

## CITY COUNCIL MEETING MINUTES FROM JULY 11, 2023

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

**ROLL CALL:** Councilmembers Lisa Brayton, Chris Burns, Victor Ledbetter, Terry Urban, and Mayor Pro Tem Jim Pearson were present.

**ABSENT:** Councilmember Lori Knapp and Mayor Patricia Randall.

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

At the request of Mayor Pro Tem Pearson, the audience observed a moment of silence to reflect on the citizens of the New England area on the east coast experiencing flooding. Following the moment of silence, the City Council recited the Pledge of Allegiance.

**PROCLAMATIONS:** None.

**CONSENT AGENDA:** Mayor Pro Tem Pearson 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 Burns, seconded by Brayton, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 5 to 0.

**Approval of Minutes:** Motion by Burns, seconded by Brayton, to approve the City Council Meeting Minutes of the Regular Meeting of June 20, 2023 (revised). Upon a roll call vote, motion carried 5 to 0.

**Accounts Payable Register:** Motion by Burns, seconded by Brayton, to approve the Accounts Payable Register of July 11, 2023, as presented. Upon a roll call vote, motion carried 5 to 0.

**Tentative Plan and Rezoning Application (#22/23-9) - 732, 810, 830, and 906 East Centre Avenue:** Motion by Burns, seconded by Brayton, to accept the Tentative Plan and Rezoning Application (#22/23-9), from OS-1 Office Service and B-1 Local Business Districts to Planned Development (PD) District for a senior housing facility at 732, 810, 830, and 906 East Centre Avenue and set a public hearing for August 8, 2023. Upon a roll call vote, motion carried 5 to 0.

**Ice Control Salt Purchase - Cooperative Purchase:** Motion by Burns, seconded by Brayton, to award contracts to Detroit Salt in the amount of \$195,270 for the early delivery of 3,000 tons of ice control salt at the price of \$65.09 per ton; and, \$68,470 for 1,000 tons of ice control salt for seasonal back-up on an as-needed basis at the price of \$68.47 per ton, and authorize the City Manager to execute all documents related to these contracts on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

**Proposed Ordinance Amendment #22/23-11 - Chapter 42, Article 4 (Zoning Code):** Motion by Burns, seconded by Brayton, to accept Ordinance Amendment #22/23-11 to amend various sections of Chapter 42, Article 4 (Zoning Code) to ensure consistency with State of Michigan regulations, address technical items, as well as other changes; and set a public hearing for August 8, 2023. Upon a roll call vote, motion carried 5 to 0.

**Calendar of Meetings:** Motion by Burns, seconded by Brayton, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 5 to 0.

**Materials Transmitted:** Motion by Burns, seconded by Brayton, to receive the Materials Transmitted of June 15, 2023. Upon a roll call vote, motion carried 5 to 0.

**Minutes of Boards & Commissions:** Motion by Burns, seconded by Brayton, to receive the minutes of the Planning Commission of June 1, 2023, and June 28, 2023. Upon a roll call vote, motion carried 5 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:**

Mayor Pro Tem Pearson opened the citizen comment segment with an update on the creation and next steps for the Lake Center Housing Task Force. He relayed that the City Administration's efforts to schedule the first meeting were underway but finding a cohesive time for all involved had proven problematic thus far, creating a delay. Councilmember Ledbetter echoed Mayor Pro Tem Pearson's earlier comments and stated that another scheduling inquiry would be going out to the Task Force in the hopes of gathering at least four members to get the process started.

1. Tom Space (1909 Winters Drive) spoke about a video of an earlier auto accident in front of his residence transmitted to the Council the day before. He stressed concerns about excessive speed on Winters Drive and recommended a stop sign at the adjacent Bennett Street. Mayor Pro Tem Pearson asked the City Manager to address Mr. Space's concerns, noting his earlier comments in August 2022, stating that the City Manager will have the City Administration perform a traffic study once volumes decrease with the ending of the I-94 construction.
2. Jeff Messenger (9220 East Shore Drive) recommended convening the Task Force virtually to improve attendance.
3. Tina Kuchenbach (2728 East Shore Drive) recommended offering evening options for the members of the Task Force to meet, noting the majority are employed and have familial obligations.
4. Mary Wielopolski (8836 East Shore Drive) stated she was attending on behalf of herself and her husband. She spoke regarding the Planning Commission's Master Plan document and quoted several specific incongruencies between the Master Plan and the Austin Landings proposal. She cited the Visions and Goals section, the Land Use section, the Housing section regarding new builds, the Parks section, and the Open Space & Environment section from the January 8th Planning Commission presentation with the consultant's talking points.
5. Richard Nellums (9240 East Shore Drive) recommended an agenda item be added specifically for Task Force updates.
6. James Beaudoin (8645 Balmoral Street) noted his earlier attendance at the January 24th City Council Meeting regarding a proposed city trail installation adjacent to his property and expressed concern about the proximity of the Austin Landings development to his neighborhood. He questioned why his neighborhood was not also part of the Task Force and asked for inclusion.
7. Kari Brown (1322 Romence Road) spoke regarding the Portage 2025 Visioning efforts that she participated in, with the outcomes and issues that have not been taken into consideration by the Council.
8. Sue Garvey (2514 East Shore Drive) spoke regarding a prior business she owned on Lovers Lane with a tree obstructing motorists' line of sight. She noted a discrepancy with the Tree City USA designation compared to actions by the City Administration, and issues with the removal of the tree and her neighbor.
9. Les Minor (2514 East Shore Drive) stated he was a long-time resident of the city and implored the City Council to take a serious look at the proposed developments for the community's long-term health. He noted there is a lot of hearsay and citizen conversations that need addressing, including the Public Safety Department demand increase, as well as increased demand on the Portage Public School system.

10. Evan Elliott (2803 East Shore Drive) expressed concerns about his communications with the City Administration and the City Council. He expressed frustration with the response of the City Council and their relationship with the developer.
11. Ken Ackert (9702 East Shore Drive) stated that the subject properties were bought as a buffer for the Upjohn - now Pfizer - company. He expressed concern about the destruction of habitats.
12. Joe Kuchenbach (2728 East Shore Drive) noted he attended the earlier June meeting and expressed concern about the powers of the City Council to limit negative development.
13. Evan Elliott (#10) spoke again regarding a property valuation and the abilities of the Council.
14. Rich Gilikson (10165 Woodlawn Drive) asked why the city needed a City Manager when there is a Mayor, conversely, a Mayor when there is a City Manager. He stated concerns about speeding on Woodlawn Drive and the options to abate the speed. He then asked about the potential for boulevards on Portage Road, to which Mayor Pro Tem Pearson confirmed and answered it was for traffic calming. He inquired why the city couldn't return the money to the developer and stop the project. Councilmember Urban responded that Pfizer sold the property. He then asked about the Woodbine Avenue property, to which Councilmember Urban confirmed the subject location is owned by the city.
15. Theresa Shade (9729 Woodlawn Drive) spoke regarding the Woodbine property, noting the prior owners intended development of 30 houses but the current city plan included 60 houses. She expressed concern about the city overseeing the project and also approving the project. She also noted issues with aspects of the development proposal.
16. Tina Kuchenbach (#3) noted the City Attorney was helpful at the recent Planning Commission meeting but questioned the steps in the process, including when votes occur, when public input is received, and when the process is decided. Mayor Pro Tem Pearson noted the plan released for Austin Landings illustrated the developer's "wish list" and not necessarily the final product.
17. Kathleen Paige (3020 East Shore Drive) stated many residents are concerned the City Council is improperly utilizing the city tax dollars and that the City Council represents the taxpayers. Also, she questioned why the Planning Commission utilized a consultant from the Chicago area with an urban focus that didn't fit the City of Portage area.
18. Evan Elliott (#10, #13) clarified that the plan document came from the City of Portage not the City of Kalamazoo as he'd earlier misspoke.
19. Nancy Kettleman (9737 Woodlawn Drive) stated she was happy to know the Austin Landings plan that had been published had the potential for modification, but asked the City Council to equitably apply the city's same guidelines to the developer as required of area homeowners.
20. Andrea Skidmore (912 East Centre Avenue) expressed concern about the development proposed in Item A.3 and how it will negatively affect her residence and her backyard view. She expressed concern about the City Council not listening to the desires of the citizens.

#### **REGULAR BUSINESS AGENDA:**

**Discuss Potential Property Acquisition:** Motion by Urban, seconded by Burns, to meet in Closed Session immediately following the regularly scheduled Council Meeting on Tuesday, July 11, 2023, to discuss potential property acquisition. Upon a roll call vote, motion carried 5 to 0.

**COUNCIL COMMITTEE REPORTS:** Councilmember Brayton provided an update regarding the Long Lake Governmental Lake Board. Motion by Burns, seconded by Pearson, to receive the Council Committee Report. Upon a voice vote, motion carried 5 to 0.

#### **STATEMENTS OF CITIZENS:**

1. Kari Brown (1322 Romence Road) stated that she also has an interest in property on East Shore to enjoy the lakes., She acknowledged the unique opportunity offered by the suburban options of Portage, while so close to recreation.
2. Joe Kuchenbach (2728 East Shore Drive) stated the recent Austin Lake weed treatment program is performing well.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:**

Councilmember Brayton hoped everyone had a great 4th of July holiday, acknowledging the happiness of her own holiday. She thanked the citizens who attended the meeting and provided their input, stating she valued their feedback.

Councilmember Burns acknowledged the first-ever golf fundraiser for the Portage Public Safety Foundation and the Cuff & Ladder Fund. He stated it was a well-attended event, raising approximately \$10,000. He thanked Portage Public Safety Director Nick Arnold for his comments, and Foundation Board President Dan Merkle for the invitation to attend.

Councilmember Urban spoke regarding the Austin Landings development process, as well as developments overall in the city. He noted his opposing stance on several prior developments for various reasons. He stated that the Council doesn't have answers to many of the citizen's questions as the Council has yet to receive the development plan at this point. Councilmember Urban highlighted that all of the Councilmember's phone numbers are posted on the city website and he would be happy to discuss concerns regarding the city's review process with anyone. He closed by noting prior failed efforts with the passage of a city tree ordinance and the ability of private property owners to clear-cut their land in the absence of such an ordinance.

Councilmember Ledbetter pushed back on public insinuations that the City Council does not care about the residents' concerns, stating he approaches each proposal as if it were planned for his backyard.

City Manager McGinnis provided a reminder of the "Departures: A Journey Tribute" band featured by the city at the Overlander Bandshell on July 13.

Mayor Pro Tem Pearson echoed Councilmember Urban's statements regarding private property owners. The Mayor Pro Tem noted the potential for the Councilmembers to have personal opinions on certain developments but will withhold taking a position to ensure due process. He thanked the citizens that attended the meeting for coming and expressing their opinions.

**ADJOURNMENT:** Mayor Pro Tem Pearson adjourned the meeting at 9:12 p.m.

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Erica L. Eklov, City Clerk