

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, April 1, 2019 at 7:00 p.m. in the City Commission Chambers at City Hall.

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

None

Also present were Deputy City Manager Patsy Moore, City Attorney Clyde Robinson, and Deputy City Clerk Shelby Moss.

Invocation

The invocation, given by Pastor Nathan Dannison from First Congregational Church, was followed by the Pledge of Allegiance.

Proclamations
2019-0095

Commissioner Cunningham proclaimed April 2019 *Child Abuse Prevention Month*. Sarah O. Joshi, Executive Director of the Kalamazoo County Child Abuse and Neglect Prevention Council, received the proclamation.

2019-0096

Commissioner Sykes proclaimed April 2019 *Sexual Assault Awareness Month*. Mallory Kruizenga, YMCA Kalamazoo Sexual Assault Victim Advocate, Coreen Ellis, YMCA Sexual Assault Victim Advocate for Special Populations, and Marie Rodriquez, YMCA Sexual Assault/Domestic Violence Victim Advocate, received the proclamation.

Adoption of the
Agenda

Commissioner Urban requested the resolution under Item K, New Business, be divided to consider each historic district on its own merits. No motion or second was offered to divide the resolution. By consensus the Commission agreed to consider dividing the resolution if the resolution presented with the meeting packet did not pass.

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

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:

2019-0097

- approval of a one- year contract with Republic Services for the transportation and disposal of plant screenings from the Kalamazoo Water Reclamation Plant in the amount of \$105,300.

2019-0098

- approval of a contract with JV Contracting for pavement line striping & specialty pavement marking in the amount of \$157,274.80.

2019-0099

- approval of a contract with Earth Works Lawn & Landscape for Mountain Home and Riverside Cemetery mowing and maintenance in the amount of \$399,900; and approve a budget adjustment in the amount of \$107,292.

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| - approval of the purchase of four new John Deere 310SL HL backhoes with buckets, hydraulic breakers and compactors from AIS Construction Equipment in the amount of \$521,441.80. | 2019-0100 |
| - approval of a contract with Wightman & Associates, Inc. for professional engineering services related to the Oakland Drive improvements, Parkview Avenue to Howard Street, in the amount of \$178,750. | 2019-0101 |
| - approval of a one-year contract for the purchase of fluorosilic acid from PVS-Nolwood Chemicals, Inc. in the amount of \$106,500. Bid Ref# 18004-004.0 | 2019-0102 |
| - first reading of an ordinance to rezone 604 N. Drake Road from Zone RS-5 to Zone CC and schedule a public hearing for April 15, 2019. | 2019-0103 |
| - approval of amendments to the Fiscal Year 2018 budgeted appropriations to increase the General Fund revenues by \$1,100,000 and increase the General Fund expenses by \$2,430,000. | 2019-0104 |
| - authorization for the City Manager to execute a Bilateral Permit with Zayo Group LLC pursuant to the Metropolitan Extension Telecommunications Right of Way Oversight (METRO) Act. | 2019-0105 |
| - approval of the Mayor's reappointments to the following boards and commissions: | 2019-0106 |
| - the reappointment of Dean Bergy to the Retirement and Perpetual Care Investment Committees for a term expiring on March 31, 2022. | |
| - the reappointment of Sandi Doctor to the Retirement and Perpetual Care Investment Committees for a term expiring on March 31, 2022. | |
| - the reappointment of Jan Van Der Kley to the Retirement and Perpetual Care Investment Committees for a term expiring on March 31, 2022. | |
| - approval of the minutes from the City Commission meetings on March 18, 2019. | 2019-0107 |
| - approval of a recommendation to hold until April 15, 2019 consideration of the City to acquire Lot 3 of Sun Valley Acres to address local flooding conditions. | 2019-0108 |

Commissioner Anderson, 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.

Consent Agenda
(cont'd)

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

NAYS: None

*At the time of the vote Vice Mayor Knott abstained from voting on Item F-7, the first reading of an ordinance to rezone 604 N. Drake Road from Zone RS-5 to Zone CC.

Regular Agenda

Regular Agenda items were considered next.

2019-0109

Consideration of an
Ordinance to Amend
Chapter 21 of the Code
of Ordinances re:
Nuisances

City Attorney Robinson reviewed the history of the proposed ordinance to amend Chapter 21 of the City Code and stated the ordinance being presented for final adoption was the same ordinance the City Commission offered for first reading on August 20, 2018. City Attorney Robinson explained the City charter required a minimum of two weeks between the first reading of an ordinance and final adoption; but the Charter did not specify a maximum time between first reading and adoption, as long as the two actions occurred during the same legislative session with no interceding election between the two. City Attorney Robinson noted the proposed ordinance was a continuation of his efforts to decriminalize the City Code.

When given an opportunity to comment on the adoption of an ordinance to amend Chapter 21 of the Kalamazoo City Code of Ordinances, the following people addressed the City Commission:

Jeff Messer, City resident, expressed concerns regarding the length of time between the first reading of the proposed ordinance and the final consideration. Mr. Messer stated he did not support the decriminalization of the City Code as an attempt to reduce the Attorney's Office workload.

Commissioner Anderson, seconded by Commissioner Cunningham, moved to adopt the proposed amendments to Chapter 21 of the Kalamazoo City Code of Ordinances regarding the decriminalization of certain violations and changes to sections regarding Abandoned Residential Structures and nuisances, including graffiti.

Prior to a vote on the motion, Commissioner Anderson expressed support for offering the ordinance for first reading at this meeting with final consideration scheduled for the next business meeting. Commissioner Anderson noted the decriminalization of the City Code was a City Commission initiative designed to reduce criminal convictions and criminal records.

Mayor Hopewell addressed Mr. Messer's comments and stated the City Attorney was following the direction of the City Commission to decriminalize the Code of Ordinances. Mayor Hopewell noted the motivation behind decriminalizing the City Code was to reduce harm to City residents, not reduce the City Attorney's workload.

Commissioner Urban, seconded by Commissioner Sykes, moved to postpone until April 15, 2019 consideration of the proposed amendments to Chapter 21 of the Kalamazoo City Code of Ordinances regarding the decriminalization of certain

violations and changes to sections regarding Abandoned Residential Structures and nuisances, including graffiti.

In response to questions from Commissioner Cunningham, City Attorney Robinson explained the difference between criminal offenses and civil infractions as it related to the burden of proof.

Commissioner Cunningham stated he supported the proposed amendments to Chapter 21 and the process to decriminalize the City Code of Ordinances.

Commissioner Sykes expressed support for the motion to postpone and for the work to decriminalize the City Code of Ordinances.

City Attorney Robinson explained the expungement process and noted civil infractions did not count against an individual's record when considering expungement. City Attorney Robinson explained the due process of civil infractions and the options available to those individuals receiving civil infractions to be heard in a court of law.

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

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

NAYS: Commissioner Cunningham

Deputy City Clerk Moss presented a request for City Commission action submitted by Nathan Dannison. The request related to the proposed Bronson Park and Nazareth Local Historic Districts. A copy of the request was filed with the paperwork for this meeting.

Policy items were considered next.

City Attorney Robinson reviewed the proposed amendments to the City's Freedom of Information Act (FOIA) Procedures and Guidelines and explained the amendments incorporated changes to FOIA that were passed into law at the end of 2018.

An opportunity was given for public comments on the proposed amendments to the City Commission Policy addressing FOIA Procedures and Guidelines, but no comments were offered.

Vice Mayor Knott, seconded by Commissioner Sykes, moved to approve the amendments to City Commission Policy 45.1 addressing Freedom of Information Act Procedures and Guidelines to incorporate recent changes to state law.

With a roll call vote this motion passed unanimously.

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

NAYS: None

2019-0109

Consideration of an Ordinance to Amend Chapter 21 of the Code of Ordinances re: Nuisances (cont'd)

2019-0110

City Clerk's Report

Policy Items**2019-0111**

Amendments to the FOIA Policy

New Business

2019-0112

Resolution 19-19
Prohibiting Further
Work on the
Establishment of the
Bronson Park and
Nazareth Historic
Districts

Items of New Business were considered next.

City Attorney Robinson presented a resolution requested by Commissioner Cooney and Vice Mayor Knott addressing the proposed creation of two new local historic districts. City Attorney Robison explained the resolution, if adopted, would halt the creation of the Bronson Park and Nazareth College Campus local historic districts. City Attorney Robinson stated under Michigan Law it was the decision of the City Commission to create the local Kalamazoo historic districts, and they had control of the process, including control over the Kalamazoo Historic Preservation Commission (HPC).

When given an opportunity to comment on the adoption of a resolution addressing the proposed creation of two new local historic districts, the following people addressed the City Commission:

The following people expressed support for the creation of the Bronson Park and Nazareth College Campus local historic districts; expressed support for the work of the HPC; offered remarks on their personal experiences living in Kalamazoo; and offered suggestions on possible uses of the buildings in the proposed local historic districts:

Joshua Koenig, Chair of the HPC
Nicole Sabel, City resident
Nelson Nave, City resident
Patricia Hirsch, City resident
Rodger Parzyck, City resident
Lia Gaggino, City resident
Al Jackson, non-resident
Pam O'Connor City resident
Claire Milne, City resident
Tony Holewinski, City resident
Zadie Jackson, City resident

The following people expressed support for the proposed resolution and halting the creation of the Bronson Park and Nazareth College Campus local historic districts:

Patti Owens, non-resident
Pastor Nathan Dannison, City resident
Jody Brylinsky, non-resident
Rex Brueggmann, City resident
Erin Johnson, Kalamazoo Institute of Arts Director of Finance and Personnel
Sister Patricia Warbritton, City resident
Sister Kathy Brazds, non-resident
Pat Lennon, an attorney representing the Congregation of the Sisters of St. Joseph

Manju Freeman, City resident, suggested an arbitrator meet with the HPC and affected property owners to facilitate conversation between the two groups.

Ken Nacci, Plazacorp Realty Advisors, stated Plazacorp would offer their opinion on the Bronson Park historic district when it was presented to the City Commission for action.

Commissioner Cooney, seconded by Vice Mayor Knott, moved to adopt a **RESOLUTION** addressing the proposed creation of two new local historic districts.

Prior to a vote on the motion, Commissioner Sykes stated she was sympathetic to the hardships of the property owners and stated the HPC process seemed to be a reaction to their plans. Commissioner Sykes stated she was a strong advocate for affordable housing and a municipal homeless shelter, but a historic district was not necessary to repurpose buildings as shelters.

In response to a question from Commissioner Sykes, City Attorney Robinson stated the process to create a local historic district around Bronson Park and the Nazareth College Campus could start again even if the resolution was adopted.

Vice Mayor Knott stated she was a member of the First Congregational Church, a member of the Kalamazoo Institute of Arts and supported the Sisters of St. Joseph during the Nuns on the Bus tour. Vice Mayor Knott expressed concerns about the historic district study process and agreed with Commissioner Sykes that the process seemed to be a reaction to the property owners' stated plans to demolish some of the buildings. Vice Mayor Knott stated the issue was about property rights and allowing property owners to do what they wanted with their property. Vice Mayor Knott noted the Local Initiatives Support Corporation (LISC) had contracted with Dennis Sturtevant from Dwelling Place of Grand Rapids, a Nonprofit Housing Corporation, who assessed the buildings on the Nazareth College Campus and found the site unusable for an affordable housing project.

Commissioner Urban expressed support for letting the historic district study process continue, letting the State of Michigan offer a recommendation, and allowing time for more public input. As an alternative, Commissioner Urban proposed the creation of two resolutions addressing the proposed historic districts separately. Commissioner Urban stated he would support the work to create a historic district around Bronson Park but not around the Nazareth College Campus, knowing now the site was not feasible for affordable housing.

Commissioner Cunningham stated he enjoyed the landscape provided by historic buildings but did not want to create hardships for organizations. Commissioner Cunningham expressed support for the HPC and for allowing the historic district study to be carried out.

Commissioner Cooney expressed support for stopping the historic district study process and stated he was concerned about the HPC's lack of engagement with the affected property owners, the community, and the City Commission. Commissioner Cooney indicated he could not support any process that stood in the way of helping people.

In response to questions from Commissioner Anderson, City Attorney Robinson stated the Commission had the authority to stop the work of the Kalamazoo Historic Preservation Commission. City Attorney Robinson described the process that created both the Kalamazoo Historic Preservation Commission and the

2019-0112

Resolution 19-19
Prohibiting Further
Work on the
Establishment of the
Bronson Park and
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Districts (cont'd)

2019-0112

Resolution 19-19
Prohibiting Further
Work on the
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Districts (cont'd)

Kalamazoo Historic District Commission. Attorney Robinson stated the Kalamazoo Historic Preservation Commission could be dissolved by the City Commission in two meetings, but the Historic Distinct Commission was prescribed in State law. City Attorney Robinson described the process to create a local historic district.

Historic Preservation Coordinator Sharon Ferraro described the timeline to submit the study of the proposed local historic districts to the state Historic Preservation Review Board. Historic Preservation Coordinator Ferraro noted the Board only met three times a year, and the study would need to be submitted within the next 10 days if the City wanted timely input from the state. Historic Preservation Coordinator Ferraro estimated the City Commission would have a recommendation on the proposed historic districts in July if the prescribed process was followed.

In responses to questions from Mayor Hopewell, Historic Preservation Coordinator Ferraro provided the following information: the HPC's study had been ongoing for just under a year for both proposed historic districts; when plans for the buildings in the proposed historic districts started to change, the HPC study committee started to look at the areas more closely; the study of the Nazareth College Campus was completed in December of 2018, and the Bronson Park study was completed in January 2019; all property owners were invited to a meeting in the City Commission Chambers on February 26, 2019 where the two studies were presented; the studies had not been submitted to the three state boards or the City's Planning Commission; the HPC met with the Bronson Park property owners on March 11, 2019 and Nazareth community members on March 14, 2019; the study was not complete because it did not include all of the public comments from the public comment period or the recommendations from the state boards and Planning Commission; the prescribed process was followed for the addition to the Vine Neighborhood Historic District, West Main Hill Historic District and Haymarket Historic District.

In response to a question from Mayor Hopewell, City Attorney Robinson stated the HPC had met the requirements of state law, and although advisable, it was not a requirement to include property owners from the proposed district in the study process.

Mayor Hopewell stated he was not a member of First Congregational Church but considered Pastor Nathan Dannison his pastor, and he worked with the Sisters of St. Joseph. Mayor Hopewell also noted he was asked to give input to the playscape committee a few years prior. Mayor Hopewell expressed respect for letting advisory boards and commissions do their work and stated the question for him was how the City Commission supported that work. Mayor Hopewell proposed the Commission direct the HPC to finish its work by April 30th and present it directly to the City Commission. Mayor Hopewell stated it was not good policy to interrupt the work of the HPC, but he was sympathetic to the hardships the unwanted buildings posed to both the Sisters of St. Joseph and First Congregational Church.

Commissioner Sykes compared stopping the work of the HPC to the times the City Commission had stopped the work of staff because they had not engaged the community. Commissioner Sykes noted the City Commission valued transparency and gathering input from all stake holders, and she remarked the City Commission

was not in the business of telling property owners of what they could or could not do with their property.

Mayor Hopewell stated there was a difference between paid City staff and the volunteers who served on the City's advisory boards and commissions. Mayor Hopewell noted the City dictated what property owners could and could not do with their property through the zoning code and through moratoriums the Commission had on properties in the past.

Commissioner Urban suggested the City Commission wait until the study report was final and could be reviewed before deciding the matter. Commissioner Urban expressed concern about the precedent that would be established if the proposed resolution was adopted as presented.

Commissioner Cunningham noted this situation offered an opportunity to review the historic district study process.

In response to questions from Vice Mayor Knott, Mayor Hopewell stated the City Commission had complete authority over the HPC, and the City Commission could direct them to present their report directly to the City Commission and bypass the Planning Commission. Mayor Hopewell stated the study report could be presented at the April 15th City Commission business meeting, but he suggested giving the HPC 30 days to gather community input before submitting the report. Mayor Hopewell agreed the process the Kalamazoo Historic Preservation Commission followed should be reviewed.

Commissioner Sykes stated the City Commission should require its advisory boards and commissions to gather community input at the beginning of a decision-making process, just as the Commission required this of City staff. Commissioner Sykes suggested the Commission vote on the proposed resolution first and consider changes if that resolution fails.

Commissioner Anderson questioned whether City Commissioners would feel any different about this issue if the vote was postponed.

With a roll call vote this motion passed 4-3.

AYES: Commissioners Anderson, Cooney, Sykes, Vice Mayor Knott

NAYS: Commissioner Cunningham, Urban, Mayor Hopewell

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

Jody Dozeman, City resident, spoke on her experiences at the Stadium Drive apartments.

Jeff Messer, City resident, wished Mayor Hopewell a happy birthday.

2019-0112

Resolution 19-19
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Districts (cont'd)

Citizen Comments

City Commissioner
Comments

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

Commissioner Sykes offered remarks on “white privilege” and stated when she offered comments it was meant to instruct and not attack. Commissioner Sykes shared why her Dutch ancestors immigrated to the United States and stated she would always call out problematic thinking in a way that honored all people, including people of color. Commissioner Sykes wished Mayor Hopewell and Mr. and Mrs. Sykes a very happy birthday.

Commissioner Urban expressed hope that the HPC would continue its work to preserve history and create a vibrant downtown and that in the future HPC members would engage the community before a proposed historic district was created.

Commissioner Cunningham offered remarks on the sudden death of Mr. Nipsey Hussle and the life of Patti Rowe. Commissioner Cunningham invited the public to donate to the Kalamazoo Child Abuse and Neglect Prevention Council during their Lifesaver campaign and to pray for all victims of child abuse and neglect on Blue Sunday. Commissioner Cunningham wished Mayor Hopewell a very happy birthday.

Commissioner Knott thanked Historic Preservation Coordinator Ferraro for her hard work with the HPC.

Mayor Hopewell observed that an opportunity may have been missed for more community engagement with the City Commission stopping the process set forth in City ordinance for the HPC to follow. Mayor Hopewell announced the nominations to the Northside Cultural Business District Authority Board would be presented at the April 15th City Commission meeting. Mayor Hopewell wished Commissioner Cooney a happy birthday.

Adjournment

The meeting adjourned at 10:34 p.m.

Respectfully submitted,

Shelby Moss
Deputy City Clerk

For City Commission approval on May 6, 2019

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: May 6, 2019

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