

City of Portland

Portland, Michigan

Minutes of the City Council Meeting

Held on Monday, June 17, 2019

In Council Chambers at City Hall

Present: Mayor Barnes; Mayor Pro-Tem VanSlambrouck, Council Members Fitzsimmons, Baldyga and Johnston; City Manager Gorman; City Clerk Miller; Finance Director/Treasurer Tolan; DDA/Main Street Director ConnerWellman; Police Chief Thomas

Guests: Paul Galdes, President of Fleis & VandenBrink; Paul LeBlanc, Principal of PLB Planning Group; Kathy Parsons; Dr. Jason and Vicki Williamson; Dan and Karen Sutberry; Mike Judd; Stacy Gross; Steve Dawdy; Larry Tygesen; Kathy Burns; Patrice and Darrin Weber, owners of Portland Assisted Living Center; David Straub, Chief Operating Officer of Mayberry Homes; Diane Friedrichsen, Executive Director of The Brook; Sandy Elliot, CEO of The Brook; William Carey and Jim DeWitt, Executive Directors of The Brook; Kimberlee Pappas, Marketing Communications Specialist of The Brook; Scott Perrin of Perrin Construction; Bill Frazier and Katelyn Gress of the Sidock Group, Inc.; Robert Lathers of The Beacon; Nick Grifhorst of the Ionia Sentinel-Standard

The meeting was called to order at 7:00 P.M. by Mayor Barnes with the Pledge of Allegiance.

Motion by VanSlambrouck, supported by Baldyga, to approve the Proposed Agenda as presented.

Yeas: VanSlambrouck, Baldyga, Fitzsimmons, Johnston, Barnes

Nays: None

Adopted

There was no public comment.

Under City Manager Report, City Manager Gorman stated he met with representatives of Pulse Broadband on June 5th to discuss the Broadband Internet Initiative. The next step is to conduct an Executive Project Plan (EPP) to ascertain the cost of the project in order to look at the financial aspects of the project.

City Manager Gorman will meet with representatives of Sparrow next week to establish the time frame and begin looking at design concepts for the development on Cutler Rd.

Under Presentations, DDA/Main Street Director ConnerWellman presented her report on downtown activities. Director ConnerWellman provided updates on business and property in the DDA District along with other projects, recent activities, and community events.

Bill Carey, Executive Director and Legal Counsel for The Brook, introduced himself and the team representing The Brook and provided a brief history of the company.

Kim Pappas, Marketing Communications Specialist of The Brook, gave a presentation for The Brook Retirement Communities.

Under Public Hearings, Mayor Barnes opened the Public Hearing to consider an amendment to the Rindlehaven TND PUD to remove a 10-acre parcel for rezoning related to potential development of a Senior Housing Facility by The Brook on a portion of the Rindlehaven Development at 7:23 P.M.

Patrice Weber, owner of Portland Assisted Living & Memory Center, noted that she has previously addressed her concerns with State licensing and exemptions for The Brook to the Planning Commission. She then read a prepared statement. She has reached out to the public and received feedback in particular related to traffic concerns about the intersection at Rowe Ave. and Grand River Ave. Ms. Weber pointed out that improvement of this intersection is addressed in the Master Plan 2014. She asked what impact the proposed development will have on an already busy intersection. She stated that a traffic impact study has not been done; safety concerns should be addressed over revenues.

Kathy Parsons, local resident and owner of Grider Insurance, stated that she expects she will personally need a facility like The Brook at some point in her future and she appreciates the choices this development would bring. As a business owner in a highly competitive market she realizes that competition is good and makes everyone stronger. She further stated her feeling that it is troubling that a business owner would lobby a government organization to preclude its competition. The argument that the development would be a strain on public services is not a hinderance, these are details that can be worked out. Increased usage of public services will bring more revenues which will result in additions to services that will benefit all residents. The proposed development will do more for City streets, amenities, local businesses, the tax base and will increase community visibility. She further stated her appreciation that the City of Portland is forward thinking in helping the community grow.

Karen Sutberry, resident at 112 Rindle Bluff Dr., stated she and her husband Dan are in total support of the proposed development. Their living room would overlook the facility, they can't think of anything better to look at. She further stated that they may move there in the future.

Larry Tygesen, resident of 299 Rowe Ave., stated that the traffic issue is a valid point and asked if a traffic study has been done.

Mayor Barnes stated that the City's engineers will address the traffic issue.

Mr. Sutberry, resident of 112 Rindle Bluff Dr., asked if repairs will be made to Rowe Ave. He stated that it is in rough shape.

Mayor Barnes stated that the City's engineers will also address repairs to Rowe Ave.

Ms. Weber stated asked if the City if the City is using the same traffic study for this intersection as the Planning Commission used, as it was done 15 years ago.

City Manager Gorman stated Rowe Ave. has previously been included in the PASER study done by the City and has received a high ranking for repair. The traffic study that has been referred to was based on the build out of the proposed Rindlehaven Development. The City takes resident safety very seriously and has worked with Fleis & VandenBrink to ensure it is doing what is necessary to maintain a safe community.

Paul LeBlanc, Principal of PLB Planning Group, stated that the issue for consideration is an amendment to the Rindlehaven TND PUD. The issue is not really about The Brook. The original plan is for 152 acres that comprises Rindlehaven. If the plan is not amended it would require the 10 proposed acres to be developed as a commercial development. There would be no public hearing, a proposed site plan would go directly to the Planning Commission for site plan review. The City would have no control over the development.

The proposed amendment would reduce the size of the PUD from 152 to 142 acres and the commercial component would be removed. There would be a much larger traffic component with the currently allowed commercial development. A much larger elderly housing development is planned as part of the current PUD at the other end of the property along Cutler Rd. The Brook is a fraction of the size of the development that was already approved.

Mayor Barnes stated that if The Brook wanted to develop an Elderly Housing Facility as part of the current TND PUD the City would have no say in the development.

Paul Galdes, President of Fleis & VandenBrink, stated that they were involved in the original plan for the Rindlehaven PUD development. The traffic study was done during the planning stages of the Rindlehaven development, the outcome of the study was that when certain warrants were met a new traffic signal device would be installed. He further stated that the City has been working with Mayberry Homes, who now owns the Rindlehaven property, to amend the entire TND PUD. This would be a good time to conduct a new traffic study based on the proposed changes.

Mr. Galdes explained the PASER study/rating system that is used to evaluate every block of every street in the City of Portland. The infrastructure under the streets is included in the review and ratings of the streets to help in determining the priority for street projects. Rowe Ave. is ranked quite high for needing improvements and is one of the streets that will be addressed soon. Mr. Galdes stated that construction traffic due to the development of The Brook will not have a significant impact on the street.

Mr. Galdes stated that when Rindlehaven was developed utilities were run across the property to the MDOT rest area along I-96. The potential development of The Brook will actually improve both the watermain and storm sewer systems in the area as additional water main will be added and more storm sewer than is required will be installed. The Wastewater Treatment Plant is being reviewed as part of the SAW Grant process. There will be capacity issues at some point in the future but the amount of wastewater from the proposed development of The Brook will not have a significant impact.

Mayor Barnes stated that the City is constantly in the process of reviewing the streets, utilities, usage, etc. It is a constant state of flux that Fleis & VandenBrink assists the City with.

Mayor Pro-Tem VanSlambrouck asked what would trigger the Cutler Rd. access to be installed as part of the Rindlehaven development plan.

Mayor Barnes stated that a certain percentage of completion of the development would trigger the Cutler Rd. access so Rowe Ave. would not be the only access point.

Council Member Baldyga clarified that the proposed development by The Brook would not trigger the Cutler Rd. access to be installed.

City Manager Gorman noted that upgrades to Rowe Ave. were already included on the City's PASER study before the proposed development by The Brook. The City has plans to make improvements to Grand River Ave. from the City limits (Family Farm & Home) to Rowe Ave. in Spring 2020 which will provide another opportunity to evaluate this intersection. The original traffic study calls for traffic signals to be installed on Grand River Ave. at Rowe Ave. and at the I-96 exit ramp. Engineers do not feel this is the best idea due to traffic stacking that would occur onto the exit ramp and I-96. The City has had ongoing concerns with the entire area along Grand River Ave. for the past several years. The current question is if the City should stop development because of these issues. None of the engineers have recommended waiting on development due these issues.

Ms. Weber asked what it would hurt to conduct a traffic study now? How will the City know what kind of traffic numbers this development will bring?

City Manager Gorman stated that new traffic study will be conducted.

Ms. Weber asked why it couldn't be done first? How will the amount of new traffic be gauged? Anyplace along that area of Grand River Ave. is difficult to get in and out of.

Mayor Barnes stated it is a case of "analysis paralysis" and gave the example that if we wait until all the lights are green before driving down the street, we'd never get anywhere. He further stated that there is a developer who wants to contribute in a big way to the Portland community. The experts have advised there will not be an elevated safety concern, the City will move ahead.

Mayor Pro-Tem VanSlambrouck stated the City won't be able to control the traffic with lights, it will be more dependent on education and signage. The homes that have already been developed in Rindlehaven have not triggered additional traffic concerns; beyond the already known concerns all along the Grand River Ave. corridor. A traffic study has not been budgeted at this time.

Mayor Barnes stated the City Council has received a recommendation from the Planning Commission. It is their job to review this information, they have done their job and unanimously recommended moving forward with the proposed development. The particular issue being considered by City Council is to remove the proposed 10-acres from the Rindlehaven TND PUD. The Special Land Use and Site Plan have been approved by the Planning Commission, the zoning

aspect has also been recommended for approval by the Planning Commission and is also on tonight's agenda.

Ms. Weber asked if the financing of the traffic study is the biggest obstacle to being completed?

Mayor Barnes and Mayor Pro-Tem VanSlambrouck both stated that is not the biggest obstacle.

Mayor Barnes stated that both the engineers and the Planning Commission have said this is something the City should pursue.

Council Member (and City Council – Planning Commission liaison) Fitzsimmons stated that part of the Planning Commission's consideration was that only a small portion of Rindلهaven has been developed compared to what has been approved. The current PUD could be developed with no changes. Based on the planned improvements to Grand River Ave., the inclusion of Rowe Ave. on the PASER study, along with the current small development of Rindلهaven; the Planning Commission considered the City is already ahead in planning for the rest of the development of Rindلهaven.

Mayor Barnes stated that due diligence has been done in considering the proposed development by The Brook.

City Manager Gorman stated that if at any point the engineers had said the City needs to stop the proposed development they would have done so.

Mayor Barnes closed the Public Hearing at 8:03 P.M.

Under New Business, the Council considered Resolution 19-28 to approve an amendment to the Rindلهaven PUD to remove a 10-acre parcel from the overall PUD.

City Manager Gorman thanked the Planning Commission, Mr. LeBlanc, and City Staff for their efforts in reviewing and approving the proposed development.

City Manager Gorman noted that both Fire Chief Krizov and Ambulance Director Gensterblum both reviewed the proposed development and expressed no concerns. He further noted that information provided by The Brook shows an average of 0-3 ambulance calls per month at their various facilities. In the event that all 3 of the City's ambulances were on runs there are mutual aid contracts in place for service to be provided by another ambulance service.

City Manager Gorman also noted that the licensing issue in regard to The Brook that has previously been addressed is beyond the purview of the City and is subject to State of Michigan regulations.

Motion by Baldyga, supported by Johnston, to approve Resolution 19-28 approving an amendment to the Rindلهaven Planned Unit Development (PUD) to remove a 10-acre parcel from the overall PUD.

Yeas: Baldyga, Johnston, VanSlambrouck, Fitzsimmons, Barnes

Nays: None
Adopted

Mayor Barnes thanked Ms. Weber and all of the other residences who shared their thoughts in regard to the proposed development by The Brook.

The Council held the First Reading of Ordinances 17500 and 1B.

City Manager Gorman explained that Ordinance 17500 would amend the City Zoning Map to rezone the 10-acre parcel of the Rindlehaven Development from the TND PUD to a R-3 Multifamily District. He noted that the memo from Mr. LeBlanc outlining the criteria for approval is included.

City Manager Gorman explained that Ordinance 1B would amend and add to Chapter 14, “Fire Prevention and Protection,” of the Code of Ordinances of the City of Portland as it relates to the regulation of fireworks. The proposed ordinance is necessary in order to reflect changes to State Law regarding fireworks.

In order to have Ordinance 1B approved and in place before the 4th of July holiday, the City Council will hold a Special Meeting tomorrow, June 18, 2019 at 5:30 P.M. The Second Readings of both ordinances will be held at this time.

Chief Thomas summarized the changes of the new firework laws.

Motion by Baldyga, supported by Fitzsimmons, to go into Closed Session as permitted by the Michigan Open Meetings Act to discuss the Proposed Collective Bargaining Agreements.

The Council adjourned to Closed Session at 8:12 P.M.

The Council returned from Closed Session at 8:41 P.M.

The Council considered Resolution 19-36 to approve a cost of living adjustment for Non-Union City Employees for the period July 1, 2019 through June 30, 2022. City Manager Gorman met with representatives of the non-union employees to discuss revising compensation and benefits for non-union employees and recommends the City Council approve the cost of living adjustments.

Motion by VanSlambrouck, supported by Fitzsimmons, to approve Resolution 19-36 approving a cost of living adjustment for non-union City employees.

Yeas: VanSlambrouck, Fitzsimmons, Baldyga, Johnston, Barnes

Nays: None

Adopted

The Council considered Resolution 19-37 to approve agreements between the City of Portland and the City employees represented by the Police Officers Labor Council (POLC) and the Chapter of the Governmental Employees Labor Council (GELC).

Motion by Baldyga, supported by Fitzsimmons, to approve Resolution 19-37 approving the agreements between the City of Portland and the city employees represented by the Police Officers Labor Council (POLC) and the Chapter of the Governmental Employees Labor Council (GELC).

Yeas: Baldyga, Fitzsimmons, VanSlambrouck, Johnston, Barnes

Nays: None

Adopted

The Council considered Resolution 19-38 to approve the revised MERS Hybrid Plan Adoption Agreements (Benefit Program HA/HB/HC) and authorizing the City Manager to sign. The City has reformed its pension plan for all employees hired after July 1, 2010 so new hires are placed in a MERS Hybrid Pension Plan with a 1% Defined Benefit (DB) pension multiplier that cannot be increased and a Defined Contribution portion that requires new hires to contribute 3% of their wages to the Defined Contribution (DC) pension portion. The City's DB and DC combined pension contribution is capped at 7% and if the DB portion costs less than 7% then the Employer will contribute the difference to the employees DC contribution.

Motion by Johnston, supported by VanSlambrouck, to approve Resolution 19-38 approving the revised MERS Hybrid Plan Adoption Agreements (Benefit Program HA/HB/HC) and approving, authorizing, and directing the City Manager to sign same.

Yeas: Johnston, VanSlambrouck, Fitzsimmons, Baldyga, Barnes

Nays: None

Adopted

The Council approved Resolution 19-39 to amend the budget for Fiscal Year 2018-2019. The Finance Director reviewed the current fund balances and expenditures for Fiscal Year 2018-2019 and recommends the proposed amendments.

Motion by Baldyga, supported by Fitzsimmons, to approve Resolution 19-39 to amend the Budget for Fiscal Year 2018-2019.

Yeas: Baldyga, Fitzsimmons, VanSlambrouck, Johnston, Barnes

Nays: None

Adopted

The Council considered Resolution 19-40 to approve issuance of a Transient Trader Permit for Chris Teachout to allow a food trailer to sell BBQ in the vacant lot at the corner of Grand River Ave. and Divine Highway on Thursdays from 4:00 P.M. until 9:00 P.M. through November 14, 2019.

Motion by Fitzsimmons, supported by Johnston, to approve Resolution 19-40 approving issuance of a Transient Trader Permit for a BBQ food trailer.

Yeas: Fitzsimmons, Johnston, VanSlambrouck, Baldyga, Barnes

Nays: None

Adopted

The Council considered Resolution 19-41 to confirm the Mayor’s appointments to City Boards and Commissions.

Motion by VanSlambrouck, supported by Fitzsimmons, to approve Resolution 19-41 confirming the Mayor’s appointments to City Boards and Commissions.

Yeas: VanSlambrouck, Fitzsimmons, Baldyga, Johnston, Barnes

Nays: None

Adopted

Motion by Fitzsimmons, supported by Baldyga, to approve the Consent Agenda which includes the Minutes and Synopsis from the Regular City Council Meeting held on June 3, 2019, payment of invoices in the amount of \$91,330.08 and payroll in the amount of \$110,242.49 for a total of \$201,572.57. A purchase order to Michael R. Kluck in the amount of \$6,220.84 for legal services was also included.

Yeas: Fitzsimmons, Baldyga, VanSlambrouck, Johnston, Barnes

Nays: None

Adopted

Under City Manager Comments, City Manager Gorman reminded residents that the 4th of July fireworks will be held at dusk on July 3, 2019 at Bogue Flats. He requested that those who will be attending have patience with the traffic.

Under Council Member Comments, Mayor Barnes stated that he attended the rodeo over the weekend. The event was very well attended.

Mayor Barnes also noted his appreciation to the American Legion for sending out thank you notes to residents that display the American Flag. The thank you notes were very well received and appreciated by the community.

Motion by Fitzsimmons, supported by Johnston, to adjourn the regular meeting.

Yeas: Fitzsimmons, Johnston, VanSlambrouck, Baldyga, Barnes

Nays: None

Adopted

Meeting adjourned at 8:55 P.M.

Respectfully submitted,

James E. Barnes, Mayor

Monique I. Miller, City Clerk