

7:30 p.m. Call to Order.

Invocation: Pastor Barry Petrucci of Chapel Hill United Methodist Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of City Council Meeting Minutes.

1. Regular Meeting Minutes of June 14, 2016.
2. Pre-Council Meeting Minutes of June 27, 2016.

* B. Approval of Consent Agenda Motions.

* C. Accounts Payable Register:

1. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of June 28, 2016 as presented.

D. Public Hearings:

1. Communication from the City Manager recommending that City Council, subsequent to the public hearing, approve the Non-Discrimination Ordinance as presented.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council approve a four-year renewal agreement with Tyler Technologies (formerly New World Systems, Inc.) for software maintenance to the Police Division computer-aided-dispatch and records management system at a total cost of \$610,584 for the period of July 1, 2016 through June 30, 2020 and authorize the City Manager to execute all related documents on behalf of the city.
- * 2. Communication from the City Manager recommending that City Council direct the City Attorney to prepare a Resolution to provide for the establishment of a Governmental Lake Board in accordance with part 309 of Public Act 451 for Gourdneck Lake.
- * 3. Communication from the City Manager recommending that City Council approve the sole source purchase of ten Road Safety RS-4000 systems from ZOLL Data Systems, Inc., at a total cost of \$45,425 and authorize the City Manager to execute all related documents on behalf of the city.
- * 4. Communication from the City Manager recommending that City Council award a sole-source contract for the Garden Lane #3 pump and motor replacement to Peerless-Midwest, Incorporated, in an amount not to exceed \$39,816 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
- * 5. Communication from the City Manager recommending that City Council resolve to submit applications to the Michigan Liquor Control Commission (MLCC) for a Special License for the sale of beer and wine for consumption on the premises at Celery Flats (7335 Garden Lane), for The Celery Flats Music Festival on July 10, 2016 and authorize the City Manager to execute all documents on behalf of the city.
- * 6. Communication from the City Manager recommending that City Council set a Committee of the Whole meeting on July 26, 2016 at 6 p.m. in Conference Room #1 to review the General Fund and Community Development Block Grant human/public service funding application review process.
- * 7. Communication from the City Manager recommending that City Council confirm City Manager appointments to the Local Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage.
- * 8. Communication from the City Manager recommending that City Council confirm City Manager appointments to the Downtown Development Authority of the City of Portage.

- * 9. Communication from the City Manager recommending that City Council accept the Downtown Development Authority Annual Reports - Information Only.
- * 10. Communication from the City Manager recommending that City Council accept the Local Development Finance Authority Annual Report - Information Only.
- * 11. Communication from the City Manager regarding the May 2016 Environmental Report - Information Only.

G. Communications:

- * 1. Communication from Environmental Board Chair Ruth Caputo regarding deer population considerations and a request for suggestions.
 - a. Communication from the City Manager recommending that City Council receive the communication from Environmental Board Chair Ruth Caputo and instruct the City Manager to coordinate with the Environmental Board on the various issues related to development of a deer management program for the City of Portage.

H. Unfinished Business:

- * I. Minutes of Boards and Commissions Meetings:

1. Portage Youth Advisory Committee of May 9, 2016.

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council award a construction contract for the Zylman Avenue Sanitary Sewer Lift Station Improvement Project to Balkema Excavating, Incorporated, at a total price of \$477,325 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.

2. From City Council and City Manager.

3. Reminder of Meetings:

- a. Wednesday, July 6, 8:15 a.m., Historic District Commission, City Hall Room No. 2.
- b. Wednesday, July 6, 9:00 a.m., Historic District Commission Study Committee, City Hall Room No. 2.
- c. Wednesday, July 6, 6:30 p.m., Park Board, Ramona Park followed by Lakeview Park.
- d. Thursday, July 7, 6:30 p.m., Human Services Board, City Hall Room No. 1.
- e. Thursday, July 7, 7:00 p.m., Planning Commission, Council Chambers.
- f. Monday, July 11, 7:00 p.m., Zoning Board of Appeals, Council Chambers.
- g. Tuesday, July 12, 2:00 p.m., Youth Advisory Committee, City Hall Room No. 1.

- * N. Materials Transmitted.

1. Department Monthly Reports

2. Materials Transmitted of June 14, 2016.

Adjournment.

CITY COUNCIL MEETING SUMMARY

June 14, 2016

ACCOUNTS PAYABLE REGISTER

- ♦ Approved the Accounts Payable Register of June 14, 2016, as presented.

PETITIONS AND STATEMENTS OF CITIZENS

- ♦ Referred the request for permission from Mr. Joshua McBarnes to encroach on city property located at 5798 West Heverly Drive to the Administration for review and recommendation.

REPORTS FROM THE ADMINISTRATION

- ♦ Ordered notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2016, will be transferred to the 2016 city tax roll and assessed against the property for which the services were furnished.
- ♦ Approved the Fiscal Year 2016-2017 Community Development Block Grant contracts and General Fund human/public services contracts, and authorized the City Manager to execute all documents related to the contracts on behalf of the city.
- ♦ Accepted the five-year proposal to renew the Bond Counsel and Financial Services Contract with Axe & Ecklund, P.C., and authorized the City Manager to execute all documents related to the contract.
- ♦ Approved the sole source purchase of a Focus3D X 330 HDR Laser Scanner from FARO Technologies of Lake Mary, Florida, at a total cost of \$83,699 and authorized the City Manager to execute all related documents on behalf of the city.
- ♦ Accepted the Non-Discrimination Ordinance for a first reading and set a public hearing for June 28, 2016, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, take final action on June 28, 2016.

COMMUNICATION

- ♦ Received the communication from John Speeter, Chair of the Long Lake Governmental Lake Board, requesting a continuation of the Long Lake aquatic weed control program.
- ♦ Adopted the Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act and directed the Governmental Lake Board for Long Lake to proceed with the necessary steps to improve Long Lake.

COUNCIL COMMITTEE REPORTS

- ♦ Received the verbal report from Councilmember Ford regarding the discussion at the Kalamazoo County Environmental Health Advisory Board Meeting.
- ♦ Received the verbal report on County Consolidated Dispatch from Councilmember Reid.

BID TABULATIONS

- ♦ Awarded a contract in the amount of \$365,885.85 to Michigan Paving & Materials, Incorporated, for mill and fill asphalt repair of major and local street sections and authorized the City Manager to execute all documents related to this action on behalf of the city.
- ♦ Awarded a contract to A1 Asphalt, Incorporated, in the amount of \$21,971 to provide repairs to the Garden Drive Bikeway and authorized the City Manager to execute all documents related to the contract on behalf of the city.

STATEMENTS OF CITIZENS

- ♦ Arnie Demand, who admitted he was "hard of hearing," indicated the need to accommodate the hearing impaired in City Council Chambers.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ♦ Councilmember Urban indicated that he had the privilege a couple of weeks ago to discuss government with the Fourth Graders at Portage Central Elementary School. He thanked Senator O'Brien's office for providing state information brochures and highlighted some of the information in them. He said he discussed local and state government, including the separation of powers and the three branches, and he mentioned the high school students who came to Council and asked for a skate park, and got it. He said the teachers asked the students for two suggestions for Council and offered some examples: jobs for kids, cool schools, homeless shelter, animal shelter, security cameras, a park in the center of town, and a request to start school at 9:30 a.m. so they could sleep in. His own daughters suggested a place to sample different foods (like Taste of Portage) and a dog park which surprised him because he was pretty sure he had never talked about a dog park. Discussion followed. He asked City Manager Shaffer to research one of the questions from the students: why are scooters not allowed at the skate park. He said he also held a mock election and thanked the City Clerk Office for providing the materials, including sample ballots, and voting booths to provide a realistic voting experience. Discussion followed.

- ◆ Councilmember Reid reflected on changes in the community and the nation, owing to the death of the bicycle riders on North Westnedge Avenue, Cooper Township, the shooting in the Orlando Bar frequented by the LGBT community, and the importance of supporting your own family. She indicated that she and her husband went on a two week, 3,100 mile road trip to the Black Hills, Colorado, and back. She was struck by how very different the country is in different places, expressed her appreciation for variety in our country and that she was happy when she got back in Michigan.
- ◆ Councilmember Randall expressed her condolences for the families affected by the bike accident on North Westnedge Avenue, Cooper Township, and noted that two of the victims were parishioners at the Church she attends and one victim was a co-worker of her husband. She indicated that she took up biking about six years ago and bikes nearly 3,000 miles in the summer; and her husband was on that ride two weeks earlier and expressed her appreciation for how precious life is. She stated that as humans, we have more in common than we have differences and asked that our moral compasses need to guide us toward more unity and acceptance of all people. She commented on the respect for the drivers she encountered during her first organized ride and expressed her hope that this consideration continues.
- ◆ Councilmember Ford also expressed his condolences for the bike riders, and expressed his appreciation for the snow plows that were painted and displayed in the Arboretum. Mayor Strazdas concurred. When he announced that he may be absent for the next meeting as he has a baby on the way who is due June 24, 2016, Mayor Strazdas and Councilmember Pearson congratulated him.
- ◆ City Manager Larry Shaffer announced that the City has two brush and leaf drop-off days, from 8 a.m. until 12 p.m., Saturday, July 30, 2016, and Saturday, October 29, 2016, at 10905 Oakland Drive, and acknowledged Councilmember Ford, whose idea inspired the drop-off.
- ◆ Mayor Pro Tem Ansari expressed his sorrow for the families and the victims in the recent Orlando shooting and condemned it as an act of terrorism, and expressed his condolences for the cyclists on North Westnedge Avenue, Cooper Township.
- ◆ Mayor Strazdas also expressed his condolences for the families of all of the recent tragic events and indicated that the families need time to grieve. He said there has to be some good to come from this somehow, and mentioned the new alert system initiated by the State and Councilmember Randall's comments about car driver respect for the cyclists. He announced he will be attending the Southwest Michigan First Leadership Breakfast and today he was asked to speak to the new Stryker Corporation employees and reflected on the diversity of the people in the community as a result of worldwide companies in the area.
- ◆ At the request of Mayor Pro Tem Ansari, Mr. Shaffer volunteered to use the Portage Alert System to notify residents of construction delays.

MATERIALS TRANSMITTED

- ◆ Received the Materials Transmitted of May 20, 2016.

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

CITY COUNCIL MEETING MINUTES FROM JUNE 14, 2016

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

At the request of Mayor Strazdas, Reverend Aaron Sorrels of Lord of Life Lutheran Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

At the request of Mayor Strazdas, the City Clerk called the roll with the following members present: Councilmembers Richard Ford, Jim Pearson, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also in attendance were City Manager Larry Shaffer, Assistant City Attorney Charlie Bear and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Randall, seconded by Ansari, to approve the May 24, 2016 Regular Meeting Minutes. Upon a voice vote, motion carried 6 to 0 with Councilmember Reid abstaining.

Motion by Randall, seconded by Reid, to approve the Pre-Council Meeting Minutes of June 13, 2016, as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Ford and Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that Item F.5, Non-Discrimination Ordinance, be removed from the Consent Agenda, and Councilmember Randall asked that Item F.2, Fiscal Year 2016-2017 Community Development Block Grant and General Fund Contracts, be removed from the Consent Agenda.

Motion by Randall, seconded by Ford, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 14, 2016:** Motion by Randall, seconded by Ford, to approve the Accounts Payable Register of June 14, 2016. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

REQUEST FOR PERMISSION TO ENCROACH ON CITY PROPERTY: Mayor Strazdas indicated receipt of two letters from Joshua J. McBarnes, J.J. Real Estate Investments, L.L.C., dba Paramount KZOO Landscape Services, 1151 West Milham Avenue, which contained a request for permission to encroach on City property located west of 5798 West Heverly Avenue. City Manager Larry Shaffer said that this request just came in and staff has not had time to digest it. Also, he indicated that in order to consider the request more completely, prepare a recommendation to City Council and prepare for discussion, he asked that Council refer it to the Administration for review and recommendation at the next City Council meeting.

Motion by Pearson, seconded by Randall, to refer the request for permission from Mr. Joshua McBarnes to encroach on city property located at 5798 West Heverly Drive to the Administration for review and recommendation.

Councilmember Reid asked if Mr. McBarnes is here, could he speak to the request? Mayor Strazdas asked Joshua McBarnes of Paramount KZOO Landscape Services, and Christopher Rowe, 5798 Heverly Drive, for a framework and a context to their request to help in understanding the request. Mr. McBarnes indicated Chris Rowe's property abuts up to the east side of the retention pond in the Harbors neighborhood and City property comes 10 feet east of that fence line. He said the request is to install an irrigation system on that property, to put a fire pit in there and to build a forty foot retaining

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wall on the Rowe property; this would add 1,000 square feet with the potential of moving the fence into the retention pond more. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **DELINQUENT WATER AND SEWER BILLS:** Motion by Randall, seconded by Ford, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2016, will be transferred to the 2016 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 7 to 0.

FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT AND GENERAL FUND CONTRACTS: Mayor Strazdas introduced this item and deferred to Councilmember Randall, who indicated that she was in favor of dispersing the funds to all of the organizations chosen by the Human Services Board (HSB). However, she wants City Council to look at the policy and parameters used to judge who gets Human Services funds. She asked for a greater emphasis on non-profit organizations within Portage that are serving primarily Portage residents as she feels the current grading system does not do this. She shared that she knows of several organizations who deserve funding from the City, but have never received the application because they do not know the process, however. She asked that City Council take time to review this and give direction to the HSB in order to better meet the needs of our community. Mayor Strazdas summed up by saying there are two action: first, is to approve the contracts and authorize the City Manager to execute the applicable documents; and second, to have a Committee of the Whole (COW) and include the Human Services Board (HSB) subcommittee to meet with City Council to discuss the formula used for dispersing funds through the Community Development Block Grant (CDGB) process.

Motion by Reid, seconded by Randall, to approve the Fiscal Year 2016-2017 Community Development Block Grant contracts and General Fund human/public services contracts, and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Mayor Pro Tem Ansari abstaining from Item F.2, Fiscal Year 2016-2017 Community Development Block Grant and General Fund Contracts, because he serves on the Portage Community Center Board and his daughter serves on the Lending Hands Board. Discussion followed regarding the HSB formulas that go out to the various agencies. Mayor Strazdas asked that each Councilmember voice his or her concerns about the current grading system or submit them in writing to City Manager Shaffer by the end of the week in order to allow him to bring recommendations to City Council. He also indicated he will probably call for a Committee of the Whole (COW) to work through the recommendations if necessary.

Councilmember Pearson indicated within the last five years, City Council has received the formula, but has not reviewed the formula; yet, he has the same questions as Councilmember Randall and suggested instead of written questions and written answers, that Council hold a COW for thirty minutes before a Regular City Council Meeting with Ms. Georgeau, so Council can ask questions and get comments on the fly to know whether they are realistic or not, and explained the importance of giving live input. Mayor Strazdas agreed and asked Mr. Shaffer to check each Councilmember's calendar to set such a meeting.

Councilmember Ford asked Ms. Georgeau to review the HSB schedule, and she said that the Board just met June 2 and checked their calendars for a meeting of a subgroup to review funding criteria, debrief and discuss the grading criteria. She also indicated that the Board cancelled the July and August meetings unless City Council brings them an action item. She pointed out that the subgroup usually meets in September to report their findings and thoughts about changes to the criteria and application forms. She expressed the need to release the application in November in order to get the applications back in December to start the process all over again. With that, Mayor Strazdas suggested a COW sometime before the next two Council Meetings to discuss this matter.

Mayor Pro Tem Ansari asked whether this matter could be a part of the next COW Meeting, and Mr. Shaffer indicated the next COW was set for some time in September at which time Council would be considering purchasing procedures. Mr. Shaffer suggested setting this COW on July 12, 2016, to allow time to prepare, if City Council agrees. Mayor Strazdas indicated that Mr. Shaffer has each of the Councilmember's schedule and would work for a mutually amenable date.

Councilmember Reid noted that it might be advantageous to invite at least the HSB subgroup to the COW to let them hear questions of Council and provide feedback and rationale for why things are the way they are to provide direction to them in September regarding how to revise the form to accommodate any revisions in the criteria before it goes out in November. Mayor Strazdas concurred.

Motion by Pearson, seconded by Randall, to ask the City Manager to find a time within a month to have a Committee of the Whole (COW) and include the Human Services Board (HSB) subcommittee to meet with City Council to discuss the formula used for dispersing funds through the Community Development Block Grant (CDGB) process. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **BOND COUNSEL SERVICES:** Motion by Randall, seconded by Ford, to accept the five-year proposal to renew the Bond Counsel and Financial Services Contract with Axe & Ecklund, P.C., and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 7 to 0.

* **CRASH/CRIME/FIRE SCENE ILLUSTRATOR – SOLE SOURCE PURCHASE:** Motion by Randall, seconded by Ford, to approve the sole source purchase of a Focus3D X 330 HDR Laser Scanner from FARO Technologies of Lake Mary, Florida, at a total cost of \$83,699 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

NON-DISCRIMINATION ORDINANCE: Councilmember Urban commented that since he raised this issue at the December 2015 City Council Retreat, and asked for the development of this Ordinance, the conversation about LGBT (Lesbian, Gay, Bisexual, Transgender) civil rights and laws openly discriminating against all or part of the LGBT community have changed, but the prejudice, bigotry, fear and hatred has not changed. He said it has gotten more press coverage and the battle for and against LGBT has gotten louder. He noted that actions, both good and bad, have taken place in North Carolina, Mississippi, Arizona, Michigan and 18 other states. Also, since he raise this issue, President Obama and his Administration have taken the positive action of reminding states that discrimination based on sex, including LGBT status, is a violation of Title 9 and “endangers Federal Funds.” He mentioned that there has been a vitriolic response by many state legislators and state administrators; and, now he said we have the horrendous exclamation point of hatred in the actions in Orlando Sunday morning.

He pointed out that when he first raised the need for a LGBT Non-Discrimination Ordinance, someone asked, "Do we need this?" He answered “of course” and said that he is embarrassed that this has to be done on a local level because the Michigan State Legislature and the United States Congress have failed to do it on their respective levels. He made distinctions among the states and the various levels of progress in this effort, and cited the various forms of discrimination allowed in Michigan against members of this community, including employment, housing and the refusal to serve at a restaurant.

He said while LGBT discrimination is legal, it legitimizes prejudice, bigotry and hatred; and, until we do not tolerate, as legal, these forms of public discrimination we cannot hope to eliminate the bigotry and hatred in our society. He explained and cited examples to support his position. He emphasized that every local protection added citizens become aware of the need for national protection, and that all of our citizens deserve our respect as people and our protection against discrimination. He summed up and said the Non-Discrimination Ordinance is needed

because LGBT individuals deserve the same civil rights as others. He discussed some of the objections raised and some of the exemptions that would apply. Discussion followed and Councilmember Urban offered to make a motion.

Mayor Strazdas deferred to City Manager Shaffer for an explanation, and Mr. Shaffer indicated that the proposed action is for City Council to accept the Non-Discrimination Ordinance for a first reading and set a public hearing, after which to take final action on June 28, 2016. Mayor Strazdas outlined the procedure for public discussion on this matter and indicated that the Ordinance is not subject to approval or disapproval at this meeting and explained.

Cheryl Gilliam, 9727 Southern Oaks Court, spoke in favor of the LGBT Non-Discrimination Ordinance and proposed that the Ordinance could be shortened to read in effect, that we are all born human, and we all should have all of the other rights of all of the other humans.

Former Mayor Pro Tem John Zull, 416 Barberry Avenue, concurred with Ms. Gilliam, and explained that the Civil Rights movement was an affirmative attempt, that was supposed to be limited in duration, to resolve issues that were still unresolved among people owing to a history of slavery in the country. However, he explained that it has been extended to include an expansion of the population base and this has resulted in conflict among people rather than unity. He did not question Ms. Gilliam's rights at all, but questioned whether the process is fair to everyone concerned in terms of this affirmative approach. He suggested that the work of the Human Services Board (HSB) is incomplete because the Board only heard from authors or proponents of the policy that would be proposed to City Council under the leadership of Councilmember Urban. He indicated that the Board should have made time to hear from the countervailing view. He acknowledged that the City did everything in their power to let people know that the HSB was having a hearing on the matter, but this effort does not always work. He indicated that this issue is very important, and it would be wise and prudent for Council to let people with the countervailing view to be heard by the HSB. Finally, he asked that Council put this issue on a ballot for a vote of the public.

Former Mayor Betty Lee Ongley, 8620 Tozer Court, representing the Unitarian Universalist Community Church, 10441 Shaver Road, read a statement from her Church fully in support of the Non-Discrimination Ordinance.

John Fisher, 3506 East Shore Drive, thanked Councilmember Urban for his presentation, for reminding the public that we cannot discriminate against someone carrying too much weight and spoke in favor of the Ordinance. He explained that his Portage Central High School choir teacher and mentor was critical to his development. He then conveyed that he found out ten years after graduation that his choir teacher was a homosexual, but that did not matter to him. He stated it is unconscionable that if his choir teacher had revealed his status that he would have lost his job, and he would have lost a mentor. He held out that discrimination is not abstract and is detrimental to the health and vitality of the wholeness of our community, and reminded everyone that in light of the events this last week, we know how we contribute to violence when we fail to "accept fully." He discussed the Supreme Court case, *Loving v. Virginia*, which invalidated laws against interracial marriage, and reflected negatively on the derogatory name-calling of his classmates who called Leon Roberts, the Portage Northern athlete, a "half-breed" trying to "get under his skin." With that, he urged Council to end this unhealthy, unwholesome discrimination.

Phil Stinchcomb, 1607 Bellaire Avenue, questioned whether Section 24-151. (ii) "nothing in this ordinance requires the construction or provision of unisex single user restrooms, changing rooms, lockers or shower facilities" means if a man wants to use a woman's restroom, will he be disallowed to do that, or is Council saying to the people of Portage that depending upon what you think you are, you can go into that restroom in a public facility? He agreed with Councilmember Urban that this should not be a local issue, but a State or Federal decision; however, he questioned the need for exceptions for any class because a law is only fair if it is fair for everybody, and cited churches, religious organization, affirmative action programs, bona fide employment requirements, etc. as examples. Finally, he asked for a clarification of the \$500 fine requirement under Section 24-156, Penalties. Discussion followed.

Scott McGraw, 10608 Dandale Street, concurred with John Zull and Phil Stinchcomb, and indicated he did not feel the Ordinance was properly vetted at the HSB level. He respectfully requested that City Council refer it back to the HSB for further review and input from both sides.

Ginger Clifton, 3429 Woodhams Avenue, indicated that her family chose Portage because of the high quality schools, diverse community and safe community. She said that they were not a member of the LGBT community when they moved here 1½ years ago; however, one month after moving in, one of their three children came out to her as transgender, and everyone here could be one day away from a loved one, family member or someone you care about coming out as gay, lesbian or transgender. She pointed out if the Ordinance does not pass, you can legally deny employment, housing, a family dinner at a restaurant or seeing a movie together to not only her child, but also to her or my husband. She said her child is recognized now with a United States Passport as female, uses the restrooms in Portage and there are no issues; also, she is not a harm to society, nor is she trying to engage in some sexual behavior; she is simply trying to use the bathroom. With that, she asked that Council pass the Non-Discrimination Ordinance on behalf of her family, her friends and her co-workers in the community.

Larry Provancher, 7414 Starbrook Street, thanked Councilmember Urban for his Ordinance and said he is a long-time supporter of inclusiveness and accepting all people. He mentioned an incident with his wife who he said is a naturalized citizen, is from Columbia, is not white, speaks with an accent and a Portage resident since 1963: after Nine Eleven, he and his wife were talking at a gas station in Portage when a lady jumped out of a pick-up truck and yelled at his wife, “Why don’t you go back to your own country?” He expressed his frustration and told his wife that the best thing to do was to say nothing. He said anything we can do to promote inclusiveness and diversity is a good move and said he is in favor of the Ordinance.

Reginald Clapp, 1522 Rockledge Court, Apt. 1, Kalamazoo, spoke in opposition to the Ordinance suggesting it proposed something that is perverse and discriminatory against the majority of the people. He said when he was growing up, gay meant happy or happy-go-lucky and suggested that the LGBT community has perverted this term to mean something sexual. He pondered whether the daughter of Ms. Clifton had been influenced by the behavior of other people to decide she was a female. He indicated that if he had children, he would not want them to be influenced to engage in perverted behavior and said there is nothing positive about that behavior, and gave the examples that there is no way two women can have children together and two men having sex is perverted behavior. With that, he urged Council to not pass the Ordinance. He mentioned that he is a single guy, and could go around and allege he is discriminated against because he is single. And though he had no problem with it, he cited the time when he was the first guy to lose a job for the reason that he did not have a family. He indicated that the LGBT community is “trying to discriminate against us because we don’t agree with them” and force him to agree with that kind of behavior. He indicated that in 2009, the gay community was about 1% of the population and now claim to be 4% which means that 96% are not gay, so why should we be forced to accept this. He referred to the recent shooting at a gay bar in Orlando, Florida, and indicated that the shooter is suspected as being a gay person instead of an alleged terrorist. With that, he again urged Council to not pass the Ordinance because it is discriminatory against the majority of people.

Glenn Smith, 10143 Portage Road, a Portage business owner, indicated he showed up here for a different reason; however, upon listening to Councilmember Urban, he began feeling a lot of pride in the fact that he lives in a City where we have progressive ideas and people in places of leadership who have the courage to stand up and make this kind of proposal. He said that this Ordinance will make our community better from within and better looking to those outside our borders. He said a city that is diverse, inclusive and progressive, plus has a conscience towards being fair to every member of society, will thrive; and, without that characteristic, we wither on the vine in every respect, economic, social and even religious. He urged a vote in favor of the Ordinance.

Katheryn Greaves, 2651 Woody Knoll, expressed her appreciation for Council taking up this Ordinance because the elected State officials are unwilling to do this. She indicated she works in Battle Creek for the Kellogg Company and teaches in Kalamazoo for Western Michigan University, and she

can never be fired from her job at either place because each city has Ordinances to protect her as a lesbian. She pointed out that the Ordinance protects everyone in the room from being denied a seat at a restaurant, employment, housing and services if they are perceived as being of the LGBT community.

Julie Ann Bauer, 6262 Quail Run Drive, Kalamazoo, indicated that she was discriminated against because she was perceived as being gay although she is not. She stated she had issues at Church, in her neighborhood and at work because it was rumored she was gay.

Stasia Taverna, 5105 Bronson Boulevard, expressed her appreciation for Council taking up this Ordinance. She described her four children and stated her older three boys will not have the issues that her youngest child will have. She said her eleven year-old, Addison, transitioned one year ago on Sunday; that they celebrated at Kalamazoo Pride and felt a lot of love from the community of Kalamazoo, Portage and neighbors. She expressed her wish to have her daughter live in this wonderful community with the support of her neighbors, her friends and her government. She said it takes a lot to state the truth and shared that her truth is love. She said she loves Portage, her home and her family. She then asked Council to pass this Ordinance in order for everybody else to feel safe and secure.

Lori Batzloff, 1116 Southern Avenue, Kalamazoo, spoke in favor of the Ordinance. She also mentioned that the City of Kalamazoo submitted a similar Ordinance for a vote of the people, and it passed by almost 3,000 votes. She disclosed her objection to placing it on the election ballot based on the fact that these are civil rights. She said that she was unaware of any problems caused by the enactment of the Kalamazoo Non-Discrimination Ordinance. In fact, she shared that it has made Kalamazoo more welcoming and more attractive to everyone. Discussion followed.

Motion by Urban, seconded by Reid, to accept the Non-Discrimination Ordinance for a first reading and set a public hearing for June 28, 2016, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, take final action on June 28, 2016.

Councilmember Pearson noted that Section 24-156 (b), Penalties, is puzzling to him and asked for full clarity so a Judge knows the full intent of this section; or whether an owner who denies a lease of an apartment to a gay couple suffers a \$500 fine or a \$90,000 fine, and on which day does the fine begin. Assistant City Attorney Charlie Bear prefaced his response by indicating that he has not worked on this Ordinance, but that this section is typical of any municipal civil infraction, and explained that there is a statutory provision that each day upon which a violation exists constitutes a new violation. He explained that what typically happens is a single citation is issued, processed through the court and there is the potential to file a second infraction, but this does not typically happen; so, in most instances, the City would be dealing with a single infraction and fine, and sees no difference in treatment than any other municipal civil infraction. Councilmember Pearson expressed his desire to know from the other jurisdictions that have this Ordinance the amount of time they have had the Ordinance, the number of court cases they have had, and whether the fine is limited to \$500, or is it like his example of going for six months and a \$90,000 fine. Discussion followed.

Mayor Strazdas asked for some “rich questions that are out there” to be presented to the Administration who can then provide answers either before or during the public hearing. Discussion followed.

Mayor Pro Tem Ansari asked for more time to consider the Ordinance for at least a month to allow time to appropriately address all of the questions that may arise. Discussion followed.

Motion **by Ansari Pearson, seconded by Pearson Ansari**, to amend the motion to allow for the public hearing to take place July 12, 2016, instead of June 28, 2016, to allow time to answer questions similar to the one he asked of Assistant City Attorney Bear and those asked by Phil Stinchcomb. Discussion followed.

Councilmember Reid spoke against the amendment saying that the HSB had two emails and the article on the front page of the *Portager* showed that the public was aware that the Non-Discrimination Ordinance was being addressed and the public had the opportunity to present his or her input. She noted that the answers to the questions posed this evening will be provided in two weeks, and any modifications in the Ordinance can be referred back for revision, so Council can then decide

whether what is presented is what Council wants or not. So, she was not in favor of pushing it back for a month since it can be done in two weeks. Discussion followed.

At the request of Councilmember Ford, Assistant City Attorney Bear indicated that no new Ordinance posting would be necessary since the First Reading to the Ordinance has been noticed. Councilmember Pearson restated his need for an explanation of whether an owner who denies a lease of an apartment to a gay couple suffers a \$500 fine or a \$90,000 fine, and on which day does the fine begin, and Mr. Bear assured him that a full explanation would be forthcoming. In answer to Councilmember Reid, Mr. Bear indicated that the answers to Council's questions should be available for the next meeting in two weeks.

Mayor Pro Tem Ansari indicated that those who could not make the meeting tonight may have questions that they would like addressed, and postponing action for an extra two weeks gives the City Attorney and City Administration the time needed to provide answers to all of the questions from the Council and the public. Councilmember Pearson expressed his support for the Ordinance, but emphasized the need for answers to his questions and to allow for minor changes, if necessary.

Councilmember Urban demonstrated that there is time to answer the questions before the next meeting in the context of the public hearing and, after the public hearing and based upon what we hear, if we recognize that there need to be changes in the proposed ordinance, we can put them in at that time and vote on it that night; or, we can delay action and ask the City Attorney for a new draft. Discussion followed.

City Manager Shaffer indicated that the Ordinance does not anticipate the matriculated process; it begins with a conciliation process. He noted that Kalamazoo, Oshtemo and Kalamazoo Township have fundamentally the same language as Section 24-156 (b). Penalties. He said he cannot be certain that any of them have issued a citation, as the Ordinance is designed to channel complaints to the City Manager's office where facts are sorted out, discussion ensues and the individual who has the complaint lodged against is brought in. He pointed out that it is an education process; it's a building process; so, it anticipates that it is the initial stage where all of your time and energy is spent. He indicated that if the conciliation process is unsuccessful, then there is the option to issue a violation, but it is not anticipated that the violations would be ongoing, day after day. He assured Council that when the issue was taken up at the HSB, the focus was on education and conciliation rather than employing the more punitive components of this proposed ordinance.

In answer to Councilmember Pearson, Mr. Bear assured him that a response to his question would be available a few days before the public hearing and not just before the meeting. With this and the understanding of the explanation from Mr. Shaffer, *Councilmember Pearson withdrew his second of the motion and without a second, the amended motion did not pass motion.*

Discussion followed. Councilmember Reid encouraged anyone with questions regarding this matter should present them to the City Manager or to any Councilmember. Mayor Strazdas said that what is important is that the city do it right, not to move fast or slow. Discussion followed. Councilmember Urban outlined the time and care taken to write this Ordinance, to present it openly to the public and to provide full deliberation.

Mayor Strazdas recognized three factions who have an interest in this Ordinance; asked that they meet with the City Manager to discuss the details; and, that he wants everyone to have an opportunity to address this Ordinance and get answers to their questions prior to the public hearing. Mr. Shaffer concurred and indicated that he would be happy to meet with anyone at any time, and would be delighted to facilitate it.

Councilmember Pearson restated his approval of the Ordinance, and asked that the City Attorney bullet point the differences between the proposed City of Portage Non-Discrimination Ordinance and the Ordinances from the Oshtemo/Kalamazoo/Kalamazoo Township. Discussion followed.

Mayor Strazdas called for the question. Upon a roll call vote, motion carried 7 to 0. Discussion followed and Mayor Strazdas asked everyone to maintain civility when addressing this issue.

COMMUNICATIONS:

COMMUNICATION FROM JOHN SPEETER, CHAIR OF THE LONG LAKE GOVERNMENTAL LAKE BOARD: After introducing the item, Mayor Strazdas asked Mr. Shaffer for comments and recommendation regarding the letter from John Speeter, Chair of the Long Lake Governmental Lake Board, requesting a continuation of the Long Lake aquatic weed control program. Mr. Shaffer reviewed the letter from Mr. Speeter and the Long Lake Governmental Lake Board asking for the continuation of the program that has been in place since 2011 with the addition of a water testing component and recommended City Council endorsement of the request.

Councilmember Urban, who sits on the Board, informed Council and the audience of a new letter from Mr. Speeter, who took over as Chair of the Long Lake Governmental Lake Board. He noted that the Resolution from the Board Attorney lists a lot of past accomplishments by the Board that do not really have to be in the Resolution, mentioned some of them and indicated that the consultant recommended a new special assessment which has nothing to do with City Council, only the Long Lake Governmental Lake Board. He intimated after a debate over whether the addition of the recommended water testing required City Council approval, the Attorney provided the Resolution and the Board Chair sent it to City Council, but without referencing the Water Quality Check Program. In conclusion, the only important part of the Resolution for consideration is the charge for the Water Quality Check Program component contained in the *Now Therefore* segment of the Resolution since the Long Lake Governmental Lake Board is already implementing the weed management portion contemplated by the Resolution. Councilmember Urban said by adopting the Resolution, City Council enables the Board to do the study, determine the scope, hold the public hearings and assess the special assessment. Mayor Strazdas questioned the timing of the receipt of the revised letter from Mr. Speeter which Councilmember Urban said was on line as of Monday, June 13, 2016. Discussion followed and Councilmember Urban stressed that City Council does nothing except allow the Governmental Lake Board to investigate, take public comment, hold public hearings, then decide whether there is a need for a water testing program. In answer to Mayor Strazdas, Councilmember Urban said there is an urgency as both the City of Portage and Pavillion Township must adopt the Resolution; however, Pavillion Township only meets once a month, took action last night, and waiting a month to have commensurate Resolutions from both municipalities delays the notice requirements and negatively affects the timeliness of the program. In answer to Mayor Strazdas, Councilmember Urban indicated that he did not know if Pavillion Township adopted the Resolution last night, but felt positive that he would have been notified had they not.

Councilmember Ford asked if there were any concerns regarding the water quality of Long Lake, so Councilmember Urban distinguished the type of water quality testing as it is not testing the levels of e coli or bacteria; rather, it is testing the levels of phosphorus, nutrients, oxygen, etc., that relate to weed growth. He said this was recommended by the consultant since the process is now going into a maintenance mode and will add only a few extra dollars to the special assessment. He reflected that there was discussion regarding whether the Water Quality Check Program needed a new Resolution, or whether it was a part of the weed program, and the Board Attorney advised that a new Resolution was necessary.

At the request of Mayor Strazdas, motion by Reid, seconded by Urban, to receive the communication from John Speeter, Chair of the Long Lake Governmental Lake Board, requesting a continuation of the Long Lake aquatic weed control program, and to adopt the Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act and direct the Governmental Lake Board for Long Lake to proceed with the necessary steps to improve Long Lake.

In answer to Mayor Pro Tem Ansari, Councilmember Urban said that the intent is to treat this (special assessment) as any other charge from the Lake Board; he noted that under State law, an

DRAFT - REVISED

engineering report is necessary and, in this case, it is a consultant's report. He also restated that the Board has to determine the scope, hold the Public Hearing of Necessity and get input from the residents; afterwards, the Board makes the decision on the special assessment, which is already being done on the treatment of the weeds. He continued by saying that the Board sets an assessment amount for the Water Quality Check Program and will probably fold it into the weed assessment amount which will add only a few dollars to the existing assessment. City Council does nothing beyond tonight; however, he noted that because the City of Portage has property on the lake, the City is assessed an amount under each special assessment.

Councilmember Pearson reflected that because this is a minor component of the special assessment, he at first wondered whether Council needed to address it, but owing to the opinion of the Board Attorney, he now agrees with the involvement of Council and would be supporting the motion. Councilmember Urban responded that in the interest of being open and fully transparent, the Board Attorney opined that it should be brought to Portage City Council and the Pavillion Township Board, and noted that all of the steps of the special assessment, including two public hearings, will have to be taken for this action. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of:

Portage Human Services Board of May 26, 2016.

Portage Planning Commission of May 19, 2016.

COUNCIL COMMITTEE REPORTS:

KALAMAZOO COUNTY ENVIRONMENTAL HEALTH ADVISORY BOARD:

Councilmember Ford discussed a presentation at the Kalamazoo County Environmental Health Advisory Board Meeting from Kalsec (Natural Flavors, Colors, and Extracts) composting facility recently built in Cooper Township, and mentioned that they add chilies and rosemary to the soil to help farmers grow good products in recycled material. He also mentioned that the Board discussed non-potable wells and that his impression is that the County plans to do something with them as well.

Motion by Randall, seconded by Reid, to receive the verbal report from Councilmember Ford regarding the discussion at the Kalamazoo County Environmental Health Advisory Board Meeting. Upon a voice vote, motion carried 7 to 0.

COUNTY CONSOLIDATED DISPATCH – 911: Councilmember Reid reported on the County Consolidated Dispatch Finance Committee which is anticipating doing the investigation necessary to be able to bring to the entire Dispatch Board a proposal related to how we are going to be able to fund Consolidated Dispatch. In order to answer that question. She said the group has to determine what exactly that is going to look like and where it is going to be housed, so the question continues to be more and more complex. She anticipated that the Finance Committee will be bringing a proposal forward at the next meeting in July 2016 to allow for time to provide a Resolution placing an issue on the November ballot. She indicated that this matter is still under discussion and there are a lot of different ways this project can be put together, so the Board has a decision to make. She said that the Finance Committee is meeting on a weekly basis at this point, and she expressed her optimism that she will bring back better information about what is happening at the next Council Meeting. Discussion followed.

Councilmember Reid reflected positively on a suggestion by Councilmember Pearson that was referred to the Technical Committee, i.e. in the meantime, can we implement a text option to contact 911 Dispatch which would demonstrate a tangible difference in service delivery for the 42 cents per month per phone device the public is currently paying. Discussion followed.

DRAFT - REVISED

In response to Mayor Strazdas, Councilmember Reid reminded everyone that the meetings are open to the public and take place on Wednesdays at 3 p.m. at the Crosstown Police Facility, Kalamazoo.

Motion by Ansari, seconded by Ford, to receive the verbal report on County Consolidated Dispatch from Councilmember Reid. Upon a voice vote, motion carried 7 to 0.

BID TABULATIONS:

* **MILL AND FILL SUMMER REPAIRS – BID TABULATION:** Motion by Randall, seconded by Ford, to award a contract in the amount of \$365,885.85 to Michigan Paving & Materials, Incorporated, for mill and fill asphalt repair of major and local street sections and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **GARDEN DRIVE BIKEWAY IMPROVEMENTS– BID TABULATION:** Motion by Randall, seconded by Ford, to award a contract to A1 Asphalt, Incorporated, in the amount of \$21,971 to provide repairs to the Garden Drive Bikeway and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban indicated that he had the privilege a couple of weeks ago to discuss government with the Fourth Graders at Portage Central Elementary School. He thanked Senator O'Brien's office for providing state information brochures and highlighted some of the information in them. He said he discussed local and state government, including the separation of powers and the three branches, and he mentioned the high school students who came to Council and asked for a skate park, and got it. He said the teachers asked the students for two suggestions for Council and offered some examples: jobs for kids, cool schools, homeless shelter, animal shelter, security cameras, a park in the center of town, and a request to start school at 9:30 a.m. so they could sleep in. His own daughters suggested a place to sample different foods (like Taste of Portage) and a dog park which surprised him because he was pretty sure he had never talked about a dog park. Discussion followed. He asked City Manager Shaffer to research one of the questions from the students: why are scooters not allowed at the skate park. He said he also held a mock election and thanked the City Clerk Office for providing the materials, including sample ballots, and voting booths to provide a realistic voting experience. Discussion followed.

Councilmember Reid reflected on changes in the community and the nation, owing to the death of the bicycle riders on North Westnedge Avenue, Cooper Township, the shooting in Orlando Bar frequented by the LGBT community, and the importance of supporting your own family. She indicated that she and her husband went on a two week, 3,100 mile road trip to the Black Hills, Colorado, and back. She was struck by how very different the country is in different places, expressed her appreciation for variety in our country and that she was happy when she got back in Michigan.

Councilmember Randall expressed her condolences for the families affected by the bike accident on North Westnedge Avenue, Cooper Township, and noted that two of the victims were parishioners at the Church she attends and one victim was a co-worker of her husband. She indicated that she took up biking about six years ago and bikes nearly 3,000 miles in the summer; and her husband was on that ride two weeks earlier and expressed her appreciation for how precious life is. She stated that as humans, we have more in common than we have differences and asked that our moral compasses need to guide us toward more unity and acceptance of all people. She commented on the respect for the drivers she encountered during her first organized ride and expressed her hope that this consideration continues.

Councilmember Ford also expressed his condolences for the bike riders, and expressed his appreciation for the snow plows that were painted and displayed in the Arboretum. Mayor Strazdas

DRAFT - REVISED

concurred. When he announced that he may be absent for the next meeting as he has a baby on the way who is due June 24, 2016, Mayor Strazdas and Councilmember Pearson congratulated him.

City Manager Larry Shaffer announced that the City has two brush and leaf drop-off days, 8 a.m. until 12 p.m., Saturday, July 30, 2016, and Saturday, October 29, 2016, at 10905 Oakland Drive, and acknowledged Councilmember Ford, whose idea inspired the drop-off.

Mayor Pro Tem Ansari expressed his sorrow for the families and the victims in the recent Orlando shooting and condemned it as an act of terrorism, and expressed his condolences for the cyclists on North Westnedge Avenue, Cooper Township.

Mayor Strazdas also expressed his condolences for the families for all of the recent tragic events and indicated that the families need time to grieve. He said there has to be some good to come from this somehow, and mentioned the new alert system initiated by the State and Councilmember Randall's comments about car driver respect for the cyclists. He announced he will be attending the Southwest Michigan First Leadership Breakfast and today he was asked to speak to the new Stryker Corporation employees and reflected on the diversity of the people in the community as a result of worldwide companies in the area.

At the request of Mayor Pro Tem Ansari, Mr. Shaffer volunteered to use the Portage Alert System to notify residents of construction delays.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF MAY 20, 2016:** Motion by Randall, seconded by Ford, to receive the Materials Transmitted of May 20, 2016.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:39 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JUNE 27, 2016**

Mayor Peter Strazdas called the meeting to order at 9:00 a.m. The following were present: Councilmember Patricia Randall and Mayor Peter Strazdas. Mayor Pro Tem Nasim Ansari and Councilmembers Jim Pearson and Claudette Reid were present via the conference phone line. Those not present include: Councilmembers Richard Ford and Terry Urban. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and Deputy City Clerk Adam Herringa.

Mayor Strazdas called the meeting to order and raised the topic of preparations for the public hearing on the Non-Discrimination Ordinance as there is significant public interest in the topic. Mayor Strazdas stated that he would encourage groups of like-minded individuals to designate someone to speak on their behalf, discourage speakers from repeating arguments and to honor freedom of speech while encouraging people to refrain from disrespectful comments. Mayor Strazdas also discussed the use of a seated "queue" for those wishing to speak.

To assist in maintaining the 4-minute limit on public comments, those present at the meeting discussed the need for audio and visual indicators to let speakers know that their time is up. City Manager Shaffer reviewed the plan to use the City Hall Lobby and Conference Room No. 1 for overflow seating as well as the plan for overflow parking. Councilmember Reid asked if the Senior Center could also be an overflow location. Deputy City Manager Boulis stated that the City Attorney should be consulted as to whether the hearing would need to be delayed a few minutes in the event there were so many attendees that people would need to utilize and travel to the Senior Center. City Manager Shaffer stated that if the hearing reaches a point where in excess of 400 people are attending and the Senior Center is needed, he would be of the opinion that the hearing should be adjourned to a later date and at a larger facility.

There being no other comments on preparing for the public hearing, Mayor Strazdas asked if there were any questions or comments on the proposed agenda for the June 28th Regular City Council Meeting.

Councilmember Pearson requested minor edits to the June 14th Regular Meeting Minutes.

Councilmember Pearson then reviewed item F.2 as it pertains to the membership of the potential Gourdneck Lake Governmental Lake Board. He stated that the board composition listed in the text of the Communication is incorrect. Rather, the membership should include a representative of the County Board of Commissioners, the County Drain Commissioner, two local representatives, and a lake property owner representative.

Councilmember Reid raised questions on item F.1 which is a renewal agreement with Tyler Technologies for software maintenance to the Police Division computer-aided-dispatch (CAD) and records management system. Councilmember Reid asked if County-wide Consolidated Dispatch happens, could this contract be stopped at any point? City Manager Shaffer responded in the affirmative that this is the case with CAD, but the records management portion is ours. Councilmember Reid followed up by asking what percent of the software/contract is related to record keeping and what percent is dispatch. City Manager Shaffer stated he would research and respond. Councilmember Reid stated that, compared to the previous contract, this contract cost is 20% higher. She requested an explanation as to why this is the case. City Manager Shaffer stated that he would research and respond to her request.

Councilmember Reid referenced item F.4, which is a sole source contract for the Garden Lane #3 pump and motor replacement. Councilmember Reid stated that some of the rationale for the sole source purchase is the expertise and safety protocols of the company. Councilmember Reid stated that this rationale doesn't seem to justify sole source and asked if there are other vendors that could meet the needs of the City. Councilmember Reid followed up by asking what is the lifespan of the work that is to be performed and whether the City should be looking at replacing the items instead of fixing them. City Manager Shaffer stated he would research and respond to her questions.

Councilmember Pearson inquired if there was a report missing from Item G.1 which is a Communication from the Environmental Board about the deer population. It was noted that while a report is alluded to, only a summary is included. City Manager Shaffer stated that he would follow up with the Environmental Board Chairperson Ruth Caputo to see if there is any additional information beyond what was provided.

Councilmember Reid expressed her appreciation for the Local Development Finance Authority (LDFA) documents that were provided and inquired if the LDFA met annually. City Manager Shaffer responded in the affirmative and Councilmember Reid noted that in 2016, the LDFA approved the financials for both 2013-2014 and 2014-2015 and asked if the LDFA missed a meeting. City Manager Shaffer stated that the LDFA did not miss a year but the 2013-2014 financials were simply not approved in 2014-2015 and were this time.

Councilmember Reid referenced Materials Transmitted from the last City Council Meeting and the request of a resident to encroach upon city property and requested a status update. City Manager Shaffer stated that he had met with the individual and is awaiting additional information such as a summary of what, specifically, is being asked for.

Councilmember Randall indicated that she is planning to offer a City Council Committee Report.

ADJOURN: Mayor Strazdas adjourned the meeting at 9:24 a.m.

Adam Herringa, Deputy City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: William Furry, Finance Director

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of June 28, 2016 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 May 22, 2016 through June 5, 2016 and notes \$94,492.82 in automated clearing house payments, \$426,554.54 in paper checks and \$6,815.63 in auto-pay payments for a grand total of \$527,862.99.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

ACCOUNTS PAYABLE REGISTER
Check Dates From: 5/22/2016 To: 6/5/2016

Check Date	Check	Vendor Name	Amount
06/03/16	5206(A)	A I S CONSTRUCTION EQUIP. CO.	3,561.20
06/03/16	5207(A)	ABONMARCHE CONSULTANTS, INC	12,154.78
06/03/16	5208(A)	ALL CITY MANAGEMENT SERVICES, INC.	3,115.80
06/03/16	5209(A)	ALL-PHASE ELECTRIC SUPPLY CO.	95.92
06/03/16	5210(A)	ALL-TRONICS, INC.	81.00
06/03/16	5211(A)	B L HARROUN & SON INC.	3,600.00
06/03/16	5212(A)	BELL EQUIPMENT COMPANY	1,783.00
06/03/16	5213(A)	C D W GOVERNMENT, INC.	185.36
06/03/16	5214(A)	C M P DISTRIBUTORS, INC.	11,743.00
06/03/16	5215(A)	C T S TELECOM, INC.	3,493.97
06/03/16	5216(A)	CARRIER & GABLE	1,000.00
06/03/16	5217(A)	CONSUMERS CONCRETE CORP.	841.95
06/03/16	5218(A)	CROWN TROPHY	54.00
06/03/16	5219(A)	E J USA, INC.	1,341.16
06/03/16	5220(A)	EG WORKFORCE SOLUTIONS	1,129.23
06/03/16	5221(A)	ENGINEERED PROTECTION SYSTEMS, INC.	1,800.00
06/03/16	5222(A)	ETNA SUPPLY, INC.	310.29
06/03/16	5223(A)	FARM N GARDEN	1,416.59
06/03/16	5224(A)	FISHBECK THOMPSON CARR & HUBER, INC	1,995.00
06/03/16	5225(A)	FURRY, WILLIAM	99.64
06/03/16	5226(A)	GRIFFIN PEST SOLUTIONS, INC.	70.00
06/03/16	5227(A)	INDUSCO SUPPLY CO., INC.	197.81
06/03/16	5228(A)	KEHOE, EDWARD J	220.00
06/03/16	5229(A)	KENDALL ELECTRIC, INC.	80.55
06/03/16	5230(A)	MATERIALS RESOURCES	218.21
06/03/16	5231(A)	MAURER'S TEXTILE RENTAL SERVICES	970.55
06/03/16	5233(A)	MEDEMA, TIMOTHY	208.00
06/03/16	5234(A)	MEEKHOF TIRE SALES & SERVICE INC.	588.00
06/03/16	5235(A)	MEIER, MICHAEL	288.00
06/03/16	5236(A)	MEJEUR ELECTRIC LLC	1,067.00
06/03/16	5237(A)	MIDWEST CIVIL ENGINEERS	1,622.50
06/03/16	5238(A)	O'BOYLE-COLWELL-BLALOCK & AS.	2,486.60
06/03/16	5239(A)	ONE WAY PRODUCTS	465.75
06/03/16	5240(A)	ONSTAFF USA INC	16,037.91
06/03/16	5241(A)	PCM SALES, INC.	2,512.20
06/03/16	5242(A)	PORTAGE FIREFIGHTERS	1,672.14
06/03/16	5243(A)	PORTAGE ON-CALL FIREFIGHTERS	100.00
06/03/16	5244(A)	PORTAGE POLICE OFFICERS ASSOC	700.00
06/03/16	5245(A)	QUADRANT II MARKETING, LLC	1,983.40
06/03/16	5246(A)	SNELL, DEBRA	144.00
06/03/16	5247(A)	THE IRRIGATOR	4,956.37
06/03/16	5248(A)	THOMPSON, HELENE	408.00
06/03/16	5249(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	588.58
06/03/16	5250(A)	VANCE OUTDOORS, INC.	1,080.33

ACCOUNTS PAYABLE REGISTER
Check Dates From: 5/22/2016 To: 6/5/2016

Check Date	Check	Vendor Name	Amount
06/03/16	5251(A)	VANDERBERG, WARD M	235.00
06/03/16	5252(A)	WARNER NORCROSS & JUDD LLP	3,985.47
06/03/16	5253(A)	WEST, STEVEN R	231.50
06/03/16	5254(A)	WOLVERINE POWER SYSTEMS	1,573.06
	SUBTOTAL:	48 CHECKS	94,492.82
06/03/16	297723	A T & T	130.20
06/03/16	297724	ALICE TRAINING INSTITUTE	1,190.00
06/03/16	297725	ALLEGRA PRINT & IMAGING	1,806.00
06/03/16	297726	ALLEN EDWIN HOME BUILDERS	1,235.00
06/03/16	297727	AMERICAN AIRWORKS	10,418.26
06/03/16	297728	AMERICAN PLANNING ASSOCIATION	475.00
06/03/16	297729	ANY CUTTING & WELDING	500.00
06/03/16	297730	BAKER, SUZANNE	50.00
06/03/16	297731	BEATTIE, DANIEL G.	154.85
06/03/16	297732	BETH THIELKING PHOTOGRAPHY LLC	70.00
06/03/16	297733	BLAHNIK, CLAUDIA	1,250.00
06/03/16	297734	BRANDT, WILLIAM & JUDITH	2,500.00
06/03/16	297735	CAMPBELL AUTO SUPPLY	35.40
06/03/16	297736	CARDINAL BUS, INC.	1,278.00
06/03/16	297737	CAREERBUILDER, LLC	380.00
06/03/16	297738	CARTRIDGE WORLD	1,656.82
06/03/16	297739	CASSEL, SHELLY	150.00
06/03/16	297740	CASTILLO, ELECTO	50.00
06/03/16	297741	CATHY WEISSERT	50.00
06/03/16	297742	CEREAL CITY WINDOW CLEANING	1,050.00
06/03/16	297743	CERTIFIED LABORATORIES	280.00
06/03/16	297744	CLOUD, VIRGINIA	1,250.00
06/03/16	297745	COMMAND PRESENCE TRAINING ASSOC	228.00
06/03/16	297746	CONSUMERS ENERGY	800.00
06/03/16	297747	COOK, WARREN & EUGENIE	2,000.00
06/03/16	297748	CRAGGS, JUANITA	2,100.00
06/03/16	297749	CROSSROADS CAR WASH	65.00
06/03/16	297750	CURE SEARCH FOR CHILDREN'S CANCER	100.00
06/03/16	297751	DAVE'S CONCRETE PRODUCTS, INC.	1,025.50
06/03/16	297752	DEREK HENSON	500.00
06/03/16	297753	DEVON TITLE AGENCY	33.75
06/03/16	297754	DODSON, JOANN	1,250.00
06/03/16	297755	DOUGLASS SAFETY SYSTEMS LLC	45.70
06/03/16	297756	EVANS, SEAN	38.29
06/03/16	297757	FAWLEY OVERHEAD DOOR, INC.	1,828.00
06/03/16	297758	FLETCHER ENTERPRISES	489.00
06/03/16	297759	FORSHEE, MARK	368.00
06/03/16	297760	FRANCIS, WALTER P	62.92

ACCOUNTS PAYABLE REGISTER
Check Dates From: 5/22/2016 To: 6/5/2016

Check Date	Check	Vendor Name	Amount
06/03/16	297761	FREDRICKS, KORI	100.00
06/03/16	297762	FREY, FREDERICK & VIRGINIA	2,450.00
06/03/16	297763	FRIENDS OF PORTAGE SENIOR CENTER	575.00
06/03/16	297764	GEISLER, DR. JOHN	200.00
06/03/16	297765	GERMAIN, KEN	100.00
06/03/16	297766	GLEESING, KEVIN	20.00
06/03/16	297767	GLOBAL EQUIPMENT CO., INC.	1,122.95
06/03/16	297768	GORDON WATER SYSTEMS	77.00
06/03/16	297769	GRAHAM FORESTRY SERVICE, INC.	1,472.00
06/03/16	297770	GREAT LAKES RECREATION CO.	92,000.00
06/03/16	297771	GREATER KALAMAZOO FOP LODGE 98	3,295.20
06/03/16	297772	GREATER KALAMAZOO UNITED WAY	859.68
06/03/16	297773	GUEST SERVICES, INC.	300.48
06/03/16	297774	GUTIERREZ, ESTHER	1,250.00
06/03/16	297775	HANSELMAN, SUSAN	400.00
06/03/16	297776	HARTMAN, CHARLES	47.00
06/03/16	297777	HENSON, DEREK	355.70
06/03/16	297778	HERITAGE COMMUNITY OF KALAMAZOO	370.00
06/03/16	297779	HERRINGA, ADAM	86.40
06/03/16	297780	HIBLER, T.J.	366.00
06/03/16	297781	HOFFMAN BROTHERS, INC.	148,087.61
06/03/16	297782	HOGNACHI, DAVID	299.00
06/03/16	297783	HOME DEPOT	425.47
06/03/16	297784	IRONS, MARTHA	439.00
06/03/16	297785	J & B PROFESSIONAL TREE SERVIC	1,750.00
06/03/16	297786	JENNINGS, ROBERT	400.00
06/03/16	297787	JERRE, JAMES	400.00
06/03/16	297788	JOHNSON, SHIRLEY	116.00
06/03/16	297789	KALAMAZOO COUNTY ROAD COMMISSI	4,829.76
06/03/16	297790	KALAMAZOO LANDSCAPE SUPPLIES	1,789.40
06/03/16	297791	KAMATH, SOBHA & SREENIVAS	88.13
06/03/16	297792	KAR LABORATORIES	40.00
06/03/16	297793	KEALA, TRICIA	886.00
06/03/16	297794	KEALA, TRICIA	399.98
06/03/16	297795	KENT COUNTY DPW	90.00
06/03/16	297796	KHALED, JOAN	1,250.00
06/03/16	297797	KINGSCOTE CHEMICALS INC.	50.37
06/03/16	297798	KL OUTDOOR	2,623.00
06/03/16	297799	KLOOSTER, FRAN	71.59
06/03/16	297800	KRONLEIN, HELEN	118.23
06/03/16	297801	LAND MATTERS LLC	4,576.65
06/03/16	297802	LARRY W. MCCULLIN	294.00
06/03/16	297803	LAVALLEY, ASHLYN	250.00
06/03/16	297804	LAVERDURE, ROBERT	42.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 5/22/2016 To: 6/5/2016

Check Date	Check	Vendor Name	Amount
06/03/16	297805	LIFELOC TECHNOLOGIES, INC.	407.77
06/03/16	297806	LOUTHAN, WILLIAM F	192.00
06/03/16	297807	M COVILLE EXCAVATING	4,425.00
06/03/16	297808	MARCH OF DIMES	100.00
06/03/16	297809	MARSHALL & SWIFT	644.20
06/03/16	297810	MAXWELL NEWSOME	336.00
06/03/16	297811	MCDONALD'S TOWING & RESCUE, INC.	203.10
06/03/16	297812	MEDILODGE OF PORTAGE	297.50
06/03/16	297813	MENARDS, INC	976.92
06/03/16	297814	MICH MUNICIPAL POLICE & FIRE REPAIR	1,187.05
06/03/16	297815	MICHIGAN ELECTION RESOURCES, LLC	626.48
06/03/16	297816	MLIVE MEDIA GROUP	617.91
06/03/16	297817	MR. ROOF GRAND RAPIDS LLC	6,768.00
06/03/16	297818	MUNICIPAL CODE CORPORATION	3,265.54
06/03/16	297819	NATIONAL FIRE PROTECTION ASSOC	150.00
06/03/16	297820	NATIONAL KIDNEY FOUNDATION OF MICH	100.00
06/03/16	297821	NOVA CONSULTANTS, INC	1,961.25
06/03/16	297822	NYE UNIFORMS	1,737.98
06/03/16	297823	O'REILLY AUTO PARTS	323.38
06/03/16	297824	OFFICE DEPOT, INC.	1,325.26
06/03/16	297826	OLNEY, KEVIN	100.00
06/03/16	297827	PARK, JANICE	400.00
06/03/16	297828	PATTERSON, TREVER	20.00
06/03/16	297829	PEERBOLTE, DALE & KATHY	2,500.00
06/03/16	297830	PETTY CASH-ALYSSA MILBECK	314.36
06/03/16	297831	PETTY CASH-ERICA EKLOV	513.46
06/03/16	297832	PETTY CASH-JANET GATES	464.39
06/03/16	297833	PIERMAN, BRANNON	89.95
06/03/16	297834	PNC WEALTH MANAGEMENT	30.19
06/03/16	297835	PRINTING SERVICES INC	98.00
06/03/16	297836	PRUDENTIAL NURSERY	3,670.00
06/03/16	297837	RANDALL L BROWN & ASSOC. PLC	20.30
06/03/16	297838	RANDALL L BROWN & ASSOC. PLC	1,166.40
06/03/16	297839	RATHCO SAFETY SUPPLY, INC.	347.75
06/03/16	297840	REECE, DIANE	338.00
06/03/16	297841	RENEWED EARTH, INC.	7,916.66
06/03/16	297842	RIDGE AUTO NAPA	3,350.15
06/03/16	297843	SARLE, MARY	400.00
06/03/16	297844	SCHONVELD, DONNA	1,250.00
06/03/16	297845	SHERWIN WILLIAMS	86.58
06/03/16	297846	SKILLPATH SEMINARS	149.00
06/03/16	297847	SKILLQUEST INTERNATIONAL LLC	1,300.00
06/03/16	297848	SLAVIN, NATHAN	90.00
06/03/16	297849	SMITH, DAVID P	75.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 5/22/2016 To: 6/5/2016

Check Date	Check	Vendor Name	Amount
06/03/16	297850	SOUTHWEST MICHIGAN FIRST	50.00
06/03/16	297851	SOUTHWEST MICHIGAN FIRST	12,500.00
06/03/16	297852	SILSON, CHRISTINE	380.00
06/03/16	297853	STALKER RADAR	20.00
06/03/16	297854	STATE OF MICH - STATE POLICE	150.00
06/03/16	297855	STATE OF MICHIGAN (BOILER DIV)	360.00
06/03/16	297856	STATE OF MICHIGAN (DEPT LABOR)	180.00
06/03/16	297857	STATE OF MICHIGAN (DOT)	25,035.73
06/03/16	297858	STATE OF MICHIGAN (MGT & BUDGE	250.00
06/03/16	297859	STATE SYSTEMS RADIO, INC	50.40
06/03/16	297860	STEENSMA LAWN & POWER EQUIPMENT	559.95
06/03/16	297861	STILLING, STEPHANIE	250.00
06/03/16	297862	STRATEGIC SOLUTIONS OF MICHIGAN, IN	975.00
06/03/16	297863	TAFEE, BRYAN	40.00
06/03/16	297864	TEARE, LINDA	1,250.00
06/03/16	297865	THOMPSON, STACEY	150.00
06/03/16	297866	TISHHOUSE ELECTRIC, INC.	2,470.00
06/03/16	297867	U S POSTAL SERVICE	215.00
06/03/16	297868	U S POSTAL SERVICE	8,000.00
06/03/16	297869	ULINE, INC.	419.91
06/03/16	297870	UNITED PARCEL SERVICE	12.18
06/03/16	297871	UNITED PARTY & EVENT SERVICES	882.25
06/03/16	297872	USA TODAY	25.00
06/03/16	297873	VANGUARD FIRE & SUPPLY CO., INC.	30.00
06/03/16	297874	VERIZON WIRELESS SERVICES, LLC	3,087.22
06/03/16	297875	W. S. DARLEY & CO.	960.11
06/03/16	297876	WANNAMAKER, MARYANN	400.00
06/03/16	297877	WATKINS, GREG	299.00
06/03/16	297878	WEBSTER, SUZANNE	1,240.00
06/03/16	297879	WELLER AUTO PARTS INC.	105.00
06/03/16	297880	WILLIS LAW	26.50
06/03/16	297881	XAVUS SOLUTIONS	200.00
06/03/16	297882	LOUTHAN, WILLIAM F	47.00
06/03/16	297883	NEFF, ALVEN	47.92
06/03/16	297884	WHYTE, BLAKE	3,893.55
		SUBTOTAL:	161 CHECKS 426,554.54
05/23/16	3155	AUTO-PAY PAYMENT	1,199.88
05/31/16	3181	AUTO-PAY PAYMENT	5,615.75
		SUBTOTAL:	2 CHECKS 6,815.63
		GRAND TOTAL:	211 CHECKS 527,862.99

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Non-Discrimination Ordinance

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council approve the Non-Discrimination Ordinance as presented.

At the June 14, 2016 City Council meeting, a draft of a Non-Discrimination Ordinance was presented for first reading with a public hearing set for June 28, 2016. The following is a summary of the Non-Discrimination Ordinance, the major provisions of the proposed ordinance, as well as responses to questions raised at the June 14, 2016 City Council meeting.

Intent, Purpose and Construction

The intent of the ordinance is that no person be denied equal protection, enjoyment of civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.

The draft ordinance also specifies that the prohibitions against discrimination in the ordinance shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights laws prohibiting discrimination.

Definitions

The draft ordinance includes a definitions section that clarifies the meaning of several terms used in the ordinance including, but not limited to the definition of discrimination and various persons protected by the ordinance.

Discriminatory Practices

The ordinance outlines discriminatory practices in housing, public accommodations and employment that are prohibited.

With regard to housing, the ordinance specifies no person shall discriminate in: 1) leasing or selling housing; 2) the terms, conditions, maintenance or repair of housing; 3) the financing for the purchase, repair or remodeling of housing; or 4) the referral or listing of housing information.

With regard to public accommodations (which includes an educational, governmental, health,

entertainment, recreational, refreshment, transportation, financial institution, business or facility of any kind), the ordinance specifies no person shall discriminate in making available goods, services, facilities, privileges and accommodations of any place of public accommodation. Nothing in this section of the ordinance permits access to a place of public accommodation for the purpose or intent of engaging in criminal conduct. In addition, this section of the ordinance does not require the construction of unisex, single use restrooms, changing rooms, locker rooms or shower facilities.

With regard to employment, the ordinance specifies no person, labor organization or employment agency shall discriminate in: 1) the employment, compensation, work classifications, conditions or terms, promotion or demotions, or termination of employment; 2) the membership in a labor union or apprenticeship program; 3) the procurement or recruitment of a person for employment. This section of the ordinance allows exemptions when there is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise.

Exceptions

The ordinance provides a section that allows exceptions, consistent with state and federal statutes. Examples include:

- Religious institutions may restrict the occupancy of housing facilities or accommodations operated as a direct part of religious activities;
- Religious institutions may restrict employment opportunities for officers, religious instructors and clergy;
- A housing facility or development restricted to persons of low income, one sex, disability or over 55 years of age;
- Public accommodations or employment privileges or assistance to persons of low income, persons over 55 years of age or disable persons;
- Engaging in a bona fide affirmative action program;
- Exclusion based on age, as required by state and/or federal law (e.g. excluding minors entry to a bar or adult entertainment facility);
- To provide discounts on the basis of age (e.g. student or senior discounts);
- To limit the use of educational or governmental facilities to those affiliated with such institutions;
- To limit the rental of a housing facility that is occupied by the owner of the housing;
- The ordinance does not apply to a private club not open to the public. If the private club permits members to invite guests, such organization is not exempted as it concerns a member's guest.

Ordinance Enforcement and Penalties

The draft ordinance provides a simplified approach to investigation and enforcement, which is administered internally by the City Manager. A signed, written complaint must be provided within 180 days of the incident forming the basis of the complaint. Within 30 days, the City Manager shall undertake an investigation of the alleged violation. If the investigation establishes a violation occurred, the City Manager may: 1) refer the matter to a Conflict Resolution Service; 2) refer the complaint to the Department of Public Safety/City Attorney for prosecution; or 3) attempt to resolve the matter through a conciliation agreement.

In keeping with the majority of the ordinances reviewed, the penalty for a violation is a civil infraction, as well as relief permitted under state law, which may also include injunction. Like many others, the

draft ordinance proposes the standard “not more than \$500.” fine. In most cases, the City Manager would pursue conciliation agreements as opposed to penalties and other enforcement options.

Response to comments and questions raised during the June 14, 2016 City Council meeting:

- The Human Services Board did not thoroughly review the draft ordinance and there was not sufficient opportunity for public input. The draft ordinance was submitted to Council for review and consideration after a lengthy review process by the City Administration, City Attorney and the Human Services Board. After a thorough review of numerous example ordinances adopted by over 40 Michigan communities, a draft ordinance was presented to the Human Services Board on April 7, 2016. The Human Services Board reviewed the proposal over the course of four public meetings, which included a well-publicized and well-attended public hearing on May 26, 2016. After the public hearing, the Board again reviewed the ordinance and unanimously recommended approval of the draft ordinance to City Council at their June 2, 2016 public meeting.
- How does the proposed ordinance compare to other ordinances? After review of numerous ordinances adopted by communities through Michigan and in other states, it was determined that the Oshtemo Township and City of Fenton ordinances should be primarily referenced as good examples of main stream ordinances that encompass a moderate approach and a simplified administration, investigation and enforcement process. The attached April 1, 2016 communication to the Human Services Board summarizes the minor differences between the draft Portage ordinance and those adopted by these other two communities.
- How is the penalty section of the ordinance to be administered? As noted above, Section 24-154, Information and Investigation, specifies the process for filing and investigating a complaint, which will be handled by the City Manager. The preferred and anticipated method of resolving the vast majority of substantiated complaints of discrimination includes mediation and conciliation agreements. Section 24-156, Penalties, is included and would be applied in limited circumstances where mediation or conciliation cannot be achieved, or when a person or entity fails to follow-through on a conciliation agreement. While the ordinance indicates a fine of not more than \$500, plus court costs for each day that a violation continues to occur, in practice, the Court would not generally accept multiple civil infractions for the same violation prior to a hearing on an alleged violation of the ordinance. *It is also important to note that other communities with adopted ordinances have received very few complaints of violations of their ordinances and the provisions of the draft Portage ordinance are consistent with many other adopted ordinances.*
- Why does the ordinance include exceptions? Section 24-153, Exceptions, is included in the ordinance to ensure consistency with state and federal laws, which allow exceptions for religious institutions, certain types of housing and employment practices. The exceptions included in the draft ordinance are consistent with, not in addition to, state and federal laws.
- Will the ordinance allow a man to use a women’s restroom? No. The draft ordinance provides protections for persons from discrimination from actual or perceived gender, sexual orientation and/or gender identity. Further, the ordinance only protects individuals using the restroom that corresponds with their gender identity and expression. There is no current law in the State of

Michigan barring a man from entering the women's restroom or vice versa. However, the ordinance specifically states that it does not permit disruptive, sexually inappropriate or illegal behavior in a restroom. If a complaint of discrimination is filed, it will be investigated by the City Manager as proposed in the ordinance. If a complaint regarding illegal behavior is filed, it will be investigated by the Department of Public Safety as is currently accomplished under the law.

In summary, the proposed Non-Discrimination Ordinance has been thoroughly researched and carefully reviewed by the City Administration and City Attorney. The Human Services Board reviewed the draft ordinance, consistent with the purpose of the Board as outlined in the adopted City of Portage Code of Ordinance, Section 2-272, which states:

“It is the purpose of the human services board to advise the city council on matters to ensure that all persons in the city enjoy equal freedom to pursue peaceably their just aspirations, and that practices or conditions, based on or resulting from consideration of race, sex, religion, color, national origin, age or association, which result in hindrance or restrictions on the enjoyment or exercise of the freedom are harmful to the common good and contrary to the public policy of the city.”

The Non-Discrimination Ordinance is proposed to provide protections to persons that have been victims of discrimination. In administering the ordinance, the City Administration and Human Services Board would engage in public outreach and education, and it is anticipated that the need for investigation and enforcement would be rare. Finally, adoption of the Non-Discrimination Ordinance will position the Portage community as a welcoming place to live, visit and do business. Based on the above, it is recommended that City Council, subsequent to the public hearing, adopt the Non-Discrimination Ordinance as proposed.

FUNDING: Not Applicable

Attachments:

1. Department of Community Development Report dated April 1, 2016
2. Department of Community Development report dated May 20, 2016
3. Human Services Board Minutes of May 26, 2016 and June 2, 2016
4. Ordinance Amendment
5. Written Comment (Pfizer Inc.)
6. Written Citizen Comment (Whitaker)
7. Written Citizen Comment (Ettwein)
8. Written Citizen Comment (Jenks)
9. Citizen Question (Gilliam)
10. Citizen Question (Stinchcomb)

TO: Human Services Board**DATE:** April 1, 2016**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Non-discrimination Ordinance

At the March 3, 2016 Human Services Board meeting, the City Attorney and staff provided initial information regarding a proposal by City Council to develop a draft local non-discrimination ordinance. Subsequent to this meeting, the City Attorney and City Administration conducted research on model ordinances and best practices among other Michigan municipalities to determine the appropriate scope of the ordinance, including core protections to be included in a local ordinance.

Based on this research, it is recommended the local non-discrimination ordinance provide three core protections: housing, employment, and public accommodations. The ordinance should include protections for persons covered under state and federal civil rights statutes and additional protections for sexual orientation and gender identity. The draft ordinance is similar to ordinances adopted by Oshtemo Township, Kalamazoo Township and the City of Fenton, among others. Not only are some of these ordinances local, but they are also specifically used as examples of "good" ordinances that include a moderate approach to non-discrimination issues.

Attached is the draft Non-Discrimination Ordinance, as well as the Oshtemo Township and Fenton ordinances referenced when developing the proposed City of Portage ordinance. The following is a discussion of the reasoning behind removal or addition of specific provisions.

- **City Contractors and Discriminatory Effects:**

There are two provisions which appear in the Fenton ordinance and some others, but not in Oshtemo Township. One is "Nondiscrimination by City Contractors" and the other is called "Discriminatory Effects". We have not included either one of these in the draft ordinance. We believe that the application to city contractors will require more and wide ranging investigation into the policies and operations of private companies, many of which are not located in the Kalamazoo area. This would include increased costs and staff time. With regard to the Discriminatory Effects provision, the protections are clearly far beyond the core protections and also may be difficult to prove.

- **Language Regarding Facility Policies:**

The draft ordinance does not include the underlined phrase:

“However, nothing in this ordinance: i) permits or requires access to any place or public accommodation for the purpose or intent of engaging in criminal conduct; or ii) requires the construction or provision of unisex single user restrooms, changing rooms, locker rooms or shower facilities, [nor affect policies regarding the use of restrooms, changing rooms, locker rooms or shower facilities.]”

The underlined language is not included in the Oshtemo Township, Kalamazoo Township or Fenton ordinances and may not be necessary at this point. It is however included in similar, recently adopted ordinances from Marquette and Traverse City. The purpose of this phrase is to alleviate public concerns regarding the effect of the ordinance on policies regarding facility use. Should such concerns arise during the hearing process or even after adoption, this language can be added at that time.

- **Ordinance Enforcement**

Many non-discrimination ordinances examined establish special anti-discrimination committees to oversee ordinance enforcement. Generally, these committees contain appointed members who investigate and respond to discrimination complaints. In addition, many of the committees are charged with initiating community programs to promote inclusion.

The draft ordinance does not incorporate such a committee because it would require cost and staff time considerations. Like other local ordinances, the draft ordinance follows a more simplified approach to keep the investigation and enforcement internal with the City Manager, who may develop a conciliation agreement or refer to the Department of Public Safety for investigation. Larger cities and communities with large student populations may choose to have a more involved type of investigation and the creation of special committees to review complaints, but we believe that is unnecessary. The proposed internal investigation and enforcement may resolve issues far more quickly.

- **Penalties**

In keeping with the majority of the ordinances reviewed, the penalty is a civil infraction, as well as relief permitted under state law, which may also include injunction. Like many others, the draft ordinance proposes the standard “not more than \$500.00” fine. Oshtemo Township has a much more detailed fine structure which we find to be unnecessary given the low volume of complaints anticipated and the court’s discretion to impose a fine.

Community Development staff and the City Attorney will be in attendance at the April 7th Board meeting to address questions and comments from the Board in regard to the draft ordinance. After review and discussion, it is recommended that the Board hold a special public meeting in regard to the draft ordinance on Thursday, May 26, 2016 in Council Chambers.

Attachments: Draft City of Portage Non-Discrimination Ordinance
Oshtemo Township Non-Discrimination Ordinance
City of Fenton Human Rights Ordinance

Non-Discrimination Ordinance

- 0.01 Intent, Purpose and Construction .
- 0.02 Definitions.
- 0.03 Discriminatory Housing Practices.
- 0.04 Discriminatory Public Accommodation Practices.
- 0.05 Discriminatory Employment Practices.
- 0.06 Exemptions.
- 0.07 Information and Investigations.
- 0.08 Conciliation Agreements.
- 0.09 Penalties.
- 0.10 Repealer.
- 0.11 Severability.
- 0.12 Effective Date.

RECEIVED

MAR 28 2016

COMMUNITY DEVELOPMENT

0.01 INTENT, PURPOSE AND CONSTRUCTION.

(a) It is the intent of the City of Portage that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.

(b) The prohibitions against discrimination as provided for in this ordinance shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. Provided, however, this ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

(c) Nothing in this ordinance shall require preferential treatment of any person or group on the basis of sexual orientation or gender identity.

0.02 DEFINITIONS.

As used in this chapter, the following words and phrases have the following meanings:

(a) "Age." Chronological age.

(b) "City Manager." The City Manager of the City of Portage or his or her designee.

(c) "Discriminate." To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity, of another person.

(d) "Educational institution." A public or private institution or a separate school or department thereof, including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, or university, or a business, nursing, professional, secretarial, technical, or vocational school. For the purposes of this definition, educational institution includes an agent of an educational institution.

- (e) "Employer." Any person employing one (1) or more persons.
- (f) "Employment Agency." A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.
- (g) "Family Status." The state of being in a family.
- (h) "Family." Includes either of the following:
 - 1. Two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, in a foster care relationship or legal custody relationship;
 - 2. Functional family. A collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinctive domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single non-profit housekeeping unit. However, a "functional family" shall not include:
 - A. Any group of individuals whose domestic relationship is transitory, temporary or resort/seasonal in nature
 - B. Any group of individuals whose association is essentially for convenience or economics or for the limited duration of their education, training or a similar determinative period of time.
- (i) "Gender Identity or Expression." An individual's appearance, expression, identity or behavior as being either male or female, whether or not that appearance, expression, identity and behavior is different from that which is traditionally associated with the person's gender assigned at birth as being either female or male.
- (j) "Housing Facility." Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.
- (k) "Labor Organization." An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.
- (l) "Marital Status." The state of being married, never married, divorced, or widowed.
- (m) "Perceived." Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.
- (n) "Person". The word "person" shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(o) "Physical or Mental Disability." A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; or unrelated to one's ability to acquire, rent and maintain property; or unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation "Physical or Mental Disability" does not include any condition caused by the current illegal use of a controlled substance or the use of alcohol liquor by an individual.

(p) "Place of Public Accommodation." An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

(q) "Religious Organization." An organization, church, group, or body of communicants that are organized not for pecuniary profit that regularly gathers for worship and religious purposes, and includes a religious-based private school that is not organized for pecuniary profit. Religious organization includes, for illustration and not limitation: churches, mosques, synagogues and other houses of worship, any subsidiary organizations; educational institutions affiliated with, controlled, or managed by those houses of worship or with articles of incorporation, bylaws and other documents stating an intention to inculcate its religious tenants in students; and, faith based organizations that, due to a sense of duty based on particular religious tenants, provide charitable services to the public.

(r) "Sexual Orientation." Male or female homosexuality, heterosexuality or bisexuality, whether by orientation or practice. Sexual orientation does not include the physical or sexual attraction to a minor by an adult.

0.03 DISCRIMINATORY HOUSING PRACTICES.

Except as otherwise provided in this ordinance, no person shall:

- (a) Discriminate in leasing, selling or otherwise make available any housing facilities.
- (b) Discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- (c) Discriminate in providing financing for the purchase, repair or remodeling of any housing facility.
- (d) Discriminate in making referrals, listings or otherwise providing information regarding a housing facility

0.04 DISCRIMINATORY PUBLIC ACCOMMODATION PRACTICES.

Except as otherwise provided in this ordinance, no person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation. However, nothing in this ordinance: i) permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal

conduct; or ii) requires the construction or provision of unisex single user restrooms, changing rooms, locker rooms or shower facilities.

0.05 DISCRIMINATORY EMPLOYMENT PRACTICES.

Except as otherwise provided in this ordinance:

- (a) No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- (b) No labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- (c) No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.
- (d) A person subject to this Section 0.05 is exempt from this section if race, color, religion, national origin, sex, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. A person subject to this section shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.

0.06 EXCEPTIONS.

Notwithstanding anything contained in this ordinance, the following shall not be violations of this ordinance:

- (a) For a religious organization to restrict the occupancy of any of its housing facilities or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, housing facilities, and homeless shelters or dormitories that are operated as a direct part of its religious activities to persons who are members of or who conform to the moral tenets of that religious organization.
- (b) Standards established for the construction, repair, maintenance, improvement, occupancy, lease or sale of one-family and two-family dwellings which conform to federal and state laws and regulations.
- (c) For the owner or operator of a housing facility or place of public accommodation, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- (d) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over fifty-five (55) years of age or disabled persons.
- (e) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment consistent with applicable state and federal law.

- (f) To discriminate based on a person's age when such discrimination is required by state, federal, or local law.
- (g) To refuse to enter a contract with an unemancipated minor.
- (h) To refuse to admit to a place of public accommodation serving alcoholic beverages to a person under the legal age for purchasing alcoholic beverages.
- (i) To refuse to admit to a place persons under eighteen (18) years of age to a business providing entertainment or selling literature that the operator of said business deems unsuitable for minors.
- (j) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (k) To provide discounts on products or services to students, or on the basis of age.
- (l) To discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.
- (m) For a governmental or educational institution to restrict any of its facilities or to restrict employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.
- (n) To restrict participation in an instructional program, athletic event or on an athletic team that conforms to federal and state laws and regulations.
- (o) This ordinance shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities privileges, advantages or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the State under Act No. 8 of the Public Act of 1933, being MCLA 436.1-436.58, the Michigan Liquor Control Act as amended. This exemption shall not apply to a private club that is otherwise defined as a place of public accommodation in this ordinance. Further, to the extent that the private club permits members to invite guests on the premises, such organization is not exempted as it concerns a member's guest.
- (p) To the employment of an individual by one's family.
- (q) For an employer offering health or pension plans to provide marital or familial status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations. Further, nothing in this ordinance shall be construed or interpreted to either require or prohibit a private employer from offering employment benefits to the same sex partner of an employee.
- (r) To the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.

(s) To allow use of facilities or services by persons that may be affiliated with, or otherwise supported by, a religious organization, which may espouse policies or practices inconsistent with the general intent of this ordinance.

(t) With respect to gender only, to a private educational institution which provides an education to only persons with one gender.

0.07 INFORMATION AND INVESTIGATION.

(a) Any person claiming a violation of this ordinance shall file a signed, written complaint with the City Manager setting forth the details, including the names, dates, witnesses and other factual matters relevant to the claim within 180 days of the incident forming the basis of the complaint.

(b) No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this ordinance.

(c) In the course of the investigation, the City Manager may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this ordinance. If said person does not comply with such request, the City Attorney may apply to the Kalamazoo County Circuit Court for an order requiring production of said materials.

(d) Within thirty (30) days of a written complaint being filed, the City Manager shall undertake an investigation of any complaint alleging a violation of this chapter not currently recognized or proscribed by Michigan or federal anti-discrimination statutes, and cause all other complaints to be referred to an appropriate state or federal agency for review. After the completion of an investigation, the City Manager or his or her designee shall give written notice of the results of the investigation to the person who filed the complaint and the person accused of the violation. If the investigation establishes that a violation of this ordinance occurred, the City Manager shall, in his discretion, take one of the following actions: 1) refer the matter to Conflict Resolution Services or a similar mediation service who will attempt to resolve the matter by mediating a conciliation agreement; 2) refer the complaint to the Department of Public Safety/City Attorney for prosecution in a court of competent jurisdiction; 3) attempt to resolve the matter by mediating a conciliation agreement.

(e) No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

0.08 CONCILIATION AGREEMENTS.

(a) In cases involving alleged violations of this ordinance, the City Manager may enter into conciliation agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. A violation of such conciliation agreements shall be a violation of this ordinance.

(b) Prosecution for violation of this chapter may be initiated by complaint of the affected person on the basis of a violation of a conciliation agreement.

0.09 PENALTIES.

(a) A violation of any provision of this chapter is a municipal civil infraction punishable by a fine of not more than \$500.00, plus court costs and the costs of prosecution, and all other penalties permitted in accordance with the Municipal Civil Infractions Act, MCL 600.8727 et seq. as amended. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance.

(b) Each day upon which a violation occurs shall constitute a separate and new violation.

(c) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.

(d) Nothing contained in this ordinance shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any person for the prevention or correction of discrimination.

0.10 REPEALER.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

0.11 SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

0.12 EFFECTIVE DATE.

This ordinance shall take effect [30] days following publication.

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Part 174

174.000 - NON-DISCRIMINATION ORDINANCE Ord. No. 549 Adopted: August 27, 2013

174.001 - Title.

Sec. I. This ordinance shall be known and may be cited as the "Oshtemo Charter Township Non-Discrimination Ordinance".

174.002 - Definitions.

Sec. II. For purposes of this ordinance, the following definitions shall apply:

- A. *Age*. Chronological age.
- B. *Contractor*. A person who by contract furnishes services, materials or supplies. "Contractor" does not include persons who are merely creditors or debtors of the Township, such as those holding the Township's notes or bonds or persons whose notes, bonds or stock is held by the Township.
- C. *Discriminate*. To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived race, color, sex, age, religion, national origin, height, weight, marital status, familial status, citizenship, physical or mental disability, gender identity, sexual orientation, or genetic information, of another person.
 - 1. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:
 - (a) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations, or housing.
 - (b) Submission to rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.
 - (c) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, or housing environment.
 - 2. Discrimination based on actual or perceived physical or mental limitation includes discrimination because of the use by an individual of adaptive devices or aids.
- D. *Educational institution*. A public or private institution or a separate school or department thereof, including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, or university, or a business, nursing, professional, secretarial, technical, or vocational school. For the purposes of this definition, educational institution includes an agent of an educational institution.
- E. *Employee*. An individual who is hired for a wage, salary, fee, payment or other remuneration to perform work for an employer.
- F. *Employer*. Any person employing one (1) or more persons.

- G. *Employment Agency*. A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.
- H. *Familial Status*. The status of being in a family.
- I. *Family*. This term shall mean a "traditional family" or "functional family" as defined below:
1. Traditional family - an individual or group of two or more persons related by blood, marriage or adoption, together with foster children, who are domiciled together as a single domestic housekeeping unit in a dwelling.
 2. Functional family - a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single non-profit housekeeping unit.
- A "functional family" shall not include any of the following:
- (a) Any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.
 - (b) Any group of individuals whose association is essentially for convenience or economics or for the limited duration of their education, training or a similar determinate period of time.
- J. *Gender identity*. An individual's appearance, expression, identity or behavior as being either male or female, whether or not that appearance, expression, identity or behavior is different from that which is traditionally associated with the individual's designated gender at birth.
- K. *Genetic Information*. Information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members.
- L. *Housing Facility*. Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.
- M. *Labor Organization*. An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.
- N. *Marital Status*. The state of being married, never married, divorced, or widowed.
- O. *Perceived*. Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.
- P. *Person*. An individual, agent, association, corporation, labor organization, legal representative, partnership, receiver, trust or any other legal or commercial entity.
- Q. *Physical or Mental Disability*. A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; or unrelated to one's ability to acquire, rent and maintain property; or unrelated to one's ability to utilize

and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation. "Physical or Mental Disability" does not include any condition caused by the current illegal use of a controlled substance or the use of alcohol liquor by an individual.

- R. *Place of Public Accommodation.* An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, or financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- S. *Private club.* An establishment that is not open to the public. A private club is one whose members' association with each other and the club is sufficiently intimate, small and exclusive that it is not open to the public.
- T. *Religious organization.* A religious corporation, association, educational institution or society whose purpose or character is directed toward the propagation of a particular religion, the inculcation of religious values or the provision of charity; primarily employs persons who share its religious tenets; and primarily serves persons who share its religious tenets or, on a charitable basis, the broader community. Religious organization includes, for illustration and not limitation: churches, mosques, synagogues and other houses of worship; any subsidiary organizations; educational institutions affiliated with, controlled, or managed by those houses of worship or with articles of incorporation, bylaws and other documents stating an intention to inculcate its religious tenets in students; and faith-based organizations that provide charitable services to the public.
- U. *Sexual Orientation.* Male or female homosexuality, heterosexuality or bisexuality, whether by orientation or practice. Sexual orientation does not include the physical or sexual attraction to a minor by an adult.
- V. *Township Supervisor:* The Township Supervisor, or his or her designee.

174.003 - Discriminatory housing practices.

Sec. III. Except as otherwise provided in this ordinance:

- A. A person shall not discriminate in leasing, selling, or otherwise making available any housing accommodation.
- B. A person shall not discriminate in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection with any housing accommodation.
- C. A person shall not discriminate in providing financing for the purchase, repair, or remodeling of any housing accommodations.
- D. A person shall not discriminate in making referrals, listings or otherwise providing information regarding housing accommodations.

174.004 - Discriminatory public accommodation practices.

Sec. IV. Except as otherwise provided in this ordinance, no person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation.

174.005 - Discriminatory employment practices.

Sec. V. Except as otherwise provided in this ordinance:

- A. No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- B. No labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- C. No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.

174.006 - Other prohibited practices.

Sec. VI.

- A. No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.
- B. No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.
- C. No agent, broker, labor organization, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this ordinance shall be made to the applicable licensing or regulatory agency for such person or business.
- D. No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
- E. No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited by this ordinance.

174.007 - Exceptions.

Sec. VII. The prohibitions against discrimination as provided for in this ordinance shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. However, this ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

Nothing in this ordinance permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal conduct.

Nothing in this ordinance shall require the construction or provision of unisex, single-user restrooms, changing rooms, locker rooms, or shower facilities. Notwithstanding anything contained in this ordinance, the following practices shall not be violations of this ordinance:

- A.

For a religious organization to restrict employment opportunities, educational facilities, or occupancy of housing facilities that are operated as a direct part of its religious activities to persons who are members of or who conform to the moral tenets of that religious organization or the denomination to which it belongs.

- B. For the owner of a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- C. To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over fifty-five (55) years of age or disabled persons.
- D. To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for minorities and women consistent with applicable state and federal law.
- E. To discriminate based on a person's age when such discrimination is required by state, federal, or local law.
- F. To refuse to enter into a contract with an unemancipated minor.
- G. To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
- H. To refuse to admit persons under eighteen (18) years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
- I. For an educational institution to limit the use of its facilities to those affiliated with such institution.
- J. To provide discounts on products or services to students, or on the basis of age.
- K. To discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.
- L. For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.
- M. To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age, sex, height, or weight.
- N. To restrict membership in a private club.
- O. To the employment of an individual by one's family.
- P. To the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a one-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.
- Q. For an employer offering health or pension plans to provide for marital or familial status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations. Further, nothing in this ordinance shall be construed or interpreted to either require, or prohibit, a private employer from offering employment benefits to the same-sex partner of an employee.
- R. For the Township to allow use of its facilities or services by persons that may be affiliated with, or otherwise supported by, a religious organization, which may espouse policies or practices inconsistent with the general intent of this ordinance. Further, this ordinance shall not prohibit the Township from

allowing use of its facilities or services by persons not generally affiliated with or supported by a particular religious organization, but who may espouse policies or practices inconsistent with the general intent of this ordinance.

174.008 - Information and investigation.

Sec. VIII.

- A. Any person claiming to be discriminated against in a manner prohibited by this ordinance may, within 180 days of the alleged violation, file a signed, written complaint with the Township Supervisor or his/her designee, specifying in detail the names, dates, known witnesses and other pertinent facts relevant to the alleged violation.
- B. For any complaint alleging a violation of state or federal law, the Township Supervisor shall refer the complainant to the appropriate state or federal agency responsible for investigation and enforcement of such alleged violation. For any other complaint, the Township Supervisor shall undertake an investigation of the alleged violation.
 1. No person shall provide false information to any Township official or employee investigating a complaint regarding a violation of this ordinance.
 2. In the course of the investigation, a person may be requested to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this ordinance. If said person does not comply with such request, the Township Supervisor may apply for a judicial order requiring production of said materials.
- C. After the completion of an investigation, the Township Supervisor or his/her designee shall give written notice of the result of the investigation to the person who filed the complaint and the person accused of the violation. If the investigation establishes that a violation of this ordinance occurred, the Township Supervisor or the designee shall, in his or her sole discretion, attempt to resolve the matter by conciliation and/or refer the complaint to the Township Police Department and/or the Township Attorney for prosecution.
- D. In cases involving alleged violations of this ordinance, the Township Supervisor or his/her designee may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. A violation of such a conciliation agreement shall be a violation of this ordinance.

174.009 - Sanctions.

Sec. IX. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense within 3-year period*	\$75.00	\$500.00

2nd Offense within 3-year period*	150.00	500.00
3rd Offense within 3-year period*	325.00	500.00
4th or More Offense within 3-year period*	500.00	500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Charter Township of Oshtemo has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Charter Township of Oshtemo shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.

174.010 - Severability.

Sec. X. Should any part of this ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion of this ordinance.

174.011 - Effective date.

Sec. XI. This ordinance shall take effect 30 days following publication following adoption.

Chapter 15.5 - HUMAN RIGHTS^[1]

Footnotes:

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Editor's note—Ord. No. 679, § 2, adopted June 9, 2014, set out provisions intended for use as a new Ch. 15, §§ 15-1—15-10. Ord. No. 690, § 1, adopted Feb. 9, 2015, subsequently amended Ord. No. 679 to specify codification of said provisions as a new Ch. 15.5. To preserve the section numbering style of the Code, and at the editor's discretion, these provisions have been included as a new Ch. 15.5, §§ 15.5-1, 15.5-2, 15.5-21—15.5-25, 15.5-41—15.5-43.

ARTICLE I. - GENERAL PROVISIONS

Sec. 15.5-1. - Findings and purpose.

- (a) The city intends that no individual be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights or be discriminated against because of his or her race, religion, color, national origin, gender, sex, age, marital status, physical or mental disability, family status, sexual orientation or gender identity.
- (b) The prohibitions against discrimination in this chapter are intended to supplement federal and state civil rights law prohibiting discrimination in the areas of employment, housing and public accommodations. However, this chapter shall be construed and applied in a manner consistent with jurisprudence regarding the freedom of speech and exercise of religion under the First Amendment to the United States Constitution.
- (c) The city does not intend that this chapter shall require preferential treatment of any person or group on the basis of sexual orientation or gender identity.

(Ord. No. 679, § 2, 6-9-14)

Sec. 15.5-2. - Definitions.

Unless the context specifically indicates otherwise, the following terms shall have the following meanings as used in this chapter:

Contractor means a person who by contract furnishes services, materials, or supplies. "Contractor" does not include persons who are merely creditors or debtors of the city, such as those holding the city's notes or bonds or persons whose notes, bonds, or stock is held by the city.

Discriminate means to make a decision, offer to make a decision, or refrain from making a decision based in whole or in part on a person's race, religion, color, national origin, gender, sex, age, marital status, physical or mental disability, family status, sexual orientation or gender identity.

Employer means any person employing one or more persons.

Family status means the state of being in a family. "Family" includes either of the following: (1) an individual who is pregnant; or (2) two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, in a foster care relationship, or legal custody relationship.

Gender means the actual biological state of being male or female as of birth, or subsequent alteration through surgical procedure, and without regard to any outward physical display or expression of gender identity.

Gender identity or expression means a person's actual or perceived gender, including a person's self-image, appearance, expression, or behavior; whether or not that self-image, appearance, expression, or behavior is different from that traditionally associated with the person's biological sex as assigned at birth as being either female or male.

Housing facility means any dwelling unit or facility used or intended or designed to be used as the home, domicile, or residence of one or more persons, including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home, or nursing home.

Labor organization means an organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.

Marital status means the state of being married, unmarried, divorced, or widowed.

National origin includes the national origin of an ancestor, and shall include persons who are not naturalized citizens.

Physical or mental disability means a determinate physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic substantially limits a major life activity of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position, is unrelated to the individual's ability to utilize and benefit from a place of public accommodation, or is unrelated to the individual's ability to acquire, rent, or maintain property, except for any condition caused by current illegal use of a controlled substance or the use of intoxicating liquors by an individual.

Public accommodation means an educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Religious organization means an organization, church, group, or body of communicants that is organized for regularly gatherings of worship and religious purposes, including a religious-based private school, that is not organized for pecuniary profit. Religious organization includes, for illustration and not limitation: churches, mosques, synagogues and other houses of worship; any subsidiary organizations; educational institutions affiliated with, controlled, or managed by those houses of worship or with articles of incorporation, bylaws and other documents stating an intention to inculcate its religious tenets in students; and, faith-based organizations that, due to a sense of duty based on particular religious tenets, provide charitable services to the public.

Sex includes, but is not limited to, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. Discrimination because of sex includes sexual harassment which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of sexual nature when:

- (1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing.
- (2) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or public services, education, or housing.
- (3) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing; or creating an intimidating, hostile, or offensive employment, public accommodation, public service, educational, or housing environment.

Sexual orientation means being or regarded as being heterosexual, homosexual, bisexual, or having a history of such identification, whether by orientation or practice.

To harass means to have physical conduct or communication which refers to an individual protected under this chapter, when such conduct or communication demeans or dehumanizes and has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, education, or housing environment.

(Ord. No. 679, § 2, 6-9-14)

Secs. 15.5-3—15.5-20. - Reserved.

ARTICLE II. - PROHIBITED DISCRIMINATORY PRACTICES

Sec. 15.5-21. - Prohibited discriminatory housing practices.

No person shall do the following:

- (1) Discriminate in leasing, selling, or otherwise making available any housing facilities.
- (2) Discriminate in the terms, conditions, maintenance, or repair in providing any housing facility.
- (3) Refuse to lend money for the purchase or repair of any real property or refuse to insure any real property in the city.
- (4) No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to race, religion, color, national origin, gender, sex, age, marital status, physical or mental disability, family status, sexual orientation or gender identity.

(Ord. No. 679, § 2, 6-9-14)

Sec. 15.5-22. - Prohibited discriminatory employment practices.

No person shall do the following:

- (1) No person shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- (2) No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.
- (3) No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.

(Ord. No. 679, § 2, 6-9-14)

Sec. 15.5-23. - Prohibited discriminatory public accommodations or services practices.

- (a) No person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation.
- (b) Nothing in this article permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal conduct.
- (c) Nothing in this article shall require the construction or provision of unisex, single-user restrooms, changing rooms, locker rooms, or shower facilities.

(Ord. No. 679, § 2, 6-9-14)

Sec. 15.5-24. - Other prohibited practices.

- (a) No person shall adopt, enforce, or employ any policy or requirement, or publish, post, or broadcast any advertisement, sign, or notice which discriminates or indicates discrimination in providing housing, employment, or public accommodations.
- (b) No person shall discriminate in the publication or distribution of advertising material, information, or solicitation regarding housing, employment, or public accommodations.
- (c) No agent, broker, labor organization, employment agency, or any other intermediary shall discriminate in making referrals, listings, or providing information with regard to housing, employment, or public accommodations. A report of the conviction of any such person for a violation of this article shall be made to the applicable licensing or regulatory agency for such person or business.
- (d) No person shall coerce, threaten, or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this article, nor require, request, conspire with, assist, or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
- (e) No person shall conspire with, assist, coerce, or request another person to discriminate in any manner prohibited by this article.
- (f) No person shall adopt, enforce, or employ any policy or requirement which as the effect of creating unequal opportunities according to actual or perceived race, religion, color, national origin, gender, sex, age, marital status, physical or mental disability, family status, sexual orientation or gender identity for a person to obtain housing, employment, or public accommodation, except for a bona fide business necessity. Such a bona fide business necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons but shall require a demonstration that the policy or requirement is reasonably necessary to the normal operation of the person's business.

(Ord. No. 679, § 2, 6-9-14)

Sec. 15.5-25. - Exceptions.

Notwithstanding anything contained in this chapter, the following practices shall not be violations of this chapter:

- (1) For a religious organization or institution to restrict any of its facilities of housing or accommodation which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, housing facilities, and homeless shelters or dormitories that are operated as a direct part of its religious activities to persons who are members of or who conform to the moral tenets of that religious organization.
- (2) For the owner of an owner-occupied one-family or two-family dwelling, or a housing facility or public accommodation facility, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- (3) To limit occupancy in a housing project or to provide public accommodation or employment privileges or assistance to persons of low income, over 55 years of age, or who are handicapped.
- (4) To discriminate based on a person's age when such discrimination is required by state, federal, or local law.
- (5) To refuse to enter into a contract with an unemancipated minor.
- (6) To refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
- (7) To refuse to admit persons under 18 years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
- (8) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (9) To provide discounts on products or service to students, or on the basis of age.
- (10) To discriminate in any arrangement for the shared ownership, lease, or residency of a dwelling unit.
- (11) For a governmental institution to restrict any of its facilities or to restrict employment opportunities based upon duly-adopted institutional policies that conform to federal and state laws and regulations.
- (12) To restrict participation in an instructional program, athletic event, or on an athletic team on the basis of age, sex, height, or weight.
- (13) To the employment of an individual by one's family.
- (14) To restrict membership in a private club that is not open to the public except to the extent that private clubs which permit members to invite guests on the premises are not exempted as it concerns a member's guest.
- (15) To the use of marital status or family status limitations in a health or pension plan if such limitations conform to federal and state laws and regulations.
- (16)

To the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.

(Ord. No. 679, § 2, 6-9-14)

Secs. 15.5-26—15.5-40. - Reserved.

ARTICLE III. - COMPLAINT PROCESS, RESOLUTION, AND PENALTIES

Sec. 15.5-41. - Complaint process.

- (a) Any person claiming a violation of this chapter shall file a signed, written complaint with the city manager setting forth the details, including the names, dates, witnesses, and other factual matters relevant to the claim, within 30 days of the incident forming the basis of the complaint.
- (b) No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this chapter.
- (c) In the course of the investigation, the city manager may request a person to produce books, papers, records, or other documents which may be relevant to a violation or alleged violation of this chapter. If said person does not comply with such request, the city council may direct the city attorney to apply to the Genesee County Circuit court for an order requiring production of said materials.
- (d) Within 30 days of a written complaint being filed, the city manager shall undertake an investigation of any complaint alleging a violation of this chapter not currently recognized or proscribed by Michigan or federal anti-discrimination statutes, and cause all other complaints to be referred to an appropriate state or federal agency for review. After the completion of an investigation, the city manager shall give written notice of the results of the investigation to the person who filed the complaint and the person accused of the violation. If the investigation establishes that a violation of this chapter occurred, the city manager shall attempt to resolve the matter by conciliation and persuasion. If a resolution is not achieved, the city council may refer the complaint to the city attorney for prosecution in a court of competent jurisdiction.

(Ord. No. 679, § 2, 6-9-14)

Sec. 15.5-42. - Mediation.

- (a) In cases involving alleged violations of this article, the city manager may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. Violations of such agreements shall be violations of this chapter.
- (b) Prosecution for violation of this chapter may be initiated by complaint of the affected person on the basis of a violation of a mediation agreement.

(Ord. No. 679, § 2, 6-9-14)

Sec. 15.5-43. - Penalties.

- (a) A violation of any provision of this chapter is a municipal civil infraction punishable by a fine of not more than \$500.00, plus court costs and the costs of prosecution, and all other penalties permitted in accordance with the Municipal Civil Infractions Act, MCL 600.8727 et seq., including an injunction.
- (b) Each day upon which a violation occurs shall constitute a separate and new violation.

(c) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.

(Ord. No. 679, § 2, 6-9-14)

TO: Human Services Board**DATE:** May 20, 2016**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Non-discrimination Ordinance

At the March 3, 2016 Human Services Board meeting, the City Attorney and staff provided initial information regarding a proposal by City Council to develop a draft local non-discrimination ordinance. Included in the information provided was:

- An Executive Summary of a 2013 report by the Michigan Civil Rights Commission (MCRC) entitled "*LGBT Inclusion Under Michigan Law with Recommendations for Action*". This report indicates that LGBT discrimination is present in Michigan. In addition to affecting victims, a discriminatory climate hurts efforts to position the state and its communities as a welcoming place to live and do business, and has a negative effect on the economy.
- A 2015 *Non-Discrimination Ordinance Template* developed by the MCRC for local community review.
- A list of 40 Michigan communities with non-discrimination ordinances, including the nearby communities of the City of Kalamazoo, Kalamazoo Township and Oshtemo Township.

Subsequent to this initial meeting, the City Attorney and City Administration conducted research on model ordinances and best practices among other Michigan municipalities to determine the appropriate scope of the ordinance, including core protections to be included in a local ordinance.

Based on this research, it is recommended the local non-discrimination ordinance provide three core protections in the areas of housing, employment, and public accommodations. The ordinance would include protections for persons covered under state and federal civil rights statutes, as well as additional protections for sexual orientation and gender identity. The draft ordinance is similar to ordinances adopted by Oshtemo Township, Kalamazoo Township and the City of Fenton, among others. Not only are some of these ordinances local, but they are also specifically used as examples of "good" ordinances that include a moderate approach to non-discrimination issues.

Attached is the draft Non-Discrimination Ordinance, and a summary of the major provisions of the proposed ordinance is as follows.

- **Intent, Purpose and Construction**

The intent of the ordinance is that no person be denied equal protection, enjoyment of civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.

The draft ordinance also specifies that the prohibitions against discrimination in the ordinance shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights laws prohibiting discrimination.

- **Definitions**

The draft ordinance includes a definitions section that clarifies the meaning of several terms used in the ordinance, including, but limited to the definition of discrimination and various persons protected by the ordinance.

- **Discriminatory Practices**

The ordinance outlines discriminatory practices in housing, public accommodations and employment that are prohibited.

With regard to housing, the ordinance specifies no person shall discriminate in: 1) leasing or selling housing; 2) the terms, conditions, maintenance or repair of housing; 3) the financing for the purchase, repair or remodeling of housing; or 4) the referral or listing of housing information.

With regard to public accommodations (which includes an educational, governmental, health, entertainment, recreational, refreshment, transportation, financial institution, business or facility of any kind), the ordinance specifies no person shall discriminate in making available goods, services, facilities, privileges, and accommodations of any place of public accommodation. Nothing in this section of the ordinance permits access to a place of public accommodation for the purpose or intent of engaging in criminal conduct. In addition, this section of the ordinance does not require the construction of unisex, single use restrooms, changing rooms, locker rooms or shower facilities.

With regard to employment, the ordinance specifies no person, labor organization or employment agency shall discriminate in: 1) the employment, compensation, work classifications, conditions or terms, promotion or demotions, or termination of employment; 2) the membership in a labor union or apprenticeship program; 3) the procurement or recruitment of a person for employment. This section of the ordinance allows exemptions when there is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise.

- **Exceptions**

The ordinance provides a section that allows exceptions, consistent with state and federal statutes. Examples include:

- ✓ Religious institutions may restrict the occupancy of housing facilities or accommodations operated as a direct part of religious activities;
- ✓ Religious institutions may restrict employment opportunities for officers, religious instructors and clergy;

- ✓ A housing facility or development restricted to persons of low income, one sex, disability or over 55 years of age;
- ✓ Public accommodations or employment privileges or assistance to persons of low income, persons over 55 years of age or disable persons;
- ✓ Engaging in a bona fide affirmative action program;
- ✓ Exclusion based on age, as required by state and/or federal law (e.g. excluding minors entry to a bar or adult entertainment facility);
- ✓ To provide discounts on the basis of age (e.g. student or senior discounts);
- ✓ To limit the use of educational or governmental facilities to those affiliated with such institutions;
- ✓ To limit the rental of a housing facility that is occupied by the owner of the housing;
- ✓ The ordinance does not apply to a private club not open to the public. If the private club permits members to invite guests, such organization is not exempted as it concerns a member's guest.

• **Ordinance Enforcement and Penalties**

The draft ordinance provides a simplified approach to investigation and enforcement, which is administered internally by the City Manager. A signed, written complaint must be provided within 180 days of the incident forming the basis of the complaint. Within 30 days, the City Manager shall undertake an investigation of the alleged violation. If the investigation establishes a violation occurred, the City Manager may: 1) refer the matter to a Conflict Resolution Service; 2) refer the complaint to the Department of Public Safety/City Attorney for prosecution; or 3) attempt to resolve the matter through a conciliation agreement.

In keeping with the majority of the ordinances reviewed, the penalty for a violation is a civil infraction, as well as relief permitted under state law, which may also include injunction. Like many others, the draft ordinance proposes the standard "not more than \$500.00" fine. In most cases, the City Manager would pursue conciliation agreements as opposed to penalties and other enforcement options.

Community Development staff and the City Attorney will be in attendance at the May 26th public hearing to address questions and comments in regard to the draft ordinance. After review and consideration of the public comments, it is recommended that the Board close the public hearing and make a recommendation to City Council on the draft ordinance after additional review and consideration at the June 2nd Board meeting.

Attachment: Draft City of Portage Non-Discrimination Ordinance

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY ADDING ARTICLE 7, NON-
DISCRIMINATION ORDINANCE, OF CHAPTER 24, COMMUNITY QUALITY**

THE CITY OF PORTAGE ORDAINS:

That Chapter 24 shall be amended as follows to add Article 7, Non-Discrimination Ordinance, as follows:

CHAPTER 24. COMMUNITY QUALITY.

ARTICLE 7. NON-DISCRIMINATION ORDINANCE.

24-148. INTENT, PURPOSE AND CONSTRUCTION.

(a) It is the intent of the City of Portage that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.

(b) The prohibitions against discrimination as provided for in this ordinance shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. Provided, however, this ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

24-149. DEFINITIONS.

As used in this chapter, the following words and phrases have the following meanings:

(a) "Age." Chronological age.

(b) "City Manager." The City Manager of the City of Portage or his or her designee.

(c) "Discriminate." To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity, of another person.

(d) "Educational institution." A public or private institution or a separate school or department thereof, including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, or university, or a business, nursing, professional, secretarial, technical, or vocational school. For the purposes of this definition, educational institution includes an agent of an educational institution.

(e) "Employer." Any person employing one (1) or more persons.

(f) "Employment Agency." A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.

(g) "Family Status." The state of being in a family.

(h) "Family." Includes either of the following:

1. Two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, in a foster care relationship or legal custody relationship;

2. Functional family. A collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinctive domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single non-profit housekeeping unit. However, a "functional family" shall not include:

A. Any group of individuals whose domestic relationship is transitory, temporary or resort/seasonal in nature

B. Any group of individuals whose association is essentially for convenience or economics or for the limited duration of their education, training or a similar determinative period of time.

(i) "Gender Identity or Expression." An individual's appearance, expression, identity or behavior as being either male or female, whether or not that appearance, expression, identity and behavior is different from that which is traditionally associated with the person's gender assigned at birth as being either female or male.

(j) "Housing Facility." Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.

(k) "Labor Organization." An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.

(l) "Marital Status." The state of being married, never married, divorced, or widowed.

(m) "Perceived." Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

(n) "Person". The word "person" shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(o) "Physical or Mental Disability." A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or

promotion; or unrelated to one's ability to acquire, rent and maintain property; or unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation "Physical or Mental Disability" does not include any condition caused by the current illegal use of a controlled substance or the use of alcohol liquor by an individual.

(p) "Place of Public Accommodation." An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

(q) "Religious Organization." An organization, church, group, or body of communicants that are organized not for pecuniary profit that regularly gathers for worship and religious purposes, and includes a religious-based private school that is not organized for pecuniary profit. Religious organization includes, for illustration and not limitation: churches, mosques, synagogues and other houses of worship, any subsidiary organizations; educational institutions affiliated with, controlled, or managed by those houses of worship or with articles of incorporation, bylaws and other documents stating an intention to inculcate its religious tenants in students; and, faith based organizations that, due to a sense of duty based on particular religious tenants, provide charitable services to the public.

(r) "Sexual Orientation." Male or female homosexuality, heterosexuality or bisexuality, by orientation or practice, whether past or present. This includes emotional, romantic, and/or sexual attractions, or the absence thereof, to other people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

24-150. DISCRIMINATORY HOUSING PRACTICES.

Except as otherwise provided in this ordinance, no person shall:

- (a) Discriminate in leasing, selling or otherwise make available any housing facilities.
- (b) Discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- (c) Discriminate in providing financing for the purchase, repair or remodeling of any housing facility.
- (d) Discriminate in making referrals, listings or otherwise providing information regarding a housing facility

24-151. DISCRIMINATORY PUBLIC ACCOMMODATION PRACTICES.

Except as otherwise provided in this ordinance, no person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation. However, nothing in this ordinance: i) permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal conduct; or ii) requires the construction or provision of unisex single user restrooms, changing rooms, locker rooms or shower facilities.

24-152. DISCRIMINATORY EMPLOYMENT PRACTICES.

Except as otherwise provided in this ordinance:

- (a) No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- (b) No labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- (c) No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.
- (d) A person subject to this Section 24-152 is exempt from this section if race, color, religion, national origin, sex, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. A person subject to this section shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.

24-153. EXCEPTIONS.

Notwithstanding anything contained in this ordinance, the following shall not be violations of this ordinance:

- (a) For a religious organization to restrict the occupancy of any of its housing facilities or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, housing facilities, and homeless shelters or dormitories that are operated as a direct part of its religious activities to persons who are members of or who conform to the moral tenets of that religious organization.
- (b) Standards established for the construction, repair, maintenance, improvement, occupancy, lease or sale of one-family and two-family dwellings which conform to federal and state laws and regulations.
- (c) For the owner or operator of a housing facility or place of public accommodation, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- (d) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over fifty-five (55) years of age or disabled persons.
- (e) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment consistent with applicable state and federal law.
- (f) To discriminate based on a person's age when such discrimination is required by state, federal, or local law.

- (g) To refuse to enter a contract with an unemancipated minor.
- (h) To refuse to admit to a place of public accommodation serving alcoholic beverages to a person under the legal age for purchasing alcoholic beverages.
- (i) To refuse to admit to a place persons under eighteen (18) years of age to a business providing entertainment or selling literature that the operator of said business deems unsuitable for minors.
- (j) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (k) To provide discounts on products or services to students, or on the basis of age.
- (l) To discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.
- (m) For a governmental or educational institution to restrict any of its facilities or to restrict employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.
- (n) To restrict participation in an instructional program, athletic event or on an athletic team that conforms to federal and state laws and regulations.
- (o) This ordinance shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities privileges, advantages or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the State under Act No. 8 of the Public Act of 1933, being MCLA 436.1-436.58, the Michigan Liquor Control Act as amended. This exemption shall not apply to a private club that is otherwise defined as a place of public accommodation in this ordinance. Further, to the extent that the private club permits members to invite guests on the premises, such organization is not exempted as it concerns a member's guest.
- (p) To the employment of an individual by one's family.
- (q) For an employer offering health or pension plans to provide marital or familial status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations.
- (r) To the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.
- (s) To allow use of facilities or services by persons that may be affiliated with, or otherwise supported by, a religious organization, which may espouse policies or practices inconsistent with the general intent of this ordinance.

(t) With respect to gender only, to a private educational institution which provides an education to only persons with one gender.

24-154. INFORMATION AND INVESTIGATION.

(a) Any person claiming a violation of this ordinance shall file a signed, written complaint with the City Manager setting forth the details, including the names, dates, witnesses and other factual matters relevant to the claim within 180 days of the incident forming the basis of the complaint.

(b) No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this ordinance.

(c) In the course of the investigation, the City Manager may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this ordinance. If said person does not comply with such request, the City Attorney may apply to the Kalamazoo County Circuit Court for an order requiring production of said materials.

(d) Within thirty (30) days of a written complaint being filed, the City Manager shall undertake an investigation of any complaint alleging a violation of this chapter not currently recognized or proscribed by Michigan or federal anti-discrimination statutes, and cause all other complaints to be referred to an appropriate state or federal agency for review. After the completion of an investigation, the City Manager or his or her designee shall give written notice of the results of the investigation to the person who filed the complaint and the person accused of the violation. If the investigation establishes that a violation of this ordinance occurred, the City Manager shall, in his discretion, take one of the following actions: 1) refer the matter to Conflict Resolution Services or a similar mediation service who will attempt to resolve the matter by mediating a conciliation agreement; 2) refer the complaint to the Department of Public Safety/City Attorney for prosecution in a court of competent jurisdiction; 3) attempt to resolve the matter by mediating a conciliation agreement.

(e) No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

24-155. CONCILIATION AGREEMENTS.

(a) In cases involving alleged violations of this ordinance, the City Manager may enter into conciliation agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. A violation of such conciliation agreements shall be a violation of this ordinance.

(b) Prosecution for violation of this chapter may be initiated by complaint of the affected person on the basis of a violation of a conciliation agreement.

24-156. PENALTIES.

(a) A violation of any provision of this chapter is a municipal civil infraction punishable by a fine of not more than \$500.00, plus court costs and the costs of prosecution, and all other

penalties permitted in accordance with the Municipal Civil Infractions Act, MCL 600.8727 et seq. as amended. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance.

(b) Each day upon which a violation occurs shall constitute a separate and new violation.

(c) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.

(d) Nothing contained in this ordinance shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any person for the prevention or correction of discrimination.

24-157. REPEALER.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

24-158. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

24-159. EFFECTIVE DATE.

This ordinance shall take effect [30] days following publication.

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Elizabeth Money

From: Adam Herringa
Sent: Wednesday, May 25, 2016 12:21 PM
To: Elizabeth Money
Cc: Victoria Georgeau
Subject: FW: Non-Discrimination Ordinance

Elizabeth,

This message was received by staff in the Office of the City Clerk.

- Adam

Adam Herringa
Deputy City Clerk
Office of the City Clerk
City of Portage, Michigan
herringa@portagemi.gov
(269) 329-4512 (phone)
(269) 324-8070 (fax)

-----Original Message-----

From: Sandy Wood [mailto:skwood43@gmail.com]
Sent: Monday, May 23, 2016 8:16 PM
To: Barbara Janicke; Adam Herringa; James Hudson
Subject: Non-Discrimination Ordinance

I am a white, elderly, heterosexual woman who has had the same partner (my husband) for 55 years and I do not understand why a person who chooses a deviant lifestyle should have "additional protections" that are not available to me. It seems we are now falling fast as a community and a nation to the thought that "good is evil and evil is good." I pray that our community leaders will not fall into the trap of political correctness at the expense of decency and common sense.

Elizabeth Money

From: Adam Herringa
Sent: Tuesday, May 31, 2016 8:11 AM
To: Elizabeth Money
Cc: Victoria Georgeau; James Hudson; Barbara Janicke
Subject: FW: LBGT VOTE NO !!

Here is a message that was sent to the Office of the City Clerk last Friday evening.

- Adam

-----Original Message-----

From: Julie Harpootlian [mailto:jalusa@att.net]
Sent: Friday, May 27, 2016 5:22 PM
To: Barbara Janicke; Adam Herringa; James Hudson
Subject: LBGT VOTE NO !!

I tried a message and got kicked off. I grew up in Portage; PNHS.

Dangerous policy. They recruit and make laws to justify their deviant behavior. Look at San Francisco. That is who these peoples are. Then there is that bathroom issue. NONSENSE !!

Political correctness gone awry. Have the fortitude to resist the trend of sexual perversion and lets embrace proper behavior!

Let alone all the lawsuits filed by LBGT against their marriage resistance. And they win. SORRY THAT IS SICK JUSTICE !

Thank you for your consideration !

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting May 26, 2016

CALL TO ORDER: 6:32 p.m.

ROLL CALL: Staff liaison Elizabeth Money called roll: Diane Durian (aye), Effie Kokkinos (aye), Ray LaPoint (absent), Elma (Pat) Maye (aye), Nadeem Mirza (aye), Edward Morgan (aye), Sandra Sheppard (aye), Fiorella Spalvieri (aye), Amanda Woodin (aye), and Lindy Nebiolo, Youth Representative, (aye). A motion was made by Maye and supported by Durian to excuse LaPoint. Motion passed 8-0.

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist; Vicki Georgeau, Director Community Development; Laurence Shaffer, City Manager; Randy Brown, City Attorney; and Bryan Beach, Assistant City Attorney

APPROVAL OF MINUTES: Durian moved and Spalvieri supported approval of the minutes. Motion passed 8-0.

OLD BUSINESS

1. Draft Non-discrimination Ordinance: Woodin opened the discussion on the draft ordinance and then a presentation was given by Community Development Director Vicki Georgeau. The presentation provided the history and the development process for the proposed ordinance, including research and reference to existing state and federal laws and model ordinances adopted by many other Michigan communities, including the City of Kalamazoo, Kalamazoo Township, and Oshtemo Township. The overview covered the major points including: core protections, intent and purpose, discriminatory practices that would be prohibited if adopted, exemptions, and enforcement and penalties. Georgeau stated several times that the proposed ordinance supplements existing state and federal laws by offering the same protections for sexual orientation and gender expression that already exist for race, gender, familial status, weight, ethnicity, and other protected classes. At the end of the presentation, Woodin asked if the Board had any questions. Morgan asked if people felt uncomfortable in a restroom or public area with someone who was transgender, could they file a complaint under this ordinance? How would the city address complaints if someone felt uncomfortable? Georgeau again summarized the process to file a complaint and the process of investigation and added that the ordinance addresses concerns over people who were being discriminated against. As there were no further Board questions, Spalvieri moved and Durian supported opening the public hearing at 7:16 p.m. Motion passed 8-0. Twelve citizens spoke in regards to the ordinance, as follows: Andy Robinson, 622 Cliffwood Avenue; Cheryl Gilliam, 9727 Southern Oaks Court; Megan Weinberg, 704 S. LaGrave, Paw Paw (employed at Abraxas, 701 E. Milham Avenue); Christy Moore, 6570 Aldersgate Drive; Rita Stevens, 5249 Windyridge; Scott Anderson, 420 Gladys; Nancy Acker, 2396 Shady Oak Cove; Molly Williams, 2425 Sagebrush, Kalamazoo; Ginger Clifton, 3429 Woodhams Avenue; Reverend Duffy Peet, 8353 Greenspire Drive and on behalf of the Unitarian Universalist Community Church, 10441 Shaver Road; Cathy Greaves, 2651 Woody Noll Drive; Mike Hanley, 6323 Echo Court 2A. All citizens spoke in favor of adopting the ordinance, with several giving personal testimony. Testimony included several statements on the overwhelming support and acceptance from the Portage community for themselves or their transgender children, outstanding support from the Portage Public School District, and inclusion in their work environments. Several citizens worked for organizations in a social service or human resource capacity and stated they had seen the negative effects of discrimination first hand, that laws like these were unfortunate but necessary, and that it was time to protect the LGBT community consistent with protections for others. Several citizens spoke on behalf of their children and that when it was time for them to look for employment, shop, or use public facilities, they did not want to have conversations with them about what discrimination would look like. They wanted their children, and anyone else not currently protected, to enjoy the same rights and privileges afforded everyone else. Cheryl Gilliam gave poignant testimony of how she remembers what it was like

in the South during segregation and that there was a time when white people could not imagine using a bathroom or sharing anything with a person of color and that it made them uncomfortable. If someone was uncomfortable using a restroom with a transgender person, then they needed to learn to adapt. Discomfort is not a reason to continue to discriminate and Portage needed to be one of the cities filled with equality. Reverend Duffy Pete, Unitarian Universalist Community Church, read a statement on behalf of the entire congregation in support of the proposed ordinance. As no further comments were given, Morgan moved and Mirza supported closing the public hearing at 7:40 p.m. Motion passed 8-0. Woodin indicated that City Attorney Brown was present to address any questions. As there were none from the citizens, she asked if he had anything to add. Brown indicated that much had been said, and that Director Georgeau's presentation provided a good overview, and the Board had already had several meetings where the ordinance had been discussed. He had nothing further to add unless the Board had any additional questions. As they did not, Woodin indicated they would vote on their recommendation of the proposed ordinance at the June 2, 2016 Human Services Board meeting and from there it would go to City Council. Georgeau added that it could be on the City Council agenda as early as June 14, 2016 for a first reading with a second reading on June 28th or the first meeting in July. Woodin thanked the audience for coming and for their participation.

NEW BUSINESS:

1. Kalamazoo Transit Authority LAC update - Maye: Maye had no update for the Board.

STATEMENT OF CITIZENS: None

ADJOURNMENT: Maye moved and Morgan supported adjournment. Motion passed 8-0.

Respectfully Submitted,



Elizabeth Money,
Neighborhood Program Specialist

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting June 2, 2016

CALL TO ORDER: 6:33 p.m.

ROLL CALL: Staff liaison Elizabeth Money called roll: Diane Durian (arrived at 6:37 p.m.), Effie Kokkinos (aye), Ray LaPoint (aye), Elma (Pat) Maye (aye), Nadeem Mirza (aye), Edward Morgan (absent), Sandra Sheppard (aye), Fiorella Spalvieri (absent), Amanda Woodin (aye), and Lindy Nebiolo, Youth Representative, (aye). Maye made a motion supported by Durian to excuse Spalvieri. Motion passed 6-0.

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist; Vicki Georgeau, Director Community Development; Randy Brown, City Attorney; and Bryan Beach, Assistant City Attorney

APPROVAL OF MINUTES: Kokkinos moved and Maye supported approval of the minutes. Motion passed 6-0.

OLD BUSINESS

1. Draft Non-discrimination Ordinance: Woodin noted that two communications were received from citizens not in support of the Nondiscrimination Ordinance. She then opened the topic up for discussion. Community Development Director Georgeau indicated that the public hearing went well, a dozen citizens spoke, and almost 40 people attended the hearing. Georgeau noted that there had been no changes to the proposed ordinance and the only new material provided was the two citizen comments. Georgeau indicated that it was anticipated the Board would vote on a recommendation to City Council. Sheppard asked what responsibility the city had to respond to comments. Georgeau indicated that the public was requested to share their input and that the city does not typically respond unless there is a question or comment that merits a response and/or clarification. Mirza indicated that some people in the community feel the ordinance singles out and provides special treatment to a select group and that these protections should apply to everyone. Woodin added that she received comments from citizens that were focused on only the subject of bathroom use and that, like the citizens who feel this ordinance singles out a special group, education is needed so the public understands the full scope of the ordinance and the purpose. Sheppard added that the ordinance ensured everyone receives equal treatment by including protections for persons of the LGBT group that are already in place for others. Georgeau elaborated by indicating the ordinance supplements state and federal laws that offer protections to other groups of people that have experienced discrimination, and that the ordinance would also provide protections for the LGBT community, which were needed due to documented discrimination. Maye supported that statement by stating all communities need laws so that everyone is afforded the same protections and equal rights, the city is not making an exception, but including sexual orientation and gender identification protection along with everyone else equally. Durian stated that the public hearing was very effective due to the personal stories citizens shared and acceptance the Portage community has already demonstrated. Kokkinos spoke highly of Portage Public Schools and their efforts to be inclusive of all students. Sheppard asked if the ordinance would cover the public schools and Assistant City Attorney Beach indicated that school districts fell under the jurisdiction of the U.S. Department of Justice. Kokkinos indicated she felt like there was a cultural shift between generations and noted that, based on public comment, older generations seemed to oppose the ordinance and younger generations support it. LaPoint stated that cultural shifts move forward slowly and unevenly, and education will be important in the future. Nebiolo agreed and stated that she finds people her age accept people and their sexual orientation or gender identity, and the topic of bathrooms and who is using them is not a concern. With no more discussion, Maye made a motion to recommend that City Council adopt the Nondiscrimination Ordinance as presented. LaPoint supported. Upon roll vote, the motion passed unanimously 7-0. While Nebiolo does not have a casting vote, she also recommended that City Council adopt the ordinance.

City Attorney Brown thanked the Board for their work and indicated the process went well with opportunity for the public to voice their opinion. Woodin also thanked the Board for their efforts. Mirza thought the experience was valuable to the Board and very educational. LaPoint stated that he thought it was important for the Board to continue their role as advocates for a more inclusive community, that education is now the focus should this ordinance be adopted, and that it was disappointing that the bathroom topic had taken over the conversation when so many important protections were covered – like housing and employment. The Board and city needed to remain focused on the larger issues at hand and the bathroom focus would eventually fade away. Brown indicated that was a great point and it was key to focus on the three core areas of protection. Georgeau stated that if the ordinance was adopted, the city would engage in further public education and outreach. Mirza asked for clarification on the next steps and Brown indicated the ordinance would be on the City Council agenda for June 14th for a first reading, with a second reading and vote on June 28th. While the Council would not hold a public hearing, citizens always have an opportunity to speak at every Council meeting.

NEW BUSINESS:

1. Kalamazoo Transit Authority LAC update - Maye: Maye provided information that the new Sunday service was being used but that there was a high cancelation rate. However, the grocery service (drivers assist passengers with carrying grocery bags) was being used more on Sunday. A discussion occurred about the community vans, the high demand for these vans, the process in which an organization could certify a driver and use the vans, and that it was a good program. Overall ridership was increasing for 2016 but no information was provided yet as to why it had increased. The Board felt the addition of so many new bus shelters and route changes could have impacted increased ridership.
2. Human Services Board Summer Schedule/Small Work Groups: Woodin stated that the Board typically did not meet in June and July. Money added that the Board could cancel their July and August meetings but that Red Ribbon Week preparation would have to start immediately in September or a small group could work on it prior to the September meeting. LaPoint added that working with the public schools on Red Ribbon Week needed to start at the beginning of the school year and that after the September meeting was too late. A discussion was had if Red Ribbon Week was still relevant and Nebiolo added that it was a big event in the elementary schools but not many events were done in the high school. Georgeau gave a brief history of the city's involvement and that ongoing substance abuse problems in the community remain a focus for the school district and the city. Maye proposed a small group meet in August and she, Nebiolo, and Woodin agreed to serve on it. Money stated that the Board typically also reviewed the grant funding process and criteria each year. The Board discussed the process and it was agreed that some of the questions needed to be reviewed and alternative submission guidelines could be discussed. Durian, Woodin, LaPoint, and Spalvieri were appointed to the small group to meet over the summer, with Kokkinos serving as an alternate. With that, Mirza made a motion to cancel the July and August regularly scheduled Human Services Board meetings, with the Red Ribbon Week and grant funding small groups to meet over the summer. Durian supported. Motion passed 7-0.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: Maye moved and Durian supported adjournment at 7:16 p.m. Motion passed 7-0.

Respectfully Submitted,

Elizabeth Money,
Neighborhood Program Specialist

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY ADDING ARTICLE 7, NON-
DISCRIMINATION ORDINANCE, OF CHAPTER 24, COMMUNITY QUALITY**

THE CITY OF PORTAGE ORDAINS:

That Chapter 24 shall be amended as follows to add Article 7, Non-Discrimination Ordinance, as follows:

CHAPTER 24. COMMUNITY QUALITY.

ARTICLE 7. NON-DISCRIMINATION ORDINANCE.

24-148. INTENT, PURPOSE AND CONSTRUCTION.

(a) It is the intent of the City of Portage that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights or be discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.

(b) The prohibitions against discrimination as provided for in this ordinance shall not be deemed preempted by federal or state law, but are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. Provided, however, this ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

24-149. DEFINITIONS.

As used in this chapter, the following words and phrases have the following meanings:

(a) "Age." Chronological age.

(b) "City Manager." The City Manager of the City of Portage or his or her designee.

(c) "Discriminate." To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity, of another person.

(d) "Educational institution." A public or private institution or a separate school or department thereof, including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, or university, or a business, nursing, professional, secretarial, technical, or vocational school. For the purposes of this definition, educational institution includes an agent of an educational institution.

(e) "Employer." Any person employing one (1) or more persons.

- (f) "Employment Agency." A person who undertakes to procure employees for an employer or procures opportunities for individuals to be employed by an employer.
- (g) "Family Status." The state of being in a family.
- (h) "Family." Includes either of the following:
1. Two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, in a foster care relationship or legal custody relationship;
 2. Functional family. A collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinctive domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single non-profit housekeeping unit. However, a "functional family" shall not include:
 - A. Any group of individuals whose domestic relationship is transitory, temporary or resort/seasonal in nature
 - B. Any group of individuals whose association is essentially for convenience or economics or for the limited duration of their education, training or a similar determinative period of time.
- (i) "Gender Identity or Expression." An individual's appearance, expression, identity or behavior as being either male or female, whether or not that appearance, expression, identity and behavior is different from that which is traditionally associated with the person's gender assigned at birth as being either female or male.
- (j) "Housing Facility." Any dwelling unit or facility used or intended or designed to be used as the home, domicile or residence of one or more persons including, but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home.
- (k) "Labor Organization." An organization of any kind or structure in which employees participate or are members and which exists for the purposes, in whole or part, of dealing with employers concerning the terms and conditions of employment of its participants or members, whether or not such organization is subordinate to or affiliated with a national or international labor organization.
- (l) "Marital Status." The state of being married, never married, divorced, or widowed.
- (m) "Perceived." Refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.
- (n) "Person". The word "person" shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.
- (o) "Physical or Mental Disability." A determinable physical or mental characteristic resulting from disease, injury, congenital condition of birth, or functional disorder and is unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or

promotion; or unrelated to one's ability to acquire, rent and maintain property; or unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation "Physical or Mental Disability" does not include any condition caused by the current illegal use of a controlled substance or the use of alcohol liquor by an individual.

(p) "Place of Public Accommodation." An educational, governmental, health, entertainment, cultural, recreational, refreshment, transportation, financial institution, business or facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

(q) "Religious Organization." An organization, church, group, or body of communicants that are organized not for pecuniary profit that regularly gathers for worship and religious purposes, and includes a religious-based private school that is not organized for pecuniary profit. Religious organization includes, for illustration and not limitation: churches, mosques, synagogues and other houses of worship, any subsidiary organizations; educational institutions affiliated with, controlled, or managed by those houses of worship or with articles of incorporation, bylaws and other documents stating an intention to inculcate its religious tenants in students; and, faith based organizations that, due to a sense of duty based on particular religious tenants, provide charitable services to the public.

(r) "Sexual Orientation." Male or female homosexuality, heterosexuality or bisexuality, by orientation or practice, whether past or present. This includes emotional, romantic, and/or sexual attractions, or the absence thereof, to other people. Sexual orientation also refers to a person's sense of identity based on those attractions, related behaviors, and membership in a community of others who share those attractions.

24-150. DISCRIMINATORY HOUSING PRACTICES.

Except as otherwise provided in this ordinance, no person shall:

- (a) Discriminate in leasing, selling or otherwise make available any housing facilities.
- (b) Discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
- (c) Discriminate in providing financing for the purchase, repair or remodeling of any housing facility.
- (d) Discriminate in making referrals, listings or otherwise providing information regarding a housing facility

24-151. DISCRIMINATORY PUBLIC ACCOMMODATION PRACTICES.

Except as otherwise provided in this ordinance, no person shall discriminate in making available full and equal access to all goods, services, activities, privileges, and accommodations of any place of public accommodation. However, nothing in this ordinance: i) permits or requires access to any place of public accommodation for the purpose or intent of engaging in criminal conduct; or ii) requires the construction or provision of unisex single user restrooms, changing rooms, locker rooms or shower facilities.

24-152. DISCRIMINATORY EMPLOYMENT PRACTICES.

Except as otherwise provided in this ordinance:

- (a) No employer shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
- (b) No labor organization shall discriminate in limiting membership, conditions of membership, or termination of membership of any person in any labor union or apprenticeship program.
- (c) No employment agency shall discriminate in the procurement or recruitment of any person for possible employment with an employer.
- (d) A person subject to this Section 24-152 is exempt from this section if race, color, religion, national origin, sex, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. A person subject to this section shall have the burden of establishing that the qualification is reasonably necessary to the normal operation of the business.

24-153. EXCEPTIONS.

Notwithstanding anything contained in this ordinance, the following shall not be violations of this ordinance:

- (a) For a religious organization to restrict the occupancy of any of its housing facilities or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, housing facilities, and homeless shelters or dormitories that are operated as a direct part of its religious activities to persons who are members of or who conform to the moral tenets of that religious organization.
- (b) Standards established for the construction, repair, maintenance, improvement, occupancy, lease or sale of one-family and two-family dwellings which conform to federal and state laws and regulations.
- (c) For the owner or operator of a housing facility or place of public accommodation, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
- (d) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over fifty-five (55) years of age or disabled persons.
- (e) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment consistent with applicable state and federal law.
- (f) To discriminate based on a person's age when such discrimination is required by state, federal, or local law.

- (g) To refuse to enter a contract with an unemancipated minor.
- (h) To refuse to admit to a place of public accommodation serving alcoholic beverages to a person under the legal age for purchasing alcoholic beverages.
- (i) To refuse to admit to a place persons under eighteen (18) years of age to a business providing entertainment or selling literature that the operator of said business deems unsuitable for minors.
- (j) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (k) To provide discounts on products or services to students, or on the basis of age.
- (l) To discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.
- (m) For a governmental or educational institution to restrict any of its facilities or to restrict employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.
- (n) To restrict participation in an instructional program, athletic event or on an athletic team that conforms to federal and state laws and regulations.
- (o) This ordinance shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities privileges, advantages or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the State under Act No. 8 of the Public Act of 1933, being MCLA 436.1-436.58, the Michigan Liquor Control Act as amended. This exemption shall not apply to a private club that is otherwise defined as a place of public accommodation in this ordinance. Further, to the extent that the private club permits members to invite guests on the premises, such organization is not exempted as it concerns a member's guest.
- (p) To the employment of an individual by one's family.
- (q) For an employer offering health or pension plans to provide marital or familial status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations.
- (r) To the rental of housing facilities in a building which contains dwelling units for not more than two families living independently of each other if the owner of the building or a member of the owner's family resides in one of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.
- (s) To allow use of facilities or services by persons that may be affiliated with, or otherwise supported by, a religious organization, which may espouse policies or practices inconsistent with the general intent of this ordinance.

(t) With respect to gender only, to a private educational institution which provides an education to only persons with one gender.

24-154. INFORMATION AND INVESTIGATION.

(a) Any person claiming a violation of this ordinance shall file a signed, written complaint with the City Manager setting forth the details, including the names, dates, witnesses and other factual matters relevant to the claim within 180 days of the incident forming the basis of the complaint.

(b) No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this ordinance.

(c) In the course of the investigation, the City Manager may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this ordinance. If said person does not comply with such request, the City Attorney may apply to the Kalamazoo County Circuit Court for an order requiring production of said materials.

(d) Within thirty (30) days of a written complaint being filed, the City Manager shall undertake an investigation of any complaint alleging a violation of this chapter not currently recognized or proscribed by Michigan or federal anti-discrimination statutes, and cause all other complaints to be referred to an appropriate state or federal agency for review. After the completion of an investigation, the City Manager or his or her designee shall give written notice of the results of the investigation to the person who filed the complaint and the person accused of the violation. If the investigation establishes that a violation of this ordinance occurred, the City Manager shall, in his discretion, take one of the following actions: 1) refer the matter to Conflict Resolution Services or a similar mediation service who will attempt to resolve the matter by mediating a conciliation agreement; 2) refer the complaint to the Department of Public Safety/City Attorney for prosecution in a court of competent jurisdiction; 3) attempt to resolve the matter by mediating a conciliation agreement.

(e) No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.

24-155. CONCILIATION AGREEMENTS.

(a) In cases involving alleged violations of this ordinance, the City Manager may enter into conciliation agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. A violation of such conciliation agreements shall be a violation of this ordinance.

(b) Prosecution for violation of this chapter may be initiated by complaint of the affected person on the basis of a violation of a conciliation agreement.

24-156. PENALTIES.

(a) A violation of any provision of this chapter is a municipal civil infraction punishable by a fine of not more than \$500.00, plus court costs and the costs of prosecution, and all other

penalties permitted in accordance with the Municipal Civil Infractions Act, MCL 600.8727 et seq. as amended. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this ordinance.

(b) Each day upon which a violation occurs shall constitute a separate and new violation.

(c) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.

(d) Nothing contained in this ordinance shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any person for the prevention or correction of discrimination.

24-157. REPEALER.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

24-158. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

24-159. EFFECTIVE DATE.

This ordinance shall take effect 30 days following publication.

Dated: _____

Peter J. Strazdas, Mayor

FIRST READING:

SECOND READING:

ORDINANCE #:

EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2016.

James R. Hudson, City Clerk

PREPARED BY:

Randall L. Brown (P34116)

Portage City Attorney

1662 East Centre Avenue

Portage, MI 49002

(269) 323-8812

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Approved as to Form:

Date: 6/1/16

City Attorney



7000 Portage Rd.
Portage, MI 49001

June 22, 2016

The Honorable Peter J. Strazdas
Mayor of Portage
7900 South Westnedge Ave
Portage, MI 49002

Dear Mayor Strazdas:

Thank you for the important work you do for the City of Portage – a community Pfizer is pleased to call home.

We at Pfizer recognize diversity and inclusion not as a program, but as a way that we do business. In order to remain competitive in the workplace, we must create an environment that allows all of our employees to be authentic, regardless of who they are as individuals. This focus has enabled us to attract, retain and empower employees from all walks of life – helping us to forge and maintain strong relationships in the community, marketplace and with our stakeholders.

This philosophy has led Pfizer to recognize that having policies inclusive of the gay, lesbian, bisexual and transgender (LGBT) community is not only the right thing to do, but is in the best interests of our business. Because of this, we have:

- Long ago included sexual orientation and gender identity into our nondiscrimination policy.
- Extended same-sex partner benefits to our lesbian, gay, bisexual and transgender employees well before recent federal actions recognized same-sex marriages.
- Developed a Colleague Resource Group called OPEN for LGBT employees and allies.

As the City of Portage is considering a non-discrimination ordinance that would extend basic workplace protections to the LGBT community, we wanted to express the support of Pfizer for this action. Extending civil rights and non-discrimination protections for LGBT individuals is both the right thing to do and would represent a meaningful step forward for the community of Portage.

Sincerely,

A handwritten signature in blue ink that reads "Dan Wolter".

Daniel Wolter
Director, Government Relations
Pfizer Inc.

A handwritten signature in black ink that reads "Robert J. Betzig".

Robert J. Betzig
Interim Site Leader, Kalamazoo Site
Pfizer Inc.

Erica Eklov

From: Jerry Whitaker <jwhitaker@whitakerlachance.com>
Sent: Tuesday, June 21, 2016 7:10 AM
To: Erica Eklov
Subject: Portage City Council – Non Discrimination Ordinance

I am writing you in response to the proposed City of Portage Non-Discrimination Ordinance. The inclusion of LGBT language and enforcement of Sexual Orientation Gender Identity (SOGI) by the City of Portage will have unintended consequences for the taxpayers and voters in Portage.

With regard to housing, the State of Michigan and Federal Housing Laws already protect everyone from housing discrimination. By adding a new special class, Portage will be exposed to increased litigation and potentially increased insurance costs. I encourage Portage Risk Management to review the effects this will have on the taxpayers and voters of Portage.

With regard to public accommodations, again, the State of Michigan and Federal Laws already address the issue for everyone. According to Princeton Professor Robert George, “Adding SOGI laws increase cultural tensions, further an already powerful special-interest lobby, and impose unjustly on citizens of many different faiths and walks of life. All citizens should oppose unjust discrimination, but SOGI laws are not the way to do that.” The Department of Housing and Urban Development (HUD) regulations elevated SOGI to protected status in HUD assisted and insured housing. Knowing there would be objections on moral, religious, and privacy grounds from shelter operators, the regulations allowed temporary emergency shelters to retain their sex-specific policies when it came to shared sleeping areas and shared bathrooms. The Department of Housing and Urban Development, however, is now proposing to eliminate this exemption (a mere four years after it was adopted) notwithstanding any religious objections of faith-based shelters, shelter employees, or beneficiaries living in shared shelter spaces. When a woman or young child is confronted in the most private of actions - taking a shower or using the restroom - by someone claiming to be a woman but is a man, this is a safety issue.

With regard to employment, the ordinance allows Portage to “trample” the religious freedoms of employers. Now businesses that cannot in good conscience lend their services to same-sex wedding celebrations risk being labeled “discriminators” and fined out of business by the City of Portage sexual orientation and gender identity (SOGI) laws, as has happened elsewhere in the country.

The question that the City of Portage needs to answer is whether it is necessary or even possible to elevate SOGI and at the same time protect religious freedom. The answer is “no.” SOGI is not like race, and the SOGI laws being proposed by the City of Portage are, in reality, a solution in search of a problem.

But remember, we are a state with a constitution. Our constitution not only protects the “right to worship Almighty God...according to the dictates of [our] own consciences,” but it also provides that “no law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, nor interfere with the rights of conscience.” Our Supreme Court has made it clear that our constitution protects both belief and practice.

This ordinance does not protect either belief or practice and should not be passed.

Jerry Whitaker / 6280 Cully’s Trail / Portage

Portage Sexual Orientation Gender Identity (SOGI) Ordinance is a Solution Looking for a Problem

The Portage City Council is going to be voting on adding Sexual Orientation to the Non-Discrimination Ordinance. The inclusion of LGBT language and enforcement of Sexual Orientation Gender Identity (SOGI) by the City of Portage will have unintended consequences for the taxpayers and voters in Portage. It is a solution looking for a problem.

The first problem is it will “trample” the religious freedoms of Portage employers. Now businesses that cannot in good conscience lend their services to same-sex wedding celebrations risk being labeled “discriminators” and fined out of business by the City of Portage sexual orientation and gender identity (SOGI) laws, as has happened elsewhere in the country. The Michigan Constitution provides that no law shall, in any case whatever, control the free exercise of religious opinions, nor interfere with the rights of conscience. Our Supreme Court has made it clear that our constitution protects both belief and practice. The question that the City of Portage needs to answer is whether it is necessary or even possible to elevate SOGI and at the same time protect religious freedom. The answer is “no.” SOGI is not like race, you cannot change your race, while you can change your gender identity. It is common practice for gender identity to be “fluid” for some, so one day they may use a public restroom or shower as a woman and the next a man.

The second problem is public accommodation. According to Princeton Professor Robert George, *“Adding SOGI laws increase cultural tensions, further an already powerful special-interest lobby, and impose unjustly on citizens of many different faiths and walks of life. All citizens should oppose unjust discrimination, but SOGI laws are not the way to do that.”* The Department of Housing and Urban Development elevated SOGI to protected status in HUD assisted and insured housing. Knowing there would be objections on moral, religious, and privacy grounds from shelter operators, the regulations allowed temporary emergency shelters to retain their sex-specific policies when it came to shared sleeping areas and shared bathrooms. The Department of Housing and Urban Development, however, is now proposing to eliminate this exemption (a mere four years after it was adopted) notwithstanding any religious objections of faith-based shelters, shelter employees, or beneficiaries living in shared shelter spaces. When a women or young child is confronted in the most private of actions - taking a shower or using the restroom - by someone claiming to be a woman but is a man, this is a safety issue.

The voters of Portage need to have the opportunity to vote on the Non-Discrimination Ordinance. This type of change has the potential to be costly if implemented and the citizens of Portage should have the right to vote whether or not they want this type of Ordinance. The Portage City Council needs to refer the issue to the voters, and let us all decide what we want based on facts, not special interest groups.

Jerry Whitaker / 6280 Cully's Trail / Portage, MI

Erica Eklov

From: Alton R. (Tony) Ettwein <arettwein@gmail.com>
Sent: Tuesday, June 21, 2016 2:56 PM
To: Erica Eklov
Subject: Comments on Non-Discrimination Ordinance (for City Council)

Dear City Council Members and City Manager Shaffer,

I attended the City Council meeting on June 14th and have reviewed the proposed Non-Discrimination ordinance. I appreciate the opportunity to provide comments with this letter.

Each January, our country celebrates the birth and life of Rev. Martin Luther King, Jr. Today, we recognize him as a great American who struggled and died, not only to seek equality for people of color, but also to relieve the burden of those who practiced the discrimination against them. But it wasn't always like that during his life. As a Portage junior high student at the time, some said that Rev. King was a trouble-maker, and worse, just for seeking equal rights for all people. The FBI and others in our government tapped his phone and tried to silence him. Today, we ask ourselves "What were we thinking? Why didn't we treat him and other people of color with respect? Why didn't we treat them the way we'd want to be treated?" Today, we have an opportunity to make things right for our friends, neighbors and family members – men, women, and children -- in the LGBT community.

One comment made at the previous council meeting was that the ordinance is discriminatory. However, as the name of the ordinance indicates, it's actually just the opposite. Ensuring rights of those in the LGBT community does nothing to diminish the rights of my wife, kids, myself, our neighbors, or anyone else. In fact, additional steps to ensure equality enhance our family's pride in our overall community.

Another comment was that this ordinance is tantamount to affirmative action. I believe this reflects a lack of understanding of affirmative action as it has evolved. What was first called "affirmative action" under Presidents Kennedy and Johnson was intended to ensure that job applicants and employees were treated "without regard to their race, creed, color, or national origin." Under President Nixon's "Philadelphia Plan," the notion of quotas or other preferences was introduced in order to reverse actually offset discrimination. Such quotas or preferences are not included in this ordinance, which seeks only to ensure equality for all, as indicated in the definition of "Discriminate" in the ordinance [Definition section 24-149(c)]. In general, I find the ordinance easy to read and understand, the intent to be appropriate, and the language consistent with similar laws and regulations at the federal level and in other communities.

Thank you for your courage in ensuring protections for our fellow residents, and for helping our community achieve those guarantees that were described in our country's founding documents so many years ago.

Kind regards,

Alton R ("Tony") Ettwein
5265 Bronson Blvd
Portage, MI 49024
269-903-2673

Erica Eklov

Subject: RE: Voicing support for LGBT anti-discrimination ordinance

From: Ann Jenks [<mailto:amjenks2005@gmail.com>]

Sent: Thursday, June 23, 2016 7:29 AM

To: Laurence Shaffer <shafferl@portagemi.gov>

Cc: Peter Strazdas <strazdas@portagemi.gov>; nasimhansari@yahoo.com; Richard Ford <fordr@portagemi.gov>; jimpearson4@gmail.com; Patricia Randall <randallp@portagemi.gov>; Claudette Reid <reidc@portagemi.gov>; Terry Urban <urbant@portagemi.gov>

Subject: Voicing support for LGBT anti-discrimination ordinance

Good morning. We bought our home in Portage in September 2010 and I think it's a great place to live.

I am unable to attend the June 28 city council meeting so I am writing to express my support of the LGBT anti-discrimination ordinance. Gay rights are human rights and although I wish it weren't the case, the LGBT population still faces discrimination in housing, employment, and other aspects of everyday living.

If similar protections have been effective in other Michigan communities, then we can and should adopt this policy in Portage.

Thank you for your time and consideration.

Ann M. Jenks
2731 Hemlock Ave. Portage 49024

Erica Eklov

From: Victoria Georgeau
Sent: Wednesday, June 22, 2016 12:33 PM
To: 'cheryl.gilliam@kellogg.com'
Cc: Laurence Shaffer; 'Brown & Associates'; Rob Boulis; Erica Eklov
Subject: RE: City of Portage Draft Non Discrimination Ordinance

Good afternoon Ms. Gilliam,

City Manager Shaffer has requested that I respond to your inquiry regarding the draft Non-Discrimination Ordinance. The following is provided in regard to your questions:

1. **Q.) What is the fine per City of Portage law, for those that are discriminated because of their race, religion, ethnic heritage, age, etc. in a public setting?** A. The proposed Non-Discrimination Ordinance specifies a process for complaint intake, investigation and resolution. Section 24-154, Information and Investigation, specifies the process for filing and investigating a complaint, which will be handled by the City Manager. The preferred and anticipated method of resolving the vast majority of substantiated complaints of discrimination includes mediation and conciliation agreements. Section 24-156, Penalties, is included and would be applied in limited circumstances where mediation or conciliation cannot be achieved, or when a person or entity fails to follow-through on a conciliation agreement. The ordinance indicates penalties of the ordinance are civil infractions, with a fine up to \$500 plus court costs. It is also important to note that other communities with adopted ordinances have received very few complaints of violations of their ordinances and the provisions of the draft Portage ordinance are consistent with many other adopted ordinances.
2. **Q.) Can a religion discriminate within their place of worship due to one's race, age, ethnic background?** A. The draft Non-Discrimination Ordinance prohibits discrimination involving housing, employment and public accommodations. Consistent with state and federal laws, some exceptions in Section 24-153 are provided for a religious organization, which may restrict employment, educational, and housing facilities that are operated as a direct part of its religious activities to persons who are members or who conform to the moral tenets of that religious organization.
3. **Q.) What is the fine if you are refused service because of race, religion?** A. See the response to #1 above.
4. **Q.) What is the fine if my grass exceeds 10" and my yard is a junk yard?** A. Tall grass/weeds and debris are violations of the Community Quality Code ordinance, which are also civil infractions. A first offense fine is \$50 plus court costs, a second offense is \$250 plus court costs, and a third offense is \$500 plus court costs. Please note that with both tall grass/weeds and debris on private property, the city may abate (i.e. cut the grass or remove debris) a violation and place a tax lien on the property for the cost of abatement.

If you have any additional questions or comments, please let me know.

Sincerely,

Vicki Georgeau, AICP
Director, Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002
269-329-4480 - phone
269-329-4506 - fax

-----Original Message-----

From: Cheryl Gilliam [<mailto:cheryl.gilliam@kellogg.com>]

Sent: Tuesday, June 21, 2016 9:03 AM

To: Erica Eklov <eklove@portagemi.gov>

Subject: City of Portage Draft Non Discrimination Ordinance

Good Morning Mr. Shaffer:

- 1) What is the fine per City of Portage law, for those that are discriminated because of their race, religion, ethnic heritage, age, etc. in a public setting? Can a religion discriminate within their place of worship due to ones race, age, ethnic background? What is the fine if you are refused service because of race, religion,
- 2) What is the fine if my grass exceeds 10" and my yard is a junk yard?

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Erica Eklov

From: Victoria Georgeau
Sent: Wednesday, June 22, 2016 3:53 PM
To: 'ptstinch@charter.net'
Cc: Erica Eklov; Laurence Shaffer; Rob Boulis; 'Brown & Associates'
Subject: RE: Questions I asked regarding Non-Discrimination Ordinance

Good afternoon Mr. Stinchcomb,

City Manager Shaffer asked that I reply to your inquiry regarding the proposed Non-Discrimination Ordinance. In regard to your questions, the following is provided:

- **Q. Paragraph 3 in 'Discriminatory Practices', last sentence says 'In addition, this section of the ordinance does not require the construction of unisex, single-use restrooms, changing room, locker rooms or shower facilities.'**
Question: Does ordinance prohibit a man from entering a woman's restroom, changing room, locker room or shower facilities...and vice versa? A. The draft ordinance does not allow men into the women's restroom, nor women in the men's restroom. Rather, the draft ordinance provides protections for persons from discrimination from actual or perceived gender, sexual orientation and/or gender identity. Further, the ordinance only protects individuals using the restroom that corresponds with their gender identity and expression. There is no current law in the State of Michigan barring a man from entering the women's restroom or vice versa. However, the draft ordinance specifically states that it does not permit disruptive, sexually inappropriate or illegal behavior in a restroom. If a complaint of discrimination is filed, it will be investigated by the City Manager as proposed in the ordinance. If a complaint regarding illegal behavior is filed, it will be investigated by the Department of Public Safety as is currently accomplished under the law.
- **Q. Exceptions, first paragraph lists 'religious institutions, owner-occupied housing and housing permitted to be restricted by age and/or disability, bona fide employment requirements and/or affirmative action programs, private clubs not open to the public, amongst others.'**
Question: Why the exceptions? A. Section 24-153, Exceptions, is included in the ordinance to ensure consistency with state and federal laws, which allow exceptions for religious institutions, certain types of housing and employment practices. The exceptions included in the draft ordinance are consistent with, not in addition to, state and federal laws.
- **Q. Ordinance Enforcement and Penalties, second paragraph, '...not more than \$500 fine.' Who interprets the ordinance? Who enforces the ordinance? Who is judge and jury, the city council or the city Manager?** A. Section 24-154, Information and Investigation, specifies the process for filing and investigating a complaint, which will be handled by the City Manager. The preferred and anticipated method of resolving the vast majority of substantiated complaints of discrimination includes mediation and conciliation agreements. Section 24-156, Penalties, is included and would be applied in limited circumstances where mediation or conciliation cannot be achieved, or when a person or entity fails to follow-through on a conciliation agreement. While the ordinance indicates a fine up to \$500, plus court costs for each day that a violation continues to occur, in practice, the Courts would not generally accept multiple civil infractions for the same violation prior to a hearing on an alleged violation of the ordinance. In the event that a civil infraction may be issued, the District Court Judge is ultimately responsible for interpreting the ordinance, determining when a violation exists and assessing a fine, up to \$500. Finally, it is important to note that other communities with adopted ordinances have received very few complaints of violations of their ordinances and the provisions of the draft Portage ordinance are consistent with many other adopted ordinances.

Sincerely,

Vicki Georgeau, AICP
Director, Department of Community Development
City of Portage

7900 South Westnedge Avenue
Portage, MI 49002
269-329-4480 - phone
269-329-4506 - fax

-----Original Message-----

From: Phil Stinchcomb [mailto:ptstinch@charter.net]
Sent: Tuesday, June 21, 2016 7:56 PM
To: Erica Eklov <eklove@portagemi.gov>
Subject: Questions I asked regarding Non-Discrimination Ordinance

Larry,

Paragraph 3 in 'Discriminatory Practices', last sentence says 'In addition, this section of the ordinance does not require the construction of unisex, single-use restrooms, changing room, locker rooms or shower facilities.' Question: Does ordinance prohibit a man from entering a woman's restroom, changing room, locker room or shower facilities...and vice versa?

Exceptions, first paragraph lists 'religious institutions, owner-occupied housing and housing permitted to be restricted by age and/or disability, bona fide employment requirements and/or affirmative action programs, private clubs not open to the public, amongst others.' Question: Why the exceptions?

Ordinance Enforcement and Penalties, second paragraph, '...not more than \$500 fine.' Who interprets the ordinance? Who enforces the ordinance? Who is judge and jury, the city council or the city Manager?

Thanks for your assist in understanding the ordinance.

-Phil

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Tyler Technologies Software Maintenance Renewal Agreement

SUPPORTING PERSONNEL: Richard White, Director of Public Safety - Police / Fire Chief
Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council approve a four-year renewal agreement with Tyler Technologies (formerly New World Systems, Inc.) for software maintenance to the Police Division computer-aided-dispatch and records management system at a total cost of \$610,584 for the period of July 1, 2016 through June 30, 2020 and authorize the City Manager to execute all related documents on behalf of the city.

Tyler Technologies (formerly New World Systems, Inc.) has provided software for the Police Division computer-aided-dispatch and records management system since 1989. In July 2015, City Council approved an upgrade to the computer-aided-dispatch and records management system software. This upgrade included data conversion, document retention and police case management. The upgrade project is currently underway with an expected completion date of October 2016.

The current software maintenance agreement expires June 30, 2016. The Public Safety Department has been pleased with the level of support provided, as well as the continual enhancements to the software provided as part of this agreement. Tyler Technologies purchased New World Systems in late 2015. The New World product line will remain an independent operation. Tyler Technologies is the sole provider to support computer-aided-dispatch and records management system software.

Proposed annual billing for the software maintenance is as follows:

July 1, 2016 – June 30, 2017	\$141,663
July 1, 2017 – June 30, 2018	148,746
July 1, 2018 – June 30, 2019	156,183
July 1, 2019 – June 30, 2020	<u>163,992</u>
Four-year Total	\$610,584

The total cost of the previous three-year contract totaled \$365,107, or approximately \$121,702 per year. Although the new contract has an average yearly cost of \$152,646, an increase of approximately \$30,944 per year compared to the 2013-2014 FY contract, the software is substantially improved. The previous product operated on an IBM 360 platform, which is old technology and not as capable as the new Windows(.net) platform. In addition, the number of modules provided will increase, including a mapping module that will allow officers to locate other patrol vehicles and a "BOLO" module that will

replace existing software that has less functionality than the new product.

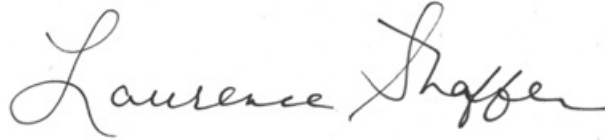
As such, it is recommended that City Council approve a four-year renewal agreement with Tyler Technologies for software maintenance to the Police Division computer-aided-dispatch and records management system at a total cost of \$610,584 for the period of July 1, 2016 through June 30, 2020 and authorize the City Manager to execute all related documents.

FUNDING: The cost of the first year of the contract has been programed into the Public Safety Budget for FY 2016-2017 and will be programed for future years.

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Gourdneck Lake - Creation of Governmental Lake Board

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities

ACTION RECOMMENDED: That City Council direct the City Attorney to prepare a Resolution to provide for the establishment of a Governmental Lake Board in accordance with part 309 of Public Act 451 for Gourdneck Lake.

The attached letter has been received from the Gourdneck Lake Association which requests the establishment of a Governmental Lake Board pursuant to the Inland Lake Improvement Act. It is believed that a Governmental Lake Board, established under the requirements of the Inland Lake Improvement Act, is the appropriate entity for performing any lake improvement work. Creation of a Governmental Lake Board would provide for the establishment of a defined legal entity to address any lake improvement projects. In accordance with the Act, a Governmental Lake Board would consist of a member of the County Board of Commissioners, the County Drain Commissioner, two representatives from the local unit of government and a lake property owner representative. The Governmental Lake Board would have the power to levy a special assessment for the purpose of supporting a lake improvement project, as provided by statute, including the weed control program proposed by the Association.

It is advised that Council accept the request of the Gourdneck Lake Association and direct the City Attorney to prepare a Resolution providing for the establishment of a Governmental Lake Board in accordance with the requirements of part 309 of Public Act 451, Inland Lake Improvements.

FUNDING: N/A

Attachments:

1. Gourdneck Lake Association Letter
2. Property Owner Petition

RECEIVED

JUN 09 2016

CITY MANAGER'S OFFICE
PORTAGE, MI

June 7, 2016

Gourdneck Lake Association
Chris Haas, President
10631 Sudan Street
Portage, Michigan 49002

City of Portage

Ladies and Gentlemen:

On behalf of the Gourdneck Lake riparian's, we are writing to open a dialogue with the City of Portage and Schoolcraft Township regarding the need for an Aquatic Plant Management Program for Gourdneck Lake.

Gourdneck Lake is home to 22 native aquatic plant species and 24 different species of fish. However, in recent years, there has been a proliferation of Eurasian Watermilfoil, an exotic invasive species. In the fall of 2013, the Gourdneck Lake Association engaged Restorative Lake Sciences ("RLS") to evaluate Gourdneck's aquatic ecosystem. As a result of RLS' assessment, it was determined that the existence of the Eurasian Watermilfoil threatens the native plants and ultimate health of our lake. In addition to the invasive Eurasian Watermilfoil, three other invasive species were found, including the Curly-leaf Pondweed, Purple Loosestrife, and *Phragmites*. These three invasive species were low in abundance, but require monitoring.

Eurasian Watermilfoil is especially threatening to Gourdneck Lake's ecosystem as it's an invasive plant species that establishes itself early in the growing season and can grow at greater depths than most plants. Eurasian Watermilfoil is known for its ability to form a thick canopy at the lakes surface and degrade the fish habitat. The Eurasian Watermilfoil often competes and displaces more desirable, native plants and quickly becomes the dominant species in the lake ecosystem. The presence of Eurasian Watermilfoil also significantly hinders the recreational activity on the lake.

In June, 2014, Chris Haas, President of the Gourdneck Lake Association, informed the City of Portage and Schoolcraft Township of the associations desire to look into a lake weed control program. At this time, we were informed that the appropriate mechanism to implementing a lake weed control program would be to create a governmental lake board due to special circumstances facing Gourdneck Lake. The special circumstances faced by Gourdneck Lake include being situated in two different jurisdictions and significant lake frontage owned by both Kalamazoo County and State of Michigan. At the direction of the respective jurisdictions, the Gourdneck Lake Association proceeded with petitioning freeholding owners of land abutting the lake in order to establish a governing lake board and ultimately a lake weed control program.

In order to determine which properties were considered "freeholding owners of land abutting the lake", a listing of parcels was obtained from the City of Portage and Schoolcraft Township. Once the listings were obtained, members of the Gourdneck Lake Association went door-to-door to obtain petition signatures. In addition, emails were sent to the Gourdneck Lake Association email distribution list, which included a link to our website (www.gourdnecklakemi.com). The website includes a PDF of the RLS study, as well as more information regarding the formation of a governing lake board. Finally, petition signatures were also gathered at our annual All Resident's meeting, which is held in May of each year. In the process of obtaining the petition signatures, we found overwhelming support for establishing a lake weed control program.

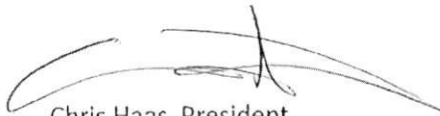
As of June 7, 2016, we have obtained over two-thirds of the signatures of freeholding owners of land abutting the lake for residents of the City of Portage. We are continuing to gather signatures for Schoolcraft Township and our current progress indicates that we will be able to obtain the two-thirds requirement very soon.

At this time, we respectfully request the City of Portage to refer to the information contained herein regarding the creation of a governing lake board. Given the recent proliferation and expansion of the Eurasian Watermilfoil, time is of the essence and the need to take action is now. Concurrently, we are requesting Schoolcraft Township to proceed with establishing a governing lake board for Gourdneck Lake in accordance with Part 309 of Act 451 of 1994, as amended.

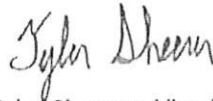
Gourdneck Lake and the surrounding lakes are important assets to our county. The aquatic ecosystems must be protected, not only for us, but for future generations of Kalamazoo County.

We would be happy to meet with you and share our knowledge and concerns regarding this issue. Please let us know if you have any further questions or need additional information.

Kind regards,

A handwritten signature in black ink, appearing to read "Chris Haas", with a long, sweeping horizontal stroke underneath.

Chris Haas, President
Gourdneck Lake Association

A handwritten signature in black ink, appearing to read "Tyler Sheerer", in a cursive style.

Tyler Sheerer, Vice President
Gourdneck Lake Association

**Petition for Formulation of a Lake Board for the Improvement of Gourdneck Lake
Pursuant to Part 309 of Public Act 451 of 1994, as amended**

The undersigned petitioners and freeholders owning land abutting Gourdneck Lake, Kalamazoo County, Michigan hereby petition the Township Board of the Township of Schoolcraft and the City Council of the City of Portage to form a Lake Board to provide for the improvement of Gourdneck Lake as authorized by Part 309 of Act 451 of 1994, as amended. The undersigned hereby acknowledge that a special assessment district may be established by the respective Lake Board to finance the improvements.

Certificate of Circulator(s)

The undersigned circulator(s) of the above petition asserts that he/she is a freeholder of property abutting Gourdneck Lake, that each signature on the petition was signed in his/her presence: that to his/her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the same: and, to the best of his/her knowledge, the person was a freeholder of property abutting Gourdneck Lake at the time of signing.

Circulator and pages

Circulator and pages

Circulator and pages

Circulator and pages

Circulator and pages

Date

Date

Date

Date

Date

Williams, Robert E & D K
10930 S Westnedge Ave
00033-170-O

Robert E Williams
Date: 11-24-14

Hoogstraten, Garrett J & G M
175 Matteson Ct
00033-177-O

Garrett Hoogstraten
Gayle M Hoogstraten
Date: 11-24-14

Eichelberg, William
1610 Metsa Ct
02800-005-O

William Eichelberg
Date: 5/2/15

Patel, Keyur & Vashu
10900 James Way
00034-151-O

Keyur Patel
Date: 11/25/14

Shrimplin, Robert D & J
10920 James Way
00034-153-O

Robert Shrimplin
Debra Shrimplin
Date: 11-25-14

Mleczewski, Terry L
418 Marylynn Ct
00034-175-C

Terry Mleczewski
Date: 12/20/14

Campagna, Cary J & M P
360 Marylynn Ct
00034-175-1

Cary Campagna
Date: 5/21/15

Recreation Park & Beach Assn
10951 S Westnedge Av
00034-171-O

Date: _____

Bock, Aaron & Rebekah
1614 Metsa Ct
02800-004-O

Date: _____

Ferguson, Robert J Trust
1609 Metsa Ct
02800-006-O

Robert J Ferguson
Date: 12/30/2014

Talanda, Dorothy
10910 James Way
00034-152-O

Date: _____

Alfieri, Gary & Marcia Trust
10930 James Way
00034-200-O

Gary Alfieri Marcia Alfieri
Date: 11-25/14 12-1-14

Mleczewski, Terry & Debra
420 Marylynn Ct
00034-175-D

Debra Mleczewski Terry Mleczewski
Date: 11-25-14 12/20/14

Fogleson, Susan G Trust
408 Marylynn Ct
00034-180-O

Susan Fogleson
Date: 11-24-14

mim

Taraszka, Anthony J & M J

410 Marylynn Ct

00034-185-O

Mildred J. Taraszka

Anthony J. Taraszka

Date: *5-12-14*

Lipari, Lori M Trust

416 Marylynn Ct

00034-190-O

Date:

Hunt, Timothy & Christie

422 Marylynn Ct

00034-195-O

Date: *5-12-2016*

Nicola, Robert L.

330 - Mary Lynn Ct.

Robert Nicola *8-16-15*

Karnes, Harold A & C M

10727 Sudan St

02860-002-O

4-26-15

Carol M. Karnes

Date:

Stout, James & Charlene Trust

10715 Sudan St

02860-004-O

Date:

x Polley, Barbara J

10723 Sudan St

02860-003-O

Date:

Hossack, William L & S M

10711 Sudan St

02860-005-O

Date:

Wm L Hossack

5-11-15

Moffit, Timothy E & Kimberley Y

10703 Sudan St

02860-006-O

Date:

Timothy E Moffit & Kimberley Y Moffit
4-26-15

Hoeksema, Edwin D & K Y

10661 Sudan St

02860-007-O

Date:

Kathy Hoeksema
Ed Hoeksema
5-11-15

Vonmaur, R Kurt & S

10653 Sudan St

02860-008-O

Date:

Sharon von Maur
5/11/15

Stearns, Donald K & Lea J Trust

10647 Sudan St

02860-009-O

Date:

Donald K Stearns
Lea Stearns
4-26-15 4-26-15

Clegg, William & Denise

10639 Sudan St

02860-010-O

Date:

William Clegg
Mary Denise Clegg 4/26/15
5/2/15

Haas, Christopher & Allison

10631 Sudan St

02860-011-O

Date:

Christopher Haas
Allison Haas
4-25-15

Price, Scott & C

10627 Sudan St

02860-012-O

Date:

Scott Price
Christine Price
4/26/15

Kuiper, Jack E & Janie L

10619 Sudan St

02860-013-O

Date:

Jack E Kuiper
Jan Kuiper
5-11-15

Clark, James A & A A

10609 Sudan St

02860-014-O

Date:

James A Clark
James A Clark
5/14/15

White, Laurence E

10831 Cora Dr

00034-206-O

Date:

X Watson, Shirley C Trustee
10827 Cora Dr
00034-207-O

Date:

Smith, James A &
10905 Cora Dr
00034-209-O

Date:

Hill, Ervan R Trust
10845 Cora Dr
00034-212-O

Date:

Matthews, Jack W & B J
10823 Cora Dr
00034-215-O

Date:

Newhouse, Steven L & D B
10805 Cora Dr
00034-225-O

Date:

Smith, Gary S & B L
10753 Cora Dr
00034-235-A

Date:

Stephanak, Margaret F
10725 Cora Dr
02860-001-O

Date:

Ely, Randy L & J M
10847 Cora Dr
00034-208-O

Date:

Andrew, James & Delores
10825 Cora Dr
00034-210-O

Date:

Talanda, Michele
10853 Cora Dr
00034-214-O

Date:

Dark, J William
10809 Cora Dr
00034-220-O

Date:

Kucera, Robert F & J A
10747 Cora Dr
00034-230-O

Date:

Lambarth, Cliff and Shaelie
10801 Cora Dr
00034-240-A

Date:

Michael Tucker
10825 Cora Drive
00034-210-O

Date:

Michael Tucker 5/12/2016

Portage pg. 4 of 7

ck

Vansweden, Wayne
10744 Portage Rd
00034-265-O

Date:

Speirs, Donna M Trust
10742 Portage Rd
00034-275-O

Donna M Speirs
Date: *03 May 2015*

Bertolissi, Kenneth M & J K
10646 Portage Rd
00034-285-O

Ken Bertolissi Jan Bertolissi
Date: *5/13/15*

Rosema, Carl E & M F
10934 Portage Rd
02800-010-O

Marilyn Rosema
Carl E. Rosema, MR
Date: *5-2-15*

Adams, Robert M
10926 Portage Rd
02800-012-O

Robert M Adams
Date: *5-2-15*

Mott, Michelle
10912 Portage Rd
02800-013-B

M. A.
Date: *5-3-2015*

Varas, Theodore S
10624 Portage Rd
03900-008-O

Theodore Varas
Date: *5-12-2015*

Bertolissi, Jeffery J & R M
10748 Portage Rd
00034-270-O

Robin Bertolissi Jeff Bertolissi
Date: *5/13/15*

Whitcomb, J E & M
10706 Portage Rd
00034-280-O

Marquette A Whitcomb James E L L T L T L
Date: *8-2-2015*

Selden, Mary F - Living Trust
10630 Portage Rd
00034-290-O

Mary F Selden (for MS)
Date: *5-3-15*

Werner, Roger S & M J
10930 Portage Rd
02800-011-O

Roger S Werner Mary Werner
Date: *5-2-15*

Swanson, M & Eichelberg, W
10922 Portage Rd
02800-013-A

W. Eichelberg M Swanson
Date: *5/2/15*

Taft, Kenneth L
10902 Portage Rd
02800-014-O

Date:

Bare-Thompson, Nancy L
10725 Portage Rd
08640-015-A

Nancy L. Bare-Thompson
Date: *5-14-2015*

Walker, Sally R
10733 Portage Rd
08640-017-B

Walker, David A & Sally R
10737 Portage Rd
08640-018-B

Date:

Date:

Reish, Joseph G & Helene
1426 Vickery Rd
03900-001-O

Preston, David B & M S
1504 Vickery Rd
03900-002-O

Date:

Date:

Ferris, Patrick K & K M
1510 Vickery Rd
03900-003-O

Casanto, Todd & Karen
1516 Vickery Rd
03900-004-O

Date:

Date:

Stannard, William & Linda
1524 Vickery Rd
03900-005-O

Wagner, Victoria J Trust
1530 Vickery Rd
03900-006-O

Linda Stannard

Victoria J. Wagner

Date: *5/12/16*

Date:

4-20-16

Nicola, Robert J & H M
1608 Vickery Rd
03900-007-O

Date:

MKR Properties, LLC
1420 E Osterhout Av
00034-295-O

Date:

Moss, Glen M & Julien-Moss, Kay
1406 E Osterhout Av
09180-002-O

Date:

Downing, Thomas & Lyn
1322 E Osterhout Av
09180-004-O

Date:

Deceased
Thysse, Marvin & Gilkison, Timothy
1304 Wetherfield South Dr
09180-008-O

Date: 4/23/15

Chapman, John T & P B
1226 Wetherfield South Dr
09180-010-O

Date: April 22, 2015

Simpson, Gerald A & R J
1216 Wetherfield South Dr
09180-012-O

Date: 12/3/14

Shephard, Cecilia L Trust
1128 Wetherfield South Dr
09180-016-O

Date:

Geib, Frank A & C L
1414 E Osterhout Av
09180-001-O

Date:

Fox, Thomas A & R E
1330 E Osterhout Av
09180-003-O

Date:

Murray, James E & S M
1310 Wetherfield South Dr
09180-007-O

Date:

Kitchen, Wayne & Nancy Trust
1230 Wetherfield South Dr
09180-009-O

Date: 4-30-15

Sheerer, Tyler & Krystal
1222 Wetherfield South Dr
09180-011-O

Date: 12/3/14

Hall, Stanley R - Trust
1104 Wetherfield South Dr
09180-014-O

Date:

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: ZOLL Road Safety RS-4000 Systems Upgrade (Fire Division) - Sole Source Purchase

SUPPORTING PERSONNEL: Richard White, Director of Public Safety - Police / Fire Chief
Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: That City Council approve the sole source purchase of ten Road Safety RS-4000 systems from ZOLL Data Systems, Inc., at a total cost of \$45,425 and authorize the City Manager to execute all related documents on behalf of the city.

The Public Safety Department - Fire Division currently utilizes the ZOLL Road Safety RS-3000 System within each of the emergency apparatus to monitor driving behavior. In addition, the road safety system monitors the use of sirens and emergency lights and date/time stamps various actions taken by the operator throughout the course of operation on that particular apparatus. The system also warns the operator if they are nearing the safe limitations of the apparatus (turns, speed, etc.). The Fire Division regularly monitors operator activity via the system to ensure safety protocols are being followed.

The current RS-3000 units are approximately six years old and out of warranty. One unit recently failed and was sent to the vendor (ZOLL Data Systems, Inc.) for repairs, at which time the vendor advised that the units were discontinued several years ago and are no longer available. Due to the age of the RS-3000 units, continued failures are anticipated. ZOLL Data Systems has recommended upgrading all of the RS-3000 units to the current model, the RS-4000. The new RS-4000 system has several enhancements over the RS-3000, including wireless connection for downloading data, eliminating the need for a serial port connection as previously required by the RS-3000 unit.

The Technology Services Department has indicated that all current RS-3000 units should be upgraded at the same time to prevent problems associated with having two different systems. ZOLL provided a quote of \$45,425 for the purchase of ten RS-4000 systems. Upgrading to the RS-4000 system would allow the use of the existing sensors and audible alarms from the RS-3000 units currently installed in each apparatus, which do not require replacement. These sensors are only compatible with ZOLL brand units.

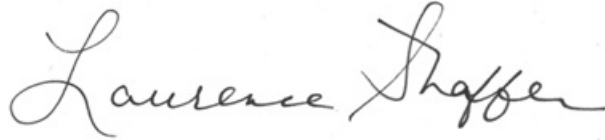
Therefore, it is recommended that City Council approve the sole source purchase of ten Road Safety RS-4000 systems from ZOLL Data Systems, Inc. at a total cost of \$45,425 and authorize the City Manager to execute all related documents on behalf of the city.

FUNDING: FY 2015-2016 Department of Public Safety - Fire Division Operating Budget

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Garden Lane #3 Well Pump Rehabilitation and Motor Replacement - Sole Source

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities

ACTION RECOMMENDED: That City Council award a sole-source contract for the Garden Lane #3 pump and motor replacement to Peerless-Midwest, Incorporated, in an amount not to exceed \$39,816 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The Garden Lane Water Treatment Plant was built in 2008. The Garden Lane #3 well pump is one of four pumps that assists water flow through the water treatment plant and is currently operating at only 60 percent capacity. Because the Garden Lane #3 well pump and motor were rehabilitated in 2007, they were not upgraded at the time the plant was constructed. In order to pump at capacity, the pump and motor must be replaced. Peerless-Midwest, the specialized contractor for Suez Environmental, submitted a quote in the amount of \$39,816 to replace the pump and motor.

Due to the security and public health nature of the water system, precautions must be taken when allowing access and maintenance to the water system. Peerless-Midwest, Incorporated, has the expertise and appropriate safety protocols for working on the water system and, therefore, is the sole-source vendor for this project. Peerless-Midwest has all the required material in stock to upgrade the pump and install the new motor promptly. The price quoted is reasonable for the material and work required. Sufficient funds are available to finance this project in the water operating budget.

Therefore, it is recommended that City Council award a sole-source contract for the Garden Lane #3 pump and motor replacement to Peerless-Midwest, Incorporated, in the not-to-exceed amount of \$39,816 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds are available in the 2015 - 2016 Water Operating account.

Attachments: 1. Peerless-Midwest Quote



June 21, 2016

City of Portage
7719 S Westnedge Ave
Portage, MI 49002

Attn.: Ms. Judy Graham

Re: Garden Lane #3

Dear Judy,

The work for Garden Lane #3, which was quoted at \$39,816, can be broken down into three separate scopes. While the material is fairly easy to divide and account for, the labor is not. I estimated and divided up the labor the best I could into the three scopes, but it could end up being slightly different.

1. Upgrade the bowl assembly and motor to meet the new design of 1,000 GPM at 285' TDH - \$16,750.00

The existing bowl assembly is worn to the point that there is no cost savings between reworking the bowl with an additional stage as originally planned, and an entirely new bowl assembly. For this reason, we would go with all new as it would be the better long term value to the City. In order to meet the new rated design, the current 75 HP motor needs to be upgraded to 100 HP. To accommodate the new Variable Frequency Drive installation, the motor will be premium efficient and inverter duty.

2. Install new Variable Frequency Drive with disconnect - \$11,345.00

The across-the-line starter for this installation will be replaced with an Allen Bradley PowerFlex 400 VFD with disconnect. One of our controls technicians will be on site for installation and to ensure correct operation.

3. Overhaul as required the discharge head and column assembly - \$11,721.00

In our inspection of the rest of the pump, it was noted that the 8" column pipe has very thin threads and needs to be replaced. The shafting can be reworked and reused, but the rubber bearings and shaft sleeves will be replaced as is standard practice. The discharge head and stuffing box will be taken apart, refurbished, and reassembled with a new brass stuffing box bearing, packing and paint.

Thank you for this opportunity. Please contact us if you should have any questions, or if we can assist you in any way.

Very truly yours,

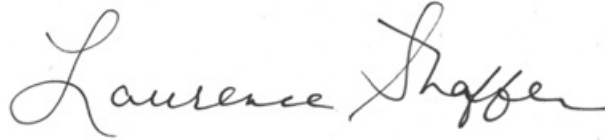
PEERLESS-MIDWEST, INC.

Michael J. Williams
MJW/ftw

55860 Russell Industrial Pkwy., Mishawaka, IN 46545
574.254.9050 phone 574.254.9650 fax www.peerlessmidwest.com

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Application for Special License for Sale of Beer, Wine and Spirits

SUPPORTING PERSONNEL: Kendall Klingelsmith, Director of Parks, Recreation and Senior Citizen Services

ACTION RECOMMENDED: That City Council resolve to submit applications to the Michigan Liquor Control Commission (MLCC) for a Special License for the sale of beer and wine for consumption on the premises at Celery Flats (7335 Garden Lane), for The Celery Flats Music Festival on July 10, 2016 and authorize the City Manager to execute all documents on behalf of the city.

The Celery Flats Music Festival is being planned for July 10, 2016 at which the sale of beer and wine is planned. A Special License for the sale of beer and wine on the premises at Celery Flats is required by the Michigan Liquor Control Commission (MLCC). City Council approval to submit the appropriate applications is required.

The Celery Flats Music Festival is celebrating its 3rd year and has progressed into a very popular event. In 2015, there were over 300 attendees and even more are anticipated for 2016. The length of the music festival has been extended by two hours for 2016 and a total of 8 bands will be performing. The event is managed by the Portage Parks Board, but is coordinated with and supported by Parks and Recreation Department staff.

In previous years, alcohol was not offered at the music festival but after evaluation and reviewing comments from attendees, the decision to offer beer and wine sales has been recommended. The Parks and Recreation Department, along with the Public Safety Department - Police Division, have worked cooperatively to develop controls in order to ensure safe and successful events where alcohol is served. Wristbands will be issued to participants over 21 years of age and drink tickets will be sold separately. Park Rangers will assist in monitoring and patrolling the Celery Flats perimeter, limiting access to the main event entrances at each location. Police patrol officers will make periodic visits during the event. The Park Board and other adult volunteers will provide identification verification and serving functions. Fencing will be used for crowd containment. All of these controls have proven very effective for past alcohol sales at city events and at no time have patrons been problematic.

As a requirement for the city to undertake the sale of alcohol at the event, City Council must resolve to make an application to the Michigan Liquor Control Commission (MLCC), after which the completed application will be forwarded to the MLCC for review and approval.

Therefore, it is recommended that City Council resolve to submit an application to the MLCC for a

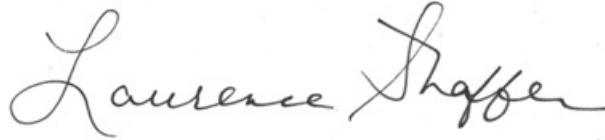
Special License for the sale of beer and wine for consumption at the Celery Flats Music Festival event on the premises at Celery Flats (7335 Garden Lane) on July 10, 2016 and authorize the City Manager to execute all documents on behalf of the city.

FUNDING: N/A

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Committee of the Whole Meeting

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council set a Committee of the Whole meeting on July 26, 2016 at 6 p.m. in Conference Room #1 to review the General Fund and Community Development Block Grant human/public service funding application review process.

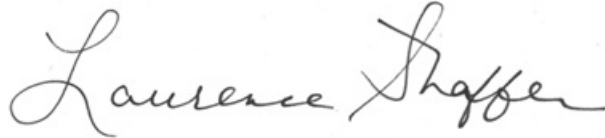
During the regular meeting of June 14, 2016, the City Council expressed an interest in setting a special meeting to review the General Fund and Community Development Block Grant human/public service funding application review process. As such, it is recommended that City Council set a Committee of the Whole meeting on July 26, 2016 at 6 p.m., prior to the regular Council meeting on July 26, in Conference Room #1 for the purpose of reviewing this matter.

FUNDING: N/A

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Local Development Finance Authority Appointments

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council confirm City Manager appointments to the Local Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage.

The City of Portage Local Development Finance Authority (LDFA) and the boundaries of the Local Development Finance District were established in March 1990 and amended in 2003 by the actions of City Council. Membership on the Board of Directors is specified in PA 281 of 1986 (The Local Development Finance Authority Act).

The LDFA Board is the governing entity and is comprised of 11 members. The Board for the Portage LDFA includes representatives from the following taxing jurisdictions:

- City of Portage (7 members)
- Kalamazoo County (1 member)
- Portage Public Schools (2 members)
- Kalamazoo Valley Community College (1 member)

Section 5 of the Local Development Financing Act specifies appointments to the Board and indicates that seven City of Portage members are appointed by the City Manager. This section of the statute also states that of the members first appointed, an equal number, as near as possible, shall have terms designated by the governing body creating the authority of one year, two years, three years and four years. In addition, the statute indicates that after the first appointment, each member shall serve for a term of four years and an appointment to fill a vacancy must be made in the same manner as the original appointment. Several members terms have expired.

Pursuant to Section 5 of the statute, Mr. Tim Zajac has been reappointed, as his current term has expired. Adoption of the attached resolution that details the terms of all city members on the Board is recommended.

As information, Mr. Larry Killips will continue to represent Portage Public Schools and Mr. Michael Collins will continue to represent Kalamazoo Valley Community College on the LDFA.

Therefore, it is recommended that City Council confirm City Manager appointments to the Local

Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage.

FUNDING: Not Applicable

Attachments: 1. Resolution

CITY OF PORTAGE

At a _____ meeting of the City Council of the City of Portage, Michigan, held on the _____ day of _____, 2016, at _____ Eastern Standard Time, at the City Hall in Portage, Michigan there were:

PRESENT: _____

ABSENT: _____

The following preambles and resolution were offered by _____ and seconded by _____:

**RESOLUTION TO APPOINT MEMBERS TO THE
LOCAL DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF PORTAGE**

WHEREAS, the City of Portage has created the Local Development Finance Authority of the City of Portage (the "Authority") under Act No. 281 of the Michigan Public Acts of 1986 (the "Act") incorporated by the City of Portage; and

WHEREAS, pursuant to the Act and the Articles of Incorporation there are to be seven members of the Board of the Authority who shall serve staggered terms an equal number of which, as near as possible, shall have terms designated by the City Council of one year, two years, three years, and four years; and

WHEREAS, after the initial appointment, each member shall serve for a term of four years; and

WHEREAS, the City Manager has appointed the persons shown below to the terms designated by the City Council; and

WHEREAS, the City Council wishes to confirm the appointments referred to above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, MICHIGAN, AS FOLLOWS:

1. The appointments of the following persons to the Board of the Local Development Finance Authority of the City of Portage, are hereby approved for the terms expiring as shown:

- a. Tim Zajac for a term expiring March 31, 2020.

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

The results of a roll-call vote on the foregoing resolution were as follows:

YES: _____

NO: _____

ABSTAIN: _____

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

STATE OF MICHIGAN)
) ss.
CITY OF PORTAGE)

The undersigned, being the duly qualified and acting Clerk of the City of Portage, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the City of Portage City Council at its _____ meeting held on the _____ day of _____, 2016, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the City. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that minutes of such meeting were kept and will be or have been made available as required thereby.

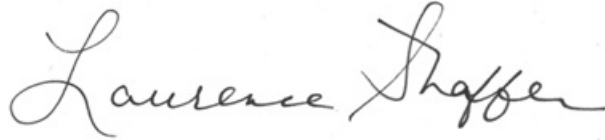
Clerk, City of Portage

DATED: _____, 2016

APPROVED AS TO FORM
DATE 6/20/2016
R
CITY ATTORNEY

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Downtown Development Authority Appointments

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council confirm City Manager appointments to the Downtown Development Authority of the City of Portage.

City Council established the City of Portage Downtown Development Authority in July 1998 to halt property value deterioration, increase property tax valuation, to eliminate the causes of deterioration and promote economic growth in the portion of South Westnedge Avenue north of I-94. The DDA Board of Directors was subsequently appointed as required by the Downtown Development Authority Act, PA 197 of 1975.

As specified in the Act, the nine-member Board of Directors serve initial staggered terms between one to four years and terms of four years thereafter. The members continue to serve until reappointment or a new member is appointed. The Act requires that not less than a majority of the members must be persons having an interest in property located in the DDA district. Section 4 of the Act specifies that the appointments to the Board, which include the City Manager and the eight members appointed by the City Manager, are subject to the approval of the City Council.

Pursuant to the Act, Walt Hansen is being reappointed by the City Manager. In addition, Samuel Stanley, representing Wolverine Development Corporation, has been appointed to fill a vacancy on the Board created by Colin Maguire.

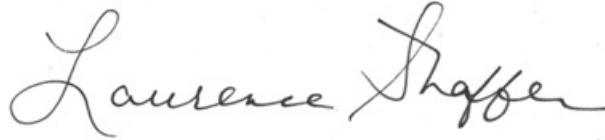
It is recommended that the reappointment and appointment of the two members of the DDA noted above be confirmed by City Council.

FUNDING: Not Applicable

Attachments: 1. N/A

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Downtown Development Authority Annual Reports

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council accept the Downtown Development Authority Annual Reports - Information Only.

The Portage Downtown Development Authority (DDA) met on June 14, 2016 to review and approve the attached resolution conveying the Annual Financial Reports for FY 2013-14 and FY 2014-15 to City Council and the State Tax Commission.

As background, the DDA was established in 1998 and tax increment revenue was utilized to fund infrastructure improvements in 1998, 2003 and 2011. All improvement projects are now complete, including the 2011 projects which realigned Trade Centre Way and West Fork Crossing and improved the South Westnedge Avenue and associated activities. As a result of the 2011 projects, development of Marriott and Hilton hotels have been completed and an additional 5-story office building along Trade Centre Way has been approved with the start of construction anticipated in 2016.

As shown in the Revenues, Expenditures and Changes in Fund Balances table at the end of the report, the revenue collected was less than debt expenditures. Revenues less expenditures were \$123,328 at the end of FY 2013-2014, and \$22,066 at the end of FY 2014-2015. In both fiscal years, the fund balance was sufficient to cover the difference between expenditures and revenues. However, and due to start of the debt service for the 2011 DDA capital improvement projects, a \$100,000 loan/transfer from the General Fund was accomplished in FY 2014-2015 to cover the expenses and maintain a suitable fund balance. It is noted that revenues are projected to improve as a result of additional development within the DDA along Trade Centre Way. For FY 2015-2016 year-to-date, revenues have increased to approximately \$361,500 and with the transfer in from the General Fund, FY 2015-2016 revenues will exceed expenditures by approximately \$103,000.

The attached DDA Annual Financial Reports have been prepared in conformance with state statute and are provided to City Council as information.

FUNDING: Not Applicable

Attachments:

1. DDA Resolution and Annual Financial Reports
2. June 14, 2016 DDA meeting minutes (draft)

CITY OF PORTAGE

At a regular meeting of the Board of the Downtown Development Authority of the City of Portage, Michigan, held on June 14, 2016, at 8:00_a.m. at the City Hall, Portage, Michigan, there were:

PRESENT: Boyer, Chrystal, Hansen, MacDonald, McGraw, Patterson, Shaffer

ABSENT: Maguire, Milks, Robinett

The following preamble and resolution were offered by Hansen and supported by Boyer.

RESOLUTION APPROVING AND AUTHORIZING THE TRANSMISSION OF THE FINANCIAL REPORTS ON THE STATUS OF THE TAX INCREMENT FINANCING PLAN

WHEREAS, the Downtown Development Authority of the City of Portage (the "Authority") has been duly incorporated by the City of Portage (the "City") pursuant to Act No. 197 of the Public Acts of Michigan of 1975 (the "Act") and the Board of the Authority has been duly appointed and sworn into office; and

WHEREAS, the Authority is to transmit annually to the City Council of the City of Portage and the State Tax Commission a Financial Report on the Status of the Tax Increment Financing Plan which report shall include certain matters as required by Section 15 of the Act; and

WHEREAS, such material has been prepared and is attached hereto as Appendix A and Appendix B to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF PORTAGE, as follows:

1. The Financial Reports on the Status of the Tax Increment Financing Plan attached hereto as Appendix A and Appendix B is approved.

2. The Director of the Authority is authorized to transmit said financial reports to the City Council of the City of Portage and the State Tax Commission.

The results of a roll-call vote on the foregoing resolution were as follows:

YES: Boyer, Chrystal, Hansen, MacDonald, McGraw, Patterson, Shaffer

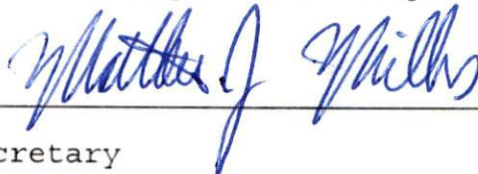
NAYS:

ABSTAIN:

THE RESOLUTION WAS DECLARED ADOPTED:

SECRETARY'S CERTIFICATE

The undersigned, being the duly qualified and acting Secretary of the Board of the Downtown Development Authority of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Board at a regular meeting held on June 14, 2016, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Board in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



Secretary

[SEAL]

Dated: 6/15/16

ANNUAL FINANCIAL REPORT

CITY OF PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY

for

FY 2013 - 2014

Portage, Michigan

APPENDIX A

DOWNTOWN DEVELOPMENT AUTHORITY

OF

THE CITY OF PORTAGE

FY 2013-14 ANNUAL FINANCIAL REPORT

As Approved by the Authority Board

on

June __, 2016

INTRODUCTION

As specified in PA 197 of 1975, the Downtown Development Authority Act provides government financing methods to eliminate property value deterioration within business districts and promote economic growth in communities. Of particular interest to the City of Portage are the provisions which allow tax increment financing to undertake public improvements in business districts in order to correct and prevent deterioration and stimulate business growth.

By way of example, the City of Portage has utilized this approach to construct public improvements on West Centre Avenue and Angling Road to facilitate construction of the Allen Testproducts Facility in 1985 (now occupied by several Borgess Medical related affiliates). Also, Portage utilized tax increment financing to construct several important infrastructure projects to assist Pfizer, Inc. (formerly Pharmacia & Upjohn) and the Stryker Corporation with significant development projects during the early 1990's and 2000's.

With the 1998 Community Investment Initiative, the City of Portage again utilized tax increment financing to construct public improvements that revitalized the north portion of South Westnedge Avenue, between Kilgore Road and I-94. This part of South Westnedge Avenue exhibited signs of deterioration and development and redevelopment activities by the private sector were hampered by lack of access, traffic concerns and existing utility infrastructure. With tax increment financing under the Downtown Development Authority Act, tax increment revenue from tax millage levied within a downtown development authority district by the City of Portage, Portage District Library, Kalamazoo County and Kalamazoo Valley Community College was captured and used to improve public infrastructure which benefited all of Kalamazoo County, including the business sector. In the future, other public improvements could also be proposed and undertaken by the Downtown Development Authority to further strengthen the local business sector within the district.

In 2003 and again in 2011, additional efforts to further stimulate private sector investment were initiated and the Development Plan/Tax Increment Finance Plan was amended. In 2003, additional property was acquired to facilitate public street, storm water retention, underground utility installation and related activities. In 2011, Trade Centre Way was realigned, the intersections of Trade Centre Way/West Fork Crossing and Trade Centre Way/South Westnedge Avenue were reconstructed, among other related public improvements. These additional street, utility and related public activities were included in the 2011 Amended DDA plan to promote development of additional vacant and underutilized land in the existing development area.

The purpose of the Tax Increment Financing Plan / Development Plan, per PA 197 of 1975 is to provide public improvements necessary for private sector investment. The property to which the Development Plan applies is the north portion of the South Westnedge Avenue Commercial Corridor. The area includes approximately 97 acres of land and is bounded by Kilgore Road on the north, the city of Kalamazoo well field to the west, I-94 to the south and the business zoning districts to the east of South Westnedge Avenue on the east.

Following are descriptions of the public improvements and activities undertaken in 1998, 2003 and 2011. The descriptions encompass several public improvements and activities that were completed to foster private sector investment in the DDA.

**1998 DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN – INFRASTRUCTURE
IMPROVEMENT PROJECTS (COMPLETED)**

Public Improvements	Original Estimated Time Required for Completion	Original Estimated Cost
1. Andy Avenue Extension Construct a new 1400 feet long and thirty-six foot wide public street intersecting South Westnedge Avenue at the Andy Avenue signalized intersection, with necessary storm water facilities. Repave 1000 feet of DeHaan Street with intersection improvements at South Westnedge Avenue.	12 months	\$487,000
2. DeHaan Drive Sanitary Sewer Relocation Relocate approximately 2100 feet of existing sanitary sewer trunk main located west of DeHaan Drive to the south, paralleling the I-94 right-of-way	12 months	\$307,000
3. South Westnedge Avenue Property Acquisition Purchase the property addressed along South Westnedge Avenue and DeHaan Drive which is necessary for the extension of Andy Avenue	12 Months	\$850,000
Note: Additional right-of-way and/or easements were provided by property owners for minimal consideration in order to construct the necessary public street and to relocate the sanitary sewer. With regard to the identified projects, the Andy Avenue extension (Market Place) and repaving of DeHaan Drive was completed in 1999. The DeHaan Drive sanitary sewer relocation was subsequently completed in 1999. Finally, after lengthy litigation concerning the acquisition of land necessary for the construction of Market Place, the acquisition was completed in 2001. Bonds were subsequently sold in 2001 in the amount of \$3,100,000 to finance street improvements of \$521,342; sanitary sewer relocation of \$292,429; and property acquisition of \$2,286,229. (Lead underwriter was Morgan Stanley Dean Witter).		

**2003 AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN –
PROPERTY ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (COMPLETED)**

Public Improvements	Estimated Time Required for Completion	Estimated Cost
1. The acquisition of 5.44 acres of land for public street right-of-way and stormwater retention -	Fall 2003	\$909,000
2. The construction of an approximate 2200-foot long, 36-foot wide public cul-de-sac street, with pavement, curb and gutter, sidewalk, conduit for the installation of telecommunications fiber, street lighting and landscaping	Fall 2003/Spring 2004	\$689,000
3. The construction of public water main from the Milham Well Field to the DDA under I-94, to be looped with public water utilities in Holiday Lane	Fall 2003/ Spring 2004	\$300,000
4. To facilitate “way finding” by customers from South Westnedge and West Fork Crossing the financing and construction of identification sign at South Westnedge and orientation sign at West Fork Crossing	Summer 2004	\$30,000
5. The acquisition of 2.81 acres of land in the DeHaan Drive (now Trade Centre Way) and West Fork Crossing vicinity of the DDA for stormwater or other public use	2004	\$500,000
6. The annual maintenance, monitoring of the retention facility mitigation facility	Annually (Not Bonded)	\$5,000 (\$100,000 over 20 years)
Notes: The public right-of-way and storm water retention area purchased by the City of Portage through the DDA is immediately north of I-94. Wayfinding signs by H&G, LLC have been installed along South Westnedge Avenue and I-94.		

**2011 AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN –
PROPERTY ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (COMPLETED)**

Public Improvements	Estimated Time Required for Completion	Estimated Cost
1. SWEPS project improvements: a) The widening of portions of South Westnedge Avenue from north of Market Place to Kilgore Road including related land acquisition, design, and street and utility construction activities. b) Traffic signal upgrades, overhead utility relocation activities, and access management activities along South Westnedge Avenue in the DDA district to facilitate safe and efficient traffic flow.	FY 2018/FY2020	\$1,250,000
2. Agreement to Purchase. The City agreed to purchase approximately 8,400 sq. ft. from the Developer to be used for public roadway purposes	Summer 2011	\$191,623
3. Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements: a) Trade Centre Way realigned and improved from South Westnedge Avenue west 900 feet to just west of West Fork Crossing. The realignment included curb and gutter, storm sewer, utility relocation, boulevards, first class road landscaping, lighting, fencing and related construction. b) West Fork Crossing realigned and improved to intersect with realigned Trade Centre Way easterly of the existing street intersection. The realignment and improvement matched existing West Fork Crossing street cross section characteristics. Private storm drainage will be relocated to adjacent property c) The Trade Centre Way and West Fork Crossing intersection reconstructed incorporating additional right-of-way from the State of Michigan. The intersection improvement matched existing Trade Centre Way and West Fork Crossing cross section characteristics. Excess public street right-of-way not necessary for reconstruction of Trade Centre Way and West Fork Crossing vacated/disposed of by the City. Former State of Michigan right-of-way retained by the City for transportation purposes.	Fall 2011	\$1,148,377

d) A portion of South Westnedge Avenue south of Trade Centre Way will be reconstructed to facilitate left turn-in and right turn-in movements from South Westnedge Avenue to Trade Centre Way and right turn-out movements from Trade Centre Way to South Westnedge Avenue. The improvements matched existing South Westnedge Avenue cross section characteristics.		
Note: The costs to be paid by City of Portage includes: 1. SWEPs project improvements. 2. The Phase III Development Agreement with Trade Center Holdings, LLC and includes a planned land purchase and Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements contemplated to facilitate private investment to be accomplished by Trade Center Holdings, LLC. 3. With regard to the SWEP's Project Improvements, after additional study it was determined this project did not need to be completed in order to maintain traffic flow and safety along South Westnedge Avenue between Market Place.		

FY 2013-2014 FINANCIAL INFORMATION

The Annual Financial Report has been prepared pursuant to Section 15 (1) of PA 197 of 1975, as amended, The Downtown Development Authority Act. The Annual Report is for FY13-14 and contains the information required by the Act.

Section 15 (3) (a): THE AMOUNT AND SOURCE OF REVENUE IN THE ACCOUNT

Tax Increment Revenue	\$250,495
Interest	\$ 420
Sale of Land	\$51,625

Section 15 (3) (b): THE AMOUNT IN ANY BOND RESERVE ACCOUNT

In the DDA bond reserve account there is \$117,287

Section 15 (3) (c): THE AMOUNT AND PURPOSE OF EXPENDITURES FROM THE ACCOUNT

\$422,868 was transferred to the Bond paying agent to pay debt service.

Section 15 (3) (d): THE AMOUNT OF PRINCIPAL AND INTEREST ON ANY OUTSTANDING BONDED INDEBTEDNESS

\$5,875,504 as of June 30, 2014.

Section 15 (3) (e): THE INITIAL ASSESSED VALUE OF THE PROJECT AREA

The initial value is established at \$ 12,767,600.

Section 15 (3) (f): THE CAPTURED ASSESSED VALUE RETAINED BY THE AUTHORITY

The captured value is established at \$13,294,073 for FY 2013-14

Section 15 (3) (g): THE TAX INCREMENT REVENUES RECEIVED

The tax increment revenues received in 2013-2014 = \$250,495

**Section 15 (3) (h): THE NUMBER OF JOBS CREATED AS A RESULT OF THE
IMPLEMENTATION OF THE TAX INCREMENT FINANCING PLAN**

It is estimated that 1,255 jobs have been created. (includes 275 jobs at
Trade Centre II, which is just outside the DDA district)

**Section 15 (3) (i): ANY ADDITIONAL INFORMATION THE GOVERNING BODY OR THE
STATE TAX COMMISSION CONSIDERS NECESSARY**

Attached find a page from the Comprehensive Annual Financial Report
detailing actual revenues and expenditures. This information provides
supporting documentation for this financial report.

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CITY OF PORTAGE, MICHIGAN

Combining Balance Sheet Nonmajor Debt Service Funds June 30, 2014

	General Obligation Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority Fund
Assets			
Cash and investments	\$ 189,468	\$ 3,763	\$ 117,287
Fund balances			
Restricted for debt service	\$ 189,468	\$ 3,763	\$ 117,287

CITY OF PORTAGE, MICHIGAN

Schedule of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Debt Service Funds

For the Year Ended June 30, 2014

	General Obligation Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority Fund
Revenues			
Property taxes	\$ -	\$ -	\$ 250,495
Interest and rents	-	-	-
Net increase in fair value of investments	668	13	420
Other revenue	-	-	51,625
Total revenues	668	13	302,540
Expenditures			
Debt Service:			
Principal	2,037,724	995,000	260,000
Interest	956,232	224,367	162,868
Total expenditures	2,993,956	1,219,367	422,868
Revenues under expenditures	(2,993,288)	(1,219,354)	(120,328)
Other financing sources (uses)			
Transfers in			
Capital improvement fund	2,952,000	1,223,000	-
Leaf pickup/spring cleanup fund	19,862	-	-
Water fund	66,785	-	-
Transfers out			
Capital improvements fund	-	-	(6,271)
Total other financing sources (uses)	3,038,647	1,223,000	(6,271)
Net change in fund balances	45,359	3,646	(126,599)
Fund balances, beginning of year	144,109	117	243,886
Fund balances, end of year	\$ 189,468	\$ 3,763	\$ 117,287

ANNUAL FINANCIAL REPORT

CITY OF PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY for FY 2014 - 2015

Portage, Michigan

APPENDIX A

DOWNTOWN DEVELOPMENT AUTHORITY

OF

THE CITY OF PORTAGE

FY 2014-15 ANNUAL FINANCIAL REPORT

As Approved by the Authority Board

on

June __, 2016

INTRODUCTION

As specified in PA 197 of 1975, the Downtown Development Authority Act provides government financing methods to eliminate property value deterioration within business districts and promote economic growth in communities. Of particular interest to the City of Portage are the provisions which allow tax increment financing to undertake public improvements in business districts in order to correct and prevent deterioration and stimulate business growth.

By way of example, the City of Portage has utilized this approach to construct public improvements on West Centre Avenue and Angling Road to facilitate construction of the Allen Testproducts Facility in 1985 (now occupied by several Borgess Medical related affiliates). Also, Portage utilized tax increment financing to construct several important infrastructure projects to assist Pfizer, Inc. (formerly Pharmacia & Upjohn) and the Stryker Corporation with significant development projects during the early 1990's and 2000's.

With the 1998 Community Investment Initiative, the City of Portage again utilized tax increment financing to construct public improvements that revitalized the north portion of South Westnedge Avenue, between Kilgore Road and I-94. This part of South Westnedge Avenue exhibited signs of deterioration and development and redevelopment activities by the private sector were hampered by lack of access, traffic concerns and existing utility infrastructure. With tax increment financing under the Downtown Development Authority Act, tax increment revenue from tax millage levied within a downtown development authority district by the City of Portage, Portage District Library, Kalamazoo County and Kalamazoo Valley Community College was captured and used to improve public infrastructure which benefited all of Kalamazoo County, including the business sector. In the future, other public improvements could also be proposed and undertaken by the Downtown Development Authority to further strengthen the local business sector within the district.

In 2003 and again in 2011, additional efforts to further stimulate private sector investment were initiated and the Development Plan/Tax Increment Finance Plan was amended. In 2003, additional property was acquired to facilitate public street, storm water retention, underground utility installation and related activities. In 2011, Trade Centre Way was realigned, the intersections of Trade Centre Way/West Fork Crossing and Trade Centre Way/South Westnedge Avenue were reconstructed, among other related public improvements. These additional street, utility and related public activities were included in the 2011 Amended DDA plan to promote development of additional vacant and underutilized land in the existing development area.

The purpose of the Tax Increment Financing Plan / Development Plan, per PA 197 of 1975 is to provide public improvements necessary for private sector investment. The property to which the Development Plan applies is the north portion of the South Westnedge Avenue Commercial Corridor. The area includes approximately 97 acres of land and is bounded by Kilgore Road on the north, the city of Kalamazoo well field to the west, I-94 to the south and the business zoning districts to the east of South Westnedge Avenue on the east.

Following are descriptions of the public improvements and activities undertaken in 1998, 2003 and 2011. The descriptions encompass several public improvements and activities that were completed to foster private sector investment in the DDA.

**1998 DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN – INFRASTRUCTURE
IMPROVEMENT PROJECTS (COMPLETED)**

Public Improvements	Original Estimated Time Required for Completion	Original Estimated Cost
1. Andy Avenue Extension Construct a new 1400 feet long and thirty-six foot wide public street intersecting South Westnedge Avenue at the Andy Avenue signalized intersection, with necessary storm water facilities. Repave 1000 feet of DeHaan Street with intersection improvements at South Westnedge Avenue.	12 months	\$487,000
2. DeHaan Drive Sanitary Sewer Relocation Relocate approximately 2100 feet of existing sanitary sewer trunk main located west of DeHaan Drive to the south, paralleling the I-94 right-of-way	12 months	\$307,000
3. South Westnedge Avenue Property Acquisition Purchase the property addressed along South Westnedge Avenue and DeHaan Drive which is necessary for the extension of Andy Avenue	12 Months	\$850,000
Note: Additional right-of-way and/or easements were provided by property owners for minimal consideration in order to construct the necessary public street and to relocate the sanitary sewer. With regard to the identified projects, the Andy Avenue extension (Market Place) and repaving of DeHaan Drive was completed in 1999. The DeHaan Drive sanitary sewer relocation was subsequently completed in 1999. Finally, after lengthy litigation concerning the acquisition of land necessary for the construction of Market Place, the acquisition was completed in 2001. Bonds were subsequently sold in 2001 in the amount of \$3,100,000 to finance street improvements of \$521,342; sanitary sewer relocation of \$292,429; and property acquisition of \$2,286,229. (Lead underwriter was Morgan Stanley Dean Witter).		

**2003 AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN –
PROPERTY ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (COMPLETED)**

Public Improvements	Estimated Time Required for Completion	Estimated Cost
1. The acquisition of 5.44 acres of land for public street right-of-way and stormwater retention -	Fall 2003	\$909,000
2. The construction of an approximate 2200-foot long, 36-foot wide public cul-de-sac street, with pavement, curb and gutter, sidewalk, conduit for the installation of telecommunications fiber, street lighting and landscaping	Fall 2003/Spring 2004	\$689,000
3. The construction of public water main from the Milham Well Field to the DDA under I-94, to be looped with public water utilities in Holiday Lane	Fall 2003/ Spring 2004	\$300,000
4. To facilitate “way finding” by customers from South Westnedge and West Fork Crossing the financing and construction of identification sign at South Westnedge and orientation sign at West Fork Crossing	Summer 2004	\$30,000
5. The acquisition of 2.81 acres of land in the DeHaan Drive (now Trade Centre Way) and West Fork Crossing vicinity of the DDA for stormwater or other public use	2004	\$500,000
6. The annual maintenance, monitoring of the retention facility mitigation facility	Annually (Not Bonded)	\$5,000 (\$100,000 over 20 years)
Notes: The public right-of-way and storm water retention area purchased by the City of Portage through the DDA is immediately north of I-94. Wayfinding signs by H&G, LLC have been installed along South Westnedge Avenue and I-94.		

**2011 AMENDED DDA TAX INCREMENT FINANCE PLAN / DEVELOPMENT PLAN –
PROPERTY ACQUISITION AND PUBLIC IMPROVEMENT PROJECTS (COMPLETED)**

Public Improvements	Estimated Time Required for Completion	Estimated Cost
1. SWEPS project improvements: a) The widening of portions of South Westnedge Avenue from north of Market Place to Kilgore Road including related land acquisition, design, and street and utility construction activities. b) Traffic signal upgrades, overhead utility relocation activities, and access management activities along South Westnedge Avenue in the DDA district to facilitate safe and efficient traffic flow.	FY 2018/FY2020	\$1,250,000
2. Agreement to Purchase. The City agreed to purchase approximately 8,400 sq. ft. from the Developer to be used for public roadway purposes	Summer 2011	\$191,623
3. Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements: a) Trade Centre Way realigned and improved from South Westnedge Avenue west 900 feet to just west of West Fork Crossing. The realignment included curb and gutter, storm sewer, utility relocation, boulevards, first class road landscaping, lighting, fencing and related construction. b) West Fork Crossing realigned and improved to intersect with realigned Trade Centre Way easterly of the existing street intersection. The realignment and improvement matched existing West Fork Crossing street cross section characteristics. Private storm drainage will be relocated to adjacent property c) The Trade Centre Way and West Fork Crossing intersection reconstructed incorporating additional right-of-way from the State of Michigan. The intersection improvement matched existing Trade Centre Way and West Fork Crossing cross section characteristics. Excess public street right-of-way not necessary for reconstruction of Trade Centre Way and West Fork Crossing vacated/disposed of by the City. Former State of Michigan right-of-way retained by the City for transportation purposes.	Fall 2011	\$1,148,377

d) A portion of South Westnedge Avenue south of Trade Centre Way will be reconstructed to facilitate left turn-in and right turn-in movements from South Westnedge Avenue to Trade Centre Way and right turn-out movements from Trade Centre Way to South Westnedge Avenue. The improvements matched existing South Westnedge Avenue cross section characteristics.		
Note: The costs to be paid by City of Portage includes: 1. SWEPs project improvements. 2. The Phase III Development Agreement with Trade Center Holdings, LLC and includes a planned land purchase and Trade Centre Way/West Fork Crossing/South Westnedge Avenue improvements contemplated to facilitate private investment to be accomplished by Trade Center Holdings, LLC. 3. With regard to the SWEP's Project Improvements, after additional study it was determined this project did not need to be completed in order to maintain traffic flow and safety along South Westnedge Avenue between Market Place.		

FY 2014-2015 FINANCIAL INFORMATION

The Annual Financial Report has been prepared pursuant to Section 15 (1) of PA 197 of 1975, as amended, The Downtown Development Authority Act. The Annual Report is for FY14-15 and contains the information required by the Act.

Section 15 (3) (a): THE AMOUNT AND SOURCE OF REVENUE IN THE ACCOUNT

Tax Increment Revenue	\$291,899
Interest	\$ 460

Section 15 (3) (b): THE AMOUNT IN ANY BOND RESERVE ACCOUNT

In the DDA bond reserve account there is \$134,617

Section 15 (3) (c): THE AMOUNT AND PURPOSE OF EXPENDITURES FROM THE ACCOUNT

\$314,425 was transferred to the Bond paying agent to pay debt service.

Section 15 (3) (d): THE AMOUNT OF PRINCIPAL AND INTEREST ON ANY OUTSTANDING BONDED INDEBTEDNESS

\$5,561,628 as of June 30, 2015.

Section 15 (3) (e): THE INITIAL ASSESSED VALUE OF THE PROJECT AREA

The initial value is established at \$ 12,767,600.

Section 15 (3) (f): THE CAPTURED ASSESSED VALUE RETAINED BY THE AUTHORITY

The captured value is established at \$15,920,364 for FY 2014-15

Section 15 (3) (g): THE TAX INCREMENT REVENUES RECEIVED

The tax increment revenues received in 2014-2015 = \$291,899

Section 15 (3) (h): THE NUMBER OF JOBS CREATED AS A RESULT OF THE

IMPLEMENTATION OF THE TAX INCREMENT FINANCING PLAN

It is estimated that 1,420 jobs have been created. (includes 310 and 80 jobs at Trade Centre II and Earth Fare, respectively, which are just outside the DDA district)

Section 15 (3) (i): ANY ADDITIONAL INFORMATION THE GOVERNING BODY OR THE STATE TAX COMMISSION CONSIDERS NECESSARY

Attached find a page from the Comprehensive Annual Financial Report detailing actual revenues and expenditures. This information provides supporting documentation for this financial report.

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CITY OF PORTAGE, MICHIGAN

Combining Balance Sheet Nonmajor Debt Service Funds June 30, 2015

	General Obligation Debt Fund	Special Assessment Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority Fund
Assets				
Cash and investments	\$ -	\$ 488,097	\$ 3,648	\$ 134,617
Accounts receivable	-	-	-	-
Special assessments receivable	-	1,609,269	-	-
Prepaid items	1,987,636	-	-	-
Total assets	\$ 1,987,636	\$ 2,097,366	\$ 3,648	\$ 134,617
Liabilities				
Accounts payable	\$ 8,614	\$ -	\$ -	\$ -
Interfund payable	1,775,131	-	-	-
Total liabilities	1,783,745	-	-	-
Deferred inflows of resources				
Unavailable revenue - special assessments	-	1,609,269	-	-
Fund balances				
Nonspendable	1,987,636	-	-	-
Restricted	-	488,097	3,648	134,617
Unassigned	(1,783,745)	-	-	-
Total fund balances	203,891	488,097	3,648	134,617
Total liabilities, deferred inflows of resources, and fund balances	\$ 1,987,636	\$ 2,097,366	\$ 3,648	\$ 134,617

CITY OF PORTAGE, MICHIGAN

Schedule of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Debt Service Funds
For the Year Ended June 30, 2015

	General Obligation Debt Fund	Special Assessment Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority Fund
Revenues				
Property taxes	\$ -	\$ -	\$ -	\$ 291,899
Special assessments	-	190,609	-	-
Interest and rents	101	6,469	32	195
Net increase in fair value of investments	-	2,331	7	265
Total revenues	101	199,409	39	292,359
Expenditures				
Debt service:				
Principal	2,146,694	230,000	1,135,000	155,000
Interest and other fiscal charges	963,837	97,710	197,154	159,425
Total expenditures	3,110,531	327,710	1,332,154	314,425
Revenues under expenditures	(3,110,430)	(128,301)	(1,332,115)	(22,066)
Other financing sources (uses)				
Issuance of long-term debt	4,782,403	-	-	-
Payment to refunding bond escrow agent	(4,798,239)	-	-	-
Premium on refunding debt	76,689	-	-	-
Transfers in:				
General fund	-	-	-	100,000
Capital improvement fund	3,064,000	-	1,332,000	-
Downtown Development Authority fund	-	60,604	-	-
Transfers out -				
Capital improvements fund	-	-	-	(60,604)
Total other financing sources (uses)	3,124,853	60,604	1,332,000	39,396
Net change in fund balances	14,423	(67,697)	(115)	17,330
Fund balances, beginning of year	189,468	555,794	3,763	117,287
Fund balances, end of year	\$ 203,891	\$ 488,097	\$ 3,648	\$ 134,617

PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY

Tuesday, June 14, 2016

The Portage Downtown Development Authority meeting on June 14, 2016 was called to order at 8:02 a.m. in Conference Room #1 of Portage City Hall, 7900 South Westnedge Avenue.

MEMBERS PRESENT:

Terryl Patterson, Jeff Chrystal, Walter Hansen, Benjamin Boyer, Rich MacDonald, Scott McGraw, and Larry Shaffer

MEMBERS EXCUSED:

Matt Milks, Colin McGuire, Dorothy Robinett

IN ATTENDANCE:

Vicki Georgeau, Director of Community Development and William Furry, Director of Finance.

APPROVAL OF MINUTES:

The minutes of the September 14, 2014 meeting were introduced for approval. A motion was offered by MacDonald and seconded by Boyer to approve the meeting minutes as presented. Upon voice vote, the motion was unanimously approved.

BUSINESS:

1. Election of Officers. Ms. Georgeau reviewed the current officers of the Board. The current slate includes Patterson, President; Boyer, Vice-President; Chrystal, Treasurer; and Milks, Secretary. There was discussion of the continuation of the current officers. A motion was offered by MacDonald, seconded by Hansen that Patterson serve as President; Boyer as Vice-President; Chrystal as Treasurer and Milks as Secretary. Upon voice vote, the motion was unanimously approved.
2. Resolution Approving the FY2013-14 and 2014-15 Annual Financial Reports. Ms. Georgeau summarized the communication to the Board concerning the annual reports included in the agenda. In both fiscal years, staff noted debt expenditures exceeded revenues, and that while the fund balance was sufficient to cover the difference, a transfer/loan of \$100,000 from the General Fund to the DDA was accomplished in FY 2014-15 as debt expenditures from the 2011 capital improvement projects had begun. Staff indicated that revenue from the DDA has improved in FY 2015-16 year-to-date and the financial status of the DDA will improve in future years as additional development along Trade Centre Way is completed. Following review by the Board, Ms. Georgeau noted the information will be forwarded to City Council and then to the State Tax Commission. A motion was made by Hansen and seconded by Boyer to approve the resolution and authorize the transmission of the FY 2013-14 and 2014-15 Annual Financial Reports on the status of the tax increment financing plan. Upon a voice vote, the resolution was unanimously approved.

STATEMENT OF CITIZENS: None.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:16 a.m.

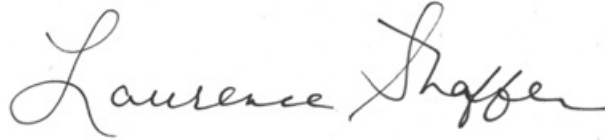
Respectfully Submitted,

Vicki Georgeau, AICP
Director of Community Development

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Local Development Finance Authority Annual Report

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council accept the Local Development Finance Authority Annual Report - Information Only.

The City of Portage Local Development Finance Authority (LDFA) met on June 15, 2016 to review and approve the accompanying resolution conveying the Annual Financial Report for FY 2014-2015 to City Council and the State Tax Commission.

As background, the LDFA was established in 1990 and tax increment revenue from the Upjohn Company (now Pfizer) was utilized to fund three infrastructure improvements: Romence Road extension, Milham Avenue water main installation and Bishop Road street improvements. In 2003, the LDFA was again utilized to finance land acquisition, public street improvements, as well as water and sewer improvements to facilitate expansion of the Stryker Corporation. The projects financed through the LDFA in 2003 are complete with the exception of Public Improvements #5 and #7. Project #5 (East Milham - Kalamazoo/Battle Creek International Airport water main extension) was replaced with an alternate project that involves replacement of the existing 750,000-gallon Haverhill water tower with a new, larger 2.75 million-gallon tower. Construction of the new water tower has been reprogrammed for FY 2018-2019. Project #7 (Zylman Avenue improvements) has been deferred since the Stryker Corporation did not use Zylman for access when the East Centre Avenue facility was constructed. In May 2009, Council adopted a resolution for the revision to Projects #5 and #7.

The FY 2014-2015 LDFA Annual Financial Report includes final audited information for the 2014-2015 fiscal year and is attached as Appendix A to the resolution. As shown in the Revenues, Expenditures and Changes in Fund Balances table at the end of the report, the fund balance was \$1,939,810 at the end of FY 2014-2015, a slight increase from \$1,928,982 at the end of FY 2013-2014. In FY 2014-2015, revenues were less than the expenditures and in order to cover the \$44,172 difference, money was utilized from the fund balance. Recent and proposed construction activity, such as the 330,000-square-foot distribution center at 6501 Portage Road, and a planned 98,000-square-foot Pfizer addition at 7171 Portage Road will help improve the financial standing of the LDFA.

The accompanying LDFA Annual Finance Report has been prepared in conformance with state statute and is provided to City Council as information.

FUNDING: Not Applicable

- Attachments:**
1. LDFA Resolution and FY 2014-15 Annual Report
 2. June 15, 2016 LDFA meeting minutes (draft)

CITY OF PORTAGE

At a regular meeting of the Board of the Local Development Finance Authority of the City of Portage, Michigan, held on June 15, 2016 at 8:00 a.m. at the City Hall, Portage, Michigan, there were:

PRESENT: Zajac, Gardner, Seely, Wenzel, Brooks, Fox, McGraw

ABSENT: Killips, Colestock, Collins

The following preamble and resolution were offered by Seely and supported by Gardner:

RESOLUTION APPROVING AND AUTHORIZING THE TRANSMISSION OF THE FINANCIAL REPORTS ON THE STATUS OF THE TAX INCREMENT FINANCING PLAN

WHEREAS, the Local Development Finance Authority of the City of Portage (the "Authority") has been duly incorporated by the City of Portage (the "City") pursuant to Act No. 281 of the Public Acts of Michigan of 1986 (the "Act") and the Board of the Authority has been duly appointed and sworn into office; and

WHEREAS, the Authority is required by statute to transmit annually to the City Council of the City of Portage and the State Tax Commission a Financial Report on the Status of the Tax Increment Financing Plan which report shall include certain matters as required by Section 13(3) of the Act; and

WHEREAS, such material has been prepared and is attached hereto as Appendix A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE LOCAL DEVELOPMENT FINANCE AUTHORITY OF THE CITY OF PORTAGE, as follows:

1. The Financial Reports on the Status of the Tax Increment Financing Plan attached hereto as Appendix A is approved.

2. The Director of the Authority is authorized to transmit said financial report to the City Council of the City of Portage and the State Tax Commission.

The results of a roll-call vote on the foregoing resolution were as follows:

YES: Zajac, Gardner, Seely, Wenzel, Brooks, Fox, McGraw

NAYS: _____

ABSTAIN: _____

THE RESOLUTION WAS DECLARED ADOPTED

SECRETARY'S CERTIFICATE

The undersigned, being the duly qualified and acting Secretary of the Board of the Local Development Finance Authority of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Board at a regular meeting held on June 15, 2016, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records of the proceedings of the Board in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



Karla Colestock, Secretary

Dated: June 15, 2016

ANNUAL FINANCIAL REPORT

CITY OF PORTAGE

LOCAL DEVELOPMENT FINANCE AUTHORITY

For

FY 2014 - 2015

Portage, Michigan

APPENDIX A

LOCAL DEVELOPMENT FINANCE AUTHORITY
OF
THE CITY OF PORTAGE

2003 AMENDED DEVELOPMENT PLAN/TAX INCREMENT FINANCE PLAN

FY 2014-15 ANNUAL FINANCIAL REPORT

As Approved by the Authority Board

on

June 15, 2016

INTRODUCTION

Pursuant to the provisions of Act No. 281, Public Acts of Michigan, 1986, (Act 281), the City of Portage (the "City") has established the Local Development Finance Authority of the City of Portage (the "Authority"). Act 281 provides that the Board of the Authority, if it determines that it is necessary for the achievement of the purposes of Act 281, shall prepare and submit a tax increment financing plan to the City Council. Act 281 further provides that a tax increment financing plan shall include a development plan.

In 2003, a new opportunity to utilize the LDFA and again forge a public-private cooperative program became available. The City Administration facilitated additional growth and expansion of the manufacturing sector that would benefit the city and other local taxing jurisdictions. As a tool used to spur manufacturing growth, the LDFA financing mechanism was proposed to accomplish public improvements and eligible activities and provide incentives for Pfizer Incorporated to expand in this community. An investment of approximately \$30 million was planned by Pfizer. Additionally, the Stryker Corporation indicated plans to significantly expand its manufacturing capacity by investing up to nearly \$70 million, with significant job retention and job creation possibilities, and incentives to facilitate new manufacturing facilities in Portage and to encourage this investment were proposed. Amending the boundaries of LDFA District No. 1 to include properties along Sprinkle Road were included as part of this initiative.

Pfizer Incorporated proposed new/expanded facilities at the manufacturing complex on Portage Road. Public infrastructure improvements facilitated this expansion effort by the company. The manufacturing facilities are operational. Given the changing pharmaceutical industry over the past several years and for this annual report, jobs at the Pfizer complex have been fluctuating. For the purpose of this annual report, it is estimated that 2,270 jobs are provided locally by Pfizer.

Stryker Corporation proposed a new and also reconstructed/expanded manufacturing, research, and distribution facilities at 3800 East Centre Avenue, 4100 East Milham Avenue and at 6300 Sprinkle Road. The company invested \$68 million in the new manufacturing and expanded facilities and are operational. For the purpose of this annual report, it is estimated that the company employs 2,790 people at these facilities.

The purpose of the 2003 Amended Development Plan/Tax Increment Finance Plan is to provide for the acquisition, construction and financing of public facilities and other eligible activities (as defined in Act 281) necessary for the planned projects by these two companies.

The acquisition and construction of certain public facilities and land acquisition activities facilitated the construction and development of the projects by these companies and thereby created economic growth and development in the Authority District and other areas of the City of Portage and Kalamazoo County.

PROPOSED PUBLIC IMPROVEMENT / ACTIVITY PROJECTS

PUBLIC IMPROVEMENTS/ACTIVITIES	ESTIMATED COST	ESTIMATED TIME DESIGN & CONSTRUCTION
1. Sprinkle Road widening, East Centre to Zylman	\$1,010,000	12-24 months
2. Sprinkle Road/Zylman and Sprinkle Road/East Milham Access improvements	\$300,000	12-24 months
3. 80 acre land purchase	\$2,400,000	12 months
4. Water and Sewer facilities to serve interior property	\$110,000	12-24 months
5. East Milham-Kalamazoo/Battle Creek International Airport water main improvement	\$1,200,000	12-24 months

PUBLIC IMPROVEMENTS/ACTIVITIES	ESTIMATED COST	ESTIMATED TIME DESIGN & CONSTRUCTION
6. Water main Improvement, Sprinkle, Tiffany to Hayes*	\$880,000	12-24 months
7. Zylman Improvements*	\$1,210,000	12-24 months
8. Ramona Lane, Lovers to Portage water main improvement*	\$500,000	12-24 months
9. Ramona Lane, Lovers to Portage sanitary sewer improvement*	\$990,000	12-24 months
TOTAL \$8,600,000		

* Projects will be funded through tax increment revenue if available or other sources.

With regard to the proposed projects identified above:

Public Improvement/Activity Project #1: complete
Public Improvement/Activity Project #2: complete
Public Improvement/Activity Project #3: complete
Public Improvement/Activity Project #4: complete
Public Improvement/Activity Project #5: Haverhill water tower improvements substituted
Public Improvement/Activity Project #6: complete
Public Improvement/Activity Project #7: Pending further facility expansion by Stryker
Public Improvement/Activity Project #8: complete
Public Improvement/Activity Project #9: complete

FINANCIAL INFORMATION

This Annual Financial Report has been prepared pursuant to Section 13(3) of the Local Development Financing Act. The Annual Financial Report is for FY 14-15 and contains the information required by the Act.

Section 13(3)a: THE AMOUNT AND SOURCE OF TAX INCREMENTS RECEIVED

Tax increment revenue	\$ 508,810
Interest	\$ 6,579
Total	\$ 515,389

Section 13(3)(b): THE AMOUNT IN ANY BOND RESERVE ACCOUNT

- In the LDFA Debt Service Fund balance there is \$ 1,939,810

Section 13(3)(c): THE AMOUNT AND PURPOSE OF EXPENDITURES OF TAX INCREMENT REVENUES

- Interest and paying agent fees on outstanding principal \$ 559,561

Section 13(3)(d): THE AMOUNT OF PRINCIPAL AND INTEREST ON ANY OUTSTANDING BONDED INDEBTEDNESS OF AUTHORITY

- \$6,811,913 as of June 30, 2015

Section 13(3)(e): THE INITIAL ASSESSED VALUE OF THE ELIGIBLE PROPERTY

- The initial value is established at \$ 21,061,140.

Section 13(3)(f): THE CAPTURED ASSESSED VALUE OF THE ELIGIBLE PROPERTY
RETAINED BY THE AUTHORITY

- The captured value is established at \$30,588,460 for FY 2014-2015.

Section 13(3)(g): THE NUMBER OF JOBS CREATED AS A RESULT OF THE
IMPLEMENTATION OF THE TAX INCREMENT FINANCING PLAN.

- 225 new jobs; 1600 existing jobs retained.

Section 13(3)(h): ANY ADDITIONAL INFORMATION THE GOVERNING BODY OR THE STATE
TAX COMMISSION CONSIDERS NECESSARY.

1. Attached find pages excerpted from the FY 2014-2015 comprehensive annual financial report for the City of Portage. This information provides supporting documentation for this financial report.

CITY OF PORTAGE, MICHIGAN

Combining Balance Sheet

Nonmajor Debt Service Funds

June 30, 2015

	General Obligation Debt Fund	Special Assessment Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority Fund
Assets				
Cash and investments	\$ -	\$ 488,097	\$ 3,648	\$ 134,617
Accounts receivable	-	-	-	-
Special assessments receivable	-	1,609,269	-	-
Prepaid items	1,987,636	-	-	-
Total assets	<u>\$ 1,987,636</u>	<u>\$ 2,097,366</u>	<u>\$ 3,648</u>	<u>\$ 134,617</u>
Liabilities				
Accounts payable	\$ 8,614	\$ -	\$ -	\$ -
Interfund payable	1,775,131	-	-	-
Total liabilities	<u>1,783,745</u>	<u>-</u>	<u>-</u>	<u>-</u>
Deferred inflows of resources				
Unavailable revenue - special assessments	-	1,609,269	-	-
Fund balances				
Nonspendable	1,987,636	-	-	-
Restricted	-	488,097	3,648	134,617
Unassigned	(1,783,745)	-	-	-
Total fund balances	<u>203,891</u>	<u>488,097</u>	<u>3,648</u>	<u>134,617</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 1,987,636</u>	<u>\$ 2,097,366</u>	<u>\$ 3,648</u>	<u>\$ 134,617</u>

Building Authority Debt Service Fund	Local Development Finance Authority Debt Service Fund	Total
\$ 386,184	\$ 1,914,132	\$ 2,926,678
-	-	-
-	-	1,609,269
-	26,828	2,014,464
<u>\$ 386,184</u>	<u>\$ 1,940,960</u>	<u>\$ 6,550,411</u>
\$ -	\$ 1,150	\$ 9,764
-	-	1,775,131
-	1,150	1,784,895
-	-	1,609,269
-	26,828	2,014,464
386,184	1,912,982	2,925,528
-	-	(1,783,745)
<u>386,184</u>	<u>1,939,810</u>	<u>3,156,247</u>
<u>\$ 386,184</u>	<u>\$ 1,940,960</u>	<u>\$ 6,550,411</u>

CITY OF PORTAGE, MICHIGAN

Schedule of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Debt Service Funds

For the Year Ended June 30, 2015

	General Obligation Debt Fund	Special Assessment Debt Fund	Motor Vehicle Highway Fund	Downtown Development Authority Fund
Revenues				
Property taxes	\$ -	\$ -	\$ -	\$ 291,899
Special assessments	-	190,609	-	-
Interest and rents	101	6,469	32	195
Net increase in fair value of investments	-	2,331	7	265
Total revenues	<u>101</u>	<u>199,409</u>	<u>39</u>	<u>292,359</u>
Expenditures				
Debt service:				
Principal	2,146,694	230,000	1,135,000	155,000
Interest and other fiscal charges	963,837	97,710	197,154	159,425
Total expenditures	<u>3,110,531</u>	<u>327,710</u>	<u>1,332,154</u>	<u>314,425</u>
Revenues under expenditures	(3,110,430)	(128,301)	(1,332,115)	(22,066)
Other financing sources (uses)				
Issuance of long-term debt	4,782,403	-	-	-
Payment to refunding bond escrow agent	(4,798,239)	-	-	-
Premium on refunding debt	76,689	-	-	-
Transfers in:				
General fund	-	-	-	100,000
Capital improvement fund	3,064,000	-	1,332,000	-
Downtown Development Authority fund	-	60,604	-	-
Transfers out -				
Capital improvements fund	-	-	-	(60,604)
Total other financing sources (uses)	<u>3,124,853</u>	<u>60,604</u>	<u>1,332,000</u>	<u>39,396</u>
Net change in fund balances	<u>14,423</u>	<u>(67,697)</u>	<u>(115)</u>	<u>17,330</u>
Fund balances, beginning of year	<u>189,468</u>	<u>555,794</u>	<u>3,763</u>	<u>117,287</u>
Fund balances, end of year	<u>\$ 203,891</u>	<u>\$ 488,097</u>	<u>\$ 3,648</u>	<u>\$ 134,617</u>

Building Authority Debt Service Fund	Local Development Finance Authority Debt Service Fund	Total
\$ -	\$ 508,810	\$ 800,709
-	-	190,609
273,050	2,841	282,688
753	3,738	7,094
273,803	515,389	1,281,100
421,992	225,000	4,313,686
154,297	334,561	1,906,984
576,289	559,561	6,220,670
(302,486)	(44,172)	(4,939,570)
-	2,150,000	6,932,403
-	(2,095,000)	(6,893,239)
-	-	76,689
339,000	-	100,000
-	-	4,735,000
-	-	60,604
-	-	(60,604)
339,000	55,000	4,950,853
36,514	10,828	11,283
349,670	1,928,982	3,144,964
\$ 386,184	\$ 1,939,810	\$ 3,156,247

PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY

Tuesday, June 14, 2016

The Portage Downtown Development Authority meeting on June 14, 2016 was called to order at 8:02 a.m. in Conference Room #1 of Portage City Hall, 7900 South Westnedge Avenue.

MEMBERS PRESENT:

Terryl Patterson, Jeff Chrystal, Walter Hansen, Benjamin Boyer, Rich MacDonald, Scott McGraw, and Larry Shaffer

MEMBERS EXCUSED:

Matt Milks, Colin McGuire, Dorothy Robinett

IN ATTENDANCE:

Vicki Georgeau, Director of Community Development and William Furry, Director of Finance.

APPROVAL OF MINUTES:

The minutes of the September 14, 2014 meeting were introduced for approval. A motion was offered by MacDonald and seconded by Boyer to approve the meeting minutes as presented. Upon voice vote, the motion was unanimously approved.

BUSINESS:

1. Election of Officers. Ms. Georgeau reviewed the current officers of the Board. The current slate includes Patterson, President; Boyer, Vice-President; Chrystal, Treasurer; and Milks, Secretary. There was discussion of the continuation of the current officers. A motion was offered by MacDonald, seconded by Hansen that Patterson serve as President; Boyer as Vice-President; Chrystal as Treasurer and Milks as Secretary. Upon voice vote, the motion was unanimously approved.
2. Resolution Approving the FY2013-14 and 2014-15 Annual Financial Reports. Ms. Georgeau summarized the communication to the Board concerning the annual reports included in the agenda. In both fiscal years, staff noted debt expenditures exceeded revenues, and that while the fund balance was sufficient to cover the difference, a transfer/loan of \$100,000 from the General Fund to the DDA was accomplished in FY 2014-15 as debt expenditures from the 2011 capital improvement projects had begun. Staff indicated that revenue from the DDA has improved in FY 2015-16 year-to-date and the financial status of the DDA will improve in future years as additional development along Trade Centre Way is completed. Following review by the Board, Ms. Georgeau noted the information will be forwarded to City Council and then to the State Tax Commission. A motion was made by Hansen and seconded by Boyer to approve the resolution and authorize the transmission of the FY 2013-14 and 2014-15 Annual Financial Reports on the status of the tax increment financing plan. Upon a voice vote, the resolution was unanimously approved.

STATEMENT OF CITIZENS: None.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:16 a.m.

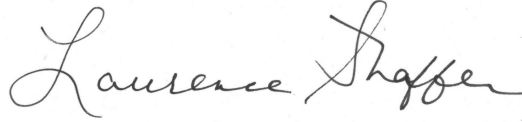
Respectfully Submitted,

Vicki Georgeau, AICP
Director of Community Development

T:\COMMDEV\2015-2016 Department Files\Board Files\DDA Board\6-14-16 DDA meeting minutes.docx

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: May Environmental Summary Report

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities

ACTION RECOMMENDED: Information Only

Attached please find the May 2016 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes, P.E. New material or material of specific interest to City Council is presented in italics.

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

FUNDING: N/A

Attachments: 1. May Environmental Summary Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
May 2016 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2 nd year of AHC's contract is underway with annual testing ongoing.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. <i>-Review of 6 site/building plan and/or plats completed in May 2016.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in May 2016: 3 residential; 0 commercial.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	-Five Year Lake Management Assessment District process was approved by City Council. The West Lake Improvement association has completed a five year plan for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. The Association has selected to use Restorative Lake Sciences, LLC for consulting services 2015 weed

		treatment bids were received on February 24, 2015. City Council approved weed treatment contract with Professional Lake Management Company on April 10, 2015. Weed treatment was completed in June. The Association has elected to renew the contract with Restorative Lake Science for 2016. Weed treatment is on schedule for 2016.
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in October 2014 and July 2015. Monthly sampling at two retention basins continues. Current findings show groundwater levels have increased approximately 18 inches over the 2015 levels.
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Current Wellhead Protection was originally approved in 2001. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program has been initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work is complete. Final report preparation was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	- City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2015, with report submitted. No significant change in groundwater impacts. 2016 report due in July.
National Pollution	Five year plan to implement the	-Received NPDES general permit on August 15, 2001. Renewal

Discharge Elimination System (NPDES)
Permit Implementation current NPDES stormwater permit.

Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. New permit application was submitted in March 2015. Semi-annual report submitted to MDEQ on December 21, 2015. Implementation is ongoing.

National Pollution Discharge Elimination System (NPDES)
Permit Implementation Kalamazoo River Mainstream Watershed Management Plan

- Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed
Management Plan

-Original proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conversation District. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

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

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary report received. Report submitted to MDEQ as part of the annual report. Next report due in June 2016.

Garden Lane Arsenic
Removal Facility

Native Prairie Restoration

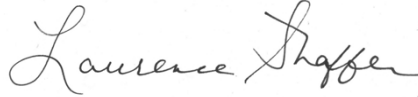
Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational signs are complete and maintenance is ongoing. Native prairie burn completed in March 2016. Staff assisting the Environmental Board with

invasive species.

Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	Emergency spill response contract for 2016-17 with Terra Contracting has been renewed. <i>The number of environmental incident/spill investigations performed in May – 0. Number of environmental cleanups in May– 0.</i>
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.
Deer Management	Assist the Environmental Board with the impact of the native deer population in the city.	In the fall of 2015, the Environmental Board conducted several on-line surveys to determine the public opinion of deer/human interaction in the city. On April 14, 2016, an open forum was held to discuss results of the survey, deer population estimation and gauge public opinion on deer impacts to public safety health and private property damage. Investigation work in conjunction with the board is ongoing.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Environmental Board Deer Communication

ACTION RECOMMENDED: That City Council receive the communication from Environmental Board Chair Ruth Caputo and instruct the City Manager to coordinate with the Environmental Board on the various issues related to development of a deer management program for the City of Portage.

Following receipt of the June 13, 2016 communication from Environmental Board Chair Ruth Caputo, it is recommended that City Council accept the report and instruct the City Manager to coordinate with the Environmental Board on the various issues related to development of a deer management program for the City of Portage.

FUNDING: N/A

Attachments: 1. N/A

CITY OF PORTAGE

Environmental Board

7900 SOUTH WESTNEDGE AVENUE, PORTAGE, MI 49002

June 13, 2016



The Honorable Mayor and City Council
City of Portage
City Hall
7900 S. Westnedge Ave.
Portage, MI 49002

Dear Mayor and Council:

The Environmental Board plans to use the following considerations when making a recommendation regarding the City's deer population:

- Public safety
- Ecosystem health
- Impact on residents
- Herd size

If you have any suggestions or questions related to these criteria, please let us know.

We understand this is a contentious issue, and we are planning to provide a carefully considered rationale for any recommendation we make.

Thank you for your support.

Sincerely,

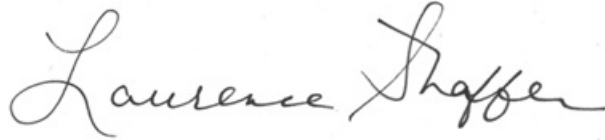
Ruth Caputo, Chair
Environmental Board

YAC Meeting Minutes: May 9, 2016

- I. Call to Order
 - a. Meeting called to order at 6:34 pm
- II. Introductions and Attendance
 - a. Name, grade, and why Sami is dressed up
- III. Motion to Approve the Minutes of Last Meeting
 - a. Motion approved
- IV. Youth Liaison Reports
 - a. Ali: Senior Citizens Board: new program showing the increase in international trips for the senior citizens. Also, they talked about how every Tuesday, students can earn volunteer hours to teach senior citizens technology.
 - b. Youth Action team: Ali: Sticker Shock update
- V. Sticker Shock Review
 - a. PMN Video
- VI. Green-a-thon Review
 - a. Photos from the event
 - b. Feedback
 - c. Sign thank you notes
- VII. Review of Sujay Award (most active member)
 - a. Sophie wins
- VIII. Teen Movie Night
 - a. July 15 at 8 o' clock
- IX. Community Movie Night
 - a. Partner with Breakfast Optimist Club of Kalamazoo
 - b. August 5 at 9 p.m.
 - c. Star Wars: The Force Awakens
 - d. Review various details such as promotions, giveaways, etc.
- X. Youth Advisory Committee Recruitment
- XI. Public Safety YAC Demo
- XII. Next Meeting: June 13th in the afternoon

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Zylman Avenue Sanitary Sewer Lift Station Improvement Project - Bid Tabulation

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities

ACTION RECOMMENDED: That City Council award a construction contract for the Zylman Avenue Sanitary Sewer Lift Station Improvement Project to Balkema Excavating, Incorporated, at a total price of \$477,325 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The 2015 - 2016 Capital Improvement Program budget includes improvements to the Zylman Avenue Lift Station. This project will include installation of new wet well, drywell valve chamber, pumps, control panel, supervisory control and data acquisition telemetry systems. The lift station receives flows from areas west of Sprinkle Road and east of Portage Road from East Shore Drive to Romence Road.

On August 25, 2015, City Council awarded a consultant contract to Jones & Henry Engineers, LTD, for engineering design and inspection services for the Zylman Avenue Lift Station. All design work is now complete. A pre-bid meeting was held on May 31, 2016, which was attended by nine interested vendors. However, only one bid was submitted in the amount of \$477,325 by Balkema Excavating, Inc. Balkema Excavating has satisfactorily completed similar lift station projects for the city in the past. If approved, work will begin in July 2016 and be completed by November 2016. While only one bid was received, the price received is within the engineering estimate for the work entailed and represents a good value for this specialized construction project.

Therefore, it is recommended that City Council award a construction contract for the Zylman Avenue Lift Station Improvements to the sole bidder, Balkema Excavating, Incorporated, at a total price of \$477,325 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds are budgeted and available in the 2015 - 2016 Capital Improvement Program.

Attachments: 1. Bid Tabulation

BID TABULATION
ZYLMAN LIFT STATION RENOVATION

BIDDER

BID

Balkama Excavating, Inc.
1500 River Street
Kalamazoo, MI 49048

\$477,325.00

City of Portage

MONTHLY REPORTS
May 2016

Assessing Department
City Clerk's Office
City Manager's Office
Community Development Department
Finance Department
Human Resources Department
Parks, Recreation and Senior Citizen Services
Public Safety
Public Services Department
Purchasing Department
Technology Services
Transportation & Utilities Department

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: June 1, 2016

FROM: John Baumann, Deputy Assessor



SUBJECT: May 2016 Department Operations Report

The following information summarizes the operations of the City Assessor's Office during May 2016:

- **Departmental Report Book:** Pursuant to Administrative Order No. 1.39(a) the Assessor's Office has completed the Department Report Book with 2016 assessment information. The Departmental Report Book is a compilation of useful current and historical information related to property valuation, tax rates, tax distribution, tax abatement, tax rate history, and other miscellaneous reports relating to the 2016 City Assessment Roll. The information contained in the report is used by most all city departments and agencies within the community.
- **Residential & Commercial Property Valuation for 2017:** The Assessor's Office has begun the analysis of the residential sales that have taken place thus far to determine what the anticipated sales/assessment ratio will be for use in the preparation of the 2017 assessment roll. The time period for the 2-year study is October 1, 2014 thru September 30, 2016. The Kalamazoo County Equalization Department will finalize their study around November 1, 2016. At this point in time it is uncertain what the final ratio study will be or the impact it will have on the 2017 assessed valuations. The Assessor's office has also begun the review of all residential and commercial land values throughout the city and continues to work on finalizing new construction and property verification.
- **2016 July Board of Review:** The Assessor's Office is preparing for the 2016 July Board of Review which addresses corrections and mutual mistakes of fact that are discovered during the course of the year. Property valuation issues cannot be presented to the July Board of Review. The 2016 July Board of Review will be held on July 19, 2016. Much of the July Board of Review activity consists of homestead exemption corrections due to untimely filings.
- **Customer Service:** The staff of the City Assessor's Office provided a high level of customer service during the month of May. Prompt and courteous service was provided in response to telephone calls and personal visits from realtors, private appraisers, title companies, and taxpayers.

Please contact me if you have any questions concerning the information presented above.

CITY OF PORTAGE

COMMUNICATION

TO: Larry Shaffer, City Manager

DATE: June 21, 2016

FROM: James R. Hudson, City Clerk

SUBJECT: May Monthly Report



PUBLIC INFORMATION AND CITIZEN ASSISTANCE

Coordinated the Youth Advisory Committee participation in "Project Sticker Shock": Campaign. Prepared for Board and Commission Member interviews and followed up on appointments.

Responded to request(s) from Police Department for copies of Police Reports required during an investigation (reports are on microfilm). Performed research for city departments on a variety of topics. Conducted the Swearing-in Ceremony for two Police Officers.

Coordinated the Freedom of Information Act (FOIA) process and the liquor license procedures, processed Solicitor Permits, Block Party Permits and transmittal letters for citizens, City Departments and the City Attorney.

Updated the "Portage City Clerk" segment of the City of Portage website. Provided Notary Public Service to citizens upon request.

Prepared transmittals for documents, resolutions, FOIA responses and recorded documents for City Departments and the City Attorney. Provided help to citizens for over-the-counter requests including voter information, guidance to appropriate departments and miscellaneous assistance.

Supported the City of Portage Health Management Program (HMP) efforts by assisting in the planning and execution of the HMP Walk on May 10. Attended the HMP Lunch and Learn.

ELECTION PREPARATION AND FOLLOW-UP

Prepared ballot order for the August Primary election and arranged for mailing of absent voter ballot applications.

Finalized the mailing of new voter identification cards to Portage residents.

Continued processing additions, changes, deletions from the QVF In-Box, and continued process of manually recording QVF changes/updates (addresses, DOB, ID numbers, etc.) on in-house Master Voter Cards and filing, and continued the process of printing Master Cards and ID Cards for all new registrations and changes, as indicated.

AGENDA PREPARATION AND FOLLOW-UP

Prepared the Summary and Minutes of the two Regular City Council Meetings, and the Minutes for one Budget Session for distribution to City Council, and uploaded them on the website.

Prepared City Council electronic and paper meeting agenda packets for the April Regular City Council Meetings, Pre-Meetings and Budget Work Session. Worked with BoardSync and implemented the bookmark feature of the video aspect of the agenda management program.

Added approved minutes of all Council meetings to the Document Collection in Clerk's Index as well as Clerk folder on Sharecop for internal research and filed all contracts for the year. Attended the tree planting ceremony with City Council. Provided follow-up communications, adopted Resolutions and approved Ordinances on items passed by City Council at the May City Council Meetings.

RECORDS

Coordinated the FOIA research and retrieved documents for various departments and assisted with the search and printing of various microfilm documents.

Administered the microfilming, scanning and destruction of documents contract for the city and reviewed recently scanned and microfilmed documents for completeness and accuracy. Continued implementation of the Michigan State approved citywide revised Document Retention Schedules.

Added approved minutes of Council meetings to the permanent record and the Document Collection in Clerk's Index as well as Clerk folder on Sharecop for Internet download and filed all contracts for the month.

PUBLICATIONS

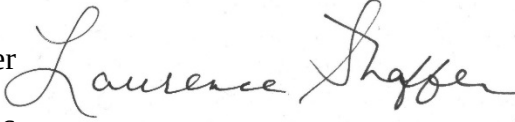
Published public and legal notices in the *Kalamazoo Gazette* and *Portage Gazette* as necessary for meetings and public hearings.

Drafted article for *Portager* regarding the posting of legal notices on the City of Portage website.

CEMETERIES

Processed four (4) grave openings/closings, including the preparation of invoices and Burial Rights Certificates and entry on the BS&A Cemetery Software module. Researched availability of lots for citizens in conjunction with the Parks Department and assisted with burials.

Provided the Parks Department with the listing of veterans in preparation for Memorial Day.

TO: Honorable Mayor and City Council**DATE:** June 3, 2016**FROM:** Laurence Shaffer, City Manager**SUBJECT:** Monthly Report – May 2016

The following summarizes some of the activities in which staff of the Office of the City Manager were involved during the month of May 2016.

1. City Council:

- Coordinated and/or prepared agenda and other materials for the following meetings:
 - City Council Regular Meetings on May 10 and 24.
 - Pre-Council meetings on May 9 and 23.
 - Budget Review Session #2 on May 3.
 - Board and Commission Interviews on May 10

2. Represented the City of Portage in the following activities, among others:

- Met with a John Faul, Kalamazoo County, for a regular month meeting on May 4.
- Met with the Mayor and Mayor Pro Tem on May 4.
- Attended the Portage Road Diet public input meeting on May 5.
- Attended a Human Services Board meeting with regard to the Non-Discrimination Ordinance proposal on May 5.
- Attended a Fire Division group meeting on May 6.
- Met with Paul Wartner on May 6 and 11.
- Met with Councilmember Randall on May 11.
- Met with Dr. Monifa Jumanne on May 6 regarding potential city projects.
- Met with a resident regarding the Portage Road/Lakeview intersection on May 10.
- Met with Mayor Pro Tem Ansari on May 24.
- Met with representatives from Bronson Hospital on May 24.
- Coordinated and hosted the annual Employee Service Award Ceremony on May 25.
- Met with Mayor Strazdas on May 26.

- Coordinated and hosted the 15th Annual Portage Historic Preservation Gathering on May 26, featuring Steve Stier of RE:Construction.
- Assisted the Portage Rotary on May 26 with veteran graveside flag placements for Memorial Day.
- Met with Kalamazoo County Drain Commissioner Pat Crowley on May 27.
- Met with former Councilmember Dr. Phillips on May 27.

3. Projects - Completed and Ongoing:

- Continued management and planning for finalizing the 2016-17 FY Budget, as well as presentations before City Council.
- Began PPOA/PPCOA pre-negotiation meetings and contract negotiations.
- Continued implementation of SeeClickFix, the replacement program for the city's ReportIt system.
- Continued oversight of planning, design and construction for various city projects and developments. Toured several locations with current construction projects, including Ramona Park and MLK Drive.
- Consulted with city staff regarding Information Technology projects as well as current Community Development, Finance, Transportation & Utility and Assessing matters.
- Continued training and assistance for the new electronic agenda software with staff and City Council.
- Prepared and attended the Historic District Commission monthly meeting on May 4.

4. Public Information and Citizen Assistance:

- Mailed the May *Portager* and coordinated production of the June *Portager* newsletter.
- Continued oversight of the *PortageAlert* system and notifications for those who registered through the portal for updates.
- Coordinated responses to citizen concerns/requests regarding a variety of matters, including the tall grass and weeds, Spring Cleanup Program information, etc.
- Updated and approved changes to the city website and city publications.
- Provided informational packets on Portage to citizens, realtors and businesses, as requested.
- Continued to collect and monitor Citizen Comment Card responses and submissions to the Online Customer Service Survey.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: June 17, 2016

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Monthly Customer Service Report for May 2016

Staff performed research, conducted reviews, and developed recommendations and information necessary for the efficient and effective delivery of community planning and development services, construction permitting and neighborhood programs. All areas involved considerable commitment of staff resources necessary to ensure appropriate customer service, the protection of the public health, safety and welfare and the provision of community development programs. These services were provided together with processing and responding to citizen information requests performed on a continuous basis.

PLANNING, DEVELOPMENT AND NEIGHBORHOOD SERVICES

Planning Commission

May 5, 2016 meeting:

1. Recommended City Council approve the Preliminary Plat of Whispering Meadows No. 4, 6513 Angling Road.
2. Held a public hearing concerning the Rezoning Application #15/16-5, 715 West Osterhout Avenue. The Commission adjourned the public hearing until the May 19, 2016 meeting.
3. Approved a special land use permit for KEPS Technologies, 6301 South Westnedge Avenue, to install cellular antennas on top of the building.

May 19, 2016 meeting:

1. Recommended City Council approve Rezoning Application #15/16-5, 715 West Osterhout Avenue.
2. Approved a special land use permit, height modification and site plan for Dockerty Memory Care, 710 and 732 East Centre.
3. Approved a site plan for Chick-Fil-A, 6202 South Westnedge Avenue.
4. Approved an accessory building at 10848 Cora Drive.
5. Community Impact Projects Grant Fund – additional discussion.

Zoning Board of Appeals

May 9, 2016 meeting:

1. Approved a variance at 4415 Raborn Court to retain a partially constructed 58-foot by 19-foot two story accessory building in the rear yard that is 19.5 feet in height where a maximum 14-foot height is permitted subject obtaining a building permit within 21 days and completing the barn by November 30, 2016.
2. Approved a variance at 6039 and 6043 South Westnedge Avenue to provide 23 off-street parking spaces where a minimum 44 spaces are required.

3. Approved a variances at 4622 Deep Point Drive to a) construct a second story addition above the existing garage located two feet from the front (west) property line where a minimum 25-foot front setback is required; b) retain the existing dwelling and attached garage that have 26% lot coverage where a maximum 25% is permitted; and c) construct a building addition that will result in 27% lot coverage where a maximum 25% lot coverage is permitted subject to removal of an existing shed.

Human Services Board

May 5, 2016 meeting:

1. Continued the discussion concerning the proposed Non-discrimination Ordinance.

May 26, 2016 meeting:

2. Conducted a public hearing and accepted comments concerning the proposed Non-discrimination Ordinance.

OTHER BOARD ACTIVITIES

- Local Development Finance Authority - The Authority did not meet in May 2016.
- Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority - The Authority did not meet in May 2016.
- Downtown Development Authority - The Authority did not meet in May 2016.

Citizen Information Requests:

During the month of May 2016, a total of 228 cases/violations were inspected or identified in response to citizen service requests or staff field observations: 98 tall grass/weeds; 39 debris/refuse, 31 parking; 27 building maintenance; 11 inoperable vehicles; 8 zoning; 4 property maintenance; 3 signs; 3 safety, sanitation and health; 2 housing maintenance; 1 sidewalk obstruction; and 1 noise.

BUILDING AND HOUSING SERVICES

Construction Board of Appeals: The Board did not meet in May 2016.

Issued permits and conducted required building, electrical, plumbing and mechanical inspections to ensure compliance with local codes/ordinances. The following list shows major permits:

Type of Permit/Application	Number of Permits	Project Valuations
Single-family Houses Detached	3	\$737,081
Residential Additions, Interior Remodels, Garages, Sheds, etc.	37	\$454,575
Commercial Additions, Interior Remodels, etc.	9	\$1,935,885
Permits Not on Report (i.e., demolition, electrical, plumbing, mechanical, driveway, sign, water use/sewer use, etc.).	163	N/A
Totals	212	\$3,127,541

CDBG Housing Assistance Programs

CDBG PROGRAMS				
Activity	Housing Rehabilitation	Water / Sewer	Emergency Repair	Down Payment Assistance
New Applications	0	0	1	1
Applications Approved	0	0	1	1
Loan Closings	0	0	N/A	0
Monthly Projects Completed	1	0	0	0
Projects Underway	5	0	1	1
FY YTD Projects Completed	7	0	0	1

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CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: June 22, 2016

FROM: William Furry, Director of Finance

wfg

SUBJECT: Monthly Report-May 2016

ACCOUNTING /PAYROLL

- Issued 296 accounts payable checks totaling \$1,143,219.93, 132 Automated Clearinghouse (ACH) payments totaling \$621,362.87 and 5 auto-pay payments totaling \$59,287.64 for a grand total of \$1,823,870.44.
- 145 letters were sent to vendors offering the ACH payment option versus a paper check.
- Processed 2 payrolls, creating 576 deposit advices and checks for 318 employees, with a total monthly payroll expenditure of \$947,136.36. First payroll of the month included payment to 88 election workers.
- Received and entered initial payroll records for new and rehired employees, primarily seasonal Parks and Recreation laborers.
- Completed first payroll utilizing the new ADP electronic time system for non-exempt hourly employees. Continued to work on the implementation of the leave request and accrual modules of ADP electronic system.
- Attended City Council Budget Work Session.
- Continued preparation of files and annual audit schedules in preparation for creation of the financial statements for the fiscal year ending June 30, 2016.

TREASURY

- Issued 338 preliminary notices to property owners notifying them of a pending June City Council action regarding unpaid water/sewer charges. This was a 10% decrease compared to the number of letters sent in 2015. Work continued to issue similar notices upon City Council action to occur in June.
- Mailed out 35 letters to escrow and mortgage companies requesting their list of parcels for the summer 2016 tax season.
- Continued administering delinquent business personal property tax collections through small claims litigation. Monitored several payment plans and maintained necessary court filings.
- Prepared and issued the following utility billing statements:
 - 4,692 regular quarterly bills (cycle 2)
 - 167 final bills (increase of 21% from 2015).
- Prepared and issued the following utility billing delinquency notices:
 - 844 delinquent notices (cycle 1 and 4)
 - 470 disconnect notices (cycle 1)
 - 30 delinquent notices to customers with inactive services.
- Shut-off water service for 42 utility customers due to non-payment on May 25, 2016.

- Treasury started emailing utility bills to customers who have requested this service.
- Processed 263 requests to initiate or terminate water/sewer services. Staff averages 10 such requests each business day.
- Treasury staff worked with 93 customers at the counter to whom receipts were not issued. Staff averages 6 such requests each business day.
- Staff handled 1,223 phone calls during May 2016. Since July 1, 2015, 12,551 phone calls have been handled, averaging 54 per business day.
- Treasury Supervisor prepared semi-annual staff evaluations.
- Treasury Supervisor attended Michigan Municipal Treasurer's Association Advanced Training.
- Treasury Supervisor and Treasury Specialist appeared at Circuit Court to have the 2010 delinquent business personal taxes written off per State law.

FINANCE/BUDGET

- Met with Budget Team and Department Heads to prepare for one Council Work Session for the city 2016-2017 budget.
- Participated in one Council Work Session held on May 3rd for the FY 2016-2017 budget.
- Attended council session at which 2016-2017 budget was adopted May 24, 2016.
- Prepared semi-annual employee performance reports.
- Provided all departments with revenue and expenditure BS&A reports to review their budget status through May 13, 2016 and offered to meet with departments to discuss concerns as we approach year end.
- Cashed in maturing investments, analyzed cash position and reinvested funds from called bonds with Raymond James and D.A. Davidson.
- Prepared monthly investment scorecard, input investment activity and balances into SymPro software and generated monthly SymPro reports for the investment committee.
- Met with Parks, Recreation and Senior Citizen Services, Public Services, and the Transportation & Utilities departments on 2015/2016 budget status.
- Began work on final budget book incorporating changes adopted by City Council.
- Director attended a one day Michigan Government Finance Officers Association conference on Advanced Cash Management and Investments.
- Held a bond sale to issue the CIP 2016 Series for both refunding and new projects, total \$2,985,000. The refunding portion (\$2,110,000) yielded net savings of \$323,225.

BENEFITS & COMPENSATION

- Continued to monitor, research, track and implement requirements of the Affordable Care Act (ACA).
- Continued to track city share of health insurance premium limits as provided for by PA-152.
- Calculated health insurance taxes and fees required under the ACA.
- Calculated and approved monthly payments for employee fringe benefit plans (medical, vision, dental, life and long-term disability insurance, flexible spending accounts, pension contributions, etc.).
- Continued to administer Defined Benefit Plan, including locating and coordinating benefit payments for terminated vested participants.
- Began enrollment process for new UAW RHS Plan.
- Began enrollment process for new Roth IRA Plan.

- Administered contractual wage adjustments per applicable labor agreements.
- Administered contractual bonus payments per applicable labor agreements.
- Responded to various employment verifications for employees.

WORKERS' COMPENSATION

- Continued with aggressive case management on a number of work related injury claims. Special attention continues to be directed toward high reserve cases. Focus also directed toward lost-time cases with emphasis placed on returning employees to restricted duty assignments.
- Continued to assist supervisory personnel with employees in restricted duty assignments.
- Provided direction to third party administrator in regard to workers' compensation claims.
- Updated the OSHA 300 Log.
- Attended Follow Up Program for Certified Workers' Compensation Professionals - CWCP.

TO: Laurence Shaffer, City Manager**DATE:** June 22, 2016**FROM:** Shannon Hertz, Deputy Director Human Resources **SUBJECT:** Human Resources Department Monthly Report – May 2016**RECRUITING**

The following positions were filled in May:

- Summer Engineering Intern (1)
- Seasonal Recreation Attendants (2)
- Ramona Park Supervisors (3)
- Lifeguards/Senior Lifeguards (8)
- Police Officer (PT)
- Senior Center Building Coordinators (PT)

The following positions have candidates identified:

- Dispatch/Radio Operators (4 in backgrounds)
- Police Reserve Officers (5 in post-employment offer evaluations)

The following positions are open and/or recruitment efforts are ongoing:

- Director of Human Resources
- Firefighters (3)
- On-Call Firefighters
- Police Officers (3)
- Seasonal Laborer – Equipment (1)
- Seasonal Laborers – General

Employment applications, assessments and recruitment activities:

- 81 Applications processed and screened
- 8 In person and phone interviews conducted – Betsy
- 4 In person and phone interviews conducted – Shannon
- 0 Testing and other assessments conducted

SAFETY, TRAINING AND DEVELOPMENT

April activities to promote the education, development, training and safety of employees included the following:

- Randomly tested 4 participants for drug testing program.
- Conducted On-boarding for 15 new/returning employees.

HEALTH MANAGEMENT PROGRAM

- Continued to administer Health Management Program (HMP) for Department Head, Non-Union, PPCOA, PPOA and UAW employee groups.
- Conducted HMP Special Event #6.

BENEFITS

- Provided benefit consultation to employees terminating, retiring and beginning employment.
- Assisted employees and retirees with various benefit matters, including claim resolution and dependent eligibility.
- Processed benefit changes as necessary, including calculation and submission of payroll deductions including changes made during open enrollment.
- Issued retiree health insurance invoices to 8 retirees and 2 unions.
- Monitored Flexible Spending Account (FSA) reimbursements processed by Kushner & Company for 25 participants for the 2016-2017 plan year.
- Performed administrative requirements to meet legal compliance in regard to the Family Medical Leave Act (FMLA). Processed 16 notifications for employees.
- Performed administrative requirements to meet legal compliance in regards to the Consolidated Omnibus Budget Reconciliation Act (COBRA) for 1 COBRA participant.
- Documented and monitored sick leave usage.

ELECTIONS

- Gathered and coordinated feedback from 13 Chairs and 12 Assistant Chairs regarding May Election along with other various poll workers

TO: Laurence Shaffer, City Manager**DATE:** June 17, 2016**FROM:** Kendall Klingelsmith, CPRP, Director of Parks, Recreation and Senior Citizen Services **SUBJECT:** Monthly Operations Report for May 2016**PARKS & RECREATION:****PARK RESERVATIONS**

Amphitheatre	2
Gazebo	1
Lakeview #1	2
Lakeview #2	1
Ramona #1	2
Ramona #2	2
Schoolhouse	1
Westfield	2
Grain Elevator	7
Schrier	7
Stuart Manor	1
Hayloft	4
Total:	32

EVENTS:

Recycled Art in the Park	75 Participants
May Farmers Markets	3,500+ Participants
Family Fishing Fair	350 Participants
Bicycle Safety Camp	100 Participants

SENIOR CITIZEN SERVICES:**ATTENDANCE AND ACTIVITIES**

Total participations for the month of May were 3,005 with a daily average of 1,167 (21 days).

MEMBERSHIP

Total active memberships for the month of May were 1,297. There were 12 new members who signed up in May, and 56 membership renewals.

VOLUNTEERISM

Total numbers of PSC volunteer hours for May were 2,238 representing the contributions of 172 volunteers whose combined work is valued at over \$48,760.

MAY PROGRAM HIGHLIGHTS

- 35 attended a “Spring Flavors” cooking demonstration, provided by Chef Roger of Medilodge of Portage.
 - Another “Coffee with a Cop” was held, with 32 attending.
 - A spring “Bits of Business” senior expo was held, featuring 18 vendors and was attended by approximately 75 people.
-
- The “Heritage Dinner Series” continued in May with food prepared by the culinary team at Heritage Community. Entertainment was provided by a jazz quartet from Portage Northern High School. 35 participated in the dinner.

TRAVEL PROGRAM

- Total Participation for travel was 145. There were five trips in May, Spring Into Grand Rapids, Kentucky Derby, Meadowbrook Hall and Theatre, Historic Cities of the East and It’s a Mystery.

FUNDRAISING

Income for the month of May was \$2,768 and includes transportation donations, memberships, fundraising and rentals.

OTHER SENIOR CENTER HIGHLIGHTS

- The Friends of the Portage Senior Center held their 21st annual Golf Scramble at Gull Lake Country Club. Approximately 75 individuals participated, and the anticipated net revenue is approximately \$10,000.
- PSC staff participated in the “Senior & Veterans Expo” in Mattawan, allowing contact with new potential members and program participants.

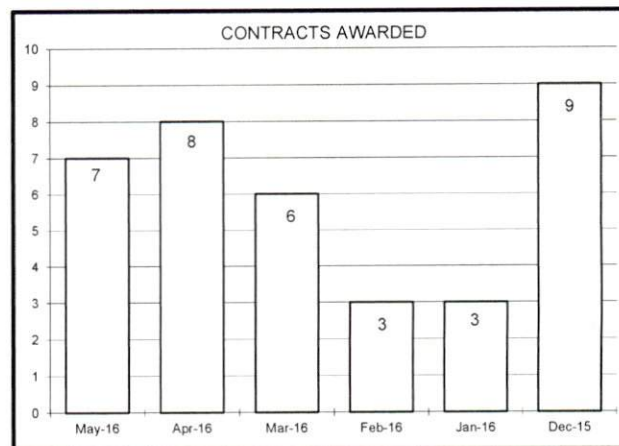
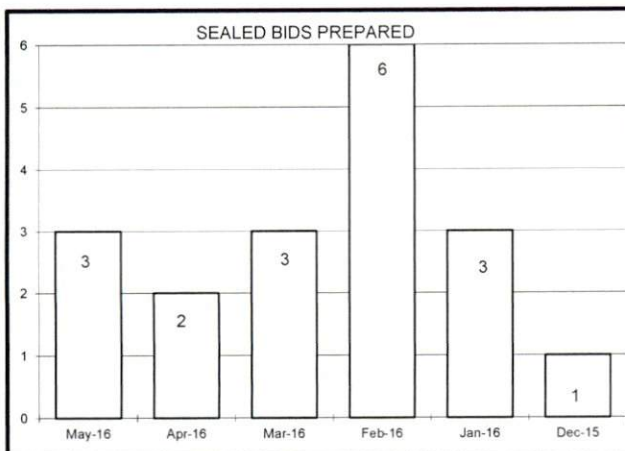
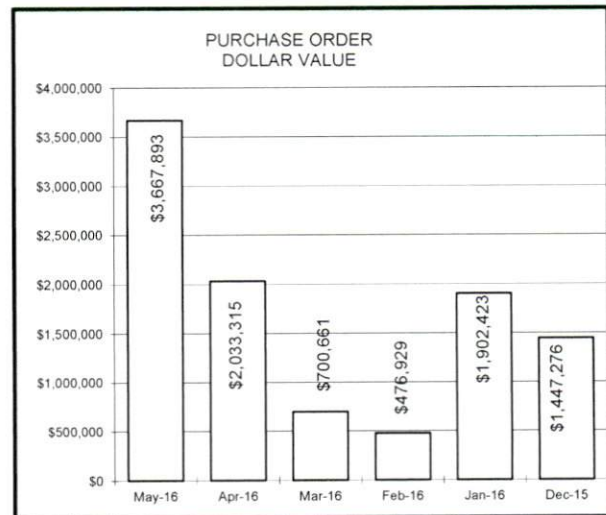
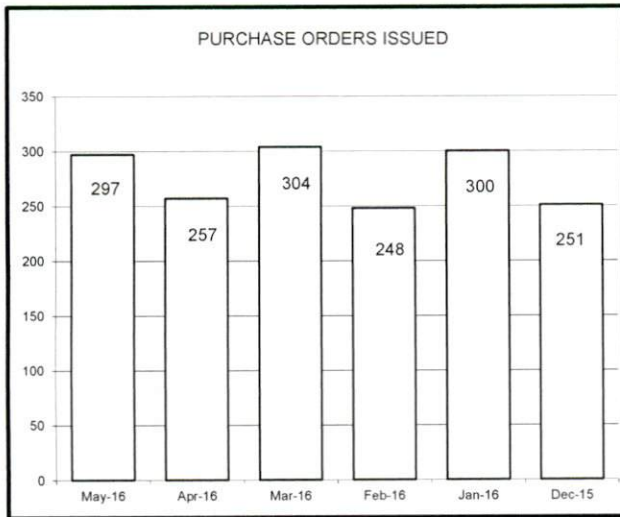
TO: Laurence Shaffer, City Manager

DATE: June 1, 2016

FROM: Rob Boulis, Deputy City Manager



SUBJECT: Purchasing Monthly Report - May 2016



SEALED BIDS OPENED / CONTRACTS AWARDED

Crack Sealing Material
 EMC Storage Backup Solution
 2016-17 Local Streets Reconstruction
 Temporary and Seasonal Employment Services
 Milham #1 Pump Replacement & Motor Rehabilitation
 Montage Digital Learning Platform
 Cleaning Maintenance of Park Facilities
 Food Truck Concessionaire
 Major & Local Streets Summer Mill & Fill

SEALED BIDS PREPARED

Major & Local Streets Summer Mill & Fill
 Zylman Lift Station Renovation
 Garden Lane Bikeway Mil & Fill

- Three new claims were filed with MMRMA, four claims were settled.
- Purchasing staff added 14 new vendors to the purchasing software vendor file.

TO: Laurence Shaffer, City Manager**DATE:** June 17, 2016**FROM:** Rod Russell, Director of Public Services**SUBJECT:** Monthly Operations Report for May 2016**STREET MAINTENANCE ACTIVITIES**

- Repaired turfed lawns caused by Brush Pickup Program
- Conducted mini-excavator & track steer equipment training for DPS laborers
- Conducted Pelican sweeper training for DPS laborers
- Removed & replaced damage concrete on Oakland Drive Park's tennis courts
- Helped in renovation of Ramona Park beach house
- Durapatched major and local streets
- Swept streets that were Durapatched
- Replaced damaged & faded street signs
- Removed trees in the section of Portage Creek Bicentennial Park trail improvements
- Removed dead trees from the city's right-of-way
- Removed fencing/timbers & graded landscape at Celery Flats Interpretive Center garden
- Removed atrium from the Celery Flats Interpretive Center
- Removed retaining wall at Celery Flats Interpretive Center
- Removed graffiti from I-94 sound barrier wall near Burrwood
- Repaired mailbox damaged during snowplowing operations
- Commenced crack sealing work on major streets
- Recycled scrap metal from DPS facility
- Swept parking lot for Bike Safety Camp at Haverhill Park
- Sealed cracks in asphalt on major streets
- Replaced damaged section of concrete sidewalk at Ramona Beach House
- Removed scrap metal to recycling facility from DPS yard
- Repaired damaged shingles on DPS storage buildings
- Added caulking material to cracks in Oakland Drive Park tennis courts
- Supported preparation for opening of the Ramona Beach House with interior & exterior modifications
- Removed an air conditioning unit from Ramona Beach House & re-sided the area
- Installed garbage dumpster concrete pad with block walls at Ramona Park
- Hired contractor to remove a pile of dirt spoils from DPS yard
- Hired contractor to paint major street traffic lines
- Hired a contractor to remove 2,177 cubic yards of household trash during the Spring Cleanup Program that started 4/18/16 and ended 5/19/16
- Supported the Transportation & Utilities Department by placing message boards on East Osterhout & M.L. King Drive
- Supported the Senior Center People's Food Co-op Farmers Market on 5/1/16
- Supported the City Clerk by installing & removing voting signs on 5/3/16

- Hired contractor to remove 2,177 cubic yards of household trash during the Spring Cleanup Program that began 4/18/16 and ended 5/19/16
- Supported Latex Paint Recycling Program on 5/14/16 which hosted 238 cars & removed 3,653 cans of paint totaling 10 tons
- Supported Department of Transportation & Utilities in un-plugging a culvert which serves the Portage Creek
- Supported the Department of Public Safety by transporting tables & chairs from Schrier Park to Fire Station #1 on 5/20/16 for 2016 EMS Week (Blood Drive)
- Supported Cure Search Walk on 5/21/16
- Supported Family Fishing Fair on 5/21/16
- Supported Kidney Walk on 5/22/16

Weekly Curbside Recycling Program - The following summarizes total weights of recyclable materials collected during the month of May 2016 as well as Fiscal Year-to-Date totals:

**WEEKLY CURBSIDE RECYCLING PROGRAM COLLECTION SUMMARY
 TOTAL WEIGHT OF RECYCLABLE MATERIALS COLLECTED**

Date	Fiber Collected (tons) (Paper/Cardboard)	Rigids Collected (tons) (Glass/Plastics)	Single Stream Recycling (tons)	Totals (tons)
May 2016	0	0	217.2	217.2
FY 2015-16	161.25	73.9		1,905.52

Note: There were 31 new requests for recycling services in the month of May.

PARKS MAINTENANCE ACTIVITIES

- Supported three cemetery interments
- Poured & restored cemetery headstone foundations
- Repaired broken headstone at Indian Fields Cemetery
- Prepared cemeteries for Memorial Day
- Repaired damaged boards on park benches
- Prepared the softball fields for league practices and tournaments
- Mowed grass at city properties
- Removed debris on the trail system
- Prepared facilities for upcoming rentals
- Install concrete parking bumpers at Lexington Green Park
- Repaired broken water back flow valves at three parks
- Removed leaves & debris & trash from city properties
- Repaired broken lights in the park facilities
- Prepared irrigation systems for water turn on
- Repaired plumbing problems at South Westnedge Park concession building & Oakland Drive Park
- Removed old split rail fence near the Ramona Park Beach House
- Fixed safety concerns on Lakeview Park playscape

- Prepared Ramona Park beach area for upcoming opening
- Repaired broken steps in Hayloft Theater
- Prepared flower beds for spring planting
- Removed & replaced top soil in flower bed on Library Lane
- Restored lawn at Ramona Beach House entrance sidewalk
- Added woodchips to Senior Center flower bed
- Hauled top soil to Senior Center for flower bed installations
- Removed debris from Senior Center gardens
- Repaired a broken swing at Ramona Park
- Placed canoe & trappers in preparation for flower planting
- Removed trash from the park system
- Installed Portage Creek Bicentennial Park Trail Head water fountain
- Repaired restroom items at Oakland Drive Park
- Supported Rotary in the placement of American Flags in all cemeteries
- Supported the Senior Center People's Food Coop Farmers Market on 5/1/16
- Supported the Recycled Art in the Park at Celery Flats Historic Area on 5/7/16
- Supported the Public Safety Department by removing parking bumpers on 5/11/16
- Supported HMP event at Lakeview Park on 5/18/16
- Supported Kalamazoo in Bloom group during their flower planting on 5/20/16
- Supported Cure Search Walk on 5/21/16
- Supported Family Fishing Fair on 5/21/16
- Supported Kidney Walk on 5/22/16

FLEET & FACILITIES DIVISION

The Fleet & Facilities Division generated 169 work orders for the month of May 2016. A total of \$17,375.97 was spent on billable labor hours while the parts costs were \$16,553.34. The outside contracted work was \$2,619.66.

May 2016	May 2015	
169	90	Work Orders
\$16,553.34	\$5,664.84	Parts Cost
\$17,375.97	\$10,690.61	Labor Cost
14	7	Preventative Maintenance (P.M.) Work Orders Completed
\$191.52	\$195.60	Average Cost per P.M
\$2,684.28	\$1,369.21	Total P.M. Cost
\$0	\$1,788.20	Contracted Repairs-Body & Painting
\$2,619.66	\$2,655.74	Contracted Repairs (Not Including Body & Paint)
\$2,026.51	\$9776.69	Building Renovations

BUILDING MAINTENANCE

1. Custodial Operations
2. City Hall, Police, and Senior Center support services

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: June 20, 2016

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

SUBJECT: Monthly Report for May 2016

A Portage Department of Public Safety “Employee Recognition Ceremony” was held in the Council Chambers on May 6, 2016. Public Safety Director White presented awards to department employees based on recommendations from the employees’ peers.

Letters of Commendation

A Letter of Commendation may be issued to a person or group of persons who exhibit outstanding diligence, perseverance, alertness, or highly creditable accomplishment.

Patrol Officer David Barker - for his assistance to the property and evidence function by researching property and evidence dispositions.

Radio Operator Valerie Halcomb - for her exceptional skill while aiding another police agency. Her research led to the identification of a suspect during an armed robbery.

Patrol Officer Nicholas Mattson - for his dedication as an instructor in the “Below 100” program, which focuses on educating officers on the avoidable high-risk behaviors that put their lives in jeopardy.

Patrol Officer Nicholas Mattson - for his dedication to, and tireless participation in, the Field Training Team.

Patrol Officer Trever Patterson - for his diligent and persistent police work on October 13, 2015 that resulted in the arrest of a suspect for possession of a loaded and stolen firearm and possession with the intent to deliver cocaine.

Radio Operator Brian Stulgaitis - for his perseverance and determination on October 6, 2015, assisting officers in locating an endangered elderly citizen.

Patrol Officers Robert Swantek, Kyle Doster, Jessica Smith; Detectives Brett Stapert and James Myers; and, Radio Operators Valerie Halcomb and Dennis Cox. Upon receiving a 9-1-1 call that a subject had attempted to abduct and sexually assault a woman, officers, detectives and radio operators began a team effort to assist the victim and locate and arrest the suspect. Their collaborative efforts resulted in the arrest of the sexual assault suspect.

Patrol Officer Eric Vesey – His keen observations, while off-duty, led to the arrest of several suspects for possession of false or forged transaction devices.

Unit Citation

The Unit Citation Award may be awarded to a shift, crew, or company for significant events that merit recognition.

Unit Citation - Captain Kevin Hawkey, Firefighter Dave Carroll, and On-call Firefighter Paul Quezada - for their lifesaving efforts on January 10, 2015 during an icy water rescue.

Unit Citation – Battalion Chief Tim Foley, Captains Kevin Hawkey and Clay Hollister, Firefighters Nick Haverkamp and Dave Carroll, and On-call Firefighter Paul Quezada - for their lifesaving efforts to two patients who had been shot and a third with serious injury on May 14, 2015.

Unit Citation – Captain Louie Playford and Firefighter Tom Huss - for saving the life of a motor vehicle crash victim by performing CPR and providing other advanced medical care.

Innovation Award

The Innovation Award may be earned by an individual, group or team for an outstanding innovative accomplishment that results in improved public service, operations or administration, or a substantial savings to the City.

School Resource Officer Ronald Clark - for the design, development and implementation of the Portage Public Schools Action Plan, which will be initiated in the event of an emergency.

Meritorious Service

The Award of Meritorious Service may be awarded for service rendered in the line of duty where a member performs difficult tasks under unusual circumstances and goes beyond that which is normally expected where crime is prevented, life and property protected, or criminals apprehended.

Captain Kevin Hawkey - for his dedication to the development and delivery of training to Fire Division personnel.

Firefighter Mike Norris - for his dedication to the Fire Division Accreditation process.

Volunteer of the Year

Chaplain Kenneth Hovenkamp is a valued asset to the Portage Department of Public Safety, always going “above and beyond.” Some of his contributions include the establishment of a community benevolence fund for officers to use to help people in their time of need. The funds

are used for gas, groceries, a room for the night, or any other emergency. Chaplain Hovenkamp spends time riding with firefighters and police officers, connecting with public safety employees at their stations, and visiting our sick or injured. After assisting a family that was dealing with the death of a loved one, Chaplain Hovenkamp was later contacted by the father, who asked the chaplain to officiate at the funeral service. Chaplain Hovenkamp agreed and performed his first funeral. After the service, the mother told the chaplain, "This is exactly the service I wanted."

On-call Firefighter of the Year

Firefighter Paul Quezada has served the Portage community and the department for over 14 years. His commitment to the residents of Portage and his fellow firefighters is exhibited by his countless acts of service as a firefighter, peer, mentor, and neighbor. He has a notable record of response to call-ins and can always be counted upon to provide help where and when needed. During the last year, as one of the child safety seat technicians, Firefighter Quezada has been responsible for the safe ride of over 92 children.

Employee of the Year – Non-sworn

Records Clerk Amber Deniston has been described as a "go to" person, aiding coworkers, setting up complex queries, proofreading reports and performing tedious statistical work. She demonstrates an ability and desire to take on additional work beyond her regular assignment. Records Clerk Deniston's skills and abilities have also proven helpful in improving mobile video records retention and processing FOIA requests. She also developed and implemented a tracking process for authorized/denied charging requests.

Firefighter of the Year

Approximately two years ago, the Fire Division began the process of attaining department accreditation. Over 2,000 hours were spent by various members of the department researching and analyzing information to meet the requirements. Captain Larry Moore, as the accreditation manager, was the guiding force during this significant undertaking. He ensured documents were completed in a timely fashion, reviewing and editing the documents, then modifying them according to the assessors' recommendations. In March of 2016, the Fire Division was awarded accredited status by the Commission of Fire Accreditation International.

Employee of the Year – Sworn

Detective Michele Kozminske demonstrates compassion and concern for those in need. Her professionalism and expertise has been used in numerous investigations, many of which could be called "high profile." One of the investigations was a homicide. Detective Kozminske worked with the victim's family during extremely emotional circumstances. She remained focused on her duty as a detective while demonstrating care, concern, and compassion in tragic circumstances. Most of Detective Kozminske's cases involve criminal sexual conduct crimes. The victims include adults, children and those with special needs. Because of their nature, these crimes can be emotionally, psychologically, and physically draining casework. In addition to

collecting and documenting the facts of these incidents for prosecution, considerable time and effort is spent just talking to and calming victims.



POLICE DIVISION STATISTICAL SUMMARY

Police Incidents Dispatched:	1,856
Fire Incidents Dispatched:	415
Gun Registrations:	97
Warrants Obtained:	96
Expressway Incidents Handled:	83
9-1-1 Calls Received	2,496

ARRESTS

Total Adult Arrests: 321

Major Charges:

- Aggravated/Felonious Assault-Family
- Assault with Intent to Do Great Bodily Harm
- Resisting Officer
- Carrying a Concealed Weapon

Total Juvenile Arrests: 46

Major Charges:

- Burglary-Forced Entry of Residence
- Aggravated/Felonious Assault
- Resisting Officer
- Arson

APRIL CRIME STATISTICS

Violent Crimes:	71
Non-Violent Crimes:	338

Reported Crimes - April 2016 Compared to April 2015:

Part I Crimes:	- 8.1%
Part II Crimes:	-11.8%

Year-to-Date Comparison:

Part I & II Crimes Total YTD: -12.8%

TRAINING

Topics: Crisis Intervention
Basic SWAT School
Decoy K-9 Training
Civilian Response to Active Shooter

VOLUNTEER HOURS

May:	117
YTD:	516

EMPLOYEES INJURED

May:	1
YTD:	8

FIRE DIVISION STATISTICAL SUMMARY

Calls for Service		Count
Fire		8
Overpressure Rupture		5
Rescue & Emergency Medical Service Incident		219
Hazardous Condition (No Fire)		5
Service Call		56
Good Intent		93
False Alarm and False Call		26
Special Incident Type		2
Total Calls		414
Total Property Loss		\$69,100.00

Inspections		Count
Annual Attempt & Inspection		447
Reinspection Attempt & Inspection		25
Key Box		1
Fire Protection Inspection/Plan Review		6
Plan Review		3
Campfire Permit and Inspection		11
Final or Move-in		8
FOIA		4
Other		9

Auto/Mutual Aid		Count
Automatic Aid Received - Comstock		1
Automatic Aid Given - KDPS		2
Mutual Aid Received - Texas Twp.		1
Mutual Aid Given - Texas Twp.		1
Automatic Aid Received - Texas Twp.		1
Automatic Aid Received - Oshtemo		1
Mutual Aid Received - Oshtemo		1
Mutual Aid Received - Pavilion		1
Mutual Aid Given - Pavilion		3

Public Education	Adult	Child
Car Seats	15	7
Station Tour	58	60
Public Relations	17	27
Lecture Demo	131	190
		Installed
Car Seats		22

Training		Count
SCBA Maintenance and Testing		27
Search and Rescue		30
Rope Rescue		32
EMS - Burns		32

MAY SIGNIFICANT EVENTS

On May 5, 2016 at 12:38 a.m., the Portage Department of Public Safety Police and Fire responded to 10615 Cora Drive regarding a possible stabbing. The victim, a 43-year-old Portage resident, had been stabbed several times by an unknown subject, who had fled the residence through a rear door. Upon arrival, officers and rescue units quickly started treating the victim's injuries. The victim was transported to a local hospital in serious condition. After interviewing several people, including friends and family of the victim, detectives were able to determine the identity of the suspect. Detectives subsequently located the 19-year-old suspect at school and arrested him. Detectives also determined that the suspect had stolen two vehicles and broken into other vehicles. Evidence technicians logged many hours collecting, documenting, and processing items from the scene of the stabbing and from the two stolen vehicles. Ultimately, the suspect was charged with Home Invasion First Degree, Assault with Intent to Do Great Bodily Harm, and two counts of Unlawful Driving Away of an Automobile.



Fire/rescue and police units were dispatched to a vehicle accident on I-94 at Oakland Drive. Arriving units found a semi-tractor trailer overturned on the driver's side, fully engulfed in flames. The accident investigation revealed that the minivan went off the roadway, struck the concrete support for the overpass, and then quickly veered back into the travel lanes and in front of the semi. The driver of the semi attempted to stop, but the semi began to slide sideways, at which time it jackknifed. Two unidentified subjects helped extricate the driver from the cab before it was fully engulfed in flames. Two additional fire engines arrived at the scene, and the fire was extinguished. The driver of the minivan was critically injured in the crash. Both the truck driver and the driver of the minivan were transported to the hospital by ambulance.

A report of a hit-and-run personal injury accident was received. The victim was southbound on Portage Road and was struck from behind by another vehicle. The suspect left the accident scene and fled south on Portage Road, losing front end parts from the vehicle along the way. Officers were able to determine the make of the vehicle and located it a short time later. K9 Rocco tracked the path of the driver and occupants from the suspect vehicle to the door of an apartment, where they were located. The investigation is continuing.

Officers were dispatched to a Portage residence on the report of a subject pointing a handgun at two other individuals. Arriving officers were informed by the victims that the subject pointed the gun at them after being involved in an argument. While obtaining information concerning the suspect, a gunshot was heard from behind a residence to which the suspect had apparently returned. Attempts to contact the suspect were unsuccessful. Two days later, after a four-count felony warrant was issued on the suspect, officers located the suspect vehicle at a local hotel. After a brief standoff, the suspect emerged and surrendered without incident. The suspect was lodged at the Kalamazoo County Jail and was subsequently charged with two counts of Felonious Assault and two counts of Felony Firearm.



Fire units were dispatched to a rollover accident on northbound US 131, just north of Centre Avenue. When firefighters arrived on scene, they found the vehicle rolled over on the driver side door, on the verge of rolling over onto its top. Several bystanders were holding the car up, preventing it from rolling over. Officers on the scene reported that one person with unknown injuries was trapped in the vehicle, and it appeared the vehicle was leaking fluid.

Firefighters applied Paratech Strut stabilization tools to support the weight of the vehicle. Once these innovative tools were in place, the crew worked to remove the windshield and doors from the vehicle. The patient, who sustained injuries in the accident, was then slid out of the vehicle on a backboard.

Special Activities

Portage firefighters participated at the Portage Fish Fair with mascots, a fire engine for tours, and hands-on CPR instruction.



RJW:JMH;jh

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: June 10, 2016

FROM: Devin Mackinder, Director of Technology Services & Community Marketing



SUBJECT: Department Monthly Report – May, 2016

The following summarizes some of the public information and technology activities for the month of May

Cable Access

Continued administration of the Cable Communications Franchise Agreement with Charter Communications, AT&T and the Cable Television Access Agreement with Public Media Network:

Significant Activities:

- Continued taping various special programs (HMP, PSI, Lunch & Learn, etc.)
- Continued working with Director Haasch on emergency broadcast protocols
- Several audio/video issues continue. Continue working with PMN to resolve

Internet/Intranet Web Site

Continued with daily updates to city Internet and Intranet web sites as well as preparing for future updates and upgrades and compiling monthly statistics.

Significant Activities:

- Researching municipal website development vendors for updating the city internet/intranet sites to make them more user/mobile friendly.

Telecommunications

- Continued working on the Fibertech ROW permit process
- Continued reviewing the Network Utility Authority request

Contract Administration

- Completed Symantec anti-virus renewal
- Completed Solarwinds network performance renewal

Information Technology

Continued with several technology projects, supervising Technology Services Department staff and researching new technology opportunities that work toward city goals of providing efficient and cost-effective services.

Significant Activities:

- Began working with the City of Kalamazoo new IT director on connecting fiber
- Continued PortageAlert mass notification system for emergency initiatives
- Continued updating the Firehouse application to .net
- Continued researching city website rebuild vendors
- Continued investigating options for upgrading the inadequate decades-old multi-mode fiber ring
- Continued implementation of the ADP time and attendance system
- Continued researching various new technologies
- Continued researching posting live snow plow location tracking on the city website
- Continued researching new citywide keyless entry and camera system project
- Continued new World system migration
- Continued implementing the new Streets work order system
- Continued conversation with Portage Public Schools to access school cameras and entry systems
- Completed migration of Suez inventory data into BS&A
- Continued working on a new GIS layer for fiber assets
- Continued installation of Jabber and IM phone system capabilities
- Completed update of city software applications listing
- Continued developing plan for backup storage replacement and expansion
- Continued replacement of several inoperable surveillance cameras
- Began development of a Parks Facebook page

Marketing Activities

- Continued oversight and management of all city marketing activities
- Continued Branding support initiatives

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: June 21, 2016

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

SUBJECT: Transportation & Utilities Department Monthly Report for May 2016

The month of May 2016 was a busy month for both Transportation & Utilities staff and the Suez Environmental staff. As to the Suez Environmental operations, emphasis during the month continued to be directed at ensuring the various activities related to the utility operation were being completed professionally and in a manner to ensure that service levels committed to under the Suez Environmental contract with the city are completed in a timely manner.

Major accomplishments involving the Suez operations during the month include:

1. Inspections continued on sewer lift stations and water wells. During May, 615 inspections were made by Suez personnel.
2. Suez personnel received 28 customer service calls during May.
3. Suez personnel responded to 36 after-hour panel alarms as indicated on the SCADA control panel monitoring the city's water and sanitary sewer facilities.
4. Approximately 137 million gallons of water were produced/pumped during May. Production averaged around 4.5 million gallons of water per day during the month. Six hundred eighty-four water quality analyses were completed during the month.
5. Eleven new meters were installed and three new service leads required to be tapped during the month of May.
6. Miss Dig stakings were completed at 449 locations.
7. Three water main breaks occurred during the month of May at 2509 Brookhaven Drive, 4221 East Milham Avenue and 518 South Shore Drive.
8. Suez personnel cleaned a total of 13,121 feet of sanitary sewer main and inspected and cleaned 68 manholes.

In the transportation and utility areas, the following activities in May were either completed or ongoing at month's end.

1. Review of new development plans from a transportation and utility standpoint continued during the month. Six development and building plan were reviewed.
2. The city and Suez Environmental are currently in the 5th year of a five-year contract renewal approved by City Council on December 6, 2011. The Utility Contract Administrator was very busy overseeing the Suez Environmental operations, addressing customer concerns, inspecting public and private utility construction and inspecting city-owned stormwater and utility facilities. Recent focus by Suez has been sanitary sewer cleaning and maintenance on the water utilities. Lead and copper testing at no cost to Portage utility customers has continued through the month with the Utility Contract Administrator managing the program. Approximately 60 samples have been analyzed. No samples contained lead levels above 1 parts per billion (ppb). The USPEA action level is 15.0 ppb. The program is expected to run through the end of July.
3. The Traffic Engineering section was very active during the month of May investigating complaints/concerns regarding operation of traffic signals, performing traffic volume/accident analyses and reviewing new streetlight installations. Traffic counts for a traffic speed study for the Lake Center area of Portage Road and Centre Avenue were completed and submitted. The results indicate that posted speeds on Portage Road are enforceable and speed limits on Centre Avenue warrants changes. Much effort was expended on analysis and modifications for traffic operations city-wide and traffic analysis for the various traffic signal installations scheduled for 2016 and oversight of the Lovers Lane CMAQ project and South Westnedge Avenue / Romence Road Safety project.
4. Beginning in 1994, the city has administered a Stormwater Retention Basin and Stormwater Outfall Testing and Monitoring. Annual results showed declining groundwater table levels throughout the city along with stable storm water monitoring results. Report finalized and received in November 2013. Annual results indicate a 1 to 3 feet decrease in groundwater table since 2012, but generally a 6-inch increase due to recent rainfall. New “request for proposals” were solicited in February with proposals received on April 16, 2014. The low bid in the amount of \$22,756.04 for 2014 to 2018 was awarded to Nova Consultants on April 29, 2014. Sampling was completed in July and December. No new developments.
5. In association with the Community Development Department, staff prepared a “Request for Proposals” for consultant services to update the Storm Water Design Criteria Manual and the Sensitive Land Inventory Map. Proposals were received in January 2010 and reviewed by staff. City Council awarded a contract to Fishbeck, Thompson, Carr, and Huber in the amount of \$45,000 to complete the project. Sensitive Land Inventory is complete. Draft storm water manual submitted to staff by the consultant for staff review. Final approval is pending changes to the city stormwater discharge permit issued by the State of Michigan.
6. City traffic signal maintenance is performed under contract to a specialized electrical traffic signal contractor. City staff initiated a new bid package for traffic maintenance with bids received July 23, 2015. Sole bid in the amount of \$176,300 submitted by Severance Electric. City Council approved on August 11, 2015. Severance Electric, Inc., began new contract on September 1, 2015. Recent work has focused on fiber optic signal interconnection maintenance, bulb replacement and controller upgrades.

Implementation of the Capital Improvement Construction Program was also an ongoing activity as the construction season was completed. Accomplishments during the month of May included the following:

1. In August 2015, the City Administration was awarded \$195,000 by the State of Michigan for the implementation of a Storm Water Basin Asset Plan. The plan will provide an assessment of the functionality and operation of the 73 city-maintained storm water basins. Engineer proposals were received on January 15, 2015. Nine proposals were received. After review, it was determined that three of the proposals best matched the needs of the city. Appointments were scheduled in March to interview the three firms and select the top proposal. On March 24, 2015 City Council awarded the contract to Hurley & Stewart, LLC, in the amount of \$209,000. Work is ongoing.
2. In September 2014, the city was awarded \$300,000 in Congestion Mitigation and Air Quality (CMAQ) federal funding for the upgrade and interconnection of traffic signals on Kilgore Road from Woodmont Drive to Lovers Lane and from Lovers Lane to East Centre Avenue. The project will incorporate coordinated signal timing and video detection into the city traffic operation scheduling. Engineering proposals were received on January 15, 2015. An award to Abonmarche Consultants in the amount of \$33,480 was approved by City Council on February 10, 2015. Design work is complete and the project has recently been obligated with FHWA funding. Bids opened by in December 2015. Low bid submitted by Severance electric in the amount of \$388,447. Construction began April 1, 2016 and is ongoing.
3. The 2015-16 Capital Improvement Program includes a project for the reconstruction of East Osterhout Avenue from South Westnedge Avenue to Portage Road. In addition to the road reconstruction on East Osterhout Avenue, improvements will also include localized storm drainage improvements, necessary curb and gutter or paved shoulder replacement/repair, and lawn restoration as appropriate. This project will be designed to include “complete street” enhancements including widened bike lanes as part of the “Natural Place to Move” initiative. The city received consultant proposals for the necessary engineering services from six consultants on August 11, 2015. On August 25, 2015, City Council awarded the contract to Abonmarche Consultants, Inc., in the amount of \$62,905. Engineering is complete. Bids were received on February 25, 2016. Local bid of \$833,533 was submitted by Michigan Paving & Materials and awarded by City Council on March 22, 2016. Construction began April 18, 2016. Tree Removal and drainage structure installation is complete. Driveway and curb/gutter installation is underway. Work is ongoing.
4. The 2015-16 Capital Improvement Program includes a project for the reconstruction of Portage Road from Romence Road Parkway to East Milham Avenue. This project is included in the 2016 Kalamazoo Area Transportation Improvement Program (TIP) and will be bid by the Michigan Department of Transportation. Improvements include widening from four to five lanes from Ramona Avenue to approximately 500 feet north, necessary concrete gutter repair and storm drainage improvements as needed. The project also includes the design of a non-motorized trail along the east side of Portage

Road from Romence Road Parkway to East Milham Avenue, utilizing trail easements granted to the city by the Air Zoo and Kenco Logistics Company. The city received consultant proposals for the necessary engineering services from five consultants on August 4, 2015. On August 25, 2015, City Council awarded the contract to Wightman & Associates, Inc., in the amount of \$67,300. Engineering is complete. Bidding by MDOT completed March 4, 2016. Construction began April 25 with lane widening, trail construction and asphalt base course completed. Final asphalt and lane striping to be completed in June.

5. The 2015-16 Capital Improvement Program includes projects for the reconstruction of three Major Streets:

- Constitution Boulevard from Romence Road to Milham Avenue
- South Westnedge Avenue from Shaver Road to East Centre Avenue
- East Centre Avenue from Shaver Road to South Westnedge Avenue

In addition to pavement resurfacing, these projects also include Americans with Disability Act (ADA) upgrades, curb and gutter replacement as needed, the replacement of median landscaping with stamped concrete and installation of traffic signal fiber optic cable through an existing conduit located in the median of Constitution Boulevard and enhanced pedestrian crossings for all projects. The city received consultant proposals for the necessary engineering services from six consultants on August 20, 2015. Low bid in the amount of \$87,950 was submitted by Paradigm Design. City Council approved a contract to Paradigm Design on September 8, 2015. Engineering complete. Bids received in March and the low bid was submitted by Rieth Riley in the amount \$819,169.15. City Council awarded a contract on March 22, 2016. Construction to begin June 13, 2016 with replacement of railroad crossing on West Centre Avenue.

6. The 2015 -16 Capital Improvement Program includes a project for a Local Street Neighborhood Calming Program. A budget of \$10,000 was established for professional services and the remaining \$15,000 will be used for implementation of the program. The city received letter proposals from six consulting firms on August 11, 2015 and has chosen to award the project to OHM in the amount of \$10,000 based on experience and their proposed approach to developing a project plan that will best meet the City's needs. Development of the program is underway. Draft Program under review.
7. The 2015-16 Capital Improvement Program includes the design and construction of new traffic signals and associated street improvements on West Centre Avenue at the intersections of Old Centre Road and Cooley Drive. Included in the project are modifications to the existing driveways on West Centre Avenue within the influence of the Greenspire Retail Drive/Cooley Drive intersection to promote use of the new protected left-turn phase at the traffic signal and limit left turns out of driveways close to the intersection. The project will consist of the minor turn lane construction, along with sidewalk modifications to meet Americans with Disability Act (ADA) requirements. On August 11, City Council awarded an engineering contract to Abonmarche Consultants, Inc., in the amount of \$75,160. Engineering is complete. Bidding is scheduled for July.

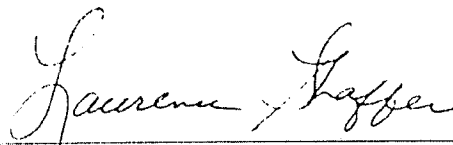
8. The 2015-16 Capital Improvement Program includes the design and construction of new traffic signal equipment at South Westnedge Avenue and Kilgore Road and design work for the intersection of Portage Road and Lakeview Road. Proposals were received on September 10, 2015, with the low proposal of Abonmarche Consultants awarded a contract in the amount of \$46,835 on September 22, 2015. Engineering underway. Bidding scheduled for July 14, 2016.
9. The 2015 - 2016 Capital Improvement Program was awarded on September 22, 2015 to include the traffic signal replacement at South Westnedge Avenue and Romence Road. As part of a federal safety program, \$261,000 of federal grant monies was secured for the project. On September 22, 2015, City Council awarded a contract to Abonmarche consultants in the amount of \$47,840 for engineering design and construction administration. Grade inspection completed for January 13, 2016 with MDOT. Bidding set for July 28, 2016.
10. The 2015 – 2016 Capital Improvement Program includes a project for installation of sanitary sewer and replacement of water main on South Shore Drive, South Westnedge Avenue to West End Drive. The sanitary sewer portion of the project is scheduled to be financed using property owner special assessments in addition to utility bonding. Special Assessment Resolution 1 was adopted by City Council on November 3, 2015. Special Assessment Hearing Resolution No. 2 was adopted by City Council on November 17, 2015 and an engineering contract to Midwest Civil Engineering in the amount of \$42,500 was approved. Special assessment Resolution No. 5 approved on February 9, 2016. Bids received in March. Low bid submitted by Balkema Excavating in the amount of \$481,463.06 was awarded on April 12, 2016. Construction began in May with sanitary sewer installation underway. Water main installation to begin early June. Work is ongoing.
11. In July 2015, City Administration began discussion as to the requirements necessary to convey Martin Luther King, Jr., Drive (MLK) to the City of Portage as a public street. Stakeholders meeting was held on November 9, 2015 to discuss financing and construction costs. On December 15, 2015 a development agreement, special assessment Resolution No. 1 and land division of MLK were all approved by City Council. A contract agreement in the amount of \$19,500 was processed with Wightman & Associates for design engineering. Special assessment Resolution No. 2 and No. 3 were approved in January 2016. Resolution No. 4 is scheduled to be approved at the February 9, 2016, meeting. Resolution No. 5 scheduled for a public hearing on March 22, 2016. Bids received on February 25, 2016 with the low bid received from Hoffman Bros. in the amount of \$379,920. City Council approved Resolution No. 5 and the low bid on March 22, 2016. Construction began April 4. Curb and gutter, water main and sanitary sewer installation along with base pavement completed. Final paving scheduled for June 2. Ribbon cutting ceremony scheduled for June 6.
12. The 2015 – 2016 Capital Improvement Program includes a project for the reconstruction of local streets at various locations. The project consists of pavement repair, miscellaneous curb and sidewalk replacement and construction of sidewalk connections in accordance with the city's "complete street policy." Project consists of 37 local

streets. The low bid of \$1,639,086.77 was awarded to Rieth Riley Construction Company on April 12, 2016. Phase I began in the Westfield neighborhood. Construction is ongoing.

MATERIALS TRANSMITTED

Tuesday, June 14, 2016

1. **TO BE ADDED TO THE JUNE 14, 2016 CITY COUNCIL AGENDA AS ITEM E.1:** Request for permission from Mr. Joshua McBarnes to encroach on city property located at 5798 West Haverly Drive.
2. Communication from the City Manager regarding a letter from the Gourdneck Lake Association concerning the creation of a governmental lake board – Information Only.

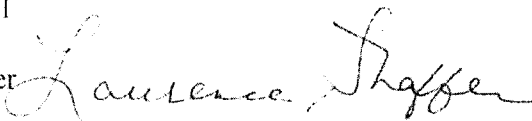


Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Petitions & Statements of Citizens – Encroachment Request

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities
Vicki Georgeau, Director of Community Development

The attached letters were received relating to a request for permission to encroach on city property west of 5798 W. Heverly Avenue.

If Council desires, this communication can be referred back to the City Administration for further review and response for the next City Council meeting on June 28, 2016.

Attachments: June 14, 2016 Letters from J. McBarnes (on behalf of the property owners)

J.J. Real Estate Investments, LLC
dba Paramount KZOO Landscape Services
1151 W. Milham Ave.
P.O. Box 123
Portage, MI 49024
269.626.5991

14th, June, 2016

To: City of Portage

Attention: Mayor Peter J. Strazdas

Subject: Request for permission to encroach on city property located west of 5798 W. Heverly Ave.,
Portage, MI 49024

J.J. Real Estate Investments, LLC with myself, Josh McBarnes as President. Josh McBarnes is a Portage resident since 2013 who resides at 5590 Old Mission St., Portage, MI 49024 and has been contracted with Christopher and Jessica Roe of 5798 W. Heverly Ave, Portage, MI 49024 to build a retaining wall on the above mentioned property. The wall does not encroach on city property.

Written request to encroach on City of Portage property which runs 10' east of the retention pond fence line. Homeowner is requesting to install an irrigation system at residence with a removable fire pit that will run through the City of Portage property.

Please inform me of any questions or corrections to request

P: 269.626.5991

E: paramountkzoo@gmail.com

Thank you for your assistance!



Joshua J. McBarnes

RECEIVED

JUN 14 2016

CITY MANAGER'S OFFICE
PORTAGE, MI

J.J. Real Estate Investments, LLC
dba Paramount KZOO Landscape Services
1151 W. Milham Ave.
P.O. Box 123
Portage, MI 49024
269.626.5991

14th, June, 2016

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Attention: Mayor Peter J. Strazdas

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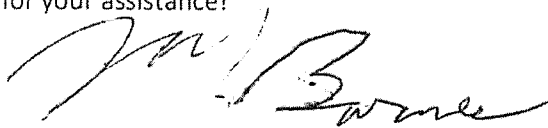
Request to sub-contract and move fence 10' west of existing fence line. Homeowner request to install a privacy screen on existing fence while in the future, if approved install his own privacy fence.

Please inform me of any questions or corrections to request

P: 269.626.5991

E: paramountkzoo@gmail.com

Thank you for your assistance!



Joshua J. McBarnes

RECEIVED

JUN 14 2016

CITY MANAGER'S OFFICE
PORTAGE, MI



MATERIALS TRANSMITTED
JUNE 14, 2016

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager

SUBJECT: Gourdneck Lake Association Request – Information Only

SUPPORTING PERSONNEL: W. Christopher Barnes, Director of Transportation & Utilities

The attached letter was received from Chris Haas, President of the Gourdneck Lake Association, regarding the request to form a governmental lake board for Gourdneck Lake between the City of Portage and Schoolcraft Township.

This is being provided to Council only as information at this time. The communication is expected to be formally included on the June 28, 2016 City Council Agenda.

Attachments: June 7, 2016 Letter from C. Haas. Gourdneck Lake Association

RECEIVED

JUN 09 2016

CITY MANAGER'S OFFICE
PORTAGE, MI

June 7, 2016

Gourdneck Lake Association
Chris Haas, President
10631 Sudan Street
Portage, Michigan 49002

City of Portage

Ladies and Gentlemen:

On behalf of the Gourdneck Lake riparian's, we are writing to open a dialogue with the City of Portage and Schoolcraft Township regarding the need for an Aquatic Plant Management Program for Gourdneck Lake.

Gourdneck Lake is home to 22 native aquatic plant species and 24 different species of fish. However, in recent years, there has been a proliferation of Eurasian Watermilfoil, an exotic invasive species. In the fall of 2013, the Gourdneck Lake Association engaged Restorative Lake Sciences ("RLS") to evaluate Gourdneck's aquatic ecosystem. As a result of RLS' assessment, it was determined that the existence of the Eurasian Watermilfoil threatens the native plants and ultimate health of our lake. In addition to the invasive Eurasian Watermilfoil, three other invasive species were found, including the Curly-leaf Pondweed, Purple Loosestrife, and *Phragmites*. These three invasive species were low in abundance, but require monitoring.

Eurasian Watermilfoil is especially threatening to Gourdneck Lake's ecosystem as it's an invasive plant species that establishes itself early in the growing season and can grow at greater depths than most plants. Eurasian Watermilfoil is known for its ability to form a thick canopy at the lakes surface and degrade the fish habitat. The Eurasian Watermilfoil often competes and displaces more desirable, native plants and quickly becomes the dominant species in the lake ecosystem. The presence of Eurasian Watermilfoil also significantly hinders the recreational activity on the lake.

In June, 2014, Chris Haas, President of the Gourdneck Lake Association, informed the City of Portage and Schoolcraft Township of the associations desire to look into a lake weed control program. At this time, we were informed that the appropriate mechanism to implementing a lake weed control program would be to create a governmental lake board due to special circumstances facing Gourdneck Lake. The special circumstances faced by Gourdneck Lake include being situated in two different jurisdictions and significant lake frontage owned by both Kalamazoo County and State of Michigan. At the direction of the respective jurisdictions, the Gourdneck Lake Association proceeded with petitioning freeholding owners of land abutting the lake in order to establish a governing lake board and ultimately a lake weed control program.

In order to determine which properties were considered "freeholding owners of land abutting the lake", a listing of parcels was obtained from the City of Portage and Schoolcraft Township. Once the listings were obtained, members of the Gourdneck Lake Association went door-to-door to obtain petition signatures. In addition, emails were sent to the Gourdneck Lake Association email distribution list, which included a link to our website (www.gourdnecklakemi.com). The website includes a PDF of the RLS study, as well as more information regarding the formation of a governing lake board. Finally, petition signatures were also gathered at our annual All Resident's meeting, which is held in May of each year. In the process of obtaining the petition signatures, we found overwhelming support for establishing a lake weed control program.

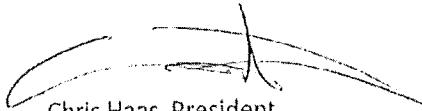
As of June 7, 2016, we have obtained over two-thirds of the signatures of freeholding owners of land abutting the lake for residents of the City of Portage. We are continuing to gather signatures for Schoolcraft Township and our current progress indicates that we will be able to obtain the two-thirds requirement very soon.

At this time, we respectfully request the City of Portage to refer to the information contained herein regarding the creation of a governing lake board. Given the recent proliferation and expansion of the Eurasian Watermilfoil, time is of the essence and the need to take action is now. Concurrently, we are requesting Schoolcraft Township to proceed with establishing a governing lake board for Gourdneck Lake in accordance with Part 309 of Act 451 of 1994, as amended.

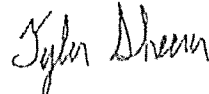
Gourdneck Lake and the surrounding lakes are important assets to our county. The aquatic ecosystems must be protected, not only for us, but for future generations of Kalamazoo County.

We would be happy to meet with you and share our knowledge and concerns regarding this issue. Please let us know if you have any further questions or need additional information.

Kind regards,



Chris Haas, President
Gourdneck Lake Association



Tyler Sheerer, Vice President
Gourdneck Lake Association

Petition for Formulation of a Lake Board for the Improvement of Gourdneck Lake
Pursuant to Part 309 of Public Act 451 of 1994, as amended

The undersigned petitioners and freeholders owning land abutting Gourdneck Lake, Kalamazoo County, Michigan hereby petition the Township Board of the Township of Schoolcraft and the City Council of the City of Portage to form a Lake Board to provide for the improvement of Gourdneck Lake as authorized by Part 309 of Act 451 of 1994, as amended. The undersigned hereby acknowledge that a special assessment district may be established by the respective Lake Board to finance the improvements.

Certificate of Circulator(s)

The undersigned circulator(s) of the above petition asserts that he/she is a freeholder of property abutting Gourdneck Lake, that each signature on the petition was signed in his/her presence: that to his/her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the same: and, to the best of his/her knowledge, the person was a freeholder of property abutting Gourdneck Lake at the time of signing.

Circulator and pages

Circulator and pages

Circulator and pages

Circulator and pages

Circulator and pages

Date

Date

Date

Date

Date

Williams, Robert E & D K
10930 S Westnedge Ave
00033-170-O

Robert E Williams
Date: 11-22-14

Recreation Park & Beach Assn
10951 S Westnedge Av
00034-171-O

Date: _____

Hoogstraten, Garrett J & G M
175 Malteson Ct

00033-177-O
Garrett Hoogstraten
175 Malteson Ct
Date: 11-24-14

Bock, Aaron & Rebekah
1614 Metsa Ct
02800 004 O

Date: _____

Fichelberg, William
1610 Metsa Ct
02800-005-O

William Fichelberg
Date: 5/2/15

Ferguson, Robert J Trust
1609 Metsa Ct
02800-006-O

Robert J Ferguson
Date: 12/30/2014

Patel, Keyur & Vashu
10900 James Way
00034-151-O

Keyur Patel
Date: 11/23/14

Talanda, Dorothy
10910 James Way
00034-152-O

Date: _____

Shrimplin, Robert D & J
10920 James Way
00034-153-O

Robert Shrimplin
Date: 11-23-14

Alfieri, Gary & Marcia Trust
10930 James Way
00034-200 O

Gary Alfieri
Date: 11-23/14

Mleczewski, Terry L
418 Marylynn Ct
00034-175-C

Terry Mleczewski
Date: 12/20/14

Mleczewski, Terry & Debra
420 Marylynn Ct
00034-175 D

Debra Mleczewski
Date: 11-25-14

Campagna, Cary J & M P
360 Marylynn Ct
00034-175-O

Cary Campagna
Date: 1/5/21/15

Fogleson, Susan G Trust
408 Marylynn Ct
00034-180-O

Susan Fogleson
Date: 11-24-14

num

Taraszka, Anthony J & M J

410 Marylynn Ct

00034-185-O *Anthony J Taraszka*

Anthony J Taraszka

Date: *5-11-14*

Lipari, Lori M Trust

416 Marylynn Ct

00034-190-O

Date:

Hunt, Timothy & Christie

422 Marylynn Ct

00034-195-O

Timothy & Christie

Date: *5-12-2016*

Robert L

32 - Mary Lynn Ct.

Robert L *8/16/15*

Karnes, Harold A & C M
10727 Sudan St
02860-002-O

Carol M. Karnes

Date:

Stout, James & Charlene Trust
10715 Sudan St
02860-004-O

Date:

Moffit, Timothy E & Kimberley Y
10703 Sudan St
02860-006-O

Date:

Vonmaur, R Kurt & S
10653 Sudan St
02860-008-O

Date:

Clegg, William & Denise
10639 Sudan St
02860-010-O

Date:

Price, Scott & C
10627 Sudan St
02860-012-O

Date:

Clark, James A & A A
10609 Sudan St
02860-014-O

Date:

x Polley, Barbara J
10723 Sudan St
02860-003-O

Date:

Hossack, William L & S M
10711 Sudan St
02860-005-O

Date:

Hoeksema, Edwin D & K Y
10661 Sudan St
02860-007-O

Date:

Stearns, Donald K & Lea J Trust
10647 Sudan St
02860-009-O

Date:

Haas, Christopher & Allison
10631 Sudan St
02860-011-O

Date:

Kuiper, Jack E & Janie L
10619 Sudan St
02860-013-O

Date:

White, Laurence E
10831 Cora Dr
00034-206-O

Date:

* Watson, Shirley C Trustee
10827 Cora Dr
00034-207-O

Date:

Smith, James A &
10905 Cora Dr
00034-209-O

Date:

Hill, Ervan R Trust
10845 Cora Dr
00034-212-O

Date:

Matthews, Jack W & B J
10823 Cora Dr
00034-215-O

Date:

Newhouse, Steven L & D B
10805 Cora Dr
00034-225-O

Date:

Smith, Gary S & B L
10753 Cora Dr
00034-235-A

Date:

Stephanak, Margaret F
10725 Cora Dr
02860-001-O

Date:

Fly, Randy L & J M
10847 Cora Dr
00034-208-O

Date:

Andrew, James & Delores-
10825 Cora Dr
00034-210-O

Date:

Talanda, Michele
10853 Cora Dr
00034-214-O

Date:

Dark, J William
10809 Cora Dr
00034-220-O

Date:

Kucera, Robert F & J A
10747 Cora Dr
00034-230-O

Date:

Lambarth, Cliff and Shaelie
10801 Cora Dr
00034-240-A

Date:

Michael Tucker
10825 Cora Drive
00034-210-O

Michael Tucker 5/12/2016

Portage pg. 4 of 7

Ch

Vansweden, Wayne
10744 Portage Rd
00034-265-O

Date:

Speirs, Donna M Trust
10742 Portage Rd
00034-275-O

Donna M Speirs

Date: *03 May 2015*

Bertolissi, Kenneth M & J K
10646 Portage Rd
00034-285-O

Kenneth M Bertolissi

Date: *5/13/15*

Rosema, Carl E & M F
10934 Portage Rd
02800-010-O

Marilyn Rosema
Carl E. Rosema, MR

Date: *5-2-15*

Adams, Robert M
10926 Portage Rd
02800-012-O

Robert M Adams

Date: *5-2-15*

Mott, Michelle
10912 Portage Rd
02800-013-B

Michelle Mott

Date: *5-3-2015*

Varas, Theodore S
10624 Portage Rd
03900-008-O

Theodore Varas

Date: *5-12-2015*

Bertolissi, Jeffery J & R M
10748 Portage Rd
00034-270-O

Robin Bertolissi

Date: *5/13/15*

Whitcomb, J E & M
10706 Portage Rd
00034-280-O

James E & M Whitcomb

Date: *8-2-2015*

Selden, Mary F - Living Trust
10630 Portage Rd
00034-290-O

Mary F Selden (for MS)

Date: *5-3-15*

Werner, Roger S & M J
10930 Portage Rd
02800-011-O

Roger S Werner

Date: *5-2-15*

Swanson, M & Eichelberg, W
10922 Portage Rd
02800-013-A

Wendy Swanson

Date: *5/2/15*

Taft, Kenneth L
10902 Portage Rd
02800-014-O

Date:

Bare-Thompson, Nancy L
10725 Portage Rd
08640-015-A

Nancy L Bare-Thompson

Date: *5-17-2015*

Walker, Sally R
10733 Portage Rd
08640-017-B

Date:

Reish, Joseph G & Helene
1426 Vickery Rd
03900-001-O

Date:

Ferris, Patrick K & K M
1510 Vickery Rd
03900-003-O

Date:

Stannard, William & Linda
1524 Vickery Rd
03900-005-O

Date:

Nicola, Robert J & H M
1608 Vickery Rd
03900-007-O

Date:

Walker, David A & Sally R
10737 Portage Rd
08640-018-B

Date:

Preston, David B & M S
1504 Vickery Rd
03900-002-O

Date:

Casanto, Todd & Karen
1516 Vickery Rd
03900-004-O

Date:

Wagner, Victoria J Trust
1530 Vickery Rd
03900-006-O

Date:

4-30-16

MKR Properties, LLC
1420 E Osterhout Av
00034-295-O

Date:

Moss, Glen M & Julien-Moss, Kay
1406 E Osterhout Av
09180-002-O

Date:

Downing, Thomas & Lyn
1322 E Osterhout Av
09180-004-O

Date:

Deceased
Thysse, Marvin & Gilkison, Timothy
1304 Wetherfield South Dr
09180-008-O

Date:

Chapman, John T & P B
1226 Wetherfield South Dr
09180-010-O

Date:

Simpson, Gerald A & R J
1216 Wetherfield South Dr
09180-012-O

Date:

Shephard, Cecilia L Trust
1128 Wetherfield South Dr
09180-016-O

Date:

Geib, Frank A & C L
1414 E Osterhout Av
09180-001-O

Date:

Fox, Thomas A & R E
1330 E Osterhout Av
09180-003-O

Date:

Murray, James E & S M
1310 Wetherfield South Dr
09180-007-O

Date:

Kitchen, Wayne & Nancy Trust
1230 Wetherfield South Dr
09180-009-O

Date:

Sheerer, Tyler & Krystal
1222 Wetherfield South Dr
09180-011-O

Date:

Hall, Stanley R - Trust
1104 Wetherfield South Dr
09180-014-O

Date: