A regular meeting of the Kalamazoo City Commission was held on Monday, December 3, 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
David Anderson
Don Cooney
Eric Cunningham
Jack Urban

COMMISSIONERS ABSENT: Vice Mayor Erin Knott
Shannon Sykes

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

Commissioner Excused

Commission Cunningham, seconded by Commissioner Cooney, moved to excuse the absences of Vice Mayor Knott and Commissioner Sykes. With a voice vote the motion passed.

Adoption of the Agenda

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

Public Hearing re: the KDEGA Development and TIF Plan

At 7:02 p.m. Mayor Hopewell opened a public hearing to receive comments on a resolution approving the proposed Kalamazoo Downtown Economic Growth Authority Development and TIF Plan.

At 7:02 p.m. Mayor Hopewell closed the public hearing.

Resolution 18-85 Approving the KDEGA Development and TIF Plan

Commissioner Urban, seconded by Commissioner Cooney, moved to adopt a **RESOLUTION** approving the proposed Kalamazoo Downtown Economic Growth Authority Development and TIF Plan.

Prior to a vote on the motion, Commissioner Anderson commended Kalamazoo Downtown Partnership and Executive Director Andrew Haan for their creativity, collaborative approach, and work with the taxing units on this plan.

With a roll call vote this motion passed.

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

NAYS: None

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 two-year contract renewal with AT&T for Centrex phone lines in an amount not to exceed $350,000.

- adoption of a **RESOLUTION** approving ten new Neighborhood Enterprise Zone Homestead Applications in the Vine Neighborhood and the transfer of one previously-approved application.

Resolution 18-86

- approval of the rehiring of recent City of Kalamazoo retiree James Graham to perform rental housing inspections while multiple inspectors are on leaves of absence, on a part-time and temporary basis for a period ending on or before March 8, 2019.

- approval of the Mayor's appointment and reappointment to the Historic District Commission:

  - the appointment of Daniel Kastner for a term expiring on January 1, 2022.

  - the reappointment of B.J. Shell for a term expiring on January 1, 2022.

- approval of a request from New Year's Fest of Kalamazoo to publicly display fireworks from the Epic Center Parking Structure on Monday, December 31, 2018 at midnight as part of the annual New Year's Fest event.

Commissioner Cunningham, seconded by Commissioner Anderson, 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, Cooney, Cunningham, Urban, Mayor Hopewell

NAYS: None

Regular Agenda items were considered next.

Regular Agenda

Approval of a Three-Year Contract with L.D. Docsa for the Contract 74 Project at the Water Reclamation Plant

Public Services Director James Baker described the Contract 74 Project at the Water Reclamation Plant and reviewed a site plan showing the planned improvements.

In response to a question from Commissioner Anderson, Director Baker explained the infrastructure needs at the Water Reclamation Plant were analyzed for criticality, and the results were plugged into the five-year Capital Improvement Program (CIP) Plan.

In response to a question from Commissioner Urban, Director Baker indicated the project would replace the existing carbon filters and implement a holistic process change to address odor issues.

An opportunity was given for citizens to comment on a three-year construction contract and purchase order with L.D. Docsa for the Contract 74 Project at the Kalamazoo Water Reclamation Plant in the amount of $14,919,200, but no comments were offered.

Approval of a Three-Year Contract with L.D. Docsa for the Contract 74 Project at the Water Reclamation Plant (cont'd)

Commissioner Cooney, seconded by Commissioner Cunningham, moved to approve a three-year construction contract and purchase order with L.D. Docsa for the Contract 74 Project at the Kalamazoo Water Reclamation Plant in the amount of $14,919,200.

Prior to a vote on the motion Commissioner Anderson stated wastewater treatment was a basic service the City provided, and he thanked City Manager Ritsema and Director Baker for this reinvestment.

Commissioner Cunningham remarked on the odor problem affecting the Eastside Neighborhood and stated a committee had been working on solutions.

With a roll call vote this motion passed.

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

NAYS: None

Ordinance 1975 Creating a Water System Advisory Council; Appointment of the Initial Members

An opportunity was given for citizens to comment on an ordinance creating a local Water System Advisory Council and the appointment of members to the Council, but no comments were offered.

Commissioner Urban, seconded by Commissioner Cooney, moved to adopt an **ORDINANCE** creating a local Water System Advisory Council and approve the appointment of the following individuals to the Council:

- the appointment of **Sidney Ellis** for a term expiring on December 31, 2020.
- the appointment of **Vern Johnson** for a term expiring on December 31, 2019.
- the appointment of **Nancy Stoddard** for a term expiring on December 31, 2020.
- the appointment of **Thomas Wheat** for a term expiring on December 31, 2021.

With a roll call vote this motion passed.

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

NAYS: None

Resolution 18-87 Adopting the 2018 Imagine Eastside Neighborhood Plan

Neighborhood Activator Katie Riley provided an overview of the development of the Eastside Neighborhood Plan and the initial projects coming out of the plan.

April Ouweelen, Vice President of the Eastside Neighborhood Association and member of E-Net, spoke about the need to clean up the East Main Street Corridor and bring businesses back to the area.

Resolution 18-87
Adopting the 2018
Imagine Eastside
Neighborhood Plan
(cont'd)

An opportunity was given for citizens to comment on a resolution affirming the adoption of the *2018 Imagine Eastside Neighborhood Plan* as a sub-plan to the City of Kalamazoo's Comprehensive Plan, but no comments were offered.

Commissioner Anderson, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** affirming the adoption of the *2018 Imagine Eastside Neighborhood Plan* as a sub-plan to the City of Kalamazoo's Comprehensive Plan.

Prior to a vote on the motion, Commissioner Cunningham thanked the Eastside residents for working on the plan and expressed excitement to see the plan implemented.

Mayor Hopewell offered remarks on the Eastside Neighborhood and the opportunities there.

Commissioner Urban stated the topography of the Eastside Neighborhood was great, and the area was ripe for reinvestment. Commissioner Urban stated there was a new energy that was exciting.

With a roll call vote this motion passed.

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

NAYS: None

Resolution 18-88
Adopting the 2018
Imagine Vine
Neighborhood Plan

Ms. Riley provided an overview of the development of the Vine Neighborhood Plan and the initial projects coming out of that plan.

Steve Walsh, Executive Director of the Vine Neighborhood Association, expressed support for the Vine Neighborhood Plan. Mr. Walsh spoke about the opportunities for citizen engagement during the development of the plan and highlighted the importance of the data that was generated during the engagement process.

An opportunity was given for citizens to comment on a resolution affirming the adoption of the *2018 Imagine Vine Neighborhood Plan* as a sub-plan to the City of Kalamazoo's Comprehensive Plan, but no comments were offered.

Commissioner Anderson, seconded by Commissioner Cunningham, moved to adopt a **RESOLUTION** affirming the adoption of the *2018 Imagine Vine Neighborhood Plan* as a sub-plan to the City of Kalamazoo's Comprehensive Plan.

With a roll call vote this motion passed.

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

NAYS: None

Resolution 18-89 Issuing a Moratorium on Building Permits for Properties with the Natural Features Protection

When an opportunity was given for citizens to comment on a resolution issuing a moratorium on rezoning and variance requests and new building permits for projects that require Site Plan approval on properties with the Natural Features Protection designation as mapped on the Land Development Map in the 2025 Master Plan, the following people addressed the City Commission:

The following people expressed support for the proposed moratorium and/or the development of a Natural Features Protection policy and standards:

Duane Hampton, non-resident and Associate Professor of Geology at Western Michigan University (submitted written communication from the Asylum Lake Preserve Council)
Laurie Holmes, City resident
Jenna Otten, City resident and the Sustainability Chair for the Western Student Association
Phil Micklin, City resident and Vice President of the Audubon Society of Kalamazoo (submitted written remarks)
Sherry Sims, City resident and member of the Asylum Lake Preserve Council
Peter Kushner, City resident and President of the Oakland/Winchell Neighborhood Association (submitted a joint statement from the Oakland/Winchell, Oakwood, Parkwyn Village, and Woods Lake Associations and the Asylum Lake Preservation Association)
Marcia Wallace, City resident
Chris Bovid, City resident and President of the Woods Lake Association
Paul Manstrom, City resident and Chair of the Environmental Concerns Committee
Mitch Lettow, City resident
Diana Morton-Thompson, City resident
Tom Small, City resident
Rebecca Macleery, City resident
Sharon Dever, City resident
Paul McNellis, non-resident and board member for Stewards of Kleinstuck
Tom Holmes, City resident
Bonnie Alkema, City resident
Zach Lassiter, City resident

The following people expressed opposition to the proposed moratorium:

Craig Lubben, City resident and legal counsel for Haji Tehrani, who owned properties at the southeast corner of Stadium Drive and Drake Road, asked the City Commission to clarify that the proposed moratorium would not apply to Mr. Tehrani's properties because of his work with the City and other stakeholders over the past year on Natural Features Protection requirements that would apply to the development of these properties. Mr. Lubben reported Mr. Tehrani had submitted a rezoning application for his properties that afternoon.

Resolution 18-89 Issuing a Moratorium on Building Permits for Properties with the Natural Features Protection (cont'd)

Haji Tehrani, non-resident and owner of property at the corner of Stadium Drive and Drake Road, stated he had agreed to abide by the Natural Features Protection Overlay rules, and he was confused as to why he was being asked to wait another six months before developing his property.

Commissioner Cooney, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** issuing a moratorium on rezoning and variance requests and new building permits for projects that require Site Plan approval on properties with the Natural Features Protection designation as mapped on the Land Development Map in the 2025 Master Plan, except those properties under the oversight of the Michigan Department of Environmental Quality (MDEQ), Michigan Department of Natural Resources (MDNR), United States Environmental Protection Agency (EPA), or City of Kalamazoo Brownfield Redevelopment Authority (BRA). This moratorium would be effective immediately and be in place for a period of up to six (6) months.

Prior to a vote on the motion, Commissioner Anderson stated an embedded concept of conservation was an important element of placemaking for a community. Commissioner Anderson stated it was a challenge sometimes to balance community needs and desires with the reality that private property, bought and sold in public, could be used for permitted uses. Commissioner Anderson remarked the City was developing new ideas and language with regard to zoning, and these developments led to questions such as, "How does a Natural Features Protection Overlay go from concept to specific implementation?" Commissioner Anderson encouraged staff and stakeholders to move fast and create a good Natural Features Protection Overlay so that the City was not having to play defense on a project-by-project basis. Commissioner Anderson stated development was going to occur, and the City needed a plan.

In response to a question from Commissioner Anderson, City Manager Ritsema stated three projects would be affected by the moratorium.

In response to a question from Commissioner Anderson, City Planner Anderson noted the moratorium was for "up to" six months and stated she wanted to make sure there was enough time for the community to review and respond to the draft Natural Features Protection requirements prior to going through the approval process.

Commissioner Anderson expressed support for the moratorium and stated people needed to commit to the work of writing the policy and standards and getting it done.

Commissioner Urban stated it would be ideal if the City Commission had approved the Natural Features Protection policy and standards with the IK2025 Master Plan. Commissioner Urban highlighted the need for a consistent set of rules that applied to all properties, and he noted the work of the technical steering committee to this point was not wasted.

In response to a question from Commissioner Cunningham, City Attorney Robinson stated it was his opinion that the moratorium would apply to the project at Stadium and Drake.

Resolution 18-89 Issuing a Moratorium on Building Permits for Properties with the Natural Features Protection (cont'd)

Commissioner Cunningham expressed frustration that zoning items on City Commission agendas were usually reactive rather than proactive, and the moratorium was another example of this. Commissioner Cunningham indicated he would be frustrated if he was the owner of the property at Stadium and Drake. Commissioner Cunningham stated the City needed time to process and think about issues and be intentional in its decisions. Commissioner Cunningham stated he wanted to create a pro-active culture in Kalamazoo city government.

Commissioner Cooney stated the moratorium was in the best interest of the City, and he indicated all stakeholders, including the owner of the properties at Stadium and Drake, should be at the table over the next six months. Commissioner Cooney stated economic development was important, but quality of life was more than economic development. Commissioner Cooney noted Asylum Lake was a gem of the City, and decisions about natural features needed to be well thought-out.

Mayor Hopewell expressed support for the moratorium and noted a rezoning would be necessary for the project at Stadium and Drake to move forward. Mayor Hopewell questioned why the City had not been proactive in developing the Natural Features Protection requirements.

With a roll call vote this motion passed.

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

NAYS: None

Amendment to the Foundation for Excellence Bylaws

An opportunity was given for citizens to comment on an amendment to the Foundation for Excellence Bylaws removing the reference to a "Grant Making Committee" in Section 6.02 of the bylaws, but no comments were offered.

Commissioner Anderson, seconded by Commissioner Urban, moved to approve an amendment to the Foundation for Excellence Bylaws removing the reference to a "Grant Making Committee" in Section 6.02 of the bylaws; and directing staff to coordinate with legal counsel to advance the item to "the Michigan Attorney General's Charitable Trust Division or its successors," as required in the Articles of Incorporation.

With a roll call vote this motion passed.

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

NAYS: None

Policy Items

Policy Items were considered next.

Presentation re: the Draft Complete Streets Policy

Community Planning and Economic Development Director Rebekah Kik delivered a presentation entitled *Connected City: Complete Streets Policy Updates, December 2018*. A copy of the slides from the presentation were filed with the papers for this meeting.

Citizen Comments

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

> Zach Lassiter, City resident, expressed support for a crosswalk ordinance.

City Commissioner Comments

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

Commissioner Urban thanked people for addressing the Commission regarding the moratorium. Commissioner Urban observed the City would appear to be autocratic if it always seemed to anticipate everything and never had to be reactive.

Commissioner Cunningham stated City staff did an amazing job, but they needed to be intentional. Commissioner Cunningham noted engagement and public processes were messy, but necessary.

Adjournment

The meeting adjourned at 9:21 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on January 7, 2019

Approved by: ____________________________
Bobby J. Hopewell, Mayor
Dated: January 7, 2019