



PLANNING COMMISSION

November 6, 2014

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

November 6, 2014
(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * October 2, 2014

SITE/FINAL PLANS:

- * 1. Site Plan: Airway Lanes (Ropes Course), 5626 Portage Road

PUBLIC HEARINGS:

- * 1. Active Home Occupation Permit (Strautkalns), 6820 Lovers Lane
- * 2. Preliminary Report: Rezoning Application #14/15-2, 4713 and 4707, West Milham Avenue

OLD BUSINESS:

NEW BUSINESS:

1. Planning Commission Training – Roles and Responsibilities
-- Adjourn to Conference Room No. 1

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

September 8, 2014 Zoning Board of Appeals meeting minutes
September 9, 2014 City Council regular meeting minutes
September 17, 2014 City Council special meeting minutes
September 18, 2014 City Council special meeting minutes
September 23, 2014 City Council regular meeting minutes
October 7, 2014 City Council regular meeting minutes
September 2014 Summary of Environmental Activity Report

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

PLANNING COMMISSION

October 2, 2014

DRAFT

The City of Portage Planning Commission meeting of October 2, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 12 citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

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

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the September 18, 2014 meeting minutes contained in the agenda packet. Commissioners Dargitz, Felicijan and Bosch indicated they were not present at this meeting and would be abstaining. A motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 5-0-3 with Commissioners Dargitz, Felicijan and Bosch abstaining.

SITE/FINAL PLANS:

1. Revised Site Plan/Request to Exceed Maximum Parking Provision: Latitude 42, 7842 and 7908 (portion thereof) Portage Road. Mr. West summarized the staff report dated September 26, 2014 regarding a request by Mike and Ruth Stoddard to expand a previously approved parking lot and exceed the maximum parking provision of the Zoning Code. Mr. West summarized the previous 2012 and 2013 approvals granted for Latitude 42 including the September 20, 2012 site plan approval that also included authorization from the Planning Commission to exceed the maximum parking provision of the Zoning Code and construct a total of 100 parking spaces. Since construction of the Latitude 42 micro-brewery/restaurant in 2013, Mr. West stated the owner has determined the previously approved 100 parking spaces is inadequate to serve the development. In conjunction with the revised site plan, Mr. West indicated the applicant has also submitted a written request and supporting documentation to exceed the maximum parking provision of the Zoning Code to allow a total of 131 parking spaces to serve the development project.

Mr. Mike Stoddard (owner/applicant) and Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant engineer) were present to support the revised site plan and request to exceed the maximum parking provision of the Zoning Code. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the Revised Site Plan and request to Exceed the Maximum Parking Provision and construct a total of 131 parking spaces for Latitude 42, 7842 and 7908 (portion thereof) Portage Road. The motion included a finding that the additional parking spaces are necessary to support the use and will not adversely impact the subject property, surrounding properties or related natural features. The motion was unanimously approved 8-0.

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2. Final Plan: 1st Source Bank, 2301 West Centre Avenue. Mr. Forth summarized the staff report dated September 26, 2014 regarding a request from Hebard & Hebard, on behalf of 1st Source Bank, to construct a 3,000 square foot bank building and associated site improvements along the northwest portion of 2301 West Centre Avenue. Mr. Forth stated the bank project represents the second development within the Oakland Hills at Centre Planned Development. Mr. Forth reviewed past tentative plan approvals for the overall development and specific aspects of the final plan including access, storm water management and sidewalk installation. Mr. Forth stated the final plan has been designed in substantial conformance with the approved tentative plan/narrative and was recommended for approval.

Mr. Greg Dobson of American Village Development was present to support the application and explain the development history of the Oakland Hills at Centre Planned Development. Mr. Dobson introduced the development team including representatives of 1st Source Bank. Commissioner Dargitz asked when the residential portion of the planned development would begin. Mr. Dobson stated that construction of the residential component of the development was closely tied to completion of the Oakland Hills Planned Development to the south. Mr. Dobson indicated an amendment to the previously approved tentative plan involving the residential component of the development would likely be submitted to the Planning Commission for consideration within the next 6-9 months. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to recommend to City Council that the Final Plan for 1st Source Bank, 2301 West Centre Avenue, be approved. The motion was unanimously approved 8-0.

3. Site Plan: Kenco Development, 6501 Portage Road. Chairman Welch briefly explained a potential conflict of interest associated with this application and indicated he would recuse himself from discussion and voting on this site plan agenda item. Mr. Forth introduced the item and summarized the staff report dated September 26, 2014 regarding a request by Scannell Properties to construct an approximate 300,000 square foot, 48-foot tall warehouse/distribution facility and associated site improvements along the northern approximate 39 acres of 6501 Portage Road. Mr. Forth discussed various aspects of the project including access, roadway improvements planned to Portage Road (left-turn lane and right-turn deceleration lane), Federal Aviation Authority (FAA) approval and storm water management. Mr. Forth also discussed the presence of mature tree lines along the west, south and east sides of the development site and the applicant's commitment to preserve these tree lines to screen the outside trailer storage/parking area and the loading/unloading docks.

Mr. Alan Smaka of Wightman & Associates (applicant engineer) was present to support the application and explain the development project. Mr. Smaka introduced the development team including representatives of Kenco Development. Mr. Smaka discussed the pending Michigan Department of Transportation grant application for the roadway improvements and also confirmed the applicant's commitment to preserve the mature trees lines present along the west, south and east sides of the site. After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Site Plan for Kenco Development, 6501 Portage Road, subject to retention of the mature tree lines along the west, south and east sides of the site. If the tree lines are damaged or removed during or after construction, replacement will be required. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

1. Final Report: Rezoning Application #15-1, 6291 South 12th Street. Mr. West summarized the final staff report dated September 26, 2014 regarding a request from Pinefield, LLC to rezone 6291 South 12th Street from R-1B, one family residential to R-1T, attached residential. Mr. West indicated the rezoning would facilitate future expansion of the Pinefield Townhomes development project. Mr. West discussed the surrounding land use/zoning designation of adjacent properties, Comprehensive Plan and Future Land Use Map designations for the subject property and surrounding properties and stated the proposed R-1T zone was consistent with these designations.

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Bob Deppe (applicant/owner) was present to support the proposed rezoning application. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning application. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0. A motion was then made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that Rezoning Application #15-1 be approved and 6291 South 12th Street be rezoned from R-1B, one family residential to R-1T, attached residential. The motion included a finding that the proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

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

TO: Planning Commission**DATE:** October 30, 2014**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Site Plan for Airway Lanes (ropes course), 5626 Portage Road.**I. INTRODUCTION:**

A site plan has been submitted by Mr. Marc Wiese, on behalf of Airway Lanes, to construct an outdoor climbing structure (ropes course) along the east side of the existing Airway Lanes facility located at 5626 Portage Road. The climbing structure will be a maximum of 35-feet in height and occupy an approximate 1,600 square foot area within the existing parking lot, between the outdoor miniature golf course and the Airway Lanes building. The 12 parking spaces currently located along the east side of the building will be eliminated and this area will be gated to prevent vehicular traffic. The approximate 7.0 acre zoning lot is zoned B-3, general business and situated along the west side of Portage Road, opposite the Kalamazoo/Battle Creek International Airport.

Due to the proximity of the climbing structure from the Kalamazoo/Battle Creek International Airport, an analysis of hazard to air navigation is required by the Federal Aviation Administration (FAA). The applicant has submitted a request to the FAA for review and approval of the proposed climbing structure, however, the height identified in the original request was inadvertently referenced as 32-feet tall (35-foot tall structure proposed). The FAA reviewed this original request and determined that the proposed 32-foot tall structure would not pose a hazard to air navigation and the Michigan Aeronautics Commission (MAC) subsequently approved a tall structure permit with the requirement that the structure include obstruction marking and red lighting in accordance with FAA guidelines. The applicant has since contacted the FAA to request a revised determination for construction of the climbing structure to a maximum height of 35-feet. While the applicant expects this revision to be approved, FAA determination of this revised request was still pending at the time of report preparation.

Parking for the overall Airway Lanes entertainment facility (bowling alley, restaurant, game room/arcade, outdoor go-cart track and miniature golf course) was reviewed and discussed by the Commission during the 2007 site plan approval for the miniature golf course addition. Given the accessory and seasonal nature of the uses, the applicant provided information regarding actual parking demand and need. Construction of the ropes course will result in the loss of 12 existing parking spaces located along the east side of the building. A total of 320 parking spaces will remain to serve the Airway Lanes entertainment facility which the applicant indicates will be adequate for the facility. According to the applicant, the peak period for the bowling alley use is September 1st through April 15th with approximately 1,200 league bowlers, compared to approximately 300 league bowlers the remainder of the year. Comparatively, the peak time for the seasonal/outdoor uses (miniature golf, go-cart track, ropes course) is June 1st through September 1st. Access to the site will continue through the existing full service driveway along Portage Road, and shared/cross access arrangements with the adjacent parcels to the north will continue.

II. RECOMMENDATION:

The site plan has been reviewed by the City Administrative departments. Staff recommends the site plan for Airway Lanes (ropes course), 5626 Portage Road, be approved subject to the following conditions:

- 1) The climbing structure not exceed 35-feet in height.
- 2) FAA/MAC approval of the 35-foot tall climbing structure prior to issuance of building permits.

Attachment: Aerial Photo Map
Site Plan
Ropes Course Information (rendering, elevation, plan view, photographic example)
FAA Determination of No Hazard and MAC Tall Structure Permit (proposed 32-foot structure)

s:\commdev\2014-2015 department files\board files\planning commission\pc reports\site plans\airway lanes (ropes course), 5626 portage road - sp.doc



Subject Properties

YELLOW BRICK RD

PORTAGE RD

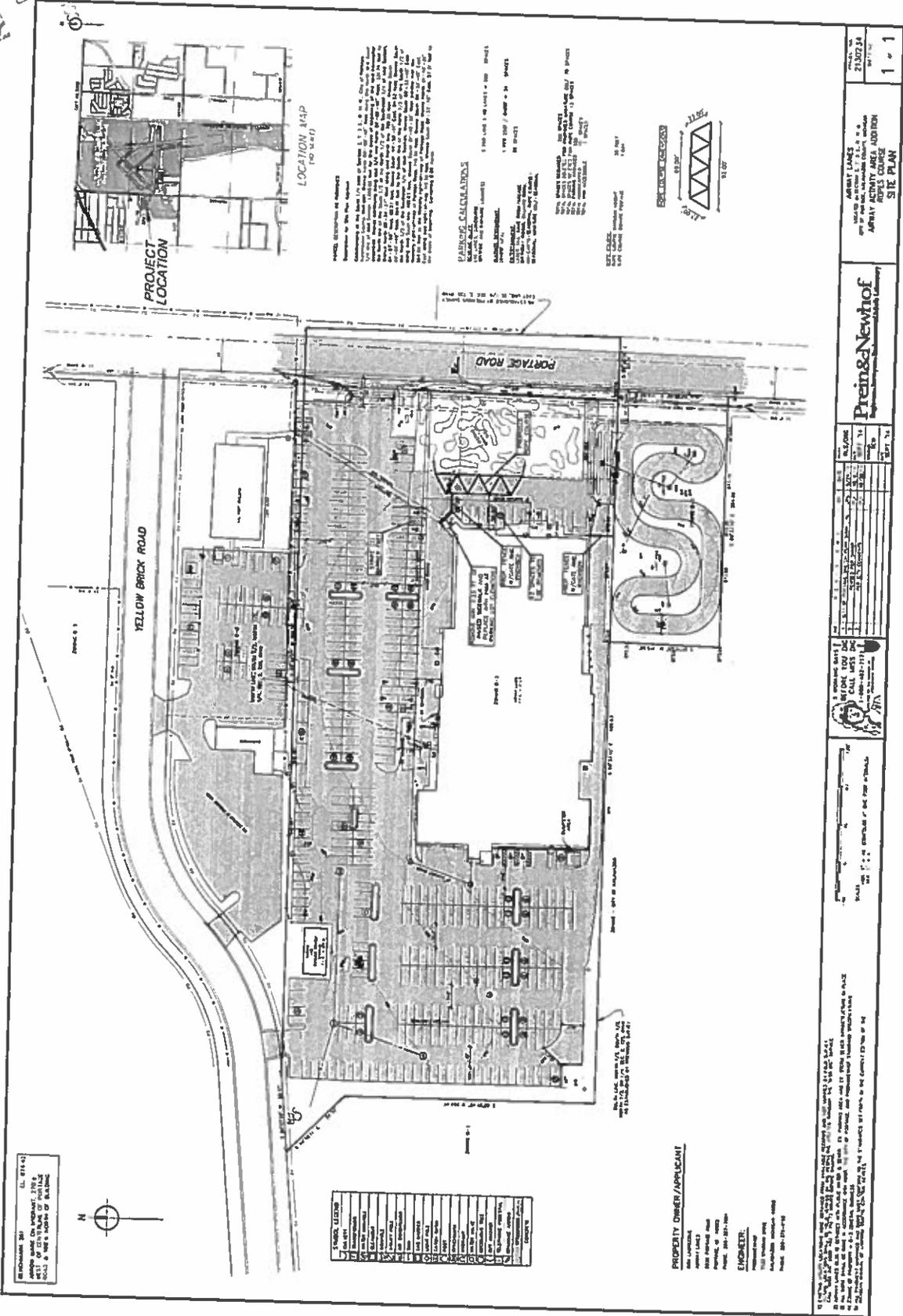
City of Kalamazoo

Aerial Photography 5626 Portage Road



1 inch = 100 feet

RECEIVED
 OCT 3 2011
 ENGINEERING DEPARTMENT

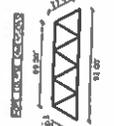


NOTED: DESCRIPTION OF WORK
 Addition to the Abmay Activity Area of 11,111 sq. ft. of building space, including parking, site work, and site improvements.

PAVING CALCULATIONS
 1,000 sq. ft. of 1/2" ASPHALT = 100 SQUARE FEET
 1,000 sq. ft. of ASPHALT = 24 SQUARE FEET

ESTIMATED COSTS
 1,000 sq. ft. of ASPHALT = \$10,000
 1,000 sq. ft. of ASPHALT = \$2,400

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.



ENCLOSURE NO. 1
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

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8	ISSUED FOR PERMIT	10/3/11
9	ISSUED FOR PERMIT	10/3/11
10	ISSUED FOR PERMIT	10/3/11

PROPERTY OWNER/APPLICANT
 NAME: [Redacted]
 ADDRESS: [Redacted]
 CITY: [Redacted]
 STATE: [Redacted]
 ZIP: [Redacted]

ENGINEER
 NAME: [Redacted]
 ADDRESS: [Redacted]
 CITY: [Redacted]
 STATE: [Redacted]
 ZIP: [Redacted]

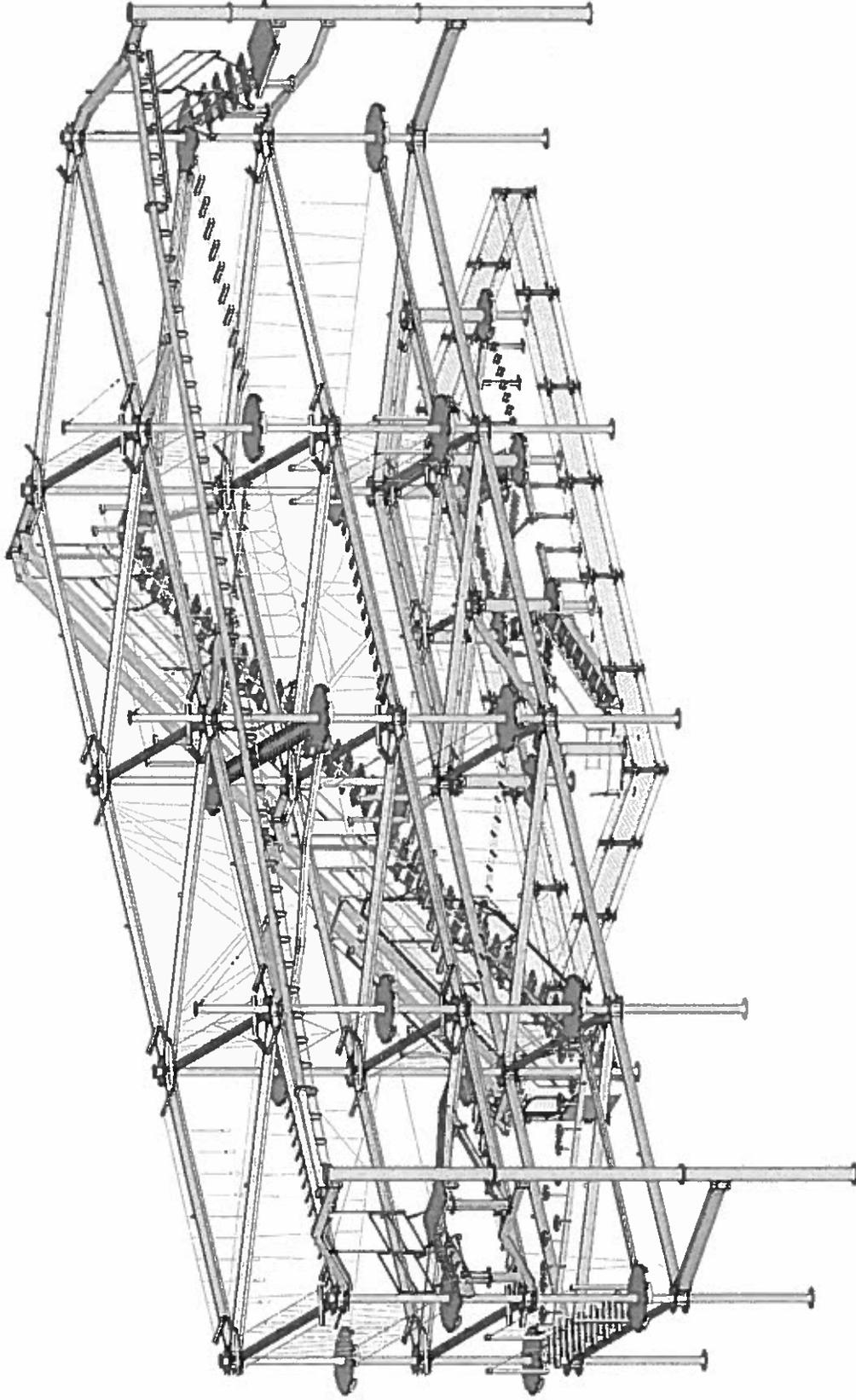
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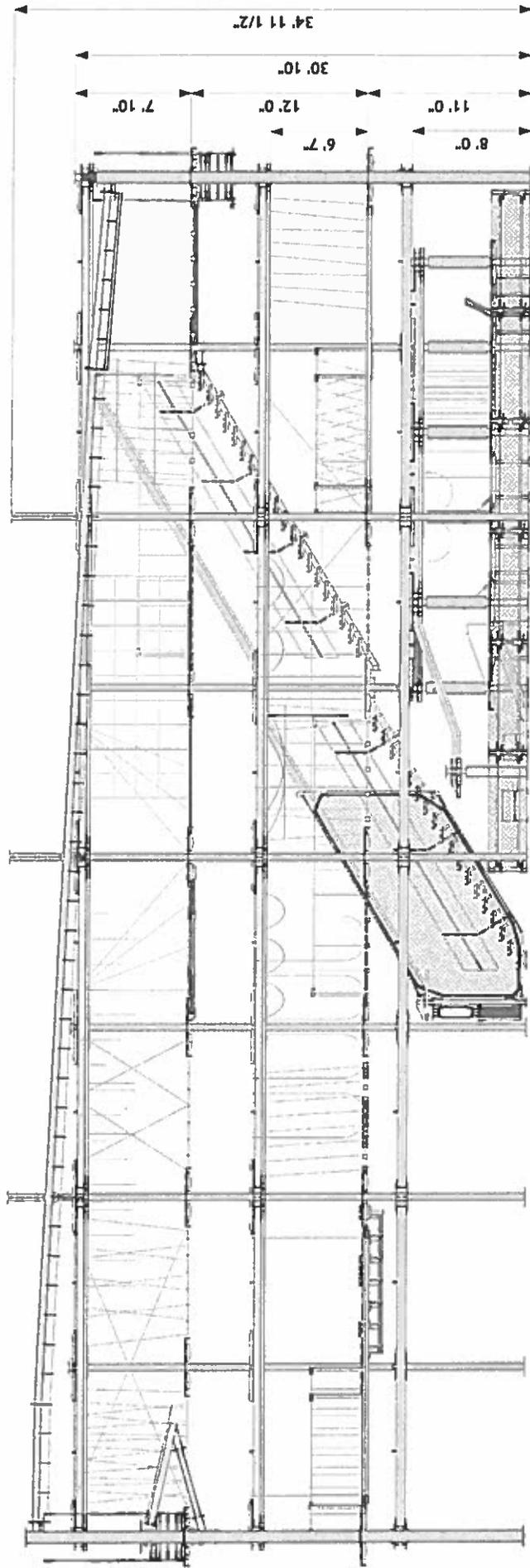
PROJECT NO. 2130234
 SHEET NO. 1 of 1
 ABMAY ACTIVITY AREA ADDITION
 SITE PLAN



NOTES:

- ROPES COURSE COLORS TBD
- COURSE PICTURED MAY CONTAIN CUSTOM COMPONENTS
- FINAL COURSE DESIGN SUBJECT TO ENGINEERING
- ROPE/BAM ELEMENTS SHOWN MAY VARY FROM THOSE RECEIVED
- FIELD VERIFY ALL DIMENSIONS, HEIGHTS, AND CLEARANCES PRIOR TO ENGINEERING

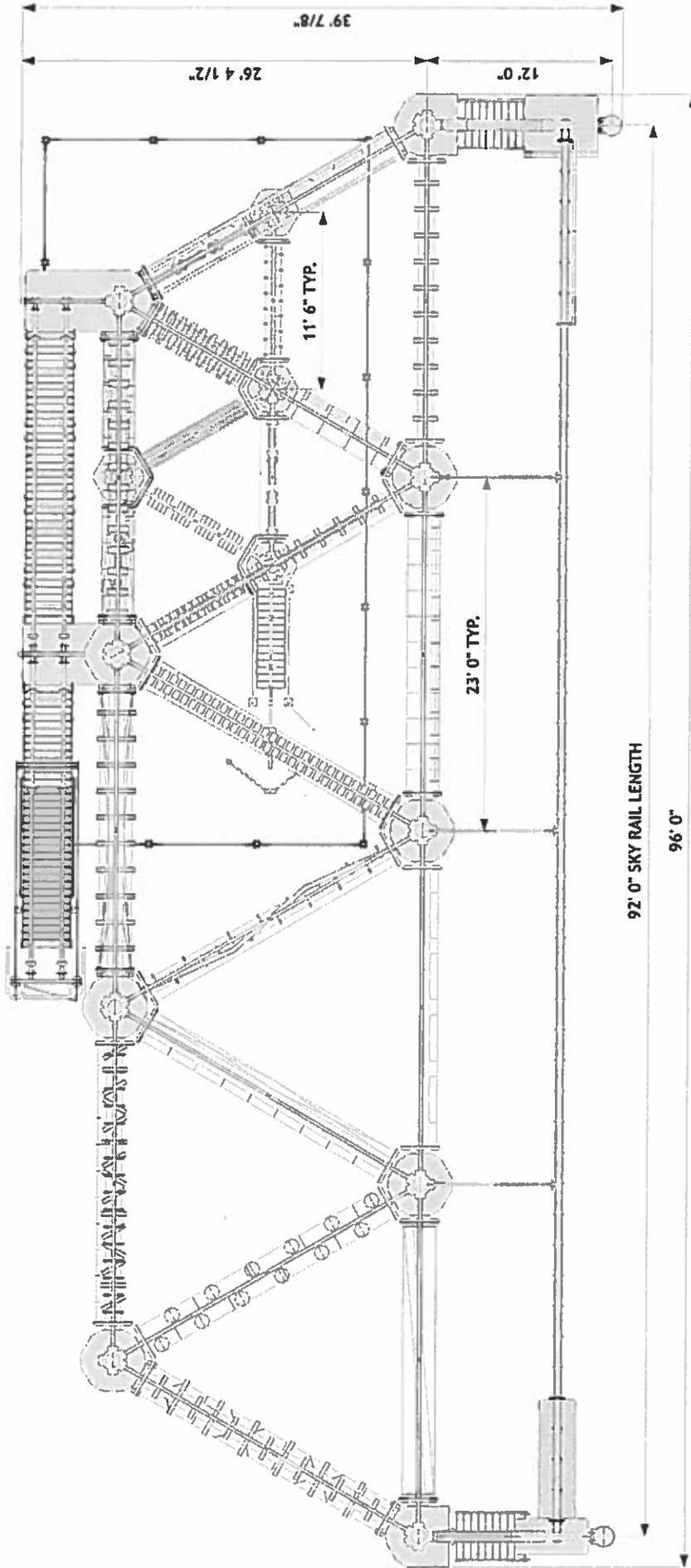
10.30.14
AIRWAY LANES
9 POLE NAVIGATOR



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10.30.14
AIRWAY LANES
9 POLE NAVIGATOR

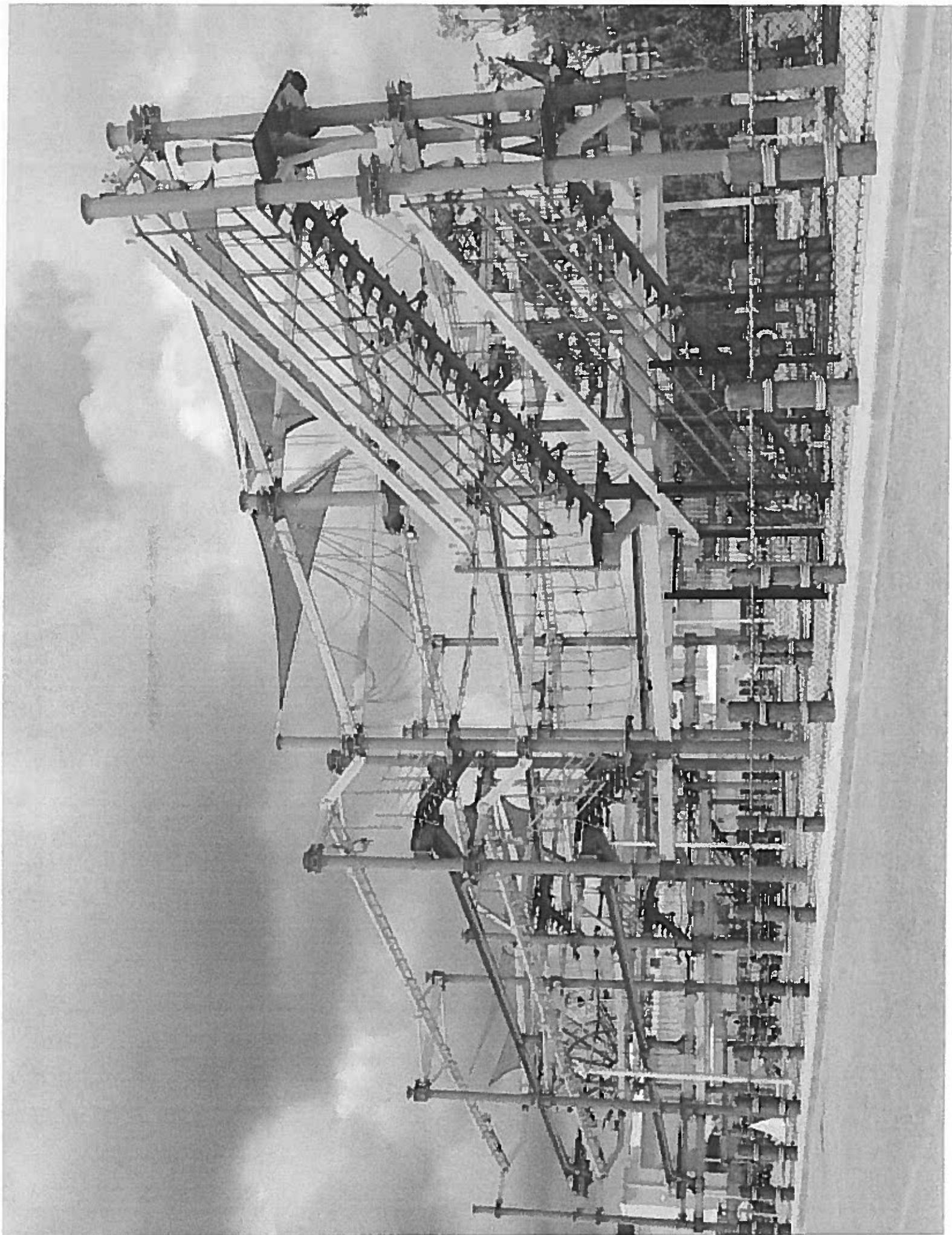


10.30.14
 AIRWAY LANES
 9 POLE NAVIGATOR

ROPE COURSE COLORS TBD
 COURSE PICTURED MAY CONTAIN CUSTOM COMPONENTS
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 FIELD VERIFY ALL DIMENSIONS, HEIGHTS, AND CLEARANCES PRIOR TO ENGINEERING

NOTES:







Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2014-AGL-8681-OE

Issued Date: 09/09/2014

Mr. Marc Wiese
 Airway Fun Center
 5626 Portage Road
 Portage, MI 49002

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Metal Poles to Support Ropes Course
 Location: Kalamazoo, MI
 Latitude: 42-14-06.38N NAD 83
 Longitude: 85-33-38.77W
 Heights: 873 feet site elevation (SE)
 32 feet above ground level (AGL)
 905 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Any height exceeding 32 feet above ground level (905 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 03/09/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.

- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 09, 2014. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 19, 2014 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Fred Souchet, at (847) 294-7458. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-AGL-8681-OE.

Signature Control No: 224102219-228986457

(DNH)

John Page

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

Additional information for ASN 2014-AGL-8681-OE

Abbreviations:

VFR - Visual Flight Rules AGL - Above Ground Level RWY - runway
IFR - Instrument Flight Rules MSL - Mean Sea Level nm - nautical mile

AERONAUTICAL STUDY NO. ASN(s): 2014-AGL-8681-OE, 2014-AGL-8682-OE, 2014-AGL-8683-OE, 2014-AGL-8684-OE & 2014-AGL-8685-OE.

2. OBSTRUCTION STANDARDS EXCEEDED:

Section 77.17(a)(3) - (TERPS criteria); would penetrate the Kalamazoo / Battle Creek International (AZO) Airport, MIN RWY 23 & RWY 27 (40:1) departure surface in the Initial Climb Area (ICA) by less than 35 feet.

3. EFFECTS ON AERONAUTICAL OPERATIONS:

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR follows:

Study for possible VFR effect disclosed that the proposed would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The structure is located within the traffic pattern airspace for Aircraft Categories A and B utilizing RWY 23 & RWY 27 however, at the proposed AGL, the structure would not exceed the altitudes protected for operations conducted within the AZO traffic pattern and would not have a substantial adverse effect on VFR en route flight operations.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR follows:

The proposed structure height would not require an increase in the existing published departure climb gradient, nor would it require an increase in departure weather minimums. It qualifies as a 'low close-in' obstacle and upon receipt from the sponsor of the 7460-2 Part 1, a note will be added to the 'Take-off Minimums and (Obstacle) Departure Procedures in the U.S. Terminal Procedures publication. Therefore, aeronautical study disclosed that the proposed structure would have no significant effect on any existing or proposed arrival or en route IFR operations or procedures.

c. The impact on all planned public-use airports and aeronautical facilities as follows:

Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposed structure affect the capacity of any known existing or planned public-use or military airport.

d. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures follows: The cumulative impact of the proposed structure, when combined with other proposed and existing structures, is not considered to be significant.

4. CIRCULATION AND COMMENTS RECEIVED:

The proposal was not circularized for public comment. The FAA airspace evaluation has found that the adverse effect of this structure is known and it is determined the proposal would not create substantial adverse

effect on aeronautical operations or lessen the utility of the navigable airspace overlying the site. Similarly situated structures exist in the area. This does not affect the public's right to petition for review determinations regarding structures which exceed the subject obstruction standards.

5. DETERMINATION - NO HAZARD TO AIR NAVIGATION:

It is determined that the proposed power line pole would not have a substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.

6. BASIS FOR DECISION:

The proposed would exceed the Part 77 obstruction standard; however, the proposed structure height would not require an increase in the existing IFR published departure climb gradient, nor would it require an increase in departure weather minimums. The proposal would not exceed the altitudes protected for VFR operations conducted in the traffic pattern airspace area for AZO Airport.

Therefore, it would not conflict with airspace required to conduct normal IFR/VFR operations at the AZO Airport, or any other known public use or military airports and does not have a significant impact on aeronautical operations.

7. CONDITIONS:

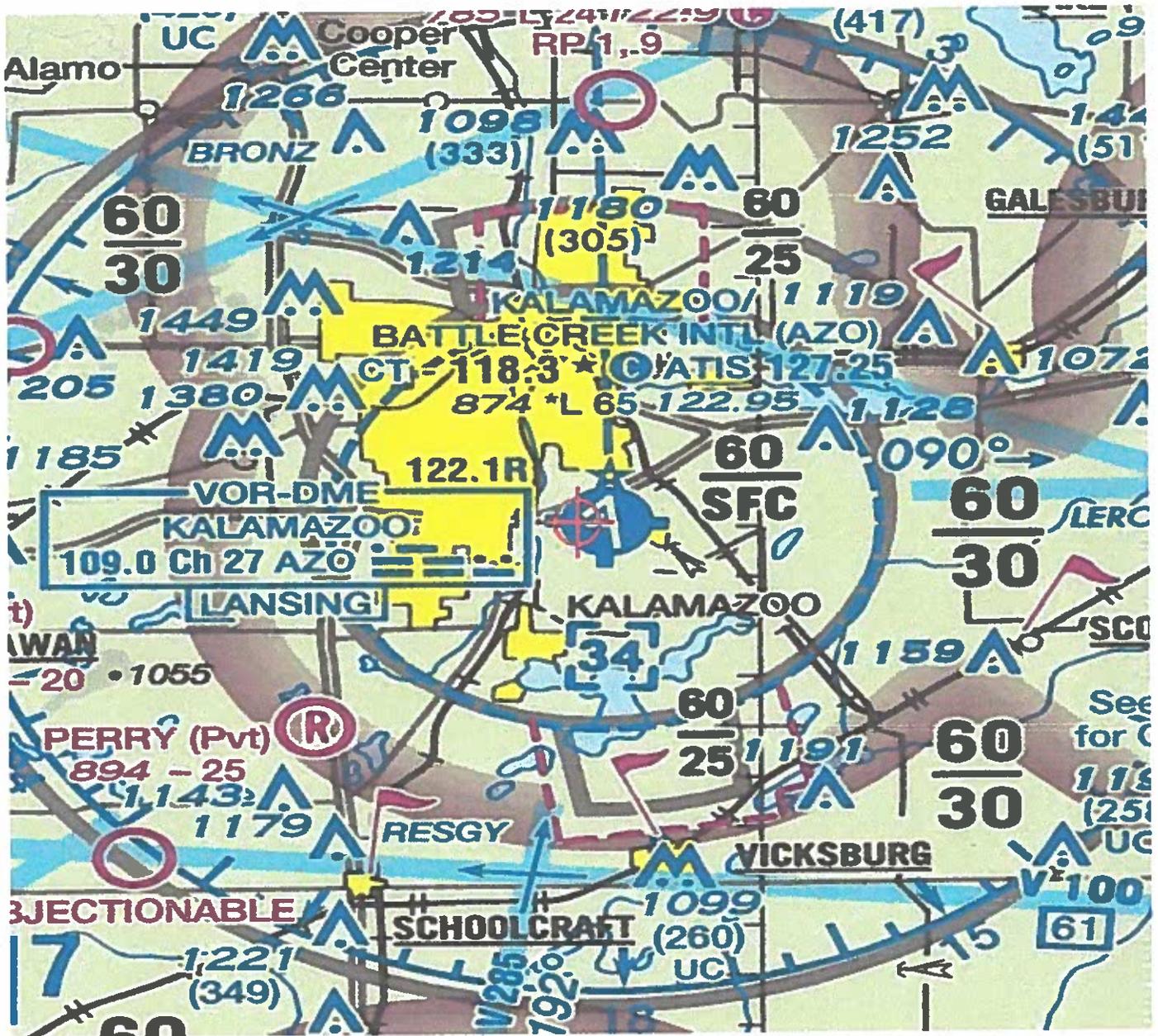
At least 10 days prior to construction the proponent is required to file Part I of the FAA form 7460-2.

Within five days after the structure reaches its greatest height, proponent is required to file Part II of the FAA form 7460-2.

This Actual Construction notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national database.

The structure is to be marked/lighted in accordance with FAA Advisory Circular 70/7460-1 K Change 2 Obstruction Marking and Lighting red lights - Chapters 4,5(red) & 12.

Sectional Map for ASN 2014-AGL-8681-OE



AERONAUTICS COMMISSION

Roger Salo, Chairperson
Rick Fiddler, Vice Chair
Pete Kamarainen
J. David VanderVeen
Russell A. Kavalhuna
Capt. Mike Caldwell
Brigadier General Len Isabelle
Laura Mester
Scott Heather
Mike Trout, Director

STATE OF MICHIGAN

Rick Snyder, Governor

Michigan Department of Transportation

2700 Port Lansing Rd Lansing, MI 48906
Phone: 335-9258 Fax: 886-9836
Mike Trout, Director - MAC

RECEIVED**OCT 20 2014****COMMUNITY DEVELOPMENT****Tall Structure Permit**

October 20, 2014

Michigan's Tall Structure Act (Act 259, P.S. 1959, as amended by Act 296 P.A. 1986), places authority for review of construction proposals which may affect Michigan airspace with the Michigan Aeronautics Commission (MAC). The Michigan Aeronautics Commission has delegated its authority for airspace reviews and approvals to the Michigan Department of Transportation's Office of Aeronautics.

The Office of Aeronautics has conducted a review of the following proposal:

FAA Airspace Case Number: 2014-AGL-8681-through-8685-OE
Structure Type: Other w/o Antenna
Height Above Ground: Various, See Attached
Top Elevation: Various, See Attached
Associated Airport: Kalamazoo/Battle Creek Intl
Geographic Coordinates: Various, See Attached

Please note that:

1. This permit expires on Tuesday, October 20, 2015.
2. Obstruction marking and lighting is required as described by FAA Advisory Circular AC 70/7460-1K.
3. Changes to this proposal which increase its top elevation or location will INVALIDATE this PERMIT. Please advise the Office of Aeronautics of any modifications immediately.
4. If a Notice of Actual Construction (Form 7460-2) is sent to the FAA, please send a copy to the Office of Aeronautics.
5. This permit, issued in accordance with the Michigan Tall Structure Act (Act 259 of 1959), concerns the effect of this proposal on air navigation and does not relieve the proponent of any compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Under the authority of the Tall Structures Act, this PERMIT is issued to:

Airway Fun Center
Attn: Mr Marc Wiese
5626 Portage Road
Portage, MI 49002

I can be contacted at telephone number 517-335-9418 or email address rathbunm@michigan.gov if you have any questions or comments.

Handwritten signature of Shelly Rathbun in cursive.

MS. Shelly Rathbun
Airspace Specialist
Office of Aeronautics

ASN	M/L	AGL	SE	AMSL	Latitude	Longitude
2014-AGL-8681-OE	Red lights	32	873	905	42-14-06.38N	85-33-38.77W
2014-AGL-8682-OE	Red lights	32	872	904	42-14-06.48N	85-33-38.34W
2014-AGL-8683-OE	Red lights	32	873	905	42-14-05.57N	85-33-38.37W
2014-AGL-8684-OE	Red lights	32	873	905	42-14-05.57N	85-33-38.53W
2014-AGL-8685-OE	Red lights	32	873	905	42-14-05.69N	85-33-38.80W

TO: Planning Commission

DATE: October 30, 2014

FROM: Vicki Georgeau, ^hDirector of Community Development

SUBJECT: Active Home Occupation Permit (Adela Strautkalns), 6820 Lovers Lane

I. INTRODUCTION:

An application has been submitted by Adela Strautkalns requesting an Active Home Occupation Permit to establish an approximate 132 square foot sales office within a portion of her single family residence located at 6820 Lovers Lane. The sales office serves the adjacent Lovers Lane Storage & U-Haul Rental facility located immediately to the north at 6800 Lovers Lane, which is also owned by Ms. Strautkalns. As information for the Commission, the applicant reports that she has been operating a sales office from her residence since construction of the original Lovers Lane Storage facility building in 2002. This sales office was made more accessible with construction of a door and stairs along the north side of the residence in 2009 when the Lovers Lane Storage facility was expanded and the U-Haul Rental use was added. City staff became aware of the sales office in 2014 when reviewing a request to build a storage room addition along the southeast side of the residence.

The following background information regarding the location and surrounding area is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • <u>Subject Site</u>: Nonconforming single-family residence (approximately 2,102 square feet with walkout basement) and an attached 514 square foot garage zoned I-1, light industry. • <u>North</u>: Lovers Lane Storage & U-Haul Rental facility (6800 Lovers Lane) zoned I-1, light industry • <u>West/South</u>: Vacant land and Gernaat Court (private street) zoned I-1, light industry • <u>East</u>: Across Lovers Lane, vacant land zoned I-1, light industry and R-1B, one family residential.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map of the Comprehensive Plan identifies the subject site along with surrounding properties to the north, west and south as appropriate for general industrial land use. Properties located to the east, across Lovers Lane, are designated for research, development & technology land use.
Access	<ul style="list-style-type: none"> • Access to the subject site (6820 Lovers Lane) will be provided through the existing residential driveway from Lovers Lane. Access to the site is also provided through the existing commercial driveway located on the adjacent Lovers Lane Storage & U-Haul Rental property to the north (6800 Lovers Lane).
Environmental Issues	<ul style="list-style-type: none"> • A review of the City of Portage Sensitive Land Use Inventory Map, does not identify any environmentally sensitive areas (100-year floodplain, wetlands) on or near the subject property.
Land Development Regulations	<ul style="list-style-type: none"> • Section 42-129.B, <i>Active home occupations, subject to several conditions.</i>
Historic District/ Structure	<ul style="list-style-type: none"> • The subject site is not located within a historic district and does not contain any historic structures.

II. PROPOSED ACTIVE HOME OCCUPATION:

As indicated in the application materials, the applicant/homeowner will be the only employee working from the single family residence. The approximate 132 square foot in-home office (previously a bedroom) will serve as the sales and manager's office for the adjacent Lovers Lane Storage & U-Haul Rental facility located on the adjacent parcel to the north (6800 Lovers Lane), which is also owned by Ms. Strautkalns. The sales office includes a desk, chairs, computer, phone, filing cabinets and a video security monitoring system. When necessary for signing lease/rental agreements and key drop-off, customers of the adjacent Lovers Lane Storage & U-Haul Rental facility access the sales office through the existing commercial driveway located on the 6800 Lovers Lane parcel where a small parking area is located along the southeast portion of the site. A concrete sidewalk and stairs connect this small customer parking area to the sales office located along the northern portion of the residential structure.

III. ANALYSIS:

In March 2011, the City Council approved an amendment to Section 42-129, Home Occupations of the Zoning Code that expanded opportunities for residents to operate home-based businesses. The ordinance amendment established two categories of home occupations: 1) Passive Home Occupations that are low impact home-based businesses permitted by right in all residential dwelling units; and 2) Active Home Occupations that represent more intensive home-based businesses which may be allowed subject to a public hearing and Planning Commission review/approval. In order to minimize impacts on adjacent properties and to determine the appropriateness of the use in a single family residential district, the Active Home Occupation ordinance includes several provisions that must be considered by the Planning Commission. A summary of these requirements along with an analysis of the proposed active home occupation is provided below.

- 1) *No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot. The Planning Commission may allow two full-time non-occupant employees upon request.*

The applicant/homeowner will be the only employee of the proposed active home occupation.

- 2) *Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home occupation.*

As indicated in the application materials, the sales office occupies only 132 square feet of the 2,102 square foot residential structure.

- 3) *There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.*

Previously completed interior and exterior alterations along the northern portion of the structure do not change the residential character of the nonconforming single family residence.

- 4) *Off-street parking provided for the active home occupation shall be provided on an improved driveway.*

Customer parking is provided along the southeast portion of the adjacent Lovers Lane Storage & U-Haul facility parcel (6800 Lovers Lane) with access provided from the existing full service commercial driveway from Lovers Lane. The residential driveway from Lovers Lane that serves the single family residence (6820 Lovers Lane) is not utilized for customer/client parking, but has sufficient parking spaces available, if necessary.

- 5) *No goods or products shall be directly sold or delivered to customers on the premises of the one-family dwelling except goods and products which are incidental to the services of the home occupation.*

No goods or products are sold or delivered in conjunction with the active home occupation. U-Haul vehicles and equipment and self-storage units on the adjacent parcel to the north are rented from the home office.

- 6) *Storage of materials, equipment and goods which are incidental to the services of the home occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of the completely enclosed accessory building.*

Office related supplies and equipment associated with active home occupation are stored within the 132 square foot sales office.

- 7) *The active home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.*

The applicant will not conduct any portion of the active home occupation outdoors or within an attached or detached accessory building.

- 8) *Materials, equipment and goods shall not be visible from adjacent properties.*

Supplies and equipment associated with active home occupation will not be stored outdoors on the property or otherwise visible from adjacent properties.

- 9) *There shall be no sign of any nature identifying the home occupation except non-illuminated wall signage (maximum of six square feet) identifying the name of the home occupation may be affixed to the one-family dwelling unit. The use of window displays are not permitted.*

A six square foot "U-Haul Rentals" sign is affixed to the stairs along the north side of the residential structure. This sign is not visible from Lovers Lane and can only be seen by customers within the adjacent Lovers Lane Storage & U-Haul facility.

- 10) *The active home occupation shall not produce or generate excessive or undue noise, odors, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property.*

The active home occupation will not produce any nuisances that cause negative effects on surrounding properties.

- 11) *The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:*

- a. *Promotes the intent and purpose of this section;*
- b. *Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:*
 - i. *The proximity of the surrounding uses to the active home occupation;*
 - ii. *The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;*
 - iii. *The seasonal nature of the active home occupation;*

- iv. The size and weight of vehicles to be used in the active home occupation; and*
- v. The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;*
- c. Does not unduly affect the capacities of public services or facilities;*
- d. Is consistent with the public health, safety and welfare;*
- e. Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and*
- f. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.*

As previously indicated, customers who need to visit the sales office (6820 Lovers Lane) access and park through the adjacent Lovers Lane Storage & U-Haul Rental facility located on the 6820 Lovers Lane parcel. A small parking area located along the southeast side of the storage/rental facility parcel connects to the sales office through a concrete sidewalk and stairs located along the north side of residential structure.

- 12) *The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factor.*

Based on the information provided by the applicant regarding the nature and operation of the proposed active home occupation and subject to any public comment received, specific conditions of approval do not appear to be necessary in this particular application.

- 13) *No condition or requirement stated for active home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act.*

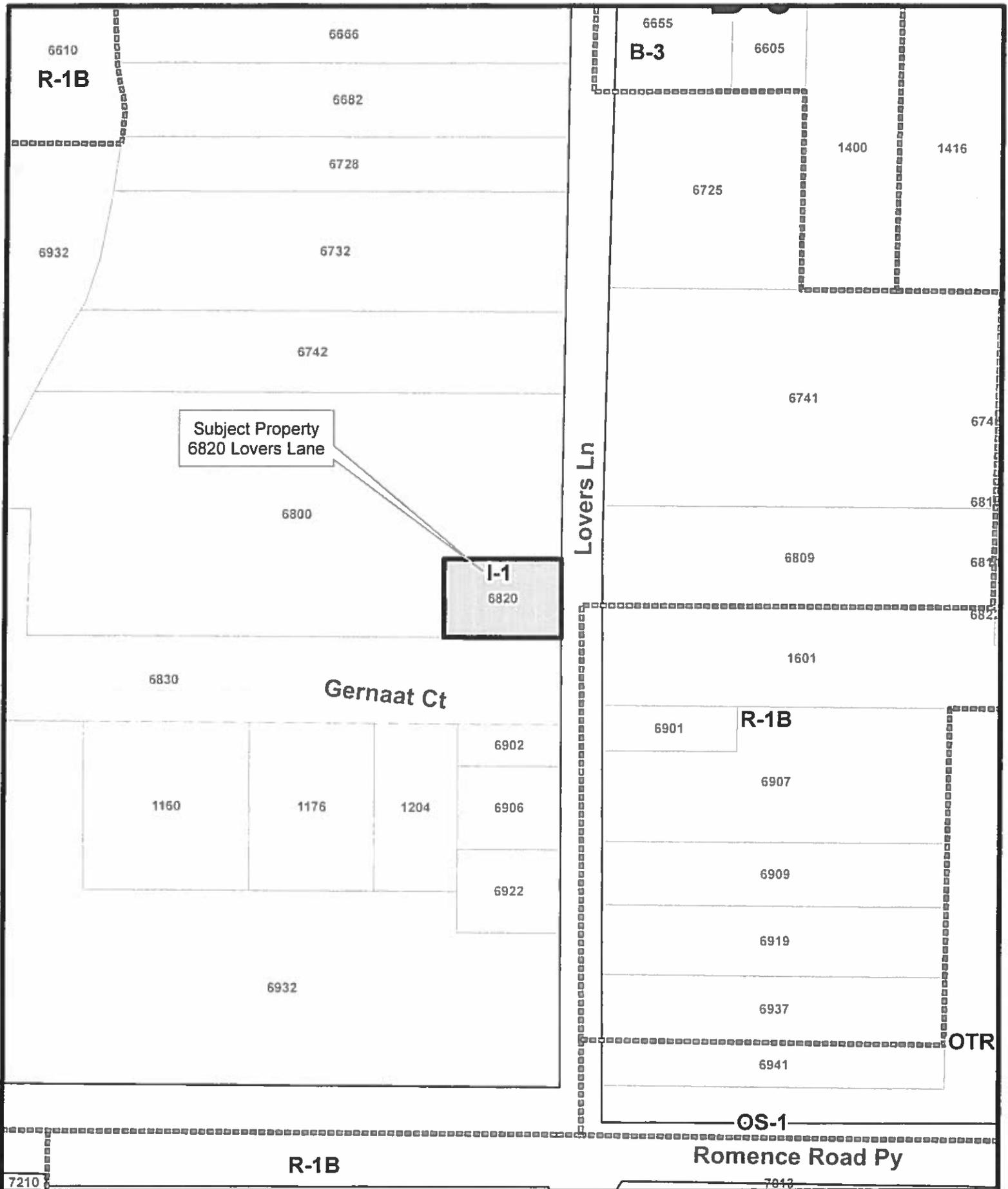
Not applicable to the proposed active home occupation.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper.

IV. RECOMMENDATION:

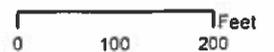
Based on the above analysis and subject to any additional information that may be presented during the public hearing, staff recommends that the Active Home Occupation Permit for Adela Strautkalns (sales office), 6820 Lovers Lane, be approved.

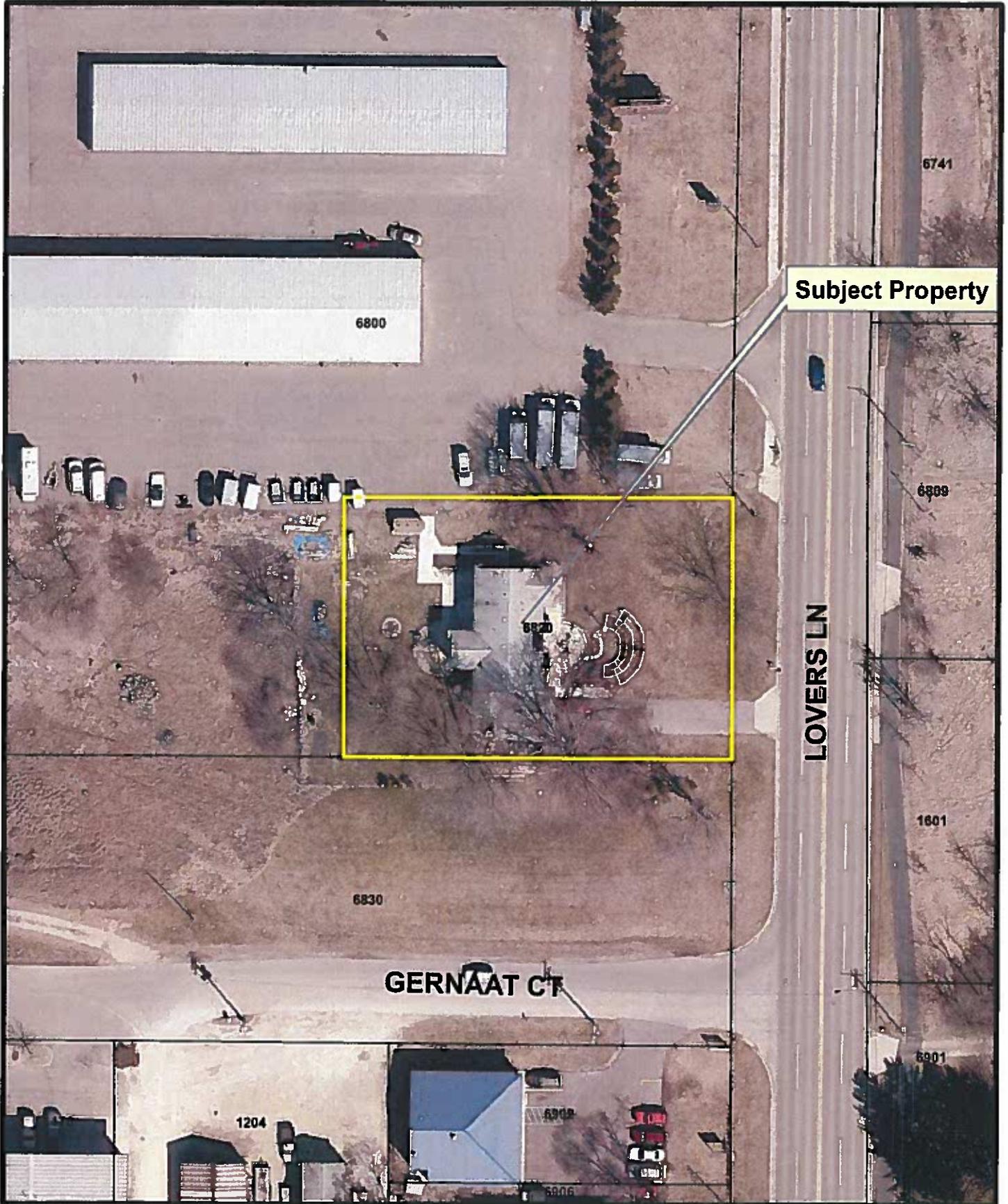
Attachments: Zoning/Vicinity Map
Aerial Photograph Map
Active Home Occupation Permit Application and supporting materials



Active Home Occupation Permit

6820 Lovers Lane





 Subject Property

Aerial Photo 6820 Lovers Lane



1 inch = 60 feet



RECEIVED
SEP 5 2012

ACTIVE HOME OCCUPATION PERMIT APPLICATION

Applicant Name: Adela STRAUTKALNS Address: 6820 LOVERS LANE
 Business Name: LOVERS LANE STORAGE Telephone No: (269) 324-1000
 E-mail address: adelaes1@yahoo.com Is the property owned or leased/rented? owned

If leased/rented, written permission from the property owner must be submitted.

Describe the active home occupation to be conducted: RENTALS OF STORAGE UNITS & UHAL TRUCKS

Will persons other than the full-time occupant(s) of the dwelling be involved with the active home occupation? Yes No. If yes, please indicate the number of additional persons involved _____

Indicate where inside the home the active home occupation will be conducted (1st floor, 2nd floor or basement)? 1st floor

What is the total floor area that will be used for the active home occupation? 132' square (attach a sketch of the floor or basement and area used for the active home occupation)

Will an attached/detached accessory building be used for storage purposes? Yes No. If yes, please describe and indicate the total area of the accessory building and the amount of floor area used for storage (attach a sketch of accessory building and area used for storage): _____

Will any products or goods incidental to the service provided be sold from your home? Yes No. If yes, please describe type of products or goods and where they will be stored? _____

Will the home-based business generate additional vehicular traffic (e.g. customers or deliveries)? Yes No. If yes, please describe and indicate the approximate number of vehicles per day: Lower lane (storage facility). Traffic will be congested.

Will the home-based business generate any noise, odors, dust, fumes, smoke, glare or other nuisances that would impact surrounding property owners? Yes No. If yes, please explain. _____

Will a wall sign intended to advertise the business be installed? Yes No. If yes, please indicate the size (maximum six square feet) and the wall where the sign will be attached. SIX SQUARE (SEE PICTURE)

If more information describing the active home occupation needs to be provided, attach additional page(s).

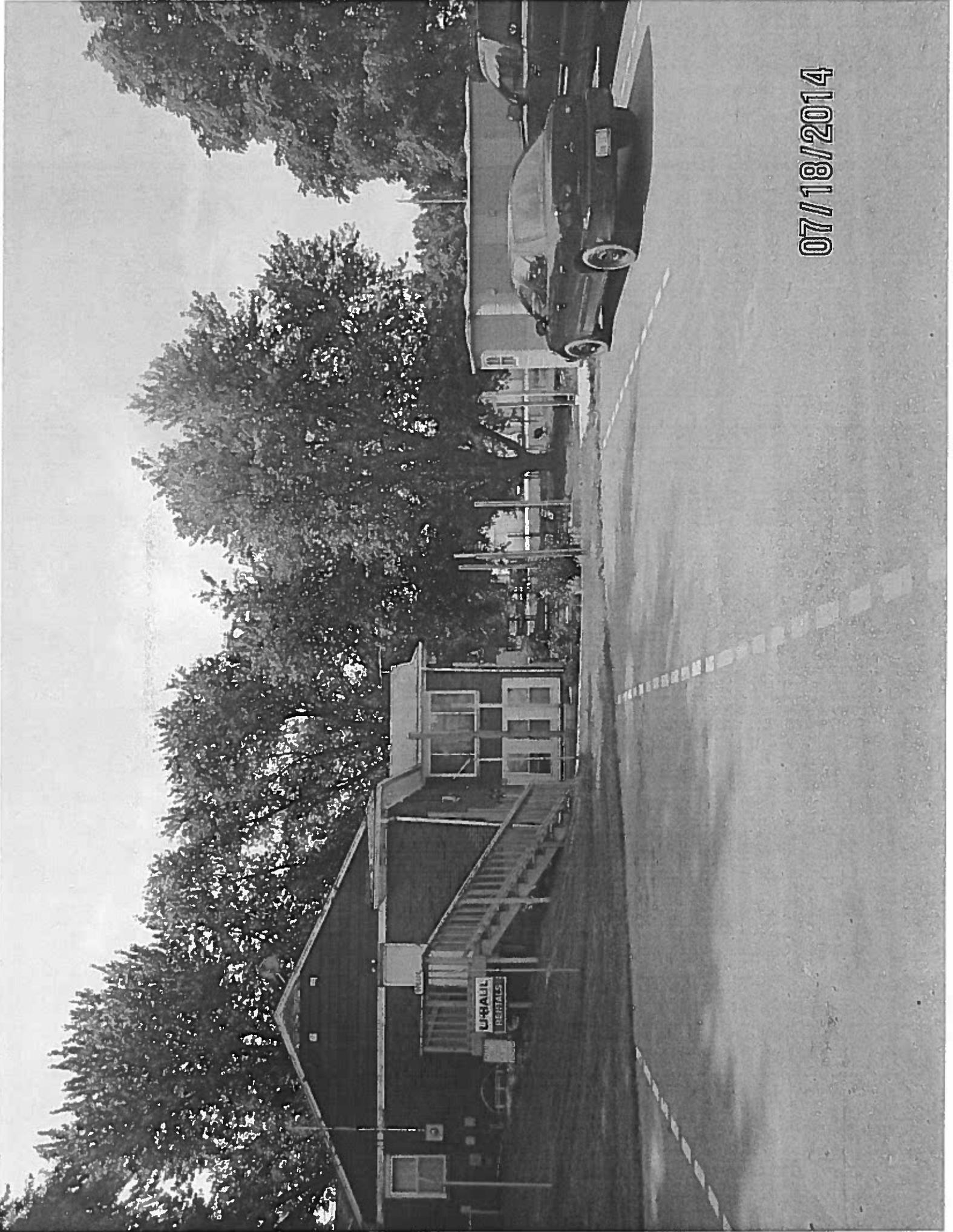
I, the undersigned, acknowledge that I am aware of the requirements for approval of my active home occupation and all regulations and obligations thereto will be fulfilled as required by ordinance.

Adela Strautkalns
Signature of applicant

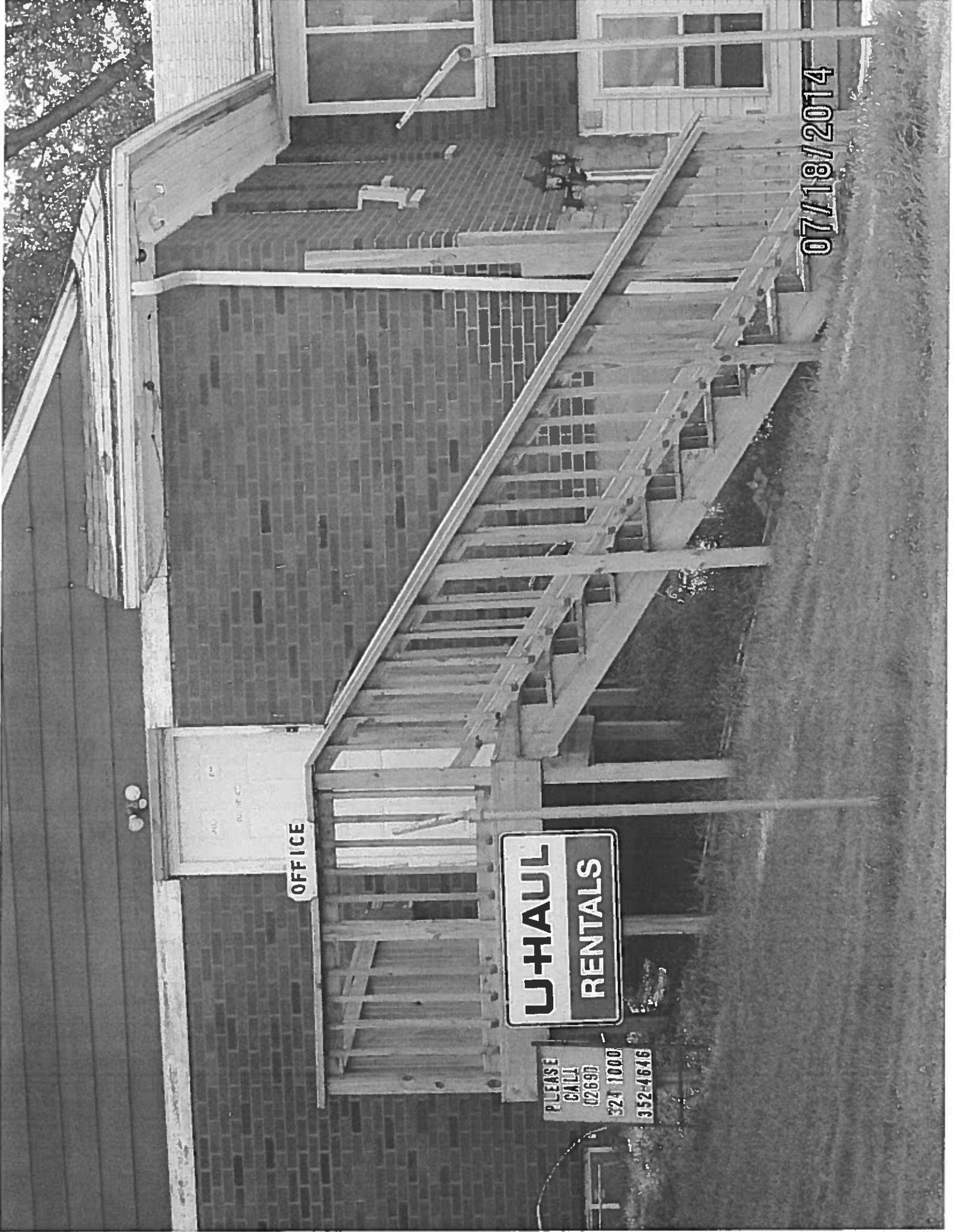
09-05-14
Date

Print name

NOTE: The records of the City of Portage are public records and are available for inspection by members of the public.



07/18/2014

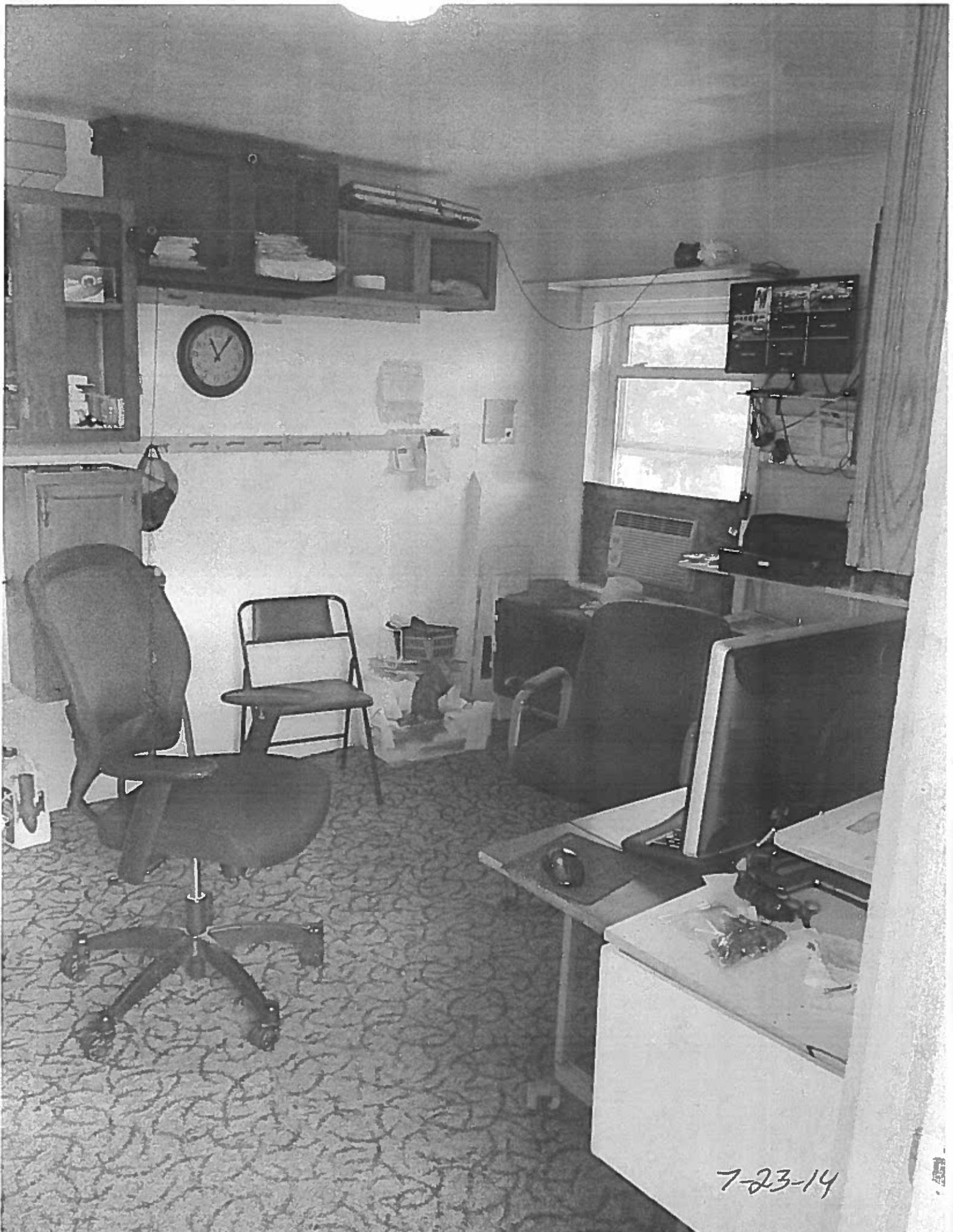


OFFICE

U-HAUL
RENTALS

PLEASE
CALL
02690
324 1000
352-4646

07/18/2014



7-23-14

TO: Planning Commission

DATE: October 30, 2014

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

SUBJECT: Preliminary Report: Rezoning Application #14/15-2, 4713 and 4707 (west 10-feet) West Milham Avenue

I. INTRODUCTION:

An application has been received requesting that 4713 West Milham Avenue and the west 10-feet of 4707 West Milham Avenue be rezoned from B-2, community business to OS-1, office service. According to the applicant, the rezoning would facilitate future expansion of the Bickford Cottage senior living facility currently located at 4707 West Milham Avenue.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Bickford Cottage	4707 West Milham (west 10-feet)	00007-095-O	B-2	OS-1
Dalbara Mangat and Muukhtar Singh	4713 West Milham Avenue	00007-100-O	B-2	OS-1
Two parcels – 1.0 acre				

II. EXISTING CONDITIONS:

Land Use/Zoning	<p><u>Rezoning Site:</u> Nonconforming single family residence/detached garage (4713 West Milham Avenue) and the Bickford Cottage senior living facility (west 10-feet of 4707 West Milham Avenue). The Bickford Cottage senior living facility is a 24,500 square foot, 48 unit facility located on approximately 4 acres and zoned OS-1, office service, with the exception of the west 10-feet that is zoned B-2.</p> <p><u>East/south:</u> Single family residential neighborhood (Avalon Woods subdivision) zoned R-1B, one family residential.</p> <p><u>West:</u> Nonconforming single family residence (4721 West Milham Avenue) and vacant land zoned B-2, community business.</p> <p><u>North:</u> Across West Milham Avenue, Westfield Park zoned R-1A, one family residential.</p>
Zoning/Development History	<p>In 2001, 4613, 4707, 4713, 4721 and 4815 West Milham Avenue and 6035 and 6027 South 12th Street were rezoned from B-1, local business; R-1B, one family residential; and RM-1, multiple family residential to B-2, community business.</p> <p>In 2005, 4613 and 4707 West Milham Avenue were rezoned from B-2, community business and RM-1, multiple family residential to OS-1, office service with the exception of the west 10-feet of 4707 West Milham (remained zoned B-2), the east 30-feet of 4613 West Milham (remained zoned RM-1) and the south 30-feet of 4707 West Milham and the south 30-feet of the west 149 feet of 4613 West Milham (remained zoned R-1B). This rezoning facilitated the Bickford Cottage senior living facility project.</p>

Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	West Milham Avenue is designated a 3-lane minor arterial roadway with 11,672 vehicles per day (2012); capacity of 21,500 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Sensitive Land Use Inventory Map does not identify wetland and/or floodplain areas on the subject site.

III. PRELIMINARY ANALYSIS:

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

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Plan Map component of the 2014 Comprehensive Plan identifies the rezoning site as being situated in an area of transition between office land use (east) and local business land use (west). Properties situated south of the rezoning site are identified for low density residential land use. While these land use designations are intended to serve as a general guide for future development and rezoning considerations, specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors.

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

Suitability of Existing B-2 Zone/Impacts of Proposed OS-1 Zone. While the existing B-2 zoning district and associated development is still a viable option with assemblage of B-2 zone land to the west, the current B-2 designation does prevent expansion of the Bickford Cottage senior living facility since this land use is not allowed in the B-2 district, either as a permitted or special land use. For Commission information, during the 2005 rezoning consideration to facilitate the Bickford Cottage development project, B-2 zoning was retained along the west 10-feet of 4707 West Milham since a change in zoning to OS-1 would have impacted redevelopment of the adjacent property to the west by requiring an increased setback distance. Section 42-350(15) states that a building located in the B-2 zone cannot be closer than 75 feet to the outer perimeter of the district. However, if the adjacent property is zoned I-1, I-2, CPD, B-2 or B-3, the setback distance is 20 feet from the outer perimeter of the district. Retention of B-2 zoning along the west 10-feet of 4707 West Milham requires only a 20-foot building setback if 4713 West Milham had redeveloped under the B-2 zoning district. Furthermore, 4713 West Milham Avenue is only 82.5 feet wide and a 75-foot setback distance would have complicated redevelopment potential.

The proposed OS-1 zone is consistent with the Comprehensive Plan and adjacent zoning pattern to the east and would result in lower intensity land uses that are more compatible with the adjacent single family residential neighborhood to the south.

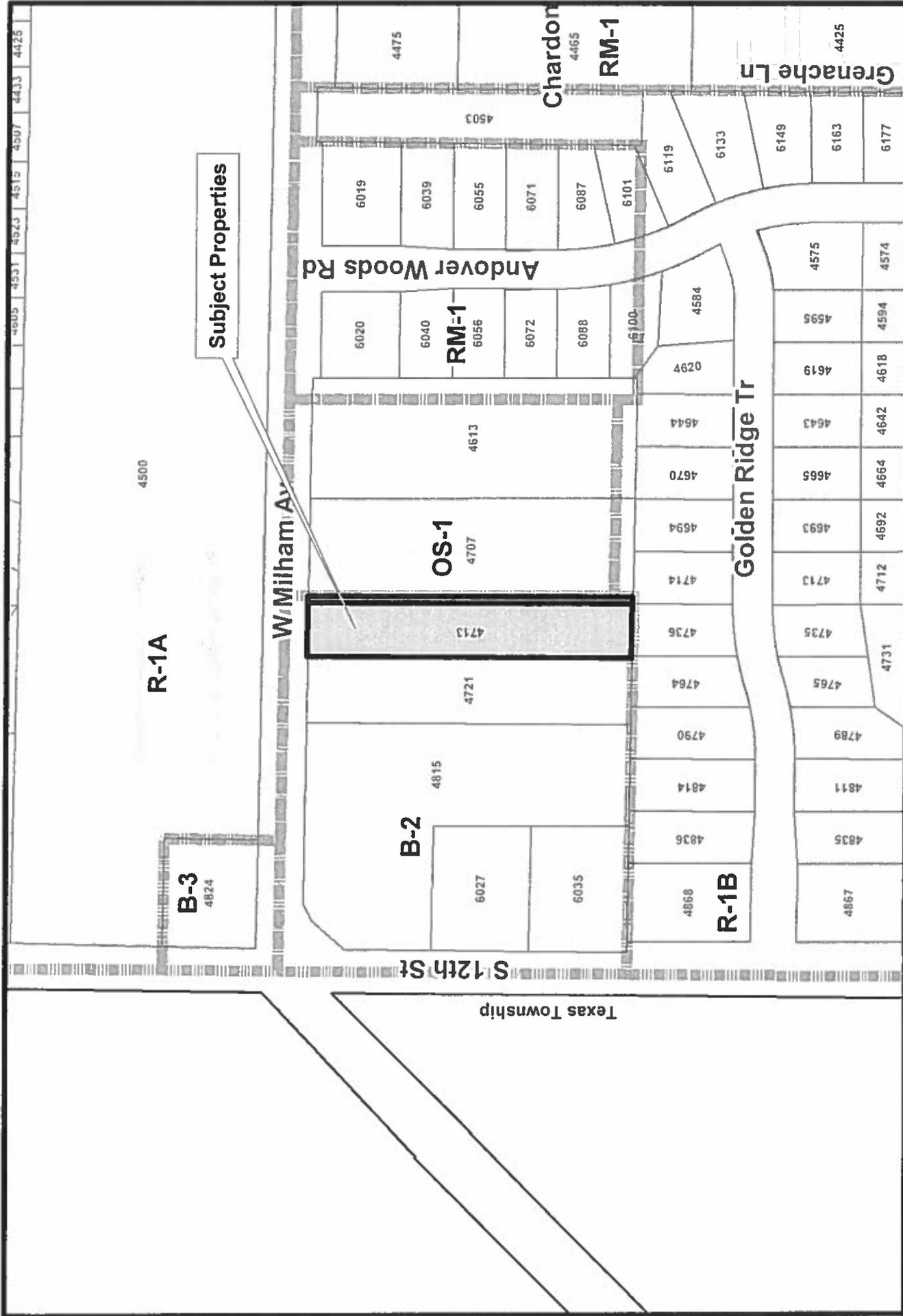
Traffic Considerations. Anticipated traffic generation associated with a zoning change to OS-1 and associated development will likely be less than development under the existing B-2 zoning district and can be accommodated by the surrounding roadway network. Specific access related issues including driveway locations, shared/cross access connections, etc. will be reviewed at the site plan stage of redevelopment.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the November 6, 2014 meeting and adjourn the public hearing to the November 20, 2014 meeting.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photograph Map
Rezoning Application and Supporting Materials

S:\Commdev\2014-2015 Department Files\Board Files\Planning Commission\PC Reports\Rezoning\2014 10 30 Rezoning Application #14-15-2, 4713 and 4707 West Milham (preliminary).doc

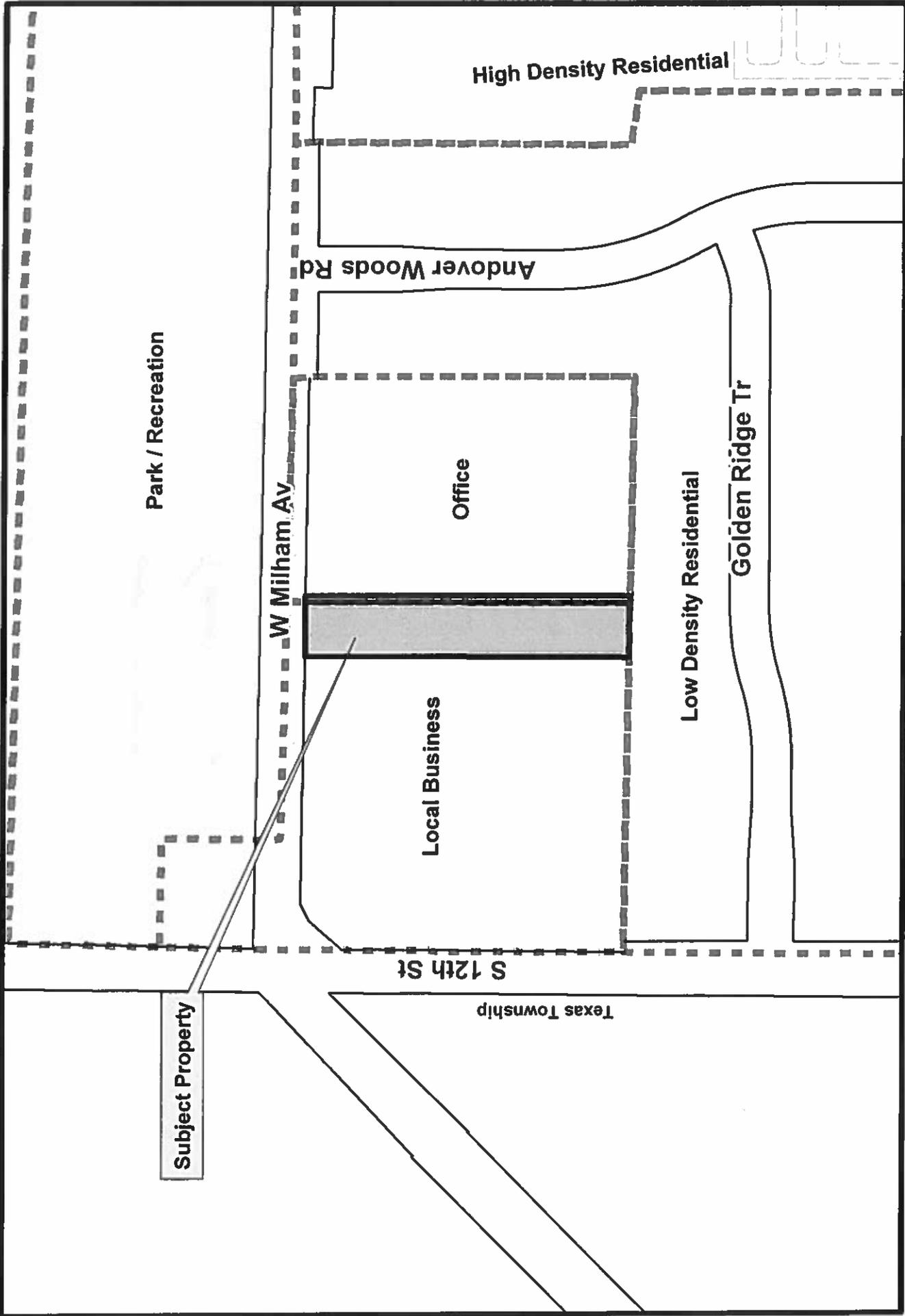


-  Zoning Boundary
-  Subject Property
-  Notification

Rezoning #14/15-02
4713 and 4707 (West 10') West Milham Avenue



1 inch = 200 feet



Future Land Use

 Subject Property

Future Land Use Map
4713 and 4707 (West 10') West Milham Avenue



1 inch = 200 feet



APPLICATION FOR ZONING AMENDMENT

Application number #14/15-2

Date 10-8-14

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

Acres = 0.94 Parcel ID: 00007-100-0 (4713 W. Milham)
Acres = 0.11 Parcel ID: 00007-095-0 (West 10 feet of 4707 W. Milham)

2. a. Do you own the property to be rezoned? Yes (4707) No (4713)

b. Name of the owner of the property to be rezoned: Mangal, Dalbarna & Singh, Mukhtiar

Address 6040 Andover Woods, Portage, MI 49024

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: expand Bickford Cottage at 4310 W. Milburn
4713

4. CURRENT ZONING: BZ PROPOSED ZONING: OS1

ZONING TEXT AMENDMENT

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

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

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

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

Richard Eby
(Signature of Applicant)

[Signature]
(Signature of Applicant)

13795 S Murken, Olathe KS 66062
(Address)

7169 Sandpiper St Portage MI 49024
(Address)

913-782-3200
(Phone)

269-584-1060
(Phone)

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

REZONING OF 4713 W. Milham Avenue.

Bickford Cottage is located at 4707 W. Milham Ave. and has been a positive member of the City of Portage since 2006. As an assisted living facility for the elderly, we have provided premium care for our residence. The demand for our services has risen; however, our current facility is at its maximum capacity. We are purchasing 4713 W. Milham Ave. to meet the needs of the community through an expansion of our current facility. Our plan is to add sixteen additional beds to our memory care unit (see attached drawing). The existing structure on 4713 W. Milham Ave. will be removed and the property will reflect the current manicured look we are known for.

ANDOVER

LOT 34

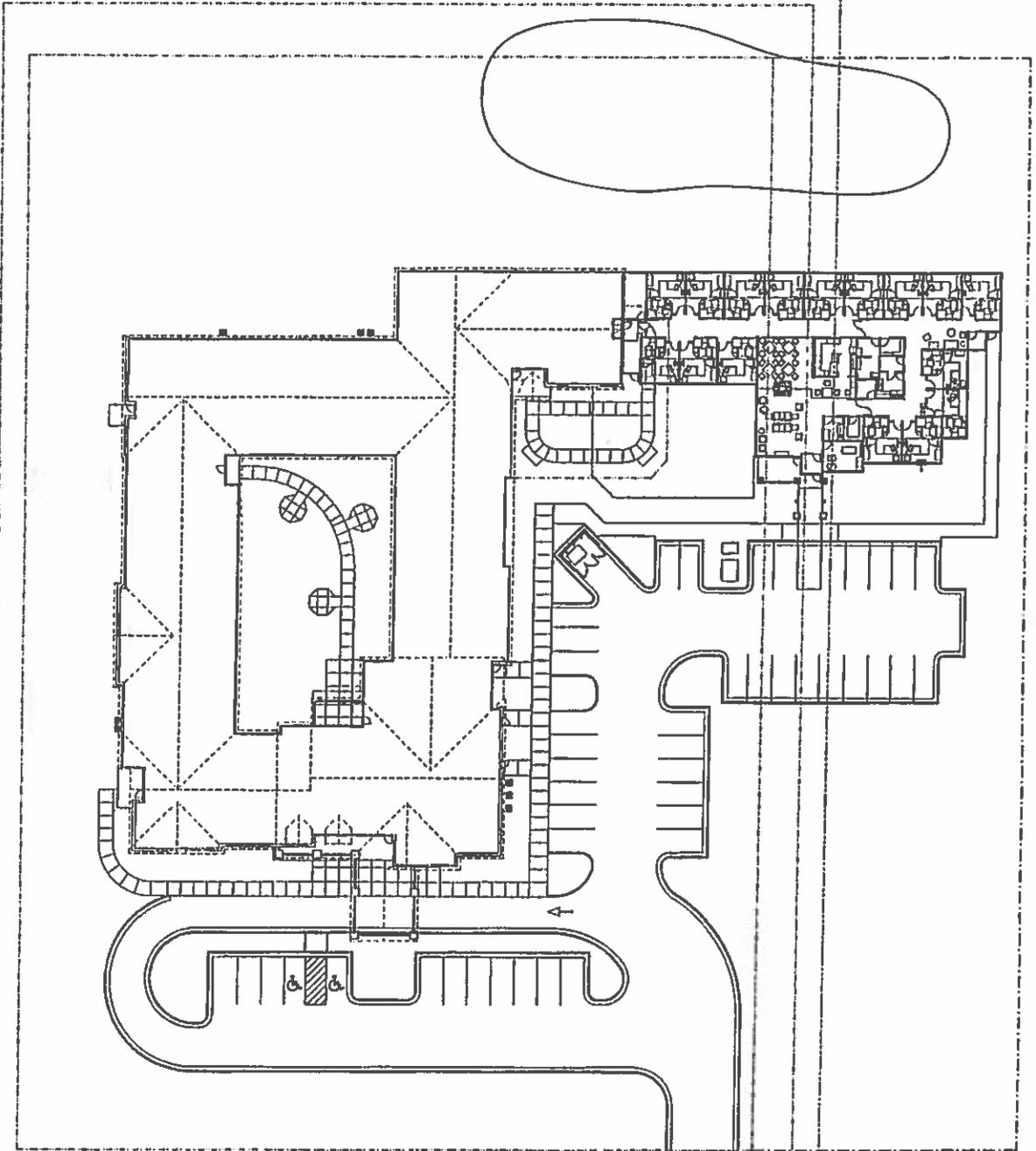
LOT 33

LOT 32

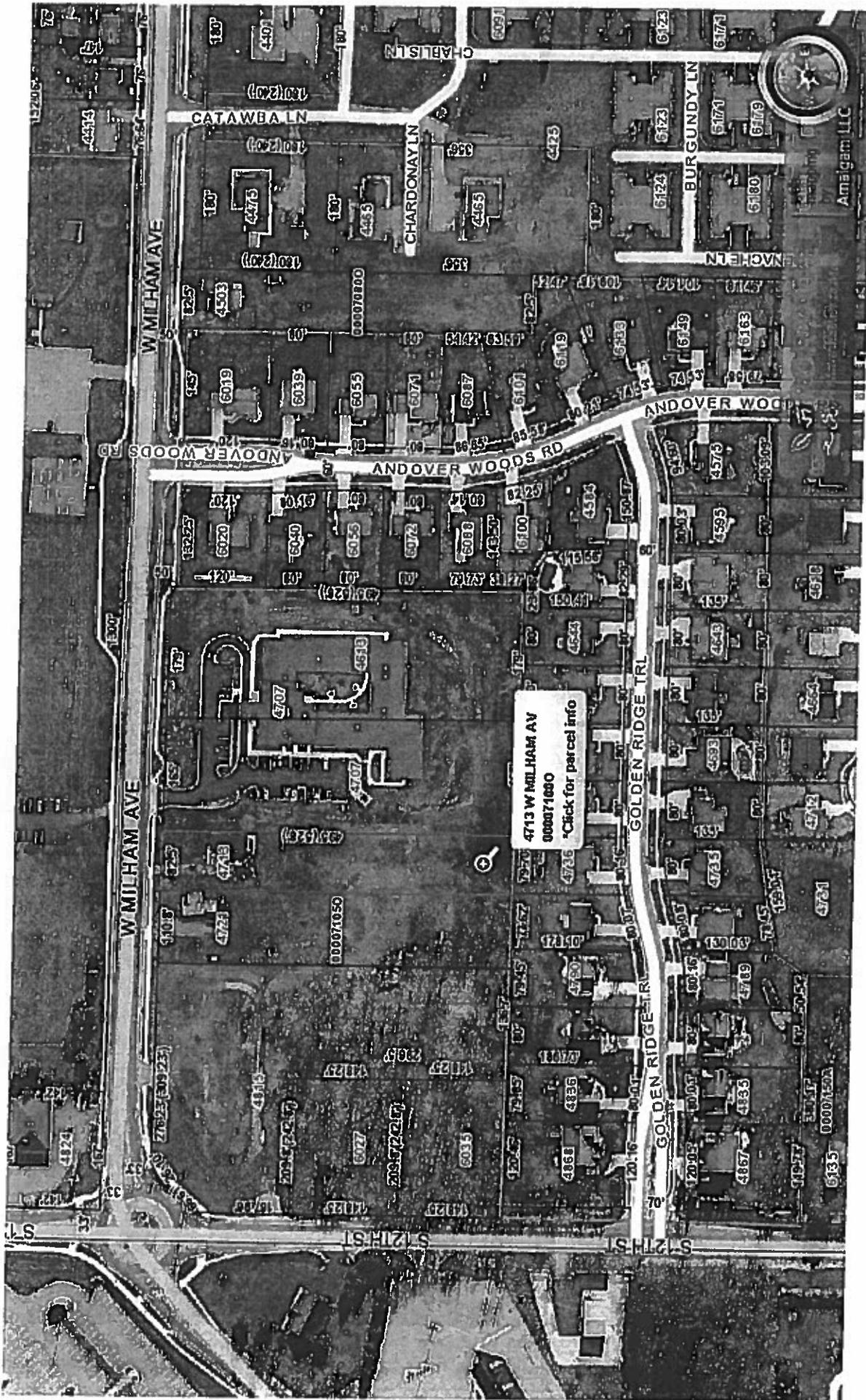
ANDOVER WOODS NO. 1

LOT 31

LOT 30



37



4713 W MILHAM AV
000071000
*Click for parcel info

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – September 8, 2014

The City of Portage Zoning Board of Appeals meeting was called to order by Jeffrey Bright at 7:00 p.m. in the Council Chambers. Two people were in the audience.

MEMBERS PRESENT: Tim Bunch, Michael Robbe, Doug Rhodus, Phillip Schaefer, Jeffrey Bright, Lowell Seyburn, and Chadwick Learned

MEMBERS EXCUSED: A motion was made by Bunch, seconded by Robbe to excuse Glenn Smith and Randall Schau. Upon voice vote motion passed 7-0.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Randy Brown, City Attorney

APPROVAL OF THE MINUTES: Robbe moved and Bunch seconded a motion to approve the August 11, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #14-04, 710 East Osterhout Avenue: Mais summarized the request for a variance to construct a 20-foot high accessory building where a maximum 14-foot height is permitted. The applicant, David Schram, was present to answer questions. Schaefer asked Mr. Schram to confirm the size of his property. Mr. Schram replied 6 acres. Learned stated he was having some difficulty with finding a practical difficulty and noted the applicant could probably get by with a lesser variance using a shallower pitched roof. Bunch noted 4:12 pitch roofs were not uncommon and would adequately handle snow loads but noted were less effective than a steeper pitch when it comes to tree-related maintenance issues. Learned inquired if the applicant would consider constructing an accessory building with a shallower pitch. Mr. Schram stated the aesthetic consideration of matching the roof pitch with that of the dwelling was very important to him and he was not sure if he would.

A public hearing was opened. No one spoke for or against the request. A letter stating opposition to the request from Mary Jane Gibson, 503 East Osterhout Avenue, was read. The public hearing was closed.

Learned stated he investigated the maximum height a RV could be in Michigan and found it was 13 feet six inches, and thought that fact may help justify a variance. Bright recalled the Board approved an accessory building height variance on Oakland Drive within the last year or two and requested staff research that application. Seyburn noted it might be useful to table the item to give the applicant an opportunity to consider redesign options. The applicant stated he would be available for the November 2014 meeting. A motion was made by Seyburn, seconded by Learned to table the item until the November 10, 2014 meeting. Upon voice vote, the motion passed 7-0.

ZBA #14-06, 1622 West Milham Avenue: Mais summarized the variance request from the conflicting land use screening requirements along the west property line where abutting a residentially zoned property. Walt Hansen stated a practical difficulty was created by a residentially zoned 33-foot wide outlot to the west that was unbuildable. Mr. Hansen stated vegetation had already been installed along the west property line and still intended to erect a six-foot screening fence but wanted to install the fence so the good side was oriented towards 1622 West Milham for the purpose of screening the adjacent property to the west.

A public hearing was opened. No one spoke for or against the requests. The public hearing was closed.

Schaeffer inquired about rezoning the outlot to the west. Mais indicated it was unknown at this time whether the rezoning would be staff or property owner initiated, and that would have bearing on the timing. A motion was made by Learned, seconded by Bunch, to grant a variance from the conflicting land use screening requirements along the west property line where abutting a residentially zoned property for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the narrowness of the adjacent residentially zoned lot, the variance is necessary for the preservation and enjoyment of a substantial

property right, the right to screen themselves from the adjacent property; the immediate practical difficulty causing the need for the variance request was not created by the applicant, the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the zoning ordinance. In addition the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Robbe-Yes, Rhodus-Yes, Seyburn-Yes, Learned-Yes, Bunch-Yes, Schaeffer-Yes, Bright-Yes. Motion passed 7-0.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 9, 2014

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

At the request of Mayor Pro Tem Pearson, Pastor Chet Carlson of the Reformed Church in America gave the Invocation. The City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Central County Transportation Authority (CCTA) Special Meeting, Regular Meeting and City Manager Applicant Short List Special Meeting Minutes of August 26, 2014. Upon a voice vote, motion carried 5 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Pearson asked Councilmember Urban to read the Consent Agenda. Motion by Ansari, seconded by Reid, to approve the Consent Agenda Motions as presented. Upon a roll call vote, motion carried 5 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF SEPTEMBER 9, 2014:** Motion by Ansari, seconded by Reid, to approve the Accounts Payable Register of September 9, 2014. Upon a roll call vote, motion carried 5 to 0.

REPORTS FROM THE ADMINISTRATION:

* **VEHICLE PURCHASE RECOMMENDATION:** Motion by Ansari, seconded by Reid, to authorize the purchase of three four-wheel drive three-quarter ton pickup trucks, one four-wheel drive half-ton pickup truck, one four-wheel drive one-ton pickup truck, two all-wheel drive compact SUV's, one utility tractor, two tandem axle plow/dump trucks and four police patrol vehicles through the State of Michigan purchasing program (MiDEAL) at a total cost of \$700,093 and authorize the Acting City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

* **PERSONAL PROTECTIVE EQUIPMENT:** Motion by Ansari, seconded by Reid, to approve the purchase of 25 sets of turnout gear (personal protective equipment) from First Due Fire Supply Company of Mason, Michigan, in an amount not to exceed \$56,502.25 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 5 to 0.

* **PERMANENT TRAFFIC CONTROL ORDERS NO.'S 924 AND 925:** Motion by Ansari, seconded by Reid, to issue Permanent Traffic Control Orders No.'s 924 and 925 rescinding permanent Traffic Control Orders 17, 162, 730 and 497, and authorize the Acting City Manager to sign all documentation to implement new Preliminary Traffic Control Order No.'s 927P and 928P. Upon a roll call vote, motion carried 5 to 0.

* **WEST LAKE WEED MANAGEMENT PROGRAM – RESOLUTION NO. 2:** Motion by Ansari, seconded by Reid, to adopt Resolution No. 2 for the West Lake Management Program #015-Q, setting a public hearing of necessity on September 23, 2014, at 7:30 p.m. or as soon thereafter as may be

heard. Upon a roll call vote, motion carried 5 to 0. Resolution recorded on page 295 of City of Portage Resolution Book No. 45.

* **SPECIAL MEETING FOR BOARD AND COMMISSION APPLICANTS:** Motion by Ansari, seconded by Reid, to set a Special Meeting on Tuesday, October 7, 2014, beginning at 5:15 p.m., to interview board and commission applicants. Upon a roll call vote, motion carried 5 to 0.

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

Portage Human Services Board of July 31, 2014.
Portage Historic District Commission of August 6, 2014.
Portage Park Board of August 6, 2014.

BID TABULATIONS:

* **CRACK SEALING MAJOR STREETS:** Motion by Ansari, seconded by Reid, to approve the low bid submitted by Scodeller Construction, Incorporated, of Wixom, Michigan, in the amount of \$89,550.34 for select major street asphalt crack sealing repairs and; Change Order #1 in the amount of \$5,544.28 for additional crack sealing repairs at unit pricing within the contract, 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 5 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Reid thanked those members of the public who participated in the Foot Chase to benefit MiCops on Saturday, September 6, 2014.

Mayor Pro Tem Pearson provided a reminder that public interviews for the next City Manager are scheduled to take place on September 17th and 18th at City Hall; that the list is down to six; that the names of the final six will be disclosed within the next few days; and, that citizens may present up to three questions by Monday, September 17th for the candidates through the City website at portagemi.gov.

ADJOURNMENT: Mayor Pro Tem Pearson adjourned the meeting at 7:39 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF SEPTEMBER 17, 2014**

The Special Meeting was called to order by Mayor Peter Strazdas at 11:03 a.m.

At the request of Mayor Strazdas, the City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia Randall and Claudette Reid, Mayor Pro Tem Jim Pearson and Mayor Strazdas. Councilmember Terry Urban arrived at 11:05 a.m. Also in attendance were Bob Slavin, Slavin Management Consultants (SMC), Acting Deputy City Manager Rob Boulis, City Attorney Randy Brown and City Clerk James Hudson.

Mayor Strazdas opened the meeting, explained the purpose of the meeting and the interview process that would be used. Mr. Bob Slavin commented that he had five questions from citizens who signed the form and three questions that were submitted anonymously that would not be used as they were found to be inappropriate and explained. Discussion followed.

Mayor Strazdas summed up that there would be an hour for City Council questions and one-half hour for Mr. Slavin's questions, and the candidate's closing remarks and questions. Discussion followed and it was determined that the comments from the public should come following the interview of each candidate while the candidate is still present. Discussion followed and Mayor Strazdas explained that the questions from the citizens have to be in writing and submitted to Mr. Slavin, who will read them, and statements from citizens will be from the candidate table after the candidate leaves the table.

Mr. Slavin offered that the next step should be to contact the candidate as quickly as the next step is determined. Discussion followed. Mayor Strazdas offered that Council should decide on a short list at the end of the Special Meeting, Thursday, September 18, 2014, or as a part of the Tuesday, September 23, 2014 Regular City Council Meeting. Discussion followed.

Mayor Strazdas distributed the employment contracts of former City Manager Maurice Evans and Acting City Manager Laurence Shaffer. He asked if any City Councilmember had any issues with the language in the two most recent City Manager contracts, to present them at the Tuesday, September 23, 2014 Regular City Council Meeting. Discussion followed.

Mayor Strazdas handed out the Best Practices information regarding the next steps to take from the ICMA. Discussion followed. City Attorney Brown advised that all interviews take place in open session. Councilmember Randall asked for a clarification regarding asking the same question of each candidate and Mr. Slavin noted that he advocates following the same format, same general process, but not necessarily the same question. Discussion followed. Mayor Strazdas expressed his agreement that follow-up questions or rebuttal should be encouraged. Discussion followed.

Mayor Strazdas summed up that he would welcome the candidates; ask how he or she would like to be addressed; give the candidate five minutes of introductory remarks; give City Council sixty minutes of "round robin;" give Mr. Slavin fifteen minutes maximum to ask the citizen questions; and give fifteen minutes for closing statements, questions of City Council by the candidate and statements of citizens. Discussion followed.

RECESS: 11:43 a.m.

RECONVENE: 12:30 p.m.

Mayor Strazdas explained the interview process for Laurence Shaffer as a candidate for Portage City Manager.

* 12:30 p.m. – 2:00 p.m., City Council interviewed Laurence Shaffer for the position of City Manager, who provided introductory remarks regarding his experience in city government and answered the following questions asked by City Council: what is most crucial for Portage to be successful over the next few years; tell why your experience in Portage City Hall matters; explain the differences in principles that caused the Jackson Personnel Committee to ask you to leave; if you were selected as the permanent City Manager, be more specific about what changes you would make; be specific regarding any organizational changes that should be implemented; where do you see Portage in the greater Kalamazoo County and what areas can you lead us in Kalamazoo County; what was going on in Amherst, Massachusetts, where your staff evaluations reflected that staff morale was the lowest; what kind of experience do you have in finance and budget management; what areas of the budget would you decrease in order to contribute to the tax base; as Portage is at its millage cap, do you see a time on your watch when you would advise City Council to increase the millage of the City of Portage because we are no longer doubling the SEV every ten years and city operations are not sustainable at that lower millage rate; do you have someone in mind for Deputy City Manager and how have you divided or allocated responsibilities in the past; if we set the residency requirement at 20 miles in accordance with state law, would that be an issue for you; what is your opinion regarding how much is too much retail in Portage and do you think you will foster growth in this area or not; in your opinion, where is the balance of too little or too much consideration relative to business and industrial communities; is it possible for Portage to have mixed use projects; what skills and abilities are you looking for in filling those positions that have become vacant owing to staffing changes and combining departments, and what kind of succession planning would you be seeking; how long do you anticipate you will be City Manager in Portage; address your intergovernmental relations with schools and non-profit entities; what do you believe is the best use of economic development funding for a city the size of the City of Portage; what would you do as City Manager to attract new families to the City of Portage; what can you do about the destructive deer population in Portage; what are your experiences and background in communities in implementing a Comprehensive Plan/Master Plan; how much of the 35% General Fund Balance is unassigned; do you believe 35% is too high or just right; if you believe it is too high, what is your recommended cap; and what recommendations do you see for excess funds. Mr. Shaffer provided his closing remarks.

At the request of Mayor Strazdas, Martha Dahlinger, 2612 Chopin Avenue, expressed her delight that Mr. Shaffer is impressed with the Portage 2025 Visioning Project Plan, and encouraged City Council to pursue some of the objectives outlined in the Plan. She also expressed her opinion that if someone were dismissed because of support for the option of having a solar plan to be used for the operation of a waste water treatment plant, then that is someone Portage needs as City Manager.

Phil Stinchcomb, 1607 Belaire Avenue, explained why he submitted questions of the candidates to be read by Mr. Slavin because it is important to him that the next City Manager not only have experience here, but also knows the intricacies involved in dealing with the Fund Balance issue. Discussion followed.

Since there was time left, Mayor Strazdas deferred to Councilmember Ansari, who asked Mr. Shaffer for his opinion regarding the percentage amount that should be diverted to the General Fund Balance. Mr. Shaffer responded. Discussion followed.

RECESS: 2:00 p.m.

RECONVENE: 2:05 p.m.

Mayor Strazdas explained the interview process for David Mackie as a candidate for Portage City Manager.

* 2:00 p.m. – 3:35 p.m., City Council interviewed David Mackie for the position of City Manager, who provided introductory remarks regarding his education and experience in government and answered the following questions asked by City Council: what experience do you have in budget management and what is your experience in raising new revenues; what has been your greatest challenge in maintaining staff morale while dealing with staff reductions or union negotiations and how did you handle that; do you have experience in attracting or facilitating new industrial and retail development; what changes can you bring to the City of Portage or maybe not; what is your experience in dealing with Public Safety – Police and Fire; why are you seeking to make a change to the City of Portage at this point in your career; what would you think would be most crucial to Portage's future; provide examples of your involvement with and success in intergovernmental programs with neighboring jurisdictions or public agencies; what steps would you take to retain and strengthen the commercial businesses and the jobs they provide within the city; other than window dressing, any suggestions for structural or functional changes in the way that commercial is done in Portage that would help us in the future; give me your impression on the privatized waste hauler situation in Portage with three to five trucks per day on each street and how did you change things in Taylor to save money (and roadways); did you model a waste hauler program you found elsewhere or did you develop it yourself; were the waste hauler personnel contract workers or city employees; what is the duration of the contract; who does the maintenance and how is maintenance tracked: where do you fall within the spectrum of giving everything to the development community so the city can grow, or have (too) many rules so we have the best quality city; is redevelopment certification being seen as shovel-ready; if you were here for a year, what positive things would be said about you by your staff or the public; what skills and abilities are you seeking to improve upon; do you have someone in mind for Deputy City Manager and how have you divided or allocated responsibilities in the past; what is a good figure for the Fund Balance; how would you address having supervision and succession planning at the executive level; address your experience with intergovernmental cooperation with schools and non-profit entities; what do you believe is the best use of economic development funding for a city the size of the City of Portage; what would you do as City Manager to attract new families to the City of Portage; what can you do about the destructive deer population in Portage; and, what are your experiences and background in communities in implementing a Comprehensive Plan/Master Plan. Mr. Slavin pointed out that a citizen asked the same question asked earlier regarding the General Fund Balance. Mr. Mackie provided his closing remarks.

Since there was time left, Mayor Strazdas deferred to Councilmember Urban, who asked Mr. Mackie for his thoughts regarding the personal property tax legislation and if he has confidence that the City can rely on the promises of the state or do we have to prepare for this. Discussion followed.

RECESS: 3:35 p.m.
RECONVENE: 3:40 p.m.

Mayor Strazdas explained the interview process for Mary Lou Brown as a candidate for Portage City Manager.

* 3:40 p.m. – 5:10 p.m., City Council interviewed Mary Lou Brown for the position of City Manager, who provided introductory remarks regarding her education, career and experience and answered the following questions asked by City Council: what would you think would be most crucial to Portage's success in the future; why are you looking to move to Portage at this point in your career; expand on why you wish to move to Michigan; regarding priority-based budgeting, is it as cut and dry as you described it and what services did you discontinue; what would you change in Portage; what other city services did you find that you eliminated because they were just not needed; how does the electronic payment of invoices work in Grand Island; when you have priority budgeting and you eliminate services, how do you convey that to the Department Heads and how do you work with them during that period; what has been your greatest challenge in maintaining staff morale while dealing with staff reductions or union negotiations and how did you handle that; how was the staff morale afterwards as compared with before you started this process; provide examples of your involvement with and success in intergovernmental programs with neighboring jurisdictions or public agencies; if you were here for a year, what positive things would be said about you by your staff or the public; do you have someone in mind for Deputy City Manager and how have you divided or allocated responsibilities in the past; tell us about the circumstances of when you were asked to resign, then asked to stay on, to alleviate the confusion by explaining the issues and your relationship with the Mayor and Council; what can you do to assist this Council, this community, to continue the growth necessary to keep taxes low in a post recessionary period and how would you work with the business community, both those who are here and those wishing to locate in Portage to get the City back on track of doubling our SEV every ten years; where do you fall within the spectrum of giving everything to the development community so the city can grow, or have (too) many rules so we have the best quality city; what is the toughest management problem you have faced in the last five years that had to do with scrutiny under the media and how did you mitigate the controversy; what is most important for filling those positions that have become vacant, and what kind of succession planning would you be seeking; how would you raise new revenues for Portage; provide an example where the private sector experience helped you in the public sector; address your relationship with intergovernmental cooperation with schools and non-profit entities; what do you believe is the best use of economic development funding for a city the size of the City of Portage; what would you do as City Manager to attract new families to live in City of Portage; what can you do about the destructive deer population in Portage; what are your experiences and background in communities in implementing a Comprehensive Plan/Master Plan; do you know what the current Fund Balance percentage is; what do you think is an appropriate Fund Balance; what recommendations do you see for excess funds; do you have an idea of the values and culture of Portage and its citizens, and how can you fit into our community and lead our community; what steps would you take to retain and strengthen the commercial businesses and the jobs they provide within the city; what would be your biggest challenge in coming from Nebraska to Michigan and, secondly, from the kind of city government you are in to Portage City Council/City Manager form of government and learning the tax structure and laws of Michigan; and, what if the Mayor and City Council did not follow your recommendation. Ms. Brown provided her closing remarks. Discussion followed.

RECESS: 5:05 p.m.
RECONVENE: 5:10 p.m.

Mr. Slavin asked for the option to have the in depth conversation at the close of the September 18, 2014 Special Meeting, have a narrowing process, discuss the next steps, establish dates, give him the opportunity to talk to each of the candidates on the short list, and give him time to get all of the information that still remains unfurnished. Mayor Strazdas summed up. Discussion followed.

City Council discussed the process to be used to determine which candidates should be asked back for interview at some date certain in the future. Discussion followed.

Councilmember Reid asked for suggestions from Mr. Slavin of how to keep the “playing field” as level as possible since each of the new candidates are interviewed considering that the Acting City Manager has been researching the City for the past few months. Mr. Slavin indicated that there is no way to do that, but suggested to look for everything you want in the candidate such as management style, how well the person meets the needs of Council, and how well he or she is managing the organization. He pointed out that there is no way to do that, so be cognizant of the successes of each candidate and how comparable those successes are to Portage and explained. He suggested that Council should try to discount the prior knowledge held by the Acting City Manager, but he advised that Council do not lose sight of it, but decide whether his credentials and overall fit for this job match the needs of the city and explained.

ADJOURN: Mayor Strazdas adjourned the meeting at 5:23 p.m.

James R. Hudson, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF SEPTEMBER 18, 2014**

The Special Meeting was called to order by Mayor Peter Strazdas at 10:35 a.m.

At the request of Mayor Strazdas, the City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Strazdas. Also in attendance were Bob Slavin, Slavin Management Consultants (SMC), Acting Deputy City Manager Rob Boulis, City Attorney Randy Brown and City Clerk James Hudson.

Mayor Strazdas opened the meeting, explained the purpose of the meeting and the interview process that will be used and that Mr. Bob Slavin will read questions from citizens. Discussion followed.

* 10:36 a.m. – 12:05 p.m., City Council interviewed Michael Hughes for the position of City Manager, who provided introductory remarks regarding his experience in city government and answered the following questions asked by City Council: what is most crucial for Portage to be successful over the next few years; do you have someone in mind for Deputy City Manager and how have you divided or allocated responsibilities in the past; how have you managed the contraction in the number of employees from 162 to 120 in both the work load and the duties and responsibilities; what can you do for the City of Portage to get us on track to maintain growth and low millage rate that we enjoy; do you have any experience with Southwest Michigan First or other third party resources; what efforts come to mind to explore in cooperation with other jurisdictions for cost control in Kalamazoo County; what has been your greatest challenge in maintaining staff morale while dealing with discipline issues, staff reductions or union negotiations and how did you handle that; what kind of fiscal management experience do you have and how would you increase revenues; if you were here for a year, what positive things would be said about you by your staff or the public; what positive things would be said about you by your current staff; what is the biggest hurdle coming to a community with four times the population; with your success with a street millage, what has been your biggest disappointment; as the “come-back kid” in Sturgis, what is your secret of success as a long term City Manager and for bringing Sturgis back; tell us about your major grants, including preparation and philosophy, that can be used to get grants for Portage; what skills would you look for in a Department Head and how would you plan for succession; how would you track and respond to workers’ and citizens’ requests; what would be your priorities for the first three months, six months and/or first year; what are your past practices and comfort level for City Council to meet with Department Heads directly; whether mixed use development was a redevelopment of an old mixed use or whether it is something that is new that Sturgis has embraced and wishes to encourage; what would your City Council say about your being here today and why do you really want to come to Portage; what is your record on “complete streets” in Sturgis and would it work in Portage; what steps would you take to retain and strengthen the commercial businesses and the jobs they provide within the city; what is the largest employer in Sturgis; what if the Mayor and Council do not follow your recommendation; what did you do to build a better relationship with the business community and what are you currently doing to maintain that relationship; address your relationship with intergovernmental cooperation with schools and non-profit entities; what do you believe is the best use of economic development funding for a city the size of the City of Portage; what would you do as City Manager to attract new families to live in City of Portage; what can you do about the destructive deer population in Portage; what are your experiences and

background in communities in implementing a Comprehensive Plan/Master Plan; do you know what the current Fund Balance percentage is; what do you think is an appropriate Fund Balance; and what recommendations do you see for excess funds. Mr. Hughes provided his closing remarks.

Since there was time left, Mayor Strazdas deferred to Councilmember Ford, who asked Mr. Hughes what else he likes about being a City Manager beyond economic development; Mayor Strazdas asked what City Managers across the State of Michigan say about him, what would the leadership of Southwest Michigan First or the leadership of Kalamazoo say about you; Councilmember Reid asked if he or any of his Department Heads use social media to communicate to the public about city issues and, if so, what are the pro's and con's of using this method of communication; Councilmember Urban asked what use does Sturgis have for FaceBook, and tell us how Sturgis uses 2022. Discussion followed.

RECESS: 12:02 p.m.

RECONVENE: 12:35 p.m.

Mayor Strazdas explained the interview process for Paul Brake as a candidate for Portage City Manager.

* 12:35 p.m. – 2:05 p.m., City Council interviewed Paul Brake for the position of City Manager, who provided introductory remarks regarding his education and experience in government and answered the following questions asked by City Council: why are you looking to come to Portage at this point in your career; what has been your greatest challenge in maintaining staff morale while dealing with discipline issues, staff reductions or union negotiations and how did you handle that; highlight what you have done for the population of 40,000 while still being City Manager of Grand Blanc; as you moved among all of these different jobs, explain why you moved; during your career, did you ever have an elected official ask you to leave; why are you looking to move so quickly; how long would you expect to stay in Portage; do you have someone in mind for Deputy City Manager and how would you divide or allocate responsibilities; what is most crucial for Portage to be successful over the next few years; what experiences do you have with the budget and how would you raise revenue; what do you look for when hiring Department Heads and what is your succession plan; how much was the 911 surcharge and how long ago was it passed and what was the “yes” vote for that; what can you do to assist this Council, this community, to continue the growth necessary to keep taxes low in a post recessionary period and how would you work with the business community, both those who are here and those wishing to locate in Portage to get the City back on track of doubling our SEV every ten years; why did you go outside MiDeal and purchase your police vehicle; what are your practices in dealing with City Council and disseminating information and outreach and is it ever appropriate to contact just the Mayor or a Councilmember on a certain situation and what that might be; if you were here for a year, what is the one positive and the one negative thing that would be said about you by your staff or the public; what if the Mayor and Council do not follow your recommendation; what steps would you take to retain and strengthen the commercial businesses and the jobs they provide within the city and how would you get the information to help you with your approach; what is the toughest problem in your career and how did you deal with it; what City Managers across the State of Michigan say about you and what would the leadership of Southwest Michigan First say about you; tell us about the Business Assistance Team (BAT); what has been your past practice and comfort level for City Council to contact Department Directors; what excites you the most about the City Manager Profession; how would

you track citizen requests; have you or any of your Department Heads used social media to communicate to the public about city issues and, if so, what are the pro's and con's of using it; what are your hobbies or how do you spend your weekends; how would you combat the perception that City staff is too nice or not too nice, too liberal or not liberal enough; address your relationship with intergovernmental cooperation with schools and non-profit entities; what do you believe is the best use of economic development funding for a city the size of the City of Portage; what would you do as City Manager to attract new families to live in City of Portage; and, what can you do about the destructive deer population in Portage. Mr. Slavin pointed out that a citizen asked the same question asked earlier regarding the General Fund Balance. Mr. Brake provided his closing remarks.

Since there was time left, Mayor Strazdas asked Mr. Brake what he would change in Portage and what would his first year be like. Discussion followed.

RECESS: 1:53 p.m.

RECONVENE: 2:10 p.m.

Mr. Slavin indicated that there are five individuals worthy of consideration and how Council proceeds forward is up to them, but suggested that a shortlist consist of a number greater than one because it is easier to keep people in the process rather than to beg them to come back in the event that is necessary. Also, he said that their discussion of the candidates be positive.

Mayor Strazdas recommended that City Council take some time to consider the five candidates, to "sleep" on it and to come back at the Tuesday, September 23, 2014 Regular City Council Meeting to discuss the strengths of the five candidates in order to get a consensus of candidates to be called back. Discussion followed.

Mayor Strazdas directed the City Clerk to place the item on the September 23, 2014 Regular City Council Meeting for discussion and deliberation. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 2:22 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 23, 2014

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

At the request of Mayor Strazdas, Pastor Steve Nichols of Berean Baptist Church gave the Invocation. 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 Reid, seconded by Ansari, to approve the September 9, 2014 Regular Meeting Minutes, September 17, 2014 Special Meeting Minutes - City Manager Interviews and the September 18, 2014 Special Meeting Minutes – City Manager Interviews as presented. Upon a voice vote, motion carried 7 to 0 with Councilmember Randall and Mayor Strazdas abstaining from the vote to approve of the September 9, 2014 Regular Meeting Minutes.

* **CONSENT AGENDA:** Mayor Strazdas added Item K.1, Closed Session to Discuss an Opinion from the Attorney, changed Item K.1, Appointment of the City Manager of the City of Portage, to Item K.2, and asked Councilmember Ansari to read the Consent Agenda. Mayor Pro Tem Pearson asked that Item F.1, Kalamazoo County Dispatch Authority Agreements, and Item F.3, Industrial Tax Abatement Application: Scannell Properties, Kenco Logistics Services and Stryker Corporation – Medical Division, be removed from the Consent Agenda. Motion by Reid, seconded by Urban, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF SEPTEMBER 23, 2014:** Motion by Reid, seconded by Urban, to approve the Accounts Payable Register of September 23, 2014. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

WEST LAKE ASSESSMENT PROGRAM - RESOLUTION NO. 3: Mayor Strazdas opened the public hearing and deferred to Acting City Manager Laurence Shaffer, who indicated that he met with the West Lake Association and came to an agreement and deferred to City Engineer Chris Barnes to explain the details of the agreement. Mr. Barnes indicated that there is a five-year Special Assessment District proposed and that this is the Hearing of the Necessity of the West Lake Management Program. He provided a history of the West Lake Management Program efforts to use herbicides to control specific aquatic plant life in the lake. He said the current balance of the West Lake account is \$23,800, and that the West Lake Improvement Association needs approximately \$176,000 over the next five years to continue lake management efforts, or \$35,200 per year. He indicated that the city at-large share is 20%, so the share of the District is: \$117,000 or $(\$176,000 \times 80\% = \$140,800 - \$23,000 \text{ [current balance]} = \$117,000)$. He indicated that the total cost to the city for the five-year period is \$35,200. He noted that this is charged on a per parcel basis because all riparian owners are equally able to use the lake regardless of the lot size. He explained the benefits of the West Lake Management Program and mentioned some of the efforts involved. Discussion followed. Mayor Strazdas opened the public hearing to members of the audience, but no one stepped forward to speak, so he entertained a motion to close the public hearing.

Motion by Ford, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Ford, seconded by Randall, to adopt Resolution No. 3 for the West Lake

Management Program #015-Q, directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 6 to 0 with Mayor Strazdas abstaining since he has a family member who owns property on the lake. Resolution recorded on page 301 of City of Portage Resolution Book No. 45.

STATEMENTS OF CITIZENS: Mike Walker, Portage Firefighter, and Anna Winslow of the Muscular Dystrophy Association (MDA) thanked City Council and the citizens of the City of Portage for supporting the 60-year tradition of standing in the streets to “fill the boot” for contributions to the MDA. Ms. Winslow indicated that the \$20,000 raised by the firefighters stays in the county to help over 60 patients at clinics, with research and summer camps for children.

REPORTS FROM THE ADMINISTRATION:

KALAMAZOO COUNTY CONSOLIDATED DISPATCH AUTHORITY

AGREEMENTS: At the request of Mayor Strazdas, Acting City Manager Shaffer expressed his appreciation for the special efforts of Councilmember Reid and Mayor Pro Tem Pearson, and the work of Portage City Council, to put together a Central Dispatch agreement. He indicated that the Agreement allows for the standardization of all of the hardware, enables the interoperability of everyone using the system and takes Dispatch to the next generation of communication with texting, video and photo capability. He pointed out that many other Counties in Michigan have consolidated Dispatch, but none of them have an agreement that can match the one before City Council this evening. He said that the Agreement creates an Authority that would be endorsed by the Kalamazoo County Commission and the anticipated approval by the Kalamazoo County Commission of a 42 cent per phone device surcharge. He noted that this revenue allows for the initial study of a consolidated dispatch system with all of the entities having the opportunity to consider the actual production of the system itself since this Agreement puts Portage on the road to a consolidated dispatch, but does not conclude what the consolidated dispatch will look like. He said that the organization formed by the Agreement and the subsequent plan formulated by the organization will define consolidated dispatch for Kalamazoo County. He further commented that there is an addendum to the Agreement to share a portion of the 42 cents surcharge among the five participating entities which amounts to \$100,000 of the \$1.17 million that the 42 cents surcharge generates, or approximately \$18,000 for Portage. He expressed the pleasure he had working on the Agreement, expressed his opinion that it is the absolute best agreement for the City of Portage and his pleasure to recommend the Agreement to City Council and the community.

Mayor Strazdas expressed his appreciation to City Council for working on the framework on this Agreement and their work on at least twelve issues throughout the process and invited input from the public in order to hammer out the details.

Mayor Pro Tem Pearson indicated that he and Councilmember Reid brought two full pages of issues to the Leadership Committee that had to be addressed, all of which were discussed, negotiated and compromised as part of the Agreement. He thanked Kalamazoo County Administrator Peter Battani and Acting City Manager Shaffer for this and deferred to Councilmember Reid for her input.

Councilmember Reid indicated that the Agreement was studied to determine what was best for not only the citizens of Portage, but also for citizens throughout the County. She expressed her opinion that the items brought to bear would not have been incorporated in the Agreement if they did not make sense to everybody who was a part of that group; so, it became an opportunity for Portage to bring some things to the Agreement that might have been future problems and to “head those off at the pass.”

Mayor Strazdas complimented City Council for two very long sessions, and provided special thanks to Councilmember Reid and Mayor Pro Tem Pearson for their work with the representatives around the County in the Leadership Committee meetings.

Kalamazoo County Administrator Peter Battani thanked Portage City Council, Acting City Manager Shaffer and City Attorney Randy Brown for their leadership and engagement in this process. He explained that everyone wants the least possible price for the best product. He asked for approval of the Agreement and outlined the calendar of approval of the rest of the entities involved. Discussion

followed. Mayor Strazdas thanked Mr. Battani for his engagement and his efforts throughout the process.

Councilmember Reid noted that it is likely that the 42 cents will not be able to fund everything when considering the amount of equipment and software upgrades envisioned by the project. She expressed a concern that the usage of general fund dollars has been cited as a possibility whereas the Agreement indicates that should the funds be insufficient, the entities would come together, so she asked Mr. Battani to address this issue. Mr. Battani indicated that Commissioner Zull raised the question since the current funding for the five separate operations is \$7.3 million and the \$1.17 million is therefore not enough to fund the newly formed operation. He noted that the 42 cents will allow the Authority to hire a Director and develop the Plan to enable the migration from five different systems to only one system and explained. He cited the following options: fund the entire operation with the voter-approved surcharge which would be above 42 cents, but somewhere less than \$3.00; or with the 42 cents and contributions from the participating units; or with some additional level of voter-approved surcharge plus some contributions from the participating units. He noted that Portage Public Safety and the other Public Safety Answering Points (PCAP's) will still be in operation during the changeover and Portage City Council will be involved in any changes since they will have to be done by contract and explained.

Councilmember Ansari noted that the 42 cents is per device (per month) for every device in the household, which is on average a quantity of three, and made mention of the discussion last Spring of a \$3.00 surcharge per device (per month) for every device in the household, which is on average a quantity of three, that was found to be unpalatable. Mr. Battani concurred and emphasized the goal of accomplishing the migration to this system in an affordable way.

Councilmember Urban indicated that the document has changed a number of times and echoed the concern expressed by Councilmember Reid that this is the first time there has been a reference to the option of using General Fund dollars for this process. He asked Mr. Battani if any of the other Counties are using General Fund dollars, and Mr. Battani answered in the affirmative and explained that out of the 74 Michigan Counties with consolidated dispatch, 66 Michigan Counties have a locally generated surcharge with a number of them supplementing the surcharge with general fund dollars. He also indicated that an unknown small number of Michigan Counties have a dedicated millage, but this is not the preferred mechanism for funding consolidated dispatch. Discussion followed.

Mayor Strazdas brought focus on the framework of the 13 people chosen as the Authority, and Mr. Battani mentioned the poll from Southwest Michigan First that concluded that the citizens want the public entities to move forward on this, and that they understand the surcharge at this level.

Mayor Pro Tem Pearson summarized the discussion stating that a 42 cent surcharge per device (per month) for every device in the household is being assessed by the Kalamazoo County Board of Commissioners, not the Portage City Council; that it is important to hire a Director; that the City of Portage will maintain its 911 dispatch center with no plans to convert until the County and next generation 911 is up and running, and running very well; and, he expressed a preference for a surcharge as a means of funding to hold the Authority's "feet to the fire" in order to make sure this operation is set up in a timely manner to the satisfaction of the citizens which will then allow the citizens to vote for a surcharge. Mayor Strazdas concurred and emphasized that he is not in favor of using general fund money for this project because Portage would not get its fair share of the system. Mr. Battani concurred and stated that the project should be funded through a surcharge and explained.

Councilmember Urban indicated that he is in favor of moving forward with the surcharge described in the Interlocal Agreement to the Authority, as set up by the Interlocal Agreement, in order to hire the staff needed to study the systems in Kalamazoo County to decide the best system that could service this County, but he questioned the reference in City Manager Shaffer's introduction letter of the immediate usage of \$48,000 of the \$1.17 million to upgrade out County equipment. He asked whether the \$48,000 would come from the funds that are being distributed to the County out of the \$1.17 million, or would it come out of the funds distributed to the Authority. Mr. Battani indicated that that decision would be made by the Authority. Discussion followed.

Councilmember Urban also asked about the Fund Distribution Agreement, Section 13, "This Agreement...shall continue in existence for as long as the County assesses of \$0.42 per month, or more, except for users of a prepaid wireless telecommunications service, within Kalamazoo County. Provided that this Agreement shall also terminate if the Kalamazoo County Consolidated Dispatch Authority is disbanded or terminated." He expressed his understanding of the intent of this Agreement by citing the September 23, 2014 Communication from Acting City Manager Laurence Shaffer, page 2, paragraph #2, as being, "The purpose of the distribution is to assist the participating agencies in funding dispatch operation during the transition." Councilmember Urban asked Mr. Battani, once there is a fully operational consolidated dispatch, why would distribution of part of the funds continue to the five participating entities by population, etc. when they are no longer doing dispatch. Mr. Shaffer referred Council to the next sentence of the agreement that, "The Parties agree to meet at least once every five (5) years to discuss the continued viability of this Agreement and whether Amendments should be discussed," and explained that when the Parties agree that there is no need for the distribution to continue, there is an opportunity to sunset this Agreement, and explained. Discussion followed.

Mr. Battani stated if for any reason the City of Portage decides to take the "off-ramp" and the 42 cents is still being levied by the Kalamazoo County Board of Commissioners, the amount of money collected would be distributed to Portage on the basis of population. Discussion followed.

Councilmember Urban indicated that there is no clause in the Agreement where the Authority can impose an obligation upon Portage, but Portage can certainly accept an obligation, yet there is an out clause that if an obligation is imposed, the City of Portage can say, "No thanks," and get out in 30 days; so, why is there an out clause when there is no way to impose an obligation. Discussion followed.

Derek Nofz, County Road 63, Almena Settlement, Van Buren County, representing Southwest Michigan First, indicated support for consolidated dispatch; that the surveys mentioned earlier were taken over the summer which resulted in a finding of overwhelming support for consolidated dispatch; and, he thanked City Council for their leadership throughout the process.

Paul Matyas, Kalamazoo County Undersheriff and Portage resident, spoke in favor of consolidated dispatch, and advocated getting the Director hired so the system can be planned and built.

City Attorney Randy Brown indicated that the Agreement does address the General Fund obligation and referenced Sections 7.A and 7.B as enabling and explained the withdrawal option. Mayor Pro Tem Pearson also pointed out that the original Agreement indicated the requirement of a year to terminate, but Portage offered a six month requirement, and it was accepted.

Motion by Pearson, seconded by Reid, to approve the: *Interlocal Agreement Creating the Kalamazoo County Consolidated Dispatch Authority and the Agreement for the Distribution of County 9-1-1 Surcharge Revenues*, and authorize the Acting City Manager to sign the agreements on behalf of the city.

Councilmember Ford thanked Public Safety Director Richard White for his explanations and insight that helped him in his decisions and discussions regarding the Agreement.

Councilmember Reid spoke in support and challenged the Authority to make sure that as they develop this program, that they devise a high quality program; that the quality of the customer service aspect is just as important as the technology aspect; and, that they work on this as quickly as possible to save cost because it will be developed while still running the Portage Dispatch Operation. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

*** RECOMMENDED BUDGET AMENDMENTS END OF FISCAL YEAR**

HOUSEKEEPING: Motion by Reid, seconded by Urban, to amend the General Appropriations Act (budget) for the fiscal year ending June 30, 2015. Upon a roll call vote, motion carried 7 to 0.

INDUSTRIAL TAX ABATEMENT APPLICATION: SCANNELL PROPERTIES, KENCO LOGISTICS SERVICES AND STRYKER CORPORATION – MEDICAL DIVISION:

Mayor Strazdas deferred to City Manager Shaffer, who announced to his delight the decision by Stryker Corporation and its various partners to invest \$12,388,601 to construct a 300,300 square foot facility in Portage and explained. Mayor Strazdas welcomed Community Development Director Vicki Georgeau, who outlined the details of the application and mentioned that accepting the application and adopting the Resolution setting the public hearing on the creation of the Industrial Development District is the first step in the process. She then informed Council that the next step is to consider the tax abatement request from Kenco Logistics Services, LLC. Discussion followed.

At the request of Mayor Pro Tem Pearson, Ms. Georgeau described what is contained in the tax abatement application in detail, that the 9-year abatement request is not consistent with City Council Policy, and that the recommendation of the Administration will come after the detailed analysis is completed.

As there has been some precedent with other distribution centers, Councilmember Reid asked Ms. Georgeau to find out if there is any risk that the distribution portion of the facility could be found to be commercial rather than industrial and, if that happens, would they still qualify for a tax abatement. Discussion followed.

Matt Pulanski, 3445 Austrian Pine Way, representing Stryker Corporation – Medical Division, indicated that Stryker Corporation – Medical Division is the impetus behind the project and spoke about the relationship Stryker has with Kenco Logistic Service going back to 2006, as they will be staffing the operation. He expressed his enthusiasm for the project and discussion followed.

Motion by Urban, seconded by Ansari, to accept the request from Scannell Properties #192, LLC, to create Industrial Development District No. 90 for 6501 Portage Road and accept the associated PA 198 tax abatement application from Kenco Logistics Services, LLC, for a real property tax abatement for 6501 Portage Road; and adopt Resolution No. 1-14 setting a public hearing on the creation of Industrial Development District No. 90 for 6501 Portage Road on October 7, 2014, at 7:30 p.m. or as soon thereafter as may be heard.

City Attorney Randy Brown indicated that Scannell Properties #192, LLC, does not yet own the property and, under statute this is required; so, adopting Resolution No. 1-14 does not set the District, it only sets the public hearing, and the closing on the property is anticipated before the public hearing. Councilmember Urban asked if Mr. Brown was referring to the second last sentence of the main paragraph of the September 19, 2014 Communication from Tim Elam, Scannell Properties, where it reads, "The intent is to close on the property prior to the creation of the Industrial Development District," and Mr. Brown answered in the affirmative and explained. Upon a voice vote, motion carried 7 to 0. Resolution recorded on page 301 of City of Portage Resolution Book No. 45.

* **AUGUST 2014 ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Urban, to receive the communication from the Acting City Manager regarding the August 2014 Summary Environmental Activity Report as Information Only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Urban, to receive the departmental monthly reports. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

SEAN MCBRIDE, DIRECTOR OF THE KALAMAZOO COUNTY TRANSPORTATION AUTHORITY (KCTA): Mayor Strazdas introduced Sean McBride, 1507 Spruce Drive, Kalamazoo, who introduced Linda Teeter, 471 West South Street, Kalamazoo, and provided recent developments with public transit. He indicated that the next step is to create the Central

County Transit Authority (CCTA). He used a PowerPoint presentation to explain the make-up of the CCTA, the Boundaries of the CCTA District, the future Public Transit Governance Structure, the Opt-out Period, and the Importance of Regionalization such as efficiency and cost-savings, public transit needs not restricted by jurisdictional boundaries and the alignment of governance, management and funding. He outlined the City of Portage Metro Transit Routes and the voting precincts involved and noted that South Westnedge has the second largest ridership, second only to Western Michigan University. In answer to Mayor Strazdas, Mr. McBride indicated that a letter was sent out today to let the City of Portage opt out of participation in the Transportation Authority and October 23, 2014, is the deadline for City Council to take action on this matter.

KCTA Chair and Acting CCTA Chair Linda Teeter indicated that the first order of business of the first meeting of the CCTA last evening was the "Opt-out Letter" to which Mr. McBride referenced. She thanked City Council for the public session, thanked City Council for their leadership and support and for the support of the Portage citizenry. She discussed the two levels of transit service: demand response service available to everyone countywide and the established route service and explained.

Mayor Pro Tem Pearson asked whether Precincts 4, 6 and 12 were proposed precinct exclusions as indicated by the attached map, and Mr. McBride indicated that the Authority approved all of the precincts of Portage and that he did not provide the map in question. Acting City Manager Shaffer indicated that Precincts 4, 6 and 12 are outside the service area and, in past discussions, if there was going to be an opt-out consideration, then these Precincts would be the ones considered.

Mayor Pro Tem Pearson asked about Precincts 5 and 17, and Mr. McBride indicated that bus service does go along the northern borders of those precincts. In the interest of full transparency, Mayor Pro Tem Pearson indicated that City Council received this letter today, has thirty days to opt out and, if Council does nothing, all 19 voting precincts will be included in the taxed jurisdiction. He also indicated with two City Council meetings before the opt out notice is due to the County, the precincts around the West Lake, Austin Lake and Gourdneck Lake areas need to communicate with City Council the need to opt out of the Authority millage, and the areas in South Portage need to do the same.

Councilmember Reid pointed out that the citizens of Portage have been supportive of the concept of transit services from the beginning, yet most people in Portage do not ride the bus. She asked citizens to ask themselves how does it impact the people; how does it impact the growth of businesses by enabling people to get to their jobs; and, "how will it help you, not now, but in the future when you may need help getting around." She also asked people to consider the fact that the more people who are included in the taxed jurisdiction, the less the millage rate (up to 4 mills) will be because "many hands make light work" and explained. Discussion followed.

Motion by Urban, seconded by Reid, to receive the information session conducted by Sean McBride, Director of the Kalamazoo County Transportation Authority (KCTA), regarding the opt-out period for the Central County Transportation Authority. Upon a voice vote, motion carried 7 to 0. Discussion followed.

JAMES HOPPE, VICE-CHAIRPERSON OF THE SENIOR CITIZEN ADVISORY BOARD: Senior Citizens Advisory Board Vice Chair James Hoppe, 2650 Chestnut Avenue, expressed his appreciation to the City Council, staff and volunteers for their support of the Board. Mayor Strazdas asked for a round of applause for those attendees who came in support, and Mr. Hoppe gave great praise to the new Senior Center Manager Kim Phillips, who has really proven herself as an asset. He reviewed each of the goals of the Senior Citizens Advisory Board and explained the progress in each of them. Discussion followed.

Motion by Reid, seconded by Ansari, to receive the presentation and annual update from James Hoppe, Vice-Chairperson of the Senior Citizen Advisory Board. 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 Zoning Board of Appeals of August 11, 2014.

NEW BUSINESS:

CLOSED SESSION: Motion by Reid, seconded by Urban, to enter into a closed session to discuss a communication from legal counsel. Upon a voice vote, motion carried 7 to 0.

RECESS TO GO INTO CLOSED SESSION: 9:25 P.M.

RECONVENE: 10:29 P.M.

City Council reconvened 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 Deputy City Manager Rob Boulis, City Attorney Randy Brown and City Clerk James R. Hudson.

APPOINTMENT OF THE CITY MANAGER OF THE CITY OF PORTAGE: Mayor Strazdas proposed a “round robin” summary of the findings of each of the Councilmembers with regard to the interviews for City Manager on September 17 and 18, 2014. Councilmember Reid provided a detailed review of some of the positive qualities of each candidate for City Manager and her choice as the strongest two candidates, Michael Hughes and Paul Brake. Each Councilmember followed up with positive highlights of each candidate as well and his or her top two choices for the job: Councilmember Urban chose Paul Brake and Michael Hughes. Mayor Pro Tem Pearson chose Larry Shaffer and Mary Lou Brown. Councilmember Ford chose Larry Shaffer and Paul Brake. Councilmember Ansari chose Larry Shaffer and Paul Brake. Councilmember Randall chose Larry Shaffer and Paul Brake. Councilmember Randall made it a point to indicate that if she can give only one candidate name, it would be that of Larry Shaffer and answered Mayor Strazdas that a low second choice would be Paul Brake.

Mayor Strazdas summed up and discussion followed. He noted that the (top) choices listed by City Council include Laurence Shaffer, Mike Hughes and Paul Brake.

Mayor Pro Tem Pearson indicated that Larry Shaffer is his strong number one choice and that he really has no second choice besides Mary Lou Brown.

Since Larry Shaffer had five (5) votes, Paul Brake had six (6) votes and Mike Hughes had only three (3) votes, Councilmember Ford advocated only bringing two (2) candidates back for interview. Mayor Strazdas concurred, but Councilmember Urban objected since Mike Hughes was his first choice, Paul Brake was second and Larry Shaffer was a distant third.

Councilmember Reid restated her preferences as Mike Hughes as her number one choice and Paul Brake as her number two choice. She also expressed her opinion that it would be better to have three candidates for the second interview where a dialogue can take place since the interview process itself may pit one candidate against the other if there are only two candidates; and, she indicated that it is important for Portage citizens to participate in the process as well.

Councilmember Randall indicated that she recorded each Councilmember’s vote as presented and noted that there were four (4) votes for Larry Shaffer as the number one choice, which represents that a vote tonight could produce a permanent City Manager. She reflected that she thought (interviewing) five (5) candidates were too many; that Council extended the statistical gap to include five (5); and, that it was an exhaustive process. She indicated if Council cannot decide tonight who is going to be the permanent Portage City Manager, based on this voting, that two candidates would be more than ample to bring back, out of consideration for each of the candidates and for Portage City Council as well. Councilmember Randall pointed out that City Council was notified that Portage would

be without a City Manager on February 11, 2014, and said that it is time to move forward and “to put this behind us.” She indicated that she was ready to do a vote tonight if that is the pleasure of the Council.

Mayor Strazdas summed up and indicated that he cannot provide a name for consideration tonight and that it is important to bring all three (3) of the top candidates back for the second interview. He advocated waiting until the next meeting to allow time for reflection and input from the citizens for whom the City Manager works.

Councilmember Randall asked that, in the interest of trust, any communication regarding any of these three candidates, or the past candidates – the five, be provided to all of City Council and explained when some Councilmember(s) receive a communication and others do not, that it is unfair when a citizen asks a question regarding the communication of a Councilmember who did not receive the communication as it leaves “the suggestion that there is some personal bias on the recipient not doing that.” She commented that, “if trust is what we are supposedly working toward and with, then that needs to be clear.” Mayor Strazdas concurred and directed that any communications in this regard be forwarded to Acting Deputy City Manager Rob Boulis for distribution.

Mayor Strazdas agreed to forward the e-mail he received from Kalamazoo County Administrator Peter Battani regarding a candidate to Mr. Boulis for dissemination. Discussion followed. When Councilmember Ansari asked if this matter is being deferred to the next Council Meeting, Mayor Strazdas indicated that it will not be at the next Council Meeting; that the final round of interviews of the three finalists will be set to take place one evening; and, shortly after that, the choice will be narrowed down to one person, and only after the return of Mayor Pro Tem Pearson. Discussion followed.

Councilmember Ford proposed a different format: that City Council do something during the day, such as tours, to get more exposure to the candidates in a more personal setting to see if the candidates are a good “fit” chemistry wise. Discussion followed.

Mayor Strazdas asked Mr. Boulis to work with the consultant to choose a date and said that it is a good idea for the candidates to get more exposure to the City of Portage during the day, then find a few hours in the evening to bring this matter to a close. Attorney Randy Brown indicated that if City Council is going to eliminate candidates, a motion is in order.

Motion by Reid, seconded by Randall, to invite back for a second interview, Larry Shaffer, Paul Brake and Michael Hughes. Upon a voice vote, motion carried 6 to 1. Ayes: Councilmembers Nasim Ansari, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. No: Councilmember Richard Ford. Discussion followed.

In answer to Councilmember Ansari, Mr. Brown indicated that any Councilmember can ask the Mayor to nominate a particular person, but ultimately it is up to the Mayor to make that decision; and, as a balance of power, City Council has to approve the person as City Manager. Discussion followed.

BID TABULATIONS:

* **OAKLAND DRIVE RECONSTRUCTION PROJECT:** Motion by Reid, seconded by Urban, to approve a budget amendment to add \$200,000 to the Fiscal Year 2014 – 2015 Capital Improvement Fund budget; a contract to Michigan Paving & Materials Company of Kalamazoo, Michigan, in the amount not to exceed \$645,575 for the reconstruction of Oakland Drive from I-94 to Kilgore Road; a contract amendment with Wightman & Associates, Incorporated, in the amount not to exceed \$56,500 to perform construction engineering services for Oakland Drive from I-94 to Kilgore Road, 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.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Reid thanked Martha Dahlinger for her attendance at the entire meeting.

Councilmember Ford concurred with Councilmember Reid and announced that he is celebrating his five-year wedding anniversary this Friday.

Councilmember Randall also concurred with Councilmember Reid and indicated that Tom Haroldson informed her that 700 people were blogging live while the interviews of the City Manager took place.

Acting Deputy City Manager Boulis said that he would contact Mr. Slavin tomorrow and asked City Council to e-mail any changes to his or her calendar. He said he would talk to Mr. Slavin about his experience with the proposed day time interview suggestion to determine the possibilities.

Mayor Strazdas indicated that he had been away, and it is great to be back to Portage because it is such a great city, with great values.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 11:16 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY COUNCIL MEETING MINUTES FROM OCTOBER 7, 2014

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

At the request of Mayor Strazdas, Pastor Joan Herbon of the Lord of Life Lutheran Church of Portage provided an invocation. 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 Reid, seconded by Ansari, to approve the Regular Meeting Minutes of September 23, 2014. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ford to read the Consent Agenda, who asked that Item K.1, Appointments to Various Boards and Commissions, be added to the Consent Agenda. Councilmember Ansari asked that Item F.4, West Lake Weed Management Program, 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 OCTOBER 7, 2014:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of October 7, 2014. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

INDUSTRIAL TAX ABATEMENT APPLICATION: SCANNELL PROPERTIES, KENCO LOGISTICS SERVICES AND STRYKER CORPORATION – MEDICAL DIVISION: Mayor Strazdas opened the public hearing and Acting City Manager Laurence Shaffer outlined the request and deferred to Community Development Director Vicki Georgeau, who indicated that this is a request for the creation of Industrial Development District (IDD) No. 90 for 6501 Portage Road from Scannell Properties #192, LLC, and an associated tax abatement application from Kenco Logistic Services, LLC, for a real property tax abatement within the District. Ms. Georgeau indicated that the request for the District has been expanded to include not just the building footprint, but also the site improvements in the outer area, which amounts to another \$3.13 million in the request. She noted that the facility will handle production materials, final processing, packaging and distribution of newly manufactured goods, storage and management of research and development, test lab equipment, and trial and product demonstration for Stryker Medical.

Ms. Georgeau discussed job projections and the fact that the request is for a nine-year period instead of the six-year period according to City Council Policy. She said that the Planning Commission met and approved the site plan for the facility and that Scannell Properties anticipates purchasing the property from Pfizer not later than the close of business on October 20, 2014. She summarized the Resolution process for tax abatements and some of the logistics involved; she explained the Preliminary Planning and Environmental Analysis; and, she analyzed the Project Impact on the General Fund and the Property Taxes that will be forgone for the various taxing Districts.

Ms. Georgeau also indicated that staff recommended the creation of the expanded District No. 90 owing to the significant investment and notable benefit to the community. She summed up the request and discussion followed.

In response to Councilmember Ford, Ms. Georgeau explained the conditions surrounding the “claw back” provision in the forthcoming Tax Abatement Agreement for City Council consideration and approval and how that clause is implemented. In answer to Councilmember Reid, discussion followed regarding Resolution processing and the requirement of an annual report and update from the recipient of a tax abatement in Portage.

Brad Liddie, Vice President of Operations, Kenco Group, Chattanooga, Tennessee, and Gary Obershaw, Vice President of Development, Scannell Properties, 800 E. 96th Street, Indianapolis, Indiana, expressed their excitement for the opportunity to expand their business with Stryker Corporation – Medical Division. In answer to Mayor Strazdas, Mr. Liddie responded this abatement enables greater growth for the community and investment in the jobs that are currently here in the greater Kalamazoo area; and, Mr. Obershaw indicated that if the facility closed after seven years, that his company would quickly backfill the facility with another tenant that would pick up the slack in order to maintain the jobs in the area.

Councilmember Urban asked for an explanation of the relationship among Scannell, Stryker and Kenco, and to elaborate on the current relationship Kenco has with Stryker a little more. Mr. Liddie indicated that Kenco has been doing business with Stryker and the Kalamazoo area at the Midlink Business Park facility since 2005, are in the process of restructuring a 10-year deal with Stryker as a logistic service provider, operate eight other facilities across the United States to support Stryker Medical Division and look forward to continued growth of the Stryker account. As a third party company, they provide logistics services for lots of Fortune 500 Companies, are a \$500 million company, family-owned, privately held with 800 employees across the United States and Canada.

In answer to Councilmember Ansari, Mr. Liddie indicated that the intent is to grow the 10 jobs cited in the Tax Abatement Application within the first two years. Discussion followed.

Mayor Strazdas opened the public hearing for comments from people in the audience. There being no further comment, motion by Ansari, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Urban, seconded by Randall, to adopt Resolution No. 2-14 proposing the creation of Industrial Development District No. 90 at 6501 Portage Road, subject to the purchase of the property; and, to adopt Resolution No. 3-14 setting a public hearing on October 21, 2014, at 7:30 p.m. or as soon thereafter as may be heard, for issuance of an Industrial Facilities Exemption Certificate for real property in the estimated amount of \$12.4 million within IDD #90. Upon a roll call vote, motion carried 7 to 0. Discussion followed. Resolution recorded on page 313 of City of Portage Resolution Book No. 45.

PETITIONS AND STATEMENTS OF CITIZENS: Jean Henderson, 7767 Percheron, Director of Business at the Sherman Lake YMCA, mentioned PANDAS/PANS AWARENESS Day, Thursday, October 9, 2014. She explained that Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections (PANDAS) and Pediatric Acute-onset Neuropsychiatric Syndromes (PANS) are often misdiagnosed and explained some of the symptoms of the disease such as: has a sudden, dramatic change in personality displayed as Obsessive Compulsive Disorder (OCD) together with accompanying symptoms following a strep, bacterial or viral infection, pneumonia or Lime Disease or several other infections. She indicated that her own son had the disease and was able to find treatment, but many families are still struggling with this disorder, and is before Council to help other healthcare professionals know to test for this disorder. She extended special thanks to Mayor Strazdas for his draft of a PANDAS/PANS AWARENESS Month Proclamation for November in the City of Portage, and is looking forward to coming back November 4, 2014, for the reading of the proclamation. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

- * **ADOPTION OF RESOLUTIONS REGARDING THE 2014 TAX INCREMENT REFUNDING BONDS OF THE LOCAL DEVELOPMENT FINANCE AUTHORITY:** Motion by Urban, seconded by Reid, to adopt the Resolution Authorizing Limited Tax Pledge to Payment of 2014 Tax Increment Refunding Bonds of the Local Development Authority of the City of Portage; and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the 2014 Tax Increment Refunding Bonds issued by the Local Development Finance Authority of the City of Portage. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on page 317 and 321 of City of Portage Resolution Book No. 45.
- * **ADOPTION OF BOND RESOLUTIONS:** Motion by Urban, seconded by Reid, to adopt the Bond Resolution authorizing the sale of Capital Improvement Bonds, Series 2014, in the amount of \$1,600,000; and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2014. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on pages 323 and 335 of City of Portage Resolution Book No. 45.
- * **2014 FLUORIDATION EQUIPMENT GRANT:** Motion by Urban, seconded by Reid, to approve a budget amendment to transfer \$22,423.22 from revenues received from the Michigan Department of Community Health - Oral Health Program into the Water Fund, approve a purchase order in the amount of \$22,423.22 to United Water for reimbursement of all labor and necessary equipment required in conjunction with the Fluoridation Equipment Grant, and authorize the Acting City Manager to execute all documents related to this grant on behalf of the city. Upon a roll call vote, motion carried 7 to 0.
- * **LICENSE AGREEMENT FOR SHED AT 7138 CAPRI STREET:** Motion by Urban, seconded by Reid, to authorize the Acting City Manager to sign the License Agreement to locate an Accessory Structure on city property addressed as 7138 Capri Street. Upon a roll call vote, motion carried 7 to 0.
- * **WEST LAKE WEED MANAGEMENT PROGRAM - RESOLUTION NO. 4:** Motion by Urban, seconded by Reid, to adopt Resolution No. 4 for the West Lake Weed Management Program #015-Q, setting a public hearing on the assessment roll for October 21, 2014, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 337 of City of Portage Resolution Book No. 45.
- * **DOWNTOWN DEVELOPMENT AUTHORITY ANNUAL REPORTS:** Motion by Urban, seconded by Reid, to receive the communication from the Acting City Manager regarding the Downtown Development Authority Annual Reports as information only. Upon a roll call vote, motion carried 7 to 0.
- * **LOCAL DEVELOPMENT FINANCE AUTHORITY ANNUAL REPORTS:** Motion by Urban, seconded by Reid, to receive the communication from the Acting City Manager regarding the Local Development Finance Authority Annual Reports as information only. Upon a roll call vote, motion carried 7 to 0.

CLOSED SESSION: Mayor Strazdas indicated that this item originally appeared on the Consent Agenda, but the communication in question is in the form of a report and that portion cannot be discussed in a closed or executive session, so he questioned the need to go into a closed session to discuss the communication. Motion by Pearson, seconded by Ford, to hold a closed session for review

of an attorney communication. City Attorney Randy Brown indicated that there are parts of the communication that can be discussed in closed session and parts that cannot be discussed in closed session and the need is up to the City Council and discussion followed. Upon a roll call vote, motion failed 4 to 3 since a two thirds majority vote, or five City Councilmembers, is required to enter into a closed session in this case: No: Councilmembers Reid and Urban and Mayor Strazdas. Yeas: Councilmembers Ansari, Ford and Randall and Mayor Pro Tem Pearson.

Councilmember Urban read the Executive Summary of the Report from Labor Counsel Kevin McCarthy into the record. Discussion followed regarding who the complaining party was and how much of the report should be revealed in open session or closed session.

Councilmember Ford read further findings from Mr. McCarthy's report, including a listing of the calendar of events surrounding the activities reviewed by the report. He stated that these facts are corroborated by written evidence. City Attorney Brown clarified that the Closed Session held on September 23, 2014, was not for the purpose of discussing the investigation, but for the discussion of a separate legal opinion provided by Labor Counsel Kevin McCarthy, and that is why City Council met properly in closed session. Councilmember Urban asked that Mr. McCarthy be called to describe an alleged mischaracterization by Councilmember Ford. Councilmember Ford immediately asked City Attorney Brown how Council can waive privilege regarding this matter. Mr. Brown indicated that the report is not privileged, except for the parts that must be discussed in closed session and any past communications that can be characterized as Attorney Client communications. He then stated that a waiver of privilege would take a vote of City Council. Motion by Ford that the remainder of the report from the City of Portage Labor Attorney Kevin McCarthy be waived for privilege.

Councilmember Urban objected that he had a request on the floor when Councilmember Ford interjected his motion to waive privilege, and said that Councilmember Ford alleged a conclusion that the reason Mr. McCarthy found the allegation to be true was because of his (Councilmember Urban) testimony, and stated that there was other testimony and asked Mr. McCarthy to speak to that issue. Mayor Strazdas called Mr. McCarthy forward, who stated that his understanding of the question is whether there is a basis for the findings other than the statements by Councilmember Urban. He indicated that the complaining witness also stated the same thing, so there were two people who had that version of the facts. Discussion followed.

Motion by Ford, seconded by Pearson, that the remainder of the report from the City of Portage Labor Attorney Kevin McCarthy be waived for privilege. After an explanation of the meaning of a waiver of an Attorney/Client communication for privilege and the reasons for it, Mr. Brown indicated that it takes a majority of City Council to waive privilege and release the legal portion of the document. Discussion followed regarding the Freedom of Information Act (FOIA) request that is currently pending on this matter. Discussion followed.

At the suggestion of Councilmember Reid, Councilmember Ford agreed to amend the motion to include the redaction of the information regarding the complainant, but Mayor Pro Tem Pearson did not, so the offer of the friendly amendment failed. Assistant City Attorney Bear explained that City Council has two (2) issues here; one is the privilege and whether that applies to the report and FOIA has an exemption for records subject to Attorney/Client Privilege. He said if an exemption is waived, then that exemption does not apply; however, he questioned whether City Council can waive the privacy exemption. He indicated that there is a balancing test between the public right to know certain information versus the public interest in not disclosing the information.

Mayor Strazdas resumed focus on the original motion and Councilmember Urban pointed out that the majority of the report could not be discussed in closed session and pointed out that he redacted the name of the complainant in the portion he read earlier, and that he intends to continue to redact that person's name as he reads the rest of the document. Discussion followed.

City Attorney Brown asked for assurances that City Council is talking about the investigation report from Labor Attorney Kevin McCarthy and not his previous privileged Attorney/Client communication that was the subject of the Closed Session held on September 23, 2014, and

Councilmember Ford concurred. He also agreed with Mr. Brown that it is the last bit of the investigative report and its conclusions where it discusses some legal issues that are in question.

At the request of Councilmember Ansari and Mayor Pro Tem Pearson, Councilmember Ford clarified his motion by saying that the investigative report contains some legal conclusions and, out of transparency, he said he has no problem releasing the entire report. Mr. Brown reemphasized that the investigative report provided to Council is not privileged up until the last page, page 6, that discusses the legal obligations and rights of the City above and beyond whether there was a violation of Title VII of the Federal Law or the Michigan Civil Rights Act. Since it went above and beyond the reason for the investigation, the legal information given by Mr. McCarthy is privileged information and that is what the motion is about. Mr. Brown confirmed for Councilmember Urban that the only material that could be discussed in closed session was on page 6 beginning with paragraph 2, and he confirmed for Mayor Pro Tem Pearson that voting "yes" releases everything on page 6 for public discussion. Upon a roll call vote, motion carried 7 to 0.

Mr. Brown provided a caveat with regard to disclosing the name of the complainant and deferred to Mr. Bear to discuss any liability that could attach. Mr. Bear noted that the question is whether or not it meets the definition of the Privacy Act; is it confidential, private information that would invade a person's privacy should it be released; also, it could potentially have a chilling effect on other persons making complaints, if they know that their identity is going to be made public, even though there is no requirement to redact. Mr. Brown mentioned that lawsuits can be brought, but in the law in Michigan, courts have not recognized a cause of action for that type of privacy claim. Mr. Bear reviewed case law regarding information disclosure which deals primarily with the release of personnel files. He noted that there is an exemption for the release of personnel files for police, but the balancing test is applied and Courts have said there is a public right to know where there is misconduct, and the public right to know overrides the right of nondisclosure. Discussion followed.

Motion by Reid, seconded by Urban, to redact the name of the complainant. At the request of Mr. Brown, motion by Reid, seconded by Urban, to redact the name of the complainant and all identifying information throughout the report. Discussion followed. Mr. Brown indicated that there is no clear legal reason to not redact the name, but using the balancing test, it is better to redact owing to the reasons provided by Mr. Bear, the chilling effect and the interest in the privacy of the complainant. Mayor Pro Tem Pearson urged full disclosure. Councilmember Reid indicated that the investigation report and protection of the complainant is extremely important and this will help protect the City from potential lawsuits and urged nondisclosure. Councilmember Ansari warned that the other party may have a lawsuit as well; so, in the interest of the balancing test, both names should have been redacted or none should be redacted. Mayor Pro Tem Pearson objected that Councilmember Urban released the name of Mr. Shaffer, and pointed out that a majority of City Council wanted a closed session, but there needed to be five votes, and that is frustrating.

Councilmember Urban expressed his opinion that Mayor Pro Tem Pearson does not understand that discussion of the first five pages of the report has to be in open session and that the report will eventually be released under FOIA, and that the perpetrator's name cannot be redacted and would have to be disclosed, so he brought it to the table tonight instead of waiting two weeks. He expressed concern for further stress upon the complainant by having his or her name in the media when it is the opinion of the attorneys that Council does not necessarily have to do that and that it could expose the City of Portage to additional liability. Mayor Pro Tem Pearson objected to Councilmember Urban for "tainting the good name of the Acting City Manager." Councilmember Urban restated that under case law, Mr. Shaffer's name could not be redacted under FOIA for this non-privileged document and City Attorney Brown concurred and agreed with Mayor Strazdas that it would be illegal. Discussion followed.

Motion by Randall, seconded by Ansari, to call the vote, the question. Discussion followed. Councilmember Urban objected. Discussion followed and City Attorney Brown indicated there has to be five (5) votes and to call the question is "yes" and to continue discussion is "no." Upon a roll call vote, motion failed 7 to 0, so discussion continued. Councilmember Urban asked for a reason to not redact the name. Councilmember Randall and Mayor Pro Tem Pearson objected. Councilmember

Urban and Mayor Pro Tem Pearson discussed the appointment process outlined in the *Portage City Charter*. Discussion followed.

With regard to the motion by Reid, seconded by Urban, to redact the name of the complainant and all identifying information throughout the report, upon a roll call vote, motion carried 7 to 0. Discussion followed. City Attorney Brown indicated that it would take a vote of Council to place the item on the Agenda before any action on the item could take place. Discussion followed. Councilmember Ford indicated that since privilege had been waived, he wanted to disclose the findings of Labor Counsel Kevin McCarthy that the action by Mr. Shaffer was not illegal, nor did it constitute sexual harassment. Councilmember Urban voiced his objections and discussion followed. Mr. Brown answered Councilmember Urban by indicating that Council can formulate and voice opinions, but final action has to be based upon the findings in the report from Labor Counsel Kevin McCarthy; or, if you disagree and wish to take another type of action, then another investigation would need to be called with the hope of a finding of facts to support that action.

Councilmember Randall asked Mr. McCarthy to come forward to clarify some discussion points he had addressed previously over the phone. When she asked him about his characterization of the incident in question as, "He said, she said situation if it had not been overheard by another person," Mr. McCarthy indicated that the characterization was correct. She asked him if he knew of the hard feelings or nonsupport for Mr. Shaffer by Councilmember Urban from day one, and Mr. McCarthy acknowledged that he knew of his general position in filling the positions, but was unaware of the specifics. Mr. McCarthy admitted did not know that Council asked for a further investigation by Bob Slavin, Slavin and Associates, which turned up nothing. She noted that the investigation revealed that Councilmember Urban was on his way to the restroom when the alleged comment was made, so it would have been overheard by others in Council Chambers, yet no one else was asked whether he or she overheard the comment in question. Mr. McCarthy indicated that Councilmember Urban indicated where he was when he overheard the alleged comment which coincided with the complainant's explanation of the situation, and no one else was at "arms-length" or close enough to be asked whether he or she overheard the alleged comment.

When Mayor Strazdas asked Mr. McCarthy if he wished to make a statement, he indicated that the discussion here is not about a heinous act, the alleged comment is a one to one and a half second period of time with a comment, even as alleged, was not horrible and was simply a minor comment. He said that the finding was that this was not a big, significant issue, just a little one. In answer to Mayor Pro Tem Pearson, Mr. McCarthy said that Mr. Shaffer indicated that he does not remember making the alleged comment and flat out denies making it. Mayor Pro Tem Pearson placed the matter in context as Mr. Shaffer purportedly made the comment five (5) seconds before coming to a one and one-half hour interview before City Council for the permanent City Manager position. He then indicated that he does not see an intent to sexually harass, but a little nervousness on the part of Mr. Shaffer, and the comment could be made in general and not directed at one individual. Mr. McCarthy indicated that this characterization of the event was consistent with his report. Discussion followed.

Councilmember Urban objected and indicated that he had been called a liar tonight and that his integrity has never been questioned as a member of City Council. He indicated that when the allegation was sent to Council, he immediately remembered the comment and he remembered it because it did seem out of place for someone walking into an interview and he could tell it was directed to someone, but he did not see who that was since his view was blocked as to who that was. He pointed out that he did not confirm to whom the alleged comment was made, only that it was not to himself, but was directed to someone. Regarding the seriousness of the allegation, he mentioned that the report reflects how upset the person was to whom the comment was made and gave examples. He indicated that he contacted Mr. Brown when he received the allegation to let him know that he had overheard the alleged comment. Mr. Brown let him know that he was not handling the matter and referred it to Kevin McCarthy, who contacted him the next morning.

Councilmember Urban said he did not have contact with the complainant; that he remembered the alleged comment; that he explained that to Mr. McCarthy; that he did not tell Mr. McCarthy that he

was on the way to the restroom; that it was made in a normal conversational tone; and, that it was directed to someone which he noted was not reflected in the report. He admitted that he did not vote for Mr. Shaffer to be interim City Manager and he is not his choice for permanent City Manager, and commented that that has nothing to do with this, but how this has affected a long-time employee of the City of Portage who has had the highest integrity for their entire career. He then said if someone is going to call him a liar, then prove it, and indicated that he is tired of being accused of having a bias and tired of being accused of being part of a conspiracy. Discussion followed.

Mayor Strazdas indicated that he wants Council to take time to absorb this information and that he will be placing the matter on the next agenda to decide what action, if any, should take place. Discussion followed. Mr. Brown reminded Council that there can be no action taken on this item that would finalize the matter, whether that be no action or otherwise, unless a majority of Council decides to place it on the agenda. Discussion followed.

At the request of Mayor Strazdas, Mr. McCarthy came forward to let Council know that every organization is different, with different rules, different set of past practices and there is no hard and fast rule of what should be done or if nothing should be done, so it is up to City Council. He reminded Council that he did not view this as a serious matter that required substantial action, and that Council discretion controls. In answer to Mayor Strazdas, in other organizations across the State in similar circumstances, the remedy would not be more than going from the range of verbal counseling, coaching to maybe a reprimand with maybe some additional coaching. Discussion followed.

Motion by Pearson, seconded by Randall, to add the topic to decide what to do in response to the investigation report as submitted to the Agenda tonight. Councilmember Urban said it was inappropriate for this Council to take action on this report when we just this evening decided that the entirety of this report and the specific way that this report should be released to the public; and, that it is irresponsible to not let the public see this report and offer their opinion to Council. He read more from the segment of the report that references the need for a comfortable working environment for the complainant employee.

Councilmember Ford confirmed that City Council never took formal action to have an investigation of this matter by Kevin McCarthy, as it went from Mayor Strazdas to City Attorney Brown, who contacted Kevin McCarthy. Mayor Strazdas asked Council to consider the next steps to be taken and discussion followed. Upon a roll call vote, motion carried 5 to 2. Yeas: Councilmembers Ford, Randall and Ansari, and Mayor Pro Tem Pearson and Mayor Strazdas. No: Councilmembers Reid and Urban.

Councilmember Urban read the report from Kevin McCarthy in its entirety with some redactions as approved by City Council (See attached). Owing to the passionate statement by Councilmember Urban regarding being called a liar, and the fact that this is an investigation, Mr. Brown asked him, for the record, whether he feels he can make an unbiased decision on this matter and will he feel slighted one way or the other depending upon the outcome of the decision. Councilmember Urban indicated that his outrage at being called a liar is not at Mr. Shaffer; that he accepts the report that does not conclude that Mr. Shaffer intentionally lied about this; that his outrage is with the Councilmembers; and, that he can be impartial in the decision regarding actions and corrective actions in this matter and Mr. Shaffer. He indicated that he heard the alleged comment and corroborated the alleged comment without knowing where the comment was made. Discussion followed. In answer to Mr. Brown's question of whether he feels his personal interest in this matter does not rise to a level that would require him to abstain, Councilmember Urban answered that it does not rise to such a level.

Mayor Strazdas concurred with the investigative report, noted that some corrective action should be taken as suggested and steps be taken to work toward a cooperative working relationship in the Office of the City Manager. Mayor Strazdas suggested getting a Human Resources Specialist, who could take a look at the circumstances and work toward accomplishing the suggestions of Kevin McCarthy in his report. Discussion followed.

Motion by Pearson, seconded by Randall, to end the discussion and no corrective action is necessary. Councilmember Reid respectfully disagreed with Mr. McCarthy as the alleged comment was

inappropriate and offensive, and only the complainant can discern the level of the offensiveness of the alleged comment, and as the employer of the Acting City Manager, how can we ensure that the working environment is appropriate in the City of Portage; doing nothing says that when someone is offended by an inappropriate comment that there will be no action taken in the interest of protecting all employees and to ensure a safe working environment. Mayor Strazdas concurred that simply dropping the matter does not get to the cooperative working relationship which he advocates, even though he agreed with the attorney that this was a small, insignificant act, but that it is something that should be addressed by a Human Resources Specialist and explained.

At the suggestion of Councilmember Ford, Mayor Strazdas asked Acting City Manager Larry Shaffer to speak to the matter. He thanked the City Council for deliberating this issue as it has caused him a great deal of anguish over the last three weeks and indicated that he stands one hundred percent behind his statements to Mr. McCarthy. He said he has no recollection of making any comments to anybody at any time; that he did not make the alleged comment; that he has never made a comment similar to the alleged comment and expressed his disbelief that the matter has "reached this point."

Councilmember Urban indicated that he in fact did hear Mr. Shaffer make the alleged comment as he entered Council Chambers; that he has no other agenda for this; that he takes offense that his integrity has come into question as it never has before. With regard to the motion, he indicated that the working environment for this employee is not normal, not comfortable and is punishing to this employee; and, that the working environment for this employee is keeping this employee from doing the job to the best of their ability. He said that City Council needs to do something to remedy that and supported Mayor Strazdas' suggestion to bring in an expert as would be the case for any other employee of the City of Portage with the professional assistance of the Employee Development Department and explained. Discussion followed.

Councilmember Urban indicated that he was not interested in corrective action for Mr. Shaffer and that his whole concern is for the Complainant, their working situation and making them whole in some way and explained his reasoning. Councilmember Ansari reviewed some of the options that were offered, indicated that Council needs to respect each and every employee from the City Manager through whatever level the employees are at, and said that no action should be taken and that it is time to move on.

Councilmember Randall indicated that she accepted the report and is ready to move on, but disagreed with its findings and the method under which it was conducted. She indicated that at least two members of City Council found out about this incident on Saturday morning and the rest of Council was not notified until Monday evening. She said if this was such a catastrophic problem, in this day of technological advancement, then why wasn't the rest of City Council informed? Mayor Strazdas explained the chronology of events that led to the timing of informing Council on this matter.

Councilmember Reid stressed that it is not appropriate to handle this matter through the Employee Development Department since the Acting City Manager is the employee of City Council and, since Council does not have the expertise to handle employment matters, it is appropriate to hire a professional human resources person for that purpose.

Councilmember Ansari reemphasized his opinion that no action should be taken against the City Manager. Discussion followed.

Mayor Pro Tem Pearson indicated that those who have Mr. Shaffer at the top of their support list, support him here, and those who put him at the bottom of their support list want action to be taken contending that it is a hostile environment. He called the question. Mayor Strazdas made it clear that he did not put Mr. Shaffer at the bottom of his list and discussion followed. Councilmember Randall supported the motion to call the question. Discussion followed and Councilmember Urban objected to calling the question. Mr. Brown indicated there is a need for five affirmative votes to cease discussion. Upon a roll call vote, motion carried 5 to 2. Yeas: Councilmembers Randall, Ansari and Ford, Mayor Pro Tem Pearson and Mayor Strazdas. No: Councilmembers Reid and Urban.

With regard to the motion by Pearson, seconded by Randall, to end the discussion and no corrective action is necessary, motion carried 4 to 3. Yeas: Councilmembers Randall, Ansari and Ford,

and Mayor Pro Tem Pearson. No: Councilmembers Reid and Urban and Mayor Strazdas. Discussion followed.

UNFINISHED BUSINESS:

NEXT STEPS FOR THE CITY MANAGER SEARCH: Mayor Strazdas expressed his opinion that it is important for the citizens to have the opportunity to engage with the three finalists for the position of City Manager of the City of Portage and his intent to have a Special Meeting in the evening to avail that opportunity to those who may have been at work during the last set of interviews. Mayor Pro Tem Pearson indicated that Councilmember Ford was the only Councilmember thinking clearly at the end of the last Regular City Council Meeting as the only dissenting vote cast on the question of conducting interviews for the top three finalists for permanent City Manager. He objected on the basis that four (4) Councilmembers have not changed their minds on who the next permanent City Manager should be, Larry Shaffer. He pointed out that three (3) Councilmembers favor Michael Hughes and somehow Paul Brake is being considered even though he did not get a first place vote from a Councilmember. Councilmember Ansari expressed his support for Larry Shaffer.

Mayor Strazdas indicated that he is not prepared to give a name for consideration by Council and expressed his interest in giving the citizens of Portage the opportunity to interact with the candidates since only one citizen has had the opportunity to meet with the candidates. Discussion followed. Councilmembers Ansari and Randall objected and provided his and her justifications. Mayor Strazdas indicated that he is still not prepared to provide a name and expressed his interest in giving Portage citizens the opportunity to interact with the three candidates in the evening and shortly after that, make his decision.

Councilmember Reid mentioned the professional specialists, Sherry Welsh, who provided a review of the process, and what to expect, and Council chose Bob Slavin to do the actual recruiting. She indicated that both of the Consultants explained that it was important to engage the community in the search process.

Councilmember Ford noted that he originally had Acting City Manager Larry Shaffer third in the initial interviews. He then spoke positively about Mr. Shaffer since working with him and discussing his attributes with members of the public over the summer.

In answer to Councilmember Ansari, City Attorney Brown indicated that the Mayor is not at the point where he is able to provide a name to City Council for consideration for City Manager, so there is no answer as to how far the process can go. He said that all the *City Charter* does is give the Mayor the power to give the name; it does not give the Mayor the power to spend City funds or engage in other activities for this Council to have interviews (such as hiring a new search firm). He stated that it is a power, a limited power, which is balanced by the power of City Council to approve the recommendation. Mayor Strazdas indicated that the process will go on until there is the opportunity for the candidates to meet with citizens in the evening and he makes a choice soon thereafter. Discussion followed.

Motion by Randall, seconded by Pearson, to have no more interviews. Discussion followed. City Attorney Brown indicated that the Mayor or three Councilmembers can call a Special Meeting (but only the Mayor can call a Special Meeting hold interviews); Councilmembers do not have to attend; but, Council can still have a Special Meeting and hold interviews even though Council voted to have no more interviews. Discussion followed and Mr. Brown indicated that the *Charter* trumps the vote to "have no more interviews" and only the Mayor can call for a Special Meeting for this purpose, but no decision can be made without a quorum. Discussion followed. Motion carried 4 to 3. Yeas: Councilmembers Randall, Ansari and Ford, and Mayor Pro Tem Pearson. No: Councilmembers Reid and Urban and Mayor Strazdas. Mayor Strazdas expressed his appreciation for the suggestion from Council, reiterated his intent to call a Special Meeting at the next available time to interview the three good candidates and engage the citizens for an evening discussion. He encouraged all Councilmembers to attend to listen to their constituents' questions and discussion. Discussion followed. In answer to

City Clerk James Hudson, City Council updated their calendars and the first available date is Monday, October 20, 2014. Mayor Strazdas also agreed to set a second date to provide his decision, if necessary.

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

Portage Public Schools Board of Education Regular of August 18 and Committee of the Whole Work Session and Special of September 8, 2014.

Portage Park Board of September 3, 2014.

Portage Human Services Board of September 4, 2014.

Portage Planning Commission of September 18, 2014.

Portage Downtown Development Authority Draft of September 18, 2014.

Portage Local Development Authority Draft of September 19, 2014.

NEW BUSINESS:

- * **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Urban, seconded by Reid, to reappoint Eric Alburtus (PPS) and Devrim Yaman with terms ending December 31, 2020, to the Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority; to reappoint Catherine Niessink, Spencer Welling and Tim Winslow with terms ending October 1, 2017, to the Environmental Board; to appoint Jamie Jager with term commencing January 1, 2015, and ending December 31, 2017, to the Historic District Commission; to reappoint Nadeem Mirza, Edward Morgan and Amanda Woodin with terms ending October 1, 2017, to the Human Services Board; to reappoint Janet Whitcomb and appoint Susan Atkinson and Emily Hirschman with terms ending October 1, 2017, and appoint Jonathan Peer with unfulfilled term ending October 1, 2016, to the Park Board; to reappoint Mary Lou Petruccio, appoint Gloria Padilla-Carlson with terms ending October 1, 2017, appoint Art Roberts with term ending October 1, 2015, and appoint Mike Martin as an Alternate Member with term ending October 1, 2016, to the Senior Citizens Advisory Board. Upon a roll call vote, motion carried 7 to 0.

BID TABULATIONS:

- * **WEST OSTERHOUT AVENUE RECONSTRUCTION – ENGINEERING CONSULTANT PROPOSALS:** Motion by Urban, seconded by Reid, to award an engineering services contract to OMM Engineering, Incorporated, of Grand Rapids, Michigan, for the West Osterhout Avenue (Shaver Road to South Westnedge Avenue) street reconstruction in the not-to-exceed amount of \$75,710 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.

- * **BID RECOMMENDATION - 2015 PORTAGE SENIOR CENTER BUS TRIPS:** Motion by Urban, seconded by Reid, to approve the low bid from Gail Andrus Travel, LLC, for motor coach services for the 2015 Portage Senior Center travel program in the amount of \$41,981.50 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.

- * **PARTIAL ROOF REPLACEMENT AT FIRE STATION #2:** Motion by Urban, seconded by Reid, to approve the bid from Great Lakes Systems, Inc., in the amount of \$41,200 for a partial roof replacement at Fire Station #2 (6101 Oakland Drive) and authorize the Acting City Manager to execute all documents related to the replacement on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Martha Dahlinger, 2612 Chopin Avenue, indicated that there is one thing she really wants and that is that the new person hired be welcomed in our community, and she wants the employees to be comfortable with him and for him to be comfortable with City Council. She complained that Council has made this political and difficult for the employees.

Timothy Surprise, 5105 Stonehenge Drive, spoke in favor of the selection of Larry Shaffer as a candidate for City Manager, expressed his embarrassment of tonight's proceedings. Discussion followed.

STATEMENTS OF CITY COUNCIL: Councilmember Ford indicated that despite the difference of opinions, City Council works well as a team and Council needs to make sure we move forward.

Councilmember Randall thanked Ms. Dahlinger and Mr. Surprise for coming forward to speak and admitted that it is embarrassing.

Councilmember Urban extended a sincere apology for his earlier mistake when he read the report from Kevin McCarthy.

Councilmember Ansari said "Let's hope for the best," concurred with the comments made by Ms. Dahlinger and Mr. Surprise and expressed his desire that City Council move forward.

Councilmember Reid indicated that she attended the First Transition Conference which was looking at getting a report of economic development activities in the Southwest corridor of the State, and gathering information specifically about one of the four areas of focus which is education how it impacts business and how education and business are both related as far as economic development. Also, at the last Public Media Network (PMN) Board Meeting, the Futures Committee brought three initiatives for consideration by the PMN Board: to increase the broadband capacity which will enable PMN to live stream all five channels which will require the purchase of a large amount of broadband; because each of the municipalities all have their own equipment some of which is good and some is not, so PMN will be able to purchase the equipment that is viable from the municipalities and add equipment so all of the municipalities will have the same equipment for improved consistency, backup and better quality; and, to purchase and set up a new van for onsite community event production capability and explained.

Mayor Pro Tem Pearson thanked Ms. Dahlinger and Mr. Surprise for sharing their thoughts and indicated that City Council works well together for the betterment of the community, but each Councilmember sometimes brings strong opinions to the process.

Mayor Strazdas concurred with Mayor Pro Tem Pearson that City Council works well together for the betterment of the community and stressed that each Councilmember also brings a passion to the process.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 11:01 p.m.

James R. Hudson, City Clerk

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

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

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<ul style="list-style-type: none"> -Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic 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. Current methane readings have been below detection levels. The 2nd year of AHC's contract is underway.
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.	<ul style="list-style-type: none"> -Coordination with property owners and City or State agencies ongoing. -Review of 6 site/building plans and/or plats completed in September 2014.
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<ul style="list-style-type: none"> -Sanitary sewer hookup permits issued in September 2014: 6 residential; 5 commercial.
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<ul style="list-style-type: none"> -Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. <i>Permitting complete for the 2014 season.</i> Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake

Sciences, LLC. The Lake Board is working on a five year plan in preparation for a new special assessment district in summer 2014. Special assessment process for 2015-2019 began on August 26, 2014. *Resolution No. 5 completing the assessment is scheduled for October 21, 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 July 2014 and will continue in the fall. *Interim report is due in December. Monthly sampling at two retention basins continues.*

**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. *Engineering intern completed contamination source inventory. Documentation preparation underway.*

**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 report submitted. No significant change in groundwater impacts.*

**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. New permit process executed in October 2014.*

**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. *Canoe trip inspection was held on September 13, 2014.*

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

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. 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. 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 for 2014 were completed in July with summary report received. Report will be submitted to MDEQ as part of the annual report.*

Garden Lane Arsenic
Removal Facility

Native Prairie Restoration

Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant.

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