

**FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
November 15, 2011**

7:30 p.m. Call to Order.

Invocation: Pastor Paul Naumann of St. Michael Lutheran Church of Portage.

Pledge of Allegiance.

A. Current Council:

1. Roll Call.
2. Approval of the November 1, 2011 Regular Meeting Minutes.
3. Board of Canvassers Report.
4. Comments from Councilmembers.
5. Adjournment Sine Die of retiring City Council.

B. New Council:

1. Oath of Office.
2. Signing of the City Council Code of Ethics and Values Policy.
3. Seating of Mayor and Councilmembers.
4. Roll Call of New Council.
5. Election of Mayor Pro Tempore.
6. Adoption of Rules of Order and Procedure.

C. Proclamations.

1. 2011 Red Kettle Campaign Kick-Off.
2. Resolution of Respect for Councilmember Cory A. Bailes.
3. Family Caregivers Month, 2011.

D. Introduction of Guests.

E. Adjourn for Reception of New Council.

F. Reconvene New Council.

G. Comments from New Council.

H. Statements of Citizens and Guests.

* I. Approval of Consent Agenda Motions.

* J. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of November 15, 2011, as presented.

K. Public Hearings.

L. Petitions and Statements of Citizens:

M. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council:
 - a. accept Rezoning Application #11-01 for first reading and set a public hearing for December 20, 2011; and
 - b. subsequent to the public hearing, consider approving Rezoning Application #11-01 and rezone the 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry.
- * 2. Communication from the City Manager recommending that City Council approve the height modification for Celebration! Cinema, 6600 Ring Road, to expand and increase the height of the northeast portion of the building from 30-feet up to a height of 43-feet to accommodate an IMAX theater.
- * 3. Communication from the City Manager recommending that City Council consider approval of the Hyland Associates, LLC, request to waive the 90-day time period Council has to act on a preliminary plat and approve an additional 90-day time period.
- * 4. Communication from the City Manager recommending that City Council authorize emergency response service agreements to provide specialized equipment and operators for disaster recovery and cleanups with:
 - a. James E. Fulton & Sons, Incorporated, of Kalamazoo, Michigan;
 - b. Balkema Excavation, Incorporated, of Kalamazoo, Michigan;
 - c. Byholt, Incorporated, of Vicksburg, Michigan;
 - d. Rathco Safety Supply, Incorporated, of Portage, Michigan;and authorize the City Manager to execute emergency purchase orders related to these service agreements in cases of disaster recovery and cleanup, should the need arise.
- * 5. Communication from the City Manager recommending that City Council approve the contract with Kalamazoo County for Household Hazardous Waste collection during the 2012 calendar year in the not to exceed amount of \$32,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
- * 6. Communication from the City Manager recommending that City Council direct the City Administration to proceed with solicitation of proposals for the provision of curbside recycling service.
- * 7. Communication from the City Manager regarding the 2011 Tax Rate Survey – Information Only.
- * 8. Communication from the City Manager regarding the Holiday Tree Lighting/Traditional Holiday Celebration – Information Only.
- * 9. Communication from the City Manager regarding the October 2011 Summary Environmental Activity Report – Information Only.
- * 10. Department Monthly Reports.

N. Communications:

O. Unfinished Business:

- * P. Minutes of Board and Commissions Meetings:
 - 1. Portage Historic District Commission of September 7, 2011.
 - 2. Portage Park Board of October 5, 2011.
 - 3. Portage Human Services Board of October 6, 2011.
 - 4. Kalamazoo County Board of Commissioners Committee of the Whole and Continuation of Annual Meeting of October 18, 2011.

- Q. Ad Hoc Committee Reports:

- R. New Business:

- S. Bid Tabulations:

- T. Other City Matters:
 - 1. Statements of Citizens
 - 2. From the Council and City Manager

- * 3. Reminder of Meetings:
 - a. Wednesday, November 16, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
 - b. Thursday, November 17, 7:00 p.m., District Library Board, Portage District Library.
 - c. Thursday, November 17, 7:00 p.m., Planning Commission, City Council Chambers.
 - d. Monday, November 21, 8:00 a.m., Legislative Roll Call, the Chamber Building, 346 W. Michigan Avenue, Kalamazoo.
 - e. Tuesday, November 22, 7:00 p.m., Planning Commission, City Council Chambers.
 - f. Monday, November 28, 5:00 p.m. Construction Board of Appeals, City Hall Room #1.
 - g. Thursday, December 1, 6:30 p.m., Human Services Board, City Hall Room #1.
 - h. Thursday, December 1, 7:00 p.m., Planning Commission, City Council Chambers.

- U. Materials Transmitted of November 1, 2011.

Adjournment.

CITY COUNCIL MEETING SUMMARY

November 1, 2011

CHECK REGISTER

- ◆ Approved the Check Register of November 1, 2011, as presented.

REPORTS FROM THE ADMINISTRATION

- ◆ Adopted the resolution to sell a 2.5-acre portion of excess city property at 7130 South Westnedge Avenue to Jason M. Klein & Associates at a purchase price of \$370,000, placed the resolution on file with the Office of the City Clerk for 28 days and will take final action on December 6, 2011.
- ◆ Established the 2012 Schedule of Regular City Council Meetings.
- ◆ Received the communication from the City Manager regarding the I-94 Construction Progress and Completion Schedule as information only.
- ◆ Received the communication from the City Manager regarding the request of Aisha Turk, 9124 East Shore Drive, to waive the late fee assessed to her 2011 Summer Property Taxes as information only.

COMMUNICATIONS

- ◆ Accepted the communication from Kalamazoo City Manager Ken Collard, Portage City Manager Maurice Evans and Kalamazoo County Administrator Peter Battani regarding the follow-up on Intergovernmental Collaboration/ Consolidation – *Purchasing* as a foundation document that will be used as a reference point with regard to collaborative purchasing efforts.
- ◆ Received the Annual Presentation by Senior Citizen Advisory Board Chairperson Ruth Ann Meyer.
- ◆ Received the communication from David Steffens, President of the Long Lake Association, requesting that City Council refer a project for an aquatic plant management program to the Long Lake Governmental Lake Board, and adopted the Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act and directed the Governmental Lake Board for Long Lake to proceed with the necessary steps to improve Long Lake.

UNFINISHED BUSINESS

- ◆ Reconfirmed the resolution to grant an easement to Consumers Energy.

AD-HOC COMMITTEE REPORTS

- ◆ Adopted the City Council Policy for Use of City Hall dated November 1, 2011, and the City of Portage Application / Agreement for Use of City Hall.

BID TABULATION

- ◆ Approved a one-year contract with AT&T in the amount of \$11,600 for 9-1-1 maintenance, with the option to annually renew provided the terms, conditions and price do not change, and authorized the City Manager to execute all documents related to the contract on behalf of the city.

STATEMENTS OF CITIZENS

- ◆ James Pearson, 3004 East Shore Drive, referred to himself as the Vice Chairman of the Planning Commission and a candidate for City Council, and asked for an opinion from City Attorney Randy Brown if the newly adopted City Hall Policy would preclude future nonpartisan forums, and Mr. Brown referred him to C.1 in the Policy where it limits the use of City Hall by elected officials within 90 days of a primary or general election and that would include a forum type event. He spoke in favor of City of Portage candidates participating in a forum together and mentioned the alternative of viewing the virtual forums that are available on Public Media Network at kzootv.com.
- ◆ Tim Earl, 6862 Shallowford Way, apologized for not being present to participate in the discussion regarding secular invocations at the last meeting, but he was out of town. He indicated that he will work with the City Clerk to be a part of the invocation rotation for City Council Meetings in 2012.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Reid reminded everyone that Tuesday, November 8, 2011, is the General City Election for Mayor and three City Council seats. She and Councilmember Urban exchanged Halloween stories.
- ◆ City Manager Evans indicated that there is a brief article on the city website regarding the South Westnedge Avenue Project and briefed City Council and citizens about the eight inch water main break on South Westnedge Avenue that will have to be repaired under the railroad tracks and poses a challenge.
- ◆ Mayor Pro Tem Sackley commented on the absence of Councilmember Randall, who has missed four consecutive meetings and five of the past seven meetings. He stressed that if a Councilmember is to serve the public, it is important to show up and not attending five of the last seven City Council Meetings before an election, including four in a row, is of a concern to him. He pointed out that he is not a candidate at this time, but felt that this should be an issue for the voters.

- ◆ Mayor Strazdas addressed some of the stress caused by world events that are impacting the country and even the City of Kalamazoo, locally, and assured citizens that the City of Portage has taken the steps necessary to minimize any negative impact on operations and the quality of life here.
- ◆ Mr. Pearson approached the City Clerk and asked him to ask Mayor Strazdas to allow him to address the comments made by Mayor Pro Tem Sackley regarding all of the recent absences by Councilmember Randall. City Attorney Brown indicated that this is a question for the Mayor to decide if Mr. Pearson could speak out of order. Mr. Pearson indicated he had a text message from Councilmember Randall that she could not be present because of health reasons; that she sent it to the City Clerk, but it was bounced back; and she said to mention it after the meeting, but Mr. Pearson chose to mention it in response to Mayor Pro Tem Sackley's remarks. Mayor Strazdas expressed his appreciation for Mr. Pearson's comments and a preference that the comment could have been made before the meeting or during public comment time, but expressed his appreciation for her thoughtfulness. He wished Councilmember Randall well, expressed his hope that she gets through her frailness and thanked Mr. Pearson for sharing.

COMPLETE MINUTES OF EACH CITY COUNCIL MEETING ARE AVAILABLE ON THE CITY WEBSITE AT PORTAGEMIGOV, 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 NOVEMBER 1, 2011

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

At the request of Mayor Strazdas, Minister Michael O'Berski of the Oakland Drive Christian Church 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, Claudette S. Reid, Terry R. Urban and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Patricia M. Randall was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Campbell, to approve the October 18, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Bailes 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 6 to 0.

* **APPROVAL OF CHECK REGISTER OF NOVEMBER 1, 2011:** Motion by Urban, seconded by Reid, to approve the Check Register of November 1, 2011. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **SALE OF PROPERTY, 7130 SOUTH WESTNEDGE AVENUE:** Motion by Urban, seconded by Reid, to consider adoption of the resolution to sell a 2.5-acre portion of excess city property at 7130 South Westnedge Avenue to Jason M. Klein & Associates at a purchase price of \$370,000, place the resolution on file with the Office of the City Clerk for 28 days and take final action on December 6, 2011.

* **2012 CITY COUNCIL MEETING SCHEDULE:** Motion by Urban, seconded by Reid, to establish the 2012 Schedule of Regular City Council Meetings. Upon a roll call vote, motion carried 6 to 0.

I-94 CONSTRUCTION PROGRESS AND COMPLETION SCHEDULE – INFORMATION ONLY: At the request of Mayor Strazdas, City Manager Maurice Evans outlined the efforts to encourage Michigan Department of Transportation (MDOT) to proceed post haste with the I-94 Construction Project as delays have occurred resulting in postponement of the completion of the project. He outlined the schedule for the next two weeks that was obtained after a progress meeting with MDOT officials:

- 11/3/2011 - Curb median installation of South Westnedge Avenue.
- 11/4/2011 - Interchange traffic signal of South Westnedge Avenue.
- 11/7-15/2011 - Asphalt work, including leveling, milling and asphalt surface of South Westnedge.
- 11/15-11/17/2011 - Project clean –up.
- 11/18/2011 - Open the ramp for full traffic and signal activation.

In sum, Mr. Evans indicated that, weather permitting, South Westnedge Avenue would be open on the 18th of November 2011, and expressed concern for the safety of Portage citizens and out of town shoppers during the holiday shopping season. Mayor Strazdas thanked Mr. Evans and staff for their collaborative effort with MDOT, regarding what is arguably the largest public works project in the history of the City of Portage and has a significant impact on South Westnedge Avenue and is the reason he expressed his concern in the letter dated October 20, 2011, to Bobbi Welke, P.E., Southwest Region Engineer of MDOT found in the city Council Agenda Packet. He expressed his appreciation for their cooperation to get the project finished in time for “Black Friday” on South Westnedge Avenue. Discussion followed.

Mayor Pro Tem Sackley asked if the City Traffic Control Engineer will have control over the single point traffic signal at the interchange. Mr. Barnes responded the signal will be controlled by MDOT, that it is interconnected with the City of Portage system, so our engineer can view it and make modifications to the Portage system on South Westnedge Avenue from Kilgore Road to Shaver Road. Also, the City of Portage traffic plans for the holidays has been given to MDOT for consideration. Discussion followed.

Councilmember Urban asked if there are any plans to educate the public regarding how the interchange works and Mr. Barnes responded that there are single point interchanges across the state; that MDOT has a video available; that the signal will be in flash mode for two weeks; and, that the message boards will notify the motorist of when the signal will be activated.

Motion by Sackley, seconded by Reid, to receive the communication from the City Manager regarding the I-94 Construction Progress and Completion Schedule as information only. Upon a voice vote, motion carried 6 to 0.

* **2011 SUMMER PROPERTY TAX BILL FOR 9124 EAST SHORE (TURK) – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the request of Aisha Turk, 9124 East Shore Drive, to waive the late fee assessed to her 2011 Summer Property Taxes as information only. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

FOLLOW-UP ON INTERGOVERNMENTAL COLLABORATION/

CONSOLIDATION – PURCHASING: At the request of Mayor Strazdas, Mr. Evans distinguished some of the differences among the City of Portage, the City of Kalamazoo and the County of Kalamazoo and the challenges of coordinating the three Charters, ordinances and general practices and indicated that the three governmental bodies were looking for opportunities to improve service deliveries. He discussed the recommendation. Motion by Sackley, seconded by Bailes, to accept the communication from Kalamazoo City Manager Ken Collard, Portage City Manager Maurice Evans and Kalamazoo County Administrator Peter Battani regarding the follow-up on Intergovernmental Collaboration/ Consolidation – *Purchasing* as a foundation document. Discussion followed and there was an amended motion by Sackley, seconded by Bailes, to include the language “that will be used as a reference point with regard to collaborative purchasing efforts.” Upon a roll call vote, motion carried 6 to 0.

ANNUAL PRESENTATION BY SENIOR CITIZEN ADVISORY BOARD

CHAIRPERSON RUTH ANN MEYER – INFORMATION ONLY: Senior Citizen Advisory Board Chairperson Ruth Ann Meyer provided an update and a review of the activities of the Senior Center and the Senior Citizens Advisory Board, including recertification of the Senior Center, the July Celebration and Commemoration of over 30 years of service to the City of Portage and surrounding

communities and the Portage Senior Center becoming the only three-time nationally accredited senior center in Michigan. She indicated that the replacement of Jason Horan, who left to serve the United Way, is soon to be selected and she outlined some of the Senior Center Programs and thanked staff and the volunteers for all of their efforts, including the establishment of the Goals for the next fiscal year. Discussion followed. Parks Director Bill Deming announced that Jill Hess has been appointed to the position of Deputy Director of Parks beginning November 14, 2011, and will begin to assist the Senior Center in that capacity at that time. He expressed his appreciation for the efforts and hard work of the Senior Citizen Advisory Board. Discussion followed. Motion by Urban, seconded by Campbell, to receive the Annual Presentation by Senior Citizen Advisory Board Chairperson Ruth Ann Meyer. Upon a voice vote, motion carried 6 to 0.

COMMUNICATION FROM DAVID STEFFENS OF THE LONG LAKE ASSOCIATION REGARDING THE NEED FOR AN AQUATIC PLANT MANAGEMENT PROGRAM FOR LONG LAKE: At the request of Mayor Strazdas, Mr. David Steffens, President of the Long Lake Association, spoke in favor of the request to open a dialogue with the City of Portage and Pavilion Township regarding an Aquatic Plant Management Program for Long Lake as they have discovered four invasive species there. He reviewed a survey that had a positive response in favor of investigating the Program and mentioned that Councilmember Urban participated in the discussions and was very helpful. Discussion followed.

Mayor Pro Tem Sackley asked why the Governmental Lake Board was preferred over the Riparian Association and Mr. Steffens responded that the Governmental Lake Board was in existence since the 1990's, worked well as a means of obtaining the pump to stabilize water levels in Long Lake and appeared to be the most efficient method available to address the establishment of an Aquatic Plant Management Program. Councilmember Urban pointed out that the Governmental Lake Board still has to do its due diligence and the action by City Council tonight does not necessarily mean that a program will be established.

Motion by Urban, seconded by Reid, to receive the communication from David Steffens, President of the Long Lake Association, requesting that City Council refer a project for an aquatic plant management program to the Long Lake Governmental Lake Board, and adopt the Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act and direct the Governmental Lake Board for Long Lake to proceed with the necessary steps to improve Long Lake. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **RESOLUTION TO CONVEY EASEMENT - CONSUMERS ENERGY:** Motion by Urban, seconded by Reid, to reconfirm the resolution to grant an easement to Consumers Energy. Upon a roll call vote, motion carried 6 to 0.

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

Portage Board of Education Special Meeting and Committee of the Whole Work Session of September 12, Special and Regular Meeting of September 26 and Committee of the Whole Work Session of October 10, 2011.

Portage Youth Advisory Committee of September 19, 2011.

Portage Planning Commission of October 6, 2011.

NEW BUSINESS:

CITY COUNCIL POLICY FOR USE OF CITY HALL: At the request of Mayor Strazdas, Councilmember Campbell reviewed the City Hall Use Policy, the process used and the recommendation proposed by the City Council Customer Service Committee. Discussion followed. Motion by Campbell, seconded by Bailes, to adopt the City Council Policy for Use of City Hall dated November 1, 2011, and the City of Portage Application / Agreement for Use of City Hall. Upon a roll call vote, motion carried 6 to 0.

BID TABULATIONS:

* **AT&T – POLICE POSITRON 9-1-1 CONTRACT:** Motion by Urban, seconded by Reid, to approve a one-year contract with AT&T in the amount of \$11,600 for 9-1-1 maintenance, with the option to annually renew provided the terms, conditions and price do not change, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: James Pearson, 3004 East Shore Drive, referred to himself as the Vice Chairman of the Planning Commission and a candidate for City Council, and asked for an opinion from City Attorney Randy Brown if the newly adopted City Hall Policy would preclude future nonpartisan forums, and Mr. Brown referred him to C.1 in the Policy where it limits the use of City Hall by elected officials within 90 days of a primary or general election and that would include a forum type event. He spoke in favor of City of Portage candidates participating in a forum together and mentioned the alternative of viewing the virtual forums that are available on Public Media Network at *kzootv.com*. Discussion followed.

Tim Earl, 6862 Shallowford Way, apologized for not being present to participate in the discussion regarding secular invocations at the last meeting, but he was out of town. He indicated that he will work with the City Clerk to be a part of the invocation rotation for City Council Meetings in 2012. Discussion followed.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid reminded everyone that Tuesday, November 8, 2011, is the General City Election for Mayor and three City Council seats. She and Councilmember Urban exchanged Halloween stories.

City Manager Evans indicated that there is a brief article on the city website regarding the South Westnedge Avenue Project and briefed City Council and citizens about the eight inch water main break on South Westnedge Avenue that will have to be repaired under the railroad tracks and poses a challenge. Discussion followed.

Mayor Pro Tem Sackley indicated that the elephant in the room tonight and something that can not be viewed on *kazoo.com* is the absence of Councilmember Randall, who has missed four consecutive meetings and five of the past seven meetings. He indicated that as the election approaches, he reminded citizens that service does require that a person shows up and based upon knowledge from the City Clerk and others, each of the absences was a voluntary absence and not for something like an illness, for example. He stressed that if a Councilmember is to serve the public, it is important to show up and not attending five of the last seven City Council Meetings before an election, including four in a row, is of a concern to him. He pointed out that he is not a candidate at this time, but felt that this should be an issue for the voters. When James Pearson indicated he wished to approach the podium, Mayor Strazdas informed him that he wished to finished up the meeting and would speak with him later.

Mayor Strazdas addressed some of the stress caused by world events that are impacting the country and even the City of Kalamazoo, locally, and assured citizens that the City of Portage has taken the steps necessary to minimize any negative impact on operations and the quality of life here.

Mr. Pearson approached the City Clerk and asked him to ask Mayor Strazdas to allow him to address the comments made by Mayor Pro Tem Sackley regarding all of the recent absences by Councilmember Randall. City Attorney Brown indicated that this is a question of the Mayor to decide if Mr. Pearson could speak out of order. Mr. Pearson indicated he had a communication from Councilmember Randall. Discussion followed. Mr. Pearson indicated that Ms. Randall “just sent a text message that she could not be here tonight because of health reasons; that she sent it to the City Clerk; it was bounced back; and she said to mention it after the meeting with comments by Mr. Sackley (sic); I’m just mentioning it now.”

Mayor Strazdas expressed his appreciation for Mr. Pearson’s comments and a preference that the comment could have been made before the meeting or during public comment time, but expressed his appreciation for her thoughtfulness. He wished Councilmember Randall well, expressed his hope that she gets through her frailness and thanked Mr. Pearson for sharing.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:38 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: November 9, 2011

FROM: James R. Hudson, City Clerk



SUBJECT: November 8, 2011 General City Election Results – Information Only

Please accept the attached results of the November 8, 2011 General City Election. The final Board of Canvassers Report of election results will be available once the Board of Canvassers has certified the election.

Attachment

SUMMARY REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 11:09 PM

VOTES PERCENT

| | | |
|-------------------------------------|--------|--------|
| PRECINCTS COUNTED (OF 22) | 22 | 100.00 |
| REGISTERED VOTERS - TOTAL | 36,083 | |
| BALLOTS CAST - TOTAL | 4,309 | |
| VOTER TURNOUT - TOTAL | | 11.94 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|-------|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 3,852 | 98.32 |
| WRITE-IN. | 66 | 1.68 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|-------|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 2,326 | 20.31 |
| Elizabeth Campbell | 3,140 | 27.42 |
| Jim Pearson. | 2,991 | 26.12 |
| Patricia M. Randall | 2,976 | 25.98 |
| WRITE-IN. | 20 | .17 |

RUN DATE:11/08/11 09:36 PM

0028 Portage City 1

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1630 | |
| BALLOTS CAST - TOTAL. | 40 | |
| VOTER TURNOUT - TOTAL | | 2.45 |

PORTAGE CITY MAYOR

Vote for not more than 1

| | | |
|----------------------------|----|-------|
| Peter J. Strazdas. | 35 | 94.59 |
| WRITE-IN. | 2 | 5.41 |

PORTAGE CITY COUNCIL

Vote for not more than 3

| | | |
|-------------------------------|----|-------|
| Cory A. Bailes. | 17 | 16.50 |
| Elizabeth Campbell | 27 | 26.21 |
| Jim Pearson. | 27 | 26.21 |
| Patricia M. Randall | 32 | 31.07 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:18 PM

0029 Portage City 2

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1829 | |
| BALLOTS CAST - TOTAL | 48 | |
| VOTER TURNOUT - TOTAL | | 2.62 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 41 | 97.62 |
| WRITE-IN. | 1 | 2.38 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 21 | 18.10 |
| Elizabeth Campbell | 33 | 28.45 |
| Jim Pearson. | 28 | 24.14 |
| Patricia M. Randall | 34 | 29.31 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 09:36 PM

0030 Portage City 3

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1639 | |
| BALLOTS CAST - TOTAL | 59 | |
| VOTER TURNOUT - TOTAL | | 3.60 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 49 | 98.00 |
| WRITE-IN. | 1 | 2.00 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 36 | 25.17 |
| Elizabeth Campbell | 43 | 30.07 |
| Jim Pearson. | 33 | 23.08 |
| Patricia M. Randall | 31 | 21.68 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 09:36 PM

0031 Portage City 4

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1439 | |
| BALLOTS CAST - TOTAL | 72 | |
| VOTER TURNOUT - TOTAL | | 5.00 |

PORTAGE CITY MAYOR

| | | |
|-----------------------------|----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas | 55 | 96.49 |
| WRITE-IN. | 2 | 3.51 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 31 | 17.22 |
| Elizabeth Campbell | 46 | 25.56 |
| Jim Pearson. | 58 | 32.22 |
| Patricia M. Randall | 45 | 25.00 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:27 PM

0032 Portage City 5

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1530 | |
| BALLOTS CAST - TOTAL. | 49 | |
| VOTER TURNOUT - TOTAL | | 3.20 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|----|--------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 46 | 100.00 |
| WRITE-IN. | 0 | |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 24 | 19.35 |
| Elizabeth Campbell | 24 | 19.35 |
| Jim Pearson. | 39 | 31.45 |
| Patricia M. Randall | 37 | 29.84 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 09:36 PM

0033 Portage City 6

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 2104 | |
| BALLOTS CAST - TOTAL | 114 | |
| VOTER TURNOUT - TOTAL | | 5.42 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|-----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 102 | 96.23 |
| WRITE-IN. | 4 | 3.77 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 51 | 17.11 |
| Elizabeth Campbell | 83 | 27.85 |
| Jim Pearson. | 91 | 30.54 |
| Patricia M. Randall | 73 | 24.50 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:15 PM

0034 Portage City 7

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1309 | |
| BALLOTS CAST - TOTAL | 24 | |
| VOTER TURNOUT - TOTAL | | 1.83 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 21 | 91.30 |
| WRITE-IN. | 2 | 8.70 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 16 | 25.81 |
| Elizabeth Campbell | 14 | 22.58 |
| Jim Pearson. | 11 | 17.74 |
| Patricia M. Randall | 18 | 29.03 |
| WRITE-IN. | 3 | 4.84 |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:15 PM

0035 Portage City 8

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1858 | |
| BALLOTS CAST - TOTAL. | 223 | |
| VOTER TURNOUT - TOTAL | | 12.00 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|-----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 186 | 98.41 |
| WRITE-IN. | 3 | 1.59 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|-----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 116 | 19.73 |
| Elizabeth Campbell | 148 | 25.17 |
| Jim Pearson. | 170 | 28.91 |
| Patricia M. Randall | 154 | 26.19 |
| WRITE-IN. | 0 | |

RUN DATE:11/08/11 10:27 PM

0036 Portage City 9

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1506 | |
| BALLOTS CAST - TOTAL. | 146 | |
| VOTER TURNOUT - TOTAL | | 9.69 |

PORTAGE CITY MAYOR

| Vote for not more than 1 | | |
|----------------------------|-----|-------|
| Peter J. Strazdas. | 125 | 94.70 |
| WRITE-IN. | 7 | 5.30 |

PORTAGE CITY COUNCIL

| Vote for not more than 3 | | |
|-------------------------------|-----|-------|
| Cory A. Bailes. | 86 | 22.28 |
| Elizabeth Campbell | 106 | 27.46 |
| Jim Pearson. | 96 | 24.87 |
| Patricia M. Randall | 98 | 25.39 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 09:36 PM

0037 Portage City 10

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 2088 | |
| BALLOTS CAST - TOTAL | 121 | |
| VOTER TURNOUT - TOTAL | | 5.80 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|-----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 107 | 97.27 |
| WRITE-IN. | 3 | 2.73 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 85 | 25.76 |
| Elizabeth Campbell | 91 | 27.58 |
| Jim Pearson. | 69 | 20.91 |
| Patricia M. Randall | 85 | 25.76 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:27 PM

0038 Portage City 11

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1948 | |
| BALLOTS CAST - TOTAL. | 129 | |
| VOTER TURNOUT - TOTAL | | 6.62 |

PORTAGE CITY MAYOR

| Vote for not more than 1 | | |
|----------------------------|-----|-------|
| Peter J. Strazdas. | 114 | 96.61 |
| WRITE-IN. | 4 | 3.39 |

PORTAGE CITY COUNCIL

| Vote for not more than 3 | | |
|-------------------------------|----|-------|
| Cory A. Bailes. | 64 | 19.28 |
| Elizabeth Campbell | 81 | 24.40 |
| Jim Pearson. | 89 | 26.81 |
| Patricia M. Randall | 98 | 29.52 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:15 PM

0039 Portage City 12

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 2245 | |
| BALLOTS CAST - TOTAL | 155 | |
| VOTER TURNOUT - TOTAL | | 6.90 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|-----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 138 | 97.18 |
| WRITE-IN. | 4 | 2.82 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|-----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 83 | 20.49 |
| Elizabeth Campbell | 116 | 28.64 |
| Jim Pearson. | 105 | 25.93 |
| Patricia M. Randall | 101 | 24.94 |
| WRITE-IN. | 0 | |

RUN DATE:11/08/11 10:27 PM

0040 Portage City 13

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1459 | |
| BALLOTS CAST - TOTAL | 84 | |
| VOTER TURNOUT - TOTAL | | 5.76 |

PORTAGE CITY MAYOR

| Vote for not more than 1 | | |
|-----------------------------|----|-------|
| Peter J. Strazdas | 67 | 91.78 |
| WRITE-IN. | 6 | 8.22 |

PORTAGE CITY COUNCIL

| Vote for not more than 3 | | |
|-------------------------------|----|-------|
| Cory A. Bailes. | 44 | 21.15 |
| Elizabeth Campbell | 55 | 26.44 |
| Jim Pearson. | 48 | 23.08 |
| Patricia M. Randall | 60 | 28.85 |
| WRITE-IN. | 1 | .48 |

RUN DATE:11/08/11 10:27 PM

0041 Portage City 14

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1681 | |
| BALLOTS CAST - TOTAL | 110 | |
| VOTER TURNOUT - TOTAL | | 6.54 |

PORTAGE CITY MAYOR

| Vote for not more than 1 | | |
|----------------------------|----|-------|
| Peter J. Strazdas. | 94 | 94.95 |
| WRITE-IN. | 5 | 5.05 |

PORTAGE CITY COUNCIL

| Vote for not more than 3 | | |
|-------------------------------|----|-------|
| Cory A. Bailes. | 52 | 19.55 |
| Elizabeth Campbell | 78 | 29.32 |
| Jim Pearson. | 58 | 21.80 |
| Patricia M. Randall | 72 | 27.07 |
| WRITE-IN. | 6 | 2.26 |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 09:36 PM

0042 Portage City 15

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1917 | |
| BALLOTS CAST - TOTAL | 76 | |
| VOTER TURNOUT - TOTAL | | 3.96 |

PORTAGE CITY MAYOR

| | | |
|-----------------------------|----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas | 66 | 95.65 |
| WRITE-IN. | 3 | 4.35 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 39 | 19.60 |
| Elizabeth Campbell | 55 | 27.64 |
| Jim Pearson. | 44 | 22.11 |
| Patricia M. Randall | 61 | 30.65 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:15 PM

0043 Portage City 16

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 2378 | |
| BALLOTS CAST - TOTAL | 95 | |
| VOTER TURNOUT - TOTAL | | 3.99 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 80 | 96.39 |
| WRITE-IN. | 3 | 3.61 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 40 | 16.60 |
| Elizabeth Campbell | 73 | 30.29 |
| Jim Pearson. | 59 | 24.48 |
| Patricia M. Randall | 68 | 28.22 |
| WRITE-IN. | 1 | .41 |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 09:36 PM

0044 Portage City 17

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1498 | |
| BALLOTS CAST - TOTAL | 154 | |
| VOTER TURNOUT - TOTAL | | 10.28 |

PORTAGE CITY MAYOR

| | | |
|-----------------------------|-----|--------|
| Vote for not more than 1 | | |
| Peter J. Strazdas | 132 | 100.00 |
| WRITE-IN. | 0 | |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|-----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 67 | 17.09 |
| Elizabeth Campbell | 120 | 30.61 |
| Jim Pearson. | 109 | 27.81 |
| Patricia M. Randall | 96 | 24.49 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:15 PM

0045 Portage City 18

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1727 | |
| BALLOTS CAST - TOTAL | 113 | |
| VOTER TURNOUT - TOTAL | | 6.54 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|-----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 102 | 98.08 |
| WRITE-IN. | 2 | 1.92 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 62 | 20.46 |
| Elizabeth Campbell | 88 | 29.04 |
| Jim Pearson. | 77 | 25.41 |
| Patricia M. Randall | 76 | 25.08 |
| WRITE-IN. | 0 | |

RUN DATE:11/08/11 10:27 PM

0046 Portage City 19

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1350 | |
| BALLOTS CAST - TOTAL | 86 | |
| VOTER TURNOUT - TOTAL | | 6.37 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|----|--------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 83 | 100.00 |
| WRITE-IN. | 0 | |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 48 | 20.69 |
| Elizabeth Campbell | 71 | 30.60 |
| Jim Pearson. | 60 | 25.86 |
| Patricia M. Randall | 53 | 22.84 |
| WRITE-IN. | 0 | |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:15 PM

0047 Portage City 20

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1771 | |
| BALLOTS CAST - TOTAL. | 132 | |
| VOTER TURNOUT - TOTAL | | 7.45 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|-----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 117 | 98.32 |
| WRITE-IN. | 2 | 1.68 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 69 | 19.60 |
| Elizabeth Campbell | 92 | 26.14 |
| Jim Pearson. | 95 | 26.99 |
| Patricia M. Randall | 94 | 26.70 |
| WRITE-IN. | 2 | .57 |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:15 PM

0048 Portage City 21

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 1177 | |
| BALLOTS CAST - TOTAL | 58 | |
| VOTER TURNOUT - TOTAL | | 4.93 |

PORTAGE CITY MAYOR

| | | |
|----------------------------|----|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 51 | 98.08 |
| WRITE-IN. | 1 | 1.92 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|----|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 27 | 18.75 |
| Elizabeth Campbell | 41 | 28.47 |
| Jim Pearson. | 34 | 23.61 |
| Patricia M. Randall | 41 | 28.47 |
| WRITE-IN. | 1 | .69 |

PRECINCT REPORT

NOVEMBER 8, 2011
GENERAL ELECTION
KALAMAZOO COUNTY, MICHIGAN

UNOFFICIAL RESULTS

RUN DATE:11/08/11 10:06 PM

0049 Portage City AV

| | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL | 0 | |
| BALLOTS CAST - TOTAL. | 2221 | |

PORTAGE CITY MAYOR

| | | |
|----------------------------|------|-------|
| Vote for not more than 1 | | |
| Peter J. Strazdas. | 2041 | 99.46 |
| WRITE-IN. | 11 | .54 |

PORTAGE CITY COUNCIL

| | | |
|-------------------------------|------|-------|
| Vote for not more than 3 | | |
| Cory A. Bailes. | 1248 | 20.63 |
| Elizabeth Campbell | 1655 | 27.36 |
| Jim Pearson. | 1591 | 26.30 |
| Patricia M. Randall | 1549 | 25.61 |
| WRITE-IN. | 6 | .10 |

A F F I D A V I T

State of Michigan)
)
County of Kalamazoo)

THE CITY COUNCIL CODE OF ETHICS AND VALUES POLICY

I hereby depose and state that I have read and understand the City Council Code of Ethics and Values Policy, a true copy of which is attached hereto.

Subscribed and sworn to before me on this 15th day of November 2011.

James R. Hudson, City Clerk
City of Portage
Portage, Michigan

CITY OF PORTAGE

CITY COUNCIL CODE OF ETHICS AND VALUES POLICY

1. **Purpose.** The Code of Ethics and Values Policy ("Policy") of the Portage City Council is intended to establish standards of integrity, fair dealing, responsibility, accountability and disinterested conduct, which are an essential part of a fiduciary duty owed to the public by its elected officials. The Policy is intended to encourage all councilmembers to place the public interest above self-interest and maintain independence, impartiality and fairness in their judgment, decisions and conduct. It is the policy of the City of Portage City Council to uphold, promote and demand the highest standards of ethics from all councilmembers. All members of the City Council share a commitment to ethical conduct in the service to their community. This Policy has been established to provide guidance for councilmembers so that the performance of their duties will be carried out in an ethical manner. In furtherance of this goal, the following general principles will apply:

- A. Councilmembers shall comply with the laws of the United States of America, the State of Michigan and City of Portage in the performance of their public duties.
- B. Councilmembers shall work for the common good of Portage residents and not be motivated by their own personal or financial interests.
- C. Councilmembers will endeavor to treat all members of the public and issues before them in a fair and equitable manner.
- D. Councilmembers shall be committed to the concepts of effective and democratic local government.
- E. Councilmembers shall encourage communication between residents, City Council and the City Administration and endeavor to keep the community informed on municipal matters, not otherwise made confidential.
- F. Councilmembers shall safeguard public confidence by being honest, fair and respectful of all persons with whom they have official contact and will follow the rules and laws that govern the deliberation of public policy issues and meaningful involvement of the public.
- G. Councilmembers have an obligation to attend City Council meetings and other meetings necessary for the performance of their official duties. Councilmembers should be prepared for meetings they attend, review materials, listen to the public discussions before them, keep comments and questions relevant to the business at hand, participate in discussions and make informed decisions based on the merits of each question.

2. **Definitions.**

- A. **Councilmember** means a member of the City Council.

- B. **Confidential information** means information, written or non-written, that has been obtained by a councilmember in the course of acting as such, that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being MCL 15.231 *et. seq.*, or pursuant to other law, regulation, policy or procedure recognized by law, and that the councilmember is unauthorized to disclose:
- C. **Immediate family** means:
1. A councilmember's spouse or domestic partner;
 2. A councilmember's relative by lineal descent, parent, brother, sister or a person who resides in the councilmember's household; or
 3. An individual claimed by a councilmember or a councilmembers spouse as a dependent under the United States Internal Revenue Code, being 26 USC 1 *et. seq.*
- D. **Ownership Interest** means financial or pecuniary interest that a councilmember has in the affairs of 1) any business entity in which the councilmember or a member of his or her immediate family is an officer, director, member, or employee; 2) any business entity in which the councilmember or a member of his or her immediate family controls, or directly or indirectly owns, in excess of 5% of the total stock; or 3) any person or business entity with whom the councilmember has a contract.
- E. **Personal Gain or Benefit** means any benefit which is accepted or received by a councilmember or the councilmember's immediate family, or is perceived by a reasonable person to be accepted or received by a councilmember or the councilmember's immediate family, as remuneration for the purpose of improperly influencing an official action in a specific manner or for refraining from the performance of an official action in a specific manner, or as inducement for the councilmember to act in favor of some interest other than in the public interest.

3. **Conflict of Interest – Standards of Conduct.**

- A. A councilmember shall not divulge to an unauthorized person confidential information acquired by the councilmember in the course of his or her duties as a councilmember in advance of the time prescribed for its authorized release to the public, if it is to be released to the public.
- B. Councilmembers shall represent the official policies and positions of the City Council to the best of their ability when designated as delegates or City representatives for this purpose. When presenting their individual opinions and positions, a councilmember may not represent, nor allow the inference of, his or her personal opinion or position as that of the City Council or the City of Portage.

- C. A councilmember shall not appear or advocate on behalf of the private interest of third parties, including the councilmember's immediate family members, before the City Council or any City board, committee or commission or other proceeding of the City.
- D. A councilmember shall not solicit or accept a gift or loan of money, goods, services or other things of value for the benefit of a person or organization other than the City which tends to influence the manner in which the councilmember or another public officer or employee of the City performs official duties.
- E. Except as permitted by state law, a councilmember shall not engage in a business transaction in which the councilmember may derive a personal profit or gain, directly or indirectly, from his or her official position or authority or benefit financially from confidential information which the councilmember has obtained or may obtain by reason of that position or authority.
- F. Except as permitted by state law, a councilmember shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the councilmember's official duties or when that employment may tend to impair his or her independence or judgment or action in the performance of official duties.
- G. Except as provided by state law, a councilmember shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates or other regulation or supervision relating to a business entity in which the councilmember has a personal or ownership interest.
- H. Except as permitted by state law, a councilmember shall not vote or participate in any other question on which the councilmember has a substantial direct or indirect financial, personal or ownership interest other than an interest similar to that of other citizens affected.

4. **Disclosure.** Whenever the performance of official duties shall require a councilmember to deliberate and vote on any matter involving the councilmember's financial or personal interest, the councilmember shall publicly disclose the nature and extent of the interest and is disqualified from participating in the deliberations and voting on the matter. The disclosure shall be made public at a meeting of the City Council before the matter is voted upon or in any other manner required by law.

5. **Gifts.** Councilmembers and their immediate family members shall not directly or indirectly solicit or accept a gift or loan of money, goods, services or other things of value which tend to influence the manner in which the councilmember or other public officer or employee of the City performs his or her official duties. Councilmembers are not prohibited from receiving money, goods, services or other items of value if not given to influence the councilmember in the performance of his or her official duties. The following list includes, but are not limited to, examples not prohibited:

- A. The solicitation and acceptance of campaign contributions in accordance with state law.
- B. Admission or registration fees, travel expenses, entertainment, meals or refreshments that are furnished to a councilmember by the sponsor of an event which is related to official local government business in connection with the event to which one or more members of the public are invited or are furnished to the councilmember in connection with a speaking engagement, teaching or the provision of assistance to an organization or another governmental entity as long as the City does not compensate the councilmember for the same items.
- C. An award publicly presented to a councilmember by an individual or a non-governmental entity or organization in recognition of the councilmember's public service, acts of heroism, crime solving or other similar recognition.
- D. Any gift or loan of money, goods, services or other things of value paid for by the federal, state, local government or other public agency authorized by law.

6. **Use of City Property.** No councilmember shall request, use, or permit the use of any city owned or supported property, vehicle, equipment, material, labor, or service for the personal convenience or the private advantage or personal gain of the councilmember or any other person which is not available to the public at-large.

7. **Nepotism.** A councilmember shall not influence or cause, directly or indirectly, the employment or any favorable employment action of an immediate family member, or participate in any employment decision about such family member.

8. **Political Activity.** Councilmembers shall not use any city owned property, vehicle, equipment, material, labor or services for the councilmember's own political benefit or for the political benefit of any other person seeking elective office, which is not available to the public at large on an equal basis. No political activity of the councilmember shall interfere with the performance of the usual duties of any city officer or employee.

9. **Compliance.**

- A. This Policy is intended to encourage and promote the highest standards of ethical conduct and behavior by members of the Portage City Council and is not intended to be a code of conduct enforceable by punitive measures. Violations of this Policy are not intended to subject councilmembers to reprimand or censure by the City Council. A violation of this Policy shall not be considered a basis for challenging the validity of a councilmember's decision or position as a councilmember.
- B. It is not the intent of this Code to in any way limit the right or ability of any councilmember to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a special benefit to that person, relieve the

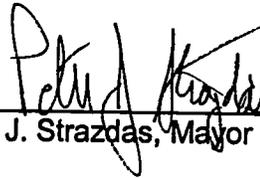
councilmember of a particular duty, or treat that person differently than other similarly situated city residents.

10. **Delivery of Policy to Councilmembers.** The City Clerk shall deliver a copy of this Policy to each councilmember as soon as practicable after the enactment of this Policy and to each new councilmember at the time of taking office. The City Clerk shall also request that each councilmember sign and return an acknowledgement the receipt of this Policy.

11. **Amendments.** This Policy may be amended to remain consistent with state law regarding the local code of ethics and the standards required therein.

12. **Ethics Committee.** If a councilmember requests an interpretation of this Policy, the Mayor shall select three (3) councilmembers to convene an Ethics Committee meeting who will provide its opinion to the councilmember requesting the interpretation.

Effective date: January 13, 2009



Peter J. Strazdas, Mayor

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RULES OF ORDER AND PROCEDURE

FOR THE CITY COUNCIL

PORTAGE, MICHIGAN

Section 1. Convening of Meeting; Quorum:

The Mayor, or in his absence or at his direction, the Mayor Pro Tem, shall, at the time fixed for meeting, take the chair for convening the Council. The presence of four (4) members of the meeting shall constitute a quorum for the transacting of business.

Section 2. Order of Business:

The Business of all regular meetings shall be transacted as far as possible in the following order:

- | | |
|---|---|
| CALL TO ORDER | G. Communications |
| Invocations | H. Unfinished Business |
| Pledge of Allegiance | I. Minutes of Boards & Commissions |
| Roll Call | J. Ad Hoc & Special Committee Reports |
| A. Approval of Minutes | K. New Business |
| B. Approval of the Consent Agenda | L. Tabulation of Bids |
| C. Approval of Check Register & Payrolls | M. Other City Matters & Statements of Citizens |
| D. Public Hearings | N. Materials Transmitted |
| E. Petitions & Statements of Citizens | ADJOURNMENT |
| F. Reports from the City Administration | |

Section 3. Reading of Minutes:

Unless a reading of the minutes of a meeting is requested by a member of the Council, such minutes may be approved or corrected without reading if the City Clerk has previously furnished

each member with a true copy thereof.

Section 4. Agenda for Meeting:

Any Councilmember, Mayor or City Manager may prepare items for consideration on the agenda of Council meetings. The Clerk shall prepare copies of the agenda of the business to be considered at each regular council meeting. No business shall be placed on the agenda by the Clerk unless received not later than 12:00 o'clock noon on the Friday preceding the meeting, except upon the approval of four (4) or more members of the Council.

Section 5. Regular Meetings; Time-Place:

The Council shall meet regularly every other Tuesday at 7:30 o'clock p.m. in the Council Chambers of the Portage City Hall, 7900 S. Westnedge Ave., Portage, Michigan; however, the Council may cancel all but two Tuesday meetings in each month by giving notice of said cancellation as required by Act 267 of the Public Acts of 1976. When the day fixed for any regular meeting falls upon a national holiday, or the eve of a national holiday, or upon any regular or special election day, the council may determine to hold such meeting at the same hour within a week preceding or succeeding the regular day or cancel the meeting as provided above. Notice of the time and place of the changed meeting date or cancellation shall be given in accordance with Act 267 of Public Acts of 1976. Meetings may be held in other locations provided notice is given pursuant to Act 267 of Public Acts of 1976.

The Council shall hold an organizational meeting, which may be combined with its first regular meeting in November for the purpose of organizing and choosing a Mayor Pro Tem who shall serve for a period of one year and thereafter until a successor is appointed.

Section 6. Meetings: Notice Required:

The City Clerk shall call a special meeting on the written request of the Mayor, or any three members of the Council. Notice required for the special meeting will be given in accordance with Section 5 of Act 267 of the Public Acts of 1976, and the business to be transacted at such meeting will be limited to that stated or given in the notice.

Section 7. Presiding Officer; Powers and Duties:

(a) The Mayor shall be the presiding officer of the Council. He shall state every question coming

before the Council, announce the decision of the Council on all matters, and decide all questions of order; provided, however, that upon an appeal to the Council, a majority vote of the Council shall conclusively determine such question of order. He shall vote on all questions. He shall at the request of a Council member divide any question, if such question in his opinion is subject to division, and he shall submit it as divided.

- (b) The Mayor may refer any communication, question or petition to the City Manager of the City for action, reply or procedure to dispose of such matter.

Section 8. Statements of Citizens:

All citizens shall have an opportunity to be heard during the course of each meeting after standing and being recognized by the presiding officer, and stating their name, street address and city. No citizen shall speak for longer than four (4) minutes unless the rules are suspended in accordance with Section 11(a).

Section 9. Rules of Debate:

- (a) There shall be no debate or discussion of any issue prior to the proper introduction of said issue.
- (b) When a motion is under debate, only the following motions shall be in order:
 1. Motion to adjourn.
 2. Motion to take a recess.
 3. Motion to lay on the table.
 4. Motion for the previous question.
 5. Motion to postpone to a day certain.
 6. Motion to refer to a committee of the council.
 7. Motion to amend or substitute.
 8. Motion to postpone indefinitely.
- (c) A motion to adjourn and a motion to lay on the table shall always be in order and without debate.
- (d) After a motion is made to close debate, the presiding officer shall poll the Council on the question of closing the debate. If the yes's prevail, the presiding officer shall immediately poll

the Council on the principal question, or questions, without further debate.

- (e) All votes shall be taken by yes and no, and be entered upon the journal to show the names of those voting in the affirmative and in the negative, except if the vote is unanimous, the record need merely so state.
- (f) When a question has once been decided, it shall be in order for any member who voted on the prevailing side of the question or a member who did not vote by reason of absence to move reconsideration thereof.

Section 10. Ordinances, Resolution, Motions, Contracts:

- (a) All ordinances, resolution and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney.
- (b) Ordinances, resolutions and other matters that are subjects requiring action by the Council, shall be introduced and sponsored by the Mayor or a member of the Council; otherwise, they shall not be considered.
- (c) Each proposed ordinance shall be introduced in written form. Reading of the title shall be sufficient for the introduction of an ordinance unless a member of the Council requests that the proposed ordinance be read in full. The Council may also request that the introducer give an explanation of the proposed ordinance. Upon the introduction of an ordinance, the Council may:
 - 1. Postpone the proposed ordinance for consideration at the next regular meeting of the Council or at a later regular Council meeting specified in the motion to postpone; or
 - 2. Refer the proposed ordinance to an ad hoc committee of three (3) Councilmembers named by the Mayor for study and recommendation to the Council. When such committee reports back to the Council, the ordinance may then be adopted or postponed as above. Any proposed ordinance may be amended by the Council at any time prior to its adoption by the vote of four (4) or more of its members.
 - 3. When an emergency ordinance is introduced for adoption at any meeting, it shall be read in full before the Council and may be passed at such meeting in accordance with the provisions of Section 5.3 (b) of the City Charter.

Section 11. Suspending; Amending Rules:

- (a) These rules may be suspended by a vote of five (5) members of the City Council present and voting.
- (b) These rules may be amended by a vote of five (5) members of the City Council present and voting.

Section 12. Roll Call Votes:

All roll call votes are to rotate in staggered alphabetical order, such that no member of the City Council, including the presiding officer, votes in the same position for consecutive roll call votes.

Section 13. Attendance:

Councilmembers who will be absent shall, if possible, notify the City Clerk prior to meeting.

Section 14. Governing Rules of Order:

Roberts Rules of Order may apply to all other items not provided for in these rules, except where they may be inconsistent with said rules.

Section 15.

If a vacancy occurs on the City Council, except in the case of recall, the Council shall fill the vacancy by appointment within 60 days thereafter. In making its appointment Council may consider appointing any eligible person.

11/13/91, 11/9/93, 11/14/95, 11/18/97, 1/06/03, 11/06/07, 11/17/09



City of Portage Proclamation

THE SALVATION ARMY

2011 RED KETTLE CAMPAIGN KICK OFF

November 18, 2011

WHEREAS, the Salvation Army has been providing for basic human needs and necessities to thousands of people for over 125 years here in Kalamazoo and Allegan Counties; and

WHEREAS, a love of God and a deep desire to help others is the motivation behind the men and women of The Salvation Army; and

WHEREAS, the Salvation Army helps others to live meaningful and enjoyable lives; and

WHEREAS, the Salvation Army serves as a symbol of compassion and is an active participant in the provision of services to thousands of men and women, boys and girls here in our community; and

WHEREAS, the Salvation Army provides its services to people in need without regard to race, color, creed, gender or age.

NOW THEREFORE, BE IT RESOLVED THAT I, PETER STRAZDAS, MAYOR OF THE CITY OF PORTAGE, on behalf of the Portage City Council do proclaim November 18th, as the 2011 Salvation Red Kettle Kick Off and urge all citizens to join me in honoring the dedicated men and women who work, give and volunteer for this fine organization and faithfully touch the lives of so many in our community.



Signed this 15th day of November 2011

Peter J. Strazdas, Mayor

RESOLUTION HONORING

CORY A. BAILES

WHEREAS, Cory Bailes has served the City of Portage as Human Services Board Chairperson and co-chaired the Human Services aspect of the Portage 2025 Visioning Project, and served on the Planning Commission, Water and Sewer Rate Committee, Advisory Board Review Committee, Housing and Neighborhoods Committee and Business and the City of Portage Committee; and,

WHEREAS, Cory Bailes, as a member of the City Council, has contributed to the City for the benefit of the residents of the City of Portage.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Portage, Michigan, appreciates the many contributions of Cory A. Bailes to the City Council and, on behalf of the citizens of the City of Portage, acknowledges these years of faithful and valuable service to this community; and

BE IT FURTHER RESOLVED, that a copy of this resolution be placed in the Heritage Room of the Portage District Library in order that the contributions of Cory A. Bailes to the Portage Community be continually recognized by future generations of Portage Citizens.

Moved By:

Supported By:

Dated: November 15, 2011



Mayor Peter J. Strazdas

Mayor Pro Tem Edward J. Sackley, III

Councilmember Elizabeth A. Campbell

Councilmember James D. Pearson

Councilmember Patricia M. Randall

Councilmember Claudette S. Reid

Councilmember Terry R. Urban

City Manager Maurice S. Evans



City of Portage Proclamation

NATIONAL FAMILY CAREGIVERS MONTH

- WHEREAS,** the family is the cornerstone of our nation and the fundamental ties that connect us all are those of love, dedication, commitment and caring; and
- WHEREAS,** more and more, family members are taking on the ultimate responsibility of caring and commitment: providing care to another family member with a long-term chronic or disabling condition; and
- WHEREAS,** many family members who provide care to a loved one do not see themselves as caregivers, nor do they often identify themselves as needing assistance in their role. Instead, they see themselves as loving daughters and sons, spouses and partners, or parents, siblings and friends doing what anyone else would do in their circumstance; and
- WHEREAS,** given the vital role family caregivers play in providing essential care to so many of our most vulnerable citizens, it is incumbent upon all sectors of our society to take note of these individuals and provide them with the support and assistance they need; and
- WHEREAS,** during National Family Caregivers Month, we honor the millions of Americans who give so much of themselves to provide for the health and well-being of a beloved family member. Through their countless hours of services to their families and communities, they are a shining example of our Nation's great capacity to care for one another.

NOW, THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, do hereby recognize November 2011 as **National Family Caregivers Month** in the City of Portage.



Signed this 15th day of November 2011

Peter J. Strazdas, Mayor

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 7, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of November 15, 2011 as presented.

Attached please find the Accounts Payable Register for the period October 23, 2011 through November 6, 2011, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

| CHECK DATE | CHECK NUMBER | VENDOR NAME | VENDOR # | BANK CODE | CHECK AMOUNT |
|------------|--------------|--------------------------------|----------|-----------|--------------|
| 11/04/2011 | 248546 | LUDERS, ROBERT | 532 | | 250.00 |
| 10/28/2011 | 278383 | AT&T | 849 | | 2,205.27 |
| 10/28/2011 | 278384 | AT&T | 849 | | 49.50 |
| 10/28/2011 | 278385 | A T & T LONG DISTANCE | 4060 | | 5.17 |
| 10/28/2011 | 278386 | A-1 ASPHALT INC. | 4607 | | 2,197.87 |
| 10/28/2011 | 278387 | A-1 SIGNS | 2873 | | 14.66 |
| 10/28/2011 | 278388 | ACTION PIANO SERVICE | 3675 | | 125.00 |
| 10/28/2011 | 278389 | AGGRESSIVE INDUSTRIES | 1541 | | 1,739.00 |
| 10/28/2011 | 278390 | AIR GAS GREAT LAKES | 977 | | 22.06 |
| 10/28/2011 | 278391 | ALL-PHASE ELECTRIC SUPPLY CO. | 108 | | 55.44 |
| 10/28/2011 | 278392 | ALL-TRONICS, INC. | 109 | | 78.00 |
| 10/28/2011 | 278393 | ALLEGRA PRINT & IMAGING | 533 | | 781.67 |
| 10/28/2011 | 278394 | ALLIED MECHANICAL SERVICE | 974 | | 1,110.00 |
| 10/28/2011 | 278395 | AMERICAN ASSOC. OF CODE | 999999 | | 75.00 |
| 10/28/2011 | 278396 | ANY CUTTING & WELDING | 3347 | | 990.00 |
| 10/28/2011 | 278397 | APPLIED INDUSTRIAL TECHNOLOGIE | 1944 | | 231.50 |
| 10/28/2011 | 278398 | ADP, INC. | 3305 | | 1,125.34 |
| 10/28/2011 | 278399 | AXE & ECKLUND, PC | 2692 | | 2,100.00 |
| 10/28/2011 | 278400 | BANK OF NEW YORK MELLON | 3939 | | 1,010.31 |
| 10/28/2011 | 278401 | BOOTH NEWSPAPERS INC | 89 | | 343.00 |
| 10/28/2011 | 278402 | BORGESS HEALTH ALLIANCE | 151 | | 196.00 |
| 10/28/2011 | 278403 | BORGESS MEDICAL CENTER | 999999 | | 1725.87 |
| 10/28/2011 | 278404 | BROWN EQUIPMENT CO., INC. | 3185 | | 210.40 |
| 10/28/2011 | 278405 | BROWNELL'S INCORPORATED | 2677 | | 145.00 |
| 10/28/2011 | 278406 | FENNEMA ENTERPRISES, LLC | 4645 | | 1,562.13 |
| 10/28/2011 | 278407 | BULL PUBLISHING CO. | 3142 | | 577.56 |
| 10/28/2011 | 278408 | BYHOLT INC. | 68 | | 299.00 |
| 10/28/2011 | 278409 | CAREERTRACK | 1344 | | 341.00 |
| 10/28/2011 | 278410 | CELEBRATION CINEMA - GR, L.P. | 2932 | | 43.47 |
| 10/28/2011 | 278411 | CHARTER COMMUNICATIONS | 3080 | | 504.75 |
| 10/28/2011 | 278413 | CINTAS CORP. | 2206 | | 2,863.95 |
| 10/28/2011 | 278414 | CITY OF KALAMAZOO (TRAMS MILLA | 4649 | | 221.72 |
| 10/28/2011 | 278415 | CITY OF KALAMAZOO TREASURER | 540 | | 186,787.91 |
| 10/28/2011 | 278416 | CITY OF KALAMAZOO TREASURER | 540 | | 358.29 |
| 10/28/2011 | 278417 | CITY OF PORTAGE | 177 | | 60.00 |
| 10/28/2011 | 278418 | CLARK, STEVEN | 999999 | | 266.84 |
| 10/28/2011 | 278419 | COMSTOCK PUBLIC SCHOOLS | 1671 | | 38,670.66 |
| 10/28/2011 | 278421 | CONSUMERS ENERGY-BILL PMT CNT | 189 | | 495.15 |
| 10/28/2011 | 278422 | CPS HR CONSULTING | 999999 | | 1,892.13 |
| 10/28/2011 | 278423 | CROSSROADS EXPERT AUTO SERVICE | 4109 | | 780.49 |
| 10/28/2011 | 278424 | DEAN, SCOTT | 532 | | 550.00 |
| 10/28/2011 | 278425 | DELTA DESIGN SYSTEMS, INC | 999999 | | 345.00 |
| 10/28/2011 | 278426 | DEWOLF & ASSOCIATES, LLC | 4374 | | 250.00 |
| 10/28/2011 | 278427 | DIRKSEN ROOFING, INC. | 4382 | | 867.80 |
| 10/28/2011 | 278428 | DOPP PUMP CO., INC. | 1774 | | 1,375.66 |
| 10/28/2011 | 278429 | EAST JORDAN IRON WORKS | 226 | | 1,605.02 |
| 10/28/2011 | 278430 | EMERGENCY VEHICLE PRODUCTS | 2948 | | 82.00 |
| 10/28/2011 | 278431 | ENR | 999999 | | 140.00 |
| 10/28/2011 | 278432 | FAWLEY OVERHEAD DOOR, INC. | 690 | | 100.00 |
| 10/28/2011 | 278433 | FIRST AMERICAN TITLE CO. | 386 | | 995.00 |
| 10/28/2011 | 278434 | FLETCHER ENTERPRISES | 1399 | | |

| CHECK DATE | CHECK NUMBER | VENDOR NAME | VENDOR # | CHECK AMOUNT |
|------------|--------------|--------------------------------|----------|--------------|
| 10/28/2011 | 278435 | FOLEY, BARBARA | 999999 | 57.71 |
| 10/28/2011 | 278436 | FREIGHTLINER OF GRAND RAPIDS, | 4400 | 352.92 |
| 10/28/2011 | 278437 | GLEESING, KEVIN | 999999 | 72.80 |
| 10/28/2011 | 278438 | GORDON WATER SYSTEMS | 517 | 156.00 |
| 10/28/2011 | 278439 | GOVERNMENT FINANCE OFFICERS AS | 41 | 50.00 |
| 10/28/2011 | 278440 | GOVERNMENT FINANCE OFFICERS AS | 42 | 305.00 |
| 10/28/2011 | 278441 | GREATER KALAMAZOO FOP LODGE 98 | 623 | 2,718.54 |
| 10/28/2011 | 278442 | GREATER KALAMAZOO FOP LODGE 98 | 623 | 549.20 |
| 10/28/2011 | 278443 | GREATER KALAMAZOO UNITED WAY | 628 | 1,109.48 |
| 10/28/2011 | 278444 | GRIFFIN PEST CONTROL, INC. | 598 | 75.00 |
| 10/28/2011 | 278445 | HALL BUILDERS LLC | 4360 | 400.00 |
| 10/28/2011 | 278446 | HASTINGS AIR ENERGY CONTROL | 939 | 841.00 |
| 10/28/2011 | 278447 | HIGHWAY IMPROVEMENT COMPANY | 3028 | 1,880.79 |
| 10/28/2011 | 278448 | HOME DEPOT | 691 | 416.23 |
| 10/28/2011 | 278449 | HUDSON, JAMES | 532 | 202.80 |
| 10/28/2011 | 278450 | IERVOLINA, SUSAN | 2074 | 256.25 |
| 10/28/2011 | 278451 | INDO-AM CULTURAL CTR & TEMPLE | 999999 | 256.25 |
| 10/28/2011 | 278452 | INT'L ASSOC OF FIRE CHIEFS | 3181 | 100.00 |
| 10/28/2011 | 278453 | INTERNATIONAL RIGHT OF WAY | 999999 | 229.00 |
| 10/28/2011 | 278454 | J & J LAWN SERVICE, INC. | 457 | 220.00 |
| 10/28/2011 | 278455 | J-AD GRAPHICS, INC. | 4444 | 945.00 |
| 10/28/2011 | 278456 | KALAMAZOO COUNTY TREASURER | 514 | 1,157.11 |
| 10/28/2011 | 278457 | KALAMAZOO LANDSCAPE SUPPLIES | 90 | 870.00 |
| 10/28/2011 | 278458 | KALAMAZOO OIL COMPANY | 4511 | 632.75 |
| 10/28/2011 | 278459 | KELLEY, BRIAN | 532 | 75.65 |
| 10/28/2011 | 278460 | KELLY RADIATOR & AUTO REPAIR | 4591 | 103.62 |
| 10/28/2011 | 278461 | KENT COUNTY DPW | 2663 | 71.00 |
| 10/28/2011 | 278462 | KERKSTRA PRECAST, INC. | 706 | 1,758.40 |
| 10/28/2011 | 278463 | KUIPER BROTHERS MOVING INC. | 1066 | 771.00 |
| 10/28/2011 | 278464 | KZOO TIRE COMPANY | 564 | 526.00 |
| 10/28/2011 | 278465 | LA HOLDINGS, LLC | 999999 | 237.16 |
| 10/28/2011 | 278466 | LAKE MICHIGAN MAILERS, INC. | 682 | 36.53 |
| 10/28/2011 | 278467 | LEWIS PAPER PLACE, INC. | 242 | 20.85 |
| 10/28/2011 | 278468 | LEXISNEXIS/MATTHEW BENDER | 2701 | 48.25 |
| 10/28/2011 | 278469 | LIROT, KIT | 999999 | 157.50 |
| 10/28/2011 | 278470 | M & M CUSTOM FABRICATING INC. | 4576 | 60.00 |
| 10/28/2011 | 278471 | MACNLOW ASSOCIATES | 2189 | 25.70 |
| 10/28/2011 | 278472 | MACOMB COMMUNITY COLLEGE | 1409 | 255.00 |
| 10/28/2011 | 278473 | MACOMB COMMUNITY COLLEGE | 1409 | 420.00 |
| 10/28/2011 | 278474 | MEJUR ELECTRIC LLC | 4724 | 420.00 |
| 10/28/2011 | 278475 | MEMBER FIRST MORTGAGE | 999999 | 1,650.00 |
| 10/28/2011 | 278476 | METROPOLITAN TITLE COMPANY | 1630 | 107.21 |
| 10/28/2011 | 278477 | MICHIGAN ASSOC. OF SENIOR CENT | 3425 | 240.00 |
| 10/28/2011 | 278478 | MICH DEPT OF LICENSING AND | 999999 | 75.00 |
| 10/28/2011 | 278479 | MICHIGAN ASSOCIATION OF FIRE C | 3204 | 50.00 |
| 10/28/2011 | 278480 | MICHIGAN KAL ELECTRONICS, INC. | 266 | 85.00 |
| 10/28/2011 | 278481 | MICHIGAN PAVING & MATERIALS CO | 3389 | 114.40 |
| 10/28/2011 | 278482 | MIDWEST ENERGY COOPERATIVE | 2030 | 40.54 |
| 10/28/2011 | 278483 | MML UNEMPLOYMENT FUND | 4476 | 219.30 |
| 10/28/2011 | 278484 | MOSES FIRE EQUIPMENT, INC. | 993 | 1,366.51 |
| 10/28/2011 | 278485 | MS PARTNERS, LLC | 999999 | 920.00 |
| 10/28/2011 | 278486 | | | 227.11 |

| CHECK DATE | CHECK NUMBER | VENDOR NAME | VENDOR # | BANK CODE | CHECK AMOUNT |
|------------|--------------|---------------------------------|----------|-----------|--------------|
| 10/28/2011 | 278486 | MSHDA | 999999 | | .00 |
| 10/28/2011 | 278487 | MULDERS LANDSCAPE SUPPLIES INC | 286 | | 1,005.00 |
| 10/28/2011 | 278488 | NAT'L NEIGHBORHOOD WATCH INSTI | 2726 | | 264.31 |
| 10/28/2011 | 278489 | NATIONAL HOSPITALITY INSTITUTE | 999999 | | 175.00 |
| 10/28/2011 | 278490 | NATIONAL HOSPITALITY INSTITUTE | 999999 | | 175.00 |
| 10/28/2011 | 278491 | NATIONS TITLE AGENCY OF MI | 999999 | | 127.00 |
| 10/28/2011 | 278492 | NEW FRESH CLEANING SERVICE | 4351 | | 675.50 |
| 10/28/2011 | 278493 | NOVELL, INC. | 1708 | | 21,245.29 |
| 10/28/2011 | 278494 | NVE UNIFORMS | 299 | | 1,834.81 |
| 10/28/2011 | 278496 | OFFICE DEPOT, INC. | 1721 | | 1,443.45 |
| 10/28/2011 | 278497 | OFFICEMAX INCORPORATED | 301 | | 27.72 |
| 10/28/2011 | 278498 | OPERATION PARTS | 4656 | | 689.56 |
| 10/28/2011 | 278499 | P C MALL GOV. INC. | 3945 | | 132.99 |
| 10/28/2011 | 278500 | PETERMAN CONCRETE CO. | 310 | | 213.00 |
| 10/28/2011 | 278501 | PETTY CASH-DPS | 538 | | 206.22 |
| 10/28/2011 | 278502 | PETTY CASH-FIRE | 610 | | 199.18 |
| 10/28/2011 | 278503 | PETTY CASH-PARKS | 536 | | 514.02 |
| 10/28/2011 | 278504 | PETTY CASH-POLICE DEPT. | 890 | | 290.42 |
| 10/28/2011 | 278505 | PETTY CASH-SENIOR CENTER | 537 | | 224.11 |
| 10/28/2011 | 278506 | FOLDERMAN'S FLOWER SHOP | 4157 | | 41.95 |
| 10/28/2011 | 278507 | PORTAGE FIREFIGHTERS | 625 | | 1,388.88 |
| 10/28/2011 | 278508 | PORTAGE ON-CALL FIREFIGHTERS | 504 | | 360.00 |
| 10/28/2011 | 278509 | PORTAGE POLICE OFFICERS ASSOC | 624 | | 1,622.61 |
| 10/28/2011 | 278510 | PRIORITY HEALTH | 4254 | | 26,629.79 |
| 10/28/2011 | 278511 | RATHCO SAFETY SUPPLY, INC. | 327 | | 26.56 |
| 10/28/2011 | 278512 | RIDGE AUTO NAPA | 438 | | 714.22 |
| 10/28/2011 | 278513 | ROMENCE GARDENS, INC | 343 | | 475.04 |
| 10/28/2011 | 278514 | ROSAIR, DANI | 999999 | | 100.00 |
| 10/28/2011 | 278515 | SHERIFF-GOSLIN CO. | 1188 | | 760.00 |
| 10/28/2011 | 278516 | SHERWIN WILLIAMS | 356 | | 220.75 |
| 10/28/2011 | 278517 | SILLS, RAE | 4571 | | 600.00 |
| 10/28/2011 | 278518 | SIMMONS FORD | 2064 | | 139.42 |
| 10/28/2011 | 278519 | SIVLEY, MARILYN | 999999 | | 125.00 |
| 10/28/2011 | 278520 | SMITH, EILEEN | 999999 | | 65.00 |
| 10/28/2011 | 278521 | SNELLING PERSONNEL SERVICES | 2107 | | 2,610.48 |
| 10/28/2011 | 278522 | SPRINT | 3721 | | 1,480.35 |
| 10/28/2011 | 278523 | STAP BROS LAWN & LANDSCAPE, INC | 366 | | 90.00 |
| 10/28/2011 | 278524 | STATE OF MICHIGAN (BOILER DIV) | 2125 | | 130.00 |
| 10/28/2011 | 278525 | STATE OF MICHIGAN (DOT) | 368 | | 289,330.47 |
| 10/28/2011 | 278526 | STEENSMAN LAWN & POWER EQUIPMEN | 3222 | | 2,787.26 |
| 10/28/2011 | 278527 | SUITS U TAILOR SHOP INC | 4237 | | 54.50 |
| 10/28/2011 | 278528 | JOHANNA THOMPSON | 4682 | | 450.00 |
| 10/28/2011 | 278529 | TIGER DIRECT, INC. | 4272 | | 375.00 |
| 10/28/2011 | 278530 | TOO CLEAN JANITORIAL | 2220 | | 3,385.00 |
| 10/28/2011 | 278531 | TRACTOR SUPPLY CORP. | 2817 | | 244.96 |
| 10/28/2011 | 278532 | U A W, LOCAL 2290 | 1862 | | 455.10 |
| 10/28/2011 | 278533 | UNITED PARCEL SERVICE | 545 | | 12.00 |
| 10/28/2011 | 278534 | VAN METER & ASSOCIATES, INC. | 2185 | | 730.00 |
| 10/28/2011 | 278535 | WEATHERWISE FOAM INSULATION, L | 4714 | | 4,885.00 |
| 10/28/2011 | 278536 | WENGER, LISA | 999999 | | 120.22 |
| 10/28/2011 | 278537 | WENGLINSKI, ROBERT | 999999 | | 137.18 |

PREPARED 11/07/2011, 8:19:16 A/P CHECKS BY PERIOD AND YEAR
 PROGRAM: GM350L FROM 10/23/2011 TO 11/06/2011
 CITY OF PORTAGE

| CHECK DATE | CHECK NUMBER | VENDOR NAME | VENDOR # | BANK CODE | CHECK AMOUNT |
|------------|--------------|--------------------------------|----------|-----------|--------------|
| 10/28/2011 | 278538 | WEST MICHIGAN REALTORS TITLE | 999999 | | 167.50 |
| 10/28/2011 | 278539 | WEST SHORE FIRE, INC. | 419 | | 1,524.69 |
| 10/28/2011 | 278540 | WESTERN MICH ASSOC OF FIRE CHI | 1212 | | 40.00 |
| 10/28/2011 | 278541 | WESTNEDGE 7375 LLC | 999999 | | 520.00 |
| 10/28/2011 | 278542 | WINDEMULLER ELECTRIC, INC. | 3061 | | 203.31 |
| 10/28/2011 | 278543 | 5829 PORTAGE, LLC | 999999 | | 2,996.26 |
| 10/28/2011 | 278544 | PUBLIC MEDIA NETWORK | 4582 | | 19,994.29 |
| 10/28/2011 | 278545 | 7TH DISTRICT COURT | 999999 | | 440.00 |

DATE RANGE TOTAL * 678,526.27 *

| PAYMENT NO | VENDOR NO | VENDOR NAME | TRANSFER DATE | AMOUNT | TRACE NUMBER | EFT BATCH CODE | BANK BATCH CODE |
|---------------|--------------|-------------------------------------|------------------|-----------|-----------------|-------------------|--------------------|
| 640 | | ADAMS REMCO, INC. | 10/28/2011 | 77.50 | 072000320000001 | 0000001 | 00 |
| 641 | | ANIMAL REMOVAL SERVICE, LLC | 10/28/2011 | 725.00 | 072000320000002 | 0000001 | 00 |
| 642 | | ARGUS-HAZCO | 10/28/2011 | 97.92 | 072000320000003 | 0000001 | 00 |
| 643 | | B & B YARDSCAPE | 10/28/2011 | 11,205.00 | 072000320000004 | 0000001 | 00 |
| 644 | | CONTINENTAL LINEN SUPPLY CO. | 10/28/2011 | 41.60 | 072000320000005 | 0000001 | 00 |
| 645 | | DELTA DENTAL PLAN OF MI | 10/28/2011 | 20,331.42 | 072000320000006 | 0000001 | 00 |
| 646 | | FIRE SERVICE MANAGEMENT | 10/28/2011 | 270.67 | 072000320000007 | 0000001 | 00 |
| 647 | | GRAINGER INC, W W | 10/28/2011 | 177.84 | 072000320000008 | 0000001 | 00 |
| 648 | | INDUSCO SUPPLY CO., INC. | 10/28/2011 | 100.02 | 072000320000009 | 0000001 | 00 |
| 649 | | KAHN, WILMA | 10/28/2011 | 396.00 | 072000320000010 | 0000001 | 00 |
| 650 | | KEHOE, EDWARD J | 10/28/2011 | 280.00 | 072000320000011 | 0000001 | 00 |
| 651 | | KNAPP ENERGY, INC. | 10/28/2011 | 9,913.55 | 072000320000012 | 0000001 | 00 |
| 661 | | KNAPP ENERGY, INC. | 10/28/2011 | 17,233.80 | 072000320000001 | 0000001 | 00 |
| 652 | | MCCARTHY SMITH LAW GROUP, PLC | 10/28/2011 | 3,412.50 | 072000320000013 | 0000001 | 00 |
| 653 | | PRECISION PRINTER SERVICES INC | 10/28/2011 | 1,199.38 | 072000320000014 | 0000001 | 00 |
| 654 | | QUALITY AIR HEATING & COOLING, INC. | 10/28/2011 | 832.33 | 072000320000015 | 0000001 | 00 |
| 655 | | ROAD EQUIPMENT PARTS CENTER | 10/28/2011 | 1,375.58 | 072000320000016 | 0000001 | 00 |
| 656 | | ROE-COMM, INC. | 10/28/2011 | 440.10 | 072000320000017 | 0000001 | 00 |
| 657 | | SARCOM, INC | 10/28/2011 | 40,882.87 | 072000320000018 | 0000001 | 00 |
| 658 | | SNELL, DEBRA | 10/28/2011 | 105.00 | 072000320000019 | 0000001 | 00 |
| 659 | | THOMPSON, HELENE | 10/28/2011 | 209.00 | 072000320000020 | 0000001 | 00 |
| 660 | | 360 SERVICES, INC. | 10/28/2011 | 2,152.86 | 072000320000021 | 0000001 | 00 |

GRAND TOTAL: 111,459.94 NO. OF CHECKS: 22

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 4, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof)

ACTION RECOMMENDED: That City Council:

- a. accept Rezoning Application #11-01 for first reading and set a public hearing for December 20, 2011; and
- b. subsequent to the public hearing, consider approving Rezoning Application #11-01 and rezone the 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one-family residential to I-2, heavy industry.

An application has been received from Mr. Stewart Mills, on behalf of 1901 Romence LLC, requesting that a portion of 1901 Romence Road be rezoned from R-1B, one-family residential to I-2, heavy industry. The rezoning site represents an approximate 1.3 acre "island" of property that is located within the interior portion of a larger 34-acre parcel that is surrounded by I-2 zoning. Based on review of city records, this R-1B zoned area is a remnant from past zoning changes and parcel reconfigurations, and the vacation of a portion of Gertrude Drive during the 1970s/1980s.

In a report dated October 14, 2011, the Department of Community Development recommended that the 1.3 acre area be rezoned from R-1B, one-family residential to I-2, heavy industry. This zoning change recommendation is consistent with the surrounding I-2 zoning pattern and will eliminate potential future development restrictions and limitations on the parcel.

The Planning Commission convened a public hearing during the October 6th and 20th, 2011 meetings. After considering the proposed rezoning and public comments, the Commission voted 7-0 to recommend to City Council that Rezoning Application #11-01 be approved and the 1.3 acre area of the 1901 Romence Road Parkway parcel be rezoned from R-1B, one-family residential to I-2, heavy industry.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: November 4, 2011

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

SUBJECT: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof)

An application has been received from Mr. Stewart Mills, on behalf of 1901 Romence LLC, requesting that a portion of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry. The rezoning site represents an approximate 1.3 acre "island" of property that is located within the interior portion of the larger 34-acre parcel and is surrounded by I-2 zoning. The applicant is currently renovating the northwest portion of the former Upjohn "Quad" building/site for reuse by the Stryker Corporation and has requested the rezoning to obtain a consistent I-2 zoning pattern across the parcel that will facilitate future development activity.

In a report dated October 14, 2011, the Department of Community Development has recommended that Rezoning Application #11-01 be approved and 1.3 acre area of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry consistent with the surrounding zoning pattern. The proposed zoning change will result in a consistent I-2 zoning pattern for the parcel and will facilitate future development activities without impacting single-family residences located to the west and north. The Future Land Use Map designates the rezoning site and adjacent properties as appropriate for research, development and technology land use. While this designation corresponds more directly with the OTR, office, technology and research zoning district, the I-2, heavy industry district is also somewhat consistent with this designation since many of the I-2 land uses are also permitted in the OTR zone. Currently, none of the properties in this area of the city are zoned OTR.

The Planning Commission convened a public hearing during the October 6th and 20th, 2011 meetings. The applicant, Mr. Stewart Mills, was present to support the rezoning application at both meetings. During the October 6th meeting, one citizen (Frank Peterman, 7521 Curry Drive) spoke in support of the rezoning, while two citizens (Diana Fuller, 6909 Lovers Lane and Antoinette Morrison, 6901 Lovers Lane) spoke in opposition to the rezoning expressing concerns about future heavy industrial development, traffic, loss of woodland and disruption of wildlife. No citizens spoke during the October 20th meeting. After careful consideration, the Commission voted 7-0 to recommend to City Council that Rezoning Application #11-01 be approved and the 1.3 acre area of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry consistent with the surrounding zoning pattern.

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

Attachments: Planning Commission transmittal dated November 4, 2011
Planning Commission Minutes dated October 6th and 20th, 2011
Department of Community Development report dated October 14, 2011
Ordinance Amendments

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: November 4, 2011

SUBJECT: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof)

An application has been received from 1901 Romence LLC requesting that an approximate 1.3 acre portion of the larger 34-acre parcel addressed as 1901 Romence Road Parkway be rezoned from R-1B, one-family residential to I-2, heavy industry. This "island" of R-1B zoning is slightly offset from the center of the parcel and is surrounded by I-2 zoning. According to the applicant, the rezoning is requested to obtain a consistent I-2 zoning pattern across the parcel that will facilitate future development activity.

The Planning Commission convened the public hearing during the October 6th and 20th, 2011 meetings. Mr. Stewart Mills, representing 1901 Romence Road LLC, was present at both meetings to support the rezoning request. At the October 6th meeting, one citizen (Frank Peterman, 7521 Curry Drive) spoke in support of the rezoning, while two citizens (Diana Fuller, 6909 Lovers Lane and Antoinette Morrison, 6901 Lovers Lane) spoke in opposition to the rezoning expressing concerns about future heavy industrial development, traffic, loss of woodland and disruption of wildlife. No citizens spoke during the October 20th meeting.

After a careful consideration, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #11-01 be approved and the 1.3 acre portion of 1901 Romence Road Parkway be rezoned from R-1B, one-family residential to I-2, heavy industry consistent with the surrounding zoning pattern. The motion was unanimously approved 7-0.

Finally and for City Council information, the Planning Commission will be reviewing existing zoning and land use patterns within this section of Romence Road Parkway in relation to the Future Land Use Plan designation of Research, Development and Technology contained in the 2008 Comprehensive Plan beginning in January 2012.

Sincerely,



James Cheesebro, Chairman
City of Portage Planning Commission

PUBLIC HEARINGS:

1. Special Land Use Permit: Group Child Care Home (Takace), 7185 Venice Drive. Mr. West summarized the staff report dated September 30, 2011 regarding the request by Ms. Ashley Takace to establish a group child care home for up to 12 children. Mr. West stated the applicant is currently operating a family child care home (up to six children) from her residence and would like to expand to a group child care home. Mr. West also discussed the nature of the backyard fencing and referred the Commission to a letter of support from the owners of 7199 Venice Drive, immediately to the south. Ms. Ashley Takace was present to support and explain the application. Ms. Takace stated she has been operating a family child care home for the past year and currently has six children in her care. Ms. Takace indicated the group child care home license would allow her to accept additional children with her mother serving as a second caregiver. Chairman Cheesebro opened the public hearing. No citizens spoke regarding the proposed group child care home. A motion was made by Commissioner Patterson, seconded by Commissioner Reiff, to close the public hearing. The motion was unanimously approved.

After a brief discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Ms. Ashley Takace (group child care home), 7185 Venice Drive. The motion was unanimously approved.

2. Preliminary Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof). Mr. Forth summarized the preliminary staff report dated September 30, 2011 and the request to rezone an approximate 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry. Mr. Forth provided a brief history of the property including vacation of the southern portion of Gertrude Drive in 1975 and 1985, residential house removal in the 1970s, previous rezonings and property acquisition and construction of the Quad Building by the former Upjohn Company which helped to explain why this 1.3 acre "island" of R-1B zoning remained. Mr. Forth stated the applicant/property owner was currently in the process of renovating a portion of the Quad Building for the Stryker Corporation and desired a consistent zoning pattern across the property that would facilitate future development activity. Commissioner Welch explained his employment with Stryker Corporation and stated he has no involvement with site operations and can be impartial in the rezoning consideration.

Mr. Stewart Mills, representing 1901 Romence, LLC (applicant/property owner) was present to support the rezoning request. Mr. Mills stated his company purchased the property in 2001 and Pharmacia occupied the Quad Building for a period of time. Mr. Mills indicated the building/site remained vacant for a number of years until recently when Stryker Corporation signed a long-term lease with an option to possibly occupy additional portions of the building. Mr. Mills stated the rezoning request would eliminate the "island" of R-1B zoning that was a remnant from past activities and allow for possible future parking lot expansion to the west. Mr. Mills stated there were currently no plans for construction of an additional building on-site since approximately 300,000 square feet of vacant office space was still available. Commissioner Dargitz asked whether Mr. Mills would consider rezoning the entire property to OTR, office, technology and research since that is what the Future Land Use Plan designates for the area. Mr. Mills stated he hasn't studied the OTR district, but would support a future zoning change of the entire property if office and technology related uses were permitted.

The public hearing was convened by Chairman Cheesebro. Three citizens spoke regarding the proposed rezoning: Diana Fuller (6909 Lovers Lane), Frank Peterman (7521 Curry Drive) and Antoinette Morrison (6901 Lovers Lane). Mr. Peterman spoke in support of the proposed rezoning stating it would "clean-up" the island of R-1B zoning that is surrounded by industrial zoning. Ms. Fuller expressed concerns about future heavy industrial development, traffic, loss of woodland and disruption of wildlife. Ms. Morrison spoke in opposition to the proposed rezoning stating she did not want any parking lot, driveway or industrial building next to her property. Ms. Morrison also stated the written notice she received was confusing and asked for an explanation. Mr. Forth explained the nature of the rezoning request and that only the R-1B zoned "island" of

property that was currently surrounded by industrial zoning was the subject of the request. Mr. Forth indicated the R-1B zoned strip of property located along the northwest portion of the parcel, adjacent Mr. Morrison's property, was not the subject of the rezoning request. Discussion ensued. Mr. Forth indicated he would be glad to meet with Ms. Morrison after the meeting to further explain the request.

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to adjourn Rezoning Application#11-01, 1901 Romence Road Parkway (portion thereof), to the October 20, 2011 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

None

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

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

Mr. Roger Lubs, Jackson Entertainment, LLC, was present to speak in support of the height modification request. Mr. Lubs noted there would be no additional lighting on the expanded building and that construction is expected to begin after the Thanksgiving Holiday and conclude in April 2012.

Chairman Cheesebro opened the public hearing. There being no public comment, a motion was offered by Commissioner Welch, seconded by Commissioner Patterson to close the public hearing. The motion was unanimously approved. There being no further discussion, a motion was offered by Commissioner Bosch, seconded by Commissioner Patterson, that the Planning Commission recommend to City Council approval of the height modification request by Jackson Entertainment, LLC, to increase the height of the northeast portion of the building from 30-feet up to a height of 43-feet. The Commission concluded any potential impacts associated with the height increase would be minimal since 1) the subject building area represents less than 10% of the total building footprint; 2) substantial setback distances exist between the adjacent residential neighborhood and proposed building expansion; 3) an existing masonry wall and mature (large) trees already exist to the south that is an effective screen; and 4) the Consumers Energy property to the south provides an additional buffer area physically separating the residential neighborhood from Celebration Cinema. The motion was unanimously approved.

2. Final Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof).

Mr. Forth summarized the final staff report dated October 14, 2011 and the request to rezone an approximate 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry. Mr. Forth also summarized the public comment received during the October 6, 2011 Planning Commission meeting and stated that staff is recommending the rezoning application be approved as submitted.

Commissioner Dargitz suggested the Commission consider rezoning the entire approximate 34 acres to OTR, office, technology and research consistent with the Comprehensive Plan designation. Attorney Brown and Mr. Forth explained that rezoning the entire 34 acres would require a new rezoning application and public hearing process. Mr. Forth indicated that if the Commission wants to consider rezoning the entire 34 acres to OTR, then the Commission may want to review the entire corridor. This review could occur during the update of the Comprehensive Plan scheduled to begin in FY2012-2013 or could be added to the Planning Commission work program. Mr. Forth suggested this rezoning application move forward so the concerns of the applicant involving future parking needs are addressed and the Commission review the Romence Road Parkway corridor between Lovers Lane and Portage Road at a later date. The Commission discussed both options and the consensus was to act on the applicant's request and review the Romence Road Parkway corridor at a later date. Commissioners Patterson and Welch suggested review of the corridor be added to the work program. Commissioner Welch indicated he is an employee of the future Quad building tenant but is not connected to the project and therefore does not have a conflict of interest.

Mr. Stewart Mills, representing 1901 Romence, LLC (applicant/property owner) was present to support the rezoning request. Mr. Mills stated he is not opposed to the OTR district but would like time to study the district requirements. In response to delaying the current rezoning application, Mr. Mills requested the application move forward to City Council so the existing single-family residential zoning does not impede his ability to negotiate with other potential tenants and expand the parking lot, if needed. No one else was present to support or oppose the rezoning application. There being no further public comment, a motion was offered by Commissioner Bosch, seconded by Commissioner Dargitz to close the public hearing. The motion was unanimously approved. A subsequent motion was offered by Commissioner Patterson, seconded by Commissioner Bosch to recommend to City Council that Rezoning Application #11-01 be approved and the 1.3 acre portion of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry consistent with the surrounding zoning pattern. Commissioner Dargitz stated she would support the motion if the parcel

were part of the larger corridor study included in the 2012 work program. The motion was unanimously approved.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2011-2012 City Council Assigned Goals and Objectives Update. Mr. Forth explained that in November of every year City Council requests an update of the current fiscal year assigned goals and objectives. Mr. Forth briefly summarized the update. After a brief discussion, a motion was offered by Commissioner Welch, seconded by Commissioner Bosch, that the Planning Commission transmit to City Council the November 2011 Goals and Objectives update. The motion was unanimously approved.

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

Commissioner Bosch indicated he did agree that review of the Romence Road Parkway corridor was necessary and asked if a motion was necessary. Mr. Forth indicated that if there is consensus among the Planning Commissioners to move forward with the corridor study, a formal motion would be appropriate. If the Commission supports the motion, information would be assembled by staff and presented to the Commission during a workshop meeting that could be scheduled in January 2012. After a brief discussion, a motion was offered by Commissioner Bosch, seconded by Commissioner Dargitz that the Planning Commission add to the 2011-12 work program review of the Romence Road Parkway corridor. The motion was unanimously approved.

There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: October 14, 2011

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

SUBJECT: Final Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof)

I. INTRODUCTION:

An application has been received from Mr. Stewart Mills, on behalf of 1901 Romence LLC, requesting that a portion of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry. The rezoning site represents an approximate 1.3 acre "island" of property that is located within the interior portion of the larger (34-acre) 1901 Romence Road Parkway parcel and is surrounded by I-2 zoning. As information for the Commission, 1901 Romence LLC, purchased the subject property in 2001 and is currently renovating the northwest portion of the former Upjohn "Quad" building/site for reuse by Stryker Corporation. According to the applicant, the rezoning is requested to obtain a consistent I-2 zoning pattern across the parcel that will facilitate future development activity.

| Applicant | Property Address | Description | Zoning | |
|--|--|--------------------|----------|----------|
| | | | Existing | Proposed |
| 1901 Romence, LLC | 1901 Romence Road Parkway (portion thereof) | Parcel 06480-085-E | R-1B | I-2 |
| 1.3 acres contained in a larger 34-acre parcel | | | | |

II. EXISTING CONDITIONS:

| | |
|------------------------------|--|
| Land Use/Zoning | <p><u>Rezoning Site (1.3 acre):</u> Vacant land zoned R-1B, one family residential. The remaining portion of this larger 34 acre parcel (with the exception of the northwest portion of the property which is also zoned R-1B) is zoned I-2, heavy industry. The approximate eastern ½ of this parcel is occupied by the former Upjohn "Quad" building and associated parking areas.</p> <p><u>West:</u> Single family residences located along the east side of Lovers Lane and zoned R-1B, one family residential.</p> <p><u>North:</u> Across Kromdyke Avenue and adjacent Gertrude Drive/Linneman Avenue, vacant land and single family residences zoned R-1B, one family residential. Vacant land zoned I-1, light industry is also north of the northwest portion of the 1901 Romence Road Parkway, along the east side of Lovers Lane.</p> <p><u>South:</u> Across Romence Road Parkway, vacant land zoned I-2, heavy industry and vacant land and single family residences zoned R-1B, one family residential.</p> |
| Zoning/Development History | No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan. |
| Historic District/Structures | The subject site is not located within a historic district and does not contain any historic structures. |
| Public Streets | Romence Road Parkway is designated as a four-lane minor arterial with 10,600 vehicles per day (2008); capacity of 32,500 vehicles per day (level of service "D"). |
| Public Utilities | Municipal water and sewer are available. |
| Environmental | While the Sensitive Land Use Inventory Map does not identify any wetlands and/or floodplains near the rezoning site, a small area of potential wetland area is identified along the extreme northwest corner of the 1901 Romence Road Parkway parcel |

III. PUBLIC REVIEW/COMMENT:

The Planning Commission convened a public hearing during the October 6, 2011 meeting. Mr. Stewart Mills, was present to support the rezoning request. Mr. Mills stated the rezoning request would eliminate the remnant or "island" of R-1B zoning and allow for possible future parking lot expansion. Three additional citizens spoke regarding the proposed rezoning: Diana Fuller (6909 Lovers Lane), Frank Peterman (7521 Curry Drive) and Antoinette Morrison (6901 Lovers Lane). Mr. Peterman spoke in support of the rezoning while Ms. Fuller and Ms. Morrison expressed concerns about future industrial development, increased traffic, loss of woodland and disruption of wildlife.

IV. FINAL ANALYSIS:

For Commission information, this R-1B zoning has existed since the comprehensive zoning of the city in 1965, and Gertrude Drive previously extended south of Kromdyke Avenue with single-family residences located on either side. In 1975, the south 269-feet of Gertrude Drive was vacated. In 1985, an additional 306-foot of Gertrude Drive was also vacated. In the 1970s, property was rezoned and single-family residences were removed to accommodate construction of the Upjohn "Quad" building. However, the R-1B zoned "island" of property located within the interior of this larger parcel was retained.

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

Comprehensive Plan/Future Land Use Plan Consistency. The Future Land Use Plan Map component of the Comprehensive Plan designates the rezoning site and adjacent properties as appropriate for research, development and technology land use. The Comprehensive Plan envisions uses such as research facilities and centers; pharmaceutical research and production facilities; microelectronics and biotechnology uses; technology or pilot testing facilities; research, design and product development uses; large-scale corporate or professional offices and certain industrial operations within the research, development and technology designation. This plan designation corresponds more directly with the OTR, office, technology and research zoning district. The I-2 district is somewhat consistent with the research, development and technology designation since some, but not all I-2 land uses are permitted in the OTR district. Currently, none of the properties in this area of the city are zoned OTR.

Staff has discussed with the applicant changing the zoning of the larger 1901 Romence Road Parkway parcel from I-2 to OTR. At this time the applicant wishes to proceed with rezoning this small "island" of the parcel to I-2 in the event more parking is needed in the near future to accommodate additional Quad building tenant needs. An off-street parking lot associated with a non-residential use cannot be constructed in a R-1B zoning district. An evaluation of the OTR zoning district can occur as additional development activities are considered or as determined appropriate.

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 adjustments to other policies that

influence the use of land for consistency with community development objectives. The proposed I-2 zoning is somewhat consistent with applicable development guidelines (see attached).

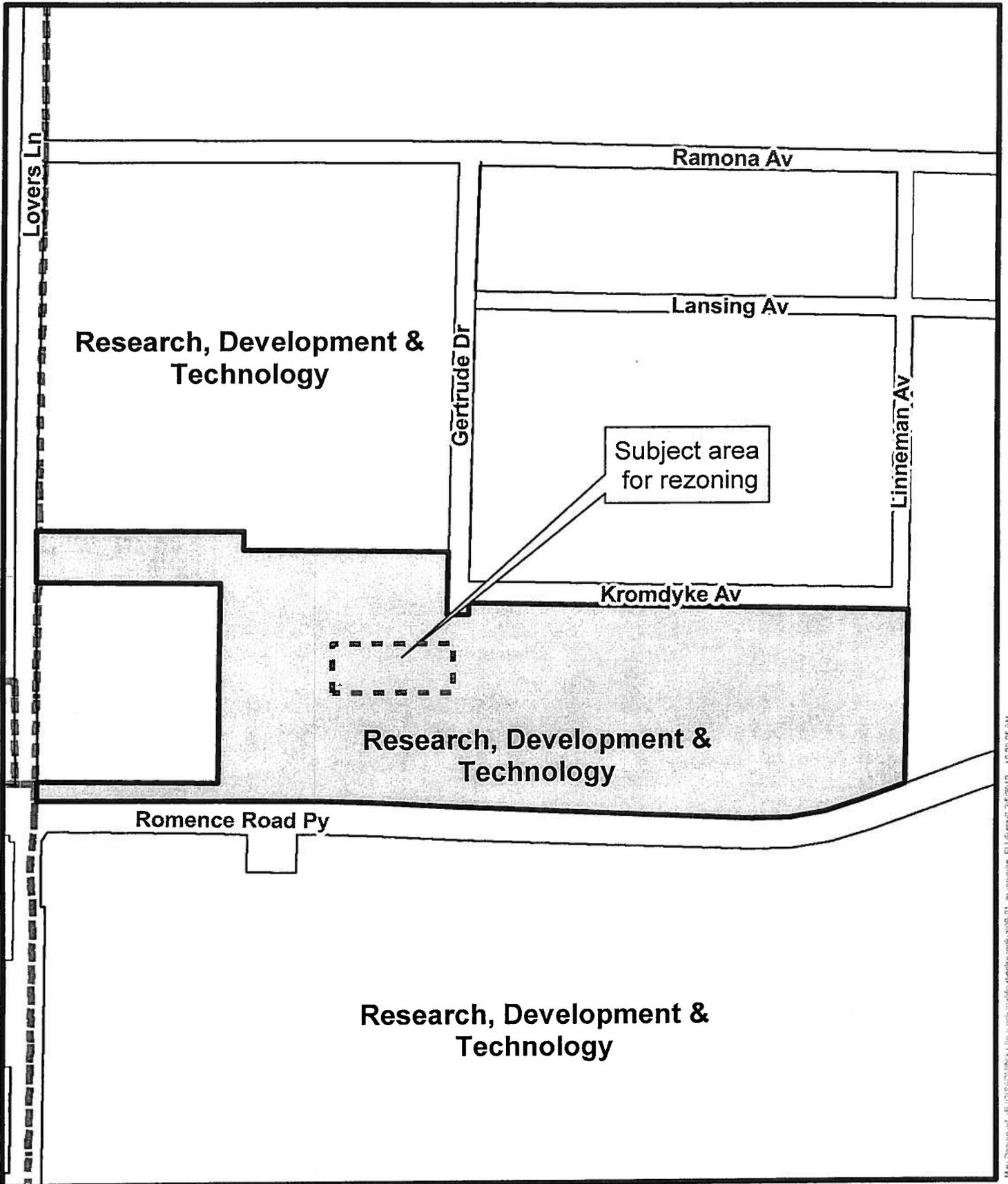
Suitability of Existing R-1B Zone/Impacts of Proposed I-2 Zone. While the larger, surrounding 34-acre portion of this parcel can be further developed as currently zoned (I-2), maintaining a small 1.3 acre vacant "island" of R-1B zoned property slightly offset from the center of 1901 Romence Road Parkway may present future development restrictions and limitations. The zoning change will result in a consistent I-2 zoning pattern for the parcel and will facilitate future development without impacting single family residences located to the west and north. The nearest conforming single-family residential dwelling to the west is approximately 680 feet from the rezoning site and as measured from the nearest property line, the distance is approximately 340 feet. To the north, nearest single-family residential dwelling is approximately 300 feet away from the rezoning site. In addition to the setback distances, the entire area is heavily wooded. Finally, existing R-1B zoning located near the northwest corner of the property and adjacent to the existing single-family residential dwellings will be maintained.

Traffic Considerations. Rezoning this approximate 1.3 acre property will not impact the surrounding roadway network.

V. RECOMMENDATION:

The Planning Commission is advised to recommend to City Council that Rezoning Application #11-01 be approved and the 1.3 acre portion of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry consistent with the surrounding zoning pattern.

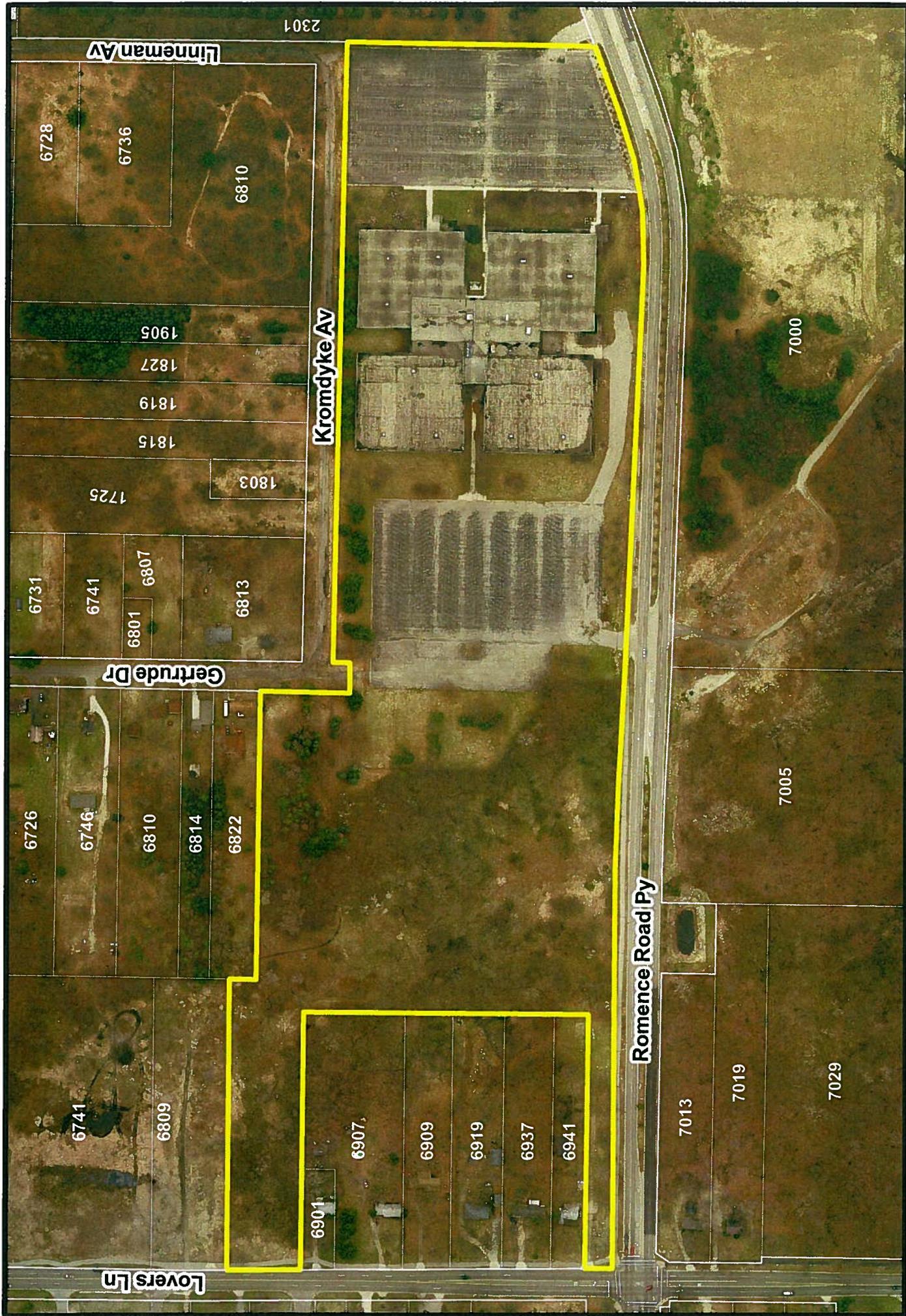
Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial photograph
Development Guidelines Table (I-2 zone)
Rezoning Application



Future Land Use Map

1901 Romence Road Parkway





Aerial Photography

1901 Romence Road Parkway



1 inch = 266 feet

DEVELOPMENT GUIDELINES
Rezoning Application #11-01 (I-2, Heavy Industry)

| Guideline | Description | Consistent | Comments |
|-------------------------------------|---------------------------------------|-------------|--|
| Rezoning Request – Z-1 | Consistency with Future Land Use Plan | See comment | Future Land Use Map designates the rezoning site and adjacent properties as appropriate for research, development and technology land use. While this plan designation corresponds with the OTR, office, technology and research zoning district, many of the uses allowed in the I-2 zone are also allowed in the OTR zone. Currently, none of the properties in this area of the city are zoned OTR. |
| Industrial – 1 | Industrial Uses in General | Yes | Rezoning site is surrounded by I-2 zoning, with additional I-2 zoning located to the east, along Romence Road Parkway, and along Portage Road. |
| Industrial – 2 | Environmental Standards | Yes | Rezoning site is not situated adjacent to residential areas, population concentrations and is outside of wellhead protection zones. |
| Industrial – 3 | Industrial Expansion | Yes | Proposed rezoning would result in a consistent zoning pattern on the parcel and facilitate future development activities and/or expansion. |
| 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 | Rezoning site is currently vacant land and any proposed changes would be reviewed as part of a site plan submittal. |
| Natural & Historic Resources – 4 | Noise | Yes | Rezoning site is currently vacant land and any proposed changes would be reviewed as part of a site plan submittal. |
| Natural & Historic Resources – 5 | Historic Resource Preservation | N/A | Historic buildings are not present at the rezoning site. |
| Transportation – 1 | Transportation Systems | Yes | Romence Road Parkway is a 4-lane minor arterial with 10,600 vehicles per day (2008); and a capacity of 32,500 vehicles per day (level of service “D”). Rezoning of this approximate 1.3 acre property will not impact the surrounding roadway network. |
| Transportation – 2 | Street Design | Yes | Overall parcel has frontage and existing access from Romence Road Parkway (minor arterial). Any proposed changes would be reviewed as part of a site plan submittal. |
| 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 | Rezoning site is currently vacant land and any proposed changes would be reviewed as part of a site plan submittal. |
| Transportation – 6 | Parking | Yes | Rezoning site is currently vacant land and any proposed changes would be reviewed as part of a site plan submittal |
| Municipal Facilities & Services – 1 | Sound Fiscal Growth | Yes | Existing public infrastructure is adequate to accommodate any future development or expansion project. |
| Municipal Facilities & Services – 2 | Sanitary Service | Yes | Sanitary sewer is available. |
| Municipal Facilities & Services – 3 | Underground Utilities | Yes | Existing facility. Any proposed changes would be reviewed as part of a site plan submittal. |

APPLICATION FOR ZONING AMENDMENT

Application number # 11-01

Date August 19, 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).

PLAT OF PORTAGE HEIGHTS
PART OF LOT 87A CONSISTING OF APPROX. 1.29 AC - SEE ATTACHED

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

b. Name of the owner of the property to be rezoned: 1901 ROMENCE LLC

Address 2500 S. HIGHLAND AVE. #103 LOMBARD, IL 60148

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: ISLAND OF R. 1B WITHIN OUR INDUSTRIAL ZONING. THIS ZONING AMENDMENT WILL MAKE ALL OF OUR PROPERTY THE SAME ZONING AND FACILITATE DEVELOPMENT ACTIVITY
4. CURRENT ZONING: R-1B PROPOSED ZONING: I-2

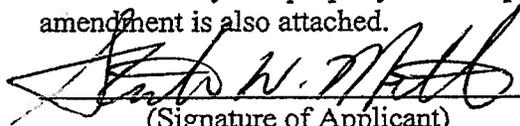
ZONING TEXT AMENDMENT

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

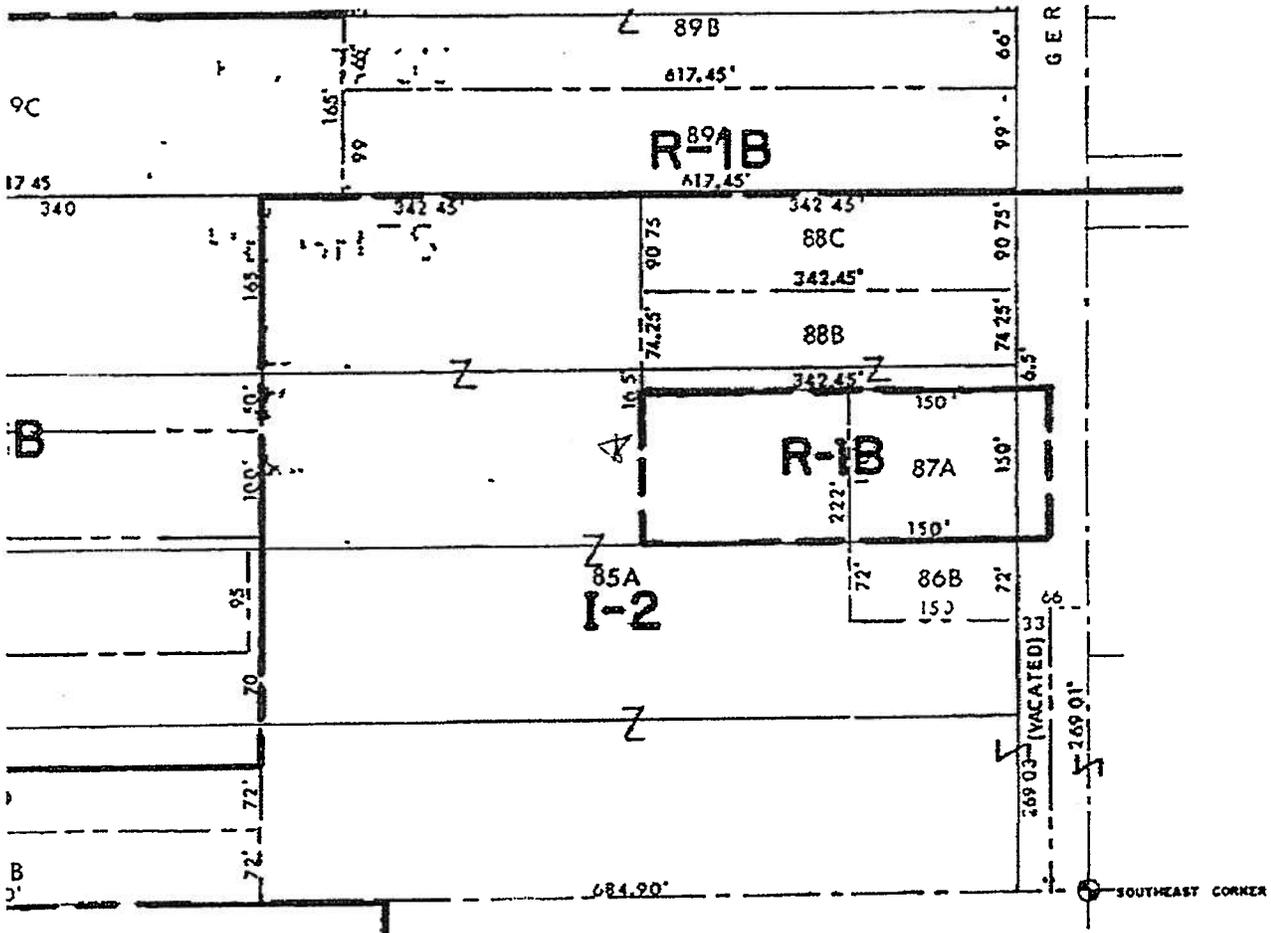
2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

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

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

| | |
|--|--|
|  _____ (Signature of Applicant) | <u>MANAGER 1901 ROMANCE LLC</u> _____ (Signature of Applicant) |
| <u>2500 S. HIGHLAND AVE #103 LOMBARD, IL 60148</u> _____ (Address) | <u>630.620.8684</u> _____ (Phone) |

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



✖ Plat of Portage Heights,
 The S 150' of the E 342.45' of Lot 87. Also
 the W 33' of Vacated Gertrude Drive, adjacent
 to Lot 87 of said Plat.

**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:

Plat of Portage Heights, The S 150' of the E 342.45' of Lot 87. Also, the W 33' of Vacated Gertrude Drive, adjacent to Lot 87 of said Plat. *AA
but*

| <u>Street Address</u> | <u>Parcel ID Numbers</u> |
|--|--------------------------|
| 1901 Romence Road Parkway (portion thereof) | 06480-085-E |

From R-1B, one family residential, to I-2, heavy industrial, 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

(App #11-01)

**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:

Plat of Portage Heights, The S 150' of the E 342.45' of Lot 87. Also, the W 33' of Vacated Gertrude Drive, adjacent to Lot 87 of said Plat. *Art*

| <u>Street Address</u> | <u>Parcel ID Numbers</u> |
|--|--------------------------|
| 1901 Romence Road Parkway (portion thereof) | 06480-085-E |

From R-1B, one family residential, to I-2, heavy industrial.

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 #11-01)

Approved as to Form:
Date: 10/20/11
By: [Signature]
City Attorney

**ADOPTION OF ZONING 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 Article 4 (Zoning) of Chapter 42 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 Article 4 (Zoning) of Chapter 42, Land Development Regulations, of the Codified Ordinance of Portage, Michigan, has been amended 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:

Plat of Portage Heights, The S 150' of the E 342.45' of Lot 87. Also, the W 33' of Vacated Gertrude Drive, adjacent to Lot 87 of said Plat. AJ
03

| <u>Street Address</u> | <u>Parcel ID Numbers</u> |
|--|--------------------------|
| 1901 Romence Road Parkway (portion thereof) | 06480-085-E |

From R-1B, one family residential, to I-2, heavy industrial.

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. Further, a copy of a map showing the property rezoned is also available at the time and days noted above.

Dated: _____

James R. Hudson, City Clerk

(App #11-01)

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 4, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Height Modification for Celebration! Cinema (IMAX expansion), 6600 Ring Road

ACTION RECOMMENDED: That City Council approve the height modification for Celebration! Cinema, 6600 Ring Road, to expand and increase the height of the northeast portion of the building from 30-feet up to a height of 43-feet to accommodate an IMAX theater.

Attached is information concerning a request by Jackson Entertainment LLC to expand and increase the height of the northeast portion of the Celebration! Cinema building from 30-feet up to a height of 43-feet. The height modification involves one movie theatre that will be reconstructed to accommodate the new IMAX theater. Consistent with the Zoning Code, City Council approval is required since the building height is proposed to exceed 35-feet when located adjacent to a one-family residential zoning district. As background information, a height modification was approved in 2004 for a renovation/expansion project that allowed the building to range in height from 28-32 feet with an architectural feature (beacon) over the entrance/lobby portion of the building that extended to a height of 58-feet.

The City Administration is supportive of the application and the Planning Commission voted unanimously to recommend approval of the proposed height modification during the October 20, 2011 meeting. The project involves less than 10% of the total building footprint and will be situated approximately 270-feet north of the existing 10-foot masonry screening wall and approximately 400-feet north of the nearest single family residential dwelling located to the south along Rainbow Avenue. Additionally, mature (large) deciduous and evergreen trees and other vegetative growth exists south of the masonry screening wall on the Consumers Energy property as well as on adjacent residential properties that supplements the existing screening wall. Finally, the Consumers Energy property to the south provides an additional buffer area physically separating the nearby residential neighborhood from the Celebration! Cinema site.

It is recommended that City Council approve the height modification for Celebration! Cinema (IMAX expansion), 6600 Ring Road, to allow a building height of up to 43-feet.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: November 4, 2011

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

SUBJECT: Height Modification for Celebration! Cinema (IMAX expansion), 6600 Ring Road.

An application has been received from Jackson Entertainment LLC requesting a height modification to expand and increase the northeast portion of the Celebration! Cinema building from 30-feet up to a height of 43-feet. The height modification involves one movie theatre (approximately 5,300 square feet) that will be reconstructed to accommodate a new IMAX theatre. As background information, the Planning Commission and City Council in 2004 approved a height modification for a renovation/expansion project for Celebration! Cinema that allowed the building to range in height from 28-32 feet with an architectural feature (beacon) over the entrance/lobby portion of a building that extended to a height of 58-feet.

While the IMAX expansion proposes to enlarge and raise the height of the northeast portion of the Celebration! Cinema building approximately 13-feet, the project area involves less than 10% of the total building footprint. This portion of the building will be situated approximately 270-feet north of the existing 10-foot tall masonry screening wall and approximately 400-feet north of the nearest single family residential dwelling located along Rainbow Drive. Additionally, large mature deciduous and evergreen trees exist south of the masonry screening wall on the Consumers Energy property and adjacent residential properties. Finally, the Consumers Energy property with approximate 100-foot tall transmission towers/power lines provides an additional buffer area that physically separates the residential neighborhood from the Celebration! Cinema site.

A public hearing to consider the height modification was convened by the Planning Commission at the October 20, 2011 meeting. Mr. Roger Lubs (applicant representative) was present to explain the project and support the application. No citizens spoke in regard to the proposed height modification. After careful consideration, the Planning Commission voted 7-0 to recommend to City Council that the Height Modification for Celebration! Cinema (IMAX expansion), 6600 Ring Road, be approved to allow a building height up to 43-feet.

The City Administration also supports the requested height modification based on a finding that the size and location of the building project, substantial setback distances and existing screening will mitigate impacts on the adjacent residences to the south consistent with Section 42-350(B)(6) of the Land Development Regulations. It is likely that most, if not all, the residences to the south will not be able to see the increased building height based on the above referenced site conditions.

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

Attachments: Planning Commission transmittal dated November 4, 2011
Planning Commission Minutes dated October 20, 2011
Department of Community Development report dated October 14, 2011

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: November 4, 2011

SUBJECT: Height Modification for Celebration! Cinema (IMAX expansion), 6600 Ring Road

During the October 20, 2011 meeting, the Planning Commission convened a public hearing to consider a Height Modification request from Jackson Entertainment LLC to expand and increase the height of the northeast portion of the Celebration! Cinema building from 30-feet up to a height of 43-feet. Mr. Roger Lubs (applicant representative) was present to provide a brief description of the development project and support the application. No additional citizens spoke in regard to the proposed height modification.

After careful consideration of the development proposal and Zoning Code criteria, a motion was offered by Commissioner Bosch, seconded by Commissioner Patterson, to recommend to City Council approval of the height modification request by Jackson Entertainment, LLC, to increase the height of the northeast portion of the building from 30-feet up to a height of 43-feet. The Commission concluded any potential impacts associated with the height increase would be minimal since 1) the subject building area represents less than 10% of the total building footprint; 2) substantial setback distances exist between the adjacent residential neighborhood and proposed building expansion; 3) an existing masonry wall and mature (large) trees already exist to the south that is an effective screen; and 4) the Consumers Energy property to the south provides an additional buffer area physically separating the residential neighborhood from Celebration Cinema. The motion was unanimously approved 7-0.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Cheesebro". The signature is fluid and cursive, written over a white background.

James Cheesebro, Chairman
City of Portage Planning Commission

PLANNING COMMISSION

DRAFT

October 20, 2011

The City of Portage Planning Commission meeting of October 20, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mark Siegfried and Jim Pearson.

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services 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 October 6, 2011 meeting minutes. A motion was offered by Commissioner Bosch, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Height Modification for Celebration Cinema, 6600 Ring Road. Mr. Forth summarized the staff report dated October 14, 2011 involving a request submitted by Jackson Entertainment, LLC to expand and increase the height of the northeast portion of the Celebration Cinema building from 30-feet up to a height of 43-feet. The height modification involves one movie theatre (approximately 5,300 square feet) that will be reconstructed to accommodate a new IMAX theatre. Mr. Forth mentioned that the impacts on the adjacent residences located immediately south are anticipated to be minimal, if any, due to the location and size of the proposed building addition in conjunction with the substantial setback distances and existing screening.

Mr. Roger Lubs, Jackson Entertainment, LLC, was present to speak in support of the height modification request. Mr. Lubs noted there would be no additional lighting on the expanded building and that construction is expected to begin after the Thanksgiving Holiday and conclude in April 2012.

Chairman Cheesebro opened the public hearing. There being no public comment, a motion was offered by Commissioner Welch, seconded by Commissioner Patterson to close the public hearing. The motion was unanimously approved. There being no further discussion, a motion was offered by Commissioner Bosch, seconded by Commissioner Patterson, that the Planning Commission recommend to City Council approval of the height modification request by Jackson Entertainment, LLC, to increase the height of the northeast portion of the building from 30-feet up to a height of 43-feet. The Commission concluded any potential impacts associated with the height increase would be minimal since 1) the subject building area represents less than 10% of the total building footprint; 2) substantial setback distances exist between the adjacent residential neighborhood and proposed building expansion; 3) an existing masonry wall and mature (large) trees already exist to the south that is an effective screen; and 4) the Consumers Energy property to the south provides an additional buffer area physically separating the residential neighborhood from Celebration Cinema. The motion was unanimously approved.

2. Final Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof).
Mr. Forth summarized the final staff report dated October 14, 2011 and the request to rezone an approximate 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry. Mr. Forth also summarized the public comment received during the October 6, 2011 Planning Commission meeting and stated that staff is recommending the rezoning application be approved as submitted.

Commissioner Dargitz suggested the Commission consider rezoning the entire approximate 34 acres to OTR, office, technology and research consistent with the Comprehensive Plan designation. Attorney Brown and Mr. Forth explained that rezoning the entire 34 acres would require a new rezoning application and public hearing process. Mr. Forth indicated that if the Commission wants to consider rezoning the entire 34 acres to OTR, then the Commission may want to review the entire corridor. This review could occur during the update of the Comprehensive Plan scheduled to begin in FY2012-2013 or could be added to the Planning Commission work program. Mr. Forth suggested this rezoning application move forward so the concerns of the applicant involving future parking needs are addressed and the Commission review the Romence Road Parkway corridor between Lovers Lane and Portage Road at a later date. The Commission discussed both options and the consensus was to act on the applicant's request and review the Romence Road Parkway corridor at a later date. Commissioners Patterson and Welch suggested review of the corridor be added to the work program. Commissioner Welch indicated he is an employee of the future Quad building tenant but is not connected to the project and therefore does not have a conflict of interest.

Mr. Stewart Mills, representing 1901 Romence, LLC (applicant/property owner) was present to support the rezoning request. Mr. Mills stated he is not opposed to the OTR district but would like time to study the district requirements. In response to delaying the current rezoning application, Mr. Mills requested the application move forward to City Council so the existing single-family residential zoning does not impede his ability to negotiate with other potential tenants and expand the parking lot, if needed. No one else was present to support or oppose the rezoning application. There being no further public comment, a motion was offered by Commissioner Bosch, seconded by Commissioner Dargitz to close the public hearing. The motion was unanimously approved. A subsequent motion was offered by Commissioner Patterson, seconded by Commissioner Bosch to recommend to City Council that Rezoning Application #11-01 be approved and the 1.3 acre portion of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry consistent with the surrounding zoning pattern. Commissioner Dargitz stated she would support the motion if the parcel

TO: Planning Commission **DATE:** October 14, 2011
FROM: Vicki Georgeau, ^{VH} Director of Community Development
SUBJECT: Height Modification: Celebration! Cinema (IMAX expansion), 6600 Ring Road

I. INTRODUCTION/BACKGROUND:

An application has been submitted by Jackson Entertainment, LLC requesting a height modification to expand and increase the height of the northeast portion of the Celebration! Cinema building from 30-feet up to a height of 43-feet. The height modification involves one movie theatre (approximately 5,300 square feet) that will be reconstructed to accommodate a new IMAX theatre. As information for the Commission, the entire Celebration! Cinema facility includes 15 theatres and approximately 61,500 square feet. The building is located within the B-2, community business zoning district.

In 2004, the Planning Commission and City Council approved a height modification for a renovation/expansion project for Celebration! Cinema that allowed the building to range in height from 28-32 feet with an architectural feature (beacon) over the entrance/lobby portion of a building that extended to a height of 58-feet.

II. ZONING CODE REQUIREMENTS:

Section 42-350(B)(6) of the Land Development Regulations establishes a building height standard of 25-feet and one-story when the zoning lot abuts a single family residential zoning district, which can be increased to 35-feet with Planning Commission approval. Increases in height beyond 35-feet must be approved by the Planning Commission and City Council. In granting building height modifications, the Commission/Council "...shall require that all yards shall be at least equal in their depth to the height of the structure." Furthermore, the Commission/Council must determine that the "...topography, natural features or other land use characteristics, including the distance of the proposed structure from other uses, adequately mitigate adverse impacts on any adjoining or surrounding uses."

III. ANALYSIS:

The site is bordered to the south by property owned by Consumers Energy and occupied by approximately 100-foot high transmission towers and power lines. Further to the south are single family residences located in the Ringdale plat zoned R-1A, one family residential. While the project proposes to enlarge and raise the height of one movie theatre located near the northeast corner of the building approximately 13-feet (from 30-feet up to 43-feet), the project area involves less than 10% of the total building footprint. Furthermore, and with regard to potential impacts on the adjacent residential neighborhood to the south, this portion of the Celebration! Cinema building is located approximately:

- 270-feet north of the existing 10 foot tall masonry screening wall;
- 350-feet from the nearest residential property line; and
- 400-feet from the nearest single family residential dwelling.

In addition to substantial setback distances, mature (large) trees consisting of both deciduous and coniferous varieties and other vegetative growth exists south of the masonry screening wall on the Consumers Energy property and adjacent residential properties that creates an effective, natural screen supplementing the existing screening wall. Also, the Consumers Energy property to the south provides an additional buffer area physically separating the nearby residential neighborhood from Celebration! Cinema.

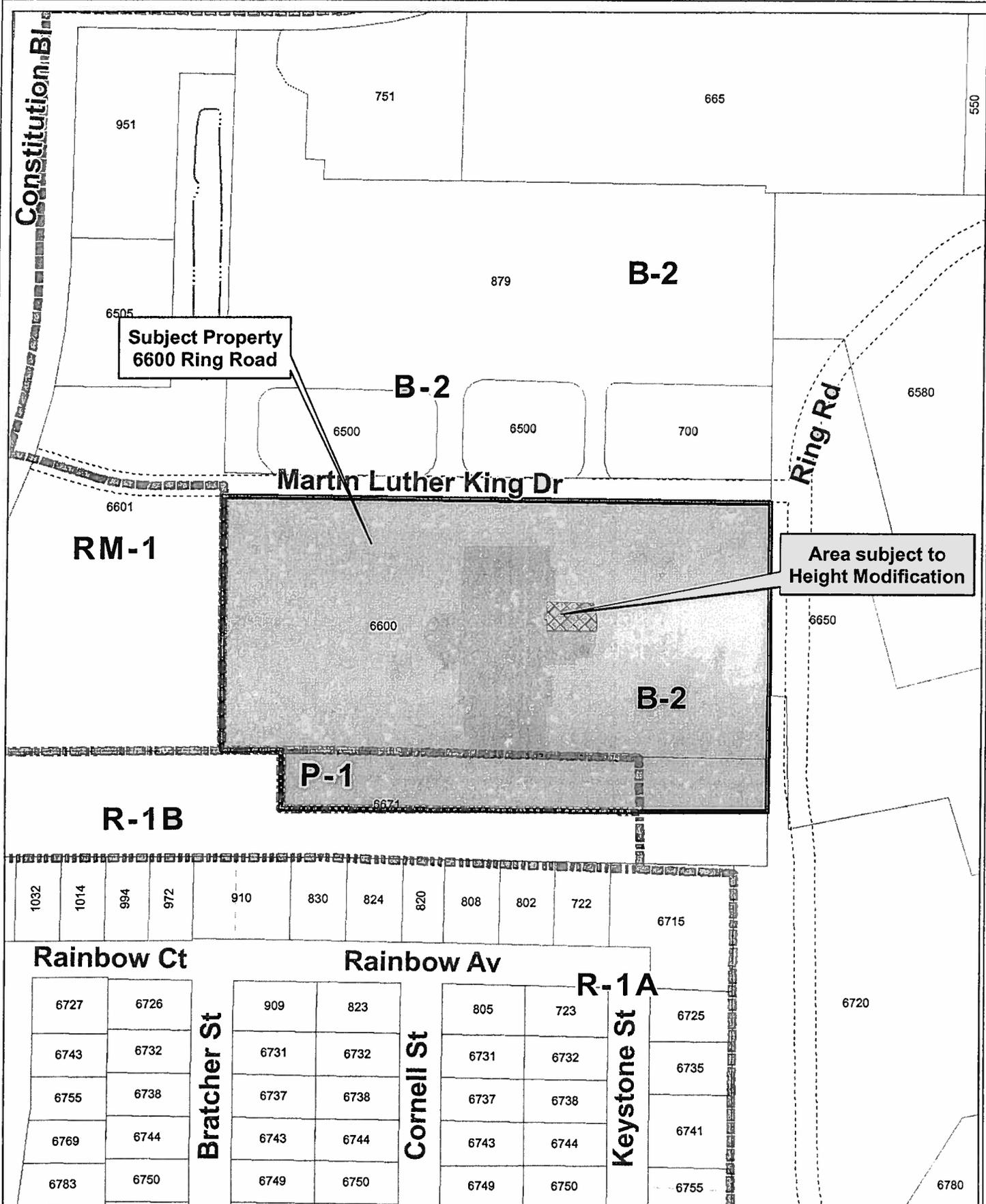
Impacts on the adjacent residences located immediately south are anticipated to be minimal, if any, due to the location and size of the proposed building addition in conjunction with the substantial setback distances and existing screening. It is likely that most, if not all residences will not be able to see increased building height based on the site conditions described above. As a final comment, and for comparison purposes, the existing 58-foot tall beacon will remain approximately 15 feet higher than the proposed IMAX building height.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper. Two letters (attached) from adjacent business owners supporting the project and increase in height have been received.

IV. RECOMMENDATION:

Based upon the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, the Planning Commission is advised to recommend to City Council that the Height Modification for Celebration! Cinema (IMAX expansion), 6600 Ring Road, be approved to permit a building height up to 43-feet as the requirements of Section 42-350(B)(6) of the Land Development Regulations have been fulfilled.

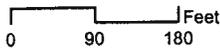
Attachments: Vicinity/Zoning Map
Aerial Photo Map
Communication from Mr. Roger Lubs dated September 30, 2011
Site Plan/Building Elevation Sheets
Letter of support from Mr. Tommy Brann received on October 12, 2011
Letter of support from Meyer C. Weiner Company received on October 12, 2011

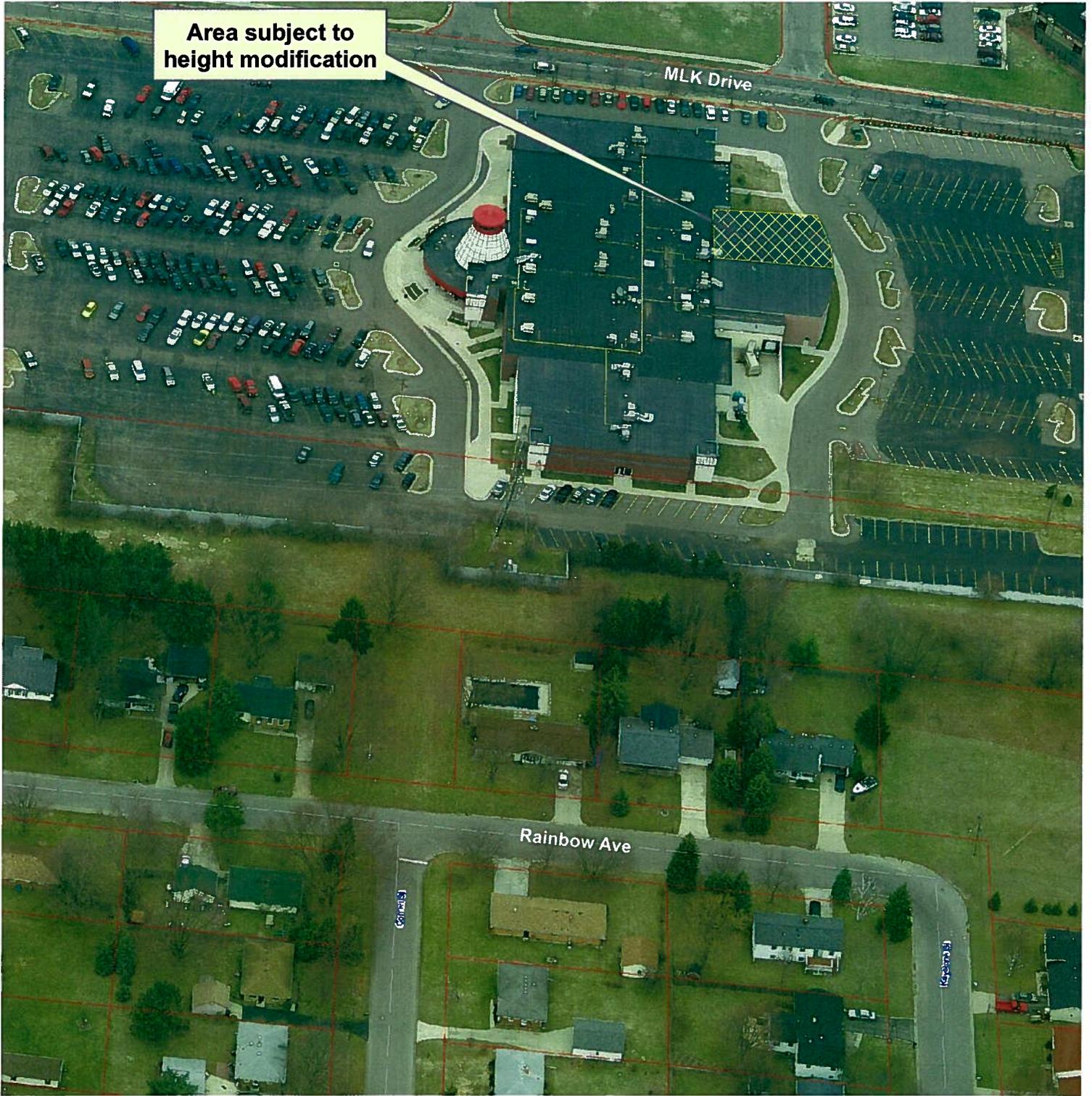


**Subject Property
6600 Ring Road**

**Area subject to
Height Modification**

**HEIGHT MODIFICATION
6600 Ring Road**





Area subject to height modification

MLK Drive

Rainbow Ave





City of Portage
Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

RECEIVED
SEP 30 2011
COMMUNITY DEVELOPMENT

September 30th, 2011

To: City of Portage Planning Commission:

We are so very pleased to be a part of the community of the City of Portage. We are excited to propose bringing the best in movie presentation to Portage in an IMAX auditorium. The IMAX brand provides the best in Hollywood entertainment presentation but also IMAX documentary and educational presentations.

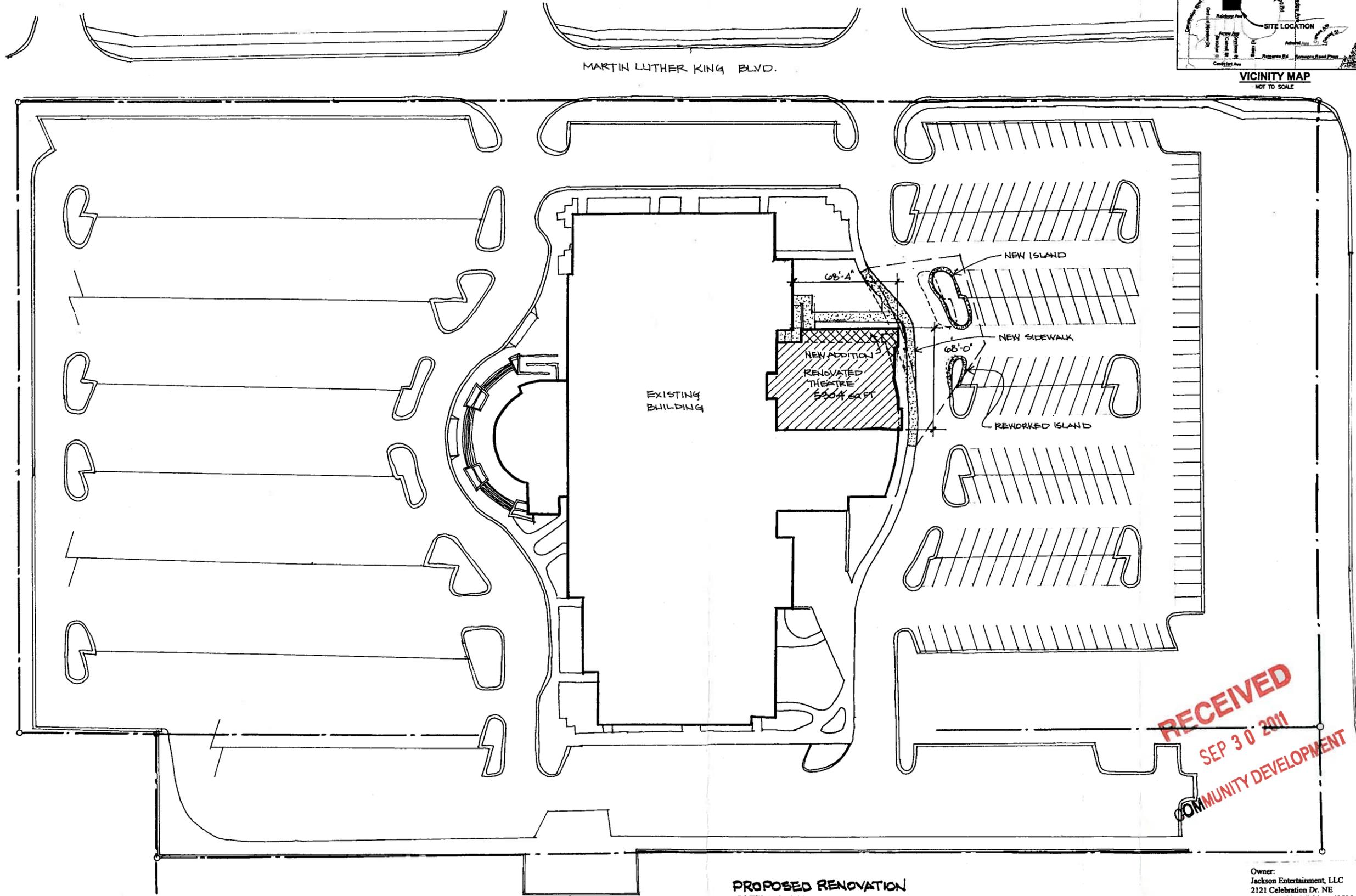
We are asking for a building height modification in order to raise the roof at the screen end of **one** of our existing fifteen auditoriums. We will raise the roof from the existing 30 feet to just under 43 feet. The highest will be at the screen end of the building over theatre number 6 as shown on our drawings.

This raised roof section faces east toward the mall and is more than half the distance of the length of the building to the north, away from the residential neighborhood.

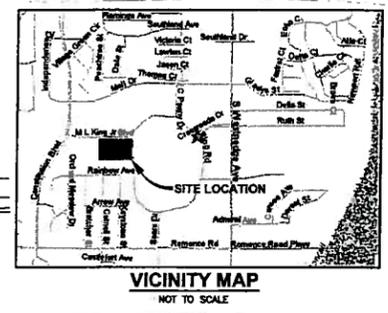
Thank you for your consideration in this matter and we look forward to presenting this to you at your next meeting.

Sincerely,

Roger C. Lubs
Celebration! Cinema



MARTIN LUTHER KING BLVD.



EXISTING BUILDING

NEW ADDITION
RENOVATED
THEATRE
5004 SQ FT

NEW ISLAND

NEW SIDEWALK

REWORKED ISLAND

RING ROAD

PROPOSED RENOVATION
SITE PLAN
SCALE: 1" = 20'-0"

RECEIVED
SEP 30 2011
COMMUNITY DEVELOPMENT

Owner:
Jackson Entertainment, LLC
2121 Celebration Dr. NE
Grand Rapids, Michigan 49525

Celebration Cinema at Cossroads
IMAX Addition

Portage, Michigan
6600 Ring Road

| DATE | REVISION | ISSUED FOR |
|------|----------|------------|
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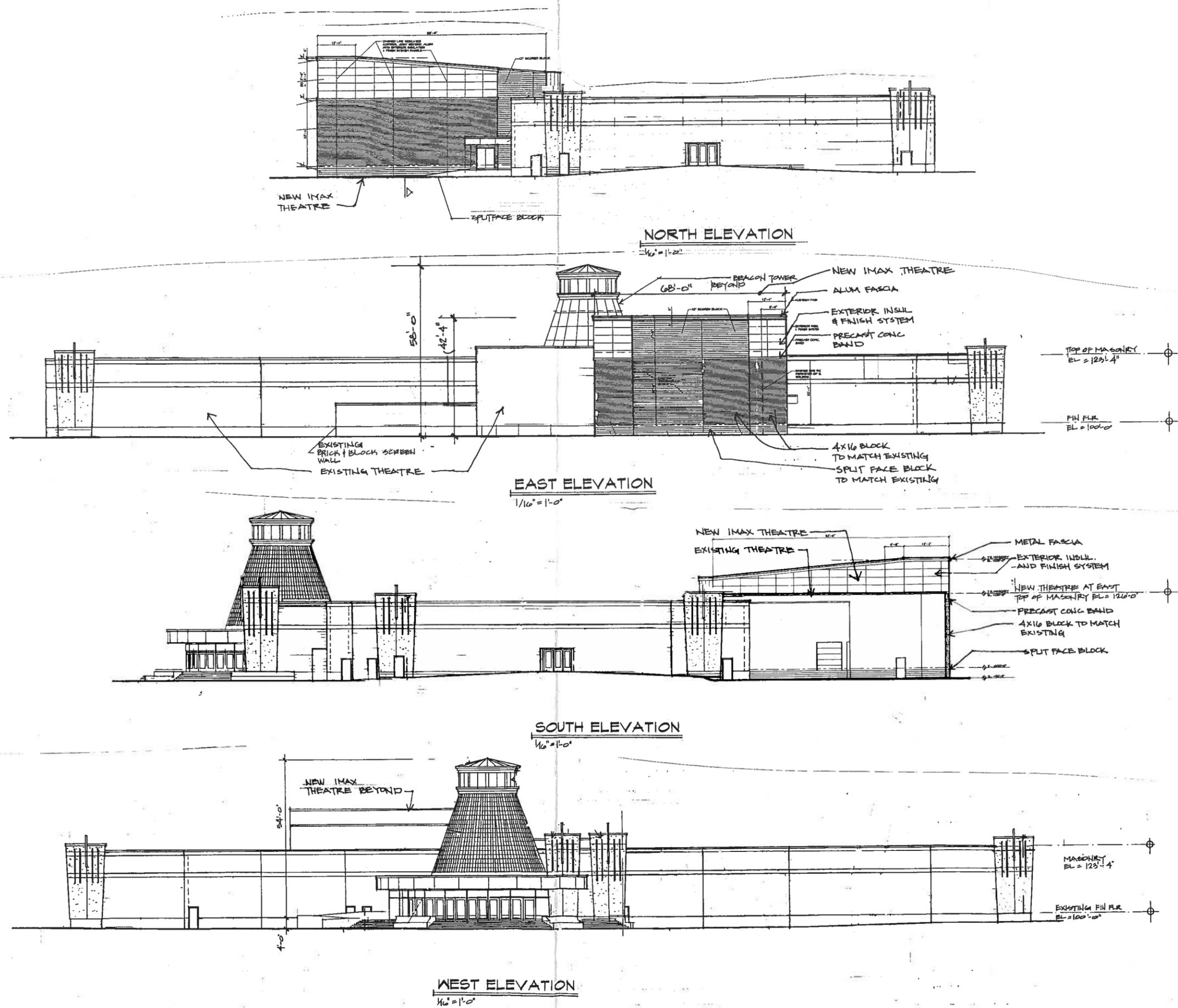


30 years of... state... grand... michigan... architects... 1980-2010

post associates
architects

file no. 11-15
sheet no.

C1



Celebration Cinema at Cossroads
IMAX Addition

6600 Ring Road
 Portage, Michigan

| | | |
|---------|------------------|------------|
| 9.30.11 | SITE PLAN REVIEW | issued for |
| | | date |



NO OTHER PL. OR. SHALL BE USED WITHOUT THE WRITTEN CONSENT OF post associates architects

post associates architects

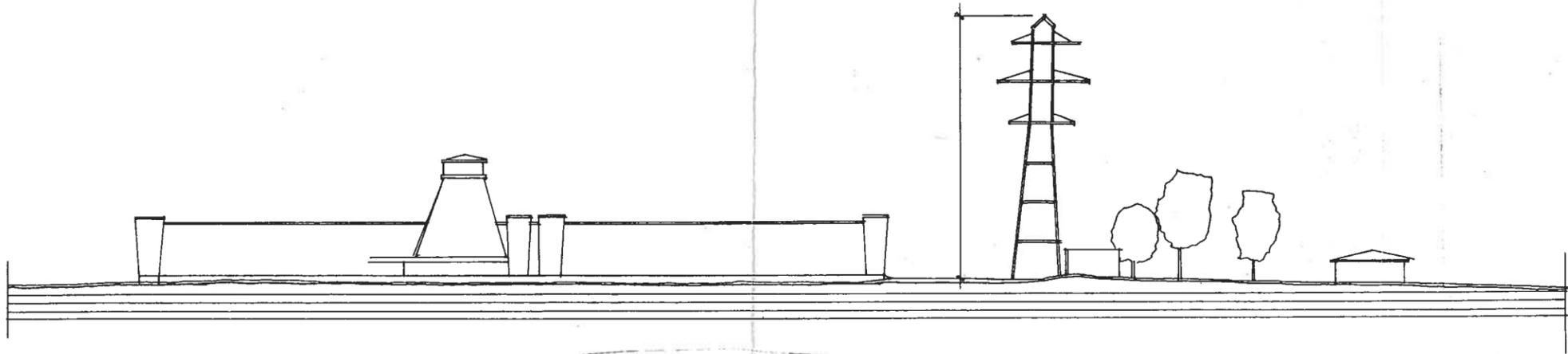
file no. 11-15
 sheet no.

A7

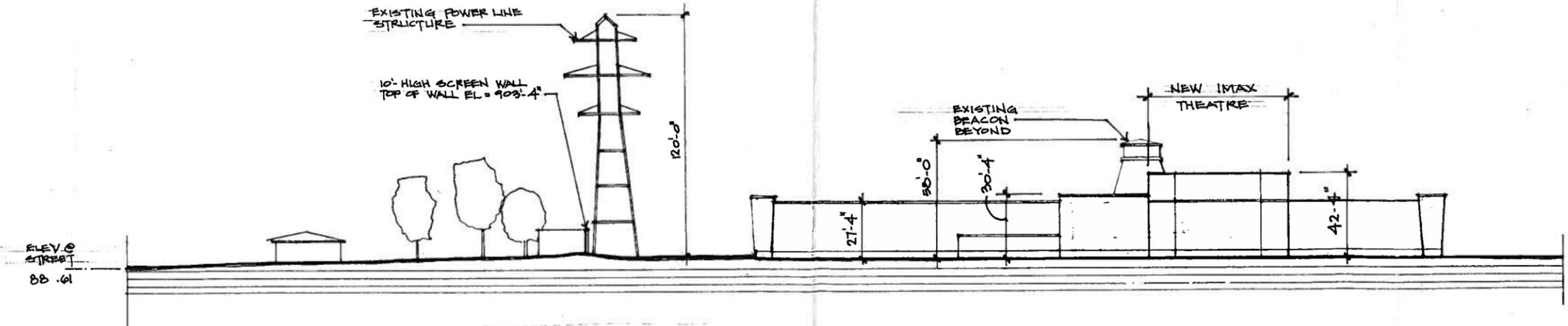
Celebration Cinema at Cossroads
IMAX Addition

6600 Ring Road

Portage, Michigan



WEST ELEVATION



EAST ELEVATION

NEIGHBORHOOD SECTION
SCALE 1" = 30'-0"

SITE PLAN REVIEW 9/30/2011

NS-1

RECEIVED
OCT 12 2011
COMMUNITY DEVELOPMENT

Planning Commissioners,

I support Jackson Entertainment
requesting a height modification to
expand and increase their facility.

They are good neighbors and
we support their work to make
their small business better.

Branns
Steakhouse

Thanks,

Tommy Branns
616 690 7928



RECEIVED

OCT 13 2011

COMMUNITY DEVELOPMENT

October 10, 2011

Ms. Vicki Georgeau
Director of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

Re: Height Modification to Celebration Cinema

Dear Ms. Georgeau,

Please be advised that we are in support of the height modification request by Celebration Cinema. We are a neighboring property owner and believe the cinema's improvements are good for the community. The location of the theatre on Ring Road can benefit from all of the advantages available in this economic climate. We support the Planning Commission in approving this height modification.

Sincerely,

Timothy A. Timmons
Meyer C. Weiner Company

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 4, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Preliminary Plat of Oakland Farms North, 9810 Oakland Drive

ACTION RECOMMENDED: That City Council consider approval of the Hyland Associates, LLC request to waive the 90-day time period Council has to act on a preliminary plat, and approve an additional 90-day time period.

Attached is a communication from the Director of Community Development regarding a request from the developer of the Oakland Farms North plat, Hyland Associates, LLC, that City Council waive the required 90-day time period in which to act on a preliminary plat. Hyland Associates, LLC, has also requested an additional 90-day time period to resolve the location of the north plat boundary.

The request is recommended so the developer and adjacent property owner can resolve a plat boundary dispute. The City Attorney has reviewed this matter and has provided an opinion that Council has the authority to take this action under these circumstances.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: November 4, 2011

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

SUBJECT: Preliminary plat of Oakland Farms North, Extension Request

On August 18, 2011, Hyland Associates, LLC, submitted the preliminary plat of Oakland Farms North for review and approval (attached). The plat of Oakland Farms North represents the second phase of the single-family residential subdivision planned along the west side of Oakland Drive, north of Shaver Road. The plat was reviewed by the City Administration and subsequently forwarded to the Planning Commission for review and recommendation to City Council. The Planning Commission reviewed the preliminary plat during the September 15, 2011 meeting and recommended tentative approval to City Council.

Following the September 15th Planning Commission meeting, the abutting property owner to the north contacted Hyland Associates and disputed the location of the northern plat boundary. Mr. Dan Martz of Hyland Associates has requested that the plat not be forwarded to City Council before the boundary dispute is resolved. However, Section 42-773(1)(a) of the Land Development Regulations requires City Council take action on a preliminary plat within 90 days after the plat is submitted to the city for review and approval. This 90-day period ends November 16, 2011. In the attached letter from Mr. Martz, he has requested an additional 90-day time period to resolve the location of the north plat boundary with the adjacent property owner.

The request by Hyland Associates, LLC is recommended. The additional 90-day period will allow the developer and adjacent property owner time to resolve any issues associated with the location of the north plat boundary.

Attachments: Letter dated November 3, 2011 from Mr. Dan Martz, Hyland Associates
Preliminary plat drawing

HYLAND ASSOCIATES, L.L.C.

7545 S 10th. St.
Kalamazoo, MI. 49009
(269) 207-2920

November 3, 2011

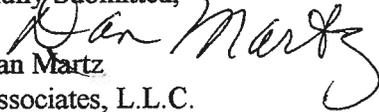
TO: Portage City Community Development

SUBJECT: Preliminary plat approval of Oakland Farms North

Attention: Chris Forth:

Per our conversation regarding the preliminary plat approval of Oakland Farms North, we have yet to resolve the property line dispute with the northern property owner Beck Argue-Powers. We've done extensive research and survey work and feel the property line is staked correctly. Therefore, we are requesting a 90 day continuance for the City Council approval meeting. We hope the issue will be resolved soon.

Respectfully Submitted,


Dan Martz

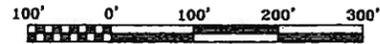
Hyland Associates, L.L.C.

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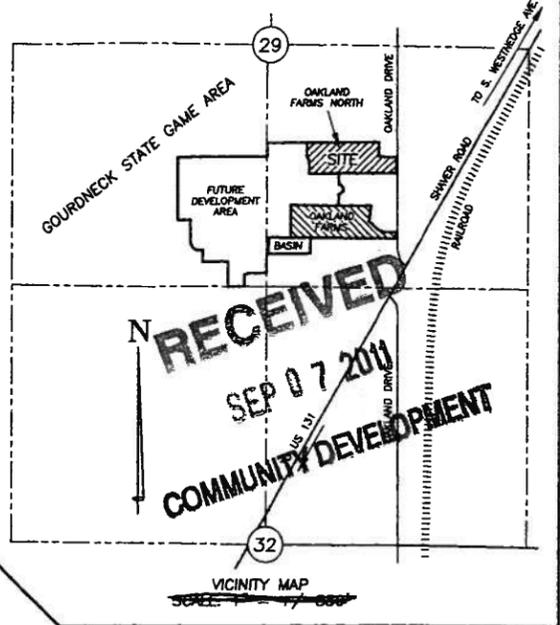
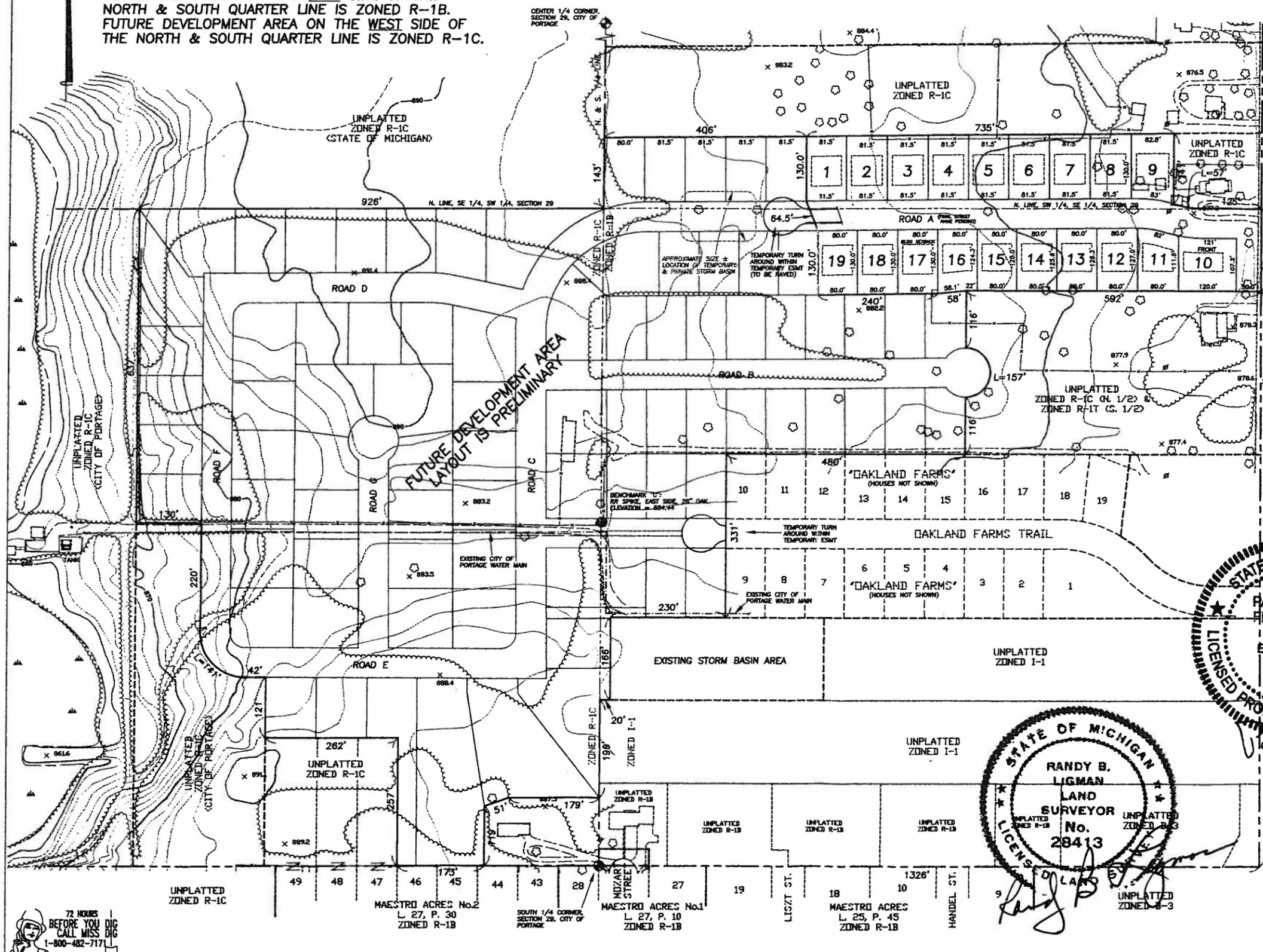
COMMUNITY DEVELOPMENT

N



PRELIMINARY PLAT for "OAKLAND FARMS NORTH"

NOTE: PROPOSED "OAKLAND FARMS NORTH" & FUTURE DEVELOPMENT AREA ON THE EAST SIDE OF THE NORTH & SOUTH QUARTER LINE IS ZONED R-1B. FUTURE DEVELOPMENT AREA ON THE WEST SIDE OF THE NORTH & SOUTH QUARTER LINE IS ZONED R-1C.



RECEIVED
SEP 07 2011
COMMUNITY DEVELOPMENT

- NOTES**
- 1) PROPOSED PHASE ONE INCLUDES 19 LOTS SITUATED ON APPROXIMATELY 6.0 ACRES.
 - 2) LOTS SHALL CONFORM TO CITY OF PORTAGE ZONING REQUIREMENTS.
 - 3) SUBDIVISION SHALL CONFORM TO THE CITY OF PORTAGE REQUIREMENTS.
 - 4) ALL ROADWAYS SHALL HAVE A 60 FOOT WIDE RIGHT OF WAY AND SHALL BE PUBLIC.
 - 5) SITE SHALL BE SERVED BY MUNICIPAL SANITARY SEWER AND WATER MAIN.
 - 6) STORM SEWER SYSTEM SHALL DRAIN TO TEMPORARY BASIN AREA. STORM SEWER WITHIN PROPOSED PUBLIC STREETS SHALL BE UNDER CITY OF PORTAGE JURISDICTION. TEMPORARY BASIN SHALL BE PRIVATE & SHALL COMPLY WITH CITY REQUIREMENTS.
 - 7) SITE IS PARTIALLY TREE COVERED.
 - 8) ALL LOT DIMENSIONS ARE SUBJECT TO FINAL ADJUSTMENT.
 - 9) SHOWN ELEVATIONS ARE BASED ON USGS DATUM. SHOWN TOPOGRAPHY & ELEVATION CONTOURS BASED ON A 1992 MAP PREPARED BY OTHERS.
 - 10) SIDEWALKS WILL BE PROVIDED ON BOTH SIDES OF ALL STREETS AND AROUND THE BULB OF ANY PERMANENT CURB OF SAC. PAVEMENT WIDTH SHALL BE A MINIMUM OF 24.0 FEET (28.0 FEET BETWEEN BACKS OF CURBS). ALL UTILITIES SHALL BE UNDERGROUND.
 - 11) STREET NAMES ARE PENDING.
 - 12) A LAND DIVISION APPLICATION SHALL BE PREPARED AND SUBMITTED PRIOR TO FINAL PLAT APPROVAL FOR THE REMAINING LAND.
 - 13) PLAT RESTRICTIONS SHALL INCLUDE A NOTE ADVISING THE PURCHASER OF LOT 10 OF THE ADDITIONAL SIDEWALK MAINTENANCE AND ADDITIONAL LAWN CARE DUE TO THE ROAD FRONTAGE AND LOT WIDTH FOR LOT 10.
 - 14) LOT 10 SHALL NOT HAVE A DRIVEWAY DIRECTLY ONTO OAKLAND DRIVE.

FIRE DEPT. NOTES

COMBUSTIBLE BUILDING CONSTRUCTION SHALL NOT COMMENCE UNTIL FIRE HYDRANTS ARE OPERABLE AND AN ALL WEATHER ROAD SURFACE IS IN PLACE.

THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM ONE HYDRANT WITHIN 400' OF ALL PORTIONS OF THE BUILDING. THIS FLOW IS BASED ON THE FLOOR AREA OF ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF TYPE V-B CONSTRUCTION. SHOULD A BUILDING EXCEED 3600 SQUARE FEET, THE MINIMUM FIRE FLOW WILL BE BASED ON THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING.

FIRE APPARATUS ACCESS ROADS 20 TO 26 FEET WIDE SHALL BE POSTED ON BOTH SIDES AS A FIRE LANE.

A JOE FORMAT FILE OF THE APPROVED SITE PLAN SHALL BE PROVIDED TO THE FIRE DEPARTMENT.

R-1B ZONING INFORMATION:
 (SUBJECT PROPERTY IS ZONED R-1B)
 MINIMUM 3,000 SQ.FT. AREA WITH SEWER & WATER
 MINIMUM 80' LOT WIDTH WITH SEWER & WATER
 MINIMUM 30' FRONT YARD SETBACK
 MINIMUM 10' SIDE YARD SETBACK
 MINIMUM 40' REAR YARD SETBACK
 MAXIMUM BUILDING COVERAGE OF LOT = 25%
 (ALSO SEE APPLICABLE SECTIONS OF CITY OF PORTAGE LAND DEVELOPMENT REGULATIONS)

STATE OF MICHIGAN
 PATRICK D. FLANAGAN
 ENGINEER
 No. 38170
 LICENSED PROFESSIONAL ENGINEER

STATE OF MICHIGAN
 RANDY B. LIGMAN
 LAND SURVEYOR
 No. 29413
 LICENSED LAND SURVEYOR

APPLICANT:
 HYLAND ASSOCIATES, LLC
 7545 SOUTH 10th ST.
 KALAMAZOO, MI 49009
 207-2239 or 207-2920

| | |
|---|---|
| PRELIMINARY PLAT for OAKLAND FARMS NORTH PART OF THE SOUTH 1/2 OF SEC. 29, T35, R11W, CITY OF PORTAGE, KALAMAZOO CNTY., MICHIGAN | REVISED: 9/06/2011 DATE: 8/17/2011 SHEET: 1 JOB No.: 35067 |
| Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 1133 East Milton Road • Kalamazoo, Michigan 49002 • Area 269 344-8165 • Fax 269 344-0555 | |

72 HOURS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

UNPLATTED ZONED R-1C
 MAESTRO ACRES No.2 L. 27, P. 30 ZONED R-1B

SOUTH 1/4 CORNER SECTION 29, CITY OF PORTAGE
 MAESTRO ACRES No.1 L. 27, P. 10 ZONED R-1B

UNPLATTED ZONED R-1B
 MAESTRO ACRES L. 25, P. 45 ZONED R-1B

UNPLATTED ZONED R-1C
 UNPLATTED ZONED R-3

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 9, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Emergency Response Service Agreements

ACTION RECOMMENDED: That City Council authorize emergency response service agreements to provide specialized equipment and operators for disaster recovery and cleanup with:

- a. James E. Fulton & Sons, Incorporated of Kalamazoo, Michigan;
- b. Balkema Excavation, Incorporated of Kalamazoo, Michigan;
- c. Byholt, Incorporated of Vicksburg, Michigan;
- d. Rathco Safety Supply, Incorporated of Portage, Michigan, and authorize the City Manager to execute emergency purchase orders related to these service agreements in cases of disaster recovery and cleanups, should the need arise.

As experienced with the severe wind storms during the past year, the ability of the city to respond immediately to a major storm event is a significant factor in the successful recovery and cleanup process. City streets were opened to traffic and, most importantly emergency response vehicles, within 24 hours following these storm events and the ensuing cleanup process for all impacted neighborhoods proceeded in a timely manner. Storm cleanup was successfully accomplished due to the responsiveness of numerous contractors offering specialized equipment and operators.

Emergency response service agreements assist the city in ensuring necessary resources will be immediately available for disaster events. Accordingly, since September 2006, emergency service response agreements have been maintained with local contractors. These agreements establish unit pricing for various specialized equipment, operators, and signage that provide a means for the city to mobilize an instantaneous response to natural or man-induced disasters. These initial agreements included the option for five one-year renewals, with the fifth and final one-year renewal option due to expire in December 2011.

To assure emergency responses services are available for potential future disaster events, it is recommended that City Council again authorize emergency response service agreements, to include five one-year renewal options, with: James E. Fulton & Sons, Incorporated; Balkema Excavation, Incorporated; and Byholt Incorporated to provide recovery and cleanup services as well as Rathco Safety Supplies, Incorporated, for signage as deemed necessary by the City Manager. The unit pricing for these services has seen a modest annual average increase of 2.6% over the current five-year life of these agreements. A 2.0% increase on the current pricing is proposed with the new agreements.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 9, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Household Hazardous Waste Program – Intergovernmental Cooperation

ACTION RECOMMENDED: That City Council approve the contract with Kalamazoo County for household hazardous waste collection during the 2012 calendar year in the not to exceed amount of \$32,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

Through the Kalamazoo County Household Hazardous Waste Center, household hazardous waste collection is provided at 1301 Lamont Avenue (near the Kalamazoo County Fairgrounds) for all Portage residents. The City of Portage has participated in this joint intergovernmental program since the early 1990's, with a portion of the Curbside Recycling Millage being set aside for this purpose.

An annual contract between the city and county establishes the terms and conditions for Portage resident participation at the Household Hazardous Waste Center. Under the agreement, as prepared by the Kalamazoo County Health and Community Services Department, costs are charged quarterly to each unit of government based on a percentage of participation.

The program will continue the same procedures as in previous years. The collection program provides three, four-hour drop-off periods on selected week days, as well as a four-hour period on the second Saturday of every month. In addition, two special Saturday collection days will be scheduled specifically for Portage residents annually. These schedules are frequently posted in the monthly *Portager* city newsletter. In reviewing historical data, an amount not to exceed \$32,000 will be sufficient to address the costs associated with the Household Hazardous Waste contract for the period January 1, 2012 through December 31, 2012.

It is recommended that City Council approve a contract with Kalamazoo County to provide hazardous waste collection services at the Household Hazardous Waste Center for Portage residents during the 2012 calendar year in the not to exceed amount of \$32,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Funds for the first six months of the contract are budgeted and available in the Fiscal Year 2011-2012 budget and funds for the remainder of the contract will be included in the Fiscal Year 2012-2013 budget.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 9, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Curbside Recycling Contract 

ACTION RECOMMENDED: That City Council direct the City Administration to proceed with solicitation of proposals for the provision of curbside recycling service.

As City Council is aware, Republic Services, Inc. undertook a pilot single stream curbside recycling program during the last quarter of 2010 in The Moors of Portage. The pilot program was accomplished to test an automated recycling option involving the use of 96 gallon wheeled carts for recyclable collection versus the current recycling bin. The wheeled carts contain greater capacity and are collected on a once every two-week basis as compared with the weekly collection of recycling bins that presently occurs. According to Republic Services, Inc., results of the pilot program proved successful, demonstrating that "if given more capacity to accommodate a wider variety of materials residents will indeed participate more frequently, generate twice the volume, and divert a greater amount from the landfill."

Based upon the positive results of the pilot program, Republic Services, Inc. recently presented a contract renewal proposal to the City Administration. The proposal offers two similar cost options: Option (1) provides for implementation of the automated collection system city-wide using the 96 gallon wheeled carts, which would be collected once every two-weeks. Option (2) continues the current recycling bin collection system, with collections maintained on a weekly basis. Both options are presented at a five-year contract price of \$2,646,870.60 (representing an average annual cost of \$529,374). The proposed first year cost of \$498,550.20 increases at a rate of 3 percent each year over the proposed five-year contract period to a proposed final year cost of \$561,122.64. A fuel recovery surcharge has been included as an element of the contract proposal, which may adjust billing to the city upward or downward based upon a formula matrix included in the proposal. The contract proposal is "predicated upon a five-year contract extension" and "with the option to extend for another five (5) one-year terms on a bilateral basis for the same terms and conditions."

An analysis of the proposed contract cost has been accomplished by the City Administration to assess the capacity of the curbside millage to absorb the cost of the proposed curbside recycling service contract. For purposes of analysis, the current 0.3603 mill recycling services levy was projected based upon a stable (i.e., flat) tax base scenario and upon a scenario whereby the tax base declines at a rate of five percent per year. Based upon the assumptions utilized, under a stable tax base scenario the current 0.3603 mill levy would be sufficient to support all costs associated with the proposed five-year curbside recycling contract over the first three years of the contract period with minor losses (and no fund balance) in years four and five. Under a

declining tax base scenario, the current 0.3603 mill levy would be sufficient to support all costs associated with the proposed five-year curbside recycling program only in year one, with deficits generated in years two through five. While sufficient capacity may exist in the current 0.5 mill levy authority to address projected deficits (depending upon the rate of total tax base decline), City Council would need to authorize a tax increase to support the cost of the program.

The current curbside recycling contract expires June 30, 2012. While the issue of continuing the current recycling program method of collection or altering the method of collection to wheeled carts collected once every two weeks is a consideration for City Council (with input from the Environmental Board if desired), committing the community to a five-year contract period is not advisable at this time. With the uncertain economic environment and the looming concern over the potential elimination of at least some portion of the personal property tax, long term contracts for major property tax supported services should be avoided. As a result, unless directed otherwise by the Council the City Administration will proceed with securing bid proposals for curbside recycling services that will result in a shorter duration curbside recycling service contract. Bids for continuation of the current bin-pickup service or for an automated wheeled cart collection service (if received) can be evaluated as part of the bid review.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 7, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: 2011 Tax Rate Survey – Information Only

The 2011 Municipal Tax Rate Survey is attached for the information of Council. As in prior years, the Office of the City Assessor has conducted the municipal tax rate survey – a survey of selected Michigan cities. The survey responses have been compiled and summarized in the attached chart and are sorted according to the 2011 city millage rates. As shown on the chart, the City of Portage had the eighth lowest millage rate of the 43 responding cities for the third consecutive year. It should be noted that one of the of the responding cities with a millage rate lower than that of the City of Portage (Grand Rapids) levies a city income tax in addition to the city millage.

Attachment

2011 MUNICIPAL TAX RATE SURVEY
(OF SELECTED MICHIGAN CITIES)
November 1, 2011

| Responding City | Parcel Count 2011 | (Estimated) Population 2009 Census | Income Tax ² City | Total City Millage Rate 2011 | Rate Rank City Millage | Property Taxes ³ 2011 (City Only) |
|--------------------|-------------------|------------------------------------|------------------------------|------------------------------|------------------------|--|
| Ferndale | 11,142 | 21,127 | No | 26.5960 | 43 | \$1,971 |
| Eastpointe | 14,879 | 32,458 | No | 25.2113 | 42 | \$1,868 |
| Southfield | 33,204 | 75,531 | No | 22.2711 | 41 | \$1,650 |
| Dearborn | 38,785 | 84,575 | No | 21.9000 | 40 | \$1,623 |
| Madison Heights | 13,212 | 29,580 | No | 21.8654 | 39 | \$1,620 |
| Taylor | 25,951 | 59,308 | No | 21.7113 | 38 | \$1,609 |
| Roseville | 20,415 | 46,765 | No | 21.3800 | 37 | \$1,584 |
| Kalamazoo | 26,414 | 72,825 | No | 20.8205 | 36 | \$1,543 |
| East Lansing | 8,802 | 45,563 | No | 20.5626 | 35 | \$1,524 |
| Wyandotte | 12,832 | 24,174 | No | 20.5000 | 34 | \$1,519 |
| Southgate | 11,718 | 27,125 | No | 19.7399 | 33 | \$1,463 |
| Bay City | 16,474 | 33,780 | No | 19.5503 | 32 | \$1,449 |
| Saint Clair Shores | 28,949 | 60,322 | No | 19.3562 | 31 | \$1,434 |
| Warren | 61,345 | 133,873 | No | 17.7924 | 30 | \$1,318 |
| Allen Park | 13,727 | 25,428 | No | 17.4900 | 29 | \$1,296 |
| Garden City | 12,634 | 26,142 | No | 16.8999 | 28 | \$1,252 |
| Ann Arbor | 36,194 | 112,920 | No | 16.4660 | 27 | \$1,220 |
| Flint | 59,868 | 111,475 | Yes | 16.1000 | 26 | \$1,193 |
| Port Huron | 13,956 | 30,568 | Yes | 16.0869 | 25 | \$1,192 |
| Monroe | 9,049 | 21,323 | No | 16.0690 | 24 | \$1,191 |
| Mount Pleasant | 6,184 | 26,733 | No | 15.7500 | 23 | \$1,167 |
| Dearborn Heights | 25,544 | 50,820 | No | 15.3992 | 22 | \$1,141 |
| Marquette | 7,749 | 21,004 | No | 15.2725 | 21 | \$1,132 |
| Jackson | 16,333 | 33,315 | Yes | 14.8389 | 20 | \$1,100 |
| Midland | 17,597 | 40,807 | No | 14.7900 | 19 | \$1,096 |
| Battle Creek | 24,540 | 51,843 | Yes | 14.7360 | 18 | \$1,092 |
| Adrian | 8,547 | 21,283 | No | 14.6039 | 17 | \$1,082 |
| Holland | 13,582 | 34,053 | No | 14.2500 | 16 | \$1,056 |
| Saginaw | 28,158 | 55,238 | Yes | 14.2290 | 15 | \$1,054 |
| Westland | 31,232 | 77,288 | No | 13.9582 | 14 | \$1,034 |
| Sterling Heights | 46,217 | 127,176 | No | 12.6858 | 13 | \$940 |
| Muskegon | 16,859 | 39,259 | Yes | 12.0749 | 12 | \$895 |
| Wyoming | 26,356 | 70,679 | No | 11.8873 | 11 | \$881 |
| Royal Oak | 27,608 | 57,188 | No | 11.7250 | 10 | \$869 |
| Livonia | 44,749 | 89,282 | No | 11.4365 | 9 | \$847 |
| Portage | 18,906 | 46,453 | No | 10.8916 | 8 | \$807 |
| Novi | 20,650 | 54,583 | No | 10.5416 | 7 | \$781 |
| Norton Shores | 12,112 | 23,266 | No | 9.9500 | 6 | \$737 |
| Kentwood | 18,328 | 47,641 | No | 9.7064 | 5 | \$719 |
| Rochester Hills | 27,345 | 69,209 | No | 9.7060 | 4 | \$719 |
| Romulus | 12,911 | 22,468 | No | 9.2863 | 3 | \$688 |
| Grand Rapids | 69,806 | 193,710 | Yes | 8.3713 | 2 | \$620 |
| Burton | 15,000 | 29,492 | No | 7.6946 | 1 | \$570 |

¹This report was prepared by the City of Portage Assessor's Office using (survey) information received from selected Michigan cities. The primary selection criterion was a population of at least 20,000 people. Estimated population provided by the 2009 US Census Bureau.

²Cities with an income tax, except Grand Rapids and Saginaw reportedly levy 1.00 percent for residents and 0.50 percent for non-residents. Grand Rapids & Saginaw reportedly levies 1.50 percent for residents and 0.75 percent for non-residents. Muskegon, Port Huron, Battle Creek, Jackson & Flint reportedly levies 1.00 percent for residents and 0.50 for non-residents.

³These taxes are based on a taxable value of \$73,702, which is the average taxable value of a single-family residence in the City of Portage for 2011.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor & City Council

DATE: November 7, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Holiday Tree Lighting/Traditional Holiday Celebration - Information Only

On Saturday, December 3, 2011, beginning at 7:00 p.m., the annual Tree Lighting/Traditional Holiday Celebration will take place. The evening tree lighting ceremony festivities begin with City Council participation at Point Garden, which is located at the intersection of South Westnedge Avenue and Library Lane. Following the tree lighting, participants will carol along the Bicentennial Park Trail to the Celery Flats Historical Area for the Traditional Holiday Celebration.

The Holiday Celebration will feature music and special activities. Refreshments will be provided at the Hayloft Theatre at the close of the event. This celebration encourages the public to enter into the spirit of holiday giving by donating to the less fortunate. Collection bins will be located at Celery Flats to receive donations of new toys, new winter hats, new winter mittens and non-perishable food items to be distributed to area service organizations.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: November 8, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: October 2011 Summary Environmental Activity Report – Information Only

Attached please find the October 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: November 8, 2011

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

SUBJECT: October 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

RECEIVED

NOV 08 2011

CITY MANAGER'S OFFICE

PORTAGE, MI

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
 October 2011 (*updates in italics*)

| <u>Project/Activity</u> | <u>Description</u> | <u>Status</u> |
|--|---|--|
| Portage City Landfill | Ongoing groundwater monitoring of former municipal landfill. | <ul style="list-style-type: none"> -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. | <ul style="list-style-type: none"> -Coordination with property owners and City or State agencies ongoing. -<i>Review of 3 site/building plans and/or plats completed in October 2011.</i> |
| Sewer Connection Program | Groundwater protection program requiring residential/business hookup to the sanitary sewer where available. | <ul style="list-style-type: none"> -<i>Sanitary sewer hookup permits issued in October 2011: 4 residential; 0 commercial.</i> |
| West Lake Management Program | Special assessment district designed to maintain/improve lake conditions. | <ul style="list-style-type: none"> -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. The 2011 lake survey and treatment preparations are complete. <i>Additional areas requested by the Association for treatment.</i> Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. <i>The 2011 program is complete.</i> |
| Retention Basin Sampling Program | Investigation regarding potential impact of retention basins on groundwater levels. | <ul style="list-style-type: none"> -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. Surface storm water outfall sampling shows stable results. *Current groundwater table measurements show the October 2011 level to be approximately 6" below June 2011 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 June 2011 minimal impacts noted. Sampling will continue.

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. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association. 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. *Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan.*

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.

-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. Facility is in regular operation.

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

-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

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.

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

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.

through December 2010. Current sampling continued to show a slight decline in the groundwater table. *Current groundwater levels are approximately 6" below the June 2011 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

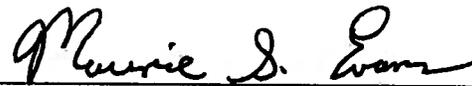
Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

-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.

MATERIALS TRANSMITTED

Tuesday, November 1, 2011

1. **To be added to the November 1, 2011 City Council Agenda as Item G.3:** Communication from David Steffens, President of the Long Lake Association, requesting that City Council refer a project for an aquatic plant management program to the Long Lake Governmental Lake Board.
2. **To be added to the November 1, 2011 City Council Agenda as Item G.3(a):** Communication from the City Manager recommending that City Council adopt the Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act and direct the Governmental Lake Board for Long Lake to proceed with the necessary steps to improve Long Lake.
3. **For the replacement of Item J.1 (November 1, 2011 Agenda):** Communication from the City Manager recommending that the City Council Policy for Use of City Hall dated November 1, 2011 and the City of Portage Application / Agreement for Use of City Hall be adopted.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager