

## CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 5, 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 Chris Burns, Lori Knapp, Victor Ledbetter, Jim Pearson, Patricia Randall, 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 importance of the senior community and the ability to age in place. Following the moment of silence, the City Council recited the Pledge of Allegiance, led by four Boy Scouts from Troop 287 of the Portage Chapel Hill United Methodist Church working towards their Citizen in the Community Merit Badge.

### PROCLAMATIONS:

**Ovarian Cancer Awareness Month:** Shannon Rose read the proclamation.

**National Senior Center Month:** Portage Zhang Senior Center fundraising coordinators Sarah Baker and Jim Stephanak read the proclamation. Following the proclamation, Senior Center Director Kim Phillips spoke regarding the Center's highlights for the year.

**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 Items A.3 (Rezoning Application #23/24-1) and A.4 (Copperleaf PD Phase 6). Motion by Burns, seconded by Pearson, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 6 to 0.

**Approval of Minutes:** Motion by Burns, seconded by Pearson, to approve the City Council Meeting Minutes of the Regular Meeting of August 22, 2023. Upon a roll call vote, motion carried 6 to 0.

**Accounts Payable Register:** Motion by Burns, seconded by Pearson, to approve the Accounts Payable Register of September 5, 2023 as presented. Upon a roll call vote, motion carried 6 to 0.

**Blue Care Network Advantage Plan:** Motion by Burns, seconded by Pearson, to approve a one-year contract renewal, with the option for two additional one-year renewals, with Blue Care Network for the Blue Care Network Advantage Plan for retiree health insurance and authorize the City Manager to execute all documents related to the contract renewal on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

**Purchase of Lexington Green Park Playground Equipment:** Motion by Burns, seconded by Pearson, to award a contract to Playcraft Systems/Play Environments Design LLC in the amount of \$94,500 for playground equipment and installation services at Lexington Green Park, and authorize the City Manager to execute all documents related to these actions on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

**Adoption of Reimbursement Resolution:** Motion by Burns, seconded by Pearson, to adopt a resolution to authorize the reimbursement of expenses from bond proceeds, not to exceed \$5,000,000, for capital improvement projects expensed in Fiscal Year 2023-2024. Upon a roll call vote, motion carried 6 to 0.

**Materials Transmitted:** Motion by Burns, seconded by Pearson, to receive the Materials Transmitted of August 3 and August 8, 2023. Upon a roll call vote, motion carried 6 to 0.

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

#### **PETITIONS AND STATEMENTS OF CITIZENS:**

1. Alan Loveridge (23965 88th Avenue, Marcellus) spoke regarding new traffic signals and options to better address red light infractions and traffic issues. He also had suggestions about heat pumps.
2. Mark McKeon (6825 Cromwell Street) introduced himself as a Council candidate and relayed some issues he heard while campaigning regarding the park trails west of Haverhill and public urination instances, as well as citizen reports of Portage Public Safety visits to trail trespassers after sundown. He also spoke regarding Item A.3 and adjacent owners with potentially conflicting interests.
3. Robert Jaros (8921 Austin Court) asked the City to review the number of accidents on Portage Road prior to the bike path crossing in front of Daane's Party store and questioned whether the pedestrian island was beneficial.

#### **COMMUNICATIONS:**

**Resignation of Councilmember Lisa Brayton:** Mayor Randall introduced the item. Councilmember Urban inquired about accepting Councilmember Brayton's resignation for the present meeting in light of the City Charter provision to fill the position within 60 days and the city election scheduled for November 7. He asked whether the Council was required to accept Councilmember Brayton's resignation immediately or delay acceptance until the next City Council meeting in order to avoid a gap in the position before the election. Councilmember Urban noted that the City Charter stipulates Council resignations become final after 21 days nonetheless, and for that reason, he would be opposing the recommended action.

Councilmember Ledbetter asked whether the Council was required to fill the vacancy for such a short period and what possibilities existed should the Council not accept the resignation immediately. City Attorney Kaufman responded and noted that Councilmember Brayton had the option to rescind her resignation until it was finalized.

Councilmember Burns and Mayor Pro Tem Pearson stated they had no objection to filling the position in the interim. Councilmember Burns added that the Council would not consider the current City Council candidates so as to avoid the appearance of endorsement. Mayor Pro Tem Pearson agreed.

Councilmember Urban asked about the noted meeting for November 1 as it was a Wednesday. City Clerk Eklov clarified the scheduling of the meeting to avoid the Halloween holiday.

Councilmember Urban then asked the members of the Council to state their reasons for accepting the resignation. Councilmember Burns stated he saw no reason to not accept the resignation and expressed an interest in resuming regular city business. Councilmembers Knapp and Ledbetter echoed Councilmember Burns. Mayor Randall noted past practice with filling a vacant Council position during her tenure, citing potential candidates within the community. Councilmember

Urban noted the difference was the earlier date of the prior resignations, providing a longer term for appointees.

Motion by Knapp, seconded by Ledbetter, to accept the resignation of Councilmember Brayton from City Council effective immediately. Upon a roll call vote, motion carried 5 to 1, with Councilmember Urban voting no.

#### **REGULAR BUSINESS AGENDA:**

**Rezoning and Tentative Plan Application (#23/24-1):** Councilmember Urban noted he had removed the item from the Consent Agenda as he had several questions in preparation for the public hearing in October. He asked if there was a precedent for such a proposal in Portage that included single-family residential as a rental unit. Chief Development Officer (CDO) Dame responded that there was not. Councilmember Urban then asked whether the city had any ordinances that would apply differently to the proposed development. CDO Dame replied that there was not and stated the Council was approving the layout and construction. Councilmember Urban asked whether staff viewed the development differently during the review due to the proposal's single-family rental plan. There was additional discussion regarding the ownership and construction of the streets. Councilmember Urban then asked whether each house would be on a separate lot. CDO Dame responded they would not be owing to the fact that the project was similar to a condominium development. Councilmember Urban asked if this model was becoming popular. CDO Dame responded that it was and highlighted the forthcoming Housing Study update from the city that would illustrate the market transition to more single-family home rentals, noting the younger population was more transient and the existence of higher mortgage rates making homeownership less feasible.

Mayor Randall asked CDO Dame to present the representation of the community. While presenting, CDO Dame highlighted the proposal focused on setting the public hearing. He noted the other two communities he previously worked for had similar residential models, including the placement of the garages. Councilmember Burns highlighted page 25 of the city's 2020 Housing Study, noting the residential model would meet a community need.

Applicant representative Mike West, on behalf of Allen Edwin, spoke regarding the proposed development. Councilmember Urban asked about the architectural design and type of materials. Mr. West then spoke to Councilmember Urban's earlier questions regarding regulations, highlighting the city's role in outlining the land use and not ownership types. He related the proposal to the existing Redwood rental community on Lovers Lane and the Pinefield Townhomes on 12th Street.

Motion by Urban, seconded by Knapp, to receive the Rezoning and Tentative Plan Application #23/24-1, from I-1 Light Industrial District to PD Planned Development District for a proposed residential development at 9581 Oakland Drive, and set a public hearing for October 3, 2023. Upon a roll call vote, motion carried 6 to 0.

**Final Preliminary Condominium Plan (engineering plans) for Copperleaf Planned Development Phase 6, 3800 West Milham Avenue:** Councilmember Urban noted his desire to remain consistent in his opposition to previously negotiated setbacks and modifications to the Copperleaf plat, and had removed the item from consent to be considered separately. Councilmember Burns noted he had visited the development and praised the construction. Mayor Randall complimented the use of the parcel adjacent to the U.S. 131 and I-94 highways by the developer.

Motion by Burns, seconded by Knapp, to approve the Final Preliminary Condominium Plan (engineering plans) for Copperleaf Planned Development Phase 6, 3800 West Milham Avenue. Upon a roll call vote, motion carried 5 to 1, with Councilmember Urban voting no.

**UNFINISHED BUSINESS:**

**Follow-up from the Special Meeting of August 28, 2023:** At the request of the Mayor, City Manager McGinnis spoke regarding follow-up from the August 28th Special Meeting, beginning with the City Administration's review of the Council's attendance and prior votes, noting only two meetings in the last two years experienced the minimum quorum. He deferred to the City Attorney to opine on the effectiveness of the prior votes.

City Attorney Kaufman stated that Councilmember Brayton was considered a de facto member following her election to office in 2021 and that all decisions involving her vote remained valid. Attorney Kaufman noted the long-standing basis of the case law in Michigan statute.

Councilmember Urban asked whether that included serving and creating a quorum, allowing the board to meet. Attorney Kaufman confirmed that it did, even if it was determined at a later date that she is determined to be invalid, prior action is considered de facto due to Councilmember Brayton having been duly elected.

Mayor Randall asked the City Attorney whether the information provided required a vote by the Council, to which Attorney Kaufman responded that no motion was needed.

**COUNCIL COMMITTEE REPORTS:** None.

**STATEMENTS OF CITIZENS:** None.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Burns highlighted an item from the Consent Agenda regarding the purchase of playground equipment for Lexington Green Park.

Councilmember Urban had no comment.

Councilmember Ledbetter had no comment.

Councilmember Knapp had no comment.

City Manager McGinnis cautioned that the intersection at East Centre Avenue and Westnedge Avenue had a flashing red light as part of the traffic signal replacement project.

Mayor Pro Tem Pearson offered the option for meeting attendees to utilize Brown Avenue to leave City Hall and avoid the intersection.

Mayor Randall highlighted the new artwork display in the City Hall lobby featuring the 2023 Portage Community Art Award winner. She then spoke regarding the upcoming closure of the Summer Concert Series on September 14. Mayor Randall closed by relaying her attendance at the recent Western Michigan University Bronco football kick-off event and the team's new coaching staff.

**ADJOURNMENT:** Mayor Randall adjourned the meeting at 7:54 PM.

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Erica L. Eklov, City Clerk