

CITY COUNCIL MEETING MINUTES FROM JUNE 14, 2016

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

At the request of Mayor Strazdas, Reverend Aaron Sorrels of Lord of Life Lutheran 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, 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 Larry Shaffer, Assistant City Attorney Charlie Bear and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Randall, seconded by Ansari, to approve the May 24, 2016 Regular Meeting Minutes. Upon a voice vote, motion carried 6 to 0 with Councilmember Reid abstaining.

Motion by Randall, seconded by Reid, to approve the Pre-Council Meeting Minutes of June 13, 2016, as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Ford and Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that Item F.5, Non-Discrimination Ordinance, be removed from the Consent Agenda, and Councilmember Randall asked that Item F.2, Fiscal Year 2016-2017 Community Development Block Grant and General Fund Contracts, be removed from the Consent Agenda.

Motion by Randall, seconded by Ford, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 14, 2016:** Motion by Randall, seconded by Ford, to approve the Accounts Payable Register of June 14, 2016. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

REQUEST FOR PERMISSION TO ENCROACH ON CITY PROPERTY: Mayor Strazdas indicated receipt of two letters from Joshua J. McBarnes, J.J. Real Estate Investments, L.L.C., dba Paramount KZOO Landscape Services, 1151 West Milham Avenue, which contained a request for permission to encroach on City property located west of 5798 West Heverly Avenue. City Manager Larry Shaffer said that this request just came in and staff has not had time to digest it. Also, he indicated that in order to consider the request more completely, prepare a recommendation to City Council and prepare for discussion, he asked that Council refer it to the Administration for review and recommendation at the next City Council meeting.

Motion by Pearson, seconded by Randall, to refer the request for permission from Mr. Joshua McBarnes to encroach on city property located at 5798 West Heverly Drive to the Administration for review and recommendation.

Councilmember Reid asked if Mr. McBarnes is here, could he speak to the request? Mayor Strazdas asked Joshua McBarnes of Paramount KZOO Landscape Services, and Christopher Rowe, 5798 Heverly Drive, for a framework and a context to their request to help in understanding the request. Mr. McBarnes indicated Chris Rowe's property abuts up to the east side of the retention pond in the Harbors neighborhood and City property comes 10 feet east of that fence line. He said the request is to install an irrigation system on that property, to put a fire pit in there and to build a forty foot retaining wall on the Rowe property; this would add 1,000 square feet with the potential of moving the fence into the retention pond more. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **DELINQUENT WATER AND SEWER BILLS:** Motion by Randall, seconded by Ford, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2016, will be transferred to the 2016 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 7 to 0.

FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT AND GENERAL FUND CONTRACTS: Mayor Strazdas introduced this item and deferred to Councilmember Randall, who indicated that she was in favor of dispersing the funds to all of the organizations chosen by the Human Services Board (HSB). However, she wants City Council to look at the policy and parameters used to judge who gets Human Services funds. She asked for a greater emphasis on non-profit organizations within Portage that are serving primarily Portage residents as she feels the current grading system does not do this. She shared that she knows of several organizations who deserve funding from the City, but have never received the application because they do not know the process, however. She asked that City Council take time to review this and give direction to the HSB in order to better meet the needs of our community. Mayor Strazdas summed up by saying there are two action: first, is to approve the contracts and authorize the City Manager to execute the applicable documents; and second, to have a Committee of the Whole (COW) and include the Human Services Board (HSB) subcommittee to meet with City Council to discuss the formula used for dispersing funds through the Community Development Block Grant (CDGB) process.

Motion by Reid, seconded by Randall, to approve the Fiscal Year 2016-2017 Community Development Block Grant contracts and General Fund human/public services contracts, and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Mayor Pro Tem Ansari abstaining from Item F.2, Fiscal Year 2016-2017 Community Development Block Grant and General Fund Contracts, because he serves on the Portage Community Center Board and his daughter serves on the Lending Hands Board. Discussion followed regarding the HSB formulas that go out to the various agencies. Mayor Strazdas asked that each Councilmember voice his or her concerns about the current grading system or submit them in writing to City Manager Shaffer by the end of the week in order to allow him to bring recommendations to City Council. He also indicated he will probably call for a Committee of the Whole (COW) to work through the recommendations if necessary.

Councilmember Pearson indicated within the last five years, City Council has received the formula, but has not reviewed the formula; yet, he has the same questions as Councilmember Randall and suggested instead of written questions and written answers, that Council hold a COW for thirty minutes before a Regular City Council Meeting with Ms. Georgeau, so Council can ask questions and get comments on the fly to know whether they are realistic or not, and explained the importance of giving live input. Mayor Strazdas agreed and asked Mr. Shaffer to check each Councilmember's calendar to set such a meeting.

Councilmember Ford asked Ms. Georgeau to review the HSB schedule, and she said that the Board just met June 2 and checked their calendars for a meeting of a subgroup to review funding criteria, debrief and discuss the grading criteria. She also indicated that the Board cancelled the July and August meetings unless City Council brings them an action item. She pointed out that the subgroup usually meets in September to report their findings and thoughts about changes to the criteria and application forms. She expressed the need to release the application in November in order to get the applications back in December to start the process all over again. With that, Mayor Strazdas suggested a COW sometime before the next two Council Meetings to discuss this matter.

Mayor Pro Tem Ansari asked whether this matter could be a part of the next COW Meeting, and Mr. Shaffer indicated the next COW was set for some time in September at which time Council would be considering purchasing procedures. Mr. Shaffer suggested setting this COW on July 12, 2016, to allow time to prepare, if City Council agrees. Mayor Strazdas indicated that Mr. Shaffer has each of the Councilmember's schedule and would work for a mutually amenable date.

Councilmember Reid noted that it might be advantageous to invite at least the HSB subgroup to the COW to let them hear questions of Council and provide feedback and rationale for why things are the way they are to provide direction to them in September regarding how to revise the form to accommodate any revisions in the criteria before it goes out in November. Mayor Strazdas concurred.

Motion by Pearson, seconded by Randall, to ask the City Manager to find a time within a month to have a Committee of the Whole (COW) and include the Human Services Board (HSB) subcommittee to meet with City Council to discuss the formula used for dispersing funds through the Community Development Block Grant (CDGB) process. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **BOND COUNSEL SERVICES:** Motion by Randall, seconded by Ford, to accept the five-year proposal to renew the Bond Counsel and Financial Services Contract with Axe & Ecklund, P.C., and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 7 to 0.

* **CRASH/CRIME/FIRE SCENE ILLUSTRATOR – SOLE SOURCE PURCHASE:** Motion by Randall, seconded by Ford, to approve the sole source purchase of a Focus3D X 330 HDR Laser Scanner from FARO Technologies of Lake Mary, Florida, at a total cost of \$83,699 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

NON-DISCRIMINATION ORDINANCE: Councilmember Urban commented that since he raised this issue at the December 2015 City Council Retreat, and asked for the development of this Ordinance, the conversation about LGBT (Lesbian, Gay, Bisexual, Transgender) civil rights and laws openly discriminating against all or part of the LGBT community have changed, but the prejudice, bigotry, fear and hatred has not changed. He said it has gotten more press coverage and the battle for and against LGBT has gotten louder. He noted that actions, both good and bad, have taken place in North Carolina, Mississippi, Arizona, Michigan and 18 other states. Also, since he raise this issue, President Obama and his Administration have taken the positive action of reminding states that discrimination based on sex, including LGBT status, is a violation of Title 9 and “endangers Federal Funds.” He mentioned that there has been a vitriolic response by many state legislators and state administrators; and, now he said we have the horrendous exclamation point of hatred in the actions in Orlando Sunday morning.

He pointed out that when he first raised the need for a LGBT Non-Discrimination Ordinance, someone asked, "Do we need this?" He answered “of course” and said that he is embarrassed that this has to be done on a local level because the Michigan State Legislature and the United States Congress have failed to do it on their respective levels. He made distinctions among the states and the various levels of progress in this effort, and cited the various forms of discrimination allowed in Michigan against members of this community, including employment, housing and the refusal to serve at a restaurant.

He said while LGBT discrimination is legal, it legitimizes prejudice, bigotry and hatred; and, until we do not tolerate, as legal, these forms of public discrimination we cannot hope to eliminate the bigotry and hatred in our society. He explained and cited examples to support his position. He emphasized that every local protection added citizens become aware of the need for national protection, and that all of our citizens deserve our respect as people and our protection against discrimination. He summed up and said the Non-Discrimination Ordinance is needed because LGBT individuals deserve the same civil rights as others. He discussed some of the objections raised and some of the exemptions that would apply. Discussion followed and Councilmember Urban offered to make a motion.

Mayor Strazdas deferred to City Manager Shaffer for an explanation, and Mr. Shaffer indicated that the proposed action is for City Council to accept the Non-Discrimination Ordinance for

a first reading and set a public hearing, after which to take final action on June 28, 2016. Mayor Strazdas outlined the procedure for public discussion on this matter and indicated that the Ordinance is not subject to approval or disapproval at this meeting and explained.

Cheryl Gilliam, 9727 Southern Oaks Court, spoke in favor of the LGBT Non-Discrimination Ordinance and proposed that the Ordinance could be shortened to read in effect, that we are all born human, and we all should have all of the other rights of all of the other humans.

Former Mayor Pro Tem John Zull, 416 Barberry Avenue, concurred with Ms. Gilliam, and explained that the Civil Rights movement was an affirmative attempt, that was supposed to be limited in duration, to resolve issues that were still unresolved among people owing to a history of slavery in the country. However, he explained that it has been extended to include an expansion of the population base and this has resulted in conflict among people rather than unity. He did not question Ms. Gilliam's rights at all, but questioned whether the process is fair to everyone concerned in terms of this affirmative approach. He suggested that the work of the Human Services Board (HSB) is incomplete because the Board only heard from authors or proponents of the policy that would be proposed to City Council under the leadership of Councilmember Urban. He indicated that the Board should have made time to hear from the countervailing view. He acknowledged that the City did everything in their power to let people know that the HSB was having a hearing on the matter, but this effort does not always work. He indicated that this issue is very important, and it would be wise and prudent for Council to let people with the countervailing view to be heard by the HSB. Finally, he asked that Council put this issue on a ballot for a vote of the public.

Former Mayor Betty Lee Ongley, 8620 Tozer Court, representing the Unitarian Universalist Community Church, 10441 Shaver Road, read a statement from her Church fully in support of the Non-Discrimination Ordinance.

John Fisher, 3506 East Shore Drive, thanked Councilmember Urban for his presentation, for reminding the public that we cannot discriminate against someone carrying too much weight and spoke in favor of the Ordinance. He explained that his Portage Central High School choir teacher and mentor was critical to his development. He then conveyed that he found out ten years after graduation that his choir teacher was a homosexual, but that did not matter to him. He stated it is unconscionable that if his choir teacher had revealed his status that he would have lost his job, and he would have lost a mentor. He held out that discrimination is not abstract and is detrimental to the health and vitality of the wholeness of our community, and reminded everyone that in light of the events this last week, we know how we contribute to violence when we fail to "accept fully." He discussed the Supreme Court case, *Loving v. Virginia*, which invalidated laws against interracial marriage, and reflected negatively on the derogatory name-calling of his classmates who called Leon Roberts, the Portage Northern athlete, a "half-breed" trying to "get under his skin." With that, he urged Council to end this unhealthy, unwholesome discrimination.

Phil Stinchcomb, 1607 Bellaire Avenue, questioned whether Section 24-151. (ii) "nothing in this ordinance requires the construction or provision of unisex single user restrooms, changing rooms, lockers or shower facilities" means if a man wants to use a woman's restroom, will he be disallowed to do that, or is Council saying to the people of Portage that depending upon what you think you are, you can go into that restroom in a public facility? He agreed with Councilmember Urban that this should not be a local issue, but a State or Federal decision; however, he questioned the need for exceptions for any class because a law is only fair if it is fair for everybody, and cited churches, religious organization, affirmative action programs, bona fide employment requirements, etc. as examples. Finally, he asked for a clarification of the \$500 fine requirement under Section 24-156, Penalties. Discussion followed.

Scott McGraw, 10608 Dandale Street, concurred with John Zull and Phil Stinchcomb, and indicated he did not feel the Ordinance was properly vetted at the HSB level. He respectfully requested that City Council refer it back to the HSB for further review and input from both sides.

Ginger Clifton, 3429 Woodhams Avenue, indicated that her family chose Portage because of the high quality schools, diverse community and safe community. She said that they were not a member of the LGBT community when they moved here 1½ years ago; however, one month after moving in, one of their three children came out to her as transgender, and everyone here could be one day away from a

loved one, family member or someone you care about coming out as gay, lesbian or transgender. She pointed out if the Ordinance does not pass, you can legally deny employment, housing, a family dinner at a restaurant or seeing a movie together to not only her child, but also to her or my husband. She said her child is recognized now with a United States Passport as female, uses the restrooms in Portage and there are no issues; also, she is not a harm to society, nor is she trying to engage in some sexual behavior; she is simply trying to use the bathroom. With that, she asked that Council pass the Non-Discrimination Ordinance on behalf of her family, her friends and her co-workers in the community.

Larry Provancher, 7414 Starbrook Street, thanked Councilmember Urban for his Ordinance and said he is a long-time supporter of inclusiveness and accepting all people. He mentioned an incident with his wife who he said is a naturalized citizen, is from Columbia, is not white, speaks with an accent and a Portage resident since 1963: after Nine Eleven, he and his wife were talking at a gas station in Portage when a lady jumped out of a pick-up truck and yelled at his wife, "Why don't you go back to your own country?" He expressed his frustration and told his wife that the best thing to do was to say nothing. He said anything we can do to promote inclusiveness and diversity is a good move and said he is in favor of the Ordinance.

Reginald Clapp, 1522 Rockledge Court, Apt. 1, Kalamazoo, spoke in opposition to the Ordinance suggesting it proposed something that is perverse and discriminatory against the majority of the people. He said when he was growing up, gay meant happy or happy-go-lucky and suggested that the LGBT community has perverted this term to mean something sexual. He pondered whether the daughter of Ms. Clifton had been influenced by the behavior of other people to decide she was a female. He indicated that if he had children, he would not want them to be influenced to engage in perverted behavior and said there is nothing positive about that behavior, and gave the examples that there is no way two women can have children together and two men having sex is perverted behavior. With that, he urged Council to not pass the Ordinance. He mentioned that he is a single guy, and could go around and allege he is discriminated against because he is single. And though he had no problem with it, he cited the time when he was the first guy to lose a job for the reason that he did not have a family. He indicated that the LGBT community is "trying to discriminate against us because we don't agree with them" and force him to agree with that kind of behavior. He indicated that in 2009, the gay community was about 1% of the population and now claim to be 4% which means that 96% are not gay, so why should we be forced to accept this. He referred to the recent shooting at a gay bar in Orlando, Florida, and indicated that the shooter is suspected as being a gay person instead of an alleged terrorist. With that, he again urged Council to not pass the Ordinance because it is discriminatory against the majority of people.

Glenn Smith, 10143 Portage Road, a Portage business owner, indicated he showed up here for a different reason; however, upon listening to Councilmember Urban, he began feeling a lot of pride in the fact that he lives in a City where we have progressive ideas and people in places of leadership who have the courage to stand up and make this kind of proposal. He said that this Ordinance will make our community better from within and better looking to those outside our borders. He said a city that is diverse, inclusive and progressive, plus has a conscience towards being fair to every member of society, will thrive; and, without that characteristic, we wither on the vine in every respect, economic, social and even religious. He urged a vote in favor of the Ordinance.

Katheryn Greaves, 2651 Woody Knoll, expressed her appreciation for Council taking up this Ordinance because the elected State officials are unwilling to do this. She indicated she works in Battle Creek for the Kellogg Company and teaches in Kalamazoo for Western Michigan University, and she can never be fired from her job at either place because each city has Ordinances to protect her as a lesbian. She pointed out that the Ordinance protects everyone in the room from being denied a seat at a restaurant, employment, housing and services if they are perceived as being of the LGBT community.

Julie Ann Bauer, 6262 Quail Run Drive, Kalamazoo, indicated that she was discriminated against because she was perceived as being gay although she is not. She stated she had issues at Church, in her neighborhood and at work because it was rumored she was gay.

Stasia Taverna, 5105 Bronson Boulevard, expressed her appreciation for Council taking up this Ordinance. She described her four children and stated her older three boys will not have the issues that her youngest child will have. She said her eleven year-old, Addison, transitioned one year ago on Sunday; that they celebrated at Kalamazoo Pride and felt a lot of love from the community of Kalamazoo, Portage and neighbors. She expressed her wish to have her daughter live in this wonderful community with the support of her neighbors, her friends and her government. She said it takes a lot to state the truth and shared that her truth is love. She said she loves Portage, her home and her family. She then asked Council to pass this Ordinance in order for everybody else to feel safe and secure.

Lori Batzloff, 1116 Southern Avenue, Kalamazoo, spoke in favor of the Ordinance. She also mentioned that the City of Kalamazoo submitted a similar Ordinance for a vote of the people, and it passed by almost 3,000 votes. She disclosed her objection to placing it on the election ballot based on the fact that these are civil rights. She said that she was unaware of any problems caused by the enactment of the Kalamazoo Non-Discrimination Ordinance. In fact, she shared that it has made Kalamazoo more welcoming and more attractive to everyone. Discussion followed.

Motion by Urban, seconded by Reid, to accept the Non-Discrimination Ordinance for a first reading and set a public hearing for June 28, 2016, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, take final action on June 28, 2016.

Councilmember Pearson noted that Section 24-156 (b), Penalties, is puzzling to him and asked for full clarity so a Judge knows the full intent of this section; or whether an owner who denies a lease of an apartment to a gay couple suffers a \$500 fine or a \$90,000 fine, and on which day does the fine begin. Assistant City Attorney Charlie Bear prefaced his response by indicating that he has not worked on this Ordinance, but that this section is typical of any municipal civil infraction, and explained that there is a statutory provision that each day upon which a violation exists constitutes a new violation. He explained that what typically happens is a single citation is issued, processed through the court and there is the potential to file a second infraction, but this does not typically happen; so, in most instances, the City would be dealing with a single infraction and fine, and sees no difference in treatment than any other municipal civil infraction. Councilmember Pearson expressed his desire to know from the other jurisdictions that have this Ordinance the amount of time they have had the Ordinance, the number of court cases they have had, and whether the fine is limited to \$500, or is it like his example of going for six months and a \$90,000 fine. Discussion followed.

Mayor Strazdas asked for some “rich questions that are out there” to be presented to the Administration who can then provide answers either before or during the public hearing. Discussion followed.

Mayor Pro Tem Ansari asked for more time to consider the Ordinance for at least a month to allow time to appropriately address all of the questions that may arise. Discussion followed.

Motion by Ansari, seconded by Pearson, to amend the motion to allow for the public hearing to take place July 12, 2016, instead of June 28, 2016, to allow time to answer questions similar to the one he asked of Assistant City Attorney Bear and those asked by Phil Stinchcomb. Discussion followed.

Councilmember Reid spoke against the amendment saying that the HSB had two emails and the article on the front page of the *Portager* showed that the public was aware that the Non-Discrimination Ordinance was being addressed and the public had the opportunity to present his or her input. She noted that the answers to the questions posed this evening will be provided in two weeks, and any modifications in the Ordinance can be referred back for revision, so Council can then decide whether what is presented is what Council wants or not. So, she was not in favor of pushing it back for a month since it can be done in two weeks. Discussion followed.

At the request of Councilmember Ford, Assistant City Attorney Bear indicated that no new Ordinance posting would be necessary since the First Reading to the Ordinance has been noticed. Councilmember Pearson restated his need for an explanation of whether an owner who denies a lease of an apartment to a gay couple suffers a \$500 fine or a \$90,000 fine, and on which day does the fine begin, and Mr. Bear assured him that a full explanation would be forthcoming. In answer to Councilmember Reid, Mr. Bear indicated that the answers to Council’s questions should be available for the next meeting in two weeks.

Mayor Pro Tem Ansari indicated that those who could not make the meeting tonight may have questions that they would like addressed, and postponing action for an extra two weeks gives the City Attorney and City Administration the time needed to provide answers to all of the questions from the Council and the public. Councilmember Pearson expressed his support for the Ordinance, but emphasized the need for answers to his questions and to allow for minor changes, if necessary.

Councilmember Urban demonstrated that there is time to answer the questions before the next meeting in the context of the public hearing and, after the public hearing and based upon what we hear, if we recognize that there need to be changes in the proposed ordinance, we can put them in at that time and vote on it that night; or, we can delay action and ask the City Attorney for a new draft. Discussion followed.

City Manager Shaffer indicated that the Ordinance does not anticipate the matriculated process; it begins with a conciliation process. He noted that Kalamazoo, Oshtemo and Kalamazoo Township have fundamentally the same language as Section 24-156 (b). Penalties. He said he cannot be certain that any of them have issued a citation, as the Ordinance is designed to channel complaints to the City Manager's office where facts are sorted out, discussion ensues and the individual who has the complaint lodged against is brought in. He pointed out that it is an education process; it's a building process; so, it anticipates that it is the initial stage where all of your time and energy is spent. He indicated that if the conciliation process is unsuccessful, then there is the option to issue a violation, but it is not anticipated that the violations would be ongoing, day after day. He assured Council that when the issue was taken up at the HSB, the focus was on education and conciliation rather than employing the more punitive components of this proposed ordinance.

In answer to Councilmember Pearson, Mr. Bear assured him that a response to his question would be available a few days before the public hearing and not just before the meeting. With this and the understanding of the explanation from Mr. Shaffer, Councilmember Pearson withdrew his second of the motion and without a second, the amended motion was withdrawn.

Discussion followed. Councilmember Reid encouraged anyone with questions regarding this matter should present them to the City Manager or to any Councilmember. Mayor Strazdas said that what is important is that the city do it right, not to move fast or slow. Discussion followed. Councilmember Urban outlined the time and care taken to write this Ordinance, to present it openly to the public and to provide full deliberation.

Mayor Strazdas recognized three factions who have an interest in this Ordinance; asked that they meet with the City Manager to discuss the details; and, that he wants everyone to have an opportunity to address this Ordinance and get answers to their questions prior to the public hearing. Mr. Shaffer concurred and indicated that he would be happy to meet with anyone at any time, and would be delighted to facilitate it.

Councilmember Pearson restated his approval of the Ordinance, and asked that the City Attorney bullet point the differences between the proposed City of Portage Non-Discrimination Ordinance and the Ordinances from the Oshtemo/Kalamazoo/Kalamazoo Township. Discussion followed.

Mayor Strazdas called for the question. Upon a roll call vote, motion carried 7 to 0. Discussion followed and Mayor Strazdas asked everyone to maintain civility when addressing this issue.

COMMUNICATIONS:

COMMUNICATION FROM JOHN SPEETER, CHAIR OF THE LONG LAKE GOVERNMENTAL LAKE BOARD: After introducing the item, Mayor Strazdas asked Mr. Shaffer for comments and recommendation regarding the letter from John Speeter, Chair of the Long Lake Governmental Lake Board, requesting a continuation of the Long Lake aquatic weed control program. Mr. Shaffer reviewed the letter from Mr. Speeter and the Long Lake Governmental Lake Board asking for the continuation of the program that has been in place since 2011 with the addition of a water testing component and recommended City Council endorsement of the request.

Councilmember Urban, who sits on the Board, informed Council and the audience of a new letter from Mr. Speeter, who took over as Chair of the Long Lake Governmental Lake Board. He noted that the Resolution from the Board Attorney lists a lot of past accomplishments by the Board that do not really have to be in the Resolution, mentioned some of them and indicated that the consultant recommended a new special assessment which has nothing to do with City Council, only the Long Lake Governmental Lake Board. He intimated after a debate over whether the addition of the recommended water testing required City Council approval, the Attorney provided the Resolution and the Board Chair sent it to City Council, but without referencing the Water Quality Check Program. In conclusion, the only important part of the Resolution for consideration is the charge for the Water Quality Check Program component contained in the *Now Therefore* segment of the Resolution since the Long Lake Governmental Lake Board is already implementing the weed management portion contemplated by the Resolution. Councilmember Urban said by adopting the Resolution, City Council enables the Board to do the study, determine the scope, hold the public hearings and assess the special assessment. Mayor Strazdas questioned the timing of the receipt of the revised letter from Mr. Speeter which Councilmember Urban said was on line as of Monday, June 13, 2016. Discussion followed and Councilmember Urban stressed that City Council does nothing except allow the Governmental Lake Board to investigate, take public comment, hold public hearings, then decide whether there is a need for a water testing program. In answer to Mayor Strazdas, Councilmember Urban said there is an urgency as both the City of Portage and Pavillion Township must adopt the Resolution; however, Pavillion Township only meets once a month, took action last night, and waiting a month to have commensurate Resolutions from both municipalities delays the notice requirements and negatively affects the timeliness of the program. In answer to Mayor Strazdas, Councilmember Urban indicated that he did not know if Pavillion Township adopted the Resolution last night, but felt positive that he would have been notified had they not.

Councilmember Ford asked if there were any concerns regarding the water quality of Long Lake, so Councilmember Urban distinguished the type of water quality testing as it is not testing the levels of e coli or bacteria; rather, it is testing the levels of phosphorus, nutrients, oxygen, etc., that relate to weed growth. He said this was recommended by the consultant since the process is now going into a maintenance mode and will add only a few extra dollars to the special assessment. He reflected that there was discussion regarding whether the Water Quality Check Program needed a new Resolution, or whether it was a part of the weed program, and the Board Attorney advised that a new Resolution was necessary.

At the request of Mayor Strazdas, motion by Reid, seconded by Urban, to receive the communication from John Speeter, Chair of the Long Lake Governmental Lake Board, requesting a continuation of the Long Lake aquatic weed control program, and to adopt the Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act and direct the Governmental Lake Board for Long Lake to proceed with the necessary steps to improve Long Lake.

In answer to Mayor Pro Tem Ansari, Councilmember Urban said that the intent is to treat this (special assessment) as any other charge from the Lake Board; he noted that under State law, an engineering report is necessary and, in this case, it is a consultant's report. He also restated that the Board has to determine the scope, hold the Public Hearing of Necessity and get input from the residents; afterwards, the Board makes the decision on the special assessment, which is already being done on the treatment of the weeds. He continued by saying that the Board sets an assessment amount for the Water Quality Check Program and will probably fold it into the weed assessment amount which will add only a few dollars to the existing assessment. City Council does nothing beyond tonight; however, he noted that because the City of Portage has property on the lake, the City is assessed an amount under each special assessment.

Councilmember Pearson reflected that because this is a minor component of the special assessment, he at first wondered whether Council needed to address it, but owing to the opinion of the Board Attorney, he now agrees with the involvement of Council and would be supporting the motion. Councilmember Urban responded that in the interest of being open and fully transparent, the Board Attorney opined that it should be brought to Portage City Council and the Pavillion Township Board,

and noted that all of the steps of the special assessment, including two public hearings, will have to be taken for this action. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of:

Portage Human Services Board of May 26, 2016.
Portage Planning Commission of May 19, 2016.

COUNCIL COMMITTEE REPORTS:

KALAMAZOO COUNTY ENVIRONMENTAL HEALTH ADVISORY BOARD:

Councilmember Ford discussed a presentation at the Kalamazoo County Environmental Health Advisory Board Meeting from Kalsec (Natural Flavors, Colors, and Extracts) composting facility recently built in Cooper Township, and mentioned that they add chilies and rosemary to the soil to help farmers grow good products in recycled material. He also mentioned that the Board discussed non-potable wells and that his impression is that the County plans to do something with them as well.

Motion by Randall, seconded by Reid, to receive the verbal report from Councilmember Ford regarding the discussion at the Kalamazoo County Environmental Health Advisory Board Meeting. Upon a voice vote, motion carried 7 to 0.

COUNTY CONSOLIDATED DISPATCH – 911: Councilmember Reid reported on the County Consolidated Dispatch Finance Committee which is anticipating doing the investigation necessary to be able to bring to the entire Dispatch Board a proposal related to how we are going to be able to fund Consolidated Dispatch. In order to answer that question. She said the group has to determine what exactly that is going to look like and where it is going to be housed, so the question continues to be more and more complex. She anticipated that the Finance Committee will be bringing a proposal forward at the next meeting in July 2016 to allow for time to provide a Resolution placing an issue on the November ballot. She indicated that this matter is still under discussion and there are a lot of different ways this project can be put together, so the Board has a decision to make. She said that the Finance Committee is meeting on a weekly basis at this point, and she expressed her optimism that she will bring back better information about what is happening at the next Council Meeting. Discussion followed.

Councilmember Reid reflected positively on a suggestion by Councilmember Pearson that was referred to the Technical Committee, i.e. in the meantime, can we implement a text option to contact 911 Dispatch which would demonstrate a tangible difference in service delivery for the 42 cents per month per phone device the public is currently paying. Discussion followed.

In response to Mayor Strazdas, Councilmember Reid reminded everyone that the meetings are open to the public and take place on Wednesdays at 3 p.m. at the Crosstown Police Facility, Kalamazoo.

Motion by Ansari, seconded by Ford, to receive the verbal report on County Consolidated Dispatch from Councilmember Reid. Upon a voice vote, motion carried 7 to 0.

BID TABULATIONS:

* **MILL AND FILL SUMMER REPAIRS – BID TABULATION:** Motion by Randall, seconded by Ford, to award a contract in the amount of \$365,885.85 to Michigan Paving & Materials, Incorporated, for mill and fill asphalt repair of major and local street sections 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.

* **GARDEN DRIVE BIKEWAY IMPROVEMENTS– BID TABULATION:** Motion by Randall, seconded by Ford, to award a contract to A1 Asphalt, Incorporated, in the amount of \$21,971 to provide repairs to the Garden Drive Bikeway 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 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban indicated that he had the privilege a couple of weeks ago to discuss government with the Fourth Graders at Portage Central Elementary School. He thanked Senator O'Brien's office for providing state information brochures and highlighted some of the information in them. He said he discussed local and state government, including the separation of powers and the three branches, and he mentioned the high school students who came to Council and asked for a skate park, and got it. He said the teachers asked the students for two suggestions for Council and offered some examples: jobs for kids, cool schools, homeless shelter, animal shelter, security cameras, a park in the center of town, and a request to start school at 9:30 a.m. so they could sleep in. His own daughters suggested a place to sample different foods (like Taste of Portage) and a dog park which surprised him because he was pretty sure he had never talked about a dog park. Discussion followed. He asked City Manager Shaffer to research one of the questions from the students: why are scooters not allowed at the skate park. He said he also held a mock election and thanked the City Clerk Office for providing the materials, including sample ballots, and voting booths to provide a realistic voting experience. Discussion followed.

Councilmember Reid reflected on changes in the community and the nation, owing to the death of the bicycle riders on North Westnedge Avenue, Cooper Township, the shooting in Orlando Bar frequented by the LGBT community, and the importance of supporting your own family. She indicated that she and her husband went on a two week, 3,100 mile road trip to the Black Hills, Colorado, and back. She was struck by how very different the country is in different places, expressed her appreciation for variety in our country and that she was happy when she got back in Michigan.

Councilmember Randall expressed her condolences for the families affected by the bike accident on North Westnedge Avenue, Cooper Township, and noted that two of the victims were parishioners at the Church she attends and one victim was a co-worker of her husband. She indicated that she took up biking about six years ago and bikes nearly 3,000 miles in the summer; and her husband was on that ride two weeks earlier and expressed her appreciation for how precious life is. She stated that as humans, we have more in common than we have differences and asked that our moral compasses need to guide us toward more unity and acceptance of all people. She commented on the respect for the drivers she encountered during her first organized ride and expressed her hope that this consideration continues.

Councilmember Ford also expressed his condolences for the bike riders, and expressed his appreciation for the snow plows that were painted and displayed in the Arboretum. Mayor Strazdas concurred. When he announced that he may be absent for the next meeting as he has a baby on the way who is due June 24, 2016, Mayor Strazdas and Councilmember Pearson congratulated him.

City Manager Larry Shaffer announced that the City has two brush and leaf drop-off days, 8 a.m. until 12 p.m., Saturday, July 30, 2016, and Saturday, October 29, 2016, at 10905 Oakland Drive, and acknowledged Councilmember Ford, whose idea inspired the drop-off.

Mayor Pro Tem Ansari expressed his sorrow for the families and the victims in the recent Orlando shooting and condemned it as an act of terrorism, and expressed his condolences for the cyclists on North Westnedge Avenue, Cooper Township.

Mayor Strazdas also expressed his condolences for the families for all of the recent tragic events and indicated that the families need time to grieve. He said there has to be some good to come from this somehow, and mentioned the new alert system initiated by the State and Councilmember Randall's comments about car driver respect for the cyclists. He announced he will be attending the Southwest Michigan First Leadership Breakfast and today he was asked to speak to the new Stryker

Corporation employees and reflected on the diversity of the people in the community as a result of worldwide companies in the area.

At the request of Mayor Pro Tem Ansari, Mr. Shaffer volunteered to use the Portage Alert System to notify residents of construction delays.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF MAY 20, 2016:** Motion by Randall, seconded by Ford, to receive the Materials Transmitted of May 20, 2016.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:39 p.m.

James R. Hudson, City Clerk

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