CITY COUNCIL MEETING MINUTES FROM JANUARY 8, 2019

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

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in appreciation for all who help to make this a better community. Following the moment of silence, City Council and the audience recited the Pledge of Allegiance.

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. No items were removed. Motion by Pearson, seconded by Knapp, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 5 to 0.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Knapp, to approve the Regular Meeting Minutes of December 18, 2018 and Pre-Council Minutes of January 7, 2019. Upon a roll call vote, motion carried 5 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 8, 2019: Motion by Pearson, seconded by Knapp, to approve the Accounts Payable Register of January 8, 2019. Upon a roll call vote, motion carried 5 to 0.

PURCHASE OF EASEMENTS FOR TRAILWAYS: Motion by Pearson, seconded by Knapp to approve of $149,394 for the purchase of easements along sixteen (16) parcels owned by Pharmacia & Upjohn (Pfizer) for the construction of the Portage Road Trailway; a section of the Romence Road Trail Extension; and the northern section of the Austin Lake Trail, 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 5 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Pearson, seconded by Knapp, to receive the Environmental Board Minutes of September 12 and November 14, 2018, and Senior Citizen Advisory Board Minutes of November 14, 2018. Upon a roll call vote, motion carried 5 to 0.

MATERIALS TRANSMITTED: Motion by Pearson, seconded by Knapp, to receive the Materials Transmitted of December 18, 2018. Upon a roll call vote, motion carried 5 to 0.

STATEMENTS OF CITIZENS: Mr. Mark Anthony Martin, 10519 Dandale, spoke and thanked City Council and staff for addressing his concern regarding a malfunctioning traffic signal at the intersection of Shaver Road and Oakland Drive.

COMMUNICATIONS:

INFORMATION TECHNOLOGY PRESENTATION: At the invitation of the City Manager, the Director of Information Technology, Devin Mackinder, provided a presentation regarding efforts over the past four years to upgrade city technology and communication services, create efficiencies, improve customer service, enhance security, save on costs and improve performance outcomes. Mr. Mackinder also reviewed future initiatives.

Mayor Randall complimented Mr. Mackinder and staff on moving forward so dramatically with technology over the past several years. She thanked him for working so diligently to enhance the accessibility and transparency of government for residents. City Manager Shaffer acknowledged the excellent work of Mr. Mackinder and staff of the Department of Information Technology (IT). He stated that the efficiency and effectiveness of city services have been improved due to the technological advancements highlighted by Mr. Mackinder. Mr. Shaffer then highlighted a few examples where the advancements have been particularly noteworthy.

Councilmember Ford stated that he was pleased to see some ideas he shared at City Council retreats put into action. He continued by stating that he was surprised and pleased to see that many of the technological advancements have resulted in cost-savings. He complimented Mr. Mackinder and IT staff for their phenomenal work. Councilmember Knapp shared that although she has only been on the City Council for a little over a year she has seen improvements in efficiency, transparency and good government as a direct result of technology enhancements. Mayor Pro Tem Pearson complimented Mr. Mackinder for doing great work with the taxpayer dollars he is given to utilize.

Councilmember Reid complimented Mr. Mackinder on his work and asked him to provide a brief update on the transition away from Public Media Network (PMN) and how citizens will learn about where and how to watch City Council Meetings. She also asked for an update on 5G wireless service. Mr. Mackinder shared this was the last meeting PMN would be broadcasting and that the video broadcasting equipment transition would begin in the morning. He shared that there is still one equipment issue they are working to resolve with ATT. With regard to notifying residents, he stated that the Communications Director would be distributing information on all platforms available to the city. With regard to 5G, Mr. Mackinder shared that the Michigan Governor signed a bill into law that restricts local control over the installation of the 5G network. He concluded by sharing that court cases are likely but will take time to be resolved.

CALENDAR OF MEETINGS: Motion by Pearson, seconded by Ford, to receive the Calendar of Meetings. Upon a voice vote, motion carried 5 to 0.

COMMUNICATION REGARDING BOAT LIFTS: Motion by Ford, seconded by Knapp, to receive and refer the communication from Christopher and Jeannine Morris regarding boat lifts to City Administration for review and report. Upon a roll call vote, motion carried 5 to 0.

PUBLIC HEARINGS:

RESOLUTION NO.3 FOR THE HILL 'AN' BROOK DRIVE AND MERRYVIEW DRIVE PROJECT #999-R. Mayor Randall pointed out that most everyone in the audience is here because of this item and expressed her regret that it has become so divisive in their neighborhood. She explained that this is step 3 of a 5-step process and shared details on the legal requirements in order for the project to proceed. She explained that 60% of the frontage of the property owners in the proposed area of improvement is needed to initiate the project and keep it going. She continued by stating that the petition for the project had exactly 60% support. Recently, she continued, five property owners that signed the original petition have asked to be permitted to remove their signatures of support. She stated that City Council would like to hear from at least one of these individuals as to why City Council should permit the removal of his/her signature. Mayor Randall stated that the project was initiated by residents of Hill 'An' Brook Drive in the hope of benefitting the neighborhood and out of goodwill. She stated that the city is willing to work with residents on the amortization period for paying the special assessment. Next, Mayor Randall asked if any resident who signed the original petition but would like his/her signature removed to come forward.

Ms. Mary Ann Kaczorowski, 3019 Hill 'An' Brook Drive, addressed City Council and shared that she is a senior citizen living on a fixed income. She stated that when she signed the petition she was informed that the cost would be approximately $500 per year but in actuality the cost will be significantly higher. She continued by stating that if more accurate figures had been known she never would have signed the petition. She asked City Council to allow her to remove her name from the petition.

City Attorney Brown reiterated that the petition requires 60% of the frontage of the property owners involved to take action on the petition. He continued by stating that the original petition was only valid by approximately two or three feet of frontage. As such, he stated, the removal of one signature from the petition would result in an immediate end to the process. He continued by stating that due to a 2006 amendment to the City Charter, City Council cannot initiate a street improvement project such as this on its own. It can only be initiated by residents. Mr. Brown explained that City Council can only authorize a signer to remove his or her signature from the petition if good cause is shown. The reason, he stated, is that a petition is fixed upon signing and filing because people such as city staff are relying on the petition and action is being taken. Good cause, he stated, is most often demonstrated by either fraud or misrepresentation. Misrepresentation, he stated, does not have to be intentional. In this instance, he continued, an individual relied on information that was provided which resulted in her signing a petition. She has now formally stated that she was provided wrong information related to cost. Should City Council wish to allow her to remove her name from the petition a motion will be necessary. In addition, he concluded, allowing Ms. Kaczorowski to remove her name will automatically result in a failure of the petition since it does not meet the 60% threshold, the process would end and there would be no need for a public hearing.

Mayor Pro Tem Pearson made the following statement and a motion which was seconded by Knapp: Ms. Mary Kaczorowski of 3019 Hill 'An' Brook signed a petition requesting the special assessment for curb and gutter on Hill 'An' Brook and Merryview drives, Ms. Kaczorowski now requests City Council to permit her name be withdrawn from the petition as a result of material misrepresentation. I move that, based on her testimony, good cause has been shown and Ms. Kaczorowski's name is removed from this petition.

Councilmember Ford shared that City Council has experienced that construction costs have increased substantially over the past year. He continued by stating that having a split in the neighborhood makes it difficult for City Council. Ultimately, he stated, half of the neighborhood will be pleased with the vote of City Council and the other half will not. He concluded that he does not want to spend city funds on a project that does not have widespread support.

Mayor Pro Tem Pearson commented that this project was generated by residents of the neighborhood and that the petition had just enough signatures to meet the 60% threshold. He continued by stating that people often want improvements but don't always know the actual cost. At least one resident, Ms. Kaczorowski, felt that the information she was given was a material misrepresentation. Should her name be removed from the petition, he stated, there is no reason for additional speakers to object to the project since the process will immediately cease.

Councilmember Knapp commented that this is clearly a difficult situation for this neighborhood and she regrets that there is not a clear majority one way or the other. She stated that City Council wants residents to be satisfied with their neighborhood and encouraged the residents to come together and try to reach a consensus. City Council, she stated, would be happy to entertain any ideas or projects that come forward in the future.

Mayor Randall shared that an amortization with differing payback periods is available in case price was an objection. With regard to curb appeal and valuation, she commented that Portage has an aging housing stock and many homes were built on streets without curb and gutter. Curb and gutter, she stated, can enhance the beauty of a neighborhood. With regard to this project, the city was ready to contribute financially but would only do so if it is clear that the neighborhood is in support. Our neighborhoods, she stated, are upheld and supported to prevent decline in the community.

City Clerk Herringa reviewed the motion. Upon a roll call vote, motion carried 5 to 0. Mayor Randall thanked everyone for attending the meeting and being engaged in their neighborhood.

NEW BUSINESS:

BOARD AND COMMISSION APPOINTMENTS: Mayor Randall stated that at a meeting immediately preceding this Regular Meeting, City Council interviewed applicants for various Boards and Commissions. Mayor Randall then asked City Clerk Herringa to read the appointments which were:

To reappoint Pat Buckley, Carol Eddy, Justin Gish, Keith Hearit, Leonard Lamberson and Lyndsay Vainner as members of the Board of Review with terms ending January 31, 2020, and designation to the pods to be determined by the City Assessor.

To reappoint Linda Fry and Alexander Phillip with terms ending February 28, 2022 on the Zoning Board of Appeals.

To appoint Bill Fries to an unfulfilled term ending May 31, 2020, on the Planning Commission.

To appoint Chelsea Huber to an unfulfilled term ending October 1, 2019, Loren Kimeldorf to an unfulfilled term ending October 1, 2020, and Kevin Park to an unfulfilled term ending October 1, 2021, on the Environmental Board.

To appoint Kathryn Hanfland to an unfulfilled term ending October 1, 2020, on the Human Services Board.

To appoint Daniel Jassim to an unfulfilled term ending October 1, 2021, on the Park Board.

To appoint Douglas Gilchrist and Tony Lorentz to unfulfilled Alternate terms ending October 1, 2020, on the Senior Citizen Advisory Board.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Ford expressed hope that everyone had a good holiday season and shared that he is looking forward to the coming year on City Council. Councilmember Knapp wished everyone a happy new year. Mayor Pro Tem Pearson thanked those who came out to the meeting.

Councilmember Reid thanked city staff for making arrangements so that she could call into the meeting, encouraged everyone to take steps to stay healthy and shared that she is looking forward to the transition to the new cable access provider. She encouraged residents to stay alert for the channel(s) on which the meetings will be broadcast.

Mayor Randall shared that three Councilmembers were ill today which is a first during her tenure on City Council. Mayor Randall shared some information on the switch from Public Media Network to another provider and related cost-savings. She commented that Information Technology Director Devin Mackinder is leading this effort and thanked City Manager Shaffer for being willing to explore and take action on this matter. Mayor Randall reminded residents that the quarterly brush pickup, which includes Christmas trees, begins this week. She concluded by reminding residents of winter parking restrictions, thanked those residents of the Hill 'An' Brook neighborhood who attended the meeting and expressed hope that they can come to a resolution.

ADJOURNMENT: Mayor Randall adjourned the meeting at 7:56 p.m.

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Adam Herringa, City Clerk