PORTAGE

A Natural Place to Move

PLANNING COMMISSION

December 4, 2014

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

December 4, 2014
(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

* November 20, 2014

SITE/FINAL PLANS:

PUBLIC HEARINGS:

* 1. Special Land Use Permit: Mulder Auto Sales, 10028 Shaver Road

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

October 13, 2014 Zoning Board of Appeals meeting minutes
November 4, 2014 City Council regular meeting minutes
October 2014 Summary of Environmental Activity Report

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

DRAFT

PLANNING COMMISSION

November 20, 2014

The City of Portage Planning Commission meeting of November 20, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was 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 role and the following Commissioners were present: Patterson, Bosch, Stoffer, Welch, Dargitz, Somers, Schimmel and Richmond. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the role excusing Commissioner Felicijan. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the October 2, 2014 meeting minutes contained in the agenda packet. Commissioner Somers indicated he was 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 7-0-1 with Commissioner Somers abstaining.

Chairman Welch referred the Commission to the November 6, 2014 meeting minutes contained in the agenda packet. Commissioners Bosch, Schimmel, Richmond and Chairman Welch indicated they were not present at this meeting and would be abstaining. Attorney Brown clarified that a commissioner does not need to have been present at the meeting to vote for approval of the minutes. Chairman Welch then indicated that he would vote on the meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 5-0-3 with Commissioner Bosch, Schimmel and Richmond abstaining.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Final Report: Rezoning Application #14/15-2, 4713 and 4707 (west 10-feet) West Milham Avenue. Mr. Forth summarized the final staff report dated November 14, 2014 regarding a request from Bickford Cottage to rezone 4713 and 4707 (west 10-feet) West Milham Avenue from B-2, community business to OS-1, office service. Mr. Forth indicated the rezoning would facilitate future expansion of the Bickford Cottage senior living facility currently located at 4707 West Milham Avenue. Mr. Forth discussed the previous rezoning for the Bickford Cottage, the surrounding land use/zoning pattern, Comprehensive Plan and Future Land Use Map designations for the subject property and differences between the existing B-2 and proposed OS-1 zoning districts. Mr. Forth indicated staff was supportive of the zoning change from B-2 to OS-1 with the exception of the west 10-feet of 4713 West Milham Avenue being retained B-2 so as not to burden future development on the adjacent parcel to the west (4721 West Milham Avenue) with a 75-foot building setback.

DRAFT

Rick Crepas of Jaqua Realtors (applicant representative) was present to support the proposed rezoning application. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve Rezoning Application #14/15-2 and rezone the west 10-feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west 10-feet) from B-2, community business to OS-1, office service. 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 and will allow Bickford Cottage future expansion options while protecting the adjacent single family residential neighborhood to the south. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. January 2015 Planning Commission meeting schedule. Chairman Welch indicated the 1st Thursday in the month of January falls on News Years Day and suggested the Planning Commission adjust the meeting schedule to the 2nd and 4th Thursdays (January 8th and 22nd, 2015). The Commission concurred. A motion was then made by Commissioner Bosch, seconded by Commissioner Patterson, to move the January 2015 Planning Commission meeting schedule to the 2nd and 4th Thursdays of the month (January 8th and 22nd, 2015). The motion was unanimously approved 8-0.

7:12 p.m. - The Commission took a short recess.
7:16 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

NEW BUSINESS:

1. Planning Commission Training – Roles and Responsibilities. Mr. Forth summarized the Powerpoint presentation format and indicated that both he and Attorney Brown would be discussing roles and responsibilities of the Planning Commission. Mr. Forth began with a discussion of the origin, history and evolution of planning in the United States. Attorney Brown then reviewed legal aspects of zoning which are founded in the "police power" provisions provided to local units of government. Attorney Brown discussed the Michigan Zoning Enabling Act and the requirement that zoning needs to be based on an adopted plan. Mr. Forth summarized the differences and relationship between planning and zoning, and also discussed the roles and responsibilities of a Planning Commission. Attorney Brown then discussed legal aspects of the five primary functions of the Planning Commission: 1) Preparation and adoption of the Comprehensive Plan; 2) Review and recommendation to City Council regarding zoning map and zoning text amendments; 3) Review and approval of site plan; 4) Review and approval of special land use permits; and 5) Review and recommendation to City Council regarding plats and site condominiums. Attorney Brown also briefly reviewed other legal issues associated with conditional rezonings and "spot" zoning, and standards related to "reasonable use" of property, claims of "taking" and "vested rights". Mr. Forth then reviewed additional Planning Commission responsibilities associated with the annual review and recommendation of the City of Portage capital improvement program (CIP). Mr. Forth concluded with a discussion of characteristics of an effective Planning Commissioner, while Attorney Brown concluded with a discussion of "conflict of interest" issues and when Commissioners should abstain from discussion and voting on a particular application.

STATEMENT OF CITIZENS:

None.

DRAFT

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

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

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PORTAGE
A Natural Place to Move

Department of Community Development

TO: Planning Commission **DATE:** November 26, 2014

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Special Land Use Permit: Mulder Auto Sales, 10028 Shaver Road

I. INTRODUCTION:

A Special Land Use Permit application has been submitted by Matthew Mulder requesting approval to establish a vehicle dealership for used automobiles along the northern portion of 10028 Shaver Road. The approximate 2.0 acre parcel is zoned B-3, general business and occupied by an approximate 4,100 square foot building (front/east building), an approximate 7,200 square foot building (rear/west building) and associated parking area and related site improvements. The southern portion of site and buildings is currently occupied by Triple C Auto Service & Repair. The applicant is proposing to repave the existing northern parking lot and utilize this area for display and sales of used automobiles: Customer and employee parking will be provided along the east and north side of the two existing buildings. Additionally, an approximate 900 square foot portion of the front/east building will be utilized as a sales office and an approximate 800 square foot portion of the rear/west building will be utilized for vehicle cleaning and detailing. The applicant has indicated that any auto repair activities associated with the used car sales facility will be conducted at the Triple C Auto Service & Repair facility. While no structural changes to the buildings are proposed, the applicant has indicated the interior area of the proposed sales office will be repainted and updated.

II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	• Site: Triple C Auto Service & Repair, approximate 4,100 square foot and 7,200 square foot buildings and associated site improvements zoned B-3, general business. • West: Single family residences located along Handel Street and Beethoven Avenue zoned R-1B, one family residential. • North/South/East (across Shaver Road): Various retail/office land uses zoned B-3.
Comprehensive Plan	• Future Land Use Map component of the Comprehensive Plan identifies the subject property, along with adjacent properties to the north, south and east (along the Shaver Road corridor) as appropriate for general business land use. Properties situated to the west are designated for low density residential land use.
Access	• Existing full service driveway from Shaver Road. • Shaver Road is designated as a 2-3 lane major arterial with approximately 8,810 vehicles per day (2013); capacity of 17,200 vehicles per day (level of service "D").
Environmental	• Review of the Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.
Historic District/ Structure	• The subject site is not located within a historic district and does not contain any historic structures.
Land Development Regulations	• The application has been submitted under Section 42-262.C.1, *Special Land Use* in the B-3 zoning district: *"Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto"* subject to conditions.

	• Section 42-462, *General Standards for Review of Special Land Uses*, sets forth additional criteria for evaluating a special land use and allows conditions to be established.

III. ANALYSIS:

The proposal to establish a vehicle dealership at the subject site fulfills the requirements for issuance of a Special Land Use Permit. The vehicle dealership will be licensed by the State of Michigan and all vehicle sales/display areas and related customer and employee parking will occur on the existing paved parking lot. Ingress and egress to the site will be provided through the existing full service, signalized driveway from Shaver Road which is situated at least 60 feet from the intersection of any two streets. According to the applicant, vehicle repairs will be conducted at the Triple C Auto Service & Repair facility that occupies the southern portion of the site. Existing screening which is present along the western portion of the site (wooded fence, mature trees) will be maintained. While additional outdoor lighting is proposed to be installed at the site, specific details (locations, fixture style/type/wattage) are not know at this time. The applicant is aware that installation of any new outdoor lighting units at the site will need to comply with current ordinance standards (shielded/sharp-cut off style fixtures, no glare, maximum 0.3 footcandles at property lines where abutting residential zoning/land use). Review of these outdoor lighting units will be accomplished in conjunction with review and approval of the electrical permit application.

As background information for the Commission, the site was originally developed as a vehicle dealership (Pifer Country Motor Sales) in the 1970s with an expansion occurring in the late 1980s. The vehicle dealership use was discontinued in 2001 and the property remained vacant until Triple C Auto Service & Repair reoccupied the southern portion of the buildings and site in 2009.

As identified on the attached aerial photo map and site plan submitted by the applicant, the eastern portion of the existing parking lot at the site encroaches into the Shaver Road public right-of-way. Similar right-of-way encroachment is also present on the adjacent property to the south, 10030 Shaver Road. Based on review of historic city records and aerial photographs, it appears this parking lot encroachment into the public right-of-way occurred in the mid/late 1970s. In conjunction with the special land use permit application for Mulder Auto Sales and reuse of the site, it is appropriate that this public right-of-way encroachment be eliminated, where possible. Removal of asphalt from the Shaver Road right-of-way and installation of a 10-foot wide landscaped greenstrip south of the full service driveway would result in the loss of existing parking spaces and maneuvering lane along the east side of the building, and require parking to be relocated to the north aside of the building. This modification is problematic because barrier free parking would be located away from the main building entrances. However, elimination of the parking lot encroachment into the public right-of-way and installation of a 10-foot wide landscaped greenstrip could be accomplished north of the driveway with little, if any, impact to the existing Triple C Auto Service & Repair business operation or proposed Mulder Auto Sales use (modifications to the proposed vehicle display areas would be needed).

Given the parking and maneuvering lane impacts associated with removing the asphalt between the building and Shaver Road, staff is not recommending this area be removed at this time. Removal of this area can again be considered as part of a significant redevelopment proposal that may occur in the

future. During the interim period, staff will pursue an agreement with the property owner that acknowledges the pavement in the right-of-way and that it can remain pending future redevelopment of the property. Staff has had preliminary discussions with the applicant regarding modifications to parking lot north of the driveway and the agreement to allow the parking lot/maneuvering lane to remain south of the driveway.

Per statutory requirements, residents/property owners within 300 feet of the zoning lot have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also published in the local newspaper.

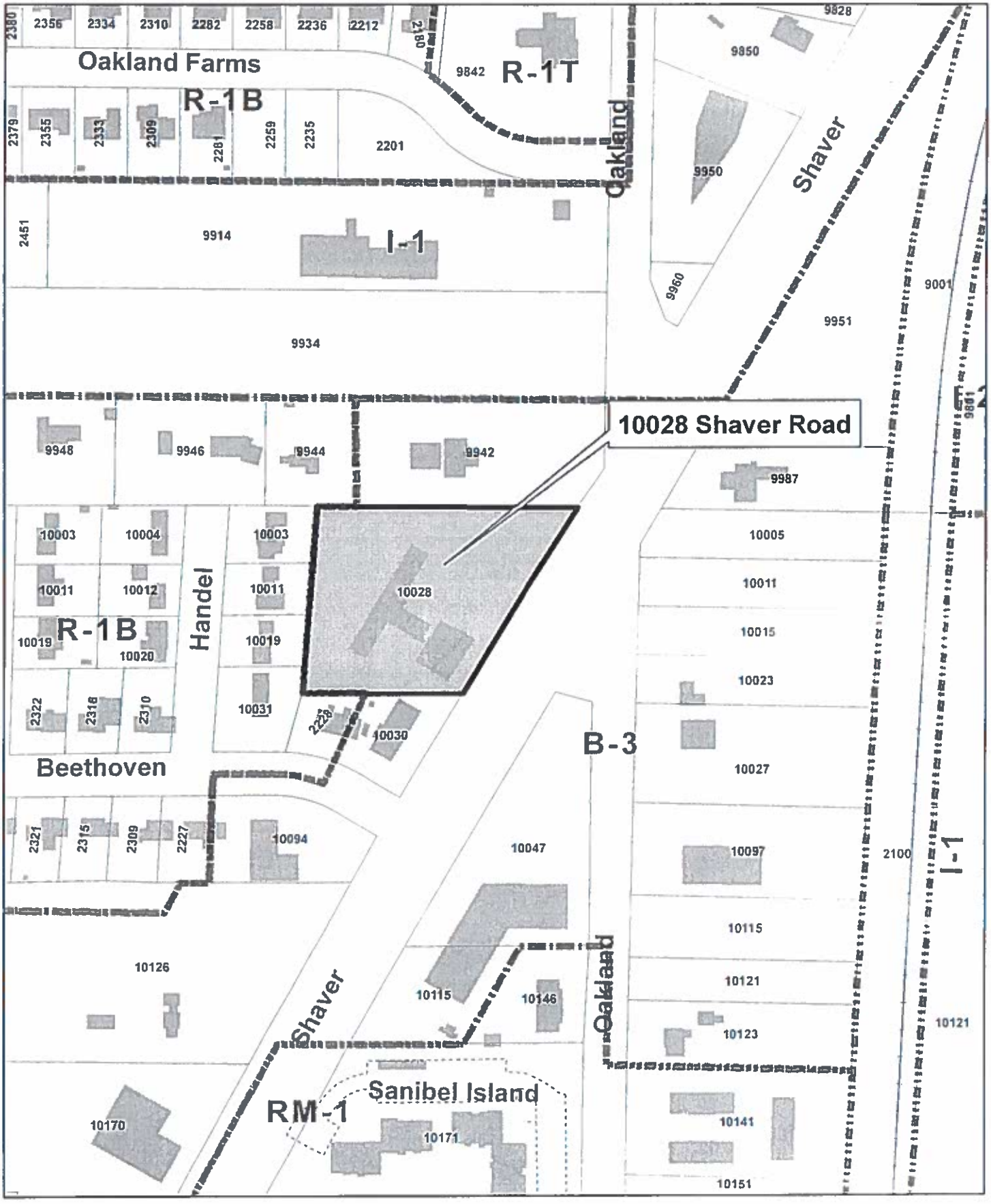
IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Mulder Auto Sales, 10028 Shaver Road, be approved subject to the following conditions:

1) Removal of asphalt from the Shaver Road right-of-way and establishment of a 10-foot wide landscaped greenstrip with tree and shrub plantings consistent with ordinance requirements north of the existing driveway.
2) Submittal of a revised site plan that identifies these site improvements, along with adjustments to vehicle display areas, for administrative review and approval.
3) Submittal of a lighting plan and related details for installation of any new outdoor lighting units at the site.

Attachments: Vicinity/Zoning Map
Aerial Photograph Map
Special Land Use Permit Application, Supporting Letter and Site Plan

S:\Commdev\2014-2015 Department Files\Board Files\Planning Commission\PC Reports\Special Land Use Permits\2014 11 26 Mulder Auto Sales, 10028 Shaver Road (SLUP).doc



Special Land Use Permit
10028 Shaver Road

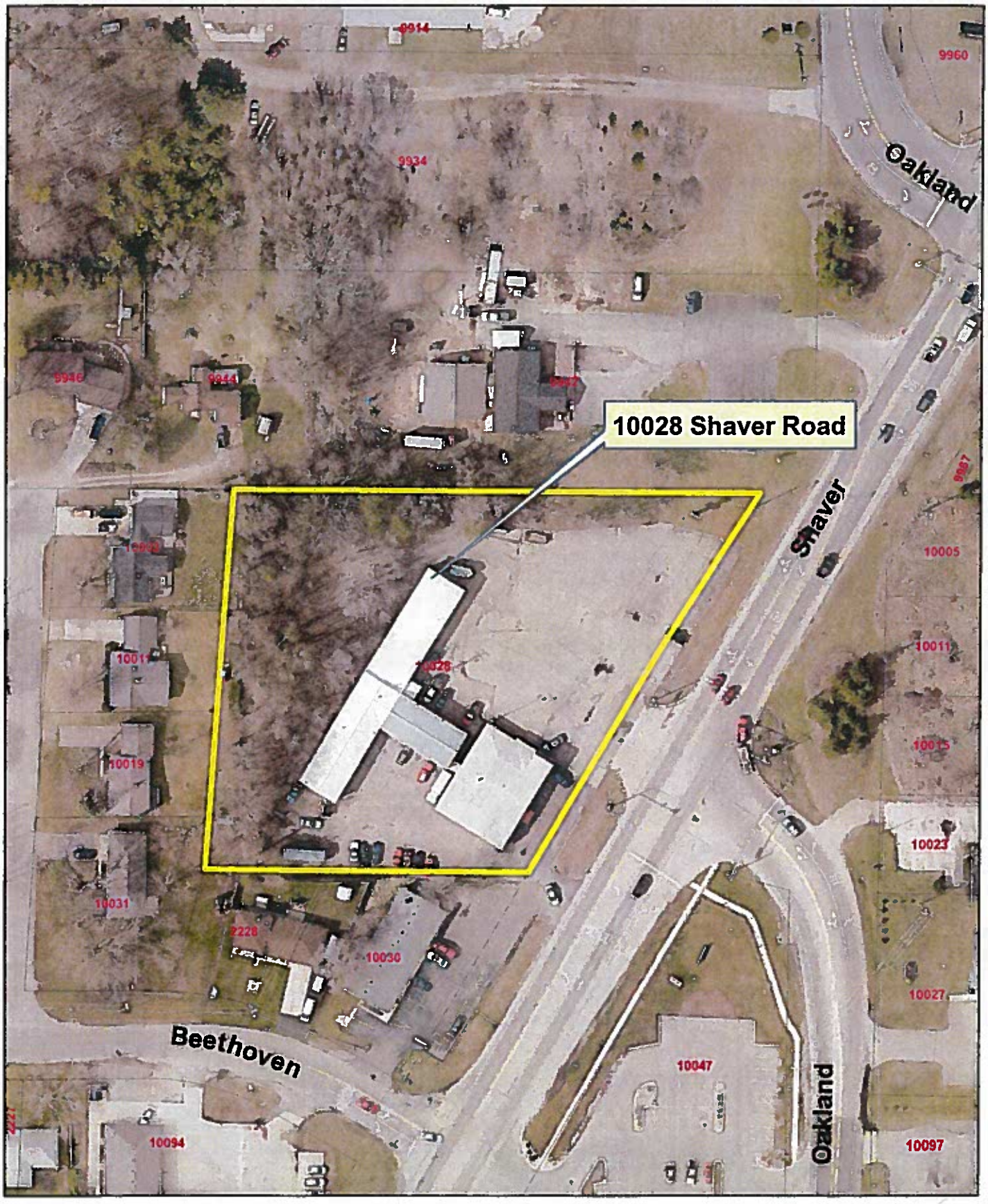
1 inch = 200 feet

Legend

Zoning Boundary

Subject Properties

Name: 10028 shaver_slup



1 inch = 100 feet

Aerial Photography
10028 Shaver Road

Legend
Subject Property

Name: 10028 shaver AERIAL

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APPLICANT INFORMATION

Name		Telephone Number	
Matthew Mulder		269-207-4712	
Address	**City**	**State**	**Zip code**
653 Romance Rd	Portage	MI	49024

OWNER INFORMATION (If different)

Name		Telephone Number	
Eugene Pifer		520-648-1242	
Address	**City**	**State**	**Zip code**
4449 S Corte De Febrero	Green Valley	AZ	85622

PROPERTY INFORMATION

Address of property	Zoning District	Land Area (acres)
10028 Shaver Road	201 Commercial	2.05 acres

Legal Description (or attach separate page)

See Attached

PROPOSED USE

Description of proposed Special Land Use (attach additional page(s), if necessary)

See Attached

RECEIVED
NOV 10 2014
COMMUNITY DEVELOPMENT

OWNER CERTIFICATION

I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.

Signature

10-29-14
Date

SPECIAL LAND USE PERMIT APPLICATION

Proposed Use:

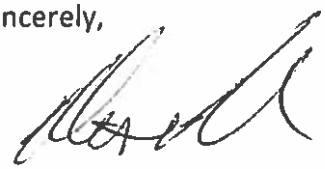
I am seeking approval on the special land use application for operating a used car sales facility at the location known as 10028 Shaver Road, Portage, MI 49024. The proposed location is the former Pifer Motors, and also former Maple Hill Auto Group location. The Southern portion of the building is currently being occupied by Triple C Auto Repair Facility.

I am entering into a lease on the Northern portion of the building which has a separate entrance, sales offices, and showroom of approximately 900 square feet for the use of selling used cars and paperwork. Our vehicles we would be selling would range from $10,000- $30,000 and would be holding between 30-40 vehicles for sale at any given time. I would also be utilizing approximately 800 square feet of the North storage facility of the rear building which is parallel to Shaver Road for detailing cars and cleaning of the vehicles prior to delivery. The South building would continue to be operated as Triple C Auto and would be in charge of conducting our vehicles service work.

The proposed site would also get a new top coat of asphalt sealer in the spring (asphalt companies do not do resurfacing later than Oct 1st) and also update the landscaping and lighting of the parking area. We would utilize the front half of the building structure for customer parking and handicap parking of two spaces directly in front of the door. The interior structure will be brought up to date, repainted, offices updated with new furniture and a small customer lounge with no changes to the internal walls or structure.

The used car facility will bring life back to that corridor, allow the opportunity to update the space as a fully functional used car sales location, and also driving business to other local businesses. We look forward to doing business with the City of Portage.

Sincerely,



Matt Mulder

SPECIAL LAND USE PERMIT APPLICATION

I, Eugene Pifer, authorize Matt Mulder to file for a special land use permit with the city of Portage to obtain usage for selling used cars at 10028 Shaver road in Portage, MI.

We have entered into a lease agreement and he will be utilizing the north portion of the building at 10028 Shaver road.

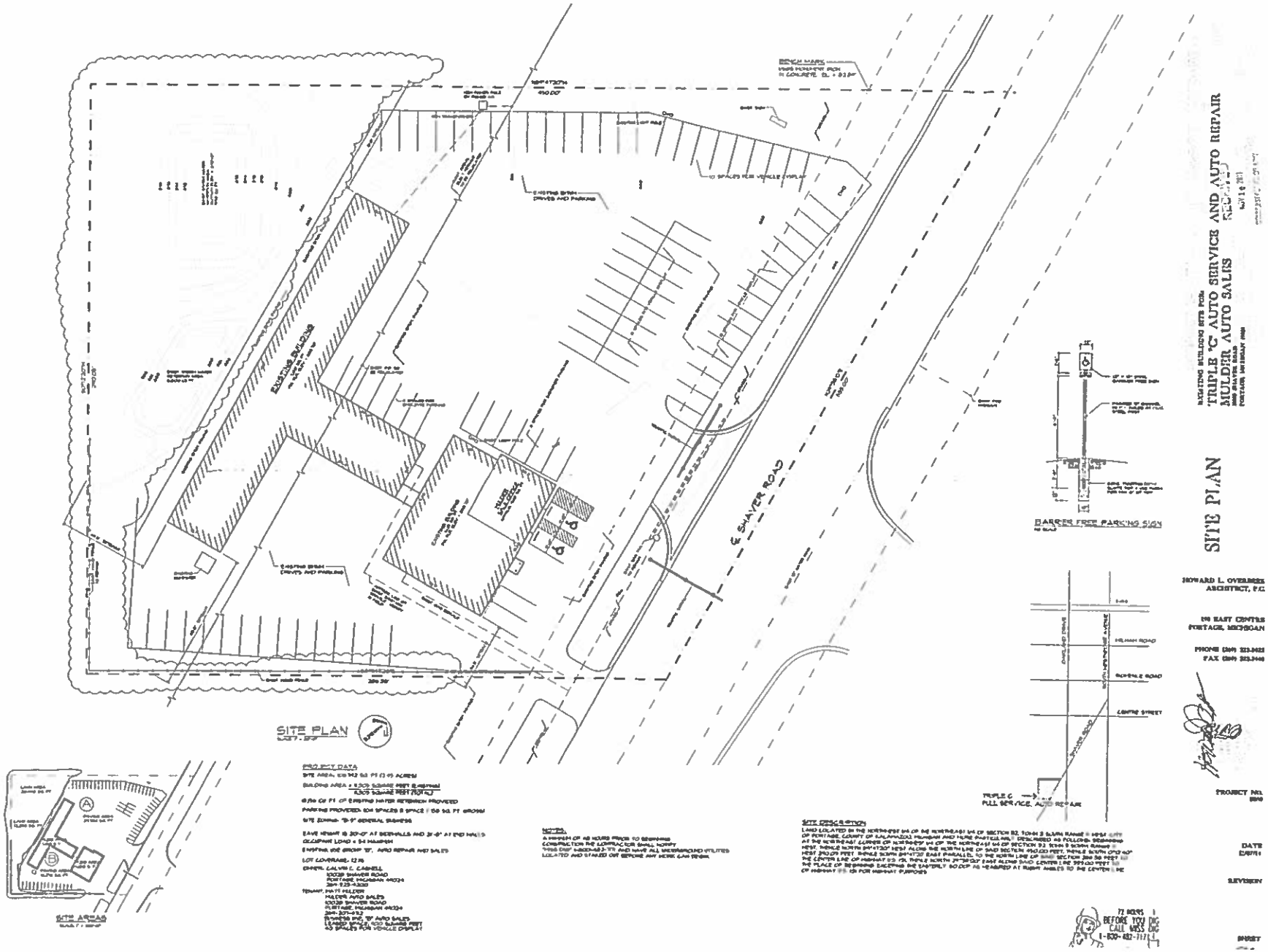
He has my full authorization to file the special land use permit application for the city of Portage to obtain approval from the zoning commission.

Eugene Pifer

LEGAL DESCRIPTION

SEC 32-3-11 BEG AT NE COR NW1/4 NE1/4 SEC 32, TH N 89 DEG 47 MIN 20 SEC W ALG N LI SD SEC 450 FT TH S 0 DEG 12 MIN 40 SEC W 290.05 FT TH S 89 DEG 47 MIN 20 SEC E PAR N LI SD SEC 286.38 FT TO CL SHAVER RD TH N 29 DEG 38 MIN E ALG SD HWY 333 FT TO PL OF BEG. EXC E LY 60 FT AT RT ANG CL SHAVER RD FOR HWY PURP

Tax ID: 3910000320400



EXISTING BUILDING SITE FOR:
TRIPLE 'C' AUTO SERVICE AND AUTO REPAIR
MULDER AUTO SALES

SITE PLAN

HOWARD L. OVERBEEK
ARCHITECT, P.C.

100 EAST CENTRE
PORTAGE, MICHIGAN

PHONE (269) 323-3422
FAX (269) 323-3440

PROJECT NO.

DATE

REVISION

SHEET

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – October 13, 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: Michael Robbe, Doug Rhodus, Glenn Smith, Phillip Schaefer, Jeffrey Bright, Lowell Seyburn, and Randall Schau

MEMBERS EXCUSED: A motion was made by Robbe, seconded by Schaeffer to excuse Chadwick Learned and Timothy Bunch. Upon voice vote motion passed 7-0.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charlie Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Robbe moved and Smith seconded a motion to approve the September 8, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #14-01, 6800 and 6820 Lovers Lane: Mais summarized the request for a) a variance to expand a nonconforming single family residential use at 6820 Lovers Lane by constructing a 192 square-foot building addition (12 feet by 16 feet long) along the southwest corner of the house; and b) a variance from the conflicting land use screening requirements between Lovers Lane Storage & U-Haul business (6800 Lovers Lane) and the nonconforming single family residence (6820 Lovers Lane). Adela Strautkalns was present to answer questions. Seyburn inquired who lived at 6820 Lovers Lane. Ms. Strautkalns stated she and her son. Seyburn inquired if her son was involved in the business. Ms. Strautkalns replied no. Bright noted the applicant could simply use a storage unit next door if she needed storage space. Ms. Strautkalns stated she did not want to lose business income. Schau inquired what the proposed storage space would be used for. Ms. Strautkalns replied storing household items. Seyburn noted business activities were taking place at both 6800 and 6820 Lovers Lane and inquired if the two properties could be considered one zoning lot. Mais stated the home office was being treated as an Active Home Occupation and the use issue would be handled by the Planning Commission and that it was the applicant who indicated the proposed storage room was intended for personal and not business use. Schau and Smith noted the applicant had not presented a practical difficulty. Robbe noted an additional garage stall or detached accessory building could be built without a variance and inquired if staff could consider the storage room as part of a garage addition. Mais stated the garage and storage areas were separate rooms with no connection. Robbe suggested if the rooms were connected the Board could grant an interpretation that the storage area was part of a garage addition and would not require a variance. Mais stated the applicant had not proposed a connection and the item was already noticed as a variance request, not an interpretation.

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

Schau stated he did not see how it would be furthering the public good to not allow an attached storage room with a connection to the garage when a detached storage room in the same general area is allowable. A motion was made by Seyburn, seconded by Robbe to deny a variance to expand a nonconforming single family residential use at 6820 Lovers Lane by constructing a 192 square-foot building addition (12 feet by 16 feet long) along the southwest corner of the house, as the applicant has not demonstrated a practical difficulty. 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. Lastly, this denial does not preclude the applicant from proposing a connection between the garage and storage room and may seek an interpretation at the November 10, 2014 meeting that such an addition is considered a garage addition not requiring a variance. Upon roll call vote: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-Yes, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

A motion was made by Seyburn, seconded by Schau to postpone final action on ZBA#14-01 to give the applicant an opportunity to prepare an interpretation request for the storage room, provide new public

notice, and have both ZBA application items heard at the November 10, 2014 meeting. Upon roll call vote: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-Yes, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

ZBA #14-07, Gaspare Matranga, 2804 East Shore Drive: Mais summarized the variance request to construct a 21-foot by 24-foot garage addition which would extend to within 19 feet of the front property line where a minimum 27-foot front setback is required. Mr. Matranga stated his existing driveway has a steep slope which was very unsafe, especially during winter months and that he needed more storage space. Mr. Matranga noted a neighbor recieved a variance for a garage addition about a year ago, and that there are a number of houses along East Shore Drive that were closer to the street than what he proposed. Bright agreed that the applicant did have a steep driveway. Schau noted if the applicant needed more storage space they could build 13 feet closer to the street without a variance. Robbe noted the applicant could construct a 33-foot by 24-foot side entry garage, but would be limited to two stalls.

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

A motion was made by Schau, seconded by Robbe, to deny the variance request to construct a 21-foot by 24-foot garage addition which would extend to within 19 feet of the front property line where a minimum 27-foot front setback is required, as the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available, such as construct a side entry garage addition in a conforming location. 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: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-No, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 6-1.

ZBA #14-08, Joseph Richardson, 2618 East Shore Drive: Mais summarized the requests for: a) a variance to replace existing deck stairs and landings located three feet from the east property line and two feet from the west property line where a minimum five-foot side yard setback is required; and b) a variance to permit an existing dwelling and attached garage that exceed the maximum permitted lot coverage by 128 square feet. Mr. Richardson was present to answer questions. Schau requested clarification on the deck setback variance. Mais stated the variance was needed for the stairways and landings and not the deck itself.

A public hearing was opened. A letter of support from Joyce and Charlie Wiles, 2628 East Shore Drive was read. No one spoke for or against the requests. The public hearing was closed.

A motion was made by Seyburn, seconded by Schau to grant: a) a variance to replace existing deck stairs and landings located three feet from the east property line and two feet from the west property line where a minimum five-foot side yard setback is required; and b) a variance to permit an existing dwelling and attached garage that exceed the maximum permitted lot coverage by 128 square feet. There are exceptional circumstances which include the narrow lot width, the change in elevation from front to rear yard that requires stairs for access, the immediate practical difficulty was not caused by the applicant as the house was built 37 years ago and to require the applicant at this point to remove part of the dwelling would create a hardship, the variance will not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Ordinance. Upon roll call vote: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-Yes, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

ZBA #14-09, Janine Chicoine, 3620 East Shore Drive: The applicant requested the item be postponed until the November 10, 2014 meeting. A motion was made by Robbe, seconded by Schaeffer to postpone the item until the November 10, 2014 meeting. Upon voice vote motion passed 7-0.

ZBA #14-10; Thomas Rogers, 775 and 801 East Centre Avenue: Mais summarized the requested variances from a) the conflicting land use screening requirements along the east property line adjacent to 809 East Centre Avenue and b) a variance to defer installation of the conflicting land use screening along the west property line adjacent to 743 East Centre Avenue where abutting a residentially zoned property until a future office use is developed on the western portion of the zoning lot. Mr. Rogers explained the site plan was approved for 801 East Centre and that the only improvement proposed on 775 East Centre Avenue was a portion of the future shared access driveway. Mr. Rogers stated neither neighbor to the west or east at this time wanted additional screening. Schau inquired if the property at 801 East Centre was occupied. The applicant responded no. Smith inquired why the neighbors to the west did not want additional screening. Mr. Rogers stated they thought additional screening would interfere with the visibility of oncoming traffic on East Centre Avenue. Bright stated he thought the zoning change and the transitional character of the area was a practical difficulty in this case.

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

A motion was made by Smith, seconded by Robbe to grant variances from a) the conflicting land use screening requirements along the east property line adjacent to 809 East Centre Avenue and b) a variance to defer installation of the conflicting land use screening along the west property line adjacent to 743 East Centre Avenue where abutting a residentially zoned property until a future office use is developed on the western portion of the zoning lot. There are exceptional circumstances which include the narrow lot width; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to use the property in a manner consistent with the current zoning which is similar to that possessed by other properties in the same zoning district in the vicinity, the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Ordinance. . Upon roll call vote: Smith-Yes, Schaeffer-Yes, Seyburn-Yes, Bright-Yes, Schau-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 4, 2014

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

At the request of Mayor Strazdas, Pastor Jeff Wenke of The Bridge Church of Portage 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 City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a PANDAS/PANS Awareness Month Proclamation received by Jean Henderson, Business Manager, Sherman Lake YMCA.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Reid, to approve the Regular Meeting Minutes of October 21, 2014, as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that item F.4, Code of Ordinances Amendment - Fire Prevention and Protection, be removed from the Consent Agenda. Mayor Pro Tem Pearson asked that item F.8, Review of Winter Parking Restrictions, 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 NOVEMBER 4, 2014:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of November 4, 2014. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY A GRANT:** Motion by Urban, seconded by Reid, to adopt a Resolution of Support for submittal of a Transportation Economic Development Fund Category A Grant Application and authorize the City Manager to sign all documents related to this grant application on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 347 of City of Portage Resolution Book No. 45.

* **WORKERS' COMPENSATION EXCESS INSURANCE CONTRACT:** Motion by Urban, seconded by Reid, to award a two-year contract to Midwest Employers Casualty Company for workers' compensation excess insurance coverage at an annual premium of $77,792 plus payroll adjustments, if any, and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **PLYMOVENT – VEHICLE EXHAUST EXTRACTION SYSTEMS:** Motion by Urban, seconded by Reid, to approve the purchase of three Plymovent – Vehicle Exhaust Extraction Systems from Hastings Air Energy Control, Inc., of Farmington Hills, Michigan, in the amount of $66,985, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

CODE OF ORDINANCES AMENDMENT - FIRE PREVENTION AND PROTECTION: Mayor Strazdas deferred to Councilmember Urban, who indicated that the Ordinance

Amendment was inadvertently left out of the packet and was what was provided only a few moments ago by City Clerk James Hudson. He said he reviewed the material that was provided online and indicated that this material will have wide-ranging effects on the community. He identified the testing, record keeping and inspection of emergency lighting and the approval of traffic-counting devices by the Fire Department as possible areas of concern. He requested a deadline beyond December 1st and an analysis by the Administration regarding the wide-ranging effects of the proposed changes upon the business and residential communities, not that they are all bad, in order to provide understanding and education for the community.

In answer to Mayor Strazdas, City Attorney Randy Brown indicated that this could still be a first reading this evening. Mayor Strazdas asked for a list of the changes from the Administration to better inform the Council as the policymaking body of the City.

Councilmember Urban reflected on the 202 page analysis provided online and indicated that some of the changes are inconsequential and not onerous to other organizations, but offered the caveat that there are things "buried" in the proposed changes, not that they are necessarily bad, that require attention in order for Council to know what "we're getting into."

Mayor Strazdas concurred to not provide any surprises to local businesses in this regard, and asked City Council to engage the City Manager to provide the list for the purposes of creating a conduit to be used to obtain what they, the businesses, think of the changes.

Mayor Pro Tem Pearson concurred with Councilmember Urban stating that he is uncomfortable voting on something that is not before him and advocating at least a summary or outline of the 202 pages by the Administration.

Councilmember Randall asked what the process would be to notify Portage business owners of the changes. She mentioned that having a Council meeting and inviting them would not be the same as direct contact.

Councilmember Reid asked whether there was a problem with delaying the approval of the Ordinance Amendment after December 1st and City Attorney Brown indicated that he answered Mayor Strazdas earlier that the first reading does not have to be published except in a zoning situation, so the first reading can take place at this meeting and City Council then has six months to act upon it in accordance with the *City Charter*. He indicated that Council could either act upon it any time within the six months, or set a deadline. Discussion followed.

Mayor Strazdas summed up that Council wishes the City Manager to review the process of notifying businesses of what is related to the changes and to educate staff and Council on what could be a list of the changes significant to businesses; and identify a process of how the Administration could share those changes with the community, and that Council has six months to take action.

City Manager Larry Shaffer indicated that he would be delighted, as would Public Safety Director Richard White and his Fire personnel, to provide a full presentation of the major impacts of the Adoption of the New Fire Code on the community, as well as the connection between the Fire Code and the recently adopted Building Code. Relative to public information, he said that the Administration would use all of its methodologies for informing the business, industrial and residential communities of the Fire Code and the commensurate impact it would have, including the use of the website, press releases and all other traditional mechanisms utilized for that purpose.

Motion by Ford, seconded by Randall, to accept for first reading the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2012 edition of the International Fire Code and to consider final adoption no later than six months from the first reading. Discussion followed and Councilmember Ford added that the Administration identify a list of changes significant to businesses, what is the process to notify businesses and to report back to City Council. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **FINAL APPROVAL OF THE PLAT OF OAKLAND FARMS NORTH, 9810 OAKLAND DRIVE:** Motion by Urban, seconded by Reid, to grant final approval of the plat of Oakland Farms North, subject to completion of sidewalks and street trees by November 2016, and

authorize the 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.

* **RESIDENTIAL SUBDIVISION SIDEWALK AND STREET TREE EXTENSIONS:** Motion by Urban, seconded by Reid, to grant a two-year extension to November 1, 2016, for the completion of sidewalk and street tree installation in the following residential plats: Austin Shores (BEX Farms, Inc.); Holiday Village East No. 3/South No. 3 (WTM, Inc.); Stateland Park (Granite Development Properties); and Avalon Forest No. 1 and Avalon Woods No. 2 (AEG Development). Upon a roll call vote, motion carried 7 to 0.

* **NONPROFIT ORGANIZATION RECOGNITION:** Motion by Urban, seconded by Reid, to adopt the Resolution for Charitable Gaming License recognizing Portage Lake Center PTO, Inc., as a nonprofit organization in the City of Portage. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 349 of City of Portage Resolution Book No. 45.

REVIEW OF WINTER PARKING RESTRICTIONS: Mayor Pro Tem Pearson recognized William Stevenson, 225 East Van Hoesen, for bringing before City Council his concern regarding snow removal as it relates to overnight parking during the winter months, especially October. He commended Mr. Shaffer and staff for their extensive research which has culminated in the recommendation to start winter parking restrictions on November 1st instead of the fifteenth of October. Councilmember Reid emphasized that it takes time for people to get acclimated to winter parking restrictions. She indicated that the weather information needs to be supplemented with information from Public Safety regarding tickets and warnings. She indicated the need to have a period of time certain to allow citizens to transition to "not parking" in the street as a part of winter parking restrictions.

In answer to Mayor Strazdas, Mr. Shaffer indicated that Public Safety Director White informed him that there is a period of time set for warnings and that about one hundred tickets are issued each year for parking on the streets during that timeframe. He suggested that if the Ordinance is passed that the whole process would shift the fifteen days and indicated that the warning system is a fair system to use to apprise citizens of the seasonal parking change and to make arrangements to move their car(s) off of the roadway. Mr. Shaffer also confirmed that the Administration was in favor of a warning system followed by a citation period. He mentioned the unpredictability of the weather and the reasonableness of the Ordinance change as it relates to the report provided regarding the historical tracking of snow data even though a 24" snowfall could occur on October 16th and make the change seem foolish as a result. He then pointed out that there is no more likelihood of a snow occurrence between October 1 and October 15 than there is between October 16 and November 1. Discussion followed.

At the request of Mayor Strazdas, Mr. Shaffer indicated that another citizen suggested parking on alternate sides of the street and noted that a number of communities across the country utilize this system. He asked for the opportunity to explore and study this option even though the initial responses from the Public Safety Department were not very positive.

In response to Councilmember Ford, who asked about the April 15th deadline, Mr. Shaffer responded that at the end of the season, there could easily be snow banks on the streets with no room to push the new snow. He advocated an incremental change in this case, to go slow, and that his justification was that the possibility of nowhere for the snow to go at that time of the year.

Mayor Pro Tem Pearson concurred with Mr. Shaffer and the incremental change approach and with Councilmember Reid and the need to have a period of time certain to allow citizens to transition to "not parking "in the street as a part of winter parking restrictions. Motion by Pearson, seconded by Ansari, to authorize the City Administration to proceed with drafting an amendment to the winter parking restriction ordinance to revise the commencement date for overnight on-street parking prohibition from October 15 to November 1. Mayor Strazdas advocated providing a response to the citizen who suggested parking on alternate sides of the street. Councilmember Reid expressed the caveat that the City needs to look at the width of all of the streets with regard to parking on alternate

sides of the street as this would make it impossible for two vehicles to pass by each other on some of the streets in Portage. Upon a roll call vote, motion carried 7 to 0.

* **EMPLOYEE RESPECT:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding Employee Respect as information only. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

CITY MANAGER EMPLOYMENT AGREEMENT: Mayor Strazdas indicated that Acting Deputy City Manager Rob Boulis provided City Council with sample City Manager Contracts to review and provide suggestions in light of the upcoming need for a contract for City Manager Larry Shaffer. He said that the input from each Councilmember was synthesized yesterday into one draft document for discussion by Council. He indicated that he would set a work session meeting if there are a significant number of issues requiring a lot of discussion; otherwise, he asked City Council to be ready for action on the City Manager contract tonight or at the next meeting. With that, he opened up discussion on the City Manager Employment Agreement Draft as presented.

Mayor Pro Tem Pearson expressed his appreciation to Mayor Strazdas for going through the suggestions from City Council with him, point by point, and incorporating all of their comments into the draft document. He countered with his appreciation for his efforts and the efforts of Acting Deputy City Manager Rob Boulis in this matter. He again asked for further input or concerns from City Council.

Councilmember Urban indicated that he had some concerns with the compensation portion of the document, and asked for more time to consider and/or discuss these concerns as the final draft of this document was only received yesterday. In answer to Mayor Strazdas, he indicated that he was not sure he had as yet identified everything of concern in the document. He explained that he had "differences" in the base salary and separation sections of the document, as well as other matters he felt he had not completely "digested" as of the present time. Discussion followed.

Mayor Strazdas set a goal of no later than the next Regular City Council Meeting to finalize the City Manager Employment Agreement and explained. Discussion followed. Councilmember Urban concurred that a lot of excellent work and consideration had been done on this particular document and restated his wish to have more time to compare the impact of all of the proposed changes. Mayor Strazdas asked City Council for any concerns or input with regard to any of the recent changes in the draft document by Friday, November 7, 2014, and that the matter be placed on the November 18, 2014 Regular City Council Meeting Agenda for consideration under Unfinished Business. City Attorney Brown advised that there be a motion to adjourn this matter until the next meeting. At the request of Acting Deputy City Manager Boulis, Mayor Strazdas added a deadline time of 12:00 p.m. on Friday, November 7, 2014. Discussion followed.

Motion by Pearson, seconded by Ansari, to adjourn the matter of the City Manager Employment Agreement until the next Regular City Council Meeting on November 18, 2014, with all comments and concerns provided by City Council by 12:00 p.m. on Friday, November 7, 2014, and distributed to each Councilmember for consideration. Upon a roll call vote, motion carried 7 to 0.

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

Portage Zoning Board of Appeals of September 8, 2014.
Portage Public Schools Board of Education Regular Business of September 22 and Committee of the Whole Work Session and Special Meeting Minutes of October 13, 2014.

NEW BUSINESS:

COMMUNICATION FROM THE MAYOR REGARDING AN EMPLOYMENT MANUAL FOR THE CITY MANAGER POSITION: After Mayor Strazdas introduced this item, he asked City Council to identify three Councilmembers as a Council Committee, who would work with Personnel Professionals and have the charge of creating an employment manual for the City Manager position. He asked City Attorney Randy Brown if a deadline is appropriate, and Mr. Brown indicated that it is not necessary, but it may be desirable in this case to put a framework on the task. In answer to Councilmember Ford, Mr. Brown advised that the Council Committee can let the City Manager's Office know when and where the Committee meetings would take place, and may request the attendance of Acting Deputy City Manager Boulis.

Motion by Reid, seconded by Randall, to have the Mayor identify the Committee of Councilmembers Ford, Randall and Reid to develop a Draft Employment Manual for the City Manager position and bring it back or bring a report of the progress on the task to City Council no later than the first meeting of February 2015. Upon a roll call vote, motion carried 7 to 0.

CITY COUNCIL GOAL SETTING RETREAT DATES AND TOPICS: Mayor Strazdas thanked City Council for providing times that each of them would be available to attend a City Council Retreat, mentioned December 15th as the best date and asked Councilmember Urban for his availability on that day. Councilmember Urban indicated that he was available on December 15th from 8:30 a.m. until 6 p.m. as time when he would be leaving home and the time when he would need to be back home depending upon the travel time necessary. Mayor Strazdas asked for City Council to target 9 a.m. until 5 p.m. on as the timeframe of the session.

Next, Mayor Strazdas asked City Council to consider a location and suggested the Fetzer Center as there was a lot of good feedback last year on this location; if not, he would work with the City Manager on a location. He asked that the Administration be given a full month to research a whole cadre of topics for discussion at the retreat and asked for a deadline in order to allow for a proper research effort on a reasonable number of relevant topics.

After that, he asked each Councilmember for a short list of high priority topics for which he would ask for research from the Administration, and a short list of low priority topics where there would be no research. He expressed his preference that City Council prioritize and discuss the top priority topics as well as prioritize the lower priority topics in order for City Council to understand what actions it should be taking and when. Discussion followed regarding the deadline and Councilmember Ford suggested Saturday, December 15th at 5 p.m., but later changed it to Friday, December 14th at 5 p.m.

City Manager Shaffer concurred and his only recommendation was that all priorities be delivered unvarnished and as the Councilmembers "see fit" and that the Administration will endeavor to craft a response to those concepts, ideas or perspectives in a way that enables reasonable discussion in a one day period.

Since there was a consensus that City Council is in need of a facilitator, Mayor Strazdas asked for thoughts about the use of a facilitator and who that might be. Mayor Pro Tem Pearson indicated that he liked the facilitator from 2013, Councilmember Reid liked both of the last two facilitators and Councilmember Randall asked feedback regarding what other communities are doing and explained. Mayor Strazdas indicated that he would work with Mr. Shaffer to see if the last facilitator is available; alternatively, he and Mr. Shaffer would work to see who else is available on December 15, 2014.

Councilmember Randall asked for the list of the finalized retreat topics from 2013 as she was unsure very many of them had been addressed as the retreat shifted to the resignation of former City Manager Maurice Evans and explained the importance of this. Mayor Strazdas concurred.

Councilmember Urban indicated that if the facilitator date becomes a problem that he can probably be available in the evening on Council's mutually convenient days with advanced notice and explained.

Motion by Reid, seconded by Randall, to set a meeting for the purposes of having a City Council Retreat on December 15, 2014, from 9 a.m. until 5 p.m. at a location to be determined, publically noticed; by November 14 at 5 p.m., City Council will provide two lists, a high priority topical list and a low priority topical list; that Mr. Shaffer send each Councilmember a copy of the 2013 topical list; and that Mayor Strazdas work with Mr. Shaffer to obtain a retreat facilitator. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

KALAMAZOO COUNTY CONSOLIDATED DISPATCH AUTHORITY GOVERNING BOARD OF DIRECTORS: Mayor Strazdas referred to the legal opinion from City Attorney Randy Brown and the Communication from City Manager Laurence Shaffer dated November 4, 2014, received by City Council via Materials Transmitted. He noted that Mr. Shaffer indicated City Council has to select two people as representatives on the Governing Board of Directors of the Kalamazoo County Consolidated Dispatch Authority within 45 days. Mayor Strazdas explained that he would like to take action on this at the next Regular City Council Meeting.

Councilmember Reid asked what the process would be if the two people were not Councilmembers since Council usually provides interviews for those who are interested in serving on Boards and Commissions, for example. Mayor Strazdas asked whether there were any Councilmembers interested in being appointed, and Mayor Pro Tem Pearson and Councilmember Reid offered their service based upon their experience as members of the Kalamazoo County Consolidated Dispatch Authority Steering Committee. Also, Councilmember Ford offered to serve as a member based upon his criminal justice background and his interest in technology. Discussion followed. City Council took no action and Mayor Strazdas placed this item on the November 18, 2014 Regular City Council Meeting.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Ford expressed appreciation to all who came to the meeting.

Councilmember Randall recognized and congratulated three athletes from Portage who participated in the Cross Country State Finals Meet in Brooklyn, Michigan: Mary Ankenbauer and Lucy Ankenbauer from Hackett Catholic Prep and Connor Wuori from Portage Central High School where all three placed in the top ten in their respective meets.

Councilmember Reid placed a very large stack of campaign material received by her in the mail on the dais for all to see and challenged those in office and running for office to really look at campaign finance reform. She observed that the unaffiliated Super Pac brochures shed a lot more heat than light on important issues and candidates and caused a lot of frustration among the voters.

In light of the Upcoming Veterans Day on November 11, 2014, City Manager Shaffer extended his appreciation to all of the Veterans for their services.

Mayor Pro Tem Pearson thanked Councilmember Reid for her reference to the very large stack of campaign material that she presented because his nephew just got a job with the United States Postal Service and was able to work overtime to help with all of the deliveries; however, he agreed with her on the necessity of all of the mailings and noted that probably over two thirds of the mailings are negative and indicated that, in future elections, he would really like to see two thirds of the material be informative regarding what the candidates stand for. Also, he said he is looking forward to no more "junk" political phone calls after the election results tonight.

Mayor Strazdas concurred with Councilmember Reid and Mayor Pro Tem Pearson and commented on the political process and his intent to work with all of the successful candidates to wish them luck and to schedule meetings with them to make sure the Portage Administration and Portage City Council have access to them for help and to work together for all of our citizens.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:54 p.m.

James R. Hudson, City Clerk

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

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

Project/Activity	Description	Status
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-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.	-Coordination with property owners and City or State agencies ongoing. *-Review of 4 site/building plans and/or plats completed in October 2014.*
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	*-Sanitary sewer hookup permits issued in October 2014: 10 residential; 1 commercial.*
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Permitting complete for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake

		Sciences, LLC. The West Lake Improvement association has completed a five year plan in preparation for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. *Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is underway.*
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. *Final report 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 application process is expected in November 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. *No new developments.*
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. *New informational sign design for three signs is complete and sign fabrication is underway.*
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 October – 0. Number of environmental cleanups in October – 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.