CITY COUNCIL MEETING MINUTES FROM APRIL 26, 2016

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

At the request of Mayor Strazdas, Elder John Medema of the First Reformed 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.

PROCLAMATIONS: Mayor Strazdas issued a National Children's Mental Health Awareness Day Proclamation and a National Arbor Day Proclamation. Discussion followed.

Representative Brand Iden provided a Proclamation signed by Governor Snyder honoring Mayor Strazdas for receiving the North Star Award, one of the first in Michigan. This is a tribute to Mayor Strazdas from the State Legislature for his efforts over the years with the Boy Scouts and the Girl Scouts of America. Discussion followed.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Randall, to approve Regular Meeting Minutes of April 12, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Randall, to approve the Budget Meeting Minutes of April 19, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Randall, to approve the Pre-Council Meeting Minutes of April 25, 2016, as presented. Upon a voice vote, motion carried 4 to 0 with Councilmembers Urban, Ansari and Ford abstaining.

*** CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Ansari to read the Consent Agenda. Mindy Tai, 1620 Romence Road, asked that Item F.3, Medical Marihuana, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 7 to 0.

*** APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 26, 2016:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of April 26, 2016, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

2016 UTILITY RATE FINANCIAL STUDY: At the request of Mayor Strazdas, City Manager Larry Shaffer provided some introductory remarks, prior to the review of the 2016 Utility Rate Financial Study by Transportation & Utilities Director Chris Barnes.

Mr. Barnes began with an Overview of the Annual Rate Analysis:

- Prior to 1986 utility rates were reviewed on an as needed basis which lead to unpredictable charges.
- In 2008 the City received notice from the State of Michigan requiring a plan to eliminate the deficit in the utility funds.
- Annual review of expenses and rates is an excellent means of review of utility costs and keeps the rate changes consistent and predictable.
- 2016 proposed rate increase is 0.75% or $0.47 per month for the average residential customer.

Mr. Barnes provided a linear Rate Adjustment Graph for the typical Residential Customer and indicated that the rate increase percentages are trending down. He reviewed a Water Production bar graph showing gallons of water supplied each year since 2005 showing a decrease in consumption owing to efficiencies and irrigation increases. He noted three key issues raised as a part of the Utility Rate Committee Meeting and two Water Facility Open Houses: water quality and public health, planning and forecasting for the future, and value of water/cost of service.

Mr. Barnes noted a concern for the water quality by Portage residents with over 200 people attending the Open House in conjunction with the Greenathon. He indicated that there are no lead water service pipes in Portage; however, homes built before 1995 may have some lead in the solder used on the copper pipes installed at that time, presented a graph depicting the 2016 water sample test results for lead in Portage and explained. He provided a Water Use slide shaped like a drop of water that segmented how and why water is deployed and used in Portage.

Next, Mr. Barnes reviewed the presence of iron in Portage water an indicated Portage water is naturally hard and high in iron. He said that the most effective means for the customer to remove hardness and iron is with water softener or iron filter at the point of use, and revealed that the cost to remove iron from the water system is approximately $65 to $130 million and would triple the current water rates. Discussion followed.

He cited some of the elements of future planning and forecasting, including: systematic replacement of 1 to 2 miles per year of older cast iron water mains; water rehabilitation and replacement; well construction and rehabilitation; water reliability study every five years; testing of water supply for unregulated contaminates; and wellhead and groundwater protection.

Mr. Barnes continued by discussing the components of the Water Fund, including: operation and maintenance performed by Suez Water Environmental Services, equipment and building rental, city administration and oversight, debt service for water capital improvements, and cash reserves for emergencies or project financing. He also mentioned that there are additional costs related to groundwater protection, such as: landfill testing at South Westnedge Avenue Park, Retention Basin monitoring, mowing and maintenance, street sweeping, as well as storm sewer and catch basin maintenance and replacement. He pointed out that the City of Portage performs these services while still positioning itself the third from the bottom in annual city taxes and fees of cities of comparable size in the State.

He finished up by showing the comparison that bottled water costs $6.34 per gallon, filtered store brand water costs $0.89 per gallon and Portage tap water costs only 0.3 cents per gallon! He reviewed the rate recommendations as outlined in the 2016 Utility Rate Financial Study.

In answer to Mayor Pro Tem Ansari, Mr. Barnes indicated that Mr. Shaffer has established $4.3 million as a cash reserve in the Water and Sewer Fund with a significant portion of that amount being retained for the construction of a water tower at Haverhill Park area in order to avoid a debt of about $7.5 million since only about half of the cost of the water tower would be funded with issuance of a bond. Mayor Pro Tem Ansari read the percent rate change listing on page 2 of the 2016 Utility Rate Financial Study and expressed a desire to pass excess funds on to Portage citizens as his conscience cannot justify any rate increases. Using the Consumers Price Index, Mr. Barnes said the 0.47% increase is well under the typical cost increase and the increases were because of building some very significant projects and explained that the utilities fund is an enterprise fund which has to pay for infrastructure.

City Manager Shaffer concurred with Mr. Barnes and explained that over the years, the dramatic fluctuations of the fund was in direct response to putting on an extreme amount of debt on the water users, and not adjusting the rate periodically to adjust for increases in expenses. He concurred with Mayor Pro Tem Ansari that all rate increases are to be avoided, but the City philosophy is "Let's go slow, and let's go low" in order to get reasonable stability and predictability, so as to avoid periodic rate shock increases. He summed up by saying, over the long term, the rate is going to be modest and predictable and the plan is to apply cash reserves for future infrastructure needs, rather than bonding for those needs.

Mayor Strazdas opened the public hearing to the audience. There being no comment, motion by Reid, second by Ford, to close the public hearing. Upon a roll call vote, motion carried 7 to 0.

Motion by Ford, seconded by Reid, to adopt the recommendation that the sewer commodity rate remain at $4.60 per 1,000 gallons of metered water; the recommendation that the water commodity rate remain at $3.19 per 1,000 gallons of metered water; the recommendation that adjustments be made to both the sewer and water base quarterly charges as noted in the 2016 Utility Rate Financial Study; the recommendation that the new rates become effective on October 1, 2016; and the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2016 Utility Rate Financial Study. Discussion followed. Mayor Strazdas recognized the work of Councilmembers Reid and Ford for their work on the Utility Rate Committee and thanked them. Discussion followed. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Ford, Pearson, Randall, Reid, Urban and Mayor Peter Strazdas. No: Mayor Pro Tem Nasim Ansari. Resolutions recorded on pages 153 and 159 of City of Portage Resolution Book No. 46.

REPORTS FROM THE ADMINISTRATION:

* **PUBLIC HEARING ON FISCAL YEAR 2016-2017 BUDGET:** Motion by Urban, seconded by Reid, to adopt the Resolution setting a public hearing on May 10, 2016, at 7:30 p.m. or as soon thereafter as may be heard, for the Fiscal Year 2016-2017 proposed city budget and the proposed 2016 tax levy. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 163 of City of Portage Resolution Book No. 46.

* **ADOPTION OF BOND RESOLUTIONS:** Motion by Urban, seconded by Reid, to adopt the Bond Resolution for Bonds Not To Exceed $3,250,000, City of Portage Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project), and adopt the Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2016 (New Improvements and Refunding Project). Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 165 and 177 of City of Portage Resolution Book No. 46.

MEDICAL MARIHUANA: After a discussion with City Attorney Randy Brown, Mayor Strazdas recused himself as he has a relative associated with one of the businesses that are the subject of this item and left Council Chambers. Mayor Pro Tem Ansari deferred to City Manager Shaffer, who suggested offering podium to Mindy Tai, 1620 Romence Road, who asked that Item F.3, Medical Marihuana, be removed from the Consent Agenda. Ms. Tai asked that the City Council refrain from adopting a moratorium on the enforcement of the City of Portage Ordinance 42-129. She stated that she has nothing against the Medical Marihuana Law, but does have a problem with people who break the law. She expressed her impression that the two shop owners disregarded the City of Portage Ordinance and continued to do business after the Zoning Board rejected their appeal of a Cease and Desist Order. She said there is no hardship since they can move to a municipality that allows for a store front. She summed up and restated her request that the City Council refrain from adopting a moratorium on the enforcement of the City of Portage Ordinance 42-129.

Mr. Shaffer explained that the moratorium does not in and of itself stay the enforcement of the Ordinance without City Council approval of a stay upon the two entities in question. He also explained that the moratorium only grants a specific amount of time for the City of Portage to review the construction of the Ordinance and provide the opportunity to revise the Ordinance to the improvement of our community. Mayor Pro Tem Ansari indicated that the proposed action before City Council contemplates this discussion at the Regular City Council Meeting of May 10, 2016. City Attorney Brown interjected that the moratorium actually prohibits the establishment expansion of businesses that are presently in existence against whom the enforcement action is being brought; also, the suggested action before City Council is to schedule a public hearing on the ordinance on May 10, 2016, while the City reviews this Ordinance and explores possibilities.

Councilmember Randall asked whether it is appropriate for Council to direct the Administration and Public Safety regarding how to act during this period of reflection and review as support and to stay enforcement during this period. Mr. Brown indicated that the offering of the motion is certainly in order and it is up to City Council whether it passes or not. In answer to Councilmember Reid, Mr. Brown referenced the moratorium and the stay of enforcement as two different issues and whether Council passes the moratorium or not, the enforcement continues and explained. Discussion followed.

Motion by Urban, seconded by Reid to accept a temporary moratorium ordinance pertaining to Medical Marihuana for first reading and consider ordinance adoption on May 10, 2016. In answer to Councilmember Pearson, City Attorney Brown indicated that the passage of this motion does not preclude the motion suggested by Councilmember Randall at the last meeting to stay the enforcement of the Ordinance. Discussion followed. After a point of order, motion by Urban, seconded by Reid to accept a temporary moratorium ordinance pertaining to Medical Marihuana for first reading and schedule a public hearing on May 10, 2016, at 7:30 p.m. or as soon thereafter as may be heard, and after the public hearing, consider adoption of the ordinance. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

Motion by Randall, seconded by Pearson to direct the City Manager to temporarily refrain from issuing citations or enforcing any currently issued citation(s) for a business operation on April 26, 2016, which is engaged in registered qualifying patient/registered caregiver exchanges or dispensing of medical marihuana to registered qualifying patients until such time as a Moratorium Ordinance has expired or an ordinance is adopted by Council addressing issues concerning the medical use of marihuana under the Michigan Medical Marihuana Act, whichever occurs first. This applies only to a business which has exhausted its administrative remedies under the Portage Zoning Ordinance through the Zoning Board of Appeals. This does not apply to building, plumbing, electrical, or non-zoning code violations, nor does it give any rights as a non-conforming use of otherwise. If an ordinance is adopted as described above, such businesses shall conform to the ordinance or cease its operations. Discussion followed.

Councilmember Pearson spoke in favor of passing this motion now because waiting two weeks only allows two weeks for a business to establish itself in time to be covered under the stay of enforcement.

Councilmember Urban spoke in opposition to the ordinance because it was admitted in front of us that at least one of these two businesses knew that our interpretation of our ordinance prohibited their business, and they decided on their own the Ordinance was either illegal or ineffective and opened their business. He indicated that this is for the Court to decide before the fact, not after the fact. He stated that he is not sympathetic to people who choose to break the law, make us enforce our laws and force us to shut them down after the fact, and make money in the meantime. He viewed it as "scofflaw" which he has never favored, and used developers as an example who have tried to do this in the past, among others.

Councilmember Pearson indicated he watched the Zoning Board of Appeals meeting which lasted four hours where this matter was addressed, and the recurring theme was that the Zoning Board of Appeals members needed guidance because it is not clear what to do. He also indicated that the dispensary owners have not had the chance to go to Circuit Court and exhaust all of their remedies and explained giving examples.

In answer to Councilmember Reid, City Attorney Brown indicated that the motion would stay enforcement for any operation that is operating as of today that went to the Zoning Board of Appeals. Mayor Pro Tem Ansari expressed his desire to have this motion considered at the public hearing to allow the public time for review. Councilmember Randall reminded him that the Council has had this motion for two weeks and the City Manager (and the Police Department) needs guidance from City Council on this matter and explained. Councilmember Ford cited pending legislation in the State, the ZBA proceedings and indicated that the motion addresses an administrative matter and enforcement is up to the City Manager, and not City Council, and City Attorney Brown responded he is correct and that is why the motion is written that the City Manager has "requested to temporarily refrain" in order to

have some type of direction from City Council. Mr. Brown concurred with Councilmember Ford that the City Manager could follow whatever direction he may decide on his own initiative.

Councilmember Reid indicated that she wants to give very clear direction to the City Manager that she feels he should be enforcing our current ordinances. She indicated that businesses came in, recognized the ordinances, what was going on in the City, and chose to open businesses that were not in alignment with that. She said that it is a separate issue of whether we should be making any changes in how we handle medical marihuana, and that has to do with the moratorium which will be discussed on May 10, 2016. She reminded everyone that we have people who have knowingly broken the law and, for us to say we are not going to do anything and allow them to continue to do business during the time that we are figuring it out, sends a very wrong message; therefore, she restated her wish to give very clear direction to the City Manager that he should be enforcing our current ordinances. Discussion followed.

Mr. Brown reminded Council that a two thirds vote is necessary for the motion, or a 4 to 2 vote; if it is a 3 to 3 vote, the motion fails. Councilmember Randall spoke in favor of the motion and directed her comments to Mayor Pro Tem Ansari. Motion by Urban to call the question. City Attorney Brown indicated a second is necessary, and Councilmember Reid seconded. Mr. Brown indicated that if there is no opposition to calling the question, then it can proceed with the vote, but if there opposition then the calling of the question has to have a vote on its own which would require four votes or two thirds of the majority of those present. Discussion followed.

Upon a roll call vote, motion to call the question failed 3 to 3. Yeas: Councilmembers Reid and Urban and Mayor Pro Tem Nasim Ansari. No: Councilmembers Ford, Pearson and Randall. Discussion followed. City Manager Shaffer stated his position and explained that he would be reluctant to take any action over the next two weeks. Discussion followed.

Councilmember Randall withdrew her motion, and Councilmember Pearson agreed, and asked for the assurances of the City Attorney and the City Manager and anyone else to provide Mayor Pro Tem Ansari the plethora of information that he needs to understand the issue for the next City Council Meeting and take a vote at that time.

Motion by Randall, seconded by Pearson, to table this motion until the May 10, 2016 Regular City Council Meeting. Upon a roll call vote, motion carried 5 to 1. Yeas: Councilmembers Ford, Pearson, Randall and Reid and Mayor Pro Tem Nasim Ansari. No: Councilmember Urban.

* **EMERGENCY VEHICLE APPARATUS MAINTENANCE CONTRACT:** Motion by Urban, seconded by Reid, to award a three-year sole source contract, with the option for one three-year extension, to Emergency Vehicle Products for maintenance of all fire emergency apparatus and authorize the City Manager to execute all documents related this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **COOLEY DRIVE AND WEST CENTRE AVENUE TRAFFIC SIGNAL AND RELATED RIGHT-OF-WAY IMPROVEMENTS:** Motion by Urban, seconded by Reid, to approve the Development Agreement concerning the construction of a traffic signal and related right-of-way improvements at the intersection of Cooley Drive and West Centre Avenue. Upon a roll call vote, motion carried 7 to 0.

* **FIREFIGHTER PHYSICALS:** Motion by Urban, seconded by Reid, to award a one-year contract to Professional Health Services, Inc., for administering firefighter physicals at a cost not to exceed $28,703 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.

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

COMMUNICATIONS:

ANNUAL UPDATE OF THE PARK BOARD: At the request of Mayor Strazdas, Park Board Chairperson Kathleen Hoyle reviewed her communication to City Council dated March 22, 2016, and contained in City Council Agenda Packet of April 26, 2016. Discussion followed.

Motion by Ford, seconded by Reid, to receive the Annual Update of the Park Board from Park Board Chairperson Kathleen Hoyle. Upon a voice vote, motion carried 7 to 0.

JUDY ANDERSON, 6737 BRATCHER STREET: Judy Anderson, 6737 Bratcher Street, objected to the plan to remove the driveway on the terrace space between the sidewalk and the curb which the City does each time a roadway is reconstructed.

Barbara Scott, 6749 Bratcher Street, spoke in support of Ms. Anderson's position and asked if the paved parking spot could be grandfathered in and City Attorney Randy Brown indicated that a private citizen cannot claim an interest in a public right-of-way and grandfathering is not an appropriate concept in this case as there is no lease or license interest in that property, and City Council would have to take that action. Discussion followed.

Vincent Heller, 6846 Cornell Street, concurred with Ms. Judy Anderson. Discussion followed.

Motion by Reid, seconded by Urban, to receive the communication from Judy Anderson regarding Right-of-Way encroachments in the Ringdale Plat and direct the City Manager to engage with petitioners and have a report for City Council for the May 10, 2016 Regular City Council Meeting. When Ms. Anderson asked if cars could be parked on the lawn, Mayor Strazdas directed Mr. Shaffer to include a response in his report. Upon a roll call vote, motion carried 6 to 0 with Councilmember Ford abstaining.

UNFINISHED BUSINESS:

REZONING APPLICATION #15/16-2 (ADMIRAL AVENUE/DORSET STREET): At the request of Mayor Strazdas, Mr. Shaffer indicated that he walked the site, conference-called three property owners, met with one property owner and spoke with Chad Scott twice. He also talked with Community Development Director and came up with a compromise of all things considered. He mentioned three options: to do nothing and leave the zoning as is, to approve the recommended approach provided by the Planning Commission, or to make all of the recommendations provided by the Planning Commission except for one compromise, a notion that allows truncate the area to the north of Admiral and Cameo to allow for the maximum of two duplexes. With that, he deferred to Community Development Director Vicki Georgeau outlined the proposed zoning recommendation using a map which is the same as the Planning Commission recommendation except that the north 125 feet of 480 Admiral Avenue be rezoned to R-1T. She described the subject property and its topography.

When Mayor Strazdas asked for assurances that she could give to the neighbors, or how much is swamp or high ground, Ms. Georgeau concurred that the determination of topography and wetland areas is not reviewed during the rezoning process, and the applicant would be required to submit documentation that the Department of Environmental Quality reviewed the land. However, based upon the site inspections, she said the land is buildable on the north end, but whether or not the builder could get more than one building on the north end would have to be determined by the property owner during the development process. She concurred with Mayor Strazdas that this will be determined by expert opinions. Discussion followed and Ms. Georgeau provided maps with a couple of options. Discussion followed.

Bryan Cederberg, 612 Dorset Street, reviewed his e-mail to City Council dated April 26, 2016, and spoke in favor of approval of Rezoning Application #15/16-2 as recommended by Vicki Georgeau, Director of Community Development, at the March 22, 2016 Regular City Council Meeting.

Monica Whipple, 618 Dorset, objected to any building on the land in question because it is wetland and commented that it would hinder the wildlife living there.

Alisha Cederberg, 612 Dorset Street, spoke in favor of leaving the property zoned as is and pointed out that the duplex would have a single family home on either side of the proposed structure and the end of Dorset and Cameo. Discussion followed.

Mayor Pro Tem Ansari asked about the original Planning Commission recommendation, and asked Ms. Georgeau, "What changed?" Ms. Georgeau indicated that once the Planning Commission reviewed the application submitted by Chad Scott to rezone 480 Admiral Avenue, the Planning Commission wanted a better understanding of the irregular zoning pattern of this neighborhood and how it compared to the existing land use. She said that the Planning Commission decided to expand the zoning of the existing properties in December 2015 along Dorset, as well as the city-owned property along Romence and the Railroad tracks that is designated as a part of the Bicentennial Trail, and an area of the duplex property that is zoned I-1, light industrial, which did not really make sense, so the Planning Commission decided to initiate the rezoning and the R-1T, attached residential, properties are all developed as R-1A, one family residential. She referred Mayor Pro Tem Ansari to the City Council Agenda Packet for further history of the item. She disclosed that five of the seven property owners on Dorset actually submitted a petition to change their zoning from R-1T, attached residential, to R-1A, one family residential, which showed they were not in favor of having duplexes in the interior of this neighborhood. She explained that her review of other cities with attached residential next to one family residential homes does not necessarily result in a negative impact. She concluded that the R-1A, one family residential, is the most consistent with this neighborhood, and the R-1T, attached residential, is consistent, just not as consistent, and not completely incompatible. Discussion followed.

Mr. Shaffer summed up that there was no motion at the last meeting on the recommendation before City Council, so the Administration reconsidered the matter, and the R-1T, attached residential, was determined to be a reasonable option for consideration. Discussion followed.

In answer to Councilmember Randall, Ms. Georgeau indicated that Chad Scott said he would cut down all of the trees on this (wet land) property if he did not get his rezoning request. Discussion followed. When Ms. Georgeau broached the subject of the need for a permit from the Department of Environmental Quality (DEQ) to cut his trees, Councilmember Urban interjected that Chad Scott does not need a permit from the DEQ to cut his trees; he would need one only if he plans to remove the stumps. Councilmember Randall cited a failed rezoning request on M-43 of 45 acres where the owner did cut all of the trees and removed the stumps without getting a permit from the DEQ.

When Councilmember Reid asked whether the owner could bring in fill in order to make the property buildable and assist with the development, Ms. Georgeau noted that evidence from the DEQ would be necessary to determine that a permit is not required, or showed that they have obtained a permit that complies with the wetland regulations of the State before a building permit would be issued.

Councilmember Reid asked if this compromise was approved, how would a shared drive work on this plan and Ms. Georgeau responded that there is not a limit on the number of dwelling units an owner can have on a property when it is zoned other than one family residential and explained the builder would have an option to design one or two drives with this plan.

Mayor Strazdas asked whether anything can be built on this site; what can be done with a multiple or a single unit; and isn't the threshold question, "Is the land buildable?" Further, Mayor Strazdas asked Mr. Brown whether the question can be asked as a part of the rezoning process or not. Mr. Brown indicated that the issue of whether the property is buildable or not is not totally irrelevant, but what is more important is whether the zoning is in conformance with the Comprehensive Plan, the future land use elements of that Plan, and the other standards we have reviewed in the past with regard to zoning principles.

Councilmember Ford asked how two structures could be positioned on the land, and Ms. Georgeau responded staff has had limited conversations with the applicant who originally submitted a fourplex which fit, but would require access to a major thoroughfare; and, since a duplex only requires 12 feet of separation, she said that it is believable that there is enough area for two duplexes and explained. Discussion followed. Mayor Strazdas summed up.

In answer to Councilmember Urban, Ms. Georgeau indicated that the builder could build a driveway across the R-1A, one family residential, or I-1, light industrial, on the southern portion of his

property for access since the only limitation is that a driveway cannot be built across a residential zoned property to access a parking lot.

Motion by Pearson, seconded by Ansari, to approve Rezoning Application #15/16-2 as follows: 480 Admiral Avenue: rezone from I-1, light industrial, and RM-1, multiple family residential, to R-1A, one family residential, except that the north 125 feet of 480 Admiral Avenue be rezoned to R-1T, attached 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 R-1A, one family residential (except the western portion which is to remain zoned B-2, community business). Councilmember Reid spoke in opposition to the motion. Discussion followed. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Urban, Ford, Pearson and Randall, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmember Reid. Discussion followed. Mr. Shaffer indicated that as a result of a tour of the neighborhood with Mr. Cederberg, the City plans to find the funds next year to resurface the streets in the neighborhood, and take care of the drainage issue that surfaced.

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

Portage Public Schools District Advisory Council of February 18, 2016.
Portage Youth Advisory Committee of March 14, 2016.
Portage Planning Commission of April 7, 2016.

COUNCIL COMMITTEE REPORTS: Councilmember Ford provided a report regarding permit requirements for irrigation wells discussion at the Kalamazoo County Environmental Health Advisory Council Meeting, but no action was taken. In answer to Councilmember urban, Councilmember Ford indicated a commercial well has to obtain a permit, but the County was interested in having the residents obtain a permit for private wells. Motion by Reid, seconded by Ford, to receive the oral report from Councilmember Ford regarding the Kalamazoo County Environmental Health Advisory Council Meeting. Upon a voice vote, motion carried 7 to 0.

BID TABULATIONS:

* **TRAFFIC SIGNAL EQUIPMENT AND MATERIAL PURCHASE – BID TABULATION:** Motion by Urban, seconded by Reid, to award a contract for the purchase of traffic signal poles, mast arms and assemblies to Maico Industries, Inc., in an amount not to exceed $153,873 for: a traffic safety project on South Westnedge Avenue and Romence Road, a traffic signal upgrade on South Westnedge Avenue and Kilgore Road, new traffic signal installation on West Centre Avenue and Old Centre Avenue and additional inventory stock 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.

* **INDEPENDENT AUDIT SERVICE – BID TABULATION:** Motion by Urban, seconded by Reid, to award an independent audit service contract to Yeo & Yeo PC of Portage, Michigan, for a three-year cost not to exceed $71,400, with an option for three one-year renewals, and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid mentioned the interest exhibited by Portage residents in moving toward a greener city, and her appreciation for efforts of the Parks personnel and the Youth Advisory Committee (YAC), at the

Greenathon on Saturday at Celery Flats. She said the attendees were so moved by the event that they did not want to move along after the Greenathon ended at 2 p.m. She also cited the move by the Public Media Network (PMN) to provide live steaming of governmental programming on all windows-based platforms. She congratulated PMN Member Frank Jamison, who received the Star Volunteer Award.

Councilmember Randall concurred with Councilmember Reid and noted that the Greenathon is growing every year and has moved into the category of one of the most attended events every year. She also mentioned the move by Chris Barnes to have an open house at the Water Treatment Facility in conjunction with the Greenathon. She took this opportunity to ask for applications for the Youth Advisory Committee (YAC), who will meet, Tuesday, May 10, 2016, at 5:15 p.m. for interviews in City Hall Conference Room #1. She talked about the 26th Tree Planting Ceremony earlier at 5:45 p.m. and the tree that was donated and moved on site by Romence Gardens. Mayor Strazdas expressed his appreciation to Bob Romence and noted how well he works with us.

City Manager Larry Shaffer acknowledged the efforts of Chis Barnes and his team for their move to sponsor the two open houses at the Water Treatment Facility, the last one in conjunction with the Greenathon.

Mayor Pro Tem concurred with Mr. Shaffer regarding the two open houses at the Water Treatment Facility, and congratulated Ms. Diane Schrock, who will be receiving the much deserved Community Service Award from the Portage Rotary, tomorrow, April 27, 2016.

Mayor Strazdas thanked Deputy City Clerk Adam Herringa for his efforts with the YAC and the Greenathon and complimented City Council and their move years ago to create the Youth Advisory Committee to get Portage youth involved in local government. He mentioned that he was selected to be on the Judge Committee to help choose the recipient of the Star Volunteer Award, which proved to be a great opportunity to thank all of the volunteers in Southwest Michigan, who put in hundreds of thousands of volunteer hours. He said many of them were from Portage or volunteer in Portage. He indicated he was chosen to speak at the Rotary Dinner at the Air Zoo on Friday night which had a great turn-out and thanked all of the Rotarians for their service.

City Clerk James Hudson reminded everyone to vote at the Special Election on Tuesday, May 3, 2016, the Public Safety Millage Renewal and the millage for the Kalamazoo County Transit Authority.

MATERIALS TRANSMITTED:

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

* **MATERIALS TRANSMITTED OF APRIL 12, 2016: Motion** by Urban, seconded by Reid, to receive the Materials Transmitted of Friday, April 12, 2016. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:54 p.m.

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James R. Hudson City Clerk

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