

CITY COUNCIL MEETING MINUTES FROM DECEMBER 20, 2011

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

At the request of Mayor Strazdas, Pastor John Moore of the Pathfinder Church gave the invocation. He also complimented the City on the holiday decorations. The City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the December 6, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0. Councilmember Randall abstained.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Sackley to read the Consent Agenda. Councilmember Urban asked that Item F.4, Height Modification for Dick's Sporting Goods, be removed from the Consent Agenda. Mayor Strazdas asked that Item F. 6, 2011 Portage Community Survey Results, be removed from the Consent Agenda. Motion by Sackley, 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 DECEMBER 20, 2011:** Motion by Sackley, seconded by Reid, to approve the Accounts Payable Register of December 20, 2011. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

REZONING APPLICATION 11-01: Mayor Strazdas invited Vicki Georgeau, Director of Community Development, to review the rezoning request. Director Georgeau provided an overview of the history of parcel, current circumstances and the nature of the request. She explained that the current property owner is optimistic that the demand for office space at 1901 Romence Road Parkway will increase and that there may be a need to expand the parking lot into the area in question. She explained that such expansion would not be permitted under the current R-1B designation, that I-2 would allow this use but that the Planning Commission is planning conduct a corridor study of this area and may ultimately recommend an Office, Technology and Research (OTR) designation which would be consistent with the Comprehensive Master Plan and still allow the property owner to utilize the parcel as they intend.

Councilmember Urban expressed concern of rezoning the property to I-2 (Heavy Industry) as this may allow for development that would not be appropriate in this particular area. Director Georgeau explained that the only immediate plan is for a possible parking lot expansion but that members of the Planning Commission shared his concern and that they planned to take a second look at the issue.

Mayor Strazdas expressed interest in keeping the zoning in this area specific to research development and technology, not a high intensity industrial land use and was curious why, instead of I-2, City Council was not being asked to rezone the whole piece of property to OTR. Director Georgeau explained that this rezoning was to promote consistency and to address an "island" R-1B zoning designation surrounded by I-2. The Mayor also asked if it was typical to have these two zoning designations adjacent to each other and what remedies can be afforded to nearby residents should an industrial development take place. Director Georgeau explained that it is atypical to have these two zoning designations next to each other. She also explained that conditions are in place and could be added to help buffer the impact on nearby property owners should an industrial type development occur.

Mayor Pro Tem Reid inquired if there was a reason for the rush to an I-2 designation and what the consequences would be should City Council refer the matter back to Administration and the Planning Commission to request an OTR designation. Director Georgeau explained the necessary steps to accomplish this designation and that the time period would be between 90 and 120 days.

Councilmember Sackley inquired as to the history of the various zoning designations of the property and inquired if the property owner could utilize the parcel in question that has the R-1B designation. Ms. Georgeau explained the history of the property and that the developer could not truly utilize the parcel in question given its current zoning designation.

Councilmember Pearson disclosed that he was on the Planning Commission in October and voted in support when this matter was brought forward to them for review. He indicated that some residents came forward to express concern but seemed to be satisfied from the response of Administration which explained the rezoning and plans of the developer.

Councilmember Urban stated that it is his understanding that the Planning Commission will be reviewing this corridor in terms of its zoning. Director Georgeau responded in the affirmative.

Donald Shoemaker of Franklin Partners and member of 1901 Romence, LLC, explained that the company he is with buys and renovates underutilized buildings and cited some examples of their work. He then provided an overview of the current status of the development of 1901 Romence and outlined possible future plans including a continued expansion of Stryker. He also explained some stipulations of the lease with Stryker including that manufacturing is not permitted. Mr. Shoemaker indicated that he simply wants the property ready-to-go should the need arise and that the current R-1B designation is a hindrance to this. He then explained that while another 90 to 120 days may not seem like much it really is significant given the development that has gone on, the taxes that have been paid and that he needs the flexibility to facilitate further development as quickly as possible.

Mayor Strazdas thanked the applicant and Stryker for their redevelopment effort. He also stated that the City may rezone this entire parcel to OTR and the applicant indicated that the OTR designation would be acceptable. Mayor Strazdas then summarized that, in order to allow the applicant to continue development at this time, some action by the City Council is needed at the meeting tonight. Mr. Shoemaker explained the need to be ready and that he was optimistic that Stryker would be looking to expand in the very near future.

Councilmember Randall spoke in full support of the rezoning request and stated that this is exactly the type of redevelopment that is needed.

Mr. Shoemaker complimented the City in supporting their efforts to develop this property as well as the efforts of Southwest Michigan First. He concluded by stating that this was a great community in which to do business.

Mayor Strazdas opened the public hearing. There being no comments, motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Attorney Brown offered that there is no conflict that he is aware of in Councilmember Pearson having served on the Planning Commission when this matter was addressed and voting on the matter now as a member of City Council.

Motion by Campbell, seconded by Sackley, to approve Rezoning Application #11-01 and rezone the 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry.

Councilmember Reid stated that she would like to see increased consistency in the zoning code and recognizes the need of the applicant. She would like to see the Planning Commission address this matter with a focus on promoting consistency.

Councilmember Sackley stated that he did not believe the City Council should have had to address this matter given the length of time the parcel has been zoned I-2. He opined that businesses are looking for predictability and consistency and that this matter of the R-1B designation should have been addressed long before now. He questioned the fairness of collecting taxes from someone who owns a parcel like this that cannot be used and expressed a desire that a review be completed to identify

instances similar to this one so that they can be corrected administratively and not by request of an applicant.

Mayor Strazdas called the question. Upon a roll call vote, motion carried 7 – 0.

Mayor Strazdas requested that City Staff and the Planning Commission review the Future Land Use Plan and asked Director Georgeau if she understood the desire of City Council to conduct a review of the matters discussed this evening with special attention being paid to the OTR vs. I-2 designation of this particular property. Director Georgeau responded that both she and the Planning Commission were “in sync” with City Council and were already taking steps to further review this particular situation and conduct a broader review of zoning designations as part of the upcoming Comprehensive Plan update. Ordinance recorded on page 215 of City of Portage Ordinance Book No. 12.

REPORTS FROM THE ADMINISTRATION:

* **VACATION OF PORTIONS OF WEST FORK CROSSING & TRADE CENTRE WAY, EASEMENT FOR INSTALLATION OF STORM DRAINAGE IMPROVEMENTS AND A CONTRACT AMENDMENT FOR ADDITIONAL SURVEY SERVICES:** Motion by Sackley, seconded by Reid, to adopt a resolution setting a public hearing on the vacation of a portion of West Fork Crossing and a portion of Trade Centre Way, place the resolution on file with the City Clerk for 28 days and take final action on January 24, 2012; adopt a resolution to grant an easement to the Michigan Department of Transportation on city-owned property for the installation of storm drainage improvements, place the resolution on file with the City Clerk for 28 days and take final action on January 24, 2012; and approve a contract amendment to Prein & Newhof, Incorporated, in the amount of \$26,000 to perform final survey services related to the conveyance of Michigan Department of Transportation right-of-way to the City; and authorize the City Manager to execute all documents related to the above on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 301 and 307 of Resolution Book No. 44.

* **2012-2013 COUNCIL MISSION STATEMENT & GOALS AND OBJECTIVES:** Motion by Sackley, seconded by Reid, to approve the Resolution adopting the 2012-2013 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on December 9, 2011. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 313 of City of Portage Resolution Book No. 44.

* **2012 PROPOSED FEE SCHEDULES:** Motion by Sackley, seconded by Reid, to adopt the Proposed 2012 Charges for Documents fee schedule; the recommended fee schedules for recreation programs and park facilities for 2012; the Resolution for Community Development Fees and the 2012 Special Assessment Rate Resolution. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 319 and 323 of City of Portage Resolution Book No. 44.

HEIGHT MODIFICATION FOR DICK’S SPORTING GOODS: Councilmember Urban stated that he removed this from the Consent Agenda because he wanted City Council to have the opportunity to discuss the matter. He noted that the height modification being requested is significant and that, given his negative experience with the results of some other approved height modification requests, he has reservations about approving this one. He indicated that he understands that the sign is part of the signature of Dick’s Sporting Goods, but that Dick’s seems to be simply asking for authorization to put up a large sign holder that is twice as high as the rest of the building.

Mayor Strazdas stated that, in his opinion, these types of modification requests are about balance and that, given the distance Dick’s will be from South Westnedge, he felt that the larger sign is appropriate.

Councilmember Pearson indicated that, like the Mayor and Councilmember Urban, he dealt with sign issues as chair of the Zoning Board of Appeals. He indicated his support of the modification especially given the distance from the storefront to South Westnedge.

Councilmember Sackley emphasized that the height modification request is not counter to prevailing law and that the City must be able to be responsive to the needs of the both residents and the business community.

Mayor Pro Tem Reid questioned the businesses that have been constructed in front of Dick's and other similar businesses that are set back a substantial distance from South Westnedge as it relates to signage.

Director Georgeau explained that the placement of businesses on outlots is a trend and reviewed the permitted sign sizes and how sign size is calculated. She also explained that signs such as the proposed one for Dick's help to attract customers by breaking up the relief of the building and generating architectural interest. Discussion followed.

Attorney Brown explained that height modification requests have nothing to do with the sign itself. Rather, such requests should be considered by examining the proposed feature and determining whether there are adverse impacts on the surrounding area.

Councilmember Randall expressed excitement that a national retailer is planning to locate at a vacant property along South Westnedge. She also indicated that **perhaps the City Council Ad Hoc Sign Committee could look at ways to ease or modify some sign restrictions.**

Councilmember Urban indicated that Portage is not close to the most restrictive when it comes to sign requirements in Kalamazoo County, but he would like to look at building modifications that are tantamount to simple sign holders.

Motion by Sackley, seconded by Campbell, to approve the height modification for Dick's Sporting Goods, 6355 South Westnedge Avenue, to allow construction of an architectural entry feature along the west side of the building to a height of 43.5 feet. Upon a roll call vote, motion carried 7 to 0.

* **DATES AND TIMES FOR 2012 MARCH BOARD OF REVIEW SESSIONS:** Motion by Sackley, seconded by Reid, to adopt the Resolution setting the dates and times for the 2012 March Board of Review sessions. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 327 of City of Portage Resolution Book No. 44.

2011 PORTAGE COMMUNITY SURVEY RESULTS: Mayor Strazdas asked Deputy City Manager Brian Bowling to provide a brief report on the results of the 2011 Portage Community Survey. Deputy City Manager Bowling informed City Council that this was the 25th community survey and that these surveys have proven to be a useful tool in providing both policy and budgetary guidance. Mr. Bowling stated that the results of the survey are consistent with past surveys and that service delivery and quality have been maintained over time and that the survey results are encouraging. Mr. Bowling then highlighted various statistical results including such topics as snow removal, parks, trails, traffic, interactions with employees, the *Portager* newsletter and whether respondents felt as though they were receiving good services for their tax dollars. Mr. Bowling also highlighted the responses to two new questions that were placed on the survey. The first question was whether, given tight budgetary circumstances, the community would prefer to reduce services and maintain existing tax levels or to maintain services but raise taxes to do it. Of those who answered the question, 53% of respondents indicated a preference to reduce services and maintain current tax levels while 47% would prefer to maintain services and raise taxes. Mr. Bowling indicated that it would be tough to draw a definitive conclusion as to how to proceed based on this split response. The other question he highlighted was related to intergovernmental cooperation. Mr. Bowling concluded his report that the results of the survey indicate that the City has a well defined understanding of the issues important to the community and that City Council is on the right path in both its budget and service delivery decisions.

Mayor Strazdas thanked those citizens who responded to the survey and implored City Council to keep up the good work. He then stated that he had thought there would be a greater divide on the question of whether to raise taxes but that there was no strong conclusion in either direction.

Motion by Urban, seconded by Reid, to accept the results of the 2011 Portage Community Survey conducted by the Kercher Center for Social Research at Western Michigan University. Upon a voice vote, motion carried 7 to 0.

* **POLLING PLACES AND RATES OF COMPENSATION FOR 2012 PRESIDENTIAL PRIMARY:** Motion by Sackley, seconded by Reid, to adopt the Resolution Designating Polling Places and Rate of Compensation for the February 28, 2012 Presidential Primary. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 329 of City of Portage Resolution Book No. 44.

* **SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Sackley, seconded by Reid, to receive the November 2011 Summary Environmental Activity Report as Information Only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Sackley, seconded by Reid, to receive the monthly reports from the various departments. Upon a roll call vote, motion carried 7 to 0.

* **2012 APPOINTMENTS TO CITY COUNCIL COMMITTEES:** Added to the Consent Agenda by Councilmember Sackley per the request of Mayor Strazdas. Motion by Sackley, seconded by Reid, to approve the appointments to the 2012 City Council Committees. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

COMMUNICATIONS REGARDING CONSOLIDATED DISPATCH: City Manager Evans shared that there are six governmental entities that have signed off on moving this project forward and that these entities are recommending putting out a request for proposals (RFP) to develop a business plan. Mr. Evans then reviewed the various components of the business plan and the timeline for issuance of the RFP and development of the plan. Once a plan is in place and all parties agree, then the dispatch authority can be created. Mayor Strazdas expressed optimism that the approach of creating a plan, determining costs and then creating an authority will be more successful than past efforts which took the opposite approach. Mayor Strazdas summarized that the initial step being considered is to get an RFP out and see, based on the results, if the various participating governmental units would like to continue.

Councilmember Sackley questioned the allocation of cost and who all is part of this process. City Manager Evans explained that all Kalamazoo County jurisdictions that have their own Public Safety Answering Points (PSAPs) have been included but that the various townships are being asked to get involved as well. However, with regard to cost, Mr. Evans pointed out that it will be determined based on the 2010 census and number of residents in each participating jurisdiction. Kalamazoo County will pick up the costs of the townships following the contribution of the City of Portage, City of Kalamazoo, Kalamazoo Township and Western Michigan University. Discussion followed.

Mayor Strazdas pointed out that City Council is not making a final decision on whether to consolidate dispatch; rather it is deciding whether to issue an RFP for the development of a business plan.

Motion by Urban, seconded by Sackley, to accept the recommendation of the City Manager and support the issuance of a Request for Proposals for development of a business plan for a consolidated

dispatch authority funded through a cost sharing arrangement between prospective authority participants on a basis of jurisdictional population. 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:

1. Portage Construction Board of Appeals of April 12, 2010.
2. Portage Youth Advisory Committee of October 17, 2011.
3. Portage Park Board of November 2, 2011.
4. Portage Historic District Commission of November 2, 2011.
5. Kalamazoo County Board of Commissioners Regular and Committee of the Whole of November 15, 2011.
6. Portage Board of Education Special and Regular of November 21 and Special of November 29, 2011.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Campbell wished everyone a happy holiday season and encouraged shoppers to be patient on Westnedge Avenue.

Councilmember Sackley encouraged people to shop locally.

Councilmember Urban noted that the traditional bottleneck on Westnedge Avenue at I-94 is gone and how much easier it is to get through that intersection now that the construction project is complete.

Councilmember Randall wished everyone happy holidays and a healthy 2012.

Councilmember Pearson informed that he had an opportunity to volunteer for the Salvation Army at a Red Kettle located at Sam's Club. He expressed enjoyment for the ability to work with Portage students who also gave of their time and gratitude for the shoppers who were very spontaneous and generous.

Mayor Pro Tem Reid mentioned that City Council approved a number of fees as part of the Consent Agenda and that while a few fees increased, most stayed the same and some were decreased. She also indicated that a City Council task force will be looking at fees in the near future. She expressed surprise at the split response to the community survey question regarding whether to cut services or raise taxes. She expressed that there is a third option which is to grow the economy and increase the tax base so that services do not need to be cut or taxes increased. She expressed that City Council, as evidenced by action taken earlier in the meeting, is committed to growing the economy.

Mayor Strazdas also encouraged people to shop locally and informed that he has had the opportunity to speak with business owners and that several businesses have indicated this has been a very good holiday season. He concluded by expressing the importance of family during the holiday season, especially in this community.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:09 p.m.

Adam Herringa, Deputy City Clerk

*Indicates items included on the Consent Agenda.