CITY COUNCIL MEETING MINUTES FROM NOVEMBER 14, 2023

Mayor Patricia Randall called the Regular Meeting to order at 07:00 PM in the Council Chambers at Portage City Hall. At the request of Mayor Randall, the audience observed a moment of silence to commemorate local small businesses and their contributions to the community.

Following the moment of silence, the City Council, led by Scouting Troop 244, recited the Pledge of Allegiance. After the Pledge, Troop Leader Terry Clare introduced the troop members.

ROLL CALL: Councilmembers Chris Burns, Lori Knapp, Victor Ledbetter, Mike Quinn, 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.

PROCLAMATIONS:

Small Business Saturday: Polly Kragt, owner of the ChocolaTea Tea Shop and Cafe, read the proclamation.

Approval of Minutes: Motion by Burns, seconded by Pearson, to approve the Minutes of the Regular Meeting of November 1, 2023. Upon a voice vote, motion carried 7 to 0.

November 7, 2023 City General Election - preliminary results: Motion by Burns, seconded by Ledbetter, to receive the preliminary results of the November 7, 2023, City General Election from the City Clerk as information only. Upon a roll call vote, motion carried 7 to 0.

Comments by Councilmembers: Councilmember Urban thanked Councilmember Quinn for his willingness to fill the Council vacancy. He then thanked Councilmember Knapp for her service and wished her well going forward.

Councilmember Ledbetter first thanked Councilmember Quinn for assisting the Council with two meetings. He then thanked Councilmember Knapp for serving, stating he had learned a lot from her.

Councilmember Knapp began by congratulating the re-elected members of the Council and their continued leadership of the city. She then congratulated Nicole Miller and Jihan Young for winning their elections. She also thanked Mr. Quinn for his support to the Council. Councilmember Knapp then stated that her own time on City Council had flown by and thanked the citizens for allowing her to serve the community, as well as city staff for their efforts. She then thanked her fellow Councilmembers for working together through both difficult and simple issues. She trusted that the incoming Councilmembers would uphold the tenets of serving the citizens and leading in Portage. She closed with a highlight to Councilmember-elect Miller regarding a long-running joke for supplying refreshments to her seatmates.

Councilmember Quinn thanked both members of the Council and staff for being welcoming and helpful. He echoed Councilmember Urban's comment regarding a willingness more as an eagerness to serve his community. Councilmember Quinn stated it had been a great pleasure to serve the citizens of Portage. He closed by recognizing attending State Representative Julie Rogers.

Councilmember Burns thanked Councilmember Quinn for his service to the City Council. He then thanked Councilmember Knapp for her leadership, as well as her organization and support. Councilmember Burns closed by extending Councilmember Knapp well wishes for the future.

Mayor Pro Tem Pearson thanked Councilmember Knapp for her service, noting her first campaign in 2017 leading the race as a new candidate. He relayed her hesitancy about running again in 2021, instead choosing a 2-year term, as well as her concern about running in 2023. Mayor Pro Tem Pearson thanked Councilmember Knapp for her six years of service, both as a friend and

Councilmember, highlighting her work as Chair of the Lake Center District committee.

City Manager McGinnis thanked Councilmember Knapp for her service, grace, and professionalism. He also thanked Councilmember Quinn for his collaboration, as well as his service.

Mayor Randall began by noting her relationship with Councilmember Knapp began when they lived in the same neighborhood. Mayor Randall recalled how she got Councilmember Knapp involved in the community, beginning with the city's Board of Review and eventually the City Council. Mayor Randall relayed that it was a pleasure to work with Councilmember Knapp and admired her for her contributions to the Council. Mayor Randall then thanked Councilmember Quinn for stepping up as the natural choice from his recent service as chair to the County Board of Commissioners. Mayor Randall closed by congratulating Nicole Miller and Jihan Young as they joined the City Council.

Adjournment of Outgoing City Council: Mayor Randall adjourned sine die the retiring City Council at 7:24 p.m.

NEW CITY COUNCIL:

Oaths of Office: City Clerk Eklov administered the Oath of Office to Chris Burns, Nicole Miller, Jim Pearson, and Jihan Young as Councilmembers and Patricia M. Randall as Mayor.

- Break for Reception -

Seating of Mayor and Councilmembers: The Mayor and City Council took their respective seats at the dais. Mayor Randall called the meeting to order at 7:30 p.m.

Roll Call of the 30th City Council: Councilmembers Chris Burns, Victor Ledbetter, Nicole Miller, Jim Pearson, Terry Urban, Jihan Young, and Mayor Patricia Randall were present. City Manager Pat McGinnis, Chief Operating Officer Adam Herringa, Chief Development Officer Peter Dame, City Attorney Catherine Kaufman, and City Clerk Erica Eklov remained present.

Election of Mayor Pro-Tempore: Mayor Randall reviewed the process for selecting the Mayor Pro Tem, then entertained nominations for the position. Councilmember Burns nominated Councilmember Pearson. There were no further nominations. Councilmember Jim Pearson was selected as Mayor Pro Tem by a vote of 7 to 0.

Rules of Order & Procedure: Motion by Urban, seconded by Burns, to adopt the City Council *Rules of Order and Procedure.* Upon a voice vote, motion carried 7 to 0.

Resolution of Respect for Lori Knapp: Mayor Randall read the Resolution. She then presented Ms. Knapp with the Resolution, a city flag, and her dais nameplate.

Petitions & Statements of Citizens:

1. Alan Loveridge (23965 88th Avenue, Marcellus) spoke regarding the offerings of his website and printer assistance pages (www.stopallscams.com).
2. Dierdre Courtney-Nieves (1414 Regina Avenue) began by welcoming the new Council and thanked the Council for addressing the area’s housing shortage.
3. Mary Wieplowski (8836 East Shore Drive) spoke regarding the election outcome, noting the citizens would uphold the same standard of transparency with the new council as they did with the old. She then expressed concern regarding a surveyor on her street this afternoon who noted he was reviewing the trees along East Shore Drive to install a new bike path. She stated neither her nor any adjoining property owners had received information on a bike path being placed there and asked to know the status of the property.
4. Stephanie Hoffman (City of Kalamazoo) thanked the Council for addressing affordable housing via the business on the agenda. She noted the importance of affordable housing to communities and the effects on all other aspects of such housing for local families.

5. Brianna Zhang, Aanya Goel, and Janelle Yeow, Portage Central High School students, spoke regarding the Miles for Smiles program, including the benefits and needs of youth sports. The students then presented the objectives of their program to raise awareness in the community and hope to raise funds for the program and associated equipment. They noted the four fundraisers they hosted in the past year. They demonstrated their fundraising hopes, income to date as well as outreach and donation plans. They outlined their group's next steps including the DECA conference, desire to achieve 501c(3) certification and scholarship opportunities. They aim to promote community wellness and volunteering as part of the program. They closed with a proposal to the City Council to place an equipment collection bin at Portage City Hall, additional support from additional community locations, and advertising help in the Portager and others
6. Jane Ghosh (CEO of Discover Kalamazoo) welcomed the new City Council, noted several upcoming events including the annual board meeting on December 13 at 4:30 p.m. at Bells Brewery. She reminded the Council that a member of the Portage City Council serves on the Discover Kalamazoo Board and requested the position be filled in time for the next board meeting in February.
7. Carolyn Pesheck (6745 Shoreham Street) wanted to address her prior meeting comments regarding the River Caddis development.
8. Sy Overmeyer (4302 East Centre Avenue) spoke regarding the war in Gaza and the recent hostilities between Israel and Palestine. He noted how he had never been involved until this matter came about and he attended a pro-Palestinian march in DC which did not receive wide media coverage. He expressed concern regarding the lack of additional news coverage and recognition by state and federal representatives. He noted a lecture by Dr. Mark Bravermen at WMU regarding the events in Israel and spoke regarding Zionism.

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. Councilmember Burns removed Item 8.D (River Caddis Tentative PD). Mayor Pro Tem Pearson removed Item 8.F (Flock Cameras). Motion by Pearson, seconded by Young, to approve the Consent Agenda as amended Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Pearson, seconded by Young, to approve the Accounts Payable Register of November 14, 2023, as presented. Upon a roll call vote, motion carried 7 to 0.

City Council Code of Ethics & Values Policy: Motion by Pearson, seconded by Young, to adopt and sign the updated *City Council Code of Ethics and Values Policy.* Upon a roll call vote, motion carried 7 to 0.

McConley Cove Finale Preliminary Plan: Motion by Pearson, seconded by Young, to approve the Final Preliminary Condominium Plan (engineering plans) for McConley Cove Planned Development, 1075 Bacon Avenue. Upon a roll call vote, motion carried 7 to 0.

HVAC Maintenance Services: Motion by Pearson, seconded by Young, to approve a one-year (base) contract with Allied Mechanical Services, in the amount of $430,728.20 for heat, ventilation, and air conditioning (HVAC) maintenance of city-owned facilities, with five optional one-year extensions, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

West Centre Avenue Reconstruction Project - Tabulation of Proposals: Motion by Pearson, seconded by Young, to award a contract to perform engineering services to Wightman & Associates, Incorporated, of Kalamazoo, Michigan in the amount not to exceed $320,284 for the reconstruction of West Centre Avenue from Oakland Drive to Shaver 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.

Parliamentary Procedure Training for Boards and Commissions: Motion by Pearson, seconded by Young, to receive the communication from the City Manager scheduling a parliamentary procedure training session for the various boards and commissions on December 12, 2023, from 4:00 to 7:00 p.m. in Council Chambers. Upon a roll call vote, motion carried 7 to 0.

Calendar of Meetings: Motion by Pearson, seconded by Young, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

River Caddis Planned Development Revision: Mayor Randall opened the public hearing at 8:19 p.m. City Manager McGinnis relayed the history of the item and the reason for its return to the Council. He noted the matter would also be discussed under the Regular Business section as there are two parts of the project, with a Payment In Lieu of Taxes (PILOT) proposal in addition to the Tentative Plan Amendment. Chief Development Officer (CDO) Pete Dame then provided a summary of the current proposal as revised, including the addition of housing and density to the City Centre Area, and noted the project would return to the City Council for future approval as this was only the tentative level.

Councilmember Urban questioned the change to the narrative from market-rate housing to mixed-income housing. CDO Dame replied that, while the developer's original intent was for market-rate housing, the narrative only describes the intent of the developer and not the land use, which is included in the Land Use Plan. Councilmember Urban disagreed and stated that the project narrative is, historically, an integral part of a proposal. CDO Dame argued that anything related to the description, except the nature of the buildings, is binding to the previous approval and deferred to the City Attorney.

Councilmember Urban then spoke regarding the Site Plan and the properties involved in the project. He highlighted the shared access drive to the south of Fire Station #1 and questioned whether the city would have continued use of the driveway, as well as an option for a vehicle from this development to move through adjoining drives to access the traffic signal at Shaver Road. CDO Dame responded that the city located the original access agreement for the driveway at Fire Station #1, noting it is a permanent agreement, and the city will continue to be able to utilize the drive. He then discussed the River Caddis Concept Plan, which allows vehicles to use the access drives and intersection signals between the Police and Fire Stations at Shaver Road. Councilmember Urban relayed his concerns from earlier reviews of the site regarding traffic access and argued that it would be in all parties' best interest to have the Council make the driveway a formal driving lane to prevent unplanned interaction between Fire personnel and public motorists. City Attorney Kaufman relayed the citation from the Zoning Ordinance regarding a Planned Development and highlighted the Statement of Purpose and Objectives, but not a narrative. CDO Dame highlighted that the PILOT request and the amended Tentative Plan were two separate matters. At the Mayor's request, City Attorney Kaufman relayed that the multifamily housing description in the Statement of Purpose related to land usage, and did not speak to financing.

Councilmember Burns asked CDO Dame if the developer had asked for the proposed housing to be income-eligible earlier and whether the city's review process would have changed. CDO Dame responded it would not. Mayor Randall asked about potential differences in the cost per unit/square footage and the design of the exteriors with the different types of housing models. CDO Dame responded that the exteriors would remain as proposed in the site plan, but deferred the other questions to the developer. CDO Dame further cited developing construction trends, in light of the economy, resulting in a rapid decline for multifamily housing, especially without supplemental financing.

Mayor Pro Tem Pearson asked about the design of the project's community amenities and potential cutbacks with the change in housing types. CDO Dame confirmed the noted amenities would remain despite the type of housing. As there was no additional public comment, motion by Burns, seconded by Young, to close the public hearing. Upon roll call vote, motion carried 7 to 0.

At the invitation of the Mayor, the representative for the development, John McGraw (1038 Trowbridge Road, East Lansing), came forward. Councilmember Urban asked Mr. McGraw to detail the aspects that had changed since the initial proposal in April. Mr. McGraw cited three items, including a wetland delineation review by the Michigan Department of Environment, Great Lakes, and Energy (EGLE); a project economics issue, and regulatory issues. Councilmember Urban asked if the determination by EGLE was the main reason for the change in housing. Mr. McGraw responded it was not. He noted his work with the subject property since 2019 and the site's complexity to develop. Councilmember Urban asked Mr. McGraw to further elaborate on his three factors. Mr. McGraw responded that the EGLE factors were exceptionally detailed, then spoke regarding the changing requirements from the Michigan State Housing Development Authority (MSHDA) and the federal department of Housing and Urban Development (HUD), as well as a change in funding interest rates. Councilmember Urban asked why the site plan changed. Mr. McGraw responded that, as a developer, he was trying to find a site plan that worked within the existing PD. Councilmember Urban asked Mr. McGraw if he had any shared access concerns with Fire Station #1 and the proposal to formalize the driveway. Mr. McGraw confirmed that the best-case scenario was to work with the city for ideal traffic management, which would happen at the later plan approval stage.

Councilmember Young asked about Mr. McGraw's success rate with modifying prior plans. Mr. McGraw confirmed that every project he has developed has been fluid, including costs, approvals, opinions, and regulations.

Councilmember Urban then cited the area's city drain and the resulting wetland creation. He asked Mr. McGraw to detail his plans for managing those areas as the current plan illustrates buildings in those areas. Mr. McGraw responded that any identified wetland would need to be reviewed by EGLE and any plans would be on the Final Plan proposal. Mr. McGraw responded that the design had been reviewed by several experts to determine the best possible outcome, and proceeding with the current proposal shouldn't be a problem.

Motion by Burns, seconded by Young, to approve the Tentative Plan Amendment of the River Caddis proposed mixed-use development at 412 West Centre Avenue and 7860 Shaver Road, subject to the following conditions: the proposed live/work units shall be consistent with the requirements of Building Code Section 419 Live/Work Units and Zoning Code Sec. 42-137 Work/Live Accommodations; and, the utility and engineering review comments should be addressed in detail in the PD Final Plan. Upon a roll call vote, motion passed 7 to 0.

REGULAR BUSINESS AGENDA:

Tax Exemption (Payment in Lieu of Taxes) for River Caddis Communities: At the invitation of the Mayor, Councilmember Burns explained why he had removed the item from the Consent Agenda. He noted the Council's rationale for approving certain funding mechanisms that support city goals, including adequate affordable housing. He relayed the details of the funding proposal, including 87 tenants for one-bedroom units at 60 percent of the median area income level. He noted that equated to an annual income of $38,525 and elaborated on the type of job market that would relate to the income level. He noted that the connotations of affordable housing can often be negative and the economics have differed from the general income. Councilmember Burns asked Mr. McGraw about his firm's experience with such a type of mixed-income development.

Mr. McGraw responded that his firm focuses on identifying community needs and creating developments to address those needs, but noted most of their developments are successful with partners. He cited developments in eight states with a partnering property management firm, including experienced MSHDA firms. Councilmember Burns asked why the developer was seeking city

PILOT funding at this time, as opposed to the initial presentation in April.

Mr. McGraw responded that there were several factors, including a division of the company focused on affordable housing for the Michigan market. He stated the reason was an identified need in Michigan for this type of model. Councilmember Burns asked for some 3-bedroom units in mixed-income housing in future proposals where there was more time but looked forward to the development, nevertheless. He cited his own home ownership in the prior market as compared with the current housing and interest rate market.

Councilmember Urban cited his earlier discussion regarding the rezoning and noted this development would likely be the only development slated for the City Centre area. He liked the decrease in the number of tenants now proposed as well as the additional access to the location. He asked Mr. McGraw how he defined affordable housing. Mr. McGraw related that he deferred to the state-prescribed levels of 120% or below an area's median income. Councilmember Urban asked Mr. McGraw to compare these amounts to his earlier market-rate housing. Mr. McGraw responded that it varies by location. Councilmember Urban then highlighted the change in tax revenue with the PILOT funding model from over $1 million to approximately $27,000. He expressed concern about the difference. Mr. McGraw explained the requirements for live/work units and the combined assessing and zoning permissions for PILOT use being only on residential types. CDO Dame highlighted the caveat as to whether the developer was able to get the model approved. He further noted that the city's zoning code permitted both live/work models on the same level, as well as above. Mr. McGraw elaborated on the descriptive table for the different types of units.

City Manager McGinnis asked for clarification regarding the developer's property manager. Mr. McGraw confirmed it was Medallion Management and the specific manager's experience with mixed-income developments in Portage.

Councilmember Burns asked for clarification that the property manager would reside on-site, to which the developer confirmed. Councilmember Burns then asked for clarification on the final action for the next Council meeting, which was confirmed. Councilmember Urban asked for confirmation that the proposal could not change between the meetings. The City Attorney confirmed. The developer confirmed the plan as it was currently stated would be for the entire 180 units for application to the state for approval. Councilmember Urban confirmed that, of his various concerns with the revised project, he understood the need in the city for this type of housing and it was no different than other models in the city currently. Councilmember Urban asked the developer why the request was for only 1 percent. Mr. McGraw presented the financial information for the project to explain.

Councilmember Young encouraged Mr. McGraw and his firm to consider 3-bedroom models going forward to better serve families. She then closed with a reminder to citizens that living in affordable housing does not make anyone valued less and all citizens deserve to be served.

Councilmember Burns asked Mr. McGraw regarding the developer's funding and investment in the project. Mr. McGraw responded. Councilmember Burns then noted the complicated state funding approval process. Mayor Randall echoed Councilmember Urban in the complicated nature and troubled development history, stating she was encouraged by this development for this location. She encouraged the marketing to focus on "workforce housing" as opposed to "affordable housing," citing statistics from recent research. She then referenced the countywide housing millage approved in 2020 and hoped to see the project be able to utilize that funding.

Councilmember Urban inquired about the quoted $40,000 funding to which Mr. McGraw explained that aspect of funding would be part of the later project development.

Motion by Burns, seconded by Young, to accept for first reading an ordinance amendment to grant River Caddis Communities a tax exemption and establish a Payment in Lieu of Taxes for Portage Caddis, a Proposed 180-unit multiple-family residential development to be constructed at 412 W. Centre Ave., being Parcel Number 00016-740-E, and 7860 Shaver Road, being Parcel Number 06451-

001-O, in the City of Portage and take final action on December 5, 2023. Upon a roll call vote, motion carried 7 to 0.

Purchase of 10 additional ALPR Flock Safety Cameras: Mayor Pro Tem Pearson explained that he removed the item from the Consent Agenda in order for the City Administration to provide clarification regarding the proposal. City Manager McGinnis explained the Flock system's current use by the city, as well as several other jurisdictions in the area currently utilizing the system. Public Safety Director Nick Armold relayed that Flock Safety had been in use by the city for the past year. He confirmed that Flock Safety only takes pictures of license plates on moving cars on public streets and captures no other information or driver demographics. Chief Armold relayed several successful instances of the use of the Flock system over the prior year in deterring crime.

Councilmember Burns asked about a policy regarding information access for the Flock system, noting citizen concerns regarding potential misuse. Chief Armold relayed that the Public Safety Department was currently updating its administrative policy. He deferred to the vendor representative regarding the system's transparency module, and checks and balances installed in the system. Councilmember Burns then asked about the data capture methods. The company representative responded that it is mostly focused on the license information, but could also glean car type, color, and model. Councilmember Burns then asked about the retention schedule. Chief Armold responded that it was 30 days unless a particular record was flagged for legal matters.

Councilmember Ledbetter asked if the system would communicate with the Secretary of State about stolen or suspected vehicles. The vendor representative responded that the system could communicate with the National Crime Information Center (NCIC) but it would otherwise be a manual entry.

Councilmember Urban noted the prior introduction of computers into patrol cars and the security protocols and policies utilized by the city.

Councilmember Young asked about instances of reported crimes on vehicles without plates and for crimes possibly discovered during the use of the system. The vendor rep responded that all vehicles were pictured. Chief Armold confirmed that case pursuance still required the work of officers.

Councilmember Ledbetter asked about usage levels and any issues. Chief Armold responded that all patrol officers had access and detectives but most others did not. He also did not have any issues to report.

Mayor Randall asked whether this was the same system as an “iPass” or similar automated types. The vendor representative confirmed that the systems operated separately.

Motion by Pearson, seconded by Burns, to approve a one-year contract with Flock Safety for the provision of a network of Automatic License Plate Readers in the amount of $82,500, with the option of four one-year renewals, 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.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update regarding the Central County Transportation Authority. Motion by Ledbetter, seconded by Burns, to receive the Council Committee Reports as provided. Upon a voice vote, motion carried 7 to 0.

NEW BUSINESS:

"I Love Portage" Essay Contest - Council Volunteers: "I Love Portage" Essay Contest - Council Volunteers: Mayor Randall explained the history of the contest and the City Council review procedure. Mayor Randall asked for volunteers from the City Council. Councilmembers Miller, Ledbetter, and Urban volunteered.

STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Young thanked Councilmembers Knapp and Quinn for their service to the city. She then thanked the citizens of Portage for electing her as the first Black female Councilmember and promised to continue the level of work promised during her campaign.

Councilmember Burns welcomed new Councilmembers Miller and Young, promising that not all meetings would be as long. He also thanked the citizens for re-electing him, as well as those who assisted his campaign.

Councilmember Urban welcomed the new Councilmembers and noted the heavy business of the first meeting for them. He looked forward to future meetings and topics.

Councilmember Ledbetter noted the national news regarding the U.S. Army overturning the century-old convictions of 110 Black soldiers and providing them with Honorable Discharges. He encouraged everyone to think more in-depth regarding the upcoming Thanksgiving holiday. He closed by welcoming the new Councilmembers.

Councilmember Miller thanked the citizens for electing her, as well as turning out for the election. She thanked the election officials for coordinating the election. She then thanked her mother and husband for their support during her campaign. She stated she looked forward to representing the citizens of Portage.

City Manager McGinnis relayed the background behind Councilmember Knapp's parting city flag gift and recognized Councilmember Quinn. He commended the exceptional effort from both the Council and staff for the research and background information gathered for the current agenda.

Mayor Pro Tem Pearson thanked his wife for allowing him to run again and thanked the citizens for re-electing him. He also welcomed the new Councilmembers and thanked the Council for selecting him as Mayor Pro Tem.

Mayor Randall expressed appreciation for the democratic process and the support of her family and friends during the campaign. She then thanked the voters for re-electing the incumbent members of the Council, retaining institutional knowledge and continuity for the city. Mayor Randall welcomed the new Councilmembers. Mayor Randall then advised of the upcoming City Council Goal Setting Session. She closed by wishing everyone a safe and happy Thanksgiving holiday.

ADJOURNMENT: Mayor Randall adjourned the meeting at 10:20 PM.

Erica L. Eklov, City Clerk