

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 9, 2016

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

At the request of Mayor Strazdas, Pastor Richard Hertsel of the Centre Avenue Community Church of God of Portage gave the invocation and a Brownie Troop and a Boy Scout Troop, who were present, led City Council and the audience in the Pledge of Allegiance and wished Mayor Betty Lee Ongley a Happy Birthday. Discussion followed.

The City Clerk called the roll with the following members present: Councilmembers Richard Ford, Jim Pearson, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATIONS: State Senator Margaret O'Brien and State House Representative Brandt Iden presented a Proclamation to The Honorable Betty Lee Ongley in honor of her 90th Birthday.

District Librarian Christine Klien and District Library Board President Alisha Siebers presented a Proclamation to The Honorable Betty Lee Ongley in honor of her 90th Birthday.

Former Mayor Pro Tem Ted W. Vlieg and Former Mayor Pro Tem Ed Sackley wished a happy birthday to The Honorable Betty Lee Ongley in honor of her 90th Birthday and expressed their appreciation for all of her many, many contributions to the Community over her extensive political life in Portage.

City Council also wished a happy birthday to The Honorable Betty Lee Ongley and presented her with a plaque commemorating her contributions to Portage which will be housed in City Hall.

APPROVAL OF MINUTES: Motion by Ford, seconded by Ansari, to approve the January 26, 2016 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

As Councilmember Urban was unable to review the minutes of the Pre-Council Session of February 8, 2016, City Council chose to hold consideration of approval until the February 23, 2016 Regular City Council Meeting.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Ansari to read the Consent Agenda. Councilmember Reid asked that Items F.3, Annual Microsoft Licensing Renewals, and Item F.7, Acquisition of 6033 Oakland Drive, be removed from the Consent Agenda. Councilmember Urban asked that Item F.4, City Council Policy for Pre-Council Meetings, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 9, 2016:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of February 9, 2016. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

SOUTH SHORE DRIVE SANITARY SEWER PROJECT #416-S - RESOLUTION NO. 5: Mayor Strazdas introduced this item and City Manager Shaffer deferred to Transportation & Utility Director Chris Barnes for a short presentation regarding the installation of sanitary sewer on South Shore Drive from West End Drive to South Westnedge Avenue. Mr. Barnes noted that this is the confirmation of the Special Assessment roll for the project and includes both the sanitary sewer and six inch laterals for each of the properties on South Shore Drive. He reviewed the Special Assessment process, including the public hearing for the Necessity of the project on January 12, 2016, and the public

hearing tonight on the Special Assessment Roll. He stressed the importance of the project, including the reconstruction of the road in conjunction with the placement of the sanitary sewer. He reviewed City Council Policy that was set April 21, 1991, including the cost to the eleven parcels that were capped at 80 feet in accordance with the Policy, and presented the Special Assessment Roll for Council and the audience that has already been presented to the property owners. Discussion followed.

Mayor Strazdas opened the public hearing to the audience and, hearing no comment, motion by Reid, seconded by Randall, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Randall, to adopt Resolution No. 5 confirming the Special Assessment Roll for the South Shore Drive Sanitary Sewer Project #416-S. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 121 of City of Portage Resolution Book No. 46.

REPORTS FROM THE ADMINISTRATION:

AMENDMENT TO CODE OF ORDINANCES – DISCHARGE OF FIREARMS: Mayor Strazdas introduced this item and explained that the State Legislature passed an amendment last year to the State Firearms Act which allowed pneumatic guns references to be included in the local gun law ordinances. Councilmember Urban offered a clarification that the State is not adding pneumatic guns to the law since pneumatic guns were always under the definition of a firearm and were regulated just as any other firearm. He said that the State Law removed pneumatic guns from the definition of Firearms in the State Firearms Act and gave pneumatic guns their own regulation, which is lesser than the Firearms regulation. As a result, he indicated that the amendment is more permissive and the ordinance as presented is more permissive than the State law. Discussion followed.

Mayor Strazdas deferred to City Manager Shaffer, who indicated he had a meeting with City Attorney Randy Brown and Public Safety Director Richard White and advised that it makes sense to ask City Council to table the first reading of the amendment to Chapter 50 until the February 23, 2016 Regular City Council Meeting to allow the opportunity to provide further information regarding the potential impacts of this ordinance. He suggested City Council table this issue until the February 23, 2016 Regular City Council Meeting to provide time to complete the research on this. Discussion followed.

Councilmember Reid reflected on a conversation she had with a police officer from another municipality who advised that these kinds of things are changing very quickly and to keep the language open so as to be able to address it in the future and cited Sec. 50-81 (b) (8), *Other device capable of expelling a projectile*, as an example where this is the case. Councilmember Urban pointed out that this language was in the previous ordinance under Sec. 50-81 (b) (3), *Definition of Firearms*, of the strike-out version. He indicated he brought this forward to the Administration when State law changed since it removed and added guns from the definition of Firearms and gave them their own less restrictive regulations. He said that the Portage Ordinance needed to be in compliance with State Law making it more permissible than it was. He indicated that now people can shoot a pneumatic firearm and explained his disagreement with State Law because there are pneumatic guns that can be used to hunt big game that are as powerful as firearms under the definition and explained. He disagreed with tabling the matter because Council is regulating things that were regulated more severely previously, and the Council is simply making the City Ordinance in compliance with State Law.

Councilmember Pearson noted that City Council received this draft on Friday, and referenced the Pre-Council Meeting held on Monday for questions from Councilmembers. He cited the definition under Sec. 50-81 (b) (5), *Pneumatic gun*, as problematic owing to the difficulty faced by the police officer to identify what a pneumatic gun is under this definition for devices that are between a toy gun and one that can be used to hunt big game. He referred to his request at the Pre-Council Meeting where he had asked that the definition of “pneumatic” be reviewed as this can include a children’s toy that is spring-loaded and shoots a projectile 15 feet which then drops to the ground. He indicated a need for the definition to include “force times mass” or “feet per second.”

Motion by Pearson to table the first reading of the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for first reading and set a second reading for February 23, 2016, to allow staff to investigate the ambiguity of the proposed language. Discussion followed. Motion seconded by Ansari. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Ford, Pearson, Randall, Reid, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmember Urban. Mayor Strazdas asked that anyone with questions or concerns with this item to present them to the City Manager.

*** COMPREHENSIVE LIABILITY, PROPERTY AND AUTO FLEET INSURANCE:**

Motion by Urban, seconded by Reid, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$484,971 for the period of March 1, 2016, to March 1, 2017, 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.

ANNUAL MICROSOFT LICENSING RENEWALS: Mayor Strazdas deferred to Councilmember Reid, who reviewed the request. In answer to Councilmember Reid, Director of Technology Services Devin Mackinder indicated that the license renewal contract includes a per unit cost for upgrades and that the cost is based on approximately 250 licenses which is based on the number of users and not the number of computers and explained. He indicated that he would provide a breakdown for Council and this information will be a part of the item next time and explained that, as a result of their research, there is no increase in cost and that this represents government pricing.

Motion by Reid, seconded by Ansari, to approve the annual Microsoft licensing renewals with CDW-G at a total cost of \$50,388.13 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.

PROPOSED CITY COUNCIL POLICY FOR PRE-COUNCIL MEETINGS: Mayor Strazdas deferred to Councilmember Urban, who indicated he did not find the minutes to the February 8, 2016 Pre-Council Meeting Minutes in his e-mail, on the Pre-Council Meeting segment on the Portage Home Page or under Boardsync and questioned whether a paper copy was ever issued. He found them in the February 9, 2016 Boardsync Packet and did not anticipate that that document would be changed. City Clerk Hudson offered to post the minutes in all places on the website to make them easier to find.

Next, Councilmember Urban asked that “discussion followed” not be used in the Pre-Council Meeting Minutes as this is not contemplated by the proposed City Council Policy for Pre-Council Meetings. Recognizing that challenges can take place with electronic transmission of documents, Mayor Strazdas asked the Administration make sure a paper copy can be distributed to Councilmembers and the Library.

In answer to Councilmember Pearson, City Clerk Hudson indicated that the meeting was legally posted and discussion followed. Motion by Pearson, seconded by Randall, to adopt the proposed City Council Policy for Pre-Council Meetings. Discussion followed.

Councilmember Urban asked whether “discussion followed” was inappropriately used in the Pre-Council Meeting Minute under these guidelines. Through Mayor Strazdas, City Attorney Brown indicated that there is nothing prohibiting City Council from having a Special Meeting on Mondays and talk about whatever it desires to talk about; however, the intent of the Pre-Council Meeting is to severely limit that type of discussion and only have a question and answer session such that questions are addressed to the City Manager, which only have to do with the Council Agenda, and that the answer is then given. He said he understood that under the Policy, Council would not have discussion between or among Councilmembers regarding those issues. So, to the extent that the discussion referred to by Councilmember Urban included some type of discussion that went further than the question and the answer, Mr. Brown agreed with him that it would not follow the rule. However, he pointed out that discussion can mean a “question and an answer.”

Councilmember Pearson indicated that there was no substantive discussion at the meeting, and also cautioned the use of “discussion followed” at these meetings. Mayor Strazdas concurred.

Councilmember Urban indicated that he fully expects these meetings will not have a quorum, but he still expects there to be minutes of these meetings because all of Council needs to know what questions were asked. Discussion followed and City Attorney Brown indicated that if the Policy is adopted, meeting minutes will be required. Discussion followed. Mayor Pro Tem Ansari called for the question and upon a roll call vote, motion carried 7 to 0.

* **MARTIN LUTHER KING JR. DRIVE RECONSTRUCTION PROJECT #998-R:** Motion by Urban, seconded by Reid, to adopt Resolution No. 4 for the Martin Luther King Jr. Drive Reconstruction Project #998-R, setting a public hearing on the assessment roll for February 23, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 125 of City of Portage Resolution Book No. 46.

* **REZONING APPLICATION #15/16-3 (328 AND 414 WEST MILHAM AVENUE):** Motion by Urban, seconded by Reid, to accept Rezoning Application #15/16-3 for first reading and set a public hearing for March 8, 2016, at 7:30 p.m. or as soon thereafter as may be heard and, subsequent to the public hearing, approve Rezoning Application #15/16-3 and rezone the northern 75 feet of 328 West Milham Avenue and the northern 100 feet of 414 West Milham Avenue from R1-A, one family residential, to OS-1, office service. Upon a roll call vote, motion carried 7 to 0.

ACQUISITION OF 6033 OAKLAND DRIVE: Mayor Strazdas deferred to Councilmember Reid, who indicated that she provide her questions regarding the acquisition of 6033 Oakland Drive as early as she could, but did not have time to review the answers provided by City Manager Shaffer. In answer to Councilmember Reid, Mr. Shaffer indicated that the number of calls from Fire Station No. 2 are equal to those for Fire Station No. 1; that Fire Station No. 2 has functional obsolescence, is one of the oldest city buildings and is deteriorating; the site is heavily encumbered and the drainage system makes it difficult to expand deeper into the lot; the proposed acquisition is bracketed by two other City properties; acquiring this 1.8 acre parcel allows for the assemblage of 6.2 acres creating value north and south (instead of east and west); and, if it is decided that from a functional perspective and an economic perspective, a new facility is more feasible for the future, this parcel affords the opportunity to build a new Fire Station while continuing to operate Fire Station No. 2 without any encumbrance whatsoever. He pointed out that this property has been appraised at \$147,000, has been looked at for 10 years, and the purchase price of \$105,000 is down from an asking price of \$330,000 when City Manager Michael Stampfler first looked at it.

T&U Director Barnes explained the problems with the drainage system and the need to expand it; the sidewalk issues; the need to better manage the Milham Avenue and Oakland Drive intersection; and some of the access issues associated with the property. Discussion followed.

In answer to Councilmember Urban, Community Development Director Vicki Georgeau indicated that for the property to be considered as park land, an amendment to the Comprehensive Plan would be necessary and in answer to Councilmember Ansari, she said the property is zoned OS-1, Office. Discussion followed.

Motion by Pearson, seconded by Ansari, to approve the city acquisition of 6033 Oakland Drive, owned by Chris & Sam, LLC, for the amount of \$105,000 and authorize the City Manager to execute the Real Estate Purchase Agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Ford, Pearson, Randall, Urban, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmember Reid.

* **CONTRACT BETWEEN THE CITY OF PORTAGE AND SOUTHWEST MICHIGAN FIRST:** Motion by Urban, seconded by Reid, to receive the contract between the City of Portage and Southwest Michigan First as information only. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

LEGISLATIVE UPDATE FROM STATE REPRESENTATIVE BRANDT IDEN: Mayor Strazdas explained that State House Representative Brandt Iden had to leave and would need to come back at a later meeting to provide a Legislative update.

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

Portage Board of Education Regular of December 7 and Special of December 15, 2015.
Portage Human Services Board of January 21, 2016.
Portage Planning Commission of January 21, 2016.

COUNCIL COMMITTEE REPORTS:

PRESENTATION BY COUNCILMEMBER RANDALL REGARDING A DISCOVER KALAMAZOO MEETING: Councilmember Randall discussed a presentation at an early Discover Kalamazoo meeting by Mary McCormick of the Gilmore International Keyboard Festival which will take place April 26 through May 14, 2016, and explained. She reviewed some of the planned performances and stressed the economic boost experienced in the area by these kinds of events.

Motion by Reid, seconded by Ford, to receive the presentation from Councilmember Randall regarding a Discover Kalamazoo meeting. Upon a roll call vote, motion carried 7 to 0.

KALAMAZOO COUNTY TRANSIT AUTHORITY (KCTA) AND THE CENTRAL COUNTY TRANSIT AUTHORITY (CCTA) MEETING: Councilmembers Pearson and Urban discussed the expanded routes being considered by the Kalamazoo County Transit Authority and the Central County Transit Authority, the new routes planned for Metro County Connect on Sundays and the efforts of the Route Committee of Transit Employees to provide better service and an increase in routes.

Motion by Ford, seconded by Reid, to receive the presentation from Councilmembers Pearson and Urban regarding the Kalamazoo County Transit Authority and the Central County Transit Authority Meeting. Upon a roll call vote, motion carried 7 to 0.

NEW BUSINESS:

RESIGNATION OF JAY WOODHAMS FROM THE BOARD OF REVIEW: Motion by Ford, seconded by Ansari, to accept the resignation of Jay Woodhams from the Board of Review, and direct the City Clerk to advertise for someone to fill the vacancy. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF FRIDAY, JANUARY 26, 2016:** Motion by Urban, seconded by Reid, to receive the Materials Transmitted of Friday, January 26, 2016. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban indicated that the proposals for the location of the new football stadiums, swimming pools, etc. is the responsibility of Portage Public Schools and all questions should be directed to them.

Councilmember Reid indicated she attended a Wear Red for Women Luncheon, that February is Heart Health Month, that one out of four women get heart disease and one out 3 die from it, and asked everyone to support women and become aware of the risk factors.

Councilmember Randall indicated that Guys and Dolls performed at Portage Central is outstanding and mentioned that Portage will celebrate the birthday of Martin Luther King Jr. on February 26th when the Central Ohio Choir, which recently performed for the White House, will perform at Portage Northern High School at no charge.

Mayor Strazdas reflected on his recent appointment to the Star Awards Committee of United Way where the best volunteers in the Community will be selected.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:28 p.m.

James R. Hudson, City Clerk

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