

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, June 3, 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
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 Pastor Moise Ratsara, Kalamazoo Seventh-Day Adventist Church, was followed by the Pledge of Allegiance.

Proclamations
2019-0199

Vice Mayor Knott proclaimed June 2019 *Pride Month – Kalamazoo*. Staff from OutFront Kalamazoo received the proclamation, including: Denise Miller, Executive Director; Michael Cleggs, Director of Programs; Brooke Lindley, Director of Advocacy; Krystina Edwards, Director of Special Events; and Lilly Mazzone, Intern.

2019-0200

Commissioner Cooney proclaimed June 8, 2019 *Gun Violence Awareness Day*. Phyllis Lefebvre of Kalamazoo Area Moms Demand Action received the proclamation.

2019-0201
Review of City
Commissioner
Applications and
Selection of
Candidates to
Interview

Mayor Hopewell requested Item J-1, review of City Commissioner applications, be considered next as he needed to leave for another engagement. There were no objections.

The City Commission discussed filling the vacancy on the Commission due to the resignation of former Commissioner Shannon Sykes.

City Clerk Borling presented slides showing a timeline of Commissioner Sykes' resignation and a proposed selection process based on the process used to fill a vacancy on the City Commission in 2015. A copy of these slides was filed with the papers for this meeting.

By consensus the City Commission agreed to the following procedures for interviewing candidates who had applied to fill the vacancy on the Commission:

- The City Commission would interview candidates at a special meeting on June 10, 2019 at 6:00 p.m. in the City Commission Chambers.
- Candidates would not receive questions in advance
- Candidates would be sequestered before their interviews
- Commissioners would ask the same 8-10 questions of all candidates in round-robin fashion
- Each candidate would have 2 minutes for an opening statement, 90 seconds to answer each question, and 90 seconds for a closing statement.

By consensus the City Commission agreed to use the follow process for developing interview questions:

- Commissioners would send suggested questions to the City Clerk by the close-of-business on Thursday, June 6th.
- The Clerk would compile and review the submitted questions with the Mayor.
- The Clerk will send the questions to Commissioners over the weekend.
- Commissioners will have an opportunity to review and discuss the questions on June 10th at the beginning of the meeting, prior to conducting the interviews.

Discussion took place regarding the number of candidates to interview. By consensus the City Commission agreed to interview no more than five candidates.

City Clerk Borling distributed paper ballots containing the names of the 14 City Commission applicants.

When an opportunity was given for public comments on the candidate selection process, the following people addressed the City Commission:

Jeff Messer, City resident, asked that the City Commission not select applicants who intended to run for Mayor or City Commissioner in the November.

Prior to the vote, Mayor Hopewell noted that Commissioners did not know whether applicants would be running for office in the fall. Mayor Hopewell stated a person who was willing to serve on the Commission now should not be prohibited from serving.

Commissioners marked their ballots and returned them to the Clerk. City Clerk Borling displayed the Commissioners' selections:

Commissioner Anderson

Megan Buwalda
Patrese Griffin
Esteven Juarez
Tami Rey
William Wells

Commissioner Cooney

Megan Buwalda
Patrese Griffin
Oliver Howell
Esteven Juarez
John McNeill

Commissioner Cunningham

Patrese Griffin
Esteven Juarez
Brian Pittelkow
James Pitts
William Wells

Commissioner Urban

2019-0201

Review of City
Commissioner
Applications and
Selection of
Candidates to
Interview (cont'd)

Megan Buwalda
 Patrese Griffin
 Peter Kushner
 John McNeill
 William Wells

Vice Mayor Knott
 Megan Buwalda
 Patrese Griffin
 Peter Kushner
 John McNeill
 Tami Rey

Mayor Hopewell
 Megan Buwalda
 Patrese Griffin
 Oliver Howell
 Esteven Juarez
 James Pitts

Next, City Clerk Borling tallied the votes. The ballots and a copy of the tally sheet were filed with the papers for this meeting. Discussion followed.

By consensus the City Commission agreed to interview the following applicants on June 10th based on the criteria that they received three or more votes:

Patrese Griffin (6 votes)
 Megan Buwalda (5 votes)
 Esteven Juarez (4 votes)
 John McNeill (3 votes)
 William Wells (3 votes)

Mayor Hopewell left the meeting at 7:35 p.m., and Vice Mayor Knott became the presiding officer.

Adoption of the Agenda

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

- A citizen requested that Item F-1, an agreement with the City of Portage to share a full-time Strategic Operations and Intelligence Analyst, be moved to the Regular Agenda.

Communications

City Manager Ritsema announced the City Commission would meet in special session on Monday, June 10, 2019 at 6:00 p.m. in the City Commission Chambers at City Hall. The purpose of the meeting was to interview candidates who had applied to fill the vacancy on the City Commission.

Consent Agenda

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:

2019-0

- approval and acceptance of easements for water main that will be installed as part of the Gilmore Farms West Condominiums Construction Project.

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- approval of bylaws for the Natural Features Protection Review Board.
- approval of the Mayor's appointments to Natural Features Protection Review Board: **2019-0204**
 - the appointment of Ashley Cole-Wick for a term expiring on March 31, 2020.
 - the appointment of Erin Fuller for a term expiring on March 31, 2022.
 - the appointment of Robert Glasser for a term expiring on March 31, 2021.
 - the appointment of Mitch Lettow for a term expiring on March 31, 2022.
 - the appointment of Paul MacNellis for a term expiring on March 31, 2021.
 - the appointment of Kyle Martin for a term expiring on March 31, 2022.
 - the appointment of Alan Sylvester for a term expiring on March 31, 2020.
- approval of the appointment of Beth Ann van den Hombergh to the Zoning Board of Appeals as an alternate member for a term expiring on March 31, 2021. **2019-0205**

With a roll call vote this motion passed.

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

NAYS: None

Regular Agenda items were considered next.

When an opportunity was given for public comments on an intergovernmental agreement with the City of Portage, Department of Public Safety for a Strategic Operations and Intelligence Analyst; and approval of an additional full-time equivalent position allocation for the Department of Public Safety, the following people addressed the City Commission:

Jeff Messer, City resident, asked how the police intelligence data would be used and if “predictive crime analysis” was the same as “predictive policing.” Mr. Messer suggested the City Commission adopt an ordinance requiring public input and legislative body approval before departments implement surveillance technology.

Commissioner Urban, seconded by Commissioner Anderson, moved to approve an intergovernmental agreement with the City of Portage, Department of Public Safety for a Strategic Operations and Intelligence Analyst; and approval of an additional full-time equivalent position allocation for the Department of Public Safety.

Prior to a vote on the motion, and in response to a question from Commissioner Anderson, Public Safety Chief Karianne Thomas explained the department currently used intelligence data to see where crime was happening. This initiative was an effort to bring all of that data into one place. Chief Thomas stated the

Regular Agenda

2019-0206
Agreement with the City of Portage re: a Shared Strategic Operations and Intelligence Analyst

department was not using predictive analytics, and she was not comfortable yet using artificial intelligence in policing.

In response to a question from Commissioner Cooney, Chief Thomas stated she would bring to the City Commission any future initiative to implement artificial intelligence.

With a roll call vote this motion passed.

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

NAYS: None

2019-0207

Ordinance 1990

Repealing Sections of
Chapter 21 - Nuisances

An opportunity was given for public comments on an ordinance repealing Sections 22-3 through 22-5 of the Kalamazoo City Code, which were replaced by recent amendments to Chapter 21 – Nuisances, but no comments were offered.

Commissioner Anderson, seconded by Commissioner Urban, moved to adopt an **ORDINANCE** repealing Sections 22-3 through 22-5 of the Kalamazoo City Code, which were replaced by recent amendments to Chapter 21 – Nuisances.

With a roll call vote this motion passed.

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

NAYS: None

2019-0208

Ordinance 1991

Repealing Sections 22-53
and 22-56 re: Loitering

When an opportunity was given for public comments on an ordinance repealing Section 22-53 “Loitering” and Section 22-56 “Loitering in places where controlled substances or drug paraphernalia are sold, dispensed” of the City Code of Ordinances, the following people addressed the City Commission:

Mattie Jordan-Woods, City resident, expressed opposition to the proposed ordinance, as eliminating the prohibition against loitering would take away the main tool used by Public Safety to address large crowds of people like the X-Train in the Northside Neighborhood.

Ben Stanley, City resident, asked about the reason for the ordinance changes.

Commissioner Anderson, seconded by Commissioner Cunningham, moved to adopt an **ORDINANCE** repealing Section 22-53 “Loitering” and Section 22-56 “Loitering in places where controlled substances or drug paraphernalia are sold, dispensed” of the City Code of Ordinances.

Prior to the vote and in response to questions from Commissioner Anderson, City Attorney Robinson explained the ordinance changes were being made because courts were not looking favorably on loitering laws, as it was not a crime to just be “hanging out” somewhere or to be present when a crime happened. City Attorney Robinson stated the City Commission recently adopted the Moving Party ordinance, and this ordinance was designed address activities like the X-Train.

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Commissioner Cunningham stated he had been an advocate for decriminalizing ordinances, and he had reluctantly voted for the party ordinance. Commissioner Cunningham reported he had been working behind the scenes to get the community to develop and offer activities for people late at night.

With a roll call vote this motion passed.

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

NAYS: None

When an opportunity was given for public comments on an ordinance to amend Section 22-41 of the Kalamazoo City Code regarding drug paraphernalia, the following people addressed the City Commission:

2019-0209

Ordinance 1992 re: Drug Paraphernalia and Needle Exchange Programs

Mattie Jordan-Woods, City resident, expressed opposition to the proposed ordinance and stated she did not want to see the Northside Neighborhood flooded with needles. Ms. Jordan-Woods stated needle exchange programs enabled the behavior that brought about gun violence.

Dr. William Nettleton, Medical Director for the Kalamazoo County Department of Health and Community Services, expressed support for the proposed ordinance and stated needle exchange programs were harm-reduction efforts that met people where they were. Dr. Nettleton noted syringe service programs, needle exchange programs, and safe injection sites were all different from each other. Dr. Nettleton indicated needle exchange programs reduced new cases of HIV and Hepatitis C.

Kelly Doyle, Executive Director of Community AIDS Resource and Education Services (CARES), expressed support for the proposed ordinance and stated CARES wanted to work with the Community Outreach, Prevention, and Education (COPE) Network to have a safe syringe program in the Vine Neighborhood.

Nancy King, President of COPE, expressed support for the proposed ordinance and stated clean needle programs were a harm reduction initiative.

Pam Roland, City resident, expressed opposition to the proposed ordinance and stated there were a lot of needles already in City parks and homeless encampments. Ms. Roland asked who would monitor the needle exchange programs and make sure the proliferation of needles did not get worse.

Esteven Juarez, City resident, stated the principles behind needle exchange programs were good, but their methods did not address the deeper underlying problems in the community. Mr. Juarez stated those who wanted to help addicts needed to reach out and go to them.

Ben Stanley, City resident, suggested having sites where people could use and safely dispose of the needles.

Commissioner Cooney, seconded by Commissioner Anderson, moved to adopt an **ORDINANCE** to amend Section 22-41 of the Kalamazoo City Code regarding drug paraphernalia.

Prior to a vote on the motion, Commissioner Anderson remarked on the need for needle exchange programs to not have a disparate impact. Commissioner Anderson noted the proposed ordinance did not approve specific programs; it removed a prohibition and required that programs be approved by the City Commission.

City Attorney Robinson stated the Public Health Code allowed for needle exchange programs, and he noted several other cities in Michigan allowed them. City Attorney Robinson explained a non-profit organization would need to seek City Commission approval for a program, and the approval would be good for two years. City Attorney Robinson stated there were criteria for this approval, and users of services in the program would remain anonymous.

Commissioner Urban expressed concern that the ordinance would create a “wild west” situation, and he stated needle exchange programs should be reviewed and required to demonstrate their effectiveness.

Commissioner Urban moved to amend the proposed ordinance to: 1) delay the effective date of the ordinance until the first needle exchange program was approved; and 2) sunset the ordinance one year after that approval unless there was evidence shown that the overall benefit to the community was positive. The motion failed for lack of a second.

In response to Commissioner Urban, City Attorney Robinson stated the ordinance would not create a “wild west” situation, as City Commission approval was required for a program to be legal. City Attorney Robinson indicated he would need to look into the impact of a sunset provision on prior authorizations.

Commissioner Anderson explained the ordinance included a required review of approved programs every two years, which would entail the non-profit producing a report and data.

City Attorney Robinson noted the framework in the proposed ordinance was based on the program in Grand Rapids, which had been very successful.

Commissioner Cooney asked the City Manger to look into cleaning up needles on public property. Commissioner Cooney stated Mr. Juarez comments were good, but the issues he raised were two separate issues.

In response to a question from Commissioner Urban, City Attorney Robinson assured him the City Commission would need to approve needle exchange programs before they could operate in the City.

With a roll call vote this motion passed.

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

NAYS: None

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

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Nehemiah Scudder, City resident, asked Ms. Jordan-Woods why she did not run for City Commission.

Ann Zemlick, non-resident, asked the City Commission to help save the Mother House on the Nazareth campus.

Louie Zemlick, non-resident, asked the City Commission to delay the demolition of the Mother House on the Nazareth campus.

Mattie Jordan-Woods, City resident, spoke about the need to look at the effects of needle programs on people who could not afford lawyers and data. Ms. Jordan-Woods stated she would be looking to the City Commission to police needle programs, and she questioned how a needle exchange program was determined to be effective.

Kenneth Barnard, non-resident, invited people to a criminal justice reform event at the Douglas Community Center on June 5th regarding bail and pre-trial incarceration.

Luke Zemlick, non-resident, asked the City Commission to delay the demolition of the Mother House on the Nazareth campus. Mr. Zemlick stated a needle exchange program would create more needles.

Alejandro Rodriguez, non-resident, stated people who had left the street lifestyle needed to go back to the streets and the neighborhoods to reach out and help people who were there.

Christina Howard Hernandez, non-resident, asked the City Commission to help save the Mother House on the Nazareth campus.

Jeff Messer, City resident, stated the future of the Nazareth property was not clear, as the site plan submitted to the City was a demolition plan. Mr. Messer asked Nazareth supporters to keep their signs out of the public rights-of-way, and he asked whether the June 10th City Commission meeting would be broadcast.

Dr. William Nettleton, non-resident, stated data did not support the idea that needle exchange programs led to an increase in needle sharing.

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

City Commissioner
Comments

Commissioner Cooney expressed appreciation for citizens' concerns about needle exchange programs.

Commissioner Urban noted the Sisters of St. Joseph owned the Nazareth property, and he stated the City had limited ability to force an unwilling party to negotiate.

Commissioner Cunningham offered remarks on how people viewed the world through multiple perspectives. Commissioner Cunningham described how different policies affected different communities differently. Commissioner Cunningham stated the community needed targeted policing in order to deal with problems like the X-Train, but the City should not overstep its boundaries.

Adjournment

Vice Mayor Knott stated she was not interested in re-opening the Nazareth issue.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on September 3, 2019

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: September 3, 2019

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