



PLANNING COMMISSION

July 21, 2016

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

July 21, 2016
(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * July 7, 2016

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Preliminary Condominium Subdivision for Copperleaf (Phase II), 3800 West Milham Avenue and 5710 Angling Road

NEW BUSINESS:

OLD BUSINESS: (Adjourn to Conference Room No. 1)

- * 1. Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations
- 2. Community Impact Projects Grant Fund – additional discussion

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

June 13, 2016 City Council meeting minutes
June 27, 2016 City Council pre-meeting minutes
June 28, 2016 City Council meeting minutes
July 11, 2016 City Council pre-meeting minutes

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

PLANNING COMMISSION

July 7, 2016

 DRAFT

The City of Portage Planning Commission meeting of July 7, 2016 was called to order by Vice-Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Vice-Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the role: Patterson (yes), Bosch (yes), Stoffer (yes), Schimmel (yes), Richmond (not present), Shoup (yes) and Joshi (yes). A motion was offered by Commissioner Bosch, seconded by Commissioner Schimmel, to approve the role excusing Chairman Welch and Commissioner Dargitz. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Vice-Chairman Stoffer referred the Commission to the June 16, 2016 meeting minutes contained in the agenda packet. A motion was then made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved 6-0.

SITE/FINAL PLANS:

1. Site Plan: Mavcon Properties (restaurant), 9110 Portage Road. Mr. Forth summarized the staff report dated July 1, 2016 regarding a request by Mavcon Properties to establish a restaurant use (coffee shop and full service, sit-down restaurant) within the existing 8,100 square foot building located at 9110 Portage Road. Mr. Forth discussed the proposed parking lot expansion along the northern portion of the site and the proposed boat docks/mooring slips and boardwalk along West Lake. Mr. Forth also summarized the Zoning Board of Appeals variances approved on March 28, 2016 involving greenstrip width, interior parking lot landscaping and loading/unloading area. Mr. Forth indicated that staff is recommending approval of the site plan subject to MDEQ approval of the proposed boat docks/slips for West Lake water craft customers of the restaurant only (boat slips cannot be rented), no water craft rentals and no public access be provided to West Lake from the subject property.

Mr. James Dally, Mavcon Properties, was present to support the application and explain the development project. Mr. Dally also introduced Mr. Ken Miller and Mr. Matthew Burian of the Millenium Restaurant Group and Mr. Pat Flanagan of Ingersoll, Watson & McMachen. The Commission, staff and applicant next discussed various aspects of the development project including landscaping, knee-walls, sidewalk along Portage Road and the boardwalk, boat docks and mooring slips along West Lake. No citizens spoke regarding the proposed restaurant.

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Site Plan for Mavcon Properties (restaurant), 9110 Portage Road, subject to MDEQ approval of the proposed boat docks/slips for West Lake water craft customers of the restaurant only (boat slips cannot be rented), no water craft rentals and no public access be provided to West Lake from the subject property. The motion was unanimously approved 6-0.

 DRAFT

PUBLIC HEARINGS:

None

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

OLD BUSINESS:

1. Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations. Mr. Forth provided an update on development of the ordinance language for off-street parking and loading regulations. Mr. Forth asked if Commissioners had any additional questions/comments regarding the proposed changes and suggested a public hearing for formal consideration of the ordinance amendment be set for the August 4, 2016 meeting. Commissioners did not have any questions or comments at this time regarding proposed changes to the off-street parking and loading regulations. A motion was then made by Commissioner Bosch, seconded by Commissioner Schimmel, to set a public hearing for August 4, 2016 to consider Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations.

2. Community Impact Projects Grant Fund – additional discussion. Since Commissioner Dargitz wa excused from the meeting, Commissioner Schimmel suggested adjourning further discussion of the Community Impact Projects Grant Fund to the July 21, 2016 meeting. The Commission concurred. A motion was then made by Commissioner Schimmel, seconded by Commissioner Bosch, to adjourn further discussion of the Community Impact Projects Grant Fund to the July 21, 2016 meeting. The motion was unanimously approved 6-0.

ADJOURNMENT:

Commissioner Patterson stated he would not be present at the July 21, 2016 meeting.

There being no further business to come before the Commission, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

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

TO: Planning Commission **DATE:** July 15, 2016
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Preliminary Condominium Subdivision for Copperleaf Subdivision (Phase II), 3800 West Milham Avenue and 5710 Angling Road

I. INTRODUCTION:

Westview Capital, LLC has submitted Phase II of the preliminary condominium for the Copperleaf Subdivision. Phase II proposes 32 single family residential lots/units and extension of Copperleaf Trail, Bay Meadow Trail, along with construction of a new public cul-de-sac street (Caspian Circle).

Applicant	Sites/Area	Location
Westview Capital, LLC	32 lots-units/9.97 acres (Phase II)	Southeast ¼ of Section 6, North of West Milham Avenue and East of US-131.

As background information, the Copperleaf Planned Development received City Council approval in November 2013. The PD project includes a total of 204 single family residential homes on approximately 74 acres with over 14 acres (19%) devoted to perpetual open space. Open space areas will be located around the perimeter of the property adjacent to US-131 and I-94 and within central areas of the development. City Council approval of the planned development project included the following three modifications and one condition:

1. In lieu of sidewalks along both sides of all streets, the planned development project included an integrated pedestrian circulation network of concrete sidewalks (along at least one side of all streets) and an asphalt recreational path (along rear portions of building sites within identified open space areas) that will connect from West Milham Avenue to the Harbors West Park.
2. A block length of approximately 1,900 feet in Phases 5 and 6 where the maximum allowed is 1,400 feet.
3. Construction of 39 lots on a residential cul-de-sac street where only 20 are permitted until Phase 2 connects to Baywood Drive to the east.
4. Ranch-style homes be no less 1,400 square feet and two story homes be no less than 1,800 square feet.

Phase I of the Copperleaf Subdivision, which included 39 single family lots, received City Council approval in January 2015 and residential home construction is ongoing within this initial phase. Phase II of the Copperleaf Subdivision has been designed in substantial compliance with the approved tentative plan/narrative. A copy of the November 2013 approved tentative plan for the overall PD project and City Council meeting minutes are attached for reference.

II. COPPERLEAF SINGLE-FAMILY CONDOMINIUM REQUIREMENTS:

Article 6, Condominium Projects outlines the requirements for single family detached residential condominium subdivisions within the City of Portage pursuant to the authority conferred by the Michigan

Condominium Act, PA 59 of 1978, as amended. Single family residential condominium projects must meet the Zoning Code requirements for the district in which the development is located including minimum lot size (area), width and setbacks unless otherwise approved by City Council. Additionally, all Required Improvements and Design Standards contained in Article 5, Division 4 of the Subdivision and Land Division Regulations are also applicable to the residential condominium subdivision project.

The following summarizes the requirements that are applicable to the Copperleaf preliminary condominium subdivision application.

- Zoning – The subject property is zoned PD, planned development and consistent with the approved tentative plan and narrative, the majority of the lots will range in size from 7,620-9,144 square feet with 60-72 foot widths (larger/wider lots proposed within cul-de-sacs and where abutting the existing Harbors West Subdivision to the east and adjacent homes to the south. Homes will maintain minimum building setbacks of 25-feet (front), 25-feet (rear) and 5-feet (side) with a minimum 15-foot separation provided between homes. A minimum 15-foot setback will be provided along the long side of corner lots, while lots abutting the existing Harbors West development (Baywood/Bay Meadow Drive) and other existing home sites will maintain a minimum 10-foot side setback and 40-foot rear setback. Consistent with City Council approval, home sizes will be at least 1,400 square feet for ranch-style homes and 1,800 square feet for two-story homes.
- Vehicular Access/Streets/Utilities – Phase II of the Copperleaf Subdivision will be accessed through a northerly extension of Copperleaf Trail and an easterly extension of Bay Meadow Trail that will connect to the existing Bay Meadow Trail/Baywood Drive located within the Harbor West No. 1 subdivision. A new public cul-de-sac street (Caspian Circle) will also be constructed along the south side of the Bay Meadow Trail. Islands and other improvements proposed within the public street right-of-way will be owned and maintained by the condominium association with appropriate maintenance/indemnification agreement provided to the city.

Municipal water and sewer will be extended to serve Phase II of the development. Storm water will be collected and conveyed to an existing infiltration basin located north of Phase I. Storm water related piping and structures located within the public streets will be owned and maintained by the city, while the infiltration basin is owned and maintained by the condominium association.

- Sidewalks/Pedestrian Circulation – Section 42-804 of the Subdivision and Land Division Regulations establishes sidewalk requirements including installation of sidewalks along both sides of all streets. As noted above and in conjunction with the PD rezoning and tentative plan/narrative approval in November 2013, City Council approved a modification to this standard allowing installation of an integrated pedestrian circulation network of concrete sidewalks (along at least one side of all streets) and an asphalt recreational path (along rear portions of building sites within identified open space areas) that will connect from West Milham Avenue to the Harbors West Park. Attached is a drawing that shows the location of these paths. These recreational paths will be open for public use.

In January 2015 in conjunction with the review of the preliminary condominium subdivision for Copperleaf Phase I, City Council approved a minor modification to the pedestrian circulation network that was originally approved with the November 2013 PD rezoning and tentative plan/narrative. Due to grading issues and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located at 3910 West Milham Avenue, the 8-foot wide asphalt path originally proposed along the west side of Copperleaf Trail, from West Milham Avenue to Lot 13, was eliminated. A 4-foot wide concrete sidewalk was approved along the west side of Copperleaf Trail, north of Lot 13. Additionally, the 4-foot wide concrete sidewalk originally proposed along the

east side of Copperleaf Trail was increased to a 6-foot wide concrete sidewalk from West Milham Avenue to the north end of Lot 39, where the sidewalk intersects the 8-foot wide asphalt path.

Within Phase II of Copperleaf Subdivision, the developer will install 4-foot wide concrete sidewalks along the east side of Copperleaf Trail (north of the 8-foot asphalt path), along the north and south sides of Bay Meadow Trail and along the west side of Caspian Circle. An 8-foot wide asphalt path, that will connect to the existing 8-foot wide asphalt path constructed within Phase I, will also be installed at the south end of Caspian Circle (between Lots/Units 49-50), and along the west side of Copperleaf Trail (south of Lot/Unit 67). Consistent with the approved PD tentative plan, common/open space areas will be maintained south of Phase II, along the northeast portion of Phase I, and within future phases.

III. PUBLIC NOTICE REQUIREMENTS:

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended), a public notice was published in the local newspaper and notice was mailed to owners of land located within 300-feet of the subject property 15 days prior to the date of the public hearing.

Submission of the preliminary condominium subdivision is intended to provide the community with the opportunity to examine existing and proposed conditions pertaining to the development of the subdivision. After review and approval by the City Council, the preliminary condominium subdivision approval is effective for 12 months. During the 12 month period, detailed engineering drawings will be prepared and submitted to City Council for review and approval. Following construction of the condominium improvements, the developer will request that City Council grant final condominium subdivision approval.

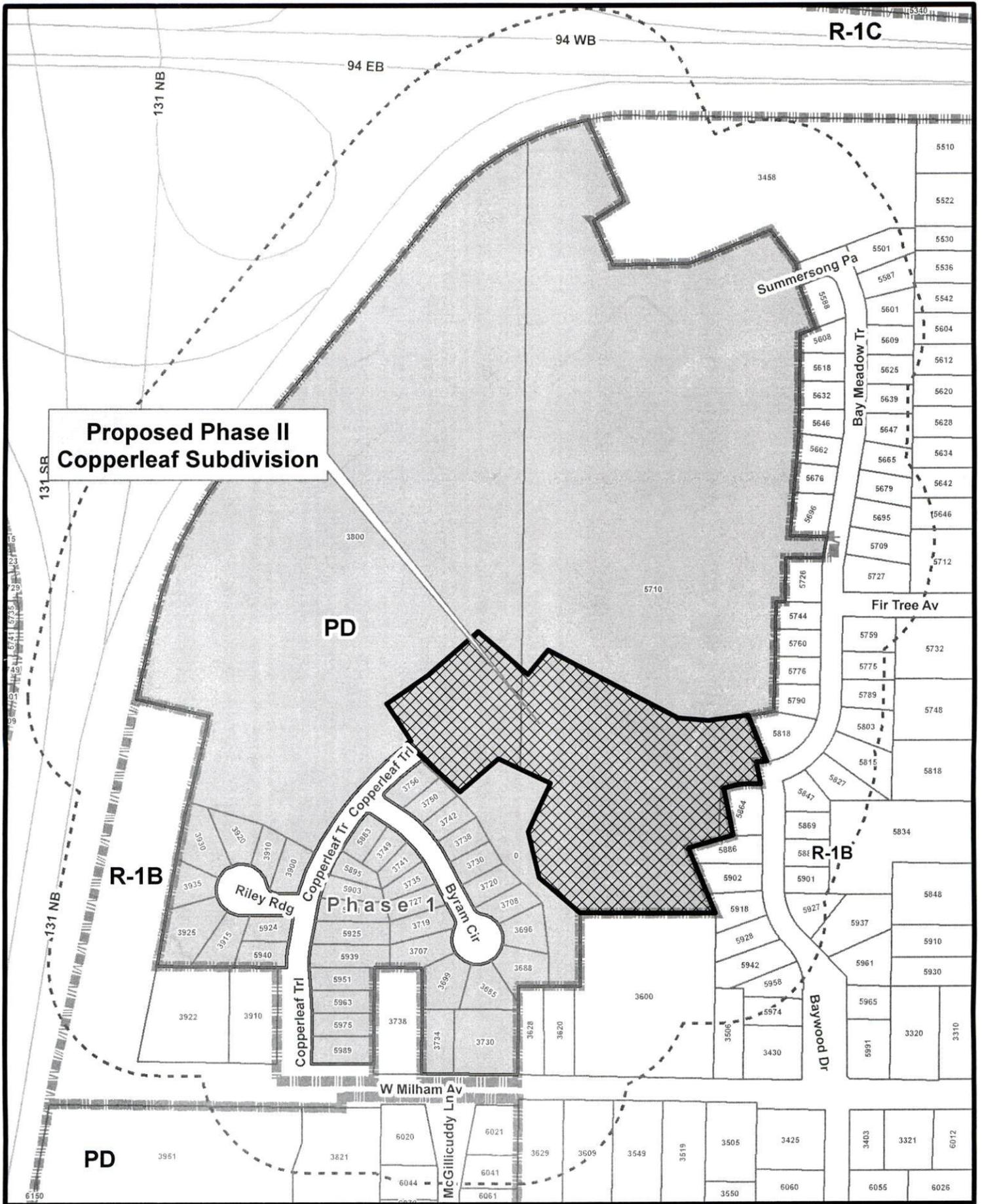
IV. RECOMMENDATION:

The preliminary condominium subdivision has been reviewed within the context of the Comprehensive Plan, Land Development Regulations and other applicable ordinance requirements. Based on the above information and subject to any additional information received during the public hearing, staff advises the Planning Commission recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase II), 3800 West Milham Avenue and 5710 Angling Road, be approved subject to the following condition:

1. Streets and Utilities – The proposed street system, municipal water and sanitary sewer are acceptable in concept. Final design, location and related issues are being addressed as part of the detailed engineering plan review. Any public utility located outside of the street right-of-way will require that an easement(s) be conveyed to the city. Islands and any other improvements proposed within the public street right-of-way will be owned and maintained by the condominium association with appropriate maintenance/indemnification agreements provided to the city.

Attachments: Zoning/Vicinity Map
Aerial Photograph Map
Preliminary Condominium Subdivision Plan (Phase II and Overall Layout)
Harbors West Planned Development – November 2013 Approved Tentative Plan
Revised Pedestrian Circulation System (Walks & Trails in Copperleaf) – January 2015

S:\Commdev\2016-2017 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Plats-Site Condos\2016 07 15 Preliminary Condominium Subdivision, Copperleaf Subdivision (Phase II).doc



R-1C

94 WB

94 EB

131 NB

**Proposed Phase II
Copperleaf Subdivision**

PD

R-1B

Phase 1

R-1B

PD

-  Zoning Boundary
-  Phase II Copperleaf
-  Subject Parcels
-  300' Notification Boundary

Copperleaf Subdivision (Phase II)



1 inch = 333 feet



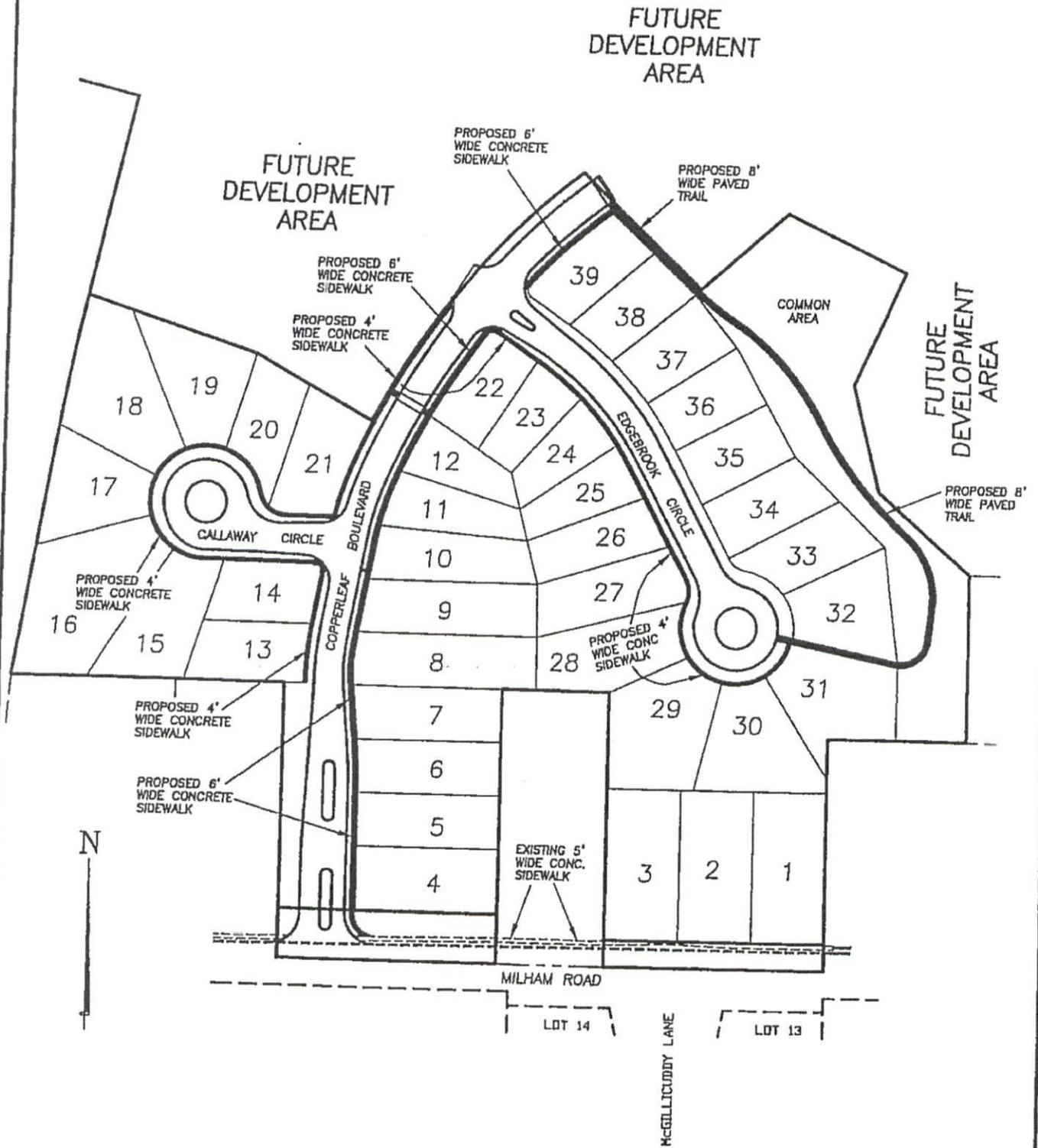
Proposed Copperleaf Subdivision (Phase II)

 Phase II Copperleaf



1 inch = 300 feet

WALKS & TRAILS in COPPERLEAF



TO: Planning Commission

DATE: July 15, 2016

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Ordinance Amendment 15/16-A, Off-street Parking and Loading Regulations

As discussed during the July 7, 2016 Planning Commission meeting, attached for Commission review are the proposed amendments to the Parking and Loading Regulations in ordinance format prepared by staff and the City Attorney. The ordinance language is shown in highlight and strike so the Commission can see what existing ordinance language was deleted or modified and what new language was added.

Staff and the City Attorney will summarize/explain the proposed ordinance language to the Commission during the July 21, 2016 meeting. If additional changes are requested, the changes can be incorporated in advance of the August 4, 2016 public hearing.

Attachments: Proposed ordinance language

T:\COMMDEV\2015-2016 Department Files\Board Files\Planning Commission\PC reports\Ordinance Amendments\Off-Street Parkign and Loading\2016 07 15 PC Parking Amendment Report.docx

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS; SEC. 42-221 and 222, RM-1, MULTI-FAMILY
RESIDENTIAL DISTRICT; DIVISION 6, SUBDIVISION 1, OFF-STREET PARKING AND
LOADING; OF ARTICLE 4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT
REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

~~*Housing for the elderly:* A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.~~

Senior adult housing: Independent living units that include retirement communities and age-restricted housing developments.

Congregate care facility: An independent living facility that provides centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities.

Assisted living facility: A facility that provides general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons.

Sec. 42-221 – Principal Permitted Uses

A. through S. No change.

T. Senior Adult Housing Facility

~~U.~~ U. Personal service establishments, including barbershops, beauty shops and health salons, accessory to the uses permitted in this section.

~~V.~~ V. Accessory buildings and uses, in accordance with the provisions of Section 42-121.

Sec. 42-222. – Special Land Uses

~~A. Housing for the elderly.~~

~~1. All housing for the elderly shall have a minimum site area of five acres.~~

~~2. The following uses may be provided as part of the development.~~

~~a. One family detached, attached, and/or multifamily dwelling units;~~

~~b. Common services containing, but not limited to, central dining rooms, recreational rooms, a central lounge and workshops.~~

3. ~~All dwellings shall consist of at least 350 square feet per unit, not including kitchen and sanitary facilities.~~
4. ~~No building shall exceed 30 feet in height.~~

A. Congregate care, assisted living, and convalescent homes

1. The minimum floor area per dwelling unit requirements specified in Section 42-350(A) and number of units per acre specified in Section 42-350(B)(7) shall not apply to assisted living and convalescent care facilities.
2. The minimum lot area shall be equal to the area required for the main building plus 1,500 square feet of lot area per resident bed.

~~B. Convalescent homes.~~

1. ~~The minimum lot area for the convalescent home shall be equal to the area required for the main building plus 1,500 square feet of lot area per patient bed.~~
2. ~~All buildings shall have a minimum setback of 40 feet to any property line.~~
3. ~~No building shall exceed 30 feet in height.~~

~~C. B. Adult foster care large group homes.~~

1. The site shall be so located as to have one property line abutting a major or collector thoroughfare as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or marginal access service drive thereof. The planning commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
2. The parking area shall be screened in accordance with Section 42-572.

~~D. C. Accessory uses designed primarily to benefit residents of multifamily dwellings, housing for the elderly or convalescent homes provided they are located entirely in an RM-1 and/or an RM-2 district.~~

~~E. D. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.~~

Sec. 42-520. – General Requirements

A. through B. No change.

- C.
1. Off-street parking for a nonresidential use shall not be allowed in a residential district.
 2. Off-street parking shall be on the same zone and same zoning lot it is intended to serve unless such parking area is within or abutting a P-1, vehicles parking district, except as provided below.
 3. Subject to Planning Commission review and approval, an off-street parking lot does not have to be located on the same zoning lot it is intended to serve subject to all of the following:
 - a. The off-street parking lot shall be located within 500 feet of the public entrance into the building.
 - b. A minimum four foot wide paved sidewalk from the parking lot to the building entrance is available for pedestrian use.
 - c. The off-street parking lot shall not be on the opposite side of a major or minor arterial roadway (as defined in the Comprehensive Plan) unless access to a signalized intersection with a crosswalk or refuge island is available for pedestrians. The

walking distance from the parking lot to the building entrance by way of the signalized intersection cannot exceed 750 feet.

d. The amount of off-site parking shall be limited to no more than 25% of the minimum Zoning Code requirement.

e. A parking agreement must be executed between property owners and recorded with the Kalamazoo County Register of Deeds.

D. through G. No change.

H. ~~In the instance of dual function of off-street parking spaces where operation hours of buildings do not overlap, the zoning board of appeals may grant an exception.~~

H. H. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited

J. I. For those uses not specifically mentioned in this section, the requirements for off-street parking facilities shall be in accordance with a use that the ~~planning commission~~ Director considers similar in type. Should the Director determine that review by the Planning Commission is necessary due to unique or unusual circumstances, the Director may, with 10-day written notice to the applicant, refer this matter to the Commission. A person aggrieved by a final decision of the Director may file an appeal with the Planning Commission specifying the grounds thereof within 30 days of receiving notice of the Director's decision.

K. J. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, a fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

L. K. For the purpose of computing the number of parking spaces required, the definition of usable floor area set forth in Section 42-112 shall govern.

M. L. Barrier-free parking shall be provided and constructed in accordance with the general rules of the state construction code commission. ~~under authority of Public Act No. 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.).~~

N. M. Deferred parking.

1. through 3. No Change

O. N. Maximum parking requirement.

1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to ~~ten~~ twenty-five percent greater than the minimum parking space requirements, as determined by the Schedule of off-street parking requirements, Section 42-523, except as may be approved by the planning commission.

2. In granting additional parking spaces, the Planning Commission shall determine such parking will be necessary to accommodate the use on a typical day, based on documented evidence provided by the property owner or applicant.

3. This subsection shall apply only to those parking lots that require a minimum of ~~50~~ 100 parking spaces as required in Section 42-523.

O. Reduction in parking requirements.

1. The minimum parking spaces as required in Section 42-523 shall apply, unless the applicant demonstrates by clear and convincing evidence, that there are substantial reasons for a reduction of no more than 25% of the required parking due to the existence of a combination of the following:
 - a. The use requires less off-street parking than the minimum required based on the nature and character of the use, considering the unique, specialized operations causing the level of customer traffic or actual vehicular counts to be lower than those expected of the same or similar use contained in Section 42-523.
 - b. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses.
 - c. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers which are of sufficient density and intensity. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
 - d. Availability of other forms of travel such as the distance from a designated Metro Transit bus stop and the location of bike routes. The Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.
 - e. Any other reason which, in the Planning Commission's determination, would provide a substantial reason for a reduction in the minimum parking requirements.
2. The Planning Commission shall not grant a reduction in the minimum parking requirements if it determines that the lower demand for parking will or may be temporary in nature.
3. The Planning Commission may also consider City policies regarding local traffic circulation, as well as all aspects of the City's Comprehensive Plan.
4. Before relief can be granted by the Planning Commission, the applicant shall demonstrate either of the following:
 - a. The use involved is not specifically included in the minimum parking space requirements of Sec. 42-523; or
 - b. If the use involved is included in Sec. 42-523, then it possesses such specialized and unique characteristics causing it to be substantially different from the use so included in Sec. 42-523.
5. The Planning Commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "Average Peak Period Parking Demand" for the applicable land use as defined in the latest edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.

6. An applicant who desires relief from the minimum requirement of parking spaces shall file a request with the Planning Commission specifying the grounds thereof in accordance with this section. The Planning Commission may decide the request during site plan review or at such other time as determined by the Director or the Planning Commission. The Director shall transmit to the Planning Commission all the materials constituting the record needed to make its decision as well as a recommendation. If a request for relief under this section is heard at the same time as a site plan, or any other approval, the procedures, standards and requirements for each shall be satisfied.
7. The Planning Commission shall hold a public hearing in accordance with the requirements of the Zoning Enabling Act to consider an applicant's request for relief to reduce minimum parking requirements.
8. In granting relief under this section, the Planning Commission may place reasonable conditions in conjunction with the decision to protect the health, safety and welfare of City residents as well as the traveling public, to ensure adequate traffic circulation, to protect the residents and land owners immediately adjacent to the proposed land use activity and to assure that the reduction of the minimum parking requirements will not result in overcrowding, traffic hazards or other consequences which may arise from the relief granted or from the possibility of inadequate parking spaces.

Sec. 42-521. – Design, construction and maintenance of parking areas.

A. through D. No change.

E. Whenever the off-street parking requirements of this article require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the standards and regulations of this section and Chapter 66, Article 3 – Access Management.

F. through H. No change.

I. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalted or concrete surfacing in accordance with specifications approved by the director of transportation and utilities. Parking areas shall be surfaced within one year of the date the permit is issued. All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the Department of Community Development.

J. through K. No change.

L. Consistent with the City of Portage Comprehensive Plan and Complete Streets Policy, as amended, new or reconstructed off-street parking lots should incorporate the following:

1. Low impact parking lot design alternatives such as rain gardens, bio-swales, pervious pavement, charging stations for electric vehicles and other green/sustainable techniques.
2. Pedestrian connection from the public sidewalk to the main building entrance.
3. Bicycle racks that accommodate a minimum of four bicycles.

Sec. 42-522. – Loading Facilities

A. No change.

B. Except as otherwise required in E, below, off-street loading spaces shall be provided in ~~nonresidential~~ commercial and industrial districts in the rear yard in the ratio of at least

one space per each establishment and shall be provided in addition to any required off-street parking area. If the adjacent land area is zoned residential or designated for residential use in the planned development, the loading area may be located in the rear or side yard.

C. through G. No change.

Sec. 42-523. – Schedule of off-street parking requirements

T:\COMMDEV\2015-2016 Department Files\Board Files\Planning Commission\PC reports\Ordinance Amendments\Off-Street Parkign and Loading\Off-street Parking Ordinance 2016 07 14.docx

Sec. 42-523. - Schedule of off-street parking requirements.

SECTION 42-523
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

	Use	Minimum # of Spaces	Remarks
Residential	One-family and two-family residences	2/dwelling unit	—
	Residential and multi-family residences	2/dwelling unit	—
	Housing for the elderly <ul style="list-style-type: none"> • <u>Senior adult housing</u> • <u>Congregate care facility; Independent living units Assisted living; and Convalescent/nursing home</u> 	1.5/dwelling unit plus 1/employee 1/2 units plus 1/employee in the largest working shift	If units revert to general occupancy, then 2 spaces/unit shall be provided
Institutional	Manufactured Home Community	2/site plus 1/employee	—
	<u>Churches and Temples</u> <u>Religious institutions</u>	1/3 seats or 6 ft. of pews in main unit of worship	—
	<u>Health facilities</u> <ul style="list-style-type: none"> • <u>Hospitals</u> • <u>Immediate medical care clinic</u> 	2 spaces per bed 2/exam room plus 1/employee	—
	<u>Private</u> <u>Elementary and junior high schools</u>	1/teacher, employee or administrator plus requirements for auditorium, <u>whichever is greater</u>	—
	<u>Private</u> <u>Senior high schools</u>	1/teacher, employee or administrator and 1/10 students, plus requirements for auditorium, <u>whichever is greater</u>	—
	Private clubs and lodge halls	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
	Swimming pool clubs, tennis clubs and other similar uses	1/2 member families or individuals	—
	Public and private golf courses, except miniature or par 3 course	6/hole plus 1/employee	—

Fraternities and sororities	1/5 permitted active members, or 1/2 beds (whichever is greater)	—
Stadiums, sports arenas or similar places or outdoor assembly	1/3 seats or 6 ft. of benches	—
Theaters and auditoriums	1/3 seats plus 1/2 employees	—
Planned commercial shopping centers in a business district with a GLA greater than 1600,000 sq. ft.	45/1000 sq. ft. of GLA	—
Planned commercial shopping centers in a business district with a GLA greater than 100,000 sq. ft. but less than 600,000 sq. ft.	5.4/1000 sq. ft. of GLA	—
Car washes (automatic)	1/employee plus stacking spaces equal to 5 times the maximum capacity of the car wash	Maximum capacity of the wash means the greatest number of vehicles possible undergoing some phase of washing at the same time. Determined by length of wash line (ft.)/20 ft.
Carwashes (self-service self-service and/or coin-operated)	5 spaces per stall + stall space + 2 plus 1 for each employee and 1 for each vacuum station or similar area	—
Beauty parlors or barbershops	3/first 2 chairs, plus 1 1/2 for each additional chair	—
Day spa	1/100 sq. ft. of UFA	—
Bed and breakfasts	2 plus 1/guest room	—
Bowling alleys	5/lane	—
Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
Restaurants that provide waiter/waitress service to the table but no drive-thru or in-car service. Establishments for sale and consumption, on premises, of beverages, food or refreshments (Restaurants)	1/6075 sq. ft. of UFA	—
Fast food restaurants that provide for table areas inside and drive-thru service but do not provide waiter/waitress service to the table or in-car service. Establishments that sell hard or soft ice cream and sundry items to their patrons from an external window with no in-building service	1/40 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking before the menu board + 25 sq. ft. of UFS	—

<p>Fast food restaurants that provide take-out service (walk-up window or drive-thru service) with no or limited inside table area. Establishments that sell hard or soft ice cream and sundry items to their patrons cafeteria style primarily for takeout, with no table service</p>	<p>1/25 sq. ft. of UFA, plus 3 stacking spaces between the window and menu board and 3 stacking spaces before the menu board.</p>	
<p>Fast food restaurants that provide in-car service. Fast food restaurants that provide for both takeout and table areas but do not provide waiter/waitress service to the table or in-car service</p>	<p>In addition to the parking space at each menu board, 1/each employee in the largest working shift, 1/25 sq. ft. of UFA</p>	
<p>Furniture, appliance and household equipment repair shops; showrooms of plumbers, decorators, electricians or similar tradesman; shoe repair; and other similar uses</p>	<p>1/800 sq. ft. of UFA; Floor area used in processing 1 additional/2 employees</p>	
<p>Automobile service stations Auto repair facility</p>	<p>2/lubrication stall, rack or pit plus 1/gasoline pump/employee</p>	
<p>Vehicle fueling station</p>	<p>1/fuel nozzle plus 1/200 UFA of retail floor area</p>	
<p>Laundromats and coin-operated dry cleaners</p>	<p>1/2 machines</p>	
<p>Miniature and par 3 golf courses</p>	<p>3/hole plus 1/employee</p>	
<p>Mortuary establishments</p>	<p>1/50 sq. ft. of UFA</p>	
<p>Motels, hotels and other commercial lodging establishments</p>	<p>1/occupancy unit plus 1/employee</p>	
<p>Motor vehicle sales and service establishments</p>	<p>1/200 sq. ft. of UFA or sales room plus 1/auto service stall in service room.</p>	
<p>Retail stores, except as otherwise specified earlier</p>	<p>1/450-200 sq. ft. of UFA</p>	
<p>Banks</p>	<p>1/200+50 sq. ft. of UFA plus 1/employee and 3 stacking spaces per drive-thru facility</p>	
<p>Professional offices of doctors, dentists and similar professionals, clinics</p>	<p>1/150+100 sq. ft. of UFA</p>	
<p>Business and professional offices, except as indicated in the previous use</p>	<p>1/200+50 sq. ft. of UFA</p>	
<p>Industrial and research establishments and related accessory offices</p>	<p>5 plus 1 1/4 per employee in largest work shift</p>	<p>Parking on site must be provided for all construction workers during plant construction</p>
<p>Industrial Agricultural</p>		

Wholesale establishments and related accessory offices	5 plus 1/employee in largest work shift, or 1/1700 sq. ft. of UFA (whichever is greater)	—
General or specialized agriculture	2 plus 1 per 1 1/4 employees in largest work shift	Excludes seasonal workers
Industrial agriculture	5 plus 1 per 1 1/4 employees in largest work shift	Excludes seasonal workers

(Ord. No. 03-01 (Exh. A, § 42-613), 2-18-2003; Ord. No. 08-05, 7-22-2008)

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – June 13, 2016

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. Approximately four people were in the audience.

MEMBERS PRESENT: John Byrnes, Jeffrey Bright, Chadwick Learned, Jay Eichstaedt, Alexander Philipp, Michael Robbe and Lowell Seyburn.

MEMBERS EXCUSED: Phillip Schaefer and Randall Schau.

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

APPROVAL OF THE MINUTES: Learned moved and Byrnes seconded a motion to approve the May 9, 2016 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS

ZBA #15-27, Chick-Fil-A, 6018, 6026, 6060, 6110, 6150, 6190, 6202, 6278, 6284, 6294 South Westnedge Avenue & 200, 240 Mall Drive: Robbe stated he had a conflict of interest and left the room for this item. Mais summarized the requested variances to retain a nonconforming 50 square-foot freestanding sign with an 18 square-foot changeable copy board after a substantial improvement has occurred, that is not permitted, and does not meet the minimum 300-foot sign separation requirement; or erect a new 55 square-foot freestanding sign with a 22 square-foot changeable copy board. Robbe excused himself from this item due to a conflict of interest. Cheryl Scales (Progressive AE) and Justin Bark (representative for Chick-Fil-A) stated they thought the variance is needed due to being part of the Southland Mall zoning lot and Chick-Fil-A does not have any rights to use the existing Southland Mall freestanding signs. Learned inquired when the applicant discovered there would be an issue with the existing sign. Mr. Bark responded before getting site plan approval. Learned stated the applicant was requesting to either keep the existing sign or erect a new one and inquired which the applicant preferred. Ms. Scales said erecting a new sign was preferred and noted the new sign would meet the 300-foot sign separation requirement. Seyburn acknowledged staff's recommendations to consolidate signage, but stated the Board has also granted sign variances when they resulted in a reduction in the degree of nonconformity. Bright stated he thought a separate freestanding sign would improve wayfinding.

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

A motion was made by Learned, seconded by Philipp, to grant a variance to construct a new 45 square foot free standing sign with an 18 square foot changeable copy board on the north end of the property (at least 300 feet from the central Southland Mall sign), with the condition that no banner signs be used in connection with Chick-Fil-A for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the non-standard buy-lease agreement and inclusion into a new zoning lot; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to erect a freestanding sign; the immediate practical difficulty causing the need for the variance was not caused 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 action of the Board be final and

effective immediately. Upon roll call vote: Philipp-Yes, Learned-Yes, Eichstaedt-Yes, Bright-Yes, Byrnes-No, Seyburn-Yes, The motion passed 5-1.

ZBA #15-28, Pfizer, Inc., 7171 Portage Road: Mais summarized the variance requests to construct an approximate 98,000 square-foot building addition 65 feet in height where a maximum 60-foot building height is permitted. Mr. Patrick McAvoy was available to answer questions. Learned inquired if construction is still on schedule for the new warehouse. Mr. McAvoy stated it should be starting very soon.

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

A motion was made by Seyburn, seconded by Phillip, to grant a variance to construct a 98,000 square foot building addition with a height of 65 feet where a maximum of 60 feet is allowed for the following reasons; there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include size and shape of the lot; the variance is necessary for the preservation of a substantial property right, the right to develop the property in manner similar to other properties in the vicinity; 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 action of the Board be final and effective immediately. Upon roll call vote: Philipp-yes, Learned-yes, Eichstaedt-Yes, Bright-Yes, Byrnes-yes, Robbe-yes, Seyburn-Yes. The motion passed 7-0.

ZBA #15-29, Nick's Gyros, 7206 South Westnedge Avenue: Eichstaedt stated he had a conflict of interest and left the room for this item. The applicant was not in attendance to present his case to the board. A motion to postpone the item until the July 11, 2016 meeting was made by Robbe, seconded by Learned. Upon voice vote the motion passed 6-0.

OTHER BUSINESS:

Zoning Board of Appeals Rules of Procedure: Mr. Learned stated to the board that the subcommittee is continuing to work on the "Conflict of Interest" amendment and should be able to present their recommendation to the board for the July 11, 2016 meeting.

Election of Officers: Due to the absence of two members, the Board agreed that the election of officers be postponed until the July 11, 2016 meeting. Mr. Learned requested that if anyone is interested in a position as an officer, the board member should email Chairman Bright for consideration.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM JUNE 14, 2016

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

At the request of Mayor Strazdas, Reverend Aaron Sorrels of Lord of Life Lutheran Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

At the request of Mayor Strazdas, the City Clerk called the roll with the following members present: Councilmembers Richard Ford, Jim Pearson, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also in attendance were City Manager Larry Shaffer, Assistant City Attorney Charlie Bear and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Randall, seconded by Ansari, to approve the May 24, 2016 Regular Meeting Minutes. Upon a voice vote, motion carried 6 to 0 with Councilmember Reid abstaining.

Motion by Randall, seconded by Reid, to approve the Pre-Council Meeting Minutes of June 13, 2016, as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Ford and Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that Item F.5, Non-Discrimination Ordinance, be removed from the Consent Agenda, and Councilmember Randall asked that Item F.2, Fiscal Year 2016-2017 Community Development Block Grant and General Fund Contracts, be removed from the Consent Agenda.

Motion by Randall, seconded by Ford, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 14, 2016:** Motion by Randall, seconded by Ford, to approve the Accounts Payable Register of June 14, 2016. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

REQUEST FOR PERMISSION TO ENCROACH ON CITY PROPERTY: Mayor Strazdas indicated receipt of two letters from Joshua J. McBarnes, J.J. Real Estate Investments, L.L.C., dba Paramount KZOO Landscape Services, 1151 West Milham Avenue, which contained a request for permission to encroach on City property located west of 5798 West Heverly Avenue. City Manager Larry Shaffer said that this request just came in and staff has not had time to digest it. Also, he indicated that in order to consider the request more completely, prepare a recommendation to City Council and prepare for discussion, he asked that Council refer it to the Administration for review and recommendation at the next City Council meeting.

Motion by Pearson, seconded by Randall, to refer the request for permission from Mr. Joshua McBarnes to encroach on city property located at 5798 West Heverly Drive to the Administration for review and recommendation.

Councilmember Reid asked if Mr. McBarnes is here, could he speak to the request? Mayor Strazdas asked Joshua McBarnes of Paramount KZOO Landscape Services, and Christopher Rowe, 5798 Heverly Drive, for a framework and a context to their request to help in understanding the request. Mr. McBarnes indicated Chris Rowe's property abuts up to the east side of the retention pond in the Harbors neighborhood and City property comes 10 feet east of that fence line. He said the request is to install an irrigation system on that property, to put a fire pit in there and to build a forty foot retaining wall on the Rowe property; this would add 1,000 square feet with the potential of moving the fence into the retention pond more. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **DELINQUENT WATER AND SEWER BILLS:** Motion by Randall, seconded by Ford, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2016, will be transferred to the 2016 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 7 to 0.

FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT AND GENERAL FUND CONTRACTS: Mayor Strazdas introduced this item and deferred to Councilmember Randall, who indicated that she was in favor of dispersing the funds to all of the organizations chosen by the Human Services Board (HSB). However, she wants City Council to look at the policy and parameters used to judge who gets Human Services funds. She asked for a greater emphasis on non-profit organizations within Portage that are serving primarily Portage residents as she feels the current grading system does not do this. She shared that she knows of several organizations who deserve funding from the City, but have never received the application because they do not know the process, however. She asked that City Council take time to review this and give direction to the HSB in order to better meet the needs of our community. Mayor Strazdas summed up by saying there are two action: first, is to approve the contracts and authorize the City Manager to execute the applicable documents; and second, to have a Committee of the Whole (COW) and include the Human Services Board (HSB) subcommittee to meet with City Council to discuss the formula used for dispersing funds through the Community Development Block Grant (CDGB) process.

Motion by Reid, seconded by Randall, to approve the Fiscal Year 2016-2017 Community Development Block Grant contracts and General Fund human/public services contracts, and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Mayor Pro Tem Ansari abstaining from Item F.2, Fiscal Year 2016-2017 Community Development Block Grant and General Fund Contracts, because he serves on the Portage Community Center Board and his daughter serves on the Lending Hands Board. Discussion followed regarding the HSB formulas that go out to the various agencies. Mayor Strazdas asked that each Councilmember voice his or her concerns about the current grading system or submit them in writing to City Manager Shaffer by the end of the week in order to allow him to bring recommendations to City Council. He also indicated he will probably call for a Committee of the Whole (COW) to work through the recommendations if necessary.

Councilmember Pearson indicated within the last five years, City Council has received the formula, but has not reviewed the formula; yet, he has the same questions as Councilmember Randall and suggested instead of written questions and written answers, that Council hold a COW for thirty minutes before a Regular City Council Meeting with Ms. Georgeau, so Council can ask questions and get comments on the fly to know whether they are realistic or not, and explained the importance of giving live input. Mayor Strazdas agreed and asked Mr. Shaffer to check each Councilmember's calendar to set such a meeting.

Councilmember Ford asked Ms. Georgeau to review the HSB schedule, and she said that the Board just met June 2 and checked their calendars for a meeting of a subgroup to review funding criteria, debrief and discuss the grading criteria. She also indicated that the Board cancelled the July and August meetings unless City Council brings them an action item. She pointed out that the subgroup usually meets in September to report their findings and thoughts about changes to the criteria and application forms. She expressed the need to release the application in November in order to get the applications back in December to start the process all over again. With that, Mayor Strazdas suggested a COW sometime before the next two Council Meetings to discuss this matter.

Mayor Pro Tem Ansari asked whether this matter could be a part of the next COW Meeting, and Mr. Shaffer indicated the next COW was set for some time in September at which time Council would be considering purchasing procedures. Mr. Shaffer suggested setting this COW on July 12, 2016, to allow time to prepare, if City Council agrees. Mayor Strazdas indicated that Mr. Shaffer has each of the Councilmember's schedule and would work for a mutually amenable date.

Councilmember Reid noted that it might be advantageous to invite at least the HSB subgroup to the COW to let them hear questions of Council and provide feedback and rationale for why things are the way they are to provide direction to them in September regarding how to revise the form to accommodate any revisions in the criteria before it goes out in November. Mayor Strazdas concurred.

Motion by Pearson, seconded by Randall, to ask the City Manager to find a time within a month to have a Committee of the Whole (COW) and include the Human Services Board (HSB) subcommittee to meet with City Council to discuss the formula used for dispersing funds through the Community Development Block Grant (CDGB) process. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **BOND COUNSEL SERVICES:** Motion by Randall, seconded by Ford, to accept the five-year proposal to renew the Bond Counsel and Financial Services Contract with Axe & Ecklund, P.C., and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 7 to 0.

* **CRASH/CRIME/FIRE SCENE ILLUSTRATOR – SOLE SOURCE PURCHASE:** Motion by Randall, seconded by Ford, to approve the sole source purchase of a Focus3D X 330 HDR Laser Scanner from FARO Technologies of Lake Mary, Florida, at a total cost of \$83,699 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

NON-DISCRIMINATION ORDINANCE: Councilmember Urban commented that since he raised this issue at the December 2015 City Council Retreat, and asked for the development of this Ordinance, the conversation about LGBT (Lesbian, Gay, Bisexual, Transgender) civil rights and laws openly discriminating against all or part of the LGBT community have changed, but the prejudice, bigotry, fear and hatred has not changed. He said it has gotten more press coverage and the battle for and against LGBT has gotten louder. He noted that actions, both good and bad, have taken place in North Carolina, Mississippi, Arizona, Michigan and 18 other states. Also, since he raise this issue, President Obama and his Administration have taken the positive action of reminding states that discrimination based on sex, including LGBT status, is a violation of Title 9 and “endangers Federal Funds.” He mentioned that there has been a vitriolic response by many state legislators and state administrators; and, now he said we have the horrendous exclamation point of hatred in the actions in Orlando Sunday morning.

He pointed out that when he first raised the need for a LGBT Non-Discrimination Ordinance, someone asked, "Do we need this?" He answered “of course” and said that he is embarrassed that this has to be done on a local level because the Michigan State Legislature and the United States Congress have failed to do it on their respective levels. He made distinctions among the states and the various levels of progress in this effort, and cited the various forms of discrimination allowed in Michigan against members of this community, including employment, housing and the refusal to serve at a restaurant.

He said while LGBT discrimination is legal, it legitimizes prejudice, bigotry and hatred; and, until we do not tolerate, as legal, these forms of public discrimination we cannot hope to eliminate the bigotry and hatred in our society. He explained and cited examples to support his position. He emphasized that every local protection added citizens become aware of the need for national protection, and that all of our citizens deserve our respect as people and our protection against discrimination. He summed up and said the Non-Discrimination Ordinance is needed because LGBT individuals deserve the same civil rights as others. He discussed some of the objections raised and some of the exemptions that would apply. Discussion followed and Councilmember Urban offered to make a motion.

Mayor Strazdas deferred to City Manager Shaffer for an explanation, and Mr. Shaffer indicated that the proposed action is for City Council to accept the Non-Discrimination Ordinance for

a first reading and set a public hearing, after which to take final action on June 28, 2016. Mayor Strazdas outlined the procedure for public discussion on this matter and indicated that the Ordinance is not subject to approval or disapproval at this meeting and explained.

Cheryl Gilliam, 9727 Southern Oaks Court, spoke in favor of the LGBT Non-Discrimination Ordinance and proposed that the Ordinance could be shortened to read in effect, that we are all born human, and we all should have all of the other rights of all of the other humans.

Former Mayor Pro Tem John Zull, 416 Barberry Avenue, concurred with Ms. Gilliam, and explained that the Civil Rights movement was an affirmative attempt, that was supposed to be limited in duration, to resolve issues that were still unresolved among people owing to a history of slavery in the country. However, he explained that it has been extended to include an expansion of the population base and this has resulted in conflict among people rather than unity. He did not question Ms. Gilliam's rights at all, but questioned whether the process is fair to everyone concerned in terms of this affirmative approach. He suggested that the work of the Human Services Board (HSB) is incomplete because the Board only heard from authors or proponents of the policy that would be proposed to City Council under the leadership of Councilmember Urban. He indicated that the Board should have made time to hear from the countervailing view. He acknowledged that the City did everything in their power to let people know that the HSB was having a hearing on the matter, but this effort does not always work. He indicated that this issue is very important, and it would be wise and prudent for Council to let people with the countervailing view to be heard by the HSB. Finally, he asked that Council put this issue on a ballot for a vote of the public.

Former Mayor Betty Lee Ongley, 8620 Tozer Court, representing the Unitarian Universalist Community Church, 10441 Shaver Road, read a statement from her Church fully in support of the Non-Discrimination Ordinance.

John Fisher, 3506 East Shore Drive, thanked Councilmember Urban for his presentation, for reminding the public that we cannot discriminate against someone carrying too much weight and spoke in favor of the Ordinance. He explained that his Portage Central High School choir teacher and mentor was critical to his development. He then conveyed that he found out ten years after graduation that his choir teacher was a homosexual, but that did not matter to him. He stated it is unconscionable that if his choir teacher had revealed his status that he would have lost his job, and he would have lost a mentor. He held out that discrimination is not abstract and is detrimental to the health and vitality of the wholeness of our community, and reminded everyone that in light of the events this last week, we know how we contribute to violence when we fail to "accept fully." He discussed the Supreme Court case, *Loving v. Virginia*, which invalidated laws against interracial marriage, and reflected negatively on the derogatory name-calling of his classmates who called Leon Roberts, the Portage Northern athlete, a "half-breed" trying to "get under his skin." With that, he urged Council to end this unhealthy, unwholesome discrimination.

Phil Stinchcomb, 1607 Bellaire Avenue, questioned whether Section 24-151. (ii) "nothing in this ordinance requires the construction or provision of unisex single user restrooms, changing rooms, lockers or shower facilities" means if a man wants to use a woman's restroom, will he be disallowed to do that, or is Council saying to the people of Portage that depending upon what you think you are, you can go into that restroom in a public facility? He agreed with Councilmember Urban that this should not be a local issue, but a State or Federal decision; however, he questioned the need for exceptions for any class because a law is only fair if it is fair for everybody, and cited churches, religious organization, affirmative action programs, bona fide employment requirements, etc. as examples. Finally, he asked for a clarification of the \$500 fine requirement under Section 24-156, Penalties. Discussion followed.

Scott McGraw, 10608 Dandale Street, concurred with John Zull and Phil Stinchcomb, and indicated he did not feel the Ordinance was properly vetted at the HSB level. He respectfully requested that City Council refer it back to the HSB for further review and input from both sides.

Ginger Clifton, 3429 Woodhams Avenue, indicated that her family chose Portage because of the high quality schools, diverse community and safe community. She said that they were not a member of the LGBT community when they moved here 1½ years ago; however, one month after moving in, one of their three children came out to her as transgender, and everyone here could be one day away from a

loved one, family member or someone you care about coming out as gay, lesbian or transgender. She pointed out if the Ordinance does not pass, you can legally deny employment, housing, a family dinner at a restaurant or seeing a movie together to not only her child, but also to her or my husband. She said her child is recognized now with a United States Passport as female, uses the restrooms in Portage and there are no issues; also, she is not a harm to society, nor is she trying to engage in some sexual behavior; she is simply trying to use the bathroom. With that, she asked that Council pass the Non-Discrimination Ordinance on behalf of her family, her friends and her co-workers in the community.

Larry Provancher, 7414 Starbrook Street, thanked Councilmember Urban for his Ordinance and said he is a long-time supporter of inclusiveness and accepting all people. He mentioned an incident with his wife who he said is a naturalized citizen, is from Columbia, is not white, speaks with an accent and a Portage resident since 1963: after Nine Eleven, he and his wife were talking at a gas station in Portage when a lady jumped out of a pick-up truck and yelled at his wife, "Why don't you go back to your own country?" He expressed his frustration and told his wife that the best thing to do was to say nothing. He said anything we can do to promote inclusiveness and diversity is a good move and said he is in favor of the Ordinance.

Reginald Clapp, 1522 Rockledge Court, Apt. 1, Kalamazoo, spoke in opposition to the Ordinance suggesting it proposed something that is perverse and discriminatory against the majority of the people. He said when he was growing up, gay meant happy or happy-go-lucky and suggested that the LGBT community has perverted this term to mean something sexual. He pondered whether the daughter of Ms. Clifton had been influenced by the behavior of other people to decide she was a female. He indicated that if he had children, he would not want them to be influenced to engage in perverted behavior and said there is nothing positive about that behavior, and gave the examples that there is no way two women can have children together and two men having sex is perverted behavior. With that, he urged Council to not pass the Ordinance. He mentioned that he is a single guy, and could go around and allege he is discriminated against because he is single. And though he had no problem with it, he cited the time when he was the first guy to lose a job for the reason that he did not have a family. He indicated that the LGBT community is "trying to discriminate against us because we don't agree with them" and force him to agree with that kind of behavior. He indicated that in 2009, the gay community was about 1% of the population and now claim to be 4% which means that 96% are not gay, so why should we be forced to accept this. He referred to the recent shooting at a gay bar in Orlando, Florida, and indicated that the shooter is suspected as being a gay person instead of an alleged terrorist. With that, he again urged Council to not pass the Ordinance because it is discriminatory against the majority of people.

Glenn Smith, 10143 Portage Road, a Portage business owner, indicated he showed up here for a different reason; however, upon listening to Councilmember Urban, he began feeling a lot of pride in the fact that he lives in a City where we have progressive ideas and people in places of leadership who have the courage to stand up and make this kind of proposal. He said that this Ordinance will make our community better from within and better looking to those outside our borders. He said a city that is diverse, inclusive and progressive, plus has a conscience towards being fair to every member of society, will thrive; and, without that characteristic, we wither on the vine in every respect, economic, social and even religious. He urged a vote in favor of the Ordinance.

Katheryn Greaves, 2651 Woody Knoll, expressed her appreciation for Council taking up this Ordinance because the elected State officials are unwilling to do this. She indicated she works in Battle Creek for the Kellogg Company and teaches in Kalamazoo for Western Michigan University, and she can never be fired from her job at either place because each city has Ordinances to protect her as a lesbian. She pointed out that the Ordinance protects everyone in the room from being denied a seat at a restaurant, employment, housing and services if they are perceived as being of the LGBT community.

Julie Ann Bauer, 6262 Quail Run Drive, Kalamazoo, indicated that she was discriminated against because she was perceived as being gay although she is not. She stated she had issues at Church, in her neighborhood and at work because it was rumored she was gay.

Stasia Taverna, 5105 Bronson Boulevard, expressed her appreciation for Council taking up this Ordinance. She described her four children and stated her older three boys will not have the issues that her youngest child will have. She said her eleven year-old, Addison, transitioned one year ago on Sunday; that they celebrated at Kalamazoo Pride and felt a lot of love from the community of Kalamazoo, Portage and neighbors. She expressed her wish to have her daughter live in this wonderful community with the support of her neighbors, her friends and her government. She said it takes a lot to state the truth and shared that her truth is love. She said she loves Portage, her home and her family. She then asked Council to pass this Ordinance in order for everybody else to feel safe and secure.

Lori Batzloff, 1116 Southern Avenue, Kalamazoo, spoke in favor of the Ordinance. She also mentioned that the City of Kalamazoo submitted a similar Ordinance for a vote of the people, and it passed by almost 3,000 votes. She disclosed her objection to placing it on the election ballot based on the fact that these are civil rights. She said that she was unaware of any problems caused by the enactment of the Kalamazoo Non-Discrimination Ordinance. In fact, she shared that it has made Kalamazoo more welcoming and more attractive to everyone. Discussion followed.

Motion by Urban, seconded by Reid, to accept the Non-Discrimination Ordinance for a first reading and set a public hearing for June 28, 2016, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, take final action on June 28, 2016.

Councilmember Pearson noted that Section 24-156 (b), Penalties, is puzzling to him and asked for full clarity so a Judge knows the full intent of this section; or whether an owner who denies a lease of an apartment to a gay couple suffers a \$500 fine or a \$90,000 fine, and on which day does the fine begin. Assistant City Attorney Charlie Bear prefaced his response by indicating that he has not worked on this Ordinance, but that this section is typical of any municipal civil infraction, and explained that there is a statutory provision that each day upon which a violation exists constitutes a new violation. He explained that what typically happens is a single citation is issued, processed through the court and there is the potential to file a second infraction, but this does not typically happen; so, in most instances, the City would be dealing with a single infraction and fine, and sees no difference in treatment than any other municipal civil infraction. Councilmember Pearson expressed his desire to know from the other jurisdictions that have this Ordinance the amount of time they have had the Ordinance, the number of court cases they have had, and whether the fine is limited to \$500, or is it like his example of going for six months and a \$90,000 fine. Discussion followed.

Mayor Strazdas asked for some "rich questions that are out there" to be presented to the Administration who can then provide answers either before or during the public hearing. Discussion followed.

Mayor Pro Tem Ansari asked for more time to consider the Ordinance for at least a month to allow time to appropriately address all of the questions that may arise. Discussion followed.

Motion by Ansari, seconded by Pearson, to amend the motion to allow for the public hearing to take place July 12, 2016, instead of June 28, 2016, to allow time to answer questions similar to the one he asked of Assistant City Attorney Bear and those asked by Phil Stinchcomb. Discussion followed.

Councilmember Reid spoke against the amendment saying that the HSB had two emails and the article on the front page of the *Portager* showed that the public was aware that the Non-Discrimination Ordinance was being addressed and the public had the opportunity to present his or her input. She noted that the answers to the questions posed this evening will be provided in two weeks, and any modifications in the Ordinance can be referred back for revision, so Council can then decide whether what is presented is what Council wants or not. So, she was not in favor of pushing it back for a month since it can be done in two weeks. Discussion followed.

At the request of Councilmember Ford, Assistant City Attorney Bear indicated that no new Ordinance posting would be necessary since the First Reading to the Ordinance has been noticed. Councilmember Pearson restated his need for an explanation of whether an owner who denies a lease of an apartment to a gay couple suffers a \$500 fine or a \$90,000 fine, and on which day does the fine begin, and Mr. Bear assured him that a full explanation would be forthcoming. In answer to Councilmember Reid, Mr. Bear indicated that the answers to Council's questions should be available for the next meeting in two weeks.

Mayor Pro Tem Ansari indicated that those who could not make the meeting tonight may have questions that they would like addressed, and postponing action for an extra two weeks gives the City Attorney and City Administration the time needed to provide answers to all of the questions from the Council and the public. Councilmember Pearson expressed his support for the Ordinance, but emphasized the need for answers to his questions and to allow for minor changes, if necessary.

Councilmember Urban demonstrated that there is time to answer the questions before the next meeting in the context of the public hearing and, after the public hearing and based upon what we hear, if we recognize that there need to be changes in the proposed ordinance, we can put them in at that time and vote on it that night; or, we can delay action and ask the City Attorney for a new draft. Discussion followed.

City Manager Shaffer indicated that the Ordinance does not anticipate the matriculated process; it begins with a conciliation process. He noted that Kalamazoo, Oshtemo and Kalamazoo Township have fundamentally the same language as Section 24-156 (b). Penalties. He said he cannot be certain that any of them have issued a citation, as the Ordinance is designed to channel complaints to the City Manager's office where facts are sorted out, discussion ensues and the individual who has the complaint lodged against is brought in. He pointed out that it is an education process; it's a building process; so, it anticipates that it is the initial stage where all of your time and energy is spent. He indicated that if the conciliation process is unsuccessful, then there is the option to issue a violation, but it is not anticipated that the violations would be ongoing, day after day. He assured Council that when the issue was taken up at the HSB, the focus was on education and conciliation rather than employing the more punitive components of this proposed ordinance.

In answer to Councilmember Pearson, Mr. Bear assured him that a response to his question would be available a few days before the public hearing and not just before the meeting. With this and the understanding of the explanation from Mr. Shaffer, Councilmember Pearson withdrew his second of the motion and without a second, the amended motion was withdrawn.

Discussion followed. Councilmember Reid encouraged anyone with questions regarding this matter should present them to the City Manager or to any Councilmember. Mayor Strazdas said that what is important is that the city do it right, not to move fast or slow. Discussion followed. Councilmember Urban outlined the time and care taken to write this Ordinance, to present it openly to the public and to provide full deliberation.

Mayor Strazdas recognized three factions who have an interest in this Ordinance; asked that they meet with the City Manager to discuss the details; and, that he wants everyone to have an opportunity to address this Ordinance and get answers to their questions prior to the public hearing. Mr. Shaffer concurred and indicated that he would be happy to meet with anyone at any time, and would be delighted to facilitate it.

Councilmember Pearson restated his approval of the Ordinance, and asked that the City Attorney bullet point the differences between the proposed City of Portage Non-Discrimination Ordinance and the Ordinances from the Oshtemo/Kalamazoo/Kalamazoo Township. Discussion followed.

Mayor Strazdas called for the question. Upon a roll call vote, motion carried 7 to 0. Discussion followed and Mayor Strazdas asked everyone to maintain civility when addressing this issue.

COMMUNICATIONS:

COMMUNICATION FROM JOHN SPEETER, CHAIR OF THE LONG LAKE GOVERNMENTAL LAKE BOARD: After introducing the item, Mayor Strazdas asked Mr. Shaffer for comments and recommendation regarding the letter from John Speeter, Chair of the Long Lake Governmental Lake Board, requesting a continuation of the Long Lake aquatic weed control program. Mr. Shaffer reviewed the letter from Mr. Speeter and the Long Lake Governmental Lake Board asking for the continuation of the program that has been in place since 2011 with the addition of a water testing component and recommended City Council endorsement of the request.

Councilmember Urban, who sits on the Board, informed Council and the audience of a new letter from Mr. Speeter, who took over as Chair of the Long Lake Governmental Lake Board. He noted that the Resolution from the Board Attorney lists a lot of past accomplishments by the Board that do not really have to be in the Resolution, mentioned some of them and indicated that the consultant recommended a new special assessment which has nothing to do with City Council, only the Long Lake Governmental Lake Board. He intimated after a debate over whether the addition of the recommended water testing required City Council approval, the Attorney provided the Resolution and the Board Chair sent it to City Council, but without referencing the Water Quality Check Program. In conclusion, the only important part of the Resolution for consideration is the charge for the Water Quality Check Program component contained in the *Now Therefore* segment of the Resolution since the Long Lake Governmental Lake Board is already implementing the weed management portion contemplated by the Resolution. Councilmember Urban said by adopting the Resolution, City Council enables the Board to do the study, determine the scope, hold the public hearings and assess the special assessment. Mayor Strazdas questioned the timing of the receipt of the revised letter from Mr. Speeter which Councilmember Urban said was on line as of Monday, June 13, 2016. Discussion followed and Councilmember Urban stressed that City Council does nothing except allow the Governmental Lake Board to investigate, take public comment, hold public hearings, then decide whether there is a need for a water testing program. In answer to Mayor Strazdas, Councilmember Urban said there is an urgency as both the City of Portage and Pavillion Township must adopt the Resolution; however, Pavillion Township only meets once a month, took action last night, and waiting a month to have commensurate Resolutions from both municipalities delays the notice requirements and negatively affects the timeliness of the program. In answer to Mayor Strazdas, Councilmember Urban indicated that he did not know if Pavillion Township adopted the Resolution last night, but felt positive that he would have been notified had they not.

Councilmember Ford asked if there were any concerns regarding the water quality of Long Lake, so Councilmember Urban distinguished the type of water quality testing as it is not testing the levels of e coli or bacteria; rather, it is testing the levels of phosphorus, nutrients, oxygen, etc., that relate to weed growth. He said this was recommended by the consultant since the process is now going into a maintenance mode and will add only a few extra dollars to the special assessment. He reflected that there was discussion regarding whether the Water Quality Check Program needed a new Resolution, or whether it was a part of the weed program, and the Board Attorney advised that a new Resolution was necessary.

At the request of Mayor Strazdas, motion by Reid, seconded by Urban, to receive the communication from John Speeter, Chair of the Long Lake Governmental Lake Board, requesting a continuation of the Long Lake aquatic weed control program, and to adopt the Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act and direct the Governmental Lake Board for Long Lake to proceed with the necessary steps to improve Long Lake.

In answer to Mayor Pro Tem Ansari, Councilmember Urban said that the intent is to treat this (special assessment) as any other charge from the Lake Board; he noted that under State law, an engineering report is necessary and, in this case, it is a consultant's report. He also restated that the Board has to determine the scope, hold the Public Hearing of Necessity and get input from the residents; afterwards, the Board makes the decision on the special assessment, which is already being done on the treatment of the weeds. He continued by saying that the Board sets an assessment amount for the Water Quality Check Program and will probably fold it into the weed assessment amount which will add only a few dollars to the existing assessment. City Council does nothing beyond tonight; however, he noted that because the City of Portage has property on the lake, the City is assessed an amount under each special assessment.

Councilmember Pearson reflected that because this is a minor component of the special assessment, he at first wondered whether Council needed to address it, but owing to the opinion of the Board Attorney, he now agrees with the involvement of Council and would be supporting the motion. Councilmember Urban responded that in the interest of being open and fully transparent, the Board Attorney opined that it should be brought to Portage City Council and the Pavillion Township Board,

and noted that all of the steps of the special assessment, including two public hearings, will have to be taken for this action. Upon a roll call vote, motion carried 7 to 0.

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

Portage Human Services Board of May 26, 2016.
Portage Planning Commission of May 19, 2016.

COUNCIL COMMITTEE REPORTS:

KALAMAZOO COUNTY ENVIRONMENTAL HEALTH ADVISORY BOARD:

Councilmember Ford discussed a presentation at the Kalamazoo County Environmental Health Advisory Board Meeting from Kalsec (Natural Flavors, Colors, and Extracts) composting facility recently built in Cooper Township, and mentioned that they add chilies and rosemary to the soil to help farmers grow good products in recycled material. He also mentioned that the Board discussed non-potable wells and that his impression is that the County plans to do something with them as well.

Motion by Randall, seconded by Reid, to receive the verbal report from Councilmember Ford regarding the discussion at the Kalamazoo County Environmental Health Advisory Board Meeting. Upon a voice vote, motion carried 7 to 0.

COUNTY CONSOLIDATED DISPATCH – 911: Councilmember Reid reported on the County Consolidated Dispatch Finance Committee which is anticipating doing the investigation necessary to be able to bring to the entire Dispatch Board a proposal related to how we are going to be able to fund Consolidated Dispatch. In order to answer that question. She said the group has to determine what exactly that is going to look like and where it is going to be housed, so the question continues to be more and more complex. She anticipated that the Finance Committee will be bringing a proposal forward at the next meeting in July 2016 to allow for time to provide a Resolution placing an issue on the November ballot. She indicated that this matter is still under discussion and there are a lot of different ways this project can be put together, so the Board has a decision to make. She said that the Finance Committee is meeting on a weekly basis at this point, and she expressed her optimism that she will bring back better information about what is happening at the next Council Meeting. Discussion followed.

Councilmember Reid reflected positively on a suggestion by Councilmember Pearson that was referred to the Technical Committee, i.e. in the meantime, can we implement a text option to contact 911 Dispatch which would demonstrate a tangible difference in service delivery for the 42 cents per month per phone device the public is currently paying. Discussion followed.

In response to Mayor Strazdas, Councilmember Reid reminded everyone that the meetings are open to the public and take place on Wednesdays at 3 p.m. at the Crosstown Police Facility, Kalamazoo.

Motion by Ansari, seconded by Ford, to receive the verbal report on County Consolidated Dispatch from Councilmember Reid. Upon a voice vote, motion carried 7 to 0.

BID TABULATIONS:

* **MILL AND FILL SUMMER REPAIRS – BID TABULATION:** Motion by Randall, seconded by Ford, to award a contract in the amount of \$365,885.85 to Michigan Paving & Materials, Incorporated, for mill and fill asphalt repair of major and local street sections and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **GARDEN DRIVE BIKEWAY IMPROVEMENTS– BID TABULATION:** Motion by Randall, seconded by Ford, to award a contract to A1 Asphalt, Incorporated, in the amount of \$21,971 to provide repairs to the Garden Drive Bikeway 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 AND CITY MANAGER: Councilmember Urban indicated that he had the privilege a couple of weeks ago to discuss government with the Fourth Graders at Portage Central Elementary School. He thanked Senator O'Brien's office for providing state information brochures and highlighted some of the information in them. He said he discussed local and state government, including the separation of powers and the three branches, and he mentioned the high school students who came to Council and asked for a skate park, and got it. He said the teachers asked the students for two suggestions for Council and offered some examples: jobs for kids, cool schools, homeless shelter, animal shelter, security cameras, a park in the center of town, and a request to start school at 9:30 a.m. so they could sleep in. His own daughters suggested a place to sample different foods (like Taste of Portage) and a dog park which surprised him because he was pretty sure he had never talked about a dog park. Discussion followed. He asked City Manager Shaffer to research one of the questions from the students: why are scooters not allowed at the skate park. He said he also held a mock election and thanked the City Clerk Office for providing the materials, including sample ballots, and voting booths to provide a realistic voting experience. Discussion followed.

Councilmember Reid reflected on changes in the community and the nation, owing to the death of the bicycle riders on North Westnedge Avenue, Cooper Township, the shooting in Orlando Bar frequented by the LGBT community, and the importance of supporting your own family. She indicated that she and her husband went on a two week, 3,100 mile road trip to the Black Hills, Colorado, and back. She was struck by how very different the country is in different places, expressed her appreciation for variety in our country and that she was happy when she got back in Michigan.

Councilmember Randall expressed her condolences for the families affected by the bike accident on North Westnedge Avenue, Cooper Township, and noted that two of the victims were parishioners at the Church she attends and one victim was a co-worker of her husband. She indicated that she took up biking about six years ago and bikes nearly 3,000 miles in the summer; and her husband was on that ride two weeks earlier and expressed her appreciation for how precious life is. She stated that as humans, we have more in common than we have differences and asked that our moral compasses need to guide us toward more unity and acceptance of all people. She commented on the respect for the drivers she encountered during her first organized ride and expressed her hope that this consideration continues.

Councilmember Ford also expressed his condolences for the bike riders, and expressed his appreciation for the snow plows that were painted and displayed in the Arboretum. Mayor Strazdas concurred. When he announced that he may be absent for the next meeting as he has a baby on the way who is due June 24, 2016, Mayor Strazdas and Councilmember Pearson congratulated him.

City Manager Larry Shaffer announced that the City has two brush and leaf drop-off days, 8 a.m. until 12 p.m., Saturday, July 30, 2016, and Saturday, October 29, 2016, at 10905 Oakland Drive, and acknowledged Councilmember Ford, whose idea inspired the drop-off.

Mayor Pro Tem Ansari expressed his sorrow for the families and the victims in the recent Orlando shooting and condemned it as an act of terrorism, and expressed his condolences for the cyclists on North Westnedge Avenue, Cooper Township.

Mayor Strazdas also expressed his condolences for the families for all of the recent tragic events and indicated that the families need time to grieve. He said there has to be some good to come from this somehow, and mentioned the new alert system initiated by the State and Councilmember Randall's comments about car driver respect for the cyclists. He announced he will be attending the Southwest Michigan First Leadership Breakfast and today he was asked to speak to the new Stryker

Corporation employees and reflected on the diversity of the people in the community as a result of worldwide companies in the area.

At the request of Mayor Pro Tem Ansari, Mr. Shaffer volunteered to use the Portage Alert System to notify residents of construction delays.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF MAY 20, 2016:** Motion by Randall, seconded by Ford, to receive the Materials Transmitted of May 20, 2016.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:39 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JUNE 27, 2016**

Mayor Peter Strazdas called the meeting to order at 9:00 a.m. The following were present: Councilmember Patricia Randall and Mayor Peter Strazdas. Mayor Pro Tem Nasim Ansari and Councilmembers Jim Pearson and Claudette Reid were present via the conference phone line. Those not present include: Councilmembers Richard Ford and Terry Urban. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and Deputy City Clerk Adam Herringa.

Mayor Strazdas called the meeting to order and raised the topic of preparations for the public hearing on the Non-Discrimination Ordinance as there is significant public interest in the topic. Mayor Strazdas stated that he would encourage groups of like-minded individuals to designate someone to speak on their behalf, discourage speakers from repeating arguments and to honor freedom of speech while encouraging people to refrain from disrespectful comments. Mayor Strazdas also discussed the use of a seated "queue" for those wishing to speak.

To assist in maintaining the 4-minute limit on public comments, those present at the meeting discussed the need for audio and visual indicators to let speakers know that their time is up. City Manager Shaffer reviewed the plan to use the City Hall Lobby and Conference Room No. 1 for overflow seating as well as the plan for overflow parking. Councilmember Reid asked if the Senior Center could also be an overflow location. Deputy City Manager Boulis stated that the City Attorney should be consulted as to whether the hearing would need to be delayed a few minutes in the event there were so many attendees that people would need to utilize and travel to the Senior Center. City Manager Shaffer stated that if the hearing reaches a point where in excess of 400 people are attending and the Senior Center is needed, he would be of the opinion that the hearing should be adjourned to a later date and at a larger facility.

There being no other comments on preparing for the public hearing, Mayor Strazdas asked if there were any questions or comments on the proposed agenda for the June 28th Regular City Council Meeting.

Councilmember Pearson requested minor edits to the June 14th Regular Meeting Minutes.

Councilmember Pearson then reviewed item F.2 as it pertains to the membership of the potential Gourdneck Lake Governmental Lake Board. He stated that the board composition listed in the text of the Communication is incorrect. Rather, the membership should include a representative of the County Board of Commissioners, the County Drain Commissioner, two local representatives, and a lake property owner representative.

Councilmember Reid raised questions on item F.1 which is a renewal agreement with Tyler Technologies for software maintenance to the Police Division computer-aided-dispatch (CAD) and records management system. Councilmember Reid asked if County-wide Consolidated Dispatch happens, could this contract be stopped at any point? City Manager Shaffer responded in the affirmative that this is the case with CAD, but the records management portion is ours. Councilmember Reid followed up by asking what percent of the software/contract is related to record keeping and what percent is dispatch. City Manager Shaffer stated he would research and respond. Councilmember Reid stated that, compared to the previous contract, this contract cost is 20% higher. She requested an explanation as to why this is the case. City Manager Shaffer stated that he would research and respond to her request.

Councilmember Reid referenced item F.4, which is a sole source contract for the Garden Lane #3 pump and motor replacement. Councilmember Reid stated that some of the rationale for the sole source purchase is the expertise and safety protocols of the company. Councilmember Reid stated that this rationale doesn't seem to justify sole source and asked if there are other vendors that could meet the needs of the City. Councilmember Reid followed up by asking what is the lifespan of the work that is to be performed and whether the City should be looking at replacing the items instead of fixing them. City Manager Shaffer stated he would research and respond to her questions.

Councilmember Pearson inquired if there was a report missing from Item G.1 which is a Communication from the Environmental Board about the deer population. It was noted that while a report is alluded to, only a summary is included. City Manager Shaffer stated that he would follow up with the Environmental Board Chairperson Ruth Caputo to see if there is any additional information beyond what was provided.

Councilmember Reid expressed her appreciation for the Local Development Finance Authority (LDFA) documents that were provided and inquired if the LDFA met annually. City Manager Shaffer responded in the affirmative and Councilmember Reid noted that in 2016, the LDFA approved the financials for both 2013-2014 and 2014-2015 and asked if the LDFA missed a meeting. City Manager Shaffer stated that the LDFA did not miss a year but the 2013-2014 financials were simply not approved in 2014-2015 and were this time.

Councilmember Reid referenced Materials Transmitted from the last City Council Meeting and the request of a resident to encroach upon city property and requested a status update. City Manager Shaffer stated that he had met with the individual and is awaiting additional information such as a summary of what, specifically, is being asked for.

Councilmember Randall indicated that she is planning to offer a City Council Committee Report.

ADJOURN: Mayor Strazdas adjourned the meeting at 9:24 a.m.

Adam Herringa, Deputy City Clerk

CITY COUNCIL MEETING MINUTES FROM JUNE 28, 2016

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

At the request of Mayor Strazdas, Deacon Patricia Catellier of the Chapel Hill United Methodist Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Ansari, seconded by Randall, to approve the June 14, 2016 Regular Meeting Minutes. Upon a voice vote, motion carried 7 to 0.

Motion by Randall, seconded by Reid, to approve the Pre-Council Meeting Minutes of June 27, 2016, as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Ford and Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. No items were removed from the Consent Agenda.

Motion by Reid, seconded by Ansari, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 28, 2016:** Motion by Reid, seconded by Ansari, to approve the Accounts Payable Register of June 28, 2016. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

NON-DISCRIMINATION ORDINANCE: Mayor Strazdas began discussion on the topic by reviewing the process to be followed during the public hearing. He encouraged everyone to be respectful and indicated that everyone who wants to make a public comment would have an opportunity to be heard. Mayor Strazdas then asked Councilmember Urban to initiate the discussion on this topic.

Councilmember Urban informed the audience that he had asked for this ordinance to be developed and that City Council has received numerous communications regarding the topic. Councilmember Urban highlighted one such communications and stated that, in America, we have the freedom to believe what we want, practice our religion freely but government does sometimes force people to do things we might not believe in such as paying taxes, having a driver's license or building a home to certain requirements. Councilmember Urban stated that one thing people do not get to do in this country is to discriminate. He continued by reviewing those categories of people for which protections have been established such as age and gender and stated that this ordinance adds gender identity and sexual orientation to the list. Councilmember Urban strongly emphasized that he does not want to appear inclusive and loving, he intends to be inclusive and loving and that everyone on City Council will vote their convictions. Mr. Urban continued by highlighting some of the key moments in the movement for the rights of Lesbian, Bisexual, Gay and Transgendered (LGBT) individuals. Councilmember Urban concluded his introductory comments with a personal story on the topic and emphasized the present need for laws such as the Non Discrimination Ordinance (NDO).

Mayor Strazdas next invited Amanda Wood, Chairperson of the Human Services Board (HSB), to speak as the HSB was charged with researching and developing the NDO. Ms. Wood provided background as to why the HSB looked into the matter as well as the history which brought the NDO before City Council at this meeting. Ms. Wood reviewed the opportunity for public input into the development process and informed City Council that the HSB voted unanimously to recommend the ordinance to City Council.

Mayor Strazdas thanked Ms. Wood and members of the HSB for their efforts and asked Vicki Georgeau, Director of Community Development, to come forward and review the NDO. Ms. Georgeau reviewed and summarized details of the ordinance section by section along with questions that were raised such as whether there was a mandate for businesses to have unisex or single user restrooms. Ms. Georgeau also reviewed the public input process that was utilized, how the ordinance was thoroughly reviewed, how many other communities in Michigan have enacted similar ordinances and what ordinances were used as models for the one under discussion this evening. Finally, she reviewed the penalty process should provisions of the ordinance be violated.

Mayor Strazdas next opened the public hearing on the Non-Discrimination Ordinance and again reviewed the process that would be followed.

The following individuals spoke in opposition to the Non Discrimination Ordinance: Phil Stinchcomb, 1607 Bellaire Avenue, Portage; Scott McGraw, 10608 Dandale Street, Portage; Jerry Whitaker, 6280 Cully's Trail, Portage; and Ellen Neal, 3496 Woodbridge Lane, Portage.

The following individuals spoke in support of the Non Discrimination Ordinance: Jennifer Robinson, 622 Cliffwood Avenue, Portage; Andrew Robinson, 622 Cliffwood Avenue, Portage; Sheila Bigelow, 731 Cottondale Avenue, Portage; Dr. Colleen Thebert-Wright, 6623 Evergreen Street, Portage; Reverend Doctor David Moffett-Moore of the Portage United Church of Christ, 1718 Greenbriar Drive, Portage; Bob Betzig, 7000 Portage Road, Portage, Interim Site Leader for the Pfizer Portage location read a letter of support on behalf of the Pfizer Corporation; Gary Pilnick, 3426 Sandhill Lane, Portage, Vice-President of the Kellogg Company, spoke on behalf of the Kellogg Company; Cheryl Gilliam, 9727 Southern Oaks Court, Portage; Ginger Clifton, 3429 Woodhams Avenue, Portage; Kathy Greaves, 2651 Woody Noll Drive, Portage, spoke in support and read a letter of support from John Bryant, Chairman of the Board and CEO of the Kellogg Company; Dr. Bill Clegg, 10639 Sudan Street, Portage; Stasia Taverna, 5105 Bronson Boulevard, Portage; Sunny Sahu, 7414 Starbrook Street, Portage; Nicholas Dennert, 10539 Woodlawn Drive, Portage; Dalee Camp, 341 Admiral Avenue, Apartment 1, Portage; Lindy Nebiolo, 7437 Oak Shore Drive, Portage; Reverend Dr. Deborah Kohler, 6839 Keystone Street, Portage; Jason Foster, 620 Calico Avenue, Portage; Monica Padula, 2007 Elkerton Avenue, Apartment 215, Kalamazoo; Reverend Duffy Peet spoke for himself and on behalf of Unitarian Universalist Church of SW Michigan, 8353 Greenspire Drive, Portage; Olivia Gratz, 10217 Periwinkle, Portage; Pastor John Fisher spoke on behalf of the Oshtemo United Methodist Church, 3506 East Shore Drive, Portage; Dr. Romeo Phillips, 1983 Brighton Lane, Portage; Love Chambers, 4812 Pinefield Avenue, Portage; Damon Chambers, 4812 Pinefield Avenue, Portage; Erin Bissonnette, 6950 Orchard Meadow Court, Portage; Nadean Makin, 7585 Timbercreek Court, Apartment 1, Portage; Paul Dearing, 1815 West Kilgore Drive, Portage; Michael Hanley, 6323 Echo Court, Apartment 2A, Portage; Chris Buckley, Executive Director of the Portage Community Center (PCC), spoke on behalf of the PCC, 1429 Wickford Drive, Kalamazoo; Tom Taverna, 5105 Bronson Boulevard, Portage; Esther Gray, 3821 Old Colony Road, Portage; Daniel Smith, 3022 Fleetwood Drive, Portage; and Michael Quinn, 7025 Rockford Street, Portage.

Pastor Paul Naumann, 1749 Greenbriar Drive, Portage, of St. Michael Lutheran Church also spoke and stated that while he has concerns about the ordinance, he appreciates the desire for no discrimination and for people to live without fear, believes that liberty and justice for all are of paramount importance and encouraged City Council to make the reasonable decision that is best for everybody. He did not advocate for or against the proposed ordinance.

There being no others in the audience wishing to speak, motion by Reid, seconded by Ford, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Mayor Strazdas asked City Attorney Randy Brown to respond to questions that were raised in the hearing and to offer some thoughts on the discussion that was just heard and on the ordinance. City Attorney Brown reviewed the topic of bathroom usage and informed the audience that there is no law in Michigan that prohibits a man from entering a woman's restroom or vice versa. He also stated that there is no constitutional right to privacy in a bathroom. Attorney Brown recognized the passion involved in the issue and addressed concerns raised about whether the NDO creates a private right to sue a business. He continued by reviewing the penalty/enforcement process and that the ordinance is designed to protect those people who have experienced proven discrimination.

City Manager Shaffer addressed additional questions that were raised in the hearing such as how many businesses and how many people were consulted with regard to the NDO. Mr. Shaffer highlighted the opportunities for input that have been afforded to the public throughout the process.

Mayor Strazdas thanked those in the audience for the excellent and respectful discussion and asked City Council for their thoughts on the proposed ordinance. He then asked to get a motion on the ordinance. Motion by Urban, seconded by Randall, to approve the Non Discrimination Ordinance as presented.

Mayor Pro Tem Ansari stated that he abhors discrimination but does not like the process of singling out certain classes of people for protection. He stated that he would like the ordinance to state simply: "Thou shall not discriminate." He explained that he believed the "special class system" is flawed and that people claim to be united and yet create classes and categories. Mr. Ansari continued by stating that he believes additional consideration should be given to determine unintended consequences of the ordinance and that he is not aware of any complaints in the community to which instituting this ordinance would apply.

Councilmember Reid stated that while the City Council and City Administration may not have heard any complaints she believe that is, in part, due to the fact that there is no ordinance on the books related to this topic. With regard to the topic of compelling businesses to serve LGBTQ individuals, she opined that businesses are already mandated to serve a lengthy list of customers. Ms. Reid continued by emphasizing the importance of safety and the misunderstandings that have been generated during this process. She reviewed the need and authority for City Council to take action on this item rather than sending it for a public vote and stated her belief that enacting this ordinance would be a step forward for the City of Portage.

Councilmember Randall thanked everyone who came to the hearing and expressed her appreciation for the atmosphere in the room and articulate comments that have been shared. Ms. Randall stated that she is a "numbers person" and shared that 28 states have laws in place similar to the proposed NDO along with 39 cities in Michigan. She continued by stating that only five cities ended up having a referendum on the topic and that the referendums passed overwhelmingly in each one. She concluded by stating that it is City Council's responsibility to lead, that passage of the NDO is the right thing to do and that it will be a "win-win" for everyone.

Councilmember Ford thanked everyone for coming forward as well as Councilmember Urban and the Human Services Board for their work on this topic. He continued by stating that he is somewhat persuaded by the argument for a referendum on the matter but pointed out there is a process available by which the public can put the question before the voters. He concluded by stating his support of the motion and by quoting Martin Luther King, Jr. and stated that he hopes his children and all Portage residents will be "evaluated by the content of their character."

Mayor Strazdas discussed how the proposed NDO strongly aligns with both his personal values and the values of the community. He cited the phrase "peace, progress and prosperity" that is on the City Seal and how this proposed ordinance aligns with all three. Mayor Strazdas explained that people and communities do change over time and that this is a vote for the future of the City of Portage.

Councilmember Urban spoke and expressed his appreciation for the support of City Council and also expressed his regret that he had not pushed for the development of the Non Discrimination Ordinance before now.

Mayor Pro Tem Ansari stated that he is not tolerant of discrimination for any reason and highlighted some of the ways in which he has fought against discrimination at the County level.

Councilmember Pearson shared that he previously had several questions surrounding the proposed NDO but that staff and the City Attorney had satisfactorily answered them in advance of the hearing. He continued by stating that the answers were logical and sensible and that he would be supporting the ordinance.

Upon a roll call vote, motion carried 6 to 1 with Mayor Pro Tem Ansari voting no.

Mayor Strazdas asked the City Attorney to review the next steps in the process and informed the public to contact City Administration with any questions or concerns especially since administrative rules and procedures were going to be developed.

REPORTS FROM THE ADMINISTRATION:

* **FOUR YEAR AGREEMENT FOR SOFTWARE MAINTENANCE:** Motion by Reid, seconded by Ansari, to approve a four-year renewal agreement to Tyler Technologies (formerly New World Systems, Inc.) for software maintenance to the Police Division's computer-aided-dispatch and records management system at a total cost of \$610,584 for the period of July 1, 2016 through June 30, 2020 and authorize the City Manager to execute all related documents. Upon a roll call vote, motion carried 7 to 0.

* **CREATION OF A RESOLUTION FOR ESTABLISHMENT OF A GOVERNMENTAL LAKE BOARD:** Motion by Reid, seconded by Ansari, to direct the City Attorney to prepare a Resolution to provide for the establishment of a Governmental Lake Board in accordance with part 309 of Public Act 451 for Gourneck Lake. Upon a roll call vote, motion carried 7 to 0. Resolution recorded in City of Portage Resolution Book No. 187.

* **SOLE SOURCE PURCHASE OF ROAD SAFETY RS-4000 SYSTEMS:** Motion by Reid, seconded by Ansari, to approve the sole source purchase of ten Road Safety RS-4000 systems from ZOLL Data Systems, Inc., at a total cost of \$45,425 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SOLE-SOURCE CONTRACT FOR THE GARDEN LANE #3 PUMP AND MOTOR REPLACEMENT:** Motion by Reid, seconded by Ansari, to award a sole-source contract for the Garden Lane #3 pump and motor replacement to Peerless-Midwest, Incorporated, in an amount not to exceed \$39,816 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.

* **LIQUOR LICENSE FOR CELERY FLATS MUSIC FESTIVAL:** Motion by Reid, seconded by Ansari, to resolve to submit applications to the Michigan Liquor Control Commission (MLCC) for a Special License for the sale of beer and wine for consumption on the premises at Celery Flats (7335 Garden Lane), for The Celery Flats Music Festival on July 10, 2016 and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SETTING A COMMITTEE OF WHOLE MEETING FOR JULY 26, 2016:** Motion by Reid, seconded by Ansari, to set a Committee of the Whole meeting on July 26, 2016, at 6 p.m. in Conference Room #1 to review the General Fund and Community Development Block Grant human/public service funding application review process. Upon a roll call vote, motion carried 7 to 0.

* **APPOINTMENTS TO THE LOCAL DEVELOPMENT FINANCE AUTHORITY:** Motion by Reid, seconded by Ansari, to confirm 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.

* **APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY:** Motion by Reid, seconded by Ansari, to confirm City Manager appointments to the Downtown Development Authority of the City of Portage. Upon a roll call vote, motion carried 7 to 0.

* **DOWNTOWN DEVELOPMENT AUTHORITY ANNUAL REPORTS:** Motion by Reid, seconded by Ansari, to accept the Downtown Development Authority Annual Reports as Information Only. Upon a roll call vote, motion carried 7 to 0.

* **LOCAL DEVELOPMENT FINANCE AUTHORITY ANNUAL REPORT:** Motion by Reid, seconded by Ansari, to accept the Local Development Finance Authority Annual Report as Information Only. Upon a roll call vote, motion carried 7 to 0.

* **MAY 2016 ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Ansari, to receive the May 2016 Environmental Report as Information Only. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

* **COMMUNICATION FROM ENVIRONMENTAL BOARD CHAIR RUTH CAPUTO REGARDING DEER POPULATION CONSIDERATIONS:** Motion by Reid, seconded by Ansari, to receive the communication from Environmental Board Chair Ruth Caputo and instruct the City Manager to coordinate with the Environmental Board on the various issues related to development of a deer management program for the City of Portage. Upon a roll call vote, motion carried 7 to 0.

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

Portage Youth Advisory Committee of May 9, 2016.

BID TABULATIONS:

* **ZYLMAN AVENUE SANITARY SEWER LIFT STATION IMPROVEMENTS:** Motion by Reid, seconded by Ansari, to award a construction contract for the Zylman Avenue Sanitary Sewer Lift Station Improvement Project to Balkema Excavating, Incorporated, at a total price of \$477,325 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 AND CITY MANAGER: Councilmember Urban thanked everyone for coming out this evening.

Councilmember Reid stated that the hearing tonight is an example of how democracy is supposed to work.

Councilmember Randall shared that this has been an inspirational evening and thanked everyone for coming.

Councilmember Ford thanked everyone for coming and shared that he and his wife had a baby daughter eight days earlier and that both baby and mother are doing well.

Councilmember Pearson reminded everyone of the upcoming 4th of July fireworks display sponsored by the Portage Rotary Club and provided details about the event.

Mayor Pro Tem Ansari reiterated his opposition to any sort of discrimination.

Mayor Strazdas explained that City Council is non-partisan and that it is all right for people to disagree as that is part of a healthy democracy. He thanked everyone in the audience for coming together and having a respectful and excellent discussion.

MATERIALS TRANSMITTED:

* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Ansari, to receive the May 2016 Departmental Monthly Reports as information only.

* **MATERIALS TRANSMITTED OF JUNE 14, 2016:** Motion by Reid, seconded by Ansari, to receive the Materials Transmitted of June 14, 2016.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:49 p.m.

Adam Herringa, Deputy City Clerk

*Indicates items included on the Consent Agenda.

**NOTES FROM THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JULY 11, 2016**

Mayor Pro Tem Nasim Ansari called the meeting to order at 9:00 a.m. The following were present: Councilmember Claudette Reid via the conference phone line and Mayor Pro Tem Nasim Ansari. Those not present were: Councilmembers Richard Ford, Jim Pearson, Patricia M. Randall and Terry Urban and Mayor Peter Strazdas. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and City Clerk James Hudson.

There being no quorum, Mayor Pro Tem Ansari asked if there were any questions for the Administration from Councilmember Reid regarding items on the Agenda.

Councilmember Reid asked for a clarification at the bottom of the first page of the June 28, 2016 Regular City Council Meeting Minutes regarding the comment by Councilmember Urban, "who highlighted some of the key moments in the movement for the rights of Lesbian, Bisexual, Gay, Transgendered and Queer (and/or questioning) (LGBTQ) individuals," and whether the word "queer" was actually spoken by Councilmember Urban, or did he use the word "questioning."

She also asked if the City is committed to continuing to use the BoardSync Software since three out of the seven Councilmembers still receive hard copy of the Agenda Packet. She pondered how an online system can be made more functional if only four Councilmembers are using it. In reference to the Resolution to establish a stipend for City Council electronic devices and to direct the City Manager to create a City Council policy for the administration of the benefit, she asked if there was going to be a review or "questioning" opportunity. City Manager Shaffer answered that the City is committed to BoardSync presently and there has been no discussion internally about leaving BoardSync; however, if Council wants to leave BoardSync, or have the City review a different software, we are happy to do that, but the Administration is not looking at any other software at this time except BoardSync. She reflected that three out of the seven Councilmembers are receiving a hard copy of the Agenda and wondered if it was time to have a session to make this online system more functional since three Councilmembers are not using the electronic version. Mr. Shaffer said that is a great point and indicated that there are a number of alternative software systems available; the City has reviewed a couple of them. Furthermore, owing to the time an effort spent developing BoardSync, he expressed a disinterest in pursuing other software to accommodate those three Councilmembers who are not deploying BoardSync without figuring out first what can be done to ensure 100% participation by City Council. Mayor Pro Tem Ansari reflected that he thought the hardcopy was to be included until some issues with BoardSync could be figured out or corrected. City Clerk James Hudson provided assurances that our working relationship with BoardSync is very good and, with the five or six contacts at BoardSync, any requests for features, tweaks or other improvements are addressed to our satisfaction. He welcomed input from City Council, whether it be a feature from another software, or any desirable change to allow staff to work with BoardSync to meet that need or satisfy the request. Mr. Shaffer indicated that

staff is happy with Boardsync, no hard copies are being issued and staff is all electronic. He noted that the only issue is with City Council; that we want to be very respectful of their wishes, such as receiving information in the desired form and format; and, if Council wishes to receive information in the form of paper, so be it, but the Administration is hopeful of moving everyone over, and the hope is that the stipend will provide the motivation to do so. Mr. Shaffer concurred with her suggestion that a discussion take place regarding aspects of BoardSync that are not user friendly for what Council does with the software in order to determine what changes would be helpful. Mr. Shaffer offered to initially poll City Council to ascertain issues or challenges, and perhaps bring those up as an agenda item or at a Committee of the Whole (COW) for review.

Mr. Shaffer assured Councilmember Reid that the Sanitary Sewer Payback Agreement – Whispering Rock Condominium Development, Item F.3, is for seven years. She asked how many connections are anticipated during the seven-year period contemplated by the agreement, the number of properties that abut and the number of sewer connections anticipated. She asked if the stubs have been installed in the sewer line, or would this be a more complicated connection because the stub was not put in as it was a private line. Mr. Shaffer assured her that the stubs are in, but did not have the anticipated number of connections, and would get that for her.

Councilmember Reid asked once the sewer line is transferred to the City, will the adjacent property owners be subjected to the requirement for mandatory hook-up for sewer; if so, then how many properties would be involved. Mr. Shaffer indicated mandatory hook-up would be required if they are vacant, but he felt they may not be required if they are already built and established (and the septic system is not defective). Mr. Shaffer answered in the affirmative that once the City takes over, the line is the City responsible for maintenance. Mr. Shaffer also answered in the affirmative that the City is giving the entire fee that it would normally get for hook-up to AVB, but that does not include the labor costs; that is still the responsibility of the property owner.

Councilmember Reid asked if there is a time period where the signatures on the petition for a Governmental Lake Board are no longer valid since some of the signatures on the petition for Gourdneck Lake were dated 2014, and Mr. Hudson answered that the State used the 180 day limit for the Referendum on Marijuana, but did not apply the rule to the petition to change the City Charter based on the Home Rule Cities Act, and indicated he would find the answer for her.

ADJOURN: Mayor Pro Tem Ansari adjourned the meeting at 9:17 a.m.

James Hudson, City Clerk