CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 19, 2023

Mayor Patricia Randall called the Regular Meeting to order at 07:01 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: 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 gratitude for all veterans in the community and appreciation of their service. 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 Burns removed Item A.3. Mayor Randall removed Item A.6. A citizen removed Item A.5.

Motion by Knapp, seconded by Ledbetter, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 6 to 0.

Approval of Minutes: Motion by Knapp, seconded by Ledbetter, to approve the City Council Meeting Minutes of the Special Meeting of August 28, 2023, and the Regular Meeting of September 5, 2023. Upon a roll call vote, motion carried 6 to 0.

Accounts Payable Register: Motion by Knapp, seconded by Ledbetter, to approve the Accounts Payable Register of September 19, 2023 as presented. Upon a roll call vote, motion carried 6 to 0.

West Milham Avenue Reconstruction Project - Tabulation of Proposals: Motion by Knapp, seconded by Ledbetter, to award a contract for design and construction engineering services to DLZ, Michigan, Incorporated in the amount not to exceed $198,748.73 for the reconstruction of West Milham Avenue from South 12th Street to Oakland Drive 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.

Central County Transportation Authority Board Appointment: Motion by Knapp, seconded by Ledbetter, to receive the communication from the Mayor recommending that City Council confirm the re-appointment of Chris Burns to the Central County Transportation Authority Board. Upon a roll call vote, motion carried 6 to 0.

Minutes of Boards & Commissions: Motion by Knapp, seconded by Ledbetter, to receive the minutes of the Environmental Board of May 10, 2023. Upon a roll call vote, motion carried 6 to 0.

Materials Transmitted: Motion by Knapp, seconded by Ledbetter, to receive the Materials Transmitted of August 28, 2023. Upon a roll call vote, motion carried 6 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS:

1. Ann Perkins (3245 Lites End Court) expressed concern about left turns onto Romence Road from Rothbury Street, including the crosswalk for students to Moorsbridge Elementary School

and pine trees on Rothbury. She had previously contacted and visited the "streets" department and was told a letter would be sent to the subject property requesting tree trimming, and the Traffic Engineer told her that rolling forward was allowed. Ms. Perkins invited the Council to visit the intersection, especially in the winter, as she did not feel rolling was a viable solution. She raised concerns about the safety of residents and children at this location.

2. Mark McKeon (6825 Cromwell Street) agreed with the first comment regarding motorist safety along Romence Road. He then spoke regarding the condition of the railroad crossing "544 034 X" on East Romence Road (between Portage and Sprinkle roads) and asked the city to contact the railroad to assist in the crossing's repair.
3. Tina Kuchenbuch (2728 East Shore Drive) spoke regarding Item A.3 and the two main reasons for the ordinance change. She recommended option #1 offered in the memo, citing no obvious rate problem, and expressed concerns about interfering, potentially raising rates. She then spoke regarding Item A.5 for the Transportation Asset Management Plan and suggested the City Council table the matter for at least a month in light of the plan's longevity and the spread it covers. She also cited culverts and the depth of the matter.
4. Cathleen Haight (3020 East Shore Drive) spoke regarding the waste hauler ordinance, concerns about carrier options, as well as a lack of respect for recycling. She expressed opposition to a single carrier to ensure a fair price and avoid a monopoly.
5. Richard Nellums (9240 East Shore Drive) spoke via phone to relay three concerns. First, the Calendar of Meetings noted the incorrect month for the upcoming Planning Commission meeting. Second, he thanked the city for creating a Public Participation Plan but expressed concern that too much of the regulation remained left to individual discretion. Finally, Mr. Nellums expressed concern that the planning and development approvals remained with the city boards and City Council, without direct public and/or voter input.

COMMUNICATIONS:

Presentation regarding Veterans Millage proposal: Mike Fry, Chair of the Kalamazoo County Veterans Service Committee (VSO), spoke regarding the upcoming Veterans Millage proposal. He noted that Kalamazoo County does not currently pursue the funding outlined in Michigan's Act 214 of 1899 and utilizes the Soldiers and Sailors Relief funding. He provided the millage proposal language and the cost for individual properties in Kalamazoo County. He cited the other communities in the state that utilize such millage funding mechanisms. Mr. Fry highlighted the endorsements from the Kalamazoo County Board of Commissioners, local state representatives and senators, as well as federal representatives.

Mayor Randall noted that the county currently provides $300,000 and asked if the millage would replace that funding. Mr. Fry responded that he had not received a clear answer from various County Commissioners and also noted that the County may tax the millage, which he hopes to avoid. Councilmember Burns noted the CCTA transit option to the Battle Creek VA Medical Centerand encouraged collaboration with the VSO. Mr. Fry agreed and recommended improving the community communication efforts.

Councilmember Ledbetter asked where the VSO is currently located. Mr. Fry responded that it is part of the Health and Community Services Department on Alcott Street in Kalamazoo but also partners with other community organizations, including the Portage Zhang Senior Center.

Councilmember Urban asked if the county utilizes General Fund dollars to fund the VSO to avoid the tax. Mr. Fry confirmed it did and spoke to the Act 214's definition of a veteran only as those who served in an active war zone and the millage proposal language opening the definition to various types of veterans.

Mr. Fry proposed the Portage City Council pass a resolution of support for the millage as several other municipalities have done. He also provided the social media connections www.yesforvets.com online and on Facebook at "yes4vets". City Manager McGinnis asked for the office hours Mr. Fry keeps at the PZSC.

Motion by Burns, seconded by Urban, to receive the presentation by Mike Fry regarding the upcoming Veterans Millage proposal. Upon a voice vote, motion carried 6 to 0.

REGULAR BUSINESS AGENDA:

Amendment to Code of Ordinances – Registration of Collectors: At the invitation of the Mayor, Councilmember Burns provided an explanation regarding the background of the proposed waste hauler ordinance amendment. He noted the discussions from the 2022 City Council Retreat Session focused on single-waste haulers, which differs from the current proposal, and asked the City Administration to elaborate on the development of the current proposal.

City Manager McGinnis explained the research performed by the City Administration and the current variations in rates and services provided by the two main waste haulers operating in the city. He cited the models in other communities he had worked in and stated that the current proposal is a measured approach toward additional regulation and encourages transparency in garbage services.

Councilmember Burns inquired about proposed regulation changes, including the annual publication of a rate schedule and the production of a complaint log. City Manager McGinnis responded that the current proposal has the vendor maintaining a complaint log but not providing it to the city unless the Council desired that the ordinance stipulated such a provision. Councilmember Burns then asked about the penalties for incorrect charges and the resulting fines. City Manager McGinnis cited the penalty section of the ordinance. City Clerk Eklov noted the current waste hauler application quotes the potential for fines from $50 to $500.

Councilmember Burns additionally asked about the 25% bill credit for customers resulting from missed pickups and questioned whether that was common practice, as well as how the infraction would be enforced. City Manager McGinnis responded that customers are forced to contact the company to record a missed collection and request a credit, which can be negligible. He stated that the city would rely on citizen complaints.

Mayor Pro Tem Pearson agreed with Mrs. Kuchenbuch's earlier comment regarding positive garbage collection along East Shore Drive. He further noted the City Council Retreat occurred in November 2022 when citizen complaints had become prevalent on social media. He expressed support for additional city oversight and option #2 as noted in the agenda communication.
Mayor Randall also expressed support for option #2, noting posting of rates was a minor request, but also expressed wariness about aggressive city oversight as outlined in option #3.
Councilmember Knapp stressed that the item before the City Council was the first reading of the ordinance and the final adoption would be scheduled for October 3.

Councilmember Urban cited section C.7 in the proposed ordinance, expressing concern that the entirety of the fee schedule review and approval was under the purview of the City Clerk. City Manager McGinnis and Assistant to the City Manager Kylar Chandler responded.

Councilmember Knapp asked whether the City Administration could review the clauses highlighted by the Council prior to the ordinance's second reading on October 3. Councilmember Burns asked Mr. Chandler to elaborate on how other municipalities operate waste collection services. Mr. Chandler responded that he found the majority of eastern Michigan communities follow the single-source model, while western Michigan follows a competitive vendor model. Councilmember Burns then asked Mr. Chandler whether other communities with the competitive model also had the ordinance provisions currently being presented. Mr. Chandler responded that it varied.

Councilmember Urban asked whether the ordinance could pass for first reading if revisions were planned. City Attorney Kaufman responded it was only an option if no substantial changes were made. There was discussion regarding tabling the matter for the next meeting.

Motion by Urban, seconded by Burns, to table the first reading of the proposed amendments to the City of Portage Code of Ordinances, Chapter 58, Section 58-33, "Residential collection schedule; registration of collectors," for Tuesday, October 3, 2023, at 7 p.m. or as soon thereafter as may be heard for the purposes of the City Administration being able to consider changes to the language. Upon a roll call vote, motion carried 6 to 0.

Transportation Asset Management Plan: At the City Manager's request, Transportation and Utilities Director Kendra Gwin summarized the background of the Transportation Asset Management Plan.

Councilmember Burns asked Director Gwin about any deadlines in light of the citizen's request to remove the item from the Consent Agenda and postpone approval for additional citizen review. Director Gwin confirmed there is an October 1 state submission deadline. Councilmember Burns highlighted his experience with such a plan from his work with the Metro Transit system and expressed his support for approval of the city's plan.

Motion by Burns, seconded by Urban, to accept and approve the 2023 Transportation Asset Management Plan and associated documents, adopt a Resolution, and authorize the City Manager and Director of Finance to certify the plan for compliance with Public Act 325 on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

Development Project Public Participation Procedures: Mayor Randall explained her removal of the item from the Consent Agenda and asked the City Manager to elaborate on the proposed plan. City Manager McGinnis relayed the city's current plan review process and practice of notifying residents of proposed development plans. He highlighted both the City Council and the citizens' desire to make the development review process more transparent and relayed Chief Development Officer (CDO) Pete Dame's introduction of similar notification strategies from the communities in which he previously worked.

CDO Dame summarized the development of the Public Participation Plan, including its function as a best practice and an aspect of the state's Redevelopment Ready Community qualification. He cited additional meetings with citizens that encouraged such a public notification model and that staff had recently implemented additional notification measures on the city website. He stated that the approval of the new plan will require developers with major projects to meet with neighboring property owners prior to applying with the city, which is a practice already in place in his prior community of Grosse Pointe.

Mayor Randall noted the change to allow the option to widen the notification range from 300 feet to 500 feet when desired. Mayor Randall then asked about the citizen notification option on the website. CDO Dame confirmed the citizen e-mail notification tool had been added to the Legal Notices web page, as well as the new development application web page.

Mayor Pro Tem Pearson asked CDO Dame whether the Master Plan's Future Land Use map had been published yet. CDO Dame responded that the map would be finished in November while staff planned an additional community input workshop for discussion once it is published.

Councilmember Urban asked which version of the development plans would be published on the website. CDO Dame responded that it would be the initial, unaltered submission with the caveat noting revisions may be pending. Councilmember Urban stressed clear communication or public education regarding the process.

Motion by Pearson, seconded by Urban, to adopt the proposed Public Participation Plan 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 6 to 0.

COUNCIL COMMITTEE REPORTS: Mayor Pro Tem Pearson provided an update regarding the Central County Transportation Authority (CCTA). He noted that it was a joint meeting with the Kalamazoo

County Transportation Authority (KCTA) to review budgets for the upcoming year. He further discussed the Authority's review of the micro-transit model and the inclusion of a micro-transit line item in the Fiscal Year 2024 budget to trial the model. Councilmember Burns echoed Mayor Pro Tem Pearson's update.

Motion by Burns, seconded by Knapp, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 6 to 0.

NEW BUSINESS:

Closed Session: Motion by Pearson, seconded by Knapp, to enter into a closed session to discuss a personnel matter. Upon a roll call vote, motion carried 5 to 1, with Councilmember Urban voting no.

Closed Session began 8:37 p.m.
Open Session resumed 9:59 p.m.

(Councilmember Knapp left at 9:58 p.m.)

STATEMENTS OF CITIZENS:

1. Jihan Young (2312 Hemlock Avenue) provided a reminder of September 19 as National Voter Registration Day and encouraged citizens to vote in the upcoming November 7 Election. She also provided an update regarding the upcoming Human Services Board interviews and the November Human Services Open House.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns thanked the Council for his reappointment to the Central County Transportation Authority, noting his enjoyment of serving on that board.

Councilmember Urban had no comment.

Councilmember Ledbetter spoke regarding the 22nd anniversary of the September 11 tragedy, as well as the 60th anniversary of the September 15 Atlanta church bombing that killed four African-American girls. He then acknowledged September 15 as the start of Hispanic Heritage Month.

City Manager McGinnis relayed the 50th Anniversary event for West Middle School event on September 27.

Mayor Pro Tem Pearson had no comment.

Mayor Randall relayed the September 26th Michigan Women Forward event honoring the City's first female Mayor, Betty Lee Ongley, and noted she was one of several first female Mayors in Michigan at that time. She then thanked the staff and the audience for their assistance in increasing the visibility of the city's development process.

ADJOURNMENT: Mayor Randall adjourned the meeting at 10:05 PM.

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Erica L. Eklov, City Clerk