

CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 20, 2022

Mayor Patricia Randall called the Regular Meeting to order at 07:01 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Lisa Brayton, 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, Deputy City Manager Adam Herringa, 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 families with children in the community and focus on safety after school. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS: Councilmember Brayton read the proclamation for Keep the Lights On After School 2022.

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. Motion by Knapp, seconded by Ledbetter, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

Approval of Minutes: Motion by Knapp, seconded by Ledbetter, to approve the City Council Meeting Minutes of the Regular Meeting of September 6, 2022. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Knapp, seconded by Ledbetter, to approve the Accounts Payable Register of September 20, 2022, as presented. Upon a roll call vote, motion carried 7 to 0.

Portage Road Reconstruction Project - Tabulation of Proposals: Motion by Knapp, seconded by Ledbetter, to award a contract to Abonmarche Consultants, Inc. of Portage, Michigan in the amount not to exceed \$484,900 to perform engineering services for the reconstruction of Portage Road from Romence Road Parkway to Fairfield Road 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 7 to 0.

Network Hardware and Data Storage Upgrade: Motion by Knapp, seconded by Ledbetter, to approve the purchase of network hardware and installation services from Insight Public Sector through the State of Michigan Master Computing Cooperative Purchasing Program in the amount of \$280,492.84 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 7 to 0.

Contract for First Due Software Suite: Motion by Knapp, seconded by Ledbetter, to approve a five-year contract with Locality Media, Inc. (dba First Due) of Garden City, New York for First Due Fire/EMS Software at a total first-year cost of \$39,750, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Tentative Plan and Rezoning Application #22/23-4 - 8150 Creekside Drive: Motion by Knapp, seconded by Ledbetter, to receive Tentative Plan and Rezoning Application #22/23-4 to rezone 8150

Creekside Drive from OS-1 Office Service District and R-1C One-Family Residential District to PD Planned Development for a senior housing facility and set a public hearing for October 18, 2022. Upon a roll call vote, motion carried 7 to 0.

Setting of Special Meeting: Motion by Knapp, seconded by Ledbetter, to set a Committee of the Whole Meeting on Tuesday, October 18, 2022 at 5:30 p.m. in Conference Room #1 to review the proposed revisions to the Brownfield Redevelopment Incentive Policy. Upon a roll call vote, motion carried 7 to 0.

2023 City Council Meeting Schedule: Motion by Knapp, seconded by Ledbetter, to approve the 2023 schedule of regular City Council meetings. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards & Commissions: Motion by Knapp, seconded by Ledbetter, to receive the minutes of the Zoning Board of Appeals of August 8, 2022; and, the Youth Advisory Committee of June 13, 2022. Upon a roll call vote, motion carried 7 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 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Alan Loveridge (23965 88th Avenue, Marcellus) read a prepared statement regarding credit card fraud and recommendations to address it.

Katie Morgan (2022 Winters Dr) expressed concerns regarding safety and traffic on Winters Drive. She explained that she had a signed petition with suggestions from the neighborhood that she had collected.

Beckett Jones (4725 Tiffany) discussed his campaign for Kalamazoo County 8th District Court Judge for the November 8, 2020 election.

Tirrell Lipsey (2430 Fairfield, Kalamazoo) explained he is a local FedEx delivery driver who was recently racially profiled and assaulted in Portage during his route. He noted his initial reluctance to file charges and his desire that the assailant receives justice.

Bob Corcoran (8126 Southfield Street) spoke regarding the assailant in the FedEx matter and similar surrounding neighborhood violations on the same day. He noted prior repeated offenses by the individual, who resides at 8146 Southfield Street. Mr. Corcoran desires additional assistance from the Portage Police Division, which is aware of the subject. Councilmember Urban noted the issue with policing neighbors and asked for documentation and continued reporting. Mr. Corcoran thanked Councilmember Urban for the additional comments and Portage Public Safety for more recent patrols.

Cathy Phason (2430 Fairfield, Kalamazoo) stated she is a member of the ISAAC (Interfaith Strategy for Advocacy & Action in the Community) organization and the mother of Mr. Lipsey. She thanked City Manager McGinnis and Chief Arnold for their communication to date. Ms. Phason noted her work with ISAAC is to prevent situations such as this as she is passionate about the matter, and she confirmed that she pushed her son to pursue charges. Ms. Phason stated she wants to bring the matter to the public and ensure it is handled properly.

Wendy Flora (1922 Dorchester, Kalamazoo) stated she is a member of the ISAAC Board and spoke in support of Mr. Lipsey. She expressed concern that the incident could have been handled better.

Ashante Collins (619 Reed Avenue, Kalamazoo) relayed she is part of the ISAAC Anti-Racism Task Force Team and read a prepared statement regarding the FedEx driver incident. She discussed racism in Kalamazoo County and expressed support for Mr. Lipsey.

Charlae Davis (815 Northampton Road, Kalamazoo) stated she is the Executive Director of ISAAC and thanked the city and City Council for the Non-Discrimination Ordinance and "Hate Has No Home Here" campaign but questioned the effectiveness. She spoke regarding hate crimes and statistics/trends.

Ebony Hemphill (1347 Banbury, Kalamazoo) spoke regarding hate crimes and the video of Mr. Lipsey's incident. She expressed support for Mr. Lipsey and stressed the appropriate handling of the matter by the city.

Regina Nelson (2523 Ridgeview Drive, Kalamazoo) expressed concerns regarding the FedEx incident. She asked the City Council to handle the matter properly and expressed concerns about racism.

Wendy Fields (1101 N. Edwards Street, Kalamazoo) stated she is the President of the Kalamazoo NAACP. Ms. Fields commended the city regarding the "Hate Has No Home Here" campaign and similar anti-hate measures, but expressed concerns about the Lipsey matter.

Mayor Randall spoke regarding Mr. Lipsey's incident, especially as a mother, and asked the City Manager to speak. City Manager McGinnis spoke regarding the August FedEx incident and asked Chief Arnold to elaborate on the Public Safety Department's efforts to date. Public Safety Chief Nick Arnold spoke regarding the timeline of the incident, as well as current actions on the case. He noted the case had been sent to the County Prosecutor's Office for several charges. The Mayor asked Chief Arnold regarding options for the city should the prosecutor decide not to pursue the case. Chief Arnold confirmed that an appeal is possible.

Councilmember Burns noted the frustration of the citizens and asked how this has been addressed, as well as how this process could be better addressed in the future. Chief Arnold noted the process is slow but the process has been followed.

Councilmember Ledbetter asked Chief Arnold how the family would be kept in the loop as the case moves forward. Chief Arnold confirmed that he would be in consistent contact with the family as he had met with them earlier that day and they had his contact information.

Councilmember Urban noted he was not previously aware of the issue and asked Chief Arnold for a more detailed timeline of events. Chief Arnold responded that the incident took place on August 27, Mr. Lipsey returned to pursue charges on August 31, and all documents had been submitted to the County Prosecutor by September 13, despite some issues with video recordings. Councilmember Urban thanked the Chief and Ms. Phason for encouraging her son to file charges. He noted that the City Council will not tolerate such behavior and actions, and take appropriate action as able. He thanked the citizens for attending and expressing concerns while noting patience with the legal process.

COMMUNICATIONS:

Central County Transportation Authority Board Appointment: Mayor Randall introduced the item and asked Mayor Pro Tem Pearson if he would accept. Mayor Pro Tem Pearson confirmed he has enjoyed serving on the Authority and would accept the renewed position. Councilmember Burns spoke regarding Mayor Pro Tem Pearson's significant contributions to the CCTA, and advocacy, and supported his continuation on the board.

Motion by Burns, seconded by Brayton, to confirm the Mayor's re-appointment of Jim Pearson to the Central County Transportation Authority Board. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

Rezoning Application No. 22/23-2: Mayor Randall opened the public hearing at 7:58 p.m. City Manager McGinnis and Community Development Director Kelly Peterson provided a summary regarding the proposed project and intended uses for the site. Community Development Director Peterson noted only the portions designated OS-1 were proposed for rezoning, while the residential zoning buffers along the south and easternmost sides of the three properties would remain. She stated development of the property was due after remaining vacant for 18 years and would continue existing commercial redevelopment along Kilgore Road to South Westnedge Avenue. Applicant Terry Patterson

of Treystar spoke regarding the planned site improvements, including the construction of an approximate 4,000-square-foot commercial building.

Motion by Burns, seconded by Knapp, to close the public hearing. Upon roll call vote, motion carried 7 to 0.

Councilmember Urban asked whether a drive-thru restaurant was allowed in the proposed B-1 zoning. Community Development Director Peterson confirmed such use in this district was not allowed.

Councilmember Urban then spoke regarding the prior administrative use of zoning buffers and initial rezoning of the parcels.

Motion by Burns, seconded by Brayton, to approve rezoning application No. 22/23-2, to rezone property located at 377, 387, and 397 West Kilgore Road from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Mayor Pro Tem Pearson provided an update regarding the Central County Transportation Authority (CCTA), in conjunction with the Kalamazoo County Transportation Authority (KCTA). He noted the Board had recently approved the FY 2023 budget, as well as the FY 2024 budget, and explained the background on the 2-year budget process. Mayor Pro Tem Pearson then spoke regarding a return to pre-COVID bus service levels and driver positions over the next year. He highlighted sub-par bus service in Portage, especially the south Portage area, as a result of the "spoke and hub" service model. He noted the Board is working to implement an individualized regional micro transit model, beginning August 2023.

Motion by Knapp, seconded by Burns, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: Jeremy Russell (applicant for the StoryPoint project) inquired whether the proposal had received approval and would be on the October 18, 2022 City Council agenda. Mayor Randall confirmed the project had been approved as part of the Consent Agenda.

Cathy Phason (2430 Fairfield, Kalamazoo) returned to speak regarding her son's assault and explained the timeline of events. She expressed concerns regarding a delay in response from the Public Safety Department to her Freedom of Information Act requests, as well as concerns with the language in the reports.

Ashante Collins (619 Reed Avenue, Kalamazoo) expressed frustration that Mr. Lipsey's incident was repeatedly termed an "attempted assault" and highlighted contact made by the assailant in a video of the incident. She noted information in the reports and the description regarding the nature of the assault.

Beckett Jones (2427 Tiffany Avenue) returned to speak regarding Mr. Lipsey's incident and the legal clarification of assault and battery.

Bob Corcoran (8126 Southfield Street) returned to speak regarding concerns and clarifications regarding descriptions of the incident and the assailant.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Brayton addressed Mr. Lipsey and commended him for following the advice of his mother. She confirmed that these instances would not be tolerated and action would be taken. Councilmember Brayton then spoke regarding training efforts with the K9 unit from the Portage Public Safety Police Division. She closed with an encouragement for citizens to vote, especially for judges in the upcoming election that will support measures of justice.

Councilmember Burns also spoke regarding Mr. Lipsey's case and addressed those in attendance in support of the matter. He stated he had received the video from a friend and was embarrassed such an incident happened in Portage. Councilmember Burns closed by highlighting the CIP program and the related mention in the *Portager*.

Councilmember Ledbetter stated he had received communication from Cathy Phason regarding her Freedom of Information Act (FOIA) concerns and timeline. He noted he contacted the City Manager regarding the issue and was pleased to hear that the family was able to meet with Chief Arnold. Councilmember Ledbetter confirmed the process works and asked the City Manager to ensure those using the FOIA process understand it and receive ample communication. He thanked Mr. Lipsey, his family, and community supporters for coming and highlighting the issue. He echoed Councilmember Urban's request for a report from the City Manager, including clarification of the police reports provided.

Councilmember Knapp echoed others regarding Mr. Lipsey's incident. She promised action and confirmed such hateful acts are not welcome in Portage. She then commended Community Development Director Peterson for her efforts on recent items presented to the Council, noting the detailed information provided on each project.

Councilmember Urban spoke regarding Mr. Lipsey's incident, the nature of the Police Division, and encouraged citizens to reach out to the Council when needed. He reiterated his request for a full report from the City Administration with documentation of the events.

City Manager McGinnis issued a reminder regarding the 9th Annual Suicide Awareness Walk on September 24. He then thanked Councilmember Ledbetter for inviting him to the "Expanding Your Horizons" event at Kalamazoo Valley Community College, highlighting the relation to the citizen comments.

Mayor Pro Tem Pearson spoke regarding Mr. Lipsey's incident and thanked him for having the courage to press charges. He encouraged Mr. Lipsey to continue his pursuit.

Mayor Randall spoke regarding the incident with Mr. Lipsey, noting disgust and frustration with it occurring in Portage. She noted the composition of the Council and the representation created by Councilmember Ledbetter's presence. She praised the diversity of the audience and encouraged citizen participation on various city boards. Mayor Randall then provided an update on the status of the Dr. Martin Luther King, Jr. Park, as well as an update from a meeting with State Legislators. She then highlighted Councilmember Knapp's efforts to bring art to Portage and the recent 5th annual Art Competition display in the City Hall lobby. She closed by thanking everyone for attending.

ADJOURNMENT: Mayor Randall adjourned the meeting at 08:45 PM.

Erica L. Eklov, City Clerk