

CITY COUNCIL MEETING MINUTES FROM MAY 24, 2016

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

At the request of Mayor Strazdas, Pastor Richard Pilger of the Kalamazoo Valley Family Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATIONS: Mayor Strazdas issued a Gun Violence Awareness Day Proclamation and a Portage Soccer Classic Tournament Weekend Proclamation.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Randall, to approve the Special Meeting Minutes of May 10, 2016, and the Regular Meeting Minutes of May 10, 2016, as presented. Upon a voice vote, motion carried 6 to 0. Motion by Pearson, seconded by Randall, to approve the Pre-Council Meeting Minutes of May 23, 2016, as presented. Upon a roll call vote, motion carried 4 to 0, with Councilmembers Ford and Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Pearson to read the Consent Agenda. Councilmember Urban asked that Item F.4, Preliminary Plat of Whispering Meadows No. 4 (6513 Angling Road), be removed from the Consent Agenda.

Motion by Pearson, seconded by Ansari, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0, with Councilmember Pearson abstaining from Item F.5, Permit to Conduct Fireworks Display, owing to a perceived conflict of interest.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 24, 2016:** Motion by Pearson, seconded by Ansari, to approve the Accounts Payable Register of May 24, 2016. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

FISCAL YEAR 2016-2017 BUDGET: Mayor Strazdas introduced this item and asked City Manager Larry Shaffer to comment on the Fiscal Year 2016-2017 Budget as presented. Mr. Shaffer indicated that this is a \$6.84 million Proposed Fiscal Year 2016-2017 Budget. He indicated that the budget represents a 1.3% increase in expenditures over last year's budget. It includes six different categories in 22 different funds: the General Fund is experiencing a reduction of 0.53%, and the \$14.8 million Capital Improvement Plan reflects an \$840,000 increase or about 6%. He thanked and congratulated City Council for the many hours they spent in consideration of this budget. He acknowledged and expressed his appreciation to the City Department Heads and Deputy City Manager Rob Boulis for their efforts in putting this budget together and offered to answer any questions that City Council or anybody in the community might have relative to this budget. Mayor Strazdas interjected that there has been a request through Council for a second Spring Clean-up, perhaps as a Fall Clean-up for trash and unwanted items, and wanted the assurances that the funds would be there for that effort. Discussion followed and Mayor Strazdas summed up.

Motion by Urban, seconded by Ford, to adopt the General Appropriations Act Resolution to adopt the Fiscal Year 2016-2017 Budget. Upon a roll call vote, motion carried 6 to 0 with Councilmember Ansari abstaining from the vote related to Portage Community Center and Lending Hands of Michigan, owing to a perceived conflict of interest.

Motion by Urban, seconded by Randall, to adopt the Resolution to adopt the Salary and Wage Schedules for the Fiscal Year July 1, 2016, to June 30, 2017. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on pages 179 and 181 of City of Portage Resolution Book No. 46.

*** STREET CRACK SEALING MATERIAL – SOLE SOURCE PURCHASE**

RECOMMENDATION: Motion by Pearson, seconded by Ansari, to approve the sole source purchase from Maxwell Products, Incorporated, for: 46,000 pounds of crack sealing material in the amount of \$19,504 for initial application in 2016; and 118,000 pounds of crack sealing material to be used during the 2016-2017 construction season; 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.

*** BACKUP STORAGE REPLACEMENT:** Motion by Pearson, seconded by Ansari, to approve the purchase of an EMC storage backup solution from Data Strategy, Incorporated, through the Western States Contracting Alliance cooperative purchasing program in the amount of \$47,578.41; approve professional installation services through Data Strategy, Incorporated, in the amount of \$10,000 in order to address storage backup failures and capacity issues on behalf of the City of Portage, for a total project cost of \$57,578.41; 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.

PRELIMINARY PLAT OF WHISPERING MEADOWS NO. 4 (6513 ANGLING ROAD): Mayor Strazdas deferred to Councilmember Urban, who expressed his concern about the two proposed variances offered as part of the Preliminary Plat of Whispering Meadows No.4, to vary the extension/connection of public streets and the installation of sidewalks on both sides of the street. At the request of Mayor Strazdas, Community Development Director Vicki Georgeau provided some background of the request and mentioned as with the first three Phases of Whispering Meadows, the developer has asked for an exception to the street connection. She described some of the details related to Phase 3 as approved by City Council where Towhee Street was not extended where the developer built five homes instead, and Davcliff Avenue was not extended where the developer built homes in a different plat instead. She indicated that the developer contends that this has always been the plan and wants to continue this development pattern and leave Kalarama Avenue as the only East/West Road through the Amberly neighborhood since extending Camelot would bring excessive traffic through the plat. With regard to sidewalks, she pointed out that the first three Phases of Whispering Meadows do not have sidewalks, is a fairly low density neighborhood and has access off of Romence Road outlining some details using a map. She summed up and indicated that staff and the Planning Commission reviewed this request and recommend approval.

In answer to Mayor Strazdas, Councilmember Randall indicated that she would be abstaining from the final vote, but would be staying for the discussion and explained. City Attorney Brown concurred with her intent to remain, not be a part of the discussion and refrain from voting.

Councilmember Urban asked whether the sidewalk requirement was in place when the previous Phases of the Whispering meadows Plat were approved, and Ms. Georgeau said she did not believe that it was and pointed out that the sidewalk policy has varied over the years. She mentioned that there were some examples where the waivers were granted when the policy was in place, but did not think that was the case here. Discussion followed. Councilmember Urban expressed his objection to the Council Policy of the 1990's of not having sidewalks on either side of the street, then having sidewalks on one side of the street, and now back to sidewalks on both sides of the street as it has left City Council with an extreme patchwork of sidewalks. He spoke in support of sidewalks on both sides of the street in Whispering Meadows No. 4, regardless of the first three phases for whatever reasons. He noted that this neighborhood is within the required walking distance to Amberly Elementary and West Middle Schools and does not receive bus service. He pointed out that it is somewhat ridiculous to put in a pedestrian walkway on Camelot Street and not continue with sidewalks in the plat, or "a sidewalk to nowhere" and summed up.

With regard to interconnectivity, Councilmember Urban indicated that the idea is to create a city and a community, not isolated enclaves, and argued that there is no way there can be a street in this plat that becomes a “through street” by virtue of the design of proposed site plan. Further, he said that the idea is to create neighborhoods and not just isolated neighbors who do not know one another; therefore, sidewalks and interconnectivity are important, especially with Amberly Elementary School nearby. He emphasized Portage is a city of neighborhoods and neighborhood schools, and getting to school without having to go a half of a mile out of the way is important, and restated his opposition to the proposed variances.

In answer to Mayor Pro Tem Ansari and his question regarding safety, Ms. Georgeau responded she could not think of an instance where a sidewalk would be a detriment to safety unless there was a situation where a grade change or deep slope would be a challenge to a person with a disability; or where there is not enough right-of-way and the sidewalk is integral to the curb as with a major thoroughfare; nevertheless, she stressed that this sidewalk still keeps the pedestrian out of the roadway. She referred to the Complete Streets Policy exceptions given for environmental issues, unique circumstances, or other pedestrian amenities in the vicinity, and drew correlations to be considered with the Amberly neighborhood where there are very few sidewalks. She pointed out that in his application, the developer stated that when he was selling the lots in the first three phases, this was always a future intended Phase; that he had a first right of refusal to buy and develop this land in the event it became available; and Ms. Georgeau explained that if this was a new development, the City would be taking a much stronger stance with regard to sidewalks and interconnectivity. She restated her preference for sidewalks, but this developer has requested a variance.

Mayor Strazdas indicated that he was trying to balance the request from a very good developer with the Complete Streets Policy, the patchwork of sidewalks dilemma in the City, and the socioeconomic issue of isolating a neighborhood, whether it is a poor neighborhood, or a rich neighborhood. He spoke in support of the pedestrian walkway through Camelot Street and sidewalks.

Councilmember Urban expressed his frustration with the lack of interconnectivity among the plats in Portage and the lack of sidewalks for the safety of the children of Portage. Discussion followed.

City Attorney Brown answered in the affirmative when Councilmember Ford asked if Council should consider all of the requirements quoted in part from Section 42-803(j) of the Subdivision and Land Division Regulations (Streets – Location and Arrangement) found in the Deputy City Manager Communication to Honorable Mayor and City Council as Item F.4 in the City Council Agenda Packet dated May 24, 2016. Councilmember Ford spoke in support of granting the variances since the Planning Commission recommended approval with only fifteen properties affected and stressed the importance of conformance with the first three phases and the adjoining neighborhood. City Attorney Brown cited Section 42-713 found in the staff report dated April 29, 2016, as the three requirements that must be shown before granting a variance as even more relevant to Council consideration before granting the variance.

Councilmember Pearson pointed out that this was a unanimous decision by the Planning Commission, then Ms. Georgeau responded to him that she was unaware if anyone from Whispering Meadows No 1, No.2 or No. 3 has ever requested installation of sidewalks, and that it (no sidewalks) was consistent with the existing development pattern. Councilmember Pearson indicated that when he was a Planning Commissioner, and there was a four-phase project with seventy-five per cent of the development completed, no consideration would be given to changing the rules in “midstream” as it would be unfair and explained. He indicated that he would be supporting the request and indicated that he could see no reason to change the character of the plat for Phase No 4.

Councilmember Urban said that there are some sidewalks in the Amberly neighborhood and indicated that there have been complaints in that neighborhood of children having to walk in the road. He reminded Council that the City has made special efforts in some areas to add sidewalks in the Amberly neighborhood as necessary. He pointed out that there was no discussion of these variances cited in the Planning Commission minutes, and asked for any discussion from Ms. Georgeau that she may recall. He refuted the holding that each of the three conditions of V. RECOMMENDATION, Section 1. Variance Requests, Page 3 of the staff report dated April 29, 2016, have been met and could

not grant a variance even if he wanted to. City Attorney Brown indicated that the staff report reasoning behind the variance should be incorporated into the motion granting this request. Discussion followed.

Charlie Glas, 7217 North Douglas, Kalamazoo, reflected upon his positive experiences in Portage over the years. He objected to interconnectivity on the basis of increased traffic in a low density plat and a desire for continuity by his Father and himself. He also expressed a concern about long-term maintenance. Discussion followed regarding the pros and cons of sidewalks and interconnecting roadways.

Ms. Georgeau answered Councilmember Ford by indicating that the decision to close off Davcliff Avenue was a part of Whispering Meadows No. 2, and the decision to close off Towhee Street was part of Whispering Meadows No. 3, and guessed it was in 1997. Discussion followed.

Motion by Pearson, seconded by Ford, to approve the Preliminary Plat of Whispering Meadows No. 4 (6513 Angling Road), subject to the three conditions in the April 29, 2016 Department of Community Development staff report, and grant the two variances requested, finding that the three standards set forth in Section 42-713 have been satisfied as found in Section V. RECOMMENDATION of the report.

At the request of Mayor Strazdas, City Engineer Chris Barnes offered an opinion with respect to traffic, pedestrian, engineering and safety. He distinguished between an urban section with curb and gutter, and a rural section with no curb and gutter, but a ditch. He said typically there is an allowance for a sidewalk in an urban section because most national transportation organizations recognize that the ultimate urban section would be a section with sidewalks that would provide a safe passage for all of the users of the right-of-way, i.e. the Complete Streets concept. He said that the Council Policy was brought forth by the Federal Highway Administration and the Transportation Department to facilitate access for all of the users of the roadway, not just motor vehicles. He acknowledged that typically there would be sidewalks in this situation in answer to Mayor Strazdas.

Councilmember Ford observed that it is “odd” that Council is considering putting sidewalks in front of fifteen homes when all of the homes within a two block radius do not have them and explained. He then offered that maintenance of these sidewalks will ultimately fall on this Council for fifteen homes when there are no other sidewalks in the vicinity. Mayor Strazdas shared his understanding of his point, then reflected on the time when people were negative about the stubbed bicycle trail ways across the City, and compared them with today now that they are all connected. He expressed his belief that there will be a time when there will be sidewalks all over the City.

Councilmember Urban reiterated that all three of the criteria in the Subdivision and Land Division Regulations (Streets – Location and Arrangement), Section 42-713, need to be satisfied. He again read the first one stating that Council cannot show that this requirement has been met, even aside from the other two. Discussion followed.

Councilmember Pearson indicated that he is “struck” by the opinion of the professional staff; Phase 4 is consistent with the existing development pattern; we have worked with the developer; obviously in a main thoroughfare, we want the Complete Streets concept and the Federal Funds; this is a low density neighborhood with winding streets, completes the pattern and the developer contends it retains the continuity of the plat; hence, it is clear why the Planning Commission is making this recommendation.

Councilmember Urban indicated to Mayor Strazdas that it is appropriate that he express what effect a “yes” vote and a “no” vote has on the installation of sidewalks. Mayor Strazdas indicated that a “yes” vote means there are no sidewalks and no other cut through streets; and, a “no” vote means that you would like to have the roads connected and that you would like to have sidewalks, “or one or the other.” Discussion followed.

Upon a roll call vote, motion failed, 3 to 2: Yeas: Councilmembers Pearson and Ford. No: Councilmembers Urban and Mayor Pro Tem Ansari and Mayor Strazdas.

Motion by Urban, seconded by Ansari, to approve the Preliminary Plat of Whispering Meadows No. 4 (6513 Angling Road), subject to condition two and three of the April 29, 2016 Department of Community Development staff report, excepting the last sentence of condition two which states, “...an easement will also need to be provided for the public walkway located between Lots 71

and 72.” City Attorney Brown interjected that this is a request for a variance, so the motion should include a denial of the variance as requested by the applicant and explained. Motion by Urban, seconded by Ansari, to amend the motion to include: additionally, the variances requested by the applicant, are denied in finding that the three conditions required for variance of the Subdivision and Land Division Regulations (Streets – Location and Arrangement), Section 42-713, have not been satisfied.

Ms. Georgeau asked for the understanding from City Council that if the street connection is desired, the developer may wish to redesign the layout of the plat not to include the street connection to Camelot Street. Discussion followed.

At the request of Mayor Strazdas, Charlie Gas indicated that the sidewalk is one issue and the cut through street is a totally different issue for him since the sidewalks are “either we add them or we don’t” and the interconnectivity of the road is to a completely different plat, so the houses will be completely different, probably with a Planned Unit Development (PUD). He expressed his preference for the variance on the interconnectivity of the streets as it will completely change the dynamics of this plat and stated his willingness to forego the variance on the sidewalks. Discussion followed.

Mayor Strazdas indicated that a “yes” vote means there will be a completely new design; and, a “no” vote means that we may still have an impasse. Discussion followed.

Upon a roll call vote, motion failed, 4 to 1. Yeas: Councilmembers Pearson and Ford, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmembers Urban.

Motion by Urban, seconded by Ford, to approve the Preliminary Plat of Whispering Meadows No. 4 (6513 Angling Road), subject to the three conditions in the April 29, 2016 Department of Community Development staff report, modified as follows: in Condition 1, eliminate the words, “and installation of sidewalks along both sides of all streets (Section 42-804).” He explained that this motion requires that the sidewalks be installed, but does not require the street interconnectivity and leaves the easement for a public walkway located between Lots 71 and 72. Discussion followed.

Mayor Strazdas indicated that a “yes” vote means the sidewalks are in and the road interconnection is not in; and, a “no” vote means no sidewalks.

Upon a roll call vote, motion carried, 4 to 1: Yeas: Councilmembers Ford and Urban, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmember Pearson. Discussion followed.

* **PERMIT TO CONDUCT FIREWORKS DISPLAY:** Motion by Pearson, seconded by Ansari, to approve a permit for a fireworks display on July 3, 2016, sponsored by the Portage Rotary Club. Upon a roll call vote, motion carried 5 to 0 with Councilmember Pearson abstaining.

* **APRIL 2016 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Pearson, seconded by Ansari, to receive the April 2016 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

ANNUAL UPDATE OF THE HUMAN SERVICES BOARD (HSB): Mayor Strazdas welcomed Human Services Board Chair Amanda Woodin, who referred to the Communication in the City Council Packet dated May 5, 2016, that summarizes the activities of the HSB for the past year as she presented each of the accomplishments. Discussion followed. City Manager Shaffer expressed his appreciation for the staff support provided by Elizabeth Money to the HSB, and thanked the HSB for their hard work on the non-discrimination ordinance which will be the subject of the public hearing at 7:00 p.m. on May 26, 2016, in City Hall Council Chambers. He also indicated that he is looking forward to a report from them on that ordinance. Councilmember Urban interjected that the issue with KVCC and Central County Transit Authority (CCTA) has been resolved with a contract among CCTA, Texas Township and KVCC. Discussion followed.

Motion by Pearson, seconded by Ford, to receive the communication from Human Services Board Chair Amanda Woodin. Upon a voice vote, motion carried 6 to 0.

ANNUAL UPDATE OF THE HISTORIC DISTRICT COMMISSION (HDC): Mayor Strazdas welcomed Historic District Commission Chair Katie vanLonkhuyzen, who reviewed the progress of the HDC and highlighted some of their activities, challenges, motivations and initiatives for the year. Mayor Strazdas asked Ms. vanLonkhuyzen to narrow down her presentation to the top one or two things that she believed the HDC would like to focus on since he jotted down about a dozen things that are issues or challenges for the HDC. Ms. vanLonkhuyzen responded that outbuildings continue to be one of their biggest challenges, and the way they are addressing this is bringing in the Preservation Expert on May 26, 2016, in Conference Room #1, City Hall at 5:00 p.m. which she mentioned in her presentation and explained. She indicated the other challenge is finding the right homeowners and making sure that when they come into the Historic District, they are fully informed of their responsibility and the Historic District process. She indicated that the way they are handling the new homeowner is to provide the welcome packet to the realtor at the time of listing an historic home and to the new historic homeowner after the purchase. Discussion followed.

Mayor Strazdas expressed a desire to recognize the owner of Stuart Manor for donating it to Celery Flats, and asked City Manager Shaffer to determine who was the last owner of Stuart Manor in order to recognize his family for the donation. Ms. vanLonkhuyzen indicated that there is a plaque in the foyer of the house. Mayor Strazdas thought it might be Doug Brown, but asked for confirmation.

In response to Councilmember Randall, Ms. vanLonkhuyzen indicated that the name of the Preservation Expert coming in on Thursday, May 26, 2016, is Steve Stier in Conference Room #1, City Hall at 5:00 p.m., free to the public and will be taking donations to hopefully cover the cost of his transportation. She did seek out her historic home and does not plan to sell it, but is comforted by the fact that it is in the Historic District and will be protected for the future for our children and grandchildren. Mr. Shaffer recognized Erica Eklov, who is the Staff Liaison for the HDC and does a great job, and acknowledged her passion and support for the HDC.

Mayor Pro Tem Ansari asked about Mick Lynch and the option of touring his properties on Sprinkle Road. Ms. vanLonkhuyzen explained that Mr. Lynch has been a member of the HDC in the past, and that the HDC has approached him for a possible public tour option. Discussion followed.

Motion by Ford, seconded by Ansari, to receive the Annual presentation and update from Historic District Commission Chair Katie vanLonkhuyzen. Upon a voice vote, motion carried 6 to 0.

PLANNING COMMISSIONER APPOINTMENT: Mayor Strazdas explained the need for another Planning Commissioner. Discussion followed. Motion by Urban, seconded by Ansari, to appoint Paul Welch to an additional one-year term to the Planning Commission, effective June 1, 2016, through May 31, 2017. Discussion followed. Upon a voice vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE CODE OF ORDINANCES:** Motion by Pearson, seconded by Ansari, to amend the Code of Ordinances of the City of Portage, Michigan, by amending Section 34-62 of Chapter 34 which sets forth amendments to the International Fire Code. Upon a roll call vote, motion carried 6 to 0.

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

Portage Senior Citizens Advisory Board of March 16 and April 19, 2016.

Portage Youth Advisory Committee of April 11, 2016.

Portage Public Schools Regular Meeting and Committee of the Whole of April 18 and May 2, 2016.

Portage Planning Commission of May 5, 2016.

BID TABULATIONS:

2016-2017 LOCAL STREETS RECONSTRUCTION PROJECT– BID TABULATION:

City Manager Shaffer reviewed the item and explained. Motion by Urban, seconded by Ansari, to award a construction contract for the 2016-2017 Local Streets Reconstruction Program to Michigan Paving & Materials Company of Kalamazoo, Michigan, in an amount not to exceed \$935,588.80, 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. Discussion followed.

* **TEMPORARY AND SEASONAL EMPLOYMENT SERVICES CONTRACT – BID TABULATION:** Motion by Pearson, seconded by Ansari, to award a contract to AccessPoint of Portage, Michigan, to provide temporary and seasonal employment services through fiscal year 2016-2017, in an estimated amount of \$230,165 with the option of three one-year renewals 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.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Pearson congratulated City Manager Larry Shaffer and his staff on the preparation of the Budget which provides three police officers, three firefighters, roads, debt reduction and no millage increase.

Councilmember Randall wished all a safe Memorial Day weekend and extended a special appreciation for those who served our country and those who are currently serving. Mayor Strazdas concurred and asked Portage citizens to think about the real meaning of Memorial Day.

Mayor Pro Tem Ansari recognized Don Ryan of Lending Hands, who was present during the passing of the Budget, but had to leave at 9:00 p.m.

MATERIALS TRANSMITTED:

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Pearson, seconded by Ansari, to receive the Departmental Monthly Reports from the various departments. Upon a roll call vote, motion carried 6 to 0.

* **MATERIALS TRANSMITTED OF MAY 6, 2016, AND MAY 10, 2016:** Motion by Pearson, seconded by Ansari, to receive the Materials Transmitted of May 6 and May 10, 2016. Upon a roll call vote, motion carried 6 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:30 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.