

## Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, May 6, 2019 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.

## Opening Ceremony

The invocation, given by Bishop Daniel Cunningham, Greater Faith Empowerment Center, was followed by the Pledge of Allegiance.

**2019-0144**

Presentation re: the  
County Tax Foreclosure  
Prevention Program

Kalamazoo County Treasurer Mary Balkema delivered a presentation entitled *How We Got It Done: Eliminating Tax Foreclosures on Owner-Occupied Homes in the City of Kalamazoo in 2019*. A copy of the slides from this presentation were filed with the papers for this meeting.

## Proclamations

**2019-0145**

Commissioner Cooney proclaimed April 26, 2019 *Arbor Day*. Forestry Supervisor Perry Banta received the proclamation.

**2019-0146**

Commissioner Anderson proclaimed May 13-16 *Public Services Week*. Public Services Director James Baker received the proclamation.

Adoption of the  
Agenda

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

- a citizen requested that items F-5 and F-6, first readings of ordinances regarding the proposed Natural Features Protection Overlay District, be moved to the Regular Agenda.

**2019-0147**

Public Hearing re: the  
2019-2023 Consolidated  
Plan and 2019 Action  
Plan

At 7:20 p.m. Mayor Hopewell opened a public hearing to receive comments on the proposed 2019-2023 Consolidated Plan and the 2019 Action Plan.

Community Development Manager Dorla Bonner and Community Development Compliance Specialist Vanessa Collins Smith delivered a presentation entitled *2019 HUD Funding: 2019 to 2023 Consolidated Plan and 2019 Action Plan*. A copy of the slides from this presentation was filed with the papers for this meeting.

In response to a question from Commissioner Sykes, Community Development Manager Bonner stated more funding was necessary in order to scale-up the work being done with affordable housing.

When given an opportunity to comment on the proposed 2019-2023 Consolidated Plan and the 2019 Action Plan, the following people addressed the City Commission:

Bill Wells, City resident, thanked the Commission for allowing him to serve on the Community Development Act Advisory Committee (CDAAC) and expressed support for the Consolidated Plan and 2019 Action Plan.

Herb Davis, City resident, stated it could be difficult for developers to find properties at a reasonable price, and he asked why the Kalamazoo County Land Bank was allowed to hold properties.

Annie Sprague, City resident, identified corrections that needed to be made on pages 27 and 29 of the Consolidated Plan and expressed concern about how the Plan described the role of CDAAC. Ms. Sprague also expressed concerns about the City using Community Development Block Grant funds for code enforcement and stated the City's code enforcement activities had a disproportionate impact on poor people.

At 7:44 p.m. Mayor Hopewell closed the public hearing.

Vice Mayor Knott, seconded by Commissioner Anderson, moved to: 1) approve the 2019-2023 Consolidated Plan; 2) approve the 2019 Action Plan, including the budget recommended by the Community Development Act Advisory Committee; and 3) authorize the Director of Community Planning and Economic Development to act as the official representative of the City and to sign all required U.S. Department of Housing and Urban Development documents.

Prior to a vote on the motion, Commissioner Anderson thanked CDAAC members for their work and noted the City was allowed to use CDBG funds for City functions like code enforcement.

Commissioner Urban stated CDAAC gave members experience in planning and community engagement, and it was a great training ground for members who wanted to move on to other City boards.

Commissioner Cunningham thanked staff and CDAAC members for their work and noted the CDAAC process engaged the energy of the community.

Mayor Hopewell suggested the City analyze code violations and look at enforcement activities through the lens of Shared Prosperity Kalamazoo (SPK).

With a roll call vote this motion passed unanimously.

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

NAYS: None

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:

- approval of a contract with J.L. Milling for Cold Milling of City Streets for the 2019 season in the amount of \$102,790.64.

**2019-0147**

Public Hearing re: the 2019-2023 Consolidated Plan and 2019 Action Plan (cont'd)

**2019-0147**

Approval of the 2019-2023 Consolidated Plan and 2019 Action Plan

Consent Agenda

**2019-0148**

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2019-0149                     | - approval of a contract with Cornerstone Construction for constructing an aggregate storage bin at the City of Kalamazoo Wastewater Treatment Plant, in the amount of \$360,400.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2019-0150                     | - approval of a sole source purchase of an outdoor public restroom from Portland Loo in the amount of \$107,440.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2019-0151                     | - approval of a contract with Balkema Construction for improvements at Reed Street Park in the amount of \$310,000.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 2019-0152                     | - first reading of an ordinance to amend Chapter 2- Article X Employee Retirement System § 2-224 Definitions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2019-0153                     | - approval of a recommendation to hold until May 20, 2019 adoption of a resolution to terminate the Amended Restated Development Plan and Tax Increment Financing Plan for the City of Kalamazoo Downtown Development Authority and to repeal the following ordinances: 1450, 1457, 1468, 1492, 1523, 1643, 1817, and a portion of ordinance 1679.                                                                                                                                                                                                                                                        |
| 2019-0154<br>Resolution 19-28 | - adoption of a <b>RESOLUTION</b> from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission (MLCC) recommending approval of a Joint Off-Premises Tasting Room License for the Winery at Black Star Farms, LLC within Grand Traverse Distillery located at 224 E. Michigan Avenue in the City of Kalamazoo.                                                                                                                                                                                                                                                              |
| 2019-0155<br>Resolution 19-29 | - rescission of Resolution 18-29 and adoption of a <b>RESOLUTION</b> from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission, recommending approval of a Small Wine Maker License for The Roche' Collection LLC at 1627 South Burdick Street.                                                                                                                                                                                                                                                                                                                         |
| 2019-0156                     | - approval of a Memorandum of Understanding with Kalamazoo Regional Education Services Agency/Youth Opportunities Unlimited in the amount of \$825,000 to provide summer employment and training opportunities for City of Kalamazoo youth ages 14-21.                                                                                                                                                                                                                                                                                                                                                    |
| 2019-0157                     | - approval of a Public Utility Easement with Kalamazoo Properties, LLC associated with the Cork Street Road and Culvert Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2019-0158                     | - approval of the Mayor's reappointments to the following boards and commissions: <ul style="list-style-type: none"> <li>- the reappointment of <b>Grant Fletcher</b> to the Downtown Development Authority for a one-year term expiring on March 31, 2020;</li> <li>- the reappointment of <b>Bob Miller</b> to the Downtown Economic Growth Authority Board of Directors for a one-year term expiring on March 31, 2020; and</li> <li>- the reappointment of <b>Patti Owens</b> to the Downtown Economic Growth Authority Board of Directors for a one-year term expiring on March 31, 2020.</li> </ul> |
| 2019-0159                     | - approval of the minutes from the City Commission meetings on March 23, April 1, and April 15, 2019.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

Commissioner Cunningham, seconded by Commissioner Cooney, 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 items were considered next.

When an opportunity was given for public comments on the first reading of additions to Chapter 50, The Zoning Code, to Create the Natural Features Protection Overlay District; the first reading of an ordinance to rezone properties throughout the City with the Natural Features Protection (NFP) Overlay District; and scheduling a public hearing for both ordinances on May 20, 2019, the following people addressed the City Commission:

Haji Tehrani, non-resident and the owner of property at Stadium Drive, expressed opposition to the proposed rezoning.

Matt Van Dyk, legal counsel for Mr. Tehrani, reviewed his letter to the Commission dated May 2, 2019 and requested that Parcels A and B not be included in the overlay district, or that the City Commission refer the ordinances back to the Planning Commission for reconsideration.

Paul MacNellis, non-resident, expressed support for the ordinances.

Dean Hauck, City resident, asked that stakeholders continue their discussions about the NFP overlay district.

Karen Larson, City resident, expressed support for the proposed ordinances.

Tom Small, City resident, expressed support for the ordinances but noted more needed to be done with regard to protecting natural features.

Rick Schell, non-resident and the owner/developer of 11 properties on Stadium Drive, asked that his properties not be included in the new overlay district. Mr. Schell provided a list of his properties, which was filed with the papers for this meeting.

Bonnie Alkema, City resident, expressed support for the ordinances and gave the City Commission a copy of *The Lorax* by Dr. Seuss.

Laurie Holmes, City resident, expressed concern about the development of the Vermeulen property, questioned why it was identified as an area for commercial zoning, and asked that the City Commission not exempt any properties from the overlay district.

Consent Agenda  
(cont'd)

Regular Agenda

**2019-0160**

**2019-0161**

First Reading of NFP  
Overlay District  
Ordinances (cont'd)

**2019-0160**

First Reading of NFP  
Overlay District Text  
Ordinance (cont'd)

Nathan Smallwood, CEO of the Kalamazoo Nature Center, urged the City Commission to pursue both economic development and protection for the City's natural features.

Commissioner Sykes, seconded by Commissioner Urban, moved to offer for first reading additions to Chapter 50, The Zoning Code, to Create the Natural Features Protection Overlay District; and schedule a public hearing for May 20, 2019.

Prior to a vote, Commissioner Anderson noted this action was a first reading and observed that everyone seemed not quite happy with the proposed ordinance. Commissioner Anderson thanked staff for their work.

Commissioner Urban asked that the following questions be addressed at the public hearing on May 20<sup>th</sup>: 1) why were the parcel lines on the Vermeulen property redrawn; 2) why must the NFP Overlay District cover entire parcels; and 3) will the variance process be used to resolve disputes over the NFP standards?

Commissioner Sykes stated people had until 2025 to take action regarding climate change. Commissioner Sykes expressed objections to compromise in this area and stated climate change needed to be stopped.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**2019-0161**

First Reading of NFP  
Overlay District Map  
Ordinance

Vice Mayor Knott, seconded by Commissioner Sykes, moved to offer for first reading an ordinance to rezone properties throughout the City with the Natural Features Protection (NFP) Overlay District; and schedule a public hearing on May 20, 2019.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**2019-0162**

Ordinance 1983 re:  
Consumer Fireworks

An opportunity was given for citizens to comment on an ordinance amending the fireworks ordinance so as to reflect recent changes in State law regarding the days and times when fireworks may be discharged.

Vice Mayor Knott, seconded by Commissioner Cunningham, moved to adopt an **ORDINANCE** amending the fireworks ordinance so as to reflect recent changes in State law regarding the days and times when fireworks may be discharged.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Shared Prosperity Kalamazoo Coordinator Kevin Ford delivered a presentation entitled *SPK High Impact Fund Proposals Presentation, May 6, 2019*. A copy of the slides from this presentation was filed with the papers for this meeting.

Mayor Hopewell stated the focus of the Shared Prosperity Kalamazoo (SPK) Organizing Committee was filling service gaps. Mayor Hopewell noted the Committee was aware of other needs in the community, and they were working to address those as well.

An opportunity was given for public comments on the recommendations of the SPK Organizing Committee and the SPK Goal Team Proposals and Budgets, but no comments were offered.

Commissioner Sykes, seconded by Commissioner Cunningham, moved to accept the recommendations of the Shared Prosperity Kalamazoo (SPK) Organizing Committee and approve of the SPK Goal Team Proposals and Budgets to access the SPK High Impact Fund.

Prior to a vote on the motion, Commissioner Cooney spoke about the extent of poverty and stated the City was doing everything it could to address poverty.

Commissioner Sykes stated she was proud of where SPK was and where it was headed, and she noted the proposed projects were root-cause projects. Commissioner Sykes expressed support for putting as many resources as possible behind SPK and stated structural problems needed to be addressed as well.

Commissioner Urban expressed support for the SPK focus on filling gaps, and he stated the SPK programs would be measured and evaluated.

Commissioner Cunningham commented on the interplay between federal, state, and local assistance and noted these providers did not always play well together. Commissioner Cunningham remarked that voters needed to consider candidates' ability to collaborate when filling City Commission seats in November.

Mayor Hopewell thanked City staff for their work and observed that the work of SPK was not easy.

With a roll call vote this motion passed unanimously.

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

NAYS: None

City Clerk Borling reported the City Commission had received the *Foundation for Excellence 2018 Annual Report*.

Next, the City Commission discussed the anticipated resignation of Commissioner Sykes and the resulting vacancy on the City Commission.

Commissioner Sykes stated the May 20<sup>th</sup> business meeting would be her last City Commission meeting but noted she would be moving out of the City prior to that meeting.

**2019-0163**

Approval of SPK High Impact Fund Proposals

**2019-0164**

City Clerk's Report

**2019-0165**

Discussion re: Filling a Vacancy on the City Commission

**2019-0165**

Discussion re: Filling a  
Vacancy on the City  
Commission (cont'd)

City Attorney Robinson indicated that Commissioner Sykes would not be able to participate in the May 20<sup>th</sup> meeting if she moved out of the City before then.

Mayor Hopewell directed Commissioners' attention to a memo from the City Clerk regarding the process used to fill the most recent vacancy on the Commission.

In response to a question from Commissioner Anderson, City Attorney Robinson stated the 30-day timeframe for filling the vacancy would start when the City Commission accepted Commissioner Sykes' resignation on May 20<sup>th</sup>.

By consensus, the City Commission decided to use the selection process outlined in the memo from the City Clerk to fill the vacancy created by the resignation of Commissioner Sykes.

The meeting was recessed at 9:09 p.m.

The meeting resumed at 9:23 p.m.

**2019-0166**

Resolution re: Military  
Aid to Israel

When an opportunity was given for public comments on a resolution to support human rights for Israelis and Palestinians by ending US military aid to Israel, the following people addressed the City Commission:

The following people expressed opposition to the proposed resolution:

Simone Schicker, Rabbi at Temple B'nai Israel

Michelle Miller-Adams, City resident

Earl Norman, non-resident

Dean Thomas, non-resident

Michelle Serlin, non-resident

Troy Zukowski, non-resident

Randy Lubratich, non-resident (Ms. Lubratich submitted written statements from multiple people. These statements were filed with the papers for this meeting.)

Jakob Weintraub, City resident

Sheralee Hurwitz, non-resident

Harvey Spivak, non-resident

Ken Fisher, City resident

Cary Mannaberg, City resident

Alvin Rosenthal, City resident

Tamara Norman, non-resident

Saraphoena Koffron, non-resident

Michael Tanoff, City resident

Alan Messinger, non-resident

Nijo Ellison, City resident

Sarah Kirsch, City resident

The following people expressed support for the proposed resolution:

Mary Ellen Hadek, City resident, read the proposed resolution

Ruth Moerdyk, City resident (Ms. Moerdyk submitted a petition supporting the resolution, which was filed with the papers for the meeting)

Paul Clements, City resident

Raelyn Joyce, City resident

David Benac, City resident  
Farber Kasan, non-resident  
Daniel Smith, non-resident  
Andy Argo, City resident  
Michael Dwyer, City resident  
Harold Beu, City resident  
Wade Adams, City resident  
Sam Siegel, non-resident

**2019-0166**

Resolution re: Military  
Aid to Israel (cont'd)

Brian Asquith, City resident, stated the proposed resolution would not have an impact on the situation in Israel, but Jewish people who were considering moving to Kalamazoo would hear about the resolution, which might affect their decision.

Commissioner Cooney, seconded by Commissioner Sykes, moved to adopt a RESOLUTION to support human rights for Israelis and Palestinians by ending US military aid to Israel.

Prior to a vote on the motion, Commissioner Sykes stated the cause of oppression for both Jewish and Palestinian people was white supremacy. Commissioner Sykes stated it was not anti-American for the City Commission to denounce the federal government's family separation policy, and it was possible to want peace and safety for your country while protecting innocent people.

Commissioner Cooney stated the proposed resolution was about standing against human rights violations, and he noted the resolution supported ending military aid to Israel *until* their military occupation and seizure of Palestinian land ended.

Commissioner Urban questioned whether there was a point to increasing divisiveness in the pursuit of justice. Commissioner Urban suggested postponing a vote on the resolution so that both sides could come together and craft language that was mutually acceptable.

Commissioner Cunningham urged people to put aside personal considerations to understand others. Commissioner Cunningham expressed support for postponing a vote on the resolution to allow for more dialogue.

Vice Mayor Knott stated the proposed resolution would not do anything to advance these issues. Vice Mayor Knott expressed support for postponing action and bringing together the parties to create an acceptable statement.

Commissioner Anderson commented that Commissioners were not experts on the Middle East, and he stated he had asked the Kalamazoo Non-Violent Opponent of War (KNOW) to not bring the proposed resolution to the City Commission. Commissioner Anderson expressed opposition to the resolution and stated the people who brought forward the resolution had done so with a superior attitude. Commissioner Anderson expressed support for postponing action on the resolution and getting input from all stakeholders, including Palestinians.

Commissioner Sykes stated she was concerned that doing the right thing for the human rights of some people would potentially hurt others, but she disagreed with the idea that KNOW should not have raised the issue. Commissioner Sykes expressed support for bringing people together to draft language that would calm

**2019-0166**

Resolution re: Military  
Aid to Israel (cont'd)

fears about retaliation towards Jewish people, but she expected the new resolution to still call for an end to U.S. military aid.

Mayor Hopewell recommended an up-and-down vote on the resolution rather than postponing action.

With a roll call vote this motion failed 2-5.

AYES: Commissioners Cooney, Sykes

NAYS: Commissioners Anderson, Cunningham, Urban, Vice Mayor Knott, Mayor Hopewell

## Public Comments

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

Nehemiah Scudder, City resident, spoke about the Middle East and stated the views and actions of radicals did not represent those of average people.

Jody Dozeman, City resident, spoke about being homeless.

Ruth Moerdyk, City resident, spoke about climate change and the connection between the climate action plan the City was developing and City's efforts to improve and develop its housing stock.

Benjamin Stanley, City resident, requested information on how the retention period for police records was established.

City Commissioner  
Comments

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

Commissioner Sykes stated human rights issues were moved forward through debates like the one that had just taken place.

Commissioner Cooney thanked Commissioner Sykes for her work.

Commissioner Urban asked that the questions he had raised regarding the NFP Overlay District be addressed at the public hearing on the ordinances.

Vice Mayor Knott congratulated Cory Barrett, a culinary professor at Kalamazoo Valley Community College, for winning the Food Network's Spring Baking Championship.

## Adjournment

The meeting adjourned on May 7, 2019 at 12:17 a.m.

Respectfully submitted,

Scott A. Borling  
City Clerk

For City Commission approval on June 17, 2019

Approved by: \_\_\_\_\_

Bobby J. Hopewell, Mayor

Dated: June 17, 2019