

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Tuesday, September 4, 2018 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.

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

Invocation

The invocation, given by Reverend Ruth Moerdyk, Sykridge Church of the Brethren, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

Commissioner Sykes, seconded by Commissioner Cooney, moved that the Reports and Legislation section of the agenda be taken up after Communications.

Commissioner Urban questioned why the change was being requested.

In response to Commissioner Urban, Commissioner Sykes stated the City Clerk's Report, including the demands from homeless activists, was of the utmost importance, and the structure of the agenda demonstrated the level of importance placed on the demands. Commissioner Sykes suggested consideration of the demands needed to open the meeting rather than end it.

With a roll call vote the motion passed unanimously.

AYES:

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

NAYS:

None

Communications

City Manager Ritsema announced the City Commission would meet in special session on Monday, September 10th at 6:00 p.m. in the Community Room at City Hall to begin discussing of the Fiscal Year 2019 budget.

City Clerk's Report

City Clerk Borling reported he had received a proposal for City Commission action on Monday, August 27th from Mr. Chris Wahmhoff and others. City Clerk Borling stated the request, which was included in the agenda packet, was being presented to the City Commission in accordance with City Commission Rule #7.

At 7:08 p.m. Mayor Hopewell opened a public hearing to receive comments on the creation of a Corridor Improvement Authority to be known as the Northside Cultural Business District Authority (NCBDA).

City Planner Christina Anderson and Mattie Jordan-Woods, Executive Director of the Northside Association for Community Development, delivered a PowerPoint Presentation entitled *Northside Cultural Business District Authority*.

In response to questions from Commissioner Anderson, City Planner Anderson indicated the state enabling legislation for Corridor Improvement Districts (CID's) took effect around 2005, and the law allowed CID's to be adjacent to each other as long as they did not overlap. City Planner Anderson reported the City Commission would be involved in the NCBDA through the appointment of board members and approval of the Tax Increment Financing Plan. City Planner Anderson explained the CIA would not capture revenue from school taxes, but it would capture tax revenue from other taxing units.

City Attorney Robinson confirmed the CIA statute became law in 2005, and he confirmed the Amtrak train tracks were the boundary between the NCBDA and the Downtown Kalamazoo Economic Growth Authority, another CIA in the process of being established.

In response to a question from Commissioner Urban, City Planner Anderson explained that rights-of-way and parcels within the proposed boundaries would be "in" the district, and she stated the extensions of the district along North Westnedge Avenue and North Burdick Street included just the rights-of-way and not the parcels. City Planner Anderson indicated most of the parcels on these streets were residential, and their addition to the district would bring the percentage of commercial, ground floor square footage in the district below the 50% level required by law.

Ms. Jordan-Woods observed NCBDA funds could be spent on streets and sidewalks, but neighborhood residents considered support for residents and resident-owned businesses the top priorities. Ms. Jordan-Woods identified this as a reason why having a large portion of the board be neighborhood residents was important.

When an opportunity was given for citizens to comment on the creation of a Corridor Improvement Authority to be known as the Northside Cultural Business District Authority, the following people addressed the City Commission and expressed support for the NCBDA:

Ricky Thrash, City resident
Gwendolyn Hooker, City resident
Kim Ross, City resident.
Jeremy Cole, non-resident

At 7:39 p.m. Mayor Hopewell closed the public hearing.

Public Hearing re: the
Northside Cultural
Business District
Authority

Public Hearing re: the Rezoning of 525 and 535 E. Ransom Street and 617 Harrison Street

At 7:39 p.m. Mayor Hopewell opened a public hearing to receive comments on an ordinance to rezone 525 and 535 E. Ransom Street and 617 Harrison Street from Zone RMU (Residential, Mixed-Use District) and CMU (Commercial, Mixed-Use District), and Subareas 3 and 4 of the Riverfront Overlay District all to Zone CMU and Subarea 4.

At 7:40 p.m. Mayor Hopewell closed the public hearing.

Ordinance 1970
Rezoning 525 and 535 E. Ransom Street and 617 Harrison Street

Vice Mayor Knott, seconded by Commissioner Anderson, moved to adopt an **ORDINANCE** to rezone 525 and 535 E. Ransom Street and 617 Harrison Street from Zone RMU (Residential, Mixed-Use District) and CMU (Commercial, Mixed-Use District), and Subareas 3 and 4 of the Riverfront Overlay District all to Zone CMU and Subarea 4.

Prior to a vote on the motion, Commissioner Anderson noted this was the first step in a competitive application to the Michigan State Housing Development Authority (MSHDA) for low income housing tax credits. Commissioner Anderson remarked that a request for a Payment in Lieu of Taxes (PILOT) would follow, and he pointed out the City was the only jurisdiction in Kalamazoo County with a standing PILOT ordinance. Commissioner Anderson stated the granting of PILOT's was one way the City supported affordable housing.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Public Hearing re: the Rezoning of 615 W. Kalamazoo Avenue

At 7:45 p.m. Mayor Hopewell opened a public hearing to receive comments on an ordinance to rezone 615 W. Kalamazoo Avenue from Zone M-1 (Manufacturing, Limited District) to Zone CMU (Commercial, Mixed-Use District).

City Planner Anderson provided an overview of the rezoning request and proposed development project.

In response to a question from Commissioner Anderson, City Planner Anderson reported the Planning Commission supported the rezoning because the current zoning (M-1) was not appropriate for this area. City Planner Anderson noted the Stuart Area Restoration Association (SARA) supported the rezoning because the proposed project would rehabilitate a vacant, blighted lot.

In response to questions from Commissioner Sykes, City Planner Anderson stated the developer had reached out to the neighboring property owners on Eleanor Street, and there was one resident who was opposed to the rezoning. City Planner Anderson noted a record of this outreach and a petition in support of the project were included in the agenda packet. City Planner Anderson stated the proposed development would include market rate apartments, two of which would be accessible, and first floor office space. The project would also clean up a contaminated site. City Planner Anderson indicated staff did not think the

proposed project would result in displacement or gentrification. City Planner Anderson stated a Community Benefit Agreement (CBA) was not considered.

In response to a question from Commissioner Sykes, City Attorney Robinson stated the City was able to do CBA's when the proposed development site was owned by the City or when the City was granting a benefit, like a tax abatement, but the City was not able to require a CBA for developments on private property. City Attorney Robinson stated he was not aware of how the City of Detroit was using CBA's.

In response to a question from Commissioner Urban, City Planner Anderson stated the City Commission's involvement with this project would be consideration of the rezoning request. City Planner Anderson confirmed the project would need to go through the Site Plan Review process, which was the forum that could address residents' concerns about access. City Planner Anderson noted the City's zoning ordinance contained five criteria on which zoning decisions should be based: consistency with the Master Plan; changed conditions; community need; compatibility with surrounding uses; and support for a logical and orderly development pattern.

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

The following people expressed opposition to the proposed rezoning and/or the market rate development project planned for the site:

Liberty Williams, City resident
Mark Dunham, City resident
Mandy Kennedy, City resident
Zach Lassiter, City resident
Nathan Erikson, City resident
Bishop Dennis Tillman, City resident
Megan Rose, City resident

The following people expressed support for the proposed rezoning:

Bill Murphy, non-resident and one of the developers of the property
Matthew Craig, City resident
Phillip Reed, non-resident and one of the developers of the property

Joshua Cassidy, City resident, stated there were many people in the park who were abusing the social services being offered.

Jody Dozeman, City resident, spoke about various issues related to homelessness.

Art Morlock, City resident, stated vacant, abandoned buildings could be made into youth centers.

At 8:25 p.m. Mayor Hopewell closed the public hearing.

Public Hearing re: the
Rezoning of 615 W.
Kalamazoo Avenue
(cont'd)

Ordinance 1971
Rezoning 615 W.
Kalamazoo Avenue

Commissioner Cooney, seconded by Commissioner Urban, moved to adopt an **ORDINANCE** to rezone 615 W. Kalamazoo Avenue from Zone M-1 (Manufacturing, Limited District) to Zone CMU (Commercial, Mixed-Use District).

Prior to a vote on the motion and in response to a question from Vice Mayor Knott, Community Planning and Development Director Rebekah Kik stated the subject property could not be used for affordable housing because the Michigan State Housing Development Authority (MSHDA) would not grant tax credits for a project on a property where there were sources of significant noise within 300 feet of the proposed project site. Director Kik indicated there were train tracks within 300 feet of the subject property which most likely would make it ineligible for MSHDA funding or tax credits. Director Kik noted the proposed rezoning was in line with the Master Plan.

Commissioner Cunningham expressed concern that the City was doing reactive zoning rather than pro-active zoning.

In response to a question from Commissioner Sykes, Director Kik stated low-income tax credits were not required for affordable housing developments, but only a very generous developer would do an affordable housing project without the tax credits.

In response to questions from Mayor Hopewell, Director Kik stated the current zoning of the subject property (M-1) would allow gas stations, light manufacturing, storage facilities, auto repair, and similar uses at the site. Director Kik indicated the Master Plan supported the proposed zoning change, and SARA was in favor of the change.

In response to a question from Commissioner Sykes, Director Kik indicated the proposed rezoning was the only project step that required City Commission approval, and if the City Commission approved the rezoning the project would be out of the Commission's hands.

Commissioner Anderson noted the proposed rezoning was not a project-specific action, and the Planning Commission had recommended approval. Regarding the proposed project, Commissioner Anderson remarked the developer would need to meet the requirements of the City's site plan review process. Commissioner Anderson expressed support for having good developers invest in the City because development grew the tax base that paid for parks and social services.

Commissioner Sykes stated she would not support the proposed rezoning. Commissioner Sykes indicated she liked the fact the developers were local, but investment led to gentrification, which priced current residents out of their homes. Commissioner Sykes remarked that she had been talking with Commissioners and staff about gentrification since she became a Commissioner, and now the trust was gone. Commissioner Sykes suggested that developers look at who they were hiring if they truly had the best interests of the community at heart. Commissioner Sykes questioned why the project did not include any affordable housing, and she observed the need for affordable housing was great but the available land was scarce. Commissioner Sykes noted

cities were able to fund services through an income tax, which would capture revenue from people who worked in the City and used City services but did not pay property taxes. Commissioner Sykes stated she could not justify using available land for market rate development without ensuring the City was putting the burden of financial support for services where it rightly belonged.

Commissioner Urban asked for clarification on the definition of "gentrification" and stated displacement was going to happen. Commissioner Urban stated the City Commission was responsible for everyone in the City, and he remarked that not every issue in the City needed to be viewed through the lens of homelessness. Commissioner Urban questioned whether the proposed rezoning was "spot zoning." Commissioner Urban stated sometimes the City's zoning designations were so out-of-date that a rezoning looked like spot zoning, but it was really just aligning the zoning map with the Master Plan.

Commissioner Sykes stated society was what people made it to be, and the City needed to look at everything it did through an equity lens.

Mayor Hopewell indicated he had engaged staff multiple times on the issue of affordable housing. Mayor Hopewell thanked the developers for their investment and asked them to be mindful of the needs of the community and to consider adding some affordable units to the project. Mayor Hopewell stated from a purely zoning perspective the rezoning should be approved.

With a roll call vote this motion passed 6-1.

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

NAYS: Commissioner Sykes

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 two individual contracts with Williams & Works and Wightman Associates for professional surveying services in the amount of \$114,395.00 and \$132,250.00 respectively.
- approval of a three-year expanded agreement with OpenGov, Inc. to add the Budget Builder, Workforce Planning, and Wdesk Budget Book Publication to the existing contract, with the additional amount not to exceed \$158,550.
- approval of a contract with Peters Construction of Kalamazoo, MI for the 2018 Streets Concrete Project in the amount of \$508,999.20.
- first reading of an ordinance to amend Section 35-4 of the Kalamazoo City Code of Ordinances regarding Payments in Lieu

Ordinance 1971
Rezoning 615 W.
Kalamazoo Avenue
(cont'd)

Consent Agenda

Consent Agenda
(cont'd)

of Taxes (PILOT's) for projects financed under the State Housing Development Act.

- approval of a payment of \$287,000 to Northside Association for Community Development to be used for the purchase of 308 West North Street for the Aging Gracefully and Earning a Living project.
- approval and acceptance of an easement with Gilmore Farms Development, LLC for water main installed as part of the Gilmore Farms No. 2 Phase 1 Project.
- approval of a special permit for a miniature pig to be kept at 1503 Cobb Avenue, subject to compliance with applicable statutes, ordinances and health codes.
- approval of an amendment to the Kalamazoo City Commission's *2018 Meeting Schedule* to relocate the September 17th neighborhood and business meetings to Davis Street Park, which is located at 901 Davis Street.

Vice Mayor Knott, 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 unanimously.

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

NAYS: None

Recess

The meeting recessed at 8:57 p.m.
The meeting resumed at 9:11 p. m.

Regular Agenda

Regular Agenda items were considered next.

Resolution 18-60
Affirming the Northside
Neighborhood Plan
and Master Plan
Amendment

City Planner Anderson introduced Mattie Jordan-Woods, Executive Director of the Northside Association for Community Development, who delivered a PowerPoint presentation entitled *Imagine Northside: Neighborhood Plan Update Meeting*.

An opportunity was given for citizens to comment on a proposed resolution affirming the Northside Neighborhood Plan and Master Plan amendment, but no comments were offered.

Commissioner Cunningham, seconded by Commissioner Anderson, moved to adopt a **RESOLUTION** affirming the Northside Neighborhood Plan and Master Plan amendment.

Prior to a vote on the motion, Commissioner Anderson commended Ms. Jordan-Woods for her passion and hard work.

Commissioner Cooney stated he was impressed with the creativity of the plan and thanked Ms. Jordan-Woods for her work to mobilize the community.

Commissioner Urban remarked on the community input that shaped the plan and stated neighborhood plans would make the Master Plan real.

Commissioner Sykes expressed appreciation to Ms. Jordan-Woods for her work and leadership.

In response to a question from Commissioner Urban, Ms. Jordan-Woods highlighted the \$287,000 grant to the Northside Association for Community Development that was approved earlier in the meeting.

With a roll call vote this motion passed.

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

NAYS: None

City Manager Ritsema stated he had met with several representatives from the homeless group in Bronson Park the previous Thursday and Friday and indicated it was a powerful experience to hear their stories. City Manager Ritsema stated he was committed to working towards solutions, and the most immediate need was temporary housing. City Manager Ritsema reported an agreement had been reached to continue working on the issues, including the concerns about conditions at the Cedar Street site. City Manager Ritsema noted a workgroup of service providers and members of the homeless community would work on both short term and long term solutions, including short-term housing.

Items of New Business were considered next.

Commissioner Sykes moved that the City Commission discuss the homeless encampment's demands under New Business and asked that City Clerk Borling read the demands and that the topic be opened for public comment. The motion failed for lack of a second.

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

The following citizens offered remarks on various topics related to homelessness, including: the encampments in Bronson Park and at 116 West Cedar Street; the City Commission's refusal to discuss the encampment's demands; the need to find both short term and long term solutions to homelessness; the poor treatment of people who were homeless; problems with local homeless shelters and providers of social services; and Commissioner Urban's remarks about homelessness from earlier in the meeting:

Bishop Dennis Tillman, City resident
Megan Rose, City resident
Stuart Ransom, City resident

Resolution 18-60
Affirming the Northside
Neighborhood Plan
and Master Plan
Amendment (cont'd)

City Manager's
Report

New Business

Citizen Comments

Citizen Comments
(cont'd)

Chris Wahmhoff, City resident
 Michael Rizor, City resident
 Faith Vlietstra, City resident
 Donna Decker, City resident
 James Rivers, City resident
 Ed Genesis, City resident
 Alison Parsons, City resident
 Ryan Nehring, City resident
 Matthew Craig, City resident
 Carl Wiseman, City resident
 Matthew Ramsey, City resident
 Art Morlock, City resident
 Jessica Decker, City resident
 Corey Mackovich, City resident
 Zachary Lassiter, City resident
 Samuel Demorest, City resident
 Nathan Erickson, City resident
 Jody Dozeman, City resident
 Jeff Breneman, City resident
 Rain Lovegrove, City resident
 Jane Bilicki, City resident
 Rodger Storteboom, non-resident
 Pastor William Stein, City resident

City Commissioner
Comments

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

Commissioner Sykes stated the City Commission was being apathetic and cowardly in its refusal to discuss the demands of the homeless encampment. Commissioner Sykes expressed disappointment and anger, and she criticized Mayor Hopewell for silencing speakers. Commissioner Sykes referenced a news article from 2007 regarding homelessness in Kalamazoo and questioned why Commissioners had not addressed the issue during the past ten years. Commissioner Sykes referenced an article from 2007 regarding the Local Initiatives Support Corporation (LISC) and affordable housing strategies, and she questioned why the City would expect the strategies from LISC to work now when they did not work in 2007. Commissioner Sykes stated gentrification and displacement were happening in the City, sometimes intentionally. Commissioner Sykes stated solutions were found on the street, not in the board room, and she stated she ran for a City Commission seat so she could: 1) bring the voice of the people to the Commission, because the Commission could not hear; and 2) take power from the board rooms and give it to the people to whom it belonged. Commissioner Sykes discussed the lack of action by the Commission and stated the City was never going to end generational poverty, despite its commitment to that goal. Commissioner Sykes indicated she had made a promise to live with the people who were homeless and help them find a suitable, safe space to stay. Commissioner Sykes stated the City Commission did not care enough to even pretend to do something to address homelessness, and she indicated she would make the situation in Kalamazoo a national story.

Commissioner Sykes left at 11:39 p.m.

City Commissioner
Comments (cont'd)

Commissioner Cooney stated the true measure of success was the success of the lowest among us. Commissioner Cooney thanked people for sharing their powerful testimonies and indicated they had put the issue of homelessness on the City's agenda in a way it had never been there before. Commissioner Cooney stated City Manager Ritsema was doing everything he could to address the situation, but everyone needed to work towards workable solutions.

Commissioner Urban thanked people for speaking and stated he was willing to accept the definition of "gentrification" provided by Mr. Craig. Commissioner Urban suggested the City Commission take action to either endorse the City Manager's current direction or give him another direction to go. Commissioner Urban stated the basic question at hand was, "Is it the responsibility of the City to provide housing of last resort to the homeless?" Commissioner Urban stated the City Commission needed to decide the answer to this question and questions that might follow such as whether there should be a millage request to support this activity. Commissioner Urban indicated it was a new era, and he questioned whether Commissioners were willing to risk their chances of getting re-elected to address these issues. Commissioner Urban stated this issue should be an item on a City Commission meeting agenda.

Commissioner Cunningham spoke about how he had worked in a psychiatric hospital and with people in crisis mode at the Department of Health and Human Services. Commissioner Cunningham commended City Manager Ritsema for his work with the homeless so far and stated the agreement reached the previous Friday was an acknowledgement the City was engaged and at the table. Commissioner Cunningham expressed trust in City Manager Ritsema and stated it was his expectation that the City Manager would maintain communication with the homeless and the City Commission, that the City would be lenient, and that the homeless would have an organized response. Commissioner Cunningham stated it would be the City's responsibility if ten years from now the situation for the homeless had not improved. Commissioner Cunningham asked the people who were homeless to be constructive in their activism and to continue engaging the City. Commissioner Cunningham noted no Commissioner was able to engage this issue by themselves.

Vice Mayor Knott expressed support for City Manager Ritsema, City Attorney Robinson, Assistant City Manager Laura Lam, and Public Safety Chief Karianne Thomas.

In response to a question from Mayor Hopewell, City Manager Ritsema stated the agreement made with representatives from the homeless community included an agreement to address both short-term and long-term solutions to homelessness. City Manager Ritsema reported a workgroup was being formed comprised of homeless residents, City staff, and local service providers. City Manager Ritsema stated this group would have as its priorities finding housing and coordinating existing services. City Manager Ritsema noted homelessness was a complicated issue, but the work needed to start somewhere.

City Commissioner
Comments (cont'd)

Mayor Hopewell stated the IK2025 Master Plan and related neighborhood plans were intentional efforts to combat gentrification, and he pointed to the Northside Neighborhood Plan as an example of a plan that was driven by the neighborhood.

In response to a question from Mayor Hopewell, Assistant City Manager Lam agreed the Northside Neighborhood Plan was great example of how the City needed to partner with neighborhoods to move ideas from strategic vision to implementation.

Mayor Hopewell encouraged City Manager Ritsema to keep the workgroup on homelessness focused and as apolitical as possible, and he recommended the City Manager not include City Commissioners in the workgroup, except maybe Commissioner Anderson due to his experience and expertise. Mayor Hopewell stated he was not sure what had, or had not, happened since 2007 regarding homeless, but he knew work had been done. Mayor Hopewell noted the ordinance that did not pass on August 20th would have decriminalized 16 of the 22 park rules, which was the right thing to do. Mayor Hopewell stated the City needed to have lofty goals, like eliminating homelessness and generational poverty. Mayor Hopewell expressed support for City Manager Ritsema. Mayor Hopewell stated he was not sure whether relocating homeless people from Bronson Park to Cedar Street was the right decision, but he noted City Manager Ritsema did not have it in him to hurt people intentionally.

Adjournment

The meeting adjourned on Wednesday, September 5th at 12:14 a.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on October 15, 2018

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: October 15, 2018

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