

CITY COUNCIL MEETING MINUTES FROM DECEMBER 5, 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 Chris Burns, Victor Ledbetter, Nicole Miller, Terry Urban, Jihan Young, 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, with gratitude, on the generosity of local institutions that allow the City of Portage use of their buildings as polling locations. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS:

Recognition of Polling Locations: Mayor Randall introduced 10 of the 12 polling places and their representatives in attendance. She then recognized each for their civic support of elections over the years and honored each of them with a plaque.

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. Citizen Tina Kuchenbuch removed items A.4 and A.5. Motion by Burns, seconded by Ledbetter, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

Approval of Minutes: Motion by Burns, seconded by Ledbetter, to approve the City Council Meeting Minutes of the Regular Meeting of November 14, 2023. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable: Motion by Burns, seconded by Ledbetter, to approve the Accounts Payable Register of December 5, 2023, as presented. Upon a roll call vote, motion carried 7 to 0.

Ramona Park Plat Streets Reconstruction: Motion by Burns, seconded by Ledbetter, to award a construction contract for the Ramona Park Plat Streets Reconstruction and Utility Installation to Hoffman Bros., Inc. of Battle Creek, Michigan in an amount not to exceed \$2,353,064.10 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.

Replacement of Police Body Worn Cameras and In Car Video Systems: Motion by Burns, seconded by Ledbetter, to approve the purchase of Body-worn Cameras and In-car Video Systems at a cost of \$814,778.82 from Axon Enterprise, Inc. utilizing Sourcewell Cooperative Purchasing Agreement #010720-AXN, 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.

Crossroads Area Strategic Plan: Motion by Burns, seconded by Ledbetter, to approve the Crossroads Area Strategic Plan and authorize the City Manager to execute elements of this plan on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Board & Commission Interviews: Motion by Burns, seconded by Ledbetter, to set a Special Meeting for Tuesday, January 23, 2024, at 5:30 p.m. to interview Board and Commission applicants. Upon a roll call vote, motion carried 7 to 0.

Human Services Board Appointment: Motion by Burns, seconded by Ledbetter, to appoint Julie Pryor to a term on the Human Services Board ending October 1, 2024. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards & Commissions: Motion by Burns, seconded by Ledbetter, to receive the minutes of the Environmental Board of October 11, 2023; and Senior Citizens Advisory Board of October 18, 2023. Upon a roll call vote, motion carried 7 to 0.

Calendar of Meetings: Motion by Burns, 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:

1. Mike Quinn (7025 Rockford) requested a resolution for de-escalation and ceasefire in Gaza and Israel. He understood that the Portage City Council historically does not take on issues beyond the scope of the city or of a divisive nature. He urged the Council to make an exception in this case.
2. Said Abubakr, (8440 Sierra Madre Trail, Kalamazoo) introduced himself as a Professor of Chemical Engineering for Western Michigan University. He echoed Mr. Quinn's comments regarding the Gaza and Israel conflict, citing his own connections to the region, as well as other Portage and Kalamazoo area citizens who originate from the area. He further urged a ceasefire and peaceful resolution. Mr. Abubakr provided additional statistics on affected women and children, as well as the World Health Organization's estimates that more people would die from illness and dehydration than war violence.
3. Dr. Romeo Phillips (1983 Brighton Lane) spoke regarding the historic nature of the new City Council with the inclusion of Councilmember Jihan Young. He noted her remarkable election as the first black female to the Council and cited prior landmark appointments, including Betty Lee Ongley, Councilmember Ledbetter, and himself.
4. Kevin Trayer, National Association of Postal Supervisors (8943 E. DE Avenue, Richland) spoke regarding the U.S. Postal Service closure of the Portage Post Office processing operations. He noted that the plan will be the largest consolidation of offices in the region. Mr. Trayer cited concerns with the U.S. Postmaster General, as well as issues with U.S. Postal Service timelines and conflicting information. He encouraged citizens to contact their representatives at the state and federal levels to keep the Portage Post Office as it is.
5. Robert Williams (10930 S. Westnedge Avenue) expressed concern about the River Caddis development listed under Unfinished Business. He stated the property is not ideal for the planned development, and was concerned about increasing the existing traffic congestion in the area. He noted a traffic study provided as part of the proposal and asked whether the study had been performed during the school year, among other factors. He inquired about the need for additional traffic signals or passage lanes and asked whether these improvements would be funded by the city taxpayers. Mr. Williams also expressed concern with the proposed length of the PILOT incentive. He closed with comments regarding the voter-approved housing millage and asked when the city will draw the line for high-density housing in Portage.
6. Sy Overmyer (4302 E. Centre Avenue) read a draft resolution regarding an end to the Israel and Gaza conflict. He noted the various backgrounds of representatives and senators who had addressed the resolutions and calls for a ceasefire. He expressed concerns about international war atrocities, potential desensitizing, and stateside censoring.
7. Ray Sweeny (2018 Greenlawn Avenue, Kalamazoo) spoke on behalf of the ISAAC organization for the provision of affordable housing. He spoke regarding his personal experience with an

unexpected need for housing while living in New Orleans following Hurricane Katrina. He additionally spoke about his efforts with Habitat for Humanity. He thanked the City Council for its efforts to address housing to date.

8. Tobi Hanna-Davies (500 Revel Run #1160, Kalamazoo), also spoke as a member of the ISAAC organization in support of the River Caddis development.

PUBLIC HEARINGS:

Ordinance Amendment #23/24-2: The Mayor opened the public hearing at 7:38 p.m. City Manager McGinnis provided a brief summary regarding the proposed ordinance amendment, noting the amendment would provide the option to increase housing options via private property, allowing homeowners additional flexibility.

Richard Nellens (9240 East Shore Drive) asked for clarification regarding additional regulations including lot coverage maximums, yard setbacks, screening, and gas supply (propane option). Mark McKeon (6825 Cromwell Street) asked for clarification about long-term use as opposed to short-term rentals, city monitoring and enforcement plans, and primary residencies.

Motion by Pearson, seconded by Burns, to close the public hearing. Upon a voice vote, motion passed 7 to 0. Following the vote, Mayor Randall called city staff forward to address the citizen's comments and questions.

Chief Development Officer Pete Dame addressed the various questions posed. Councilmember Urban asked whether propane tanks were allowed or existed in the City of Portage. CDO Dame responded that he was unsure but confirmed the matter would be addressed under the Building Code. Mayor Pro Tem Pearson noted that he watched the Planning Commission meetings on the Accessory Dwelling Unit ordinance and commended the Commission's review of the matter and response to citizen inquiries.

Motion by Pearson, seconded by Young, to approve Ordinance Amendment #23/24-2 to amend the Zoning Code to establish an Accessory Dwelling Unit regulation and permitting process. Councilmember Urban provided additional comment regarding the ordinance amendment as compared with the Tiny House movement, as well as additional building codes regulating Tiny Homes. He asked staff to monitor this aspect as the ordinance developed. Mayor Pro Tem Pearson echoed Councilmember Urban regarding a 500-square-foot limitation in the current ordinance iteration, with the option to alter it in the future. Upon roll call vote, motion passed 7 to 0.

REGULAR BUSINESS AGENDA:

Property Purchase at 8847 Portage Road: Citizen Tina Kuchenbuch (2728 East Shore Drive) explained her removal of the item from the Consent Agenda based on concerns and questions about the city's planned use of the property as well as potential intersection lighting installations connecting the East Shore Drive area. City Manager McGinnis and Chief Development Officer Dame responded, noting the only purpose was to create a 4-way intersection at Portage Road and Forest Drive and provided a preliminary site plan illustration. Mr. McGinnis stated the current proposal would give time for the current tenants to vacate and alter the property to improve access for the existing businesses on either side. He further noted that the City Administration did not intend to extend the proposed roadway beyond the subject parcel. CDO Dame noted the current proposal was found by the adjacent businesses to be more favorable than a 3-way intersection and the existing buildings on the subject parcel would be demolished by the city. Mayor Randall asked how the property valuation was determined. CDO Dame responded through sale negotiations and figures provided by the City Assessor, but noted the purchase amount was below market rate. Ms. Kuchenbuch asked if the

property would be acquired via eminent domain. Mayor Randall responded that it was not. Ms. Kuchenbuch then asked about the future plans for the property.

Mayor Pro Tem Pearson asked about the future of the adjacent McClish Court and inquired whether the city had plans to connect Austin Court. CDO Dame responded there were no plans to connect those roads. Mayor Pro Tem Pearson then asked whether the city had a plan for changing the pedestrian connection between Austin Court and East Shore Drive to a roadway. CDO Dame responded that the city did not plan to change the access, which was a only recommendation by the prior Lake Center District consultant.

Motion by Pearson, seconded by Burns, to approve the purchase of property located at 8847 Portage 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.

Industrial Development Districts Update: Mayor Randall invited Ms. Kuchenbuch to relay her concerns. Fellow resident Richard Nellums approached in her place and questioned whether the item was simply setting up a public hearing or discussion on the content of the proposal. Mayor Randall confirmed the action was to set the public hearing

Motion by Urban, seconded by Young, to adopt Resolution No.1 setting a public hearing for January 9, 2024, to create six regional Industrial Development Districts in the City of Portage. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

Tax Exemption (Payment in Lieu of Taxes) for River Caddis Communities: After the Mayor introduced the item, City Manager McGinnis summarized that the proposed amendment was slated for the second and final reading, with nothing different from the first reading. Councilmember Urban noted his position in reviewing a Payment In Lieu Of Taxes (PILOT) proposal with due consideration in light of the foregone tax revenue for the city as well as other taxing entities, explaining why the City Council considers the PILOT option. Councilmember Miller asked about the varying income measures quoted by Councilmember Burns during the prior Council meeting. Councilmember Urban was able to provide the area median income, while Councilmember Burns was able to elaborate on selections of his prior rationale. Councilmember Young highlighted several of the industries and job fields that are driving the city's need for the proposed type of housing in the River Caddis development, including the college student and recent graduate populations.

Motion by Burns, seconded by Pearson, to adopt the 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 West Centre Avenue, and 7860 Shaver Road, in the City of Portage. Upon a roll call vote, motion carried 7 to 0.

Farmer's Market Site Selection: City Manager McGinnis summarized the information provided by the City Administration in response to the City Council inquiries regarding potential market locations noted at the November 1, 2023, City Council meeting. Mayor Pro Tem Pearson asked the City Manager when action regarding a specific site would be expected. City Manager McGinnis stated that the City Administration's ultimate desire is to pursue additional evaluations of the City Centre area locations for discussion at a later date.

Motion by Burns, seconded by Young, to receive the review of the Proposed Alternate Location for the Future Portage Farmers Market as Information Only. Upon a voice vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: None.

NEW BUSINESS:

City Council 2024 Goals: Mayor Randall introduced the item, noting there were 23 topics covered as potential goals from the November City Council Retreat session, which required additional prioritization. City Manager McGinnis recommended a subsequent Goal Session for the City Council to provide the City Administration with more feedback and consolidate the goals where possible. He stated that no action was needed from the Council presently and staff would make contact to schedule another goal session. There being no future action, Mayor Randall moved on.

STATEMENTS OF CITIZENS:

1. Carolyn Pesheck (6745 Shoreham Street) thanked the City Council for its work on the Accessory Dwelling Unit ordinance, as well as approval of the River Caddis development PILOT, noting both are good measures toward improving the housing shortage.
2. Mark McKeon (6825 Cromwell Street) commented on the Farmers Market in light of the November 1 discussion. He was happy that costs were considered, but expressed continued concerns with availability of parking, and inquired about the potential to create an elevated pedestrian bridge across Centre Avenue in order to capitalize on adjacent school parking. He then expressed additional concerns regarding the practicality of enforcement for the ADU ordinance going forward and cited his personal experience in real estate management. He stated that some property owners will abuse the privilege and cited similar situations with the City of Kalamazoo's rental property registration program.
3. Richard Nellums (9240 East Shore Drive) spoke regarding additional concerns with the Industrial Development Districts proposal on the agenda and noted he hadn't heard of it until tonight's agenda. He asked for additional transparency for citizens regarding the proposal, citing the southern portion of the Stryker property near Zylman. He expressed concern regarding the industrialization of the city and urged the city to full explain when it is time for the hearing.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns thanked the Council for continuing its annual adoption of a local family through the Portage Community Center for the holiday season and the generosity of the members.

Councilmember Ledbetter highlighted the presence of Dr. Phillips' at the evening's meeting, and reflected on the honor, the background, and the challenges in being the first. He also commented on the situation with the Portage Post Office.

Councilmember Miller thanked city staff for their introductions and explanations of city operations. She then highlighted a veteran and immediate family holiday food drive at Kalamazoo County Health and Community Services on December 16.

Councilmember Urban responded to earlier citizen comments regarding the Israel and Gaza conflict, and the question of appropriateness of requests for the Council to take a position on such national or international matters, noting a rare exception when the Council passed a resolution on global climate change. He noted that the Council represents the entire city and an equal number of citizens could demand the City Council support a stance in opposition to the comments of tonight's meeting. Councilmember Urban expressed difficulty with the Council making a statement to direct national foreign policy, especially when the citizenry may not be in consensus.

Councilmember Young highlighted that she and Councilmember Miller had recently attended the MML newly elected official training, which has shown how well the city performs. She thanked the City staff for the orientation and introductions to both her and Councilmember Miller. Councilmember Young then spoke regarding the holiday season and provided a reminder to be mindful of those

experiencing loss and trauma during the holidays.

City Manager McGinnis thanked the City Council for their generosity in the Portage Community Center family adoption, as well as recognizing the polling places. He then spoke regarding a tree grant from Consumers Energy.

Mayor Pro Tem Pearson commented on the Hamas-IDF resolution, noting Councilmember Urban's mention of the global climate resolution. MPT Pearson stated that the prior resolution reflected how the City of Portage could make a difference at the local level.

Mayor Randall thanked the City Manager for the polling place recognition and thanked the Parks and Recreation Department for a successful City Tree lighting event on December 2. She then thanked Councilmember Burns for organizing the Portage Community Center family adoption and the Council for its generosity. Mayor Randall highlighted the upcoming Board and Commission interviews in January and urged citizens to consider joining a city advisory board. She then spoke regarding the Post Office closure, as well as national passion over the international news and what steps the Council could take to address prejudices in the city.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:53 PM.

Erica L. Eklov, City Clerk