

CITY COUNCIL MEETING MINUTES FROM OCTOBER 18, 2016

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

At the request of Mayor Pro Tem Ansari, Pastor Marty Breithaupt of the Kalamazoo First Assembly of God Church, gave an invocation and Boy Scout Troop 208 led the City Council and the audience in the recitation of the Pledge of Allegiance.

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

PROCLAMATION: Mayor Pro Tem Ansari issued a Red Ribbon Week Proclamation on behalf of Mayor Peter Strazdas.

APPROVAL OF MINUTES: Motion by Ford, seconded by Randall, to approve the Special Meeting Minutes and Regular Meeting Minutes of October 4, 2016, and the Pre-Council Meeting Minutes of October 17, 2016, as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Ansari asked Councilmember Ford to read the Consent Agenda. Motion by Randall, seconded by Reid, to approve the Consent Agenda Motions as presented. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 18, 2016:** Motion by Randall, seconded by Reid, to approve the Accounts Payable Register of October 18, 2016, as presented. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

ORDINANCE AMENDMENT #15/16-A, OFF-STREET PARKING AND LOADING REGULATIONS: Mayor Pro Tem Ansari proceeded to open the public hearing and deferred to City Manager Larry Shaffer, who asked Community Development Director Vicki Georgeau to summarize the efforts involved in the development of these changes to Off-Street Parking. Ms. Georgeau reflected on the work of the Planning Commission and the City Administration in an attempt to achieve better, more sustainable off-street parking facility design. She explained how the resultant ordinance would better utilize off-street parking resources; modify off-street parking requirements for various land uses; streamline the review and approval process; and promote “green” and sustainable development practices. She noted that the recommendations are based on an evaluation of current ordinance provisions, local observations, feedback from developers and business owners, a review of ordinance standards from comparable communities and national standards. She summarized the proposed changes for Council; she noted that the recommendation is for a general, small reduction in required spaces for a development, and nothing that would be considered drastic in nature. She gave some examples and explained in detail some of the challenges with onsite parking, offsite parking and stacking requirements for restaurants.

In general, she stated that the City Administration wants to provide a process that gives a little more flexibility for the development of unique businesses or properties. She said that a request up to a 25% reduction in parking is subject to review and approval by the Planning Commission including a detail analysis of the request, a public hearing option, a finding of unique circumstances and a possible requirement of a professional parking study. With that, she indicated that any request for a reduction below 25% would have to meet a more stringent variance before the Zoning Board of Appeals.

She gave examples of situations where the Planning Commission would streamline the review and approval process, and noted that conditions or uses not mentioned in the Zoning Code could be managed by the Director of Community Development since the site plan is still reviewed by the Planning Commission, including the parking. Next, she addressed the maximum parking requirements section, mentioned the desire to not pave too much and explained the impact of the proposed changes.

Ms. Georgeau noted that the most recent Comprehensive Plan encourages green and sustainable development practices and the proposed ordinance encourages low impact design elements such as rain gardens, bioswale and even pervious pavement surfaces, provided they still comply with the City water management guidelines. She also mentioned that the proposed ordinance encourages the addition of charging stations for electric vehicles and parking lot maintenance requirements.

With regard to pedestrian and non-motorized facilities, consistent with the Complete Streets Policy, she said language has been added for a pedestrian walkway from the public sidewalk, if there is one, to the main entrance to the building and a requirement for some bicycle parking where feasible up to four spaces. She cited the provision that eliminates loading and unloading facility requirements for office spaces as unnecessary and explained. She also mentioned that loading and unloading usually takes place in the rear yard, but in some situations it is more reasonable to allow loading and unloading in the side yard, especially on small lots adjacent to homes where there may be less impact on the side of the building instead of in the back of the building. Discussion followed.

Discussion followed regarding the impact of the reduction of parking on development and redevelopment, initiatives to get notice to local businesses, outreach efforts and sit-down restaurants. Councilmember Urban raised individual objections regarding shopping center parking for holiday shopping and 800 cars roaming the parking lot for a parking spot, and the standard requirement for employee or administrator plus auditorium parking requirements for Private elementary, junior high and senior high schools. Mr. Shaffer interjected a trend that employers have their employees park offsite and use mass transportation in order to free up parking spaces near the business. Discussion followed. Councilmember Ford suggested that Councilmember Urban include the word “or” instead of the word “plus” as a solution to his question regarding the standard requirement for employee or administrator plus auditorium parking requirements for Private elementary, junior high and senior high schools. Discussion followed.

Motion by Pearson, seconded by Ford, to close the public hearing. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

Motion by Randall, seconded by Reid, to approve an Ordinance to amend the Code of Ordinances of the City of Portage, Michigan, by adding Section 42-112, Definitions; Section 42-221 and 222, RM-1. Multi-Family Residential District; Division 6, Subdivision 1, Off-Street Parking and Loading, as presented with a modification that the minimum parking requirement for a Day spa be 1 space per 150 square feet of useable floor area (UFA); of Article 4, Zoning, of Chapter 42, Land Development Regulations. City Attorney Randy Brown articulated the following modification in *Section 42-523. Schedule of off-street parking requirements. Use. Institutional. Minimum # of Spaces* - for the Private elementary, junior high and senior high schools Use segment replace the word “plus” with the word “or”.

Councilmember Reid asked, if this passes, for a clarification of the process for an outlot such as that at Crossroads Mall and Southland Mall that would be developed under these circumstances and what would be the checks and balances with this process. Ms. Georgeau responded that it would start with a site plan review by the plan review team who would determine the useable floor area or gross useable floor area, the parking requirements, and whether the plan met the standards or if they wanted to exceed the standards. Councilmember Reid specified that her focus was on the almost 900 extra spaces at Crossroads Mall and 500 spaces at Southland Mall and the checks and balances with the process for those properties. Ms. Georgeau responded that it would be reviewed during the site plan review process with the Planning Commission where they would make sure the parking plan meets the requirements of the code as amended.

Councilmember Reid asked whether the City can stop a development that is not a Planned Unit Development (PUD) if the plan is somehow problematic, but zoned appropriately, and Ms. Georgeau

offered that a parking study can be required and, if the parking plan is a problem, staff would explain that to them (understanding that a business is not interested in an overdevelopment of their site where there is not enough parking for their customers) and explained. With that, Councilmember Reid conjectured that the City would have a dialogue, but no authority. Ms. Georgeau indicated that if the site plan meets the code, the City would be obligated to approve it unless a general standard that created a concern existed that could survive a legal challenge. She pointed out that if the development meets the code requirements, the City is obligated to approve it. She emphasized that months were spent on these parking provisions; that they are in line with what other communities are doing; that they comply with what the Institute of Traffic Engineers studies regarding peak parking demands; and that there is no concern that there will not be sufficient parking. Conversely, she indicated that the City currently has expansive parking lots that add to the impervious surfaces which add to storm runoff instead of pervious green space, ultimately creating unnecessary impediments to development.

Mr. Shaffer indicated that retailers typically calculate their gross sales in relation to their parking; and, once their sales levels are trending down, they may come back and try to work for other opportunities to receive a higher return on their investment. He reviewed the needs required to develop a restaurant using 400 parking spaces as an example, and explained how parking spaces would be weighed against a revenue generating development.

Councilmember Pearson expressed his support for the motion and indicated that after being on both the Zoning Board of Appeals and the Planning Commission, and participating in site plan review, he recognized this as a streamlined approval process since it takes away some of the Zoning Board of Appeals process and is handled in the site plan process routine by the Planning Commission. He mentioned that it gives the opportunity for staff to approve it instead of going to the Zoning Board of Appeals and it reserves the right to appeal the decision of staff to the Planning Commission. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 377 of City of Portage Ordinance Book No. 12.

PETITIONS AND STATEMENTS OF CITIZENS: Terry Butcher, 333 Cameo Avenue, on behalf of many others thanked City Council, City Manager Larry Shaffer, Transportation & Utilities Director Chris Barnes and all who helped for the recent Bicycle Ordinance and all of the efforts throughout the City to make bicycling safe for adults.

REPORTS FROM THE ADMINISTRATION:

* **MEDICAL MARIHUANA:** Motion by Randall, seconded by Reid, to accept a temporary moratorium ordinance pertaining to Medical Marihuana for first reading and set a public hearing for November 1, 2016, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, consider approving the temporary moratorium ordinance. Upon a roll call vote, motion carried 6 to 0.

* **AMENDMENT TO CHAPTER 78, "TRAFFIC AND VEHICLES":** Motion by Randall, seconded by Reid, to accept for first reading an amendment to Chapter 78, "Traffic and Vehicles" adding Section 78-3 "Overtaking and Passing Bicycles" to the Code of Ordinances to provide that motorists maintain a minimum distance when overtaking and passing a bicyclist; set a public hearing for November 15, 2016, at 7:30 p.m. or as soon thereafter as may be heard, and subsequent to the public hearing, approve the addition of Section 78-3 "Overtaking and Passing Bicycles." Upon a roll call vote, motion carried 6 to 0.

* **FY 2015-2016 ANALYSIS OF ZONING CONSISTENCY UPDATE:** Motion by Randall, seconded by Reid, to accept the FY 2015-2016 Analysis of Zoning Consistency Update as information only. Upon a roll call vote, motion carried 6 to 0.

- * **PORTAGE SENIOR CENTER MASTER PLAN PROJECT DISCLOSURE:** Motion by Randall, seconded by Reid, to receive the communication from the City Manager regarding the Portage Senior Center master plan project as information only. Upon a roll call vote, motion carried 6 to 0.
- * **SEPTEMBER 2016 ENVIRONMENTAL SUMMARY REPORT:** Motion by Randall, seconded by Reid, to receive the communication from the City Manager regarding the September 2016 Environmental Summary Report as information only. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

TRANSMITTAL FROM HUMAN SERVICES BOARD: Human Services Board Chair Amanda Woodin referenced her Transmittal from Human Services Board dated October 7, 2016, and indicated that it summarizes the processes conducted by the Board last summer both before and after meeting with City Council at the Committee of the Whole Meeting. She mentioned that the Board had two meetings afterwards to discuss the process and a lot of the discussion focused on the comments received from Council. She noted that most all of the recommendations brought were approved with the only split coming from the Grant Applicant presentations and explained.

City Manager Shaffer reminded Council that at their meeting together, the Human Services Board expressed some opportunities for improvement of the entire process of soliciting and applying for the Human Services grant. He commended the Human Services Board for their excellent work and their recommendations to accentuate community outreach, to make the process more streamlined, automated-less paper, and to incorporate a variety of different conditions in their scoring matrix that more closely reflect the concerns of Council at the Committee of the Whole Meeting. He then publically extended his appreciation to the Board for a job well done.

Under #2 of the Evaluation Criteria, Councilmember Reid referred to the intent to add more weight to non-profits that provide a significant portion of their services to Portage residents and asked how the Board deals with a very small agency that may serve mostly Portage people versus a large agency that serves more numbers of Portage people, but at a smaller proportion.

Ms. Woodin explained that the Board looks at how intense services are because the agencies that are more intense tend to serve less people overall, and she gave the examples such as counseling, taking people into a shelter, etc. versus a food bank where a lot more people receive the service, but just come in, get their food and leave. She said that in the scoring matrix, the funding levels come into play because it is more complicated.

Councilmember Reid indicated if the number of agencies increases, the amount of the funding naturally goes down unless the size of the grant increases, and asked if the Human Services Board has researched alternative sources of funding and offered a "Friends of the Human Services Board" option similar to the "Friends of the Park" to further impact the funds available to the agencies. Ms. Woodin said that topic did not come up, but the topic that did come up was how difficult it is to allocate the funds because the need is much greater than the resources, and Portage has one grant recipient that receives quite a large portion of the funds currently. Discussion followed and Councilmember Reid commended and thanked the Board for the fine job that they do in their analysis. With that, she inferred more groups should be benefiting from this.

Councilmember Urban concurred and agreed with Ms. Woodin that some of the larger agencies leverage the funds for more dollars from other sources. Discussion followed. Councilmember Urban asked if the Administration could provide a comparison of the points from the old system with those of the new system, side by side, and Mr. Shaffer indicated that staff would work with the Human Services Board to get those numbers for Council. Councilmember Pearson concurred, but just for the first year. Discussion followed.

Motion by Randall, seconded by Reid, to approve the suggested revisions to the General Fund and Community Development Block Grant Program human/public service funding process. Upon a voice vote, motion carried 6 to 0.

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

Portage Human Services Board of September 1, 2016.
Portage Youth Advisory Committee of September 12, 2016.
Portage Zoning Board of Appeals of September 12, 2016.
Portage Historic District Commission Regular Meeting and Historic District Study Committee Special Meeting of September 14, 2016.

COUNCIL COMMITTEE REPORTS:

KALAMAZOO COUNTY CENTRAL DISPATCH AUTHORITY (KCTA) BOARD:

Councilmember Reid indicated that the Finance Committee and the Tech Committee of the Consolidated Dispatch Committee have been working together in looking at site options for locating Consolidated Dispatch. She indicated that the architectural firm performing the technical analysis of the sites options has given an update to the joint committee which has to be received and analyzed by the Board. She mentioned that the joint committee is devising the language for a millage proposal that will be presented to the KCTA, then to the County Commission for consideration. She also said that the Board has hired an assistant who is researching federal grants specifically for the fire services segment of Consolidated Dispatch

Motion by Pearson, seconded by Reid, to receive the report on the Kalamazoo County Central Dispatch Authority Board from Councilmember Reid. Upon a voice vote, motion carried 6 to 0.

2017 PORTAGE COMMUNITY SURVEY: Councilmember Ford indicated that Councilmember Reid, Mayor Pro Tem Ansari and he met with Dr. Hartman from Western Michigan University to discuss the community survey. He indicated that one topic was the idea of moving the survey online, and the consensus was to run a mail survey together with an online survey of roughly 2,000 citizens, check the turn-out and determine future cost reduction options. He noted that they looked at the questions contained in the instrument and opted to add questions about management, Medical Marijuana and the Senior Center.

Councilmember Reid added that the online aspect of the survey is an invitation using a code number so it could be randomized. She said the intent is to run both types, compare the demographics and check the turnout on each of them to see which is the better way to go.

Motion by Pearson, seconded by Reid, to receive the report on the 2017 Portage Community Survey Committee from Councilmember Ford. Upon a voice vote, motion carried 6 to 0.

CITY MANAGER SALARY REVIEW/EVALUATION COMMITTEE: Councilmember Pearson indicated that the City Manager Salary Review/Evaluation Committee met that consists of Councilmember Randall, Mayor Strazdas and himself, and mentioned that the recommendation of the Committee will be distributed next week, and a Council Closed Session will be held on the matter at the next Regular City Council Meeting on November 1, 2016. He explained the purpose of the closed session where no decisions are made, and noted that any decisions would take place at the public meeting.

Motion by Pearson, seconded by Reid, to receive the report on the City Manager Salary Review/Evaluation Committee from Councilmember Pearson. Upon a voice vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Urban indicated that the transit system in Kalamazoo County is being run by the Central County Transportation Authority (CCTA) and the Kalamazoo Transit Authority (KCTA) instead of the City of Kalamazoo. He discussed the increased service, the increase in bus routes, extended service hours into the nights and weekends and the increase

in frequency of some of the routes. He stressed that the transition was uneventful even though there were some disagreements in the past. He gave full credit to Linda Teeter, who worked endlessly and tirelessly for over a decade on this effort and discussion followed.

Councilmember Reid thanked Councilmembers Urban and Pearson for their work on CCTA and expressed her delight that it has finally come to fruition. She asked everyone to enjoy the colors with the change in the season and asked that everyone be careful for the safety of the Halloween participants this year.

Mayor Pro Tem Ansari addressed the recent discussion in the news about “rigging elections” and indicated that the electoral process in the City of Portage is practically fool proof, after City Clerk James Hudson gave him a demonstration of the election procedures used in our City.

MATERIALS TRANSMITTED:

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Randall, seconded by Reid, to receive the Departmental Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

* **MATERIALS TRANSMITTED OF OCTOBER 4, 2016:** Motion by Randall, seconded by Reid, to receive the Materials Transmitted of Tuesday, October 4, 2016. Upon a roll call vote, motion carried 6 to 0.

ADJOURNMENT: Mayor Pro Tem Ansari adjourned the meeting at 8:56 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.