A regular meeting of the Kalamazoo City Commission was held on Monday, August 5, 2019 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.

Roll Call

COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell
Vice Mayor Erin Knott
David Anderson
Don Cooney
Eric Cunningham
Patrice Griffin
Jack Urban

COMMISSIONERS ABSENT: None

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

Opening Ceremony

A moment of silence for the victims of recent shootings in Dayton, Ohio and El Paso, Texas, was followed by the Pledge of Allegiance.

2019-0251
Recognition of Tami Rey

Mayor Hopewell and Commissioner Anderson presented a letter of recognition to Tami Rey for completing the 2018 NAACP Next Generation (NextGen) Program.

Adoption of the Agenda

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

- a citizen requested that item F-10, first reading of an ordinance to amend the Fire Code, be moved to the Regular Agenda.
- a citizen requested that item F15, approval of the Northside Cultural Business District Authority Board Bylaws, be moved to the Regular Agenda.
- a citizen requested that item F-3, a contract with UniFirst for uniform rental, be moved to the Regular Agenda.

2019-0252
Public Hearing re: Refinancing Bonds for Heritage Community of Kalamazoo

At 7:07 p.m. Mayor Hopewell opened a public hearing to receive comments on a resolution approving the project plan regarding the refinancing by Heritage Community of Kalamazoo of existing 2007 EDC bonds, an existing bank loan and the financing of other major improvements through the issuance of Series 2019 Bonds and Series 2020 Bonds.

At 7:08 p.m. Mayor Hopewell closed the public hearing.

2019-0252
Resolution 19-46 re: Refinancing Bonds for Heritage Community of Kalamazoo

Commissioner Anderson, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** approving the project plan regarding the refinancing by Heritage Community of Kalamazoo of existing 2007 EDC bonds, an existing bank loan and the financing of other major improvements through the issuance of Series 2019 Bonds and Series 2020 Bonds.

Prior to a vote on the motion,

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Cooney, Cunningham, Griffin, 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: — Consent Agenda

- approval of a one-year contract extension with City of Kalamazoo retiree Bruce Merchant of Merchant Environmental & Regulatory Consulting Services L.L.C. for environmental consulting services for the Allied Site through December 31, 2019 at the rate of $70 per hour for a not-to-exceed total of $15,000. — **2019-0253**

- approval of an agreement between the Foundation for Excellence (FFE) and Merion Capital LLC for investment consultant services relative to the FFE endowment in the amount of $180,000 annually; and agree to allocate FFE funds to this purpose. — **2019-0254**

- approval of a one-year contract extension with Olameter for water meter reading services in the amount of $253,636.78. — **2019-0255**

- approval of a change order with Hoffman Brothers for the Walnut/Pitcher Emergency Water Main Construction in the amount of $318,481; and approval of an appropriation of funds from the Water Emergency Reserves for the same amount. — **2019-0256**

- approval of a contract with Wightman & Associates, Inc. for professional construction engineering services related to the Cork Street Improvements, Portage Street to Sprinkle Road, in the amount of $506,570. — **2019-0257**

- approval of a professional service agreement with Jones & Henry Engineers, Ltd., who is a prequalified vendor, for design consulting services for the creation of permit, bid, and construction documents for the Tertiary Process Upgrade Project in the amount of $900,000. — **2019-0258**

- approval of a contract with Peters Construction for the 2019 Streets Concrete Project in the amount of $1,126,404.91. — **2019-0259**

- approval of a three-year contract with Activate Healthcare, LLC for the staffing and operation of a City employee healthcare clinic in the amount of $2,245,206.25. — **2019-0260**

- adoption of a **RESOLUTION** from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission (MLCC) recommending approval of a Joint Off-Premises Tasting Room License for Grand Traverse Distillery, LLC with the Winery at Black Star Farms, LLC at 224 E. Michigan Avenue. — **2019-0261** Resolution 19-47

- approval of amendments to the FY2019 budget in the amount of $4,792,802. — **2019-0262**

2019-0263 - acceptance of a Michigan Department of Environment, Great Lakes and Energy Drinking Water Contaminant Remediation Grant in the amount of $1,600,000; approval of the grant agreement; and approval of a budget amendment for the same amount.

2019-0264 - approval of a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on August 9, 2019 in lieu of a previously approved display that was cancelled due to rain.

2019-0265 - approval of the Mayor's appointments to boards and commissions:

- the appointment of Jason Novotny to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2025;
- the appointment of Jasmine Vedua to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2025;
- the appointment of Coreen Ellis to the Planning Commission for a term expiring on March 31, 2021; and
- the appointment of Shardae Chambers to the Planning Commission for a term expiring on March 31, 2022.

2019-0266 - approval of a public infrastructure easement at 901 Portage Street with Kalamazoo Loaves & Fishes for the Portage Street Improvement Project.

2019-0267 - approval of a public infrastructure easement at 1310 Portage Street with New City Church for the Portage Street Improvement Project.

2019-0268 - approval of a public infrastructure easement at 1324 Portage Street with Kalamazoo Probation Enhancement Program for the Portage Street Improvement Project.

2019-0269 - approval of a recommendation to hold until August 19, 2019 consideration of a quit claim deed for property at 1301 Portage Street with the Kalamazoo County Land Bank for the Portage Street Improvement Project.

2019-0270 - approval of a recommendation to hold until August 19, 2019 consideration of a quit claim deed for property at 1311 Portage Street with the Kalamazoo County Land Bank for the Portage Street Improvement Project.

Vice Mayor Knott, seconded by Commissioner Cunningham, 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, Griffin, Urban, Vice Mayor Knott, Mayor Hopewell

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

2019-0271
Uniform Contract with UniFirst Corporation

When an opportunity was given for public comments on a 5-year term contract with UniFirst Corporation for industrial uniform rental and cleaning services for the Department of Public Services in the amount of $200,000, the following people addressed the City Commission:

> Tim Balbo, Vice President for Continental Linen Services (CLS), spoke about CLS's economic contributions to the City and described recent and planned investment for its facilities within the City of Kalamazoo. Mr. Balbo asked that the contract be subject to an open bid process.
>
> Gene Kruse, Vice President for Continental Linen Services, stated the proposed contract would be a 30% increase over the current contract with CLS. Mr. Cruz asked that the new contract be competitively bid.
>
> Kurt VanderMere, City resident and President of Continental Linen Services, spoke about how CLS was invested in Kalamazoo and asked that the contract be put out for a public bid.

Commissioner Urban moved to approve a 5-year term contract with UniFirst Corporation for industrial uniform rental and cleaning services for the Department of Public Services in the amount of $200,000.

The motion died for lack of support.

2019-0272
First Reading of an Ordinance to Amend Chapter 15, the Fire Code

When an opportunity was given for public comments on an ordinance to amend Chapter 15 of the Kalamazoo City Code - Fire Prevention and Protection, the following people addressed the City Commission:

> Jeff Messer, City resident, asked why no permit would be required for single family homes or duplexes.
>
> Jill McCormick, City resident, expressed opposition to open burning and fire pits.

Commissioner Anderson, seconded by Commissioner Urban, moved to offer for first reading an ordinance to amend Chapter 15 of the Kalamazoo City Code - Fire Prevention and Protection.

Prior to a vote on the motion, Commissioner Anderson, observed there was a diversity of opinion on this matter, and he asked how the 25-foot clear zone around firepits was determined. Commissioner Anderson asked if the 25-foot distance was based on standards. Commissioner Anderson asked about the frequency of complaints regarding fire pits.

Fire Marshal Jim Williams stated the distance requirement and fire pit dimensions were designed with safety in mind, based on his experience. Fire Marshal Williams was not sure about the frequency of complaints, but they were regular.

2019-0272
First Reading of an Ordinance to Amend Chapter 15, the Fire Code (cont'd)

In response to a question from Commissioner Cooney, Commissioner Anderson and Mayor Hopewell indicated changes to the ordinance needed to be made at this meeting, as significant changes made before or at the next meeting would require another first reading.

Mayor Hopewell asked how recommendations to the Commission worked their way through the Public Safety Department, in order to balance all considerations. Mayor Hopewell stated it did not seem like there was any consideration of wider community desires.

In response to Mayor Hopewell, Fire Marshal Williams stated the International Fire Code did not cover 1- or 2-family homes, and the proposed ordinance represented staff recommendations based on best practices.

Assistant Public Safety Chief David Boysen clarified the proposed ordinance was a compromise between national standards.

In response to a question from Mayor Hopewell, Fire Marshal Williams stated he looked at the rules in place in Kalamazoo Township when crafting the proposed ordinance.

Commissioner Anderson expressed concern that the 25-foot clear zone around fire pits would make recreational burning illegal on most residential lots.

In response to Commissioner Anderson, Community Planning and Economic Development (CPED) Director Rebekah Kik explained the Zoning, Building, and Fire Codes operated independently of each other. Director Kik stated a use, building, or activity permitted by the Zoning Code on a particular property might not be allowed by the Building Code or Fire Code.

With a roll call vote this motion passed unanimously.

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

NAYS: None

2019-0273
Approval of Bylaws for the Northside Cultural Business District Authority

When an opportunity was given for public comments on the Northside Cultural Business District Authority (NCDBA) Bylaws, the following people addressed the City Commission:

> Mattie Jordan-Woods, City resident, noted the Northside Neighborhood was following its neighborhood plan, which included as a key component increasing the number of businesses owned by residents and especially African-American and low-income residents. Ms. Jordan-Woods noted this designation was changed to "minorities" in the bylaws. Ms. Jordan-Woods stated the NCDBA Board was still waiting on the City Assessor's Office and CPED for the list of addresses in the NCDBA District. Ms. Jordan-Woods indicated the Board might try to obtain funding from other sources for businesses in the district.

Commissioner Urban, seconded by Commissioner Cunningham, moved to approve the Northside Cultural Business District Authority Bylaws.

2019-0273
Approval of Bylaws for the Northside Cultural Business District Authority (cont'd)

With a roll call vote this motion passed unanimously.

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

NAYS: None

Public Comments

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

Nehemiah Scudder, City resident, observed the speaker sign-in sheet was missing.

Jody Dozeman, City resident, spoke about being homeless.

Mattie Jordan-Woods, City resident, invited people to the Northside Neighborhood National Night Out event. Ms. Jordan-Woods reported an agreement had been signed with the Michigan Technical and Career Institute for them to provide CNA training in September at the Northside Association for Community Development (NACD) offices. Ms. Jordan-Woods announced there would be an Opportunity Fair at the NACD offices on Thursday, featuring businesses in the City that were offering job training.

Jill McCormick, City resident, spoke about on-going problems her neighbor doing open burning. Ms. McCormick expressed concern about the development of the Western Michigan University (WMU) property on Drake Road.

Ben Stanley, City resident, thanked City Commission for their work and deliberations.

Jeff Messer, City resident, noted the property being developed by WMU on Drake Road was in Oshtemo Township, not the City of Kalamazoo. Mr. Messer noted the City did not have authority over WMU because it was a state university and exempt from local ordinances.

City Commissioner Comments

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

Commissioner Griffin encouraged people to attend National Night Out events.

Commissioner Anderson noted Woodward School and Washington Writers Academy had started their school years, and he commended Kalamazoo Public Schools for trying to make an impact on student learning.

Commissioner Cooney expressed condolences to the victims and their families of recent gun violence in Commissioner Cooney suggested that violence be addressed like a public health problem with prevention (reasonable gun laws), support for those who were vulnerable (efforts like Shared Prosperity Kalamazoo), and help for those who were already infected (prisoner reform and reentry programs).

Commissioner Urban noted he attended a Kalamazoo Growlers baseball game and stated it was good, wholesome, family fun.

City Commissioner Comments (cont'd)

Commissioner Cunningham invited people to attend National Night Out events and asked for a list of all the locations. Commissioner Cunningham offered remarks on gun violence. Commissioner Cunningham noted he, Mayor Hopewell, and City Manager Ritsema had visited Kalamazoo's sister city Numazu, Japan. Commissioner Cunningham stated the Japanese culture taught him that people were able to arrive at a place where they trusted each other and were safe. Commissioner Cunningham indicated he would like to use the Kalamazoo-Numazu relationship to work on economic development. Commissioner Cunningham announced his engagement, which happened in Japan.

Mayor Hopewell spoke about gun violence around the United States and in Kalamazoo. We have a problem. Not opposed to people having guns if you meet certain requirements. Mayor Hopewell urged people to talk with their legislators with a message that some type of action was needed. Mayor Hopewell asked the City Manager to provide Ms. Jordan-Woods with a list of the addresses in the NCDBA. Mayor Hopewell reminded Commissioners that they had given the City Manager no direction regarding the uniform contract, and it was his understanding Continental Linen Services was not able to provide all of the required uniforms. Mayor Hopewell asked that the Fire Marshal and Assistant Chief talk with Ms. McCormick about her concerns. Mayor Hopewell indicated there was a meeting with the Federal Emergency Management Agency on August 6th regarding flood mitigation/remediation. Mayor Hopewell thanked Commissioner Anderson for taking two young people to the National Conference of Mayors Youth Conference in San Francisco, and he congratulated Commissioner Cunningham on his engagement.

Adjournment

The meeting adjourned at 8:26 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on September 16, 2019

Approved by: ____________________________
Bobby J. Hopewell, Mayor
Dated: September 16, 2019

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