

**FINAL AGENDA FOR THE COUNCIL MEETING  
CITY OF PORTAGE  
February 8, 2011**

7:30 p.m. Call to Order.

Invocation: Pastor Tim Hoult of the Kalamazoo Valley Family Church.

Pledge of Allegiance.

Roll Call.

Proclamations.

A. Approval of the January 25, 2011 Regular Meeting Minutes.

\* B. Approval of Consent Agenda Motions.

\* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of February 8, 2011, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

\* 1. Communication from the City Manager recommending that City Council accept the Amendment to Chapter 50, Section 222, Providing False Information to Public Officer, for First Reading.

\* 2. Communication from the City Manager recommending that City Council approve a two-year contract extension for city facility heating, ventilation, air conditioning and maintenance services to Pleune Service Company in the amount of \$78,616 and authorize the City Manager to execute all documents related to this action.

\* 3. Communication from the City Manager recommending that City Council approve a one-year renewal with Peters Construction Company for the Sanitary Sewer Service Repair Call-in Contract at the original not-to-exceed amount of \$26,212.87 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

G. Communications:

1. Communication from Dale Hein of the Kalamazoo County Transportation Authority concerning KCTA's annual report.

H. Unfinished Business:

\* 1. Communication from the City Manager recommending that City Council:  
a. accept Ordinance Amendment 10-B, Home Occupation Ordinance, for first reading and establish a public hearing on March 8, 2011;  
b. subsequent to the public hearing, consider approval of Ordinance Amendment 10-B, Home Occupation Ordinance; and  
c. consider adoption of the resolution establishing an application fee for home occupations.

\* I. Minutes of Boards and Commissions Meetings:

1. Portage Environmental Board of December 8, 2010.

2. Portage Board of Education Regular Business of December 13, 2010 and Special Meeting and Committee of the Whole Work Session of January 10, 2011.

3. Kalamazoo County Board of Commissioners Organizational of January 4, 2011.
4. Portage Human Services Board of January 20, 2011.
5. Portage Planning Commission of January 20, 2011.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

- \* 1. Communication from the City Manager recommending that City Council:
  - a. accept the low bid submitted by Tiger Direct, Incorporated, in the amount of \$23,910 for six “ruggedized” mobile computers for installation in Portage Fire apparatus;
  - b. accept the sole provider quotation submitted by New World Systems Corporation in the amount of \$11,100 for Aegis fire mobile unit software;and authorize the City Manager to execute all documents related to these actions on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.
2. From City Council and City Manager.
- \* 3. Reminder of Meetings:
  - a. Wednesday, February 9, 7:00 p.m., Environmental Board, City Hall Room #1.
  - b. Monday, February 14, 7:00 p.m., Zoning Board of Appeals, City Council Chambers.
  - c. Wednesday, February 16, 2:30 p.m., Senior Citizen Advisory Board, Senior Center.
  - d. Wednesday, February 16, 6:30 p.m., Park Board, Stuart Manor– rescheduled from Wednesday, February 2.
  - e. Thursday, February 17, 7:00 p.m., Library Board, Portage District Library.
  - f. Thursday, February 17, 7:00 p.m., Planning Commission, City Council Chambers.
  - g. Monday, February 21, 8:00 a.m., Legislative Roll Call, State Farm Insurance, 5929 Portage Road.
  - h. Monday, February 21, 6:30 p.m., Youth Advisory Committee, City Hall Room #1.

N. Materials Transmitted of January 21 and 28, 2011.

Adjournment.

# CITY COUNCIL MEETING SUMMARY

January 25, 2011

## CHECK REGISTER

- ◆ Approved the Check Register of January 25, 2011, as presented.

## STATEMENTS OF CITIZENS

- ◆ State Representative Margaret O'Brien representing the 61<sup>st</sup> District reminded City Council of the invitation she sent them to a meeting of all elected officials on February 18, 2011, that she can be reached by phone or e-mail, that her new toll-free number is 877/347-8061 and that her first office hours in Portage will be at the ChocolaTea Co., 7642 South Westledge Avenue, Friday, February 4<sup>th</sup> from 9 a.m. to 11 a.m. She indicated that her committee assignments are all on the policy side, and not on the appropriations side: Taxation, Insurance, Education and Family, Children and Senior Services.

## REPORTS FROM THE ADMINISTRATION

- ◆ Received the communication from the City Manager regarding the December 2010 Summary Environmental Activity Report as information only.
- ◆ Received the Department Monthly Reports.

## COMMUNICATION

- ◆ Received a presentation by Youth Advisory Committee Chairperson Sujay Dewan, Vice-Chairperson Eric Alden and Secretary Sarah Perry.

## UNFINISHED BUSINESS

- ◆ Adopted the amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2009 edition of the International Fire Code.

## BID TABULATIONS

- ◆ Awarded the independent audit service contract to Rehmann Robson for a three-year cost not to exceed \$73,950 and authorized the City Manager to execute all documents related to this contract on behalf of the city.
- ◆ Accepted the low responsive bid submitted by Engineered Protective Services, Incorporated, in the amount of \$10,900 for a replacement fire alarm system at the Portage Senior Center and authorized the City Manager to execute all documents related to this action on behalf of the city.

## STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ City Council and Mayor Strazdas expressed their appreciation to Youth Advisory Committee Chairperson Sujay Dewan, Vice-Chairperson Eric Alden and Secretary Sarah Perry for their fine presentation and for their yeoman efforts as volunteers in the community.
- ◆ Councilmember Campbell expressed her condolences to the family of Dr. Tom Berglund, who passed away January 11, 2011, in Snowmass, Colorado. She reflected on his involvement in Rotary, his love for his family, his sense of humor and his love for University of Michigan Football. Mayor Strazdas echoed her sentiments and City Manager Evans indicated he had the pleasure of sharing a meal with him before he left for Snowmass and indicated that Dr. Berglund had a love for skiing and was the epitome of a Rotarian.
- ◆ Councilmember Reid pointed out that the fire alarm system approved for the Senior Center was a significant upgrade as it makes the Senior Center compliant with the Americans with Disability Act. She also indicated that, for those who are interested, the recent school board meeting had a ten-minute glitch, but the entire meeting was recorded and can be viewed on line at [www.publicmedia.org](http://www.publicmedia.org).
- ◆ Councilmember Urban indicated that he does not usually comment on letters to the editor, but felt compelled to address some errors found in a recent letter to the editor in the Monday, January 24, 2011 *Kalamazoo Gazette*. He acknowledged that the article was correct that the Regular Meeting started late owing to a continuation of the discussion in a Special Meeting regarding the implementation of the new Charter Amendment passed by the voters allowing for City Council to determine the size and composition of the Board of Review as there is now an option of a three, six or nine member Board. He disagreed with the reference in the letter that City Council was "behind closed doors trying to put a lid on the property tax information that Councilmember Patricia Randall exposed" when in fact they were in an open meeting, properly advertised; everyone present in City Council Chambers was personally invited to that meeting at least twice while the Board of Review discussion took place; none of the discussion was about "trying to put a lid on the property tax information that Councilmember Patricia Randall exposed;" and, some of the citizens came from Council Chambers and attended the meeting. Councilmember Urban agreed that perhaps some of the residential properties in Portage are very likely incorrectly assessed, but pointed out that not all of the properties in Portage are incorrectly assessed. He acknowledged that there are

probably a few properties that are over assessed and a few properties that are under assessed, and concluded that it is likely that there are as many citizens paying too little in taxes as there are paying too much in taxes owing to an error in the system designed and run by people. With regards to the contention that "Randall spent more than \$10,000 in legal fees to prove that point and won," he indicated that he did not know if the \$10,000 figure was correct or not, but did know that the matter was settled, and there was no winner or loser; however, the *Kalamazoo Gazette* had this fact correct in only one of the various articles on the subject, so it was understandable why the letter reflected this misperception. As the letter gave Councilmember Randall's contact information, he pointed out that contact information for all of City Council is on the City of Portage website at [www.portagemi.gov](http://www.portagemi.gov). He referred to the end of the letter where it read, "Did your property values go down and your tax bill go up? Fight back. Don't let them gag the truth." He explained the effect of Proposal A (1994) and how many property values likely did go down and taxes likely did go up because of Proposal A where the capped amount property taxes could go up each year is based on the Consumers Price Index (CPI) and the property values continued to go up at a higher rate. (Capped value is calculated by multiplying the Taxable Value of the prior year, with adjustments for additions and losses, by the Consumer Price Index (CPI) as calculated by the State Tax Commission and cannot increase by more than 5%). He went on to say that with the value of properties going down, those property values that have not reached the capped increase in taxable value likely did go up. He emphasized that he wished to address the factual errors in the letter; that he was not disputing anyone's opinion; and objected specifically to the allegation that City Council was busy meeting behind closed doors, since City Council was meeting in an open meeting discussing a completely different subject than that averred to in the letter.

- ◆ Councilmember Randall said she was looking forward to the Portage Snow Party sponsored by the Youth Advisory Committee, Saturday, February 5, 2011, from 12:00 p.m. to 3:00 p.m. at Oakland Drive Park and indicated she hoped to be there.
- ◆ Mayor Strazdas thanked City Councilmembers involved in committee assignments at the present time, asked them to report back and asked City Clerk James Hudson to check with City Manager Maurice Evans to make sure there is a place on the Agenda for their reports. He indicated that at the February 12, 2011 Eagle Scout Court of Honor, he has the privilege of being the keynote speaker for the Eagle Scouts in the Region at the Kalamazoo Country Club, and will be attending three more Court of Honors in the coming weeks. He also announced that, in the evening on February 12, 2011, the Portage Police and Fire Departments will be playing the Kalamazoo Public Safety Department in Ice Hockey as a fundraiser at Wings Stadium, and that the "Stepping Out" fundraiser at the State Theater for the Portage Athletic Foundation would be that evening at 7:30 p.m.

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**COMPLETE MINUTES OF EACH CITY COUNCIL MEETING ARE AVAILABLE ON THE CITY WEBSITE AT PORTAGEMI.GOV, IN CITY HALL AND IN THE DISTRICT LIBRARY. MINUTES OF CITY BOARDS AND COMMISSIONS ARE AVAILABLE ON REQUEST FROM VARIOUS DEPARTMENTS.**

**DRAFT**

## **CITY COUNCIL MEETING MINUTES FROM JANUARY 25, 2011**

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

At the request of Mayor Strazdas, Pastor Richard Hertsel of the Centre Avenue Community Church of God of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

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

**APPROVAL OF MINUTES:** Motion by Urban, seconded by Reid, to approve the January 11, 2011 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban 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 JANUARY 25, 2011:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of January 25, 2011. Upon a roll call vote, motion carried 6 to 0.

**STATEMENTS OF CITIZENS:** State Representative Margaret O'Brien representing the 61<sup>st</sup> District reminded City Council of the invitation she sent them to a meeting of all elected officials on February 18, 2011; that she can be reached by phone or e-mail; that her new toll-free number is 877/347-8061; and, that her first office hours in Portage will be at the ChocolaTea Co., 7642 South Westnedge Avenue, Friday, February 4<sup>th</sup> from 9 a.m. to 11 a.m. She indicated that her committee assignments are all on the policy side, and not on the appropriations side: Taxation, Insurance, Education, and Family, Children and Senior Services. Discussion followed.

### **REPORTS FROM THE ADMINISTRATION:**

\* **DECEMBER 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the December 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

**COMMUNICATION:**

**PRESENTATION BY YOUTH ADVISORY COMMITTEE (YAC):** At the request of Mayor Strazdas, Youth Advisory Committee Chairperson Sujay Dewan, Vice-Chairperson Eric Alden, and Secretary Sarah Perry provided an update of the Youth Advisory Committee activities. Sujay reviewed past YAC activities, pointed out that he was a founding member in 2008 and recognized Deputy City Clerk Adam Herringa. They summarized the various activities and involvement as follows:

- Summer of 2010: welcomed new members, toured various facilities and held sessions on the role of local government and the budget.
- Autumn of 2010: formalized the Youth Advisory Committee leadership with the election of a chair, vice-chair and secretary. Assisted with the Pakistan Flood Relief by assisting with packaging care packages and packed care packages of food at Portage Community Center in December for families in need.
- Winter of 2010/2011: planned for upcoming Winter Snow Party at Oakland Drive Park on February 5 and will be receiving a report from the Kalamazoo County Substance Abuse Task Force and looking for ways to continue and promote the relationship.
- Spring of 2011: planning and hosting the Green-a-thon promoting environmental awareness again this year, working with the Park Board and the Environmental Board and hope to make the event even better.
- Summer of 2011: working with the Parks Department and partnering with the Portage District Library to host a “Teen Movie Night” at the Overlander Bandshell. Discussion followed.

**UNFINISHED BUSINESS:**

\* **AMENDMENT TO THE PORTAGE CODE OF ORDINANCES:** Motion by Urban, seconded by Reid, to adopt an Ordinance to amend the City of Portage Code of Ordinances by amending Section 34-61, Fire Prevention and Protection, Chapter 34, reflecting changes in the 2009 edition of the International Fire Code. Upon a roll call vote, motion carried 6 to 0.

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

Portage Zoning Board of Appeals of December 13, 2010.

Portage Planning Commission of December 16, 2010 and January 6, 2011.

**BID TABULATIONS:**

\* **INDEPENDENT AUDIT SERVICE:** Motion by Urban, seconded by Reid, to award the independent audit service contract to Rehmann Robson for a three-year cost not to exceed \$73,950 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **SENIOR CENTER FIRE ALARM SYSTEM – BID RECOMMENDATION:** Motion by Urban, seconded by Reid, to accept the low responsive bid submitted by Engineered Protective Services, Incorporated, in the amount of \$10,900 for a replacement fire alarm system at the Portage Senior Center 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 6 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** City Council and Mayor Strazdas expressed their appreciation to Youth Advisory Committee Chairperson Sujay Dewan, Vice-Chairperson Eric Alden and Secretary Sarah Perry for their fine presentation and for their yeoman efforts as volunteers in the community.

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by the Consumer Price Index (CPI) as calculated by the State Tax Commission and cannot increase by more than 5%). He went on to say that with the value of properties going down, those property values that have not reached the capped increase in taxable value likely did go up. He emphasized that he wished to address the factual errors in the letter; that he was not disputing anyone's opinion; and objected specifically to the allegation that City Council was busy meeting behind closed doors, since City Council was meeting in an open meeting discussing a completely different subject than that averred to in the letter.

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Mayor Strazdas thanked City Council for their involvement in committee assignments at the present time, asked them to report back and asked City Clerk James Hudson to check with City Manager Maurice Evans to make sure there is a place on the Agenda for their reports. He indicated that at the February 12, 2011 Eagle Scout Court of Honor, he has the privilege of being the keynote speaker for the Eagle Scouts in the Region at the Kalamazoo Country Club, and will be attending three more Court of Honors in the coming weeks. He also announced that, in the evening on February 12, 2011, the Portage Police and Fire Departments will be playing the Kalamazoo Public Safety Department in Ice Hockey as a fundraiser at Wings Stadium, and that the "Stepping Out" fundraiser at the State Theater for the Portage Athletic Foundation would be that evening at 7:30 p.m.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:05 p.m.

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James R. Hudson, City Clerk

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

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** January 31, 2011

**FROM:** Maurice S. Evans, City Manager

**SUBJECT:** Accounts Payable Register

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of February 8, 2011 as presented.

Attached please find the Accounts Payable Register for the period January 2, 2011 through January 23, 2011, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
01/07/2011	274539	A P C O INTERNATIONAL	1491	92.00
01/07/2011	274540	A S C A P	1134	314.25
01/07/2011	274541	AT&T	849	2,274.20
01/07/2011	274542	ABONMARCHE CONSULTANTS, INC	597	996.25
01/07/2011	274543	ADAMS REMCO, INC.	103	115.00
01/07/2011	274544	AGGRESSIVE INDUSTRIES	1541	16,600.00
01/07/2011	274545	ALL-PHASE ELECTRIC SUPPLY CO.	108	309.30
01/07/2011	274546	ALLEGRA PRINT & IMAGING	533	137.91
01/07/2011	274547	GAIL ANDRUS TRAVEL	2071	770.00
01/07/2011	274548	APPROVED FIRE PROTECTION CO.	630	410.00
01/07/2011	274549	ARROW UNIFORM RENTAL	4058	90.30
01/07/2011	274550	AUTOMATIC DATA PROCESSING	3305	946.13
01/07/2011	274551	B S & A SOFTWARE	1148	390.00
01/07/2011	274552	BAC TAX SERVICES CORP	999999	419.22
01/07/2011	274553	BATES, LOIS	999999	80.00
01/07/2011	274554	BATTERIES PLUS	3495	119.04
01/07/2011	274555	BDO USA, LLP	136	8,000.00
01/07/2011	274556	BLUESTONE PSYCH	3808	375.00
01/07/2011	274557	BOOTH NEWSPAPERS INC	89	534.82
01/07/2011	274558	BORGESS HEALTH ALLIANCE	151	731.00
01/07/2011	274559	BRONNER'S CHRISTMAS DECORATION	154	957.76
01/07/2011	274560	BYHOLT INC.	68	4,888.04
01/07/2011	274561	C T ELECTRICAL SERVICES, INC.	2407	740.62
01/07/2011	274562	CAMPBELL AUTO SUPPLY	437	56.18
01/07/2011	274563	CARSON, KRISTY M & AMANDA L	999999	40.78
01/07/2011	274564	CASEY'S AUTO ELECTRIC SERVICE	1593	75.00
01/07/2011	274565	CENTURY BANK AND TRUST	999999	6.28
01/07/2011	274566	CHARTER COMMUNICATIONS	3080	11.44
01/07/2011	274567	CINTAS CORP.	2206	7.04
01/07/2011	274568	CITY OF KALAMAZOO TREASURER	540	50.31
01/07/2011	274569	CITY OF PORTAGE	177	173.00
01/07/2011	274570	CLARK, SHARON S	999999	1,700.05
01/07/2011	274571	COLLETTE TRAVEL SERVICE, INC	1935	19,027.80
01/07/2011	274572	COLONIAL ACRES ASSOC. LLC AND	999999	41,226.63
01/07/2011	274573	COMERICA REAL ESTATE	999999	338.23
01/07/2011	274574	COMMERCIAL WINDOW COVERINGS	1912	200.00
01/07/2011	274575	COMSTOCK PUBLIC SCHOOLS	1671	1,650.85
01/07/2011	274576	CONSUMERS CREDIT UNION	999999	347.73
01/07/2011	274577	CONSUMERS ENERGY-BILL PMT CNT	189	1,232.08
01/07/2011	274578	CONTINENTAL LINEN SUPPLY CO.	191	74.37
01/07/2011	274579	CORELOGIC	999999	396.28
01/07/2011	274580	CORELOGIC	999999	6,125.55
01/07/2011	274581	CORELOGIC TAX SERVICES	999999	0.00
01/07/2011	274582	CORELOGIC TAX SERVICES	999999	273.02
01/07/2011	274583	CORELOGIC TAX SERVICES	999999	1,678.02
01/07/2011	274584	CORELOGIC TAX SERVICES	999999	1,327.81
01/07/2011	274585	CORELOGIC TAX SERVICES	999999	1,243.51
01/07/2011	274586	CORELOGIC TAX SERVICES	999999	1,379.86
01/07/2011	274587	LASZLO CSISZAR JR BUILDER	4287	1,100.00
01/07/2011	274588	LASZLO CSISZAR	4646	360.00
01/07/2011	274589	D S S CORPORATION	3592	99.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
01/07/2011	274590	DEGRAFF, JOAN	999999	150.00
01/07/2011	274591	DEMING, WILLIAM	532	70.00
01/07/2011	274592	DEPATIE FLUID POWER CO., INC.	211	325.21
01/07/2011	274593	DIRKSEN ROOFING, INC.	4382	3,000.00
01/07/2011	274594	DISCOUNT TIRE	2116	516.00
01/07/2011	274595	EDWARD JONES INVESTMENTS	999999	1,195.27
01/07/2011	274596	EMPLOYMENT GROUP, INC.	959	224.00
01/07/2011	274597	ENDERICH, RYAN	999999	175.00
01/07/2011	274598	GALL'S, AN ARAMARK COMPANY	25	24.98
01/07/2011	274599	GORDON FOOD SERVICE	502	309.22
01/07/2011	274600	GORDON WATER SYSTEMS	517	36.50
01/07/2011	274601	GRAHAM FORESTRY SERVICE, INC.	464	720.00
01/07/2011	274602	W W GRAINGER INC	699	65.06
01/07/2011	274603	GRAND TRAVERSE RESORT & SPA LL	4166	329.79
01/07/2011	274604	GREATER KALAMAZOO FOP LODGE 98	623	1,170.00
01/07/2011	274605	GREATER KALAMAZOO FOP LODGE 98	623	.00
01/07/2011	274606	GREATER KALAMAZOO UNITED WAY	628	1,677.48
01/07/2011	274607	GRIFFIN PEST CONTROL, INC.	598	59.00
01/07/2011	274608	HAMMOND, SAM	999999	450.00
01/07/2011	274609	HESS, DERECK	999999	293.40
01/07/2011	274610	HI-TECH ELECTRIC CO.	1327	1,778.66
01/07/2011	274611	HOEKSTRA ROOFING CO.	1186	479.50
01/07/2011	274612	HOME DEPOT	691	67.50
01/07/2011	274613	HOWE, RICKY HENRY	999999	847.19
01/07/2011	274614	I. A. P. E.	999999	100.00
01/07/2011	274615	INDUSCO SUPPLY CO., INC.	63	405.53
01/07/2011	274616	INSTITUTE OF TRANSP. ENGINEERS	1731	245.50
01/07/2011	274617	INTERNATIONAL CODE COUNCIL, IN	3244	99.50
01/07/2011	274618	J P CONTROLS	77	511.75
01/07/2011	274619	JAQUA REALTORS	999999	21.42
01/07/2011	274620	JERECO LLC AND HONIGMAN MILLER	999999	12,260.44
01/07/2011	274621	JOHN DEERE LANDSCAPES, INC.	4450	258.00
01/07/2011	274622	KAL HUMAN RESOURCE MGT ASSOC	808	130.00
01/07/2011	274623	KALAMAZOO COUNTY STATE BANK	999999	299.44
01/07/2011	274624	KALAMAZOO COUNTY TREASURER	514	650.38
01/07/2011	274625	KALAMAZOO REG'L EDUC SVS AGENG	721	43.72
01/07/2011	274626	KALAMAZOO SPORTSWEAR	229	180.00
01/07/2011	274627	KALAMAZOO VALLEY COMMUNITY COL	230	25.46
01/07/2011	274628	KEHOE, EDWARD J	3783	495.00
01/07/2011	274629	KELLEY, BRIAN	999999	210.00
01/07/2011	274630	KELLY RADIATOR & AUTO REPAIR	4531	892.38
01/07/2011	274631	KNAPP ENERGY, INC.	235	17,923.49
01/07/2011	274632	KUIPER BROTHERS MOVING INC.	1066	178.00
01/07/2011	274633	KUIPER BUILDING SERVICES, LLC	4454	6,000.00
01/07/2011	274634	KZOO TIRE COMPANY	564	1,616.00
01/07/2011	274635	LAWSON PRODUCTS, INC	240	2,455.09
01/07/2011	274636	LOWE'S HOME CENTER	2630	130.14
01/07/2011	274637	MACNLOW ASSOCIATES	2189	335.00
01/07/2011	274638	MENARDS, INC	258	33.65
01/07/2011	274639	METRO ADVANTAGE TITLE	999999	1,110.41
01/07/2011	274640	MICH. RECREATION & PARK ASSOC.	895	391.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
01/07/2011	274541	MICHIGAN KAL ELECTRONICS, INC.	266		85.00
01/07/2011	274542	MICHIGAN LOCAL GOVERNMENT MGT	943		.00
01/07/2011	274543	MIDWEST ENERGY COOPERATIVE	2030		227.97
01/07/2011	274544	MILLS, WILLIAM	999999		100.00
01/07/2011	274545	MWTA	999999		50.00
01/07/2011	274546	T MORGAN INC.	376		1,560.91
01/07/2011	274547	MORRIS ROSE AUTO PARTS, INC.	499		100.00
01/07/2011	274548	MULDERS LANDSCAPE SUPPLIES INC	286		16,832.00
01/07/2011	274549	NCMIC FINANCE CORP	999999		1,322.16
01/07/2011	274550	NEW FRESH CLEANING SERVICE	4351		5,232.75
01/07/2011	274553	NEXTEL	1709		2,204.56
01/07/2011	274554	NYE UNIFORMS	299		127.13
01/07/2011	274555	OFFICE DEPOT, INC.	1721		685.90
01/07/2011	274556	PEFFER, MICHELLE	999999		150.00
01/07/2011	274557	PERCEPTIVE CONTROLS, INC.	3764		1,231.00
01/07/2011	274558	PETTY CASH-FIRE	610		324.04
01/07/2011	274559	PETTY CASH-PARKS	536		765.72
01/07/2011	274560	POLDERMAN'S FLOWER SHOP	4157		86.95
01/07/2011	274561	PORTAGE DISTRICT LIBRARY	810		4.62
01/07/2011	274562	PORTAGE FIREFIGHTERS	625		2,237.64
01/07/2011	274563	PORTAGE ON-CALL FIREFIGHTERS	504		198.66
01/07/2011	274564	PORTAGE POLICE OFFICERS ASSOC	624		4,179.50
01/07/2011	274565	PORTAGE PUBLIC SCHOOLS	590		148.64
01/07/2011	274566	PRECISION PRINTER SERVICES INC	2584		1,603.16
01/07/2011	274567	PRO BUILD COMPANY LLC	999999		3,270.61
01/07/2011	274568	PROFESSIONAL TREE SERVICE, INC	321		450.00
01/07/2011	274569	PROJECT FISH	4273		177.55
01/07/2011	274570	QUERTERMUS, S TRUST & KONUK A	999999		720.15
01/07/2011	274571	RATH, EUGENE	999999		11.09
01/07/2011	274572	RAHCO SAFETY SUPPLY, INC.	327		303.50
01/07/2011	274573	JOHN E REID & ASSOCIATES INC.	3243		575.00
01/07/2011	274574	RELIABLE MANAGEMENT SYSTEMS, I	4354		331.00
01/07/2011	274575	REPUBLIC WASTE SERVICES OF W M	4443		55,674.61
01/07/2011	274576	RIETH-RILEY CONSTRUCTION CO.,	4386		519.80
01/07/2011	274577	RIVERSIDE INTEGRATED SYSTEMS,	3598		247.00
01/07/2011	274578	ROE-COMM, INC.	341		94.50
01/07/2011	274579	Southwest Michigan First	999999		250.00
01/07/2011	274580	SCHRAMM, PAUL OR DIANE	999999		18.13
01/07/2011	274581	SHERWIN WILLIAMS	356		133.16
01/07/2011	274582	SIGNWRITER & SERIGRAPHICS	2376		100.00
01/07/2011	274583	SIMMONS FORD	2064		437.40
01/07/2011	274584	SOURCE TECHNOLOGIES	879		371.00
01/07/2011	274585	STAP BROS LAWN & LANDSCAPE,INC	366		210.00
01/07/2011	274586	STATE OF MICHIGAN (BOILER DIV)	2125		510.00
01/07/2011	274587	STATE SYSTEMS RADIO, INC	369		56.99
01/07/2011	274588	SUBURBAN MECHANICAL	1475		1,054.45
01/07/2011	274589	SUSAN A MAIS TRUST	999999		1,643.95
01/07/2011	274590	THE RAINMAKER GROUP	999999		259.00
01/07/2011	274591	THOMAS & ELIZABETH REAUME	999999		9.36
01/07/2011	274592	TRACTOR SUPPLY CORP.	2817		200.79
01/07/2011	274593	U A W, LOCAL 2290	1862		634.70

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
01/07/2011	274696	U S BANK	3497		6,887.50
01/07/2011	274697	UNITED PARCEL SERVICE	545		66.00
01/07/2011	274698	US BANCORP EQUIPMENT FINANCE	999999		61.76
01/07/2011	274699	VARTEC, LLC	999999		1,821.00
01/07/2011	274700	VICKSBURG CHRYSLER DODGE JEEP	2721		457.80
01/07/2011	274701	WELLS FARGO R/E TAX SERVICES	999999		1,374.29
01/07/2011	274702	WEST MICH TACTICAL OFFICERS	999999		75.00
01/07/2011	274703	WEST MICHIGAN STAMP & SEAL, INC	415		35.45
01/07/2011	274704	WHITAKER CONSTRUCTION CO.	423		1,446.00
01/07/2011	274705	WINDMULLER ELECTRIC, INC.	3061		275.28
01/07/2011	274706	WOLVERINE LAWN SERVICE, INC.	1089		7,659.00
01/07/2011	274707	360 SERVICES, INC.	637		2,492.98
01/07/2011	274708	54-B DISTRICT COURT	999999		500.00
01/07/2011	274709	56-A DISTRICT COURT	999999		339.00
01/07/2011	274710	65TH DISTRICT COURT	999999		315.00
01/07/2011	274711	9TH CIRCUIT COURT	999999		100.00
01/07/2011	274712	OAKY, BRIAN	532		1,572.17
01/07/2011	274713	LANGE, STEVE	532		314.66
01/10/2011	274714	MI ASSOC. OF CHIEFS OF POLICE	2157		245.00
01/13/2011	274715	PINNACLE TITLE AGENCY LLC	999999		6,519.64
01/17/2011	274716	T D S METROCOM, LLC	4539		2,973.13
01/18/2011	274717	W. DOUGLAS BLICKLE	4652		.00
01/21/2011	274718	AT&T	4373		11,250.01
01/21/2011	274719	AT&T	849		3,128.70
01/21/2011	274720	A T & T LONG DISTANCE	4060		17.98
01/21/2011	274721	ADAMS REMCO, INC.	103		766.38
01/21/2011	274722	ADMIRAL LOCK & KEY SERVICE	104		35.00
01/21/2011	274723	AIR GAS GREAT LAKES	977		21.72
01/21/2011	274724	AIRGAS GREAT LAKES	106		57.53
01/21/2011	274725	ALEXANDER, ALLISON	999999		407.15
01/21/2011	274726	ALL-PHASE ELECTRIC SUPPLY CO.	108		235.20
01/21/2011	274727	ALLEGRA PRINT & IMAGING	533		767.26
01/21/2011	274728	ALRO STEEL CORPORATION	2934		138.56
01/21/2011	274729	AMERICAN SAFETY & FIRST AID	113		193.56
01/21/2011	274730	AMERICAN WATER WORKS ASSOC.	773		165.00
01/21/2011	274731	GAIL ANDRUS TRAVEL	2071		542.50
01/21/2011	274732	ANIMAL REMOVAL SERVICE, LLC	3428		1,175.00
01/21/2011	274733	ANY CUTTING & WELDING	3347		125.67
01/21/2011	274734	APOLLO FIRE EQUIPMENT COMPANY	1253		90.30
01/21/2011	274735	ARROW UNIFORM RENTAL	4058		88.96
01/21/2011	274736	ARROWHEAD SCIENTIFIC, INC.	3744		1,197.20
01/21/2011	274737	AUTOMATIC DATA PROCESSING	3305		979.00
01/21/2011	274738	AUTOMOTIVE CONCEPTS CARSTAR	4399		24.25
01/21/2011	274739	B & L BOLT, INC.	123		278.00
01/21/2011	274740	BATTERIES PLUS	3495		1,825.14
01/21/2011	274741	BCHS-HELPEMET	1732		825.00
01/21/2011	274742	BIO-CARE, INC.	1172		350.00
01/21/2011	274743	BITTERSWEET ACRES	1123		1,578.37
01/21/2011	274744	W. DOUGLAS BLICKLE	4652		100.00
01/21/2011	274745	W. DOUGLAS BLICKLE	4652		100.00
01/21/2011	274746	BLUESTONE PSYCH	3808		375.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
01/21/2011	274747	BOOTH NEWSPAPERS INC	89	1,287.13
01/21/2011	274748	BRINK'S, INC	153	243.84
01/21/2011	274749	BRONSON METHODIST HOSPITAL	156	150.00
01/21/2011	274750	FENNEMA ENTERPRISES, LLC	4645	335.00
01/21/2011	274751	C & H DISTRIBUTORS, LLC	3380	312.62
01/21/2011	274752	CAMPBELL AUTO SUPPLY	437	99.78
01/21/2011	274753	CASH REGISTER SALES & SERVICE	2619	251.80
01/21/2011	274754	CATHOLIC FAMILY SERVICES	752	4,310.16
01/21/2011	274755	CHARTER COMMUNICATIONS	3080	77.16
01/21/2011	274756	CHEMICAL BANK	999999	654.31
01/21/2011	274758	CINTAS CORP.	2206	1,019.26
01/21/2011	274759	CITY OF KALAMAZOO (TRANS MILLA	4649	133.34
01/21/2011	274760	CITY OF KALAMAZOO TREASURER	540	166,154.49
01/21/2011	274761	COMMUNICATION CONCEPTS, INC.	2970	99.00
01/21/2011	274762	COMMUNICATOR AWARDS	2195	85.00
01/21/2011	274763	COMSTOCK PUBLIC SCHOOLS	1671	271.84
01/21/2011	274764	CONSUMERS ENERGY	743	42,873.50
01/21/2011	274766	CONSUMERS ENERGY-BILL PMT CNT	189	70,571.79
01/21/2011	274767	CONTINENTAL LINEN SUPPLY CO.	191	40.63
01/21/2011	274768	CORELOGIC TAX SERVICES LLC	999999	170.10
01/21/2011	274769	CROSSROADS CAR WASH	195	299.50
01/21/2011	274770	CROSSROADS EXPERT AUTO SERVICE	4109	2,917.27
01/21/2011	274771	D'ELEGANCE PHOTOGRAPHY	803	126.00
01/21/2011	274772	DEMOOYER BROTHERS, INC.	210	120.97
01/21/2011	274773	DIRKSEN ROOFING, INC.	4382	500.00
01/21/2011	274774	EMERGENCY VEHICLE PRODUCTS	2948	7,731.19
01/21/2011	274775	ENGINEERED PROTECTION SYSTEMS,	2973	363.25
01/21/2011	274776	FAWLEY OVERHEAD DOOR, INC.	690	650.00
01/21/2011	274777	FIRE SERVICE MANAGEMENT	2608	1,688.25
01/21/2011	274778	FLETCHER ENTERPRISES	1399	312.00
01/21/2011	274779	G T S I CORP	4065	28,928.13
01/21/2011	274780	GIROLAMO, JOSEPH	999999	1,564.00
01/21/2011	274781	GONGWER NEWS SERVICE	4365	2,100.00
01/21/2011	274782	GORDON FOOD SERVICE	502	120.47
01/21/2011	274783	GORDON WATER SYSTEMS	517	209.25
01/21/2011	274784	W W GRAINGER INC	699	732.61
01/21/2011	274785	GREAT LAKES CHLORIDE, INC.	4483	3,026.32
01/21/2011	274786	GREATER KALAMAZOO FOP LODGE 98	623	4,179.50
01/21/2011	274787	GRIFFIN PEST CONTROL, INC.	598	125.00
01/21/2011	274788	GRYPHON PLACE	3419	1,500.00
01/21/2011	274789	HI-TECH ELECTRIC CO.	1327	344.24
01/21/2011	274790	HOME DEPOT	691	26.01
01/21/2011	274791	HOPE HEALTH	3890	309.90
01/21/2011	274792	HOSPITAL NETWORK HEALTHCARE SE	4482	35.00
01/21/2011	274793	HOUSEWORKS SERVICES, INC.	4566	25.00
01/21/2011	274794	HOUSING RESOURCES, INC.	750	9,417.50
01/21/2011	274795	I A C P N E T	1227	1,200.00
01/21/2011	274796	ICEMANN ARENA INC	4342	177.75
01/21/2011	274797	IERVOLINA, SUSAN	2074	130.00
01/21/2011	274798	INDUSCO SUPPLY CO., INC.	63	155.42
01/21/2011	274799	INT'L PERSONNEL MGMT ASSOC	1048	156.75

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 \*ALL\*  
 BANK CODE  
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CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
01/21/2011	274800	INTERNATIONAL CODE COUNCIL, IN	3244	973.11
01/21/2011	274801	JOHNSTON, BERT	999999	100.00
01/21/2011	274802	Kalamazoo Gazette	999999	171.48
01/21/2011	274803	KALAMAZOO COUNTY TREASURER	514	4,798.16
01/21/2011	274804	KALAMAZOO ELECTRIC MOTORS	1665	588.72
01/21/2011	274805	KALAMAZOO OIL COMPANY	4511	2,009.00
01/21/2011	274806	KALAMAZOO REG'L EDUC SVS AGENG	721	4,518.74
01/21/2011	274807	KALAMAZOO REGIONAL CHAMBER	3499	5,000.00
01/21/2011	274808	KALAMAZOO VALLEY COMMUNITY COL	230	1,985.95
01/21/2011	274809	KALAMAZOO VALLEY COMMUNITY COL	230	1,325.00
01/21/2011	274810	KOTECKI, CHRISTOPHER	2546	420.00
01/21/2011	274811	KZOO TIRE COMPANY	564	181.00
01/21/2011	274812	LANDS END	2645	313.27
01/21/2011	274813	LEXISNEXIS/MATTHEW BENDER	2701	161.25
01/21/2011	274814	LIFELOC TECHNOLOGIES, INC.	3732	165.00
01/21/2011	274815	LOWE'S HOME CENTER	2630	176.79
01/21/2011	274816	LUDERS, ROBERT	532	534.00
01/21/2011	274817	MAIDA, JUDY	999999	44.00
01/21/2011	274818	MCCARTHY SMITH LAW GROUP, PLC	2950	3,417.22
01/21/2011	274819	MCDONALD'S USA, LLC	4211	230.79
01/21/2011	274820	MCGALLY ELEVATOR CO.	256	86.98
01/21/2011	274821	MERCOM/A S T	2055	295.00
01/21/2011	274822	MICHIGAN MUNICIPAL LEAGUE	4515	8,329.00
01/21/2011	274823	MICHIGAN STATE UNIVERSITY	620	510.00
01/21/2011	274824	MIDAS INTERNATIONAL CORP	999999	3,124.60
01/21/2011	274825	MIDLAND ENGINE, INC	1986	55.89
01/21/2011	274826	MMAAO	999999	60.00
01/21/2011	274827	MWL UNEMPLOYMENT FUND	4476	1,114.76
01/21/2011	274828	MOORS I, LLC	3834	26.55
01/21/2011	274829	T MORGAN INC.	376	1,246.94
01/21/2011	274830	NATIONAL COUNCIL ON THE AGING	519	145.00
01/21/2011	274831	NATIONAL FIRE PROTECTION ASSOC	4099	150.00
01/21/2011	274832	NEW FRESH CLEANING SERVICE	4351	305.00
01/21/2011	274833	NYE UNIFORMS	299	2,681.69
01/21/2011	274835	OFFICE DEPOT, INC.	1721	909.86
01/21/2011	274836	OFFICEMAX INCORPORATED	301	189.93
01/21/2011	274837	ONE WAY PRODUCTS	440	869.81
01/21/2011	274838	JAROTH - P T S	3957	303.00
01/21/2011	274839	PARIS CLEANERS	1794	1,371.10
01/21/2011	274840	PERRY BALLARD INCORPORATED	4348	844.00
01/21/2011	274841	PLEUNE SERVICE COMPANY	3985	9,762.00
01/21/2011	274842	POLK & COMPANY, R L	857	380.00
01/21/2011	274843	PORTAGE DISTRICT LIBRARY	810	1,055.09
01/21/2011	274844	PORTAGE GLASS & MIRROR	4396	74.25
01/21/2011	274845	PORTAGE PUBLIC SCHOOLS	590	4,713.66
01/21/2011	274846	PORTAGE TYPEWRITER SALES	889	405.00
01/21/2011	274847	PRECISION PRINTER SERVICES INC	2584	1,666.58
01/21/2011	274848	PREIN & NEWHOF	1738	10,000.00
01/21/2011	274849	PUBLIC MEDIA NETWORK	4582	50,000.00
01/21/2011	274850	QUADRANT II MARKETING, LLC	3139	2,193.08
01/21/2011	274851	QUALITY AIR HEATING & COOLING,	3621	1,100.33

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
01/21/2011	274852	RATHCO SAFETY SUPPLY, INC.	327	728.00
01/21/2011	274853	RENTELEX OF MICHIGAN, INC.	3442	234.75
01/21/2011	274854	REPUBLIC WASTE SERVICES OF W M	4443	41,726.52
01/21/2011	274855	RESIDENTIAL PLUMBING SERVICES,	1977	600.00
01/21/2011	274856	RIDGE AUTO NAPA	438	727.18
01/21/2011	274857	RJ'S PRINTING & ADVERTISING, L	4640	449.56
01/21/2011	274858	ROAD EQUIPMENT PARTS CENTER	339	659.66
01/21/2011	274859	ROWLEY BROTHERS, INC.	346	1,642.37
01/21/2011	274860	SARCOM	2076	39,603.26
01/21/2011	274861	SEVERANCE ELECTRIC COMPANY, INC	353	4,790.30
01/21/2011	274862	SHOW ME CABLES	4647	158.80
01/21/2011	274863	SHULTS EQUIPMENT	1042	1,516.80
01/21/2011	274864	SIGNWRITER & SERIGRAPHICS	2376	56.00
01/21/2011	274865	SIMMONS FORD	2084	43.05
01/21/2011	274866	SNELL, DEBRA	1505	579.00
01/21/2011	274867	SNYDER, ALBERT OR LOIS	999999	100.00
01/21/2011	274868	SOUTHWEST MICHIGAN GOV CONSULT	4484	3,550.00
01/21/2011	274870	SPRINT	3721	3,481.61
01/21/2011	274871	STANDARD ELECTRIC	1046	1,420.10
01/21/2011	274872	STAP BROS LAWN & LANDSCAPE, INC	366	660.00
01/21/2011	274873	STATE OF MICH - STATE POLICE	367	25.00
01/21/2011	274874	STATE OF MICHIGAN (BOILER DIV)	2125	130.00
01/21/2011	274875	STATE OF MICHIGAN (DOT)	368	16,012.90
01/21/2011	274876	STATE OF MICHIGAN (MGT & BUDGE	2498	230.00
01/21/2011	274877	STATE SYSTEMS RADIO, INC	369	3,034.85
01/21/2011	274878	STEENMA LAWN & POWER EQUIPMEN	3222	351.55
01/21/2011	274879	T-MOBILE USA INC	3665	29.99
01/21/2011	274880	TASER INTERNATIONAL, INC	3821	1,300.00
01/21/2011	274881	THOMPSON, HELENE	4417	94.00
01/21/2011	274882	THOMPSON, JOHANNA	999999	219.00
01/21/2011	274883	TISHHOUSE ELECTRIC, INC.	2435	1,820.00
01/21/2011	274884	TRACTOR SUPPLY CORP.	2817	318.31
01/21/2011	274885	TRIGO BREAD CO., LLC	4158	59.99
01/21/2011	274886	U S POSTMASTER	392	6,000.00
01/21/2011	274887	U S SIGNAL COMPANY, LLC	3831	549.00
01/21/2011	274888	UNITED PARCEL SERVICE	545	44.00
01/21/2011	274889	UNITED PETROLEUM	396	1,905.95
01/21/2011	274890	WARNER, MARSHA	999999	44.00
01/21/2011	274891	WELLS FARGO HOME MORTGAGE	999999	2,290.26
01/21/2011	274892	WINDEMULLER ELECTRIC, INC.	3061	5,185.11
01/21/2011	274893	XEROX CORPORATION	433	984.48
01/21/2011	274894	Y W C A, INC	751	4,535.00
01/21/2011	274895	ZBATTERY.COM	2558	71.84
01/21/2011	274896	BLUE CROSS/BLUE SHIELD OF MICH	642	125,915.52

DATE RANGE TOTAL \* 1,114,830.19 \*

PREPARED 01/31/2011, 8:11:30  
 PROGRAM: GM176L  
 CITY OF PORTAGE

ELECTRONIC FUNDS TRANSFER REGISTER  
 FROM: 01/01/2011 TO: 01/23/2011

PAGE 1  
 ACCOUNTING PERIOD 06/2011

PAYMENT NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
109	B & B YARDSCAPE	01/21/2011	13,315.00	072000320000001	0000001	00
112	BLUE CARE NETWORK-GREAT LAKES	01/21/2011	68,442.84	072000320000001	0000001	00
110	KUSHNER & COMPANY, INC.	01/21/2011	367.91	072000320000002	0000001	00
111	UNITED WATER NACO LLC	01/21/2011	164,003.33	072000320000003	0000001	00

GRAND TOTAL: 246,129.08 NO. OF CHECKS: 4

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** February 1, 2011

**FROM:** Maurice S. Evans, City Manager 

**SUBJECT:** City Ordinance Amendments

**ACTION RECOMMENDED:** That City Council accept the Amendment to Chapter 50, Section 222, Providing False Information to Public Officer.

Assistant City Attorney Charles Bear has proposed the attached amendment to the City of Portage Code of Ordinances. The proposed amendment to City Ordinance Chapter 50, Section 50-222, would make unlawful the furnishing of false, forged, and fictitious information to a public officer during the official performance of duties pertaining to the investigation of any provisions of law. The proposed amendment addresses differing concerns raised by citizens and members of the Police Department.

A prohibition of providing False Information to a Police Officer currently exists within the City Code; however, the ordinance only applies to persons detained for violations of the traffic code or other City Code violations. An ordinance which includes violations for furnishing false information when officers are conducting investigations for any violation of local, state, and federal law would be more inclusive.

It is recommended that City Council adopt the amendment to Chapter 50, Offenses and Miscellaneous Provisions, and set a second reading with final adoption for February 22, 2011.

Attach.

c: Randall Brown, City Attorney  
Charles Bear, City Attorney

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN  
BY AMENDING SECTION 50-222, ARTICLE 7 OF CHAPTER 50  
OFFENSES AND MISCELLANEOUS PROVISIONS**

**THE CITY OF PORTAGE ORDAINS:**

That Chapter 50, Article 4, Section 50-222 shall be amended as follows:

Section 50-222. **Providing false information to public officer.**

No person shall:

- (a) Furnish to a police officer false, forged, fictitious or misleading verbal or written information identifying oneself as another person, if the person is detained for a violation of any of the provisions of the traffic code or this chapter.
- (b) Fail or refuse to identify oneself when requested to do so by any police officer, other law enforcement officer, or official or employee of the City of Portage acting in his or her official capacity, when the officer, official, or employee is attempting to issue to such person a citation or appearance ticket for a violation of this Code or state law.
- (c) When operating a motor vehicle which has been stopped in response to a police officer's signal, command, or direction, leave or attempt to leave the scene unless and until such person has identified himself or herself to the officer.
- (d) Give false information, or give false, forged, fictitious or misleading verbal or written information identifying oneself as another person, in connection with an official investigation of any violation of this Code or state law to any police officer, other law enforcement officer, or official or employee of the city of Portage acting in his or her official capacity
- (e) Make a false or fictitious report of a violation of this Code or state law to any police officer, other law enforcement officer or official or employee of the City of Portage acting in his or her official capacity.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Peter J. Strazdas, Mayor

FIRST READING:  
SECOND READING:  
ORDINANCE #:  
EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
James R. Hudson, City Clerk

PREPARED BY:  
Randall L. Brown (P34116)  
Portage City Attorney  
1662 East Centre Avenue  
Portage, MI 49002  
(269) 323-8812

Approved as to Form:

Date: 6-16-2009

CRB

\_\_\_\_\_  
City Attorney

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** February 3, 2011

**FROM:** Maurice S. Evans, City Manager 

**SUBJECT:** Heating, Ventilation and Air Conditioning Services Contract Extension

**ACTION RECOMMENDED:** That City Council approve a two-year contract extension for city facility heating, ventilation, air conditioning and maintenance services to Pleune Service Company in the amount of \$78,616 and authorize the City Manager to execute all documents related to this action.

Heating, ventilation and air conditioning (HVAC) services are coordinated for city facilities by the Department of Parks, Recreation and Property Management. HVAC maintenance services are performed on a quarterly basis in City Hall, the fire stations, the Senior Center, District Court and the Public Services building and semi-annually in park facilities.

In an effort to control increasing costs, a revised method of managing city HVAC equipment was adopted in April 2007. Prior to 2007, specifications were developed for quarterly maintenance only, with costs for equipment replacement and repair costing extra. Catastrophic failure or expensive repairs for major HVAC components such as boilers and air conditioning chillers/compressors were not included in HVAC maintenance contracts before 2007. The current HVAC program adopted in 2007 is a fixed cost equipment replacement program that not only includes all quarterly inspections (preventive maintenance, cleaning, calibration, and basic repair) but also equipment replacement in the event of mechanical failure as well. This current program encourages the vendor to maintain HVAC equipment in excellent condition in order to avoid the cost of replacement.

Pleune Service Company of Grand Rapids, Michigan was awarded the original two-year contract for HVAC services in March 2007 for the low bid price of \$75,751.30. A two-year contract renewal was subsequently awarded for the period from April 1, 2009 to March 31, 2011 for a price of \$80,512. Pleune has proposed a price of \$78,616 for the final two-year extension allowed under this contract for the period of April 1, 2011 through March 31, 2013.

Pleune has provided a quality level of service over the last four years. HVAC repair and maintenance costs have been contained, capital expenditures have decreased and work environment comfort levels in city buildings have improved. In addition, Pleune's updated proposal is priced lower than the previous two-year period and provides additional assurances that all listed HVAC components will be replaced in city facilities in the event of catastrophic failure.

It is recommended that City Council approve the final two-year contract extension with Pleune Service Company in the amount of \$78,616 to provide HVAC maintenance services for city buildings and authorize the City Manager to execute all documents related to this action. Funds are budgeted and available for this service in the 2010-11 fiscal year.

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** February 1, 2011

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Sanitary Sewer Service Repair Call-in Contract

**ACTION RECOMMENDED:** That City Council approve a one-year renewal with Peters Construction Company for the Sanitary Sewer Service Repair Call-in Contract at the original not-to-exceed amount of \$26,212.87 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

Section 82-306 of the Code of Ordinances requires that the city investigate and determine responsibility for blockages or defects within existing sanitary sewer services to individual properties. By City Ordinance, the property owner owns the sanitary sewer service from the building being served to the sewer main. Problems occurring within the street right-of-way are usually out of a property owner's or plumber's realm of expertise, and when problems are encountered in these areas, homeowners end up contacting the city for assistance. Working within the street right-of-way requires experience avoiding existing public utilities (e.g., gas, electric, water main, fiber optic cable, etc.) and also in street pavement removal and replacement.

On March 24, 2009, City Council approved the original Sanitary Sewer Service Repair Call-in Contract with Peters Construction Company for one-year in the not-to-exceed amount of \$26,212.87. On February 9, 2010 Council approved an additional one-year extension of the original contract to March 24, 2011. This contract has enabled staff to greatly improve customer service response time in the delivery of assistance to city sanitary sewer customers with failed or blocked service within the public right-of-way. Over the past 23 months, Peters Construction Company's services were required three times. The contractor successfully performed the necessary sanitary sewer repairs along with the required restoration usually within one day after notification. The present contract with Peters Construction Company will expire on March 24, 2011. As such, Peters Construction Company submitted the attached letter requesting another one-year extension at the same unit prices as originally submitted two years ago.

It is recommended that City Council approve a one-year extension with Peters Construction Company for the Sanitary Sewer Service Repair Call-in Contract at the original not-to-exceed amount of \$26,212.87 and authorize the City Manager to execute all documents related to the contract. Similar to the past two years, the contract will only be used for emergency situations. Actual annual expenditures are unknown, but will not exceed \$26,212.87 without prior approval from City Council through an appropriate change order. Funds are available for continuation of this contract in the current Department of Transportation & Utilities operational budget.

Attachment



3325 East Kilgore Road  
Kalamazoo, MI 49001-5533

Telephone: 269/345-1145  
Facsimile: 269/345-2233

AN EQUAL OPPORTUNITY EMPLOYER

13 January 2011

Mr. Christopher Barnes  
City of Portage  
7719 S. Westnedge Avenue  
Portage, MI 49002

**RE: Sanitary Sewer Service Repair – Call In**

Dear Mr. Barnes:

With the close of 2010, and the impending expiration of the referenced contract between the City of Portage and Peters Construction Co., we would like to explore the potential for renewing the contract for another calendar year.

Should the City have a similar interest, I believe an amendment to the contract that extends the duration of the contract but maintains all other current terms, including unit prices, would satisfy our concerns.

If you should have any questions, require any clarification, or simply want to discuss this matter, please feel free to contact me. Thank you for your consideration. It is greatly appreciated.

Sincerely,

**Peters Construction Co.**

Mark Howard  
President

Kalamazoo County Transportation Authority

Annual Report FY 2010 (October 2009-September 2010)

**Background**

The Kalamazoo County Transportation Authority (KCTA) was created by the Kalamazoo County Board of Commissioners in late 2005. A nine member KCTA Board was appointed by the County in January 2006. The long term goal for the KCTA is to integrate the public transportation services into a county-wide system. The KCTA's initial challenge was to secure funding to stabilize the Care-A-Van demand response bus service. This was achieved by the successful passage of a two-year county-wide millage in the fall of 2006.

Following the passage of the of the 2006 millage the KCTA Board turned its attention to the transition, working with Kalamazoo County Government, the City of Kalamazoo, the City of Portage, governmental units throughout Kalamazoo County, the Kalamazoo Area Transportation Study (KATS), and the Michigan Department of Transportation (MDOT) to ensure that all administrative, programmatic and political details were addressed.

The KCTA was formed under Public Act 196 of 1986, a state law governing the establishment of county-wide and multi-jurisdictional authorities. A requirement of P.A. 196 is that only one millage rate can be assessed within the authority's boundaries. In 2008, the KCTA placed a question on the ballot county-wide asking for a single millage rate for all residents in the county. This single rate millage combined the KCTA's 2006 millage and the one year millage levied in the City of Kalamazoo by the City's Transportation Authority Board. The single millage rate was defeated in the 2008 November election leaving the KCTA and the City of Kalamazoo without the needed local funding to operate the bus system.

Two millage rates would be required to gain public support. Therefore, in May of 2009, the KCTA set a .4 mil levy countywide that covered the local share of demand response service, fixed route service outside the City of Kalamazoo, and new fixed route service in the City of Portage. The City of Kalamazoo, in turn, sought a .6 mil levy in the City to cover local share for the fixed route service within the City. Both millages were successful.

During fiscal year 2010 (October 2009-September 2010), the KCTA moved toward the goal of a single county-wide transportation system. To that end the Board worked strategically with residents and leadership in Kalamazoo County.

**Transition Planning**

At the beginning of fiscal year 2010, the Board contracted with Lam and Associates to engage the community in a dialogue about the nature of Kalamazoo County's public transportation system. This

community dialogue, called “Transit Talk”, engaged a cross section of riders, stakeholders, opinion leaders and residents. Ideas ranged from improved access to fixed route buses and safety on the vehicles to routing changes and fare inequities. It became clear during “Transit Talks” that those who rode the bus and those who didn’t had very different perspectives on the system.

At the beginning of 2010, The Chairperson and Vice-Chairperson of the KCTA Board, the County Administrator, the Kalamazoo City Manager and Deputy City Manager came together under the guidance of TSI Consulting. As the key entities responsible for carrying out the community vision of a county-wide transportation system these leaders worked to develop a plan for the transition of the system. The resulting plan, called the “**Roadmap**” now serves as the guiding document for the KCTA and its partners for the remainder of the fiscal year and beyond. The Roadmap defines a number of critical benchmarks: ***Strengthening the governance and the capacity of the KCTA Board, Recruiting and hiring a strategic leader for the KCTA, Increasing the commitment and ownership of governmental jurisdictions throughout the county, Strengthening county-wide support for the system, and Successfully achieving financial stability beyond 2012.***

The KCTA Board began the process of addressing the “Roadmap” benchmarks during 2010 by establishing two committees: **Board Development Committee**, and **Executive Director Search Committee**.

The Board Development Committee, comprised of three KCTA Board members, developed and brought forward to the Board policies and supporting documents that outlined board member job descriptions, qualities required of board candidates, a board orientation process, and an enhanced process for filling vacancies on the board.

The Executive Director Search Committee was formed and charged with bringing to the board a recommendation on the use of an executive search firm, a set of qualifications for the Director position and an eventual slate of candidates for the KCTA Board to consider. The Executive Director Search Committee is comprised of eight members: two KCTA Board Members and six community members.

## **Community Outreach**

In its ongoing efforts to keep the issue of public transportation in the forefront in FY 2010, the KCTA Board engaged in a number of outreach strategies. “Transit Talks” was a primary vehicle for these activities, involving riders, stakeholders and residents from all geographic areas of Kalamazoo County.

The Board used the presentation of the Annual Report to go before governmental units in Kalamazoo County and inform leaders of the activities of the KCTA and the benefits of county-wide public transportation.

Kalamazoo Metro Transit hired a firm to conduct a Comprehensive Operational Analysis (COA) of the fixed route and demand response systems. The COA looked at the efficiency and effectiveness of every route in the system, making suggestions that would increase ridership and decrease ride time on the buses. Metro Transit and the KCTA co-sponsored a series of community input sessions to gain feedback on the proposed changes recommended in the COA report. Often these COA feedback sessions were coupled with a presentation of the “Roadmap” which described the transition to a county-wide system.

In order to better communicate with the public in 2010, the KCTA asked Public Media Network to televise its regularly scheduled Board meetings every month.

## **Administration**

As referenced earlier in this report, the KCTA was created under Public Act 196 of 1986. P.A. 196 does not allow a county-wide authority to levy more than one millage rate within its jurisdictional boundaries. The Board is seeking a legislative solution by amending P.A. 196 to allow for more than one millage rate to be administered by one county-wide Authority.

During 2010, the KCTA Board continued its efforts to address those barriers facing the Authority under P.A. 196. Meetings were held with the Kalamazoo legislative delegation. As a result of those meetings, State Representative Robert Jones requested two bills, one amending P.A. 196 and the other amending P.A. 566 of 1978 (Incompatible Offices Act). Unfortunately, with the untimely passing of Representative Jones, no action was taken on these bills in 2010. Activity concerning these bills will resume in 2011.

The KCTA made a change in the organization providing financial oversight services for the Authority. A contract was approved with the City of Kalamazoo for their Management Services Department to provide financial services for the KCTA. These services were previously provided by Kalamazoo County government.

Jeffrey Breneman joined the Authority Board as a new member. Mr. Breneman filled the seat vacated Terry Kuseske when he won election to the Kalamazoo City Commission.

The Authority levied the property tax associated with the 3-year millage passed in 2009. Property taxes for cities in Kalamazoo County were levied in the summer. Property taxes for townships will be levied in the winter.

## **Program**

The Adopt A Bus Shelter program began in FY 2010 under the leadership of Disability Network of Southwest Michigan, co-sponsored by the KCTA and Metro Transit. It is expected that the program will grow in 2011.

The Public Transit Human Services Coordinated Plan Oversight Committee met to review needs in preparation for a grant submission to the State for JARC (Job Access Reverse Commute) and or New Freedom (additional service to seniors and people with disabilities) funding. The committee identified needs in the area of travel training for individuals fearful of riding the fixed route system and transportation access for bariatric (severely overweight) patients.

Finally, the KCTA was involved in the sponsoring and the planning of transportation for the Project Connect initiative. This program, administered by the Poverty Reduction Initiative and LISC, brought an

array of services to the fairgrounds targeted toward low income/at-risk citizens of Kalamazoo County so they could receive assistance through a one-stop shop model.

### **System Data FY 2010 (October 2009 – September 2010)**

76,253 Metro County Connect trips provided in 2010	+9.2% from 2009
49,486 Metro Co. Connect Access trips provided in 2010	-2.9% from 2009
74,535 Fixed Route Trips provided in Portage in 2010	+8.5% from 2009
2,570,472 Fixed Route Trips provided System Wide in 2010	-13% from 2009
8,683 Community Service Van trips provided in 2010	-53.7% from 2009
Fixed Route productivity (rides/hour) 22.06/hour	-20.41% from 2009
Operations Revenue \$3,341,160	+26.8% from 2009

### **Current Fleet**

Fixed Route	36
Demand Response	
Vans	27
Cutaways	7
Mid Size	12
Community Service	7
Support Vans	3
Total Fleet	92

### **Summary**

**In 2010 a clear path was established for the transfer of the public transportation system to the KCTA by 2013. The challenge for the KCTA in 2011 will be to recruit and hire a strategic leader for the system and to enhance the governance capacity of the KCTA to assume that responsibility.**

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** January 31, 2011

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Ordinance Amendment 10-B, Home Occupation Ordinance

**ACTION RECOMMENDED:** That City Council:

- a. accept Ordinance Amendment 10-B, Home Occupation Ordinance for first reading and establish a public hearing on March 8, 2011;
- b. subsequent to the public hearing, consider approval of Ordinance Amendment 10-B, Home Occupation Ordinance; and
- c. consider adoption of the resolution establishing an application fee for home occupations.

At the November 16, 2010 meeting, City Council received the revised Home Occupation Ordinance as recommended from the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee. City Council subsequently referred the revised Home Occupation Ordinance to the Planning Commission in order to initiate the Zoning Code amendment process. The Planning Commission received and discussed the revised home occupation ordinance at the December 2, 2010 meeting and set a public hearing for January 20, 2011.

The recommended revised ordinance language retains the essential home occupation standards in the ordinance that was referred to the Planning Commission by the City Council. Several non-substantive modifications were made to ensure there was consistency between the two categories of home occupations and to clarify the recommended requirements. Also, the Planning Commission has recommended a minor change to allow up to two full-time, non-occupant employees for an active home occupation, which would be subject to Planning Commission review and approval.

No citizens spoke at the Planning Commission public hearing regarding the revised ordinance language. Subsequent to the public hearing, the Planning Commission voted unanimously to recommend to City Council that Ordinance Amendment 10-B be approved.

Additionally, an application fee of \$150 is recommended for only the active home occupation. A portion of the staff resources, Planning Commission activities, public hearing notices and meetings, and document retention requirements to process an active home occupation would be recovered with the proposed fee. This fee approach is consistent with the recovery of a portion of the costs associated with various community development applications that have been previously established by City Council.

It is recommended that City Council accept Ordinance Amendment 10-B for first reading, establish a public hearing on March 8, 2011, and subsequent to the public hearing, consider adoption of the proposed ordinance and associated fee resolution.

# CITY OF PORTAGE

# COMMUNICATION

**TO:** Maurice S. Evans, City Manager

**DATE:** January 31, 2011

**FROM:** Jeffrey M. Erickson, Director of Community Development

**SUBJECT:** Ordinance Amendment 10-B, Proposed Home Occupation Ordinance

In November 2010, City Council referred to the Planning Commission a revised Home Occupation Ordinance as recommended by the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee. The Planning Commission received and discussed the revised home occupation ordinance on December 2, 2010. Following this discussion, the Planning Commission established a public hearing for January 20, 2011.

The Planning Commission-recommended ordinance retains the features in the proposed ordinance that was referred to them including the passive and active categories, conditions associated with the two categories of home occupations and Planning Commission review and approval of active home occupations. The Planning Commission suggested a modification to Section 42-129(B)(1) to allow one additional full-time, non-occupant employee (maximum of two) that could be involved with an active home occupation subject to Planning Commission review and approval. The Office of the City Attorney and the Department of Community Development prepared several non-substantive ordinance changes to ensure consistency between the passive and active home occupations and to further clarify the ordinance language. The Planning Commission subsequently discussed the proposed ordinance language during the January 20, 2011 public hearing. No citizens commented on the revised ordinance language. At the conclusion of the public hearing, the Planning Commission voted unanimously to recommend to City Council approval of Ordinance Amendment 10-B. As requested, attached is the November 5, 2010 City Council ordinance that was referred to the Planning Commission, together with a highlight and strike version that shows the modifications that have been recommended. Also, a highlight and strike version of the proposed ordinance that illustrates the proposed changes in comparison to the existing Zoning Code language is also attached. Finally, the ordinance for First Reading as recommended by the Planning Commission and City Administration is attached for formal action.

A resolution to establish a permit fee for an active home occupation accompanies this report. A permit fee of \$150 is recommended. A portion of the staff resources, Planning Commission activities, public hearing notice and meeting, and document retention requirements to process an active home occupation would be recovered with the proposed fee.

The Planning Commission transmittal, meeting minutes, Department of Community Development staff report and related materials are attached for your information and review.

**Attachments:** Planning Commission transmittal dated January 31, 2011  
Planning Commission Minutes (December 2, 2010 and January 20, 2011)  
Department of Community Development report dated January 14, 2011  
November 5, 2011 City Council referred ordinance  
Highlight and strike comparison with Council Ad Hoc Committee ordinance  
Highlight and strike comparison with current ordinance  
Final ordinance (First Reading)  
Fee Resolution

**TO:** Honorable Mayor and City Council  
**FROM:** Planning Commission  
**DATE:** January 31, 2011  
**SUBJECT:** Ordinance Amendment 10-B, Home Occupation Ordinance

At the request of City Council, the Planning Commission accepted and discussed the revised home occupation ordinance during the December 2, 2010 meeting. One suggested change to Section 42-129 would allow up to two full-time, non-occupant employees to be involved with an active home occupation, subject to Planning Commission review and approval. The Planning Commission suggestion was discussed and agreed upon and included in the recommended ordinance. Several modifications were suggested by staff that were not considered to be substantive. These modifications were organizational in nature, ensured ordinance consistency and clarified the ordinance language.

A public hearing to formally consider Ordinance Amendment 10-B was convened during the January 20, 2011 Planning Commission meetings. No citizens spoke in regard to the proposed ordinance amendment.

After a thorough review of the revised ordinance amendment a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment 10-B, Home Occupation Ordinance, be approved. The motion was unanimously approved.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



James Cheesebro  
Chairman

COPY

**PUBLIC HEARINGS:**

None.

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

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

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

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

**PLANNING COMMISSION**

**January 20, 2011**

**COPY**

The City of Portage Planning Commission meeting of January 20, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

**MEMBERS PRESENT:**

Miko Dargitz, Wayne Stoffer, Rick Bosch, Paul Welch, Mark Siegfried, Bill Patterson, Allan Reiff, and Chairman James Cheesebro.

**MEMBERS ABSENT:**

None.

**MEMBERS EXCUSED:**

Jim Pearson.

**IN ATTENDANCE:**

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

**PLEDGE OF ALLEGIANCE:**

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

**APPROVAL OF MINUTES:**

Chairman Cheesebro referred the Commission to the January 6, 2011 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to approve the minutes as submitted. The minutes were unanimously approved.

**SITE/FINAL PLANS:**

None.

**PUBLIC HEARINGS:**

1. **Preliminary Report: Ordinance Amendment #10-B, Home Occupations.** Mr. Forth summarized the January 14, 2011 staff report regarding the home occupation ordinance that was revised by City Council and referred back to the Planning Commission for review. Mr. Forth referred the Commission to the January 16, 2011 e-mail communication from Commissioner Pearson and stated the inconsistency regarding signage for active home occupations has been corrected. In regard to the suggestion from Commissioner Pearson to allow a one square foot sign for passive home occupations, Mr. Forth stated staff prefers to retain the current ordinance language that does not allow signage. Mr. Forth indicated that passive home occupations are intended to be low profile uses with no outside employees, generate no pedestrian and/or vehicular traffic beyond what is normal for the neighborhood and create no nuisances. Since passive home occupations are low intensity uses with no impact on surrounding residential uses, a permit is not required under the revised ordinance language referred by City Council.

The Commission and staff discussed various aspects of the revised ordinance including the differences between a passive and active home occupation, whether or not signage was necessary for a passive home occupation, use of swimming pools for instruction, Michigan Right-to-Farm Act and roadside fruit/vegetable stands and the use of accessory buildings for home occupations. Chairman Cheesebro opened the public hearing.

No citizens spoke during the public hearing. A motion was then made by Commissioner Welch, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved.

The Commission discussed whether action on the ordinance amendment should be adjourned to the February 3, 2011 meeting or whether the second meeting should be waived and a recommendation to City Council developed. Commissioner Welch stated he does not believe signage should be permitted for passive home occupations. Commissioner Welch also suggested the Planning Commission should waive the second meeting and develop a recommendation given the amount of previous review/discussion by the Commission and lack of public comment at tonight's meeting. Commissioner Welch noted additional opportunities for public comment will be available during the City Council public hearing. Commissioner Dargitz stated she prefers additional discussion of signage for passive home occupations and suggested the public hearing be adjourned to the February 3, 2011 meeting. Commissioner Patterson noted a minor typographical error in the definition section. Mr. Forth indicated the error would be corrected. There being no further discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to recommend to City Council approval of Ordinance Amendment #10-B, Home Occupations. The motion was unanimously approved.

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

None.

7:45 p.m. – The Commission took a short recess.	7:50 p.m. – The Commission reconvened the meeting.
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**NEW BUSINESS:**

1. Planning Commission Training: "Community Planning and the Commissioner". Mr. Forth discussed the continuing efforts of staff to provide the Commission with supplemental training regarding roles, responsibilities and duties. Mr. Forth reviewed a PowerPoint presentation entitled "Community Planning and the Commissioner." Mr. Forth provided a historical overview of community planning, reviewed State of Michigan legislation related to planning and zoning, discussed the differences between the Master Plan and Zoning Ordinance and summarized the primary duties of the Commission including development and implementation of the Master Plan, review/approval of site plans and special land use permits and review/recommendation of subdivisions, zoning ordinance text and map amendments and Capital Improvement Program.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning and Development Services

TO: Planning Commission

DATE: January 14, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Preliminary Report, Ordinance Amendment No. 10-B, Home Occupations

## I. INTRODUCTION

During the December 2, 2010 meeting, the Planning Commission reviewed a revised Home Occupation Ordinance referred to the Commission by City Council as recommended by the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee (NREC). The Planning Commission discussed the revised ordinance, recommended one change and set the public hearing for January 20, 2011 consistent with statutory requirements.

As background information, the following section summarizes the 1) two major home occupation categories and 2) NREC substantive changes incorporated into the ordinance referred to the Commission by City Council.

## II. ZONING ORDINANCE PROVISIONS

The ordinance referred by City Council still maintains two categories of home occupations: Passive home occupations and active home occupations. A passive home occupation would continue the current ordinance provisions allowing low intensity occupations as a subordinate use to the principal residential use of the property. The active home occupation is a new category, which is also subordinate to the residential use of the property, but is a more intensive home-based activity that does not meet the requirements for a passive home occupation. An active home occupation could be allowed after a public hearing, with approval by the Planning Commission and compliance with the established conditions.

For comparison purposes, the substantive changes between the ordinance language recommended by the Planning Commission in January 2010 and the revised ordinance referred to the Commission by City Council in November 2010 are summarized below:

### Generally

1. Home Occupations are limited to service-oriented businesses only. The sale or exchange of products or goods is not permitted except if incidental to the services of the home occupation.
2. Instruction in outdoor recreational activities (e.g. swimming or tennis lessons) has been added to the definition of home occupation.
3. Window displays are not permitted.

### Passive Home Occupations

1. A permit is not required.

2. Clarifies that the use or storage of materials or equipment incidental to the home occupation must be within the enclosed sections of the dwelling unit. An attached or detached accessory building cannot be used.

### Active Home Occupations

1. Zoning lot does not have to abut a major thoroughfare.
2. Home occupation permit is not transferable without Planning Commission approval.
3. The Planning Commission may allow an increase in floor area used for the home occupation from 25% up to 50%.
4. Instruction in outdoor recreational activities (e.g. swimming or tennis lessons) has been added as an active home occupation.
5. The requirement that only one vehicle/trailer can be used in conjunction with the active home occupation has been removed. Ordinance language has, however, been added to Section 42-129(B)(9) that allows the Planning Commission is consider, among others, the size and weight of vehicles as well as the expected number of trips when evaluating an active home occupation application.
6. The restriction on hours of operation has been removed. However, language has been added to Section 42-129(B)(10) that allows the Planning Commission to attach conditions to mitigate any negative impacts on surrounding residential land uses including, but not limited to, hours of operation.

In addition to the revisions above, the change requested by the Planning Commission during the December 2, 2010 meeting that would permit one additional full-time non-occupant employee subject Commission review/approval has been added to Section 42-129(B)(1) of the active home occupation. Finally, the City Attorney has incorporated several organizational changes following the December 2, 2010 meeting to ensure consistency between the passive and active home occupations, where appropriate, and to improve clarity. The change requested by the Planning Commission as well as the changes incorporated by the City Attorney are shown in the attached highlight and strike copy of the proposed ordinance. Also attached is a clean copy of the ordinance.

### **III. RECOMMENDATION**

In accordance with the Planning Commission policy of accepting public comment at the initial meeting and concluding the discussion regarding the ordinance amendment at a subsequent meeting, it is recommended that public comment be received during the January 20, 2011 meeting and the public hearing be adjourned to the February 3, 2011 meeting. If no public comment is received and the Planning Commission requests no further changes, the Commission may wish to consider waiving the second public hearing date and formulate a recommendation to City Council on January 20, 2011.

Attachments: Highlight and strike copy of the ordinance  
Clean copy of the ordinance

[PUBLICATION VERSION]

ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN  
BY AMENDING SECTION 42-112 and 42-129 OF CHAPTER 42,  
LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Section 42-112 and 42-129 of Chapter 42, Land Development Regulations, are hereby amended as follows:

**Section 42-112. Definitions.**

*Home occupation:* A home based activity or service conducted on a zoning lot used for residential purposes by an occupant(s) as a subordinate and accessory use involving the sale or exchange of services. Home occupations may include, but are not limited to: administrative offices, photographic studios, personal service establishments, and instruction in outdoor recreational activities. The sale of products and goods is permitted only if incidental to the services of the home occupation or involve the sale of fruits, vegetables or flowers grown on site pursuant to the Michigan Right to Farm Act, Act 93 of 1981, as amended. Instruction in a craft or fine art within the dwelling unit pursuant to MCLA 125.3204 is permitted as a home occupation. For purposes of this section, family day care homes shall not be considered a home occupation. Two types of home occupations are hereby established and permitted pursuant to the terms of this section as follows:

- (1) Passive home occupations: Home occupations of low intensity which satisfy the specific conditions and requirements for passive home occupations provided in Section 42-129.A.
- (2) Active home occupations: Active home occupations are more intensive than passive home occupations and do not meet one or more of the requirements in Section 42-129.A. Specific conditions and requirements for active home occupations are provided in Section 42-129.B.

**Section 42-129. Home occupations.**

- A. A passive home occupation on a zoning lot conducted by the occupant that meets the following standards is allowed as an accessory use with no permit being required.
  1. The occupation is conducted as a subordinate use by a member of the family occupying the dwelling unit.
  2. The occupation is conducted wholly within the dwelling unit.
  3. No person outside the family is employed in the home occupation.
  4. Not more than 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, is used for the home occupation.
  5. The home occupation does not require interior or exterior alterations or the use of mechanical or electronic equipment not customarily used in a dwelling unit.
  6. No sign identifies the home occupation. The use of window displays are not permitted.
  7. The home occupation does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No passive home occupation shall be permitted

to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.

8. The home occupation does not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.
9. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
10. The use or storage of any materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the one-family dwelling unit. The home occupation or any part thereof shall not be conducted in any attached or detached accessory building or structure.

B. An active home occupation on a zoning lot where there is a one-family residential dwelling unit may be conducted by the occupant if approved by the Planning Commission after a public hearing in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, MCLA 125.3101, et. seq., and finding that the application of the occupant meets the following standards:

1. No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot. The home occupation is personal to the full-time occupant engaged in the conduct of the active home occupation and is not transferrable without Planning Commission approval.
2. Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home occupation. The planning commission may allow an increase in the floor area of the existing dwelling unit to be used for the home occupation not to exceed a maximum of 50 percent of the floor area of any one floor or basement of the dwelling unit. The planning commission shall make a finding that the increase of floor area used for the home occupation does not adversely impact adjacent residential uses and the increase in floor area used for the home occupation complies with the standards contained in Section 29-142(B)(9)(a) through (f) below.
3. There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance. Off-street parking provided for the active home occupation shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions.
4. Storage of goods, materials or equipment which is incidental to the services of the home occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.
5. The active home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons. This section shall not prohibit the growing of fruits, vegetables or flowers nor any other farm product protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, in any outside area, provided that the farm product is grown, raised or produced on the zoning lot occupied by the active home occupation.
6. Materials, equipment or goods which are incidental to the active home occupation shall not be visible from adjacent properties nor shall they be directly sold or delivered to customers on the premises of the one-family dwelling, except for the sale of fruits, vegetables and flowers as permitted in Section 42-129(B)(5).

7. No freestanding signage is permitted. Non-illuminated wall signage (maximum of six square feet) identifying the name of the active home occupation may be affixed to the one-family dwelling unit. Window displays are not permitted.
8. The active home occupation shall not produce or generate excessive or undue noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No active home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
9. The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:
  - a. Promotes the intent and purpose of this section;
  - b. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:
    - i. The proximity of the surrounding uses to the active home occupation;
    - ii. The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;
    - iii. The seasonal nature of the active home occupation;
    - iv. The size and weight of vehicles to be used in the active home occupation; and
    - v. The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;
  - c. Does not unduly affect the capacities of public services or facilities;
  - d. Is consistent with the public health, safety and welfare;
  - e. Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and
  - f. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.
10. The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors, and any condition allowed by MCLA 125.3504(4) of the Michigan Zoning Enabling Act.

FIRST READING:  
SECOND READING:  
EFFECTIVE DATE:

\_\_\_\_\_

CERTIFICATION

STATE OF MICHIGAN        )  
  )SS  
COUNTY OF KALAMAZOO )

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

PREPARED BY:  
Randall L. Brown (P34116)  
Portage City Attorney  
1662 East Centre Avenue  
Portage, MI 49002  
(269) 323-8812

\_\_\_\_\_  
Approved as to form  
Date: 11/2/2010  
RES  
\_\_\_\_\_  
City Attorney

**CITY COUNCIL REVIEW VERSION  
COMPARISON WITH NOVEMBER 5, 2010 DRAFT  
APPROVED BY CITY COUNCIL AD HOC COMMITTEE  
NOT FOR PUBLICATION**

**ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN  
BY AMENDING SECTION 42-112 and 42-129 OF CHAPTER 42,  
LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Section 42-112 and 42-129 of Chapter 42, Land Development Regulations, are hereby amended as follows:

**Section 42-112. Definitions.**

*Home occupation:* A home based activity or service conducted on a zoning lot used for residential purposes by an occupant(s) as a subordinate and accessory use involving the sale or exchange of services. Home occupations engaged in the sale or exchange of products or goods are not permitted except if incidental to the services of the home occupation. ~~The sale of products and goods is permitted only if incidental to the services of the home occupation~~ or involve the sale of fruits, vegetables or flowers grown on site pursuant to the Michigan Right to Farm Act, Act 93 of 1981, as amended. Home occupations may include, but are not limited to: administrative offices, photographic studios, personal service establishments, and instruction in outdoor recreational activities. Instruction in a craft or fine art within the dwelling unit pursuant to MCLA 125.3204 is permitted as a home occupation. For purposes of this section, family day care homes shall not be considered a home occupation. Two types of home occupations are hereby established and permitted pursuant to the terms of this section as follows:

- (1) Passive home occupations: Home occupations of low intensity which satisfy the specific conditions and requirements for passive home occupations provided in Section 42-129.A. A home occupation which does not meet all requirements of Section 42-129(A) shall cause the home occupation to require Planning Commission approval as an active home occupation pursuant to Section 42-129(B).
- (2) Active home occupations: Active home occupations are more intensive than passive home occupations and do not meet one or more of the requirements in Section 42-129.A. Specific conditions and requirements for active home occupations are provided in Section 42-129.B.

**Section 42-129. Home occupations.**

- A. A passive home occupation on a zoning lot where there is a one family residential dwelling unit may be conducted by the occupant that meets the following requirements standards is allowed as an accessory use with no permit being required.
  1. The occupation is conducted as a subordinate use by a member of the family occupying the dwelling unit.

2. The occupation, or any part thereof, shall be conducted wholly within the dwelling unit and shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area.
3. No person outside the family is employed in the home occupation.
4. Not more than 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, is used for the home occupation.
5. The home occupation does not require interior or exterior alterations of the dwelling unit or the use of mechanical or electronic equipment not customarily used in a dwelling unit.
6. There shall be no sign of any nature identifying ~~No sign identifies~~ the home occupation. The use of window displays are not permitted.
7. The home occupation does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No passive home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
8. The home occupation does not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.
9. Off-street parking shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions, and ~~There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.~~
10. ~~The use or storage of goods, any materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the one-family dwelling unit. The storage of goods, materials or equipment in any attached or detached accessory building or structure is not permitted. The home occupation or any part thereof shall not be conducted in any attached or detached accessory building or structure.~~
11. No goods or products shall be directly sold or delivered to customers on the premises of the one family dwelling except goods and products which are incidental to the services of the home occupation.
12. No condition or requirement stated for passive home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural And Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.

B. An active home occupation on a zoning lot where there is a one-family residential dwelling unit may be conducted by the occupant if approved by the Planning Commission after a public hearing in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, MCLA 125.3101, et. seq., and finding that the application of the occupant meets the following requirements standards:

1. No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot. The Planning Commission may allow two full-time non-occupant employees upon request. In making its determination, the Planning Commission shall make a finding that the increase to two full-time non-occupant employees does not adversely impact adjacent residential uses, shall consider the standards contained in Section 42-129(B)(11) and may impose conditions under Section 42-129(B)(12). The home occupation is personal to the full-time occupant

engaged in the conduct of the active home occupation and is not transferrable without Planning Commission approval.

2. Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home occupation. The planning commission may allow an increase in the floor area of the existing dwelling unit to be used for the home occupation not to exceed a maximum of 50 percent of the floor area of any one floor or basement of the dwelling unit. The planning commission shall make a finding that the increase of floor area used for the home occupation does not adversely impact adjacent residential uses and the increase in floor area used for the home occupation complies with the requirements standards contained in Section 29-14242-129(B)(11)(9)(a) through (f) below.
3. There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance. ~~Off-street parking provided for the active home occupation shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions.~~
4. Off street parking provided for the active home occupation shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
5. No goods or products shall be directly sold or delivered to customers on the premises of the one family dwelling except goods and products which are incidental to the services of the home occupation.
46. Storage of goods, materials or equipment which is incidental to the services of the home occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.
57. The active home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons. ~~This section shall not prohibit the growing of fruits, vegetables or flowers nor any other farm product protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, in any outside area, provided that the farm product is grown, raised or produced on the zoning lot occupied by the active home occupation.~~
68. ~~Materials, equipment or goods which are incidental to the active home occupation shall not be visible from adjacent properties, nor shall they be directly sold or delivered to customers on the premises of the one-family dwelling, except for the sale of fruits, vegetables and flowers as permitted in Section 42-129(B)(5).~~
79. There shall be no sign of any nature identifying the home occupation except a non-illuminated wall signage (maximum of six square feet) identifying the name of the active home occupation may be affixed to the one-family dwelling unit. The use of window displays are not permitted. ~~No freestanding signage is permitted. Non-illuminated wall signage (maximum of six square feet) identifying the name of the active home occupation may be affixed to the one-family dwelling unit. Window displays are not permitted.~~
810. The active home occupation shall not produce or generate excessive or undue noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No active home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.

911. The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:
- a. Promotes the intent and purpose of this section;
  - b. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:
    - i. The proximity of the surrounding uses to the active home occupation;
    - ii. The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;
    - iii. The seasonal nature of the active home occupation;
    - iv. The size and weight of vehicles to be used in the active home occupation; and
    - v. The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;
  - c. Does not unduly affect the capacities of public services or facilities;
  - d. Is consistent with the public health, safety and welfare;
  - e. Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and
  - f. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.

129. The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors, and any condition allowed by MCLA 125.3504(4) of the Michigan Zoning Enabling Act.

13. No condition or requirement stated for active home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural And Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.

FIRST READING:  
SECOND READING:  
EFFECTIVE DATE:

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CERTIFICATION

STATE OF MICHIGAN        )  
  )SS  
COUNTY OF KALAMAZOO )

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

PREPARED BY:  
Randall L. Brown (P34116)  
Portage City Attorney  
1662 East Centre Avenue  
Portage, MI 49002  
(269) 323-8812

\_\_\_\_\_  
Approved as to form  
Date: \_\_\_\_\_  
\_\_\_\_\_  
City Attorney

**CITY COUNCIL REVIEW VERSION  
COMPARISON WITH CURRENT ORDINANCE  
NOT FOR PUBLICATION**

**ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN  
BY AMENDING SECTION 42-112 and 42-129 OF CHAPTER 42,  
LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Section 42-112 and 42-129 of Chapter 42, Land Development Regulations, are hereby amended as follows:

**Section 42-112. Definitions.**

~~Home occupation: An occupation customarily conducted within a dwelling by its occupants as a subordinate use. Without limiting the foregoing, a single family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation. Beauty shops, barbershops, restaurants, clinics, kennels and similar occupations and trades shall not be deemed home occupations.~~

***Home occupation:* A home based activity or service conducted on a zoning lot used for residential purposes by an occupant(s) as a subordinate and accessory use involving the sale or exchange of services. Home occupations engaged in the sale or exchange of products or goods are not permitted except if incidental to the services of the home occupation or involve the sale of fruits, vegetables or flowers grown on site pursuant to the Michigan Right to Farm Act, Act 93 of 1981, as amended. Home occupations may include, but are not limited to: administrative offices, photographic studios, personal service establishments, and instruction in outdoor recreational activities. Instruction in a craft or fine art within the dwelling unit pursuant to MCLA 125.3204 is permitted as a home occupation. For purposes of this section, family day care homes shall not be considered a home occupation. Two types of home occupations are hereby established and permitted pursuant to the terms of this section as follows:**

- 1) Passive home occupations: Home occupations of low intensity which satisfy the specific conditions and requirements for passive home occupations provided in Section 42-129.A. A home occupation which does not meet all requirements of Section 42-129(A) shall cause the home occupation to require Planning Commission approval as an active home occupation pursuant to Section 42-129(B).**
- (2) Active home occupations: Active home occupations are more intensive than passive home occupations and do not meet one or more of the requirements in Section 42-129.A. Specific conditions and requirements for active home occupations are provided in Section 42-129.B.**

~~Sec. 42-129. Home occupations.~~

- ~~A. The director may approve home occupations, provided that a zoning compliance permit is issued after finding that all of the following are satisfied:~~

~~B. Any home occupation shall comply with the following requirements:~~

- ~~1. The occupation or profession is carried on as a subordinate use by a member of the family residing on the premises.~~
- ~~2. The occupation or profession is carried on wholly within the principal building.~~
- ~~3. No person outside the family is employed on the premises.~~
- ~~4. No commodity, except one incidental to the home occupation, is sold on the premises.~~
- ~~5. Not more than 25 percent of the total floor area of any one floor (or basement) of the main building is used for the home occupation.~~
- ~~6. The home occupation does not require interior or exterior alterations or the use of mechanical or electronic equipment not customarily used in the home.~~
- ~~7. No sign is or will be used.~~
- ~~8. The home occupation does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances.~~
- ~~9. The home occupation does not generate pedestrian or vehicular traffic beyond that normally generated by homes in the residential neighborhood.~~
- ~~10. No other parking other than the off-street parking facilities normally required for the residential use is used.~~

#### **Section 42-129. Home occupations.**

**A. A passive home occupation on a zoning lot where there is a one family residential dwelling unit may be conducted by the occupant that meets the following requirements is allowed as an accessory use with no permit being required.**

- 1. The occupation is conducted as a subordinate use by a member of the family occupying the dwelling unit.**
- 2. The occupation, or any part thereof, shall be conducted wholly within the dwelling unit and shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area.**
- 3. No person outside the family is employed in the home occupation.**
- 4. Not more than 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, is used for the home occupation.**
- 5. The home occupation does not require interior or exterior alterations of the dwelling unit or the use of mechanical or electronic equipment not customarily used in a dwelling unit.**
- 6. There shall be no sign of any nature identifying the home occupation. The use of window displays are not permitted.**
- 7. The home occupation does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No passive home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.**
- 8. The home occupation does not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.**
- 9. Off-street parking shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions, and there shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.**

10. The storage of goods, materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the one-family dwelling unit. The storage of goods, materials or equipment in any attached or detached accessory building or structure is not permitted.
  11. No goods or products shall be directly sold or delivered to customers on the premises of the one family dwelling except goods and products which are incidental to the services of the home occupation.
  12. No condition or requirement stated for passive home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural And Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.
- B. An active home occupation on a zoning lot where there is a one-family residential dwelling unit may be conducted by the occupant if approved by the Planning Commission after a public hearing in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, MCLA 125.3101, et. seq., and finding that the application of the occupant meets the following requirements:
1. No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot. The Planning Commission may allow two full-time non-occupant employees upon request. In making its determination, the Planning Commission shall make a finding that the increase to two full-time non-occupant employees does not adversely impact adjacent residential uses, shall consider the standards contained in Section 42-129(B)(11) and may impose conditions under Section 42-129(B)(12). The home occupation is personal to the full-time occupant engaged in the conduct of the active home occupation and is not transferrable without Planning Commission approval.
  2. Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home occupation. The planning commission may allow an increase in the floor area of the existing dwelling unit to be used for the home occupation not to exceed a maximum of 50 percent of the floor area of any one floor or basement of the dwelling unit. The planning commission shall make a finding that the increase of floor area used for the home occupation does not adversely impact adjacent residential uses and the increase in floor area used for the home occupation complies with the requirements contained in Section 42-129(B)(11) (a) through (f) below.
  3. There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.
  4. Off street parking provided for the active home occupation shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.

5. No goods or products shall be directly sold or delivered to customers on the premises of the one family dwelling except goods and products which are incidental to the services of the home occupation.
6. Storage of goods, materials or equipment which is incidental to the services of the home occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.
7. The active home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.
8. Materials, equipment or goods shall not be visible from adjacent properties.
9. There shall be no sign of any nature identifying the home occupation except a non-illuminated wall signage (maximum of six square feet) identifying the name of the active home occupation may be affixed to the one-family dwelling unit. The use of window displays are not permitted.
10. The active home occupation shall not produce or generate excessive or undue noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No active home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
11. The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:
  - a. Promotes the intent and purpose of this section;
  - b. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:
    - i. The proximity of the surrounding uses to the active home occupation;
    - ii. The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;
    - iii. The seasonal nature of the active home occupation;
    - iv. The size and weight of vehicles to be used in the active home occupation; and
    - v. The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;
  - c. Does not unduly affect the capacities of public services or facilities;
  - d. Is consistent with the public health, safety and welfare;
  - e. Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and
  - f. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.

12. The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors, and any condition allowed by MCLA 125.3504(4) of the Michigan Zoning Enabling Act.
13. No condition or requirement stated for active home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural And Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.

FIRST READING:  
 SECOND READING:  
 EFFECTIVE DATE:

\_\_\_\_\_

CERTIFICATION

STATE OF MICHIGAN        )  
   )SS  
 COUNTY OF KALAMAZOO    )

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

PREPARED BY:  
 Randall L. Brown (P34116)  
 Portage City Attorney  
 1662 East Centre Avenue  
 Portage, MI 49002  
 (269) 323-8812

\_\_\_\_\_  
 Approved as to form  
 Date: \_\_\_\_\_  
 \_\_\_\_\_  
 City Attorney

**FIRST READING  
CITY OF PORTAGE, MICHIGAN  
NOTICE**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND  
ALL OTHER INTERESTED PERSONS.**

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Section 42-112 and 42-129 of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on \_\_\_\_\_, 2011, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on \_\_\_\_\_, 2011, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Section 42-112 and 42-129 of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

**Section 42-112. Definitions.**

*Home occupation:* A home based activity or service conducted on a zoning lot used for residential purposes by an occupant(s) as a subordinate and accessory use involving the sale or exchange of services. Home occupations engaged in the sale or exchange of products or goods are not permitted except if incidental to the services of the home occupation or involve the sale of fruits, vegetables or flowers grown on site pursuant to the Michigan Right to Farm Act, Act 93 of 1981, as amended. Home occupations may include, but are not limited to: administrative offices, photographic studios, personal service establishments, and instruction in outdoor recreational activities. Instruction in a craft or fine art within the dwelling unit pursuant to MCLA 125.3204 is permitted as a home occupation. For purposes of this section, family day care homes shall not be considered a home occupation. Two types of home occupations are hereby established and permitted pursuant to the terms of this section as follows:

- 1) Passive home occupations: Home occupations of low intensity which satisfy the specific conditions and requirements for passive home occupations provided in Section 42-129.A. A home occupation which does not meet all requirements of Section 42-129(A) shall cause the home occupation to require Planning Commission approval as an active home occupation pursuant to Section 42-129(B).
- (2) Active home occupations: Active home occupations are more intensive than passive home occupations and do not meet one or more of the requirements in Section 42-129.A. Specific conditions and requirements for active home occupations are provided in Section 42-129.B.

**Section 42-129. Home occupations.**

- A. A passive home occupation on a zoning lot where there is a one family residential dwelling unit may be conducted by the occupant that meets the following requirements is allowed as an accessory use with no permit being required.

1. The occupation is conducted as a subordinate use by a member of the family occupying the dwelling unit.
2. The occupation, or any part thereof, shall be conducted wholly within the dwelling unit and shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area.
3. No person outside the family is employed in the home occupation.
4. Not more than 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, is used for the home occupation.
5. The home occupation does not require interior or exterior alterations of the dwelling unit or the use of mechanical or electronic equipment not customarily used in a dwelling unit.
6. There shall be no sign of any nature identifying the home occupation. The use of window displays are not permitted.
7. The home occupation does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No passive home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
8. The home occupation does not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.
9. Off-street parking shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions, and there shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
10. The storage of goods, materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the one-family dwelling unit. The storage of goods, materials or equipment in any attached or detached accessory building or structure is not permitted.
11. No goods or products shall be directly sold or delivered to customers on the premises of the one family dwelling except goods and products which are incidental to the services of the home occupation.
12. No condition or requirement stated for passive home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural And Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.

B. An active home occupation on a zoning lot where there is a one-family residential dwelling unit may be conducted by the occupant if approved by the Planning Commission after a public hearing in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, MCLA 125.3101, et. seq., and finding that the application of the occupant meets the following requirements:

1. No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot. The Planning Commission may allow two full-time non-occupant employees upon request. In making its determination, the Planning Commission shall make a finding that the increase to two full-time non-occupant employees

does not adversely impact adjacent residential uses, shall consider the standards contained in Section 42-129(B)(11) and may impose conditions under Section 42-129(B)(12). The home occupation is personal to the full-time occupant engaged in the conduct of the active home occupation and is not transferrable without Planning Commission approval.

2. Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home occupation. The planning commission may allow an increase in the floor area of the existing dwelling unit to be used for the home occupation not to exceed a maximum of 50 percent of the floor area of any one floor or basement of the dwelling unit. The planning commission shall make a finding that the increase of floor area used for the home occupation does not adversely impact adjacent residential uses and the increase in floor area used for the home occupation complies with the requirements contained in Section 42-129(B)(11) (a) through (f) below.
3. There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.
4. Off street parking provided for the active home occupation shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
5. No goods or products shall be directly sold or delivered to customers on the premises of the one family dwelling except goods and products which are incidental to the services of the home occupation.
6. Storage of goods, materials or equipment which is incidental to the services of the home occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.
7. The active home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.
8. Materials, equipment or goods shall not be visible from adjacent properties.
9. There shall be no sign of any nature identifying the home occupation except a non-illuminated wall signage (maximum of six square feet) identifying the name of the active home occupation may be affixed to the one-family dwelling unit. The use of window displays are not permitted.
10. The active home occupation shall not produce or generate excessive or undue noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No active home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
11. The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:
  - a. Promotes the intent and purpose of this section;

- b. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:
    - i. The proximity of the surrounding uses to the active home occupation;
    - ii. The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;
    - iii. The seasonal nature of the active home occupation;
    - iv. The size and weight of vehicles to be used in the active home occupation; and
    - v. The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;
  - c. Does not unduly affect the capacities of public services or facilities;
  - d. Is consistent with the public health, safety and welfare;
  - e. Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and
  - f. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.
12. The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors, and any condition allowed by MCLA 125.3504(4) of the Michigan Zoning Enabling Act.
13. No condition or requirement stated for active home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural And Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: \_\_\_\_\_

\_\_\_\_\_  
James R. Hudson, City Clerk

**CITY OF PORTAGE  
RESOLUTION FOR PERMIT FEE UNDER SECTION 42-129 OF CHAPTER 42  
LAND DEVELOPMENT REGULATIONS**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on \_\_\_\_\_, 2011 at 7:30 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by:

Councilmember: \_\_\_\_\_, and supported by:

Councilmember: \_\_\_\_\_.

WHEREAS, under Section 42-129 of Chapter 42, Land Development Regulations, it is necessary for the Council to establish by resolution the permit fee for active home occupations;

NOW, THEREFORE, BE IT RESOLVED: That the permit fee of \$220.00 is hereby established for active home occupations in the City of Portage.

YES: Councilmember \_\_\_\_\_

NAYS: Councilmember \_\_\_\_\_

ABSENT: Councilmember \_\_\_\_\_

RESOLUTION DECLARED ADOPTED: \_\_\_\_\_

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on \_\_\_\_\_, 2011, the original of which is in the official proceedings of the City Council.

\_\_\_\_\_  
James R. Hudson, City Clerk

Approved as to form:

Date 2/4/11

\_\_\_\_\_  
City Attorney

# CITY OF PORTAGE

# COMMUNICATION

**TO:** Honorable Mayor and City Council

**DATE:** February 4, 2011

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Fire Department Mobile Computers

**ACTION RECOMMENDED:** That City Council:

- a. accept the low bid submitted by Tiger Direct, Incorporated, in the amount of \$23,910 for six "ruggedized" mobile computers for installation in Portage Fire apparatus;
  - b. accept the sole provider quotation submitted by New World Systems Corporation in the amount of \$11,100 for Aegis fire mobile unit software;
- and authorize the City Manager to execute all documents related to these actions on behalf of the city.

Mobile computers are proposed for installation in five front-line fire apparatus, as well as the battalion chief's vehicle. The computers, Panasonic CF31 Toughbooks, will be similar to those installed in Police Department patrol cars.

As a result of installing mobile computers in these fire apparatus, Dispatch will have more accurate reporting information. En route, arrival, clear times and other related data will be electronically entered, freeing dispatchers for other important tasks. Firefighter safety will be increased because hazard awareness and identification will be more easily accessible. Available access to computer aided dispatch mapping will provide increased information regarding fire hydrants, ingress and egress routes, surrounding occupancies and other visual data. On-hand access to departmental policies and procedures will be beneficial, particularly during low-probability/high-threat incidents such as hazardous material responses.

Sealed bids for the mobile computers were received from six vendors with the low bid submitted by Tiger Direct, Incorporated, of Miami, Florida in the amount of \$23,910. The bid tabulation is attached for the information of City Council. New World Systems is the sole provider of the computer aided dispatch (CAD) software used by the city. The Aegis fire mobile software will allow the interface between the CAD and mobile computers. Additionally, NetMotion mobile software installation and programming will be provided by Aercor Wireless, Inc. at a cost of \$3,050. In-vehicle installation will be completed by Emergency Vehicle Products, the contracted apparatus service provider, at a cost of \$6,600. Funds are budgeted and available in the Fiscal Year 2010-11 Capital Improvement Program for all aspects of this project.

Annual software maintenance costs are estimated at \$1,420 and wireless card fees are projected to be \$1,825 annually. These costs have been included in the Fiscal Year 2011-12 operating budget planning.

It is recommended that City Council accept the low bid submitted by Tiger Direct, Incorporated, in the amount of \$23,910 for six “ruggedized” mobile computers for installation in Portage Fire apparatus and accept the sole provider quotation submitted by New World Systems Corporation, in the amount of \$11,100 for Aegis fire mobile unit software, and authorize the City Manager to execute all documents related to this action on behalf of the city.

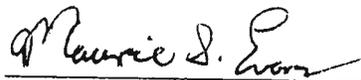
Bid Tabulation  
Mobile Computers

<u>Bidder</u>	<u>Toughbook CF31 Mobile Computers</u>	
	<u>Price Each</u>	<u>Total for Six</u>
Tiger Direct 7795 W. Flagler Street Miami, FL 33144	\$3,985.00	\$23,910.00
MobileTEK Consulting, LLC 1775 Mentor Ave., Suite 405 Cincinnati, OH 45212	\$4,113.00	\$24,678.00
Waring Enterprises LLC 1035 E. Vista Way #218 Vista, CA 92084	\$4,264.00	\$25,584.00
CDW-Government 230 North Milwaukee Ave. Vernon Hills, IL 60061	\$4,309.65	\$25,857.90
Rave Computer Assoc. 7171 Sterling Ponds Ct. Sterling Heights, MI 48312	\$4,365.00	\$26,190.00
Roe-Comm Inc. 1400 Ramona Ave. Portage, MI 49002	\$4,785.70	\$28,714.20
<u>Non-Responsive Bid</u> Advanced Wireless Telecom 49716 Martin Dr. Wixom, MI 48393		

**MATERIALS TRANSMITTED**

Friday, January 21, 2011

1. Communication from the City Manager regarding the Fiscal Year 2009-2010 Audit Report – Information Only.
2. Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2010 – Information Only.
3. Communication from the City Manager regarding Building Project Final Inspections – Information Only.
4. Communication from the City Manager providing a response to inquiries concerning the Single Stream Recycling Program – Information Only.



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Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

**MATERIALS TRANSMITTED**

Friday, January 28, 2011

1. Formal copy of the Fiscal Year 2009-2010 Audit Report – Information Only.
2. Published copy of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year ending June 30, 2010 – Information Only.
3. Communication from the City Manager regarding the “Citizens Research Council Report 357: Streamlining Functions and Services of Kent County and Metropolitan Grand Rapids Cities”.



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Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager