

# ENVIRONMENTAL CONCERNS COMMITTEE

## APRIL 17, 2019 MEETING MINUTES

**MEMBERS PRESENT:** Paul Manstrom, Chair; Phil Dietrich, Vice Chair; Joe Bower; Eric Brown; Sharon Dever; Mary Clare Griffith; Scott Schmidt; Gail Walter; Aaron Wright

**EXCUSED ABSENCES:** Ian Magnuson, Lauri Holmes

**UNEXCUSED ABSENCES:** None

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

**GUESTS:** Wayne Bond, Robert Glasser, Kevin Weller

### **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. Wright, supported by Mr. Bower, moved approval of the April 17, 2019 ECC Agenda as submitted. With a voice vote, the motion carried unanimously.**

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

- There were no changes the Minutes.
- **Mr. Dietrich, supported by Mr. Wright, moved approval of the March 20, 2019 ECC Minutes as submitted. With a voice vote, the motion carried unanimously.**

### **4. ANNOUNCEMENTS:**

- Ms. Griffith stated that the Earth Day Festival is scheduled from noon to 5 p.m. Saturday, April 20<sup>th</sup> in downtown Kalamazoo. She will be available to make minor repairs to bikes that are brought to her at the Festival.
- Sixteen thousand dollars was awarded through the Student Sustainability Grant to retrofit one of the glass walkways at WMU. The grant funds will allow for the application of vinyls (bird safe film) to windows on the walkway.
- Ms. Walter advised there are four Falcon eggs on the 5/3 Bank building. The Falcon has been laying four eggs in that location every year for the past several years.
- Ms. Dever advised that the theme for Earth Day this year is the 101 thousand acts of green. Between Earth Day 2019 until Earth Day 2020, Kalamazoo County commits 101 thousand acts of green. That is roughly the number of households in Kalamazoo County. There is a Google document for submitting acts of green. There will be an organized way to promote events that would be considered acts of green, along with individual efforts. If you type in Kalamazoo-area Earth Day, that will take you to the Kalamazoo Nature Center website, which provides a list of things that would be acceptable to submit.
- Mr. Manstrom stated that the Southwest Michigan Sustainable Business Forum event will be held at the Kalamazoo College Field House at 1600 W. Michigan on April 18<sup>th</sup> at 11 a.m. The registration is free. Christina Anderson from the City of Kalamazoo will provide a presentation on sustainable development that is going on in the City of Kalamazoo.
- Ms. Drzick advised that she is due the week of the May ECC meeting. She is planning to return as the ECC Liaison in September after her maternity leave. Jean Talanda will fill in as ECC staff Liaison over the summer.
- Mr. Wright referred to the environmental concern regarding the homeless camp near Pitcher and Ransom. There was a story in the news advising that those individuals have been relocated. He thought Public Safety and Social Services were involved with resolving that issue. An effort was made to provide those people with available services.
- Ms. Drzick advised that the encampment has been cleared of debris. The shelters in the Kalamazoo area are not full. Some of the homeless population has chosen to not work with the programs that are offered in the community.

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

- None

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

**Natural Features Protection Overlay**  
**Planning Commission Results.**

- Mr. Manstrom reported that the Planning Commission voted to recommend the Natural Features Protection ordinance for approval by the City Commission. The NFP text was approved unanimously by the Planning Commission; there was one dissenting vote regarding the NFP map.

#### **City Commission Meetings.**

- The first reading and public hearing for the NFP Ordinance at the City Commission is scheduled on May 6<sup>th</sup>. The second public hearing is scheduled for May 20<sup>th</sup>; the City Commission will vote on the ordinance at that time.

#### **Vermeulen Property Rezoning.**

- The ordinance will put restrictions on development of the former Vermeulen property and other properties but will not prevent development. The moratorium, which will end on June 3<sup>rd</sup>, was created to prevent permits from being issued for properties that would be affected by the NFP Ordinance, until the ordinance can be approved. Once the ordinance is passed, the former Vermeulen property will still have to be rezoned in order for the developer to proceed with the proposed car wash.
- The former Vermeulen property is private property. It is located on the southeast corner of Stadium Dr. and Drake Rd. Much concern has been expressed about the potential for a commercial development on that land next to the Asylum Lake Preserve, which is owned by Western Michigan University.
- There might be further discussion as to whether or not a commercial use is appropriate for that property. The developer claimed the ordinance was written to prevent him from doing anything with the property. His attorney talked about it being a regulatory take over of the property.
- There has been concern that the process leading up to the potential development of the Vermeulen property might not have been as transparent as it should have been. The developer stated that he was in negotiations with the City of Kalamazoo a year before development of the Master Plan, which shows that property as commercial on the future land use map.
- The former Vermeulen property is zoned RS 5, so it could have been sold for a housing development with multi-family units. The developer claims to have documentation from the City about making that property commercial at some point.
- Mr. Wright commented that concerns citizens might now have a better case to make. If people around the lake had known about the possible development, they could have let their thoughts be known. The developer has some preliminary plans regarding how he wants to develop the property but he has not submitted a formal site plan.
- Ms. Dever mentioned that the natural feature on that property is the slope down to Asylum Lake, which is not enough to stop the development.
- Mr. Glasser inquired if the ordinance is universal for the City or specific to properties with natural features. Mr. Manstrom stated that the City of Kalamazoo has developed a preliminary map which identifies the properties that will be affected by the NFP Overlay. They didn't have time to develop a comprehensive map. The rezoning will have the same process as the NFP Overlay, which will include public hearings.

#### **ECC Position Statement.**

- Discussion followed as to whether or not the ECC should take a position to express to the City Commission. Mr. Dietrich suggested that the ECC give their support to the City Commission for the updated NFP Overlay/ordinance. The Overlay restricts development but doesn't prevent development. City planning staff developed the overlay with the help of an advisory committee.
- Mr. Manstrom noted that the ECC is not scheduled to meet again before the first City Commission meeting on May 9<sup>th</sup>. He offered to draft a statement on behalf of the ECC to the City Commission and send it by e-mail for ECC approval. Ms. Walter suggested that someone from the ECC could also make a statement at the City Commission meeting.
- **Ms. Dever, supported by Ms. Walter, moved to have Mr. Manstrom draft a Position Statement (Letter of Support) from the ECC to the City Commission regarding the Natural Features Protection Overlay Ordinance to be reviewed and approved by the ECC via e-mail prior to forwarding to the City Commission. With a voice vote, the motion carried unanimously.**
- Mr. Manstrom will try to provide a draft of the position statement next week. He was on the Technical Advisory Committee for the NFP Overlay. There will be a committee of experts to review site plans for conformance to the NFP Overlay Ordinance.

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

- Mr. Manstrom advised that he had nothing new to report.

#### **Kalamazoo Air Quality.**

##### **Update by City on Graphic Packaging and City Meetings.**

- Mr. Wright inquired about next steps in this process. There were minutes from a meeting involving Graphic Packaging and a discussion about air quality. He was not aware of any progress being made. It seems that everyone is used to the odor so they don't do anything about it.
- The aroma is not from the adjacent waste water treatment plant. James Baker, Director of Public Services, spoke with the ECC regarding this issue. The odors in that area were worse in the 1970's and 1980's and the waste water plant changed their process so it isn't as bad. The aroma now is from the Graphic Packaging facility.

- Graphic Packaging has been cited by the MDEQ regarding the odor but there is no monetary penalty for not eliminating the aroma. Changing that would have to be discussed with the State DEQ office.
- The ECC was about to take an assertive position regarding the aroma but they were told the City of Kalamazoo would like to have an opportunity to work through the issues. The air quality issue has taken a back seat to the recent PFAS issues.
- Mr. Dietrich inquired if an increase in complaints to the DEQ might draw more attention to the air quality issue. Mr. Wright responded in the affirmation but added that it would cost a lot to control the smell and the outcome might be a loss of employees. He requested suggestions about communicating with relevant the stakeholders.
- Mr. Manstrom stated that the ECC is supposed to advise not incite. He inquired if someone from the City could attend an ECC meeting to discuss this issue. It was suggested that Jeff Chamberlain, Deputy City Manager, might be able to address concerns.
- City staff from the Harrison facility (waste water treatment plant) have communicated with Graphic Packaging about changing their treatment process to help eliminate the odor issue. Ms. Drzick inquired if anyone from the ECC has spoken directly to staff at Graphic Packaging. Mr. Wright advised that a former ECC member spoke with someone that he knew at Graphic Packaging.
- Mr. Wright offered to send an e-mail to City Commissioner Anderson about having City staff talk with the ECC regarding this topic. Mr. Glasser suggested the possibility of partnering with someone to help with this issue. Graphic Packaging might have an environmental compliance person on staff.
- Commissioner Anderson arrived at the meeting at 5:15 p.m. He stated that the process Graphic Packaging uses was making the aroma worse and they had discussed making an adjustment to that process to decrease the aroma. Mr. Wright mentioned that when Graphic Packaging receives complaints about the aroma, they increase the amount of chemicals they use in the open-air vats that break down the cardboard. That only decreases the aroma for a short period of time.
- Commissioner Anderson suggested that the ECC could ask for an update regarding this issue. This is timely since warmer weather seems to increase the intensity of the aroma. There could be discussion with representatives of the community who would advise the Commission. The request for an update could be directed to the Mayor and City Commission with a copy to City Manager Ritsema. Mr. Manstrom stated that the ECC advises City staff and the City Commission.
- Mr. Schmidt inquired if there is information about the science of the process that is used by Graphic Packaging. Mr. Wright mentioned that former ECC member, Alex Maldonado, had information about mitigation of such issues; he had friends at Graphic Packaging who had information about solving the issue.
- **Mr. Wright, supported by Mr. Dietrich, moved to have the ECC send a communication to the City Commission requesting an update on discussions between Graphic Packaging and the City of Kalamazoo regarding the aroma associated with Graphic Packaging. With a voice vote, the motion carried unanimously.**
- Mr. Wright read the following draft statement: "To whom it may concern: The Environmental Concerns Committee requests that the City Commission seek an update on the ongoing discussions between City staff and representatives of Graphic Packaging regarding the long-standing nuisance odor that frequently permeates the northeast corner of Kalamazoo. The ECC would appreciate a response before its next meeting on May 15<sup>th</sup>." Mr. Wright will forward the statement to Mr. Manstrom for distribution to the City Commission with a copy to the City Manager.
- **Mr. Dietrich, supported by Ms. Dever, moved approval of the statement regarding the nuisance order by Graphic Packaging to be forwarded to the City Commission and City Manager's office. With a voice vote, the motion carried unanimously.**

#### **Bird Safe Building Design Update.**

- Ms. Walter spoke with Jamie McCarthy again when Ms. McCarthy is available. Updates will be provided as more information becomes available.
- Ms. Griffith referred to the green thumb movement that is taking place on campus. They are looking for endorsements/support and are hoping to take this initiative City-wide at some point. They have five goals, which include bird-safe building design in new buildings. The ECC can't endorse this program but other entities could.

#### **PFAS Update.**

- Ms. Drzick stated that the City of Kalamazoo plans to hook up to the City of Parchment water system have been going well. The City of Kalamazoo has to conduct a mandated lead and copper study for the City of Parchment, which is being done in addition to the City of Kalamazoo lead and copper study.
- There is a change in water flow and pressure associated with adding the City of Parchment to the City of Kalamazoo water system. The first two studies associated with that change are currently being conducted. Two more studies will be done this year during the summer and fall.

- There was a community meeting in Richland to discuss the City of Kalamazoo's plans to extend the water main in Richland. There is also an extension planned for Cooper Township. Richland residents would not be required to hook up to City of Kalamazoo water but they have the opportunity to hook up for free while the water main is being put in place.
- James Baker has been presenting the logistics of this plan. This is an effort to reach out to areas that have been tested for PFAS contamination and provide them with safe water.
- Richland residents are concerned about the possibility of increased water rates. They can continue to use their wells if they prefer. There is a cost of \$8,000 to dig a new well if the old one is contaminated. The City of Kalamazoo is adding more stations and monitoring systems.
- Commissioner Anderson advised there was a requirement for an elected official to attend the meetings regarding the water main extension; he attended the meeting in Cooper Township. The push-back from residents includes practical concerns such as digging up yards and roads and blocking traffic, etc. Theoretical concerns are about being self-sufficient. Some residents don't want anybody telling them what they can do and they are concerned that the City is forcing this on the residents. The City of Kalamazoo already serves other areas outside of the City of Kalamazoo.
- Funding for the water main extension is coming from the DWRF (Drinking Water Research Foundation) which is a revolving loan fund, which has not been set up yet. The City Commission approved the application to the State of Michigan revolving loan fund, which is available for upgrading the water system.
- Normally, a municipality would borrow money from citizens for this type of project by selling bonds, which would be paid back with interest. The revolving loan fund is a two percent fund which is less expensive than a bond. There are two types of bonds, general obligation bonds and revenue bonds. The revolving loan fund would be like a revenue bond, which does not involve the City's general fund. It would be paid off through the rates people pay for their water.
- The Cooper Board of Trustees signed a letter stating they are in favor of this project. A representative from Cooper Township was at the City Commission meeting stating their support for the project but some of the residents who attended that meeting were upset about the proposal.
- Ms. Drzick commented that the proposal for Richland and Cooper is just for water at this point, not sewer. Commissioner Anderson stated that the Cooper Township residents were advised on a prior occasion that City sewer could be installed but that was assessment driven and the residents voted it down. The current proposal for the water main extension is not assessment driven.
- Commissioner Anderson mentioned that the City of Kalamazoo is being sued by some of the townships regarding water and waste water rates, which they claim are too high. Cooper Township was part of the lawsuit but they come to City when they needed help with the PFAS issue. The City has to calculate the rates and the rate is higher outside the City. The City hires a professional rate calculator to make the calculations.
- Mr. Bower inquired how far is too far out-county regarding PFAS etc., is this precedent setting? Ms. Drzick stated that the City is building new pump stations and lift stations to supply and treat water. She was not sure where the cut off point is.

#### Allied Paper Superfund Site Update.

- Jamie McCarthy will provide updates as they become available.

#### 7. NEW BUSINESS

##### Interview with Kevin Weller for the last vacant seat on the ECC.

- Mr. Manstrom explained that the first person to apply for the ECC would be the first person interviewed for a vacant seat. Mr. Weller is interviewing for the last vacant seat. A suggestion was made that Mr. Bond and Mr. Glasser could be made associate members until open positions are available. Associate members can participate in ECC meetings but they cannot vote.
- Commissioner Anderson confirmed that three new ECC members were approved Monday night at the City Commission meeting.
- Mr. Weller stated that he is passionate about environmental issues locally, nationally and globally. Litter prevention and control are his passions but he is concerned about all environmental issues and wants to do what he can to help.
- He is a union pipefitter by trade and a union steward at Pfizer, Local 357 and a recording secretary for his union. He is also on the Executive Board and the Finance Committee and he provides a report at local union meetings.
- The ECC meeting time works out fine for him. Mr. Weller is a resident of the Winchell Neighborhood and he walks at the Asylum Lake property. His kids attend Kalamazoo schools. He has reached out to local entities to let his voice be heard.
- The ECC members noted that Mr. Weller's profession would provide a different perspective on the Committee. Pollution and litter are valid concerns. New members may have concerns that have not been addressed yet by the ECC.
- **Mr. Dietrich, supported by Ms. Dever, moved to recommend to the City Commission, the appointment of Kevin Weller to the ECC. With a voice vote, the motion carried unanimously.**

**Introduction of Wayne Bond and Bobby Glasser, additional ECC applicants in attendance.**

- Mr. Glasser is a resident of the Westnedge Hill Neighborhood. He is a graduate of WMU and has a geology degree and a masters degree in hydrogeology. He has been involved with the environmental consulting field since the year 2000. He has scientific expertise regarding soil and ground water, mapping of contamination and remediation. He has experience working with wetlands, indoor and emissions air quality. Mr. Glasser runs the Kalamazoo branch of a Virginia-based environmental company and he interacts with the DEQ on a regular basis.
- Mr. Bonds works at WMU. He attended Albion College and is a wildlife biologist. He is working on a masters degree in political science and a second masters degree in sociology. He lives off North Street in the Northside Neighborhood. Mr. Bonds is involved with the Run Start program, which encourages women to seek public office. He serves on the Board of Directors of the High Five Coop in Grand Rapids. He is working with Bethany Christian and two programs in Grand Rapids regarding career development for refugees. He is also part of a program starting at WMU regarding a climate change certificate program. It will be four or five classes to start in fall of 2019 or spring of 2020. The certificate program will focus on geology, sustainability and biology. Mr. Bond learned about the ECC from a flyer that is distributed by the City of Kalamazoo. Both applicants were agreeable with being associate members.

May 11, 2019

**Discussion on the Addition of Associate Members.**

- Mr. Wright mentioned that the ECC has one associate member and now two additional ones, which brings the total ECC membership up to fourteen. He questioned if the ECC can be effective with that many members. Mr. Bower suggested delegating responsibilities and trying to get things done. He did not want to discourage new members. No objections were expressed regarding the additional associate members.

**Input from New Members on New Business/Topics for ECC for ECC review.**

- Mr. Glasser suggested adding discussions regarding noise and light pollution.
- Mr. Schmidt inquired if the ECC has a priority list of environmental issues to tackle, such as climate change, recycling, trash etc. Mr. Manstrom mentioned that sometimes issues come to the ECC from citizens or other sources. Additional suggestions can be e-mailed to Mr. Manstrom before the next meeting.
- Mr. Schmidt mentioned that the same price is charged for recycle vs. trash, per Republic Services. He thought there might be an incentive for recycling, maybe that could be suggested. Recycling in Kalamazoo is voluntary rather than required. If recycling at apartment complexes is contaminated with trash, a fee could be charged which is a disincentive. The recycling service is funded through a millage tax on the property, so it already being paid for. Apartment complexes choose not to use it due to the possible additional charge.
- Mr. Weller mentioned that other countries who have purchased recycling from the United States in the past have been rejecting it. This has lead to stockpiles of recycling. Mr. Bonds mentioned that some entities are starting to charge due to stockpiling of recycling. He suggested looking at what other municipalities are doing to mitigate problems and incentivize recycling.
- Mr. Schmidt stated that San Francisco requires recycling. They have an 80% recycling rate vs. Michigan which has a 15% recycling rate. Ms. Walter suggested asking Commissioner Anderson for an update regarding single stream recycling and inquiring if it is more contaminated. Mr. Manstrom heard that recycling in Kalamazoo is less contaminated than other areas.
- Mr. Bower mentioned that the Michigan Recycling Coalition has a ton of information. Charging more for land fill tipping fees is one way to encourage recycling. We pay to have someone take garbage we need to change our perspective.
- Ms. Griffith suggested addressing the banning of plastic bags. Mr. Bower advised that the State legislature banned the banning of plastic bags.

**8. SUBCOMMITTEE REPORTS:**

**Kalamazoo/Michigan Environmental Council.**

- Mr. Bower announced that the Kalamazoo Environmental Council will host a legislative breakfast on the morning of June 10<sup>th</sup> at the Nature Center. There will be a facilitated discussion with state officials. More information will be provided as details become available. There has been talk about expanding this program to Allegan County.
- Ms. Walter stated that this is an umbrella organization whose members represent environmental non-profits, such as the Nature Center, the Audubon Society, Asylum Lake, etc.

**Planning Commission** – Refer to first item under unfinished business.

**Tree Committee**

- Mr. Dietrich is looking into who is tapping the Maple trees in the Winchell Neighborhood. Someone is tapping City trees on the curb lawn for syrup, which is prohibited. Tapping the trees can introduce bacteria.

- The Tree Committee is working on where to plant trees for the Arbor Day event, which will be held on Friday, April 26<sup>th</sup>. Crane Park was discussed as a possibility but it is still under construction. The City hired a new Forestry Supervisor but he might not be aware of the options.
- The triangle at the bottom of the hill is part of Crane Park but there is no water supply in the triangle to support trees that have been planted there. There would be a substantial cost to get water lines to that location.

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

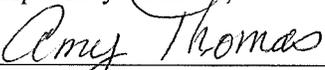
**Parks & Recreation Advisory Board** – No report

**Wellhead Protection Program Committee** – No report

**9. ADJOURNMENT:**

- The meeting adjourned at 6:30 p.m.

Respectfully submitted,

  
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Recording Secretary