

CITY COUNCIL MEETING MINUTES FROM MAY 9, 2023

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

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

ABSENT: None.

ALSO PRESENT: City Manager Pat McGinnis, Chief Operating Officer Adam Herringa, Chief Development Officer Peter Dame, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on the personal commitment of the personnel in the Portage Public Safety Department. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

Mental Health Awareness Month Proclamation: Councilmember Brayton read the proclamation.

Lending Hands Recognition: Senior Citizens Advisory Board member and fellow member of the Lending Hands of Michigan Board, Art Roberts, read the proclamation, accompanied by fellow members of the Lending Hands Board of Directors.

National Police Week: Sergeant Craig Begeman read the proclamation.

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.9. Motion by Ledbetter, seconded by Brayton, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

Approval of Minutes: Motion by Ledbetter, seconded by Brayton, to approve the City Council Meeting Minutes of the Budget Review Session #1 of April 18, 2023; Regular Meeting of April 18, 2023; and the Budget Review Session #2 of April 25, 2023. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Ledbetter, seconded by Brayton, to approve the Accounts Payable Register of May 9, 2023, as presented. Upon a roll call vote, motion carried 7 to 0.

South Westnedge Avenue Relief Storm Sewer: Motion by Ledbetter, seconded by Brayton, to approve the following for the South Westnedge Avenue Relief Storm Sewer: the Settlement Agreement with Portage Crossings I, Portage Crossings II, and Home Depot in the amount of \$225,000; the Settlement Agreement with Target Corporation in the amount of \$16,500; and the Temporary License Agreement with Target Corporation; and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Austin Lake Aquatic Plant Management - 2023-2027 Plant Harvesting: Motion by Ledbetter, seconded by Brayton, to award a contract to Savin Lake Services Inc., for the 2023-2027 Austin Lake Plant Harvesting Program for aquatic plant management at a cost not to exceed \$137,500 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.

Forest Drive/Portage Road Traffic Signal and Intersection Improvements: Consumers Energy Undergrounding Overhead Electric Lines: Motion by Ledbetter, seconded by Brayton, to approve an agreement with Consumers Energy for undergrounding overhead utility lines crossing the intersection of Forest Drive and Portage Road in the not-to-exceed amount of \$124,691 and authorize the City Manager to execute all documents related to the Consumers Energy agreement. Upon a roll call vote, motion carried 7 to 0.

Temporary Ambulance Services Agreement – Life EMS: Motion by Ledbetter, seconded by Brayton, to approve a temporary agreement between the City of Portage and Life EMS, Inc. for designated 9-1-1 ambulance services and authorize the City Manager to execute all necessary documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

MDOT Contract No. 23-5152 (South Westnedge Avenue, Melody Avenue to Centre Avenue): Motion by Ledbetter, seconded by Brayton, to approve Contract No. 23-5152 between the Michigan Department of Transportation and the City of Portage for improvements on South Westnedge Avenue from Melody Avenue to Centre Avenue and adopt a Resolution authorizing the City Manager to sign all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Bond Issuance Authorization and Debt Management Policy: Motion by Ledbetter, seconded by Brayton, to adopt the Resolution to Authorize the Issuance of Capital Improvement Bonds, Series 2023 Bond Resolution, and the proposed Debt Management Policy. Upon a roll call vote, motion carried 7 to 0.

Final Preliminary Plat (engineering plans) of Oakland Farms No. 3, 9840 Oakland Drive: Motion by Ledbetter, seconded by Brayton, to approve the Final Preliminary Plat (engineering plans) of Oakland Farms No. 3, 9840 Oakland Drive. Upon a roll call vote, motion carried 7 to 0.

Nonprofit Organization Recognition - Perry Harley Davidson Community Foundation: Motion by Ledbetter, seconded by Brayton, to adopt the Resolution for Charitable Gaming License recognizing the Perry Harley Davidson Community Foundation as a nonprofit organization in the City of Portage. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards & Commissions: Motion by Ledbetter, seconded by Brayton, to receive the minutes of the Planning Commission of April 6, 2023. Upon a roll call vote, motion carried 7 to 0.

Materials Transmitted: Motion by Ledbetter, seconded by Brayton, to receive the Materials Transmitted of April 25, 2023. Upon a roll call vote, motion carried 7 to 0.

Calendar of Meetings: Motion by Ledbetter, seconded by Brayton, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Alan Loveridge (23965 88th Avenue, Marcellus) spoke regarding concerns about mental health.

COMMUNICATIONS:

Communication from Greg Fici (9955 Mariner Street, Portage, MI): Mayor Randall introduced the letter from Mr. Fici received by the city on May 3, 2023, and the associated response from the City Administration. Motion by Knapp, seconded by Brayton, to receive the communication from Greg Fici (9955 Mariner Street, Portage, MI) and the City. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

Marijuana Business & Zoning Ordinance Amendments: Mayor Randall opened the public hearing at 7:18 p.m. City Attorney Kaufman made a point of order to clarify the recommended action included adjourning the public hearing due to issues with proper notification. City Clerk Eklov confirmed the Michigan Zoning Law requires 15 days between the publication of a public notice in the local newspaper and completing the public hearing requirements. There were no other comments. Motion by Knapp, seconded by Burns, to adjourn the public hearing on Ordinance Amendment #22/23-9(A) to amend commercial marijuana development standards within Chapter 42, Land Development Regulations, Article 4 (Zoning) to resume May 23, 2023, at which time consider adoption. Upon a voice vote, motion carried 7 to 0.

Proposed FY 2023-2024 City Budget & Utility Rates: Mayor Randall opened the public hearing at 7:22 p.m. Seeing no citizen comments, Mayor Randall noted the development and City Council review process for the proposed budget. She thanked the City Administration for assembling a balanced budget and concise presentations. Motion by Knapp, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Urban, seconded by Knapp, to set final adoption of the Fiscal Year 2023-2024 Proposed City Budget and proposed 2023 tax levy for May 23, 2023; and, adopt the Resolutions for the recommended water and sewer rates, base quarterly charges, franchise area fees and other service fees and charges, all effective July 1, 2023; and, approve the revised General Fund Reserve Policy. Upon roll call vote, motion carried 7 to 0.

REGULAR BUSINESS AGENDA:

Final Preliminary Plat (engineering plans) of The Oaks Phase 2: Councilmember Urban explained his rationale for removing the item from the Consent Agenda, noting his continued opposition to the plat's location in a high groundwater area. He highlighted prior basement flooding issues with the existing Phase 1 residential development, as well as indications in the proposed plan for Phase 2 for sanitary sewer utilities and special needs for basement excavations with additional waterproofing.

City Manager McGinnis introduced Peter Dame as the city's Chief Development Officer to provide background regarding the development of The Oaks neighborhood area. Mr. Dame relayed that the proposed Phase 2 meets the city's development standards, which have been improved since the prior approval of Phase 1. Mr. Dame further noted that both the City Administration and the developer have conducted groundwater monitoring and abatement efforts in the past several years. He noted that the city had not received any resident complaints since the developer's prior corrections. Councilmember Urban asked if there were any existing building codes regulating basement waterproofing. Mr. Dame confirmed certain standards existed, especially about floodplain construction. Councilmember Urban acknowledged a prior city development that required the elimination of basement construction due to groundwater issues and expressed concern about the long-term effects of groundwater pressure on subterranean foundation walls.

Applicant Brian Wood of Westview Capital, LLC/Allen Edwin Homes, and Pat Flanagan of Monument Engineering, responded to Councilmember Urban's concerns regarding damp-proofing basements and sanitary sewer levels. Mr. Wood noted that his company was not the original developer of The Oaks plat, having purchased the property from the prior developer despite the groundwater levels. Mr. Wood further spoke about improvements and additions to catch basins in the area. He deferred to Mr. Flanagan to speak regarding the groundwater conditions. Mr. Flanagan compared the older, adjacent plat of Holiday Village, noting the height differences between the homes

in the newer Oaks subdivision as opposed to Jamaica Lane within the older plat. He agreed with Councilmember Urban regarding groundwater pressure dangers to basements but highlighted that all the basement floors, as well as the streets, in The Oaks Phase 2 would be higher than the high groundwater level based on discussions with city staff.

Councilmember Urban asked why the City Administration has not set a minimum basement level in city codes, noting prior issues with other plat developments with water level concerns. Mr. Dame responded that Mr. Flanagan confirmed basement levels would match the prior phase in verbal discussions but staff would ensure to maintain focus on the matter. Councilmember Urban stressed that city staff would continue to monitor the groundwater issue with future development proposals.

Motion by Pearson, seconded by Brayton, to approve the Final Preliminary Plat (engineering plans) of The Oaks Phase 2, 7400 Montego Bay Street. Upon a roll call vote, motion carried 6 to 1.

Future Portage Farmer's Market Location: City Manager McGinnis introduced the background on the Farmer's Market development, including future development and growth of the market as part of the 2023 City Council Priorities. Mr. McGinnis introduced landscape architect Kathy Burczak from Abonmarche as the city's consultant for the evaluation of an optimal market location. Ms. Burczak presented the site assessment study, which included four potential market sites, featuring each location's pros, cons, and costs. The locations included the Portage Zhang Senior Center, the Shoppes at Romence Village, Portage Road and Zylman Road intersection, and the front of the Portage District Library.

Councilmember Urban asked about potential traffic closures on Brown Avenue for the Portage Zhang Senior Center site and about the adjacent Metro Transit route. Ms. Burczak responded that no road closures would occur, only access drives into the Center's parking lot.

Councilmember Knapp asked where the 160 noted parking spaces were located at the Portage District Library. Ms. Burczak responded that the spaces would need to be shared by agreement with the library and also correlates with the library's Sunday operating hours. Councilmember Knapp also asked about the Zylman Avenue location and city property ownership. Ms. Burczak noted that additional property would need to be acquired.

Councilmember Brayton inquired about handicap accessibility with the library site and proposed tiered design. Ms. Burczak responded that all grade changes would be achieved with ramps and conform to ADA standards. Councilmember Brayton then noted negotiations with the existing property owner for the Zylman Avenue site, which could allay Councilmember Knapp's concerns. Mayor Randall asked about the noted conflict with two of the sites that currently contain overhead power lines requiring review by Consumers Energy. Ms. Burczak responded that certain developments were more commonly accepted by Consumers Energy than others, including vertical construction types.

Mayor Pro Tem Pearson asked about the Shoppes at Romence Village site, noting the city would not own the property and expressed concerns with the existing property owner(s). City Manager McGinnis responded, stating that verbal negotiations between the city and property owner(s) had been positive, with the potential for spurring additional development at the site. Councilmember Knapp asked about the Romence Village site and the rationale for its linear vendor stall design in light of the amount of open parking lot space. Ms. Burczak responded.

Councilmember Burns asked regarding the ownership of the Portage District Library site. City Manager McGinnis responded that Chief Operating Officer Adam Herringa had verbally approached Library Director Christy Klein. Councilmember Urban and Mr. Herringa both noted that the land is currently owned by the city. Mr. Herringa further noted that his preliminary discussion with Ms. Klein had a positive response on the library's behalf with the hope that the library could also utilize the market site for other activities. Councilmember Burns encouraged considering multiple uses for any

future site to garner the greatest amount of use. Councilmember Urban purposed utilizing the South Westnedge Park site, highlighting its existing facilities. He also proposed additional property within the City Centre, including the Department of Public Works site.

Councilmember Knapp expressed additional hesitancy with the proposed sites, noting that a desire to improve the Farmers Market is part of a placemaking aspect, but highlighted that the city has an existing market that is functional if not perfect. She urged to further delay any decisions on the proposed sites noting that the Council appears to be approaching the process in the wrong way, stating that, as a matter of fiscal responsibility, the Council needs to first agree on a concept before selecting a suitable site.

Councilmember Knapp made a motion to table the matter until such time that City Council has had an opportunity to come to a consensus on the concept and the City Administration has more thoroughly investigated all potential sites, including those meeting such concept. Councilmember Urban supported.

Councilmember Brayton asked about the funds already spent on Abonmarche to consult on locating potential sites and options. She highlights that site #3 meets the Councilmembers' concerns for several reasons and is not limited like the other sites studied. She also expressed that experts had been approached both amongst staff and professionals and she seeks to be the most cost-effective. She stated acquaintances had relayed disinterest in attending the Portage Market due to its current setup. She relayed preferences from the prior special meeting on the topic. Councilmember Brayton then made a motion to direct the City Administration to pursue a new Portage Farmers Market facility to be located at Portage Road and Zylman Avenue. Councilmember Urban noted a supported motion remained for a vote.

Mayor Randall echoed Councilmember Knapp's concerns, including the quoted costs, expressing a desire for a full City Council consensus on any future site. Mayor Pro Tem Pearson supported Councilmember Brayton's urge for a proper farmers market, but he also expressed concerns about moving forward on a site at this time, noting two of the currently proposed sites were new to him. He expressed support for another Committee of the Whole meeting to discuss the matter further. Councilmember Urban suggested that staff, Council, and community partners collaborate on other potential sites, including his support for the South Westnedge Avenue ballfields before a future COW meeting. Councilmember Burns inquired whether the City Administration had surveyed citizens regarding desired aspects of a future Farmer's Market, recommending that a focused inquiry on the desired amenities be undertaken. Additional discussion regarding prior city surveys followed. At the Mayor's request, City Clerk Eklov restated Councilmember Knapp's earlier motion, after which Councilmember Knapp confirmed it, despite minor wording changes.

Upon a roll call vote, motion carried 7 to 0. Mayor Randall recommended that members of the Council and staff visit other farmer's markets in order to ascertain popular amenities that would benefit the City of Portage.

UNFINISHED BUSINESS:

Marijuana Business & Zoning Ordinance Amendments: City Manager McGinnis summarized the background on the item, noting the companion ordinance previously discussed during the public hearings. Councilmember Urban asked for clarification regarding the City Administration's recommended action. City Attorney Kaufman and City Clerk Eklov responded regarding the proposal to have the licensing aspect of the ordinance adopted by the Council, pending action on the tie-barred zoning portion of Chapter 42 at the subsequent May 23, 2023 Regular Meeting. Councilmember Urban expressed concern about splitting the two companion ordinances between meetings. City Clerk Eklov offered the option to table the item until the May 23, 2023, meeting to maintain continuity.

Motion by Urban, seconded by Burns, to table the matter until the May 23, 2023, Regular Meeting. Upon roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided a Central County Transportation Authority update in conjunction with Mayor Pro Tem Pearson. He noted there were no major updates and reported business was steady.

Councilmember Knapp provided an update regarding the Portage Community Center Board of Directors. She relayed an increase in demand for emergency utility billing assistance, as well as the food pantry in the first part of this year as compared with the prior year, citing inflation as a major cause. Councilmember Knapp closed with a funding update.

Motion by Urban, seconded by Ledbetter, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER.

Councilmember Brayton spoke regarding National Police Week, highlighting the retirement of Assistant Police Chief John Blue earlier in the day. She then acknowledged the Mental Health Awareness Month proclamation. Councilmember Brayton closed with a recognition of pride for the recent Bike Event at Haverhill Elementary.

Councilmember Burns expressed optimism toward further discussing the Farmers Market topic. He then reaffirmed Councilmember Knapp's earlier comments on Kalamazoo Loaves and Fishes, noting he serves on that board. He relayed changes in food supply and government support over the course of the pandemic. Councilmember Burns encouraged the public to support the Kalamazoo Loaves and Fishes organization as the area's largest food pantry.

Councilmember Ledbetter spoke regarding the May 2, 2023, Portage Department of Public Safety awards event, which he was able to attend, highlighting a successful medical response and citizen commendation. He expressed pride in the department.

Councilmember Knapp had no comment.

Councilmember Urban echoed Councilmember Burns' comments on supporting Kalamazoo Loaves and Fishes, recommending support more with monetary donations as opposed to food donations.

City Manager McGinnis announced the return of the Memorial Day parade to Portage for 2023, following three years off due to the pandemic.

Mayor Pro Tem Pearson had no comment.

Mayor Randall relayed that she had attended a YMCA breakfast that raised \$80,000 for various support programs within the City of Portage. She then spoke regarding recent events she had attended, including a local Korean event, the Portage Public Schools' tree planting ceremony, as well as the Public Safety Awards. She welcomed Peter Dame to the city organization. Mayor Randall closed with an advisement of the City Council agenda publication moving to Thursday evenings.

ADJOURNMENT: Mayor Randall adjourned the meeting at 09:17 PM.

Erica L. Eklov, City Clerk