

CITY COUNCIL MEETING MINUTES FROM MARCH 22, 2016

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

Mayor Strazdas provided a short synopsis of the Mayor and City Council for the Day Program and asked City Clerk James Hudson to swear in the students who were voted Student Mayor for the Day and Student Councilmember for the Day. City Clerk Hudson administered the Oath of Office to Sydney Adams as Student Mayor for the Day and Kendall Hannemann, Vanessa Burtis, Colin Palmer, Francesca Riehl, Brady Mills and Jesse Liebert as Student Councilmembers for the Day. The Student Mayor and Student Councilmembers took their seats at the dais. Mayor Strazdas recognized Rosie Coryell in the audience, who is a student who also attended the Student Mayor and City Council for the Day activities earlier in the morning.

At the request of Student Mayor Sydney Adams, Rabbi Harvey Spivak of the Congregation of Moses gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

At the request of Student Mayor Sydney Adams, the City Clerk called the roll with the following members present: Councilmembers Richard Ford, Jim Pearson, Patricia Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also in attendance were City Manager Larry Shaffer, City Attorney Randall Brown and City Clerk James Hudson.

At the request of Student Mayor Sydney Adams, the City Clerk called the Student Mayor and Student Councilmembers roll with the following members present: Student Councilmembers Kendall Hannemann, Vanessa Burtis, Colin Palmer, Francesca Riehl, Brady Mills and Jesse Liebert and Student Mayor Sydney Adams.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Ansari, to approve the Regular Meeting Minutes of March 8, 2016, and the Pre-Council Meeting Minutes of March 21, 2016, as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Ford abstaining.

* **CONSENT AGENDA:** Student Mayor Adams asked all of the Student Councilmembers to share in the reading of the Consent Agenda. Motion by Pearson, seconded by Ansari, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 22, 2016:** Motion by Pearson, seconded by Ansari, to approve the Accounts Payable Register of March 22, 2016, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

MARTIN LUTHER KING, JR. DRIVE RECONSTRUCTION PROJECT #998-R: Mayor Strazdas introduced this item and City Manager Larry Shaffer opened the discussion by expressing his appreciation to Josh Weiner for all of his support with this project. Discussion followed and Mr. Shaffer deferred to T&U Director Chris Barnes, who indicated that the purpose of this public hearing is to confirm the Special Assessment Roll by adopting Resolution No. 5, and that this is the second public hearing on this matter. He specified the location of the project and disclosed that there will be a complete reconstruction of this private street built in the 1980's that is owned by a local firm, Village Green, L.L.C. Mr. Barnes noted that the reconstruction will include complete removal and replacement of the pavement area, removal of approximately 50% of the curbs and gutter, a new storm drainage system, sidewalk improvements, retaining wall improvements, mobility and accessibility

improvements for Metro Transit, and barrier free access for sidewalks. He reviewed the Special Assessment process, explained that \$88.70 per front foot has been levied to all of the affected property owners and \$1,960 for concrete driveway approaches and that all of the property owners in the District have been notified and have been instrumental in the planning of the project throughout the process. He also noted that the street will ultimately become a public street and be eligible for Act 51 funds in 2017. He asked whether there were any questions. Discussion followed.

Mr. Shaffer indicated that the property owners have deposited \$250,000 and the Special Assessment is for \$225,000, so the pool of funds is about \$475,000, and the City budget for the bid and the architect is about \$450,000; so, barring something unforeseen, the City will be within the resources available. Also, he indicated that in 2017 Act 51 allotment is projected to be up by about \$800,000, and the State has indicated that it will continue to move up for the next five or six years to an increase of \$2.5 million. Discussion followed.

In response to Councilmember Reid, City Attorney Randy Brown disclosed that the City will take over ownership and responsibility for the property once it is approved at this meeting.

Mayor Strazdas opened the public hearing for comment from the audience; hearing none, motion by Pearson, seconded by Randall, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Randall, seconded by Urban, to adopt Resolution No. 5 confirming the Special Assessment Roll for the Martin Luther King, Jr. Drive Reconstruction Project #998-R and accept the deed and public dedication for the parcel of land known as Martin Luther King, Jr. Drive. Upon a roll call vote, motion carried 7 to 0. Discussion followed. Councilmember Randall expressed her appreciation to Mr. Shaffer for building a relationship with Josh Weiner, and for his efforts that were so instrumental in this process. Resolution recorded on pages 137 and 147 of City of Portage Resolution Book No. 46.

REZONING APPLICATION #15/16-2 (ADMIRAL AVENUE/ DORSET STREET):

Mayor Strazdas outlined the item and deferred to City Manager Larry Shaffer, who indicated that the Planning Commission and Community Development Director Vicki Georgeau have worked very hard on this and asked that discussion and questions be directed to her on the matter.

Ms. Georgeau reviewed some of the details of the five-acre property in question, including that it currently contains two zoning classifications: I-1, light industrial, to the south, and RM-1, multi-family residential, to the north. She indicated that the applicant, Mr. Chad Scott, 6425 East V Avenue, Vicksburg, has requested that the parcels be rezoned R1-T, attached residential, also known as duplexes. She described the topography of the property and suitability for development. She explained the zoning characteristics of the various properties in question, as well as the city-owned property along Bicentennial Trail.

Ms. Georgeau indicated that when Mr. Scott originally proposed the rezoning of the property in question, owing to the intensity of the existing zoning designations and since this zoning was not consistent with the Land Use Plan, staff supported rezoning it to either R-1A, one family residential, or R1-T, attached residential; however, the public comment and concerns expressed at the public hearing at the December 3, 2015 Planning Commission Meeting revealed the need to reconsider, and she explained the new rezoning recommendations for each of the properties. Finally, she pointed out that the staff recommendations are consistent with the Land Use Plan, the Comprehensive Plan and the development pattern of the neighborhood and do not create nonconformity. Discussion followed.

Mayor Strazdas opened the public hearing to the audience and invited comment from the applicant, Chad Scott, 6425 East V Avenue, Vicksburg, whose zoning request is based on the ability to have the option of building as many as two duplex units along the northern portion of the property at 480 Admiral Avenue, at the eastern terminus of Cameo Avenue. First of all, Mr. Scott indicated that he already has \$10,000 invested in the project, but he did not indicate where the money was spent. He designated the location on the map of his proposed duplexes, issued a complaint about storm water draining onto his property using four large photographs, pinpointed where the City retains an easement using another map, and stated that the City easement is not where the City thinks it is. He said in order to get his money back, he will have to bring suit against the City for damages to his property. He said

the single family residential zoning designation means nothing to him since he cannot build a house “back there” and, with no duplex, he can’t take care of the problem. He said, “We’re not working together, and we’re going to cost each other some money.” Mayor Strazdas asked Mr. Scott to focus on the rezoning issues as the other aspects are not a part of the discussion and referred him to Mr. Shaffer for resolution of his other issues. At the request of Mayor Strazdas, Mr. Scott confirmed that he was not in favor of the rezoning because it renders his property useless for development and listed his reasons as: he cannot resell the property with the rezoning; and, that as a result of the change in the rezoning classification, the owners along Dorset Street are downgrading their property because he explained that a duplex lot is worth more than the single family lots.

Rick Dueweke, 606 Dorset Street, Alisha Cederberg, 612 Dorset Street, and Chris Rohr, 619 Cameo Avenue, spoke in opposition to the rezoning request and advocated R-1A, single family residential.

Mayor Strazdas asked if anyone else wanted to come forward for comment regarding this matter. Seeing none, motion by Urban, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Discussion followed.

City Attorney Randy Brown reminded City Council of the standards to use to determine whether or not to rezone this property: the State of Michigan would treat consistency as a priority - the consistency with the Comprehensive Plan and Land Use Map Designation, the existing land use pattern in the area, whether the rezoning will result in an appreciable increase in traffic, whether there will be a negative effect on public safety, conformance with the Planning Commission recommendation, and whether there will be an adverse effect on the surrounding property. He indicated that these are the general areas to be considered as important, and noted that there are minor standards as well that do not apply to this situation. He also indicated that it will be a good idea to include, especially if it is in favor of the staff recommendation, the basis of the staff recommendation in the motion for support and explained. Lastly, as a separate concern, Mr. Brown emphasized that for the actions of a City to be considered a “taking” to sustain a claim, the loss of all economical, beneficial use of that property has been taken.

Councilmember Ford asked whether the easement had been reviewed by the City Attorney, and Mr. Brown answered in the negative. In answer to Mayor Strazdas, City Manager Shaffer indicated that he had not had the opportunity to speak to the City Engineer or the applicant about the easement. At the request of Mayor Strazdas, Ms. Georgeau indicated that a copy of the easement is in the files, was provided to the applicant and that she understands his concerns, which can be addressed. She also noted that it was not relevant as part of the initial rezoning application, so it was not submitted as an impediment to development.

At the request of Mayor Strazdas, Ms. Georgeau reviewed each of the standards presented by City Attorney Brown and confirmed that the application is consistent with the Comprehensive Plan, consistent with the Land Use Plan and will have a low impact on traffic. She also reflected that the land use pattern is more important than the return on investment by the developer.

In answer to Mayor Strazdas, City Attorney Brown indicated that the applicant believes it will have a negative impact on his property, so he is opposed to the rezoning; however, City Council decides whether the classifications are reasonable or not; so, if Council believes the change in zoning would still allow for a reasonable classification, then it is appropriate and will satisfy the standards.

At the request of Mayor Strazdas, Ms. Georgeau indicated that if the zoning for 480 Admiral Avenue is R1-A, one family residential, for a one family home and, as there is only one point of access, the applicant would have to find another point of access to build more. She also conceded that the City would need to work with the applicant regarding his drainage concerns.

City Attorney Brown indicated that the decision to rezone is not for the highest and best use of the property as this is a realtor’s term and, even if the rezoning reduces the value of the property, this does not make the rezoning invalid, wrong, illegal or subject to challenge. He re-emphasized that the problem comes in when the rezoning removes all of the value of the property, and that is a matter of proof. Discussion followed.

In answer to Councilmember Urban, Ms. Georgeau used a study provided by the applicant to generally outline the portion of the land that is not buildable owing to water issues which is the area behind the homes on Dorset Street. She emphasized that there is no recent delineation of the wetland on the property in question, so before any development on this property, the City would ask the applicant to submit a wetland delineation to make sure the Department of Environmental Quality (DEQ) does not require a permit and, if necessary, obtain one before construction. Discussion followed.

In answer to Councilmember Randall, Ms. Georgeau answered in the affirmative that the original application from Mr. Scott was the catalyst for the proposed changes in rezoning of these properties. She explained that it is a part of the work plan for Community Development to look at areas where there were inconsistencies between the recently adopted Comprehensive Plan and zonings, and to initiate a rezoning. She shared that when this request came in, staff noticed some irregularities among the zoning and the land use, but decided to help Mr. Scott and deal with the inconsistencies at a later date; however, as the public process unfolded, staff realized from public comment that there was the need to look at the greater area and explained. Discussion followed.

In answer to Councilmember Ansari, Ms. Georgeau indicated that the only properties that are inconsistent with the R1-A zoning classification are the three duplexes where Dorsett Street meets Admiral Avenue built in early 1960's and have been nonconforming since 1965. She mentioned that if they are destroyed by fire, tornado, etc., they could be built on the current footprint after 18 months and explained.

In answer to Councilmember Ford, Ms. Georgeau indicated that the City has no plans to extend Cameo Avenue and discussion followed.

In answer to Councilmember Urban, Ms. Georgeau indicated that the applicant could not extend Cameo Avenue and build on the north and the south sides of the road because the City would require a cul-de-sac which would take up too much of the available buildable area; or he could get a variance to extend the street as a dead end terminus like it is now, which is questionable. Discussion followed.

When Mayor Strazdas invited Mr. Scott back for comment, he said that 90% of his property was zoned correctly, and he was only trying to rezone 10% that was zoned I-1, light industrial, and explained that he was not trying to be greedy. In answer to Councilmember Urban, Mr. Scott indicated that he would have to go back to the engineers to determine how much of the property could be developed if Cameo Avenue were extended.

In answer to Councilmember Reid, Mr. Scott indicated that there cannot be three duplexes based on the available buildable land, only two, and explained how they would be placed on the north side of Cameo Avenue with a shared driveway and a turn around and how it was not economical to build single family dwellings on this property.

In answer to Councilmember Urban, Ms. Georgeau pinpointed the City easement on the plat map between Lot 40 and 41. She indicated that she understood the applicant was not satisfied with the drainage coming from Cameo Avenue, but did not think this was relevant to the rezoning question before Council. Discussion followed. Ms. Georgeau indicated that the property is large enough to be used for I-1, light industrial, as it is possible to build a small building there such as a storage building, a small auto repair or a work shop of some kind. She said the owner could use the wetland for drainage to keep their water on their property, and off-street parking would be required. She gave a pole barn on Schuring Road used to store cars that was sold and is now being used for car repair as an example. Discussion followed.

Motion by Randall to table Rezoning Application #15/16-2 until the Regular City Council Meeting of April 26, 2016. Discussion followed. City Attorney Brown reminded everyone that there would not be a new public hearing on the matter, but a continuation of these proceedings. Motion was seconded by Reid. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

REZONING APPLICATION #15/16-4 (1521, 1603 AND 1615 EAST CENTRE AVENUE): Mayor Strazdas introduced the item and deferred to City Manager Larry Shaffer, who asked Ms. Vicki Georgeau to address the item. Ms. Georgeau reviewed some of the development

guidelines, reasons for the recommended zoning changes, and the Planned Development (PD) District. She described some of the features, characteristics and amenities specific to the design of the proposed Planned Development. She indicated that the historic house will be retained as part of the development and explained how the development is in compliance with the spirit of the Comprehensive Plan. She shared that the Planning Commission reviewed this proposal over a couple of meetings with no discussion for or against. In answer to Mayor Strazdas, Ms. Georgeau assured him that the project is consistent with the Comprehensive Plan and the Land Use Plan and gave examples; that there are no anticipated traffic concerns; and explained that no negative impacts to the surrounding property owners are anticipated.

In answer to Mayor Pro Tem Ansari, Ms. Georgeau defined affordable housing by saying that the applicants will not pay more than 30% of their household income on housing expenses and explained that this project is targeted for persons with lower income and persons with disabilities. When he asked her how it compares with Milham Meadows or Anna's Vineyard, Ms. Georgeau indicated that the residents would have affordable housing options similar to those developments; this is going to be a brand new development with great architectural design, high quality building materials, lots of open space, sufficient parking; so, it should be a positive addition to the community. Discussion followed.

Ms. Georgeau confirmed for Councilmember Randall that two of the three houses represented on the map would be torn down and the one located in an historic district would remain; and, in order to sell it off in the future a modification of the historic district would be required, but the applicant intends to use it as the manager's residence.

Ms. Georgeau confirmed that the remaining property to the west is zoned OS-1, office service, and the proposed drive is aligned with the offices of Randy Brown and Associates, Portage City Attorney.

Mayor Strazdas opened the public hearing and invited the applicant to speak, Carl Kunda, Full Circle Communities, 310 South Peoria Street, Suite 500, Chicago, IL 60607. He added that another reason to ensure that his company would not be subdividing the property from the historic home is that they are currently in compliance with the density requirement of the PD ordinance, but would not be in compliance if the property was subdivided.

Councilmember Reid spoke in favor of having more affordable housing in Portage and asked whether a wider range of residents was considered where some of the residents would be paying market value for the apartment. Mr. Kunda reflected on the market analysis of the City of Portage and concluded that the plan is reflective of what a mixed income property would look like. Discussion followed.

In answer to Councilmember Urban, Mr. Kunda indicated that Full Circle Communities does not have any other properties in the area, and the reason they are developing in the City of Portage is first, because it is easy for staff to travel to Portage from Chicago; to allow for realistic management; needed a great place to put housing; economics; the availability of jobs; some of the greatest schools in the state; and opportunities for the people his company tries to serve.

In answer to Mayor Pro Tem Ansari, Mr. Kunda indicated that participation in the MSHDA low income tax program obligates them to accept both types of Section 8 vouchers.

Todd Corstange, 294 Magellan Court, said his Father was told this housing was not going to be Section 8 housing and asked for an explanation of the Comprehensive Plan for Portage. Since the low income families will have children, he asked will this property have after school programs for the children, and the applicant answered in the affirmative. Discussion followed. Mr. Corstange asked whether there is actual demand for this housing, and the applicant answered in the affirmative. Discussion followed. In answer to Mr. Corstange, the applicant indicated the Manager would be on site. Mr. Corstange asked whether he is liable for residents who trespass on his property and something happens to them. Mr. Brown indicated it can depend upon the circumstances and cited the attractive nuisance as an example. Discussion followed. He asked that a comparison be made between this proposed development and Portage Park, Illinois. Mr. Corstange spoke in favor of the project if it contributes to success and not result in high crime, high taxes, high poverty and low services. He

indicated he is in the middle of the road right now, not for it or against it, and asked City Council to guarantee the promises of the evening.

At the request of Mayor Strazdas, Carl Kunda offered open communication with Todd Corstange and to keep him informed throughout the process to alleviate any concerns he might have. He explained that security is one of their major concerns, cited that the company's reputation depends on that and revealed some of the features that would ensure security on the property. He also noted that the fertilizer water mentioned by Mr. Corstange would be an example of something the Manager would go over with the families to ensure that they would know about it. He discussed the profiles of some of these families and the benefits that inure to them as a result of living in this development. Finally, he indicated that the issues at Portage Park, Illinois, is partly because of the low parking ratio of Chicago, so the neighbors had parking concerns and there was opposition with the height of the proposed building. Discussion followed.

Mayor Strazdas asked Council to look at the narrative as part of the rezoning as it is important to the Tentative Plan, and Ms. Georgeau emphasized that this is not only a PD rezoning, but the proposal is a multiple family land use, and gave her assurances that it is consistent with the Comprehensive Plan because of the way it is designed and proposed. Discussion followed.

In answer to Councilmember Randall, Mr. Corstange explained there is a problem with communication because each time he came to get a clarification regarding the nature of the project, it kept changing. He expressed his concern that, as a neighbor, Mr. Kunda never came next door and knocked to just talk. He emphasized that this should change and not be this way, especially for people like himself who are working 80 hours per week and explained. Community Development Director Georgeau responded.

Motion by Reid, seconded by Ansari, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Randall, to 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. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Discussion followed. Ordinance recorded on page 357 of City of Portage Ordinance Book No. 12.

RECESS: 9:39 p.m.

RECONVENE: 9:44 p.m.

REPORTS FROM THE ADMINISTRATION:

*** RESOLUTION ACCEPTING NEW PUBLIC STREETS – ACT 51 MILEAGE**

CERTIFICATION: Motion by Pearson, seconded by Ansari, to adopt a resolution accepting all new streets constructed within new residential plats approved by City Council during calendar year 2015 as public streets. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 143 of City of Portage Resolution Book No. 46.

ELIASON NATURE RESERVE PHASE 2 (SOUTH CENTRAL TRAIL): Mayor Strazdas deferred to City Manager Larry Shaffer, who reviewed the item and introduced Parks, Recreation & Senior Citizen Services Director Kendall Klingelsmith for his presentation on Phase 2 of the Eliason Nature Reserve Capital Improvement Project. Mr. Klingelsmith presented a map depicting the proposed construction and shared that there was a Resolution for City Council consideration that would be submitted to the Michigan Natural Resources Trust Fund (MNRTF) as part of a grant application for construction of Phase 2. He reminded Council that Phase 1 was approved last year and pinpointed Phase 1 on the map with a scheduled completion of midsummer.

He indicated that Phase 2 is proposed as a crushed stone nature trail and two paved trails that will go out to two overlook decks on the east side of the property. He also pinpointed a proposed wetland boardwalk that will connect to the existing Bishop's Bog boardwalk to the east as well as Schrier Park. He said that Phase 2 could potentially connect close to over 300 acres of park land and asked for City Council support of the Resolution and the project.

Mayor Strazdas spoke in favor of the efforts of Mr. Klingelsmith for continuing the many years of work of prior Parks Director Bill Deming. Discussion followed.

Motion by Urban, seconded by Reid, to resolve to support a Michigan Natural Resources Trust Fund grant application in the amount of \$291,500 to the Michigan Department of Natural Resources for construction of the Eliason Nature Reserve Phase 2 project and authorize the City Manager to execute all documents related to the action on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 141 of City of Portage Resolution Book No. 46.

* **FEBRUARY 2016 ENVIRONMENTAL REPORT - INFORMATION ONLY:** Motion by Pearson, seconded by Ansari, to receive the February 2016 Environmental Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **COMMITTEE OF THE WHOLE MEETINGS:** Motion by Pearson, seconded by Ansari, to set Tuesday, April 26, Tuesday, September 20, and Tuesday, October 18, 2016, at 6:00 p.m., as Committee of the Whole Meetings. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

PRESENTATION BY JENNIFER KOSAK, HOUSEHOLD HAZARDOUS WASTE CENTER MANAGER: Councilmember Pearson praised the single stream recycling effort with over 300% increase in participation. He also announced a partnership between Portage and the Kalamazoo County Household Hazardous Waste Program. He thanked City Manager Shaffer, Deputy City Manager Boulis and DPS Director Rod Russell, who worked with the Environmental Director Vern Johnson and Jennifer Kosak, Kalamazoo County Household Hazardous Waste Center Manager, to build this partnership which will take place at the Department of Public Services at 7719 South Westnedge Avenue. He mentioned that there will be an electronics collection day, April 16th from 10 a.m. until 2 p.m. and a latex paint recycling day on May 14th from 9 a.m. until 2 p.m. With that, he introduced Jennifer Kosak, who provided a detailed PowerPoint presentation from the City Council Agenda Packet as an update of the progress of the program at the Kalamazoo County Household Hazardous Waste Center. Discussion followed.

Motion by Pearson, seconded by Randall, to receive the presentation by Jennifer Kosak, Kalamazoo County Household Hazardous Waste Center Manager, regarding an update on the Household Hazardous Waste program. Upon a voice vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

TAX EXEMPTION (PAYMENT IN LIEU OF TAXES) FOR SELINON PARK APARTMENTS: Mayor Strazdas deferred to City Manager Shaffer, who called Community Development Director Vicki Georgeau to provide an outline of this request. Ms. Georgeau explained that City Council had to first approve Rezoning Application #15/16-4 under Item D.1, before considering the proposed Payment in Lieu of Taxes (PILOT) for Selinon Park. She explained that the purpose of a PILOT is to facilitate development and reviewed the background of this proposed ordinance request which will provide affordable housing for low and middle income citizens as found in the City Council Agenda Packet. She reviewed the funding options being sought by the applicant and discussed the impact of the PILOT on the project. She reviewed the benefits and costs as outlined on page 148 of the City Council Agenda Packet.

Councilmember Reid asked whether there is a guideline, recommended percentage or amount total that Portage should not exceed with regard to PILOTs. Ms. Georgeau revealed that with regard to the percentage of PILOTs as a percentage of shelter rent, MSHDA recommends that they start and plug in 4% of the shelter rent. She then stated that we have been “pushing back.” Councilmember Reid restated her question and asked if there is a point where we are having too many units that are being subsidized (by) utilizing this mechanism and, is there a target that we would want to get under, or is there any sort of guideline as far as the feasibility of maintaining our municipal services and anything else – that we have enough taxes to be able to do what we need to do. She asked should we keep this under 3%, under 5%, under 2%, for example, of the total taxes of the City? Ms. Georgeau indicated that there is nothing specified by the state and explained that the industrial tax abatement guidelines is an example of where the State does provide guidelines. With six PILOT developments and one family home as affordable housing, it was her opinion that Portage is still okay, and each proposed PILOT is viewed case by case. Councilmember Reid asked for some kind of comparison, not just with this request; for example, the total amount deferred as compared with the tax base in order to assure the residences that we are not “giving away the farm.” Ms. Georgeau noted that this is the first PILOT request for new construction since the mid 1990’s. Discussion followed and Mayor Strazdas concurred with Councilmember Reid and her request.

Motion by Urban, seconded by Reid, to adopt 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. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 351 of City of Portage Ordinance Book No. 12.

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

Portage Youth Advisory Committee of February 8, 2016.

Portage Senior Citizen Advisory Board of February 16, 2016.

COUNCIL COMMITTEE REPORTS: Mayor Strazdas reported a very positive picture for the future of water and sewer rates and infrastructure for Portage as a result of the Water and Sewer Rate Committee Meeting. He also indicated City Council would receive the report when it is presented for action by City Council. Discussion followed. Motion by Ansari, seconded by Randall, to receive a preliminary Water and Sewer Rate Committee oral presentation from Mayor Strazdas. Upon a voice vote, motion carried 7 to 0.

BID TABULATIONS:

* **CONSTITUTION BOULEVARD FROM ROMENCE ROAD TO WEST MILHAM AVENUE; SOUTH WESTNEDGE AVENUE FROM SHAVER ROAD TO WEST CENTRE AVENUE, AND WEST CENTRE AVENUE FROM SHAVER ROAD TO SOUTH WESTNEDGE AVENUE:** Motion by Pearson, seconded by Ansari, to award a construction contract to Rieth-Riley of Kalamazoo, Michigan, in an amount not to exceed \$819,169.15 for the resurfacing of: Constitution Boulevard from Romence Road to West Milham Avenue; South Westnedge Avenue from Shaver Road to West Centre Avenue; West Centre Avenue from Shaver Road to South Westnedge Avenue; and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

MARTIN LUTHER KING, JR. DRIVE RECONSTRUCTION PROJECT BID TABULATION: Mayor Strazdas deferred to City Manager Larry Shaffer, who reviewed the item and asked T&U Director Chris Barnes to discuss the successful bid process and how it fits into the plan and the budget. Mr. Barnes indicated that addressing this item was contingent upon the adoption of

Resolution No. 5 of item D.1, Martin Luther King, Jr. Drive Reconstruction Project #998-R, earlier. He indicated as part of the original Special Assessment Resolution No. 5, there was an acceptance of the deed, but the actual acceptance of the deed resolution was not placed in the electronic agenda. City Attorney Brown noted that it was missing and the Resolution to Accept Deed of Dedication of Martin Luther King, Jr. Drive as a Public Street of the City of Portage, Michigan, is presented at this time for adoption and explained. He then asked for a separate motion for adopting this Resolution.

Motion by Urban, seconded by Reid, to adopt a Resolution to Accept Deed of Dedication of Martin Luther King, Jr. Drive as a Public Street of the City of Portage, Michigan. Upon a roll call vote, motion carried 7 to 0.

Motion by Urban, seconded by Randall, to award a construction contract subsequent to approval of Resolution No. 5 of Special Assessment District 998-R for the Martin Luther King, Jr. Drive Reconstruction Project to Hoffman Brothers, Incorporated, of Battle Creek, Michigan; to approve a contract amendment with Wightman & Associates, Incorporated, in the amount not to exceed \$44,300 to perform construction engineering services for Martin Luther King, Jr. Drive; and to authorize the City Manager to sign all other documents related to this project on behalf of the city. At the request of City Attorney Brown, Councilmember Urban amended the motion to include the construction contract “in an amount not to exceed \$379,920” which was supported by Councilmember Randall, as it was not included as a part of the recommended motion. Upon a roll call vote, motion carried 7 to 0.

* **SANITARY SEWER CALL-IN SERVICES – BID TABULATION:** Motion by Pearson, seconded by Ansari, to award a construction contract to SWT Excavating, Incorporated, of Galesburg, Michigan, in the amount of \$13,211.15 with two, one-year extensions and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Former Mayor Pro Tem Dr. Romeo Phillips, 1983 Brighton Lane, listed his two former Portage addresses and noted that he has lived in Portage for 48 years. He offered his thanks to City Council and the City Manager for bringing in the Central State University of Ohio Choir and their efforts on the Martin Luther King, Jr. Drive Project. He indicated that Portage was the only municipality in Kalamazoo County to celebrate Black History Month and Martin Luther King, Jr.’s Birthday.

STATEMENTS FROM CITY COUNCIL AND CITY MANAGER: All of the Councilmembers expressed their appreciation for the student involvement in Student Mayor and Student City Council for the Day activities.

Councilmember Reid thanked Portage Public Schools for the program that allows for the student involvement in Student Mayor and Student City Council for the Day activities, reflected on the nice weather and wished everyone a Happy Easter.

Councilmember Randall acknowledged the Portage Fire Department for receiving Accreditation this past week from the Commission on Fire Accreditation International. She indicated that it is the first and only Accredited Fire Department in the State of Michigan and noted in order to qualify, there was a marked increase in response time necessary which helps save lives. She reminded everyone that the brush and bagged leaf collection takes place April 4 through May 29, and spring cleanup takes place April 18-19 and wished a Happy Easter to all who celebrate that holiday.

Councilmember Ford gave special thanks to staff and to the students for their time and efforts.

Councilmember Pearson concurred with Councilmember Ford, acknowledged the Portage Fire Department for receiving Accreditation this past week, and noted that less than 1% of the municipalities in the country have accredited Fire Departments and less than 3% have accredited Police Departments, and Portage has both.

City Manager Shaffer gave special thanks to Randy Brown, Chris Barnes, Vicki Georgeau and Rob Boulis for the Martin Luther King, Jr. Drive effort. He indicated that he had a conversation with Environmental Board Chair Ruth Caputo regarding a deer survey conducted by Kalamazoo Christian High School student volunteers who used the services of Mark Mills of the DNR. He indicated that the Environmental Board will conduct a comprehensive deer study, including public sessions, and he expressed his confidence that they would come back with a reasonable plan and recommendation.

Councilmember Ansari congratulated the City for a very successful water treatment event held on Saturday at the Water Treatment Plant and expressed kudos to Mr. Barnes and his staff for the effort. Mayor Strazdas concurred.

Mayor Strazdas asked Public Safety Director White whether there were any other municipalities with both departments accredited and he responded that he could not think of one. He reflected on the length of the process and acknowledged how powerful it is that both departments are accredited. He also reflected on the business items covered at the meeting, especially the details of the development and construction items. He announced that he will be leaving for Europe, 200 miles from the Brussels Airport, Belgium, terrorist incident where he plans to reach out to University officials and Mayors of some City Halls.

MATERIALS TRANSMITTED:

* **DEPARTMENT MONTHLY REPORTS:** Motion by Pearson, seconded by Ansari, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 7 to 0.

* **MATERIALS TRANSMITTED OF MARCH 8, 2016:** Motion by Pearson, seconded by Ansari, to receive the Materials Transmitted of March 8, 2016. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:38 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.