

CITY COUNCIL MEETING MINUTES FROM OCTOBER 19, 2010

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

At the request of Mayor Strazdas, Pastor David Barringer of the Kalamazoo First Assembly of God 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, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

PROCLAMATIONS: Mayor Strazdas issued a Resolution of Respect Honoring Robert B. Jones, called for a moment of silence and issued a National Red Ribbon Proclamation.

APPROVAL OF MINUTES: Motion by Urban, seconded by Reid, to approve the October 5, 2010 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember O'Brien and Strazdas abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. Mayor Pro Tem Sackley asked that item F.4, Tobacco Ban In Portage Parks, and Item L.1, Council Chambers Video Upgrade, 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 OCTOBER 19, 2010:** Motion by Sackley, seconded by Reid, to approve the Accounts Payable Register of October 19, 2010. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Dave Morris, 53225 Day Road, Marcellus, and owner of the Daily Grind Friendly Café, 8712 Portage Road, issued a complaint because he was required to remove a painted sign on his commercial property on the outside of the front window or face a \$100 fine, so he painted it on the inside of the window. Discussion followed. He also issued a complaint about a \$413.10 water bill owed by the former lessee of the building that he did not know about when he purchased the property on land contract for which he was billed, but refused to pay. Discussion followed. As a result, Mayor Strazdas indicated that he recognized his dissatisfaction with the sequence of events, so he would have the Administration review the sequence of events and report back. Mayor Strazdas also indicated that he would have the Administration investigate his accusation that the city "goes for" an ordinance when it is good for the city, but does not "go for" an ordinance when it goes against the city. Finally, Mayor Strazdas acknowledged that he, Mr. Morris, wanted the water bill waived immediately. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **BARRINGTON WOODS APARTMENTS – EASEMENT AND LICENSE AGREEMENTS:** Motion by Sackley, seconded by Reid, to adopt the Resolution granting the Easement and Right-of-Way Agreement for Ingress and Egress and License Agreement To Locate Personal Property in City Right-of-Way to Duke Barrington Limited Dividend Housing Association Limited Partnership, place the Resolution on file with the City Clerk for 28 days and take final action on November 16, 2010, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0.

* **PA 451 FARMLAND/OPEN SPACE APPLICATION: 7943 SOUTH 25TH STREET, PAVILION TOWNSHIP:** Motion by Sackley, seconded by Reid, to accept the PA 451 Farmland/Open Space application from Behavior Development Corporation (DBA) Lake Village Homestead, 7943 South 25th Street, Pavilion Township. Upon a roll call vote, motion carried 7 to 0.

* **RESIDENTIAL PLAT SIDEWALK EXTENSION REQUESTS:** Motion by Sackley, seconded by Reid, to grant an extension to November 1, 2012, for the completion of sidewalk and street tree installation within the following residential plats subject to submittal of a revised irrevocable bank letter of credit or other surety acceptable to the City Attorney: Avalon Forest/Avalon Woods No. 1 and 2, T. A. Scott Construction; Austin Shores Condominium Subdivision, Irwin Union Bank; Holiday Village East No. 3 and South No. 3, WTM, Incorporated; and Stateland Park Subdivision, Broekema/Scott, LLC. Upon a roll call vote, motion carried 7 to 0.

TOBACCO BAN IN PORTAGE PARKS: Mayor Pro Tem Sackley expressed his appreciation for the work performed by the Park Board and their recommendation for updating the ordinance and/or rules for the Portage Parks. He expressed a desire to check best practices and have a discussion of this matter at the City Council Retreat sometime on Friday, November 12, 2010, from 12 p.m. until 9 p.m. and/or on Saturday, November 13, 2010, at the Gilmore House on the campus of Western Michigan University, Kalamazoo. In answer to Councilmember Reid, City Attorney Randy Brown indicated that the ordinance allows for Park rules that are to be treated as a municipal civil infraction which means imposing a fine, but no jail time. Discussion followed. Motion by Sackley, seconded by O'Brien, to accept the communication from the City Manager recommending that City Council enact a ban of all tobacco products in and up to a distance of 25 feet from the following Portage Park locations: Ramona Park Beach, Playgrounds, Picnic Shelters, Fishing Piers, Restrooms, Bleachers, Softball Dugouts, Courts (basketball, tennis and volleyball), South Westnedge Skate Park and In-line Hockey Rink, Concessions (permanent or temporary), Millennium Park Ice Rink, Celery Flats Amphitheatre, Hayloft Theatre and Overlander Bandshell, but defer action and schedule discussion by City Council at the November 12-13 City Council Retreat. Upon a roll call vote, motion carried 7 to 0.

* **WEBSITE UPGRADE PRESENTATION:** Motion by Sackley, seconded by Reid, to Establish a Special Meeting on Tuesday, November 16, 2010, at 6:30 p.m. in City Hall Conference Room #2 for the purpose of receiving a presentation concerning an upgrade to the city website. Upon a roll call vote, motion carried 7 to 0.

* **SEPTEMBER 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Sackley, seconded by Reid, to receive the communication from the City Manager regarding the September 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

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

Portage Park Board of September 1, 2010.
Portage Human Services Board of September 2, 2010.
Portage Planning Commission of September 16, 2010.
Portage Zoning Board of Appeals of September 20, 2010.

BID TABULATIONS:

COUNCIL CHAMBERS VIDEO UPGRADE: Mayor Pro Tem Sackley highlighted some of the benefits of the upgrade and pointed out that this upgrade is funded by subscriptions to Charter and AT&T U-verse and franchise fees. Motion by Urban, seconded by Reid, to accept the low bid submitted by Central Interconnect, Incorporated, at a total cost of \$40,108.87 for the upgrade of the Council Chambers video system and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.

* **SUPERDECK BOARDWALK – BID RECOMMENDATION:** Motion by Sackley, seconded by Reid, to approve a sole-source provider bid from Aggressive Industries in the amount of \$16,600 for supply and delivery of SuperDeck for improvements to the Bishop’s Bog Preserve trail 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.

* **BID RECOMMENDATION - 2011 PORTAGE SENIOR CENTER MOTOR COACH SERVICES:** Motion by Sackley, seconded by Reid, to approve the low bid from Gail Andrus Travel, LLC, for motor coach services for the 2011 Portage Senior Center travel program in the amount of \$15,657.75 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 AND CITY MANAGER: City Council and Mayor Strazdas expressed their condolences to the family of Robert Jones and their sorrow for his passing.

Councilmember Randall reminded voters of the City of Portage Charter issue appearing on the November 2 Election Ballot that would permit City Council to change the number of members of the Board of Review from three members to three, six or nine members, depending upon the anticipated volume of property assessment appeals, and would allow for training of the Board of Review Members to ensure they are better able to perform their respective duties.

Mayor Strazdas expressed his support for the Charter Amendment and asked that the reporter from the *Kalamazoo Gazette* assist in the explanation of the ballot issue.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:38 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.