

## **CITY COUNCIL MEETING MINUTES FROM JUNE 25, 2019**

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The following members were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid and Terry Urban. Mayor Pro Tem Jim Pearson was 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 recognition of the upcoming Independence Day holiday and the freedoms and liberties it represents.

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. Councilmember Burns asked that Item A.4, Westfield North Final Preliminary Condominium Subdivision, be removed from the Consent Agenda. Councilmember Reid asked that Item A.6, Public Participation Plan, be removed from the Consent Agenda. Motion by Reid, seconded by Ford, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 6 to 0.

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Ford, to approve the Regular Meeting Minutes of June 11 and Pre-Council Meeting Minutes of June 24, 2019. Upon a roll call vote, motion carried 6 to 0.

**APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 25, 2019:** Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of June 25, 2019. Upon a roll call vote, motion carried 6 to 0.

**FIREWORKS AMENDMENT:** Motion by Reid, seconded by Ford, to adopt the amendment to the City of Portage Code of Ordinances of Chapter 34, Fire Prevention and Protection, changing the dates that fireworks can be used. Upon a roll call vote, motion carried 6 to 0.

**PENNRIDGE TRAIL PLANNED DEVELOPMENT FINAL PRELIMINARY CONDOMINIUM SUBDIVISION:** Motion by Reid, seconded by Ford, to approve the Final Preliminary Condominium Subdivision (engineering plans) for Phase 1 and the Final/Site Plan for Phase 2 of the Penridge Trail Planned Development, 1722 and 1800 West Osterhout Avenue. Upon a roll call vote, motion carried 6 to 0.

**MINUTES OF BOARDS AND COMMISSIONS:** Motion by Reid, seconded by Ford, to receive the minutes of the Historic District Commission of May 1, 2019. Upon a roll call vote, motion carried 6 to 0.

**MATERIALS TRANSMITTED:** Motion by Reid, seconded by Ford, to receive the Materials Transmitted of June 11, 2019. Upon a roll call vote, motion carried 6 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Portage Public Schools (PPS) Superintendent Mark Bielang and School Board President Randy VanAntwerp shared that PPS will be bringing in an author/speaker, Quint Studer, in late August that has expertise in community revitalization and improvement. President VanAntwerp invited City Council to join members of the School Board to

meet and converse with Mr. Studer. Superintendent Bielang expressed optimism about the opportunity and informed City Council that additional details would be forthcoming.

Nancy Carrave, 7761 St. Andrews Circle, Jim Biba, 7688 W. St. Andrews Circle, Dr. Nehdia Hashemi, 7520 Oak Shore Drive, Sharon Lynch, 7640 E. St. Andrews Circle, Dan Farrell, 2646 W. St. Andrews Circle and Mary Biba, 7688 W. St. Andrews Circle, spoke regarding flooding in and around their neighborhood. They expressed concern about high water levels and sustained and potential damages. They asked that City Council and City Administration explore immediate and long-term solutions.

John Stears, 5786 E. UV Avenue, Vicksburg, spoke regarding the fees associated with the response to his request for information under the Freedom of Information Act. He raised concerns about whether he should have been provided with a cost estimate.

Wilma Katz, 8245 Bruning Street, spoke in opposition to the planned configuration of Lover's Lane. Ms. Katz also questioned the need for a roundabout on Zylman Avenue. Mayor Randall informed Ms. Katz of an upcoming public forum about the Lover's Lane project and invited her to attend.

With regard to the comments made about flooding, Mayor Randall informed those present of an upcoming meeting with state and local officials to review and discuss the situation along with possible engineering solutions. She also informed the audience that the City of Portage has contracted with an engineering firm that is working to design a potential solution. City Manager Shaffer stated that any solution will need to address concerns of state regulatory agencies and may involve significant expense. He concluded by stating that while an immediate solution may prove challenging the city is committed to finding a solution. Mr. Shaffer then reviewed the issues and challenges that high water levels are posing across the region.

## **COMMUNICATIONS:**

**CALENDAR OF MEETINGS:** Motion by Reid, seconded by Knapp, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 6 to 0.

## **PUBLIC HEARINGS:**

**SIGN AMENDMENT ORDINANCE:** At the invitation of Mayor Randall, City Manager Shaffer introduced Director of Community Development Vicki Georgeau to begin discussion on this item. Ms. Georgeau reviewed the genesis of the need to revise the sign ordinance and provided a review of the current sign ordinance as compared to what is being proposed. She highlighted key components of the proposed amendments and provided examples of signs that would be impacted and how they might be regulated. A particular focus was given to temporary signs. Finally, Ms. Georgeau reviewed the process that was followed to develop the proposed amendments.

Councilmember Urban thanked Ms. Georgeau and city staff for their efforts in creating the new amendments. He questioned whether the definition of "sign" used in the proposed ordinance was in alignment with the Supreme Court ruling that led to the need for changes in the first place. Ms. Georgeau explained that a sign is "designed or intended to direct" and that a sign must say or indicate something but coming up with a concise definition is challenging. In response to an inquiry, City Attorney Randy Brown shared that not many local communities have altered their sign ordinance in recognition of the Reed v. Town of Gilbert, Arizona court decision. However, he continued by sharing that other communities in the State of Michigan and around the nation have made the necessary modifications. He concluded by stating that research was done on model ordinances and best practices when crafting the proposed amendments.

Councilmember Reid asked for clarification as to whether the permitted square footage of a temporary sign in a residential area was inclusive of the front and back combined. Ms. Georgeau stated that it was not combined but rather each side. Councilmember Reid next inquired as to how the sign amendment addresses public art. Ms. Georgeau explained that the amendments have exemptions for decorative purposes but that staff will have to use reason and discretion in certain instances when making a determination as whether a sign should be considered public art. In such instances, she stated, staff will involve the Office of the City Attorney to assist. Attorney Brown stated that, as an example, murals are exempted. He continued by stating that making a determination on whether something is a sign or public art is situational. Councilmember Knapp shared that the Kalamazoo County Public Art Commission is a resource that would work with the City of Portage on determining whether something is a sign or public art.

Councilmember Knapp noted that at the First Reading of the proposed amendment there was discussion on temporary v. permanent signage and whether a time restriction should be instituted. Ms. Georgeau shared that a time restriction was discussed but determined to be difficult to enforce. She provided some examples as to why it would be difficult to enforce and stated that enforcing sign condition is more effective. Attorney Brown stated that a time limit is not a workable or practical solution but that the structure/construction of the sign is a better determinant of whether a sign is temporary or permanent.

Mayor Randall opened the public hearing and John Stears, 5786 E. UV Avenue, Vicksburg, questioned provisions regarding flags and limitations on square footage. Attorney Brown stated that there are no restrictions on square footage for government flags. Mr. Stears responded by inquiring about the "Don't Tread on Me" flag and Mr. Brown reiterated that if it is considered a government flag at any level of government it would be permitted.

There being no further public comment, motion by Ford, seconded by Knapp, to close the public hearing. Upon a voice vote, motion carried 6 to 0. Motion by Reid, seconded by Ford, to adopt Ordinance Amendment #18/19-A, Sign Amendments. Upon a roll call vote, motion carried 6 to 0.

## **REGULAR BUSINESS:**

**WESTFIELD NORTH FINAL PRELIMINARY CONDOMINIUM SUBDIVISION:** Mayor Randall invited Councilmember Burns to begin discussion. Councilmember Burns explained that he lives in close proximity to the development and the stormwater basin that will be used to accommodate stormwater runoff from the development. As a result, Councilmember Burns indicated that he would be abstaining from this item. Councilmember Reid asked for additional information as to why the stormwater basin that was originally proposed as a part of this development was eliminated and the decision made to send stormwater to an existing basin. Community Development Director Georgeau shared that the stormwater basin originally proposed was to have been maintained by the homeowner's association. She explained that, historically, this has not been 100% effective as stormwater basin maintenance can be neglected. She continued by explaining that this development involves only 12 homes and the existing stormwater basin in the neighborhood has more than sufficient capacity. She explained that to ensure capacity the current basin would be expanded. Mr. Ron Wood, the project developer, spoke and explained that the existing basin would be modified to accept additional stormwater. Mayor Randall commented that the proposed stormwater management plan for this development is not unusual and was utilized in the development in which she resides. She explained that it is a requirement that every development have a plan to effectively manage stormwater. Motion by Ford, seconded by Reid, to approve the Final Preliminary

Condominium Subdivision (engineering plans) for Westfield North, 5700 Alten Street. Upon a roll call vote, motion carried 5 to 0 with Councilmember Burns abstaining.

**PUBLIC PARTICIPATION PLAN:** Mayor Randall invited Councilmember Reid to begin discussion. Councilmember Reid stated that the proposed Public Participation Plan articulates the legal requirements for citizens looking to participate in the review of a variety of city plans and developments. She continued by stating that it is also an aspirational document in that it includes possible tools and opportunities to increase public participation that goes beyond basic legal requirements. She asked for a discussion about the proposed plan and where it will be located on the city website so that citizens know more about their public input opportunities. City Manager Shaffer shared that the proposed plan draws in part from the public participation requirements of the Community Development Block Grant Program and that he would find a prominent place on the website for the document. Mr. Shaffer then invited Ms. Georgeau to provide additional information.

Ms. Georgeau shared that this document was requested at the last City Council Meeting but is also a part of obtaining designation as a Redevelopment Ready Community by the Michigan Economic Development Corporation. Ms. Georgeau shared that the plan will next be presented to the Planning Commission and included as part of the Comprehensive Plan. The Public Participation Plan would then be reviewed every five years as part of the Comprehensive Plan Update. She concluded her comments by stating that the Public Participation Plan includes many ideas on how to boost public engagement.

Councilmember Reid stated that many aspects of the plan are optional and contain potential opportunities for public involvement. She asked that, when applicable, a section on public participation efforts/opportunities be added to future communications to City Council. Motion by Reid, seconded by Burns, to receive the City of Portage Public Participation Plan as information only. Councilmember Ford commented that while his tenure on City Council is not as long as others, he believes the outreach efforts over the past year have been the greatest in his five years on City Council. He complimented staff for their efforts. Upon a roll call vote, motion carried 6 to 0.

#### **UNIFINISHED BUSINESS:**

**INTERGOVERNMENTAL AGREEMENT WITH KALAMAZOO FOR PUBLIC SAFETY ANALYTICS:** Mayor Randall deferred to City Manager Shaffer who explained that City Administration is requesting this item be postponed until the meeting of July 9<sup>th</sup> so that staff can address such issues as capping the cost of the Agreement and complete conversations with the City of Kalamazoo regarding implementation and deployment. Mr. Shaffer also stated that the Kalamazoo Public Safety Chief, Karianne Thomas, would be available to attend the meeting on July 9<sup>th</sup>. Motion by Knapp, seconded by Reid, to approve moving deliberation of the Intergovernmental Agreement with the City of Kalamazoo for crime analysis, crime prevention and strategic operational crime reduction activities at the Kalamazoo Strategic Operations Center to the July 9, 2019 City Council Meeting. Upon a roll call vote, motion carried 6 to 0.

**STATEMENTS OF CITIZENS:** Mr. John Stears, 5786 E. UV Avenue, Vicksburg, spoke again and gave a recap of a recent meeting of the South County Sewer and Water Authority (SCSWA) Meeting. He stated that SCSWA and Vicksburg officials are not answering his questions and that they are complaining about illegal hookups negatively impacting the sewer system. Mr. Stears concluded by objecting to fees associated with his FOIA request.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Burns congratulated the Portage Northern High School baseball team on their recent state championship. He then shared that the City of Portage is soliciting ideas for neighborhood and community improvement projects/programs and invited the public to submit their ideas.

Councilmember Ford shared that he recently attended the Great American Campout event at Ramona Park and that it was a fun experience and successful event.

Councilmember Reid asked that residents be aware of fireworks that will be going off around the city as residents begin their 4<sup>th</sup> of July celebrations. She then urged patience and caution around Ramona Park during the festivities and fireworks that are planned for Friday, July 5<sup>th</sup>. She concluded by stating that she is looking forward to the holiday and expressed hope for good weather.

Councilmember Knapp pointed out that the City Council updated the city's ordinance regarding fireworks this evening but it would not take effect until after the 4<sup>th</sup> of July holiday. She concluded by sharing that the city's summer concert series at Overlander Bandshell kicks off Thursday night with "Boy Band Night."

Mayor Randall thanked City Council for a great meeting and expressed appreciation for the citizen comments. She then shared that she received an e-mail from the Chamber of Commerce indicating that the City of Portage was ranked ninth as a "best place to live" out of 2500 cities with a population of over 25,000. She thanked City Council for their efforts in helping to make Portage a great place to live and shared her belief that Portage should be ranked even higher. She concluded the meeting by wishing everyone a safe and happy July 4<sup>th</sup> holiday.

**ADJOURNMENT:** Mayor Randall adjourned the meeting at 8:23 p.m.

---

Adam Herringa, City Clerk