

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 24, 2009

The Regular Meeting was called to order by Mayor Pro Tem Edward J. Sackley at 7:30 p.m.

Mayor Pro Tem Sackley introduced Pastor Mark Cryderman of the Portage Free Methodist Church, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The Deputy City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Claudette S. Reid, Terry R. Urban and Ted W. Vlieg, and Mayor Pro Tem Edward J. Sackley. Mayor Peter J. Strazdas was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and Deputy City Clerk Adam D. Herringa.

PROCLAMATION: Mayor Pro Tem Sackley issued a proclamation supporting the 16th Annual Kalamazoo County Walk for Warmth.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Campbell, to approve the February 10 Regular and February 14, 2009 Special Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Mayor Pro Tem Sackley abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Vlieg to read the Consent Agenda. Councilmember Vlieg added Item F.5, Communication from the City Manager recommending that City Council set a Special Meeting on Wednesday, March 11, 2009, City Council Chambers, beginning at 6:00 p.m. so City Council can continue discussing the request from the South County Sewer and Water Authority for a sanitary sewer transportation flow-through agreement connection to the Portage Creek Trunk Sewer, to the Consent Agenda. Mr. Gary Kushner, property owner of 2427 West Centre Avenue, asked that item F.2.B, Final Plan for Cole Gavlas Office, 2301 West Centre Avenue, be removed from the Consent Agenda. Motion by Vlieg, seconded by O'Brien, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF FEBRUARY 24, 2009:** Motion by Vlieg, seconded by O'Brien, to approve the Check Register of February 24, 2009. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **PROPOSED AMENDMENTS TO THE CODE OF ORDINANCES:** Motion by Vlieg, seconded by O'Brien, to accept for first reading the proposed amendments to the City of Portage Code of Ordinances to Chapter 1, General Provisions, Chapter 2, Administration, and Chapter 34, Fire Prevention and Protection, reflecting changes in the 2006 edition of the International Fire Code and to address the regulation of outdoor solid fuel-fired furnaces, and consider final adoption on March 10, 2009. Upon a roll call vote, motion carried 6 to 0.

* **TWO YEAR EXTENSION FOR THE OAKLAND HILLS AT CENTRE PLANNED DEVELOPMENT:** Motion by Vlieg, seconded by O'Brien, to grant a two-year extension for the Oakland Hills at Centre Planned Development, 2301 West Centre Avenue and 8080 Oakland Drive. Upon a roll call vote, motion carried 6 to 0.

FINAL PLAN FOR COLE-GAVLAS OFFICE: Mayor Pro Tem Sackley asked Community Development Director Jeff Erickson to come forward and begin discussion of item F.2(b) of the agenda. Mr. Erickson provided a brief introduction and background to the overall Oakland Hills at Centre Planned Development and the planned office building at 2427 West Centre. He indicated that the

planned access for this building is from the existing access drive used by the office building owned by Mr. Kushner. There is also an access point planned from the former Blue Cross Blue Shield Drive to the east thus providing two access points. He then reviewed the requested approval of the proposed Cole-Gavlas Office Building at 2301 West Centre Avenue. Mr. Erickson stated that both the City Administration and Planning Commission are recommending approval of this office building.

Mr. Kushner informed City Council that when his building was developed, one requirement was the adoption of an "Affidavit and Notice of Joint Use and Maintenance Obligation" for his driveway such that if the property to the east were developed, he would agree to share access from his drive into the property but at the same time he would agree to restore his curb cut thereby blocking access to both the property to the east and his drive. Mr. Kushner stated that he was recently able to reach a tentative agreement with those involved, providing access both to his building and the new development. However, for the agreement to work, the "Affidavit and Notice" referenced earlier would need to be terminated. He then reviewed a tentative three-part agreement involving Centre Street Properties, Oakland/Centre Real Estate and the City of Portage.

Mayor Pro Tem Sackley inquired if this matter came before the Planning Commission. Mr. Kushner indicated that it did not, that the matter arose within the past few weeks and that just this afternoon a tentative access agreement was reached.

Councilmember Reid inquired if the agreement referenced by Mr. Kushner needed to be complete prior to final approval of the plan before Council. Mr. Erickson indicated that it did not and that it is viewed as more of an administrative detail. He expanded stating that the issues that have come up recently have been via the efforts of two property owners attempting to reach a more formal access agreement. He recommended the project be approved so the Cole-Gavlas Office Building can get started and administration would review the tentative agreement.

Greg Dobson of American Village Builders (AVB), 4200 West Centre, offered supportive comments of the discussions between AVB, Mr. Kushner and the City. He stated that the end result is a good one. Mayor Pro Tem Sackley commented that it is always good to hear that the City facilitated something "good and smart" and property owners and developers are happy.

Councilmember Urban asked Mr. Erickson for clarification as to the purpose of the 2002 agreement that seems to be contradictory. Mr. Erickson clarified that, to his understanding, the purpose was such that if the adjacent property owner elected to implement a new curb cut, Mr. Kushner would need to close his curb and median cut and utilize the new one.

Motion by Urban, seconded by Reid, to approve the Final Plan for Cole-Gavlas Office, 2301 West Centre Avenue. Upon a roll call vote, motion carried 6 to 0.

- * **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the:
 - Portage Human Services Board of November 6 and December 4, 2008.
 - Portage Planning Commission of November 6, November 20, December 4 and December 18, 2008.
 - Portage Zoning Board of Appeals of November 10, 2008.
 - Kalamazoo County Board of Commissioners Committee of the Whole and Regular of February 3, 2009.

STATEMENTS OF CITIZENS: County Commissioner Michael Quinn, 7025 Rockford Street, stated that he was pleased to recommend recently to the Kalamazoo County Board of Commissioners that they engage citizens in the governing process to the same extent as the Portage City Council. He also mentioned that individuals who served in the Peace Corps are welcome to attend an upcoming March 3rd meeting to recognize National Peace Corps Action Day and honor veterans of the Peace Corps.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Vlieg expressed concern regarding the timelines with which minutes of the Planning Commission were received. He also emphasized the value and worth of the annual Kalamazoo County Walk for Warmth and discussed details of the upcoming event.

Councilmember O'Brien indicated that it appeared City Council was receiving minutes of other boards and commissions late as well. She also announced that she was recently voted Chair of the Kalamazoo County Health Advisory Council (KCHAC) and shared information regarding projects that the KCHAC is working on. Finally, Councilmember O'Brien shared information related to an upcoming property tax symposium which is designed to help homeowners better understand their property taxes.

Councilmember Reid stated that the Kalamazoo County Transportation Authority voted to bring a millage request to the voters of Kalamazoo County in May. She then discussed details of the millage request and what it will be funding. Finally, she emphasized the importance of a viable transportation system for those persons who really need to have it and those who choose to use public transit.

Councilmember Urban pointed out that more current meeting minutes of the Planning Commission should be available and that the timeliness with which City Council receives minutes from the boards and commissions is of great concern to him.

Mayor Pro Tem Sackley stated that he, along with City Manager Evans, city staff, State Representative Larry DeShazor and others were present at a meeting held by Governor Granholm at the Kalamazoo County Road Commission. He then discussed the purpose of the meeting and indicated that the widening of I-94, due to the recent passage of the Economic Recovery Act, is moving along faster than anticipated. He expressed optimism that funding for the project would be approved by the Michigan State Legislature in the next thirty days. He also mentioned that the City of Portage needs support to keep the Summer Entertainment Series going and encouraged residents and businesses to offer financial assistance. He emphasized that the Summer Entertainment Series is self-supporting.

ADJOURNMENT: Mayor Pro Tem Sackley adjourned the meeting at 8:10 p.m.

Adam D. Herringa, Deputy City Clerk

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