

CITY COUNCIL MEETING MINUTES FROM JANUARY 20, 2015

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

At the request of Mayor Strazdas, Pastor Richard Hertsel of the Centre Avenue Community Church of God provided an invocation. The City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Ansari, seconded by Urban, to approve the Special and Regular Meeting Minutes of January 6, 2015. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Pearson to read the Consent Agenda. Mayor Strazdas asked that Item H.1, Authorization to Conduct a Public Session to Discuss Interest in Extending Leaf, Brush and Spring Cleanup Collection Programs to Private Streets, be removed from the Consent Agenda. Councilmember Urban asked that items F.1 and F.2, Preliminary Condominium Subdivision for Copperleaf, Phase 1, and Engineering Plans for the Final Preliminary Condominium Subdivision for Copperleaf Phase 1, be removed from the Consent Agenda. Motion by Pearson, 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 JANUARY 20, 2015:** Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of January 20, 2015 as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

REZONING APPLICATION #14/15-2: Mayor Strazdas opened the public hearing and deferred to City Manager Shaffer who asked Director of Community Development, Vicki Georgeau, to provide background information and details related to the requested rezoning. Director Georgeau shared the history and details of the proposed rezoning and related development and informed City Council of City Administration and Planning Commission support for approving the application.

Mr. Richard Eby, Bickford Senior Living, 4707 West Milham Ave., spoke and shared that his business is asking for the rezoning so it can expand services related to memory care for seniors. Mr. Eby then shared and discussed details of the planned expansion. Councilmember Randall inquired how many jobs would be created and Mr. Eby replied that around six certified staff positions would result.

Don McCloud, 7421 Oak Shores, spoke in support of the rezoning and shared that he has a relative receiving care at Bickford Cottages and that he believes it to be the finest elder care facility in Kalamazoo County.

Motion by Reid, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Urban, seconded by Reid, to approve rezoning application #14/15-2 and rezone the west ten feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west ten feet) from B-2, community business, to OS-1, office service. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

PRELIMINARY CONDOMINIUM SUBDIVISION FOR COPPERLEAF, PHASE 1:

Councilmember Urban stated that he was not supportive of the initial Tentative Plan for this development, that his concerns remain and cited pedestrian access at the site entrance as an example of one of his concerns. Community Development Director Vicki Georgeau spoke and shared some of the details regarding the development that is being presented and how it differs slightly from the Tentative Plan. She noted that this development was formerly known as Harbors West. Ms. Georgeau continued by stating that the plan is still in substantial compliance with the original proposal and discussed the connection of the development to Milham Avenue, the pedestrian system that is included in the development and how it will connect to Harbors West Park. Ms. Georgeau then shared two of the reasons for the change in access as being the desire to preserve several mature trees that the developer and adjoining property owner would like to maintain and grading issues on the west side of the entrance. Discussion followed on sidewalk widths, trail locations and compliance with the Tentative Plan.

Brian Wood, Allen Edwin Homes, 2186 East Centre Street, spoke with regard to the entrance to the development and how it coincides and is in alignment with a future roadway directly across the street on Milham Road. Mr. Wood then offered additional detail on the preservation of trees and elevation issues associated with prior development plans.

Councilmember Reid inquired if the islands included in the planned entrance were a design feature or a city requirement. Pat Flanagan, Ingersoll, Watson and McMachen, 1133 East Milham, an engineering firm associated with the project, spoke and shared the importance of keeping the entryway in alignment with the future entryway on the opposite side of Milham Road and of the dangerous traffic movements that would be created if the entryways were not aligned. He also stated that, if the islands were removed, the traffic lanes of the entryway would not substantially shift.

Motion by Randall, seconded by Ansari, to approve the Preliminary Condominium Subdivision for Copperleaf, Phase 1, subject to approval of detailed engineering plans for the public infrastructure improvements. Upon a roll call vote, motion carried 6 to 1 with Councilmember Urban voting no.

ENGINEERING PLANS FOR THE FINAL PRELIMINARY CONDOMINIUM SUBDIVISION FOR COPPERLEAF PHASE 1: There being no discussion on the topic, Motion by Ford, seconded by Ansari, to approve detailed engineering plans for the Final Preliminary Condominium Subdivision for Copperleaf Phase 1. Upon a roll call vote, motion carried 7 to 0.

* **RESOLUTION NO. 4 FOR WEST OSTERHOUT SANITARY SEWER PROJECT #414-S:** Motion by Pearson, seconded by Reid, to adopt Resolution No. 4 for the West Osterhout Avenue Sanitary Sewer Project #414-S, setting a public hearing on the Assessment Roll for February 10, 2015. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 407 of City of Portage Resolution Book No. 45.

* **RESOLUTION NO. 4 FOR PINE VIEW DRIVE SANITARY SEWER PROJECT #415-S:** Motion by Pearson, seconded by Reid, to adopt Resolution No. 4 for the Pine View Drive Sanitary Sewer Project #415-S, setting a public hearing on the Assessment Roll for February 10, 2015. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 411 of City of Portage Resolution Book No. 45.

BOARD OF REVIEW APPOINTMENTS: Mayor Strazdas asked City Manager Shaffer to introduce the item and Mr. Shaffer provided his rationale and spoke in support of his recommended appointments to two Board of Review subcommittees. Councilmember Reid pointed out that the composition of one board is recommended to be the same as last year and wondered whether moving people around would be a better way to go. Discussion followed on reasons why and whether there would be a benefit to switching up the proposed compositions of the subcommittees and City Manager

Shaffer spoke in support of keeping the configuration the same as last year due to a record of success. Mayor Strazdas emphasized the importance of training and consistency for Board of Review members and inquired whether the composition of the subcommittees could be switched around should something happen which prevents a member from fulfilling his or her service. City Attorney Brown opined that City Council could make such a change provided it occurred before getting into the Board of Review sessions. He continued by stating that it would be more complicated to change subcommittee compositions once the Board of Review started hearing appeals.

Motion by Randall, seconded by Ansari, to appoint Lori Knapp, Michael Quinn and William Brandt to serve on “Sub-Committee One” of the Board of Review and to appoint Jay Woodhams, Keith Hearit and Wesley Mazurek to serve on “Sub-Committee Two” of the Board of Review. Upon a roll call vote, motion carried 7 to 0.

* **DECEMBER 2014 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Pearson, seconded by Reid, to receive the December 2014 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

COMMUNICATIONS:

PRESENTATION BY THE YOUTH ADVISORY COMMITTEE: Mayor Strazdas asked the Deputy City Clerk and staff liaison to the Youth Advisory Committee, Adam Herringa, to introduce the youth members present. Mr. Herringa introduced Youth Advisory Committee Chair Sami Ahmad, Vice Chair Amanda Croft and Secretary Grace Beverage. Mr. Ahmad referred to his communication to City Council dated January 12, 2015, and highlighted events and activities of the Youth Advisory Committee. Mayor Strazdas shared some of the history of the Youth Advisory Committee and thanked the members for their service. Motion by Ford, seconded by Reid, to receive the Annual Presentation by the Portage Youth Advisory Committee. Upon a voice vote, motion carried 7 to 0.

COMMUNICATION FROM MR. CHARLES AGOSTI REGARDING THE PROPOSED AMENDMENT TO THE CITY OF PORTAGE CODE OF ORDINANCES, CHAPTER 34, FIRE PREVENTION AND PROTECTION, REFLECTING CHANGES IN THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE: Mayor Strazdas shared that there would be an upcoming input session to afford the public an opportunity to provide feedback on the proposed changes to the Code of Ordinances and that action would not be taken until after the public has an opportunity to be heard. Mayor Strazdas then invited Mr. Agosti to come forward and share his thoughts and concerns on the topics identified in his communication to City Council. Mr. Charles Agosti, 1723 Romence Road, shared the recent history of the International Fire Code and why he believes certain changes have been made to it. He continued by stating that Portage currently utilizes the 2009 International Fire Code but that the City of Portage does not follow every aspect of the Code. Mr. Agosti stated that his biggest concern with the 2012 International Fire Code is related to costs that would be borne by business owners in order to comply with radio infrastructure requirements and that, to be in complete compliance, a business owner would need to make \$50,000 to \$60,000 in upgrades. He then expressed concern with how the planned Consolidated Dispatch operations would impact on the City of Portage’s ability to enforce provisions of the International Fire Code.

Councilmember Urban pointed out that the equipment requirements of the 2012 International Fire Code would primarily affect new buildings and that City Council has a say as to when it would affect existing structures. Mr. Agosti replied that, while this was true, it is his belief that established buildings would need to upgrade if structural improvements are made.

Mayor Strazdas emphasized the importance of having a clear and concise policy and to be clear on costs. He continued by stating that a public input process is needed and thanked Councilmember Urban for raising concerns about adopting the 2012 International Fire Code at an earlier City Council Meeting.

City Manager Shaffer assured the City Council that there would be a public input session and that concerns that are expressed would be shared with City Council along with a recommendation. Discussion followed and Mr. Agosti inquired if the proposed changes to the Fire Code could be made available on the Internet. Motion by Urban, seconded by Ansari, to receive the Communication from Mr. Charles Agosti regarding the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2012 edition of the International Fire Code. Upon a voice vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

AUTHORIZATION TO CONDUCT A PUBLIC SESSION(S) TO DISCUSS INTEREST IN EXTENDING LEAF, BRUSH AND SPRING CLEANUP COLLECTION PROGRAMS TO PRIVATE STREETS: Mayor Strazdas asked City Manager Shaffer to share some information and provide some background on the topic. Mr. Shaffer explained how the topic came about and that the City Attorney has written an opinion indicating there is no legal reason to prevent City Council from moving ahead with offering these services on private streets. Mr. Shaffer continued by stating that he would like to hold a public input session to hear from residents on the matter of expanding these services to private streets and that a report to Council would follow.

Mayor Strazdas discussed a report from City Administration regarding the potential of getting indemnification agreements with residents of streets that may be too narrow or that are not constructed to the same standards as public streets. He continued by stating that liability is a concern so there must be rules in place to protect both residents and the city. Mr. Shaffer emphasized the importance of making sure the program is safe and that proper rules and protocols are established and followed.

Councilmember Urban asked that a financial analysis be conducted that spans more than one year and would like to see an analysis that covers the life of the millage. Councilmember Reid stated that, according to materials provided to City Council on the topic, there is a requirement that individuals who received recycling service on private streets had to sign an indemnification agreement and wondered if that was still the case and how the provision of a service like leaf pickup would be any different. City Manager Shaffer responded that he would research the matter. Discussion followed on the appropriateness of having agreements in place with property owners v. homeowner associations.

Councilmember Randall inquired if there are current public streets in the City that do not measure up to current standards and cited some of the streets near the lakes as examples. Mr. Shaffer responded in the affirmative and confirmed that residents on these streets do receive the services in question. Councilmember Randall followed up and inquired if a fire apparatus would drive down a private street and Mr. Shaffer responded in the affirmative and stated that in an emergency the fire department is not focusing on whether a road is public or private.

Councilmember Ford expressed support for looking closely at the millage and whether it will be sufficient to meet future demand and that he believes, if proper agreements are in place, these services can be expanded to private streets.

Michael Jaeger, 7415 Byrne Court, spoke and shared that he had come prepared to advocate for expansion of the services on private streets but would be supportive of participating in a public input session on the topic. He expressed frustration with the current process for residents of his neighborhood to get leaves removed and shared his desire to see leaf, brush and spring cleanup services expanded on private streets.

James Falahee, 7463 Cottage Oaks, shared his experience with attempting to get these services expanded onto local streets in the past and expressed his support for extending leaf, brush and spring cleanup to private streets.

Councilmember Reid inquired as to the process of changing a private street to a public street and Attorney Brown provided his thoughts on the topic. Discussion followed on this topic along with the provision of city services on future private roads and the need to have a sound policy in place.

Councilmember Randall expressed her strong support for expanding the services especially since property owners on private streets have been paying for these services for years without receiving a benefit. She continued by stating that she would like to make it happen in 2015, provided some history regarding the initial implementation of the program and expressed support for moving forward.

Bob Bodzianowski, 7451 Byrne Court, shared his support for expanding services to private streets especially since they are paying taxes for them.

Mayor Strazdas emphasized that the matter of expanding leaf, brush and spring cleanup services to private streets needs a fair and equitable policy in place that works for the whole city.

Mr. Jaeger spoke with regard to the dedicated millage/fund that is used to pay for leaf, brush and the spring cleanup and likened it to the recycling millage/fund. He stated that the two are very similar and while his neighborhood receives recycling services, it does not receive leaf pickup. He then contrasted these dedicated funds with services provided for by the General Fund and noted snow plowing as an example. Mayor Strazdas stated that he agreed with Mr. Jaeger's logic but wants to make sure there are not lawsuits against the city by expanding services to private streets and that an equitable system for all is established.

Councilmember Reid inquired if all residents on private streets would be notified of the input session and City Manager Shaffer responded that the City has the resources to notify and identify all properties that would be involved and to create notifications.

Motion by Pearson, seconded by Ansari, to accept the communication from the City Manager recommending that City Council authorize the City Administration to conduct a public session(s) to discuss the potential interest in extending leaf, brush and spring cleanup collection programs to private streets in the city with residential property owners and representatives with property interests in city private streets. Upon a roll call vote, motion carried 7 to 0.

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

Portage Historic District Commission of December 3, 2014.

Portage Human Services Board of December 4, 2014.

Portage Youth Advisory Committee of December 8, 2014.

COUNCIL COMMITTEE REPORTS: Mayor Pro Tem Pearson stated that the Central County Transportation Authority (CCTA) had not met but that recent minutes from CCTA had been shared with the City Clerk and asked that minutes such as these be included on the agenda and shared with City Council. Mayor Pro Tem Pearson also shared that, following a request from the Mayor, the City Attorney had provided an opinion indicating that the representatives from Portage on the CCTA are not obligated to vote in accordance with the wishes of the City Council. Mayor Strazdas concurred with Mayor Pro Tem Pearson and asked that meeting minutes be shared with City Council similar to minutes from the various boards and commissions.

Councilmember Ford shared that the Environmental Health Advisory Committee had met at the Household Hazardous Waste facility. He stated that there was little discussion at the meeting as it was more of a tour of the facility and deferred to City Administration with regard to Saturday hours at the facility.

NEW BUSINESS:

TOWING CONTRACT REVIEW: At the request of the Mayor, City Manager Shaffer shared that the city's Towing Contract is up for renewal in March and that he has asked the Department

of Public Safety to conduct a review of the performance of the city's towing contractor as it relates to performance, reliability, consistency of service and charges that have been levied on customers. Mayor Strazdas indicated that it was his understanding that this contract, along with the contract for police vehicle maintenance, was already undergoing routine audits and inquired if this was in fact occurring. He continued by requesting that the City Manager provide an audit schedule which includes these and other routinely monitored contracts. Mr. Shaffer replied that while the Department of Public Safety has been monitoring the towing contract, he would like to understand if the charges that are being levied are consistent with the contract especially since the contract is up for renewal on March 11th. City Attorney Brown commented that a monthly disclosure requirement is part of the contract and Councilmember Reid inquired if this audit is a result of any citizen complaints about the services provided under the present towing contract. Mr. Shaffer replied that he has not heard of any resident complaints. Mayor Pro Tem Pearson shared that he has heard from several Kalamazoo County Commissioners who received concerns regarding the company the City contracts with for towing and stated that he looked forward to learning the results of the audit.

Motion by Pearson, seconded by Reid, to authorize the Administration to review the current contract with McDonald's Towing and Rescue, Inc. to ensure contract compliance and quality of service within the past year. Upon a roll call vote, motion carried 7 to 0.

BID TABULATIONS:

* **ENGINEERING SERVICES CONTRACT FOR THE PINE VIEW DRIVE SANITARY SEWER PROJECT (BACON AVE. TO CHAUCER STREET):** Motion by Pearson, seconded by Reid, to award an engineering services contract for the Pine View Drive Sanitary Sewer Project (from Bacon Avenue to Chaucer Street) to Midwest Civil Engineers, P.C., of South Haven, Michigan, in the amount not to exceed \$22,250 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: Mr. Jonathon Peer, 1030 Romence Road, spoke and thanked City Council for his appointment to the Park Board and expressed his regret that he was unable to attend the October Board and Commission interview session.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid shared that there are changes in government structure at the state and federal levels and cited the combination of the two largest departments in the State into a single department as an example.

Councilmember Randall shared that the *Portager* was returning to monthly distribution based in large part on the Community Survey in which 84% of residents found the *Portager* valuable. She then reminded residents that Property Assessment Change Notices would be mailed in mid-February and that sign up for Board of Review appointments would begin on March 2nd. Councilmember Randall complimented the City Manager and Office of the City Assessor on the tenor of an upcoming *Portager* article regarding property assessments and the Board of Review. Finally, she shared that she, along with the City Manager, Mayor Pro Tem Pearson and Councilmember Ford, attended the Police and Fire holiday party and that it was a great opportunity to interact with public safety employees. She concluded by stating that she has heard a lot of optimism on the direction of the City.

City Manager Shaffer shared that longtime Director of Parks, Recreation and Public Services, Bill Deming, will be retiring in February. He also shared that Mr. Deming had helped to secure funding that would cover 30% to 40% of the costs associated with creating a dog park in the community. He also expressed optimism that additional private funds could be solicited in support of the project.

Mayor Pro Tem Pearson shared his enthusiasm for obtaining private funding in support of creating a dog park and complimented Police and Fire on the overwhelmingly positive feedback they consistently receive in the Community Survey.

Mayor Strazdas recognized and thanked City Staff for their support of a recent food drive in which employees donated food for the Portage Community Center and congratulated the Police on being the department that donated the most. He then shared details about the Committee of the Whole meeting held earlier in the evening.

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

Adam Herringa, Deputy City Clerk

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