

CITY COUNCIL MEETING MINUTES FROM JANUARY 12, 2021

Mayor Patricia Randall called the Regular Meeting to order at 7:01 p.m. The regular meeting was held virtually as permitted by PA 228. Mayor Patricia M. Randall, Mayor Pro Tem Jim Pearson, and Councilmembers Chris Burns, Lori Knapp, Vic Ledbetter, Claudette Reid, and Terry Urban were present. All members participated virtually from Portage, Michigan, except for Councilmember Reid who attended virtually from Pentwater, Michigan. Also in attendance were City Manager Joe La Margo, City Attorney Catherine Kaufman, Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to honor all denominations and reflect upon beginning the first City Council Meeting of 2021 by each pledging to urge peace in the community, state, and nation. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS: Councilmember Reid read the proclamation in honor of Betty Lee Ongley. Ms. Ongley, via WebEx, thanked the City Council for the recognition. Several Councilmembers offered additional comments of commendation for Ms. Ongley. Mayor Pro Tem Pearson read the proclamation remembering Joanne Willson. Members of Council followed by offering condolences. Ms. Willson's son Bill and husband James attended, via WebEx, with James speaking in honor of his late wife.

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 removed Item A.8. Motion by Reid, seconded by Knapp, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Knapp, to approve the minutes of the Regular Meeting of December 15, 2020, and Pre-Council Meeting of January 11, 2021. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 12, 2021: Motion by Reid, seconded by Knapp, to approve the Accounts Payable Register of December 15, 2020. Upon a roll call vote, motion carried 7 to 0.

FINAL PRELIMINARY CONDOMINIUM SUBDIVISION (ENGINEERING PLANS) FOR PHASE 2 OF PENNRIDGE TRAIL: Motion by Reid, seconded by Knapp, to approve the Final Preliminary Condominium Subdivision (engineering plans) for Phase 2 of the Penridge Trail Planned Development, 1800 West Osterhout Avenue. Upon a roll call vote, motion carried 7 to 0.

AMENDMENT TO CODE OF ORDINANCES - TAXATION: Motion by Reid, seconded by Knapp, to accept the amendment to Article 1, In General, of Chapter 70, "Taxation" in the City of Portage Code of Ordinances for first reading and set a second reading with potential final adoption for January 26, 2021. Upon a roll call vote, motion carried 7 to 0.

DR. MARTIN LUTHER KING JR. PARK ARTWORK: Motion by Reid, seconded by Knapp, to award a contract in the amount of \$68,000 to Brent Harris Sculpture for fabrication and delivery of a series of sculptures as the art centerpiece for the Dr. Martin Luther King Jr. Park, 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.

CONTRACT AND PERFORMANCE AUDIT OF CITY TOW & FLEET MAINTENANCE

VENDOR: Motion by Reid, seconded by Knapp, to authorize the City Manager to contract with an Auditor to review the performance of the City Tow and Vehicle Fleet Maintenance Vendor and assess its compliance with the towing contract and City procurement procedures, in an amount not to exceed the City Manager's contractual authority. Upon a roll call vote, motion carried 7 to 0.

2021 MARCH BOARD OF REVIEW: Motion by Reid, seconded by Knapp, to approve the recommendations regarding the Board of Review as follows: adopt the resolution setting the schedule for the 2021 March Board of Review; approve the use of two three-member Board of Review panels for the March Board of Review; and appoint six members to the 2021 March Board of Review. 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 Zoning Board of Appeals for October 26, 2020, and Human Services Board of December 10, 2020. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: Mr. Mike Quinn (7025 Bradford) spoke in favor of the proposed Industrial Development District No. 93 for the Midwest Fastener Corporation, 9031 Shaver Road slated for the public hearing. He then advised that as a Commissioner on the Kalamazoo County Board of Commissioners that he knew of no opposition from the Board for the proposed Industrial Development District for Midwest Fastener.

PUBLIC HEARINGS:

MIDWEST FASTENER CORPORATION, PA 198 TAX ABATEMENT: Mayor Randall opened the public hearing. City Manager La Margo noted that City Council had been provided a corrected Project Impact Analysis earlier that day showing the average annual income amount to be \$63,000 and not \$42,000 as originally published. Deputy Director of Planning, Development & Neighborhood Services Chris Forth summarized the proposed Industrial Development District No. 93 for the Midwest Fastener Corporation, noting it would be a nine-year abatement period. Councilmember Reid inquired whether the \$63,000 annual income amount included benefits. Steven DeVries, a representative of Midwest Fastener Corporation, responded via phone that benefits varied, but the income amount included salary and bonus.

Motion by Reid, seconded by Burns, to close the public hearing. Upon roll call vote, motion carried 7 to 0.

Councilmember Burns complimented Midwest Fastener Corporation for their project, noting it was great for the community. Councilmember Reid noted her daughter's early employment history with the company, stating it was a great opportunity for her to gain insight into manufacturing operations.

Motion by Burns, seconded by Reid, to adopt: Resolution No. 2-20, creating Industrial Development District No. 93 for the Midwest Fastener Corporation, 9031 Shaver Road; Resolution No. 3-20, approving the industrial facilities exemption certificate application for the Midwest Fastener Corporation, 9031 Shaver Road; and approve the tax abatement agreement and affidavit between the City of Portage and the Midwest Fastener Corporation. Upon roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

APPOINTMENTS TO BOARDS AND COMMISSIONS: Mayor Randall requested the City Clerk to read the proposed appointments into the record. City Clerk Eklov stated as follows: to reappoint Pat Buckley, Carol Eddy, Justin Gish, Keith Hearit, Leonard Lamberson, and Lyndsay Vainner as members of the Board of Review with terms ending January 31, 2022, with designation of the panels to be determined by the Director of Assessing, as well as to reappoint Linda Finch to a term ending February 28, 2024, to the Zoning Board of Appeals.

Motion by Pearson, seconded by Burns, to confirm the appointments as noted. Upon a roll call vote, motion carried 7 to 0.

CONSTRUCTION BOARD OF APPEALS RAZE ORDER FOR AN UNSAFE BUILDING LOCATED AT 8833 SHAVER ROAD: Mayor Pro Tem Pearson requested staff to elaborate on new information recently received from the property owner. City Manager La Margo relayed a January 12 virtual meeting with the property owner's real estate agent. Development Services Director Kelly Peterson provided a summary of the meeting's conversation, prompting staff to propose amending the original Action Recommended to allow the property owner additional time to market the property. Director Peterson recommended that City Council postpone the raze order for sixty days, require a purchase agreement and initial concept development plan of a prospective buyer, or proceed with razing the building should the sixty days lapse and incur a lien. Director Peterson relayed that an additional meeting with the property owner was scheduled in two days to ascertain the next steps.

Councilmember Urban expressed concerns with the newly recommended timeframe and requested a timeline for correction or demolition by any new property owner. He further expressed concerns with the degraded condition of the building and requested the proposed conditions be provided to City Council in writing. City Manager La Margo responded that any new building applications would have requirements and a timeline to follow. Director Peterson noted that additional details would be provided at the time of a proposed property transfer. Councilmember Urban stated he preferred to table the item to the next City Council meeting in order to review the proposed conditions and options.

Councilmember Reid requested clarification regarding the amended Action Recommended, expressing agreement with Councilmember Urban in tabling the matter. Councilmember Knapp

also requested additional clarification regarding the proposed action. Mayor Pro Tem Pearson agreed with Councilmember Urban's request to table the matter to the following City Council meeting. Councilmembers Ledbetter and Urban requested staff to ensure the building was secured against casual entry.

Motion by Urban, seconded by Pearson, to table the item to the next regularly scheduled City Council Meeting on January 26, 2021, to 7:00 p.m. or as soon thereafter as can be heard. Upon a roll call vote, motion carried 7 to 0.

Mayor Randall provided additional background regarding recent discussions with the broker of the property and two previous potential sales that had fallen through due to the cost of connecting to city water via Shaver Road. She further noted ownership transfer issues due to the death of the original property owner and a need to continue the review of the property. Councilmember Knapp thanks staff for continued collaboration with the property owner on behalf of the city.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update regarding the Central County Transportation Authority Board (CCTA) following a January 11 meeting. He noted that the Board had set a date to finalize the millage rate in May for the November 2021 election ballot that included the Dial-A-Ride service. Mayor Pro Tem Pearson clarified that the millage would be for the Kalamazoo County Transit Authority (KCTA) and not just the CCTA.

Motion by Pearson, seconded by Reid, to accept the Council Committee Reports as presented. Upon roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban stated it had been a trying couple of weeks, months, and years, noting his concern with the violent events at the nation's capital last week. He urged that we are all Americans and discord is not going to help the nation progress.

Councilmember Reid highlighted the Governor's recent announcement of the Phase 1B COVID-19 vaccine plan. Ms. Reid provided a status update from the Kalamazoo County Health and Human Services Department, noting the county was continuing to work through Phase 1A for the vaccinations. She urged everyone to continue efforts with distancing and safety measures, noting that COVID-19 continued to be a threat. Councilmember Reid then noted her history on the City Council, expressing appreciation for the Council's non-partisan collaboration. She further expressed concerns with national democracy after the January 6 events in Washington D.C. Councilmember Reid closed by stating she looked forward to the upcoming inauguration of President-election Biden and hopes the new administration will rebuild national trust.

Councilmember Ledbetter highlighted his 25-year history in law enforcement and expressed sadness with the events of January 6. He stated protesting is a right and a healthy way to express messages, but not the recent actions in Washington D.C. He was happy to learn that no Portage Public Safety officers were part of the event. Councilmember Ledbetter expressed hope that the nation would get through the current period. He encouraged everyone to remain alert and mindful. He then highlighted the upcoming Martin Luther King, Jr. holiday, noting Mr. King was considered a threat during his era and wasn't revered until after his death. Mr. Ledbetter encouraged everyone to do something in Mr. King's honor on the holiday.

Councilmember Burns highlighted the Martin Luther King, Jr. Park Artwork item on the Consent Agenda and noted the selected artist was local. Mr. Burns noted he was troubled by the events of January 6 but expressed appreciation for local non-partisan collaboration, especially on City Council.

Councilmember Knapp thanked City Council for its civil presence and positive comments. She encouraged everyone to heed Councilmember Reid's COVID-19 advice. She also expressed displeasure with the events of January 6 and encouraged the public to reflect on democracy and trusting leaders.

City Manager La Margo stated 2021 would be the first year the City of Portage would be closing for the Martin Luther King, Jr. (MLK) holiday. He noted the proclamation slated for the January 26 City Council Meeting honoring MLK, Black History Month, and related city events. Mr. La Margo highlighted the current City Hall lobby display featuring Martin Luther King, Jr. City Manager La Margo then expressed appreciation for City Council's decorum and relationship. He closed by thanking Jeremy of ImageStream for his efforts in running the meeting technology and other videos in light of his departure.

Mayor Pro Tem Pearson began by thanking Jeremy of ImageStream as well. He then noted the evening's proclamations honoring local women of service and the dedicated citizen volunteers appointed to the various Boards and Commissions. He expressed how these people and City Council make Portage great.

Mayor Randall began by thanking Jeremy as well. She then highlighted Ms. Willson and Ms. Ongley, noting what the proclamations meant to the honoree and families. She encouraged the public to continue to highlight notable local figures at City Council Meetings during COVID-19. Mayor Randall highlighted Detective Randy Dylhoff's upcoming retirement and thanked him for his years of service. She then noted Martin Luther King, Jr.'s messages continue to be relevant and the focus of Black History Month in Portage. Mayor Randall then provided a city update on COVID-19. Mayor Randall then expressed appreciation for the creators of the City's Charter concerning a non-partisan City Council as an example for other communities. She closed by encouraging everyone to stay safe in the coming days.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:01 p.m.

Erica L. Eklov, City Clerk