



PLANNING COMMISSION

March 17, 2016

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**March 17, 2016
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * March 3, 2016

PUBLIC HEARINGS:

- * 1. Special Land Use Permit: Group Child Care Home (Lansdale), 4020 Pompano Avenue

SITE/FINAL PLANS:

OLD BUSINESS:

- * 1. 2016-2026 Capital Improvement Program
 - Adjourn to Conference Room No. 1

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

February 23, 2016 City Council regular meeting minutes
February 8, 2016 Zoning Board of Appeals meeting minutes
Summary of Environmental Activity Report – January 2016

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

PLANNING COMMISSION

March 3, 2016

 DRAFT

The City of Portage Planning Commission meeting of March 3, 2016 was called to order by Secretary Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Six citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Secretary Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the role: Schimmel (yes), Dargitz (yes), Stoffer (yes), Bosch (yes) and Patterson (yes). A motion was offered by Commissioner Patterson, seconded by Commissioner Bosch, to approve the role excusing Commissioners Welch, Felician, Somers and Richmond. The motion was unanimously approved 5-0.

APPROVAL OF MINUTES:

Secretary Stoffer referred the Commission to the February 18, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Schimmel, to approve the minutes as submitted. The motion was unanimously approved 5-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Special Land Use Permit: Group Child Care Home (Bowden), 10606 Oakland Drive. Mr. West summarized the staff report dated February 25, 2016 regarding a request by Ms. Julie Bowden to establish a group child care home for up to 12 children at her residence located at 10606 Oakland Drive. Mr. West stated that Ms. Bowden has operated a family child care home for up to six children from her residence for the past 22 years. Mr. West stated the application fulfills the requirements for issuance of a special land use permit and was recommended for approval.

Ms. Julie Bowden (applicant) was present to support the application. The public hearing was then opened by Secretary Stoffer. No citizens spoke regarding the proposed group child care home. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved 5-0. After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Special Land Use Permit (group child care home) for Ms. Julie Bowden, 10606 Oakland Drive. The motion was unanimously approved 5-0.

 DRAFT

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

7:10 p.m. - The Commission took a short recess.

7:15 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 2

OLD BUSINESS:

1. FY2016-2026 Capital Improvement Program. Since the Capital Improvement Program (CIP) document was just recently received by the Commission and given that four of the nine Commissioners were not present, Commissioner Bosch suggested that a detailed category by category review of the Capital Improvement Program (CIP) document occur at the March 17th meeting. Other Commissioners concurred. Mr. Forth discussed the extensive public outreach effort that began in September 2015 with the CIP Open House, Portager articles, CIP web site and on-line citizen survey. Mr. Forth also discussed the Planning Commission preliminary review of the draft 2016-2026 CIP document in January 2016 which also included the results of the on-line citizen survey. Mr. Forth stated the Planning Commission could continue discussions of the 2016-2026 CIP at the March 17th meeting, however, a recommendation to City Council would be needed at that meeting, or a special meeting would need to be scheduled for the following week. Mr. Forth asked that any questions/comments be emailed to him and the full Commission by next week Tuesday, March 8th for research and inclusion in the Planning Commission agenda which will be mailed on Friday, March 11th.

Commissioner Dargitz asked whether more complete streets elements could be incorporated into the CIP, especially along Portage Road in the Lake Center Area. Mr. Forth stated a traffic study of the Lake Center Area has been completed and a presentation of the findings will be provided to the Planning Commission in April. Commissioner Dargitz asked about the cost of Fire Department vehicles (Battalion Chief, Training Officer, Fire Marshal) and the need for new vehicles every three years. Commissioner Dargitz also commented on the "Strong Towns" approach to development that was outlined in an article in the July/August 2015 edition of the Michigan Planner publication. Commissioner Dargitz stated she recalled briefly discussing this approach with the Planning Commission last Fall and was wondering if an appropriation could be included in the CIP (e.g. \$100,000) for small projects that could be proposed by community or neighborhood groups and presented to the city for review and evaluation. Mr. Forth indicated the details associated with this type of a project would need to be identified and presented to the Planning Commission for review, consideration and consensus. Mr. Forth also noted award of a grant to various organizations/groups may not be considered as an eligible CIP project. Commissioner Dargitz stated that after mentioning this idea last Fall, she thought her idea would be carried forward by staff for further consideration and possible creation of a CIP project. Commissioner Dargitz indicated that she was unclear on how ideas/concepts should be presented and developed for further consideration by staff and the Planning Commission. Staff and Commissioners Bosch and Patterson did not recall a prior meeting when this proposed idea/concept was discussed. Commissioners Patterson and Bosch stated that any idea/concept presented by an individual Commissioner needs to be detailed, preferably in writing, so that the full Commission can consider the matter and determine whether there is a consensus to move forward. Mr. Forth and Mr. West concurred and stated that staff could provide assistance in further developing the idea/concept, after it has been discussed, considered and agreed upon by the majority of the Commission.

 DRAFT

Mr. Forth and Mr. West briefly discussed the internal process for development of the 2016-2026 CIP document that began in September 2015 with solicitation of citizen input and ideas; internal preparation and evaluation of specific CIP projects and cost estimates by the various city administrative departments; development and preparation of the draft CIP document and presentation to the Planning Commission in January 2016; and finalization of the draft CIP document and presentation to the Planning Commission for review/recommendation in March 2016 (Planning Commission recommendation is required prior to the first City Council meeting in April 2016). Secretary Stoffer asked if staff could provide a general timeline which summarizes the process and related deadlines for development of the annual CIP document. Mr. Forth stated that this timeline would be provided to the Commission with the March 17th agenda materials. Secretary Stoffer restated that any Commissioner questions/comments regarding the 2016-2026 CIP should be emailed to staff and copied to the full Commission by next week Tuesday, March 8th so that staff could research and provide answers prior to the March 17, 2016 meeting.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

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

TO: Planning Commission **DATE:** March 10, 2016
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Special Land Use Permit: Group Child Care Home (Lansdale), 4020 Pompano Avenue

I. INTRODUCTION:

An application has been submitted by Ms. Natasha Lansdale requesting approval to establish a group child care home for up to 12 children at her residence located at 4020 Pompano Avenue. Ms. Lansdale has been operating a family child care home (up to six children) from this residence for the past three years and would like to expand her day care license. As information for the Commission, the subject property is owned by William and Leslie Reed and Ms. Lansdale and her husband are renting the house. The property owner is aware of the request by Ms. Lansdale to establish the group child care home and Mr. Reed has co-signed the special land use permit application.

II. BACKGROUND INFORMATION:

Existing Land Use/Zoning	The 0.25 acre parcel is zoned R-1B, one-family residential and occupied by an 888 square foot ranch home with a partially finished basement and an attached two-car garage. The parcel is 90-feet wide by 120-feet deep and is located at the southwest corner of South Sprinkle Road and Pompano Avenue. Single family residences zoned R-1B border the subject site to the north, south and west, while commercial establishments (Printing Services, VFW Hall) zoned B-3, general business are located to the east, along the east side of South Sprinkle Road.
Comprehensive Plan	The Future Land Use Map of the Comprehensive Plan identifies the subject site and surrounding properties located to the north, south and west as appropriate for low density residential land use. Properties located along the east side of South Sprinkle Road are designated for local business land use.
Environmental/Historic District	These characteristics/issues are not present at the subject property.
Land Development Regulations	The application is submitted pursuant to Section 42-182(1), Special Land Uses in the R-1B, One-Family Residential District. Subject to review and approval by the Planning Commission, this section permits "Group child care homes" subject to conditions; and Section 42-462, General Standards for Review of Special Land Uses.

III. ANALYSIS:

Michigan statute (PA 110 of 2006, Zoning Enabling Act and PA 116 of 1973, Child Care Organizations) permits family and group child care homes in residential zoning districts including the R-1B zone. The application fulfills the conditions set forth in the Zoning Code for issuance of a special land use permit. The subject parcel is not situated within 500 feet (measured from nearest property line) nor within 1,500

feet (measured as a traveled distance along public streets) from another licensed group child care home, adult foster care small or large group home or other similar use. The site has an attached two-car garage and associated driveway from Pompano Avenue that provides adequate drop-off, pick-up and parking. Consistent with State of Michigan requirements, a full-time non-resident employee will assist with the group child care home. According to the applicant, part-time non-resident employees may also be hired to assist when the applicant and/or full-time assistant have training or other appointments. Section 42-182(I)(5) limits the number of nonresident employees to no more than one unless otherwise required by the State of Michigan.

A fenced outdoor play area is located in the rear yard/southern portion of the site. While the east side of the rear yard (South Sprinkle Road frontage) is enclosed by a 6-foot tall wood privacy fence, the south and west sides adjacent to 8902 South Sprinkle Road and 4014 Pompano Avenue are enclosed by a 4-foot tall chain-link fence. Section 42-182(I)(3) of the Zoning Code allows the Planning Commission to consider installation of up to a six foot tall screening fence around an outdoor play area "...in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety". In the letter supplied by the applicant, she has indicated a desire to install 6-8-foot tall privacy fence sometime this year. The Department of Community Development suggested the applicant approach the adjacent property owners/occupants to the south and west to discuss the adequacy of the chain-link fencing. Ms. Lansdale has secured letters of support from the renter to the west (Dan Morris, 4014 Pompano). The owner of the property to the west (Adam Grassl) also submitted a letter requesting that a 6-foot tall privacy fence be installed along the west side of the applicant's property. An additional letter of support was received from the property owner to the north (Dawn Langley, 8828 South Sprinkle Road). At the time of report preparation, no correspondence has been received from the property owner/occupant to the south.

In addition to the special land use requirements, the special land use permit application is also subject to the General Standards of Review contained in Section 42-462. A listing of the General Standards of Review, along with a brief analysis, is presented below:

- Promote the intent and purpose of this article. Article 4, Zoning, promotes the public health, safety, comfort, convenience and general welfare through orderly development. A group child care home promotes this article by providing a valuable service for working parents who desire quality child care in a residential setting.
- Be compatible with adjacent uses of land and the natural environment. The care of children in a residential setting is compatible with adjacent uses and the natural environment since children are associated with most every residential neighborhood. Recognizing that higher concentrations of children beyond those normally associated with a single-family residential home may impact adjacent homeowners, reasonable conditions such as screening can be required as part of the special land use approval process. A 6-foot tall wood privacy fence and a 4-foot tall chain-link fence that fully enclose the outdoor play area is provided within the rear yard of the site.
- Not unduly affect the capacities of public services or facilities. No impact anticipated.
- Be consistent with the public health, safety and welfare. Operation of a group child care home from a single-family residence located in the neighborhood would be consistent with the public health, safety and welfare.

- Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan. A group child care home would promote Housing + Neighborhood objectives by addressing housing and services for special groups such as families in need of in-home child care options.
- Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use. The operation of a group child care home from this location will not be detrimental to the area or unduly conflict with normal traffic. The care for up to twelve children at this location will likely result in a maximum of 48 vehicle trips (drop-off and pick-up) during an average weekday: Comparatively, a family child care home (up to six children), which is permitted by right in the residential districts, would likely generate one-half this traffic volume in an average weekday (24 vehicle trips). A single family residence typically generates between 8-12 vehicles trips during an average weekday. These additional vehicles at various times during the day are considered minimal and will not negatively impact traffic flow and safety within the surrounding neighborhood. Furthermore, the dwelling is located on the perimeter of the neighborhood adjacent to South Sprinkle Road and will not result in traffic impacts on interior neighborhood residents.

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 published in the local newspaper. As previously indicated, three letters have been received from Mr. Dan Morris (renter, 4014 Pompano Avenue), Mr. Adam Grassl (owner, 4014 Pompano Avenue) and Ms. Dawn Langley (owner, 8828 South Sprinkle Road).

IV. RECOMMENDATION:

Based upon 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 Ms. Natasha Lansdale, 4020 Pompano Avenue, be approved. Based on the letters received and depending on additional public comment that may be received, the Commission may also want to consider installation of a six-foot tall screening fence along the south and west property lines by June 1, 2016 to mitigate any impacts on the adjacent residents/property owners.

Attachments: Vicinity/Zoning Map
Aerial Photograph Map
Special Land Use Permit Application and Supporting Documentation
Citizen Communications Received



Special Land Use Permit 4020 Pompano Avenue



 Subject Property

1 inch = 100 feet

RECEIVED

FEB 15 2016

APPLICANT INFORMATION

Name Natalasha Lansdale		Telephone Number (2109) 364-1721	
Address 4020 Pompano Ave	City Portage	State Michigan	Zip code 49002

OWNER INFORMATION (if different)

Name William Reed		Telephone Number 269-329-0882	
Address 1120 LAKEWAY AVE	City KALAMAZOO	State MI	Zip code 49001

PROPERTY INFORMATION

Address of property 4020 Pompano Ave, Portage MI 49002	Zoning District	Land Area (acres) 0.248
Legal Description (or attach separate page) Parcel number 04140-010-0		
Lot frontage 90.00ft Depth of lot 120.00ft		

PROPOSED USE

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

I currently have a home daycare (upto 6 children). I would like to be granted a special land use permit for a group daycare (7-12 children) Once I have been granted this I will turn my application into the state. I will have 1 full time and 1 part time assistant as required by the state to be in compliance. The back yard is fenced in.

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. I also give my permission for Natalasha Lansdale to make this application and serve as my representative at Planning Commission meeting.

Signature

Date

2-5-2016

To Whom It May Concern,

RECEIVED
MAR 07 2016
COMMUNITY DEVELOPMENT

I am asking for permission to go from and family daycare home to a group home at 4020 Pompano Ave, Portage Michigan 49002. I had a family home for several years while my oldest 4 children were out of school. Once they were all in school I entered back into the workforce out of home, working at a child care center. After about 4 years of working outside the home I became pregnant with my 5th child. So I made the decision to reapply for my family license. I am coming up on my 3-year renewal date and would love to go to a group home where I can reach more children. I have gotten my degree in Early education and hope to be able to put all my knowledge to help children learn and grow to be the best they can be. I would with all children regardless of their situation, my heart goes out to those children who need a little extra love and attention to help them grow.

Over the new year I would like to move out fence out a little more and do the whole yard in a 6 to 8-foot-tall privacy fence. Right now the side of the road facing Sprinkle Road is a 6-foot-tall privacy fence. The back and right side of the back yard (looking at the house from Pompano Ave) is a 4-foot chain link fence. We will also be adding a new play structure within 1 to 1.5 years..

I have 1 full time assistant which is required by the state. I will also be looking to hire 2-part time assistant. To help with times when my assistant or myself have training or appointments we may have.

Thank you for consideration my application for a group home daycare,



Natasha Lansdale

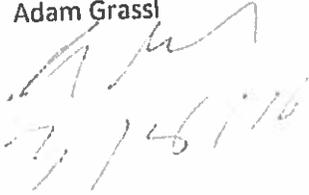
Snowflake Learning Village

269-364-1721

To whom it may concern:

As neighbors to Natasha Lansdale, we request that she have a privacy fence installed on the west side of her property as a condition of granting her the variance. My name is Adam Grassl and I am the owner of 4014 Pompano Avenue. If you have any questions please feel free to contact me at 269-668-9127. Thank you for your time.

Adam Grassl



RECEIVED
MAR 08 2016
COMMUNITY DEVELOPMENT

To Whom It May Concern,

This letter is in regards to my neighbor Natasha Lansdale, DBA Snowflake Learning Village, who has a family daycare in her home at 4020 Pompano Ave, Portage Michigan 49002. Natasha has ran her family daycare for almost 3 years at this address with no issues what so ever. She approached me asking if I would have an issue with her applying for a group license, allowing her to have 7-12 children instead of just the 1-6 children she currently watches. I am more than happy to see her business grow and see no issues arising from it. Her back yard is fenced in, the kids paying out side do not bother me or my family at all, I don't see any issues with the few extra cars it will cause to come down the street while picking and dropping off their children.

Natasha did tell me that I would be getting a letter the mail informing us of the application and when the city would be discussing this at their meeting so if we wanted to come to voice any concern or show support we would be able.

I think this is a great opportunity for Natasha and her family.

Thank you for your time,

Don Morris

Name

4 Mar 16

Date

4014 Pompano Ave Portage MI 49002

Address

269.753.5262

Phone number

RECEIVED

FEB 15 2016

COMMUNITY DEVELOPMENT

To Whom It May Concern,

This letter is in regards to my neighbor Natasha Lansdale, DBA Snowflake Learning Village, who has a family daycare in her home at 4020 Pompano Ave, Portage Michigan 49002. Natasha has ran her family daycare for almost 3 years at this address with no issues what so ever. She approached me asking if I would have an issue with her applying for a group license, allowing her to have 7-12 children instead of just the 1-6 children she currently watches. I am more than happy to see her business grow and see no issues arising from it. Her back yard is fenced in, the kids paying out side do not bother me or my family at all, I don't see any issues with the few extra cars it will cause to come down the street while picking and dropping off their children.

Natasha did tell me that I would be getting a letter the mail informing us of the application and when the city would be discussing this at their meeting so if we wanted to come to voice any concern or show support we would be able.

I think this is a great opportunity for Natasha and her family.

Thank you for your time,

Dawn Langley

Name

02/15/16

Date

8828 S. Sprinkle Rd. Portage, MI 49002

Address

269-873-5357

Phone number

TO: Planning Commission

DATE: March 11, 2016

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: FY2016-2026 Capital Improvement Program – Follow-up

Attached is the email communication with several Capital Improvement Program (CIP) follow-up comments received from Commissioner Dargitz. Responses from the City Administration are provided below.

Question #1 – Community Impact Project Grant Fund. Attached for Commission review is a copy of the America's Suburban Experiment article that appeared in the July/August 2015 issue of Michigan Planner. In summary, the author suggests that rather than spending millions of dollars on one large project, invest a few thousand dollars on several smaller improvements such as crosswalks or landscaping. The provision for making many small capital improvements at a fraction of the cost of a new roadway, for example, is not a new concept for the city. Local examples of small capital improvement projects that have been completed or are programmed for completion that support the "Strong Towns" approach include, but not limited to, the following:

- Installation of pedestrian refuge islands in Portage Road south of East Centre, Oakland Drive south of West Milham, Romence Road east of Moorsbridge Road, and Constitution Boulevard north of Romence Road.
- Pedestrian crossing improvements: Pedestrian signal installation at Ruth Street and South Westnedge Avenue (project also included ADA ramps and crosswalks), pedestrian activated crossing at Moorsbridge and Muirfield.
- City Centre Area improvements (entry features, wayfinding signs, etc.).
- Lake Center Area improvements (entry features, wayfinding signs, etc.).
- Sidewalk connectivity improvements in the Lake Center Business District, Westfield Plat, Portage Road between Romence Road East and East Milham Avenue.
- Partnered with Portage Public Schools on several improvements including South Westnedge Avenue refuge island, installation of the Oregon Street sidewalk and installation of flashers on Portage Road at Lake Center Elementary School
- Local Street Traffic Calming Program.
- Local street neighborhood enhancement program (right-of-way restoration, drainage improvements, street lights, street trees, etc.).

While the concept of this proposed project is not without merit, the use of CIP money for grant-funded projects may be problematic. In order to be funded through issuance of debt, capital assets need to meet certain criteria to collateralize the debt. Other CIP funding sources like Act 51 monies from the Major Streets fund have restrictions as well. Two of the three suggestions mentioned by Commissioner Dargitz (installation of playground equipment and traffic calming measures), would meet the criteria for a CIP project and could be programmed as such based on input from the

Planning Commission and public, which can be garnered through the annual CIP open house and on-line citizen survey planned each fall, at the start of the CIP process. As requested by the Commission, attached is a copy of the annual CIP schedule utilized by the City Administration.

Painting of a mural on a wall located on private property would likely not meet the CIP project criteria. Consequently, allocation of funding and the award of grants would appear to be more appropriate for the General Fund operating budget similar to decorative projects like seasonal flowers and decorative holiday lighting. However, those are General Fund expenditures. These types of projects could also be funded by non-profit groups such as the Kalamazoo Foundation, Friends of the Parks, or Friends of Portage Senior Center, using donated money to support their own defined goals.

If the Commission wishes to further research the Community Impact Project Grant Fund, it is recommended a subcommittee be formed of no more than four members. Basic details of the project including the types of projects eligible for funding, implementation, promotion, award criteria, establishment of an award committee(s), and so forth would need to be determined before the project is presented to City Council for consideration. Staff would be available to assist the Planning Commission subcommittee. As an alternative, the Planning Commission could consider this project during preparation of the annual work program that occurs in June/July of every year.

Question #2 – Streets. As the Commission will recall, the City Council adopted a Complete Streets policy in August 2015. By definition, Complete Streets is a transportation system that meets the needs of all types of users – motorists, pedestrians (including those with disabilities), bicyclists, transit vehicles and users, freight haulers, emergency responders and citizens of all ages and abilities. During the preparation of annual CIP, each roadway segment is evaluated for the applicability of the various complete street elements. Major roadways receive priority over local roads.

With regard to Portage Road south of Centre Avenue, there is an existing sidewalk on the east side, which ends approximately 1,700 feet north of Mandigo Road. The FY2016-17 Portage Road reconstruction project incorporates complete street improvements. In particular, the sidewalk will be extended south to Mandigo from the point at which it currently ends 1,700 feet to the north. In addition, and related to Complete Street policies, a traffic consultant hired by the city has evaluated the possibility of reducing the number of Portage Road travel lanes from Forest Drive to Lakeview Drive from five to three. The results of this road diet study will be presented to the public for input in April 2016.

With regard to other sections of Portage Road and South Sprinkle Road and major thoroughfares in general, the City Administration closely reviews the existing sidewalk network and the Non-motorized Transportation Plan when developing CIP projects and extend sidewalks, bikeways and multi-use trails as appropriate and as resources permit.

With regard to radar speed signs, the city currently has three signs. Two additional signs are proposed to be purchased this year bringing the total to five signs. These signs will be placed at various locations when and where needed.

Question #3 – Fire Vehicles (not fire trucks, just the basic vehicles)
Question #4 (Police Vehicles).

See attached response from the Public Safety Director.

Question #5 – Lake Center Area Improvements. Unlike local residential streets, traffic calming measures such as speed tables, lateral shifts or diverters, are not typically utilized on major streets. National traffic engineering and public safety (police/fire) officials are in agreement that physical traffic calming measures such as speed tables and bump outs, mini roundabouts are not appropriate for major streets due to the higher legal speed limits, multi axle trucks and emergency response vehicles. The most effective measure is the continued use of the radar driver speed feedback signs combined with directed speed patrol by Public Safety.

Speed limits are set on major thoroughfares based on the 85th percentile (i.e. the speed that 85% of the vehicles do not exceed). If the speed limit is to be lowered, geometric changes need to be made to the roadway. As noted above and as identified in the Lake Center Subarea Plan, a traffic consultant has evaluated the potential for geometric changes for Portage Road involving the reduction of the number of travel lanes from Forest Drive to Lakeview Avenue from five to three. Also, changes to the Lakeview/Portage Road and Osterhout/Portage Road intersections are also being considered. Once these intersection improvements are complete, a road diet between Lakeview and Osterhout can be implemented. If these geometric changes occur, lower speed limits will also be considered.

If there are no further questions/comments, it is advised that the Planning Commission recommend to City Council the FY2016-2026 Capital Improvement Program be approved.

Attachments: Communication from Commissioner Dargitz
 America's Suburban Experiment article
 CIP schedule
 Communication from the Richard White, Public Safety Director

T:\COM\DEV\2015-2016 Department Files\Board Files\Planning Commission\PC reports\2016 03 11 CIP Follow-up.docx

Christopher Forth

From: Christina Dargitz <cmikodh@yahoo.com>
Sent: Saturday, March 05, 2016 8:34 AM
To: Christopher Forth; bettyraeb@gmail.com; bill69mi@yahoo.com; brian@fpeonline.com; Caroline Richmond (gregncari@charter.net); dave.felicijan@gmail.com; paul.welch@stryker.com; Rick Bosch (rickinmich@charter.net); wstoffer@chartermi.net
Subject: Re: FY2016-2026 Capital Improvement Program

Hi Everyone,

Here are the questions I had with regard to the proposed CIP:

Community Impact Projects Grant Fund

Back in the fall, I brought up and we discussed during one of our meetings in which we adjourned to Conference Room 1 or 2 to discuss the CIP, the idea of creating a CIP item that is something like a Community Impact Project fund. This idea is based on the "Strong Towns" approach discussed in the July/August edition of the Michigan Planner newsletter that we receive along with our Planning Commission packets. (I can't find a link for the article that I can include, but maybe Chris or Mike could forward everyone a copy of the article in case everyone hasn't had a chance to read it?) The idea is to set aside a lump sum of money from which the City could award smaller "grant"-type awards to grass-roots community-driven projects that the City thinks would have the greatest positive impact on the community. Some such projects could be mural paintings at key locations like the block wall below the bike path connecting Angling Road and Crossroads Mall (Chris' idea), playground equipment at local pocket parks (Betty's idea), or benches or other landscape-type elements that help with traffic-calming along roadways to help make our community more walkable (my idea). This could be set up like a grant application or a "contest" for the best ideas/projects, and could include basic reporting requirements, if desired. Who knows what kinds of great ideas other Portage citizens might come up with!

For those of you who were at Thursday's meeting, you know I am very passionate about this idea, and I apologize if I was overly worked up about the importance of creating something like this. The problem was that, although we discussed the idea back in the fall, I didn't bring it up at the January 24th discussion because I was sick (I was there, but sick), and I thought there would be at least one more opportunity to bring it up and have it be considered before the final CIP was printed. Unfortunately, I didn't realize that the "proposed" CIP stage (Thursday's meeting) was considered too late to bring it up again.

I'm still hoping there's a possibility that something like this could be included this year because I think it's an incredible opportunity for the City to support community members to gather together to improve their neighborhoods and our community, and make Portage an even better place to live. Whether it's \$100,000 for twenty \$5,000 grants, or \$20,000 for ten \$2,000 grants, this program could be transformative for our community, not only bringing new ideas and passion to improving our community, but engaging and empowering our citizens toward implementing grassroots, community-generated projects that make a difference to them, in their neighborhoods.

According to the Strong Towns approach, the idea is, rather than focusing on big, expensive projects hoping that their benefits will trickle down, to "spend just a few thousand dollars making small improvements." The Michigan Planner article states that "if we ask ourselves everyday, 'What is the

next, smallest thing we can do to make this place better?" soon we will find that we have made a lot of small, inexpensive changes that make a big difference overall. You can check out the Strong Towns website at www.strongtowns.org.

Question #2 - Streets

I feel like the "complete streets" approach is most needed on some of the more major roadways such as Portage and Sprinkle, and not just on the local roadways per the "Local Street Traffic Calming Program." The City could invest in traffic-calming elements such as benches, flower pots, landscaping for these major roadways to help calm traffic where it is most dangerous.

Speed feedback signs appear to be effective - could we buy more and deploy them as needed? The ones with the red and blue flashing lights that mimic a police car seem to be especially attention-grabbing and effective.

Question #3 - Fire Vehicles (not fire trucks, just the basic vehicles)

Why are these vehicles so expensive? They're not fire trucks, just the vehicles that the Battalion Chief, Training Officer, and Fire Marshal drive around in - \$85k for the Battalion Chief vehicle, which is replaced every 3 years? Sounds crazy to me. Maybe we could instead purchase vehicles that are 1-year old, but still under warranty, and save a lot of money! Statistics show that vehicles lose on average, about 19% of their value in the first year. If we apply that figure to these 3 vehicles, the City could save almost \$35,000 just by purchasing them 1-year old. Even if half of the vehicle's original cost is not just the vehicle itself, but equipment inside the vehicle, you're still looking at a savings of over \$17,000 for buying 1-year old vehicles instead of brand new. There's also a line item for \$110k to replace 2 SUV rescue unit vehicles - \$55k each! That's a potential \$20,000 savings on those. And again, even if the equipment is half the cost, it's still at least a \$10,000 savings. Minimum savings for all these vehicles would be about \$27,000, maximum savings \$55,000 - just for purchasing 1 year old instead of new.

Question #4 - Police Vehicles

The City has almost \$2,000,000 allocated for police vehicles over the next 10 years. If we implemented an approach of purchasing vehicles that were just 1 year old, we could save \$380,000 over 10 years, or approximately \$38,000 per year! Again, even if half of the cost of police vehicles is equipment, technology and retrofitting (which I don't think it is), that's still a savings of \$19,000 per year. All of these small savings can add up to a significant amount.

Question #5 - Lake Center Area Improvements

I think that traffic calming should be a major, if not THE major component of Lake Center Area Improvements. Lake Center needs to be a walkable community, and with Portage Road the way it is, Lake Center is not only not walkable, it's downright dangerous in some places, especially with the vehicle speeds as fast as they are.

I know that Chris and Mike said that our questions should focus on or be limited to land use concerns, but to me, some of the financial questions directly affect land use within the City because savings in these areas could help to fund other much needed improvements. The funding sources for the police and fire vehicles look like straight City cash or CIP which could be used for other line items, departments, categories.

Sorry for the long email, but I was told to put the Community Impact Project Fund question in writing, so here it is. I will be following up on this idea/question at the next meeting on March 17, where I hope

to get consensus from the Planning Commission on asking staff to further investigate this question and help craft a proposed line item - even if it's for next year's CIP. Thank you all for your time and consideration. Have a great weekend!

Best,
Miko :)

From: Christopher Forth <forthc@portagemi.gov>
To: "bettyraeb@gmail.com" <bettyraeb@gmail.com>; "bill69mi@yahoo.com" <bill69mi@yahoo.com>; "brian@peonline.com" <brian@peonline.com>; "Caroline Richmond (gregncari@charter.net)" <gregncari@charter.net>; "dave.felicijan@gmail.com" <dave.felicijan@gmail.com>; "cmikodh@yahoo.com" <cmikodh@yahoo.com>; "paul.welch@stryker.com" <paul.welch@stryker.com>; "Rick Bosch (rickinmich@charter.net)" <rickinmich@charter.net>; "wstoffer@chartermi.net" <wstoffer@chartermi.net>
Sent: Friday, March 4, 2016 8:35 AM
Subject: FY2016-2026 Capital Improvement Program

Good morning Commissioners:

As a follow-up to our conversation last night, please provide any questions or comments you have concerning the FY2016-2026 Capital Improvement Program (CIP) by 5:00 p.m. on Tuesday, March 8th. Once received, responses will be prepared and provided to the Commission as part of the March 17th meeting agenda.

If you have any questions, please contact me at your earliest convenience.

Christopher Forth, AICP
Deputy Director of Planning, Development & Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002
269.329.4474
www.portagemi.gov

CONFIDENTIALITY: Pursuant to the Electronic Communications Privacy Act of 1986, 18 U.S.C. Sec. 2510, et seq. (the "ECPA"), notice is given that the information or documents in this electronic message are legally privileged and confidential information, intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient, please be aware that any disclosure, distribution, use or copying of the contents of this message is prohibited. If you have received this message in error, notify the sender immediately by return mail or contact helpdesk@portagemi.gov and delete this message and any attachments from your system. Thank you.

MICHIGAN PLANNER



American Planning Association
Michigan Chapter

Making Great Communities Happen

A Publication of the Michigan Chapter of the American Planning Association

AMERICA'S SUBURBAN EXPERIMENT

For thousands of years, humans built settlements scaled to people who walked. Even as inter-city transportation technology changed from domestic animals to trains and cities began to develop streetcar networks internally, the vast majority of daily trips were still made by foot.

This, of course, changed with the advent of the automobile, a technology that became ubiquitous in America following World War II. Over the past two generations, we have reshaped an entire continent to accommodate this new technology, from interstates to connect our cities to the streets within them. We developed new building types, new ways of arranging things on the landscape and new standards for building and financing, all from scratch, all within a very short period of time.

These pre-automobile cities, big and small, built on different continents and at different latitudes by different cultures around the world, share a stunning similarity of design. When we look back at the way prior human civilizations built their places, when we study the way they assembled their streets, designed and placed their buildings and phased their infrastructure, we can start to appreciate the wisdom embedded in this approach. It is an understanding that was developed over thousands of years of trial and error experimentation.

Societies tried things. What worked they copied and expanded on. What didn't work they stopped doing or their society failed. Over the slow grind of time, during times of growth and times of decline, times of prosperity and times of want, humans refined this approach. By trial and error, our ancestors optimized the craft of city-building to the social, cultural and financial realities of complex societies. The results were far from perfect, but there is no question the cities they built had tremendous resiliency. They even benefitted from moderate levels of stress, a phenomenon



The "Small Towns" approach is about moving from expensive investments in new infrastructure (above) to making small bets on resilient, adaptable places (below).



scholar and author Nassim Taleb calls "antifragility," or the ability to grow from errors and volatility.

Concurrent with the advent of the automobile came many other technological and social changes that allowed modern humans to dream big. Cheap fossil fuels. Advanced communication technology. Centralization of decision-making. Proactive management of the national economy. We attacked the many problems of the traditional city with the fervor of a great nation empowered to make things happen at a grand scale.

We developed different building types. Different building styles. We came up with different ways of arranging

Continued on page 3

PLANNER INSIDE

AMERICA'S SUBURBAN EXPERIMENT	1, 3-8
CONNECT	2
TRANSPORTATION BONANZA REGISTRATION FORM	10

America's Suburban Experiment, continued from page 1

things on the landscape and different ways of connecting these places. We developed an entirely new system of regulation to rapidly replicate this new pattern along with the financing mechanisms and economic incentives to make it happen.

This all seems normal to us today – for most of us, it is all we have ever known – but it is critical to understand that, in the course of human history, the American development pattern is one of the greatest social, cultural and financial experiments ever attempted. The knowledge we apply daily in this experiment wasn't developed by trial and error over the slow grind of centuries. It was advanced in academia and within government meeting rooms, initially based largely on the theories of European intellectuals.

We didn't try it out for a couple of generations in one part of the country to see how it would work. We just did it. Everywhere. All at once.

THE GROWTH PONZI SCHEME

Since the end of World War II, our cities and towns have financed growth using three primary mechanisms:

- Transfer payments between governments, where the federal and/or state government makes a direct investment in growth at the local level, such as funding a water or sewer system expansion.
- Transportation spending, where transportation infrastructure is used to improve access to a site that can then be developed.
- Public and private-sector debt, where cities, developers, companies and individuals take on debt as part of the development process, whether during construction or through the assumption of a mortgage.

BAIT AND SWITCH: THE "DARK STORES" SCHEME



In an ironic twist, three years after Marquette Township celebrated the groundbreaking of a new Lowe's store, which had been supported by local infrastructure investments in the U.S. 41 corridor, Lowe's filed a property tax appeal. After the Michigan Tax Tribunal decided in Lowe's favor, the township's court challenge was thrown out and the community found itself owing the company a \$755,000 tax refund.

The township was the victim of a "dark store" property tax appeal. Big box retailers throughout Michigan have headed to the Michigan Tax Tribunal and the courts to make the case that their buildings are so specific to their business, they are functionally obsolete upon construction and therefore should be valued as if they were vacant – or "dark" – stores.

Planners have long sounded the alarm that big boxes aren't such a good deal for our communities. Michigan Chapter APA board and policy committees are studying Dark Store impacts on Michigan communities and following bills recently introduced in the legislature to curtail the practice.

With each of these mechanisms, the local unit of government benefits immediately from the enhanced revenues associated with new growth. Fees are paid, licenses obtained and tax revenue increases with most of the costs of development being paid by someone else. As part of the transaction, the local government also typically assumes the long-term liability for maintaining the new infrastructure. They promise to fix everything when it inevitably needs repair. This exchange — a near-term cash advantage for a long-term financial obligation — is one element of a Ponzi scheme.

The other is the realization that the revenue collected does not come close to covering the costs of meeting that obligation. Over a life cycle, cities often receive just a dime or two of revenue to put towards each dollar of liability they assume. That is because the financial productivity from the auto-oriented development pattern — the amount of tax revenue

obtained per increment of liability assumed — is ridiculously low.

Spread a population out over a larger and larger area and everyone in the system has that many more feet of roads, streets, sidewalks, pipes, pumps and valves that their excess wealth must pay to sustain. The footprints of our cities have grown substantially faster than our wages or our productivity. When the bill comes due — decades after the liability was assumed — cities struggle to make good on their promise. The natural reaction is to do what worked in recent memory: bring in more revenue by investing in more growth and taking on even more liabilities in the process.

With the help of programs and politics that are perfectly aligned to this approach, we've been able to kick the can down some mighty long (and wide) roads. Still, American cities have a ticking time bomb of unfunded liability for infrastructure maintenance. Municipal taxes have

risen at twice the rate of wages/salaries since 2000. Local government debt has risen by twice the rate of GDP in that same time period. These are trends that clearly cannot continue, but are we culturally capable of envisioning a different approach to growth and development?

AN ILLUSION OF PROSPERITY

Humans have a well-understood tendency to value pain and reward differently over time. We smoke, eat that extra bowl of ice cream and put off exercise because there is an immediate benefit to the action while the pain associated with the decisions is delayed. The pain is actually so far in the future that we usually don't even consider it at the time.

And not just delayed but indirectly correlated. We can eat the occasional bowl of ice cream and watch a little television and be just fine, but if we spend decades indulging in this way, we put ourselves in a painful position from which it is difficult to recover.

Economists, engineers and some of the other brightest among us routinely tout the multiplier effect of infrastructure spending, how small investments in infrastructure spawn massive feedback loops that create jobs and propel economic growth. Even where these analysis are done with serious rigor, they never take into account the second life cycle costs, those involved with repairing and replacing all of the infrastructure, of meeting the obligations local governments assume when they undertake this type of transaction. That is a problem of a future generation. We don't even bother to consider it.

Standard accounting practices have enshrined this temporal discounting as public policy. Cities routinely count new infrastructure as an asset on their balance sheet even

though it creates no revenue and cannot be sold or transferred (the standard definition of an asset). In other words, whether that mile of new road creates a billion dollars of private investment or none is never considered. If the project generates cash flow – if we can get federal and state money, transportation dollars or private sector partners to front the capital costs – then the city is getting more prosperous. We look no further than this.

Of course, this is absurd. The reality is that infrastructure is a liability; an ongoing, future, financial obligation of the city and its taxpayers. When we don't create enough revenue-generating assets (tax base) to cover the liabilities we are assuming, our cities eventually become insolvent. That our basic accounting systems don't do the cost/benefit analysis to determine the true cost of an infrastructure investment shows how divorced from reality the business of local government has become.

And while we obsess at every level of government about attracting more development, our real problem is not a lack of growth. Our fundamental problem is seventy years of unproductive growth — growth that has buried us in financial liabilities. In Michigan alone, there are 13 municipalities and 5 school districts under state emergency manager oversight – all of which are older urban areas impacted by the ever outward expansion of new infrastructure to support burgeoning suburbs.

The American pattern of development does not create real prosperity. It creates the illusion of prosperity. Today we are in the process of seeing that illusion destroyed, and with it the prosperity we have come to take for granted, neighborhood by neighborhood, city by insolvent city. We have stymied local governments

from providing essential services in the face of this crippling debt.

WHAT CAN WE DO NOW?

Sadly, there is no “solution” to these complex problems in the sense that there is no universal policy or set of policies that will allow us to continue to do what we're doing indefinitely. The reality is that we've tried different approaches; we've done everything we can – including taking on unprecedented levels of debt – to keep this Ponzi scheme going. Americans are very smart people; if there was a simple fix to the problems we face, we would have done it by now.

Our national, auto-oriented, sprawling development pattern is a big experiment that hasn't worked out as we had hoped. We're now going to have to adapt to something else. We're forced to try a different experiment or, hopefully, we're going to opt to try a set of many small experiments. As Nassim Taleb suggests, the way to probe uncertainty is to try little things and see what works.

At Strong Towns, we call these “rational responses”, ways that thoughtful people can make a path through the uncertainty of the complex challenges we now face. It's not so much about telling people what to do, rather suggesting how to think about what to do. The future of our cities does not rest with those who can navigate a code book or an instruction manual but to those who can think creatively and work collaboratively.

HERE ARE THE ELEMENTS OF A STRONG TOWNS APPROACH:

Make little bets. Our local governments, and the populations they serve, are oriented around the big project. We like to think that a single bold stroke – like a convention center, streetscape project or new zoning

code – will be a catalyst that causes major transformation. We sometimes even fall for confirmation bias when we look at another city we perceive as more prosperous and correlate their success with our desire. Our centralized funding systems (public and private) reinforce the notion that prosperity trickles down.

While it's unlikely that enduring prosperity trickles down, in our new economy we can see dramatic examples of how interconnected webs of commerce and culture emerge from seemingly nothing to form a greater whole. In many ways, America seems to be trying to switch from a centralized economy to an economy built on local economic ecosystems, where prosperity builds upward, not downward. This is most evident in the local food movement, but other examples are emerging as well from breweries to 3D printing.

Cities can support the emergence of local economic ecosystems by thinking small and making little bets. Instead of spending millions widening a roadway to fight perceived congestion, spend a few thousand making small improvements that make it easier to walk. Crosswalks, sandwich boards and shrubs are not glamorous investments, but they aren't expensive either. Some of these improvements won't generate any noticeable activity, but some will. Build off of the successes with another round of small improvements.

Local government officials working to make their places more successful should have one central question they ask and answer: What is the next, smallest thing we can do to make this place better? Do this day after day and your larger investment opportunities will become self-evident byproducts of success, not catalysts of hope.

Focus on resiliency, not efficiency.

THINKING SMALL: LIGHTER, QUICKER, CHEAPER



In an era of local government downsizing, citizens all over the state are seeking out creative grassroots approaches to improve the places where they live. These homegrown solutions, dubbed "Lighter, Quicker, Cheaper" or LQC by the Project for Public Spaces, are small, temporary and inexpensive changes that can transform an underutilized space into a lively place.

Michigan LQC placemaking examples abound. In East Lansing, a neighborhood created a gathering spot in an underutilized area and installed a Little Free Library to draw residents to the space. In southwest Detroit, the Detroit Collaborative Design Center worked with Young Nation, a collective of young artists, to transform alleys and vacant lots into safe gathering spots for kids to play. Marquette residents got a small grant to install a parklet and a bicycle corral on a downtown street. And in Grand Rapids, a resident who created homespun "Slow Down" signs for streets in his East Hills neighborhood is now getting requests for signs from other neighborhoods throughout the city.

For more information, visit the Project for Public Spaces at www.pps.org and MIPlace at www.miplace.org.

Americans often place a high value on efficiency, but doing the wrong thing efficiently is no virtue. It might be more efficient to run two miles of utilities at the same time rather than to build it block by block as it is needed, but the incremental approach provides more options if things don't go as planned or if a better opportunity presents itself in the future. City officials should make choices that favor resiliency of result over efficiency of execution.

In addition, local governments are mostly organized in the efficient silo/hierarchy model of the 1950's, an approach you won't find in today's most successful and innovative work environments. We must reorganize our local bureaucracies to be more flexible, tactical and team-focused. When hiring, favor people with cross-disciplinary knowledge and experience over someone who is a purported expert in a narrow field of study.

Efficiency is the virtue of the assembly line. We must move away from the

mindset that treats cities as if they can be assembled like a game of Sim City.

Favor the adaptable. A system that adapts is one where being right all the time isn't necessary. We can make mistakes, receive feedback and change our approach. The traditional development pattern of the pre-automobile age was highly adaptable. Most buildings could serve multiple purposes and would easily convert over time. Neighborhoods were allowed to grow incrementally in three dimensions – upward, outward and in ever-increasing intensity – and that allowed them to change over time as well.

The underlying assumption of modern zoning is that neighborhoods do not change (except where there is dramatic failure). When we zone a neighborhood of single family homes, we never imagine that it could evolve to be anything else. We even empower people to fight against it doing so. Our commercial building types – the big box store, the drive through



CREATE A SMART CIP

One of the most powerful tools a local government has to shape development and avoid costly infrastructure liabilities is its annual capital improvements plan (CIP). The CIP is more than just a budget document. It can be an important tool to help a community implement its master plan for future development by identifying smart infrastructure choices that are based on realistic demographic and financial projections.

While most communities have a CIP that adequately schedules and budgets public expenditures, the document can take on the character of a wish list. To really “do the math” on potential infrastructure investments, it’s important to start out with a clear-eyed look at your community’s current infrastructure inventory and what it costs to maintain. Life cycle and replacement costs should be used to create a balance sheet of future obligations. One helpful technique is to develop a scoresheet with criteria weighted to reflect the community’s master plan recommendations and use it to prioritize projects against each other.

For guidance on developing an effective CIP, check out the Michigan Economic Development Council’s Redevelopment Ready Communities best practices at: http://www.michiganbusiness.org/cm/Files/Redevelopment_Ready_Communities/CIP-guide.pdf

restaurant, the strip mall – are also not easily adaptable.

When a neighborhood is not allowed to incrementally adapt and change over time, it stagnates. There is no natural renewal mechanism and so, given enough time, the only trajectory possible is downward. We often feel compelled to deal with dramatic failures through government intervention (tax subsidies, condemnation, large density bonuses, etc...) when we could forestall and reverse many of them if we had been more adaptable earlier on.

Be inspired by bottom/up action and not top/down systems. Municipal officials have accepted as the least-bad option the processes we typically use for gathering public input. Public hearings, visioning sessions, sticker charts on the wall, surveys and the like allow us to gain superficial input from a self-selected percentage of our population in a way that, while we don’t often enjoy, is within our

comfort zone.

Here’s a different approach: Put your walking shoes on and get out on the street. Don’t engage people on your terms; observe them on theirs. Ask yourself some basic questions: Where do I see people struggling? What is the next smallest thing we can do to address that situation? What does it feel like to be here in this space at this time? How can we make that better?

When we ask people in large public meetings what they want, we get the orderly but inadequate projects that define our modern bureaucracies. When we observe where people actually struggle with the city (and the hacks they have developed to deal with those struggles), we start to understand the things we can do that could actually improve people’s lives. We call this “chaotic but smart” and, whether it is Tactical Urbanism or simply helping people more easily cross the street, it is the way smart cities are starting to do business.

Seek to conduct as much of life as possible at a personal scale. When we build places for people, they grow financially strong and resilient. When we build places for automobiles, they experience a short burst of prosperity, a period of stagnation and then steep decline. We need to re-learn the lessons from the thousands of years of building cities for people.

This is more than complete streets, an approach that seeks to accommodate pedestrians and cyclists in an environment dominated by automobiles. Places that are financially strong and resilient accommodate automobiles in environments dominated by people. Humans are the indicator species of financial success. We need to focus on them, not their cars.

Do the math. Local governments need to become obsessive about accounting for revenues, expenses, assets and long term liabilities. Year to year budgets are not adequate for institutions that take on multi-generational liabilities as a routine part of operations. Solvency is a prerequisite for doing good things. This is not simply the responsibility of the administrator or financial officer: it needs to become everyone’s obsession.

You can learn more about the Strong Towns approach and participate in the Strong Towns movement at www.strongtowns.org.

AUTHOR CHARLES MAROHN is a certified planner, licensed engineer and president of Strong Towns, a non-profit organization working to help local governments become financially strong and resilient. He has authored two books, writes regularly for Strong Towns and is the primary host of the Strong Towns Podcast.

ISSUED: August 12, 2015

ORDER NO.: 5.01

SUBJECT: Annual Ten-year Capital Improvement Program

To ensure a sound financial plan and basis for essential budgetary decisions, to provide high quality, fiscally responsible public services and consistent with the annual Mission Statement, Goals and Objectives and Long Term Action Areas adopted by the City Council, an annual process for the preparation of the City of Portage Capital Improvement Program (CIP) is established.

This Administrative Order establishes the framework through which financing long term capital expenditures can be accomplished.

I. Annual CIP Program Update – Objectives and Purpose

The CIP serves as the community plan for long- and short-range physical development and is intended to be the implementation link for various planning documents which have been prepared for Portage:

- A. Comprehensive Plan for 20 years (including Transportation/Major Streets, Complete Streets, Recreation and Open Space, Natural/Cultural Resources, Economy/Market Place, Utility Infrastructure and Community Facilities), as well as
- B. Strategic plan studies such as the Stormwater Master Plan, the Wellhead Protection Program, Water Utility Infrastructure Analysis Program, Walkway/Bikeway Plan, among others, and
- C. Periodic public facility audits (and other preventative maintenance reports) which are performed for various municipal facilities, and
- D. Annual reports and studies such as utility operation and maintenance reports, annual traffic counting and signal studies, park and recreation and cultural reports, citizen surveys, among other departmental studies which are routinely accomplished, and also
- E. Special studies (or special initiatives introduced by the City Administration) which may be accomplished for specific purposes, and other appropriate documents.

Since the CIP is not static and the program of improvements must meet constantly changing community needs and priorities, each year the CIP will be reviewed and updated. During this annual review and update process, updated or new planning documents, unique opportunities, innovative solutions, alternate strategies and costs of capital improvements are to be reflected in each department and office submission. In addition, opportunities for increased public input are being sought at various stages of the CIP development. It is incumbent on each department and office to carefully consider the range of planning documents available, adopted goals and objectives of the City Council, the previous CIP budget and plan, and the variety of new information, including public input, which is available when preparing and prioritizing the submission of projects.

II. Definitions of Terms

- A. **Capital Improvement Program:** The CIP represents the multi-year scheduling of public physical improvements. The scheduling is based on studies of identified public improvements to be constructed and available fiscal resources for a period of ten (10) years into the future. Public physical improvements include new or expanded physical facilities that are relatively large size, expensive and long term.
- B. **Capital Improvement:** A capital improvement is defined as a public physical improvement which has a minimum cost of at least \$10,000 and an expected life of at least three years (with the exception of police vehicles purchased annually). The following improvement projects meet the definition of capital improvement:
1. A new and expanded physical facility.
 2. The large-scale rehabilitation or replacement of an existing facility.
 3. A major piece of equipment which is expensive and has a relatively long period of usefulness.
 4. The purchase of equipment for any public improvement when first erected or acquired.
 5. The cost of engineering, architectural or planning studies and services related to a public improvement.
 6. Land acquisition.

Capital improvements will be listed under the applicable CIP project categories. The categories include: **Streets, Sidewalks & Bikeways, Water, Sanitary Sewer, Police, Fire, Public Facilities, Parks & Recreation.** Project categories may be modified as necessary to accommodate future capital improvements.

- C. **Capital Improvement Budget:** The budget constitutes those facilities that are programmed for the first fiscal year of the ten-year CIP. The Capital Improvement Budget is enacted as a part of the annual budget adopted by the City Council and will be the basis upon which the Council will appropriate specific funds during the budget year for identified projects.

III. Program Forms

- A. **Project Status Statement:** The statement is for the purpose of determining the progress made on the projects that were listed in the current Capital Improvement Budget. The statement will indicate whether the project is complete, underway, to be initiated (by when), to be reprogrammed, or to be cancelled.
- B. **Capital Project Profile:** The profile consists of one page and is for the purpose of describing proposed capital improvement projects for the ten-year CIP, including previously identified projects which are to be reprogrammed. The profile is to indicate the department submitting the project, the project category and the project number. Additionally, the profile must contain the following information: Project Title, Project Description, Project Justification/Need, Project Benefit/Impact, and Operating Fund Impact. The administrative department submitting the project for inclusion in the CIP will indicate the priority of the proposed project.
- C. **CIP Project Summary:** The summary consists of one page and is for the purpose of identifying capital improvement projects by category, by year, and by funding source(s). The

chronological order of projects as they will be undertaken will be shown on the summary forms. The initial page of each CIP Project Summary will list the projects by category and by year. The second page of the CIP Project Summary will identify the funding source(s) for each project. A cost estimate must be developed and is to be based on current year costs: Do not project for inflation.

IV. Annual City Administration Review Schedule

To identify the steps in formulating the CIP, the time frame for completion, opportunities for public input and review by the Planning Commission, and the responsibilities of the various departments and offices, a calendar schedule is essential. In order to ensure the efficient and coordinated development of the CIP, the following Capital Improvement Program schedule is established.

A. First week in September:

1. Department of Community Development will issue Capital Improvement Program instructions and forms to each city department, as approved by the City Manager.
2. Public education, outreach and request for input will be initiated and coordinated by Community Development. Public education and outreach efforts will include efforts such as: article in September edition of PORTAGER; email and Portage Alert messages to citizen groups; cable access messages; press releases and webpage on city website. To garner public input regarding potential capital improvement projects, an on-line survey will be available during the month of September. Information regarding the CIP and on-line survey will also be provided to city advisory boards for review and input.
3. In addition, during the month of September, the Planning Commission will host a special CIP "open house" meeting to provide additional opportunity for public input by both the general public and the Planning Commission. Broad community outreach for the special meeting will be coordinated by Community Development, using similar methods as noted in above. Property owners in proximity to approved CIP projects proposed for the second year of the CIP will receive direct mail notification of the special meeting (note: second through 10 year projects will be reviewed at this public input meeting since first year projects have already been reviewed/approved by City Council as part of the current fiscal year budget). Community Development staff will facilitate the meeting and provide an overview of proposed second year projects and overall 10-year CIP. After the overview, Department Heads will be available at "work stations" to assist citizens with questions and comments regarding: 1) Streets and Sidewalks (Department of Transportation and Utilities); 2) Water and Sewer (Department of Transportation and Utilities); 3) Parks and Recreation and Bikeways (Parks, Recreation and Public Services); 4) Police and Fire (Public Safety); and 5) Public Facilities (Community Development).
4. The results of the on-line survey and special Planning Commission meeting will be summarized and forwarded to Department Heads and the CIP Review Team for consideration in development of CIP projects on October 1 or the first business day after September 30.

- B. First Monday in October: Submission of technology related CIP Program Forms by each department and office to the Director of Technology Services and Community Marketing.
- C. Third Monday in October: Submission of the Project Status Statement, prioritized Capital Project Profile, and a CIP Project Summary by each department and office to the Department of Community Development. The preliminary Capital Improvement Program will then be compiled by the Department of Community Development based on identified departmental priorities.
- D. Second Monday in November: Transmittal of the preliminary Capital Improvement Program by the Department of Community Development to the Office of the City Manager for information and to the Finance Department for the preparation of revenue projections along with the determination of the impact of proposed projects on municipal finances. The transmittal must include a complete copy of prioritized Capital Project Profiles and CIP Project Summary forms.
- E. First Monday in December: Submittal by Finance Department of Revenue Projections and determination of impact of proposed projects on municipal finances to City Manager and Director of Community Development
- F. Second week in December through second week in January: Review of the proposed CIP by the City Manager with the assistance of Community Development and Finance Departments.
- G. Third Thursday in January: Planning Commission will review the draft CIP at its regular meeting and provide feedback to staff prior to finalization of the draft CIP.
- H. First week in February: Community Development will assemble and summarize Planning Commission and other public comment and forward to Department Heads and the CIP Review Team for consideration.
- I. Second week in February: CIP Review Team meets to finalize draft of CIP.
- J. Third week in February: Editing of CIP complete.
- K. Fourth week in February: Community Development prepares print-ready final draft CIP document and delivers to printer. Printed CIP document must be complete and ready for distribution at first Planning Commission meeting in March.
- L. First Thursday in March: The recommended ten-year Capital Improvement Program will be submitted to the Planning Commission for consideration and the City Council for information.
- M. First regular Council meeting in April: The City Manager will formally transmit the proposed Capital Improvement Program and accompanying Planning Commission recommendation to the City Council for review and approval.
- N. April - June of Each Year: As part of the budget process, the City Council will review/revise/approve the entire ten-year Capital Improvement Program and adopt the Capital Improvement Budget.

V. Capital Improvement Budget Amendment Procedure

Although it is intended that the Capital Improvement Budget as approved by City Council not be amended, certain unexpected situations arise during the course of the fiscal year which necessitate budget changes. Examples are emergency projects not previously planned, certain significant project modifications necessitated by new facts, or the deletion of scheduled projects. In these instances it is appropriate that the Capital Improvement Budget be formally amended. When necessary to amend the budget, the following amendment process is established:

- A. Submission of Project Status Statement, Capital Project Profile, CIP Project Summary and supporting information to the Department of Community Development.
- B. After review, the Department of Community Development will transmit the proposed amendment to the Finance Department for review. The proposed amendment, forms and supporting documentation will be reviewed/revised/approved by the City Manager with the assistance of the Community Development and Finance directors.
- C. A proposed amendment which involves a new project or the deletion of an approved project will be submitted to the Planning Commission for a formal recommendation.
- D. Upon the recommendation of the City Manager and, when necessary by the Planning Commission, City Council will then review and make a final decision on the proposed amendment.
- E. The Department of Community Development will forward one copy of the approved amendment to the initiating city department and to the Finance and Purchasing Director.

RECEIVED

CITY OF PORTAGE

MAR 09 2016

COMMUNICATION

COMMUNITY DEVELOPMENT

TO: Victoria Georgeau, Director of Community Development **DATE:** March 9, 2016

FROM: Richard J. White, Public Safety Director – Police/Fire Chief *RAW*

SUBJECT: CIP Questions – Planning Commission

In response to your communication dated March 7, 2016 regarding questions posed by the Planning Commission about public safety vehicles, I offer the following.

Question #3 – Fire Vehicles (not fire trucks, just the basic vehicles). Why are these vehicles so expensive? They're not fire trucks, just the vehicles that the Battalion Chief, Training Officer, and Fire Marshal drive around in - \$85k for the Battalion Chief vehicle, which is replaced every 3 years? Sounds crazy to me. Maybe we could instead purchase vehicles that are 1-year-old, but still under warranty, and save a lot of money! Statistics show that vehicles lose on average, about 19% of their value in the first year. If we apply that figure to these 3 vehicles, the City could save almost \$35,000 just by purchasing them 1-year-old. Even if half of the vehicle's original cost is not just the vehicle itself, but equipment inside the vehicle, you're still looking at a savings of over \$17,000 for buying 1-year-old vehicles instead of brand new. There's also a line item for \$110k to replace 2 SUV rescue unit vehicles - \$55k each! That's a potential \$20,000 savings on those. And again, even if the equipment is half the cost, it's still at least a \$10,000 savings. Minimum savings for all these vehicles would be about \$27,000, maximum savings \$55,000 – just for purchasing 1 year old instead of new.

Public safety vehicles are mission critical. That is, they are not the generic truck or car that the public purchases. They are specifically designed and equipped to perform various elements of the public safety mission: suppress fires, provide rescues and medical responses, hours of patrol, and emergency responses or pursuits. I do not support the purchase of used vehicles for employees who respond to calls for service red light and siren.

Question #4 – Police Vehicles. The City has almost \$2,000,000 allocated for police vehicles over the next 10 years. If we implemented an approach of purchasing vehicles that were just 1 year old, we could save \$380,000 over 10 years, or approximately \$38,000 per year! Again, even if half of the cost of police vehicles is equipment, technology and retrofitting (which I don't think it is), that's still a savings of \$19,000 per year. All of these small savings can add up to a significant amount.

Each year, the Michigan State Police conducts thorough testing of each manufacturer's vehicles that have been designed for police use. Top speed, braking, ergonomics, fuel economy, and cabin visibility, to name a few, is evaluated. These are not passenger vehicles that are available to the public. Vehicles that are used for police duties must also be "pursuit rated."

As most public safety agencies have limited financial resources, vehicles are held as long as feasible and cost-effective. Therefore, there are few, if any, one-year-old police specification vehicles with low mileage available.

A review of the truck market, both new and used, reveals that they are not inexpensive and retain their value. Vehicles with over 100,000 miles of use still command high prices. The Battalion Chief, Training Officer, and Fire Marshal are still firefighters. They may respond to medical and fire suppression duties as they occur. The vehicles they operate are specifically designed to carry the equipment and technology to perform their primary and secondary responsibilities.

The replacement cycle for each public safety vehicle is based upon several factors: mileage, appearance (rust, etc.), mechanical history, compliance with National Fire Protection Association (N.F.P.A.) regulations, and auction value. Public safety vehicles are driven extremely hard and are more likely to have issues earlier than other fleet vehicles. Mileage is not a final measure of wear, as public safety vehicles idle for hours not reflected on the odometer. With the electronic equipment added to these vehicles, they simply cannot be turned off when not moving/being driven.

An examination of the CIP public safety vehicles will reveal that there are no provisions for purchase of staff vehicles – Director, Deputy Fire Chief, Assistant Fire Chief, Deputy Police Chief-Operations, and Deputy Police & Fire Chief-Administration. The vehicles from the police supervisors and fire rescue vehicles are being repurposed as staff vehicles; therefore, they are in operation longer than three years.

Public safety vehicles are purchased either on a state contract price or lowest bid. This price is typically thousands of dollars less expensive than what is available to the public. There is no state contract price for used vehicles.

RJW;jh

c: Laurence Shaffer, City Manager
Rob Boulis, Deputy City Manager
John Podgorski, Senior Deputy Fire Chief

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 23, 2016

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

At the request of Mayor Strazdas, Pastor Ryan Doyle of Cherry Creek Community Church provided an invocation. The City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Ansari, seconded by Ford, to receive the Pre-Council Meeting Minutes of February 22, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

Councilmember Reid referred to her comment at the end of the meeting to point out that it should read, "...that one out of three women get heart disease and one out four die from it." Motion by Urban, seconded by Ford, to approve the Regular Meeting Minutes of February 9, 2016, as amended. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Reid, to approve the Pre-Council Meeting Minutes of February 8, 2016, as presented. Upon a voice vote, motion carried 4 to 0 with Councilmembers Urban, Ansari and Ford abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that item F.2, Height Modification for Trade Centre III, 650 Trade Centre Way, and Item F.7, Proposed Fiscal Year 2016-2017 Budget Review Schedule, be removed from the Consent Agenda. Motion by Reid, seconded by Urban, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 23, 2016:** Motion by Reid, seconded by Urban, to approve the Accounts Payable Register of February 23, 2016, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

MARTIN LUTHER KING JR. DRIVE RECONSTRUCTION PROJECT #998-R: Mayor Strazdas deferred to City Manager Laurence Shaffer, who indicated that T&U Director Chris Barnes is working with the petitioner to extinguish some cross-easements before the City accepts the road and before construction can begin. He indicated that the procedural issues remaining can be processed well before March 22, 2016.

In answer to Councilmember Urban, Mr. Barnes indicated that he and the City Attorney have been through 200 documents, agreements to allow traffic overload, for example, which is a challenge for the owner, Josh Weiner, to obtain the signatures from all of the parties. Discussion followed and he assured Council that the timing of Resolution No. 5 is fine.

Mayor Strazdas opened the public hearing for comment from those present. There being none motion by Pearson, seconded by Ansari, to adjourn the public hearing for Resolution No. 5 confirming the Special Assessment Roll for the Martin Luther King Jr. Drive Reconstruction Project #998-R to the March 22, 2016 City Council Meeting. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Jeff Troyer introduced himself as the newly appointed Executive Director of Kalamazoo County Dispatch and outlined his goals of funding, research, evaluate and discuss what the best mechanism is for funding; establish a business plan; and collaborate with the PSAPS after funding is in place. He provided a summary of his background and qualifications and discussion followed.

Monifa Jumanne, 6286 Silver Fir Street, reflected upon the recent mass killings in Kalamazoo County and reminded everyone of the nine individuals killed in South Carolina; asked that we leave a generation of love and respect; and indicated that the message of “change” was for all people. She then recited an inspirational poem written by Dr. Benjamin Mays, former President of Morehouse College.

REPORTS FROM THE ADMINISTRATION:

* **FINAL PLAN FOR WHISPER ROCK (PHASE 1) AT 2275 WEST CENTRE AVENUE:** Motion by Reid, seconded by Urban, to approve the Final Plan for Whisper Rock (Phase 1) at 2275 West Centre Avenue, subject to MDEQ approval of the grading and storm water overflow into the wetland area and finalization of detailed engineering plan. Upon a roll call vote, motion carried 7 to 0.

HEIGHT MODIFICATION FOR TRADE CENTRE III, 650 TRADE CENTRE WAY: Mayor Strazdas deferred to City Manager Laurence Shaffer, who remarked that this is an exciting project for the City of Portage and deferred to Community Development Director Vicki Georgeau, who reviewed the request. Public Safety Director White offered that the City has two fire apparatus for tall buildings and broad reaches, one that reaches 107 feet and one that reaches 110 feet. Discussion followed regarding the positive reaction to this series of buildings as sound barriers for the neighborhoods and the notices required for the project.

Greg Dobson, American Village Builders, 4200 West Centre Avenue, spoke in favor of the project and indicated it was envisioned 13 years ago as a special gateway to the City of Portage, and explained some of the challenges such as obtaining retail uses, the 2008 recession, concerns about highway noise, and the goal of attaining 100,000 square foot of office space.

Motion by Pearson, seconded by Ansari, to approve the Height Modification for Trade Centre III, 650 Trade Centre Way, to allow construction of a five-story building to a maximum height of 78-feet. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **REZONING APPLICATION #15/16-2 (ADMIRAL AVENUE/ DORSET STREET):** Motion by Reid, seconded by Urban, to accept Rezoning Application #15/16-2 for first reading and set a public hearing for March 22, 2016, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, approve Rezoning Application #15/16-2 as follows: 480 Admiral Avenue: rezone from I-1, light industrial, and RM-1, multiple-family residential, to R1-A, one-family residential; 514, 520, 526, 532, 606, 612 and 618 Dorset Street: rezone from R-1T, attached residential, to R-1A, one-family residential; 6843, 422 and 426 Dorset Street (rear portions): rezone from I-1, light industrial, to R-1A, one-family residential; and, 6979 South Westnedge Avenue: rezone from I-1, light industrial and RM-1, multiple-family residential, to R1-A, one-family residential (except the western portion which is to remain zoned B-2, community business). Upon a roll call vote, motion carried 7 to 0.

* **REZONING APPLICATION #15/16-4 (1521, 1603 AND 1615 EAST CENTRE AVENUE):** Motion by Reid, seconded by Urban, to accept Rezoning Application #15/16-4 for first reading and set a public hearing for March 22, 2016, at 7:30 p.m. or as soon thereafter as may be heard and, subsequent to the public hearing, approve Rezoning Application #15/16-4 and rezone 1521, 1603 and 1615 East Centre Avenue from R-1B, one-family residential, RM-1, multiple-family residential, and OS-1, office service, to PD, planned development, consistent with the submitted tentative plan/narrative, and approve the requested modification from Section 42-374C (mixture of two housing types) with a

finding that the modification satisfies the criteria outlined in Section 42-375L. Upon a roll call vote, motion carried 7 to 0.

* **TAX EXEMPTION (PAYMENT IN LIEU OF TAXES) FOR SELINON PARK APARTMENTS:** Motion by Reid, seconded by Urban, to accept for first reading an ordinance amendment to grant Selinon Park Limited Dividend Housing Association Limited Partnership a tax exemption and establish a Payment in Lieu of Taxes (PILOT) for Selinon Park, a proposed 74-unit multiple-family residential development to be constructed at 1521, 1603 and 1615 East Centre Avenue, and take final action on March 22, 2016. Upon a roll call vote, motion carried 7 to 0.

* **ANNUAL VMWARE MAINTENANCE AND SUPPORT RENEWAL:** Motion by Reid, seconded by Urban, to approve the annual VMWare maintenance and support contract renewal with CDW-G at a total cost of \$22,600 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 7 to 0.

FISCAL YEAR 2016-2017 PROPOSED BUDGET REVIEW SCHEDULE:

Councilmember Urban asked the indulgence of the City Council to consider changing the start time for the meetings at 4:45 p.m. instead of 4:30 p.m. for the review of the proposed Fiscal Year 2016-2017 Budget since he needs the extra time to take care of the needs of his children. Discussion followed. Motion by Pearson, seconded by Ansari, to establish April 19 and May 3, 2016, from 4:45 to 8:30 p.m. as the dates for review of the proposed Fiscal Year 2016-2017 Budget. Upon a voice vote, motion carried 7 to 0.

* **2016 MARCH BOARD OF REVIEW SESSIONS:** Motion by Reid, seconded by Urban, to adopt the Resolution setting the dates and times for the 2016 March Board of Review sessions. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 129 of City of Portage Resolution Book No. 46.

* **JANUARY 2016 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Urban, to receive the communication from the City Manager regarding the January 2016 Environmental Report as information only. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

PRESENTATION BY LINDA TEETER, CHAIR OF THE KALAMAZOO COUNTY TRANSPORTATION AUTHORITY: At the request of Mayor Strazdas, Linda Teeter, Chair, Kalamazoo County Transportation Authority, provided an update regarding the KCTA transit millage, ridership, fares, new services and preparations for the May 3, 2016 Special Election. Discussion followed.

Motion by Reid, seconded by Urban, to receive the presentation by Linda Teeter, Chair, Kalamazoo County Transportation Authority, with an update regarding the transit millage. Upon a voice vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

AMENDMENT TO CODE OF ORDINANCES - DISCHARGE OF FIREARMS: Mayor Strazdas introduced the item and City Manager Shaffer asked Public Safety Director Richard White to explain. Mr. White indicated that the proposed ordinance reflects the changes in State Statute in the area of "Firearms and what is not considered Firearms." He explained and referred to the Communication from the City Manager dated February 10, 2016, and contained in the February 23, 2016 City Council Agenda Packet.

Mr. Shaffer indicated that he has asked Mr. White to craft Standard Operating Guidelines (SOG's) and Standard Operating Procedures (SOP's) for Police Officers to help differentiate dangerous devices versus a device that is not dangerous.

In answer to Councilmember Pearson, Mr. White indicated that the use of "velocity" or "force" in the ordinance makes for a "fuzzy" definition of a firearm, so the preference is to ask questions like, "What is a toy?" "How is it being used?" "Is there proper supervision?" "What is the age of the person?" Also, he said that the City Ordinance allows the City Attorney to review and determine what is in the best interest of the City in each case. He pointed out that the other option is to rescind the City Ordinance and use State Law which means filing a complaint, issuing a warrant and making an arrest which is not as desirable as the ordinance as proposed. Discussion followed.

Motion by Pearson, seconded by Ansari, to accept the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for first reading and set a second reading for March 8, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

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

Portage Zoning Board of Appeals of December 14, 2015.

Portage Senior Citizen Advisory Board of December 15, 2015, and January 20, 2016.

Portage Youth Advisory Committee of January 11, 2016.

Portage District Advisory Council of January 21, 2016.

Portage Planning Commission of February 4, 2016.

NEW BUSINESS:

* **APPOINTMENT TO THE BOARD OF REVIEW:** Motion by Reid, seconded by Urban, to appoint Justin Gish with term ending January 31, 2017, to the Board of Review. Upon a roll call vote, motion carried 7 to 0.

RECENT MASS SHOOTING IN THE COUNTY: At the request of Mayor Strazdas, Public Safety Director Richard White provided a report regarding the recent mass shooting in the County leaving six people dead and two critically wounded and the Portage response for a similar situation. Discussion followed.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Council expressed condolences for the families affected by the recent mass shooting in the County leaving six people dead and two critically wounded and shared that they are in their thoughts and prayers.

City Manager Shaffer let everyone know that Jim Brown, a Portage Senior Park Ranger, passed away on Saturday.

MATERIALS TRANSMITTED:

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

* **MATERIALS TRANSMITTED OF FEBRUARY 5, 2016:** Motion by Reid, seconded by Urban, to receive the Materials Transmitted of Friday, February 5, 2016. Upon a roll call vote, motion carried 7 to 0.

* **MATERIALS TRANSMITTED OF FEBRUARY 9, 2016:** Motion by Reid, seconded by Urban, to receive the Materials Transmitted of Friday, February 9, 2016. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:26 p.m.

□□□□□□□□ _____

James R. Hudson City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – February 8, 2015

DRAFT

The City of Portage Zoning Board of Appeals meeting was called to order by Jeffrey Bright at 7:00 p.m. in the Council Chambers. Eight people were in the audience.

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

MEMBERS EXCUSED: Glenn Smith.

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

APPROVAL OF THE MINUTES: Learned moved and Schaefer seconded a motion to approve the December 14, 2015 minutes with the correction that Vice Chair Schaefer called the meeting to order. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #15-10. Kristen Salmon, 10513 Sudan Street: Mais summarized the variance request to divide 10513 Sudan Street into two 80-foot wide lots, which would result in the existing house being setback seven and a half feet from the (south) side property line where a minimum 10-foot setback is required. Ms. Salmon stated she found the double lot difficult to maintain and wanted to sell half the property to reduce the burden. Schau inquired if it would be possible to do a lot line adjustment 'jog' to maintain the required side yard setback. Mais responded a variance would still be necessary as the vacant lot would then fall below the minimum lot width at the building line. Bright inquired if there were many other properties in the neighborhood that did not meet the required side yard setback. Mais replied yes.

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

A motion was made by Learned, seconded by Robbe to grant a variance to divide 10513 Sudan Street into two 80-foot wide lots, which would result in the existing house being setback seven and a half feet from the (south) side property line where a minimum 10-foot setback is required for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the location of the dwelling on site, and that the two lots were each intended to be buildable lots; the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity, the right to sell property and retain a home; the immediate practical difficulty causing the need for the variance request was not created by the applicant; and the variance would not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-11. Christine Pelletier, 4415 Raborn Court: Mais summarized the variance requests to: a) retain a 13-foot by 13-foot (169 sq. ft.) two-story accessory building in the side (east) yard that is 16 feet in height where a maximum 14-foot height is permitted and; b) retain a partially constructed 58-foot by 19-foot (1,102 sq. ft.) two-story accessory building in the rear (south) yard that is 19.5 feet in height where a maximum 14-foot height is permitted. Robbe stated he would be abstaining from participation on the item due to a potential conflict of interest. Ms. Pelletier explained she was unaware of code requirements, but that her husband and eldest son began construction of a number of accessory buildings a few years ago and thought they probably knew what they were doing. Her husband passed away in 2012 and shortly afterwards she became estranged from her children and moved out of the house that same year. Construction of the accessory buildings was continued by her eldest son after she had moved out, but he too is now deceased. Ms. Pelletier stated she will remove most of the accessory buildings but wished to retain the 169 square-foot shed in the east side yard and the 1,102 square foot barn in the rear yard, which are both higher than the maximum permitted 14 feet. Bright inquired what the applicant's plans with the property were. Ms. Pelletier stated she intended to live

DRAFT

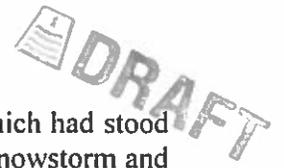
there a while but may sell the property. Learned inquired if the accessory buildings were currently being used. Ms. Pelletier stated the barn was previously used to house animals but all of the livestock have been removed. She thought the barn would be a good place for a future owner to keep horses. Seyburn noted staff's recommended condition that the accessory buildings be brought into compliance with applicable building codes and wondered if the applicant felt that six months was adequate time to accomplish that. Ms. Pelletier stated she hoped she could. Seyburn inquired if the applicant had looked into the costs associated with bringing the structures into compliance and if she knew what specifically needed to be done. Ms. Pelletier said she had not. Ken Schaffer, friend of the applicant, stated that even with church assistance eight months was a more realistic timeframe for compliance. Learned inquired if the applicant had read the letter submitted by Wayne Debroske and if so could she respond. Ms. Pelletier stated she got the impression they were objecting to some property maintenance issues and not to the buildings themselves. Byrnes inquired what purpose the "boiler room" served and was it connected in any way to heating the home. The applicant stated the boiler was not connected with heating the house and that the late Mr. Pelletier intended it to house a steam engine but it was discovered the boiler was not large enough to power the desired steam engine and the project was abandoned. Schau inquired if the applicant knew why the buildings were constructed as tall as they were. The applicant stated no. Schau noted the applicant also had the option of reducing the height of the buildings to a conforming height.

A public hearing was opened. Ken Schaffer, 58001 Lanphear Drive Paw Paw, MI stated he did not believe Ms. Pelletier had the resources available to shorten the buildings even with church assistance. Mr. Schaffer stated the requested variances were not unreasonable as the buildings were largely out of view of neighboring properties. The public hearing was closed.

A motion was made by Schau, seconded by Learned, to grant a variance to a) retain a 13-foot by 13-foot (169 sq. ft.) two-story accessory building in the side (east) yard that is 16 feet in height where a maximum 14-foot height is permitted for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the size of the property and the lack of visibility to neighboring properties; the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity, the right to construct an accessory building; the immediate practical difficulty causing the need for the variance request was not created by the applicant in that she was dispossessed of the property at the time of its construction; and the variance would not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately, with the following conditions: a building permit be obtained within 30 days; the buildings identified as 1 through 4 in the staff report must be removed; and the structure be brought into compliance with all applicable building codes by November 1, 2016. Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Byrnes-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

Seyburn stated that when the Board grants variances for accessory buildings they are usually related to a specific purpose and it was not immediately apparent what that was in the case of the barn. Learned stated he saw the barn's purpose as being horse-related, which is permitted in residential districts. Schaefer stated he was troubled that the applicant did not know what was specifically needed to bring the barn into compliance with building code, nor have a clear idea of the associated costs, and felt the applicant should be given the opportunity to determine the full scope of work needed and costs associated with either: upgrading the barn to meet building code, demolishing the barn, or reducing its height, and thought the item should be tabled to give the applicant the opportunity to more thoroughly evaluate how realistic each of those options were. A motion was made by Schaefer, seconded by Seyburn, to postpone request b) until the April 11, 2016 meeting. Upon roll call vote: Philipp-Yes, Byrnes-Yes, Seyburn-Yes, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-12; Miled Awad, 6527 Naomi Street; Mais summarized the request for a variance to construct a 24-foot by 48-foot detached accessory building 18 feet from the (west) front property line where a minimum

DRAFT

75-foot setback is required. Mr. Awad stated he wanted to replace the accessory building which had stood for many years in the same location. The applicant stated the old garage was destroyed by a snowstorm and the reason they were requesting a variance to rebuild in the same location was because they did not rebuild the nonconforming structure within the timeframe specified by code (Section 42-133 D.2). Mais stated staff disputed the claim that the roof collapse was ‘an act of God’ as the old structure was in very poor repair having been neglected for many years, and the roof collapsing under snow was the result of deferred maintenance. The applicant stated he had attempted years earlier to purchase the city-owned property to the west (714 Ruth) which also could have eliminated the need for a variance. Bright noted the applicant’s property was largely surrounded by wetlands and industrial properties. Schau inquired why the applicant could not construct a garage in a conforming location near the northeast corner. The applicant replied the existing driveway was to the west of the house, not the northeast, and building by the northeast corner would require them to remove the decorative small pond in their front yard. Learned inquired if the applicant had considered rezoning to residential and seeking a lesser variance. The applicant stated they had but it would be too expensive. Seyburn stated given the orientation of the house he could understand why the applicant would not want to build near the northeast corner, as it would place the garage in front of their living room window. Schau noted the garage could also be built in the southeast corner and felt the applicant’s difficulties in this case were financial.

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

A motion was made by Robbe, seconded by Seyburn, to grant a variance to construct a 24-foot by 48-foot detached accessory building 18 feet from the (west) front property line where a minimum 75-foot setback is required for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include having an accessory building in the same location as the previous garage; the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity, the right to use property without a garage in front of the house; the immediate practical difficulty causing the need for the variance request was not created by the applicant; and the variance would not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Learned-No, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-No, Schaefer-Yes. The motion passed 5-2.

OTHER BUSINESS: Seyburn stated he would not be available to attend the March meeting.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
January 2016 (*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 with annual testing ongoing.</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. -Review of 7 <i>site/building plan and/or plats completed in January 2016.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-Sanitary sewer hookup permits issued in January 2016: 6 residential; 0 commercial.</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. The West Lake Improvement association has completed a five year plan 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 Association has selected to use</p>

Restorative Lake Sciences, LLC for consulting services for 2015. Treatment application completed in mid-June. Follow-up inspection of treatment will be done by Restorative Lake. The 2015 weed treatment bids were received on February 24, 2015. City Council approved weed treatment contract with Professional Lake Management Company on April 10, 2015. Weed treatment was completed in June. The Association has requested to renew the contract with Restorative Lake Science for 2016.

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. 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 October 2014 and July 2015. Monthly sampling at two retention basins continues. Current findings show groundwater levels of approximately the same as 2015 levels.

Wellhead Protection Program (WHPP)
Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

-Current Wellhead Protection was approved 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 has been 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 was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program 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 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 2015, 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 (SWIPPI) 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 was submitted in March 2015. Semi-annual report submitted to MDEQ on December 21, 2015. Implementation is ongoing.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Kalamazoo River Mainstream
Watershed Management Plan

- 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. 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

-Original 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. 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. 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 submitted to MDEQ as part of the annual report. Next report due in June 2016.

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 signs are complete and maintenance is ongoing. Native prairie burn is being planned for 2016.

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 January – 0. Number of environmental cleanups in January – 0.*

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.