

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 6, 2024

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, Patricia Randall, Terry Urban, Jihan Ain Young, and Mayor Patricia Randall were present.

ABSENT: Mayor Pro Tem Jim Pearson.

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 Randall, the audience observed a moment of silence to reflect on the value of human life, the use of diplomacy to solve humanitarian issues and lead to peace in the country and the world, most notably Israel and Palestine. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PETITIONS AND STATEMENTS OF CITIZENS:

1. Omar Elghawy (3683 Bellflower Drive) spoke in favor of an Israel/Gaza ceasefire resolution. He thanked the Mayor for meeting with him previously as well as for the statement during the Moment of Silence.
2. Barbara Hasan (6201 Countrywood Court, Kalamazoo) spoke in favor of an Israel/Gaza ceasefire resolution, noting several journalists had been killed during the conflict, as well as historical facts.
3. Said Abubakr (8440 Sierra Madre Trail, Kalamazoo) noted he was a professor of WMU and spoke in support of a ceasefire in the Gaza/Israeli conflict, highlighting his prior comments before the City Council. He stressed again for the Council to adopt a resolution calling for a ceasefire in Gaza.
4. Tim Earl (6862 Shallowford Way) spoke in opposition of the Portage City Council supporting a ceasefire resolution, noting the local focus of the Council and the local issues on the agenda. He encouraged citizens to contact their state and federal representatives to urge action for the Israel/Gaza conflict.
5. Marissa Wagner (3110 Darro Street, Kalamazoo) read a prepared statement in support of a ceasefire resolution regarding the Israel/Gaza conflict. She thanked the Council for the recognition during the Moment of Silence but urged the Council to consider the example they may be setting for young people in the community. She noted her own daughter has been exposed to Islamophobic and antisemitic remarks.
6. Madassah Santiago (5101 Swallow Avenue, Kalamazoo) and Nyeisha Atchinson (4319 Lakesedge Drive, Apt. A, Kalamazoo) both students of Portage Northern High School, spoke in support of Palestine and urged the Council to take a pass a resolution calling for a ceasefire in Gaza.
7. Malall Guazal (7470 Cottage Oaks Drive) provided statements regarding a ceasefire resolution and the need for the Portage City Council to pass a ceasefire resolution regarding the Israel/Gaza conflict.
8. Mark McKeon (6825 Cromwell Street) echoed the comments of Mr. Earl regarding the scope of the Portage City Council as compared to the national and international levels. He recommended adopting soft-power policies and consider a Sister City in Gaza or on the West Bank.
9. Mary Wielopolski (8836 East Shore Drive) expressed issues with the City Council's revised agenda outline concerning citizen input on the Consent Agenda. She then spoke regarding the city's Master Plan and the lack of the Lake Center District focus at the public meeting.
10. Dominic Parsons (310 W. Melody Avenue) thanked the City Council for its Moment of Silence comments and highlighting the Palestinian region as opposed to the broader Middle East. He expressed concern with the City Council's lack of additional action, noting the points of concern and what constitutes antisemitism. He demanded a ceasefire resolution be added to the agenda.
11. Mirna Mohamed (1940 Howard Street) relayed that she was from Egypt, spoke in support of a ceasefire resolution, and provided contrasts with antisemitic and fellow religious positions. She highlighted the synagogue building issue in New York.
12. Justin Gish (306 E. Milham Avenue) spoke against the proposed historic district for the Glenbrook Village neighborhood.

13. Lena Dow (7470 Cottage Oaks Drive) noted she originally came to the U.S. from Lebanon during a time of civil war and highlighted young war refugee displacement complications. She called for a ceasefire.
14. Maribeth Henry (2621 Bach Avenue) spoke via phone to urge the Council to adopt a ceasefire resolution.

Clerk Eklov also read a citizen comment from Linda Francisco (6007 Salem Lane) expressing her opposition to the proposed historic district in the Glenbrook Village neighborhood due to potential negative effects to her property.

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 Urban removed Item B.4 (Glenbrook Village neighborhood historic district).

Motion by Urban, seconded by Ledbetter, to approve the Consent Agenda as amended. Upon a roll call vote, motion passed 6 to 0.

Approval of Minutes: Motion by Urban, seconded by Ledbetter, to approve the City Council Meeting Minutes of the Board & Commission Interviews of January 23, 2024, and the Regular Meeting of January 23, 2024. Upon a roll call vote, motion carried 6 to 0.

Accounts Payable Register: Motion by Urban, seconded by Ledbetter, to approve the Accounts Payable Register of February 6, 2024, as presented. Upon a roll call vote, motion carried 6 to 0.

Substantial CDBG Plan Amendment: Motion by Urban, seconded by Ledbetter, to approve the Substantial Amendment to the CDBG Program FY2021-22 Annual Action Plan 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 6 to 0.

Traffic Signal Improvements - Bid Tabulation: Motion by Urban, seconded by Ledbetter, to award a contract for the purchase of traffic signal poles, mast arms, and assemblies to J. Ranck Electric, Incorporated in the not-to-exceed amount of \$489,700 and authorize the City Manager to sign all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

C2R2 Water Service Installation & Well Abandonment: Motion by Urban, seconded by Ledbetter, to award a construction contract for the installation of water services and abandonment of private wells on Portage Road, Willoughby Avenue, and East Milham Avenue to Brik Plumbing of Byron Center, Michigan, in the amount not to exceed \$214,240 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 6 to 0.

MERS Contract Extension: Motion by Urban, seconded by Ledbetter, to approve a three-year extension of the agreement with the Michigan Employees' Retirement System (MERS) for the administration and investment of the Other Post Employment Benefit (OPEB) trust fund, MERS Retiree Health Funding Vehicle (RHFV), and authorize the City Manager to execute all documents related to this extension agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

Minutes of Boards & Commissions: Motion by Urban, seconded by Ledbetter, to receive the minutes of the Human Services Board of January 4, 2024. Upon a roll call vote, motion carried 6 to 0.

Materials Transmitted: Motion by Urban, seconded by Ledbetter, to receive the Materials Transmitted of January 23 and January 26, 2024. Upon a roll call vote, motion carried 6 to 0.

Calendar of Meetings: Motion by Urban, seconded by Ledbetter, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

Rezoning No. 23/24-2 for 6008 and 6018 Chelsea Lane (R-1A One-Family Residential to B-3 General Business District and P-1 Vehicular Parking) for future commercial development: Mayor Randall introduced the item and deferred to City Manager McGinnis. He described the proposal and introduced Chief Development Officer (CDO) Pete Dame. CDO Dame provided several visual examples, including the proposed rezoning map, and several on-site pictures of the current buildings in the subject area. He then provided an overview map of

the Glenbrook Village subdivision, as well as a staff alternative rezoning option to the applicant's proposal that included a smaller area and buffer zones. CDO Dame also presented a secondary alternative proposal, which he noted was provided at the prior Planning Commission meeting and supported by both the Commission and the applicant.

Councilmember Urban questioned CDO Dame if a similar rezoning with commercial spanning into a residential area had been previously done or whether a Planned Development (PD) had been considered, noting the prior Walgreens pharmacy construction across East Milham Avenue had followed a similar model. CDO Dame responded that this rezoning plan was a first, and a PD had not been considered as it was not a viable option for this proposal. There was discussion regarding conditional rezoning as an alternative. City Attorney Kaufman noted that such an alternative must be legally offered by the applicant and not the city or the Council.

Councilmember Burns asked CDO Dame to summarize the feedback from the adjacent property owners based on the written and verbal comments received to date from the Planning Commission's prior review. CDO Dame responded. Councilmember Burns followed up on comments by CDO Dame regarding adjacent resident concerns about intrusive vehicular lights at night and asked how the Council could address such an issue. CDO Dame confirmed that any measure to address or impose restrictions would require city action on a broader level. Councilmembers Young and Urban asked CDO Dame to explain the correlation between the proposed historic district and the rezoning. CDO Dame relayed that he and the Community Development staff had conducted an informational meeting for the residents of the neighborhood.

Applicant Josh Weiner (700 Mall Drive) presented his proposal, as well as the two alternatives provided to the Planning Commission. He noted he had met with the adjacent property owners and had increasingly received their approval in providing supplementary explanations. Mr. Weiner highlighted the long tenure of his company in the local area,

Councilmember Burns inquired how long the Meyer C. Weiner Company had owned the parcels in question, citing the existing conditions of the buildings. Mr. Weiner responded that he had owned the location with his business partner Tim Timmons for 15 years and the prior tenants had been able to provide sufficient rental income while his firm developed a plan to redesign the corner, but that those tenants were no longer viable.

Councilmember Urban expressed his concerns about the proposal penetrating a neighborhood and adjacent residential street, citing a lack of similar examples, and expressed concern about the demonstrated popularity of the prospective tenant which he worried would greatly increase traffic and disrupt the neighborhood. Mr. Weiner responded, noting proposed screening as part of the plan, similar to existing screening measures in the area.

Mayor Randall opened the public hearing at 8:45 p.m.

1. Dennis Kosanke (216 Windsor Lane) spoke in opposition to the proposed rezoning in his neighborhood, citing concerns about declining property values, quality of life, and neighborhood safety. He stated he was thankful for developers like Mr. Weiner and their positive efforts in the city, but did not believe the subject location was ideal for the proposed development.
2. Tim Earl (6862 Shallowford Way) expressed his preference for the food the potential tenant in the rezoning serves but noted that could currently be acquired from existing locally owned restaurants Roll-Up Ice Cream and Turbo Chicken. He then stated his displeasure with the proposal, citing negative effects to the adjacent neighborhood and its residents.
3. Vickie Kosanke (216 Windsor Lane) urged the City Council to deny the rezoning proposal echoing similar concerns as her husband with the negative effects to the neighborhood.
4. Robert Stanley (6028 Chelsea Lane) noted his residence was the house directly adjacent to the homes included in the rezoning. He expressed concerns about cut-through traffic, vermin, homeless people, trash, and security.
5. Adem Muhammed Seada (6017 Chelsea Lane) noted his residence is across the street from the houses to be re-zoned, whose residents had since passed, and expressed concern for his property's value and safety with increased traffic in the area.
6. Jamie Bobbio (5598 Downing Street) spoke in opposition of the rezoning, citing displacement of the residents in the adjacent neighborhood. She expressed concern with the demolition of housing in favor of business development in the city. She then displayed a map of several Glenbrook Village properties

involved in and adjacent to the rezoning, citing concerns about the potential for additional property acquisition in the future.

7. Mark McKeon (6825 Cromwell Street) expressed concerns with the proposed rezoning for the subject location while noting he was not opposed to the development Mr. Weiner's company was seeking. He questioned the effectiveness of the applicant's resident contacts.
8. Brenda Snyder (310 Windsor Lane) spoke on behalf of Cecilia Wolthuis (314 Windsor Lane) and Christine VanHuis (326 Windsor Lane), relaying they were unable to attend, as well as her own comments, all in opposition to the proposal.
9. Tom Myland (7748 Omega Street, Kalamazoo) stated he was speaking on behalf of his mother-in-law, Celia Wolthuis (314 Windsor Lane). He expressed displeasure with the current proposal and the negative effects on current citizens' property values and ability to re-sell their homes for fair value.
10. Andy Smith (323 Windsor Lane) stated he disagreed with the traffic study provided and echoed concerns about the potential traffic levels. He then relayed issues he experienced with the developer's noted resident meeting, stating that the mail notification was received the day beforehand and the completed report lacked specifics.
11. Paul Goldenbeld (207 and 219 East Milham Avenue) noted he resides at 207 East Milham and later bought 219 East Milham. He expressed concerns with new traffic lighting from a new business on the site infiltrating his home, as well as any proposed screening hindering his current view of the Glenbrook Village neighborhood across the street.
12. Charles Snyder (310 Windsor Lane) also spoke in opposition and encouraged the developer to invest in existing buildings on the property.
13. Robert Williams (10930 South Westnedge Avenue) stated he did not see the subject property covered in the Master Plan proposal and expressed concern with additional development along Chelsea Lane and residential property purchased by the applicant for commercial development. He noted prior traffic issues experienced with the introduction of the Chick-Fil-A restaurant on South Westnedge Avenue.
14. Ryan Kosanke (5739 Belard Street) noted his relation to earlier speaker Dennis Kosanke and expressed concerns with the impact to safety for the adjacent neighborhood with increased visitor traffic.
15. Ryan Cramer (214 Windsor Lane) stated his residence was built by his grandparents, who purchased the lot when the plat was first developed, and he continues to invest in the property. He expressed concern with the rezoning affecting his investment, as well as his family history in the neighborhood.

Motion by Burns, seconded by Young, to close the public hearing (9:24 p.m.). Upon a voice vote, motion carried 6 to 0. Councilmember Burns asked for additional information from the applicant in response to citizen questions posed. Mr. Weiner and a Raising Cane's restaurant representative responded.

Mayor Randall asked Mr. Weiner whether he had considered utilizing adjacent parcels further south along Westnedge Avenue in an effort to avoid infringement on the adjacent neighborhood. Mr. Weiner responded. Mayor Randall urged Mr. Weiner to consider the Westnedge Avenue parcel alternatives in order to allow the residents to remain and age in place, citing the Council's goals for workforce housing, and inability support this goal while approving the demolition of existing housing. Mayor Randall expressed her disappointment with staff in the handling of this proposal, noting her review of the Planning Commission public hearing and the lack of citizen input.

Councilmember Urban asked Mr. Weiner if he was amenable to the alternative staff proposal. Mr. Weiner responded that his company could make it work. Councilmember Burns stated that his perspective was that the Council's decision would create a precedent in navigating conflict between an adjacent neighborhood and a developer. He expressed concern with the potential conflict of Council's goal for increasing housing and cited the valuation differences between commercial and residential properties that equates to an understandable development tactic. Councilmember Burns stated his desire to avoid losing existing affordable housing stock, while maintaining quality development in existing commercial areas.

Councilmember Young agreed with Councilmember Burns, but cited the need to also support entry-level employment introduced by developers. She acknowledged the property owners, sharing their concerns, and thanking them for attending.

Councilmember Urban spoke regarding the traffic study data. Councilmember Miller also spoke to the challenge regarding balancing residential and commercial development, workforce housing impacts. Councilmember Ledbetter spoke to intent versus impact, stating that a home is a haven, and providing an assurance to the community.

Motion by Burns, seconded by Young, to deny rezoning application No. 23/24-2 to rezone 6008 and 6018 Chelsea Lane from R-1A One-Family Residential to B-3 General Business District and P-1 Vehicular Parking District to facilitate future commercial development.

Councilmember Urban asked about the Planning Commission's proposed alternative. Attorney Kaufman clarified the legal description outlined in the proposed rezoning was the L-shaped design. Upon a roll call vote, motion passed 6 to 0.

Mayor Randall called a recess from 10:09 p.m. to 10:15 p.m.

REGULAR BUSINESS AGENDA:

Create a new historic district within the Glenbrook Village neighborhood: At the Mayor's request, Councilmember Urban explained he found the lack of a specific recommendation made it inappropriate to include the item on the Consent Agenda. He went over the three possibilities outlined by the Historic District Commission.

Councilmember Young asked CDO Dame to explain the correct legislative body to adopt a moratorium. CDO Dame relayed that it was under the City Council's purview. CDO Dame further elaborated on the background behind the development of the historic district creation proposal and current options.

Mayor Randall expressed concern about pursuing a historic district without property owner support. Councilmember Urban inquired about the number of property owners at the Historic District Commission's public meeting.

Councilmember Urban noted a willingness to make a motion to table the matter to allow the HDC to further consider the merits of the Glenbrook Village neighborhood.

Councilmember Burns asked if a decision would be final should the Council deny the Historic District Commission's recommendation or if the matter could be revisited following further discussions between staff, board members, and residents. City Manager McGinnis and City Attorney Kaufman confirmed that it could be brought back in the future as the Council would not be denying a specific application, but the general recommendations by the Historic District Commission. Councilmember Burns then expressed concern about the staff resources required for the public outreach efforts and was looking to deny further action at this time.

Motion by Burns, seconded by Young, to deny a historic district study by the Historic District Commission regarding a new historic district for the Glenbrook Village neighborhood. Upon a roll call vote, motion carried 5 to 1.

COUNCIL COMMITTEE REPORTS: Councilmember Young provided an update on the Portage Community Center Board of Directors and noted the Center's need of personal care donations.

Motion by Burns, seconded by Ledbetter, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 6 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns began by thanking CDO Dame for his efforts on the Chelsea Lane rezoning, as well as the historic district proposal. Councilmember Burns then relayed compliments about the city's Black History Month event, as well as presenters Councilmembers Ledbetter and Young.

Councilmember Ledbetter complimented the staff on the city's Black History Month presentation at the Air Zoo and was pleased with the featured speaker. He then spoke further on Black History Month and key Black historical figures.

Councilmember Miller complimented the staff and the Youth Advisory Committee for hosting a great snow-less Snow Party event. She then relayed several Discover Kalamazoo statistics. She closed by thanking Councilmembers Urban and Burns for assistance during the last meeting with procedures.

Councilmember Urban spoke regarding the requests for a ceasefire resolution and the state of affairs for the Israel and Gaza conflict, and noted what language was and was not included in the proposed ceasefire resolution.

Councilmember Young also complimented the Air Zoo event and the featured speaker's contributions. She then highlighted an earlier Southwest Michigan First meeting and the correlation with the City Council's new Small Business Committee efforts. Councilmember Young closed with a recognition of the citizens' concerns with foreign affairs and policy matters.

City Manager McGinnis noted the February 7th public meeting for the Parks Department's funding plan

with the new Austin Lake Trail construction. He then relayed a meeting between the Southwest Michigan First and upcoming informational meetings.

Mayor Randall thanked the City Council for the long meeting and noted that 31 citizens had commented. She then spoke regarding the Moment of Silence and the scope of the City Council's focus. She expressed concern with increasing anger and opposition. Mayor Randall then confirmed collaboration between citizens and the Council will continue regarding items and questions on pending agenda items. She issued a reminder that the next City Council meeting on February 20th would be the first to begin at the new starting time of 6:00 PM. Mayor Randall closed by noting Mayor Pro Tem Pearson's absence while visiting family out-of-state but continued to monitor the meeting.

ADJOURNMENT: Mayor Randall adjourned the meeting at 10:54 PM.

Erica L. Eklov, City Clerk