

Roll Call

A business meeting of the Kalamazoo City Commission was held on Monday, August 3, 2015 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.

COMMISSIONERS PRESENT:

Mayor Bobby Hopewell
Vice Mayor David Anderson
Robert Cinabro
Don Cooney
Eric Cunningham
Barbara Miller
Jack Urban

COMMISSIONERS ABSENT:

None

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

Invocation

The invocation, given by Reverend John McNaughton, was followed by the Pledge of Allegiance.

Introduction of
Guests

Commissioner Cunningham introduced Frank Jamison, Vice President of the Kalamazoo-Numazu Sister City Committee, and Barbara Blissett, who described the history of the relationship between Kalamazoo and its sister city, Numazu, Japan.

Ms. Blissett introduced Antasia Fareed and Kenan Clayton, students from Kalamazoo who studied in Numazu, and Natsuya Segizawa and Kento Kato, students from Numazu who were studying in Kalamazoo.

Commissioner Cunningham provided a brief report on his trip to Numazu and presented artwork created by the artist Takao Kawai, which was a gift to the City of Kalamazoo from Numazu.

Adoption of the
Agenda

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

Communications

City Manager Ritsema apologized that the elevator was not working and reported the malfunction was related to the previous night's severe weather. City Manager Ritsema stated the elevator would be repaired within the next couple of days.

Consent Agenda

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

- approval of a one-year contract with Etna Supply Company for the purchase of miscellaneous water inventory materials in the amount of \$190,636.10.
- approval of a contract with Michigan Paving and Materials in the amount of \$887,213.50 for the 2015 Local Streets Paving Program.

- reappointment of Randy Eberts to the Employees' Retirement System Board of Trustees for a term expiring on March 31, 2018, and the waiver of City Commission Rules 12e and 12k regarding term limits and dual board memberships.
- approval of the City Commission minutes from the meetings on July 20, 2015

Commissioner Urban, seconded by Vice Mayor Anderson, 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 Cinabro, Cooney, Cunningham, Miller, Urban, Vice Mayor Anderson, Mayor Hopewell

NAYS: None

Regular Agenda items were considered next.

When an opportunity was given for citizens to comment on an ordinance to amend the General Provisions chapter of the City Code of Ordinances to formally set forth and authorize the issuance of municipal civil infraction violation citations, the following people addressed the City Commission:

Bishop David Anderson, City resident, expressed opposition to any ordinance that would destroy the Northside Neighborhood by allowing more factories.

Kris Mbah, City resident, asked for an explanation of the ordinance and stated the Commission should not pass legislation without giving an explanation to citizens. Mr. Mbah stated there was an absence of leadership on the Commission.

Zach Lassiter, City resident, offered remarks about Mr. Mbah's presence on social media and noted the proposed ordinance was publicly available on the City's website.

Tim Graham, City resident, commented on the need for the City to challenge state laws that did not work for the City and stated the City needed to invite citizens to engage in democracy.

Richard Stewart, City resident, commented that the average citizen was probably not able to understand the proposed ordinance. Mr. Stewart expressed concern that the ordinance would take away a citizen's right to a trial by jury, and he asked for the name of the staff member who requested the ordinance.

Commissioner Cooney, seconded by Vice Mayor Anderson, moved to offer for first reading an ORDINANCE to amend the General Provisions chapter of the City Code of Ordinances to formally set forth and authorize the issuance of municipal civil infraction violation citations.

Consent Agenda
(cont'd)

Regular Agenda

First Reading of an
Ordinance to Authorize
the Issuance of
Municipal Civil
Infraction Violation
Citations

First Reading of an
Ordinance to Authorize
the Issuance of
Municipal Civil
Infraction Violation
Citations (cont'd)

Prior to a vote on the motion, Commissioner Cooney Vice Mayor Anderson asked City Attorney Robinson to explain and clarify the proposed ordinance.

In response to Commissioner Cooney and Vice Mayor Anderson, City Attorney Robinson explained the proposed ordinance was a general ordinance that would allow the City to change specific ordinances on a case-by-case basis to make violations of those ordinances civil infractions rather than criminal offenses. City Attorney Robinson clarified the ordinance had nothing to do with land use, and he explained the connection between the proposed ordinance and City Commission Priority #5 regarding poverty reduction.

In response to questions from Commissioner Urban, City Attorney Robinson stated it would be a huge undertaking to create a list showing violations that were currently criminal offenses and those that were civil infractions, and a second list that would show how the status of these violations would change with the new ordinance. City Attorney Robinson indicated a similar project in Battle Creek took 18 months to complete, and he wanted opportunities for citizens and staff to give input concerning which violations should be made civil infractions. City Attorney Robinson also stated he was hesitant to lay out an exact timeline for the process, as his staff resources were limited.

Commissioner Urban asked the City Attorney to keep the Commission informed about the ordinance review process and noted the Commission could provide the resources to complete the project.

Mayor Hopewell noted City Attorney Robinson had discussed the Battle Creek decriminalization project with Commissioners, and the Commission had asked the Attorney to undertake a similar project for Kalamazoo. Mayor Hopewell noted he had heard a lot in the Shared Prosperity Workshop about criminal records being a barrier to employment

Vice Mayor Anderson remarked that the decriminalization of the Code of Ordinances had been discussed by the City Commission for years and stated he was very pleased to see this on the agenda. Vice Mayor Anderson thanked the City Attorney for his work and compared this action to setting up a canvass so the painting could begin.

In response to a question from Commissioner Cinabro, City Attorney Robinson stated the Supreme Court had ruled a jury trial was not necessary in every venue, and due process would be maintained for civil infractions through the ability of a citizen to contest the charge, with avenues for appeal.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cinabro, Cooney, Cunningham, Miller, Urban, Vice Mayor Anderson, Mayor Hopewell

NAYS: None

City Manager Ritsema provided the history of a \$1 million forgivable loan the Economic Development Corporation had made to the Southwest Michigan Innovation Center in 2003 and explained the loan was scheduled to be forgiven in April 2016 since the forgiveness criteria had been met. City Manager Ritsema stated the City was being asked to release the loan ahead of schedule in order to position the SMIC for transfer to the Western Michigan University (WMU) School of Medicine.

Early Release of an EDC Loan for the Southwest Michigan Innovation Center

Vice Mayor Anderson noted there were other participants in the loan, and he asked what actions those participants were taking.

Ron Kitchens, CEO of Southwest Michigan First (SWMF), gave a brief history of the SMIC. Mr. Kitchens described how the pharmaceutical industry had changed and stated the SMIC needed to become affiliated with a Tier 1 research university and/or a medical school in order to survive. Mr. Kitchens reported WMU, the WMU School of Medicine, and SWMF had all approved the transfer of the SMIC to the School of Medicine.

In response to questions from Commissioners Cooney and Urban, Mr. Kitchens indicated the loan agreement did not include any requirement to track and report community benefits. Mr. Kitchens stated the City and SWMF should think about community benefit metrics the next time an agreement like this was created. Mr. Kitchens reported he had just learned that 60% of Newell Rubbermaid employees lived in the City. Mr. Kitchens also reported the following, with regard to Section 7(c) of the loan agreement: the SMIC Board of Directors included a representative from Kalamazoo Public Schools (currently Janice Brown) to include a voice from the education sector; students had been involved in tours and internships at the SMIC; and scientists at the SMIC partnered with the Kalamazoo Regional Education Service Agency (KRESA) to mentor students and advise regarding science facilities, curriculum, and equipment.

Commissioner Urban stated Mr. Kitchen's descriptions of community benefits were undocumented assertions, and he asked that, going forward, both the City and SWMF include contractual language about measuring and reporting community benefits.

In response to a question from Commissioner Cinabro, City Manager Ritsema indicated there would be no net impact to the tax roll or General Fund due to the forgiveness of the loan. City Manager Ritsema stated the forgiveness criteria had been met, and, according to the information provided to the City, there was no money to repay loan. Therefore, based on the terms of the agreement the loan would be forgiven in April 2016.

When an opportunity was given for citizens to comment on the release of a forgivable Economic Development Corporation loan for the Southwest Michigan Innovation Center and the release of the long-term advance to the Economic Development Corporation by transferring \$790,000 from the Economic Initiative Fund, the following people addressed the City Commission:

Early Release of an EDC Loan for the Southwest Michigan Innovation Center (cont'd)

Tim Graham, City resident, asked how much money the City had invested in the SMIC and what benefits had the City gained from this investment. Mr. Graham stated the only way the City could reach its potential was to reverse the outflow of jobs, residents, and capital.

Richard Stewart, City resident, spoke about how most forgivable loan agreements usually included a prepayment penalty for early forgiveness, and he stated the City had an obligation to its citizens to pursue some type of payment on the loan.

Commissioner Cooney, seconded by Vice Mayor Anderson, moved to approve the release of a forgivable Economic Development Corporation loan for the Southwest Michigan Innovation Center to allow the Western Michigan University Homer Stryker School of Medicine to acquire the Innovation Center; and to approve of the release of the long-term advance to the Economic Development Corporation by transferring \$790,000 from the Economic Initiative Fund.

Commissioner Urban moved to amend the motion to have a 1% prepayment penalty applied to the loan payback. The motion died for lack of support.

Vice Mayor Anderson noted the City was basically writing off something of no value. Vice Mayor Anderson stated the Business, Technology, and Research (BTR) Park and SMIC arrangements were not perfect, the results of the Park compared very well nationally with similar projects. Vice Mayor Anderson expressed a sense of relief that Kalamazoo had local institutions that were able to provide a transition plan for the SMIC. Vice Mayor Anderson offered Newell Rubbermaid as example of the many, little positive things that were happening in the City.

Commissioner Cunningham thanked the City Manager for helping him understand the issues and stated early forgiveness of the loan now was a good idea. Commissioner Cunningham stated the City needed to perform a cost/benefit and SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis for future development projects and include defined metrics in future development agreements.

In response to a question from Commissioner Cunningham, City Manager Ritsema stated it seemed logical that the payment of any prepayment penalty, if one existed, would go back to the fund from which the loan was made.

Commissioner Urban remarked that the BTR Park and the SMIC were great successes. Commissioner Urban compared the SMIC to a sports arena that lost money but made people feel good.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cinabro, Cooney, Cunningham, Miller, Urban, Vice Mayor Anderson, Mayor Hopewell

NAYS: None

City Manager Ritsema provided the following reports and updates:

- the City was coordinating an opportunity for the Director of the Michigan Department of Transportation (MDOT) to tour the City and especially the downtown area. The visit would include a discussion about the City's priorities for transportation projects.
- the next meeting of the Blue Ribbon Revenue Panel would take place on Monday, August 17th.

Next, an opportunity was given for general citizen comments.

Asha Kazhad, City resident, sang a song about the death of civil rights leaders.

Frank Warren, City resident, commented on the need for summer employment for young people and stated there was a greater need for this than the countywide millage question for homelessness that would be on the November ballot.

Jeffrey Berry, City resident, expressed frustration about a parking ticket he had received that morning because downed tree branches had forced him to park his car on the street overnight.

Bishop David Anderson, City resident, apologized for misunderstanding the civil infractions ordinance and suggested someone from the Attorney's Office go to neighborhood meetings to explain new ordinances. Bishop Anderson requested a complimentary building permit that was promised to his church and asked the City to remove a City tree that extended over his church's property and frequently caused damage during storms.

Arlene Larson, City resident, stated the City Commission should receive citizen comments closer to the beginning of the meeting and expressed concerns about speeding traffic on West North Street.

Jim Ferner, non-resident, Mr. Ferner spoke about traffic on West North Street and the related noise and trash problems. Mr. Ferner questioned why the City's Traffic Engineer was against installing speed bumps when other cities used them. Mr. Ferner also urged the City to look at its ordinances regarding car/bike collisions.

Iris Potter, City resident, expressed concern about traffic on West North Street and asked what citizens needed to do have the issue addressed.

Tim Graham, City resident, thanked City Attorney Robinson for his hard work and commented on pollution in the Kalamazoo River, the need for Commissioners to respectfully engage citizens, and the need for the Commission to change its rules so that Commissioners could offer responses during Citizen Comments.

City Manager's Report

Citizen Comments

Citizen Comments
(cont'd)

Kris Mbah, City resident, remarked on the proposed civil infraction ordinance, questioned why the SMIC was doing poorly now when it was said to be "strong" in 2013, noted the City's response to his FOIA request was incomplete, and stated the City discriminated against black- and women-owned businesses.

Richard Stewart, City resident, reported his proposal to repair a fence was denied by Sharon Ferraro under the Downtown Design Review District guidelines. Mr. Stewart commented on a liquor store owned by the Mayor and rehearsed recent liquor control violations at the store.

Zachary Lassiter, City resident, noted he would be meeting with the City's IT Director to talk about open data. Mr. Lassiter urged the City to do more to ensure the safety of non-motorized travelers during the winter. Mr. Lassiter encouraged people to vote on the Central County Transportation Authority millage question.

Commissioner
Comments

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

Commissioner Cunningham encouraged people to vote on August 4th. Commissioner Cunningham noted the recent shootings of four people had involved a family member. Commissioner Cunningham reported there would be a Fit for Amara fundraiser at the Kalamazoo County Expo Center on August 16th.

Commissioner Urban expressed support for reexamining the City Commission Rules regarding citizen comments. Commissioner Urban acknowledged that he had heard citizens' concerns about North Street. Commissioner Urban questioned whether the tree mentioned by Bishop Anderson was a City tree and stated he would look into the matter.

Commissioner Cinabro urged people to vote "Yes" on the transportation millage on August 4th. Commissioner Cinabro asked for a report on possible solutions for the traffic issues on West North Street. Commissioner Cinabro remarked on the life and service of former City Commissioner Edgar Gordon.

Commissioner Miller urged people to vote on August 4th and expressed condolences to the family of former City Commissioner Edgar Gordon.

Commissioner Cooney urged people to vote "Yes" on the transportation millage, and he congratulated Mothers of Hope for a successful Ultimate Family Reunion. Commissioner Cooney offered personal reflections on former City Commissioner Edgar Gordon.

Vice Mayor Anderson offered remarks on the transportation millage question, a recent public safety forum at the Douglas Community Center, the distraction of personal attacks, and the achievements of Mayor Hopewell and Commissioner Cooney. Vice Mayor Anderson recognized Public Safety Officers for their ability to rush into tense and dangerous situations and deescalate those situations for a peaceful resolution.

Mayor Hopewell thanked Commissioner Cooney for his work and involvement with the Ultimate Family Reunion and thanked the City Manager for his ongoing efforts to address needs in the community. Mayor Hopewell requested more information about potential solutions for West North Street. Mayor Hopewell requested an update from Chief Hadley on the recent shootings.

Chief Hadley reported the recent shooting incidents stemmed from interpersonal conflicts and involved alcohol. Chief Hadley indicated the Criminal Investigation Division had identified "persons of interest" and was working hard to solve the crimes. Chief Hadley noted the need for people to take personal responsibility in their decision making.

Commissioner Cunningham thanked Public Safety Officers and stated officers handled the situation well according to witnesses. Commissioner Cunningham remarked on a Bronson Hospital policy to not let people in the emergency room to see gunshot victims and indicated there was confusion about this in the community, especially for family members of the victims.

The meeting adjourned at 9:47 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on September 8, 2015

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: September 8, 2015

Commissioner
Comments (cont'd)

Adjournment