

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. 18th Annual March for Meals Month

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Meeting Summary of Regular Meeting of February 25, 2020
 - b. Pre-Council Meeting of March 9, 2020
2. Approval of the Accounts Payable Register of March 10, 2020 as presented.
3. Accept the low bid in the amount of \$123,900 from Wyoming Asphalt to provide repairs to the Ramona Park parking lots and authorize the City Manager to execute all documents related to the contract on behalf of the city.
4. Award a contract in the amount of \$76,725 to Michigan Paving & Materials Company for the Department of Public Works parking lot asphalt overlay and parking lot expansion, and authorize the City Manager to execute all documents related to this action on behalf of the city.
5. Approve an amended contract with Farr Associates in an amount not to exceed \$51,500 for the Lake Center District Area Placemaking and Connectivity Study and authorize the City Manager to execute all documents related to the contract on behalf of the city.
6. Accept the Resolution No. 20-2 for the city to vacate its interest in the west approximate 416-feet of the former Gladys Street public right of way subject to retention of a permanent utility easement; and the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street. The vacation and discontinuance of property shall not take effect until the property subject to the purchase and sale agreement between the city and 6405 SW, LLC is transferred by an executed deed.
7. Approve the Final Condominium Subdivision for Pennridge Trail No. 1, 1800 West Osterhout Avenue subject to the following conditions: a) West Osterhout improvements and storm sewer improvements and paving by August, 2020 and b) completion of sidewalks and street trees by November 2021.
8. Accept for first reading the proposed City of Portage Ordinance amending Article 3, Officers and Employees, of Chapter 2, Administration, Section 2-87 Personnel Rules and consider final adoption on March 24, 2020.
9. Minutes of Boards & Commissions:
 - a. Historic District Commission of November 6, 2019
 - b. Senior Citizen Advisory Board of January 15, 2020
 - c. Planning Commission of February 20, 2020
 - d. Human Services Board of February 20, 2020

10. Calendar of Meetings:

- Board of Review, Monday, March 9, 2020 at 9:00 a.m. (organizational meeting), Tuesday, March 10, 2020 & Wednesday, March 11, 2020 at 12:00 p.m., Thursday, March 12, 2020 at 9:00 a.m. in City Hall Room #1.
- Environmental Board, Wednesday, March 11, 2020 at 7:00 p.m. in City Hall Room #1.
- Strategic Planning Session #2, Thursday, March 12, 2020 at 12:00 p.m. in Council Chambers.
- Youth Advisory Committee, Tuesday, March 17, 2020 at 6:00 p.m. in City Hall Room #1.
- Senior Center Advisory Board, Wednesday, March 18, 2020 at 2:30 p.m. in Senior Center.
- Planning Commission, Thursday, March 19, 2020 at 7:00 p.m. in Council Chambers.

11. Materials Transmitted.

B. Petitions and Statements of Citizens:

C. Communications:

D. Public Hearings:

1. Subsequent to the public hearing, consider approving the Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court, subject to the four conditions contained in the January 17, 2020 Department of Community Development staff report.

E. Regular Business Agenda:

1. Accept Resolution No. 20-3 for the city to establish a Temporary Moratorium for Certain Development Activities within the Lake Center District Area.

F. Unfinished Business:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.



CITY OF PORTAGE PROCLAMATION

18th ANNUAL MARCH FOR MEALS MONTH

- WHEREAS,** on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and
- WHEREAS,** Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and
- WHEREAS,** the 2020 observance of March for Meals celebrates 18 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and
- WHEREAS,** volunteers for Meals on Wheels programs in Portage, MI are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and
- WHEREAS,** Meals on Wheels programs in Portage, MI provide nutritious meals to seniors throughout the Portage, MI that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and
- WHEREAS,** Meals on Wheels programs in Portage, MI provide a powerful socialization opportunity for millions of seniors to help combat the negative health effects and economic consequences of loneliness and isolation; and
- WHEREAS,** Meals on Wheels programs in Portage, MI deserve recognition for the contributions they have made and will continue to make to local communities, our State and our Nation.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, as Mayor of Portage, MI do hereby proclaim March 2020 as the 18th Annual March for Meals Month and urge every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2020 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

Signed this 10th day of March.

Patricia M. Randall, Mayor

CITY COUNCIL MEETING SUMMARY

February 25, 2020

INVOCATION

- ◆ The audience observed a moment of silence in honor of sowing the seeds of love and peace in the Portage community.

PLEDGE OF ALLEGIANCE

- ◆ Cub Scout Troop 255 of St. Catherine's Parish recited the Pledge of Allegiance.

PROCLAMATIONS

- ◆ The Mayor proclaimed May 1, 2020 as Global Love Day.

CONSENT AGENDA

- ◆ Motion by Burns, seconded by Knapp to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.
- ◆ Approved the City Council Meeting Minutes for the Regular Meeting of February 11, 2020 and the Pre-Council Meeting of February 24, 2020.
- ◆ Approved the Accounts Payable Register of February 25, 2020 as presented.
- ◆ Adopted the Bond Resolution authorizing the sale of Capital Improvement Bonds, Series 2020, in the amount of \$8,400,000; and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for Capital Improvement Bonds, Series 2020.
- ◆ Adopted the Bond Resolution authorizing the sale of Capital Improvement Refunding Bonds, Series 2020, in the amount not to exceed \$5,190,000 to refund Capital Improvement Refunding Bond Series 2012, Capital Improvement Bond Series 2011, and Capital Improvement Bond Series 2010; and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for Capital Improvement Refunding Bonds, Series 2020.
- ◆ Approved the budget amendments in the amounts of \$225,000 in the Major Streets Fund and \$325,000 in the Local Streets Fund to increase 2020 pavement applications and authorize the City Manager to sign all documents on behalf of the city.
- ◆ Approved a contract in the amount of \$52,700 to Innovative Sheet Metals to replace the roof at the Grain Elevator in the Celery Flats Historical Area and authorize the City Manager to execute all documents related to the contract on behalf of the city.
- ◆ Approved the Minutes of the Youth Advisory Committee of January 13, 2020; Planning Commission of January 23, 2020, and Human Services Board of February 6, 2020.
- ◆ Approved the Materials Transmitted of February 11, 2020.
- ◆ Adopted the Calendar of Meetings as information only.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Frank Plodzick of 6251 Date Street asked City Council to revise the Winter Parking Ordinance noting issues he has experienced with family and visitors needing space to park in the street and receiving citations despite time restrictions and lack of snow plowing conditions. He provided a draft ordinance revision for review.
- ◆ Mark Prichard of 8523 South Westledge Avenue stated he had three issues to relay to City Council. He had concerns with wildlife management in the city, homelessness options regarding a lack of shelters in the City of Portage and personal issues with community policing, asking for a diverse police force to match a diverse population.

CITY COUNCIL COMMITTEE REPORTS

- ◆ Councilmember Knapp provided an update on the Kalamazoo County Public Art Commission.
- ◆ Mayor Pro Tem Pearson provided an update on the Austin Lake Governmental Lake Board.
- ◆ Councilmember Reid provided an update on the Kalamazoo County Environmental Health Advisory Council.
- ◆ Motion by Reid, seconded by Burns to approve the Council Committee Reports as provided. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Burns noted his attendance at two recent city events; reminded of the March 10, 2020 Primary Election; noted an upcoming Portage Public Schools bond proposal, and noting free tax season help at the Portage Community Center.
- ◆ Councilmember Ford echoed the mention of tax season, noting the effect of the Consumers Price Index.
- ◆ Councilmember Reid praised the February 18 Strategic Planning Session; relayed attendance at city's Black History Month event and missed attendance at Winter Blast Marathon with Governor, and, March 10 Election with Central County Transportation Authority millage proposal.

- ◆ Councilmember Knapp also mentioned Black History Month event; relayed February 27 Portage Senior Center design open house, and, new Police Division K9 named Riggs.
- ◆ Mayor Pro Tem Pearson echoed and praised the Council comments.
- ◆ Mayor Randall noted the seven various Council meetings since the last Regular Meeting and thanked staff for their attendance and efforts; she noted a public survey available related to the Portage Public Schools bond proposal; she relayed that annual property tax assessments had recently been mailed, and, noted the upcoming March Board of Review.
- ◆ City Manager La Margo echoed comments on the Winter Blast Marathon; he praised recent efforts by the Fire and Police Division staff for going above and beyond the call of duty.

**MINUTES FROM THE PRE-MEETING OF THE PORTAGE CITY COUNCIL
OF MARCH 9, 2020**

Mayor Pro Tem Jim Pearson called the meeting to order at 8:00 a.m. Councilmembers Chris Burns, Lori Knapp and Claudette Reid joined via the conference phone line. Councilmembers Richard Ford, Terry Urban and Mayor Patricia Randall were absent with excuse. Also in attendance were City Manager Joseph La Margo, Deputy City Manager Adam Herringa and Deputy City Manager Mike Carroll joined the meeting. City Clerk Erica Eklov was absent to prepare for the Presidential Primary Election.

With regard to Item A.2, Councilmember Knapp inquired as to check 12770(A) which was for "Lakeview Park Concept Plan." She inquired if the plan was part of efforts related to the Lake Center Business District or similar. City Manager La Margo stated that he would research and respond.

With regard to Item A.3, Councilmember Reid noted the large discrepancy between the highest and lowest bids and wondered as to the reason why. Mayor Pro Tem Pearson and City Manager La Margo shared that firms will often submit a quick high bid on the chance that they might get the contract thus resulting in a substantial profit margin.

With regard to Item A.5, Councilmember Reid noted that the cost increase of the contract with Farr Associates appears to be related primarily to the creation of a public report. She commented that \$5000 for such a report seemed high. City Manager La Margo stated that the report requires additional effort and will be created such that it can be used in the upcoming Comprehensive Plan that must be put together by the Department of Community Development. Mayor Pro Tem Pearson noted that some of the increased cost could be attributed to the expansion of the project study area. Councilmember Reid also asked for clarity regarding the dates of Planning 101 and charrettes that are being planned. Mr. La Margo noted that the "Planning 101" meeting will be held on March 30, preliminary charrette workshops with the public will be held in April and the final charrettes will be in early May.

With regard to Item A.7, Councilmember Reid expressed concern with safety related to 22 units being built in the first phase of the project yet there being only once access point to the property. She inquired as to the number of units that can be permitted per access drive and noted that, eventually, a second emergency access is planned. Later in the Pre-Council Meeting Councilmember Reid inquired as to stormwater flow to the retention basin. She asked if the flow was all downhill and who owns or is responsible for the related pipe and basin.

With regard to Item A.8, Councilmember Reid asked for clarity between the Personnel Rules and Regulations and Administrative Orders noting that City Council has little understanding of the Administrative Orders or their content. Deputy City Manager Carroll noted that the Administrative Orders are currently under review. He continued by stating that permitting City Administration the authority to review and modify Personnel Rules will afford the City Manager flexibility to quickly adapt these rules as needed and ensure they are synonymous with the Administrative Orders. Deputy City Manager Carroll shared a recent experience in which City Administration was recruiting a candidate but ran into difficulties with the Personnel Rules when it came to negotiating time off. He continued by stating that, in his

experience, City Council supervises the City Manager but the City Manager should have the flexibility to set the rules for staff. Councilmember Reid questioned why there needs to be both Personnel Rules and Regulations and Administrative Orders. Mr. Carroll noted that the contents of the Personnel Rules and Regulations are similar to an employee handbook and provide a basic understanding of expectations and benefits. Administrative Orders, he continued, get into greater detail and provide consistency across the organization.

Mayor Pro Tem Pearson noted that the contents of Administrative Orders and rules for employees are often a mystery to City Council. He then noted the change in dress code and asked what changed and for City Council to be notified when such changes are made. Mr. La Margo explained the change in the dress code and pledged to provide City Council with updates when Administrative Orders are modified. He noted that Deputy City Managers Carroll and Herringa are currently reviewing all Administrative Orders and that City Council would be provided a copy of the results. Mayor Pro Tem Pearson asked that a "highlight/strike" copy be provided. Councilmember Reid concurred with Mayor Pro Tem Pearson.

With regarding to Item D.1, Councilmember Reid commented that the proposed project changes the character of the Greenspire Development. She asked how the public can obtain information and provide feedback. City Manager La Margo stated that the developer will be present at the meeting and should be able respond to Councilmember Reid's questions. Councilmember Reid next noted high water levels in the area and whether the impact of this proposed development will adversely impact water levels. She also noted proposed underground parking and questioned the viability given the high groundwater in this area. City Manager La Margo stated that engineers have evaluated the project for impact on water levels and staff understands the sensitivity in this regard. Mr. La Margo questioned whether the underground parking would become a reality given the cost to create underground parking combined with water levels. He noted the plan is still tentative at this point and project commencement remains two years away. Mayor Pro Tem Pearson asked that City Council forward any questions regarding this project to Mr. La Margo so that the developer can be prepared to answer them at the meeting.

Mayor Pro Tem Pearson summarized the meeting and Deputy City Manager Herringa noted that Mr. Carroll would be serving as City Clerk for the meeting due to the Presidential Primary Election and the unavailability of the City Clerk. Councilmember Reid inquired as to how many absentee ballots had been returned. Mr. Herringa stated that about 4,700 had been issued and around 80% had been returned so far. He also noted that this number of ballots is almost double from four years ago. Mayor Pro Tem Pearson inquired as to the number of spoiled ballots and Mr. Herringa responded that there have been approximately 200 spoiled ballots over the last few days.

ADJOURNMENT: Following a summary of the meeting, Mayor Pro Tem Pearson adjourned the meeting at 8:25 a.m.

Adam Herringa, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Director of Finance

ACTION RECOMMENDED: Approval of the Accounts Payable Register of March 10, 2020 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period February 16, 2020 through February 29, 2020 and notes \$1,723,338.37 in automated clearing house payments, \$570,575.05 in paper checks and \$22,045.33 in auto-pay payments for a grand total of \$2,320,958.75.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of March 10, 2020

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/16/20 to 2/29/20

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Check type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
02/18/2020	12710(A)	AMERICAN HYDROGEOLOGY CORP.	PFAS TESTING	28,155.87
02/21/2020	12711(A)	A NEW LEAF	PLANT CARE @ CITY HALL	93.50
02/21/2020	12712(A)	A-1 SIGNS	VEHICLE NUMBERS	144.00
02/21/2020	12713(A)	ADVANTAGE ROOFING, INC.	CDBG THILL 6828 ROTHBURY-ROOF REP	275.00
02/21/2020	12714(A)	AIRGAS USA LLC	MAINTENANCE SUPPLIES	520.63
02/21/2020	12715(A)	AKERS WOOD PRODUCTS	STUMP REMOVAL	22.50
02/21/2020	12716(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,220.59
02/21/2020	12717(A)	ALL-TRONICS, INC.	FIRE ALARM MONITORING	81.00
02/21/2020	12718(A)	AMERICAN SAFETY & FIRST AID	FIRST AID SUPPLIES	182.61
02/21/2020	12719(A)	B L HARROUN & SON INC.	SPRINKLER HEAD INSTALL	1,781.27
02/21/2020	12720(A)	B S & A SOFTWARE	INVENTORY MANAGEMENT ANNUAL FEE	2,653.00
02/21/2020	12721(A)	BATTERIES PLUS	MAINTENANCE SUPPLIES	53.85
02/21/2020	12722(A)	BEST WAY DISPOSAL, INC.	CURBSIDE RECYCLING PROGRAM	51,696.10
02/21/2020	12723(A)	BLUE CARE NETWORK-GREAT LAKES	BCNA INSURANCE	150,552.94
02/21/2020	12724(A)	BYHOLT INC.	2NS SAND DELIVERY	411.69
02/21/2020	12725(A)	C D W GOVERNMENT, INC.	VIDEO ENCODER	325.00
02/21/2020	12726(A)	CAPITAL ADVANTAGE LEASING	KONICA MINOLTA COPIER LEASE	9,344.75
02/21/2020	12727(A)	CARLETON EQUIPMENT CO.	LOADER RENTAL	27,075.98
02/21/2020	12728(A)	CARRIER & GABLE	TRAFFIC SIGNAL SUPPLIES/SVCS	15,180.51
02/21/2020	12729(A)	CHARTER COMMUNICATIONS	CABLE TV	634.73
02/21/2020	12730(A)	CIVICPLUS	AUDIOEYE MANAGED ANNUAL FEE	4,275.81
02/21/2020	12731(A)	CLEAN EARTH ENVIRONMENTAL SERV	SLUDGE REMOVAL SVCS	15,652.45
02/21/2020	12732(A)	CLEANIT CORP	CARWASHES	393.99
02/21/2020	12733(A)	CONSOLIDATED ELECTRICAL DIST INC	REPAIR/MAINT SUPPLIES	1,045.50
02/21/2020	12734(A)	CONTINENTAL LINEN SERVICES	EVENT LINENS	171.30
02/21/2020	12735(A)	DELTA DENTAL PLAN OF MICHIGAN	DELTA DENTAL INSURANCE	19,338.92
02/21/2020	12736(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIR/SUPPLIES	1,400.58
02/21/2020	12737(A)	DIESEL INJECTION SERVICE, LLC	TURBO FOR UNIT #241	1,857.03
02/21/2020	12738(A)	DIVE RESCUE INTERNATIONAL INC	FIRE OPS SUPPLIES	240.73
02/21/2020	12739(A)	ENGINEERED PROTECTION SYSTEMS, INC.	MONITORING SERVICES	551.04
02/21/2020	12740(A)	FARM N GARDEN	OPERATING SUPPLIES	517.23
02/21/2020	12741(A)	FIRE SERVICE MANAGEMENT	FIRE PPE CLEANING	1,518.11
02/21/2020	12742(A)	GAIL ANDRUS TRAVEL	TRIP VENDOR PMT HAMILTON	555.00

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Check Date	Check	Vendor Name	Description	Amount
02/21/2020	12743(A)	GOODYEAR TIRE & RUBBER COMPANY	FIRE APPARATUS MAINT	3,946.33
02/21/2020	12744(A)	GORDON WATER SYSTEMS	WATER SERVICE	393.05
02/21/2020	12745(A)	GORNO FORD	NEW FLEET VEHICLES	121,229.00
02/21/2020	12746(A)	GRAINGER INC	SHOP MAINTENANCE	78.14
02/21/2020	12747(A)	GRAND ELK RAILROAD	2019 RR SIGNAL MAINTENANCE	16,694.00
02/21/2020	12748(A)	GREAT LAKES CHLORIDE, INC.	LIQUID DEICER	6,323.42
02/21/2020	12749(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL SERVICES	179.00
02/21/2020	12750(A)	INDUSCO SUPPLY CO., INC.	JANITORIAL SUPPLIES DPW	233.64
02/21/2020	12751(A)	INFOGROUP CITY DIRECTORIES	2020 POLK CITY DIRECTORY	502.44
02/21/2020	12752(A)	JACK DOHENY SUPPLIES INC.	SIGN TRUCK PARTS	807.13
02/21/2020	12753(A)	JONES & HENRY ENGINEERS, LTD	ENGINEERING SERVICES	10,930.11
02/21/2020	12754(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOM RENTAL	225.00
02/21/2020	12755(A)	KENDALL ELECTRIC, INC.	LIGHT BULBS	170.84
02/21/2020	12756(A)	KLOSTERMAN DISTRIBUTING	MPIR CONCESSIONS	70.42
02/21/2020	12757(A)	LAWSON PRODUCTS, INC	MAINTENANCE SUPPLIES	502.47
02/21/2020	12758(A)	LEWIS PAPER PLACE, INC.	COPY PAPER	1,335.00
02/21/2020	12759(A)	M & M CUSTOM FABRICATING INC.	NAME PLATES AND BADGES	44.99
02/21/2020	12760(A)	MATERIALS RESOURCES	LATEX GLOVES AND SUPPLIES	282.50
02/21/2020	12761(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRES AND MAINTANANCE	1,657.18
02/21/2020	12762(A)	MEJEUR ELECTRIC LLC	REPAIR/ DIAGNOSE CONDENSER	3,403.00
02/21/2020	12763(A)	MICHIGAN LAUNDRY MACHINERY SERVICE	FIRE FACILITY MAINT	421.04
02/21/2020	12764(A)	MIH MICHIGAN LLC	DISASTER RECOVERY SVC MO CHRG	6,624.60
02/21/2020	12765(A)	MILLS, DANIEL	MACP CONFERENCE	947.50
02/21/2020	12766(A)	MULDERS LANDSCAPE SUPPLIES INC	OPERATING SUPPLIES	286.50
02/21/2020	12767(A)	MYERS, JAMES	ENTRUST POWERDMS/ADVANCE	150.00
02/21/2020	12768(A)	NORMAN CAMERA CO.	CAMERA SUPPLIES	344.60
02/21/2020	12769(A)	NYE UNIFORMS	FIRE UNIFORMS	586.84
02/21/2020	12770(A)	O'BOYLE-COLWELL-BLALOCK & AS.	LAKEVIEW PARK CONCEPT PLAN	529.03
02/21/2020	12771(A)	OFF THE CUFF CATERING	VALENTINE CELEBRATION LUNCHEON	400.00
02/21/2020	12772(A)	ONE WAY PRODUCTS	JANITORIAL SUPPLIES	228.50
02/21/2020	12773(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICES	9,953.74
02/21/2020	12774(A)	PARIS CLEANERS	LAUNDRY CONTRACT	840.81
02/21/2020	12775(A)	PCM SALES, INC.	MAAS 360 OVERAGES	127.60
02/21/2020	12776(A)	PECKELS, CHRISTINE	CLASS INSTRUCTOR PMT YOGA	240.00

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Check Date	Check	Vendor Name	Description	Amount
02/21/2020	12777(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	6,762.50
02/21/2020	12778(A)	PETERS CONSTRUCTION CO.	ZYLMAN AVE RECONSTRUCTION	905,897.74
02/21/2020	12779(A)	PHILLIPS, KIMBERLY	REIMBURSE FOR EXPENSES PAID	140.48
02/21/2020	12780(A)	POWERDMS, INC.	FIRE SOFTWARE	737.00
02/21/2020	12781(A)	PREMIER SAFETY	FIRE SCBA REPAIR	1,202.00
02/21/2020	12782(A)	PRINTING SERVICES INC	RAMONA EXHIBIT PANELS/BANNER	894.00
02/21/2020	12783(A)	R W LAPINE INC.	HVAC SERVICES AND REPAIRS	8,526.67
02/21/2020	12784(A)	VOID		0.00
02/21/2020	12785(A)	REPUBLIC SERVICES OF WEST MICHIGAN	WASTE SERVICES	827.39
02/21/2020	12786(A)	RIDDERMAN & SONS OIL CO. INC.	GASOLINE AND DIESEL FUEL	19,770.75
02/21/2020	12787(A)	RIDGE AUTO NAPA	MAINT SUPPLIES/SHOP TOOLS	4,388.39
02/21/2020	12788(A)	VOID		0.00
02/21/2020	12789(A)	VOID		0.00
02/21/2020	12790(A)	VOID		0.00
02/21/2020	12791(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	815.46
02/21/2020	12792(A)	ROBERT LAMSON, LLC	POST COND OFFER PSYCH EVAL	465.00
02/21/2020	12793(A)	ROE-COMM, INC.	MISC RADIO SERVICES	598.50
02/21/2020	12794(A)	S B F ENTERPRISES, INC.	PRINTING/PROCESSING QTLY WATER	602.76
02/21/2020	12795(A)	SAFETY SERVICES, INC.	EQUIPEMENT MAINTENANCE	186.06
02/21/2020	12796(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL MAINT	28,331.23
02/21/2020	12797(A)	SHULER, ZACHERY	EMP REIMB/SHEEPDOG SPIRIT SEM	40.00
02/21/2020	12798(A)	SIMPLIFILE LLC	JANUARY DOCUMENT FILINGS	231.00
02/21/2020	12799(A)	SMART HOMES, INC.	MPIR AUDIO SYSTEM REPAIRS	935.12
02/21/2020	12800(A)	STOP STICK LTD	STOP STICK RACK KIT	1,441.00
02/21/2020	12801(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY SYSTEM OPERATION	183,127.49
02/21/2020	12802(A)	TERMINAL SUPPLY CO.	EQUIPMENT LIGHTS	1,226.03
02/21/2020	12803(A)	TRUCK & TRAILER SPECIALTIES	MAINTENANCE SUPPLIES	408.03
02/21/2020	12804(A)	UNIFIRST CORPORATION	HALLWAY CARPET RENTAL	93.38
02/21/2020	12805(A)	VANDENBRINK, BRIAN	ENTRUST POWERDMS/ADVANCE	200.00
02/21/2020	12806(A)	WARNER NORCROSS & JUDD LLP	LEGAL FEES & RETAINER FEES	4,281.67
02/21/2020	12807(A)	WEST MICHIGAN INT'L LLC	MAINT SUPPLIES	1,011.54
02/21/2020	12808(A)	WEST SHORE FIRE, INC.	FIRE APPARATUS MAINT	965.00
02/21/2020	12809(A)	WIGHTMAN	ENGINEERING SERVICES	348.53
02/21/2020	12810(A)	WOLVERINE LAWN SERVICE, INC.	SNOW REMOVAL SERVICES	3,110.00

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Check Date	Check	Vendor Name	Description	Amount
02/21/2020	12811(A)	XEROX CORPORATION	JAN 2020 XEROX AGRMNT	217.62
02/28/2020	12812(A)	CHARTER COMMUNICATIONS	CABLE TV	118.54
02/28/2020	12813(A)	GREATER KALAMAZOO UNITED WAY	CONTRIBUTIONS FOR FEB 2020	223.68
02/28/2020	12814(A)	OFF THE CUFF CATERING	COUNCIL DINNER-COW MEETING	155.00
02/28/2020	12815(A)	ONSTAFF USA INC	TEMP EMPLOYEE SERVICES	11,282.65
02/28/2020	12816(A)	PCM SALES, INC.	PRO EDITION 1YR RTL BOX	204.00
02/28/2020	12817(A)	PORTAGE FIREFIGHTERS	DUES FOR FEBRUARY 2020	1,770.00
02/28/2020	12818(A)	PORTAGE ON-CALL FIREFIGHTERS	DUES FOR FEBRUARY 2020	40.00
02/28/2020	12819(A)	PORTAGE POLICE OFFICERS ASSOC	DUES FOR FEBRUARY 2020	651.00
02/28/2020	12820(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	DUES FOR FEBRUARY 2020	499.53
Total ACH Transactions:				1,723,338.37
Check type: Paper				
02/21/2020	312567	4IMPRINT, INC.	EDUCATION/EVENT MATERIAL	1,793.59
02/21/2020	312568	AIR COMPONENTS & ENGINEERING, INC.	OPERATING SUPPLIES	16.43
02/21/2020	312569	ALLEGRA PRINT & IMAGING	ENVELOPES & BUSINESS CARDS	890.00
02/21/2020	312570	AMERICAN ARBOR LLC	TREE SERVICES	4,228.00
02/21/2020	312571	AMERICAN HOIST AIR & LUBE EQUIP INC	DRUM CART AND PUMP	1,213.80
02/21/2020	312572	AR ENGINEERING LLC	ENGINEERING SERVICES	1,050.00
02/21/2020	312573	AT&T	ELECTRONIC COMMUNICATIONS	3,873.49
02/21/2020	312574	AUTO TRIM	WINDOW TINTING DB VEHICLE	89.00
02/21/2020	312575	BAY AREA TOUCHLESS CARWASH LLC	CAR WASHES	336.00
02/21/2020	312576	BEX FARMS, INC	OPT WTAX19 PARCEL # 00550-01	40.41
02/21/2020	312577	BLAIN SUPPLY, INC.	OPERATING SUPPLIES	89.94
02/21/2020	312578	BLUE CROSS/BLUE SHIELD OF MICH	BCBSM INSURANCE	41,307.37
02/21/2020	312579	BOTT, BARBARA	BAND SUPPLIES	72.00
02/21/2020	312580	BRONSON HEALTHCARE GROUP	LEGAL BLOOD DRAWS	200.00
02/21/2020	312581	BUILDING RESTORATION, INC.	BLDG REPAIRS/STUART MANOR	3,509.00
02/21/2020	312582	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	23.98
02/21/2020	312583	CANTEEN SERVICES	MPIR CONCESSIONS	166.12
02/21/2020	312584	CARTRIDGE WORLD	TRIP OFFICE PRINT CARTRIDGES	281.89
02/21/2020	312585	CASINO TOURS AND CHARTERS, INC.	CASINO EXCURSION PAYMENT	105.00
02/21/2020	312586	CENTRAL TILE & TERRAZZO CO.	FURNISH/INSTALL CARPET TILE	1,230.00
02/21/2020	312587	CINTAS CORP.	UNIFORM RENTAL SERVICES	947.54
02/21/2020	312588	CITY OF KALAMAZOO TREASURER	WATER SERVICES	20.47

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Check Date	Check	Vendor Name	Description	Amount
02/21/2020	312589	CITY OF PORTAGE	TRANSFER TO 19 WTAX 0 08760-027-O	59.05
02/21/2020	312590	COFFEE RESCUE, LLC	YAC SNOW PARTY CONCESSIONS	47.50
02/21/2020	312591	CONSUMERS ENERGY - CEM	INSTALL NEW STREETLIGHTS	25,824.00
02/21/2020	312592	CORELOGIC COMMERCIAL REAL ESTATE	OP WTAX19 PARCEL 00009-045-E	9,023.23
02/21/2020	312593	CORELOGIC COMMERCIAL REAL ESTATE SV	OP WTAX19 PARCEL 00026-155-Y	2,721.65
02/21/2020	312594	D L GALLIVAN INC.	COPY MACHINE USAGE	312.17
02/21/2020	312595	DAHLMAN, ARLENE	TRIP REFUND KENTUCKY BOUND	100.00
02/21/2020	312596	DETROIT TIGERS	PAWS APPEARANCE FEE	449.80
02/21/2020	312597	DTN, LLC	WEATHER SERVICES	942.00
02/21/2020	312598	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PMT GULF COAST	1,744.00
02/21/2020	312599	EDWARDS INDUSTRIAL SALES, INC.	EQUIPMENT REPAIRS	5.44
02/21/2020	312600	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	6,711.64
02/21/2020	312601	FADER EQUIPMENT, INC.	DUCK ANCHOR	184.20
02/21/2020	312602	FAWLEY OVERHEAD DOOR, INC.	FIRE FACILITY MAINT	892.00
02/21/2020	312603	FIRE DEPARTMENT TRAINING NETWORK	FIRE TRAINING	3,900.00
02/21/2020	312604	FOREMOST SALES COMPANY LLC	CLEANING SERVICES	1,410.00
02/21/2020	312605	FOSTER, SWIFT, COLLINS & SMITH, PC	COP SOUTHLAND MALL LTD (MTT)	742.50
02/21/2020	312606	FOWLER, AURORA	SKATE INSTRUCTOR FEE	100.00
02/21/2020	312607	GORDON FOOD SERVICE	MPIR CONCESSIONS	81.39
02/21/2020	312608	GUTH ILLUSTRATION & DESIGN	RAMONA EXHIBIT WORK	512.50
02/21/2020	312609	GUTH, GAIL W.	DESTINATION: PORTAGE PRESN	500.00
02/21/2020	312610	HALT FIRE, INC.	FIRE APPARATUS MAINT	4,968.19
02/21/2020	312611	HERRINGA, ADAM	EMPLOYEE REIMBURSEMENT	64.40
02/21/2020	312612	HOCHSTEDLER, JEANNE	TRIP REFUND GULF COAST	20.00
02/21/2020	312613	HOFER, DAVID	CDBG CRAWLEY 2824 ROLLING HL ROOFING	8,000.00
02/21/2020	312614	HOME DEPOT	WINTER MAINTENANCE	1,376.22
02/21/2020	312615	VOID		0.00
02/21/2020	312616	IMAGETREND, INC.	FIRE SOFTWARE - PERMITS	1,850.00
02/21/2020	312617	INT'L ASSOC CHIEFS OF POLICE	IACP MEMBERSHIP RENEWAL	190.00
02/21/2020	312618	JAMB, LLC	OP WTAX19 PARCEL # 09200-071-O	191.09
02/21/2020	312619	KAL COUNTY FIRE CHIEFS ASSOC.	FIRE MEMBERSHIPS	125.00
02/21/2020	312620	KAL-BLUE REPROGRAPHICS	AERIAL PHOTO OF CITY	272.81
02/21/2020	312621	KAL-CREEK COMMERCIAL APPRAISERS, LC	APPRAISAL/ 850 TRADE CENTRE WAY	650.00
02/21/2020	312622	KALAMAZOO BASEBALL LLC	MASCOT APPEARANCE FEE	40.00

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02/21/2020	312623	KALAMAZOO COUNTY HEALTH & COMMUNITY	HOUSEHOLD HAZ WASTE	6,104.23
02/21/2020	312624	KALAMAZOO COUNTY TREASURER	COLONIAL ACRES JAN 2020 MOBILE HOME	477.50
02/21/2020	312625	KALAMAZOO COUNTY TREASURER	4TH QTR 2019 BLLNG/SUBPOENA MAIL	661.25
02/21/2020	312626	KALAMAZOO OIL COMPANY	FUEL FOR SMALL EQUIPMENT	326.81
02/21/2020	312627	KCAAO	2020 IAAO 400- ASSESSMENT ADMIN	350.00
02/21/2020	312628	KENT COUNTY DPW	WASTE DISPOSAL RED MED/DRUG	90.00
02/21/2020	312629	KIESLER POLICE SUPPLY	AMMO	2,701.75
02/21/2020	312630	LAMARGO, JOSEPH	EMPLOYEE REIMB MML JAN 2020	278.06
02/21/2020	312631	LETO, TIM	OP WTAX19/2713 WOODBINE	800.89
02/21/2020	312632	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	177.00
02/21/2020	312633	MCHUGH, PAULA JEAN	PROGRAM LEADER PMT	500.00
02/21/2020	312634	MEYER MUSIC INC.	FOLDING MUSIC STANDS	399.00
02/21/2020	312635	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEH REPAIR/MAINT	1,562.13
02/21/2020	312636	MICHIANA LAND SERVICES	EASEMENT ACQUISITION SVCS	1,172.50
02/21/2020	312637	MICHIGAN FIRE INSPECTOR'S SOCIETY	FIRE MARSHAL TRAINING	460.00
02/21/2020	312638	MMRMA	TACTICAL ENCOUNTERS	470.00
02/21/2020	312639	MOORE, LARRY	TUITION REIMB-MOORE, L.	425.25
02/21/2020	312640	MORBARK PARTS & SERVICE CORP.	CHIPPER REPAIRS	985.68
02/21/2020	312641	MOSES FIRE EQUIPMENT, INC.	FIRE APPARATUS MAINT	620.90
02/21/2020	312642	MOTION PICTURE LICENSING CORP.	MOTION PIC LIC TO SHOW MOVIES	208.28
02/21/2020	312643	MUSKEGON COUNTY EQUALIZATION	2020 DATABASE AUDIT & CLEANUP	100.00
02/21/2020	312644	NAPIER, PEGGY	EVENT SUPPLIES	703.80
02/21/2020	312645	NEIGHBORHOOD CLEANERS OF PORTAGE	TABLECLOTHS FOR STUART MANOR	44.77
02/21/2020	312646	NELSON'S HARDWARE	TREE CUTTING SUPPLIES	37.78
02/21/2020	312647	NEWTON, JOYCE	TRIP REFUND KENTUCKY BOUND	100.00
02/21/2020	312648	OFFICE DEPOT, INC.	OFFICE SUPPLIES	2,822.37
02/21/2020	312649	VOID		0.00
02/21/2020	312650	VOID		0.00
02/21/2020	312651	PARKER, GRETCHEN	SKATE INSTRUCTOR FEE	50.00
02/21/2020	312652	PATEL, VASHU	RENTAL DEPOSIT RETURN	100.00
02/21/2020	312653	PEERLESS, INC.	WATER SOFTNER SALT	129.10
02/21/2020	312654	PETTY CASH-PAULA GUSTAFSON	REPLENISHMENT CHECK	314.54
02/21/2020	312655	PIPETEK INFRASTRUCTURE SERVICES	SEWER SERVICES	3,822.50
02/21/2020	312656	POLDERMAN'S FLOWER SHOP	FLOWER SERVICE	72.95

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Check Date	Check	Vendor Name	Description	Amount
02/21/2020	312657	PRO-VISION SOLUTIONS, LLC	TRUCK SERVICES	408.04
02/21/2020	312658	QUADMED, INC.	FIRE OPS SUPPLIES	776.20
02/21/2020	312659	RATHCO SAFETY SUPPLY, INC.	SIGNS/MAT/DELINEATOR/BASES	10,170.18
02/21/2020	312660	VOID		0.00
02/21/2020	312661	RENEWED EARTH, INC.	LEAF AND BRUSH REMOVAL	9,083.33
02/21/2020	312662	RESTORATIVE LAKE SCIENCES, LLC	WEST LAKE MANAGEMENT	1,625.00
02/21/2020	312663	ROAD COMMISSION OF KALAMAZOO COUNTY	T/S ENERGY CHARGES	1,170.22
02/21/2020	312664	ROOFING TECHNOLOGY ASSOCIATES, LTD.	PROFESSIONAL SERVICES	6,720.00
02/21/2020	312665	SEBENCH ENGINEERING INC.	CONSULTANT SVCS (FED EX BLDG)	250.00
02/21/2020	312666	SHI INTERNATIONAL CORP.	DISPLAYPORT TO DISPLAYPORT ADAP	228.00
02/21/2020	312667	SPENCER, SUSANNE	TRIP REFUND KENTUCKY BOUND	100.00
02/21/2020	312668	STADIUM MANAGEMENT COMPANY	MASCOT APPEARANCE FEE	75.00
02/21/2020	312669	STATE OF MICHIGAN	SOR REGISTRATIONS	390.00
02/21/2020	312670	STATE OF MICHIGAN (DOT)	ROMENCE/OAKLAND/CONSTI. RECONST	297,028.89
02/21/2020	312671	STATE OF MICHIGAN (EGLE)	STORM WATER ANNUAL PERMIT FEE	4,000.00
02/21/2020	312672	STATE SYSTEMS RADIO, INC	RADIO SERVICES	2,535.72
02/21/2020	312673	STEENSMA LAWN & POWER EQUIPMENT	REPAIR/MAINT SUPP	374.51
02/21/2020	312674	SUN TITLE AGENCY LLC	OP WTAX19 PARCEL #00021-168-O	7.98
02/21/2020	312675	SWANK MOTION PICTURES, INC.	JUNE MOVIES 2020	825.00
02/21/2020	312676	SWENSON, CONNIE	TRIP REFUND GULF COAST	580.00
02/21/2020	312677	TELGENHOFF, MANDY	STUART MANOR DEPOSIT REF	150.00
02/21/2020	312678	THE CRAFTSMAN CHOP COMPANY	OP WTAX19 PARCEL 00009-100-D	1,803.90
02/21/2020	312679	THEBO-PARK, RONI	SCHRIER PARK DEPOSIT REF	150.00
02/21/2020	312680	THIRD COAST TECH, LLC	RELOCATE CONTROL PANEL	392.00
02/21/2020	312681	THRYV, INC.	YELLOW PAGES ADS	202.12
02/21/2020	312682	TUBERGEN SAW SERVICE	BLADE SHARPENING	390.00
02/21/2020	312683	ULINE, INC.	MISC. EVIDENCE SUPPLIES	725.09
02/21/2020	312684	UNITED PARTY & EVENT SERVICES	CHRISTMAS DISPLAY & LINENS	578.00
02/21/2020	312685	USA TODAY	PUBLICATION FOR LOBBY	53.10
02/21/2020	312686	VALLEY CITY SIGN	CEMETERY SIGNS	9,308.00
02/21/2020	312687	VAN, TRISHA	SCHRIER PARK DEPOSIT REF	150.00
02/21/2020	312688	VANGUARD FIRE & SUPPLY CO., INC.	VANGUARD FIRE SUPPLY	225.00
02/21/2020	312689	VARNUM, RIDDERING, SCHMIDT & H	LEGAL SERVICES RENDERED	1,170.00
02/21/2020	312690	VARTEC, LLC	WINScribe LIC/ANNUAL MAINT	1,026.00

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Check Date	Check	Vendor Name	Description	Amount
02/21/2020	312691	VERIZON CONNECT NWF, INC.	FLEET GPS SERVICES	921.85
02/21/2020	312692	VERIZON WIRELESS	WIRELESS CARDS	4,038.80
02/21/2020	312693	VICKSBURG HARDWARE	CHAINSAW SUPPLIES	285.96
02/21/2020	312694	WESTVIEW CAPITAL, LLC	BD BOND REFUND	7,415.00
02/21/2020	312695	WILLIAMS & WORKS	ENGINEERING SVC/EAST CENTRE	1,958.65
02/21/2020	312696	WILLIAMS ASSOCIATES ARCHITECTS, LTD	FIRE STATION 2	8,382.59
02/21/2020	312697	WM CORPORATE SVCS, INC.	DISPOSAL SERVICES	883.06
02/21/2020	312698	WMACP	WMACP MEMBERSHIP RENWL	25.00
02/21/2020	312699	WOLF KALAMAZOO, LLC	EQUIPMENT MANUALS	192.29
02/21/2020	312700	WS CORPORATE SVCS, INC.	DISPOSAL SERVICES	12.91
02/28/2020	312701	ADP, INC.	ADP PAYROLL & ETIME	2,581.25
02/28/2020	312702	AT&T	ELECTRONIC COMMUNICATIONS	535.32
02/28/2020	312703	AT&T LONG DISTANCE	LONG DISTANCE SERVICE	57.19
02/28/2020	312704	AVI SYSTEMS, INC.	ANNUAL SUB LEIGHTRONIX CABLE ACCESS	4,871.00
02/28/2020	312705	C&C PROFESSIONAL CLEANING SERVICE	FACILITY CLEANING SERVICES	3,002.50
02/28/2020	312706	CONSUMERS ENERGY	ENERGY CHARGES 1614 OSTERHOUT	505.31
02/28/2020	312707	FADER EQUIPMENT, INC.	DUCK ANCHOR	184.20
02/28/2020	312708	GREATER KALAMAZOO FOP LODGE 98	DUES FOR FEB 2020	3,102.98
02/28/2020	312709	LUEBBERT, TIM	DAMAGED MAILBOX RIEMB	44.00
02/28/2020	312710	MAXWELL, ERIN	DAMAGED MAILBOX RIEMB	44.00
02/28/2020	312711	MCDA	SPRING TECHNICAL CONF	238.00
02/28/2020	312712	MCGUIRE, SHANNON	UB REF 311 E MILHAM AVE	52.01
02/28/2020	312713	MICHIGAN ASSOC. OF PLANNING	SPRING INSTITUTE REGIS	300.00
02/28/2020	312714	MICHIGAN MUNICIPAL LEAGUE	MICH MUNICIPAL EXE MEMBERSHIP	70.00
02/28/2020	312715	MITTER, ALLISON	SKATE INSTRUCTOR FEE	50.00
02/28/2020	312716	MSU PROJECT FISH	PROJ FISH-FISHING INSTRUCTOR TRNG	300.00
02/28/2020	312717	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,888.15
02/28/2020	312718	PORTAGE GLASS & MIRROR	TEMPERED GLASS/CMO PROJ	262.50
02/28/2020	312719	ROSE STREET ADVISORS, LLC	COMPENSATION ANALYSIS PROJECT	6,000.00
02/28/2020	312720	SHI INTERNATIONAL CORP.	PCS, LAPTOPS, IPADS & DOCK	3,652.40
02/28/2020	312721	SWEENEY, RYAN	DAMAGED MAILBOX REIMB	44.00
02/28/2020	312722	VARTEC, LLC	USER LICENSE INSTALL & TRNG	1,439.00
02/28/2020	312723	VARTEC, LLC	WINScribe UPGRADE	2,000.00
Total Paper Checks:				570,575.05

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Check Date	Check	Vendor Name	Description	Amount
Check Type: Auto-Pay Payment				
02/18/2020		RANDALL BROWN & ASSOC	ATTORNEY RETAINER	18,810.00
02/18/2020		CONSUMERS ENERGY	GAS-ELECTRIC	4,937.44
02/19/2020		CONSUMERS ENERGY	GAS-ELECTRIC	464.02
02/21/2020		CONSUMERS ENERGY	GAS-ELECTRIC	1,004.25
02/24/2020		CONSUMERS ENERGY	GAS-ELECTRIC	1,829.62
			Total Auto-Pay Payments:	27,045.33
			Grand Total:	2,320,958.75

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Ramona Park Parking Lot Paving – Bid Tabulation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Works

ACTION RECOMMENDED: Accept the low bid in the amount of \$123,900 from Wyoming Asphalt to provide repairs to the Ramona Park parking lots and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The 2019-2020 Capital Improvement Program (CIP) includes funding for the improvement of the Ramona Park parking lots. This project includes the milling and repaving of the asphalt parking lots and driveway entrances in the western area of the park.

Invitations to bid were sent to twenty eight (28) paving contractors. On February 20, 2020, sealed bids were received from four vendors, with the lowest bid being submitted by Wyoming Asphalt, of Plainwell, Michigan, in the amount of \$123,900. Wyoming Asphalt is a reputable firm that has successfully completed many previous projects for the city.

It is recommended that City Council accept the low bid of \$123,900 submitted by Wyoming Asphalt for Ramona Park parking lot improvements and authorize the City Manager to execute all documents related to this action.

FUNDING: Funds are budgeted and available for this work in the 2019-2020 Capital Improvement Program Budget.

Attachments: 1. Ramona Park Parking Lot - Bid Tabulation

**RAMONA PARK - PARKING LOT PAVEMENT REPAIRS
BID TABULATION**

	Total Amount
Wyoming Asphalt 470 N. 12th Plainwell, MI 4908	\$123,900.00
J. Allen and Co. Inc. 8288 E. Michigan Ave. Galesburg, MI 49053	\$163,000.00
Spartan Paving LLC 2300 Dixie Hwy Waterford, MI 48328	\$208,985.00
Asphalt Solutions Plus, LLC PO Box 151 Marshall, MI 49068	\$248,840.00

02-21-20 10:08 IN

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Parking Lot Asphalt Overlays - Bid Tabulation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Works

ACTION RECOMMENDED: Award a contract in the amount of \$76,725 to Michigan Paving & Materials Company for the Department of Public Works parking lot asphalt overlay and parking lot expansion, and authorize the City Manager to execute all documents related to this action on behalf of the city.

The 2019-2020 Capital Improvement Program Budget includes funding to repair the Department of Public Works (DPW) parking lots. The repairs will include the removal and replacement of existing asphalt at the north end of the parking lot, and expansion of the parking lot at the east side of the facility.

Invitations to bid were sent to twenty eight (28) paving contractors with two bids to perform the work received on February 20, 2020. The lowest bid was submitted by Michigan Paving & Materials Company, of Kalamazoo, Michigan, in the amount of \$76,725. Michigan Paving has successfully completed numerous asphalt repair projects for the city.

It is recommended that City Council award a contract to Michigan Paving & Materials Company in the amount of \$76,725 to perform asphalt repairs to the DPW parking lot, and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Funds are available in the Fiscal Year 2019 - 2020 Public Works Facility Parking & Driveway CIP account.

Attachments: 1. DPW Parking Lot Overlay - Bid Tabulation

**DPW PARKING LOT ASPHALT OVERLAYS
BID TABULATION**

	Michigan Paving & Materials 2300 Glendenning Road Kalamazoo, MI 49001	J. Allen and Co. Inc. 8288 E. Michigan Ave. Galesburg, MI 49053
DPW Parking Lot Asphalt Overlay	\$63,975.00	\$77,000.00
Parking Lot Expansion Work	\$12,750.00	\$26,500.00
Total Lump Sum	\$76,725.00	\$103,500.00

02-21-20 10:08 IN

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Farr Associates Amended Contract

SUPPORTING PERSONNEL: Chris Forth, Acting Director of Community Development

ACTION RECOMMENDED: Approve an amended contract with Farr Associates in an amount not to exceed \$51,500 for the Lake Center District Area Placemaking and Connectivity Study and authorize the City Manager to execute all documents related to the contract on behalf of the city.

On January 6, 2020, a contract was signed with Farr Associates for urban design services related to placemaking and connectivity within the Lake Center District area. The contract amount was \$39,500 and, therefore, didn't require City Council approval. Following the February 10, 2020, public workshop with Lake Center District business owners and residents, it became evident that additional outreach is necessary to better explain the principles of community planning as Farr Associates moves forward with this important planning exercise. The City Administration and Farr Associates have discussed this issue and have planned an additional public workshop to be called "Planning 101" on Monday, March 30, 2020, 6:00 p.m. - 8:00 p.m. The purpose of this public workshop will be to discuss planning concepts, and will set the stage for the first night of the charrette in early May. This additional workshop will be beneficial for the overall outcome of the Lake Center District project, and will cost \$4,000.

Additionally, and in conjunction with the Farr Associates contract, a second contract was executed with LandUse USA to prepare a residential, retail, commercial market analysis for the Lake Center District area. This market analysis will provide important supporting information that will assist in the formulation of the concept design options prepared by Farr Associates. Unfortunately, the time necessary to complete this analysis extends beyond Farr Associates anticipated completion date by approximately two months. Consequently, Farr Associates must add two months of communications and contact to their contract, and is requesting an additional \$3,000. The City Administration has reviewed their request and believe it to be reasonable.

Finally, Farr Associates' original proposal stipulated that the final report be written in a technical memo format to be used by the City Administration and not the general public. A technical memo format would also keep costs down, however, given the level of interest by business owners and residents following the February 10, 2020, public workshop, the City Administration and Farr Associates

discussed the preparation of a polished, easily understood yet comprehensive report. This “public facing” report would outline for business owners and residents the planning process undertaken, and would include background information, civic engagement efforts (public workshops), development and rationale for the preferred design concepts, among other aspects of the project. The cost for this comprehensive report is \$5,000.

With the addition of the three project-related items above, the cost of the Farr Associates contract increases from \$39,500 to \$51,500, which requires City Council approval. Given the value added to this project, it is recommended that City Council approve the increased contract amount by adding these three additional items. Although the contract amount has increased, it is important to note these studies/plans can be incorporated into the update of the Comprehensive Plan scheduled to be completed in Fiscal Year 2020-21 resulting in additional cost savings.

FUNDING: The funding for this contract increase is available from the 2017-2027 CIP Portage Road "Road Diet" Lakeview Drive to East Osterhout Avenue Budget.

Attachments: None

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Public Street Vacation - Gladys Street (west portion) and North/South Service Drive

SUPPORTING PERSONNEL: Chris Forth, Acting Director of Community Development

ACTION RECOMMENDED: Accept the Resolution No. 20-2 for the city to vacate its interest in the west approximate 416-feet of the former Gladys Street public right of way subject to retention of a permanent utility easement; and the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street. The vacation and discontinuance of property shall not take effect until the property subject to the purchase and sale agreement between the city and 6405 SW, LLC is transferred by an executed deed.

An application has been received from McShane & Bowie, PLC, representing PlazaCorp Realty Advisors, requesting the city vacate its interest in the former Gladys Street public right-of way (western portion that is approximately 416 feet) located along the east side of South Westnedge Avenue, and the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street. PlazaCorp has requested the public street vacation to facilitate a commercial redevelopment project at the former Mercantile Bank site located at the southeast corner of South Westnedge Avenue and Gladys Street (6405 South Westnedge Avenue).

Prior to 1994, the western portion of Gladys Street extended to South Westnedge Avenue as a straight road between the Burger King property at 6415 South Westnedge Avenue and the former Mercantile Bank property at 6405 South Westnedge Avenue. In 1994, Gladys Street was reconstructed and relocated to the north to align with the South Westnedge Avenue/Mall Drive signalized intersection. However, the right-of-way of this former public street was never formerly vacated. In conjunction with the realignment, a north/south service drive was constructed from the old Gladys Street to the new or realigned Gladys Street. This service drive is open for use by the public and has been maintained by the city since it was constructed.

In a report dated January 17, 2020, the Department of Community Development discussed the sections of Gladys Street proposed for public street vacation, the process for the city to vacate its interest in the public right-of-way and the continued maintenance responsibilities for the city and development limitations/challenges to the adjacent property owners if these areas continue as public right-of-way.

Based on the analysis contained in the report, staff is supportive of the proposed Gladys Street vacation subject to the city retaining appropriate easements for the existing public water, sanitary sewer and storm sewer mains.

The Planning Commission considered this matter at its January 23, 2020 meeting. Andy Wenzel of PlazaCorp Realty Advisors was present to support the request and to explain the redevelopment project planned at the southeast corner of South Westnedge Avenue and Gladys Street. No citizens spoke during the meeting and no written communications have been received regarding this proposed public street vacation. The Planning Commission voted 8-0 to recommend to City Council that the western, approximate 416-feet of Gladys Street, along with the north/south service drive, be vacated subject to the city retaining appropriate easements for the existing public water, sanitary sewer and storm sewer mains.

The city has agreed to sell excess land to PlazaCorp (6405 SW, LLC) located immediately to the east to assist with redevelopment of 6405 South Westnedge Avenue. City Council approved this purchase agreement on November 5, 2019, and the due diligence period is still underway. Resolution No. 20-2 states that the vacation and discontinuance of property shall not take effect until the purchase and sale agreement between the City and 6405 SW, LLC is transferred by executed deed.

City Council accepted Resolution 20-1 to vacate the western, approximate 416 feet of the former Gladys Street public right-of way and the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street at the February 11, 2020 Regular City Council meeting. The resolution was placed on file for 28 days with the City Clerk and no public comment was received. Final approval is recommended subject to retention of a utility easement the full width of the former Gladys Street right-of-way, and the vacation and discontinuance of property shall not take effect until the purchase and sale agreement between the City and 6405 SW, LLC is transferred by executed deed.

FUNDING: Not applicable

Attachments:

1. Resolution No. 20-2
2. Planning Commission transmittal dated January 31, 2020
3. Planning Commission meeting minutes dated January 23, 2020
4. Community Development staff report dated January 17, 2020 with attachments

**CITY OF PORTAGE, MICHIGAN
RESOLUTION TO VACATE AND DISCONTINUE A PORTION OF FORMER GLADYS
STREET (DEDICATED RIGHT-OF-WAY) AND NORTH/SOUTH SERVICE DRIVE
20-2**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2020 at 7:00 p.m. local time at City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____ and supported by

COUNCILMEMBER: _____

WHEREAS, it is necessary and desirable to vacate a portion of former Gladys Street and an adjacent service drive ("Property") as shown in the map attached as Exhibit A since it is no longer needed and the vacation will facilitate redevelopment of the vacant building/property located at 6405 South Westnedge Avenue;

WHEREAS, such redevelopment is a desirable improvement to the property;

WHEREAS, the owner of the property abutting to the north (6405 SW, LLC) and the City of Portage desire to have the Property vacated to allow for redevelopment activities resulting in a more efficient use of the property;

WHEREAS, 6405 SW, LLC has entered into a Purchase and Sale Agreement with the City of Portage to purchase excess city-owned property located east of 6405 South Westnedge Avenue, Portage, Michigan to facilitate redevelopment;

WHEREAS, the Property is not needed for present or future right-of-way;

WHEREAS, the City Council has determined that this vacation and discontinuance of the Property is necessary for the health, welfare, comfort and safety of the public of the City;

WHEREAS, a portion of the Property is occupied by service drives providing access to abutting properties. Further, public utilities (sanitary sewer, water and storm water) are presently located in the former Gladys Street portion of the Property;

WHEREAS, this resolution has remained on file with the City Clerk for at least 28 days and the City's intent to vacate and discontinue the Property has been published in a newspaper of general circulation within the City not less than 20 days before final action of City Council.

NOW, THEREFORE, BE IT RESOLVED that the following Property is vacated and discontinued:

A parcel of land being situated in the Northeast quarter of Section 10, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as follows:

1. Former Gladys Street: The west 416 feet of Gladys Street recorded in the Curry Plat in Liber 12 Page 3. Subject to easements, conditions and restrictions of record.
2. North/south service drive: Commencing at the northwest corner of said Section 10; thence South on the west line of said Section 10 a distance of 2,208.40 feet; thence North 89 DEG 46 MIN East, 218.0 feet to the point of beginning of the service drive centerline; thence North, 58.0 feet; thence North 32 DEG 30 MIN East, 58.0 feet; thence North 41 DEG 00 MIN East, 82.0 feet to the point of ending.

BE IT FURTHER RESOLVED that the public utilities presently located in the former Gladys Street portion of the Property shall remain and a permanent utility easement the width and length of the former Gladys Street portion of the vacated property shall be reserved as an easement for utility purposes, including the right to enter said easement and adjoining property for the purpose of construction, operation, maintenance, repair and replacement of said public utilities, described as follows:

A parcel of land being situated in the Northeast quarter of Section 10, T. 3 S., R. 11 W., City of Portage, County of Kalamazoo, Michigan being more particularly described as the west 416 feet of Gladys Street recorded in the Curry Plat in Liber 12 Page 3.

BE IT FURTHER RESOLVED that the terms and location of the above reserved easement may be modified by a written instrument executed by appropriate Grantors, approved by the City Attorney and recorded with the Kalamazoo County Register of Deeds.

BE IT FURTHER RESOLVED that the vacation and discontinuance of the Property described in this resolution shall not take effect until the property which is the subject of the Purchase and Sale Agreement between the City and 6405 SW, LLC is transferred by an executed deed.

BE IT FURTHER RESOLVED that pursuant to MCLA 560.257(2) this resolution shall be recorded with the Kalamazoo County Register of Deeds within 30 days of adoption and sent to the Director of the Department of Energy, Labor, and Economic Growth.

CERTIFICATION

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2020, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ____ day of _____, 2020.

Erica Eklov, City Clerk

Prepared by:
RANDALL L. BROWN
City Attorney
1662 East Centre Avenue
Portage, Michigan 49002
Phone: (269) 323-8812

Approved as to form
Date: 2/28/2020

City Attorney

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: January 31, 2020

SUBJECT: Public Street Vacation – Former Gladys Street (west portion) and Service Drive

At the January 23, 2020 meeting, the Planning Commission considered the request by McShane & Bowie, PLC (representing PlazaCorp Realty Advisors) for the city to vacate its interest in 1) the former Gladys Street public right-of way (west approximate 416 feet) located along the east side of South Westnedge Avenue, and 2) the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street. Andy Wenzel of PlazaCorp Realty Advisors was present to support the request and discuss the proposed redevelopment project planned at the southeast corner of South Westnedge Avenue and Gladys Street. No citizens spoke during the meeting and no written communications have been received.

After careful consideration, a motion was made by Commissioner Joshi, seconded by Commissioner Patterson, to recommend to City Council that the west approximate 416-feet of Gladys Street, along with the north/south service drive, be vacated subject to the city retaining appropriate easements for the existing public water, sanitary sewer and storm sewer mains. The motion was unanimously approved 8-0.

Sincerely,


Dan Corradini
Chairman 

PLANNING COMMISSION

 **DRAFT**

January 23, 2020

The City of Portage Planning Commission meeting of January 23, 2020 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens was in attendance.

PLEDGE OF ALLEGIANCE

Chairman Corradini led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE

Michael West, Senior City Planner; and Matt Quardokus, Assistant City Attorney.

ROLL CALL

Mr. West called the roll: Meyer (yes); Pezzoli (yes); Baldwin (yes); Fries (yes); Schimmel (yes); Corradini (yes); Joshi (yes) and Patterson (yes). A motion was then made by Commissioner Schimmel, seconded by Commissioner Joshi, to approve the roll excusing Commissioner Harrell-Page. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the January 9, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Joshi, seconded by Commissioner Baldwin, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS

None.

PUBLIC HEARING

1. Final Report: Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court. Mr. West summarized the final staff report dated January 17, 2020 regarding a request from American Village Builders and The Hinman Company requesting to amend the previously approved 2017 tentative plan for the Greenspire Planned Development. Mr. West stated the tentative plan amendment proposes to: 1) Reclassify approximately 8.43 acres from commercial to residential/mixed residential-commercial land use; 2) Increase the total number of multiple family residential apartment units from 704 units to 1,020 units with a resulting overall density increase from 8.45 units/acre to 11.12 units/acre; 3) Reconfigure the size and location of proposed commercial and mixed residential-commercial buildings along West Centre Avenue; and 4) Revise the anticipated phasing/construction schedule. Mr. West discussed the reclassification of land acreage from commercial to residential and mixed residential/commercial, and the requested residential density modifications for the overall development and from individual phases VII-C and VV-D. Mr. West stated that once completed, Greenspire will represent the first mixed-use type of development in the city. Mr. West indicated that staff was supportive of the tentative plan amendment subject to the four conditions listed in the staff report.

Mr. Greg Dobson of American Village Builders (applicant representative) was present to support the application and discuss the proposed tentative plan amendments. Mr. Dobson summarized the history of the Greenspire development project originally envisioned by Joe Gesmundo and Roger Hinman. Mr. Dobson then summarized the two main areas of the PD where changes were proposed: 1) Northwest portion of property, between the marsh and Tozer/Shirley Court and 2) 8546 Shirley Court parcel. Mr. Dobson discussed the two

mixed-use residential/commercial buildings proposed along West Centre Avenue and presented a sample building elevation which depicted this proposed four-story structure with retail/office space on the 1st floor and residential apartments on the 2nd, 3rd and 4th floors. Mr. Dobson restated his efforts to reach out to the residential neighbors along Shirley Court and Tozer Court to discuss the proposed changes to the development, listen to any concerns and to maintain the open line communication.

The public hearing was reconvened by Chairman Corradini. No citizens spoke in regard to the proposed tentative plan amendment. A motion was made by Commissioner Joshi, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 8-0. A motion was then made by Commissioner Meyer, seconded by Commissioner Baldwin, to recommend to City Council that the Tentative Plan Amendment for the Greenspire Planned Development be approved subject to the four conditions listed in the January 17, 2020 Department of Community Development staff report. The motion was unanimously approved 8-0.

2. Special Land Use Permit: Airtech Automation, 8815 South Sprinkle Road. Mr. West summarized the staff report dated January 17, 2020 regarding a special land use permit application submitted by Kyle McLeod to establish an office/showroom for a heating & cooling contractor (Airtech Automation) within the southern portion of the existing commercial building located at 8815 South Sprinkle Road. Mr. West provided a summary of the ordinance requirements and the proposal provided by the applicant. Mr. West indicated the application fulfills the requirements for issuance of a special land use permit and was recommended for approval subject to the applicant receiving all necessary building related permits for interior building modifications and occupancy.

Kyle McLeod of Airtech Automation was present to support the application. Mr. McLeod described the operations of his business and reiterated that no fabrication of materials and no exterior storage of equipment or materials/supplies including portable construction offices will occur at the site. The public hearing was then opened by Chairman Corradini. No citizens spoke regarding the proposed special land use permit. A motion was then made by Commissioner Baldwin, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Fries, seconded by Commissioner Pezzoli, to approve the Special Land Use Permit for Airtech Automation, 8815 South Sprinkle Road, subject to the applicant obtaining all necessary building related permits for interior building modifications and any other Building/Fire Code requirements. The motion was unanimously approved 8-0.

NEW BUSINESS

1. Public Street Vacation – Gladys Street (west portion). Mr. West summarized the staff report dated January 17, 2020 regarding a request from McShane & Bowie PLC, on behalf of PlazaCorp Realty Advisors, for the city to vacate its interest in 1) the former Gladys Street public right-of-way (west approximate 416 feet) located along the east side of South Westnedge Avenue, and 2) the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street. Mr. West provided a summary of the 1994 Gladys Street realignment project that reconstructed and relocated Gladys Street to the north so as to align with the South Westnedge Avenue/Mall Drive signalized intersection. Mr. West indicated that since 1994, these remaining roadways segments have functioned primarily as service drives for Burger King and the former Mercantile Bank. Mr. West briefly summarized the public street vacation process established in the Michigan Land Division Act and City Charter. Mr. West stated that future re-designation/reuse of these roadway segments as a functional public street is not practical and the public right-of-way is no longer needed by the city. Mr. West also indicated that vacation of this public street right-of-way would allow for development/redevelopment flexibility for the adjacent property owners by providing more useable property and eliminating multiple front yard building setback requirements.

Andy Wenzel of PlazaCorp Realty Advisors was present to support the application. Mr. Wenzel discussed the proposed redevelopment project planned by PlazaCorp at the southeast corner of Gladys Street and South Westnedge Avenue. Mr. Wenzel stated this redevelopment project is truly a public/private collaborative and will improve the appearance of this property along South Westnedge Avenue.

The Commission, Mr. Wenzel and Mr. West next discussed various aspects of the public street vacation including the existing access provided to the Burger King site, existing public utilities through this public right-of-way and the need for the city to retain necessary easements, the conceptual redevelopment plan for the former Mercantile Bank site and communication between the city, PlazaCorp and Burger King. After a additional discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Patterson, to recommend to City Council that the west approximate 416-feet of Gladys Street, along with the north/south service drive, be vacated subject to the city retaining appropriate easements for the existing public water, sanitary sewer and storm sewer mains. The motion was unanimously approved 8-0.

OLD BUSINESS

None.

STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Baldwin stated that she would not be present at the February 6, 2020 meeting.

Chairman Corradini thanked city staff and Suez Environmental for the work conducted last weekend to address snow removal on city streets given the challenging combination of snow, rain and ice. Chairman Corradini also commented on the construction of the Fed-Ex facility on Portage Road and tremendous efforts of the contractors to work on this extremely large building during difficult and challenging weather conditions.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Michael West, AICP
Senior City Planner

TO: Planning Commission**DATE:** January 17, 2020**FROM:** Christopher Forth, Interim Director of Community Development**SUBJECT:** Request to Vacate West Portion of Gladys Street**I. INTRODUCTION/BACKGROUND:**

An application has been received from McShane & Bowie, PLC, representing PlazaCorp Realty Advisors, requesting the city vacate its interest in 1) the former Gladys Street public right-of way (west approximate 416 feet) located along the east side of South Westnedge Avenue, and 2) the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street (see attached aerial photo map). Both of the former roadway or service drive segments are located in the Curry Plat recorded in Libre 12, Page 3.

Prior to 1994, the western portion of Gladys Street extended to South Westnedge Avenue, as a straight road, between the Burger King property at 6415 South Westnedge Avenue and the former Mercantile Bank property at 6405 South Westnedge Avenue (see attached 1989 aerial photo map). In 1994, Gladys Street was reconstructed and relocated to the north so as to align with the South Westnedge Avenue/Mall Drive signalized intersection. However, the right-of-way of this former public street was never formerly vacated. In addition, and in conjunction with the realignment, a north/south service drive was constructed from the old Gladys Street to the new or realigned Gladys Street. This service drive is open for use by the public and has been maintained by the city since it was constructed. As a result, vacation of this right-of-way is also necessary. Since 1994, both of these roadway segments have primarily functioned as service drives for Burger King and Mercantile Bank employees and customers, between South Westnedge Avenue and Gladys Street.

As further background, City Council on October 1, 2019 approved a purchase agreement to sell excess city property located along the east side of 6405 South Westnedge Avenue (south of Gladys Street) to PlazaCorp Realty Advisors. After the city closes on the property with PlazaCorp and the right-of-way is vacated, PlazaCorp will redevelopment this property with a new retail center.

II. STREET VACATION REVIEW:

Existing Conditions. Following the 1994 Gladys Street/Mall Drive realignment project, the west approximate 416 feet of Gladys Street was converted to a service drive that continues to provide a limited access (right-in only) for northbound South Westnedge Avenue traffic, and full-service access to the realigned sections of Gladys Street. Individual driveways from this service drive currently exist for the former Mercantile Bank site (6405 South Westnedge Avenue) and existing Burger King site (6415 South Westnedge Avenue). While this remaining Gladys Street service drive functions more like a private driveway than a public street, the continued designation as a public street creates continued maintenance responsibilities for the city, as well as development limitations and challenges to the adjacent property owners.

Street Vacation Process. The process to vacate a public street and associated right-of-way that was dedicated and recorded as part of a plat (existing east/west service drive) is established in the State of Michigan Land Division Act and the City Charter. The Land Division Act specifies that when the municipality determines that it necessary for the public health, welfare, comfort and safety of the people in the community to discontinue a public street, a resolution or ordinance must be adopted and recorded with the County Register of Deeds and with the State of Michigan Department of Commerce. Consistent with the statutory requirements, one-half of the vacated right-of-way involving the west approximate 416 feet of the former Gladys Street is conveyed to each abutting property owner (one half to PlazaCorp and one half to Burger King). With regard to the north/south service drive, this drive was not formerly dedicated as public right-of-way as part of a recorded plat and not subject to the same statutory requirements. In any event, the property owner on either side is the same.

Planning Commission and City Administration recommendations are provided to City Council, which makes the final decision. The City Charter requires that Council place the proposed vacation request on file for 28 days to allow for adequate public comment before taking final action.

Finally, vacation of west approximate 416 feet of the former Gladys Street does not convey legal title to the abutting property owners or amend the Curry Plat. In order for the abutting property owners to obtain legal title to their portion of the vacated public right-of-way, the Circuit Court must be petitioned and subsequently approve an amendment to the Curry Plat.

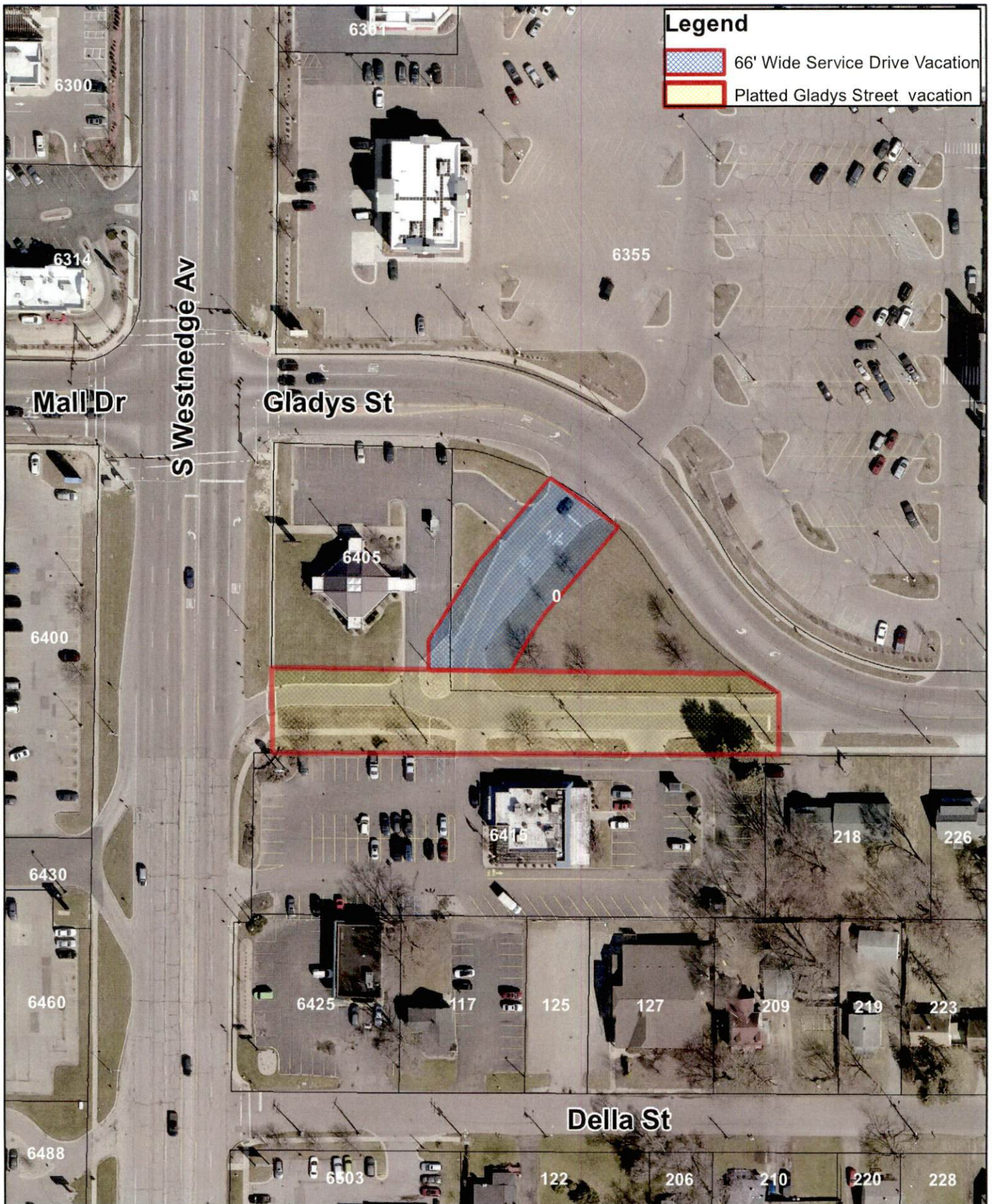
Given the existing development pattern and surrounding land ownership, a future re-designation/reuse of this service drive as a functional public street is not practical and this public right-of-way is not needed by the city. If the vacation is approved by City Council, the existing east/west service drive that provides access to the two northern Burger King driveways will remain. Any changes to this drive, including maintenance, will be a private matter between the two property owners. Finally, public water, sanitary sewer and storm sewer mains are currently located in the approximate 416-foot section of Gladys Street proposed to be vacated. The city will retain appropriate easements for these existing municipal utilities.

III. RECOMMENDATION

Based on the above analysis, staff advises that the Planning Commission recommend to City Council that the west approximate 416-feet of Gladys Street, along with the north/south service drive, be vacated subject to the city retaining appropriate easements for the existing public water, sanitary sewer and storm sewer mains.

Attachments: Aerial Photograph Map (2018)
 Aerial Photograph Map (1989)
 December 6, 2019 Communication from the Applicant

T:\COMMDEV\2019-2020 Department Files\Board Files\Planning Commission\PC reports\Street Vacation\2020 01 17 Vacation of West Portion of Gladys Street.doc



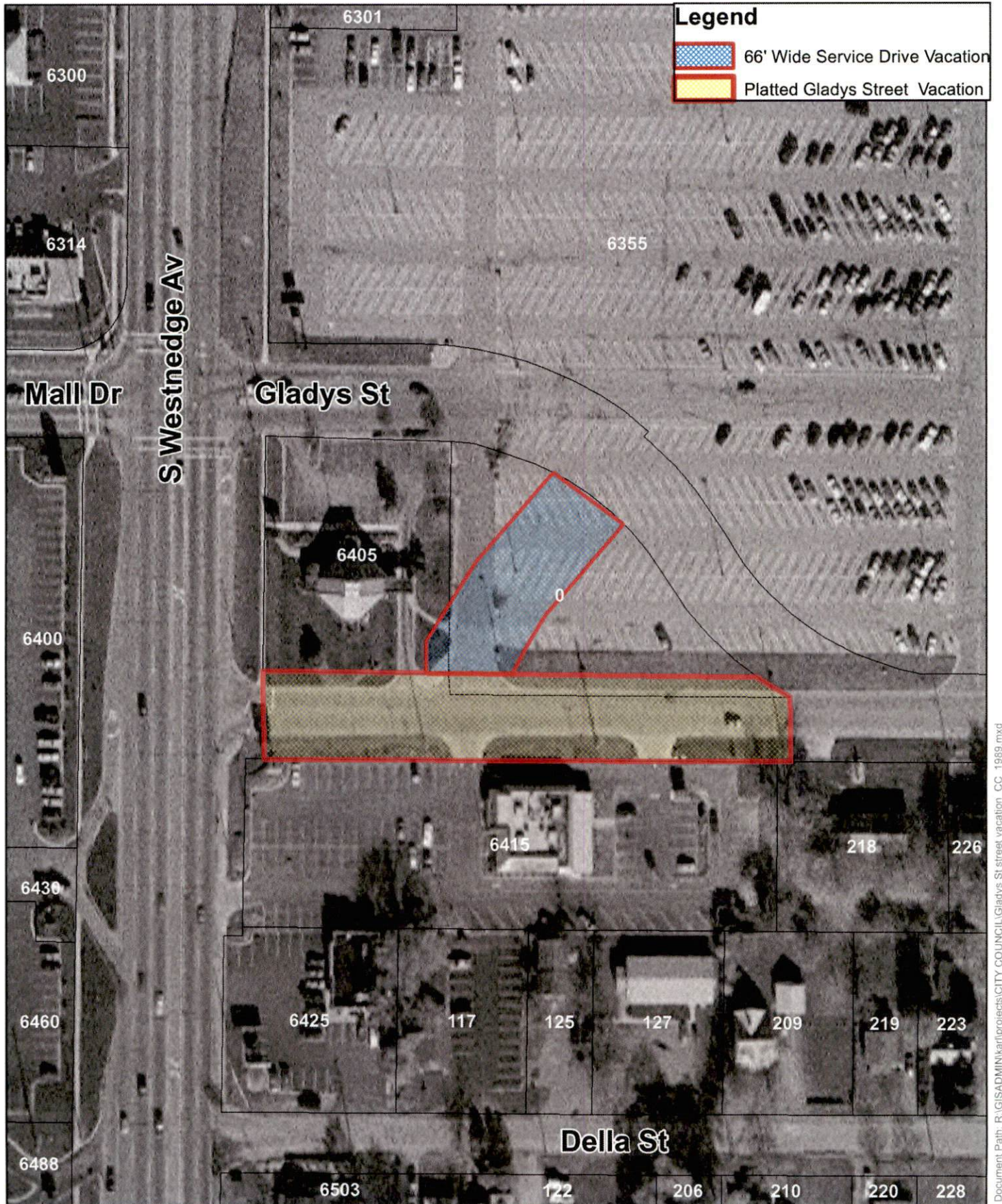
Document Path: R:\GISADMIN\karl\projects\CITY COUNCIL\Gladys St street vacation_CC.mxd

Proposed Street Vacation Map

Date: 12/13/2019



1 inch = 100 feet
(35)



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Proposed Street Vacation Map

1989 Aerial Photography

Date: 1/15/2020



1 inch = 100 feet

MICHELLE H. ANTHERS
WILLIAM H. BOWIE
CHRISTOPHER J. BREAY
JAMES R. BRUINSMA
KATHLEEN L. BRUINSMA
JENNIE BOLDISH BRYAN
WAYNE P. BRYAN
DAN M. CHALLA
J. TERRANCE DILLON
NORMAN D. HAWKINS
BRIAN E. KERSEY
TODD M. NECKERS
ROBERT L. NELSON
STEPHEN M. PRICE
ANDREW C. SHIER
RUTH A. SKIDMORE
AARON M. SMITH
DAVID L. SMITH
WILLIAM R. VANDERSLUIS
KEITH P. WALKER

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Grand Rapids, MI 49503
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December 6, 2019

RECEIVED

DEC 09 2019

COMMUNITY DEVELOPMENT
JOHN H. FARIS
OF COUNSEL

T. GERALD McSHANE
(1902-1982)

JACK M. BOWIE
(1924-2016)

Email address: dmc@msblaw.com
Direct Dial: (616) 732-5012

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

**Re: Property Situated Immediately East of 6405 South Westnedge,
Portage, Michigan**

Dear Mr. Forth:

We represent PlazaCorp in connection with the proposed acquisition by 6405 SW, LLC of the above referenced property (the "**Property**") from the City of Portage, pursuant to a Purchase and Sale Agreement dated November 12, 2019 (the "**Purchase Agreement**"). Pursuant to section 12 (C) of the Purchase Agreement we hereby request the City of Portage to vacate the west 413 feet of Gladys Street in the Curry Plat and all public streets and right of ways situated on the Property. The areas to be vacated are depicted on the attached drawing. PlazaCorp will deposit the sum of \$850 with you in payment of the fee associated with the vacation.

Please proceed with the vacation as expeditiously as possible and let me know if you need anything else from us in connection with the requested vacation.

Very truly yours,



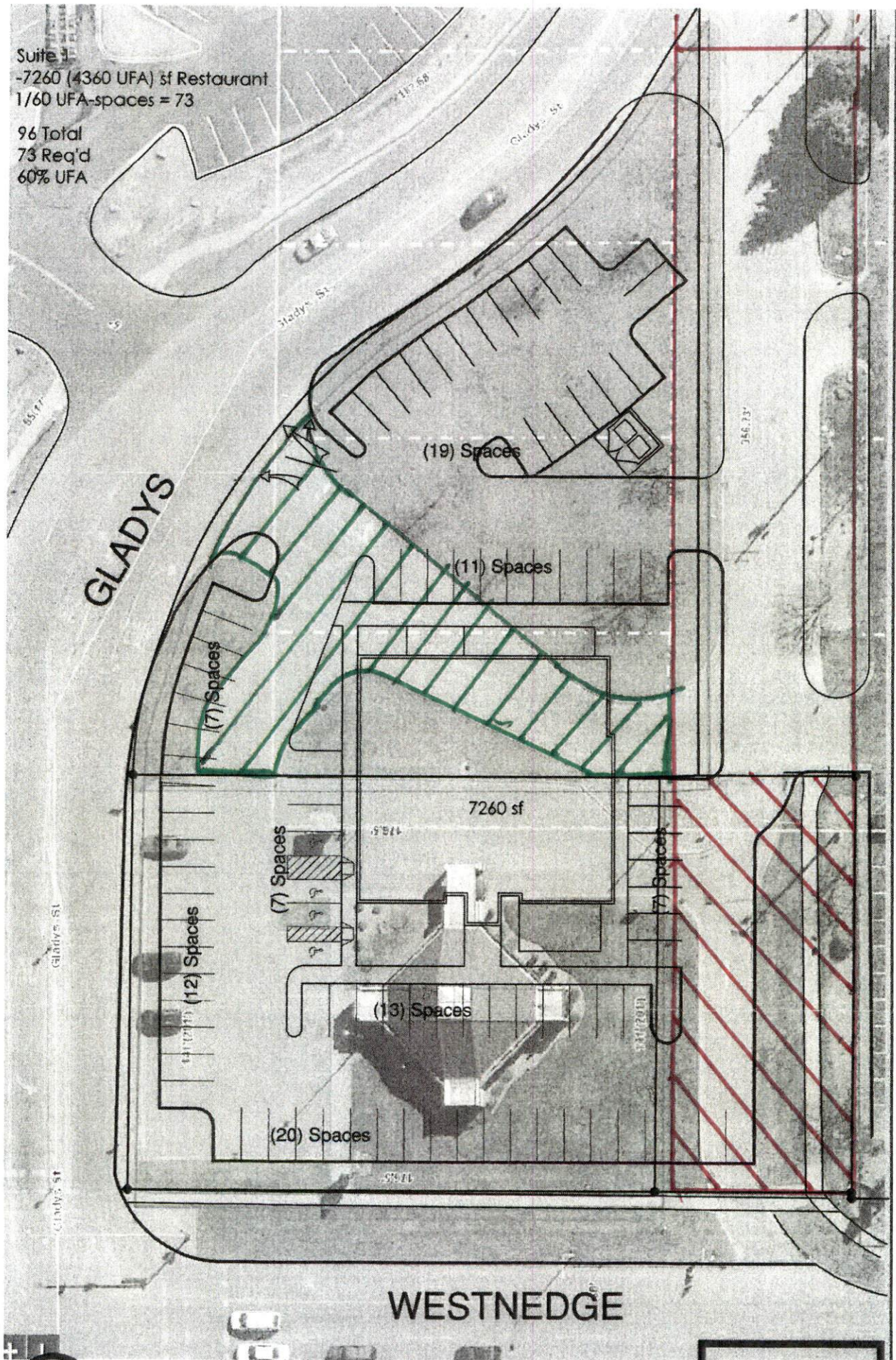
Dan M. Challa

DMC/jit
cc: Randy Brown

600262

Suite 1
 -7260 (4360 UFA) sf Restaurant
 1/60 UFA-spaces = 73

96 Total
 73 Req'd
 60% UFA



A2

6405 WESTNEDGE
 SITE LAYOUT

PLAZACORP

211 E. WATER STREET SUITE 201
 KALAMAZOO, MI 49007
 269.983.7775

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Final Condominium Subdivision for Pennridge Trail No. 1

SUPPORTING PERSONNEL: Chris Forth, Acting Director of Community Development

ACTION RECOMMENDED: Approve the Final Condominium Subdivision for Pennridge Trail No. 1, 1800 West Osterhout Avenue, subject to the following conditions: a) West Osterhout improvements and storm sewer improvements and paving by August, 2020 and b) completion of sidewalks and street trees by November 2021.

On June 25, 2019, City Council granted Final Preliminary Condominium approval (engineering plans) for the Pennridge Trail #1 subdivision allowing the developer, Westfield Capital, LLC, to proceed with construction. The developer has completed all required public improvements with the exception of final street paving, construction of the West Osterhout Avenue improvements (e.g., widening and left-turn lane), connection of the public storm water system to the private storm water basin, and installation of concrete sidewalks and street trees. Completion of these public improvements by the developer with the exception of sidewalk and street trees is anticipated by August 2020. Receiving final condominium approval before completion of all public improvements will allow the developer to record the Master Deed and Homeowner Association Bylaws, and begin selling condominium sites and building houses.

Storm water related piping and structures within the public streets will be owned and maintained by the city, while the treatment cell and infiltration basin situated along the northeast portion of the property will be owned and maintained by the condominium association. Appropriate easements and an indemnification agreement have been provided to the city.

In conformance with Section 42-921 of the Land Development Regulations, and to ensure completion of all incomplete public improvements, the developer has deposited a surety bond with the city in the amount of 125% of the total construction costs. The amount of the surety bond has been reviewed by the City Administration and determined to be acceptable. Should the developer not complete the remaining public improvements, the developer can request the City Council to grant an extension of time or the surety will be used to complete the construction.

It is recommended that City Council grant Final Condominium Subdivision approval for Pennridge Trail #1, 1800 West Osterhout Avenue, with the following conditions: a) West Osterhout improvements

and storm sewer improvements and paving by August 2020 and b) completion of sidewalks and street trees by November 2021.

FUNDING: Not applicable

Attachments: 1. Final Condominium Drawings

ATTENTION COUNTY REGISTER OF DEEDS:
THE CONDOMINIUM SUBDIVISION PLAN NUMBER MUST BE ASSIGNED
IN CONSECUTIVE SEQUENCE. WHEN A NUMBER HAS BEEN ASSIGNED
TO THIS PROJECT, IT MUST BE PROPERLY SHOWN IN THE TITLE ON
THIS SHEET AND IN THE SURVEYOR'S CERTIFICATE ON SHEET 2.

KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN No. _____

EXHIBIT "B" TO THE MASTER DEED OF

Pennridge Trail

CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

SHEET INDEX

- 1. COVER SHEET
- 2. SURVEY PLAN
- 3. SITE PLAN
- 4. UTILITY / EASEMENT PLAN
- 4A UTILITY / EASEMENT PLAN

DEVELOPER:

WESTVIEW CAPITAL, LLC
A MICHIGAN LIMITED LIABILITY COMPANY
2186 EAST CENTRE STREET
PORTAGE, MICHIGAN 49002

SURVEYOR:

INGERSOLL, WATSON & McMACHEN, INC.
RANDY B. LIGMAN
PROFESSIONAL SURVEYOR No. 28413
1209 EAST MILHAM ROAD, SUITE B
PORTAGE, MICHIGAN 49002

DESCRIPTION:

A parcel of land situated in the Northeast quarter of Section 32, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan being more particularly described as follows:

Commencing at the East quarter corner of Section 32, Town 3 South, Range 11 West; thence S 90°00'00" W 165.00 feet along the South line of the Northeast quarter of said Section to the Place of Beginning; thence continuing S 90°00'00" W 200.00 feet along said South; thence N 00°01'23" W 265.11 feet parallel with the East line of said Northeast quarter; thence S 89°58'37" W 125.00 feet perpendicular with said East line of the Northeast quarter; thence N 00°01'23" W 405.00 feet parallel with said East line of the Northeast quarter; thence N 09°44'22" E 64.62 feet; thence N 63°32'50" W 97.00 feet; thence N 49°20'56" W 60.00 feet; thence Northeasterly 14.87 feet along the arc of a non-tangent curve to the right having a radius of 260.00 feet, a central angle of 03°16'37" and a chord of N 42°33'52" E 14.87 feet; thence N 44°12'10" E 165.49 feet; thence S 50°31'09" E 60.20 feet; thence N 44°12'10" E 60.81 feet; thence Northeasterly 70.60 feet along the arc of a curve to the left having a radius of 360.00 feet, a central angle of 11°14'08" and a chord of N 38°35'06" E 70.48 feet; thence S 57°01'58" E 224.19 feet to the West line of the East 165 feet of said Northeast quarter; thence S 00°01'23" E 884.04 feet along said West line of the East 165 feet of the Northeast quarter to the Place of Beginning, containing 6.57 acres of land. The South 50.0 feet being subject Highway Easement.

PRELIMINARY

RECEIVED

JAN 06 2020

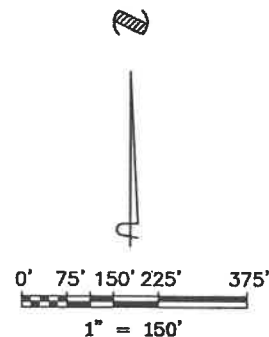
COMMUNITY DEVELOPMENT



COVER SHEET

Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 800-344-6185

DATE
1/01/2020
JOB No.
36676
SHEET No.
1



• INDICATES CONCRETE MONUMENT

NORTH ¼ CORNER
SECTION 32, T3S, R11W
BOOK 2, PAGE 1227

NORTH LINE, NE ¼,
SEC. 32, T3S., R.11W.

N 89°46'14" W 1828.81'

EXISTING RAILROAD TRACKS

UNPLATTED
N 89°46'14" W 822.39'

WETLAND

NORTHEAST CORNER
SECTION 32, T3S, R11W
BOOK 2, PAGE 778

NOTE:
DELINEATION OF WETLAND AREA PER ALLAN HASCALL
PH.D ENVIRONMENTAL SCIENCE AND PLANNING AND
FIELD SURVEYED BY THIS OFFICE

- NOTE:
- 1) THE DIMENSIONS SHOWN ARE IN DECIMAL FEET.
 - 2) THE BEARINGS SHOWN HEREON WERE ESTABLISHED
BASED ON "LEWIE'S PLAT" SUBDIVISION RECORDED
IN LIBER 21 OF PLATS ON PAGE 04 KALAMAZOO
COUNTY RECORDS.
 - 3) THE ELEVATIONS SHOWN ARE BASED ON USGS
DATUM.
 - 4) EASEMENTS ARE SHOWN ON SHEETS 3 AND 4.

FUTURE EXPANSION AREA
40.81 Acres

NORTH LINE, SOUTH HALF,
NE ¼, SEC. 32, T3S, R11W
N 89°53'07" W

Arc = 14.87', Rad. = 260.00'
Δ = 03°16'37"
Chd. = N 42°33'52" E 14.87'

N 49°20'56" W 60.00'
N 63°32'50" W 97.00'
N 09°44'22" E 64.62'

N 44°12'10" E 165.49'
S 50°31'09" E 60.20'
N 44°12'10" E 60.81'

Arc = 70.60', Rad. = 360.00'
Δ = 11°14'08"
Chd. = N 38°35'06" E 70.48'

BENCH MARK
ELEV. = 881.56
"O" IN OPEN ON TOP OF
DOME ON FIRE HYDRANT

S 57°01'58" E 224.19'

S 00°01'23" E 884.04'
SEC. 32, T3S., R.11W.

EAST LINE, NE ¼, SEC. 32, T3S., R.11W.

EAST ¼ CORNER
SECTION 32, T3S, R11W
BOOK 2, PAGE 779

WEST OSTERHOUT AVE.
(PUBLIC R.O.W.)

WEST OSTERHOUT AVE.
(PUBLIC R.O.W.)

PLACE OF
BEGINNING

CENTER ¼ CORNER
SECTION 32, T3S, R11W.
FOUND IRON ROD IN BOX

SOUTH LINE, NE ¼,
SEC. 32, T3S., R.11W.

S 90°00'00" W 1748.00'
WEST OSTERHOUT AVE.
(PUBLIC R.O.W.)

S 90°00'00" W 200.00'

S 90°00'00" W 165.00'



VICINITY SKETCH
NO SCALE

SURVEYOR'S CERTIFICATE:
I, RANDY B. LIGMAN, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN
HEREBY CERTIFY:

THAT THE SUBDIVISION PLAN KNOWN AS KALAMAZOO COUNTY CONDOMINIUM
SUBDIVISION PLAN No. _____, AS SHOWN ON THE ACCOMPANYING DRAWINGS,
REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT
ALL OBSERVABLE ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN
DESCRIBED ARE SHOWN.

THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED
IN THE GROUND OR WILL BE PLACED BY 1/01/2021 AS REQUIRED BY
RULES PROMULGATED UNDER SECTION 142 OF ACT No.59 OF THE PUBLIC
ACTS OF 1978.

THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY
THE RULES PROMULGATED UNDER SECTION 142 OF ACT No.59 OF THE
PUBLIC ACTS OF 1978.

THAT THE BEARINGS AS SHOWN, ARE NOTED ON THE SURVEY PLAN AS
REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT No.59
OF THE PUBLIC ACTS OF 1978.

DATE OF SURVEY

RANDY B. LIGMAN
PROFESSIONAL SURVEYOR No. 28413
INGERSOLL, WATSON & McMACHEN, INC.
1209 EAST MILHAM ROAD - SUITE B
PORTAGE, MI. 49002

PRELIMINARY

Pennridge Trail

City of Portage, Michigan

SURVEY PLAN

Ingersoll, Watson & McMachen, Inc.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1209 East Milham Road • Suite B • Portage, Michigan 49002 • Area 200-944-0105

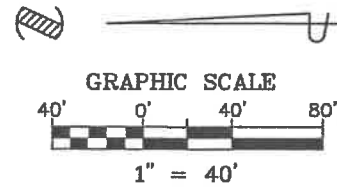
DATE	1/01/2020
JOB NO.	36676
SHEET NO.	2

PROPOSED 1/01/2020



SCHEDULE OF COORDINATES

No.	Northing	Easting
1	5000.00	4835.00
2	5000.00	4635.00
3	5265.11	4634.89
4	5265.06	4509.89
5	5670.06	4509.73
6	5733.75	4520.66
7	5778.96	4433.82
8	5816.04	4388.30
9	5826.00	4398.35
10	5945.63	4513.73
11	5907.35	4560.20
12	5950.94	4602.59
13	6006.04	4646.55
14	5884.04	4834.65



GENERAL COMMON AREA

- LEGEND
- ② COORDINATE LOCATION
 - C1 CURVE NUMBER
 - L1 LINE NUMBER
 - MONUMENT IN PLACE
 - SF. SQUARE FEET
 - ESMT. EASEMENT
 - (R) INDICATES LINE IS RADIAL

Arc = 70.60', Rad. = 360.00'
 $\Delta = 11^\circ 14' 08''$
 Chd. = N 38°35'06" E 70.48'

Arc = 14.87', Rad. = 260.00'
 $\Delta = 03^\circ 16' 37''$
 Chd. = N 42°33'52" E 14.87'

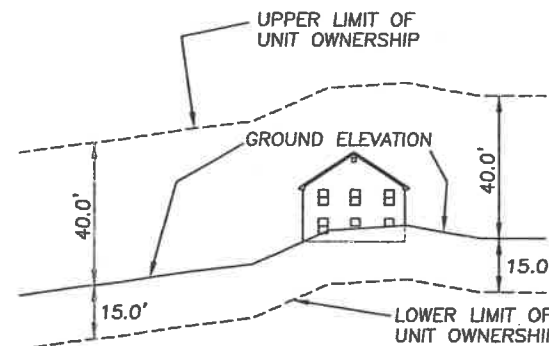
TEMPORARY PRIVATE TURNAROUND EASEMENT TO THE CITY OF PORTAGE RECORDING PENDING

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD
C1	37.27'	142.35'	15°00'00"	N 07°31'23" W 37.16'
C2	21.73'	83.00'	15°00'00"	N 07°31'23" W 21.67'
C3	176.27'	200.00'	50°29'47"	N 25°16'16" W 170.62'
C4	229.15'	260.00'	50°29'47"	N 25°16'16" W 221.80'
C5	11.15'	200.00'	3°11'40"	S 42°36'20" W 11.15'

LINE TABLE	
LINE	BEARING - DISTANCE
L1	N 00°01'23" W 53.16'
L2	N 15°01'23" W 39.88'
L3	N 50°31'09" W 51.82'
L4	N 50°31'09" W 56.58'

NOTE: EACH UNIT SHALL HAVE ITS OWN UNIQUE PROFILE WITH LIMITS OF OWNERSHIP 15.0' BELOW AND 40.0' ABOVE GROUND ELEVATION

UNIT CROSS SECTION
NO SCALE



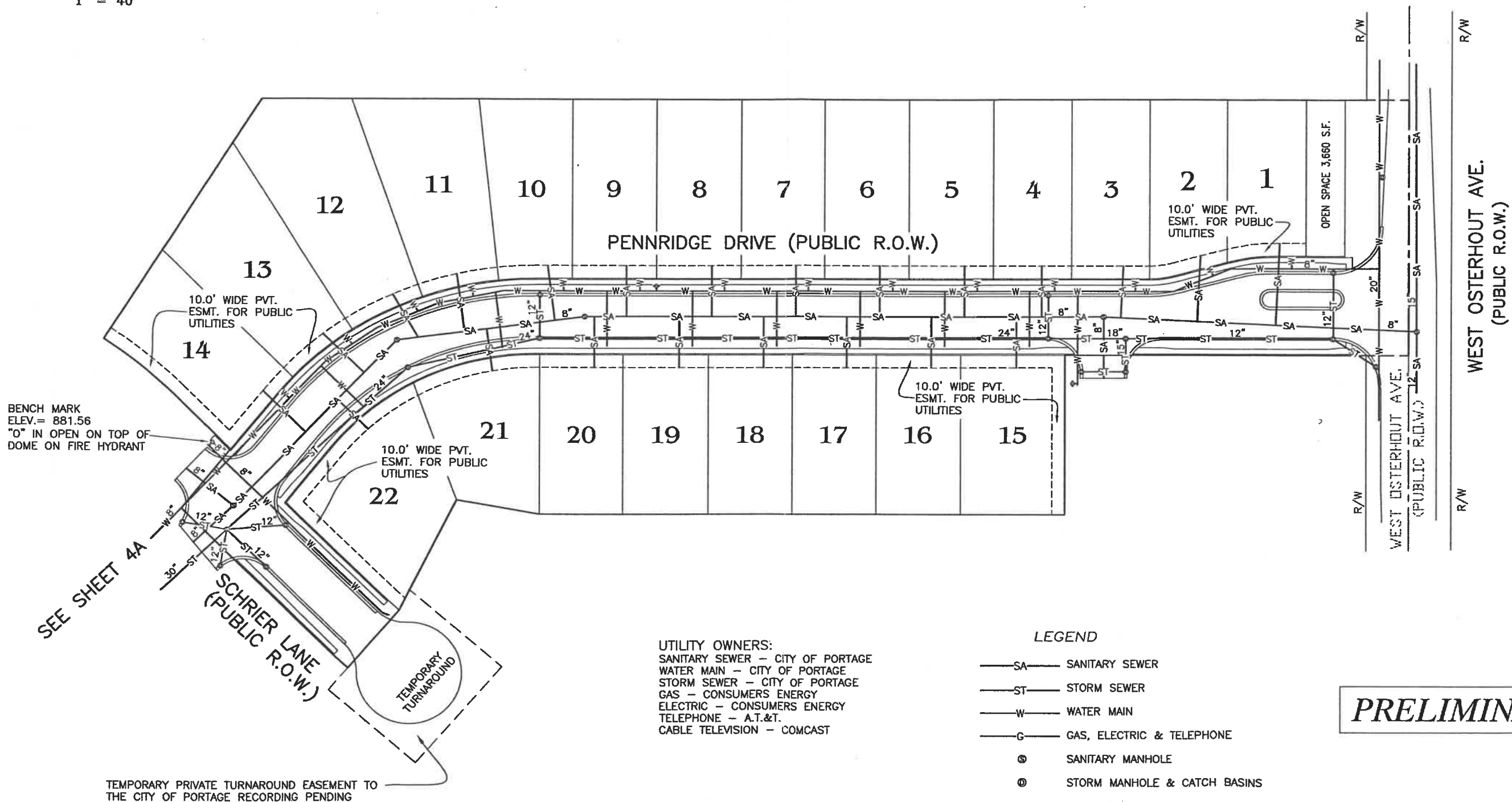
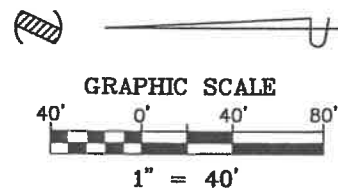
PROPOSED 1/01/2020



Pennridge Trail

City of Portage, Michigan

SITE PLAN		DATE
Ingersoll, Watson & McMachen, Inc.		1/01/2020
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		36676
1809 East Midham Road • Suite B • Portage, Michigan 49002 • Area 269-544-6105		3



UTILITY OWNERS:
SANITARY SEWER - CITY OF PORTAGE
WATER MAIN - CITY OF PORTAGE
STORM SEWER - CITY OF PORTAGE
GAS - CONSUMERS ENERGY
ELECTRIC - CONSUMERS ENERGY
TELEPHONE - A.T.&T.
CABLE TELEVISION - COMCAST

LEGEND

- SA— SANITARY SEWER
- ST— STORM SEWER
- W— WATER MAIN
- G— GAS, ELECTRIC & TELEPHONE
- ⊙ SANITARY MANHOLE
- ⊕ STORM MANHOLE & CATCH BASINS
- ⊕ FIRE HYDRANT

PRELIMINARY

Pennridge Trail
City of Portage, Michigan

NOTE:
ALL UTILITIES MUST BE BUILT

THE UTILITIES SHOWN HEREON ARE BASED ON THE
PROJECT CONSTRUCTION PLANS PREPARED BY
INGERSOLL, WATSON & McMACHEN, INC.

INFORMATION PERTAINING TO GAS, ELECTRIC AND
CABLE HAS NOT BEEN PROVIDED TO THE SURVEYOR.

PROPOSED 1/01/2020



Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1500 East Milham Road • Suite B • Portage, Michigan 49802 • Area 509-544-0165

UTILITY PLAN

DATE
1/01/2020

JOB No.
36676

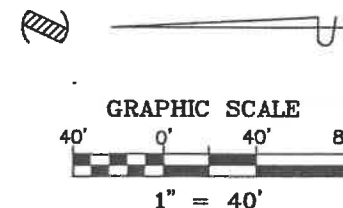
SHEET No.
4

BOUNDARY LINE

STORMWATER
INFILTRATION BASIN

PRIVATE EASEMENT TO THE CITY OF PORTAGE
FOR STORM SEWER AND STORMWATER
INFILTRATION BASIN PURPOSES.
RECORDING PENDING

UTILITY OWNERS:
SANITARY SEWER - CITY OF PORTAGE
WATER MAIN - CITY OF PORTAGE
STORM SEWER - CITY OF PORTAGE
GAS - CONSUMERS ENERGY
ELECTRIC - CONSUMERS ENERGY
TELEPHONE - A.T.&T.
CABLE TELEVISION - COMCAST



NOTE:
ALL UTILITIES MUST BE BUILT

THE UTILITIES SHOWN HEREON ARE BASED ON THE
PROJECT CONSTRUCTION PLANS PREPARED BY
INGERSOLL, WATSON & McMACHEN, INC.

INFORMATION PERTAINING TO GAS, ELECTRIC AND
CABLE HAS NOT BEEN PROVIDED TO THE SURVEYOR.

LEGEND

- SA— SANITARY SEWER
- ST— STORM SEWER
- W— WATER MAIN
- G— GAS, ELECTRIC & TELEPHONE
- ⊙ SANITARY MANHOLE
- ⊙ STORM MANHOLE & CATCH BASINS
- ⊙ FIRE HYDRANT

STORMWATER TREATMENT CELL

SPILLWAY

10.0' WIDE PVT.
ESMT. FOR PUBLIC
UTILITIES

BENCH MARK
ELEV. = 881.56
"O" IN OPEN ON TOP OF
DOME ON FIRE HYDRANT

13
14 PENNRIDGE DRIVE
(PUBLIC R.O.W.)
SEE SHEET 4
22

SCHRIER LANE
(PUBLIC R.O.W.)
10.0' WIDE PVT.
ESMT. FOR PUBLIC
UTILITIES

PRIVATE EASEMENT TO THE CITY OF PORTAGE
FOR STORM SEWER AND STORMWATER
INFILTRATION BASIN PURPOSES.
RECORDING PENDING

PRELIMINARY

Pennridge Trail
City of Portage, Michigan

PROPOSED 1/01/2020



UTILITY PLAN		DATE
Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 1200 East Milham Road • Suite B • Portage, Michigan 49808 • Area 200-344-0105		1/01/2020
		JOB No. 36676
		SHEET No. 4A

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Amendment to the Code of Ordinances - Personnel Rules

SUPPORTING PERSONNEL: Adam Herringa, Deputy City Manager
Michael Carroll, Deputy City Manager

ACTION RECOMMENDED: Accept for first reading the proposed City of Portage Ordinance amending Article 3, Officers and Employees, of Chapter 2, Administration, Section 2-87 Personnel Rules and consider final adoption on March 24, 2020.

In order to make even minor modifications, the City of Portage Personnel Rules and Regulations must be presented to, reviewed and approved by City Council. For example, over the past several years amendments to the Personnel Rules and Regulations have been presented to City Council for such items as amending sick leave accrual, addressing endorsements of political candidates, removing references to male pronouns and making adjustments to reflect changes in technology. The Personnel Rules and Regulations are a tool for management of staff which resides under the purview of the City Manager. A requirement for presentation for review and approval by City Council limits the ability of City Administration and Human Resources to maintain a dynamic and flexible document that can be modified to reflect a changing workplace and workforce. The proposed change to Section 2-87 of the Personnel Rules and Regulations transitions the responsibility of the document from City Council to City Administration.

It is requested that City Council accept for first reading the proposed City of Portage Ordinance amending Article 3, Officers and Employees, of Chapter 2, Administration, Section 2-87 Personnel Rules and consider final adoption on March 24, 2020.

FUNDING: N/A

Attachments:

1. Section 2-87 Personnel Rules Amendment - Approved as to Form
2. Section 2-87 Personnel Rules Amendment - Redline Strikeout Copy

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING ARTICLE 3, OFFICERS AND EMPLOYEES, OF CHAPTER 2,
ADMINISTRATION, SECTION 2-87 PERSONNEL RULES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 2 shall be amended as follows:

ARTICLE 3 – OFFICERS AND EMPLOYEES

Sec. 2-87. – Personnel rules.

2-87. Pursuant to Charter Section 6(b)(10), the City Manager may establish from time to time Personnel Rules and Regulations for Non-Union Full-Time Personnel of the City ("Personnel Rules") and as Chief Administrative Officer shall supervise and coordinate those rules subject to the Personnel Management Plan adopted by Council under Charter Section 6.18. The Personnel Rules in effect at the time of passage of this amendment shall remain in full force and effect until such time as the City Manager establishes and readopts the Personnel Rules, subject to Ordinance Section 2.4 of this Code. Such Personnel Rules may include, but not be limited to:

1-20 NO CHANGE.

Dated: _____, 20____

Patricia Randall, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 20____.

Erica Eklov, 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 2/21/2020

City Attorney

Z:\JODY\PORTAGE\ORDINANCES\NONZONE\Personnel Rules 2-87 amendment CLEAN.doc

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING ARTICLE 3, OFFICERS AND EMPLOYEES, OF CHAPTER 2,
ADMINISTRATION, SECTION 2-87 PERSONNEL RULES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 2 shall be amended as follows:

ARTICLE 3 – OFFICERS AND EMPLOYEES

Sec. 2-87. – Personnel rules.

2-87. Pursuant to Charter Section 6(b)(10), the City Manager may establish from time to time Personnel Rules and Regulations for Non-Union Full-Time Personnel of the City ("Personnel Rules") and as Chief Administrative Officer shall supervise and coordinate those rules subject to the Personnel Management Plan adopted by Council under Charter Section 6.18. The Personnel Rules in effect at the time of passage of this amendment shall remain in full force and effect until such time as the City Manager establishes and readopts the Personnel Rules, subject to Ordinance Section 2.4 of this Code. Such Personnel Rules may include, but not be limited to:~~The city manager shall recommend and the council may establish, by resolution, from time to time, the personnel rules of the city. Such rules may include but shall not be limited to:~~

1-20 NO CHANGE.

Dated: _____, 20____

Patricia Randall, Mayor

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the ____ day of _____, 20____.

Erica Eklov, City Clerk

PREPARED BY:

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

Z:\JODY\PORTAGE\ORDINANCES\NONZONE\Personnel Rules 2-87 amendment H&S.doc

Minutes of Boards & Commissions

City of Portage
Historic District Commission
Wednesday, November 6, 2019

Meeting Called to Order: 8:25 A.M.

Members Present: Duniphin, Lopez, Maytnier, vanLonkhuyzen, Grunert, Custer, Nemeth, Meyle.

Members Absent: Duniphin moved, seconded by Grunert, to excuse Commissioner Barton; motion passed 8-0.

Staff:

Guest(s):

Approval of Minutes: Custer moved, seconded by Nemeth, to approve the October 02, 2019 meeting minutes as submitted; motion approved 8-0.

Announcement: Nick Meyle was welcomed to the Historic District Commission as its newest member.

Old Business:

- a. Public Hearing: Ordinance Amendment; Legal Description Cleanup & Removal of Non-Historic Properties. Chairperson vanLonkhuyzen opened the public hearing. No resident/property owner present at the public hearing. With there being no further comment from the public at large nor from Commission members, Grunert moved, seconded by Nemeth, to approve the Final Report regarding the Historic District Modifications & clerical updates. Motion passed 8-0.

New Business:

Member Comments:

- a. Duniphin indicated Traditional Holiday is set for December 07, 2019, where a few volunteers will be needed to help staff one of the historic buildings.
- b. Duniphin informed the Commission that a letter was sent to the Portage Public Library inviting Steve Rossio – local historian – to attend the Commission meetings as a guest.

Adjournment: There being no further comments or business, vanLonkhuyzen adjourned the Historic District at 8:58 a.m.

Respectfully submitted,



Kyle Mucha
Zoning & Codes Administrator

Portage Senior Citizens (PSC) Advisory Board

Minutes: January 15, 2020

ATTENDANCE:

Doug Gilchrist, Larry Smith, Bill Wieringa, Linda Zoeller, Mary Lou Petrulio, Art Roberts, John Lobo, Tony Lorentz, Joe Magalski

Absent Excused: Sharon White, Megan Chow, Trudy Riker

Absent Un-excused:

Guests: Monifa Jumanne

Staff: Kim Phillips

Call to order time: 2:30 PM

The minutes for December were approved with no corrections with Bill Wieringa moving and Larry Smith seconding.

Special Events, Kim Phillips (for Sharon White):

A list of upcoming events was distributed to board members.

There are 75 people signed up for the Rocketman movie which will take place on Friday, January 24. The February movie will be Green Book.

The next new member "Meet & Eat" breakfast will be March 12th.

Trip Committee, Art Roberts:

The trip committee did not meet. They will meet on Monday, January 20th.

They are planning a trip to Shippshewana.

Kim reported that due to cost of the bus rental, there were be fewer local trips within Kalamazoo such as plays at the Miller Auditorium.

Kim reported that the PSC would like to own our own bus in the future. This could be one large one or two smaller ones that would hold 14 passengers. It could possibly be shared with other Portage City departments. It was noted that the Kalamazoo County does provide a seven passenger van which is stored in our garage and used to bring residents to the PSC and take shopping at Meijers.

Friends of PSC Board Update, Kim Phillips for Trudy Ricker:

Friends of PSC Board retreat/meeting will take place January 21st at city hall. Doug will be attending. He was asked to give a brief talk. It was suggested that the Friends of PSC are thanked for their continued support of the PSC and their generous donation to the capital campaign.

Doug reported that he received an email from the Friends of PSC asking for our support for the golf outing. It will take place at Heritage Glen Golf Club on May 18th. Doug said we were asked to provide a team. The cost per golfer is \$110. Doug said he doesn't golf but he would consider paying for someone else who is a golfer. We briefly discussed sponsoring a hole.

Legislative Update, Art Roberts:

The Kalamazoo County Advocates for Senior Issues (KCSI) Board do not meet this month. Art and Kim reported that they are no longer on the board.

Youth Advisory Board update, Megan Chow:

Megan was not in attendance so there was no Youth Advisory Board update.

Managers Report, Kim Phillips:

Kim distributed the manager report to board members. It shows the PSC's growth continues. Kim mentioned that the announcement of the new building has helped membership.

Greta Jenkins's last day was January 7th. She expects to be back in one year and she has expressed a desire to come back to the PSC. Her replacement is Julie VanderNoot and she will start on January 27th. Julie has a lot of experience in structured Volunteer Management, she worked at Bronson Hospital for 30 years. Julie's assignment is long term; when Greta comes back, Kim said we should have funding for both of them.

The February/March newsletter should be available the week of January 27th.

The Portage City Council has approved the senior millage contract with Kalamazoo County for the PSC. A new position is being planned; a Health and Wellness Coordinator.

Kim reported that the PSC provides funding for 70% of expenses (the other 30% comes from the City of Portage).

The Engage/Empower/Enrich capital campaign private donations is at \$4.1 million. At last night's Portage City Council meeting, AVB was awarded the contract to be the General Contractor for the building of the new PSC.

Old Business:

Kim will have John, Tony, and Art sign the Senior Citizen Advisory Board Duties and Responsibilities document.

We did not take a picture at the meeting (for posting on the bulletin board). That will be done at a future meeting.

Kim reported that has they have some companies to provide food for the lunches at the PSC. Kim thinks they will be able to keep the cost at \$6 for members.

New Business:

Kim reported that the PSC will be starting the National Institute of Senior Centers Accreditation process next month. This was last done 5 years ago. It takes a year to complete. The PSC was the first Senior Center in the state to receive the Accreditation. The Accreditation helps with grants and connecting with other Senior Centers.

Activity Reminders:

- Prof Talks: Bee Keeping, January 22, 1:00 PM
- WMU Scientists: Blowing Starts Up in the Lab, January 27, 1:30 - 3 PM
- Time Travelers, February 6, 1-3PM
- Family Stories Workshop, February 7, 1-3 PM
- Valentine's Day Luncheon, February 13, 11:30 AM

Advisory Board Comments:

Art mentioned that there will be an event at the Portage Library on January 17th honoring Dr Martin Luther King.

Bill commended everyone that wore their name tags to the meeting. Kim needs to get one for Joe.

Doug mentioned that he has some old history books and asked for suggestions where to donate them. It was mentioned that a Senior Living facility would probably take them.

Citizen comments:

Monifa Jumanne was in attendance. She mentioned that she loves coming to the PSC and plans to continue in the future.

Time Adjourned: 3:13 PM

Next meeting: Wednesday, February 19, 2020 at 2:30 PM

PLANNING COMMISSION

February 20, 2020

The City of Portage Planning Commission meeting of February 20, 2020 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

PLEDGE OF ALLEGIANCE

Chairman Corradini led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE

Michael West, Senior City Planner and Christopher Forth, Interim Director of Community Development.

ROLL CALL

Mr. West called the roll: Meyer (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Harrell-Page (not present). A motion was then made by Commissioner Baldwin, seconded by Commissioner Fries, to approve the roll excusing Commissioners Joshi and Schimmel. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the January 23, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Myer, seconded by Commissioner Fries, to approve the minutes as submitted. The motion was unanimously approved 6-0.

SITE/FINAL PLANS

None.

PUBLIC HEARING

None.

OLD BUSINESS

None.

STATEMENT OF CITIZENS/COMMISSIONERS

None.

7:04 p.m. - The Commission took a short recess.

7:08 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 2
--

NEW BUSINESS:

1. FY 2020-2030 DRAFT Capital Improvement Program (preliminary). Mr. West reviewed the staff report dated February 14, 2020 that summarized the process that began in September 2019 to solicit citizen and Commission input regarding the annual Capital Improvement Program (CIP). Mr. West stated the preliminary information provided to the Commission included summary tables and project profiles which represented new projects or previously identified projects that have been significantly revised since the FY 2019-2029 CIP

document. Mr. West indicated that total expenditures for the 10-year plan period identified in the draft FY 2020-2030 CIP increased approximately \$12.0 million from the approved FY 2019-2029 CIP with the two largest projects being the new Community Senior Center and the new Portage Road Enhancements projects. Mr. West then referred the Commission to the final agenda packet that included a memo with a status update for the various capital improvement projects that were approved last year for the current FY2019-2020 budget period.

Mr. West then summarized the new/revised projects for each major category including Streets (Projects 7, 11), Sidewalks & Bikeways (Projects 5, 10, 17), Water (Projects 2, 4, 6), Sewer (Project 1), Police (Project 3), Fire (Projects 10, 16), Public Facilities (Project 4) and Parks & Recreation (Projects 10, 21). Mr. West stated a memo from the City Manager and a final draft version of the FY 2020-2030 CIP would be provided in March, however, staff was requesting any initial comments from the Commission regarding the preliminary FY2020-2030 CIP documents and the new and revised projects detailed in the staff report.

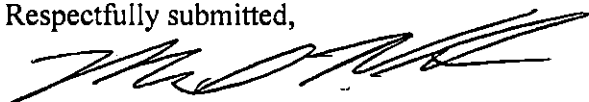
Commissioner Fries inquired about Project 13 (Vincent Drive/Oakland Drive Intersection Improvements) in the Streets category and asked whether a specific development project was being proposed. Mr. Forth discussed ongoing conversations with the owner of the vacant property on the north side of Vincent Drive regarding potential development projects and the relocation of Vincent Drive further north, however, indicated that no specific project has been proposed at this time. Mr. West indicated this project was tentatively programmed for FY2025-2026, however, would be contingent upon cooperation with the property owner since land area would be needed to relocate Vincent Drive further north. Chairman Corradini inquired about the specifics of Project 2 (Hampton Creek Bog Drainage Improvements) in the Water category. Mr. West indicated the engineering design was still being developed, however, the project would involve construction of a dedicated storm water outlet from Hampton Creek Bog to Portage Creek. Chairman Corradini asked about Project 8 (Northwest Water Storage Facility Rehabilitation) in the Water category and why the project from last year's CIP to replace the Haverhill Water Tower was replaced this year with a rehabilitation project? Mr. Forth indicated the water main easement recently received from the airport will allow for a water main extension underneath the airport runway that will alleviate some of the storage demand. Mr. West stated the proposed rehabilitation of the Haverhill Water Tower will prolong the life expectancy of the structure and a replacement project could be considered in future CIP's. Chairman Corradini indicated the Haverhill Water Tower is 50-60 years old. Chairman Corradini stated the rehabilitation project will extend the life of the structure, however, also believes a replacement project should be considered in future CIPs.

The Commission did not have any additional questions or comments regarding the preliminary FY 2020-2030 CIP at this time. Mr. West asked the Commission to continue to review the document and to email staff with any additional questions and/or comments regarding the preliminary FY 2020-2030 CIP and soon as possible and restated that a final draft version of the FY 2020-2030 CIP would be provided to the Planning Commission in March for final review and recommendation to City Council.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:30 p.m.

Respectfully submitted,



Michael West, AICP
Senior City Planner

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting February 20, 2020

CALL TO ORDER: 6:30 p.m.

MEMBERS PRESENT: Nadeem Mirza, Alice Mwanda, Tim Henson, Kathryn Hanfland, Fi Spalvieri, Effie Kokkinos, Stephanie Upshaw, Brooke Kolodzieczyk, Diane Durian (arrived late).

MEMBERS EXCUSED: None

MEMBERS ABSENT: None

STAFF PRESENT: Chris Forth, Interim Director of Community Development, Tom McCoy, Neighborhood Program Specialist

APPROVAL OF MINUTES: Kokkinos moved and Upshaw supported a motion to approve the February 6, 2020 minutes with one correction. Motion passed 8-0.

NEW BUSINESS:

1. Discussion of Board and Staff Scoring for FY 20-21 HPS Grant Applicants: Spalvieri led a discussion of the February 17, 2020 staff memo to the HSB summarizing funding recommendations from both staff and the Board. The five agencies who were recommended for different funding amounts by staff and the Board were discussed individually and the rationale for scoring and amounts recommended by staff and the Board were exchanged. Henson restated his concerns about the agency (HRI) who, in his experience, had been hard to contact by phone and less than responsive to client inquiries receiving an amount equal to the previous fiscal year. Other Board members raised questions about the proposed use of funds by HRI to establish or expand a dedicated service facility at Selinon Park. It was also noted that the amount awarded to HRI in the current fiscal year was greater than the requested amount due to an increase in the percentage of General Fund allocated for human public service agencies by City Council in FY 19-20. Staff agreed upon request to contact HRI to clarify the purpose and scope of the Portage location, to inquire if services provided from this location are available to all Portage residents in addition to the residents of Selinon Park and to inquire whether HRI was receiving funding specifically for the location from other sources. Subsequent to this discussion, the Board concluded that an increase in funding specifically to support this location would not be recommended at this time. Suggestions for compromise funding alternatives for HRI and all other agencies were made by Board members and based on the discussions and input from both the Board and staff, funding recommendations were agreed upon. Individual Board members were polled by Spalvieri to confirm that all members were in agreement with the recommendations put forth. Staff will summarize the consensus funding recommendations and convey a revised memo to the Board in the March 5th, 2020 agenda.
2. Resolution for Elma (Pat) Maye: Spalvieri presented a resolution to outgoing Board Chair Elma (Pat) Maye recognizing her service on the Board over the past ten years. The Board expressed their gratitude for her service to the community. Pat expressed her gratitude for the opportunity to serve and thanked the Board for the resolution.

STATEMENTS OF CITIZENS:

ADJOURNMENT: Kolodzieczyk moved and Mirza supported motion to adjourn at 7:30 p.m. Motion passed 9-0.

Respectfully Submitted,


Tom McCoy, Neighborhood Program Specialist

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Tentative Plan Amendment for Greenspire Planned Development

SUPPORTING PERSONNEL: Chris Forth, Acting Director of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing, consider approving the Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court, subject to the four conditions contained in the January 17, 2020 Department of Community Development staff report.

An application has been received from American Village Builders and The Hinman Company requesting to amend the previously-approved 2017 Tentative Plan for the Greenspire Planned Development (PD) involving the remaining vacant portions of 3413 West Centre Avenue and 8546 Shirley Court. The overall Greenspire Planned Development is comprised of multiple parcels totaling 94.22 acres.

The Tentative Plan Amendment proposes to:

- Reclassify approximately 8.43 acres from commercial to residential and mixed residential/commercial land use.
- Increase the total number of multiple family residential apartment units from 704 units to 1,020 units with a resulting overall density increase from 8.45 units/acre to 11.12 units/acre.
- Reconfigure the size and location of proposed commercial and mixed residential/commercial buildings along West Centre Avenue.
- Revise the anticipated phasing/construction schedule.

The 59 units per acre and the two proposed mixed-use buildings proposed by the developer represents a change in the traditional suburban development pattern. As the city ages and less land is available to accommodate the demand for residential development and market conditions change, alternative development patterns need to be considered as noted in the Comprehensive Plan. For several years now, mixed use development projects have been the growing trend. Mixed-use development projects attract residents who want a more urban experience. While the Greenspire Planned Development may not provide a true urban experience, it offers many of the mixed-use components including:

1. On-site access to retail and food options plus a short walk to the Woodbridge Hills shopping center.
2. Walkability. An extension network of internal sidewalks exists. Also, the city's network of adjacent pedestrian facilities makes it convenient to walk or bicycle to Woodbridge Hills, City Centre, and other destinations.
3. Recreational opportunities such as the adjacent Gourdneck State Game Area, Hampton Lake or Oakland Drive Park.
4. Convenient access to US-131.

The developer retained the services of Tracy Cross and Associates, a real estate consulting group to evaluate the feasibility of this proposed plan amendment. Tracy Cross and Associates concluded this area could support the proposed project. The city's consultant for the Lake Center District area market analysis, LandUse USA, also noted this planned development area would likely support the project.

In a report dated January 17, 2020, the Department of Community Development discussed the proposed Tentative Plan Amendment including the proposed reclassification of 8.43 acres from commercial (retail/office) to residential (apartments) and mixed residential/commercial, and the requested residential density modifications for the overall development and for individual phases VII-C and VII-D. Based on the analysis contained in the report, staff is supportive of the proposed Tentative Plan Amendment for Greenspire Planned Development subject to the four conditions contained in the January 17, 2020 Department of Community Development staff report. The four conditions are:

1. Development standards such as density, open space, building setbacks, building orientation, screening/buffering, etc. be established consistent with tentative plan (dated January 2, 2020) and the written narrative (dated January 3, 2020).
2. The requested density modifications be approved to allow an overall development density of 11.12 units/acre (1,020 apartment units on 91.75 acres) and individual phase densities of 58.03 units/acre for Phase VII-C (224 units on 3.86 acres) and 16.90 units/acre for Phase VII-D (24 units on 1.42 acres).
3. Details regarding screening/landscaping enhancements between Phase VII-D and the adjacent single family residence at 8614 Shirley Court be finalized with submittal of the final plan this phase of the project.
4. Appropriate review/approval/permitting by the Michigan Department of Environment, Great Lakes & Energy (EGLE) for any proposed storm water overflow discharge into the adjacent lowland/wetland areas.

The Planning Commission convened public hearings during their January 9 and 23, 2020 meetings to consider the proposed Tentative Plan Amendment. Greg Dobson, of American Village Builders, the applicant's representative, was present to support the application and explain the proposed changes. No citizens spoke during the public hearings and no written communications have been received regarding this proposed Tentative Plan Amendment.

FUNDING: Not applicable

- Attachments:**
1. Planning Commission transmittal dated January 31, 2020
 2. Planning Commission meeting minutes dated January 9th and 23rd, 2020
 3. Community Development Staff report dated January 17, 2020 with attachments

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: January 31, 2020

SUBJECT: Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court

The Planning Commission convened a public hearing during the January 9th and 23rd, 2020 meetings to consider the request by submitted by American Village Builders and The Hinman Company to amend the Tentative Plan for the Greenspire Planned Development (PD). The proposed amendment involves the remaining vacant portions of 3413 West Centre Avenue and 8546 Shirley Court. Greg Dobson of American Village Builders (applicant representative) was present at both meetings to support the application and explain the proposed amendment. No citizens spoke during the public hearing and no written communications have been received.

After careful consideration, a motion was made by Commissioner Meyer, seconded by Commissioner Baldwin, to recommend to City Council that the Tentative Plan Amendment for the Greenspire Planned Development be approved subject to the four conditions listed in the January 17, 2020 Department of Community Development staff report. The motion was unanimously approved 8-0.

Sincerely,


Dan Corradini
Chairman

PLANNING COMMISSION

January 9, 2020

The City of Portage Planning Commission meeting of January 9, 2020 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

PLEDGE OF ALLEGIANCE

Chairman Corradini led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE

Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL

Mr. West called the roll: Meyer (yes); Pezzoli (yes); Baldwin (yes); Fries (yes); Schimmel (yes); Corradini (yes); Joshi (yes) and Harrell-Page (yes). A motion was then made by Commissioner Meyer, seconded by Commissioner Harrell-Page, to approve the roll excusing Commissioner Patterson. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the December 5, 2019 meeting minutes contained in the agenda. Commissioner Joshi identified a typographical error on page 2 and requested the minutes be amended to clarify that an election worker is a paid position, not a volunteer position. A motion was then made by Commissioner Joshi, seconded by Commissioner Baldwin, to approve the minutes as amended. The motion was unanimously approved 8-0.

SITE/FINAL PLANS

None.

PUBLIC HEARING

1. **Preliminary Report: Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court.** Mr. West summarized the staff report dated January 3, 2020 regarding a request from American Village Builders and The Hinman Company requesting to amend the previously approved 2017 tentative plan for the Greenspire Planned Development. Mr. West stated the tentative plan amendment proposes to: 1) Reclassify approximately 8.43 acres from commercial to residential/mixed residential-commercial land use; 2) Increase the total number of multiple family residential apartment units from 704 units to 1,020 units with a resulting overall density increase from 8.45 units/acre to 11.12 units/acre; 3) Reconfigure the size and location of proposed commercial and mixed residential-commercial buildings along West Centre Avenue; and 4) Revise the anticipated phasing/construction schedule. Mr. West provided a brief history of the Greenspire Planned Development, and a summary of the proposed tentative plan amendment including a discussion of the requested modifications involving residential development densities.

Mr. Greg Dobson of American Village Builders (applicant representative) was present to support the application and discuss the proposed tentative plan amendments. Mr. Dobson thanked Community Development staff for their assistance in review and finalization of the tentative plan/narrative, then briefly summarized the history of the Greenspire development project. Mr. Dobson stated he has reached out to the residential neighbors along Shirley Court and Tozer Court to discuss the proposed changes to the development and to maintain the

open line communication with these neighbors. Mr. Dobson discussed the changing economy/housing market, and how the multi-story, mixed-use residential/commercial buildings proposed in Phases VII-B and VII-C represent a new model that combines suburban safety with urban design and walkability. Mr. Dobson stated the tentative plan amendment proposes to create a “village concept” where residential, retail and office uses are integrated and supportive of each other. Mr. Dobson also indicated that Phase VII-D proposed a different type of apartment design which includes attached garages.

The Planning Commission, Mr. Dobson and Mr. West next discussed various aspects of the proposed tentative plan amendment. Chairman Corradini stated the concept and plan were well thought out and long overdue for the Portage community. The public hearing was opened by Chairman Corradini. No citizens spoke in regard to the proposed tentative plan amendment. A motion was made by Commissioner Harrell-Page, seconded by Commissioner Joshi, to adjourn the public hearing until the January 23, 2020 meeting. The motion was unanimously approved 8-0.

NEW BUSINESS

None.

STATEMENT OF CITIZENS/COMMISSIONERS

None.

7:35 p.m. – The Commission adjourned to City Hall Conference Room No. 1

7:40 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

NEW BUSINESS

1. 2019-2020 Neighborhood & Community Enhancement Program Applications. Mr. West summarized the January 3, 2020 Department of Community Development staff report regarding the Neighborhood & Community Enhancement Program. Mr. West provided a brief summary of the Planning Commission preliminary application review on December 5, 2019 and asked if Commissioners had completed the Program Evaluation Criteria Scoring sheets for the two applications determined to meet the eligibility requirements: 1) Portage District Library Outdoor Drinking Water Fountain and 2) Woodlawn Drive Sanitary Sewer Lift Station Enhancements.

The Commissioners submitted their individual scoring sheets for the two proposed projects and Mr. West tallied the scores to determine an average score for each application. After tallying the scores, Mr. West indicated the Portage District Library Outdoor Drinking Water Fountain project scored the highest with an average score of 42.75 points, while the Woodlawn Drive Sanitary Sewer Lift Station Enhancements project scored next with an average score of 23.25. The Commission indicated that both applications were well prepared and represented enhancements to the community, however, it was the consensus that the Portage District Library Outdoor Drinking Water Fountain application would impact more of the community given its proposed location and function.

Mr. West thanked the Commission for the review, discussion and scoring and indicated that staff would next contact all the applicants with the results and findings. Mr. West indicated that staff would next work with the two scoring applicants to further define the scope and budget of the projects. Once these details were finalized, Mr. West stated the final scopes and budgets would be provided to the Planning Commission for final review and recommendation to City Council.

PLANNING COMMISSION

January 23, 2020

 DRAFT

The City of Portage Planning Commission meeting of January 23, 2020 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens was in attendance.

PLEDGE OF ALLEGIANCE

Chairman Corradini led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE

Michael West, Senior City Planner; and Matt Quardokus, Assistant City Attorney.

ROLL CALL

Mr. West called the role: Meyer (yes); Pezzoli (yes); Baldwin (yes); Fries (yes); Schimmel (yes); Corradini (yes); Joshi (yes) and Patterson (yes). A motion was then made by Commissioner Schimmel, seconded by Commissioner Joshi, to approve the role excusing Commissioner Harrell-Page. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the January 9, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Joshi, seconded by Commissioner Baldwin, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS

None.

PUBLIC HEARING

1. Final Report: Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court. Mr. West summarized the final staff report dated January 17, 2020 regarding a request from American Village Builders and The Hinman Company requesting to amend the previously approved 2017 tentative plan for the Greenspire Planned Development. Mr. West stated the tentative plan amendment proposes to: 1) Reclassify approximately 8.43 acres from commercial to residential/mixed residential-commercial land use; 2) Increase the total number of multiple family residential apartment units from 704 units to 1,020 units with a resulting overall density increase from 8.45 units/acre to 11.12 units/acre; 3) Reconfigure the size and location of proposed commercial and mixed residential-commercial buildings along West Centre Avenue; and 4) Revise the anticipated phasing/construction schedule. Mr. West discussed the reclassification of land acreage from commercial to residential and mixed residential/commercial, and the requested residential density modifications for the overall development and from individual phases VII-C and VV-D. Mr. West stated that once completed, Greenspire will represent the first mixed-use type of development in the city. Mr. West indicated that staff was supportive of the tentative plan amendment subject to the four conditions listed in the staff report.

Mr. Greg Dobson of American Village Builders (applicant representative) was present to support the application and discuss the proposed tentative plan amendments. Mr. Dobson summarized the history of the Greenspire development project originally envisioned by Joe Gesmundo and Roger Hinman. Mr. Dobson then summarized the two main areas of the PD where changes were proposed: 1) Northwest portion of property, between the marsh and Tozer/Shirley Court and 2) 8546 Shirley Court parcel. Mr. Dobson discussed the two

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mixed-use residential/commercial buildings proposed along West Centre Avenue and presented a sample building elevation which depicted this proposed four-story structure with retail/office space on the 1st floor and residential apartments on the 2nd, 3rd and 4th floors. Mr. Dobson restated his efforts to reach out to the residential neighbors along Shirley Court and Tozer Court to discuss the proposed changes to the development, listen to any concerns and to maintain the open line communication.

The public hearing was reconvened by Chairman Corradini. No citizens spoke in regard to the proposed tentative plan amendment. A motion was made by Commissioner Joshi, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 8-0. A motion was then made by Commissioner Meyer, seconded by Commissioner Baldwin, to recommend to City Council that the Tentative Plan Amendment for the Greenspire Planned Development be approved subject to the four conditions listed in the January 17, 2020 Department of Community Development staff report. The motion was unanimously approved 8-0.

2. Special Land Use Permit: Airtech Automation, 8815 South Sprinkle Road. Mr. West summarized the staff report dated January 17, 2020 regarding a special land use permit application submitted by Kyle McLeod to establish an office/showroom for a heating & cooling contractor (Airtech Automation) within the southern portion of the existing commercial building located at 8815 South Sprinkle Road. Mr. West provided a summary of the ordinance requirements and the proposal provided by the applicant. Mr. West indicated the application fulfills the requirements for issuance of a special land use permit and was recommended for approval subject to the applicant receiving all necessary building related permits for interior building modifications and occupancy.

Kyle McLeod of Airtech Automation was present to support the application. Mr. McLeod described the operations of his business and reiterated that no fabrication of materials and no exterior storage of equipment or materials/supplies including portable construction offices will occur at the site. The public hearing was then opened by Chairman Corradini. No citizens spoke regarding the proposed special land use permit. A motion was then made by Commissioner Baldwin, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Fries, seconded by Commissioner Pezzoli, to approve the Special Land Use Permit for Airtech Automation, 8815 South Sprinkle Road, subject to the applicant obtaining all necessary building related permits for interior building modifications and any other Building/Fire Code requirements. The motion was unanimously approved 8-0.

NEW BUSINESS

1. Public Street Vacation – Gladys Street (west portion). Mr. West summarized the staff report dated January 17, 2020 regarding a request from McShane & Bowie PLC, on behalf of PlazaCorp Realty Advisors, for the city to vacate its interest in 1) the former Gladys Street public right-of-way (west approximate 416 feet) located along the east side of South Westnedge Avenue, and 2) the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street. Mr. West provided a summary of the 1994 Gladys Street realignment project that reconstructed and relocated Gladys Street to the north so as to align with the South Westnedge Avenue/Mall Drive signalized intersection. Mr. West indicated that since 1994, these remaining roadways segments have functioned primarily as service drives for Burger King and the former Mercantile Bank. Mr. West briefly summarized the public street vacation process established in the Michigan Land Division Act and City Charter. Mr. West stated that future re-designation/reuse of these roadway segments as a functional public street is not practical and the public right-of-way is no longer needed by the city. Mr. West also indicated that vacation of this public street right-of-way would allow for development/redevelopment flexibility for the adjacent property owners by providing more useable property and eliminating multiple front yard building setback requirements.

Andy Wenzell of PlazaCorp Realty Advisors was present to support the application. Mr. Wenzell discussed the proposed redevelopment project planned by PlazaCorp at the southeast corner of Gladys Street and South Westnedge Avenue. Mr. Wenzell stated this redevelopment project is truly a public/private collaborative and will improve the appearance of this property along South Westnedge Avenue.

TO: Planning Commission **DATE:** January 17, 2020

FROM: Christopher Forth, Interim Director of Community Development

SUBJECT: Final Report: Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court.

I. INTRODUCTION:

An application has been received from American Village Builders and The Hinman Company requesting to amend the previously approved 2017 Tentative Plan for the Greenspire Planned Development (PD) involving the remaining vacant portions of 3413 West Centre Avenue and 8546 Shirley Court. The overall Greenspire Planned Development is comprised of multiple parcels totaling 94.22 acres.

The Tentative Plan Amendment proposes to 1) Reclassify approximately 8.43 acres from commercial to residential/mixed residential-commercial land use; 2) Increase the total number of multiple family residential apartment units from 704 units to 1,020 units with a resulting overall density increase from 8.45 units/acre to 11.12 units/acre; 3) Reconfigure the size and location of proposed commercial and mixed residential-commercial buildings along West Centre Avenue; and 4) Revise the anticipated phasing/construction schedule. Please refer to the attached application, narrative and tentative plan submitted by the applicant for additional details regarding the proposal.

Tentative Plan Amendment – Greenspire Planned Development

Applicant	Property Addresses	Description	Zoning
American Village Builders and The Hinman Company	3201 and 3413 West Centre Avenue; 3145, 8380 and 8401 Greenspire Drive; 3413 Fawn Cove; 8615 Tozer Court; 8546 Shirley Court	94.22 acre tract of land (Mixed multiple family residential and retail/office development) -Excludes portion of Hampton Lake	PD, planned development (2010/2017)

The original Greenspire Planned Development (PD) rezoning/tentative plan application received City Council approval in April 2010 subject to conditions and proposed the construction of a total of 692 multiple family residential units in multiple apartment buildings (384 apartment units already existing) within the interior of the property and construction of a total of 73,400 square feet of retail and 30,400 square feet of offices in a multiple building arrangement along West Centre Avenue.

In 2017, City Council approved a PD rezoning application that added 1.42 acres (8546 Shirley Court) into the overall Greenspire PD and also approved a tentative plan amendment that increased the total number of apartment units from 692 units to 704 units with a resulting overall density of 8.45 units/acre, and reconfigured the size and location of proposed retail/office buildings along West Centre Avenue.

Below is a summary of final/site plans that have been approved by City Council since the original 2010 PD rezoning and tentative plan approval:

- 2011 - Final Plan for Greenspire Retail I, 3201 West Centre Avenue, which included an approximate 13,400 square foot retail building and associated site improvements (construction complete).

- 2014 - Final Plan for Greenspire Apartments IV, 8380 Greenspire Drive, which included construction of 36 apartment units in two, 3-story buildings and associated site improvements (construction complete).
- 2016 – Final Plan for Greenspire Apartments V-A, 8615 Tozer Court, which included construction of 70 apartment units in three, 3-story buildings and associated site improvements (construction complete).
- 2017 – Final Plan for Greenspire Retail V-R-I, 3413 West Centre Avenue, which included construction of a 12,000 square foot retail building and associated site improvements (construction never occurred/approval expired).
- 2017 – Final Plan for Greenspire Apartments V-B, 8615 Tozer Court, which included construction of 108 apartment units in five, 3-story buildings and associated site improvements (construction complete).
- 2018 – Final Plan for Greenspire Apartments VI, 3413 Fawn Cove and 3413 West Centre Avenue, which included construction of 100 apartment units in six, 3-story buildings and associated site improvements (construction in progress).

II. TENTATIVE PLAN AMENDMENT PROCEDURES/REQUIREMENTS:

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review of the overall development concept and final/site plan review for each phase of the development. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, requires formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

Section 42-374 of the Land Development Regulations stipulates the development standards in the PD zoning district. This section provides flexibility in the types of land uses of which up to 20% of the total land area available can be utilized for nonresidential uses. Public water and public sanitary sewer is required. Overall density of the project may not exceed 7 units per acre and density in any one phase may not exceed 12 units per acre, unless a modification is received. Building setbacks, building height, open space and screening are also regulated under the ordinance.

III. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the tentative plan amendment at the January 9, 2020 meeting. Greg Dobson of American Village Builders was present to support the application and explain the development project. No citizens spoke during the public hearing and no written communications have been received regarding the proposed tentative plan amendment.

IV. FINAL ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

A summary comparison between the 2017 approved tentative plan amendment and the 2020 proposed tentative plan amendment is provided in the table below. Specific aspects of the proposed tentative plan amendment are discussed in greater detail following the summary table.

Greenspire Planned Development		
Element	2017 Approved Tentative Plan Amendment	2020 Proposed Tentative Plan Amendment
Uses	Mixed use multiple family residential apartments and retail/office development	Mixed use multiple family residential apartments and retail/office development
Multiple Family Apartment Acreage	704 units on 83.32 acres (8.45 units per acre) - Combined Phases I, II, III, IV, V and VI	1,020 units on 91.73 acres (11.12 units per acre) - Combined Phase I, II, III, IV, V, VI and VII

	- Multiple 3-story, 40-foot tall apartment buildings	- Multiple 3-story, 40-foot tall apartment buildings - Includes mixed use commercial (1st floor)/multiple family residential (upper floors) buildings
Retail/Office Acreage	45,000-60,000 square feet retail and 30,400 square feet office on 10.9 acres - Multiple building arrangement - $90,400/10.9 = 8,293$ square feet per acre	30,000-45,000 square feet retail on 2.472 acres (not including 3.48 acres of mixed use building area since land use is predominately residential) - Existing: 13,000 square foot commercial building - Proposed: Two mixed-use buildings with up to 15,000 square feet, 1st floor retail/office each
Phasing	Phases I, II, III Apartments (existing) - 384 units on 44.81 acres Phase IV Apartments (existing) - 36 units on 3.05 acres Phase IV-R Retail (existing) - 13,000 sq. ft. retail building Phase V Apartments (existing) - multiple sub-phases - 180 units on 18.42 acres Phase V-R Retail (Spring 2017) - Two, approximate 3,000 sq. ft. retail buildings Phase VI Apartments and Retail/Office west of Shirley Court (unknown) - 104 units on 17.03 acres - Up to 30,400 sq. ft. of office and remaining retail	Phases I thru VI Apartments (existing) - 700 units on 75.23 acres Phase IV-R Retail (existing) - 13,000 sq. ft. retail building on 2.47 acres Phase VII-A Apartments (Spring 2020) - 24 units on 3.36 acres Phase VII-B Apartments (Fall 2020) - 48 units on 7.87 acres Phase VII-C Mixed Use Buildings (Fall 2021) - Apartments: 224 units total on 2nd, 3rd, 4th floors - Retail/Office: Up to 30,000 sq. ft. on 1st floors - 3.86 acres (total) Phase VII-D Apartments (Fall 2022) - 24 units on 1.42 acres
Setbacks	30-foot setback around perimeter of property (exception: two apartment buildings constructed in Phase IV have a 15-foot setback from east property line) 80-foot setback from property line where adjacent to single family residences located along Tozer Court/Shirley Court. 25-foot setback from interior private streets and 30-foot separation between apartment buildings.	30-foot setback around perimeter of property (exception: two apartment buildings constructed in Phase IV have a 15-foot setback from east property line) 80-foot setback from property line where adjacent to single family residences located along Tozer Court/Shirley Court. 25-foot setback from interior private streets and 30-foot separation between apartment buildings.
Vehicular Access/ Pedestrian Circulation	Existing full service access drives from West Centre Avenue including Greenspire Drive (eastern portion of site) and full service drive (opposite Cooley Court). Shirley Court, right-in/right-out (western portion of site) Interconnected network of sidewalks along West Centre Avenue and within the interior of the apartment portion of the development.	Existing full service access drives from West Centre Avenue including a left-out restricted Greenspire Drive (eastern portion of site) and full service signalized drive (opposite Cooley Court). Shirley Court, right-in/right-out (western portion of site) Interconnected network of sidewalks along West Centre Avenue and within the interior of the apartment portion of the development.

Reclassification of Acreage. The 2020 tentative plan amendment proposes to reclassify approximately 8.43 acres from previously approved commercial land use (retail/office), to residential (apartments) and mixed residential/commercial land use. This land area is situated in the northwest portion of the overall PD property, along West Centre Avenue, and involves proposed Phases VII-B and VII-C. As a result, the amount of acreage designated for commercial purposes decreased from 10.9 acres to 2.47 acres plus the

15,000 square feet of first floor commercial use within the two proposed mixed use buildings (total of 30,000 square feet). For Commission information, up to 20% of the land area (20.8 acres) can be designated for non-residential use.

The previously approved 2017 tentative plan proposed up to six, one-story (25-foot tall) retail buildings ranging in size between 6,000 - 25,000 square feet each and 3-story office buildings up to 40-feet in height and up to a total of 30,400 square feet. The 2020 tentative plan proposes to replace this multiple retail/office building arrangement with two, 4-story mixed use residential/commercial buildings with the 1st floor of each building occupied by retail/office uses and the upper 2nd, 3rd and 4th stories occupied by multiple family residential apartment units. Each mixed use building is proposed to be a maximum 65-feet in height and contain approximately 15,000 square feet of commercial space on the 1st floor (30,000 square feet total) and 112 apartment units on the 2nd, 3rd and 4th floors (224 units total). Section 42-374.F of the PD ordinance allows for buildings in excess of 45-feet in height when *"...designed to be consistent with the reasonable enjoyment of neighboring property, the entire planned development and the efficiency of existing public services."* Given the proposed location of these two mixed use buildings along West Centre Avenue and the surrounding land uses, a maximum building height of up to 65-feet will be consistent with the reasonable enjoyment of neighboring properties, the overall PD and efficiency of existing public services.

The 2020 tentative plan amendment also proposes to reclassify 1.42 acres from Phase V to Phase VII-D with plans to construct two, 12 unit buildings (24 units total). Removal of 1.42 acres from Phase V slightly increased the phase density from 9.989 units per acres to 10.82 units per acre.

Residential Development Density and Requested Modifications – The 2020 tentative plan amendment proposes a total of 1,020 apartment units on 91.75 acres (combined Phases I thru VII) with an overall residential development density of 11.12 units/acre. Individually, Phase VII-C will have a density of 58.03 units/acre (224 units on 3.86 acres) and Phase VII-D will have a density of 16.90 units/acre (24 units on 1.42 acres). The 2017 approved tentative plan proposed a total of 704 apartment units on 83.32 acres with an overall residential development density of 8.45 units/acre. For comparison purposes, the previous RM-1 zoning designation of the property (rezoned to PD in 2010) would have supported approximately 927 apartment units on 91.75 acres with an overall residential density of 10.10 units/acre (assuming an equal mixture of 1-bedroom and 2-bedroom units).

Since the overall residential development density will exceed 7 units/acre and individual phase density for Phase VII-C and Phase VII-D will exceed 12 units/acre, modifications from these standards are being requested by the applicant in conjunction with the proposed tentative plan amendment. Section 42-375.L of the PD ordinance allows City Council to waive or modify specifications and standards for planned developments where it finds, on the basis of evidence supplied by the landowner, *"...that such specifications are not in the best interests of the residents of the planned development and that the modification of such specifications are not inconsistent with the interests of the entire city."*

The maximum density in the RM-1, multi-family residential zoning district averages 10-15 units per acre depending on the type of units. The 59 units per acre proposed by the developer represents a significant change. However, as the city ages and less land is available to accommodate the demand for residential development and market conditions change, alternative development patterns need to be considered. For several years now, mixed use development projects have been the growing trend. Mixed-use development projects attract residents who want a more urban experience. In order to achieve an urban experience, a variety of uses need to come together. The Urban Land Institute characterizes a mixed-use development as one that 1) provides three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation), 2) fosters integration, density, and compatibility of land

uses, and 3) creates a walkable community with uninterrupted pedestrian connections. Mixed-use developments represent a significant departure from Euclidean zoning that separates land uses from one another.

While the Greenspire Planned Development may not incorporate all the mixed-use characteristics as identified by the Urban Land Institute, it is moving in that direction with the addition of the two proposed higher density, mixed use buildings along West Centre Avenue. Once complete, Greenspire will represent the first mixed-use type of development in the city. Given the design of the PD and desire to create a more mixed-use type of community, the proposed modifications are supported by staff and will be in the best interest of residents of the PD and not inconsistent with the interests of the entire city.

Screening/Buffering Adjacent to Existing Residences – Similar to construction of apartment buildings in Phase V and as illustrated on the tentative plan, future construction of the two apartment buildings proposed in Phase VII-D will also incorporate screening/landscaping enhancements (retention of existing vegetation, berming, evergreen tree planting) between the apartments and the adjacent single family residence to the south at 8614 Shirley Court. Details associated with this screening/landscaping will be reviewed further with submittal of the final/site plan for this phase of the development.

Vehicular Access/Pedestrian Circulation – Access to the overall Greenspire PD is currently provided through a full-service, signalized driveway at the intersection of West Centre Avenue and Cooley Drive, and a limited access driveway (right-in, left-in/right-out), Greenspire Drive, located along the eastern portion of the property. An additional limited access driveway (right-in/right-out) from West Centre Avenue, along the western portion of the property, is also proposed with construction of Phase VII-C. Details associated with this proposed driveway will be reviewed with submittal of the detailed final/site plan.

Natural Features/Designated Wetlands/Storm Water Management – The final phases of the Greenspire PD will continue the philosophy and master plan of integrating the development into the natural environment. Previously approved open space areas will be preserved. Continued planning and care will be taken to preserve existing mature trees and install supplemental/complimentary landscaping with these final phases. Designated wetlands areas (approximately 23 acres) have been identified along the western and southern portions of the overall Greenspire PD property. All existing and proposed buildings will be situated outside of these wetland areas. Storm water runoff from the remaining Phase VII portions of the development will be collected and pre-treated prior to overflow release into the these existing natural low areas, as has been done in previous phases, subject to appropriate review, approval and permitting by the Michigan Department of Environment, Great Lakes & Energy (EGLE).

Updated Project Phasing Timeline – The proposed 2020 tentative plan amendment includes an updated phasing schedule for the remaining portions of the planned development. Phase VII-A of the apartment portion of the development is proposed to commence in the Spring of 2020 and includes 24 units on 3.05 acres. Phase VII-B of the apartment portion of the development is proposed to commence in the Fall of 2020 and includes 48 units on 7.145 acres. Phase VII-C which includes the two mixed use residential/commercial buildings with approximately 224 apartment units and 30,000 square feet of retail/office space on 3.48 acres is proposed to commence in the Fall of 2021. Finally, Phase VII-D of the apartment portion of the development is proposed to commence in the Fall of 2022 and includes 24 units on 1.42 acres.

V. PUBLIC NOTICING REQUIRMENTS:

Per statutory requirements, residents/property owners within 300 feet of the overall Greenspire PD property have been notified in writing of the proposed tentative plan amendment and the Planning Commission

meeting. Additionally, a public notice was also published in the local newspaper. Staff also suggested that the applicant reach out to the adjacent property owners along Shirley Court and Tozer Court to discuss the proposed tentative plan amendment. At the time of report preparation, no citizen communications have been received regarding the proposed tentative plan amendment.

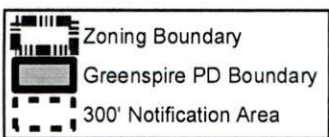
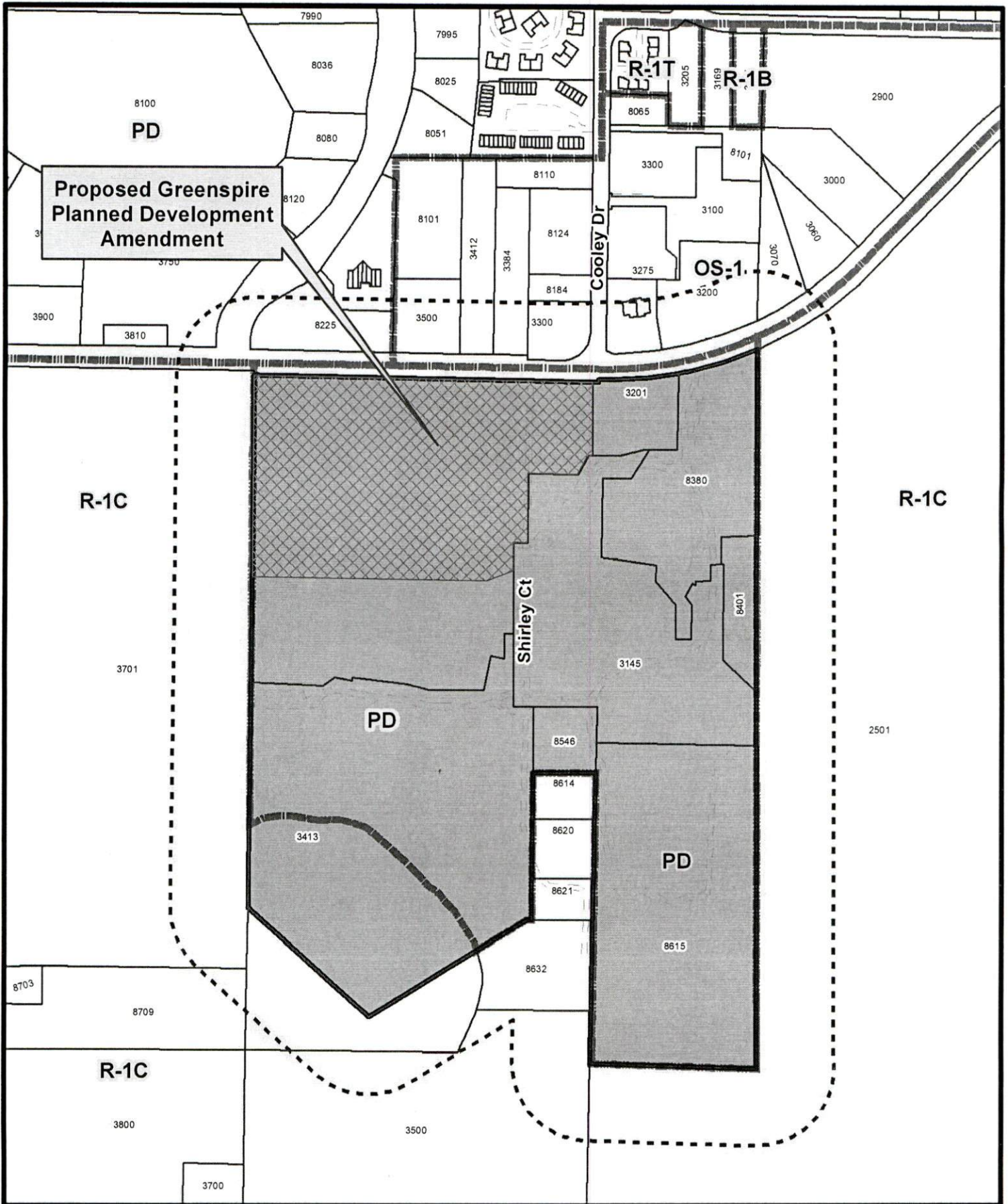
VI. RECOMMENDATION:

Based on the above analysis, staff advises that the Planning Commission recommend to City Council that the Tentative Plan Amendment for the Greenspire Planned Development be approved subject to the following conditions:

1. Development standards such as density, open space, building setbacks, building orientation, screening/buffering, etc. be established consistent with tentative plan (dated January 2, 2020) and the written narrative (dated January 3, 2020).
2. The requested density modifications be approved to allow an overall development density of 11.12 units/acre (1,020 apartment units on 91.75 acres) and individual phase densities of 58.03 units/acre for Phase VII-C (224 units on 3.86 acres) and 16.90 units/acre for Phase VII-D (24 units on 1.42 acres).
3. Details regarding screening/landscaping enhancements between Phase VII-D and the adjacent single family residence at 8614 Shirley Court be finalized with submittal of the final plan this phase of the project.
4. Appropriate review/approval/permitting by the Michigan Department of Environment, Great Lakes & Energy (EGLE) for any proposed storm water overflow discharge into the adjacent lowland/wetland areas.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photo Map
Proposed Narrative, Mixed Use Building Rendering and Tentative Plan Amendment
2017 Approved Tentative Plan

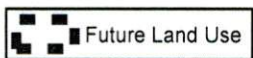
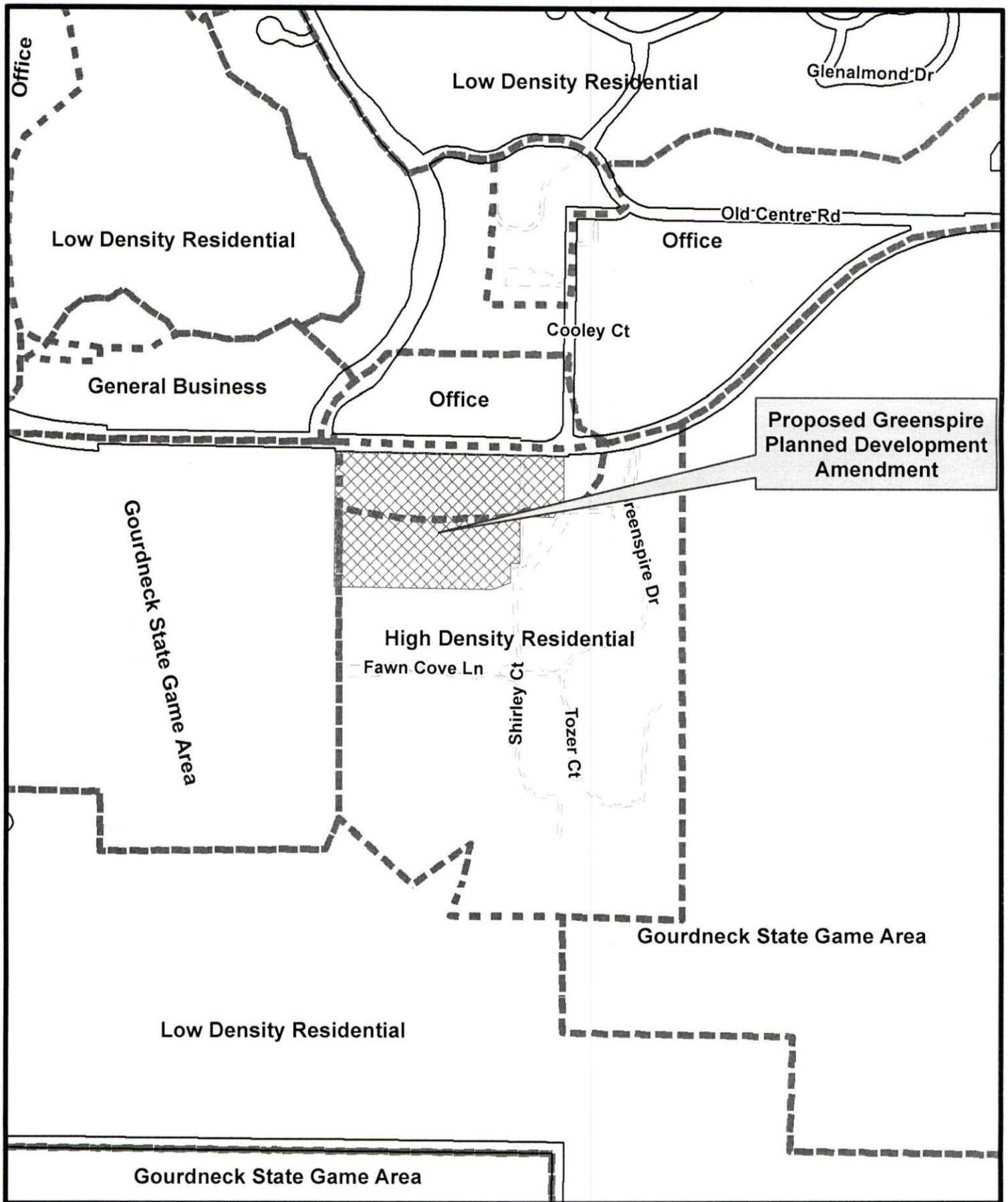
S:\Commdev\2019-2020 Department Files\Board Files\Planning Commission\PC Reports\Planned Developments\Greenspire 2019 PD\2020 01 17 Greenspire Planned Development, 3413 West Centre - tentative plan amendment (final).doc



Greenspire Planned Development Amendment 3413 West Centre Avenue



1 inch = 500 feet
(71)



Future Land Use Map
 3413 West Centre Ave
 Proposed Tentative Plan Amendment



1 inch = 738 feet
 (72)





RECEIVED
JAN 03 2020
COMMUNITY DEVELOPMENT

January 3, 2020

Mr. Christopher Forth
Deputy Director of Planning and Community Development
City of Portage
2900 S. Westnedge Ave.
Portage, MI 49002

RE: Greenspire Planned Development "PD" Tentative Plan

AVB and The Hinman Company are pleased to submit to you an updated plan for our property on the south side of West Centre Avenue as depicted on the attached site plan. The property is already zoned PD - Planned Development. The following tentative plan (the "Tentative Plan") is consistent with the City of Portage Land Development regulations. This application seeks to revise and update the overall Tentative Plan. The following items have materially changed since the last Tentative Plan was approved by the City of Portage City Commission on January 24, 2017.

- Reclassify approximately 8.43 acres from commercial to residential and mixed residential/commercial land use.
- Increase the total number of multiple family apartment units from 704 units to 1,020 units with a resulting density increase from 8.45 units/acre to 11.12 units/acre.
- Reconfigure the size and location of proposed commercial and mixed residential/commercial buildings along West Centre Avenue.
- Revise the anticipated phasing/construction schedule

The proposed Tentative Plan provides for the continuation of an excellent development. In addition, it allows for an urban style of development to be executed in our suburban Portage market, something that is gaining significant traction nationally. Greenspire is an excellent location to facilitate this type of development owing to the presence of walkable grocery, shopping and retail. Further, the proposed approach allows this property to achieve its highest and best use while remaining true to the development principles that were originally established at Greenspire over 40 years ago.

Our master plan is consistent with the City of Portage Future Land Use Plan and our most recently approved Tentative Plan. The areas that we suggest as multi-family are shown as high density residential on the Future Land Use Plan and the commercial areas are noted on the Future Land Use Plan as general business. AVB and Hinman have individually and together had a great deal of experience developing within the PD framework both in the City of Portage and in other municipalities. Some of our very best developments have been the fruits of the City of Portage PD. We continue to believe that this development is suited very well to benefit from the PD ordinance and the PD process in general.

What follows are the answers to the 15 required questions that are provided in Section 42-375 of the City of Portage Land Development Regulations.

1. The PD area will include residential and commercial uses that are designed to integrate well with the adjacent existing residential and commercial uses.
2. The proposed PD development area is on all of the 103.98 acres identified as Greenspire, on the property that is commonly referred to as Greenspire Apartments and more recently Greenspire Shoppes. In the proposed PD area we plan to develop a combination of multi-family, retail and office uses. Phase VI is under construction and consists of six multi-family apartment buildings containing 96 apartment units. Once phase VI is complete, 700 units of the presently approved 704 units will have been constructed and in operation. Future development would include multi-family expansion (Phase VII) that would consist of approximately 320 (316 newly approved) new multi-family apartment units and approximately 30,000 sq. ft. of retail or office space on the first floor of the two proposed mixed unit buildings that front on Centre Avenue.

Using a cluster development allows us to provide in excess of 30 acres of open space within the development, not including Hampton Lake. The same care that has gone into the existing development of Greenspire to harness the natural beauty of this special land will continue in the PD area with first-rate landscaping and natural screening where appropriate. Additionally we will take advantage of the natural features and topography of this site by site planning to allow views of the beautiful forests, waterways, wetlands and sensitive areas that border and are included within this property.

3. The Greenspire Apartments development started in the early 1970's when Roger Hinman and Joe Gesmundo first began acquiring the property now known as Greenspire Apartments. Phase I began construction in 1976 and included the boulevard entrance from Centre Avenue, four apartment buildings, the clubhouse, the pool and the first tennis court. In 1978 Phase II was constructed and included seven additional apartment buildings and an additional tennis

court. In 1981 Phase III was constructed and included six new buildings. In total Phase I through Phase III included 17 buildings, 384 units (187 one beds, 144 two beds, and 53 three beds) over 44.82 +/- acres. For density purposes the 384 units over 44.82 +/- developed acres equals 8.57 units/acre. Phase IV was constructed in 2014 and 2015 and includes 36 units (12 one beds and 24 two beds) over 3.05 acres, bringing the average density over the developed acres to 8.77 units/acre. Phase V was completed in the fall of 2018 and included 184 units (6 studios, 82 one beds and 96 two beds), bringing the average density over developed acres to 9.31 units/acre. Phase VI is being completed in the fall of 2019 and the spring of 2020 and includes 96 units (60 one beds and 36 two beds), bringing the average density over the developed acreage to 9.30 units/acre. Please note that with this proposed amendment, the Phase VI density has increased from 8.45 units per acre to 9.257 units/acre as the acreage of Phase VI has been decreased (17.035 acres to 10.371 acres) to match the new proposed development plan.

Greenspire Phases VII will be developed in approximately three sub-phases beginning the Spring of 2020.

- a. Spring 2020. The 24 unit building in Phase VII A multi-family residential development will commence construction.
 - b. Fall 2020. The two buildings of the Phase VII B multi-family residential development are planned to commence construction.
 - c. Fall 2021. The mixed-use building with 224 units, potentially underground parking, and approximately 30,000 sq. ft. of retail or office space on the first floor of the two proposed mixed unit buildings that front on Centre Avenue will begin.
 - d. Fall of 2022. The two residential buildings containing 24 units proposed for Phase VII D will commence construction.
4. The time schedule is proposed in #3 above.
 5. The site plan and its associated phasing lines show how each stage of the development is independent, yet designed to integrate well into the development as well as the existing development pattern. Importantly, each phase of the Greenspire plan has been meticulously designed to integrate into the existing Greenspire Apartments master plan. The Cooley Drive entrance drive has been completed to provide an additional means of ingress and egress into the development. In a shared investment project with the City of Portage, the new traffic signal at Cooley and Centre Ave. was completed in the summer of 2017, and further improved ingress and egress to the Greenspire development. Additionally, when the area southwest of the Cooley and Centre intersection is developed, this area will be benefited by the right in/right out drive, in a location to be agreed upon between Greenspire and the City of Portage.

As we plan for pedestrian circulation throughout the site, we are leveraging miles of existing sidewalks through the existing Greenspire Phases as well as the 13,000 sq. ft. retail center along Centre Ave. As we constructed the new entry drive from Centre Avenue west of the 13,000-square foot retail building, we constructed a sidewalk to provide a pedestrian entrance from Centre Ave. into the existing phases of Greenspire. In 2017 we connected the Greenspire Shoppes sidewalk to the clubhouse in the center of the Greenspire development. By providing access to Centre Avenue to the entire PD via these new sidewalks, we are able to get pedestrians to the signalized intersection at Cooley and Centre Ave. From this point, pedestrians can cross to the north side of Centre Avenue where sidewalks connect the full distance of Centre Avenue east and west. All new/proposed phases of Greenspire include additional sidewalks and pedestrian circulation. Additionally, Greenspire is adding sidewalks each year within Greenspire to improve overall pedestrian circulation.

Shirley Court presently provides legal access, via access easements recorded in 1953, 1962, and 1974, to one of the homes between Tozer Ct. and Shirley Ct. This access is presently a dirt two-track over the northern most 500' +/- and most of its distance south of Fawn Cove Lane. Improvement of the northern 500' +/- section of Shirley Court was not necessary for proper development of Greenspire to date. Additionally, improving this section of Shirley Court is not required or necessary to provide access to the Greenspire development, nor is it required by the City of Portage Fire Department. We do plan to substantially improve the northernmost 500' +/- of Shirley Court during the construction of Phase VII. It should be further noted that the access agreements, originally recorded in 1953, 1962, and 1974, do not place any burden of maintenance or upkeep on Greenspire.

6. The Tentative Plan land is located on the south side of Centre Avenue, east of Moorsbridge Road and west of Oakland Drive. The parcel is 103.98 acres in total. This 103.98 acres includes 9.76 acres of Hampton Lake. Entities owned or controlled by Joseph Gesmundo and Roger Hinman presently own all of the property under a variety of entity names and is commonly referred to as Greenspire Apartments.

It should be noted that we have done a fair amount of due diligence recently in regards to the property, in addition to our over 30 years of experience in owning the land. We hired and continue to consult with, Tim Bureau of Tim Bureau Consulting, LLC, a former long-time MDEQ staffer, who has reviewed the area in person to assure us that our existing or proposed buildings are not in any wetland. Mr. Bureau has assured us that none of our buildings or proposed are in a wetland. Additionally, our civil engineers have confirmed that these buildings are not within the floodplain.

7. The chart below demonstrates the land use and density for each phase.

Density Units/Acre						
Not Including Hampton Lake or Existing Commercial Area						
Phase	Phase Acres	Combined Acres	Phase Units	Phase Density	Combined Units	Combined Density
Existing Buildings:						
1	8.015	8.015	96	11.978	96	11.98
2	14.960	22.975	168	11.230	264	11.49
3	21.840	44.815	120	5.495	384	8.57
4	3.050	47.865	36	11.803	420	8.77
5	17.000	64.865	184	10.824	604	9.31
6	10.371	75.236	96	9.257	700	9.30
Proposed Buildings:						
7a	3.364	78.600	24	7.134	724	9.21
7b	7.872	86.472	48	6.098	772	8.93
7c	3.860	90.332	224	58.031	996	11.03
7d	1.420	91.752	24	16.901	1020	11.12

Please note in the chart above, the Phase VI density has increased from 8.45 units per acre to 10.824 units/acre as the acreage of Phase VI has been decreased (17.035 acres to 10.371 acres) to match the new proposed development plan.

The chart below explains the breakdown of the total acreage within Greenspire as it relates to the Tentative Plan acreage calculations.

Acreage summary	
Overall Survey Acreage	103.98
Less:	
Hampton Lake	9.76
Commercial	2.472
Residential Acreage	91.748

Note that in the chart above the 91.748 acres of "Residential Acreage" includes the mixed residential/commercial portion of the development as well.

Retail/Office 2.472 acres (not including 3.86 mixed use)

It should be noted that the allowable non-residential acreage is 20.79 acres at 20% of 103.98 acres.

30,000 to 45,000 sq. ft. of retail or office

Up to 45,000 sq. ft. /2.472 acres = 18,204 sq. ft./acre, not including the 3.86 acres of mixed-use buildings

8. The roads, storm areas and entry statement areas as shown on the attached site plan, will be owned by the Gesmundo & Hinman entities reference herein and maintained by Lakewood Management Company as they have since the first building was constructed at Greenspire Apartments. Joe Gesmundo and Roger Hinman both hold ownership in and are the General Partners for Phase I which is owned by Greenspire Equity I.
9. The new residential development units within Phase VII will consist of the following types of units:

Multi-family buildings – three-story buildings, and three-story walk out buildings approximately 40' feet high (as measure from the front elevation to the mid-point of the roof) with each building being approximately 40,000 sq. ft. Podium buildings – four-story buildings, up to 65' in height over underground parking. The podium building could include retail/office space as well.

The commercial portion of the development will consist of the following types of buildings:

The existing one-story retail building type, and as incorporated into the first floors of the mixed-use buildings proposed for Phase VII C.

The office and retail buildings will be designed to integrate with the residential buildings while maintaining some of the general character of office buildings. The final product at Greenspire will leverage of excellent colors, textures and materials to make every building look and feel great.

The proposed 3-story and 3-story walk-out multi-family buildings are required by current code to be fully protected by a wet-sprinkler system. As such we expect that all the new 3-story and 3-story walk-out multi-family buildings and the proposed 4-story mixed use buildings within Greenspire to be fully sprinkled

We have used a 30' set back around the entire perimeter of the property except for the two buildings in Phase IV of the Multi-Family development where a 15' set back was necessary in order to facilitate our site plan. The 15' set back, only for two buildings (36 units of Phase IV), was previously approved and allowed us to set the buildings back an appropriate distance from Greenspire Drive. For clarification purposes the decks/patios are now set at 10' from the property line in Phase IV and the building face will be 15' from the property line. In addition we have maintained 30' between each building and a 25' front setback from the edge of road.

The commercial/retail building heights will not exceed those which are allowed within the PD zoning district. The multi-family buildings are designed at approximately 40'. The podium building will be designed at or below 65' in height.

10. Storm water will be treated and piped via underground structures to the most appropriate common open space area in accordance with City of Portage requirements. In addition, some storm water capacity may be integrated into the design of the office sites. Storm water will be pre-treated according to City of Portage regulations and then released for infiltration into adjacent lowlands according to existing or modified permits (as necessary) from EGLE. These low-lying areas within the development provide plenty of space for this purpose and this plan will be developed to allow for natural looking rain basins/wetlands as opposed to typical, fenced off, deep and unsightly storm systems. Sanitary sewer will be connected to the available City of Portage sanitary sewer system which is available at Centre Avenue and at the Fawn Cove lift station.
11. Greenspire has provided easements to the required utility providers for water, sewer, data and power. In addition, the various Greenspire parcels benefit from cross-access agreements for pedestrian and vehicular access.
12. Parking will be provided according to the City Ordinance. If feasible, we will try to bank some of the retail parking as typically the City requirements exceed those of our tenants. The existing and proposed road widths are included and dimensioned on the attached site plan. Single story pitched roof garages and/or carports may be implemented into the site plan. The quantity of garages / carports are planned at 50% of total number of bedrooms. The construction finishes / materials will be complimentary to that of the Phase IV, V and VI apartment buildings. The specific quantity, location, and materials of the garages / carports will be detailed on the final site plan. In addition, the two mixed-use buildings along Centre Avenue may include underground parking.
13. We are requesting a density modifications as follows: overall development density to 11.12 units to the acres (1,020 units on 91.73 acres in Phases I- VII), Phase 7c to 58.031 units to the acre (224 units on 3.86 acres) and Phase 7d to 16.901 units to the acre (24 units on 1.42 acres).

The requested modifications are in line with current national trends in development and enhance the quality of life for existing and future residents. First, the increased density allows for a "city feel" in an urban environment, a trend that is gaining popularity nationally. This city feel includes walkable retail spaces which are already present, and which will be enhanced with the proposed expansion of units and density. Second, the increased household population within Greenspire allows for additional amenity spaces to be developed

(additional walking paths, dog park, etc.) that benefit all residents of Greenspire. The reduced amount of retail/commercial square footage (from the previously approved PD Tentative plan) will be less intensive from the traffic standpoint. Further, the traffic signal was installed at the Centre and Cooley to provide for this anticipated growth. Finally, we will be providing enhanced vegetative screening between the units proposed for Phase 7d and the residential home to the south of Phase 7d to include up to a 5' berm with 6-8' conifers on 25' staggered spacing. This screening will be similar to what was constructed east of the residential home for Phase 5.

14. We intend to make our submittal for the final phase of the planned development in 2022.
15. Since the successful implementation of the plan is required both by the ordinance and by our own standards, we do not feel that any performance bonds are necessary. We have a long-standing reputation for successful completion of our projects and the meticulous management of our developments after build-out.

We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Dobson".

Greg Dobson

cc: Joe Gesmundo, Rich MacDonald, Roger Hinman



SHEET

A20

KALAMAZOO MIXED USE

KALAMAZOO, MI

MARCH 06, 2019

PERSPECTIVE | ROSE & W. LOVELL CORNER

BKV
GROUP



TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Temporary Moratorium for Certain Development – Lake Center District Area

SUPPORTING PERSONNEL: Michael Carroll, Deputy City Manager
Chris Forth, Acting Director of Community Development

ACTION RECOMMENDED: Accept Resolution No. 20-3 for the city to establish a Temporary Moratorium for Certain Development Activities within the Lake Center District Area.

Farr Associates has been retained to conduct a Placemaking and Connectivity study of the Lake Center District area, including a review of past planning and traffic engineering efforts and obtaining input from area stakeholders. Based on their findings, Farr Associates, with area stakeholders and other interested citizens, will formulate a vision for the Lake Center District and identify implementation strategies to achieve that vision. In an effort to bring the project to fruition, it is necessary to enact a temporary, six-month moratorium on development activities within the study area. This will allow Farr Associates and area stakeholders to formulate a final plan for this important area of the community and identify implementation strategies, such as development of new zoning ordinances, necessary to achieve the vision.

The temporary moratorium applies to:

- Rezoning applications
- Land divisions
- Subdivision approvals
- Special land use permits
- Building permits
- Site plan approvals

The temporary moratorium does not apply to the following:

- Basic maintenance and repair of existing buildings and grounds.
- Construction work conducted exclusively within the interior of a building.
- Installation, repair, replacement, or relocation of utility facilities.

- Demolition, repair, or reconstruction of buildings, structures, or natural features that present a threat to public health and safety.
- Permits issued, or approvals granted, by the city before the effective date of the temporary moratorium.

The resolution includes a waiver provision whereby a property owner can appeal to the City Council if they feel the effect of this moratorium on their property is in violation of state or federal law.

It is important to allow the current planning and implementation process to run its course, with citizen input and involvement, public debate, and full consideration of all issues and points of view. It would be counter-productive for the city to consider requests for development activities in the middle of the planning process and would undermine the city's efforts to achieve and implement the vision for the Lake Center District area through appropriate planning and zoning methods identified during this planning process. It is recommended that City Council accept Resolution No. 20-3 for the city to establish a temporary moratorium for certain development activities within the Lake Center District Area. Furthermore, if desired by the City Council, the resolution can be followed up with a full ordinance process to further document the moratorium.

FUNDING: N/A

Attachments:

1. Resolution - Approved as to Form
2. Lake Center Business District Boundary Map

**CITY OF PORTAGE, MICHIGAN
RESOLUTION FOR TEMPORARY MORATORIUM FOR CERTAIN DEVELOPMENT
ACTIVITIES WITHIN THE LAKE CENTER DISTRICT AREA**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2020 at 7:00 p.m. local time at City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

COUNCILMEMBER: _____ and supported by

COUNCILMEMBER: _____

WHEREAS, the Lake Center District area (Portage Road from East Centre Avenue and Osterhout Avenue) referred to herein as Subject Area was first identified as a commercial revitalization area in the 1996 Comprehensive Plan and subsequent Plans thereafter. See map attached as Exhibit A;

WHEREAS, the City of Portage has identified the Subject Area as an important commercial and residential area of the community whose revitalization is critical for the economic health of the District and community;

WHEREAS, in 2013 a Lake Center District Market Strategy had been prepared and in 2014 a Sub Area Plan for the Subject Area was prepared in an effort to identify strategies to revitalize the area;

WHEREAS, even after the completion of prior studies, there have been minimal (re)investment activities in the Subject Area;

WHEREAS, concern regarding traffic and pedestrian safety along Portage Road within the Subject Area has increased in recent years;

WHEREAS, in 2014 and more recently in 2020 Portage Road within the Subject Area was studied by traffic engineers in an effort to identify strategies to improve traffic and pedestrian safety;

WHEREAS, in 2020 a planning consultant was hired by the City of Portage to conduct a Placemaking and Connectivity study of the Subject Area, review past planning and traffic engineering efforts, obtain input from stakeholders and based on their findings, formulate a vision for the Subject Area and identify implementation strategies to achieve that vision;

WHEREAS, the City of Portage is prepared to investment a significant amount of resources to implement the vision identified in the Placemaking and Connectivity study in an effort to stimulate revitalization efforts in the Subject Area;

WHEREAS, (re)development projects that occur before the conclusion of this planning effort that might be inconsistent with the vision identified in the adopted Placemaking and Connectivity study can jeopardize the vision for the Subject Area;

WHEREAS, it is recognized that a temporary moratorium is an important planning tool used as a means of preserving the status quo while the City conducts the necessary analysis and studies to determine the appropriate tools to address the issues in the Subject Area.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1 – Temporary Moratorium. Based on the findings set forth above and for the protection of the public health, safety and welfare, a temporary moratorium is imposed upon the establishment or expansion of all property, buildings and structures in the Subject Area and the consideration and issuance of City permits, licenses and approvals, including but not limited to rezoning applications, land divisions, subdivision approval, special land use permits, building permits and site plan approvals (collectively referred to as “Development Activities”). The City Council deems it prudent and desirable to temporarily defer any consideration or action taken by any City official and/or agent regarding Development Activities pertaining to the Subject Area;

Section 2 - Terms of Temporary Moratorium. This temporary moratorium will remain in effect for 180 days after publication, or until all necessary and appropriate ordinances with regard to the Subject Area are adopted, whichever occurs first. Before this temporary moratorium

expires, the City Council may by resolution extend the moratorium as appropriate to allow sufficient time to complete amendments to its ordinances.

Section 3 - Findings The City Council finds that imposing a temporary moratorium upon the consideration of Development Activities on a limited temporary basis, is reasonable and necessary for the following reasons:

1. Michigan courts have recognized that a temporary moratorium is a common and legitimate planning tool to preserve the status quo while formulating a more permanent development strategy.
2. The contemplated moratorium would allow the current planning and implementation process to run its full and natural course with citizen input and involvement, public debate, and full consideration of all issues and points of view, and allow the City Council to pursue its strategy to create a “premier community.”
3. It would be counter-productive for the City to consider requests for Development Activities in the middle of its planning process and review.
4. The temporary moratorium would avoid disruption of land use plans and the potential thwarting of the City’s objectives in its planning process.
5. Acting upon Development Activities during the period of the temporary moratorium would be counterproductive and undermine the City’s efforts to accomplish the planning and zoning objectives for the Subject Area and to provide for the health, safety and welfare of the City and its residents.

Section 4 - Nonapplicability. This temporary moratorium shall not apply in the following circumstances:

1. Any permit for basic maintenance and repair of existing buildings and grounds.
2. Any permit for work to be conducted exclusively within the interior of a building.
3. The installation, repair, replacement, or relocation of utility facilities, including water lines, storm sewers, sanitary sewers, telecommunications lines and equipment, and gas and electric lines and work in public rights-of-way.
4. The issuance of permits for demolition, repair, or reconstruction of buildings, structures, or natural features that, in the sole discretion of the City Manager, present a threat to public health and safety.
5. To any work to be performed under a permit issued or approval granted by the City before the effective date of this temporary moratorium.

6. If further Development Activities would be prevented where the initial permits and approvals for the proposed activity were granted by the City before the effective date of this temporary moratorium.

Section 5 - Waiver.

- 1 That during the period of this temporary moratorium, any property owner alleging that the deferred review resulting from the temporary moratorium will result in a violation of applicable federal or state law shall be entitled to a hearing before the City Council. At the conclusion of this hearing, the City Council shall make findings and conclusions with respect to whether or not the petitioner has demonstrated that whether or not the deferred review resulting from the temporary moratorium as applied to the petitioner violates applicable law. If it is demonstrated by credible evidence and found that the deferral has the effect of violating applicable law, the City Council shall grant relief from the moratorium for the petitioner to the extent necessary to cure the violation.
- 2 Waiver requests shall set forth the basis for the requested waiver and any supporting documentation and shall be submitted in writing to the City Clerk. All waiver applications must be submitted at least 10 days before the City Council meeting at which the application is to be considered. Upon receipt of the application the City Clerk will then submit the application to the Department of Community Development and the City Manager for review and recommendation to the City Council. Waiver requests will be considered at regular meetings of the City Council.

Section 6 - Publication. The City Clerk shall publish this Resolution in full in a newspaper of general circulation in the City.

Section 7 - Validity and Severability. Every section, provision or part of this temporary moratorium is declared separate from every section, provision or part of this temporary moratorium. If any section, provision or parts of this temporary moratorium is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this temporary moratorium.

Section 8 - Effective Date. This temporary moratorium becomes effective upon adoption.

CERTIFICATION

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2020, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ____ day of _____, 2020.

Erica Eklov, City Clerk

Prepared by:
RANDALL L. BROWN
City Attorney
1662 East Centre Avenue
Portage, Michigan 49002
Phone: (269) 323-8812

Approved as to form

Date: 2/6/2020

City Attorney

EXHIBIT "A"

INSERT MAP



Legend

— LCBD Boundary

— Parcel Boundary

Exhibit A - Lake Center Business District

 1 inch = 900 feet
Date: 3/6/2020

 **PORTAGE**
A Natural Place to Move