

City of Portland

Portland, Michigan

Minutes of the City Council Meeting

Held on Monday, July 15, 2013

In Council Chambers at City Hall

Present: Mayor Barnes, Mayor Pro-Tem VanSlambrouck, Council Members Calley, Fabiano and Krause; City Manager Dempsey; City Clerk Miller; DDA/Main Street Director Reagan

Guests: Kathy Parsons; Tom Thelen of the Review & Observer

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

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

Yeas: VanSlambrouck, Krause, Calley, Fabiano, Barnes

Nays: None

Adopted

Under the City Manager Report, City Manager Dempsey presented information on the action items for consideration on the Agenda and provided information for discussion of a possible Fireworks Ordinance and a possible amendment to the Lot Split Ordinance.

City Manager Dempsey stated a few complaints have been received at the City in regard to the use of fireworks in the City Limits. Act No. 65 of the Public Acts of Michigan was approved by the Governor on June 19, 2013 providing more local control on the use of fireworks. Act 65 allows municipalities to regulate the use of fireworks except on days surrounding national holidays, and then for municipalities within counties with a population fewer than 75,000 ordinances can be enacted regulating the time of 1:00 A.M. and 8:00 A.M. on the day before, the day after and the day of national holidays.

City Manager Dempsey stated that County Treasurer Judy Clark has requested the City amend its lot split approval process to include checking with the County Treasurer's Office to verify there are no outstanding taxes before approving the application. This would eliminate "stand alone" years on delinquent taxes. When a parcel is split or combines and there are delinquent taxes on prior years, the new parcel number will not show the delinquent taxes. This is a problem for new owners who are not aware of delinquent taxes and makes collecting delinquent taxes more difficult for the County. If the taxes remain unpaid for 3 years the newly created parcel is still subject to foreclosure. The new property owner may be tracked down until the new parcel is in forfeiture and the County begins title searches thus causing the property owner unnecessary fees and interest.

City Manager Dempsey recommended the City Council authorize an amendment to Section 16-1 of the City Code of Ordinances and replace it with a more comprehensive set of regulations that can be processed administratively by the Assessor. The proposed changes would allow for timelier processing of lot split requests for divisions that meet the requirements.

Mayor Barnes asked if “lot split” is the correct terminology.

City Manager Dempsey stated that the State uses the term Land Division.

Under Presentations, DDA/Main Street Director Reagan gave a report on Downtown activities. The Portland Pay Day event continues through August 23rd with the prize party scheduled for August 29th. There are 19 businesses participating this year. Over the past four years, this promotion has kept over \$247,000 in the Portland community.

“Wine the Walk” will be held Saturday, August 17th from 4-11 P.M. on the Boardwalk. The event will feature craft beer and Michigan made wines with light entertainment.

The Volunteer Recognition Event will be held Thursday, July 18th in conjunction with the Portland Community Arts Council’s Thursdays on the Grand concert series. The event will celebrate 10 years of being a Main Street community. Portland Main Street volunteers will be passing out snacks and beverages to people that help to recognize all of the volunteers.

The Michigan Main Street Center will hold training titled “Main Street in Practice” on Wednesday, July 17th on the 2nd Floor of City Hall. The attendees will be from communities throughout Michigan; they will learn what it takes to be a Main Street community from the Michigan Main Street Center as well as from volunteers of the Portland Main Street program.

Director Reagan thanked the Portland Area Chamber of Commerce for once again hosting the fun-filled 4th of July parade.

The Portland Area Historical Society and Portland Main Street held the Historic Downtown Walking Tour on June 22nd. Approximately 70 people participated in the tour of the 100 and 200 blocks of Kent Street as well as the historic Opera House.

Under New Business, the Council considered Resolution 13-56 to provide placement agent services in connection with the issuance and placement of bonds for Street Improvement Projects.

Motion by Krause, supported by Calley, to approve Resolution 13-56 to approve Baird’s proposal to provide placement agent services in connection with the issuance and placement of bonds for street improvement projects.

Yeas: Krause, Calley, VanSlambrouck, Fabiano, Barnes

Nays: None

Adopted

The Council considered Resolution 13-57 to approve Clark Hill’s proposal to provide bond counsel services in connection with the issuance of \$1,400,000 of bonds to finance the costs to design, purchase, acquire, and construct street improvements.

Motion by VanSlambrouck, supported by Krause, to approve Resolution 13-57 approving Clark Hill’s proposal to provide bond counsel services in connection with the issuance and \$1,400,000 of bonds for street improvement projects.

Yeas: VanSlambrouck, Krause, Calley, Fabiano, Barnes
Nays: None
Adopted

The Council considered Resolution 13-58 to purchase, acquire and construct capital improvements within the City and to publish a Notice of Intent to issue municipal securities.

Motion by Calley, supported by Krause, to approve Resolution 13-58 to purchase, acquire and construct capital improvements within the City and to publish Notice of Intent to issue municipal securities.

Yeas: Calley, Krause, VanSlambrouck, Fabiano, Barnes
Nays: None
Adopted

The Council considered Resolution 13-59 to approve Fleis & VandenBrink's proposal to provide design engineering services for the reconstruction of Cutler Road between Grand River Ave. and Charlotte Hwy. City Manager Dempsey reviewed the proposal and scope of work and recommends the City Council approves the design engineering services for Cutler Road in the amount of \$17,200 which would save \$600 in engineering costs over the cost of designing Cutler Road in a different year.

Motion by Fabiano, supported by VanSlambrouck, to approve Resolution 13-59 to provide design engineering services for the reconstruction of Cutler Road between Grand River Ave. and Charlotte Hwy.

Yeas: Fabiano, VanSlambrouck, Calley, Krause, Barnes
Nays: None
Adopted

The Council considered Resolution 13-60 to approve a METRO Act Right-of-Way permit extension for AT&T. The City participates in the METRO Act Permit process and receives a share of the payment the State of Michigan collects for the use of municipal rights-of-way. AT&T is proposing to extend all METRO Act Permits with municipalities by a term of five years. City Manager Dempsey recommended the City of Portland continue to participate in the METRO Act permitting process and the City Council approve the permit extension with AT&T.

Motion by Krause, supported by VanSlambrouck, to approve Resolution 13-60 approving a METRO Act Right-of-Way permit extension for AT&T.

Yeas: Krause, VanSlambrouck, Calley, Fabiano, Barnes
Nays: None
Adopted

The Council considered Resolution 13-61 to confirm the Mayor's appointment of Dana Swaney-Frederick to the Planning Commission with a term expiring June 30, 2016.

Motion by Krause, supported by VanSlambrouck, to approve Resolution 13-61 confirming the Mayor's appointment to City Boards and Commissions.

Yeas: Krause, VanSlambrouck, Calley, Fabiano, Barnes
Nays: None

Adopted

The Council considered Resolution 13-62 to increase the authorized repair budget for the 820 kW Cooper Bessemer Generator that broke down during emissions reduction testing on June 18th. During the start-up phase a cam follower broke and was forced out of the side of the engine, cracking part of the engine block and ruining a fuel plate with injectors. City Council previously approved the Board of Light & Power's recommendation to authorize projected repair costs at \$75,000. The damage appears more extensive than originally assessed and City Staff is recommending the City Council approve increasing the projected repair budget from \$75,000 to \$100,000 with a contingency of \$8,200 based on estimates received. The cumulative benefit for having generation available (capacity) to cover the costs of the \$100,000 in repairs would be the projected capacity credits for the unit until January/February of 2018 or approximately 4 ½ years.

Motion by Fabiano, supported by Krause, to approve Resolution 13-62 approving increasing the authorized repair budget for the 820 kW Cooper Bessemer Generator.

Yeas: Fabiano, Krause, VanSlambrouck, Calley, Barnes

Nays: None

Adopted

The Council considered Resolution 13-63 to approve changing the dates for the July and December Board of Review hearings in the City of Portland as requested by the City Assessor. The City Manager suggests adjusting the statutory schedule by one day so the City of Portland's Board of Review meeting dates would be changed to the Wednesday following the Tuesday after the third Monday for the July meeting and the Wednesday following the Tuesday after the second Monday for the December meeting.

Motion by VanSlambrouck, supported by Calley, to approve Resolution 13-63 approving changing the dates for the July and December Board of Review hearings in the City of Portland.

Yeas: VanSlambrouck, Calley, Fabiano, Krause, Barnes

Nays: None

Adopted

Under the Discussion of a possible Fireworks Ordinance, Mayor Barnes commented he had received a communication from a family with a pet that was "driven crazy" by the fireworks. He stated some limits should be put in place; but does not want them banned. The State of Michigan has given communities the ability to institute some controls. Any changes made by the City should be well publicized.

Council Member Calley inquired if the tent selling fireworks caused any problems.

City Manager Dempsey stated he did not receive complaints in relation to the fireworks tent; but did he receive approximately three complaints from residents with pets and/or young children.

Mayor Pro-Tem VanSlambrouck stated he received a complaint from an individual with a small child awoken by fireworks between 9:00-10:00 P.M. He further stated that putting some prudent controls in place would be acceptable to him. It seems that small children and animals are most affected by fireworks.

Council Member Krause stated she understands the complaints by pet owners as her own dog was distressed by fireworks going off in the City. She further stated she thinks it is reasonable to permit fireworks only on certain Holidays.

Council Member Fabiano stated he would be in favor of a Fireworks Ordinance. He stated his belief it will still be difficult to enforce it with limited personnel.

There was continued discussion.

Under the discussion of a possible amendment to the Lot Split Ordinance, Mayor Barnes stated it makes sense to amend the Ordinance as needed.

Council Member Fabiano inquired if the possible amendment would hinder individuals from making land divisions.

City Manager Dempsey stated it would not; it would only ensure land divisions would not create undevelopable properties. It would actually shorten the timeframe for approving a lot split. The amendment would allow for timelier processing of lot split requests for land divisions that meet the requirements. There would be a change in procedure in verifying the tax status with the County Treasurer's office to verify there are no outstanding taxes before approving an application. The standards for a land division are not being changed.

There was discussion of the process.

Council Member Fabiano stated he wanted to do gather more information before committing to his approval.

City Manager Dempsey stated it is not unusual for lot split applications to be handled by assessors.

Mayor Barnes confirmed with the Council that it would be okay for City Manager to proceed with drafting the Ordinance for a First Reading.

Motion by VanSlambrouck, supported by Calley, to approve the Consent Agenda which includes the Minutes and Synopsis from the Regular City Council meeting and the Closed Session held on July 1, 2013, payment of invoices in the amount of \$66,408.29 and payroll in the amount of \$124,378.78 for a total of \$190,787.07. There were no purchase orders over \$5,000.

Yeas: VanSlambrouck, Calley, Fabiano, Krause, Barnes

Nays: None

Adopted

Under Council Comments, Mayor Barnes commented that due to the month of July having 5 Monday's the City Council will not meet again until Monday, August 5th.

Council Member Krause said she had an inquiry from a resident why the barrels in front of Tom's and the Shell gas station were left up so long after construction on the trail was completed.

City Manager Dempsey stated there was a delay in removing the barrels due to coordination with the contractor that had to repaint Grand River Ave.

Mayor Barnes stated he had a question from a resident to change the traffic light by St. Patrick's to a "summer mode". He commented the rationale behind not changing the light is that there is still a lot of traffic in that area even though school is not in session. The light is also not changed from a "normal" sequence in an effort to keep from confusing people.

Council Member Fabiano asked if the City has control of the traffic light.

City Manager Dempsey stated the City controls all of the traffic lights in its jurisdiction. The Council has the authority to make changes to them.

Council Member Fabiano stated he thought it would be ok to change that traffic light during the summer and stated he thought people could handle the change in sequencing. He stated he would be in favor of considering a change.

City Manager Dempsey stated the possibilities could be investigated. He has currently talking with signal contractors about conducting a signal study for the City.

Motion by Fabiano, supported by VanSlambrouck, to adjourn the regular meeting.

Yeas: Fabiano, VanSlambrouck, Calley, Krause, Barnes

Nays: None

Adopted

Meeting adjourned at 8:06 P.M.

Respectfully submitted,

James E. Barnes, Mayor

Monique I. Miller, City Clerk