



# PLANNING COMMISSION

November 19, 2015

# **CITY OF PORTAGE PLANNING COMMISSION**

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

**November 19, 2015  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **APPROVAL OF MINUTES:**

- \* November 5, 2015

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

- \* 1. Final/Site Plan: Greenspire Apartments (Phase V), 8615 Tozer Court

### **PUBLIC HEARINGS:**

- \* 1. Preliminary Report: Rezoning Application #15/16-2, 480 Admiral Avenue

### **OLD BUSINESS:**

### **NEW BUSINESS:**

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

October 12, 2015 Zoning Board of Appeals meeting minutes  
October 20, 2015 City Council regular meeting minutes  
October 20, 2015 City Council Committee of the Whole meeting minutes

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

## PLANNING COMMISSION

November 5, 2015

 DRAFT

The City of Portage Planning Commission meeting of November 5, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

### PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission, staff and citizens in the Pledge of Allegiance.

### IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & 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: Patterson (yes), Stoffer (yes), Welch (yes), Bosch (yes), Dargitz (yes) Schimmel (yes) and Richmond (yes). A motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the roll excusing Commissioners Felicijan and Somers. The motion was unanimously approved 7-0.

### APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the October 15, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 7-0.

### SITE/FINAL PLANS:

None.

### PUBLIC HEARINGS:

1. Tentative Plan Amendment: Oakland Hills at Centre, 2275, 2301, 2381 and 2401 West Centre Avenue and 8080 Oakland Drive. Mr. Forth summarized the staff report dated October 30, 2015 regarding a request from American Village Development II, LLC to amend the previously approved tentative plan for the Oakland Hills at Centre Planned Development (PD). Mr. Forth stated the 2015 tentative plan amendment proposes to revise the attached residential layout of the PD, reduce the total number of condominium units from 107 to between 85-100, and update the project phasing timeline. Mr. Forth summarized the history of the Oakland Hills at Centre PD including the original 2006 PD rezoning, 2009 and 2012 tentative plan amendments, and final plans approved for individual development projects that have been constructed. Mr. Forth also discussed differences between the 2012 approved tentative plan and the 2015 proposed tentative plan amendment including the reduction in total number of residential condominium units and perimeter building setbacks. Mr. Forth indicated staff was recommending approval of the tentative plan amendment subject to the two conditions identified in the staff report.

Mr. Jack Gesmundo (representing American Village Development II, LLC) was present to discuss the proposed tentative plan amendment. Mr. Gesmundo discussed the changing economy over the past decade and the impacts it has had on the housing types proposed for the PD and the time schedule for construction. Mr. Gesmundo explained the vision for the remainder of the PD with the next phase involving construction of the residential condominiums.

**DRAFT**

The Commission and Mr. Gesmundo next discussed aspects of the proposed tentative plan amendment including the reduction in the number of residential condominium units and changes to building setbacks. The public hearing was opened by Chairman Welch. One citizen, Mr. Greg Nuyen (owner of 8040 Oakland Drive), was present and spoke in support of the tentative plan amendment. No additional citizens spoke regarding the proposed tentative plan amendment. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved 7-0. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to waive the second meeting and recommend to City Council that the 2015 Tentative Plan Amendment for Oakland Hills at Centre Planned Development be approved subject to the following conditions: 1) The applicant maintain, to the extent possible, the existing trees located along Oakland Drive to screen/blend the monopine tower with the surrounding area; and 2) If the shared driveway arrangement with 8040 Oakland Drive does not occur, access for the planned office buildings and existing monopine tower be obtained from the residential boulevard driveway to the south. The motion was unanimously approved 7-0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. Historic District Modification, 10234 East Shore Drive. Mr. West summarized the staff report dated October 30, 2015 regarding a request pending before the Historic District Commission from Seth and Margaret Giem, owners of 10234 East Shore Drive (commonly known as the Train Barn), to remove approximately 1.17 acres of land from the existing historic district property. Mr. West stated the proposed historic district modification would facilitate a land division that would create two buildable lakeside lots, while leaving the historic district with approximately 169 acres of remaining land. Mr. West discussed the Local Historic Districts Act related to the role of the Planning Commission to review the preliminary report from the Portage Historic District Study Committee and provide a recommendation. Mr. West stated the Historic District Commission has scheduled a public hearing to consider this matter on December 16, 2015 and the Planning Commission recommendation will need to be provided in advance of the public hearing.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend that the Historic District Modification involving 10234 East Shore Drive be approved subject to the same conditions identified in the Historic District Study Committee preliminary report dated October 7, 2015. The motion was unanimously approved 7-0.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

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

**TO:** Planning Commission**DATE:** November 13, 2015**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court.**I. INTRODUCTION:**

A final plan has been submitted by H & G II, Inc. requesting approval to construct Phase V of the Greenspire Apartments within the Greenspire Planned Development (PD). The final plan for Phase V proposes construction of three, three-story apartment buildings (27,818 square feet with 28 units, 27,818 square feet with 28 units and 15,820 square feet with 14 units) and associated site improvements on property addressed as 8615 Tozer Court. Future construction of five additional apartment buildings is also planned within the remaining portion of the Phase V area and includes a total 168 units on 17 acres of land. The overall residential component of the Greenspire PD involves a total of 81.9 acres and 692 residential units with a density of 8.45 units per acre. In conjunction with the final plan submittal for Phase V, the applicant has also submitted an updated time schedule for anticipated construction within the remaining phases of the Greenspire PD (see attached letter from Mr. Greg Dobson dated November 12, 2015).

The Greenspire PD rezoning and tentative plan/narrative were approved by City Council on April 13, 2010. Consistent with the 2010 approval, the apartment buildings will maintain a minimum 30-foot setback from the outer perimeter of the property, a minimum 80-foot setback from the west property line where abutting single family residences on Tozer Court/Shirley Court and will not exceed 40-feet in height. Additionally, the apartments will maintain a minimum 30-foot separation between buildings and will be setback a minimum of 25-feet from the interior, private street. As discussed during the 2010 approval of the tentative plan, screening will be provided along the west side of the Phase V parcel, between the apartments and the single family residences located along Tozer Court/Shirley Court. As shown on the approved tentative plan, a landscaped earth berm with 8-foot tall spruce tree plantings will be installed on the west side of building 1 and a row of 8-foot tall spruce trees will be installed along Tozer Court. Mature trees along the western portion of the site will be preserved, where possible. Finally, "Private Property/No Trespassing" signage will be installed between Phase V and the single family residential properties located to the west. According to the applicant, the adjacent residences to the west have reviewed and agreed to the proposed screening arrangement and signage plan.

Greenspire Drive provides access to West Centre Avenue for the Greenspire Apartment complex (including Phase V). A secondary access drive from West Centre Avenue to Stonebridge Court, opposite Cooley Drive, is also present adjacent to the Greenspire Retail portion of the PD. Efforts to signalize the West Centre Avenue/Cooley Drive intersection are underway and installation is tentatively planned to occur in FY2016-17. As part of the proposal to signalize the West Centre and Cooley Drive/Stonebridge Court intersection, Greenspire Drive will be modified to prevent northbound left turn movements. Sidewalks will be installed within Phase V that will link to the existing sidewalk network located throughout the Greenspire PD accommodating pedestrian movements throughout the apartment complex and to/from the retail portion of the development along West Centre Avenue.

Storm water from the development will be collected and conveyed to a treatment cell located along the south side of the apartment buildings, prior to being discharged to the adjacent lowland/wetland area situated along the southern portion of the parcel. Based on the design of the storm water system, it is unknown at this time if a MDEQ permit is necessary. Review/approval by the Michigan Department of Environmental Quality (MDEQ), if necessary, to discharge into the wetland area is pending. Finally, outdoor lighting units associated with Greenspire Apartments (Phase V) will be similar to the existing apartments and will include light poles and building mounted fixtures with shielded fixtures in conformance with applicable ordinance standards.

## **II. RECOMMENDATION:**

The final plan has been reviewed by the City Administrative departments and is consistent with the approved Greenspire PD tentative plan/narrative. Subject to any additional comments received, staff advises that the Planning Commission recommend to City Council approval of the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, subject to finalization of the storm water design, and approval by the MDEQ to discharge into the wetland area, if necessary.

Attachments: Letter from Greg Dobson dated November 12, 2015  
Final Plan Sheets for Greenspire Apartments (Phase IV)  
2010 Approved Tentative Plan



BUILD SOMETHING BETTER.

COMMUNITY DEVELOPMENT  
NOV 12 2015  
RECEIVED

November 12, 2015

Mr. Christopher Forth  
Deputy Director of Planning and Community Development  
City of Portage  
2900 S. Westnedge Ave.  
Portage, MI 49002

**RE: Greenspire Planned Development "PD" Tentative Plan**

AVB and The Hinman Company are pleased to submit to you an updated plan for our property on the south side of West Centre Avenue as depicted on the attached site plan. The property is zoned PD - Planned Development and the following is simply and update as is relates to the schedule for the project development.

The Greenspire Apartments development started in the early 1970's when Roger Hinman and Joe Gesmundo first began acquiring the property now known as Greenspire Apartments. Phase I began construction in 1976 on 8.015 acres and included the boulevard entrance from Centre Avenue, four apartment buildings, the clubhouse, the pool and the first tennis court. In 1978 Phase II was constructed and included seven additional apartment buildings and an additional tennis court on 14.96 acres. In 1981 Phase III was constructed and included six new buildings on 21.84 acres. In total Phase I through Phase III included 17 buildings, 384 units (187 one beds, 144 two beds, and 53 three beds) over 44.815 acres. For density purposes the 384 units over 44.815 acres equals 8.57 units/acre.

After the rezoning to PD in 2010 was approved the following construction and development has taken place.

- Phase IV R – the first 12,000 sq. ft. retail building was constructed in 2010.
- Phase IV was constructed in 2014 and 2015 and includes 36 units (12 one beds and 24 two beds) over 3.05 acres.

The following is the schedule for future developments.

- Phase V, would commence construction in the fall of 2015 and consist of three multi-family apartment buildings containing 70 apartment units
- Construction on the approximately 5 remaining apartment buildings and 98 units in phase V would commence in the falls of 2016 and 2017.
- Future developments would include multi-family expansion (Phase VI) that would consist of approximately 104 new multi-family apartment units. The timing for this phase is not yet known.

- Additional office and retail uses would be expanded as shown on the attached site plan as demand allows. The exact timing for this phase is not yet known.

The office and retail buildings will be designed to integrate with the residential buildings while maintaining some of the general character of office buildings. The final product at Greenspire will take advantage of excellent colors, textures and materials to make every building look and feel great. We have attached an example of our apartment building elevation for your review.

As a part of Phase 5, we will install the proposed screening as shown on the attached plan on the west side of Phase V, we would be willing to include some "private property" signs to remind our residents of the difference between Greenspire Property and the privately owned properties between Tozer Ct. and Shirley Ct.

We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council.

Sincerely,



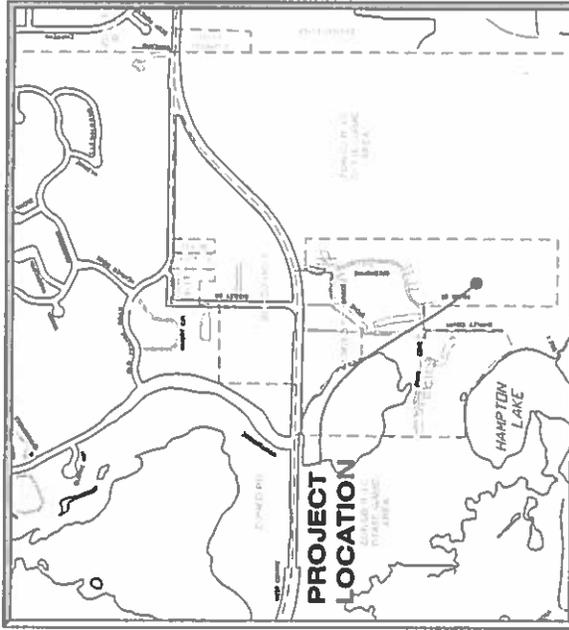
Greg Dobson

cc: Joe Gesmundo, Rich MacDonald, Roger Hinman

# Site Plan Review

# GREENSPIRE PHASE V

Greenspire Drive  
Portage, Michigan  
11/13/15



SITE LOCATION MAP  
SCALE: 1" = 100'



**OWNER**  
H.A.G. LLC  
750 TRADE CENTRE WAY, SUITE 100  
PORTAGE, MI 49602  
(269) 342-9000

**CONSTRUCTION MANAGER**  
AVB CONSTRUCTION, INC.  
4300 W. CENTRE AVENUE  
PORTAGE, MI 49604  
269.329.2022



**ARCHITECT**  
progressive ide  
1611 4 Mile Rd NE  
Grand Rapids, MI 49525  
(616) 361-2054

**PLANS PREPARED BY:**  
Harley & Stewart, Inc.  
3000 South Lake Street  
Grand Rapids, MI 49508  
269.852.4000 fax 262.4001  
www.harleyandstewart.com



**UTILITY CONTACTS:**  
ELECTRIC: DTE  
GAS: DTE  
CABLE: DTE  
TELEPHONE: TELCO  
WATER/SANITARY: WWS  
CITY OF PORTAGE  
100 W. CENTER  
PORTAGE, MI 49602  
269.342.1000

**DRAWING INDEX**

SHT #	DESCRIPTION
C-0	TITLE SHEET
C-1	EXISTING CONDITIONS - DEMOLITION PLAN
C-2	SITE LAYOUT PLAN
C-3	SITE GRADING PLAN
C-4	SITE UTILITIES
C-5	STORM SEWER PLAN
C-6	SITE DETAILS
C-7	STORM WATER DETAILS
C-8	SANITARY SEWER PROFILE
C-9	WATER MAIN PROFILE
L-1	LANDSCAPE PLAN
L-2	LANDSCAPE ENLARGEMENT PLAN



ISSUED FOR  
SITE PLAN REVIEW  
06/03/08





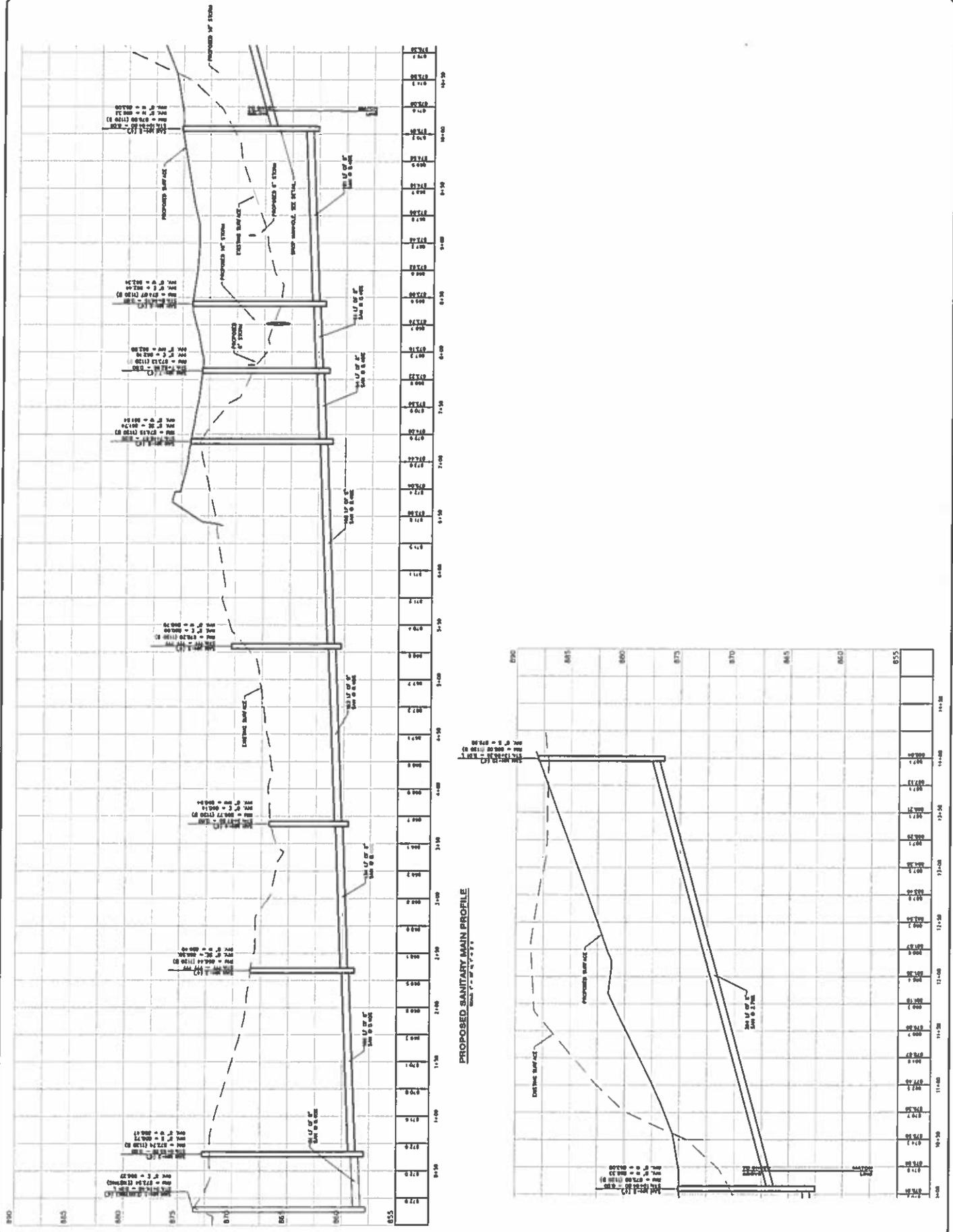






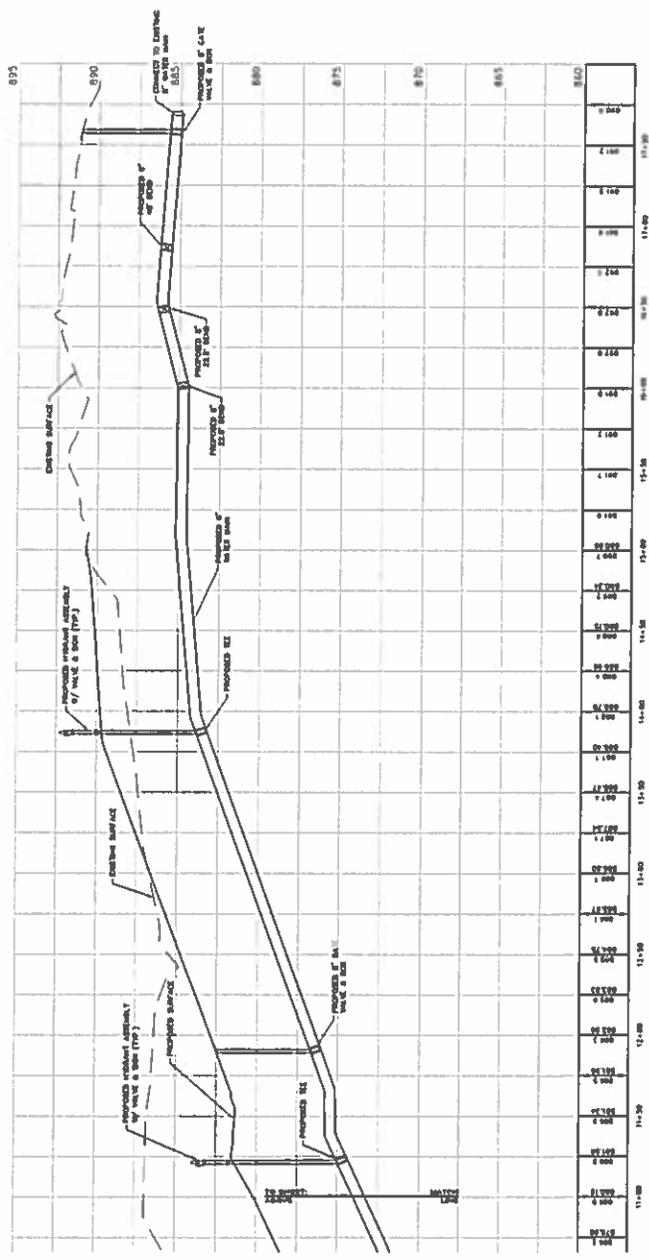
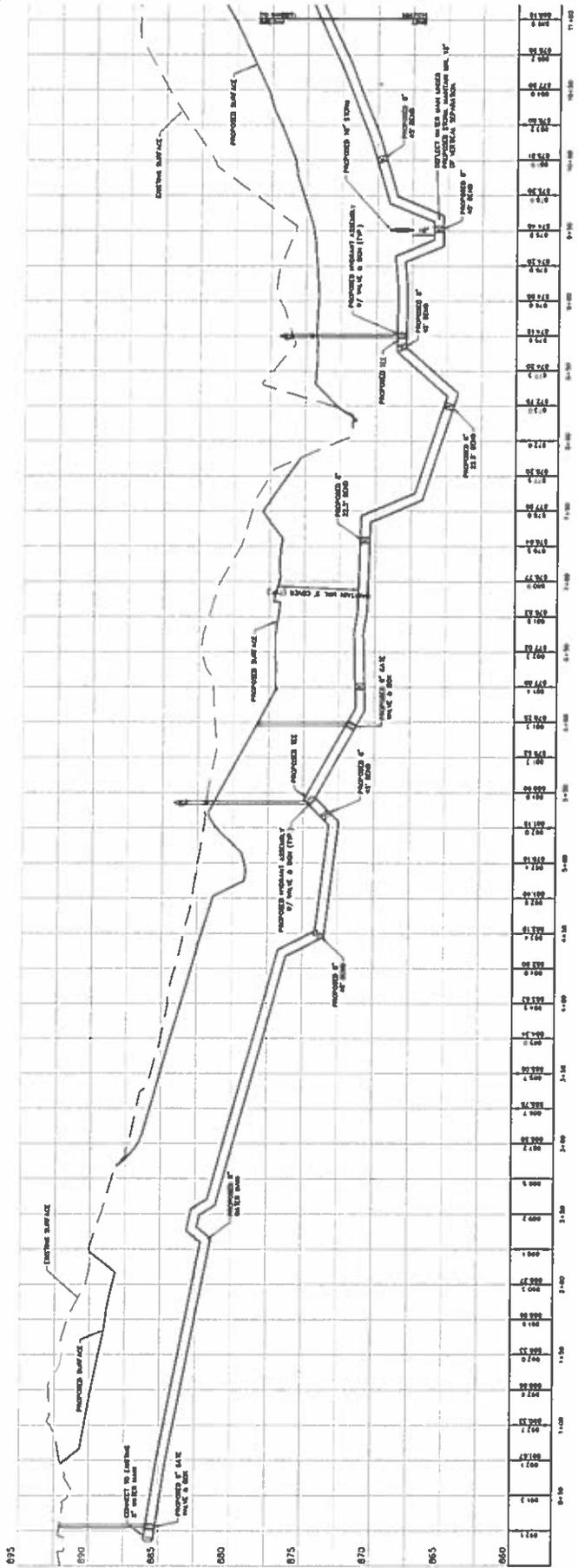




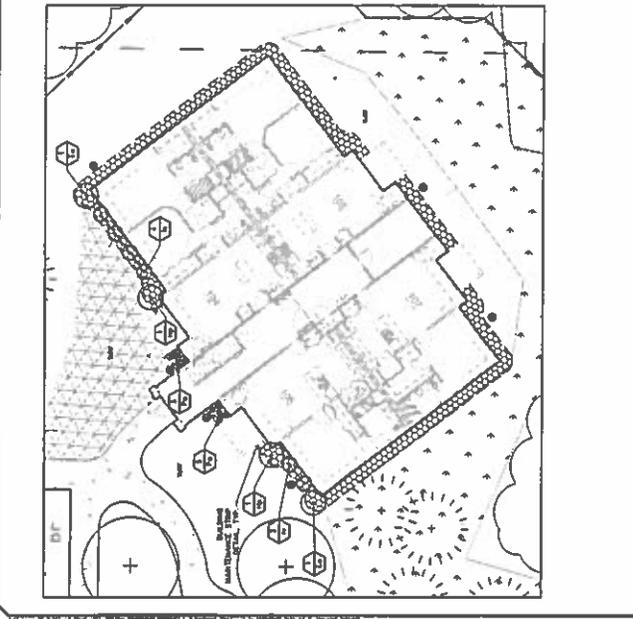
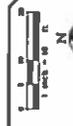
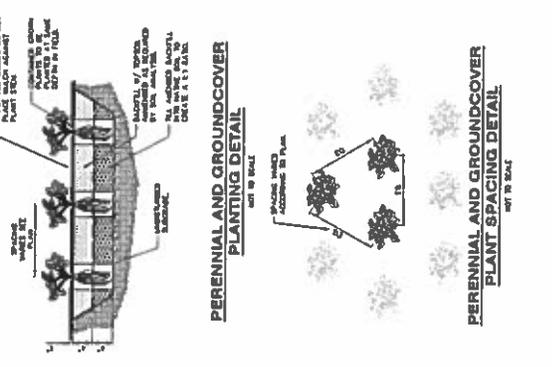
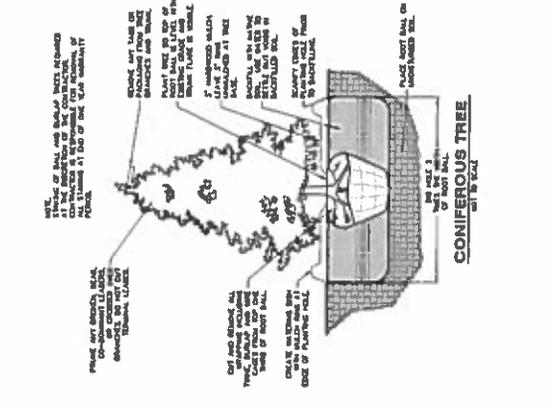
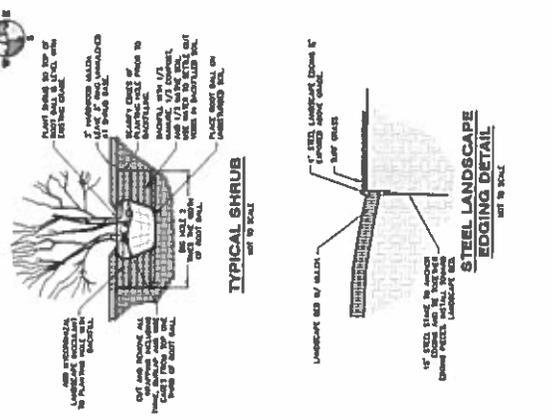
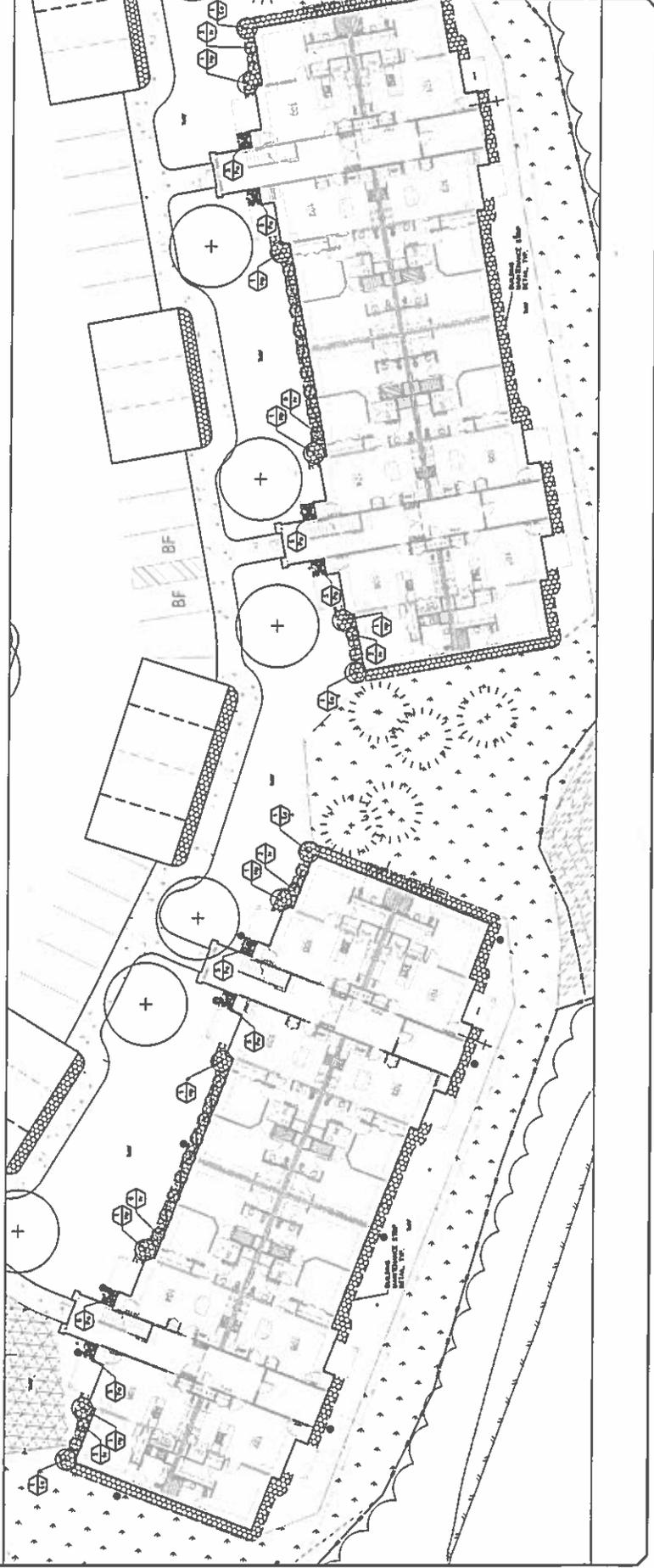


PROPOSED SANITARY MAIN PROFILE  
 SCALE: 1" = 10' V, 1" = 50' H

PROPOSED WATER MAIN PROFILE  
 ROAD: 20' W 11<sup>TH</sup> ST









**TO:** Planning Commission

**DATE:** November 13, 2015

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

**SUBJECT:** Preliminary Report: Rezoning Application #15/16-2, 480 Admiral Avenue

**I. INTRODUCTION:**

An application has been received from Mr. Chad Scott requesting that 480 Admiral Avenue be rezoned from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. According to the applicant, the rezoning would facilitate construction of a four-unit, attached residential building along the northern portion of the property, at the eastern terminus of Cameo Avenue.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Chad Scott	480 Admiral Avenue	00010-260-O	RM-1/I-1	R-1T
One parcel – 3.0 acres				

**II. EXISTING CONDITIONS:**

Land Use/Zoning	<p><u>Rezoning Site:</u> Vacant land zoned RM-1, multiple family residential (south portion) and I-1, light industry (north portion).</p> <p><u>North:</u> City of Portage storm water retention basin and Consumers Energy Company electrical transformers and overhead transmission lines zoned I-1.</p> <p><u>South/East:</u> Vacant land owned by the City of Portage zoned I-1. Consumers Energy Company overhead electrical transmission lines and railroad tracks (owned by Pennsylvania Lines) are also situated east of the rezoning site.</p> <p><u>West:</u> Single family detached residences, duplexes and four-unit attached residential buildings situated along Cameo Avenue, Dorset Street and Admiral Avenue zoned R-1A, R-1T, RM-1 and I-1 (small section of vacant land).</p>
Zoning/Development History	No rezoning of properties in the surrounding area have occurred in the past 10 years.
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	Admiral Avenue, Dorset Street and Cameo Avenue are local residential streets and specific traffic counts are not available. While the subject parcel is addressed as 480 Admiral Avenue, the property does not have frontage on Admiral Avenue. The only public street from for this parcel is at the eastern terminus of Cameo Avenue, along the northern portion of the property
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Natural Resources Map (National Wetlands Inventory) identifies areas of possible forested wetlands encumbering the subject parcel. Additionally, the Soil Survey Map layer identifies Adrian Muck as a predominant soil type on the property. The applicant will need to complete a wetland delineation and soil borings in conjunction with any future development plans for the property.

### 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 Map component of the 2014 Comprehensive Plan identifies the rezoning site, along with properties situated to the west and south, as appropriate for Single-Family Detached - Medium Density (SFD-MD) residential land use. The SFD-MD land use designation is intended to provide for a greater diversity in single-family housing development at higher densities (up to 6 units per acre) than allowed under the Low Density Residential designation (1-4 units per acre). Areas planned for SFD-MD land use are often located adjacent to higher intensity uses, such as the Regional Business area, and generally correspond to the R-1A, one family residential and PD, planned development zoning districts. Properties situated north of the rezoning site are identified for Regional Business land use, while properties situated to the east are designated for Park/Recreation land use. While these 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 final report and staff recommendation.

Suitability of Existing RM-1 and I-1 Zones/Impacts of Proposed R-1T Zone. The subject parcel is irregular in shape, wrapping around the east side of existing single-family and duplex residences located along the east side of Dorset Street. The existing I-1 zone along the northern portion of the parcel, and potential industrial development with access from Cameo Avenue or Dorset Street, would not be compatible with the adjacent residential neighborhood. The southern portion of the parcel, zoned RM-1, has development challenges given the irregular shape of the parcel, presence of potential wetlands, topography and access limitations. The proposed R-1T zone and proposed development of a four-unit, attached residential building along the northern portion of the property would constitute a reduction in the intensity of land uses currently allowed under the existing I-1/RM-1 zoning (or a "down zoning"). As information for the Commission, the R-1T zoning district allows for construction of duplexes and attached residential buildings (maximum four connected units) subject to several conditions. While the applicant is proposing only one four-unit attached building at this time, additional duplex and/or four-unit buildings could be constructed if the property was rezoned to R-1T, subject to applicable zoning regulations and environmental limitations.

As additional information for the Planning Commission, the I-1 zoning of the city owned property at 6979 South Westnedge Avenue and the rear yard portions of 6843 Dorset Street and 422 and 426 Dorset Street, are not consistent with the future land use map designations and the existing zoning/land use pattern. In regard to this matter, and in an effort not to delay this rezoning request, staff recommends the Planning Commission consider a rezoning of these properties at a later date consistent with the Work Program.

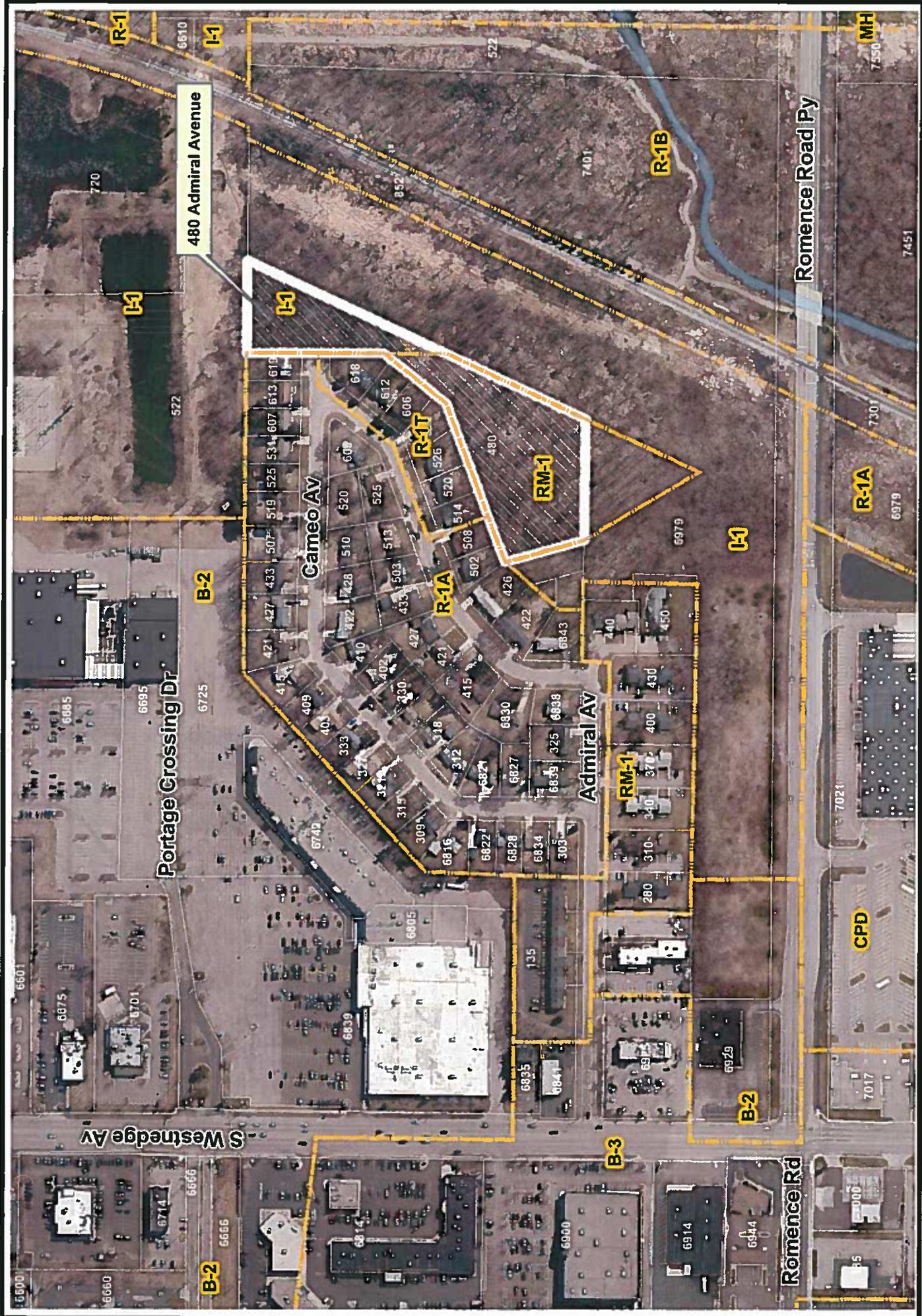
Traffic Considerations. Traffic generation associated with a zoning change from RM-1/I-1 to R-1T will not be significant and can be accommodated by the surrounding roadway network. Specific access related issues including driveway locations, shared/cross access connections, etc. will be reviewed at the 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 19, 2015 meeting and adjourn the public hearing to the December 3, 2015 meeting.

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

S:\Comdev\2015-2016 Department Files\Board Files\Planning Commission\PC Reports\Rezoning\2015 11 13 Rezoning Application #15-16-2, 480 Admiral Avenue (preliminary) doc



480 Admiral Avenue

# Zoning / Vicinity Map 480 Admiral Avenue

**Legend**

-  Zoning Boundary
-  Subject Property



1 inch = 300 feet



**Legend**  
Subject Property

# Aerial Photo 480 Admiral Avenue



1 inch = 147 feet

PHOTO COURTESY OF THE CITY OF DENVER, COLORADO. PHOTO TAKEN ON 11/15/2017. PHOTO BY: JEFFREY A. HARRIS

Regional Business

Portage Crossing Dr

Cameo Av

Single-Family Detached-Medium Density Residential

480 Admiral Avenue

General Industrial

Park / Recreation

Romence Road Py

Regional Business

**Legend**

-  Future Land Use
-  Subject Property

# Future Land Use Map 480 Admiral Avenue



1 inch = 300 feet

**RECEIVED**  
OCT 16 2015

COMMUNITY DEVELOPMENT

### APPLICATION FOR ZONING AMENDMENT

Application number #15/16-2

Date 10-16-15

#### 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).

480 Admiral Avenue, Portage, MI 49002      00010-260-0      Approx. 3.86 acres

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

b. Name of the owner of the property to be rezoned: Chad Scott

Address 6325 East V Ave, Vicksburg, MI 49097

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Property owner desires to build one (1) four (4) unit single family, attached homes

4. CURRENT ZONING: Split I-1 and RM-1 PROPOSED ZONING: R1-T

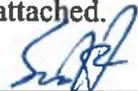
**ZONING TEXT AMENDMENT**

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

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

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

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

(Signature of Applicant)

(Signature of Applicant)

6425 East V Ave

(Address) Vicksburg 49097

(Address)

(269) 720-7729

(Phone)

(Phone)

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

**ZONE CHANGE DESCRIPTION**  
480 ADMIRAL AVENUE

RECEIVED  
OCT 16 2015  
COMMUNITY DEVELOPMENT

The zone change request at 480 Admiral Avenue would result in the proposed development of one (1) four (4) unit attached single family dwelling. The zone change request is necessary as the current site is split zoned I-1 Light Industrial on the north end of the site and RM-1 Multiple Family Residential on the south end of the site. Due to significant wetlands on the site, there is only a small, unaffected pocket at the northern end of the site, however, since that area is currently zoned I-1 Light Industrial, residential of any kind is not allowed.

In determining the most appropriate zoning district to request, many factors were considered including the impact of the wetlands on developability of the site, the Master Plan and future land use map and existing zoning trends and districts on adjacent properties. The development area of 480 Admiral is actually a small pocket of land on the Northern portion of the site off the East end of Cameo Ave. With the natural impacts and property configuration this small Northern portion is the only likely developable area. Therefore, although the property is future planned to be medium density, detached single family dwellings, the developable area of this site limits this type of development from taking place on the site at the master plan density. The southern end of the site is currently zoned RM-1, Multiple Family Residential, and other RM-1 zoned property exists west of the site. However, rezoning the entire parcel to RM-1 is least consistent with the Master Plan. Adjacent to the currently zoned I-1 portion of the site is property zoned R1-T. The R1-T zone is a down-zone from both of the current classifications of RM-1 and I-1 however more consistent with the surrounding area. Therefore, the R1-T Attached Residential zoning district was determined to be the most consistent, compatible and appropriate for maintaining property rights.

The R1-T Attached Residential zoning district allows the desired construction of one (1) four (4) unit attached single family dwelling which maximizes the available developable space. In maximizing the available developable space, the property owner's rights to construct single family dwellings on the property is maintained. The R1-T is a down-zone from the current zoning classifications. Lastly, the requested zoning district is consistent and compatible with existing zoning as adjacent property to the west is currently zoned R1-T.

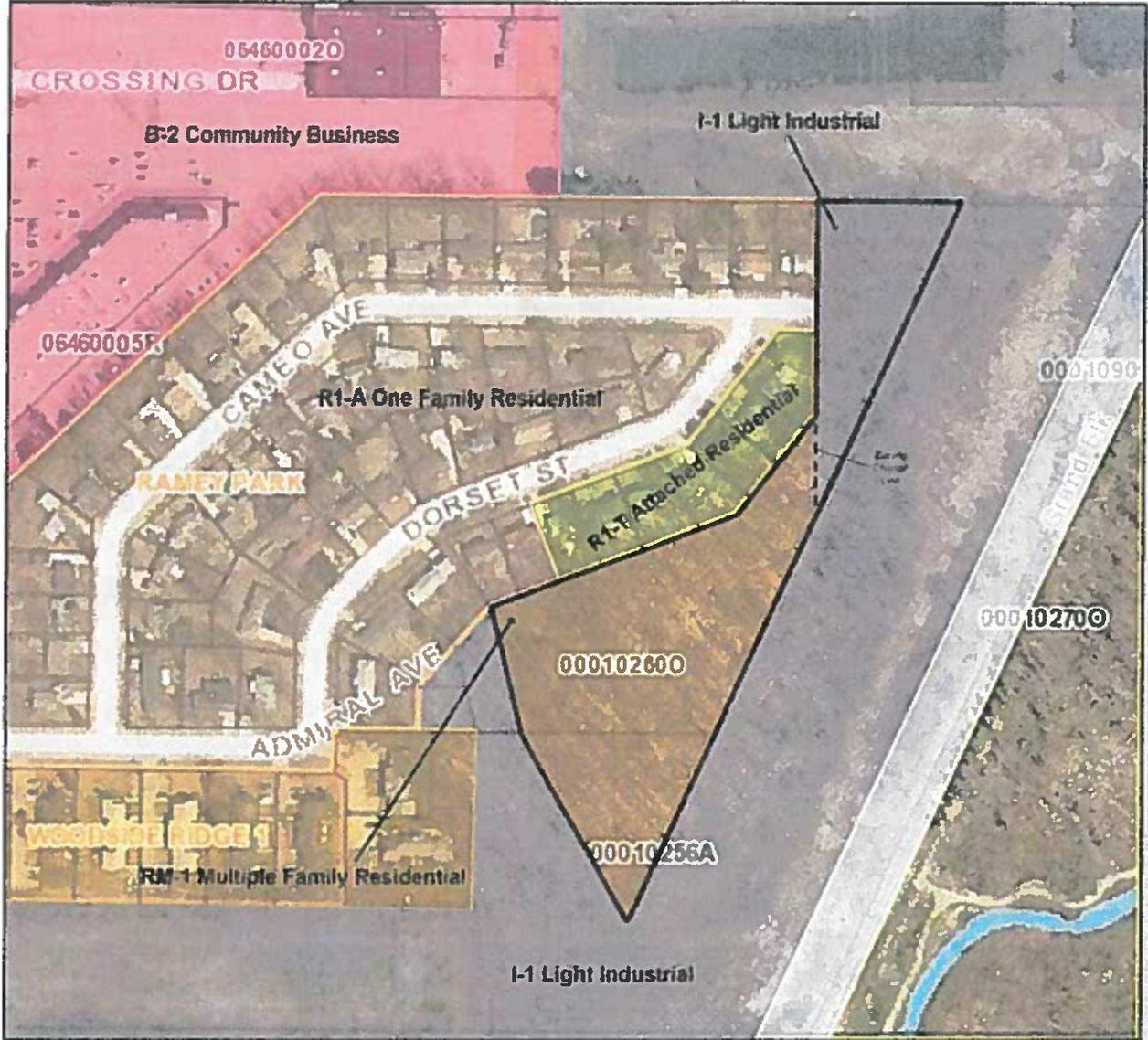
**PROJECT LOCATION**  
480 ADMIRAL AVENUE



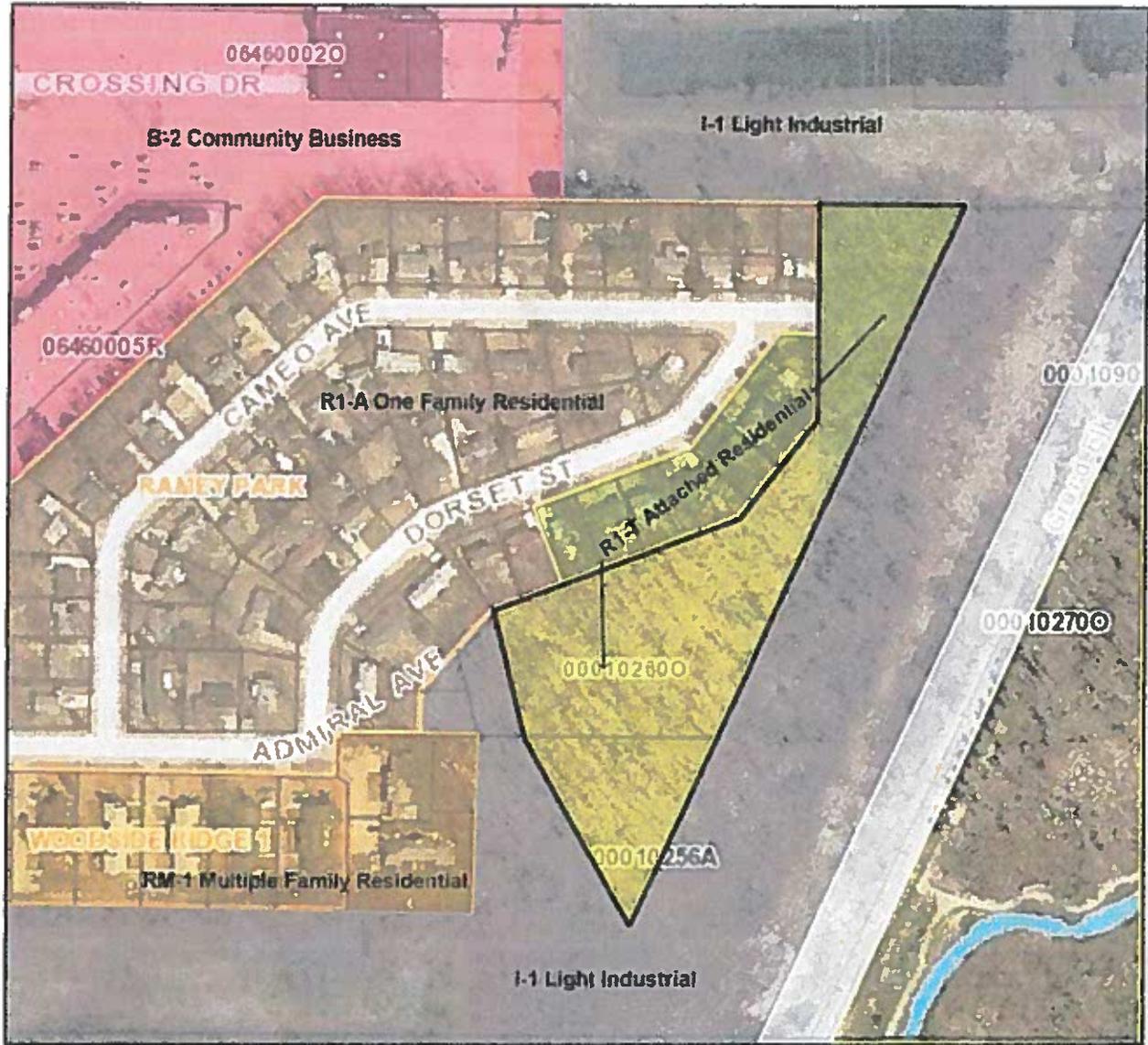
**LEGAL DESCRIPTION**  
**480 ADMIRAL AVENUE**

SEC 10-3-11 BEG AT NE COR LOT 31 RECD PLAT OF RAMEY PARK TH S ALG E LI SD PLAT 320 FT TH S  
37 DEG 52 MIN W 190 FT TH S 68 DEG 52 MIN W 420 FT TH SE 192.61 FT TH E 294.88 FT TH N 24 DEG  
15 MIN E 869.4 FT TH S 89 DEG 13 MIN W 180 FT TO PL OF BEG.

**EXISTING ZONING EXCERPT**  
480 ADMIRAL AVENUE



**PROPOSED ZONING EXCERPT**  
480 ADMIRAL AVENUE

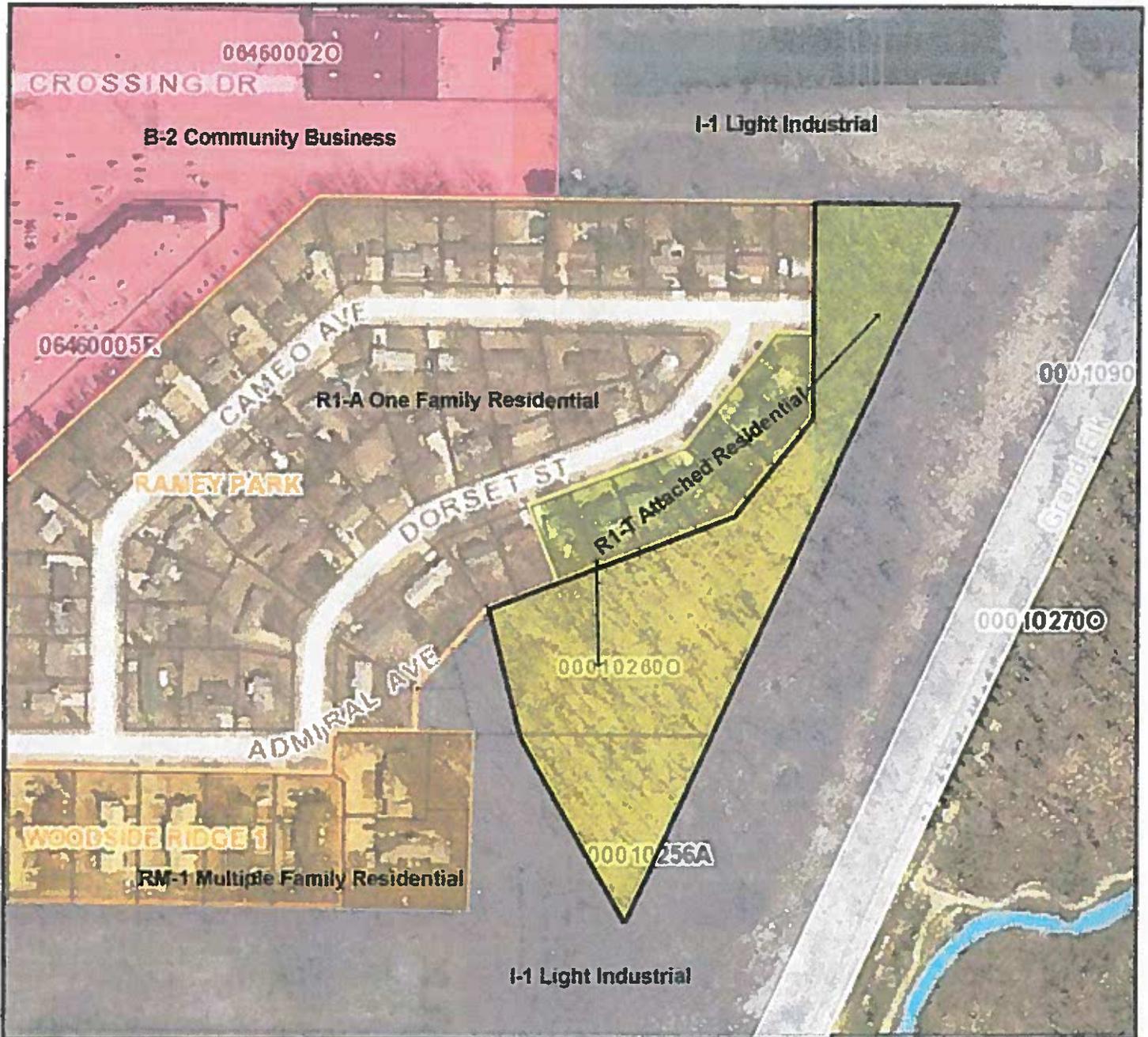


**480 ADMIRAL AVENUE**  
**ZONING AMENDMENT REQUEST**

**RECEIVED**

OCT 16 2015

COMMUNITY DEVELOPMENT



# **MATERIALS TRANSMITTED**

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – October 12, 2015

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. Three people were in the audience.

**MEMBERS PRESENT:** Glenn Smith, Jeffrey Bright, Lowell Seyburn, Michael Robbe, John Byrnes, Phillip Schaefer, Chadwick Learned, Randall Schau, and Alexander Philipp.

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

**APPROVAL OF THE MINUTES:** Learned moved and Schaefer seconded a motion to approve the September 14, 2015 minutes as submitted. Upon voice vote, the motion was approved 7-0.

### **NEW BUSINESS:**

**ZBA #15-5, Jay Sharma, 5905 South Westnedge Avenue and 119 Colonial Avenue:** Mais summarized the requests for: a) a use variance to permit refuse dumpsters in the P-1 zoned portion of the site; and b) a dimensional variance to permit a 3-foot parking lot setback/greenstrip along South Westnedge Avenue where 10 feet is required; and c) dimensional variances to permit parking lot setback/greenstrip areas along Colonial Avenue as follows: 1) ranging from 2-9 feet in the B-3 zoned portion of the site where 10 feet is required; and ii) a 2-foot parking lot setback /greenstrip in the P-1 zoned portion of the site where 27 feet is required (as shown in sheet A2); or d) dimensional variances to permit parking lot setback/greenstrip areas along Colonial Avenue as follows: i) a 7-foot greenstrip in the B-3 zoned portion of the site where 10 feet is required; and ii) a 7-foot greenstrip in the P-1 zoned portion of the site where 27 feet is required (as shown in sheet A3). Jay Sharma and Matt Bastos were present to answer questions. Mr. Sharma recounted the history of how his business moved from the west side of South Westnedge Avenue to the east side in 2000 following a road improvement project, and has practical difficulties because the current site is smaller than his previous location. Mr. Sharma stated he moved the dumpster to its current location (in the B-3 zoned part of his property) at the city's request, but thought that it made more sense to place the dumpster at the north end of the rear parking lot out of view. Mr. Sharma stated he has high volume and quick turnaround for the party store customers and that because some customers enter the front parking lot's one-way traffic from the wrong direction, accidents are not uncommon. Mr. Sharma stated he thought one of the reasons more customers don't use the back parking lot is because the dumpster in its current location conceals it from view. Robbe and Learned both stated they had stopped at the store in the past and were unaware at that time that a back parking area existed.

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

Seyburn inquired how many parking spaces were required. Mr. Bastos replied 21. Robbe questioned if adding one-way traffic on the south side of the site might simply be shifting the current problems with the west parking lot to the south, but was convinced the connection was necessary or patrons would not know the rear parking lot exists. Robbe inquired if two-way traffic would be possible on the south side of the building. Mr. Bastos replied there wasn't enough space. Seyburn inquired if the Board were to grant a variance for request d) with the recommended staff conditions, did the applicant understand that they would need to install the new storm water drainage and landscaping improvements before the variance expired. Mr. Sharma responded he understood that. A motion was made by Schau, seconded by Learned, to grant a) a use variance to permit refuse dumpsters in the P-1 portion of the site for the following reasons; that the location or situation of the specific piece of property or of the intended use of the property is unique to that property which include split zoning of the property, reduced utility of the rear parking lot, and the dumpster will be located out of public view; that the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located, due to the dumpster being located in public view if placed in a conforming location; the use will not alter the essential character of the neighborhood or the intent of the comprehensive plan, nor be a detriment to adjacent properties; and the immediate unnecessary hardship causing the need for the variance request was not created by the applicant. Upon roll call vote: Smith-Yes, Seyburn-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

A motion was made by Schau, seconded by Smith to grant b) a dimensional variance to permit a 3-foot parking lot setback/greenstrip along South Westnedge Avenue where 10 feet is required; and d) dimensional variances to permit parking lot setback/greenstrip areas along Colonial Avenue as follows: i) a 7-foot greenstrip in the B-3 zoned portion of the site where 10 feet is required, and ii) a 7-foot greenstrip in the P-1 zoned portion of the site where 27 feet is required (as shown in Sheet A3) with the following conditions: the on-site storm water will need to be redesigned and placed underground, and that the parallel parking be relocated away from the building and adjacent to the Colonial Avenue greenstrip for accessibility purposes, for the following reasons: there are exceptional or extraordinary circumstances applying to the property that do not apply to other properties in the same zoning district which include the location of the existing building and limited parking/one-way traffic flow along the front of the building, and size/configuration of the property and location of parking; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to connect the parking areas in a reasonable manner, 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 material, 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, Seyburn-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

**OTHER BUSINESS:** None.

**STATEMENT OF CITIZENS:** None.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator

## CITY COUNCIL MEETING MINUTES FROM OCTOBER 20, 2015

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

At the request of Mayor Strazdas, Pastor Paul Naumann of St. Michael Lutheran Church gave an invocation, and City Council and the audience recited the Pledge of Allegiance.

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

**PROCLAMATIONS:** Mayor Strazdas issued a National Red Ribbon Week Proclamation and a National Community Planning Month Proclamation.

**APPROVAL OF MINUTES:** Motion by Ansari, seconded by Reid, to approve the Special and Regular Meeting Minutes of October 6, 2015, as presented. Upon a voice vote, motion carried 7 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ford to read the Consent Agenda. Councilmember Reid asked that Items F.2, City Assessor Appointment, and L.1, Leaf Pickup Equipment Rental – Bid Tabulation, be removed from the Consent Agenda. Councilmember Ford asked that Item F.6, Street Parking on Rainbow Court Response, be removed from the Consent Agenda.

Motion by Ford, 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 20, 2015:** Motion by Ford, seconded by Reid, to approve the Accounts Payable Register of October 20, 2015. Upon a roll call vote, motion carried 7 to 0.

### PETITIONS AND STATEMENTS OF CITIZENS:

\* **PETITION IN FAVOR OF CREATING A SPECIAL ASSESSMENT DISTRICT ON MOZART STREET:** Motion by Ford, seconded by Reid, to refer the special assessment petition in favor of creating a special assessment district on Mozart Street (North of Beethoven Avenue to dead end) in the Maestro Acres Plat to the City Administration for review and report. Upon a roll call vote, motion carried 7 to 0.

**JOE GESMUNDO, 11550 EAST DE AVENUE, RICHLAND:** As a Portage business for almost 50 years, Joe Gesmundo, 11550 East DE Avenue, Richland, of American Village Builders, 4200 West Centre Avenue, thanked City Council for the fine work they are doing and for appointing Larry Shaffer as City Manager. He mentioned that all great cities have certain things in common, including: jobs and a culture of jobs, great infrastructure and a responsible government to keep the millage rate low and explained. Discussion followed.

**KALAMAZOO COUNTY PUBLIC HOUSING COMMISSIONER JOE SCHMITT, 623 LA SALLE STREET:** Joe Schmitt, 623 La Salle Street, Kalamazoo County Public Housing Commissioner, spoke in favor of the Kalamazoo County Local Housing Assistance Fund Millage ballot question on the November 3, 2015 City General Election. He pointed out that Portage Public Schools is the only school system in the County that has had an increase in the number of homeless children. He added that the cost to the average person is two pennies to put homeless children in a place where they feel secure and able to study, that the problem is countywide and that the Kalamazoo County Public Housing Commission is planning to establish an Advisory Committee that will work with the United

Way and other significant nonprofit people to help to determine who should be providing the services necessary.

#### **REPORTS FROM THE ADMINISTRATION:**

\* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT 15-5179 FOR IMPROVEMENTS ALONG HIGHWAY US131 (SOUTH CITY LIMITS TO INTERSTATE 94):** Motion by Ford, seconded by Reid, to approve Contract 15-5179 between the Michigan Department of Transportation and the City of Portage for the city share of improvements along Highway US131 (south city limits to Interstate 94); adopt a Resolution authorizing the City Manager to sign Contract 155179, and authorize the City Manager to sign all other documents related to this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 51 of City of Portage Resolution Book No. 46.

**CITY ASSESSOR APPOINTMENT:** Councilmember Reid asked for more information about Mr. Edward VanderVries, his schedule as a part time worker and his pay range. City Manager Larry Shaffer introduced Mr. VanderVries, a Portage resident with a significant amount of assessing service and Level 4 status as an Assessor in the State of Michigan. Mr. Shaffer disclosed that he also provides instruction to other Assessors who are seeking certification throughout the State and is one of the preeminent Assessment Professionals in the State of Michigan. He also noted that Mr. VanderVries will be in the office four hours a week and provide the service necessary to oversee our tax rolls, manage all of our tax accounts and will be ensuring all of the taxes for large taxpayers are calculated as they should be. Finally, Mr. Shaffer indicated that he will be establishing the values, procedures and processes going forward; is a BS&A expert and helped write many of the programs this premier software provider uses throughout the State which is the foundation for assessment practices throughout the State; and will be paid \$60,000 per year and be considered a part time employee. Mr. Shaffer explained the Request for Proposal process, described the Deputy Assessor position candidate and discussion followed.

Councilmember Urban found it incomprehensible how the Assessor function would be supported since the City Assessor would work four hours per week, the Deputy Assessor is not familiar with the State of Michigan, and with the current Assessor in the Department having no commercial or industrial experience which is 50% of the tax base. He contended that the Administration and the City Council has created a climate where no one wants to work in Portage and indicated that he cannot support this action and explained other actions need to be taken first.

In answer to Councilmember Ford, Mr. Shaffer indicated that Mr. VanderVries would be in the office for four hours but would work the number of hours necessary to meet all of the duties in the contract.

Councilmember Randall welcomed Mr. VanderVries and recognized him for some past assistance he provided her to help her understand how the tax law was supposed to work. She expressed total disagreement with Councilmember Urban saying that the Assessor Office has had many problems, but have not been made public because of pressure to keep things under wraps. She offered a Committee of the Whole Meeting where the Council can be educated on what happened and gave the example of the confidential settlements of the Michigan Tax Tribunal where thousands of dollars have been refunded. She cited changes to the Assessment Roll on the residential side that were not in compliance with Proposal A or the law. She asked for fact-based information from Mr. Shaffer and thanked both of them for working on this matter. Discussion followed.

Motion by Ansari, seconded by Randall, to confirm the appointment of Edward VanderVries as the City Assessor, and authorize the City Manager to execute an employment agreement, to be effective October 21, 2015. Mayor Pro Tem Pearson reviewed the history of assessing in Portage, discussed some of the options and expressed optimism that the City Council will get educated on assessing.

Councilmember Reid shared her experiences in speaking to officials from other municipalities and indicated that Assessors are difficult to find, so many of them are hiring part time Assessors to meet

the requirements of their respective Charters. She agreed with Councilmember Urban that at a time when the Department is being reconfigured, it is also the time to show commitment to that Department. She disagreed that Portage has a history of inappropriate assessing, expressed her support for the appointment and considered it one piece of rebuilding the Assessment function within Portage.

As a former Board of Review Member, Councilmember Ford pointed out that there will be efficiencies that will be gained with the repeal of the personal property tax law and a BS&A expert to further capitalize on those efficiencies.

Councilmember Urban indicated that the City has spent over \$200,000 since the election of Councilmember Randall in an attempt to convince her that there was not an issue with the Assessor's Office, and noted that through both State audits and private audits, there was never an issue found and brought forward. In fact, at one point she voted to end any further investigation or audit of the Assessor's Office, and within a few weeks moved on with requiring more work, more information and more money spent with nothing found. In answer to Mayor Pro Tem Pearson, Mr. Urban indicated that he has been employed by an assessing firm in the past and has more experience than Mayor Pro Tem Pearson does in the assessment area.

Mayor Strazdas indicated that Mr. VanderVries has excellent credentials, is a Portage resident and a Level 4 Assessor. He expressed his support for the City Manager who has expressed his commitment to assembling an in-house team and explained.

In answer to Councilmember Ansari, Mr. Shaffer indicated that no savings have been booked and none are anticipated as yet since the goal has been to provide stability and leadership in the Assessor's Office and improve the assessing function to provide the highest quality of assessments to the citizens we serve. He acknowledged that there has been a long standing debate about the quality of the assessments in Portage and that he discussed this with Mr. VanderVries at length. He outlined a plan to do an extensive review of what has been happening in the Assessor's Office and to ensure that the practices are in place, including public education regarding the appropriate methodologies that should be utilized to assess properties in this City, including updates for City Council. Discussion followed.

Mayor Strazdas called for the question. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Randall, Reid, Ansari and Ford, Mayor Pro Tem Pearson and Mayor Strazdas. No: Councilmember Urban. Discussion followed.

\* **MODIFICATION OF THE IAFF LABOR AGREEMENT:** Motion by Ford, seconded by Reid, to authorize the City Manager to modify the current labor agreement between the City of Portage and the International Association of Firefighters as detailed. Upon a roll call vote, motion carried 7 to 0.

\* **2016 CITY COUNCIL MEETING SCHEDULE:** Motion by Ford, seconded by Reid, to establish the 2016 schedule of regular City Council meetings. Upon a roll call vote, motion carried 7 to 0.

\* **PROPOSED BUDGET AMENDMENT:** Motion by Ford, seconded by Reid, to receive the Communication from the City Manager regarding allocation of the excess funds identified in the General Fund as information only. Upon a roll call vote, motion carried 7 to 0.

**STREET PARKING ON RAINBOW COURT RESPONSE:** City Manager Larry Shaffer indicated that he met with Ms. Voss the day after the last Council Meeting and discussed the issue Ms. Voss raised related to parking on the street, and asked that Police Department representatives meet with her. He indicated that there was also a meeting with the individual who owns the parked vehicle in question and that he understood the vehicle is being moved off of the road and feels the concerns of Ms. Voss have been answered. Motion by Urban, seconded by Randall, to receive the communication from the City Manager regarding the concerns of Carol Voss, 1104 Rainbow Court, as information only. Ms. Voss reiterated her concerns, listed some of the services provided by the City, indicated that she pays over \$3,400 a year in property taxes, and asked which is the appropriate Department to contact in

the event the parking situation surfaces again. Mr. Shaffer offered to address each of these issues as they arise on an individual basis within the purview of the applicable City Ordinance and offered to be flexible should an ordinance change be indicated. Mayor Strazdas explained further. Discussion followed. Upon a roll call vote, motion carried 6 to 1 with Councilmember Ford abstaining.

\* **SEPTEMBER 2015 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Ford, seconded by Reid, to receive the September 2015 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

\* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Ford, seconded by Reid, to receive the Departmental Monthly Reports from the various departments. Upon a roll call vote, motion carried 7 to 0.

#### **COMMUNICATIONS:**

**ELEANOR BECK, 10632 OAKLAND DRIVE:** City Manager Shaffer explained that the water charge is two parts – one is based on use while the other is based upon demand or a utility fee. He recognized the water cost can be difficult for some people and the best the City can do is to manage the water budget as efficiently and effective as possible and create as much economy as possible going into that budget. However, he responded directly to Ms. Beck's request, and indicated that there are no known options with the Water Fund and where it could fund itself based upon a recommendation, so on the surface he cannot respond positively to her request.

Councilmember Ansari suggested at least talking to the City of Kalamazoo for a rate reduction, and Mr. Shaffer acknowledged ongoing discussions with the City of Kalamazoo, and discussion followed.

Councilmember Randall asked whether a person who leaves and shuts his or her water off for six months, still has to pay a \$50 per month water charge? Mr. Shaffer indicated he would get that answer for her. Discussion followed.

Motion by Reid, seconded by Ford, to receive the communication from Ms. Eleanor Beck, 10632 Oakland Drive, regarding the minimum water and sewer utility charge. Upon a voice vote, motion carried 7 to 0.

#### **PRESENTATION AND ANNUAL UPDATE FROM THE SENIOR CITIZEN**

**ADVISORY BOARD:** At the request of Mayor Strazdas, City Manager Shaffer indicated how proud he is of the Senior Citizens Advisory Board and that they are working through the reaccreditation process and the future of the Senior Center.

Senior Citizens Advisory Board Member Mary Lou Petruccio, 1490 Sarasota Trail, provided an update of the goals of the Board, including: an outline of the increased membership efforts; funding efforts; innovative programming identified to reach the senior population of 50 years of age and older; City Council and Portage Senior Center Management advice on issues and projects pertaining to seniors and the Portage Senior Center; assistance with the accreditation process for the Portage Senior Center; and exploration of opportunities for interaction and partnership with the Portage Community Center and Portage Public Schools. She summed up with the need to expand the space and the staffing to meet the needs of senior citizens in the future. Discussion followed.

Motion by Reid, seconded by Ford, to receive the presentation and annual update from the Senior Citizen Advisory Board. Upon a voice vote, motion carried 7 to 0.

**CLOSED SESSION:** Motion by Pearson, seconded by Randall, to hold a closed session immediately following the regularly scheduled City Council meeting of Tuesday, October 20, 2015, to discuss a personnel matter. Upon a voice vote, motion carried 7 to 0.

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

Portage Park Board of September 2, 2015.

Portage Youth Advisory Committee of September 14, 2015.

Portage Public Schools District Advisory Council of September 17, 2015.

**BID TABULATIONS:**

**LEAF PICKUP EQUIPMENT RENTAL – BID TABULATION:** In response to Councilmember Reid, Department of Public Services Director Rod Russell indicated the standard bidding process was utilized, but only one company bid on the request owing to the size and type of equipment involved. He explained that one part of the request was to have newer packers as they are an integral part of the process and we could ill afford breakdowns. He responded that this is a good bid financially because it falls in line with what we are already paying them for the service, so there was no big increase. Discussion followed.

City Manager Shaffer indicated that the City is risk adverse and the concern was that rejecting the bid and putting it back out could result in an increase in the cost once they realize there was only one bid and explained. Discussion followed.

Motion by Reid, seconded by Pearson, to approve a five-year contract with Premier Truck Sales & Rental, Incorporated, of Valley View, Ohio, to provide compactor trucks for the Fall Leaf Pickup Program and the Spring Bagged Leaf Pickup Program in a total amount not to exceed \$469,000, with the option for three one-year renewals, and authorize the City Manager to execute all documents related to this contract on behalf of the city. Councilmember Reid indicated that in the future where there is a continuation of a contract, it would be helpful to have that cost figure of the current or previous contract to scrutinize the bid better. Upon a roll call vote, motion carried 7 to 0.

\* **FIRE STATION #1 GENERATOR – BID TABULATION:** Motion by Ford, seconded by Reid, to approve the purchase of a Generac 80-KW building generator from Wolverine Power Systems of Zeeland, Michigan, in the amount of \$39,600, installation of the Generac generator by Moore Electrical Services, Inc., of Kalamazoo, Michigan, in the amount of \$45,112, 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.

RECESS FOR CLOSED SESSION: 8:51 p.m.

RECONVENE: 9:47 p.m.

**COMMUNICATIONS (Continued):**

**CITY MANAGER EVALUATION:** Mayor Strazdas indicated that the purpose of the Closed Session was to discuss the evaluation of the City Manager. He referred to the City Manager Evaluation Committee consisting of Mayor Pro-tem Jim Pearson, Councilman Richard Ford and himself who reviewed the instrument used by City Council to weigh in with their opinion and explained how to use the instrument as a scoring mechanism. With that, the data received from the City Council revealed an intent to keep his salary increase in line with the other employees at 2 per cent increase of his base salary effective November 19, 2015, and to award a one-time meritorious bonus of \$1,000. Discussion followed.

Motion by Pearson, seconded by Ansari, to approve the unanimous decision of the City Manager Evaluation Committee. Councilmember Urban indicated that he would not be supporting the motion owing to the negative aspects in handling situations in personnel which outweighs any benefits

and positives, so he would not be supporting the recommendations of the Committee. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Randall, Reid, Ansari and Ford, Mayor Pro Tem Pearson and Mayor Strazdas. No: Councilmember Urban. Mayor Strazdas announced a news release would follow the meeting. Discussion followed.

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

**STATEMENTS OF CITIZENS:** In response to Monifa Jumanne, 6286 Silver Fir Street, who asked about the topic concerning the possible Morehouse College Glee Club performance in February 2016. Mayor Strazdas indicated that the matter was discussed at the earlier Committee of the Whole Meeting of City Council from 6 p.m. to 7 p.m., and will be a part of the next Committee of the Whole Meeting of City Council at 6 p.m. on November 3, 2015, Conference Room #1, which gives City Council time to further discuss the designation of excess funds, including funding for cultural events such as the Morehouse College Glee Club. He indicated that the matter could be brought up at the Regular City Council Meeting later at 7:30 p.m., but that he could not be assured of that. Discussion followed.

Ms. Jumanne shared an experience some years ago when the Senior Center Trip bus driver announced that George Zimmerman was acquitted of the killing of Trayvon Martin, and the majority of the passengers applauded, but she and her passenger mate did not applaud. She did report the incident to the Travel Coordinator, and the bus company instructed the bus driver that his job was not to announce the evening news, but to drive the bus and get the passengers safely to their destination and back. She indicated that those same people who applauded are still members of the Senior Center and asked City Council to think about the fact that no one has taken the opportunity to address the behavior of those citizens on the bus that evening. Discussion followed and Mayor Strazdas called for more discussion and conversation in the City and in the Region regarding diversity topics.

**STATEMENTS OF CITY COUNCIL CANDIDATE:** Tim Earl, 6862 Shallowford Way, indicated that he enjoyed talking to citizens while on his campaign for Portage City Council regarding their issues and concerns as it was refreshing to find them versed on City matters. He expressed satisfaction with the campaign with regard to the mutual respect for one another and the spirited debate over the issues. He indicated he will be campaigning hard for the next two weeks, and will continue to serve whether it is on the Park Board or the City Council.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Ford thanked Joe Gesmundo for his expression of approval of City Council and the Administration over the past 50 years as a developer in Portage. He congratulated Ed VanderVries on his appointment as the City Assessor and Michigan State for their victory over the University of Michigan in the last 10 seconds of the game.

Councilmember Randall indicated that Halloween is on Saturday, October 31, 2015, and asked citizens to be aware that the City of Portage does not specify date and time of Trick or Treating as this is determined by each neighborhood, so drivers should exercise special caution this weekend. She mentioned the plan for three fall leaf pickups and asked citizens to check their schedules for dates of pickup.

Councilmember Urban shared that one of the best ways to observe the fall colors is during a free fall sky dive which he experienced on Sunday and encouraged all of his fellow Councilmembers to join him.

Councilmember Ansari congratulated City Manager Larry Shaffer, saying he has turned the City around on many levels. He indicated that he is very dependable, extremely accessible and remains one of the city's assets; and, that he has demonstrated creativity, innovative thinking and problem solving; and, that he is adaptable to change. He listed some of his many achievements and accomplishments, and he thanked Mr. Shaffer for his efforts.

Councilmember Reid congratulated and welcomed Ed VanderVries on his appointment as City Assessor. She also quoted Councilmember Randall when she stated at the *MLive* Forum, Portage District Library, that there is no question that there are inequities and unfairness in our industrial, commercial and residential tax rolls (and) that has been proven time and time again; our new City Manager agrees with that; you can call the County Treasurer; the MTT (Michigan Tax Tribunal) refunds by Portage far exceed other areas; those are just indicators that something is not exactly right. She questioned this statement and followed Councilmember Randall's advice by obtaining a report of the refund from all of the jurisdictions in Kalamazoo County from 2000 through 2009 from County Treasurer Mary Balkema. She noted that Portage was the third highest in refunds from the Board of Review and from the State Tax Commission (STC). She noticed the Portage Board of Review results were being compared to those of smaller municipalities with much lower tax bases, so she compared the refunds as a percentage of the State Equalized Values (SEV's) of the properties in these municipalities for the year 2004, as it was in the middle of the date range she had been checking, and found that this put Portage in the middle of the graph in both the STC and the MTT. She affirmed that this was more in line with her understanding of the property tax situation in Portage and stated that she felt it was important to have trust in past assessments.

City Manager Shaffer thanked City Council for their performance evaluations and thanked them for their candid comments in closed session as he found it energizing and enlightening. He said he wanted the public to know that he is deeply committed to moving with City Council and Mayor Strazdas in the best interests of Portage in a positive and productive fashion.

Mayor Pro Tem Pearson thanked Mr. Shaffer for his service over the year and indicated in his door-to-door campaign, Portage citizens love single stream recycling and the Farmer's Market. To his surprise, citizens asked him what Council was going to do with the \$3.7 million. He answered that they would probably fix some streets and pay down debt; and, everyone wanted to know where their street was on the list.

Mayor Strazdas thanked Mr. Shaffer for his performance, that the majority of the Council has spoken, and we move forward. He also said that there is always diversity in thought, in the way we see things and the way we act and explained. He reviewed the Committee of the Whole that took place earlier at 6:00 p.m. He explained that seven years of roll up produced \$3.2 million in the General Fund, plus \$400,000+ from the State and warned that that will not be a repeat next year, especially when considering a low projected Consumers' Price Index (CPI) for next year. He spoke in favor of this opportunity to improve our roads, to bolster our Fund Balance, to stabilize our funds for emergencies and to lower our debt and explained. Discussion followed.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 10:17 p.m.

James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.

**MINUTES OF THE COMMITTEE OF THE WHOLE WORK SESSION  
OF OCTOBER 20, 2015**

Mayor Strazdas called the meeting to order at 6:00 p.m. The following Councilmembers were present: Nasim Ansari, Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Pearson and Mayor Peter Strazdas. Also present were City Manager Larry Shaffer, Deputy City Manager Rob Boulis, Finance Director Bill Furry, T&U Director Chris Barnes, Assistant City Engineer Jamie Harmon, Assistant Fire Chief Stacy French, City Attorney Randy Brown and City Clerk James Hudson.

Mayor Strazdas reviewed the agenda for the evening and indicated that the Fund Balance, including the \$427,227 from the State PA 84 of 2015 General Fund local road & bridge program, could result in better bonding rating, debt reduction potential and an adjustment to the Capital Improvement Program (CIP) as discussed at the City Council Retreat. He then deferred to City Manager Larry Shaffer.

Mr. Shaffer reviewed the estimated additional funds available for FY 2015-2016, spoke of investment in local roads and major roads, repairs to the Fire Pumper involved in an accident, relocation of the trail in Bicentennial Park near I-94, a cultural event, budget stabilization and efforts to obtain AAA Bond Rating status. Discussion followed.

Councilmember Urban indicated that this is the first time a stabilization fund has been proposed as part of the Fund Balance and could not determine a good reason to have one because it further restricts \$300,000 which would ordinarily be part of the Fund Balance. Discussion followed regarding financial stability, and City Manager Shaffer responded that this becomes one more tool used to obtain AAA Bond Rating status. Discussion followed.

Mayor Strazdas reviewed the option of moving some of the funds to the CIP and deferred to Mr. Shaffer, who thanked Finance Director Bill Furry and Deputy Finance Director Lauren Vanderveen for their work to come to an agreement to see how that might reasonably be balanced with regard to the distribution. He introduced T&U Director Chris Barnes and Assistant City Engineer Jamie Harmon, deferred to them for an explanation of the PACER Rating, a tool that was recently implemented that evaluates all of the roads in the City in order to determine the gradation of road repair needs. Discussion followed.

Mr. Barnes explained the system, described the process and reviewed the condition of the various roads. Discussion followed regarding the impact on the neighborhoods, Complete Streets Policy and the option of reconstructing versus repaving. Mr. Barnes discussed the funding needs and the number of miles involved and discussion followed.

Assistant Fire Chief French indicated that the repair cost for the 17 year old Fire Pumper involved in an accident was \$84,000 and, considering the age and miles on the unit, the best price the City could get for it is less than \$100,000; plus, they discovered that the mounts for the pump are cracked which means there would probably need to be repairs to the pump as well, so the repair cost could exceed \$84,000. Therefore, he proposed that the 2018-19 CIP be adjusted and requested that City Council consider approval of a new apparatus that is state of the art and meets current safety standards. Discussion followed.

Mayor Strazdas deferred to Mr. Shaffer, who explained the commitment a long time ago made by the City to relocate the bike trail in Bicentennial Park near I-94 onto City land along Portage Creek for a cost of \$210,000, or \$185,000 without a viewing stand. He explained that this action is contractually required; development can then take place adjacent to that land which has been discussed; and, he suggested that this be a part of the reallocation. Discussion followed.

City Manager Shaffer explained that the City has an opportunity to bring the Morehouse College Glee Club to Portage Northern High School Auditorium, February 26, 2016, as part of the diversity celebration of Martin Luther King Day 48 years after his death in Memphis, Tennessee. He indicated that the cost to bring the Glee Club to Portage Northern is \$35,000 for their flight, local transportation, room and board. Mr. Shaffer reflected on the plan to obtain the funds through solicitation of private funds that did not work out and produced zero dollars, so this event cannot happen without an appropriation. He said that he thinks he can find \$20,000 in the existing Cultural Events Budget with the need for a remainder of \$15,000 to make this opportunity happen. He indicated that his hope is that this would be the last time he would come to City Council to seek support for that; and, any future event would have to be privately funded, but this gives the opportunity for the City to demonstrate its commitment to diversity as part of a recognition of our commitment to celebrating the achievements of Dr. King and acknowledging in a positive fashion that Portage stands with those institutions and individuals who value diversity.

Lastly, City Manager Shaffer discussed the \$1.65 million to be applied to debt reduction which represents just over 50% of the total amount of money over the established 24% Fund Balance. Discussion followed.

In answer to the request from Councilmember Ford to discuss Major Streets, Mr. Barnes indicated that the City received notice in August of the receipt of \$261,000 in Federal safety funds to be used to reconfigure the traffic signal for motorists and pedestrians at Westnedge and Romence where a fatality occurred. He outlined the project and noted the need for a reallocation of \$100,000 for a local match that is required. Discussion followed.

At the request of Mayor Strazdas, Mr. Shaffer indicated he would present further information regarding the reallocation requests involving the Capital Improvement Program (CIP) items listed as Major and Local Streets, Parks & Recreation Trail and the Fire Pumper. When Mayor Strazdas indicated a possible hold on the Cultural Events request, Councilmember Randall asked that all of the items be considered and discussed for action. City Manager Shaffer concurred and mentioned the Budget Stabilization item would also be explained further.

In response to Mayor Pro Tem Pearson, Mr. Shaffer disclosed that the Cultural Event would be held indoors at Portage Northern High School Auditorium with 743 seats at \$10 each and would raise \$7,000. Mr. Shaffer concurred with Mayor Pro Tem Pearson and his understanding that there would be \$7,000, plus a one-time \$15,000 reallocation, and said the Administration would only spend what is necessary and would set up as a revolving fund with the residual to be used for future events.

At the request of Councilmember Reid, Mayor Strazdas asked City Council to provide any additional information on these matters to Mr. Shaffer by the end of the week. He set a Committee of the Whole Meeting for 6:00 p.m., Tuesday, November 3, 2015, in Conference Room #2, to discuss the proposed funding for the overage of the 24% Fund Balance. Discussion followed regarding priorities, CIP, budget stabilization and the unappropriated fund balance.

**STATEMENTS OF CITIZENS:** In response to Charles Pasco, 5526 Meredith Street, who expressed his dissatisfaction with the bike path on Kilgore Road near Sprinkle Road as it feels dangerous when he rides it, Mayor Strazdas referred him to Mr. Barnes, who indicated he has some good news for Mr. Pascal and offered to share this information with him after the meeting.

**ADJOURN:** Mayor Strazdas adjourned the meeting at 7:16 p.m.

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James Hudson, City Clerk