

CITY COUNCIL MEETING MINUTES FROM AUGUST 22, 2023

Mayor Patricia Randall called the Regular Meeting to order at 07:00 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, Chief Operating Officer Adam Herringa, Chief Development Officer Peter Dame, 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 Portage striving to be a community rich in the wisdom of its seniors and allowing all to age in place. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

Dementia Friendly Community: Sharon Ritchie, a Portage Zhang Senior Center volunteer who leads the Alzheimer's support group, read the proclamation. Karl Hokenmaier of the Senior Citizens Advisory Board also attended with Ms. Ritchie.

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 Pearson, 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 Pearson, seconded by Ledbetter, to approve the City Council Meeting Minutes of the Committee of the Whole of August 8, 2023, and the Regular Meeting of August 8, 2023. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Pearson, seconded by Ledbetter, to approve the Accounts Payable Register of August 22, 2023 as presented. Upon a roll call vote, motion carried 7 to 0.

South Westnedge Avenue Reconstruction Project - Tabulation of Proposals: Motion by Pearson, seconded by Ledbetter, to award an engineering services contract to Williams & Works, Kalamazoo, Michigan for an amount not to exceed \$198,325 for the South Westnedge Avenue Reconstruction Project 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.

Purchase of 4 AWD Police Division Vehicles: Motion by Pearson, seconded by Ledbetter, to authorize the purchase of four (4) all-wheel drive vehicles through the State of Michigan MiDEAL Extended Purchasing Program from Berger Chevrolet in the amount of \$137,350 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Elijah Root Dam Removal: Motion by Pearson, seconded by Ledbetter, to authorize the City Manager to sign the Agreement between the U.S. Department of the Army and the City of Portage for the Elijah Root Dam removal, Section 506 Detailed Project Report and to execute all documents related to this Agreement. Upon a roll call vote, motion carried 7 to 0.

MDNR Grant for Lexington Green Park Improvement Project: Motion by Pearson, seconded by Ledbetter, to approve a resolution to accept the terms of the Project Agreement from the Michigan

Department of Natural Resources (MDNR) to receive a grant of \$500,000 from the Land and Water Conservation Fund (LWCF) toward the construction of the Lexington Green Park Improvement Project. Upon a roll call vote, motion carried 7 to 0.

Oktoberfest Special Liquor License: Motion by Pearson, seconded by Ledbetter, to approve a resolution to apply for a Special License Liquor Permit for the Oktoberfest event to be held on October 7, 2023. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards & Commissions: None.

Materials Transmitted: Motion by Pearson, seconded by Ledbetter, to receive the Materials Transmitted of August 3 and August 8, 2023. Upon a roll call vote, motion carried 7 to 0.

Calendar of Meetings: None.

PETITIONS AND STATEMENTS OF CITIZENS:

1. Tobi Hanna-Davies (500 Revel Run #1160, Kalamazoo) spoke regarding the Kalamazoo County Housing Millage benefits, including for the City of Portage. She noted the impact of housing instability on child development and identified homelessness in all nine of Kalamazoo County's school districts. She noted 565 new housing units in the first year of the millage.
2. Mary Wielopolski (8836 East Shore Drive) expressed concern regarding the petition for a Zylman and Portage Road farmers market location. She compared the current two-day market operations of the Texas Township market and the amount of traffic brought to the area. She noted a contradiction between the petition's sponsor being the same member opposed to the Austin Landings development. She also expressed concern about transparency from the City Administration. She thanked Mayor Randall for meeting with residents from the Lake Center Area.
3. Richard Nellens (9240 East Shore Drive) spoke about single-family housing development and zoning in his area, including the Woodlands development. He expressed a desire to retain the existing single-family zoning as development proceeds and focus on high density in appropriately zoned areas, and his concerns about habitat loss for the Eastern Box Turtle.
4. Mary Zoeller (2024 Ames Drives) provided a list of questions from the Task Force that residents wanted answered by the City Administration. She provided the hard copy list to the City Clerk.
5. Mark McKeon (6825 Cromwell Street) spoke regarding recent questions concerning Councilmember Brayton's candidacy for the November election and her position on City Council. He encouraged residency verification for all candidates before the November election.
6. Leah Owens (723 W. Van Hoesen Blvd) expressed concerns with the Portage Public School system and its low standards allowing too many students to graduate. She then stated concern about the addition of computers and the effects on students' ability to read and write.
7. Dan Brayton (9336 East Shore Drive) spoke regarding he and his wife residing in and owning a business in Portage, both for many years. He expressed concern that they were being bullied by members of the Council. He further stated the length of their home construction project had been delayed by the pandemic.
8. Cathy Phason (2430 Fairfield Avenue, Kalamazoo) stated she is a lead for the Interfaith Strategy for Advocacy & Action in the Community (ISAAC) Housing Task Force. She highlighted the current housing crisis and thanked the City Council for addressing the matter in Portage. She also highlighted the effects of mixed-income communities, including improving social interaction, diversity, and equality.
9. Charlae Davis (815 Northampton Road), executive director of ISAAC, spoke regarding housing equity and the countywide housing millage contribution in the community.
10. Derek Heath (2403 Woodbine) spoke regarding his membership on the Task Force, thanking Mayor Randall and Chief Development Officer Pete Dame for communication and meeting with

Lake Center area residents. He encouraged the city to follow prescribed ordinances and procedures for all project applications, both from private citizens and developers. He echoed the earlier citizen statement regarding single-family zoning in the area of recent development proposals. He also inquired whether there is a future meeting of the Task Force and if the city has a plan to move forward. He thanked Mr. Dame for his communication with the citizens, while also expressing concern about Councilmember Ledbetter's behavior during the initial Task Force meeting.

Farmers Market Petitions: Motion by Burns, seconded by Brayton, to receive the petition regarding a Farmer's Market location at Portage Road and Zylman Road. Upon a voice vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Brayton provided an update regarding the Kalamazoo County Environmental Health Advisory Council (EHAC), including one case of West Nile and one case of Legionella's disease. She also provided an update regarding Discover Kalamazoo, including accommodations, transportation, and casino/attractions.

Councilmember Burns provided an update regarding the Central County Transportation Authority (CCTA), including the first reading of the bi-annual draft budget, which includes the new micro-transit service model. He highlighted the CCTA website as a source for more information.

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

NEW BUSINESS:

Closed Session: Motion by Burns, seconded by Pearson, to enter into a Closed Session to discuss legal opinions and guidance regarding challenges of a candidate's residency. Upon a roll call vote, motion carried 7 to 0.

-- Entered Closed Session at 7:48 p.m. --
-- Resumed Regular Meeting at 9:27 p.m. --

Mayor Randall resumed the meeting, stating she had listened to but not participated in the closed session, and deferred to Mayor Pro Tem Pearson. Mayor Pro Tem Pearson issued a statement of consensus from the Council following the discussions of the Closed Session. He stated the Council has no role to play in the Affidavit of Identity election issue, but citizens do have a right to challenge the Affidavit of Identity of candidates. He further noted that the City Council does have the option to explore section 3.2c of the City Charter.

STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban spoke about the killing of Laura Ann Carleton, a California store owner, for her Pride flag display. He then relayed that the sign at his church in Portage, featuring its own version of a pride flag display, was recently shot with an arrow. Councilmember Urban issued a reminder about the city's "Hate Has No Home Here" video and the Non-Discrimination Ordinance and encouraged citizens to stand up to displays of hate.

Councilmember Ledbetter noted that a heat advisory would be in effect for Wednesday and Thursday and relayed that the Portage Zhang Senior Center would be open as a community cooling center.

Councilmember Knapp had no comment.

Councilmember Brayton noted that August 21 was National Fentanyl Awareness Day, citing a local man's recent overdose death. She encouraged parents to maintain a dialogue with their children and for others to not turn to drugs during difficult times. Councilmember Brayton then highlighted Sections 12.7 and 12.8 of the City Charter, and read the August 2023 letter from the City Clerk to Rusty Rathburn regarding her candidacy. She then spoke regarding the Council's ability to hold a hearing regarding a member of the Council and her concerns. (Brayton exited.)

Councilmember Burns spoke regarding the Council's discussion on candidate legitimacy and stated his understanding that staff had acted according to state and local election laws. He then spoke regarding the City Council's role in deciding the eligibility of the various Council members.

City Manager McGinnis highlighted the Elijah Root Dam removal project in collaboration with the U.S. Department of the Army as it was on the Consent Agenda.

Mayor Pro Tem Pearson stated that the Council's hands are tied regarding a candidate's eligibility for office; however, citizens can challenge a candidate's eligibility in court. He also stated that the Council can discuss current membership and eligibility for the City Council, but there is no procedure for doing so at this time.

Councilmember Urban made a point of order to read the last paragraph from the August 2023 City Clerk letter to Mr. Rathburn regarding legal options.

Mayor Randall echoed Councilmember Ledbetter's advisement about the Senior Center's opening as a community cooling location for the next two days. She then reminded the community regarding the start of a new school year and the return of children traveling to and from school safely. Mayor Randall closed by noting the recent opening of the new Northern Biomolecular Services location in the former State Farm building on Portage Road, welcoming their expansion and move to Portage.

ADJOURNMENT: Mayor Randall adjourned the meeting at 09:43 PM.

Erica L. Eklov, City Clerk