A business meeting of the Kalamazoo City Commission was held on Monday, December 21, 2015 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.

Roll Call

COMMISSIONERS PRESENT:	Mayor Bobby Hopewell Vice Mayor Don Cooney David Anderson Erin Knott Matt Milcarek Shannon Sykes Jack Urban
COMMISSIONERS ABSENT:	None

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

Invocation/Pledge

The invocation, given by Minister Dorla Bonner, Galilee Baptist Church, was followed by the Pledge of Allegiance.

Adoption of the Agenda

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

Mayor Hopewell stated the City Attorney would have report on a Tolling Agreement extension under the Reports and Legislation section of the agenda.

Public Hearing re: an Ordinance to Amend the Zoning Code to Add Regulations for Outdoor Sports and Recreation Lighting

At 7:03 p.m. Mayor Hopewell opened a public hearing to receive comments on an ordinance amending Sections 12.3, 3.7, 4.1 and 8.3.D. of the Zoning Ordinance to add outdoor sports/recreation lighting and noise regulations.

Deb Killarney, City resident, spoke about the problem of noise and asked that the City Commission consider noise regulations for all neighborhoods.

Claus Globig, City resident, expressed opposition to outdoor lighting at school sports fields.

Max Tibbitts, City resident, stated the proposed ordinance was really about Kalamazoo College (K-College), and he expressed opposition to rules and regulations in the ordinance that were overly burdensome. Mr. Tibbitts pointed out the City did not have the staff to follow up on noise and lighting complaints, and he suggested that an ombudsman liaise between the residents and neighborhoods and the College. Mr. Tibbitts expressed opposition to the proposed ordinance.

Bruce Martin, City resident, spoke about a letter he had written with Vicki Nelson regarding the proposed ordinance. Mr. Martin urged the Commission to not adopt the proposed ordinance, let Ordinance 1896 take effect, and ask staff to develop an ordinance that worked for the whole City. Mr. Martin stated K-College and the surrounding neighborhood were joined at the hip, and he asked the City to give residents an opportunity to deal directly with K-College to work out the issues. A copy of the letter written by Mr. Martin and Ms. Nelson was filed with the papers for this meeting.

Public Hearing re: an Ordinance to Amend the Zoning Code to Add Regulations for Outdoor Sports and Recreation Lighting

Dana Underwood, City resident, asked the Commission to consider the remarks of Mr. Tibbitts and Mr. Martin, and she urged Commissioners to not think that a “no” vote meant they were undermining the work of City staff.

Kate Worster, Associate Vice President for Marketing and Communications at K-College, clarified that the College was not supporting or opposing the ordinance.

At 7:16 p.m. Mayor Hopewell closed the public hearing.

Proposed Ordinance to Amend the Zoning Code re: Regulations for Outdoor Sports and Recreation Lighting

Commissioner Anderson, seconded by Vice Mayor Cooney, moved to adopt an **ORDINANCE** amending Sections 12.3, 3.7, 4.1 and 8.3.D. of the Zoning Ordinance to add outdoor sports/recreation lighting and noise regulations.

Prior to a vote on the motion, and in response to questions from Commissioner Anderson, Community Planning and Development Director Laura Lam reviewed the history of the proposed ordinance and explained the stadium lighting regulations in Ordinance 1896 would become effective for K-College if a citywide outdoor lighting ordinance were not adopted by January 1, 2016. Director Lam noted the implementation of Ordinance 1896 would result in a set of outdoor lighting regulations for K-College but no regulations for the rest of the City. Director Lam stated projects for the Community Planning and Development Department in 2016 included the Master Plan review process and work on other ordinances and topics. Director Lam indicated the deadline set in Ordinance 1896 pushed stadium lighting to the top of the priority list in 2015. Director Lam stated she would look to the City Commission for a sense of direction on priorities for 2016.

In response to a request from Commissioner Urban, City Attorney Robinson explained that contract zoning was a rezoning with conditions attached. City Attorney Robinson stated that under Michigan contract zoning law the City was able to either accept or reject conditions as proposed by the rezoning applicant, and the City could establish timeframes for the conditions; but it could not negotiate the substance of the conditions with the applicant. City Attorney Robinson reviewed the conditions of the K-College rezoning from 2012 and noted the College could request a change to the conditions, which the City could accept or reject.

In response to a question from Commissioner Milcarek, City Attorney Robinson explained a request for a use or dimension variance would go to ZBA, but a request from K-College to revisit the conditions in the rezoning contract would probably need to go through the Planning Commission.

Proposed Ordinance to Amend the Zoning Code re: Regulations for Outdoor Sports and Recreation Lighting (cont'd)

Commissioner Anderson asked Director Lam and City Planner Rebekah Kik to comment on the strengths and weaknesses of the proposed ordinance.

In response to Commissioner Anderson, Director Lam stated outdoor lighting was a heated and complicated issue because of the history behind it. Director Lam indicated the community input gathered during the development of the ordinance pointed to multiple issues surrounding events at sports venues, but the proposed ordinance was supposed to address outdoor lighting only.

City Planner Kik stated there were a lot of concerns about noise and rental properties. City Planner Kik reported there were plans to have a committee to look at the noise ordinance, because there was not enough time in 2015 to deal with both outdoor lighting and noise.

In response to a question from Commissioner Anderson, Director Lam stated the proposed ordinance would prohibit Kalamazoo Christian High School from having outdoor lights on its athletic fields; if the ordinance were not adopted the school could bring another variance request to the Zoning Board of Appeals.

In response to a question from Vice Mayor Cooney, Director Lam explained that if the proposed ordinance was not adopted, K-College would be able to install and use lights on its football field after July.

In response to question from Commissioner Knott, Director Lam stated there would be an after-action review of the ordinance development process, which would include outreach to participants in process and input from City Commissioners.

In response to a question from Commissioner Milcarek, City Attorney Robinson explained Ordinance 1896 did not address noise, so any new noise ordinance would apply to K-College.

Discussion followed regarding the benefits and drawbacks of adopting, or not adopting, the proposed ordinance. Discussion also took place about the role of staff in the process if the proposed ordinance was not adopted.

Vice Mayor Cooney and Commissioner Sykes expressed support for letting residents and K-College work out the challenges related to outdoor lighting of the athletic fields.

Vice Mayor Cooney suggested the City could adopt a lighting ordinance in six months if there was an impasse in the discussions between the College and residents, but City Attorney Robinson clarified that any lighting ordinance adopted after January 1st would not apply to K-College.

Commissioner Milcarek noted that if action on the proposed ordinance were postponed, the use table needed to be changed to remove the exception for K-College, since the new ordinance would not apply to the College. Commissioner Milcarek stated changes to the noise ordinance needed to cover the whole City and not be done in a piecemeal fashion.

In response to a question from Mayor Hopewell, City Attorney Robinson stated it was his general inclination to say that K-College would need to go to the Zoning Board of Appeals to request changes under the proposed ordinance.

Proposed Ordinance to Amend the Zoning Code re: Regulations for Outdoor Sports and Recreation Lighting (cont'd)

Commissioner Milcarek pointed out that voting "no" on the proposed ordinance would leave the K-College issue for residents and the College to work out, but there would be no lighting regulations for the rest of the City.

Commissioner Milcarek, seconded by Commissioner Anderson, moved to amend the proposed ordinance to remove the use table that included the IC/A zoning district and combine this table with the table above.

Commissioner Milcarek explained that his motion would create a substantial change to the ordinance that would require another first reading and postpone adoption until the new year. Commissioner Milcarek stated Ordinance 1896 would take full effect, allowing residents and K-College to continue discussing their issues, while the amended ordinance could be adopted to create protections for the whole City. Commissioner Milcarek noted this would eliminate a potential gap in outdoor lighting regulations and not waste the work of staff to develop the proposed ordinance.

In response to a request from Mayor Hopewell, City Attorney Robinson stated Commissioner Milcarek's amendment would be a substantial change that would require another first reading of the ordinance. City Attorney Robinson explained the amended ordinance could come back to the Commission at its next meeting, but he also noted that rejection of the ordinance at this meeting would not preclude staff from bringing the same ordinance forward at any future meeting. City Attorney Robinson indicated staff might have other changes to make to the ordinance besides the proposed amendment, and he recommended that if City Commissioners wanted to reject the ordinance they should simply vote it down.

Commissioner Milcarek withdrew his motion to amend the proposed ordinance.

With a roll call vote the motion to adopt the ordinance failed unanimously.

AYES: None

NAYS: Commissioners Anderson, Knott, Milcarek, Sykes, Urban, Vice Mayor Cooney, Mayor Hopewell

Public Hearing re: the Proposed FY2016 Budget

At 8:21 p.m. Mayor Hopewell opened a public hearing to receive comments on the FY2016 Budget for the City of Kalamazoo.

Deputy City Manager Patsy Moore provided an overview of the Proposed FY2016 Budget. A copy of the PowerPoint slide presented by Deputy City Manager Moore was filed with the papers for this meeting.

Public Hearing re: the Proposed FY2016 Budget (cont'd)

Steve Deisler and Deb Houseman, President and Finance Director of Downtown Kalamazoo, Inc., reviewed the FY2016 Proposed Budget for the Downtown Development Authority (DDA). Mr. Deisler thanked City Manager Ritsema for his assistance during some difficult budget years for the downtown. Mr. Deisler stated 2016 should be a growth year, with the opening of the new Kalamazoo Valley Community College campus. Documents distributed by Mr. Deisler, including the Downtown CIP Plan and Parking System Budget (informational only), were filed with the papers for this meeting.

In response to questions from Commissioner Anderson, Mr. Deisler stated DKI had negotiated a five year payment schedule relative to the Zoetis tax appeal. Regarding the Metropolitan Center, Mr. Deisler explained there was an agreement between the DDA and Mavcon to return Tax Increment Financing (TIF) revenue to the developer, but the agreement needed to be revisited because TIF revenues were not as high as originally anticipated. Regarding the DDA fund balance after 2016, Mr. Deisler stated revenue estimate projections were better for 2017 and beyond compared to recent years. Mr. Deisler also indicated DKI would need to seek more grant funding.

Vice Mayor Cooney thanked Mr. Deisler for all his work on behalf of downtown.

City Manager Ritsema noted the bid opening for solid waste service proposals would take place on December 22nd, and there would be a report on the results at the Commission meeting on January 4th.

When an opportunity was given for citizens to comment on the Proposed FY2016 Budget, the following people addressed the City Commission:

> Richard Stewart, City resident, commented on the budget and staffing levels in the City Manager's Office and Community Planning and Development Departments. Mr. Stewart stated a reduction in recycling or trash services would be the result of staffing and budget increases in these offices in 2014 and 2015. Mr. Stewart stated Priority Based Budgeting (PBB) was held up high as a management tool, but community engagement around PBB was low.
>
> Chris Mbah, City resident, questioned where the one-time fixes were coming from to fill the budget gap, and he asked why $1.2 million dollars had been sitting unused in an economic development fund for ten years. Mr. Mbah questioned why his idea for a public comment form had not been implemented.

At 8:56 p.m. Mayor Hopewell closed the public hearing.

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:

Consent Agenda (cont'd)

- approval of three year contract with Soil and Materials Engineers, Inc. for materials testing services in the total amount of $109,300 for fiscal years 2016 through 2018.

- approval of a change order to the contract with Student Haulers for the removal and disposal of trash, nuisances, and garbage collected pursuant to the enforcement of various city ordinances in the amount of $59,000 to bring the total contract to $120,000.
- approval of a twelve-month maintenance contract with Hexagon/ Intergraph Corporation for the continued maintenance of the City's computer aided dispatching, records management, and mobile data computing systems in the amount of $160,865.40.

- approval of a contract extension purchase of water meters from Etna Supply Company in the amount of $200,000.

- adoption of a **RESOLUTION** setting the schedule of regular City Commission meetings for the 2016 calendar year. — Resolution 15-49

- adoption of a **RESOLUTION** approving new Homestead Neighborhood Enterprise Zone certificates for 525 Oak Street, 509 Minor Avenue, 416 Park Place, and 715 S. Park Street; and approving the transfer of an existing certificate for 918 Oak Street. — Resolution 15-50

- approval of service agreements to cross jurisdictional boundaries between Metro Transit and other political subdivisions.

- approval of the *Sixth Amendment to Restated Contract of Sublease* for the City of Kalamazoo parking system.

- acceptance of a grant from the Kalamazoo Municipal Recreation Endowment Fund in the amount of $28,148.

- approval of the Mayor's appointment and reappointment to the Historic District Commission:

    - the appointment of **Bobby Joe Shell** for a term expiring on January 1, 2019; and

    - the reappointment of **Bob Oudsema** for a term expiring on January 1, 2019.

- approval of the following appointments to the Parks and Recreation Advisory Board:

    - the appointment of **Christopher Bol** for a term expiring on January 1, 2019; and

    - the appointment of **Pam Roland** for a term expiring on January 1, 2019.

- approval of the minutes from the City Commission meeting on December 7, 2015.

Consent Agenda (cont'd)

- approval recommendation to hold until January 4, 2016 consideration of a purchase agreement with Burdick-Crosstown Square, LLC to purchase a portion of City-owned land located at the intersection of Crosstown and Burdick.

Commissioner Anderson, seconded by Commissioner Urban, 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, Knott, Milcarek, Sykes, Urban, Vice Mayor Cooney, Mayor Hopewell

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

Ordinance 1936 re: the Regulation of Quadricycles

An opportunity was given for citizens to comment on the adoption of an ordinance to regulate quadricycles, but no comments were offered.

Commissioner Milcarek, seconded by Commissioner Knott, moved to adopt an **ORDINANCE** to regulate quadricycles.

With a roll call vote this motion passed unanimously.

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

NAYS: None

City Manager's Report

City Manager Ritsema provided the following reports and updates:

- Departmental Reports and Project Updates
- *Inside the City* Newsletter, December 2015 Edition
- November 2015 Purchases

City Manager Ritsema asked for direction regarding the next steps for the stadium lighting ordinance.

Commissioner Urban discussed the importance of an after action review by staff. Commissioner Urban commented on the difference between citizen involvement and stakeholder involvement, and he stated stakeholders should organize themselves, discuss the issue, and give a report to City staff before staff members attempt to write an ordinance.

Commissioner Milcarek suggested an ordinance be brought forward soon to make use of the work that had already been done on stadium lighting.

Commissioner Anderson suggested that staff move a stadium lighting ordinance to 2017 and let citizens do the work they said they would do.

City Manager's Report (cont'd)

Commissioner Sykes expressed agreement with Commissioner Anderson but asked for a compilation of the feedback from participants in the process.

Commissioner Urban expressed agreement with Commissioner Anderson about staff taking a break from the stadium lighting ordinance. Commissioner Urban offered that lessons learned from this process could be applied to the noise ordinance process.

Vice Mayor Cooney expressed agreement with Commissioner Anderson and stated citizens should have a chance to do the work they said they would do.

City Attorney's Report – Approval of Extension of Tolling Agreement

City Attorney Robinson introduced and explained a proposed *Agreement Extending Tolling Agreement*, regarding the 2014 lawsuit over utility rates between the City of Kalamazoo and townships within Kalamazoo County. City Attorney Robinson asked for authority to execute the agreement.

In response to a question from Commissioner Anderson, City Attorney Robinson explained the Tolling Agreement was outside the purview of the courts, so it could be extended as many times as the parties agreed.

Commissioner Sykes, seconded by Commissioner Urban, moved to authorize the City Attorney to execute an *Agreement to Extend Tolling Agreement*.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Citizen Comments

Next, an opportunity was given for general citizen comments.

Robert Piellusch, City resident, requested that Donald Trump be banned from the City of Kalamazoo.

Chris Wahmhoff, City resident, spoke about how he was unaware of nuisance/trash bills being assessed on his property and stated he was now paying an extra $300 per month into his escrow account to cover the fines and late fees.

April Washburn, City resident, stated she had bought 615 Elm Street a year ago to take advantage of the Kalamazoo Promise, and described issues she was having with neighboring properties.

Deb Killarney, City resident, thanked staff for making plans to address noise issues throughout the City.

Richard Stewart, City resident, thanked the new Commissioners for keeping citizen engagement in the forefront of their discussions and for not approving the staff recommendation on the stadium lighting ordinance. Mr. Stewart stated he was "astounded" that

Citizen Comments (cont'd)

the City Commission was considering a reduction in Solid Waste services rather than reducing costs. Mr. Stewart questioned why "Safe Community" was the Community Result with the lowest priority in Priority Based Budgeting (PBB). Mr. Stewart offered a critique of the PBB community engagement process.

Asha Khazad, City resident, stated more people needed to come to City Commission meetings, stay for the whole meeting, and make comments.

Kavan Geary, City resident, questioned why the sale of property at the intersection of Crosstown Parkway and Burdick Street had been held until the next meeting.

In response to Mr. Mayor Hopewell explained that the City Charter required two meetings for property transactions.

Commissioner Comments

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

Commissioner Milcarek thanked citizens for attending and speaking.

Commissioner Urban stated there was a lot to learn from watching City Commission meetings.

Commissioner Sykes remarked that she had attended the PBB meetings in the community and stated there had been great turnout. Commissioner Sykes thanked City staff for the PBB community engagement process. Commissioner Sykes requested information on how the City notified residents and property owners about fines.

Vice Mayor Cooney asked for a report on Mr. Wahmhoff's situation. Vice Mayor Cooney reported 80% of the seats in the Commission Chambers were filled for the forum on prisoner re-entry, which focused on linking people with services and letting formerly incarcerated people tell their stories.

Mayor Hopewell explained how the Consent Agenda worked and how an item could be moved from the consent to the regular agenda. Mayor Hopewell noted the solid waste millage was not providing enough revenue for solid waste services. Mayor Hopewell offered remarks on the work of the City Manager's Office and the City Manager's budget. Mayor Hopewell stated the PBB Community results had not been prioritized or presented in a ranked order.

Adjournment

The meeting adjourned at 9:42 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on January 19, 2016

Approved by: ______________________________
Bobby J. Hopewell, Mayor
Dated: January 19, 2016