



PLANNING COMMISSION

June 20, 2013

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

June 20, 2013

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * May 30, 2013 Special Meeting

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Special Land Use Permit: Indoor Dog Day Care, 129 West Centre Avenue

NEW BUSINESS:

1. Election of Officers

OLD BUSINESS:

- * 1. City of Portage 50th Anniversary Celebration of Portage Businesses - Passbook
-- adjourn meeting to Conference Room No. 1

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

April 8th and May 13th, 2013 Zoning Board of Appeals meeting minutes
April 23rd and May 14th and 28th, 2013 City Council meeting minutes

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

PLANNING COMMISSION

SPECIAL MEETING

May 30, 2013

DRAFT

The City of Portage Planning Commission special meeting of May 30, 2013 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:

Bill Patterson, Paul Welch, Miko Dargitz, Allan Reiff, Dave Felicijan and James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Wayne Stoffer, Rick Bosch and Dave Artley.

IN ATTENDANCE:

Michael West, Assistant City Planner and Randy Brown, City Attorney.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the May 16, 2013 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Felicijan, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

None

NEW BUSINESS:

None

OLD BUSINESS:

1. City of Portage 50th Anniversary Celebration – Recognition of Portage Businesses. Chairman Cheesebro referred the Commission to the May 30, 2013 draft memo and other passbook related information prepared by the subcommittee and included in the final agenda materials. Commissioner Welch complimented Commissioner Dargitz and Commissioner Felicijan on their hard work and efforts on the passbook, however, stated he believes the proposal is still too complicated and needs to be simplified in order for the Planning Commission to successfully implement the program, especially without staff assistance or funding. Commissioner Welch suggested reducing the number of drawings and making other changes/clarifications to simplify the program and reduce the work load on the Commission. Commissioner Welch indicated that given his work and family commitments, he would not be available to assist in the implementation of the passbook program. Commissioner Dargitz stated it was her thought that the

subcommittee members (herself, Commissioner Felicijan and Commissioner Stoffer) would be the primary people implementing the program and expressed her belief that the passbook program needs to be launched as soon as possible in order to capture the summer season. Commissioner Dargitz indicated she views the passbook as a “win-win” for local businesses regardless of the level of success that may result and indicated issues/concerns that may arise during the implementation of the program could be addressed as they occur. Commissioner Welch disagreed and stated the importance of addressing the operational aspects of the program and trying to anticipate questions and issues before the program is launched. Commissioner Reiff stated he agrees with Commissioner Welch that the passbook program needs to be simplified and operational issues addressed before launching the program. Commissioner Felicijan stated that he believes the recommendations outlined in the staff report, particularly Item 1, would actually make the program more complicated and result in more work for the Planning Commission. Additional discussion ensued regarding the passbook program.

Commissioner Felicijan and Commissioner Dargitz expressed continued frustration, the decision of City Council not to allocate staff resources or funding and the expectation that the Planning Commission would be able to manage and implement the program, and now the City Administration’s desire to control the details of the program. Commissioner Dargitz indicated that staff has been extremely helpful in the process, however, the City Administration now appears to want to direct how the program should be designed and implemented. Commissioner Felicijan agreed and indicated the direction from City Council has been unclear and confusing from the beginning. Commissioner Dargitz and Commissioner Felicijan stated they believed the passbook program was the Commission’s idea to design and implement as the Commission desired. Mr. West discussed the December 2012 Planning Commission memo to City Council that indicated a report would be provided to City Council once specific details of the passbook program were finalized, along with the March 2013 Commission discussion that a draft communication to City Council would be prepared and provided to the full Commission for review. Mr. West indicated a draft version of the passbook program was not reviewed by the full Commission until the May 16th meeting and the revised materials included in the May 30th final agenda packet were provided earlier this afternoon. Mr. West again expressed the importance of addressing operational issues of the passbook, having the full Commission understanding and concurrence of the program and the need to convey the information to City Council for review/comment before launching the program to the public. Mr. West indicated there was still plenty of time to accomplish these important items and simply adjust the program launch date to correspond with the September edition of the *Portager*. Mr. West indicated a later program launch date would still capture the last quarter of the year and the holiday shopping season. Commissioner Dargitz and Commissioner Felicijan disagreed and expressed the importance of launching the program sooner, rather than later. Commissioner Dargitz and Commissioner Felicijan indicated they believe the idea/concept outlined in the May 30th draft memo is simpler and less complicated than the suggestions outlined in the staff report. Commissioner Patterson and Commissioner Welch agreed that a September launch date for the program appears to be the most realistic option.

After additional discussion, a motion was made by Commissioner Reiff, seconded by Commissioner Felicijan, to forward the Planning Commission proposal for the passbook program (as presented in the May 30, 2013 materials submitted by the subcommittee) to City Council with a request to proceed as proposed with a July launch date. However and if an alternative version of the passbook program or an alternative launch date was desired by City Council, the Planning Commission would be unable to implement the program. The motion included a stipulation that if authorized by City Council, the passbook materials would be subject to final legal review by Attorney Brown. The motion was unanimously approved 6-0. The Commission requested the memo and passbook materials be forwarded to City Council for inclusion on the June 11, 2013 agenda.

STATEMENT OF CITIZENS:

None.

 **DRAFT**

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Michael K. West, AICP
Assistant City Planner

TO: Planning Commission **DATE:** June 13, 2013
FROM: Vicki Georgeau, ^{VJ} Director of Community Development
SUBJECT: Special Land Use Permit: Indoor Dog Day Care, 129 West Centre Avenue.

I. INTRODUCTION:

A Special Land Use Permit application has been submitted by Portage Centre Plaza, LLC requesting approval to establish an indoor dog day care center within a portion of a building located at property addressed as 129 West Centre Avenue. Specifically, the indoor dog day care facility is proposed to occupy two vacant tenant spaces (297 and 299 West Centre Avenue) within the southwestern most building of the Portage Centre Plaza shopping center.

Consistent with Section 42-652 of the Zoning Code, an administrative determination was made by the Community Development Director that the indoor dog day care facility is a use not specifically referenced in the Zoning Code. The indoor dog day care use is also not a commercial kennel, as defined, since the facility and operational aspects are different (i.e. no overnight boarding, breeding activities, dog kennels/runs located within or partially outside a building, etc). However, uses permitted in the B-3 zone do include, in addition to commercial kennels, veterinary clinics/hospitals, animal grooming services and pet stores that have similar characteristics to the indoor dog day care proposal. Pursuant to Section 42-652, the dog day care center was determined to be a use not specifically addressed in the Zoning Code and a use that may be allowed in the B-3 zone as a special land use subject to Planning Commission review and consideration, public comment and conditions to mitigate potential adverse impacts on adjacent tenants and properties.

II. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • Subject Site: The approximate 9.3 acre zoning lot is zoned B-3, general business and occupied by four commercial buildings and associated parking and storm water related facilities. • Portage Public Schools property zoned R-1B, one family residential borders the site to the south, and is utilized for athletic fields and associated off-street parking. • Various commercial uses and a nonconforming apartment complex zoned B-3 border the site to the east. • West Centre Avenue and Portage City Hall zoned OS-1, office service borders the site to the north, while Grand Elk Railroad and Shaver Road borders the site to the west.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map of the Comprehensive Plan identifies the subject site along with adjacent properties as appropriate for City Centre Area land uses (mixed land use: local/specialty retail and eateries, single and/or multiple family residential).

Access	<ul style="list-style-type: none"> Existing full service driveways from West Centre Avenue and South Westnedge Avenue: No new access drives are proposed.
Environmental Issues	<ul style="list-style-type: none"> A review of the City of Portage Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) on or near the subject property.
Land Development Regulations	<ul style="list-style-type: none"> Section 42-652, <i>Uses not addressed.</i> Additional criteria for evaluating a special land use is set forth in Section 42-462, <i>General Standards for Review of Special Land Uses.</i>
Historic District/ Structure	<ul style="list-style-type: none"> The subject site is not located within a historic district and does not contain any historic structures.

III. APPLICATION/PROPOSAL:

According to the application materials, the proposed dog day care facility will be conducted fully indoors and occupy the southern portion (4,053 square feet) of the southwest building within the Portage Centre Plaza that is currently occupied by the Pak Mail, Great Harvest Bread, Anytime Fitness and Health Care Midwest. The dog day care use will be divided into three sections for large, small and mature dogs with the remaining space to be utilized for a small retail/office area, dog bathing/grooming area and waste disposal/storage area. The dog day care business would have a maximum capacity for 60 dogs (40 dogs average projected) and would be open from 7am-7pm, Monday through Saturday. No outdoor runs/exercise areas or overnight boarding of dogs is proposed.

During administrative review, staff expressed to the applicant potential concerns regarding noise, odors and water management practices associated with the proposed indoor dog day care center. As proposed, the dog day care center will be located on the southern end of the existing building with only one interior wall shared with a future tenant (existing tenant space to north is currently vacant). In an effort to minimize potential noise impacts on future adjacent tenants, the applicant will construct an additional demising wall with an air space between the walls. This enhanced interior building construction will increase the sound transfer coefficient (STC) rating to above 60, which will exceed the noise attenuation rating of an 8-inch thick concrete wall. The applicant will also construct an enclosed five-foot wide corridor to separate the large dog area of the use from the demising walls, and install closed cell rubber flooring throughout the indoor dog care center to reduce barking and associated noise.

To address potential odors from the indoor dog day care center, the applicant has stated that make-up air units will be added to the existing HVAC system, which is also a separated system from the rest of the building and tenant spaces. As indicated in the supporting letter, the applicant intends to facilitate up to five total air changes per hour that will eliminate odor transmission. Finally, and in regard to waste storage/disposal, the applicant has indicated that liquid waste will drain through layers of the artificial turf and chemically treated granular material (that will remove odors) and will be collected in floor drains that will connect to the sanitary sewer system. Solid waste will be collected by indoor dog day care staff and disposed in a waste container (within the building) that will grind, rinse and deposit the waste directly to the sanitary sewer system.

IV. ANALYSIS:

As described in the application materials, the proposed dog day care is a use that is not specifically addressed in the Zoning Code. However, the dog day care proposal does have some characteristics that are similar to commercial kennels, animal grooming services, animal sales activities, veterinary clinics and incidental facilities, which are allowed in the B-3 zone. The land area, frontage/access on a major thoroughfare, adjacent land uses, existing building setbacks from property lines and applicant's proactive efforts to address noise and odors and properly collect and dispose of dog waste generated from the use appear appropriate to mitigate potential adverse impacts on tenants within the building and adjacent land uses. In the context of the general standards of review in Section 42-462, the proposal represents an appropriate, compatible use consistent with the Comprehensive Plan and Zoning Code/Map. No environmental issues are evident and public facilities (water, sewer and street infrastructure) can accommodate the planned use.

As information for the Commission, compliance with all applicable Code of Ordinance requirements including Community Quality (Chapter 24) for the operation of this proposed use, and specifically related to noise, odors, sanitation and health, and so forth is required. The daily waste removal and sanitation procedures and related operational activities planned by the applicant, are necessary and appropriate to ensure conformance and should preclude any need to consider administrative and enforcement actions.

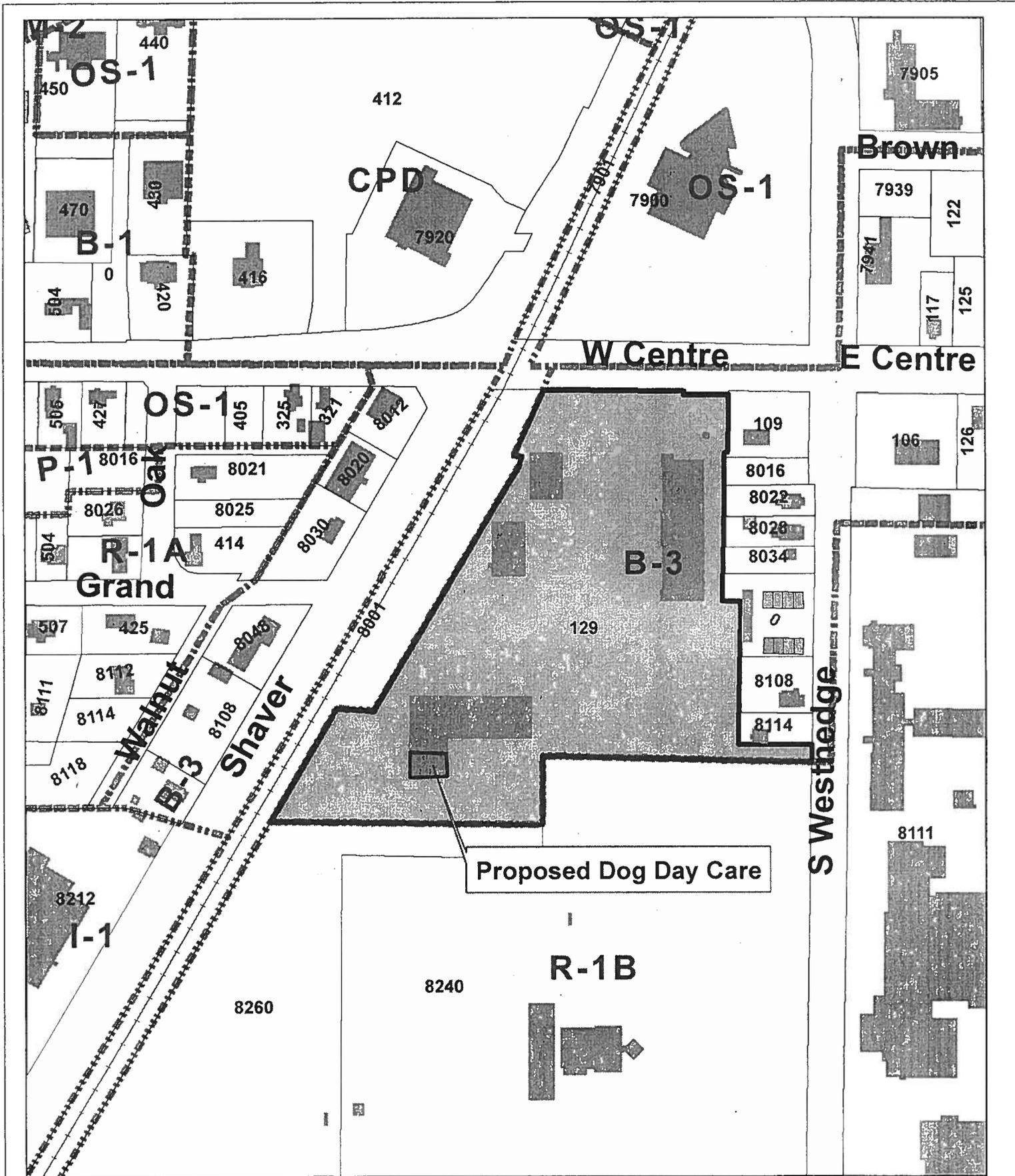
Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. Additionally, existing tenants located within the subject building including Great Harvest Bread, Pak Mail, Anytime Fitness and Health Care Midwest have also been provided written notice. Finally, a notice was also placed in the local newspaper.

V. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for Portage Centre Plaza, LLC (indoor dog day care center), 129 West Centre Avenue, be approved as proposed by the applicant and subject to the following:

1. No outdoor exercise areas, kennels/runs or other activities;
2. No overnight boarding, breeding or selling of dogs;
3. Hours of operation be restricted to 7am-7pm, Monday through Saturday (as proposed by the applicant);
4. Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health.

Attachments: Zoning/Vicinity Map
Aerial Photograph
Special Land Use Permit Application and supporting materials

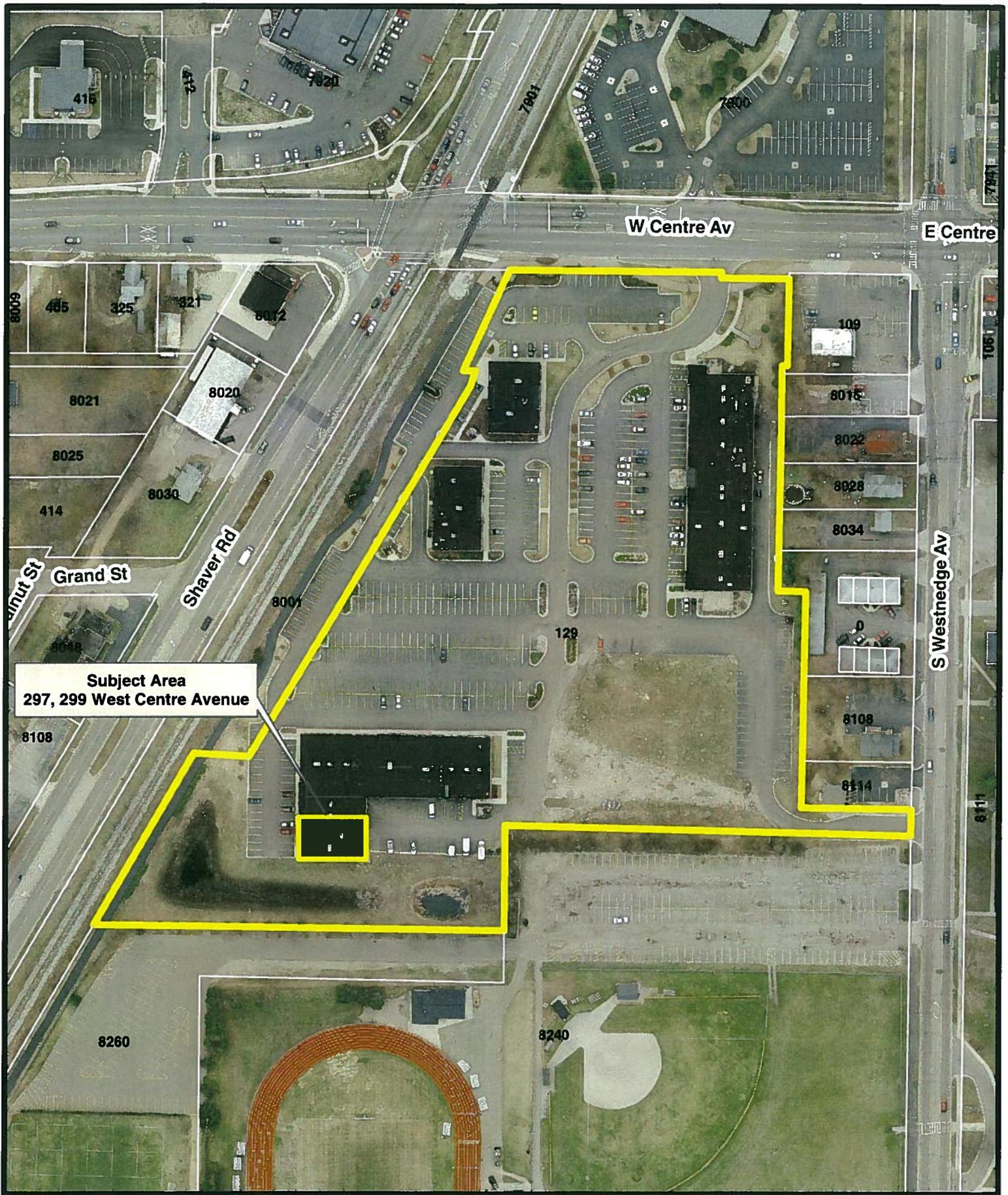


1 inch = 233 feet

Special Land Use Permit 297 & 299 West Centre Avenue

Legend

- Subject Properties
- Zoning Boundary
- 300' Notification Boundary



Aerial Photo
129 West Centre Avenue (portion thereof)



May 29, 2013
City of Portage
Portage Planning Commission &
Department of Community Development
7900 South Westnedge Ave
Portage, MI



RECEIVED
MAY 30 2013
COMMUNITY DEVELOPMENT

To: Staff and Planning Board Members,
Re: Proposed Dog Day Care, 297 & 299 West Centre Ave, Portage, MI

My client is preparing to lease tenant space in Portage Center Plaza for a proposed dog day care center, the specific location is known as 297 & 299 West Centre Ave. These are currently two un-leased spaces in the southern most portion of the southwest building of that development. This building currently houses Pak Mail, Great Harvest Bread, Anytime Fitness and Health Care Midwest. This 9.34 acre parcel is zoned B-3, general business and is occupied by four buildings and associated improvements.

The Portage Zoning Code does not specifically reference a dog day center use; section 42-652 of the Zoning Code establishes a procedure to address land uses not specifically addressed, therefore we have met with Department staff for their opinion and to send it to Planning Commission for a Special Land Use Permit in a B-3 district.

B-3 allows for veterinary clinic/hospitals, pet store, dog grooming business and kennel/animal shelter, the Community Development Director has determined that an indoor dog day care use may be allowed in the B-3 district as a Special Land Use, subject to Planning Commission review.

Our proposal calls for a 4,053 square foot facility for a dog day care operation that would be operated fully indoors. The space would be divided into a small retail/office space, separated by full height walls, the day care area which would be divided into three sections for large, small and mature dogs, and areas for dog bathing, grooming, waste disposal and storage, again separated by full height walls. The proposed dog day care facility would have a maximum capacity of 60 dogs; we project to have an average of 40 dogs per day. The hours of business are Monday through Saturday 7AM to 7PM; there is no overnight boarding and no exterior areas for the dogs.

Concerns from staff were; noise to other tenant spaces, odor attenuation and the disposal of waste products. Re: noise, the space we are leasing is located on the southernmost part of the southernmost building in the development, having one outside wall along the southern property line and one interior demising wall to a future tenant, currently that space is vacant.

To reduce the potential noise to the other tenants we need maximize the STC (sound transfer coefficient) rating between lease spaces. We plan to construct an additional demising wall with an air space between the walls. The existing demising wall has a STC rating of 48; the new wall along with the airspace will have a STC rating of 54, together the total STC rating will exceed 60, which exceeds an eight inch thick concrete wall rating of 54.

In addition to the new wall, we will construct an enclosed corridor five feet wide to separate the large dog portion of the center from the demising walls. Additionally the floor of the play areas are finished with a closed cell rubber flooring that helps reduce noise from barking, and nails on the floor. This also provides comfort for the dogs.

Re: odors: To remove the potential odor problem, we plan to add make-up air units to the existing two HVAC units in the space, the plan is to facilitate up to five total air changes per hour, thus eliminating odor transmission.

Re: waste; the facility has waste areas for each dog area, these areas are constructed to let liquid waste drain through layers of artificial turf and granular materials that are chemically treated to remove odors. The liquid waste will be directed to a drain and onto the sanitary sewer system. For solid waste removal, the staff cleans up the solids and transfers it to another location within the building into a waste container that will grind, rinse and send the waste directly to the sewer system. Staff will be on hand to rinse and sanitize waste areas regularly and to care for any accidents that may occur in the remainder of the play areas.

Obviously, sanitary conditions are a major requirement to the owners, staff and to the clients. This particular Dog Day Care has been designed to be used as a prototype for potential franchise sales, therefore great care and considerations have been applied to this design of this facility to eliminate potential problems.

We ask that the Planning Commission approve a Special Land Use Permit for this business in this location.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael A. Kreps', with a long horizontal flourish extending to the right.

Michael A. Kreps
MA Kreps Designs LLC

Attachments:

- Proposed Floor Plan
- Site location Ariel
- Space Location Ariel
- Application For Special Land Use Permit

APPLICANT INFORMATION

Name Portage Centre Plaza, LLC		Telephone Number 269 / 383-5775	
Address 211 E. Water Street, Ste 201	City Kalamazoo	State MI	Zip code 49007

OWNER INFORMATION (if different)

Name Portage Centre Plaza, LLC		Telephone Number 269 / 383-5775	
Address 211 E. Water St., Ste 201	City Kalamazoo	State MI	Zip code 49007

PROPERTY INFORMATION

Address of property Sik: 129 W. Centre Ave. (Specifically 297 & 299)	Zoning District B-3	Land Area (acres) ~9.34
Legal Description (or attach separate page) See attached 000000 parcel report		

PROPOSED USE

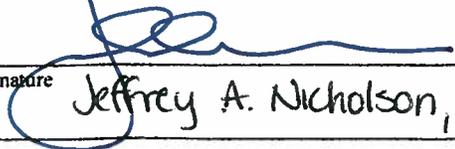
Description of proposed Special Land Use (attach additional page(s), if necessary)

Doggie Daycare - short term (no overnight care).
SEE ATTACHED LETTER

RECEIVED
MAY 30 2013
COMMUNITY DEVELOPMENT

OWNER CERTIFICATION

I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.

Signature  Jeffrey A. Nicholson, Manager	Date 5/29/13
--	-----------------

Property Address

 129 W CENTRE AV
 PORTAGE, MI 49024

Owner Address

 PORTAGE CENTRE PLAZA LLC
 211 EAST WATER ST, STE 201
 KALAMAZOO, MI 49007

 No property photo available

General Information for Current Tax Year

Parcel Number: 06420016H
Property Class Name: Commercial Improved
ECF Neighborhood: 014
School District: Portage
State Equalized Value: \$2489900
Taxable Value: \$1924300
Exemption Percent: 0%

Land Information

Acreage: 9.34
Year Built: 0
Total Floor Area: 0 sq. ft
Lot Area (GIS): 404283 sq. ft

Legal Information

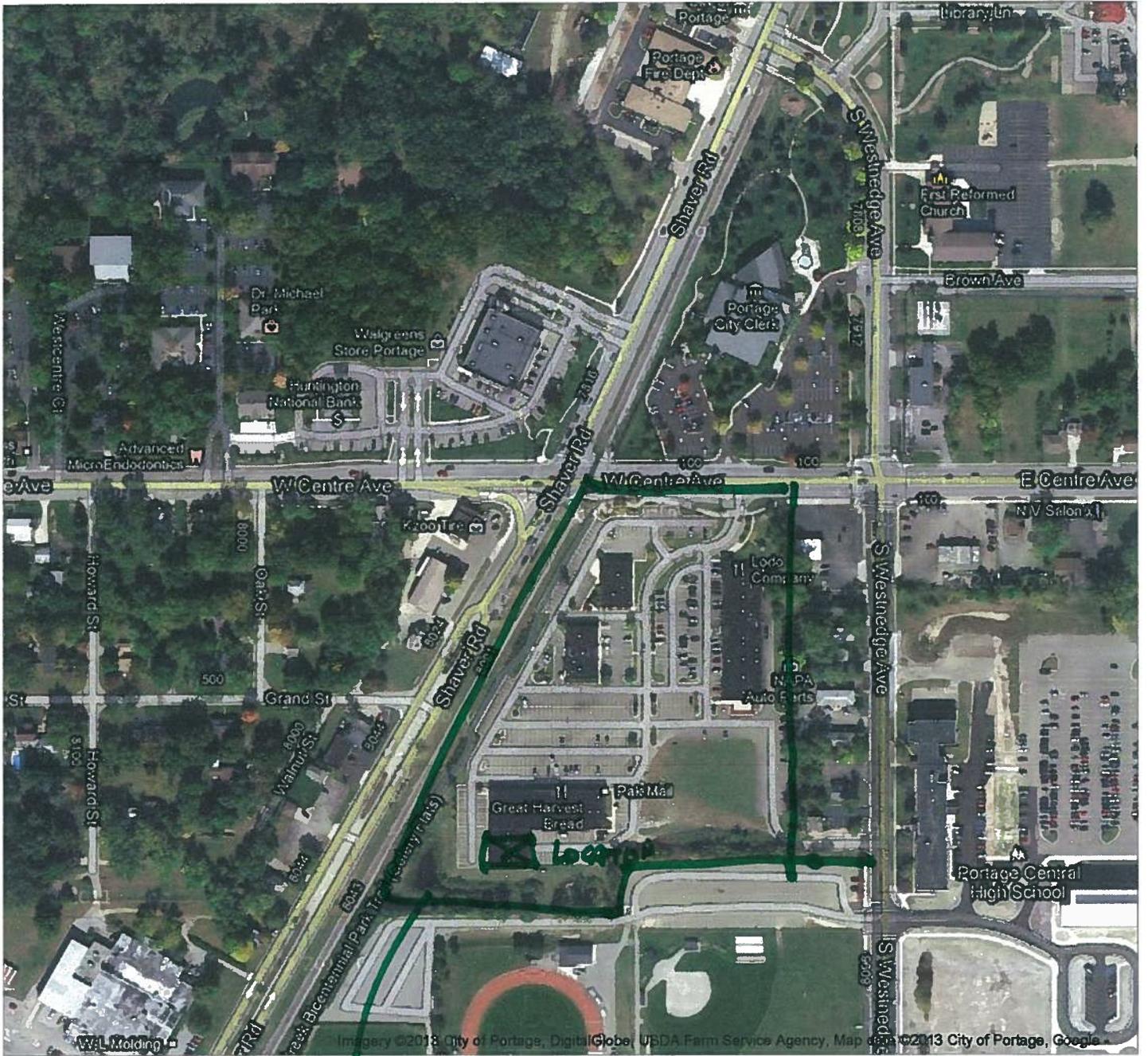
SEC.21 T3S R11W ALSO PART PORTAGE CENTRE PLAT DESC AS COM 192 FT W & 50 FT S OF NE COR NE1/4 SD SEC. S 105.5 FT W 6 FT S 302.5 FT E 33 FT S 266 FT E 165 FT S 33 FT W 516.08 FT S 121.80 FT W 496.22 FT TO E'LY LINE RR R/W NE'LY ALG SD R/W 229.56 FT E 65 FT NE'LY ALG SD R/W 818.5 FT M/L TO S R/W CENTRE ST. E TO BEG.

Disclaimer

These maps are intended to be used for generalized citywide planning and there are no warranties that accompany this product. City of Portage recommends that users of this product confirm the data used in production of this map by visual inspection of the geographic area. In no event shall City of Portage be liable to the user or any third party for errors, omissions or positional accuracy of this product, regardless of the form of claim or action, whether in contract or tort, including negligence, in the amount that exceeds the sum paid by the user for the product. City of Portage reserves all rights of authorship granted under U.S. and International copyright laws and agreements.



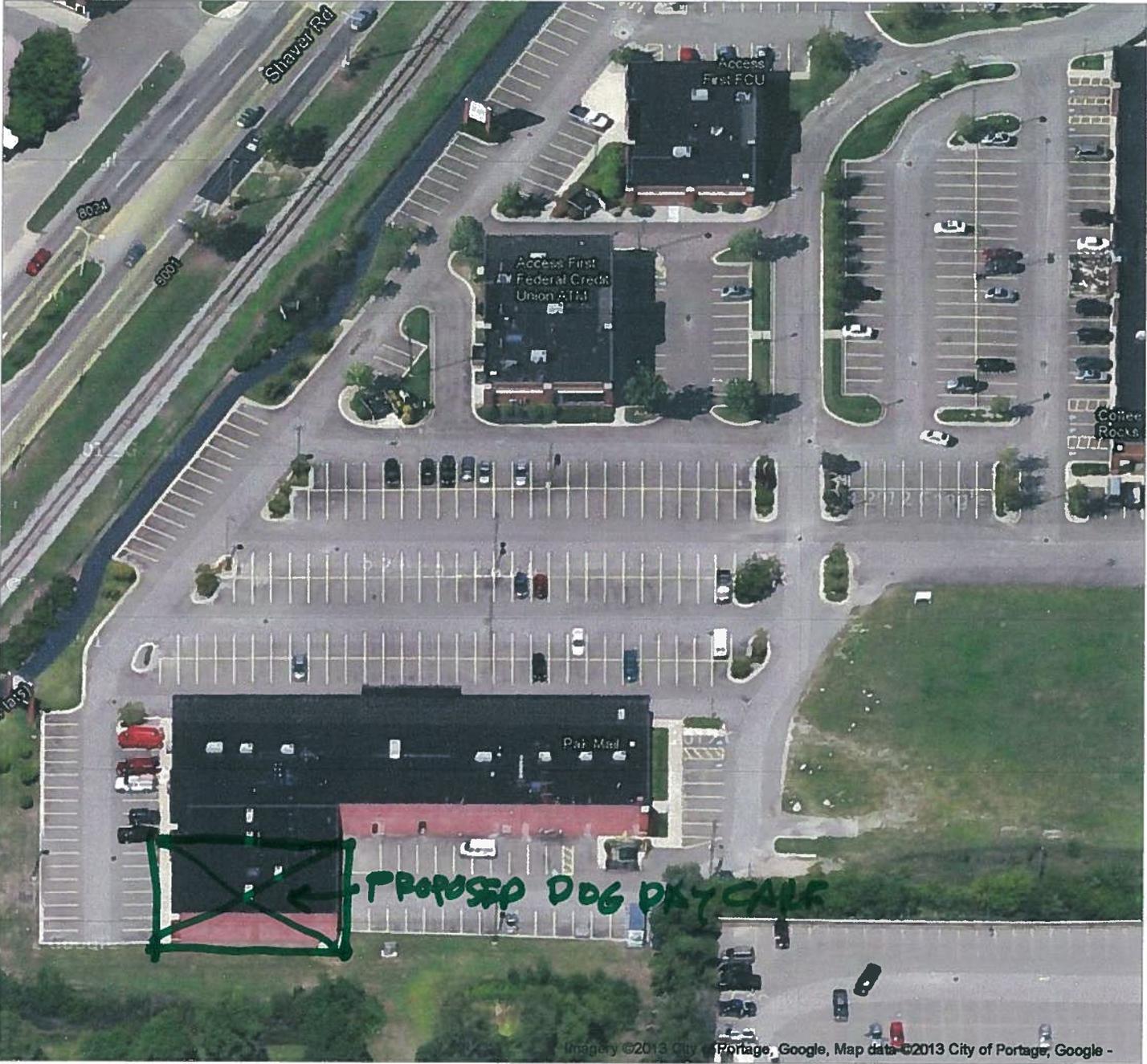
To see all the details that are visible on the screen, use the "Print" link next to the map.



SITE PORTAGE CENTRE PLAZA



To see all the details that are visible on the screen, use the "Print" link next to the map.









TO: Planning Commission

DATE: June 14, 2013

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: City of Portage 50th Anniversary Celebration of Portage Businesses - Passbook

At the June 11, 2013 meeting, City Council voted unanimously to accept the Passbook program as proposed by the Planning Commission, and for the Commission to proceed with finalization of documents and operational details for a July 2013 program launch. As discussed during the May 30th Planning Commission meeting, Attorney Brown has completed a legal review of the Passbook program documents and revisions are recommended as indicated on the attachments. City Attorney Brown has indicated most of the changes are made to better conform to the legal requirements previously discussed with the Commission. Some other changes are more administrative in nature and are suggested by the City Attorney and/or staff. In addition to the attached documents, it is understood the subcommittee will provide the revised Passbook for Commission review during the June 20th meeting.

The following suggestions are offered by the Department of Community Development to assist the Commission in finalization of the Passbook program prior to program launch.

- Confirm participation of businesses initially listed on the Passbook. In this regard, it is advised the Commission determine who will revisit businesses that have verbally committed to participate in the program to obtain a complete Business Registration Form, and provide a copy of the Participating Business Instructions to each business participant.
- Finalize subcommittee management of business registration through city web site. The on-line Business Registration Form can be designed such that Commission member(s) will receive an email confirmation of each business registration. A designated Commission member may then review each registration for completeness, and provide confirmation to each new participant.
- Establish procedure for subcommittee member(s) to update Passbook. As new businesses register, the Passbook will need to be updated and emailed to city staff for uploading to the city web site by a designated Commission member.
- Establish procedure to review completed Passbooks. While completed Passbooks will be submitted to the Community Development Department, prior to each monthly drawing, a designated Commission member will need to verify completeness, and determine number of monthly free gifts to be awarded.
- Establish procedure and dates for monthly free gift drawings. The date of the first and subsequent drawings will need to be finalized. In addition, it should be determined who will contact monthly winners.

The Commission is advised to review, discuss and finalize the Passbook related documents and operational details of the program during the June 20, 2013 meeting. Once completed, staff will assist with the city web site set-up, will distribute the press release, and ensure the Passbook program is featured in the September and December 2013 editions of the *Portager*.

Attachments: News Release; Celebrate 50 Years of Business in the City of Portage article/announcement; Portage Business Passbook Business Registration form; Participating Business Instructions; Frequently Asked Questions

NEWS RELEASE

FOR IMMEDIATE RELEASE

Contact: Vicki Georgeau

Date: June 28, 2013

Director of Community

Development

(269) 329-4477

In celebration of the City of Portage's 50th anniversary and in recognition of 50 years of business in the City of Portage, and the Portage Planning Commission is announcing its Business Passbook program for the second half of 2013. Through this program, individual participants may visit and collect stamps or signatures from 2 participating Portage businesses in each of 3 categories and be entered to win a gift prize from a participating Portage businesses as:

- Barrett's Smokehouse
- Biggby Coffee
- Daane's Catering
- Erbert & Gerbert's Sandwich Shop
- H&B Market
- Maya Riviera
- Nelson's Hardware
- RPM Oil & Lube Center
- Schram's greenhouse
- Tim Hortons
- West Lake Drive In
- West Lake Drug
- Yo9 Go-Delites

Participating individuals may print a "Passbook" by visiting the City of Portage website at www.portagemi.gov/passbook. Prizes/Gifts will be awarded monthly, so complete your passbook and return it to City Hall by the end of every month for your chance to win!

Portage businesses may also sign up to participate by visiting www.portagemi.gov/passbook. Participating Portage businesses will also have their business name listed on the website, as well as printed in the Passbook. Businesses donating a prize will also be recognized separately. If you are a Portage business and would like to participate, please register online at www.portagemi.gov/passbook.

Thank you for celebrating with us! Here's to 50 more years of wonderful successful businesses in the City of Portage.

NEWS RELEASE

DRAFT

FOR IMMEDIATE RELEASE

Date: June 28, 2013

Contact: Vicki Georgeau
Director of Community Development
(269) 329-4477

In celebration of the City of Portage's 50th anniversary and in recognition of 50 years of business in the City of Portage, the Portage Planning Commission is announcing its Business Passbook program for the second half of 2013. Through this program, individual participants may collect stamps or signatures from 2 Portage businesses in each of 3 categories and be entered to win a gift from a participating Portage business.

Participating individuals may print a "Passbook" by visiting the City of Portage website at (link to be determined). Gifts will be awarded monthly, so complete your passbook and return it to City Hall by the end of every month for your chance to win!

Portage businesses may also sign up to participate by visiting (link to be determined). Participating Portage businesses will have their business name listed in the Passbook. If you are a Portage business and would like to participate, please register online at (link to be determined).

Thank you for celebrating with us! Here's to 50 more years of successful business in the City of Portage.

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Celebrate 50 Years of Business in the City of Portage!

Visit and collect stamps in your Passbook from 32 participating Portage businesses in each of these categories (restaurant, retail and services) in each of 3 categories and be entered to win a free gift/prize from a participating such Portage businesses as: All gifts have been donated by participating businesses. Barrett's Smokehouse, Biggby Coffee, Daane's Catering, Erbert & Gerbert's Sandwich Shop, H&B Market, Maya Riviera, Nelson's Hardware, RPM Oil & Lube Center, Schram's Greenhouse, Tim Hortons, West Lake Drive-In, West Lake Drug, and Yo-Go Delites.

Individual participants Portage residents may print a "Passbook" by visiting the City of Portage website at (link to be determined) www.portagemi.gov/passbook. Gifts Prizes will be awarded monthly, so complete your passbook and mail or deliver return it to the Department of Community Development at City Hall (7900 South Westnedge Avenue, Portage, MI 49002) by the last business day of each end of the month for your chance to win! No purchase is necessary to be eligible to receive a stamp in your Passbook.

Portage businesses may also sign up to participate by visiting (link to be determined) www.portagemi.gov/passbook. Participating Portage businesses will have their business name listed on the website, as well as printed in the Passbook. If you have a business with a physical location in the City of Portage Businesses donating a prize will also be recognized separately. If you are a Portage business and would like to participate in the program, please register online at (link to be determined) www.portagemi.gov/passbook or call City Hall at 329-4400 or call the Department of Community Development at (269) 3239-4477.

Thank you for celebrating with us! Here's to 50 more years of successful wonderful businesses in the City of Portage!

The above program is part of the City of Portage's 50 year Anniversary Celebration to encourage business development within the City. The program is not intended to and does not endorse or promote the services or products of any participating business. Any business located in the City of Portage is eligible to become a participating business. All gifts are donated by participating businesses and not the City of Portage. The awarding business is fully responsible for the gift and the City has made no representation or warranties concerning the nature, quality or value of any gift. The City reserves the right to make changes to this program without notice.

Celebrate 50 Years of Business in the City of Portage!

 DRAFT

Visit and collect stamps in your Passbook from 2 participating Portage businesses in each of these categories (restaurant, retail and services) and be entered to win a free gift from a participating Portage business. All gifts have been donated by participating businesses.

Individual participants may print a "Passbook" by visiting the City of Portage website at (link to be determined). Gifts will be awarded monthly, so complete your passbook and mail or deliver it to the Department of Community Development at City Hall (7900 South Westnedge Avenue, Portage, MI 49002) by the last business day of each month for your chance to win! No purchase is necessary to be eligible to receive a stamp in your Passbook.

Portage businesses may also sign up to participate by visiting (link to be determined). Participating Portage businesses will have their business name printed in the Passbook. If you have a business with a physical location in the City of Portage and would like to participate in the program, please register online at (link to be determined) or call the Department of Community Development at (269) 329-4477.

Thank you for celebrating with us! Here's to 50 more years of successful business in the City of Portage!

The above program is part of the City of Portage's 50 year Anniversary Celebration to encourage business development within the City. The program is not intended to and does not endorse or promote the services or products of any participating business. Any business located in the City of Portage is eligible to become a participating business. All gifts are donated by participating businesses and not the City of Portage. The awarding business is fully responsible for the gift and the City has made no representation or warranties concerning the nature, quality or value of any gift. The City reserves the right to make changes to this program without notice.

**PORTAGE BUSINESS PASSBOOK
Business Registration**

Business Registrations updated on a weekly basis.

Mail form to: ~~Portage Department of Community Development • 7900 S. Westnedge Ave • Portage, MI 49002~~

In celebration of the City of Portage's 50th anniversary and in recognition of 50 years of business in the City of Portage, the Planning Commission has ~~launched~~ announced the **Portage Business Passbook Program**. The program intends to further expose the general public to the City's business community. ~~Through this project, we hope help connect Portage residents with Portage businesses, and to provide additional exposure for the Portage business community.~~

Portage businesses may volunteer to participate in the program, and/or donate goods or services that will be raffled off to individual participants who complete Portage residents completing monthly "Passbooks". The names of participating businesses will be listed on the ~~City of Portage website, as well as in the printable Passbook~~. This list will be updated weekly on a rolling basis. All Portage businesses are encouraged to participate!

Please review see the Participating Business Instructions (include link) ~~brief Instruction Sheet for participating Portage businesses~~ for details on stamping/signing the Passbook.

If you operate/own a business in the City of Portage and would like to participate, please register below:

Participant Information:

Business Name: _____

Business Address: _____

Business Contact Person: _____

Contact Phone Number: _____

What stamp or "code" (e.g. owner's name, numerical code, etc.) will you use? (Please describe so that we can verify winning entries.)

What type of category best describes your business? Service Retail Restaurant

Would you like to donate a Giftprize?

No _____ Yes, I would like to donate: _____

~~Please see the brief Instruction Sheet for participating Portage businesses for details on stamping/signing the Passbook.~~

Thank you for joining us in celebrating 50 years of business in the City of Portage!

In consideration of your accepting this registration, I intending to be legally bound and waive and release all rights and claims ~~for damage~~ I may have against the City of Portage, its elected or appointed officials, employees, volunteers, representatives and agents for any and all damages or injuries suffered by me and/or the business entity registered in the program arising out of my/our participation in the program.
~~above participants at said activity, or which may arise out of traveling to, participating in and return from said activity.~~

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**PORTAGE BUSINESS PASSBOOK
Business Registration**

DRAFT

Business Registrations updated on a weekly basis.

In celebration of the City of Portage's 50th anniversary and in recognition of 50 years of business in the City of Portage, the Planning Commission has launched the **Portage Business Passbook Program**. The program intends to further expose the general public to the City's business community.

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Participant Information:

Business Name: _____

Business Address: _____

Business Contact Person: _____

Contact Phone Number: _____

What stamp or "code" (e.g. owner's name, numerical code, etc.) will you use? (Please describe so that we can verify winning entries.)

What type of category best describes your business? Service Retail Restaurant

Would you like to donate a Gift?

No _____ Yes, I would like to donate: _____

Thank you for joining us in celebrating 50 years of business in the City of Portage!

In consideration of your accepting this registration, I intend to be legally bound and waive and release all rights and claims I may have against the City of Portage, its elected or appointed officials, employees, volunteers, representatives and agents for any and all damages or injuries suffered by me and/or the business entity registered in the program arising out of my/our participation in the program.

PARTICIPATING BUSINESS INSTRUCTIONS

1. Register your business with for the Passbook Event via the City of Portage Website at ~~(link to be determined)~~www.portagemi.gov/passbook.
2. Post or inform all of your employees of your intent to join the event and the reason.
3. Determine the best possible system for “stamping” each patrons pPassbook with your “stamp” of choice.
 - a. The event coordinators do not have a preference for the stamp. You may use any special stamp you may have available for your business or use a simple signature or initials from any given employee, you decide. Please indicate on your business registration form what type of stamp or “code” you will use.
 - b. Also make sure to inform all employees of what stamp or code you will use.
4. Be sure a given pPassbook has not already been stamped by a previous employee; each patron is allowed only one stamp per month from your business.
5. It may be beneficial for your business to have some extra pPassbooks available for your patrons. Extra pPassbooks are available for download from the City of Portage Website at ~~(link to be determined)~~www.portagemi.gov/passbook.
6. If you are donating a free gift, prize for the event please insure it is available for pickup in a specific location from a specific employee or position.
7. A list of frequently asked questions ~~is will also be~~ posted on the City of Portage Website, feel free to download a copy for each of your employees.
8. No purchase is necessary to receive a stamp in a participant’s Passbook.

DRAFT

PARTICIPATING BUSINESS INSTRUCTIONS

1. Register your business with for the Passbook via the City of Portage Website at (link to be determined).
2. Post or inform all of your employees of your intent to join the event and the reason.
3. Determine the best possible system for “stamping” each patrons Passbook with your “stamp” of choice.
 - a. The event coordinators do not have a preference for the stamp. You may use any special stamp you may have available for your business or use a simple signature or initials from any given employee, you decide. Please indicate on your business registration form what type of stamp or “code” you will use.
 - b. Also make sure to inform all employees of what stamp or code you will use.
4. Be sure a given Passbook has not already been stamped by a previous employee; each patron is allowed only one stamp per month from your business.
5. It may be beneficial for your business to have some extra Passbooks available for your patrons. Extra Passbooks are available for download from the City of Portage Website at (link to be determined).
6. If you are donating a free gift, for the event please insure it is available for pickup in a specific location from a specific employee or position.
7. A list of frequently asked questions is posted on the City of Portage Website, feel free to download a copy for each of your employees.
8. No purchase is necessary to receive a stamp in a participant’s Passbook.

FREQUENTLY ASKED QUESTIONS

PARTICIPATION

1. Who can participate?
 - a. Participating businesses must be located within the City of Portage.
 - b. Participating individuals do not need to be Portage residents.
2. Is a business required to donate a ~~gift prize~~ to participate in the event?
 - a. No. Businesses are not required to submit ~~gifts prizes~~ for the event, but they are greatly appreciated.
 - b. Businesses donating ~~gifts prizes~~ will be distinctly recognized on the Passbook and the City website.
3. Where can a business register to be included in the event?
 - a. Registration is available on the City of Portage Website via (link to be determined ~~www.portagemi.gov/passbook.~~
4. Do individuals need to register to participate?
 - a. No. Individuals only need to print out a passbook, complete it, and turn it in to the Department of Community Development, Portage City Hall by the last business day of each month.
5. Can I register to participate at any time?
 - a. Yes. Businesses can register to participate at any time. We have an ongoing “rolling” registration. The names of participating businesses will be updated on ~~the website and the~~ Passbook weekly.
6. Is there a purchase necessary to enter the event?
 - a. No purchases are necessary to enter.
7. Where can I get a copy of the ~~p~~Passbook?
 - a. Additional/Monthly~~p~~Passbooks are available from the City of Portage Website via (link to be determined)~~www.portagemi.gov/passbook.~~
8. May I collect more than one stamp from each participating business?
 - a. You may not collect more than one stamp from each participating business each month.

FREE GIFTS/PRIZES

9. Where and when will the raffle be held?
 - a. ~~Prizes-Gifts~~ will be awarded monthly. The specific ~~prizes-gifts~~ and number of ~~prizes-gifts~~ will be determined based on availability. The raffle will be held on the first Thursday of every month at the end of ~~after~~ the Planning Commission meetings at City Hall. Winners will be notified on the following Friday, and winners' names will be posted on the City website.

10. What types of gifts prizes will be awarded?
 - a. ~~Prize Gifts~~ will vary based on the donations made by businesses for each particular month but will include such items as gift certificates, gift baskets, and other items or services from participating businesses.

11. Where will I pick up my giftprize?
 - a. Your ~~prize~~gift(s) will be available from the donating business. Winners will be informed when and where to pick up their giftsprizes. Winners will have up to 2 weeks to claim their giftprize, and must show valid identification upon collection of the giftprize.

RULES

- ~~12. Where can I get a list of rules?~~
 - ~~a. A list of rules will be available on the City of Portage Website via www.portagemi.gov/passbook.~~

FREQUENTLY ASKED QUESTIONS

DRAFT

PARTICIPATION

1. Who can participate?
 - a. Participating businesses must be located within the City of Portage.
 - b. Participating individuals do not need to be Portage residents.
2. Is a business required to donate a gift to participate in the event?
 - a. No. Businesses are not required to submit gifts for the event, but they are greatly appreciated.
 - b. Businesses donating gifts will be distinctly recognized on the Passbook.
3. Where can a business register to be included in the event?
 - a. Registration is available on the City of Portage Website via [\(link to be determined\)](#).
4. Do individuals need to register to participate?
 - a. No. Individuals only need to print out a passbook, complete it, and turn it in to the Department of Community Development, Portage City Hall by the last business day of each month.
5. Can I register to participate at any time?
 - a. Yes. Businesses can register to participate at any time. We have an ongoing “rolling” registration. The names of participating businesses will be updated on the Passbook weekly.
6. Is there a purchase necessary to enter the event?
 - a. No purchases are necessary to enter.
7. Where can I get a copy of the Passbook?
 - a. Additional/Monthly Passbooks are available from the City of Portage Website via [\(link to be determined\)](#).
8. May I collect more than one stamp from each participating business?
 - a. You may not collect more than one stamp from each participating business each month.

FREE GIFTS

9. Where and when will the raffle be held?
 - a. Gifts will be awarded monthly. The specific gifts and number of gifts will be determined based on availability. The raffle will be held on the first Thursday of every month at the end of the Planning Commission meetings at City Hall. Winners will be notified on the following Friday, and winners’ names will be posted on the City website.

10. What types of gifts will be awarded?
 - a. Gifts will vary based on the donations made by businesses for each particular month but will include such items as gift certificates, gift baskets, and other items or services from participating businesses.

11. Where will I pick up my gift?
 - a. Your gift(s) will be available from the donating business. Winners will be informed when and where to pick up their gifts. Winners will have up to 2 weeks to claim their gift, and must show valid identification upon collection of the gift.

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – April 8, 2013

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Seyburn at 7:00 p.m. in the Council Chambers. One person was in the audience.

MEMBERS PRESENT: Bob Soltis, Lowell Seyburn, Timothy Bunch, Doug Rhodus, James White, Michael Robbe, Mariana Singer, Jeff Bright, and Glenn Smith.

MEMBERS EXCUSED:

None

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Singer moved and Schimmel seconded a motion to approve the February 11, 2013 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

None

NEW BUSINESS:

ZBA #12-23, 6685 South Westnedge Avenue: Mr. Mais summarized the request for a Temporary Use Permit to allow an additional 36-foot by 72-foot area for plant sales in the parking lot at 6685 South Westnedge Avenue from April 9 through June 30, 2013, and from April 1 through June 30th annually thereafter. Brian Gibson was present on behalf of Home Depot to answer questions. Bright inquired what type of goods they would be selling in the parking lot. Mr. Gibson stated live plants. Bunch inquired if any structures were proposed. Mr. Mais stated the code prohibited any capital improvements for temporary uses. Mr. Gibson stated the only structure would be the fence around the sales/display area.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Bright, seconded by Singer to approve a Temporary Use Permit to allow an additional 36-foot by 72-foot area for plant sales in the parking lot at 6685 South Westnedge Avenue from April 9 through June 30, 2013, and from April 1 through June 30th annually thereafter, with the following conditions: 1) no other outdoor display/storage be permitted outside of the proposed Temporary use areas unless a business special event permit is obtained; 2) hours of operation coincide with regular store operations; 3) no outdoor storage of bagged goods, pallets of pavers, landscape block and rack storage; 4) the permit be subject to staff review and approval on an annual basis. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Smith-Yes, Robbe-Yes, Singer-Yes, Smith-Yes, Rhodus-Yes, Seyburn-Yes. Motion passed 7-0.

OTHER BUSINESS:

Elections for officer vacancies were held. Jeffrey Bright was elected Vice Chair and Marianna Singer was elected Secretary.

STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:22 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeff Mais". The signature is written in a cursive, somewhat stylized font.

Jeff Mais
Zoning & Codes Administrator

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – May 13, 2013

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Seyburn at 7:00 p.m. in the Council Chambers. Six people were in the audience.

MEMBERS PRESENT: Lowell Seyburn, Timothy Bunch, Doug Rhodus, James White, Michael Robbe, Mariana Singer, and Glenn Smith.

MEMBERS EXCUSED:

Bob Soltis, Jeffrey Bright

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Singer moved and Bunch seconded a motion to approve the April 8, 2013 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

None

NEW BUSINESS:

ZBA #12-26, 5303 South Westnedge Avenue: Mr. Mais summarized the request for variances from: a) perimeter parking lot landscape requirements along the north property line, and b) refuse container setback and corresponding conflicting land use screening requirements along the east property line. Joe Maguire, of Wolverine Development Corporation stated the site was originally developed in the 1960's by his father but now looks dated and in disrepair. The applicant proposes to refurbish the building and associated improvements to accommodate a Grand Traverse Pie Company restaurant. Mr. Maguire stated they have worked extensively with city staff with the site design, but determined it was not possible to provide a 10-foot wide green strip with trees along Andy Avenue and provide adequate width for a maneuvering lane without losing required parking spaces. The applicant has agreed to provide a four-foot wide green strip where currently none exists and will provide the required green strip area along the east property line, reduce the size of the dumpster pad, and also replace the screening fence along the east property line. Mr. Maguire added that granting the request and permitting the aforementioned improvements would result in a reduction of the degree of nonconformity. Robbe inquired if staff had concerns or considered traffic visibility with their recommendation to add additional bushes along Andy Avenue. Mr. Mais stated the landscaping should not present traffic visibility issues. Seyburn inquired if the city had determined whether adequate parking was available. Mr. Mais stated yes. Seyburn inquired if the applicant had shown the neighboring residences pictures of the proposed redevelopment. Mr. McGuire stated they had not. Seyburn inquired if the applicant had considered alternate locations for the dumpster away from the east property line. The applicant stated yes. Rhodus inquired what purpose the landscaping along Andy Avenue served. Mr. Mais stated it aesthetically softened the view of the site's parking areas from the street.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by White, seconded by Singer to grant variances from: a) perimeter parking lot landscape requirements along the north property line (including a six-foot variance from the required 10-foot greenstrip, and tree and shrub plantings), and b) refuse container setback (three feet where a minimum 20-foot setback is required) and corresponding conflicting land use screening requirements along the east property line, conditioned upon the installation of an off-set row of shrubs within the newly established four-foot wide greenstrip area where a gap in plantings currently exists along the Andy Avenue frontage

(approximately 75-feet west of the Andy Avenue driveway), and installation of a new six-foot tall screening fence along the east property line for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the existing site nonconformities, and that strict code compliance would create a practical difficulty for redevelopment; the variance is necessary for the preservation of a substantial property right, the right to operate and best utilize its' parking lot; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Smith-Yes, Robbe-Yes, Singer-Yes White-Yes, Rhodus-Yes, Seyburn-Yes. Motion passed 7-0.

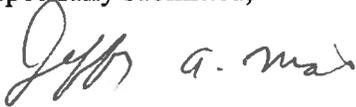
OTHER BUSINESS:

STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:38 p.m.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM APRIL 23, 2013

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

At the request of Mayor Strazdas, Elder Chris Vandenoever of the First Reformed Church 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 Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice Evans, City Attorney Randall Brown and City Clerk James Hudson.

PROCLAMATIONS: Mayor Strazdas issued a National Arbor Day Proclamation and a National Children's Mental Health Awareness Day Proclamation.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Campbell, to approve the Regular Meeting Minutes of April 9, 2013, and Budget Work Session of April 11, 2013, as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Campbell to read the Consent Agenda. Mayor Strazdas removed Item F.5, Class C Liquor License transfer ownership - 6600 Ring Road, from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 23, 2013:** Motion by Urban, seconded by Reid, to approve the Check Register of April 23, 2013, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

2013 UTILITY RATE FINANCIAL STUDY: Mayor Strazdas opened the public hearing and deferred to City Manager Maurice Evans, who provided a summary of the efforts of the City Council Water/Sewer (Utility) Rate Study Committee consisting of Mayor Pro Tem Reid, Councilmembers Campbell and Sackley, and Portage citizens Nasim Ansari and Ted W. Vliek, Sr. He indicated that after a thorough review of the 2013 Utility Rate Financial Study that was provided by the Administration, the Committee recommended adoption of the water and sewer rates and charges as outlined in the 2013 Study for Fiscal Year 2013-14 on March 26, 2013. He also indicated that there is a recommendation to eliminate the current Senior Citizen Discount Program effective October 1, 2013. He then introduced Transportation & Utilities Director Chris Barnes, who detailed the Portage water and sewer capacities, provided some background of the 2013 Study and presented a PowerPoint outline that included a description of water production trends and the effect these trends have on usage and the resultant utility system rate structure, the fixed rate and unit rate components of utility charges and the effect these components have on utility rates.

Mr. Barnes referred back to 2007 when the focus of the annual rate analysis changed from an emphasis on retained earnings to an emphasis on working capital, debt service and the fund balance of the utility fund. He provided a history of utility rate adjustments and projected that an increase of 0.93% to 1.45% for the combined funds are needed over the next three years to ensure the financial health of the utility funds, and indicated that the rate increases are trending down. Next, he explained the sanitary sewer rate adjustment, the water rate adjustment and presented a sewer utility rate comparison with other Michigan cities. Additionally, he noted that the Senior Citizen Discount Program was reviewed and was found to not be in conformance with current non-discrimination requirements and stated that the 2013 Utility Rate Financial Study recommends discontinuing the Program. Discussion followed.

At the request of Mayor Strazdas, City Attorney Brown provided an explanation of the reasons for discontinuing the Senior Citizen Discount Program. He pointed out that: first of all, Attorney John Axe, Bond Counsel, provided a legal opinion that the provisions contained in the Bonds that were used to obtain capital improvement of the utilities prohibit free service; secondly, Mr. Brown issued his own opinion that he reviewed the constitutionality of such a program and reviewed his opinion that the classification of age alone without any "need" requirement would be unconstitutional; and, lastly, he indicated that it could be viewed as a lending of credit for private purposes without statutory authorization. Discussion followed. Mayor Strazdas opened the discussion to other City Councilmembers and discussion followed. Mayor Strazdas opened the public hearing to the audience.

There being no further discussion, motion by Reid, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Sackley, seconded by Reid, to adopt the 2013 sewer and water rate Resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees and charges as outlined in the 2013 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee and eliminate the current Senior Citizen Discount Program, effective October 1, 2013. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on page 61 and 65 of City of Portage Resolution Book No. 45.

TAX EXEMPTION FOR SPRING MANOR APARTMENTS: Mayor Strazdas opened the public hearing, provided an overview of the purpose of the public hearing for the Spring Manor Apartments located at 610 Mall Drive, and deferred to City Manager Maurice Evans, who expressed his appreciation that the Hollander Development Corporation wishes to refinance in order to rehabilitate the Spring Manor Apartments, a 102-unit multiple family elderly housing complex. He noted that the plan is to introduce some major renovations and the creation of a staff position to provide support services for the elderly residents. He then asked Community Development Director Vicki Georgeau for input and Ms. Georgeau provided a history of the Spring Manor Apartments Project, mentioned the existing Payment in Lieu of Taxes (PILOT) ordinance for Spring Manor Apartments and summarized the advantages to be realized by the request from the Hollander Development Corporation. Discussion followed.

Mayor Strazdas introduced Joe Hollander of Hollander Development Corporation, who represents the owner of Spring Manor Apartments. He provided a history of the financing of the project sixteen years ago and the need for refinancing at this time to rehabilitate the premises for the residents. In answer to Councilmember Pearson, he explained that in "perpetuity" is a term that is usually aligned with the economic life of the project; and, where the term has been discussed, it means about 50 years because that is the time a major renovation typically needs to occur. He explained the services that will be provided and asked for the support of City Council for the PILOT. Mayor Strazdas opened the public hearing to the audience.

There being no further discussion, motion by Pearson, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Campbell, to approve an ordinance amendment to the Codified Ordinances of the City of Portage to modify an existing Payment in Lieu of Taxes (PILOT) for the Spring Manor Apartments located at 610 Mall Drive. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Phil Stinchcomb, 1607 Bellaire Avenue, spoke in his capacity as Kalamazoo County Commissioner and indicated that he did not speak to any Portage City Councilmembers concerning a proposal set forth regarding the contract among the City of Kalamazoo, Kalamazoo County and the City of Portage for housing the Kalamazoo County 8th District Court within the Portage Police Building, and indicated that he will vote "No" when the matter comes before the Kalamazoo County Board of Commissioners because he "does not want to continue to collect taxes for services we're not getting."

Councilmember Campbell asked that it be noted that City Council has not seen a formal agreement on this matter, and it was her understanding that it was still under negotiation.

Mayor Strazdas indicated that the City Council is awaiting a proposal from the Kalamazoo County Commission and a recommendation from the City Manager before having a public discussion by City Council on the matter and explained.

Councilmember Randall made a point to say that she would not comment on the proposal itself, and stated that she was disturbed by the process thus far since only half of the City Council were informed on this matter. She referred to a communication from City Manager Maurice Evans inviting City Council to have a public meeting on the matter, but pointed out that this did not happen. She indicated that it was inappropriate for any City Councilmember to express an opinion on this topic when it has yet to be discussed or decided by City Council; and, she pointed out that City Councilmembers were forbidden to discuss the matter because it had not been formally approved by the Kalamazoo County Commission and, again, had not been discussed by a full Council.

Councilmember Pearson expressed his appreciation to Commissioner Stinchcomb for coming before City Council with the information that he did not speak to any Portage City Councilmembers. He then followed up on a phone call he received that he felt was an interrogation, was demeaning and was based on rumor. He said that this Council needs to learn that it can not act as "Rumor Police" and interrogate other members. He advocated that City Council act as a team with trust in one another, and mentioned that Council is in need of good leadership which was sorely missed in this case.

Mayor Pro Tem Reid disclosed that she was the member of City Council who made the phone calls as she was asked to attend the Kalamazoo County Commission meeting and to be able to provide any input or feedback that might be required, but was not asked to be prepared to make a statement. She mentioned that she did not feel she could fulfill this requirement without information from her fellow Councilmembers, and she pointed out that she did not ask them whether or not they supported this because it had not come before City Council as yet. What she said she asked about was a rumor that had been brought to her attention and she wanted to find out if it was clear or not; so, if she were asked to address it at the meeting, she could address it. She defended taking that initiative as appropriate since Mayor Strazdas was out of town and, as the Mayor Pro Tem, she assumed his role at the meeting and acted as a resource on the matter for the County. She mentioned that this is a cooperative effort with the County and that this was the appropriate way to approach and handle this matter in this case. She apologized for any misperceptions as she was trying to be inclusive and address something in a short period of time.

Councilmember Sackley noted that the work performed by Mayor Pro Tem Reid in this case was effective in dispelling the rumor and expressed appreciation to her for positive efforts. He pointed out that this was an item of discussion that has gone on for years, gave examples and reflected that it was not a surprise to City Council. He directed his comments to Commissioner Stinchcomb and summarized the history of the courts and judgeships in Kalamazoo County as it relates to this issue. He also mentioned the number of questions asked by the County Commission, who drilled down on items that had been a part of briefings from City Manager Maurice Evans such as the status of the negotiations and the dollar amounts and how they were derived. He intimated that the discussions were open and frank, and that he felt that the Commissioners were appreciative of having representatives of the City of Portage present, including people who had been involved in the negotiations and discussions for some time. In the end, he reminded Mr. Stinchcomb that when the question was asked whether the Portage City Council would be supporting this agreement, he reminded him that the response was that the City Council has nothing to consider until the Kalamazoo County Board of Commissioners amends the agreement which can then be circulated to the Kalamazoo City Commission and the Portage City Council for consideration and finalization. He summarized his position on this subject and expressed his appreciation for Commissioner Stinchcomb for coming to the meeting to state his position and restated his appreciation for the efforts of Mayor Pro Tem Reid for her work in this case.

Councilmember Urban also expressed his appreciation for the work performed by Mayor Pro Tem Reid before the meeting, noted that she provided a report back to City Council within twenty-four hours and explained that what she did with regard to preparing for the meeting was very appropriate. He discussed his preference that a court be housed in Portage and pointed out that the funds used to satisfy this contract are not derived from taxes, but from fines levied by the court. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

- * **PUBLIC HEARING ON FISCAL YEAR 2013-2014 BUDGET:** Motion by Urban, seconded by Reid, to adopt the Resolution setting a public hearing on May 14, 2013, at 7:30 p.m. or as soon thereafter as may be heard, for the Fiscal Year 2013-2014 proposed city budget and the proposed 2013 tax levy. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 71 of City of Portage Resolution Book No. 45.

- * **2012 LOCAL STREET PAVING RECONSTRUCTION – ADDITIONAL STREET RECOMMENDATIONS:** Motion by Urban, seconded by Reid, to approve: a budget amendment to transfer \$200,000 from the Fiscal Year 2012-13 General Fund budget to the Fiscal Year 2012-13 Capital Improvement Fund budget; a change order in the not to exceed amount of \$191,601 for additional street reconstruction at extended unit pricing with Michigan Paving & Materials Company to expand the 2012 Local Street Reconstruction Program; a contract amendment with Jones & Henry Engineers, LTD, for construction administration and material testing for the streets added to the 2012 Local Street Reconstruction Program at no increase in hourly rate in the not to exceed amount of \$27,350; and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

- * **6301 NEWPORT ROAD EASEMENT REQUEST - CONSUMERS ENERGY:** Motion by Urban, seconded by Reid, to adopt a Resolution to grant an access easement to Consumers Energy over a portion of city-owned property addressed as 6301 Newport Road, place the Resolution on file with the City Clerk for 28 days, take final action on May 28, 2013, and authorize the City Manager to execute the access easement on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 73 of City of Portage Resolution Book No. 45.

- * **NEW HOTEL B LIQUOR LICENSE - 400 TRADE CENTRE WAY:** Motion by Urban, seconded by Reid, to adopt the resolution granting the request for a New Hotel B Liquor License to C.Y. of Portage for 400 Trade Centre Way, Portage, MI 49002. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 77 of City of Portage Resolution Book No. 45.

CLASS C LIQUOR LICENSE TRANSFER OWNERSHIP - 6600 RING ROAD: Mayor Strazdas introduced this item and introduced Kenyon Shane, Vice President of Revenue Development for Celebration Cinemas, who explained the nature of the request in more detail, answered questions of City Council and compared the request to a similar request in downtown Kalamazoo by a different cinema organization. Discussion followed.

After discussion of Liquor Control Commission administrative rule R 436.1105, motion by Sackley, seconded by Campbell, to approve the request for a transfer of ownership and location of an Escrowed 2012 Resort Class C Liquor License issued under MCL 436.1531(2), Minimum Seating: 100, to Celebration Banquets, L.L.C., 6600 Ring Road, Portage, MI 49024, Kalamazoo County. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

After a discussion of the option to table the continuation of future consideration of liquor license transfer requests and the perceived need for City Council to review transfer requests in order to provide an opinion to the Liquor Control Commission, motion by Urban, seconded by Sackley, to

resolve to continue future consideration of liquor license transfer requests. Upon a roll call vote, motion carried 7 to 0.

* **50TH ANNIVERSARY EVENT – RECOGNITION OF ADVISORY BOARD AND COMMISSION MEMBERS:** Motion by Urban, seconded by Reid, to affirm the plan to recognize Advisory Board and Commission members as part of the City of Portage 50th Anniversary approve the expenditure of up to \$2,500 for the event and commit to assisting with event activities. Upon a roll call vote, motion carried 7 to 0.

* **MARCH 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the March 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

PARK BOARD CHAIRPERSON SUSAN WILLIAMS: Park Board Chairperson Susan Williams provided an update of the Park Board Goals and Objectives and provided special recognition to Kathleen Hoyle, who shouldered the responsibilities of the Art in the Park and was instrumental in obtaining grants and contributions totaling \$10,000. Discussion followed. Motion by Reid, seconded by Sackley, to receive the Annual Presentation by Park Board Chairperson Susan Williams. Upon a voice vote, motion carried 7 to 0.

HUMAN SERVICES BOARD CHAIRPERSON SANDRA SHEPPARD: Human Services Board Chair Sandra Sheppard reviewed Board progress on the Human Services Board Goals and Objectives. Discussion followed. Motion by Urban, seconded by Reid, to receive the Annual Presentation by Human Services Board Chairperson Sandra Sheppard. Upon a voice vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

* **WATER MAIN EASEMENT RELINQUISHMENT AND SANITARY SEWER ENCROACHMENT, MUELLER REFRIGERATION, 6700 SPRINKLE ROAD:** Motion by Urban, seconded by Reid, to take final action to adopt a resolution to relinquish 89.15 feet of an existing water main easement located on the west side of the existing Mueller Refrigeration building, replaced with a new water main easement for the portion of the vacated water main. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:

Portage Zoning Board of Appeals of February 11, 2013.
Portage Planning Commission of March 21, 2013.
Portage Board of Education Special of March 26, 2013.

AD HOC COMMITTEE REPORTS:

COMMEMORATIVE 50TH ANNIVERSARY COFFEE TABLE BOOK: Mayor Strazdas provided a summary of Former Mayor Pro Tem Ted W. Vlieg's and his communication dated April 23, 2013, regarding the publication of a Commemorative 50th Anniversary Coffee Table Book. Discussion followed. Motion by Campbell, seconded by Sackley, to approve the expenditure of up to \$2,000 for printing of the City of Portage history book update and directed the Administration to enlist the services of David Massey to do the writing. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

BANNER COMMITTEE: City Council received a review from Mayor Strazdas of a meeting of the Banner Committee that did not include Portage Public School representatives owing to a conflict. Mayor Strazdas promised a report on the matter once there is input from the Portage Public Schools representatives.

LAKE CENTER BUSINESS DISTRICT COMMITTEE: City Council received a review from Mayor Pro Tem Reid, Councilmember Pearson and Councilmember Sackley of a meeting of the Lake Center Business District Committee. Discussion followed.

NEW BUSINESS: Councilmember Randall said, "There is lots going on, all positive;" and, "in the continued spirit of Leadership and Best Practices," she proposed that City Council form a subcommittee to review outsourcing and consolidating of assessing. She referenced a program she, other Councilmembers and city staff attended last month with WCA Assessing and thanked Mayor Strazdas and Mayor Pro Tem Reid for sponsoring this through the Council of Governments (COG). She also commented that as City Council enters into the final Budget Session, April 30, 2013, there is a need to continue to spend citizens' dollars wisely. Discussion followed.

Next, Councilmember Pearson referenced a joint meeting he attended as a citizen a couple of years ago among the government officials of the Kalamazoo County Commission, the City of Kalamazoo and the City of Portage with Eric Lupher of the Citizens Research Council (CRC), who discussed collaboration and consolidation in other jurisdictions and in other states. He mentioned that during "Statements of Citizens," he asked Mr. Lupher, "What's the obvious change you see in Kalamazoo County to save money?" He indicated that Mr. Lupher did not really want to answer the question right away with all of the elected officials there, but he then relaxed and replied, assessments and tax collection should be at the County level and explained (Councilmember Pearson said he is paraphrasing Mr. Lupher, here), that back in the Pony Express days, we didn't have modern roads or telephones, and we had all of these different jurisdictions; so, that's why every small municipality has its own assessments and tax collection departments; and, the State Tax Commission makes all of the rules for all of the jurisdictions in the State, and tax collection is uniform and that's where you can start. Councilmember Pearson indicated that he was prepared to make a motion and expressed an interest in looking at this issue, having a committee that can ask questions of staff and bring back information to the full Council. He said everything does not have to wait to be addressed at the City Council Retreat and referenced the Collection Box issue as an example that came before City Council as New Business and took six to eight months to reach an agreement on an ordinance. He viewed this as an appropriate time for City Council to comment on this matter to save the citizens money. He indicated that he is not saying that the City should immediately merge the Assessment Department with the County, but pointed out that the City of Kalamazoo has been outsourcing its Assessment Department since last year. He opined that it is time City Councilmembers begin discussing this matter. He also said, "If we can be more efficient in our government, this would set the City of Portage up for eventual collaboration with another government." Lastly, he invited comments from other City Councilmembers.

Councilmember Campbell indicated that based on conversations she has had, the City of Kalamazoo has been outsourcing its Assessment Department with CRC and is very satisfied with them.

She expressed an interest in being fair and equal, saving the citizens money and indicated that it is worth looking into this right now. She mentioned a conversation she had with Employee Development Director Rob Boulis, who indicated that it is very difficult to find qualified candidates for the vacant Deputy Assessor position in an office with staff that needs a person to fill that position. She advocated at least getting some information even though nothing may happen with the matter.

Mayor Pro Tem Reid reflected that there was a lot of interest from other municipalities in this subject when it was being proposed by COG and in seeing how one company (WCA) could do the job. She expressed her opinion that it is prudent to do some due diligence and some research to see what exactly is involved in the assessment process and what are the available options. She sees this as an opportunity to do this in a very open way without having any preconceived goals of either outsourcing or consolidating, but to see which option makes the most sense and to have a dialogue with that kind of an approach.

Mayor Strazdas expressed his opinion that units of government need to take a look at how they do business. He indicated that two areas of government need to be scrutinized in Portage: Public Safety, with central dispatch currently enduring the due diligence process in Portage, and the assessment function. He concurred with Mayor Pro Tem Reid that it should be done openly and without any preconceived notions; he also advocated looking at all aspects of it, especially looking at all of the costs balanced with the effect on service to the citizens, as is being done with the central dispatch.

Councilmember Sackley indicated that this topic of "assessing" has consumed an incredible amount of resource and time over the years and cited committees, committees of the whole, where Councilmembers have expressed their opinions. He agreed with Councilmember Pearson that this is an important topic and other communities have subscribed to this for different reasons pointing out that the City of Kalamazoo had an Assessor leave and had to fill a void. He mentioned that the Deputy Assessor position is open, but with a fulltime staff and contractual arrangements, the Department seems to be getting the job done. He noted that the most important area of concern for him is the *City Charter* and the Council / Manager form of government. He advocated having the discussion, if it will save money, increase efficiency or have the department become more customer friendly. He also expressed his preference in the Committee of the Whole instead of a subcommittee and explained that other departments could be reviewed for privatization and explained. Discussion followed.

Councilmember Urban cited some past outsourced, privatized, etc., activities and indicated that they were all prompted by the Administration, who brought the topic to the City Council, and indicated that this is the right way to do business. He pointed out that the City Council is a policymaking board, not a management board, and noted that City Council does not have the expertise to even know that this is the right time to study this. He indicated that he is not in favor of relinquishing control over this particular department; therefore, in absence of a recommendation from the City Manager that we review this particular department, one which interacts with all citizens either by mail or face-to-face, he is not in favor of this study.

After discussion, motion by Pearson, seconded by Randall, to form an Assessment Outsourcing Committee that outlines the issue for staff analysis so that the Committee can report back to full Council for further consideration.

City Manager Maurice Evans took exception with the word "outsourcing" as it generates a foregone conclusion and is unfair to a city assessing department that does an excellent job as well as a City Administration that collectively does a nice job with budgets that balance, a strong fund balance and operations that are outstanding. He concurred with Councilmember Sackley that whatever is done should be with the use of Council as a Whole and mentioned that Council as a Whole also has to address the Central Dispatch issue. He suggested looking at the management study reflecting the pro's and con's of changing the assessment function approach.

Mr. Evans also indicated that the City Attorney should look at the *City Charter* to see if outsourcing the assessment function can be done without violating the *Charter* because the Assessor is a *Charter* position. He noted that because of the difficulties involved, it will prohibit the three entities of government from collaborating. He indicated that he understands their interest in outsourcing, which the

City of Portage has successfully accomplished in the past in some areas. He objected to City Council getting involved in Administrative type of functions, indicated they have that right to collectively come to an agreement on it, and pointed out that the City of Portage has excellent assessment services at a great price; and, when cutting costs, service cuts have to be a part of the balance. He indicated that Portage is on the cutting edge, cited comments from the State Tax Commission when it comes to different documents provided to them and the successful 14-point review, and asked, "So what's the issue?" He suggested that if City Council forms a committee, it would be best to form a Committee of the Whole and work on the matter collectively.

Councilmember Sackley concurred with Mr. Evans, indicated that he believes in the *City Charter* and agreed that the City Attorney should provide advice on the matter. He pointed out that this is a very significant item, but it comes as a surprise which is against one of the City Council directives and polices which City Council has articulated and talked about. He objected to the unrelenting attacks on the City Assessor Department practices for several years and noted that the City has spent tens of thousands of dollars to prove (to ourselves, to some of us, and to the community) that the City of Portage assessing practices meet State standards. He mentioned the hiring of consultants, the quality review performed by the State Tax Commission and pondered what else can be done?

Councilmember Sackley expressed a serious concern with "people" who have declared personal biases, a conflict of interest, or potential conflicts of interest, having conversations with vendors or contractors already performing these services, or who are already in the business of contracting these services with cities, townships or counties, without a full vetting of potential or perceived conflicts, agendas or biases that have been expressed or unexpressed. He advocated having these conversations in front of Portage citizens-at-large, knowing the conversations are on solid legal footing. Ancillary to this, Mr. Sackley indicated that if City Council has problems with the City Manager and the way he runs his staff, and the way he runs the city, he is glad these conversations are being expressed on camera, in front of people, at an open meeting here tonight. He mentioned that one budget review session has been completed, and one more still has to be held. He noted that the Public Hearing on Fiscal Year 2013-2014 Budget was set earlier for May 14, 2013, and pointed out, again, that this New Business item brought under a different framework from how it was brought in the past comes as a complete surprise, especially given that this topic has been thoroughly investigated in the past. He suggested a motion to go back and read the *Charter* and see what a Council/Manager form of government is and to have an in-service session with the City Attorney to refresh City Council on what a Council/Manager form of government is.

Mayor Pro Tem Reid objected to the motion as stated because it is directed specifically towards looking at options of outsourcing. She indicated that this is not an open way to investigate opportunities or the possibilities because it is putting the goal at the end before any research is done at the front end, so she indicated that she would not be supporting the motion as it stands.

Motion by Sackley, seconded by Reid, to call the question. Mayor Strazdas asked City Clerk James Hudson to read the motion, but he deferred to the maker of the motion. At the request of Mayor Strazdas, Councilmember Pearson read the motion, again: to form an Assessment Outsourcing Committee that outlines the issue for staff analysis so that the Committee can report back to full Council for further consideration. Explanation regarding "to call the question" followed. Upon a roll call vote motion carried 5 to 2. Yeas: Mayor Pro Tem Reid and Councilmembers Sackley, Urban, Pearson and Randall. No: Mayor Strazdas and Councilmember Campbell. With regard to the original motion, upon a roll call vote, the motion failed 4 to 3. No: Councilmembers Sackley and Urban, Mayor Strazdas and Mayor Pro Tem Reid. Yeas: Councilmembers Campbell, Pearson and Randall. Discussion followed.

Mayor Strazdas expressed his understanding of the City Manager form of government and pointed out that sometimes the City Manager brings matters of business before City Council, and sometimes City Council brings matters forward.... that we "direct" the City Manager. He said, "At times, yes, the City Manager runs the City, at times we do some direction; so, I don't think it's all that black and white." He then indicated that if the motion read that the matter would always be heard by the

Committee of the Whole, he would vote for it because he wants to get these answers out in public. Discussion followed.

Motion by Pearson, seconded by Randall, to form an Assessment Outsourcing Committee of the Whole that outlines the issue for staff analysis for further consideration. Mayor Strazdas reflected that in earlier discussions, there seemed to be objections to the use of the terms “outsourcing” or “not outsourcing” as they could be determining the outcome of this issue. He expressed an interest in having “a review of all options” and offered this as an amendment to the motion. With that, motion by Pearson, seconded by Randall, to change the wording of the motion to read, “assessment options” instead of “assessment outsourcing.” Councilmember Sackley pointed out that City Council does not need a committee, a subcommittee or a Committee of the Whole to ask the City Manager to look into something and explained. He objected to bringing the matter forth during budget review time and stated that it should have been brought months ago, so it could be incorporated in the budget process. He intimated that this is not the time to refer it to the Administration because it is inappropriate and disrespectful, if the expectation is to bring it back and incorporate it into the budget review session. He also remarked that it was not broached at the City Council retreat and favored discussion of the matter like City Council discusses all matters.

Councilmember Pearson recounted that it took many months to go through the Collection Box Ordinance process and related that there is no rush to do this. He shared his thought that if City Council waits for the retreat, that extends the wait another six months, and expressed his wish to get the conversation going with no intent to make a decision during budget review time and no time line for a report back from the Administration. He said, “Maybe there is no savings; we should hear that.”

City Manager Maurice Evans, respectfully took exception to Mayor Strazdas’ remark that sometimes the City Manager runs the City because it is a City Manager form of government and he is the City Manager and he manages the city. He acknowledged that if there are objections to his management, City Council can exercise their options in accordance with the employment agreement; however, he stated that is not his goal because his goal is to manage the City of Portage. He alluded to the report regarding privatizing water and sewer operations in 1997 and stated that surely that report came first from the Administration. Also, he intimated that if City Council wants a report, that it would be handled much like Central Dispatch: a request for proposals would be formulated and sent out and a quality firm would be contracted with City Council approval; but, he provided a very strong caveat when it comes to contravening *City Charter*.

Councilmember Urban concurred with Mr. Evans and hypothesized if the goal is to save money and improve the operations of the City, then no department should be specified and offered the option of giving the City Manager the request to look at operations, as he always does, look for savings, look for opportunities to outsource, continue doing his job and determine whether there are additional savings to be realized for the next budget. He objected to targeting any particular department, especially the Assessor’s Department, and reiterated that there are probably other departments, all of which are doing an excellent job, but have less impact on the citizens of Portage in areas where control could possibly be relinquished, but assessing is not one of them. He indicated that he would not be supporting the motion as no department should be targeted for the purpose of monetary savings, particularly the Assessor’s Office which is out front with the customers.

Mayor Pro Tem Reid expressed her concern that the discussion has centered on how to save money instead of how to best serve the citizens of Portage, and particularly in the Assessor’s Office those two concerns are very close to each other. She explained the dichotomy of interests between the Assessor’s Office that is charged with valuation of property accurately in order for the City to collect taxes to pay for services and the citizens’ concern of possibly paying more taxes than they possibly should. She indicated that this sets up a situation where the City appears to be against its citizens, so a review of the process should not take place without the focus being on the impact on citizens and the fairness of the assessments, as it may result in less expensive service, but not in better service to the citizens. She also pointed out that Mr. Evans has always brought forward areas where the City can save

money, so if that is the focus, nothing special has to be done, and she expressed her concern that this is coming down to a financial issue and said, "That is not where the heart of it is."

At the request of Mayor Strazdas, Mr. Hudson read the motion as amended to read: motion by Pearson, seconded by Randall, to form an Assessment Options Committee of the Whole that outlines the issue of staff analysis for further consideration. Mayor Strazdas asked Councilmember Pearson if he would be interested in amending the motion to include any other department in addition to that, but he indicated that he did not want to spread the effort out so thin. When he declined to change his motion, he explained his rationale and emphasized his interest in flexibility to accommodate the scheduling requirements of the Assessor's Office. Mayor Strazdas asked him if he was interested in including cost and service, and Councilmember Pearson answered in the affirmative and Councilmember Randall concurred. Councilmember Sackley asked for a clarification that the "Committee of the Whole" meant to refer the matter to the Administration because there is no timeline on the request, and Councilmember Pearson answered in the affirmative. Mayor Strazdas interjected that this was his understanding, also, and drew an analogy with the Collection Box Ordinance process, indicated that this matter might require a *Charter* review first, and revealed his perception that the process is similar even though the content of reviewing a department is different from the review of a Collection Box Ordinance; he indicated that his understanding of the intent of the motion is that the matter will be reviewed by the Administration without a timeline and with a review of various options.

At the behest of the City Attorney, Mayor Strazdas asked Councilmember Pearson to agree to have the motion include, "to refer the matter to the City Manager for a review and a report be brought back to the Committee of the Whole" and explained. Councilmember Pearson agreed and Councilmember Randall concurred.

Mayor Pro Tem Reid asked for a clarification and asked whether there is any functional difference between the way the motion is stated and requesting that the City Manager do an investigation of this matter and report back the legal and functional aspects of this issue to City Council? Councilmember Pearson explained.

Councilmember Sackley indicated that he would be opposing this motion, that he has concerns with *Charter* considerations, wants those to be answered before addressing this issue, and views this as a vote of no confidence in the City Manager and a relentless attack against him and his ability to run one of the departments under his control.

Councilmember Pearson responded and stressed that this is a concern with this department; that he and other Councilmembers have had an issue with this department and had to bring in attorneys to see that things are being done right; and, in the last few years, other jurisdictions have looked at the model as did the City of Kalamazoo. He said it is not an endorsement of any one assessing department that "comes in," as members of City Council have been hearing that this is an option for the last couple of years and "we have seen other municipalities go to that." So, he considers it prudent to see what it is and advocated that to see what it is, the City Manager needs to conduct an analysis and provide feedback regarding his opinions to the Committee of the Whole.

Councilmember Urban said that this is simply asking City Manager Evans to do his job and saying he is not doing it. He then indicated that he would not be supporting the motion.

City Manager Evans indicated that every time an issue has been brought up about the Assessing Department, the Administration has filed incredible reports and has spent an exorbitant amount of staff time; we have given City Council the information and proved time and time again that the job is being done, done well, done efficiently, and done in accordance with state guidelines; there's no corruption, the records are up to date and it is not enough. So, he concluded that this is a relentless attack and even a vendetta against the Assessor's Department. He said that the Assessor staff is being efficient, being effective and their service is outstanding. He pointed out that the customer service cards for years now have reflected nothing but good and asked, "When does it let up?" "Say they are doing a good job, and stop it." That being said, he offered the best study possible, if that is what City Council wants.

Councilmember Pearson responded back to the original comment from Mr. Lupher from CRC when he asked where can the County save money and he answered by not having so many small assessing departments.

Mayor Strazdas recognized that there are a lot of strong feelings among City Councilmembers on this issue and expressed his hope that City Council can arise above that. He mentioned that there might be perceptions of whether Mr. Evans is doing his job, and indicated that he is the best City Manager in the State of Michigan. He emphasized that this is not about the quality of our City Manager and expressed his hope that, however this turns out, Mr. Evans does not perceive that we are challenging his ability. Mayor Strazdas indicated that there have been a lot of reviews of assessing, but there has not been a review of assessing options in his opinion, and if we find that we have the best, most cost efficient Assessor's Office, so be it. He emphasized that this is not about the quality of the City of Portage Assessor's Department and not about the integrity of our City Manager, but is about looking at options. He noted that he would be voting for the motion to get to the bottom of the concern, here, and explained. Councilmember Pearson concurred.

Mayor Pro Tem Reid separated the motion into a two-step process, one to look into the *City Charter* to determine the legal aspect regarding the issue and one to decide to review the options. She offered to break it down so that no extra staff time is spent looking at options, if legally it can not be done or if it is not within the parameters of what can be done. She advocated a legal review, then give direction to staff. Mayor Strazdas concurred with her logic.

Councilmember Pearson stated that obviously the City Attorney will investigate the matter and have an answer for City Council within a short time that would be in a pre-report if changes are found to not be legally feasible. Therefore, he indicated that it does not necessarily need to be "split off" and can come back together with the answers to the other questions.

Motion by Sackley, seconded by Urban, to table this until the City Attorney can provide a legal opinion as to whether or not the assignment that has been given to the City Manager is consistent with the *City Charter* and State Law. Upon a roll call vote, motion failed 4 to 3. Yeas: Councilmembers Urban and Sackley and Mayor Pro Tem Reid. No: Councilmembers Campbell, Pearson, Randall and Mayor Strazdas. Mayor Strazdas shared that he voted against the motion as Mr. Evans would logically follow this process, nevertheless.

In light of this, Councilmember Sackley asked whether the makers of the motion would amend their motion to put in a two-step process so that the legal review is undertaken before the City Manager is asked to do anything else because, even though it may be implied, he expressed a preference that the direction of City Council be that the City Manager and the City Attorney address those issues first before doing anything else. Councilmember Pearson agreed to amend the motion to have a "pre-report" because that doesn't take any time and Councilmember Randall concurred. Mayor Strazdas continued to facilitate the discussion, but asked that City Council focus on the amendment. There being no further discussion, Mayor Strazdas called for the question and explained.

There was a roll call vote on the motion which now reads, "to form an Assessment Options Committee of the Whole that outlines the issue of staff analysis for further consideration, to refer the matter to the City Manager for a review and a report be brought back to the Committee of the Whole, including cost and service, and to have a "pre-report."

During the roll call vote, Councilmember Sackley questioned the City Attorney whether he is required to vote "yes" owing to his request for a "pre-report." City Attorney Brown assured him he can vote either way, so Councilmember Sackley, who first voted "yes" asked Mr. Hudson to change his vote to "No" on the matter. Upon a roll call vote, motion carried 5 to 2. Yeas: Councilmembers Campbell, Pearson and Randall, Mayor Pro Tem Reid and Mayor Strazdas. No: Councilmembers Sackley and Urban. Mayor Strazdas asked Mr. Evans if he had any questions regarding the matter, and Mr. Evans just emphasized the importance of the issue and that he wished to have the time to diligently investigate the matter and report back.

BID TABULATION:

* **BID RECOMMENDATION - HVAC MAINTENANCE:** Motion by Urban, seconded by Reid, to approve the low bid for a two-year contract with Hurst Mechanical in the amount of \$76,166.27 for Heat, Ventilation and Air Conditioning (HVAC) maintenance of city owned facilities, with an option for two one-year contract extensions and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmembers Campbell, Sackley, Urban and Pearson and Mayor Strazdas expressed sorrow for the passing of Former Councilmember Lewis Bashaw and expressed their condolences to the family. Councilmember Campbell invited everyone to the Portage Rotary Club Annual Scholarship Luncheon at the Senior Center.

Councilmember Randall expressed her concern for the people of Boston, who suffered losses from the bombing at the Boston Marathon and Mayor Pro Tem Reid and Mayor Strazdas concurred. She also invited everyone to attend the Angling RoadRunner 5k Walk at Angling Road Elementary School, 5340 Angling Road, Friday, April 26, 2013, at 6:00 p.m.

Mayor Strazdas indicated that his parents live five blocks away from where the second Boston "bomber" was identified. He requested that Public Safety Director Richard White come before City Council to inform City Council and the public what the Public Safety Department is doing to keep us safe. He cited the unsafe conditions in and around Grand Rapids because of excess flooding from the recent excessive rainfall. He also mentioned that he attended "Scrabble© Fest" at Portage Northern High School where he discovered that there are 25,000 adults in Kalamazoo County who can not read.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:37 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY COUNCIL MEETING MINUTES FROM MAY 14, 2013

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

At the request of Mayor Strazdas, Pastor Adam Davidson of the Portage Free Methodist Church 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 Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Councilmember Elizabeth A. Campbell was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a Safe Boating Week Proclamation.

APPROVAL OF MINUTES: After a request and a clarification from Councilmember Pearson, Councilmember Sackley took exception to the use of the word "all" by Councilmember Pearson in the April 23, 2013 Regular Meeting Minutes when he stated, "that we have all had an issue with this (the Assessor's) department." Discussion followed. Councilmember Pearson agreed to have the minutes reflect himself and others. Councilmember Sackley indicated that he has never had an issue with the Assessor Department and Councilmember Urban, Mayor Pro Tem Reid and Mayor Strazdas indicated that each of them has never had an issue with the Assessor Department and all wished the minutes to reflect that fact. Motion by Sackley, seconded by Reid, to approve the April 23, 2013 Regular Meeting Minutes as corrected and April 30, 2013 Budget Work Session Minutes as presented. Upon a roll call vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Pearson to read the Consent Agenda. Motion by Pearson, 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 OF MAY 14, 2013:** Motion by Pearson, seconded by Reid, to approve the Check Register of May 14, 2013. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

PUBLIC HEARING ON THE FISCAL YEAR 2013-2014 PROPOSED BUDGET:

Mayor Strazdas introduced City Manager Maurice Evans, who summarized some of the points contained in the proposed 2013-14 Fiscal Year Budget. He indicated that the total budget is \$62.59 million that includes the General Fund, the Capital Improvement Fund, Curbside Recycling Fund, Leaf Pick-up Fund, Spring Clean-up Fund and the Municipal Street Fund. He pointed out that this proposed budget maintains the overall city tax rate (millage) at 10.7778 mills, the same as Fiscal Year 2012-13, and the incorporation of an approximately 2 percent reduction in property tax revenues, or approximately \$250,000, combined with an approximate 4 percent increase in state revenue sharing, or approximately \$134,000, for a net loss in revenue. He also mentioned the incorporation of the Economic Vitality Incentive Program (EVIP) from the State of Michigan resulting in payments of approximately \$289,000 and a continuation of support from the General Fund of the Capital Improvement Project (CIP) fund in the Major Street Fund and the Local Street Fund. He indicated that remaining elements of the original South Westnedge Enhancement Projects (SWEPs) have been deferred or eliminated and he reviewed how the city plans to address improvements in municipal sanitary sewer service, treatment of "Tier" Growth Construction Plan for street construction areas, water utility improvements and incorporation of the *Placemaking* initiative undertaken in order to capitalize on past infrastructure investments directed to bikeway and trailway development.

Mr. Evans listed the top five projects in the Capital Improvement Program (CIP). He also indicated that the City of Portage continues to remain in the lower 25 percent of all Michigan cities of greater than 25,000 in population in terms of millage level. Mayor Strazdas opened the public hearing for comments and input from the audience. There being no discussion or comment, motion by Urban, seconded by Reid, to close the public hearing on the Fiscal Year 2013-2014 proposed Budget. Upon a voice vote, motion carried 6 to 0. Discussion followed and Mayor Strazdas indicated that the Fiscal Year 2013-2014 proposed Budget will be considered for approval on May 28, 2013, and that this will be one more opportunity for public input.

REPORTS FROM THE ADMINISTRATION:

* **ADDENDUM NO. 3 TO THE DISTRICT COURT CONSOLIDATION AGREEMENT:** Motion by Pearson, seconded by Reid, to approve Addendum No. 3 to the District Court Consolidation Agreement and authorize the City Manager to sign the Addendum on behalf of the City of Portage. Upon a roll call vote, motion carried 6 to 0.

* **FY 2013-14 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM:** Motion by Pearson, seconded by Reid, to approve the Community Development Block Grant (CDBG) Program FY 2013-14 Annual Action Plan element of the Consolidated Plan and authorize the City Manager to submit the application to the Department of Housing and Urban Development. Upon a roll call vote, motion carried 6 to 0.

* **CITY OF PORTAGE – TOWNSHIP OF SCHOOLCRAFT SANITARY SEWAGE DISPOSAL AGREEMENT:** Motion by Pearson, seconded by Reid, to approve a five-year extension for the *City of Portage – Township of Schoolcraft Sanitary Sewage Disposal Agreement* and authorize the Mayor to sign the agreement extension on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **TELEPHONE SERVICES AGREEMENT:** Motion by Pearson, seconded by Reid, to approve the 24-month extension of the TDS, Metrocom Telecommunications Services Agreement for the provision of telephone services at an approximate annual cost of \$51,637 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **LIFE AND LONG-TERM DISABILITY INSURANCE:** Motion by Pearson, seconded by Reid, to approve a two-year contract renewal with The Hartford for employee basic life, basic accidental death and dismemberment, contributory life, contributory accidental death and dismemberment, dependent life and long-term disability insurance and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **FINAL PLAN FOR SOUTHWEST MICHIGAN DERMATOLOGY, 3000 OLD CENTRE ROAD:** Motion by Pearson, seconded by Reid, to approve the Final Plan for Southwest Michigan Dermatology, 3000 Old Centre Road. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

ANNUAL PRESENTATION BY HISTORIC DISTRICT COMMISSION CHAIRPERSON MARK REILE: Historic District Commission Chairperson Mark Reile provided an update on the activities of the Historic District Commission. Discussion followed. Motion by Reid,

seconded by Urban, to receive the Annual Presentation by Historic District Commission Chairperson Mark Reile. Upon a voice vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

PRESENTATION BY PUBLIC SAFETY DIRECTOR RICHARD WHITE: Mayor Strazdas reviewed past emergencies and introduced Public Safety Director – Police / Fire Chief Richard White, who provided a presentation regarding the City of Portage emergency preparedness. Discussion followed.

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

Portage Youth Advisory Committee of March 25, 2013.
Portage Park Board of April 3, 2013.

AD HOC COMMITTEE REPORTS:

AD HOC PROPERTY COMMITTEE: Councilmember Randall indicated that the Property Committee met May 2, 2013, without Councilmember Campbell, who chairs the Committee, but could not be present, and May 14, 2013, without Councilmember Campbell and Councilmember Sackley, who could not be present. Also present were City Manager Maurice Evans and Community Development Director Vicki Georgeau. She reviewed the discussion of three City Outlots: 7200 Balfour, 7138 Capri Street and 1600 Friendly Avenue. She also reviewed the discussion of 10323 Archwood Drive and 1614 West Osterhout Avenue. Mayor Strazdas asked Councilmember Sackley if he had anything to add and discussion followed.

Mayor Pro Tem Reid asked for information on the Outlot Policy and asked if there was any discussion whether any of the lots could be used by Habitat for Humanity. Discussion followed. Community Development Director Vicki Georgeau explained the 1998 Outlot Policy used to dispose of property saying that an appraisal must be obtained before considering the sale of city-owned property.

Discussion followed and Ms. Georgeau explained that because these specific properties have been set aside for quite some time as future land connections and have been used by the neighboring property owners, the recommendation is to offer the properties to them, first. Also, all of these properties are zoned R-1B and Habitat for Humanity may not be able to build a home that meets the minimum floor area that would work for their families, so they would probably not be the first party interested in one of these purchases. Discussion followed. Councilmember Urban objected and indicated that the appraisal price is too high if the resultant is a lot line adjustment with extra square footage added to the yard of a property owner as opposed to the value of a non-conforming buildable lot. Discussion followed.

Motion by Urban, seconded by Pearson, to table until the next regularly scheduled meeting so that more information can be provided on the size of these lots, as well as the adjacent topography and lot layout, so that all of the Councilmembers would have information on them, to include some kind of sales outline plan for the 60-day offer to neighbors, 90 day offer to the open market and contingencies on what to do with the properties. Upon a roll call vote, motion carried 6 to 0.

Mayor Strazdas indicated discussion regarding 10323 Archwood Drive would now commence and Councilmember Sackley recused himself.

Motion by Urban, seconded by Reid, to authorize the City Manager to negotiate a real estate purchase agreement with Mr. Jim Talbert. Upon a roll call vote, motion carried 5 to 0 with Councilmember Sackley abstaining.

Mayor Strazdas asked for discussion from City council regarding the property at 1614 West Osterhout Avenue, and Councilmember Pearson asked why there is no appraisal suggested for the

purchase of this property when there was a requirement to obtain an appraisal for the Outlot properties and 10323 Archwood Drive. City Manager Evans explained that this property is being purchased, not sold, and the Administration had confidence in the valuation of this parcel as it appears on the City's books, and there was a difference in opinion of whether to get an appraisal among the Property Committee, so the decision was made to have City Council of the Whole decide.

In answer to Mayor Pro Tem Reid, City Manager explained there are tactical differences in the negotiations if the appraisal comes in very high or very low and recommended that the appraisal should be done beforehand. Discussion followed.

Motion by Sackley, seconded by Pearson, to obtain an appraisal for 1614 West Osterhout Avenue, and that at the May 28, 2013 Regular City Council Meeting that the City Administration provide the report that they have already provided to the Property Committee with the recommendation, the ariel views, etc., to enable the City Council to take up the matter directly. Upon a roll call vote, motion carried 6 to 0.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Pearson, seconded by Reid, to appoint Sami Ahmad, Lauren Ammar, Lauren Bates, Amanda Boelman, Eli Cartier, Ansh Chaudhary, Stephen Chow, Liberty Curley, Kyle Huitt, Nadia Javeed, Sharat Kamath, Sisira Kavuri, Kitu Komya, Anjana Krishnan, Brandon Luevano, Kelcie McGowan, Kasia Mietusiewicz, Humza Mirza, Alexander Molner, Sophie Morin, Ugo Nwagbo, Sarah Patton, Aayushi Priya, Leah Roach, Audrey Searing, Genevieve Sertic, Taylor Snyder, Jodie Stoffer, Mitchell Symes, Jill Syrotchen, Ali Thomas, Jr., and Logan Wilson with terms ending June 30, 2014, to the Youth Advisory Committee; to appoint Genevieve Sertic with term ending June 30, 2014, as Youth Participant to the Environmental Board; to appoint Brandon Luevano with term ending June 30, 2014, as Youth Participant to the Historic District Commission; to appoint Kitu Komya with term ending June 30, 2014, as Youth Participant to the Human Services Board; to appoint Luren Ammar with term ending June 30, 2014, as Youth Participant to the Park Board; to appoint Kyle Huitt with term ending June 30, 2014, as Youth Participant to the Senior Citizens Advisory Board; to reappoint Lawrence Schmidt and George Theodoru and appoint Barney Martlew with terms ending June 1, 2016, to the Construction Board of Appeals; to reappoint Paul Welch and appoint Betty Schimmel and Henry Kerr with terms ending May 31, 2016, to the Planning Commission; to reappoint Don Ramlow with term ending May 31, 2016, to the Public Media Network Board; to appoint Roger Smith with unfulfilled term ending October 1, 2013, and Charles Thomas commencing September 1, 2013, with unfulfilled term ending October 1, 2015, to the Park Board; to appoint Theresa Bunch with unfulfilled term ending December 31, 2014, to the Historic District Commission; and, to appoint Bill Stannard with unfulfilled term ending January 31, 2014, to the Board of Review. Upon a roll call vote, motion carried 6 to 0.

ALLIED DISPOSAL SITE, LOCATED BETWEEN ALCOTT STREET AND CORK STREET: Mayor Strazdas handed out a draft proclamation regarding the Allied Disposal Site, Alcott Superfund Site, in Kalamazoo and explained. Councilmember Sackley indicated he personally agrees with the essence of the proclamation and is on the steering committee, but objected and explained that this could become a "slippery slope." Councilmember Pearson concurred completely. Mayor Pro Tem asked how support can be proffered to Kalamazoo without going down the "slippery slope." Councilmember Pearson answered, "...individually with our names." Discussion followed.

ASSESSMENT OPTIONS COMMITTEE OF THE WHOLE: Councilmember Sackley referred to the motion from the April 23, 2013 Regular City Council Meeting: to form an Assessment Options Committee of the Whole that outlines the issue of staff analysis for further consideration, to refer the matter to the City Manager for a review and a report be brought back to the Committee of the Whole, including cost and service, and to have a "pre-report." He indicated that he expected City Council would go into a closed session at this time to discuss the "pre-report" legal opinion from the

City Attorney. Discussion followed. City Attorney Brown indicated that the motion needs to read that City Council enter into a closed session to discuss an attorney client written opinion, and the motion requires a vote of two thirds of City Council, or five City Councilmembers. Discussion followed. Councilmember Sackley indicated that he was prepared to make a motion to go into closed session and, should the motion fail, he was prepared to make another motion regarding the matter. Motion by Sackley, seconded by Reid, to hold a closed session to discuss a written legal opinion.

Councilmember Pearson advocated going into closed session at the next City Council Meeting with all members of City Council present with notice that there would be a closed session. Councilmember Randall concurred and indicated that it was important to her that a full Council is present for the discussion; that she was not prepared to discuss the matter since she was busy with Mother's Day activities over the weekend; that she reviewed the materials on Monday, found it was not on the agenda, inquired whether it was discussed at the pre-Council Meeting and it was not, so she did not think it was a topic that would be brought up; and, that this is her third meeting at City Hall today and would want to pace herself for such a session. Councilmember Urban indicated he was not prepared to address the matter. Mayor pro Tem Reid indicated that the appropriate place to address any questions or concerns would be in closed session with the City Attorney. Councilmember Urban indicated he did not wish to deal with the matter at this City Council Meeting and recognized Councilmember Sackley had a prepared motion should this motion fail. Discussion followed. Upon a roll call vote, motion failed 4 to 2. Yeas: Mayor Pro Tem Reid and Councilmember Sackley. No: Councilmembers Pearson, Randall, and Urban and Mayor Strazdas.

Mayor Strazdas directed the City Clerk to place the closed session for the purpose of discussing an attorney/client written legal opinion on the next meeting of City Council. Discussion followed regarding placing new business items on the agenda. City Attorney Brown referred to Rules of order and Procedure for the City Council Section 4. Agenda for Meeting, that reads, "No business shall be considered by the Council, unless placed upon the agenda for the meeting not later than 12 o'clock noon, on the Friday preceding the meeting, except upon approval of four or more members of the Council." [See *City Charter* Section 4.6(m)]. Discussion followed. In answer to Councilmember Sackley, City Attorney Brown indicated that a majority of those present would be necessary to approve an item of business.

Motion by Sackley, seconded by Urban, that the decision to form an Assessment Options Committee of the Whole and related tasks assigned to the City Administration at the meeting of City Council, April 23, 2013, be rescinded. Councilmember Urban urged Mayor Strazdas to consider this motion proper and not out of order since the motion to which it refers was made in the same way with the same surprise. Mayor Strazdas indicated he would allow it, admitted he was perhaps in error at the last meeting, but admonished City Council that Rules of Order and Procedure for the City Council Section 4, Agenda for Meeting, will be carefully implemented in the future. City Attorney Brown indicated that the Rules of Order and Procedure for the City Council Section 4, Agenda for Meeting, applies for all items where a motion is made and a vote is needed by City Council - where action by City Council is necessary, but a discussion of an item is not subject to Rules of Order and Procedure for the City Council Section 4, Agenda for Meeting [City Charter Section 4.6(m)].

At the request of Councilmember Pearson, Councilmember Sackley read the motion as stated. Discussion followed. In the final analysis, Mayor Pro Tem Reid acknowledged that City Council will be going into closed session for the purpose of discussing an attorney/client written legal opinion at the next meeting of City Council. She also mentioned the discussion of the legal opinion would be of help going forward. Discussion followed. Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Sackley and Urban, Mayor Pro Tem Reid and Mayor Strazdas. No: Councilmembers Pearson and Randall.

BID TABULATION:

* **EQUIPMENT PURCHASE RECOMMENDATION - DURAPATCHER:** Motion by Pearson, seconded by Reid, to approve the purchase of a Durapatcher Trailer Mounted Spray Injection Road Repair Machine for a cost of \$51,432, 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 CITIZENS: Bill Patterson, Planning Commissioner, 5302 Bala Cynwyd Court, indicated that his property, 1614 Osterhout Avenue, discussed under the Property Committee Report, is a "short sale" property, not a foreclosed property as mentioned earlier; that it is excess inventory owing to the recent housing crisis; and, in answer to Councilmember Urban, that it is adjacent to the Eliason Nature Reserve on the north boundary line. Discussion followed.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall invited everyone to attend the bike event, Saturday, May 18, 2013, to wrap up Bike Week is the Mayor to Mayor bike ride starting at 9:00 a.m., Celery Flats, with Portage Mayor Pete Strazdas and Kalamazoo City Mayor Bobby Hopewell participating. Also, she mentioned the Susan G. Komen Southwest Michigan Race for the Cure®, Sunday, May 19, 2013, starting at the Arcadia Festival Site in downtown Kalamazoo from 11:30 a.m. to 3:30 p.m. and the Memorial Day Parade down South Westnedge Avenue.

Councilmember Sackley thanked Councilmember Randall for mentioning the Susan G. Komen Southwest Michigan Race for the Cure® as he will be running the 5k this year.

Councilmember Urban concurred and mentioned that his sister was a victim of breast cancer less than a year ago and expressed his support for the cause.

Mayor Pro Tem Reid highlighted the earlier meeting with applicants for the City Boards and Commissions and paid special attention to the youth who volunteered for the Youth Advisory Committee.

Mayor Strazdas concurred, invited everyone to the Mayor to Mayor bike event starting at Celery Flats and congratulated the City of Kalamazoo for coming in second in the country as Beer City U.S.A.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:33 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY COUNCIL MEETING MINUTES FROM MAY 28, 2013

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

At the request of Mayor Strazdas, Rabbi Harvey Spivak of the Congregation of Moses 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 Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Councilmember Elizabeth A. Campbell was absent with notice. Also in attendance were City Manager Maurice Evans, City Attorney Randall Brown and City Clerk James Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Reid, to approve the Special and Regular Meeting Minutes of May 14, 2013, as presented. Upon a voice vote, motion carried 6 to 0. Under New Business, City Attorney Brown asked that the reference to the Charter Section be changed to the Rules of Order and Procedure on page 5 of the Minutes of May 14, 2013, and that the reference in the last line in the second full paragraph should reference "majority of those elected" instead of "majority of those present." Motion by Sackley, seconded by Reid, to amend in the second full paragraph on page 5 of the Minutes of May 14, 2013, the reference to the *City Charter* Section 4.6(m) be changed to the Rules of Order and Procedure Section 4.6 and that the last line in the second full paragraph, a "majority of those elected" would be necessary to approve an item of business for the agenda instead of "majority of those present." Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Mayor Pro Tem Reid asked that Item F.6, City Outlots at 7200 Balfour Drive, 7138 Capri Street and 1600 Friendly Avenue, be removed from the Consent Agenda. Councilmember Pearson asked that Item F.8, Closed Session, be removed from the Consent Agenda. Motion by Reid, seconded by Sackley, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0. Councilmember Urban asked about the procedure for placing May 24, 2013 Materials Transmitted, Item Number 1, on the Agenda as requested by Councilmember Sackley in order to discuss the City Manger Communication since he suggested that, "Councilmembers may have additional questions, opinions, issues, etc. to address." Mayor Strazdas reviewed the procedures in light of the City Council Rules of Order and Procedure by indicating that the Council prefers to not have new items brought up unless the item was brought to all Councilmembers prior to the meeting, and that the Administration has the opportunity to provide any information that is needed to all Councilmembers. Mayor Strazdas agreed that this "litmus test" was met and, with no objections, the item could come in under New Business. Discussion followed.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 28, 2013:** Motion by Reid, seconded by Sackley, to approve the Check Register of May 28, 2013, as presented. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Nasim Ansari, 3015 Kalarama Avenue, announced candidacy for City Councilmember on the November 5, 2013 Ballot.

REPORTS FROM THE ADMINISTRATION:

FISCAL YEAR 2013-2014 BUDGET: Mayor Strazdas introduced City Manager Maurice Evans, who indicated that there are three Resolutions to be adopted by City Council. He pointed out that this proposed budget maintains the overall city tax rate (millage) at 10.7778 mills which places Portage in the lower 25% of cities in Michigan with populations greater than 25,000 in terms of millage. He

indicated that the City is maintaining a 25% Fund Balance and provides a number of great projects in the Budget, including \$11.8 million in infrastructure, while still continuing the fine level of services enjoyed by the community.

Mr. Evans acknowledged the fine team effort led by Deputy City Manager Brian Bowling and coupled with Financial Services Director Bob Luders, Finance Director Dan Foecking, Deputy Director of Accounting and Budget Pat Fitnich, Community Development Director Vicki Georgeau, Transportation & Utilities Director Chris Barnes and all of the Department Heads of the City. He noted that City Council has three Resolutions to adopt: the General Appropriations Act Resolution to Adopt the Budget, the Resolution to adopt the Salary and Wage Schedules for the Fiscal Year July 1, 2013, to June 30, 2014, and the Reimbursement Resolution for two Capital Improvement Projects. Discussion followed. Mayor Strazdas, Mayor Pro Tem Reid, Councilmember Pearson and Councilmember Randall spoke in favor of the Budget and the effort of the Administration of cost-cutting, reducing the number of employees and anticipating reduced revenues. Councilmember Randall expressed her dissatisfaction with the city cars that are parked in the City Hall lot that are not used at night or on the weekends, provided her analysis of costs and possible cost-savings, advocated that employees use their own personal automobiles on the job and expressed her hope that the Administration could look into this area in the future. Mayor Strazdas expressed encouragement to Councilmembers to bring cost-saving measures forward, that the Administration will review this and get a report back so respectful discussion can follow. Councilmember Pearson complimented Councilmember Randall for bringing this idea forth and listening to citizens and supported her bringing this idea up again.

Motion by Sackley, seconded by Urban, to approve the Fiscal Year 2013-2014 Budget by adopting the General Appropriations Act Resolution, to adopt the Resolution to adopt the Salary and Wage Schedules for the Fiscal Year July 1, 2013, to June 30, 2014, and to adopt the Reimbursement Resolution for the Capital Improvement Projects known as Metsa Court Water Main Extension, for \$50,000, and South Westnedge Avenue Water Main, Osterhout Avenue to the south end with a loop connection to Marylynn Court, for \$375,000. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on pages 79, 81 and 83 of City of Portage Resolution Book No. 45.

* **ADOPTION OF BOND RESOLUTIONS:** Motion by Reid, seconded by Sackley, to adopt the Bond Resolution authorizing the sale of Capital Improvement Bonds, Series 2013, in the amount of \$3,130,000, and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2013. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on pages 91 and 103 of City of Portage Resolution Book No. 45.

* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT 13-5228 – ROMENCE ROAD PARKWAY (LOVERS LANE TO PORTAGE ROAD) AND ANGLING ROAD (WEST CENTRE AVENUE TO SQUIRE HEATH LANE):** Motion by Reid, seconded by Sackley, to approve Contract 13-5228 between the Michigan Department of Transportation (MDOT) and the City of Portage for improvements on Romence Road Parkway (Lovers Lane to Portage Road) and Angling Road (West Centre Avenue to Squire Heath Lane); adopt a Resolution authorizing the City Manager to sign Contract 13-5228; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation for this project on behalf of the city. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 105 of City of Portage Resolution Book No. 45.

* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT – KILGORE ROAD BRIDGE REPLACEMENT:** Motion by Reid, seconded by Sackley, to approve Contract 13-5171 with the Michigan Department of Transportation (MDOT) for removal and reconstruction of the Kilgore Road Bridge over Portage Creek; amend an engineering services contract with Abonmarche Consultants, Incorporated, to perform construction oversight and administration in the not to exceed amount of \$88,695; adopt a Resolution authorizing the City Manager to sign Contract 13-5171; and authorize the City Manager to sign all other documents related to the Michigan Department of

Transportation and consultant contracts for this project on behalf of the city. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 107 of City of Portage Resolution Book No. 45.

* **CONSUMERS ENERGY STREETLIGHT CONTRACT RENEWAL:** Motion by Reid, seconded by Sackley, to approve a contract with Consumers Energy to furnish streetlight service, adopt a Resolution to enter into a contract with Consumers Energy and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 109 of City of Portage Resolution Book No. 45.

CITY OUTLOTS AT 7200 BALFOUR DRIVE, 7138 CAPRI STREET AND 1600 FRIENDLY AVENUE: Mayor Pro Tem Reid asked whether approval of the recommended motion means the City will be offering the entire lot instead of one half of a lot to one property owner and one half of a lot to the other, and whether the 60-day offer to adjacent property owners at the minimum estimated market value and 90 days to the community at large is adequate amount of time for an offer given the current nature of the market. She indicated her preference to keep them as buildable lots instead of splitting them up since the highest and best use is to put a house on them.

City Manager Maurice Evans indicated his understanding from the Property Committee is to offer the full lots, first, as a willingness to test the market, but if nothing happens in 60 or 90 days, the Property Committee will have to convene and take another look at it. He then deferred to the Property Committee members for further discussion.

Councilmember Randall said her understanding was that the City would entertain dividing the lot if both adjacent property owners wanted half of it and deferred to Councilmember Sackley for his opinion. Councilmember Sackley said that the lot would be offered with no restrictions, so there would be no stipulation that a home be built upon it, and he outlined some of the options of such a purchaser. Discussion followed.

Mayor Pro Tem Reid indicated that it is the City's responsibility to sell the property for the highest and best use and what she did not want to see happen was that buildable properties are split, first, before a purchaser has a chance to buy the property and build on it; and, she expressed her opinion that this sets a bad precedent for lots that have not been built upon, but could be built upon. Discussion followed.

Mayor Strazdas supported a process whereby the highest value is considered, first, and he prioritized his options as: the sale of the lot for building a house, the sale of the lot as a whole lot and the splitting the lot for sale to adjacent property owners.

Councilmember Urban noted that the preference of Mayor Strazdas is not the same as the recommendation of the Property Committee since they indicated offering it to the residents, first, and he suggested that this should be last. Mayor Strazdas concurred and Councilmember Urban indicated he could not support either of the recommendations. He expressed concern where both property owners want the property and the City could be placed in the middle of an undesirable "bidding war." In answer to his question about the need for a zoning variance because these properties are nonconforming for the zoning district because of width, Community Development Director Vicki Georgeau cited the side yard setback permitted in the Code which can go down to five feet as the only apparent variance, although she did indicate that someone could bring a proposal which could require another type of variance.

Councilmember Urban asked how these lots platted as streets could now be somehow equal to a platted lot intended for building purposes, and Ms. Georgeau responded that a review was performed in light of the Plat Act prior to the Subdivision Control Act of 1967, and if the plat does not restrict an outlot to something other than a building site, then it is buildable and expressed her confidence that a home with an attached garage can be built on a 66' lot. He reiterated his concern that the adjacent property owners bought what they knew to be corner lots, and his concern that houses consistent with the character of the neighborhood may not be possible on a 66' lot, "narrow in the street," for instance, making it difficult to have a house with an attached garage. He acknowledged that everything being proposed was legal, but he stated his main concern was one of fairness to the property owners,

especially that offering the properties at full buildable price is inappropriate and explained. When Mayor Strazdas asked him whether he had any ideas or suggestions on how to move forward on these properties, Councilmember Urban indicated his position would be to offer the adjacent property owners, one-half to each, at a reduced appraisal as added yard, and that they change the lot line of the parcel with a decision on who should pay any fee requirements; however, if this is not workable or the offer is not taken, his next preference would be to sell the whole lot to one adjacent property owner with a change in the lot line at the reduced appraisal price, or if an adjacent property owner wishes to have the option of building a parents' house on the lot next door, offer it as a buildable lot without the contingency of a change in the lot line at the full appraisal price; and, finally to offer it to the public at the full appraised price.

Councilmember Sackley indicated that the Property Committee was asked to go through the inventory of City properties and work with the Administration to determine which ones had clear title, were buildable and make a recommendation to Council as to how to proceed, and the Committee has done that work. He discussed some of the more salient problems involved with selling buildable, nonconforming lots, especially as it relates to the original intent of the plat and the current neighbors who did not see this as a future option in the neighborhood when they investigated purchasing their homes. He pointed out that the plat originally would have contemplated these outlots as an expense generator that had to be maintained as a street instead of a property on the tax rolls. Discussion followed.

Mayor Strazdas advocated letting the market set the value of the property instead of City Council, and Mayor Pro Tem Reid asked Mr. Evans if he was clear as to which procedure to take first. Mr. Evans indicated that the offer would be to the adjacent property owners and answered her question about the City splitting the lots by saying that it would be up to the adjacent property owners if they wish to split the lots. Discussion followed.

Motion by Reid, seconded by Randall, to authorize the City Manager to proceed with marketing for sale and disposition of city outlots at 7200 Balfour Drive, 7138 Capri Street and 1600 Friendly Avenue. Councilmember Randall said it was her understanding that the intent was to place these properties on the tax rolls mainly to save the maintenance costs and to show good will to the adjacent property owners, even if there was no development of the properties with resultant revenue. Discussion followed.

In answer to Mr. Evans and his question of a time limit, Mayor Pro Tem Reid indicated that she intentionally did not offer parameters in order to allow for flexibility to the Administration. Discussion followed. Also, in answer to Mr. Evans and his question about resultant incredibly low offers on the marketed outlots, Mayor Pro Tem Reid said that if the adjacent property owners do not take the outlot in 60 days or whatever the Administration feels is the appropriate time frame, then the offer of the outlot would go to the community at large as suggested in the report. Discussion followed.

Councilmember Urban expressed his concern that the motion as stated still contemplates the findings and guidelines of the May 24, 2013 Materials Transmitted City Manager Communication. Even though Mayor Pro Tem Reid specifically left the suggested parameters from the City Manager Communication out of the motion, he sees the City Manager Communication as part of the motion by reference. Mayor Pro Tem Reid disagreed. Councilmember Urban then reiterated his concern that if both adjacent property owners want to purchase the outlot, the City could be placed in the middle of an undesirable "bidding war." Discussion followed. Councilmember Sackley suggested referring the matter back to the Property Committee and that the motion be withdrawn. Mayor Pro Tem Reid withdrew the motion which was supported by Councilmember Randall. Motion by Reid, seconded by Randall, to send this matter back to the Property Committee. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

* **KALAMAZOO COUNTY HAZARD MITIGATION PLAN:** Motion by Reid, seconded by Sackley, to adopt the Resolution concerning the Kalamazoo County Hazard Mitigation Plan. Upon a

roll call vote, motion carried 6 to 0. Resolution recorded on page 111 of City of Portage Resolution Book No. 45.

CLOSED SESSION – DISCUSSION OF CITY ATTORNEY LEGAL OPINION IN

OPEN SESSION: Councilmember Pearson provided a brief background of the progression of the subject of outsourcing of the Assessor function but stopped short of discussing the legal opinion from City Attorney Brown, which is what he indicated he wished to discuss in public, not in private. Discussion followed. Motion by Pearson, seconded by Urban, to instead of meeting in closed session, to meet publicly so City Council can ask the City Attorney about the *City Charter* and his legal opinion.

Mayor Pro Tem Reid made a point of clarification, outlined the purpose of the Council of Governments (COG) and described the seminar mentioned by Councilmember Pearson that discussed the outsourcing of the Assessor function wherein Councilmember Pearson received the information that prompted the request for a legal opinion in from City Attorney Brown. She pointed out that just because there was a discussion and a seminar on outsourcing of the Assessor function, this was not an endorsement by COG, nor did it mean that the attendees all agreed with the tenets of the seminar.

In response to Mayor Strazdas, City Attorney Brown stated that the item taken off of the Consent Agenda was that City Council go into a closed session, and there needs to be a two thirds majority vote to go into closed session for the Open Meetings Act exception, or five affirmative votes; so, if that should fail, then there would be no closed session. He indicated that the next motion would be a motion to waive confidentiality of the legal opinion and, if that motion is passed and the legal opinion is discussed in open session, there can no longer be a closed session on these issues because the Open Meetings Act exception would no longer apply. Further, he indicated if there is a closed session on the legal opinion, the City Council can still enter into open session and discuss those issues as this would not preclude an open session simply because there is a closed session on the matter. In response to Mayor Strazdas, Mr. Brown indicated that technically the vote should be on the item that was removed from the Consent Agenda, and expressed his concern that the two thirds requirement is not addressed in the current motion and recommended a vote on the agenda item. He said if it fails, it fails, and the next vote should be to waive confidentiality of the legal opinion. Discussion followed regarding the motion being out of order and that a simple majority, even as a Consent Agenda item, is not enough votes to go into a closed session on the matter. After further discussion, Councilmember Pearson withdrew his motion and Councilmember Urban did not object.

Motion by Sackley, seconded by Urban, to hold a closed session immediately following the regularly scheduled City Council Meeting of May 28, 2013, to discuss an attorney/client communication. Upon a roll call vote, motion failed 5 to 1. Yeas: Councilmember Sackley. No: Councilmembers Urban, Pearson, Randall, Mayor Pro Tem Reid and Mayor Strazdas. Discussion followed.

Motion by Pearson, seconded by Randall, to waive confidentiality of the legal opinion of May 9, 2013, so it can be discussed in open session. Upon a roll call vote, motion carried 5 to 1. Yeas: Councilmembers Urban, Pearson, Randall, Mayor Pro Tem Reid and Mayor Strazdas. No: Councilmember Sackley. Discussion followed.

At the request of Mayor Strazdas, City Attorney Brown provided a summary of his legal opinion of May 9, 2013. In answer to Councilmember Pearson, City Attorney Brown agreed that the City Assessor is the only position in the Assessor Office that cannot be outsourced, but deferred to the City Manager for confirmation as he is not privy to the organization of the Assessor Office. Discussion followed.

Councilmember Pearson advocated an open review of the *City Charter* as it is a document that is fifty years old and reflected that this is pretty old for a *City Charter* and there is a need for an update. He commented on some of the administrative officers, cited the difficulty experienced in obtaining a new Deputy City Assessor after the last one only stayed for a couple of years, and cited the first sentence of *City Charter* Sec.3.13(b) where the requirement that a vacancy (in any appointive office) be filled within 30 days after becoming vacant as problematic. [Note: *City Charter* Sec.3.13 (b) also states,

“Such time may be extended for not more than an additional sixty days, by Council resolution setting forth the reasons therefore”]. He suggested that there is a need for a *City Charter* update in order to be able to provide more modern flexibility that is needed in current day decision making to save the taxpayers money, to accommodate the changing times and to improve efficiency. He referred to the hundreds of charters that were available at the writing of the Portage *City Charter* in 1963, and proposed a joint effort and input from everyone on City Council and staff with constructive additions or changes to the Portage *City Charter* to guide the City of Portage for the decades to come.

In answer to Councilmember Urban, City Attorney Brown indicated that the *City Charter* gives the City Council the power to enter into a contract with an independent contractor to perform the Assessing duties, the City Council could not fire the current employees, but the employees would not be paid because the City Council also has control over the budget. Discussion followed.

Mayor Pro Tem Reid indicated that discussion of the *City Charter* is inappropriate at this time because the City has a Charter that it is working under, and the issue at hand needs to be discussed as it relates to the current Charter. She indicated that a contract with an independent contractor to perform the Assessing duties would undermine the ability of the City Manager to do his job because the City Council would supervise the independent contractor people.

Councilmember Sackley noted that no one from the Administration has mentioned the need for more flexibility and the need to change the *City Charter* to provide that flexibility. He commented on the reliability and dependability of the *City Charter* as evidenced by the 50 years the *City Charter* has served the citizens and the fact that there are no citizens in the Council Chambers objecting to any of the proceedings or complaining for more services. He asked that City Council focus on the discussion of the legal opinion and that discussion about *City Charter* changes is perhaps inappropriate here and could possibly be covered later after the legal opinion is discussed. Discussion followed.

City Attorney Brown interjected that if the City Council enters into a contract with an independent contractor to perform the Assessing duties, the City Manager would still be directed to supervise that contract as it does not necessarily fall on City Council as the exclusive supervisor. Discussion followed.

Councilmember Sackley referred to the *Kalamazoo Gazette* article of November 5, 2012, and distinguished the Kalamazoo *City Charter* and the Portage *City Charter* especially as it relates to the hiring of many employees by the Kalamazoo City Commission versus the City of Portage. He also pointed out that the City of Kalamazoo contracted with Wayne County Appraisals, LLC, and only saved a total of \$13,000 over the 29 month length of the contract. Discussion followed.

Councilmember Urban pointed out that the City Manager has already contracted for City Assessor services since it is under his authority, and that the goal is not only to save money, but also to maintain quality services. Discussion followed. Mayor Strazdas asked if there were any Ad Hoc Committee reports and none were offered.

* **PROPOSED ACQUISITION OF 1614 WEST OSTERHOUT AVENUE – INFORMATION ONLY:** Motion by Reid, seconded by Sackley, to receive the communication from the City Manager providing background information regarding the property offered for sale at 1614 West Osterhout Avenue as information only. Upon a roll call vote, motion carried 6 to 0.

* **APRIL 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Sackley, to receive the communication from the City Manager regarding the April 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

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

UNFINISHED BUSINESS:

* **6301 NEWPORT ROAD EASEMENT REQUEST - CONSUMERS ENERGY:** Motion by Reid, seconded by Sackley, to reaffirm the Resolution to grant an access easement to Consumers Energy over a portion of city-owned property addressed as 6301 Newport Road and authorize the City Manager to execute the access easement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:

Portage Zoning Boards of Appeals of April 8, 2013.

Portage Board of Education Special of April 10, Special and Regular of April 15, Policy Governance of April 16, Special of April 18, and Special of April 29, 2013.

Portage Youth Advisory Committee of April 22, 2013.

Portage Planning Commission of May 2, 2013.

NEW BUSINESS:

2013 BOARD OF REVIEW: Councilmember Urban referred to the May 24, 2013 Materials Transmitted, Item Number 1, on the Agenda as requested by Councilmember Sackley in order to discuss the City Manager Communication since he suggested that, "Councilmembers may have additional questions, opinions, issues, etc. to address. It would be appropriate to identify those at the May 28, 2013 Regular City Council meeting in order to allow staff to perform the proper research and develop a comprehensive follow up communication. Further, I request that Council determine whether these items should be on an agenda for a special meeting, which would need to be scheduled, or at a regularly scheduled meeting of Council." He then offered that City Council dealt with Item 1 in the communication; City Council has the reports listed in Item 2 and the question is whether to discuss them at a special meeting or at a regularly scheduled meeting, and he expressed his preference is for a regularly scheduled meeting with Attorney Deborah Ondersma present under Item 3; he agreed that Item 4 needs to be discussed although a legal opinion may not be needed; and, he had no knowledge of why Item 5 was raised. Discussion followed.

Mayor Strazdas supported that the discussion take place at a future meeting and all who are affected are notified and invited to attend. Councilmember Strazdas concurred with Councilmember Urban and explained. Discussion followed. Mayor Strazdas asked for a reasonable time frame to get the answers to these questions from the City Manager.

Councilmember Pearson stated it is important to have the Board of Review Members at the meeting because they know more about the Board of Review process than any of the Councilmembers and several Councilmembers appreciate their work and their frustrations. However, he said that when we say, "should certain actions by Board of Review members during the MBOR be brought to the attention of law enforcement, and Mr. Urban talked about it being a misdemeanor...." Councilmember Pearson went on to submit that attacking citizen volunteers with law enforcement is never a good thing and discussed the difficulty obtaining paid volunteers for the Board of Review. Councilmember Urban stated he did not attack anyone and said he did not appreciate the characterization from Councilmember Pearson. He said he stated a fact.

Councilmember Sackley pointed out that when City Councilmembers are sworn into office, each Councilmember is charged with upholding the City Charter, the City Ordinances and the laws of the State of Michigan. He indicated that it would be foolish for a Councilmember to ignore an action by

a Board of Review member that is questionable because Councilmembers have a fiduciary duty not only to the citizens of Portage, but also to the other taxing authorities impacted by the decisions by the members of the Board of Review. He expressed his doubt to Councilmember Pearson that characterizing a question posed by a fellow councilmember as an attack is inappropriate because each Councilmember has the duty to vet, evaluate and appoint the members of the Board of Review and further explained the duties and responsibilities of City of Portage Councilmembers in this regard.

Mayor Strazdas restated his original request for a reasonable time frame to get the answers to these questions from the City Manager. Discussion followed. Mayor Strazdas directed City Council to provide City Manager Evans with their concerns and questions regarding the 2013 Board of Review by June 18, 2013, for a determination of time frame for answers by Mr. Evans for City Council at the June 25, 2013 Regular City Council Meeting. Discussion followed.

OTHER CITY MATTERS:

PETITIONS AND STATEMENTS OF CITIZENS: Nasim Ansari, 3015 Kalarama Avenue, thanked the Administration and the City Council for their efforts on the Budget.

STATEMENTS OF CITY COUNCIL: Councilmember Sackley commented on the Budget and the Budget process and expressed his appreciation to the Administration for their fine efforts.

City Manager Evans indicated that the Budget Process never ends and that the Administration is already looking at next year and many years ahead.

Mayor Pro Tem Reid expressed her appreciation to parade attendees at the Memorial Day Parade, especially considering the inclement weather.

Mayor Strazdas reflected on the respect shown for police, veterans and older people by the community by coming out to the Memorial Day Parade. He announced his candidacy for Mayor.

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

James R. Hudson, City Clerk

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