

**MINUTES OF THE PRE-MEETING
OF SOME OF THE PORTAGE CITY COUNCIL
OF FEBRUARY 22, 2016**

Mayor Pro Tem Ansari called the meeting to order at 9:02 a.m. The following Councilmembers were present: Councilmember Jim Pearson and Councilmember Claudette Reid via the conference phone line and Mayor Pro Tem Nasim Ansari. Those not present were: Councilmembers Richard Ford, Patricia Randall and Terry Urban and Mayor Peter Strazdas. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and City Clerk James Hudson. There being no quorum, the meeting did not rise to the level of a Special Meeting of City Council.

Since the purpose of the meeting was to hear any questions of Council regarding the Agenda of the Regular City Council Meeting of February 23, 2016, and at the request of Councilmember Pearson, Mayor Pro Tem Ansari asked City Manager Shaffer to answer questions from those present.

In answer to Councilmember Pearson, Mr. Shaffer indicated that the City Attorney is working with Josh Weiner's Attorney on the many cross easements issued in connection with Item D.1, Martin Luther King Jr. Drive Reconstruction Project #998-R, and gave his assurances that they will be extinguished. He also indicated that the City finances are not affected at all; in fact, with Resolution 5, the City does not accept all of the responsibility for the road, including winter repairs and service, until construction is completed.

In answer to Councilmember Pearson, Mr. Shaffer indicated that granting the height modification request in Item F.2, Height Modification for Trade Centre III Office, 650 Trade Centre Way, sets a precedent, and noted that one reason why staff recommends approval is because the buildings provide a sound barrier from the highway since these buildings add to the sound absorption for the neighborhoods. He indicated that the square footage is roughly equal to the other two office complexes, except the footprint is smaller because the height is higher, and is commensurate with the overall goal of getting to a 100,000 square foot in office space. He then pointed out that the Downtown Development Authority (DDA) is "under water" \$100,000 per year, and this structure adds \$3.5 million taxable value which will be used to cover the bonds and pay back the City General Fund loan given to the DDA.

Councilmember Reid asked for a description of the topography as the residential neighborhood to the north is higher, and Mr. Shaffer offered to provide an explanation in writing to the full Council as he does not have specifics on this. Mr. Shaffer answered in the affirmative regarding her question of whether the residential neighborhoods were informed regarding this modification and offered that the neighbors learned that the unintended consequences of erecting these buildings has been a reduction in sound from the highway.

In answer to Councilmember Pearson and his question regarding Item F.5, Tax Exemption (Payment in Lieu of Taxes), Mr. Shaffer indicated that the standard rate for payment in lieu of taxes (PILOT) is 6%, and Ms. Georgeau was able to negotiate 6 ½ % (as this is in line with more recent PILOT ordinance amendments). In answer to

Councilmember Reid, Mr. Shaffer agreed that Item F.5 is contingent upon the passage of Item F.4, Rezoning Application #15/16-4 (1521, 1603 and 1615 East Centre Avenue), and, if F.4 does not pass, the process will take more time until the zoning issues have been dismissed or addressed.

Mr. Shaffer indicated that neither he nor staff had heard from other Councilmembers regarding Item F.7, Fiscal Year 2016-2017 Proposed Budget Review Schedule. In answer to Councilmember Pearson, City Clerk Hudson indicated he had no firm commitments from applicants to the Board of Review as yet, so there is only one pod at this time with one alternate to be determined by a vote of City Council. In answer to Councilmember Reid, who noted a gradual reduction of appeals, Mr. Boulis said that it may be possible to get an idea of the number of appeals for Council as a part of the response from the City Manager. Mr. Shaffer said City Assessor Ed VanderVries mentioned that the number of appeals was down from last year, and that internally staff discussed whether to recommend reducing the number of pods to only one pod for this year. However, he opted not to make that recommendation as it would be wise to give Ed and his new staff one more year with two pods and wait until next year to make that recommendation.

In answer to Mayor Pro Tem Ansari, Mr. Shaffer noted that the days of the Board of Review are set by State Statute, that the proposed dates fall within the statutory requirement, and these dates and times are now being submitted to City Council for adoption by Resolution. Deputy City Manager Boulis pointed out that this information is on the notice to the property owners and that the Board of Review Members receive communications as the process starts to unfold.

Councilmember Reid asked if G.2, Presentation by Vern Johnson and Jennifer Kosak, is a status report, or are there changes to the program? Mr. Shaffer indicated that the City of Portage is trying to forge a tighter bond with the Household Hazardous Waste Program, and the plan is to work more collaboratively with the paint recycling program and the program to pick up electronic items, particularly televisions, TV Screens and monitors. Councilmember Pearson indicated that he is the Chair of the County Environmental Health Advisory Council, and indicated that he would be giving a short introduction to Mr. Johnson and Ms. Kosak.

Councilmember Pearson indicated that he had asked that Item H.1, Amendment to Code of Ordinances – Discharge of Firearms, be tabled to give time for a discussion of the definition of a pneumatic gun, as it may range from a child's Nerf device to a high powered big game device, and inquired whether velocity or distance was considered into the definition. Mr. Shaffer said he discussed the Ordinance with Public Safety Director Richard White and City Attorney Randy Brown as this is a recent effort by the State to separate the definition of pneumatic weapons, sling shots, bows & arrows and cross-bows from State Statute. He mentioned that he conveyed what he thought were Councilmember Pearson's principle concerns: regulated devices that emit a projectile that under no circumstances could be construed as being threatening or harmful to human beings. He noted that Chief White and City Attorney Brown tried very hard to impress upon him the difficulty of being able to discern devices that could be harmful and devices that could not be harmful; therefore, the theory is to cast a wide net and let the Police, utilizing their judgment, to be able to stop, for example, any one in our parks with a pneumatic weapon and prevent them from firing that weapon. Conversely, he

cited the example of a children with Nerf guns with sponge balls, and said that the Police are not going to interfere with them. He concluded by saying their discussion regarding these conditions took about an hour, and he was ultimately impressed afterwards that this makes the most sense. He pointed out that this Ordinance is a step back from where the State was on this issue since the State Statute wrapped up under firearms all of these devices, pneumatic weapons, Nerf guns, sling shots, bows & arrows and cross-bows; so, at least this Ordinance, is a reflection of what the State Statute reads and differentiates these devices.

At the request of Mayor Pro Tem Ansari, Mr. Shaffer agreed to ask Public Safety Director Richard White to attend the meeting.

Councilmember Pearson offered his understanding that because the State did not want to put in the definition (of these devices), the City Attorney didn't want to put the definition into a City Ordinance. Mr. Shaffer concurred, cited the sovereignty of the State and because the State has no definition, the City can't have a definition that will work.

Councilmember Pearson also asked that City Attorney Brown be alerted that he will be asking this line of questions, and Mr. Shaffer provided his assurances.

With regard to Item I, Minutes of Boards and Commissions, Councilmember Pearson asked that the Austin Lake Governmental Lake Board Notice and Minutes be posted on the City website, and that they be e-mailed with the notice to him so it can be posted on the Kalamazoo County website. Mr. Shaffer indicated he would be happy to make that happen.

In response to Councilmember Reid, Mr. Shaffer indicated that he would call Council, e-mail them and probably text them regarding whether there is an early meeting for an interview with Board of Review applicants at 7:00 p.m.

ADJOURN: Mayor Pro Tem Ansari adjourned the meeting at 9:29 a.m.

James Hudson, City Clerk