CITY COUNCIL MEETING MINUTES FROM MAY 21, 2019

The Regular Meeting was called to order by Mayor Randall at 7:00 p.m. The following members were 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 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 support of a safe community and those impacted by gun violence.

Following the moment of silence, City Council and the audience recited the Pledge of Allegiance.

PROCLAMATION: Mayor Randall invited Ms. Marti Ullmer of the group Moms Demand Action to read the proclamation "National Gun Violence Awareness Day." Next, Ms. Ullmer explained the origins of the group Moms Demand Action and efforts they undertake to educate the public about gun violence.

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. Mayor Pro Tem Pearson asked that Item A.3, Sign Ordinance Amendments, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda as amended including the "Calendar of Meetings" under the "Communications" section of the agenda. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Urban, seconded by Reid, to approve the Regular and Committee of the Whole Meeting Minutes of May 7 and Pre-Council of May 20, 2019. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 21, 2019: Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of May 21, 2019. Upon a roll call vote, motion carried 7 to 0.

FIRE STATION NO. 2 CONSTRUCTION: Motion by Urban, seconded by Reid, to approve a contract to perform general contractor services to Hall Builders, LLC, for construction of Fire Station No. 2 in the amount of $5,855,926; drainage improvements to Retention Basin No. 5 in the amount of $175,000 in the total contract amount of $6,030,926 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Urban, seconded by Reid, to receive the minutes of the Youth Advisory Committee of April 15, 2019. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED: Motion by Urban, seconded by Reid, to receive the Materials Transmitted of May 7, 2019. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Mr. Michael Waldorf, 4618 East Milham, spoke and expressed concern with the level of assistance provided by the Department of Community

Development with regard to opening a small business (toy store) in Portage. Mayor Randall asked that City Manager Shaffer meet with Mr. Waldorf to review his concerns.

COMMUNICATIONS:

CALENDAR OF MEETINGS: Motion by Urban, seconded by Reid, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

PRESENTATION BY THE HISTORIC DISTRICT COMMISSION: City Clerk Herringa indicated that the Historic District Commission was unable to attend and would be rescheduling their presentation for later in the year.

PUBLIC HEARINGS:

EXPANSION OF INDUSTRIAL DEVELOPMENT DISTRICT NO. 82.: Mayor Randall invited City Manager Shaffer to begin discussion and he reviewed the proposed project and why Stryker Corporation is requesting an expansion of Industrial Development District (IDD) No. 82. Mr. Shaffer commented that Stryker continues to expand aggressively in the community and invited Community Development Director Vicki Georgeu to provide additional information regarding the expansion of IDD No. 82. Ms. Georgeau explained the expansion of parking and anticipated facility improvements for the structure located at 3800 East Centre Avenue and indicated that total expenditures will be approximately $6 million. Ms. Georgeau concluded by informing City Council that Stryker would be returning in the next 30 to 60 days to request approval of a tax exemption certificate. Motion by Reid, seconded by Knapp, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Knapp, seconded by Pearson, to adopt Resolution No. 2-19, expanding Industrial Development District No. 82. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 173 of City of Portage Resolution Book No. 47.

REGULAR BUSINESS:

FISCAL YEAR 2019-2020 PROPOSED BUDGET WITH REVISIONS: Mayor Randall invited City Manager Shaffer to review the proposed Fiscal Year 2019-2020 Budget. Mr. Shaffer acknowledged City Council and city staff for their hard work in putting together the proposed budget. Mr. Shaffer reviewed the amount of the proposed budget, related millage reduction, increases in spending on capital improvements, budget of the water and sewer fund and the overall budget review process.

Mayor Randall reviewed the meetings and time spent reviewing the budget and goal of having reductions incorporated throughout various budget categories. Councilmember Reid stated that a reduction in the General Fund millage was a challenge given to administration by City Council. Councilmember Burns asked that Mr. Shaffer review budget changes that have been made since the last City Council Budget Review Session. Mr. Shaffer reviewed the proposed changes that were made to achieve the millage reduction. He continued by explaining that those capital improvement projects that have been removed were not eliminated from the Capital Improvement Program but rather pushed to future years and cited Lakeview Park improvements as an example. With regard to planned improvement to City Hall, Mr. Shaffer indicated that the projects would be completed in later years but that one improvement would occur in the current fiscal year using available funds.

Motion by Urban, seconded by Knapp, to approve the Fiscal Year 2019-2020 Proposed Budget to include the General Appropriations Act and Salary and Wage Resolutions. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 179 and 181 of City of Portage Resolution Book No. 47.

ZYLMAN AVENUE RECONSTRUCTON PROJECT: Mayor Randall stated that the construction contracts included in this item were dependent upon approval of budget. She then invited Mr. Shaffer to provide additional information. Mr. Shaffer reviewed the Zylman Avenue Reconstruction Project and various components. He pointed out that funding for this project is not from the General Fund or Capital Improvement Program but rather from the Local Development Finance Authority, State of Michigan grants and the Water and Sewer Fund. He concluded by stating that the project will assist the expansion efforts of Stryker Corporation.

Councilmember Reid inquired as to the necessity of a roundabout in the project. Director of Transportation and Utilities Kendra Gwin explained that the roundabout was to promote safety especially since it would be handling truck traffic for Stryker Corporation (truck traffic to Stryker would no longer be permitted via Centre Avenue). Mayor Randall inquired if the width of the roundabout would be sufficient and Ms. Gwin offered assurances that it was designed to handle truck traffic along with school bus traffic since the Portage Public Schools Bus Garage is located on Zylman. In response to an inquiry from Mayor Pro Tem Pearson, Ms. Gwin also reviewed planned changes to enhance the safety of left turns at the intersection of Zylman and Portage Road.

Motion by Reid, seconded by Knapp, to award a construction contract to Peters Construction Company of Kalamazoo, Michigan, for the Zylman Avenue Reconstruction project in an amount not to exceed $3,471,461.36; amend a contract with Abonmarche Consultants, Inc., in the amount of $224,750 to provide construction engineering services for the Zylman Avenue Reconstruction project; amend the Fiscal Year 2018-2019 Capital Improvement Program budget in the amount of $350,000, 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.

EMILY DRIVE AND CORA DRIVE SANITARY SEWER LIFT STATION IMPROVEMENTS: Mayor Randall invited City Manager Shaffer to begin discussion. Mr. Shaffer explained that this particular lift station is in desperate need of replacement. He further explained that the low bidder, Dunigan Brothers, is a major construction company and he is pleased to see them bidding on a project in Portage. Funding for this project, Mr. Shaffer stated, would be coming from the Water and Sewer Fund. Councilmember Burns inquired as to the cost of the project and pointed out that the city generally budgets $500,000 per year for lift station improvements. He pointed out that this project is significantly more expensive. He inquired if this project was an anomaly and whether the amount of $500,000 per year for lift station work remains appropriate. Mr. Shaffer explained that this particular project is complicated given that it is located between two lakes and will involve a tremendous amount of water management. He continued by stating that lift station replacements would be modulated based on need and budget demands.

Motion by Knapp, seconded by Ford, to award a construction contract to Dunigan Brothers, Inc., of Jackson, Michigan, for the Emily Drive and Cora Drive Sanitary Sewer Lift Station Improvement project in an amount not to exceed $1,496,676 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.

SIGN ORDINANCE AMENDMENT: Mayor Randall invited Mayor Pro Tem Pearson to begin discussion. Mr. Pearson reviewed the process utilized the last time the sign amendment was updated and explained that the current proposed amendments are related to a Supreme Court ruling (Reed v. Town of Gilbert). Mr. Pearson stated that this particular amendment caught his attention because it involves temporary signs and stated that the Supreme Court decision struck down content-based sign regulations. Mr. Pearson asked for guidance regarding the "content-neutral" proposed changes in the ordinance and how they may impact temporary signs. Attorney Brown explained that the changes are based on Reed v. Town of Gilbert. He continued by stating that the Supreme Court said that ordinances cannot be based on content to determine enforcement. The City of Portage Sign Ordinance, he stated, currently contains content-based regulations which are unenforceable. Mayor Pro Tem Pearson asked for clarification regarding "content-neutral" and Attorney Brown stated that a sign can be of a certain size, located at a particular place, for a length of time, regardless of content. Attorney Brown continued by stating that a sign containing offensive language would need to be evaluated but that, generally speaking, could not be regulated.

Councilmember Knapp inquired as to signs that contain offensive language and whether there have been any related court actions or rulings. Attorney Brown responded in the negative. Community Development Georgeau provided additional clarification regarding "content-neutral" and reviewed definitions in the current ordinance that specify language that can be on a sign. The current ordinance, she stated, requires the reading of a sign to determine how to regulate it. The proposed ordinance, she continued, eliminates the need to read a sign to determine regulation. She concluded by stating that there are now two primary categories of temporary signs – residential and non-residential. Ms. Georgeau commented that the city has not rushed into the proposed ordinance but rather has engaged in significant deliberation and discussion over several months.

Councilmember Urban inquired as to the content of the law, whether state, local or federal, that regulates publicly displayed obscene language or images. Ms. Georgeau stated that this matter is not addressed in the proposed ordinance and Attorney Brown stated that the case of Reed v. Town of Gilbert did not address this aspect of signage. Councilmember Urban asked that Attorney Brown provide City Council with the state and/or federal law that does address obscene content. Mr. Ford commented that he believes laws related to obscene/offensive content have come from Supreme Court cases and may have been codified at state levels.

Councilmember Reid asked Ms. Georgeu to speak to the differentiation between temporary and permanent signs in residential and non-residential areas. Ms. Georgeau reviewed definitions of temporary and permanent signs along with the requirement that temporary signs be maintained. Ms. Georgeau continued by stating that a specific time cap on a temporary sign is not included in the ordinance. She continued by stating that, for well-maintained temporary signs, there is a subjective cap of approximately six months. Ms. Reid stated that, based on the proposed ordinance, a temporary sign that is well-maintained could theoretically be on display permanently. Ms. Georgeau responded in the affirmative but continued by stating that the city could take the position that, should it be up for longer than six months, it should be removed since it is no longer temporary. Ms. Georgeau stated that staff may revisit this issue. Ms. Georgeau then explained the time and size differential between residential and non-residential areas.

Motion by Pearson, seconded by Reid, to accept Ordinance Amendment #18/19-A, Sign Amendments, for first reading and set a public hearing for June 25, 2019. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns shared that he and Mayor Pro Tem Pearson attended a meeting of the Finance Subcommittee of the Kalamazoo County Transportation Authority (KCTA). At the meeting, he stated, there was discussion about underfunded "Other Post-Employment Benefits" and how they might be addressed. He continued by stating that there was a meeting of the full KCTA at Oshtemo Township Hall and shared that some Oshtemo Township officials are looking to expand services in the township. Councilmember Reid looked to clarify if Oshtemo Township was looking to vote on expanding service at the next election or the next KCTA Millage election. Councilmember Burns clarified that it was the latter. He indicated that he would follow up with Councilmember Reid as to when the next election involving the KCTA millage would occur. Motion by Reid, seconded by Ford, to receive the Council Committee Report as presented. Upon a voice vote, motion carried 7 to 0.

NEW BUSINESS:

APPOINTMENTS TO BOARDS AND COMMISSIONS: Mayor Randall invited City Clerk Herringa to read the appointments to the various Boards and Commissions. Motion by Reid, seconded by Pearson, to appoint Brooke Berner, MaKayla Bolton, Clarise Bryant, Tavishi Budagavi, Riya Chaudhary, Megan Chow, Grace Decker, Laura Durant, Grace Freed, Hannah Geerlings, Ellie Gieb, Amiti Goel, Britton Gustafson, Aaron Henry, Madeline Herringa, Reagan Hoff, Brennan Ketteler, Katherine Lindsay, Janelle Little, Una Metzger, Jacob Misejka, David Nguyen Le, Angela Postula, Anna Rachowicz, Isabella Ritchie, Dustin Ruthven Jr., Jaime Sackett, Anna Sonday, Hannah Srackangast, Joseph Sturdy and Maxwell Zigterman with terms ending June 30, 2020, to the Youth Advisory Committee**;** reappoint Becky Baldwin, Sarah Joshi and Betty Schimmel to terms ending May 31, 2022, and appoint Gerald Myer with term ending May 31, 2021 to the Planning Commission**;** reappoint Barney Martlew (structural engineer), appoint Bill Koopsen (building contractor) and reappoint George Theodoru with terms ending June 1, 2022, to the Construction Board of Appeals; and appoint Larry Lutz with term ending October 1, 2025, and appoint Stacey Randolph Ledbetter with term ending October 1, 2024, and appoint Mike Stoddard to unfulfilled term ending October 1, 2023, and appoint Gary Roberts to unfulfilled term ending October 1, 2019 to the Local Officers Compensation Commission. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: Mr. Steve Doorlag, 1507 Lakeview Drive, spoke and inquired when the construction work at the intersection of Lakeview Drive and Portage Road would be complete. In addition, he expressed concern with storm drainage and storm drain connections on Lakeview Drive. He also expressed concern with flooding in this area especially given recent rainy weather. City Manager Shaffer offered to meet with Mr. Doorlag to discuss and review his concerns.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns thanked everyone who interviewed for the various boards and commissions. He also thanked city administration for the recent event at the Garden Lane Water Treatment Center.

Councilmember Ford shared that City Council approved a major capital project at this meeting (Fire Station No. 2 replacement). He continued by reviewing the process, meetings and deliberations held regarding the project and issues that arose related to costs. He then offered suggestions that may be used in the future when major capital projects are under consideration. He then shared that he and his wife are expecting their third child and that he accepted a new job.

Councilmember Urban commented that, with regard to the fire station, he has always had a goal of providing the best for public safety and highlighted training attributes and safety features of the planned facility.

Councilmember Reid thanked those who volunteered for the various boards and commissions and encouraged the public to consider applying. Ms. Reid expressed agreement with Councilmember Urban regarding the fire station and the training and safety features that will be incorporated. She then expressed agreement with Councilmember Ford in the idea that City Council should be more involved in planning major capital projects. She then reviewed the open house that was held at the Garden Lane Water Treatment Plant and the panel discussion that occurred. Next, she stated that the program was recorded and would be available on the city website and broadcast on Cable Access. Finally, she reviewed and expressed support for providing information about items on the consent agenda. She pointed out that the consent agenda would now be scrolling on Cable Access for the fifteen minutes preceding each Council Meeting.

Councilmember Knapp shared that she also attended the open house at the Garden Lane Water Treatment Plant and the value and learning opportunity that was presented. She reminded residents of the Memorial Day holiday and parade scheduled for Monday morning.

City Manager Shaffer thanked City Council for supporting the proposed budget and other items on the agenda. He stated that it speaks to support for maintaining quality infrastructure.

Mayor Pro Tem Pearson shared with the audience that significant discussions were held on the fire station project and on reviewing the proposed budget. He concluded by expressing optimism related to the Memorial Day Parade.

Mayor Randall shared that the fire station project was a learning opportunity and that City Council engaged in the necessary due diligence when it came to reviewing the project. She stated that she is looking forward to the new fire station and enhanced capability to service the homes and new developments in this area of the city. Next she shared some details regarding the annual Mayor to Mayor Ride held in support of Bike Week. She expressed gratitude to Parks and Recreation staff who supported the event. Next, she shared that the National Historic Chemical Landmark Award was given in recognition of the pioneers in the areas of chemistry and steroid development that worked at the Upjohn Company between the 1940's and 1990. Mayor Randall next shared that she was honored to be a part of a swearing in event for two firefighters and three police officers held last week at City Hall. She then thanked the citizens who are sharing their talents by volunteering on a city board or commission. Finally, Mayor Randall announced that she would be seeking reelection as Mayor of the City of Portage.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:29 p.m.

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Adam Herringa, City Clerk