (Map 8) of the Schoolcraft Township Master Plan. The amendment involves an application submitted by Michael and Karin Fleetwood that proposes to amend an approximate 78 acre tract of land located in Section 36 of Schoolcraft Township from the Rural Preservation planning classification to the Agricultural Preservation planning classification. The Future Land Use Plan Map amendment has been requested by Mr. and Mrs. Fleetwood in support of a related request to rezone this 78 acre tract of land from the current “RR” Rural Residential District to an Agricultural District (either “AG-1” Exclusive Agriculture or “AG-2” General Agriculture). The three properties in question are situated along the south side of East Y Avenue, east of South 21st Street, approximately five miles south of the City of Portage corporate boundary.

A copy of the proposed Future Land Use Map Amendment (Master Plan Map 8) is attached for Commissioner review. Pursuant to the Michigan Planning Enabling Act, Schoolcraft Township is requesting review and comment from all contiguous municipalities and other required agencies within 42 days from the submission of the notice. A public hearing to consider this application is scheduled for the August 4, 2014 Schoolcraft Township Planning Commission meeting.

Staff has reviewed the proposed Future Land Use Map Amendment (Master Plan Map 8) and does not have any specific comments. The Planning Commission is advised to review the Schoolcraft Township Future Land Use Map Amendment (Master Plan Map 8) during the July 24, 2014 meeting. Any Commission comments will be forwarded to the Schoolcraft Township Planning Commission for consideration.

Attachment: Communication from Schoolcraft Township (received June 9, 2014)

CRAIG A. ROLFE, PLLC
ATTORNEY AT LAW
3018 Oakland Drive, Suite C
KALAMAZOO, MICHIGAN 49008-3998

TELEPHONE (269) 388-4333
FAX (269) 388-4341

June 5, 2014

RECEIVED
JUN 09 2014
COMMUNITY DEVELOPMENT

Virginia Mongreig, Clerk
Schoolcraft Township
50 East "VW" Avenue
Vicksburg, MI 49097

RE: Proposed amendment of Future Land Use Map (Master Plan Map 8)

Dear Gin:

Pursuant to recent actions by the Schoolcraft Township Board and Schoolcraft Township Planning Commission the Township is now beginning the formal part of the process for considering an application (Michael & Karin Fleetwood) to amend the Future Land Use Plan map within the Schoolcraft Township Master Plan (Map 8) in accordance with various requirements in the Michigan Planning Enabling Act.

To begin this part of the process we have mailed a copy of the enclosed Notice to each of the entities on the enclosed Mailing List, by regular first-class mail. The original of the completed Affidavit (with the attached Mailing List and Notice) is enclosed for the Township records on this matter.

The mailing of the Notice triggers a statutorily-required comment period for the ensuing 42 days. The Notice requests that any comments be directed to the Planning Commission Chairman, so if you happen to receive any written comments please pass them on to Barry Visel.

Following the expiration of the comment period we will be able to move to the next step of the process, which is a public hearing on the proposed Master Plan amendment before the Township Planning Commission. The Planning Commission will likely hold this public hearing in conjunction with its regular meeting on August 4. The required public hearing on the rezoning aspect of the application will likely be held at the same meeting. I will discuss this with Barry Visel and timely attend to the processing of the required Notice for the public hearing at the appropriate time.

Thank you for your requested attention to this matter. Please contact me if you have any questions or problems.

Sincerely,


Craig A. Rolfe

CAR/slb
Enclosures

cc (w/enclosures): Barry Visel, Planning Commission Chair
Don Ulsh, Supervisor
Michael & Karin Fleetwood, 3380 East Y Ave., Vicksburg, MI 49097
All entities on Mailing List (w/enclosure of Notice, only)

**SCHOOLCRAFT TOWNSHIP PLANNING COMMISSION
NOTICE OF INTENT TO CONSIDER FUTURE LAND USE PLAN MAP AMENDMENT &
NOTICE OF DISTRIBUTION OF PROPOSED AMENDMENT**

In accordance with the Michigan Planning Enabling Act (Public Act 33 of 2008 as amended), you are hereby notified of the Schoolcraft Township Planning Commission's intent to consider an amendment of the Schoolcraft Township Future Land Use Plan Map, with respect to portions of land section 36 of Schoolcraft Township, pursuant to a May 15, 2014 application of Michael & Karin Fleetwood for such amendment and a related requested rezoning of the subject property.

You are also hereby notified that in accordance with the required procedures specified by the Michigan Planning Enabling Act the Schoolcraft Township Board has approved the distribution of the proposed Future Land Use Plan Map amendment, only for review and comment purposes, to the planning commission of each city, village, and township located within or contiguous to Schoolcraft Township; to the Kalamazoo Metropolitan County Planning Commission; and to such public utility companies and railroad companies as may be applicable pursuant to the governing statute.

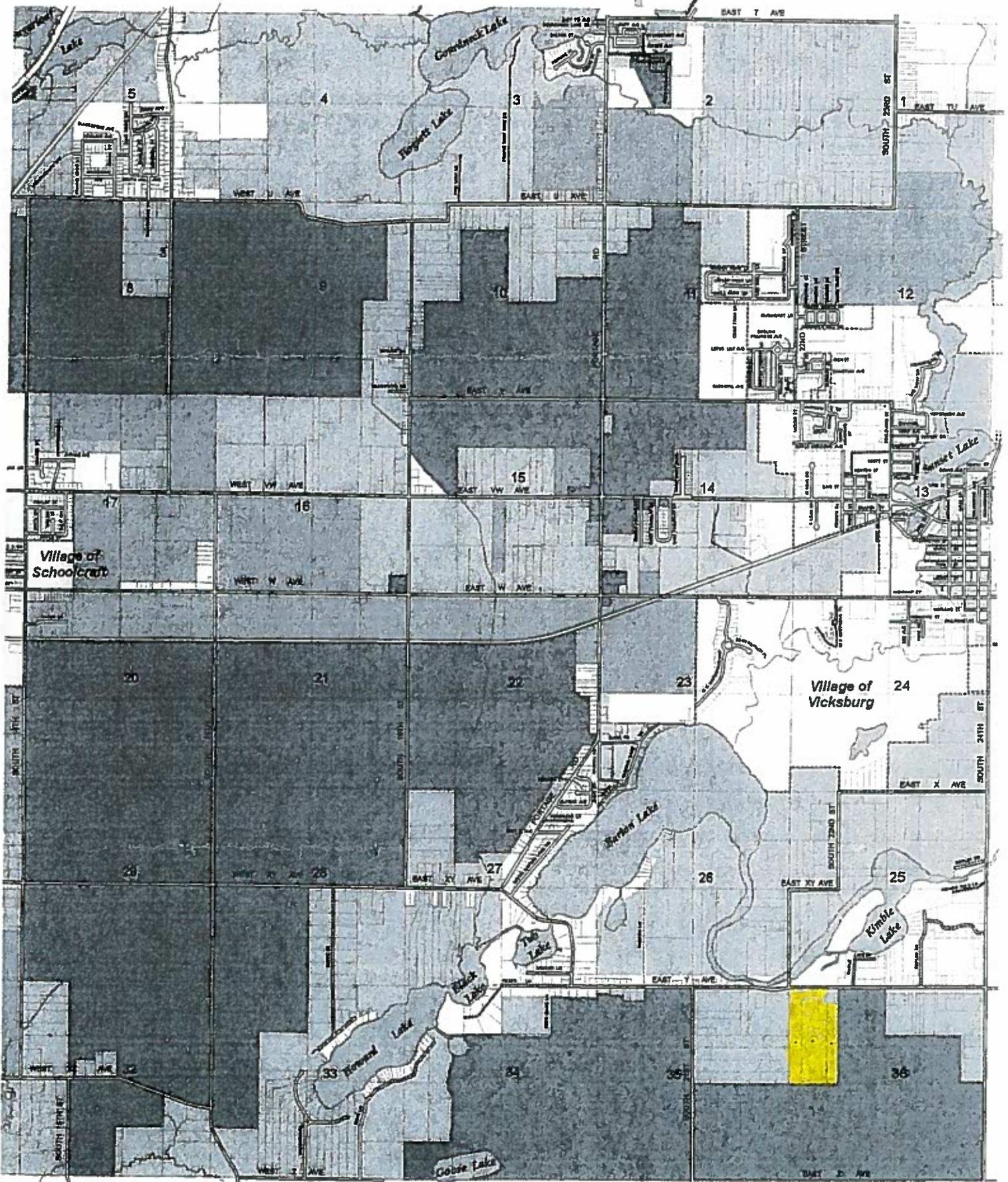
The subject property includes approximately the west ½ of the northwest ¼ of land section 36 of Schoolcraft Township, located on the south side of East Y Avenue. The applicant is requesting the planning classification of the subject property, consisting of approximately 78.19 acres, be changed from the existing Rural Preservation planning classification to the Agricultural Preservation planning classification, to support the applicant's related request to rezone the subject property from the existing "RR" Rural Residential District zoning classification to an Agricultural District zoning classification (either "AG-1" Exclusive Agriculture District or "AG-2" General Agriculture District, yet to be determined). The subject property consists of the following parcels, as indicated by parcel number and description, and as visually depicted on the attached parcel map:

- Parcel No. 3914-36-105-020: The west 350 feet of the west ½ of the northwest ¼ of section 36 (21.28 acres).
- Parcel No. 3914-36-105-030: The east 686 feet of the west 1036 feet of the west ½ of the northwest ¼ of section 36 (41.70 acres).
- Parcel No. 3914-36-105-045: The east 300 feet of the west ½ of the northwest ¼ of section 36, except the north 440 feet, together with ingress and egress easements (15.21 acres).

The Schoolcraft Township Planning Commission formally requests your comment on the above-referenced proposed Future Land Use Plan Map amendment within 42 days after submittal of same. Please direct any correspondence to the Schoolcraft Township Planning Commission as indicated below.

**SCHOOLCRAFT TOWNSHIP PLANNING COMMISSION
c/o Barry Visel, Planning Commission Chairman
Schoolcraft Township Hall
50 East "VW" Avenue
Vicksburg, MI 49097
(269) 649-1276**

CITY OF PORTAGE



BRADY TOWNSHIP

PARK TOWNSHIP

ST. JOSEPH COUNTY

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM JUNE 10, 2014

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

At the request of Mayor Strazdas, Tim Earl gave words of encouragement and the City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATION: Mayor Strazdas issued a Certificate of Recognition for Robert Goldacker, Army Ranger during World War II.

APPROVAL OF MINUTES: Councilmember Ford noted that Mayor Pro Tem Pearson made the motion at the end of the public hearing regarding the PA 198 Tax Abatement Application submitted by Mann+Hummel. Motion by Ansari, seconded by Reid, to approve the May 27, 2014 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that Item F.3, Sky Lanterns – Information Only, be removed from the Consent Agenda, and Councilmember Randall asked that Item F.5, Trash and Debris at I-94 and South Westnedge Avenue – Information Only be removed from the Consent Agenda. Motion by Urban, seconded by Randall, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 10, 2014:** Motion by Urban, seconded by Randall, to approve the Accounts Payable Register of June 10, 2014. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Former Mayor Pro Tem Dr. Romeo Phillips asked for more band performances, especially concert band performances, in the Overlander Band Shell and to bring forth a Concert Artist in 2015. Mayor Strazdas explained the budget cuts responsible for the reduction in cultural activities and reiterated his announcement that the “Taste of Portage” sponsored by the Portage Athletic Foundation will take place on July 19, 2014, as an all-day event with multiple band performances occurring throughout the day, mentioned some of the activities planned in the Summer of 2014, and that the Kalamazoo Symphony will play at the Bandshell in 2015. Dr. Phillips recommended that the City contact the Arts Council of Kalamazoo as they are sponsoring many activities “to the North.” Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **DELINQUENT WATER AND SEWER BILLS:** Motion by Urban, seconded by Randall, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2014, will be transferred to the 2014 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 7 to 0.

* **DESIGNATING ELECTION POLLING PLACES AND RATE OF COMPENSATION RESOLUTION:** Motion by Urban, seconded by Randall, to adopt the Resolution Designating Election Polling Places and Rate of Compensation for the August 5, 2014 Primary Election. Upon a roll call

vote, motion carried 7 to 0. Resolution recorded on page 287 of City of Portage Resolution Book No. 45.

SKY LANTERNS - INFORMATION ONLY: Councilmember Urban recognized the importance of the education approach as outlined in the communication dated June 10, 2014, from Acting City Manager Laurence Shaffer; however, he cited the last paragraph of the City Attorney's opinion dated June 5, 2014, which indicated that sky lanterns are not consumer fireworks and that there is ample basis in the Fire Code and other fire regulations to prohibit the use of sky lanterns in the City as a fire hazard. He said that he has seen them explode on cars, hit power lines and start brush fires and indicated that at best they are littering and at worst they are dangerous. He stated his position that local regulation is warranted in the absence of County or State regulation of sky lanterns.

Mayor Strazdas explained and reviewed the ordinance passed at last meeting prohibiting sky lanterns in the City Parks. He then mentioned the report requested by City Council of the feasibility of prohibiting sky lanterns citywide from Acting City Manager Shaffer for their review and consideration.

Acting City Manager Shaffer indicated that he appreciated the concerns expressed by Councilmember Urban, views this as a step process, emphasized that education is an effective tool, important to the process, and admitted that regulation may indeed work. He expressed his opinion that education is the better tool for addressing the threat or potential threat from sky lanterns and expressed an interest in trying education for awhile, by publicizing it in the *Portager*, on the website and getting some publicity out on why sky lanterns are a dangerous device, and to see the reaction from the community. He said that should that reaction be non-responsive or insufficient, then he would be the first to come back and recommend a more stringent regulation of the sky lantern.

Councilmember Reid recognized that sky lanterns are not regulated at the State as they are not considered fireworks, and asked the City Attorney whether there are any intentions to have State level regulation or educational program related to the use of sky lanterns. City Attorney Brown was unsure whether anyone at the State level would admit that sky lanterns are not considered fireworks and explained that most of the Fire Marshals are recommending that they not be allowed, and twenty or so states have already banned them, but in many of those states sky lanterns were banned anyway because they were included in the definition of fireworks which is not the case in Michigan making it more difficult to ban them here.

In answer to Councilmember Reid and her concern about education in this matter, Mr. Brown deferred to Acting City Manager Shaffer, who indicated that the Administration has many educational publications at the Federal level relative to sky lanterns, and noted it is an issue that has been addressed at the Fire Administration of the Federal Emergency Management Agency (FEMA). He said that he will continue to work with the Portage Deputy Fire Chief on the publication of an article for the *Portager* and some press releases as information for Portage citizens. He mentioned that he is not aware of any concerted education program that is being sponsored nationally, but that does not mean it does not exist, and the Administration is continuing to research the matter.

Councilmember Ford concurred with Mr. Shaffer and referred to Mr. Brown's opinion to support his position. He stated that the only issue he has is that it is possible to light a sky lantern without a candle by holding it over the open flame so he agrees with Mr. Shaffer's recommendation to educate the public. Discussion followed.

Motion by Pearson, seconded by Ansari, to receive the communication from the Acting City Manager regarding sky lanterns as information only and request Acting City Manager Shaffer to proceed with community education on the hazards of sky lanterns. Upon a roll call vote, motion carried 7 to 0.

* **REVISED BUILDING ELEVATIONS FOR EARTH FARE AND KILGORE SHOPPES - INFORMATION ONLY:** Motion by Urban, seconded by Randall, to receive the communication from the Acting City Manager regarding revised building elevations for Earth Fare and Kilgore Shoppes as information only. Upon a roll call vote, motion carried 7 to 0.

TRASH AND DEBRIS AT I-94 AND SOUTH WESTNEDGE AVENUE – INFORMATION ONLY: Councilmember Randall indicated that a gentleman at the May 13, 2014 Regular City Council Meeting issued a concern regarding the litter left behind by panhandlers or solicitors for donations at major intersections in Portage. She said that even though the panhandlers or solicitors for donations were not found to be a problem, she asked that the Administration address the real problem, i.e. safety of the solicitors of donations and the safety of the motorists. She explained that she has had complaints from many citizens, addressed it with City Manager Maurice Evans before he retired, but it has yet to be addressed. She then said that she found out that Kentwood and Grand Rapids were working on an ordinance designed to address this issue that prohibited this type of activity from a danger perspective, so owing to this ongoing activity, she asked that City Council investigate any options available in this matter.

In response to Mayor Pro Tem Pearson, City Attorney Brown cited the 6th Circuit Federal Court of Appeals which held that the Michigan State Statute that read “You shall not beg in a public place” violated the First Amendment rights of those individuals by comparing “begging of a person” with “asking for a donation.” He said the City of Kentwood drafted an ordinance that relied on “traffic safety” which passed the Council and was challenged at the Kent County Circuit Court where the ordinance was upheld and where the Court distinguished the Federal Circuit Court decision by indicating that there was a legitimate state interest in that particular ordinance owing to how it was worded. He indicated that it will probably be challenged, but his opinion is that it will be upheld because it differs from the State Law that was found to be unconstitutional, and it has since been adopted by other communities. He outlined what happened this year when the City of Grand Rapids attempted to pass this ordinance with a few modifications, but failed on a 3 to 3 tie vote. He noted that some of the discussion was that the American Civil Liberties Union (ACLU) might file a lawsuit if passed and a number of people showed up at the meeting and raised constitutional issues. Finally, he said only one court has upheld the ordinance and that is the status of the law today.

Mayor Strazdas reviewed the efforts of the Administration as outlined in the Acting City Manager communication dated June 10, 2014, and found in the City Council Agenda packet of information as Item F.5. He indicated that several inspections of the area of I-94 and South Westnedge avenue has revealed little or no trash and going forward staff will monitor the area, collect any debris that may be present and review the matter at the end of the summer to determine if the installation of a trash receptacle is justified. He addressed the second issue as raised by Councilmember Randall of the safety of the solicitors of donations and the safety of the motorists as one that falls within the purview of the City Council which would be monitored by Public Safety to determine if something should be done with this issue short of outlawing panhandling. He indicated that any person in the community is responsible for his or her trash and should pick it up when necessary.

Mayor Pro Tem Pearson asked that a copy of the Kentwood Ordinance that was upheld by the Circuit Court be provided to City Council for review. City Attorney Brown indicated that he would provide the Kentwood Ordinance and the Circuit Court opinion for City Council to review. He also agreed to provide another copy of his opinion from last year regarding Firefighters Fill the Boot Days for the Muscular Dystrophy Association Campaign at the request of Councilmember Reid. Discussion followed.

Motion by Ford, seconded by Reid, to receive the communication from the Acting City Manager regarding trash and debris at I-94 and South Westnedge Avenue as information only. Upon a roll call vote, motion carried 7 to 0.

* **PROPOSED THREE-YEAR LABOR AGREEMENT WITH THE PORTAGE POLICE OFFICERS ASSOCIATION:** Motion by Urban, seconded by Randall, to authorize the Mayor and City Clerk to execute a three-year labor agreement between the City of Portage and the Portage Police Officers Association. Upon a roll call vote, motion carried 7 to 0.

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

Portage Human Services Board of March 27, 2014.

Portage Senior Citizen Advisory Board of April 16, 2014.

Portage Planning Commission of May 15, 2014.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Tim Earl, Park Board Member, 6862 Shallowford Way, speaking as a Fire Safety Professional, addressed Item F.3 on Sky Lanterns and noted that education is not as effective as members of his profession want as he gave the example that deaths due to smoking in bed did not show a reduction until 2008 when CPSC issued a Federal Rule on mattress flammability, despite decades of telling people that smoking in bed was dangerous. He cited some of his credentials and offered to be a resource in this matter. In answer to the concerns expressed by Dr. Phillips earlier, he commented that on July 13, 2014, the Park Board in conjunction with the Kalamazoo Folk Life Organization are sponsoring a concert at Celery Flats.

STATEMENTS OF CITY COUNCIL AND ACTING CITY MANAGER:

Councilmember Ford said he walked in the Kalamazoo Doo-Dah Parade and had a good time even though he did not see any of the floats.

Councilmember Randall wished every Father a Happy Father's Day and Councilmember Ansari indicated that every day is Father's Day and every day is Mother's Day.

Councilmember Reid announced that Charter Communications has gone to a total digital platform which means that the Government Channel is now Channel 190. She indicated that there are a few teams that are not always recognized such as the balsa wood bridge-building competition named, "TRAC" (Transportation and Civil Engineering Competition) sponsored by the American Association of State Highways. She said three Portage teams, two from Portage Central High and one from Portage Middle School, competed nationally in Louisville, Kentucky; each team answered questions about their bridge design and each bridge was tested by how much weight it could withstand which was balanced with the actual weight of the bridge. Of the three teams, she said The Bridge Gladiators from Central Middle and The Bridge Builders from Central High placed third in their division and The Archenemies placed second in theirs. She noted that the high school team that placed first was from the Upper Peninsula, so Michigan teams took all of the top three places in the high school division.

Acting City Manager Shaffer mentioned that he met with all of the City Councilmembers individually, the Mayor and all of the Department Heads and is absolutely convinced that Portage is one of the best cities in Michigan. He said that he is delighted to be here and hopes to be able to serve to the pleasure of the City Council and to the best interests of the community.

Mayor Pro Tem Pearson complimented the over 200 City volunteers who provide a wealth of contributions to City services and mentioned the recent appreciation breakfast buffet sponsored again this year by Michelle's Restaurant on Romence Road and attended by over 100 volunteers.

Mayor Strazdas encouraged those who wish to volunteer in whatever capacity for the City and noted the City website link. He reviewed the discussion about the City Survey at the earlier Committee of the Whole session that will be resurrected after a three-year hiatus and will take place some time in September 2014.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:23 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
OF THE PORTAGE CITY COUNCIL
JUNE 10, 2014**

The Committee of the Whole Meeting to discuss the City Survey was called to order by Mayor Peter Strazdas at 6:01 p.m.

At the request of Mayor Strazdas, the City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford and Claudette Reid, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Councilmember Patricia Randall arrived at 6:20 p.m. and Councilmember Terry Urban arrived at 6:57 p.m. Also in attendance were David J. Hartmann, Ph.D., Kercher Center for Social Research, Acting City Manager Laurence Shaffer, Assistant to the City Manager Mary Beth Block and City Clerk James Hudson.

Mayor Strazdas introduced Doctor Hartmann, who provided a profile of his background and experiences. Mayor Strazdas explained that the City Survey had not been conducted for three (3) years owing to budget constraints. He turned to the timeframe of the milestones and Doctor Hartmann indicated that he would work on the suggestions from City Council with a goal of getting a City Council approved survey in mid to late August, sending it out in mid September with a letter that meets the protocol and bringing it back to City Council with a report by mid to late November. Discussion followed. Doctor Hartmann explained the process and methodology utilized for sampling. Discussion followed.

Councilmember Reid reviewed the methodology for sampling utilized in the past that she and Councilmember Urban discussed in their analysis which they conducted last year and reviewed the make-up of the random samples. Discussion followed. Doctor Hartmann interjected that today surveys are conducted with the services of a professional random sampling firm and explained various methods used to obtain a true random sampling of the population as the basis of the data. Discussion followed.

Mayor Strazdas asked for a general recommendation for adding or subtracting questions and Doctor Hartmann said that requests need to be timely and still allow for trends and explained. He emphasized that questions need to be substantively the same and the wording needs to be the same as in the past to balance compatibility and continuity, but City Council should also seek to add new items.

Mayor Strazdas asked City Council for topical areas they wished to add or delete to or from the survey. Discussion followed. There were no objections when Mayor Pro Tem Pearson asked that Question 3 be deleted and when Councilmember Randall asked that Question 22 be rephrased, but not when Councilmember Ford asked that Question 20 be rephrased. Discussion followed. Councilmember Randall questioned how the results of Questions 9 and 10 are utilized; Councilmember Ansari asked Doctor Hartmann to ensure that the questions are not loaded; and, Mayor Strazdas explained that Questions 9 and 10 were proposed at a time when there was a noticeable drug problem among Portage youth and citizens wanted something done, so they turned to the City and the Portage Public Schools for answers. Discussion followed.

Mayor Pro Tem Pearson questioned the validity of Questions 9 and 10 at this time since it asks about illegal drug use and Medical Marijuana is now a part of the law and perhaps a question about hard drugs could perhaps be asked in a few years. Councilmember Reid mentioned that we are looking for trends and the question has not been on the survey long enough to obtain the data necessary to establish a trend. Discussion followed. Assistant to the City Manager Mary Beth Block pointed out that on page 6, Table 3, Questions 9 and 10 were ranked 4th and 5th as perceived problems during the last survey in 2011. Mayor Strazdas expressed a preference of not deleting Questions 9 and 10 because it is an issue of our citizens and one of the primary responsibilities of the City and explained. Acting City Manager Laurence Shaffer offered that the national trend regarding public perception of drugs as becoming less of a profile, and that it would be very interesting to see how that trending down nationally compares with the perception of our local citizens regarding drugs.

Mayor Pro Tem Pearson asked that a follow-up question be added to Question 8 that might ask if the citizen would be willing to pay an increase in taxes or fees for an enhanced Senior Center. Discussion followed.

Councilmember Ford raised the question of whether the City should provide a dog park and whether the City should pursue other revenue options because of the dependence on property taxes. Discussion followed.

Councilmember Randall suggested a question of whether Portage has adequate senior housing. Discussion followed. Doctor Hartman concluded that the risk for this item is on the developer and what is needed is a market study here. Discussion followed.

Mayor Strazdas summed up and asked for other topics and Acting City Manager Shaffer indicated that after the rough winter this year, a question regarding municipal plowing of sidewalks might be in order and explained. Discussion followed.

Councilmember Randall suggested that Question 5 be deleted. Discussion followed and the consensus of City Council was to keep the question and a secondary follow-up question should be considered. Discussion followed.

Mayor Pro Tem Pearson asked for a recommendation of staff for a follow-up question regarding the improvement of the drinking water quality in Portage as it relates to cost. Discussion followed regarding composing questions regarding the issues of new traffic lights, traffic flow, public transit, bus routes and central dispatch. Mayor Strazdas summed up and asked that the Administration bring back suggestions in a couple of weeks. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:05 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM JUNE 24, 2014

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

At the request of Mayor Strazdas, Rabbi Harvey Spivak of the Congregation of Moses gave the invocation and 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 Acting City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

CERTIFICATE OF RECOGNITION: Mayor Strazdas issued a Certificate of Recognition for Laura Williamson, who provided life saving techniques through Cardio Pulmonary Resuscitation (CPR) without regard to her own personal wellbeing that saved the life of her fellow worker.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Urban, to approve the June 10, 2014 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ansari to read the Consent Agenda. Councilmembers Nasim Ansari, as a member of the Portage Community Center Board, and Councilmember Patricia Randall, as a member of the Catholic Charities Board, asked the record to reflect that they abstained from Item F.3.b, General Fund human/public services contacts, owing to a conflict of interest. Motion by Ford, seconded by Urban, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0 with Councilmembers Ansari and Randall abstaining from Item F.3.b.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 24, 2014:** Motion by Ford, seconded by Urban, to approve the Accounts Payable Register of June 24, 2014, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

CONCEPTUAL PLAN AMENDMENT: SAM'S CLUB FUELING STATION (7021 SOUTH WESTNEDGE AVENUE): Mayor Strazdas opened the public hearing and deferred to City Manager Laurence Shaffer, who introduced Community Development Director Vicki Georgeau. Ms. Georgeau indicated that Sam's Real Estate Business Trust submitted an application to amend a previously approved Conceptual Plan; and, she displayed a map to show the respective zoning of Sam's property and surrounding properties and an aerial photo of the subject property to explain parking and traffic flow, including access points, all of which will be retained with no new ones proposed. She then presented elevation renderings from the site plan to provide an onsite view of the proposed final construction. She discussed the proposed treatment of the storm water from the fueling station that will be collected and conveyed to a spill containment unit located beneath the fueling station parking lot, then discharged into the existing Sam's Club storm water treatment system.

Ms. Georgeau indicated that the Community Development Department and the Planning Commission recommended approval of the amendment. She discussed the concerns expressed at the April 17, 2014 Planning Commission Meeting, including the proximity of the proposed fueling station to oxygen storage at the adjacent CareLinc facility, the possibility of an increase in the cut-through vehicular traffic between the Tuffy Muffler/CareLinc sites and Sam's Club Site, and drainage patterns along the shared property line of Sam's Club and CareLinc. She noted that these concerns were clarified by the Fire Division of the Public Safety Department and addressed through a revised conceptual plan that was submitted by the applicant prior to the May 1, 2014 Planning Commission Meeting.

Ms. Georgeau also disclosed that there was a concern about a private “no build” agreement between Sam’s Club and PlazaCorp where the fueling station was proposed, but City Attorney Randy Brown advised that this is a private matter between the property owners, that the parties are in discussion regarding a solution, and that the agreement is not relevant to the conceptual plan review.

Councilmember Urban expressed a concern that the right and left lane turn markings at the access on to South Westnedge Avenue have been missing for some time, and Ms. Georgeau answered that it is something that the City will address before the construction as part of the cross maintenance and access agreements. Discussion followed.

Councilmember Randall expressed a concern for the perceived danger created by an increase in the cut-through vehicular traffic between the Tuffy Muffler/CareLinc sites owing to the nature of the CareLinc customers who may have difficulty traversing the parking lot after an operation, for example. Ms. Georgeau explained that this question had been discussed, that there is a negotiated cross-access easement and a cross-parking easement as the property owners agreed that there was a need for trucks to come in and out of the properties. She indicated that this should be able to be handled with signage and monitored to detect any problems that arise and explained.

Councilmember Ford raised the question of whether there was an issue with member conflict of interest, and City Attorney Brown indicated that there could be one. Mayor Strazdas and City Council each disclosed whether he or she was a Sam’s Club member, and Mr. Brown indicated that the Planning Commission reviewed the same matter, and his opinion is that a membership, without more, is not enough to raise a conflict of interest question.

In response to Councilmember Reid, Ms. Georgeau discussed the treatment of the storm water and the storm water system owing to the fueling station being a “hot spot” that requires special environmental considerations.

Councilmember Ansari asked whether the City of Portage parking ordinance is more restrictive than the 4 per 1000 being requested as part of the Conceptual Plan, and Ms. Georgeau answered in the affirmative, listed some precedents and explained.

Mayor Strazdas asked Attorney Brown to let City Council know what they can vote on when considering a Conceptual Plan. Mr. Brown compared it with a rezoning where something is permitted by law, whereas a Conceptual Plan provides more flexibility since it may present facts, circumstances or conditions of the property that need to be addressed not otherwise covered by ordinance or law. He said that this provides the necessary flexibility and even give-and-take between the City and the developer. He drew comparisons between the Conceptual Plan and a Planned Development (PD) and explained. At the request of Mayor Strazdas, Mr. Brown noted that City Council should be considering such matters as compatibility, surrounding uses, traffic patterns, etc., and he noted that there is some overlap with the approval of the Site Plan. He explained that the Conceptual Plan is more general in nature and the Site Plan is more specific, for example.

At the request of Mayor Strazdas, the applicant representative, Heather Crookshanks, from Dean L. Carlson Engineers, indicated that the project completion date is before the end of the year contingent upon an agreement with W&R Acquisitions, LLC, 211 East Water Street, Suite 211, Kalamazoo, regarding the Joint Development Agreement or Easements with Covenants and Restrictions Affecting Land (“ECR”) agreement, both signed June 20, 2005.

In response to Councilmember Reid, Ms. Crookshanks indicated that Dean L. Carlson Engineers has not been made aware of any issues with the filtration system and indicated that a third filtration unit will be installed as part of the project for filtering storm water before it is deposited into the retention basin. Mayor Strazdas opened the public hearing to the audience. No discussion followed.

Motion by Urban, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Ansari, to approve the Conceptual Plan Amendment for the Sam's Club Fueling Station, 7021 South Westnedge Avenue, with the requested parking modification and with a finding that provisions of Section 42-414.G (Authority to waive or modify standards) have been satisfied based on information provided by the applicant and the characteristics of the development.

In response to Councilmember Reid, Mr. Brown indicated that the Joint Development Agreement or Easements with Covenants and Restrictions Affecting Land ("ECR") agreement are agreements between the two property owners, that the City is not involved as a party and should not be involved with the agreements as they are not relevant to the decision of City Council regarding the Conceptual Plan. He shared his hope that the matter would be resolved amicably; if not, they have the option of letting the court decide, and the City of Portage could become a part of that action, but that remains to be seen. He summed up and asked each Councilmember with a Sam's Club membership card to indicate on the record that they can vote in an impartial manner without undue influence. Councilmember Ford indicated he was a former member, that he did not have a membership indicated that he could be impartial. Councilmembers Urban and Randal, Mayor Pro Tem Pearson and Mayor Strazdas admitted having memberships and agreed that they could be impartial, as did Councilmember Ansari, who stated that his wife had a membership. Councilmember Reid indicated that she did not have a membership and Councilmember Ford indicated he used to have one. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **REZONING APPLICATION #14-2, EAST CENTRE AVENUE AND PASMA AVENUE:** Motion by Ford, seconded by Urban, to accept Rezoning Application #14-2 for first reading and set a public hearing for July 22, 2014, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, consider approving Rezoning Application #14-2 and rezone 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 five 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. Upon a roll call vote, motion carried 7 to 0.

* **ORDINANCE AMENDMENT #14-B, SPECIALIZED AGRICULTURE OS-1 AND B-1:** Motion by Ford, seconded by Urban, to accept Ordinance Amendment #14-B for first reading and set a public hearing for July 22, 2014, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, consider approving Ordinance Amendment #14-B that would allow specialized agriculture as permitted uses in the OS-1, office service, and B-1, local business zoning districts. Upon a roll call vote, motion carried 7 to 0.

* **FY 2014-15 COMMUNITY DEVELOPMENT BLOCK GRANT FUND CONTRACTS:** Motion by Ford, seconded by Urban, to approve the Fiscal Year 2014-15 Community Development Block Grant Fund contracts; General Fund human/public services contracts and authorize the Acting City Manager to execute all documents related to the contracts on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **UTILITY SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM UPGRADE:** Motion by Ford, seconded by Urban, to approve a contract change order in the not-to-exceed amount of \$34,257 to Perceptive Controls, Incorporated, to furnish and install an antenna tower for the utility Supervisory Control and Data Acquisition (SCADA) system and authorize the Acting 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.

* **PROPOSED THREE-YEAR LABOR AGREEMENT WITH PORTAGE POLICE COMMAND OFFICERS ASSOCIATION:** Motion by Ford, seconded by Urban, to authorize the Mayor and City Clerk to execute a three-year labor agreement between the City of Portage and the Portage Police Command Officers Association. Upon a roll call vote, motion carried 7 to 0.

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

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

UNFINISHED BUSINESS:

CITY OF PORTAGE CODE OF ORDINANCE SECTION 50-115 (B): Acting City Manager Laurence Shaffer indicated that he met with Public Safety Director Richard White and City Attorney Brown relative to the panhandling issue. He said that Mr. Brown referred him to Portage Code of Ordinance Section 50-115 (b), Begging and Soliciting Alms, that specifically prohibits panhandling, and that it tracks generally with the Kentwood, Michigan, City Ordinance that was found to be constitutional. He cited the ordinance and concluded that panhandling and particularly panhandling off of city streets and on to cars is prohibited and enforceable by the Public Safety Department. He indicated that they discussed a possible protocol and decided that this was an opportunity to provide a social service direction to those who are panhandling, so Portage Police Officers plan to visit the panhandlers and direct them to particular social services that would be useful in assisting them with the predicament that compels them to panhandle in Portage City Streets. He also noted that the Portage Police Officers will remind the panhandlers that there is an ordinance that prohibits this activity and explained that this reflects a stepped approach before actual enforcement. Mayor Strazdas concurred with the stepped approach and Councilmember Ansari emphasized that it is not just a social issue, but a safety issue, and Mayor Strazdas agreed. Councilmember Randall asked when the ordinance was originally adopted. Discussion followed and Mr. Brown indicated that it was in the 1980's. He discussed the history of the ordinance, mentioned the state statute that was found to be unconstitutional and stressed the importance of city ordinances of its type across the state.

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

Portage Zoning Board of Appeals of April 28, 2014.

Portage Park Board of May 7, 2014.

Portage Environmental Board of May 14, 2014.

Portage Planning Commission of June 5, 2014.

COUNCIL COMMITTEE REPORTS:

COUNTYWIDE PUBLIC TRANSIT TRANSITION LEADERSHIP TEAM REPORT: Mayor Pro Tem Pearson indicated that he and Councilmember Urban met with the Countywide Public Transit Leadership Team and deferred to Councilmember Urban to provide a summary of the activities

as a written report would be forthcoming to City Council by the end of the week. Councilmember Urban gave a review of the formation of the Leadership Team and the Administrative Team. He indicated that the last meeting of this group was the ultimate and last meeting since they approved recommendations to the Kalamazoo County Commission. He indicated that The Articles of Incorporation of the second Transit Authority known as the Central County Transit Authority and the approved recommendations have been provided to the Kalamazoo County Commission, which will be delivered in written form to City Council on Friday. He indicated that this is an agreement among the Kalamazoo County Administration, the Kalamazoo County Transit Authority, the new Kalamazoo County Transit Authority that may be created by Commission action, the City of Kalamazoo and the Metro Transit Authority Board of the City of Kalamazoo. He indicated that these are the signatories of the agreement and represent the entities that will be transferring assets and asking for millages. He indicated that the Portage City Council will be involved in the opt out procedures after the taxing authority defines boundaries, the timeline, the millage election cycle, and the appointment of the Board of the Central County Transit Authority. Discussion followed and Mayor Strazdas summed up and Councilmember Urban provided a detailed timeline. Mayor Strazdas expressed his appreciation of Councilmember Urban and Mayor Pro Tem Pearson for their efforts and their update.

Councilmember Reid asked whether the members appointed to the Board from the City of Portage would represent Portage as an entity, or would they represent the people of Kalamazoo County who happen to live in Portage? Mayor Pro Tem Pearson explained that the recommendations from the local jurisdictions would be made to the County which would strongly count on those recommendations for their appointments of the actual members of the authority. With regard to question of whether the appointees are citizens of the entity they represent, he thought that could be left up to the local jurisdictions and deferred to Councilmember Urban. Councilmember Urban indicated that the original vision of these two authorities was that the members of the new Central County Transit Authority and the current Kalamazoo County Transit Authority would eventually coincide and be the same membership. He referred to the Articles of Incorporation which states that the City of Kalamazoo would have three members, the City of Portage would have two members, and Comstock Township, Kalamazoo Township and Oshtemo Township would have one member. Also there would be two representatives for the rural County areas and one for the urban County areas and explained. To sum up, he indicated that there will be members who happen to be Portage citizens and there will be members who are appointed particularly to represent Portage. Discussion followed.

Motion by Reid, seconded by Ansari, to receive the report regarding recent activity of the Countywide Public Transit Transition Leadership Team. Upon a voice vote, motion carried 7 to 0.

NEW BUSINESS: Mayor Strazdas asked for open dialogue regarding what City Council would like to do regarding the Committee of the Whole (COW) meetings and provided a copy of City Council approved Item F.3, City Council Goal Retreat Session, of February 25, 2014. In response to Mayor Strazdas, Councilmember Ansari provided a summary of how the Kalamazoo County Commission treats the concept of a COW meeting. City Council discussed the Pre-meetings held the Monday morning before a Regular City Council Meeting as distinguished from a COW meeting. Discussion followed regarding the frequency and time and what would be appropriate for a COW meeting, dissemination of information, transparency, the reaction time for the Administration to address a concern raised at a COW meeting and what should be covered at a COW meeting. City Attorney Brown reminded City Council of the Open Meetings Act and the City *Charter*; therefore, no matter what you call it, a COW meeting is a Special Meeting, must have an agenda and the only items that can be discussed are those items on the agenda under the City *Charter*. Discussion followed.

Mayor Strazdas decided that he will no longer call the Pre-meetings held the Monday morning before a Regular City Council Meeting, and will call COW meetings as Special Meetings for a single purpose when necessary. Also, he said he would decide to formalize the time and frequency of the COW meetings as Special Meetings at the September 23, 2014 Regular City Council Meeting.

BID TABULATIONS:

* **METSA COURT AND SOUTH WESTNEDGE AVENUE WATER MAIN PROJECTS:** Motion by Ford, seconded by Urban, to award a construction contract for the Metsa Court and South Westnedge Avenue Water Main projects to Peters Construction Company of Kalamazoo, Michigan, in the amount not to exceed \$329,896.87; approve Change Order #1 to Peters Construction Company of Kalamazoo, Michigan, in the amount not to exceed \$64,194.21 for street resurfacing on South Westnedge Avenue at unit pricing within the contract and authorize the Acting City Manager to execute all documents related to the contract and change order on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **OAKLAND DRIVE PARK AND PORTAGE CREEK BICENTENNIAL PARK PLAYGROUND IMPROVEMENTS:** Motion by Ford, seconded by Urban, to award a contract for the Oakland Drive Park and Portage Creek Bicentennial Park playground improvements to Playpower LT Farmington, Incorporated/Play Environments, Incorporated, in the amount of \$93,000 and authorize the Acting City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS FROM CITY COUNCIL AND ACTING CITY MANAGER:

Councilmember Reid indicated that Representative of the State House Tonya Schuitmaker of the 20th District and Representative of the State House Margaret O'Brien of the 60th District had a meeting at Kalamazoo Valley Community College for local elected officials where Lieutenant Governor Brian Calley spoke regarding changes to Personal Property Tax Policies and the ballot issue that will have to be voted upon at the August 5, 2014 Primary Election. She explained that any funds that a municipality may lose owing to the loss of the Personal Property Tax from industrial businesses would be fully compensated by the Use Tax which is received from purchases outside the State such as catalogue and internet sales and explained.

Councilmember Ford wished a happy 4th of July to everyone and expressed his support for the USA Soccer Team at noon on Thursday, June 26, 2014, in their World Cup match against Germany at Arena Pernambuco, Recife, Brazil.

Acting City Manager Laurence Shaffer reviewed some of his city activities since the last City Council Meeting, including: he met with Kalamazoo County Transit Director Sean McBride for information in preparation of his role in the ensuing transition; he toured the Senior Center, met with Senior Center Manager Kimberly Phillips, reviewed some of the Senior Center programs and commented how impressed he was with the operation and the facility; he attended the Portage Rotary Meeting and commented that David Maturen gave his State of the County address which revealed that Kalamazoo County has some enlightened leadership; he met with Kalamazoo City Manager Jim Ritsema and expressed their intention to meet on a regular basis and seek out opportunities for collaboration; he met with Portage Public Schools Superintendent Mark Bielang and discovered there are many issues that the City of Portage shares with the schools, so he will be working with Mr. Bielang on matters of mutual concern; he received an understanding of the operation at Mann+Hummel when he toured the industrial facility with Kirk Wilkes and mentioned that Governor Snyder would be visiting the facility for a rededication and a reopening in September and all City Council will be invited to attend; and, he met with Public Safety Director Richard White and Senior Deputy Fire Chief John Podgorski and toured the Department and met many of the members of Public Safety and noted how impressive the Public Safety operation is.

Mayor Pro Tem Pearson referred to the minutes of the Committee of the Whole Meeting on June 10, 2014, where City Council discussed the City Survey instrument and announced that there will be a survey in Portage this fall.

Mayor Strazdas gave Lieutenant Governor Calley credit for championing the Personal Property Tax issue since he has figured out a plan where all municipalities will be made whole permanently by using the State Use Tax and explained.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:29 p.m.

James R. Hudson, City Clerk

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

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

<u>Project/Activity</u> Portage City Landfill	<u>Description</u> Ongoing groundwater monitoring of former municipal landfill.	<u>Status</u> -City Council awarded a 3 year contract to American Hydrogeologic Corporation (AHC) on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. Investigation into methane gas presence in the groundwater continues. First round of sampling completed in April 2012. Second round of sampling completed in June 2012. Initial results indicate no off-site impact. Annual report submitted to MDEQ. Review meeting held September 21, 2012 with MDEQ with follow-up in October. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. 2013 sampling contract approved by City Council with AHC on July 23, 2013. Weekly methane sampling is continuing on-site to collect base line data. No harmful methane levels have been detected to date. <i>AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014.</i>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. -Review of 3 site/building plans and/or plats completed in May 2014.
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	-Sanitary sewer hookup permits issued in May 2014: 3 residential, 2 commercial.
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. Permitting underway for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake Sciences, LLC. The Lake Board is working on a five year plan in preparation for a new special assessment district in summer 2014.

**Retention Basin
Sampling Program
(Groundwater Elevation)**

Investigation regarding potential impact of retention basins on groundwater levels.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. The 2013 report was received noting minimal impacts. The 2013 report is available on the website for public information. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring to begin in June 2014.

**Wellhead Protection
Program (WHPP)**

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

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

**Leaf Compost
Monitoring Program**

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

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Next sampling in June 2014.

**National Pollution
Discharge Elimination
System (NPDES) permit
implementation**

Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in

February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. *MDEQ concurred with city staff response. Program is ongoing.*

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

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conservation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. *Next meeting scheduled for June 2014.*

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was

Kalamazoo River Mainstream Watershed Management Plan

National Pollution Discharge Elimination System (NPDES) permit implementation

Portage River Watershed Management Plan

Plan to implement and maintain an Illicit Discharge Elimination

Program (IDEP) Storm Sewer
Outfall Testing.

completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Two potential illicit discharges were investigated with MDEQ in February 2012. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled to begin in July.

Garden Lane Arsenic Removal
Facility

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

Facility is in operation with ribbon cutting held August 2, 2010. The facility is producing approximately one million gallons of water per day. Facility is in regular operation. Plant tour for Stryker Engineering group was held on June 19, 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design with Native Connections, Inc., for the facility. Regrading and installation of native landscaping seeding completed on November 16, 2012. Spring 2013 germination produced promising results. Native species plants successfully established. Native plant weeding and fall mowing is complete. Staff currently working with the Environmental Board on informative signs and long-term maintenance plans.

Environmental Incident/Spill
Clean Up Notification

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

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

Southwest Michigan Regional
Sustainability Covenant

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

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