CITY COUNCIL MEETING MINUTES FROM AUGUST 8, 2023

Mayor Patricia Randall called the Regular Meeting to order at 07:03 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 working together to ensure the city the citizens love remains a thriving community. Following the moment of silence, the City Council recited the Pledge of Allegiance.

CONSENT AGENDA: Councilmember Brayton removed Item A.3. (Portage Industrial Drive Parcels). Motion by Burns, seconded by Ledbetter, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

Approval of Minutes: Motion by Burns, seconded by Ledbetter, to approve the City Council Meeting Minutes of the Regular Meeting of July 25, 2023. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Burns, seconded by Ledbetter, to approve the Accounts Payable Register of August 8, 2023 as presented. Upon a roll call vote, motion carried 7 to 0.

Board & Commission Interviews: Motion by Burns, seconded by Ledbetter, to set a Special Meeting on Tuesday, October 3, 2023, beginning at 5:30 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards and Commissions: Motion by Burns, seconded by Ledbetter, to receive the minutes of the Senior Citizens Advisory Board of June 21, 2023. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS:

1. Jihan Young (2312 Hemlock) announced her candidacy for City Council, noting her efforts and opportunities with the city since being appointed to the Human Services Board.
2. Les Minor (2514 East Shore Drive) noted he was unable to attend the previous regular Council meeting but addressed a quote by Mayor Pro Tem Pearson from that meeting. Mr. Minor stated the wording appeared to be political by giving Mayor Randall, not the area citizens, praise for the Austin Landings project withdrawal. He then addressed the City Attorney regarding the July 25, 2023, letter from developer Dale Kraker. Mr. Minor expressed a conflict of interest with the Mayor and wanted to know of any discussions between the Mayor and Mr. Kraker. Mayor Randall responded to Mr. Minor that she never spoke with Mr. Kraker and his response was a result of watching the City Council meeting broadcasts. City Attorney Kaufman asked to review the matter in tandem with the City Manager and respond at a later date.
3. Nancy Ketteman (9737 Woodlawn Drive) thanked the Council for offering a citizen comment period and offered a response to the comments from the July 25, 2023, Council meeting

regarding the Lake Center District Task Force. She expressed concern about criticism of the Task Force and echoed Mayor Randall that area residents also desired a quality project, but for more single-family housing to maintain a quality of life in the city. She further cited other studies regarding quality developments without using high-density and quoted the City Manager regarding positive high-density projects.

4. Pamela Kanouse (10157 Point'O'Woods Circle) spoke regarding the positive potential for a high-density housing development and its offerings to citizens seeking to own a home. She noted that her family includes a son with disabilities who has struggled to achieve homeownership in the current market.

PUBLIC HEARINGS:

Tentative Plan and Rezoning Application (#22/23-9) - 732, 810, 830, and 906 East Centre Avenue: Mayor Randall opened the public hearing at 7:20 p.m. Councilmember Urban noted his agenda software was malfunctioning, affecting his review. While a remedy for the technical difficulties was underway, Chief Development Officer Pete Dame provided a summary of the proposed development. Joseph Nawrocki, Director of Development for Trilogy Healthcare, provided a presentation regarding the project.

Denise Sokolowski (2409 Bayside) spoke in favor of senior housing but expressed concern about the staff shifts, noting the adjacent high school traffic timings. Andrea Skidmore (912 East Centre Avenue) expressed opposition to the project, noting it would be directly adjacent to her property. She stated that she relayed a video recording to the entire Council for consideration. Ms. Skidmore further stated that she had learned staff turnover for Trilogy is high and noted she had spoken with a prior employee who had concerns about the treatment of patients. Ms. Skidmore was not aware of a prior resident meeting and relayed she would have attended. Theresa Shave (9729 Woodlawn Drive) wanted to know if the project was income-producing. Mr. Nawrocki confirmed that Trilogy was a for-profit company. Mayor Randall confirmed that taxes would be collected from this property.

Mayor Randall asked the developer to address the Council and audience's questions. Mr. Nawrocki responded regarding his company's outreach efforts, including a Facebook group, and his contact with Ms. Skidmore at a prior Planning Commission meeting. He then addressed her greenspace concerns, noting the existing natural property would include a 72-inch high property fence and landscaped retention basin. Mr. Nawrocki then responded to the staffing questions, noting there would be three shifts but operations for Trilogy would have more information. He noted that his data shows at most 45 additional visitors/cars during peak times. There was additional discussion regarding traffic conflicts with the adjacent neighborhood exiting onto East Centre Avenue. He noted that the development would be constructing a 36-foot-wide entrance egress/ingress in response to city project review concerns. He stressed to the City Council that the developer should not be burdened with traffic issues on Centre Avenue as part of the project.

Ms. Skidmore returned to the podium to question Mr. Nawrocki regarding the Facebook group, traffic, and property line issues related to fencing. He provided her with a resident contact for the group and responded to the questions. Motion by Knapp, seconded by Burns, to close the public hearing. Upon a voice vote, motion passed 7 to 0.

Councilmember Brayton asked the developer if he would consider making the 96-inch-high fence option standard across the project. Mr. Nawrocki stated he would not be amenable to that suggestion and explained the additional fence construction would cost the project additional funds. Councilmember Urban asked about the fencing proposal to date and compared it to the existing fence line. There was additional discussion regarding requiring the installation of taller fencing and the potential for the City Council to make that a condition of approval. Councilmember Burns asked about the city's threshold for a traffic study. Chief Development Officer Dame responded that traffic was a question raised during the Planning Commission's review and confirmed the current project did not meet the quota for requiring such a study. Councilmember Urban asked about the city code as it pertained to screening between residential and commercial, as well as a lot line adjustment. CDO Dame responded. Councilmember Urban then highlighted that any private property owner can clear-cut their land as desired in light of the green space concerns.

Motion by Knapp, seconded by Burns, to approve the Tentative Plan and Rezoning Application #22/23-9, from OS-1 Office Service and B-1 Local Business Districts to Planned Development (PD) District for a senior housing facility at 732, 810, 830, and 906 East Centre Avenue. Upon a roll call vote, motion carried 6 to 1, with Councilmember Brayton voting no.

Ordinance Amendment #22/23-11 Amending Chapter 42 Article 4 (Zoning Code): Mayor Randall opened the public hearing at 8:19 p.m. Chief Development Officer Pete Dame explained the background development of the current amendments, noting the efforts to bring five different matters into better conformance. He cited the revised definitions for childcare homes, as well as fences on lakefront lots and brewpubs/microbrewers in the B2 and B3 business districts.

Jeff Messenger (9220 East Shore Drive) spoke via phone and stated he was seeking clarification regarding the details of the Zoning Code changes. He relayed that the discussion had answered his questions.

Motion by Burns, seconded by Knapp, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Mayor Pro Tem Pearson inquired about the City Administration's plans to discuss spacing between apartment buildings. Chief Development Officer Dame responded that plans were not currently scheduled.

Motion by Burns, seconded by Brayton, to approve Ordinance Amendment #22/23-11 to amend various sections of Chapter 42 Article 4 (Zoning Code) to ensure consistency with state regulations, address technical items, and other changes. Upon a roll call vote, motion passed 7 to 0.

REGULAR BUSINESS AGENDA:

Property Acquisition - 9131, 9246, and 9996 Portage Industrial Drive: Councilmember Brayton expressed concern about the price of the properties and did not see whether there was an appraisal for each of these properties and wondered about the worth of the properties. She further asked whether there was a Phase 1 Environmental Assessment for the properties. She then asked why the properties were noted as pending on real estate websites, expressing concern about adherence to city procedures. City Manager McGinnis responded that third-party appraisals have not been done, only property valuations provided by the City Assessor. He also relayed that Phase 1 Assessments would be a contingency of the city purchasing the property. He then stated that the properties were showing as a pending sale because offers had been made by the city but were contingent upon the City Council's approval. Councilmember Urban noted that the City Council is usually approached by the City Administration for interest in property acquisition during a closed session, which was recently conducted.

At the invitation of Mayor Randall, City Manager McGinnis explained the city's interests and intentions for the noted properties along Portage Industrial Drive. Public Works Director Rod Russell explained the various operational issues with the current Public Works location that the proposed properties would address.

Motion by Burns, seconded by Pearson, to approve the purchase of properties addressed as 9131 Portage Industrial Drive in the amount of $106,000; 9246 Portage Industrial Drive in the amount of $745,000, and 9996 Portage Industrial Drive in the amount of $300,000; and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: None.

STATEMENTS OF CITIZENS:

1. Denise Sokolowski (2409 Bayside) asked why a realtor was used for the Portage Industrial Drive properties in comparison to the eminent domain process on Mr. O'Brien's East Shore Drive properties.
2. An unidentified resident had asked via phone during the public hearings for additional information regarding residency requirements to serve on the City Council.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Brayton began with a recognition of Jacki Jennings Carter for donating K9 vests to the Police Division. She then noted her attendance at both the Public Safety Swearing-In and Promotion ceremony and the PZSC Centenarian Luncheon honoring several centenarians. She then discussed the city's lobbyist contract with Chuck Perricone, as well as how it pertains to the purchasing ordinance, and inquired about Mr. Perricone's contributions to date. Councilmember Brayton then expressed concern that the entire City Council had not received the withdrawal letter from developer Dale Kraker prior to the July 25th meeting that night. She noted the earlier COW meeting for the Farmer's Market and the city's efforts in bringing a quality market to the citizens of Portage. Councilmember Brayton closed by highlighting the receipt of the Summer Tax bills, noting her own bill is approximately $17,000.

Councilmember Brayton exited the meeting at 8:44 p.m.

Councilmember Burns issued a reminder about the 13th annual Portage Community Center "Peacock" Strut race on September 9th, encouraging attendance at the event.

Councilmember Ledbetter provided information regarding the recent Task Force meeting and expressed concern with a discouraging response. He asked for any residents with unanswered questions regarding the projects to provide them to Chief Development Officer Pete Dame for a response.

Councilmember Knapp had no comment.

Councilmember Urban spoke regarding the Open Meetings Act and closed session meetings regarding initial discussions for the purchase of property and completing subsequent steps in the open session.

City Manager McGinnis noted recent city infrastructure developments, including the Haverhill Water Tower and Osterhout Lift Station renovation.

Mayor Pro Tem Pearson had no comment.

Mayor Randall noted the earlier Committee of the Whole meeting to discuss additional development for the Farmer's Market and a $1.75 million state grant received towards the future market's development. She then highlighted several recent city and community events she attended, including a Tower Pinkster anniversary celebration, Friday at the Flats, Springwood Suites opening, a Public Safety recognition ceremony, and the Portage Zhang Senior Center Centenarian luncheon.

ADJOURNMENT: Mayor Randall adjourned the meeting at 09:07 PM.

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Erica L. Eklov, City Clerk