

## Roll Call

The Kalamazoo City Commission met as a Committee of the Whole on Monday, July 19, 2021 at 5:00 p.m. This meeting was held as an electronic meeting under the authority of the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020.

## COMMISSIONERS PRESENT:

Mayor David Anderson  
Vice Mayor Patrese Griffin  
Eric Cunningham  
Jeanne Hess  
Chris Praedel

## COMMISSIONERS ABSENT:

Erin Knott  
Jack Urban\*

All members present indicated they were physically located in the City of Kalamazoo.

Also present were City Manager Jim Ritsema, Deputy City Manager Jeff Chamberlain, City Attorney Clyde Robinson, and City Clerk Scott Borling.

## Commissioners Excused

Commissioner Cunningham, seconded by Commissioner Hess, moved to excuse the absences of Commissioners Knott and Urban. With a voice vote the motion passed.

## Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

Tamara Mitchell, non-resident, requested that the City Commission amend Section 39 of the City Charter to prohibit the use of funds from third parties in City elections. Ms. Mitchell asked that the City Manager and City Auditor audit the City Clerk's budget for 2020 and provide an audit report regarding the handling of private funds and funds used for the November 2020 election. Ms. Mitchell claimed the City repeatedly violated federal Freedom of Information laws by accepting funds from the Center for Tech and Civic Life, funds they were ineligible to receive.

Mark Krai, City resident, spoke about the issue of homeless people on the North Kalamazoo Mall. Mr. Krai stated the situation was becoming dangerous, and he asked that the City provide regulations for addressing the situation. Mr. Krai expressed support for the Kalamazoo Department of Public Safety as they attempted to address this issue.

Carla, a City resident, spoke about the issue of vagrants and crime on the North Kalamazoo Mall and asked that park benches and outlets on the North Mall be removed.

Ruth Garcia, non-resident, asked that the City continue to have virtual, accessible meetings.

Review of Items on  
Upcoming City  
Commission Agendas

Deputy City Manager Chamberlain reviewed items for upcoming City Commission meeting agendas, including items on the agenda for the 7:00 business meeting and the following topics for future Committee of the Whole meetings: on August 2<sup>nd</sup>, economic development tax abatements and the process for prioritizing the use of federal stimulus funds.

Community Planning and Economic Development Director Rebekah Kik introduced Community Investment Manager Antonio Mitchell and Neighborhood Business and Special Projects Coordinator Melody Daacon, who provided an update on the Business Development Fund. A copy of the slides from this presentation was filed with the papers for this meeting.

\* Commissioner Urban arrived at 5:37 p.m.

Commissioner Cunningham requested data on Black/Indigenous/People of Color (BIPOC) business and property ownership. Commissioner Cunningham commented on the lack of City investment in the Eastside Neighborhood and asked staff to respond.

Mr. Mitchell reported the City had been working with Pat Taylor, Executive Director of the Eastside Neighborhood Association (ENA), to explore ways to get more dollars into the Eastside community. Mr. Mitchell indicated there were four businesses on East Main Street participating in the façade grant program, and other businesses were making sidewalk and lighting improvements.

Director Kik remarked that the City had granted \$275,000 to the ENA in 2020 to purchase property for development on East Main Street.

Mayor Anderson recognized the City's Eastside partners, including Youth for Christ and the Kalamazoo County Land Bank.

Commissioner Praedel remarked on the success of the \$5,000 microgrant for small businesses, but he questioned the need for a one-year operating requirement, noting many businesses could not get up and running in 2020 due to the COVID-19 pandemic.

Mr. Mitchell explained the City wanted to see a track record for microbusiness loans. Mr. Mitchell stated the focus of these loans was to help the Shared Prosperity Kalamazoo (SPK) neighborhoods, but he indicated the City wanted to begin helping start-up businesses in 2022.

Commissioner Praedel observed there was a gap between contractor training and a trained person being ready to start a business or begin working for someone. Commissioner Praedel stated issues like the need for licensing, technical help, and legal help were barriers.

Mr. Mitchell indicated staff were working with the Homebuilders Association of Kalamazoo and were making adjustments to the City's programs. Mr. Mitchell stated the Foundation for Excellence (FFE) Board understood the City was making these adjustments.

Director Kik noted the funds identified in the presentation were 2022 dollars.

Commissioner Urban remarked that it would be important for the City to widely publicize its successes, and he cautioned that the established business community might look at these programs and question whether it was appropriate for the City to invest in new businesses.

**2021-00**

Business Development  
Fund Update

**2021-00**

Business Development  
Fund Update (cont'd)

In response to a question from Commissioner Urban, Mr. Mitchell clarified the City offered grants, not loans, and he explained the City's investments in businesses were designed to grow the tax base. Mr. Mitchell stated these investments were relatively small, but they triggered larger investments.

Commissioner Urban commended Mr. Mitchell for being closely attuned to the real needs of the business community, and he spoke about the challenge of demonstrating results from investments in people.

Commissioner Hess expressed support for inclusive, holistic business growth. Commissioner Hess urged the City to support growth for the trades. Commissioner Hess questioned whether the City was collaborating with other community resources, like the Small Business Development Center (SBDC).

Ms. Daacon spoke about the people and businesses in the contractor training program and stated the City was connecting this group to resources in the community, like the SBDC. Ms. Daacon indicated many in the program had applied for a grant through the United Way.

**2021-00**

Discussion re: a  
Return to In-Person  
Public Meetings

City Manager Ritsema provided introductory remarks on a presentation entitled *Return to In Person Meetings: Discussion*. A copy of the slides from this presentation was filed with the papers for this meeting. City Manager Ritsema used the presentation to guide the Commission through a series of decision points regarding in-person meetings.

City Manager Ritsema asked Commissioners whether Kalamazoo's Emergency Order should be extended to December 31, 2021, if possible.

In response to Commissioner comments and questions, City Attorney Robinson provided the following information:

- the City had the ability to declare a local state of emergency, but there should be facts that supported that declaration. The rise of the COVID-19 Delta variant might provide sufficient rationale, but the state had repealed almost all its emergency orders. There was no statewide mask mandate or social distancing requirements. If the City required masks, how would the mandate be enforced?
- the City could establish its own facts, and it was unlikely that a court would overturn a legislative decision if there was a rational basis. The following factors could be used to support an extension of the state of emergency: Kalamazoo was a college town; only 60-65% of adults in the county were vaccinated; people who were vaccinated could still be carriers of the virus; and there was uncertainty about how the Delta variant would behave in the community.
- the City's authority under the Open Meetings Act (OMA) to conduct virtual public meetings under a local state of emergency would expire at the end of the year.
- to extend the state of emergency the City Commission would need to adopt a resolution. The resolution could either declare a new state of emergency or extend the existing state of emergency. Only one meeting was required for this action.

- if the City Commission extended the state of emergency, hybrid meetings would be an option, with people being able to participate both remotely and in person, including City Commissioners.
- there were questions that would need to be answered if the City Commission wanted to resume in-person meetings but reserve the ability for individual Commissioners to continue participating remotely. Decisions would need to be made about where the quorum would be, who would chair the meeting, and whether the public could attend in person.

Commissioner Hess questioned whether the rise of the Delta variant could lead to a return to full masking, and she noted the vaccination rate for Kalamazoo County was 61.6%, not the 70% goal. Commissioner Hess questioned whether the City could require meeting attendees to show their vaccination cards and personal identification. Commissioner Hess stated the Delta variant outbreaks would be devastating this fall. Commissioner Hess indicated she wanted to meet in person, but she wanted the community to be safe.

Commissioner Urban stated he wanted to see a time plot of hospitalizations for COVID-19 in the community and the current vaccination percentages for the City and County. Commissioner Urban suggest the City devise a quantitative rule for these data points that would trigger a return to in-person meetings.

Commissioner Cunningham expressed support for the hybrid meeting option.

City Manager Ritsema requested that the Commission address the question of whether the emergency order should be extended.

Commissioner Urban expressed support for extending the emergency order, as it would give the City the most flexibility.

In response to a question from Mayor Anderson, City Manager Ritsema reported the City of Portage had been conducting hybrid meetings, and every other local jurisdiction was operating under the guidance and practice of Kalamazoo County.

Commissioner Praedel stated it was important to give people a timeline for a return to in-person meetings. Commissioner Praedel noted the extension of the local state of emergency did not necessarily mean City Commission meetings would be virtual through the end of the year.

Commission Urban suggested that staff meet with health experts before the next Commission meeting and connect a return to in-person meetings with real data.

City Manager Ritsema expressed his preference for returning to in-person meetings as soon as possible. City Manager Ritsema indicated he would present a timeline for returning to in-person meetings when the Commission took action to extend the emergency order.

By consensus the City Commission asked the City Administration to prepare a resolution to extend the Local State of Emergency until December 31, 2021.

City Manager Ritsema reviewed the remaining decision points and suggested this discussion be continued at a future date.

**2021-00**

Discussion re: a  
Return to In-Person  
Public Meetings  
(cont'd)

**2021-00**

Discussion re: a  
Return to In-Person  
Public Meetings  
(cont'd)

Commissioner Urban suggested Commissioners send their thoughts on the remaining decision points to the City Manager in writing.

City Attorney Robinson warned that following Commissioner Urban's suggestion would violate the Open Meetings Act; Commissioners' responses would need to be made public.

Commissioner Praedel stated the inability for Commissioners or staff to participate remotely for health reasons would be a deal breaker for him.

In response to a question from Mayor Anderson, City Manager Ritsema stated he had received enough feedback to move forward. City Manager Ritsema stated the remaining decision points would be discussed at the next Committee of the Whole meeting. City Manager Ritsema reported the Administration was working with the Kalamazoo Department of Public Safety to put in place personal safety measures for City Commission meetings.

Commissioner  
Comments

Next, an opportunity was given for comments from City Commissioners.

Vice Mayor Griffin requested follow-up on public comments regarding the City Clerk's budget and issues on the North Mall.

Commissioner Cunningham expressed support for Vice Mayor Griffin's requests. Commissioner Cunningham stated Ms. Daacon and Paul Thuringer were doing a great job on the Cannabis Committee. Commissioner Cunningham indicated some ordinance changes might be coming from their work.

Adjournment

The meeting adjourned at 6:40 p.m.

Respectfully submitted,

Scott A. Borling  
City Clerk

For City Commission approval on November 8, 2021

Approved by: \_\_\_\_\_

David F. Anderson, Mayor

Dated: November 8, 2021

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