

**FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
October 18, 2011**

7:30 p.m. Call to Order.

Invocation: Pastor David Barringer of the Kalamazoo First Assembly of God

Pledge of Allegiance.

Roll Call.

Proclamations:

1. National Red Ribbon Proclamation.
2. Rotary International World Polio Day Proclamation.

A. Approval of the Special and Regular Meeting Minutes of October 4, 2011.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of October 18, 2011, as presented.

D. Public Hearings:

1. Public Hearing regarding the Rezoning Application #10-03
 - a. subsequent to the public hearing, consider approving Rezoning Application #10-03 and rezone 1302, 1306 and 1316 East Centre Avenue from OS-1, office service and R-1B, one-family residential, to B-1, local business, and rezone 1330 East Centre Avenue from R-1B, one-family residential, to OS-1, office service.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council:
 - a. approve Contract 11-5530 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Romence Road, Constitution Boulevard to South Westnedge Avenue;
 - b. approve an engineering services contract with Abonmarche Consultants, Incorporated, for construction inspection and administration for street improvements on Romence Road (Constitution Boulevard to South Westnedge Avenue) in the not to exceed amount of \$73,000;
 - c. adopt a Resolution authorizing the City Manager to sign Contract 11-5530; and authorize the City Manager to sign all other documents relating to the consultant contract and the Michigan Department of Transportation contract on behalf of the city.
- * 2. Communication from the City Manager recommending that City Council renew a service contract in an amount not to exceed \$24,000 with Sprint Solutions for Nextel mobile phone service through September 3, 2012, and authorize the City Manager to execute all documents related to this action on behalf of the city.
- * 3. Communication from the City Manager recommending that City Council establish Friday, December 9, 2011, as the date of the 2011 City Council Goal Setting Session.
- * 4. Communication from the City Manager regarding the September 2011 Summary Environmental Activity Report – Information Only.
- * 5. Department Monthly Reports.

G. Communications:

1. Communication received October 7, 2011, from Tim Earl, 6862 Shallowford Way, regarding City Council Meeting Invocation practice.
 - a. Communication from the City Manager recommending that City Council direct the City Clerk to contact Mr. Tim Earl to determine his interest in providing the City Council meeting invocation.

H. Unfinished Business:

- * 1. Communication from the City Manager recommending that City Council:
 - a. consider final adoption of the proposed amendment to Section 38-38 of Chapter 38, Historical Preservation, of the City of Portage Code of Ordinances.

* I. Minutes of Boards and Commissions Meetings:

1. Portage Human Services Board of August 4, 2011.
2. Portage Park Board of September 7, 2011.
3. Portage Zoning Board of Appeals of September 12, 2011.
4. Portage Environmental Board of September 14, 2011.
5. Portage Planning Commission of September 15, 2011.
6. Kalamazoo County Board of Commissioners Committee of the Whole and Regular of September 20, 2011.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council approve the purchase of two 4-wheel drive one-ton pickup trucks, three 4-wheel drive $\frac{3}{4}$ -ton pickup trucks, five police pursuit vehicles and one 60 inch commercial mower through the State of Michigan Purchasing Program (MiDEAL) at a total cost not to exceed \$306,159 and authorize the City Manager to execute all documents related to these purchases on behalf of the city.
- * 2. Communication from the City Manager recommending that City Council approve the purchase of garage door operators from Fawley Door, Inc., of Portage, Michigan, in the amount of \$18,200 for the replacement of 20 garage door operators and 40 remote transmitters for three city fire stations and authorize the City Manager to execute all documents relating to this contract on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.
2. From City Council and City Manager.
- * 3. Reminder of Meetings:
 - a. Wednesday, October 19, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
 - b. Thursday, October 20, 7:00 p.m., District Library Board, Portage District Library.
 - c. Thursday, October 20, 7:00 p.m., Planning Commission, City Council Chambers.
 - d. Thursday, October 27, 4:30 p.m., Public Media Network Board of Directors, 359 S. Kalamazoo Mall, 3rd Floor, Kalamazoo.

N. Materials Transmitted.

Adjournment.

CITY COUNCIL MEETING SUMMARY

October 4, 2011

CHECK REGISTER

- ◆ Approved the Check Register of October 4, 2011, as presented.

REPORTS FROM THE ADMINISTRATION

- ◆ Adopted a resolution to grant an easement to Consumers Energy on city-owned property for the undergrounding of utilities on South Westnedge Avenue; placed the resolution on file with the City Clerk for 28 days; and plan to take final action on November 1, 2011.
- ◆ Amended the General Appropriations Act (budget) for the fiscal year ending June 30, 2012.
- ◆ Adopted the Resolution for Charitable Gaming License recognizing Silent Observer Program of Kalamazoo County, Inc., as a nonprofit organization in the City of Portage.
- ◆ Received the communication from the City Manager regarding an Analysis of Zoning Consistency (FY 2010-2011 Update) as information only.

NEW BUSINESS

- ◆ Appointed Austin Atkinson, Ansh Chaudhary and Nicholas Romo with terms ending June 30, 2012, to the Youth Advisory Committee; reappointed James Hoppe and Arthur Roberts and appointed Mary Lou Petrulio, current Alternate, with terms ending October 1, 2014, and appointed Mary Maisto with unfulfilled alternate term ending October 1, 2012, to the Senior Citizens Advisory Board; reappointed Angela Ilori, Marc Meulman and Nadeem Mirza with terms ending October 1, 2014, and appointed Raymond LaPoint to unfulfilled term ending October 1, 2012, and Cory Puterbaugh to unfulfilled term ending October 1, 2013, to the Human Services Board; reappointed Tim Winslow and appointed Catherine Niessink and Spencer Welling with terms ending October 1, 2014, to the Environmental Board; reappointed Susan Williams and appointed Janet Whitcomb and Jim Bennink with terms ending October 1, 2014, to the Park Board; appointed Ayesha Mangla with term ending May 31, 2012, to the Public Media Network Board; reappointed Dorie Ehrig and appointed Hamilton Scharff and Allen VanKampen with terms ending December 31, 2014, and appointed Debra Srnek with unfulfilled term ending December 31, 2012, to the Historic District Commission; and, appointed Rick Perry as Portage Public School Representative with unfulfilled term ending December 31, 2012, to the Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority.

BID TABULATION

- ◆ Approved the low bid from Gail Andrus Travel, LLC, for motor coach services for the 2012 Portage Senior Center travel program in the amount of \$22,400.50 and authorized the City Manager to execute all documents related to this action on behalf of the city.
- ◆ Approved the annual Novell server maintenance and software licensing fees of \$21,245.29 provided by Novell through Mi-DEAL and authorized the City Manager to execute all documents related to this action on behalf of the city.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Bailes, Mayor Pro Tem Sackley and Mayor Strazdas expressed their appreciation for the applicants who volunteered to be interviewed for the various City Council Boards and Commissions and congratulated those who were selected.
- ◆ Councilmember Reid expressed her opinion that the Senior Center is an exceptional "jewel" in our community that continues to inspire.
- ◆ Councilmember Urban apologized for missing the September 20, 2011 City Council Meeting as his wife was out of town and he needed to attend to a sick child who could not be left with someone else. He thanked the Administration for the Zoning Consistency Study, and requested that it be provided in chronological order for use as a tool in future zoning deliberations.

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



City of Portage Proclamation

NATIONAL RED RIBBON PROCLAMATION

- WHEREAS**, tobacco, alcohol and other drug usage among young people is a serious concern; and
- WHEREAS**, it is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs; and
- WHEREAS**, the National Family Partnership, the Red Ribbon Coalition, Mothers Against Drunk Driving, Students Against Drunk Driving, Portage Public Schools and the Kalamazoo County Substance Abuse Task Force are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and
- WHEREAS**, the National Red Ribbon Campaign will be celebrated in communities throughout America during "Red Ribbon Week," October 22-30, 2011; and
- WHEREAS**, business, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, the military, sports teams, and individuals will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign; and
- WHEREAS**, the community of Portage further commits its resources to ensure the success of the Red Ribbon Campaign.
- NOW, THEREFORE, BE IT RESOLVED THAT I**, Peter J. Strazdas, Mayor of the City of Portage, Michigan, do hereby proclaim the week of October 22-30, 2011, as **RED RIBBON WEEK**, and encourage Portage citizens to participate in drug prevention education activities, showing our commitment to a drug-free community.
- BE IT FURTHER RESOLVED** that the **City Council of the City of Portage** encourages all citizens to pledge: **My choice.....Drug-Free.**



Signed this 18th day of October 2011

Peter J. Strazdas, Mayor



City of Portage Proclamation

ROTARY INTERNATIONAL WORLD POLIO DAY PROCLAMATION

- WHEREAS,** Rotary International, founded on February 23, 1905, in Chicago, Illinois USA, is the world's first and one of the largest non-profit service organizations; and
- WHEREAS,** the Rotary motto *Service Above Self* inspires members to provide humanitarian service, encourage high ethical standards and promote good will and peace in the world; and
- WHEREAS,** in 1985 Rotary launched PolioPlus and spearheaded the Global Polio Eradication Initiative with the World Health Organization, U.S. Centers for Disease Control and Prevention and UNICEF to immunize the children of the world against polio; and
- WHEREAS,** polio cases have dropped by 99 percent since 1988 and the world stands on the threshold of eradicating the disease; and
- WHEREAS,** Rotary has contributed more than one billion dollars and countless volunteer hours to date for the protection of more than two billion children in 122 countries; and
- WHEREAS,** Rotary is currently working to raise an additional 200 million dollars toward a 335 million dollar challenge grant from the Bill & Melinda Gates Foundation, and has played a major role in decisions by donor governments to contribute eight billion dollars to the effort; and
- WHEREAS,** these efforts are providing much needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents; and
- WHEREAS,** Portage has two clubs with over 140 members and are a part of the 34,000 clubs with 1.2 million members worldwide who sponsor service projects to address such critical issues as poverty, health, hunger, illiteracy and the environment within their respective communities and abroad.

NOW, THEREFORE, BE IT RESOLVED THAT I, Peter J. Strazdas, Mayor of the City of Portage, Michigan, do hereby proclaim October 24, 2011, as WORLD POLIO DAY in Portage and encourage Portage citizens to join Rotary International and Portage City Council in the fight for a polio-free world.



Signed this 18th day of October 2011

Peter J. Strazdas, Mayor

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF OCTOBER 4, 2010 - BOARDS AND COMMISSIONS APPLICANTS**

Mayor Strazdas called the meeting to order at 5:20 p.m. The following Councilmembers were present: Councilmembers Cory Bailes, Claudette Reid, Terry Urban and Mayor Pro Tem Edward Sackley and Mayor Peter Strazdas. Councilmembers Elizabeth Campbell and Patricia Randall were absent with excuse. Also in attendance were City Manager Maurice Evans and City Clerk James R. Hudson. The proceedings were:

* 5:20-5:30 p.m., Chairperson Sujay Dewan provided a review of the activities of the Youth Activities Committee over the past year. Discussion followed. Council interviewed Ansh Chaudhary for the Youth Activities Committee. Discussion followed.

* 5:31-5:59 p.m., Council interviewed Trudy Riker, Mary Maisto, Monifa Jumanne and Jim Hoppe for the Senior Citizens Advisory Board. Chairperson Ruth Ann Meyer was present for questions and discussion.

* 6:00-6:19 p.m., Council interviewed Nadeem Mirza, Ayesha Mangla, Cory Puterbaugh and Angela Ilori for the Human Services Board. Councilmembers Reid and Bailes provided some insights into the responsibilities and activities of the Board. Discussion followed. Council also interviewed Ayesha Mangla for the Public Media Network Board during her interview for the Human Services Board. Discussion followed.

* 6:20-6:37 p.m., Council interviewed Catherine Niessink, Cory Puterbaugh, Allen VanKampen, Spencer Welling and Tim Winslow for the Environmental Board. Discussion followed.

* 6:38-6:49 p.m., Council interviewed Debra Srnek and Janet Whitcomb for the Park Board. Mayor Pro Tem Sackley explained some of the activities of the Park Board and discussion followed.

* 6:50-6:57 p.m., Council interviewed Hamilton Scharff, Dorie Ehrig and Debra Srnek for the Historic District Commission. Discussion followed.

* 6:58-7:09 p.m., Council interviewed Acting Superintendent of Portage Public Schools Rick Perry for the Economic Development Corporation/Tax Increment Finance Authority and Brownfield Redevelopment Authority. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:09 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM OCTOBER 4, 2011

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

At the request of Mayor Strazdas, City Manager Maurice Evans gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Bailes, to approve the September 20, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. Motion by Sackley, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF OCTOBER 4, 2011:** Motion by Sackley, seconded by Reid, to approve the Check Register of October 4, 2011. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **CONSUMERS ENERGY EASEMENT, 5441 SOUTH WESTNEDGE AVENUE:** Motion by Sackley, seconded by Reid, to adopt a resolution to grant an easement to Consumers Energy on city-owned property for the undergrounding of utilities on South Westnedge Avenue; place the resolution on file with the City Clerk for 28 days; and take final action on November 1, 2011. Upon a roll call vote, motion carried 6 to 0.

* **RECOMMENDED BUDGET AMENDMENTS – END OF FISCAL YEAR HOUSEKEEPING:** Motion by Sackley, seconded by Reid, to receive the communication from the City Manager recommending that City Council amend the General Appropriations Act (budget) for the fiscal year ending June 30, 2012. Upon a roll call vote, motion carried 6 to 0.

* **NONPROFIT ORGANIZATION RECOGNITION:** Motion by Sackley, seconded by Reid, to adopt the Resolution for Charitable Gaming License recognizing Silent Observer Program of Kalamazoo County, Inc., as a nonprofit organization in the City of Portage. Upon a roll call vote, motion carried 6 to 0.

* **ANALYSIS OF ZONING CONSISTENCY (FY 2010-2011 UPDATE) – INFORMATION ONLY:** Motion by Sackley, seconded by Reid, to receive the communication from the City Manager regarding an Analysis of Zoning Consistency (FY 2010-2011 Update) as information only. Upon a roll call vote, motion carried 6 to 0.

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

Portage Zoning Board of Appeals of June 27, 2011.

Portage Board of Education Special and Regular of August 22, Policy Governance of August 23 and Special of August 31, 2011.

Kalamazoo County Board of Commissioners Committee of the Whole and Regular of September 6, 2011.

NEW BUSINESS:

* **BOARDS AND COMMISSIONS APPOINTMENTS:** Motion by Sackley, seconded by Reid, to appoint Austin Atkinson, Ansh Chaudhary and Nicholas Romo with terms ending June 30, 2012, to the Youth Advisory Committee; reappoint James Hoppe and Arthur Roberts and appoint Mary Lou Petrulio, current Alternate, with terms ending October 1, 2014, and appoint Mary Maisto with unfulfilled alternate term ending October 1, 2012, to the Senior Citizens Advisory Board; reappoint Angela Ilori, Marc Meulman and Nadeem Mirza with terms ending October 1, 2014, and appoint Raymond LaPoint to unfulfilled term ending October 1, 2012, and Cory Puterbaugh to unfulfilled term ending October 1, 2013, to the Human Services Board; reappoint Tim Winslow and appoint Catherine Niessink and Spencer Welling with terms ending October 1, 2014, to the Environmental Board; reappoint Susan Williams and appoint Janet Whitcomb and Jim Bennink with terms ending October 1, 2014, to the Park Board; appoint Ayesha Mangla with term ending May 31, 2012, to the Public Media Network Board; reappoint Dorie Ehrig and appoint Hamilton Scharff and Allen VanKampen with terms ending December 31, 2014, and appoint Debra Srnek with unfulfilled term ending December 31, 2012, to the Historic District Commission; and, appoint Rick Perry as Portage Public School Representative with unfulfilled term ending December 31, 2012, to the Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority. Upon a roll call vote, motion carried 6 to 0.

BID TABULATIONS:

* **BID RECOMMENDATION - 2012 PORTAGE SENIOR CENTER MOTOR COACH SERVICES:** Motion by Sackley, seconded by Reid, to approve the low bid from Gail Andrus Travel, LLC, for motor coach services for the 2012 Portage Senior Center travel program in the amount of \$22,400.50 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 6 to 0.

* **ANNUAL SERVICE MAINTENANCE AND LICENSING FOR COMPUTER NETWORK SERVICES:** Motion by Sackley, seconded by Reid, to approve the annual Novell server maintenance and software licensing fees of \$21,245.29 provided by Novell through Mi-DEAL 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 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Bailes, Mayor Pro Tem Sackley and Mayor Strazdas expressed their appreciation for the applicants who volunteered to be interviewed for the various City Council Boards and Commissions and congratulated those who were selected.

Councilmember Reid expressed her opinion that the Senior Center is an exceptional “jewel” in our community that continues to inspire.

Councilmember Urban apologized for missing the September 20, 2011 City Council Meeting as his wife was out of town and he needed to attend to a sick child who could not be left with someone else. He thanked the Administration for the Zoning Consistency Study, and requested that it be provided in chronological order for use as a tool in future zoning deliberations.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 7:41 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: October 10, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of October 18, 2011 as presented.

The attached Accounts Payable Register for the period September 25, 2011 through October 9, 2011 is recommended for approval.

c: Daniel S. Foecking, Finance Director

PROGRAM: GM350L FROM 09/25/2011 TO 10/09/2011 *ALL*

CITY OF PORTAGE BANK CODE

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
09/30/2011	278006	A I S CONSTRUCTION EQUIP. CO.	640	2,019.70
09/30/2011	278007	AT&T	849	1,635.05
09/30/2011	278008	A T & T LONG DISTANCE	4060	10.78
09/30/2011	278009	A-1 SIGNS	2873	240.00
09/30/2011	278010	AFFORDABLE AUTO CARE	999999	22.28
09/30/2011	278011	AGRO SALES NORTH LLC	3943	2,178.23
09/30/2011	278012	ALL-PHASE ELECTRIC SUPPLY CO.	108	258.02
09/30/2011	278013	ALLEGRA PRINT & IMAGING	533	826.91
09/30/2011	278014	J. ALLEN & CO. INC.	67	213.00
09/30/2011	278015	ANALYTICAL TESTING & CONSULTIN	2136	700.00
09/30/2011	278016	APOLLO FIRE EQUIPMENT COMPANY	1253	321.71
09/30/2011	278017	APPLIED INDUSTRIAL TECHNOLOGIE	1944	1,024.45
09/30/2011	278018	APPRAISAL INSTITUTE	999999	70.50
09/30/2011	278019	APPROVED FIRE PROTECTION CO.	630	576.50
09/30/2011	278020	TODD ARIANAS ENTERPRISES INC.	1704	11,015.00
09/30/2011	278021	ATLAS PLUMBING SERVICES	999999	50.00
09/30/2011	278022	AUMACK, MICHAEL	670	94.00
09/30/2011	278023	ADP, INC.	3305	1,139.47
09/30/2011	278024	BAILEY CONTRACTORS INC., ROBER	771	3,750.00
09/30/2011	278025	BESCO WATER TREATMENT, INC.	3339	7.50
09/30/2011	278026	BOOTH NEWSPAPERS INC	89	54.00
09/30/2011	278027	BORGESS HEALTH ALLIANCE	151	560.00
09/30/2011	278028	BOULIS, ROB	532	505.49
09/30/2011	278029	BRIAN J OAKY	999999	62.00
09/30/2011	278030	BROWNELL'S INCORPORATED	2677	53.65
09/30/2011	278031	BRUTSCHE CONCRETE PRODUCTS	4736	500.00
09/30/2011	278032	BYHOLT INC.	68	196.24
09/30/2011	278033	C A L E A	1080	4,363.00
09/30/2011	278034	C D W GOVERNMENT, INC.	2690	142.42
09/30/2011	278035	Charter Communications	999999	11.01
09/30/2011	278036	CAMPBELL AUTO SUPPLY	437	145.61
09/30/2011	278037	CHICAGO TITLE OF MICHIGAN	999999	14.37
09/30/2011	278038	CHRISTMAN SCREENPRINT	2117	1,015.82
09/30/2011	278039	CINTAS CORP.	2206	363.73
09/30/2011	278040	CITY OF KALAMAZOO (TRANS MILLA	4649	185,904.51
09/30/2011	278041	CITY OF KALAMAZOO TREASURER	540	224,799.30
09/30/2011	278042	CITY OF PORTAGE	177	8,416.50
09/30/2011	278043	COMMERCIAL DOOR SERVICES	1688	85.00
09/30/2011	278044	COMSTOCK PUBLIC SCHOOLS	1671	95,067.78
09/30/2011	278045	CONSUMERS ENERGY-BILL PMT CNT	189	22,997.80
09/30/2011	278046	CORELOGIC	999999	5,236.98
09/30/2011	278047	CORNELL JR, WILLIAM D & SHELLY	999999	84.00
09/30/2011	278048	CROSSROADS CAR WASH	195	103.00
09/30/2011	278050	CROSSROADS EXPERT AUTO SERVICE	4109	2,975.52
09/30/2011	278051	CURRY, SARA	999999	70.00
09/30/2011	278052	DAANE'S CATERING	204	142.20
09/30/2011	278053	DEPATIE FLUID POWER CO., INC.	211	224.51
09/30/2011	278054	DETROIT NEWSPAPER PARTNERSHIP,	1274	195.02
09/30/2011	278055	DIESEL INJECTION SERVICE, LLC	1874	269.62
09/30/2011	278056	DOSTER, KYLE	532	416.37
09/30/2011	278057	DOWLING, CHRISTAN	4734	47.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
09/30/2011	278058	EMERGENCY VEHICLE PRODUCTS	2948		15,640.26
09/30/2011	278059	ERB, LISA	999999		100.00
09/30/2011	278060	EVANS, MAURICE	532		844.00
09/30/2011	278061	FADER EQUIPMENT, INC.	688		371.25
09/30/2011	278062	FERGUSON, GEOFFREY	999999		223.95
09/30/2011	278063	FOECKING, DANIEL	532		466.61
09/30/2011	278064	FOLLOWELL, DAVID	3311		70.50
09/30/2011	278065	FORTH, CHRIS	532		185.00
09/30/2011	278066	FOURA, AMANDA	999999		200.00
09/30/2011	278067	GANNETT MICHIGAN NEWSPAPERS	4508		649.74
09/30/2011	278068	GORBICS, JACQUE	4726		47.00
09/30/2011	278069	GORDON WATER SYSTEMS	517		143.14
09/30/2011	278070	GRAHAM FORESTRY SERVICE, INC.	464		720.00
09/30/2011	278071	GREATER KALAMAZOO FOP LODGE 98	623		549.20
09/30/2011	278072	GREATER KALAMAZOO FOP LODGE 98	623		2,718.54
09/30/2011	278073	GREATER KALAMAZOO UNITED WAY	628		1,109.48
09/30/2011	278074	GRIFFIN PEST CONTROL, INC.	598		120.00
09/30/2011	278075	HARRIS, ELLEN	999999		9.00
09/30/2011	278076	B L HARROUN & SON INC.	124		261.03
09/30/2011	278077	HARTMAN, CHARLES	913		94.00
09/30/2011	278078	HOADLEY, LEO	4228		90.00
09/30/2011	278079	HOEKSTRA TRUCK EQUIPMENT CO IN	54		423.04
09/30/2011	278081	HOME DEPOT	691		1,908.94
09/30/2011	278082	HYDRO-CHEM SYSTEMS, INC.	4039		183.21
09/30/2011	278083	IAFCI	999999		150.00
09/30/2011	278084	IERVOLINA, SUSAN	2074		205.00
09/30/2011	278085	THE IRRIGATOR	2047		1,837.25
09/30/2011	278086	JEFFREY L CARPENTER	999999		590.00
09/30/2011	278087	JOHNSON, STACI	999999		100.00
09/30/2011	278088	KALAMAZOO COUNTY REGISTER OF D	2303		182.00
09/30/2011	278089	KALAMAZOO COUNTY TREASURER	514		877.50
09/30/2011	278091	KALAMAZOO LANDSCAPE SUPPLIES	90		1,622.60
09/30/2011	278092	KAMMINGA & ROODVOETS, INC.	4567		86,518.30
09/30/2011	278093	KELLY RADIATOR & AUTO REPAIR	4591		859.09
09/30/2011	278094	KROEHN, PAT	999999		60.00
09/30/2011	278095	KUHN'S YARD & GARDEN CARE, INC	4551		917.15
09/30/2011	278096	KZOO TIRE COMPANY	564		1,958.00
09/30/2011	278097	LAWSON PRODUCTS, INC	240		412.74
09/30/2011	278098	LOWE'S HOME CENTER	2630		464.30
09/30/2011	278099	LYTLE, MICHELE	999999		112.52
09/30/2011	278100	MASON CNTY HISTORICAL SOC.INC.	999999		696.05
09/30/2011	278101	MATER HOME IMPROVEMENT LTD	4559		5,396.00
09/30/2011	278102	MENARD'S (WEST MAIN)	4696		448.99
09/30/2011	278103	MENARDS, INC	258		54.88
09/30/2011	278104	MICH AMATEUR SOFTBALL ASSOC	1435		680.00
09/30/2011	278105	MICHIGAN ELECTION RESOURCES, L	264		132.50
09/30/2011	278106	MICHIGAN PAVING & MATERIALS CO	3389		114.86
09/30/2011	278107	MICHIGAN PAVING & MATERIALS CO	3389		235,882.04
09/30/2011	278108	MICHIGAN POLICE EQUIPMENT CO.	269		1,344.00
09/30/2011	278109	MICHIGAN STATE UNIVERSITY K C	4735		105.00
09/30/2011	278110	MICHIGAN TAX TRIBUNAL	999999		25.00

PROGRAM: GM350L FROM 09/25/2011 TO 10/09/2011 *ALL*

CITY OF PORTAGE BANK CODE

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
09/30/2011	278111	MIDLAND ENGINE, INC	1986		39.76
09/30/2011	278112	MIDWEST ENERGY COOPERATIVE	2030		221.04
09/30/2011	278113	MIDWEST GOLF AND TURF	4210		1,495.48
09/30/2011	278114	MILLS, DANIEL	532		75.46
09/30/2011	278115	MOLLER, GINGER	999999		58.00
09/30/2011	278116	MR. HENRY SPORTEL	999999		150.00
09/30/2011	278117	NATIONAL AREOR DAY FOUNDATION	1290		15.00
09/30/2011	278118	NATIONAL RECREATION & PARK AS.	919		150.00
09/30/2011	278119	NAYLOR LANDSCAPE MANAGEMENT	999999		668.00
09/30/2011	278120	NELSON, RONALD	999999		10.00
09/30/2011	278122	NEOPOST	1208		1,227.45
09/30/2011	278123	NEW FRESH CLEANING SERVICE	4351		599.00
09/30/2011	278126	NEXTEL	1709		2,585.69
09/30/2011	278127	NYE UNIFORMS	299		904.06
09/30/2011	278129	OFFICE DEPOT, INC.	1721		580.62
09/30/2011	278130	OFFICEMAX INCORPORATED	301		309.50
09/30/2011	278133	OLYMPIA BUSINESS SYSTEMS, INC.	4730		599.00
09/30/2011	278134	ONE WAY PRODUCTS	440		2,625.67
09/30/2011	278135	OUR DESIGNS, INC.	3090		32.20
09/30/2011	278136	PATESEL, TERRY	4455		94.00
09/30/2011	278138	PETERMAN CONCRETE CO.	310		5,493.38
09/30/2011	278139	PETERS, DONNA	999999		48.00
09/30/2011	278140	PETTY CASH-SENIOR CENTER	537		361.82
09/30/2011	278141	PORTAGE FIREFIGHTERS	625		1,388.88
09/30/2011	278142	PORTAGE ON-CALL FIREFIGHTERS	504		138.60
09/30/2011	278143	PORTAGE POLICE OFFICERS ASSOC	624		1,622.61
09/30/2011	278144	PRO-FLEET	3209		7,965.00
09/30/2011	278145	PROCARE TREE SERVICE LLC	4452		12,966.00
09/30/2011	278146	PROFESSIONAL LAKE MANAGEMENT	461		508.98
09/30/2011	278147	QUADRANT II MARKETING, LLC	3139		2,018.40
09/30/2011	278148	RAIFSNIDER, CLAYTON H	999999		100.00
09/30/2011	278149	RAPID REFILL INK MI351	4722		29.98
09/30/2011	278150	RATHCO SAFETY SUPPLY, INC.	327		841.67
09/30/2011	278151	RHINO SEED & LANDSCAPE SUPPLY	1577		554.50
09/30/2011	278152	RIDGE AUTO NAPA	438		1,966.67
09/30/2011	278153	RIETH-RILEY CONSTRUCTION CO.,	4386		2,787.95
09/30/2011	278154	RJ'S PRINTING & ADVERTISING, L	4640		246.99
09/30/2011	278155	ROBB, MAXINE	999999		48.00
09/30/2011	278156	ROWLEY BROTHERS, INC.	346		2,016.90
09/30/2011	278157	Southwest Michigan First	999999		350.00
09/30/2011	278158	SANDERSON DEHAAN IRRIGATION	2469		42.60
09/30/2011	278159	SCHIPPERS, ANGIE	999999		48.00
09/30/2011	278160	SCHNEIDER AUTOMATION / SQUARE	2933		500.00
09/30/2011	278161	SCHUIR, JUDY	999999		48.00
09/30/2011	278162	SECANT TECHNOLOGIES	870		34,518.54
09/30/2011	278163	SELLES, HELEN	999999		48.00
09/30/2011	278164	SIG ARMS, INC.	2201		165.00
09/30/2011	278165	SIGN SHOP OF WESTERN MICHIGAN	358		20.00
09/30/2011	278166	SIGNWRITER & SERIGRAPHICS	2376		225.00
09/30/2011	278167	SIMPLEX GRINNELL	2521		1,640.00
09/30/2011	278168	SKARTSIARIS, PATRICIA OR	999999		10.01

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
09/30/2011	278169	SNELLING PERSONNEL SERVICES	2107	1,068.72
09/30/2011	278170	SNYDER, TODD	999999	100.00
09/30/2011	278171	SOIL & MATERIALS ENGINEERS, INC	1423	1,500.00
09/30/2011	278172	SOLTMAN, SHIRLEY	999999	68.80
09/30/2011	278173	SPENCER, SUSANNE	999999	48.00
09/30/2011	278174	SPRINT	3721	1,511.44
09/30/2011	278175	STAP BROS LAWN & LANDSCAPE, INC	366	1,408.33
09/30/2011	278176	STATE OF MICHIGAN (DOT)	368	121,428.09
09/30/2011	278177	STATE SYSTEMS RADIO, INC	369	68.85
09/30/2011	278178	STENSMA LAWN & POWER EQUIPMEN	3222	502.99
09/30/2011	278179	SUITS U TAILOR SHOP INC	4237	190.00
09/30/2011	278180	SUNGARD PUBLIC SECTOR	449	66,226.00
09/30/2011	278181	SUZANNE'S SENSIBLE SOLUTIONS	4673	70.00
09/30/2011	278182	SYNERGISTIC ONLINE SOLUTIONS	393	1,635.00
09/30/2011	278183	T A SCOTT CONSTRUCTION	999999	1,407.50
09/30/2011	278184	TECHNOLOGY SOLUTIONS	4612	1,431.19
09/30/2011	278185	JOHANNA THOMPSON	4682	2,782.50
09/30/2011	278186	TIGER DIRECT, INC.	4272	107.04
09/30/2011	278187	TIME EMERGENCY EQUIPMENT	574	142.45
09/30/2011	278188	TRACTOR SUPPLY CORP.	2817	461.26
09/30/2011	278189	TREGEMAN, CARYL	999999	196.26
09/30/2011	278190	TRUE-TECH INDUSTRIES CO.	4069	5,987.00
09/30/2011	278191	TRUGREEN	390	57.00
09/30/2011	278192	U A W, LOCAL 2290	1862	455.10
09/30/2011	278193	UNITED PARCEL SERVICE	545	64.54
09/30/2011	278194	UNITED PARTY & EVENT SERVICES	2177	315.00
09/30/2011	278195	VANDERBILT, JOHN	668	94.00
09/30/2011	278196	VERIZON WIRELESS SERVICES, LLC	4653	171.62
09/30/2011	278197	VERIZON WIRELESS SERVICES, LLC	4653	629.99
09/30/2011	278198	VICKSBURG CHRYSLER DODGE JEEP	2721	78.93
09/30/2011	278199	VILLAGE GREEN PROFESSIONAL BUI	999999	60.00
09/30/2011	278200	WESTMAN, ALLISON	999999	350.00
09/30/2011	278201	WESTRICK, STEPHANIE	999999	350.00
09/30/2011	278202	WINDEMULLER ELECTRIC, INC.	3061	7,147.26
09/30/2011	278203	WINGFOOT COMMERCIAL TIRE	2613	1,025.64
09/30/2011	278204	WINTHER, BETTY	999999	48.00
09/30/2011	278205	WMUK	4593	360.00
09/30/2011	278206	WOLVERINE LAWN SERVICE, INC.	1089	109.28
09/30/2011	278207	WOLVERINE POWER SYSTEMS	4322	244.00
09/30/2011	278208	DAN WOOD COMPANY	2019	767.90
10/02/2011	278209	Cornerstone Construction	999999	350.00
10/02/2011	278210	IAFCI	999999	75.00
10/02/2011	278211	MICHIGAN FIRE INSPECTOR'S SOCI	3525	285.00
10/07/2011	278212	GRAND TRAVERSE RESORT	999999	183.60
10/07/2011	278213	KOZMINSKE, MICHELE	999999	62.00
10/07/2011	278214	MAHN	999999	150.00

DATE RANGE TOTAL * 1,261,983.90 *

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE		EFT BATCH	BANK CODE
					NUMBER	NUMBER		
572		ADMIRAL LOCK & KEY SERVICE	09/30/2011	35.00	072000320000001	0000001	0000001	00
573		ALRO STEEL CORPORATION	09/30/2011	454.30	072000320000002	0000001	0000001	00
574		AMERICAN SAFETY & FIRST AID	09/30/2011	337.27	072000320000003	0000001	0000001	00
575		ANDRUS TRAVEL, GAIL	09/30/2011	1,931.00	072000320000004	0000001	0000001	00
576		ANIMAL REMOVAL SERVICE, LLC	09/30/2011	150.00	072000320000005	0000001	0000001	00
577		B & B YARDSCAPE	09/30/2011	5,866.00	072000320000006	0000001	0000001	00
578		BEBBE, RON	09/30/2011	94.00	072000320000007	0000001	0000001	00
579		BELL EQUIPMENT COMPANY	09/30/2011	807.00	072000320000008	0000001	0000001	00
580		CARRIER & GABLE	09/30/2011	365.00	072000320000009	0000001	0000001	00
581		CROWN TROPHY	09/30/2011	175.00	072000320000010	0000001	0000001	00
582		DELTA DENTAL PLAN OF MI	09/30/2011	19,509.00	072000320000011	0000001	0000001	00
583		ENGINEERED PROTECTION SYSTEMS, INC.	09/30/2011	155.00	072000320000012	0000001	0000001	00
584		ETNA SUPPLY, INC.	09/30/2011	31.91	072000320000013	0000001	0000001	00
585		GRAINGER INC. W W	09/30/2011	282.48	072000320000014	0000001	0000001	00
586		HALLS CLOSETS & MORE...LLC	09/30/2011	69.00	072000320000015	0000001	0000001	00
587		HEMLER, KAMI	09/30/2011	94.00	072000320000016	0000001	0000001	00
588		HI-TECH ELECTRIC CO.	09/30/2011	3,534.66	072000320000017	0000001	0000001	00
589		INDUSCO SUPPLY CO., INC.	09/30/2011	301.38	072000320000018	0000001	0000001	00
590		KEHOE, EDWARD J	09/30/2011	275.00	072000320000019	0000001	0000001	00
591		KNAPP ENERGY, INC.	09/30/2011	7,800.30	072000320000020	0000001	0000001	00
592		MCCARTHY SMITH LAW GROUP, PLC	09/30/2011	3,414.90	072000320000021	0000001	0000001	00
593		MEDENA, TIMOTHY	09/30/2011	188.00	072000320000022	0000001	0000001	00
594		FLEUNE SERVICE COMPANY	09/30/2011	655.26	072000320000023	0000001	0000001	00
595		PRECISION PRINTER SERVICES INC	09/30/2011	1,862.85	072000320000024	0000001	0000001	00
596		QUALITY AIR HEATING & COOLING, INC.	09/30/2011	832.33	072000320000025	0000001	0000001	00
597		ROE-COMM, INC.	09/30/2011	25.00	072000320000026	0000001	0000001	00
598		SAFETY SERVICES, INCORPORATED	09/30/2011	82.24	072000320000027	0000001	0000001	00
599		SNELL, DEBRA	09/30/2011	279.00	072000320000028	0000001	0000001	00
600		UNITED WATER ENVIRONMENTAL SERVICES	09/30/2011	167,775.40	072000320000029	0000001	0000001	00
601		WEST, STEVE	09/30/2011	141.00	072000320000030	0000001	0000001	00
602		360 SERVICES, INC.	09/30/2011	2,565.54	072000320000031	0000001	0000001	00

GRAND TOTAL:

220,088.82 NO. OF CHECKS:

31

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 12, 2011

FROM: Maurice S. Evans, City Manager



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

ACTION RECOMMENDED: That City Council:

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

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

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

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

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: September 12, 2011

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

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

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

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

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

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

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

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: September 12, 2011
SUBJECT: Rezoning Application #10-03, 1302, 1306, 1316 and 1330 East Centre Avenue

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

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

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

Sincerely,



James Cheesebro, Chairman
City of Portage Planning Commission

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

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

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

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

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

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

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

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

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

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

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

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

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

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

Respectfully submitted,

Michael West, AICP
Assistant City Planner

PLANNING COMMISSION

August 18, 2011

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Jim Pearson and Paul Welch.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

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

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

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

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

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

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

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

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

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

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

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

PLANNING COMMISSION

DRAFT

September 1, 2011

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Rick Bosch and Allan Reiff.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

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

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

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

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

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

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

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

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

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

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

TO: Planning Commission **DATE:** August 26, 2011
FROM: Vicki Georgeau, ^{1/2} Director of Community Development
SUBJECT: Final Report: Rezoning Application #10-03 (expanded), 1302, 1306, 1316 and 1330 East Centre Avenue

I. INTRODUCTION/BACKGROUND:

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

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

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

II. EXISTING CONDITIONS:

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

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

III. PUBLIC REVIEW/COMMENT

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

IV. FINAL ANALYSIS:

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

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

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

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies that influence the use of land for consistency with community development objectives. The proposed B-1 zoning district for 1302, 1306 and 1316 East Centre Avenue is consistent with applicable development guidelines contained in the Comprehensive Plan (attached). In addition, either the proposed B-1 or OS-1 zoning district for 1330 East Centre Avenue would be consistent with the applicable development guidelines.

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

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

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

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

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

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

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

V. RECOMMENDATION:

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

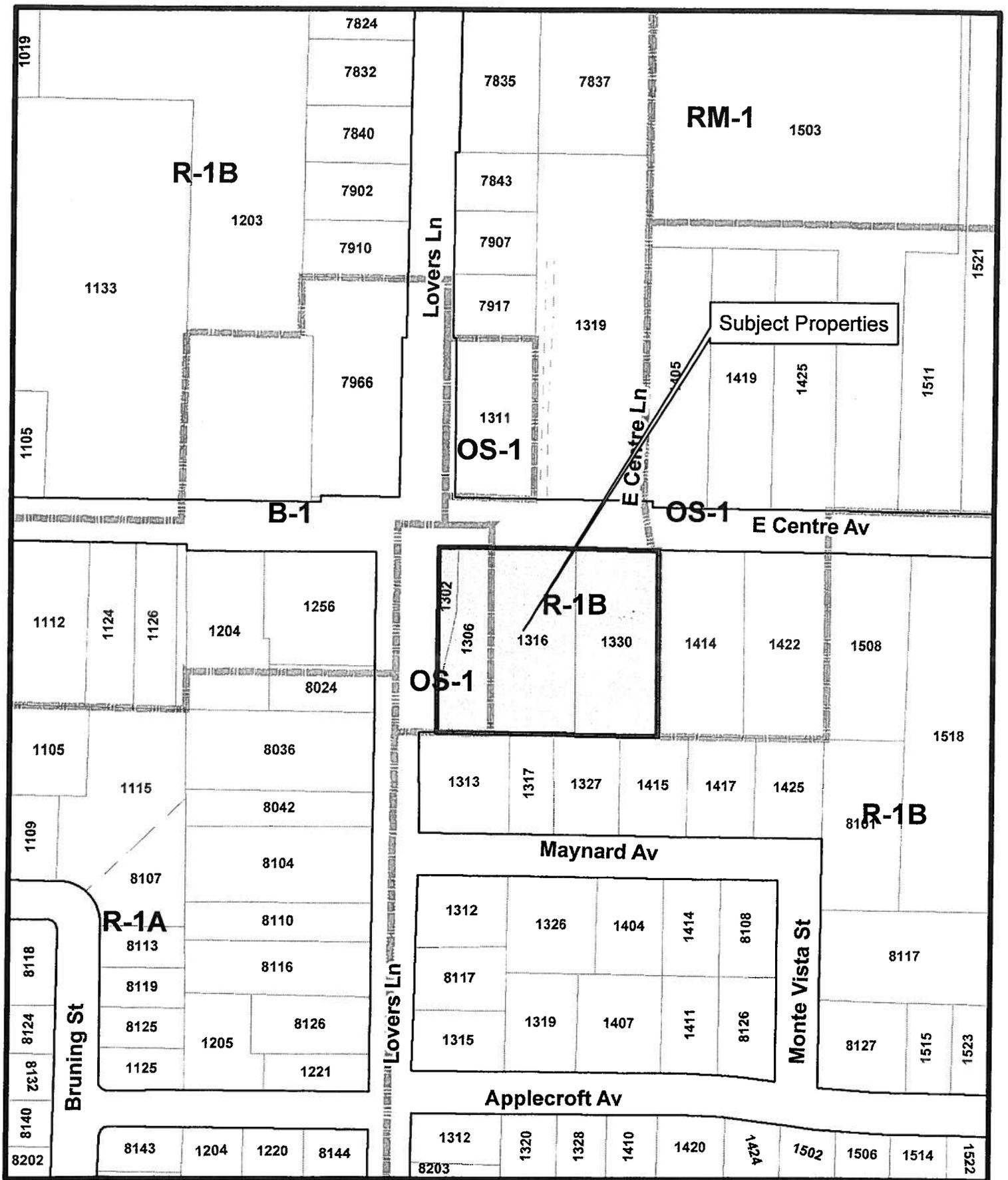
- 1) Recommend to City Council that Rezoning Application #10-03 be approved and 1302, 1306, 1316 and 1330 East Centre Avenue be rezoned to B-1, local business.

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

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

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

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



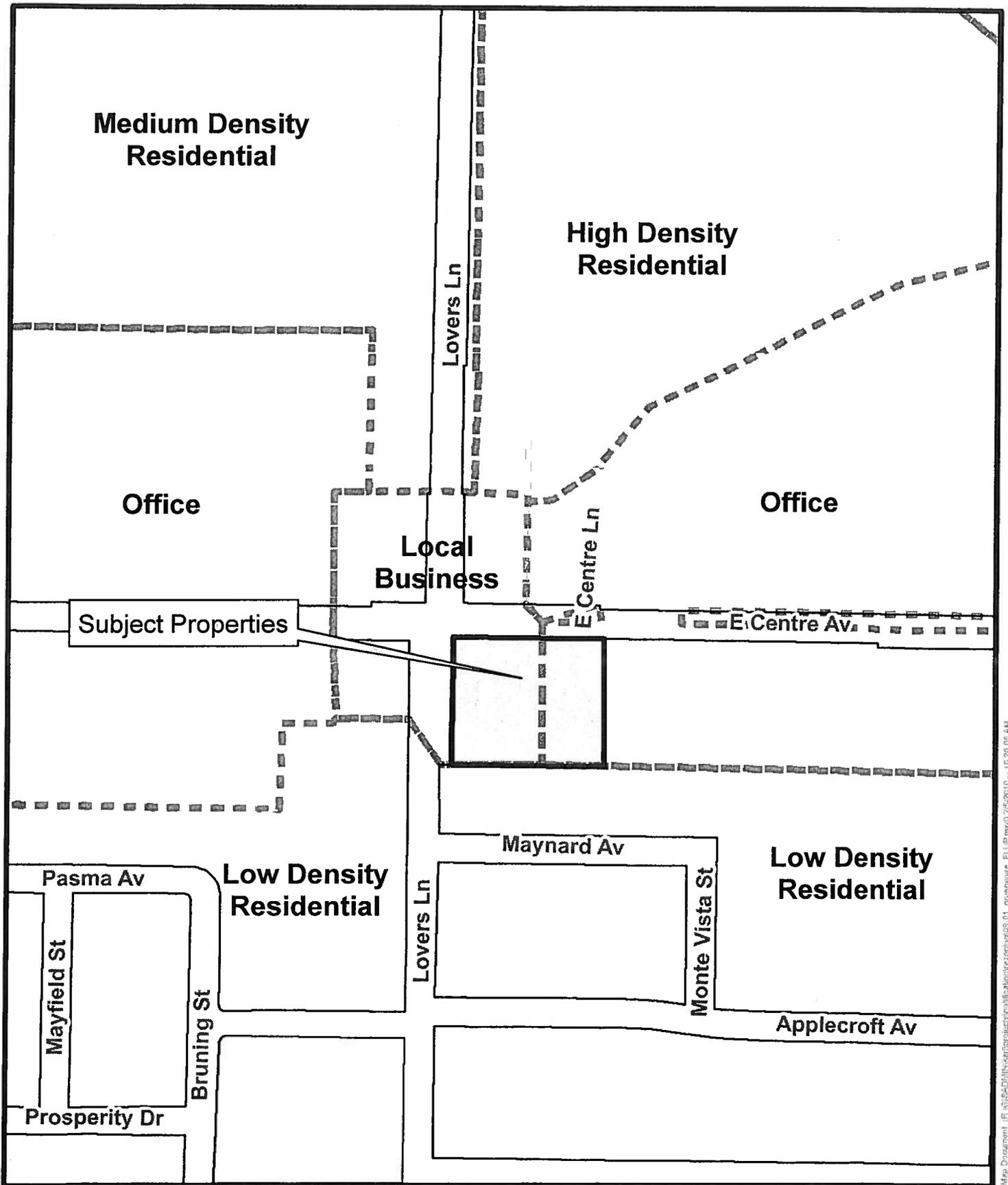
 Zoning Boundary
 Subject Properties

Rezoning #10-03

1302, 1306, 1316, 1330

East Centre Avenue


 1 inch = 200 feet



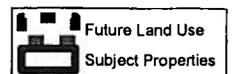
Map Document I:\GIS\DATA\workspace\project\info\lila\lila\lila\workspace_FLUP.mxd 2/5/2010 10:20:05 AM

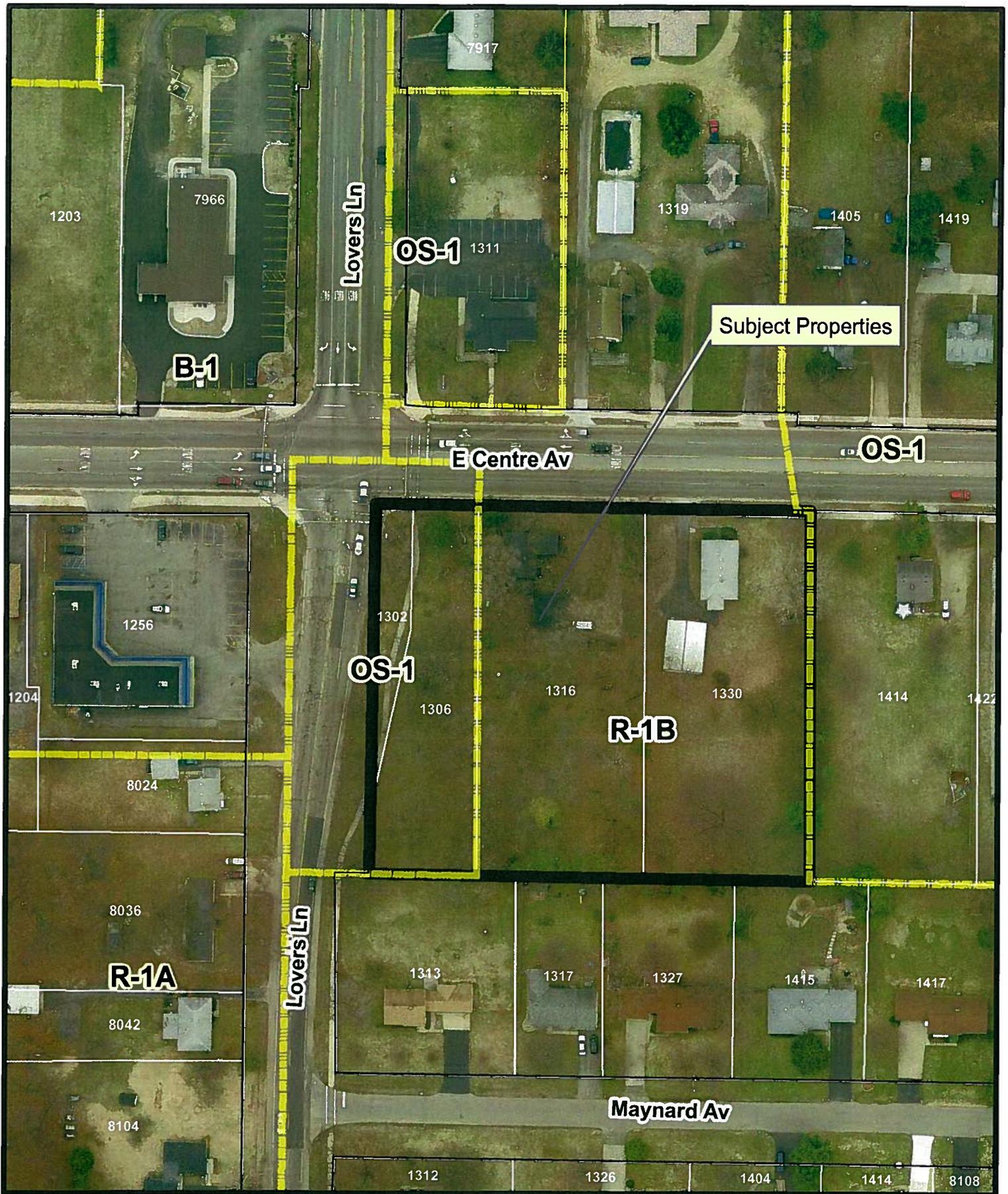


0 75 150 Feet

Future Land Use Map

1302, 1306, 1316, 1330 East Centre Avenue





 Zoning Boundary
 Subject Properties

Rezoning #10-03

1316 East Centre Avenue



1 inch = 100 feet

DEVELOPMENT GUIDELINES

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

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

RECEIVED

JUN 20 2011

COMMUNITY DEVELOPMENT

APPLICATION INFORMATION:

APPLICATION FOR ZONING AMENDMENT

Application number #10-033

Date JUNE 17, 2011

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings.

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 2, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at _____ between _____ Street and _____ Street on the _____ side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of _____ feet and a depth of _____ feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

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

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

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

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

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

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

ZONING TEXT AMENDMENT

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

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

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

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

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

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

APPROVED BY Thomas C Rogers
(Address)

616-394-9055
(Phone)

(269) 760-6448
(Phone)

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



MICHIGAN
COMMERCE BANK
Trust & Investments

Friday, June 24, 2011

Michael West
City of Portage

RE: 1316 E. Centre Street Rezoning Request

Dear Mr. West,

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

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

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

Please contact us with any further questions.

Sincerely,

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

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

JOHN L. BARNES

**TELEPHONE (269) 273-2327
FACSIMILE (269) 279-5015**

August 31, 2011

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

via email only

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

Dear Mr. West:

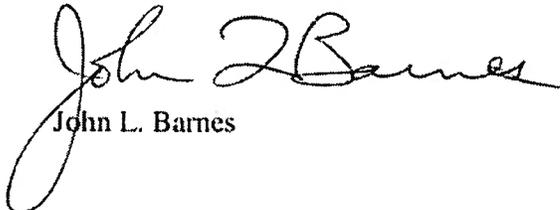
I represent William Miller, Jr., personal representative of the Estate of William H. Miller, deceased, which is the owner of the property located at 1330 E. Centre Avenue. William has asked me to send you this letter so that you have something in writing from the owner of the property, for consideration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

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

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

Sincerely yours,

BARNES LAW OFFICE, P.C.


John L. Barnes

JLB/kks
Cc: William Miller

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

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

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

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

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

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

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

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

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

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

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

Dated: _____

James R. Hudson, City Clerk

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

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

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

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

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

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

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

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Peter J. Strazdas, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

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

James R. Hudson, City Clerk

(App #10-03)

Approved as to Form:

Date: 9/8/11

By: [Signature]

City Attorney

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: October 11, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Michigan Department of Transportation Contract – Romence Road (Constitution Boulevard to South Westnedge Avenue)

ACTION RECOMMENDED: That City Council:

- a. approve Contract 11-5530 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Romence Road, Constitution Boulevard to South Westnedge Avenue;
 - b. approve an engineering services contract with Abonmarche Consultants, Incorporated, for construction inspection and administration for street improvements on Romence Road (Constitution Boulevard to South Westnedge Avenue) in the not to exceed amount of \$73,000;
 - c. adopt a Resolution authorizing the City Manager to sign Contract 11-5530; and
- authorize the City Manager to sign all other documents relating to the consultant contract and the Michigan Department of Transportation contract on behalf of the city.

The City Administration recently received a proposed contract between the Michigan Department of Transportation (MDOT) and the City of Portage concerning planned improvements on Romence Road from Constitution Boulevard to South Westnedge Avenue. Improvements include asphalt pavement, sidewalks, new traffic signs, and pavement markings,

The Romence Road (Constitution Boulevard to South Westnedge Avenue) project was advanced to Fiscal Year 2011 from 2012 in the Kalamazoo Area Transportation Study (KATS) Transportation Improvement Plan. The advancement of the Romence Road (Constitution Boulevard to South Westnedge Avenue) project resulted from federal funding difficulties with the City of Parchment River Reach Boulevard project, which required the River Reach project to be delayed a year. An additional \$170,000 in federal funds was allotted to the City of Portage by KATS for the Romence Road (Constitution Boulevard to South Westnedge Avenue) project as part of additional Fiscal Year 2011 federal funds appropriated to KATS.

Both KATS and MDOT have approved the project for federal funding. The cost of all planned improvements related to the Romence Road (Constitution Boulevard to South Westnedge Avenue) project is estimated at \$598,200 with a maximum federal funding of \$470,411. The city share of the project cost is estimated at \$127,789, which will be funded by the Municipal Street Fund.

It has been MDOT's policy over the years to submit cost sharing agreements to local municipalities once the project has been advertised for construction bids as MDOT cannot award a construction contract without a signed cost sharing agreement from the local municipality. The city share of expenses is based on estimated construction costs developed by the consulting engineer and refined by MDOT staff engineers.

Once the contract is awarded by MDOT, construction of this project will commence in the spring of 2012. Subsequent to contract award by MDOT, the project is turned over to the city for construction inspection and administration.

Necessary plans, specifications and MDOT program application on behalf of the city was completed by Abonmarche Consultants, Incorporated, for the project. To maintain continuity from design to construction inspection and administration, city staff requested a cost proposal from the consultant to perform necessary construction inspections, administration and reporting, as required by MDOT and the Federal Highway Administration. The cost proposal in the amount of \$73,000 was received by the City Administration and is considered to be reasonable and appropriate for the required work.

It is recommended that City Council approve Contract 11-5530 between the Michigan Department of Transportation and the City of Portage for street improvements on Romence Road, Constitution Boulevard to South Westnedge Avenue; approve the engineering services contract with Abonmarche Consultants, Incorporated, in the not to exceed amount of \$73,000; adopt a Resolution authorizing the City Manager to sign Contract 11-530 and authorize the City Manager to sign all other documents relating to the Michigan Department of Transportation contract and the consultant contract on behalf of the city.

Attachments

CITY OF PORTAGE
RESOLUTION

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan, held at the City Hall in said City on the _____ day of _____, 2011 at 7:30 p.m., local time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

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

RESOLVED, that the City Council for the City of Portage does hereby authorize the City Manager, Maurice S. Evans, to sign Contract 11-5530 between the City of Portage and the Michigan Department of Transportation. This contract for the resurfacing and rehabilitation of Romence Road from Constitution Boulevard to South Westnedge Avenue. Together with necessary related work, located within the corporate limits of the city.

ADOPTED: YEAS:

NAYS:

ABSENT:

James R. Hudson, City Clerk

CERTIFICATION

I hereby certify this _____ day of _____, 2011 that the foregoing is a true and complete copy of the original on file in my office.

James R. Hudson, City Clerk

resMDOT11-5530

DATE 10/5/11
MS
CITY ATTORNEY

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: October 12, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Nextel Mobile Phone Service

ACTION RECOMMENDED: That City Council renew a service contract in an amount not to exceed \$24,000 with Sprint Solutions for Nextel mobile phone service through September 3, 2012 and authorize the City Manager to execute all documents related to this action on behalf of the city.

The city is able to take advantage of the State of Michigan Mi-DEAL Extended Purchasing Program for the procurement of Nextel mobile phone service and equipment. This state cooperative purchasing program provides the city excellent savings due to large quantity purchasing power of the State of Michigan. In this case, the cooperative purchasing program translates to a 25 percent discount on service rate plans and a 20 percent discount on necessary orders (phones, chargers, etc.).

The city has used Nextel phone services since 1999 and the City Administration has been satisfied with the performance and service provided by Sprint/Nextel in the past. The IT Department audits the service offerings and overall city plan annually. Over the past several years the annual cost for service and accessory orders has reduced from a high of \$45,000 in 2004-05 to \$25,528 in 2010-11. Annual costs are estimated to be approximately \$24,000 during fiscal year 2011-12.

The proposed service contract renewal is an extension of the previous MiDEAL agreement. It is recommended that the City Council approve the renewal of this service contract in an amount not to exceed \$24,000 with Sprint Solutions through the State of Michigan Mi-DEAL Extended Purchasing Program and authorize the City Manager to execute all documents related to this action on behalf of the city. Approval will allow for the continued provision of Nextel mobile phone service and the purchase of phone accessories through September 3, 2012. Funds are budgeted and available in the fiscal year 2011-12 budget.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: October 10, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: 2011 City Council Goal Setting Session

ACTION RECOMMENDED: That City Council establish Friday, December 9, 2011 as the date of the 2011 City Council Goal Setting Session.

Arrangements are being made to hold the annual City Council Goal Setting Session on Friday, December 9, 2011 at the Gilmore House on the campus of Western Michigan University. A tentative schedule of activities and meeting materials will be provided in the near future.

It is recommended that City Council establish Friday, December 9, 2011 as the date of the 2011 City Council Goal Setting Session.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: October 6, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: September 2011 Summary Environmental Activity Report – Information Only

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

These items serve to update the Council on environmental affairs.

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

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: October 6, 2011

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

SUBJECT: September 2011 Environmental Activity Report – Information Only

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

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

Attachment

RECEIVED

OCT 06 2011

CITY MANAGER'S OFFICE
PORTAGE, MI

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

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<ul style="list-style-type: none"> -City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. <i>2011 annual report submitted to MDEQ, with moderate groundwater quality improvements.</i>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<ul style="list-style-type: none"> -Coordination with property owners and City or State agencies ongoing. -<i>Review of 5 site/building plans and/or plats completed in September 2011.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<ul style="list-style-type: none"> -<i>Sanitary sewer hookup permits issued in September 2011: 2 residential; 1 commercial.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<ul style="list-style-type: none"> -Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. The 2009/2010 lake treatments are complete. The 2011 lake survey and treatment preparations are complete. <i>Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011.</i>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	<ul style="list-style-type: none"> -Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year

contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. The 2010 year report received in January 2011. The 2010 results show declining groundwater levels throughout the city. Declining levels range from 6" to 3' - 0". Surface storm water outfall sampling shows stable results. *Current groundwater table measurements show the September 2011 level to be approximately 4" below June 2011 levels.*

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

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan. Plan implementation is ongoing.

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

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

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

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

at the 2011 Home Expo on March 9 – 12, 2011. *Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association.* Implementation is ongoing.

National Pollution Discharge Elimination System (NPDES) permit implementation
Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current water shed plan. No consensus yet, second meeting held on June 20, 2011.

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

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

Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.

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

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

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

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

Localized Groundwater Table Investigation

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

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

Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through December 2010. Current sampling continued to show a slight decline in the groundwater table. Current groundwater levels are approximately 4" below than the June 2011 levels.

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

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

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

Southwest Michigan Regional Sustainability Covenant Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

Tim Earl
6862 Shallowford Way
Portage, MI 49024
October 4, 2011

*cc: CM
cc
City Atty*



✓ City of Portage
City Council
7900 South Westnedge Avenue
Portage, MI 49002

Dear members of the City Council:

I have lived in Portage since 2006, returning to Michigan after 10 years away, including eight years of military service. Hoping to spend the rest of my life here, I take a great interest in local affairs. My job as a consultant involves frequent travel, so I am not able to commit to any regularly scheduled activity or attend council meetings. Given that, I often view the council meetings afterward online, a service I greatly appreciate. I'm proud to live in a city that uses technology to promote government transparency.

One of the first things I noticed when I started watching these meetings is the invocation at the opening of the session. As a citizen who does not believe in a deity, I find this practice bothersome and unnecessary, and it makes me hesitant to attend live sessions on those rare occasions when I am in town on a Tuesday evening. I decided long ago to ignore the practice, in part because it seems obvious that the people leading the invocation try to be non-denominational and inclusive. I will note, however, that the assumption that there is a god and that all citizens pray to such a god excludes a portion of the community including atheists and Buddhists. But a line was crossed during the meeting of September 6, 2011, when the Reverend Chad Wells of the First Baptist Church of Portage openly prayed "in Jesus' name." This remark at a public meeting of our local government can be interpreted as an endorsement of Christianity. The 1st amendment to the US Constitution prohibits the federal government from such action, the 14th amendment applies the same restriction to the states, and numerous Supreme Court decisions have applied it to government at all levels.

This may seem trivial, but to nonbelievers living in an area where the vast majority of people believe in god and are very open about their faith, it becomes a larger issue. We know we are a minority, but we expect our government to protect us from tyranny of the majority.

We may be a small minority, but we are in general law abiding citizens who contribute to the welfare of our community. We are doctors, lawyers, school teachers, and other professionals. Statistically, it is virtually certain that each of you knows at least a few nonbelievers, but given the intense pressure we regularly receive from the faithful, most of us keep our views private.

October 4, 2011

Page 2

I have considered for some time asking the council to entertain a secular invocation at a future meeting so that you may hear the voice of this too often overlooked minority. I remain willing to lead such an invocation, but it would be more appropriate for the practice of an invocation to be discarded entirely. Religion has nothing to do with governing our city. If your own beliefs inspire you to pray before attending to city business, then by all means do so in private before the meeting, but remember that you serve all residents of Portage, which includes Jews, Muslims, Hindus, Buddhists, and a host of other religious adherents, as well as nonbelievers. Openly praying to a specific god during public meetings is exclusionary, and as representatives of the City of Portage, you should promote tolerance and inclusiveness instead.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Earl', written in a cursive style.

Tim Earl

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: October 13, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: City Council Invocation – Response to Communication from Mr. Tim Earl, 6862 Shallowford Way

ACTION RECOMMENDED: That City Council direct the City Clerk to contact Mr. Tim Earl to determine his interest in providing the City Council meeting invocation.

The Council is in receipt of a communication dated October 4, 2011 from Mr. Tim Earl, 6862 Shallowford Way, concerning his discomfort with the content of the City Council meeting invocations, particularly those where the individual giving the invocation calls upon a specific deity. While the City of Portage enjoys the giving of the invocation by a variety of individuals from many different denominations (see attached listing), a secular invocation can be added to the schedule. It is recommended that the City Clerk be directed to contact Mr. Earl to determine if he is inclined to volunteer in this capacity.

Attachment

CITY OF PORTAGE
SCHEDULE OF DATES/NAMES FOR INVOCATION AT COUNCIL MEETINGS - 2011
DENOMINATIONS/AFFILIATIONS*

Dates	Name	Affiliation/Address	Denomination/Affiliation
January 11, 2011	Pastor Bill Abernathy	Berean Baptist Church	Baptist
January 25, 2011	Pastor Richard Hertsel	Centre Avenue Community Church of God	Church of God Reformation Movement
February 8, 2011	Pastor Tim Hoult	Kalamazoo Valley Family Church	Non-denominational
February 22, 2011	Pastor Ken Hale	Victory Baptist Church	Baptist
March 8, 2011	Associate Pastor Bill Vande Giessen	Cherry Creek Community Church	Evangelical Free Church of America
March 22, 2011	Mr. Ravi Akkoor	Hindu Community	Hindu
April 12, 2011	Deacon Karen McDonald	St. Barnabas Episcopal Church	Episcopal
April 26, 2011	Elder Chris VandenOever	First Reformed Church of Portage	Christian Reformed
May 10, 2011	Pastor Mark Cryderman	Portage Free Methodist Church	Methodist
May 24, 2011	Rabbi Harvey Spivak	Congregation of Moses	Jewish
June 14, 2011	Mr. Kyle Douglas	Life Point Church	Fellowship of Evangelical Churches
June 28, 2011	Pastor Phillip Kok	Prairie Edge Christian Reformed Church	Christian Reformed
July 12, 2011	Pastor Paul Nuechterlein	Prince of Peace Lutheran Church	Lutheran
July 26, 2011	Pastor John Moore	Portage First United Methodist Church	Methodist
August 9, 2011	Father John Fleckenstein	St. Catherine of Siena Catholic Church	Catholic
August 23, 2011	Rev. Barry Petrucci	Chapel Hill United Methodist Church	Methodist
September 6, 2011	Rev. Chad Wells	First Baptist Church of Portage	Baptist
September 20, 2011	Pastor Daniel Teerman	The Bridge	Non-denominational
October 4, 2011	Pastor Joan Herbon	Lord of Life Lutheran Church	Lutheran
October 18, 2011	Pastor David Barringer	Kalamazoo First Assembly of God Church	Assemblies of God
November 1, 2011	Minister Michael O'Berski	Oakland Drive Christian Church	Related to United Church of Christ
November 15, 2011	Pastor Paul Naumann	St. Michael Lutheran Church	Lutheran
December 6, 2011	Rev. Scott Oberle	Portage United Church of Christ	United Church of Christ
December 20, 2011	Pastor Greg Wood	Portage First United Methodist Church	Methodist

* Actual giver of invocation may have varied due to scheduling conflicts.

CITY OF PORTAGE

SCHEDULE OF DATES/NAMES FOR INVOCATION AT COUNCIL MEETINGS - 2010*

Dates	Name	Affiliation/Address	Phone
January 12, 2010	Pastor Steve Nichols	Berean Baptist Church, 7813 South 12th Street, 49024	375-0244
January 26, 2010	Pastor Richard Hertsel	Centre Avenue Community Church of God, 1917 East Centre, 49002	327-9648
February 9, 2010	Pastor Jeff Jones	Kalamazoo Valley Family Church, 2500 Vincent Avenue, 49024	324-5599
February 23, 2010	Pastor Ken Hale	Victory Baptist Church, 308 W. Milham Avenue, 49024	344-0842
March 9, 2010	Pastor Brad Belcher	Cherry Creek Community Church, 10641 Shaver Road, 49024	327-9090
March 23, 2010	Mr. Ravi Akkoor	Hindu Community, 8405 Plover Drive, 49009	375-6767
April 13, 2010	Rev. Kathleen Kingslight	St. Barnabas Episcopal Church, 929 East Centre, 49002	327-7878
April 27, 2010	Pastor Mike Drew	First Reformed Church of Portage, 7905 S. Westmedge, 49002	327-3694
May 11, 2010	Pastor Mark Cryderman	Portage Free Methodist Church, 1715 West Centre, 49024	327-5312
May 25, 2010	Rabbi Harvey Spivak	Congregation of Moses, 2501 Stadium Drive, 49008	342-5463
June 8, 2010	Mr. Roger Andrews	Life Point Church, PO Box 1685, Portage, MI 49081	353-0106
June 22, 2010	Pastor Phillip Kok	Prairie Edge Christian Reformed Church, 9316 Oakland Drive, 49024	327-1570
July 13, 2010	Pastor Paul Nuechterlein	Prince of Peace Lutheran Church, 1747 W. Milham Avenue, 49024	343-3453
July 27, 2010	Pastor Beth Jones	Kalamazoo Valley Family Church, 2500 Vincent Avenue, 49024	324-5599
August 10, 2010	Father Kevin Covert	St. Catherine's Catholic Church, 1150 West Centre Ave. 49024	327-5165
August 24, 2010	Rev. Barry Petrucci	Chapel Hill United Methodist Church, 7028 Oakland, 49024	327-6643
September 7, 2010	Rev. Chad Wells	First Baptist Church of Portage, 1133 East Centre Avenue, 49002	327-1635
September 21, 2010	Pastor John Moore	Portage First United Methodist Church, 8740 South Westmedge Ave, 49002	327-6761
October 5, 2010	Pastor Joan Herbon	Lord of Life Lutheran Church, 9420 Portage Road, 49002	327-6565
October 19, 2010	Pastor Phillip McElhenny	Kalamazoo First Assembly of God Church, 5550 Oakland Drive, 49024	329-1977
November 2, 2010	Minister Michael O'Berski	Oakland Drive Christian Church, 7331 Oakland Drive, 49024	327-7602
November 16, 2010	Pastor Paul Naumann	St. Michael Lutheran Church, 7211 Oakland Drive, 49024	327-7832
December 7, 2010	Rev. Scott Oberle	Portage United Church of Christ, 2731 West Milham, 49024	327-3114
December 21, 2010	Pastor Greg Wood	Portage First United Methodist Church, 8740 South Westmedge Ave, 49002	327-6761

* Actual giver of invocation may have varied due to scheduling conflicts.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: September 14, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Amendment to the Code of Ordinances - Historic Districts

ACTION RECOMMENDED: That City Council:

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

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

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

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

Attachments:

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

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

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

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

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

THE CITY OF PORTAGE ORDAINS:

That Chapter 38 shall be amended as follows:

ARTICLE 2. HISTORIC DISTRICTS.

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

(a) – (i) No change.

(j) *Time limits.*

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

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

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

Dated: _____

James R. Hudson, City Clerk

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

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

THE CITY OF PORTAGE ORDAINS:

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

ARTICLE 2. HISTORIC DISTRICTS.

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

(a) – (i) No change.

(j) *Time limits.*

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

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

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

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

James R. Hudson, City Clerk

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

Approved as to form
Date: 9/9/11
kes

City Attorney



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

TO: Honorable Mayor and City Council

DATE: August 15, 2011

FROM: Mark Reile, Chairperson

SUBJECT: Proposed Historic District Commission Ordinance Amendment

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

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

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

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

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

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

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 16, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Proposed Historic District Commission Ordinance Amendment

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

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

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

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: October 6, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Vehicle/Equipment Purchases

ACTION RECOMMENDED: That City Council approve the purchase of two 4-wheel drive one-ton pickup trucks, three 4-wheel drive ¾-ton pickup trucks, five police pursuit vehicles and one 60 inch commercial mower through the State of Michigan Purchasing Program (MiDEAL) at a total cost not to exceed \$306,159 and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

Included for purchase in the Fiscal Year 2011-2012 Equipment Fund Capital Outlay Budget and Capital Improvement Program Budget are replacements for two 4-wheel drive one-ton pickup trucks, three 4-wheel drive ¾-ton pickup trucks, five police pursuit vehicles and one 60 inch commercial mower. These new vehicles and equipment will replace those that have reached the end of their serviceable life.

All replacement vehicles and equipment identified can be purchased through the State of Michigan Purchasing Program Michigan Extending Agreements Locally (MiDEAL), at a total cost not to exceed \$306,159. The City of Portage has entered into a joint agreement with the State of Michigan to utilize the cooperative purchasing program, as there is a significant economic advantage realized by the city when purchasing through MiDEAL. All vehicles being replaced will be sold at auction through the Kalamazoo County Intergovernmental Auction Program, with a total estimated auction value of \$25,000.

It is recommended that purchase of the vehicles and equipment (as indicated above) be approved and that the City Manager be authorized to execute all documents related to these purchases on behalf of the city. Funds are budgeted and available for these purchases.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: October 10, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Fire Department Garage Door Operators

ACTION RECOMMENDED: That City Council approve the purchase of garage door operators from Fawley Door, Inc. of Portage, Michigan in the amount of \$18,200 for the replacement of 20 garage door operators and 40 remote transmitters for three city fire stations and authorize the City Manager to execute all documents relating to this contract on behalf of the city.

Between Fire Station 1, Station 2 and Station 3 there are 20 vehicle doors. All of these doors have been automated with door operators and remote transmitters to allow for the swift maneuvering of fire engines and apparatus. The garage door operators have reached a point when replacement parts for existing units are no longer available, requiring all parts to be specially built when needed. The oldest of these units are approximately 35 years of age with the newest being just over 17 years of age.

Replacement of the fire station garage door openers will allow for all three stations to have matching systems, allowing for more efficient maintenance and providing a quality door opener for years to come. Funds are budgeted and available in the Public Safety Department's Fire Division operating budget for this purpose.

Bid Tabulation
Fire Station Garage Door Operators

<u>Bidder</u>	<u>Make/Model</u>	<u>Operators & Installation Cost Ea. Cost for 20</u>	<u>Remote Transmitters Cost Ea. Cost for 40</u>	<u>Grand Total</u>
Fawley Door, Inc. 6736 Lovers Lane Portage, MI 49002	Liftmaster Model T-5011 Elite Series 1/2 HP, 115 volt Replacement Transmitters - \$30.00 ea.	\$850.00 \$17,000.00	\$30.00 \$1,200.00	\$18,200.00
Overhead Door Co. of Kalamazoo 5291 Wynn Road Kalamazoo, MI 49048	Overhead Door Corp. Model RSX-Trilley 1/2 HP, 115/208/230-1 Replacement Transmitters - \$30.00 ea.	\$1,142.35 \$22,847.00	\$30.00 \$1,200.00	\$24,047.00

Bids Opened 10/6/2011