

## **CITY COUNCIL MEETING MINUTES FROM JULY 10, 2018**

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

At the request of Mayor Randall, Mayor Pro Tem Pearson provided the invocation and, following the invocation, City Council and the audience recited the Pledge of Allegiance.

**PROCLAMATION:** Mayor Randall issued a "Summer Learning Day" proclamation and presented it to Meg Blinkiewicz of the Kalamazoo Youth Development Network who explained the purpose of the proclamation and importance for youth to continue learning during the summer break from school.

**CONSENT AGENDA:** Mayor Randall 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.

Motion by Reid, seconded by Burns, to approve the Consent Agenda items as presented. Upon a roll call vote, motion carried 7 to 0.

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Burns, to approve the minutes of the Regular Meeting of June 26 and Pre-Council Meeting of July 9, 2018. Upon a roll call vote, motion carried 7 to 0.

**APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 10, 2018:** Motion by Reid, seconded by Burns, to approve the Accounts Payable Register of July 10, 2018. Upon a roll call vote, motion carried 7 to 0.

**LABOR AGREEMENT BETWEEN CITY OF PORTAGE AND UNITED AUTO WORKERS:** Motion by Reid, seconded by Burns, to authorize the Mayor and City Clerk to execute a three-year labor agreement between the City of Portage and the United Auto Workers. Upon a roll call vote, motion carried 7 to 0.

**2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS AND GENERAL FUND HUMAN/PUBLIC SERVICES CONTRACTS:** Motion by Reid, seconded by Burns, to approve the Fiscal Year 2018-2019 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. Upon a roll call vote, motion carried 7 to 0.

**CONTRACT FOR SUMMER MILL AND FILL ASPHALT REPAIRS:** Motion by Reid, seconded by Burns, to award a contract in the amount of \$346,694.58 to Rieth-Riley Construction, Inc., for summer 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 7 to 0.

**COMMITTEE OF THE WHOLE REGARDING FUTURE SENIOR AND/OR SENIOR/COMMUNITY CENTER:** Motion by Reid, seconded by Burns, to set a Committee of the Whole meeting on Tuesday, July 24 at 5:30 p.m. in City Hall Conference Room #1 for the purpose of discussing the building of a future Senior and/or Senior/Community Center. Upon a roll call vote, motion carried 7 to 0.

**MINUTES OF BOARDS AND COMMISSIONS:** Motion by Reid, seconded by Burns, to receive minutes of the Senior Citizens Advisory Board of April 18 and Planning Commission of June 21, 2018. Upon a roll call vote, motion carried 7 to 0.

**MATERIALS TRANSMITTED:** Motion by Reid, seconded by Burns, to receive the Materials Transmitted of June 22 and June 26, 2018. Upon a roll call vote, motion carried 7 to 0.

**STATEMENTS OF CITIZENS:** Mr. Maurice Rykert, 6812 Bratcher Street, spoke and expressed concern regarding commercial businesses operating in residential neighborhoods as it relates to parking commercial vehicles and trailers on residential streets. Mr. Rykert also expressed concern with the advertising that often accompanies these commercial enterprises. Members of City Council reviewed the matter with Mr. Rykert and Mayor Pro Tem Pearson expressed interest in the city reviewing the overall topic of commercial vehicles parking on residential streets. Mayor Randall asked that City Administration meet with Mr. Rykert and provide a report back to City Council at the next Regular Meeting.

#### **COMMUNICATIONS:**

**CALENDAR OF MEETINGS:** At the request of Mayor Randall, City Clerk Herringa read the meeting schedule for the record. Motion by Knapp, seconded by Reid, to receive the Calendar of Meetings. Upon a voice vote, motion carried 7 to 0.

#### **PUBLIC HEARINGS:**

**REZONING APPLICATION FOR 6533, 6547, 6603 AND 6609 OAKLAND DRIVE:** Mayor Randall invited City Administration to review the proposed rezoning and development project and Acting Director of Community Development Chris Forth reviewed the rezoning request, proposed development and number of housing units. Mr. Forth also referenced concerns expressed by residents of the neighboring development (Villages at Brighton Lane) with regard to the potential removal of trees on the rezoned property. Mr. Forth explained there is no requirement for the retention of trees but that city staff would work with the developer in this regard during the site plan review process. Mr. Forth explained that the development is consistent with the city Comprehensive Plan. With regard to a question raised by Councilmember Reid about ingress and egress to the development, Mr. Forth explained that the dedicated turn lane currently provided on Oakland Drive should be adequate to provide safe entry and exit. He explained that adding an additional entry point could raise additional traffic conflicts.

Mr. Nathan Sachritz, 2003 Brighton Lane, spoke and shared that he recently moved into the Villages at Brighton Lane and asked for clarification regarding the requested rezoning. Mr. Forth explained that the rezoning would not permit a large apartment complex but rather a development similar to the Villages at Brighton Lane which would include 28 units. Mr. Sachritz asked that neighbors be notified when the site plan review occurs by the Planning Commission.

Mr. Linda Schmidt, 2021 Brighton Lane, shared that her housing unit backs up to the proposed development. She thanked the developer, Mr. Scott Gignac, for changes that he is making to his plans. Ms. Schmidt asked for clarification as to the phrase included in the notice she received that the rezoning could be "for any other classification allowable by law." Attorney Brown explained that this phrase is used to provide City Council flexibility in case they decide to approve a rezoning other than that being recommended by City Administration. Ms. Schmidt commented that her hope for the new development is that it has a quality appearance and be a quality development.

Mr. Roger Herpolsheimer, 2025 Brighton Lane, asked that the Villages at Brighton Lane have their privacy protected. He stated that he is not opposed to a new condo development especially since he lives in one and commented that an evergreen fence between the two developments would be appreciated. Motion by Ford, seconded by Knapp, to close the public hearing. Upon a roll call vote, motion carried 7 to 0.

Councilmember Reid asked Mr. Forth to explain the next steps in the process. Mr. Forth reviewed the proposed development and explained that there is no notice requirement associated with site plan reviews. However, he stated that he would work with the developer and interested neighbors in this regard. Mr. Forth continued by sharing that the site plan review could not occur until the developer submitted his plans. Mayor Randall confirmed with Mr. Forth that the city would be in contact with interested neighbors regarding the review of the site plan by the Planning Commission.

Mr. Scott Gignac, 2015 West Crosstown Parkway, shared that he is the developer and that he hoped to have a site plan submitted to the city within the next four to five weeks. He continued by stating that he hopes to break ground by winter. Councilmember Knapp inquired if trees could be maintained or incorporated into the project. Mr. Gignac explained that many of the evergreen trees are dead or dying but that he would make every effort to maintain trees and privacy. He pointed out that it is in his interest to ensure privacy for future residents of his development.

Motion by Reid, seconded by Urban, to approve Rezoning Application #17/18-4, changing the zoning designation at 6533, 6547, 6603 and 6609 Oakland Drive from R-1B, one-family residential to R-1T, attached residential. Upon a roll call vote, motion carried 7 to 0.

#### **UNFINISHED BUSINESS:**

**SOCIAL HOST ORDINANCE:** At the request of Mayor Randall, Deputy City Manager Boulis explained that City Council was being asked to adopt a proposed Social Host Ordinance and asked City Clerk Herringa to provide additional information. City Clerk Herringa provided an overview of the proposed ordinance and explained that the ordinance had been developed by the Youth Advisory Committee who worked in conjunction with the Department of Public Safety and the Office of the City Attorney. Mr. Herringa, who also serves as a liaison to the Youth Advisory Committee, explained that the topic of alcohol awareness and teen alcohol use is important to the Youth Advisory Committee and this proposed ordinance is the result of numerous meetings and discussions on the topic.

Mayor Pro Tem Pearson asked Mr. Herringa to provide some detail regarding the penalties associated with the ordinance and Mr. Herringa shared some of the potential consequences. Mayor Randall inquired as to the motto used to deter adults from hosting gatherings for minors and Mr. Herringa explained that there is a campaign every spring surrounding the issue of alcohol awareness and the slogan changes every year. Mr. Herringa shared that a member of the Youth Advisory Committee had developed the logo for this year's campaign.

Councilmember Reid complimented the Youth Advisory Committee for tackling this issue. She then referenced the provision in the ordinance defining drug paraphernalia and asked for clarification regarding the reference to the presence of materials that could be used in planting, propagating, cultivation, etc. Assistant City Attorney Charlie Bear explained that while the same tools could be used in an individual's garden they could also be used in the growing of controlled substances. He explained that the presence and connection to a controlled substance is the key distinction.

Councilmember Burns inquired as to any plans to communicate information about the new ordinance to the community. Mr. Herringa explained that articles are planned for the Portager, information will be placed on the website and the spring alcohol awareness campaign will include information about the Social Host Ordinance.

Motion by Reid, seconded by Knapp, to adopt the proposed "Social Host Ordinance" which modifies Section 50-112, Disorderly Places, of Article 4, Chapter 50 of the City of Portage Code of Ordinances. Upon a roll call vote, motion carried 7 to 0.

**COUNCIL COMMITTEE REPORTS:** Mayor Pro Tem Pearson shared that he recently attended a meeting of the Central County Transit Authority (CCTA) and Kalamazoo County Transit Authority (KCTA) in which it was learned that the Tax Increment Financing of the Kalamazoo Downtown Development Authority (DDA) is running out of funds. As a result the Kalamazoo DDA is planning new Tax Increment Financing for a new Downtown Economic Growth Authority which will cover a larger area than the previous DDA. Mr. Pearson shared that those involved in this effort asked the CCTA/KCTA to adopt a resolution of support. He continued by stating that a resolution in support was not adopted at this time. Instead the decision was made to ask the Executive Director of the CCTA learn more about what is being proposed and report back. Mayor Pro Tem Pearson closed by stating that he and Councilmember Burns, who also serves on the CCTA, would report back to City Council once they learn more about the planned Downtown Economic Growth Authority.

Councilmember Burns shared that a meeting of the Investment Committee was held. He thanked City Council for the recent appointment of a new member, stated his appreciation for the work of Finance Director Bill Furry in the management of investment accounts and thanked Councilmember Reid for the service of her husband on the Investment Committee. Mr. Burns shared that the Investment Committee would have some suggestions for City Administration to consider but the city is in compliance with all relevant rules and regulations. Mayor Randall thanked Mr. Burns for serving as chair of this committee.

Motion by Pearson, seconded by Ford, to receive the reports as presented. Upon a voice vote, motion carried 7 to 0.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Reid stated that during the economic downturn the city cut back on entertainment programming. She stated that she missed Shakespeare in the Park as a result but that this program would be returning. She shared that the Civic Theatre Academy of Theater Arts would be presenting "A Comedy of Errors" later this month at the Celery Flats Amphitheatre.

Councilmember Knapp encouraged residents to attend the concert of acclaimed violinist Damien Escobar at the Overlander Bandshell.

Councilmember Burns said that the registration date for the August Primary has passed but encouraged all eligible voters to get registered for the November election. Mr. Burns next shared details about an upcoming event in recognition of National Night Out that is being sponsored by the Department of Public Safety.

Councilmember Ford thanked Councilmember Reid and her husband for their generous property donation in recognition of Ms. Betty Lee Ongley. He then shared his enthusiasm for the Damien Escobar concert and for the return of summer entertainment to the City of Portage. Mr. Ford encouraged residents to be cautious with outdoor fires in light of the recent dry weather.

Mayor Pro Tem Pearson shared that he attended the dedication of the 11.5 acres of land in recognition of Ms. Ongley that was hosted by Councilmember Reid and her husband. He thanked Ms. Reid and her husband, Rick, for their donation.

Mayor Randall thanked Councilmember Reid and her husband for being excellent hosts at the land dedication in honor of Ms. Ongley. She shared that it was a wonderful opportunity to see the land that is being preserved. Ms. Randall shared details about the upcoming Damien Escobar concert and concluded her comments by asking City Attorney Randy Brown to review the city's fireworks ordinance in light of concerns that had been made by residents. Attorney Brown reviewed the ordinance and explained that the City of Portage ordinance is as strict as it can be under state law. He

encouraged those residents who are experiencing violations of the ordinance to contact the Department of Public Safety.

**ADJOURNMENT:** Mayor Randall adjourned the meeting at 8:01 p.m.

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Adam Herringa, City Clerk