**CITY COUNCIL MEETING MINUTES FROM MARCH 13, 2018**

The Regular Meeting was called to order by Mayor Pro Tem Jim Pearson at 7:00 p.m. At the request of Mayor Pro Tem Pearson, the City Clerk called the roll with the following members present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban and Mayor Pro Tem Jim Pearson. Mayor Patricia Randall was absent with notice and excuse. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk Adam Herringa.

At the request of Mayor Pro Tem Pearson, Ms. Pratima Kotekal with children from the Indo American Cultural Center and Temple, Balvikas Program, provided the invocation. Afterwards, City Council and the audience recited the Pledge of Allegiance.

**CONSENT AGENDA:** Mayor Pro Tem Pearson shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Ms. Andrea Stork, 1515 Dogwood, asked that Items A.3 (Spring Mill and Fill Asphalt Repairs), A.4 (Parking Lot Asphalt Overlays), and A.5 (Donation of .50 Acres of Property) be removed from the Consent Agenda. All items removed from the Consent Agenda were moved to the Regular Business Agenda (Section E).

Motion by Reid, seconded by Ford, to approve the Consent Agenda items as presented. Upon a roll call vote, motion carried 6 to 0.

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Ford, to approve the Committee of the Whole and Regular Meeting Minutes of February 27 and Pre-Council Meeting Minutes of March 12, 2018. Upon a roll call vote, motion carried 6 to 0.

**APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 13, 2018:** Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of March 13, 2018. Upon a roll call vote, motion carried 6 to 0.

**FINAL PRELIMINARY PLAT FOR OAKLAND FARMS NO. 2:** Motion by Reid, seconded by Ford, to approve the Final Preliminary Plat (engineering plans) for Oakland Farms No. 2, 9810 Oakland Drive. Upon a roll call vote, motion carried 6 to 0.

**VIRTUAL ATTENDANCE POLICY – INFORMATION ONLY:** Motion by Reid, seconded by Ford, to receive the communication from the City Manager regarding a Virtual Attendance Policy as information only. Upon a roll call vote, motion carried 6 to 0.

**MINUTES OF BOARDS AND COMMISSIONS:** Motion by Reid, seconded by Ford, to receive minutes of the Portage Public Schools Board of Education of January 22 and Committee of the Whole of February 12, Human Services Board of February 1, Historic District Commission of February 7, Historic District Study Committee of February 7, Youth Advisory Committee of February 12 and Planning Commission of February 15, 2018. Upon a roll call vote, motion carried 6 to 0.

**MATERIALS TRANSMITTED:** Motion by Reid, seconded by Ford, to receive the Materials Transmitted of February 13 and 27, 2018. Upon a roll call vote, motion carried 6 to 0.

**COMMUNICATIONS:**

**CALENDAR OF MEETINGS:** Mayor Pro Tem Pearson asked City Clerk Herringa to read the meeting schedule for the record. Following the reading, the Calendar of Meetings was accepted via a voice vote.

**PUBLIC HEARINGS:**

**MEDICAL MARIHUANA FACILITIES ORDINANCES:** Mayor Pro Tem Pearson reviewed the meetings that have been held regarding this topic, and at the invitation of Mayor Pro Tem Pearson, City Manager Shaffer thanked City staff for their hard work and time spent developing the ordinances. Mr. Shaffer then reviewed the agenda item and highlighted changes that have been made to each ordinance since January 23, 2018.

Councilmember Urban asked for clarification regarding a provision in which a Certificate of Occupancy is needed before the City can issue a permit. Assistant City Attorney Bear explained that an Occupancy Permit is needed in order to obtain a state license. Councilmember Urban inquired as to whether the property located at 5747 South Westnedge could be utilized as a medical marihuana facility indicating that information surrounding this particular property has been confusing. City Manager Shaffer shared that this property has been the source of much internal discussion and explained that, while there are two parcels involved, it is considered one lot for zoning purposes. Chris Forth, Deputy Director of Planning, Development and Neighborhood Services, provided a history of the parcel and businesses located there. He explained that the amount of parking provided on the parcel on which the structure is located is insufficient and the second lot must be used. Mr. Forth explained that a property owner could appeal to the Zoning Board of Appeals for a waiver of the parking requirement. Mayor Pro Tem Pearson inquired if the existing structure was razed and a new building was located such that the parking restrictions could be met, would the parcel then be available for use by a medical marihuana facility. Mr. Forth responded that it would be possible.

Councilmember Urban shared that the situation at 5747 South Westnedge is an example of the use of "split zoning" that used to be common in the City of Portage. Councilmember Urban and Mr. Forth discussed properties that have been impacted by the practice of split zoning and whether they would be eligible. Mr. Forth explained that if a parcel is adjacent to residential property and utilized in a manner similar to 5747 South Westnedge, said parcel would be ineligible.

There being no further questions from City Council, Mayor Pro Tem Pearson re-opened the public hearing that was adjourned at the February 27 Regular City Council Meeting.

Jevin Weyenberg, 5817 Cheshire, shared that the number of patients served by his provisioning center continues to increase. Mr. Weyenberg stated his belief that there should be other facilities in Portage that can meet the needs of patients. He continued by explaining the need for dignified access to medical marihuana and the positive benefits of medical marihuana in supporting the health of the community. Mr. Weyenberg concluded by sharing his belief that the proposed ordinances are conservative and Portage will not be inundated with medical marihuana facilities.

Mr. David Benac, Kalamazoo resident and candidate for the 6$^{th}$ U.S. Congressional District, introduced himself and shared that he has been at many municipal discussions on medical marihuana and shared his belief that the public is in support of medical marihuana. He concluded by commenting on the economic benefits of medical marihuana to a community.

Mr. David Murray of Buchanan, Michigan, shared that he is associated with a company called Redbud Roots that looks for ways for medical marihuana to be more effective in the treatment of a variety of ailments. He explained that there is a major change in the increased utilization of marihuana as a medical product.

Mr. Devin Loker, 1595 West Centre Avenue, questioned the decision to freeze zoning requirements and asked that consideration be given to allowing a Special Use Permit if nearby residents do not object to a medical marihuana facility locating adjacent to their property.

There being no one else to come forward, motion by Reid, seconded by Knapp, to close the public hearing. Upon a roll call vote, motion carried 6 to 0. Mayor Pro Tem Pearson closed the public hearing and thanked City Council for their efforts to improve the proposed ordinances and highlighted the contributions made by those Councilmembers who have expressed opposition.

Motion by Ford, seconded by Knapp, to adopt amendments to Chapter 14, Article 12, Business and Chapter 42, Article 4, Zoning, for Medical Marihuana Facilities including replacement of the formal Licensing and Regulatory Affairs (LARA) name in sections 14-254 and 14-257.

Councilmember Urban shared that his mind is not made up regarding permitting medical marihuana in Portage but stated that the proposed ordinance is not one he felt comfortable supporting. Mr. Urban referenced the recent 2017 Community Survey as support for capping the number of medical marihuana facilities along with initial proposals discussed by the City Administration to cap the number of permits at four per facility type. Councilmember Urban concluded by sharing that, by his count, there are twelve traditional pharmacies in Portage and that he does not believe the City needs as many medical marihuana dispensaries as there are pharmacies.

Mayor Pro Tem Pearson inquired if the comments by Councilmember Urban and a citizen who spoke at the last Council Meeting were accurate with regard to the Community Survey and for the City Manager to share information related to his discussions with the person who conducted the survey, Dr. David Hartmann. City Manager Shaffer reviewed his conversation with Dr. Hartmann. Mr. Shaffer and Mr. Urban expressed a difference of opinion as to what degree the results of the survey indicated community support for medical marihuana.

Councilmember Burns commented that there are some in the community who view the proposed ordinances as too lax and others view them as too restrictive. He stated that, at least initially, he believes the proposed ordinances balance community need with intensity.

Councilmember Ford shared his opinion that a significant amount of analysis went into the proposed ordinances and shared his opinion that he would have preferred to see a regulatory approach based more on market forces instead of zoning restrictions. He continued by stating that medical marihuana can only be prescribed by a doctor and shared that there have been very few public safety incidents with the current medical marihuana facility in the community. Mr. Ford concluded by questioning how many people would realistically be driving into Portage for medical marihuana when so many communities in the region are permitting provisioning centers.

Councilmember Reid shared her belief that Portage is a caring community and is supportive of friends and neighbors who benefit from medical marihuana. However, Councilmember Reid urged caution as to how the City proceeds with authorizing medical marihuana facilities in the community and cited a variety of unknown factors related to medical marihuana as evidence for the need to proceed with care. Ms. Reid stated her belief that the proposed ordinance moves too swiftly in permitting medical marihuana facilities in the community and shared that it is far easier to permit additional use in the future as opposed to trying to reign it in. Ms. Reid commented that she appreciated the initial recommendations of the City Administration to begin with allowing up to four licenses per facility type and not the current proposal which would result in significantly more permits being issued especially given the unknown impact such facilities will have. Councilmember Reid stated that she would like to see an ordinance that is as good as it can possibly be and one that affords protections to both residents and the business community, including businesses related to medical marihuana.

Mayor Pro Tem Pearson thanked everyone for their comments and consideration regardless of whether it was in favor of the proposed ordinance or not and stated his appreciation for all of the time that has been spent addressing the matter.

Prior to voting on the matter, City Attorney Brown reiterated that a map of potential locations for medical marihuana facilities is not part of the ordinance and recommended that anyone interested in purchasing property for a medical marihuana facility should not rely on a map but should instead work with the Department of Community Development.

Upon a roll call vote, motion carried 4 to 2 with Councilmembers Burns, Ford, Knapp and Mayor Pro Tem Pearson voting yes and Councilmembers Reid and Urban voting no. Ordinances recorded on pages 411 and 441 of City of Portage Ordinances Book No. 12.

**REGULAR BUSINESS AGENDA:**

**SPRING MILL AND FILL ASPHALT REPAIRS CONTRACT:** Ms. Andrea Stork, 1515 Dogwood, asked for additional information regarding the contract and where some of the work would be performed. City Manager Shaffer reviewed the contact and provided additional details. Motion by Ford, seconded by Knapp, to award a contract in the amount of $696,628.32 to Rieth-Riley Construction Company, Inc., for spring mill and fill asphalt repairs to 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 6 to 0.

**PARKING LOT ASHPALT OVERLAYS:** Ms. Andrea Stork asked for additional information regarding the contract and where some of the work would be performed. Mayor Pro Tem Pearson encouraged Ms. Stork to review the agenda and related materials as it is publicly available. Ms. Stork commented that when the City is expending significant resources she believes a public discussion is warranted. City Manager Shaffer reviewed the contract and provided additional details as to where the work would be performed. Motion by Knapp, seconded by Reid, to award a contract in the amount of $248,533.60 to Michigan Paving and Materials Company for parking lot asphalt overlays 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.

**DONATION OF PROPERTY AT 9300 PORTAGE ROAD:** Ms. Andrea Stork asked for additional information regarding the donation. Mr. Shaffer shared that the donation is of one-half acre of land which will permit the City to increase the safety of the intersection between Lakeview Drive and Portage Road. Mr. Shaffer shared why there is a need to alter the intersection along with details related to an adjacent development project. In response to a question of Ms. Stork it was shared that AEG Development, LLC, was responsible for the donation. Councilmember Reid thanked Ms. Stork for coming forward and asking questions so that those watching on television who do not have Internet access to review the agenda or those who have not availed themselves to the information will have better understanding of what actions are being taken to govern the City. Motion by Burns, seconded by Reid, to accept the generous donation of 0.50 acres of real property at 9300 Portage Road and authorize the City Manager to execute all documents associated with the transaction. Upon a roll call vote, motion carried 6 to 0.

**COUNCIL COMMITTEE REPORTS:** Councilmember Burns shared that he recently attended his first meeting of the Central County Transit Authority (CCTA) at which an annual report was reviewed. Mr. Burns shared that, among many highlights, he wanted to point out that in spite of the many miles driven by CCTA employees there were no "at-fault" accidents in the previous year. He commented that this is an indicator that patrons are getting good service and a safe ride. Mayor Pro Tem Pearson commented that he also attended this meeting and shared that, at this meeting, the CCTA highlighted four major accomplishments from 2017 and reviewed an upcoming strategy session at which additional routes outside of the City of Kalamazoo will be discussed.

Mayor Pro Tem Pearson shared that he recently attended a meeting of the Kalamazoo County Consolidated Dispatch Authority (KCCDA) at which a contractor was selected to renovate the new Countywide Dispatch Center. Mr. Pearson indicated that Mr. Shaffer also attended the meeting and that Mr. Shaffer is a member of the Kalamazoo County Consolidated Dispatch Authority Executive Committee. Mr. Shaffer commented that KCCDA expects to go live in September of this year.

Motion by Reid, seconded by Ford, to receive the City Council Committee Reports. Upon a voice vote, motion carried 6 to 0.

**STATEMENTS OF CITIZENS:** Andrea Stork, 1515 Dogwood, asked that City Council reconsider their decision to not read aloud the Consent Agenda. She also asked that the Consent Agenda contain additional information and be easier to understand.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Urban commented regarding a recent incident involving a resident transporting guns in close proximity to a school in Portage and, upon investigation by the Police Department, it was determined that no laws were broken. The matter, Mr. Urban stated, highlighted the problem of trying to maintain vigilance and safety especially in light of recent bombings in Austin, Texas. Mr. Urban expressed hope that the community can work to balance the needs and rights of the citizens with public safety. Children, including one of his daughters, are fearful of what is going on and those on both sides of the gun debate need to treat each with respect and make wise decisions. Mr. Urban continued by sharing that he recently sat down with Webelo Cub Scouts and discussed various aspects of Portage City Government and the election process.

Councilmember Reid shared that she recently attended a meeting of the YMCA and met the new Chief Executive of the Kalamazoo area YMCA and expressed optimism that he will be a good addition to the community.

Councilmember Knapp shared that she had the privilege of touring the YWCA in downtown Kalamazoo and pointed out that it is the oldest YWCA in the State of Michigan. Ms. Knapp continued by pointing out that the YWCA provides a wide variety of services including those related to victims of domestic violence, sexual assault services, a childcare center, racial justice and women's economic empowerment. Ms. Knapp highlighted the YWCA to share their amazing scope of services and let residents know that anyone in Portage can avail themselves to these services.

Mayor Pro Tem Pearson stated his appreciation that everyone on City Council works hard and stated that he enjoys when Councilmembers have differences of opinion as it leads to great discussion.

**ADJOURNMENT:** Mayor Pro Tem Pearson adjourned the meeting at 8:33 p.m.

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Adam Herringa, City Clerk