

CITY COUNCIL MEETING MINUTES FROM MARCH 13, 2012

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

At the request of Mayor Strazdas, J.D. Markland of the Cherry Creek Community Church in Portage gave the invocation and Boy Scout 244 led City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Councilmember Jim Pearson was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a 100 Years of Girl Scouting, 2012 Proclamation that was read by Councilmember Campbell.

APPROVAL OF MINUTES: On a Point of Order, City Clerk James Hudson indicated that he made some additions to the Ad Hoc Committee Item of the Agenda in the Minutes for City Council review and consideration that included some advisory comments as being critical to the discussion from City Attorney Randy Brown. Motion by Urban, seconded by Reid, to approve the February 18, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Reid to read the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 13, 2012:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of March 13, 2012. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

TENTATIVE PLAN AMENDMENT AND THE FINAL PLAN FOR THE HOMESTEAD PLANNED DEVELOPMENT, 3821 WEST MILHAM AVENUE: Mayor Strazdas opened the Public Hearing and introduced Community Development Director Vicki Georgeau, who provided a history of the proceedings thus far and an overview of the request for approval of a Tentative Plan at 3821 West Milham Avenue, citing some past examples of successes and some of the challenges that lie ahead. Additionally, she mentioned that the applicants, Mr. Patrick Lynch and Mr. Jack Gesmundo, also requested a proposal to modify the boundaries of the Van Riper historic district. She stated that the City Administration recommended approval subject to the conditions outlined in the January 13, 2012 Department of Community Development report that included: the modification of the boundaries of the Van Riper historic district; consistent with the 2006 approved tentative and final plans, the access drive for the cottage offices must be moved east, shared with the theme restaurant/office, and align with future development activities planned on the north side of West Milham Avenue; when a final plan for development is submitted involving the existing historic home site, the adequacy of the screening/buffering along the east property line be evaluated and supplemental screening/buffering be required as may be necessary; removal or replacement of the sign located near the south end of the pedestrian path that connects The Homestead neighborhood to the Arbutus Trail neighborhood that prohibits non-Homestead residents from using this path; and Final Plan approval involving three single family residential land divisions located on the north side of McGillicuddy Lane.

Finally, she indicated that after the Planning Commission convened a public hearing on December 1, 2011, and January 19, 2012, the Planning Commission recommended approval of the Tentative Plan Amendment subject to the aforementioned conditions and recommended that the Final Plan involving three single family residential land divisions located on the north side of McGillicuddy Lane be approved. Discussion followed.

In answer to questions from Mayor Pro Tem Reid, Ms. Georgeau explained the process utilized for further review and evaluation of any proposed screening/buffering modifications.

Mayor Strazdas opened the public hearing for public comment and invited Jack Gesmundo, American Village Builders, 4200 West Centre Avenue, and Patrick Lynch, 10209 Portage Road, to speak.

Mr. Gesmundo explained that The Homestead has been around since 2001 with 52 new homeowners in the last ten years with an average price of \$400,000, making it a first class community of which he and his associates are very proud. He explained that when it was determined that the Villas of Secret Gardens was not going forward, City staff recommended that the project be reconsidered, so his firm performed a new study to determine the highest and best use of the property. He pointed out screening/buffering along the east property line required by city staff for buffering purposes is still in the plan, and he indicated that Mr. Lynch has agreed that property owners could contact him and plant their own trees sooner rather than later to allow for a more mature berm by the time the project begins. He also noted in order to support the Tree City status of Portage, American Village Builders planted over 100 trees in the neighborhood over the last six months, including 44 trees in the storm retention area, 50 trees in the new phase and a dozen trees just last week with most of the trees being 10 to 14 feet tall. He indicated that in the last two years, they have had twelve new homeowners, which he considered was quite good considering the economy, plus he pointed out that American Village Builders is still able to build new homes for new Portage homeowners. Finally, he discussed the need to have a separate drive for the original structure as Mr. Lynch is considering moving into the home and wanted a separate access from the office structures.

Mr. Lynch discussed his interest in having the single family historical home become more consistent with the neighborhood, yet still retain the historic drive in the form of a boulevard as a stately access to this most significant historical home in Portage. He explained his long history of maintaining and restoring homes in Portage that numbers close to thirty buildings, including farm buildings, restored over the years. Discussion followed. In answer to Councilmember Urban and his concerns about the driveway accesses, Mr. Lynch assured him that he envisioned that the historical home would remain a single family residence for the foreseeable future, but he expressed a need and a desire for flexibility. He offered that if it ever went office or commercial that the two drives could be combined or reconfigured as needed. Discussion followed regarding the future process necessary to make modifications before presenting the Final Plan for approval. Discussion followed.

Motion by Reid, seconded by Sackley, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Urban, seconded by Sackley, to approve the Tentative Plan Amendment for The Homestead Planned Development, 3821 West Milham Avenue, subject to the conditions outlined in the January 13, 2012 Department of Community Development report; and following action on the Tentative Plan Amendment, approve the Final Plan for the three McGillicuddy Lane land divisions. At the request of City Attorney Brown, who asked that the four conditions outlined in the January 13, 2012 Department of Community Development report be a part of the motion for the record and that the Final Plan for the three McGillicuddy Lane land divisions be read to be approved without the condition," following action on the Tentative Plan Amendment," motion by Urban, seconded by Sackley, to approve the request to modify the boundaries of the Van Riper historic district; consistent with the 2006 approved tentative and final plans, the access drive for the cottage offices must be moved east, shared with the theme restaurant/office, and align with future development activities planned on the north side of West Milham Avenue; when a final plan for development is submitted involving the existing historic home site, the adequacy of the screening/buffering along the east property line be evaluated and supplemental

screening/buffering be required as may be necessary; removal or replacement of the sign located near the south end of the pedestrian path that connects The Homestead neighborhood to the Arbutus Trail neighborhood that prohibits “non-Homestead” residents from using this path; and approve the Final Plan for the three McGillicuddy Lane land divisions. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **RESOLUTIONS ACCEPTING NEW PUBLIC STREETS AND NEW ACT 51 STREET ADMINISTRATOR:** Motion by Reid, seconded by Urban, to adopt the resolution to accept all new streets constructed within new residential plats approved by City Council during the calendar year January 1, 2011, through December 31, 2011, as public streets and the resolution designating a new City of Portage Act 51 Street Administrator. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on page 363 and 365 of City of Portage Resolution Book No. 44.

* **ADOPTION OF BOND REFUNDING RESOLUTION:** Motion by Reid, seconded by Urban, to adopt the Resolution Authorizing Refunding of the City of Portage Capital Improvement Bonds, Series 2003, 2004 and 2005, as well as the Resolution Approving of the Undertaking to Provide Continuing Disclosure. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on page 367 and 377 of City of Portage Resolution Book No. 44.

* **FIRE APPARATUS MAINTENANCE AND REPAIR CONTRACT – INTERGOVERNMENTAL COOPERATION:** Motion by Reid, seconded by Urban, to approve a contract amendment with Emergency Vehicle Products, Inc., for Fire Apparatus Maintenance and Repair through July 31, 2012, with the option of four additional one-year renewals. Upon a roll call vote, motion carried 6 to 0.

* **AGREEMENT TO LOCATE SIGN IN RIGHT-OF-WAY, DAVIS OILCOMPANY, 4421 WEST CENTRE AVENUE:** Motion by Reid, seconded by Urban, to approve the *Agreement to Locate Sign in Right-of-Way* for Davis Oil Company (4421 West Centre Avenue) and authorize the City Manager to execute the agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

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

Portage Historic District Commission of January 11 and February 1, 2012.

Portage Board of Education Regular Meeting of January 30 and Special Meeting and Committee of the Whole Work Session of February 13, 2012.

Portage Human Services Board of February 2, 2012.

Kalamazoo County Board of Commissioners Committee of the Whole and Regular Meeting of February 7 and February 21, 2012.

Portage Planning Commission of February 16, 2012.

BID TABULATIONS:

* **PINEVIEW WATER TOWER EXTERIOR RENOVATIONS:** Motion by Reid, seconded by Urban, to award a contract to Fedewa, Incorporated, in the not to exceed amount of \$87,900 for the Pineview Water Tower Exterior Renovations; accept the proposal from Dixon Engineering for testing and inspection in the amount of \$8,200; and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **PAVEMENT MARKING SERVICES – INTERGOVERNMENTAL COOPERATION:** Motion by Reid, seconded by Urban, to award a one-year contract to Michigan Pavement Markings,

LLC, to provide pavement marking services in the amount to not exceed \$86,926 and authorize the City Manager to execute all documents related to this contract and subsequent renewals on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **SANITARY SEWER LEAD REPAIR:** Motion by Reid, seconded by Urban, to award a contract for the Emergency Sanitary Sewer Lead Repair to Peters Construction Company in the not to exceed amount of \$26,212.87 with the option to renew the contract for two additional one-year periods 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 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban highlighted the opening of the new Loaves and Fishes location and emphasized the importance of this service in the community, reflected on his training and plans for contributing to Loaves and Fishes, and encouraged citizen participation in the effort.

Councilmember Sackley recognized the passing of former Schoolcraft Public Schools Superintendent and past Schoolcraft Village President Loren Warfield and reflected on his cooperation attempts among the various municipalities.

City Manager Evans indicated that the City of Portage website at www.portagemi.gov received the Sunny Award which is a top award for transparency in government websites.

Mayor Pro Tem Reid reported on the Legislative Café and a collaboration of families, parents and children who discussed a variety of topics related to early education. She also expressed her appreciation and the enthusiasm she experienced when she attended the Regional Forensics Tournament at Portage Northern High School.

Mayor Strazdas highlighted Item F.1, Resolutions Accepting New Public Streets and New Act 51 Street Administrator, where City Council assigned more duties to an existing employee, as has happened many times over the last few years in all city departments, which shows that the City of Portage is doing more with fewer employees. Secondly, he highlighted Item L.2, Pavement Marking Services, as a cost-savings intergovernmental effort. Lastly, he reflected on letters he received from reading a book to Moorsbridge Elementary School Fourth Graders, the enjoyment he experienced with the children and the fun he had reading their “thank you” letters.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:20 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.