

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

November 4, 2010

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

November 4, 2010

(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * October 21, 2010

SITE/FINAL PLANS:

- * 1. Site Plan (Re-approval): Fifth-Third Bank, 2610 East Centre Avenue

PUBLIC HEARINGS:

- * 1. Special Land Use Permit: Sackett's Fireplace, 7696 South Sprinkle Road

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Communication from Shannon Reeves (Wiggles, Waggles and Tails, 8585 Portage Road)
September 2010 Summary of Environmental Activities Report
October 5, 2010 City Council meeting minutes

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

PLANNING COMMISSION

October 21, 2010

DRAFT

The City of Portage Planning Commission meeting of October 21, 2010 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 140 citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Christopher Barnes, Director of Transportation and Utilities; Michael West, Assistant City Planner; and Randall Brown, City Attorney

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the October 7, 2010 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report: Valley Family Church – Kalamazoo, 2500 Vincent Avenue, Special Land Use Permit Review. Mr. Forth introduced the item and summarized the preliminary staff report dated October 15, 2010 regarding the one-year review of the previously approved Special Land Use Permit for the Valley Family Church – Kalamazoo (VFC-K). Mr. Forth reviewed the six Special Land Use Permit conditions and three site plan conditions associated with the May 1, 2008 Planning Commission approval. Mr. Forth also summarized the request by VFC-K to modify two conditions of approval, which include a reduction in the setback for temporary buildings or structures along the north property line and north ½ of the west property line from 150-feet to no more than 50-feet and the elimination of the “No Right-Turn, Local Traffic Only” sign along the western driveway. Mr. Barnes summarized the Traffic Impact Report prepared by the Department of Transportation and Utilities. Mr. Barnes provided background information regarding the jurisdiction (City of Portage, City of Kalamazoo and MDOT) of the adjacent roadway system, discussed traffic counts taken before and after construction of the VFC-K

facility, summarized the traffic signal warrant analysis and the findings/conclusions of the study. Mr. Barnes stated that installation of a traffic signal at the Oakland Drive/Vincent Avenue intersection or the programming of other street improvements in this area is not warranted at this time. Mr. Barnes stated the presence of traffic control services at the Oakland Drive/Vincent Avenue intersection before and after VFC-K services has been effective and the intersection will continue to be monitored by city staff for future improvements, if necessary.

Mr. Dan Dalton (attorney representing VFC-K) was present to discuss the one-year review of the approved special land use permit. Mr. Dalton stated that VFC-K has complied with all conditions established by the Planning Commission and indicated the traffic control services agreement between VFC, the City of Portage and City of Kalamazoo was renewed for a two year period. Mr. Dalton stated that VFC-K has a good relationship with the majority of the neighbors and has taken proactive measures to address expressed concerns. As cited by the traffic report, Mr. Dalton indicated that an average of 92% of all vehicles exiting the VFC-K after services turn left and travel east on Vincent Avenue. The remaining 8% turn right and travel west on Vincent Avenue. Mr. Dalton stated that VFC-K has four specific requests for Planning Commission consideration during the special land use permit review: 1) Eliminate the requirement to submit bi-monthly attendance reports (Condition 2, Special Land Use Permit); 2) Eliminate the requirement that the center driveway be gated and only utilized during special events at the cathedral (Condition 1, Site Plan); 3) Reduce the setback for outdoor placement of temporary buildings and structures along north and west property lines from 150-feet to not more than 50-feet (Condition 6, Special Land Use Permit); and 4) Remove the "No Right-Turn, Local Traffic Only" sign at the western driveway (Condition 3, Site Plan). Additionally, Mr. Dalton requested that the public hearing be adjourned until the November 18, 2010 meeting.

Chairman Cheesebro opened the public hearing. A total of 11 citizens spoke during the public hearing: Joe Bippus, 1304 New Jersey Court, Three Rivers, MI; Dan Smith, 3022 Fleetwood Drive; Mark Wollam, 5235 Greenhill Street; Nancy VanderRoest, 2918 East Shore Drive; Gerard Mouatt, 5211 Greenhill Street; Melody Nedrud, 3427 Wedgewood Drive; Paul Morris, 5246 Angling Road; Ken Hovancamp, 14920 South 22nd Street, Vicksburg, MI; Marie McKinley, 2917 Brynmawr Court; Lorie Johnson, 6294 Independence Drive; and Wayne Colwell, 1133 West Kilgore Road. Mr. Bippus spoke in support of VFC-K stating the traffic control services has been very effective and the church has made good faith efforts to address neighbor concerns. Mr. Smith stated the "No Right Turn, Local Traffic Only" sign has been effective at minimizing traffic through the neighborhood and requested it remain. Mr. Wollam asked for clarification regarding certain elements of the traffic report and expressed concerns regarding ongoing noise, parking lot lighting, vehicle headlights and the adequacy of the berm and screening installed by VFC-K. Ms. VanderRoest spoke in support of VFC-K stating the church is the most appropriate use for the property and asked that the conditions regarding the sign, use of center driveway and setbacks for outdoor activities be eliminated. Mr. Mouatt questioned the findings of the traffic report and indicated that noise from the VFC-K is still a concern. Ms. Nedrud complimented VFC-K on efforts made to address traffic and other neighborhood concerns and requested the "No Right Turn, Local Traffic Only" sign remain to minimize traffic on Angling Road. Mr. Morris stated noise and light issues appear to be minor and easily mitigated, requested that restrictions regarding sign and use of center driveway be lifted and asked that the city continue to consider installation of a traffic light at the Oakland Drive/Vincent Avenue intersection to address school and bus related traffic. Mr. Hovancamp commended the City of Portage regarding efforts to direct traffic at the Oakland Drive/Vincent Avenue intersection and stated that VFC-K would like to continue to work with the neighbors at addressing concerns. Ms. McKinley stated that VFC-K has been a very good neighbor, requested the "No Right Turn, Local Traffic Only" sign remain and indicated that she can still see parking lot and vehicle headlights from her residence. Ms. Johnson and Mr. Colwell both spoke in support of VFC-K. No additional citizens spoke during the public hearing.

Mr. Dalton responded to the citizen comments and restated that noise continues to be mitigated and berming/screening at the VFC-K site exceeds standards detailed on the approved site plan. Mr. Dalton indicated one neighbor in particular continues to harass church members and officials; however, VFC-K will continue to

DRAFT

work with neighbors at addressing concerns, when and where reasonable. Attorney Brown commended VFC-K and Mr. Wollam at efforts to resolve noise issues and stated the process was ongoing.

**** The Commission took a short recess at 9:00 p.m. and reconvened the meeting at 9:05 p.m. ****

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Welch, to adjourn the public hearing for the Special Land Use Permit review for Valley Family Church – Kalamazoo, 2500 Vincent Avenue, until the November 18, 2010 meeting. The motion was unanimously approved. Commissioner Pearson indicated that he would not be present at the November 18, 2010 meeting.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. 2010-2011 City Council Assigned Goals and Objectives Update (November 2010). Mr. West summarized the staff report dated October 15, 2010 and referred the Commission to the draft transmittal to City Council. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to forward the transmittal regarding FY 2010-2011 Planning Commission Goals and Objectives Update (November 2010), as submitted. The motion was unanimously approved.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

TO: Planning Commission **DATE:** October 29, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Site Plan (Re-approval): Fifth-Third Bank, 2610 East Centre Avenue.

I. INTRODUCTION

On May 21, 2009 the Planning Commission originally approved a site plan submitted by Progressive AE, on behalf of Fifth-Third Bank, to construct an approximate 4,300 square foot bank building and associated site improvements at 2610 East Centre Avenue. The Fifth-Third Bank project represents the first building within the Centreport Commons commercial development (Unit 2, Centreport Commons Condominium) planned at the southeast corner of Portage Road and East Centre Avenue. The site plan was re-approved on November 19, 2009 and then again on May 6, 2010, but construction did not commence with either of these two re-approvals and the site plan is once again about to expire. Section 42-484 of the Zoning Code requires that construction activities commence within six months of site plan approval or the approval becomes null and void.

Since site plan approval is scheduled to expire on November 6, 2010 the applicant is requesting re-approval. According to the applicant, construction of the Fifth-Third project has been delayed due to the construction schedule of the Centreport Commons infrastructure. Since the last re-approval (May 2010), construction of the Centreport Commons infrastructure has been completed and Fifth-Third Bank is now ready to move forward with the project. The site plan is being resubmitted with no changes from the May 6, 2010 re-approval.

Per the previously approved site plan for the CentrePort Commons development project, access to the condominium units including the Fifth-Third Bank site will be provided from one full-service driveway and one right-in/right-out only driveway on East Centre Avenue and on Portage Road. The East Centre Avenue full-service driveway is located at the east end of the property and the Portage Road full-service driveway is located at the south end of the property. Storm water from the Fifth-Third Bank site will be collected and conveyed to an underground detention system located beneath the parking lot.

II. RECOMMENDATION

The site plan has been reviewed by the City Administrative departments and staff recommends that the site plan for Fifth-Third Bank, 2610 East Centre Avenue, be re-approved.

Attachments: Site plan sheets

S:\2010-2011 Department Files\Board Files\Planning Commission\PC Reports\Site Plans\5-3 Bank, 2610 East Centre Avenue (November 2010)reapproval.doc

TO: Planning Commission

DATE: October 29, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Special Land Use Permit: Sackett's Fireplace, 7696 South Sprinkle Road

I. INTRODUCTION:

A Special Land Use Permit application has been submitted by Mr. John Sackett, on behalf of Sackett's Fireplace, requesting to establish a wholesale/retail outlet within an existing tenant suite located in Park Square Commons. This development consists of two 20,000 square foot buildings and associated parking and loading/unloading areas with several office, warehouse and wholesale/retail tenants. The applicant is proposing to establish a retail showroom, warehouse and offices in an approximate 3,700 square foot tenant space in the east 20,000 square foot building. No exterior building and/or site changes are proposed, but minor interior building modifications will be completed. The 3.0 acre property is zoned I-2, heavy industry.

As background information, in August 2007 the Commission approved a Special Land Use Permit for Seat n Sleep to establish a similar wholesale/retail furniture store in the same building.

II. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • Park Square Commons multi-tenant office, warehouse, wholesale/retail development and associated parking and loading/unloading areas zoned I-2, heavy industry. • Vacant land owned by Pfizer and zoned I-2 borders the site to the west, while industrial uses also zoned I-2 border the site to the north and south. • To the east (across South Sprinkle Road), single family residences zoned R-1B, one family residential.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map component of the Comprehensive Plan identifies the subject site along with adjacent properties to the north and south as appropriate for general industrial land use. Adjacent properties located to the east (across South Sprinkle Road) are designated for low density residential land use.
Access	<ul style="list-style-type: none"> • Existing full service driveway from South Sprinkle Road. • South Sprinkle Road is classified as a major arterial street with an average weekday traffic volume of approximately 16,200 vehicles per day (2004), capacity 32,500 vehicles per day based on a level of service D.
Environmental Issues	<ul style="list-style-type: none"> • A review of the City of Portage Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.
Land Development Regulations	<ul style="list-style-type: none"> • The application has been submitted under Section 42-281.C.1, <i>Special Land Use</i> in the I-2 zoning district: <i>"Warehouses or wholesale/retail outlets which, because of the nature of their operations, the size of their buildings or some other peculiarity, in the opinion of the planning commission, are equally or better suited for location in the I-2 district."</i>

Land Development Regulations (continued)	<p><i>Such uses shall be located on the periphery of such district, with access to a major thoroughfare, which access shall, in the opinion of the commission, be sufficient for the amount of traffic volume generated by the warehouse or wholesale/retail outlet and shall not disturb other heavy industrial developments in the district. "</i></p> <ul style="list-style-type: none"> • Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.
Historic District/ Structure	<ul style="list-style-type: none"> • The subject site is not located within a historic district and does not contain any historic structures.

III. ANALYSIS:

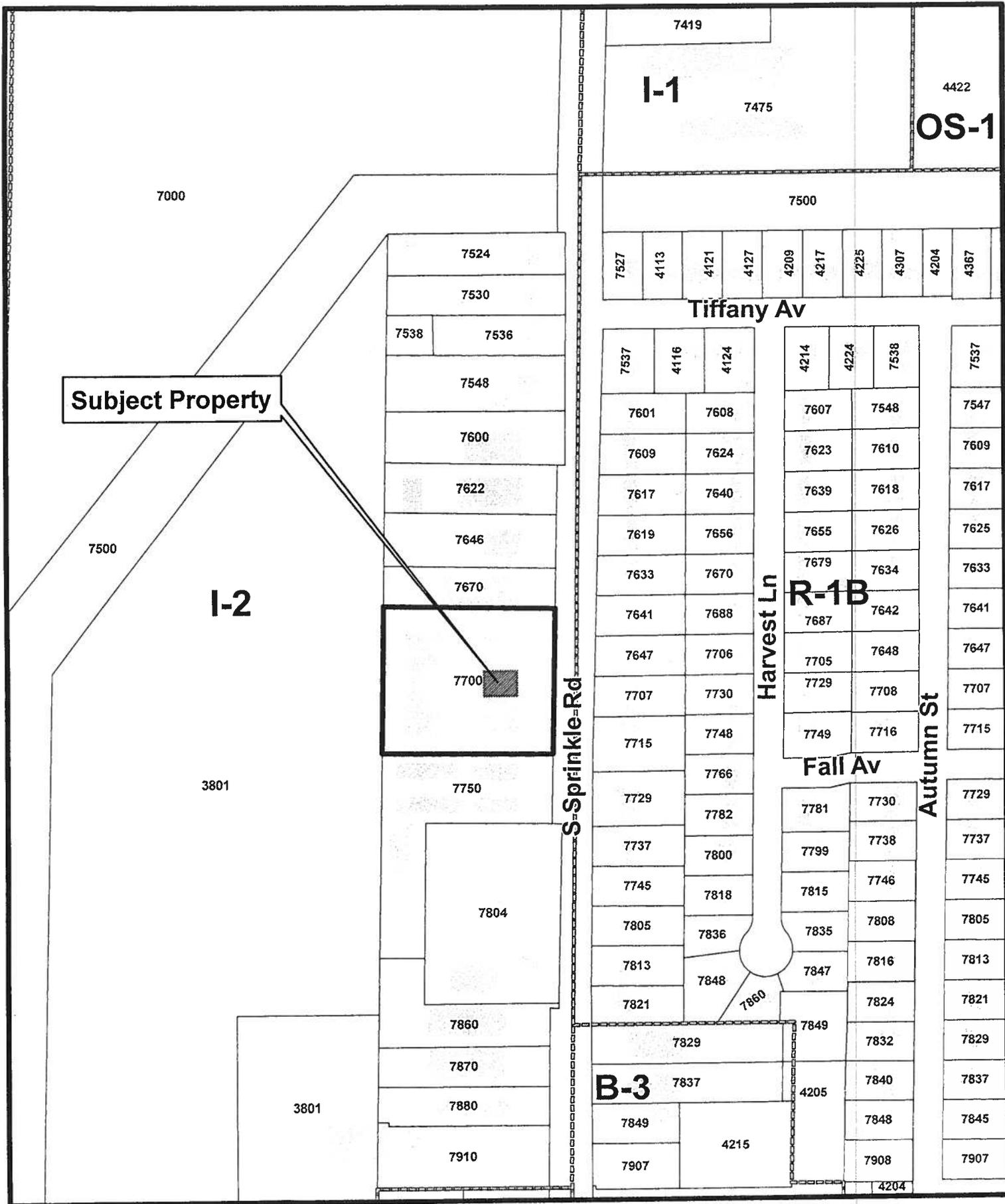
Based upon information provided by the applicant and the surrounding land use characteristics, the proposal to establish Sackett's Fireplace within a portion of the existing building located 7696 South Sprinkle Road fulfills the requirements for issuance of a special land use permit. The site/use is located on the periphery of the I-2 district and access is provided from South Sprinkle Road, a major thoroughfare. Anticipated traffic generation can be accommodated. As identified in the application materials, the nature of the Sackett's Fireplace use includes warehousing, fabrication, assembly, offices and a retail showroom which is equally and appropriately suited for location in the I-2 district. Unlike an exclusive, free-standing building, the Sackett's Fireplace use is proposed within a portion of an existing 20,000 square foot building and the size and configuration of this building is not particularly well suited for traditional heavy industrial uses. The establishment of Sackett's Fireplace at this location will not alter the character of the surrounding area and is similar to the other uses within the Park Square Commons development. Impacts on other heavy industrial developments in the I-2 district are not anticipated.

In accordance with statutory requirements, residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper.

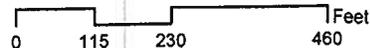
IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for Sackett's Fireplace, 7696 South Sprinkle Road, be approved.

- Attachments: Vicinity/Zoning Map
 Aerial Photograph
 Special Land Use Permit Application and related materials



**Special Land Use Permit
7696 South Sprinkle Road**





0 50 100 Feet

Aerial Photo 7696 South Sprinkle Road

 Zoning Boundary
 Subject Parcel



Department of Community Development

RECEIVED

OCT 8 2010

COMMUNITY DEVELOPMENT

APPLICANT INFORMATION

Name <i>John Sackett</i>		Telephone Number <i>269-377-6103</i>	
Address <i>510 Walnut Ct</i>	City <i>Kalamazoo</i>	State <i>MI</i>	Zip code <i>49007</i>

OWNER INFORMATION (if different)

Name <i>John Payne</i>		Telephone Number <i>269-381-1611</i>	
Address <i>2920 Business One Dr</i>	City <i>Kalamazoo</i>	State <i>MI</i>	Zip code <i>49048</i>

PROPERTY INFORMATION

Address of property <i>7696 S. Sprinkle Rd Portage, MI 49002</i>	Zoning District <i>Heavy Indus.</i>	Land Area (acres) <i>36 1/2' x 80'</i>
Legal Description (or attach separate page)		

PROPOSED USE

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

Special Land Use

OWNER CERTIFICATION

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

Signature: *John D. Payne, CEO* Date: *10-6-10*

Business One USA, PNC

Description of Special Land Use

I John Sackett propose zoning of 7696 S Sprinkle Rd for use as retail space. Our space is 13% of the frontage of the Park Square Commons Building, one of 5 tenant spaces.

The balance of the Building is currently:

30% Seat and Sleep operating as a retail furniture business.

15% Seat and Sleep storage with plans to convert to retail space to the north of us.

10% Q3 Technologies a service business and office to the south of us and

32% of the building is vacant, two suites on the south end of the building.

Also worth noting 7670 S. Sprinkle Rd fifty feet to the north of our building leased to River Stone uses their building in same fashion as we plan to use ours.

Sackett's Fireplace is a seasonal shop with low volume of customers in the off season, February to August, with a moderate volume from September to January. Currently we make in-home visits to assess customer needs, then we assemble, fabricate and install standard and custom components for their projects from our location.

Sackett's Fireplace is a new company starting with four employees having over sixty years combined experience in the industry. We offer services to the community of Portage and the surrounding area, educating consumers and maintaining a high standard of quality and safety in conducting our business.

Main floor offices and proposed showroom occupy 1430 sq/ft, eastern half of the building. Initial plans are for about 1,000 sq/ft of showroom. We propose in the display space functional installations of two gas and two wood burning units. Permit applications and detailed drawings for the above displays will be forthcoming. In addition, we plan to display approximately 14 nonfunctioning units and include stone, mantles, chimney and hearth samples throughout the space.

Second floor total space of 840 sq/ft will have limited or no use planned the first year.

Warehouse space of 1460 sq/ft, western half, will be used for product delivery, storage, fabrication, service needs and handling, including the use of a forklift. Shipping and receiving will be to the west or rear of the building. We will also use the "common" truck dock on the south end of the building.

Sincerely,
John Sackett

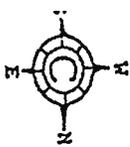
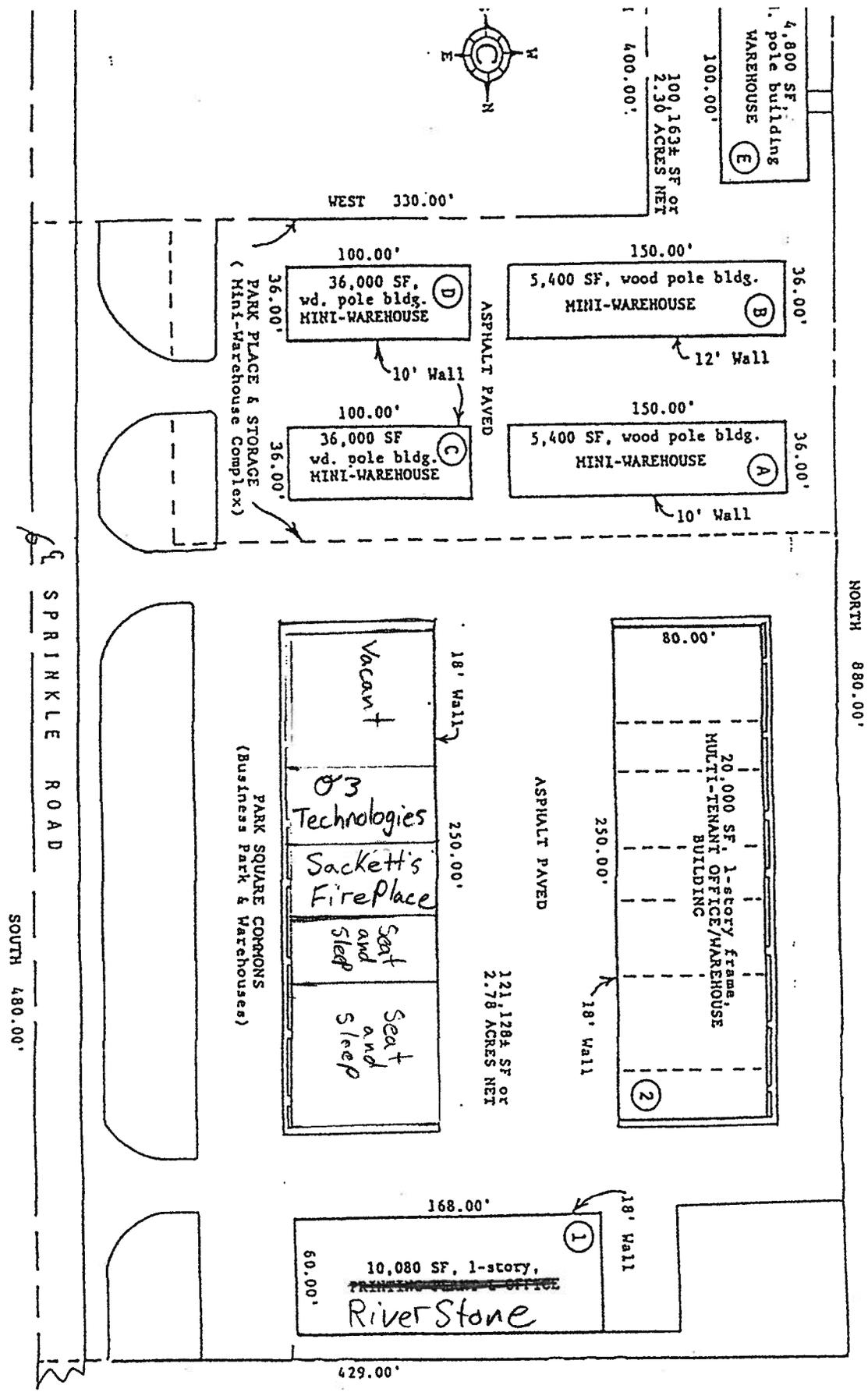
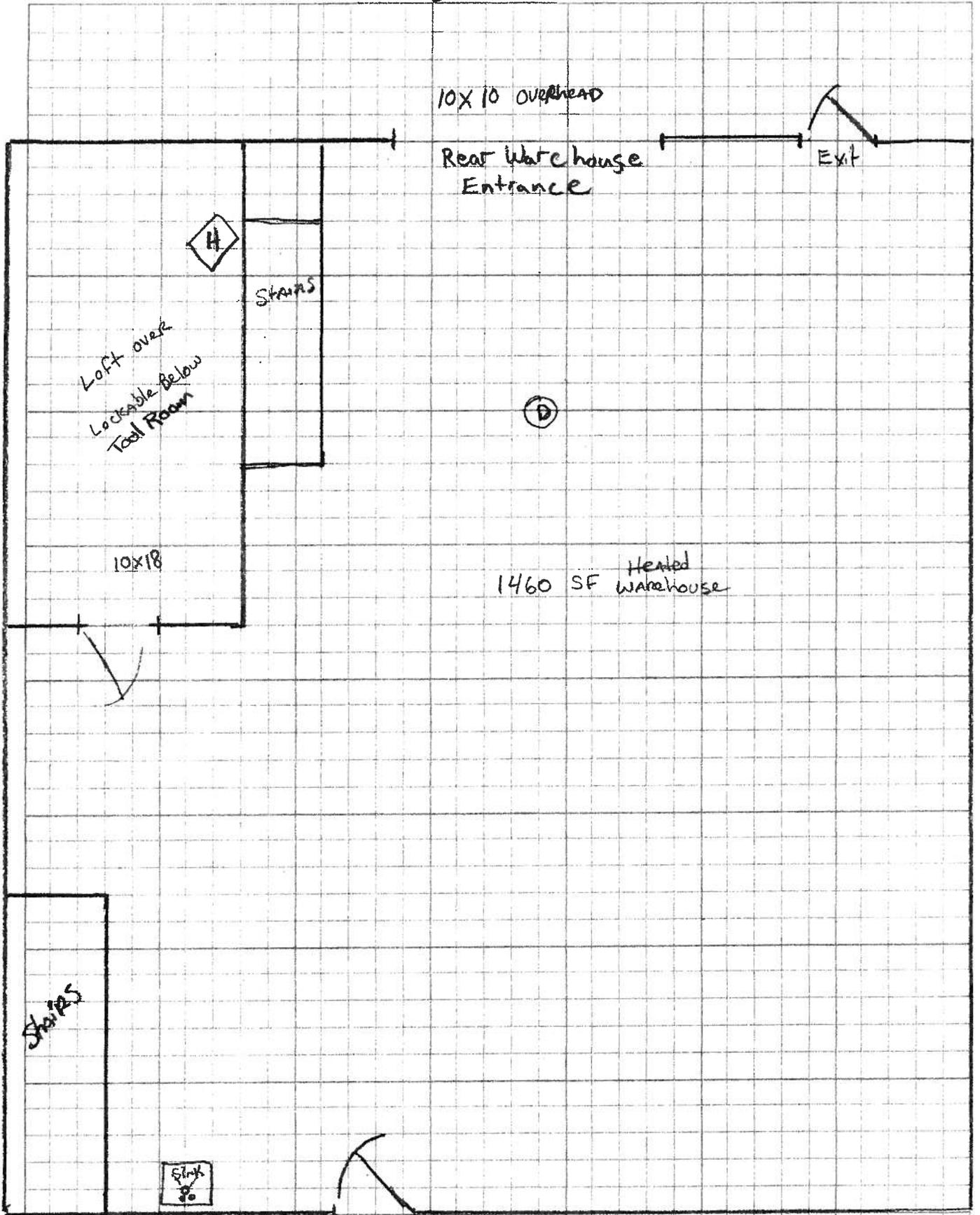


EXHIBIT "A"

S ← 36½ → N



W ↑
E ↓
40'

1430 Showroom MAIN FLOOR
 840 upstairs
 2270
 1460 Warehouse
 3730 total area.

Floor Area only 36½ x 80 ~ 2890
 3880 SF

Stairs
to Warehouse

Second Floor Space

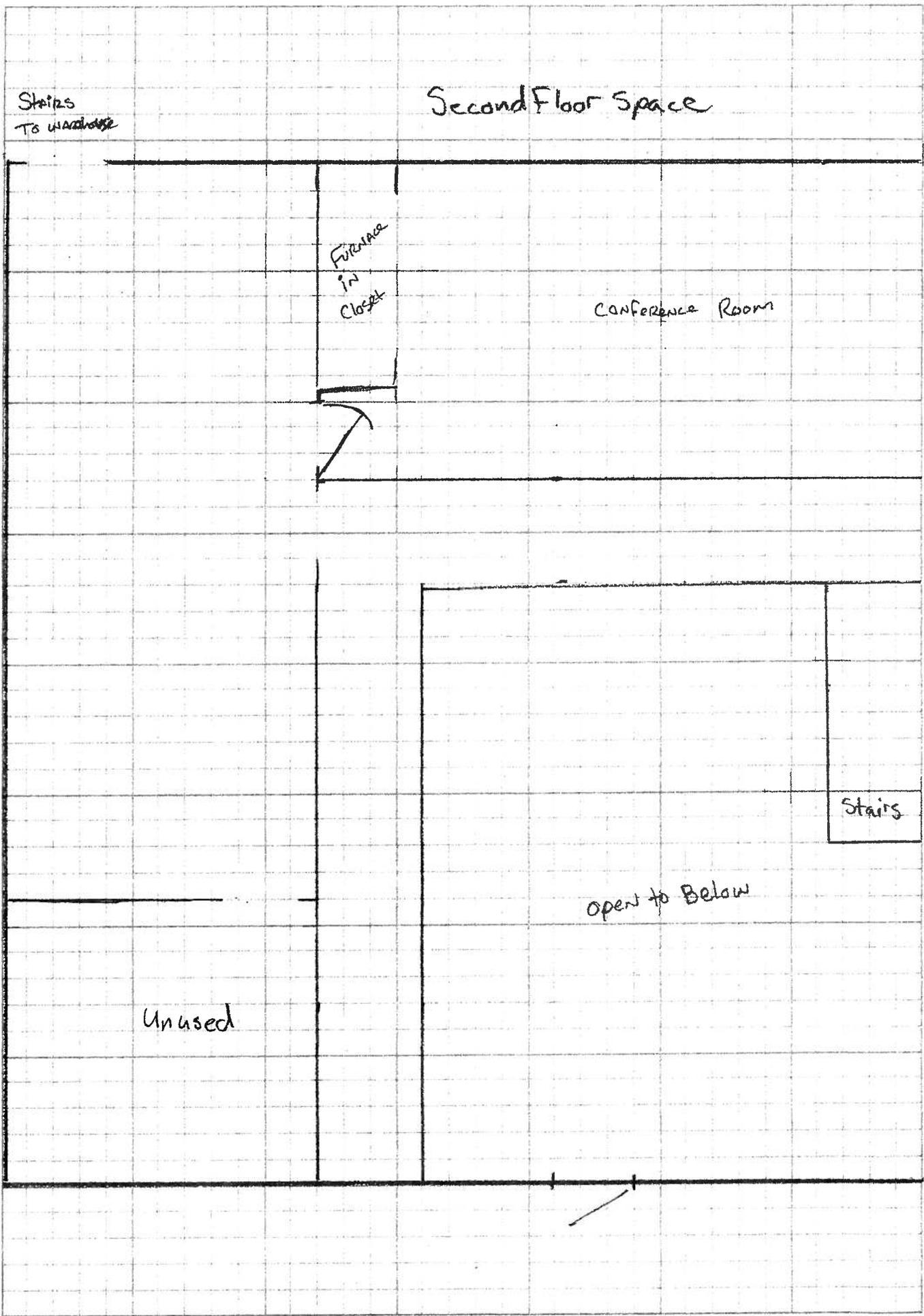
FURNACE
in
CLOSET

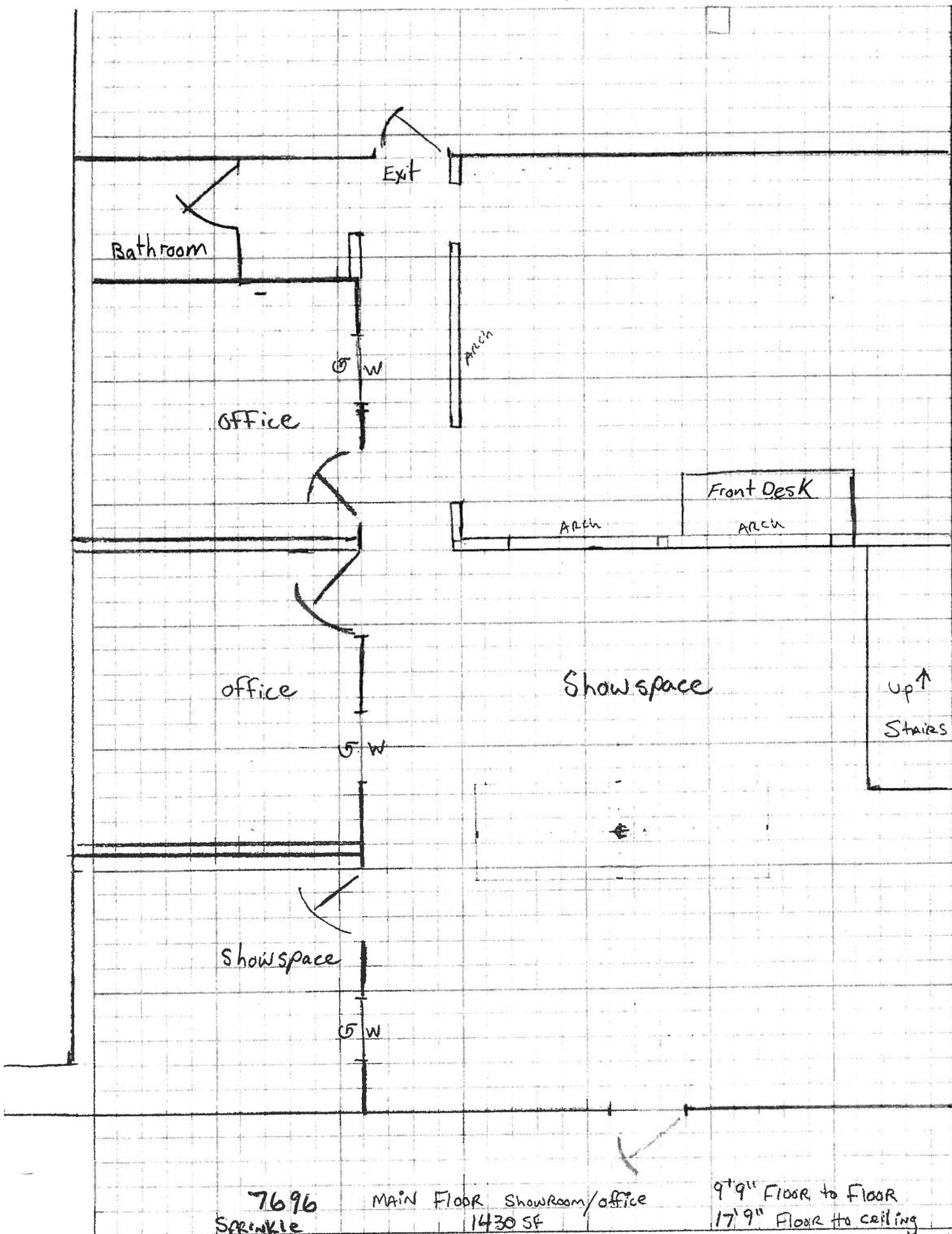
CONFERENCE ROOM

Stairs

open to Below

Unused





7696
 Sprinkle
 Kalamazoo MI 49002

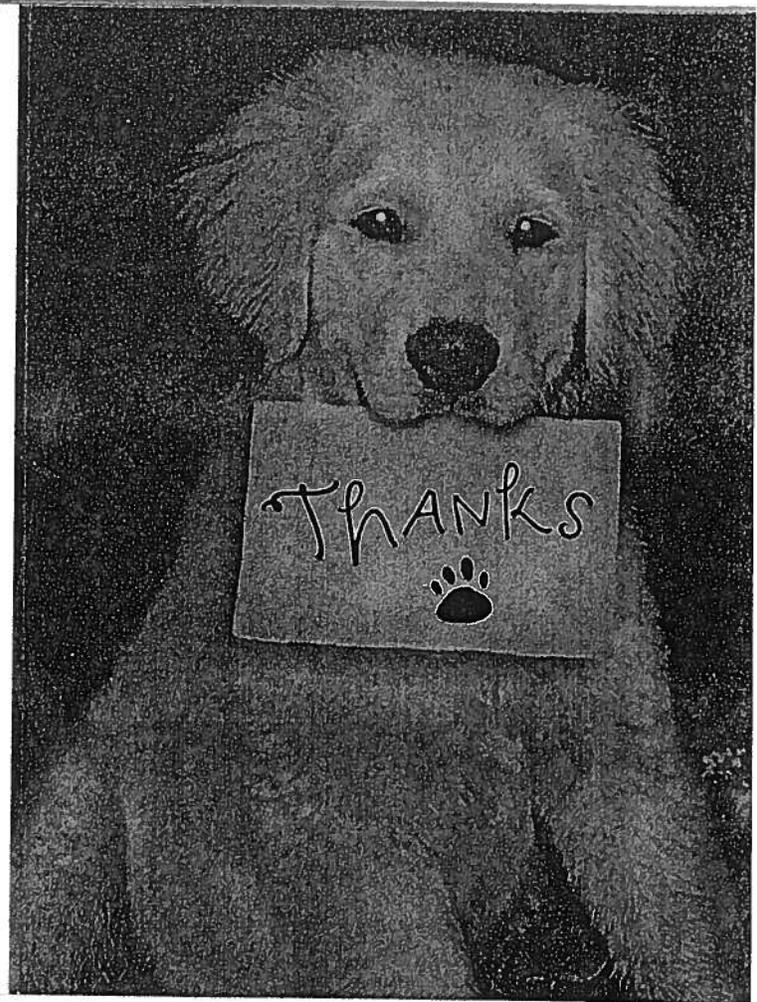
MAIN FLOOR Showroom/office
 1430 SF

9'9" Floor to Floor
 17'9" Floor to ceiling
 3 1/2 / 12 pitch Shingled Roof

MATERIALS TRANSMITTED




AMERICAN GREETINGS
AGGBTY-3P
©AGC, Inc.



RECEIVED

OCT 25 2010

COMMUNITY DEVELOPMENT

Planning Commission,
I wanted to thank you so much for the opportunity you have given me to do my dream job + open my doggie daycare, Wiggles, Waggles + Tails. I really appreciate it. I also wanted to thank you for your service to the city. I am sure someday it is a thankless job. I just wanted to let you know I appreciate it + thank you!
Sincerely,
Shannon
Reuro

CITY OF PORTAGE

COMMUNICATION

RECEIVED

TO: Maurice S. Evans, City Manager

DATE: October 8, 2010 OCT 11 2010

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

WOR CITY MANAGER'S OFFICE
PORTAGE MI

SUBJECT: September 2010 Environmental Activity Report – Information Only

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

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

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
September 2010 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling performed in June 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future.</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 2 site/building plans and/or plats completed in September 2010.</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 September 2010: 5 residential. One sewer connections made as part of the Mandatory Sewer Program.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process initiated (Resolution #1) on December 7, 2004. Resolution #3 was approved by City Council on January 11, 2005. Resolution #5 was adopted by City Council on February 8, 2005. On March 22, 2005, City Council approved a contract with Aquatic Services, Goodrich, MI, to perform annual weed treatment. West Lake currently working with the Kalamazoo County Drain Commissioner to create a filtration system on the Austin Lake Drain. On July 10, 2007, City Council authorized the Administration to submit a grant application in the amount of \$5,000 to the Kalamazoo Foundation to assist funding the filtration system. Construction bids received by the Drain Commissioner on November 14, 2006. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. Spring 2009 weed control application was completed in June 2009. New 5 year improvement plan and special assessment process was approved by</p>

City Council on March 23, 2010. The initial 2010 lake treatment is complete and is being reviewed as to its effectiveness.

Retention Basin Sampling Program
Investigation regarding potential impact of retention basins on groundwater levels.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. City staff has initiated a compilation of all city retention basin groundwater levels. Winter sampling performed in early December 2009 with results submitted. Report under staff review. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. Report is due in November 2010.

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. City staff made a presentation to the American Water Works Association at their April 25, 2008 meeting to highlight current city initiatives. Plan implementation is ongoing.

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

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. *The 2010 report was received with results showing minimal impact on groundwater. Next sampling scheduled for July 2011.*

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. Permit implementation is ongoing. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. Revised SWIPPI to incorporate watershed management plans. Annual report was submitted December 29, 2006. SWIPPI comments received from the MDEQ and revisions resubmitted. Public education plan submitted to MDEQ on October 31, 2007. Additional NPDES SWIPPI data

and public education plan submitted on November 6, 2007. Annual report was submitted December 31, 2007. The MDEQ approved the revised public education plan and SWIPPI on January 15, 2008. Re-application for permit extension was submitted on March 24, 2008. New permit applications are due August 1, 2008 for a 5 year permit cycle. The permit application for the city was submitted to MDEQ on July 31, 2008. Annual permit report submitted in December 31, 2008. Next five year permit expected in fall 2009. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. City staff worked with other agencies at the 2010 Home Expo on March 17 – 20, 2010. Staff currently working on updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010.

National Pollution Discharge
Elimination System (NPDES)
permit implementation

Kalamazoo River Mainstem
Watershed Management Plan

-First meeting was held September 17, 2004. The public participation plan for the Watershed was submitted on November 22, 2004. The Public Education Plan was submitted December 31, 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. Watershed Committee meeting held November 22, 2005. Watershed planning focused on threatened uses and potential correction of water quality. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. Public information meeting was held at County Fairgrounds on October 24, 2006. Revised Watershed Plan submitted November 30, 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements.

Portage River Watershed
Management Plan

-Public participation plan submitted June 28, 2004. The Public Education Plan was submitted December 31, 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. First watershed meeting was held November 29, 2005. Meeting focused on water quality in the watershed and identification of pollution sources. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November

2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009.

Five year plan to implement an Illicit Discharge Elimination Plan (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On May 27, 2003, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the West Fork element of the IDEP. On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Due to a less than anticipated number of illicit connections, city staff asked MDEQ to expand mapping activities under the grant program. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.

Garden Lane Arsenic Removal Facility

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

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Feasibility study recommended construction of a filter system using various filter media materials. Small scale pilot studies began in spring 2007. Pilot studies completed with generally favorable results. Geotechnical soils report completed in April 2007 and wetlands delineation received in May. Operating plants visited in May to familiarize staff with various arsenic removal processes. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Construction underway with clearing and earth work complete. Underground piping and foundation work complete. Concrete floors and wall construction complete. Outside piping and inside plumbing complete. Building interior and exterior site work complete. Interior painting complete. Garden Lane Well #4 drilling is

complete and well building is completed. Start up activities began in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing about one million gallons of water per day.

Environmental Incident/Spill
Clean Up Notification

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

-The number of environmental incident/spill investigations performed in September 2010-0. The number of incidents requiring city forces/contractor emergency cleanups-0.

Localized Groundwater Table
Investigation

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

-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Current activities are focused on assisting the affected property owners with possible solutions. A storm drainage line extension project has been designed with a bid opening set for September 18, 2008. City Council awarded a contract to Peters Construction Company on September 23, 2008. Construction began in mid October. Project was extended to serve 3 additional properties. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. *Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through September 2010. September sampling continued to show stable groundwater table. Sampling will continue through the fall months.*

Hampton Wetland Area Water
Level

Assistance with the Inverness
Condominium Association to
Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Current activity has centered on meeting with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff to clarify permit requirements. No change in status. *Lower groundwater table elevation has reduced concerns from the Condominium Association.*

Southwest Michigan Regional
Sustainability Covenant

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

-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Success of grant application may not be known until late summer. 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.*

t:\t & u monthly reports\envrpt 2010.doc

CITY COUNCIL MEETING MINUTES FROM OCTOBER 5, 2010

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

At the request of Mayor Pro Tem Sackley, Pastor Joan Herbon of the Lord of Life Lutheran Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, and Mayor Pro Tem Edward J. Sackley. Councilmember Margaret E. O'Brien and Mayor Peter J. Strazdas were absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the September 21, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 5 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 5, 2010:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of October 5, 2010. Upon a roll call vote, motion carried 5 to 0.

REPORTS FROM THE ADMINISTRATION:

* **MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY GRANT APPLICATION:** Motion by Urban, seconded by Reid, to adopt the resolution to support the Michigan State Housing Development Authority Grant application in the amount of \$135,000 for the North Portage Home Buyer Purchase-Rehabilitation Program and authorize the Mayor and City Manager to execute all documents related to the application in the event the grant is awarded. Upon a roll call vote, motion carried 5 to 0. Resolution recorded on page 97 of City of Portage Resolution Book No. 44.

* **RECOMMENDED BUDGET AMENDMENTS – END OF FISCAL YEAR HOUSEKEEPING:** Motion by Urban, seconded by Reid, to amend the General Appropriations Act (budget) for the fiscal year ending June 30, 2011. Upon a roll call vote, motion carried 5 to 0.

* **2010 CITY COUNCIL GOAL SETTING SESSION:** Motion by Urban, seconded by Reid, to establish November 12 and 13 as the dates of the 2010 City Council Goal Setting Session. Upon a roll call vote, motion carried 5 to 0.

* **LOCAL DEVELOPMENT FINANCE AUTHORITY ANNUAL REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Local Development Finance Authority Annual Report as information only. Upon a roll call vote, motion carried 5 to 0.

COMMUNICATION:

MARY ANN BORR, 7274 WHITE OAK CIRCLE: Mayor Pro Tem Sackley reviewed the contents of the letter regarding two sign ordinance violations regarding the use of a very large tea cup and a shamrock on the roof of a daycare center as promotional signs in violation of the Code of Ordinances of the City of Portage.

Councilmember Campbell indicated that she has asked that the Administration provide information regarding the current sign ordinance and how it is applied for the City Council Retreat November 12 and 13, 2010, at the Gilmore House on the campus of Western Michigan University.

Councilmember Reid asked for some background information on the tea cup matter and Mayor Pro Tem Sackley asked Community Development Director Jeffrey Erickson to explain. Mr. Erickson explained that the use of the tea cup constitutes a sign under the city sign ordinance; that the business owners and staff have been in contact with one another, but no action has been taken at this time. Discussion followed and Mr. Erickson indicated that if the tea cup were a licensed vehicle, it would not be regulated by city ordinance; however, because of the nature of the item, it has to be considered in the context of the sign ordinance in a multi-business parking lot with signs already in place. Mr. Erickson distinguished the tea cup from people holding signs or costumed people on the sidewalk, shooting streamer devices as they are not covered by the sign ordinance like a tea cup on a zoned lot would be. Discussion followed.

Councilmember Randall stressed the importance of being friendly to small businesses and asked for ideas or other ways to reach out to the small businesses in the community.

Motion by Urban, seconded by Reid, to received the communication from Mary Ann Borr, 7274 White Oak Circle, regarding two recent sign ordinance violations. Upon a roll call vote, motion carried 5 to 0.

UNFINISHED BUSINESS:

* **TAX EXEMPTION FOR HEARTHESIDE APARTMENTS I & II:** Motion by Urban, seconded by Reid, to approve an ordinance to amend the Codified Ordinances of the City of Portage to grant Portage Hearthside Limited Dividend Housing Association Limited Partnership a tax exemption and establish a payment in lieu of taxes for the Hearthside Apartments I & II. Upon a roll call vote, motion carried 5 to 0. Ordinance recorded on page 139 of City of Portage Ordinance Book No. 12.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Zoning Board of Appeals of August 9, 2010.

Portage Board of Education Special and Regular Business Meeting of August 23, Special of September 2, and Special Meeting and Committee of the Whole Work Session of September 13, 2010.

Portage Planning Commission of September 2, 2010.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Urban, seconded by Reid, to reappoint Thomas King with term ending December 31, 2016, to the Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority; to reappoint Jason Koscinski and appoint Kathleen Hoyle and James Novario with terms ending October 1, 2013, to the Park Board; to reappoint Ruth Caputo and Martin Sepanik and appoint Amy Tanis with terms ending October 1, 2013, and Andrew Judge with an unfulfilled term ending October 1, 2011, to the Environmental Board; to reappoint Ruth Ann Meyer and Larry Smith and appoint Ruth Michelhaugh, current Alternate, with terms ending October 1, 2013, and reappoint Mary Lou Petruccio and appoint Gertrude Riker with alternate terms ending October 1, 2012, to the Senior Citizens Advisory Board; to reappoint Elma (Pat) Maye and appoint Pam Gilchrist and Genna Nichols with terms ending October 1, 2013, to the Human Services Board; and to appoint Philip Ellison with term ending December 31, 2013, to the Historic District Commission. Upon a roll call vote, motion carried 5 to 0.

BID TABULATIONS:

*** SOFTBALL FIELD FENCING IMPROVEMENTS – BID RECOMMENDATION:**

Motion by Urban, seconded by Reid, to accept the low bid submitted by The Postman, Incorporated, in the amount of \$23,730 for Ramona Park and South Westnedge Park softball diamond fencing improvements and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

*** CITY HALL BREAKROOM ROOF AND LOWER LEVEL WINDOW**

IMPROVEMENTS – BID RECOMMENDATION: Motion by Urban, seconded by Reid, to accept the low bid submitted by Kuiper Building Services, LLC, in the amount of \$12,200 for City Hall breakroom roof and lower level window improvements and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid referred to Item F.1, Michigan State Housing Development Authority Grant Application, as one of the many ways the City of Portage and its citizens address homelessness.

Councilmember Urban commented on the wealth of applicants for City Council Boards and Commissions, asked that those who were not appointed maintain their interest, and indicated that there are still two vacancies on the Historical District Commission and one on the Human Services Board.

City Manager Evans commended Deputy Parks Director Barry Bacon for his efforts with the 22nd Annual Apple Festival at Schrier Park and his efforts throughout the year with all of the Parks Department events and activities.

Mayor Pro Tem Sackley concurred and pointed out that Mr. Bacon will soon be busy with the 23rd Annual Haunted Forest at Schrier Park, October 22, 23, 28, 29 and 30, from 7:30 p.m. to 9:30 p.m., and asked that Portage citizens welcome the thousands of visitors who will be attending the Invitational Cross Country Meet at West Middle School, Saturday, October 9, 2010.

ADJOURNMENT: Mayor Pro Tem Sackley adjourned the meeting at 7:54 p.m.

James R. Hudson, City Clerk

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