

7:30 p.m. Call to Order.

Invocation: Pastor Marty Breithaupt of the Kalamazoo First Assembly of God Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Red Ribbon Week Proclamation.

A. Approval of City Council Meeting Minutes.

1. Special Meeting Minutes of October 4, 2016.
2. Regular Meeting Minutes of October 4, 2016.
3. Pre-Council Meeting Notes of October 17, 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 October 18, 2016 as presented.

D. Public Hearings:

1. Communication from the City Manager recommending that City Council, subsequent to the public hearing, consider approving #15/16-A, Off-Street Parking and Loading Regulations.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

- * 1. Communication from the City Manager recommending that City Council:
 1. accept a temporary moratorium ordinance pertaining to Medical Marihuana for first reading and set a public hearing for November 1, 2016; and
 2. subsequent to the public hearing, consider approving the temporary moratorium ordinance.
- * 2. Communication from the City Manager recommending that City Council:
 1. accept for first reading an amendment to Chapter 78, "Traffic and Vehicles" adding Section 78-3 "Overtaking and Passing Bicycles" to the Code of Ordinances to provide that motorists maintain a minimum distance when overtaking and passing a bicyclist;
 2. set a public hearing for November 15, 2016,

and subsequent to the public hearing, approve the addition of Section 78-3 "Overtaking and Passing Bicycles".

- * 3. Communication from City Manager recommending that City Council accept the FY 2015-2016 Analysis of Zoning Consistency Update - Information Only.
- * 4. Communication from the City Manager regarding the Portage Senior Center master plan project - Information Only.
- * 5. Communication from the City Manager regarding the September Environmental Summary Report - Information Only.

G. Communications:

1. Communication from the Human Services Board recommending that the City Council approve the suggested revisions to the General Fund and Community Development Block Grant Program human/public service funding process.
- H. Unfinished Business:
- * I. Minutes of Boards and Commissions Meetings:
 - a. Human Services Board of September 1, 2016.
 - b. Youth Advisory Committee of September 12, 2016.
 - c. Zoning Board of Appeals of September 12, 2016.
 - d. Historic District Commission Regular Meeting and Historic District Study Committee Special Meeting of September 14, 2016.
- J. Council Committee Reports:
- K. New Business:
- L. Bid Tabulations:
- M. Other City Matters:
 1. Statements of Citizens.
 2. From City Council and City Manager.
- * 3. Reminder of Meetings:
 - a. Wednesday, October 19, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
 - b. Thursday, October 20, 7:00 p.m., District Library Board, Portage District Library.
 - c. Thursday, October 20, 7:00 p.m., Planning Commission, Council Chambers - CANCELLED.
 - d. Thursday, October 27, 4:30 p.m., Public Media Network Board of Directors, Epic Center, 359 S. Kalamazoo Mall, 3rd Floor, Kalamazoo.
- * N. Materials Transmitted:
 1. Department Monthly Reports.
 2. Materials Transmitted of October 4, 2016.

Adjournment.



City of Portage Proclamation

NATIONAL RED RIBBON PROCLAMATION

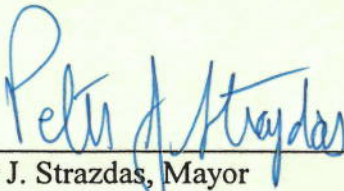
- WHEREAS**, tobacco, alcohol and other drug usage among young people is a serious concern; and
- WHEREAS**, it is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs; and
- WHEREAS**, the National Family Partnership, the Red Ribbon Coalition, Mothers Against Drunk Driving, Students Against Drunk Driving, and Portage Public Schools are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and
- WHEREAS**, the National Red Ribbon Campaign will be celebrated in communities throughout America during "**Red Ribbon Week**," **October 23-31, 2016**; and
- WHEREAS**, business, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, the military, sports teams, and individuals will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign; and
- WHEREAS**, the community of Portage further commits its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE, BE IT RESOLVED THAT I, Peter J. Strazdas, Mayor of the City of Portage, Michigan, do hereby proclaim the week of October 23-31, 2016, as **RED RIBBON WEEK**, and encourage Portage citizens to participate in drug prevention education activities, showing our commitment to a drug-free community.

BE IT FURTHER RESOLVED that the **City Council of the City of Portage** encourages all citizens to pledge: **My choice.....Drug-Free.**



Signed this 18th day of October 2016



Peter J. Strazdas, Mayor

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF OCTOBER 4, 2016 - BOARDS AND COMMISSIONS APPLICANTS**

Mayor Strazdas called the meeting to order at 5:15 p.m. The following Councilmembers were present: Councilmembers Richard Ford, Jim Pearson, Patricia Randall, Claudette Reid, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Councilmember Jim Pearson arrived at 5:20 p.m. and Councilmember Urban arrived at 6:57 p.m. Also in attendance were City Manager Larry Shaffer and City Clerk James Hudson.

Ruth Caputo tendered her resignation to City Clerk James Hudson as an Environmental Board Member. The proceedings were:

* 5:15-5:54 p.m., City Council interviewed David Mayfield, Deirdre Nieves, Derek Debiak, Andrew Wright, Brendan Guilford, Dave Solberg, Kathy Fiebig, Albert Stephens, Michael Barton and Gerald Myer for the Environmental Board. Former Chairperson Ruth Caputo and Vice Chair Martha Dahlinger were present for questions and discussion. Discussion followed.

* 5:55-6:07 p.m., City Council interviewed Dabney Dalton, Kathy Fiebig and Mike Barton for the Historic District Commission. Discussion followed.

* 6:07-6:16 p.m., City Council interviewed Fiorella Spalvieri for the Human Services Board. Discussion followed.

* 6:17-6:29 p.m., City Council interviewed Kathleen Hoyle, Robb Krueger, Kevin Park, Johnathon Peer and Brendan Guilford for the Park Board. Chairperson Kathleen Hoyle and Parks, Recreation and Senior Services Director Kendall Klingelsmith were present for questions and discussion. Discussion followed.

* 6:30-6:50 p.m., City Council interviewed Jean Wenz, Albert Steffens, Geana Goorhouse, Sharon White and Larry Smith for the Senior Citizen Advisory Board. Discussion followed.

* 6:50-7:02 p.m., City Council interviewed Derek Debiak as a representative on EDC/TIFA and BRA. Discussion followed. Mayor Strazdas conveyed that Tom King indicated he was no longer available to serve and withdrew his name for consideration.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:02 p.m.

RECONVENE: Mayor Strazdas reconvened the meeting at 7:03 p.m.

* 7:04-7:06 p.m., City Council interviewed Charles Wiles as a member on the Historic District Commission. Discussion followed.

There being no other residents present for interviews, City Council discussed appointment options to the various boards and commissions.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:07 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM OCTOBER 4, 2016

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

At the request of Mayor Strazdas, Pastor Scott Blowers of The Bridge 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, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a National Community Planning Month Proclamation. Discussion followed.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Reid, to approve the Committee of the Whole Meeting Minutes of September 20, 2016, and the Regular Meeting Minutes of September 20, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Reid, seconded by Pearson, to approve the Pre-Council Meeting Notes of October 3, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Councilmember Reid asked that Item F.4, 2017 City Council Meeting Schedule, be removed from the Consent Agenda

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

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 4, 2016:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of October 4, 2016. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

REZONING APPLICATION #16/17-1 (10332 SHAVER ROAD): Mayor Strazdas deferred to City Manager Larry Shaffer, who reviewed the progress thus far and stated that the request is consistent with the Comprehensive Plan, the Future Land Use Plan and the existing pattern along the west side of Shaver Road. He then asked that Community Development Director Vicki Georgeau provide an explanation. Ms. Georgeau placed a map of the property in question at 10332 Shaver Road on the screen for viewing by the Council, the audience and the television viewing audience. She described past uses as nonconforming office/commercial instead of residential. She said that there was a desire of the new property owner to formally rezone the property instead of establishing another similar nonconforming use in order to make it consistent with a more commercial designation. She indicated that the request is to change the zoning from R-1B, one-family residential, to B-3, general business, and referred Council to the maps included for Council and the public online which demonstrated that the property to the north of 10332 Shaver Road was zoned B-3, general business, and to the south on the corner of Shaver Road and Rolling Hill Avenue, that property was zoned B-1, local business. She mentioned that to the west is a small buffer to property that is zoned R-1B, one-family residential. She echoed Mr. Shaffer and indicated that the request is consistent with the Comprehensive Plan, the Future Land Use Plan and the existing pattern along the west side of Shaver Road. She disclosed that the Planning Commission had a public hearing in August where there were no objections from the public or

surrounding property owners, and the Planning Commission was unanimous in recommending the rezoning of this property.

There being no further input, questions or statements from Council or the applicant, Mayor Strazdas opened the public hearing to the audience. There being no further input, questions or statements, Mayor Strazdas entertained a motion to close the public hearing.

Motion by Urban, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Ansari, to approve Rezoning Application #16/17-1 (10332 Shaver Road), with a change from R-1B, one-family residential, to B-3, general business. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **BLUE CARE NETWORK ADVANTAGE PLAN:** Motion by Urban, seconded by Reid, to approve a one-year contract renewal with Blue Care Network for retiree health insurance and authorize the City Manager to execute all documents related to the contract renewal on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **WORKERS' COMPENSATION EXCESS INSURANCE:** Motion by Urban, seconded by Reid, to award a two-year contract renewal to Midwest Employers Casualty Company for workers' compensation excess insurance coverage for an annual fee of \$76,499 plus payroll adjustments and authorize the City Manager to execute all documents related to this contract renewal on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT #16-5442:** Motion by Urban, seconded by Reid, to approve Contract #16-5442 between the Michigan Department of Transportation and the City of Portage for traffic signal improvement work at the Romence Road and South Westnedge Avenue intersection, adopt a Resolution authorizing the City Manager to sign Contract #16-5442, and authorize the City Manager to sign all other documents related to this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

2017 CITY COUNCIL MEETING SCHEDULE: Councilmember Reid opened a discussion on changing the November 2017 Regular City Council Regular Meeting dates and offered some options. Discussion followed. Councilmember Reid narrowed the choices to both the 7th and the 21st of November, or to the 8th and 14th of November, if there is a desire to not meet on election night. Discussion followed. City Attorney Randy Brown read from Section 5. Regular Meetings; Time-Place, of the Rules of Order and procedure for the City Council, Portage, Michigan: "...When the day fixed for any regular meeting falls upon a national holiday, or the eve of a national holiday, or upon any regular or special election day, the council may determine to hold such meeting at the same hour within a week preceding or succeeding the regular day or cancel the meeting..." and then notice be provided. Discussion followed.

Motion by Urban, seconded by Reid, to establish the 2017 Schedule of Regular City Council Meetings as amended to read Tuesday, November 7 and Tuesday, November 21, 2017, instead of Wednesday, November 1 and Tuesday, November 14, 2017. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

* **PUBLIC MEDIA NETWORK (PMN) EXECUTIVE DIRECTOR HARRY "HAP" HAASCH:** Motion by Urban, seconded by Reid, to receive the communication dated September 26, 2016, from Public Media Network Executive Director Harry "Hap" Haasch as information only. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO CODE OF ORDINANCES - PURCHASING:** Motion by Urban, seconded by Reid, to adopt the amendment to Division 2, Section 2-171, Article 5, of Chapter 2, "Purchases and Sales" in the City of Portage Code of Ordinances. Upon a roll call vote, motion carried 7 to 0.

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

Portage Planning Commission of August 18, 2016.
Portage Public Schools Board of Education Regular and Special of August 15, Policy Governance of August 22 and Policy Governance and Committee of the Whole of September 12, 2016.

COUNCIL COMMITTEE REPORTS:

PUBLIC MEDIA NETWORK (PMN): Councilmember Reid indicated that the PMN Board discussed the revision of the By-Laws, and the minutiae therein. She mentioned that the Attorney added some language during the discussion that required quite a lot of extra consideration for a consensus. She stated that the Attorney is now drafting that language for consideration by the Board. She reasoned that this is important because of the effect it will have on the Urban Cooperation Agreement that is the basis of PMN and will require the approval of each of the municipalities. She noted that the major change that will be reflected in the By-Laws of the Urban Cooperation Agreement is the reduction of the number of people on the Board which will provide a smaller group that is more involved and will mean fewer problems with establishing a quorum for meeting purposes. She said that the Board should be able to send the By-Laws back to the municipalities within a month or two.

Motion by Ford, seconded by Reid, to receive the report from Councilmember Reid regarding Public Media Network (PMN). Upon a voice vote, motion carried 7 to 0.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Urban, seconded by Reid, to reappoint David Mayfield and appoint Dave Solberg and Kathy Fiebig with terms ending October 1, 2019, and appoint Deirdre Nieves with unfulfilled term ending October 1, 2017, to the Environmental Board; appoint Mike Barton, Dabney Dalton and Charles Wiles with terms commencing on January 1, 2017, and ending December 31, 2019, to the Historic District Commission; reappoint Effie Kokkinos, Elma (Pat) Maye and Fiorella Spalvieri with terms ending October 1, 2019, to the Human Services Board; reappoint Kathleen Hoyle and Jonathan Peer and appoint Robb Krueger with terms ending October 1, 2019, to the Park Board; reappoint Jean Wenz and appoint Sharon White and Geana Goorhouse with terms ending October 1, 2019, and appoint Albert Steffens and Lawrence Smith as Alternate Members with terms ending October 1, 2018, to the Senior Citizens Advisory Board; and, appoint Derek Debiak with term commencing on January 1, 2017, and ending December 31, 2022, to the Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Reid encouraged all citizens to watch the Vice Presidential Candidate Debate at 9:00 p.m. to get as much information as possible. proudly announced that she has a new grandson.

Councilmember Randall thanked all of the citizens who volunteered and interviewed at the Special Meeting of Council for positions on various Advisory Boards and Commissions of Council.

Councilmember Pearson thanked City Manager Larry Shaffer and staff for the placement of the red brick pedestrian crossings at the City Centre area on South Westnedge at West Centre Avenue as being a very attractive addition to the roadway. Mayor Strazdas concurred.

Mayor Pro Tem Ansari concurred with Councilmembers Randall and Pearson.

Mayor Strazdas commented that he is very pleased with the \$500,000 investment from the Michigan Legislature through the Geological Survey of Western Michigan University to perform subsurface data collection of water. He cited this as a very important topic, especially for the question of water quality for the future of our region, and stressed that it is critical to obtain this information and explained.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF SEPTEMBER 20, 2016:** Motion by Urban, seconded by Reid, to receive the Materials Transmitted of September 20, 2016. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:06 p.m.

James R. Hudson, City Clerk

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

DRAFT

NOTES FROM THE SPECIAL PRE-MEETING OF THE PORTAGE CITY COUNCIL OF OCTOBER 17, 2016

Mayor Pro Tem Nasim Ansari called the meeting to order at 9:00 a.m. The following were present: Mayor Pro Tem Nasim Ansari and Councilmembers Reid and Pearson via the conference phone line. Councilmembers Richard Ford, Patricia M. Randall and Terry Urban and Mayor Peter Strazdas were absent with notice and excuse. Also in attendance were Deputy City Manager Rob Boulis and City Clerk James Hudson.

Mayor Pro Tem Ansari asked if there were any questions for the Administration regarding items on the Agenda.

Under D.1, Public Hearings, Councilmember Reid asked why there was a switch from the Zoning Board of Appeals to the Planning Commission under Off-Street Parking and Loading Regulations Section 42-520.h, which is the consideration for a parking exception. How many are involved? One or two per year or several times per month? She stated that because the section addresses exceptions, the Zoning Board of Appeals should be doing this. She also asked, if it continues to be addressed by the Zoning Board of Appeals, what would the fee be and is there a fee for Planning Commission review?

As a past member of both the Zoning Board of Appeals and the Planning Commission, Councilmember Pearson indicated that consideration by the Zoning Board of Appeals is appropriate, so what is the justification for moving it from the Zoning Board of Appeals to the Planning Commission?

Councilmember Reid had a question about the proposed Off-Street Parking and Loading Regulations Section 42-520.n.1 & 3 and the allowed number of parking spaces. She asked "Why is this being done?" and "What is the impact of it?" (Specifically the segment that addresses that the minimum parking is not to exceed 10% to the maximum parking at 25%) She indicated that this does not make sense to her and that it might have several impacts. She referred to the chart on page 17 of the Agenda Packet. Also, she asked, considering the Planning Commission notes, the Planning Commission wanted 50, the city staff was okay with 50, but their recommendation was 100, so why is there a difference and why did they end up with 100 instead of 50?

Councilmember Reid asked about the duration of the moratorium under Item F.1, and how does this new moratorium impact the two illegal facilities currently in Portage? She also had a question about the one that had closed and was it still closed.

Councilmember Pearson asked about Item F.2 regarding the five foot space requirement between a car and a bicycle on the roadway. He specifically wanted to know about the clause that allows a car to cross the center line if unobstructed, about enacting a law that is not enforced, and about a heavy traffic situation where a car might wait for a bicyclist and create a line of traffic. He also expressed a concern regarding streets that cannot accommodate the five feet requirement and the cost to increase the width of those streets. Mayor Pro Tem Ansari cited the Oakland Drive where there is no

bike lane from West Kilgore Road to Vincent Avenue. Councilmember Reid asked whether a bicyclist has to stay five feet from a car when the car is stopped at an intersection and the bicyclist comes up beside the car, or does the car have to try to move to another lane.

In response to Mayor Pro Tem Ansari, and his question of whether the Administration has taken enough input from various groups, Deputy City Manager Boulis indicated that City Manager Larry Shaffer has had input from bicyclist associations in town and Councilmember Pearson indicated that the recommendation to the City of Kalamazoo was three feet, but the bicyclists wanted five feet.

Councilmember Reid asked for any tickets written to auto drivers because of spacing with bicyclists in Portage, and whether there were any tickets issued to bicyclists. Mr. Boulis interjected that he would inquire with the Chief of Police and ask how big of a problem has it been in the past.

Regarding the question of whether the 1920 schoolhouse on Coxs Drive would be demolished or not, Councilmember Pearson asked what are the options to the owner and can he appeal to the City Council; is the decision made by city staff or is the decision determined by the Historical District Commission recommendation; and, can it come before City Council. NOTE: This question was withdrawn by Councilmember Pearson via e-mail at 9:35 a.m. on October 17, 2016.

ADJOURN: Mayor Pro Tem Ansari adjourned the meeting at 9:23 a.m.

James Hudson, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL:

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of October 18, 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 September 25, 2016 through October 9, 2016 and notes \$681,509.55 in automated clearing house payments, \$322,990.09 in paper checks and \$32,637.05 in auto-pay payments for a grand total of \$1,037,169.99.

FUNDING: N/A

Attachments: 1. Accounts Payable Register

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/25/2016 To: 10/9/2016

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Check Date	Check	Vendor Name	Amount
10/07/16	5713(A)	A-1 SIGNS	219.00
10/07/16	5714(A)	ABONMARCHE CONSULTANTS, INC	5,388.66
10/07/16	5715(A)	AIRGAS GREAT LAKES	195.68
10/07/16	5716(A)	ALL-PHASE ELECTRIC SUPPLY CO.	140.04
10/07/16	5717(A)	ALL-TRONICS, INC.	78.00
10/07/16	5718(A)	AMERICAN HYDROGEOLOGY CORP.	10,327.80
10/07/16	5719(A)	ANIMAL REMOVAL SERVICE, LLC	1,040.00
10/07/16	5720(A)	BATTERIES PLUS	47.85
10/07/16	5721(A)	BEEBE, RONALD E.	192.00
10/07/16	5722(A)	BLUESTONE PSYCH	465.00
10/07/16	5723(A)	BRENNER OIL CO.	10,830.27
10/07/16	5724(A)	C D W GOVERNMENT, INC.	62,239.15
10/07/16	5725(A)	C T S TELECOM, INC.	2,347.77
10/07/16	5726(A)	CARDINAL BUS, INC.	6,414.00
10/07/16	5727(A)	CLEAN EARTH ENVIRONMENTAL SERV	798.00
10/07/16	5728(A)	CONSUMERS CONCRETE CORP.	225.00
10/07/16	5729(A)	CONTINENTAL LINEN SERVICES	59.11
10/07/16	5730(A)	CROWN TROPHY	182.00
10/07/16	5731(A)	CUSTOMIZED CLEANING SERVICES, INC.	1,875.00
10/07/16	5732(A)	DEPATIE FLUID POWER CO., INC.	1,100.00
10/07/16	5733(A)	DIAMOND CONCRETE SAWING	3,298.00
10/07/16	5734(A)	DIGITAL HIGHWAY WIRELESS SOLUTIONS	963.65
10/07/16	5735(A)	EG WORKFORCE SOLUTIONS	2,269.06
10/07/16	5736(A)	ENGINEERED PROTECTION SYSTEMS, INC.	377.06
10/07/16	5737(A)	ETNA SUPPLY, INC.	433.62
10/07/16	5738(A)	FISHBECK THOMPSON CARR & HUBER, INC	1,389.50
10/07/16	5739(A)	GLOBAL TELEMATIC SOLUTIONS LLC	625.00
10/07/16	5740(A)	GRIFFIN PEST SOLUTIONS, INC.	420.00
10/07/16	5741(A)	HOWARD PRINTING	3,088.00
10/07/16	5742(A)	INDUSCO SUPPLY CO., INC.	658.03
10/07/16	5743(A)	IP CONSULTING, INC.	7,500.00
10/07/16	5744(A)	JONES & HENRY ENGINEERS, LTD	3,011.24
10/07/16	5745(A)	KEHOE, EDWARD J	170.00
10/07/16	5746(A)	LACOSTA FACILITY SUPPORT SERVICES	3,465.79
10/07/16	5747(A)	LANDS END	400.07
10/07/16	5748(A)	LAWSON PRODUCTS, INC	3,084.63
10/07/16	5749(A)	LOWE'S HOME CENTER	77.38
10/07/16	5750(A)	M & M CUSTOM FABRICATING INC.	29.50
10/07/16	5751(A)	MATERIALS RESOURCES	486.79
10/07/16	5752(A)	MAURER'S TEXTILE RENTAL SERVICES	318.34
10/07/16	5753(A)	MEDEMA, TIMOTHY	188.00
10/07/16	5754(A)	MEEKHOF TIRE SALES & SERVICE INC.	2,156.80
10/07/16	5755(A)	MEIER, MICHAEL	192.00
10/07/16	5756(A)	MEJEUR ELECTRIC LLC	15,566.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/25/2016 To: 10/9/2016

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Check Date	Check	Vendor Name	Amount
10/07/16	5757(A)	MICHIGAN ELECTION RESOURCES, LLC	2,995.11
10/07/16	5758(A)	MICHIGAN PAVING & MATERIALS CO.	111,288.66
10/07/16	5759(A)	MICHIGAN PAVING & MATERIALS CO.	1,526.25
10/07/16	5760(A)	MONIFA A. JUMANNE, PH.D.	1,666.00
10/07/16	5761(A)	O'BOYLE-COLWELL-BLALOCK & AS.	10,340.00
10/07/16	5762(A)	PECKELS, CHRISTINE	180.00
10/07/16	5763(A)	PEOPLEFACTS, LLC 740303	58.34
10/07/16	5764(A)	PETERS CONSTRUCTION CO.	19,314.50
10/07/16	5765(A)	PORTAGE FIREFIGHTERS	2,508.21
10/07/16	5766(A)	PORTAGE ON-CALL FIREFIGHTERS	150.00
10/07/16	5767(A)	PORTAGE POLICE OFFICERS ASSOC	1,071.00
10/07/16	5768(A)	PREIN & NEWHOF	2,193.45
10/07/16	5769(A)	R P M MACHINERY, LLC	183,900.00
10/07/16	5770(A)	RIDGE AUTO NAPA	1,510.51
10/07/16	5773(A)	SAFETY SERVICES, INC.	1,306.54
10/07/16	5774(A)	SEVERANCE ELECTRIC COMPANY,INC	6,242.00
10/07/16	5775(A)	SIMMONS FORD	218.50
10/07/16	5776(A)	SIMPLIFILE LLC	168.00
10/07/16	5777(A)	SNELL, DEBRA	144.00
10/07/16	5778(A)	SUEZ WATER ENVIRONMENTAL SERVICES	168,091.77
10/07/16	5779(A)	THE LIFEGUARD STORE	466.87
10/07/16	5780(A)	THOMPSON, HELENE	324.00
10/07/16	5781(A)	TOO CLEAN JANITORIAL	4,725.00
10/07/16	5782(A)	TYLER TECHNOLOGIES, INC.	2,470.00
10/07/16	5783(A)	U S LAWNS- KALAMAZOO	1,023.17
10/07/16	5784(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	902.31
10/07/16	5785(A)	VANCE OUTDOORS, INC.	365.50
10/07/16	5786(A)	VANDERVEEN, LAUREN	59.00
10/07/16	5787(A)	WEST SHORE FIRE, INC.	550.00
10/07/16	5788(A)	WEST, STEVEN R	47.00
10/07/16	5789(A)	WIGHTMAN & ASSOCIATES, INC.	820.00
10/07/16	5790(A)	XEROX CORPORATION	551.07
	SUBTOTAL:	76 CHECKS	681,509.55
09/26/16	10028	PETTY CASH-BARB GARLOW	352.01
09/26/16	300098	AMALGAM LLC	4,500.00
09/28/16	300099	A T & T	1,883.28
09/28/16	300100	COX, DENNIS	230.00
10/03/16	10029	PETTY CASH-ALYSSA MILBECK	568.52
10/03/16	10030	PETTY CASH-JANET GATES	361.79
10/04/16	10031	PETTY CASH-HOLLY CERNY	307.24
10/07/16	300101	A NEW LEAF	85.00
10/07/16	300102	A T & T	272.49
10/07/16	300103	ACCESS EMPLOYER STAFFING SERVICES	7,779.10

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10/07/16	300104	ADAM SCHUMAKER	50.00
10/07/16	300105	ALLEGRA PRINT & IMAGING	1,297.88
10/07/16	300106	ALLIED MECHANICAL SERVICE	3,353.71
10/07/16	300107	ANDREWS, NORMA	42.00
10/07/16	300108	ARROWHEAD SCIENTIFIC, INC.	861.04
10/07/16	300109	AUTOMATIC MICROFILM CO.	6,354.67
10/07/16	300110	BECK, PAT	72.00
10/07/16	300111	BESCO WATER TREATMENT, INC.	57.80
10/07/16	300112	BEST WAY DISPOSAL, INC.	44,342.18
10/07/16	300113	BIELAT, NOAH J	75.00
10/07/16	300114	BILL'S LOCK SHOP, INC.	60.00
10/07/16	300115	BOSKER, MELISSA	100.00
10/07/16	300116	BOURBEAU, MATTHEW D	75.00
10/07/16	300117	BRAVO! RESTAURANT	112.95
10/07/16	300118	BRINK WOOD PRODUCTS, INC.	1,242.00
10/07/16	300119	BRINKMAN, SALLY	38.27
10/07/16	300120	BURNS, MICHAEL	216.50
10/07/16	300121	CAMPBELL AUTO SUPPLY	53.94
10/07/16	300122	CHAPMAN'S NURSERY & LANDSCAPIN	1,650.00
10/07/16	300123	CHARTER COMMUNICATIONS	528.70
10/07/16	300124	CITY OF KALAMAZOO (TRANS MILLAGE)	99.72
10/07/16	300125	CLEAR CHANNEL AIRPORTS	888.00
10/07/16	300126	D L GALLIVAN INC.	109.36
10/07/16	300127	DAN WOOD COMPANY	2,954.00
10/07/16	300128	DMOCH, ADAM	227.00
10/07/16	300129	DYLHOFF, RANDY	102.00
10/07/16	300130	EMERGENCY VEHICLE PRODUCTS	3,077.77
10/07/16	300131	ENVIRONMENTAL SYSTEMS RESEARCH	5,400.00
10/07/16	300132	ETNA SUPPLY, INC.	874.24
10/07/16	300133	EXTREME POWER EQUIPMENT, INC.	564.98
10/07/16	300134	FIELD, ALEXANDRIA	150.00
10/07/16	300135	FIREFIGHTERS BOOKSTORE	1,326.85
10/07/16	300136	FLETCHER ENTERPRISES	2,350.00
10/07/16	300137	FORSHEE, MARK	161.00
10/07/16	300138	FRIEND OF THE COURT	600.00
10/07/16	300139	FRIEND, LISA	100.00
10/07/16	300140	FUTURE PRO, INC.	1,895.00
10/07/16	300141	GLEESING, MARIE	225.00
10/07/16	300142	GORDON WATER SYSTEMS	401.50
10/07/16	300143	GRAHAM FORESTRY SERVICE, INC.	1,104.00
10/07/16	300144	GREATER KALAMAZOO FOP LODGE 98	5,025.18
10/07/16	300145	GREATER KALAMAZOO UNITED WAY	1,317.52
10/07/16	300146	HENSON, DEREK	500.00
10/07/16	300147	HERITAGE COMMUNITY OF KALAMAZOO	570.00

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10/07/16	300148	HOEKSTRA ROOFING CO.	518.55
10/07/16	300149	HOGNACHI, DAVID	184.00
10/07/16	300150	HOME DEPOT	479.98
10/07/16	300151	HUNT, BARB	71.00
10/07/16	300152	HUNTER, COURTNEY R	75.00
10/07/16	300153	I B M CORPORATION	105.00
10/07/16	300154	IAFCI	65.00
10/07/16	300155	INTAPOL INDUSTRIES, INC.	369.99
10/07/16	300156	JAMES HAMRICK	280.00
10/07/16	300157	JLC UNDERGROUND LLC	100.00
10/07/16	300158	JOHNSON, MARCIA	200.00
10/07/16	300159	JOHNSON, SHIRLEY	71.00
10/07/16	300160	KALAMAZOO COUNTY CHILD ABUSE	100.00
10/07/16	300161	KALAMAZOO COUNTY HEALTH & COMMUNITY	6,582.35
10/07/16	300162	KALAMAZOO COUNTY TREASURER	7,482.77
10/07/16	300163	KALAMAZOO LANDSCAPE SUPPLIES	1,673.20
10/07/16	300164	KALAMAZOO OIL COMPANY	108.49
10/07/16	300165	KALAMAZOO REG'L EDUC SVC AGENCY	1,597.19
10/07/16	300166	KALAMAZOO SPORTSWEAR	401.70
10/07/16	300167	KALAMAZOO VALLEY COMMUNITY COL	701.42
10/07/16	300168	KEALA, TRICIA	211.96
10/07/16	300169	KEALA, TRICIA	81.00
10/07/16	300170	KESSLER, MICHAEL	30.00
10/07/16	300171	KLASH CLUB ACCOUNT	340.00
10/07/16	300172	KLOOSTER, FRAN	155.07
10/07/16	300173	KZOO TIRE COMPANY	2,216.00
10/07/16	300174	LAKE MICHIGAN MAILERS, INC.	49.00
10/07/16	300175	LOWE, NANCY	60.00
10/07/16	300176	MAINTENANCE MASTERS	8,062.00
10/07/16	300177	MCCULLIN, LARRY W.	126.00
10/07/16	300178	MICH MUNICIPAL POLICE & FIRE REPAIR	766.80
10/07/16	300179	MICHIGAN STATE POLICE	400.00
10/07/16	300180	MIDWEST CUSTOM EMBROIDERY COMPANY	604.02
10/07/16	300181	MIGALA CARPET ONE, INC.	1,499.34
10/07/16	300182	MLIVE MEDIA GROUP	3,704.64
10/07/16	300183	MONKS, SANDRA	71.00
10/07/16	300184	MOORE, LARRY	158.67
10/07/16	300185	MOSQUITO CONTROL OF SW MICHIGAN	298.00
10/07/16	300186	MULDERS LANDSCAPE SUPPLIES INC	420.00
10/07/16	300187	NIEBAUER, CHALICE	52.00
10/07/16	300188	OFFICE DEPOT, INC.	1,326.24
10/07/16	300190	PAPER CENTRAL	808.00
10/07/16	300191	PHILLIPS, KIMBERLY	104.58
10/07/16	300192	PORTAGE ATHLETIC FOUNDATION	250.00

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10/07/16	300193	PORTAGE DISTRICT LIBRARY	373.95
10/07/16	300194	PORTAGE PUBLIC SCHOOLS	1,445.96
10/07/16	300195	PRINCIPAL FINANCIAL GROUP	40,258.00
10/07/16	300196	PRO SERVICES, INC.	1,035.28
10/07/16	300197	PUBLIC SAFETY TRAINING CONSULTANTS	358.00
10/07/16	300198	QUALIFICATION TARGETS, INC.	262.34
10/07/16	300199	RAGAN, DONNA	100.00
10/07/16	300200	RATHCO SAFETY SUPPLY, INC.	290.50
10/07/16	300201	RESIDENTIAL OPPORTUNITY	100.00
10/07/16	300202	RESTORATIVE LAKE SCIENCES, LLC	1,500.00
10/07/16	300203	RIVERSIDE INTEGRATED SYSTEMS, INC.	270.00
10/07/16	300204	S A MORMAN & CO.	1,635.00
10/07/16	300205	SHEPARD, CODY	100.00
10/07/16	300206	SHERWIN WILLIAMS	901.61
10/07/16	300207	SHILTS, DAWN	112.18
10/07/16	300208	SIRCHIE FINGER PRINT LABORATORIES	108.07
10/07/16	300209	SITEONE LANDSCAPE SUPPLY LLC	39.23
10/07/16	300210	SOURCE TECHNOLOGIES	213.50
10/07/16	300211	STAP BROS LAWN & LANDSCAPE, INC	6,473.62
10/07/16	300212	STATE OF MICHIGAN	130.00
10/07/16	300213	STATE OF MICHIGAN (DOT)	63,746.32
10/07/16	300214	STATE OF MICHIGAN (TREASURY)	8,201.47
10/07/16	300215	STATE SYSTEMS RADIO, INC	59.95
10/07/16	300216	STEENSMA LAWN & POWER EQUIPMENT	128.14
10/07/16	300217	STEZOWSKI, CAROL	100.00
10/07/16	300218	STIVERSON, JORDAN	300.00
10/07/16	300219	STRAWSER CONSTRUCTION INC.	24,633.84
10/07/16	300220	SWANK MOTION PICTURES, INC.	425.00
10/07/16	300221	T.C. MCCORMICK ENTERPRISES	32.55
10/07/16	300222	TIME EMERGENCY EQUIPMENT	1,292.50
10/07/16	300223	TRUGREEN PROCESSING	2,795.00
10/07/16	300224	U S POSTAL SERVICE	3,000.00
10/07/16	300225	U S POSTMASTER	8,000.00
10/07/16	300226	UNITED PARCEL SERVICE	12.00
10/07/16	300227	VANGUARD FIRE & SUPPLY CO., INC.	1,320.75
10/07/16	300228	VERIZON WIRELESS SERVICES, LLC	2,302.68
10/07/16	300229	WASSON, LILL	100.00
10/07/16	300230	WATKINS, GREG	96.00
10/07/16	300231	WEST MICHIGAN OFFICE INTERIORS	445.50
10/07/16	300232	WEST MICHIGAN SOFTBALL	100.00
10/07/16	300233	WHITE, WILLIAM	100.00
10/07/16	300234	WRAPS N SIGNS	184.00
	SUBTOTAL:	140 CHECKS	322,990.09

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Check Date	Check	Vendor Name	Amount
09/26/16	3832	CONSUMERS AUTO-PAY	56.39
09/29/16	3862	CITY WATER-SEWER AUTO-PAY	21,240.12
10/04/16	3875	CONSUMERS AUTO-PAY	13.74
10/05/16	3900	SENIOR CENTER CREDIT CARD AUTO-PAY	6,954.12
10/07/16	3892	CONSUMERS AUTO-PAY	4,372.68
		SUBTOTAL:	32,637.05
		GRAND TOTAL:	216 CHECKS 1,037,169.69

** (A) DENOTES ACH PAYMENTS

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, consider approving #15/16-A, Off-Street Parking and Loading Regulations.

During the past several months, the Planning Commission and City Administration have been working on several amendments to current Off-Street Parking and Loading Regulations. The intent of the amendments is to achieve better, more sustainable off-street parking facility design. The City Council received the proposed Zoning Ordinance amendment #15/16-A, Off-Street Parking and Loading Requirements on September 20, 2016 for a first reading, and set a public hearing for October 18, 2016.

The recommendations are based on an evaluation of current ordinance provisions, local observations, developer/business owner feedback, review of ordinance standards from comparable communities and national standards. If approved, the ordinance amendment will:

- Better utilize off-street parking resources.
- Modify off-street parking requirements for various land uses.
- Streamline the review and approval process.
- Promote "green" and sustainable development practices.
- Encourage more pedestrian and non-motorized amenities.
- Off-Street Loading/Unloading Requirements.

The following tables summarize the proposed significant changes.

Summary of 2016 Off-Street Parking Amendments		
Section	Current	Proposed
Zoning Definitions 42-112	Not applicable	New definitions added for senior adult housing, congregate care facilities and assisted living facility
Off-Street Parking and Loading. General requirements. 42-520.C	Parking must be in same zone and zoning lot	1. Allow parking in different non-residential zones where split zoning occurs 2. Allow off-site parking subject to conditions

Off-Street Parking and Loading. General requirements. 42-520.H	Requires Zoning Board of Appeals (ZBA) to consider a parking exception	Planning Commission (PC) reviews exceptions as outlined in 520.O
Off-Street Parking and Loading. General requirements. 42-520.I	PC to determine parking requirements for land uses not specified	Allow Director to determine, if site plan can be approved administratively
Off-Street Parking and Loading. General requirements. 42-520.L	Section references Public Act (PA) 230 of 1972 regarding barrier free requirements	Remove reference to the PA since they change periodically
Off-Street Parking and Loading. General requirements – Deferred parking 42-520.N.1 & 3	Parking lots with >50 spaces cannot exceed the minimum required number of spaces by more than 10%	Increase the size of the parking lot from 50 to 100 spaces that must comply with maximum parking limits, and increase the percentage from 10 to 25%
Off-Street Parking and Loading. General requirements – Maximum Parking Requirement 42-520.O	New section	PC to consider up to a 25% reduction in the number of parking spaces subject to various conditions.
Off-Street Parking and Loading. Design, construction and maintenance of parking areas. 42-521.E	Refers to parking lot ingress/egress for vehicles	Added reference to the Access Management Ordinance
Off-Street Parking and Loading. Design, construction and maintenance of parking areas. 42-521.I	Requires parking lots to be surfaced with asphalt or concrete	Language added for ongoing maintenance
Off-Street Parking and Loading. Design, construction and maintenance of parking areas. 42-521.L	New section	Includes language to encourage low impact parking lot design, electric vehicle charging stations, pedestrian walkways and bike racks.
Off-Street Parking and Loading. Loading facilities. 42-522.B	Requires loading/unloading facilities for nonresidential uses	1. Eliminate loading/unloading requirement for office uses 2. Allow loading/unloading areas to be in the side yard when adjacent to residential uses

Section 42-523, Schedule of Off-Street Parking Requirements		
Land Use	Current	Proposed
Shopping center (100k-600k sq. ft.)	5.4 spaces/1,000 sq. ft. of gross leasable area (GLA)	4 spaces/1,000 sq. ft. GLA
Shopping center (>600k sq. ft.)	5 spaces/1,000 sq. ft. GLA	4 spaces/1,000 sq. ft. GLA
Retail store	1 space/150 sq. ft. of usable floor area (UFA)	1 space/200 sq. ft. UFA
Self-service carwash	5 spaces/stall	2 spaces/stall plus 1/vacuum
Day spa	New land use	1 space/150 sq. ft. UFA
Restaurant - waiter/waitress service	1 space/75 sq. ft. UFA	1 space/60 sq. ft. UFA
Restaurant - fast food	1 space/25 sq. ft. UFA	1 space/40 sq. ft. UFA ¹
Restaurant - in car service	None	1 space/menu board & 1/employee
Auto repair facility	2 spaces/stall & 1/gas pump	2 spaces/stall & 1/employee

Vehicle fueling station	2 spaces/stall & 1/gas pump	1 space/fuel nozzle & 1/200 UFA
Banks	1 space/150 sq. ft. UFA	1 space/200 sq. ft. UFA ²
Medical offices	1 space/100 sq. ft. UFA	1 space/150 sq. ft. UFA
Administrative offices	1 space/150 sq. ft. UFA	1 space/200 sq. ft. UFA

1 Three vehicle stacking spaces between the window and menu board and three spaces before the menu board also required

2 Three vehicle stacking spaces per drive-thru lane also required

The Planning Commission reviewed the proposed amendments over the course of two workshop meetings on July 7, 2016 and July 21, 2016. Subsequently, the Planning Commission held a public hearing during the August 4, 2016 and August 18, 2016 meetings. After additional review and deliberations, the Planning Commission unanimously recommended approval of the proposed amendments to Off-Street Parking and Loading Regulations to City Council.

It is therefore recommended that City Council accept Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations, for first reading and set a public hearing for October 18, 2016, and subsequent to the public hearing, consider approving #15/16-A, Off-Street Parking and Loading Regulations.

FUNDING: Not Applicable

- Attachments:**
1. Planning Commission transmittal dated August 26, 2016
 2. Planning Commission meeting minutes dated July 7, 2016, July 21, 2016, August 4, 2016 and August 18, 2016
 3. Department of Community Development report dated August 12, 2016 with attachments
 4. Ordinance Amendment
 5. Ordinance Revision

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: August 26, 2016
SUBJECT: Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations

During the July 7 and July 21, 2016 Planning Commission meetings, the Commission members discussed several amendments to the Off-Street Parking and Loading Regulations. Following these discussions, the Planning Commission convened a public hearing during the August 4 and August 18, 2016 meetings. No citizens spoke at either meeting and no citizen communications have been received regarding the proposed amendments.

The Commission is supportive of the amendments since they are intended to remove barriers that prevent joint use of parking lots, streamline the review process, promote green and sustainable practices, promote economic development opportunities, encourage non-motorized amenities, among others. Subsequently, and after further discussion during the August 18th meeting, a motion was offered by Commissioner Patterson, seconded by Commissioner Schimmel, to recommend to City Council approval of Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations. The motion was unanimously approved 7-0.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wayne Stoffer".

Wayne Stoffer
Vice-Chairman

 COPY

PUBLIC HEARINGS:

None

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

OLD BUSINESS:

1. Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations. Mr. Forth provided an update on development of the ordinance language for off-street parking and loading regulations. Mr. Forth asked if Commissioners had any additional questions/comments regarding the proposed changes and suggested a public hearing for formal consideration of the ordinance amendment be set for the August 4, 2016 meeting. Commissioners did not have any questions or comments at this time regarding proposed changes to the off-street parking and loading regulations. A motion was then made by Commissioner Bosch, seconded by Commissioner Schimmel, to set a public hearing for August 4, 2016 to consider Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations.

2. Community Impact Projects Grant Fund – additional discussion. Since Commissioner Dargitz was excused from the meeting, Commissioner Schimmel suggested adjourning further discussion of the Community Impact Projects Grant Fund to the July 21, 2016 meeting. The Commission concurred. A motion was then made by Commissioner Schimmel, seconded by Commissioner Bosch, to adjourn further discussion of the Community Impact Projects Grant Fund to the July 21, 2016 meeting. The motion was unanimously approved 6-0.

ADJOURNMENT:

Commissioner Patterson stated he would not be present at the July 21, 2016 meeting.

There being no further business to come before the Commission, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

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

Commissioner Dargitz, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Schimmel, to recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase II), 3800 West Milham Avenue and 5710 Angling Road, be approved subject to the one conditions contained in the Department of Community Development report dated July 15, 2016. The motion was unanimously approved 6-0.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

7:10 p.m. - The Commission took a short recess. 7:15 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

OLD BUSINESS:

1. Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations. Mr. West summarized the staff report dated July 15, 2016 along with the previous June 2nd staff presentation of proposed changes to the off-street parking and loading/unloading regulations. Mr. West stated the proposed changes have been assembled into an ordinance amendment by staff and Attorney Brown with a highlight/strike format for preliminary Commission review prior to the August 4th public hearing. Attorney Brown also discussed additional changes made to Section 42-520.O since the initial review by the Commission on June 2nd. The Commission, Mr. West and Attorney Brown briefly discussed various aspects of the proposed ordinance amendment, however, the Commission did not have any recommended changes. Mr. West restated that the public hearing has been noticed for the August 4th Planning Commission meeting

2. Community Impact Projects Grant Fund – additional discussion. Commissioner Dargitz distributed a draft version of a proposed Community Enhancement/Neighborhood Improvement Grant program for Commission review, comment and discussion. Commissioner Dargitz stated she drafted the summary outline based on review of other communities that have adopted similar programs. Commissioner Dargitz briefly reviewed the various sections of the proposed program including the Need, Purpose, Project Eligibility and Requirements, Applicant Eligibility, Selection Criteria and Sample Project Types.

Chairman Welch asked how grants would be reviewed and funds distributed, and if there would be a time frame for project completion. Commissioner Dargitz stated the review committee could include members of the Planning Commission, Youth Advisory Board and/or City Council. Commissioner Dargitz also indicated that grant funds would likely need to be distributed upfront since many groups would not have the money to implement the project. Commissioner Dargitz stated any grant awarded would have specific reporting requirements regarding use of funds and timeframe for project completion. Under Project Eligibility, Attorney Brown stated additional consideration would need to be given to projects which were not located on public property, but rather “publicly-accessible to the community”. Attorney Brown also stated that additional research would be needed regarding how public funds could be used on private property and other issues associated with insurance, liability and indemnification. Attorney Brown asked that the listing of other communities which have adopted similar programs be emailed to him for further review.

Mr. West discussed the lack of organized neighborhood, community and business groups/associations in the City of Portage and questioned whether there would be enough potential grant applicants to justify creation and administration of a new grant fund program. Mr. West indicated the desired goals of the program could possibly

PLANNING COMMISSION

August 4, 2016

 COPY

The City of Portage Planning Commission meeting of August 4, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

PLEDGE OF ALLEGIANCE:

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

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Senior City Planner; and Bryan Beach, Assistant City Attorney.

ROLL CALL:

Mr. Forth called the role: Bosch (yes) Schimmel (yes), Welch (yes), Stoffer (yes), Patterson (yes), Dargitz (yes), Shoup (yes) and Joshi (yes). A motion was offered by Commissioner Stoffer, seconded by Commissioner Dargitz, to approve the role excusing Commissioner Richmond. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the July 21, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report: Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations. Mr. Forth reviewed the staff report dated July 29, 2016 and summarized the various ordinance sections proposed for amendment. Commissioner Stoffer asked about the proposed increase from 50 to 100 parking spaces in Section 43-520.N.3 in conjunction with the proposed increase in Section 42-520.N.1 from 10% to 25%. Mr. Forth discussed the rationale for the increase and the original intent of the ordinance sections to address larger developments. Mr. Forth indicated the change was intended to avoid unnecessary delays to the applicant in the site plan review process. Commissioner Dargitz asked for clarification regarding the proposed change to Section 42-520.I that would allow for administrative determination of parking requirements for uses not specifically mentioned in the Zoning Code and also asked whether maintenance standards referenced under Section 42-521.I could be applied to private roads such as MLK Drive. Mr. Forth stated the proposed change to Section 42-520.I was again intended to avoid any unnecessary delay in the site plan review process for a use that could otherwise be administratively approved. In regard to Section 42-521.I, Mr. Forth indicated the maintenance standards would apply to any maneuvering lane or drive that is associated with an off-street parking lot and that independent, private roads would not be specifically addressed under this section.

Commissioner Dargitz stated she likes the addition of Section 42-521.L. Commissioner Schoup agreed, however, asked whether the provisions of this section should be required at larger development projects (e.g. electric car charging stations at Crossroads Mall, Meijer, etc.). Commissioner Stoffer asked for clarification regarding the data contained in the table on page 7 of the staff report and also examples of specific restaurants to compare minimum required parking vs. actual parking provided for the use. Mr. Forth attempted to clarify the data in the

table on page 7 of the staff report and also provided examples of minimum required parking compared to actual parking provided for Latitude 42 on Portage Road and Texas Roadhouse on South Westnedge Avenue.

The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed changes to off-street parking and loading/unloading regulations. A motion was then made by Commissioner Bosch, seconded by Commissioner Dargitz, to adjourn the public hearing for Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations, to the August 18, 2016 meeting. The motion was unanimously approved 8-0. Chairman Welch discussed the previous reviews of this ordinance amendment and asked that the Commission, when possible, provide questions or comments to staff at the earlier workshop meetings or at least prior to the public hearing to allow sufficient time for staff to research and provide responses in an effort to expedite the process.

NEW BUSINESS:

1. Historic District Modification, 8009 Cox's Drive. Mr. West summarized the staff report dated July 29, 2016 regarding a request pending before the Historic District Commission from Michael Kasten (Kasten Investments LLC), owner of the property located at 8009 Cox's Drive, to demolish the former District #6 Schoolhouse building. Mr. West also summarized the findings of the preliminary report prepared by the Historic District Study Committee and the recommendation to deny the demolition request. Mr. West stated the former District #6 Schoolhouse building was the only historic and significant structure on the property and demolition of the building would nullify the property's historic designation. Mr. West indicated the structure is the only surviving 2-room schoolhouse in Portage and while the interior of the building was converted to office use in the 1980s, the exterior of the structure remains essentially the same since its construction in 1927. Mr. West stated that staff was recommending denial of the demolition request based on the findings contained in the Historic District Study Committee preliminary report dated July 14, 2016.

Commissioner Patterson referred the Commission to the three state law criteria contained on page 5 of the Historic District Study Committee preliminary report that need to be satisfied in order to remove a property from the historic register. Commissioner Dargitz asked whether the Planning Commission needed to follow these specific criteria or whether individual opinions could be provided. Mr. West and Mr. Forth responded stating that individual opinions could be offered as part of the review and discussion, however, any recommendation would need to include five affirmative votes of the Commission and should be based on information pertinent to the request. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend that the Historic District Modification involving 8009 Cox's Drive be denied based on the findings contained Historic District Committee preliminary report dated July 14, 2016. Prior to voting on the motion, additional Planning Commission discussion occurred.

Commissioner Stoffer discussed the industrial zoning and land use designation of the property and asked whether future decisions concerning historic structures should include a review of the immediate zoning/future land patterns. Commissioner Stoffer also stated that he thought the structure would be better suited in another area of the city such as Celery Flats. Mr. West indicated the former District #6 Schoolhouse has been located at the site since 1927 and has been used for office purposes since the 1980s. Mr. West stated that zoning decisions and land use designations could consider the location of historic structures but should not be based on an individual structure, but rather the nature and character of the surrounding area. Mr. West stated this area of the city has long been characterized by industrial and office land uses including vacant land owned by Pfizer. Mr. Forth indicated that office uses are also allowed in the industrial zoning districts. Mr. West stated that an alternative to relocate the former District #6 Schoolhouse was being evaluated by the city, as well as possible private parties. Commissioner Shoup stated the structure does not look like other historic structures located at in the City of Portage (Celery Flats area) or in the City of Kalamazoo (Henderson Castle). Commissioner Shoup also stated that he believes the building has lost some of its historical significance [criteria (2) in the preliminary report] and the owner should be allowed to demolish the structure. Commissioner Dargitz disagreed and stated the building contains unique architecture from the 1920s and preservation is important since so little of Portage's history still remains. Commissioner Stoffer stated he believes the structure should either be relocated to a more appropriate location with other historic structures, or the owner should be allowed to demolish the structure. Commissioners Patterson and Bosch stated that they believe the Commission is veering from their charge to provide a recommendation regarding whether or

Commission should waive the second meeting and formulate a recommendation to City Council at tonight's meeting. Attorney Brown stated any deviation from the Planning Commission policy should be discussed and stated in the motion. Mr. Forth suggested the Commission could consider the consistency with the Comprehensive Plan and surrounding land uses in a motion to support the application. Mr. Cochran stated a recommendation from the Commission at tonight's meeting would save a couple weeks in the rezoning process and would allow additional time to perform site improvements before the asphalt plants close in November. Mr. West stated an additional public hearing will also be conducted at City Council and the same residents within 300-feet will also receive notice of this public hearing.

After a brief discussion, a motion was made by Commissioner Schimmel, seconded by Commissioner Dargitz, to waive the second meeting and close the public hearing based on the lack of public comment received during the meeting, the lack of opposition voiced in phone calls received by the Department of Community Development, the historic use of the property for commercial/office and the consistency with the Future Land Use Map. The motion was unanimously approved. A motion was then made by Commissioner Patterson, seconded by Commissioner Dargitz, to recommend to City Council that Rezoning Application #16/17-1, 10332 Shaver Road, be approved and the property be rezoned from R-1B, one family residential to B-3, general business consistent with the Comprehensive Plan, Future Land Use Map, surrounding zoning pattern and historic use of the property. The motion was unanimously approved 7-0.

3. Final Report: Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations. Mr. Forth reiterated the intent of the ordinance amendments and provided follow-up to the Planning Commission questions/comments from the August 4, 2016 meeting.

The public hearing was reconvened by Vice-Chairman Stoffer. No citizens spoke regarding the proposed changes to off-street parking and loading/unloading regulations. A motion was then made by Commissioner Patterson, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved 7-0.

Commissioner Shoup discussed the growing trend of electric vehicles and again stated that he believes the Commission should consider requiring vehicle charging stations as part of larger development projects. Mr. Forth stated the proposed ordinance language encourages installation of vehicle charging stations, however, a provision to require installation would need additional research. Commissioner Schimmel indicated that as electric vehicles become more common, businesses will likely voluntarily install charging stations similar to Celebration Cinema. Commissioner Joshi asked about whether the parking requirement for auto repair facilities was excessive. Mr. Forth discussed the need for additional parking spaces for vehicles that were either awaiting repair or awaiting pick-up and indicated that staff has not historically observed a problem with excessive parking at these businesses. Commissioner Patterson stated the Commission has been discussing these changes for several weeks and he feels comfortable with the proposed ordinance amendment. Commissioner Patterson stated the proposed changes will streamline the approval process and eliminate unnecessary bureaucracy. A motion was then made by Commissioner Patterson, seconded by Commissioner Schimmel, to recommend to City Council approval of Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations. The motion was unanimously approved 7-0.

NEW BUSINESS:

1. FY 2015-2016 Final Work Program Update and Proposed FY 2016-2017 Work Program. Mr. Forth referred the Commission to the staff report dated August 12, 2016 that included a final update of the FY 2015-2016 Work Program and a copy of the proposed FY 2016-2017 Work Program. The Commission did not have any further comments on the FY 2015-2016 Work Program final update. Commissioner Dargitz asked if a Complete Streets reference should be included under Item 3) of the proposed Work Program and whether the Sensitive Land Use Inventory Map is the same as the Natural Features Map. Mr. Forth suggested wording for inclusion of a Complete Streets reference under Item 3), "Implementation, where possible, of Complete Streets Policy elements." Mr. West stated the reference to Sensitive Land Use Inventory Map should be replaced with "Natural Features Map" since this map was adopted with the 2014 Comprehensive Plan and includes wetlands,

TO: Planning Commission**DATE:** August 12, 2016**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Final Report: Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations

I. INTRODUCTION

Consistent with the Planning Commission Work Program, which prioritized Comprehensive Plan implementation strategies including select Zoning Code amendments, staff has prepared several proposed amendments to "Off-Street Parking and Loading." These proposed amendments were previously considered by the Commission during the July 7 and July 21, 2016 meetings with the first of two public hearings held on August 4, 2016. The intent of the amendments is to achieve better, more sustainable off-street parking facility design. In summary, the amendments are designed to address the following:

- Better utilize off-street parking resources by removing barriers that currently prevent joint use of adjacent or nearby facilities.
- Establish a process that allows a property owner to reduce off-street parking based on unique characteristics of a use and other factors that support a reduction in parking.
- Streamline the approval process by allowing the Director and/or Planning Commission to make decisions concerning off-street parking facilities.
- Promote green and sustainable development practices.
- Encourage more pedestrian and non-motorized amenities consistent with the adopted Complete Streets Policy.
- Shopping habits have been altered as a result of increased internet options and growth in other areas of the county that affect local demand for off-street parking. Existing land use categories have been evaluated and parking requirements adjusted, where appropriate, based on local observations and comparison to regional/national standards.
- Promote economic development opportunities involving underutilized off-street parking lots, where appropriate.

The following sections provide more detailed information concerning the proposed amendments. Additionally, attached is a highlight and strike version of the ordinance language.

II. PROPOSED AMENDMENTS

Section 42-520.C. This section requires that off-street parking for a use be located in the same zone and on the same zoning lot it is intended to serve. Since some non-residentially zoned properties in the city have split zoning and to reduce the need for variance requests, it is proposed the reference to "same zone" and "unless such parking area is within or abutting a P-1, vehicular parking district" be removed. However, a clarifying sentence has been added that states off-street parking for a nonresidential use not be allowed in a residential zoning district.

Related to the above, it is also recommended, subject to Planning Commission review and approval, that off-street parking lots do not have to be on the same zoning lot it is intended to serve. However, any such off-street parking must meet specified criteria such as:

- Be located within 500 feet of the building entrance.
- A defined pedestrian walkway from the parking lot to the business must be available.
- Pedestrians should not have to cross a major or minor arterial roadway (as defined in the Comprehensive Plan) unless convenient access to a signalized intersection or refuge island is available with a maximum distance of 750 feet.
- The amount of off-site parking be limited to no more than 25% of the minimum Zoning Code requirement.
- An agreement must be executed between property owners and filed with the Kalamazoo County register of Deeds and the Department of Community Development before a certificate of occupancy is issued.

It is not anticipated that off-site parking will be highly utilized by businesses since customer parking in close proximity to the entrance is important. However, this provision allows flexibility for business owners concerning overflow parking that may only be needed during the peak holiday period or for employee parking.

Section 42-520.H. This section, that requires the Zoning Board of Appeals to consider an exception where there is an instance of dual function off-street parking where the hours of operation do not overlap, has been deleted and is now incorporated into proposed Section 42-520.O, which includes criteria and a process for the Planning Commission to review and approve reductions in off-street parking requirements. Subsequent section numbering has been updated as a result of this deletion.

Section 42-520.I. This section states that for uses not specifically mentioned in the Zoning Code, the requirements for off-street parking shall be in accordance with a use that the Planning Commission considers similar in type. To avoid any delays for site plans that can be otherwise administratively approved, it is proposed that the Director of Community Development make this determination, with provisions that the Director can refer the matter to the Planning Commission, and the applicant reserves the right to appeal a decision of the Director.

Section 42-520.L. This section references how barrier-free parking is to be constructed. Since public acts can change and/or be amended, a simple housekeeping item to remove the reference to “under the authority of Public Act No. 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et. Seq.)” is proposed for this section.

Section 42-520.N.1. This section addresses the maximum parking requirement standard of the Zoning Code and states that no parking lot shall have parking spaces totaling more than 10% of the minimum parking required, unless reviewed and approved by the Planning Commission. Since a 10% difference between the minimum and maximum amount of parking required can often equate to only a few spaces, an increase to 25% is proposed. This change will allow for more flexibility in the range of maximum parking allowed, especially for smaller parking lots, without requiring Planning Commission review/approval of a request to exceed the maximum parking requirement. As information for the Commission, the City of Wyoming recently adopted a maximum parking

requirement with a 20% exceedance above the minimum number of spaces required. Gaines Township also has a maximum parking requirement with a 25% exceedance above the minimum number of spaces required.

Section 42-520.N.3. This section determines when the maximum parking requirement is applicable to a specific use/parking lot. The standard currently establishes the applicability of the maximum parking requirement to "...those parking lots that require a minimum of 50 parking spaces...". While the original intent of the maximum parking requirement was to minimize excessive areas of pavement on larger development projects, the 50 space parking lot threshold has resulted in smaller projects that could otherwise be approved administratively, requiring Planning Commission review/approval to exceed the maximum parking requirement. To address this situation, staff has proposed an increase in the applicability provision of this section from 50 to 100 parking spaces is proposed.

During the August 4, 2016 meeting, the Commission discussed retaining the current 50 car parking lot standard as a result of the proposed increase from 10% to 25% exceedance above the minimum number of spaces required. The intent is to streamline the review and approval process for an applicant by reducing unnecessary delays. Staff believes that increasing the threshold to a 100 car off-street parking is appropriate. However, if the Commission believes it is appropriate to retain the current 50 car parking lot standard, staff is not opposed and will modify the proposed ordinance language accordingly.

Section 42-520.O (new section): Recognizing that businesses may have characteristics unique to a certain location or its business operations, the parking requirements for a particular land use may be similar but not be entirely applicable to a proposed use and/or location. In light of the above, it is recommended the Planning Commission be authorized to consider a reduction of no more than 25% of the minimum parking requirements, following a public hearing, and based on finding there will be a lower demand for parking due to, but not necessarily limited to, the following:

- The applicant demonstrates the use requires less off-street parking than the minimum required based on the unique characteristics or operational nature of the use, expected level of customer traffic or actual vehicular counts at the same or similar establishment, parking is shared by multiple uses and a high proportion of multi-purpose visits or uses will have peak parking demands during different times of the day or days of the week, among other factors.
- The amount of walk-in business due to the density and intensity of adjacent residential areas or employment centers, bicycle accommodation if the facility is located on a designated bike route, and distance from a designated Metro Transit bus stop can also be considered. Connections to public non-motorized facilities must be provided and on-site pedestrian circulation must offer safe and convenient access to building entrances.

In granting relief, the Planning Commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "Average Peak Period Parking Demand" for the applicable land use as defined in the latest edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.

Section 42-521.E. This section refers to ingress and egress to off-street parking lots. Modification of this section to include reference to the Access Management Ordinance is appropriate.

Section 42-521.I. This section refers to pavement requirements associated with new parking lot construction. In order to formalize maintenance standards associated with approved parking areas, a clarifying statement is proposed that states the following: “All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the Department of Community Development.”

Section 42-521.L.(new) Consistent with the implementation strategies contained in the 2014 Comprehensive Plan and the recently adopted Complete Streets Policy, additional ordinance language regarding design and construction of parking areas is recommended. This new section includes language that encourages, where appropriate, low impact parking lot design such as rain gardens, bio-swales, pervious pavement and other techniques consistent with the City of Portage Storm Water Design Criteria Manual, and charging stations for electric vehicles. Also consistent with Complete Streets policies, parking lots should provide to the extent feasible, a pedestrian connection from the public sidewalk to the main building entrance and bicycle racks that accommodate a minimum of four bicycles.

Section 42-522.B. This section establishes loading area requirements for uses in “nonresidential” zoning districts with an additional requirement that these loading areas be situated within the “rear yard” of the site. While designated loading areas are commonly needed in conjunction with business/commercial and industrial land uses, these areas are generally not needed for office land uses which typically have smaller truck/van deliveries that can park in standard vehicle parking spaces. Site plans involving office land uses typically identify a deferred loading area, behind the building, often in a location that may not be functional. As such, changing the requirement for loading areas from “nonresidential” to “commercial and industrial” zoning districts is proposed.

This section also requires that loading areas be situated within the rear yard of the site. Often times, a commercial development project abuts a residential zoning district and/or land use in the rear yard. In these situations, the Zoning Code requires that the loading area be located adjacent to the residential zoning district and/or land use, unless a variance from the Zoning Board of Appeals is obtained. In order to provide additional protections to adjacent residential zones/uses, a change is also proposed to this section that would allow a loading area to be situated in the rear “or side yard when adjacent to a residential zoning district and/or land use.”

Section 42-523 (Schedule of Off-Street Parking Requirements). The table contained in this section establishes minimum parking requirements for various land uses. The minimum required parking standards for each use were evaluated based on local observations, compared to other Michigan communities and national standards. The attached table compares the parking standards of several land use categories between the City of Portage, other Michigan communities and national standards. Based on this evaluation, several modifications, where appropriate, are proposed. The modifications are summarized below and shown in a highlight and strike version of the Zoning Code table from Section 42-523 (also attached).

Residential:

Four sub-categories were added to the “Housing for the Elderly” land use and include:

- Senior adult housing (independent living units that include retirement communities and age-restricted housing projects without full centralized kitchen facilities and may include minimal safety-related on-site services): 1.5 parking spaces per unit.
- Congregate care facility (semi-independent living facility that provides centralized amenities such as dining, housekeeping, transportation, care-giving and organized social/recreational activities): 1 parking space per 2 units plus 1 per employee in the largest working shift.
- Assisted living facility (combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a convalescent/nursing home.): 1 parking space per 2 units plus 1 per employee in the largest working shift.
- Convalescent facility: 1 parking space per 2 units plus 1 per employee in the largest working shift. This land use was previously listed in the institutional category.

The current Zoning Code does not include a definition of Senior adult housing, Congregate care facility or Assisted living facility. Consequently, a definition of each was added to Section 42-112. Also, Section 42-221, principal permitted uses in the RM-1 and RM-2 zoning districts, has been revised to include Senior adult housing facility. Section 42-222, Special land uses in the RM-1 and RM-2 zoning districts, has also been revised to include a combined section for congregate care, assisted living and convalescent facilities. The minimum floor area requirements and number of units per acre specified in Sections 42-350(A) and 42-350(B)(7), respectively, would not apply to congregate care, assisted living and convalescent facilities. A minimum lot area including the required area for the main building plus 1,500 square feet per residential bed would be applicable to all three uses, which is included in the current Zoning Code

Institutional:

- A sub-category for Health Facilities was added, which includes hospitals (no change from previous parking requirements) and immediate medical care clinic. The minimum parking requirement for an immediate medical care clinic is 2 parking spaces per exam room plus 1 per employee.
- Elementary, junior and senior high schools are shown as private since the State School Superintendent has sole and exclusive jurisdiction over site planning of public school facilities.

Business and Commercial:

- Shopping centers between 100,000 and 600,000 square feet and greater than 600,000 square feet. These two categories are proposed to be combined into one since the current minimum parking requirement for shopping centers with a gross leasable area (GLA) between 100,000 and 600,000 square feet (5.4 parking spaces per 1,000 square feet of GLA) and shopping centers with a gross leasable area (GLA) greater than 600,000 square feet (5 parking spaces per 1,000 square feet of GLA) are both proposed at 4 parking spaces per 1,000 square feet of GLA.

- Retail stores. The minimum parking requirement for retail stores should be reduced from 1 parking space per 150 square feet of usable floor area to 1 parking space per 200 square feet of usable floor.
- Self-service and Coin-operated Carwashes. The parking standard should be changed from 5 spaces per stall plus the stall space to 2 per stall plus one for each vacuum or similar area. The current standard is considered excessive.
- Day spa. This is a new land use category similar to a medical clinic that offers a variety of services for the purpose of improving health, beauty and relaxation through personal care treatments. Recommended parking requirements are 1 space per 150 square feet of useable floor area, similar to a medical office.
- Restaurants. A review of restaurant projects (sit-down style and fast food style) since the 2002 Zoning Code Update have identified deficiencies in the minimum parking requirements. Specifically, the minimum parking requirement for sit-down style restaurants (1 space for every 75 square feet of useable floor area) has generally been too low for these uses resulting in several requests to exceed the maximum parking requirement under Section 42-520.O. Conversely, the standard for fast-foot style restaurants and similar uses with no waiter/waitress service that provide inside table areas and drive-thru window service has generally been too high. With regard to take-out only restaurants with no or limited inside table area, the parking standard is proposed to remain unchanged since the UFA of take-out only restaurants is minimal. Based on a review of previously approved site plans, ordinances from other comparable communities and recommendations from national publications, the description of restaurants are proposed to be updated and off-street parking requirements revised. The following changes are summarizes below:
 - Restaurants that provide waiter/waitress service to the table but no drive-thru or in-car service. Off-street parking requirements are proposed to be increased from 1 space per 75 square feet of usable floor area to 1 space per 60 square feet of usable floor area.
 - Fast food restaurants that provide for table areas inside and drive-thru service but do not provide waiter/waitress service to the table or in-car service. Off-street parking requirements are proposed to decrease from 1 space per 25 square feet of usable floor area to 1 space per 40 square feet of usable floor area plus 3 stacking spaces between the window and menu board and 3 stacking spaces before the menu board.
 - Fast food restaurants that provide in-car service. In addition to the parking space at each menu board, 1 parking space must be provided for each employee in the largest working shift.

In response to the discussion during the August 4th Planning Commission meeting, Table 1 provides additional off-street parking information on a select number of existing restaurants that provide waiter/waitress service to the table but no drive-thru provide. The table includes information about the usable floor area used to determine parking requirements, minimum number of off-street parking spaces required under the current standard (1 space per 75 sq. ft. of usable floor area), number of spaces required under the proposed standard (1 space per 60 sq. ft. of usable floor area) and the actual number of on-site parking spaces. As shown in the table, all the restaurants would meet the proposed parking standard. Recognizing there are many restaurants located in the city, if the number of parking spaces for an existing restaurant

did not meet the new standard, it would be considered legally nonconforming and no specific action would be needed unless an expansion of the use was proposed.

The information contained in the table also shows that all the restaurants installed more parking than the minimum required by the current or proposed standard. Although the proposed standard could be increased to require even more off-street parking spaces, a further increase could be burdensome on smaller diner-type restaurants, such as Bucky's Café located on Portage Road and Michelle's located on Romence Road, whose hours of operation and menu may be more limited and, as a result, the demand for parking less.

It is important to note that the current and proposed standards are minimum requirements. Any business can add more parking than the minimum required. However, if the land use requires at least 100 off-street parking spaces (proposed) the amount of additional parking spaces cannot exceed 25% without Planning Commission review/approval. If the Commission supports the increase from a 50 space off-street parking lot to 100 before Commission review/approval becomes necessary, it would result in a more streamlined plan review process saving the business owner additional time and effort. Depending on the type, size and location of a restaurant, off-street parking needs will vary and, as a result, flexibility needs to be maintained.

- Auto repair facility. Consistent with the recent automotive amendments approved by City Council, "automobile service station" has been changed to reflect the new "auto repair facility" definition. The off-street parking requirements have also been updated to 2 spaces per stall, rack or pit plus 1 space per employee.
- Vehicle fueling station. Also consistent with the recently approved automotive amendments, "vehicle fueling station" has been added. The off-street parking requirements are 1 per fuel nozzle plus 1 per 200 square feet of usable floor area of interior retail space.
- Banks. Off-street parking requirements are proposed to decrease from 1 space per 150 square feet of usable floor area to 1 space per 200 square feet of usable floor area plus 1 per employee. A minimum amount of vehicular stacking space of 3 spaces per drive-thru lane is also proposed. The reduction is based on local observations, national standards and review of other comparable communities.
- Professional office for doctors, dentists and similar professional clinics. Off-street parking requirements are proposed to decrease from 1 space per 100 square feet of usable floor area to 1 space per 150 square feet of usable floor area. The reduction is based on local observations, national standards and review of other comparable communities.
- Business and professional offices. Off-street parking requirements are also proposed to decrease from 1 space per 150 square feet of usable floor area to 1 space per 200 square feet of usable floor area. The reduction is based on local observations, national standards and review of other comparable communities.

The overall recommended reduction in the minimum amount of parking required for the above commercial land uses is based on 1) local observations and 2) standards promulgated in the Parking Requirements for Shopping Centers, second edition, published by the Urban Land Institute and Parking Generation, fourth edition, published by the Institute of Transportation Engineers and 3) review of ordinance standards from other comparable communities. The reduction in the amount of required off-street parking affords the opportunity for "in-fill" economic development activities

using large, underutilized off-street parking lots. Staff has received recent inquiries from developers concerning the development of “pad sites” in front of large, existing commercial sites. The recent construction of Jared Jewelers is an example of this type of pad site development.

In addition, the current Schedule for Off-Street Parking Requirements only specifies a vehicle stacking requirement for automatic car washes (“...stacking space equal to 5 times the maximum capacity of the car wash”). Other uses such as banks/credit unions, fast-food restaurants, ice cream and coffee shops with drive-thru service do not have a minimum stacking requirement listed in the schedule. A minimum amount of stacking space is now proposed.

The Table 1 below compares the effect of the modifications between the existing and proposed parking standards for selected Portage business uses.

Land Use	Building Area (square feet)	Current Ordinance Requirement	Proposed Ordinance Requirement	Current Parking Provided	Difference between Parking Provided & Proposed Ordinance
Crossroads Mall	774,269 ¹	3,871	3,097	3,993	896
Southland Mall	364,287 ¹	1,967	1,457	1,989	532
Meijer, 8850 Shaver Road	134,100 ²	894	671	958	287
Walgreen's, 5933 South Westnedge	10,374 ²	69	52	70	18
First Source Bank, 2381 W. Centre	2,400 ²	16	12	25	13
Great Lakes Surgery, 7971 Moorsbridge	4,400 ²	44	29	44	15
Zhang Financial, 5931 Oakland	6,137 ²	41	31	55	24
McDonald's, 6925 South Westnedge	1,804 ²	72	45	79	34
Monelli's Restaurant, 7141 South Westnedge	5,395 ²	72	90	150	60
Latitude 42, 7842 Portage	3,720 ²	50	62	131	69
Carrabba's/Red Robin, 5640 South Westnedge	8,456 ^{2, 3}	113	141	191	50
Los Amigos/Wings, Etc. 7375 South Westnedge	7,265 ^{2, 3}	97	121	123	2
Olive Garden, 6700 South Westnedge	5,050 ²	67	84	161	77
Bob Evans, 5641 South Westnedge	3,179 ²	42	53	87	34

¹ GLA – Gross Leasable Area. The total floor area designed for individual tenant occupancy and exclusive use, including basement, mezzanines and upper floors.

² UFA – Usable Floor Area. That area intended to be used for the sale of merchandise and services or for use to serve patrons, clients or customers. Floor area used for storage or processing of merchandise, for hallways, or for utilities or sanitary facilities are excluded.

³ Usable square footage for both buildings was combined since restaurants share the off-street parking lot

III. RECOMMENDATION

Based on the above analysis and subject to any additional discussion/comments received during the August 18, 2016 public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations, be approved.

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Land Use	Novi	Kentwood	Gaines	Wyoming	Grandville	Kalamazoo	Oshtemo	Portage	ITE Avg. peak period:
Housing for the elderly	Independent living - 1/unit +1/employee Assisted, convalescent, nursing home - 1/4 beds + 1/employee	One/each 3 beds or 2 rooms, plus ten spaces signed for visitors	Independent living - 1.5/unit Assisted, convalescent, nursing home - 1/2 beds + 1/employee	Independent living – 1/unit + 1/employee Convalescent, nursing home - 2/3 beds + 1/employee	Senior housing: 5/dwelling + 1/employee	Nursing: 1/10 beds Assisted living: 1/5 beds	Senior housing: 1.5/unit + 1/employee in largest working shift Nursing/assisted living: 1/2 beds + 1/employee	Elderly: 1/2 units + 1/employee Convalescent: 1/2 beds	Independent: .59/unit Assisted: .41/unit CoC: 1/unit
Outpatient care facilities	No specific standard	2.5/exam room + 1/lab or recovery room	2/exam room + 1/lab or recovery room + 1/employee	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard
Banks, business & financial services	1/150 GFA + 3 standing spaces/window	1/200 GFA + 4 standing spaces/window	3/1000 GFA (no stacking req.)	1/200 GFA + 4 standing spaces/window + 3/walk-up atm	5/1000 GFA + 4 standing spaces/window + floor area	1/330 GFA + 3 standing spaces/lane	1/150 UFA (minimum number of stacking spaces not specified.)	1/150 UFA	Avg. peak period: 4/1000 GFA
General office	<100K - 1/222 GLA >100K – 1/286	1/300 GFA	3/1000 GFA	1/400 GFA (no less than 5)	4/1000 GFA	1/330 GFA	1/150 UFA	1/150 UFA	Avg. peak period: 2.84/1000 GFA
Medical office	<5K - 1/167 GLA >5K – 1/175	3/exam room + 1/lab or recovery room	4/1000 GFA	1/200 GFA	6/1000 GFA	1/200 GFA	1/150 UFA	1/100 UFA	Avg. peak period: 3.2/1000 GFA
Personal service	No specific standard	1/300 GFA	6/1000 GFA	No specific standard	1/300 UFA + 1/employee	1/400 GFA	1/300 UFA (minimum 4 spaces required)	No specific standard	No specific standard
Salons	3/first 2 chairs + 1.5/each additional chair	3/stylist	See personal service est.	3/chair	See personal service est.	1/200 GFA	1/100 UFA or 3/work station, whichever is greater	3/first 2 chairs + 1.5/each additional chair	No specific standard
Retail	1/200 GLA	Convenience – 1/250 GFA Retail - 1/250 GFA for first 25K, then 1/300 thereafter	Low intensity - 2/1000 GFA Convenience – 4/1000 GFA Other retail – 5/1000 GFA	1/250 GLA Grocery: 1/200 GLA	<25K: 4/1000 GFA >25K: 5/1000 Food stores: 5/1000 GFA	<300K: 1/305 GFA 300-600K: 1/285 GFA >600K: 1/265 GFA	1/150 UFA	1/150 UFA	Avg. peak period: 2.70/1000 GFA ¹
Shopping Center	<400K: 4/1000 GFA 400-600K: 4-4.5/1000 GFA >600K: 4.5/1000 GFA	1/250 GFA for first 25K, then 1/300 thereafter	25K – 400K: 4/1000 GFA 400K – 600K: 4.5/1000 GFA >600K: 5/1000 GFA	Multi-tenant: 1/250 GLA + restaurants	>300K: 4.5/1000 GFA	See above	1/150 UFA	100K – 600K: 5.4/1000 GLA >600K: 5.0/1000 GLA	<400K GLA: 4.0/1000 ² 400K-600K: 4.0-4.5/1000 GLA >600K: 4.5/1000 GLA
Restaurant (no drive-thru)	1/70 GFA OR 1/2 employees + 1/2 customers allowed under max capacity, whichever is greater	1/50 UFA 1/70 UFA within shopping centers	10/1000 GFA	1/100 GFA	1.5/3 seats	1/150 GFA	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed +1/employee in largest shift	1/75 UFA	Avg. peak period: 16.30/1000 GFA ¹
Restaurant (fast food with drive thru and sit down)	1/2 employees + 1/2 customers allowed under max capacity + 4 spaces between board & window & 4 before board	1/50 UFA + 4 standing spaces/window	15/1000 GFA	1.25/3 people + 5 stacking spaces/window	1.5/3 seats + 10 stacking spaces	1/150 GFA capacity + 4 spaces between board & window & 4 before board	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed +1/employee in largest shift	1/25 UFA	Avg. peak period: 8.7/1000 GFA ⁴
Restaurant (take out only)	No specific standard	No specific standard	No specific standard	6/counter station + 1/employee	No specific standard	1/100 GFA	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed +1/employee in largest shift	1/25 UFA	No specific standard
Auto Repair	2/service stall + 1/pump stand + 1/each vehicle used as part of the equipment + spaces for accessory uses	2/service stall + 1/employee + 1/each service area	5/1000 GFA + 1/employee	2/stall + 1/employee	1/service stall + 1/200 sq. ft. of retail area + 1/employee.	2/service stall + 1/200 sq. ft. of retail area	3/service stall + 1/300 sq. ft. of retail area + 1/employee.	2/service stall + 1/gas pump.	Avg. peak period: .75/fueling position ⁵
Drive thru vehicle maintenance	2.5/stall	No specific standard	1/1000 GFA + 1/employee	2/stall + 1/employee	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard
Gas stations/convenience	1/fuel nozzle + 1/200 UFA	2/service stall + 1/employee + 1/each service area		1/employee + other uses. Each fueling space counts as ½ space for other uses	1/service stall + 1/200 sq. ft. of retail area + 1/employee.	1/200 GFA	3/service stall + 1/300 sq. ft. of retail area + 1/employee.	No specific standard	Avg. peak period: .75/fueling position ⁶
5,000 sq. ft. bank	33	25	15	25	25	15	22	22 @ 65%	20
10,000 sq. ft. office	45	33	30	25	40	30	43	43 @ 65% UFA	28.4
10,000 sq. ft. medical office	57		40	50	60	50	43	65 @ 65% UFA	32
20,000 sq. ft. retail	100	80	100 (used "other")	80	80	66	107	107	54
200,000 sq. ft. Meijer	800 @ 4/1000	667	800 @ 4/1000	800	1000	656	1,067	1080	660 @ 3.3/1000 ⁷
800K sq. ft. mall	3600	2667	4000	3200	3600	3,019	4,267	4000	3600
8,000 sq. ft. restaurant	114 @ 1/70 GFA	104 @ 65% UFA	80	80	N/A	53	74 @ 1/70 UFA (no employees)	69	130
5000 sq. ft. fast food		65 @ 65% UFA	75	N/A	N/A	33	46 @ 1/70 UFA (no employees)	130	44

¹ Land Use Code 815 (Saturday-non-December)

² Urban Land Institute recommendation

³ Land Use Code 932 (p. 322). Saturday count with a bar.

⁴ Land Use Code 934 (p. 337). Saturday count.

⁵ Land Use Code 945 (p. 349). Includes convenience market

⁶ Land Use Code 945 (p. 349). Includes vehicle service

⁷ Used Land Use Code 813 (Discount Superstore) and used the median between the supply ratio and peak demand ratio

[ORDINANCE FOR ADOPTION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS; SEC. 42-221 and 222, RM-1, MULTI-FAMILY
RESIDENTIAL DISTRICT; SEC. 42-520 THROUGH 42-523, OFF-STREET PARKING AND
LOADING; OF ARTICLE 4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT
REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. Definitions, shall be amended to add the following definitions:

Senior adult housing: Independent living units that include retirement communities and age-restricted housing projects without full centralized kitchen facilities and may include minimal safety-related on-site services.

Congregate care facility: A semi-independent living facility that provides centralized amenities such as dining, housekeeping, transportation, care-giving and organized social/recreational activities.

Assisted living facility: A combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a convalescent/nursing home.

Sec. 42-221. Principal Permitted Uses

In an RM-1 and RM-2 multifamily residential district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

A. through S. No change.

T. Senior Adult Housing Facility.

U. Personal service establishments, including barbershops, beauty shops and health salons, accessory to the uses permitted in this section.

V. Accessory buildings and uses, in accordance with the provisions of Section 42-121.

Sec. 42-222. Special Land Uses

The following uses may be allowed in a multi-family residential district (RM-1 and RM-2), subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- A. Congregate care, assisted living, and convalescent homes.
 - 1. The minimum floor area per dwelling unit requirements specified in Section 42-350(A), *Schedule of Regulations*, and number of units per acre specified in Section 42-350(B)(7) *Footnotes to Schedule of Regulations*, shall not apply to assisted living and convalescent care facilities.
 - 2. The minimum lot area shall be equal to the area required for the main building plus 1,500 square feet of lot area per resident bed.
- B. Adult foster care large group homes.
 - 1. The site shall be so located as to have one property line abutting a major or collector thoroughfare as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or marginal access service drive thereof. The planning commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
 - 2. The parking area shall be screened in accordance with Section 42-572, *Parking Lot and Building Landscaping*.
- C. Accessory uses designed primarily to benefit residents of multifamily dwellings, housing for the elderly or convalescent homes provided they are located entirely in an RM-1 and/or an RM-2 district.
- D. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.

Division 6, Subdivision 1, Off-Street Parking and Loading, shall be amended as follows:

Sec. 42-520. General Requirements

- A. No change.
- B. No change.
- C.
 - 1. Off-street parking for a nonresidential use shall not be allowed in a residential district.
 - 2. Off-street parking shall be on the same zoning lot it is intended to serve, except as provided below.
 - 3. Subject to Planning Commission review and approval, an off-street parking lot is not required to be located on the same zoning lot it is intended to serve only if such off-street parking meets all of the following criteria:
 - a. The off-street parking lot shall be located within 500 feet of the public entrance of the main building it serves.
 - b. A minimum four foot wide paved sidewalk from the parking lot to the building entrance is available for pedestrian use.
 - c. The off-street parking lot shall not be on the opposite side of a major or minor arterial roadway (as defined in the Comprehensive Plan) unless access to a signalized intersection with a crosswalk or refuge island is available for

pedestrians. The walking distance from the parking lot to the main building entrance by way of the signalized intersection shall not exceed 750 feet.

- d. The amount of off-site parking shall be limited to no more than 25% of the minimum Zoning Code requirement.
- e. A parking agreement must be executed between property owners of the affected parcels and recorded with the Kalamazoo County Register of Deeds.

D. through G. No change.

- H. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited
- I. For those uses not specifically mentioned in this section, the requirements for off-street parking facilities shall be in accordance with a use that the Director considers similar in type. Should the Director determine that review by the Planning Commission is necessary due to unique or unusual circumstances, the Director may, with 10-day written notice to the applicant, refer this matter to the Commission. In addition, a person aggrieved by a final decision of the Director may file an appeal with the Planning Commission specifying the grounds thereof within 30 days of receiving notice of the Director's decision.
- J. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, a fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- K. For the purpose of computing the number of parking spaces required, the definition of floor area, usable (UFA) set forth in Section 42-112, *Definitions*, shall govern.
- L. Barrier-free parking shall be provided and constructed in accordance with the general rules of the state construction code commission.
- M. Deferred parking. No Change.
- N. Maximum parking requirement.
 - 1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to 25% greater than the minimum parking space requirements, as determined by Section 42-523, *Schedule of off-street parking requirements*, except as may be approved by the planning commission.
 - 2. In granting additional parking spaces, the Planning Commission shall determine such parking will be necessary to accommodate the use on a typical day, based on documented evidence provided by the property owner or applicant.
 - 3. This subsection shall apply only to those parking lots that require a minimum of 100 parking spaces as required in Section 42-523, *Schedule of off-street parking requirements*.

O. Reduction in parking requirements.

1. The minimum parking spaces as required in Section 42-523, *Schedule of off-street parking requirements*, shall apply, unless the applicant demonstrates by clear and convincing evidence, that there are substantial reasons for a reduction of no more than 25% of the required parking due to the existence of a combination of the following:
 - a. The use requires less off-street parking than the minimum required based on the nature and character of the use, considering the unique, specialized operations causing the level of customer traffic or actual vehicular counts to be lower than those expected of the same or similar use contained in Section 42-523, *Schedule of off-street parking requirements*.
 - b. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses.
 - c. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers which are of sufficient density and intensity. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
 - d. Availability of other forms of travel such as the distance from a designated Metro Transit bus stop and the location of bike routes. The Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.
 - e. Any other reason which, in the Planning Commission's determination, would provide a substantial reason for a reduction in the minimum parking requirements.
2. The Planning Commission shall not grant a reduction in the minimum parking requirements if it determines that the lower demand for parking will or may be temporary in nature.
3. The Planning Commission may also consider City policies regarding local traffic circulation, as well as all aspects of the City's Comprehensive Plan.
4. Before relief is granted by the Planning Commission, the applicant shall demonstrate either of the following:
 - a. The use involved is not specifically included in the minimum parking space requirements of Sec. 42-523, *Schedule of off-street parking requirements*; or
 - b. If the use involved is included in Sec. 42-523, then it possesses such specialized and unique characteristics causing it to be substantially different from the use so included in Sec. 42-523.
5. The Planning Commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "Average Peak Period Parking Demand" for the applicable land use as defined in the latest

edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.

6. An applicant who desires relief from the minimum requirement of parking spaces shall file a request with the Planning Commission specifying the grounds thereof in accordance with this section. The Planning Commission may decide the request during site plan review or at such other time as determined by the Director or the Planning Commission. The Director shall transmit to the Planning Commission all the materials constituting the record needed to make its decision as well as a recommendation. If a request for relief under this section is heard at the same time as a site plan, or any other approval, the procedures, standards and requirements for each shall be satisfied.
7. The Planning Commission shall hold a public hearing in accordance with the requirements of MCL 125.3101, et seq., (The Zoning Enabling Act) to consider an applicant's request for relief to reduce minimum parking requirements.
8. In granting relief under this section, the Planning Commission may place reasonable conditions in conjunction with the decision to protect the health, safety and welfare of City residents as well as the traveling public to ensure adequate traffic circulation, to protect the residents and land owners immediately adjacent to the proposed land use activity and to assure that the reduction of the minimum parking requirements will not result in overcrowding, traffic hazards or other consequences which may arise from the relief granted or from the possibility of inadequate parking spaces.

Sec. 42-521. – Design, construction and maintenance of parking areas.

- A. Whenever the off-street parking requirements of this article require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the standards and regulations of this section and Chapter 66, Article 3, Access Management.
- B. through H. No change.
- I. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalted or concrete surfacing in accordance with specifications approved by the director of transportation and utilities. Parking areas shall be surfaced within one year of the date the permit is issued. All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the Department of Community Development.
- J. No change.
- K. No change.
- L. Consistent with the City of Portage Comprehensive Plan and Complete Streets Policy, as amended, new or reconstructed off-street parking lots should incorporate the following:
 1. Low impact parking lot design alternatives such as rain gardens, bio-swales, pervious pavement, charging stations for electric vehicles and other green/sustainable techniques.
 2. Pedestrian connection from the public sidewalk to the main building entrance.

3. Bicycle racks that accommodate a minimum of four bicycles.

Sec. 42-522. – Loading Facilities

- A. No change.
- B. Except as otherwise required in Section 42-522 (E), below, off-street loading spaces shall be provided in commercial and industrial districts in the rear yard in the ratio of at least one space per each establishment and shall be provided in addition to any required off-street parking area. If the adjacent land area is zoned residential or designated for residential use in the planned development, the loading area may be located in the rear or side yard.
- C. No change.
- D. No change.
- E. Off-street loading and unloading space in an industrial district may be provided in either the side or rear and/or outside of the required front yard, provided that it is separate from fire lanes, maneuvering lanes and parking areas and does not obstruct the flow of traffic in the parking area.
- F. No change.
- G. No change.

Sec. 42-523. – Schedule of off-street parking requirements (See attached schedule)

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

Peter J. Strazdas

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

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

James R. Hudson, City Clerk

Approved/as to form
Date: 8/25/2016

RHB

City Attorney

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS; SEC. 42-221 and 222, RM-1, MULTI-FAMILY
RESIDENTIAL DISTRICT; DIVISION 6, SUBDIVISION 1, OFF-STREET PARKING AND
LOADING; OF ARTICLE 4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT
REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

~~Housing for the elderly: A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.~~

Senior adult housing: Independent living units that include retirement communities and age-restricted housing projects without full centralized kitchen facilities and may include minimal safety-related on-site services.

Congregate care facility: A semi-independent living facility that provides centralized amenities such as dining, housekeeping, transportation, care-giving and organized social/recreational activities.

Assisted living facility: A combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a convalescent/nursing home.

Sec. 42-221 – Principal Permitted Uses

A. through S. No change.

T. Senior Adult Housing Facility

~~T.~~ U. Personal service establishments, including barbershops, beauty shops and health salons, accessory to the uses permitted in this section.

~~U.~~ V. Accessory buildings and uses, in accordance with the provisions of Section 42-121.

Sec. 42-222. – Special Land Uses

A. ~~Housing for the elderly.~~

- ~~1. All housing for the elderly shall have a minimum site area of five acres.~~
- ~~2. The following uses may be provided as part of the development.~~

- a. ~~One family detached, attached, and/or multifamily dwelling units;~~
- b. ~~Common services containing, but not limited to, central dining rooms, recreational rooms, a central lounge and workshops.~~
- 3. ~~All dwellings shall consist of at least 350 square feet per unit, not including kitchen and sanitary facilities.~~
- 4. ~~No building shall exceed 30 feet in height.~~

A. Congregate care, assisted living, and convalescent homes

- 1. The minimum floor area per dwelling unit requirements specified in Section 42-350(A) and number of units per acre specified in Section 42-350(B)(7) shall not apply to assisted living and convalescent care facilities.
- 2. The minimum lot area shall be equal to the area required for the main building plus 1,500 square feet of lot area per resident bed.

B. ~~Convalescent homes.~~

- 1. ~~The minimum lot area for the convalescent home shall be equal to the area required for the main building plus 1,500 square feet of lot area per patient bed.~~
- 2. ~~All buildings shall have a minimum setback of 40 feet to any property line.~~
- 3. ~~No building shall exceed 30 feet in height.~~

G. B. Adult foster care large group homes.

- 1. The site shall be so located as to have one property line abutting a major or collector thoroughfare as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or marginal access service drive thereof. The planning commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
- 2. The parking area shall be screened in accordance with Section 42-572.

D. C. Accessory uses designed primarily to benefit residents of multifamily dwellings, housing for the elderly or convalescent homes provided they are located entirely in an RM-1 and/or an RM-2 district.

E. D. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.

Sec. 42-520. – General Requirements

A. through B. No change.

- C. 1. Off-street parking for a nonresidential use shall not be allowed in a residential district.
- 2. Off-street parking shall be on the same zone and same zoning lot it is intended to serve unless such parking area is within or abutting a P-1, vehicles parking district, except as provided below.
- 3. Subject to Planning Commission review and approval, an off-street parking lot does not have to be located on the same zoning lot it is intended to serve subject to all of the following:
 - a. The off-street parking lot shall be located within 500 feet of the public entrance into the building.
 - b. A minimum four foot wide paved sidewalk from the parking lot to the building entrance is available for pedestrian use.

- c. The off-street parking lot shall not be on the opposite side of a major or minor arterial roadway (as defined in the Comprehensive Plan) unless access to a signalized intersection with a crosswalk or refuge island is available for pedestrians. The walking distance from the parking lot to the building entrance by way of the signalized intersection cannot exceed 750 feet.
- d. The amount of off-site parking shall be limited to no more than 25% of the minimum Zoning Code requirement.
- e. A parking agreement must be executed between property owners and recorded with the Kalamazoo County Register of Deeds.

D. through G. No change.

H. ~~In the instance of dual function of off-street parking spaces where operation hours of buildings do not overlap, the zoning board of appeals may grant an exception.~~

I. H. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited

J. I. For those uses not specifically mentioned in this section, the requirements for off-street parking facilities shall be in accordance with a use that the ~~planning commission~~ Director considers similar in type. Should the Director determine that review by the Planning Commission is necessary due to unique or unusual circumstances, the Director may, with 10-day written notice to the applicant, refer this matter to the Commission. A person aggrieved by a final decision of the Director may file an appeal with the Planning Commission specifying the grounds thereof within 30 days of receiving notice of the Director's decision.

K. J. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, a fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

L. K. For the purpose of computing the number of parking spaces required, the definition of usable floor area set forth in Section 42-112 shall govern.

M. L. Barrier-free parking shall be provided and constructed in accordance with the general rules of the state construction code commission. ~~under authority of Public Act No. 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.).~~

N. M. Deferred parking.

1. through 3. No Change

O. N. Maximum parking requirement.

1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to ~~ten~~ twenty-five percent greater than the minimum parking space requirements, as determined by the Schedule of off-street parking requirements, Section 42-523, except as may be approved by the planning commission.
2. In granting additional parking spaces, the Planning Commission shall determine such parking will be necessary to accommodate the use on a typical day, based on documented evidence provided by the property owner or applicant.
3. This subsection shall apply only to those parking lots that require a minimum of ~~50~~ 100 parking spaces as required in Section 42-523.

O. Reduction in parking requirements.

1. The minimum parking spaces as required in Section 42-523 shall apply, unless the applicant demonstrates by clear and convincing evidence, that there are substantial reasons for a reduction of no more than 25% of the required parking due to the existence of a combination of the following:
 - a. The use requires less off-street parking than the minimum required based on the nature and character of the use, considering the unique, specialized operations causing the level of customer traffic or actual vehicular counts to be lower than those expected of the same or similar use contained in Section 42-523.
 - b. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses.
 - c. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers which are of sufficient density and intensity. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
 - d. Availability of other forms of travel such as the distance from a designated Metro Transit bus stop and the location of bike routes. The Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.
 - e. Any other reason which, in the Planning Commission's determination, would provide a substantial reason for a reduction in the minimum parking requirements.
2. The Planning Commission shall not grant a reduction in the minimum parking requirements if it determines that the lower demand for parking will or may be temporary in nature.
3. The Planning Commission may also consider City policies regarding local traffic circulation, as well as all aspects of the City's Comprehensive Plan.
4. Before relief can be granted by the Planning Commission, the applicant shall demonstrate either of the following:
 - a. The use involved is not specifically included in the minimum parking space requirements of Sec. 42-523; or
 - b. If the use involved is included in Sec. 42-523, then it possesses such specialized and unique characteristics causing it to be substantially different from the use so included in Sec. 42-523.
5. The Planning Commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "Average Peak Period Parking Demand" for the applicable land use as defined in the latest edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.

6. An applicant who desires relief from the minimum requirement of parking spaces shall file a request with the Planning Commission specifying the grounds thereof in accordance with this section. The Planning Commission may decide the request during site plan review or at such other time as determined by the Director or the Planning Commission. The Director shall transmit to the Planning Commission all the materials constituting the record needed to make its decision as well as a recommendation. If a request for relief under this section is heard at the same time as a site plan, or any other approval, the procedures, standards and requirements for each shall be satisfied.
7. The Planning Commission shall hold a public hearing in accordance with the requirements of the Zoning Enabling Act to consider an applicant's request for relief to reduce minimum parking requirements.
8. In granting relief under this section, the Planning Commission may place reasonable conditions in conjunction with the decision to protect the health, safety and welfare of City residents as well as the traveling public, to ensure adequate traffic circulation, to protect the residents and land owners immediately adjacent to the proposed land use activity and to assure that the reduction of the minimum parking requirements will not result in overcrowding, traffic hazards or other consequences which may arise from the relief granted or from the possibility of inadequate parking spaces.

Sec. 42-521. – Design, construction and maintenance of parking areas.

A. through D. No change.

E. Whenever the off-street parking requirements of this article require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the standards and regulations of this section and Chapter 66, Article 3 – Access Management.

F. through H. No change.

I. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalted or concrete surfacing in accordance with specifications approved by the director of transportation and utilities. Parking areas shall be surfaced within one year of the date the permit is issued. All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the Department of Community Development.

J. through K. No change.

L. Consistent with the City of Portage Comprehensive Plan and Complete Streets Policy, as amended, new or reconstructed off-street parking lots should incorporate the following:

1. Low impact parking lot design alternatives such as rain gardens, bio-swales, pervious pavement, charging stations for electric vehicles and other green/sustainable techniques.
2. Pedestrian connection from the public sidewalk to the main building entrance.
3. Bicycle racks that accommodate a minimum of four bicycles.

Sec. 42-522. – Loading Facilities

A. No change.

B. Except as otherwise required in E, below, off-street loading spaces shall be provided in ~~nonresidential~~ commercial and industrial districts in the rear yard in the ratio of at least

one space per each establishment and shall be provided in addition to any required off-street parking area. If the adjacent land area is zoned residential or designated for residential use in the planned development, the loading area may be located in the rear or side yard.

C. through G. No change.

Sec. 42-523. – Schedule of off-street parking requirements

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Sec. 42-523. - Schedule of off-street parking requirements.

SECTION 42-523
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

	Use	Minimum # of Spaces	Remarks
Residential	One-family and two-family residences	2/dwelling unit	—
	Residential and multi-family residences	2/dwelling unit	—
	Housing for the elderly • Senior adult housing • Congregate care facility; Independent living units Assisted living; and Convalescent/nursing home	1.5/dwelling unit plus 1/employee 1/2 units plus 1/employee in the largest working shift	If units revert to general occupancy, then 2 spaces/unit shall be provided
	Manufactured Home Community	2/site plus 1/employee	—
Institutional	Churches and Temples Religious institutions	1/3 seats or 6 ft. of pews in main unit of worship	—
	Health facilities • Hospitals • Immediate medical care clinic	2 spaces per bed 2/exam room plus 1/employee	—
	Private E lementary and junior high schools	1/teacher, employee or administrator plus requirements for auditorium, <u>whichever is greater</u>	—
	Private s enior high schools	1/teacher, employee or administrator and 1/10 students, plus requirements for auditorium, <u>whichever is greater</u>	—
	Private clubs and lodge halls	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
	Swimming pool clubs, tennis clubs and other similar uses	1/2 member families or individuals	—
	Public and private golf courses, except miniature or par 3 course	6/hole plus 1/employee	—

	Fraternities and sororities	1/5 permitted active members, or 1/2 beds (whichever is greater)	—
	Stadiums, sports arenas or similar places or outdoor assembly	1/3 seats or 6 ft. of benches	—
	Theaters and auditoriums	1/3 seats plus 1/2 employees	—
Business and Commercial	Planned commercial shopping centers in a business district with a GLA greater than 1,600,000 sq. ft.	45/1000 sq. ft. of GLA	—
	Planned commercial shopping centers in a business district with a GLA greater than 100,000 sq. ft. but less than 600,000 sq. ft.	5.4/1000 sq. ft. of GLA	—
	Car washes (automatic)	1/employee plus stacking spaces equal to 5 times the maximum capacity of the car wash	Maximum capacity of the wash means the greatest number of vehicles possible undergoing some phase of washing at the same time. Determined by length of wash line (ft.)/20 ft.
	Carwashes (self-service self-service and/or coin-operated)	5 spaces per stall + stall space 2 plus 1 for each employee and 1 for each vacuum station or similar area	—
	Beauty parlors or barbershops	3/first 2 chairs, plus 1½ for each additional chair	—
	<u>Day spa</u>	<u>1/100 sq. ft. of UFA</u>	
	Bed and breakfasts	2 plus 1/guest room	—
	Bowling alleys	5/lane	—
	Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
Business and Commercial	Restaurants that provide waiter/waitress service to the table but no drive-thru or in-car service. Establishments for sale and consumption, on premises, of beverages, food or refreshments (Restaurants)	1/6075 sq. ft. of UFA	—
	Fast food restaurants that provide for table areas inside and drive-thru service but do not provide waiter/waitress service to the table or in-car service. Establishments that sell hard or soft ice cream and sundry items to their patrons from an external window with no in-building service	1/40 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking before the menu board 1/25 sq. ft. of UFS	—

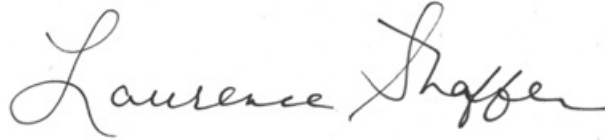
<u>Fast food restaurants that provide take-out service (walk-up window or drive-thru service) with no or limited inside table area. Establishments that sell hard or soft ice cream and sundry items to their patrons cafeteria-style primarily for takeout, with no table service</u>	<u>1/25 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking spaces before the menu board.</u>	
<u>Fast food restaurants that provide in-car service. Fast food restaurants that provide for both takeout and table areas but do not provide waiter/waitress service to the table or in-car service</u>	<u>In addition to the parking space at each menu board, 1/each employee in the largest working shift. 1/25 sq. ft. of UFA</u>	—
Furniture, appliance and household equipment repair shops; showrooms of plumbers, decorators, electricians or similar tradesman; shoe repair; and other similar uses	1/800 sq. ft. of UFA; Floor area used in processing 1 additional/2 employees	—
<u>Automobile service stations</u> <u>Auto repair facility</u>	<u>2/lubrication stall, rack or pit plus 1/gasoline pump/employee</u>	—
<u>Vehicle fueling station</u>	<u>1/fuel nozzle plus 1/200 UFA of retail floor area</u>	—
Laundromats and coin-operated dry cleaners	1/2 machines	—
Miniature and par 3 golf courses	3/hole plus 1/employee	—
Mortuary establishments	1/50 sq. ft. of UFA	—
Motels, hotels and other commercial lodging establishments	1/occupancy unit plus 1/employee	—
Motor vehicle sales and service establishments	1/200 sq. ft. of UFA or sales room plus 1/auto service stall in service room.	—
Retail stores, except as otherwise specified earlier	1/ 150 200 sq. ft. of UFA	—
Offices		
Banks	1/ 200 150 sq. ft. of UFA <u>plus 1/employee and 3 stacking spaces per drive-thru facility</u>	—
Professional offices of doctors, dentists and similar professionals, clinics	1/ 150 100 sq. ft. of UFA	—
Business and professional offices, except as indicated in the previous use	1/ 200 150 sq. ft. of UFA	—

Industrial Agricultural	Industrial and research establishments and related accessory offices	5 plus 1½ per employee in largest work shift	Parking on site must be provided for all construction workers during plant construction__
	Wholesale establishments and related accessory offices	5 plus 1/employee in largest work shift, or 1/1700 sq. ft. of UFA (whichever is greater)	—
	General or specialized agriculture	2 plus 1 per 1½ employees in largest work shift	Excludes seasonal workers
	Industrial agriculture	5 plus 1 per 1½ employees in largest work shift	Excludes seasonal workers

~~(Ord. No. 03-01 (Exh. A, § 42-613), 2-18-2003; Ord. No. 08-05, 7-22-2008)~~

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Medical Marihuana

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council:

1. accept a temporary moratorium ordinance pertaining to Medical Marihuana for first reading and set a public hearing for November 1, 2016; and
2. subsequent to the public hearing, consider approving the temporary moratorium ordinance.

Since the Michigan Medical Marihuana Act (MMMA) was adopted by voters in 2008 and the city adopted zoning regulations for medical marihuana home occupations in 2011, the landscape has changed substantially. There has been continued growth in the number of qualifying patients and Michigan is seeing a trend in the medical marihuana industry toward commercialization. In addition, there appears to be continued concern with regard to potential adverse impacts of medical marihuana home occupations, from both the perspective of neighborhood and housing impacts, as well as qualified patient services.

On May 10, 2016, City Council approved a six-month temporary moratorium on medical marihuana uses, with the exception of medical marihuana home occupations operated in compliance with the provisions of the Zoning Code. The temporary moratorium was adopted to provide the City Attorney and City Administration time to revisit the regulation of dispensing and cultivating medical marihuana, and to ensure the health and safety of Portage citizens, registered qualifying patients and registered caregivers. When the temporary moratorium was adopted on May 10, there were also a series of bills pending before the State Legislature that would provide for the establishment and regulation of businesses engaged in the growing, processing, testing, transporting and distribution of medical marihuana. The various aspects of these bills were also to be reviewed during the moratorium period and considered in the drafting of local ordinance amendments.

Over the past several months, the City Attorney and City Administration have prepared draft amendments to the Zoning Code and a draft ordinance for the licensing of provisioning centers and medical marihuana grow operations. However, the finalization of these draft ordinances has been problematic given the pending legislation at the state level. On September 21, 2016, a package of three bills were signed into law: PA 281, the Medical Marihuana Facilities Licensing Act; PA 282, the Marihuana Tracking Act; and PA 283, which amends the Michigan Medical Marihuana Act.

The Medical Marihuana Facilities Licensing Act authorizes five types of commercial medical marihuana entities: a grower; processor; safety compliance facility; secure transporter; and

provisioning center. This act also establishes a licensing board, annual licensing procedure for each of the five commercial entities, and provides taxes and fees to be collected from gross retail receipts, including the manner of distributing these taxes and fees to municipalities and the state. The Medical Marihuana Tracking Act outlines an extensive system for tracking the cultivation, processing, transporting and sale of medical marihuana, whereas the amendments to the Michigan Medical Marihuana Act permits marihuana-infused products, such as foods, oils, lotions, etc. A summary of these public acts, prepared by the Prosecuting Attorneys Association of Michigan, is attached.

While these acts become effective on December 20, 2016, there are significant thresholds that need to be accomplished prior to the establishment of the various commercial medical marihuana entities authorized under the acts, which include:

1. No medical marihuana commercial entity can commence unless and until the municipality where it proposes to locate adopts a local ordinance specifically authorizing the use. Municipalities may limit both the number and type of entities allowed within their borders. In particular, municipalities may pass local ordinances, including zoning ordinances, provided they do not contradict state regulation.
2. The licensing rules required under the Medical Marihuana Licensing Act must be established within 360 days after the December 20, 2016 effective date of the act so that medical marihuana commercial entities may begin applying for a state license. A state license is required in order to provide legal protection to the commercial entity from prosecution under existing state law or local ordinances.

Based on the above, it is recommended that City Council adopt a new temporary moratorium on medical marihuana uses, with the exception of medical marihuana home occupations that are in compliance with the provisions of the Zoning Code, prior to the November 10, 2016 expiration of the existing temporary moratorium. The proposed temporary moratorium references the recently adopted public acts and is recommended to continue until the state licensing rules are adopted. This will ensure that any local ordinance adopted by the city does not conflict with state statute or regulations for medical marihuana uses.

Therefore, it is recommended that City Council accept the temporary moratorium for first reading and set a public hearing for November 1, 2016.

FUNDING: Not Applicable

Attachments:

1. Temporary Moratorium Regarding Activities and Facilities Dispensing, Selling, Transferring and Cultivating Medical Marihuana
2. Prosecuting Attorneys Association of MI, Summary of Public Acts 281, 282 and 283, effective December 20, 2016 (posted October 6, 2016)

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY ADDING ARTICLE 10, TEMPORARY MORATORIUM REGARDING FACILITIES
DISPENSING, SELLING, TRANSFERRING AND CULTIVATING MEDICAL MARIHUANA
OF CHAPTER 2, ADMINISTRATION**

THE CITY OF PORTAGE ORDAINS:

That Chapter 2 shall be amended to add the following:

**ARTICLE 10. TEMPORARY MORATORIUM REGARDING FACILITIES DISPENSING,
SELLING, TRANSFERRING AND CULTIVATING MEDICAL MARIHUANA.**

Sec. 2-324. Findings.

- (a) On November 4, 2008, Michigan voters approved a statewide legislative initiative to create the Michigan Medical Marihuana Act (MMMA) which has been codified at MCL 333.26421 et seq., as amended and allows the possession, use and cultivation of marihuana for the treatment of certain illnesses or conditions under certain circumstances and pursuant to certain regulations and restrictions ("medical marihuana").
- (b) City ordinance does not provide for commercial facilities for dispensing, transporting, processing, possessing and testing marihuana or cultivating marihuana plants for medical or any other purposes, and this type of activity was not envisioned when the ordinances were adopted.
- (c) The MMMA does not address that federal law at 21 USC, Section 841 makes it a crime to manufacture, cultivate or distribute marihuana.
- (d) Governor Snyder signed the Medical Marihuana Facilities Licensing Act (Licensing Act), an amendment to the MMMA and the Marihuana Tracking Act which are all effective 90 days from September 21, 2016.
- (e) The Licensing Act provides for a state operating license that allows a licensee to operate as one of the following medical marihuana facilities: a) a grower; b) a processor; c) a secured transporter; d) a provisioning center or e) a safety compliance facility.
- (f) The Licensing Act exempts those holding a state operating license from marihuana-related criminal or civil prosecution and penalties, and other sanctions, for performing activities within the scope of their license.
- (g) The Licensing Act establishes a Medical Marihuana Licensing Board, a Marihuana Advisory Panel and requires the Department of Licensing and Regulatory Affairs to promulgate rules, including emergency rules as necessary, to implement, administer and enforce the Act.
- (h) The Licensing Act provides that beginning 360 days from its effective date, a person may apply for and the Department will hear a request for a state operating license.
- (i) The Licensing Act further prohibits operation of a medical marihuana facility without an authorizing ordinance adopted by the municipality.
- (j) The city council desires to ascertain the best and safest path for the protection of the public health, safety and welfare to comply with these public acts before an authorizing ordinance is proposed.

- (k) The consequences of authorizing a licensee to operate within the city is in need of further study before specific recommendation can be made.
- (l) Adopting an ordinance authorizing the operation of any of the medical marihuana facilities created by the Licensing Act during the period of time in which the Medical Marihuana Licensing Board and the Department of Licensing and Regulatory Affairs are researching, investigating and considering new rules and regulations with regard to these activities would be counter-productive and undermine the city's efforts to maintain consistency with state law, and to protect the health, safety and welfare of its citizens.
- (m) The city council also deems it prudent and desirable to temporarily defer any consideration or action taken by any city official and/or agent regarding rezoning, special land use, site plan, change of use, certificate of occupancy and other proposals, submissions and applications pertaining to medical marihuana land uses.

Sec. 2-325. Prohibition of certain medical marihuana facilities.

- (a) Based on the findings set forth above and for the protection of the public health, safety and welfare of its citizens, and, except as provided in Section 2.325(b), the operation or establishment of any new medical marihuana facility, as defined by the Licensing Act, before the effective date of a city ordinance authorizing such facility and before obtaining a valid state operating license is prohibited.
- (b) That this moratorium and prohibitions imposed hereunder shall not be applicable to the following:
 - (1) A dwelling unit in a non-commercial location (as defined by the zoning ordinance) where a qualifying patient resides and is cultivating up to the maximum number marihuana plants as permitted by the MMMA for personal use or possesses up to the maximum amount of marihuana permitted by the MMMA for personal use.
 - (2) A building or structure (as defined by the zoning ordinance) other than a dwelling unit where no more than one qualifying patient is cultivating up to the maximum number of marihuana plants as permitted by the MMMA for personal use or possesses up to the maximum amount of marihuana permitted by the MMMA for personal use.
 - (3) A dwelling unit (or other building or structure) in a non-commercial location where no more than one primary caregiver is cultivating up to the maximum number marihuana plants as permitted by the MMMA for assisting qualified patient(s) or possesses up to the maximum amount of marihuana permitted by the MMMA for assisting a qualifying patient(s) as regulated by the MMMA and city ordinance.
 - (4) For purposes of 2-325(b)(1), (2) and (3) above, the "maximum amount of marihuana permitted by the MMMA" includes marihuana infused products as defined, regulated and permitted by the MMMA.
- (c) That city council directs the city administration to continue its research, investigation and study and make specific recommendations regarding the potential regulation of those activities requiring a state operating license, as well as any modifications needed to the existing Medical Marihuana Home Occupation Ordinance.
- (d) Nothing herein shall restrict a licensed physician from prescribing medical marihuana to be used for medical purposes compliant with state law.

- (e) It is the intent of this ordinance that no person establish or operate a medical marihuana facility in the city without: i) a city ordinance authorizing such facility; and ii) possessing a valid and effective license issued by the Medical Marihuana Licensing Board.
- (f) That during the period of this moratorium, any entity or property owner alleging that the deferred review resulting from the moratorium will result in the denial of all viable economic use of property or would otherwise result in a violation of applicable federal or state law shall be entitled to file a petition in writing with the city manager setting forth the petitioner's claims and supporting facts and evidence for the requested relief. The city manager shall, no later than 30 days after the filing of the petition, respond to the petitioner in writing with findings and conclusions with respect to whether or not the petitioner has demonstrated that all viable economic use of the property has been denied by the deferred review, and/or whether or not the moratorium as applied to the petitioner violates applicable law. If the city manager determines that the petition should be granted, the city manager shall grant relief from the moratorium ordinance for the petitioner to the extent necessary to cure the violation.
- (g) If any section, clause or provision of this moratorium ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, illegal or ineffective shall thereby cease to be a part of this moratorium ordinance but the remainder of this ordinance shall stand and be in full force and effect.

Sec. 2-326. Expiration.

The moratorium imposed by this ordinance shall expire the earlier of: i) the date which is established by the Department of Licensing and Regulatory Affairs for the acceptance and review of applications for a state operating license; or ii) 360 days from the effective date of the Licensing Act.

Sec. 2-327. Penalty.

- (a) Any person, firm, association, partnership, corporation or entity that violates any of the provisions of this article shall be deemed responsible for a municipal civil infraction which shall be punishable by a civil fine as provided for Section 1-7(e) of this Code. The director of the department of community development and the chief of police and other persons who are employed by the city in these departments and duly authorized by the director/chief are authorized to issue municipal civil infraction citations for violation of this article.
- (b) Additionally, the violator shall pay costs which may include all expenses direct and indirect to which the city has been put in connection with the municipal infraction.
- (c) Notwithstanding any other remedy, 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 article.
- (d) Each day that a violation of this article continues to exist shall constitute a separate violation of this article.

Dated: _____

Peter J. Strazdas, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE: November 25, 2016

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 _____, 20____.

James R. Hudson, City Clerk

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

Approved as to Form:

Date: 10/14/2016

City Attorney

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Chapter 2, Administration, by adding Article 10, Temporary Moratorium Regarding Facilities Dispensing, Selling, Transferring and Cultivating Medical Marihuana of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2016, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2016, at 7:30 p.m. or as soon thereafter as may be heard.

THE CITY OF PORTAGE ORDAINS:

That Chapter 2 shall be amended to add the following:

ARTICLE 10. TEMPORARY MORATORIUM REGARDING FACILITIES DISPENSING, SELLING, TRANSFERRING AND CULTIVATING MEDICAL MARIHUANA.

Sec. 2-324. Findings.

- (a) On November 4, 2008, Michigan voters approved a statewide legislative initiative to create the Michigan Medical Marihuana Act (MMMA) which has been codified at MCL 333.26421 et seq., as amended and allows the possession, use and cultivation of marihuana for the treatment of certain illnesses or conditions under certain circumstances and pursuant to certain regulations and restrictions ("medical marihuana").
- (b) City ordinance does not provide for commercial facilities for dispensing, transporting, processing, possessing and testing marihuana or cultivating marihuana plants for medical or any other purposes, and this type of activity was not envisioned when the ordinances were adopted.
- (c) The MMMA does not address that federal law at 21 USC, Section 841 makes it a crime to manufacture, cultivate or distribute marihuana.
- (d) Governor Snyder signed the Medical Marihuana Facilities Licensing Act (Licensing Act), an amendment to the MMMA and the Marihuana Tracking Act which are all effective 90 days from September 21, 2016.
- (e) The Licensing Act provides for a state operating license that allows a licensee to operate as one of the following medical marihuana facilities: a) a grower; b) a processor; c) a secured transporter; d) a provisioning center or e) a safety compliance facility.
- (f) The Licensing Act exempts those holding a state operating license from marihuana-related criminal or civil prosecution and penalties, and other sanctions, for performing activities within the scope of their license.
- (g) The Licensing Act establishes a Medical Marihuana Licensing Board, a Marihuana Advisory Panel and requires the Department of Licensing and Regulatory Affairs to

promulgate rules, including emergency rules as necessary, to implement, administer and enforce the Act.

- (h) The Licensing Act provides that beginning 360 days from its effective date, a person may apply for and the Department will hear a request for a state operating license.
- (i) The Licensing Act further prohibits operation of a medical marihuana facility without an authorizing ordinance adopted by the municipality.
- (j) The city council desires to ascertain the best and safest path for the protection of the public health, safety and welfare to comply with these public acts before an authorizing ordinance is proposed.
- (k) The consequences of authorizing a licensee to operate within the city is in need of further study before specific recommendation can be made.
- (l) Adopting an ordinance authorizing the operation of any of the medical marihuana facilities created by the Licensing Act during the period of time in which the Medical Marihuana Licensing Board and the Department of Licensing and Regulatory Affairs are researching, investigating and considering new rules and regulations with regard to these activities would be counter-productive and undermine the city's efforts to maintain consistency with state law, and to protect the health, safety and welfare of its citizens.
- (m) The city council also deems it prudent and desirable to temporarily defer any consideration or action taken by any city official and/or agent regarding rezoning, special land use, site plan, change of use, certificate of occupancy and other proposals, submissions and applications pertaining to medical marihuana land uses.

Sec. 2-325. Prohibition of certain medical marihuana facilities.

- (a) Based on the findings set forth above and for the protection of the public health, safety and welfare of its citizens, and, except as provided in Section 2.325(b), the operation or establishment of any new medical marihuana facility, as defined by the Licensing Act, before the effective date of a city ordinance authorizing such facility and before obtaining a valid state operating license is prohibited.
- (b) That this moratorium and prohibitions imposed hereunder shall not be applicable to the following:
 - (1) A dwelling unit in a non-commercial location (as defined by the zoning ordinance) where a qualifying patient resides and is cultivating up to the maximum number marihuana plants as permitted by the MMMA for personal use or possesses up to the maximum amount of marihuana permitted by the MMMA for personal use.
 - (2) A building or structure (as defined by the zoning ordinance) other than a dwelling unit where no more than one qualifying patient is cultivating up to the maximum number of marihuana plants as permitted by the MMMA for personal use or possesses up to the maximum amount of marihuana permitted by the MMMA for personal use.
 - (3) A dwelling unit (or other building or structure) in a non-commercial location where no more than one primary caregiver is cultivating up to the maximum number marihuana plants as permitted by the MMMA for assisting qualified patient(s) or possesses up to the maximum amount of marihuana permitted by the MMMA for assisting a qualifying patient(s) as regulated by the MMMA and city ordinance.

- (4) For purposes of 2-325(b)(1), (2) and (3) above, the "maximum amount of marihuana permitted by the MMMA" includes marihuana infused products as defined, regulated and permitted by the MMMA.
- (c) That city council directs the city administration to continue its research, investigation and study and make specific recommendations regarding the potential regulation of those activities requiring a state operating license, as well as any modifications needed to the existing Medical Marihuana Home Occupation Ordinance.
- (d) Nothing herein shall restrict a licensed physician from prescribing medical marihuana to be used for medical purposes compliant with state law.
- (e) It is the intent of this ordinance that no person establish or operate a medical marihuana facility in the city without: i) a city ordinance authorizing such facility; and ii) possessing a valid and effective license issued by the Medical Marihuana Licensing Board.
- (f) That during the period of this moratorium, any entity or property owner alleging that the deferred review resulting from the moratorium will result in the denial of all viable economic use of property or would otherwise result in a violation of applicable federal or state law shall be entitled to file a petition in writing with the city manager setting forth the petitioner's claims and supporting facts and evidence for the requested relief. The city manager shall, no later than 30 days after the filing of the petition, respond to the petitioner in writing with findings and conclusions with respect to whether or not the petitioner has demonstrated that all viable economic use of the property has been denied by the deferred review, and/or whether or not the moratorium as applied to the petitioner violates applicable law. If the city manager determines that the petition should be granted, the city manager shall grant relief from the moratorium ordinance for the petitioner to the extent necessary to cure the violation.
- (g) If any section, clause or provision of this moratorium ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, illegal or ineffective shall thereby cease to be a part of this moratorium ordinance but the remainder of this ordinance shall stand and be in full force and effect.

Sec. 2-326. Expiration.

The moratorium imposed by this ordinance shall expire the earlier of: i) the date which is established by the Department of Licensing and Regulatory Affairs for the acceptance and review of applications for a state operating license; or ii) 360 days from the effective date of the Licensing Act.

Sec. 2-327. Penalty.

- (a) Any person, firm, association, partnership, corporation or entity that violates any of the provisions of this article shall be deemed responsible for a municipal civil infraction which shall be punishable by a civil fine as provided for Section 1-7(e) of this Code. The director of the department of community development and the chief of police and other persons who are employed by the city in these departments and duly authorized by the director/chief are authorized to issue municipal civil infraction citations for violation of this article.

- (b) Additionally, the violator shall pay costs which may include all expenses direct and indirect to which the city has been put in connection with the municipal infraction.
- (c) Notwithstanding any other remedy, 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 article.
- (d) Each day that a violation of this article continues to exist shall constitute a separate violation of this article.

Dated: _____

James R. Hudson, City Clerk

Z:\Jody\PORTAGE\ORD\ZONING\1st Reading medical marihuana.101316.doc

Summary of Public Acts 281, 282, and 283, effective, December 20, 2016

Public Act 281:

The Board:

Public Act 281 creates the Medical Marihuana Licensing Board (the “Board”) within the Department of Licensing and Regulatory Affairs (“LARA”), and gives it authority to regulate the activity and operation of medical marihuana facilities within the State.

The Board will be comprised of five members appointed by the Governor. Members may not have a direct or indirect financial interest in a marihuana facility or applicant, must be of good moral character, and may not have been convicted of any felony or a misdemeanor involving a controlled substance, dishonesty, theft, or fraud. Additionally, no more than three of the members may come from the same political party.

Each Board member will serve for a term of four years. For initial appointments, however, one member will serve a term of two years, and two members will serve three-year terms in order to stagger future turnover.

The Board, in conjunction with LARA, may also hire staff as needed, including a full-time executive director.

Duties of the Board:

The primary duties of the Board are implementing and administering the Medical Marihuana Facilities Licensing Act, making licensing determinations, overseeing the activities of licensed medical marihuana facilities, and working with LARA to promulgate administrative rules relating to the operation, health, and safety of marihuana facilities.

It should be noted that the law specifically provides that LARA, in consultation with the Board, cannot promulgate a rule capping the number of marihuana facilities in the State.

Licenses:

The law becomes effective December 20, 2016.

Three-hundred and sixty (360) days later, individuals and businesses will be able to begin applying to the Board for licenses as growers, processors, provisioning centers, secure transporters, and safety compliance facilities.

When applying for any license, applicants must provide the Board with general identifying information, including information on every person who has an ownership interest in the applicant, as well as criminal, licensing, and financial background information.

As part of the application, the applicant must also notify the municipality in which it would operate that it is seeking a license.

Local control is key! Marihuana facilities may not operate unless the municipality in which they wish to locate has adopted an ordinance specifically authorizing the type of facility.

Municipalities also may limit both the number and type of marihuana facilities allowed within their borders. Those cities, villages, and townships may also pass their own regulations relating to marihuana facilities, including zoning ordinances, but may not contradict state regulation.

Once it receives notice from an applicant, a municipality has 90 days to submit the following information to the Board: (1) the ordinance authorizing the marihuana facility; (2) a copy of any applicable zoning regulations; and (3) a description of any marihuana-related ordinance violations committed by the applicant. Municipalities may also require an annual licensing fee of up to \$5,000.

Certain individuals are ineligible for a license under the legislation, including individuals convicted of or released from incarceration for a felony within the past 10 years, individuals convicted of a controlled substance-related felony within the past 10 years, and individuals convicted of a misdemeanor relating to a controlled substance violation, theft, dishonesty or fraud within the past five years.

Additionally, until June 30, 2018, individual applicants must have been a

resident of the State for the immediately preceding two years in order to be eligible for a license. Also, before a license can be granted or renewed, an applicant or licensee must demonstrate that they can cover at least \$100,000 worth of liability for bodily injury to lawful users resulting from the manufacture, distribution, transportation, or sale of adulterated marihuana or marihuana-infused products.

In reviewing applications, the Board must conduct a thorough background investigation on all applicants.

Once issued, licenses are valid for one year and renewable annually, and may not be sold, transferred, or purchased without the approval of the Board.

The law creates five new types of licenses:

Grower:

A grower is defined as an entity that cultivates, dries, trims, or cures and packages marihuana.

The law creates three separate classes of grower licenses, each authorizing the facility to cultivate a defined number of plants:

- Class A: Up to 500 Plants
- Class B: Up to 1,000 Plants
- Class C: Up to 1,500 Plants

The law defines the term “plant” to include “any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.”

Growers may only sell marihuana seeds or marihuana plants to other growers, and other forms of marihuana may only be sold to a processor or provisioning center.

Growers and their investors may not have an interest in a secure transporter or safety compliance facility.

Until December 31, 2021, each grower must employ an individual who has at least two years’ experience as a registered primary caregiver. However, no

grower or employee of a grower may be a licensed caregiver at the time that he or she is licensed as, or employed by, a grower. Moreover, a grower may only operate in an area that is either not zoned or zoned for agricultural or industrial use.

Processor:

A processor is an entity that extracts resin from marihuana or creates and packages marihuana-infused products.

A processor license authorizes an entity to purchase marihuana from a grower and to sell processed marihuana or marihuana-infused products to provisioning centers.

Processors and their investors may not have any interest in a secure transporter or safety compliance facility.

Until December 31, 2021, each processor must employ someone who has at least two years' experience as a registered primary caregiver. However, no processor or employee of a processor may be a licensed caregiver at the time he or she is licensed as or employed by a processor.

Secure Transporter:

A secure transporter license authorizes the licensee to store and transport marihuana and money associated with the purchase and sale of marihuana between facilities.

All marihuana that is transported between facilities must be shipped by a secure transporter.

The secure transporter cannot transport marihuana for a sale to a patient or a primary caregiver.

In order to be eligible for a secure transporter license, an applicant and its investors cannot have an interest in any other medical marihuana facility, and may not be a registered patient or caregiver.

Secure transporters must comply with all of the following requirements:

- All drivers must have chauffeur's licenses issued by the State.
- No employee can have been convicted of or released from incarceration for a felony within the past five years, or have been convicted of a controlled substance-related misdemeanor within the same time period.
- Each vehicle used by the secure transporter must be operated by a two-person crew, with at least one individual remaining with the vehicle at all times when transporting marihuana.
- For every trip involving the transport of marihuana, a route plan and manifest must be entered into the statewide monitoring system, and a copy must be kept inside the vehicle at all times and made available to law enforcement upon request.
- All marihuana must be kept in one or more sealed containers that are not accessible during transit.
- All vehicles used to transport marihuana must not have any markings that would indicate that the vehicle is carrying marihuana.

Provisioning Center:

A provisioning center is an entity that sells or provides marihuana to patients and caregivers.

A provisioning center may receive marihuana only from a grower or processor, and may only transfer marihuana to a qualifying patient, registered primary caregiver, or safety compliance facility.

Applicants and provisioning center investors may not have an interest in either a secure transporter or safety compliance facility.

Provisioning centers must comply with all of the following:

- Make sales to patients only after the marihuana has been tested and labeled.
- Enter all transactions, inventory, and other required information into the statewide monitoring system.
- Check that all patients sold to are listed as valid cardholders in the statewide monitoring system and will not exceed any daily purchasing limits set through rulemaking.
- Not sell alcohol or tobacco, or allow the consumption thereof on the premises.

- Not allow a physician to conduct medical examinations on the premises for the purpose helping individuals to obtain a registry identification card.

Safety Compliance Facility:

A safety compliance facility is a laboratory that tests marihuana for contaminants, as well as for THC and other cannabinoids.

For testing purposes, a safety compliance facility may receive marihuana from any marihuana facility or up to 2.5 ounces from a primary caregiver.

However, a safety compliance facility may only return marihuana to a marihuana facility, not to a primary caregiver.

Within one year of receiving a license, a safety compliance facility must be accredited by an entity approved by the Board, or have previously provided drug testing services to the State or the State's court system and be a vendor in good standing in regard to providing such services.

Additionally, safety compliance facility license applicants and investors may not have interests in any other medical marihuana facility. Safety compliance facilities must also have at least one employee with an advanced medical or laboratory science degree.

Safety compliance facilities must comply with all of the following:

- Perform tests to certify that marihuana is reasonably free from chemical residues.
- Use validated test methods to determine THC and other cannabinoid levels
- Perform tests to determine whether marihuana complies with microbial and mycotoxin content standards established by LARA.
- Perform other tests as prescribed by rulemaking.
- Hold a second laboratory space that is inaccessible to the general public.

Lastly, a “statewide monitoring system” will be put into place. An Internet-based, statewide database will be established, implemented, and maintained by LARA, that is available to licensees, law enforcement agencies, and authorized state department and agencies on a 24-hour basis for verifying registry identification cards, tracking marihuana and transportation by

licensees, including transferee, date, quantity and price, and verifying in commercially reasonable time that the patient or caregiver is authorized to receive under section 4 of the Michigan Medical Marihuana Act.

Taxes, Fees, and Funds:

The law establishes a 3 percent tax on the gross retail receipts of all provisioning centers. This revenue will be deposited into the Medical Marihuana Excise Fund and distributed as follows:

- 25 percent to municipalities in which facilities are located, allocated in proportion to the number of facilities within the municipality.
- 30 percent to counties in which facilities are located, allocated in proportion to the number of facilities within the county.
- 5 percent to counties in which facilities are located, allocated in proportion to the number of facilities within the county, and earmarked specifically for the county sheriff.
- 30 percent to the State. Until September 30, 2018, this money will be deposited in the General Fund, and thereafter, the money will be deposited into the State's First Responder Presumed Coverage Fund, which is used to provide funding for firefighters who develop certain types of cancer.
- 5 percent to the Michigan Commission on Law Enforcement Standards.
- 5 percent to the Michigan State Police.

The law also creates a regulatory assessment to be imposed upon all licensees except safety compliance facilities.

The assessment will be calculated annually to cover the costs of medical marihuana-related services provided by various State departments, to provide funds for substance abuse-related programs, to cover expenses related to field sobriety tests, and to provide for the administrative costs of the Michigan Commission on Law Enforcement Standards.

Each applicable facility will then pay a proportionate amount of the assessment, which will go into the newly-created Marihuana Regulatory Fund.

Public Act 282:

Public Act 282 requires LARA to establish, maintain, and utilize (either directly or through contract) a “seed-to-sale” tracking system that will track all marihuana that is grown, processed, transferred, stored, or disposed of under the Medical Marihuana Facilities Licensing Act (marihuana grown by caregivers will not be within the seed-to-sale system.)

The law requires all licensees to use a third-party inventory control and tracking system that will allow them to interface with the statewide monitoring system in order to enter and access information.

Public Act 283:

Marihuana Infused Products:

The law amends the MMMA to allow for the possession, manufacture, and use of marihuana-infused products, such as foodstuffs, oils, lotions, etc.

Under the law, a patient or his or her caregiver will be able to possess up to 2.5 ounces of combined usable marihuana and “usable marihuana equivalent,” which is the amount of usable marihuana in a marihuana-infused product.

Public Act 243 sets the following as equivalent to one ounce of usable marihuana:

- 16 ounces of marihuana-infused product in a solid form
- 7 grams of marihuana-infused product in a gaseous form
- 36 fluid ounces of marihuana-infused product in a liquid form

The law also establishes a rebuttable presumption that any weight listed on the packaging of a marihuana-infused product is accurate.

Also under the law, a patient will be able to possess, for example, 16 ounces of marihuana-infused brownies or marihuana-infused water and an additional 1.5 ounces of usable marihuana.

Public Act 243 provides protections for patients and caregivers who manufacture or possess marihuana-infused products consistent with the language in the bill.

Moreover, Public Act 243 protects patients and caregivers from arrest, prosecution, or penalty for purchasing marihuana from a provisioning center, selling marihuana seeds or seedlings to a licensed grower, or transporting marihuana to and from a safety compliance facility for testing.

The law also prohibits a patient or caregiver from transporting a marihuana-infused product in a motor vehicle, unless one of the following circumstances is met:

- A patient is transporting a marihuana-infused product in a package that is sealed and labeled with the weight of the product, name of the manufacturer and person from whom the product was received, and date of manufacture and receipt. The marihuana-infused product must also be transported in the trunk of the vehicle or, if the vehicle does not have a trunk, is not accessible from the interior of the vehicle.
- A caregiver is transporting a marihuana-infused product in a case that is accompanied by an accurate manifest that states the weight of the product, name and address of the manufacturer, date of manufacture, destination name and address, date and time of departure, estimated date and time of arrival, and, if applicable, name and address of the person from whom the product was received and the date of receipt. The marihuana-infused product must also be transported in the trunk of the vehicle or, if the vehicle does not have a trunk, is not accessible from the interior of the vehicle.
- A caregiver is transporting a marihuana-infused product for his or her child, spouse, or parent, and the marihuana-infused product is in a package that is sealed and labeled with the weight of the product, name of the manufacturer and person from whom the product was received, name of the qualifying patient, and date of manufacture and receipt. The marihuana-infused product must also be transported in the trunk of the vehicle or, if the vehicle does not have a trunk, is not accessible from the interior of the vehicle.

An individual who violates any of these transportation requirements is responsible for a civil fine of no more than \$250.

The law also prohibits a medical marihuana patient from operating a

snowmobile or ORV while under the influence of marihuana, just as the MMMA already prohibits a patient from operating a motor vehicle, aircraft, or motorboat under the influence of marihuana.

Moreover, Public Act 243 also prohibits the use of butane to extract marihuana resin in a public place, motor vehicle, or a residential structure or its curtilage.

A person who does either will not be able to assert a Section 8 affirmative defense against any criminal charges arising from operating a vehicle under the influence of marihuana or unlawfully conducting butane hash oil extraction.

Lastly, retroactive application of this law does not create a cause of action against a law enforcement officer or any other state or local governmental officer, employee, department, or agency that enforced this act under a good-faith interpretation of its provisions at the time of enforcement.

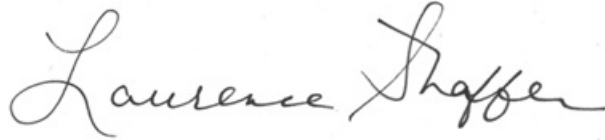
Conclusion

Within three months of the effective date of the Act, December 20, 2016, the Governor must appoint members of the Marihuana Advisory Panel, which consist a group of government officials, representatives of the cannabis industry, local law enforcement, and municipalities who will make recommendations to the Board regarding the promulgation of rules. That panel must first meet within one month of being appointed.

Additionally, rules must be promulgated as applicants can begin applying for licenses 12 months after December 20, 2016. Language was included in an enacting section of Public Act 281 to allow LARA to begin promulgating emergency rules.

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Amendment to Chapter 78, "Traffic and Vehicles"

SUPPORTING PERSONNEL: Richard White, Director of Public Safety - Police / Fire Chief
W. Christopher Barnes, Director of Transportation & Utilities

ACTION RECOMMENDED: That City Council:

1. accept for first reading an amendment to Chapter 78, "Traffic and Vehicles" adding Section 78-3 "Overtaking and Passing Bicycles" to the Code of Ordinances to provide that motorists maintain a minimum distance when overtaking and passing a bicyclist;
2. set a public hearing for November 15, 2016,

and subsequent to the public hearing, approve the addition of Section 78-3 "Overtaking and Passing Bicycles".

Over the course of the last decade, the popularity of cycling has become increasingly popular in the Kalamazoo region. The City of Portage is host to an extensive bikeway system that allows users to enjoy nature, connects citizens to retail and cultural resources and brings neighbors and neighborhoods together. Creation of the Portage Bikeway System began in 1989 and it has grown to exceed 55 miles, both as separate off-road trails or pathways for joint bicycle / pedestrian use, as well as designated bicycle lanes / paved shoulder adjacent to a city street, striped and signed for use by bicyclists. Portage has worked very hard over the years to facilitate cycling in the community and is noted as one of nine Michigan communities designated as a Bicycle Friendly Community by the League of American Bicyclists. The Portage / Kalamazoo community has long supported biking in cooperation with the Kalamazoo Bicycle Club and the Kalamazoo Area Transportation Study (KATS), creating an area-wide network of bike routes suitable for bicycle commuting. However, the State of Michigan remains one of only 11 states that do not have a law requiring motorists to pass bicycles safely and leaves it to the discretion of the motorist as to how to safely maneuver around bicycles.

At its September 6, 2016 meeting, the Portage City Council received written comments from citizens and interested parties regarding the potential to enact a so called "safe passing law" in Portage. In response, the City Administration provided an update regarding recent meetings with representatives of the Kalamazoo Bicycle Club who advocate for the City of Portage to consider a comprehensive bike safety ordinance. The proposed ordinance amendment (the addition of "Overtaking and Passing Bicycles" section) is a result of these meetings and additional research. The Safe Passing Law developed by the League of American Bicyclists was the basis for the draft language of the proposed ordinance.

The City of Kalamazoo passed a similar ordinance amendment on September 19, 2016, setting a safe passing distance of five feet while passing a bicycle. Although a three-foot safe passing distance was proposed, the Kalamazoo City Commission opted to approve a five-foot distance following additional input at a prior public meeting. While the Michigan Vehicle Code does not outline safe passing distances for bicycles, 28 states and the District of Columbia have enacted "safe passing laws" that mandate motorists keep at least a three-foot buffer between cars and cyclists. Further, Grand Rapids adopted a five-foot passing distance in September 2015 and Battle Creek adopted a three-foot passing distance in February 2016.

Research has found that five feet is the minimum distance that best prevents a driver from striking a cyclist should they fall into the traffic lane. The five-foot safe passing distance is supported by both the Michigan Department of Transportation and Michigan Department of State. As such, it is recommended that City Council accept for first reading an amendment to Chapter 78, "Traffic and Vehicles" adding Section 78-3 "Overtaking and Passing Bicycles" to the Code of Ordinances to provide that motorists maintain a minimum distance when overtaking and passing a bicyclist, set a public hearing for November 15, 2016 and subsequent to the public hearing, approve the addition of Section 78-3 "Overtaking and Passing Bicycles".

FUNDING: N/A

- Attachments:**
1. First Reading
 2. Ordinance Amendment

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

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

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

NOTICE IS HEREBY GIVEN, that the proposed ordinance amendments are summarized as follows:

An Ordinance to amend Article 1 of Chapter 78, Traffic and Vehicle, of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2016, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2016, at 7:30 p.m. or as soon thereafter as may be heard.

THE CITY OF PORTAGE ORDAINS:

That Chapter 78, Article 1, be amended to add Section 78-3 as follows:

Sec. 78-3. Overtaking and Passing bicycles.

- (A) Overtaking and passing bicycles when proceeding in the same direction - generally.
 - 1. Except when overtaking and passing on the right is permitted, the following rules shall govern a driver of a motor vehicle overtaking a bicycle proceeding in the same direction:
 - (a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe;
 - (b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the person operating a bicycle at a safe distance, which, at all times, must be not less than 5 feet between any part of the vehicle and the bicycle, including all mirrors or other projections, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle.
 - (c) The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no passing zone is marked, to overtake and pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This sub-section does not authorize driving on the left side of the

center of the roadway when otherwise prohibited by local ordinance or state law.

- (B) Overtaking and passing bicycles when proceeding in the same direction - on right:

The driver of a motor vehicle may overtake and pass upon the right of a bicycle at a safe distance, which, at all times, must be not less than 5 feet between any portion of the vehicle, including all mirrors or other projections, and the bicycle when the bicycle being overtaken is making or about to make a left turn. Provided, however, that the driver of a vehicle shall not overtake and pass a bicycle upon the right by driving off the pavement or main-traveled portion of the roadway.

Dated: _____

James R. Hudson, City Clerk

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY ADDING SECTION 78-3, OVERTAKING AND PASSING BICYCLES, OF ARTICLE 1, IN
GENERAL, OF CHAPTER 78, TRAFFIC AND VEHICLES**

THE CITY OF PORTAGE ORDAINS:

That Chapter 78, Article 1, be amended to add Section 78-3 as follows:

Sec. 78-3. Overtaking and Passing bicycles.

- (A) Overtaking and passing bicycles when proceeding in the same direction - generally.
 - 1. Except when overtaking and passing on the right is permitted, the following rules shall govern a driver of a motor vehicle overtaking a bicycle proceeding in the same direction:
 - (a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe;
 - (b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the person operating a bicycle at a safe distance, which, at all times, must be not less than 5 feet between any part of the vehicle and the bicycle, including all mirrors or other projections, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle.
 - (c) The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no passing zone is marked, to overtake and pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This sub-section does not authorize driving on the left side of the center of the roadway when otherwise prohibited by local ordinance or state law.
- (B) Overtaking and passing bicycles when proceeding in the same direction - on right:

The driver of a motor vehicle may overtake and pass upon the right of a bicycle at a safe distance, which, at all times, must be not less than 5 feet between any portion of the vehicle, including all mirrors or other projections, and the bicycle when the bicycle being overtaken is making or about to make a left turn. Provided, however, that the driver of a vehicle shall not overtake and pass a bicycle upon the right by driving off the pavement or main-traveled portion of the roadway.

Dated: _____, 2016

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

Approved as to Form:
Date: 10-6-16
CRB

City Attorney

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 1 of Chapter 78, Traffic and Vehicle, of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2016, and will become effective _____, 2016.

THE CITY OF PORTAGE ORDAINS:

That Chapter 78, Article 1, be amended to add Section 78-3 as follows:

Sec. 78-3. Overtaking and Passing bicycles.

- (A) Overtaking and passing bicycles when proceeding in the same direction - generally.
 - 1. Except when overtaking and passing on the right is permitted, the following rules shall govern a driver of a motor vehicle overtaking a bicycle proceeding in the same direction:
 - (a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe;
 - (b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the person operating a bicycle at a safe distance, which, at all times, must be not less than 5 feet between any part of the vehicle and the bicycle, including all mirrors or other projections, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle.
 - (c) The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no passing zone is marked, to overtake and pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This sub-section does not authorize driving on the left side of the center of the roadway when otherwise prohibited by local ordinance or state law.
- (B) Overtaking and passing bicycles when proceeding in the same direction - on right:

The driver of a motor vehicle may overtake and pass upon the right of a bicycle at a safe distance, which, at all times, must be not less than 5 feet between any portion of the vehicle, including all mirrors or other projections, and the bicycle when the bicycle being overtaken is making or about to make a left turn. Provided, however, that the driver of a vehicle shall not overtake and pass a bicycle upon the right by driving off the pavement or main-traveled portion of the roadway.

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

Dated: _____

James R. Hudson, City Clerk

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

Approved as to form:

Date: 10-6-16

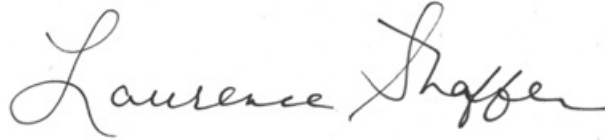
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City Attorney

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: FY 2015-2016 Analysis of Zoning Consistency Update

SUPPORTING PERSONNEL: Vicki Georgeau, Director of Community Development

ACTION RECOMMENDED: That City Council accept the FY 2015-2016 Analysis of Zoning Consistency Update.

The City Administration annually reviews Zoning Map amendments that have been considered by both the City Administration and the Planning Commission to assess the consistency of the recommendations with City Council decisions. The consistency of these recommendations and decisions in the context of the adopted Comprehensive Plan is also reviewed.

During FY 2015-2016, five applications were reviewed under the 2014 Comprehensive Plan:

- Rezoning Application #15/16-1 involved the former Centre Street Market property at 710 and 732 East Centre Avenue. The property owner requested a rezoning from B-1, Local Business to OS-1, Office Service to facilitate development of an assisted housing facility.
- Rezoning Application #15/16-2 initially involved a rezoning request from I-1, Light Industrial and RM-1, Multiple-family Residential to R-1T, Attached Residential to facilitate the construction of duplexes at 480 Admiral Avenue. The Planning Commission expanded the rezoning to include several other properties in the vicinity to correct irregular zoning patterns. Final approval by City Council included a rezoning of 480 Admiral to R-1A, One-family Residential, except the north 125 feet, which was rezoned to R-1T. Several other properties were rezoned to R-1A: 514-618 Dorset Street; 6979 South Westnedge Avenue (except the B-2, Community Business area remained B-2); and the rear portions of 6843 South Westnedge Avenue and 422, 426 Dorset Street.
- Rezoning Application #15/16-3 involved 328 and 414 West Milham Avenue, which rezoned the north portions of two office developments from R-1A, One-family Residential to OS-1, Office Service, consistent with the historical use of the properties.
- Rezoning Application #15/16-4 involved 1521, 1603 and 1615 East Centre Avenue from OS-1, Office Service and RM-1, Multiple-family Residential to PD, Planned Development, to facilitate the development of a 74-unit affordable housing development.
- Rezoning Application #15/16-5 involved a 40-acre parcel at 715 West Osterhout Avenue zoned R-1C, One-family Residential to PD, Planned Development. The applicant proposed the

rezoning to facilitate development of approximately 100 single-family detached and attached dwelling units. The application was recommended for approval by the Planning Commission. However, the applicant withdrew the application before City Council consideration and action.

The Comprehensive Plan is a guide for future development within the community and was considered during the deliberation of these rezoning applications. The recommendations of the City Administration and the Planning Commission, as well as the final decision of City Council on these four rezoning applications were consistent with the Comprehensive Plan and surrounding land use/zoning pattern.

Attached is a report from Community Development Director Georgeau that provides more detail in regard to this matter.

FUNDING: N/A

Attachments: 1. September 23, 2016 communication from Director Georgeau

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: September 23, 2015

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Analysis of Zoning Consistency (FY 2014-2015 Update)

Attached for your review is the annually updated Zoning Amendment Listing of rezoning applications which lists rezonings processed over the past 10 years and evaluates consistency with the adopted Comprehensive Plan. The updated listing includes three rezoning applications considered during FY 2014-2015. A total of 39 rezoning applications have been received and considered since July 2004.

As background, the first City of Portage Comprehensive Plan was adopted by the Planning Commission on July 16, 1981. Formal updates to the original Comprehensive Plan were approved on August 15, 1996 and again on October 17, 2002. The Municipal Planning Act (PA 33 of 2008, as amended), requires that the Comprehensive Plan be reviewed every five years. The Planning Commission completed the required five-year review, incorporated citizen comments received during the Portage 2025 Visioning project, and adopted the Plan update on April 24, 2008. On June 18, 2014, the Planning Commission completed another update and adopted the 2014 Comprehensive Plan.

The Comprehensive Plan serves as a policy guide to decision makers to manage growth and promote a more effective pattern of development, enhancing the quality of life in Portage. The Comprehensive Plan is long-range in scope and the Future Land Use Plan Map, one component of the Comprehensive Plan, prescribes general land use arrangements and development patterns. The Planning Commission is charged with the primary responsibility of planning, and making recommendations for the development and redevelopment of the community.

The Zoning Code and Zoning Districts Map represent one of the several "tools" used to implement the Comprehensive Plan. With regard to zoning administration issues and rezoning applications that are reviewed, the Comprehensive Plan and Future Land Use Plan Map are utilized in the development of recommendations on each rezoning that is received. Examples of other "tools" used to accomplish Plan goals and objectives are Land Development Regulations, the Capital Improvements Program and a variety of other municipal ordinances intended to achieve vibrant and orderly development.

The attached Zoning Amendment Listing shows each rezoning application that has been considered during the past decade (July 2004-June 2015) including Rezoning Application #14-2, Rezoning Application #14/15-2 and Rezoning Application #15-1 which were received during the past fiscal year. The listing also indicates the Comprehensive Plan designation for the property involved in the rezoning, the staff recommendation, the Planning Commission recommendation, and the final decision of the City Council. A high degree of consistency is again indicated with the recommendations of the Comprehensive Plan and decisions of the City Administration, Planning Commission and City Council.

Please let me know if you have any questions or need additional information. Otherwise, this information can be forwarded to City Council, as accomplished in prior years, on October 6st.

Attachment: Updated Zoning Amendment Listing (July 2004 – June 2015)

Zoning Amendment Listing (July 2004 – July 2015)

<u>APPLICATION NUMBER</u>	<u>LOCATION</u>	<u>REZONING REQUEST</u>	<u>COMPREHENSIVE PLAN DESIGNATION</u>	<u>STAFF RECOMMENDATION</u>	<u>PLANNING COMMISSION RECOMMENDATION</u>	<u>CITY COUNCIL</u>	<u>NOTES</u>
1.	04-01 4301 Branch Avenue	R-1B, One Family Residential to PD, Planned Development	Single Family Detached – Medium Density Residential	Approve	Approve	Approve	The Woodlands at Austin Lake Planned Development
2.	04-02 950 Trade Center Way	R-1C, One Family Residential to CPD, Commercial Planned Development	Low Density Residential	Approve	Approve	Approve	Trade Center II office development
3.	04-03 8536, 8542, 8610, 8646, 8650, 8716, 8720, 8730, 8736, 8800 and 8850 (portion thereof) Shaver Road and 1501 and 1601 Dogwood Drive	RM-1, Multiple Family Residential, B-3, General Business and I-1, Light Industry to CPD, Commercial Planned Development	Shaver Road Business Corridor	Approve with exception of 8542 and 8720 Shaver Road (to remain zoned I-1 and B-3)	Approve with exception of 8542 and 8720 Shaver Road (to remain zoned I-1 and B-3)	Approve with exception of 8542 Shaver Road (to be rezoned to B-3) and 8720 Shaver Road (to remain zoned B-3)	Staff initiated rezoning within the Shaver Road Business Corridor
4.	04-04 8706, 8716, 8948 and 9000 Oakland Drive	R-1C, One Family Residential to PD, Planned Development	Low Density Residential	Approve	Approve	Approve	Oakland Hills Planned Development
5.	04-05 4613 and 4707 West Milham Avenue	B-2, Community Business and RM-1, Multiple Family Residential to OS-1, Office Service	General Business	Approve with exception of west 10-feet (to remain zoned B-2), east 30-feet (to remain zoned RM-1) and south 30-feet (to be rezoned to R-1B)	Approve with exception of west 10-feet (to remain zoned B-2), east 30-feet (to remain zoned RM-1) and south 30-feet (to be rezoned to R-1B)	Approve with exception of west 10-feet (to remain zoned B-2), east 30-feet (to remain zoned RM-1) and south 30-feet (to be rezoned to R-1B)	
6.	04-06 121 East VanHoesen Boulevard	R-1A, One Family Residential to P-1, Vehicular Parking	Zone of Transition Between General Business and Single Family Detached Medium Density Residential	Approve with exception of east 25 feet (to remain zoned R-1A)	Approve with exception of east 25 feet (to remain zoned R-1A)	Approve with exception of east 25 feet (to remain zoned R-1A)	
7.	04-07 246 East Kilgore Road (southern portion)	R-1C, One Family Residential to OS-1, Office Service	Low Density Residential	Approve (consistent with applicant's amended request – see Notes in far right column)	Approve (consistent with applicant's amended request – see Notes in far right column)	Approve (consistent with applicant's amended request – see Notes in far right column)	Applicant's amended rezoning request proposed to retain the south and west 150 feet of the southern portion of 246 East Kilgore as R-1C to serve as buffer to adjacent neighborhood
8.	04-08 3205 and 3223 Cooley Drive	OS-1, Office Service to RM-2, Multiple Family Residential	Office	Deny	Deny	Approve	

Zoning Amendment Listing (July 2004 – July 2015)

<u>APPLICATION NUMBER</u>		<u>LOCATION</u>	<u>REZONING REQUEST</u>	<u>COMPREHENSIVE PLAN DESIGNATION</u>	<u>STAFF RECOMMENDATION</u>	<u>PLANNING COMMISSION RECOMMENDATION</u>	<u>CITY COUNCIL</u>	<u>NOTES</u>
9.	04-09	1414 and 1422 East Centre Avenue	R-1B, One Family Residential to OS-1, Office Service	Office	Approve with exception of south 30-feet (to remain zoned R-1B)	Approve with exception of south 30-feet (to remain zoned R-1B)	Approve (entire property with no R-1B buffer area to south)	
10.	05-01	412 West Centre Avenue and 7844, 7890, 7910, 7920 and 7928 Shaver Road	B-1, Local Business, OS-1, Office Service and I-1, Light Industry to CPD, Commercial Planned Development	City Centre	Approve	Approve	Approve	CPD rezoning/conceptual plan for Portage Creek Landings – City Centre planned development
11.	05-02	5933 South Westnedge Avenue and 124 and 202 Colonial Avenue	B-3, General Business and R-1A, One Family Residential to CPD, Commercial Planned Development	Zone of Transition between General Business and Single Family Detached – Medium Density Residential	Approve	Approve	Approve	CPD rezoning/conceptual plan for Neighborhood Walgreen's Pharmacy
12.	05-03	8037 and 8043 Portage Road (eastern portion)	I-2, Heavy Industry to B-3, General Business	General Business	Approve	Approve	Approve	
13.	05-04	6859 Quality Way and 4605 Bishop Avenue	I-1, Light Industry and R-1B, One Family Residential to OTR, Office, Technology and Research	General Industrial	Approve	Approve	Approve	
14.	05-05	2301 West Centre Avenue and 8080 Oakland Drive	OTR, Office, Technology and Research to PD, Planned Development	Office	Approve	Approve	Approve	PD rezoning/tentative plan for Oakland Hills at Centre planned development
15.	05-06	1511 and 1521 East Centre Avenue	R-1B, One Family Residential to OS-1, Office Service (south 450 feet) and RM-1, Multiple Family Residential (north 837 feet)	Office and High Density Residential	Approve	Approve	Approve	
16.	05-07	5717, 5731, 5743 and 5811 Oakland Drive	R-1B, One Family Residential to OS-1, Office Service	Medium Density Residential	Approve with exception of east 100 feet of 5717, 5731 and 5811 Oakland Drive (to remain zoned R-1B to serve as buffer to adjacent neighborhood)	Approve with exception of east 100 feet pf 5717, 5731 and 5811 Oakland Drive (to remain zoned R-1B to serve as buffer to adjacent neighborhood)	Approve (without 100 foot R-1A buffer along eastern portion of 5717, 5731 and 5811 Oakland Drive)	
17.	06-1	524, 602 and 610 West Milham Avenue and 5932 Iowa Avenue	R-1A, One Family Residential to OS-1, Office Service	Office	Approve to OS-1 with exception of 5932 Iowa Avenue to be rezoned to P-1	Approve to OS-1 with exception of 5932 Iowa Avenue to be rezoned to P-1	Approve to OS-1 with exception of 5932 Iowa Avenue to be rezoned to P-1	P-1 zone to provide appropriate transition between residential home to north and future office use to south.
18.	06-2	9810, 9818 (portion) and 9838 (portion)	R-1C, One Family Residential and I-1, Light Industry to R-1B,	Low Density Residential	Deny	Deny	Deny	Retention of R-1C zone is consistent with

Zoning Amendment Listing (July 2004 – July 2015)

<u>APPLICATION NUMBER</u>	<u>LOCATION</u>	<u>REZONING REQUEST</u>	<u>COMPREHENSIVE PLAN DESIGNATION</u>	<u>STAFF RECOMMENDATION</u>	<u>PLANNING COMMISSION RECOMMENDATION</u>	<u>CITY COUNCIL</u>	<u>NOTES</u>
	Oakland Drive	One Family Residential					predominant surrounding R-1C zoning pattern.
19.	06-3 9600 and 9529 Adkins Court	R-1C, One Family Residential and R-1A, One Family Residential to PD, Planned Development	Low Density Residential	Approve	Approve	Approve	Sterling Oaks West Planned Development with mixture of housing types and ownership with development density of 2.3 units per acre.
20.	06-04 710 East Centre Avenue	P-1, Vehicular Parking and R-1A, One Family Residential to B-3, General Business	Medium Density Residential	Deny	Deny		Applicant withdrew application prior to City Council action
21.	07-01 2700 and 2900 (east portion), West Centre Avenue	B-2, Community Business to OS-1, Office Service	Office	Approve	Approve	Approve	
22.	08-01 8232-8726 Portage Road (west portions) and 2250 Corstange Road	R-1B, One Family Residential and P-1, Vehicular Parking to B-3, General Business	General Business and Low Density Residential (zone of transition)	Approve with exception of 2250 Corstange Road and western 50 feet of 22 Portage Road properties to be retained as R-1B buffer areas	Approve with exception of 2250 Corstange Road, the western 50 feet of 22 Portage Road properties, the north 50 feet of 8232/8302 Portage Road and south 50 feet of 8502 Portage Road to be retained as R-1B buffer areas	Approve with exception of 2250 Corstange Road, the western 50 feet of 22 Portage Road properties, the north 50 feet of 8232/8302 Portage Road and south 50 feet of 8502 Portage Road to be retained as R-1B buffer areas	Consistent with Comprehensive Plan and Future Land Use Map and will allow for greater commercial use, expansion and/or redevelopment options for property owners while providing neighborhood protection and separation.
23.	09-01 Greenspire Planned Development (West Centre Avenue and Greenspire Drive)	RM-1, Multiple Family Residential and R-1C, One Family Residential to PD, Planned Development	High Density Residential and General Business	Approve	Approve	Approve	PD rezoning application for 95 acres including 47 acres of existing apartments, 37 acres of additional apartments (three phases) and 11 acres of retail/office land use along West Centre.
24.	09-02 9804, 9810 (east portion), 9818, 9832 and 9842 Oakland Drive and 2180-2408 Oakland Farms Trail (all lots)	R-1C, One Family Residential and R-1T, Attached Residential to R-1B, One Family Residential	Low Density Residential	Approve	Approve (except 9842 Oakland Drive)	Approve (except 9832 and 9842 Oakland Drive)	Rezoning application to facilitate Phase II of the Oakland Farms single family residential subdivision.

Zoning Amendment Listing (July 2004 – July 2015)

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25. 10-01	9602 and 9616 Portage Road, 1704 South Shore Drive, and 1712, 1720, 1726 and 1806 Fairlane Avenue	I-1, Light Industry and R-1C, One Family Residential to OS-1, Office Service	General Industrial and Low Density Residential	Approve	Approve	Approve	OS-1 rezoning application to facilitate The Great Lakes Center for Autism Treatment and Research. OS-1 provides zone of transition/buffer between I-1 district and R-1B district.
26. 10-02	4815 West Milham Avenue and 6027 South 12 th Street	B-2, Community Business to B-3, General Business	General Business				Application withdrawn prior to recommendation by City Administration and Planning Commission.
27. 10-03	1302, 1306, 1316 and 1330 East Centre Avenue	OS-1, Office Service and R-1B, One Family Residential to B-1, Local Business	Local Business and Office	Approve (1302, 1306 and 1316 to B-1 and 1330 to OS-1)	Approve (1302, 1306 and 1316 to B-1 and 1330 to OS-1)	Approve (1302, 1306 and 1316 to B-1 and 1330 to OS-1)	Original application involved 1316 East Centre: Planning Commission expanded consideration to also include 1302, 1306 and 1330 East Centre.
28. 11-01	1901 Romence Road Parkway (1.3 acre portion)	R-1B, One Family Residential to I-2, Heavy Industry	Office, Technology and Research	Approve	Approve	Approve	Rezoning application involving a 1.3 acre portion of 1901 Romence Road Parkway ("island") that was a residual R-1B zoned.
29. 11-02	1106 West Centre Avenue	RM-2, Multiple Family Residential and R-1B, One Family Residential (north 75-feet) to OS-1, Office Service	Medium Density Residential (but in zone of transition between Office and Low Density Residential)	Approve (South 539.5 feet to OS-1, Middle 668 feet remain RM-2 and North 75 feet to remain R-1B)	Approve (South 539.5 feet to OS-1, Middle 668 feet remain RM-2 and North 75 feet to remain R-1B)	Approve (South 539.5 feet to OS-1, Middle 668 feet remain RM-2 and North 75 feet to remain R-1B)	Rezoning application to facilitate redevelopment of southern portion of parcel for office land use.
30. 11-03	Romence Road Parkway, Between Lovers Lane and Portage Road (several properties)	I-2, Heavy Industry; OS-1, Office Service and R-1B, One Family Residential to OTR, Office, Technology and Research	Research & Development/ Technology	Approve (1901 and 2301 Romence Road Parkway, 6710, 6718 and 6726 Portage Road, 2328 and 2402 Lansing Avenue to OTR; 6646 Portage Road and 6941, 7013 and 7019 Lovers Lane to OS-1; Retain I-2 for 7005 Lovers Lane and 7000 Portage Road)	Approve (1901 and 2301 Romence Road Parkway, 6710, 6718 and 6726 Portage Road, 2328 and 2402 Lansing Avenue to OTR; 6646 Portage Road and 6941, 7013 and 7019 Lovers Lane to OS-1; Retain I-2 for 7005 Lovers Lane and 7000 Portage Road)	Approve (1901 and 2301 Romence Road Parkway, 6710, 6718 and 6726 Portage Road, 2328 and 2402 Lansing Avenue to OTR; 6646 Portage Road and 6941,	Planning Commission initiated rezoning consideration in response to comments received during review of Rezoning Application #11-01.

Zoning Amendment Listing (July 2004 – July 2015)

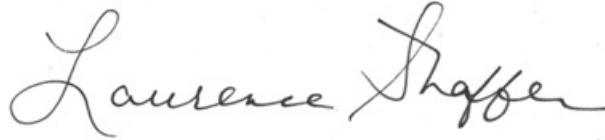
<u>APPLICATION NUMBER</u>	<u>LOCATION</u>	<u>REZONING REQUEST</u>	<u>COMPREHENSIVE PLAN DESIGNATION</u>	<u>STAFF RECOMMENDATION</u>	<u>PLANNING COMMISSION RECOMMENDATION</u>	<u>CITY COUNCIL</u>	<u>NOTES</u>	
						7013 and 7019 Lovers Lane to OS-1; Retain I- 2 for 7005 Lovers Lane and 7000 Portage Road)		
31.	11-04	East Centre Avenue, Between Lakewood Drive and Garden Lane	R-1A, One Family Residential and R-1B, One Family Residential to OS-1, Office Service	Office and Low Density Residential	Approve (7932 Lakewood, 707, 743, 775 and 903 East Centre and south 264-feet of 801, 809, 815, 821 and 827 East Centre to OS-1) – Retain north 198- feet of 801, 809, 815, 821 and 827 East Centre in R-1A)	Approve (7932 Lakewood, 707, 743, 775 and 903 East Centre and south 264- feet of 801, 809, 815, 821 and 827 East Centre to OS-1) – Retain north 198-feet of 801, 809, 815, 821 and 827 East Centre in R-1A)	Approve (7932 Lakewood, 707, 743, 775 and 903 East Centre and all of 801, 809, 815, 821 and 827 East Centre with exception of north 50-feet to OS-1) – Retain north 50-feet of 801, 809, 815, 821 and 827 East Centre in R-1A to serve as a buffer)	Original application involved 775, 801, 809, 821, 827 and 903 East Centre: Planning Commission expanded consideration to also include 7932 Lakewood and 707, 743 and 815 East Centre.
32.	11-05	7812, 7840, 7842 and 7908 (portion thereof) Portage Road	B-2, Community Business and I-1, Light Industry to B-3, General Business and P-1, Vehicular Parking	General Business and Park/Recreation	Approve (7812, 7840 and 7842 Portage Road to B-3 and portion of 7908 Portage Road to P-1)	Approve (7812, 7840 and 7842 Portage Road to B-3 and portion of 7908 Portage Road to P-1)	Approve (7812, 7840 and 7842 Portage Road to B-3 and portion of 7908 Portage Road to P-1)	Rezoning application to facilitate Portage Brewing Company redevelopment project.
33.	12-01	9136 Shaver Road	I-1, Light Industry to B-3, General Business	Shaver Road Business Corridor	Approve	Approve	Approve	Rezoning application to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar.
34.	13-01	120 and 126 East Van Hoesen	R-1A, One family Residential to B-3, General Business and P-1, Vehicular Parking	Zone of Transition between General Business and Single Family Detached Medium Density Residential	Approve	Approve	Approve	Rezoning application to facilitate redevelopment of southeast corner of South Westnedge and East Van Hoesen
35.	13-02	5710 Angling and 3800, 3730 and 3734 West Milham	R-1B, One Family Residential to PD, Planned Development	Low Density Residential	Approve	Approve	Approve	Rezoning application to facilitate the Harbors West Planned Development

Zoning Amendment Listing (July 2004 – July 2015)

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36. 14-01	531 and 605 West Kilgore and 5024 and 5036 South Westnedge	OS-1, Office Service, B-3, General Business and P-1, Vehicular Parking to CPD, Commercial Planned Development	Regional Business and General Business	Approve	Approve	Approve	Rezoning application to facilitate the Hinman Company Commercial Planned Development at southwest corner of West Kilgore and South Westnedge
37. 14-02	710, 732, 810, 830, 906, 912, 916, 918 East Centre and 907, 913 and 923 Pasma	B-3, General Business, P-1, Vehicular Parking and R-1A, One Family Residential (west 5-feet) to OS-1, Office Service and R-1A	Office and Low Density Residential	Approve	Approve [710, 732, 810, 830, 906, 912, 916 and 918 East Centre to B-1, Local Business with exception of west 5-feet of 710 (R-1A) and north 50-feet of 907, 913 and 923 Pasma to R-1A]	Approve [710, 732, 810, 830, 906, 912, 916 and 918 East Centre to B-1, Local Business with exception of west 5-feet of 710 (R-1A) and north 50-feet of 907, 913 and 923 Pasma to R-1A]	Planning Commission initiated rezoning consideration consistent with Comprehensive Plan
38. 14/15-2	4713 and 4707 (west 10-feet) West Milham Avenue	B-2, Community Business to OS-1, Office Service	Office and Local Business	Approve	Approve	Approve	Rezoning application to facilitate an expansion of the Bickford Cottage senior living facility
39. 15-1	6291 South 12 th Street	R-1B, One Family Residential to R-1T, Attached Residential	Medium Density Residential	Approve	Approve	Approve	Rezoning application to facilitate the expansion of the Pinefield Townhomes development project

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Senior Center Master Plan Project Disclosure

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

ACTION RECOMMENDED: Information Only

As information for City Council, Request for Proposals were requested from several architectural firms to assist with some possible expansion plans at the Senior Center. The low bid was Byce & Associates, a local architectural firm, with a bid of \$13,500. Of note, two of Byce employees, Fred Grunert and Suzanne Nemeth, are also volunteer members on the City of Portage Historic District Commission. Since the two employees who will be working on the project are “public servants” and assisted their employer in obtaining the city contract, Michigan law requires that City Council receive notification of a possible conflict of interest. The notification letter is attached. Mr. Grunert and Ms. Nemeth are expected to be two of the approximately five to seven Byce employees working on the Senior Center project. The work that they perform is a typical job duty and will receive their normal compensation. The City Attorney has carefully reviewed and determined that the work these two individuals will perform presents no conflict of interest in the Senior Center project and will not conflict with their duties on the Historic District Commission.

Unless instructed by Council, I plan to execute the agreement with Byce seven days from this notification. Please contact me if you have any questions.

FUNDING: N/A

Attachments: 1. October 7, 2016 Letter from Byce & Associates

October 7, 2016

487 PORTAGE STREET
KALAMAZOO, MI 49007

CORPORATE@BYCE.COM
WWW.BYCE.COM

TEL: 269.381.6170
FAX: 269.381.6176

City of Portage
Office of the City Manager
Mr. Laurence Shaffer, City Manager
7900 South Westnedge Avenue
Portage, Michigan 49002

Re: City of Portage Volunteer Members – Byce Employees
City of Portage Senior Center- Architectural Master Plan
B/A# 16100242

Dear Mr. Shaffer,

Our Vice President/Architect, Fred Grunert, NCARB, AIA, GGP and our Senior Interior Designer/Project Coordinator, Suzanne Nemeth, NCIDQ are current, volunteer Portage Historic District Commission members. Please, consider this letter our official documentation of financial interest verification for the City of Portage Senior Center Master Plan Project contract between our firm and the City of Portage.

As representatives of Byce & Associates, Inc., their financial interest coincides with the contract amount between our firm and the City of Portage of \$13,500.00.

Both Fred and Suzanne are employees of Byce & Associates, Inc., and any work completed on this project will be considered part of their typical job duties for salary compensation. Byce & Associates, Inc. has professional staff on hand from all Architecture and Engineering disciplines. We are a collaborative, cohesive business where quality control and quality assurance are performed and cross discipline checked throughout our company. Fred and Suzanne will be taking the lead on this project and will be assisted by junior architects, engineers, and CAD/Revit/BIM Technicians along the way. We would estimate the additional assistance of 3-5 Byce & Associates, Inc. professionals.

If you have any further questions regarding this matter, please feel free to contact us.

We look forward to the opportunity to work with the City of Portage.

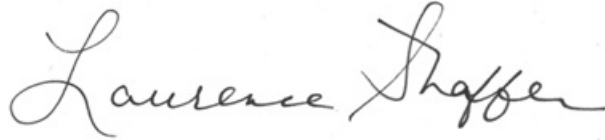
Respectfully submitted,
BYCE & ASSOCIATES, INC.

Fred Grunert, AIA, GGP
Vice President

Suzanne Nemeth, NCIDQ
Senior Interior Designer

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Environmental Activity Report

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

ACTION RECOMMENDED: Information Only

Attached please find the September 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 an 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. Environmental Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
September 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 4 site/building plan and/or plats completed in September 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 August 2016: 12 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 complete 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 risen approximately 6" 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 under review.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Five year plan to implement the
current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. New permit application was submitted in March 2015. Semi-annual report submitted to MDEQ on December 21, 2015. Implementation is ongoing.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Kalamazoo River Mainstream
Watershed Management Plan

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

Portage River Watershed
Management Plan

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

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

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

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 July – 0. Number of environmental cleanups in June– 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.

**TRANSMITTAL FROM
HUMAN SERVICES BOARD**

DATE: October 7, 2016

TO: Honorable Mayor and City Council

FROM: Amanda Woodin, Chair, Human Services Board



SUBJECT: General Fund & Community Development Block Grant (CDBG) Program
human/public service funding process – recommended revisions

On behalf of the Human Services Board, I am to writing to summarize recommended revisions to the annual human/public service funding process. Subsequent to the July 26, 2016 Council Committee of the Whole meeting, the Human Services Board further discussed this matter and the following revisions are recommended for the FY 2017-18 funding round:

- Community outreach: Each year, city staff disseminate requests for applications to grant applicants from the prior five years, and regional planning entities such as the Kalamazoo-Battle Creek United Way, the Kalamazoo LISC Affordable Housing Partnership and the Kalamazoo County Multi-Purpose Collaborative Body. To increase the pool of potential applicants, especially to non-profits located within the City of Portage, an article will be published in the November Portager each year.

The Board did discuss that if the pool of applicants is increased and funding levels remain flat or decrease, difficult decisions will need to be made regarding funding for current grantees if new applicants are to also be funded. While the Board did not have a specific recommendation, it noted that increased funding would help meet the growing need for human/public services in the community.

- Grant application revisions: Grant application forms will be available via the city website in a fillable form. Annual audit documentation will be submitted in electronic versus paper form to reduce the amount of paperwork submitted by applicants. All grant applicant audits will be assembled onto one CD that will be provided to the Board and City Council for review, which will also reduce the size of the grant application packets. To ensure a more efficient review process, the timeline for assembling and distributing the grant application packets will be pushed back one week to allow city staff time to ensure all applications are complete and correct prior to forwarding to the Board and City Council.
- Grant applicant presentations: The Board discussed presentations, whether or not they create bias, and their usefulness to the grant process. It was determined that presentations provide an opportunity for applicants to provide additional, supportive material that assists the Board in further understanding the applicant's activities and purpose. It also provides an opportunity for the Board to ask questions. With regard to bias, the criteria does not rank presentations and presentation quality or an applicant not presenting did not affect an applicant's score. The Presentations will continue to be optional.

- Evaluation Criteria: the following revisions to the evaluation tool are recommended:
 1. To further emphasize the importance of allocating funds for services that meet basic human needs, the points allocated for this criterion will be doubled;
 2. To further support non-profits that provide a significant portion of their services to Portage residents, the points allocated for this criterion will be doubled. In addition, the criterion has been revised to award higher points for applicants that serve a higher percentage of Portage residents.
 3. Similar to item #2 above, the criterion that addresses accessibility of services to Portage residents has been clarified to award points for services that are mobile, that is, services are regularly provided at a Portage location or the service provider will come to the resident's location.
 4. Points awarded for community outreach have been revised to emphasize more personal contact with clients and the community in general, as compared to websites, newsletters, etc.
- Board review and recommendation process: The Board will review the applications as a group and develop scores collectively, rather than individually. This will ensure that each Board member fully understands each application and provide an opportunity to initially discuss applications prior to ranking applicants and recommending funding levels to City Council.

As additional information, attached are the revised application form and evaluation criteria as recommended by the Board. I look forward to discussing this matter at the October 18th Council meeting.

Attachments: City of Portage Human Services Funding Grant Application
 Human Services Funding Evaluation Criteria

CITY OF PORTAGE
HUMAN SERVICES FUNDING
GRANT APPLICATION

Check One: ☐ **General Fund*** ☐ **CDBG Fund***

***Same application form used but separate submissions required for General Fund requests and CDBG Fund requests.**

GENERAL INFORMATION

Name of Organization:

Address:

Name of Board President:

Contact Person:

Phone #: email:

Web address:

If an applicant is not able to provide the following, it may not be eligible for funding. Please contact City of Portage staff if the answer to any of these questions is No:

- Is the organization able to track the number of Portage residents served? ☐ Yes ☐ No
- Is the organization able to provide Comprehensive General Liability Insurance and Motor Vehicle Insurance for \$1,000,000 per occurrence with the city, its employees, and its appointed and elected officials named as an insured party? ☐ Yes ☐ No
- Is the organization able to provide a yearly independent audit performed by a Certified Public Accountant? ☐ Yes ☐ No

ORGANIZATION INFORMATION

How long has the organization been in existence:

What is the organization's overall purpose or mission statement:

Please indicate the most recently approved fiscal year total annual budget for your organization and the fiscal year it covered:

Total budget (\$)	Fiscal year (e.g. July 1, 2015 – June 30, 2016)
\$	

Is the organization an incorporated, not-for-profit organization: ☐ Yes ☐ No

Is the organization Internal Revenue Service 501(c)(3) classified: ☐ Yes ☐ No

Is your agency affiliated with any religious organization: ☐ Yes ☐ No

GRANT APPLICATION INFORMATION

1. Please list the individual programs and requested funding levels from the city:

	Name of Program	Funding amount requested (\$)
	NOTE: the same program numbers assigned in question #1 carry through to question #6.	
1.		\$
2.		\$
3.		\$
4.		\$
5.		\$

2. Please indicate the specific intended use of city funds requested:

	Use of funds
1.	
2.	
3.	
4.	
5.	

3. For the program to be funded, please provide the total annual program budget and the percent of that budget being requested from the city:

	Total annual program budget (\$)	Percent (%) of funding requested from city
1.	\$	%
2.	\$	%
3.	\$	%
4.	\$	%
5.	\$	%

4. For the program to be funded, what is the average cost of delivering one unit of service (for example, one hour of counseling, one night of shelter, etc.):

	Cost to deliver one unit of service (\$)	Explain/describe one unit of service
1.	\$	
2.	\$	
3.	\$	
4.	\$	
5.	\$	

5. For the program to be funded, please indicate the following* for your most recently completed fiscal year:

	Total number of program clients served	Total number of Portage residents served	Portage residents served as percent (%) of total clients served
1.			%
2.			%
3.			%
4.			%
5.			%

*Please explain if you are unable to fully track this information:

6. When was the program for which funding is requested first established:

	Year
1.	
2.	
3.	
4.	
5.	

7. Is the organization funded by the United Way: ☐ Yes ☐ No
If yes, how much annual total funding is provided by the United Way: \$
8. For the programs to be funded, please list other significant sources of funds expected or requested, including specific information (agency name, amount requested and purpose):
9. Please identify the entire geographic area benefited by the services for which funding is requested (e.g. County of Kalamazoo, City of Portage, City of Kalamazoo, etc.):
10. For the programs to be funded, please identify which basic human needs are being addressed (check all that apply):

Provision of Housing:

- ☐ Emergency/Homeless Shelter
☐ Transitional or Permanent Housing
☐ Homelessness Prevention (Eviction/Foreclosure/Utility Shut-off Prevention)
☐ Other (explain): _____

Provision of Food:

- ☐ Direct Food Distribution
☐ Food Bank/Pantry
☐ Meals on Wheels
☐ Other (explain): _____

Provision of Health and Safety Services:

- ☐ Emergency Services
- ☐ Health Care
- ☐ Crisis Intervention
- ☐ Other (explain): _____

Provision of Quality of Life Enhancements:

- ☐ Job Training
- ☐ Educational Services
- ☐ Transportation
- ☐ Other (explain): _____

Provision of Clothing:

- ☐ Direct Distribution of Clothing
- ☐ Free/Low Cost Clothing and/or Distribution
- ☐ Other (explain): _____

Other (explain): _____

11. For the programs to be funded, how are service(s) accessible to Portage residents (check all that apply):

- ☐ Services located in Portage
- ☐ Services regularly provided in Portage (e.g., directly to the citizen, at a facility located in Portage, etc.) (explain): _____
- ☐ Services accessible after normal business hours of 8:00 a.m. – 5:00 p.m.
- ☐ 24-hour phone hot line
- ☐ Services available/accessible via public bus routes and/or transportation by an agency
- ☐ Other (explain): _____

12. What other organizations in Portage or Kalamazoo County provide the same or similar service(s):

13. For the programs to be funded, which of the following best describes relationships and collaborations your organization has with other organizations serving Portage residents:

- ☐ Services are unique in the community and not duplicated by others
- ☐ Services are similar to others but steps are taken to avoid duplication (explain): _____
- ☐ Services are similar to others but information and referral is routinely provided to avoid fragmentation (explain): _____
- ☐ Services are similar to others and some duplication of services occurs (explain): _____
- ☐ Other (explain): _____

14. For the programs to be funded, a majority of clients are (check all that apply):

- ☐ Extremely low income (30% or below of area median income) and/or disabled and/or a victim of abuse and/or other situation
- ☐ Low Income (80% or below of area median income) and/or senior citizens
- ☐ Client is vulnerable or at risk of one of the above
- ☐ Client is in need of services
- ☐ Other (explain): _____

15. For the programs to be funded, what outreach efforts are made in the community – including to notify Portage residents of the availability of services (check all that apply):

Individual/Group Contact:

- | | |
|--|--|
| ☐ Open houses | ☐ Direct Mailings/Leaflets |
| ☐ Community Events | ☐ Informational Tables/Kiosks |
| ☐ Planned Events | ☐ Targeted Contact |
| (explain) _____ | |
| ☐ Canvass Neighborhoods | |
| ☐ Media Ads | |

Business/Community Organization Contact:

- ☐ Presentations
- ☐ Partnerships/Networks
- ☐ Coalitions
- ☐ Briefing Kits

☐ Other (explain): _____

16. If the programs are not funded or fully funded, how will the program(s) be affected (include changes in staffing, property acquisition, and costs):

17. If you are a current grantee and have requested an increase in funding, please explain the rationale for the increased funding request:

18. Please describe the anticipated long-term sustainability of the programs for which funding is requested:

19. Please indicate how many public and private dollars are leveraged for each dollar of city funding requested:

Please attach the following documents for City of Portage review:

1. Sample brochure(s) describing the services offered, particularly services to be funded by a City of Portage grant.
2. List of agency Board of Directors, including business and/or organizational affiliation.

Please electronically submit the following documents for City of Portage review (flash drive or CD in PDF/TIFF/JPG formats):

1. Most recently completed audit.
2. Financial Statements for most recently completed fiscal year which include revenue and budget information.

AUTHORIZED SIGNATURE

I hereby verify that the information presented above is correct to the best of my knowledge.

Name (print or type)

X _____

Signature

Title

Date

T:\COMMDEV\2016-2017 Department Files\CDBG\FY 17-18 HPS\FY 17-18 HPS Forms\Draft Human Services Application (FY 17-18) Paper.doc

HUMAN SERVICES FUNDING EVALUATION CRITERIA

In addition to the criteria listed below, which apply to the service(s) to be provided with the funding requested, the following Mission Statement for the Human Services Board will also serve as a guide to the Board in its review and recommendation of funding applications:

The mission of the Human Services Board is to facilitate the satisfaction of the basic human needs of all Portage citizens by educating and advising the City Council, Portage human service agencies, and the community at large.

1. EXTENT TO WHICH THE PROGRAM ADDRESSES A BASIC HUMAN NEED
(QUESTION 10 ON APPLICATION)

(Select only one that most closely fits)

“Basic Human Needs” are considered to include:	Score
Provision of housing (e.g. emergency, transitional, permanent, homelessness/ prevention such as eviction, foreclosure, and/or utility shut-off prevention)	100
Provision of food (e.g., direct food distribution, food bank/pantry, Meals on Wheels)	80
Provision of health and safety services (e.g., emergency services, health care, crisis intervention, etc.)	60
Provision of job training, educational services, transportation, or quality of life enhancements	40
Provision of clothing (e.g. direct, free/low-cost clothing and/or distribution)	20
None of the above	0

2. ACCESSIBILITY OF THE PROGRAM SERVICE TO PORTAGE RESIDENTS
(QUESTION 11 ON APPLICATION)

0 = Not Accessible to 25 = Easily Accessible

(Select only one that most closely fits)

“Accessibility” can be considered to be:	Score
Services located in Portage	25
Services are mobile (e.g. at a facility located in Portage or at the citizen’s location)	20
Services accessible after normal (8 a.m.-5 p.m.) business hours, 24-hour phone hot line, or other methods	15
Services available / accessible via public bus routes and/or transportation by agency	10
None of the above	0

3. DOES APPLICANT HAVE WORKING RELATIONSHIPS / COLLABORATIONS WITH OTHER ORGANIZATIONS SERVING PORTAGE RESIDENTS?
(QUESTION 13 ON APPLICATION)

0 = Fragments Service Delivery to 25 = Coordinates or Improves Service Delivery

(Select only one that most closely fits)

“Coordinates or Improves Service Delivery” can be generally considered to be:	Score
Services are unique in community and not duplicated by others	25
Services are similar to others but carefully coordinated to avoid duplication	20
Services are similar to others but Information and Referral is routinely provided to avoid fragmentation	15
Services are similar to others and some fragmentation of services occurs	10
None of the above	0

4. AMOUNT OF OUTREACH EFFORTS
(QUESTION 15 ON APPLICATION)

5 = Limited Outreach to 25 = Extensive Outreach Efforts to People in Needs

(Select only one that most closely fits)

“Extensive Outreach” can be considered to be: open houses, direct mailing, targeted outreach, presentations, partnerships/networks and other forms of more direct/personal contact with citizens.	Score
Utilizes 10 or more methods of outreach to Portage residents	25
Utilizes 8 methods of outreach to Portage residents	20
Utilizes 6 methods of outreach to Portage residents	15
Utilizes 4 methods of outreach to Portage residents	10
Utilizes 2 method of outreach to Portage residents	5

5. OF PORTAGE RESIDENTS SERVED, ARE MAJORITY ECONOMICALLY OR SOCIALLY DEPRIVED, SENIOR CITIZENS, OR PERSONS WITH DISABILITIES?
(QUESTION 14 ON APPLICATION)

10 = No Special or Unusual Needs to 25 = Economically or Socially Deprived

(Select only one that most closely fits)

“Economically or Socially Deprived” can be generally considered to be:	Score
Clientele is extremely low income and/or disabled and/or victim of abuse and/or other situation	25
Clientele is low income and/or senior citizens	20
Clientele is vulnerable or at risk of one of the above	15
Clientele is in need of services	10
None of the above	0

6. PERCENT OF PORTAGE CLIENTS SERVED
(QUESTION 5 ON APPLICATION)

10 = Few to 50 = Many

(Select only one that most closely fits)

“Many” clients served can be considered to be:	Score
Portage clients equals 75-100% of clients served by agency	50
Portage clients equals 50-74% of clients served by agency	40
Portage clients equals 25-49% of clients served by agency	30
Portage clients equals 11-24% of clients served by agency	20
Portage clients equals 1-10% of clients served by agency	10
Portage clients equals >1%	0

*For new programs/agencies in the community for less than five years, use criterion 7(A).
For programs/agencies in the community for five or more years, use criterion 7(B).
(QUESTION 6 (YEAR STARTED) AND 3 (% FUNDED) ON APPLICATION)*

7(A). ABILITY OF AGENCY TO RECEIVE OTHER FUNDING **OR**

5 = Extensive to 25 = Limited

(Select only one that most closely fits)

"Limited" ability to receive other funding for "new" applicants can be generally defined as follows:	Score
Grant request equals 51% or more of the agency's budget	25
Grant request equals 31-50% of the agency's budget	20
Grant request equals 11-30% of the agency's budget	15
Grant request equals 6-10% of the agency's budget	10
Grant request equals 0-5% of the agency's budget	5

7(B). ABILITY OF AGENCY TO LEVERAGE OTHER FUNDING

5 = Limited to 25 = Extensive

(Select only one that most closely fits)

"Extensive" leveraging of other funding for "previous" applicants can be generally defined as follows:	Score
Grant request equals 0-5% of the agency's budget	25
Grant request equals 6-10% of the agency's budget	20
Grant request equals 11-30% of the agency's budget	15
Grant request equals 31-50% of the agency's budget	10
Grant request equals 51% or more of the agency's budget	5

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting September 1, 2016

CALL TO ORDER: 6:33 p.m.

MEMBERS PRESENT: Diane Durian (aye), Effie Kokkinos (aye), Ray LaPoint (absent) Elma (Pat) Maye (excused), Nadeem Mirza (aye), Edward Morgan (aye), Sandra Sheppard (absent), Fiorella Spalvieri (arrived 7:15), Amanda Woodin (aye), Lindy Nebiolo (absent), Youth Representative. Kokkinos moved and Morgan supported excusing Maye. Motion passed 5-0.

MEMBERS EXCUSED: Elma (Pat) Maye.

MEMBERS ABSENT: Ray LaPoint, Sandra Sheppard

STAFF PRESENT: Elizabeth Money, Neighborhood Program Specialist

CITIZENS PRESENT: Zachary Crocker, Mattawan High School student (left before 7:00)

APPROVAL OF MINUTES: Kokkinos moved and Morgan supported approval of the June 2, 2016 minutes. Motion passed 5-0.

PUBLIC HEARING:

1. FY 2015-16 CDBG Consolidated Annual Performance Evaluation Report (CAPER) – Public Hearing: Chair Woodin opened the public hearing. Staff provided a summary of the contents of the CAPER document, including an overview of Community Development Block Grant (CDBG) Program performance, activities, and where funding was allocated for FY 2015-16. Durian asked about private funding sources. Money responded that she would confirm all sources and let the Board know. Several Board members inquired about the housing projects, the overall numbers, and average amounts. Money indicated that fewer projects were completed than projected, but that the average cost per project cost was higher than in prior years. Money stated that including window replacement in the program this past year contributed to the higher average cost. Woodin questioned the funds used for the demolition project. Money indicated that the property owners had passed, no one had taken responsibility for the property, the property was an attractive nuisance, the city had already taken enforcement action, and that, due to nonpayment of taxes, Kalamazoo County had subsequently foreclosed on the property. The neighborhood was low-income and while the city did not typically use CDBG funds for demolition work, it was a blight on the neighborhood and removal of the structure was warranted. Mirza moved and Kokkinos supported acknowledgement of the report as presented and that there were no further questions or comments. Motion passed 5-0. The public hearing was closed.

NEW BUSINESS:

1. Human Service Grant, Small Work Group Update: Chair Woodin opened the discussion by reviewing the memo and materials provided in the agenda including a summary of the activities that took place over the summer, the suggestions from City Council, and the proposed updates as suggested by the small group. The Board agreed with all the suggested changes, including recommending to City Council that additional funds be provided, but a lengthy discussion was had regarding the presentations given by applicants each year. Several Board members felt the

presentations were essential to the application process and integral to helping the Board more fully understand the organization requesting funds. Other Board members felt that the presentations created bias and that opinions on the quality of the presentations or an organizations decision not to present (as it is not required) influenced Board members. When asked what other organizations do, Money indicated that she had researched a few other grant processes and it seemed that either the applications were less detailed and formal interviews were required or the applications were more detailed and presentations or interviews were not done. She then indicated that the city's application was very thorough and provided all the information needed to review and score the organization. Morgan suggested discussing the presentations again at the October meeting when more Board members would be present to weigh in the discussion. Woodin stated they would need to come to an agreement at the next meeting so that a memo could be prepared and given to City Council on their proposed changes for the October 18th meeting.

2. Red Ribbon Week, Small Work Group Update: Woodin indicated that the small group had met in August and the Nebiolo, Maye, and herself had all agreed to contact various school officials to recruit students to participate. As Nebiolo and Maye were not present, she indicated that she had a few students already interested and further updates will be provided at the October meeting.
3. Kalamazoo Transit Authority LAC update - Maye: As Maye was not present, no update was provided.

STATEMENT OF CITIZENS:

ADJOURNMENT: Mirza moved and Spalvieri supported adjournment of the meeting at 8:10. Motion passed 6-0.

Respectfully Submitted,



Elizabeth Money, Neighborhood Program Specialist

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YAC Meeting Minutes: September 12, 2016

- I. Call to Order
 - a. Meeting called to order at 6:30
- II. Introductions and Attendance - Favorite food
- III. Motion to Approve the Minutes of Last Meeting
 - a. Motion approved
- IV. Youth Liaison Reports
 - a. Human Services:
 - i. Red ribbon week: October 15th (7:15pm-8:00pm) shenanigan-ery and gullible kids ☺
 - b. Senior Citizens Board: Facility expansion
 - c. Officially accredited for 5 years (until 2021)
 - d. Youth Action Team:
 - i. Youth Summit was a success.
 - ii. Sticker shock planning
- V. Community Movie Night (Star Wars) with BOCK
 - a. Bland popcorn and bugs. Further improvements for concessions?
 - i. Maybe invite food trucks and pizza in the future
 - b. Engaged audience before and after
 - c. Clearly oriented activities for children (signs)
 - d. 700 people attended
- VI. Above the Influence:
 - a. Positive feedback and good turn out
 - b. Proclamation with the mayor
 - c. WMU came in and spoke about substance abuse
 - d. Lull toward the end but nevertheless, a success
 - e. Maybe instead of breakfast there should be lunch & more food toward the end?
 - f. Was not as much interaction with other groups
- VII. Capital Improvement Plan
 - a. Setting money aside for reconstruction, law enforcement vehicles, and other priorities for the City of Portage
 - b. Water tower is scheduled to be replaced, I-94 & road improvements
 - c. Survey on the City of Portage website for further input
 - d. Open House—Thursday, Sept. 29th between 4:00 and 7:00pm at City Hall.
 - i. People of all ages can come and share input
- VIII. Social Host Ordinance
 - a. Law that can be enacted that creates penalties for adults that host/supply gatherings for minors (alcohol and drugs)
 - b. Creating law for City of Portage on this topic
 - i. Involvement: working on draft, support, meeting with governmental figures in Portage
 - ii. Maybe a subcommittee for this project
- IX. Prevention Works Youth Action Team
 - a. Wednesday, September 21st, 6-7:30
 - b. Come and get involved!
- X. What do you want to gain from this experience?
 - a. Helping to draft laws in the future
 - b. Broadcast what we do around Portage

- c. Help in the community
- XI. Election of Officers Discussion
 - a. October 10, 2016
- XII. Autumn Activity – Volunteering at PCC
 - a. Other Ideas? Loaves and Fishes, Gospel Mission
 - b. Finalize in October
- XIII. Upcoming Events (Snow Party, Green-a-thon, Movie Night)
- XIV. Next Meeting: Monday, October 10.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – September 12, 2016

The City of Portage Zoning Board of Appeals meeting was called to order by Vice-Chairman Schaffer at 7:00 p.m. in the Council Chambers. Seven people were in the audience.

MEMBERS PRESENT: John Byrnes, Phil Schaffer, Chadwick Learned, Alexander Philipp, Lowell Seyburn, Jay Eichstaedt.

MEMBERS EXCUSED: Michael Robbe, Jeffrey Bright, and Randall Schau

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

APPROVAL OF THE MINUTES: Learned moved and Seyburn seconded a motion to approve the August 8, 2016 minutes as submitted. Upon voice vote, the motion was approved 6-0.

OLD BUSINESS:

ZBA #16-4, Adam & Sarah Beuker, 2611 Woodbine Avenue: Vice-Chairman Schaeffer explained that since there were only six Board members present, the applicant had the option to either move forward with Board consideration of the request tonight or request postponement to the next regularly scheduled meeting when seven voting members may be present. The applicant stated he would like to request a postponement. A motion was made by Seyburn, seconded by Learned, to postpone the item until the October 10, 2016 meeting. Upon voice vote, the motion passed 6-0.

NEW BUSINESS:

ZBA #16-6, WalMart Stores Inc., 8350 Shaver Road: Vice-Chairman Schaeffer explained that since there were only six Board members present, the applicant had the option to either move forward with Board consideration of the request tonight or request postponement to the next regularly scheduled meeting when seven voting members may be present. The applicant requested an opportunity to confer with his office. The Board recessed for five minutes. After the recess, the applicant stated he would like to request a postponement. A motion was made by Seyburn, seconded by Learned, to postpone the item until the October 10, 2016 meeting. Upon voice vote, the motion passed 6-0.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator

Portage Historic District Commission

Regular Meeting
Conference Room 2

Wednesday, September 14, 2016

Present: S. Nemeth, C. Forrest, J. Ebert, E. Eklov, R. Randall, J. Dunipin K. VanLonkhuyzen, F. Grunert and M. Deming

Absent: J. Lotz

Meeting called to order: 8:20 AM

Review of minutes from August 3, 2016. Minutes approved with the addition of adding \$150,000 to \$175,000 for the cost of relocating 8009 Cox's Drive schoolhouse.

OLD BUSINESS:

3221 W. Milham/Nieuwenhuis

Original barn has been torn down.

- E. Eklov forwarded photos of the site to HDC members.
- Building commission has not approved materials to be used for construction of new barn.
- Questions:
Are the proposals made to HDC and to Community Development the same?
Will reclaimed material still be used for the new door?
Plans appear to show sliding doors is this what was originally proposed?
Will sliding doors accommodate moving boats and other items inside the new structure?

5720 Oakland/Vergunst

- Nothing new on the barn.

2663 Mandigo/Kiley

- A court date has been set and there is a \$11,000 lien on the property.

1521 E. Centre Avenue/Selinon Park Development

- Proposal is up for final approval (September 20 Council meeting).
- Developers would like to move the driveway 10 ft. from original plans.
- Developers and HDC had originally talked about moving a barn currently at 1603 to 1521 East Centre. They would now like to leave the barn on its original site.

10234 East Shore Drive/Giem

- No action has been taken on the Train Barn.
- Property has been divided but no lots are up for sale at this time.

922 W. Osterhout/Norman

- Siding has been removed.
- Some of the original siding remains.
- Original windows also found under removed siding.

8643 S. Westnedge/new owner

- Property has been sold.
- E. Eklov will send a packet of current HDC materials to new owner.

Community Awareness Project:

- No one has volunteered to produce a newsletter.
- Confirmed that the HDC will be holding an event during the month of May 2017.
- Need to think about venue for the event.
- WMU Archives may be interested in participating because of Dr. VanRipers connection to WMU.
- C. Forrest working on Area Relator Contact and letter.
- HDC still needs to work on drafting a Statement of Significance for the district and on categorizing property sites.

NEW BUSINESS:**2106 Forest**

- What style is this home?
- From an old drawing, it appears that the entrance was originally in the front of the home, and the front at that times appears to be a Cape Cod farmhouse.

Guest: Judy Shehigian

Judy is a board member of MORSA (Michigan One Room Schoolhouse Association). MORSA has done surveys of Michigan one-room schoolhouses and their original sites. Many of these school houses have been moved, destroyed, or re-purposed.

- District 8 Schoolhouse is eligible for an award given by MORSA for the best restoration of a one-room schoolhouse. (\$250)
- HDC needs to apply for the award.
- The award is presented during the 2nd week of May at the MORSA annual conference.
- Judy brought a photograph of District 8 Schoolhouse before it was moved to Celery Flats and restored, and copies of the MORSA newsletter for HDC use.
- Judy asked if the HDC planned on expanding exposure of District 8 Schoolhouse. HDC opened the schoolhouse and allowed visitors during the

2016 Green-A-Thon. HDC would also like to find additional ways to involve the community in awareness of District 8 Schoolhouse.

VanRiper Property:

Judy was interested in the status of the VanRiper Property. She is a friend of the VanRiper family and encouraged Mick Lynch to buy the property. She mentioned that the VanRiper family was “appalled” by the current appearance of the property. HDC explained that Mr. Lynch had asked for permission to split the property and sell off a parcel for development, but that the original buildings and a smaller parcel of property will remain a private residence. The sales trailer is temporary and will be removed from in front of the historic buildings after the sales period. The developer (Story Point) is regrading and re-landscaping the ground between the new development and the historic buildings. It is planned that the original lilac bushes will be replaced. Mr. Lynch is currently working on addressing code violations on the historic property. HDC intends to feature the property and Dr. VanRiper during National Preservation Month, May 2017.

Next Regular Meeting scheduled for October 5th.

Meeting adjourned at 9:20 AM.

Respectfully submitted: Martha Deming Maytnier/Recording Secretary

**Portage Historic District Commission
Historic District Study Committee**

Special Meeting
Public Hearing
Conference Room 2
Wednesday, September 14th, 2016

Present: S. Nemeth, C. Forrest, J. Ebert, J. Duniphin, R. Randall, F. Grunert, E. Eklov, M. Deming

Absent: J. Lotz, K. VanLonkhuyzen

Meeting called to order at 9:20 AM.

NEW BUSINESS:

Public Hearing for 8009 Cox's Drive.

- Planning Commission voted not to approve the request from Mr. Kasten for the demolition of the schoolhouse.
- There has been no feedback from community members.
- The City Clerk has not received any comments on the Commission's decision.
- HDC voted to accept the report and to close the public hearing.

Next steps:

- HDC needs to finalize the report.
- HDC needs to hold a Final Study Committee meeting to send recommendations on to City Administration for final review.

Meeting adjourned at 9:45 AM.

Next Special Meeting to be held after Regular HDC meeting on October 5th, 2016.

Respectfully submitted: Martha Deming Maytnier/Recording Secretary

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: October 1, 2016

FROM: John Baumann, Deputy City Assessor

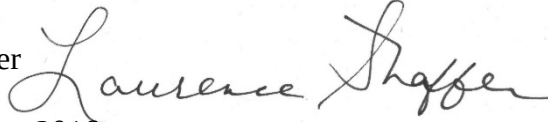


SUBJECT: September 2016 Department Operations Report

The following information summarizes the operations of the City Assessor's Office during September 2016:

- **Preparation of 2017 Assessment Roll:** The Assessor's staff continues with the numerous activities related to the preparation of the 2017 assessment roll. These include properly processing all parcel splits and combinations (splits include the creation of the numerous lots when a large parcel is platted), site inspection of all new dwellings and properties that may have been only partially assessed last year, and determining the upward or downward neighborhood value adjustments as indicated by the recent sales activity that has taken place in the past 24 months. The September 30th sales period cut off date has since passed, and the residential sales ratio study should be completely verified and finalized by the County Equalization Department within the next couple weeks. The equalization department continues to work on the commercial and industrial ratio studies. It is anticipated that they will be completed by November 15th.
- **Building Permit Activity:** The Assessor's office continues to field review all new building permits that were issued during the past year as well as all new construction that was partially assessed last year. All work has been organized in such a manner that it can accurately and efficiently be completed by year end.
- **Staff Professional Development:** Staff in the Assessor's office continues to strive for more professional knowledge and have successfully completed all their 2016 continuing education requirements to receive 2017 re-certification through the State Tax Commission.
- **Customer Service:** The staff of the City Assessor's Office is continuing to provide a high level of customer service with a reduced number of employees during the month of September. Prompt and courteous service was provided in response to the numerous 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.

TO: Honorable Mayor and City Council**DATE:** October 3, 2016**FROM:** Laurence Shaffer, City Manager**SUBJECT:** Monthly Report – September 2016

The following summarizes some of the activities in which staff of the Office of the City Manager were involved during the month of September 2016.

1. City Council:

- Coordinated and/or prepared agenda and other materials for the following meetings:
 - City Council Regular Meetings on September 6 and 20.
 - Pre-Council meeting on September 19.
 - Committee of the Whole meeting on September 20.

2. Represented the City of Portage in the following activities, among others:

- Met with Councilmember Randall on September 1.
- Assisted with the architectural firm tour for the Kalamazoo County Consolidated Dispatch Authority architect services on September 1.
- Met with Ryan Kostiak of the Kalamazoo Nature Center on September 1.
- Met with Mayor Pro Tem Ansari on September 7.
- Met with a representative from Consumers Energy to review energy efficiency on September 8.
- Attended the Kalamazoo County Consolidated Dispatch Authority Board meeting on September 8.
- Met with the Mayor and Mayor Pro Tem on September 8.
- Met with Dr. Monifa Jumanne on September 9.
- Met with a resident regarding city property encroachment on September 9.
- Attended and coordinated the local meeting of the Michigan Asian Pacific American Affairs Commission on September 10.
- Met with Kathleen Hoyle from the Vicksburg DDA regarding trail connections on September 12.
- Coordinated and attended the ribbon cutting celebrations for the Eliason Trail and Ramona Park Beach House on September 13.

- Attended the City Centre Target Market Analysis – Land Use USA presentation to City Centre Area subcommittee members, property owners and other interested parties on September 13.
- Attended the annual Michigan Municipal League Convention September 14-16.
- Attended the Senior Center Accreditation Luncheon on September 19.
- Met with Vern Johnson of the Kalamazoo County Health Department on September 27.
- Attended the Pfizer ribbon-cutting on September 21.
- Met with Kalamazoo City Manager Jim Ritsema and Kalamazoo County Administrator John Faul on September 21.
- Met with the city's labor counsel on September 21.
- Met with representatives from PrideCare Ambulance on September 21.
- Met with representatives from LifeEMS Ambulance on September 26.
- Met with Dep Droppers of Kalamazoo Events on September 29.
- Met with a representative from Senator Gary Peters' office on September 29.
- Attended the CIP Open House on September 29.
- Met with Peg Giem on September 30.
- Met with Councilmember Ford on September 30.

3. Projects - Completed and Ongoing:

- Coordinated and hosted the first city-wide training session for employees regarding active shooter scenarios on September 2.
- Continued PPOA/PPCOA contract negotiations for contracts that expired June 30, 2016.
- Continued review of city buildings to optimize energy efficiency.
- Reviewed medical marijuana related matters with city legal counsel.
- Reviewed and identified various city signage for cataloging and marketing efforts.
- Met with staff to review the city's current contract utility service provision.
- Continued oversight of planning, design and construction for various city projects and developments.
- Consulted with city staff regarding Information Technology projects as well as current Community Development, Finance, Transportation & Utility and Assessing matters.
- Prepared materials and attended the Historic District Commission monthly meeting, as well as prepared materials for the September 14 Historic District Study Committee public hearing.

4. Public Information and Citizen Assistance:

- Mailed the September *Portager* and coordinated production of the October *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, construction projects/road closures, deer management, 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.

TO: Lawrence Shaffer, City Manager

DATE: October 14, 2016

FROM: James R. Hudson, City Clerk

SUBJECT: September Monthly Report

QUALIFIED VOTER FILE (QVF) - VOTER REGISTRATION AND ELECTIONS

Continued processing adds, changes, deletions from the QVF In-Box, averaging over 1000 items a month, and processing new voters moving. Voter registrations still continue to increase with many local organizations holding voter registration drives.

Continued the process of printing Master Cards and ID Cards for all new registrations and changes.

Continued review of voter follow-up cards that need to be individually checked against city voter records.

Processed the absentee ballot applications and issued over 5,000 absentee ballots for the November General Election. There has been a substantial increase in absentee voter applications for the November General Election.

Published an article for the *Portager* regarding voter registration and absentee ballots in regard to the November Election.

Processed notices to voters for whom ID cards have been returned, no signature was received at Secretary of State Offices, etc.

Mailed military and overseas ballots and collaborated with the Kalamazoo County elections vendor, Jeff Karns, Michigan Election Resources (MER), regarding election supply needs and service requirements.

Prepared communications to various city departments for the upcoming November General Election regarding election school dates, precinct location preparation, U.S. mail delivery, election supplies and election school setup, voice mail, and precinct signs.

CEMETERIES

Processed seven (7) grave openings/closings, including the preparation of invoices and Burial Rights Certificates and entry on the BS&A Cemetery Software module. Continued to update cemetery maps. Researched availability of lots for citizens in cooperation with the Public Services Department and assisted with burials.

PUBLICATIONS

Published public and legal notices in the *Kalamazoo Gazette* as necessary.

AGENDA PREPARATION AND FOLLOW-UP

Provided follow-up communications, Resolutions and Ordinances on items passed by City Council at the September City Council Meetings.

Prepared Minutes and Resolutions of the September City Council Meetings for permanent records and indexed approved minutes of September City Council Meetings.

Prepared City Council electronic and paper meeting agenda packets for the September Regular, Meetings and Pre-Meetings and uploaded the agendas to the City Web Site..

RECORDS

Stored documents for the City Assessor, City Clerk and Finance Departments using proper archival methodology.

Performed research for city departments on a variety of topics, retrieved documents for various departments and assisted with the search and printing of various microfilm documents. Reviewed recently scanned and microfilmed documents for completeness and accuracy.

Added approved minutes of Council meetings to the Document Collection in Clerk's Index Software program as well as Clerk folder on Sharecop for Internet.

Coordinated all FOIA requests. Responded to request(s) from Police Department for copies of Police Reports required during an investigation (reports are on microfilm).

PUBLIC INFORMATION AND CITIZEN ASSISTANCE

Provided Notary Public Service to citizens upon request. Provided help to citizens for phone call and over-the-counter requests including voter information, guidance to appropriate departments and miscellaneous assistance.

Responded to request(s) from Police Department for copies of Police Reports required during an investigation from the microfilm archives and performed research for other city departments on a variety of topics.

Coordinated Freedom of Information Act (FOIA) and liquor license requirements with the various departments.

Prepared transmittals for documents, resolutions, FOIA responses, block party requests, and recorded documents for Portage citizens, City Departments and the City Attorney.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: October 6, 2016

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Monthly Customer Service Report for September 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

September 1, 2016 meeting:

1. Reviewed and then recommended to City Council approval of the Final Plan for Selinon Park, 1521, 1603 and 1615 East Centre Avenue.
2. Discussed the Community Impact Projects Subcommittee meeting and preparation of an application form in advance of the Capital Improvement Program Open House schedule for September 29th.

Zoning Board of Appeals

September 12, 2016 meeting:

1. Postponed action on a variance request from Adam and Sarah Beuker, 2611 Woodbine Avenue, until the October 10, 2016 meeting.
2. Postponed action on a variance request from Wal-Mart Stores, Inc., 8350 Shaver Road, until the October 10, 2016 meeting.

Human Services Board

September 1, 2016 meeting:

1. Convened a public hearing and then acknowledged receipt of the FY 2015-16 CDBG Consolidated Annual Performance Evaluation Report (CAPER).
2. Discussed the Human Service Grant, Small Work Group Update.
3. Discussed the Red Ribbon Week, Small Group Update.

City Centre Area Target Market Analysis Study Overview Meeting:

September 13, 2016:

Land Use USA presented a summary of the housing target market analysis completed for the City of Portage and the City Centre Area in particular. Property owners within the City Centre Area, local developers, and other interested citizens attended the meeting to discuss the study findings.

Capital Improvement Program (CIP) Open House:

September 29, 2016:

The City Administration hosted a three-hour CIP Open House to garner citizen input regarding planned and unplanned capital projects within the city, ranging from local and major streets, sidewalks and bikeways, parks, water and sewer, public safety and public facilities, and other community and neighborhood enhancement or improvement concepts.

OTHER BOARD ACTIVITIES

- Downtown Development Authority - The Authority did not meet in September 2016.
- Local Development Finance Authority - The Authority did not meet in September 2016.
- Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority - The Authority did not meet in September 2016.

Citizen Information Requests:

During the month of September 2016, a total of 141 cases/violations were inspected or identified in response to citizen service requests or staff field observations: 38 grass/weeds; 33 debris/refuse; 24 parking; 11 inoperable vehicles; 10 zoning; 7 building maintenance; 7 signs; 7 sidewalk-obstruction; 3 safety, sanitation and health; 1 noise.

BUILDING AND HOUSING SERVICES

Construction Board of Appeals:

September 12, 2016 meeting:

1. Issued a 30-day raze order for the dilapidated house at 715 West Osterhout Avenue.
2. Issued a 7-day order that the fire damaged house at 1411 West Centre Avenue and be securely from casual entry. In addition, if the house is not repaired or demolished within 6-months it is to be brought back before the Board as a raze order.

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	8	\$2,087,909
Single –family Attached	4	\$845,878
Residential Additions, Interior Remodels, Garages, Sheds, etc.	27	\$349,143
Commercial Additions, Interior Remodels, etc.	9	\$881,620
Permits Not on Report (i.e., demolition, electrical, plumbing, mechanical, driveway, sign, water use/sewer use, etc.).	192	N/A
Totals	240	\$4,164,550

CDBG Housing Assistance Programs

CDBG PROGRAMS				
Activity	Housing Rehabilitation	Water / Sewer	Emergency Repair	Down Payment Assistance
New Applications	1	0	0	0
Applications Approved	0	0	0	0
Loan Closings	4	0	N/A	0
Monthly Projects Completed	0	0	0	0
Projects Underway	8	0	0	0
FY YTD Projects Completed	0	0	1	0

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: October 12, 2016

FROM: William Furry, Director of Finance *WFF*

SUBJECT: Monthly Report-September 2016

ACCOUNTING /PAYROLL

- Accounts payable processed 530 invoices which produced 378 vendor payments totaling \$3,039,225.53. Payments were comprised of 281 paper checks totaling \$1,522,912.80 and 97 automated clearinghouse payments totaling \$1,516,312.73.
- Continued to analyze each accounts payable run to properly assign transactions to prior fiscal year or current fiscal year.
- Processed 3 payrolls, creating 752 checks and deposit advices for 247 employees, with a total monthly payroll expenditure of \$1,472,787.16.
- Processed quarterly payments to city council members that included the new phone and/or electronic device stipends. Six of the seven members have registered for the stipends.
- Continued working with ADP on final preparations to transition to electronic time off request system.
- Continued with preparation of workpapers and documentation for the annual financial statement audit, along with daily tasks. The external audit team from Yeo & Yeo begins onsite audit fieldwork on October 3rd.

TREASURY

- Collection of the 2016 summer tax bills continued through September 14, 2016, without penalty. Collections from September 15 through September 30, 2016 included a three-percent late fee. Beginning October 1, delinquent interest at the rate of 1 percent per month will be added to the unpaid balance the first of each month until the tax bill is paid in full. In September, Treasury collected approximately \$53,023,682 and distributed approximately \$39,858,941 to Portage, Comstock and Vicksburg schools, KVCC, K/RESA, Metro Transit and Kalamazoo County.
- Continued collection of 2016 special assessment installments with a 5% late fee, levied on September 1, 2016 (day after due date). Issued 148 reminder notifications for all unpaid 2016 installment billings.
- Prepared and issued the following utility billing statements:
 - 5,489 quarterly bills (cycle 3)
 - 118 of these bills were emailed per customer request (new service)
 - 210 final bills
- Prepared and issued the following utility billing delinquent notices:
 - 610 delinquent notices (cycle 2), decrease of .6% from the prior year.

- 392 disconnect notices (cycle 2), decrease of 3% from the prior year.
- 62 delinquent notices to customers with inactive services
- 42 notices were sent to property owners letting them know about a delinquent final bill on their property – subject to be put on 2016 summer tax if not paid.
- Shut-off water service for 54 customers due to non-payment on September 28 (cycle 2).
- Processed 247 requests to initiate or terminate water/sewer services to residences and businesses. Staff averages 12 setups per business day.
- Staff processed 1,219 phone calls during September 2016. Since July 1, 2016, staff has processed 3,765 phone calls, averaging 59 per business day.
- Staff worked with 130 non-cash customers at the Treasury Counter during September 2016. Staff averages 6 such customer contacts each business day.
- Sent out 69 reminder statements for unpaid accounts receivable invoices.
- All Treasury staff attended the training put on by the city administration and public safety on Friday, September 2 regarding Active Shooter scenarios.

FINANCE/BUDGET

- Continued work on year-end review for audit and CAFR, began accumulating and preparing the required work papers and reconciliations.
- Completed the final 2016-2017 budget document and submitted to the Government Finance Officers Association for the Distinguished Budget Presentation Awards Program.
- Cashed in maturing investments, analyzed cash position and reinvested called bonds.
- Prepared monthly investment scorecard, input investment activity and balances into SymPro software and generated monthly SymPro reports for the investment committee. Performed JPMorgan Chase monthly risk analysis. Composed monthly investment report email for the investment committee.
- Began list of purchase orders that should be rolled forward from fiscal year 15-16 to 16-17.
- Completed automated clearing house, wire, and transfer banking transactions and related journal entries, as needed and requested.
- Worked with software provider, BS&A, on various issues.
- Prepared and posted several budget amendments.
- Prepared and approved various journal entries.
- Approved accounts payable invoices and invoices with a purchase order prior to payment.
- Responded to questions from various departments regarding purchase orders, invoices, general ledger, or budget status.

BENEFITS/COMPENSATION

- Continued to monitor, research, and implement requirements of the Affordable Care Act (ACA).
- Began compilation of data to submit to BASIC for handling ACA reporting and year-end filing requirements.
- 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.

- Attended ACA Reporting and Filing: What you need to know for 2016 webinar presented by BASIC.
- 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.
- Continued process for IRS required restatement of Defined Benefit Plan.
- Continued renewal process with Blue Care Network Advantage Plan (BCNA).
- 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 process for contract renewal with workers' compensation third party administrator.
- Continued process for contract renewal with workers' compensation excess insurance provider.
- 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 information to the city third party administrator for the processing of workers' compensation claims.
- Provided direction to third party administrator in regard to workers' compensation claims.
- Updated the OSHA 300 Log.

10/05/2016

BUDGET REPORT FOR CITY OF PORTAGE

GL NUMBER	DESCRIPTION	2016-17 ORIGINAL BUDGET	2016-17 AMENDED BUDGET	2016-17 ACTIVITY	Percent Used
Fund 101 - General Fund		25,101,388	25,113,898	4,096,652	16%
Fund 202 - Major Street Fund		3,409,832	3,409,832	300,615	9%
Fund 203 - Local Streets Fund		1,303,231	1,303,231	129,892	10%
Fund 223 - Curbside Recycling Fund		651,844	651,844	49,881	8%
Fund 226 - Leaf Pickup / Spring Cleanup Fund		722,404	722,404	29,233	4%
Fund 230 - CDBG Program Income Fund		150,000	150,000	0	0%
Fund 252 - West Lake Weed Mgt		40,000	40,000	0	0%
Fund 296 - Community Development Block Grant		229,877	229,877	36,192	16%
Fund 298 - Cable Television Fund		1,018,179	1,018,179	49,760	5%
Fund 400 - CIP General		11,500,260	12,038,169	1,908,342	16%
Fund 490 - Sewer CIP		1,710,000	1,710,000	96,951	6%
Fund 491 - Water CIP		2,060,000	2,060,000	21,054	1%
Fund 590 - Sewer Fund		8,023,912	8,023,912	820,960	10%
Fund 591 - Water Fund		5,140,886	5,140,886	1,361,477	26%

Debt service and Internal service funds not shown.

TO: Laurence Shaffer, City Manager

DATE: October 10, 2016

FROM: Shannon Hertz, Deputy Director Human Resources

SUBJECT: Human Resources Department Monthly Report – September 2016

RECRUITING

The following positions have candidates identified:

- Police Reserve Officers (2)
- Radio Dispatcher (1)
- Police Officers (2)
- Firefighter (1)
- Seasonal Laborers – Winter CDLs (2) (12 weeks)
- Seasonal Laborers (2) – Leaf Pick-up Program (6 weeks)
- Seasonal CDL Laborers (2) – Leaf Pick-up Program (6 weeks)

The following positions are open and/or recruitment efforts are ongoing:

- Police Officer (PT)
- Seasonal Laborers (5) – Leaf Pick-up Program (6 weeks)
- Seasonal CDL Laborers (2) – Leaf Pick-up Program (6 weeks)
- On-Call Firefighters

Employment applications, assessments and recruitment activities:

- 43 Applications processed and screened
- 13 In person and phone interviews conducted
- 0 Testing and other assessments conducted

SAFETY, TRAINING AND DEVELOPMENT

August activities to promote the education, development, training and safety of employees included the following:

- Randomly tested 3 participants for drug testing program.
- Conducted On-boarding for 0 new/returning employees.
- Seven parks audited for ADA and safety compliance.

HEALTH MANAGEMENT PROGRAM

- Continued to administer Health Management Program (HMP) for Department Head, Non-Union, PPCOA, PPOA and UAW employee groups.
- Conducted the first educational session for the first quarter of the 2016/2017 plan year, which was held on 09/22/16.
- Held a poker walk as the second of two planned activities for the first quarter of the 2016/2017 plan year.
- Continued preparations for the wellness screenings to be held on October 25 and 26.

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 20 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.
- Prepared Medicare Part D Notice of Creditable Coverage for distribution to active employees, retirees and COBRA participants.

ELECTIONS

- Coordinated placement of 197 election officials plus stand-by workers through mailings and phone calls.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: October 7, 2016

FROM: Kendall Klingelsmith, CPRP, Director of Parks, Recreation and Senior Citizen Services

KL

SUBJECT: Monthly Operations Report for September 2016

PARKS & RECREATION:

PARK RESERVATIONS

Central	1
Lakeview #1	3
Lakeview #2	2
Ramona #1	5
Ramona #2	5
Westfield	1
Grain Elevator	3
Schrier	3
Amphitheatre	1
Hayloft	5
Total:	29

PARKS & RECREATION:

Ramona Park Total	33,141 Citizens
Boat Rentals	746 Rentals

EVENTS:

Pokémon Go	280 Participants
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SENIOR CITIZEN SERVICES:

ATTENDANCE AND ACTIVITIES

Activity Type	Duplicated	Unduplicated
Events	2016	608
Rides	21	7
Volunteers	302	102
Trips	202	179
Total Seniors Served	2541	719

MEMBERSHIP STATISTICS

Total Active Memberships	Membership Renewals	New Memberships
1,327	67	20

Age Range	Count	Percent
Ages 55-59	17	2.4%
Ages 60-64	44	6.1%
Ages 65-69	90	12.5%
Ages 70-74	137	19.1%
Ages 75-79	144	20.0%
Ages 80-84	120	16.7%
Ages Below 55	8	1.1%
Ages Over 85	159	22.1%

City/Town	Count	Percent
In Portage	494	68.7%
Out of Portage	225	31.3%

Ethnicity	Count	Percent
African American	10	1.4%
Asian American	3	0.4%
Caucasian	572	79.6%
Hispanic	2	0.3%
Native American	7	1.0%
Unknown	125	17.4%

Gender	Count	Percent
Female	507	70.5%
Male	212	29.5%

VOLUNTEERISM

Volunteer Service Type	Hours	Pay Equivalent	Duplicated	Unduplicated
Administrative Support	8.25	179.75	7	2
Board Member	14	305.05	13	9
Club/Group Support	1520.08	33122.62	242	93
Events/Programs	16.5	359.53	11	5
Health Services	4	87.16	2	2
Kitchen	38.5	838.85	18	7
Transportation	110	2396.9	10	3
Travel	161	3508.18	24	9
Totals	1872.33	40798.04	327	126

TRAVEL PROGRAM

Category	Duplicated	Unduplicated
Day Trips	140	124
Extended Trips	25	25
International Trips	37	37
Totals	202	179

FUNDRAISING

Income for the month of September was \$7,682 and includes transportation donations, memberships, newsletter advertising and fundraising.

OTHER SENIOR CENTER HIGHLIGHTS

- September was National Senior Center Month. The PSC received a proclamation from City Council acknowledging the Center and its recent accreditation. In addition, the PSC held a National Senior Center month celebration which was attended by approximately 75 participants.
- A New Member Breakfast was held, which continues to be a successful way of connecting with new and potential members. 50 individuals participated in the September event.
- The PSC partnered with Borgess offering a public flu clinic. This clinic was also offered to City of Portage employees.
- The Trip Office is now open at all times the PSC is open, offering additional opportunities for individuals to inquire about and register for trips.

TO: Laurence Shaffer, City Manager

DATE: October 10, 2016

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

SUBJECT: Monthly Report for September 2016

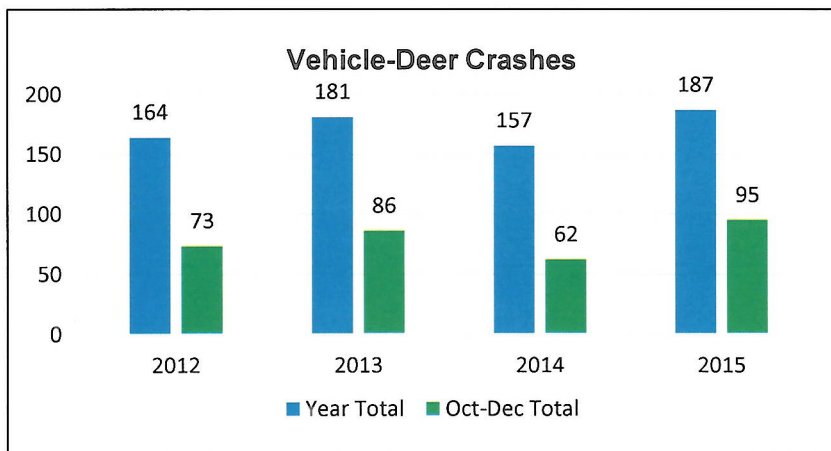
Statistics show that the months of October through December have the highest percentage of all vehicle-deer crashes. The time period from 6:00 p.m. to 9:00 p.m. is when most vehicle-deer crashes occur.



According to the Michigan Deer Crash Coalition, the number of deer-vehicle crashes in Michigan increased in 2015 to 47,001, from the 45,600 reported in 2014. The problem of vehicle-deer crashes continues due to growth in deer herd and disturbance of deer habitat by rapid development in rural areas. Additionally, according to the Department of Natural Resources, “deer have lost their inhibitions of humans and densely populated areas. Deer are taking advantage of an environment that provides sufficient cover, an abundance of food, and freedom from natural and human predators (recreational hunters).”

Some tips to avoid crashes with a deer:

- Slow down in deer population areas.
- Be alert for deer in spring and fall, especially at dawn and dusk, when most crashes occur.
- Heed deer crossing and speed limit signs, particularly on two-lane roads
- If you see one deer, approach cautiously. Deer are herd animals and frequently travel in single file. If you see one cross the road, chances are there are more waiting.
- If a crash is unavoidable, don't swerve, brake firmly, hold onto the steer wheel, stay in your lane, and bring your vehicle to a controlled stop.



POLICE DIVISION STATISTICAL SUMMARY

Police Incidents Dispatched:	2,951
Fire Incidents Dispatched:	419
Gun Registrations:	87
Warrants Obtained:	91
Expressway Incidents Handled:	61

ARRESTS

Total Adult Arrests: 239

Major Charges:

- Child Non-support
- Resisting Officer
- Burglary - Forced Entry Residence
- Embezzlement - Business Property

Total Juvenile Arrests: 20

Major Charges:

- Retail Fraud 2nd Degree
- Aggravated/Felonious Assault-Family
- Resisting Officer
- MIP Consume/Purchase Attempts

AUGUST CRIME STATISTICS

Violent Crimes:	82
Non-Violent Crimes:	305

Reported Crimes - August 2016 Compared to August 2015:

Part I Crimes:	- 23.0%
Part II Crimes:	- 33.2%

Year-to-Date Comparison:

Part I & II Crimes Total YTD:	-13.8%
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TRAINING

Topics: Crisis Intervention
Human Trafficking
Undercover Narcotics
Courtroom Testimony

VOLUNTEER HOURS

September:	110
YTD:	967

EMPLOYEES INJURED

September:	2
YTD:	18

FIRE DIVISION STATISTICAL SUMMARY

Calls for Service		Count
Fire		8
Overpressure Rupture		3
Rescue & Emergency Medical Service Incident		232
Hazardous Condition (No Fire)		5
Service Call		55
Good Intent		89
False Alarm and False Call		26
Special Incident Type		1
Total Calls		419
Total Property Loss		\$267,720.00

Inspections		Count
Annual Attempt & Inspection		173
Reinspection Attempt & Inspection		36
Key Box		2
Plan Review		11
Campfire Permit and Inspection		3
Final or Move-in		2
Fire Protection Plan and Inspection		8
Other		9

Auto/Mutual Aid		Count
Mutual Aid Given - Comstock		3
Mutual Aid Received - Comstock		1
Automatic Aid Received - Comstock		4
Automatic Aid Received - KDPS		1
Automatic Aid Given - KDPS		1
Automatic Aid Given - Pavilion		2
Mutual Aid Given - South County		1
Mutual Aid Given - Texas Township		1
Mutual Aid Received - Texas Township		3
Automatic Aid Received - Texas Township		4

Public Education	Adult	Child
Car Seats	17	4
Public Relations	1,000	1,500
Station Tour	8	11
		Installed
Car Seats		11

SEPTEMBER 2016 SIGNIFICANT EVENTS

Portage fire units were dispatched to the 6400 block of Angling Road just after 7:00 p.m. on September 3 for a house fire. Firefighters arrived and attempted to enter the home to begin attacking the fire and search for victims, but were ordered out of the structure due to deteriorating conditions. The fire was attacked from the exterior until the fire was deemed under control, approximately ninety minutes after fire units were dispatched. The occupants were not present at the time of the incident. The initial investigation determined the fire started in the basement. The cause of the fire is still under investigation by the Fire Marshal. The damage to the home and its contents is estimated at \$200,000.



Portage Department of Public Safety units were sent to the 6100 block of Hummingbird on a fight in progress. Before units arrived, it was learned that a subject involved in the altercation had been stabbed. Once on scene, contact was made with a 23-year-old man who had suffered a stab wound to his side. The area was canvassed in an attempt to locate the suspect; however, he was not located. The incident appears to be part of an ongoing feud. The victim, who is not cooperating with authorities, was transported to the hospital with non-life-threatening injuries.

The owner of a small repair facility reported that a breaking and entering had occurred at his business. A small boulder had been thrown and smashed the front window/display case. The suspect reached in and removed a sports-style motorcycle. Two other businesses reported attempted break-ins on the same evening. Similar incidents also occurred in Kalamazoo County and Van Buren County. Portage detectives were able to obtain video from one of the businesses and identify a suspect. The case is now being reviewed at the Kalamazoo County Prosecutor's Office for charges.

Officers were dispatched to a carpool lot where a cash register drawer was observed in a trash barrel. It was later determined that the cash register came from the scene of a breaking and entering of a restaurant that had occurred the previous evening. Approximately \$600 in cash was in the drawer at the time it was taken. Detectives have obtained video from area businesses and are continuing the investigation.

The Communications Center received the report of a vehicle that had been stolen within the last ten minutes. The vehicle had been stolen from a residential driveway and was unlocked with the keys inside the vehicle. Officers located some items in the roadway, which led to additional locations nearby where two unlocked cars were burglarized. Officers canvassed the neighborhood on foot and found a total of 15 cars that had been entered. All of the vehicles were unlocked; but, most of the vehicles had nothing missing. The investigation is continuing.

Rescue units were dispatched to the intersection of Shaver and Avalon Woods. A semi-tractor hauling two trailers had collided with a SUV. Both vehicles had significant damage. The driver of the SUV was treated on scene for minor injuries and released. Fire units were on scene for 90 minutes assisting with traffic control, controlling hazards, and assisting police with the investigation.

On September 14 at approximately 9:00 p.m., Portage police and fire units were dispatched to an accident on westbound I-94 between S. Westnedge Avenue and Oakland Drive. Once on scene, it was learned that an SUV was traveling west on I-94 when it drifted out of its lane and in front of a semi-tractor trailer, which then struck the SUV from behind. The collision caused the SUV to hit the center concrete divider, and then the semi-tractor trailer also collided with the concrete divider. The SUV incurred significant damage, and the driver, a 19-year-old female from Portage, was transported to the hospital with apparent non-life-threatening injuries. The driver of the semi-tractor trailer, a 45-year-old male from Ontario, Canada, was entrapped in the vehicle and had to be extricated. He also was transported to the hospital with apparent non-life-threatening injuries. Two of the three lanes for westbound I-94 were closed for approximately 90 minutes. Fatigue appears to be a factor in this accident.

Officers responded to two heroin overdoses within a block of each other and involving an adult brother and sister. The brother refused treatment and within 24 hours was found deceased at his residence. Portage Police and the Kalamazoo Valley Enforcement Team are continuing to follow up on leads concerning the provider and source of the heroin.

Officers were dispatched to a retail store regarding a larceny that had just occurred. The victim reported that his iPhone, which had been listed on Craigslist, had been stolen. The victim and the potential buyer of the iPhone had agreed to meet at the store to exchange the iPhone for the agreed upon price of \$600. During the exchange, the victim handed the iPhone to the buyer, who then handed an envelope, supposedly containing the \$600, to the victim. The victim noticed that the envelope was empty as the suspect was running away. The victim chased the suspect through the parking lot; however, the suspect got into a vehicle and was able to flee from the scene. Detectives have identified a possible suspect and are attempting to locate him.

Fire units were dispatched to a mobile home fire on Hamlin Street. Firefighters encountered heavy fire and smoke conditions throughout the mobile home. The fire was contained with 35 minutes. Fire crews were on scene for approximately three hours performing suppression, ventilation, overhaul, salvage, and investigation. The residents were not home at the time of the fire. The mobile home was considered a total loss. The circumstances surrounding the fire were determined to be suspicious. Samples were sent to the Michigan State Police lab for testing for the presence of ignitable liquids.



Firefighters were dispatched to a fire of a single story duplex. Upon arrival, they found a small kitchen fire in one unit, which was quickly extinguished. Firefighters searched the structure and found no one present at the time of the fire. The investigation revealed that, in the process of moving, the tenant placed a box on the glass stovetop. The box, containing cookbooks, made contact with the control knob for the burner, activating it. This burner ignited the box, and the fire spread to the adjacent refrigerator and into the attic.

A Portage bank reported a possible skimming device on the ATM located outside. The skimming device had been installed over the normal card reader, and a hidden camera had been installed to record the PIN of the customer using the ATM. A Kalamazoo branch of the same bank reported similar devices had been installed on their ATMs at the same time. The information about this skimmer was distributed throughout southwest Michigan and to the FBI. Evidence found at the scene has been forwarded to the crime lab for analysis, and detectives are continuing the investigation.

Fire units responded to a residential fire on Monticello. Fire and smoke conditions were in the rear of the home. The fire was contained within ten minutes of arrival; however, fire crews were on scene for approximately two hours, performing suppression, ventilation, overhaul, salvage, and investigation. The cause of the fire was determined to be discarded smoking materials. The estimated loss was \$25,000.

On September 28, at approximately 6:45 a.m., a two-vehicle injury accident occurred on W. Centre Avenue near Cooley Drive. Police and fire units responded, and the investigation revealed that a westbound vehicle, attempting to turn left, failed to yield to an eastbound vehicle, which resulted in a collision. The driver of the eastbound vehicle, a 43-year-old Lawton man, was extricated from his truck and transported to the hospital for treatment of non-life-threatening injuries.

During September, Portage Police increased business contacts and foot patrols at Crossroads Mall in response to recent random mall shootings throughout the country.

The Portage Fire Division hosted a Michigan Emergency Management & Homeland Security course in conjunction with Kalamazoo County Emergency Management. The Incident Command System for Expanding Incidents (ICS-300) course was attended by 30 people from across West Michigan, including participants from Portage Police, Fire, Public Works, and city administration. This 18-hour course exposed the students to a variety of large and complex incidents they must manage using the Incident Command System (ICS).



SPECIAL AWARD

Firefighter Mike Norris was recognized by his peers as the 2016 Responder of the Year at the Michigan Crisis Response Association Conference in Tustin, Michigan.

RJW:JMH;jh

TO: Laurence Shaffer, City Manager**DATE:** October 7, 2016**FROM:** Rod Russell, Director of Public Services**SUBJECT:** Monthly Operations Report for September 2016**STREET MAINTENANCE ACTIVITIES**

- Repaired damaged sidewalks and curbs throughout the city
- Restored lawns at sidewalk & curb repair locations
- Added asphalt to locations with new sidewalks and curbs
- Removed damaged sections of asphalt from Portage Creek Bicentennial Park Trail caused by tree roots
- Installed water drainage system on Portage Creek Bicentennial Park Trail near Trail Head Park
- Removed two old asphalt loop sections from Portage Creek Bicentennial Park Trail
- Restored the repaired sections of Portage Creek Bicentennial Park Trail by removing split rail fencing, old trail signs, benches and unused garbage cans
- Removed large cracks in asphalt on bikeway and trail system with rented milling machine
- Installed asphalt into milled sections of bikeway and trail system
- Responded to after-hours call regarding large pothole near East Centre Avenue and Lake Wood Drive
- Installed storm water drainage system at intersection of South Shore Drive and West End Drive
- Removed fallen tree from Portage Creek Bicentennial Park Trail
- Removed fallen limb from Avon Street
- Removed tree limbs blocking traffic control signs
- Replaced faded traffic control signs
- Removed painted snow plows from City Centre
- Helped install shelving in DPS garage
- Attended Active Shooter training on 9/2/16
- Attended new front end loader, backhoe, and forklift training
- Applied crack sealing material to major & local streets and major street intersections
- Repaired potholes in local street system with DuraPatch machine
- Performed cleanup of Portage Creek Bicentennial Park Trail north of East Milham Avenue to East Kilgore Avenue
- Removed two leaning trees on Portage Creek Bicentennial Park Trail
- Removed fallen tree on Evans Street

- Removed tree limbs that were blocking traffic control signs and snow plow routes
- Graveled the edges of Portage Creek Bicentennial Park Trail
- Repaired damaged asphalt section of Oakland Farms Trail cul-de-sac
- Durapatched potholes in local streets
- Swept local streets that were Durapatched
- Removed and replaced concrete curbs for DPS gate installation
- Trenched electric line for DPS gate installation
- Removed two trees in preparation for DPS gate installation
- Obtained supplies to fabricate entrance gate for Ramona Park
- Restored lawn following removal of shed on city property at Capri Street
- Restored lawn around City of Portage sign at 12th Street and West Centre Avenue
- Restored lawn at West Fork Crossing Park after brush removal
- Restored damaged section of boulevard landscaping on South Westnedge Avenue
- Added gravel to edges of new asphalt on newly paved streets
- Moved mailboxes closer to edge of street on roads that were recently paved
- Crack sealed local streets
- Helped solve a water erosion issue on West Osterhout Avenue
- Prepared for installation of stamped concrete on boulevard triangle located at Beechmount Avenue and Stratford Drive
- Removed fallen tree from Schuring Road
- Attended Snowplow Rodeo in Wyoming, Michigan on 9/14/16
- DPS won the “*Innovation Award*” for crack sealing equipment design at Snowplow Rodeo in Wyoming, Michigan on 9/14/16
- Hired contractor to repair damaged fencing on boulevard section of Portage Road
- Completed Mill & Fill Program with the following repairs: East Centre (Sprinkle to city limit), Lakeview (Shady Lane to Eastern), Weaver (Charles to north end), Ashton Woods (cul-de-sac), Fallow (Autumn to Wapiti), Wapiti (Fallow to Caribou), Ashton Woods Drive cul-de-sac, Old Centre Road at Moorsbridge Road, East Centre Avenue (Sprinkle Road to city limit), Weaver Drive (Charles Street to north end), multiple patches on Lakeview Drive, East Kilgore Road (Lovers Lane to city limit), East Kilgore Road neighborhood (East Kilgore Road to cul-de-sac), West End Drive (South Shore Drive to north end), multiple patches on South Westnedge Avenue, Portage Road and Burt Drive, and South Shore Drive (Organdy Street to 1625 South Shore Drive)
- Supported Transportation & Utilities Department by relocating message boards from street construction areas
- Supported Transportation & Utilities Department by fixing access road to well house
- Supported Peacock Strut on 9/17/16
- Supported Youth Cancer Walk on 9/24/16
- Supported Portage Central High School homecoming on 9/30/16

Weekly Curbside Recycling Program - The following summarizes total weights of recyclable materials collected during the month of September 2016 as well as Fiscal Year-to-Date totals:

WEEKLY CURBSIDE RECYCLING PROGRAM COLLECTION SUMMARY
TOTAL WEIGHT OF RECYCLABLE MATERIALS COLLECTED

Date	Single Stream Recycling (tons)
September 2016	219.87
FY 2016-17	657.87

Note: There were 24 new requests for recycling services in the month of September.

PARKS MAINTENANCE ACTIVITIES

- Prepared Ramona Park Beach House for daily opening
- Removed trash from park properties
- Mowed grass at city owned properties
- Mowed tall grass and weeds in city right-of-ways
- Prepared facilities for upcoming rentals
- Prepared softball fields for league & tournaments games
- Removed debris from trail system
- Repaired broken faucet at Portage Creek Bicentennial Park
- Repaired broken swing set at Lexington Green Park
- Removed limbs and brush from Shaver/Melody Bikeway, South Westnedge Park, Bishop's Bog Trail and Portage Creek Bicentennial Park Trail
- Removed fallen tree in West Lake Nature Preserve
- Repaired gate at Celery Flats Visitor's Center
- Repaired items in park system found during safety audit by Human Resources Department
- Added top dirt and grass seed to area near Ramona Beach House
- Removed limbs, brush and tall grasses from Algonquin bikeway along West Centre Avenue and West Lake Nature Preserve Trails
- Attended new front end loader, backhoe, and forklift training
- Attended Active Shooter training on 9/2/16
- Installed new park rules signs at Westfield Park and Harbor's West Park
- Installed new inline hockey nets at Haverhill Park
- Repaired water supply line for fountain at Trail Head Park
- Prepared for Parks Board meetings at Westfield and Harbor's West Parks
- Provided six burials and three lot showings in the cemeteries
- Installed woodchips at Harbors West playscape
- Repaired inoperable lights at Harbors Park West & Westfield Park
- Removed tall grasses and limbs from Bishop's Bog Trail
- Repaired deteriorated support leg on pavilion at Lakeview Park

- Removed dead tree from access trail located at Rainbow Avenue
- Planted Japanese Maple tree at Portage Senior Center
- Removed flower planting containers
- Removed fallen tree from Bishop's Bog Trail
- Repaired various items of concern in park system which were noted during safety audit by Human Resources Department
- Trimmed brush from Schrier Park walking trails
- Removed fallen limb from Schrier Park
- Removed awning at South Westnedge Skate Park
- Removed split rail fencing from Schrier Park
- Installed new sections of Super Deck at the West Lake Nature Preserve
- Installed headstone foundations in Central Cemetery and South Cemetery
- Repaired sink hole located at Celery Flats Visitor's Center
- Repaired irrigation leak at Ramona Park baseball fields
- Installed donated bench on Northwest Bikeway
- Hired contractor to repair ice making machine at Millennium Park Ice Rink
- Hired contractor to pave Garden Drive Bikeway from Lovers Lane to Kingston Drive
- Hired contractor to pave the removed sections of asphalt damaged by tree roots
- Hired contractor to install vegetation to hide air conditioning units at City Hall
- Hired contractor to paint items at South Westnedge Skate Park
- Hired contractor to paint items at Trail Head Park
- Supported Active Shooter training at Portage Senior Center on 9/2/16
- Supported People's Food Co-op at Portage Senior Center on 9/4/16, 9/11/16, 9/18/16, and 9/25/16
- Supported Pokémon Hunt event at West Lake Nature Preserve on 9/10/16
- Supported an Eagle Scout project at Harbors West Park on 9/11/16
- Supported Generations Celebration at Celery Flats Historic Area on 9/11/16
- Supported Eliason Nature Reserve ribbon cutting ceremony on 9/13/16
- Supported City Council members tour of Ramona Beach House on 9/13/16
- Supported Youth Cancer Walk on 9/24/16
- Supported Kalamazoo in Bloom removal of flowers from planting beds

FLEET & FACILITIES DIVISION:

The Fleet & Facilities Division generated 110 work orders for the month of September 2016. A total of \$9,716.33 was spent on billable labor hours while the parts costs were \$9,413.95. The outside contracted work was \$2,427.05.

September 2016	September 2015	
110	112	Work Orders
\$9,413.95	\$7,157.66	Parts Cost
\$9,716.33	\$10,315.24	Labor Cost
16	35	Preventative Maintenance (P.M.) Work Orders Completed
\$229.25	\$96.70	Average Cost per P.M
\$3,668.04	\$3,384.43	Total P.M. Cost
\$0.00	\$0.00	Contracted Repairs-Body & Painting
\$2,427.05	\$1,182.57	Contracted Repairs (Not Including Body & Paint)
\$580.38	\$3,853.00	Building Renovations

BUILDING MAINTENANCE

1. Custodial Operations
2. City Hall, Police, and Senior Center support services

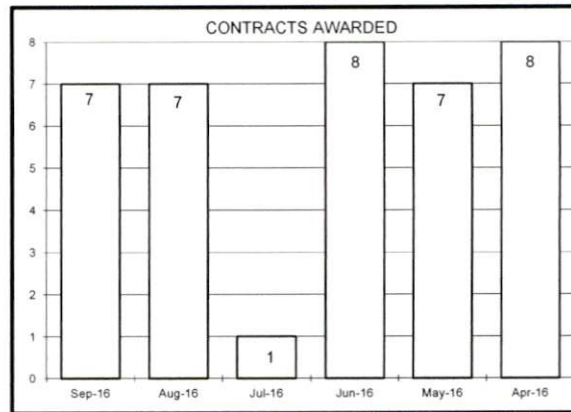
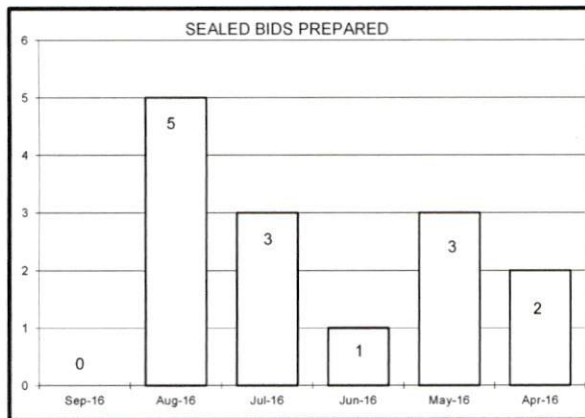
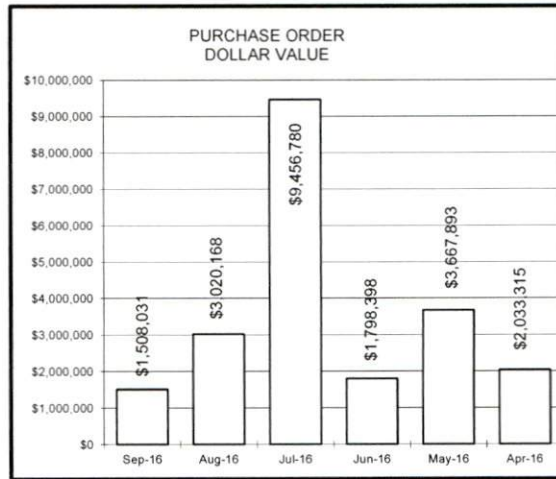
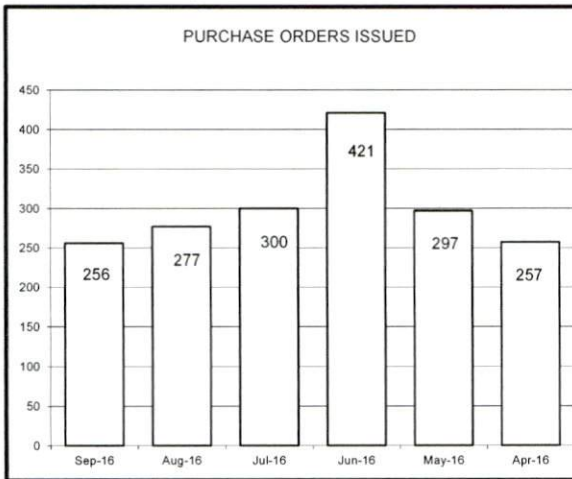
TO: Laurence Shaffer, City Manager

DATE: October 3, 2016

FROM: Rob Boulis, Deputy City Manager



SUBJECT: Purchasing Monthly Report - September 2016



SEALED BIDS OPENED / CONTRACTS AWARDED

- 2017 Utility Projects Professional Engineering
- 2017 Major Street Reconstruction Professional Engineering
- Ice Control Salt - Early Delivery
- Ice Control Salt - Seasonal Delivery
- Police service body worn cameras
- Computer Hardware and Software for video/audio storage
- Shaver Road Reconstruction Professional Engineering

SEALED BIDS PREPARED

None

- Two new claims were filed with MMRMA, two claims were settled.
- Purchasing staff added 7 new vendors to the purchasing software vendor file.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: October 7, 2016

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



SUBJECT: Transportation & Utilities Department Monthly Report for September 2016

The month of September 2016 was a busy month for both Transportation & Utilities staff and the Suez Environmental staff. In regards 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 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 the month of September, 631 inspections were made by Suez personnel.
2. Suez personnel received 29 customer service calls during September.
3. Suez personnel responded to 30 after-hour panel alarms as indicated on the SCADA control panel monitoring the city's water and sanitary sewer facilities.
4. Approximately 152 million gallons of water were produced/pumped during September. Production averaged around 5 million gallons of water per day during the month. 858 water quality analyses were completed during the month.
5. 8 new meters were installed and 4 new service leads were required to be tapped during the month of September.
6. Miss Dig stakings were completed at 327 locations.
7. No water main breaks occurred during the month.
8. Suez personnel cleaned a total of 69,684 feet of sanitary sewer main and inspected and cleaned 241 manholes.

In the transportation and utility areas, the following activities in September 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 plans 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 clearing brush from city-owned retention basins. Lead and copper level testing at no cost to Portage utility customers has continued through July with the Utility Contract Administrator managing the program. Approximately 70 samples were analyzed. No samples contained lead levels above 3 parts per billion (ppb). The USPEA action level is 15.0 ppb. The program is now complete. To address rusty water concerns, Suez is installing an automated flushing device on the dead end of Vickery Drive. The flushing unit will keep water moving in the un-looped water main on Vickery Drive.
3. The Traffic Engineering section was very active during the month of September investigating complaints/concerns regarding operation of traffic signals, performing traffic volume/accident analyses and reviewing new streetlight installations. 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, South Westnedge Avenue / Romence Road Safety project, and South Westnedge Avenue / Kilgore Road area. Work continued on a local street calming program and a collaborative sign policy with the Road Commission of Kalamazoo County and the City of Kalamazoo. The policy document was released for public comment in the October Portager. A significant effort is underway to analyze traffic patterns on South Westnedge Avenue near Old Kilgore Road. Specifically, the evaluation of left turn traffic and potential future development.
4. Beginning in 1994, the city has administered a Stormwater Retention Basin and Stormwater Outfall Testing and Monitoring. Annual results showed increasing 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. Recent water level results show the groundwater levels on the east side of the city reaching record 2009 levels.
5. 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, 2016. Recent work has focused on LED sign upgrades, illuminated sign replacements, and controller cleaning. The contractor is scheduled to replace several older pedestrian signals at Portage/Bacon intersection with new countdown signals.

Implementation of the Capital Improvement Construction Program was also an ongoing activity as the construction season was completed. Accomplishments during the month of July 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. 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 began June 13, 2016 with replacement of railroad crossing on West Centre Avenue. Project is complete.

3. 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 complete.
4. 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. Bids were received in July and August. City Council awarded contracts to Severance Electric Company on August 23, 2016 for \$446,967.80 (Cooley Drive) and \$294,965.33 (Old Centre). Preconstruction meeting scheduled for October 10, 2017 with construction to commence in fall 2017.

5. 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 complete. Bidding opening held July 14, 2016. City Council awarded a contract to Severance Electric Company on August 23, 2016 in the amount of \$316,307.20. Preconstruction meeting to be held October 10, 2017. Construction is pending.
6. 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 October 2016.
7. 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 and is complete. Construction is complete in the Phase II area (Bratcher Street, Cornell Street, Keystone Street). Phase III in the Pasma/Kingston area is ongoing with completion in October.
8. The 2014 – 2015 Capital Improvement Program includes a project to replace the 20" force main under US-131 from 12th Street to east of Angling Road. The force main has suffered several breakages and is nearing the end of its effective life. On March 30, 2016, an engineering contract was awarded to Prein & Newhof for design of the force main project. Under agreement with Texas Township, the township is responsible for approximately 94% of the project cost. Design is complete for a directional bore under the freeway. Bid opening held August 9, 2016. One bid received was substantially over the engineer's estimation cost. Staff is in discussions with the contractor Texas Township and MDOT to identify cost saving measures. The project will be redesigned with construction alternatives and re-bid in December 2016.

9. The 2016-2017 Capital Improvement Program includes a project for reconstruction of Shaver Road from Vanderbilt Avenue to West Centre Avenue. The project also includes the replacement of existing cast iron water main. On September 6, 2016 City Council awarded engineering to OMM Engineering in the amount of \$145,600. Design engineering is underway.
10. The 2016-2017 Capital Improvement Program includes projects in the Major Street Reconstruction Programs. These streets include:
 - a. Rockford Street, Schuring Road to Romence Road
 - b. Angling Road, Squire Heath Lane to Romence Road
 - c. Portage Road, Mandigo Avenue to Osterhout Avenue

On September 20, 2016 City Council awarded an engineering contract to Abonmarche consultants in the amount of \$260,600. Design engineering is underway. Angling Road includes the construction of sanitary sewer. Special Assessment process for Angling Road is scheduled to be in November 2016.

11. The 2016-2017 Capital Improvement Program includes a project for construction of utilities at the following locations:
 - a. Mozart, Beethoven to North End (water)
 - b. Chopin, Mozart to West End (water)
 - c. Archwood/Cliffwood (water and sewer)

On September 20, 2016 City Council awarded an engineering contract to Midwest Civil Engineers in the amount of \$63,800. Design engineering is underway and the Special Assessment process is scheduled to begin in November 2016.

CITY OF PORTAGE

COMMUNICATION

TO: Laurence Shaffer, City Manager

DATE: October 14, 2016

FROM: Devin Mackinder, Director of Technology Services & Community Marketing



SUBJECT: Department Monthly Report – September, 2016

The following summarizes some of the public information and technology activities for the month of September.

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
- Continued working on new city marketing video materials

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:

- Identified CivicPlus municipal website developer as the best option for the next city internet/intranet sites to make them more user/mobile friendly. Work will now begin on developing the migration plan.

Telecommunications

- Continued working on the Mobile ROW permit process

Contract Administration

Nothing to report this month.

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:

- Continued working with the City of Kalamazoo new IT director on connecting fiber
- Continued Portage *Alert* mass notification system for emergency initiatives
- Continued updating the Firehouse application to .net
- Completed researching city website rebuild vendors
- Continued investigating options for upgrading the 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 implementing the new Streets work order system
- Continued working on a new GIS layer for fiber assets
- Continued researching federal and state requirements for unmanned aircraft system
- Completed assisting Parks with identifying a comprehensive parks management software
- Began implementation of the Public Safety body worn cameras
- Completed research on the new Soofa wireless charging station/benches for citizens
- Worked with Consolidated Dispatch on a GIS files of city boundaries and other activities

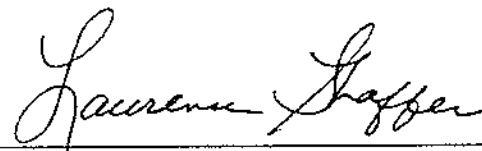
Marketing Activities

- Continued oversight and management of all city marketing activities
- Continued Branding support initiatives

MATERIALS TRANSMITTED

Tuesday, October 4, 2016

1. **TO BE ADDED TO THE OCTOBER 4, 2016 CITY COUNCIL AGENDA AS ITEM G.1:** September 26, 2016 letter from Hap Haasch, Executive Director of Public Media Network – Information Only.



Laurence Shaffer, City Manager

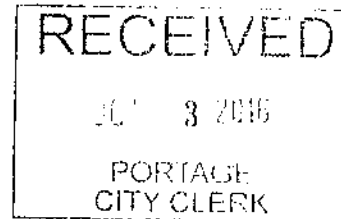
cc: Rob Boulis, Deputy City Manager



G.1

September 26, 2016

James Hudson City Clerk
City of Portage
7900 S. Westnedge Avenue
Portage, MI 49002



Dear Mr. Hudson:

Public Media Network (PMN) is pleased to announce that Mr. Alan Forist will join our staff as the new "Government Meeting Production Specialist". In this role, Mr. Forist will coordinate the setup of meeting production video systems, regularly test the systems and the signal quality back to PMN, train and supervise college interns as technical directors for various meeting assignments, and troubleshoot issues as they arise.

Alan joins PMN after a long career in broadcast television, including most recently as a "Multimedia Technician" at WZZM in Grand Rapids where he specialized in directing live newscasts and local news magazine programs. His experience in all phases of media production in the commercial broadcast world will be very valuable to PMN and the college students he will work with.

While Alan is getting acclimated to PMN's production systems, college interns, and the various municipalities we serve, please extend a warm welcome to him.

As always, we look forward to continuing this unique and important partnership with the City of Portage.

Sincerely,



Harry "Hap" Haasch
Executive Director, PMN

public media network

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