

CITY COUNCIL MEETING MINUTES FROM AUGUST 9, 2022

Mayor Patricia Randall called the Regular Meeting to order at 07:00 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Chris Burns, Lori Knapp, Victor Ledbetter, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: Councilmember Lisa Brayton.

ALSO PRESENT: City Manager Pat McGinnis, Deputy City Manager Michael Carroll, City Attorney Catherine Kaufman, and Deputy City Manager Adam Herringa (also performing as City Clerk).

At the request of Mayor Randall, the audience observed a moment of silence to reflect on hunger within the community and take action to prevent it. 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 Knapp removed Item A.3 (Rezoning 22/23-1 Streamsong Phase 3) and Item A.4 (Final PD amendment Streamsong Phase 3) from the Consent Agenda. Motion by Burns, seconded by Knapp, to adopt the Consent Agenda, as amended. Upon a roll call vote, motion carried 6 to 0.

Approval of Minutes: Motion by Burns, seconded by Knapp, to approve the City Council Meeting Minutes of the Regular Meeting of July 26, 2022. Upon a roll call vote, motion carried 6 to 0.

Accounts Payable Register: Motion by Burns, seconded by Knapp, to approve the Accounts Payable Register of August 9, 2022, as presented. Upon a roll call vote, motion carried 6 to 0.

West Osterhout Avenue Sanitary Sewer Lift Station Improvement Project - Bid Tabulation: Motion by Burns, seconded by Knapp, to award a construction contract to Balkema Excavating, Inc. for the West Osterhout Avenue Sanitary Sewer Lift Station Improvement Project in an amount not to exceed \$976,180.25, and an engineering services contract to Abonmarche Consultants, Inc. in the amount of \$43,450.00 to provide construction engineering services for the West Osterhout Sanitary Sewer Lift Station Improvement Project, and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

West End Drive Sanitary Sewer Improvements - Bid Tabulation: Motion by Burns, seconded by Knapp, to award a construction contract for the West End Drive Sanitary Sewer Improvements Project to Hoffman Brothers, Inc. in the amount not to exceed \$277,925.70, 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 6 to 0.

Committee of the Whole Meeting on Workforce Housing: Motion by Burns, seconded by Knapp, to set a Committee of the Whole Meeting on Tuesday, August 23, 2022, at 5:30 p.m. to receive an update and hold a discussion on workforce housing in the City of Portage. Upon a roll call vote, motion carried 6 to 0.

Board & Commission Interviews: Motion by Burns, seconded by Knapp, to set a Special Meeting on Tuesday, October 4, 2022, beginning at 5:15 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 6 to 0.

Minutes of Boards & Commissions: Motion by Burns, seconded by Knapp, to receive the minutes of the Planning Commission of June 16, 2022; Brownfield Redevelopment Authority of July 11, 2022; and Planning Commission of July 21, 2022. Upon a roll call vote, motion carried 6 to 0.

Materials Transmitted: Motion by Burns, seconded by Knapp, to receive the Materials Transmitted of July 26, 2022. Upon a roll call vote, motion carried 6 to 0.

Calendar of Meetings: Motion by Burns, seconded by Knapp, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: None.

PUBLIC HEARINGS:

Rezoning Application #21/22-2 and Tentative Plan for Woodway Condominiums at 7425 Oakland Drive: Mayor Randall re-opened the public hearing from the July 26, 2022 City Council meeting and requested City Manager McGinnis to provide a brief update on the item. City Manager McGinnis provided a reminder regarding the citizen opposition petition received at the July 26th meeting that had since been verified by the City Clerk and confirmed a two-thirds vote of the City Council would be required for approval as recommended by city staff. Community Development Director Kelly Peterson provided a short presentation, noting the prior favorable reviews of the proposal by the Planning Commission and City Traffic Engineer. Mayor Randall requested clarification of the boundary setbacks, which Director Peterson provided.

Councilmember Urban inquired about privacy fencing or a buffer along the property's southern border. Director Peterson confirmed landscape screening had been discussed with the applicant with the installation of fencing possible should the Council desire it. Councilmember Urban relayed his discussions with the applicant and an adjacent resident after the prior meeting regarding desired fencing options. Councilmember Knapp inquired whether Councilmember Urban was suggesting fencing in addition to or in place of the proposed landscape screening. Councilmember Urban responded that either was amenable. He further questioned the peripheral transition area as defined in the Zoning Code, as well as the permitted ten percent variation allowed by the code between preliminary and final plans with proposed gross residential density. Councilmember Urban then debated with the City Attorney whether imposing a condition on the Tentative Plan was permitted with the current Action Recommended pairing the rezoning proposal. Councilmember Urban concluded by noting his ongoing concerns with the proposed number of housing units on the noted parcel.

Mayor Pro Tem Pearson inquired with the City Attorney whether the applicant is permitted to add an additional four units to the fourth building in the Final Plan and, if so, whether such a revision required a subsequent review and approval by the Planning Commission. City Attorney Kaufman confirmed the applicant was permitted to do so and Director Peterson confirmed the Planning Commission would be part of the Final Plan approval process. Mayor Pro Tem Pearson then inquired about the timeline for finalizing the screening options. Director Peterson confirmed the details would be finalized during the Final Plan phase between Planning Commission, followed by City Council.

Mayor Randall stated she was supportive of the proposed project, noting that the Traffic Engineer had already examined and approved potential area traffic impacts. She further noted the City Council's goal to introduce additional housing of this type. Additional discussion regarding screening types and details followed.

Councilmember Burns asked the City Attorney to clarify provisions in the City Code regarding Final Plan building designs maintaining a five percent or less increase in ground area of the Preliminary Plan, as well as additional variations. City Attorney Kaufman confirmed the standards and additional details regarding Final Plans.

Taukir Gill (1960 Schuring Road) noted the subject parcel faces the backyard of her house and

she is interested in a tall fence proposal for noise reduction. She also expressed concerns regarding potential increases in the area traffic, which she states is already congested during peak hours. Ms. Gill asked about grandfather clauses for long-standing residents. City Manager McGinnis responded that grandfather provisions would not apply in this instance.

Steven Walsh (7422 Starbrook Street) provided comment via voicemail. Mr. Walsh stated he and his wife were opposed to the subject parcel, which abuts his property's backyard, expressing concerns about the proposed housing density and building height. He also highlighted conflicts in the project description and plan drawings.

Angelique - no last name provided - (7470 Oakland Drive) provided comment via voicemail. She expressed additional concerns regarding the proposed development and rezoning, noting the project would be taller and denser than other properties along Oakland Drive. She asked for the development to be downsized.

Motion by Burns, seconded by Knapp, to close the public hearing. Upon voice vote, motion carried 6 to 0. Councilmember Burns asked the City Attorney whether the Action Recommended should remain as stated, along with potential conditions by the City Council on the Tentative Plan. City Attorney Kaufman responded that it was possible to add conditions but such measures would not be binding to the applicant for the Final Plan and suggested consulting the applicant. Applicant Omar Azam spoke regarding screening options and supported any changes to the vegetation screening requested by the Council. He also confirmed and committed there were no plans to add a fourth unit or expand the building's footprint.

Councilmember Urban asked the applicant whether he had considered moving the project closer to Oakland Drive if standards permitted. Mr. Azam responded that the proposed Tentative Plan was the result of multiple meetings and revisions by the city's Community Development Department. Motion by Knapp, seconded by Burns, to approve Rezoning Application #21/22-2 from R-1B to Planned Development and Tentative Plan for Woodway Condominiums, 7425 Oakland Drive.

Councilmember Urban then motioned to amend the motion to require screening fences on the southern and eastern borders of the property in the Final Plan. Councilmember Burns, Mayor Randall, and Councilmember Knapp requested clarification from Councilmember Urban regarding the proposed screening type. Councilmember Urban responded that details regarding the screening and fencing remained for the future Final Plan. Councilmember Burns seconded the amended motion. Mayor Pro Tem Pearson and Mayor Randall suggested including the option of fencing or vegetative screening, of which Councilmember Urban declined in favor of the fencing option. With the clarification of the amended motion, Councilmember Burns withdrew his support. Mayor Randall asked if another Councilmember desired to second Councilmember Urban's amended motion, and seeing no one, began acting on the original motion. Councilmember Urban called a point of order and deferred to the City Attorney, who confirmed that the amended motion failed without a second. At Councilmember Urban's request, Councilmember Burns clarified his decision to withdraw support of the amended motion.

Motion by Knapp, seconded by Pearson, to call the question and close the debate. Upon roll call vote, motion carried 5 to 1, with Councilmember Urban voting no. With regard to the first and original motion (motion by Knapp, seconded by Burns, to approve Rezoning Application #21/22-2 from R-1B to Planned Development and Tentative Plan for Woodway Condominiums, 7425 Oakland Drive), upon roll call vote, motion carried 5 to 1, with Councilmember Urban voting no.

Greenspire Phase VII (Tall Timbers) Residential Planned Development at 3413 W Centre Avenue: Mayor Randall introduced the item and opened the public hearing. City Manager McGinnis provided a summary of the proposed project, highlighting its location in the Greenspire complex on West Centre Avenue and a collaborative work plan with the State of Michigan. He reviewed staff review efforts to date, including the review and approval by the Portage Brownfield Redevelopment Authority. Community Development Director Peterson relayed that the developer, Tall Timbers LLC, is

a partnership between the Hinman Company and American Village Builders (AVB) that is proposing to build a 180-unit LEED-certified apartment building as Phase 7 of Greenspire. Director Peterson also noted the requested exception to the city's Brownfield Redevelopment Policy requests permitting residential use, which she noted was a timely proposal in light of the need to update relevant city planning documents.

Mayor Pro Tem Pearson inquired about the Taxable Value in relation to the total Capital Investment of \$42 million. City Assessor Aaron Powers responded, noting the difference between cost and value, with the current taxable value reflecting an equitable assessment amongst similar properties in the city, and there are few comparable properties in Kalamazoo County. Councilmember Urban asked Director Peterson to provide the source and definition of workforce housing. Director Peterson responded that the city utilizes the Michigan State Housing Development Authority income formulas. Councilmember Ledbetter asked how the developer chose the ten percent figure for workforce housing.

Development representatives Greg Dobson (AVB), Joe Gesmundo (AVB), Rich MacDonald (Hinman Co.), and Joe Agostinelli (brownfield consultant) presented their proposal. Mr. Dobson highlighted the proposed site and its relation to the adjacent Greenspire Bog, along with the developer's desire to maintain vegetation and construct parking underground. Mr. Dobson noted measures of support from the W.E. Upjohn Institute and Stryker Corporation. Joe Gesmundo spoke next and relayed the history of the development at Greenspire, as well as his goal for the property.

Seeing no further comments, motion by Burns, seconded by Knapp, to close the public hearing. Upon voice vote, motion carried 6 to 0. Following the closure of the public hearing, Councilmember Urban and Mayor Randall spoke in support of the proposal, AVB's firm, and the requested exception to the city's Brownfield Development Policy.

Motion by Urban, seconded by Burns, to approve the City of Portage Brownfield Redevelopment Plan with Brownfield Redevelopment Plan Amendment No. 10, Tall Timbers, 3413 W. Centre Avenue as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy. Upon a roll call vote, motion carried 6 to 0.

IPUSA Brownfield Redevelopment Plan Amendment, 801 East Milham: Mayor Randall opened the public hearing. City Manager McGinnis and Community Development Director Peterson summarized the project to date, including the review and approval of the project by the city's Brownfield Redevelopment Authority.

Mr. Joe Agostinelli of Michigan Growth Advisors (1906 Forest Drive) spoke as the project consultant and thanked the city for its support of the project.

Seeing no further comments, motion by Burns, seconded by Urban, to close the public hearing. Upon voice vote, motion carried 6 to 0.

Motion by Knapp, seconded by Pearson, to approve the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 11, IPUSA Portage LLC, 801 E. Milham. Upon a roll call vote, motion carried 6 to 0.

REGULAR BUSINESS AGENDA:

Rezoning application No. 22/23-1 for Streamsong Phase 3 at 715 W. Osterhout Avenue: At the invitation of the Mayor, Councilmember Knapp reviewed the items she removed from the Consent Agenda, noting that both A.3 and A.4 related to the third phase of the Streamsong development. Councilmember Knapp expressed concern regarding the 1.4-acre parcel currently recommended to be rezoned to single-family that had originally been designated as purposeful open space in the initial Planned Development.

Community Development Director Peterson and applicant representative Pat Flanagan of Ingersoll, Watson & McMachen, Inc. responded, noting that only a small portion of the 1.4-acre parcel would be buildable while the remainder would be left natural. Mr. Flanagan highlighted that any

proposed work within the designated wetland area would require the additional review and approval of the Michigan Department of Environment, Great Lakes, and Energy.

Motion by Burns, seconded by Urban, to receive rezoning application No. 22/23-1 and set a Public Hearing for September 6, 2022, for Streamsong Phase 3, 715 West Osterhout Avenue, to rezone 1.4 acres of land from Planned Development to R-1C One-Family Residential District to facilitate a future single-family detached house. Upon a roll call vote, motion carried 6 to 0.

Final Plan for the Planned Development tentative plan amendment for Streamsong Phase 3 at 715 W. Osterhout Avenue: As there was no further discussion following the prior item, motion by Burns, seconded by Urban, to approve the Final Plan for the Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 West Osterhout Avenue, subject to the approval of a public utility plan by the City of Portage prior to construction of the public water and sewer mains. Upon a roll call vote, motion carried 6 to 0.

COUNCIL COMMITTEE REPORTS: None.

STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns thanked the Public Works staff for their efforts during the recent thunderstorms. He then thanked Community Development Director Peterson and her staff for their efforts with recent housing developments.

Councilmember Urban discussed the Woodway Condominium proposal, noting his concerns focused on the proposed density of the subject parcel, but that he remained supportive of focused efforts for workforce housing. Councilmember Urban then highlighted the South Westnedge Skate Park facility, noting its history of development stemming from the city's support of a youth request.

Councilmember Ledbetter expressed gratitude to the community's first responder and dispatch center efforts during the recent storms.

Councilmember Knapp echoed the comments of Councilmember Burns and Councilmember Ledbetter.

City Manager McGinnis relayed that the Community Development Department would be recognized by the Michigan Association of Planning in October. He then stated that the City Council's Annual Goal Retreat was tentatively scheduled for November 18, 2022 at the new Zhang Community Senior Center. Mr. McGinnis closed with notification of upcoming water safety training by the Department of Public Safety on West Lake.

Mayor Pro Tem Pearson provided an additional instance of local youth implanting change, noting the installation of recycling bins at city parks was a result of a prior youth inquiry.

Mayor Randall also commended Community Development Director Peterson and her department, as well as the Council, for implementing workforce housing plans in the city. The Mayor then thanked the community for coming out to the July 28th Fire Station #2 Open House with City Manager McGinnis. Mayor Randall closed by noting the number of recent ribbon-cutting events and voter turnout for the August 2 Primary Election.

ADJOURNMENT: Mayor Randall adjourned the meeting at 09:31 PM.

Adam Herringa, Deputy City Manager
(AH: ele)