

CITY COUNCIL MEETING MINUTES FROM AUGUST 13, 2024

CALL TO ORDER: Mayor Patricia Randall called the Regular Meeting to order at 06:00 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Chris Burns, Nicole Miller, Jim Pearson, Patricia Randall, Terry Urban, Jihan Young, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: Councilmember Vic Ledbetter.

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

MOMENT OF SILENCE.: At the request of Mayor Randall, the audience observed a moment of silence to reflect on celebrating the centenarians in the community and the wisdom they bring.

PLEDGE OF ALLEGIANCE: Following the moment of silence, the City Council recited the Pledge of Allegiance.

PETITIONS AND STATEMENTS OF CITIZENS:

1. Alan Loveridge (23965 88th Avenue, Marcellus) offered various traffic safety improvement suggestions.
2. Mary Wieplowski (8836 East Shore Drive) asked for additional discussion regarding Item B.3 as it pertained to safety concerns regarding the proposed East Shore Drive trail. She also asked the Council to reconsider the Rules of Order and Procedure under Item F.1, urging that citizens be given the ability to remove items from the Consent Agenda.
3. Richard Nellums (9240 East Shore Drive) applauded the amount of work put into the Master Plan updates by the Planning Commission and noted two major themes in the Plan: increased housing development and expansion and preservation of parks and natural areas. He urged the Council to identify and track increasing housing development while conserving the natural environment.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any would like an item removed from the Consent Agenda. Councilmember Miller removed Item B.3 (Austin Lake Trail Project Engineering Services).

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

Approval of Minutes: Motion by Pearson, seconded by Young, to approve the City Council Meeting Minutes of the Regular Meeting of July 23, 2024. Upon a roll call vote, motion carried 6 to 0.

Accounts Payable Register: Motion by Pearson, seconded by Young, to approve the Accounts Payable Register of August 13, 2024, as presented. Upon a roll call vote, motion carried 6 to 0.

Legal Representation for PFAS Litigation: Motion by Pearson, seconded by Young, to appoint Stag Luizza, LLC (through attorney Michael Stag) and Foster, Swift, Collins & Smith, PC (through attorney Michael Homier) to represent the City of Portage for purposes of PFAS litigation and settlement 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.

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

PUBLIC HEARINGS:

Tentative Plan Amendment for Planned Development at 8150 Creekside Drive: At the invitation of the Mayor, Chief Development Officer (CDO) Dame provided a brief summary regarding of the Planned Development for the residential housing project at 8150 Creekside Drive and the changes entailed in the proposed amendment to the Tentative Plan.

Councilmember Urban inquired about the City Administration's long-term plan for the management of the property as a development of rental homes with private streets. CDO Dame noted the zoning approval did not include the nature of the housing and ownership structure, only the use of the property. Councilmember Urban then asked about the city's future ability to convert the private streets to public streets. CDO Dame responded that it would be possible.

Mayor Pro Tem Pearson, noting the recent traffic fatality in the area, asked about the potential of increased traffic along West Centre Avenue with the additional housing proposed with the development. CDO Dame responded that a traffic study was included as part of the proposal and introduced Traffic Engineer Muhammad Arif to elaborate. Mr. Arif explained that the existing traffic is negligible and the proposed additional traffic amounts were not anticipated to create an undue influx. Mayor Pro Tem Pearson further inquired about the potential for adding a new traffic signal. Mr. Arif relayed that warrants did not justify the installation of a traffic signal, but the data would be reviewed again in two years.

Mayor Randall noted the addition of the adjacent River Caddis development and inquired whether the traffic studies accounted for future potential traffic increases. Mr. Arif responded, explaining the planning process and relaying that scenario generation was included as an aspect in the planning.

Councilmember Young asked Mr. Arif how the city determines the scheduling of traffic studies. Mr. Arif responded that a warrant analysis could be performed at any time while highlighting the recent fatality and the need for three correctable crash aspects in one year to justify the installation of a signal. City Manager McGinnis confirmed that the City Administration had begun reviewing the area's traffic patterns in light of the recent fatality and Councilmember concerns from the July 27 meeting.

Councilmember Miller asked whether the River Caddis development traffic statistics were included in the recent traffic study for the current Creekside Drive project. Mr. Arif responded that the current study had not and explained the parameters.

Councilmember Urban asked for clarification regarding Mr. Arif's two-year time frame, relating to a planned city road improvement. Mr. Arif confirmed that planned road projects, especially those utilizing additional state or federal funds, required a traffic study before commencing. Councilmember Urban noted that the Council could adjust the time frame for the proposed realistic change in the area.

Mayor Randall invited Mike West, the representative for Redevelopment Ventures/Allen Edwin Homes, to clarify the addition to the city's tax base and rental amounts, noting recent rumors regarding a petition in opposition. Mr. West began by thanking the City Administration for its assistance in launching the project. He had yet to hear any opposition to the project until recently, highlighting the revision to the proposal from the original StoryPoint senior housing facility to workforce rental housing. Mr. West provided the projected monthly rents and tax generation. There was additional discussion regarding property maintenance and ownership.

Councilmember Urban asked why the second entrance to the development was not proposed as fully open. Mr. West responded that there was a goal to separate adjacent industrial properties from the housing while improving access beyond the current single entry on West Centre Avenue.

Mayor Randall opened the public hearing at 6:44 PM.

1. Peter Burtis (8246 Brookcrest Drive) spoke via phone in opposition to the proposed development. He expressed concern about bringing additional rental housing to the city as a barrier for home ownership.

At the invitation of the Mayor, City Manager McGinnis asked the City Attorney to opine regarding the city's ability to limit the type of ownership. Attorney Kaufman confirmed the law did not permit municipalities to set such limitations.

Mayor Pro Tem Pearson asked Mr. West about Allen Edwin's marketing and the prevalence of these developments nationally. Mr. West confirmed Allen Edwin's main focus was retail homes with 80 percent of its income as retail, except the national change in housing trends and increased desire for rental homes has forced the company to adjust to the changing market.

Councilmember Young asked Mr. West to justify the quoted rental rate in light of Allen Edwin's description of the development as workforce housing. She expressed concern regarding financial feasibility and encouraged Allen Edwin to reconsider a lower price point. Mr. West confirmed the quoted pricing was market rate and additional discussion with the city would better achieve workforce housing thresholds.

Councilmember Burns highlighted the contrast between the desire for homeownership and the current elevated cost of homes and mortgage rates.

Mayor Pro Tem Pearson related his observed trend with younger professionals as more transient and fluid with employment, ideal for temporary housing styles.

Motion by Young, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Seeing no additional discussion, motion by Burns, seconded by Young, to approve the Tentative Plan Amendment to amend the previously approved Tentative Plan of a Planned Development for a residential housing project at 8150 Creekside Drive. Upon a roll call vote, motion carried 6 to 0.

REGULAR BUSINESS AGENDA:

Contract for Engineering Services for the Austin Lake Trail Project - Proposal Tabulation:

Councilmember Miller explained that she had removed the item from the Consent Agenda with questions regarding the trail's path and user safety as part of the engineering for the Austin Lake Trail Project.

At the request of the Mayor, City Manager McGinnis discussed the City Administration's development of the trail's current route. He noted the firm's main focus would be ensuring user safety, especially in light of the route changing from using the majority of the old railroad bed to following East Shore Drive in some locations.

Parks and Recreation Director Kathleen Hoyle confirmed the city's prior efforts to acquire part of Pfizer's property adjacent to East Shore Drive containing the former railway bed for the trail, but Pfizer is unwilling to bisect and sell it. She relayed that the city had been able to buy 135 feet of land adjacent to East Shore Drive for the trail and would address both the Michigan Department of Transportation (MDOT) and the American Association of State Highway and Transportation Officials (AASHTO) design requirements as part of the updated design. Mayor Randall had Director Hoyle clarify the public's ability for review and input prior to construction.

Mayor Pro Tem Pearson asked Director Hoyle for clarification regarding the city's intended use of the railroad bed and the trail's width. Director Hoyle confirmed that the city would utilize the railroad bed where possible and the width would be sufficient to meet ten feet across.

Motion by Miller, seconded by Young, to award a contract in the amount of \$378,595 to Eng., Inc. of Grand Rapids MI, for Professional Engineering Services for the Austin Lake Trail Project, 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.

UNFINISHED BUSINESS:

Review of Rules and Order and Procedure: At the request of the Mayor, City Manager McGinnis highlighted the revisions adopted by the City Council six months prior and the notation to review the changes after six months of use. He relayed that there were no issues identified by staff regarding the meeting changes, with ample opportunity remaining for input and feedback.

Councilmember Miller asked how new residents would learn how to find additional agenda information. Mayor Randall encouraged attendance at City Council meetings, contacting either city staff or members of Council, who are advertised on the city website and the monthly *Portager* newsletter.

Councilmember Young noted that the changes previously made to the City Council Rules of Order and Procedure brought the process for Portage in line with the processes of other municipalities.

At the invitation of the Mayor, City Attorney Kaufman responded to the earlier request during Citizen Comments to allow public removal of Consent Agenda items and confirmed that she serves approximately 30 to 40 other municipalities that do not feature that ability.

Motion by Burns, seconded by Pearson, to take no action related to the City Council Rules of Order and Procedure. Upon a roll call vote, motion carried 6 to 0.

Resolution to Vacate Public ROW - Woodland Elementary School Drive: City Manager McGinnis relayed that Portage Public Schools had requested the city vacate historically-owned city property from the right-of-way adjacent to Woodland Elementary. He noted that the request was received as part of the school district's rebuilding of Woodland Elementary in an effort to streamline the district's ownership of the entire property. City Manager McGinnis closed by stating that this meeting entailed the second reading of the vacation and met the necessary legal requirements.

Motion by Burns, seconded by Young, to vacate the Woodland Elementary Drive right-of-way. Upon a roll call vote, motion carried 6 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update regarding a recent tour of the City of Kalamazoo Wastewater Treatment Facility by fellow members of the Utility Rate Study Committee, including Councilmembers Miller and Ledbetter, as well as citizen member Pat Maye, City Manager McGinnis, and Transportation & Utilities Director Kendra Gwin. He noted the stringent regulations of the wastewater industry and highlighted the significant cost increases from prior years, mostly related to supporting landfill wastewater treatment.

Councilmember Burns then provided an update regarding the Kalamazoo County Transportation Authority Board of Directors, noting the Board had received a presentation on the upcoming year's budget.

Councilmember Young provided an update regarding the Small Business Committee that had recently hosted a Small Business Townhall event in conjunction with Discover Kalamazoo on August 6th. She then relayed the Committee's efforts to begin developing a "Portage Business Directory".

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

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Young provided a beginning-of-the-school-year update, as well as a mention of the upcoming centenarian luncheon. She closed by thanking the City Clerk's Office for the recent election efforts.

Councilmember Burns also thanked staff and election workers for their efforts, noting he had utilized Early Voting, which he praised.

Councilmember Urban also relayed he had utilized Early Voting at the Portage location and was pleased with its efficiency.

Councilmember Miller provided a reminder of the upcoming 40th annual Portage Community Center's "Peacock Strut" run on September 14th, noting she planned to participate.

City Manager McGinnis relayed an update regarding the City Administration's efforts to appeal the FEMA denial of the city's Disaster Relief Request. He highlighted the goal of the FEMA request that focuses on reimbursing those affected by the tornado.

Mayor Pro Tem Pearson provided an update regarding the Public Works Department's efforts in collecting 63,000 cubic yards of brush in just this year.

Mayor Randall also highlighted the Centenarian Luncheon, as well as the Pig Out at Public Safety Event, both events occurring during the week.

ADJOURNMENT: Mayor Randall adjourned the meeting at 7:33 PM.

Erica L. Eklov, City Clerk