



# PLANNING COMMISSION

August 21, 2014

# **CITY OF PORTAGE PLANNING COMMISSION**

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

**August 21, 2014  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **APPROVAL OF MINUTES:**

- \* July 24, 2014

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

- \* 1. Site Plan: Peterman Concrete (storage building), 333 and 444 Peterman Lane

### **PUBLIC HEARINGS:**

### **OLD BUSINESS:**

### **NEW BUSINESS:**

- \* 1. 2013-14 Planning Commission Work Program Final Update and Proposed FY 2014-15 Planning Commission Work Program
- \* 2. 2014 Comprehensive Plan – Implementation Strategies (review/prioritization)

-- Adjourn to Conference Room No. 1

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

June 24, 2014 City Council regular meeting minutes  
July 8, 2014 City Council regular meeting minutes  
July 10, 2014 City Council special meeting minutes  
June 2014 Summary of Environmental Activity Report

## PLANNING COMMISSION

July 24, 2014

 DRAFT

The City of Portage Planning Commission meeting of July 24, 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:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services

### ROLL CALL:

Mr. Forth called the role and the following Commissioners were present: Richmond, Somers, Schimmel, Felicijan, Welch, Dargitz, Stoffer and Patterson. Chairman Welch indicated that Commissioner Bosch requested to be excused from the meeting. A motion was made by Commissioner Felicijan, seconded by Commissioner Dargitz, to approve the role excusing Commissioner Bosch. The motion was unanimously approved 8-0.

### APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the June 19, 2014 meeting minutes contained in the agenda packet. Commissioners Felicijan and Dargitz stated they would be abstaining from voting on the minutes since they were not present at the meeting. A motion was made by Commissioner Patterson, seconded by Commissioner Somers, to approve the minutes as submitted. The motion was unanimously approved 6-0-2.

### SITE/FINAL PLANS:

None.

### PUBLIC HEARINGS:

1. 2014 Comprehensive Plan – Final Document. Mr. Forth indicated staff had provided to the Commission the final printed version of the 2014 Comprehensive Plan and noted the appendices (Community Snapshot, Public Input Summary and Lake Center Market Study) are on a CD located at the end of the document. Additionally, Mr. Forth stated staff was in the process of developing the FY2014-2015 Work Plan that will include evaluating the Implementation Strategies contained in Chapter 7 and would identify the top 5-10 strategies that can then be reviewed and prioritized with the Planning Commission during discussion of the Planning Commission Work Plan on August 21, 2014. Mr. Forth suggested the Commission members also review the implementation strategies prior to the August 21<sup>st</sup> meeting with the intent to identify the top 5-10 strategies.

2. Schoolcraft Township Future Land Map Amendment. Mr. Forth summarized the staff report regarding the proposed Schoolcraft Township amendment to the Future Land Use Map component of the Schoolcraft Township Master Plan. The amendment involves changing an approximate 78 acre tract of land from the Rural Preservation planning classification to the Agricultural Preservation planning classification. The three properties in question are situated along the south side of East Y Avenue, east of South 21<sup>st</sup> Street, approximately five miles south of the City of Portage corporate boundary. Pursuant to the Michigan Planning Enabling Act, Schoolcraft Township is requesting review and comment from all contiguous municipalities

and other required agencies. A public hearing to consider the amendment is scheduled for the August 4, 2014 Schoolcraft Township Planning Commission meeting.

Mr. Forth stated staff has reviewed the proposed Future Land Use Map Amendment and does not have any specific comments. The Planning Commission also had no specific comments so a motion was offered by Commissioner Patterson, seconded by Commissioner Stoffer, that the Planning Commission reviewed the proposed Schoolcraft Township Future Land Use Map amendment and did not have any specific comments. The motion was unanimously approved 8-0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

Commissioner Welch indicated he will not be present during the August 21, 2014 meeting. Commissioner Stoffer asked about the outcome of the East Centre rezoning application (Application No. 14-2) during the July 22, 2014 City Council meeting. Mr. Forth indicated City Council approved a zoning change involving all parcels of land from B-3, general business to B-1, local business with the exception of the west five feet of 710 East Centre Avenue (to remain zoned R-1A) and the north 50 feet of 907, 913 and 923 Pasma, which are to be rezoned from B-3 to R-1A. There being no further business to come before the Commission, the meeting was adjourned at 7:05 p.m.

Respectfully submitted,

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

**TO:** Planning Commission

**DATE:** August 16, 2014

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

**SUBJECT:** Site Plan for Peterman Concrete (storage building), 333 and 444 Peterman Lane.

### **I. INTRODUCTION:**

A site plan has been submitted by Mr. Frank Peterman requesting approval to construct a 4,752 square foot storage building along the northwestern portion of the Peterman Concrete Company zoning lot located at 333 and 444 Peterman Lane. The approximate 5.5 acre zoning lot is zoned I-1, light industry and occupied by various buildings, storage structures and related improvements associated with the existing Peterman Concrete Company business.

### **II. ANALYSIS:**

The proposed storage building ("Building #1) will be setback 12-feet from the north and west property lines and a concrete access approach will be installed to the entry door located on the south side of the building. While a second storage building ("Future Building #2) is identified on the site plan, construction of this building is not proposed at this time.

Access to the site will continue to be provided through Peterman Lane, a private street. Storm water from the project will be collected and conveyed to an existing storm water system located along the northeast portion of the zoning lot. Finally, outdoor lighting units associated with the project will be installed and maintained consistent with ordinance standards with shielded fixtures.

### **III. RECOMMENDATION:**

The site plan has been reviewed by the City Administrative departments. Staff recommends the site plan for Peterman Concrete (storage building), 333 and 444 Peterman Lane, be approved.

Attachment: Site Plan

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**TO:** Planning Commission **DATE:** August 15, 2014  
**FROM:** Vicki Georgeau,  Director of Community Development  
**SUBJECT:** 2013-14 Planning Commission Work Program Final Update and Proposed FY 2014-15 Work Program.

**I. INTRODUCTION:**

The Planning Commission customarily adopts an annual Work Program that includes the duties and responsibilities of the Commission per statute and local ordinance, incorporates approved City Council Advisory Board Goals and Objectives and City Council Mission Statement and Goals & Objectives. Attached is the FY 2013-14 Work Program, adopted by the Planning Commission in October 2013. Progress made by the Commission on these work items during the past fiscal year is summarized below.

**II. FY 2013-14 WORK PROGRAM:**

*1. Review and update the Comprehensive Plan*

Activities involving the update of the Comprehensive Plan and amendments to the Recreation and Open Space Plan began August 2013 and concluded on June 19, 2014 when the Planning Commission adopted the 2014 Comprehensive Plan and Recreation and Open Space Plan amendments. Public participation in the Plan update process included numerous opportunities for review and input including an Open House/Community Workshop held in October 2013, Youth Advisory Committee meeting in October 2013, Lake Center Focus Group meeting in December 2013, West Lake Association meeting in March 2014, online survey available through the city website, twice monthly Planning Commission meetings and "Connect With Us" feature on city website. In addition, throughout the Plan update process, numerous workshops were held with the Planning Commission to review ideas, concepts and draft Plan chapters included in the final plan document.

- 2. Continue to guide development to appropriately planned areas of the community and consider the protection of environmentally sensitive areas such as those identified in the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable and efficient use of land at densities that:*
- a) Meets the current and future needs of city residents.*
  - b) Protects key natural and historic resources.*
  - c) Complements the existing and planned capacity of streets and infrastructure.*

The Planning Commission continues to guide development consistent with the Comprehensive Plan Update/Future Land Use Map and remains cognizant of the impacts development may have on environmentally sensitive land areas. Additionally, the Planning Commission also continues to ensure new development projects are designed consistent with applicable ordinances through review of site plans, plats and other development proposals.

3. *During project plan review, consider the following:*
  - a) *Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*
  - b) *Adjacent residential neighborhood protection measures.*
  - c) *Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.*

During the past fiscal year, the Planning Commission has reviewed/approved the following private development projects: Site plan and special land use permit for Appletree Learning Center, 1518 and 1530 East Centre Avenue; Special land use permit for a Group Child Care Home, 1002 Shumway Avenue; Final plan for Oakland Hills Phase IV, 8716 Oakland Drive; Preliminary condominium subdivision for the Preserve II, 5000 Grand Arbore Trail; Site Plan for Cronenwett Salon, 1106 West Centre Avenue; Special land use permit for the Car Zone, 8232 and 8302 Portage Road; Site plan for Flagstar Bank, 401 Romence Road; Special land use permit for Paragon Auto Sales, 7215 South Westnedge Avenue; Special land use permit for Great Lakes Convenience, 710 and 732 East Centre Avenue; Final Plan for Greenspire Apartments (Phase IV), 8380 Greenspire Drive – reapproval; Special land use permit for Gentry Auto Sales, 7940 South Sprinkle Road; Specific plan for Hilton Homewood Suites, 420 Trade Centre Way; Site Plan for Osterhout Condos, 2300 West Osterhout Avenue – reapproval; Specific plan for Earth Fare, 605 and 531 West Kilgore Road; Special land use permit for Cristin’s Creative Corner, 9416 Shaver Road; Special land use permit for Indoor Dog Day Care, 129 West Centre Avenue; Conceptual Plan Amendment for Sam’s Club Fueling Station, 7021 South Westnedge Avenue; Specific plan for Sam’s Club Fueling Station, 7021 South Westnedge Avenue; Conceptual plan amendment for Wal-Mart (expansion), 8350 Shaver Road.

Several of the projects listed above included shared access arrangements, measures to protect adjacent residential uses and/or protection of environmentally sensitive areas including Appletree Learning Center, Flagstar Bank, Great Lakes Convenience, Hilton Homewood Suites, Earth Fare, Greenspire Apartments (Phase IV), Sam’s Club Fueling Station, Conceptual Plan Amendment for Wal-Mart.

4. *Consider and act appropriately upon site-specific rezonings in the context of the Comprehensive Plan and the City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.*

Four rezoning applications were considered and acted upon by the Planning Commission during the past fiscal year and included:

Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard; Rezoning Application #13-02, Harbors West Planned Development, 5710 Angling Road and 3800, 3730 and 3734 West Milham Avenue; Rezoning Application #14-1 and Conceptual Plan, 531 and 605 West Kilgore and 5024 and 5036 South Westnedge Avenue; and Rezoning Application #14-2, involving several East Centre Avenue and Pasma Avenue properties.

The Planning Commission recommended all four rezoning applications be approved.

5. *Consider Zoning Code text amendments including, but not limited to, the City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus and assist with implementation of the updated Comprehensive Plan, amongst others.*

The Planning Commission recommended two ordinance amendments during the past fiscal year and included Ordinance Amendment #14-A, Sign Regulations and #14-B, Specialized Agriculture (OS-1 and B-1 districts). The amendments to the Sign Regulations was the result of significant effort by the Sign Ordinance Committee Work Group, which consisted of the Council Sign Ordinance Committee and three members from the Planning Commission, and input received from the Business Sign Forum as well as the Planning Commission and Zoning Board of Appeals workshops. The amendments that were adopted involved wall signs, non-conforming signs; electronic message display signs; banner signs; temporary signs and the definition of "sign" to permit more flexibility and creativity. The amendment involving specialized agricultural uses (greenhouse operations) amended the OS-1 and B-1 districts to permit these types of uses.

6. *When appropriate, engage the Youth Advisory Committee in the planning process.*

In October 2013, a meeting with the Youth Advisory Committee was held to receive input regarding the 2014 Comprehensive Plan Update.

7. *Review and recommend the annual Capital Improvement Program.*

In March 2014, the Planning Commission reviewed, discussed and then recommended to City Council approval of the FY 2014-24 Capital Improvement Program.

8. *Forward update to goals for FY 2013-14 (November 2014 and April 2014) and recommended goals for FY 2014-15 (April 2014).*

Updates were not requested, and therefore, not provided to City Council in November 2013 and April 2014. In March 2014, the Planning Commission provided City Council Recommended FY 2014-15 Goals and Objectives.

9. *Respond to City Council referrals and directives.*

Three members from the Planning Commission participated in the Sign Ordinance Committee Work Group, which also consisted of the Council Sign Ordinance Committee.

### *10. Planning Commission Training.*

During FY2013-2014, the Planning Commission members received several issues of the Michigan Planner and Planning and Zoning News. Also, the 2013 Michigan Association Planning Conference was held in Kalamazoo and one Planning Commissioner attended.

### *11. Other Planning Work-related Activities*

During FY2013-2014, the Planning Commission also reviewed several surrounding communities Comprehensive Plan updates and/or amendments. Also, the Portage Passbook Program, which was implemented as a way to recognized Portage businesses during the yearlong 50<sup>th</sup> anniversary celebration concluded in December 2013.

## **III. FY 2014-15 WORK PROGRAM (PROPOSED):**

The proposed FY 2014-15 Planning Commission Work Program has been prepared and is attached for review and consideration. While the Approved FY 2014-15 Advisory Boards and Commissions Goals and Objectives, along with the FY 2014-15 City Council Mission Statement and Goals & Objectives, are typically provided to the Commission for consideration during review and approval of the Work Program, these have not yet been finalized. Since the Council assigned Planning Commission Goals & Objectives typically mirror the suggested Goals & Objectives recommended by the Commission in April, attached is a copy of the FY 2014-15 Goals & Objectives as recommended by the Commission in April 2014. If Council modifies the Planning Commission recommended FY 2014-15 Goals & Objectives, the Commission can amend the Work Program at a later date.

The Commission is advised to review and discuss the attached materials during the August 21, 2014 meeting and, if no further changes, adopt the FY 2014-15 Planning Commission Work Program.

Attachments: Proposed FY 2014-15 Planning Commission Work Program  
Planning Commission Recommended FY 2014-15 Goals and Objectives (April 2014)

S:/Commdev/2014-2015 Department Files/Board Files/Planning Files/PC Reports/PCWorkProgRpt2013-14 Status Update and Proposed 2014-15 Work Program.doc

## **FY 2014-15 PLANNING COMMISSION WORK PROGRAM**

The FY 2014-15 work program reflects the established duties and responsibilities of the Planning Commission as specified by statute and local ordinance, and the guidance provided by the City Council Mission Statement and Goals & Objectives for the community.

The following work program outlines activities of the Planning Commission for FY 2014-15.

- 1) Review and prioritize the implementation strategies contained in the 2014 Comprehensive Plan and develop a work plan for implementation of identified strategies.
- 2) Continue to guide development to appropriately planned area of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable, and efficient use of land at densities that:
  - Meets the current and future needs of city residents
  - Protects key natural and historic resources
  - Complements the existing and planned capacity of streets and infrastructure
- 3) During project plan review, consider the following:
  - Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
  - Adjacent residential neighborhood protection measures.
  - Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map including regulated wetlands, ground water and surface water through the use of green development practices or other appropriate measures.
- 4) Consider and act appropriately upon site-specific rezonings in the context of the Comprehensive Plan in an effort to encourage sustainable residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.
- 5) Consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus and assist with implementation of the updated Comprehensive Plan, amongst others.
- 6) When appropriate, engage the Youth Advisory Committee in the planning process.
- 7) Review and recommend the annual Capital Improvement Program.
- 8) Review and adopt the Annual Major Thoroughfare Plan Status Update

9) Engage in continuing education through various Planning Commission training options, such as:

- Continued review of professional planning publications
  - ✓ Michigan Association of Planning (quarterly newsletter)
  - ✓ Planning and Zoning News (monthly newsletter)
  - ✓ Review of information available on the Michigan Association of Planning (MAP) website ([www.planningmi.org](http://www.planningmi.org)) or the American Association of Planning website ([www.planning.org](http://www.planning.org)).
- Participation in webinars and/or conferences sponsored by professional planning organizations such as MAP as resources permit.
- Participate in quarterly training presentations by staff and/or City Attorney. Examples include:
  - ✓ Legal Aspects of Planning and Zoning
  - ✓ Roles and Responsibilities of the Planning Commission
  - ✓ Comprehensive Planning
  - ✓ Site Plan Review and Access Management
  - ✓ Storm Water Management
  - ✓ Mixed Use Development

10) Forward update to goals for FY 2014-15 (November 2014 and April 2015) and recommended goals for FY 2015-16 (April 2015).

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** March 21, 2014

**SUBJECT:** Recommended FY 2014-2015 Goals and Objectives

The purpose of this communication is to recommend FY 2014-2015 Planning Commission goals and objectives for City Council consideration.

**Recommended 2014-2015 Goals and Objectives**

1. Review and prioritize the implementation strategies contained in the 2014 Comprehensive Plan, Lake Centre Sub-Area Plan and City Centre Sub-Area Plan and develop a work plan for implementation of identified strategies.
2. Consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus and assist with implementation of the updated 2014 Comprehensive Plan, amongst others.
3. Consider and act appropriately upon site-specific rezonings in the context of the 2014 Comprehensive Plan, City Centre Area Plan and Lake Centre Sub-Area Plan to encourage sustainable residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.
4. Continue to guide development to appropriately planned areas of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Natural Features Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable, and efficient use of land at densities that:
  - Meets the current and future needs of city residents
  - Protects key natural and historic resources
  - Complements the existing and planned capacity of streets and infrastructure
5. During project plan review, consider the following:
  - Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
  - Adjacent residential neighborhood protection measures.
  - Protection of environmentally sensitive areas.
6. When appropriate, engage the Youth Advisory Committee in the community planning process.
7. Review and recommend the annual Capital Improvement Program.
8. Review and adopt the Annual Major Thoroughfare Plan Status Update

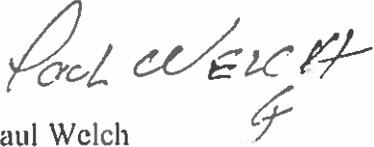
9. Forward update to goals for FY 2014-15 (November 2014 and April 2015) and recommended goals for FY 2015-16 (April 2015).

10. Respond to all City Council referrals and directives.

If Council needs any further information, please advise.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION

A handwritten signature in black ink, appearing to read "Paul Welch". The signature is written in a cursive style with a large initial "P" and a stylized "W".

Paul Welch  
Chairman

**TO:** Planning Commission **DATE:** August 15, 2014  
**FROM:** Vicki Georgeau, <sup>va</sup> Director of Community Development  
**SUBJECT:** 2014 Comprehensive Plan Implementation Strategies

Attached for Planning Commission review is a copy of the Implementation Strategies table from Chapter 7. As indicated to the Commission during the July 24, 2014 meeting, staff has developed the FY2014-2015 Work Plan for Commission review that include review and prioritization of the Comprehensive Plan Implementation Strategies. Staff has reviewed the strategies and identified the top five for consideration by the Commission as part of the FY2014-2015 Work Plan. These top five include the following and are not listed in the order of priority:

1. Inconsistencies between the Zoning Map and Future Land Use Map. Identify inconsistencies between the current zoning and future land use (e.g. current zoning classification is light industrial and Future Land Use Map designation is single-family residential), and evaluate whether it may be appropriate to proceed with a zoning change.
2. Development of a Complete Streets Policy. The Kalamazoo Area Transportation Study Policy Committee is in the process of reviewing a Complete Streets Policy for the Adjusted Census Urbanized Boundary. The policy is used to evaluate only roadway-related projects proposed for federal aid funds. The KATS policy, in conjunction with the State of Michigan model, can be used to develop a policy for the City of Portage.
3. Lake Center Business Area Overlay Zoning District. The overlay zoning district would be used to implement land use and design recommendations contained in the subarea plan within the different target areas including the Core Node (Forest Drive the Clarence Street), Commercial Connector Retrofit District (East Centre Avenue to the Core Node) and the Light Industrial Node (north of Bacon Avenue).
4. Lake Front Regulations. Portage has seven lakes that include Austin, West and Hampton as well as portions of Long, Gourneck, Sugarloaf and Little Sugarloaf Lakes. Most of the residential lots were developed during the early part of the 1900's as summer cottages on small narrow lots. Throughout the years, redevelopment of these small narrow lots has occurred (and continues to occur) as property owners desire to construct new dwellings or additions to existing dwellings. New or revised lake front regulations could address views of the lake, building height, setbacks, maximum lot coverage, among others.
5. Zoning Code Text Amendments. Staff has identified several Zoning Code text amendments appropriate for consideration including: off-street parking standards, location standards for major/minor auto repair facilities and gasoline stations, residential accessory buildings, and landscaping and screening for non-residential uses

In addition to the above listed strategies, the Commission is also encouraged to discuss during the August 21<sup>st</sup> meeting other potential strategies that could be considered for implementation. During the August 21<sup>st</sup> 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.

**Attachment: Implementation Strategies**

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and partnerships will be sustained to benefit everyone in the region. City government cannot and should not do it all. Only through public/private collaboration can the plan's vision be realized.

### C. Implementation Strategies

The implementation tools outlined above are available and should be used to achieve the goals and objectives of the Comprehensive Plan. Comprehensive implementation strategies have been developed to organize and apply these tools. Under each implementation tool, specific actions and a timeframe for implementation should be identified. The details of the strategies to implement the Comprehensive Plan are specified in the accompanying table.

Implementation Strategy	Topic	Land Use Regulations	CIP	Programs or Studies	Partnerships	Short Term	Long Term	Ongoing
<b>Community + Quality of Life</b>								
Partner with the public schools and library to promote a high quality school system and lifelong learning.	community identity				✓			✓
Continue to pursue the long and short term goals identified in the Recreation and Open Space Plan consistent with the "Natural Place to Move" placemaking effort, and update the Plan as needed to maintain eligibility for state funding.	community identity		✓	✓				✓
Continue to communicate with regional partners to deliver quality and cost-effective services to the city's residents, businesses, and employees.	community identity				✓			✓
Utilize the City's website, social media, PMN Cable Access, newsletter and emerging technologies to educate residents and keep them informed of community development-related issues.	community identity	✓		✓				✓
Consider the use of pervious pavement for appropriate uses and locations by raising awareness on long-term benefits, practical applications, and how to maintain it.	public services/facilities			✓				✓
Continue sidewalk and public utility (water, sanitary sewers and drainage) improvements in neighborhoods throughout the community.	public services/facilities		✓					✓
Encourage innovative storm water treatment options consistent with the Storm Water Master Plan and Design Criteria that are environmentally friendly and aesthetically pleasing.	public services/facilities	✓		✓				✓
Ensure that municipal infrastructure is adequate to accommodate the demands necessitated by a proposed development project. This may require participation by the developer to fund improvements to meet the demands associated with a proposed project.	public services/facilities		✓	✓				✓
Promote underground utilities (electric, telecommunications, etc.).	public services/facilities	✓		✓	✓			✓

\*An action marked under more than one time frame may be a short- or long-term priority, but once initiated it becomes part of the ongoing implementation effort

Implementation Strategy	Topic	Land Use Regulations	CIP	Programs or Studies	Partnerships	Short Term	Long Term	Ongoing
Consider low impact design and other green development practices for city-funded capital projects where appropriate.	public services/facilities		✓					✓
Maintain and improve essential public services including police protection, fire and emergency services	public services/facilities		✓					✓
Modify or expand community facilities based on applicable standards and the changing needs of the city such as changes to demographics and types of land uses. This may include land acquisition when key parcels become available.	public services/facilities		✓		✓			✓
Consider incentives to encourage green development practices such as density bonuses, flexibility in uses, or reduced parking or landscaping requirements.	resources	✓				✓		
Continue public awareness campaign for homeowners through ongoing promotion and working with neighborhoods and other organizations on what they can do to protect the quality of the lakes and other natural features.	resources			✓	✓			✓
Continue the best management practices associated with site design to protect, lakes, streams, groundwater and well-head facilities, including low-impact design techniques.	resources	✓						✓
Continue to support the Environmental Board in their efforts and programs to protect and improve environmentally sensitive areas in Portage.	resources			✓				✓
Encourage planned development and/or cluster development to preserve key natural features on sites and link open space with adjacent open space, via greenways when and where appropriate.	resources	✓				✓		
Continue to support the Historic District Commission in the effort to preserve historic structures and sites in the City of Portage.	resources			✓	✓			✓
Protect water resources through management practices covering discharges into streams and lakes, storm water infiltration, and hazardous material spill prevention programs.	resources			✓	✓			✓
Conserve key natural and historic resources through public acquisition, flexible zoning or tax incentives that encourage private preservation, public dedication, or adaptive reuse.	resources	✓		✓	✓			✓
<b>Transportation</b>								
Pursue local, state and federal funding to continue implementation of the Non-Motorized Transportation system.	complete streets			✓	✓			✓
Pursue the installation of planned walkway and bikeway facilities in conjunction with scheduled road improvements projects.	complete streets		✓	✓				✓

Implementation Strategy	Topic	Land Use Regulations	CIP	Programs or Studies	Partnerships	Short Term	Long Term	Ongoing
Work with organizations and advocacy groups such as bicycle users, seniors, and schools to develop Safe Routes to School Programs, identify priority needs for walking and bicycling.	complete streets			✓	✓			✓
Adopt a Complete Streets policy/plan consistent with the MDOT program for continued nonmotorized transportation planning efforts to provide alternative modes of transportation to promote sustainability, ensure all modes are considered for MDOT projects, and provide consistency with the Natural Place to Move placemaking effort.	complete streets			✓		✓		✓
Ensure transit-friendly features such as sidewalks to bus stops, pads or shelters in areas that are currently, or have the potential to be served by public transit.	complete streets	✓		✓	✓			✓
Encourage safe and efficient non-motorized circulation between public sidewalks and businesses, between businesses and also between businesses and residential neighborhoods during site plan review and City capital projects.	complete streets	✓	✓					✓
Complete gaps in the sidewalk system and work towards a non-motorized system especially around parks and schools.	complete streets							✓
Promote walking, bicycling, and use of alternative fuel vehicles through appropriate site design techniques, such as allowing for bike amenities to replace a required parking space.	complete streets	✓						✓
Ensure all transportation projects, including expressways and city streets, are designed in consideration of the defined corridor or area character and the needs and safety for all types of expected travelers.	context sensitive streets			✓				✓
For new development, ensure roadway capacity can accommodate site-generated traffic at the time of occupancy. This may require participation by the developer to fund improvements to address impacts of a proposed project.	corridor management	✓		✓				✓
Pursue access management techniques (restricting the number of access points, regulating placement, promoting driveway consolidation, using raised medians, etc.) along major thoroughfares to improve traffic flow and safety. Where appropriate, encourage joint access and parking opportunities.	corridor management	✓		✓				✓
Consider landscaped medians on three- or five-lane roads where possible to improve traffic safety by controlling left-turn lanes or using refuge for pedestrians crossing the street.	corridor management		✓					✓
Consider roundabouts as an intersection design alternative or an alternative to traffic signals to improve traffic flow and reduce the severity of crashes.	corridor management		✓	✓			✓	✓

Implementation Strategy	Topic	Land Use Regulations	CIP	Programs or Studies	Partnerships	Short Term	Long Term	Ongoing
Coordinate transportation planning, project priorities, and funding for streets and non-motorized systems that extend into other municipalities with area communities and road agencies through the Kalamazoo Area Transportation Study (KATS) organization.	Operation Improvements			✓	✓		✓	✓
Require traffic impact studies for intensive use projects to determine direct impacts, improvements needed and data for future planning.	Operation Improvements	✓						✓
Continue to monitor traffic counts, pedestrian and bicycle use, and crash data in conjunction with proposed transportation improvement projects.	Operation Improvements		✓	✓				✓
Annually prepare the Transportation/Major Thoroughfare Plan Status Report using the recommendations of this plan as a foundation.	Operation Improvements			✓			✓	
Continue to pursue alternatives for improved traffic flow and safety such as new signal technology, "real time" traffic monitoring and reporting. Embrace emerging communication media to provide instantaneous traffic information.	Operation Improvements			✓				✓
<b>Land Use + Character</b>								
Continue to offer and strengthen programs to encourage home ownership and maintenance for low and moderate income groups.	housing			✓				✓
Encourage cluster housing on parcels with important natural features to preserve and encourage additional single-family homeownership on smaller lots consistent with the single-family detached - medium density residential description and locations identified in the plan.	housing	✓				✓		✓
Partner with local non-profits to provide assistance in retrofitting mature homes for seniors to have universal or barrier-free design to allow people to remain in their homes.	housing				✓		✓	
Review lake front property zoning regulations in consideration of the unique characteristics associated with site and building construction activities and the surrounding neighborhood character.	housing	✓				✓		
Promote opportunities for live/work accommodations and mixed-use development, especially in the City Centre, in the Lake Center Core node, and as redevelopment of greenhouse sites may occur.	mixed-use	✓					✓	✓
Continue to implement the recommendations contained in the City Center Area plan that focuses on the unique mixed-use attributes of the geographic center of the city. (see Chapter 5)	mixed-use	✓	✓	✓		✓	✓	
Implement key recommendations of the Lake Center Subarea plan to improve safety, aesthetics, and to encourage redevelopment at the Lake Center Core Node and other areas of the district. (see Chapter 6)	mixed-use	✓	✓		✓	✓	✓	

Implementation Strategy	Topic	Land Use Regulations	CIP	Programs or Studies	Partnerships	Short Term	Long Term	Ongoing
Continue efforts to achieve the success of major office corridors as envisioned in the Comprehensive Plan, consider corridor-wide rezoning plans and capital improvement projects within office corridors to support new development and reinvestment.	business/ employment	✓	✓	✓				
Continue to evaluate (re)development opportunities involving the South Westnedge Avenue Commercial Corridor so this remains a magnet in the regional market.	business/ employment	✓	✓	✓			✓	✓
Enhance the appearance/functionality of the South Westnedge Commercial Corridor, including the Portage Commerce Square and Downtown Development District, by working with property owners to improve site and building design and attract new uses that respond to changing markets.	business/ employment	✓	✓	✓	✓		✓	
Encourage planned commercial development in designated areas and corridors for business expansion as nodes rather than strip commercial development.	business/ employment	✓						✓
Partner with local economic development organizations such as Southwest Michigan First to promote the expansion of existing industries and the attraction of new manufacturing and high technology businesses.	business/ employment			✓	✓		✓	
Continue to monitor the primary routes to each business area (from point of entry into the city) to ensure a high quality, aesthetically attractive, image. Motorists and pedestrians should view movement into and through the city as a pleasant experience.	business/ employment	✓	✓	✓		✓		✓
Continue to evaluate programs to provide financial assistance or incentives to landowners to upgrade their buildings and sites.	business/ employment			✓			✓	
During site plan review, conduct a careful analysis of potential impacts on residential neighborhoods for non-residential development constructed adjacent to or near residential areas and require adequate buffering and transitions where appropriate.	business/ employment	✓						✓
Review site design through the zoning regulations to ensure specific standards governing landscape, signs, exterior lighting and access are fulfilled.	business/ employment	✓						✓
Where appropriate, encourage non-motorized pedestrian circulation systems and features (e.g. sidewalks, bike paths, cross-walks, etc.) to encourage the safe and efficient movement of pedestrians between business establishments and between business establishments and residential neighborhoods.	business/ employment	✓						✓
Improve the compatibility of industrial areas with other use districts through transitional zoning and/or the use of increased setbacks, landscape buffers, and architectural screening.	business/ employment	✓						✓

Implementation Strategy	Topic	Land Use Regulations	CIP	Programs or Studies	Partnerships	Short Term	Long Term	Ongoing
Continue community awareness programs on blighting influences, annual refuse collections, and comprehensive code enforcement efforts throughout residential neighborhoods.	land use			✓				✓
Encourage redevelopment of brownfield sites through the use of Brownfield Act financing as a method to remediate environmental contamination.	land use			✓				✓
Initiate rezonings for certain sites that may be inconsistent with the Comprehensive Plan.	land use	✓		✓				✓
Utilize the Development Review Guidelines during the evaluation of land use development proposals to assess the compatibility of the proposed land use with the Comprehensive Plan.	land use	✓						✓
Monitor changes to the state zoning act and other land use laws, along with key federal and state case law, and evaluate applicable city regulations to determine if changes are needed.	land use	✓		✓				✓
Review the entire Comprehensive Plan every five years and update as needed consistent with the state statute.	land use			✓			✓	
Annually review these strategies and set priorities for implementation for the coming year.	land use			✓		✓		
<b>City Centre</b>								
Install public street and business site lighting consistent or compatible with the "shepherds hook" style located in Liberty Park and along the South Westnedge Avenue bridge over Portage Creek.	placemaking		✓		✓	✓		
Develop public street landscaping/green space plan for implementation that would include consistent plant materials and locations.	placemaking				✓	✓		
Develop a unique City Centre logo that can be used by businesses and also incorporated into gateway signs, street/wayfinding signs and banners.	placemaking					✓		
Continue recreation/cultural/entertainment programming that establishes the City Centre Area as a destination in the community. Coordinate with private partners to offer various community events and activities	placemaking				✓			✓
Continue efforts to protect and preserve the natural/environmental features located in the City Centre Area.	placemaking	✓	✓					✓
Identify locations and consider gateway signage at the primary entrances into the City Centre (East/West Centre and at the north and south ends of South Westnedge Avenue)	placemaking		✓			✓		
Promote locations in the City Centre Area as gathering places for community residents and visitors including civic facilities and business and religious establishments.	placemaking			✓		✓		✓

Implementation Strategy	Topic	Land Use Regulations	CIP	Programs or Studies	Partnerships	Short Term	Long Term	Ongoing
Consider improvements to facilitate safe pedestrian travel at appropriate public street crossings: <ul style="list-style-type: none"> <li>Installation of stamped, brick paver pedestrian crosswalks.</li> <li>Installation of pedestrian crosswalk signals that incorporate audible sounds and a countdown timer.</li> <li>Installation of pedestrian islands/safety refuge points</li> </ul>	transportation		✓		✓	✓		
Identify traffic calming techniques at appropriate locations for implementation along Centre Avenue, South Westnedge Avenue and Shaver Road.	transportation		✓			✓		✓
Continue to maintain and construct new pedestrian linkages in the City Centre Area to increase walkability and interconnection between land uses.	transportation	✓	✓				✓	
<b>Lake Center</b>								
Explore MDOT TAP grant program to fund projects such as non-motorized paths, streetscapes, low impact development, and stormwater improvements.	street improvements		✓		✓	✓		
Continue sidewalk installation/repair/replacement program funded through the Capital Improvement Program.	street improvements		✓					✓
When improvements are made to Portage Road, changes in the right-of-way design could be incorporated, including bike lanes, enhanced crossings, medians, improved buffers, and sidewalks	street improvements		✓			✓	✓	✓
Embrace Lake Center identity through development of gateway features, banners, wayfinding signs, gathering spaces with lake access and views.	Business Association				✓			✓
Build a district-wide brand including businesses, the park, residences, churches, and Lake Center Elementary.	Business Association				✓			✓
Strengthen Lake Center brand through promotional events, public art installations, common retail hours, shared beautification efforts.	Business Association				✓			✓
Support neighborly site maintenance and upkeep.	Business Association				✓			✓
Explore the possibility of forming a CIA or BID for the Portage Road businesses	Business Association			✓	✓	✓		
Create a new overlay district for the Portage Road corridor	zoning	✓				✓		

**MATERIALS TRANSMITTED**

## 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 20<sup>th</sup> District and Representative of the State House Margaret O'Brien of the 60<sup>th</sup> 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 4<sup>th</sup> 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.

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James R. Hudson, City Clerk

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

## CITY COUNCIL MEETING MINUTES FROM JULY 8, 2014

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

At the request of Mayor Strazdas, Councilmember Urban provided an Invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. 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.

**APPROVAL OF MINUTES:** Motion by Ansari, seconded by Reid, to approve the June 24, 2014 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ford to read the Consent Agenda. Councilmember Ansari asked that Item F.1.a, Conceptual Plan Amendment for Wal-Mart (Expansion), 8350 Shaver Road, be removed from the Consent Agenda. Motion by Urban, 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 JULY 8, 2014:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of July 8, 2014. Upon a roll call vote, motion carried 7 to 0.

**STATEMENTS OF CITIZENS:** Dennis McKee, Consumers Energy, Grand Rapids Office, provided the latest upgrade information regarding the new Consumers Energy Smart Meter, some of the benefits, and the process that will be used prior to and during installation in the area in 2015. Discussion followed.

### REPORTS FROM THE ADMINISTRATION:

**CONCEPTUAL PLAN AMENDMENT FOR WAL-MART (EXPANSION), 8350 SHAVER ROAD:** Mayor Strazdas introduced Transportation & Utilities Director Chris Barnes, who described the Conceptual Plan proposed by Wal-Mart as approved by City Council in 2003-04 and outlined the storm water system issues involved on the site. He indicated that he has a meeting set with the engineer from Wal-Mart to review the situation and explained that the water flow on approximately 600 feet of frontage on Portage Creek is now concentrated down to approximately 50 feet, so this has to be carefully considered when the detailed plan is presented by Wal-Mart in order to maintain the pre-existing flow level prior to construction on the site. Discussion followed.

Councilmember Reid expressed her appreciation for the amount of work thus far in the proposed amendment and indicated that it shows that Wal-Mart is interested in performing maintenance on the system and asked how the flow into Portage Creek is measured. Mr. Barnes explained the items that are inspected and maintained to determine whether the flow path is being handled or not, making sure that the flood area is stable. City Attorney Brown interjected that the discussion needs to be about the process and getting information, but the longer the discussion proceeds, the more apt Council is to get into the substance of the matter when there has been no notice to Wal-Mart or the citizens; therefore, this should be saved for the public hearing. Mayor Strazdas asked for questions or concern only in order to get proper responses for the public hearing, and asked that Mr. Barnes and Community Development Director Vicki Georgeau be in contact with the citizens for explanation and input. Discussion followed. Ms. Georgeau explained the process further, including activities involving the Planning Commission,

and emphasized that only the Conceptual Plan Amendment will be available to City Council, not the detailed plan.

Audrey Curry, 1311 Dogwood, indicated that her concern is the frontage on Portage Creek that is now concentrated down to approximately 50 feet from the 600 feet which is her back yard and that of the neighbor next door. She said that they have lost the last two feet of her property to erosion. She mentioned two areas of concern cited by the Planning Commission: the flow path that is near the detention area and the condition of the stream at the current outfall. Her concern was that there is no plan to change anything, only to continue maintenance and to monitor [Community Development Director Vicki Georgeau Communication dated June 13, 2014, Page 4, Paragraph 3; and City Manager Laurence Shaffer Communication dated July 8, 2014, Page 2, Paragraph 4]. She indicated that this is a great opportunity for Wal-Mart and the City to do things right and cited two significant rain events in the past nine (9) years, one where Wal-Mart received a citation from the Michigan Department of Environmental Quality (MDEQ). She said that she wanted to make sure City Council was aware and asked that City Council represent the Brookwood Estates neighborhood well. Discussion followed.

Dave Ostrem, 1515 Dogwood Drive, spoke in support of the Wal-Mart expansion and indicated that he has been following the storm water issue since the store was constructed. He emphasized that when Wal-Mart came for the expansion that this was the last chance to correct the issues and explained. He asked City Council to support City staff as much as possible, encourage them to work with the Wal-Mart engineer and get this fixed because this is the last best chance. Discussion followed.

Motion by Pearson, seconded by Reid, to accept the Conceptual Plan Amendment for a Wal-Mart (expansion), 8350 Shaver Road, and set a public hearing for August 12, 2014, at 7:30 p.m., and subsequent to the public hearing, Council will consider the Conceptual Plan [Amendment for Wal-Mart (expansion), 8350 Shaver Road, with the requested parking modification and 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]. Upon a roll call vote, motion carried 7 to 0.

\* **BODY REFURBISHMENT FOR FIRE ENGINES 1 AND 3:** Motion by Urban, seconded by Reid, to approve the quote from Emergency Vehicle Products of Kalamazoo, Michigan, in the amount of \$45,682.89 for refurbishment of Fire Engine 3 and \$43,882.89 for refurbishment of Fire Engine 1, and authorize the Acting City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **POLICE DIVISION DONATION OF FOUND AND RECOVERED BICYCLES:** Motion by Urban, seconded by Reid, to approve the donation of stolen or abandoned bicycles to two not-for-profit organizations: the Kalamazoo Dream Center and Open Roads. Upon a roll call vote, motion carried 7 to 0.

**UNFINISHED BUSINESS:** Mayor Strazdas reviewed the Materials Transmitted Item of July 8, 2014, regarding the City Manager Search Profile and noted that the deadline for submitting applications of interest is at the end of July 2014. He reviewed the process including the internal vetting, the meeting to establish a short list and the conduct of the interview sessions in early August, plus two (2) days of interviews in mid September.

#### **COUNCIL COMMITTEE REPORTS:**

**CONSOLIDATED DISPATCH AUTHORITY:** Councilmember Reid provided an update on the progress on the forming of a Consolidated Dispatch Authority, including receipt of the Urban Cooperation Agreement that will be approved, modified or rejected by the entire committee at 9 a.m. on July 15, 2014, after which the City Council will have 30 days to make a decision whether to participate

or not. She requested a Committee of the Whole Meeting to obtain input from the entire Council before July 15<sup>th</sup> and Mayor Pro Tem Pearson mentioned that they had discussed the latest Urban Cooperation Agreement with Acting City Manager Shaffer before the meeting and concurred with the need for a Committee of the Whole Special Meeting. Mayor Strazdas summed up, asked that the latest agreement be provided to Council and called for a Committee of the Whole Meeting from 4 p.m. until 5:30 p.m., Thursday, July 10, 2014, to discuss the latest Consolidated Dispatch Draft Document along with recommendations from staff, Public Safety Director Richard White and the City Attorney. Discussion followed.

City Attorney Brown asked that a motion be made to set the Committee of the Whole Meeting and to distinguish whether it will be a Committee of the Whole Meeting or a Special Meeting. He also mentioned that as late as today there have been changes to the Urban Cooperation Agreement provided to City Council dated July 3, 2014. Mayor Strazdas deferred to Acting City Manager Shaffer, who indicated that he had made copies of the latest document for distribution this evening, but in order to save confusion, he asked that City Council wait until he receives the most updated version from the City Attorney, which he can e-mail to them on July 9, 2014, in time for review before the meeting on July 10, 2014. Discussion followed.

Motion by Pearson, seconded by Reid, to hold a Special City Council Meeting on Thursday, July 10, 2014, at 4 p.m. to discuss the latest Draft of the Kalamazoo County Consolidated Dispatch Authority Agreement. In answer to Mayor Pro Tem Pearson, Acting City Manager Shaffer assured the City Council that that Public Safety Director Richard White would attend. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

**PUBLIC MEDIA NETWORK:** At the request of Councilmember Ansari, Mayor Strazdas deferred to Acting City Manager Shaffer, who indicated that he met with Hap Haasch, Director of the Public Media Network (PMN), and discussed the protocol to obtain emergency access to the television network should it be necessary; the concerns regarding the times when there was a lack of live coverage for City Council Meetings in the past and why; performance and training of interns during the broadcast of the City Council Meetings; and the future possibility of acquiring the City equipment and procuring their own equipment in order to be consistent across the other jurisdictions. Councilmember Reid pointed out that not only does PMN provide the public with coverage for Portage governmental meetings and school meetings, but it also provides educational and public access. She also indicated that the broad availability of their assistance has really been a benefit. Motion by Reid, seconded by Ford, to receive the report from Acting City Manager Shaffer and the PMN Committee as presented. Upon a voice vote, motion carried 7 to 0.

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

Portage Public Schools Board of Education Policy Governance and Regular Business Meeting Minutes of May 19, 2014 and Board of Education Committee of the Whole Work Session and Special Meeting Minutes of June 9, 2014.  
Portage Senior Citizen Advisory Board of May 21, 2014.

#### **BID TABULATIONS:**

\* **PORTAGE ROAD RECONSTRUCTION PROJECT – BID TABULATION:** Motion by Urban, seconded by Reid, to approve a contract to Rieth-Riley Construction Company, Incorporated, of Kalamazoo, Michigan in the amount not to exceed \$752,450.81 for the reconstruction of Portage Road from East Centre Avenue to Romence Road Parkway; approve a contract amendment with Wightman & Associates, Incorporated, in the amount not to exceed \$69,500 to perform construction engineering

services for Portage Road from East Centre Avenue to Romence Road Parkway, and authorize the Acting City Manager to execute all documents related to the project on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **2014 STORM DRAINAGE IMPROVEMENTS PROJECTS – BID TABULATION:** Motion by Urban, seconded by Reid, to award a contract to Quantum Construction Company of Douglas, Michigan, for the 2014 Storm Drainage Improvements Project in the amount not to exceed \$109,239; approve a change order to Quantum Construction Company of Douglas, Michigan, in the amount not to exceed \$10,665 for additional ditch cleaning and restoration on Prosperity Drive (Zylman Drain) at unit pricing within the contract, and authorize the Acting City Manager to execute all documents related to these projects on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **SIDEWALK AND CURB REPAIRS – BID TABULATION:** Motion by Urban, seconded by Reid, to reject the original bid from Northern Construction Services Corporation for Sidewalk and Curb Repairs, award a revised contract to Northern Construction Services Corporation in the negotiated amount of \$69,981.30 and authorize the Acting City Manager to execute all documents related to these actions on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **CHEVROLET TAHOE POLICE VEHICLE EQUIPMENT RETROFIT– BID TABULATION:** Motion by Urban, seconded by Reid, to approve the bid from Emergency Vehicle Products for four Chevrolet Tahoe police vehicle equipment retrofits in an amount not to exceed \$42,000 and authorize the Acting City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **FACILITY MASONRY REPAIRS – BID TABULATION:** Motion by Urban, seconded by Reid, to award a contract for city facility masonry repairs to Connell’s Restoration & Sealant, Incorporated, in the amount of \$24,549 and authorize the Acting City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

#### **OTHER CITY MATTERS:**

##### **STATEMENTS OF CITY COUNCIL AND ACTING CITY MANAGER:**

Councilmember Reid congratulated the Portage Public School students for their improved scores on the MEAP Tests and expressed appreciation to the Teachers and the Administration for their efforts. She also mentioned that a citizen expressed kudos to the City for a fine road construction work effort, especially as it was done with little interference with traffic.

Acting City Manager Shaffer informed City Council that he met with Human Services Board Chair Sandra Sheppard, Public Safety Director Richard White and Community Development Director Vicki Georgeau, and discussed making contact with panhandlers and attempting to make the connection with social services for them by enabling the Police Department to provide a card or notification system that would help the individual panhandler track into a particular service. He indicated that Ms. Sheppard was very knowledgeable and helpful; that there is every intention of enforcing the Portage panhandler ordinance; but, the Administration wants to take every opportunity to help people who find themselves in these circumstances by giving them the ability to access social services that may indeed turn their lives around. He also mentioned that he was proud, inspired and humbled last evening when he attended the Public Safety Department recognition ceremony where 25 employees received appreciation for their extraordinary performance.

Mayor Pro Tem Pearson thanked those who attended the fireworks display provided by the Portage Rotary Club on July 4<sup>th</sup> and followed-up Councilmember Reid by echoing her comments because Portage road construction on South Westnedge was halted until after the July 4<sup>th</sup> fireworks display.

Mayor Strazdas concurred with Councilmember Reid and cited examples of his own of people expressing appreciation for the fine efforts with road construction, especially considering the pothole situation. He reviewed the progress of the Taste of Portage, an all-day event that will take place Saturday, July 19<sup>th</sup> and the potential for a successful event because it will be the place to go in the County that weekend. He cited some of the “neat” things that will take place as part of the event. He also indicated that he will not be at the July 22, 2014 Regular City Council Meeting.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:47 p.m.

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James R. Hudson, City Clerk

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

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL  
OF JULY 10, 2014**

The Special Meeting was called to order by Mayor Peter Strazdas at 4:03 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 M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Also in attendance were: County Commissioner John Zull, County Commissioner Phil Stinchcomb, Acting City Manager Laurence Shaffer, Acting Deputy City Manager Rob Boulis, Public Safety Director Richard White, City Attorney Randy Brown, Assistant City Attorney Charlie Bear and City Clerk James Hudson.

Mayor Strazdas explained that the purpose of the meeting was for City Council to discuss the Interlocal Agreement Creating the Kalamazoo County Consolidated Dispatch Authority (DRAFT May 16, 2014), the Agreement for the Distribution of County 9-1-1 Surcharge Revenues (DRAFT July 9, 2014) and the Operational Committee Update #3 (DRAFT May 16, 2014). Discussion followed.

Mayor Strazdas asked that the Council go around and express each of their concerns to determine where there is a commonality of issues. He voiced his own primary concern that no legacy costs be pushed back on to the City of Portage and explained.

Councilmember Urban indicated that the Interlocal Agreement Creating the Kalamazoo County Consolidated Dispatch Authority (DRAFT May 16, 2014) does not give the City of Portage consolidated dispatch, and that it only starts a framework. He asked for the context of the intent of this document since it does not close any of the Public Safety Answering Points (PSAP's). Councilmember Reid explained that this document is an Urban Cooperation Agreement that tells how the municipalities are going to work together and that it is legally required even though the Plan is not yet available because the Executive Director will determine the Plan and explained. Councilmember Urban asked if the City of Portage becomes a party to this agreement, is the City a party forever and the answer is that the City may withdraw under Section 7: Miscellaneous, B. Termination (page 12). Mayor Pro Tem Pearson provided some background of the discussion to this point regarding the matter, including the findings at the Kimball Report Meeting at the Fetzer Center on October 17, 2013, and the benefits of participating in Consolidated Dispatch or not, and if so, when should the City of Portage "jump in." Discussion followed.

Councilmember Ansari indicated that the 9-1-1 System in Portage is functional, upgraded and not broken, so he questioned whether this is the "cart before the horse" as it may not be necessary for Portage to be a part of a new system. Also, he viewed the 42 cent charge as an imposition on Portage citizens by the County, but that the City Council will take the responsibility for it because it will come through the Portage City Council. He noted that the 42 cent charge would generate \$1.17 million, noted that \$600 thousand would be spent directly and \$579 thousand would be spent by the Executive Director himself, and asked what portion of

the \$1.17 million would Portage control. He then questioned the function of the Technical Advisory Committee asking to whom do the Committees of the Authority report, what powers and authority will the Committees have and what methods will be utilized to report to the Kalamazoo County Board of Commissioners. Mayor Strazdas explained that the Council does not represent the citizens on the taxing aspect of the Agreement since the Council does not vote on the 42 cent charge. At the request of Mayor Pro Tem Pearson, Mayor Strazdas deferred to Public Safety Director White for input regarding his perspective regarding the Portage system and how it operates.

Portage Public Safety Director White indicated that Portage Dispatch is an excellent dispatch system that works well and serves the needs of the Public Safety Community at the present time; however, in the future, it will not have the capacity or the band width to be able to receive text messages, photographs, streaming video and all of the other aspects of daily communication among the Public Safety personnel. He offered the possibility that some day there will be a State mandate for Portage to have the capacity to receive messages from people who are hearing impaired. He noted that the current 100 MHz system does not have the band width to support all of the different applications available, and this is only one segment of the next generation of the whole 9-1-1 system. Because of future need for data sharing, records systems sharing, all of the other aspects of future 9-1-1 systems and the shelf life of the current system, there has always been a commitment to a plan to continue to upgrade to maintain high quality.

Mayor Pro Tem Pearson indicated from his readings that the separate PSAP's in other Counties have acquired common upgraded technology first before merging together and asked Mr. White whether the Kalamazoo PSAP's would first use the same technology as separate PCAP's and eventually go to one center to consolidate and save money. Mr. White responded with another example of consolidation and cited the model in the northwestern part of the state where they have virtual consolidation and are operating from several different sites on a shared platform, and indicated that consolidation is not necessarily the only way to get to the next generation 9-1-1 system. He articulated that generation 9-1-1 system is a big ticket item and that it makes sense to share the cost five different ways, so the issue that remains is not knowing what the cost will be to get to the next generation 9-1-1 system and explained. He also explained that some of the other counties following the State Plan have developed a Next Generation Plan for the County, and that has not been done by any of the municipalities in Kalamazoo County, and perhaps the Urban Cooperation Agreement is the impetus to get started in that direction. Discussion followed regarding the 42 cent per phone device charge, the funding amounts for Portage, the Next Generation Plan for the County and excess funds.

Mayor Pro Tem Pearson referred to the excess funds mentioned by Councilmember Ansari and expressed the need to know that the money generated by the per phone device charge will not be squandered and that each municipality gets its fair share. He indicated that he had no problem with the Technical Advisory Committee as they are all professionals in the field. He did have concerns with the Board of Directors as Portage is not represented well under the proposed structure owing to the make-up with only one out of nine seats since Portage has 18 to 19 % of the population and provides as much as 25% of the funding to the County. Discussion followed.

In answer to Councilmember Reid, who asked hypothetically if money were no object, would there be any advantages with the process and the ability to serve the City of Portage through a consolidated dispatch, Mr. White responded, regardless of the money, his concern is the level of the quality of service. He explained the need for a common radio platform for better communications, common records management systems with common forms and reporting methodology for reference purposes and the need to globally map during an emergency in order to more efficiently and effectively direct resources.

In answer to Councilmember Randall, Mr. White indicated that staffing is 85 % of the budget; that costs have gone up; that all equipment has a shelf life and the Department has to plan for replacements incrementally; and, he gave some examples of some of the changes that are imminent.

In answer to Councilmember Ford, Mr. White discussed how some of the technology, staffing and procedural issues that make Portage different from other dispatch centers. He also answered that one of the great unknowns is which platform would be the best for the Next Generation Plan for the County and explained it probably will not be the 150 MHz platform, or the 850 MHz platform.

Mayor Strazdas asked when will it be best to migrate from the 150 MHz platform since it is definitely going away, and whether the City of Portage should do it alone or with everyone in the County. Councilmember Ansari indicated that to him it sounds like it is advantageous to opt in now and to opt out later, if it becomes necessary, but if Portage does not opt in now, it will become difficult to opt in later. Mayor Strazdas indicated that it is his perspective that if Portage opts in now, then Portage can play a role in selecting the architecture and our destiny, but if Portage opts in later, then we will be operating within a destiny that someone else has created for us. Discussion followed.

In answer to Councilmember Ford, if an entity of the Authority suffers a bankruptcy, what is the liability of the City of Portage, City Attorney Brown indicated that the agreement states Portage is not responsible for the debt of such an entity, but as part of our share in the Authority, Portage would have to pick up our portion of their share going forward. Discussion followed.

Councilmember Urban expressed his understanding from the State law that the County can create the 9-1-1 Dispatch Board on its own, and Mr. Brown agreed that the County can create the Board on its own as long as it meets certain requirements, or it can create a document such as the Urban Cooperation Agreement like the one before Council with public agencies and PCAP's included since the Urban Cooperation Act supplies the authority for municipal governments to come together for many reasons and as a benefit to all. He indicated that the Authority is created in the Urban Cooperation Agreement pursuant to the 9-1-1 Act, so the substance of the Board comes from the 9-1-1 Act provision, but the Urban Cooperation Act just gives the authority to enter into this Agreement, and without the Urban Cooperation Act, the City of Portage could not enter into agreements with other municipalities for mutual benefit. Discussion followed. Because the Urban Cooperation Act is controlling, Mr. Brown noted that there has been discussion all along by the Attorneys that the County could follow the Act and dismiss the Urban Cooperation Agreement in the future. Discussion followed.

Mayor Strazdas expressed his concerns about cost effectiveness, the number of staff, equity for the City of Portage, liability and legacy costs. Councilmember Reid expressed her concern over the cost of running two systems simultaneously versus whether or not Portage should be a part of determining the Next Generation Plan for the County. Discussion followed and each Councilmember expressed his or her preference to opt in now or later, their concern for costs and accountability.

Councilmember Urban cited the discussion earlier with City Attorney Brown regarding which law prevails, the Urban Cooperation Act or the 9-1-1 Act, and mentioned that the City of Portage is giving up \$300,000 toward the consolidation, saying that Portage is funding 30% of the \$1 million cost of the current 9-1-1 system just to design the new system. Discussion followed.

Mayor Strazdas asked for any issues Council may have with the Interlocal Agreement Creating the Kalamazoo County Consolidated Dispatch Authority (DRAFT May 16, 2014). Councilmember Ford said that the one (1) year notice requirement to the Authority and the Other Parties to the Agreement in Section 7: Miscellaneous, B. Termination (page 12) is quite substantial. Acting City Manager Laurence Shaffer interjected that the Administration has had discussions about the Termination Clause and agree that a date certain such as 60 or 90 days prior to the end of the fiscal year would be more workable as the City would not opt out mid-fiscal year and disrupt the revenue stream. He also referred to the possibility of replacing Section 7: Miscellaneous, B. Termination (page 12) with the clause from the 9-1-1 Act and explained. He questioned what happens should we terminate and what happens to the 18% of the revenue. He said that the City needs a "snap back" position that ensures that that revenue stream is not in any way disrupted and that the agreement is currently silent on that issue and to make sure that the City is not ostensibly prevented from opting out because of the revenue issue. Discussion followed. Mayor Strazdas asked the Administration to provide suggestions to Mayor Pro Tem Pearson and Councilmember Reid for the Tuesday, July 15, 2014 Meeting. Mr. Brown indicated that of all of the provisions in the Agreement, the Termination Provision needs a lot of work in order for Portage to withdraw at certain stages without using the statutory ways of getting out. Discussion followed.

Councilmember Ford asked whether a blended rate was possible considering the population plus the number of 9-1-1 calls. Councilmember Ansari asked that the blended rate itself be broken down to see how it was derived.

Mayor Pro Tem Pearson expressed a concern with the overlap between the Technical Advisory Committee and the Authority owing to the issue of fiscal control and explained. Nowhere in the Agreement are there requirements that there be people with management experience and explained that if Portage had two representatives, one would be an elected official, but the other would be someone with managerial experience outside the EMS, Police or Fire realms. Discussion followed.

Councilmember Urban indicated his preference that the business expertise comes from the Executive Director. He also expressed a concern that the County is more represented than the other entities with a member of the County Board of Commissioners and the representative of the County PSAP, which is the Sheriff. Discussion followed.

Councilmember Reid asked, "When there is a need to be able to add other townships, is there a need to have a process or method to allow them to join?" Councilmember Urban referred to the 1988 Agreement wherein all of the Townships are considered under the Kalamazoo County PSAP and discussion followed.

Mayor Pro Tem Pearson added the Kalamazoo Medical Authority as a third County entity making the County even more represented than the other entities. He noted that that person is on the Technical Committee which is very appropriate, but why is that person also on the Authority? Discussion followed.

Acting City Manager Shaffer recognized the importance of having a management perspective, but reminded City Council that there are times when the opinion of a Medical expert is welcomed, especially as the Board develops and the need for the opinion becomes more necessary. Discussion followed.

Councilmember Reid expressed a concern that when it comes to the hiring process, the Agreement sometimes reads Board, sometimes reads Authority or sometimes reads Director.

Councilmember Urban pointed out that "The term of appointment shall be determined by each appointing authority" and "The term of appointment for the members shall be determined by each recommending authority" need clarification of the word, "authority" as it is confusing. Discussion followed.

Councilmember Reid expressed a concern that nowhere is there mentioned a time line or milestones since the citizens of Portage will pay \$300,000 per year to consolidate and the focus should be to expedite the plan. Discussion followed.

Mayor Strazdas brought up the idea of setting aside the money as it comes in and watch the hiring process and staffing level closely in the developmental stage. Discussion followed.

Councilmember Urban questioned the fixed dollar figures throughout the Agreement and not a percentage of the collection in an Agreement that is set to last a long time, and asked about 7: MISCELLANEOUS C. Distribution of Assets, "all assets accumulated by the Authority shall be distributed pro rata, on the basis of contribution, to the then Parties of the Agreement" as the basis of the term "contribution" needed to be defined better, whether it is device fees paid by the citizens, population, or calls, for example. He indicated that there is no discussion of time lines or even the mechanism to move things forward; there were assumptions that if the Kalamazoo County Board voted to allow Kalamazoo County Administrator Peter Battani to sign this, is that a vote for the 42 cent fee, so this language may have to be changed because it is tantamount to telling a Commissioner how to vote.

He is not sure what 6: FISCAL ADMINISTRATION B. Alternative Funding Plan is obligating the City Council to do because it could mean the funds come from the General Fund, for example; also, there is nothing about the Operational Plan, such as the transfer of assets. Discussion followed.

Mayor Strazdas summed up and discussed the four general areas of:

- Termination Clause.
- Representation on the Authority.
- Time line and mechanism for “off-ramp.”
- What happens to all of this money? Will it be set aside for a future “leap” and a reasonable amount of money should be set aside for staffing.

Discussion followed.

City Commissioner Jack Urban said it is good that City Council is seeking clarity since the threat of Portage leaving is going to keep the Authority on task; also, since it is going to be a countywide thing, he asked City Council to not get concerned with the make-up of the Board of Directors because it should be the same for all citizens in the County.

Kalamazoo County Commissioner John Zull did not get a sense that City Council wanted to make a decision of whether you are on board with at least with the planning of consolidated dispatch. Mayor Strazdas responded that there are not enough rules yet to properly design the Plan. Discussion followed.

Mayor Strazdas thanked City Council for coming together and identifying four to six issues.

**ADJOURN:** Mayor Strazdas adjourned the meeting at 6:07 p.m.

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James R. Hudson, City Clerk

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

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-Beginning in 1991, South Westnedge Park (former landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeology Corporation (AHC) 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. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. <i>Current methane readings have been below detection levels.</i></p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -Review of 5 site/building plans and/or plats completed in June 2014.</p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-Sanitary sewer hookup permits issued in June 2014: 8 residential; 0 commercial.</p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. 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.</p>

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 performed in June 2014, and will continue in the fall.*

**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. *Sampling completed in June 2014, with results pending.*

**National Pollution Discharge Elimination System (NPDES) Permit Implementation**

**Five year plan to implement the current NPDES stormwater permit.**

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

**National Pollution Discharge Elimination System (NPDES) Permit Implementation**

**Kalamazoo River Mainstream Watershed Management Plan**

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

**Portage River Watershed Management Plan**

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation

plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the 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 Conversation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. *Next meeting scheduled for July 2014.*

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP) Storm Sewer Outfall Testing.

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Two potential illicit discharges were investigated with MDEQ in February 2012. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. 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. Re-grading 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 June – 1. Number of environmental cleanups in June – 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.