CITY COUNCIL MEETING MINUTES FROM FEBRUARY 20, 2024

Mayor Patricia Randall called the Regular Meeting to order at 06:00 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Chris Burns, Victor Ledbetter, Nicole Miller, Patricia Randall, Terry Urban, Jihan Young, and Mayor Patricia Randall were present.

ABSENT: Mayor Pro Tem Jim Pearson.

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 recognize and prioritize the value of all human life and the prevalence of peace over violence. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS: Councilmember Young began by highlighting City Hall's current Black History display, then recounted a personal history of an African American enslaved family member. She then read the proclamation in honor of Black History Month.

MODIFICATION OF THE AGENDA: Motion by Burns, seconded by Ledbetter, to formally modify the February 20, 2024, Regular Meeting agenda by adding the following to the Consent Agenda section: 1) Item B.3, a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA); and 2) Item B.4, retention of Attorney Stanley J. Stek as special legal counsel per Section 6.6 of the City Charter. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS (3 MINS. PER SPEAKER): At the invitation of the Mayor, City Manager McGinnis began the public comment period by first discussing the recent citizen conversation regarding foreign affairs outside the scope of the city. He then highlighted available handouts for residents containing the contact information for federal elected officials. He then clarified certain city security practices.

1. Tim Kanaan (49324 Churchill Street, Mattawan) noted that, while he was a resident of Mattawan, he was also a member of the Prince of Peace Lutheran Church in Portage. He detailed his family origins from the country of Palestine and the various members of the multicultural family residing in the Kalamazoo/Portage area. Mr. Kanaan urged the Council to join the City of Kalamazoo and Kalamazoo Township in adopting a ceasefire resolution.
2. Jordan Kanaan (27475 Rolling Pines Court, Lawton) began by asking the members of the Council to note who were parents, the importance of leading by example, and highlighted comparisons of children affected in the Palestinian/Israeli conflict. He also spoke regarding the share of Arab business owners and medical professionals in the U.S. Mr. Kanaan urged the Council to support a ceasefire resolution.
3. Daniel Smith (3022 Fleetwood Drive) began by urging courtesy for those addressing the Council. He then spoke regarding the movie *Origin* comparing it to the current violence in Palestine in terms of conflicting ideologies. He argued for a ceasefire resolution and removing taxpayer-funded weapons.
4. Marissa Wagner (3110 Darmo Court, City of Kalamazoo) spoke regarding the comments regarding security measures noted in an e-mail exchange with resident Maribeth Henry. Ms. Wagner expressed concerns regarding the intentions with the noted security measures, associated explanations, and the Council's response to the residents requesting a ceasefire resolution.
5. Omar Elghawy (3683 Bellflower Drive) spoke regarding a ceasefire resolution and the need to support the matter locally, noting the rezoning matter discussed at the prior City Council meeting that included concerns for children's safety and compared the concern for the children of Gaza.
6. Dominic Parsons (310 West Melody Avenue) expressed concerns regarding the City Council adopting a ceasefire resolution, providing current statistics about the conflict in Gaza. He referenced the data for comparison to the population of Portage. He urged the Council to act.
7. Nyeisha Atchison (4319 Lakeside Drive, City of Kalamazoo) relayed that she attends school in Portage while a resident of Kalamazoo. She highlighted the comments both she and her friend made during the

prior City Council meeting urging a ceasefire resolution. She expressed concerns regarding the Council not yet adopting a resolution, lack of action, and reactions.

8. Maribeth Henry (2621 Bach Avenue) spoke in support of a ceasefire resolution for Gaza and expressed concern about the City Council's reaction to impassioned citizen comments. She encouraged the City Council and City Administration to have continued dialogue with the residents for outreach, diversity, and concerns about Gaza.
9. Amy Damashek (1919 Brentwood Avenue, City of Kalamazoo) highlighted her role as a professor of psychology at Western Michigan University and member of the local Jewish community. She noted her professional background in supporting underserved children and families, highlighting the effect of the conflict in Palestine on its local children regarding violence, sanitary conditions, and safety. Ms. Damashek then noted several Jewish organizations that had already adopted ceasefire resolutions and urged the City Council to do the same.
10. Xena Zayad (3672 Taunton Trail) expressed displeasure with the City Council's response following the previous meeting. She relayed her move to the U.S. and her experience as a minority. She then stated that, as a student in Portage, she had experienced discrimination at school based on her race which she had not experienced in Kalamazoo.
11. Harrasa Santiago (5101 Swallow Avenue, Texas Township) urged the City Council to adopt a ceasefire resolution and expressed displeasure with the City Council's response following the previous meeting.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any would like an item removed from the Consent Agenda. Motion by Burns, seconded by Urban, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 6 to 0.

Cooley Drive Reconstruction Project: Motion by Burns, seconded by Urban, to award a construction contract to Rieth Riley Construction Company, Incorporated, Kalamazoo, Michigan in an amount not to exceed $800,450.64 for the Cooley Drive Reconstruction project and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

FY 2024-25 Budget Review Sessions: Motion by Burns, seconded by Urban, to establish April 23, 2024, from 2:00 to 5:30 p.m. and May 7, 2024, from 2:00 to 5:30 p.m. (if needed) for review of the proposed Fiscal Year 2024-2025 Budget. Upon a roll call vote, motion carried 6 to 0.

MMRMA Renewal: Motion by Burns, seconded by Urban, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed $592,513 for the period March 1, 2024 to March 1, 2025 and authorize the Authorized Member Representative (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.

Approval of Additional Legal Counsel: Motion by Burns, seconded by Urban, to approve the retention of Attorney Stanley J. Stek as special legal counsel per Section 6.6 of the City Charter. Upon a roll call vote, motion carried 6 to 0.

Minutes of Boards & Commissions: Motion by Burns, seconded by Urban, to receive the minutes of the Environmental Board of November 8, 2023; December 13, 2023; and January 10, 2024. Upon a roll call vote, motion carried 6 to 0.

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

REGULAR BUSINESS AGENDA:

Closed Session: Motion by Burns, seconded by Young, to enter into Closed Session to discuss a written legal opinion during the City Council Meeting of Tuesday, February 20, 2024. Upon a roll call vote, motion carried 6 to 0.

Exited at 6:45 p.m.
Returned at 8:17 p.m.

MDOT Grant for Austin Lake Trail: Mayor Randall introduced the item. As there was no additional discussion, motion by Young, seconded by Urban, to approve a Resolution of Support to provide a local match and submit a grant application to the MDOT Transportation Alternatives Program for construction of the Austin Lake Trail. Upon a roll call vote, motion carried 6 to 0.

Approval of Minutes: Councilmember Burns provided an explanation of his removal of the item from the Consent Agenda following a citizen inquiry and requested that the meeting minutes from the February 6, 2024 Regular Meeting be amended to include a notation that "Councilmember Burns asked if the Historic District Commission matter could be brought back at a later date. City Manager McGinnis and Attorney Kaufman confirmed that it could be brought back in the future if the district committee was not approved at that meeting."

Motion by Burns, seconded by Young, to approve the City Council Meeting Minutes of the Regular Meeting of February 6, 2024, as amended. Upon a voice vote, motion carried 6 to 0.

Accounts Payable Register: Councilmember Burns relayed why he had removed the item from the Consent Agenda, noting that a citizen had contacted him and requested an explanation for check number 20917(A) for $3,605.05 to Fishbeck for Austin Lake East Shore Wetland Delineation; check number 326432 for $3,379.20 to Orbis for an archaeological survey; and check number 326436 for $4,375.00 to Progressive AE for consulting services for aquatic nuisance. Councilmember Burns provided an explanation as detailed to him by the City Administration regarding the various expenditures.

Motion by Burns, seconded by Urban, to approve the Accounts Payable Register of February 20, 2024, as presented. Upon a voice vote, motion carried 6 to 0.

MDOT Contract No. 24-5006 (Portage Road, Romence Road Parkway to Fairfield Road): At the Mayor's introduction, Councilmember Burns explained that a citizen had requested additional information on this item relating to the reference of a trail and intended placement of boulevard sections. Councilmember Burns relayed the staff response to the questions, noting that the justification of the reconstruction project was to accommodate pedestrian traffic on the trail running on both east and west sides of Portage Road between Romence and Milham roads. He then relayed that the boulevard sections were planned throughout the entire corridor of Portage Road, from Romence to Fairfield roads, as a traffic-calming design and tie in with existing boulevards previously installed from East Centre Avenue to Romence Road Parkway, as well as north of the project area by the Michigan Department of Transportation.

Motion by Burns, seconded by Young, to approve Contract No. 24-5006 between the Michigan Department of Transportation and the City of Portage for the reconstruction of Portage Road from Romence Road Parkway to Fairfield Road and adopt a Resolution authorizing 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.

Rezoning Application No. 23/24-3 (1330 E. Centre Avenue): Mayor Randall introduced the item and Councilmember Burns explained the item's removal from the Consent Agenda, noting a citizen's request for additional clarification. Councilmember Burns stated that the citizen sought to understand the potential impact on the adjacent sidewalks and nearby Lovers Lane trail. He provided a response from the City Administration, noting that the rezoning does not impact sidewalk requirements as those are part of the separate Site Plan review and the Lovers Lane trail is not part of the rezoning consideration.

Motion by Burns, seconded by Ledbetter, to receive Rezoning Application No. 23/24-3 to rezone 1330 E. Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development, and set a Public Hearing on March 19, 2024. Upon a roll call vote, motion carried 6 to 0.

Ordinance Amendment (2021 International Property Maintenance Code Adoption): Councilmember Burns relayed a citizen concern he received regarding the changes entailed with the adoption of the new International Maintenance Code and asked the City Administration to elaborate on the rationale for the proposal. City Manager McGinnis responded, noting the standard practice and acceptance by numerous municipalities in Michigan. At City Manager McGinnis' request, Chief Development Officer (CDO) Pete Dame explained, noting two exceptions for the city pertaining to noxious weeds and reestablishment of heating.

Councilmember Burns asked the City Attorney why the routine red-line/strikeout example of the proposed ordinance revisions was not included in this item. City Attorney Kaufman responded, noting Assistant City Attorney Roxanne Seeber had prepared the item and apologized for the oversight. Councilmember Burns asked if the ordinance amendment was time-sensitive, to which CDO Dame responded it was not. Councilmember Burns suggested that additional explanation from the City Administration would be helpful, as well as postponing it until the next Council meeting. Councilmember Urban also elaborated on the Council's desired explanation and asked how the city would make the Code available online to the public, noting it was a private vendor publication. CDO Dame responded that the City Administration would further research the options and ensure the Code would be available online in some form. Councilmember Urban also asked that the ordinance amendment include the statement "as adopted" and expressed concern with the City Administration's notation of future automatic adoptions of the Code as a third-party document, as well as the two city exceptions entailed.

Mayor Randall asked why the city was adopting the 2021 Code in 2024. CDO Dame responded. Mayor Randall asked for additional information regarding how many other municipalities had adopted this code and the purpose behind doing so. City Attorney Kaufman responded that her firm would research and provide that information at the next meeting.

Motion by Burns, seconded by Urban, to table the first reading of the proposed ordinance to adopt the 2021 International Property Maintenance Code providing for future updates to the regular City Council meeting on March 5, 2024. Upon a roll call vote, motion carried 6 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Miller provided an update regarding the Discover Kalamazoo Advisory Board. Councilmember Burns provided an update regarding the Central County Transportation Authority Board.

Motion by Urban, 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 spoke regarding the citizen inquiries regarding the Portage Road MDOT project and associated trail improvements, as well as Council's oversight regarding final elements of the Austin Lake Trail project design.

Councilmember Ledbetter agreed with Councilmember Urban and noted the Council welcomes citizen comments, but relayed the concerning citizen comment from the prior meeting. He then relayed the award-winning advancements created by Dr. Marian Croke for telecommunications in relation to Black History Month.

Councilmember Miller had no comments.

Councilmember Urban expressed disagreement with the various citizen statements from earlier in the meeting that identified the Councilmembers as indifferent, racist, and concerned for personal safety. He noted concern about the student comments made regarding racist remarks while at school and implored the school district to further research. He noted he would support a statement regarding the Council's position but that no drafts thus far had addressed the hostage situation. He also stated he had received threatening emails regarding the subject.

Councilmember Young recognized local 4th and 5th graders who participated in the Battle of the Books elementary competition, including a first-place award to the Amberly Elementary "Tigers" and a second-place award to the 12th Street Elementary "Jaguars." She then recognized the Portage Public Schools' "OK to Say" anti-bullying program in light of the young citizen comments noting racist bullying at school and encouraged students to use it if they witness or experience bullying. Councilmember Young then responded to the citizen comments directed to Councilmembers with children in relation to the Palestinian conflict, stating that she did not take her position in life for granted. She then relayed the receipt of threatening e-mails both she and Councilmember Ledbetter had received from those identifying with the ceasefire argument, which were unacceptable.

City Manager McGinnis provided a reminder of the coming spring and an associated Farmer's Market vendor meeting on February 29th.

Mayor Randall also responded to certain citizen comments and perceived threats directed toward the Council in relation to the Palestinian/Israeli conflict. She reiterated the longstanding position of the Council to refrain from commenting on international matters. She then noted the upcoming Chinese Lantern Festival scheduled for the Zhang Portage Senior Center on February 25 to promote reconciliation, peace, and forgiveness.

ADJOURNMENT: Mayor Randall adjourned the meeting at 9:19 p.m.

Erica L. Eklov, City Clerk