

CITY COUNCIL MEETING MINUTES FROM JUNE 11, 2013

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

At the request of Mayor Pro Tem Reid, Pastor Kyle Douglass of ReCAST Church of Mattawan 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 and Mayor Pro Tem Claudette S. Reid. Mayor Peter J. Strazdas was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Urban, to approve the May 28, 2013 Regular Meeting Minutes as presented. Upon a roll call vote, motion carried 5 to 0 with Councilmember Campbell abstaining.

* **CONSENT AGENDA:** Mayor Pro Tem Reid asked Councilmember Sackley to read the Consent Agenda. Motion by Sackley, seconded by Urban, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 6 to 0.

Mayor Pro Tem Reid asked that an item regarding potential modifications to City Manager's Employment Agreement be added to the City Council Agenda under New Business. Motion by Reid, seconded by Sackley, to add potential modifications to City Manager's Employment Agreement to the City Council Agenda under New Business. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE OF JUNE 11, 2013:** Motion by Sackley, seconded by Urban, to approve the Check Register of June 11, 2013, as presented. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Keshona Tomorrow, representing Rite Aid, 1915 West Centre Avenue, introduced the new Wellness format being rolled out at Rite Aid and explained. She also invited City Council to the Ribbon-cutting Ceremony on Friday at 10:30 a.m.

REPORTS FROM THE ADMINISTRATION:

* **DELINQUENT WATER AND SEWER BILLS:** Motion by Sackley, seconded by Urban, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2013, will be transferred to the 2013 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 6 to 0.

* **CITY ORDINANCE AMENDMENT:** Motion by Sackley, seconded by Urban, to accept for first reading the proposed amendment to the City of Portage Code of Ordinances by adding Article 9, Midwest Energy Cooperative Franchise, to Chapter 14, Business, Sections 14-192 through 14-202; place the ordinance on file for public inspection with the City Clerk; and, consider final adoption on July 9, 2013. Upon a roll call vote, motion carried 6 to 0.

* **LOCAL OFFICERS COMPENSATION COMMISSION REPORT:** Motion by Sackley, seconded by Urban, to receive the communication from the Local Officers Compensation Commission. Upon a roll call vote, motion carried 6 to 0.

* **CITY OF PORTAGE - CHARTER TOWNSHIP OF TEXAS SANITARY SEWER TRANSPORT AGREEMENT:** Motion by Sackley, seconded by Urban, to approve the Sanitary Sewer Transport Agreement between the City of Portage and the Charter Township of Texas and

authorize the Mayor and City Clerk to sign the agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **COMMUNITY SERVICE VAN FOR THE PORTAGE SENIOR CENTER:** Motion by Sackley, seconded by Urban, to approve entering into a Community Service Van Program Lease Agreement with the City of Kalamazoo for storage and use of a van by the City of Portage and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **CHEVROLET TAHOE POLICE VEHICLE EQUIPMENT CHANGEOVER:** Motion by Sackley, seconded by Urban, to approve the expenditure for four (4) Chevrolet Tahoe police vehicle equipment changeovers to Emergency Vehicle Products, in an amount not to exceed \$39,604.48, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **PURCHASE OF FIVE MOTOROLA APX 7000 PATROL RADIOS AND ACCESSORIES:** Motion by Sackley, seconded by Urban, to approve the purchase of five dual band Motorola radios for \$36,849.75 from Motorola Solutions, Inc., a sole source vendor with a state bid contract, 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.

* **MAYOR'S PROCLAMATION PROPOSED GUIDELINES:** Motion by Sackley, seconded by Urban, to adopt the Mayor's Proclamation Guidelines. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

PLANNING COMMISSION - CITY OF PORTAGE 50TH ANNIVERSARY CELEBRATION OF PORTAGE BUSINESSES – PASSBOOK: Planning Commissioners David Felicijan, Miko Dargitz and Paul Welch addressed City Council regarding the Passbook Concept and draft Passbook provided to Council and the Planning Commission Communication dated May 30, 2013. Discussion followed regarding time constraints, clarity of the project, the evolution of the Passbook Concept, the implementation of the plan thus far and the staff involvement in the Passbook Program. Commissioner Felicijan noted that Commissioner Dargitz has done 99.9% of the work and restated his request for clarity from City Council. Discussion followed. Mayor Pro Tem Reid explained the Passbook Program for the audience. Discussion followed. City Attorney Brown asked for the opportunity to modify some of the verbiage.

Motion by Sackley, seconded by Pearson, to accept the communication from the Planning Commission regarding the City of Portage 50th Anniversary Celebration of Portage Businesses – Passbook Concept and Draft Passbook; that the City Attorney review which has already begun be completed; that the Administration participation as outlined by the Planning Commission continue; and, that any expenditure of funds required to implement this Program come from the City Council Training, Education and Meetings Fund. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Mayor Pro Tem Reid thanked the Commissioners for their work.

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

Portage Historic District Commission of April 10 and May 1, 2013.

Portage Park Board of May 1, 2013.

Portage Board of Education Special and Committee of the Whole Work Session of May 6, 2013.

AD HOC COMMITTEE REPORTS:

50TH ANNIVERSARY BANNER COMPETITION WINNER: Councilmember Pearson reviewed the activity of the City Council School Committee with regard to selecting a banner to commemorate the 50th Anniversary of the City of Portage. He referred to the picture of the banner in the City Council Agenda packet and indicated that it was the work of Samantha O'Brien, a student at Portage Northern High School, and was designed in Ms. Myer's Desktop Publishing class. He outlined the request to approve the design and to install two of them at each of the Portage Public School championship locations for \$1,254.00 to be funded through the City Council Training, Education and Meetings Fund. At the request of Mayor Pro Tem Reid, motion by Pearson, seconded by Campbell, to approve the design as presented, and to install two of them at each of the Portage Public School championship locations for \$1,254.00 to be funded through the City Council Training, Education and Meetings Fund. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

AD HOC PROPERTY COMMITTEE: Councilmember Campbell reviewed the Property Committee discussion of the three non-conforming, buildable City Outlots located at: 7200 Balfour, 7138 Capri Street and 1600 Friendly Avenue, and indicated that no minimum disposal amounts had been established. Discussion followed. City Manager Maurice Evans advocated starting the process with the dollar amounts provided and see where it goes, but not to start with the minimum appraisal amounts.

Community Development Director Vicki Georgeau explained when the Property Committee first looked at these lots, they asked for appraisals with the highest and best use in mind as they were buildable. However, subsequent to the last Property Committee meeting, Pro Appraisal Services was asked to provide new appraisals with the understanding that the lots would be designated as not buildable. She discussed the resultant appraisals of each of the three City Outlots as presented to each of the adjacent property owners and indicated that notice would be provided to property owners within three hundred feet of each of the properties, which is similar to the notice provided to neighbors within three hundred feet of a rezoning or a special land use, which was requested by Councilmember Sackley.

Councilmember Sackley noted that these properties have existed as outlots for 40 to 65 years; that there was never an intention to build homes on them; that the R-1B designation for non-conforming lots would allow a 5 foot side setback which would place the home very close to the property line; that because they are buildable, but non-conforming lots, the hardship threshold that must be met to make a petition to the Zoning Board of Appeals would be much easier to make because of the nature of the structure and the non-conforming lot. He noted that even though there is no guarantee that the threshold would be met, the hardship would be a given because of the type of lot. Discussion followed. He summed up the recommendation of the Property Committee, saying that the Administration should let the adjacent property owners know that these properties are available for purchase; that they can be divided; also, let the other neighbors in the neighborhood know about it and see what comes back.

At the request of Councilmember Pearson, City Attorney Brown explained Adverse Possession, Tacking and that this theory of law depends on the facts. Discussion followed.

Motion by Campbell, seconded by Pearson, to review what the Administration and City Attorney Brown have provided and bring back a recommendation at the next Regular City Council Meeting. Discussion followed. Upon a voice vote, motion carried 6 to 0.

NEW BUSINESS:

CITY MANAGER'S EMPLOYMENT AGREEMENT: Mayor Pro Tem Reid provided a summary of the request from City Manager Maurice Evans for changes to his employment contract. Discussion followed. City Manager Evans volunteered that his request pertained to healthcare and outplacement services for after he leaves employment with the City of Portage. Motion by Sackley, seconded by Urban, to refer potential modifications to City Manager's Employment Agreement to the City Manager Evaluation Committee for review and report back on recommendations to the City Council. Upon a roll call vote, motion carried 6 to 0.

BID TABULATIONS:

* **TEMPORARY/SEASONAL EMPLOYMENT SERVICES CONTRACT:** Motion by Sackley, seconded by Urban, to award a contract to OnStaff USA to provide temporary and seasonal employment services through Fiscal Year 2013-14, in an estimated amount of \$244,753.60, with the option of two one-year renewals and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 6 to 0.

* **WESTFIELD PARK PLAYGROUND RENOVATIONS:** Motion by Sackley, seconded by Urban, to award the bid for the Westfield Park playground renovations to Play Environments, Incorporated, in the amount of \$62,400 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 CITY COUNCIL AND CITY MANAGER: Councilmember Sackley indicated that he attended a meeting of the Kalamazoo County Substance Abuse Task Force yesterday and explained that in 2007-2008, the community and the region experienced some unfortunate occurrences that stimulated some interest and focus on prevention of negative behaviors and outcomes related to alcohol, illegal drugs and prescription drugs. He mentioned that the task force has been very successful and that the Portage Youth Advisory Committee has teamed up with other schools and youth groups in other communities on this. He acknowledged the continued, regular, loyal participation of representatives from the City of Portage, the City Department of Public Safety and Portage Public Schools and recognized each group for their involvement.

Councilmember Randall invited the citizens of Portage to the Taste of Portage, June 22, 2013, 4:30 p.m. until 9:00 p.m., at the Overlander Bandshell, commemorating the 50th Anniversary of the City of Portage as a part of the Summer Entertainment Series. She noted that all of the Board and Commission Members have been invited as part of the 50th Anniversary of the City of Portage Celebration.

Councilmember Pearson reflected on his days as a Planning Commissioner and made a point to say that the Planning Commission is strictly volunteer and without pay. He also pointed out that City Council received Item F.3, from the Local Officers Compensation Commission, a communication recommending no increase in compensation for the Mayor or the City Council. He then proudly emphasized the community service aspect of serving on City Council.

City Manager Evans apologized for the written recommendation provided under J.2, Ad Hoc Property Committee Report, thinking it is usually a verbal report with no action taken. He also recognized the Sergeant of Arms for tonight, Nathan Slavin, as a recipient of the Meritorious Service Award at the Public Safety Awards Ceremony on June 3, 2013.

Mayor Pro Tem Reid highlighted Item F.5, Community Service Van for the Portage Senior Center, received from the Kalamazoo Transit Authority (KCTA) and funded by the recent millage passed by the voters on May 7, 2013. She also expressed her appreciation to KCTA and the voters. She noted that she recently represented the City of Portage at the opening of the Taoist Tai Chi Society in Portage and welcomed them. She thanked all of the Police and Fire personnel for their service and supported their recognition at the Public Safety Awards Ceremony on June 3, 2013.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:44 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.