CITY COUNCIL MEETING MINUTES OF DECEMBER 5, 2017

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

At the request of Mayor Randall, Councilmember Terry Urban gave the invocation in which he emphasized a common thread throughout various religions which is, he stated, to do unto others as you would have them do to you. Mr. Urban encouraged respect for each other and to reach out to others not just during the holiday season. Mayor Randall invited Boy Scouts from Troop 244 and their Pack Leader, Terry Clare, to lead City Council and the audience in reciting the Pledge of Allegiance.

At the request of Mayor Randall, the City Clerk called the roll with the following members present: Councilmembers Chris Burns, Lori Knapp, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Councilmember Richard Ford was absent with excuse. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk Adam Herringa.

APPROVAL OF MINUTES: Motion by Reid, seconded by Burns, to approve the Regular Meeting Minutes of November 21, 2017, as presented. Upon a voice vote, motion carried 6 to 0.

Motion by Knapp, seconded by Reid, to approve the Committee of the Whole Meeting Minutes of November 30, 2017, as presented. Upon a voice vote, motion carried 6 to 0.

Motion by Pearson, seconded by Burns, to approve the Pre-Council Meeting Minutes of December 4, 2017, as presented. Upon a voice vote, motion carried 3 to 0 with Councilmembers Burns, Urban and Reid abstaining.

* **CONSENT AGENDA:** Mayor Randall asked Mayor Pro Tem Pearson to read the Consent Agenda. Councilmember Urban asked that Item F.6, Committee of the Whole Work Session, be removed from the Consent Agenda. Motion by Pearson, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 5, 2017:** Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of December 5, 2017. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

Ms. Ashley Bergeon, 219 West Cass Street, Schoolcraft, introduced herself and shared that she is the coordinator of the Kalamazoo County Substance Abuse Task Force (Task Force). Ms. Bergeon stated that last winter the Task Force released their biannual substance use Community Report. She highlighted youth substance use trends in the community and introduced two youth members, Skylar Huber who attends Comstock High School and Paige Berry who attends Portage Central High School. Mr. Huber and Ms. Berry shared statistics related to use and perceptions of marihuana safety in Kalamazoo County. Mr. Huber and Ms. Berry then shared statistics related to youth use of marihuana in Colorado and other states that have legalized medical marihuana. Ms. Bergeon closed by stating that one of the goals of the Task Force is to educate about the possible impacts and unintended consequences of legalized marihuana and medical marihuana facilities in communities.

Mr. Bob Peterson, 716 Grand Marais Avenue, spoke regarding Senate Bill 585 which amends provisions of the handgun licensure law regarding the prohibition against carrying a concealed pistol on certain premises and exemptions to the prohibition. Mr. Peterson asked City Council to include a discussion on the topic at an upcoming City Council Meeting and to invite interested persons, organizations and state legislators to participate. Mayor Randall thanked Mr. Peterson for his comments and inquired if it was the desire of City Council and Administration to place this topic on the agenda of a January Regular Meeting. Councilmember Urban objected to putting the issue on the agenda and shared that City Council traditionally does not address issues upon which it cannot take action. Mr. Urban pointed out that the concealed weapon legislation is at the State level and prohibits local action. City Attorney Brown stated that City Council has an informal policy/practice of not getting involved as Councilmember Urban pointed out. Attorney Brown continued by stating that there is nothing formally precluding City Council from discussing the matter. Councilmember Reid suggested that the intent of Mr. Peterson is for the City to work with the Portage Public Schools and District Library to try and influence our state legislators. A public forum, she stated, is something that the City could act on and help facilitate.

City Manager Shaffer stated that City Administration could work with other entities to put together a forum on the topic and suggested inviting the Police Department, City Council, state legislators, the schools, the Library and other interested persons or organizations. Mr. Shaffer suggested that such a forum could be held in January or February. Councilmember Urban stated that holding a forum would be appropriate to do and stated his belief that people would be served by educating themselves on the issue – whether for or against the legislation. Motion by Burns, seconded by Knapp, to refer the matter to City Administration for review and report. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **ANNUAL BS&A LICENSING AND SOFTWARE:** Motion by Pearson, seconded by Reid, to approve payment of the annual licensing and software maintenance services fees with BS&A, Incorporated, at a total cost of $51,806 and authorize the City Manager to execute all related documents. Upon a roll call vote, motion carried 6 to 0.

* **EMPLOYEE HEALTH INSURANCE AND EXEMPTION OF P.A. 152:** Motion by Pearson, seconded by Reid, to approve one-year contracts with Blue Cross Blue Shield of Michigan and Blue Care Network for employee health insurance, maintain current employer/employee cost-sharing practices by taking action to exempt the city from requirements of P.A. 152 for the 2018 medical benefits plan year, and authorize the City Manager to execute all documents related to the contract renewals on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **EYEMED VISION CARE VISION INSURANCE:** Motion by Pearson, seconded by Reid, to approve a four-year contract with EyeMed Vision Care as underwritten by Fidelity Security Life Insurance Company for department head/non-union vision insurance, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **BOARD AND COMMISSION INTERVIEW SESSION:** Motion by Pearson, seconded by Reid, to set a Special Meeting on Tuesday, January 9, 2018, beginning at 5:15 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 6 to 0.

* **ANNUAL CITY COUNCIL GOAL SETTING SESSION:** Motion by Pearson, seconded by Reid, to set a special meeting on Friday, January 12, 2018, at a time and location to be determined for the purpose of conducting the annual City Council Goal Setting Session. Upon a roll call vote, motion carried 6 to 0.

COMMITTEE OF THE WHOLE WORK SESSION: Councilmember Urban stated that he could not make the recommended 5:00 p.m. start time but could likely make a 5:15 p.m. meeting. Councilmember Reid also indicated that the potential 5:00 p.m. or 5:15 p.m. start time would be problematic for her. Mayor Pro Tem Pearson inquired if a 5:30 start time would work and if that would give City Administration enough time for a presentation. City Manager Shaffer replied that City Administration would work to condense any materials provided though there may be much to talk about as the issue is complex. Motion by Pearson, seconded by Reid, to hold a Committee of the Whole Work Session beginning at 5:30 p.m. on Tuesday, December 19, 2017, in Council Chambers to discuss a possible Medical Marihuana Ordinance. Upon a roll call vote, motion carried 6 to 0.

* **2017 PORTAGE COMMUNITY SURVEY:** Motion by Pearson, seconded by Reid, to receive the Communication from the City Manager regarding the 2017 Portage Community Survey as information only. Upon a roll call vote, motion carried 6 to 0.

SPECIAL MEETING REGARDING EMERGENCY ORDINANCE AND RESOLUTION OF INTENT TO ADOPT AN AUTHORIZING MEDICAL MARIHUANA ORDINANCE: Mayor Randall inquired if City Council was amenable to the recommended time, date and place of the proposed Special Meeting. Councilmember Reid stated that she would be out of town but make herself available via telephone but would not be able to vote and pointed out that the ordinance requires at least five votes to be adopted. Councilmember Urban stated that he did not believe it appropriate to vote on an item such as an emergency ordinance when a Councilmember cannot be present and stated his contention that there is no state requirement that City Council take any action. Mayor Randall stated that, should the City wish to permit the continued operation of the medical marihuana dispensary in Portage, City Council must take action by December 15th. In response to a question from Mayor Randall, Councilmember Reid stated that she would be available the evening of Thursday, December 14th. Mayor Randall expressed her belief that a Special Meeting is necessary to avoid the closure of the medical marihuana dispensary and causing undue harm to patients. Mayor Randall then inquired if there was additional discussion. Mayor Pro Tem Pearson inquired if City Council was polled as to potential meeting dates and why the 12th was selected. Mayor Randall replied that City Council was polled and, with the exception of Councilmember Reid who stated that she was willing to participate via telephone, the proposed date and time worked. Mayor Randall stated that Council Chambers was available on Tuesday and not on Thursday due to a meeting of the Planning Commission.

Motion by Pearson, seconded by Burns, to set a Special Meeting on Tuesday, December 12th at 7:00 p.m. at Portage City Hall, Council Chambers, for the purpose of considering an emergency ordinance and resolution of intent concerning Medical Marihuana Facilities. Councilmember Urban inquired why the Mayor would not consider meeting on Thursday, December 14th. Mayor Randall inquired if anyone had a conflict on Thursday and stated that it is her intention for City Council to schedule meetings based on the schedules of the majority of City Council. Councilmember Reid stated that she made her availability known to the City Manager and City Attorney Brown stated that he would need to research the possibility of a Councilmember participating in a Regular or Special Meeting via telephone. Attorney Brown also stated that an act of City Council could allow a Councilmember to participate in such a manner. Councilmember Reid shared her recollection of a discussion City Council had on this topic from several years ago and Mayor Randall expressed her desire that City Council look for and authorize alternative ways for Councilmembers to participate in meetings.

Councilmember Burns inquired if the City Manager knew if Councilmember Ford would be available on Thursday. City Manager Shaffer stated he was unsure as to Mr. Ford's availability for a Thursday meeting but that Tuesday was selected because it is the typical night for City Council to meet. The date of December 12th provides City Administration time to react and respond to any action taken by City Council and Councilmember Reid was willing to participate via telephone. City Manager Shaffer expressed concern with meeting on Thursday, December 14, as this is cutting it close to the deadline. City Attorney Brown concurred with Mr. Shaffer's comments on the timing of the meeting and his apprehension with waiting until December 14th to meet. Mayor Pro Tem Pearson asked that City Council end debate on the issue and Councilmember Urban pointed out that ending debate requires a motion and a vote. Motion by Pearson, seconded by Knapp, to end debate and Call the Question on the original motion. Councilmembers Burns and Knapp, Mayor Pro Tem Pearson and Mayor Randall voted "yes" and Councilmembers Reid and Urban voted "no." Motion carried 4 to 2. City Attorney Brown reviewed that a two-thirds vote of the City Council is needed to end debate and that this majority was reached. Mayor Randall called the original question which was to set a Special Meeting on Tuesday, December 12th at 7:00 p.m. at Portage City Hall, Council Chambers, for the purpose of considering an emergency ordinance and resolution of intent concerning Medical Marihuana Facilities. Upon a roll call vote, motion carried with Councilmembers Burns and Knapp, Mayor Pro Tem Pearson and Mayor Randall voting "yes" and Councilmembers Reid and Urban voting "no." Motion carried 4 to 2.

Mayor Pro Tem Pearson asked that City Council review methods by which Councilmembers can participate via technological means at the upcoming City Council retreat.

UNFINISHED BUSINESS:

* **RESPONSE TO CONCERNS REGARDING ½ MILE LIQUOR LICENSE RULE:** Motion by Pearson, seconded by Reid, to receive the Communication from the City Manager regarding the Michigan Liquor Control Commission (MLCC) "Half-Mile" Liquor License rule in response to comments by Gerry Hoffman at the October 24, 2017 Regular City Council Meeting as Information Only. Upon a roll call vote, motion carried 6 to 0.

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

- Portage Public Schools Board of Education Regular Business Meeting of Monday, October 23, 2017.
- Portage Public Schools Board of Education Policy Governance Retreat and Committee of the Whole Work Session of Monday, November 13, 2017.

BID TABULATIONS:

* **SCADA SYSTEM UPGRADES AND BUDGET AMENDMENT:** Motion by Pearson, seconded by Reid, to award a contract to Perceptive Controls, Incorporated, to design, furnish, program, and install program logic controllers and radios for the SCADA system at a not-to-exceed amount of $567,767 and approve a budget amendment of $200,000 from the Sewer Fund to the Capital Improvement Fund 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 AND CITY MANAGER: Councilmember Burns thanked City Staff for their work on the medical marihuana issue especially with the intensiveness of the deadlines and schedules. He then thanked Councilmember Reid for her willingness to participate in the upcoming Special Meeting via telephone.

Mayor Pro Tem Pearson thanked Mayor Randall and City Manager Shaffer for arranging another leaf pickup and let citizens know how they can find out their new leaf pickup date along with the location and ability to use the City of Portage Leaf Compost Facility.

Mayor Randall thanked Councilmembers Burns and Urban for their work with selecting the "Why I Love Portage" essay contest winners and congratulated Christian Garth, 3rd Grade at Haverhill Elementary, Jadon Jones, 6th Grade at North Middle School and Audrey Scanlon, 10th Grade at Central High School. Mayor Randall also invited the public to participate in an upcoming Holiday Market at the Portage Senior Center.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED:** Motion by Pearson, seconded by Reid, to receive the Materials Transmitted of November 21, 2017. Upon a roll call vote, motion carried 6 to 0.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:24 p.m.

____

Adam Herringa, City Clerk

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