A regular meeting of the Kalamazoo City Commission was held on Tuesday, January 16, 2018 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.

Roll Call

COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell
Vice Mayor Erin Knott
David Anderson
Don Cooney
Eric Cunningham
Shannon Sykes
Jack Urban

COMMISSIONERS ABSENT: None

Also present were Deputy City Manager Patsy Moore, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Pledge of Allegiance

Mayor Hopewell led the Commission in the Pledge of Allegiance.

Presentation of the 2018 Social Justice Youth Awards

Mayor Hopewell introduced the community sponsors and presenters of the 2018 Social Justice Youth Awards.

Judy Woolsey, Assistant to the CEO of Schupan & Sons, presented the Schupan & Sons Youth Social Justice award to Samantha Fuller.

John Pinkster, Director of South Operations for Life EMS, presented the Life EMS Social Justice Youth Award to Kendra Parkman.

Ron Foor, Community President of Fifth Third Bank, presented the Fifth Third Bank Social Justice Youth Award to CJ Washington.

Dennis McKee, Community Affairs Manager at Consumers Energy, presented the Consumer's Energy Social Justice Youth Award to Abdullah-Bush.

Dr. Lewis Walker presented the Dr. Lewis Walker Social Justice Youth Award to Issra Said.

Adoption of the Agenda

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

Communications

Deputy City Manager Moore commended the recipients of the Social Justice Youth Awards, thanked the community partners who sponsored the awards, and thanked everyone who volunteered during the Martin Luther King Jr. Community Day of Service.

Public Hearing re: an Ordinance Rezoning 243 Parcels Between W. Lovell Street and Stockbridge Avenue

At 7:19 p.m. Mayor Hopewell opened a public hearing to receive citizen comments on an ORDINANCE to rezone 243 parcels located between W. Lovell Street and Stockbridge Avenue from Zones CC, CN-1 and M-1 to Zones CCBD, CN-1, CN-2 and RM-36.

City Planner Christina Anderson delivered a PowerPoint presentation providing an overview of the proposed rezoning and describing the concerns raised during community discussions.

Public Hearing re: an Ordinance Rezoning 243 Parcels Between W. Lovell Street and Stockbridge Avenue (cont'd)

In response to a question from City Commissioners, City Planner Anderson provided the following information:

- the Vine Neighborhood Association's official position on the proposed rezoning was "neutral," because board members knew some residents were in favor of the rezoning and some were opposed. (Cunningham)

- the building height restrictions in the new zoning districts were 35 feet. (Cooney)

- it was unlikely the rezoning would affect property values. (Cooney)

- City staff listened to the neighborhoods through their input on the Imagine Kalamazoo 2025 (IK2025) Strategic Vision and Master Plan. City staff had started to work with neighborhoods to develop neighborhood plans, and the City would be able to address zoning issues as they surfaced during those processes. (Cooney)

- the entire Zoning Code would be redone over the next 18 months, but staff felt there was a clear vision for the Burdick Street corridor and enough history to warrant moving forward with this rezoning now. The Zoning Code review would include a review of the use definitions and revisions if necessary, including the possible addition of form-based codes. (Anderson)

- the use definitions for the zones under discussion would remain the same for now. (Anderson)

- it was unlikely the Zoning Code review would result in significant changes to building height restrictions. (Anderson)

- the requirements and restrictions for multi-family, residential uses were the same across all zoning districts where that use was a permitted use. This would not change unless a form-based code was introduced. (Anderson)

- the City was moving forward with the rezoning at this time in an effort to implement the vision expressed in the IK2025 Master Plan and 2010 Master Plan. (Sykes)

- non-conforming uses within the rezoning area would be allowed to continue even with a change of ownership. (Sykes)

- the events leading up to the presentation of this ordinance to the City Commission were as follows: the IK2025 Master Plan led staff to propose the rezoning; the Planning Commission was given notice of the rezoning proposal; a community meeting was held in the Vine Neighborhood; the Planning Commission held a public hearing on the proposed ordinance and voted to continue the hearing at its next meeting; a second community meeting was held at City Hall; the Planning Commission continued its public hearing and voted to recommend approval to the City Commission. All meetings were properly noticed. (Urban)

Public Hearing re: an Ordinance Rezoning 243 Parcels Between W. Lovell Street and Stockbridge Avenue (cont'd)

- the current zoning of properties on Lake Street near Burdick Street would allow the construction of buildings that were 65 feet tall, with side and rear setbacks of 25 feet and maximum impervious coverage of 80%. The new zoning would allow the construction of buildings that were 35 feet tall, with maximum impervious coverage of 75%, and side and rear setbacks shorter than 25 feet. (Mayor)

- the following uses were allowed under the current zoning district (CC) but would be allowed in the proposed zoning districts: kennels; gas stations; auto repair; car wash; packaged liquor; and light equipment sales and rentals. (Hopewell)

- this rezoning would not affect the Portage Corridor Plan. (Hopewell)

- in theory, it would be possible to put a building on Lake Street as large as the Crosstown Justice Center. (Hopewell)

- in general, it is desirable to have less intense uses in neighborhood commercial districts. An important consideration for this rezoning proposal was the idea of scale and having the scale of new development be appropriate to the surrounding area. (Hopewell)

- the proposed rezoning reflected best practices, but it was supported by the IK2025 Master Plan as well. (Cunningham)

- the City wanted neighborhood to have a voice in the development of their plans, but those plans would need to be in-line with the larger IK2025 Master Plan. City staff would utilize an "engagement toolbox" when working with the neighborhoods. (Cunningham)

- a business that would be a non-conforming use under the proposed rezoning would not be allowed to expand into an adjacent lot. (Cunningham)

- it was possible, but unlikely, that the neighborhood plans would conflict with the proposed rezoning. (Sykes)

When an opportunity was given for citizens to comment on the proposed rezoning ordinance, the following people addressed the City Commission:

Richard Stewart, City resident and owner of property in the proposed rezoning area, expressed opposition to the proposed rezoning. Mr. Stewart noted his protest petition had failed, and he indicated he would file a Freedom of Information request and appeal the City's determination to the state. Mr. Stewart indicated a business that was a non-conforming use under the new zoning districts would be forced to close if their buildings were destroyed by fire or storms. Mr. Stewart read the names of people who had signed his protest petition, a copy of which was filed with the papers for this meeting.

Public Hearing re: an Ordinance Rezoning 243 Parcels Between W. Lovell Street and Stockbridge Avenue (cont'd)

Chris Wahmhoff, homeless, noted that none of the community meetings on the rezoning were held in the Edison Neighborhood.

Mike Fleckenstein, City resident and owner of property in the proposed rezoning area, expressed concern about the unintended consequences of the proposed rezoning and stated he had experienced such consequences in the past when the City had rezoned his property on Burdick Street. Mr. Fleckenstein expressed opposition to the propose rezoning

Jeremy Cole, City resident and owner of property in the proposed rezoning area, indicated he had never received the hearing notices, and he explained the difference between the State Equalized Value and actual market value for a property. Mr. Cole stated the owners of properties with non-conforming uses would be at the mercy of the Zoning Board of Appeals regarding their ability to rebuild as the same use after a structure loss, and staff frequently recommend against allowing the non-conforming use to continue. Mr. Cole explained he was interested in purchasing a property in the rezoning district, but the new height limitations would impact the price he was willing to pay for the property.

John Davis, City resident and owner of property in the proposed rezoning area, expressed opposition to the proposed rezoning. Mr. Davis expressed confusion as to why the City told him it was acceptable to locate his auto repair business in the rezoning area 10 years ago, but now the City wanted to make the location of his business unacceptable and a non-conforming use. Mr. Davis indicated people did not attend the City's meetings because they assumed Commissioners would do whatever the staff recommended and not listen to citizens.

Tina McClinton, City resident and owner of property in the proposed rezoning area, spoke about flooding in her neighborhood and expressed concern that any development of the property next to hers would cause her property to flood.

Ross Stancati, City resident and owner of property in the proposed rezoning area, expressed opposition to the proposed rezoning and stated the new zoning regulations would prevent market-rate development from taking place.

Nancy Troff, City resident and owner of property in the proposed rezoning area, expressed opposition to the rezoning. Ms. Troff distributed pictures of the South Town Condominium project and stated this project was the type of development that would work well in the rezoning area but would not be allowed under the new height restrictions.

At 8:28 p.m. Mayor Hopewell closed the public hearing.

Ordinance Rezoning 243 Parcels Between W. Lovell Street and Stockbridge Avenue Fails for Lack of Support

Commissioner Urban moved to adopt an ORDINANCE to rezone 243 parcels located between W. Lovell Street and Stockbridge Avenue from Zones CC, CN-1 and M-1 to Zones CCBD, CN-1, CN-2 and RM-36. The motion failed for lack of support.

Mayor Hopewell advised Commissioners they may have a difficult time over the next five years as staff would be bringing forward neighborhood plans and rezoning actions to implement the IK2025 master plan. Mayor Hopewell noted there would be disagreements within neighborhoods that the Commission would need to navigate.

Consent Agenda

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:

- approval of a contract extension with Etna Supply Company for the purchase of water meters, in the amount of $250,000.

- approval of a professional services agreement with The Foster Group in the amount of $140,000 for water and wastewater rate consultation and professional services.

- approval of an increase in the appropriation for the Gull/ Ransom/ Harrison Roundabout Major Street project in the amount of $56,070; and approval an equal amount of Major Streets Fund working capital to be transferred into the project code.

- approval of the following actions for property related to the Harrison St./Ransom St./Gull Rd. Round-about and Street Improvement Project: 1) approval of an Agreement for Declaration of Easement with People's Food Co-op; and 2) approval of an Agreement for Declaration of Easement with Ransom Real Estate, LLC.

- approval of the sale of 200 square feet of parcel No. 06-33-358-001 for $1.00 to Mr. Hussein Akl, MD; authorization for the extension of the Lakeside Drive public right-of-way by 100 feet; and authorization for the parcel split of 1415 White Oak Drive.

- approval of the minutes from the City Commission meetings on November 20, December 4, December 11, and December 18, 2017, and January 2, 2018.

- approval of a recommendation to hold until February 5, 2018 the following actions for property related to the Harrison St./Ransom St./Gull Rd. Round-about and Street Improvement Project: 1) acceptance of a quit claim deed from the Brownfield Redevelopment Authority; and 2) approval of an Agreement for Declaration of Easements.

- approval of a recommendation to hold until February 5, 2018 the following actions for property related to the Harrison St./Ransom St./Gull Rd. Round-about and Street Improvement Project: 1) approval of a Quit Claim Deed from the City to MacKenzie &

Consent Agenda (cont'd)

MacKenzie, LLC; 2) acceptance of a Quit Claim Deed from MacKenzie & MacKenzie, LLC to the City; and 3) approval of an Agreement for Declaration of Easement.

Commissioner Anderson, seconded by Vice Mayor Knott, 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 unanimously.

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

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

Ordinance 1955 re: Rates for Water and Wastewater Services

An opportunity was given for citizens to comment on an ORDINANCE to amend certain sections of Chapter 38 and Chapter 28 of the Kalamazoo code to change the rates charged for water and wastewater services, effective January 29, 2018, but no comments were offered.

Commissioner Cooney, seconded by Commissioner Urban, moved to adopt an ORDINANCE amending Chapter 38, "Water" and Chapter 28, "Wastewater" adjusting the rates charged for water and wastewater services, reflecting the correction of measurement of Biochemical Oxyen Demand (BOD) Strength, Suspended Solids (SS) Strength, and Ammoniacal Nitrogen (NH3-N) Strength from cubic meters (m^3) to kilograms (Kg) in the wastewater rates set forth in Chapter 28.

Prior to a vote on the motion, City Attorney Robinson noted the correction addressed a scrivener's error rather than an error of substance, which meant the ordinance did not need to be offered for first reading again.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Nomination of the First Stakeholder Members for the FFE Board of Directors

An opportunity was given for citizen comments on the nomination of ten Sector Representatives for the Foundation for Excellence (FFE) Board of Directors, but no comments were offered.

Vice Mayor Knott, seconded by Commissioner Sykes, moved to nominate the following slate of ten Sector Representatives for the Foundation for Excellence (FFE) Board of Directors:

- **Mia Henry** as the Affinity Organizations representative for a 2-year initial term;
- **Alisa Carrel** as the Arts sector representative for a 2-year initial term;

Nomination of the First Stakeholder Members for the FFE Board of Directors (cont'd)

- **Adam McFarlin** as the Business/Banking sector representative for a 2-year initial term;
- **Von Washington, Jr.** as the Education sector representative for a 3-year initial term;
- **Matthew Zerwekh** as the Faith Based sector representative for a 1-year initial term;
- **Angela Graham-Williams** as the Healthcare sector representative for a 3-year initial term;
- **JoVaughan Head** as the Housing sector representative for a 1-year initial term;
- **Sandra Calderon-Huezo** as the Neighborhood 1 representative (Edison) for a 1-year initial term;
- **Alice Taylor** as the Neighborhood 2 representative (Northside) for a 2-year initial term;
- **Barbara Miller** as the Neighborhood 3 representative (Oakland/Winchell) for a 3-year initial term.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Mayor Hopewell recessed the meeting at 8:38 p.m.
Mayor Hopewell called the meeting to order at 8:43 p.m.

Candidate Interviews for the At-Large City Director Position on the FFE Board

Commissioners discussed the process for interviewing candidates for the At-Large City Director position on the FFE Board. By consensus the City Commission determined each candidate would have two minutes to make an opening statement and would be allowed two minutes to respond to each interview question.

Mayor Hopewell noted the candidates had voluntarily agreed to remain sequestered in the Community Room until their interviews.

The City Commission interviewed the following candidates to fill the At-Large City Director position on the FFE Board:

James Houston
Nathan Dannison
Jim Perry
Sidney Ellis
Craig DeNooyer
Dale Hein

Candidate Interviews for the At-Large City Director Position on the FFE Board (cont'd)

Each candidate made an opening statement, after which Commissioners asked the following questions:

1. Have you read the FFE Articles of Incorporation and Bylaws? What is your understanding of the role of the FFE Board and the differences between that role and the role of the City Commission in the FFE process?

2. Did you participate in Imagine Kalamazoo 2025 (IK2025)? In what ways did you participate? What is your understanding of the IK2025 Strategic Vision and the relationship between this vision and the work of the FFE?

3. What would you like the City of Kalamazoo to be in 10 years?

4. What do you understand your role to be on the FFE Board? What skills, abilities, relationships, and experiences will you bring to the board? What will the FFE be better able to accomplish as a result of your participation on the board?

5. In your opinion, what are the biggest issues facing the City of Kalamazoo that the City Commission should be working to address?

6. One of the announced goals of the FFE is to work toward the elimination of generational poverty in Kalamazoo. That's a tall order. How should we work to accomplish this?

Election of a Candidate for the At-Large City Director Position on the FFE Board

Following the interviews, an opportunity was given for citizens to comment on the selection of a candidate, but no comments were offered.

Commissioners were given time to review their notes on the candidates, after which discussion to place on the voting process.

By consensus the City Commission determined to use a process similar to the January 8th voting process, with each Commissioner selecting no more than two candidates.

City Clerk Borling distributed the ballots and tallied the results after Commissioners had cast their votes. The results of the first ballot were as follows:

Name	Votes	Hopewell	Knott	Anderson	Cooney	Cunningham	Sykes	Urban
Dannison, Nathan	6	1	1		1	1	1	1
Perry, Jim	4	1	1	1				1
Hein, Dale	2			1	1			
DeNooyer, J. Craig	1					1		
Ellis, Sydney	1						1	
Houston, James	0							

Having received six votes, Nathan Dannison was elected to the FFE Board as the At-Large City Director.

City Manager's Report

Deputy City Manager Moore offered the following reports and updates:

- Departmental Reports and Project Updates
- December 2017 Purchases

Citizen Comments

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

Chris Wahmhoff, homeless, described how the City condemned his home two days after the electricity was shut off. Mr. Wahmhoff asked the City Commission to take action allowing the Edison Ducks in a Row program to operate on his property.

Kevin Smutek, non-resident, stated he had been receiving trash receptacle violations and fines in error for his property at 1291 Red Pine Way, and he asked the City to refund the fines he had paid for violations involving trash receptacles that were not his. Documentation provided by Mr. Smutek was filed with the papers for this meeting.

City Commissioner Comments

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

Commissioner Sykes questioned if was normal for the City to condemn a house two days after the utilities were disconnected, and she stated the first concern should have been helping Mr. Wahmhoff get the electricity turned on. Commissioner Sykes asked that staff look into Mr. Smutek's concerns and request. Commissioner Sykes thanked the community for the Martin Luther King Jr. celebrations that had taken place over the past few days.

Commissioner Cooney asked Deputy City Manager Moore to look into Mr. Smutek's complaint and request. Commissioner Cooney remarked on the recent passing of Gulnar Husain, who was involved with Kalamazoo Communities in Schools and was a champion for social justice.

Commissioner Urban offered remarks on the Kalamazoo Municipal Golf Association (KMGA). Commissioner Urban's written statement was filed with the papers for this meeting.

Commissioner Cunningham thanked the FFE Board candidates for interviewing. Commissioner Cunningham requested an update on the situations described by Mr. Wahmhoff and Mr. Smutek. Commissioner Cunningham commented on the vision and impact of Dr. Martin Luther King, Jr. Commissioner Cunningham thanked the Kalamazoo Department of Public Safety (KDPS) for taking on the task of becoming more equitable, and he expressed support for a proposed park next to the new Public Safety Station 2. Commissioner Cunningham expressed appreciation for a KDPS program that fostered positive interactions between Public Safety Officers and black males.

Vice Mayor Knott questioned whether the City did anything to protect Mr. Wahmhoff's property from the extreme cold temperatures.

City Commissioner Comments (cont'd)

Mayor Hopewell thanked the community for its observances of the life of Dr. Martin Luther King, Jr. Mayor Hopewell remarked on the challenges Commissioners would face in the coming years regarding zoning issues, and he stated it would be a balancing act, as people would not always agree. Mayor Hopewell noted the process for all rezoning requests entailed a lot of public input, and staff had done a lot of community engagement work through IK2025. Mayor Hopewell thanked Commissioner Urban for his statement and expressed appreciation for the KMGA.

Adjournment

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 5, 2018

Approved by: ___________________________
Bobby J. Hopewell, Mayor
Dated: February 5, 2018