

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, October 2, 2023 at 7:00 p.m. in the City Commission Chambers at City Hall.

COMMISSIONERS PRESENT:

Mayor David Anderson
Vice Mayor Don Cooney
Jeanne Hess
Stephanie Hoffman
Esteven Juarez
Chris Praedel

COMMISSIONERS ABSENT:

Qianna Decker

Also present were Chief Operating Officer Laura Lam, City Attorney Aaron Leal, and City Clerk Scott Borling.

Commissioner Excused

Commissioner Hoffman, seconded by Commissioner Hess, moved to excuse the absence of Commissioner Decker. With a voice vote the motion passed.

Invocation

The invocation, given by Michelle Scheidt from the Fetzer Institute, was followed by the Pledge of Allegiance.

Proclamations
2023-40-01

Commissioner Praedel read a proclamation welcoming the *Michigan Autism Conference, October 11-13, 2023*.

2023-40-02

Commissioner Hess proclaimed October 26, 2023 *Keeping the Lights on After School Day*. Meg Blinkiewicz, Executive Director of Kalamazoo Youth Development Network, received the proclamation.

Adoption of the Agenda

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

Communications

Chief Operating Officer Lam made the following announcements:

- the Michigan Department of Environment, Great Lakes, and Energy (EGLE) was holding a virtual public hearing on October 5th regarding an application from Graphic Packaging for an air permit. The public comment period for this application would be open until October 16th.
- the City was accepting applications for Community Violence Intervention grants.
- the Parks and Recreation Department was hosting a Halloween event on Saturday, October 28th at Milham Park.
- a Styrofoam recycling event would take place on Saturday, October 28th at Mayors' Riverfront Park.
- a celebration event for the 50th anniversary of the Stuart Area Restoration Association would take place on Saturday, October 7th.

Public Comments

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

In-Person Comments

John Allen, City-resident, expressed opposition to Item H-5, a contract for marketing and communications services for the Streets for All initiative. A copy of Mr. Allen's written remarks was filed with the papers for this meeting.

Reverend Millard Southern, Senior Pastor at Allen Chapel AME Church, spoke about the weekly tutoring program and upcoming Breast Cancer Walk hosted by Allen Chapel AME Church, and he requested more resources for these programs.

Zack Orsini, a City resident representing the Democratic Socialists of America, asked the City to build at least three more public restrooms downtown that were open 24 hours per day, 7 days per week.

Ryan Smith, City resident and President of the Southwest Michigan Chapter of the Democratic Socialists of America, asked the City to install public restrooms downtown that were open 24 hours per day, 7 days per week. Mr. Smith expressed opposition to private sector partnerships for public restrooms.

An anonymous speaker asked the City to install at least three more Portland Loo's downtown that would be open 24 hours per day, 7 days per week.

Chris Bol and Carl Fried, City residents, spoke about the benefits of bike riding and thanked the City for creating infrastructure for cyclists.

Tina McClinton, City resident, spoke about flooding on Lake Street and expressed opposition to the development of green spaces and the proposed rezoning. Ms. McClinton remarked on the dangers of bike lanes at nighttime and stated cyclists needed to obey the rules of the road.

An anonymous speaker, spoke about the EGLE public comment period regarding Graphic Packaging.

Michelle Dancer, City resident, offered comments about Graphic Packaging and questioned why they were allowed to pollute.

An anonymous speaker offered remarks about pollution in the Northside Neighborhood and spoke about family members who had been diagnosed with cancer.

Tammy Hibner, City resident, expressed opposition to the proposed car wash on Stadium Drive and questioned why residents needed to repeatedly oppose the development of this property. Ms. Hibner stated the city and county governments did not care about their residents, and she questioned what they were going to do about the car wash and Graphic Packaging.

Wendy Fields, President of the NAACP, spoke about the lack of ADA accessibility at City Hall. Ms. Fields remarked that the new downtown bike lanes were not safe.

Molly Trueblood, non-resident, commented on the need for environmental planning and stated zoning could be used to address the public's concerns.

Public Comments (cont'd)

2023-40-03

Public Comments (cont'd)

Shona Espinoza, City resident, offered remarks on the cost of housing in Kalamazoo and the need for a place residents could go with housing issues.

Call-In Comments

Shauna, a City resident, offered comments about poor air quality in the City and discolored water.

Kay stated the City did the bare minimum regarding quality of life issues like Graphic Packaging.

Jacob, a City resident, spoke about the impacts of the environment on children, disparities in the experiences of City residents, and the need for a local reparations initiative.

2023-40-04

Public Hearing re: An Off-Premises Sign Agreement with Adams Outdoor Advertising

At 8:05 p.m. Mayor Anderson opened a public hearing to receive comments on an Off-Premises Sign Agreement with Adams Outdoor Advertising to allow for the removal of a billboard in the Northside Neighborhood and the reconstruction of a billboard along I-94.

An opportunity was given for both public comments and City Commissioner comments and questions, but no comments or questions were offered.

At 8:06 p.m. Mayor Anderson closed the public hearing.

Commissioner Hess, seconded by Commissioner Praedel, moved to approve an Off-Premises Sign Agreement with Adams Outdoor Advertising to allow for the removal of a billboard in the Northside Neighborhood and the reconstruction of a billboard along I-94.

With a roll call vote this motion passed.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items and authorize the City Manager to sign all related documents on behalf of the city:

2023-40-05

- approval of a contract supplemental and change order with Carrier & Gable for traffic signal maintenance supplies in the amount of \$200,000.

2023-40-06

- approval of a month-to-month contract extension, supplemental, and change order with Central City Parking/ABM Parking for downtown parking management services in the amount of \$540,000.00.

2023-40-07

Resolution 23-53

- adoption of a **RESOLUTION** approving Amendment #1 to the Act 381 Brownfield Redevelopment Plan for Arcadia Lofts.

2023-40-08

Resolution 23-54

- adoption of a **RESOLUTION** amending the City Commission's 2023 annual meeting schedule.

- approval of the Second Amendment to the Services Agreement between the City of Kalamazoo and the United Way of the Battle Creek and Kalamazoo Region for Small Business Loan Fund services.
- approval of a special permit for a pot-bellied pig to be kept at 2513 Logan Avenue, subject to compliance with applicable statutes, ordinances, and health codes.

Commissioner Hoffman, seconded by Vice Mayor Cooney, moved to approve the consent agenda requests and authorize the City Manager to sign all related documents on behalf of the City.

With a roll call vote this motion passed.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Regular Agenda items were considered next.

Public Services Director James Baker offered a summary of an ordinance to replace the current Chapter 28 in the Kalamazoo City Code regarding wastewater discharge regulations. Director Baker noted the effective date of the ordinance would be January 1, 2024, and the ordinance would change the process for establishing wastewater rates by allowing them to be set by resolution rather than by ordinance. Director Baker indicated the changes to the current ordinance were described in the three-page document from EGLE that was included in the meeting packet.

At 8:11p.m. Commissioner Juarez left the meeting.

In response to questions from Commissioner Praedel, Director Baker stated legal, academic, and scientific expertise was engaged during the development of the ordinance, and EGLE was involved at each step in the process. Director Baker confirmed that EGLE had approved the ordinance.

An opportunity was given for public comments on an ordinance to repeal the existing Chapter 28 of the Kalamazoo City Code, *Wastewater Discharge Regulations and Enforcement Procedures*, and enact a new Chapter 28, *Wastewater Discharge Regulations and Enforcement Procedures*, but no comments were offered.

Commissioner Praedel, seconded by Commissioner Hoffman, moved to adopt an **ORDINANCE** to repeal the existing Chapter 28 of the Kalamazoo City Code, *Wastewater Discharge Regulations and Enforcement Procedures*, and enact a new Chapter 28, *Wastewater Discharge Regulations and Enforcement Procedures*.

Prior to a vote on the motion, Commissioner Hess thanked Public Services department staff for their long-term work on this ordinance.

With a roll call vote the motion passed.

2023-40-09

2023-40-10

Regular Agenda

2023-40-11

Ordinance 2071 re:
Wastewater Discharge
Regulations

2023-40-11
Ordinance 2071 re:
Wastewater Discharge
Regulations (cont'd)

AYES: Commissioners Hess, Hoffman, Praedel, Vice Mayor Cooney,
Mayor Anderson

NAYS: None

ABSENT: Commissioner Juarez

At 8:15 p.m. Commissioner Juarez returned to the meeting.

2023-40-12
First Reading of an
Ordinance re:
Emergency Housing

Chief Operating Officer Lam introduced for first reading an ordinance to approve updates to Chapter 9 of the Kalamazoo City Code *Buildings and Building Regulations*, Article 8: Emergency Housing.

Mayor Anderson noted this ordinance had been discussed at the Committee of the Whole meetings on September 18th and October 2nd. Mayor Anderson stated he was pleased that Housing Resources Incorporated (HRI) was working to develop emergency housing and was engaged in discussions with the City about their project.

Commissioner Praedel stated the City Commission was being proactive by addressing the emergency housing ordinance before the sunset of the current ordinance. Commissioner Praedel noted staff had made changes to the proposed ordinance in response to concerns raised by HRI.

When an opportunity was given for public comments on an ordinance to approve updates to Chapter 9 of the Kalamazoo City Code *Buildings and Building Regulations*, Article 8: Emergency Housing, the following people addressed the City Commission:

Tobi Hannah-Davies, City resident, expressed support for the housing pod community being developed by HRI, and she thanked the City for extending the life of the ordinance and changing the phasing structure. Ms. Hannah-Davies asked the City to not require HRI to wait six months to add more units.

Michelle Davis, Executive Director of HRI, thanked City staff for their work and for changing the structure of the phasing. Ms. Davis told the story of her brother, who experienced homelessness.

Tina McClinton, City resident, asked where the housing pods would be located and what steps would be taken to protect people.

Commissioner Juarez seconded by Commissioner Hess, moved to offer for first reading an ordinance to approve updates to Chapter 9 of the Kalamazoo City Code *Buildings and Building Regulations*, Article 8: Emergency Housing.

Prior to a vote on the motion, Commissioner Juarez thanked staff and HRI and spoke about the importance of addressing homelessness.

Vice Mayor Cooney thanked HRI and remarked on the importance of extending the emergency housing ordinance.

Commissioner Hess stated the City was not a housing provider and relied on partnerships. Commissioner Hess indicated the City was open to collaborating with other housing providers in addition to HRI.

Commissioner Praedel thanked City staff, HRI, and Commissioner Hoffman for their work on emergency housing. Commissioner Praedel listed specific projects and policies where the City had engaged to address housing needs in the community. Commissioner Praedel stated there was much more work to be done, and he noted the demand for affordable housing would increase as extra funding from the COVID-19 pandemic came to an end.

With a roll call vote the motion passed.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Community Planning and Economic Development Deputy Director Christina Anderson delivered a presentation entitled *Proposed Zoning Code & Map Updates: First Reading and Scheduling a Public Hearing, October 2, 2023*. A copy of the slides from this presentation was filed with the papers for this meeting.

In response to questions and comments from City Commissioners, Deputy Director Anderson provided the following information:

- the proposed zoning ordinance changed in the following ways as a result of public input: a car wash was made a special use in the Community Commercial (CC) zoning district; the Use Table was changed to be more readable; lot coverage and wellhead protection standards were reinstated to the section on Natural Features Protection (NFP); and the NFP intent statement was adjusted.
- the current zoning code includes both a minimum and maximum number of parking spaces; the proposed zoning code removes the minimum number of parking spaces to address environmental concerns and to let the market dictate how a property is used. In addition, the proposed zoning code includes two parking space maximums based on context: a lower number in urban contexts, and a higher number for suburban contexts.
- the following items/topics are not addressed in the proposed zoning ordinance: manufacturing and residential districts; the sections on administration of the code; lighting; and the creation of a zoning district for the development of parks.

When an opportunity was given for public comments on ordinances to approve text amendments to Chapter 50, *Zoning Ordinance* and Appendix A *Zoning*; to approve updates to the Zoning Map; and to approve related updates to Chapters 3, *Advertising*, 7, *Animals and Fowl*, 9, *Buildings and Building Regulations*, and 21, *Nuisances*, the following people addressed the City Commission:

Tina McClinton, City resident, remarked that poor people were not involved in the IK2025 process. Ms. McClinton questioned why the City was destroying green space in the Lake Street/Stockbridge Avenue area and requested that property in this neighborhood not be rezoned to RM15.

2023-40-12

First Reading of an Ordinance re: Emergency Housing (cont'd)

2023-40-13

First Reading of Ordinances to Amend the Zoning Code and Other Chapters of the Code of Ordinances

2023-40-13

First Reading of
Ordinances to Amend
the Zoning Code and
Other Chapters of the
Code of Ordinances
(cont'd)

Jeff Messer, City resident, expressed concern about the proposed repeal of Section 3-2 of the Code of Ordinances regarding advertising and questioned why this section was being removed while Section 3-4 was being retained. Mr. Messer noted Commissioner Praedel's campaign signs were in the public right-of-way on Dutton Street.

Commissioner Hess, seconded by Vice Mayor Cooney, moved to offer for first reading ordinances to approve text amendments to Chapter 50, *Zoning Ordinance* and Appendix A *Zoning*; to approve updates to the Zoning Map; and to approve related updates to Chapters 3, *Advertising*, 7, *Animals and Fowl*, 9, *Buildings and Building Regulations*, and 21, *Nuisances*; and set a public hearing for October 16, 2023.

Prior to a vote on the motion, and in response to a question from Commissioner Hess, City Attorney Leal stated he did not know why staff was recommending the repeal of Section 3-2 of the Kalamazoo City Code. City Attorney Leal indicated he could research the question and provide an answer.

With a roll call vote the motion passed.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2023-40-14

Contract Extension for
Powered Activated
Carbon

An opportunity was given for both public comments and comments and questions from City Commissioners regarding a contract extension with SNR Technologies for powder activated carbon, but no questions or comments were offered.

Commissioner Hoffman, seconded by Vice Mayor Cooney, moved to approve a contract extension with SNR Technologies for powder activated carbon in the amount of \$1,160,000.

With a roll call vote the motion passed.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2023-40-15

Contract for Marking
and Communications
Services for the Streets
for All Initiative

Deputy Director Anderson delivered a presentation entitled *Communication and Marketing Contract, October 2, 2023*. A copy of the slides from this presentation was filed with the papers for this meeting.

Assistant Public Services Director Anthony Ladd stated communications was the biggest "pain point" for the City's construction projects. Assistant Director Ladd indicated a communications specialist was necessary given the scale of planned investment in the downtown.

Commissioner Hess stated the engagement of communications professionals would help downtown events, venue, festivals, and businesses. Commissioner Hess spoke about the potential adverse effects of construction on small businesses and remarked that the City needed to spend money on both downtown and the neighborhoods.

When an opportunity was given for public comments on a three-year contract with Gud Marketing for Downtown and Streets for All marketing and communications, the following people addressed the City Commission:

John Allen, City resident, noted he had provided information about this contract to the City Commission on September 18th, and he urged the Commission to postpone voting on this item.

Commissioner Juarez, seconded by Commissioner Hess, moved to approve a three-year contract with Gud Marketing for Downtown and Streets for All Marketing and Communications in the amount of \$285,000.

Prior to a vote on the motion, Commissioner Praedel stated the point of the contract was to improve communication and transparency, not convince people.

Vice Mayor Cooney stated he would not vote in favor of any additional funds for the downtown two-way street conversion project. Vice Mayor Cooney stated his priorities were addressing pollution, poverty, and student success.

Commissioner Hoffman remarked that the decision was made years ago to move forward with the two-way street conversion project, and she stated staff needed this support.

Commissioner Juarez offered comments on hard decisions the City Commission made on a regular basis, and he stated a lot of care and consideration went into those decisions. Commissioner Juarez spoke about the need for Commissioners to think generationally and with an eye to the future.

Commissioner Hess expressed support for the long-term economic viability of downtown. Commissioner Hess stated the City Commission could not choose between downtown and poverty or downtown and gun violence; the Commission needed to address all these areas.

Mayor Anderson expressed appreciation for Vice Mayor Cooney and his position on this issue. Mayor Anderson offered remarks on the work the City was doing on many issues to address needs in the community.

With a roll call vote the motion passed 5-1.

AYES: Commissioners Hess, Hoffman, Juarez, Praedel, Mayor Anderson

NAYS: Vice Mayor Cooney

Chief Operating Officer Lam highlighted recent activities of the Community Planning and Economic Development Department and recognized 311 Customer Support Manager Mimi Leake for her five-year anniversary with the City.

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

Commissioner Hess commented on the importance of long-term work by City staff, such as the Sewer Use Ordinance and revisions to the Zoning Code. Commissioner Hess invited people to the Canadiana Fest on October 7th.

2023-40-15

Contract for Marking and Communications Services for the Streets for All Initiative
(cont'd)

City Manager's Report

Commissioner Comments

Commissioner
Comments (cont'd)

Commissioner Praedel recognized his father, who was in the audience, and spoke about lessons his father taught him. Commissioner Praedel offered comments on a recent suicide that happened in public near where his kids' soccer practice was taking place. Commissioner Praedel expressed gratitude for the opportunity to serve on the City Commission. Commissioner Praedel explained why the City Commission had amended its meeting schedule to change the date of the oath of office ceremony. Commissioner Praedel stated there could be quick solutions to the public restroom issue, such as putting portable toilets next to every parking structure.

Mayor Anderson spoke about a recent homicide and the City's efforts to address gun violence. Mayor Anderson stated it would take the entire community to address gun violence, and he urged community members to step in when they knew someone was in a bad situation and had access to a gun.

Adjournment

The meeting adjourned at 10:03 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

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