

CITY COUNCIL MEETING MINUTES FROM MARCH 8, 2011

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

At the request of Mayor Strazdas, Elder Del Belcher of the Cherry Creek Community Church 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 and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Claudette S. Reid was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Urban, to approve the February 22, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that Item L.1, Police Protective Ballistic Vests, be removed from the Consent Agenda. Mayor Strazdas added J.4, Presentation by Councilmember Campbell Regarding the Customer Service Committee, and K.1, City Manager Salary Review/Evaluation Committee, to the Agenda. Discussion followed. Motion by Urban, seconded by Sackley, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 8, 2011:** Motion by Urban, seconded by Sackley, to approve the Accounts Payable Register of March 8, 2011. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

ORDINANCE AMENDMENT 10-B, HOME OCCUPATION ORDINANCE: Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who provided background information on the ordinance and an overview of the process involved to initiate an ordinance through the Planning Commission. He acknowledged several non-substantive changes and mentioned that the Planning Commission recommended two full-time non-occupant employees be allowed under Section B.1. He also covered the Administration recommendation under B.5 that outlines the limitations on outdoor activities associated with an active home occupation business. He distinguished the new resolution requiring a fee of \$150.00 and referred to his cost analysis regarding staff resources, required legal notices and document preparation and retention costs in his communication to City Manager Maurice Evans dated February 14, 2011. He distinguished active versus passive home occupations and Mayor Strazdas opened the public hearing for comment by the public. There being no comment, motion by Sackley, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Councilmember Urban discussed the deliberations of the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee regarding retail sales, coffee shops, outside buildings for storage only and the fact that the committee recommended only one full-time non-occupant

employee for an active home occupation permit. He said the guideline throughout the discussion by the Committee was, "When does it become a business that needs to move on?"

Mayor Pro Tem Sackley indicated that the initial requirement that the active home occupation abut a major street was deemed as not necessary, and an active home occupation could be conducted at any residential property in the city. He also pointed out that the resident could also have a sign directly mounted on the home, but it cannot be lighted. He cited the ordinance as an opportunity for Portage citizens as a stimulant to start or grow a business and still protect the neighborhoods. Discussion followed.

Motion by Sackley, seconded by Urban, to approve an Ordinance to amend the City of Portage Code of Ordinances by amending Section 42-112 and 42-129 of Chapter 42, Land Development Regulations, known as Ordinance Amendment 10-B, Home Occupations, and adopt the resolution establishing an application fee of \$150.00 for home occupations, and to receive the communication from the City Manager in response to Councilmember Reid regarding the proposed Home Occupation Ordinance Application Fee. Discussion followed regarding the fee by Councilmember Urban.

City Council received a communication from the City Manager in response to Councilmember Reid regarding the proposed Home Occupation Ordinance Application Fee, and Councilmember Urban asked how the \$150.00 fee compares with other fees since the actual cost is reflected as \$415.00. Mr. Erickson indicated that the effort of the Administration over time has been to recover a portion of the cost associated with services of this nature, and the one cost that can be quantified for recovery, the legal publication cost, is reflected in the \$150.00. He surmised that a balance is necessary, so the Administration asks what constitutes the best cost recovery effort, knowing that full recovery would create a difficulty. He pointed out that the General Fund comes from the city property tax and helps offset the cost for the staff to review and process applications, so the \$150.00 represents a balance of the actual \$415.00, and is a reasonable cost recovery amount to attempt to collect for an active home occupation. Discussion followed. Mayor Strazdas called for the question. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 151 of City of Portage Ordinance Book No. 12. Resolution recorded on page 127 of City of Portage Resolution Book No. 44.

PETITIONS AND STATEMENTS OF CITIZENS: Former Mayor Betty Lee Ongley, 8620 Tozer Court, mentioned that today is the 100th Anniversary of National Women's Day celebrated around the world and personally thanked Councilmember Reid in her absence, Councilmembers Randall and Campbell and former Councilmember and State Representative O'Brien, who was present. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **ORDINANCE AMENDMENT, CHAPTER 24, ARTICLE 5, SAFETY, SANITATION AND HEALTH:** Motion by Urban, seconded by Sackley, to accept the Ordinance Amendment to Chapter 24, Article 5, Safety, Sanitation and Health, with provisions for nuisance abatement and cost recovery, for first reading; subsequent to the second reading on March 22, 2011, consider approval of the Ordinance Amendment; and consider adoption of the resolution establishing the nuisance abatement fee. Upon a roll call vote, motion carried 6 to 0.

* **ORDINANCE AMENDMENT 10-A, KEEPING OF CHICKENS AND OTHER ANIMALS:** Motion by Urban, seconded by Sackley, to accept Ordinance Amendment 10-A, Keeping of Chickens and Other Animals, for first reading and set a public hearing for April 12, 2011, at 7:30 p.m.

or as soon thereafter as may be heard; subsequent to the public hearing, consider approval of Ordinance Amendment 10-A, Keeping of Chickens and Other Animals; and consider adoption of the resolution establishing a permit fee for the keeping of chickens and other animals. Upon a roll call vote, motion carried 6 to 0.

* **SENIOR CITIZEN ADVISORY BOARD ORDINANCE AND RULES REVISIONS:** Motion by Urban, seconded by Sackley, to accept the proposed amendments to Chapter 2, Article 7, Section 2-293 of the Code of Ordinances for the Senior Citizens Advisory Board to lower the age for advisory board members and Section 2-297 to clarify distribution of records, for first reading; subsequent to the second reading on March 22, 2011, consider approval of the proposed amendments; and consider approval of the revised Senior Citizen Advisory Board rules of operation. Upon a roll call vote, motion carried 6 to 0.

* **FINAL PLAN FOR GREENSPIRE RETAIL (PHASE I), 3201 WEST CENTRE AVENUE:** Motion by Urban, seconded by Sackley, to reapprove the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue. Upon a roll call vote, motion carried 6 to 0.

* **MIXED USE ZONING ORDINANCE PROPOSALS:** Motion by Urban, seconded by Sackley, to refer three mixed use Zoning Code proposals, as recommended by the Housing and Neighborhoods Ad Hoc Committee, to the Planning Commission for consideration and to initiate the Zoning Code amendment process. Upon a roll call vote, motion carried 6 to 0.

* **COMPREHENSIVE LIABILITY, PROPERTY AND AUTO FLEET INSURANCE COVERAGE:** Motion by Urban, seconded by Sackley, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not-to-exceed cost of \$531,557 for the period of March 1, 2011, to March 1, 2012, 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.

* **ANDOVER WOODS RESIDENTIAL SUBDIVISION SIGNS:** Motion by Urban, seconded by Sackley, to approve the installation of the Andover Woods residential subdivision signs in the public right-of-way and authorize the City Manager to execute the Portage Andover Woods Sign Islands Agreement. Upon a roll call vote, motion carried 6 to 0.

* **BUDGET AMENDMENT FOR STORM DAMAGE CLEANUP:** Motion by Urban, seconded by Sackley, to approve the budget amendment to the Leaf Pickup Spring Cleanup Fund to provide funds needed to clean up storm damage which occurred on February 20 and 21, 2011. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

COMMUNICATION FROM MR. DAVID ARTLEY, DIRECTOR OF THE KALAMAZOO COUNTY OFFICE OF RESOURCE DEVELOPMENT: David Artley, Director of the Office of Resource Development for the Kalamazoo County Government, provided a review of the Kalamazoo Local Housing Assistance Fund Four Year Report. Discussion followed.

Motion by Urban, seconded by Sackley, to receive the communication from Mr. David Artley, Director of the Office of Resource Development for the Kalamazoo County Government, regarding the

Kalamazoo Local Housing Assistance Fund Four Year Report, and to receive the communication from the City Manager with additional background information regarding the Kalamazoo County Local Housing Assistance Fund as information only. Upon a voice vote, motion carried 6 to 0.

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

Portage Board of Education Special and Regular of January 24, Special of January 31, Special and Committee of the Whole Work Session of February 7 and Special of February 9, 2011.
Portage Human Services Board of February 3, 2011.
Portage Planning Commission of February 17, 2011.

AD HOC COMMITTEE REPORTS:

COMMUNITY SURVEY COMMITTEE: City Council received the presentation by Mayor Strazdas regarding the recent activity of the City Council Community Survey Committee.

HOUSING AND NEIGHBORHOODS COMMITTEE: City Council received the presentation by Councilmember Urban regarding the recent activity of the City Council Housing and Neighborhoods Committee.

CITY COUNCIL PROPERTY COMMITTEE: City Council received the presentation by Councilmember Randall regarding the recent activity of the City Council Property Committee.

CUSTOMER SERVICE COMMITTEE: City Council received the presentation by Councilmember Campbell regarding the Customer Service Committee.

NEW BUSINESS:

ANNUAL CITY MANAGER SALARY REVIEW/EVALUATION COMMITTEE: Mayor Strazdas asked that City Council engage the Annual City Manager Salary Review/Evaluation Committee, consisting of Councilmembers Reid and Urban and Mayor Pro Tem Sackley, to perform a salary review and to initiate discussion of the contract renewal with City Manager Maurice Evans. Motion by Sackley, seconded by Urban, to engage the City Manager Salary Review/Evaluation Committee to review the salary and contract with City Manager Evans. Upon a voice vote, motion carried 6 to 0.

BID TABULATION:

POLICE PROTECTIVE BALLISTIC VESTS: Councilmember Urban asked if the use of these vests was part of the collective bargaining agreement and was the level of protection part of the collective bargaining agreement. City Manager Evans answered in the affirmative to both inquiries. Motion by Urban, seconded by Campbell, to award a contract to CMP Distributors, Inc., in the amount of \$43,394.40 for replacement protective ballistic vests for all sworn police officers 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.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall reminded Portage citizens that the Assessment Change Notices have been sent to Portage taxpayers and that the Board of Review begins Friday, March 14, 2011.

Councilmember Bailes reminded everyone that the 2011 Home Expo will be held March 9 through 12, 2011, at 665 Mall Drive, in the former Sam's Club building.

City Manager Maurice Evans indicated that cleanup from the ice storm of February 20 and 21 would be folded into the regular April brush pick-up operation.

Mayor Strazdas implored Portage residents who qualify, or who know of someone who qualifies, to apply for up to \$25,000 from the \$135,000 received from the Michigan State Housing Development Authority to rehabilitate their home.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:45 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.