

CITY COUNCIL MEETING MINUTES FROM JANUARY 26, 2016

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

At the request of Mayor Pro Tem Ansari, Pastor Billy Creech of the Lake Center Bible Church provided an invocation. The City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Special and Regular Meeting Minutes of January 12, 2016. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Ansari asked Councilmember Pearson to read the Consent Agenda. Motion by Pearson, seconded by Urban, to approve the Consent Agenda Motions as presented. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 26, 2016:** Motion by Pearson, seconded by Urban, to approve the Accounts Payable Register of January 26, 2016 as presented. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

MARTIN LUTHER KING JR. DRIVE RECONSTRUCTION PROJECT #998-R: Mayor Pro Tem Ansari deferred to City Manager Laurence Shaffer, who outlined the fiduciary responsibilities of the developer and the property owners affected by the Special Assessment. He introduced T&U Director Chris Barnes, who described the project and the necessity of the reconstruction. He outlined the location using a map and explained that it is not a public street, yet it receives the highest number of complaints of any other street in Portage. He mentioned that in the summer of 2015, the owner came to dedicate it as a public street which means a complete reconstruction, new storm sewer, extension of sidewalks in some areas, more street lights and fire hydrants, landscaping design, construction and inspection. He said that the total cost of the project is \$474,898.00 with the share of the District at \$224,898.00 and other financing at \$250,000.00 from the developer. He provided a listing of the property owners within the District, including the schedule of payments and noted that the project is scheduled for construction in the Spring/Summer of 2016.

In response to Councilmember Randall, Mr. Barnes explained how access to the businesses during the construction would be carefully conducted with priority given to the productivity of the businesses and the safety of the construction workers and the motoring public. He estimated the time for completion of the project as being six to eight weeks.

In answer to Councilmember Ford, Mr. Barnes noted that Constitution Boulevard construction would begin after the construction of Martin Luther King Jr. Drive, sometime in July after the schools close for the summer.

In answer to Councilmember Reid, Mr. Barnes indicated that according to the development agreement as submitted, any cost above the \$474,898.00 would be borne by the City-at-large.

Josh Weiner, CEO of the Meyer C. Weiner Company, 700 Mall Drive, and Managing Member of Village Green Properties, which include the entities that abut Martin Luther King Jr. Drive, indicated that this is a perfect example of a win/win proposition: relief from ongoing maintenance, relief from complaints, a better situation for consumers and improved conditions for Portage citizens and the future tax base. He thanked City Manager Shaffer, his colleagues, the Planning Department, Community Development and Chris Barnes and expressed his confidence in the project construction plan. At the

request of Councilmember Randall, he reflected on the name change from Weiner Court to Martin Luther King Jr. Drive. He also mentioned that a part of the development agreement is to have a Memorial to Martin Luther King Jr. near the intersection of Constitution Boulevard and Martin Luther King Jr. Drive and indicated that a portion of their property will be set aside for that purpose.

Councilmember Urban expressed his gratitude to Mr. Weiner and noted that this is not the first time his business has been cooperative and cited an incident where an elderly lady expressed an interest in a rest stop in the middle of the hill on Martin Luther King Jr. Drive, and shortly afterwards a bench was installed. Discussion followed.

Monifa Jumanne, 6286 Silver Fir Street, asked about construction noise containment for the residents, and Mr. Barnes explained that the City Ordinance allows for construction noise six days a week from 7 a.m. until 7 p.m. He noted that there are instances where this is modified and cited South Westnedge Avenue as an example where construction is done at night owing to traffic concerns and the safety of the workers. He offered no guarantees, and explained that the City always has to balance the needs of the residents, the safety of the motoring public and the workers, and the timeframe of the project.

Mr. Barnes also assured Councilmember Urban that the resting bench is included in the project, as well as Metro Transit bus stops; moreover, he corrected an earlier statement and indicated that according to the development agreement as submitted, any cost above the \$474,898.00 would be split by the City-at-large and the Village Green Properties. Discussion followed.

Motion by Reid, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Randall, seconded by Reid, to adopt Resolution No. 3 for the Martin Luther King Jr. Drive Reconstruction Project #998-R, directing the preparation of the special assessment roll. In answer to Councilmember Ford, City Attorney Brown indicated that a Special Assessment is considered more of a legislative act, so if he feels comfortable voting, with no pressure one way or the other, there is no conflict of interest. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 113 of City of Portage Resolution Book No. 46.

PETITIONS AND STATEMENTS OF CITIZENS: Monifa Jumanne, 6286 Silver Fir Street, indicated that she is a privileged, proud and honored citizen of Portage, and mentioned the bookmarks created by her six year old granddaughter in honor of Dr. Martin Luther King, Jr., that she provided City Council. She indicated that the bookmarks were the result of her granddaughter's question of why they had to go to Kalamazoo to honor Dr. King, and not Portage, which prompted her to approach City Manager Shaffer, who proceeded to commemorate Dr. King with a banner on the City website. She described the banner by saying that it had a statement on the left side that the City of Portage, Michigan, honors and celebrates the values and teachings of Dr. Martin Luther King, Jr., and on the right side, the quote, "Our lives begin to end the minute we become silent about things that matter." She pointed out that this mattered to her granddaughter, indicated that the bookmarks are gone, and that her granddaughter wanted this to be a project for the City of Portage next year, laminated. She also quoted Dr. Maya Angelou: "People may not remember what you said, people may not even remember what you did, but they will remember how you made them feel." With that, and on behalf of her granddaughter, she thanked City Council for how the banner and their efforts made her and her granddaughter feel.

Brianna Hill, 5284 West ON Avenue, Texas Township, Founder and Co-owner of Relief, a company that assists businesses and municipalities in establishing and maintaining guidelines and standards for patient care and services within the Marijuana Industry, thanked City Council and the City Administration for their work within this industry thus far and pointed out that the current system is fundamentally flawed and outdated. She cited a segment of the City Zoning Ordinance and indicated her inability to obtain data from an audit from these industries to ensure compliance with the City Zoning Ordinance and the Michigan Medical Marijuana Act (MMRA). She listed her concerns with the growing, drying and packaging of the product and the need for a review of each of the operations. If no such data exists, she spoke in favor of establishing an auditing position, a team, or an outside company

to audit these operations for the sake of the health of the community. She also indicated that it is the duty of the City of Portage to do so. She discussed the concepts of “acquisition” and “medical use” as outlined in Act 512 of the MMRA, and recommended that the City of Portage license or regulate caregiver acquisition centers in compliance with Act 512, effective April 1, 2013, and explained. She advocated an Ordinance that would allow the patient to go to another caregiver if his or her own caregiver does not have the ability to fill a prescription. Councilmember Pearson indicated that he and other Councilmembers met with Ms. Hill and assured the public that City Council is planning to have the City Attorney review this Ordinance and have a full Council discussion on any necessary changes since it was originally enacted in 2011.

Chris Mbah, 2224 East Cork Street, Kalamazoo, stated that he attended Portage Northern High when he was a Portage resident. He commended City Council for their fine stewardship of city assets and cited the budget surplus as an example. As leaders of compassion, as leaders of accountability, he asked City Council to favorably consider the discussion points by Ms. Hill and the vote of the citizens in the November 3, 2015 City Election.

Attorney Devin Loker, 7397 West N Avenue, Texas Township, indicated he has a house at 5116 Cheshire Street and a Law Office at 1595 West Centre Avenue. He indicated that he would like to be a part of the process to develop local rules and regulations after the State of Michigan enacts laws, rules and/or regulations and explained.

REPORTS FROM THE ADMINISTRATION:

* **SOUTH SHORE DRIVE SANITARY SEWER PROJECT #416-S:** Motion by Pearson, seconded by Urban, to adopt Resolution No. 4 for the South Shore Drive Sanitary Sewer Project #416-S, setting a public hearing on the assessment roll for February 9, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 117 of City of Portage Resolution Book No. 46.

* **ZONING BOARD OF APPEALS APPOINTMENTS:** Motion by Pearson, seconded by Urban, to appoint Alexander Philipp with a term ending February 28, 2019, and appoint Jay Eichstaedt as an Alternate Member with an unfulfilled term ending February 28, 2018, to the Zoning Board of Appeals, effective February 29, 2016. Upon a roll call vote, motion carried 6 to 0.

* **DECEMBER 2015 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Pearson, seconded by Urban, to receive the communication from the City Manager regarding the December 2015 Environmental Report as information only. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

PRESENTATION BY THE ENVIRONMENTAL BOARD: At the request of Mayor Pro Tem Ansari, Environmental Board Chair Ruth Caputo discussed the efforts of the Board with regard to single stream recycling, deer predation, invasive plants and the health of the ecosystem of Portage. Discussion followed. Motion by Ford, seconded by Pearson, to receive the presentation and annual update from the Environmental Board Chair Ruth Caputo. Upon a voice vote, motion carried 6 to 0.

PRESENTATION BY THE YOUTH ADVISORY COMMITTEE: Mayor Pro Tem Ansari asked the Youth Advisory Committee Members to come forward and introduce themselves. Present were: Youth Advisory Committee Chair Sami Ahmad, Ben Miller and Ali Arif. Mr. Ahmad referred to his communication to City Council dated January 11, 2016, and highlighted events and activities of the Youth Advisory Committee. Discussion followed. Motion by Reid, seconded by Randall, to receive the presentation and annual update from the Youth Advisory Committee as presented by Sami Ahmad. Upon a voice vote, motion carried 6 to 0.

* **PUBLIC MEDIA NETWORK EXECUTIVE DIRECTOR HAP HAASCH:** Motion by Pearson, seconded by Urban, to receive the communication from Public Media Network Executive Director Hap Haasch regarding an activity update report as information only. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE CODE OF ORDINANCES – HISTORIC DISTRICT MODIFICATION: 10234 EAST SHORE DRIVE:** Motion by Pearson, seconded by Urban, to amend the Code of Ordinances of the City of Portage by amending Section 38-35 of Chapter 38, Historical Preservation, approve the proposed amendment to Section 38-35, district established; boundaries, of Chapter 38, Historical Preservation, removing approximately 1.7 acres of land thereby modifying the legal description for the property located at 10234 East Shore Drive, Tax I.D. No. 00036-020-B, with the new property description attached as Exhibit A. Upon a roll call vote, motion carried 6 to 0.

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

Portage Environmental Board of November 11 and December 9, 2015.
Portage Public Schools District Advisory Council of November 18, 2015.
Portage Human Services Board of December 3, 2015.
Portage Planning Commission of December 3, 2015.
Portage Youth Advisory Committee Meeting Minutes of December 14, 2015.
Portage Historic District Commission Regular and Special Study Committee of December 16, 2015.

NEW BUSINESS:

LGBT ANTI-DISCRIMINATION AND PROTECTION ORDINANCE: Councilmember Urban mentioned a discussion of an LGBT Ordinance for the City of Portage at the Council Retreat. Motion by Urban, seconded by Reid, to ask the City Attorney to draft an Ordinance providing anti-discrimination protection in housing and employment based on sexual orientation or sexual identification for consideration at a later date. Discussion followed. City Manager Shaffer asked that City Council receive input from the LGBT Community on this matter. Upon a roll call vote, motion carried 6 to 0.

PORTAGE WATER QUALITY: Councilmember Randall indicated that she has received many citizen calls with concerns about the quality of Portage water, and that she has requested that the *Portager* be used as a means of communicating what Portage does to ensure Portage water is safe for consumption. She referenced the City Manager Communication in the January 26, 2016 Materials Transmitted where he highlights the steps developed to assure Portage water customers that Portage water continues to be safe to drink, and Mr. Shaffer explained. Councilmember Reid suggested putting an information card in the water bill as a means to ensure all customers get informed. Discussion followed.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF FRIDAY, JANUARY 8, 2016:** Motion by Pearson, seconded by Urban, to receive the Materials Transmitted of Friday, January 8, 2016. Upon a roll call vote, motion carried 6 to 0.

* **MATERIALS TRANSMITTED OF FRIDAY, JANUARY 12, 2016:** Motion by Pearson, seconded by Urban, to receive the Materials Transmitted of Friday, January 12, 2016. Upon a roll call vote, motion carried 6 to 0.

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

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Mr. Chris Mbah, 2224 East Cork Street, Kalamazoo, thanked City Council for their willingness to consider an Ordinance providing anti-discrimination protection in housing and employment based on sexual orientation or sexual identification and directed a special thank you to Councilmember Urban for his motion and expressed empathy for those affected. He also thanked City Manager Shaffer for including members of the LGBT Community in the discussion.

STATEMENTS OF CITY COUNCIL: Councilmember Ford expressed his surprise in the increase in single-stream recycling as reported in Item G.1, by Environmental Board Chair Ruth Caputo, and mentioned his plan to attend the Winter Snow Party, Saturday, January 30, 2016, 12 noon to 3:30 p.m., Oakland Drive Park.

Councilmember Pearson highlighted the review at the City Council Retreat of what Council had planned to do in 2015, and verbally provided a partial listing, and commented that many things had been accomplished by respective Councilmembers. He also mentioned that a new list had been generated for 2016 and anticipated its release soon.

Councilmember Urban thanked City Council for supporting the LGBT Ordinance proposal.

Councilmember Reid commented that safe drinking water begins with protecting the groundwater, that the City is involved many initiatives in this regard, and directed everyone to Item F.3, December 2015 Environmental Activity Report, which devotes almost all of its information to the protection of the groundwater. She recognized the tremendous efforts of the volunteers helping Flint residents obtain drinkable water, the State website as a facilitator and the American Red Cross as a volunteer option.

Councilmember Randall thanked City Council for a very productive eight-hour Retreat and thanked City Manager Shaffer, who always says, "Yes," when it comes to improving citizen services and listed some examples. She also expressed thanks to Deputy City Manager Rob Boulis and the rest of his staff as well. She concurred with the efforts of the citizens who requested a process to audit the Medical Marijuana Industry in Portage to ensure compliance with the City Zoning Ordinance and the Michigan Medical Marijuana Act (MMRA).

Mayor Pro Tem Ansari reflected on the Retreat as an opportunity to review the accomplishments of 2015, and to strategize for 2016. He commented that the State of the City of Portage is strong. He contrasted 2010 with 2015 and showed improvements with regard to reduction in unemployment, increase in the City tax base, population increase, debt reduction, and an increase in the value of building permits issued.

ADJOURNMENT: Mayor Pro Tem Ansari adjourned the meeting at 9:32 p.m.

James R. Hudson City Clerk

*Indicates items included on the Consent Agenda.