

6:00 p.m. City Council Committee of the Whole.

7:30 p.m. Call to Order.

Invocation: Elder John Medema from the First Reformed Church of Portage.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. National Children's Mental Health Awareness Day.
 2. Parkinson's Disease Awareness Month.
- A. Approval of the Committee of the Whole and Regular Meeting Minutes of April 14 and Budget Review Session of April 21, 2015.
- * B. Approval of Consent Agenda Motions.
- * C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of April 28, 2015, as presented.
- D. Public Hearings:
1. Communication from the City Manager recommending that City Council, subsequent to the public hearing, adopt the 2015 sewer and water rate resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees and charges outlined in the 2015 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee, with rates to be effective October 1, 2015.
 2. Communication from the City Manager recommending that City Council, subsequent to the public hearing, approve Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations.
 3. Communication from the City Manager recommending that City Council, subsequent to the public hearing:
 - a. deed the easement rights located in Lexington Green, Lexington Green No.1 and Lexington Green No. 3 plats, to the Lexington Green Drain #319 Drainage District;
 - b. grant an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction, operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court, approve a license agreement to perform drainage work in Lexington Green Park;
 - c. transfer jurisdiction and ongoing maintenance of the storm drainage systems in Commercial Avenue, Environmental Drive, Quality Way, Quality Court as well as drain crossings at Meredith Street and Bishop Avenue to the Kalamazoo County Drain Commission;and authorize the Mayor to execute all documents related to the above action on behalf of the city.
- E. Petitions and Statements of Citizens:
- F. Reports from the Administration:
- * 1. Communication from the City Manager that City Council receive the proposed amendment to Section 38-35 of Chapter 38, Historical Preservation, of the City of Portage Code of Ordinances and take final action to approve the amendment on May 26, 2015.
 - * 2. Communication from the City Manager recommending that City Council approve the contract with Kalamazoo County for household hazardous waste collection for the period of January 1, 2015, through December 31, 2015, in the amount not to exceed \$26,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

- * 3. Communication from the City Manager suggesting that City Council forego setting a Committee of the Whole (COW) Meeting on Tuesday, May 12, 2015 – Information Only.
- * 4. Communication from the City Manager regarding the March 2015 Summary Environmental Activity Report – Information Only.
- * 5. Department Monthly Reports.
- * 6. Communication from the City Manager recommending that City Council adopt a Resolution authorizing the City Manager to sign all documents with the Michigan Department of Transportation related to Contract No. 2014-0194 on behalf of the City.
- * 7. Communication from the City Manager recommending that City Council adopt the Resolution setting a public hearing on May 12, 2015 for the fiscal year 2015-2016 proposed city budget and proposed 2015 tax levy.

G. Communications:

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

- 1. Portage Public Schools Board of Education Regular Business of February 23, Committee of the Whole Work Session and Special Meeting of March 9 and Regular Business of March 23, 2015.
- 2. Portage Youth Advisory Committee of March 9, 2015.
- 3. Portage Zoning Board of Appeals of March 9, 2015.
- 4. Portage Planning Commission of March 19, 2015.

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

M. Other City Matters:

- 1. Statements of Citizens.
- 2. From City Council and City Manager.

* 3. Reminder of Meetings:

- a. Tuesday, May 5, 4:30 p.m., City Council Budget Review Session, City Hall Room No. 1.
- b. Wednesday, May 6, 8:15 a.m., Historic District Commission, City Hall Room No. 2.
- c. Wednesday, May 6, 6:30 p.m., Park Board, West Lake Nature Preserve.
- d. Thursday, May 7, 6:30 p.m., Human Services Board, City Hall Room No. 1 – CANCELLED.
- e. Thursday, May 7, 7:00 p.m., Planning Commission, Council Chambers.
- f. Monday, May 11, 6:30 p.m., Youth Advisory Committee, City Hall Room No. 1.
- g. Monday, May 11, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
- h. Tuesday, May 12, 5:15 p.m., Special City Council Meeting to Interview Board and Commission Applicants.

N. Materials Transmitted of April 10 and 14, 2015.

Adjournment.

CITY COUNCIL MEETING SUMMARY

April 14, 2015

PROCLAMATIONS

- ◆ Mayor Strazdas issued a Child Abuse Prevention Month Proclamation, a National Arbor Day Proclamation and a Parkinson's Disease Awareness Month Proclamation.

ACCOUNTS PAYABLE REGISTER

- ◆ Approved the Accounts Payable Register of April 14, 2015, as presented.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Gary Wagner and Mary Torres, 5936 Concord Street, expressed a concern for pedestrians owing to semi-trucks and through traffic traversing Concord Street in violation of posted signs, "No Thru Traffic" and "No Trucks" and a lack of enforcement of the speeding on Milham Avenue; plus, they requested a "right-in and right-out" for Concord Street on to Milham Avenue.
- ◆ Jim Lutton, 2295 Woddy Noll Drive, indicated that in late February, he found a blue slip on his door that read he had excessive water use owing to water running through the water softener where he had used 122,000 gallons of water. He suggested a grievance procedure, and explained that there are situations where mitigation may be in order. Mr. Shaffer offered to draft a grievance procedure.

REPORTS FROM THE ADMINISTRATION

- ◆ Received the Presentation of Proposed Fiscal Year 2015-2016 Budget.
- ◆ Adopted the Resolution Authorizing Refunding of the City of Portage Capital Improvement Bonds, Series 2008 and Series 2008B and the Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Refunding Bonds, Series 2015A.
- ◆ Authorized the city acquisition of 203 East Centre Avenue and 208 Brown Avenue, owned by Marian Meyer et al., for the amount of \$180,000.
- ◆ Confirmed the appointment of Kendall Klingelsmith as the Director of Parks, Recreation & Senior Citizen Services, effective April 15, 2015.
- ◆ Adopted a resolution accepting all new streets constructed within residential plats approved by City Council during calendar years 2008, 2013 and 2014 as public streets.
- ◆ Set a Committee of the Whole (COW) Meeting for Tuesday, April 28, 2015, at 6:00 p.m. in Conference Room No. 1 to discuss the topic of audit and enhance aging infrastructure.
- ◆ Set a Special Meeting on Tuesday, May 12, 2015, beginning at 5:15 p.m., to interview Board and Commission applicants.

COMMUNICATIONS

- ◆ Received the Annual update of the Human Services Board Chairperson Sandra Sheppard.
- ◆ Received the Annual update of the Park Board Chairperson Kathleen Hoyle.
- ◆ Received the communication from Tim Rogowski, 8083 Glenwynd Drive, Kalamazoo, regarding the rough condition of the private road known as Martin Luther King Drive, and received the communication from the City Manager in response.

UNFINISHED BUSINESS

- ◆ Approved the revisions to the Brownfield Redevelopment Incentive Policy.

COUNCIL COMMITTEE REPORTS

- ◆ Council received the report on the Kalamazoo County Environmental Health Advisory Board Report from Councilmember Ford.
- ◆ Council received the report on the Kalamazoo County Consolidated Dispatch Authority Report from Councilmember Reid.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Ford expressed his enthusiasm to be able to discuss Social media at the next Committee of the Whole (COW) Meeting.
- ◆ Councilmember Reid announced the Inclusion Conference 2015, Transitioning & Inclusive Employment Options, at the Fetzer Center, WMU, April 20, 2015, from 8:30 a.m. to 4:00 p.m. where Lt. Governor Brian Calley will be the keynote speaker. She also mentioned the Hidden Talent Tour led by Lt. Gov. Brian Calley and Justice Richard Bernstein with Southwest Michigan First providing assistance locally. This tour will highlight untapped skills, local hiring resources and will highlight the opportunities for hiring Michiganders with disabilities across the state. The Hidden Talent tour aims to showcase the skills of Michiganders with disabilities that are often overlooked. The effort will encourage businesses to develop disability hiring policies while connecting businesses with resources to fulfill workforce needs. She indicated that a meeting will take place at 9:30 a.m. at the KVCC Groves Campus. She stated that April is National Occupational Month and, as an occupational Therapist, she let everyone know she is looking forward to attending her national conference in Nashville, Tennessee, this week. Discussion followed.
- ◆ Councilmember Ford announced the Youth Advisory Committee Greenathon on Saturday, April 25, 2015, from 11 a.m. until 3 p.m. at Celery Flats.
- ◆ Councilmember Randall welcomed Kendall Klingelsmith as the Director of Parks, Recreation & Senior Citizen Services, and expressed her appreciation to Mr. Shaffer for his selection saying he is doing a fine job of hiring.
- ◆ Mayor Pro Tem Pearson said, "Spring is here" and asked everyone to enjoy the lakes and the sun, but to also remember to wear sun screen.

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

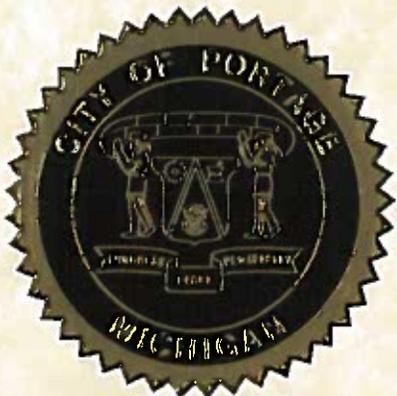


City of Portage Proclamation

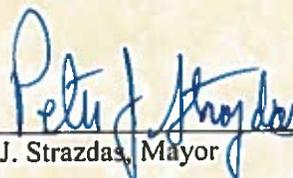
NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY

- WHEREAS,** addressing the complex mental health needs of children, youth and families today are fundamental to the future of the City of Portage; and
- WHEREAS,** the need for comprehensive, coordinated mental health services for children, youth and families places upon our community a critical responsibility; and
- WHEREAS,** it is appropriate that a day should be set aside each year for the direction of our thoughts toward our children's mental health and well-being; and
- WHEREAS,** Kalamazoo Wraps, through its unique and collaborative approach to serving children, youth and families, is improving the System of Care supporting the mental health needs of all children, youth and families in our community; and
- WHEREAS,** May 7th has been designated "National Children's Mental Health Awareness Day" and Kalamazoo Wraps is committed to caring for every child's mental health through education, raising awareness and eliminating stigma.

NOW, THEREFORE, I, Peter J. Strazdas, Mayor of the City of Portage, do hereby proclaim Thursday, May 7, 2015, as NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY in the City of Portage and urge our citizens and all agencies and organizations interested in meeting every child's mental health needs to unite on that day in the observance of such exercises as will acquaint the people of the City of Portage with the fundamental necessity of providing comprehensive and coordinated services for children and youth with mental health needs and their families.



Signed this 28th day of April 2015


Peter J. Strazdas, Mayor

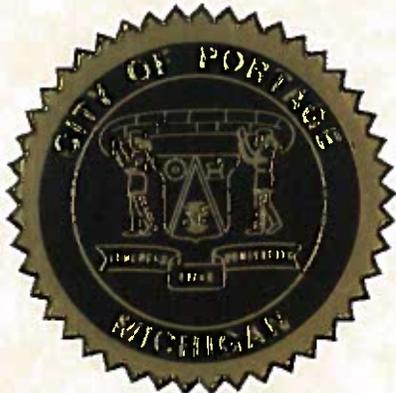


City of Portage Proclamation

PARKINSON'S DISEASE AWARENESS MONTH

- WHEREAS,** Parkinson's Disease is a chronic, progressive neurological disease with no known cause, affecting approximately 35,000 people in Michigan, and is marked by diverse symptoms including: rigidity, slowness of movement, poor balance and tremors that lead to impaired abilities; and
- WHEREAS,** even though this disease cannot be cured at this time, effective control of Parkinson's Disease can be achieved through medication and/or surgery in conjunction with education, rehabilitation programs and specialized group exercises on a frequent basis; and
- WHEREAS,** the Kalamazoo Area Parkinson's Support Group (KAPSG) provides education, support, and fellowship to those affected by this disorder, and makes available a Michigan publication developed by the Michigan Parkinson Foundation, which addresses various topics helpful to people with Parkinson's Disease, such as how to cope and how to develop positive attitudes to combat the effects of Parkinson's Disease; and
- WHEREAS,** Kalamazoo County has a multidisciplinary team which provides individualized physical therapy, occupational therapy and speech therapy, along with Parkinson specific group exercise classes, to address the physical challenges faced by Parkinson's Disease patients as well as the challenges faced by their caregivers, families and friends; and
- WHEREAS,** Michigan is a center of groundbreaking research and new treatments with major centers for movement disorders for treating persons with Parkinson's Disease, and has continued to establish programs for over 30 years through a largely volunteer effort to provide education and support for people with Parkinson's Disease, their families and their healthcare professionals; and
- WHEREAS,** the KAPSG has met for over 30 years, realizes that they have not touched all of the Parkinson's Disease patients in our community, and continues to identify resources to assist in the care of this special patient population and continues to help professional staff determine a model of service and support for these patients and other patients dealing with chronic conditions.

NOW, THEREFORE, BE IT RESOLVED that I, Peter Strazdas, Mayor of the City of Portage, do hereby proclaim April 2015 as **Parkinson's Disease Awareness Month** in the City of Portage.



Signed this 28th day of April 2015

Peter Strazdas, Mayor

MINUTES OF THE COMMITTEE OF THE WHOLE WORK SESSION OF APRIL 14, 2015

Mayor Pro Tem Pearson called the meeting to order at 6:00 p.m. The following Councilmembers were present: Nasim Ansari, Richard Ford, Patricia M. Randall and Claudette Reid and Mayor Pro Tem Jim Pearson. Councilmember Terry Urban and Mayor Peter Strazdas were absent with notice. Also present were City Manager Larry Shaffer, Deputy City Manager Rob Boulis, City Attorney Randy Brown and City Clerk James Hudson.

Mayor Pro Tem Pearson deferred to City Manager Shaffer, who stressed the importance of the value of exploring partnerships with regional entities on an ongoing basis and the creation of value through joint planning, funding and implementation of programs of mutual interest and importance and explained. He noted that this requires acknowledgment of the importance of the other organizations and the mutual respect, benefits and challenges that similar conditions present to each municipality. In order to be a part of the solution and not a part of the problem, he said it requires an ongoing commitment to the importance of relationships, structure and regular communication and necessitates a relinquishment of a degree of control in order to receive greater efficiency and effectiveness; and, this all takes time.

Mr. Shaffer let Council know that there is a need to establish relationships as the springboard to cooperation. With this, Mr. Shaffer said that inherent in this process is that one has to give something up in order to get something out, and he explained some of the progress with various topics being planned, funded and/or currently implemented, including: a discussion of the Kalamazoo County Consolidated Dispatch Authority and the fine efforts of different jurisdictions volunteering to do various roles; Kalamazoo County Regional Transportation with the proposed millage question on the ballot in August; discussion with Portage Public Schools and Capital Improvement Joint Planning on such topics as water and sewer, road improvements, traffic considerations and security issues.

Mr. Shaffer indicated that he meets with Portage Public Schools Superintendent Mark Bielang once per month, has had no conversations with regard to billboards on school property with anyone, and acknowledged he has plans to continue to develop a relationship with the Portage District Library and discussion followed. Mayor Pro Tem Pearson indicated a preference to having the City, School and Library Meeting that used to meet quarterly to be held at least once per year and explained that the last meeting of the group resulted in the idea of a Portage Public Schools insert into the *Portager*. Councilmember Reid reflected on a joint meeting between the City Council and the Portage Public School Board some time ago that included discussion over a meal which resulted in the formation of the Portage Public Schools District Advisory Council and the addition of representation from the Portage District Library. Mayor Pro Tem Pearson viewed this as an opportunity to bring these partners into the next 2025 Visionary Sessions to emphasize that these sessions are not just for the City. Discussion followed.

When Mr. Shaffer asked, there were no objections if he should notify Portage Public Schools Superintendent Mark Bielang and Portage District Library Director Christine Klien to let them know that City Council is interested in an annual City, School and Library Meeting. In fact, Mayor Pro Tem Pearson offered that he also should let them know that the City is thinking of having another 2025 Visioning Process and would like to have their involvement. Discussion followed. Mayor Pro Tem Pearson concurred with City Clerk James Hudson to include an invitation to the three Kalamazoo County Commissioners representing the City of Portage, Scott McGraw, Larry Provancher and John Gisler. Discussion followed regarding scheduling.

Mr. Shaffer described some of the conversations he has been having with the various governmental entities and advocates for biking and non-motorized vehicle transportation. He said they are really beginning to put together a consortium to plan, fund and implement necessary connections in order to exponentially expand the capabilities of the resources of that system. He indicated that he met with the City of Kalamazoo about their difficulties building a trail to the south and the Kalamazoo County Parks and Recreation Director about their east-west trail focus. He also mentioned that he met with Vicksburg and Oshtemo regarding planning for trail interconnections with their townships. He mentioned the proposed appointment of Kendall Klingel Smith as the new Parks, Recreation & Senior Services Director, who will be charged with the leadership role and responsibility of making this happen. Discussion followed.

Councilmember Randall mentioned an e-mail she received earlier in the day from Andrew Haan, Associate Director of the Michigan Office of Urban and Metropolitan Initiatives, and head of the southwest Michigan office, who works on urban issues in Kalamazoo, Battle Creek and Benton Harbor. She mentioned that Mr. Haan indicated there is funding for this sort of effort and it just needs an advocate and someone to go after it.

In response to Mayor Pro Tem Pearson regarding the study initiated by Councilmember Ed Sackley with regards to the Portage Road business revitalization effort, Councilmember Reid said that the City did not receive any funding, but did provide resources and a consultant. Councilmember Reid noted that the City of Kalamazoo has been considering trail interconnections, but part of their problem centers around the location of the trails because of contaminated land when attempting to come south and the otherwise fully developed nature of the area in question. She said that trail interconnections is a topic included in the Kalamazoo Area Transportation Study (KATS), a comprehensive non-motorized plan, and would be another option to tap into. Discussion followed. Mr. Shaffer indicated his familiarity with environmental issues, and indicated that this is one of the items on the agenda with his monthly meeting with Kalamazoo City Manager Jim Ritsema and Deputy County Administrator John Faul. He emphasized his readiness to meet this challenge praised the professionalism and support of Mr. Ritsema and Mr. Faul.

Mr. Shaffer shared that the City of Kalamazoo and the City of Portage share a fiber line which will assist in Disaster Recovery should there be any problems or issues with automation during a disaster since an alternate server will be available to either entity from the other entity. Discussion followed.

Mr. Shaffer explained in detail each of the following areas where the City of Portage presently participates in regional cooperation with great success: Fire Mutual Aid, Hazardous Material Response, Emergency Preparedness, Public Media Network and the Drug Task Force. Explanations followed. Mr. Shaffer agreed to find out more about the fire safety operations and equipment at the Kalamazoo Airport in Portage. Discussion followed. Deputy City Manager Rob Boulis also pointed out the city involvement in the Countywide Respecting Differences Program.

Mr. Shaffer summed up saying he meets monthly with the County Administrator and the Kalamazoo City Manager to discuss a variety of issues of mutual concern; that he meets frequently with Portage Public Schools Superintendent, the public School Administrative Team and the Portage City Administrative Team to plan for joint capital improvements; and, that he has met with the Oshtemo Township Supervisor in the past on a couple of occasions to discuss items of mutual concern.

As next steps, Mr. Shaffer recommended developing a task force agenda with Kalamazoo County and the City of Kalamazoo to more formally identify further efforts in cooperation; developing a task force agenda with Portage Public Schools to identify further efforts in cooperation; developing a task force agenda with area Township Supervisors to identify further efforts in cooperation; and to report back to City Council every six months with the results, approximately October.

Councilmember Reid handed out information regarding the Campaign for Transit, with a donation option, and indicated that the Transit Committee is looking for the endorsements of elected individuals. In answer to Mayor Pro Tem Pearson, Councilmember Reid agreed that the service will increase along South Westnedge and will run longer into the evening to accommodate workers who need to take the bus home at the end of a shift, plus there will be some coverage on Sundays. She said she would ask for the specific changes for Portage in order to answer the questions of citizens regarding the proposal. Discussion followed.

ADJOURN: Mayor Pro Tem Pearson adjourned the meeting at 6:59 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM APRIL 14, 2015

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

At the request of Mayor Pro Tem Pearson, Councilmember Patricia M. Randall gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATIONS: Mayor Pro Tem Pearson issued a Child Abuse Prevention Month Proclamation, a National Arbor Day Proclamation and a Parkinson's Disease Awareness Month Proclamation

APPROVAL OF MINUTES: Motion by Reid, seconded by Ansari, to approve the Special Meeting, Committee of the Whole Meeting and the Regular Meeting Minutes of March 24, 2015, as presented. Upon a voice vote, motion carried 5 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Pearson asked Councilmember Ansari to read the Consent Agenda. Councilmember Reid asked that Item F.3, Acquisition of City Centre Properties (203 East Centre Avenue and 208 Brown Avenue), be removed from the Consent Agenda. Mayor Pro Tem Pearson removed Item F.4, Director of Parks, Recreation & Senior Citizen Services Appointment, from the Consent Agenda. Motion by Reid, seconded by Ford, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 5 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 14, 2015:** Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of April 14, 2015, as presented. Upon a roll call vote, motion carried 5 to 0.

STATEMENTS OF CITIZENS: Gary Wager and Mary Torres, 5936 Concord Street, expressed a concern for pedestrians owing to semi-trucks and through traffic traversing Concord Street in violation of posted signs, "No Thru Traffic" and "No Trucks" and a lack of enforcement of the speeding on Milham Avenue; plus, they requested a "right-in and right-out" for Concord Street on to Milham Avenue. Mr. Wager spoke of a conversation in 2011 he had with Chris Barnes, who offered some ideas which Mr. Wager discussed and asked that they be explored as options. Mayor Pro Tem Pearson suggested that he present a formalized letter or set a meeting with the City Manager for more information. Mr. Shaffer agreed. Discussion followed.

Jim Lutton, 2295 Woddy Noll Drive, indicated that in late February, he found a blue slip on his door that read he had excessive water use. He investigated but found no problems with the water in his house; however, within three days the Treasury Department called to let him know his water bill was going to be over \$1,000 and asked him to call the Water Department to see if there is a broken meter. He said an employee came to his home and determined that the meter was fine, but was registering an enormous amount water through it. Upon further investigation, he discovered that the water was running through the water softener; so, he turned it off, but not until 122,000 gallons of water had flowed through. As a result, he suggested a grievance procedure, and explained that there are situations where mitigation may be in order. Discussion followed. In answer to Mayor Pro Tem Pearson, Mr. Shaffer offered to draft a grievance procedure. Discussion followed.

PRESENTATION OF PROPOSED FISCAL YEAR 2015-2016 BUDGET: City Council received the Presentation of Proposed Fiscal Year 2015-2016 Budget from City Manager Laurence Shaffer. Mr. Shaffer thanked Finance Director Bill Furry and Deputy Finance Director Lauren Vanderveen, Deputy City Manager Rob Boulis and all of the Department Heads for the many hours devoted to crafting this Budget. He discussed some of the highlights of the Budget, including: an increase in the overall budget to almost \$68 million which is up 5.2%; a 15% increase in Capital Improvements to just over \$14 million; a total taxable assessed value increased by almost 3% with 1.5% related to construction; a tax stabilization fund for emergency circumstances requiring a 2/3 vote of City Council for acquisition and use; elimination of the Benefit Services Department by combining those responsibilities with the Employee Development and Finance Departments for an annual savings of approximately \$250,000; kayaks, canoes and special events as part of the Parks and Recreation effort for an additional \$40,000; improvements in the Information Management System at a cost of \$50,000, such as the new social media efforts, time and attendance ADT System and Wi-Fi at Celery Flats; a new Fire Training Officer position; testing of body cameras for Police Officers; two non-Public Safety Hybrid vehicles; a study of all municipal buildings for the potential of solar adaption to address legitimate environmental and sustainability issues; and a new Code Enforcement Officer in the Community Development Department. He indicated that he was looking forward to working with City Council in the review of the Budget and restated his appreciation to City Staff for all of their hard work in creating this Budget. Discussion followed.

* **ADOPTION OF RESOLUTIONS REGARDING THE REFUNDING OF 2008 AND 2008B CAPITAL IMPROVEMENT BONDS:** Motion by Reid, seconded by Ford, to adopt the Resolution Authorizing Refunding of the City of Portage Capital Improvement Bonds, Series 2008 and Series 2008B and the Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Refunding Bonds, Series 2015A. Upon a roll call vote, motion carried 5 to 0.

ACQUISITION OF CITY CENTRE PROPERTIES (203 EAST CENTRE AVENUE AND 208 BROWN AVENUE): Mayor Pro Tem Pearson deferred to Councilmember Reid, who indicated she wanted some discussion regarding the City Plan for the property in question. She asked whether the City Center Plan for the area on the west side of South Westnedge is no longer going forward; is the City looking at utilizing the area between Brown Avenue and East Centre Avenue to have a plan similar to the one behind the Police Station; and, why is the City purchasing this land?

Mayor Pro Tem Pearson deferred to Mr. Shaffer, who referred to a discussion of the City Centre concept in the two iterations of the Portage 2025 Visionary Sessions and in the recent Comprehensive Plan adopted by the Planning Commission in the summer of 2014. He said he, Community Development Director Vicki Georgeau and Deputy Director Chris Forth attended a general meeting with the property owners to discuss their interest in a City Center Concept and what they might be willing to contribute during some of the initial phases. He indicated that they described the Portage 2025 Plan and the Comprehensive Plan to the property owners, and he expressed the need for a feasibility study, a marketing study, to ascertain whether the mixed use plans made financial sense. He said the concepts are great, but unless they can attract the appropriate level of investment and, unless there is a market there to generate such an investment, a plan remains “just a plan.” He said the next logical step is to create and conduct a marketing study and fund it from a variety of sources, including Michigan State Housing Development Authority (MSHDA) which sponsors such an option. He introduced a survey which revealed a strong interest in such a plan of around 70%.

Mr. Shaffer indicated that he and staff looked at all of the city-owned properties, and these four properties surfaced as they were separated by a property that was for sale, prompting staff to undertake an effort to get the property under contract conditioned upon City Council approval. He explained that this acquisition adds 1.2 Acres to the 2.2 Acres already held by the City in order to create a larger piece that has the size and assemblage necessary to do something in miniature to “jump-start” the process, and that the acquisition adds value to the existing assets there.

He indicated that the asking price for the property was \$195,000; that they are under contract for \$180,000; and that the appraisal was at \$189,000. He summed up by saying that the property acquisition is well-priced, adds value to the existing City-owned assets, provides an assembled parcel that is much more easily developed than the two smaller separated properties, and contributes to a long, articulated plan for a City Center Area. Discussion followed.

Councilmember Reid asked for a plan for the two residential plots, especially for those who own property who were not present for the meeting, and whether there has been any direct contact with them. Mr. Shaffer was unsure whether there has been any contact with these property owners, but expressed his assurances that there is no intention to diminish the value of any of these properties; rather, whatever the City does will presumably enhance the value of the properties.

Ms. Georgeau concurred and indicated that there has not been any direct contact with the property owners and the City has no specific plan at this time, but the idea is to add additional value to the properties already held by the City. She provided some history of why the City originally purchased the properties and reviewed some of the future possibilities for the development of the properties. Discussion followed.

In answer to Mayor Pro Tem Pearson and his question regarding the future uses of this property per the Comprehensive Plan, Ms. Georgeau indicated that the City Centre Area is a smaller area within the larger study area that is bordered by Garden Lane on the North and East, Central Middle School on the South and Perry Street on the West. She indicated that the Plan for this smaller area is for mixed uses and explained some of the options contemplated for the area.

Councilmember Reid reminded everyone that when the City purchased property in this area, the intent was for the development for a City purpose, i.e. the City Centre, the Senior Center expansion, etc., and listed some of the possible private uses now contemplated by this action. Ms. Georgeau agreed that the City will not participate in developing these properties (with public uses, for example). Mr. Shaffer concurred that there is neither an intent for the City to be the developer, nor to develop a public use or a community center in this area and explained.

Mr. Shaffer provided assurances to Councilmember Reid that the two residential plots are not under any risk of eminent domain proceedings to fill out this development as this is a very undesirable practice that he would only recommend in the most severe of circumstances, and that this is not the case here.

City Attorney Randy Brown concurred and added that the Supreme Court has discussed it and the Michigan Legislature has changed the law and made eminent domain very restrictive, plus a City can not take property through eminent domain for the mere purpose of transferring it to a private third party for economic development. He explained that this is a public purpose matter and eminent domain is a public use doctrine. He indicated that the breadth and width of a public purpose is much wider than a public use, so the City is permitted to use public funds for a public purpose and in this case, it could be economic development which is supported by the four reasons given by City Manager Shaffer. Lastly, he said just because the City doesn't do this much doesn't mean it is illegal, and recommended that whoever makes the motion include the four reasons as stated by Mr. Shaffer as well as the intent to move forward and discuss how this property once assembled can then be used.

Councilmember Reid indicated that she appreciated the discussion and felt because the City does this so infrequently, that she felt it was important to have open discussion so City Council and the citizens are aware of what this is.

Councilmember Ford revealed that the two residential properties are zoned B-3, and confirmed that one of the residential owners did attend one of the City sessions, but Ms. Georgeau indicated that they did not reveal their intentions even though she was able to talk to them. Councilmember Ford spoke in favor of the acquisition.

Motion by Randall, seconded by Ansari, to authorize the city acquisition of 203 East Centre Avenue and 208 Brown Avenue, owned by Marian Meyer et al., for the amount of \$180,000 and authorize the City Manager to execute all documents related to this matter and, at the suggestion of City Attorney Brown, to discuss the details of how the entire assembled piece will contribute to the articulated vision of the Comprehensive Plan and, further, that the acquisition of these parcels create additional value to the City properties owned to the east and the west and give the City the flexibility to solicit redevelopment of the assembled area, as this is consistent with the provisions of the Portage 2025 and the 2014 Comprehensive Plan regarding this area. Upon a roll call vote, motion carried 5 to 0.

DIRECTOR OF PARKS, RECREATION & SENIOR CITIZEN SERVICES

APPOINTMENT: Mayor Pro Tem Pearson deferred to City Manager Shaffer, who expressed his pleasure to submit his recommendation for the position of Parks, Recreation & Senior Citizen Services Director, Kendall Klinglesmith. He indicated that Mr. Klinglesmith has extensive experience in the realm of Parks & Recreation; is a Certified Park and Recreation Professional; spent many years in Kentwood building a very intricate park system there; and was most recently the Executive Director for the YMCA of Greater Grand Rapids. He then introduced Mr. Klinglesmith, his wife and two children. Mr. Klinglesmith expressed his appreciation for the opportunity to return to the Parks and Recreation realm and shared a few of his explorations of the City thus far.

Mayor Pro Tem Pearson indicated that the City Parks are the jewels of the community; that the acquisition of the Eliason Nature Reserve presents a great opportunity for the new Parks Director; and referred to the Park Board and Environmental Board as very active, supportive advisors for the Parks Department.

Motion by Randall, seconded by Reid, to confirm the appointment of Kendall Klinglesmith as the Director of Parks, Recreation & Senior Citizen Services, effective April 15, 2015. Councilmember Ansari indicated that the City has been fortunate in the past to have had excellent Parks Directors, and mentioned past Parks Director Bill Deming and past Parks Deputy Director Barry Bacon. He welcomed Mr. Klinglesmith and expressed his appreciation for having him as the new Director. Upon a voice vote, motion carried 5 to 0.

*** RESOLUTION ACCEPTING NEW PUBLIC STREETS – ACT 51 MILEAGE**

CERTIFICATION: Motion by Reid, seconded by Ford, to adopt a resolution accepting all new streets constructed within residential plats approved by City Council during calendar years 2008, 2013 and 2014 as public streets. Upon a roll call vote, motion carried 5 to 0.

*** APRIL 28, 2015 COMMITTEE OF THE WHOLE MEETING:** Motion by Reid, seconded by Ford, to set a Committee of the Whole (COW) Meeting for Tuesday, April 28, 2015, at 6:00 p.m. in Conference Room No. 1 to discuss the topic of audit and enhance aging infrastructure. Upon a roll call vote, motion carried 5 to 0.

*** SPECIAL MEETING FOR BOARD AND COMMISSION APPLICANTS:** Motion by Reid, seconded by Ford, to set a Special Meeting on Tuesday, May 12, 2015, beginning at 5:15 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 5 to 0.

COMMUNICATIONS:

ANNUAL UPDATE OF THE HUMAN SERVICES BOARD, SANDRA SHEPPARD, CHAIRPERSON: Human Services Board Chairperson Sandra Sheppard reviewed the Goals and Objectives of the Human Services Board. Mr. Shaffer updated City Council on the Panhandler issue and the effective use of the cards devised by the Human Services Board. Ms. Georgeau pointed out that both the Police Officers and the Park Rangers had training on how to address the Panhandlers and how to direct them to the various service agencies as necessary. She also gave examples, including providing the cards to the Treasurer, to assist with citizens who may also make use of some of the community service agencies. Discussion followed. Motion by Ford, seconded by Ansari, to receive the Annual Update of the Human Services Board, Sandra Sheppard, Chairperson. Upon a voice vote, motion carried 5 to 0.

ANNUAL UPDATE OF THE PARK BOARD CHAIRPERSON KATHLEEN HOYLE: Park Board Chairperson Kathleen Hoyle reviewed the Goals and Objectives of the Park Board. Discussion followed and Ms. Hoyle indicated that Friends of the Park Membership can be obtained on line for \$50 and the benefits are listed there as well.

Motion by Ford, seconded by Ansari, to receive the Annual Update of the Park Board Chairperson Kathleen Hoyle. Upon a voice vote, motion carried 5 to 0.

TIM ROGOWSKI, 8083 GLENWYND DRIVE, KALAMAZOO: Mayor Pro Tem Pearson asked for a status update regarding this situation, and Mr. Shaffer indicated that this is a private road and staff has had conversations with the owner of the road who indicated that there are plans to improve the road, which does not include repaving, only a lot of patching. He indicated that he met with the owner recently, did not broach the subject at that time, but plans to bring it to his attention in the not too distant future. He explained that there are many issues with that road involving private properties which are responsible for driving the poor condition of the road. He also noted the recommendation, or maybe a dictum, from the City Council to sign that road as a private drive. He asked to be allowed to reserve action until he has had a more fruitful and comprehensive conversation with the private property owner in order to reach a resolution that is more amenable than the public notice.

Since Council has been discussing this matter for several years and this is an important area of the City and important for commerce, Councilmember Reid asked whether Martin Luther King Drive meets the standards of a public road. She also asked whether the City should investigate the possibility, or is it desirable, to assume the road if we are not able to get a resolution from the property owner. Mr. Shaffer asked for the opportunity to address this matter incrementally, step by step, without anticipating what options the City might have if discussions do not prove fruitful.

In answer to Councilmember Randall, Mr. Shaffer indicated that the owner plows the snow and all other maintenance on the road. Mr. Brown answered Councilmember Reid that the streets accepted under Item F.5 were already public streets as part of a plat which is distinguished from a private street such as Martin Luther King Drive.

Motion by Ansari, seconded by Ford, to receive the communication from Tim Rogowski, 8083 Glenwynd Drive, Kalamazoo, regarding the rough condition of the private road known as Martin Luther King Drive, and to receive the communication from the City Manager under G.2.a. Upon a voice vote, motion carried 5 to 0.

UNFINISHED BUSINESS:

BROWNFIELD REDEVELOPMENT INCENTIVE POLICY UPDATE: Mayor Pro Tem Pearson introduced the item and indicated that it was tabled owing to some questions, and Councilmember Reid indicated that she asked the matter to be postponed to receive more information. She referred to her desire to determine what "functionally obsolete" means in the terms of the Brownfield Redevelopment Incentive Policy and expressed her appreciation for the

more information. She referred to her desire to determine what “functionally obsolete” means in the terms of the Brownfield Redevelopment Incentive Policy and expressed her appreciation for the explanation as she considered it fairly clear. She expressed her opinion that, even though it is ambiguous, a Brownfield has to be identified and verified by a level 3 or level 4 Assessor and has to be evaluated in a standard way.

Councilmember Reid expressed her ongoing concern for adding the “creation of jobs” as a requirement under the Brownfield Redevelopment Incentive Policy because areas where the City has had Brownfields in the past read, “jobs created and retained,” and the language in the proposed Policy reads, “new jobs.” She disagreed with adding jobs creation in addition to Brownfield concerns and expressed her opinion that job creation is appropriate for Act 198 Industrial Tax Abatements for industrial projects, but not as a Brownfield Redevelopment Incentive.

Ms. Georgeau pointed out that the proposed Policy grants a Tax Increment Finance (TIF) time period longer than the original Policy which allowed five (5) years. She indicated that since the criteria for jobs was very general, this is an attempt to be “more clear” and Act 198 Industrial Tax Abatement Policy was considered. She cited Page 4, Section 3.a, 3.b, 3.c, and 3.d of the Policy and explained. She provided a discussion of some of the examples and distinguished them from properties that would qualify under the Act 198 Industrial Tax Abatement Policy.

In answer to the concern for a “claw-back” provision by Councilmember Reid for a Brownfield Redevelopment, Ms. Georgeau indicated the need for a specific agreement that specifies the criteria that would trigger a “claw-back” provision.

Councilmember Reid indicated that when considering the option that an applicant may go through the County and obtain an extra five years to pay back the TIF, it seems advantageous for the Brownfield to go through the City to be able to get the upfront costs within a shorter period of time. Ms. Georgeau indicated that a survey of 20 communities, many communities opt for a shorter period than the 30 year period, and the County expressed the need to recapture their five years of costs if they were going to help with the upfront costs and explained.

Councilmember Ford expressed support for the jobs section owing to the need for an applicant to recoup some of the costs to remediate the contaminants when a company leaves behind a Brownfield site.

Motion by Randall, seconded by Ansari, to approve the revisions to the Brownfield Redevelopment Incentive Policy. Councilmember Reid indicated that because the Policy includes the language “new jobs” and disagrees that this language should be a part of the Policy, so she will not be supporting the motion. Upon a roll call vote, motion carried 4 to 1. Yeas: Councilmembers Ansari, Ford and Randall and Mayor Pro Tem Pearson. No: Councilmember Reid.

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

Portage Park Board of March 4, 2015.

Portage Human Services Board of March 5, 2015.

COUNCIL COMMITTEE REPORTS:

COUNTY ENVIRONMENTAL HEALTH ADVISORY COMMITTEE (EHAC):

Mayor Pro Tem Pearson asked Councilmember Ford whether he had anything to report and Councilmember Ford indicated that Saturday hours have been returned to the Household Hazardous Waste Pick-up Site at the Kalamazoo County Fairgrounds on the second Saturday of the month except August and September from 8:00 a.m. until noon. Discussion followed.

Motion by Ford, seconded by Ansari, to receive the Kalamazoo County Environmental Health Advisory Board Report from Councilmember Ford. Upon a voice vote, motion carried 5 to 0.

KALAMAZOO COUNTY CONSOLIDATED DISPATCH AUTHORITY: Mayor Pro Tem Pearson asked Councilmember Reid for a report on the Dispatch Authority and she indicated that the Authority received a report from the Task Group, who received the Requests for Proposals for a Search Firm, interviewed three Firms and selected Strategic Resources, Inc.

Councilmember Reid also indicated that the Authority selected a Task Group to form a budget, and that the Kalamazoo County Commission has agreed to provide some funding to allow the Authority to get started. She provided the reasons for hiring a search firm, such as performing legal and accounting functions, etc., in order to begin to operate before funds from the 42 cents per phone in the County are received in November or early December 2015 and explained.

Mayor Pro Tem Pearson expressed appreciation to all of the governmental entities for their volunteerism and service to the Authority, and mentioned that there was a fine level of cooperation among all of the municipalities and the County.

Motion by Reid, seconded by Randall, to receive the Kalamazoo County Environmental Health Advisory Board Report from Councilmember Ford. Upon a voice vote, motion carried 5 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Reid announced the Inclusion Conference 2015, Transitioning & Inclusive Employment Options, at the Fetzer Center, WMU, April 20, 2015, from 8:30 a.m. to 4:00 p.m. where Lt. Governor Brian Calley will be the keynote speaker. She also mentioned the Hidden Talent Tour led by Lt. Gov. Brian Calley and Justice Richard Bernstein with Southwest Michigan First providing assistance locally. This tour will highlight untapped skills, local hiring resources and will highlight the opportunities for hiring Michiganders with disabilities across the state. The Hidden Talent tour aims to showcase the skills of Michiganders with disabilities that are often overlooked. The effort will encourage businesses to develop disability hiring policies while connecting businesses with resources to fulfill workforce needs. She indicated that a meeting will take place at 9:30 a.m. at the KVCC Groves Campus. She stated that April is National Occupational Month and, as an occupational Therapist, she let everyone know she is looking forward to attending her national conference in Nashville, Tennessee, this week. Discussion followed.

Councilmember Ford announced the Youth Advisory Committee Greenathon on Saturday, April 25, 2015, from 11 a.m. until 3 p.m. at Celery Flats.

Councilmember Randall welcomed Kendall Klinglesmith as the Director of Parks, Recreation & Senior Citizen Services, and expressed her appreciation to Mr. Shaffer for his selection saying he is doing a fine job of hiring.

Mayor Pro Tem Pearson said, "Spring is here" and asked everyone to enjoy the lakes and the sun, but to also remember to wear sun screen.

ADJOURNMENT: Mayor Pro Tem Pearson adjourned the meeting at 9:14 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

DRAFT

MINUTES OF THE BUDGET WORK SESSION OF THE PORTAGE CITY COUNCIL
April 21, 2015

Meeting was called to order by Mayor Strazdas at 4:37 p.m.

The following members of City Council were present: Councilmembers, Nasim Ansari, Richard Ford, Patricia Randall, and Councilmember Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Councilmember Claudette Reid arrived at 5:30 p.m. Also in attendance were City Manager Laurence Shaffer, Deputy City Manager Rob Boulis, Finance Director Bill Furry, Deputy Finance Director Lauren VanderVeen, and City Clerk James Hudson.

City Manager Laurence Shaffer thanked Finance Director Bill Furry and Deputy Finance Director Lauren VanderVeen, Deputy City Manager Rob Boulis and all of the Department Heads for the many hours devoted to crafting this Budget. He discussed some of the highlights of the Budget, including: an increase in the overall budget to almost \$68 million; a fund balance and a tax stabilization fund for catastrophic emergencies; combines two departments, Benefit Services Department with the Employee Development, to form a Human Resources Department to enable better efficiency and productivity; \$1.8 million in Capital Improvement funds to accelerate investment in the community; kayaks, canoes, and cultural activities as part of the Parks and Recreation effort; a new Fire Training Officer position to train personnel with the expertise to handle the many issues they face and for the accreditation process similar to that of the Police Department; purchase and full testing and evaluation of body cameras for Police Officers; two non-Public Safety Hybrid vehicles and a study of all municipal buildings for the potential of solar adaption to address legitimate environmental and sustainability issues; and a new Code Enforcement Officer in the Community Development Department for the preservation of the quality of the City neighborhoods.

Mayor Pro Tem Pearson spoke positively for the Budget and encouraged City Council to discuss the Budget and express their preferences as he is sure the City Manager will listen. In answer to Councilmember Ansari, Mr. Shaffer indicated that the Code Enforcement Officer position allows for higher scrutiny of the quality of the neighborhoods, the ability to provide meaningful reports back to City Council and the need requires a full time position.

Deputy City Manager Rob Boulis interjected that a few years ago, this position was set aside to accommodate the needs of the Community Development Department at a time when extreme cuts were taken by that Department. He said this was based on the economy at the time with indicators such as a significantly lower number of building permits; moreover, he said now construction has really come back in the City, and the current staff does not have the time to get out into the neighborhoods as needed.

DRAFT

In answer to Mayor Pro Tem Pearson, Mr. Shaffer said staff is currently reactionary and acts on a complaint from a citizen which creates a long history of blight and/or code violations, and the "damage has been done" by then. He indicated the desire to intercede and act in a proactive and positive way to allow for the information to be imparted into the neighborhoods, gave examples and explained.

Mayor Strazdas pointed out that the City tax base has been favorably increased this year, plus this budget also raises the millage. He concurred with the placement of personnel and sees it as a responsibility of the professional administration. He spoke in favor of the \$1 million Tax Stabilization Fund and the 24% Fund Balance and asked for a distinction between the two.

Mr. Shaffer explained that the 24% is the unappropriated fund balance set by City Council, and anything over that is to be directed to be spent on capital improvement projects; furthermore, it creates a stable bond rating. He then explained that City Council can direct these funds to be spent with a majority vote. He explained that the key to the Tax Stabilization Fund is that a two-thirds majority vote is necessary to draw from it, and it has to be used for a very specific purpose, i.e., catastrophic conditions. He explained that there is no current policy, but that it is covered in an ordinance being drafted by City Attorney Randy Brown.

Discussion followed regarding the proposed increase cultural activities, the positive tone of the budget and how it serves the public, the fund balance, \$5 million in investments yet still taxing the citizens, how to help those citizens on fixed income, increased property evaluations, the proposed tax increase in the brush and leaf pick-up, the need for the Tax Stabilization Fund owing to the loss of the personal property tax, and the reliance on the State for compensation.

In answer to Councilmember Urban, Mr. Shaffer explained the personnel openings in the Benefits Services Department and the Finance Department and the plan to have current employees "parachute" into these positions. He explained the expensive, paper-laden process currently used to track attendance and time off. Discussion followed regarding the change to a Human Resources Department, the Code Enforcement Officer warning and ticketing process, and more details about the need for a Tax Stabilization Fund in addition to the need for a 24% Fund Balance.

Deputy City Manager Rob Boulis reviewed the Human Resources Department Budget. He informed City Council that Employee Services, Employee Interaction and Employee Compensation would be assumed by the newly formed Department; all Financial Responsibilities would be assumed by the Finance Department; and he listed some of these new duties. He noted that his listings are not all inclusive, and that this is still a work in progress. He emphasized that the Human

Resources Department will continue to provide staffing and recruitment activities. He further discussed some of the other services to be provided by the Human Resources Department, including oversight of employee leave and attendance, compliance management of the Affordable Care Act, workers compensation, safety administration, safety committee, compensation and benefits, training, labor agreement negotiations, accurate job descriptions, performance evaluations, performance improvement plans, compliance with regulatory requirements (EEOC, FMLA, etc.). He emphasized that the Human Resources Department will continue to provide these services with excellent job performance and excellent customer service. Discussion followed.

Deputy City Manager Rob Boulis indicated that the Purchasing Department and the Purchasing Manager are one and the same. He provided a brief history of the evolution of the Department and indicated that the Purchasing Department is responsible for the daily purchasing function, preparation and distribution of bids, contract construction and execution, and insuring purchasing activities comply with the City Charter. He explained how the Request for Proposal (RFP) Process responsibility is fairly complicated and that there has been an increase in construction and Capital Improvement projects. He cited risk management functions and working with the Michigan Municipal Risk Management Association (MMRMA) as key functions of the department. Discussion followed.

City Assessor Jim Bush reviewed the highlights of the Assessor Department operations and objectives. He listed assessing, assessment rolls and the Board of Review as responsibilities of the Assessor, and mentioned that he is the keeper of the records of all property ownership and occupancy. He listed other duties as tax abatement tracking, various key reports, a summary of the recent increases in the 2015 Assessment Roll, personal property tax questions, decrease in residential foreclosures, Tax Base and Revenue Forecasting, Board of Review activities with their request for additional training and property tax appeals. He mentioned the potential for tax appeals by the "big box" companies, summed up and discussion followed.

RECESS: 5:53 p.m.

RECONVENE: 6:16 p.m.

Utilities Engineer Kendra Gwin indicated that the Transportation & Utilities Department has been reduced to four employees with the promotion of the Project Manager to Deputy Director of Fleet & Facilities; nevertheless, she said interviews are taking place for the position of Assistant City Engineer. She provided a review of the Capital Improvement Projects, including those projects within the local and major streets and the water and sewer capital improvement budgets for the current construction season: reconstruction of South Westnedge Avenue from Mall Drive to Dawnlee Avenue, including the replacement of the water main; reconstruction of West Osterhout Avenue from Shaver Road to South Westnedge Avenue, including the installation

of sanitary sewer from Lloy street to South Westnedge Avenue; reconstruction of Oakland Drive from I-94 to Kilgore Road, including a culvert rehabilitation; and reconstruction of Pine View Drive from Bacon Avenue to Chaucer Avenue, including the installation of sanitary sewer.

Ms. Gwin also reviewed the Capital Improvement Projects in the 2015-2025 Capital Improvement Plan (CIP) Budget, including: reconstruction of East Osterhout Avenue from South Westnedge Avenue to Portage Road; reconstruction of Portage Road from Romence Road Parkway to East Milham Avenue; reconstruction of Constitution Blvd from Romence Road to West Milham Avenue; reconstruction of South Westnedge Avenue from Shaver Road to East Centre Avenue; and the reconstruction of East Centre Avenue from Shaver Road to South Westnedge Avenue.

Ms. Gwin reviewed the Transportation & Utilities Department Budget, including: local and major streets, water and sewer, traffic engineering, signals and crossings, site plan review and inspections in conjunction with the Community Development Department, Act 51 Fund Administrator, Michigan Transportation Fund, pavement ratings, fiscal reporting and various environmental programs that are included in the Utility Budget, street lighting initiatives, and the Austin Lake Aeration and Bioaugmentation Project. Discussion followed regarding street lighting initiatives and Mr. Shaffer volunteered to look at lighting upgrades in more detail and report back. Councilmember Randall indicated that she thought reconstruction of Constitution Blvd from Romence Road to West Milham Avenue would be a good time to approach Josh Weiner about improving Martin Luther King, Jr. Drive while the equipment is there. Discussion followed.

Ms. Gwin reviewed the Major Streets Fund, including: administration, signals and crossings, railroad crossings, engineering, supplies and KATS. She also reviewed the Local Streets Fund, including: engineering, supplies, contract engineering, coordination of railroad signals and crossings, site plan review and inspections and costs. Discussion followed. Councilmember Ford asked about a discrepancy with regards to state-mandated traffic signal repair and maintenance costs and Mr. Shaffer said he would investigate it. At the request of Councilmember Ansari, Mr. Shaffer explained in more detail how the variation occurred with the bids on the South Westnedge Avenue Project that was discussed previously at the Regular City Council Meeting on March 24, 2015. Discussion followed.

Ms. Gwin reviewed the Sewer Fund, including: pipe replacements, oversight of United Water that took place in 1997, and the 2015 Utility Rate Financial Study which is set for a public hearing before City Council on April 28, 2015. She indicated that there are 15,300 customers utilizing the City sewer through 230 miles of sanitary sewer pipe. She discussed the operation and maintenance of the sanitary

sewer system, lift stations, the amount of sewage transported, inspections, and miles of sanitary sewer receiving maintenance.

Ms. Gwin indicated that the Water Fund will service 15,394 meters and 13,825 customers, including well inspection, sampling, 247 miles of water mains, almost 2,700 fire hydrants and 2,500 miles of street sweeping. She discussed the operation and maintenance of the West Lake Management Fund for treatment to improve lake quality with the least amount of environmental impact. Discussion followed.

Mr. Shaffer introduced Parks, Recreation & Senior Citizen Services Director Kendall Klingel Smith and Public Services Director Rod Russell. Mr. Russell explained that the newly divided Departments will continue to provide the services that help make Portage the "Natural Place to Move" by contributing to the leisure amenities such as bike paths, parks and natural resources. He indicated that the goal is to continue to provide a high level of service by maintaining facilities, streets, trails, bikeways and the parks program.

Mr. Russell explained the importance of revenue generation through fees, grants, foundations, donations, etc., and the importance of volunteer participation with clean-up needs and flower planting in cooperation with Kalamazoo in Bloom, and the importance of the use of new technology and WiFi in the parks. Discussion followed.

Mr. Russell discussed street repairs, including the use of mill and fill, the Duroatcher and crack fillers. He explained why there is a preference for two new UAW positions for brush pick-up and snowplowing, at the cost of eliminating two seasonal positions. He reviewed facility maintenance, grounds maintenance, cemeteries and parks. Discussion followed regarding the need for a new cemetery in the future. Discussion followed regarding the use and maintenance of the various parks. He highlighted the twenty-fifth year of Portage being a Tree City USA and mentioned the tree-planting ceremony on April 14, 2015, commemorating the honor.

Mr. Russell discussed plans for maintaining bike paths and trails, the development of the planned Eliason Nature Reserve bike path and the development of the dog park at Lakeview Park with the help of donations. Discussion followed. In answer to Councilmember Randall, Mr. Russell indicated that mowing contracts are for the season instead of per mow for boulevards, but City employees mow the parks. Mr. Russell also explained the distinction between the cost of a program with full time employees and the cost of hiring and training seasonal employees to help run the program. He then let her know that he works with the Transportation & Utilities Department to determine the Pavement Surface Evaluation of the road, or a PASER Rating as the guide for when a road may need crack sealing, Duroatcher treatment or mill and fill and explained.

Mr. Russell indicated that the average life of a road is 25 to 30 years. In answer to her concern with the fleet, Mr. Russell informed her that the two new hybrid vehicles are replacements. Discussion followed.

Parks, Recreation & Senior Citizen Services Director Kendall Klingelsmith indicated that the Parks and Recreation Budget provides for the management, promotion and execution of various programs offered to the public and the development of the parks and non-motorized trails. He said that as the discretionary funds continue to dwindle, and the health of the American population continues to be a concern, provision and promotion of parks for a healthy life style remains a priority. He expressed his excitement for the development of the central, south bike trail and trail head on the donated Eliason Property.

Mr. Klingelsmith reviewed the costs associated with administration, team sports, swimming at Ramona Park, ice rink at Millennium Park, management of youth and family activities, the increased focus on cultural arts and adult softball. He mentioned that Portage Parks Department partners with the Kalamazoo Nature Center, the Y.M.C.A., the City of Kalamazoo Spirit Racing, the Kalamazoo Area Runners, the Portage Park Board and the Friends of Portage Parks to provide enhanced recreational activities for our citizens.

Mr. Klingelsmith indicated that the Portage Parks Department assists with over 20 walk-run events; that there are plans to expand the trail system; and that access to Portage Creek will again be possible owing to the reinstatement of the canoe and kayak livery. Discussion followed. Councilmember Reid suggested looking at the fee structure to discourage groups from trying to surreptitiously use the parks for a major event. Discussion followed. Mayor Strazdas stressed the desire of the community for the return of the Summer Entertainment Series as the number one amenity that needs to be provided again by the Parks Department.

Mr. Klingelsmith reviewed the Senior Citizen Services Budget, including maintenance of the facility, administration, senior trips and the need to replace tables that are 30 years old. Since it is a positive fundraiser for the Senior Center, Mayor Pro Tem Pearson asked Mr. Klingelsmith to find out if it is possible to expand the senior trips program, or is it truly a matter of having it not compete with the private sector. Mr. Klingelsmith indicated he would find out. Councilmember Urban asked Mr. Shaffer and Mr. Klingelsmith to find out if the subsidy was a lot less last year than the \$180,000 projected for this year. Mr. Shaffer offered to provide a seven year history of the Senior Center Budget for him. Discussion followed.

Mr. Russell discussed the Major Streets Fund, including maintenance, pavement markings, line striping, signs, asphalt restoration, and winter maintenance for the 72 miles of major roads in Portage. He said the plan for the mill and fill program is to repair 53,000 square yards of street surface throughout the City.

Mr. Russell explained the selection process and the method to be used for street maintenance depending upon the PASER Rating and condition of the road, especially the crack-filling process and the use of the Duropatch machine.

Mr. Russell discussed the Local Streets Fund, including maintenance, repair of pavement markings for crosswalks, signs, and asphalt restoration for the 147.77 miles of local streets. He noted that the City used 4,100 tons of salt over the winter of 2014-2015 which is slightly less than average.

Mr. Russell discussed curbside recycling with a bid opening on April 23, 2015, for a single-stream curbside recycling program as recommended by the Environmental Board. He mentioned that the Household Hazardous Waste Pick-up Site at the Kalamazoo County Fairgrounds will be open on the second Saturday of the month except August and September from 8:00 a.m. until noon for 6 Saturdays in 2015 and 10 Saturdays in 2016.

Mr. Russell explained the Leaf Pick-up and Spring Clean-up Fund, the Compost Site Program, Fleet Facilities or Equipment Fund, Operations and Maintenance (196 pieces of equipment), Capital Outlay Fund (one loader to replace a 17 year old unit), the two Hybrid replacement vehicles, building administration, and solar panels for City buildings. Discussion followed.

Mayor Strazdas asked for an explanation of the \$80,000 to be raised by the millage as requested versus the \$40,000 shown as a deficit, and Mr. Shaffer indicated that considering the two funds in question, one is running at a deficit and the other is running with extra funds, so this is a matter of a balancing of the two funds, and he would get back to him on this. Mayor Strazdas stressed the need to pay close attention to the roads of the City because this is where the concerns of citizens are being heard. Discussion followed.

Public Safety Director Richard White introduced Senior Deputy Police/Fire Chief of Administration Dan Mills, Senior Deputy Fire Chief of Operations John Podgorski and Senior Deputy Police Chief of Operations Nick Arnold. Mr. White reviewed the Public Safety Budget for Police and Fire Services. He shared some of the efforts of the Department as it relates to the City Council Goal to promote quality of life in Portage and the Public Safety Department mission statement.

Mr. White reviewed some of the activities of the Department, including: increased interaction with the community, increased collaboration with other public safety entities in the County, shared

funding opportunities, shared fire prevention strategy, expenditure savings, ongoing energy management and future planning together. He cited the examples of expenditure savings of: refurbishing police officer weapons for a quarter of the cost of new ones, replacement of car mobile recorders for \$30,000.

Mr. White also indicated Portage was the sponsor of a FEMA grant for \$1 million for air packs for the firefighters, with \$110,000 in additional funds from the state, that was shared by five local agencies where Portage received \$over 250,000, plus a grant that defrayed almost \$10,000 for rent and set up of flashover simulation training for firefighters.

With regard to the City Council goals of providing high quality, effective and cost efficient delivery of police services, Mr. White discussed the accreditation process for the Fire Division, which is on target to receive accreditation in August, and the fifth accreditation awarded to the Police Division.

Mr. White indicated that Portage has been recertified as a "storm ready" community. He also noted that the Department partnered with Community Mental Health to keep people with mental disabilities out of jail using a pilot program where Portage is the only community receiving a community mental health worker who helps with mental health issues. He also said that each of the Portage Police Officers received 40 hours of training to help them deal with the issues of these individuals, and Portage dispatchers received 16 hours of specialized training on communicating with mental health patients.

Mr. White reviewed the educational series provided by the Fire Division in the areas of fire prevention, fire hazards and spring clean-up where students come home and look around for fire violations and issues and communicate them with their parents. He mentioned the ongoing puppet shows in the schools where over 1,000 students were taught, "go low, stop and crawl" and "drop and roll" techniques.

Mr. White cited the recently formed Patrol Uniform Narcotics Team (PUNT) that has already procured five (5) search warrants, involvement of the Department with the safe Kids Bicycle Safety Program, Big Truck Day, and Fire Prevention Week activities. He then listed some of the other activities conducted by staff, including: donation of fire gear for training at two community colleges, apparatus and staff at Burn Camp, Camp 911, Shop with a Hero, collection of goods for families in need, Coffee with the Chief, the ALS Ice Bucket Challenge, Safety Seat Inspection, North Side Ministerial Alliance, the 21st Century Policing Initiative, a half hour Public Safety Program twice a month on the Public Media Network and the outfitting of a crime scene vehicle.

Discussion followed regarding concealed weapons, home invasions, the ISO Report, the Fire Training Officer, PPOA and PCOA contracts, the complicated body cam trial for police officers and resultant Freedom of Information Act requests, the high level of professionalism

in the Department, safe community, interaction with citizens, outsourcing of the crossing guards, administrative costs, cooperative drug units, gun laws, open carry of weapons at school events and the actions to be taken, revenues from drug seizures and drug enforcement issues.

Mr. Shaffer discussed the plans for the Portage Dispatch Center should there be a need for a backup to 911 consolidated dispatch or if there is a need for a strong presence for 911 consolidated dispatch in Portage.

Mr. White noted the recommendation to move off of the AS-400 platform and on to using Microsoft applications, especially to reach the "standards of cover" for handling calls and for meeting the accreditation requirements for the Fire Division and explained. Discussion followed.

Martha Dahlinger, 2612 Chopin Avenue, asked whether Public Safety personnel are trained to assist with citizens with Post Traumatic Stress Disorder, and Mr. White indicated that this is all part of the equation. She also asked whether the body cams will cause citizens to withhold information because they may be self-conscious and fear they will regret what they say, and Mr. White indicated that this is part of the research and concurred it is to be considered from both the police officer perspective and the citizen perspective and explained. She expressed her appreciation for the openness of City Council sessions and the transparency that it has created. She also expressed her amazement with staff and their abilities.

Mayor Strazdas reminded City Council of the meetings on April 28, 2015, indicated that he wished to carve out some time during the next Budget Session to discuss the \$1 million Tax Stabilization Fund and the 24% Fund Balance. He then asked for an analysis from Mr. Shaffer.

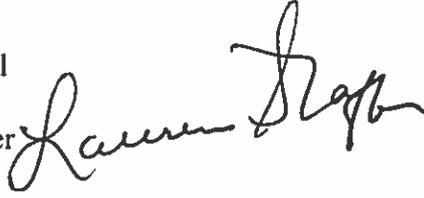
Councilmember Randall asked for more information regarding the proposed millage increase for Leaf and Brush Pick-up. Discussion followed.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:34 p.m.

James R. Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of April 28, 2015, as presented.

Bi-weekly, the City Council reviews and approves the Accounts Payable Register, including checks issued to vendors and the electronic funds transfer register. Attached please find the Accounts Payable Register for the period March 29, 2015 through April 12, 2015. The time period noted includes \$55,446.12 for electronic transfers and \$230,643.32 for checks issued to vendors for a total of \$286,089.44.

FUNDING: N/A

Attachments: Accounts Payable Register

Check Date From: 3/29/2015 1 TO 4/12/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
04/10/2015	3912(A)	0597	ABONMARCHE CONSULTANTS, INC	23,148.54
04/10/2015	3913(A)	0114	AMERICAN HYDROGEOLOGY CORP.	2,642.32
04/10/2015	3914(A)	0113	AMERICAN SAFETY & FIRST AID	210.96
04/10/2015	3915(A)	3428	ANIMAL REMOVAL SERVICE, LLC	2,160.00
04/10/2015	3916(A)	1397	ARGUS-HAZCO	5,479.94
04/10/2015	3917(A)	3495	BATTERIES PLUS	79.80
04/10/2015	3918(A)	2690	C D W GOVERNMENT, INC.	1,386.10
04/10/2015	3919(A)	0191	CONTINENTAL LINEN SERVICES	55.89
04/10/2015	3920(A)	4741	DATA CONSTRUCTS LLC	97.95
04/10/2015	3921(A)	0959	EMPLOYMENT GROUP, INC.	941.13
04/10/2015	3922(A)	2608	FIRE SERVICE MANAGEMENT	1,206.17
04/10/2015	3923(A)	0017	FISHBECK THOMPSON CARR & HUBER, INC	5,189.00
04/10/2015	3924(A)	4891	GLOBAL TELEMATIC SOLUTIONS LLC	800.00
04/10/2015	3925(A)	0063	INDUSCO SUPPLY CO., INC.	205.32
04/10/2015	3926(A)	3957	JAROTH, INC	303.00
04/10/2015	3927(A)	2868	KAHN, WILMA	192.00
04/10/2015	3928(A)	3783	KEHOE, EDWARD J	340.00
04/10/2015	3929(A)	4746	MAURER'S TEXTILE RENTAL SERVICES	14.80
04/10/2015	3930(A)	4724	MEJEUR ELECTRIC LLC	232.00
04/10/2015	3931(A)	4671	MICROSYSTEMS, INC.	871.20
04/10/2015	3932(A)	4852	PCM SALES, INC.	519.43
04/10/2015	3933(A)	4828	PECKELS, CHRISTINE	300.00
04/10/2015	3934(A)	4386	RIETH-RILEY CONSTRUCTION CO., INC	1,065.20
04/10/2015	3935(A)	0339	ROAD EQUIPMENT PARTS CENTER	1,620.70
04/10/2015	3936(A)	0341	ROE-COMM, INC.	1,388.20
04/10/2015	3937(A)	3481	S B F ENTERPRISES, INC.	2,486.46
04/10/2015	3938(A)	0349	SAFETY SERVICES, INC.	320.55
04/10/2015	3939(A)	1505	SNELL, DEBRA	216.00
04/10/2015	3940(A)	4417	THOMPSON, HELENE	273.00
04/10/2015	3941(A)	0699	W W GRAINGER INC	215.36
04/10/2015	3942(A)	4995	WARNER NORCROSS & JUDD LLP	1,485.10
			SUBTOTAL:	55,446.12
			31 CHECKS	
03/31/2015	292930	999999	JAQUA REALTORS	1,800.00
03/31/2015	292931	999999	PAUL SHAFER	5,000.00
04/10/2015	292932	999999	10TH DISTRICT COURT	100.00
04/10/2015	292933	999999	10TH DISTRICT COURT	500.00
04/10/2015	292934	999999	3A DISTRICT COURT	350.00
04/10/2015	292935	999999	3RD DISTRICT COURT	366.00
04/10/2015	292936	999999	57TH DISTRICT COURT	1,054.00
04/10/2015	292937	0108	ALL-PHASE ELECTRIC SUPPLY CO.	23.35
04/10/2015	292938	0533	ALLEGRA PRINT & IMAGING	846.42
04/10/2015	292939	3744	ARROWHEAD SCIENTIFIC, INC.	376.45
04/10/2015	292940	999999	ASCENSION HEALTH	12.09
04/10/2015	292941	0849	AT&T	122.54
04/10/2015	292942	5046	AT&T YELLOW PAGES	52.80
04/10/2015	292943	4399	AUTOMOTIVE CONCEPTS CARSTAR	381.20
04/10/2015	292944	0532	BARKER, DAVID	417.06
04/10/2015	292945	0532	BEGEMAN, CRAIG	320.00
04/10/2015	292946	3339	BESCO WATER TREATMENT, INC.	5.00
04/10/2015	292947	999999	BLAKE WHYTE	1,135.30
04/10/2015	292948	999999	BLAKE WHYTE	323.20
04/10/2015	292949	4729	BREAD OF LIFE, LLC	85.92
04/10/2015	292950	3537	BRINK WOOD PRODUCTS, INC.	1,253.04
04/10/2015	292951	1444	C. STODDARD & SONS INC.	55.00
04/10/2015	292952	999999	C.A.L.E.A.	670.00
04/10/2015	292953	0437	CAMPBELL AUTO SUPPLY	46.56
04/10/2015	292954	3080	CHARTER COMMUNICATIONS	475.97
04/10/2015	292955	4849	CLASSIC GLASS, INC.	428.05
04/10/2015	292956	0189	CONSUMERS ENERGY-BILL PMT CNT	59,680.44
04/10/2015	292957	4620	COSTAR REALTY INFORMATION, INC.	294.68

CITY OF PORTAGE CHECK REGISTER

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Check Date From: 3/29/2015 1 TO 4/12/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
04/10/2015	292958	0195	CROSSROADS CAR WASH	78.00
04/10/2015	292959	5108	DAVID BORNEMAN, LLC	2,795.00
04/10/2015	292960	999999	DAVIDSON, ROBERT	44.00
04/10/2015	292961	999999	DEGRAAF, JOAN	150.00
04/10/2015	292962	0209	DEHAAN HEATING	220.00
04/10/2015	292963	0210	DENOOFER BROTHERS, INC.	32.26
04/10/2015	292964	999999	DEWOLFF, RACHAEL	75.00
04/10/2015	292965	2948	EMERGENCY VEHICLE PRODUCTS	9,806.43
04/10/2015	292966	4189	EXTREME POWER EQUIPMENT, INC.	61.95
04/10/2015	292967	0833	FARM N GARDEN	89.20
04/10/2015	292968	0010	FERRIS GLASS CO., INC.	40.00
04/10/2015	292969	999999	GALT HOUSE HOTEL	1,295.40
04/10/2015	292970	999999	GAMEZ, CEZAR	44.00
04/10/2015	292971	4365	GONGWER NEWS SERVICE	2,200.00
04/10/2015	292972	0517	GORDON WATER SYSTEMS	112.25
04/10/2015	292973	0464	GRAHAM FORESTRY SERVICE, INC.	1,104.00
04/10/2015	292974	0598	GRIFFIN PEST SOLUTIONS, INC.	155.00
04/10/2015	292975	0532	HAWKEY, KEVIN	396.09
04/10/2015	292976	0691	HOME DEPOT	3,004.59
04/10/2015	292977	1974	HOWARD PRINTING	3,118.00
04/10/2015	292978	5012	HUMPHREYS CAMPBELL DUST & HUMPHREYS	908.84
04/10/2015	292979	4424	HYDRODYNAMICS, INC	11,304.00
04/10/2015	292980	3942	INTERSTATE OFFICE INTERIORS	899.00
04/10/2015	292981	4444	J-AD GRAPHICS, INC	2,048.00
04/10/2015	292982	0094	K S S ENTERPRISES	16.44
04/10/2015	292983	1036	KAL COUNTY FIRE CHIEFS ASSOC.	253.05
04/10/2015	292984	1036	KAL COUNTY FIRE CHIEFS ASSOC.	150.00
04/10/2015	292985	0084	KALAMAZOO COUNTY HEALTH & COMMUNITY	395.00
04/10/2015	292986	0090	KALAMAZOO LANDSCAPE SUPPLIES	2,386.75
04/10/2015	292987	999999	KEALA, TRICIA	60.00
04/10/2015	292988	2663	KENT COUNTY DPW	67.50
04/10/2015	292989	0984	KEYSTONE AUTO REPAIR, INC.	79.95
04/10/2015	292990	0532	KLINE, MICHAEL	226.48
04/10/2015	292991	999999	KLOOSTER, FRAN	84.80
04/10/2015	292992	999999	KNAPICK ENTERPRISES II LLC	69.40
04/10/2015	292993	1066	KUIPER BROTHERS MOVING INC.	183.00
04/10/2015	292994	4838	LACOSTA FACILITY SUPPORT SERVICES	3,360.79
04/10/2015	292995	1955	LANDSCAPE FORMS	1,200.00
04/10/2015	292996	999999	LATVALA, ROGER & CONNIE	184.00
04/10/2015	292997	0240	LAWSON PRODUCTS, INC	275.92
04/10/2015	292998	2630	LOWE'S HOME CENTER	22.88
04/10/2015	292999	4965	LYSTER EXTERIORS	10,350.00
04/10/2015	293000	4481	MAIN STREET PORTRAITS INC	266.20
04/10/2015	293001	0728	MCDONALD'S TOWING & RESCUE, INC.	309.00
04/10/2015	293002	0532	MCDONNELL, JOSEPH	437.50
04/10/2015	293003	0532	MCDONNELL, JOSEPH	500.00
04/10/2015	293004	0256	MCNALLY ELEVATOR CO.	1,380.00
04/10/2015	293005	5027	MEEKHOF TIRE SALES & SERVICE INC.	4,534.58
04/10/2015	293006	0258	MENARDS, INC	220.77
04/10/2015	293007	2134	MI GOVT FINANCE OFFICERS ASSOC	105.00
04/10/2015	293008	4777	MICH MUNICIPAL POLICE & FIRE REPAIR	593.74
04/10/2015	293009	0264	MICHIGAN ELECTION RESOURCES, LLC	1,466.00
04/10/2015	293010	999999	MICHIGAN TAX TRIBUNAL	25.00
04/10/2015	293011	0613	MIDWEST CUSTOM EMBROIDERY COMPANY	197.00
04/10/2015	293012	0519	NATIONAL COUNCIL ON THE AGING	145.00
04/10/2015	293013	4351	NEW FRESH CLEANING SERVICE	1,380.00
04/10/2015	293014	0299	NYE UNIFORMS	1,223.35
04/10/2015	293015	1721	OFFICE DEPOT, INC.	720.61
04/10/2015	293016	2923	OFFICETEAM	1,920.74
04/10/2015	293017	4329	ONSTAFF USA INC	7,072.91
04/10/2015	293018	5109	PATCH PLAQUES	1,214.70
04/10/2015	293019	999999	PERKINS UPHOLSTERY	30.00
04/10/2015	293020	0610	PETTY CASH-FIRE	200.45

CITY OF PORTAGE CHECK REGISTER

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Check Date From: 3/29/2015 1 TO 4/12/2015 1

Check Date	Check	Vendor Code	Vendor Name	Amount
04/10/2015	293021	0536	PETTY CASH-PARKS	630.66
04/10/2015	293022	0537	PETTY CASH-SENIOR CENTER	282.93
04/10/2015	293023	0532	PIERMAN, BRANNON	186.35
04/10/2015	293024	4782	PORTAGE CENTRAL FOOTBALL BOOSTERS	425.00
04/10/2015	293025	4396	PORTAGE GLASS & MIRROR	800.00
04/10/2015	293026	999999	PORTAGE WESTNEDGE PROPERTIES	86.00
04/10/2015	293027	4597	PRO SERVICES, INC.	225.00
04/10/2015	293028	0327	RATHCO SAFETY SUPPLY, INC.	2,032.66
04/10/2015	293029	3664	RED THE UNIFORM TAILOR	75.66
04/10/2015	293030	4443	REPUBLIC SERVICES OF WEST MICHIGAN	651.00
04/10/2015	293031	4846	RESTORATIVE LAKE SCIENCES, LLC	1,500.00
04/10/2015	293032	0532	RICK NASON	225.00
04/10/2015	293033	0438	RIDGE AUTO NAPA	15.09
04/10/2015	293034	4635	SCHAEFFER MANUFACTURING COMPANY	1,652.58
04/10/2015	293035	0532	SHELBURNE, LAURIE	205.76
04/10/2015	293036	4903	SHERMAN TOOL / CORNWELL TOOLS	82.71
04/10/2015	293037	1727	SHORELINE TOURS & TRAVEL	4,228.12
04/10/2015	293038	2376	SIGNWRITER & SERIGRAPHICS	133.00
04/10/2015	293039	5047	SIMPLIFILE LC	141.00
04/10/2015	293040	1298	SNAP-ON TOOLS	146.20
04/10/2015	293041	0879	SOURCE TECHNOLOGIES	759.00
04/10/2015	293042	4754	SOUTHWEST MICHIGAN FIRST	400.00
04/10/2015	293043	0368	STATE OF MICHIGAN (DOT)	581.32
04/10/2015	293044	0369	STATE SYSTEMS RADIO, INC	137.40
04/10/2015	293045	3222	STEENSMA LAWN & POWER EQUIPMENT	680.10
04/10/2015	293046	4539	T D S METROCOM, LLC	3,265.43
04/10/2015	293047	3665	T-MOBILE USA INC	29.99
04/10/2015	293048	0380	TERMINAL SUPPLY CO.	2,914.71
04/10/2015	293049	0801	TERRYBERRY CO.	1,501.48
04/10/2015	293050	0385	THOMPSON INFORMATION SERVICES	449.00
04/10/2015	293051	1704	TODD ARBANAS ENTERPRISES INC.	3,400.00
04/10/2015	293052	2817	TRACTOR SUPPLY CORP.	634.43
04/10/2015	293053	0392	U S POSTMASTER	1,875.00
04/10/2015	293054	0545	UNITED PARCEL SERVICE	28.60
04/10/2015	293055	0402	VARNUM, RIDDERING, SCHMIDT & H	2,748.75
04/10/2015	293056	4653	VERIZON WIRELESS SERVICES, LLC	2,218.10
04/10/2015	293057	999999	VOLUNTEER KALAMAZOO	20.00
04/10/2015	293058	4668	WELLER AUTO PARTS INC.	3,250.00
04/10/2015	293059	999999	WEST MICHIGAN REALTORS TITLE CO.	348.14
04/10/2015	293060	0419	WEST SHORE FIRE, INC.	19,999.88
04/10/2015	293061	0417	WEST SHORE SERVICES, INC	240.95
04/10/2015	293062	3061	WINDEMULLER ELECTRIC, INC.	3,700.00
04/10/2015	293063	0429	WINDER POLICE EQUIPMENT, INC.	61.93
04/10/2015	293064	0532	WOLFE, MATT	320.00
04/10/2015	293065	5123	WOOD, WENDELL	200.00
04/10/2015	293066	5033	WRAPS N SIGNS	1,693.50
04/10/2015	293067	2684	XEROX CORPORATION	746.30
04/10/2015	293068	5103	XEROX GOVERNMENT SYSTEMS LLC	5,250.00

SUBTOTAL:	139 CHECKS	230,643.32
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TOTAL:	170 CHECKS	286,089.44
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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: 2015 Utility Rate Financial Study

SUPPORTING PERSONNEL: Kendra Gwin, Interim Director of Transportation & Utilities

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, adopt the 2015 sewer and water rate resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees and charges outlined in the 2015 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee, with rates to be effective October 1, 2015.

The 2015 Utility Rate Financial Study has been prepared by the City Administration and reviewed by the City Council Water/Sewer (Utility) Rate Study Committee (Councilmembers Ansari, Ford and Reid, citizens Randy Orwig and Ted W. Vliek, Sr.). The Committee, after a thorough review of the study, recommended to City Council on March 24, 2015 that the water and sewer rates and charges as outlined in the 2015 Study be adopted for Fiscal Year 2015-2016.

On November 16, 2010, City Council awarded a contract to Utility Financial Solutions, LLC, (UFS) to conduct a comprehensive financial analysis of the utility. The model completed by UFS was used by city staff in the preparation of the 2015 Utility Rate Financial Study. The 2015 Utility Rate Financial Study continued the focus on ensuring the long-term financial health and stability of the Water and Sewer Funds.

For Fiscal Year 2015-2016, the sewer commodity rate is recommended to remain at \$4.60 per thousand gallons of metered water. The water commodity rate is recommended to remain at \$3.19 per thousand gallons of metered water. Basic quarterly charges for both sewer and water use, which are calculated to provide funding for certain fixed costs for the utility systems, are recommended to be increased to meet current expenditures.

The net effect of the combined sewer and water rate recommendations on the typical residential customer is an overall utility rate increase of 0.94 percent. The combined utility rate recommendations represent an annual increase of approximately \$6.98 (from approximately \$739.49 per year to approximately \$746.47 per year) for the typical residential customer with both public sewer and water service. The recommended rates would result in an increased monthly cost of \$0.58 to the typical residential customer.

Charges and fees reviewed in the context of the 2015 Utility Rate Financial Study include water connection charges, meter charges, meter box charges, hydrant meter charges and water processing fees. It is recommended that all current charges remain unchanged.

It is recommended that City Council adopt the 2015 sewer and water rate Resolutions establishing sewer and water utility rates, sewer and water franchise area fees and other fees and charges as set forth in the 2015 Utility Rate Financial Study and recommended by the City Administration and City Council Water and Sewer Rate Study Committee, with rates to be effective October 1, 2015.

FUNDING: N/A

Attachments: Resolution for Sewer Rates
Resolution for Water Rates
March 24, 2015 Council Communication

CITY OF PORTAGE

RESOLUTION

SEWER RATES

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Council Chambers in the Portage City Hall in said City on the _____ day of _____, 2015 at 7:30 p.m.

PRESENT:
ABSENT:

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____:

WHEREAS, it is necessary for the Council to establish by resolution rates for sewer service in the City of Portage.

NOW, THEREFORE BE IT RESOLVED: That the following rates are hereby established for charges to be paid by users of wastewater service rendered by the wastewater system in the City of Portage, said rates to be in effect commencing with the first billing after September 30, 2015.

A. CUSTOMER CHARGES

The charges to be paid by users of wastewater service rendered by the sewer system shall consist of a basic quarterly charge plus commodity charges as follows:

<u>Meter Size</u>	<u>Basic Quarterly Charge</u>
5/8"	\$ 34.07
3/4"	\$ 51.11
1"	\$ 76.66
1-1/2"	\$ 136.28
2"	\$ 204.42
3"	\$ 340.70
4"	\$ 681.40
6"	\$1192.45
8"	\$1703.50

COMMODITY CHARGES

For all metered use, except as may be provided under Township Customer Charges, the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
Per 1000 Gallons
\$4.60

B. MINIMUM FOR NON-METERED (FLAT RATE) CUSTOMERS

The flat rate for non-metered customers shall be established based on water usage of 15,000 gallons per quarter.

	<u>Flat Charge</u>	<u>Basic Charge</u>	<u>Total Charge</u>
Per quarter based on commodity charge for 15,000 gallons	\$69.00	\$34.07	\$103.07

C. IRRIGATION ALLOWANCE

Residential customers shall be given a discount if the customer is eligible for an irrigation discount under City Ordinance as follows: 1) Charges for such customers shall be based on actual water consumption, except that there shall be no sewage charge for the water consumption exceeding 125 percent of the water consumption for the most recent quarter billing in which the month of January is included; 2) Residential customers who do not have a quarterly billing in which the month of January is included or who have a zero (0) water usage for the quarter which includes the month of January, shall have the sewer charge for the other three quarters established at the maximum rate volume of 15,000 gallons or actual usage, if less, per quarter until such time as quarterly billing information, in which the month of January is included, is available.

D. SURCHARGES AND CREDITS

Surcharges for pollutant loadings above standard domestic waste will be charged rates established by ordinance of the City of Kalamazoo. Industries which pretreat may qualify for credits for pollutant loading at a strength below standard domestic strength in accordance with rates established by ordinances of the City of Kalamazoo.

E. ADDITIONAL CHARGES

Additional charges shall be as follows:

- (1) Equal to the actual expense incurred by the City for removing prohibited material discharged or caused or allowed to be discharged by the user and/or for the handling and/or treating of material in the wastewater system; and
- (2) Equal to the actual expense incurred by the City for cleaning or repairing the waste water system or any part thereof as required by a discharge by, or caused or allowed by, a user.

F. TOWNSHIP CUSTOMER CHARGES

The basic quarterly charge for Schoolcraft Township customers shall be the same as charged to city customers, as detailed in Section "A" above. Commodity charges for Schoolcraft Township customers shall be set at \$5.18 per thousand gallons of water used. Other charges and fees to township customers shall be the same as for City of Portage customers.

G. NON-SUFFICIENT FUNDS

A fee of \$30 per occurrence will be charged for any returned/unpaid check or other failed financial instrument which results in uncollected funds.

H. UTILITY BILLING AUTOMATIC PAYMENT PLAN

A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.

I. LATE FEE

The utility billing late fee shall be waived by the Finance Director under the following conditions:

1. (a) The customer has paid all of the last 12 or more quarterly utility bills on time; and
(b) The customer requests that the late fee be waived; or
2. The customer requests participation in the city's automatic payment program and the amount due is taken from their bank account on the due date. However, if the customer discontinues participation in the automatic payment program, no further waivers shall be granted under subsections 1(a) and (b) or this subsection 2.

YEAS:

NAYS:

James R. Hudson, City Clerk

CERTIFICATION

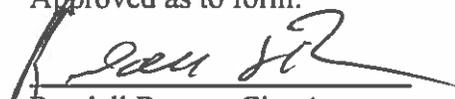
STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said city, held on the ____ day of _____ 2015, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature the _____ day of _____, 2015.

James R. Hudson, City Clerk

Approved as to form:



Randall Brown, City Attorney

CITY OF PORTAGE

RESOLUTION

WATER RATES

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Council Chambers in the Portage City Hall in said City on the _____ day of _____, 2015 at 7:30 p.m.

PRESENT:

ABSENT:

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____:

WHEREAS, it is necessary for the Council to establish by resolution rates for water service in the City of Portage.

NOW, THEREFORE BE IT RESOLVED: That the following rates are hereby established for charges to be paid by users of water service rendered by the water system in the City of Portage, said rates to be in effect commencing with the first billing after September 30, 2015.

A. CUSTOMER CHARGES

The charges to be paid by users of water service rendered by the water system shall consist of a basic quarterly charge plus commodity charges as follows:

<u>Meter Size</u>	<u>Basic Quarterly Charge</u>
5/8"	\$ 23.75
3/4"	\$ 35.63
1"	\$ 53.44
1-1/2"	\$ 95.00
2"	\$ 142.50
3"	\$ 237.50
4"	\$ 475.00
6"	\$ 831.25
8"	\$1187.50

COMMODITY CHARGES

For all use, except as may be provided under Hydrant Meter Charges, Fire Protection Service Charges and Township Customer Charges, the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
Per 1000 Gallons
\$3.19

B. TOWNSHIP CUSTOMER CHARGES

The basic quarterly charge for Pavilion Township and Schoolcraft Township customers shall be the same as charged to City customers, as detailed in section "A" above. Commodity charges for Pavilion Township and Schoolcraft Township customers shall be set at \$3.83 per thousand gallons of water used. Other charges and fees to township customers will be the same as for City of Portage customers.

C. FIRE PROTECTION SERVICE CHARGES

The charges to be paid by users of fire protection service rendered by the water system shall consist of a basic quarterly charge as follows:

<u>Service Size</u>	<u>Basic Quarterly Charge</u>
4"	\$ 15.00
6"	\$ 35.00
8"	\$ 60.00
10"	\$ 95.00
12"	\$135.00
16"	\$240.00

For all use metered on Fire Protection Services the following commodity rate per thousand gallons shall be applied:

Total Commodity Rate
Per 1000 Gallons
\$6.40

D. METER CHARGES

The charges to be paid for installing meters are as follows:

<u>Meter Size</u>	<u>Meter Charge</u>
5/8"	\$ 225
3/4"	\$ 280
1"	\$ 345
1 1/2"	\$ 815
2" SR (Irrigation)	\$ 1,010
2" (Compound)	\$ 2,225
3" (Compound)	\$ 2,925
4" (Compound)	\$ 4,530
6" (Compound)	\$ 7,840

E. METER BOX CHARGE

The charges to be paid for Meter Boxes are as follows:

<u>Service Provided</u>	<u>Meter Box Charge</u>
Meter Box	\$1,050

F. HYDRANT METER CHARGES

The charges to be paid for installation of hydrant meters and use of hydrant water are as follows:

<u>Service Provided</u>	<u>Hydrant Meter Charge</u>
Meter installation	\$150*
Hydrant Use	\$6.40/thousand gallons

*Charge includes 15,000 gallons of water.

Furthermore, a deposit of \$250 will be required before installation of the hydrant meter. The deposit will be applied to the charges and water usage.

H. HYDRANT FLOW TEST

A charge of \$135 per occurrence will be charged for a fire hydrant flow test to determine the quantity of water available for fire fighting use.

I. PROCESSING FEE

The charge to be paid by users having water service turned on is as follows:

<u>Service Provided</u>	<u>Processing Fee</u>
Turning on water service	\$50 (except for first time customers and customer repairs)
	\$100 (turn on after normal working hours)

This fee also applies to services that are turned off for delinquency and is applied once a city work order has been issued.

J. NON-SUFFICIENT FUNDS

A fee of \$30 per occurrence will be charged for any returned/unpaid check or other failed financial instrument which results in uncollected funds.

K. UTILITY BILLING AUTOMATIC PAYMENT PLAN

A credit of \$1.00 for each normal quarterly bill will be given to each customer on the utility billing automatic payment plan.

L. WATER SHUT OFF DUE TO NON-PAYMENT

An amount past due of more than \$60.00 is established as the water shut-off level amount.

M. LATE FEE

The utility billing late fee shall be waived by the Finance Director under the following conditions:

1. (a) The customer has paid all of the last 12 or more quarterly utility bills on time; and

(b) The customer requests that the late fee be waived; or
2. The customer requests participation in the city's automatic payment program and the amount due is taken from their bank account on the due date. However, if the customer discontinues participation in the automatic payment program, no further waivers shall be granted under subsections 1(a) and (b) or this subsection 2.

YEAS:

NAYS:

James R. Hudson, City Clerk

CERTIFICATION

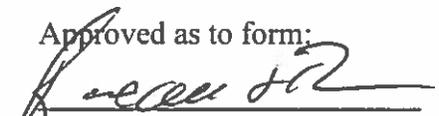
STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said city, held on the _____ day of _____ 2015, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature the _____ day of _____, 2015.

James R. Hudson, City Clerk

Approved as to form:



Randall Brown, City Attorney

WaterRateresolution2015

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: 2015 Utility Rate Financial Study



SUPPORTING PERSONNEL: Kendra Gwin, Interim Director of Transportation & Utilities

ACTION RECOMMENDED:

That City Council establish a public hearing for April 28, 2015 to consider resolutions to:

- a. adopt the recommendation that the sewer commodity rate remain at \$4.60 per 1,000 gallons of metered water;
- b. adopt the recommendation that the water commodity rate remain at \$3.19 per 1,000 gallons of metered water;
- c. adopt the recommendation that adjustments be made to both the sewer and water base quarterly charges;
- d. adopt the recommendation that the new rates become effective on October 1, 2015; and
- e. adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2015 Utility Rate Financial Study.

The City Council Water/Sewer (Utility) Rate Study Committee (Councilmembers Ansari, Ford and Reid, citizens Randy Orwig and Ted W. Vlieg, Sr.) has completed a review of the 2015 Utility Rate Financial Study as prepared by the City Administration. The 2015 Utility Rate Financial Study focuses on ensuring the financial health and stability of the utility system. Following a thorough review and analysis of the 2015 Utility Rate Financial Study, the City Council Water/Sewer Utility Rate Study Committee majority voted (4 to 1) to recommend water and sewer rates and charges only as proposed.

On November 16, 2010, City Council awarded Utility Financial Solutions, LLC (UFS) a contract to perform the 2011 Water and Wastewater Rate Study. The purpose of the UFS analysis was to determine the actual cost to provide water and wastewater services to the utility customers. The proposed 2015-2016 utility rates are based in large part on the results of the comprehensive analysis performed by UFS.

The cost of service analysis prepared by UFS showed that the former rate structure was insufficient to ensure the receipt of revenues necessary to cover the fixed costs of the utility. To address this issue, the proposed 2011-2012 rates began the trend of shifting revenue collection based on the quarterly (meter) charges while keeping the commodity rate increases in line with normal inflationary costs. A copy of the 2015 Utility Rate Financial Study is included under separate cover in the Materials Transmitted of March 20, 2015.

In 2008, the city received a letter from the State of Michigan requiring a financial plan to rectify the Water Fund deficit. The city has followed the plan submitted to the State of Michigan to eliminate the Water Fund deficit by 2013-2014. Water and sanitary sewer rate increases required to eliminate the deficit and meet the conditions in the financial plan submitted to the State of Michigan have been substantial since 2008. The City Administration continues to implement an action plan consisting of the following elements:

1. The focus of the utility rate review has changed to give additional consideration to working capital, debt service and fund balance with the utility funds. More specifically:
 - a. In addition to the current revenue/expenditure analysis, a working capital analysis is performed. The yearly analysis includes necessary cash elements to ensure that adequate funds are available to meet ongoing obligations.
 - b. A minimum debt coverage ratio of 1.25 has been established and targeted in future years. This standard ensures adequate funds are available to meet debt payments, support variations in sales due to wet summers, fluctuating treatment costs and other such variables, as they may occur.
 - c. Levels of working capital (cash) will be re-established over time, then maintained within the range of approximately three to four months of current liabilities for each fund. This currently translates to approximately \$2.8 million for the Sewer Fund and \$2.9 million for the Water Fund.
2. Outstanding bond issues will continue to be reviewed/recommended for potential refinancing to save on interest charges and lower expenses to the utility funds.
3. The City Administration will continue to investigate opportunities in the areas of the utility fund operations in the interest of further reducing operating expenses of the utility funds over time.

The projected revenues, expenditures and resulting rate modifications in the Sewer Fund and Water Fund as contained in the 2015 Utility Rate Financial Study for fiscal year 2015-2016 result in a combined rate increase of 0.94 percent to the typical residential customer. Projected rate increases for the combined funds for 2016-2017 through 2019-2020 are projected between 0.12 percent and 1.06 percent in the 2015 Utility Rate Financial Study.

For fiscal year 2015-2016, the sewer commodity rate is recommended to remain at \$4.60 per thousand gallons of metered water. The water commodity rate is recommended to remain at \$3.19 per thousand gallons of metered water. Basic quarterly charges for both sewer and water use, which are calculated to provide funding for certain fixed costs for the utility systems, are recommended to be increased to meet current expenditures.

The net effect of the combined sewer and water rate recommendations on the typical residential customer is an overall utility rate increase of 0.94 percent. The combined utility rate recommendations represent an annual increase of approximately \$6.98 (from approximately \$739.49 per year to approximately \$746.47 per year) for the typical residential customer with both public sewer and water service. On a monthly basis, the recommended rates would result in an increased monthly cost of \$0.58 to the typical residential customer.

Items less significant in dollar amount but still important to the continuing financial health of the utility systems were also reviewed by the City Council Water/Sewer Utility Rate Study Committee. It is essential that the amount charged for these services recover the costs to provide such services. If charges are inadequate to allow for recovery of costs, rate payers subsidize the service provided.

Charges and fees reviewed in the context of the 2015 Utility Rate Financial Study include water connection charges, meter charges, meter box charges, hydrant meter charges and water processing fees. It is recommended that all current charges remain unchanged. If approved, the proposed rate changes would be adopted July 1, 2015, with the new rates becoming effective October 1, 2015.

It is recommended that City Council establish a public hearing on April 28, 2015 for consideration of the proposed rates and charges as set forth in the 2015 Utility Rate Financial Study.

FUNDING: N/A

Attachments: 2015 Utility Rate Financial Study

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations

SUPPORTING PERSONNEL: Victoria Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, approve Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations.

On March 24, 2015, City Council received the attached communication regarding Ordinance Amendment #14/15-A for first reading and set a public hearing for April 28, 2015. No comments from the public have been received to date concerning this matter. Subsequent to the public hearing, it is recommended that Council approve Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations.

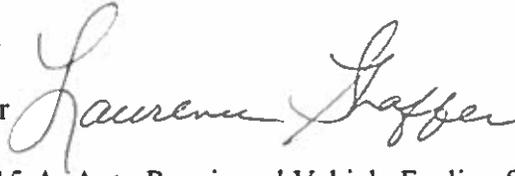
FUNDING: Not Applicable

Attachments:

1. Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations
2. March 24, 2015 City Council Communication

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations

SUPPORTING PERSONNEL: Victoria Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council:

- a. accept Ordinance Amendment #14/15-A for first reading and set a public hearing for April 28, 2015, and
- b. subsequent to the public hearing, approve Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations.

During recent months, the Planning Commission has considered modifications to Zoning Code regulations pertaining to auto repair facilities and gasoline stations. The proposed modifications were introduced by the Department of Community Development to address the way in which auto repair facilities and gasoline stations have evolved over time. Currently, the Zoning Code defines auto repair activities as either minor or major. Minor repair activities are permitted in the community business (B-2), general business (B-3) and industrial zoning districts (I-1 and I-2), while major auto repair activities are only permitted in industrial districts. The definition of major auto repair also includes auto body repair. Finally, and with regard to gasoline stations, this type of land use is permitted in the B-3 and I-1 zoning districts, subject to issuance of a special land use permit by the Planning Commission. Other than the General Standards for Review of Special Land Uses contained in the Zoning Code, there are no specific conditions pertaining to the operation or location of gasoline stations.

Auto Repair Activities. Although the Zoning Code separates minor auto repair activities from major auto repair activities, a survey of auto repair facilities located in the B-3 district indicates most offer comprehensive automotive repair and servicing activities that include some form of major repair work such as engine, transmission or other vehicle component repair. Recognizing that many local auto repair facilities offer comprehensive services, staff visited several auto repair businesses to compare external impacts associated with the operation of minor and major repairs. The visits revealed few external differences between businesses with major and minor repair activities. Based on the review of existing repair facilities, the potential adverse land use impacts of major repair facilities are similar to those of minor repair facilities. The primary impacts associated with both types of auto repairs is outside storage and vehicle parking.

The propose amendments would eliminate the reference to “minor” and “major” auto repair and combine both into one land use activity with a new definition of “Auto Repair.” Auto repair activities would be permitted in the B-2 district (subject to review and approval of a special land use permit by the Planning Commission), B-3, I-1 and I-2 zoning districts with operational conditions that include:

- All repair activities to be conducted completely within the building;
- Vehicle awaiting repairs and/or inoperable vehicles shall not be outdoors for more than 14 days, and all other vehicles shall not be stored outdoors for more than 90 days; and
- Outside storage of parts and other material must be screened from view by an opaque fence or wall not less than six feet in height, within the rear yard.

The proposed amendments also include a new definition for auto body repair - “Auto Collision/Body Shops”- with location standards. Auto collision/body shops would continue to be allowed only in the I-1 district as a special land use and added as a special land use in the I-2 district (currently not specifically referenced in I-2 zone). Locational and operational requirements have been added to the ordinance language and include:

- The zoning lot must not abut a single family residential district or land designated for residential use in the PD zone; and
- All vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six feet in height.

Language has also been added to protect existing auto collision/body shops that do not meet the locational requirements, while adding clarifying language when an existing auto collision/body shop must comply with the requirements for screening outdoor storage of vehicles.

Vehicle Fueling Stations. With regard to vehicle fueling (gasoline) stations, a 2014 application to establish this type of facility on East Centre Avenue generated significant controversy, concern and discussion regarding the appropriateness of a gasoline station when adjacent to a single family residential neighborhood and/or a child day care/preschool facility. While this development project was eventually withdrawn, the issue of the appropriateness of this land use adjacent to a residential use and child day care facility and/or school remained. In order to address the impacts associated with the operation of gas stations, specific ordinance standards have been developed that include:

- A new definition of “Vehicle Fueling Stations;”
- New locational requirements that a fueling station not abut or be within 300 feet of a residential zoning district, day care facility, public/private school or religious institution.
- Air compressors and vacuums stations shall not be located in the front yard area and outside storage/display areas must be adjacent to the building wall or the pump islands. If an existing station does not meet these operational standards, compliance would be required when a building permit for an addition, structural alternation or repair exceeds 25% of the appraised replacement cost of the entire building or structure, exclusive of the foundation.

If an existing vehicle fueling station does not meet the new locational requirement, language has been added to provide a level of protection for these facilities. This requirement would not prevent an existing fueling station that does not meet the locational standard from expanding and/or

reconstructing. Language has also been added to prevent a fueling station that does not meet the locational requirement from re-establishing if the use has been abandoned for a period of 90 days or more.

The proposed fueling station regulations are not applicable to existing fueling stations located in the PD, planned development or CPD, commercial planned development districts. Impacts, if any, associated with fueling stations located in the PD or CPD districts can be addressed during the tentative/conceptual plan review process, which is subject to the public hearing process before the Planning Commission and City Council.

In a report dated February 27, 2015, the Department of Community Development has recommended that Ordinance Amendment #14/15-A be approved.

Following preliminary discussions concerning the proposed ordinance amendments on December 18, 2014 and January 22, 2015, the Planning Commission convened a public hearing February 19, 2015 and March 5, 2015 to consider Ordinance Amendment #14/15-A. No citizens spoke in regard to the proposed Zoning Code text amendment. At the conclusion of the March 5 meeting, the Commission unanimously voted to recommend to City Council that Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations, be approved.

FUNDING: Not Applicable

Attachments: Planning Commission transmittal dated March 13, 2015
Planning Commission Minutes dated February 19th and March 5th, 2015
Department of Community Development report dated February 27, 2015
Ordinance Amendment

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: March 13, 2015

SUBJECT: Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations

During the December 18, 2014 and January 22, 2015 Planning Commission meetings, the Commission began discussions of recommended changes to regulations for auto repair facilities and vehicle fueling stations. The changes are being considered as part of the Planning Commission approved FY2014-15 Work Program, which included Zoning Code amendments pertaining to several topics. Amongst the Zoning Code amendments to be prepared for consideration were revised/updated regulations pertaining to "Auto Service Station" and "Gas Station."

The Planning Commission convened a public hearing during the February 19, 2015 and March 5, 2015 meetings to consider Ordinance Amendment #14/15-A. No citizens spoke during the public hearing. At the conclusion of the March 5th meeting, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend to City Council that Ordinance Amendment #14/15-A, Auto Repair and Vehicle Fueling Station Regulations, be approved. The motion was unanimously approved 5-0.

Sincerely,



Dave Felicijan
Vice-Chairman

PUBLIC HEARINGS:

1. Final Report for Ordinance Amendment #14/15-A: Auto Repair and Vehicle Fueling Station Regulations.

Mr. Forth summarized the staff report dated February 27, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth summarized the proposed ordinance amendments. Mr. Forth also discussed previous Planning Commission review of the ordinance language and changes that were made since the February 19th meeting concerning abandonment. Commissioner Patterson asked if an existing vehicle fueling station that did not meet the locational standards and was closed for an extended period of time, would it be allowed to reopen. Mr. Forth discussed the abandonment clause of the nonconforming use regulations and indicated the burden of proof to determine abandonment falls on the city. Attorney Brown concurred and expanded on the abandonment provisions of the ordinance and discussed the criteria for determining whether a use has been abandoned. Attorney Brown also stated there must be an intent to abandon the use by the property owner.

Vice-Chairman Felicijan reconvened the public hearing. No citizens were present to speak regarding the proposed ordinance amendment. A motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved 5-0. A motion was then made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend to City Council that Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations, be approved. The motion was unanimously approved 5-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Historic District Modification, 3821 West Milham Avenue. Mr. Forth summarized the staff report dated February 27, 2015 regarding a request pending before the Historic District Commission from Patrick and Lisa Lynch to remove approximately 16.5 acres of land from the existing Van Riper historic district property. Mr. Forth stated the proposed historic district modification would facilitate the construction of an approximate 180,000 square foot senior living facility along the western portion of 3821 West Milham Avenue, adjacent US-131. Mr. Forth discussed the Local Historic Districts Act related to the role of the Planning Commission to review the preliminary report from the Portage Historic District Study Committee and provide a recommendation. Mr. Forth stated the Historic District Commission has scheduled a public hearing to consider this matter on March 11, 2015 and the Planning Commission recommendation will be provided in advance of the public hearing.

Commissioner Dargitz stated she knows the owners of the historic property, however, does not have any financial or other conflict of interest in the property that would prevent her from voting on the proposed modification. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Somers, to recommend that the Historic District Modification, 3821 West Milham Avenue, be approved as detailed in the Department of Community Development report dated February 27, 2015. The motion was unanimously approved 5-0.

7:25 p.m. - The Commission took a short recess.

7:30 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 2

2. 2015-2025 Capital Improvement Program. City Manager Schaffer was in attendance for this agenda item and introduced himself to the Commission. Mr. Forth referred the Commission to the 2015-2025 Capital Improvement Program (CIP) that was included in the agenda packet as a separate document. Mr. Forth summarized the February 23, 2015 memo from City Manager Schaffer that provided an overview of the FY 2015-

PLANNING COMMISSION

February 19, 2015

The City of Portage Planning Commission meeting of February 19, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the roll excusing Commissioners Bosch, Somers and Schimmel. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the February 5, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Felicijan, to approve the minutes as submitted. The motion was unanimously approved 6-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

I. Preliminary Report for Ordinance Amendment #14/15-A: Auto Repair and Vehicle Fueling Station Regulations. Mr. Forth summarized the staff report dated February 13, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Commissioner Dargitz asked if there were any concerns about locating a gas station near an environmentally sensitive area such as the Portage Creek. Mr. Forth indicated MDEQ requirements for installation and maintenance of underground storage tank systems minimize concerns. Mr. Forth also noted city requirements for storm water management and spill containment concerning gas stations that would also minimize threats to the environment. Commissioner Dargitz also asked how the 300 foot distance separation was measured. Mr. Forth stated the distance was measured from property line to property line. Commissioner Richmond asked if a gas station not currently meeting the locational requirements would be impacted due to a change in ownership. Mr. Forth stated a change in ownership would not affect the status of the gas station.

Attorney Brown briefly discussed the applicability of the nonconforming regulations section of the Zoning Code and how it would apply to existing gas stations that do not meet the locational requirements. Attorney Brown, Mr. Forth and the Commission next discussed the proposed ordinance language and whether an existing gas station that does not meet the locational requirements and was abandoned would be allowed to reestablish. Mr. Forth indicated staff would discuss this issue further with Attorney Brown and provide additional information at the March 5, 2015 meeting.

Chairman Welch opened the public hearing. No citizens were present to speak regarding the proposed ordinance amendment. A motion was then made by Commissioner Dargitz, seconded by Commissioner Patterson, to adjourn the public hearing for Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations, to the March 5, 2015 meeting. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: February 27, 2015

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

SUBJECT: Final Report: Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations

I. INTRODUCTION:

The Planning Commission has deliberated over recommended changes to regulations for auto repair facilities and vehicle fueling stations during the past several meetings. The changes are being considered as part of the Planning Commission approved FY2014-15 Work Program, which included Zoning Code amendments pertaining to several topics. Amongst the Zoning Code amendments to be prepared for consideration were revised/updated regulations pertaining to “Auto Service Station” and “Gas Station.”

This report provides historical background information pertaining to auto-related services, recommended changes to regulations for auto repair facilities and auto fueling stations, a summary of previous Planning Commission discussions and concludes with recommended ordinance language.

II. AUTO REPAIR FACILITIES:

Regulations regarding automobile repair/servicing have remained basically unchanged since comprehensive zoning of the city in 1965. Between 1965 and 2003, the Zoning Code established two categories for auto repair/servicing: Auto Service Station that permitted “...the servicing of and minor repair of automobiles” and Auto Repair Station that permitted “...general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.” Since auto repair activities and gasoline stations were commonly conducted together in the 1960s, the Auto Service Station and Auto Repair Station categories also allowed the sale of gasoline/engine fuels as an associated, on-site use. An Auto Service Station (minor repairs) was a use permitted in the B-3, general business district subject to review and approval of a special land use permit by the Planning Commission and as a permitted use in the I-1, light industrial district. An Auto Repair Station (major repairs) was permitted as a special land use in the I-1 district.

In 2003, the Zoning Code was amended to separate auto repair activities into two types: major and minor. The 2003 amendment also recognized the marketplace change that vehicle fueling stations were becoming less associated with auto repair and more associated with convenience shopping needs such as food and beverages. The definition of Auto Repair Station was replaced with Auto Repair Station – Major (description remained the same) and Auto Repair Station – Minor with the following description change, “...where the following services may be carried out such as minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding three tons gross vehicle weight; provided, however, there is excluded any repair or work

included in the definition of Auto Repair Station – Major. The definition of Auto Service Station remained basically unchanged to include vehicle fueling/gasoline stations that also may include the sale of minor accessories and the servicing and minor repair of automobiles. Currently, Auto Repair Station – Minor is allowed as a permitted use in the B-3 district and a special land use in the B-2 and I-1 districts, while Auto Repair Station – Major is allowed as a special land use in the I-1 district.

A survey of auto repair facilities currently located in the B-3 zoning district indicates most offer comprehensive automotive repair and servicing activities that include some form of what is considered major repair work such as engine, transmission or other vehicle component repair. Since major auto repair activities are only permitted in the I-1 and I-2, industrial districts, auto repair businesses located in the B-3 district that offer major repair services may not be completely in conformance with the Zoning Code requirements.

Recognizing that many local auto repair facilities offer comprehensive services, staff visited several businesses to compare external impacts associated with the operation of minor and major repairs. The visits revealed few external differences between businesses with major and minor repair activities. Several sites had a minimal amount of discarded auto parts outdoors such as used tires and a couple of sites had inoperable vehicles that had apparently been on-site for an extended period of time. Minor repair facilities such as Belle Tire or Midas Muffler had few, if any, vehicles left on-site after business hours while several of the facilities that offer more comprehensive services had several vehicles on-site, often located within a fenced enclosure. Based on the review of existing repair facilities, the potential adverse land use impacts of major repair facilities are similar to those of minor repair facilities. Engine and/or transmission rebuilding activities, for example, can often be less impactful than some minor repair activities (e.g. noise associated with removing/replacing exhaust systems and tire repair/replacement) since rebuilding related activities including assembly, disassembly and/or machining of automobile related components are performed indoors with precision machines and tools in a controlled environment. The primary impacts associated with both types of auto repairs is outside storage and vehicle parking.

III. VEHICLE FUELING STATION:

As the Commission will recall, a recent 2014 application for an “Auto Service Station” (gasoline/vehicle fueling station) redevelopment project at the former Centre Street Market site, 710 and 732 East Centre Avenue, generated significant controversy, concern and discussion regarding the appropriateness of this use when adjacent to a single family residential neighborhood and/or a child day care/preschool facility. While this “Auto Service Station” (gasoline/vehicle fueling station) proposal was eventually withdrawn by the applicant and the property subsequently rezoned from B-3, general business to B-1, local business, the issue of the appropriateness of this land use adjacent to a residential uses and child day care facility and/or school still remains. Since 1965, gasoline/vehicle fueling stations (“Auto Service Station”) have been allowed in the B-3 and I-1 zoning districts as special land uses without specific conditions. For Commission information, attached is a map that shows the location of existing fueling stations in the City of Portage.

In reviewing the East Centre Avenue gas station proposal, staff and the Planning Commission relied heavily on the General Standards for Review of Special Land Uses provisions of the Zoning Code (Section 42-462) in reviewing potential impacts from the proposed gas station on the adjacent single

family residential neighborhood and child day care/preschool facility. In order to address the impacts associated with the operation of gas stations, specific ordinance standards are recommended.

The most significant ordinance change involves the location of a vehicle fueling station in relation to a residential zoning district, day care center, public/private school or religious institution (many religious institutions operate child day care facilities). Two alternatives were presented to the Commission. The first alternative recommended that a fueling station not be adjacent to or abut one of the land uses noted above. The second alternative recommended a fueling station not abut or be within 300 feet of the protected land uses referenced above. The location requirement that a fueling station not abut or be within 300 feet of a residential land uses, child care, school and church facilities reduced the number of locations suitable for a new vehicle fueling station, while providing additional protections for these nearby land uses. With the 300-foot separation standard, the attached map illustrates there are still over 200 parcels available for new vehicle fueling station development, in addition to the 16 existing fueling stations within the community. During the January 22, 2015 meeting, the Commission agreed to proceed with an ordinance amendment that would require fueling stations to be located in either the B-3 or I-1 zoning districts to be at least 300 feet away from a residential land uses, child care, school and church facilities.

In an effort to address existing vehicle fueling stations that would not meet the new locational requirements, language has been added to provide a level of protection for these facilities. Also, the proposed fueling station regulations are not applicable to existing fueling stations located in the PD, planned development or CPD, commercial planned development districts. These fueling stations include BP, 4421 West Centre; Sam's Club, 7021 South Westnedge; and a proposed fueling station for Wal-Mart, 8350 Shaver Road. Impacts, if any, associated with fueling stations located in the PD or CPD districts can be addressed during the tentative/conceptual plan review process, which is subject to the public hearing process before the Planning Commission and City Council.

IV. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing during the February 19, 2015 meeting. No verbal or written citizen comments regarding the proposed ordinance amendment were received at the meeting. The Commission, staff and the City Attorney briefly discussed the applicability of the nonconforming regulations section of the Zoning Code and whether the provisions would apply to an existing gas station that does not meet the proposed locational requirements, and, furthermore, whether an abandoned gas station that does not meet the proposed locational requirements would be protected and allowed to reestablish.

V. PROPOSED ORDINANCE LANGUAGE:

Staff has researched many other community ordinances related to auto repair facilities and vehicle fueling stations, discussed the proposed auto repair amendments with several local business owners, and has considered public comment received and administrative/Planning Commission decisions concerning these uses. As a result of these research efforts, staff is recommending auto repair facilities no longer be classified as either minor or major and two new/updated definitions be established: Auto Repair and Auto Collision/Body Shop. Staff is also recommending that the

definition of Auto Service Station be changed to Vehicle Fueling Station and the definition be revised to reflect the current operational characteristics.

Attached is draft ordinance language prepared by the staff and the City Attorney. The attached draft ordinance language identifies proposed revisions in underline (new text) and strikeout (deleted text) format. A “clean” version without the underline and strikeout text is also provided. The proposed changes are summarized below.

Section 42-112, Definitions

Auto Repair Station – Minor, Auto Repair Station – Major and Auto Service Station. These three definitions are proposed to be rewritten and replaced with the following:

Auto Repair: A place where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and incidental replacement of parts occurs.

Auto Collision/Body Shop: A place where automobile repair, collision and/or auto body services such as general repair, rebuilding or reconditioning of motor vehicles; body, frame or fender repair; painting; and undercoating of automobiles occurs.

Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

These modifications separate auto repair uses from auto collision/body shop and vehicle fueling station uses. The modifications also recognize that auto collision/body shops typically have more potential adverse land use related impacts such as long term outdoor storage of damaged vehicles, body and frame straightening, reconditioning of automobiles, painting and undercoating. Auto collision/body shops would be allowed only in the industrial zoning districts.

Section 42-261. B-2, community business district

C. Special land uses (Items 2. and 4.)

Changes have been made to this section to eliminate references to “minor” and “major” auto repair and replace with new definitions and terminology. Auto repair facilities would continue to be permitted use in the B-2 district (without being limited to only minor repairs) as a special land use subject to conditions.

Section 42-262. B-3, general business district

B. Principal permitted uses (Item 4.)

C. Special land uses (Items 1. and 4.)

Changes have been made to these sections to eliminate references to “minor” and “major” auto repair and “automobile service stations” and replace with newly defined uses. Auto repair facilities would continue to be a permitted use in the B-3 district (without being limited to only minor repairs) as a separate facility or associated with a vehicle dealership, and as a permitted use in the I-1 and I-2 districts. In regard to Auto Repair, operational conditions were added that: require all repair activities to be conducted completely within the building; restrict the length of time a vehicle awaiting repair or inoperable vehicles may be outdoors; and screening requirements for outside storage of parts and other material.

In regard to Vehicle Fueling Stations, the location requirement that a fueling station not abut or be within 300 feet of a residential land uses, child care, school and church facilities has been added. This requirement would not prevent an existing fueling station that does not meet the locational standard from expanding and/or reconstructing. However and based on discussions during the February 19th meeting, language has been added to prevent a fueling station that does not meet the locational requirement from re-establishing if the use has been abandoned for a period of 90 days or more. For determining whether the use has been abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply. Other conditions have been included such as location of air compressors and vacuums stations, outside storage/display areas, and a provision to protect existing stations that may not be able to comply with the new locational standards. Finally, language has been incorporated that clarifies when an existing fueling station must comply with the requirements applicable to air compressors and vacuum stations, and outdoor storage and display. Compliance with the ordinance is required when a building permit for an addition, structural alternation or repair exceeds 25% of the appraised replacement cost of the entire building or structure, exclusive of the foundation. This ordinance language is similar to the language contained in Section 42-571 concerning landscaping and screening.

Section 42-280. I-1, light industrial district

B. Principal permitted uses (Item 20.)

C. Special land uses (Item 2.)

Changes have been made to these sections to eliminate references to “minor” and “major” auto repair and “automobile service station” and replace with newly defined uses. Changes also include allowing Auto Repair as a permitted use in the I-1 district (currently a special land use) with the same operational conditions related to the length of time a vehicle may be located outdoors. Vehicle fueling stations are also allowed to continue in the I-1 district with the same conditions applicable within the B-3 district.

Auto Collision/Body Shops continue to be allowed as a special land use in the I-1 district with the added requirements that the zoning lot not abut a single family residential zoning district or land designated for residential use in the PD zone and that all vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six-feet in height. Additionally, language has been added to protect existing auto

collision/body shops that do not meet the locational requirements, while adding clarifying language as to when an existing auto collision/body shop must comply with the requirements for screening outdoor storage of vehicles.

Section 42-281. I-2, heavy industrial district

C. Special land uses (Item 7.)

Currently, Auto Collision/Body Shop is not specifically referenced in the I-2 district so changes have been made to add this use as special land use in the I-2 district. Auto Collision/Body Shops include the requirements that the zoning lot not abut a single family residential zoning district or land designated for residential use in the PD zone and that all vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six-feet in height. Finally, language has also been added to protect existing auto collision/body shops that do not meet the locational requirements, while adding clarifying language as to when an existing auto collision/body shop must comply with the requirements for screening outdoor storage of vehicles.

VI. RECOMMENDATION

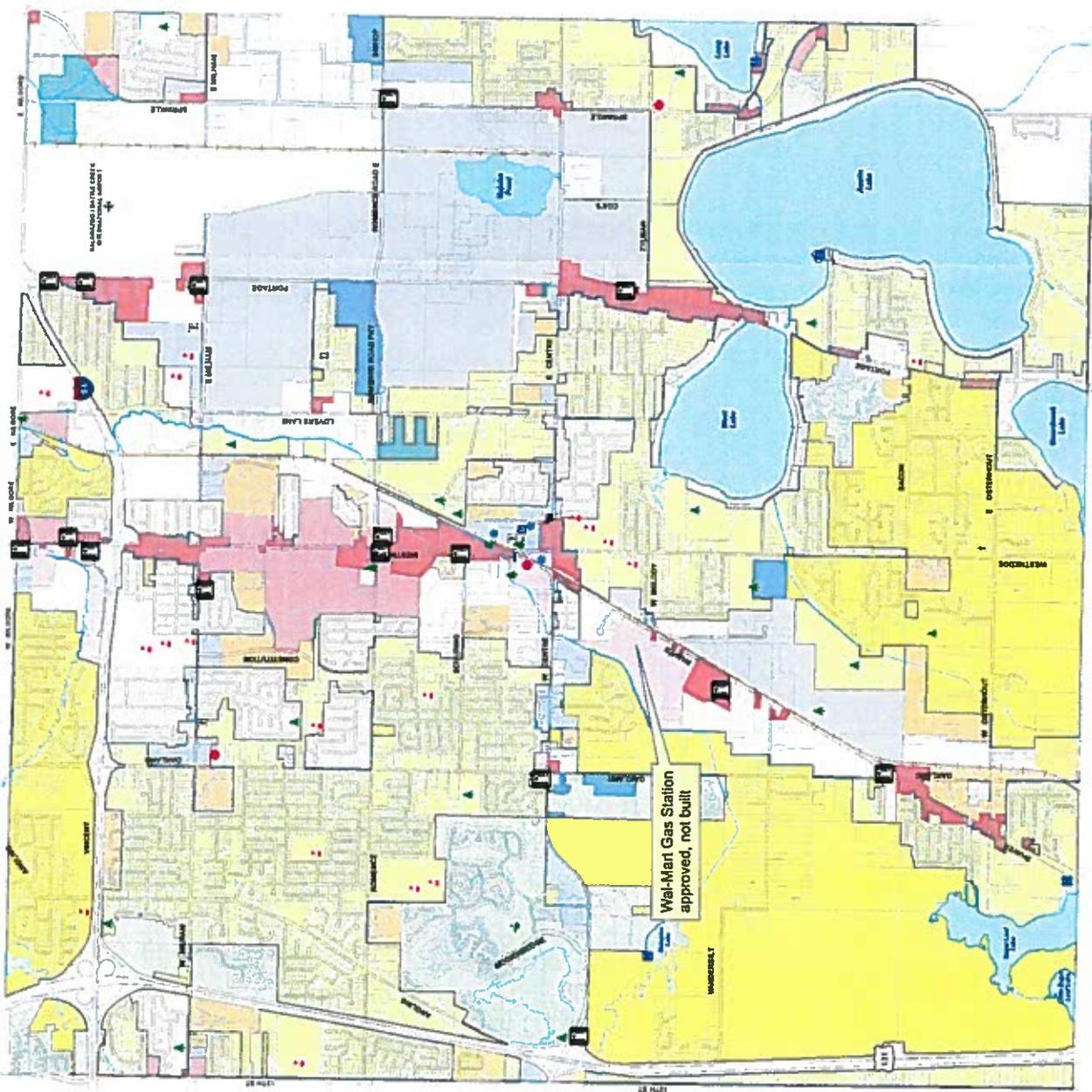
Based on the above analysis and subject to any comments received during the March 5, 2015 public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations, be approved.

Attachments: Map of existing gas station locations
Map of potential gas station locations with 300-foot separation requirement
Ordinance Amendment (highlight/strike and clean versions)
December 18, 2014 and January 22, 2015 Planning Commission meeting minutes



Gas Station Locations

- Gas Stations**
- B-1 Local Business
 - B-2 Community Business
 - B-3 General Business
 - CPD Commercial Planned Development
 - I-1 Light Industry
 - I-2 Heavy Industry
 - OS-1 Office Service
 - OTR Office Technology and Research
 - P-1 Vehicular Parking
 - PD Planned Development
 - R-1A One Family Residential
 - R-1B One Family Residential
 - R-1C One Family Residential
 - R-1D One Family Residential
 - R-1E Estate Residential
 - R-1T Attached Residential
 - RM-1 Multiple Family Residential
 - RM-2 Multiple Family Residential
 - MHC Mobile Home Community



Station Owner	Property Address
J DAVIS INC	4421 W CENTRE AV
MERCURY PETROLEUM LLC	507 W MILHAM AV
JFB REAL ESTATE LLC	7938 OAKLAND DR
JFB REAL ESTATE LLC	7938 OAKLAND DR
SPEEDWAY SUPERAMERICA, LLC	8379 PORTAGE RD
EMRO MARKETING CO	5924 PORTAGE RD
PORTAGE FAMILY REAL ESTATE, LLC	5316 PORTAGE RD
SHELL MARKETING RESOURCES, LLC	5126 PORTAGE RD
KAL-ORAKE INC	9950 SHAVER RD
AMERICAN GAS & OIL INC	7025 S SPRINKLE RD
CAHLAND COMPANY, LLC	7480 S WESTNEDGE AV
SHELL MARKETING RESOURCES, LLC	7000 S WESTNEDGE AV
ADMIRAL PETROLEUM #28	6342 S WESTNEDGE AV
ENTERPRISES, INC.	5231 S WESTNEDGE AV
EMRO MARKETING CO	5012 S WESTNEDGE AV
SHELL MARKETING RESOURCES, LLC	7000 S WESTNEDGE AV



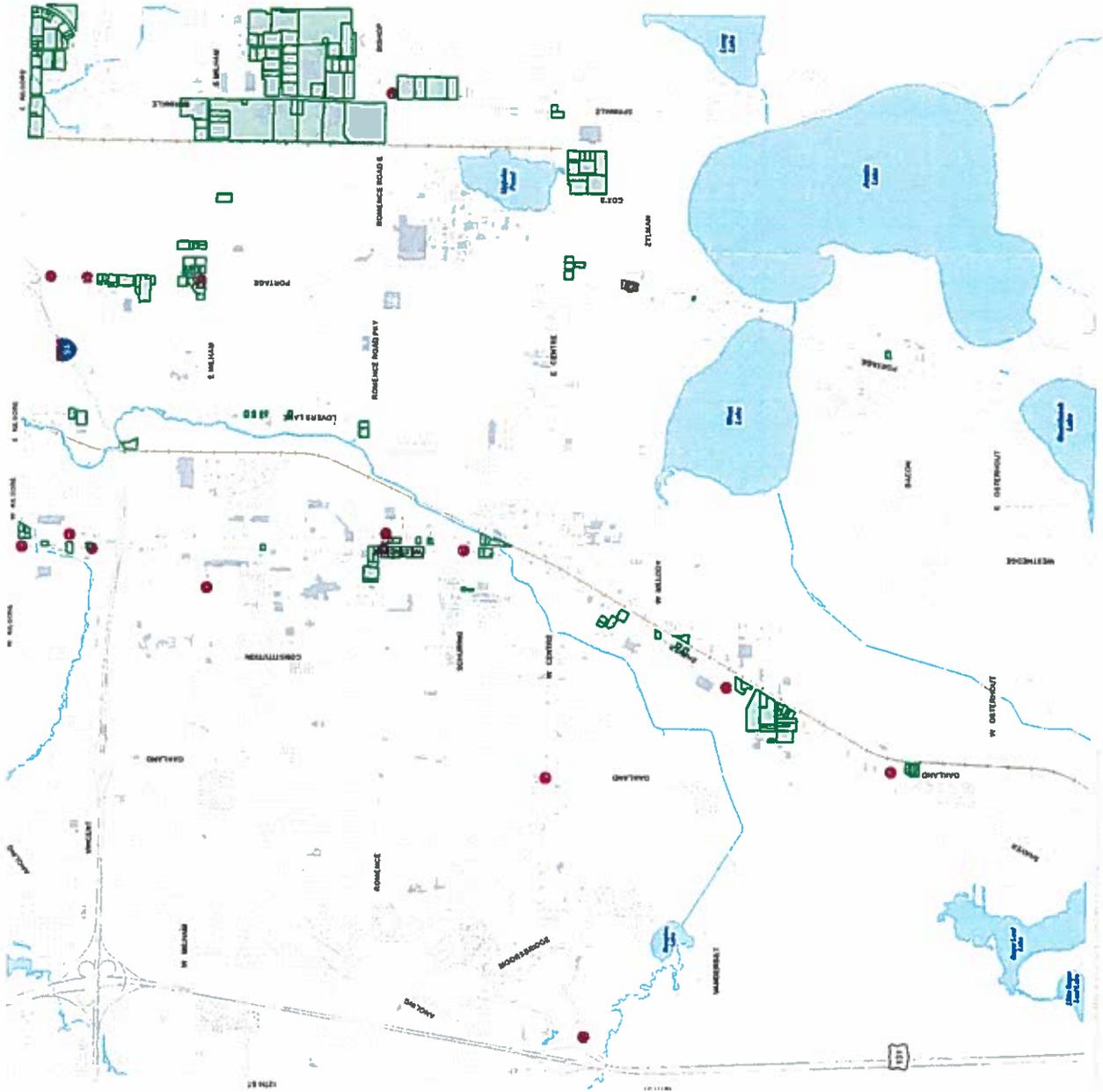
1 inch = 3,200 feet



Gas Station Locations

Regulated areas include additional 300' buffer areas

- Existing Gas Stations
- ▭ Properties meeting regulations
 - 216 existing Parcels meet criteria
 - 114 of these Parcels are 1 acre or more



1 inch = 3,200 feet
Date: 12/30/2014

[HIGHLIGHT & STRIKE VERSION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS, SEC. 42-261, B-2, COMMUNITY BUSINESS DISTRICT, SEC.
42-262, B-3, GENERAL BUSINESS DISTRICT,
SEC. 42-280, I-1, LIGHT INDUSTRIAL DISTRICT, AND
SEC. 42-281, I-2, HEAVY INDUSTRIAL DISTRICT, OF ARTICLE 4, ZONING,
OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

~~Auto Collision/Body Shop repair station—Major: A place with or without the sale of petroleum products (excluding gasoline and diesel fuel for motor vehicles), where automobile repair, collision and/or auto body services the following services may be carried out such as general repair, engine rebuilding and rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and overall painting; and undercoating of automobiles occurs.~~

~~Auto repair station—Minor: A place with or without the sale of petroleum products (excluding gasoline and diesel fuel for motor vehicles), where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and the following services may be carried out such as minor repairs, incidental replacement of parts occurs, or motor service to passenger automobiles and trucks not exceeding three tons gross vehicle weight; provided, however, there is excluded any repair or work included in the definition of "Auto repair station—Major."~~

~~Auto service station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises. Services may include the sale of minor accessories and the servicing and minor repair of automobiles. Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.~~

~~Vehicle repair, major: See "Auto repair station—Major".~~

~~Vehicle repair, minor: See "Auto repair station—Minor".~~

Sec. 42-261. - B-2 community business district.

A. through B. No change.

C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. No change.

2. Auto repair ~~station, minor.~~

- a. The minimum lot size shall be 30,000 square feet, with a minimum width of 150 feet.
- b. All services shall be performed within a completely enclosed building.
- c. No service bay shall open to or face any public street.
- d. Not less than 20 percent of the ground area of the site shall be landscaped as a green area pursuant to an approved site plan.
- e. In locations where the use abuts a residential district, the planning commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.
- f. No auto collision/body shop ~~major vehicle repair~~ activities shall be permitted.
- g. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site plan and architecture of the cluster of establishments. No additional curb openings onto a public street shall be permitted.
- h. No outside storage of parts and/or materials shall be allowed.
- i. No overnight outdoor storage/parking of automobiles that have been or are awaiting service or parts is permitted.

3. Automatic carwashes. No changes.

4. Vehicle dealerships, licensed by the state as a new vehicle dealer, for the sale of new motor vehicles, including accessory uses when related and incidental thereto, such as service areas and areas for the sale of used motor vehicles.

a. through g. No change.

h. Activities permitted at auto repair and auto collision/body shops as defined in Section 42-112 Major and minor vehicle repairs shall may be permitted when conducted completely within the building, with no outside storage of parts and/or materials.

i. through l. No change.

5. through 7. No change.

D. No change.

Sec. 42-262. - B-3 general business district.

A. No change.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

1. through 3. No change.

4. Auto repair ~~station~~ Minor, subject to the following:

- a. When conducted completely within the building.
- b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be located outdoors for more than ninety (90) days.
- c. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

5. through 15. No change.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto subject to the following:

- a. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
- b. Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
- c. ~~No major vehicle repair or refinishing shall be done on the site.~~ Auto repair activities are permitted subject to the following:

i. When conducted completely within the building.

ii. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.

- iii. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

2. through 3. Unchanged.

- 4. Vehicle fueling~~Automobile service stations for the sale of gasoline, oil and minor accessories only, but not including major vehicle repair or other activities where any adverse external effects could extend beyond the property line~~ subject to the following:

- a. The zoning lot does not abut or is not located within 300 feet of the following:

- i. a residential zoning district;
- ii. land designated for residential use in a PD, planned development district;
- iii. child day care facility;
- iv. public/private school; or
- v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 4(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 4(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

- ~~b.~~ Air compressors and vacuum stations shall not be located in the front yard area.

- ~~c.~~ Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

- ~~d.~~ Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 4(b) and 4(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

5. through 9. Unchanged.

D. Unchanged.

Sec. 42-280. I-1, light industrial district.

A. Unchanged.

B. 1 through 19, Unchanged.

20. Auto repair subject to the following:

a. All repair activities are conducted completely within the building.

b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be located outdoors for more than ninety (90) days.

C. Special land uses: The following uses may be allowed in an I-1 light industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle fueling ~~Automobile service~~ stations subject to the following:

a. The zoning lot does not abut or is not located within 300 feet of the following:

i. a residential zoning district;

ii. land designated for residential use in a PD, planned development district;

iii. child day care facility;

iv. public/private school; or

v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 1(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 1(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

b. Air compressors and vacuum stations shall not be located in the front yard area.

c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 1(b) and 1(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such

construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

2. Automobile repair stations (major and minor) Collision/body shops subject to the following:

a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district. Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 2(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;

b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 2(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

3. through 11, Unchanged.

D. Unchanged.

Sect. 42-281, I-2 heavy industrial district.

A. through B. Unchanged.

C. Special land uses: The following uses may be allowed in an I-2 heavy industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1 through 6, Unchanged.

7. Auto collision/body shops subject to the following:

a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district. Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 7(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;

b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section

42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 7(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

[ORDINANCE FOR ADOPTION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS, SEC. 42-261, B-2, COMMUNITY BUSINESS
DISTRICT, SEC. 42-262, B-3, GENERAL BUSINESS DISTRICT,
SEC. 42-280, I-1, LIGHT INDUSTRIAL DISTRICT, AND
SEC. 42-281, I-2, HEAVY INDUSTRIAL DISTRICT, OF ARTICLE 4, ZONING,
OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

Auto Collision/Body Shop : A place where automobile repair, collision and/or auto body services such as general repair, rebuilding or reconditioning of motor vehicles; body, frame or fender repair; painting; and undercoating of automobiles occurs.

Auto repair: A place where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and incidental replacement of parts occurs.

Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

Sec. 42-261. - B-2 community business district.

A. through B. No change.

C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. No change.
2. Auto repair.
 - a. The minimum lot size shall be 30,000 square feet, with a minimum width of 150 feet.
 - b. All services shall be performed within a completely enclosed building.
 - c. No service bay shall open to or face any public street.

- d. Not less than 20 percent of the ground area of the site shall be landscaped as a green area pursuant to an approved site plan.
 - e. In locations where the use abuts a residential district, the planning commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.
 - f. No auto collision/body shop activities shall be permitted.
 - g. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site plan and architecture of the cluster of establishments. No additional curb openings onto a public street shall be permitted.
 - h. No outside storage of parts and/or materials shall be allowed.
 - i. No overnight outdoor storage/parking of automobiles that have been or are awaiting service or parts is permitted.
3. Automatic carwashes. No changes.
4. Vehicle dealerships, licensed by the state as a new vehicle dealer, for the sale of new motor vehicles, including accessory uses when related and incidental thereto, such as service areas and areas for the sale of used motor vehicles.
- a. through g. No change.
 - h. Activities permitted at auto repair and auto collision/body shops as defined in Section 42-112 may be permitted when conducted completely within the building, with no outside storage of parts and/or materials.
 - i. through l. No change.
5. through 7. No change.

D. No change.

Sec. 42-262. - B-3 general business district.

A. No change.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

1. through 3. No change.

4. Auto repair subject to the following:

- a. When conducted completely within the building.

b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be located outdoors for more than ninety (90) days.

c. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

5. through 15. No change.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto subject to the following:

a. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.

b. Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.

c. Auto repair activities are permitted subject to the following:

i. When conducted completely within the building.

ii. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.

iii. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B.

The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

2. through 3. Unchanged.

4. Vehicle fueling stations subject to the following:

a. The zoning lot does not abut or is not located within 300 feet of the following:

- i. a residential zoning district;
- ii. land designated for residential use in a PD, planned development district;
- iii. child day care facility;
- iv. public/private school; or
- v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 4(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 4(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(5) shall apply.

b. Air compressors and vacuum stations shall not be located in the front yard area.

c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 4(b) and 4(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

5. through 9. Unchanged.

D. Unchanged.

Sec. 42-280. I-1, light industrial district.

A. Unchanged.

B. 1 through 19, Unchanged.

20. Auto repair subject to the following:

- a. All repair activities are conducted completely within the building.
- b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than fourteen (14) days. All other vehicles shall not be located outdoors for more than ninety (90) days.

C. Special land uses: The following uses may be allowed in an I-1 light industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle fueling stations subject to the following:

- a. The zoning lot does not abut or is not located within 300 feet of the following:
 - i. a residential zoning district;
 - ii. land designated for residential use in a PD, planned development district;
 - iii. child day care facility;
 - iv. public/private school; or
 - v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 1(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming.

- b. Air compressors and vacuum stations shall not be located in the front yard area.
- c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

- d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 1(b) and 1(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

2. Auto Collision/body shops subject to the following:

- a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district. Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 2(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;
- b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 2(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

3. through 11, Unchanged.

D. Unchanged.

Sect. 42-281, I-2 heavy industrial district.

A. through B. Unchanged.

- C. Special land uses: The following uses may be allowed in an I-2 heavy industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1 through 6, Unchanged.

7. Auto collision/body shops subject to the following:

- a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district.

Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 7(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;

- b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 7(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2014.

James R. Hudson, City Clerk

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

Approved as to form
Date: 4/22/15

City Attorney

FIRST READING AND NOTICE OF HEARING
CITY OF PORTAGE, MICHIGAN
NOTICE

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Section 42-112, Definitions, Section 42-261, B-2, Community Business District, Section 42-262, B-3 General Business District, Section 42-280, I-1 Light Industrial District, and Section 42,281, I-2 Heavy Industrial District, of Article 4, Chapter 42, Land Developing Regulations, of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2015, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2015, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed ordinance amendments are summarized as follows:

The ordinance amendments would include new definitions of Auto Repair, Auto Collision/Body Shop and Vehicle Fueling Station in Section 42-112; eliminate references to minor and major auto repair in Section 42-261, Section 42-262 and Section 42-280 and replace with the new definitions; include conditions applicable to auto repair facilities in Section 42-262 and Section 42-280; permit auto repair activities in conjunction with vehicle dealerships in Section 42-262; permit auto repair activities as a permitted use in Section 42-280 with conditions; permit auto collision/body shops in Section 42-280 and Section 42-281 as a special land use with conditions; and permit vehicle fueling stations in Section 42-262 and Section 42-280 as a special land use with conditions.

Dated: _____

James R. Hudson, City Clerk

Z:\Jody\PORTAGE\ORDZONING\1st Reading Auto Repair and Vehicle Fueling Stations.032315.doc

APPROVED AS TO FORM
DATE 4/22/15

CITY ATTORNEY

NEW BUSINESS:

1. **Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations.** Mr. Forth summarized the staff report dated December 12, 2014 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth indicated this first round of proposed ordinance amendments was consistent with the Planning Commission's FY 2014-2015 Work Program and Implementation Strategies contained in the 2014 Comprehensive Plan. Mr. Forth provided historical background regarding Zoning Code regulations pertaining to auto-related services and indicated that regulations have remained basically unchanged since comprehensive zoning of the City in 1965.

Mr. Forth reviewed current definitions that classify auto repair stations into two categories: Auto Repair Station (Minor) that is allowed in the B-3 district as a permitted use and in the B-2 and I-1 districts as special land uses; and, Auto Repair Station (Major) that is allowed in the I-1 district. The definition of Auto Repair Station (Major) includes auto collision/body shop activities and engine rebuilding activities. Mr. Forth indicated a survey of auto repair stations currently located in the B-3 zone indicates that most of these facilities offer comprehensive automotive repair and servicing that includes some form of "major" repair work such as engine, transmission or other vehicle component repair/rebuilding. Mr. Forth stated a further inspection of many of these facilities also discovered that external impacts associated with auto repair stations that conduct some form of "major" repair (e.g., engine and/or transmission rebuilding and repair) are similar to many "minor" auto repair activities (e.g., exhaust and tire repair and replacements). As a result and after researching several other community ordinances, Mr. Forth indicated staff was recommending the current definitions of Auto Repair Station (Minor) and Auto Repair Station (Major) be rewritten and replaced with Auto Repair Station and Auto Collision/Body Shop to clearly separate auto repair activities from auto collision/body shop activities. Mr. Forth stated Auto Repair Stations would be allowed as permitted uses in the B-3 and I-1 districts and as a special land use in the B-2 district, while Auto Collision/Body Shops would be allowed as special land uses in the I-1 and I-2 district. Mr. Forth indicated new operational standards were also proposed by staff that address auto repair activities being conducted completely within the building, restrictions on the length of time a vehicle awaiting repair may be stored outdoors and screening provisions for outdoor storage of parts, tires and other materials. Mr. Forth also stated a new locational requirement was also proposed for auto collision/body shops where the zoning lot does not abut a single family residential zoning district or land designated for residential use in the PD, planned development district. The Commission and staff briefly discussed the length of time provision for outdoor storage of vehicles awaiting repair, however, did not request any changes to the ordinance language at this time.

In regard to auto service stations (gasoline/fueling stations), Mr. Forth indicated staff was also recommending a modification to the definition to more clearly describe these uses. Mr. Forth indicated staff has prepared a new definition, Vehicle Fueling Station, that would replace Auto Service Station. Mr. Forth briefly discussed the recent controversial gasoline station redevelopment project at the former Centre Street Market property (710 and 732 East Centre Avenue) and stated that since 1965 there have been no specific conditions for locating a Vehicle Fueling Station in the B-3 or I-1 districts as a special land use. To address this issue, Mr. Forth indicated that staff was also recommending new locational and operational standards for Vehicle Fueling Stations including the requirement that a new Vehicle Fueling Station can not be adjacent to or abutting a residential zoning district, day care center, public/private school or religious institution.

Mr. Forth also presented maps that depicted the locations of existing Vehicle Fueling Stations across the city and areas that would be available for citing new Vehicle Fueling Stations based on proposed locational requirements. The Commission and staff next discussed various aspects of the proposed ordinance amendment including whether or not a minimum distance requirement (e.g. 300-feet) should be used for citing new Vehicle Fueling Stations from residential zoning districts, day care centers, public/private schools and religious institutions. After additional discussion, Mr. Forth indicated that staff would provide alternative maps and ordinance language that presented a minimum distance requirement for Vehicle Fueling Stations for further Commission review and discussion at the January 8, 2015 meeting.

PLANNING COMMISSION

January 22, 2015

 COPY

The City of Portage Planning Commission meeting of January 22, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the role and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Bosch (yes), Somers (yes) and Schimmel (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the role excusing Commissioners Dargitz and Richmond. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the December 18, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Stoffer, seconded by Commissioner Schimmel, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

1. Site Plan: Pinefield (Phase 3), 6291 South 12th Street. Mr. West summarized the staff report dated January 16, 2015 regarding a request by Pinefield, LLC to construct Phase 3 of the Pinefield residential development. Mr. West indicated Phase 3 proposed construction of seven four-unit buildings and one two-unit building (30 units total), four detached storage buildings and associated site improvements on the vacant parcel located north of Pinefield (Phase 2). Mr. West discussed the proposed access to Phase 3, reconfiguration of the existing storm water retention basin and the applicant's plans to preserve existing mature evergreen trees along the northern property line and install supplemental evergreen and deciduous tree plantings along the northwest portion of Phase 3 where adjacent the single family residence located at 6255 South 12th Street.

Mr. Bob Deppe of Pinefield, LLC (applicant/owner) was present to support the site plan. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the Site Plan for Pinefield (Phase 3), 6291 South 12th Street. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

1. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations. Mr. Forth summarized the staff report dated January 2, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth summarized changes made to the draft ordinance language since Commission review and discussion at the December 18, 2014 meeting. The

Commission did not have any additional comments regarding the proposed ordinance amendment. A motion was then made by Commissioner Bosch, seconded by Commissioner Patterson, to schedule a public hearing for February 19, 2015 to formerly consider Ordinance Amendment #14/15-A. The motion was unanimously approved.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

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

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Lexington Green Drain #319 Easement Vacation and Work Agreements

SUPPORTING PERSONNEL: Kendra Gwin, Interim Director of Transportation & Utilities

ACTION RECOMMENDED:

- That City Council subsequent to the public hearing:
- a. deed easement rights located in Lexington Green, Lexington Green No.1 and Lexington Green No. 3 plats to the Lexington Green Drain #319 Drainage District;
 - b. grant an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction, operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court, approve a license agreement to perform drainage work in Lexington Green Park;
 - c. transfer jurisdiction and ongoing maintenance of the storm drainage systems in Commercial Avenue, Environmental Drive, Quality Way, Quality Court as well as drain crossings at Meredith Street and Bishop Avenue to the Kalamazoo County Drain Commission;
- and authorize the Mayor to execute all documents related to the above on behalf of the city.

The Lexington Green Drain is a drainage channel serving a portion of the Lexington Green area, Lexington Green Park and areas east of Portage in Pavilion Township. The drain discharges into the Davis Olmstead Drain near the intersection of Sprinkle Road and Meredith Street. On August 9, 2011, City Council authorized submission of an application to designate the Lexington Green drain as a Kalamazoo County drain. In accordance with the application, the Kalamazoo County Office of the Drain Commissioner has completed a study of the practicality of the drain including the drainage route, type and cost estimate. A drainage district has been established and affirmed by the Drain Commissioner and placed on file in the Office of the Drain Commissioner. A copy of the drainage district map is attached. On February 26, 2013, City Council approved a resolution to endorse a petition to the Office of the Kalamazoo County Drain Commissioner to locate, establish and construct the Lexington Green drain as a County Drainage District. On July 10, 2013 the Office of the Drain Commissioner convened a Board of Determination for the proposed drain. The board made a determination that the district was necessary and conducive to the public health, convenience and welfare of the City of Portage and Pavillion Township. The Office of the Drain

Commissioner has completed plans and specifications for the drainage project. However, before project bidding and construction can commence, transfer of specific city rights to the Lexington Green Drainage District #319 must be completed. In summary, if approved by City Council, the city will transfer all drainage system infrastructure and improvements for the drainage district to the County Drain Commissioner and allow the County Drain Commissioner to maintain, operate and improve the system as necessary to enhance overall drainage in the area.

Therefore, it is recommended that subsequent to the public hearing, City Council deed to the Office of the County Drain Commissioner the Lexington Green Drain #319 Drainage District easement rights located in Lexington Green, Lexington Green No. 1 and Lexington Green No. 3 plats; grant to the Office of the County Drain Commissioner an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court and license agreement to perform drainage work in Lexington Green Park; transfer jurisdiction and ongoing maintenance of the storm drainage systems in Commercial Avenue, Environmental Drive, Quality Way, Quality Court as well as drain crossings at Meredith Street and Bishop Avenue to the Kalamazoo County Drain Commission, and authorize the Mayor to execute all documents related to the above on behalf of the city.

FUNDING: Proposed 2015 – 2016 Capital Improvement Program for Drain Improvement Assessment.

- Attachments:**
1. Deed
 2. Easement
 3. Jurisdiction Transfer
 4. March 24, 2015 City Council Communication

CITY OF PORTAGE
RESOLUTION TO QUIT CLAIM CERTAIN EASEMENT RIGHTS

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall Building in said City on the 24 day of March, 2015, at 7:30 p.m. Local Time.

PRESENT: Ansari, Ford, Pearson, Randall, Reid, Strazdas, Urban

ABSENT: None.

Resolution offered by Councilmember Pearson

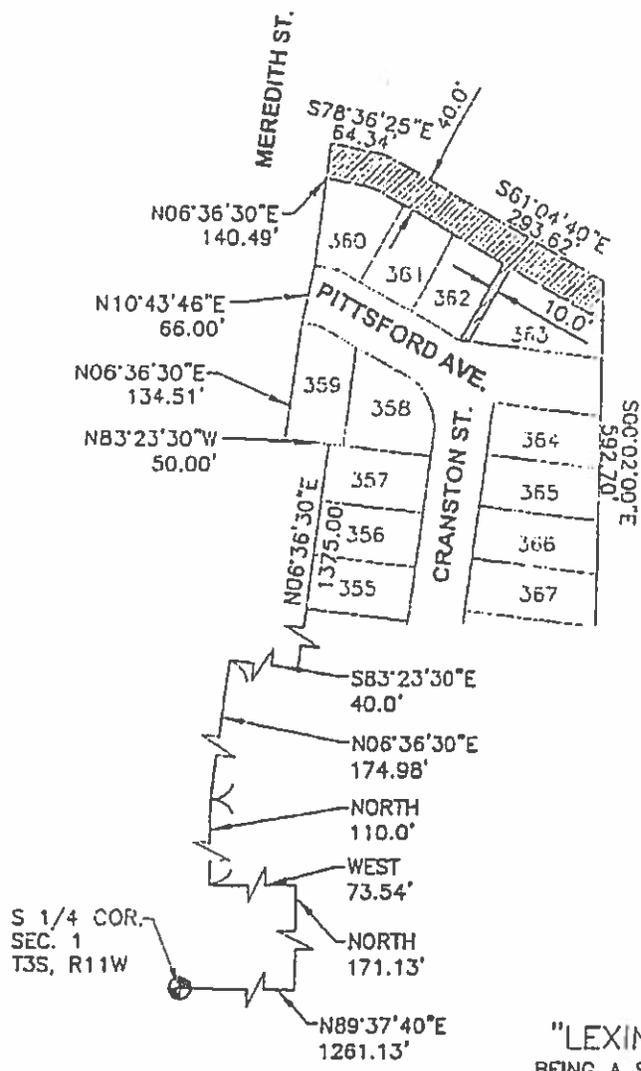
and seconded by Councilmember Ansari.

BE IT RESOLVED that the City of Portage quit claims drainage easements as described below to the Lexington Green Drain #319 Drainage District, a public body corporate under jurisdiction of the Kalamazoo County Drain Commissioner of 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007, its rights, title and interest in the drainage easements depicted on the attached exhibits, legally described as follow:

A Drainage Easement within the annexed plat of "Lexington Green" being a subdivision of part of the Southeast $\frac{1}{4}$ and South 5 acres of the East $\frac{1}{2}$, Northeast $\frac{1}{4}$, Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: the South 40 feet of parcels 26 through 43; and also, the East 10 feet of parcel 33; and also the West 10 feet of parcel 32; and also the East 7.5 feet of parcel 29; and also the West 7.5 feet of parcel 28; Said easement containing 1.33 acres.

And

A Drainage Easement within the annexed plat of "Lexington Green No. 1" being a subdivision of part of the Southeast $\frac{1}{4}$, Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: Commencing at the South $\frac{1}{4}$ corner of Section 1, T3S, R11W, thence East a distance of 50.00 feet to the East right-of-way line of Sprinkle Road, thence North along the East right-of-way line of Sprinkle Road a distance of 1280.58 feet; thence North a distance of 774.00 feet to a point of curvature; thence northeasterly along the arc of a curve, radius = 1382.29 feet; chord = 609.49, chord bearing = N12°44'10"E; interior angle = 25°28'23", a distance of 614.55 feet to the E-W $\frac{1}{4}$ line of said Section 1; Thence N88°58'12"E along the E-W $\frac{1}{4}$ line of said Section 1 a distance of 860.37 feet to the point of beginning; Thence continuing N88°58'12"E along the E-W $\frac{1}{4}$ line of said Section 1 a distance of 130.00 feet; thence S00°00'00"E 413.39 feet; thence S78°36'25"E 92.98 feet to the West right-of-way line of Meredith Street; thence S06°09'00"W 80.34 feet along the West right-of-way line of Meredith Street; thence N78°36'25"W 158.88 feet; thence N06°46'29"W 334.78 feet; thence S57°17'44"W 130.39 feet to the Northeast right-of-way line of Cheshire Street; thence

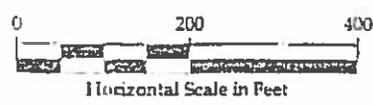
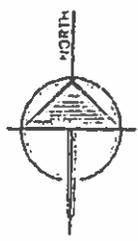


"LEXINGTON GREEN NO. 3"
 BEING A SUBDIVISION OF PART OF SE. 1/4,
 SEC.1, T3S.,R11W., PORTAGE TOWNSHIP
 KALAMAZOO COUNTY, MICH

EASEMENT DESCRIPTION

A DRAINAGE EASEMENT WITHIN THE ANNEXED PLAT OF "LEXINGTON GREEN NO. 3" BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: THE REAR 40.00 FEET OF LOTS 360, 361, 362, AND 363, LEXINGTON GREEN SUBDIVISION NO. 3, AND ALSO THE WESTERLY 10 FEET OF LOT 363, LEXINGTON GREEN SUBDIVISION NO. 3.

S&D EASEMENT CONTAINS 0.35 ACRES



Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321

EXHIBIT A Date: OCT. 2013
 Drawn By: LCG

1700 - Computer Aided Design & Drafting
 1100 - Surveying & Mapping
 1000 - Engineering
 900 - Architecture
 800 - Interior Design
 700 - Landscape Architecture
 600 - Environmental Planning
 500 - Urban Planning
 400 - Transportation Planning
 300 - Regional Planning
 200 - Community Development
 100 - Public Administration

EXHIBIT B

CITY OF PORTAGE, MICHIGAN
NOTICE OF INTENTION TO QUIT CLAIM CERTAIN EASEMENT RIGHTS
IN THE CITY OF PORTAGE, MICHIGAN

PLEASE TAKE NOTICE, that on the ____ day of _____, 2015, the City Council for the City of Portage adopted a resolution providing notice of intent to quit claim certain easement rights, as described as follows:

A Drainage Easement within the annexed plat of "Lexington Green" being a subdivision of part of the Southeast ¼ and South 5 acres of the East ½, Northeast ¼, Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: the South 40 feet of parcels 26 through 43; and also, the East 10 feet of parcel 33; and also the West 10 feet of parcel 32; and also the East 7.5 feet of parcel 29; and also the West 7.5 feet of parcel 28; Said easement containing 1.33 acres.

And

A Drainage Easement within the annexed plat of "Lexington Green No. 1" being a subdivision of part of the Southeast ¼, Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: Commencing at the South ¼ corner of Section 1, T3S, R11W, thence East a distance of 50.00 feet to the East right-of-way line of Sprinkle Road, thence North along the East right-of-way line of Sprinkle Road a distance of 1280.58 feet; thence North a distance of 774.00 feet to a point of curvature; thence northeasterly along the arc of a curve, radius = 1382.29 feet; chord = 609.49, chord bearing = N12°44'10"E; interior angle = 25°28'23", a distance of 614.55 feet to the E-W ¼ line of said Section 1; Thence N88°58'12"E along the E-W ¼ line of said Section 1 a distance of 860.37 feet to the point of beginning; Thence continuing N88°58'12"E along the E-W ¼ line of said Section 1 a distance of 130.00 feet; thence S00°00'00"E 413.39 feet; thence S78°36'25"E 92.98 feet to the West right-of-way line of Meredith Street; thence S06°09'00"W 80.34 feet along the West right-of-way line of Meredith Street; thence N78°36'25"W 158.88 feet; thence N06°46'29"W 334.78 feet; thence S57°17'44"W 130.39 feet to the Northeast right-of-way line of Cheshire Street; thence Northwest along the arc of a curve of said right-of-way line, radius = 100.00 feet, chord = 20.12', chord bearing = N26°28'46"W, a distance of 20.15 feet; thence N57°17'44"E 137.93 feet; thence N06°46'29"W 124.25 feet to the point of beginning; and also the North 40 feet of Lot 252; said easement contains 1.42 Acres.

And

A drainage easement within the annexed plat of "Lexington Green No. 3" being a subdivision of part of the Southeast 1/4 of Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: the rear 40.00 feet of lots 360, 361, 362, and 363, Lexington Green Subdivision No. 3; and also the Westerly 10.00 feet of lot 363, Lexington Green Subdivision No. 3; Said easement containing 0.35 acres.

PLEASE TAKE FURTHER NOTICE that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office 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. Any person(s) objecting to this vacation should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and vacate said portion.

Dated: _____, 2015.

James R. Hudson, City Clerk

CITY OF PORTAGE
RESOLUTION TO CONVEY CERTAIN EASEMENT RIGHTS
AND GRANT LICENSE

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall Building in said City on the 24 day of March, 2015, at 7:30 p.m. Local Time.

PRESENT: Ansari, Ford, Pearson, Randall, Reid, Strazdas, Urban

ABSENT: None.

Resolution offered by Councilmember Pearson

and seconded by Councilmember Ansari.

BE IT RESOLVED that the City of Portage convey and release to the Lexington Green Drain #319 Drainage District, a public body corporate under jurisdiction of the Kalamazoo County Drain Commissioner of 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007, an easement for the purpose of the establishment, construction, operation, maintenance, and improvement of the drain and corresponding infiltration basins, over and across land owned by the city. The easement is depicted on the attached exhibits, legally described below:

PARCEL NUMBER 00012-115-B

A parcel of land situated in the Southeast quarter of Section 12, T. 3S. R. 11W.; City of Portage, Kalamazoo County, Michigan being more particularly described as follows:

Commencing at the South quarter corner of Section 12, T. 3 S., R. 11 W.; thence N.00°00'04"W. 907.00 feet along the North and South quarter line of said section; thence N.89°19'02"E. 1195.00 feet parallel with the South line of the Southeast quarter of said section; thence N. 00°00'04" W. 773.07 feet parallel with said quarter line; thence continuing N. 00°00'04" W. 141.64 feet parallel with said quarter line to a point S. 00°00'04" E. 825.00 feet parallel with said quarter line from the East and West quarter line of said Section; thence N. 89°21'53" E. 426.72 feet parallel with said East and West quarter line; thence Northeasterly 58.28 feet along the arc of a curve to the left having a radius of 44.37 feet and a chord N. 51°44'13" E. 54.18 feet; thence Northerly, Easterly and Southerly 217.14 feet along the arc of a curve to the right having a radius of 75.00 feet and a chord S. 82°56'58" E. 148.86 feet; thence S. 00°00'04" E. 49.17 feet parallel with said North and South quarter line to the Place of Beginning; thence continuing S. 00°00'04" E. 30.00 feet to a point S. 00°00'04" E. 891.00 feet parallel with said

North and South quarter line from said East and West quarter line; thence N. 89°21'53" e. 200.00 feet parallel with said East and West quarter line; thence N. 00°00'04" W. 175.00 feet; thence S. 89°21'53" W. 125.00 feet; thence S. 00°00'04" E. 145.00 feet; thence S. 89°21'53" W. 75.00 feet to the Place of Beginning.

PARCEL NUMBER 00012-115-S

Property Description: a parcel of land located in the City of Portage, Kalamazoo County, Michigan, Section 12, T 3S, R 11W, beginning 1261 feet East & 937 feet North of S 1/4 post Section 12, thence East 715 feet, thence North 135.20 feet, thence West 715 feet, thence South to the point of beginning. 2.22 acres.

Easement Description: a drainage easement on parcel 00012-115-S, Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan, described as follows: beginning 1261 feet East & 937 feet North of S 1/4 post Section 12, thence East 715 feet, thence North 135.20 feet, thence West 715 feet, thence South to the point of beginning.

PACEL NUMBER 00012-00-1B

Property Description: a parcel of land situated in the NE 1/4 of Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan, commencing at 1849.87 feet South of the NE corner thereof, West 50 feet, South 10 feet, East 20 feet, South 235 feet, South 20 degrees, West 58.5 feet, West 45 feet, South 405 Feet, East 95 feet, North 705 feet to beginning.

Easement Description: A parcel of land situated in the NE 1/4 of Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan being more particularly described as follows: Part of the NE 1/4 commencing at 1849.87 feet South of the NE corner thereof, West 50 feet, South 10 feet, East 20 feet, South 235 feet, South 20 degrees, West 58.5 feet, West 45 feet, South 405 Feet, East 95 feet, North 705 feet to beginning.

FURTHER, BE IT RESOLVED that the City of Portage convey and release to the Lexington Green Drain #319 Drainage District, a public body corporate under jurisdiction of the Kalamazoo County Drain Commissioner of 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007, a license for the purpose of the establishment, construction, operation, maintenance, and improvement of the drain and corresponding infiltration basins, over and across land owned by the city. The license area is depicted on the attached exhibit, legally described below:

LICENSE FOR DRAIN WORK

A License agreement on Parcel 00001-155-O, Section 1, T3S, R11W, City of Portage, Kalamazoo County, Michigan Described as follows: the north 40 feet and the east 85 feet of the north 695 feet of said parcel.

BE IT FURTHER RESOLVED that notice, in substantially the form attached as Exhibit "B", be published in a newspaper of general circulation within the City, giving notice of the City's intent to convey and release the previously described drain easements and license.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

YEAS: Ansari, Ford, Pearson, Randall, Reid, Strazdas, Urban

NAYS: None.

ABSENT: None.

James R. Hudson, City Clerk

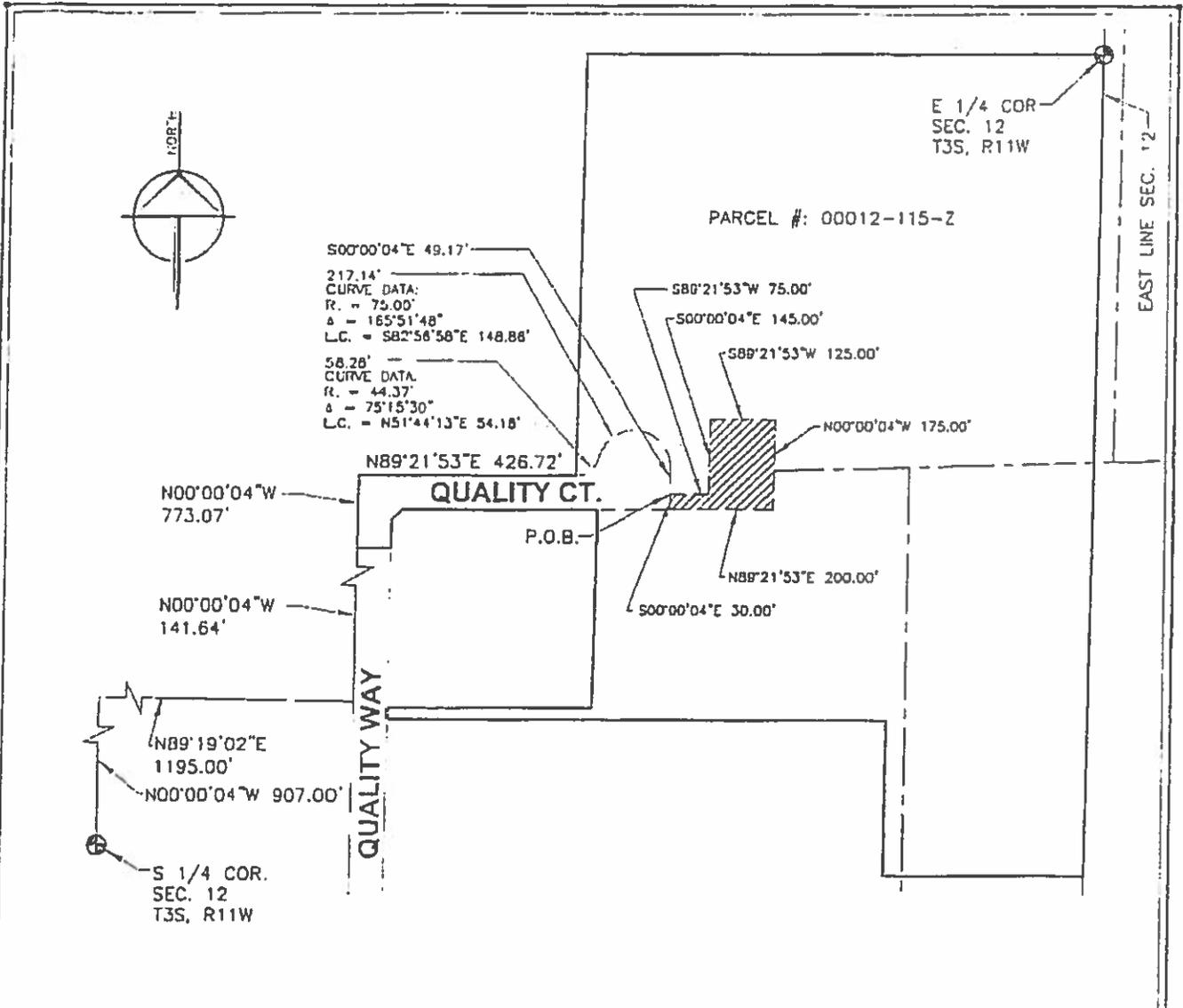
STATE OF MICHIGAN)
): SS
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the 24 day of March, 2015, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 25th day of March, 2015.

James R. Hudson, City Clerk

APPROVED AS TO FORM
DATE 3/24/15
K
CITY ATTORNEY



EASEMENT DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 12, T. 3S., R. 11W.; CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 12, T. 3 S., R. 11 W.; THENCE N.00°00'04"W. 907.00 FEET ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION; THENCE N.89°19'02"E. 1195.00 FEET PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE N. 00°00'04" W. 773.07 FEET PARALLEL WITH SAID QUARTER LINE; THENCE CONTINUING N. 00°00'04" W. 141.64 FEET PARALLEL WITH SAID QUARTER LINE TO A POINT S. 00°00'04" E. 825.00 FEET PARALLEL WITH SAID QUARTER LINE FROM THE EAST AND WEST QUARTER LINE OF SAID SECTION; THENCE N. 89°21'53" E. 426.72 FEET PARALLEL WITH SAID EAST AND WEST QUARTER LINE; THENCE NORTHEASTERLY 58.28 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 44.37 FEET AND A CHORD N. 51°44'13" E. 54.18 FEET; THENCE NORTHERLY, EASTERLY AND SOUTHERLY 217.14 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET AND A CHORD S. 82°56'58" E. 148.88 FEET; THENCE S. 00°00'04" E. 49.17 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE TO THE PLACE OF BEGINNING; THENCE CONTINUING S. 00°00'04" E. 30.00 FEET TO A POINT S. 00°00'04" E. 891.00 FEET PARALLEL WITH SAID NORTH AND SOUTH QUARTER LINE FROM SAID EAST AND WEST QUARTER LINE; THENCE N. 89°21'53" E. 200.00 FEET PARALLEL WITH SAID EAST AND WEST QUARTER LINE; THENCE N. 00°00'04" W. 175.00 FEET; THENCE S. 89°21'53" W. 125.00 FEET; THENCE S. 00°00'04" E. 145.00 FEET; THENCE S. 89°21'53" W. 75.00 FEET TO THE PLACE OF BEGINNING.

Prepared By: Land & Resource
 3900 W. River Dr. Suite A
 Comstock Park, MI 49321

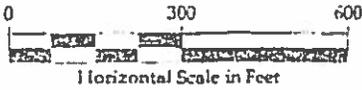
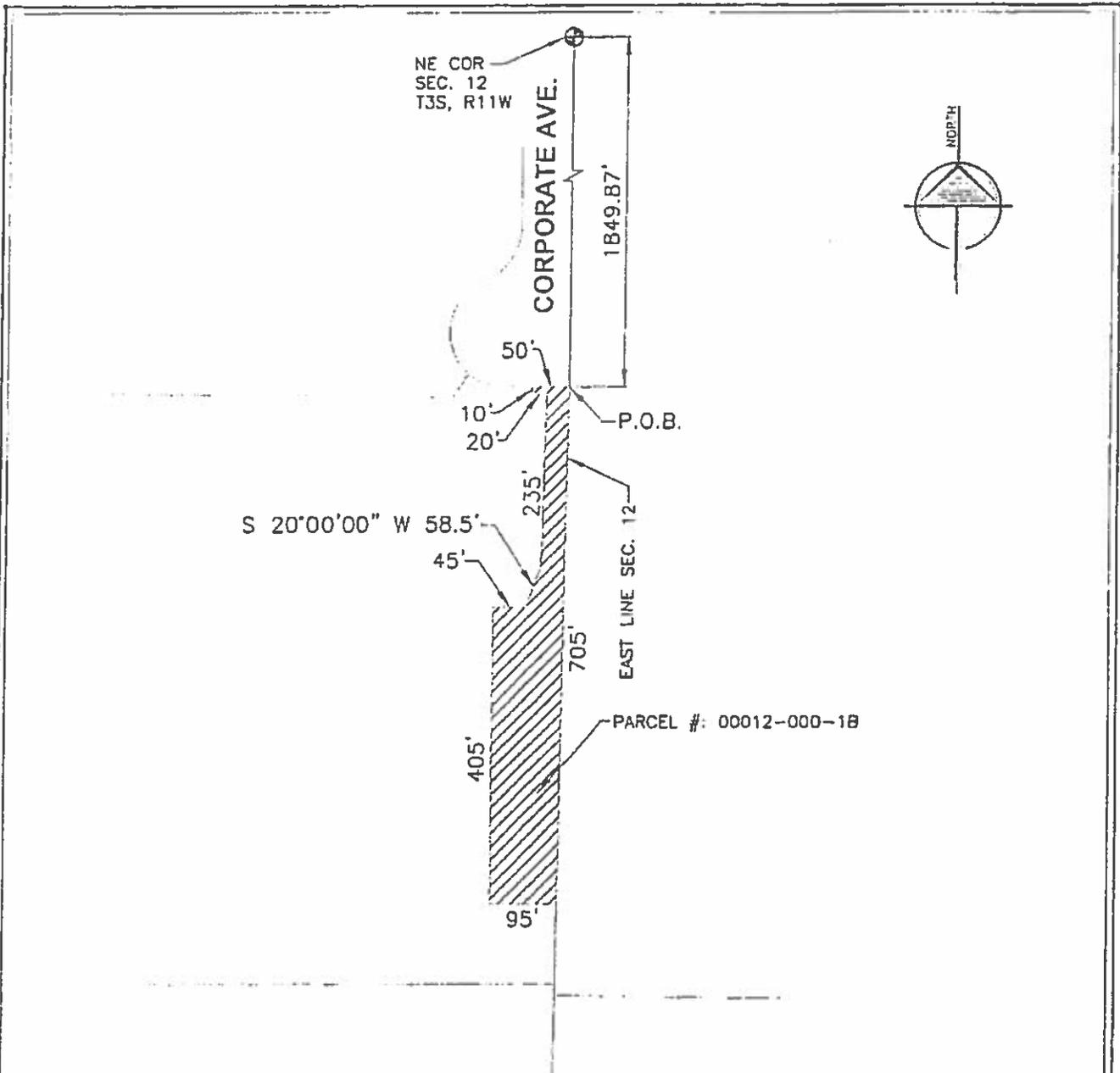


EXHIBIT A
 Date: DEC. 2013
 Drawn By: NDJ



PROPERTY DESCRIPTION

PARCEL: 00012-000-1B

PART OF THE NORTHEAST QUARTER COMMENCING AT 1849.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF WEST 50 FEET SOUTH 10 FEET EAST 20 FEET SOUTH 235 FEET SOUTH 20 DEGREES WEST 58.5 FEET WEST 45 FEET SOUTH 405 FEET EAST 95 FEET NORTH 705 FEET TO BEGINNING. SECTION 12 TOWN 3 SOUTH, RANGE 11 WEST

EASEMENT DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWN 3 SOUTH, RANGE 11 WEST; CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF THE NORTHEAST 1/4 COMMENCING AT 1849.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF WEST 50 FEET SOUTH 10 FEET EAST 20 FEET SOUTH 235 FEET SOUTH 20 DEGREES WEST 58.5 FEET WEST 45 FEET SOUTH 405 FEET EAST 95 FEET NORTH 705 FEET TO BEGINNING. SECTION 12 TOWN 3 SOUTH, RANGE 11 WEST

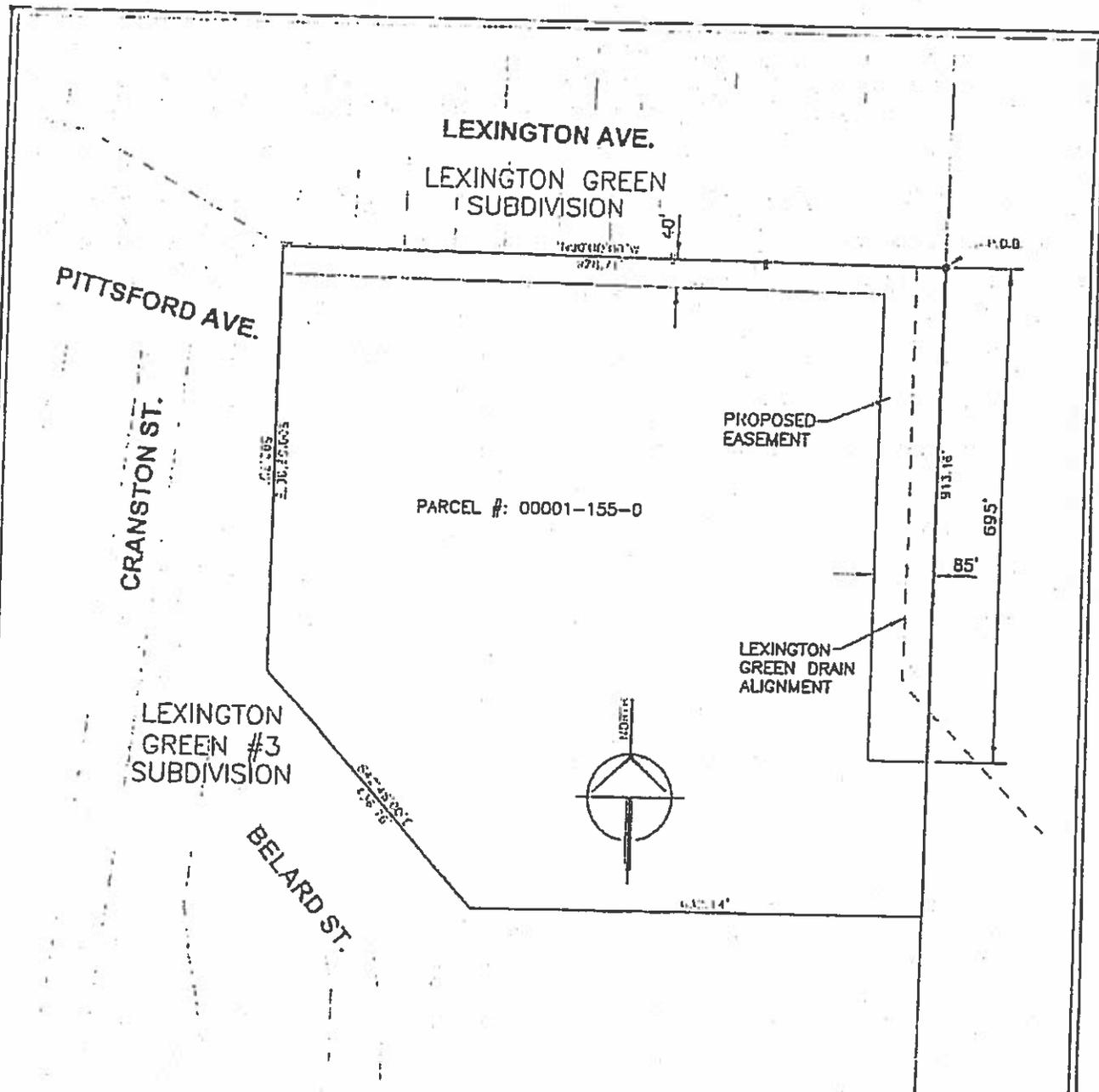
Prepared By: Land & Resource
3400 W River Dr Suite A
Comstock Park, MI 49321



EXHIBIT A

Date: FEB. 2015

Drawn By: RAC



PROPERTY DESCRIPTION

PARCEL #: 00001-155-0
 CITY OF PORTAGE, SECTION 1, T3S, R11W
 BEGINNING AT THE SOUTHEAST CORNER OF RECORDED PLAT LEXINGTON GREEN, THENCE WEST ALONG SAID LINE SAID PLAT 928.71 FEET THENCE S00°02'00"E 592.7 FEET THENCE S42°48'00"E 436.76 FEET THENCE EAST 632.14 FEET TO EAST LINE SECTION 1 THENCE N0°02'00"W ALONG EAST LINE SAID SECTION 913.16 FEET TO PLACE OF BEGINNING 18.4 ACRES.

EASEMENT DESCRIPTION

A DRAINAGE EASEMENT ON PARCEL 00001-155-0, SECTION 1 T3S R11W, CITY OF PORTAGE, KALAMAZOO COUNTY MICHIGAN DESCRIBED AS FOLLOWS: THE NORTH 40 FEET AND THE EAST 85 FEET OF THE NORTH 695 FEET OF SAID PARCEL.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321



EXHIBIT A

Date: DEC. 2013
 Drawn By: NDJ

EXHIBIT B

**CITY OF PORTAGE, MICHIGAN
NOTICE OF INTENTION TO CONVEY CERTAIN EASEMENT RIGHTS AND GRANT
LICENSE IN THE CITY OF PORTAGE, MICHIGAN**

PLEASE TAKE NOTICE, that on the ____ day of _____, 2015, the City Council for the City of Portage adopted a resolution to grant an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction, operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court, approve a license agreement to perform drainage work in Lexington Green Park, and place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015. The affected parcels are more specifically described as follows:

PARCEL NUMBER 00012-115-B

A parcel of land situated in the Southeast quarter of Section 12, T. 3S. R. 11W.; City of Portage, Kalamazoo County, Michigan being more particularly described as follows:

Commencing at the South quarter corner of Section 12, T. 3 S., R. 11 W.; thence N.00°00'04"W. 907.00 feet along the North and South quarter line of said section; thence N.89°19'02"E. 1195.00 feet parallel with the South line of the Southeast quarter of said section; thence N. 00°00'04" W. 773.07 feet parallel with said quarter line; thence continuing N. 00°00'04" W. 141.64 feet parallel with said quarter line to a point S. 00°00'04" E. 825.00 feet parallel with said quarter line from the East and West quarter line of said Section; thence N. 89°21'53" E. 426.72 feet parallel with said East and West quarter line; thence Northeasterly 58.28 feet along the arc of a curve to the left having a radius of 44.37 feet and a chord N. 51°44'13" E. 54.18 feet; thence Northerly, Easterly and Southerly 217.14 feet along the arc of a curve to the right having a radius of 75.00 feet and a chord S. 82°56'58" E. 148.86 feet; thence S. 00°00'04" E. 49.17 feet parallel with said North and South quarter line to the Place of Beginning; thence continuing S. 00°00'04" E. 30.00 feet to a point S. 00°00'04" E. 891.00 feet parallel with said North and South quarter line from said East and West quarter line; thence N. 89°21'53" e. 200.00 feet parallel with said East and West quarter line; thence N. 00°00'04" W. 175.00 feet; thence S. 89°21'53" W. 125.00 feet; thence S. 00°00'04" E. 145.00 feet; thence S. 89°21'53" W. 75.00 feet to the Place of Beginning.

PARCEL NUMBER 00012-115-S

Property Description: a parcel of land located in the City of Portage, Kalamazoo County, Michigan, Section 12, T 3S, R 11W, beginning 1261 feet East & 937 feet North of S 1/4 post Section 12, thence East 715 feet, thence North 135.20 feet, thence West 715 feet, thence South to the point of beginning. 2.22 acres.

Easement Description: a drainage easement on parcel 00012-115-S, Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan, described as follows: beginning 1261 feet East & 937 feet North of S 1/4 post Section 12, thence East

715 feet, thence North 135.20 feet, thence West 715 feet, thence South to the point of beginning.

PACEL NUMBER 00012-00-1B

Property Description: a parcel of land situated in the NE 1/4 of Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan, commencing at 1849.87 feet South of the NE corner thereof, West 50 feet, South 10 feet, East 20 feet, South 235 feet, South 20 degrees, West 58.5 feet, West 45 feet, South 405 Feet, East 95 feet, North 705 feet to beginning.

Easement Description: A parcel of land situated in the NE 1/4 of Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan being more particularly described as follows: Part of the NE 1/4 commencing at 1849.87 feet South of the NE corner thereof, West 50 feet, South 10 feet, East 20 feet, South 235 feet, South 20 degrees, West 58.5 feet, West 45 feet, South 405 Feet, East 95 feet, North 705 feet to beginning.

LICENSE FOR DRAIN WORK

A License agreement on Parcel 00001-155-O, Section 1, T3S, R11W, City of Portage, Kalamazoo County, Michigan Described as follows: the north 40 feet and the east 85 feet of the north 695 feet of said parcel.

PLEASE TAKE FURTHER NOTICE that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office 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. Any person(s) objecting to this vacation should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and vacate said portion.

Dated: _____, 2015.

James R. Hudson, City Clerk

CITY OF PORTAGE
RESOLUTION TO GRANT PERMISSION TO PERFORM WORK

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall Building in said City on the 24 day of March, 2015, at 7:30 p.m. Local Time.

PRESENT: Ansari, Ford, Pearson, Randall, Reid, Strazdas, Urban

ABSENT: None.

Resolution offered by Councilmember Pearson

and seconded by Councilmember Ansari.

BE IT RESOLVED that the City of Portage grant perpetual permit to the Lexington Green Drain #319 Drainage District, a public body corporate under jurisdiction of the Kalamazoo County Drain Commissioner of 201 West Kalamazoo Avenue, Kalamazoo, Michigan 49007, its assigns and successors in interest, for purposes of constructing, improving, repairing and maintaining the City Drains and the Drain in, under and upon any a and all granted roads, rod rights of way and public property held by the city necessary for the construction, improvement repair and maintenance of the City Drains, and the Drain, as depicted on the attached exhibits, legally described as follow:

Commercial Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Commercial Avenue from Sprinkle Road to American Avenue.

American Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of American Avenue from Commercial Drive to Executive Drive.

Executive Drive - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Executive Drive from American Avenue to Corporate Avenue.

Corporate Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Corporate Avenue from E Milham Avenue south to the end of the road.

Environmental Drive - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Environmental Drive from Sprinkle Road to Quality Way.

Quality Way - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Quality Way from Quality Court to Bishop Avenue.

Quality Court - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Quality Court from Quality Way east to the end of the road.

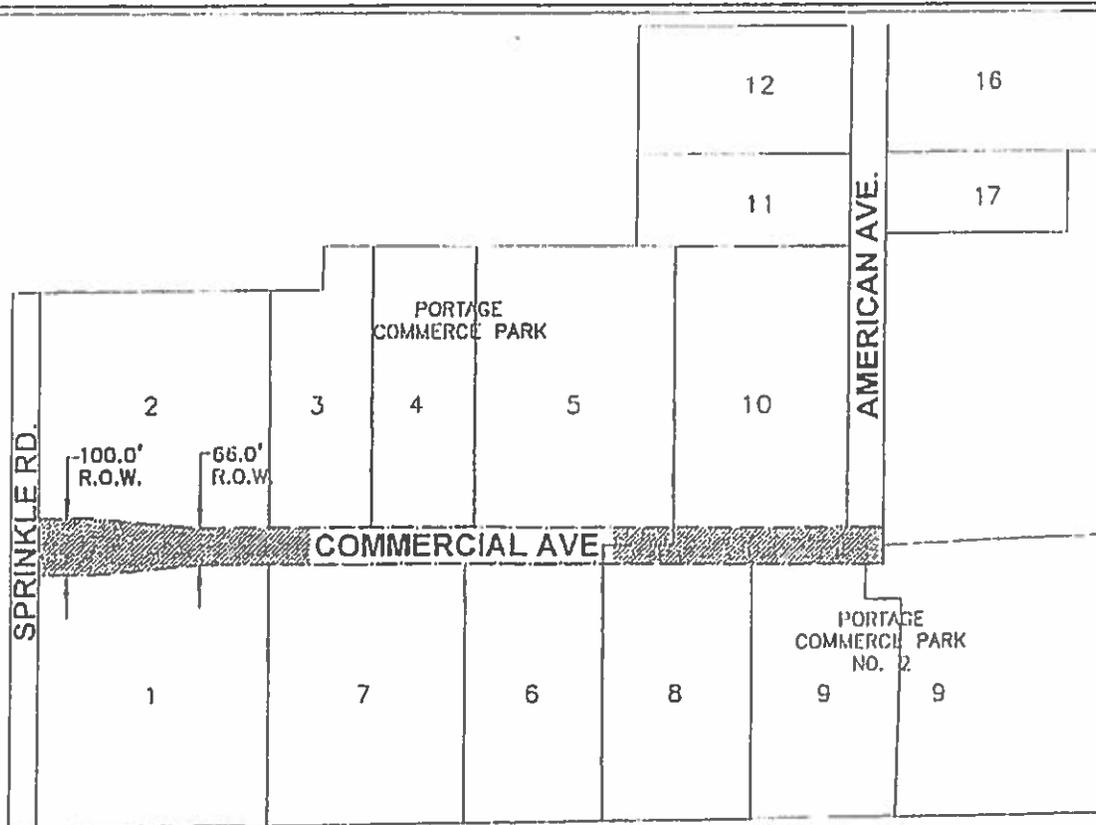
Meredith Street - Drain Crossing

That part of the Lexington Green Drain laying within the Meredith Street right-of-way and described as commencing at the South 1/4 corner of Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence N89°37'40"E 1,041.05 feet; thence N06°36'30"E 2,153.64 feet along the centerline of Meredith Street to the point of beginning; thence N06°36'30"E 86.37 feet along the centerline of Meredith street 66.00 feet wide centered on said centerline; said area contains 0.13 acres.

Bishop Avenue - Drain Crossing

That part of the Lexington Green Drain laying within the Bishop Avenue right-of-way and described as commencing at the Northeast corner of Section 13 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence West along North line of said section 368.08 feet to the Point of Beginning; thence continuing West 80 feet along the North line of Section 13 66.00 feet wide centered on said section line; said area contains 0.12 acres.

BE IT FURTHER RESOLVED that notice, in substantially the form attached as Exhibit "B", be published in a newspaper of general circulation within the City, giving notice of the City's intent to grant perpetual permit to perform the herein described drain work.



DESCRIPTION

A RIGHT-OF-WAY IN SECTION 12, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: THE FULL ROAD RIGHT-OF-WAY WIDTH OF COMMERCIAL AVENUE FROM SPRINKLE ROAD TO AMERICAN AVENUE.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321

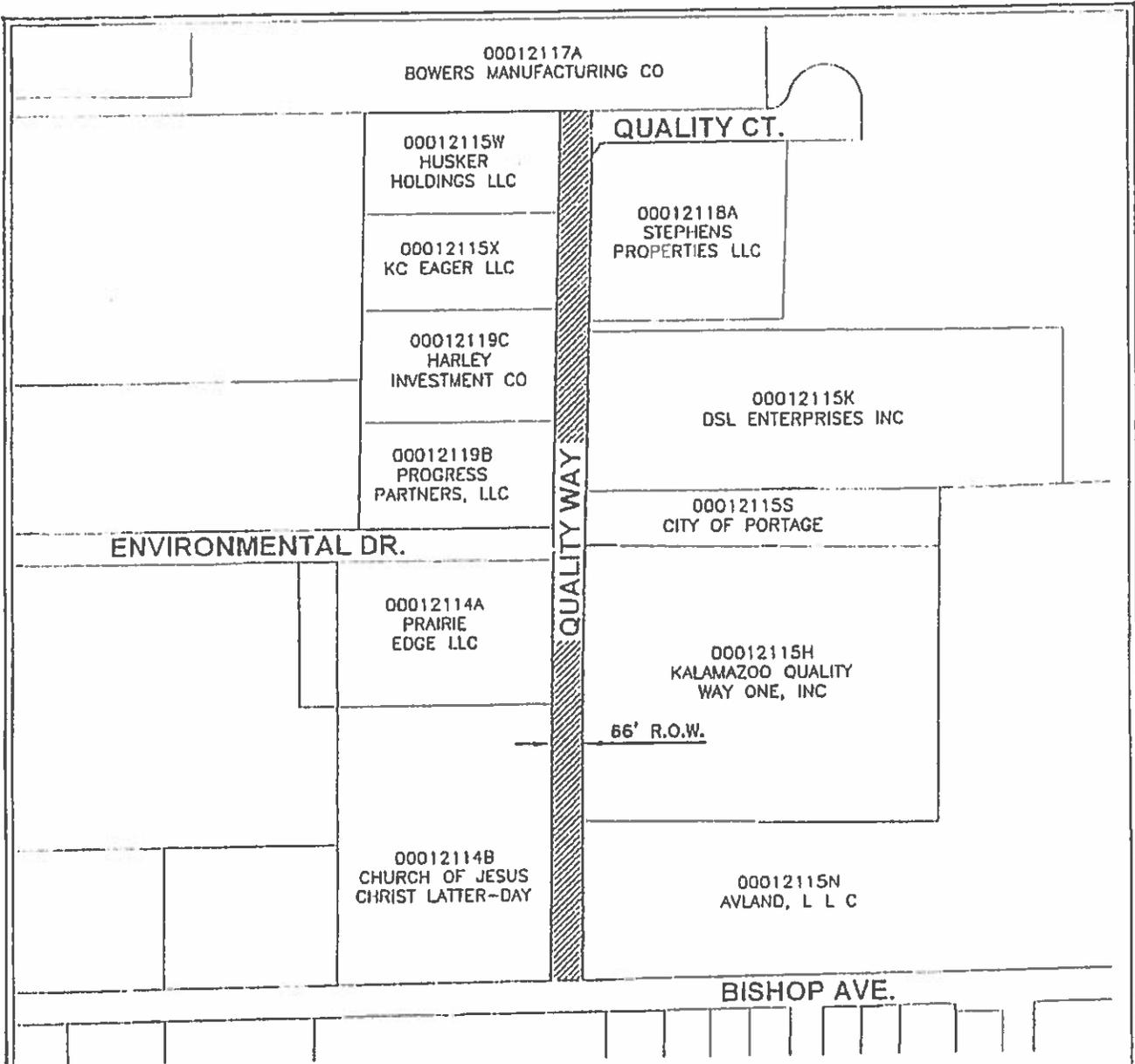


EXHIBIT A

Date: MAY. 2014

Drawn By: LGG

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DESCRIPTION

A RIGHT-OF-WAY IN SECTION 12, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: THE FULL ROAD RIGHT-OF-WAY WIDTH OF QUALITY COURT FROM QUALITY WAY EAST TO THE END OF THE ROAD.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321

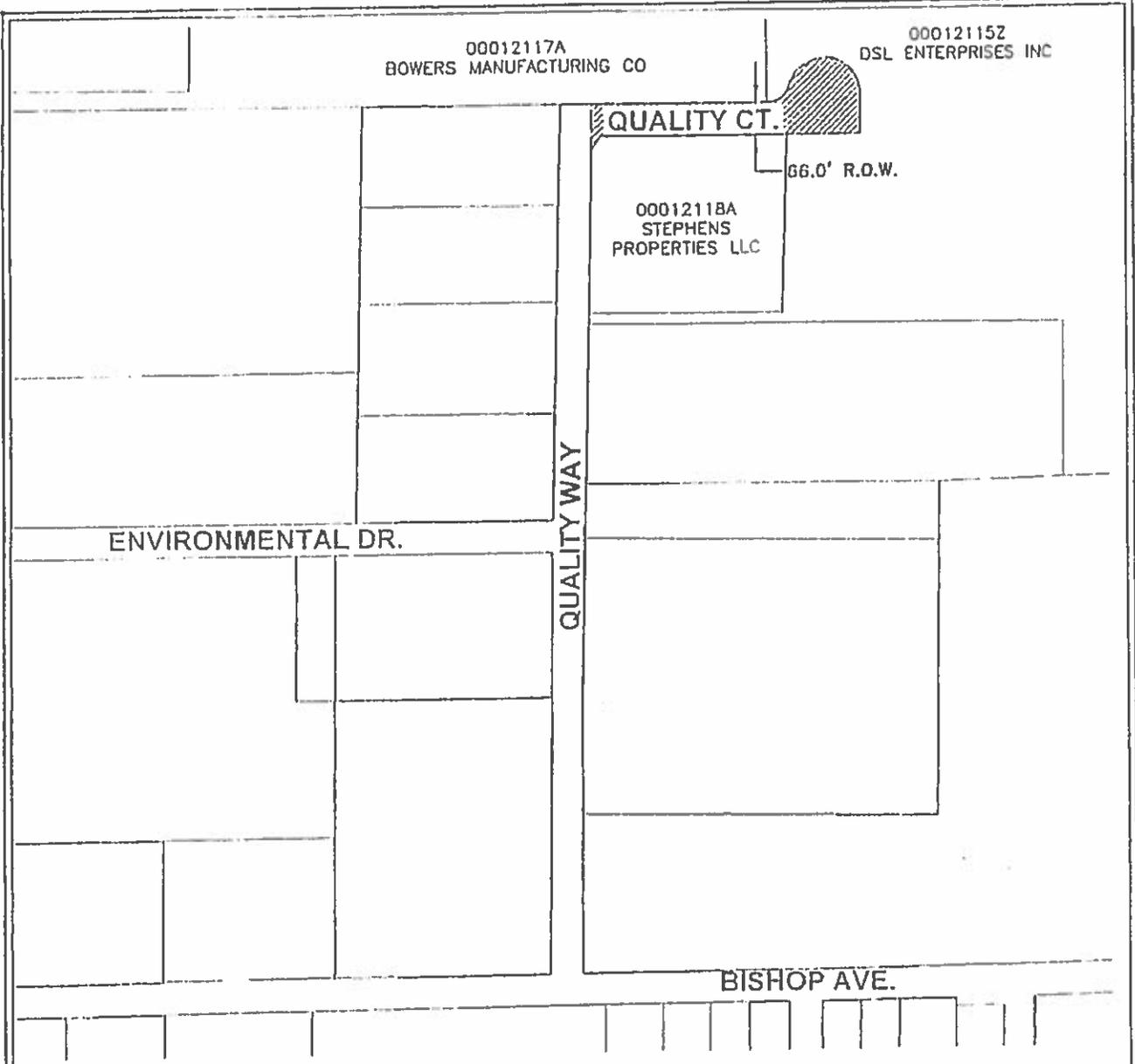


EXHIBIT A

Date: MAY, 2014

Drawn By: LGG

Z:\11_2014 - 2015\Projects\11-056 Landplan Draw\11-056L3\Exam\11-056L3-001.dwg [0]



DESCRIPTION

A RIGHT-OF-WAY IN SECTION 12, T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: THE FULL ROAD RIGHT-OF-WAY WIDTH OF QUALITY COURT FROM QUALITY WAY EAST TO THE END OF THE ROAD.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321

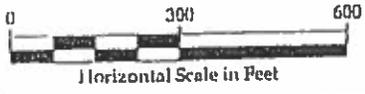
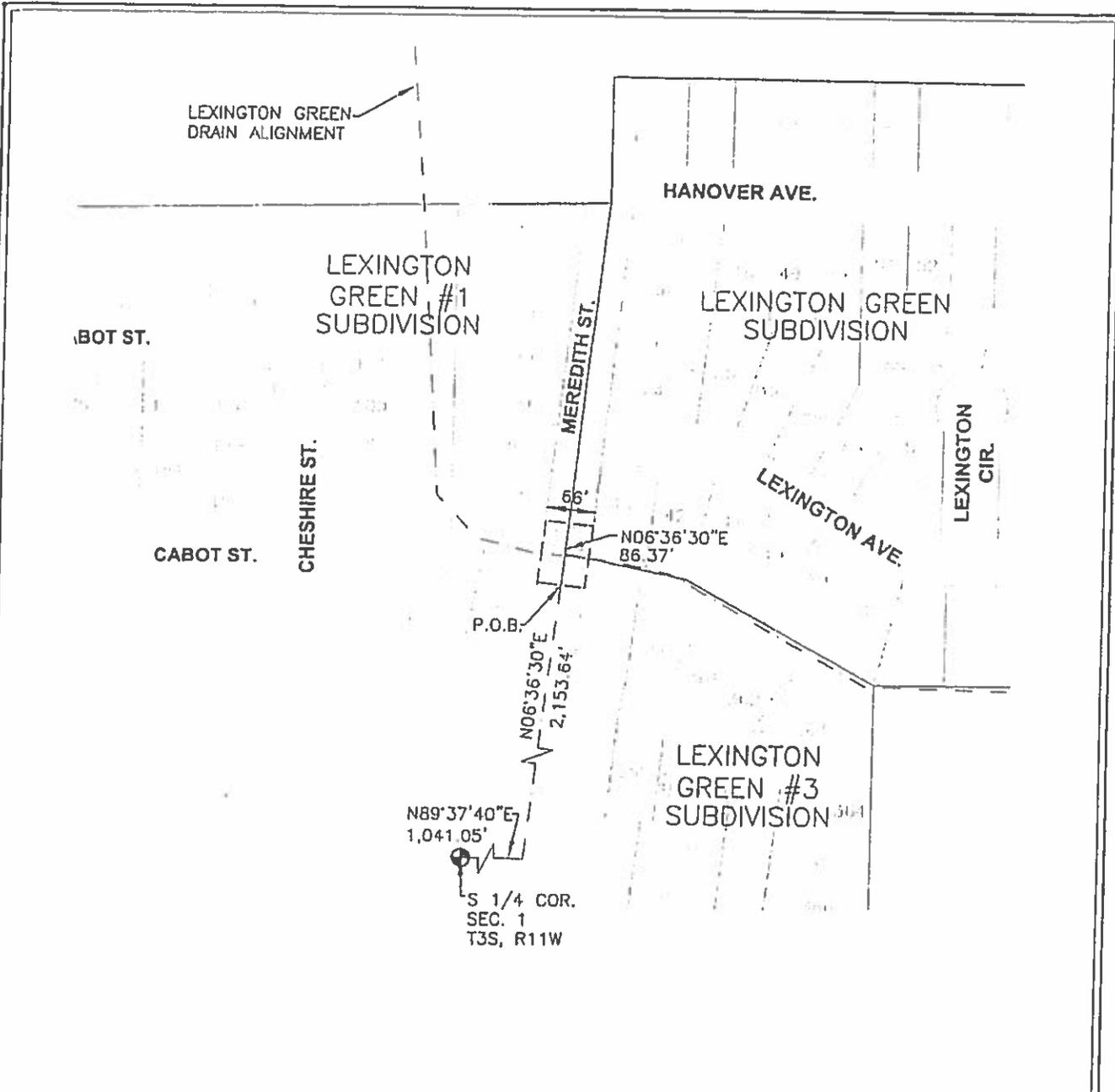


EXHIBIT A	Date: MAY, 2014
	Drawn By: LGG

4/23/2014 8:14am H:\Projects\13-058 Lutzigan Exam\11-2014\11-2014\Exam\13-058 public zoning. DWFx [out]



LEXINGTON GREEN DRAIN - MEREDITH STREET CROSSING

THAT PART OF THE LEXINGTON GREEN DRAIN LAYING WITHIN THE MEREDITH STREET RIGHT-OF-WAY AND DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER SECTION 1 T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; THENCE N89°37'40"E 1,041.05 FEET; THENCE N06°36'30"E 2,153.64 FEET ALONG THE CENTERLINE OF MEREDITH STREET TO THE POINT OF BEGINNING; THENCE N06°36'30"E 86.37 FEET ALONG THE CENTERLINE OF MEREDITH STREET 66.00 FEET WIDE CENTERED ON SAID CENTERLINE;

SAID AREA CONTAINS 0.13 ACRES.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321

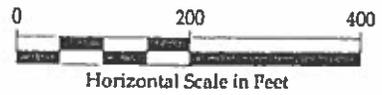
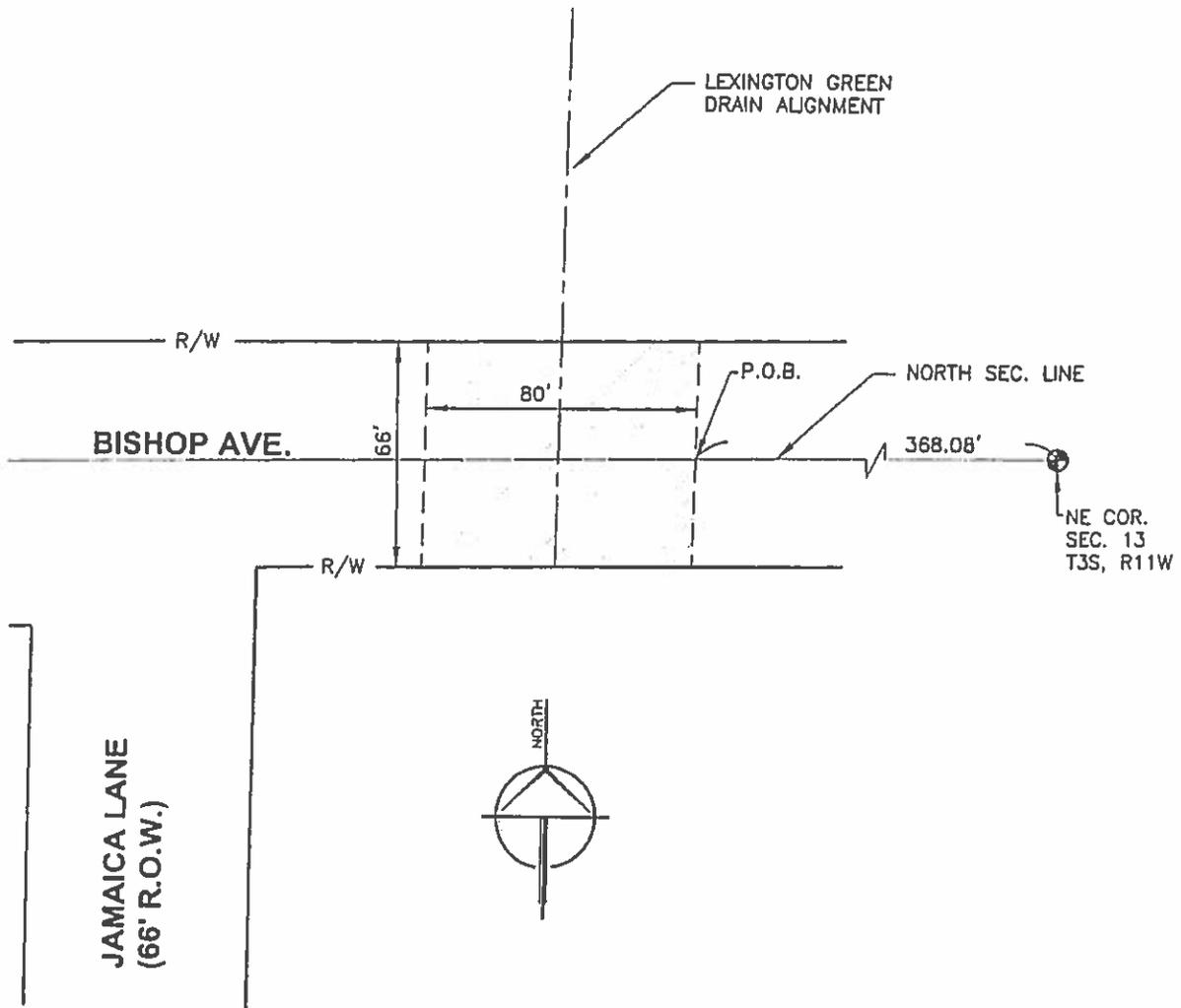


EXHIBIT A	Date: DEC. 2013
	Drawn By: NDJ



LEXINGTON GREEN DRAIN - BISHOP AVENUE CROSSING

THAT PART OF THE LEXINGTON GREEN DRAIN LAYING WITHIN THE BISHOP AVENUE RIGHT-OF-WAY AND DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SECTION 13 T3S, R11W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; THENCE WEST ALONG NORTH LINE OF SAID SECTION 368.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST 80 FEET ALONG THE NORTH LINE OF SECTION 13 66.00 FEET WIDE CENTERED ON SAID SECTION LINE;

SAID AREA CONTAINS 0.12 ACRES.

Prepared By: Land & Resource
 3800 W. River Dr. Suite A
 Comstock Park, MI 49321



EXHIBIT A	Date: DEC. 2013
	Drawn By: NDJ

EXHIBIT B

CITY OF PORTAGE, MICHIGAN NOTICE OF INTENTION TO GRANT PERMISSION TO PERFORM WORK IN THE CITY OF PORTAGE, MICHIGAN

PLEASE TAKE NOTICE, that on the ____ day of _____, 2015, the City Council for the City of Portage adopted a resolution to transfer jurisdiction and ongoing maintenance of the storm drainage systems and drain crossings for those locations further described below, placed the resolution on file with the City Clerk for 28 days and will take final action on April 28, 2015.

Commercial Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Commercial Avenue from Sprinkle Road to American Avenue.

American Avenue - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of American Avenue from Commercial Drive to Executive Drive.

Executive Drive - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Executive Drive from American Avenue to Corporate Avenue.

Corporate Avenue - Drain Right-of-Way

~~A~~ right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Corporate Avenue from E Milham Avenue south to the end of the road.

Environmental Drive - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Environmental Drive from Sprinkle Road to Quality Way.

Quality Way - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Quality Way from Quality Court to Bishop Avenue.

Quality Court - Drain Right-of-Way

A right-of-way in Section 12, T3S, R11W, City of Portage, Kalamazoo County, Michigan described as follows: The full road right-of-way width of Quality Court from Quality Way east to the end of the road.

Meredith Street - Drain Crossing

That part of the Lexington Green Drain laying within the Meredith Street right-of-way and described as commencing at the South 1/4 corner of Section 1 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence N89°37'40"E 1,041.05 feet; thence N06°36'30"E 2,153.64 feet along the centerline of Meredith Street to the point of beginning; thence N06°36'30"E 86.37 feet along the centerline of Meredith street 66.00 feet wide centered on said centerline; said area contains 0.13 acres.

Bishop Avenue - Drain Crossing

That part of the Lexington Green Drain laying within the Bishop Avenue right-of-way and described as commencing at the Northeast corner of Section 13 T3S, R11W, City of Portage, Kalamazoo County, Michigan; thence West along North line of said section 368.08 feet to the Point of Beginning; thence continuing West 80 feet along the North line of Section 13 66.00 feet wide centered on said section line; said area contains 0.12 acres.

PLEASE TAKE FURTHER NOTICE that the resolution authorizing this action is on file with the City Clerk and open for public inspection. Said document will be so held by the City Clerk for twenty-eight (28) days after publication of this notice and may be inspected at the Clerk's Office 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. Any person(s) objecting to this vacation should make their objection known to the City Council within twenty-eight (28) days of the publication of this notice. After said twenty-eight (28) day period, the City Council may take final action and vacate said portion.

Dated: _____, 2015.

James R. Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Lexington Green Drain #319 Easement Vacation and Work Agreements

SUPPORTING PERSONNEL: Kendra Gwin, Interim Director of Transportation & Utilities

ACTION RECOMMENDED:

That City Council approve:

- a. a resolution setting a public hearing to deed the easement rights located in Lexington Green, Lexington Green No.1 and Lexington Green No. 3 plats to the Lexington Green Drain #319 Drainage District, placing the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015;
- b. a resolution to grant an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction, operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court, approve a license agreement to perform drainage work in Lexington Green Park, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015;
- c. a resolution to transfer jurisdiction and ongoing maintenance of the storm drainage systems in Commercial Avenue, Environmental Drive, Quality Way, Quality Court as well as drain crossings at Meredith Street and Bishop Avenue, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015, and authorize the City Manager to execute all documents related to the above resolutions behalf of the city.

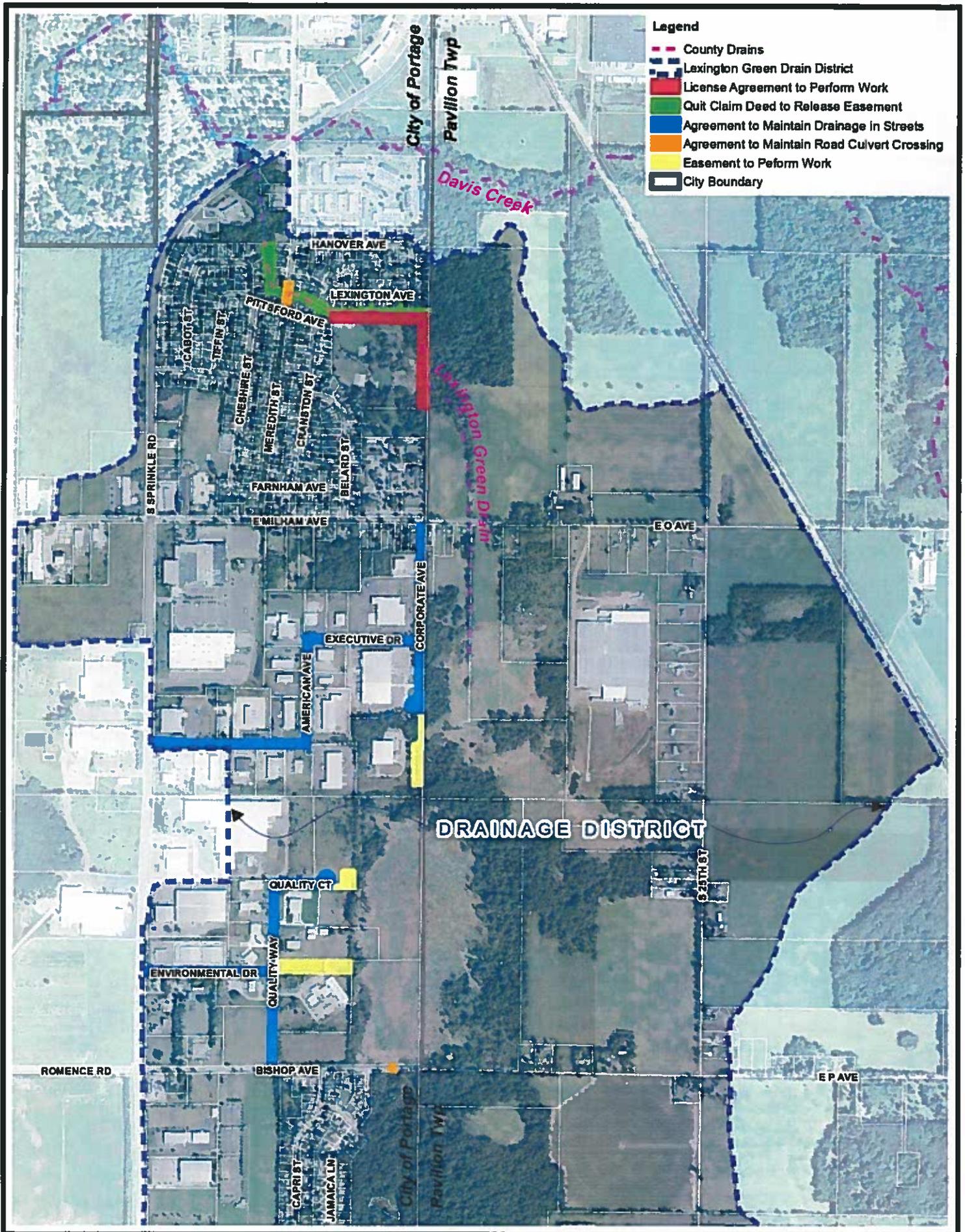
The Lexington Green Drain is a drainage channel serving a portion of the Lexington Green area, Lexington Green Park and areas east of Portage in Pavilion Township. The drain discharges into the Davis Olmstead Drain near the intersection of Sprinkle Road and Meredith Street. On August 9, 2011, City Council authorized submission of an application to designate the Lexington Green drain as a Kalamazoo County drain. In accordance with the application, the Kalamazoo County Office of the Drain Commissioner has completed a study of the practicality of the drain including the drainage route, type and cost estimate. A drainage district has been established and affirmed by the Drain Commissioner and placed on file in the Office of the Drain Commissioner. A copy of the drainage district map is attached. On February 26, 2013, City Council approved a resolution to

endorse a petition to the Office of the Kalamazoo County Drain Commissioner to locate, establish and construct the Lexington Green drain as a County Drainage District. On July 10, 2013 the Office of the Drain Commissioner convened a Board of Determination for the proposed drain. The board made a determination that the district was necessary and conducive to the public health, convenience and welfare of the City of Portage and Pavillion Township. The Office of the Drain Commissioner has completed plans and specifications for the drainage project. However, before project bidding and construction can commence, transfer of specific city rights to the Lexington Green Drainage District #319 must be completed. In summary, if approved by City Council, the city will transfer all drainage system infrastructure and improvements for the drainage district to the County Drain Commissioner and allow the County Drain Commissioner to maintain, operate and improve the system as necessary to enhance overall drainage in the area.

Therefore, it is recommended that City Council approve a resolution setting a public hearing on granting a quit claim deed to the Lexington Green Drain #319 Drainage District easement rights located in Lexington Green, Lexington Green No. 1 and Lexington Green No. 3 plats, placing the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015; approve a resolution to grant an easement to the Lexington Green Drain #319 Drainage District on city-owned property for the construction operation and maintenance of storm drainage facilities located at 6775 Quality Way, 6401 Corporate Avenue and 4550 Quality Court and license agreement to perform drainage work in Lexington Green Park, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015; approve a resolution to transfer jurisdiction and ongoing maintenance of the storm drainage systems on Commercial Avenue, Environmental Drive, Quality Way, Quality Court as well as drain crossings at Meredith Street and Bishop Avenue, place the resolution on file with the City Clerk for 28 days and take final action on April 28, 2015, and authorize the City Manager to execute all documents related to the above resolutions on behalf of the city.

FUNDING: Proposed 2015 – 2016 Capital Improvement Program for Drain Improvement Assessment.

Attachments: Resolutions
Drainage District Map



TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Amendment to the Code of Ordinances – Historic District Modification: 3821 West Milham Avenue

ACTION RECOMMENDED: That City Council receive the proposed amendment to Section 38-35 of Chapter 38, Historical Preservation, of the City of Portage Code of Ordinances and take final action to approve the amendment on May 26, 2015.

Property addressed as 3821 West Milham Avenue and commonly known as the “Van Riper” property is located in a historic district in the City of Portage. A request from Patrick and Lisa Lynch, owners of the property seeks to remove an approximately 17.31 acre portion from the historic district, which totals approximately 21.02 acres.

On September 25, 2007, the City Council appointed the Historic District Commission as the standing Historic District Study Committee (HDSC). As set out in Public Act 169 of 1970, the HDSC reviewed the request from Mr. & Mrs. Lynch and prepared a preliminary report, which was submitted to the Portage Planning Commission, the Michigan Historical Commission and to the State Historic Preservation Review Board. Additionally, public hearings were held on March 11 and April 1, 2015. A final report is attached.

Section 38-35, Historical Preservation, of the Codified Ordinances describes the properties within the Portage Historic Districts. The proposed amendment would modify the legal description of the historic district at 3821 West Milham Avenue and revise the boundaries of this historic district.

The proposed amendment as recommended by the Historic District Study Committee and the Portage Planning Commission and as prepared by the City Attorney, are considered to be appropriate. Therefore it is recommended that City Council receive the proposed amendment to Section 38-35 of Chapter 38, Historical Preservation, of the City of Portage Code of Ordinances and take final action to approve the amendment on May 26, 2015.

FUNDING: Not Applicable

Attachments:

1. Report from the Historic District Study Committee dated April 1, 2015
2. Communication from Dave Felicijan, Vice-Chairman of the Portage Planning Commission, dated November March 10, 2015
3. Ordinance Amendment

City of Portage, Michigan Historic District Study Committee

Historic District Modification
The "Van Riper" Property
3821 West Milham Avenue · Portage, Michigan 49024

Final Report

April 1, 2015

Summary

A request from Patrick and Lisa Lynch/ Story Point-Triple M Investments, owners of the property commonly known as 3821 West Milham Avenue, seeks to remove an approximately 17.31 acre portion from the approximately 21.02 acres from the Van Riper property located within the City of Portage Historic District. It is the recommendation of the Historic District Study Committee ("HDSC") that the City Council **APPROVE** the request as outlined and requested.¹

Authority

The Local History Districts Act, being Act 169 of 1970 as amended;
The City of Portage City Council resolution designating the Historic District Commission as the standing Historic District Study Committee, pursuant to MCL 399.214, to review and make recommendations as recited in the February 9, 2015 Communication from Erica L. Eklov, Administrative Assistant to the City Manager.

The Charge of the Committee

The Historic District Study Committee is charged with reviewing the request and acting as set forth in Public Act 169 of 1970. Specifically, the HDSC must:

1. Conduct a photographic inventory of resources within the existing historic district.
2. Conduct basic research of the historic district and the historic resources located within the district.
3. Determine the total number of historic and non-historic resources within the historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places.
4. Prepare a preliminary report that addresses at a minimum all of the following:
 - a. The charge of the committee.
 - b. The composition of the committee membership.
 - c. The historic district studied.
 - d. The boundaries for the historic district in writing and on maps.
 - e. The history of the historic district.

¹ The filing by Patrick and Lisa Lynch was originally styled as an "*Application for Certificate of Appropriateness for Modification to Historic District Structures*." The HDSC has treated said *Application* as a request for a recommendation from the Historic District Study Committee for removal of property from the historic district pursuant to MCL 399.214 and related authority as granted by the City Council.

- f. The significance of the district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
5. Transmit copies of the preliminary report for review and recommendation to the Portage Planning Commission, to the Michigan Historical Commission and to the state Historic Preservation Review Board.
6. Make copies of the preliminary report available to the public.
7. Hold a public hearing within 60 days after the transmittal of the preliminary report.
8. Following the public hearing, prepare and submit a final report with its recommendations and the recommendations, if any, of the Portage Planning Commission to the City Council. If the recommendation is to modify the historic district, the final report must include a draft of a proposed ordinance.

The Composition of Committee Membership

Voting Members

The HDSC is comprised of members of the Portage Historic District Commission, including: Christine Broberg, Suzanne Nemeth, Russell Randall, E. James Ebert, Jamie Jager, Larry Ahleman, Fred Grunert.

Non-Voting Participants

City of Portage Liaison: Erica Eklov

Abstentions

Mark Reile and Katie VanLonkhuyzen have abstained from participation in this review due to potential conflicts of interest.

Historic District Studied

Property Address: 3821 West Milham Avenue
Portage, Michigan (County of Kalamazoo)

Parcel ID No.: 00007-025-A

This property is commonly referred to as the “Van Riper Property.” The total size of the property is approximately 21.02 acres of which approximately 17.31 acres is sought to be removed from the historic district for a senior living facility development.

On February 7, 2015, Fred Grunert visited the property and photographed the historic resources, which include the house, outbuilding, and the property generally. Photographs were taken of proposed area to be removed from the historic district, in context within existing boundaries and the street, are attached hereto.

The proposed modification of the Van Riper Property would remove approximately 17.31 acres to the west of the historic home. The modification does not affect any existing structure, building, or edifice and leaves the historic property with approximately 3.70 acres of the remaining land. Any new construction on the new parcel will be subject to the City of Portage construction and development regulations.

The Boundaries for the Historic District in Writing and on Maps

The legal description for the historic property under the prior Historic District Ordinance (approximately):

SEC 7-3-11 W ½ NE ¼ SEC 7 EXC S 165 FT ALSO EXC US 131 ROW, ALSO EXC MICHIGAN HIGHWAY EASEMENT.

The legal description of the current historic district property under the City Assessor (approximately):

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 7 THAT IS 868.34 FEET SOUTH 89° 42' 49" EAST OF THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON SAID NORTH LINE 77.75 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 285.00 FEET: THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE SOUTH 47° 07' 46" EAST 42.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTHWESTERLY 127.20 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 27° 01' 34" WEST 125.59 FEET; THENCE SOUTH 11° 10' 57" WEST ON SAID RIGHT OF WAY LINE 10.65 FEET TO THE NORTH LINE OF THE SOUTH 165.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 89° 46' 18" WEST ON SAID NORTH LINE 631.86 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 7; THENCE NORTH 00° 05' 48" WEST ON SAID QUARTER LINE 745.80 FEET TO THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY U.S. 131; THENCE NORTH 09° 52' 01" EAST ON SAID EASTERLY RIGHT OF WAY LINE 359.76 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89° 42' 49" EAST ON SAID SOUTH RIGHT OF WAY LINE 806.09 FEET; THENCE NORTH 00° 05' 48" WEST PARALLEL WITH SAID QUARTER LINE 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.02 ACRES MORE OR LESS.

The new legal description of the proposed modified district (approximately):

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet for the place of beginning of the land hereinafter described; thence continuing South 89°-42'-49" East along said North line, 77.75 feet to the West line of The Homestead of Portage North, as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records; thence South 00°-02'-20" East thereon, 745.00 feet; thence South 89°-57'-40" West, perpendicular to said West line, 233.00 feet; thence North 00°-02'-20" West parallel with said West line, 518.35 feet; thence North 18°-54'-25" East, 77.00 feet; thence North 00°-02'-20" West parallel with said West line, 95.00 feet to the South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 130.32 feet; thence North 0°-05'-48" West parallel with the North and South 1/4 line of said Section, 60.00 feet to the place of beginning. Containing 3.70 Acres.

The legal description of the property to be removed from the district (approximately):

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet; thence South 0°-05'-48" East parallel with the North and South 1/4 line of said Section, 60.00 feet to the South right-of-way line of West Milham Avenue; thence North 89°-42'-49" West thereon, 130.32 feet for the place of beginning of the land hereinafter described; thence South 0°-02'-20" East parallel with the West line of The Homestead of Portage North as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records, 95.00 feet; thence South 18°-54'-25" West, 77.00 feet; thence South 00°-02'-20" East parallel with said West line, 518.35 feet; thence South 89°-57'-40" West, 52.00 feet; thence South 00°-02'-20" East parallel with said West line, 261.87 feet; thence South 47°-07'-46" East, 42.56 feet to the Northwesterly right-of-way line of McGillicuddy Lane; thence Southwesterly thereon, 127.21 feet along a non-tangent curve to the left with a radius of 230.00 feet and a chord bearing South 27°-01'-34" West, 125.59 feet; thence continuing South 11°-10'-57" West along said

right-of-way, 10.65 feet to the North line of the South 165.00 feet of the Northwest 1/4 of the Northeast 1/4 of said Section; thence North 89°-46'-18" West thereon, 631.86 feet to the North and South 1/4 line of said Section; thence North 0°-05'-48" West thereon, 745.80 feet to the Easterly right-of-way line of Highway U.S. 131; thence North 09°-52'-01" East thereon, 359.76 feet to said South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 675.77 feet to the place of beginning. Containing 17.31 Acres.

The History of the Historic District

The property located at 3821 West Milham Avenue was first owned by Allison Kivine (asa Kinne), sold in 1836 to brother-in-law Stephen Howard. It is believed that the first brick home, in the style of Greek Revival, was built on the site which is today within the City of Portage territorial limits. The home-structure currently existing on the property was built in 1859. The barn is considered to have been built at the same time. The house was constructed using hand-hewn oak timbers, cut by Howard himself, for the basement along with handmade bricks. In the 1920s, the house was then utilized by Albert Henwood and his family, who modernized the home with the installation of plumbing and electricity.

The Henwoods also planted the well-known rows of lilac bushes that still exist on the property. The Van Ripers planted approximately 300 oaks and maples, which still exists on the south side of the property.

In 1945, Dr. Charles Gage Van Riper and his wife bought the property. Van Riper was a well-known audiologist and speech therapist, and founder of the Van Riper Speech Clinic at Western Michigan University.

A written history of the home is at the Portage District Library entitled "Our House."

The Significance of the District

The Van Riper Property, with its structures and vegetation (lilac bush plantings), are historically significant to preserve. However, the proposed removal of 17.31 acre parcel from the historic district will have an insignificant contextual impact on the historic resources.

Recommendation

Following the study of the information contained within, the March 9, 2015 Planning Commission recommendation and the absence of any public comment at the March 11 and April 1, 2015 Public Hearing(s), the Historic District Study Committee recommends that the request to modify the Historic District as presented be **APPROVED**. It is recommended that City Council approve amending the City of Portage Historic District Ordinance, specifically Section 38-35 "District Established; Boundaries," to reflect the ensuing legal description for 3821 West Milham Avenue. (parcel #00007-025-A).

Photos of 3821 West Milham for HDSC Report



1. View looking East at proposed drive



2. View looking South at proposed drive



3. View looking at House from drive



4. View of tree line separation at drive



5. View looking South at House



6. View of tree line West of Barns

Photos of 3821 West Milham for HDSC Report



7. View from corner of house looking West



8. View looking from house to Milham



9. View from South West corner of property



10. View of tree line looking North East



11. View of barns looking North East



12. View of barns looking North

Photos of 3821 West Milham for HDSC Report



13. View of barns looking East



14. View of barns looking East



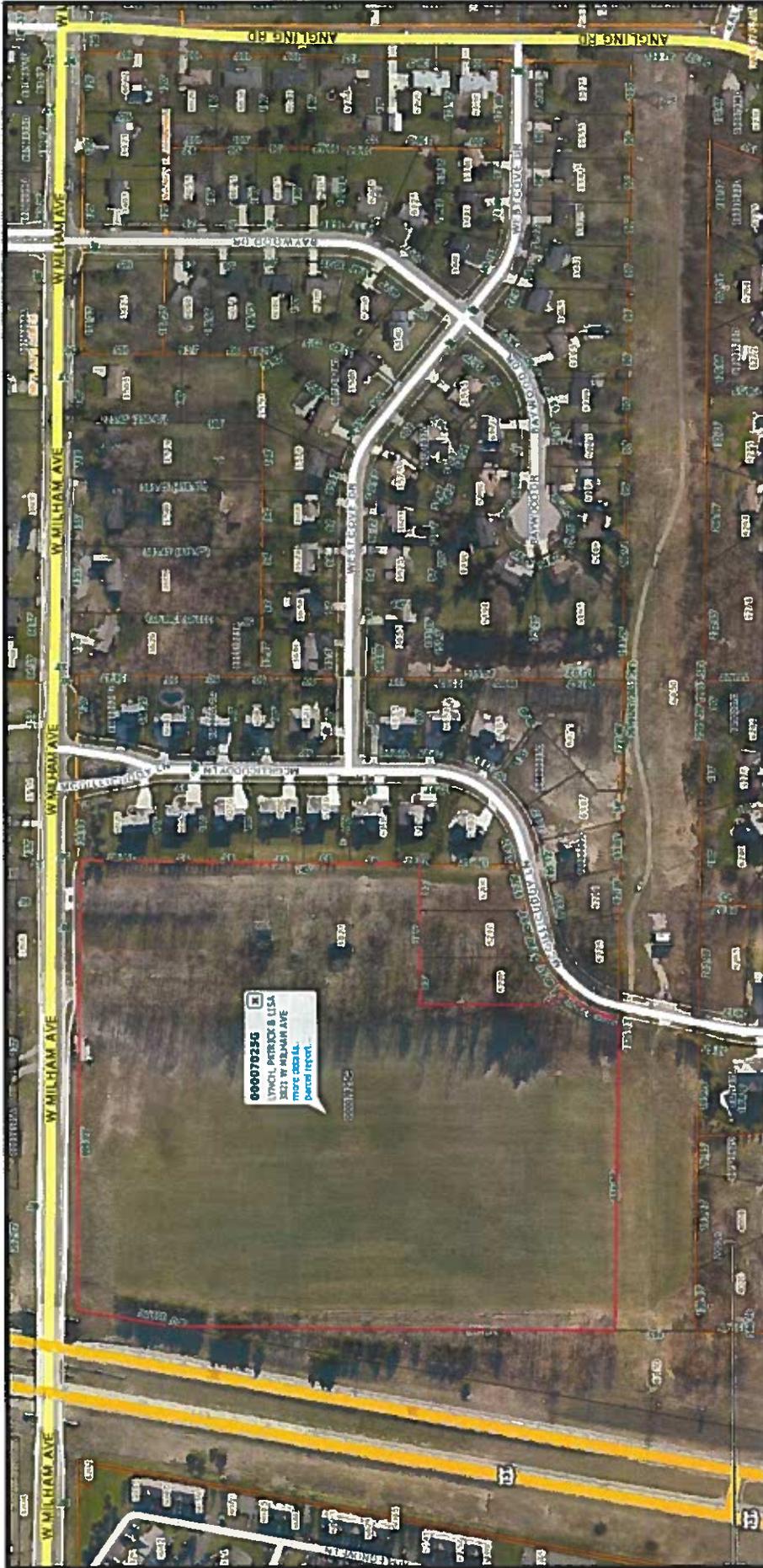
15. View of tree line looking North



16. South of property looking North



17. South of property looking North at barns



Current Parcel
3821 W. Milham



1:5000

Map Publication:

Wed Dec 31 2014 01:48:07 PM

Disclaimer:

This map does not represent a survey or legal document and is provided on an "as is" basis. City of Portage expresses no warranty for the information displayed on this map document.

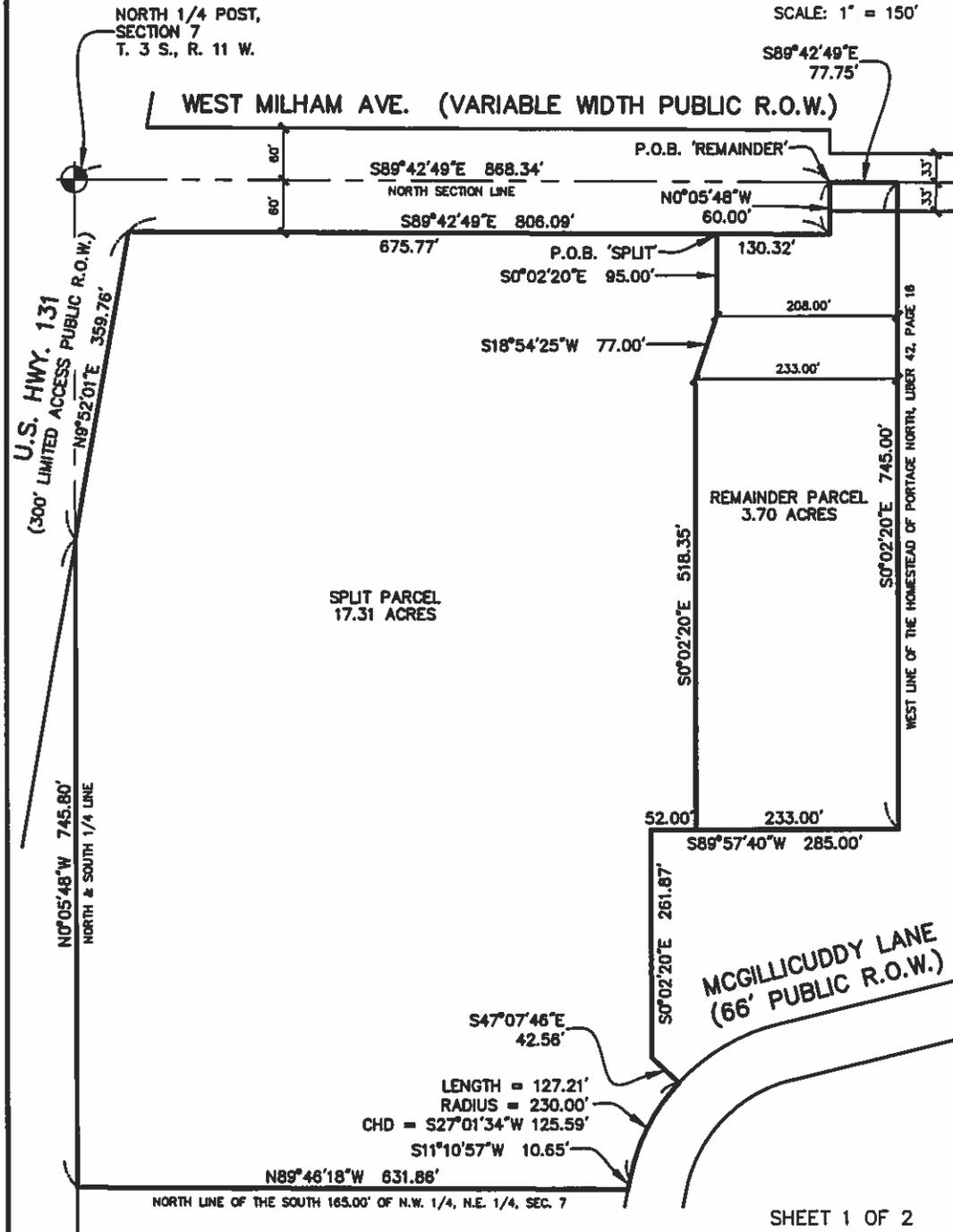
TENTATIVE PARCEL MAP
 FOR
MMM DEVELOPMENT
 LOCATED IN SECTION 7, T. 3 S., R. 11 W.
 CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN
 BY

Prein & Newhof
 Engineers - Surveyors - Environmental & Soils Laboratory

7123 STADIUM DRIVE
 KALAMAZOO, MICHIGAN 49009
 PHONE: (269) 372-1158
 FEBRUARY 17, 2015
 REV. MARCH 17, 2015



SCALE: 1" = 150'



TENTATIVE PARCEL MAP
FOR
MMM DEVELOPMENT
LOCATED IN SECTION 7, T. 3 S., R. 11 W.
CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN
BY

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7123 STADIUM DRIVE
KALAMAZOO, MICHIGAN 49009
PHONE: (269) 372-1158

FEBRUARY 17, 2015
REV. MARCH 17, 2015

Split Parcel:

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet; thence South 0°-05'-48" East parallel with the North and South 1/4 line of said Section, 60.00 feet to the South right-of-way line of West Milham Avenue; thence North 89°-42'-49" West thereon, 130.32 feet for the place of beginning of the land hereinafter described; thence South 0°-02'-20" East parallel with the West line of The Homestead of Portage North as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records, 95.00 feet; thence South 18°-54'-25" West, 77.00 feet; thence South 00°-02'-20" East parallel with said West line, 518.35 feet; thence South 89°-57'-40" West, 52.00 feet; thence South 00°-02'-20" East parallel with said West line, 261.87 feet; thence South 47°-07'-46" East, 42.56 feet to the Northwesterly right-of-way line of McGillicuddy Lane; thence Southwesterly thereon, 127.21 feet along a non-tangent curve to the left with a radius of 230.00 feet and a chord bearing South 27°-01'-34" West, 125.59 feet; thence continuing South 11°-10'-57" West along said right-of-way, 10.65 feet to the North line of the South 165.00 feet of the Northwest 1/4 of the Northeast 1/4 of said Section; thence North 89°-46'-18" West thereon, 631.86 feet to the North and South 1/4 line of said Section; thence North 0°-05'-48" West thereon, 745.80 feet to the Easterly right-of-way line of Highway U.S. 131; thence North 09°-52'-01" East thereon, 358.76 feet to said South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 675.77 feet to the place of beginning. Containing 17.31 Acres.

Remainder Parcel:

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet for the place of beginning of the land hereinafter described; thence continuing South 89°-42'-49" East along said North line, 77.75 feet to the West line of The Homestead of Portage North, as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records; thence South 00°-02'-20" East thereon, 745.00 feet; thence South 89°-57'-40" West, perpendicular to said West line, 233.00 feet; thence North 00°-02'-20" West parallel with said West line, 518.35 feet; thence North 18°-54'-25" East, 77.00 feet; thence North 00°-02'-20" West parallel with said West line, 95.00 feet to the South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 130.32 feet; thence North 0°-05'-48" West parallel with the North and South 1/4 line of said Section, 60.00 feet to the place of beginning. Containing 3.70 Acres.

NOTE: The above descriptions were prepared from available records, no field survey was performed.

DESCRIPTION OF PROPERTY
FOR
MMM DEVELOPMENT

Located in Section 7, T. 3 S., R. 11 W.
City of Portage, Kalamazoo County, Michigan

Split Parcel:

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet; thence South 0°-05'-48" East parallel with the North and South 1/4 line of said Section, 60.00 feet to the South right-of-way line of West Milham Avenue; thence North 89°-42'-49" West thereon, 130.32 feet for the place of beginning of the land hereinafter described; thence South 0°-02'-20" East parallel with the West line of The Homestead of Portage North as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records, 95.00 feet; thence South 18°-54'-25" West, 77.00 feet; thence South 00°-02'-20" East parallel with said West line, 518.35 feet; thence South 89°-57'-40" West, 52.00 feet; thence South 00°-02'-20" East parallel with said West line, 261.87 feet; thence South 47°-07'-46" East, 42.56 feet to the Northwesterly right-of-way line of McGillicuddy Lane; thence Southwesterly thereon, 127.21 feet along a non-tangent curve to the left with a radius of 230.00 feet and a chord bearing South 27°-01'-34" West, 125.59 feet; thence continuing South 11°-10'-57" West along said right-of-way, 10.65 feet to the North line of the South 165.00 feet of the Northwest 1/4 of the Northeast 1/4 of said Section; thence North 89°-46'-18" West thereon, 631.86 feet to the North and South 1/4 line of said Section; thence North 0°-05'-48" West thereon, 745.80 feet to the Easterly right-of-way line of Highway U.S. 131; thence North 09°-52'-01" East thereon, 359.76 feet to said South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 675.77 feet to the place of beginning. Containing 17.31 Acres.

Remainder Parcel:

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet for the place of beginning of the land hereinafter described; thence continuing South 89°-42'-49" East along said North line, 77.75 feet to the West line of The Homestead of Portage North, as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records; thence South 00°-02'-20" East thereon, 745.00 feet; thence South 89°-57'-40" West, perpendicular to said West line, 233.00 feet; thence North 00°-02'-20" West parallel with said West line, 518.35 feet; thence North 18°-54'-25" East, 77.00 feet; thence North 00°-02'-20" West parallel with said West line, 95.00 feet to the South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 130.32 feet; thence North 0°-05'-48" West parallel with the North and South 1/4 line of said Section, 60.00 feet to the place of beginning. Containing 3.70 Acres.

February 17, 2015
Revised: March 17, 2015

Ck'd 

NOTE: The above descriptions were prepared from available records, no field survey was performed.

7123 Stadium Drive Kalamazoo, MI 49009 t. 269-372-1158 f. 269-372-3411 www.preinnewhof.com

 COPY

TO: Historic District Commission

FROM: Planning Commission

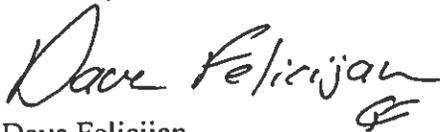
DATE: March 10, 2015

SUBJECT: Historic District Modification, 3821 West Milham Avenue

During the March 5, 2015 meeting, the Planning Commission reviewed the communication and preliminary report from the Portage Historic District Study Committee regarding the request from Patrick and Lisa Lynch to remove approximately 16.55 acres of land from the existing Van Riper historic district property located at 3821 West Milham Avenue. It is understood the historic district modification is being proposed to facilitate the construction of an approximate 180,000 square foot senior living facility along the western portion of the subject property, adjacent US-131.

After a brief discussion, the Planning Commission voted unanimously 5-0 to recommend that the Historic District Modification involving 3821 West Milham Avenue be approved.

Sincerely,



Dave Felician
Vice-Chairman

Attachment: March 5, 2015 Planning Commission meeting minutes (DRAFT)

 COPY

PUBLIC HEARINGS:

1. Final Report for Ordinance Amendment #14/15-A: Auto Repair and Vehicle Fueling Station Regulations. Mr. Forth summarized the staff report dated February 27, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth summarized the proposed ordinance amendments. Mr. Forth also discussed previous Planning Commission review of the ordinance language and changes that were made since the February 19th meeting concerning abandonment. Commissioner Patterson asked if an existing vehicle fueling station that did not meet the locational standards and was closed for an extended period of time, would it be allowed to reopen. Mr. Forth discussed the abandonment clause of the nonconforming use regulations and indicated the burden of proof to determine abandonment falls on the city. Attorney Brown concurred and expanded on the abandonment provisions of the ordinance and discussed the criteria for determining whether a use has been abandoned. Attorney Brown also stated there must be an intent to abandon the use by the property owner.

Vice-Chairman Felicijan reconvened the public hearing. No citizens were present to speak regarding the proposed ordinance amendment. A motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved 5-0. A motion was then made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend to City Council that Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations, be approved. The motion was unanimously approved 5-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Historic District Modification, 3821 West Milham Avenue. Mr. Forth summarized the staff report dated February 27, 2015 regarding a request pending before the Historic District Commission from Patrick and Lisa Lynch to remove approximately 16.5 acres of land from the existing Van Riper historic district property. Mr. Forth stated the proposed historic district modification would facilitate the construction of an approximate 180,000 square foot senior living facility along the western portion of 3821 West Milham Avenue, adjacent US-131. Mr. Forth discussed the Local Historic Districts Act related to the role of the Planning Commission to review the preliminary report from the Portage Historic District Study Committee and provide a recommendation. Mr. Forth stated the Historic District Commission has scheduled a public hearing to consider this matter on March 11, 2015 and the Planning Commission recommendation will provided in advance of the public hearing.

Commissioner Dargitz stated she knows the owners of the historic property, however, does not have any financial or other conflict of interest in the property that would prevent her from voting on the proposed modification. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Somers, to recommend that the Historic District Modification, 3821 West Milham Avenue, be approved as detailed in the Department of Community Development report dated February 27, 2015. The motion was unanimously approved 5-0.

7:25 p.m. - The Commission took a short recess.

7:30 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 2

2. 2015-2025 Capital Improvement Program. City Manager Schaffer was in attendance for this agenda item and introduced himself to the Commission. Mr. Forth referred the Commission to the 2015-2025 Capital Improvement Program (CIP) that was included in the agenda packet as a separate document. Mr. Forth summarized the February 23, 2015 memo from City Manager Schaffer that provided an overview of the FY 2015-

**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 38-35 OF CHAPTER 38,
HISTORICAL PRESERVATION,**

THE CITY OF PORTAGE ORDAINS:

That Section 38-35 of Chapter 38, Historical Preservation, is hereby amended as follows:

Section 38-35. District established; boundaries.

The legal description for the property located at 3821 West Milham Avenue, Tax I.D. No. 7-025-O, is hereby modified as follows:

Property Address: 3821 West Milham Avenue
Tax ID No. 7-025-A

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 POST OF SECTION 7, T. 3 S., R. 11 W., CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; THENCE SOUTH 89° - 42' - 49" EAST ALONG THE NORTH LINE OF SAID SECTION, 868.34 FEET FOR THE PLACE OF BEGINNING OF THE LAND HEREINAFTER DESCRIBED; THENCE CONTINUING SOUTH 89° - 42' - 49" EAST ALONG SAID NORTH LINE, 77.75 FEET TO THE WEST LINE OF THE HOMESTEAD OF PORTAGE NORTH, AS RECORDED IN LIBER 42 OF PLATS ON PAGE 16, KALAMAZOO COUNTY RECORDS, THENCE SOUTH 00° - 02' - 20" EAST THEREON, 745.00 FEET; THENCE SOUTH 89° - 57' - 40" WEST, PERPENDICULAR TO SAID WEST LINE, 233.00 FEET; THENCE NORTH 00° - 02' - 20" WEST PARALLEL WITH SAID WEST LINE, 518.35 FEET; THENCE NORTH 18° - 54' - 25" EAST, 77.00 FEET; THENCE NORTH 00° - 02' - 20" WEST PARALLEL WITH SAID WEST LINE, 95.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89° - 42' - 49" EAST THEREON, 130.32 FEET; THENCE NORTH 0° - 05' - 48" WEST PARALLEL WITH THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION, 60.00 FEET TO THE PLACE OF BEGINNING. CONTAINED 3.70 ACRES.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Peter J. Strazdas

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2015.

James R. Hudson, City Clerk

Approved as to form
Date: 4/10/15



City Attorney

ADOPTION OF ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE

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

NOTICE IS HEREBY GIVEN that an Ordinance to amend Section 38-35, HISTORICAL PRESERVATION, was adopted by the City Council at a regular meeting held on the ____ day of _____, 2015, and will become effective _____, 2015.

NOTICE IS FURTHER GIVEN that the amendment reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Section 38-35 of Chapter 38, Historical Preservation, is hereby amended as follows:

38-35. District established; boundaries.

The legal description for the property located at 3821 West Milham Avenue, Tax I.D. No. 7-025-O, is hereby modified as follows:

Property Address: 3821 West Milham Avenue
Tax ID No. 7-025-A

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 POST OF SECTION 7, T. 3 S., R. 11 W., CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; THENCE SOUTH 89° - 42' - 49" EAST ALONG THE NORTH LINE OF SAID SECTION, 868.34 FEET FOR THE PLACE OF BEGINNING OF THE LAND HEREINAFTER DESCRIBED; THENCE CONTINUING SOUTH 89° - 42' - 49" EAST ALONG SAID NORTH LINE, 77.75 FEET TO THE WEST LINE OF THE HOMESTEAD OF PORTAGE NORTH, AS RECORDED IN LIBER 42 OF PLATS ON PAGE 16, KALAMAZOO COUNTY RECORDS, THENCE SOUTH 00° - 02' - 20" EAST THEREON, 745.00 FEET; THENCE SOUTH 89° - 57' - 40" WEST, PERPENDICULAR TO SAID WEST LINE, 233.00 FEET; THENCE NORTH 00° - 02' - 20" WEST PARALLEL WITH SAID WEST LINE, 518.35 FEET; THENCE NORTH 18° - 54' - 25" EAST, 77.00 FEET; THENCE NORTH 00° - 02' - 20" WEST PARALLEL WITH SAID WEST LINE, 95.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89° - 42' - 49" EAST THEREON, 130.32 FEET; THENCE NORTH 0° - 05' - 48" WEST PARALLEL WITH THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION, 60.00 FEET TO THE PLACE OF BEGINNING. CONTAINED 3.70 ACRES.

Handwritten initials: "BSC" and a signature.

PLEASE TAKE FURTHER NOTICE that copies of said proposed amendment may be examined at the City Hall on any business day except public and legal holidays from and after publication of this Notice until the day of hearing from 8:00 a.m. and 5:00 p.m.

Dated: _____, 2015

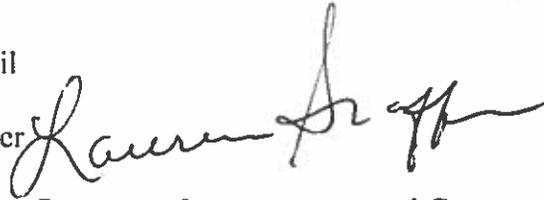
James R. Hudson, City Clerk

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

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Household Hazardous Waste Program – Intergovernmental Cooperation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Services

ACTION RECOMMENDED: That City Council approve the contract with Kalamazoo County for household hazardous waste collection for the period of January 1, 2015 through December 31, 2015 in the amount not to exceed \$26,000 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 (HHW) 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 1990s, with a portion of the Curbside Recycling Millage set aside for this purpose.

An annual contract between the city and county establishes the terms and conditions for Portage resident participation at the HHW Center. Under the agreement as prepared by the Kalamazoo County Health and Community Services Department, costs are charged on a quarterly basis to each unit of government based on a percentage of participation. In reviewing historical participation data, an amount of \$26,000 should be sufficient to address the costs associated with the HHW contract for January 1, 2015 through December 31, 2015.

The collection program in general provides for three (3) drop-off days per week and six (6) Saturdays per year. The HHW Center has indicated that it will offer Saturday drop off hours ten (10) times per year in 2016.

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 2015 calendar year in the amount of \$26,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds for the first six months of the contract are budgeted and available in the Fiscal Year 2014-2015 budget. Funds for the remainder of the contract have been programmed in the Fiscal Year 2015-2016 budget.

Attachments: Agreement between the County of Kalamazoo and the City of Portage.

**AGREEMENT BETWEEN
THE COUNTY OF KALAMAZOO
BY AND THROUGH ITS HEALTH AND COMMUNITY SERVICES DEPARTMENT**

AND

**CITY OF PORTAGE
7900 South Westnedge Avenue
Portage, MI 49002**

This Agreement is made between the County of Kalamazoo, a municipal corporation, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, by and through its Health and Community Services Department, hereinafter referred to as the "County", and the City of Portage, hereinafter referred to as the "MUNICIPALITY."

WHEREAS, the MUNCIPALTIY is in need of Household Hazardous Waste disposal services and is willing to provide funding for such services; and

WHEREAS, the County of Kalamazoo, by and through its Health and Community Services Department, operates the Household Hazardous Waste Center;

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter made, the parties hereto agree as follows:

A. COUNTY RESPONSIBILITIES
The County shall:

1. Provide household hazardous waste collection services to residents of the MUNICIPALITY from January 1, 2015 – December 31, 2015 on the condition that there are adequate funds on account with the County to pay for both disposal costs and general program support.
2. Operate the Household Hazardous Waste (HHW) Center at 1301 Lamont Avenue, on the Kalamazoo County Fairgrounds. The HHW Center will be open for business two to three days per week, approximately fifty (50) weeks per year including one (1) Saturday per month in May, June, July, October, November, and December. Based on past experience and participation rates, collection hours may be reduced during the winter and/or increased during the spring, summer and fall. This is subject to change depending on demand for services and/or inclement weather.
3. Provide staffing for the HHW Center. Staffing includes but is not limited to regular County HHW employees and may also include contractor personnel to cover collections.

4. Accept the following materials at the HHW Center during collections (list may be modified by the County at any time):

Oil Based Paints	Garden & Lawn Chemicals
Solvents	Pesticides
Household Cleaners	Paint Thinners
Acids/Bases	Car Batteries
Aerosols	Gasoline
Reactives	Used Motor Oil
Automotive Chemicals	Ammunition/Explosives
Computer Electronics	Fluorescent Light Bulbs
Antifreeze	Mercury Containing Devices

5. The following materials will not be accepted at the HHW Center (list may be modified by the County at any time):

Asbestos
Latex Paint
Radioactive Materials

6. May require that a citizen provide a valid Michigan Driver's License or other proof of residency at the time of collection. If such proof of residency is not provided, the citizen will be refused service unless payment is provided.
7. Measure the size of each incoming load and assign a 'household equivalent' to each load. One household equivalent is equal to approximately twenty-five (25) gallons or one hundred fifty (150) pounds. Larger loads will be invoiced as a multiple household equivalents.
8. Provide advertisements once per month to promote proper disposal of household hazardous waste. Additional advertisement by the MUNICIPALITY must have approval of the County as to content. Further, both funding and arranging for additional advertisement will be the responsibility of the MUNICIPALITY.
9. Provide on-going public education on household hazardous waste and proper disposal methods for such waste. Education efforts may include distribution of flyers and pamphlets and public speaking presentations.
10. Maintain a household hazardous waste hotline and website to provide the public with information regarding proper disposal of household hazardous waste and community resources.
11. Contract with a licensed transporter to transport and dispose of materials collected through the program at a facility licensed for such hazardous waste by the State of Michigan. It is understood that the County's agreement with its transporter and disposal contractor designates the contractor as the generator of such materials, and nothing in this

agreement between the County and the MUNICIPALITY to assist in the financing of the program is intended to place the County or the MUNICIPALITY in the position of being an owner, transporter, arranger or generator for purposes of federal or state statutes concerning liability for hazardous waste.

B. MUNICIPALITY RESPONSIBILITIES

The MUNICIPALITY agrees to reimburse the County for additional labor costs associated with utilizing contractor personnel as additional staff for collections.

C. FINANCIAL REQUIREMENTS

1. Under the terms of this Agreement, the MUNICIPALITY will provide funding to a maximum amount of **\$26,000.00** to the County for services at the HHW Center. This funding will be allocated to support the HHW Center in the following manner:
 - a. **\$ 13,361.00** of the total amount above to support general operating costs of the HHW Center. This amount equates to a per household participation rate from *January 1, 2015 – March 31, 2015* of \$6.50 (18.7% of operational costs) applied to 2013 household participation volume; and from *April 1, 2015 – December 31, 2015* of \$7.75 (21.1% of operational costs) applied to 2013 household participation volume.
 - b. **\$12,639.00** of the total amount above will be reserved for service fees and actual disposal costs of items directly from MUNICIPALITY Buildings and Offices which will be accepted by appointment only.
 - c. The remainder of the maximum amount as designated by the MUNICIPALITY in section C.1. minus the amounts in C.1.a. and C.1.b. will be used for disposal costs associated with the disposal of household hazardous wastes from the MUNICIPALITY's citizens.
2. Operational costs, as listed in Section C.1.a. are non-refundable regardless of actual participation at the HHW Center and shall be paid in full within thirty (30) days of receipt of HCS billing invoice.
3. Costs charged to the MUNICIPALITY for utilization of the household hazardous waste collection services will be based upon the number of household equivalents from the MUNICIPALITY and disposal costs during the billing period. The County will submit a quarterly invoice and will indicate charges, if any, for use of the HHW Center by the MUNICIPALITY per SECTION C.1.b. & C.1.c. The MUNICIPALITY shall pay the invoice amount to the County within thirty (30) days of the invoice date.

4. The County will provide an itemized quarterly report to each participating MUNICIPALITY in the Household Hazardous Waste program. The report will serve as the basis for accounting of the funds provided to the County for the HHW Center. The quarterly report will be provided within forty-five (45) days of the end of the quarter.

D. INDEPENDENT CONTRACTOR

It is understood and agreed by both parties hereto that the County is an independent contractor. The MUNICIPALITY is not responsible for the County's federal, state or local income tax deductions, or any other responsibilities of state or federal laws concerning employment status.

E. AMENDMENTS

The County may send a Letter of Understanding to the MUNICIPALITY in order to add additional funding to the current contract amount.

F. INDEMNIFICATION

The MUNICIPALITY agrees to indemnify and hold harmless the County, its agents, employees, officers and representatives, from all fines, costs, lawsuits, claims, demands and actions of any kind or nature, including reasonable attorney fees, which occur by reason of any act, negligence or omission on the part of the MUNICIPALITY, its agents, employees, officers, or representatives, in performing this Agreement. The County agrees to indemnify and hold harmless the MUNICIPALITY, its agents, employees, officers and representatives, from all fines, costs, lawsuits, claims, demands and actions of any kind or nature, including reasonable attorney fees, which occur by reason of any act, negligence or omission on the part of the County, its agents, employees, officers, or representatives, in performing this Agreement, provided that nothing herein contained in the Agreement constitutes, nor shall be construed, as a waiver of any governmental immunity that has been provided to the County or its agents, employees, officers or representatives by common law, statute or court decision.

G. SEVERABILITY

If a court of competent jurisdiction declares any part, portion or provision of this Agreement invalid, unconstitutional or unenforceable, the remaining parts, portions and provisions of the Agreement shall remain in full force and effect.

H. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the Parties with respect to the subject matter identified in the Agreement, and no modification or revision to the Agreement shall have any force and effect unless it complies with the provisions of Paragraph heading "Amendments" of this Agreement. The failure of any Party to insist on the strict performance of any condition, promise, agreement, or undertaking set forth herein shall not be construed as a waiver or relinquishment of the right to insist upon strict performance of the same

condition, promise, agreement or undertaking at a future time.

I. HEADINGS

The Headings or Titles of the SECTIONS and Paragraphs of this Agreement are provided for reference purposes only. If any discrepancy or disagreement exists between a Heading or Title and the text of the section or paragraph, the text shall control.

J. NOTICE

Any Notice/Communication required, or permitted, under this Agreement from one party to another, shall be deemed effective if the party sending the Notice/Communication hand delivers the Notice/Communication to the other party or if the party sends the Notice/Communication through first class mail to the other party. The parties agree that Notices and Communications should be sent to the parties at the following addresses:

COUNTY: Jennifer Kosak, Household Hazardous Waste Center Manager
Kalamazoo County HHW, 1301 Lamont, Kalamazoo, MI 49048

MUNICIPALITY: Ray Waurio, City of Portage
7900 South Westnedge Avenue, Portage, MI 49002

K. PERIOD OF AGREEMENT

The term of this Agreement shall be from January 1, 2015 through December 31, 2015, unless terminated earlier as provided.

L. TERMINATION

This Agreement may be terminated by either party heretofore at will by providing a sixty (60) day written notice to the other party.

M. SIGNATURES

The individual or officer signing this Agreement certifies by his or her signature that he or she is authorized to sign this Agreement on behalf of the responsible governing board, official or agency.

FOR THE MUNICIPALITY (City of Portage)

<u>Laurence Shaffer</u>	<u>City Manager</u>
Printed or Typed Name	Title

Approved as to Form:

HHW Program (In-County Contract 2015) 5

Randall L. Brown, City Attorney

Signature

Date

FOR THE COUNTY OF KALAMAZOO

John P. Taylor, Chairperson
Board of Commissioners

Date

Timothy A. Snow, County Clerk/Register

Date



CITY COUNCIL AGENDA ITEM F.3
APRIL 28, 2015

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

A handwritten signature in black ink, appearing to read "Laurence Shaffer", is written over the "FROM:" line.

SUBJECT: Committee of the Whole Meeting on May 12, 2015 – Information Only

The City Council has established a Board and Commission interview session on Tuesday, May 12, 2015 beginning at 5:30 p.m. prior to the regularly scheduled City Council meeting. As such, it is suggested that a Committee of the Whole meeting NOT be scheduled on this date.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: March 2015 Environmental Activity Report – Information Only

SUPPORTING PERSONNEL: Kendra Gwin, Acting Director of Transportation & Utilities

Attached please find the March 2015 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes, P.E. New material or material of specific interest to City Council is presented in italics.

City Council has a quality of environment goal to “*enhance environmental quality and protect natural resources.*” The summary report is intended for informational purposes and to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

FUNDING: N/A

Attachments: March 2015 Environmental Activity Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
 March 2015 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2nd year of AHC's contract is underway.</p>
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.	<p>-Coordination with property owners and City or State agencies ongoing. <i>-Review of 4 site/building plans and/or plats completed in March 2015.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p><i>-Sanitary sewer hookup permits issued in March 2015: 5 residential; 3 commercial.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Permitting complete for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake</p>

Sciences, LLC. The West Lake Improvement association has completed a five year plan in preparation for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. The 2015 weed treatment bids were received on February 24, 2015. *City Council approved weed treatment at the March 10, 2015 meeting.*

Retention Basin
Sampling Program
(Groundwater
Elevation)

Investigation regarding potential
impact of retention basins on
groundwater levels.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. The 2013 report was received noting minimal impacts. The 2013 report is available on the website for public information. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in July 2014 and October 2014. Monthly sampling at two retention basins continues. Current findings show a rise in groundwater levels of approximately eight inches over 2014 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 pending grant opportunities. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program will be initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway. Wellfield delineation completed. Engineering intern has completed contamination source inventory. Final report preparation underway.

Leaf Compost
Monitoring Program

Monitoring and analysis of
groundwater at the new Oakland
Drive Leaf Compost site.

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first

sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2014, with report submitted. No significant change in groundwater impacts.

National Pollution Discharge Elimination System (NPDES) Permit Implementation

Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. *New permit application is underway and due in April 2015.*

National Pollution Discharge Elimination System (NPDES) Permit Implementation

Kalamazoo River Mainstream Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River

Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conversation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

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

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary

report received. Report will be submitted to MDEQ as part of the annual report.

Garden Lane Arsenic
Removal Facility

Native Prairie Restoration

Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational sign design for three signs is complete and sign fabrication is underway.

Environmental
Incident/Spill Clean
Up Notification

Environmental Protection Program to
assist Portage Police/Fire Departments
with spill containment and spill
cleanup.

Emergency spill response contract for 2014-15 with Terra Contracting has been renewed. *The number of environmental incident/spill investigations performed in February – 0. Number of environmental cleanups in March – 0. 2015.*

Southwest Michigan
Regional
Sustainability
Covenant

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

On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Michigan Department of Transportation Contract 2014-0194– Oakland Drive (I-94 to Kilgore Road)

SUPPORTING PERSONNEL: Kendra Gwin, Interim Director of Transportation & Utilities

ACTION RECOMMENDED: That City Council adopt a Resolution authorizing the City Manager to sign all documents with the Michigan Department of Transportation related to Contract 2014-0194 on behalf of the city.

On January 18, 2014, State Representative Margaret O'Brien and Michigan Department of Transportation (MDOT) officials announced the award of Roads Risk & Reserve (RRR) project funds. The RRR is a legislative initiative to invest funds in local street rehabilitation projects. Statewide, 108 projects were awarded, two of which are located in Portage. The two projects announced for funding were:

Portage Road, East Milham Avenue to Byrd Drive
- and -
Oakland Drive, I-94 to Kilgore Road

On March 25, 2014 City Council approved Contract 2014-0194 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Oakland Drive (I-94 to Kilgore Road) in the amount of \$270,000 and adopted a Resolution authorizing the former City Manager, Maurice S. Evans, to sign Contract 2014-0194 and all other documents with the Michigan Department of Transportation related to these projects on behalf of the city.

An amendment to the contract is required to move the expiration date of the contract from November 1, 2014 to June 30, 2015. Due to the retirement of City Manager Maurice S. Evans a new resolution is required authorizing City Manager Laurence Shaffer to sign all documents with the Michigan Transportation related to Contract 2014-019 on behalf of the city.

It is recommended that City Council adopt the Resolution authorizing City Manager. Laurence Shaffer to sign all documents with the Michigan Department of Transportation related to Contract 2014-0194 on behalf of the city.

FUNDING: N/A

Attachments: Resolution – MDOT Contract 2014-0194
Contract 2014-0194 Amendment

CITY OF PORTAGE

RESOLUTION

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan, held in Council Chambers in the Portage City Hall in said City on the _____ day of _____, 2015 at 7:30 p.m.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Councilmember _____ and seconded by Councilmember _____:

RESOLVED, that the City Council for the City of Portage does hereby authorize the City Manager, Laurence Shaffer, to sign all documents related to Contract No. 2014-0194 between the City of Portage and the Michigan Department of Transportation. This contract is for construction improvements which include milling, resurfacing, widening and sidewalk improvements on Oakland Drive from I-94 to Kilgore Road located within the corporate limits of the city.

ADOPTED: YEAS:
NAYS:
ABSENT:

James R. Hudson, City Clerk

CERTIFICATION

I, hereby certify that this _____ day of _____ 2015, that the foregoing is a true and complete copy of the original on file in my office

APPROVED AS TO FORM
DATE: 4/27/15
[Signature]
CITY ATTORNEY

James R. Hudson, City Clerk

MICHIGAN DEPARTMENT OF TRANSPORTATION
CITY OF PORTAGE
AMENDMENT

THIS AMENDATORY CONTRACT is made and entered into this date of _____ by and between the Michigan Department of Transportation (MDOT) and the City of Portage (AGENCY) for the purpose of retroactively amending Contract No. 2014-0194 (CONTRACT), dated April 8, 2014.

RECITALS:

The CONTRACT expired on its own terms on November 1, 2014; and

The CONTRACT provides a Roads and Risk Reserve (RRR) grant from MDOT to the AGENCY for the completion of improvements to Oakland Drive; and

The parties desire to retroactively extend the CONTRACT term to provide sufficient time for the AGENCY to perform the services;

The parties agree that the CONTRACT be and that the same is retroactively amended as follows:

1. In order to retroactively extend the term of the CONTRACT by approximately 8 month(s), Section 15 of the CONTRACT is amended to read as follows:

“15. This Contract will be in effect from the date of award through June 30, 2015. All documented costs associated with this project are eligible for reimbursement, not to exceed the amount shown in Section 2 of this Contract.”
2. All other provisions of the CONTRACT, except as herein amended, remain in full force and effect as originally set forth.
3. The AGENCY waives any and all claims it has or may have against MDOT that arise out of the need to amend and/or extend the CONTRACT.

4. This Amendatory Contract will become binding on the parties and of full force and effect upon signing by the duly authorized representatives of the AGENCY and MDOT and upon adoption of a resolution approving said Amendatory Contract and authorizing the signature(s) thereto of the respective representative(s) of the AGENCY, a certified copy of which resolution will be sent to MDOT with this Amendatory Contract, as applicable.

CITY OF PORTAGE

APPROVED AS TO FORM

DATE 4/27/15

[Signature]
CITY ATTORNEY

By: _____
Title:

MICHIGAN DEPARTMENT OF TRANSPORTATION

FORMAL REVIEW
4-23-15
[Signature]
ASSISTANT ATTORNEY GENERAL

By: _____
Title: MDOT Director

TO: Honorable Mayor and City Council

FROM: *(for)* Laurence Shaffer, City Manager 

SUBJECT: Public Hearing on Fiscal Year 2015-2016 Budget

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: That City Council adopt the Resolution setting a public hearing on May 12, 2015 for the Fiscal Year 2015-2016 proposed city budget and proposed 2015 tax levy.

In order to permit adoption of the Fiscal Year 2015-2016 Budget on May 26, 2015 and satisfy the requirements of the City Charter and state law, a public hearing must be held at the regular City Council meeting of May 12, 2015.

Public Act 5 of 1982 requires that any millage rate above the “base tax rate” must be identified separately in the Notice of Public Hearing on the proposed 2015 tax levy. The “base tax rate” as defined by Public Act 5 of 1982 is the prior year operating millage adjusted for the inflationary growth in the Taxable Value of property in the city. As the proposed tax levy does not exceed the base tax rate, no Truth in Taxation hearing is required for 2015. However, a public hearing on the proposed budget and the tax rate needed to support the proposed budget is still required.

City Council adoption of the attached Resolution is recommended.

FUNDING: N/A

Attachments: Resolution setting the budget hearing for May 12, 2015

CITY OF PORTAGE
RESOLUTION OF CITY OF PORTAGE

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on April 28, 2015 at 7:30 p.m. local time at the Council Chambers in the City of Portage, Michigan.

Present: _____

Absent: _____

The following resolution was offered by:

Councilmember _____, and supported by:

Councilmember _____.

NOW THEREFORE, BE IT RESOLVED:

That the City of Portage set a public hearing for 7:30 p.m., or as soon thereafter as may be heard, on May 12, 2015, on the proposed 2015-2016 City budget as required by Chapter Seven of the City Charter and state law.

Be it further resolved:

That notice, in substantially the following form, be published in a newspaper of general circulation within the City, giving notice of the City's intent to set the public hearing.

CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING
ON PROPOSED CITY BUDGET AND
PROPOSED PROPERTY TAXES

The City Council of the City of Portage will hold a public hearing at 7:30 p.m., or as soon thereafter as may be heard, on May 12, 2015 in the Council Chambers at 7900 South Westnedge Avenue on the proposed 2015-2016 City budget and on the proposed 2015 City tax levy. Copies of the proposed budget are available for public inspection during regular business hours in the offices of the City Clerk and the Director of Finance.

The hearing is being held for the purpose of receiving testimony and discussing the proposed levy of the millage needed to support the proposed budget.

Public comments, oral or written, are welcome at the hearing on the proposed City budget and the proposed millage rate.

This notice published by: CITY OF PORTAGE
7900 SOUTH WESTNEDGE AVENUE
PORTAGE, MICHIGAN 49002
(269) 329-4412

Dated: _____, 2015

City Clerk

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

RESOLUTION DECLARED ADOPTED: _____

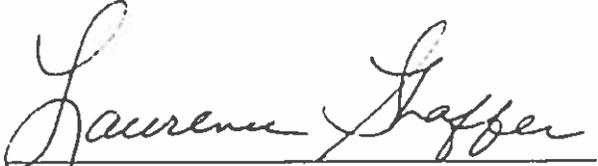
I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on April 28, 2015, the original of which is in the official proceedings of the City Council.

City Clerk

MATERIALS TRANSMITTED

Friday, April 10, 2015

1. Acquisition of City Centre Properties (203 East Centre Avenue and 208 Brown Avenue):
Agenda Item F.3 – Information Only



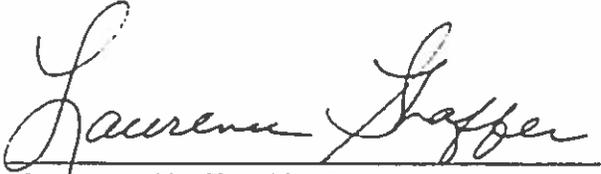
Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

MATERIALS TRANSMITTED

Tuesday, April 14, 2015

1. Communication from the City Manager regarding Acquisition of City Centre Properties (203 East Centre Avenue and 208 Brown Avenue): **Agenda Item F.3** – Information Only.
2. Communication from the City Manager regarding Proposed Fiscal Year 2015-2016 Budget Review Schedule – Information Only.



Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager