

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, May 16, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

COMMISSIONERS PRESENT:

Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Esteven Juarez
Chris Praedel

COMMISSIONERS ABSENT:

None

Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, City Clerk Scott Borling, and Patricia Vargas, Executive Assistant to the City Manager's Office.

Invocation

The invocation, given by Dave Barringer of Kalamazoo First, was followed by the Pledge of Allegiance.

Proclamation

Commissioner Praedel Hess read a proclamation *Recognizing Essential Transit Employees*. Earl Cox, Coach Operator and President of the Amalgamated Transit Union Local #1093, and Sean McBride, the Executive Director of the Kalamazoo County Transportation Authority and Central County Transportation Authority, received the proclamation.

Mayor Anderson read a statement on the recent mass shooting in Buffalo, New York and expressed support for the residents and mayor of Buffalo.

Adoption of the Agenda

By unanimous consent the City Commission adopted its meeting agenda with the following change:

Commissioner Decker requested that Items G-2, a professional service agreement for the design of the Kalamazoo Avenue two-way street conversion, and Item G-5, a resolution recommending approval of a Development District Liquor License for Factory Coffee at 205 W. Lovell Street, be moved to the Regular Agenda.

Public Comments

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

In Person Comments

Steve Glista, City resident, spoke about the Inkster Bridge replacement project and asked the City to seek community input on the project design so the bridge could support both motorized and nonmotorized traffic.

Tina McClinton, City resident, spoke about flooding in the Southtown area and asked that the City fix the sewers.

Gwendolyn Hooker, City resident, described a traffic stop incident that had occurred that morning involving her vehicle and stated the vehicle was searched, the driver assaulted, and her car damaged. Ms. Hooker expressed

concern the driver was only given a warning, so there was no incident report. Ms. Hooker asked that the City investigate this incident.

Kiar Gamsho, City resident, expressed support for the proposed TIF and Development Plan for the Northside Cultural Business District Authority (NCBDA).

Irvin Beverly, City resident, asked that the City address basic needs in the Northside Neighborhood, such as sidewalks in disrepair, blighted housing, parks that needed maintenance, and no school zone lights.

Mattie Jordan-Woods, City resident, addressed comments made by Kalamazoo County Housing Director Mary Balkema about the County not supporting the creation of affordable housing in areas near the Graphic Packaging plant. Ms. Jordan-Woods asked the City Commission to not let anyone withhold funds or prevent development near Graphic Packaging.

Jerry Williams, City resident, expressed support for the proposed TIF and Development Plan for NCBDA.

An anonymous speaker thanked Ms. Jordan-Woods for her work and asked the City to invest in the Northside Neighborhood for the long term.

Leander Rabe, non-resident and representing the Kalamazoo Coalition for the Homeless, spoke about the housing crisis and asked if there would be an extension and expansion of the emergency housing ordinance adopted in December to create long term provisions for alternative housing.

Jeff Messer, City resident, reported the organization Rank MI Vote was circulating a petition to amend the Kalamazoo City Charter to allow for ranked choice voting in City elections, and he invited people to sign the petition at the Farmer's Market on Saturday mornings. Mr. Messer submitted a copy of the petition and a written version of his remarks, which were filed with the papers for this meeting.

Kristina Dorett, non-resident and the Kalamazoo volunteer coordinator for Rank MI Vote, spoke about ranked choice voting and the strategy of Rank MI Vote. Ms. Dorett stated Kalamazoo was targeted for a charter amendment because it was a progressive city.

An anonymous speaker spoke about a new state law regarding service dogs and indicated he had filed a lawsuit against the City. The speaker stated he had questions about Item F-8 on the Consent Agenda.

Call-In Comments

Aleena Evans spoke about the City Manager's disagreement with the findings of the Citizen Public Safety Review and Appeal Board (CPSRAB) in the appeal of Monica Padula. Ms. Evans asked how many CPSRAB findings had been upheld and how many had been denied. Ms. Evans asked that the charges against the activists from the homeless encampments be dropped.

Public Comments
(cont'd)

Public Comments
(cont'd)

Remi Harrington, a member of the Zoning Board of Appeals, questioned the administrative purview of the City Planner and how she was leveraging her authority.

JJ stated race and racism were factors in every aspect of American society, and he recommended a strategic approach to addressing racism. The speaker expressed support for a reparations policy.

2022-00

Public Hearing re: the
Proposed TIF and
Development Plan for
the NCBDA

At 7:59 p.m. Mayor Anderson opened a public hearing to receive comments on the proposed Northside Cultural Business District Authority (NCBDA) Tax Increment Financing (TIF) & Development Plan.

Mattie Jordan-Woods, Executive Director of the Northside Association for Community Development, delivered a presentation on the NCBDA and the proposed TIF and Development Plan. A copy of the slides from this presentation was filed with the papers for this meeting.

In response to a question from Mayor Anderson, Ms. Jordan-Woods reported the NCBDA Board was in the process of contacting other taxing units and asking them to support the TIF plan.

Mayor Anderson indicated he was on the NCBDA Board and stated the work had been challenging. Mayor Anderson explained how tax-increment-financing worked and noted it did not involve new taxes.

When an opportunity was given for public comments, the following people addressed the City Commission.

Marilyn Pulley, City resident and a member of the NCBDA Board, asked the City Commission to consider the proposed TIF and development plan favorably.

At 8:14 p.m. Mayor Anderson closed the public hearing. Mayor Anderson confirmed with City Manager Ritsema that no action was being requested at this time and that approval of the plan would be brought to the City Commission at a future meeting.

2022-00

Public Hearing re:
Proposed Changes to the
Zoning Code

At 8:14 p.m. Mayor Anderson opened a public hearing to receive comments on an ordinance to amend the text of "Chapter 50: Zoning" of the Kalamazoo City Code.

City Manager introduced Antonio Mitchell as the new Deputy Director of the Community Planning and Economic Development Department.

In response to Commissioners' questions, City Planner Christina Anderson, Deputy Director Mitchell, and Development Project Coordinator Paul "PJ" Thuringer provided the following information:

- the proposed changes were staff drive to clarify provisions of the Zoning Code.
- Chapter 20 of the City Code, which regulated marihuana businesses, prohibited drive-thru operations; the proposed ordinance would put that restriction into the Zoning Code, where it belonged, as it was a land-use issue.

- drive-thru restrictions were not based on business-type; they were based on land-use.
- curb-size pick-up and drive-thru service were two different things; the proposed ordinance addressed drive-thru service.
- state law allowed medical and adult use marihuana businesses could be co-located, but the separation distance criteria for the two types of businesses were different. The proposed ordinance would synchronize those criteria
- medical marihuana businesses were still viable because there was no tax on medical marihuana, and patients as young as 16 could use medical marihuana if they were registered patients with the state.
- the Cannabis Committee supported the proposed changes; two of the three committee members were minorities.
- staff were working to implement a social equity initiative for marihuana businesses. The current Social Equity policy required 25% of the fee and tax revenue from marihuana be use for social equity programs.
- there were three documents that regulated marihuana businesses in the City: the Zoning Code, Chapter 20 in the Code of Ordinances, and the Social Equity Policy.
- the City was not allowed to call out minorities in its Social Equity Policy; doing so would violate the Constitution. The policy used census tracts as a proxy for minority groups.
- the City had been thinking about social equity and marihuana businesses for the past four years. The greatest barrier to minority participation in the marihuana industry was the large amount of capital required to start a business. Only recently had the City received funds from the state to support the social equity program.
- the City did not track the race or ethnicity of marihuana business permit applicants.

Commissioner Decker stated she was not prepared to vote on the ordinance and indicated she needed more time to review the proposed changes. Commissioner Decker expressed a desire to talk with staff about the ordinance.

Discussion took place about systemic racism and the need for the City to do better with getting the black-indigenous-people-of-color (BIPOC) community involved in the marihuana industry.

City Manager Ritsema suggested dedicating a Committee of the Whole (CoW) meeting to discussing marihuana businesses and social equity. City Manager Ritsema indicated the focus of the CoW meeting should be marihuana and not the other changes in the proposed ordinance.

In response to a question from Mayor Anderson, City Attorney Robinson stated it would difficult to separate the marihuana-related and non-marihuana-related elements in the proposed zoning ordinance.

2022-00

Public Hearing re:
Proposed Changes to the
Zoning Code (cont'd)

2022-00

Public Hearing re:
Proposed Changes to the
Zoning Code (cont'd)

In response to a question from City Planner Anderson, City Attorney Robinson stated the entire zoning ordinance should need to be on the June 6th agenda.

Vice Mayor Cooney suggested the City Commission vote down the proposed ordinance and take up a brand-new ordinance instead.

Commissioner Praedel expressed support for postponing consideration of the ordinance, and he suggested the City Commission receive in depth presentation on the ordinance, such as the presentation City Planner Anderson gave to the Planning Commission.

By consensus, the City Commission requested a presentation on the proposed ordinance at its next meeting.

Commissioner Juarez stated complicated proposals like this ordinance should be discussed at a CoW meeting.

In response to a question from City Planner Anderson, Mayor Anderson indicated her presentation to the Planning Commission would be a good idea.

In response to a question from Deputy Director Mitchell, City Manager Ritsema indicated the presentation of additional marihuana items to the City Commission should be delayed.

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

Jeff Messer, City resident, thanked City Commissioners for asking probing questions. Mr. Messer noted City Planner Anderson had not identified the ordinance changes the ZBA had requested, and he suggested the change was allowing first floor residential uses in commercial zones. Mr. Messer expressed support for allowing drive-thru service at marihuana businesses.

Tina McClinton, City resident, spoke about addressing the ZBA to prevent the development of green space, and she questioned whether the proposed ordinance was an attempt to get around the ZBA.

At 9:09 p.m. Mayor Anderson closed the public hearing.

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items and authorize the City Manager to sign all documents on behalf of the city:

2022-00

- approval of a professional services agreement with Prein & Newhof for a City-wide stormwater condition assessment in the amount of \$287,000.

2022-00

- approval of a contract extension with Consumers Concrete Corporation for ready mixed concrete in the amount of \$463,150.

2022-00

Resolution 22-26

- adoption of a **RESOLUTION** adopting a project plan for wastewater system improvements and designating James J. Baker, PE, as the Authorized Project Representative.

- | | |
|--|----------------|
| - approval of the use of \$56,525 from the City Commission Initiatives budget to provide Diversity Equity and Inclusion Training Opportunities that will include commissioners. | 2022-00 |
| - approval of a Housing Development Fund loan in the amount of \$60,000 to Sweets4Homeless, LLC for gap financing in the creation of 4 affordable housing units located at 913 S. Westnedge. | 2022-00 |
| - approval of a request from the Kalamazoo Country Club for a permit to publicly display fireworks at 1609 Whites Road on Friday, July 1 st . | 2022-00 |
| - approval of a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on June 3, June 24, July 1, July 4, July 15, July 22, and August 12, 2022. | 2022-00 |

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

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Regular Agenda items were considered next.

In response to a question from Commissioner Praedel, City Attorney Robinson explained City officials thought the Kalamazoo Transportation Center (KTC) complied with the Americans with Disabilities Act after the 2006 renovations. When the US Attorney's Office notified the City of non-compliance, the City contracted for an independent assessment of the KTC. City Attorney Robinson stated the City presented its findings to the US Attorney's Office, and the proposed settlement agreement was the result of discussions between the City and US Attorney's Office.

When an opportunity was given for public comments on authorization for the City Attorney to execute a Settlement Agreement with the U.S. Attorney's Office for the Western District of Michigan to resolve allegations that a Transit Center does not fully comply with the Americans with Disabilities Act (ADA) and pertinent regulations, the following people addressed the City Commission:

Bill Reeves spoke about ongoing difficulties hearing proceedings in the City Commission Chambers and suggested the installation of additional audio speakers. Mr. Reeves stated he could file an ADA complaint.

Commissioner Juarez, seconded by Commissioner Praedel, moved to authorize the City Attorney to execute a Settlement Agreement with the U.S. Attorney's Office for the Western District of Michigan to resolve allegations that a Transit Center does not fully comply with the Americans with Disabilities Act and pertinent regulations.

Regular Agenda

2022-00
Settlement Agreement
re: ADA Compliance at
the Kalamazoo
Transportation Center

2022-00

Settlement Agreement
re: ADA Compliance at
the Kalamazoo
Transportation Center
(cont'd)

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-00

Contract for Kalamazoo
Avenue Two-Way
Conversion Design
Work

In response to questions from Commissioners about a professional service agreement with Wightman and Associates for the design of Kalamazoo Avenue two-way conversion in the amount of \$955,035, Assistant Public Services Director Anthony Ladd, City Planner Anderson, and Public Services Director James Baker provided the following information:

- six companies from the pre-approved vendor list were sent proposals; four responded; two vendors were interviewed; one was selected.
- the conversion of one-way streets to two-way streets was a complex project because of the right-of-way (ROW) infrastructure that needed to be installed and the fact that the project could not be done in sections – the whole corridor had to be reconfigured.
- Kalamazoo Avenue would be the first street to be configured, followed by Michigan Avenue.
- a marketing study from a few years ago indicated parking and one-way streets were the two major barriers for downtown businesses. A new marketing study was commissioned, and staff would be receiving the results tomorrow. Converting streets from one-way to two-way will have a significant impact on businesses; the short-term difficulty will be worth it.
- it was not the intent for the street conversion project to eliminate parking; the goal was to improve mobility for all.
- the conversion of North Park Street and North Westnedge Avenue would not take place right away, as the length of these two corridors made the conversion more complex than Michigan or Kalamazoo Avenues. Until structural changes could be made, the City would try to achieve traffic calming through the relocation of crossings and the addition of on-street parking and bike lanes.
- there will not be a direct effort to keep trucks out of the downtown area. The City's general approach was to create corridors for commercial vehicles by adjusting lane widths and traffic signal timings.
- the total project cost for the street conversions was estimated to be around \$30 million. Engineers usually planned for the design work to be 10% of the project cost, so \$1,000,000 for project engineering in this case was less than expected.
- the jurisdictional transfer of streets from the Michigan Department of Transportation (MDOT) to the City several year ago was making the two-way street conversion project possible.

Commissioner Hoffman explained she was asking a lot of questions because she was a new Commissioner, and she wanted to inform the community.

Vice Mayor Cooney state he wanted the City to give more thought to improving the neighborhoods of low-income people.

Commissioner Praedel expressed excitement for this project, as it was designed to connect neighborhoods and create mobility.

Commissioner Juarez expressed appreciation for City staff. Commissioner Juarez stated the intent was not to put staff on the spot but to inform the public.

Mayor Anderson spoke about projects like the two-way street conversion project and the challenges they faced with regard to time, both the time to actually do the project and the changes in the City Commission and staff over the course of the project.

Commissioner Decker explained she asked a lot of questions because she was a new Commissioner and needed to understand the background of items she was asked to approve. Commissioner Decker stated getting information on projects helped the City Commission and informed the community.

City Manager Ritsema stated everything the City was doing was tied to a plan. City Manager Ritsema observed that staff need to connect the actions being taken to these plans.

Commissioner Juarez, seconded by Commissioner Hoffman, moved to approve a professional service agreement with Wightman and Associates for the design of Kalamazoo Avenue two-way conversion in the amount of \$955,035.

When an opportunity was given for public comments on the motion, the following people addressed the City Commission:

Steve Glista expressed support for the two-way street conversion project.

An anonymous speaker questioned whether there were plans to redirect traffic from US-131 into the Northside, and he stated the lack of connectivity had kept more industry out of the Northside Neighborhood.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Deputy Director Mitchell and Dan Kastner, owner of Factory Coffee, answered Commissioners' questions about the liquor license process and an application from Factory Coffee for a Development District Liquor License located at 205 W. Lovell Street, within the city's existing Downtown Development District.

An opportunity was given for public comments on a resolution recommending approval of an application from Factory Coffee for a Development District Liquor License located at 205 W. Lovell Street, within the city's existing Downtown Development District, but no comments were offered.

2022-00

Contract for Kalamazoo Avenue Two-Way Conversion Design Work (cont'd)

2022-00

Resolution 22-27
Recommending Approval of a Liquor License for Factory Coffee

2022-00

Resolution 22-27
 Recommending Approval
 of a Liquor License for
 Factory Coffee (cont'd)

Commissioner Praedel, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** recommending approval of an application from Factory Coffee for a Development District Liquor License located at 205 W. Lovell Street, within the city's existing Downtown Development District

Prior to a vote on the motion, Commissioner Praedel thanked Mr. Kastner for being an entrepreneur in Kalamazoo.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-00

Access Agreement with
 Bronson Hospital for
 1107 S. Burdick Street

Commissioner Juarez, seconded by Commissioner Hess, moved to authorize the City Manager to execute an access agreement with Bronson Methodist Hospital for the property at 1107 S. Burdick Street.

An opportunity was given for public comments on the motion, but no comments were offered.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Commissioner
 Comments

Finally, an opportunity was given for miscellaneous comments from City Commissioners.

Commissioner Decker expressed appreciation for City staff and stated she asked a lot of questions to educate herself.

Commissioner Juarez expressed gratitude for being on the City Commission and a participant in the work.

Commissioner Praedel noted that City staff realized Commissioner questions were a part of the job and a part of the work. Commissioner Praedel asked people to keep Planning Commissioner James Pitts in their prayers. Commissioner Praedel described a recent incident where a member of the community yelled at a Public Safety Officer and his family when they were at a restaurant. Commissioner Praedel commended the officer for responding with grace, and he urged people to remember the humanity in each other.

Commissioner Hoffman spoke about homelessness as a regional problem and stated people came to Kalamazoo because the City was considered to be "homeless friendly." Commissioner Hoffman stated there were always enough beds at Kalamazoo Gospel Ministries. Commissioner Hoffman stated the incident involving Gwendolyn Hooker was unacceptable, and she requested a communication with a determination of what happened.

Commissioner Hess congratulated Deputy Director Mitchell. Commissioner Hess noted the Farmers' Market was open. Commissioner Hess described negative associations local children had with Kalamazoo, and she urged the community to fix the problems they identified.

Vice Mayor Cooney offered remarks on recent mass shootings in Los Angeles, California and Buffalo, New York.

Commissioner Decker reviewed the City's most recent housing inspection newsletter.

The meeting adjourned at 10:47 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

Commissioner
Comments (cont'd)

Adjournment