

CITY COUNCIL MEETING MINUTES FROM JULY 11, 2017

The Regular Meeting was called to order by Mayor Strazdas at 7:30 p.m.

At the request of Mayor Strazdas, Councilmember Terry Urban gave the invocation and City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Richard Ford, Jim Pearson, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Reid, to approve the Regular Meeting Minutes of June 27, 2017, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Randall, to approve the Pre-Council Meeting Minutes of July 10, 2017, as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Ford and Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Councilmember Reid added item K.1, Appointments to Boards and Commissions. Mayor Pro Tem Ansari indicated he would be abstaining from Item F.1, CDBG Program FY 2017-18 Annual Action Plan and the FY 2017-18 Human/Public Service allocations, because he serves on the Portage Community Center Board, and would not take part in any of the discussion or the vote. Motion by Reid, seconded by Ford, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0 with Mayor Pro Tem Ansari abstaining from Item F.1, CDBG Program FY 2017-18 Annual Action Plan and the FY 2017-18 Human/Public Service allocations.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 11, 2017:** Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of July 11, 2017. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Attorney Lori Knapp, 3131 Woodhams Avenue, and current Board of Review Member, announced that she has filed sufficient signatures on a Nominating Petition for City Council for the November 7, 2017 General City Election. She expressed her appreciation for the City of Portage, and reviewed some of her credentials and volunteer experiences, plus her aspirations for Portage as she anticipates working with a great team of Councilmembers and great City staff to “make Portage the best place it can be.” Mayor Strazdas thanked her for “stepping up” and discussion followed.

Attorney Glenn Smith, 10143 Portage Road, spoke on behalf of Lake Effect, 5092 Sprinkle Road, and John Rockwood, who filed an Appeal in Circuit Court to the Zoning Board of Appeals decision that denied Lake Effect and John Rockwood a variance to operate their medical marijuana dispensaries at 5092 Sprinkle Road under City Ordinance. Discussion followed.

At the request of Mayor Strazdas, City Manager Larry Shaffer indicated that the City has received correspondence from the Plaintiff in this matter, that it is under review by the Michigan Court of Appeals and the City is being duly represented by the City Attorneys, so the matter should be handled as a piece of litigation. Since this matter requires a fair amount of confidentiality and discretion, he deferred to City Attorney Randy Brown for comment; also, he indicated City Council should hear the progress of the case and any options in the case in a Closed Session. City Attorney Brown concurred as this is pending litigation, and if Council wishes to discuss this, a Closed Session would be the best forum to do so. He opted not to get into any detail and recognized the disagreement with Mr. Smith on many

of the things he has indicated. He emphasized that it would be appropriate and in the best interest of City Council to discuss these matters, if Council wishes, in a Closed Session.

Motion by Pearson, seconded by Reid, to schedule a Closed Session to discuss privileged communication for the next Regular Council Meeting on July 25, 2017. He explained Council has information today and have not had a chance to study it; there is a need to ask questions of the City Attorney about this information; so, it is appropriate to place it on the Agenda of the next meeting. At the suggestion of Mr. Brown, Councilmember Pearson moved, and Reid seconded, to amend the motion to include the words “for pending litigation as well as Attorney-Client communication.” Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **FY 2017-18 ANNUAL ACTION PLAN AND FY 2017-18 HUMAN/PUBLIC SERVICE ALLOCATIONS:** Motion by Reid, seconded by Ford, to approve the revisions to the CDBG Program FY 2017-18 Annual Action Plan and the FY 2017-18 Human/Public Service allocations. Upon a roll call vote, motion carried 6 to 0 with Mayor Pro Tem Ansari abstaining.

* **REDEVELOPMENT READY COMMUNITIES PROGRAM:** Motion by Reid, seconded by Ford, to adopt a resolution to participate in the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Communities Program and authorize the City Manager to execute a Memorandum of Understanding with the MEDC. Upon a roll call vote, motion carried 7 to 0.

* **PURCHASE OF ELECTION EQUIPMENT:** Motion by Reid, seconded by Ford, to approve the purchase of one (1) DS 450 High-Throughput Scanner & Tabulator in the amount of \$36,416, one (1) ExpressVote Universal Voting System in the amount of \$2,697 and a five-year maintenance contract in the amount of \$57,565 from Election Systems & Software (ES&S), and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the Portage Public Schools Regular Business of May 22, 2017, and Committee of the Whole Work Session of June 12, 2017.

COUNCIL COMMITTEE REPORT:

2017 COMMUNITY SURVEY: After Mayor Strazdas established that there were no Council Committee Reports to be added to the Agenda, he outlined the 2017 Community Survey item and asked for input from a Committee Member regarding Committee activities over the last several months. Councilmember Ford provided a summary of the work of the Committee, including collaboration with Dr. David J. Hartmann of the Kercher Center for Social Research at Western Michigan University, a description of how the Committee shared feedback and opinions regarding the various questions on the survey, and indicated that the Committee is prepared to address any issues with the survey questions as presented to City Council in the Agenda Packet this evening.

Councilmember Reid indicated that the Committee is looking to have Council approve the survey instrument, so the Committee can go forward, as well as contract with Kercher Center in order to actually conduct the survey and get the information back. Discussion followed.

Regarding the survey, Councilmember Pearson indicated that, depending on the age group, people preferred letters, e-mail, phone calls, but people are doing away with the land lines, so he asked for an explanation of how this is being normalized in order to attain true input from citizens of different age groups and different areas.

Councilmember Reid addressed his concern by recalling that the Committee talked about several different ways of doing that; she said it is really a “moving target” to try to get a cross-section of

citizens; and she explained that the Kercher Center will be assisting with normalizing of this. Mayor Strazdas explained that the Kercher Center for Social Research has been conducting surveys for many, many years, assured Council that they fully appreciate the public trend of going from landlines to cell phones and the appropriate methodology necessary because they were nationally recognized for doing this a lot. He concluded that using their expertise as a nationally recognized center that does a lot these, there is a need to move from phone calls to mail, knowing that someday these centers will have the pieces in place to use e-mail and electronics; however, at present this national center should be allowed to choose the best methodology.

Councilmember Reid revealed that the opinion of the Committee is to pursue this in two different modes, some by phone and some by mail in order to do some back and forth comparisons with the goal of determining the best method(s) to use in the future. Councilmember Ford reviewed the idea of sending a post card with an e-mail to a link to allow access to the survey online as an alternative to completing it on paper, but admitted he thought the parameters of the methodology of the survey were already set. Councilmember Reid concurred and mentioned that there were a few different methods that were considered: online, paper, or phone, for example, to determine the method that makes the most sense, and she indicated that the City would be relying on Dr. Hartmann and the Kercher Center to help with the appropriate split within the methodology. Discussion followed.

Mayor Strazdas indicated the Kercher Center has at least a 95% confidence level, and explained how the Kercher Center will be able to normalize and attain that confidence level with the City of Portage survey.

Councilmember Urban read Question No. 4 of the survey and said the survey question seems to imply that there is a different way of addressing the problems outlined in the answers and, if there is, he wants to know. He found that he could not understand what “we” are trying to get from the question because the only way to address any of the answers found in Question No. 4 is to decrease the deer population and explained. Discussion followed. Councilmember Ford pointed to Question No. 3 which gives the opportunity for those who do feel there is a problem with the deer population a chance to answer what the problem is. Councilmember Urban responded that the question reads if the person feels there is a problem, which ones should be addressed as if there is a different way of addressing each problem. He suggested changing it to if you feel there is a problem, what do you feel is the major issue. Discussion followed.

At the request of Mayor Strazdas, motion by Pearson, seconded by Reid, to award a contract to the Kercher Center for Social Research at Western Michigan University in the amount of \$11,206 to conduct the 2017 Portage Community Survey; approve changes to the annual survey document as recommended by the City Council Community Survey Committee; review Questions No. 3 and 4 and authorize the City Manager to execute all related documents.

Councilmember Randall asked for a discussion of Questions No. 12 and 13 which deal with Medical Marihuana - one was dispensaries and the other was growing, processing and testing. She asked if it was legal to restrict who uses these facilities as it relates to the “Portage residents only” reference in the answer options. At the request of Mayor Strazdas, City Attorney Brown first indicated that he was not involved in the formulation of these questions. He conjectured that the question is trying to determine how many should the City authorize because the State Law allows the City to put a cap on these facilities. He indicated that a determination has to be made regarding that cap, so should it be large enough to service a larger area or smaller to service only a small area. In answer to Councilmember Randall, Mr. Brown indicated that he did not think a person can be “carded at the door” and only Portage residents can be served at one of these dispensaries. Councilmember Reid then concurred on behalf of the Committee with Mr. Brown as this information will be provided to City Council to assist Council with the decision of how many dispensaries and how many of each type of license, if any, there will be in the City of Portage. She expressed a desire to get citizen input with regard to which kind of Medical Marihuana businesses are desirable within the City of Portage. As a way of breaking it down, she asked if Council is looking to have none of them; are we looking to have enough to meet the needs of the citizens of Portage who need Medical Marihuana; or, are we looking to have enough to meet the needs of the citizens of Portage and people from outside the area. Because

there is no specific number, she indicated Council cannot determine how many and the kind of Medical Marihuana businesses that are desirable. She stressed that this is a decision of City Council, so the Committee is trying to gather the information from Portage citizens; that this is not the only one way to obtain this information; and that this is not the only way the Committee will gather information. She then inferred that the intent of this question is not to limit the use of dispensaries by people outside of Portage. Discussion followed.

In answer to Councilmember Ford, City Attorney Brown indicated it is his opinion that the Ordinance may not limit the use of Portage dispensaries to Portage residents, and said he could look into that for Council. Discussion followed.

Motion by Pearson, seconded by Reid, to amend the motion that the Committee take suggestions from Council and take another look at Questions No. 12 and 13. Mayor Pro Tem Ansari asked that each City Councilmember provide input regarding these survey questions to the Committee by the next Regular City Council Meeting. Owing to the newness and complicated nature of the topic of Medical Marihuana Dispensaries, City Attorney Brown asked that the Committee contact his office when writing the questions as he would like to weigh in.

Mayor Strazdas asked what the deadline is for the Committee and Councilmember Randall indicated that from the information received by Council, the survey needs to be given to the Kercher Center by August 1, 2017. Discussion followed.

Motion by Pearson, seconded by Reid, to amend the motion to read if any Councilmembers have questions or suggestions regarding the four questions for the Survey Committee, to have them to the Survey Committee by Friday, July 14, 2017, to give the Committee early next week to meet with the City Attorney. Discussion followed. Councilmember Urban indicated that if the word “only” is removed from Questions No. 12 and 13, this could dispel the issue raised by Councilmember Randall. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

NEW BUSINESS:

* **APPOINTMENTS TO BOARD, COMMISSION AND THE KALAMAZOO COUNTY CONSOLIDATED DISPATCH AUTHORITY CITIZEN AD HOC COMMITTEE:** Motion by Reid, seconded by Ford, to appoint Dan Corradini with unfulfilled term ending May 31, 2018, to the Planning Commission; appoint Staci Salisbury with unfulfilled term ending October 1, 2019, to the Park Board; and appoint Wayne Stoffer to the Kalamazoo County Consolidated Dispatch Authority Citizen Ad Hoc Committee to a maximum two-year term, until a final report is presented, or until replaced by the Kalamazoo County Consolidated Dispatch Authority. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Justin Hassler, 4317 Foxfire Trail, suggested forming a committee or subcommittee for statistical investigations, researching demographics, who could do things like setting up a table at a mall, a theater or public schools sporting events and offer something like a cookie or a micro incentive to fill out the survey. He mentioned that this works with a short survey because people tend to fill those out more often and would be a way to reach young people.

STATEMENTS OF CITY COUNCIL: Councilmember Ford indicated that he attended the Army Concert Band performance where the music was good, but where the weather was quite hot.

Mayor Pro Tem Ansari indicated that the 4th of July Fireworks organized by the Portage Rotary were excellent. He commented on a number of complaints about the fireworks set off by citizens without regard to day, time or their neighbors at times, and he mentioned the limitations of the Fireworks Ordinance that follows State Law, that a person shall not ignite, discharge or use consumer fireworks between the hours of 1 a.m. and 8 a.m. Mayor Strazdas concurred and reviewed the State Legislators recent involvement in this issue, the difficulties faced by the local Police in the matter and stressed more communication among Portage citizens. Discussion followed.

Mayor Strazdas mentioned that he had the opportunity to attend the Summer Series Folk Festival which was well-attended, had local talent from this side of the state, and even had talent from the State of Georgia. He praised the efforts of Mr. Shaffer and the new Parks Department Director Kathleen Hoyle for their efforts with the Summer Series and invited all citizens to take advantage of this free event series. From a survey around the State, Mayor Strazdas indicated that Portage was found to be one of the Best Cities in Michigan for Public Safety Officers, and Mr. Shaffer announced Celery Flats was named the Number one Park in Michigan in an across the State parks evaluation. Mayor Strazdas credited the Administration for their work in making Portage great.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED:** Motion by Reid, seconded by Ford, to receive the Materials Transmitted of Tuesday, June 27, 2017. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:20 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.