



PLANNING COMMISSION

December 17, 2015

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**December 17, 2015
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * December 3, 2015

SITE/FINAL PLANS:

PUBLIC HEARINGS:

OLD BUSINESS:

- * 1. Rezoning Application #15/16-2, 480 Admiral Avenue – expanded rezoning consideration

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

November 17, 2015 City Council regular meeting minutes
November 9, 2015 Zoning Board of Appeals meeting minutes

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

PLANNING COMMISSION

December 3, 2015

The City of Portage Planning Commission meeting of December 3, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Fifteen citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Richmond (yes), Schimmel (yes), Somers (yes), Dargitz (yes), Felicijan (yes), Welch (yes), Stoffer (yes), and Bosch (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the roll excusing Commissioner Patterson. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the November 19, 2015 meeting minutes contained in the agenda packet. Commissioner Dargitz indicated she would be abstaining from the vote since she was not present at the November 19, 2015 meeting. A motion was made by Commissioner Somers, seconded by Commissioner Richmond, to approve the minutes as submitted. The motion was unanimously approved 7-0-1.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Final Report; Rezoning Application #15/16-2, 480 Admiral Avenue. Mr. Forth summarized the staff report dated November 25, 2015 regarding a request from Chad Scott to rezone 480 Admiral Avenue from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. According to the applicant, the rezoning would facilitate construction of 1-3 duplex units along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. Forth summarized the Future Land Use Map designation, existing zoning pattern, surrounding land uses and several inconsistencies. Mr. Forth also mentioned environmental features that may limit development such as the presence of wetlands and organic soils. Mr. Forth noted the applicant has changed the original proposal of constructing one, 4-unit building to 1-3 duplex units. Mr. Forth also noted that the Zoning Code requires at least one property line abut a major thoroughfare to permit a 4-unit building and this parcel does not meet that requirement. Mr. Forth indicated the R-1A zoning district is most consistent with the Plan designation but the R-1T district requested by the applicant can also be considered generally consistent with the Plan and surrounding area.

Ms. Kelly Cavanaugh, Nederveld Associates (applicant's consultant), was present to support the zoning change and to discuss the proposal to construct 1-3 duplex units. Commissioner Dargitz asked Ms. Cavanaugh to further explain the wetland report that had been prepared. Ms. Cavanaugh indicated a formal wetland delineation study had been prepared approximately five years ago by another company and they were requested to show the wetland boundary on a site plan. Nederveld Associates does not have a copy of

the formal report. Ms. Cavanaugh noted the wetland boundary changes where the elevation changes. Commissioner Dargitz indicated the National Wetlands Inventory map shows the entire area encumbered by wetlands. Ms. Cavanaugh indicated those maps show an assumed wetland area and showed the Commission a map of the wetland boundary prepared approximately five years ago. Ms. Cavanaugh reiterated the north end of the property is developable.

The public hearing was opened. Mr. Rick Dueweke, 606 Dorset, was present to speak against the proposed zoning change. Mr. Dueweke mentioned he has been a resident of the area for 24 years, lives close to the access point for the proposed duplex units, and is familiar with the subject property. Mr. Dueweke also mentioned the berm that was constructed to the north and the wetland area created when Romence Road Parkway was extended. The subject property borders a single-family neighborhood and multi-family uses would not be appropriate. Mr. Dueweke noted his property and several others on Dorset Street are currently zoned R-1T, but this zoning is not correct. Bryan Cedarberg, 612 Dorset, was also present to oppose the rezoning application. Mr. Cedarberg explained that when he purchased the property, he preferred the location away from the existing apartments located on Admiral Street. Mr. Cedarberg does not believe these existing apartments are very well maintained and negatively affect the value of the neighborhood. Mr. Cedarberg doesn't believe it is appropriate to construct multi-family units in an area of the neighborhood occupied by only single-family residential units. Mr. Cedarberg was concerned about an increase in noise, traffic, trash, crime and a negative impact on property values. Mr. Cedarberg also agreed with Mr. Dueweke that his property and the others that are currently zoned R-1T is not correct and should be changed to single-family residential. Ms. Theresa Rowlerhens was present to speak on behalf of her sister, Christine Rohr who lives at 619 Cameo. Ms. Rowlerhens stated Ms. Rohr is opposed to the rezoning. She mentioned her sister experiences periodic flooding in her basement which suggests the area is a wetland. Ms. Rowlerhens expressed concerns about decrease in property values and safety. Ms. Rowlerhens also mentioned a desire to purchase a portion of the adjacent property.

There being no further public comment, the public hearing was closed. Commissioner Felicijan asked if there was wetland restoration completed when Romence Road was extended. Mr. Forth stated that a wetland mitigation area was created and noted this area on the map. Commissioner Bosch asked if the triangular portion of the existing RM-1 zoned property located at the south end would remain. Mr. Forth indicated it would remain since it is located on property owned by the city that is not part of the rezoning application. Mr. Forth mentioned there are inconsistencies between the existing land uses, zoning classifications and future land use designations that should be reviewed. Commissioner Stoffer asked if the single-family home lots on Dorset were rezoned from R-1T to R-1A, would they be conforming. Mr. Forth stated the lots would be conforming if rezoned to R-1A. Commissioner Dargitz asked if any part of 480 Admiral were part of the Romence Road or Sam's Club wetland mitigation area. Mr. Forth indicated it was not impacted by Sam's Club and to his knowledge, it was not part of the Romence Road wetland mitigation area. Commissioner Dargitz also asked if the city should be considering this rezoning application without knowing if the area is in fact a designated wetland area. Mr. Forth stated the matter before the Commission involves the use of the land and whether or not the zoning the applicant is requesting is an appropriate use at this location. Mr. Forth indicated that before any development occurs on this site, either under the current I-1/RM-1 zoning districts or some other zoning district, an official wetland delineation report will need to be submitted. The developer has indicated the wetland report is approximately five years old but will have it updated. Commissioner Dargitz asked if the National Wetland Inventory (NWI) maps on the city's website might be more accurate than a five year old wetland study. Mr. Forth stated the NWI maps generally show where potential wetlands may exist and further investigative research needs to be completed. Commissioner Schimmel asked if the lots on Dorset currently zoned R-1T could be redeveloped with duplex units. Mr. Forth stated an existing dwelling could be modified into a duplex or one or more dwellings razed and a new duplex units constructed. Commissioner Stoffer asked if the three duplex units located at the south end of Dorset are conforming. Mr. Forth responded they are nonconforming since they are zoned R-1A. Chairman Welch asked Attorney Brown if the wetland designation should be an issue as part of the rezoning

consideration. Attorney Brown stated he concurs with Mr. Forth's previous comment that this is a land use issue and the developer will need to address the wetland matter with the State of Michigan. Commissioner Dargitz suggested that perhaps the city should acquire the subject property in exchange for property on Romence Road Parkway. In response to the comment about exchanging land with the developer, Mr. Forth indicated the Open Space and Recreation Plan designates the city property as parkland and the City Charter prohibits the sale of designated property without voter approval.

There being no further discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #15/16-2 be approved and 480 Admiral Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1T, attached residential. The proposed zoning change is generally consistent with the Comprehensive Plan. Commissioner Stoffer stated it was difficult to conclude the proposed zoning change is consistent with the neighborhood by changing the density and won't be supporting the motion. Commissioner Stoffer said he would support a motion changing the zoning from I-1 and RM-1 to R-1A. Commissioners Dargitz and Schimmel said they would support that motion as well. Commissioner Bosch stated he agrees with Commissioner Stoffer to a certain extent. Commissioner Bosch noted that although there are single-family dwellings located in the R-1T district, the proposed R-1T district is consistent with the adjacent R-1T district. Commissioner Dargitz asked for clarification on the history of the current zoning pattern. Mr. Forth noted there is an original 1965 zoning map and believed the neighborhood was zoned R-1A in 1965 but without further research, couldn't comment on more recent changes.

Mr. Forth suggested that given the amount of discussion at the meeting which was absent at the November 19th meeting and not considered as part of the staff recommendation, the Commission could table the application and complete a more comprehensive review of this area, including the inconsistencies that exist between existing land uses, zoning classifications and Future Land Use Plan designations. Commissioner Felicijan didn't believe that tabling this matter is necessary since the Commission would likely be voting on one of two zoning districts, either R-1A or R-1T. Commissioner Dargitz commented that she believes it is important to understand the zoning history of the area and would like to look at this entire area. A zoning change should not be based on what might be an archaic zoning district. Commissioner Somers supported tabling the rezoning application based on the public comments received and the discussion among Commissioner members. Commissioner Felicijan withdrew his previous motion. Commissioner Bosch supported the withdrawal. Commissioner Felicijan then offered a motion to table Rezoning Application #15/16-2 until the January 21, 2016 meeting and that the Commission meet on December 17, 2015 to further discuss this matter. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Land Division Involving Public Improvements for Martin Luther King Jr. Drive, 6601 Constitution Boulevard. Mr. Forth summarized the report involving an application submitted by the Meyer C. Weiner Company to divide the property at 6601 Constitution Boulevard into three new parcels: one parcel defining the boundaries of Martin Luther King Jr. Drive (MLK), which is currently a private street; one new parcel to the north; and one new parcel to the south of MLK. The purpose of this project to facilitate the reconstruction of MLK Drive according to public street standards and upon completion, it is proposed that MLK Drive be accepted by the City of Portage as a public street. Mr. Forth summarized the existing conditions of the MLK Drive, proposed improvements, and method to finance the project. Mr. Forth also noted the building front yard setback will change from 30 feet to 75 feet and the property owners are aware of this change and the impact it will have on future development projects. Finally, Mr. Forth noted four variances from Public street standards would need to be approved by City Council with the proposal: 1)

reduced right-of-way and pavement width; 2) continuous sidewalk on the south side of the street in front of Celebration Cinema; 3) cul-de-sac turnaround at Ring Road; and 4) public water, sanitary sewer and storm sewer disposal facilities. With regard to utility availability, Commissioner Felicijan asked if the property were split, would public utilities be available to the new parcels. Mr. Forth responded that based on the current utility locations and vacant land areas, new parcels could be served by existing public utilities.

The applicant, Mr. Josh Weiner, Meyer C. Weiner Company, spoke in support of the proposed land division with public improvements. Mr. Weiner noted that if MLK Drive becomes a public street, it will be good for future development activity. Mr. Weiner also briefly discussed the special assessment process that will be used to finance the road reconstruction project over the next 10 years. Finally, Mr. Weiner commented that the city is better equipped to maintain this roadway.

Commissioner Dargitz asked if there was a public need to have this roadway transferred to the city as a public street. Mr. Forth noted that MLK Drive, unlike Ring Road, is collector road that provides important access to Crossroads Mall. Commissioner Dargitz expressed concern that acceptance of MLK Drive may set a precedence for other private roadways by deferring maintenance costs to the city. Mr. Forth indicated before a private can be accepted as a public street, it must meet city standards. City Manager Shaffer indicated there is no cost to the city to reconstruct MLK Drive: 50% of the project would be financed by the Meyer C. Weiner Company and 50% through the special assessment process. Total cost of the project is approximately \$475,000. Mr. Shaffer noted the city is better able to maintain city streets and Act 51 funding helps offset maintenance costs. Mr. Shaffer indicated the current condition of the roadway has a negative impact on potential economic development projects. Commissioner Dargitz asked if the city can require the private roadway owner to better maintain the road. Mr. Shaffer stated the city does not have a standard for maintaining MLK Drive and may have to declare it a public nuisance and attempt to force a solution. The proposal before the Commission is a collaborative solution through enforcement.

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council approval of the Martin Luther King Jr. Drive, land division with public improvements, 6601 Constitution Boulevard, including the variances noted in the Department of Community Development staff report dated November 25, 2015. The motion was unanimously approved 8-0.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Christopher T. Forth, AICP
Deputy Director of Planning, Development & Neighborhood Services

TO: Planning Commission

DATE: December 11, 2015

FROM: Vicki Georgeau, ^{VJ} Director of Community Development

SUBJECT: Rezoning Application #15/16-2, 480 Admiral Avenue – expanded rezoning consideration

I. INTRODUCTION/BACKGROUND:

An application has been received from Mr. Chad Scott requesting that 480 Admiral Avenue be rezoned from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. According to the applicant, the rezoning would facilitate construction of one (1) to three (3) two-family residential dwellings (duplexes) along the northern portion of the property, at the eastern terminus of Cameo Avenue.

The Planning Commission convened a public hearing during the November 19th and December 3rd, 2015 meetings to discuss the proposed rezoning. Mr. Chad Scott (applicant/property owner) and Mr. Greg Radd and Ms. Kelly Cavanaugh of Nederveld Associates (applicant's engineer) were present to support the rezoning request and discuss the development planned along the northern portion of the property. Three residents from the adjacent residential neighborhood spoke in opposition to the proposed rezoning during the December 3rd meeting. After receiving public comment and prior to formulating a recommendation to City Council, the Commission voted unanimously to adjourn the rezoning application to the January 21, 2016 meeting to allow additional time to further evaluate the application, including consideration to expand the rezoning area.

II. SURROUNDING PROPERTIES (ZONING, EXISTING AND FUTURE LAND USE):

Attached are several maps that depict the existing zoning/land use pattern, the Future Land Use Map designations and the historical development pattern for the area surrounding the subject rezoning parcel. The subject rezoning parcel (480 Admiral Avenue) is vacant with the southern portion zoned RM-1 and the northern portion zoned I-1. Commercial land use/zoning (B-2, B-3) is present along the South Westnedge Avenue frontage properties and the west end of Admiral Avenue, while multiple family residential land use/zoning (apartments and four-unit attached buildings zoned RM-1) is present along the north and south sides of Admiral Avenue. Properties located along Cameo Avenue and Dorset Street are dominated by single family detached residential homes zoned R-1A and R-1T, with the exception of three, two-family attached dwellings (duplexes) located along the east side of Dorset Street. Commercial and industrial land use/zoning (B-2 and I-1) including the Portage Crossings Shopping Center, Home Depot and Consumers Energy substation are situated north and west of the homes on Cameo Avenue, while vacant land zoned I-1 and RM-1 and owned by the City of Portage and part of the Bicentennial Park is located east of 480 Admiral Avenue and south of four-unit attached dwellings on Admiral Avenue.

The Future Land Use Map component of the Comprehensive Plan identifies the commercial properties located along South Westnedge Avenue and west/north of the homes on Cameo Avenue as appropriate for Regional Business land use. The vacant city-owned property located east of the homes on Dorset Street and south of the four-unit attached dwellings on Admiral Avenue is identified for Park/Recreation land use. Multiple family and single family residential properties located along Admiral Avenue, Cameo Avenue and Dorset Street are designated for Single-Family Detached Medium Density Residential (SFD-MD) land use.

As cited in the 2014 Comprehensive Plan, the SFD-MD land use designation is intended to provide for a greater diversity in single-family housing development at higher densities (up to 6 units per acre) than allowed under the Low Density Residential designation (1-4 units per acre). Areas planned for SFD-MD land use are often located adjacent to higher intensity uses, such as the Regional Business area, and generally correspond to the R-1A, one family residential and PD, planned development zoning districts. Based on Zoning Code requirements, the R-1A district allows for a maximum residential development density of 4-5 units/acre (detached), while the PD district allows for up to 7 units/acre (detached/attached). For comparison purposes, the R-1T district allows for a maximum residential development density of 7 units/acre (attached).

While Future Land Use Map designations are intended to serve as a general guide for future development and rezoning considerations, they are not necessarily intended to be property line and/or parcel specific. Specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors.

III. HISTORICAL RESIDENTIAL DEVELOPMENT/ZONING PATTERN:

Development of the multiple family and single family residential uses located along Admiral Avenue, Cameo Avenue and Dorset Street, began with approval of the Ramey Park Plat in 1958 (see attached plat map). The Ramey Park Plat includes the lots located along the north side of Admiral Avenue and along both sides of Cameo Avenue and Dorset Street. Subsequently, single family detached residential home construction began in the late 1950's and concluded in the mid-1970's. According to available city records, the three, two-family attached residential dwellings (duplexes) located at 6843, 422 and 426 Dorset Street were constructed in 1965 prior to the comprehensive rezoning of the city.

In 1968, City Council approved three rezoning applications (see attached map) that established the current zoning pattern and eventually facilitated construction of the apartment building located at 135 Admiral Avenue and the four-unit attached residential dwellings located along the south side of Admiral Avenue. Application #68-1 rezoned 280, 310, 340, 370, 400 and 430 Admiral Avenue from R-1A to RM-1 and 440 and 450 Admiral Avenue from I-1 to RM-1. The Woodside Ridge No. 1 plat was subsequently created in 1976, and construction of the four-unit attached residential buildings occurred in the late 1970s. Application #68-4 rezoned 135 Admiral Avenue from B-2 to RM-1 and subsequent construction of the apartment building occurred in approximately 1974. Application #68-3 rezoned 514, 520, 526, 532, 606, 612 and 618 Dorset from R-1A to R-1T, however, subsequent construction of single family detached residences occurred in the early 1970s. Application #68-3 also rezoned the rear portion of the subject rezoning parcel (480 Admiral Avenue) and a small triangular-shaped piece of the city-owned parcel located at 6979 South Westnedge Avenue from I-1 to RM-1, however, these properties have remained undeveloped since the 1968 rezoning.

IV. EXPANDED REZONING CONSIDERATION AREAS:

In addition to the subject parcel (480 Admiral Avenue), the following additional areas have been identified for a possible expanded rezoning consideration:

Area 1 (514, 520, 526, 532, 606, 612 and 618 Dorset Street)

- **Existing Land Use:** single-family detached residential homes
- **Existing Zoning:** R-1T, attached residential
- **Future Land Use Map:** Single-Family Detached-Medium Density Residential

- **History:** In 1968, these seven lots were rezoned from R-1A to R-1T. While two-family attached dwellings (duplexes) could have been constructed on these lots, single-family detached homes were subsequently constructed in the late 1960's/early 1970's.
- **Impacts of Zoning Change:** A zoning change from R-1T to R-1A could be considered and would not create any nonconformities at these properties. However, possible future construction of two-family attached dwellings would not be permitted at these properties under an R-1A zoning designation.

Area 2 (6843, 422 and 426 Dorset Street)

- **Existing Land Use:** two-family attached dwellings (duplexes)
- **Existing Zoning:** R-1A, one-family residential and I-1, light industrial (rear portions)
- **Future Land Use Map:** Single-Family Detached-Medium Density Residential
- **History:** According to city records, duplexes on these three properties were constructed in 1965 prior to the adoption of the City of Portage comprehensive zoning ordinance and map. When these three duplexes were developed, the property was zoned "B Residence", which permitted single-family and two-family residential uses. Subsequent to a comprehensive update to the city zoning ordinance in 1965, these three duplexes have been considered lawfully nonconforming uses and governed by the nonconforming use regulations of the Zoning Code. The rear portions of these properties, which are currently zoned I-1 and vacant, appear to be a result of a lot line adjustment that occurred sometime in the 1970's.
- **Impacts of Zoning Change:** A zoning change from I-1 to R-1A for the rear portions of these properties could also be considered. Since the rear portions of these properties are currently vacant, a zoning change to either R-1A would not affect the status of the existing duplexes located on the front portions of these properties. In addition, a zoning change to R-1T for the entirety of these properties could be considered, which would eliminate the nonconforming use status of the duplexes on these three properties. If no change in zoning occurs, these properties would continue as lawfully nonconforming uses governed by the nonconforming use regulations of the Zoning Code.

Area 3 (6979 South Westnedge Avenue)

- **Existing Land Use:** vacant, city owned property part of Bicentennial Park
- **Existing Zoning:** I-1, light industrial, RM-1, multiple family residential, B-2, community business
- **Future Land Use Map:** Park/Recreation
- **History:** This approximate 20 acre parcel is L-shaped paralleling the west side of the Grand Elk railroad tracks and fronting the north side of Romence Road Parkway with approximately 1,450 feet of frontage (a small area of this parcel is also located on the south side of Romence Road Parkway, which is zoned R-1A). The property is designated park land and been incorporated into the Bicentennial Park system. As such, the property cannot be sold and privately developed without a change in the park designation and/or a referendum vote by the residents of Portage.
- **Impacts of Zoning Change:** A zoning change from I-1, RM-1 and B-2 to R-1A, or similar residential district, could be considered and would not affect future parkland use of this land area. Such a zoning change may have some impact on existing commercial/multiple family residential land uses located along South Westnedge Avenue and Admiral Avenue. For example, when commercial development occurs adjacent to single family residential zoning, conflicting land use screening is required. Additionally, lower commercial building height restrictions (25-feet and one-story) and greater building/parking lot setbacks are applicable when commercial development occurs adjacent to single family residential zoning.

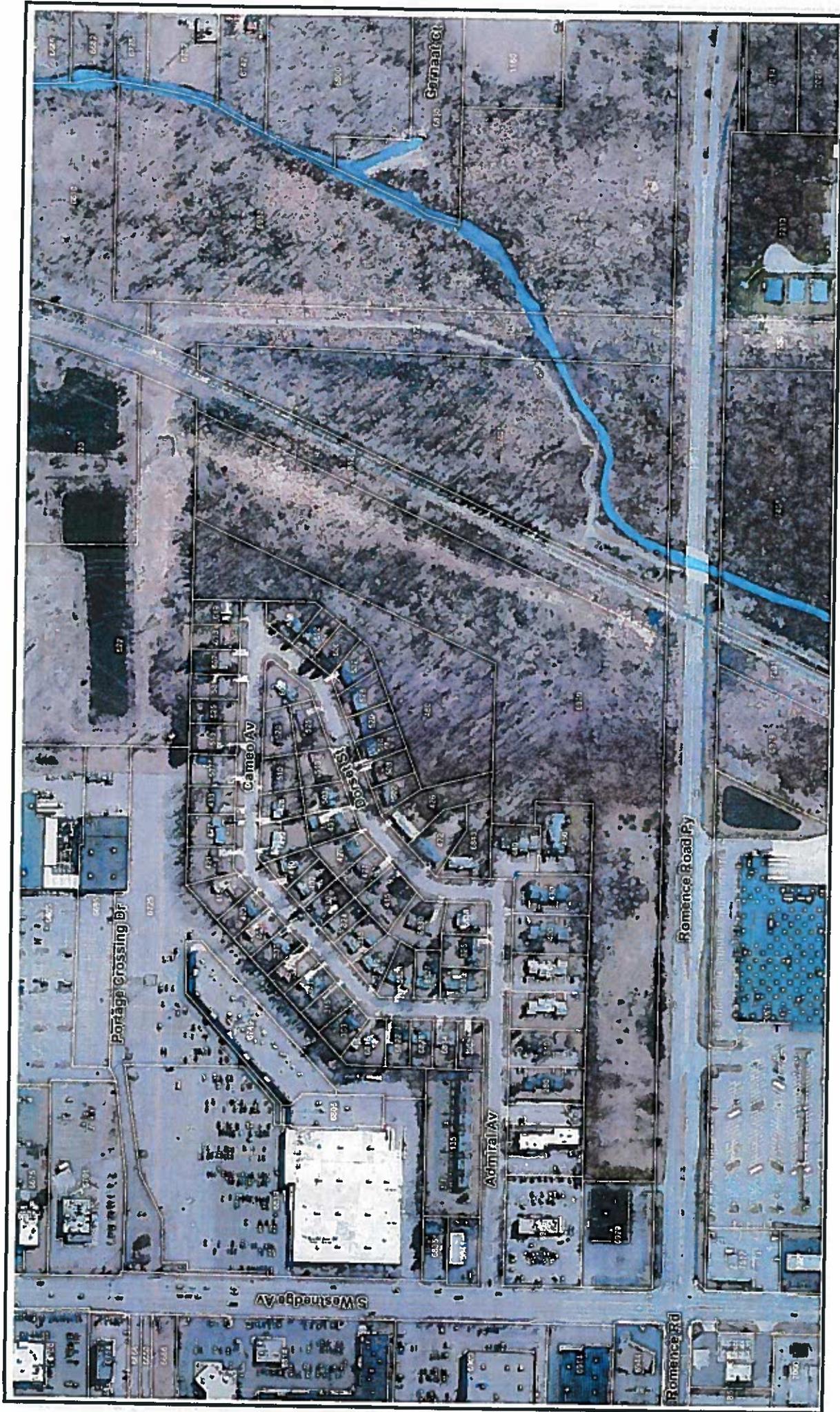
With regard to the RM-1 zoning area along Admiral Avenue, the zoning district was established in the late 1960's and the apartment building along the north side of Admiral Avenue and the four-unit attached residential dwellings along the south side of Admiral Avenue were constructed in the 1970's. As such, the apartment

building and four-unit attached residential dwellings are conforming uses permitted in the RM-1 district. While the Comprehensive Plan recommends Single-Family Detached Medium Density Residential (SFD-MD) land uses in this neighborhood, initiating a rezoning to R-1A or R-1T would make the existing uses nonconforming. As cited previously, Future Land Use Map designations are intended as a guide for future development and redevelopment. The existing multiple-family uses along Admiral Avenue serve as a suitable transition between the commercial land uses located along the frontage of South Westnedge Avenue, a major thoroughfare, and the single-family residential uses to the east.

V. RECOMMENDATION:

The Planning Commission is advised to review and discuss the possible expanded rezoning consideration during the December 17, 2015 meeting. If the Commission chooses to expand the rezoning consideration, a public hearing can be scheduled for the January 21, 2016 meeting to correspond to continued discussion and consideration of 480 Admiral Avenue.

Attachments: Aerial Photograph Map
Existing Zoning Map
Existing Land Use Map
Future Land Use Map
Previous Rezoning Map (1968 rezonings)
Residential Structure Map (approximate construction periods)
Plat Maps (Ramey Park and Woodside Ridge No. 1)

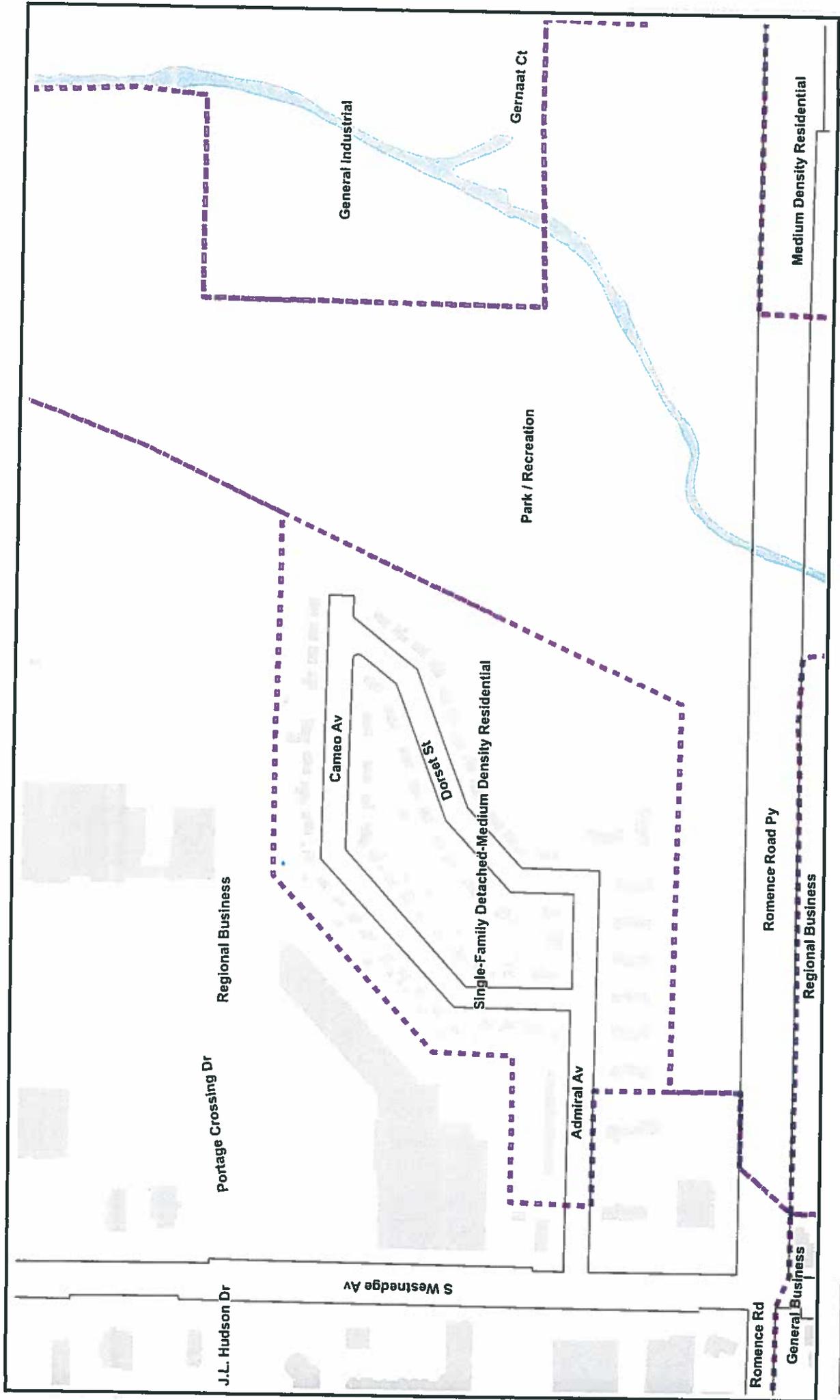


Aerial Photo

Date of photography: March 2013



1 inch = 228 feet



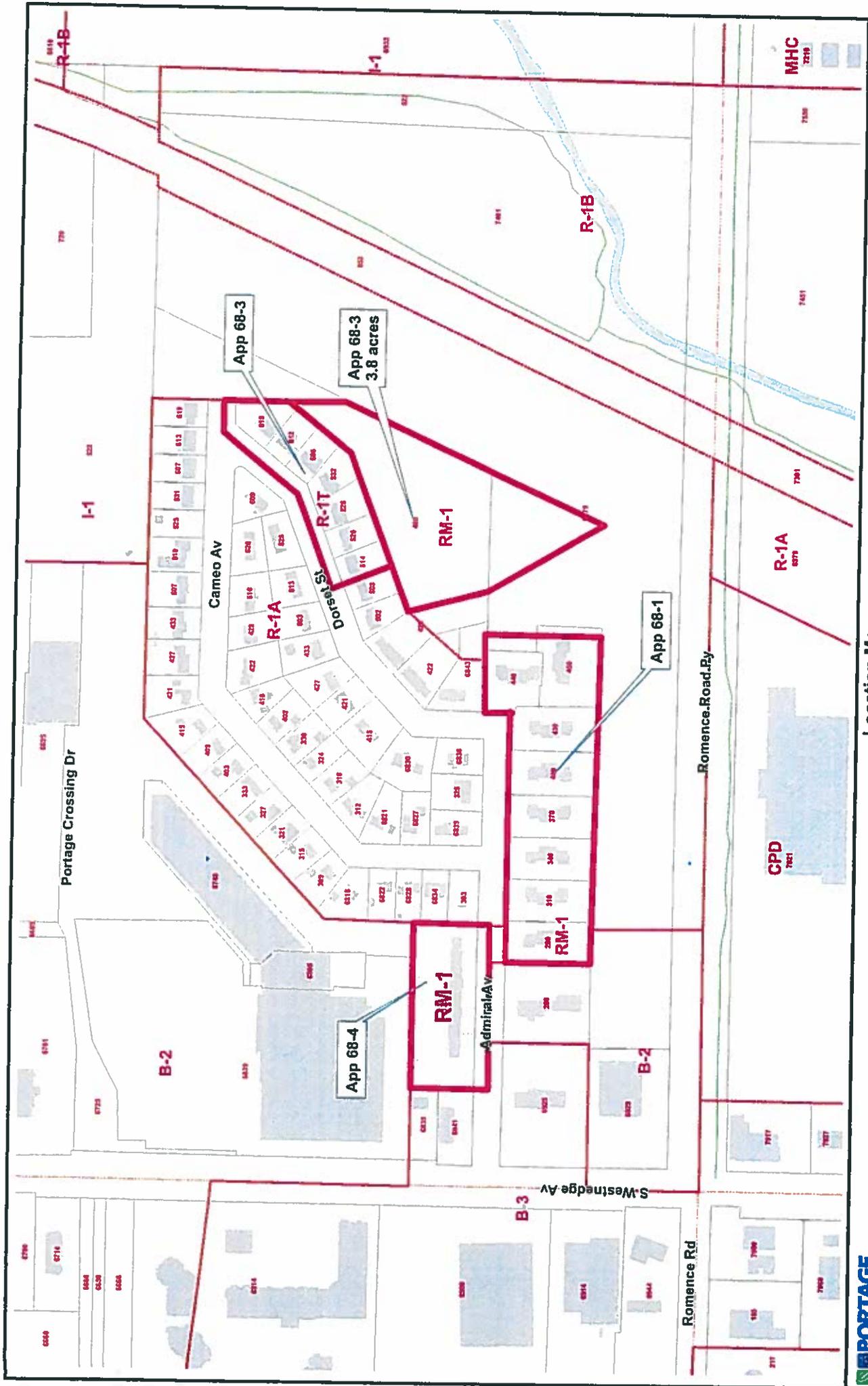
Legend

- Future Land Use

Future Land Use Map



1 inch = 228 feet



Year Built	
pre 1960	Yellow
1960 - 1969	Light Orange
1970 - 1979	Dark Orange
1980 - 2015	Red



Structure Year Built

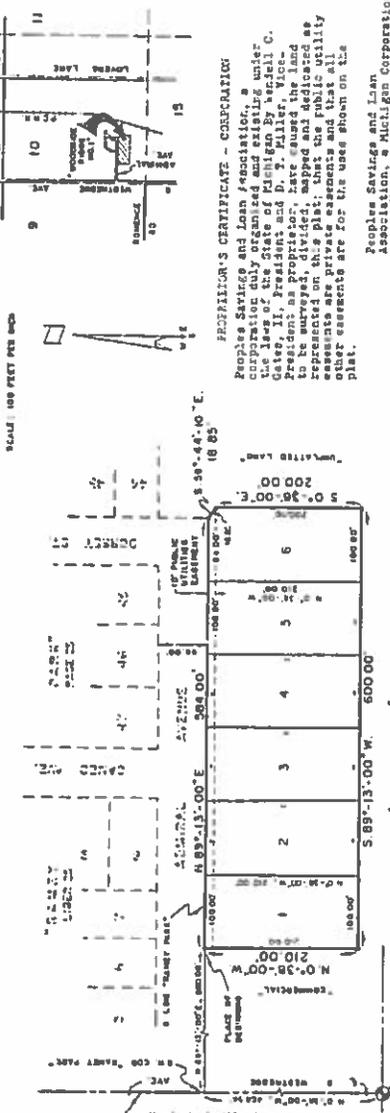
Data disclaimer: Specific construction dates taken from available city records and are considered approximate.



1 inch = 228 feet

WOODSIDE RIDGE NO. 1
IN THE S.E. 1/4 OF SECTION 40, T. 33, R. 11W,
CITY OF PORTAGE, COUNTY OF KALAMAZOO, MICHIGAN

1. ALL DIMENSIONS ARE IN FEET.
2. 2" X 4" CONCRETE MONUMENTS PLACED AT ALL CORNERS MARKED TYPED "M".
3. ALL LOT CORNERS MARKED WITH "D" OR "A" 1" X 3" LIME STEEL RODS.
4. STRAINED DIMENSIONS ESTABLISHED BY AND INSTRUMENT NO. 40-000-000-000-000



SURVEYOR'S CERTIFICATE

I, Robert L. Sauer, Surveyor, certify:
That I have surveyed, divided and mapped the land shown on this plat, described as follows:
The Southwest quarter (S. 1/4) of Section 40, T. 33, R. 11 W., City of Portage, County of Kalamazoo, Michigan.

Commencing at the Southeast corner of Section 10, T. 33, R. 11 W., City of Portage, County of Kalamazoo, Michigan; said Section 10, 40 acres, along the West line of said Section 10, 40 acres, East to the Southeast corner of the recorded plat of 'Robby Park' as found in Liber 25 of the Public Records of Kalamazoo County, Michigan, for Kalamazoo County, Michigan, and thence S. 11°-03'-00\"/>

This plat containing 6 lots numbered 1 through 6; that 1 acre said each survey, land-division, and plat by the direction of the owners of such land. All the aforesaid is correct representation of the surveyed and the subdivision of it; that the required monuments and loc. markers have been located in the ground or that surety has been deposited with the municipality, as required by Section 125 of the Act.

That the accuracy of survey as within the limits required by Section 125 of the Act. On required by Section 125 of the Act.

Richard L. Sauer
Registered Land Surveyor #10063

PROPRIETOR'S CERTIFICATE - INDIVIDUAL

We as proprietors certify that we caused the land embraced in this plat to be surveyed, divided, mapped and the public utility assessments, private easements and that all other easements are for the uses shown on the plat.

Witness
Paul Rosenberg
6314 S. Westnedge Avenue
Kalamazoo, Michigan, 49002
MRS. MARGARET M. ROSENBERG
6314 S. Westnedge Avenue
Kalamazoo, Michigan, 49002
Notary Public
6914 S. Westnedge Avenue
Kalamazoo, Michigan, 49002

ACKNOWLEDGMENT

State of Michigan }
Kalamazoo County }
Personally came before me this 29th day of April, 1976, the above named Paul Rosenberg and Margareta Rosenberg, his wife, and Arthur Rosenberg and Helen Rosenberg, his wife, the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public
Kalamazoo County, Michigan
My Commission expires: 12/31/75

PROPRIETOR'S CERTIFICATE - CORPORATION

Peoples Savings and Loan Association, a corporation duly organized and existing under the laws of Michigan and known by the name of Peoples Savings and Loan Association, Inc., by its President, J. K. Miller, Vice President, J. K. Miller, and Secretary, J. K. Miller, have caused the land to be surveyed, divided, mapped and dedicated as represented on this plat; that the public utility easements and that all other easements are for the uses shown on the plat.

Witness
J. K. Miller, President
J. K. Miller, Vice President
J. K. Miller, Secretary
Peoples Savings and Loan Association, a Michigan Corporation
2 West Michigan Mall
Baiting Green, Michigan, 49316
Notary Public
6914 S. Westnedge Avenue
Kalamazoo, Michigan, 49002

CITY TREASURER'S CERTIFICATE

The records in my office show no unpaid taxes or special assessments for the five years preceding this plat, involving the lands included in this plat.

City of Portage
Catherine White, City Treasurer
COUNTY TREASURER'S CERTIFICATE
The records in my office show no unpaid taxes or special assessments for the five years preceding this plat, involving the lands included in this plat.

Notary Public
Kalamazoo County, Michigan
My Commission expires: 12/31/75

ACKNOWLEDGMENT

State of Michigan }
Kalamazoo County }
Personally came before me this 29th day of April, 1976, the above named Paul Rosenberg and Margareta Rosenberg, his wife, and Arthur Rosenberg and Helen Rosenberg, his wife, the foregoing instrument and acknowledged that they executed the same as their free act and deed of said corporation, by its authority.

Notary Public
Kalamazoo County, Michigan
My Commission expires: 12/31/75
CERTIFICATE OF MUNICIPAL APPROVAL
I certify that this Plat was approved by the City of Portage, Michigan, on the 29th day of April, 1976, and was reviewed and found to be in compliance with Act 289, P.A. of 1967.

COUNTY PLAT BOARD CERTIFICATE

This Plat has been reviewed and is approved by the Kalamazoo County Plat Board on the 29th day of April, 1976, and is in compliance with all of the provisions of Act 289, P.A. 1967, and the Plat Board's applicable rules and regulations.

Notary Public
Kalamazoo County, Michigan
My Commission expires: 12/31/75

Richard L. Sauer
Registered Land Surveyor #10063

PROPRIETOR'S CERTIFICATE - CORPORATION
Matts Home Builders, Inc., a corporation duly organized and existing under the laws of the State of Michigan by Clarence Parke, Jr., the President, and Clarence Parke, Jr., Secretary, as authorized by the Board of Directors, have caused this plat to be surveyed, divided, mapped and dedicated as represented on this plat; that the public utility easements and that all other easements are for the uses shown on the plat.

Witness
Clarence Parke, Jr., President
Clarence Parke, Jr., Secretary
Matts Home Builders, Inc., a Michigan Corporation
1531 West Center Avenue
Kalamazoo, Michigan, 49002

ACKNOWLEDGMENT

State of Michigan }
Kalamazoo County }
Personally came before me this 29th day of April, 1976, the above named Clarence Parke, Jr., the President, and Clarence Parke, Jr., Secretary, as authorized by the Board of Directors, the foregoing instrument and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said corporation, by its authority.

Notary Public
Kalamazoo County, Michigan
My Commission expires: 12/31/75
CERTIFICATE OF MUNICIPAL APPROVAL
I certify that this Plat was approved by the City of Portage, Michigan, on the 29th day of April, 1976, and was reviewed and found to be in compliance with Act 289, P.A. of 1967.

COUNTY PLAT BOARD CERTIFICATE
This Plat has been reviewed and is approved by the Kalamazoo County Plat Board on the 29th day of April, 1976, and is in compliance with all of the provisions of Act 289, P.A. 1967, and the Plat Board's applicable rules and regulations.

Notary Public
Kalamazoo County, Michigan
My Commission expires: 12/31/75

Richard L. Sauer
Registered Land Surveyor #10063



MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 17, 2015

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

Mayor Strazdas introduced Reverend Dr. David Moffett-Moore of the Portage United Church of Christ, who gave the invocation, and the City Council and the audience recited the Pledge of Allegiance.

CURRENT COUNCIL:

ROLL CALL: The City Clerk called the roll with the following members present: Councilmembers Nasim H. Ansari, Richard Ford, Jim Pearson, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Peter J. Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ansari, to approve the November 3, 2015 Committee of the Whole and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

BOARD OF CANVASSERS REPORT: City Manager Larry Shaffer reviewed the Board of Canvassers Report for the November 3, 2015 City General Election. Motion by Reid, seconded by Ansari, to accept the Board of Canvassers Report of the final results of the November 3, 2015 City General Election as approved by the Kalamazoo County Board of Canvassers as information only. Upon a voice vote, motion carried 7 to 0.

ADJOURNMENT SINE DIE OF RETIRING CITY COUNCIL: Mayor Strazdas adjourned the meeting sine die at 7:40 p.m. and reconvened the meeting at 7:45 p.m.

NEW COUNCIL:

OATH OF OFFICE AND SEATING OF MAYOR AND COUNCILMEMBERS: City Clerk James Hudson administered the Oath of Office to Patricia Randall, Jim Pearson and Richard Ford as Councilmembers and to Peter J. Strazdas as Mayor.

SIGNING OF THE CITY COUNCIL CODE OF ETHICS AND VALUES POLICY: Councilmembers Patricia M. Randall, Jim Pearson and Richard Ford along with Mayor Peter J. Strazdas signed the Ethics and Values Policy.

SEATING OF MAYOR AND COUNCILMEMBERS: At the invitation of Mayor Strazdas, City Councilmembers took their respective seats at the dais.

ROLL CALL OF NEW COUNCIL: The City Clerk called the roll with the following members present: Councilmembers Nasim H. Ansari, Richard Ford, Jim Pearson, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Peter J. Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randall Brown and City Clerk James R. Hudson.

ELECTION OF MAYOR PRO-TEMPORE: Mayor Strazdas reviewed the process for determining who would assume the role of Mayor Pro Tem and entertained nominations for Mayor Pro Tem. Councilmember Randall nominated Councilmember Nasim Ansari to serve as the Portage Mayor Pro Tem and Councilmember Pearson supported the nomination. There being no further nominations, motion by Ford, seconded by Reid, to close the nominations. Upon a voice vote, motion carried 7 to 0.

With that, Mayor Strazdas suspended the need for a vote of Council for the election of the Mayor Pro Tem and seated Nasim Ansari as Mayor Pro Tem of Portage, and Councilmember Pearson assumed the chair formerly occupied by Mayor Pro Tem Ansari.

ADOPTION OF RULES OF ORDER AND PROCEDURE: Mayor Strazdas noted that all Councilmembers received these rules, asked if there were any concerns from the City Clerk or the City Manager. Hearing none, he entertained a motion to approve them. Motion by Ansari, seconded by Reid, to approve the Rules of Order and Procedure as presented. Discussion followed. Upon a voice vote, motion carried 7 to 0.

INTRODUCTION OF GUESTS: Mayor Strazdas recognized various citizens and government officials in the audience, including his wife, Sharon Strazdas, former Mayors Betty Ongley and Jamie Graham, Kalamazoo Mayor Bobby Hopewell, Kalamazoo City Manager James Ritsema, Kalamazoo County Under Sheriff Paul Matyas, former Councilmember and current State Senator Margaret O'Brien, and House Representative Brandt Iden.

ADJOURN FOR A RECEPTION OF NEW COUNCIL: 7:46 p.m.

RECONVENE OF NEW COUNCIL: 8:12 p.m.

COMMENTS FROM COUNCIL: Mayor Strazdas asked if there were any comments from the City Council.

Councilmember Pearson thanked the Portage voters for re-electing him. He referenced Councilmember Randall and her experience as an initiate with some of her suggested changes for the Assessor's Office, and he recounted that last year there was a lawyer threatening to sue him because he wanted to look outside for a Temporary City Manager. He indicated that he knows what it is like to be new and spoke about his newly elected official seminar with the Michigan Municipal League in Ann Arbor where he was told not to expect to effect change right away because it may take a few years. He said bold leadership, "to bring positive change in your community," means you have to take some lumps, know the system, so in his fifth year, he is looking forward now that he knows the system.

With that, he congratulated Councilmember Randall as the highest vote getter of any Councilmember winning every precinct in the city, especially considering the "lumps" she has had to take. He gave great praise to Larry Shaffer as an outstanding City Manager and indicated that he is well-respected throughout the County.

Councilmember Reid thanked the newly elected Councilmembers, Mayor Strazdas and newly appointed Mayor Pro Tem Ansari, congratulated them and expressed her appreciation to them. She pointed out that it is always a challenge to provide for a family, serve on City Council and deal with all of the competing activities and explained.

Councilmember Ford expressed his appreciation for being elected and recounted his experiences over the last two years as he brought positivity and energy to the tasks faced by City Council, as well as his youth. He reflected on a comment by Mayor Pro Tem Ansari at that time, who said, "Principle matters," when he defended his (Mr. Ford's) appointment to Council as the next highest vote-getter in the prior election and congratulated him on being elected Mayor Pro Tem.

Councilmember Randall congratulated her colleagues for a successful and a positive campaign saying they were very deserving and the voters recognized and supported their leadership. She thanked the voters for electing her and trusting her and that she will continue to always put citizens first. She indicated that the election reflected citizen satisfaction with the City of Portage and the new direction of the City leadership under City Manager Larry Shaffer as affirmed by the hundreds of households she visited.

She issued a plea that Council work together to provide Mr. Shaffer with the support he has earned and now deserves so that he may carry out his duties as City Manager as efficiently as possible. She said that she is looking forward to enhancing the City and the services of the City under the direction of this new Council. She thanked everyone for their support and encouragement and gave personal thanks to her husband, Bob, her hiking friend, Debbie, and recognized her nieces, nephews, sister and former Mayor Jamie Graham in the audience as some of her supporters.

She indicated that Mayor Pro Tem Ansari brings an offering of peace and good will, represents the City at every event and will carry out his office as a noble emissary.

Councilmember Randall congratulated outgoing former Mayor Pro Tem and Councilmember Jim Pearson, who represented the City as much as humanly possible. She especially thanked him for his work as representative on the Central County Dispatch Authority (Consolidated 911) where an agreement was reached which had not been possible for thirty years, and for his work on the Kalamazoo County Transit Authority/Central County Transit Authority.

She applauded the technology acumen and enthusiasm of Councilmember Ford and recognized that he represents a whole new faction of voters with the diversity that his youth brings to Council.

Councilmember Urban extended congratulations to those who ran the election, to all of the newly elected Councilmembers and to Mayor Strazdas.

Mayor Pro Tem Ansari asked for a moment of silence for the victims of the recent terrorist attack in Paris, France. He revealed that this is a bittersweet time for him as he is reminded of the suffering in the world and he finds it hard to concentrate on anything else except how to make matters better. He indicated that he is also reminded of the goodness of the Portage community and the citizens of Portage, who have elected him again to speak their voice and resolve their concerns and explained. He expressed his gratitude for being elected and indicated he is both blessed and humbled by the community for their faith in him. He recognized it as a great responsibility and promised the community that he would uphold the strong community-based values the voters have come to expect from City Council: integrity, transparency and commitment to our citizens. He indicated that we all live in a Democracy where we can agree to disagree, treat each other with respect and learn from the past, but not dwell on the past. He said that he is looking forward to working with all of the Council in the best interests of the City of Portage. He congratulated the newly elected Councilmembers for their hard work on the campaign trail, expressed his pride to be on the City Council and extended a special thank you to the rest of Council and City Manager Shaffer.

Mayor Strazdas expressed congratulations to all of City Council as he reflected that Portage has six great Councilmembers and an excellent City Manager, that this is an opportunity to work on the future, to work with the citizens, to offer better services, to offer value to our citizens and to take this City to a new level. He expressed an interest in taking advantage of the turnaround economy, new job opportunities, growing the economy and the good things before us. He pointed out that some of the current Councilmembers worked through the downturn in the economy, and the City was able to weather the great recession very well. He said it is time to "put the foot on the gas pedal" and move the City forward in positive ways. He indicated that he is looking forward to his role of supporting the Administration and bringing Councilmembers together, and he challenged all Councilmembers, and even himself, to work collaboratively among themselves, with the State Legislature and Kalamazoo County because there is much to be done, and there is a great future in store for Portage if everyone works together.

STATEMENTS OF CITIZENS AND GUESTS: State Senator Margaret O'Brien congratulated the newly elected Councilmembers and thanked City Council for all they have taught her. She explained that, as a Councilmember, this is where she learned about how to address issues, how to build relationships, and how to debate with one another and still come together. She explained how these skills have served her well in the legislature and that she is looking forward to continuing their partnership and working together.

House Representative Brandt Iden characterized the work by Council as a “wonderful job” and explained that he understands the difficulties associated with running a campaign while serving on Council and working a job in the community. He thanked Council for their service and continued dedication to Portage. He pointed out that he served with Mayor Pro Tem Ansari on the Kalamazoo County Commission and congratulated him on his new office. Discussion followed.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as presented with Councilmember Reid recusing herself from item N.1, Investment Committee Citizen Appointments, as Mr. Richard Kraas is her husband. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 17, 2015:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of November 17, 2015, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

PUBLIC HEARING FOR AN ORDINANCE AMENDMENT TO ESTABLISH BUDGET STABILIZATION FUND: Mayor Strazdas introduced the item and deferred to City Manager Larry Shaffer, who explained that a Budget Stabilization Fund allows City Council to formally set aside funds as a “rainy day” fund in a highly regulated, highly managed system and is recommended as one more tool to address downturns in the economy that affects the financial standing of the City. He indicated that only certain types of issues can be addressed by the fund under State Statute: downturns in revenue, changes in employment status for municipal employees or changes in public services, for example. He also pointed out that all funds coming in and out of the Budget Stabilization Fund require a two-thirds vote of City Council. He introduced Finance Director Bill Furry as a source of information on the particulars of the Budget Stabilization Fund. He said that the establishment of the Ordinance does not carry any funds with it as this requires a separate consideration and vote of Council and explained. Mayor Strazdas asked for comments from City Council; hearing none, he opened the public hearing to members of the audience.

There being no comments from the members of the audience, motion by Pearson, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Discussion followed.

Motion by Pearson, seconded by Randall, to approve an Ordinance to establish a Budget Stabilization Fund for the City of Portage, Michigan, by adding Article 3, Budget Stabilization Fund, to Chapter 70, Taxation.

Councilmember Reid referred to Council discussion at the Committee of the Whole Work Session of November 3, 2015, and her question, “What is the benefit?” She said she is still grappling with that question. She referred to the conversation about whether the Budget Stabilization Fund would be a part of or beyond the 24% Fund Balance as it could make a portion of the Fund Balance more difficult and more restrictive to use. She explained that the four purposes could still be funded with the Fund Balance, so she questioned the need for the Budget Stabilization Fund because there is no upside for having a Budget Stabilization Fund. Mr. Shaffer explained and expressed his view that the Budget Stabilization Fund is necessary for emergency purposes and is a preventative measure. He cited three stiff downturns in the economy in his 34 years as a City Manager where the fund would be necessary for addressing downturns in revenue, changes in employment status for municipal employees or changes in public services, for example.

Councilmember Reid asked if City Council maintains the current unencumbered 24% Fund Balance, how is that less available or less useable for emergencies than if we had 60% of that 24% in a Budget Stabilization Fund and 40% unencumbered? Mr. Shaffer indicated that Councilmember Reid has some very good points and admitted that this may be a case of personal preference. He indicated that he is not recommending that \$3.5 million be placed in that fund, but something less than that with

an annual appropriation for the fund. He reminded Council that he recommended \$300,000 for now with the hope that it can be built up gradually, and recommended that the Budget Stabilization Fund be in excess of 24%. He advocated having repositories of funds in different accounts with different strictures on them as being a very good thing for the City. Discussion followed.

Councilmember Reid indicated that one of the difficult things about the Budget Stabilization Fund as a Council is whether it would be part of the 24% Fund Balance, or would it be in addition to the 24% Fund Balance, and as a policy decision this impacts how Council views this Budget Stabilization Fund.

Councilmember Ford indicated that he is a proponent of the Budget Stabilization Fund, and noted that the Ordinance would establish the Fund but not provide funds for it. He pointed out that two times in the past decade, the City has had a deficit and the Administration was allowed to cover those losses with the unrestricted Fund Balance. He indicated that the Council is accountable to the citizens and need to be able to explain that the City did not do well because of the recession, a wind storm, the South Westnedge Project cost increases, etc., and "the Fund allows the City to take the next step forward instead of a step back."

Councilmember Urban referred to the statement by Councilmember Reid, regarding whether the Budget Stabilization Fund would be part of the 24% Fund Balance, or would it be in addition to the 24% Fund Balance, and indicated that Council will never know the answer to that because it can change every year with the Budget approval as Councils change their minds. He acknowledged that some communities might find a Budget Stabilization Fund important, but he cited the fact that because Portage was able to weather both the Michigan recession, then the national recession, he expressed doubt that it is a necessity for the City of Portage. He recognized that the City is levying at near the General Fund millage cap and near the total millage cap, and pointed out that in the past one of the special millage caps have been "bumped" up to the maximum allowable for the natural wind storm disaster, for example, until it was paid back, but there is not much room to do that. He pointed out that in the case of a natural, manmade or economic disaster, the Council cannot impose an increase in a millage to pay for a need without the consent of the citizens, but this is still not enough to convince him to have a Budget Stabilization Fund, at least not in Portage. He also recognized a unique situation could occur with regard to the Portage tax base that may also warrant such a Budget Stabilization Fund, except the restrictions may make such a Fund inappropriate for Portage, and it leaves the use of the Fund to the discretion of Council, whether it be a part of the Fund Balance or in addition to the Fund Balance. He also indicated his preference that it not be a part of the Fund Balance. Because of the uncertainty that it be a part of the Fund Balance, the history of Portage and the minimal advantage of the Budget Stabilization Fund, he indicated he did not think he could support it at this time. He remained flexible, nevertheless, and indicated that he could still support it.

Mayor Strazdas indicated that the City has always had at least 24% Fund Balance and asked when, if ever, have the Council had to take more than \$1 million of the \$6 million Fund Balance. The only upside the Mayor could cite was that it was a prudent measure to put restrictions on spending money and explained. In answer to Mayor Strazdas, City Attorney Randy Brown indicated that the Ordinance could be repealed, but the remaining funds would still fall under the statute. Mayor Strazdas expressed his support for the Budget Stabilization Fund and discussion followed.

Councilmember Randall indicated that this was a great example of showing confidence in City Manager Shaffer and his advice since the City is not supposed to accrue wealth, but to provide quality services to our citizens who pay taxes. She emphasized that future Councils are influenced by past Councils, cited examples, reminded Council that the future is uncertain, and expressed her support for the Budget Stabilization Fund. She indicated that the Fund Balance was 13% when she first became a Councilwoman, but the City had much more than that, so the City was not really carrying out what Council prescribed as a Fund Balance percentage.

Councilmember Urban indicated that the Fund Balance has always been figured as a minimal in the past and not been set as a specific percentage amount. He indicated that if Council takes the recommendation of the City Manager, it would result in the accumulation of wealth as referenced by

Councilmember Randall because it would be an extra amount of money over and above the Fund Balance and would be considered accruing wealth. He noted that the establishment of the Fund for that one time the City might need it could be 30 years from now, so he questioned should Portage Council hold \$3 million of the City citizens' money for 20 or 30 years for that one time it is needed. He mentioned that only two times has there been situations where the funds would be needed since he has lived in Portage, and revealed the results of his research that confirmed in part the assertion of Mr. Brown that the Ordinance could be repealed, but the remaining funds would still fall under the statute and cannot be used for capital improvement purposes.

In answer to Councilmember Reid, who cited Section 70-310 of the proposed Budget Stabilization Fund Ordinance, Mr. Brown confirmed that the Ordinance could be repealed, but the remaining funds still fall under the statute. Discussion followed.

Upon a roll call vote, motion carried 5 to 2. Yeas: Councilmembers Ford, Pearson, Randall, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmembers Reid and Urban. Discussion followed. Ordinance recorded on page 337 of City of Portage Ordinance Book No. 12.

REPORTS FROM THE ADMINISTRATION:

* **SOUTH SHORE DRIVE SANITARY SEWER PROJECT #416-S:** Motion by Urban, seconded by Reid, to adopt Resolution No. 1, accept the City Manager Report, request preparation of Resolution No. 2 for the South Shore Drive Sanitary Sewer Project #416-S, award a contract to Midwest Civil Engineers, Incorporated, for design and construction engineering services for an amount not to exceed \$42,500 and authorize the City Manager to sign all documents related to these matters on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 65 of City of Portage Resolution Book No. 46.

* **WEST CENTRE AVENUE RECONSTRUCTION - GRAND ELK RAILROAD GRADE CROSSING:** Motion by Urban, seconded by Reid, to authorize the replacement of the grade crossing at the West Centre Avenue railroad crossing by the Grand Elk Railroad in the amount of \$95,840 and authorize the City Manager to sign all documents related to this authorization on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **LOCAL DEVELOPMENT FINANCE AUTHORITY APPOINTMENTS:** Motion by Urban, seconded by Reid, to confirm the City Manager appointments to the Local Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 67 of City of Portage Resolution Book No. 46.

* **DOWNTOWN DEVELOPMENT AUTHORITY APPOINTMENTS:** Motion by Urban, seconded by Reid, to confirm the appointments to the Downtown Development Authority Board of Directors. Upon a roll call vote, motion carried 7 to 0.

* **OCTOBER 2015 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the October 2015 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY OPERATIONAL REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Operational Reports from the various departments for October 2015. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

* **INVESTMENT COMMITTEE CITIZEN APPOINTMENTS:** Motion by Urban, seconded by Reid, to reappoint citizen Richard Kraas and appoint citizens Christopher Burns and Aimee Kornowicz to the Investment Committee. Upon a roll call vote, motion carried 6 to 1 with Councilmember Reid recusing herself.

* **MINUTES OF BOARDS AND COMMISSIONS:** Council received the minutes of the:

Portage Human Services Board of September 3, 2015.

Portage Public Schools Regular Business Meeting of September 28 and Special and Committee of the Whole Work Session of October 12.

Portage Youth Advisory Committee of October 5, 2015.

Portage Historic District Commission of October 7, 2015.

Portage Historic District Study Committee of October 7, 2015.

Portage Zoning Board of Appeals of October 12, 2015.

Portage Planning Commission of October 15, 2015.

COUNCIL COMMITTEE REPORTS:

DISCOVER KALAMAZOO: Councilmember Randall recounted the Discovery Kalamazoo meeting, including a PowerPoint presentation by Kalamazoo City Manager James Ritsema regarding what is happening in Kalamazoo and an excellent report on the City of Portage by City Manager Larry Shaffer.

ENVIRONMENTAL HEALTH ADVISORY COUNCIL: Councilmember Ford indicated the minutes of the last meeting of the Environmental Health Advisory Council will be available just before the next meeting.

CENTRAL COUNTY TRANSIT AUTHORITY (CCTA): Councilmember Urban indicated that the Authority reviewed how much work needed to be done by the October 2016 closing date; that they reviewed a spreadsheet of 210 items, with 60% as the responsibility of the CCTA Board of Directors, including contracts and policies; and, that the list was by no means exhaustive or comprehensive. Discussion followed.

COUNTYWIDE DISPATCH AUTHORITY: Councilmember Pearson indicated that the Authority is very close to announcing an Executive Director; that Mr. Shaffer is taking the lead in working out the details of the employment contract; and, Mr. Shaffer confirmed that it should be announced in a couple of weeks.

NEW BUSINESS:

COUNCIL RETREAT: Mayor Strazdas asked for and received a consensus to use the same facilitator as last year and indicated that he would cross-reference all calendars with that of the facilitator. He recommended a one day session and suggested a Friday or Saturday. After a discussion of four date options, Council agreed to January 22, 2016, and the same location as last year.

PRE-COUNCIL MEETINGS: Mayor Strazdas asked for input on having a meeting prior to the Regular City Council Meeting with the intention that if there were any questions on an Agenda Item, it would be easier to speak face to face with a Department Head or the City Manager.

Councilmember Reid asked for minutes of the proposed Special Meetings so that all of Council would have the same information. Discussion followed.

Councilmember Randall asked that Council take advantage of technology by calling in on a phone or Skype (copy of a DVD, streaming, etc.) of the Special Meeting and explained.

Councilmember Urban indicated that these Pre-Council Meetings have never been all of the Councilmembers, have never been publicly noticed meetings and were originally the Mayor and Mayor Pro Tem with a Councilmember rotated in eventually because there was a sense that not everyone was getting the same information.

He pointed out that he cannot make a 7:30 a.m. meeting and, if Council is scheduling a routine meeting of this Council, it needs to be when the members are available. He indicated Council only has one such meeting, at 7:30 p.m., two Tuesdays a month (*Portage City Charter*). He emphasized City Council cannot schedule a regular meeting of Council when a Councilmember is not available, especially since this was not known when that Councilmember was elected. He asked, "What's broke?" Mayor Strazdas listed all of the ways Council can obtain answers to their Agenda questions: telephone, e-mail, personal meeting with the City Manager or a Department Head. Discussion followed.

Councilmember Pearson revealed a long-term problem he experienced with the original meeting schedule was that three members of Council and the public could attend, but the four remaining Councilmembers were "locked out" and asked for flexibility from Councilmember Urban some time on Monday before the Tuesday meetings. Councilmember Urban responded that he could not understand why Council needed to schedule two, properly noticed meetings on meeting week, and pointed out that Council can make decisions at these meetings, as they are different from the Committee of the Whole meetings. Councilmember Pearson responded that Council could set a policy to not make a decision at Pre-Council Meetings and Mayor Strazdas concurred. Discussion followed.

Councilmember Ford advocated the simple opportunity to ask the City Manager a question on Monday morning to give time for a response that would go to all Councilmembers, and that he saw it as a chance for the City Manager to get the answer and even respond after the meeting.

Mayor Strazdas observed that Council agrees that there has to be some rules promulgated and that only agenda items can be addressed on Monday with the City Manager. Mayor Strazdas offered to work with Mayor Pro Tem Ansari and City Manager Shaffer to create some basic rules of engagement, publish the rules and that Council would work within the confines of these rules if anyone shows up for a meeting.

Councilmember Urban objected saying there is no necessity for this since all Councilmembers have telephones and e-mails and can contact the City Manager with questions a number of ways; he said "We are simply posing questions to the City Manager." He said Council does not need to set a regularly scheduled public meeting of the entire Council. Mayor Strazdas indicated it is just another avenue of a "face to face;" no one has to be there; and the other opportunities are still options.

Councilmember Pearson indicated that he is not hearing any objections to the concept, and asked if Councilmember Urban could settle on a time on Monday and let Council know. Discussion followed.

Councilmember Reid offered 9:00 to 9:30 a.m. as her optimal time recognizing anyone who works may not be available, hence the need for comprehensive minutes. Discussion followed.

Councilmember Pearson asked that the time be subjected to a Doodle survey. Mayor Strazdas asked City Manager Shaffer to arrange the survey. Discussion followed.

BID TABULATION:

* **TELEPHONE SERVICES AGREEMENT – BID TABULATION:** Motion by Urban, seconded by Reid, to approve the five-year agreement between CTS Telecom of Galesburg, Michigan and the City of Portage for the provision of telephone services at an approximate annual cost of \$28,584 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 CITY COUNCIL: Councilmember Ford attended the Grand Opening of the KENCO Facility the day after the election with Mayor Strazdas, Mayor Pro Tem Ansari, Councilmember Randall and City Manager Shaffer. He thanked his wife and family for tolerating him during his campaign and announced that his wife is going to have another child. City Council, Mayor Strazdas and City Manager Shaffer congratulated him.

Councilmember Randall attended the Senior Center Craft sale and congratulated the school board, the parents and those who voted for the Portage Public School Proposals. She wished Happy Thanksgiving to everyone and safe travels.

Councilmember Pearson stressed the time commitment involved in the community, Council meetings, campaigning and home responsibilities and noted that campaigning helps a person lose weight, so he was glad the campaigning was over since he reached his target weight.

Councilmember Reid expressed her appreciation for the moment of silence requested by Mayor Pro Tem Ansari and reflected on family, the holidays and the importance of the people we really care about.

City Manager Shaffer congratulated the newly elected Councilmembers, Mayor Strazdas and Mayor Pro Tem Ansari and indicated he was looking forward to working with all of Council.

Mayor Pro Tem Ansari recognized former Mayor Jamie Graham and reflected on the earlier conversation regarding the time for the Pre-Council Meetings.

Mayor Strazdas discussed his meeting with the owners of KENCO, and indicated that he took the opportunity to show the owner around Portage since she had never been to Michigan. He asked Council to focus on business, the economy and good jobs for Portage. He reminded Councilmembers Urban, Reid and Ford that they volunteered to read the essays, "What I like About Portage." Councilmember Urban recused himself since his daughter is writing one of the essays. Discussion followed.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:30 p.m.

James R. Hudson, City Clerk

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

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – November 9, 2015

The City of Portage Zoning Board of Appeals meeting was called to order by Jeffrey Bright at 7:00 p.m. in the Council Chambers. Three people were in the audience.

MEMBERS PRESENT: Jeffrey Bright, Michael Robbe, John Byrnes, Phillip Schaefer, Chadwick Learned, Randall Schau, and Alexander Philipp.

MEMBERS EXCUSED: Lowell Seyburn, Glenn Smith.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charlie Bear, Assistant City Attorney.

APPROVAL OF THE MINUTES: Learned moved and Schaefer seconded a motion to approve the September 14, 2015 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #15-6. Doug Lynes, on behalf of the Lake Center Business Association, 8136, 8324/8328, 8626, 8944, 9345, 9651, 10011, 10332 Portage Road and 9601 Austin Drive: Mais summarized the variance requests: a) to allow banners on municipal poles to be displayed year round where a maximum 60 days is permitted; b) to permit banners on municipal poles 13 feet from grade where a maximum 16 feet is required; c) to permit banners on private property extending over a public sidewalk; and d) a variance to erect one additional banner sign specific to the businesses at 8136, 8324/8328 Portage Road, and 9106 Austin Drive. Doug Lynes was present to answer questions. Bright inquired if the intent of the proposed signs was to help establish identity for the business corridor along Portage Road. Mr. Lynes stated yes. Learned noted these sorts of banners are seen in many other communities and in some instances the banners appeared to be in disrepair. Mais stated if the Board approved the variances city staff could address maintenance issues as a code enforcement matter. Mr. Lynes stated the banners would be regularly monitored and maintained.

The public hearing was opened. No one spoke for or against the request. The public hearing was closed.

Schau inquired who had reviewed and approved the Comprehensive Plan and Lake Center subarea plan where the banners were first identified as a placemaking tool. Mais stated the Planning Commission and City Council. Learned stated he thought a text amendment should have been considered during that review to address these sorts of placemaking banners. Schau inquired if there had been previous variance requests for the duration that banners could be displayed on municipal poles. Mais stated this was the first such request. Learned requested clarification of how long a time period the proposed banners would be displayed. Mr. Lynes replied year round. Learned inquired if the banners on municipal poles could be changed out in the future to identify individual businesses. Attorney Bear stated there had been a recent Supreme Court decision that held municipalities cannot regulate sign content, but may still regulate the manner and location in which signs are displayed and the length of time. Bright inquired what controls the city would have over the proposed banners after a variance was granted. Mais stated the city could address the maintenance of the signs but understood that variances went with the land and the applicant would retain the right to maintain the signs in perpetuity. Schaefer stated he supported the idea behind the banners but did not think a variance was the way to go about it, and thought the city should instead investigate amending the code. Byrnes inquired if the variance request was for specific poles as utility poles are sometimes removed. Mais replied yes. Learned inquired if the applicant would be willing to accept a time limit of five years to display the banners on municipal poles. Mr. Lynes replied he could but would request a ten year period. Learned moved and Robbe seconded, a motion to grant variances b) to permit banners on municipal poles 13 feet from grade where a maximum 16 feet is required; c) to permit banners on private property extending over a public sidewalk; and d) a variance to erect one additional banner sign specific to the businesses at 8136, 8324/8328 Portage Road, and 9106 Austin Drive for the following reasons there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the narrow right-of-way and the limitations imposed by Consumers Energy; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify the business district with banners; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood,

and; the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Phillip-Yes, Byrnes-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-No. The motion passed 6-1.

A motion was made by Schau, seconded by Learned to grant a) a variance to allow banners on municipal poles on public property to be displayed for a five year period where a maximum 60 days is permitted for the following reasons: there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the unique business district on Portage Road between East Centre Avenue and East Osterhout Avenue; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to promote the general business district; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Phillip-Yes, Byrnes-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-07, Gary Supp, 10745 South Westnedge Avenue: Mais summarized the request for a variance to replace an attached nonconforming 20-foot by 22-foot carport with an attached garage of the same dimensions, eight feet from the (north) side property line where a minimum 12 feet is required. Mr. Supp was available to answer questions. Robbe noted the applicant could construct a detached garage in a conforming location and that he was not in favor of the request as the Board has denied a number of similar requests where applicants have wanted a three stall garage but could not meet the side setbacks. Schau stated this request differed from others in that a carport had already been in existence in the same footprint with no problems for decades and the applicant was simply constructing an enclosed garage in the same location.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Schau, seconded by Schaefer, to grant a variance to replace an attached nonconforming 20-foot by 22-foot carport with an attached garage of the same dimensions eight feet from the side property line where a minimum 12 feet is required for the following reasons: there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include that there has been a carport in the same footprint since the 1950's; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to convert a carport into a garage using the same footprint; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Phillip-Yes, Byrnes-Yes, Robbe-No, Bright-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 6-1.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator