

**FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
September 20, 2011**

7:30 p.m. Call to Order.

Invocation: Pastor Daniel Teerman of The Bridge of Portage.

Pledge of Allegiance.

Roll Call.

Proclamations.

A. Approval of the Regular Meeting Minutes of September 6, 2011.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of September 20, 2011, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council:
 - a. accept Rezoning Application #10-03 for first reading and set a public hearing for October 18, 2011; and
 - b. subsequent to the public hearing, consider approving Rezoning Application #10-03 and rezone 1302,1306 and 1316 East Centre Avenue from OS-1, office service and R-1B, one-family residential to B-1, local business, and rezone 1330 East Centre Avenue from R-1B, one-family residential to OS-1, office service.
- * 2. Communication from the City Manager recommending that City Council:
 - a. accept for first reading the proposed amendment to Section 38-38 of Chapter 38, Historical Preservation, of the City of Portage Code of Ordinances, and
 - b. consider final adoption on October 18, 2011.
- * 3. Communication from the City Clerk recommending that City Council adopt the Resolution Designating Polling Places and Rate of Compensation for the November 8, 2011 City General Election.
- * 4. Communication from the City Manager regarding the August 2011 Summary Environmental Activity Report – Information Only.
- * 5. Department Monthly Reports.

G. Communications:

- 1. Letter from Ms. Sharon Carlisle of 6316 Oakland Drive dated September 14, 2011 regarding her recent municipal water connection.
 - a. Communication from the City Manager recommending that City Council accept the letter from Sharon Carlisle, 6316 Oakland Drive, dated September 14, 2011, and decline her request for reimbursement for municipal water connection costs.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

- 1. Portage Park Board of August 3, 2011.
- 2. Kalamazoo County Board of Commissioners Committee of the Whole and Regular of August 16, 2011.
- 3. Portage Planning Commission of September 1, 2011.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council approve an annual licensing and software maintenance services agreement with SunGard, Incorporated, at a total cost of \$66,276 and authorize the City Manager to execute all related documents on behalf of the city.
- * 2. Communication from the City Manager recommending that City Council approve the purchase of personal protective clothing from First Due Fire Supply of Leslie, Michigan, in the amount of \$48,784 for replacement of 25 sets of Fire Division personal protective clothing and authorize the City Manager to execute all documents related to this contract on behalf of the city.
- * 3. Communication from the City Manager recommending that City Council approve a two-year contract with Nye Uniform of Grand Rapids, Michigan, for replacement of police uniforms in the amount of \$22,107.20 for the first year and \$22,749.20 for the second year with the option for three one-year renewals, and authorize the City Manager to execute all documents related to this matter on behalf of the city.

M. Other City Matters:

- 1. Statements of Citizens.
- 2. From City Council and City Manager.
- * 3. Reminder of Meetings:
 - a. Wednesday, September 21, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
 - b. Thursday, September 22, 4:30 p.m., Public Media Network Board of Directors, 359 S. Kalamazoo Mall, 3rd Floor, Kalamazoo.
 - c. Tuesday, October 4, 5:15 p.m., Special Meeting of the City Council to Interview Board and Commission Applicants, City Hall Room #1.

N. Materials Transmitted of August 23, September 2 and September 9, 2011.

Adjournment.

CITY COUNCIL MEETING SUMMARY

September 6, 2011

PROCLAMATIONS

- ◆ Mayor Strazdas issued a National Gymnastics Day Proclamation and a National Moment of Remembrance, 10th Anniversary of 9-11 Proclamation.

CHECK REGISTER

- ◆ Approved the Check Register of September 6, 2011, as presented.

REPORTS FROM THE ADMINISTRATION

- ◆ Approved a one-year contract extension with The Hartford for employee basic life, basic accidental death and dismemberment, contributory life, contributory accidental death and dismemberment, dependent life and long-term disability insurance and authorized the City Manager to execute all documents on behalf of the city.
- ◆ Approved the extended one-year lease of 54 Hewlett Packard replacement computers from Capital Advantage Leasing of Grand Rapids, Michigan, at a price of \$10,690.40 and authorized the City Manager to execute all documents related to this action.
- ◆ Set a Special Meeting on Tuesday, October 4, 2011, beginning at 5:15 p.m. to interview board and commission applicants.

BID TABULATION

- ◆ Awarded a contract to GreenPlus Landscaping, Incorporated, of Bryon Center, Michigan, in the not-to-exceed amount of \$11,437.03 for landscaping improvements at the 12th Street/Texas Drive/West Milham Avenue intersection and authorized the City Manager to execute all documents related to this matter on behalf of the city.

STATEMENTS OF CITIZENS

- ◆ Caryl Tregerman, 1413 Edington, spoke in opposition to a city invoice in the amount of \$264.97 for mowing her back yard, asked that the invoice be nullified and objected to the fact that the complaints against her property are allowed to be anonymous. Mayor Strazdas referred the matter to the City Manager for review and report.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Randall wished everyone a great and safe school year.
- ◆ Councilmember Bailes reminded everyone that the 27th Annual PCOC Peacock Strut takes place Saturday, September 17, 2011, at 8 a.m. with the 5k and 10k event registration options, including registration on line.
- ◆ Councilmember Reid reported on the National Community Action Agency Council Conference in San Francisco, California, where she obtained good information for the Community Action Board regarding networking, training and strategizing. She also reminded everyone of the Council of Governments Meeting, Wednesday, September 7, 2011, at 3:30 p.m. at the Chamber of Commerce where a Representative of the Land Information Access Association, a non-profit organization, will be present as a facilitator in the collaboration efforts in the area. She announced that the 2011 Kalamazoo Area Foot Chase will be held at Celery Flats, Portage, Saturday, September 10, 2011, at approximately 9:00 a.m. with registration from 7:00 a.m. until 8:30 a.m. She indicated that this is a 3.5-mile fun run patterned after a police foot chase in pursuit of a fleeing suspect and proceeds go to assist families of fallen police officers.
- ◆ City Manager Evans reminded everyone that the new traffic signal on South Westnedge Avenue at McCamley Field is now activated and motorists should remember to observe caution and use due diligence while driving by the schools. Mayor Strazdas concurred.
- ◆ Mayor Pro Tem Sackley announced the CommUniversity Night, Saturday, 4 p.m., and the football game between Western Michigan University Broncos and Nicholls State University Colonels at 7 p.m. He also indicated that the 10th Anniversary of 9-11 would be observed at 1 p.m. at the Overlander Bandshell, Portage, and 4 p.m. in Bronson Park, Kalamazoo.

COMPLETE MINUTES OF EACH CITY COUNCIL MEETING ARE AVAILABLE ON THE CITY WEBSITE AT PORTAGEM.I.GOV, IN CITY HALL AND IN THE DISTRICT LIBRARY. MINUTES OF CITY BOARDS AND COMMISSIONS ARE AVAILABLE ON REQUEST FROM VARIOUS DEPARTMENTS.

CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 6, 2011

DRAFT

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

At the request of Mayor Strazdas, Reverend Chad Wells of the First Baptist Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Elizabeth A. Campbell, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, Assistant City Attorney Charlie Bear and City Clerk James R. Hudson.

PROCLAMATIONS: Mayor Strazdas issued a National Gymnastics Day Proclamation and a National Moment of Remembrance, 10th Anniversary of 9-11 Proclamation.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Campbell, to approve the August 23, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Reid abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF SEPTEMBER 6, 2011:** Motion by Urban, seconded by Reid, to approve the Check Register of September 6, 2011. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **LIFE AND LONG-TERM DISABILITY INSURANCE:** Motion by Urban, seconded by Reid, to approve a one-year contract extension with The Hartford for employee basic life, basic accidental death and dismemberment, contributory life, contributory accidental death and dismemberment, dependent life and long-term disability insurance and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **COMPUTER REPLACEMENT:** Motion by Urban, seconded by Reid, to approve the extended one-year lease of 54 Hewlett Packard replacement computers from Capital Advantage Leasing of Grand Rapids, Michigan, at a price of \$10,690.40 and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.

* **SPECIAL MEETING WITH BOARD AND COMMISSION APPLICANTS:** Motion by Urban, seconded by Reid, to set a Special Meeting on Tuesday, October 4, 2011, beginning at 5:15 p.m. to interview board and commission applicants. Upon a roll call vote, motion carried 7 to 0.

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

Portage Human Services Board of May 5, 2011.

Portage School Board Special and Regular Business Meeting of June 20, Organizational Meeting of July 11, Policy Governance Meeting of July 13 and Special Meeting of July 29, 2011.

Portage Historic District Commission of August 3, 2011.

Portage Planning Commission of August 18, 2011.

BID TABULATION:

* **WEST MILHAM AVENUE/12TH STREET/TEXAS DRIVE INTERSECTION:** Motion by Urban, seconded by Reid, to award a contract to GreenPlus Landscaping, Incorporated, of Bryon Center, Michigan, in the not-to-exceed amount of \$11,437.03 for landscaping improvements at the 12th Street/Texas Drive/West Milham Avenue intersection 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.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Caryl Tregerman, 1413 Edington, spoke in opposition to a city invoice in the amount of \$264.97 for mowing her back yard, asked that the invoice be nullified and objected to the fact that the complaints against her property are allowed to be anonymous. Mayor Strazdas referred the matter to the City Manager for review and report. Discussion followed.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall wished everyone a great and safe school year.

Councilmember Bailes reminded everyone that the 27th Annual PCOC Peacock Strut takes place Saturday, September 17, 2011, at 8 a.m. with the 5k and 10k event registration options, including registration on line.

Councilmember Reid reported on the National Community Action Agency Council Conference in San Francisco, California, where she obtained good information for the Community Action Board regarding networking, training and strategizing. She also reminded everyone of the Council of Governments Meeting, Wednesday, September 7, 2011, at 3:30 p.m. at the Chamber of Commerce where a Representative of the Land Information Access Association, a non-profit organization, will be present as a facilitator in the collaboration efforts in the area. She announced that the 2011 Kalamazoo Area Foot Chase will be held at Celery Flats, Portage, Saturday, September 10, 2011, at approximately 9:00 a.m. with registration from 7:00 a.m. until 8:30 a.m. She indicated that this is a 3.5-mile fun run patterned after a police foot chase in pursuit of a fleeing suspect and proceeds go to assist families of fallen police officers.

City Manager Evans reminded everyone that the new traffic signal on South Westnedge Avenue at McCamley Field is now activated and motorists should remember to observe caution and use due diligence while driving by the schools. Mayor Strazdas concurred.

Mayor Pro Tem Sackley announced the CommUniversity Night, Saturday, 4 p.m., and the football game between Western Michigan University Broncos and Nicholls State University Colonels at 7 p.m. He also indicated that the 10th Anniversary of 9-11 would be observed at 1 p.m. at the Overlander Bandshell, Portage, and 4 p.m. in Bronson Park, Kalamazoo.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 7:58 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 12, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of September 20, 2011 as presented.

Attached please find the Accounts Payable Register for the period August 28, 2011 through September 11, 2011, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

PROGRAM: GM350L FROM 08/28/2011 TO 09/11/2011 *ALL*

CITY OF PORTAGE BANK CODE CHECK AMOUNT

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
09/02/2011	277633	A I S CONSTRUCTION EQUIP. CO.	640		2,060.18
09/02/2011	277634	AT&T	849		1,638.79
09/02/2011	277635	AGRO SALES NORTH LLC	3943		529.81
09/02/2011	277636	ALL-PHASE ELECTRIC SUPPLY CO.	108		169.00
09/02/2011	277637	ALL-TRONICS, INC.	109		81.00
09/02/2011	277638	ALLEGRA PRINT & IMAGING	533		739.41
09/02/2011	277639	J. ALLEN & CO. INC.	67		15,526.30
09/02/2011	277640	AMERICAN WATER WORKS ASSOC.	773		520.00
09/02/2011	277641	ANY CUTTING & WELDING	3347		190.00
09/02/2011	277642	TODD ARBANAS ENTERPRISES INC.	1704		1,900.00
09/02/2011	277643	ARROWHEAD SCIENTIFIC, INC.	3744		828.06
09/02/2011	277644	AUMACK, MICHAEL	670		235.00
09/02/2011	277645	AUTOMATIC DATA PROCESSING	3305		1,161.50
09/02/2011	277646	Business Review West Michigan	999999		39.00
09/02/2011	277647	BARNES WOOD WORKS	4340		360.00
09/02/2011	277648	BEREAN BAPTIST CHURCH	999999		100.00
09/02/2011	277649	BESCO WATER TREATMENT, INC.	3339		12.50
09/02/2011	277650	BOOTH NEWSPAPERS INC	89		6,395.75
09/02/2011	277651	BOOTH NEWSPAPERS INC	89		45.57
09/02/2011	277652	BORGESS AMBULATORY CARE CORP.	1545		676.00
09/02/2011	277653	BORGESS HEALTH ALLIANCE	151		90.00
09/02/2011	277654	BOYLAN SALES	2059		325.00
09/02/2011	277655	BRANCH, JOYCE	999999		187.00
09/02/2011	277656	BRINK WOOD PRODUCTS, INC.	3537		1,150.00
09/02/2011	277657	BUDZYN, RONALD	999999		100.00
09/02/2011	277658	CAMPBELL AUTO SUPPLY	437		25.80
09/02/2011	277659	CARLISLE, SHARON	999999		883.84
09/02/2011	277660	CHARTER COMMUNICATIONS	3080		60.00
09/02/2011	277661	CINTAS CORP.	2206		361.11
09/02/2011	277662	CITY OF KALAMAZOO (TRANS MILLA	4649		205,212.80
09/02/2011	277663	CLEAN EARTH ENVIRONMENTAL SERV	1821		667.00
09/02/2011	277664	COASTAL TRAINING TECHNOLOGIES	1116		86.23
09/02/2011	277665	COCA-COLA REFRESHMENTS USA	999999		100.00
09/02/2011	277666	COCHRAN GLASS AND DOOR, LLC	4547		75.00
09/02/2011	277667	COMERICA BANK	999999		100.00
09/02/2011	277668	COMMUNITY LIVING OPTIONS	999999		100.00
09/02/2011	277669	COMSTOCK PUBLIC SCHOOLS	1671		6,622.72
09/02/2011	277670	CONSUMERS ENERGY-BILL PMT CNT	189		14,071.83
09/02/2011	277671	CRESCENDO ACADEMY OF MUSIC	999999		150.00
09/02/2011	277672	CRONIN, MARY ANN	999999		98.00
09/02/2011	277673	CROSSROADS EXPERT AUTO SERVICE	4109		1,830.23
09/02/2011	277674	D & R SPORTS CENTER, INC.	4222		30.00
09/02/2011	277675	JOHN DEERE LANDSCAPES	4448		31.11
09/02/2011	277676	DENNY'S SAW CRIB	689		162.44
09/02/2011	277677	DEPATIE FLUID POWER CO., INC.	211		1,132.21
09/02/2011	277678	DEWOLF & ASSOCIATES, LLC	4374		595.00
09/02/2011	277679	DIESEL INJECTION SERVICE, LLC	1874		24.36
09/02/2011	277680	DIMPLEX THERMAL SOLUTIONS	999999		100.00
09/02/2011	277681	EAST JORDAN IRON WORKS	226		1,332.45
09/02/2011	277682	EMERGENCY VEHICLE PRODUCTS	2948		3,009.98
09/02/2011	277683	ENTENMANN-ROVIN CO.	8		530.65

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
09/02/2011	277684	ENTRANCE TECHNOLOGIES INC.	4031	350.00
09/02/2011	277685	EXTREME POWER EQUIPMENT, INC.	4189	9.99
09/02/2011	277686	FISHER, MIKE	999999	100.00
09/02/2011	277687	FOLEY CARRIER SERVICES, LLC	999999	76.95
09/02/2011	277688	FOLLOWELL, DAVID	3311	94.00
09/02/2011	277689	GALL'S, AN ARAMARK COMPANY	25	91.99
09/02/2011	277690	GARDNER, JOHN	999999	100.00
09/02/2011	277691	GORBICS, JACQUE	4726	.00
09/02/2011	277692	GORDON FOOD SERVICE	502	21.87
09/02/2011	277693	GORDON WATER SYSTEMS	517	60.25
09/02/2011	277694	GRAHAM FORESTRY SERVICE, INC.	464	720.00
09/02/2011	277695	GREATER KALAMAZOO FOP LODGE 98	623	494.28
09/02/2011	277696	GREATER KALAMAZOO FOP LODGE 98	623	2,800.92
09/02/2011	277697	GREATER KALAMAZOO UNITED WAY	628	1,109.48
09/02/2011	277698	HALCOMB, VALERIE	999999	200.00
09/02/2011	277699	HARTMAN, CHARLES	913	117.50
09/02/2011	277700	KAMI HEMLER	4727	517.00
09/02/2011	277701	HEYWOOD, MADELON	999999	100.00
09/02/2011	277702	HILDORF, CATHY	999999	55.00
09/02/2011	277703	HOME DEPOT	691	442.52
09/02/2011	277704	HUMPHREY PRODUCTS	999999	200.00
09/02/2011	277705	HUNT, BARBARA	999999	200.00
09/02/2011	277706	INDIANA WIPING CLOTH, INC.	61	182.00
09/02/2011	277707	INT'L PERSONNEL MGMT ASSOC	1048	641.50
09/02/2011	277708	INTERNATIONAL CODE COUNCIL, IN	3244	144.90
09/02/2011	277709	THE IRRIGATOR	2047	125.00
09/02/2011	277710	THE ISERV COMPANY LLC	4712	1,546.85
09/02/2011	277711	J & J LAWN SERVICE, INC.	457	55.00
09/02/2011	277712	J D E EQUIPMENT COMPANY	4244	25,088.60
09/02/2011	277713	J RETTENMAIER	999999	216.93
09/02/2011	277714	SEAN JAMES ENTERPRISES INC.	4718	100.00
09/02/2011	277715	KALAMAZOO CNTY TREASURERS ASSN	999999	137.00
09/02/2011	277716	KALAMAZOO COUNTY TREASURER	514	24.24
09/02/2011	277717	KALAMAZOO LANDSCAPE SUPPLIES	90	475.00
09/02/2011	277718	KELLEY-GIEBER, SANDRA	999999	157.25
09/02/2011	277719	KELLEY, BRIAN	532	200.00
09/02/2011	277720	KELLY RADIATOR & AUTO REPAIR	4591	500.00
09/02/2011	277721	KHALED, JEFF	999999	1,318.62
09/02/2011	277722	KUIPER BUILDING SERVICES, LLC	4454	175.00
09/02/2011	277723	KZOO TIRE COMPANY	564	200.00
09/02/2011	277724	LAKE MICHIGAN MAILERS, INC.	682	1,200.00
09/02/2011	277725	LAWRENCE, SANDRA	999999	138.00
09/02/2011	277726	LAWSON PRODUCTS, INC	240	108.00
09/02/2011	277727	LEMEN OIL CO.	2595	2,601.34
09/02/2011	277728	LOCEY SWIM POOL CO.	243	19,589.84
09/02/2011	277729	LODEMAN'S CARPET & UPHOLSTERY	4688	123.80
09/02/2011	277730	MAGNLOW ASSOCIATES	2189	278.00
09/02/2011	277731	MCDONALD'S TOWING & RESCUE, IN	728	375.00
09/02/2011	277732	MENARDS, INC	258	25.00
09/02/2011	277733	METROPOLITAN TITLE COMPANY	1630	42.00
09/02/2011	277734	MI RECREATION & PARKS ASSOC.	2622	100.00
09/02/2011	277734	MI RECREATION & PARKS ASSOC.	2622	75.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
09/02/2011	277735	MISHRM	3451		260.00
09/02/2011	277736	MIBIZ	4068		1,300.00
09/02/2011	277737	MICH MUNICIPAL TREASURERS ASSN	999999		295.00
09/02/2011	277738	MICHIGAN STATE FIREMANS ASSOC.	1292		209.84
09/02/2011	277739	MICHIGAN STATE UNIVERSITY	2709		95.00
09/02/2011	277740	MIDWEST COMMUNICATION SERVICES	1983		1,200.00
09/02/2011	277741	MIDWEST ENERGY COOPERATIVE	2030		221.04
09/02/2011	277742	MIDWEST GOLF AND TURF	4210		1,686.34
09/02/2011	277743	MIDWEST TRANSIT EQUIPMENT	4275		78.38
09/02/2011	277744	MORDAS, DON	4003		211.50
09/02/2011	277745	MOSES FIRE EQUIPMENT, INC.	993		262.09
09/02/2011	277746	NASSAU CARPET INC	787		1,535.50
09/02/2011	277747	NATIONAL RECREATION & PARK AS.	919		199.00
09/02/2011	277748	NATIONAL TACTICAL OFFICERS ASN	2803		150.00
09/02/2011	277749	NEW FRESH CLEANING SERVICE	4351		4,999.00
09/02/2011	277752	NEXTEL	1709		2,551.40
09/02/2011	277753	NICHOLS, ANDREW	4229		211.50
09/02/2011	277754	NYE UNIFORMS	299		784.75
09/02/2011	277756	OFFICE DEPOT, INC.	1721		1,911.58
09/02/2011	277757	PARIS CLEANERS	999999		25.00
09/02/2011	277758	PATESEL, TERRY	4455		372.00
09/02/2011	277759	PETERS CONSTRUCTION CO.	1638		1,906.26
09/02/2011	277760	PETTY CASH-CITY MANAGER	805		434.76
09/02/2011	277761	PETTY CASH-CITY MANAGER	805		183.03
09/02/2011	277762	PETTY CASH-DPS	538		404.77
09/02/2011	277763	PORTAGE FIREFIGHTERS	625		1,388.88
09/02/2011	277764	PORTAGE GLASS & MIRROR	4396		71.25
09/02/2011	277765	PORTAGE NORTHERN HIGH SCHOOL	2319		1,247.50
09/02/2011	277766	PORTAGE ON-CALL FIREFIGHTERS	504		129.36
09/02/2011	277767	PORTAGE POLICE OFFICERS ASSOC	624		1,671.78
09/02/2011	277768	PROFESSIONAL TREE SERVICE, INC	321		1,950.00
09/02/2011	277769	PROJECT FISH	4273		220.00
09/02/2011	277770	PROJECT FISH	4273		55.00
09/02/2011	277771	PUBLIC MEDIA NETWORK	4582		64,502.12
09/02/2011	277772	RATHCO SAFETY SUPPLY, INC.	327		524.00
09/02/2011	277773	REMINGTON CONSTRUCTION CO. INC	3839		528.00
09/02/2011	277774	RIDGE AUTO NAPA	438		1,861.83
09/02/2011	277775	RIETH-RILEY CONSTRUCTION CO.,	4386		221.59
09/02/2011	277776	ROCHE, CAROL	999999		150.00
09/02/2011	277777	ROMENCE GARDENS, INC	343		132.16
09/02/2011	277778	ROWLEY BROTHERS, INC.	346		1,529.68
09/02/2011	277779	SANDERSON DEHAAN IRRIGATION	2469		.00
09/02/2011	277780	SCHUUR, MAYNARD & JUDITH	999999		188.00
09/02/2011	277781	SERGEANT, SHARON	999999		50.00
09/02/2011	277782	SEVERANCE ELECTRIC COMPANY, INC	353		11,315.00
09/02/2011	277783	SHARP SHOP	354		67.48
09/02/2011	277784	SIGNATURE FORD/LINCOLN/MERC/JEEP	1162		13,368.00
09/02/2011	277785	SKILLPATH SEMINARS	618		86.90
09/02/2011	277786	SNELLING PERSONNEL SERVICES	2107		1,068.72
09/02/2011	277787	SOUTHWEST MICHIGAN GOV CONSULT	4484		9,050.00
09/02/2011	277788	SPRINGHILL SUITES	999999		206.70

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
09/02/2011	277789	SPRINT	3721	1,610.60
09/02/2011	277790	STAP BROS LAWN & LANDSCAPE, INC	366	2,073.33
09/02/2011	277791	STATE INDUSTRIAL PRODUCTS CORP	2010	994.19
09/02/2011	277792	STATE OF MICHIGAN	999999	25.00
09/02/2011	277793	STATE OF MICHIGAN (DOT)	368	25,241.12
09/02/2011	277794	STATE SYSTEMS RADIO, INC	369	175.00
09/02/2011	277795	STENSMA LAWN & POWER EQUIPMEN	3222	1,912.50
09/02/2011	277796	SUCCESS COMMUNICATIONS, INC	999999	359.00
09/02/2011	277797	SUCCESS COMMUNICATIONS, INC	999999	359.00
09/02/2011	277798	SUITS U TAILOR SHOP INC	4237	130.00
09/02/2011	277799	SWANK MOTION PICTURES, INC.	2694	296.00
09/02/2011	277800	TANK, TERESA	999999	100.00
09/02/2011	277801	TECHNOLOGY SOLUTIONS	4612	1,773.00
09/02/2011	277802	TELVENT DTN, INC.	4667	549.75
09/02/2011	277803	THERMA-STOR PRODUCTS, LLC	4578	179.33
09/02/2011	277804	JOHANNA THOMPSON	4682	2,917.00
09/02/2011	277805	THOMPSON PATTI	532	180.00
09/02/2011	277806	TIGER DIRECT, INC.	4272	160.67
09/02/2011	277807	TOO CLEAN JANITORIAL	2220	3,190.00
09/02/2011	277808	TRACTOR SUPPLY CORP.	2817	74.98
09/02/2011	277809	TRAILERS MIDWEST, INC.	4520	3,460.00
09/02/2011	277810	TRANSACT TECHNOLOGIES, INC.	1336	82.20
09/02/2011	277811	TRUGREEN	390	69.00
09/02/2011	277812	U A W. LOCAL 2290	1862	469.56
09/02/2011	277813	U S POSTAL SERVICE (PORTAGE)	503	1,000.00
09/02/2011	277814	U S POSTMASTER	392	6,000.00
09/02/2011	277815	UNITED PARCEL SERVICE	545	92.88
09/02/2011	277816	VANDER VEEN, DONALD	4230	92.00
09/02/2011	277817	VANDERBILT, JOHN	668	94.00
09/02/2011	277818	VANGUARD FIRE & SUPPLY CO., IN	3996	60.00
09/02/2011	277819	VERIZON WIRELESS SERVICES, LLC	4653	225.76
09/02/2011	277820	W W M T	4057	750.00
09/02/2011	277821	WALMART	999999	100.00
09/02/2011	277822	WEATHERWISE, INC.	999999	245.00
09/02/2011	277823	WELLS FARGO R/E TAX SERVICES	999999	54.75
09/02/2011	277824	WESSENDORF, GREG	999999	103.00
09/02/2011	277825	WEST MICHIGAN STAMP & SEAL, INC	415	214.05
09/02/2011	277826	WESTERN MICHIGAN INT'L TRUCKS	4306	1,890.38
09/02/2011	277827	WINGFOOT COMMERCIAL TIRE	2613	162.73
09/02/2011	277828	WOLVERINE LAWN SERVICE, INC.	1089	268.20
09/02/2011	277829	XIBIX SYSTEMS, INC.	3436	135.00
09/02/2011	277830	ZEMITANS, ANDRIS	999999	436.20
09/02/2011	277831	ZERO WASTE USA, INC.	4435	150.00
09/02/2011	277832	0-7 WEST DISTRICT COURT	999999	94.00
09/02/2011	277833	SEVERANCE ELECTRIC COMPANY, INC	353	336.24
09/06/2011	277834	GORBICS, JACQUE	999999	126.00
09/06/2011	277835	HOME DEPOT	691	586.35
09/06/2011	277836	SANDERSON DEHAAN IRRIGATION	2469	
09/07/2011	277837	KALAMAZOO COUNTY TREASURER	514	
09/08/2011	277838	CARLISLE, SHARON	999999	

DATE RANGE TOTAL * 681,611.51 *

FROM: 08/28/2011 TO: 09/11/2011

PAYMENT VENDOR		TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
NO	NO NAME	DATE				
512	ABONMARCHE CONSULTANTS, INC	09/02/2011	5,886.70	072000320000001	0000001	00
513	ADAMS REMCO, INC.	09/02/2011	1,520.00	072000320000002	0000001	00
514	ALRO STEEL CORPORATION	09/02/2011	312.27	072000320000003	0000001	00
515	AMERICAN SAFETY & FIRST AID	09/02/2011	230.09	072000320000004	0000001	00
516	ANDRUS TRAVEL, GAIL	09/02/2011	739.50	072000320000005	0000001	00
517	ANIMAL REMOVAL SERVICE, LLC	09/02/2011	225.00	072000320000006	0000001	00
518	BEBBE, RON	09/02/2011	141.00	072000320000007	0000001	00
519	CARRIER & GABLE	09/02/2011	2,142.00	072000320000008	0000001	00
520	CONTINENTAL LINEN SUPPLY CO.	09/02/2011	95.57	072000320000009	0000001	00
521	DELTA DENTAL PLAN OF MI	09/02/2011	19,929.31	072000320000010	0000001	00
522	EMPLOYMENT GROUP, INC.	09/02/2011	1,618.83	072000320000011	0000001	00
523	ENGINEERED PROTECTION SYSTEMS, INC.	09/02/2011	223.00	072000320000012	0000001	00
524	ESPER ELECTRIC, LTD	09/02/2011	1,572.00	072000320000013	0000001	00
525	ETNA SUPPLY, INC	09/02/2011	584.00	072000320000014	0000001	00
526	GRAINGER INC, W W	09/02/2011	141.70	072000320000015	0000001	00
527	HI-TECH ELECTRIC CO.	09/02/2011	758.84	072000320000016	0000001	00
528	INDUSCO SUPPLY CO., INC.	09/02/2011	865.34	072000320000017	0000001	00
529	IRISH AYRES ENTERPRISES, LLC	09/02/2011	8,751.75	072000320000018	0000001	00
530	KAHN, WILMA	09/02/2011	216.00	072000320000019	0000001	00
531	KEHOE, EDWARD J	09/02/2011	350.00	072000320000020	0000001	00
532	MEDEMA, TIMOTHY	09/02/2011	530.00	072000320000021	0000001	00
533	PARKER, ROBERT	09/02/2011	47.00	072000320000022	0000001	00
534	PRECISION PRINTER SERVICES INC	09/02/2011	1,466.45	072000320000023	0000001	00
535	PREIN & NEWHOF	09/02/2011	32,157.85	072000320000024	0000001	00
536	ROBERTS, BRIAN	09/02/2011	70.50	072000320000025	0000001	00
537	ROE-COMM, INC.	09/02/2011	645.35	072000320000026	0000001	00
538	SNELL, DEBRA	09/02/2011	126.00	072000320000027	0000001	00
539	THOMPSON, HELENE	09/02/2011	228.00	072000320000028	0000001	00
540	WEST, STEVE	09/02/2011	211.50	072000320000029	0000001	00
541	360 SERVICES, INC.	09/02/2011	2,340.93	072000320000030	0000001	00

GRAND TOTAL:

84,106.48 NO. OF CHECKS:

30

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 12, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Rezoning Application #10-03 (1302, 1306, 1316 and 1330 East Centre Avenue)

ACTION RECOMMENDED: That City Council:

- a. accept Rezoning Application #10-03 for first reading and set a public hearing for October 18, 2011; and
- b. subsequent to the public hearing, consider approving Rezoning Application #10-03 and rezone 1302, 1306 and 1316 East Centre Avenue from OS-1, office service and R-1B, one-family residential to B-1, local business, and rezone 1330 East Centre Avenue from R-1B, one-family residential to OS-1, office service.

An application was originally received in June 2011 requesting that 1316 East Centre Avenue, located near the southeast corner of East Centre Avenue and Lovers Lane, be rezoned from R-1B, one-family residential to B-1 local business. After further review of the existing/future land use and zoning patterns in this area, the Planning Commission expanded the rezoning application during the July 21, 2011 meeting to also include 1302, 1306 and 1330 East Centre Avenue.

In a report dated August 26, 2011, the Department of Community Development recommended that 1302, 1306 and 1316 East Centre Avenue be rezoned to B-1, local business and 1330 East Centre Avenue be rezoned to OS-1, office service. This zoning change recommendation is consistent with the Comprehensive Plan and Future Land Use Map designations and represents an appropriate zoning pattern in this area given existing and future land uses.

The Planning Commission held a public hearing during the July 21, August 18 and September 1, 2011 meetings. After considering the proposed rezoning and public comments, the Commission voted 6-1 to recommend to City Council that Rezoning Application #10-03 be approved and 1302, 1306 and 1316 East Centre Avenue be rezoned to B-1, local business, and 1330 East Centre Avenue be rezoned to OS-1, office service.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: September 12, 2011

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

SUBJECT: Rezoning Application #10-03 (1302, 1306, 1316 and 1330 East Centre Avenue)

On June 20, 2011, an application was received requesting that 1316 East Centre Avenue be rezoned from R-1B, one-family residential to B-1, local business. After further review during the July 21, 2011 public hearing, the Commission unanimously voted to expand the rezoning application to also include 1302, 1306 and 1330 East Centre Avenue located at the southeast corner of East Centre Avenue and Lovers Lane.

In a report dated August 26, 2011, the Department of Community Development has recommended that Rezoning Application #10-03 be approved and that 1302, 1306 and 1316 East Centre Avenue be rezoned from R-1B, one-family residential and OS-1, office service to B-1, local business, and 1330 East Centre Avenue be rezoned from R-1B, one-family residential to OS-1, office service. The Future Land Use Map clearly identifies 1302, 1306 and 1316 East Centre Avenue located within the secondary commercial node and local business use designation, and 1330 East Centre Avenue as being generally designated for office land use designation. A review of the future/existing land use patterns as well as current zoning classifications in this area confirms that this is an appropriate zoning pattern.

The Planning Commission convened a public hearing during the July 21st, August 18th and September 1st, 2011 meetings. Thomas Rogers, initial applicant and owner of 1316 East Centre Avenue, spoke in support of the rezoning at the July 21st and August 18th meetings. Two additional citizens (Patricia Heystek, 1404 Maynard Avenue and Geraldine York, 1327 Maynard Avenue) spoke in opposition to the rezoning at the July 21st and August 18th meetings expressing concerns about increased traffic, accidents and further commercial development adjacent to the residential neighborhood. No citizens spoke during the September 1st meeting; however, a letter dated August 31, 2011 from John L. Barnes (attorney for William Rogers, owner of 1330 East Centre Avenue) was received and considered by the Commission. After careful consideration, the Commission voted 6-1 to recommend to City Council that Rezoning Application #10-03 be approved and 1302, 1306 and 1316 East Centre Avenue be rezoned to B-1, local business and 1330 East Centre Avenue be rezoned to OS-1, office service.

Attached find the Planning Commission transmittal, Department of Community Development report and related materials for review.

Attachments: Planning Commission transmittal dated September 12, 2011
Planning Commission Minutes dated July 21st, August 18th and September 1st, 2011
Department of Community Development report dated August 26, 2011
Correspondence dated August 31, 2011 from Attorney John Barnes (representing William Miller)
Ordinance Amendments

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: September 12, 2011

SUBJECT: Rezoning Application #10-03, 1302, 1306, 1316 and 1330 East Centre Avenue

The Planning Commission convened a public hearing during the July 21, 2011 meeting to consider a request to rezone 1316 East Centre Avenue from R-1B, one family residential to B-1, local business. Thomas Rogers (applicant/owner of 1316 East Centre Avenue) was present to support the application and also support an expanded rezoning consideration that would include the adjacent parcel to the east, 1330 East Centre Avenue. Two additional citizens (Patricia Heystek, 1404 Maynard Avenue and Geraldine York, 1327 Maynard Avenue) spoke during the public hearing in opposition to the proposed rezoning and any expanded rezoning consideration expressing concerns about increased traffic, accidents and further commercial development adjacent to the residential neighborhood. After significant discussion, the Planning Commission voted unanimously to expand the rezoning consideration to include the four parcels located at the southeast corner of East Centre Avenue and Lovers Lane (1302, 1306, 1316 and 1330 East Centre Avenue).

The Planning Commission reconvened the public hearing during the August 18, 2011 and September 1, 2011 meetings. Thomas Rogers was again present during the August 18th meeting and spoke in support of the rezoning. One additional citizen (Patricia Heystek, 1404 Maynard Avenue) was again present during the August 18th meeting and spoke in opposition to the expanded rezoning. While no citizens spoke during the September 1st meeting, a letter dated August 31, 2011 from John L. Barnes (attorney for William Rogers, owner of 1330 East Centre Avenue) was received and considered by the Commission.

After a careful consideration, a motion was made by Commissioner Welch, seconded by Commissioner Dargitz, to recommend to City Council that Rezoning Application #10-03 be approved and 1302, 1306 and 1316 East Centre Avenue be rezoned from R-1B, one-family residential and OS-1, office service to B-1, local business and 1330 East Centre Avenue be rezoned from R-1B, one-family residential to OS-1, office service. Upon a roll call vote, the motion was approved 6-1.

Sincerely,



James Cheesebro, Chairman
City of Portage Planning Commission

2. Special Land Use Permit/Site Plan: Crossroads Expert Auto Service, 6224 and 6230 Lovers Lane. Mr. West summarized the staff report dated July 15, 2011 regarding a request by Crossroads Expert Auto Service to establish an automobile repair station and towing business at 6224 and 6230 Lovers Lane. Mr. West stated the request will facilitate the relocation of Crossroads Expert Auto Service from its current location on South Westnedge Avenue to the Lovers Lane site. Mr. West indicated minor interior building modifications will occur to accommodate the use and limited site improvements including paving an existing gravel parking lot along the north side of the building and construction of a storm water treatment system are also planned. Mr. West indicated no storage of wrecked or impounded vehicles will occur at the site.

Mr. James Graham, owner/operator of Crossroads Expert Auto Service, was present to support the applications and discuss the development project. Mr. Graham summarized the improvements that would be made to the property including paving, storm water treatment and landscaping with the planned reuse of the site. The Commission, applicant and staff discussed the nature of the use, parking availability and the issue of no impoundment of towed vehicles at the site. The public hearing was opened by Chairman Cheesebro. No citizens spoke regarding the proposed special land use permit. A motion was made by Commissioner Reiff, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved.

After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to approve the Special Land Use Permit for Crossroads Expert Auto Service, 6224 and 6230 Lovers Lane, subject to the following conditions: 1) No impoundment of vehicles for any length of time and 2) No storage or parking of vehicles on unimproved surfaces. The motion was unanimously approved. A motion was then made to Commissioner Patterson, seconded by Commissioner Reiff, to approve the Site Plan for Crossroads Expert Auto Service, 6224 and 6230 Lovers Lane, subject to the same conditions. The motion was unanimously approved.

3. Rezoning Application #10-02, 4815 West Milham Avenue and 6027 South 12th Street. Mr. West referred the Commission to a June 21, 2011 e-mail communication from Mr. Terry Patterson, on behalf of Milham Crossings LLC, requesting that Rezoning Application #10-02 be withdrawn from further consideration. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to accept the applicant's request to withdraw Rezoning Application #10-02 from further consideration. The motion was unanimously approved.

4 Preliminary Report: Rezoning Application #10-03, 1316 East Centre Avenue. Mr. West summarized the preliminary staff report dated July 15, 2011 regarding the request to rezone 1316 East Centre Avenue from R-1B, one family residential to B-1, local business. Mr. West discussed the Future Land Use Map designation, surrounding zoning pattern, suitability of the existing R-1B zone and the potential impacts of the proposed B-1 zone. The Commission and staff next discussed the zoning designation of adjacent parcel to the east (R-1B) and the two adjacent parcels to the west (OS-1) and whether an expanded rezoning consideration was appropriate. Mr. West indicated both staff and the applicant had discussed an expanded rezoning consideration with the adjacent property owners to the east and west and they did not express an interest at this time.

Mr. Thomas Rogers (applicant/owner of 1316 East Centre Avenue) was present to support the rezoning request. Mr. Rogers indicated he recently entered into a sales agreement with Mr. William Miller to purchase the adjacent parcel to the east, 1330 East Centre Avenue. Mr. Rogers stated he would be interested in including 1330 East Centre Avenue in an expanded rezoning consideration. The Commission, staff and the applicant next discussed the four properties located near the southeast corner East Centre Avenue/Lovers Lane and process associated with an expanded rezoning consideration.

The public hearing was opened by Chairman Cheesebro. Two citizens spoke in regards to the proposed rezoning: 1) Patricia Heystek (1404 Maynard Avenue) and 2) Geraldine York (1327 Maynard Avenue). Both Ms. Heystek and Ms. York spoke in opposition to the proposed rezoning and any expanded consideration

expressing concerns about increased traffic, accidents and further commercial development adjacent to the residential neighborhood. No additional citizens spoke regarding the proposed rezoning.

The Commission and staff again discussed a possible expanded rezoning consideration and timing for a revised legal notice. After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to expand Rezoning Application#10-02 to consider 1302, 1306, 1316 and 1330 East Centre Avenue and adjourn the public hearing to the August 18, 2011 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. Accessory Building: Doug and Jan Krueger, 8634 South Westnedge Avenue. Commissioner Dargitz indicated she would be abstaining due to a potential conflict of interest (personal relationship with applicant) and excused herself from the Council Chambers. Mr. West summarized the staff report dated July 15, 2011 regarding the request from Mr. and Mrs. Krueger to construct a 14-foot tall, 23-foot wide by 22-foot long (506 square foot) addition to an existing horse barn at their residence located at 8634 South Westnedge Avenue. Mr. West indicated the proposed accessory building addition would be used for storage of personal items and a small work area. Mr. West stated the accessory building addition would be situated approximately 88-feet from the nearest property line (north) and in excess of 300-feet from the nearest adjacent single family residence. Mr. West indicated the size and configuration of the parcel combined with the wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties. Mr. West referred the Commission to a letter of support that was included in the final agenda packet.

One citizen, Ms. Edna Karow (8705 Newhouse Street), asked for clarification regarding the notice that she received. Chairman Cheesebro clarified the request and indicated no rezoning of the property was being considered. Ms. Karow then stated she had no objection to the request. Mr. Doug Krueger (applicant) was present to explain the accessory building addition request and support the application. Mr. Krueger reiterated that the accessory building would not be used for any business related purpose. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Reiff, to approve the Accessory Building for Doug and Jan Krueger, 8634 South Westnedge Avenue. The motion was approved 6-0-1 with Commissioner Dargitz abstaining.

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

Commissioner Welch stated he would not be present at the August 4, 2011 meeting. There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Michael West, AICP
Assistant City Planner

PLANNING COMMISSION

August 18, 2011

The City of Portage Planning Commission meeting of August 18, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 15 citizens were in attendance.

MEMBERS PRESENT:

Bill Patterson, Rick Bosch, Mark Siegfried, Miko Dargitz, Wayne Stoffer, Allan Reiff and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Jim Pearson and Paul Welch.

IN ATTENDANCE:

Michael West, Assistant City Planner and Randall Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the July 21, 2011 meeting minutes. A motion was then offered by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. **Preliminary Report: Rezoning Application #10-03, 1302, 1306, 1316 and 1330 East Centre Avenue.** Mr. West summarized the preliminary staff report dated August 11, 2011 and the Planning Commission decision to expand the rezoning consideration to include the four parcel located at the southeast corner of East Centre Avenue and Lovers Lane. Mr. West stated a zoning change from R-1B, one family residential and OS-1, office service, to B-1, local business, was now being considered for 1302, 1306, 1316 and 1330 East Centre Avenue. Since the July 21st meeting, Mr. West indicated the Department of Community Development had spoken with the owners of 1306 and 1330 East Centre Avenue regarding the inclusion of their properties in the expanded rezoning consideration. Mr. West discussed the Future Land Use Map designation, surrounding zoning pattern, suitability of the existing R-1B zone and the potential impacts of the proposed B-1 zone. The Commission and Mr. West next discussed the Future Land Use Map boundaries, uses allowed in the OS-1 zone compared to the B-1 zone and screening/buffering requirements.

Mr. Thomas Rogers (original applicant/owner of 1316 East Centre Avenue) was present to support the rezoning request. Mr. Rogers stated his original offer to Mr. William Miller to purchase the adjacent parcel to the east, 1330 East Centre Avenue, was not accepted.

The public hearing was reconvened by Chairman Cheesebro. One citizen (Patricia Heystek, 1404 Maynard Avenue) spoke in regards to the proposed rezoning. Ms. Heystek spoke in opposition to the expanded rezoning consideration expressing concerns about increased traffic, speeding, noise, lighting, crime

and property values. Ms. Heystek indicated there are a lot of vacant office and commercial buildings across the city, therefore, there are no reasons to rezone these additional properties. No additional citizens spoke regarding the proposed rezoning.

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to adjourn Rezoning Application#10-02, 1302, 1306, 1316 and 1330 East Centre Avenue, to the September 1, 2011 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. Accessory Building: James Brayton, 4517 Nash Avenue. Commissioner Siegfried indicated he would be abstaining from discussion and voting on this agenda item due to a conflict of interest (personal relationship with applicant) and excused himself from the Council Chambers. Mr. West summarized the staff report dated August 11, 2011 regarding the request from Mr. James Brayton to construct a 14-foot tall, 40-foot wide by 80-foot long (3,200 square foot) detached accessory building at 4517 Nash Avenue. Mr. West indicated the applicant would not be residing at 4517 Nash Avenue, however, has stated the existing single-family dwelling would be refurbished and may be occupied by a family member. If approved, the applicant has indicated the two existing accessory buildings at the property (336 square foot garage and 1,500 square foot Quonset hut) would be removed. Mr. West stated the proposed accessory building would be used as a garage for the existing single-family residential dwelling and for storage of personal items including boats, wave runners, snowmobiles and trailers. Mr. West indicated the accessory building is proposed within the northwest portion of the 22.58 acre parcel and would be situated approximately 200-feet from the northern property line, 400-feet from the western property line and in excess of 500-feet from the nearest adjacent single family residence. Mr. West reviewed past Planning Commission accessory buildings approvals that have typically ranged from 900 – 1,500 square feet. Mr. West indicated the lack of an occupied dwelling at the property and the proposed size of the accessory building were both concerns for staff. However, Mr. West indicated staff was supportive of the application subject to the accessory building being restricted to a maximum of 2,000 square feet and the four conditions listed in the August 11, 2011 Department of Community Development report.

The Commission and staff next discussed various issues associated with the application including the proposed height of the accessory building and clarification of the staff recommended conditions of approval. Mr. James Brayton (applicant) was present and spoke in support of the proposed 3,200 square foot accessory building. Mr. Brayton stated the accessory building would be used as both a garage for the occupant of the residence, as well as storage for himself, and would not be utilized for any business related purpose. Mr. Brayton discussed the large, wooded nature of the property and indicated the accessory building would not be visible from the residences on East Shore Drive. One citizen, Mr. Vince Campbell (9942 East Shore Drive), spoke in support of the proposed accessory building. Mr. Campbell stated he also owns the vacant property located at 4501 Nash Avenue with a couple of his neighbors and supports Mr. Brayton's application. Mr. Campbell indicated the applicant would preserve the natural beauty of the property and would prevent future development. No additional citizens spoke regarding the proposed accessory building.

The Commission and staff next engaged in a lengthy discussion of the proposed accessory building application including past accessory building approvals by the Planning Commission; Zoning Code provisions regarding accessory building use by owners/occupants of the property; the size and characteristics of the subject property; the size/height of the proposed accessory building; Zoning Code criteria for consideration of accessory buildings that will exceed the ground floor area of the main residence and the existing nonconforming nature of the existing residence and accessory buildings at the site. After additional

PLANNING COMMISSION

DRAFT

September 1, 2011

The City of Portage Planning Commission meeting of September 1, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

MEMBERS PRESENT:

Bill Patterson, Mark Siegfried, Miko Dargitz, Jim Pearson, Paul Welch, Wayne Stoffer, and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Rick Bosch and Allan Reiff.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services and Charlie Bear, Assistant City Attorney.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the August 18, 2011 meeting minutes. A motion was offered by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. **Final Report: Rezoning Application #10-03, 1302, 1306, 1316 and 1330 East Centre Avenue.** Mr. Forth summarized the staff report dated August 26, 2011 and indicated staff is recommending 1302, 1306 and 1316 East Centre Avenue be rezoned to B-1, local business and 1330 East Centre Avenue be rezoned to OS-1, office service consistent the Comprehensive Plan designation and surrounding zoning/land use patterns.

Chairman Cheesebro asked if any Commissioners had questions for staff. Commissioner Dargitz asked if staff had considered a buffer area along the south end of the properties. Mr. Forth indicated staff did discuss the buffer issue but noted when the rezoning of 1414 and 1422 East Centre to office service was before City Council, which included a proposal to incorporate a buffer area along the south end, Council decided to rezone the property to office service without incorporating the buffer. Commissioner Dargitz also asked if it may be premature to rezone the property before the update of Comprehensive Plan is complete in 2013. Mr. Forth

indicated he did not believe the designation of this area would change following the update of the Comprehensive Plan based on surrounding land use and zoning patterns.

Chairman Cheesebro reconvened the public hearing. No one was present to speak in support or opposition. There being no further public comment, the public hearing was closed.

The Commission discussed the letter in the final agenda from the attorney representing the Miller estate that owns 1330 East Centre, which indicates a preference for local business zoning. Commissioner Patterson indicated he could support local business zoning. Commissioner Stoffer commented on the Comprehensive Plan designation for office within the East Centre Avenue corridor and existing areas of commercial zoning that are not consistent with the Plan designation. Commissioner Stoffer stated that a change to local business may result in an over expansion of the commercial zoning and preferred that 1316 and 1330 be rezoned to office since there is other commercial zoning in the area. Commissioner Welch concurred with the staff recommendation: Commercial zoning at the intersection of Lovers Lane and East Centre Avenue is appropriate with a transition to office further east. Commissioner Welch offered a motion to recommend to City Council that rezoning Application #10-3 be approved and 1302, 1306 and 1316 East Centre Avenue be rezoned from R-1B, one-family residential and OS-1, office service to B-1, local business and 1330 East Centre Avenue be rezoned from R-1B, one-family residential to OS-1, office service. The motion was supported by Commissioner Dargitz. Commissioner Dargitz asked if any of the other Commissioners would support a buffer area along the south end of the properties. Chairman Cheesebro noted the properties are heavily wooded. Chairman Cheesebro asked staff what the setback is for the office and local business districts. Mr. Forth stated the rear yard setback for both zoning districts is 20 feet. Commissioner Patterson stated an additional buffer area shouldn't be necessary based on the existing Zoning Code provisions intended to minimize impacts on adjacent residents. Commissioner Patterson noted that retaining the existing trees would be more effective. Mr. Forth noted there are provisions in the site plan review and landscape/screening sections of the Zoning Code that allow the Planning Commission to increase screening provisions if determined necessary. Commissioner Dargitz noted that the office and local business zoning districts were low intense commercial zones and with the ability to consider additional screening during the site plan review process, a buffer area shouldn't be necessary.

Chairman Cheesebro called for a vote on the motion. The motion was approved 6-1-0 with Commission Stoffer voting in opposition.

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. FY2010-2011 Final Work Program Update and proposed FY2011-2012 Work Program. Mr. Forth indicated the Planning Commission was provided with a final update of the 2010-2011 Work Program and a copy of the proposed 2011-2012 Work Program. Commissioner Dargitz suggested also adding the consideration of environmental issues to Assigned Goals and Objectives No. 1. After a brief discussion, the Commission agreed to modify work item No. 1 to include consideration and protection of environmentally sensitive areas. There being no further discussion, a motion was offered by Commissioner Dargitz and supported by Welch that the Planning Commission adopt the 2011-2012 Work Program. The motion was unanimously approved.

TO: Planning Commission

DATE: August 26, 2011

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

SUBJECT: Final Report: Rezoning Application #10-03 (expanded), 1302, 1306, 1316 and 1330 East Centre Avenue

I. INTRODUCTION/BACKGROUND:

An application was received on June 20, 2011 requesting that 1316 East Centre Avenue be rezoned from R-1B, one-family residential to B-1 local business. Legal notice was provided and a public hearing was initially convened by the Planning Commission on July 21, 2011. After considerable discussion, the Commission unanimously voted to expand the rezoning to include the following parcels of land located at the southeast corner of East Centre Avenue and Lovers Lane (refer to attached zoning/vicinity map):

Owner	Property Address	Description	Zoning	
			Existing	Proposed
City of Portage	1302 East Centre Avenue	Parcel 00022-041-O	OS-1	B-1
Janet Gray	1306 East Centre Avenue	Parcel 00022-040-O	OS-1	B-1
Michigan Commerce Bank, custodian for Thomas Rogers IRA ¹	1316 East Centre Avenue	Parcel 00022-035-O	R-1B	B-1
William and Susan Miller	1330 East Centre Avenue	Parcel 00022-030-O	R-1B	B-1
Four parcels: 2.5 acres				

¹ Refer to the attached letter dated June 24, 2011 from Nathan Horjus, Michigan Commerce Bank

II. EXISTING CONDITIONS:

The information in the table below summarizes existing conditions of the subject and surrounding properties.

Land Use/Zoning	<p>Rezoning Site: Single family residences (1316 and 1330 East Centre Avenue) zoned R-1B, one-family residential, and vacant land (1302 and 1306 East Centre Avenue) zoned OS-1, office service.</p> <p>South: Single family residences located along Maynard Avenue zoned R-1B, one-family residential.</p> <p>East: Nonconforming single family residence zoned OS-1, office service.</p> <p>West: Across Lovers Lane, neighborhood commercial center zoned B-1, local business and single family residences zoned R-1A, one-family residential.</p> <p>North: Across East Centre Avenue, hair salon zoned OS-1, office service; single-family residence zoned R-1B, one-family residential; and two nonconforming two-family residences zoned R-1B, one-family residential.</p>
Zoning/Development History	<p>Rezoning Application #04-09: In 2005, 1414 and 1422 East Centre Avenue were rezoned from R-1B, one-family residential to OS-1, office service properties to accommodate a child day care facility. The rezoning request was consistent with the 2002 Comprehensive Plan designation for office use along this section of East Centre.</p>
Historic District/Structures	<p>The subject properties are not located within a historic district and do not contain any historic structures.</p>
Public Streets	<p>East Centre Avenue is designated as a five-lane major arterial with 20,070 vehicles per day (2008); capacity of 32,500 vehicles per day (level of service "D").</p>
Public Utilities	<p>Municipal water and sewer are available.</p>
Environmental	<p>Environmentally sensitive areas such as wetlands and floodplains are not present on the property.</p>

III. PUBLIC REVIEW/COMMENT

The Planning Commission convened a second public hearing on August 18, 2011. Mr. Thomas Rogers (applicant/owner of 1316 East Centre Avenue) was present to support the rezoning request. One citizen (Patricia Heystek, 1404 Maynard Avenue) spoke in opposition to the rezoning expressing concerns about increased traffic, speeding, noise, lighting, crime and impact on property values.

IV. FINAL 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 and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Plan Consistency. The Future Land Use Map component of the Comprehensive Plan designates the intersection of East Centre Avenue and Lovers Lane as appropriate for local business use (refer to attached Future Land Use Map). This intersection is also designated as a secondary commercial node. The local business classification is intended to provide convenience goods and services to residents and employees in the immediate neighborhood, generally within a two-mile radius, while maintaining a compatible neighborhood scale. Local business uses include small grocery, convenience and drug stores, dry cleaners, video rental, smaller dining establishments, personal service and office establishments that are typically located near single-family neighborhoods and can often be accessed by walkway or bikeway connections, in addition to automobile access. Similarly, secondary commercial nodes are intended to encourage and support low intensity local business uses and service establishments which serve neighboring residential areas. East Centre Avenue, east and west of the Lovers Lane intersection, is designated as an office corridor. To the south, the area is designated for low-density residential land use.

While the Future Land Use Map clearly identifies the three western parcels (1302, 1306 and 1316 East Centre Avenue) as situated within the secondary commercial node and local business use designation, the eastern parcel (1330 East Centre Avenue) is mostly situated outside the commercial node boundary and generally designated for office land use designation. However, unlike zoning district boundaries, Future Land Use Map designations are not intended to be property line specific and are subject to a case-by-case review and analysis.

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), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies that influence the use of land for consistency with community development objectives. The proposed B-1 zoning district for 1302, 1306 and 1316 East Centre Avenue is consistent with applicable development guidelines contained in the Comprehensive Plan (attached). In addition, either the proposed B-1 or OS-1 zoning district for 1330 East Centre Avenue would be consistent with the applicable development guidelines.

Suitability of Existing Zones/Impacts of Proposed Zones. The suitability of the two R-1B zoned properties should be carefully considered due to traffic volumes along East Centre Avenue and the existing/planned office and commercial zoning/land use pattern along this major street corridor. The two OS-1 zoned properties are consistent with the surrounding land use/zoning pattern and a change to B-1 would also be consistent with the

land use/zoning pattern, as well as the secondary commercial node designation contained in the Comprehensive Plan. As information for the Commission, uses that are principally permitted in the OS-1 district including executive, administrative and professional offices, medical offices and clinics, banks and credit unions are also permitted in the B-1 zone (special land uses allowed in the OS-1 zone such as institutional uses, trade and business schools, and hospitals do not carry over into the B-1 district). Additional uses also allowed in the B-1 district include low intensity retail establishments and smaller restaurant uses of 1,500 square feet useable floor area or less that exclude drive-in and drive-through services.

When redevelopment occurs, buildings in the B-1 and OS-1 zones would be limited to one-story and 25-feet since the rezoning site is located adjacent to single family residential zoning. A change in zoning to B-1 for 1302, 1306 and 1316 East Centre and resulting development may have some impact on adjacent residences to the south (increase site activity, noise, traffic, etc). However, Zoning Code requirements for screening, buffering, and lighting, along with other ordinance provisions, would help mitigate impacts on adjacent residences. With regard to 1330 East Centre Avenue, a change in zoning to OS-1, rather than B-1, would ensure future office land uses that are more consistent with the Plan designation, and similar to those that exist across East Centre Avenue to the north, and along East Centre Avenue to the east. Additionally, an OS-1 district may generate fewer impacts on the existing single-family residential dwellings to the south due to generally more limited hours of operation, less traffic volumes and a building style and mass similar to residential structures. Nevertheless, the Zoning Code requirements for screening/buffering/lighting would also apply. Finally, if the R-1B zoned properties located at 1316 and 1330 East Centre were rezoned either B-1 or OS-1, the existing single-family residential uses could continue as a legal nonconforming use until such time the property is redeveloped.

Traffic Considerations. If all four parcels were rezoned to B-1 and redeveloped collectively, the 2.5-acre rezoning site could accommodate an approximate 27,000 square foot (based on 25% lot coverage) building. The ITE Trip Generation Manual, Sixth Edition, indicates that a specialty retail center of this size would generate approximately 1,098 vehicle trip ends (549 vehicles) on an average weekday. An administrative office building of the same size would generate approximately 486 vehicle trips (243) vehicles on an average weekday.

If 1302, 1306 and 1316 East Centre rezoned to B-1 and redeveloped collectively, the 1.6-acre rezoning site could accommodate an approximate 17,400 square foot (based on 25% lot coverage) building. The ITE Trip Generation Manual, Sixth Edition, indicates that a specialty retail center of this size would generate approximately 708 vehicle trip ends (354 vehicles) on an average weekday. An administrative office building of the same size would generate approximately 346 vehicle trips (173) vehicles) on an average weekday.

If 1330 East Centre was rezoned to OS-1, the 0.9-acre rezoning site could accommodate an approximate 9,801 square foot (based on 25% lot coverage) building. The ITE Trip Generation Manual, Sixth Edition, indicates that an administrative office building of the same size would generate approximately 223 vehicle trips (112) vehicles) on an average weekday.

Under any of the above scenarios, anticipated traffic generated by a retail or office development project can be accommodated by the surrounding roadway network.

V. RECOMMENDATION:

Alternative options are available for Planning Commission consideration including the following:

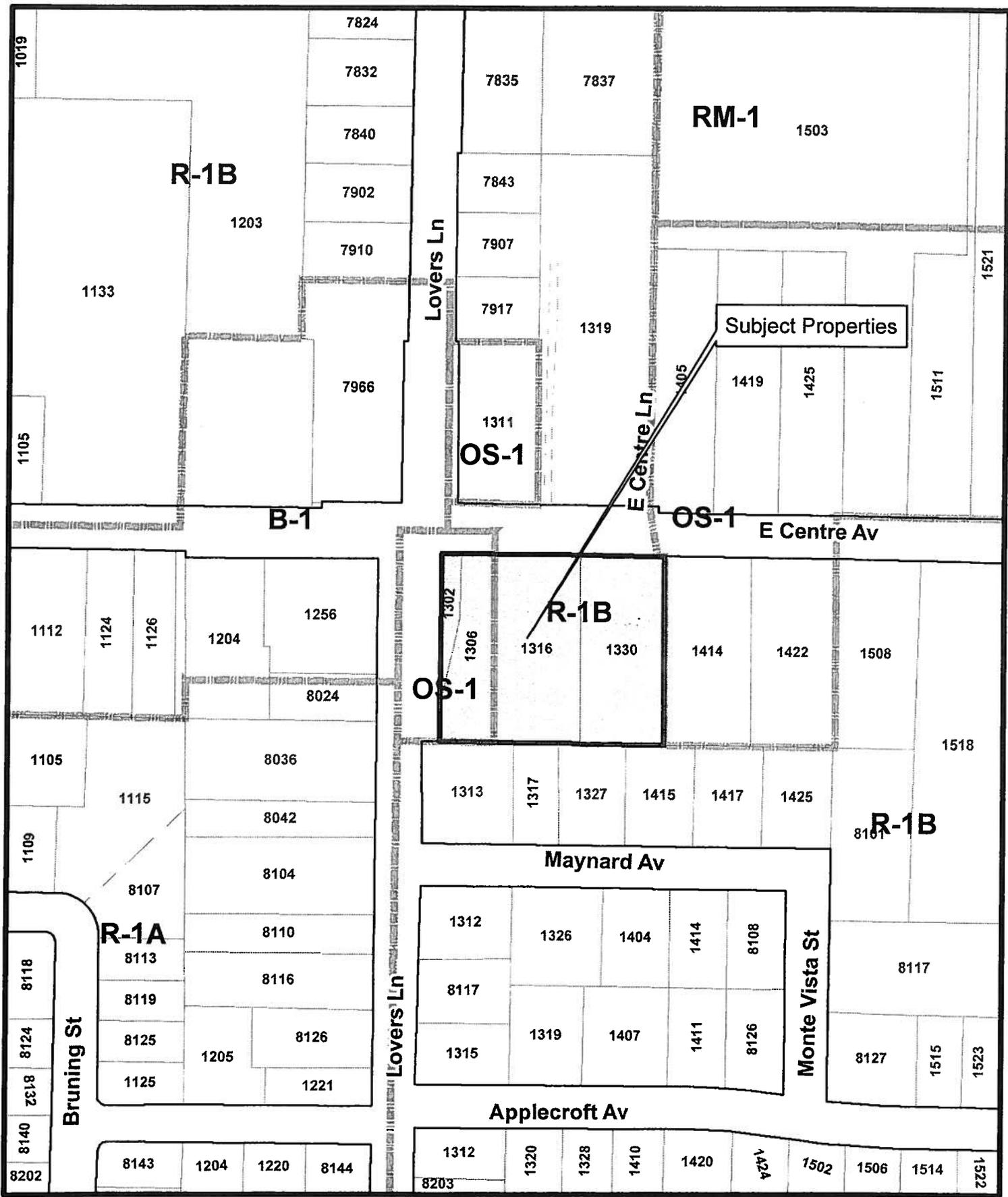
- 1) Recommend to City Council that Rezoning Application #10-03 be approved and 1302, 1306, 1316 and 1330 East Centre Avenue be rezoned to B-1, local business.

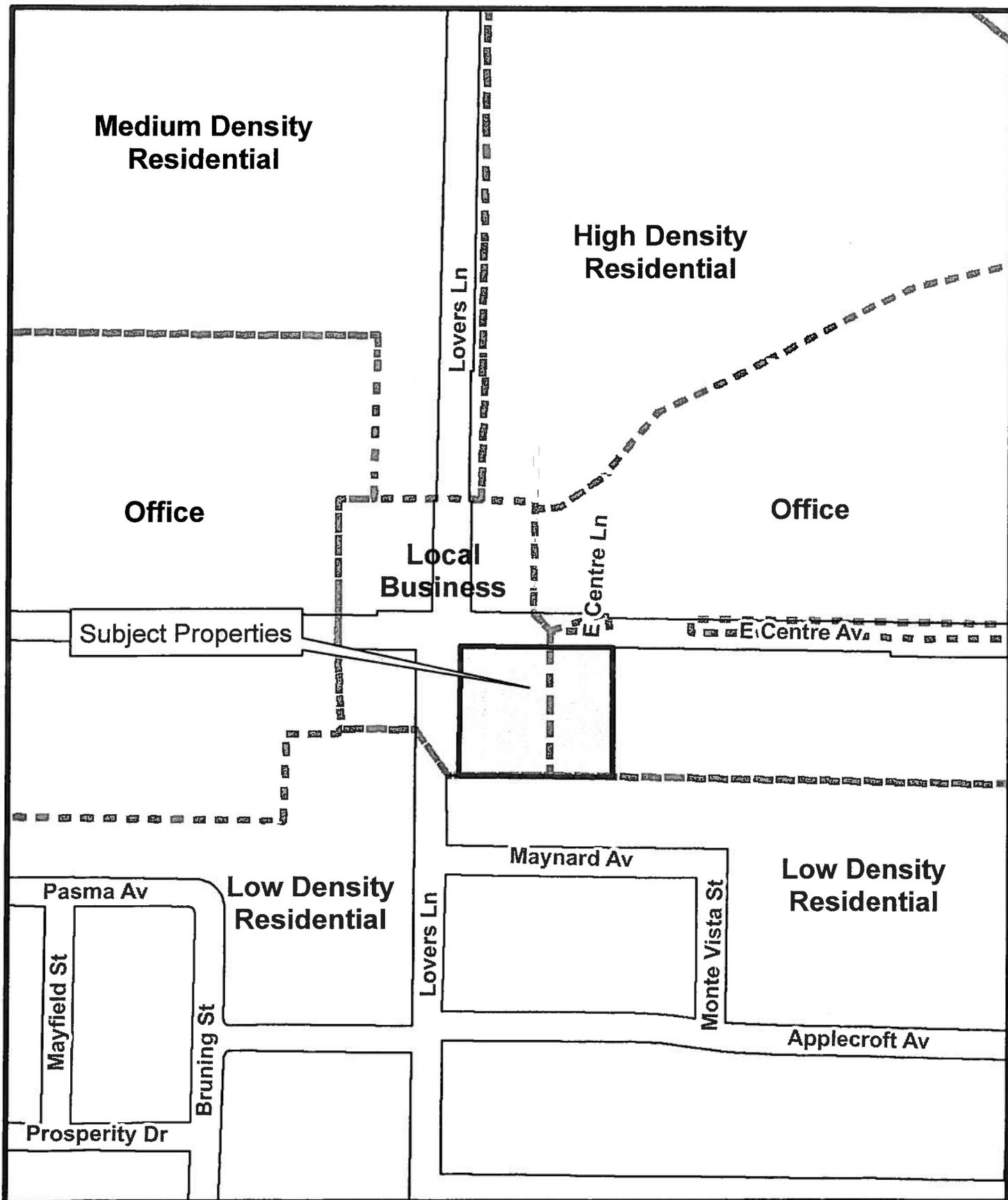
Rezoning Application #10-03 (expanded)
1302, 1306, 1316 and 1330 East Centre Avenue
Page 4

- 2) Recommend to City Council that Rezoning Application #10-03 be approved and 1302, 1306 and 1316 East Centre Avenue be rezoned to B-1, local business and 1330 East Centre Avenue be rezoned to OS-1, office service.

While either Alternative 1 or 2 could be considered consistent with the Comprehensive Plan and Future Land Use Map, the Department of Community Development recommends Alternative 2. Rezoning 1302, 1306 and 1316 East Centre Avenue to B-1, local business and 1330 East Centre Avenue to OS-1, office service is more consistent with the Comprehensive Plan and Future Land Use Map, and represents an appropriate land use pattern in this area given existing and future uses.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photograph
Development Guidelines Table (B-1)
Rezoning Application
Letter from Nathan Horjus, Michigan Commerce Bank, dated June 24, 2011





Map Document: I:\GIS\ADM\Kalkreuth\GIS\MapServer\public\center\ly05_01_gvsenspire_FLLP.mxd; 2/2/2010 10:21:05 AM

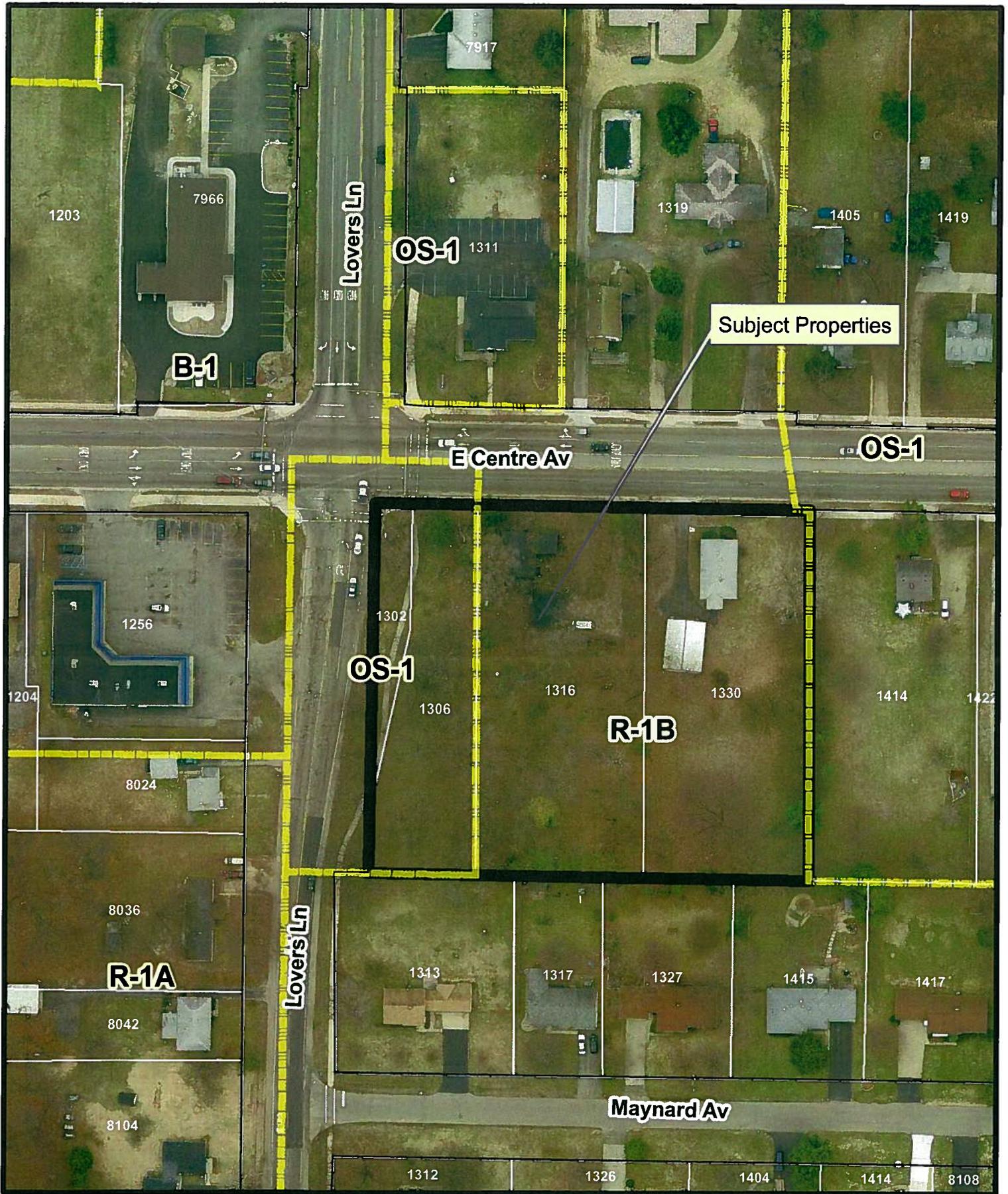


0 75 150 Feet

Future Land Use Map

1302, 1306, 1316, 1330 East Centre Avenue

	Future Land Use
	Subject Properties



 Zoning Boundary
 Subject Properties

Rezoning #10-03

1316 East Centre Avenue



1 inch = 100 feet

DEVELOPMENT GUIDELINES

Rezoning Application #10-03 (B-1, Local Business)

Guideline	Description	Consistent	Comments
Rezoning – Z-1	Consistency with Future Land Use Plan	Yes	<p>Future Land Use Map identifies the three western parcels (1302, 1306 and 1316 East Centre) as appropriate for local business and also situated within a secondary commercial node. The eastern parcel (1330 East Centre) is situated in a zone of transition between local business and office designations.</p> <p>Comprehensive Plan also recognizes local business uses as providing convenience goods/services to residents and employees in the adjacent neighborhood, generally within a two mile radius, while maintaining a compatible neighborhood scale.</p>
Commercial – 1	Coordinated Development	Yes	Reviewed at site plan stage of development. Shared access, pedestrian circulation, utility services and so forth will be encouraged.
Commercial – 2	Commercial/Office Uses in General	Yes	Redevelopment in this area is consistent with the Plan designation, limits strip commercial development, access is available to a major thoroughfare, local business/office uses are typically low impact and future uses can serve the needs of adjacent residential areas.
Commercial – 3	Local Business Uses	Yes	B-1 zone allows local business and office land uses that would serve the adjacent residential neighborhood. East Centre/Lovers Lane intersection is designated a secondary commercial node with convenient vehicular and pedestrian access.
Commercial – 6	Office/Commercial Site Design	Yes	Conflicting land use screening would be required where adjacent to single family residential zoning and/or land use. Issues associated with screening, buffering, landscaping, access, sidewalks, etc would be reviewed when a site plan is submitted.
Natural & Historic Resources - 1	Environmental Protection	Yes	Rezoning site is not characterized by environmentally sensitive areas (wetlands, floodplain, etc).
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 4	Noise	Yes	Reviewed at site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	N/A	Historic buildings are not present at the rezoning site.
Transportation – 1	Transportation Systems	Yes	East Centre Avenue is 5-lane major arterial street with 20,070 vehicles per day (2008); and a capacity of 32,500 vehicles per day (level of service “D”). Anticipated traffic can be accommodated.
Transportation – 2	Street Design	Yes	Rezoning site has frontage on East Centre Avenue and Lovers Lane. Access arrangement including cross access connections would be reviewed at site plan stage of development.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Specifics associated with the inclusion of walkways and pathways will be reviewed at the site plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at site plan stage of development.
Transportation – 6	Parking	Yes	Reviewed at site plan stage of development.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Reviewed at site plan stage of development.

RECEIVED

JUN 20 2011

COMMUNITY DEVELOPMENT

APPLICATION FOR ZONING AMENDMENT

Application number #10-133

Date JUNE 17, 2011

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).

1316 EAST CENTRE AVE. PARCEL NUMBER: 00022-035-0
.90 ACRES WITH 132' FRONTAGE AND A DEPTH OF 297' NEAR SOUTH EAST
CORNER OF LOVERS LANE AND CENTRE AVE.

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

b. Name of the owner of the property to be rezoned: MICHIGAN COMMERCE BANK CUSTODIAN
THOMAS C. ROGERS ROTH IRA

Address 240 EAST 8TH ST., HOLLAND, MICH. 49423-3535

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: TO PROMOTE THE HIGHEST AND BEST USE OF THIS PROPERTY WHICH CONFORMS WITH THE CITY OF PORTAGE'S LONG TERM PLANS FOR THE CORNERS.

4. CURRENT ZONING: R-1B PROPOSED ZONING: B-1

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.

Nathan Hojor Michigan Commerce Bank fbo Thomas Rogers IRA
(Signature of Applicant) (Signature of Applicant)

240 E. 8th Street Holland, MI 49423
(Address)

APPROVED BY Thomas C. Rogers
(Address)

616-394-9055
(Phone)

(269) 760-6448
(Phone)

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



MICHIGAN
COMMERCE BANK
Trust & Investments

Friday, June 24, 2011

Michael West
City of Portage

RE: 1316 E. Centre Street Rezoning Request

Dear Mr. West,

The legal owner of record of 1316 E. Centre Street is "Michigan Commerce Bank for benefit of Thomas Rogers Roth IRA".

Please be advised that Michigan Commerce Bank is the Custodian of the Thomas Rogers Roth IRA. This is a self-directed IRA and it is allowed to hold Real Estate.

All official documents such as the request for rezoning must be signed by Michigan Commerce Bank with the direction and approval of Thomas Rogers.

Please contact us with any further questions.

Sincerely,

Nathan Horjus
V.P. Trust & Investments
Michigan Commerce Bank
Phone: 616-394-9055

**BARNES LAW OFFICE, P.C.
303 NORTH MAIN STREET
THREE RIVERS, MICHIGAN 49093**

JOHN L. BARNES

TELEPHONE (269) 273-2327

FACSIMILE (269) 279-5015

August 31, 2011

City of Portage
Department of Community Development
Attn: Mike West
7900 S. Westnedge Ave.
Portage, MI 49002

via email only

RE: Rezoning request - property at 1330 E. Centre Avenue: Estate of William H. Miller.

Dear Mr. West:

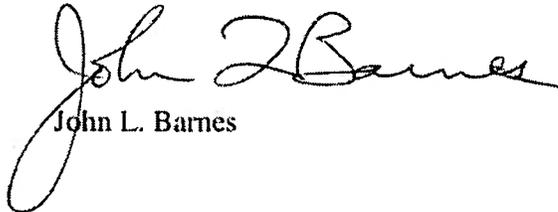
I represent William Miller, Jr., personal representative of the Estate of William H. Miller, deceased, which is the owner of the property located at 1330 E. Centre Avenue. William has asked me to send you this letter so that you have something in writing from the owner of the property, for consideration at your upcoming Planning Commission and Council meetings..

It is our understanding that you and the Planning Commission are considering a request to rezone the property at 1330 E. Centre and the three parcels to its west, to B-1, local business.

Mr. Miller is in favor of the rezoning request, as long as all four parcels including 1330 E. Centre are zoned consistently with the same classification. He is opposed to rezoning the other parcels differently and leaving 1330 E. Centre as OS-1 or R-1B. Our concern is that if 1330 E. Centre (which is currently for sale) were zoned differently than the three parcels to the west, both its value and marketability would be seriously reduced. All 4 should be zoned the same, and B-1 is preferable to OS-1. If you have any questions or concerns, please feel free to contact me.

Sincerely yours,

BARNES LAW OFFICE, P.C.


John L. Barnes

JLB/kks
Cc: William Miller

**FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL
OTHER INTERESTED PERSONS.**

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2011, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2011, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

Tract of land located in Section 22, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

A.	<u>Street Address</u>	<u>Parcel ID Numbers</u>
	1302 East Centre Avenue	00022-041-O
	1306 East Centre Avenue	00022-040-O
	1316 East Centre Avenue	00022-035-O

From OS-1, office service, and R-1B, one family residential to B-1, local business, or any other classification allowed by law.

B.	<u>Street Address</u>	<u>Parcel ID Numbers</u>
	1330 East Centre Avenue	00022-030-O

From R-1B, one family residential to OS-1, office service, or any other classification allowed by law.

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: _____

James R. Hudson, City Clerk

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES
OF PORTAGE, MICHIGAN**

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

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	1316 East Centre Avenue	00022-035-O

From OS-1, office service, and R-1B, one family residential to B-1, local business.

B.	<u>Street Address</u>	<u>Parcel ID Numbers</u>
	1330 East Centre Avenue	00022-030-O

From R-1B, one family residential to OS-1, office service.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Peter J. Strazdas, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2011.

James R. Hudson, City Clerk

(App #10-03)

Approved as to Form:

Date: 9/8/11

By: [Signature]

City Attorney

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 14, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Amendment to the Code of Ordinances - Historic Districts

ACTION RECOMMENDED: That City Council:

- a. accept for first reading the proposed amendment to Section 38-38 of Chapter 38, Historical Preservation, of the City of Portage Code of Ordinances, and
- b. consider final adoption on October 18, 2011.

The Portage Historic District Commission requested City Council review and approval of an amendment to the current historic preservation ordinance. Commissioners began expressing an interest in April 2010 towards establishing predefined time periods on future Certificates of Appropriateness (i.e., a permit to proceed) due to recent issues observed within the district. Subsequently, during the August 3, 2011 meeting, the Commission agreed to begin the process of amending city ordinances to allow the Commission to establish project time frames for designated historic property owners.

While the Historic District Commission seeks to work with and assist owners of historic homes, the social, economic, historic, and physical circumstances under which an application is approved can change. Previously approved projects can potentially remain unfinished for multiple years, possibly harming the historic resource and countering the goal of the Portage Historic District Commission. The proposal from the Commission entails amending the current Historic District Commission Ordinance to allow for the addition of language to detail time limitations.

The proposed amendment, as recommended by the Historic District Commission and prepared by the City Attorney, is attached and recommended for first reading by City Council, with final adoption on October 18, 2011.

Attachments:

1. Ordinance Amendment
2. Communication from Mark Reile, Historic District Commission Chair, dated August 15, 2011.
3. Communication from the City Manager referring the proposal to the City Administration, dated August 16, 2011.

**ADOPTION OF ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE**

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND
ALL OTHER INTERESTED PERSONS.

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Section 38-38 of Article 2, Division 1, of Chapter 38, Historical Preservation, of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2011, and will become effective _____, 2011.

NOTICE IS FURTHER GIVEN that the following section of Article 2, Division 1, of Chapter 38, Historical Preservation, of the Codified Ordinances of Portage, Michigan, has been amended as follows:

THE CITY OF PORTAGE ORDAINS:

That Chapter 38 shall be amended as follows:

ARTICLE 2. HISTORIC DISTRICTS.

Section 38-38. Procedure for approval of work; criteria for review; permit.

(a) – (i) No change.

(j) *Time limits.*

A certificate of appropriateness or a notice to proceed shall be valid for a period of one hundred eighty (180) days from the date of issuance under the following conditions:

- (1) The time limit for completing the work described within an application may be extended for up to one year by order of the historic district commission with good cause shown upon request of the applicant or upon the determination of the historic district commission.
- (2) Extensions of time beyond one hundred eighty (180) days shall be stated in the certificate of appropriateness or notice to proceed.
- (3) Upon the expiration of a certificate of appropriateness or a notice to proceed, an applicant is required to reapply for a permit with the historic district commission as provided in this article before any work proceeds.

PLEASE TAKE NOTICE that a copy of the Ordinance as amended may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time.

Dated: _____

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 38-38, ARTICLE 2, DIVISION 1, OF CHAPTER 38
HISTORICAL PRESERVATION**

THE CITY OF PORTAGE ORDAINS:

That Section 38-38 of Article 2, Division 1, of Chapter 38 shall be amended as follows:

ARTICLE 2. HISTORIC DISTRICTS.

Section 38-38. Procedure for approval of work; criteria for review; permit.

(a) – (i) No change.

(j) *Time limits.*

A certificate of appropriateness or a notice to proceed shall be valid for a period of one hundred eighty (180) days from the date of issuance under the following conditions:

- (1) The time limit for completing the work described within an application may be extended for up to one year by order of the historic district commission with good cause shown upon request of the applicant or upon the determination of the historic district commission.
- (2) Extensions of time beyond one hundred eighty (180) days shall be stated in the certificate of appropriateness or notice to proceed.
- (3) Upon the expiration of a certificate of appropriateness or a notice to proceed, an applicant is required to reapply for a permit with the historic district commission as provided in this article before any work proceeds.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2011.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to form
Date: 7/9/11
Res

City Attorney



7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ Telephone (269) 329-4400

TO: Honorable Mayor and City Council

DATE: August 15, 2011

FROM: Mark Reile, Chairperson

SUBJECT: Proposed Historic District Commission Ordinance Amendment

It has been proposed and discussed that issued Certificates of Appropriateness and notices to proceed should include a time limitation to avoid the problem of certificates and notices having a perpetual lifespan. While the Historic District Commission seeks to work with and assist owners of historic homes, the social, economic, historic, and physical circumstances in which an application is approved can change. Projects that were previously approved will sit unfinished for several years. Once certificates are approved without time limitations, a legal property interest is created and there remains a legal question as to the ability for the Historic District Commission to maintain the validity and enforceability of these permits once approved. This uncertainty then challenges the Commission's role and the Commissioner's responsibility in properly fulfilling its function in acting in a proper legal fashion, safeguarding the heritage of the city, fostering civic beauty, and promoting and maintaining the use of Portage's historic districts for the education, pleasure and welfare of the citizens of the city.

The proposal from the Commission entails amending the current Historic District Commission Ordinance Code 1983 § 282.09 or Section 38.38 to allow for the addition of language detailing a time limitation, to be included as a new subsection as follows:

Time limits – A certificate of appropriateness or a notice to proceed shall be valid for a period of one hundred eighty (180) days from the date of issuance.

- (1) Notwithstanding, the time limit for completing the work described within an application may be extended by the historic district commission upon request of the applicant or upon the determination of the historic district commission, not to exceed one year.*
- (2) All grants of time extensions beyond one hundred eighty (180) days shall be stated in the certificate of appropriateness or notice to proceed as prescribed by this article.*
- (3) Upon the expiration of a certificate of appropriateness or a notice to proceed, an applicant is required to reapply with the historic district commission as prescribed by this article.*

The above language is proposed to be added to Chapter 38 of the Code of Ordinances under Article 2 – Historic Districts, Section 38.38, as approved by the City Council.

cc: Erica L. Eklov, Historic District Commission Staff Liaison

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 16, 2011

FROM: Maurice S. Evans, City Manager

copy (for Mr. Evans)

SUBJECT: Proposed Historic District Commission Ordinance Amendment

ACTION RECOMMENDED: That City Council refer the request of the Historic District Commission to the City Administration for further review and development of an ordinance amendment, as appropriate.

Attached is a communication from Mark Reile, Chairperson of the Historic District Commission, requesting City Council review and approval of an amendment to the current historic preservation ordinance. During the April 6, 2011 meeting, commissioners began expressing an interest in instituting pre-defined time periods on future Certificates of Appropriateness due to recent issues observed within the district. Subsequently during the August 3, 2011 meeting, the Commission agreed to begin the process of amending the city ordinances to allow the Commission to establish project time frames for designated historic property owners.

It is recommended that City Council refer the Historic District Commission's request to the City Administration for review and development of an ordinance amendment, as appropriate.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 8, 2011

FROM: James R. Hudson, City Clerk



SUBJECT: Election Polling Places and Rate of Compensation Resolution

ACTION RECOMMENDED: That City Council adopt the Resolution Designating Polling Places and Rate of Compensation for the November 8, 2011 City General Election.

Attached is a Resolution listing the polling places established for the election to be held on November 8, 2011. This Resolution also establishes the rate of pay for precinct chairpersons and other election officials which is the same as previous years. It is recommended that City Council adopt the Election Polling Places and Rate of Compensation Resolution.

Attachment

c: Maurice S. Evans, City Manager
Daniel Foecking, Finance Director

**CITY OF PORTAGE
RESOLUTION**

Moved by:
Supported by:

RESOLVED that the following locations be and are hereby designated as polling places for the CITY GENERAL ELECTION to be held on November 8, 2011, and that the polling places are to remain open from 7:00 o'clock a.m. until 8:00 o'clock p.m. on the day of each election.

1. Community Education Building - 1010 West Milham Road
2. Goldentree Apts. Community Building - 4795 E. Milham Road
3. Portage Senior Center - 320 Library Lane
4. Lake Center Elementary School - 10011 Portage Road
5. Waylee Technology Center - 8106 Waylee Street
6. Lake Center Elementary School - 10011 Portage Road
7. Victory Baptist Church - 308 W. Milham Road
8. Amberly Elementary School - 6637 Amberly Street
9. Haverhill Elementary School - 1710 Haverhill Avenue
10. Central Elementary School - 8422 S. Westnedge Avenue
11. Angling Road Elementary School - 5340 Angling Road
12. Central Middle School - 8305 S. Westnedge Avenue
13. K/RESA - 1819 E. Milham Avenue
14. Woodland Elementary School - 1401 Woodland Drive
15. North Middle School - 5808 Oregon Avenue
16. Portage United Church of Christ - 2731 W. Milham Road
17. Portage United Methodist Church - 8740 S. Westnedge Avenue
18. Moorsbridge Elementary - 7361 Moorsbridge Road
19. Woodland Elementary School - 1401 Woodland Drive
20. Milham Meadows Community Building - 6103 Mallard Circle
21. St. Catherine's Catholic Church - 1150 West Centre Avenue
22. Absentee Counting Board - Portage City Hall - 7900 S. Westnedge Avenue

BE IT FURTHER RESOLVED that the City of Portage establish an Election Review Board for the election to be held on November 8, 2011, to convene from 7:30 p.m. until 10:30 p.m. on the day of each election.

BE IT FURTHER RESOLVED that the rate of pay for the Election Precinct Inspectors be as follows: \$120.00 (plus \$15 for attending each Training Session) for each precinct inspector, \$130.00 (plus \$15 for attending each Training Session) for each assistant precinct chairperson, and \$145.00 (plus \$15 for attending each Training Session) for each precinct chairperson and \$25.00 (plus \$15 for attending each Training Session) for each review board member.

YES:
NO:
ABSENT:

James R. Hudson, City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Michigan, Kalamazoo County, held on September 20, 2011, the original of which is in the official proceedings of the City Council.

James R. Hudson, City Clerk

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 12, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: August 2011 Summary Environmental Activity Report – Information Only

Attached please find the August 2011 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes. New material, or material of specific interest to City Council is presented in italics.

These items serve to update the Council on environmental affairs.

c: W. Christopher Barnes, Director of Transportation & Utilities
Planning Commission
Portage Environmental Board

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: September 12, 2011

FROM: W. Christopher Barnes, Director of Transportation & Utilities 

SUBJECT: August 2011 Environmental Activity Report – Information Only

In keeping with goals and objectives adopted by the Council emphasizing the need to enhance environmental quality and protect natural resources, the following information is intended to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

Important environmental issues being monitored and coordinated by the Administration are attached. The Summary Environmental Activity Report will continue to be provided on a monthly basis to the Council, Planning Commission and Environmental Board.

Attachment

SUMMARY ENVIRONMENTAL ACTIVITY REPORT

August 2011 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. <i>2011 annual report submitted to MDEQ, with moderate groundwater quality improvements.</i>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. <i>-Review of 4 site/building plans and/or plats completed in August 2011.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in August 2011: 7 residential.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008 . On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. The 2009/2010 lake treatments are complete. The 2011 lake survey and treatment preparations are complete. <i>Additional treatment areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011.</i>
Retention Basin Sampling Program	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 stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year

contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. The 2010 year report received in January 2011. The 2010 results show declining groundwater levels throughout the city. Declining levels range from 6" to 3' - 0". Surface storm water outfall sampling shows stable results. *Current groundwater table measurements show the August 2011 level to be approximately 8" below July 2010 levels.*

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. Plan implementation is ongoing.

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 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. *Annual sampling completed in July 2011 with report pending.*

National Pollution Discharge Elimination System (NPDES) permit implementation
 Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2012. City staff presented public information with other local agencies at the 2011 Home Expo on March 9 - 12, 2011. Meeting scheduled for

September 6, 2011 for the Southwest Michigan Soil Control Association to tour Liberty Park. Implementation is ongoing.

National Pollution Discharge Elimination System (NPDES) permit implementation
Kalamazoo River Mainstem 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 Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded.

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. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. 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 current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current water shed plan. No consensus yet, second meeting held on June 20, 2011.

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as

funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.

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

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Start up activities began in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. *Plant is in regular operation. During hot weather the facility has been producing approximately 1,000,000 gallons of water per day.*

Environmental Incident/Spill Clean Up Notification
 Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.

-The number of environmental incident/spill investigations performed in August 2011 – 0. Number of environmental cleanups in August – 0. Emergency spill response contract for 2011-13 with Terra Contracting is in place.

Localized Groundwater Table Investigation
 Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.

-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24” from spring 2009 levels and level has stabilized through December 2010. Current sampling continued to show a slight decline in

the groundwater table. Current groundwater levels are approximately 8” lower than 2010 levels.

Hampton Wetland Area Water Level
Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.

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 MDNRE 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.

September 14, 2011

City Clerk
City of Portage
7900 S Westnedge
Portage MI 49002



Attention: Honorable Mayor and City Council
✓ Maurice S Evans, City Manager

Mr. Evans, thank you for your letter of September 12, 2011, in which you addressed my municipal water connection process concerns that were discussed in my letter to the Portage City Council of August 30, 2011. I talked with the City Clerk after the 9/6/11 City Council meeting; he indicated he would find out why my letter was not on the agenda and get back to me. I've not heard anything from him as of this date. My gut feeling is there is at least one citizen in Portage who will not be heard.

As a matter of procedure, staff in the Department of Community Development DID NOT advise me that in addition to the cost of the city water connection that I needed a contractor to install a service line from the utility lead to my home. This language is totally foreign to me as I've not heard it before. I was told on multiple occasions by Community Development staff that I needed a water use permit, a plumber for the in-house hookup, that my meter was already installed and the line was to my home. My cost would be \$983 for the Water Use Permit and I would need to obtain costs from the plumber for the in-house hookup. This was told to me on two separate occasions by Raul and Terry Novak was present when another gentleman stated these facts to me on the third occasion. Based on this information, I did not contact an excavator; I contacted a plumber to hookup the water connection inside my home. After my plumber discovered there was not a hookup inside my home, he returned to City Hall and asked Raul, in Community Development "didn't you think it was strange that I was purchasing a permit and making an appointment for the Plumbing Inspector to inspect my work today if there was not a line to the house." Raul chose not to say anything. My plumber acted in good faith as a result of what I told him based on what the Community Development staff told me many times. My original plumber did nothing wrong. My "misunderstanding", as referred by you, was based on miscommunication multiple times of city staff. If I had been told I needed an excavator, I would have acted accordingly. Still at issue is lack of good customer service, accountability, fairness and responsibility by the Community Development Department.

I can appreciate the fact that written informational materials to clarify all areas of costs involved in municipal water and/or sewer connections is being developed. This is an excellent backup tool. Of course, in my case, this does not address the misuse of information and lack of good customer service by your staff. I'd like to note, however, the necessity for city staff to interact and build trust and respect with the community will by far ensure the success the City of Portage would like to achieve.

City Clerk
Attn: Honorable Mayor and City Council
Maurice S Evans, Portage City Manager
September 14, 2011
Page 2

The refund of my extra payments for water and street special assessments is appreciated. However, I made those extra payments based on what the Community Development Department advised me about the costs for water hookup and used the last of my available funds to make those extra payments so I wouldn't have to worry about them in the future. The assessment payments are now back in my lap. Although the refund of the extra payments was helpful, I still needed to come up with additional monies to pay my excavator/contractor for his work in connecting me to city water. As I mentioned on many occasions, I am recently widowed, live on a fixed income and have limited resources. Through creative financial ingenuity, I was able to obtain the additional funds. I was raised to believe that you do what is necessary to meet your obligations. I did what was necessary to fulfill my obligation to my contractor.

The question is can you do what is necessary to rectify this travesty. I respectfully request that the Portage City Manager/Portage City Council consider reimbursement in part or in whole for these expenses.

Thank you for reviewing my letter.

Sincerely,



Sharon Carlisle
6316 Oakland Drive
Portage MI 49024
269-808-5161

Cc: Vicki Georgeau, Director of Community Development
Kalamazoo Gazette

Attachments

8/30/11 Letter to City Clerk, Attn: Portage City Council for 9/6/11 Council Meeting
9/12/11 Letter of Response from City Manager Maurice S. Evans
9/14/11 Letter to City Clerk, Attn: City Manager/Portage City Council for 9/20/11
Council Meeting

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 16, 2011

FROM: Maurice S. Evans, City Manager 

SUBJECT: Citizen Complaint – Sharon Carlisle (6316 Oakland Drive)

ACTION RECOMMENDED: That City Council accept the letter from Sharon Carlisle, 6316 Oakland Drive, dated September 14, 2011, and decline her request for reimbursement for municipal water connection costs.

Attached for the review of Council is a communication from Sharon Carlisle, 6316 Oakland Drive, dated September 14, 2011, concerning her recent experience with municipal water connection at her home and a September 16, 2011 communication from Director of Community Development Georgeau providing additional background information.

As a reminder for Council, Ms. Carlisle submitted an initial letter of complaint on August 30, 2011. Staff began researching the matter and providing information which was used to prepare a response to Ms. Carlisle. These activities were not able to be completed prior to finalization of the September 6, 2011 City Council agenda on September 2, 2011. As such, Ms. Carlisle's communication and a draft response were provided to the Council as part of the September 9, 2011 Materials Transmitted, with a request to respond to the Office of the City Manager by 2 p.m. on Monday, September 12 with any questions or concerns. No calls or inquiries were received from the Council and the response was sent to Ms. Carlisle on September 12, 2011. (These communications are also attached for reference).

While it is unfortunate that there was a misunderstanding as to the requirements in this matter, I believe it was just that – a misunderstanding. As to Ms. Carlisle's assertion that poor customer service was provided, I respectfully disagree. The September 6, 2011 and September 16, 2011 communications from Director Georgeau and staff notes describe several instances where assistance and information were provided concerning the water connection, selection of a contractor, etc. Additionally, after Ms. Carlisle made extra payments on her water and street special assessments, staff in the Department of Community Development contacted staff in the Finance Department to arrange for a refund of the extra payments in order to assist Ms. Carlisle with the water connection costs. This type of refund is one that has never been provided in the recollection of staff and is an example of the extra efforts extended by staff to provide excellent customer service. Furthermore, in an effort to assist Ms. Carlisle with her financial concerns, city staff also conveyed information about the potential availability of CDBG funds to support the water connection. As an additional note, development of written informational material to assist in clarifying all areas of cost involved in municipal winter and sewer connections is underway.

It is recommended that City Council accept the letter from Sharon Carlisle, 6316 Oakland Drive, dated September 14, 2011, and decline her request for reimbursement for municipal water connection costs.

Attachments

ec: Vicki Georgeau, Director of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 9, 2011

FROM: Maurice S. Evans, City Manager

MS

SUBJECT: Citizen Complaint – Sharon Carlisle (6316 Oakland Drive)

Attached for your review is a letter of complaint from Ms. Sharon Carlisle, 6316 Oakland Drive, in regard to her recent experience with a water service installation. In an effort to supply the Council with appropriate background information along with Ms. Carlisle's letter, a copy of the letter was inadvertently omitted from the September 6, 2011 Council agenda. The attached communication from Department of Community Development Director Georgeau provides an accounting of staff involvement with Ms. Carlisle.

In order to provide timely response, the attached draft communication has been prepared to Ms. Carlisle. Should there be any concerns regarding the draft response, please contact my office by 2 p.m. on Monday, September 12, 2011. Subsequently, the letter of response will be forwarded to Ms. Carlisle.

August 30, 2011

C: CM
COM Dev



City Clerk
City of Portage
7900 S Westnedge
Portage MI 49002

Attention: Honorable Mayor and City Council

According to the website, the City of Portage is truly a great place to live. Yes, I firmly believe that statement, having lived here since 1955, and maintained the same residence in the city since 1977. The Police and Fire Departments do an excellent job in ensuring the safety of citizens and guests. However, I must admit as a citizen of Portage, I am stressed due to the lack of good customer service, accountability, fairness and responsibility by the Community Development Department.

On February 23, 2011, and August 15, 2011, I contacted the Community Development department to inquire about a city water hookup to my home. I shared that I had recently become a widow, lived on a fixed income and needed to know exactly what to expect financially to obtain the hookup, please, no surprises. On both occasions, Raul indicated I would need a Water Use Permit \$983 and a plumber for the in-house hookup, the meter was installed inside the house, and I was already lined to the house. After answering my questions, I was assured all I needed was the Water Use Permit and the plumber, who could provide me his costs for the in-house hookup. On August 19, 2011, I obtained the Water Use Permit from Terry Novak and was again assured by a gentleman standing next to Terry Novak at the counter that I was all set, just needed a plumber for the hook-up inside. I then made arrangements with the plumber to complete the hookup in my home.

On August 23, 2011, my plumber went to Portage City Hall and talked to Raul in the Community Development department about the hookup, purchased a permit to do the work, and made an appointment for the city inspector to review the hookup at 11:00 am the same day. The meter was located in the pump area; however, there was not a line connection into my home so the hookup did not take place. My plumber went to City Hall to get an explanation and was told, "sorry, but she'll need to get an excavator to get the line to the house from the curb box."

Of concern to me is a disconnect of city staff to either listen to or even care about what a citizen has to say when requesting assistance, and I believe city government integrity is compromised as a result. To make the decision to hookup to city water, I didn't ask my parents, my neighbors or the clerk at the convenience store; I went to the source, I thought a trusted source, the experts who could give me the advice needed to make an informed decision. On multiple occasions, I received incorrect information, although the information was always delivered in a courteous manner.

This past week, I made 32 contacts with various contractors and set up appointments with those doing city water hookups to collect bids. I have learned from these encounters that, in addition to the line from the curb box to the house, I need to treat and cap the well, called well abandonment. For all of this, the additional expense will be \$2,200 to \$2,500; yet not one person at City Hall even mentioned this expensive issue, and I said "no surprises". There also may be damage to the sidewalk as the curb box is in the center of two sections of the sidewalk. Bob Kimmer told my contractor this morning that if the sidewalk is damaged, it is the homeowner's responsibility. As part of the Oakland Drive Improvement Project, the city planted a tree two feet in front of the curb box so very possibly there may be damage to the tree. After flags were placed in my yard to mark for underground lines, gas, sewer, etc., I find my sewer line is less than two feet from my water line. Do I need to be concerned about cross contamination? And, who will give me the correct answer? In addition, my original plumber lost three hours of his time and paid for a permit that was useless.

Yes, I was also part of the angered citizens living on Oakland Drive when all the improvements took place in 2004. My portion of the one million dollars in extra taxes for these improvements was \$8,299. I'm learning through current events, that in addition to the \$8,299, I am also responsible for the poor planning and shoddy contractor work that went into my so called improvements. As stated earlier, I am a recent widow and live on a fixed income. I have no room for financial mistakes.

As a former employee in the City Manager's office, I am well aware of the expertise of many of the city employees. Yet, as a citizen of this city, my expectation of receiving critical and truthful information was not met. Instead, I received incorrect and incomplete information given in a disinterested manner. So "Citizens Beware".

It seems there was a big to do a few years ago about planning with input from citizens regarding making Portage a great community to live in. I suggest you go back to the drawing board and review that citizen input and either add or resurrect a statement indicating focus on the training of city employees to learn to listen.

The intent of this letter is to respectfully request that the Portage City Council consider reimbursement in part or in whole for these expenses.

Thank you for reviewing my letter.

Sincerely,



Sharon Carlisle
6316 Oakland Drive
Portage MI 49024
269-808-5161

CITY OF PORTAGE

COMMUNICATION

TO: Maurice Evans, City Manager

DATE: September 6, 2011

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

RECEIVED

SUBJECT: Municipal Water Connection at 6316 Oakland Drive

SEP 06 2011

CITY MANAGER'S OFFICE
PORTAGE, MI

This communication is provided in response to the August 30, 2011 letter from Ms. Sharon Carlisle to the Mayor and City Council regarding the municipal water connection at 6316 Oakland Drive. The following is a brief chronology and background pertaining to the matter:

- February/August Ms. Carlisle indicates she contacted Building Inspector/Permits Coordinator Raul Garcia on two prior occasions to inquire about the process and cost to connect to municipal water. While documentation of these inquiries is not on file, Mr. Garcia and other Community Development staff routinely assist several customers each week regarding connection to municipal utilities. It is standard practice to advise customers that in addition to the city water connection cost, arrangements must be made with a licensed contractor for the installation of a service line from the utility lead to the building. It is also common practice for a licensed plumber and/or excavator to provide a quote to the property owner that includes the service line, associated plumbing and well abandonment costs. Community Development staff do not advise customers that the water and/or sewer connection process is limited to an "in-house hookup".
- August 19, 2011 A water use permit in the amount of \$983 for the water lead was issued by Deputy Director Novak to Ms. Carlisle. Deputy Director Novak explained that the next step was for her contractor to obtain a plumbing permit for the water service line connection. It was suggested several bids be obtained from not only plumbing contractors, but also excavators and sewer installers since they had the equipment to complete the work, and that bids may vary significantly. Ms. Carlisle indicated she had already selected a plumbing contractor.
- August 22-24, 2011 A plumbing permit was issued by Building Inspector/Permits Coordinator Garcia to Atlas Plumbing Services and a plumbing inspection was scheduled for that day. Deputy Director Novak was later contacted by the owner who indicated she understood the waterline had already been installed to her house, and was distressed because she did not have enough money for the additional work. During the discussion, Ms. Carlisle indicated she recently paid extra money toward her water special assessment. Subsequently, Deputy Director Novak contacted the Finance Department and facilitated a refund of the extra water special assessment paid by Ms. Carlisle. In addition, Community Development staff contacted Ms. Carlisle and provided information regarding potential assistance through the Community Development Block Grant Program. Finally, on August 24th, Deputy Director Novak contacted Ms. Carlisle to offer follow up assistance, and encouraged her to contact several contractors to obtain competitive quotes, as bids often vary.
- August 25-30, 2011 Jesse Richards, Richards Sewer and Septic came to the Department of Community Development to obtain a water lead location map for 6316 Oakland Drive. On August 29th, a plumbing permit was issued to Richards Sewer and Septic, and on August 30th, the water connection was inspected and approved by Plumbing/Mechanical Inspector VanDeLaare.

While it is regrettable that Ms. Carlisle was not aware of the full extent of work and costs necessary for her to connect to municipal water, it is not believed that she was misled by Community Development. As noted above, in an effort to assist customers, Community Development staff routinely directs property owners to communicate directly with their contractors because each connection is different (length of run to house, entrance point of water service, expectation of lawn condition after installation, etc.). At no time was Ms. Carlisle advised by staff that connection to municipal water consisted only of an "in-house hookup". In addition, Ms. Carlisle became aware of the additional scope of work on August 22, 2011, well in advance of the actual install date of August 30, 2011. If Ms. Carlisle chose not to proceed with the water connection, a refund of the water use fee could have been processed, and she may have opted to have the failing well serviced.

Should you have any questions, I am prepared to discuss this matter at your convenience.

Attachments: Draft letter to Sharon Carlisle regarding water connection at 6316 Oakland Drive

CITY OF PORTAGE

Meeting Record

Subject: Water Connection 6316 Oakland Drive
Location: Community Development
Date:
Time:

In Attendance/Firm
Terry Novak
Sharon Carlisle

Notes to File

August 19, 2011 - I issued a water use permit to Ms. Sharon Carlisle, 6316 Oakland Drive for connection to municipal water. It was explained to Ms. Carlisle that the next step was for her contractor to obtain a plumbing permit for the water service line connection. During our conversation it was suggested to Ms. Carlisle that she obtain several bids for the project and that she should not only contact plumbers but also excavators and sewer installers since they had the type of equipment to complete the work and that their bids may be lower. Ms. Carlisle indicated that she already had a plumber selected to complete the work.

August 22, 2011 - I was contacted by Ms. Carlisle who was upset because her plumber advised her that the water service line was not installed into the house and that his cost to her was going to be greater than expected. I told Ms. Carlisle that it is very rare for a water service line to be installed into the house without the house being connected to water. I advised her that it is the contractor's responsibility to make the connection from the water lead to the meter in the house. Ms. Carlisle advised that she did not have enough money for the additional work because she had paid extra money toward her water special assessment at the time she paid for the water use permit. I advised Ms. Carlisle that I would look into the matter and see what I could do. Later that day I contacted Finance Director Foecking and inquired if anything could be done regarding the extra funds paid by Ms. Carlisle toward her water assessment. I provided Director Foecking with Ms. Carlisle's telephone number and he advised that he would look into the matter. I also spoke to Neighborhood Program Specialist Elizabeth Money and requested that she contact Ms. Carlisle about financial assistance through the CDBG program.

August 24, 2011 - I contacted Ms. Carlisle as follow up. Ms. Carlisle advised that the prices she was receiving for the connection were high and she was worried about having enough money to make the connection. Ms. Carlisle stated that she was informed by Raul earlier that all she had to do was hire a plumber to make the connection inside of her house. I advised her that was not correct and I did not understand how Raul could have indicated that to her. I informed her that Community Development has processed hundreds of water connections over the years and it is the contractor's responsibility to determine from the lead card where the water service lead is located and how it will be brought to the house. I again advised her to solicit bid requests from several contractors because the price would vary.

Needle File: _____

CITY OF PORTAGE

Meeting Record

-- Telephone

In Attendance/Firm

Subject: Water hook-up
Location: 1316 Oakland
Date: 8/22/11
Time: _____

Sharon 808-51101
Carlisle

Discussion: Called and left message. Sharon spoke w Jerry - needs to connect to city water.

Sharon called me back that day and stated she would call again the next day.

Sharon called and left me a message the next day.

Returned call on 8/24 and left very detailed message about CDB's program, requested information on size of household and income, explained application procedure, and client funding situation. Would send application after discussing

Action: income.

No further phone calls received from Ms. Carlisle.

Needle File: _____

CITY OF PORTAGE
Meeting Record

Subject: File note
Location: _____
Date: 9/1/2011
Time: _____

In Attendance/Firm
Raul Garcia

Discussion: I do not specifically recall speaking to Ms Sharon Carlisle at 6316 Oakland Drive regarding connecting to city water as I speak to several customers every day. However for water service connections I advise the home owner that the water service is available at their property line (this is as far as city takes water service) and that they will need either a plumber or excavator to take it from property line into their house. As information, the initial plumber (Arms) came in on 8/22/11 and applied for the plumbing permit to connect her to city water and requested an inspection for 1100. I thought it was odd that he would be done so quickly. Later that day he stopped back and said that he had been in contact with an excavator to have water ran into house from property line.

Action: _____

Needle File: _____

September 12, 2011

Ms. Sharon Carlisle
6316 Oakland Drive
Portage, Michigan 49024

Dear Ms. Carlisle,

Thank you for your letter to the Portage City Council dated August 30, 2011, concerning the connection of your home at 6316 Oakland Drive to City of Portage municipal water. The Portage City Council and I are always interested in hearing citizen's concerns. In response, it is hoped that the information contained in this letter is helpful to you.

In your letter, you conveyed your disappointment with the performance of the Department of Community Development staff with regard to the water connection process and associated costs. You also expressed concern with the Oakland Drive roadway improvements, accomplished in 2004. Specifically, you mentioned poor planning of the location of the sidewalk, street trees and underground utilities. Please be assured that the City of Portage is committed to providing quality customer service to its citizens and that the Oakland Drive roadway project was administered with significant attention and quality control oversight. Pertaining to your concern with the distance between the water and sewer lines on your property, the State of Michigan requires that these lines be separated by a minimum of one foot. The water and sewer leads installed for your property meet this requirement.

With regard to the municipal water connection process, as a matter of procedure, staff in the Department of Community Development advise property owners that in addition to the cost of the city water connection, property owners must also make arrangements with a licensed contractor for the installation of a service line from the utility lead (near the street) to the building. It is also common practice for a licensed plumber and/or excavator to provide a quote to the property owner that includes the cost for installation of the service line, associated plumbing and well abandonment costs. In fact, licensed contractors routinely visit the Department of Community Development to determine water lead locations in order to provide accurate cost estimates to their customers. It is not known why your contractor did not follow this practice and advise you of the entire scope of work associated with the project.

It is unfortunate you were not fully aware of the installation costs and scope of work required by the contractor you initially hired for connection to municipal water. I apologize that there was a misunderstanding of what was required. In light of your experience and in an effort to add assurance that complete information is provided to future customers, the city will be developing written informational materials to clarify all areas of cost that are involved in municipal water and/or sewer connections.

The City of Portage City Council does not have a legally established procedure to provide for reimbursement or subsidy of private utility connection costs. I am told, however, that a refund to you of the recent extra payments that you made for your water and street special assessments has been processed and I hope this assistance was helpful.

Thank you, again, for writing with your concerns and bringing your experience to our attention. Please feel free to contact me should you need any further information or have additional questions.

Sincerely,

Maurice S. Evans
City Manager

cc: Portage City Council

ec: Vicki Georgeau, Director of Community Development

DRAFT

September 12, 2011

Ms. Sharon Carlisle
6316 Oakland Drive
Portage, Michigan 49024

Dear Ms. Carlisle,

Thank you for your letter to the Portage City Council dated August 30, 2011, concerning the connection of your home at 6316 Oakland Drive to City of Portage municipal water. The Portage City Council and I are always interested in hearing citizen's concerns. In response, it is hoped that the information contained in this letter is helpful to you.

In your letter, you conveyed your disappointment with the performance of the Department of Community Development staff with regard to the water connection process and associated costs. You also expressed concern with the Oakland Drive roadway improvements, accomplished in 2004. Specifically, you mentioned poor planning of the location of the sidewalk, street trees and underground utilities. Please be assured that the City of Portage is committed to providing quality customer service to its citizens and that the Oakland Drive roadway project was administered with significant attention and quality control oversight. Pertaining to your concern with the distance between the water and sewer lines on your property, the State of Michigan requires that these lines be separated by a minimum of one foot. The water and sewer leads installed for your property meet this requirement.

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It is unfortunate you were not fully aware of the installation costs and scope of work required by the contractor you initially hired for connection to municipal water. I apologize that there was a misunderstanding of what was required. In light of your experience and in an effort to add assurance that complete information is provided to future customers, the city will be developing written informational materials to clarify all areas of cost that are involved in municipal water and/or sewer connections.

Ms. Sharon Carlisle
September 12, 2011
Page 2 of 2

The City of Portage City Council does not have a legally established procedure to provide for reimbursement or subsidy of private utility connection costs. I am told, however, that a refund to you of the recent extra payments that you made for your water and street special assessments has been processed and I hope this assistance was helpful.

Thank you, again, for writing with your concerns and bringing your experience to our attention. Please feel free to contact me should you need any further information or have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Maurice S. Evans". The signature is written in a cursive style with a large initial "M" and a long, sweeping tail.

Maurice S. Evans
City Manager

cc: Portage City Council

ec: Vicki Georgeau, Director of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice Evans, City Manager

DATE: September 16, 2011

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

RECEIVED

SUBJECT: Municipal Water Connection at 6316 Oakland Drive

SEP 16 2011

CITY MANAGER'S OFFICE
PORTAGE, MI

This additional communication is provided in response to the September 14, 2011 letter from Ms. Sharon Carlisle to the Mayor and City Council regarding the municipal water connection at 6316 Oakland Drive. The following is provided in response to this citizen concern:

- Upon receipt of the August 30th letter from Ms. Carlisle, the Department of Community Development was directed to research the matter and provide information to the Office of City Manager, which was accomplished on September 6, 2011. While information was not included in the September 6th City Council meeting agenda, on September 9th City Council was advised of the citizen concern, and a response was subsequently provided to Ms. Carlisle from City Manager Evans.
- As indicated by Ms. Carlisle, two inquiries were made of Community Development staff (on February 23, 2011 and August 15, 2011) prior to obtaining a water use permit from the city on August 19th. It is clear that Ms. Carlisle does not feel she was provided thorough information from city staff regarding the cost and process to connect to public water, and it is regrettable that the best possible customer service may not have been provided.
- Ms. Carlisle's contention that she was told by city staff that the water connection line was already installed to her house and an in-house hook up was all that was needed, cannot be accurate. The city does not permit a water service line to be installed from the water main to a building without concurrently connecting to municipal water. It would be extremely rare that a water service line would exist from the water main to an existing building that is not also connected to municipal water, and if such a circumstance existed, additional investigation and response from Community Development and other city staff would have certainly occurred.
- On August 19th when the water use permit was obtained, Deputy Director Novak encouraged Ms. Carlisle to obtain multiple quotes from plumbing contractors and/or excavators to accomplish the water connection, as the scope of work and site restoration services can vary considerably. At that time, Ms. Carlisle indicated she had already selected a plumbing contractor (Atlas Plumbing) to complete the work. As indicated in my September 6th communication, it is common practice for a licensed plumber and/or excavator to examine the job site and then provide a quote that includes the water service line, associated plumbing and well abandonment costs. With regard to the time frame to obtain a plumbing permit, complete the water connection, and request an inspection, these activities can occur in a single business day, and would not be considered unusual or "strange".
- While actual costs to connect to municipal water exceeded Ms. Carlisle's initial estimates, alternatives to proceeding with the water connection may have been available. For example, the water well may be repaired, or Ms. Carlisle may have been eligible for financial assistance through the Community Development Block Grant Program. Ms. Carlisle, however, decided to proceed with the water connection after all information and costs were available to her. The required water use permit fee paid to the city, and the material and labor costs charged by her contractor are legitimate costs associated with the proper water service to this property.

Should you have any additional questions, I am prepared to discuss this matter at your convenience.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 7, 2011

FROM: Maurice S Evans, City Manager



SUBJECT: Annual SunGard Enterprise Software Licensing and Maintenance Fee

ACTION RECOMMENDED: That City Council approve an annual licensing and software maintenance services agreement with SunGard, Incorporated, at a total cost of \$66,276 and authorize the City Manager to execute all related documents on behalf of the city.

Since 1997, the City of Portage has used the SunGard enterprise software application to perform key operations such as purchasing and inventory, accounting, permitting, planning and zoning, fleet and asset management, land management and other key operations. SunGard is the only vendor providing maintenance support services for this software application, including 24/7 toll-free telephone and email support, product updates, repairs and new releases, including online training for basic module operations.

Licensing and maintenance service agreements are subject to renewal on a yearly basis. The purchase of annual licensing and software maintenance allows the city to continue utilizing this software application and take advantage of the latest updates. The renewal cost for Fiscal Year 2011-12 is \$66,276 which represents an approximate one percent cost increase from the previous year and covers the 16 SunGard modules currently utilized by the city.

It is recommended that Council approve the annual licensing and maintenance services agreement with SunGard in the amount of \$66,276 and authorize the City Manager to execute all related documents on behalf of the city. Funds are budgeted and available in the Fiscal Year 2011-12 Information/Technology operating budget for this purpose.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 13, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Fire Department Personal Protective Clothing

ACTION RECOMMENDED: That City Council approve the purchase of personal protective clothing from First Due Fire Supply, of Leslie, Michigan, in the amount of \$48,784 for replacement of 25 sets of Fire Division personal protective clothing and authorize the City Manager to execute all documents relating to this contract on behalf of the city.

Personal protective clothing, or “turnout gear,” is the first line of protection between the firefighters and the hostile environments in which they operate. This equipment must be manufactured in compliance with the National Fire Protection Association (NFPA) 1971, *Standard on Protective Ensemble for Structural Fire Fighting*, to conform to MIOSHA regulations. Periodically turnout gear must be replaced to provide the required level of safety for Public Safety Department Fire Division employees.

First Due Fire Supply was awarded a contract by City Council on April 27, 2010 to provide this protective clothing to the Fire Division. The First Due Fire Supply contract included a three-year guarantee on prices for future purchases. Funds are budgeted and available in the Capital Improvement Program for this purpose.

BID TABULATION
MORNING PRIDE FIREFIGHTER PERSONAL PROTECTIVE EQUIPMENT

	Initial Purchase			Total 25 Sets	Replacement/Additional Purchases								
	Coat Each	25 Coats	Pant Each		25 Pants	2011		2012		2013		2014	
	\$1,115.23	\$27,880.75	\$744.15	\$18,603.75	\$46,484.50	\$1,170.99	\$781.36	\$1,229.54	\$820.43	\$1,291.02	\$861.45	\$1,355.57	\$904.52

Bidder
Morning Pride Manufacturing
dba Honeywell First Responder Products
for First Due Fire Supply
#1 Innovation Court
Dayton, OH 45414

Non-Responsive Bid
West Shore Fire, Inc.
6620 Lake Michigan Dr.
Allendale, MI 49401

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 12, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Contract for Replacement of Worn Police Uniforms

ACTION RECOMMENDED: That City Council approve a two-year contract with Nye Uniform Company of Grand Rapids, Michigan, for replacement of police uniforms in the amount of \$22,107.20 for the first year and \$22,749.20 for the second year with the option for three one-year renewals, and authorize the City Manager to execute all documents related to this matter on behalf of the city.

The Nye Uniform Company of Grand Rapids, Michigan, has successfully provided uniforms for Portage Police officers for several years and provided satisfactory service during previous contracts. The City of Portage competitive bid process was followed and Nye Uniform Company submitted the lowest most responsive bid for the replacement of worn police uniforms. It is recommended that City Council approve the contract with Nye Uniform Company and authorize the City Manager to execute all documents related to the contract on behalf of the city.

BID TABULATION
POLICE UNIFORMS

Nye Uniform Company
1030 Scribner Ave. NW
Grand Rapids, MI 49504

TYPE	COLOR	STYLE	EST. QTY.	YEAR 1		YEAR 2		TOTAL
				EACH	TOTAL	EACH	TOTAL	YEARS 1 & 2
PANTS - Elbeco Duty Max								
Men's - Hemmed	Navy Blue	E254RN	70	\$67.99	\$4,759.30	\$69.99	\$4,899.30	\$9,658.60
Women's - Hemmed	Navy Blue	E9254LC	10	\$67.99	\$679.90	\$69.99	\$699.90	\$1,379.80
Shirts - Elbco Duty Max								
Men's Long Sleeve	Navy Blue	584	30	\$44.99	\$1,349.70	\$46.99	\$1,409.70	\$2,759.40
Women's Long Sleeve	Navy Blue	9584LC	10	\$44.99	\$449.90	\$46.99	\$469.90	\$919.80
Men's Short Sleeve	Navy Blue	5584	30	\$43.99	\$1,319.70	\$45.99	\$1,379.70	\$2,699.40
Women's Short Sleeve	Navy Blue	9784LC	10	\$43.99	\$439.90	\$45.99	\$459.90	\$899.80
PANTS - Elbeco Prestige								
Men's - Hemmed	Navy Blue	E-474	70	\$77.99	\$5,459.30	\$79.99	\$5,599.30	\$11,058.60
Women's - Hemmed	Navy Blue	E-9494LC	10	\$77.99	\$779.90	\$79.99	\$799.90	\$1,579.80
SHIRTS - Elbco Prestige								
Men's Long Sleeve	Navy Blue	840	30	\$48.99	\$1,469.70	\$50.99	\$1,529.70	\$2,999.40
Women's Long Sleeve	Navy Blue	9340LC	10	\$48.99	\$489.90	\$50.99	\$509.90	\$999.80
OUTERWEAR								
Police Duty Coat - Spiewak	Dark Navy	SH3465	6	\$259.99	\$1,559.94	\$264.99	\$1,589.94	\$3,149.88
Rain Coat - Blauer	Yellow/Black	733	4	\$134.99	\$539.96	\$136.99	\$547.96	\$1,087.92
FATIGUES - Elbeco Tactical 12								
Men's Pant	Navy	E614	5	\$56.99	\$284.95	\$58.99	\$294.95	\$579.90
Shirt	Navy	G974	7	\$40.99	\$286.93	\$42.99	\$300.93	\$587.86
Women's Pant	Navy	E96-14	2	\$56.99	\$113.98	\$58.99	\$117.98	\$231.96
TIES - Uniform Cravat, 75% poly/25% wool								
Short	Dark Navy		6	\$3.99	\$23.94	\$3.99	\$23.94	\$47.88
Medium	Dark Navy		6	\$3.99	\$23.94	\$3.99	\$23.94	\$47.88
Long	Dark Navy		6	\$3.99	\$23.94	\$3.99	\$23.94	\$47.88
HEADWEAR								
Saucer Hat - Hankin Garrison	Navy		5	\$59.99	\$299.95	\$62.99	\$314.95	\$614.90
Winter Hat - Blauer - Trooper Mod Navy		5110	1	\$16.99	\$16.99	\$17.99	\$17.99	\$34.98
UTILITY BELT & ACCESSORIES - BIANCHI NYLON								
Safariland Gun Holster Level II for Sig Sauer 26		628-77-261	8	\$119.99	\$959.92	\$119.99	\$959.92	\$1,919.84
Bianchi Duty Belt		7200	4	\$39.99	\$159.96	\$39.99	\$159.96	\$319.92
Bianchi Single Hand-Cuff Case		7300-S	2	\$17.99	\$35.98	\$17.99	\$35.98	\$71.96
Bianchi Double Hand-Cuff Case		7317	2	\$29.99	\$59.98	\$29.99	\$59.98	\$119.96
Bianchi Magazine Holder		7302-8J	4	\$26.99	\$107.96	\$26.99	\$107.96	\$215.92
Bianchi Baton Holder		7312	4	\$14.99	\$59.96	\$14.99	\$59.96	\$119.92
Bianchi Flashlight Holder		3041-N	4	\$4.99	\$19.96	\$4.99	\$19.96	\$39.92
Bianchi Belt Keepers (Set of 4)		6406	16	\$10.99	\$175.84	\$10.99	\$175.84	\$351.68
Bianchi Glove Pouch		7328	4	\$14.99	\$59.96	\$14.99	\$59.96	\$119.92
Bianchi Pants Belt		7205	4	\$23.99	\$95.96	\$23.99	\$95.96	\$191.92
ADDITIONAL COST FOR NON-STANDARD SIZES								
Shirts			2	\$4.00	\$8.00	\$4.00	\$8.00	\$16.00
Pants			2	\$7.00	\$14.00	\$7.00	\$14.00	\$28.00
Outerwear - Duty Coats			2	\$25.00	\$50.00	\$25.00	\$50.00	\$100.00
Outerwear - Rain Coats			2	\$10.00	\$20.00	\$10.00	\$20.00	\$40.00
Fatigue Pants			2	\$5.00	\$10.00	\$5.00	\$10.00	\$20.00
Fatigue Shirts			2	\$4.00	\$8.00	\$4.00	\$8.00	\$16.00

Year 1 and Year 2 Total \$22,107.20 \$22,749.20

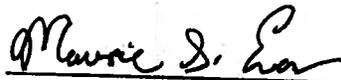
GRAND TOTAL YEAR 1 AND 2 \$44,856.40

UNRESPONSIVE BID
Galls, An Aramark Company LLC
Lexington, KY 40509-1234

MATERIALS TRANSMITTED

Tuesday, August 23, 2011

1. **To be added to the August 23, 2011, City Council Agenda as Item D.1 (a):**
Communication from the City Manager recommending that City Council, subsequent to the public hearing, consider approval of Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, as presented for first reading on July 21, 2011, with a minor revision to Section 42-112, Definitions, Work/Live Building as noted.
2. **To be added to the August 23, 2011, City Council Agenda as Item L.3:** Communication from the City Manager recommending that City Council approve the purchase of two Coraid backup/recovery mass storage devices and related hardware/software components at a cost of \$28,041 and authorize the City Manager to execute all documents related to this purchase on behalf of the city.
3. Communication from the City Manager regarding the Automated Retrieval Single Stream Recycling Update – Information Only.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

MATERIALS TRANSMITTED

Friday, September 2, 2011

1. Communication from the City Manager regarding the Customer Comment Card Summary for August 2011 – Information Only.



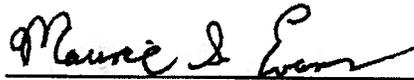
Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

MATERIALS TRANSMITTED

Friday, September 9, 2011

1. Communication from the City Manager regarding a Citizen Complaint – Sharon Carlisle (6316 Oakland Drive).
2. Communication from the City Manager regarding the Code Enforcement Activity at 1413 Edington Street – Information Only.
3. Published copy of the Fiscal Year 2011-2012 City of Portage Budget.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager