

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 23, 2016

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

At the request of Mayor Strazdas, Pastor Ryan Doyle of Cherry Creek Community Church provided an invocation. The City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers, Richard Ford, Jim Pearson, Patricia Randall, Claudette Reid, Terry Urban and Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Ford, to receive the Pre-Council Meeting Minutes of February 22, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

Councilmember Reid referred to her comment at the end of the meeting to point out that it should read, "...that one out of three women get heart disease and one out four die from it." Motion by Urban, seconded by Ford, to approve the Regular Meeting Minutes of February 9, 2016, as amended. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Reid, to approve the Pre-Council Meeting Minutes of February 8, 2016, as presented. Upon a voice vote, motion carried 4 to 0 with Councilmembers Urban, Ansari and Ford abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that item F.2, Height Modification for Trade Centre III, 650 Trade Centre Way, and Item F.7, Proposed Fiscal Year 2016-2017 Budget Review Schedule, be removed from the Consent Agenda. Motion by Reid, seconded by Urban, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 23, 2016:** Motion by Reid, seconded by Urban, to approve the Accounts Payable Register of February 23, 2016, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

MARTIN LUTHER KING JR. DRIVE RECONSTRUCTION PROJECT #998-R: Mayor Strazdas deferred to City Manager Laurence Shaffer, who indicated that T&U Director Chris Barnes is working with the petitioner to extinguish some cross-easements before the City accepts the road and before construction can begin. He indicated that the procedural issues remaining can be processed well before March 22, 2016.

In answer to Councilmember Urban, Mr. Barnes indicated that he and the City Attorney have been through 200 documents, agreements to allow traffic overload, for example, which is a challenge for the owner, Josh Weiner, to obtain the signatures from all of the parties. Discussion followed and he assured Council that the timing of Resolution No. 5 is fine.

Mayor Strazdas opened the public hearing for comment from those present. There being none motion by Pearson, seconded by Ansari, to adjourn the public hearing for Resolution No. 5 confirming the Special Assessment Roll for the Martin Luther King Jr. Drive Reconstruction Project #998-R to the March 22, 2016 City Council Meeting. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Jeff Troyer introduced himself as the newly appointed Executive Director of Kalamazoo County Dispatch and outlined his goals of funding, research, evaluate and discuss what the best mechanism is for funding; establish a business plan; and collaborate with the PSAPS after funding is in place. He provided a summary of his background and qualifications and discussion followed.

Monifa Jumanne, 6286 Silver Fir Street, reflected upon the recent mass killings in Kalamazoo County and reminded everyone of the nine individuals killed in South Carolina; asked that we leave a generation of love and respect; and indicated that the message of “change” was for all people. She then recited an inspirational poem written by Dr. Benjamin Mays, former President of Morehouse College.

REPORTS FROM THE ADMINISTRATION:

* **FINAL PLAN FOR WHISPER ROCK (PHASE 1) AT 2275 WEST CENTRE AVENUE:** Motion by Reid, seconded by Urban, to approve the Final Plan for Whisper Rock (Phase 1) at 2275 West Centre Avenue, subject to MDEQ approval of the grading and storm water overflow into the wetland area and finalization of detailed engineering plan. Upon a roll call vote, motion carried 7 to 0.

HEIGHT MODIFICATION FOR TRADE CENTRE III, 650 TRADE CENTRE WAY: Mayor Strazdas deferred to City Manager Laurence Shaffer, who remarked that this is an exciting project for the City of Portage and deferred to Community Development Director Vicki Georgeau, who reviewed the request. Public Safety Director White offered that the City has two fire apparatus for tall buildings and broad reaches, one that reaches 107 feet and one that reaches 110 feet. Discussion followed regarding the positive reaction to this series of buildings as sound barriers for the neighborhoods and the notices required for the project.

Greg Dobson, American Village Builders, 4200 West Centre Avenue, spoke in favor of the project and indicated it was envisioned 13 years ago as a special gateway to the City of Portage, and explained some of the challenges such as obtaining retail uses, the 2008 recession, concerns about highway noise, and the goal of attaining 100,000 square foot of office space.

Motion by Pearson, seconded by Ansari, to approve the Height Modification for Trade Centre III, 650 Trade Centre Way, to allow construction of a five-story building to a maximum height of 78-feet. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **REZONING APPLICATION #15/16-2 (ADMIRAL AVENUE/ DORSET STREET):** Motion by Reid, seconded by Urban, to accept Rezoning Application #15/16-2 for first reading and set a public hearing for March 22, 2016, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, approve Rezoning Application #15/16-2 as follows: 480 Admiral Avenue: rezone from I-1, light industrial, and RM-1, multiple-family residential, to R1-A, one-family residential; 514, 520, 526, 532, 606, 612 and 618 Dorset Street: rezone from R-1T, attached residential, to R-1A, one-family residential; 6843, 422 and 426 Dorset Street (rear portions): rezone from I-1, light industrial, to R-1A, one-family residential; and, 6979 South Westnedge Avenue: rezone from I-1, light industrial and RM-1, multiple-family residential, to R1-A, one-family residential (except the western portion which is to remain zoned B-2, community business). Upon a roll call vote, motion carried 7 to 0.

* **REZONING APPLICATION #15/16-4 (1521, 1603 AND 1615 EAST CENTRE AVENUE):** Motion by Reid, seconded by Urban, to accept Rezoning Application #15/16-4 for first reading and set a public hearing for March 22, 2016, at 7:30 p.m. or as soon thereafter as may be heard and, subsequent to the public hearing, approve Rezoning Application #15/16-4 and rezone 1521, 1603 and 1615 East Centre Avenue from R-1B, one-family residential, RM-1, multiple-family residential, and OS-1, office service, to PD, planned development, consistent with the submitted tentative plan/narrative, and approve the requested modification from Section 42-374C (mixture of two housing types) with a

finding that the modification satisfies the criteria outlined in Section 42-375L. Upon a roll call vote, motion carried 7 to 0.

*** TAX EXEMPTION (PAYMENT IN LIEU OF TAXES) FOR SELINON PARK**

APARTMENTS: Motion by Reid, seconded by Urban, to accept for first reading an ordinance amendment to grant Selinon Park Limited Dividend Housing Association Limited Partnership a tax exemption and establish a Payment in Lieu of Taxes (PILOT) for Selinon Park, a proposed 74-unit multiple-family residential development to be constructed at 1521, 1603 and 1615 East Centre Avenue, and take final action on March 22, 2016. Upon a roll call vote, motion carried 7 to 0.

*** ANNUAL VMWARE MAINTENANCE AND SUPPORT RENEWAL:** Motion by Reid, seconded by Urban, to approve the annual VMWare maintenance and support contract renewal with CDW-G at a total cost of \$22,600 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

FISCAL YEAR 2016-2017 PROPOSED BUDGET REVIEW SCHEDULE:

Councilmember Urban asked the indulgence of the City Council to consider changing the start time for the meetings at 4:45 p.m. instead of 4:30 p.m. for the review of the proposed Fiscal Year 2016-2017 Budget since he needs the extra time to take care of the needs of his children. Discussion followed. Motion by Pearson, seconded by Ansari, to establish April 19 and May 3, 2016, from 4:45 to 8:30 p.m. as the dates for review of the proposed Fiscal Year 2016-2017 Budget. Upon a voice vote, motion carried 7 to 0.

*** 2016 MARCH BOARD OF REVIEW SESSIONS:** Motion by Reid, seconded by Urban, to adopt the Resolution setting the dates and times for the 2016 March Board of Review sessions. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 129 of City of Portage Resolution Book No. 46.

*** JANUARY 2016 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Urban, to receive the communication from the City Manager regarding the January 2016 Environmental Report as information only. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

PRESENTATION BY LINDA TEETER, CHAIR OF THE KALAMAZOO COUNTY TRANSPORTATION AUTHORITY: At the request of Mayor Strazdas, Linda Teeter, Chair, Kalamazoo County Transportation Authority, provided an update regarding the KCTA transit millage, ridership, fares, new services and preparations for the May 3, 2016 Special Election. Discussion followed.

Motion by Reid, seconded by Urban, to receive the presentation by Linda Teeter, Chair, Kalamazoo County Transportation Authority, with an update regarding the transit millage. Upon a voice vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

AMENDMENT TO CODE OF ORDINANCES - DISCHARGE OF FIREARMS: Mayor Strazdas introduced the item and City Manager Shaffer asked Public Safety Director Richard White to explain. Mr. White indicated that the proposed ordinance reflects the changes in State Statute in the area of "Firearms and what is not considered Firearms." He explained and referred to the Communication from the City Manager dated February 10, 2016, and contained in the February 23, 2016 City Council Agenda Packet.

Mr. Shaffer indicated that he has asked Mr. White to craft Standard Operating Guidelines (SOG's) and Standard Operating Procedures (SOP's) for Police Officers to help differentiate dangerous devices versus a device that is not dangerous.

In answer to Councilmember Pearson, Mr. White indicated that the use of "velocity" or "force" in the ordinance makes for a "fuzzy" definition of a firearm, so the preference is to ask questions like, "What is a toy?" "How is it being used?" "Is there proper supervision?" "What is the age of the person?" Also, he said that the City Ordinance allows the City Attorney to review and determine what is in the best interest of the City in each case. He pointed out that the other option is to rescind the City Ordinance and use State Law which means filing a complaint, issuing a warrant and making an arrest which is not as desirable as the ordinance as proposed. Discussion followed.

Motion by Pearson, seconded by Ansari, to accept the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for first reading and set a second reading for March 8, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:

Portage Zoning Board of Appeals of December 14, 2015.

Portage Senior Citizen Advisory Board of December 15, 2015, and January 20, 2016.

Portage Youth Advisory Committee of January 11, 2016.

Portage District Advisory Council of January 21, 2016.

Portage Planning Commission of February 4, 2016.

NEW BUSINESS:

* **APPOINTMENT TO THE BOARD OF REVIEW:** Motion by Reid, seconded by Urban, to appoint Justin Gish with term ending January 31, 2017, to the Board of Review. Upon a roll call vote, motion carried 7 to 0.

RECENT MASS SHOOTING IN THE COUNTY: At the request of Mayor Strazdas, Public Safety Director Richard White provided a report regarding the recent mass shooting in the County leaving six people dead and two critically wounded and the Portage response for a similar situation. Discussion followed.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Council expressed condolences for the families affected by the recent mass shooting in the County leaving six people dead and two critically wounded and shared that they are in their thoughts and prayers.

City Manager Shaffer let everyone know that Jim Brown, a Portage Senior Park Ranger, passed away on Saturday.

MATERIALS TRANSMITTED:

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Reid, seconded by Urban, to receive the Departmental Monthly Reports. Upon a roll call vote, motion carried 7 to 0.

* **MATERIALS TRANSMITTED OF FEBRUARY 5, 2016:** Motion by Reid, seconded by Urban, to receive the Materials Transmitted of Friday, February 5, 2016. Upon a roll call vote, motion carried 7 to 0.

* **MATERIALS TRANSMITTED OF FEBRUARY 9, 2016:** Motion by Reid, seconded by Urban, to receive the Materials Transmitted of Friday, February 9, 2016. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:26 p.m.

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James R. Hudson City Clerk

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