A regular meeting of the Kalamazoo City Commission was held on Monday, August 7, 2017 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:	Mayor Bobby J. Hopewell Vice Mayor Don Cooney David Anderson Erin Knott Matt Milcarek Shannon Sykes Jack Urban
COMMISSIONERS ABSENT:	None

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

Invocation

The invocation, given by Pastor Matt Munson, Valley Family Church, was followed by the Pledge of Allegiance.

Group Violence Intervention Update

Public Safety Chief Jeff Hadley, Dr. Charlea Davis from the Interfaith Strategy for Action and Advocacy in the Community (ISAAC), Linda Snyder from Goodwill Industries, and the Reverend Dr. Addis Moore from the Northside Ministerial Alliance, provided an update on the Group Violence Intervention (GVI) strategy and reported on the first "call-in" that occurred on June 29th.

In response to a question from Commissioner Anderson, Chief Hadley shared violent crime data from 2014-2017, and he stated the National Crime Network would be helping the City frame and present its data going forward.

Commissioner Anderson and Vice Mayor Cooney commended Chief Hadley and the community partners for their work.

Commissioner Urban expressed excitement about the opportunity for Kalamazoo to show how GVI could work in smaller cities.

In response to a question from Commissioner Urban, Chief Hadley stated the June 29th call-in was for adults, and a call-in for young people had occurred about a month prior.

Commissioner Sykes commended the GVI strategy for addressing root causes and focusing on the value of each individual person.

In response to question from Commissioner Sykes, Chief Hadley reported interviews were schedule for a Group Violence Intervention Coordinator, and this person would be doing follow-up with people who attended the call-ins.

Mattie Jordan-Woods spoke about young people involved with the GVI who were being employed by NACD.

Mayor Hopewell thanked everyone who was involved with the GVI.

By unanimous consent the City Commission adopted its meeting agenda as presented.

Adoption of the Agenda

At 7:29 p.m. Mayor Hopewell opened a public hearing to receive comments on an ordinance to rezone 621 W. Kalamazoo Avenue from Zone M-1 (Manufacturing, Limited District) to Zone RD-19 (Residential, Duplex District).

Public Hearing re: the Rezoning of 621 W. Kalamazoo Avenue

Jeff Leonard, attorney for the rezoning applicant, provided an overview of the rezoning request and spoke in favor of the proposed ordinance.

At 7:32 p.m. Mayor Hopewell closed the public hearing.

Commissioner Knott, seconded by Commissioner Sykes, moved to adopt an **ORDINANCE** to rezone 621 W. Kalamazoo Avenue from Zone M-1 (Manufacturing, Limited District) to Zone RD-19 (Residential, Duplex District).

Ordinance 1946 Rezoning 621 W. Kalamazoo Avenue

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Knott, Milcarek, Sykes, Urban, Vice Mayor Cooney, Mayor Hopewell

NAYS: None

Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the city:

Consent Agenda

- approval of a agreement with JW C Environmental for the overhaul of three fine screening units at the Wastewater Treatment Plant in the amount of $105,000.

- approval of a contract with L.D. Docsa Associates, Inc. for Davis Street Park Improvements in the amount of $159,900.00.

- approval of a change order in the amount of $163,888.17 to the contract with Hoffman Brothers Inc. for the Farmers Alley Project.

- approval of a one-year contract extension for the purchase of 16% sodium hypochlorite, by volume, from Alexander Chemical Corporation in the amount of $241,400.

- adoption of **RESOLUTIONS** #1, 2, and 3 for the purpose of approving the 2016 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of $14.779. Resolution #3 schedules a public hearing for September 18, 2017.

Resolutions 17-44, 17-45, and 17-46

Commissioner Milcarek, seconded by Commissioner Urban, moved to approve the consent agenda requests and authorize the City Manager to sign all documents on behalf of the City.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Knott, Milcarek, Sykes, Urban, Vice Mayor Cooney, Mayor Hopewell

NAYS: None

Unfinished Business

Next, items of unfinished business were considered.

Discussion of the Foundation for Excellence

City Attorney Robinson reviewed a memo dated August 3, 2017 with the subject *Kalamazoo Foundation for Excellence Issues*. City Attorney Robinson provided the following answers to Commissioners' questions regarding the draft Articles of Incorporation (Articles) and Bylaws for the Foundation for Excellence (FFE):

- the Articles and Bylaws allowed non-residents on the FFE Board of Directors (FFE Board) in an effort to include people who had an interest in the Kalamazoo community but who do not live in the City. Some stakeholders might not live in the City. (Commissioner Sykes)

- the Articles established a minimum number of residents, but not a maximum. (Commissioner Anderson)

- in the technical sense, all gifts to the FFE would be "restricted" because the use of all FFE funds were restricted by the parameters established in the Articles. (Commissioner Milcarek)

- FFE funds could only be spent through the City of Kalamazoo. (Commissioner Urban)

- the FFE Board would be a public body subject to the Open Meetings Act, which meant the Board would need to have meetings open to the public that were properly noticed with an annual calendar of meetings, and for which minutes were kept. The Articles were comparable to a city charter and were required by the Home Rule Cities Act and Michigan Non-Profit Corporations Act. The Bylaws were comparable to a city's code of ordinances. Both documents were binding and could be changed, although the process for changing them was intentionally difficult, especially the Articles. (Commissioner Anderson)

- the purpose of the FFE Board was described in the Articles, Article II, Sections A and B.

Vice Mayor Cooney thanked City Attorney Robinson for listening to the concerns and requests raised by Commissioners on July 24th.

Commissioner Urban thanked City Attorney Robinson for expediting changes to the draft Articles and Bylaws. Commissioner Urban thanked the lead donors and the donors' attorney for agreeing to the proposed changes.

Discussion of the Foundation for Excellence (cont'd)

Carrie Pickett-Erway, Executive Director of the Kalamazoo Community Foundation (KCF), addressed the issue of restricted donations and explained that fund restrictions were for accounting purposes only and did not mean or imply ongoing influence by the donors. Ms. Pickett-Erway highlighted the need for separate policies and procedures to address administrative issue like the acceptance of donations, and she recommended these policies be established by the FFE Board to allow for flexibility, adaptability, and innovation. Ms. Pickett-Erway expressed support for the concept of the City using the KCF to find stakeholders for the FFE Board positions. Ms. Pickett-Erway indicated she understood the City's priorities for community engagement and its goals for diversity and representation on the Board.

In response to a question from Commissioner Knott, Ms. Pickett-Erway stated the perception of implicit bias with FFE Board members could be mitigated by having policies and procedures that addressed conflicts of interest and clarified the qualifications, roles, and responsibilities of the board members.

In response to a question from Commissioner Urban, Ms. Pickett-Erway clarified that the FFE board would have the ability to refuse restricted donations where the restrictions were not in line with the *Donor Statement of Intent*.

Motion to Restrict Donor-Restricted Gifts to the FFE

Commissioner Milcarek, seconded by Commissioner Sykes, moved that City Commission task the City Attorney to draft language that would, in the Articles of Incorporation, further restrict the ability of donors to specifically restrict where their funding could go within the Foundation.

Prior to a vote on the motion, Commissioner Milcarek expressed concern about restricted funds reducing the resources available for other FFE uses. Commissioner Milcarek explained that fund restrictions, if large enough, could lead to a situation where the FFE Board was essentially budgeting for the City and donors were controlling where the funds went. Commissioner Milcarek stated the direction for spending FFE funds should come from the community vision and not the interests of individual donors.

In response to a question from Vice Mayor Cooney, City Attorney Robinson confirmed the FFE Board should not be accepting donations that did not align with the three FFE funding priorities, and the ultimate power to approve the allocation and spending of FFE funds rested with the City Commission.

Commissioner Sykes questioned what would happen if large donations were made and restricted to use for one small part of the FFE.

Mayor Hopewell stated he did not want to deal with hypothetical situations.

In response to a question from Mayor Hopewell, Ms. Pickett-Erway stated the most likely scenario with restricted donations was restrictions within specific FFE goals, but there should not be any problems if donations were in line with the overall FFE goals. Ms. Pickett-Erway stated the FFE

Motion to Restrict Donor-Restricted Gifts to the FFE (cont'd)

would be large enough to handle the relatively small percentage of restricted gifts. Ms. Pickett-Erway advised that the City and FFE Board would want flexibility in fund raising and the ability to match donors' interests with the FFE goals.

Commissioner Urban stated he wanted to trust the FFE Board, that they would not accept gifts that would harm the fund.

Commissioner Sykes thanked Ms. Pickett-Erway but stated the Commission could not contemplate the future without dealing with hypothetical situations. Commissioner Sykes indicated she felt good about the documents except for a couple of items to be worked out. Commissioner Sykes expressed concern that non-profit organizations would let marginalized groups fall through the cracks.

City Manager Ritsema clarified that fundraising was separate from the work of FFE Board, and the lead donors had pledged to raise funds in line with their own *Statement of Donor Intent*.

Commissioner Milcarek noted the FFE was unique and not like other foundations, and he stated it would be legally possible for restricted donations to end up prioritizing the spending of FFE dollars.

When citizens were given an opportunity to comment on Commissioner Milcarek's motion regarding restricted donations to the FFE, the following people addressed the City Commission:

Zach Lassiter, City resident, thanked Commissioner Milcarek for his motion. Mr. Lassiter expressed support for the FFE but noted it was not a normal non-profit organization. Mr. Lassiter pointed out that taxpayers were not able to pick where their money was spent.

Andrew Argo, City resident, expressed concerns about the Articles and Bylaws and distributed a document detailing those concerns and recommendations to address them. Mr. Argo stated it was the Commission's job to address hypothetical situations and calm citizens' fears. A copy of the document provided by Mr. Argo was filed with the papers for this meeting.

Chan Pratt, City resident, questioned whether FFE contractors would be required to hire City residents and whether donors would be able to restrict hiring to geographic areas with their gifts.

Mattie Jordan-Woods, City resident, expressed support for the FFE documents as written.

John Schmitt, City resident, expressed opposition to the motion and stated the FFE documents would be unusable if they tried to address every future contingency.

Eponine Garrod, City resident, expressed support for the motion and stated eliminating restricted funds would eliminate risk.

Motion to Restrict Donor-Restricted Gifts to the FFE (cont'd)

Norah Getz, City resident, expressed support for eliminating restricted donations and for making donors' names public information.

Jason Novotny, City resident, expressed opposition to the motion and encouraged people to trust the FFE Board and the checks and balances in the Articles and Bylaws.

Ricky Thrash, City resident, expressed opposition to the motion.

Sheri Welsh, City resident, expressed opposition to the motion and stated she would be less inclined to give to the FFE if restricted gifts were prohibited. Ms. Welsh stated people needed to trust the City Commission and the KCF.

Andrew Haan, City resident, expressed opposition to the motion. Mr. Haan stated the existing restrictions in the Article and Bylaws provided good guidance for the lead donors as they raised funds.

With a roll call vote this motion failed 2-5.

AYES: Commissioners Milcarek and Sykes

NAYS: Commissioners Anderson, Knott, Urban, Vice Mayor Cooney, Mayor Hopewell

Citizen Comments

When an opportunity was given for general citizen comments, the following people addressed the City Commission:

Nehemiah Scudder, City resident, expressed support for eliminating the separation of church and state in America.

Eponine Garrod, City resident, asked questions about the Bylaws, Section 4.02 (B)(a) et seq., regarding the composition of the FFE Board.

Nathan Dannison, City resident, expressed support for the FFE and the opportunities citizens would have to influence FFE spending through the City Commission and the Imagine Kalamazoo 2025 (IK2025) process. Mr. Dannison spoke about the potential impact of the FFE on Kalamazoo.

Garrylee McCormick, City resident, spoke on behalf of the Homecrest Neighborhood Association and gave examples of how City funds had been spent to improve the neighborhood.

Mark Schauer, City resident, reported he had recently moved to Kalamazoo because it was a progressive, inclusive community. Mr. Schauer expressed support for the FFE and stated the Articles and Bylaws would protect the community and its residents.

Zach Lassiter, City resident, reported a cyclist had been killed just outside the City limits during the course of the meeting.

Citizen Comments (cont'd)

Barb Miller, City resident, expressed support for the FFE and stated it was a great gift for Kalamazoo residents.

Norah Getz, City resident, asked that the "3rd Party Governing Structure" mentioned in the Articles and Bylaws be composed of citizen members elected directly by the citizens. Mr. Getz stated the donors and donations to the FFE needed to be a matter public record, and he stated the City needed to do more to publicize the discussion about the FFE documents. Mr. Getz requested that citizens be notified before the city sprayed pesticides and herbicides.

Creed Stegall, City resident, asked if the Commission meetings regarding the FFE were being recorded for posterity and future guidance. Mr. Stegall suggested the former fire station on Cedar Street be made into a school for building trades.

City Commissioner Comments

Next, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner Milcarek thanked Commissioners and citizens for the discussion about the FFE.

Commissioner Urban remarked that he was leaving the meeting with more knowledge than when he came.

Commissioner Knott welcomed Mr. Schauer to Kalamazoo and remarked on recent events in City neighborhoods. Commissioner Knott congratulated Ms. Jordan-Woods on her 30 years of service at the Northside Association for Community Development.

Commissioner Sykes expressed condolences to the family of the cyclist who was killed. Commissioner Sykes suggested the FFE documents include goals for identity diversity and a requirement for board member training on implicit bias. Commissioner Sykes questioned whether the City could require that stakeholder organizations employ a certain percentage of city residents, and she asked for clarification on whether donor information could be made public. Commissioner Sykes stated she did not trust everyone involved in the FFE process, but she trusted the citizens. Commissioner Sykes indicated she did not like the FFE concept, but she supported it because the citizens wanted it. Commissioner Sykes expressed hope that the FFE work could move forward because Kalamazoo was a community where people cared about each other.

Commissioner Anderson remarked on the need for a collective sense of awe about the opportunity at hand with the FFE. Commissioner Anderson compared the FFE to The Kalamazoo Promise and noted The Promise had brought people together to pull towards the same goal. Commissioner Anderson stated the work of finalizing the FFE documents was valuable work, but the final document would still be imperfect.

Vice Mayor Cooney offered comments on the losses experienced by the City organization over the past 20 years and talked about the ability of the FFE to help hurting people.

City Commissioner Comments (cont'd)

Mayor Hopewell invited people to a visioning session to discuss redevelopment ideas for the former Public Safety training facility on Cedar Street. Mayor Hopewell offered remarks on the need for trust and pointed out that many people in the community had ties to organizations that received KCF funds, and they did not know individual donors who provided those funds. Mayor Hopewell noted the annual budget was the City's mechanism for setting priorities.

Adjournment

The meeting adjourned at 9:41 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on September 18, 2017

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: September 18, 2017