

# ENVIRONMENTAL CONCERNS COMMITTEE

## DECEMBER 5, 2018 MEETING MINUTES

**MEMBERS PRESENT:** Paul Manstrom, Chair; Matt Fletcher, Vice Chair; Phil Dietrich, Lauri Holmes; Mary Clare Griffith, Gail Walter; Aaron Wright

**EXCUSED ABSENCES:** Brandi Crawford; Joe Bower

**UNEXCUSED ABSENCES:** None

**STAFF:** Malissa Drzick, Staff Liaison; Jean Talanda, Environmental Programs Manager; Amy Thomas, Recording Secretary

**OTHERS:** David Anderson, City Commission Liaison; Ian Magnuson, ECC applicant

### **1. ROLL CALL (Excused Absences)**

- Mr. Manstrom completed roll call and determined that a quorum of members was present.

### **2. APPROVAL OF AGENDA**

- There were no changes to the agenda.
- **Mr. Dietrich, supported by Mr. Wright, moved approval of the December 5<sup>th</sup> Agenda as submitted. With a voice vote, the motion carried unanimously.**

### **3. APPROVAL OF MINUTES (October 17, 2018):**

- The following changes were requested: Subcommittee Assignments should be under Subcommittee Reports rather than under New Business. Claire should be Clare. Magnusen should be Magnuson.
- **Mr. Dietrich, supported by Mr. Wright, moved approval of the October 17<sup>th</sup> Minutes as amended. With a voice vote, the motion carried unanimously.**

### **4. ANNOUNCEMENTS:**

- Mr. Manstrom forwarded a link to a Facebook page regarding environmental issues. It was suggested that the ECC could put meeting announcements and agendas on the Facebook page.
- Ms. Walter stated that Jenna Otten started the Facebook page. She is a senior at WMU, she is a Senator with the WMU Student Association and she works in the Sustainability Office.

### **5. COMMENTS BY OTHERS ON NON-AGENDA ITEMS:**

- Ms. Drzick introduced Jean Talanda, the Environmental Programs Manager, who will be filling in as the Staff Liaison in 2019 while Ms. Drzick is on maternity leave.

### **6. UNFINISHED BUSINESS/UPDATES/DISCUSSION:**

#### **City of Kalamazoo Climate Action Plan (CAP Update)**

- Jamie McCarthy was hired recently as a Development Project Coordinator by the City of Kalamazoo. She has been assigned to work on the City of Kalamazoo's Climate Action Plan that was started by Sara Jo Shipley.

#### **Natural Features Protection (NFP) Overlay Update (Update on Moratorium Vote by City Commission, Status of Vermeulen Property and other pending projects, Next Steps on NFP Overlay)**

- Ms. Holmes, Ms. Walter and Jenna Otten were among the approximately 100 people who were in attendance at the last City Commission meeting to speak about the Natural Features Protection (NFP) Overlay and the Vermeulen Property development.
- Speakers mentioned that the Commission has been responding on a case by case basis/as needed. They questioned why the moratorium is for six months and if that is too long or not long enough. City Planner, Christina Anderson, explained the timing.
- Some people felt that the City's Planning Department was being chastised for delaying development of the NFP overlay. There were only two NFP overlay meetings this year. There was also an advisory committee that met with

- the developer, that committee had some of the same members as the NFP Overlay Committee. Both committees discussed the importance of protecting the plants, animals, trees, water, soil etc. on the Vermeulen property.
- Peter Cushner, President of the Oakland Drive Winchell Neighborhood Association (ODWNA), assisted the developer in organizing a meeting in mid-October with representatives from six neighborhoods in the area of the proposed development. The developer and his representatives provided a PowerPoint presentation with details of the proposed development.
  - Some attendees at the meeting felt that the development team did not provide adequate answers to some of the questions that were asked. The proposal is to develop the Vermeulen property up to the slope by Asylum Lake. The development includes a restaurant and apartment building.
  - The planning staff was charged with getting the NFP overlay developed so that it could be applied to the Vermeulen property. The moratorium affects the developer's application to rezone the Vermeulen property for commercial use.
  - Mr. Fletcher commented that, from his experience with developing properties, someone wouldn't be able to get this far with a development without help from the Planning Department. It takes more time to get a site plan approved than it does to do the construction. Mr. Manstrom mentioned there has been some concern about the lack of transparency in the development process.
  - Ms. Talanda stated that she is on the Site Plan Review Committee. The 25-foot buffer does exist and has been enforced. It's part of the storm water ordinance for storm water protection. The Southwest corner of the property has an existing drain and that will be protected.
  - The Site Plan Review Committee couldn't find any specific natural feature on the Vermeulen property that makes it special or that would require protection. Todd Pryor, the former Forestry Supervisor for the City of Kalamazoo, did a report regarding the trees on the property.
  - Ms. Holmes expressed concern about how the light, buildings and traffic from the development will impact the adjacent Preserve. Air pollution, noise pollution, water pollution, etc. should be considered. There is a row of large, old Oak trees that should be protected. The proposed development is at the highest part of the Preserve and that is one of the reasons it needs to be protected.
  - Mr. Wright inquired regarding what natural features need to be protected with the overlay and why. Ms. Talanda is dealing with the storm water and environmental protections. Other professionals were brought in to discuss what would be considered "standards."
  - The Committee considered the animals on the property, the storm water run-off and hooking into the storm water and sanitary systems, etc. There is potential for protecting features that could be affected but it has to be stated in a way that will pass a lawyer's scrutiny. Mr. Fletcher suggested that maybe the criteria for rezoning needs to be changed.
  - Ms. Holmes mentioned that the City Commission meeting was the first public meeting about the proposed rezoning. The public feels like it has been shut out of the rezoning process. The property was purchased after the Master Plan was approved.
  - Mr. Wright stated that the Land Use Plan is part of the Master Plan, which has designated the Vermeulen property for commercial use. Public input was sought on several occasions during the creation of the Master Plan, which took a couple of years to create.
  - Ms. Talanda mentioned that the developer didn't submit a substantial plan for review by the Planning Department. The planner advised the developer that he might have issues if all concerned parties were not included in the rezoning/development process.
  - The Vermeulen property wound up on the future land use map as a commercial property because it is surrounded by commercial development.
  - Mr. Magnuson inquired as to how the value of a property is determined. Should that criteria be included in the Climate Action Plan?
  - Ms. Walter suggested that Instead of just looking at the immediate property, adjacent properties should be taken into consideration. Maybe there should be a bigger buffer if adjacent properties need protection.
  - Mr. Wright questioned how much authority the City of Kalamazoo has with regard to protecting private property. Ms. Talanda advised that the Committee appealed to the developer to protect the neighborhood. It was difficult to enforce the 25-foot buffer.
  - Commissioner Anderson advised that a municipality has as much power as it exercises with regard to protecting private property. The current zoning restrictions in Kalamazoo are so strict that eighty percent of the lots in the City of Kalamazoo are not considered buildable lots.

- Ms. Holmes commented that people are frequently told what they can do with private property. There are models from other communities regarding Natural Features Protection Overlays that could be used as a starting point for the local NFP overlay.
- The January 17<sup>th</sup> NFP meeting is not open to the public but there might be reports from the NFP meetings that are available to the public. Mr. Manstrom is on the NFP Committee as the representative from the ECC.
- Commissioner Anderson was under the impression that there will be an effort to have the public more involved with the NFP process in the future.
- Mr. Manstrom will send an e-mail to the City Planner stating that the ECC wants to be more involved in the NFP process.

Kalamazoo Air Quality (Response to ECC Memo to City Attorney, Update by City on Graphic Packaging and City Meetings, City Commission Comments on Subject.)

- Mr. Manstrom advised that there has been no response from the City Attorney yet.
- Commissioner Anderson stated that the City Commission passed a motion for \$15 million dollars' worth of expenditures regarding the waste water treatment plant, some of the components pertain to air quality. Mr. Manstrom mentioned that it was not specific to Graphic Packaging but the City Commission has expressed interest in odor control. Ms. Drzick's committee has been meeting with representatives from Graphic Packaging.
- Ms. Drzick advised that Graphic Packaging has changed their chemical process. The parking lot close to Paterson is where the pulp (source of odor) goes and trucks take it away.
- There was no specific method referenced regarding air quality testing at Graphic Packaging. They primarily use weather data, wind direction, velocity, etc. and then they correlated that with the number of complaints.
- Ms. Talanda stated that the City of Kalamazoo is pilot testing a method to test air quality at the Harrison facility.

Bird Safe Building Design Update

- Ms. Griffith stated that WMU held a bird-friendly event. The WMU Student Association has put into place some bird-safe building design standards for new buildings on campus. Ms. Griffith, Ms. Walter and Dr. Keele are working on a grant to get pre-existing windows mitigated.

PFAS Update

- Ms. Griffith inquired if the City is testing on-site or if samples are sent to private labs. Ms. Drzick advised that the City's lab is not set up for the \$800,000-plus piece of equipment that is used for the PFAS testing. The DEQ has equipment to do that testing and there are private labs that do the testing. Three labs do most of the testing and there might be more in the future. The City used Trace and Trident labs.
- Treating contributing sites has reduced the amount of PFAS in the waste water. The DEQ updated the City from Bin A to Bin B due to the improvements.
- Mr. Manstrom mentioned that the State legislature is talking about creating PFAS legislation.

Allied Paper Superfund Update

- Mr. Manstrom has been monitoring the EPA website regarding the Allied superfund site. He requested assistance with keeping track of it. Mr. Fletcher will check with Laura Lam regarding updates.

January Officer Elections

- Mr. Fletcher and Ms. Holmes will be at the end of their terms in 2018. Mr. Manstrom's term will be over at the end of 2019. He requested input regarding who should be nominated for Vice Chair.

ECC Member Terms/New Member Recruitment

- The ECC is an 11-member committee. There will be seven members when Mr. Fletcher and Ms. Holmes are gone. If Mr. Magnuson is appointed, the ECC will have three open seats. Mr. Manstrom suggested using the Facebook page to search for new members.

Sub-Committees and Reporting Responsibilities

- Discussions regarding sub-committee assignments will take place in 2019.

**7. NEW BUSINESS**

Recognition of Service – Lauri and Matt

- Mr. Manstrom thanked Mr. Fletcher and Ms. Holmes for their contributions to the ECC. Mr. Fletcher mentioned that former ECC members can re-apply to be on the ECC after being off the Committee for a year.

Shared Drive Logistics – no report

**8. SUBCOMMITTEE REPORTS:**

**Planning Commission – no report**

**Kalamazoo/Michigan Environmental Council – no report**

**Tree Committee**

- Mr. Dietrich stated that the Tree Committee met in November. There were only two applications and they didn't need a decision. The applicants will come back to a future meeting.

**Asylum Lake Policy & Management Council – no report**

**Parks & Recreation Advisory Board – no report**

**Wellhead Protection Program Committee –**

- Ms. Talanda advised that the Wellhead Protection Committee meets quarterly. As of August, the Committee opened up social media outreach on Facebook to help spread the message about wellhead protection.
- Protectyourwater.net will be expanded. There will be new ads and there is a PFAS section to help people with regulations vs. what goes through the waste water plant. Links to City of Kalamazoo test results will also be provided.
- KRESA had a contest for the 30-second "protect your water" videos. The Committee picked out five winners, which will be in theaters and on the website. Ms. Talanda requested feedback regarding the information provided on social media. If you click on some of the ads they will take you to the website. Those links are monitored to determine how many times they are used.
- Ms. Drzick stated that the City wants to be on the forefront with regard to providing information about PFAS. Lead/copper studies and other issues. There will be a meeting next week with a PR guy to discuss improvements for providing information to the public. Ms. Talanda stated that the lead and copper radio ads were updated last month.
- Mr. Fletcher commented that the weekly e-mail update from the City is helpful; you can sign up to receive the updates at the COK website.

**Other Organizations We Should Be Monitoring?**

**9. ADJOURNMENT**

The meeting adjourned at 6:10 p.m.

Respectfully submitted,

  
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Recording Secretary