

CITY COUNCIL MEETING MINUTES FROM OCTOBER 15, 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, 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 gratitude and recognition for the leadership, dedication and service of City Manager Larry Shaffer to the City of Portage.

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

PROCLAMATION: Mayor Randall issued a proclamation recognizing “Red Ribbon Week.” Ms. Fiorella Spalvieri, Human Services Board Vice-Chair, was present with schoolchildren from the Kalamazoo Country Day School and Moorsbridge Elementary who assisted in reading the proclamation.

Mayor Randall issued a proclamation recognizing “Air Zoo Day” in the City of Portage. Mr. Troy Thrash, President and CEO of the Air Zoo, was present to read and receive the proclamation. Mr. Thrash reviewed the success of the Air Zoo, increasing attendance and commitment to community and education. He thanked the Mayor, City Council and community for their support.

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 items A.6 and A.9. Councilmember Burns removed Item A.8. Motion by Pearson, seconded by Knapp, to approve the Consent Agenda. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Knapp, to approve the Special and Regular Meeting Minutes of October 1 and Pre-Council Meeting Minutes of October 14, 2019. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 15, 2019: Motion by Pearson, seconded by Knapp, to approve the Accounts Payable Register of October 15, 2019. Upon a roll call vote, motion carried 7 to 0.

ELIASON PHASE II TRAIL CONNECTION PROJECT: Motion by Pearson, seconded by Knapp, to award a contract in the amount of \$634,531.50 to TJM Services for Construction Services for the Eliason Nature Reserve Phase II Trail Connection project 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.

ENGINEERING SERVICES FOR RECONSTRUCTION OF EAST MILHAM: Motion by Pearson, seconded by Knapp, to award a contract to perform engineering services for the reconstruction of East Milham Avenue from South Westnedge Avenue to Portage Road to Abonmarche Consultants, Ltd., in an amount not to exceed \$218,250 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.

PURCHASE OF TRAFFIC SIGNAL POLES, MAST ARMS AND ASSEMBLIES: Motion by Pearson, seconded by Knapp, to award a contract for the purchase of traffic signal poles, mast arms and

assemblies for the traffic signal upgrade on South Westnedge Avenue at Centre Avenue to Carrier & Gable, Inc. of Farmington Hills, Michigan, in the not to exceed amount of \$56,747 and authorize the City Manager to sign all other documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

WEST LAKE WEED MANAGEMENT RESOLUTION NO. 4: Motion by Pearson, seconded by Knapp, to adopt Resolution No. 4 for the West Lake Management Program #020-Q, setting a public hearing on the Assessment Roll for November 5, 2019. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Pearson, seconded by Knapp, to receive the minutes of the Human Services Board of September 5, Portage Public Schools Board of Education Committee of the Whole Work Session of September 9, Historic District Commission of September 11, and Planning Commission of September 19, 2019. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Mr. Dave Campbell, Kalamazoo Regional Educational Service Agency (KRESA) Superintendent, spoke and discussed the rationale behind a proposed millage focused on enhancing career and technical education. He discussed how the increased tax dollars would be used and reviewed the core components of the proposal. Councilmember Reid inquired as to outreach efforts and public forums regarding the proposed millage and Mr. Campbell reviewed efforts undertaken by KRESA to educate the public about the proposal. Mayor Pro Tem Pearson inquired as to how what is being proposed regarding career and technical education differs from that which is provided by Kalamazoo Valley Community College. Mr. Campbell explained the differences and changing focus and attitudes surrounding career and technical education. In response to another question from Mayor Pro Tem Pearson, Mr. Campbell shared that private sector construction of a new career/technical education center is not “etched in stone” and that public dollars may be needed to construct such a facility.

Dr. Monifa Jumanne, 6156 Independence Drive, thanked City Manager Shaffer for his service and for working with her over the years. She continued by mentioning that she spoke to City Council 8 months prior to today regarding African American Culture and asked City Council what has been done to promote this culture in the interim. Mr. Shaffer shared the work that has been done to make an event regarding Martin Luther King, Jr., an annual occurrence and Mayor Randall discussed an upcoming event/concert that she will be attending. Dr. Jumanne stated that she would be at this event as well and shared that she looks forward to continuing to work with the Mayor and City Council to promote events involving and celebrating African American Culture.

Michigan State Representative Brandt Iden spoke and read a proclamation signed by himself, State Senator Sean McCann, Lieutenant Governor Garlin Gilchrist and Governor Gretchen Whitmer honoring and recognizing the career and public service of Larry Shaffer. Representative Iden thanked Mr. Shaffer for working with him over the years, commended Mr. Shaffer for his work to improve both Portage and Kalamazoo County and wished Mr. Shaffer only the best in retirement. Mr. Nate Henschel, on behalf of U.S. Congressman Fred Upton, congratulated Mr. Shaffer on his retirement and played a video of the Congressman in which Mr. Upton thanked Mr. Shaffer for his service and wished him the best in retirement.

Mr. James Hudson, 9001 West End Drive and former city employee, congratulated Mr. Shaffer on his retirement and thanked him for all the work done on behalf of Portage residents and for being a quintessential manager and leading the organization through difficult times.

COMMUNICATIONS:

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

PUBLIC HEARINGS:

ORDINANCE AMENDMENT 18/19-B, RESIDENTIAL AMENDMENTS: Mayor Randall opened the public hearing and invited City Manager Shaffer to speak regarding the proposed amendments. Mr. Shaffer summarized the proposed amendments, shared that they had been reviewed at length, reviewed the history of the proposal, focused on a proposed increase in permitted lot coverage in single-family residential zoning districts and asked Acting Community Development Director Chris Forth to provide additional details regarding the proposal. Mr. Forth reviewed more specific details of the proposed ordinance and shared that the proposed increase in lot coverage from 25% to 30% is consistent with surrounding communities.

Councilmember Reid noted that at the Committee of the Whole Meeting about this topic there was significant discussion regarding non-conforming lakefront lots and stormwater management. She inquired as to efforts such as grading and storm sewer structures that could be utilized/implemented on lakefront lots to help address stormwater runoff. Mr. Forth explained that such structures and efforts have been and are being looked at closely by his department and the Department of Transportation and Utilities and that added scrutiny will be given to those structures wishing to exceed 25% lot coverage.

Mayor Randall shared that she had received three letters of support for increasing the lot coverage from 25% to 30%. The letters were received from Mr. Jon DeHaan who resides and operates a business in Portage, Mr. Kurosh Nahavandi who resides at 9121 West End Drive and Mr. Mark Vickery who resides at 5247 Hickory Hill Lane, Kalamazoo, is a local realtor and owns six rental properties in Portage. Mr. James Hudson, 9001 West End Drive, shared that he was pleased to learn staff had researched the stormwater issue but noted there is work to be done citing standing water issues on his street despite the presence of catch basins. Mr. William Fries, 9007 West End Drive, congratulated Mr. Shaffer on his retirement and expressed support for the increase in lot coverage for non-conforming lots. Mr. Scott DeLoof, 1824 Vanderbilt and local builder, Mr. Joe Agostinelli, 1906 Forest Drive, Mr. Kirk Schieman, 9125 West End Drive and Mr. Mark Caley, 9033 West End Drive, spoke in favor of the proposed increase in lot coverage from 25% to 30%.

Mayor Pro Tem Pearson shared his own prior experience with the 25% lot coverage requirement, sympathized with those who spoke at the hearing and expressed support for the changes being proposed by the Department of Community Development. Motion by Pearson, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Councilmember Reid noted the proposed increase to 30% in lot coverage while at the Committee of the Whole Meeting discussion centered on concerns with stormwater management and impermeable surfaces. She commented that there are many ways a property owner can increase the amount of impermeable surface on a property without increasing the size of the home. Mayor Pro Tem Pearson concurred with Councilmember Reid and noted that according to a staff memo drainage plans will be required and staff will provide increased scrutiny to any project that exceeds 25% lot coverage. Mayor Randall commented that she frequently hears complaints from residents that the 25% lot coverage is too restrictive and thanked those who spoke at the hearing. Motion by Pearson, seconded by Burns, to adopt Ordinance Amendment #18/19-B, Residential Amendments, subject to the percent of lot cover for all lots (conforming and nonconforming) be

increased from 25% to 30% in the single-family residential zoning districts. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

PURCHASE OF 8509 PORTAGE ROAD: Mayor Randall deferred to Councilmember Reid who spoke and noted that this is a blighted property located on Portage Road that the city is planning to purchase and turn into a green space. She asked for confirmation that the city does not have a policy in place to purchase blighted properties and turn them into parks or green spaces. Mr. Shaffer confirmed that no such policy exists and reviewed the rationale for purchasing this particular parcel. Councilmember Ford asked for clarification on deed restrictions and Mr. Shaffer reviewed the restrictions such as the property cannot be sold to a business that would compete with the nearby Speedway convenience store. Mr. Shaffer noted that Speedway is not a motivated seller but the purchase of this property in spite of the deed restrictions will be of significant public benefit. Councilmember Ford inquired as to the future possibility of dividing this property and selling a portion for development. Mr. Shaffer responded that while this may be a possibility he noted the blighted nature of the property and overall depressed real estate market in this corridor. Mayor Pro Tem Pearson noted the property was a former gas station and inquired about contamination. Mr. Shaffer stated that the property had been remediated and inspected by the Department of Energy, Great Lakes and the Environment. However, additional and currently unknown contaminants are a possibility.

Councilmember Urban mentioned the reference to putting in a park at this location and asked if the intent is to add this parcel to the park system. City Attorney Brown noted that “park” has been used in the discussion as a general term but there is no plan to add this parcel to the official park system. He suggested using the term “green space” or “open space” instead of park when referring to this property. Mayor Randall shared her understanding that this parcel will be transformed into a green space similar to those along Oakland Drive. Councilmember Urban shared that, in addition to reasons provided by city staff, the green spaces on Oakland Drive were instituted at prime intersections to prevent businesses such as gas stations from encroaching upon nearby neighborhoods. Motion by Knapp, seconded by Reid, to approve the purchase of property addressed as 8509 Portage Road in the amount of \$147,000 and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY BROWNFIELD PLAN AND DEVELOPMENT AGREEMENT: Mayor Randall asked City Manager Shaffer to begin discussion. Mr. Shaffer reviewed the details of the project, number of jobs and size of the distribution center. He continued by reviewing the purpose of the Development Agreement and shared that, as part of the arrangement with the Kalamazoo County Brownfield Redevelopment Authority, the City of Portage would receive approximately \$3,000,000 for the reconstruction of Portage Road.

Councilmember Burns inquired as to the impact on traffic and traffic projections. Acting Director of Community Development Chris Forth shared that the traffic projections came from the design engineer and were evaluated by the Department of Transportation and Utilities. Portage Road, he stated, would be able to handle the increased volume and stated that most traffic would be between the facility and I-94. In response to an inquiry, Mr. Forth also noted that the intersection of the distribution center is signalized.

Councilmember Burns asked Mr. Forth to review noise implications and Mr. Forth explained that the building was situated such that most noise would occur in the direction of the airport and most of the noise would be associated with vehicular traffic. Mr. Forth invited a representative of

Scannell Properties, Shaun Cofer, 8801 River Crossing Boulevard, Indianapolis, IN, if he wished to contribute to the discussion and Mr. Cofer reviewed measures such as landscaping and a soundwall that were being installed to assist with noise management. Regarding sound, Mayor Pro Tem Pearson inquired as to increased air traffic at the Fed Ex Distribution Center and Mr. Cofer explained that this would be a Fed Ex Ground facility only involving vans and trucks. Mr. Shaffer shared that he spoke with the airport director, Amanda Woodin, and learned that Fed Ex does have some small shipments that move through the airport and is hopeful the new distribution center will boost air traffic.

Mayor Randall inquired as to transportation for potential employees and public transit. Mr. Cofer noted that this will be examined more closely as the project moves forward. Mr. Shaffer stated that bus stops can be coordinated with the signalized intersection to help accommodate employees.

Councilmember Burns inquired as to the building façade and Mr. Cofer stated that the plan is for the building to fit in with surrounding aesthetics and will involve attractive pre-cast panels. Councilmember Ford noted the future rebuilding of the I-94/Portage Road interchange and what impact this may have on the project and truck traffic. He then noted that traffic planning will need to happen in advance of the interchange closing as the Fed Ex trucks will need to seek alternate routes. In response to an inquiry from Councilmember Reid, Mr. Cofer stated that the distribution center is on the fast track and should be complete next September whereas the interchange project is still a couple of years away.

Councilmember Burns expressed concern with the wage level of the jobs that will be created and estimated they will be in the \$13 - \$18 per hour range. Joe Agostinelli, representing Southwest Michigan First, stated that he has not heard specific salary levels for the jobs related to this development. He continued by stating that while these jobs may not be high paying, jobs need to be available at every level of the workforce. Councilmember Burns provided some rough calculations about annual income for the distribution center jobs and expressed dismay that workers would likely not be able to afford to live in Portage due to the lack of affordable housing.

Councilmember Reid commented that this will be a project that draws a workforce from the region and will provide income for area residents. City Manager Shaffer distributed a handout regarding Fed Ex Distribution Center jobs that he found on the website [payscale.com](https://www.payscale.com). He reviewed the salary levels and noted that many of the jobs will be entry level and attractive to younger people looking to start their careers. He also commented that these jobs could be a stepping stone to greater opportunities.

Mayor Pro Tem Pearson thanked Councilmember Burns for his research and noted that many of the workers will commute to Portage from other areas. He emphasized the importance of public transit. Mayor Randall thanked Councilmember Burns as well and asked Mr. Cofer why Portage was selected for the facility. Mr. Cofer emphasized the proximity to I-94 as a major factor. Mr. Cofer continued by complimenting city staff as being good to work with and shared that his employer, Scannell Properties, has found Portage to be welcoming and willing to work to get things done.

Councilmember Knapp thanked Councilmember Burns for his contributions to the discussion. She noted her belief that the project is a good one but concerns about affordable housing are valid and need to be addressed. Councilmember Burns shared that he intends to be supportive of employees of this distribution center but would not be voting in favor of the project especially since it involves Brownfield incentives. Mayor Randall stated that she would work with Mr. Burns on the matter of affordable housing.

Motion by Ford, seconded by Knapp, to approve the resolution for the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) Brownfield Plan for Project Spartan, 6701 Portage

Road, and approve the Brownfield Plan Development Agreement between the KCBRA and City of Portage. Upon a roll call vote, motion carried 6 to 1 with Councilmember Burns voting no.

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PORTAGE AND MICHIGAN DEPARTMENT OF NATURAL RESOURCES: Mayor Randall deferred to Councilmember Reid who asked City Manager Shaffer to provide additional detail regarding the proposed Memorandum of Understanding (MOU). Mr. Shaffer reviewed the current accessibility and recreational availability of Michigan Department of Natural Resources (DNR) property in the City of Portage. He explained that the DNR is proposing to work with the City of Portage to improve accessibility and recreational development of their property in Portage. Councilmember Reid noted the one-year length of the MOU and inquired as to who is the lead person in working with the DNR. Mr. Shaffer explained that the Parks Department would be the lead and Councilmember Reid expressed concern with the DNR property being developed commercially. Mr. Shaffer stated that the goal is to preserve the land in question as open space and mentioned DNR grant funding that may help in recreational development.

Councilmember Urban noted that the entire State Game Area is not being proposed for enhancement. He stated that the land in question is designated hunting grounds and expressed concern with the inclusion of trails and recreational opportunities in hunting grounds. Mr. Urban stated his support for the MOU but expressed his desire that this land be preserved for hunting. Mr. Shaffer commented that the DNR has raised the concern regarding hunting as well. He continued by mentioning the urbanization of the DNR land as Portage grows and more residents frequent the property even though it is difficult to access. Mr. Shaffer expressed his opinion that the use of the land for hunting purposes will decrease over time. Mayor Randall shared that the City of Portage has been discussing acquiring this property for several years in order to keep it from being developed. She expressed optimism that the proposed arrangement with the DNR will help to preserve this land while making it more accessible to the public.

Motion by Reid, seconded by Burns, to approve the Memorandum of Understanding between the City of Portage and the Michigan Department of Natural Resources as the first step toward the development of an annual Memoranda of Agreement, and authorize the City Manager to execute all documents related to these actions on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns reported on a meeting of the Central County Transportation Authority (CCTA) that he and Mayor Pro Tem Pearson attended. Councilmember Burns shared that discussions were held regarding a millage proposal in 2020. Councilmember Burns responded to questions from fellow Councilmembers regarding ridership, possible millage rates, services for “opt-out” communities and bus stops/routes in Portage.

Mayor Pro Tem Pearson reported on a meeting of the Kalamazoo County Consolidated Dispatch Authority (KCCDA) that he recently attended along with City Manager Shaffer. He shared that at this meeting members of the KCCDA thanked and praised Mr. Shaffer for the work he did to help make the KCCDA a reality. Mr. Pearson shared that a possible millage, phone tax or combination of the two were also discussed at the meeting. A vote, he stated, would likely occur next year. In response to an inquiry, Mayor Pro Tem Pearson stated that the level of the proposed millage has not yet been finalized but would likely be in the .6 mill range.

Councilmember Reid reported on a meeting of the Environmental Health Advisory Committee (EHAC). She shared that the topic of groundwater use restrictions in the area of the Borroughs Corporation manufacturing facility in Kalamazoo Township was discussed and the matter is heading to the Kalamazoo County Commission. Councilmember Reid stated that the topic of

Eastern Equine Encephalitis (EEE) was discussed with an emphasis on how information-sharing and communication can be improved as evidenced by recent experiences.

Motion by Reid, seconded by Ford, to receive the Council Committee Reports. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns congratulated and thanked Mr. Shaffer for his service and shared that he has learned a great deal from Mr. Shaffer.

Councilmember Ford thanked all those who attended the meeting and for the discussion that occurred. He thanked Mr. Shaffer for his bold leadership and for all he's done in the areas of technology, communications, branding and finance.

Councilmember Urban wished Mr. Shaffer well in retirement.

Councilmember Reid thanked Mr. Shaffer for the work that he's done for the City of Portage, wished him a wonderful retirement and thanked him for helping in the transition to a new City Manager.

Councilmember Knapp shared that she, along with a few other members of City Council and the incoming City Manager Joe La Margo attended an event sponsored by the Kalamazoo County Substance Abuse Task Force at which the legal framework surrounding adult marijuana use was discussed. She stated that the presentation was timely and informative. Ms. Knapp then thanked Mr. Shaffer for his leadership and abilities to be incisive and pragmatic while maintaining a sense of irony and humor. She thanked him for being willing to say when he did not know the answer and that she learned a tremendous amount from him.

City Manager Shaffer stated that any success he had during his tenure as City Manager was a result of a team effort and dedicated employees. He thanked staff for their advice and willingness to push forward on tough issues. Mr. Shaffer thanked City Council for their wisdom, patience and understanding. He concluded by stating that he has been blessed to work in the City of Portage.

Mayor Pro Tem Pearson recalled that five years ago while reviewing applications for the position of "Acting City Manager," he saw many applicants listing their number of hours worked per week in the 10 to 20 range but that Mr. Shaffer indicated he worked 60. Mr. Pearson stated that it is obvious Mr. Shaffer loves the job and that the feeling from the community is mutual. Mayor Pro Tem Pearson thanked Mr. Shaffer and wished him well.

Mayor Randall thanked City Council for what she believes is the best meeting held during her tenure. With regard to Mr. Shaffer's retirement, Mayor Randall stated that she was feeling bittersweet. She noted that he has been a strong supporter and a professional who was hired to bring about change. She stated that Mr. Shaffer has rejected the status quo and made Portage a better place as a result. She recalled his "Be Bold" statement in the interview process and that he embodied that statement. Next, she thanked him for his eloquence and commitment to working with everyone and for helping to lift others up. Mayor Randall concluded by congratulating Mr. Shaffer on his retirement and thanked him for helping with transition to a new City Manager.

ADJOURNMENT: Mayor Randall adjourned the meeting at 9:46 p.m.

Adam Herringa, City Clerk