

CITY COUNCIL MEETING MINUTES FROM AUGUST 20, 2019

The Regular Meeting was called to order by Mayor Randall at 7:02 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 recognition of the start of school and end of the summer season. The Mayor and City Council then 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 Reid removed Item A.5, Residential Amendments, from the Consent Agenda. Motion by Reid, seconded by Knapp, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Knapp, to approve the Regular Meeting Minutes of August 6 and Pre-Council of August 19, 2019. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF AUGUST 20, 2019: Motion by Reid, seconded by Knapp, to approve the Accounts Payable Register of August 20, 2019. Upon a roll call vote, motion carried 7 to 0.

MOTOR COACH SERVICES FOR THE PORTAGE SENIOR CENTER: Motion by Reid, seconded by Knapp, to approve the low bid from Gail Andrus Travel, LLC, for motor coach services for the late 2019 and 2020 Portage Senior Center travel program in the amount of \$46,390 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.

SALE OF 2527 WEST MILHAM AVENUE: Motion by Reid, seconded by Knapp, to adopt the Resolution to sell 2527 West Milham Avenue and authorize the City Manager to execute all documents related to the real estate transaction on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

MID-YEAR RETREAT: Motion by Reid, seconded by Knapp, to set a Special Meeting on Tuesday, October 8, 2019 at Portage City Hall, Council Chambers, for purpose of a mid-year retreat. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Knapp, to receive the minutes of the Historic District Commission of July 17, 2019. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED: Motion by Reid, seconded by Knapp, to receive the Materials Transmitted of August 6, 2019. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Ms. Ursula Rykert, 6812 Bratcher Street, spoke of her and her husband's history of living in Portage. She reviewed her appreciation for her

neighborhood and concern that businesses are encroaching into sensitive neighborhood areas such as her own. She stated that she believes city rules and ordinances are not being enforced on her street and that disputes between neighbors are on-going. She pointed to neighborhood blight and parking as issues in need of resolution and asked for City Council to get involved in the situation.

City Manager Shaffer stated that city staff are well aware of the situation on Bratcher Street and that enforcement action has been taken by the Department of Community Development and Police Division. Director of Community Development Vicki Georgeau stated that her department is very familiar with the neighborhood dispute between Mr. Rykert and his neighbor. She stated that she would provide City Council with a chronology of events/actions related to this matter and, in response to an inquiry, will be reviewing the Code of Ordinances for ambiguity in the Home Occupation component. Mayor Randall stated that the City will do what it can to support resolution of the dispute and listed some possible options.

Maurice Rykert, 6812 Bratcher, questioned the assistance that could be offered and Mr. Shaffer stated that resources are available to assist with blight and home rehabilitation. Mr. Rykert spoke at length regarding enforcement of the Code of Ordinances. Mr. Shaffer commented that enforcement doesn't necessarily lead to compliance and that the conflict in the neighborhood needs to stop. He commented that people need to be willing to work together to achieve resolution.

Mr. Tom Welsh, 2380 Tangle Oak, stated that he is the President of the Portage Rotary Club. He explained that the Rotary Club sponsored the 4th of July fireworks on Long Lake and reminded City Council that the fireworks were launched from a barge on the water. He explained that Portage Rotary member Karen Foster was the coordinator of the fireworks event and arranged for the barge. He stated that due to unforeseen circumstances the barge remained on the water for a couple of weeks after the event during which time Ms. Foster received a ticket for a misdemeanor from the Michigan Department of Natural Resources. Mr. Welsh asked City Council to support dismissal of the ticket.

City Manager Shaffer shared that he had reached out to the Court and asked that the ticket be dismissed due to extenuating circumstances. Councilmember Burns noted that a request was made for City Council to support dismissal of the ticket. Motion by Burns, seconded by Reid, that "The City Council for the City of Portage, Michigan, is petitioning the State of Michigan Department of Natural Resources (MDNR) to graciously dismiss the citation issued to Ms. Karen Foster, given her willingness to volunteer and the importance of the 4th of July fireworks event to the community." Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

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

PUBLIC HEARINGS:

BROWNFIELD REDEVELOPMENT PLAN AND PLAN AMENDMENT NO. 7: Mayor Randall opened the public hearing and City Manager Shaffer reviewed the proposed development by Comcast and shared that City Administration is fully supportive of the Brownfield Development Plan and Plan Amendment. Community Development Director Vicki Georgeau provided additional information about the project and how the Brownfield designation will capture Tax Increment Revenue and what those funds could be used for in the future. She explained that other area Brownfield Programs exist (such as the Kalamazoo County Brownfield Redevelopment Authority) and relayed that the Portage Brownfield Program will be able to focus exclusively on benefitting City of

Portage projects. Ms. Georgeau relayed that the Portage Brownfield Redevelopment Authority unanimously voted to support this plan and amendment.

Ms. Georgeau referenced concerns in the Brownfield Agreement related to the ability of the applicant to file a tax appeal and shared that the city and the applicant had reached an acceptable compromise on the language. Councilmember Reid inquired as to who and how any determination is made regarding the release of funds that are held while the appeal is heard. Ms. Georgeau stated that the determination would be made by the Brownfield Redevelopment Authority. Attorney Brown then reviewed the specific agreement language and further clarified that Portage Brownfield Redevelopment Authority would have to determine whether or not the expectations of the project have been satisfied. Motion by Reid, seconded by Ford, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Reid, to approve the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 7, 6666 Lovers Lane. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

ORDINANCE AMENDMENT 18/19-B, RESIDENTIAL AMENDMENTS: Councilmember Reid provided a summary of the agenda item and noted that it includes a variety of recommended amendments to the zoning code. She stated that she and other Councilmembers have questions they would like answered prior to taking action on this item and that staff needs time to prepare answers. She noted that one topic in particular, lot coverage on lakefront property, will require additional information for her to be able to make an informed decision. She stated her preference that a Committee of the Whole Meeting be held. Mayor Pro Tem Pearson concurred and stated that he had asked for a significant amount of information from staff. Mayor Randall commented that the date and time of the proposed Committee of the Whole Meeting on this topic should be included in the next City Council agenda. Motion by Reid, seconded by Knapp, to hold a Committee of the Whole Meeting on a date suitable to City Council for the purpose of reviewing and discussing proposed Ordinance Amendment #18/19-B, Residential Amendments, and defer any action on this item until after the Committee of the Whole Meeting is held. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns shared that he attended a meeting of the Central County Transportation Authority at which the proposed budget was presented and a public hearing on the budget was scheduled for September 9th. He concluded by stating that the budget document and additional information is available at the website of the Central County Transportation Authority. Motion by Ford, seconded by Reid, to receive the Council Committee Report as presented. Upon a voice vote motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Mr. Ed Haines, 7745 West St. Andrews Circle thanked City Council for their support in reducing flooding in the Hampton Bog area. He noted that water levels are still higher than normal but that residents are starting to be able to use their backyards again. He asked that City Council continue to support flooding relief efforts in his neighborhood and stated his preference that water levels be further reduced. Mayor Randall noted that the reduction level authorized by the Department of Environment, Great Lakes and Energy (EGLE) had been reached. City Manager Shaffer shared that he had spoken with EGLE and the city is pursuing an amendment of the current pumping permit for up to six months or a year to allow the city to pump water as needed. He shared that the firm contracted by the city, Fishbeck Thompson

Carr and Huber, was continuing their study and results would be shared with EGLE. In response to an inquiry, Mr. Shaffer noted that the pump being used was mobile and can easily be returned to the flooding site and reactivated.

Ms. Kathy Haines, 7745 West St. Andrews Circle, inquired if the sources of drainage into the Hampton Bog had been identified. Mr. Shaffer responded by stating that the study is on-going. He noted that drainage does occur from developments in Texas Township which may mean the Kalamazoo County Drain Commissioner will need to get involved. He concluded by stating that costs associated with a permanent solution may be spread into and include Texas Township.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid noted that the first day of school for Portage Public Schools is the same day as the next City Council Meeting and expressed hope that everyone enjoys the last few weeks of summer.

Councilmember Knapp commented on the start of school and noted that traffic patterns and volumes will change once school is in session. She noted that buses, parents and children will be more prevalent on the roadways and sidewalks. She then mentioned an upcoming groundbreaking ceremony for the new Fire Station No. 2.

Councilmember Burns thanked all of the residents who spoke at the meeting. He then noted that the 125th anniversary of Labor Day is coming up. He asked that residents reflect upon the contributions of workers to the benefit of the nation.

Councilmember Ford noted that City Council had a Special Meeting in advance of tonight's Regular Meeting to review and discuss potential candidates for the job of City Manager.

City Manager Shaffer commented that road construction projects have been going well and that several projects have either been completed or are nearing completion.

Mayor Pro Tem Pearson thanked Portage Rotary President Tom Welsh for speaking and shared information on the contributions of the Portage Rotary Club to the July 4th Fireworks event. Mayor Pro Tem Pearson concluded by thanking Councilmember Burns for the resolution in support of Ms. Foster.

Mayor Randall apologized for the slightly late start to the City Council Meeting noting that City Council is in the process of selecting a new City Manager since Mr. Shaffer would be retiring in Mid-November. She shared that interview sessions are tentatively scheduled for the evening of August 28th. Next, Mayor Randall recognized the opening of Fresh Thyme market and Milham Pharmacy in Portage. She then shared that she attended a picnic with Mr. Shaffer sponsored by Twelve Baskets which is a not-for-profit organization that operates a food pantry serving the community. She thanked Twelve Baskets for their service and emphasized the need for compassion to resolve neighborhood disputes and pledged to review ordinances should that be necessary. Next, Mayor Randall concluded her comments by complimenting and noting the prevalence of new roads and schools in the community and asked that motorists be mindful of additional walkers and bikers as school goes back into session.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:02 p.m.

Adam Herringa, City Clerk