

# ENVIRONMENTAL CONCERNS COMMITTEE

## MARCH 20, 2019 MEETING MINUTES

**MEMBERS PRESENT:** Paul Manstrom, Chair; Phil Dietrich, Vice Chair; Mary Clare Griffith; Ian Magnuson; Aaron Wright

**EXCUSED ABSENCES:** Gail Walter; Joe Bower

**STAFF:** Malissa Drzick, Staff Liaison; Amy Thomas, Recording Secretary

**OTHERS:** Eric Brown, ECC Applicant; Sharon Dever, ECC Applicant; Scott Schmidt; ECC Applicant; Kevin Weller, Jamie McCarthy, Amy Thomas, Recording Secretary; Lauri Holmes

### **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 March ECC Agenda as submitted. With a voice vote, the motion carried unanimously.**

### **3. APPROVAL OF MINUTES (February 20, 2019):**

- There were no changes to the February Minutes.
- **Mr. Dietrich, supported by Mr. Wright, moved approval of the February ECC Minutes as submitted. With a voice vote, the motion carried unanimously.**

### **4. ANNOUNCEMENTS:**

- There will be a public meeting regarding the Natural Features Protection Overlay on March 21, 2019 at downtown Kalamazoo Public Library in the Van Deusen Room at 7 p.m.
- The Southwest Michigan Sustainable Business Forum will meeting in the Kalamazoo College Hornets Suite on April 18<sup>th</sup> at 11 a.m. City of Kalamazoo Community Planning and Development staff will be there to speak about the NFP Overlay and sustainability. The meeting will include a free lunch. A flyer will go out with more details.

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

- Ms. Drzick inquired regarding the best way to address the pollution created by the homeless population at North Pitcher and Ransom behind the parking lot at Bell's Eccentric Cafe.
- Mr. Magnuson offered to contact a coworker at the United Way to discuss possible solutions to this situation. Ms. Drzick is concerned about public health and the homeless population residing in that location.
- Commissioner Anderson advised that a local church is paying for a dumpster for the homeless people to use. There are concerns that the dumpster is not being used. The homeless people are camped on private property (railroad property) and the City of Kalamazoo can't do anything about it. The railroad would need to post no trespassing signs in that area and then enforcement could take place. Mr. Manstrom mentioned that the State owns the Amtrak right of way.
- Commissioner Anderson advised that, if kids are at the homeless encampment, Child Protective Services should be involved. Organizations intending to be helpful drop things off for the homeless people to use, which might be contributing to the number of items that are accumulating on the property. There is sufficient room at the seven shelters in Kalamazoo, these individuals chose not to participate in the programs the shelters are offering.
- Commissioner Anderson proposed a possible, temporary solution: designate a specific camping area with designated spots for trash receptacles, water etc. Camping should not be the long-term plan. The people he spoke with were not receptive to that idea.
- Mr. Wright was hesitant about having the ECC make a recommendation to the City regarding the trash that has accumulated since there are likely more important issues to be addressed such as chronic mental health problems among the people who are camping in that location.

### **6. UNFINISHED BUSINESS:**

#### **Natural Features Protection Overlay Update - Jamie McCarthy, City of Kalamazoo.**

- Ms. McCarthy advised that there were over 50 people at the last ECC meeting. There were almost 150 people at the public meetings regarding the NFP Overlay; many people read the entire ordinance. All the questions and answers are posted on the Imagine Kalamazoo website. City staff are editing the ordinance with input from the technical committee.
- There are prohibited plant species that won't be allowed within in the NFP Overlay area. Details were clarified regarding the standards and limitation for slopes and existing structures on slopes.

- There will be a community-wide, public meeting on March 21<sup>st</sup> in the Van Deusen room, which will be the last opportunity for public input on the NFP Overlay. The formal, public hearing at the Planning Commission is scheduled for April 9th.
- The draft of the Overlay can be changed through next week. Comments will be taken through e-mail, phone calls or on-line. The Overlay Committee does not have another meeting scheduled at this point. The Overlay will also be reviewed at the City Commission meetings, which are scheduled in May.
- Changes to the Overlay have been made regarding lighting, slopes, prohibited plants and the tree table. Nothing definitive has been determined yet regarding tree size but that was discussed at the focus group. Tree species that are good at carbon sequestration have been marked on the table and there will be an incentive for planting those types of trees.
- Mr. Wright inquired if any business owners or property owners provided negative feedback about the Overlay. Ms. McCarthy advised that there were questions from those groups about how their properties will be affected. The City can't issue building permits at this point because of the moratorium.
- Mr. Dietrich inquired regarding how the incentive works. Ms. McCarthy stated there if someone is removing trees that they are required to replace inch per inch, they can get a better ratio (2 to 1). Which means they can plant half as many trees or have as many inches of trees if they are from the preferred species list. Some of the information regarding preferred trees was taken from research on species that are likely to adapt well.
- A tree would be noted as better at carbon sequestering if that species stores more carbon. That doesn't affect how quickly the tree would grow but there is concern about taking mature trees down because they might store more carbon than smaller trees.
- Changes have also been made to the site plan process and rezoning process. Ms. Anderson gave a presentation to the Planning Commission this month regarding their role in reviewing these issues. The NFP Overlay Review Board is the technical body that provides recommendations to the Planning Commission. There have been questions about how that would work and who makes the decision. The public wants notices about future projects.
- The newest draft of the Overlay doesn't rely on the Planning Commission. City staff took an example from Ann Arbor, which states that the developer has to notify adjacent property owners (within 300 feet of a proposed project) regarding details of the proposed projects. This would be a more direct way to notify the public. The NFP Overlay Review Board would still have the decision-making power; appeals would be directed to the Zoning Board of Appeals.
- Mr. Manstrom stated that in a case where there is not a request to rezone or a request for a variance (when the project does not require Planning Commission or Zoning Board review), the NFP Overlay Review Board will advise the Site Plan Review Board. Adjacent property owners and neighborhood associations/neighborhood contacts would also be notified of the proposed project.
- Ms. Holmes mentioned that Asylum Lake Preserve has few adjacent neighbors. She inquired if there is a different process for those circumstances. Ms. McCarthy stated that notices would be provided to nearby neighborhood associations in those cases. Ms. Holmes commented that wouldn't cover the constituents of the Preserve. There have been issues connected with notification of concerned citizens and people who actually use the Preserve
- Mr. Magnuson referred to the defunct Neighborhood Association near WMU (Arcadia or Knollwood?), which has a substantial percentage of students. What if there are no adjacent property owners near a proposed project, just concerned citizens, what is their resource? Ms. McCarthy advised that there is usually a contact of some sort, it is written in the ordinance as a neighborhood association or other contact. They are just receiving a notice of the project not appealing it. She will note that notice to other constituents is important. If a property is open to the public for recreation or other use, contact/notification should be appropriate for that public use.
- Mr. Manstrom inquired about the NFP Overlay Board of Review. Ms. McCarthy stated that she is not sure when it will be formed. Christina Anderson spoke with the City Attorney, he was receptive to having that board formed as soon as possible. No NFP Overlay review can take place until that Board is formed and that was a concern that was discussed.
- The NFP Overlay board is a technical board, not a citizen board. The board members will have experience regarding the natural features that are protected. The Board members would need to have a local interest in order to serve on the Board.
- Ms. Holmes inquired what the process will be for site plan review once the NFP Overlay is in place. Ms. McCarthy advised that projects for single-family homes, such as an interior or exterior remodeling jobs, would go through the traditional path with review by City staff. Those projects would not require site plan review but would follow the existing code and would have an internal review by City staff and permits would be required.
- Projects required to have site plan review would go to the NFP Overlay Review Board first. If the Board approves the project, it would go to the Site Plan Review Board. Those projects would not go to the Planning Commission or Zoning Board unless they need a rezoning or a variance.
- The NFP Overlay Board would point out issues that don't conform to the Overlay. If a project needs site plan review or is adjacent to a publicly accessible space (such as Asylum Lake), is within in a certain distance of surface water, or has multiple natural features on site, that would trigger the need for the property owner to provide notification of the proposed project to adjacent property owners or other interested parties. Those projects would also go through the dual review with the NFP Overlay Board and the Site Plan Review Board.

- A project that would require rezoning would be reviewed by the Planning Commission first and then by the NFP Overlay Review Board and, finally, by the City Commission. The objective is to make sure the development can happen before the project proceeds and the developer invests more money. The NFP Overlay Review Board doesn't have any say in whether or not a property can be rezoned. If a property is rezoned, the project has to conform to the rules in the NFP Overlay.

**City of Kalamazoo Climate Action Plan Progress.**

- Ms. McCarthy has been meeting with regional entities who are involved with climate action planning. They met at the Office of Sustainability at WMU. She spoke with representatives at the Kalamazoo Nature Center about the possibility of partnering with them regarding the Climate Action Plan.
- She received bird safe building information from Gail Water and she has been working with students at MSU in the Urban Planning Department regarding best practices for green house gases and what capacity we have and what metrics can we measure. The students will go into further detail regarding topics that are of interest to them such as food systems and housing. Their work will include research done by WMU students but it will be more Kalamazoo-specific.
- Ms. McCarthy is partnering with the Public Services Department and they will be working with GLISA (Great Lakes Integrated Science Assessment), which is a collaboration between Michigan State University, the University of Michigan and NOAA (National Oceanic and Atmospheric Administration). They have some climate models throughout the Great Lakes region and they are currently using NOAA funding on a project to train cities on how to use this model. They will provide a spreadsheet model and training to do a storm water/climate vulnerability assessment. They are also looking at socioeconomic data and climate predictions to help determine the most vulnerable areas.
- Ms. McCarthy will be using the inter-departmental materials that Sarajo Shipley had been working on to get a better idea about things the city owns and controls. Gina DeGraff, an intern from Kalamazoo College, will be helping with this project during the summer of 2019. They would like to have community involvement toward the end of summer. No exact time line at this point to have the Climate Action Plan completed.
- Ms. McCarthy is interested in pulling together the focus groups that Sarajo Shipley started but she is not sure how they wanted to move forward.
- Ms. McCarthy stated that MSU students approached City staff about a project they wanted to do. She spoke with Denise Keele about using the list of ideas and best practices the WMU students compiled regarding the CAP and then creating more actionable items from that research.
- Mr. Wright inquired if there is a connection between the data that ICLEI (International Council for Local Environmental Issues) compiles and the collaboration between MSU, U of M and NOAA; is there a spreadsheet? Ms. McCarthy was not sure how much those will overlap. The GLISA study is related to climate forecasts (precipitation, heat, etc) rather than greenhouse gases. Their study is related more to resiliency rather than greenhouse gases. The City of Kalamazoo is still a member if ICLEI. There are new carbon data collection tools to use, which show future scenarios.
- The Climate Action Plan will likely be a balance of both a resiliency and a mitigation plan and will relate back to the Imagine Kalamazoo goal maps. Ms. McCarthy hopes to attend ECC meetings quarterly to provide updates.

**Kalamazoo Air Quality - Update by City on Graphics Packaging and City Meetings.**

- Mr. Wright has been in communication with Monica Brothers, the regional air quality agent for the DEQ. She hasn't received any more complaints about the nuisance odor.
- Commissioner Anderson suggested Ms. McCarthy check with James Baker. He has been in contact with Graphic Packaging and would be able to provide an update about what is happening with the aroma.

**Bird Safe Building Design Update.**

- Ms. Griffith submitted a Student Sustainability Grant Application on March 7<sup>th</sup> to retrofit two walkways at WMU that are known to be harmful to bird populations. There are plans for the new buildings at WMU to incorporate bird safe windows.
- Students for Sustainable Earth, Dr. Denise Keele and others are starting a green thumb movement to help WMU become more sustainable. One of their five goals is bird safe building design.

**PFAS Update.**

- Ms. Drzick advised that the City of Kalamazoo is now providing drinking water to Parchment residents. Monitoring has provided evidence that everything is going well. The City of Kalamazoo will do compliance monitoring regarding the lead/copper studies to make sure there are no issues with the water infrastructure since the switch over. There is a study being done now and there will be another one in the summer/fall of 2019.
- Now that water is being moved through the system differently, there will also be a study done in the City of Kalamazoo to determine if there are any issues. Residents who have wells have been provided with in-home filtration systems installed by the DEQ. City

staff are checking to make sure the corrosion control used in the water system is working and that the lead and copper levels are safe.

- The City of Kalamazoo now owns the Parchment water pipes. In the past, the City of Kalamazoo provided water to Parchment but the City of Parchment owned the infrastructure. The City of Kalamazoo now has the authority to obtain funding to remove lead service lines in Parchment. James Baker, Director of Public Services, is proposing 90 days to replace the lead service lines in Parchment.
- Mr. Magnuson inquired if there are any issues regarding the capacity of the City of Kalamazoo's water system. Ms. Drzick stated that the Director of Public Services has a group of people who are working with the City engineers. More pumping stations have been added to make sure water is properly pulled through the system. There has been continuous monitoring, two samples a day for several months, to make sure things are moving properly, and more sampling points have been added.
- Some of the areas that have been tested showed well below 70 parts per trillion but not zero. Some stations in the City of Kalamazoo have 6 parts per trillion. The City is pushing for a waste water reduction plan. The amount of PFAS going into the Kalamazoo River has been reduced significantly and the City of Kalamazoo will be in a non-contributor category soon according to the DEQ. City staff will work with the public relations person to provide that information to the public.
- Two of the stations had 6 and 8 readings for PFAS. The amount of PFAS has been reduced, maybe not through treatment but by being diluted with different water sources with no detection.
- The City of Kalamazoo has large ground water sources and City staff is not sure how far the PFAS has spread but someone is looking into that and it is being addressed.

#### Allied Paper Superfund Site Update.

- Mr. Manstrom has been monitoring the EPA website. Cleanup of the Allied Paper site is scheduled to start next year. The ECC will bring in someone from the City to talk about that at some point.
- Ms. McCarthy mentioned there are Superfund sites at the former Georgia Pacific property on the east side of town by King Hwy. There is one on Mills Street on the east side of town. The KL Avenue land fill on the west side of town is also a Superfund site. The EPA has been monitoring those sites and she can provide the ECC with updates.

#### Sub-Committees and Reporting Responsibilities.

- Planning Commission – Mr. Magnuson hasn't been able to attend to a Planning Commission meeting yet but should be able to in the future. The Planning Commission meetings are held on the first Thursday of the month.
- Kalamazoo/Michigan Environmental Council – Mr. Bowers
- Tree Committee – Mr. Dietrich
- Asylum Lake Policy and Management Committee – Mr. Manstrom and Ms. Holmes
- Parks & Recreation Advisory Board – Mr. Wright
- Wellhead Protection Program Committee – Jean Talanda will be attending the ECC meetings quarterly to provide updates regarding wellhead protection. Ms. Talanda will be taking over temporarily as staff liaison for Ms. Drzick when she is on maternity leave starting with the May ECC meeting.

## **7. NEW BUSINESS**

### Interviews with Current ECC Applicants (Eric Brown, Sharon Dever).

- Mr. Brown stated that he is a small business owner and freelance mechanic on the east side of Kalamazoo. He is not an environmental activist but he is concerned about PFAS and would like to know more about bird safe building design and the car wash proposed for the former Vermeulen property. He is wondering if being on the ECC would put him in a place where he can be of help. Mr. Manstrom advised that the ECC is an advisory board. The ECC looks at environmental issues facing the City of Kalamazoo and they advise City staff and the City Commission.
- Mr. Brown stated that he hasn't encountered a lot of environmental issues in his work but that might change in the future. He would like to make sure the building he acquires is in compliance environmentally. His dad is part of the West Michigan Chapter of the Sierra Board. Mr. Brown is conscientious about how he is affecting the environment.
- Mr. Manstrom emphasized the importance of being available for the ECC meetings, which are held on the third Wednesday of the month at 4:30 p.m. ECC members should notify the Chairperson to advise if they cannot attend the meeting so they can be noted as an excused absence. Three unexcused absences could result in a demotion to associate member, which is a non-voting position. Mr. Brown advised that he should be available to attend the ECC meetings.
- Ms. Dever has been living in Kalamazoo for the past year and a half. She has been an environmentalist her whole life. She is looking for ways to get involved and help the future of the environment. She is a member of the Kalamazoo area Wild Ones organization. They focus on native plant species and education. She participated in city-wide clean-ups and river clean-ups in Grand Rapids when she was in college. She would like to focus on what can be done regarding pollution. She is also interested in the proposed development next to the Asylum Lake Preserve.

- Ms. Dever is originally from Delaware. She was part of a group that raised a million dollars to help save a portion of land in Delaware that someone was trying to develop. The land was next to the Delaware National Monument and was supposed to be protected; it was the last green space in that area. Volunteer hours and people who care can make a difference.
- She has a contract position with a flexible schedule and should be available to attend the ECC meetings.
- Mr. Schmidt has been living Kalamazoo for the past year and a half; he is originally from Dallas. He is a civil engineer and works for Nicholson Construction. He is concerned that the people in his industry don't think about the environment. He is also concerned about climate change, trash and recycling. He has been traveling a lot for work but is transitioning into a role in Kalamazoo and should be available for most of the ECC meetings.
- **Mr. Dietrich, supported by Mr. Wright, moved to recommend to the City Commission, the approval of Eric Brown, Sharon Dever and Scott Schmidt to the Environmental Concerns Committee. With a voice vote, the motion carried unanimously.**
- The new members should get a letter from the City Commission confirming their appointments to the ECC. Each member can serve a maximum of two, three-year terms. The term ends at the end of the year. Former members can reapply to be on the ECC after a three-year break.

**Consideration of time limits in the bylaws applied to the return of termed-out ECC members.**

- The current Bylaws state that when an ECC member has served the maximum number of terms, they have to be off the Committee for three years before they can reapply. Ms. Holmes is interested in reapplying to be on the ECC but her term just ended in 2018. Adjustments can be made to the bylaws and discussed at the next meeting. Mr. Wright offered to follow up and determine if there is a uniform rule for members who have termed out. .
- Ms. Holmes commented that the three-year rule could be justified if there is concern about having the same people on a committee. If there are not many applicants, an ex- member might be welcomed back. It would be good to give those people a chance to reapply.

**8. SUBCOMMITTEE REPORTS:**

**Planning Commission – No report**

**Tree Committee**

- Mr. Dietrich reported that the City hired a new Forestry Supervisor. He is from a trimming background rather than a Forestry background. The previous Forestry Supervisor was an advocate for increasing the canopy.
- Consumers Energy has a gas line at Emerald and Cork and some trees are in the way of the excavation. The Tree Committee got them to commit to planting two trees for each one they remove.
- The Tree Committee approved a permit at the corner of Crosstown Pkwy. and Westnedge, by the office building across from Paris Cleaners. That parcel will be re-landscaped. The applicants are proposing to replace a lot of the trees they are cutting down. The replacement trees will be higher quality trees and they will be planted further from Westnedge.

**Asylum Lake Policy & Management Council**

- Mr. Manstrom reported that there has been discussion at the ALPMC meetings regarding the former Vermeulen property, the proposed Natural Features Protection Overlay and how that affects the Asylum Lake Preserve.

**Parks & Recreation Advisory Board – Mr. Wright reported that the Earth Day event will be held in Bronson Park on April 20<sup>th</sup>.**

**Wellhead Protection Program Committee – No report**

**Climate Change Coalition – No report**

**9. ADJOURNMENT:**

- **Mr. Dietrich, supported by Mr. Wright, moved to adjourn the March 20, 2019 meeting of the Environmental Concerns Committee. With a voice vote, the motion carried unanimously.**
- The meeting adjourned at 6:25 p.m.

Respectfully submitted

  
Recording Secretary