

## 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 to 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.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.