

# ENVIRONMENTAL CONCERNS COMMITTEE

## MAY 15, 2019 MEETING MINUTES

<b><u>MEMBERS PRESENT:</u></b>	Paul Manstrom, Chair; Phil Dietrich, Vice Chair; Eric Brown; Sharon Dever; Mary Clare Griffith; Ian Magnuson; Scott Schmidt; Gail Walter; Kevin Weller; Aaron Wright;
<b><u>EXCUSED ABSENCES:</u></b>	Joe Bower, Wayne Bond (ECC Associate Member);
<b><u>STAFF:</u></b>	Jean Talanda, Staff Liaison; Amy Thomas, Recording Secretary
<b><u>OTHERS:</u></b>	Lauri Holmes (ECC Associate Member); Bobby Glasser (ECC Associate Member)

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

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

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

- Ms. Griffith suggested adding a discussion about composting under new business. She spoke with Jean Grossman at Earth Day and she wants to discuss City-wide composting. Ms. Dever mentioned that there is a contractor in the Vine Neighborhood who uses his bike to do a bi-monthly pick-up for \$20.00 per month.
- A discussion regarding the Climate Action Plan was added under unfinished business.
- **Mr. Magnuson, supported by Mr. Dietrich, moved approval of the May 15, 2019 ECC agenda as amended. With a voice vote, the motion carried unanimously.**

### **3. APPROVAL OF MINUTES (April 17, 2019):**

- Ms. Holmes advised that the NFP Overlay is on the City Commission Agenda for May 6<sup>th</sup> and May 20<sup>th</sup>. This is a correction from what was previously stated.
- **Mr. Dietrich, supported by Mr. Wright, moved approval of the April 17, 2019 ECC Minutes as amended. With a voice vote, the motion carried unanimously.**
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### **4. ANNOUNCEMENTS:**

- Ms. Griffith announced that there is a bike shop from 1 p.m. to 5 p.m. on Friday at the WMU Office of Sustainability, which is located in the former book store at W. Michigan Ave. and Howard Street. The bike shop is open to anyone and free unless you need to buy a part.
- Mr. Glasser referred to a letter that was sent from the City of Kalamazoo to its water customers. The letter states that the water department exceeded the required amount of phosphorus in the water on a couple of occasions recently. Orthophosphate is added to water because it binds with the soluble lead that might be in the drinking water. That forms a coating on the pipes so there is less lead in the water. There are no indications of any adverse health effects as a result of these incidents, which occurred in December and January.
- Mr. Manstrom advised that Mr. Glasser has applied to be on NFP Review Board.

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

- None

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

#### **Natural Features Protection Overlay Update (City Commission meeting on May 20<sup>th</sup>, NFP Review Board, Vermeulen Property Rezoning).**

- Some of the ECC members attended the first reading of the NFP Overlay at the May 6<sup>th</sup> City Commission meeting. The developer and his attorney provided comments about the overlay. Comments were also made by the public and by some of the City Commissioners.
- The NFP Overlay District as represented in the 2025 Master Plan, shows three parcels on the former Vermeulen property, two of them are by Drake Rd. and Stadium Dr., the other one by is by Drake Rd. and Asylum Lake.
- The NFP Overlay map developed by the NFP Overlay task force and the Planning staff, included the two parcels by Stadium Drive; those parcels were not on the original map. The developer and his lawyer want an exemption to go back to the original version of the map.
- Ms. Holmes advised that the Planning Department and the City Attorney are involved in discussions to determine if this is a take-over of the land. The Asylum Lake Preservation Association (ALPA) was advised last year that this was one parcel, not three. They were told it would not be possible to split-zone a parcel. Ms. Holmes read the ALPA

statement in favor of the draft NFP overlay. There is concern that the NFP Overlay only protects individual, natural features but does not protect the three Preserves in the City of Kalamazoo.

- Adjoining properties do not have NFP Overlay protection. The current NFP Overlay map does not show protection of all the natural features. Kleinstuck Preserve was added to the NFP Overlay map. Phase 2 of the NFP Overlay will include more details.
- Mr. Manstrom advised that the developer and his attorney maintain that they cannot develop the frontage on Stadium Dr. if the overlay applies to the two parcels by Stadium Dr. They cannot fill the slope to the extent they want to and that has been an issue. They might request a rezoning with a variance.
- Ms. Holmes stated that ALPA has submitted a FOIA (Freedom of Information Act) request to the City of Kalamazoo because the developer claims that he had assurance from the City, prior to the development of the Master Plan, that they realized the value of the property along Stadium Drive for potential commercial development. There has been no comment from the City at this point.
- The developer has not submitted an official site plan yet due to the moratorium. City staff had no plans to develop the NFP Overlay in 2018 until December 3<sup>rd</sup> when the City Commission ordered the planning staff to develop the NFP Overlay within six months.
- Mr. Glasser was not sure when the NFP Review Board would be formed. He is hopeful that the NFP Overlay will be implemented much like Part 303 of the state statute, which pertains to wetlands protection. Those rules mandate not only what you can and cannot do within a wetland but what can be done outside of that area that will affect the wetland.
- Mr. Manstrom will invite Jamie McCarthy to the June meeting to discuss the NFP Overlay and the Climate Action Plan. The NFP Overlay is supposed to be in place by June 3<sup>rd</sup>, so the NFP Overlay Review Committee should be in place by that date. The NFP Overlay map is amendable. Six months was the time frame for the text to be developed but not the map; that will take longer.
- Based on comments so far, it is expected that the City Commission will approve the NFP Overlay. City Commissioner Urban seemed receptive to split zoning the property. Ms. Holmes mentioned that, if it is true that there have always been three parcels, that could provide a stronger argument for split zoning. They are referring to it as parcels A, B & C.
- Development of those parcels will affect the ambiance of that end of Asylum Lake Preserve. It is the goal of the ALPA to restrict development in that area. There are already three car washes in the area and the developer has started building another car wash nearby at W. Main and Drake Rd.

#### **Climate Action Plan**

- Mr. Magnuson advised that a group of undergraduate students with the support of a graduate student from MSU had a year-long project to do pre-baseline assessments to complement the data provided two years ago by the WMU students. The main things they discussed were: 1. A survey of the City of Kalamazoo and demographics. 2. The housing stock in the City of Kalamazoo. Seventy-six percent of homes in the City have gas heat; 55% of the homes are renter occupied, which discourages investments in solar efficiency, etc.. 3. Food access was also discussed, but that part of the data was outdated and did not take into account recent grocery store openings.
- They also discussed: the increase in annual precipitation, more extreme events, overall temperature increasing, longer growing seasons in the winter, greenhouse gas inventory, adaptation/vulnerability assessment, reporting tools through ICLEI (International Council for Local Environmental Initiatives)
- Once the NFP Overlay is in place, the planning staff will focus more attention on the Climate Action Plan. The City of Kalamazoo has not been part of ICLEI since 2014. City staff is looking at the plans adopted by Ann Arbor, Baltimore, Denver, etc. and comparing them to the City of Kalamazoo. Mr. Magnuson forwarded the PowerPoint presentation to Mr. Manstrom. There is a hard copy of the report that goes into more detail.

#### **Kalamazoo Air Quality (City Staff and City Commission Response to ECC Memo)**

- Mr. Manstrom advised that there has been no response yet from the City Manager's Office or the City Commission regarding the memo. He suggested resending the memo.
- Mr. Glasser mentioned that the violation notices are part of the public record, the most recent one was from 2018. Mr. Manstrom will include that information with the memo when it is resent.

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

- Ms. Griffith spoke with someone at facilities management at WMU. The bird tape should be installed on the walkways this summer between Haenicke Hall and Wood Hall.

- Ms. Walter is working with someone at Kalamazoo College to do monitoring. She was in contact with the architects for the new natatorium and is hopeful they spoke with Kalamazoo College about bird safe building design standards.

#### PFAS Update

- Ms. Talanda stated that the DEQ is doing surface water sampling in Richland. They are asking for access agreements from homeowners. The DEQ is consolidating reports for Parchment, Cooper and Richland. It will take a month for the results to be available and then there will be a phase 2 study or remediation.
- Mr. Glasser referred to the letter from the City of Kalamazoo regarding phosphorus in the water. Ms. Talanda stated that extra phosphorus was added to the water because Parchment was added to the City of Kalamazoo water system. Most municipalities have one station or one central unit and they get a certain number of water samples to go by. The City of Kalamazoo has multiple, different pressure zones and a larger number of wells and so they are more highly restricted. One sample could throw off the results. The violation pertained to a procedure, it was not a health/safety issue.

#### Allied Paper Superfund Update

- Mr. Manstrom will ask Jamie McCarthy for an update this summer regarding the Allied Paper Superfund site.

### 7. NEW BUSINESS

#### Potential New Topics for Review by ECC

##### Litter – Eric

- Discussion followed with regard to where the litter is coming from and how it can be dealt with. Mr. Magnuson mentioned a city out west that put nets on their sewer outflows to capture trash.
- Mr. Brown referred to the litter in the video he shared; it's in a walkway through the Neighborhood between Staples and Paterson Street in a residential area. It is a paved bike path that is part of the Kalamazoo River Valley Trail. It appears that people are just tossing their stuff or it is being thrown out of cars. There are no stores nearby where the litter could be coming from.
- Ms. Dever advised of a June 1<sup>st</sup> river clean up on part of the Kalamazoo River Valley trail. There will be kayakers in the river and walkers along the path by the river. A middle school teacher approached Ms. Dever about doing an inventory assessment of the trash that is found. There should be an update at the next meeting.
- Mr. Brown mentioned a prior clean-up effort by the Kalamazoo Paddle Club. He suggested including bicyclers in that effort also. Ms. Dever posted pictures from last year regarding that clean-up. She walked in that area when it was flooded. There was fishing gear and plastic items which would wind up in the river after a flood.
- The river clean-up will take place from 10 a.m. to noon. The walkers will meet at Verberg Park; the Kayakers will meet at Mayors' Riverfront Park. Trash bags and gloves were donated for the event. Suggestions were made to monitor the area to see how quickly the trash re-accumulates and to look into getting local businesses to pay so much per pound of trash that is retrieved to help with the expense of the clean-up effort.
- Someone mentioned that the fine for littering is \$300. There was some question if that is being enforced. Mr. Weller suggested adding more no littering signs by the roadways and river area and also increasing the number of garbage cans and recycling receptacles.
- Mr. Glasser mentioned that some people do not pay for garbage pick up and have alternate ways to dispose of trash. Full bags of trash are sometimes found among the litter. Garbage is considered dumping not littering. Ms. Dever and Mr. Brown volunteered to review the City of Kalamazoo ordinance to get more details about littering.
- Ms. Talanda mentioned that the City of Kalamazoo has an NPDES (National Pollution Discharge Elimination System) permit to discharge into the Kalamazoo River. Part of her job is to make sure there are no illicit discharges. The City now has a program with a vacuum (vacuum) truck and a four-man crew that is dedicated to cleaning out catch basins and other storm water features. The truck can also be used for emergencies such as water main breaks. The crew is starting with the areas that are the worst and have not been maintained for several years. The City has a 15-year plan to get all of the catch basins done.
- Years ago, the City had metal plates by most of the visible drains that were imprinted with, "don't dump, goes to the creek." Ms. Talanda is trying to revive that program but it might take awhile; she is also trying to bring back other programs. City staff might ask for neighborhood involvement to help with these programs. KVCC is looking for help putting up signage in the downtown area in their rain garden and other areas near the creek.

##### Recycling - Scott

- Mr. Schmidt advised that recycling is not processed in Kalamazoo. It is taken to Niles, Michigan, Grand Rapids, Michigan or Indiana to be sorted. Best Way and Republic offer composting, recycling and trash services. The Michigan coalition for recycling provides a break down of waste. Food compost is the biggest percentage of waste. Cardboard and paper are the most common recyclable items that are thrown away. Twenty percent of what goes in landfills can't be recycled; 80% can be recycled.

- It was suggested that a subcommittee could look at examples of recycling from other cities and possibly make a recommendation as to how Kalamazoo could make improvements to its recycling program. City employee, Wendy Burlingham, works with the City's recycling program and might be able to provide more recycling information.

#### **Noise and Light Pollution – Bobby**

- The City of Kalamazoo has a noise ordinance, which also addresses vehicle noise. Mr. Glasser mentioned that the City of St. Joe has signs stating that if someone is playing music too loud, they will receive a ticket.
- Ms. Walter mentioned that lighting at night during migration is a big issue for some cities. Some cities have a lights out policy, which also saves energy. A study was done regarding lights at night and how that is connected to bird collisions during migration. Birds fly higher at night so there is more of an issue with day time collisions with buildings.
- The City of Kalamazoo has an extensive lighting ordinance. It limits up-lighting and lighting at property lines based on zoning. The ordinance does not cover stadium lighting. Details regarding lighting were added to the NFP overlay, particular with regard to flashing lights, which tend to disturb wildlife.
- Ms. Glasser inquired if the ECC should solicit public response/input. Some of the new members learned of the ECC through the View from the Curb flyer the City sends out to Kalamazoo residents. Mr. Manstrom advised that it is o.k. to let people know the ECC is available to listen to issues.
- There is a Facebook group called Kalamazoo Environmental Action where people can post information about environmental concerns. The ECC does not speak for the City, they are an advisory board that looks at environmental issues affecting the City of Kalamazoo and advises City staff and the City Commission.
- Mr. Manstrom suggested having the subcommittees meet on various issues between meetings and report back to the ECC. Issues can be discussed at the next meeting or communications can be sent via e-mail in meantime.

#### **Other New Topics?**

- **Composting**  
Ms. Griffith suggested inviting Jean Grossman to an ECC meeting. There is a composting model in Everett, Washington that she is hoping to follow. Ms. Griffith won't be available to attend the ECC meetings for the next two months but will follow up.
- Ms. Griffith has a co-worker, Crystal York, who has a composting program. People can volunteer with her and receive a certificate.

#### **Return to Review of Unresolved Issues**

##### **Deer Overpopulation**

- Mr. Manstrom advised that the ECC did not find a way to take action regarding the deer overpopulation concerns. He is still hearing from residents in the Winchell Neighborhood about this issue. Ms. Dever heard that feeding deer in the State of Michigan is a ticketable offense.
- Mr. Weller inquired if it is feasible to capture the deer and relocate them or have hunters harvest them to provide food for people at a mission or other facility. Discussion followed with regard to efforts by the City of Ann Arbor to cull and/or sterilize deer in the Ann Arbor areas. There is a lawsuit over the cull in the Ann Arbor city limits, which wound of costing thousands of dollars per deer because of the legal complications. A cull was also done at the Nature Center. The deer were culled by sharp shooters not just permit holders.
- Mr. Wright mentioned that he was not aware of any harm to people or deer caused by the deer population, such as an increase in Lyme disease, car accidents or deer over population.
- Ms. Walter inquired if a certain number of deer could be harvested to determine their condition, parasite load, diseases, etc. That's how you can document that overpopulation is detrimental to the herd. Mr. Manstrom mentioned that the term "overpopulated" is anecdotal. The DEQ at one point had information regarding the number of deer per square mile that was considered a healthy population. That information was removed from the website because there were different opinions on what was considered to be an acceptable number of deer.
- The ECC has studied deer population twice over the past ten years. The first time, there were recommendations that went to the City Commission but there was no action taken. The second time deer population was discussed, the ECC decided not to make a recommendation. The ECC responded to the groups who were requesting help to state why they could not take action at that time.

##### **Woods Lake Salination Issues**

- The City of Kalamazoo can't stop using salt on the streets to deal with icy road conditions. However, they did put a priority on picking up leaves in a timely manner and that helped. The leaves store salt which can wind up in the lake.

##### **Sub-committees?**

- Mr. Magnuson suggested having a Quality of Life Subcommittee to discuss multiple issues (waste/litter, composting, recycling) and pass along information to City staff.

- Mr Wright mentioned that, next month, the shared Google drive will be on the screen in the meeting room for the ECC to discuss. Videos can be posted on that site and the ECC members will have access to the site. He suggested watching the presentation by the MSU students. Mr. Manstrom suggested devoting a folder to the subcommittees.

#### **8. SUBCOMMITTEE REPORTS:**

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

**Planning Commission** – no report

#### **Tree Committee**

- Mr. Dietrich mentioned that a row of 30 Pear trees in the right of way on Alcott Street were damaged by contractors who work for the State of Michigan. They landscaped up to the edge of the trees and cut some of the tree roots. Seven to ten of those trees will probably not bloom next year. The State asked to remove the trees but a representative did not show up at the Tree Committee meeting. It is uncertain if the trees will survive. The contractor did not get a permit to remove them.
- Line clearing and tree trimming will be done by the water reclamation plant over the next few weeks. Dead Ash trees, and Sumac will be removed but the healthy trees will remain. Opening up this area will also help with security.
- New trees were planted in the Crane Park triangle but it is uncertain as to how those trees will be watered since there is no spigot nearby.

**Asylum Lake Policy & Management Council** – Mr. Manstrom advised that this group has been focusing on the NFP Overlay recently.

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

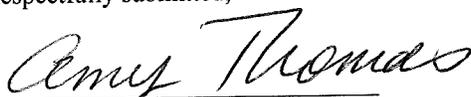
#### **Wellhead Protection Program Committee**

- Ms. Talanda stated that this committee meets quarterly. They are looking for a teacher to join this group, which meets on Thursdays. They would like to do more public education.
- This is public services week. There will be a tour May 16<sup>th</sup> from 5:30 p.m. to 7:30 p.m. at the water treatment facility, 215 Stockbridge, and a discussion regarding wellhead history and development. There will be a presentation with the ground water simulator model, which shows how ground water can become contaminated. Four rain barrels will be raffled off during the open house.
- There will also be presentations and tours at the water reclamation plant (1415 Harrison) and at the Stockbridge Facility (415 Stockbridge) on May 16<sup>th</sup> from 5:30 p.m. to 7:30 p.m. Storm water, waste water, drinking water, flooding etc. will be included in the discussions.
- The Wellhead Protection Committee is scheduled to meet on May 30<sup>th</sup>. The Committee is doing social media outreach at protectourwater.net. PFAS, lead and copper information was added to the website. There will be a discussion about activities over the next year.
- Ms. Talanda was in Lansing attending an American Water Works Association meeting. They are restarting a group for educational resources state-wide. 2005 was the last time that program functioned. Someone at the meeting said Kalamazoo is the poster child for Protect Your Water education. City staff will increase education to the public, including information about PFAS and lead, etc. People are saying the public is confused and there are efforts underway to deal with that issue.
- The dredging project at the Crosstown ponds will end around September. The pond has not been maintained in years; the dredging will add storage space for rain water. It is a natural water way but it has been altered.

#### **9. ADJOURNMENT:**

- The meeting adjourned at 6:15 p.m.

Respectfully submitted,



Recording Secretary