

CITY OF
PORTAGE
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PLANNING COMMISSION

December 16, 2010

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**December 16, 2010
(7:00 p.m.)**

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * December 2, 2010

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Preliminary Report: Ordinance Amendment #10-01, Keeping of Hens and Other Animals

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

November 2, 2010 City Council meeting minutes
November 16, 2010 City Council regular meeting minutes
November 16, 2010 special meeting minutes
November 23, 2010 special meeting minutes
November 30, 2010 special meeting minutes

Star (*) indicates printed material within the agenda packet.

PLANNING COMMISSION

December 2, 2010

DRAFT

The City of Portage Planning Commission meeting of December 2, 2010 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

MEMBERS PRESENT:

Cory Bailes, Paul Welch, Jim Pearson, Miko Dargitz, Wayne Stoffer, Bill Patterson, and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Rick Bosch and Mark Siegfried.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Randall Brown, City Attorney

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the November 18, 2010 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bailes, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

1. Site Plan (re-approval): Centre Meadows of Portage Senior Apartments, 1405, 1419 and 1503 East Centre Avenue. Mr. West summarized the staff report dated November 24, 2010 involving a site plan to construct a three-story, multiple family residential apartment building and associated site improvements on properties addressed as 1405, 1419 and 1503 East Centre Avenue. Mr. West indicated the site plan had been previously reviewed and approved by the Planning Commission on April 15, 2010. However, construction activities did not commence within six months and the previous approval has expired. Mr. West stated the site plan has been resubmitted with no changes from the April 15, 2010 approval with the exception of minor modifications to the engineering design of the public water main extension identified on Sheet C-5.

The applicant was not present to support the plan. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Welch, to re-approve the Site Plan for Centre Meadows of Portage Senior Apartments, 1405, 1419 and 1503 East Centre, with the 114 parking spaces based on documented evidence provided by the applicant. The motion was unanimously approved. Commissioner Stoffer asked that the minutes reflect the absence of the applicant and that the reapproval, without applicant representation, was provided since the site plan was being resubmitted with no substantial changes from the original April 2010 approval.

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PUBLIC HEARINGS:

None.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Revised Home Occupation Ordinance (referral from City Council). Mr. Forth introduced the item and summarized the staff report dated November 23, 2010 regarding the revised home occupation ordinance that was developed by the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee and referred to the Planning Commission to initiate the required Zoning Code amendment procedure. Mr. Forth also referred the Commission to the final agenda packet and background information regarding the original Planning Commission review and recommendation of the home occupation ordinance including the January 15, 2010 final staff report, January 2010 recommended home occupation ordinance and the January 21, 2010 Planning Commission meeting minutes. Mr. Forth discussed the differences between the Planning Commission recommended ordinance language (January 2010) and the City Council revised ordinance language.

Commissioner Pearson discussed a suggested change to the revised ordinance language that would allow up to two nonresident employees to be involved with an active home occupation, subject to Planning Commission review and approval. Commissioner Pearson read proposed ordinance language that could be inserted in Section 42-129, paragraph B, line 1. Commissioner Pearson stated that he had researched other home occupation ordinances across the country and believes allowance of up to two nonresident employees, subject to Planning Commission review and approval, would help facilitate job creation and encourage low impact home occupations such as internet based businesses and office activities to start and grow in Portage. Mr. Forth discussed staff research of home occupation ordinances from other communities across the State and indicated the number of nonresident employees allowed varies from none to up to three with Planning Commission review and approval. Mr. Forth also referenced a publication from the American Planning Association where the author discusses the limitations of model ordinances and suggests local ordinances address a community's characteristics, problems, past practices, and current politics.

The Commission discussed the suggested ordinance language change proposed by Commissioner Pearson and other ordinance provisions related to retail sales and signage. Mr. Forth and Attorney Brown reviewed the ordinance amendment process. After additional discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Dargitz, to modify the revised ordinance language to include the allowance for additional nonresident employees (above one) for an active home occupation, subject to Planning Commission review and approval. The motion was unanimously approved. Attorney Brown indicated that he would modify the revised ordinance to include the suggested change. A motion was made by Commissioner Welch, seconded by Commissioner Stoffer, to set a public hearing for January 20, 2011 to consider the Revised Home Occupation Ordinance. The motion was unanimously approved.

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STATEMENT OF CITIZENS:

Ms. Marilyn Couture (1289 East Osterhout Avenue) spoke about the proposed ordinance amendment to allow the keeping of hen chickens in the city. Ms. Couture spoke in favor of the proposed amendment and asked what the next step was in the process. Chairman Cheesebro indicated the proposed ordinance amendment was discussed at the November 18, 2010 meeting and the public hearing was adjourned to the December 16, 2010 meeting. Mr. Forth stated that following Planning Commission review and recommendation, the proposed ordinance amendment would be forwarded to City Council for another public hearing and final action.

ADJOURNMENT:

Commissioner Stoffer indicated that he would not be present at the December 16, 2010 meeting. Chairman Cheesebro indicated that Commission Bosch has notified him and would also not be present at the December 16, 2010 meeting.

There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

TO: Planning Commission **DATE:** December 10, 2010
FROM: Jeffrey M. Erickson, Director of Community Development
SUBJECT: Ordinance Amendment #10-A, Keeping of Hens and Other Animals

I. INTRODUCTION

Consideration of this subject began on October 7, 2010 when a proposal was presented to the Planning Commission by Mr. Fernando Costas supporting an amendment to the Zoning Code that would allow the keeping/raising of chicken hens on all single family residential properties, with conditions. The action approved by the Planning Commission was to "...initiate an ordinance amendment to consider the keeping/raising of chickens, and other possible poultry/animals, and schedule a public hearing for the November 18, 2010 meeting."

At the November 18th meeting, seventeen citizens spoke in support of the ordinance amendment and seven citizens spoke in opposition. The Commission also reviewed alternatives presented in the November 12, 2010 staff report including working draft ordinance language. Discussion issues from the Commissioners included permitting and processing, chickens as pets, coop/enclosure requirements, limiting the ordinance to chickens only and the number of chickens allowed with Planning Commission approval. Staff indicated additional information would be provided to the Commissioners and the public hearing was adjourned to the December 16, 2010 meeting.

II. DISCUSSION ISSUES

Per the discussion that occurred during the November 18th meeting the following information is intended to assist the Planning Commission during consideration of the discussion issues and finalization of recommended ordinance language.

While there are supporters and opponents to the keeping of chickens and other animals on platted residential properties in neighborhoods, ordinance options appear to be available to address the keeping of fowl and animals for the primary purposes of food production. These options include more regulatory methods that would involve administration procedures and resources or more self regulating approaches whereby minimum ordinance standards would be established. An ordinance amendment will necessitate new or modified definitions and regulations to address the number of permitted chickens, establishing "specified fowl" or other animals, location on the lot/parcel, accessory structures, noise and sanitation issues. Finally, it is likely that with the growing trend toward sustainability, there will be advocates for other types of poultry/animals to be kept/raised on residential lots in community neighborhoods.

Permitting and Processing

Permit requirements vary among communities. Michigan communities (Ann Arbor, Ypsilanti, East Lansing, Madison Heights, and Burton) and other out-of-state communities (Bloomington, IN; South Portland, ME; and Fort Collins, CO) that have recently enacted new or updated old ordinances to permit chickens on small residential lots require a nominal permit fee (\$20-30). Traverse City, MI also recently adopted an ordinance but does not require a permit or fee.

Surrounding communities that do allow chickens (and other animals) on small residential lots include the City of Kalamazoo and Oshtemo Township with no required permit. Additionally, 10 of the 25 cities examined in the previously submitted University of New Mexico study established a permitting process for the keeping of chickens with fees ranging from \$5.00 to \$40.00. Three of these communities only require a permit/fee if the citizen requested to keep more than a specified number of chickens.

As information, the Zoning Code contains a number of sections that address specific land use activities, many of which have specific standards that must be fulfilled. In some cases, a permit under the Zoning Code is specifically required while in other instances no permit is specified. In all cases, applicable fees are determined and set by City Council (per Section 42-650 to 42-660 of the Zoning Code, Division 8. Administration and Enforcement). From a regulatory perspective, compliance with the provisions of the Zoning Code is required. Enforcement can be actively accomplished, or may be more self regulation, but is augmented through a complaint-based enforcement approach with additional field observations. This approach has been an effective and efficient means of ordinance administration in the City of Portage, and has similarly produced acceptable results in other municipalities.

The preparation of ordinance standards where review and/or site inspections are established would necessitate a permit/fee to cover all or a portion of the administration and enforcement, or the general Portage taxpayer would be expected to absorb these costs. Based on City of Portage cost information for the provision of services, administrative costs (personnel costs, facility/operational costs, vehicles, and so forth) result in a rate of \$56/hour. It is estimated that two hours of administrative time would be necessary to properly review and process an application/request under a new ordinance including a site compliance inspection.

With regard to the anticipated number of applications and if a permit were required, staff contacted a number of communities that recently amended or enacted an ordinance to ascertain the number of permits issued and resulting administrative/enforcement issues, if any. The following table summarizes the information:

Permits Issued and Administrative/Enforcement Issues				
Community	Year Ordinance Adopted	Permits Issued	Fee	Administrative/Enforcement Issues
Bloomington, IN	2007	15	\$25	No major issues/complaints. Ordinance helped correct previous complaints.
South Portland, ME	2007	20-30	\$25	No major issues/complaints
Ann Arbor, MI	2008	34	\$20	No major issues/complaints
East Lansing, MI	2009	13	\$20	Some complaints involving owners not complying with established conditions (chickens not within enclosure, more than four chickens, possession of rooster).
Ypsilanti, MI	2009	25-30	\$25	No major issues/complaints
Traverse City, MI	2009	No permit required	No fee	No major issues/complaints

Options Available: Regarding the establishment of permits and fees, options include a permit or no permit and a minimum fee or no fee. Similar to the three communities cited in the University of New Mexico study, a process whereby a permit/fee would be required only when Planning Commission approval is necessary can be considered. Additionally, if the ordinance is then enacted with this option, different methods and media to educate and inform residents of the ordinance

requirements will be employed such as the city website, cable access channel, Portage/Kalamazoo Gazette and the Portager, as examples.

Chickens as Pets, “Specified Fowl” and Other Animals

The Commissioners also discussed limiting the proposed ordinance amendment to chickens (hens) only and not allowing other “specified fowl” (turkeys, ducks, guinea hens) or other animals. Per the previously provided community survey table, many municipalities allow the keeping of poultry/animals. For example, the City of Kalamazoo allows the keeping of rabbits, chickens, ducks, geese or other poultry subject to conditions. Oshtemo Township allows the keeping of poultry, swine, livestock or other similar animals as pets for educational purposes also to several conditions. While there can be differing opinions about chickens, “specified fowl” and other animals as “pets,” the keeping of other poultry and animals (ducks and rabbits) is known to occur in urban/suburban communities including the City of Portage. It is likely that types of poultry and animals can be kept as “pets,” but can also be kept for the purposes of a locally-grown food source and for related educational purposes such as a 4-H project.

Options Available: Regarding this discussion issue the options include allowing only a specified number of chickens (hens) on smaller residential lots and parcels either as pets or for food production, or allowing a somewhat greater number of chickens (hens) and other “specified fowl” or animal on a case-by-case basis after review and approval by the Planning Commission. The latter option retains the focus of the ordinance on the keeping of chickens, but would address the additional anticipated circumstances involving other birds and animals and enable the Planning Commission to consider these similar requests. Additionally, residents would not be required to seek Zoning Board variance approval, which requires additional fees and time.

Location on Lot/Parcel and Coop/Enclosure Requirements

While several of the Michigan communities surveyed did include general coop/pen requirements such as being fully enclosed, fenced, covered, rear yard placement, setbacks from property lines/adjacent residences and constructed/maintained to discourage predators and prevent harboring of rodents, none of these communities had specific coop/pen design standards. Several on-line sources, including www.backyardchickens.com, books and magazines provide substantial information to educate residents who desire to raise and care for chickens and other types of birds and animals. Chicken coops to house 4-6 birds are relatively small in size (rule-of-thumb is two square feet per bird), typically raised 12 to 24 inches above the ground and average approximately six feet in height. These small chicken coops are comparable in size to a child’s outdoor play structure or doghouse and the enclosure is also typically attached to the coop that allows the chickens to move outside in a confined area. The recommended size of the outdoor pen area varies, but 10 square feet per chicken has been referenced as preferred. (Attached are illustrations of typical coops with enclosures.)

Preventing roaming chickens off the lot/parcel and minimizing adverse impacts on adjacent properties is important. For Planning Commission information, design and construction standards for dog houses/kennels, residential accessory buildings or children’s outdoor play structures are not specified in the Zoning Code. The University of New Mexico study advises flexibility in coop/enclosure design. As an example, a resident may want to use a portion of the garage area or an existing detached accessory building as the chicken coop. Location requirements within the rear yard area will, however, minimize impacts on adjacent properties. Also, use of an existing

accessory building as a chicken coop would be possible with conformance to setback requirements. As a final comment, if the chickens are kept inside a screened, fenced rear yard and contained, erecting additional fenced enclosures would not seem necessary. To address this issue, language can be inserted into the ordinance to clarify that fencing of the rear yard is required if the chickens will be allowed to roam on the lot/parcel outside of the coop/pen area.

Options Available: These include specifying setback standards, or establishing no requirements. Minimum setback requirements for the chicken coop and enclosure, as referenced in the working draft ordinance, appear to be beneficial. With regard to establishing maximum coop and enclosure requirements or not, the setbacks in the working draft ordinance will ensure a degree of flexibility. Finally, options are available regarding whether or not to establish specific chicken coop design requirements (size, height, color or construction materials). More extensive requirements will necessitate more extensive information to be submitted by applicants and for similarly extensive review and compliance/enforcement efforts by administrative staff. Application and permit complexity and site inspection/investigation will increase with the level of standards established.

Number of Chickens Allowed

The working draft ordinance includes language that would allow four chickens (hens) as initially suggested by a Portage resident. An increase to six chickens (hens) would not appear to be controversial. The draft also includes the option for a case-by-case review of requests for an increased number of chickens or other “specified fowl” or other animals only with review/approval by the Planning Commission.

Options Available: The optional language provided in the working draft ordinance can be further discussed and finalized by the Planning Commission.

Michigan Right-to-Farm Act Applicability

The City Attorney has advised that the Michigan Right-to-Farm Act is not applicable to the keeping chickens (hens) as proposed by the ordinance language. The Right-to-Farm Act protects commercial farm operations. The proposed ordinance allows the keeping of chickens only as an accessory use “...that are utilized exclusively by the person(s) occupying a one-family dwelling unit or two-family residential dwelling unit as a locally grown food source...”

Option Available: The City Attorney will remove reference to the Michigan Right-to-Farm Act from the proposed ordinance.

III. RECOMMENDATION

The Planning Commission has the opportunity to further discuss the above issues during the December 16th meeting, reconvene the public hearing and accept any public comment. The public hearing can then be adjourned. Based on the discussion and consensus by the Commissioners, proposed ordinance language can be further finalized.

Attachments: Updated Community Ordinances Involving Regulation of Chickens and Other Animals (Table)
Chicken coop/pen illustrations

Community Ordinances Involving Regulation of Chickens and Other Animals

Community	Summary of Ordinance Regulations
<p>City of Bloomington, IN (adopted 2007)</p>	<p><u>Municipal Code, Section 7.21 Maintaining Chicken Flocks</u></p> <ol style="list-style-type: none"> 1) Annual permit required (\$25 fee), administrative review. 2) Written waivers required from owners of all adjacent properties (valid for period of five years). 3) Maximum five chickens (hens only, no roosters). 4) Chicken coop/attached run required (12 square feet per chicken required). 5) Chicken coop/attached run must be setback 12-feet from all property lines and 20-feet from adjacent residential structures. 6) A sight fence or shrub screening at least 4-feet in height is required around chicken coop/attached run if visible to occupants of neighboring lots. 7) Chicken coop/attached run constructed to provide adequate ventilation, sun, shade and prevent rodents and predators. 8) Public nuisance and public health provisions.
<p>City of South Portland, ME (adopted 2007)</p>	<p><u>Article II, Section 3-51 through 3-65 Domesticated Chickens</u></p> <ol style="list-style-type: none"> 1) Annual permit required (\$25 fee), administrative review. Code Enforcement Officer must submit annual report to City Council stating number of permits issued, number of complaints received and nature of enforcement action. 2) Maximum six chickens (hens only, no roosters) per lot. 3) Chickens shall be kept as pets for personal use only. No selling of eggs, breeding or fertilizer production allowed. 4) No slaughtering of chickens allowed. 5) Hen house/fenced enclosure required (specific construction standards). During daytime hours, chickens are allowed to roam outside within a securely fenced yard, if supervised. During non-daylight hours, chickens shall be secured within the hen house. 6) Hen house/fenced enclosure must be located in rear yard, 20-foot setback required from property lines. 7) Hen house/fenced enclosure constructed to provide adequate ventilation, sun, shade and prevent rodents and predators. 8) Public nuisance and public health provisions.
<p>City of Fort Collins, CO (adopted 2008)</p>	<p><u>Section 5.1.2 Definitions</u></p> <p>-- Amended definition of "farm animals" to exclude to hen chickens where "...numbering six (6) or fewer, shall not be considered to be farm animals."</p> <p><u>Section 4-117 Sale of Chickens and Ducklings: Quantity Restricted; Keeping of Chickens</u></p> <ol style="list-style-type: none"> 1) One-time permit (\$30.00) required from Humane Society. Information regarding the keeping of hen chickens is provided with permit. 2) Maximum six chickens (hens only, no roosters) per parcel. 3) If more than one dwelling unit on parcel, written consent need from owner and residents. 4) Covered, predator-resistant chicken house that is properly ventilated, designed to be easily accessed, cleaned and maintained and at least two (2) square feet in size per chicken is required. 5) During daylight hours, chickens must have access to the chicken house and also an outdoor enclosure that is adequately fenced to protect from predators. 6) From dusk to dawn, chickens must be closed in chicken house. 7) Chicken house and enclosure must be setback at least 15-feet from any abutting property line unless written consent is received from abutting property owner. 8) Chickens must be sheltered and confined to prevent contact with wild ducks and geese. 9) Slaughter of chickens prohibited except pursuant to lawful order of state or county health officials.

Keeping/Raising of Chickens and Other Animals
Community Comparison Table
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<p>City of Ann Arbor, MI (adopted 2008)</p>	<p><u>Chapter 107 (Animals), Section 9-42 Keeping of Chickens</u> 1) Permit required (\$20 fee), administrative review, expires in 5 years. 2) Adjacent Neighbor Consent Form required from owners of all adjacent residentially zoned properties. 3) Private restrictions on use of property (deed restrictions, condominium master deed restrictions, neighborhood association by-laws, covenant deeds) take precedence over permit. 4) Maximum four chickens (hens only, no roosters) 5) No slaughter of chickens. 6) Must be kept in backyard. 7) Covered/fenced enclosure required, 10-foot setback from all property lines and 40-foot setback from adjacent residential structures. 8) Enclosure must be constructed/maintained to prevent rodent harboring beneath or within structure. 9) Proper containers and storage of feed. 10) Revocation of permit by City for noncompliance.</p>
<p>City of East Lansing, MI (adopted 2009)</p>	<p><u>Chapter 4 (Animals), Section 4.4 Keeping of Animals and Fowl</u> 1) Permit required (\$20 fee), administrative review, expires in 5 years. 2) Private restrictions on use of property (deed restrictions, condominium master deed restrictions, neighborhood association by-laws, covenant deeds) take precedence over permit. 3) Maximum four chickens (hens only, no roosters). 4) No slaughter of chickens. 5) Must be kept in backyard. 6) Covered/fenced enclosure required, 10-foot setback from all property lines and 40-foot setback from adjacent residential structures. 7) Enclosure must be constructed and maintained to prevent rodent harboring beneath or within structure. 8) Proper containers and storage of feed. 9) Revocation of permit by City for noncompliance.</p>
<p>City of Ypsilanti, MI (adopted 2009)</p>	<p><u>Chapter 14 (Animals), Section 14-13 Keeping of Female Chickens (Hens)</u> 1) Permit required (\$25 fee), non-transferable (does not run with land), administrative review. 2) Private restrictions on use of property (deed restrictions, condominium master deed restrictions, neighborhood association by-laws, covenant deeds) take precedence over permit. 3) Maximum four chickens (hens only, no roosters). 4) No slaughter of chickens. 5) Must be kept in backyard. 6) Covered/fenced enclosure required, 20-foot setback from adjacent residential structures. 7) Enclosure must be constructed and maintained to prevent rodent harboring beneath or within structure. 8) Compliance with public nuisance provisions (odors, noise, etc). 9) Proper containers and storage of feed. 10) Revocation of permit by City for noncompliance.</p>
<p>City of Traverse City, MI (adopted 2009)</p>	<p><u>Section 610.01 Prohibited Animals, Exception (Keeping of Chickens)</u> 1) Maximum four chickens per parcel (hens only, no roosters). 2) Slaughtering chickens outdoors is prohibited. 3) Chickens shall be provided and remain within a fully enclosed shelter with an optional covered fenced enclosure. 4) Enclosure must be in rear yard 25-feet from adjacent residential structures. 5) No chickens shall be kept on parcels with more than one dwelling.</p>

<p>City of Burton (adopted July 2010)</p>	<p><u>Section 157.098 Keeping of Chickens</u> 1) Permit required (\$25 fee), non-transferable (does not run with land), administrative review. 2) Minimum ½ acre lot required (administrative review), Less than ½ acre requires Planning Commission special use approval. 3) Private restrictions on use of property (deed restrictions, condominium master deed restrictions, neighborhood association by-laws, covenant deeds) take precedence over permit. 4) Maximum six chickens (hens only, no roosters). 5) No sale of eggs allowed, 6) No slaughter of chickens. 7) Must be kept in “rear yard” and provided “covered shelter”. 8) Shelters housing chickens must be minimum 10-foot setback from any property line and 30-foot from any neighboring residential or commercial building. 9) Shelters shall be constructed, repaired and maintained to prevent rodents from being harbored underneath, within or within walls of shelter. Shelters must also be maintained in a sanitary manner, free of offensive odors. 10) Proper containers and storage of feed. 11) Revocation of permit by City for noncompliance.</p>
<p>City of Madison Heights (pending adoption)</p>	<p><u>Proposed Amendment to Animal Control Ordinance</u> 1) Maximum three chickens (hens only, no roosters). 2) Two-year trial period with sunset provision unless renewed by City Council. 3) No other restrictions regarding rear yard, coop/enclosure requirements, setbacks, etc. 4) Licensing of chickens is required (\$20.00 fee) consistent with current city requirements that all dogs and cats be licensed. ** City Council 2nd reading is scheduled for December 13, 2010 where expected to be approved**</p>
<p>City of Kalamazoo</p>	<p><u>Chapter 7 (Animals and Fowl), Section 7-5 Keeping of Rabbits and Poultry</u> • It shall be unlawful for any person to keep any rabbits, chickens, ducks, geese or other poultry within the limits of the City, unless the same are kept in a sanitary condition, free of offensive odors, and in an enclosed yard or coop which shall be located not less than 30 feet from the street line or any adjacent property line.</p>
<p>Oshtemo Township</p>	<p><u>Section 78.400 – Keeping of poultry, swine, livestock or horses and other similar animals as pets or for educational purposes is permitted under the following conditions:</u> a) Activities shall be conducted on less than a commercial score for private enjoyment of the property owner. b) Minimum one acre for each large animal, including horses, cattle and swine or other similar animal, or, ¼ acre for each small animal (under 200 pounds). c) Building/structure used to shelter animal must be minimum 50-feet from any property line and 150-feet from adjacent residential dwellings. d) Animals must be controlled to prevent approaching closer than 100 feet to any adjacent residential dwelling. e) Nuisance provisions regarding odors, noise, sanitary conditions, rodent and pest infestation.</p>
<p>Comstock Township</p>	<p><u>Section 300.411.1 – Animals</u> • The keeping of pigs, hogs, poultry, wild fowl, rabbits, livestock, or the maintaining of More than three cats is prohibited within or upon any platted properties within the Township. • The keeping of poultry, wild fowl, or rabbits is prohibited on that portion of unplatted land located within 100 feet of a recorded plat or within 100-feet of any unplatted area zoned AGR, R1-A, R1-B, R1-C, RM, RMH or OW, and developed for residential purposes.</p>

Keeping/Raising of Chickens and Other Animals

Community Comparison Table

<p>Kalamazoo Township</p>	<p><u>Section 21.012 – Keeping of Animals</u></p> <ul style="list-style-type: none"> • The keeping of poultry, pigs, hogs, horses or livestock is prohibited within or upon any platted properties used primarily for residential purposes or within or upon any area located within 132 feet of such aforesaid platted properties, unless such latter area is located in a C-1, Local Business District classification or lower. • The minimum setback line for poultry or animal shelters, coops, barns or sheds shall be 75 feet from any street right-of-way line. • All such poultry, pigs, hogs, horses, livestock or more than 3 dogs and/or cats shall also be prohibited in any area of the Township if the same become obnoxious by reason of odors or noise.
<p>Pavilion Township</p>	<p><u>Section 200.611 - Animal regulations</u></p> <ul style="list-style-type: none"> • Within residential districts (R-1 through R-6): No livestock (pigs, hogs, poultry, cattle, horses, rabbits or non-domestic pets) shall be allowed to be kept within recorded plats, or similar residential development areas, at any time. • Within agricultural districts (A-1 and A-2): The keeping of livestock is not permitted on lots of less than one acre. On lots between 1-10 acres, the keeping of livestock at a rate exceeding ½ animal unit per acre is not permitted. On lots less than 10 acres, the keeping of poultry, wild fowl, rabbits is prohibited within 50 feet of any recorded plat or similar residential development area.
<p>Texas Township</p>	<p><u>Section 10-62 – Anti-noise Regulation</u></p> <ul style="list-style-type: none"> • The keeping of any animal, bird or fowl except on lands utilized for legitimate agricultural purposes which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort, or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from a nearby residence is prohibited.
<p>Village of Schoolcraft</p>	<p><u>Section 14-1 – Keeping of certain animals on residential property prohibited</u></p> <ul style="list-style-type: none"> • No person shall keep on property zoned for or being used as a residence any horse, cow, calf, swine, sheep, goat, chickens, geese, ducks, donkeys, pigeons, pigs (including pot-bellied pigs), reptiles, wild or hybrid (part domesticated and part wild) exotic animal, except domesticated dogs and cats, caged reptiles or insects commonly kept as pets, fish, caged rodents normally kept as pets, caged rabbits normally kept as pets and caged birds normally kept as pets.
<p>City of Muskegon</p>	<ul style="list-style-type: none"> • No live poultry shall be kept in the city except in commercial establishments legally licensed and zoned thereof, except that one pet may be kept in a pen of confinement which is at least 25 feet from any dwelling.
<p>City of Zeeland</p>	<p><u>Sec. 4-1. Keeping of animals.</u></p> <p>(a) The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any residential district. However, no more than three (3) dogs or cats, six (6) months of age or older, in any combination thereof, shall be kept or housed in or at one (1) dwelling unit.</p> <p>(b) The keeping of animals not normally considered to be household pets, including, but not limited to, horses, pigs, sheep, cattle, and poultry is prohibited in all zoning districts, with the exception of the A-1 Agricultural District, in conjunction with permitted agricultural operations. The zoning administrator shall have the power to determine animals which are not normally considered to be household pets.</p>
<p>City of Wyoming</p>	<p><u>Sec. 301.4 Animals and Bees.</u></p> <p>No horse, cow, calf, swine, sheep, goat, chickens, bees, pigeons, geese, ducks, rabbits, or any protected wild animal shall be kept in any dwelling, nor shall any such animals or bees be kept on the same lot or premises with a dwelling, except under conditions prescribed by the code official so as not to constitute a nuisance to any neighbors or property and so as not to constitute any health or safety hazard."</p>

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City of Kentwood	<p><u>Section 3.12 – Animal Keeping</u></p> <ul style="list-style-type: none"> The keeping of all domestic, fowl or insects including but not limited to ducks, chickens, goats and bees in residential districts is allowed only with the approval of the zoning administrator. The request may be denied by the zoning administrator finds that the keeping of these animals would create a nuisance related to odors, noise, or any other nuisance.
City of Grand Rapids	<p><u>Domestic Animal</u></p> <p>A small animal of the type generally accepted as pets including, but not limited to, dogs, cats, and fish, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or similar animals.</p> <p>**In August 2010, the City Council denied an ordinance amendment that would have allowed the keeping of chickens on small residential lots throughout the city under an experimental five-year trial basis.**</p>
City of Auburn Hills	<p><u>Section 14-2, Keeping Animals</u></p> <ul style="list-style-type: none"> A person shall not keep or allow to be kept within the city any cow, horse, pig, goat, pigeon, chicken, goose, duck, or any other animal, fowl or insect, except birds, dogs, cats, or other harmless and domesticated household pets, unless in a properly zoned area according to Section 400.2 (Farms, when on parcels totaling five acres or more) of the city zoning ordinance.
City of Northville	<p><u>Section 10.10 – Rabbits and Poultry</u></p> <ul style="list-style-type: none"> It shall be unlawful for any person to own, possess, or harbor any rabbits, chickens, ducks, geese or other poultry, unless the same are kept in a sanitary condition, free of offensive odors, and in an enclosed yard or coop which shall be located not less than 30 feet from the street line or any adjacent property line.
City of Royal Oak	<p><u>Article I – Chickens and Fowl at Large. Section 484-13 (Keeping of Pets). Section 484-14 (Keeping of Livestock)</u></p> <ul style="list-style-type: none"> No limits on number of hens or roosters. Must not be allowed to roam unconfined. Pens/coops must be kept clean. Nuisance provisions regarding odors, noise, sanitary conditions, rodent and pest infestation.
City of Redford	<p><u>Section 18.12 – Rabbits and Poultry</u></p> <ul style="list-style-type: none"> It shall be unlawful for any person to own, possess, or harbor any rabbits, chickens, ducks, geese or other poultry, unless the same are kept in a sanitary condition, free of offensive odors, and in an enclosed yard or coop which shall be located not less than 30 feet from the street line or any adjacent property line.
City of Farmington Hills	<p><u>Section 6-4 Keeping of Animals Other than Pets</u></p> <ul style="list-style-type: none"> No limits on number of hens or roosters. It shall be unlawful for any person to keep any animal or fowl within 175 feet of any dwelling other than the dwelling of the owner. Must not be allowed to roam unconfined. Noise and odor provisions.

Sample of Pre-manufactured Small Chicken Coops/Pens

Coop – 3.5' x 2'
Pen – 3.3' x 5'



Price - \$345



Coop – 4' x 5'
Pen – 3' x 5'

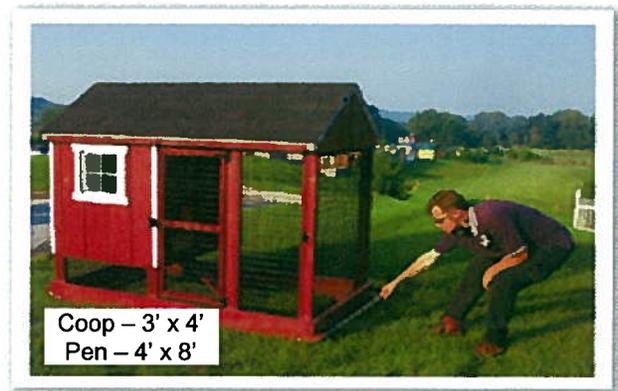
Price - \$1,295 (pen not included)



Coop/Pen – 4' x 45.5"
(additional pen area is optional)



Price - \$399



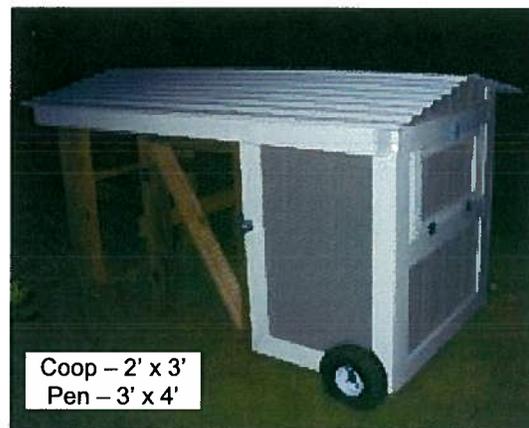
Coop – 3' x 4'
Pen – 4' x 8'

Price - \$1,595



Coop – 2' x 4'
Pen – 4' x 8'

Price - \$750

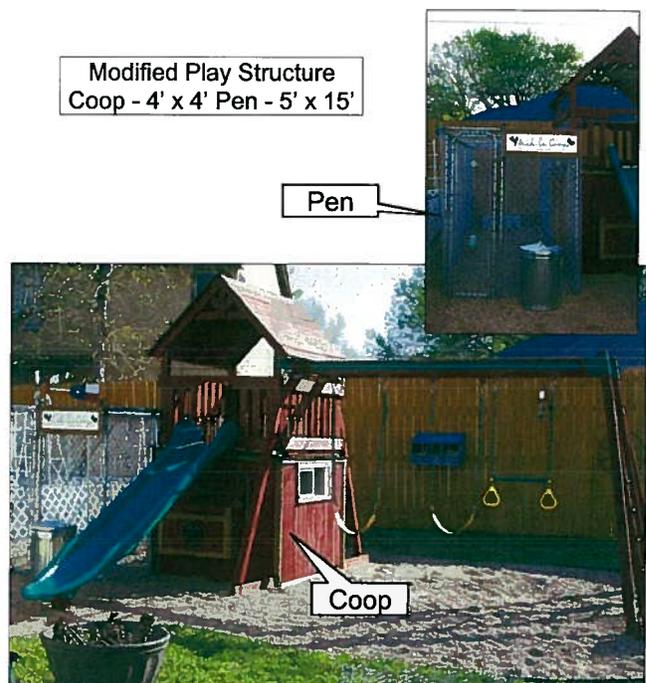
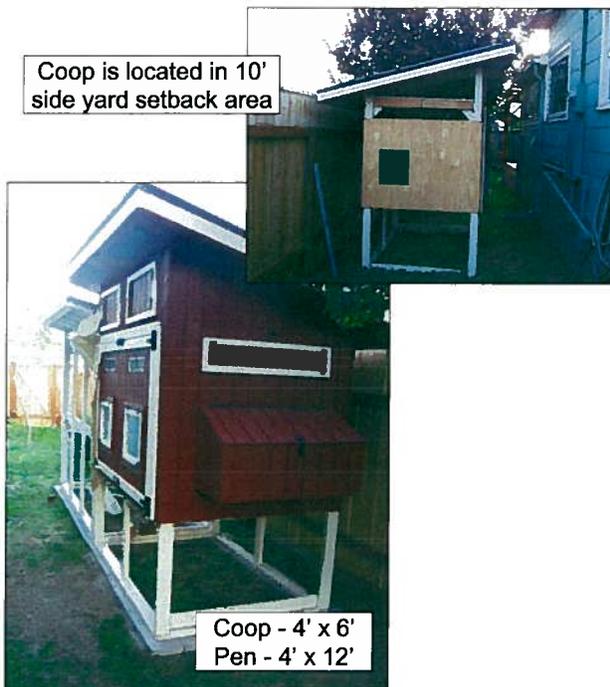
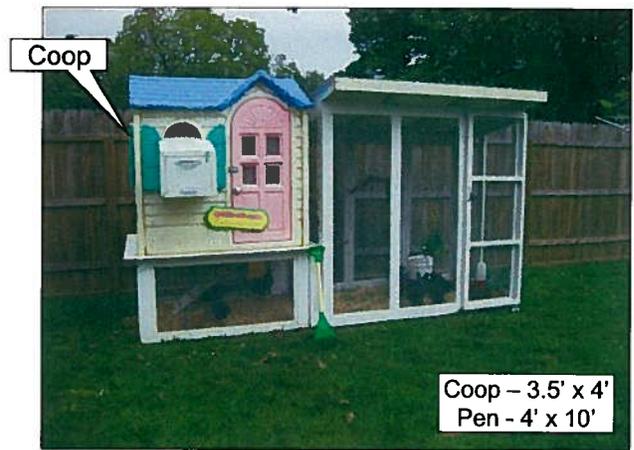
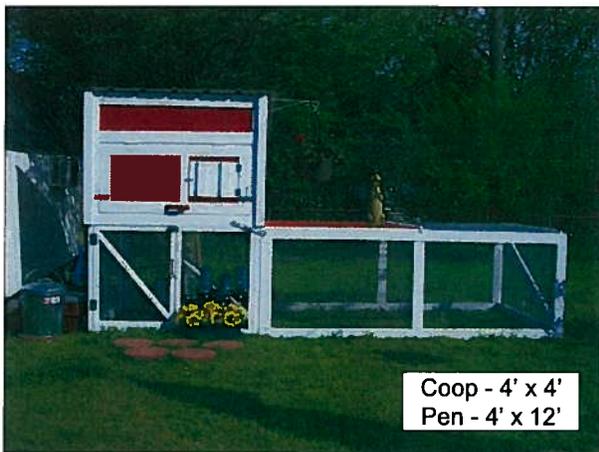
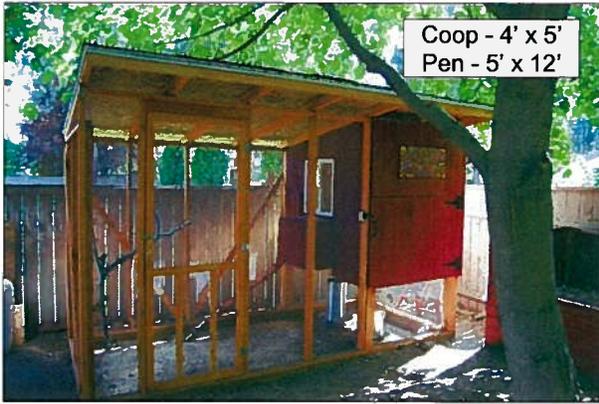


Coop – 2' x 3'
Pen – 3' x 4'

Price - \$1,170

Sources: www.horizonstructures.com
www.creativecoops.com
www.chickencoopsources.com

Sample of Homemade Small Coops/Pens



MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 2, 2010

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

At the request of Mayor Strazdas, Pastor Daniel Teerman of The Bridge in Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the October 19, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Campbell to read the Consent Agenda. Motion by Urban, seconded by Campbell, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 2, 2010:** Motion by Urban, seconded by Campbell, to approve the Accounts Payable Register of November 2, 2010. Upon a roll call vote, motion carried 7 to 0.

REPORT FROM THE ADMINISTRATION:

* **2011 CITY COUNCIL MEETING SCHEDULE:** Motion by Urban, seconded by Campbell, to establish the 2011 Schedule of Regular City Council Meetings. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

REPRESENTATIVE TO METRO TRANSIT ADA LOCAL ADVISORY

COMMITTEE: Mayor Strazdas asked if anyone had any questions of clarification and Councilmember O'Brien asked if discussion by the Council Advisory Committee that oversees the Council Committees would be appropriate. When Mayor Strazdas deferred to Councilmember Reid, she indicated that it would be an option to consider. Councilmember Reid further explained that she is the official representative from the City of Portage, that Bill Lenehan was unable to attend the meeting, is the Vice Chair of the Committee and is still interested in serving as the representative on the Metro Transit ADA Local Advisory Committee. She also indicated that she discusses the activities of the Metro Transit ADA Local Advisory Committee with him a couple of times a year and Mr. Lenehan expressed his intent to attend each Human Services Board Meeting and provide a report.

In response to Councilmember O'Brien, Councilmember Reid indicated that the City of Portage can send anyone as a representative and Mr. Lenehan served because the Human Services Board reviews transportation issues and the Metro Transit ADA Local Advisory Committee has no authority – they can not vote for funding or set policy – and Mr. Lenehan provides a direct connection for the city with the Metro Transit ADA Local Advisory Committee through the Human Services Board.

Mayor Pro Tem Sackley indicated that the situation is awkward for City Council, the Human Services Board and for Mr. Lenehan. He pointed out that his term was limited because of Council Policy; that he is the only representative the city has had on this committee; that what was done in 2003 doesn't appear to be reflected in Council Policy because it has nothing to do with appointment to citizen advisory boards, only that it was the path used in 2003 as the source of that appointment; and, the letter from former Human Services Board Chair Amy Tuley reads that at the time of Mr. Lenehan's request,

she was Chair of the Board, but because she is no longer the Chair, she is speaking as an individual who is not a member of the Human Services Board, so it is possible that the Board has not taken this matter up for discussion as it seemed logical to them that Mr. Lenehan would continue to serve. He then offered two options by saying that City Council could reappoint Mr. Lenehan to the Human Services Board where there is an opening, or do what was done in 2003 and appoint someone who is interested in serving Metro Transit ADA Local Advisory Committee from the Human Services Board, if the criteria at that time was that they be on the Human Services Board. He spoke in support of Mr. Lenehan owing to the fact that he served on the Human Services Board for ten years and is interested in continuing to serve on the Metro Transit ADA Local Advisory Committee.

In answer to Councilmember O'Brien, Councilmember Reid indicated that appointment of a City Council Representative on the Metro Transit ADA Local Advisory Committee would be considered Friday, November 12 beginning at 12:00 noon and Saturday November 13, beginning at 8:00 a.m., Special Meeting of the City Council for the purposes of discussion of goals and objectives, at the Gilmore House on the campus of Western Michigan University, Kalamazoo. Councilmember Reid asked that City Council not take action and ask the Human Services Board to review this whole issue and provide a recommendation.

Discussion followed regarding an end date for Mr. Lenehan's serving on the Metro Transit ADA Local Advisory Committee. Councilmember Urban expressed his respect for Mr. Lenehan and appreciation for his service, but indicated that it is appropriate to have a Human Services Board Member as Representative on the Metro Transit ADA Local Advisory Committee. He offered that City Council could waive their policy and have him serve as Representative on the Metro Transit ADA Local Advisory Committee, but he preferred to have the Human Services Board provide a recommendation. Discussion followed.

Motion by Sackley, seconded by O'Brien, to accept the correspondence from Human Services Board Member Amy Tuley and reappoint William Lenehan to a one year term ending October 1, 2011. Councilmember Reid offered the following amendment to the motion: to direct the Human Services Board to look at the issue with the intent to provide a transition to give the representative on the Metro Transit ADA Local Advisory Committee a full year to plan for and identify who will be transitioning and with the intent that it would be someone who is serving on the Human Services Board. Mayor Pro Tem Sackley and Councilmember O'Brien concurred with the amendment to the motion. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Environmental Board of September 8, 2010.

Portage Senior Citizen Advisory Board of September 15, 2010.

Portage Zoning Board of Appeals of September 20, 2010.

Portage Board of Education Special and Regular Business Meeting of September 27, Policy Governance Session of October 4 and Special Meeting and Committee of the Whole Work Session of October 11, 2010.

Portage Planning Commission of October 7, 2010.

BID TABULATION:

* **PURCHASE OF DIGITAL RECORDING AND TRANSCRIPTION SOFTWARE AND HARDWARE:** Motion by Urban, seconded by Campbell, to award a contract to VarTec, LLC, in the amount not to exceed \$36,420 for the installation of software and hardware upgrades to the transcription capabilities of the Portage Police Department Records Division and Patrol Division, and authorize the City Manager to execute all related documents. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Council expressed frustration over the many political ads that ran throughout this election season, thanked the volunteers and gave a sigh of relief that the election was over.

Mayor Strazdas congratulated Councilmember Reid for her recent appointment as Vice President of the Kalamazoo Council of Governments (COG) and thanked the candidates for availing themselves to public service.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 7:59 p.m.

James R. Hudson, City Clerk

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

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 16, 2010

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

At the request of Mayor Strazdas, Mr. Jason Toman of the St. Michael Lutheran Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance led by Scout Troop 255.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the November 2, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember O'Brien to read the Consent Agenda. Mayor Strazdas added Item F.6, Fiscal Year 2011-2012 Goals and Objectives, to the Agenda. Motion by O'Brien, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 16, 2010:** Motion by O'Brien, seconded by Reid, to approve the Accounts Payable Register of November 16, 2010. Upon a roll call vote, motion carried 7 to 0.

REPORT FROM THE ADMINISTRATION:

HOME-BASED BUSINESS ORDINANCE: After recognition of the work performed by the Community Development Department, Councilmembers O'Brien and Urban and Mayor Pro Tem Sackley, discussion followed regarding active versus passive home occupations, outside occupations, retail sales which home occupations would require Planning Commission approval. Motion by O'Brien, seconded by Sackley, to refer the revised Home Occupation Ordinance recommended by the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee, to the Planning Commission to initiate the amendment process to the Zoning Code. Upon a roll call vote, motion carried 7 to 0.

PRESENTATION AND REPORT FROM POLICE CHIEF RICHARD WHITE: City Council received a presentation and report from Police Chief Richard White regarding Portage Police Department cooperative and collaborative law enforcement activities and efforts. Discussion followed.

* **HOLIDAY TREE LIGHTING/TRADITIONAL HOLIDAY CELEBRATION – INFORMATION ONLY:** Motion by O'Brien, seconded by Reid, to receive the communication from the City Manager regarding the 2010 annual Holiday Tree Lighting/Traditional Holiday Celebration as information only. Upon a roll call vote, motion carried 7 to 0.

* **OCTOBER 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by O'Brien, seconded by Reid, to receive the communication from the City Manager regarding the October 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by O'Brien, seconded by Reid, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 7 to 0.

FISCAL YEAR 2011-2012 GOALS AND OBJECTIVES: Mayor Strazdas indicated that there are four items to be considered that were discussed at the City Council Retreat, and asked for a motion with regard to the 2011-2012 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on November 12, 2010 (the Retreat). Motion by Reid, seconded by Campbell, to adopt the Resolution approving the 2011-2012 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on November 12, 2010. Upon a roll call vote, motion carried 7 to 0.

SMOKING BAN IN CITY PARKS: Mayor Strazdas indicated that City Council discussed and debated the recommendation by the Park Board to extend smoking bans in certain areas of city parks and asked for a reaffirmation of the motion that was made at the City Council Retreat. Motion by Sackley, seconded by Reid, to accept the recommendation of the Park Board to extend the existing smoking ban in city parks to playgrounds and pavilions. Councilmember O'Brien asked for a clarification from City Attorney Brown whether pavilions would also include picnic areas and shelters? City Attorney Brown responded that if the intent is to approve the recommendation of the Park Board, then that is all that is needed (in the motion). Discussion followed. Motion by Sackley, seconded by Reid, to amend the motion, to approve the recommendation of the Park Board to extend smoking bans in city parks to include two additional areas generally described as playgrounds and picnic areas.

Councilmember Urban indicated his preference that the smoking ban should extend to the entire park in all city parks. Councilmember Randall concurred. Discussion followed and Councilmember O'Brien expressed her opinion that the motion as presented is a good compromise. Discussion followed. Upon a roll call vote, motion carried 5 to 2. Ayes: Councilmembers Campbell, O'Brien, Reid, Mayor Pro Tem Sackley and Mayor Strazdas. No: Councilmembers Randall and Urban.

PROCESS TO FILL CITY COUNCIL VACANCY: Mayor Strazdas explained that the process to fill the vacancy to be created by the resignation of Councilmember O'Brien was approved at the City Council Goal Setting Session on November 12, 2010, and asked City Manager Maurice Evans to explain what had been past practices with regard to an open position on City Council. Mr. Evans indicated that in the past, City Council has selected the candidate who received the next highest vote in the previous election; has solicited interested citizens and selected from those applicants; and has selected someone who has served on City Council who his willing to serve to fulfill the remaining term, but is not willing to run for the position. Mayor Strazdas referred to the time frame as it appears in the City Charter and pointed out that the City Charter is silent on the process to be used. Mayor Strazdas indicated that City Council discussed the matter at length at the Retreat and asked for a motion to determine the process and a motion to set a special meeting if the process requires another meeting. Discussion followed. Motion by Sackley, seconded by O'Brien, to accept applications for candidates seeking to fill the remaining portion of Councilmember Margaret O'Brien's term to be vacated that preference in that application process be given to those individuals who have previously served on or have run by putting his or her name on the ballot for a Portage City Council position and that those applications be accepted until Friday, November 19, 2010, at 5 p.m. at City Hall. In answer to Councilmember Urban, City Attorney explained the notice requirement of the City Charter with regard to Special Meetings. Discussion followed. Councilmember O'Brien indicated that it is her intent to submit her resignation at the December 21, 2010 Regular City Council Meeting and distinguished the preference in the application process for those individuals who have previously served on or have run for Portage City Council is just that, a preference, not a requirement. Discussion followed. City Clerk James Hudson pointed out that the filing deadline for future November City Council Elections has changed and the new deadline for the November 2, 2011 City Election is August 16, 2011. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Mayor Strazdas asked that the Administration distribute the names of the applicants to City Council, after the close of business, Friday, November 19, 2010, to give City Council time to review the applications.

SPECIAL MEETINGS: Mayor Strazdas suggested City Council set a Special Meeting, City Council Chambers, Tuesday, November 23, 2010, 6 p.m., to review the applications for the purpose of “short-listing” with no public comment. He also informed City Council of his intent to set another Special Meeting of City Council to interview the applicants, Tuesday, November 30, 2010, at 6 p.m. Discussion followed. City Attorney Brown indicated that public comment with each of the candidates can be restricted, but any member of the public who wishes to speak, under the Open Meetings Act, the City Council would have to let that person speak for the time allotted in the rules, usually four (4) minutes. Discussion followed. Motion by O’Brien, seconded by Sackley, to set a Special Meeting, Tuesday, November 23, 2010, 6 p.m., Council Chambers, with a proposed agenda to develop a list of applicants to interview on Tuesday, November 30, 2010, at a time to be determined. Discussion followed regarding the time of the meeting on November 30, 2010. Further discussion followed and Mayor Pro Tem Sackley asked that all of the applicants be notified on Friday, November 19, 2010, of the process and the dates and times of the special meetings when all of the applications have been received. In answer to Mayor Pro Tem Sackley, City Attorney Brown indicated that he knew of no legal impediment to prevent a Councilmember from contacting an applicant, but suggested that if contact is made, that it be disclosed. City Clerk Hudson said he would notify the applicants as requested by Mayor Pro Tem Sackley. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

* **BARRINGTON WOODS APARTMENTS – EASEMENT AND LICENSE AGREEMENTS:** Motion by O’Brien, seconded by Reid, to adopt the Resolution granting the Easement and Right-of-Way Agreement for Ingress and Egress and License Agreement To Locate Personal Property in City Right-of-Way to Duke Barrington Limited Dividend Housing Association Limited Partnership. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

- Portage Park Board of October 6, 2010.
- Portage Human Services Board of October 7, 2010.
- Portage Zoning Board of Appeals of October 11, 2010.
- Portage Environmental Board of October 13, 2010.
- Portage Planning Commission of October 21, 2010.

BID TABULATIONS:

* **WORKERS’ COMPENSATION EXCESS INSURANCE AND THIRD PARTY ADMINISTRATION CONTRACTS:** Motion by O’Brien, seconded by Reid, to award a two-year contract renewal to Safety National Casualty Corporation, the low bidder, for workers’ compensation excess insurance coverage for an annual fee of \$39,567 plus payroll adjustments; approve a two-year contract renewal with Eagle Claims Management for workers’ compensation third party administration for an annual fee of \$10,268; and authorize the City Manager to execute all documents related to these contract renewals on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **WATER AND WASTEWATER UTILITY RATE STUDY:** Motion by O’Brien, seconded by Reid, to award a contract for a water and wastewater Utility Rate Study to Utility Financial Solutions, LLC, at a cost not to exceed \$35,500 and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **2011 STORM DRAINAGE IMPROVEMENTS PROGRAM AND BARBERRY AVENUE SANITARY SEWER REHABILITATION:** Motion by O'Brien, seconded by Reid, to award a contract to Hurley & Stewart, LLC, with the low cost proposal for engineering services related to the 2011 Storm Drainage Improvements and Barberry Avenue Sanitary Sewer Rehabilitation in the amount of \$33,000 and authorize the City Manager to execute all documents 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: City Council and the Mayor wished everyone a safe and happy holiday, encouraged everyone to welcome visiting shoppers.

Councilmember Reid and Mayor Strazdas encouraged interested citizens to apply for the vacancy created by the election of Councilmember O'Brien to the State House of Representatives.

City Manager Evans referred to the recommendation from the state to re-inspect all residential properties that was contained in the City Council retreat materials and indicated that a pilot project was planned to perform inspections of the Lexington Green neighborhood when the City Assessor's Office finishes with the Board of Review and follow-up responsibilities some time in April with the help of an outside consultant. He addressed the sign ordinance, especially temporary sign permits, and indicated that the sign ordinance is applied uniformly throughout the city and was not in the position to recommend a fee increase because so few are issued, process is simple and it's working quite well under the current fee structure and no moratorium is warranted at this time. Draft report card, or issues map, is forthcoming, soon. Next, he will have City Assessor James Bush prepare a brief report to keep City Council updated on the work of the Assessor's Office. He indicated that a records update will be performed to ensure that all property transactions and mailing addresses are accurate and that Sales Ratio Studies are updated to reflect current market value, as residential has been finalized by the Equalization Department at 50.18%, so some assessment reductions will be made to get below the mandated 50%. He indicated that the commercial ratios and industrial ratios will be dropping and will affect revenue streams; that the assessing staff has inspected approximately 300-400 properties during the course of the year and inspection activity will continue until mid-January; and, that the 2010 Industrial Facility Tax Abatement Report has been compiled for the State Tax Commission. Since four personal property abatements will expire December 30, 2010, the property owners will be notified in November about the expirations and the requirement that the assets be reported for the regular tax roll. Finally, as a result of the passage of the Board of Review ballot proposal, the City Assessor will continue to work with City Administration and City Attorney regarding implementing improvements in training and the appointment of three, six, or nine members and addressing the subject of City Council adopting poverty income guidelines including an "asset test."

Mayor Pro Tem Sackley commented on the Portage Sign Ordinance and the need for better exposure to information in order for businesses to be able to more effectively do business in Portage.

Mayor Strazdas announced the essay contest for area youth to write what they like about Portage and commented on the respect and professionalism exhibited by City Council at the retreat that was both active and engaging.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:15 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF NOVEMBER 16, 2010 – CITY WEBSITE UPGRADE**

Mayor Strazdas called the meeting to order at 6:37 p.m. The following Councilmembers were present: Councilmembers Elizabeth Campbell, Margaret O'Brien, Patricia Randall, Terry Urban and Mayor Peter Strazdas. Mayor Pro Tem Edward Sackley arrived at 6:55 p.m. Councilmember Claudette Reid arrived at 7:25 p.m. Also in attendance were City Manager Maurice Evans, Chief Information Officer Devin Mackinder and City Clerk James Hudson.

City Council received a website development presentation from Chief Information Officer Devin Mackinder. He reviewed the research, input, new design and statistics of the users of the Portage website and mentioned the survey conducted to make sure there were very few issues for people who were using the Portage website. He indicated that success was measured through the use of trends, awards and statistics.

Councilmember O'Brien left at 6:45 p.m. and returned at 7:21 p.m.

Mr. Mackinder continued his review and explained the website links, the two column design of the templates, planning and policy, the social networking tools of Facebook, Twitter and Nixel, news releases and Really Simple Syndication (RSS) Feeds to people. City Council reacted favorably to the changes. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 7:27 p.m.

James R. Hudson, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF NOVEMBER 23, 2010**

The Special Meeting was called to order by Mayor Peter Strazdas at 6:00 p.m.

The Deputy City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans and Deputy City Clerk Adam D. Herringa. City Attorney Randall Brown arrived at 6:25 p.m.

Mayor Strazdas opened the meeting by stating that the reason for the meeting is to begin the process of filling an upcoming vacancy on the City Council due to Councilmember O'Brien's election to the State Legislature. Mayor Strazdas then indicated that there were six applicants for the vacancy and inquired if City Council would like to narrow the list down or interview all six at a special meeting. Discussion followed and the consensus of City Council was to create a list of three finalists to interview.

Mayor Strazdas then inquired if any City Councilmember would like to express an opinion regarding a specific candidate. There being none, Mayor Strazdas then asked for suggestions for a process by which to narrow the list of candidates to three. There was much discussion regarding whether City Councilmembers would rank all six candidates, recommend up to three, whether or not to consider a fourth candidate depending on how many votes the candidate received and whether or not the voting should be public. There was consensus that the vote be public and that each Councilmember would state the names of up to three candidates. The Deputy City Clerk would record who received a vote and report the totals.

Mayor Strazdas inquired again if any Councilmember would like to express his or her thoughts on a particular candidate. There being none, the Deputy City Clerk called the name of each Councilmember and each Councilmember stated his or her preferred candidates. The Deputy City Clerk then tallied the results. Betty Lee Ongley (6 votes), Cory Bailes (5 votes) and Jim Pearson (4 votes) received the most votes while the remaining candidates, Thomas Eddy, Larry Provancher and James Graham, each received one vote.

While the Deputy City Clerk tallied the votes, Mayor Strazdas discussed the "Why I Love Portage" essay contest for area youth and solicited volunteers from the City Council to help review the essays. The winners will assist in the tree lighting ceremony on December 4th.

Following the report of the voting results, motion by Urban, seconded by Sackley to invite Betty Lee Ongley, Jim Pearson and Cory Bailes in for interviews for the soon-to-be vacancy on City Council at a time still to be determined. Councilmember O'Brien expressed her appreciation for all applicants and recognized two members of the audience, Tom Eddy and Larry Provancher, for applying and for their service to the community. Mayor Strazdas echoed her comments. Upon a roll call vote, motion carried 7 to 0.

Mayor Strazdas then asked City Council for the time at which to interview the three candidates. Discussion followed. Motion by O'Brien, seconded by Randall, to hold the special meeting on November 30th at 7:00 p.m. in Conference Room #1. Upon a voice vote, motion

carried 7 to 0.

Discussion was then held on how to interview candidates, whether it is in thirty minute blocks of time or a joint interview in which all candidates are present and each is given an opportunity to respond to every question. It was the consensus of City Council to invite each candidate at 7:00 p.m. and that a joint interview is held.

ADJOURN: Mayor Strazdas adjourned the meeting at 6:51 p.m.

Adam Herringa, Deputy City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF NOVEMBER 30, 2010**

The Special Meeting was called to order by Mayor Peter Strazdas at 6:58 p.m.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans and City Clerk James R. Hudson.

Mayor Strazdas opened the meeting by stating that the reason for the meeting is to continue the process of filling an upcoming vacancy on the City Council due to Councilmember O'Brien's election to the State Legislature. Mayor Strazdas then outlined the process and indicated that there would be opening comments by the candidates, closing comments by the candidates and each City Councilmember would be allowed to ask one question of the candidates on a rotating basis. The candidates would then be given three minutes to answer the question.

Betty Ongley, Jim Pearson and Cory Bailes were present for the interview by City Council. Each of the candidates provided a short opening statement and, there being no statements by any of the City Councilmembers, the first round of questions and answers followed. Because the first round of questions only took approximately 30 minutes, Mayor Strazdas entertained a second round of questions and discussion followed with questions from each City Councilmember and answers from each of the candidates. Each of the candidates then provided a closing statement. Discussion followed.

Mayor Strazdas recognized Human Services Board Member Bill Lenehan, who thanked City Council for reappointing him to a one year term ending October 1, 2011, which allows him to continue his work as the representative on the Metro Transit ADA Local Advisory Committee. Discussion followed.

Mayor Strazdas then asked for a poll of City Council where each Councilmember expressed his or her preference and opinion regarding the candidate of their choice. Councilmember Campbell, Mayor Pro Tem Sackley and Mayor Strazdas expressed an opinion and preference for former Mayor Betty Ongley; Councilmembers O'Brien, Reid and Urban expressed an opinion and a preference for Cory Bailes; and, Councilmember Randall expressed an opinion and a preference for Jim Pearson. Discussion followed.

In deference to the preference expressed by Councilmember O'Brien, motion by Sackley, seconded by Urban, to nominate Cory Bailes to fill the remaining portion of Councilmember Margaret O'Brien's term owing to her election to the Michigan State House of Representatives. Discussion followed. Upon a roll call vote, motion carried 5 to 2: Yeas: Councilmembers O'Brien, Reid and Urban, Mayor Pro Tem Sackley and Mayor Strazdas. No: Councilmembers Campbell and Randall. Discussion followed.

City Council complimented and thanked each of the candidates for participating and congratulated and welcomed Councilmember-elect Cory Bailes. When Mayor Strazdas asked for a comment from City Manager Evans, he reflected that the City Council process constituted a “class act all around” and commented that it was a privilege to work with them.

Mayor Strazdas addressed the upcoming assignments for Councilmember committees, asked Mr. Evans to organize a matrix of all of the committees, and indicated that he would do his best to assign each Councilmember to his or her top two choices. He then encouraged each of them to serve on committees which they have never served on before. Mr. Evans indicated that the requested materials are already a part of the December 7, 2010 Regular City Council Meeting Agenda. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 8:52 p.m.

James R. Hudson, City Clerk