

CITY COUNCIL MEETING MINUTES FROM APRIL 28, 2020

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The meeting was held virtually in accordance with the Governor's Executive Directive 2020-02 in light of COVID-19. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall. Also in attendance on the WebEx meeting platform were Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll and City Attorney Randy Brown. In attendance in Council Chambers was City Manager Joe La Margo, Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence in acknowledgment of the service and sacrifice of the first responders during the pandemic. Following the moment of silence, the City Council 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 Urban removed Item A.5. Motion by Ford, seconded by Reid, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Ford, seconded by Reid, to approve the Regular Meeting Minutes of April 14, 2020 and Pre-Council of April 27, 2020. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 28, 2020: Motion by Ford, seconded by Reid, to approve the Accounts Payable Register of April 28, 2020. Upon a roll call vote, motion carried 7 to 0.

LOCAL SMALL WIRELESS COMMUNICATIONS FACILITY PERMITTING & STANDARDS RESOLUTION: Motion by Ford, seconded by Reid, to adopt the Resolution Authorizing Local Small Wireless Communication Facility Permitting Standards and authorize the City Manager or his designee to enter into, grant, terminate and administer permits and all other authority necessary to effectuate the permitting process between the city and 5G wireless providers. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING ON FISCAL YEAR 2020-2021 BUDGET: Motion by Ford, seconded by Reid, to adopt the Resolution setting a public hearing on May 12, 2020 for the Fiscal Year 2020-2021 Proposed City Budget and the proposed 2020 tax levy. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Ford, seconded by Reid, to receive the minutes of the Planning Commission of March 19, 2020. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED OF APRIL 10, 2020: Motion by Ford, seconded by Reid, to receive the Materials Transmitted of April 10, 2020. Upon a roll call vote, motion carried 7 to 0.

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

PUBLIC HEARINGS:

WATER AND SEWER RATES FOR FY 2020-21 (2020 UTILITY RATE FINANCIAL STUDY):

Mayor Randall opened the public hearing and invited City Manager La Margo to begin the discussion. Mr. La Margo asked Transportation & Utilities Director Kendra Gwin to summarize the proposed rates. Due to Director Gwin's technical difficulties, City Manager La Margo asked Councilmember Ford, as chair of the Utility Rate Study Committee, to provide an update.

Councilmember Ford relayed his experience on the Utility Rate Committee and shared that he had provided an update at the April 14th Council meeting.

Mayor Randall asked fellow Utility Rate Study Committee members Knapp and Burns whether they had anything additional to add. Both relayed they did not. City Manager La Margo noted that Councilmember Ford had asked the City Administration to review the potential for smart meters and Mr. La Margo hoped to have a recommendation from a consultant soon. Mayor Randall thanked the Committee members for their service and noted there will not be any rate increases this year.

There were no questions or comments from the public. Motion by Ford, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Reid, seconded by Ford, to adopt the 2020 sewer and water rate resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees and charges outlined in the 2020 Utility Rate Financial Study as recommended by the City Administration and the City Council Water and Sewer Rate Study Committee, with rates to be effective July 1, 2020. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS AGENDA:

ORDINANCE AMENDMENTS - ADULT USE MARIHUANA: Mayor Randall deferred Councilmember Urban for an explanation in removing the item from the Consent Agenda. Councilmember Urban relayed that he had asked for the item to be removed from the Consent Agenda as he would be voting no. He stated that recent discussions with his 13-year-old daughter regarding marihuana as a Schedule 1 drug. Councilmember Urban cited conflicts with Red Ribbon Week and the 2017 Citizen Survey despite the 2018 Proposal #1 vote for recreational marihuana. Mayor Randall commented in support of Councilmember Urban's parenting position, then highlighted the 2008 and 2018 votes in support by Portage residents noting that Council needs to support the will of the people. Councilmember Reid stated that the proposed ordinances are as restrictive as possible, but noted Council needs to monitor the issue going forward for potential concerns that may require addressing. City Attorney Brown clarified that the items currently before Council are to schedule the matters for a public hearing and final action on May 26th.

Motion by Burns, seconded by Knapp, to accept Ordinance Amendment #19/20-A (5), allowing Adult Use Marihuana in certain districts, of Chapter 42, Land Development Regulations, Article 4 (Zoning) for first reading and set a public hearing for May 26, 2020, and Ordinance Amendment #19/20-6, Marihuana Businesses, of Chapter 14, Businesses, Article 12, for first reading and consider final adoption on May 26, 2020. Upon a roll call vote, motion carried 6 to 1 with Councilmember Urban voting no.

UNFINISHED BUSINESS AGENDA:

FINAL CONDOMINIUM SUBDIVISION FOR PENNRIDGE TRAIL NO. 1: Mayor Randall deferred to Deputy City Manager Carroll, noting the petitioner was on the public phone line for any questions.

Deputy City Manager Carroll summarized prior Council action on the matter and relayed discussions with the petitioner. He noted that the City had experienced several top administration staff changes since the initial introduction of this item. Mr. Carroll also relayed that discussions with Fire Marshal Larry Moore illustrated that the current subdivision proposal was the best possible option and further reviewed the planned access points and layouts. Deputy City Manager Carroll stated that having a second entrance violates the City Code as it would place the driveways too close together and too close to the adjacent railroad tracks.

City Manager La Margo added that these concerns about how developments unfold have led to the city reviewing the existing Codes and design process going forward to improve the quality of developments. He noted that the petitioner had also offered some improvements, including additional vegetation plantings along Osterhout.

The Mayor encouraged the City Manager to develop the revised ordinances as soon as possible and relayed that she hopes to prevent clear-cutting trees in the city going forward, knowing the city is a designated Tree City. City Manager La Margo responded that he hopes to have the revised ordinances to the Planning Commission and City Council within the next month.

Motion by Burns, seconded by Ford, to approve the Final Condominium Subdivision for Pennridge Trail No. 1, 1800 West Osterhout Avenue, subject to the following conditions: a) West Osterhout improvements and storm sewer improvements and paving by August 2020 and b) completion of sidewalks and street trees by November 2021. Upon a roll call vote, motion carried 6 to 1 with Councilmember Reid voting no.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban complained of long hair due to the extended quarantine rules but encouraged everyone to continue following the Governor's Executive Orders. He further encouraged the use of face coverings, noting that many are making face masks at home now.

Councilmember Reid thanked the frontline medical workers, noting the situation they have been placed into, working to keep everyone help healthy. She expressed appreciation for those staying home and noted that regulations are starting to loosen. Councilmember Reid reminded the public about the May 26 Council Meeting including the adult-use marihuana item and asked citizens that if they had comments there is still time to contact City Councilmembers.

Councilmember Knapp offered a reminder regarding the May 5th election and shared election statistics, highlighting that this is a great testament to voter interest and activity in Portage. She relayed there is still time to vote absentee before the election. Councilmember Knapp then offered a reminder of the Parks and Recreation Spring/Summer program guide that came out in the April *Portager* and relayed that there may be adjustments to the programs noted to maintain health and safety guidelines. She stated that any program changes will be posted on the city website as well as the city's Facebook page.

Councilmember Burns confirmed that he looking forward to the May 5th budget session for the CIP and relayed economic effects from the COVID-19 pandemic including a 23 percent unemployment rate and a \$2.6 billion revenue shortfall this year and another \$3 billion revenue shortfall next year. He continues to await the state revenue conference in mid-May

Councilmember Ford relayed that he was happy to have passed his 4th certification and was one of 500 people to do so worldwide.

City Manager La Margo added to Councilmember Burns' statement noting the city is closely monitoring revenues and expenditures. He stated the Governor had extended her "Stay Home, Stay Safe" Executive Order. He relayed that City Hall would be open on May 5th for the election but cited the Governor's strict orders on wearing facemasks including inside City Hall.

Mayor Pro Tem Pearson relayed the city revenue shortfalls with Act 51, as well as the sales tax drop due to stores currently closed. He relayed that the annual budget will now be reviewed quarterly with City Council to ensure responsible spending.

Mayor Randall reminded that the May 5th budget session would be held virtually, but noted that City Hall will be open for that same day for the election. She stated that the May 12th City Council Meeting would also be held virtually under the Governor's Executive Order. Mayor Randall then complimented City Manager La Margo for the positive public outreach banners positioned around the city and echoed Councilmember Knapp regarding the published recreational events finalized before COVID-19 and to look to the website for updates. Mayor Randall also relayed that Ramona Beach would be opening in the summer with additional lifeguards and hoped that it would create a more normal atmosphere, especially for children. She stated that the Kalamazoo Marathon had turned into a virtual platform and expressed hope that the event would be a Kalamazoo/Portage joint endeavor going forward. She closed with a reminder regarding Mother's Day on May 10th.

ADJOURNMENT: Mayor Randall adjourned the meeting at 7:46 p.m.

Erica L. Eklov, City Clerk