



Agenda Regular Meeting of the City Commission

City of Kalamazoo

Monday, December 21, 2015

7:00 PM

City Commission Chambers, 241 W. South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: **Minister Dorla Bonner, Galilee Baptist Church**
2. Pledge of Allegiance
3. Introduction of Guests
4. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. Calendar of Upcoming Meetings

E. PUBLIC HEARINGS

1. 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. **(Action: Motion to adopt the ordinance.)**
2. Public hearing to receive comments on the FY2016 Proposed Budget for the City of Kalamazoo.
 - a. Presentation on the Downtown Development Authority's FY2016 Budget.

F. CONSENT AGENDA

(Action: Motion to approve Items "1-12", hold Item "13" until January 4, 2016, and authorize the City Manager to sign all documents on behalf of the City

1. 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.
2. 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.
3. 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.

4. Approval of a contract extension purchase of water meters from Etna Supply Company in the amount of \$200,000.
5. Adoption of a RESOLUTION setting the schedule of regular City Commission meetings for the 2016 calendar year.
6. 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.
7. Approval of service agreements to cross jurisdictional boundaries between Metro Transit and other political subdivisions.
8. Approval of the *Sixth Amendment to Restated Contract of Sublease* for the City of Kalamazoo parking system.
9. Acceptance of a grant from the Kalamazoo Municipal Recreation Endowment Fund in the amount of \$28,148.
10. 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;
 - the reappointment of **Bob Oudsema** for a term expiring on January 1, 2019.
11. 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;
 - the appointment of **Pam Roland** for a term expiring on January 1, 2019.
12. Approval of the minutes from the City Commission meeting on December 7, 2015.
13. Approval 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. (*Hold until January 4, 2016*)

G. REGULAR AGENDA

1. Adoption of an ORDINANCE to regulate quadricycles. (**Action: Motion to adopt the ordinance**)

H. REPORTS AND LEGISLATION

1. City Manager's Report

- I. UNFINISHED BUSINESS**
- J. POLICY ITEMS**
- K. NEW BUSINESS**
- L. CITIZEN COMMENTS**
- M. MISCELLANEOUS COMMENTS AND CONCERNS BY COMMISSIONERS**
- N. CLOSED SESSION**
- O. ADJOURNMENT**

ADDITIONAL INFORMATION

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Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: www.kalamazoocity.org

The Kalamazoo City Commission meetings are held on the first and third Mondays at 7:00 p.m. and are shown live on the Public Media Network (channel 190 for Charter customers, channel 99 for U-Verse customers). The meetings are rebroadcast on Tuesdays at 8:00 a.m., Wednesdays, at 1:00 a.m., and Thursdays at 3:00 p.m.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Scott A. Borling, City Clerk

PREPARED BY: Shelby Moss, Deputy City Clerk

DATE: 11/20/2015

SUBJECT: Calendar of Upcoming Meetings

INFORMATIONAL ITEMS

Attached is the calendar of upcoming board, commission, and committee meetings for the period December 8th - December 21st.

ATTACHMENTS:

	Type	Description
□	Meeting Schedule	20151221 Calendar of Meetings



Calendar of Upcoming Meetings

City of Kalamazoo

City Commission (next 30 days)

Regular Business Meetings – 7:00 p.m. in the City Commission Chambers

January 4th and January 19th

Regular Neighborhood Meetings – 6:00 p.m. in the Community Room at City Hall

No January Neighborhood Meeting

Advisory Boards, Commissions and Committees (next two weeks)

No meetings scheduled the weeks of December 21st and December 28th



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Laura Lam, Director

PREPARED BY: Rob Bauckham, Senior Development Planner

DATE: 11/13/2015

SUBJECT: Public hearing on a text amendment to Sections 12.3, 3.7, 4.1 and 8.3D. of the Zoning Ordinance to add outdoor sports/recreation lighting and noise regulations.

RECOMMENDATION

It is recommended that the City Commission approve an ordinance outlining a text amendment to Sections 12.3, 3.7, 4.1 and 8.3.D. of the Zoning Ordinance to add outdoor sports/recreation lighting and noise regulations.

BACKGROUND

Prior to 2012, the entire campus for Kalamazoo College was residentially-zoned. College/school facilities and uses are not permitted by right in residential zoning districts, meaning that Kalamazoo College had to seek a variance through the Zoning Board of Appeals (ZBA) before constructing a new building or expanding a facility. Similarly, the property for Kalamazoo Christian High School is also residentially-zoned and the school administration applied for a variance in 2009 to request to add lights to the football field. The ZBA denied the variance because the board felt adding lights would be detrimental to nearby neighborhood because of the proximity to the field.

In 2012, Kalamazoo College applied to have the campus rezoned to the Institutional Campus (IC) zone. As required by the rezoning process, the school updated their campus master plan to extend it to 2022. The rezoning was in the form of a contract, which included conditions for the lighting of the soccer field and the football field. A copy of the contract ordinance (#1896) is attached. One condition specified that the soccer field could be lighted up to 60 nights per year with the lights being turned off by 10:30 p.m. each night. Additionally, Planning staff was charged with drafting a new ordinance to be adopted by the end of 2015 to regulate the lighting of outdoor sports and recreational fields/stadiums citywide. Ordinance 1896 indicates that if the new ordinance is not in place by December 31, 2015, Kalamazoo College would be able to begin lighting the football field in 2016 for up to 20 nights per year with the lights being turned off by 8:30 p.m. each night. The City Attorney opined the new ordinance would only apply to the lighting of the football field and its use at night, and it would not apply to the use of the soccer field or the tennis facility.

The current lighting regulations in the Zoning Ordinance only address outdoor lights that are a maximum of 25 feet tall. There are no existing regulations for outdoor stadium, sports field, or recreational facility-type lights that exceed that height. As a citywide ordinance, the new regulations would apply to any existing or new sports/recreation venue in the city where new lighting systems over 25 feet tall are being planned.

Research and drafting of the ordinance:

The Planning staff, working with a citizen workgroup formed in May 2015, conducted research to identify and evaluate examples of existing outdoor lighting regulations from other communities. The research focused on 35 communities located throughout the country that have lighting regulations in their zoning ordinances. Many of these communities treat new outdoor lighting systems for sports and recreation venues as special uses requiring a special use permit from the Planning Commission. All of them include standards for lighting levels, light pole heights and locations, and timing for use of the lights. Many of the communities also issue various penalties for regulation violations. From this research, staff utilized the most clear, concise, and commonly represented lighting regulation examples to formulate an initial draft ordinance for Kalamazoo, which was presented to the citizen workgroup and neighborhoods for review.

Revisions to the draft ordinance:

Many meetings and conversations pertaining to the draft ordinance took place with the citizen workgroup and with the public. In response to several of the suggestions and comments provided during the review process, staff made a number of revisions to the original draft of the ordinance to strengthen and clarify the regulations. Each revision was presented to the workgroup and to citizens for review. The most notable changes in the language from the original draft to the final draft were as follows:

- Added more restrictive provisions to the allowed timing and use of the outdoor lights for venues;
- Included an overtime/weather delay provision for use of the outdoor lights;
- Clarified and strengthened the provisions for the rental and third-party use of the lighting systems;
- Added the requirement for the owner/operator to provide proposed and actual use schedules for the lights;
- Strengthened noise level restrictions by prohibiting the use of public address systems and amplified music during practices;
- Added a provision that the city could require sound studies be performed in response to noise complaints;
- Enhanced the process for addressing violations and drafted an administrative policy for enforcement;
- Added regulations for the repair and maintenance of lighting and public address systems;
- Added the testing of new lighting and public address systems and reporting of the results prior to use; and
- Separated the use table by zoning districts with venues in commercial, manufacturing, and non-educational IC zones treated differently than venues in the educational IC and public zones. Use of outdoor lighting systems is more restrictive in the former zones than the latter zones.

Components of the final draft ordinance:

The final draft ordinance includes the following definition, which is proposed to be added to Chapter 12.3 of the zoning ordinance:

OUTDOOR SPORTS/RECREATION VENUE – All sports fields, stadiums, recreational sports venues, and related facilities utilizing outdoor lighting for nighttime use of the facilities, where proposed light poles or light support structures exceed twenty-five feet in height.

Any existing or planned venue where outdoor lighting is proposed to be taller than twenty-five feet would not be allowed in the residential zoning districts. Such outdoor lighting uses are only allowed in the CN-1, CN-2, CC, CCBD, CMU, M-1, M-2, IC, and P zones with a special use permit from the Planning Commission. The general use table in Chapter 4.1 of the zoning ordinance and table 3.7-1 of the Riverfront Overlay Zoning District are proposed to be adjusted to reflect the need for a special use permit for the outdoor lighting.

Chapter 8.3 D. of the zoning ordinance specifies the current requirements for obtaining all types of special use permits. Subsection 11 is proposed to be added to the chapter, which provides regulations for special use permits for outdoor sports/recreation venues containing outdoor lighting. A summary of these regulations is as

follows:

- a. Illumination levels from outdoor lighting systems cannot exceed 0.05 foot candles as measured at the property boundaries. Flashing lights and search lights are not allowed.
- b. The lighting fixtures must be shielded and angled downward to minimize light spill.
- c. Light poles must be located such that if they fall, they will remain within the boundaries of the property.
- d. Pole height and lighting levels must meet the standards of the Illuminating Engineering Society of North America.
- e. For educational uses (colleges, universities, other schools) in the IC zone, lighting for practices must be turned off by 8:30 p.m. every day, lighting for events held on Sunday through Thursday must be turned off by 8:30 p.m., and lighting for events held on Friday or Saturday must be turned off by 10:30 p.m. For non-educational uses in the IC zone and for all other allowed zones, the lights for all uses must be turned off by 10:30 p.m. every day of the week. All such outdoor lighting cannot be turned on prior to 3:00 p.m. All lighting systems must be recordable for usage. For overtime situations and weather delays during events, the use of the lighting may extend by 60 minutes past the time required.
- f. Night time rentals of outdoor sporting or recreational facilities are allowed for educational uses in the IC zoning district, but only for affiliates of the property owner. For all other allowed zones and uses, night time rental uses are only allowed for the originally intended use of the venue and must be listed in the application for the special use permit.
- g. On a quarterly basis, the owners/operators of outdoor sport/recreation venue lights must provide to the city a proposed use schedule for the lights, and a report on the use of the lights.
- h. Public address systems for outdoor sports/recreation venues must be directed away from residential areas and cannot be used during practices. Sound may be played over public address systems during events. Additional systems for amplified sound are not allowed during practices or events. Non-ambient sound levels must meet current city noise regulations.
- i. Initial violations of the conditions of the ordinance shall be addressed by the City Planner and shall follow the established procedures of Chapter 10 of the zoning ordinance, which allows the issuance of fines and suspensions to the owner/operator of the venue. In response to noise complaints from operation of a venue, the city may require a noise study be conducted during a practice or event. After a third violation of the ordinance, the issue shall be brought before the Planning Commission, which may suspend or revoke the special use permit.
- j. Normal repair and maintenance of lighting and public address systems is allowed. The replacement of non-conforming systems for an existing lighted facility may occur, but the new system must not increase the non-conformity.
- k. Applications for special use permits for outdoor lighting systems must include information on the proposed use of the venues, photometric plans, light shielding, designs of public address systems, and other information to demonstrate compliance with the ordinance. All such proposed lighting systems shall be reviewed by the Site Plan Review Committee. Following installation, lighting and public address systems shall be tested for compliance with the ordinance.
- l. Table 8.3.2 specifies the number of allowed uses of the lighting systems by proximity to the nearest residential property and by zoning district. As shown in the upper portion of the table, proposed lighting systems that are 700 feet or less from the nearest residential property would not be allowed in the commercial and manufacturing zones, and for non-educational uses in the IC zone. As shown in the lower portion of the table, proposed lighting systems that are 200 feet or less from the nearest residential property would not be allowed for educational uses in the IC zone or the P zone.

Rationale for the final draft ordinance:

Over the last eight months, the Planning staff has listened to the comments, suggestions and concerns expressed by the workgroup and the citizens on the proposed ordinance. The comments encompassed a wide range of opinion from having no outdoor lighting systems for these venues to allowing unlimited use of them. Staff has attempted to provide a balanced and reasonable approach to the treatment of outdoor lighting and public address systems in this ordinance, which includes a variety of provisions that will provide protection for the quality of life of the affected property owners. Such protection includes requirements for minimal light spillage from the

property, shielded and angled light fixtures, specific timing for use of the lights, minimal third party use, controls on noise levels, reporting for use of the lights, and consequences for violating the provisions of the ordinance.

Educational uses are less intense, for a generally fixed period of time in the year, and are separated out into practices and contests. Practices are not allowed to use public address systems. The number of allowed uses is weighted toward practices and a minimum number of higher impact night contests are allowed. Those venues used primarily for commercial use have been set back a greater distance from residential property lines as they could be year around venues and greater use of the facilities would be needed for the business to operate..

Under the proposed ordinance, lighting systems will be prohibited at the current athletic fields for Kalamazoo Christian High School. The Kalamazoo College football field would be allowed to have up to 20 practices using the lights with the opportunity to use two of the practice allowances for games/events.

The night time operation of outdoor sport and recreational facilities unavoidably produces a certain amount of noise and light. This ordinance attempts to reduce the effects of such impacts on the surrounding properties. It is significantly challenging to reach complete consensus on this issue, which includes attempting to meet the diverse needs and desires of a large group of individuals. Although complete consensus on all of the sections of the proposed ordinance was not reached, substantial agreement was obtained on most of the provisions.

POLICY CONSIDERATIONS

The Planning Commission held a public hearing on the proposed text amendment for the lighting ordinance on November 5, 2015. Sixteen individuals commented during the hearing; eight spoke favorably about the text amendment and eight expressed opposition. A summary of the key issues raised at the meeting is included below with responses from staff in bold. Additional information is included in the Consolidated Notes attachment.

- Residents need more of a buffer from stadium lights. The proposed ordinance meets the needs of Kalamazoo College but not those of the neighbors. **Residents indicated that games / contests were the most impactful. Staff recommended limiting games to two at 201 - 500 feet, with the remaining uses as practices without impacts such as public address systems, traffic, or crowd noise.**
- Noise from lighted venues is a concern and more “teeth” is needed in the noise restrictions section of the ordinance. **Several levels of protection are provided in the ordinance regarding noise impact including prohibiting the use of public address systems or amplified music during practices, directing speakers away from residential uses, required testing of sound systems prior to use, and requiring sound studies to be conducted if noise complaints are received. The current citywide noise ordinance will be amended in the future, and staff will consider specific regulations for sports fields during the amendment process.**
- Parking and trash that occurs during the events is problematic. **As part of the special use permit and site plan review requirements for new outdoor lighting systems, applicants must demonstrate adequate on-site parking. Venue operators will be required to pick up the trash following events, and the city will pursue enforcement if venues are not adequately maintained.**
- Residents questioned how the number of allowed uses in the regulating table for the lights increased over the course of the ordinance drafting process despite concerns voiced about quality of life impacts. **There are a number of factors that led to adjustments to the use table. The draft ordinance underwent multiple revisions in an effort to decrease impacts to nearby residences, including limiting the number of high impact uses (games) from five to two while reducing impacts of practices by prohibiting public address systems and amplified noise. Although the total number of uses increased, a 200 foot buffer was created in which lighted uses would be reduced to 0. This includes the current athletic fields for Kalamazoo Christian High School. Additionally, the uses in the table were split into commercial/industrial zones and non-educational uses in the IC zone in one section, and educational uses in the IC zone and the P zone in a different section to separate the more intensive uses in the first section to have a greater buffer requirement, and the less intensive uses in the second section were split into total uses and maximum number of event uses.**

- The ordinance is not intended to be city-wide and only addresses Kalamazoo College's needs. **All areas of the city were considered when devising the regulations of the proposed ordinance.**
- Concern with the allowance of rentals of the venues. **The City Attorney's office opined that venue rentals could not be prohibited but could be restricted as proposed in the ordinance.**
- The violations section is not sufficient. **The violations section follows a specific process for addressing non-compliance with the ordinance and is supported by administrative procedures.**
- Concern that unlimited practices, rentals, or events can occur at a venue during the day without lights. **The proposed ordinance strictly addresses night time use of the venues using lights. It is not intended to place any day time restrictions on venue use.**
- Many of the issues should be mediated in an agreement between the neighborhood and Kalamazoo College, not in an ordinance like this. **The ordinance is needed to place reasonable limitations on the use of the venues with outdoor lights. The city is able to enforce such limitations as part of an ordinance but cannot enforce limitations that are part of a private agreement between neighborhoods and school institutions.**
- More and more homes in the West Main Hill neighborhood are becoming rental, and there is a concern over the impact of stadium lights on the adjacent homes. **The studies that have been conducted for, and previous to, this ordinance suggest no clear link between rental conversion and the presence and use of outdoor sports/recreation lighting. Staff conversations with area realtors suggest there was more concern over the impact on property values and rental rates from the pre 2012 Kalamazoo College athletic facilities than post 2012 when the athletic complex was renovated with lights.**

Following the public hearing, several Planning Commissioners expressed concern that the ordinance was too restrictive for the number of allowed night time uses for fields between 201 - 500 feet of the nearest residential property line, including the Kalamazoo College football field. **A motion was made to recommend approval of the text amendment for the new ordinance, with a change in the maximum number of events in the 201 – 500 feet category in the use table for the IC and P zoning districts from two to four. The motion was approved by a vote of five in favor and four against.**

COMMUNITY RESOURCES CONSULTED

The level of public outreach for the draft ordinance has been extensive. The process was kicked off on March 18, 2015, at a meeting held with the Oakland Drive/Winchell Neighborhood Association (ODWNA). Planning staff introduced the outdoor lighting topic and discussed the need to create the new ordinance. A copy of the public outreach meeting schedule and work plan for the project is attached that lists the numerous community meetings that have been held. In summary, staff attended six neighborhood association meetings including: three at the ODWNA, two at West Main Hill Neighborhood Association (WMHNA), and one at the Stuart Area Restoration Association (SARA) on the proposed lighting ordinance, and hosted three community-wide meetings. During the meetings, staff summarized the research that was conducted and presented other project information, including the draft of the ordinance. The feedback that was obtained from the citizens during the meetings was documented.

A citizen workgroup met on eight occasions during the course of the project. The workgroup was made up of two members from ODWNA, two members from WMHNA, one member from SARA, two representatives of Kalamazoo College, the athletic director for Kalamazoo Christian Schools, and three Planning staff members. The City Attorney also attended two of the meetings. An outline of the proposed ordinance was formulated by staff and presented to the workgroup in June. A summary of the citizen comments and concerns generated during each of the eighteen meetings for the project is attached.

FISCAL IMPACT

It is not anticipated that the proposed text amendment will have a negative fiscal impact on the city. It is also not anticipated that the addition of outdoor lighting systems and use of sports/recreation facility venues at night will negatively impact the value of property located adjacent to the venues.

ALTERNATIVES

The City Commission has the option of not adopting the proposed text amendment. If the text amendment is not approved by December 31, 2015, the conditions of Ordinance 1896 will go into effect allowing Kalamazoo College to install an outdoor lighting system for its football field and to begin using the field with the lights on up to 20 times per year with no restrictions on noise levels. For the benefit of the citizens of Kalamazoo, it is recommended that the proposed text amendment be approved.

ATTACHMENTS:

Type	Description
▣ Ordinances	Ordinance 1896
▣ Minutes	November 5 Meeting Minutes
▣ Report	OrdinanceWorkplan
▣ Report	Community Input Summary
▣ Aerial Photo	Proposed ordinance

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. 1896

AN ORDINANCE TO AMEND SECTION 1.8.A., ZONE DISTRICT MAP, OF THE ZONING ORDINANCE, BEING APPENDIX A OF THE CODE OF THE CITY OF KALAMAZOO AND TO APPROVE THE INSTITUTIONAL MASTER PLAN

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Under Section 1.8.E. the Zone District Map described in Section 1.8.A. is amended as follows:

The land area covered under this ordinance is rezoned from RS-5 (Residential, Single Family), RM-15C (Residential, Multi-Family, Campus Area), RM-36 (Residential, Multi-Family, High Density) and CCBD (Commercial, Central Business District) to IC (Institutional Campus)

That area of land, including the individual parcels, is located in Section 16 of the City of Kalamazoo, County of Kalamazoo, State of Michigan, is commonly identified as the campus for Kalamazoo College, including the college's sports facilities at Angell Field, and is more fully described in the attached Exhibit A. A map identifying the land area is also attached as Exhibit B.

Section 2. The Institutional Master Plan as amended and submitted by Kalamazoo College in support of its request to rezone the above land is approved, subject to the conditions set forth below.

Section 3. Under the provisions of MCL 125.3405 and the requirements set forth at Section 2.5B. *IC, Institutional Campus District*, the following conditions apply to three of the rezoned parcels which comprise the Angell Field Complex. Those parcels are identified in attached Exhibit C.

- A. The lights on the soccer field and football field will be shielded with visors;
- B. During the initial ten (10) year term of the Applicant's Master Plan, the Applicant will not rent either the soccer field or the football field for lighted use to third parties who are not affiliated with or a part of Kalamazoo College; following the expiration of the initial Master Plan, any intention to offer night-time use of the Applicant's soccer or football fields to parties not affiliated with the College shall be submitted to the City in a new or revised Master Plan and be subject to any limitations on night-time use of the soccer and football fields as set forth in this ordinance.
- C. The lights on the football field will not be used before July 1, 2016. There will be no above ground infrastructure for the lights on the football field installed before the reasonable time period for when those improvements are installed to allow for the use of the lights in July of 2016.

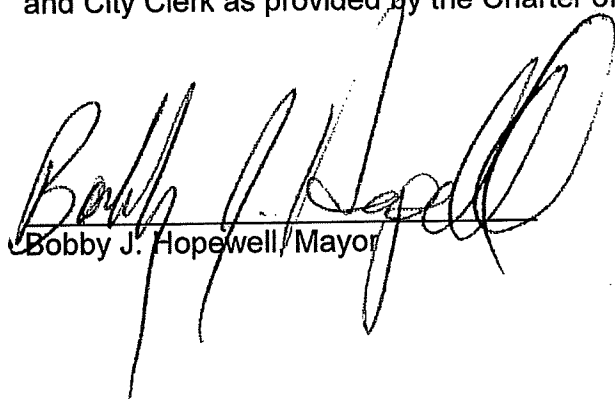
- D. Stadium lights on the football field may only be installed and operated in compliance with a stadium lighting ordinance yet to be adopted by the City of Kalamazoo. If, however, the City of Kalamazoo has not adopted a stadium lighting ordinance by January 1, 2016, Kalamazoo College may erect stadium lights on the football field, provided they meet standards as published by the Illuminating Engineering Society, and illumination at adjacent residential property lines is 0.05 foot candles or less.
- E. Stadium lighting on the soccer field may not exceed 60 nights per calendar year, and must be turned off by 10:30 P.M.
- F. Stadium lighting on the football field may not exceed 20 nights per calendar year, and must be turned off by 8:30 P.M.
- G. The number of foot candles at the shared property line of the athletic field and adjacent residential uses must not exceed 0.05 foot candles after the installation of stadium lighting (at both the soccer and football fields)
- H. Any future improvements to the campus area as detailed in the Master Plan, which, if done separately, would require approval by the City or one of its commissions or boards, shall continue to require that approval. Such approvals include, by way of example, but without limitation, street vacations, changes to public parking, permits for the renovation or construction of buildings, and site plans.
- I. All new buildings with a direct site line to adjacent residential uses will screen rooftop mechanicals to minimize impact.
- J. Outdoor storage of the college's visual equipment will be screened with fencing. Following construction of a proposed new storage building at the northeast side of the athletic fields no outdoor storage of athletic equipment or accessories, and power equipment or related tools or other equipment used by the College for maintenance, repair and other similar activities on the Angell Field athletic complex is permitted unless those items are in use.

Section 4. Repealer. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

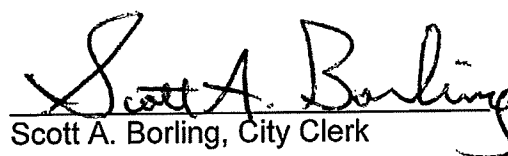
Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on June 18, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been available as required by said Act, and furthermore, said ordinance was duly recorded, posted, and authenticated by the Mayor and City Clerk as provided by the Charter of said City.



Bobby J. Hopewell, Mayor



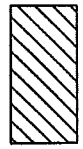
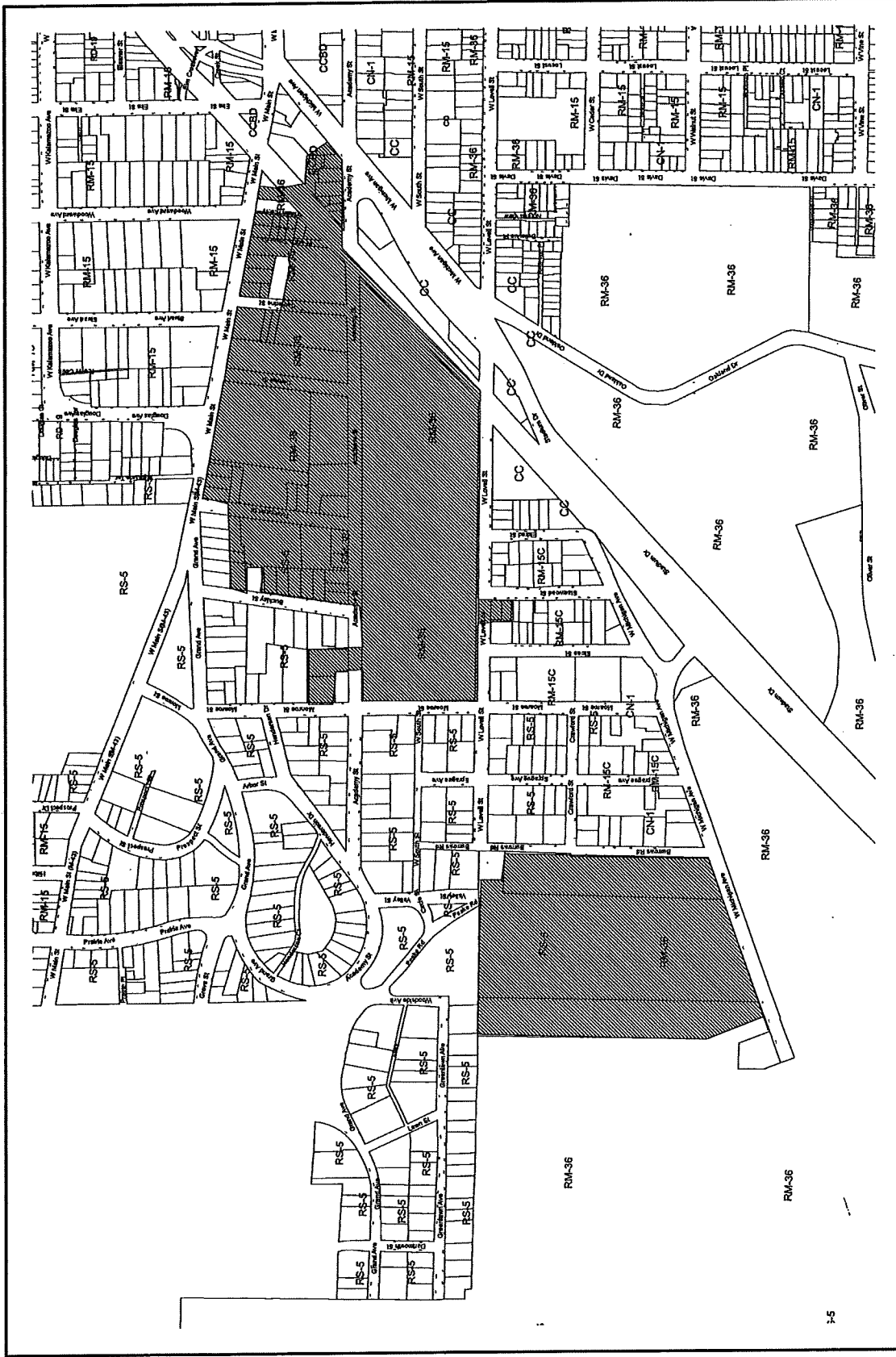
Scott A. Borling, City Clerk

Exhibit A

Central Campus	Parcel Number
1201 Academy	06-16-393-001
143 Bulkley	06-16-387-005
149 Bulkley	06-16-387-004
157 Bulkley	06-16-386-300
1224 Academy	06-16-387-002
1220 Academy	06-16-387-001
1214 Academy	06-16-387-019
154 Thompson	06-16-387-018
150 Thompson	06-16-387-020
136 Thompson	15-06-382-001
116 Thompson	06-16-378-021
103 Thompson	06-16-378-018
1141 West Main	06-16-378-017
1135 West Main	06-16-379-016
1105 West Main	06-16-384-010
113 Thompson	06-16-378-004
129 Thompson	06-16-383-004
139 Thompson	06-16-383-009
143 Thompson	06-16-383-010
151 Thompson	06-16-383-018
1132 Academy	06-16-388-019
140 Acker (Carmel)	06-16-389-001
123 Acker (Carmel)	06-16-455-001
1003 West Main	06-16-451-001
114 Catherine	06-16-456-011
116 Catherine	06-16-456-012
124 Catherine	06-16-456-013
131 Catherine	06-16-462-001
111 Catherine	06-16-453-003
929 West Main	06-16-451-003
923 West Main	06-16-457-004
915 West Main	06-16-457-005
909 West Main	06-16-457-006
905 West Main	06-16-457-007
843 West Main	06-16-458-008
110 West Main Court	06-16-457-008
114 West Main Court	06-16-457-009
116 West Main Court	06-16-457-010
109 West Main Court	06-16-458-014
113 West Main Court	06-16-458-013
115 West Main Court	06-16-458-012
117 West Main Court	06-16-457-002

Rental Property/Vacant	Parcel Number
123 West Main Court	16-16-457-001
831 West Main	06-16-458-010
826 Academy	06-16-463-001
824 Academy	06-16-463-002
820 Academy	06-16-463-003 and 06-16-463-003
818 Academy	06-16-463-005
812 Academy	06-16-463-006
778 West Michigan	06-16-464-010 and 06-16-458-015
115 Bulkley	06-16-377-020
129 Bulkley	06-16-382-008
133 Bulkley	06-16-382-007
139 Bulkley	06-16-382-006
1324 Academy	06-16-385-027
143 Monroe	06-16-385-001
402 Stanwood	06-21-126-001
408 Stanwood	06-21-126-002
Athletic Fields	Parcel Number
1708 West Michigan	06-20-239-001
1600 West Michigan	06-21-110-001
500 Burrows	06-21-107-001

Exhibit B



AREA PROPOSED FOR REZONING



AREA PROPOSED FOR REZONING



City of Kalamazoo
PLANNING COMMISSION
Minutes
November 5, 2015
DRAFT

Second Floor, City Hall
City Commission Chambers
241W. South Street, Kalamazoo, MI 49007

Members Present: Rachel Hughes-Nilsson, Chair; Charley Coss, Vice-Chair; Joshua Cook, Geoffrey Cripe, Emily Greenman Wright, Tracy Hall, Susan McBain, Rico White, Derek Wissner

City Staff: Rebekah Kik, City Planner; Rob Bauckham, Senior Development Planner; John Kneas, Assistant City Attorney; Wendee Mayes, Recording Secretary

Guests: None

A. CALL TO ORDER

Commissioner Hughes-Nilsson called the meeting to order at 7:02 p.m.

B. ROLL CALL

Planner Kik proceeded with roll call and determined that the aforementioned members were present.

C. ADOPTION OF FORMAL AGENDA

Commissioner Wissner supported by Commissioner Greenman White, moved approval of the November 5, 2015 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Coss, supported by Commissioner Cook, moved approval of the October 1, 2015 Planning Commission minutes as presented. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Kik noted that the December meeting is the same night as Run Through the Lights in downtown Kalamazoo. Because of the timing this can cause an issue with parking and suggested moving the meeting start time from 7:00pm to 7:30pm. Commissioners agreed to do so. Attorney Kneas reminded staff to post notices and send out reminders.

F. PUBLIC HEARINGS

P.C. #2015.04: Consideration of a request from the Community Planning and Development Department for a text amendment to Chapters 3.7, 4.1, 8.3.D., and 12.3 of the Zoning Ordinance pertaining to proposed Outdoor Sports/Recreation Lighting and Noise Regulations. [Recommendation: motion to recommend approval of the text amendment to the City Commission.]

Planner Bauckham presented the staff report. This included a background on why the ordinance is being proposed, a summary of the public participation, research that has been conducted and reviewing the final draft.

Background reasons for this draft were:

- Current zoning ordinance for lighting standards only includes outdoor lights on pole up to 25 feet. Anything taller than 25 feet isn't currently regulated. A proposal to install lights over 25 feet currently needs a variance from the Zoning Board of Appeals. This would include lights on sports fields.
- In 2012, Kalamazoo College requested to rezone all their properties to IC (Institutional Campus) zone. This was treated as a contract rezoning with conditions. One of the conditions was that Kalamazoo College could begin to use the soccer field at night, with lights up to 60 times a year with lights going off at 10:30pm. Another condition was a charge to the City to come up with a new ordinance for outdoor lighting for sports and recreation by the end of 2015.

Summary of public participation:

- The process began in March 2015 when city staff met with directors of the neighborhood associations, to apprise them of this topic and invite their participation.
- A citizen work committee was formed with representatives from the Stuart, West Main Hill, and Oakland/Winchell neighborhoods; Kalamazoo College and Kalamazoo Christian High School. Purpose of this group was research and guidance drafting the ordinance.
- Six neighborhood meetings were held during the process; these were held in the Winchell neighborhood, West Main Hill neighborhood, and Stuart neighborhood. There were also 3 community wide meetings, inviting the entire City of Kalamazoo public to attend.

Research conducted:

- Included ordinances of other communities throughout Michigan to see what types of regulations are currently in place. The first outline of the ordinance was based on the types of definitions and information that was most appropriate for Kalamazoo.

Major components of the ordinance:

- Proposes a new definition for outdoor sports and recreation venues.
- These facilities would not be allowed in the residential zoning districts of the city. Commercial, manufacturing, institutional campus, and public zones would allow the lighting with a special use permit. This would require review and approval from the Planning Commission.
- The ordinance is proposing the addition of conditions to the special use permit ordinance to cover stadium/sports/recreation type lights.
- If the ordinance is not put into place by the end of this year the conditions of the 2012 contract with Kalamazoo College will allow them to use the football field for up to 20 times a year until 8:30pm without the special use permit conditions.
- Ordinance regulations include:
 - Illumination levels

- Flashing and/or search lights are not allowed
- Shielding and glare standards; have to meet national standards which is the Illuminating Engineering Society of North America
- Pole location, height, illumination, and intensity
- Timing for use of lights, including a recording system to verify timing of lights
- Rental and third party use of the facilities
- Use schedule and reporting to the City
- Noise levels
- Violations of conditions and consequences
- Repair and maintenance of systems vs. replacement and upgrades
- Application requirements for special use permit
- Table with breakdown of number of uses per year
 - Kalamazoo Christian High School nor Hackett High School would be able to have lighting on their sports fields based on this table.
 - Kalamazoo College would be allowed 20 uses of their lights, with a maximum of 2 nights to 10:30 for a game/contest.

City staff has worked to balance what the city residents requested with the needs of the venues in the area. City staff is also planning on addressing the noise concerns with an amendment to be made to the current city noise ordinance rather than include it in this lighting ordinance.

Planner Bauckham extended a thank you to the participants of the citizen committee as well as the residents who have come out to the meetings and participated in developing this ordinance.

Open floor for public comment.

Mr. Tom Lucking spoke to concerns how restrictive he feels the ordinance is for Kalamazoo College. He feels that this will limit its ability to recruit students compared to the unlimited nature of other division 3 colleges. Upon deciding to live in the West Main Hill neighborhood the residents agreed to live within the proximity of a football field, which could always have included stadium lights.

Mr. Bruce Martin provided a letter which he read into record. Letter included in these minutes. He asked that staff leave the negotiation of K-College's stadium lighting details to the neighborhood, stating that the City's most basic responsibility is to insure that neighbor's quality of life not be interrupted and provide the basic necessities of buffering, uses, and enforcement.

Mr. Darin Meyer is in agreement with Mr. Martin. Mr. Meyer added that the noise concerns are the neighborhoods biggest fear. Using Western Michigan University as an example, Mr. Meyer stated that the noise cannot be buffered by pulling down the shades. He feels this ordinance needs to address the noise more thoroughly. He is appreciative of the light shielding that is in the ordinance.

Mr. Randy Walker asked the Planning Commission to take into consideration that the actual amount of times per year that the field is used is for six or seven months not the entire twelve months. The majority of the games are played during nice weather. Games bring noise, lights, parking, and trash in the resident's yard. All of this becomes an issue for those who want to enjoy their properties. The residents love the sports and the energy they bring, however Mr. Walker would like the amount of time the fields are used to be taken into consideration.

Mrs. Christina Anderson talked about the ordinance being an acceptable balance for the neighborhood. She recognized that she moved next door to a field that could be lighted. The noise is her biggest concern. She encouraged the city to study the noise on the field for a year before putting in a decibel level for the noise.

Ms. Kate Worster, associate vice president for Communications and Marketing, spoke on behalf of Kalamazoo College. Ms. Worster spoke of the contribution that Kalamazoo College brings to the City of Kalamazoo. She explained that they are an enrollment driven institution and more than a quarter of the students are athletes. One of the issues the college faces is the students needing time for study, practice, and play. If they cannot find time to practice and play then they will find somewhere else to study. The 20 nights that lights will be allowed are necessary for these practices. She opined that they will still be at a disadvantage to the other Division Three colleges, who have already have lights and very few restrictions for night games. This proposal meets the bare minimum that Kalamazoo College finds necessary for lighting the football field. Kalamazoo College supports this ordinance and are confident that this is a realistic ordinance that serves both Kalamazoo College and the entire city.

Mrs. Valarie Bader appreciates that Kalamazoo College said they support the ordinance. She is concerned about the restrictions that it gives the colleges as well as other schools. Meeting a bare minimum does not allow for growth. 20 nights in one season is not unreasonable, if it had been 20 nights within one month she could understand that outrage. The City needs to broaden its horizons and look at the bigger picture. It would be in Kalamazoo College's better interest if this did not pass and they could then use the 2012 ordinance agreement which would give them more nights of being able to use the lights.

Ms. Dana Underwood echoes her neighbor's comments. Ms. Underwood sees her neighborhood as one of cooperation. To work with each other in consideration of the different noises and levels at all hours of the day and night, the different schedules, the non-traditional neighbors, the students in rentals, etc. She would like to see the city grow and believes this ordinance with these restrictions is not the way to go.

Mr. Mark Sloan sees Kalamazoo College as a stakeholder within the city and believes the citizens should have more clout. He was grateful that the City reached out to the citizens in drafting this ordinance. However he feels that by September the process had stalled and that the final draft does not address the citizen concerns. He is not sure why the Table highlighting nights changed so drastically and doesn't feel he can support it. Mr. Sloan wants to see the process followed to the end.

Ms. Diana Morton-Thompson spoke first as the treasure of the Oakland Drive/Winchell Neighborhood Association. She highlighted the letter that was provided to the commission. Letter included in these minutes.

Ms. Diana Morton-Thompson also spoke as a concerned citizen. She is concerned with the comments tonight being about Kalamazoo College and their neighbors. This is to be a citywide ordinance. Her focus is on the Table. 201 feet is too close to a residential neighborhood. She questions if this is good land use planning, if this is an equitable foundation for Kalamazoo 2025 Master Plan. Should the City sacrifice the greater good of the city in order to cater to the immediate needs of the elite few. This Table can damage neighborhoods, lives, and lives of children. Ms. Morton-Thompson believes the problems between Kalamazoo College and its neighbors are what are drafting this ordinance and that instead there should be neighborhood specific usages and standards.

Mr. Max Tibbitts spoke as the chair of Stuart Neighborhood Association. Mr. Tibbitts did some research of his own. Calling to other colleges that Kalamazoo College plays against. The other colleges have little to no restrictions and some of them have homes less than 100 feet from their football fields. Mr. Tibbitts says it is about balance; somewhere between no limits and the minimum 20 nights that Kalamazoo College says they are fine with. He feels that 20 nights is too limiting, however if Kalamazoo College says they are willing to live with it, he can accept it. Addressing the neighborhood, Mr. Tibbitts pointed out that 8:30pm is early. Those who live near the Arcadia Festival site have music until 2:00am. The City is a dysfunctional family and we need to find a balance. The Stuart Neighborhood Association is in support of this ordinance.

Mr. Max Tibbitts then spoke as a city resident. Mr. Tibbitts is not happy with the process the planning division is approaching every task recently. In the past, they would do research, create an ordinance, take it to the public, do one revision and that would be the final draft. Having meetings and changing the ordinance with every meeting is not the way he feels it should be done. Mr. Tibbitts supports this ordinance. He asks City Staff to look at their organizational skills instead of using reactionary skills.

Mr. Paul Daniels emphasized the fact that this is a citywide ordinance not a Kalamazoo College ordinance. He believes some aspects of the ordinance should be solved at the neighborhood level not the city level. Allowing it to be solved at a neighborhood level would lend to more flexibility for better support of the ordinance. The ordinance needs more work.

Mr. Derek Meyer was a member of the workgroup. He wanted to point out that the 20 practices were for lighted practices. The ordinance does not address unlighted practices.

Mr. Brock Rucinski is a junior football player at Kalamazoo College. The current problem the football practices faces is being cut short due to daylight savings time. Having lights will enhance the players experience for the last three months of the season. Two night games will be great, bringing back some of the high school experience and the energy that comes with them. Currently recruiting is a challenge because high school students cannot come to daytime games. This gives them a chance to watch games being played.

Mr. Greg Diment served on the workgroup. Mr. Diment is happy with the reasonable balance that the ordinance presents. He stated that it was a long and difficult process to bring about this balance. City staff addressed the ordinance as a citywide ordinance with campuses needing to be rezoned as IC. Later in the season it starts to get darker earlier and this cuts practices short. Having the lighting later in the season will help with that.

Mrs. Maureen Lockman-Cartmill stated that the lights are going to affect the neighborhood regardless of trees. She considers the West Main Neighborhood as a fragile neighborhood with more and more rentals coming into the neighborhood. The intensity of the lights will not be able to be shut out regardless of the availability of shades, shutters or blinds. Wants to see Kalamazoo College succeed but sees the intensity of the lights as an issue.

No further public comments, public portion of the hearing was closed.

Commissioner White asked for clarification of the commissioner's job as it pertains to this ordinance. Attorney Kneas answered that any ordinance has to apply to whatever zoning district has to be uniform. Different neighborhoods cannot have different standards in the ordinance.

Commissioner White asked how the ordinance will affect the “health and safety” of the community as expressed in the letter from the Oakland Drive/Winchell Neighborhood Association. Planner Kik responded that this ordinance will be going through as a special use permit. Every special use permit has ten impacts that they need to go through and meet; this ordinance will add an eleventh step to the process. This is a highly protective process for the community and will include further community input.

Commissioner Coss asked what the venue would be able to do if there was an exceptional event (i.e. they wanted to host a National Event not planned for). Planner Kik responded that the information should be included in the special use permit application. If an event came about after the special use permit was approved, the venue would have to come back in front of the Zoning Board of Appeals to seek a variance to add the event.

Commissioner Wissner asked about the amount of games that are currently being held. Kalamazoo College responded that they currently have ten games in a season. Ideally they would have 5 away games and 5 home games. Not every game would be a night game, there would be some played during the weekday or on a Saturday. They added that the ability to have a couple of night games would build some excitement for the student body, especially at the beginning of the season. Planner Kik indicated that high schools typically have approximately fifteen night games a year.

Commissioner Coss reminded everyone that this is a citywide ordinance not just about Kalamazoo College. He stated this ordinance was very well written. The City does not even have any indication what will happen with other schools in the next three to four years. Maybe the ordinance needs to be broader and looser. This ordinance seems to be way more restrictive than other communities. There needs to be a balance between the neighborhoods and the schools. Commissioner Wissner agreed. He feels it is highly favored toward the residents. Commissioner Hughes-Nilsson asked if it is possible to add to the table to allow an entity to have further conversation with the neighborhood to come to an agreement and be added to a special use permit if there was room for growth. Attorney Kneas would not recommend it because it then becomes focused on a small area.

Commissioner Cook asked about the rationale behind the drastic changes to the footage in the Tables throughout this process. Planner Kik responded that this came from splitting the tables. Throughout the process we were asked to make an ordinance specific for Kalamazoo College or to work within the parameters provided by the 2012 contract zoning ordinance. The answer was no, the City cannot create an ordinance specifically for one entity and the 2012 zoning was already done and could not be changed. The football field could be affected by changes in the new ordinance because that was not finalized by the 2012 ordinance the way the soccer field was. The goal was to look at which zones would have the most intense use of lighting and split the table accordingly to place the least impact on the residential neighborhoods.

Commissioner Coss commented that having no lights on the Kalamazoo College football field has caused student athletes to be pulled from classes in order to practice. This is not a good selling point for the college when they are recruiting students. This ordinance is trying to strike a balance between the college and the property owners. If Kalamazoo College is not successful then that will negatively affect property values as well.

Commissioner Cripe asked if the ordinance fails to pass what will happen with Kalamazoo College. Planner Kik responded that if this ordinance does not pass and the January 1, 2016 deadline passes, the 1896 contract zoning ordinance will give Kalamazoo College 20 uses a year until 8:30. Kalamazoo College would not have to apply for a special use permit. The 20 uses do not distinguish between

practices and games. And if an ordinance were to later pass, Kalamazoo College would be grandfathered in to continue to use the 1896 ordinance the same way the soccer field is.

Commissioner Cripe stated that in 2012 Kalamazoo College and the neighborhood worked together to create an agreement. Kalamazoo College has accepted this ordinance as written, despite the fact that there is support for having more than two night games per year. This is a good compromise between the school and the residential neighborhood it is next to. Everyone will benefit to having the standards in place over not passing the ordinance. The broad participation that has happened is awesome and resulted in multiple perspectives. Zoning ordinance is a living document, getting standards on the books. Every comment has been thoughtful and emotional which lead to a good ordinance. The Table trends toward an equal compromise. However, it would be helpful to have a periodic review of the technology and industry standards.

Attorney Kneas stated that if the City Commission enacts the ordinance standards are already incorporated into the ordinance as drafted. Commissioner Cripe responded that is currently in the ordinance would hold them to the current standard at the time of application; however Commissioner Cripe is looking for a requirement to update to the most current standard periodically. Attorney Kneas answered that it could be too costly to continually upgrade and would not be enforceable. Planner Kik did note that the ordinance is written that if they want to upgrade they would still have to use the most recent technology. They can always move forward to conform to the most recent technology and cannot go backwards.

Commissioner Cook asked about the researching of the ordinances and if there was any precedent on decibel levels. Planner Bauckham stated that 25 ordinances had been looked at and they saw a fairly wide range anywhere from 50 – 85 decibels. Planner Kik added that those were noise ordinances and were not tied to the lighting ordinances. The City is setting precedent by including noise restrictions in our lighting ordinance.

Commissioner Cook inquired to the research that led to the IC/P zoning to be based on 200 feet. Planner Bauckham said the standard that was found was 100 feet, however it was felt that 100 feet was too close for residents.

Commissioner Cripe noted that the only IC zone right now is Kalamazoo College. The compromise for the Table and the IC zone was a compromise for Kalamazoo College and the neighborhoods around the college. He believes that not passing the ordinance would be more of a detriment to the city.

Commissioner Coss asked everyone to remember that this is a citywide ordinance and not just Kalamazoo College.

Commissioner Cook again expressed concern on the limitation of uses the Table set. Commissioner McBain reminded everyone that the restriction is on night time uses not total uses of the field.

Commissioner Hall commented that this seems to be a balance with the neighborhood requests. Kalamazoo College has gone on record to agree with the ordinance. City staff has done an excellent job over the last several months to draft this ordinance.

Commissioner Wissner pointed out that Kalamazoo College represents 2,000+ people. The institution has been around for a very long time and deserves respect. Commissioner Hall stated that they bring about 47 million dollars to the community and they are respected. However, Commissioner Hall does not feel that

the citizen's voices are being heard. At the same time, she understands the importance of having the field lit and the need to strike a balance between the two. Commissioner Coss disagreed and believes that their voices are being heard. Kalamazoo College has backed itself into a corner by stating that their minimum requirement is two night games and is being very agreeable. Commissioner Hughes-Nilsson asked if other schools were looked at in regards to this ordinance. Planner Bauckham stated that public schools are exempt from the ordinance, and that Kalamazoo Christian and Hackett Catholic High School were looked at. Planner Kik added that this will affect charter schools that come in the future. They will have to get their zoning changed to and IC zone and then apply for and receive a special use permit. This will not be easy for them.

Commissioner Greenman Wright addressed everyone to say that the entire commission is really weighing all the comments, fears and suggestions that have been presented tonight. The commission is concerned with quality of life. She agrees with Commissioner Hall that there is room for more compromise and more games (maybe 3 or 4) but does not want to see it swing into the opposite direction either. Commissioner Cook praised City staff for their work on this ordinance and the citizen engagement.

Commissioner Cook made a motion to increase the number of games for the IC/P Table 8.3.2 in the 201 to 500 foot area from 2 to 4.

Commissioner Hall stated that she will support Commissioner Cook's motion to increase the games from 2 to 4. She thanked everyone who came out and told them that they were heard; however she does not want January 1, 2016 to not have an ordinance in place. Commissioner Coss agreed with Commissioner Hall that all citizens' views were appreciated as well as the work from City staff.

Commissioner Cripe asked if the motion failed, would it fall back to the original motion. Commissioner Coss answered that it would fall back to the original motion unless someone else put forward another motion. Commissioner White stated that this process tonight is to send a recommendation to City Commission. Attorney Kneas replied that is correct, Planning Commission sends the recommendation to City Commission. It is up to the City Commission to enact or not.

Commissioner Cook, supported by Commissioner Coss, moved to recommend P.C. #2015.04 to City Commission: Request from the Community Planning and Development Department for a text amendment to Chapters 3.7, 4.1, 8.3.D., and 12.3 of the Zoning Ordinance pertaining to proposed Outdoor Sports/Recreation Lighting and Noise Regulations, with the amendment of Table 8.3.2 to increase the IC/P chart for the Maximum Number of Events Between 201 and 500 feet from 2 games to 4 games. With a roll call vote the motion carried with a majority vote. Commissioners Cripe, Greenman Wright, Hughes-Nilsson and White voted no.

G. CITIZENS' COMMENTS (Regarding non-agenda items)

Mr. Craig Platt came to talk to the commissioners regarding the zoning to store a trailer on private property. Currently the ordinance states that if it does not have an engine it can be parked/stored wherever a resident would like on their property and if it has an engine it needs to be on concrete. This no longer seems appropriate in our city neighborhoods as trailers can be quite large and unsightly. Mr. Platt currently has that problem with a neighbor parking a 20-25 foot trailer without an engine in such a spot as to be unsightly from Mr. Platt's property. He is requesting that commissioners review the ordinance and consider making changes.

Mr. Darin Meyer stayed to talk to commissioners regarding the current parking enforcement. He has noticed an uptake of parking next to fire hydrants, across sidewalks (blocking pedestrian's walkway) and parking in no parking zones since the current parking enforcement has taken over. He calls in illegal parking problems but does not see any resolution. He would like to see the parking enforcement to go back to whoever was doing it before.

H. UNFINISHED BUSINESS

Planner Kik gave an update to the Master Plan. The kickoff was on October 29, 2015 and was very successful. City staff is working on setting up the next meeting. A report on the first meeting will be out soon and she is getting a calendar for 2016 together.

I. NEW BUSINESS

None

J. CITIZENS' COMMENTS

None

K. CITY PLANNER'S REPORT

Planner Bauckham reported that this over goal for the year.

- Michigan Ave
- Depot building next to the craft brow building is being redone with a new addition. Likely will have a new restaurant and offices
- Kalamazoo College has broken ground on the new fitness center
- CVS pharmacy on Howard and West Michigan is about to break ground
- Milwood Elementary School has the old building basically down and some construction will start this year
- Harold Zeigler Auto front building addition is coming along
- New hanger project out at airport, south of the Air Zoo
- Sawall Health Foods is coming along and hope to be done by the end of the year

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Greenman Wright comments that the trailer problem is a very tricky issue. She agrees that Mr. Platt has a valid point.

Commissioner Cook felt that the public hearing went very well tonight. Commissioner Hughes-Nilsson appreciated everyone's discussion. Commissioner Hall inquired as to what City Commissioners can do with the recommendation from tonight. Attorney Kneas stated that City Commission can take the recommendation at four games or adjust it as they see fit.

M. ADJOURNMENT

Planning Commission

November 5, 2015

Page **10** of **10**

The meeting adjourned at 9:35 p.m.

Sports Field Lighting Ordinance

2015 Work plan

Introduce Sports Field lighting ordinance topic to neighborhoods and Planning Commission

- Meet with ODWNA March 18
- Meet with W. Main Hill N.A. March 31
- Meet with K College staff April 1
- 2nd meet with W. Main Hill N.A. April 14
- Measure K soccer field light levels April 15

March - April

Introduce lighting ordinance topic
Introduce lighting ordinance topic
Introduce lighting ordinance topic
Discuss planned ord.
Summary report

Research of model lighting ordinances for standards from other communities

- Begin research on lighting regulations May 4
- 1st meet. of research workgroup May 19
- 2nd meet. of research workgroup June 9
- W.E Upjohn study on economic impacts June 16
- 3rd meeting of research workgroup July 9

May - July

Research regulations from other communities
Discuss research process and initial results
Research presented
Initial rpt. of results
Present draft of ord. outline

Present outline of the ordinance based on the research of ordinances and feedback sessions

- 4th research workgroup meeting August 18
- First community meeting August 26

August

Draft ordinance presented
Draft ordinance presented

Provide a draft of the ordinance to go out to the neighborhoods

- 5th research workgroup meeting September 8
- Meet with ODWNA September 16
- 6th research workgroup meeting September 21
- 2nd community meeting September 23
- 3rd meeting with W. Main Hill N.A. September 29

August –September

Provide a revised draft of the ordinance for citizen review

October - November

- | | |
|----------------------------------|------------|
| • 7th research workgroup meeting | October 6 |
| • Meet with Stuart Neighborhood | October 13 |
| • 3rd community meeting | October 22 |
| • 8th research workgroup meeting | October 27 |

Final Ordinance goes to the Planning Commission and City Commission – Public hearings

November- December

- | | |
|-------------------------------|-----------------|
| • Planning Commission hearing | November 5 |
| • City Commission | December 7 & 21 |

Outdoor Sports Field/ Recreation Lighting Community Meeting Report

Updated October 28, 2015

This report is compiled by staff and the appointed workgroup members to reflect questions, comments, and discussions held during several public meetings including: Community Meeting on August 26 at City Hall, the Winchell Neighborhood Association meeting on September 16, and the September 23 meeting at Mayor's Riverfront Park (MRP), West Main Hill Neighborhood Association meeting on September 29, Stuart Neighborhood Association meeting on October 13, and the Community Meeting on October 22 at MRP.

Staff comments are in bold.

Community members' comments and questions are underlined.

General Community Comments on Draft Ordinance:

Lacks technical specificity; lacks meaningful ordinance enforcement and the associated penalties are inadequate and fails to address many of the key issues that cannot be disassociated from the sports and entertainment venue style lights (e.g. noise, impact on wild life, impact on residential property values, traffic etc.)

Entertainment venues were completely removed from the ordinance. Staff have reworked the first draft to address many key issues including noise, traffic, and types of events.

A resident commended the city staff for working with all parties and appreciated the process and remarked that noise was as important as light.

Many changes have been incorporated into the ordinance to address types of play, noise allowed and how public address systems are incorporated, tested, and used in these venues.

A resident stressed that this was a city wide ordinance, not just for one institution or field.

This sentiment was stressed many times regarding how this draft ordinance would apply to K-College's or Kalamazoo Christian's fields.

A resident asked will this lighting in question be similar to WMU's football field lighting?

No, not similar. In fact, staff have added conditions to mitigate impacts expressed about WMU's fields.

A resident commented the city has in the past not respected home owners...it allowed a residential property to be rezoned and become a fraternity. This ruined his parent's lives and property values. This homeowner stated that he will NOT buy a property near Angell Field because of the lights..."whatever your property value studies tell you, they do not account for the owners who refuse to purchase in the neighborhood near those lights." The applicants should be making payments to the homeowners for the loss of peaceful use of their homes.

A resident commented the city has shown no concern for the homeowners. The destruction in Knollwood is coming to Winchell at this rate. The planning commission has disrespected the citizens. These rezoning ideas are poison.

A resident commented residential is residential. No variances for lights should be allowed.

This underlines the importance for an ordinance that the Zoning Board of Appeals can go to. Either with or in the absence of an ordinance there are strict criteria that must all be met for a variance. In the absence of an ordinance the ZBA has an ability to enforce an ordinance that is in place.

A resident stated that rentals and events bring traffic and general degradation of the neighborhood. Night lights will drive longtime residents out of the neighborhood...if we don't want the city to lose its foundation as a livable community, limitations on these types of venues are essential. If any of these fields are allowed to rent the community suffers.

Rentals are only allowed to those directly affiliated with the college in the IC zone under the lights. Affiliated is defined directly in the ordinance. At the present time K-College cannot rent the fields at night until 2022 (For 10 years). The new ordinance will apply after that timeframe expires for their rentals.

A resident commented that he supports the college, there are positives and negative. College is part of the life blood of the City.

A resident inquired as to what happens if the City does not come up with an ordinance by year end?

Kalamazoo College will get to install lights and use them 20 times a year until 8:30 PM, and the rest of the city will not have an ordinance in place.

A resident stated it appears that it is a benefit to the City residents to get an ordinance passed. This draft seems very restrictive and to delay this may result in no restrictions. Kalamazoo College has come a long way in addressing the concerns of the neighborhood.

A resident stated living next to a school with an athletic program, you have to take into account the school may grow and make improvements...this could include lights.

A resident responded to the above statement commenting this would be a taking.

A resident stated the neighborhood is very sensitive to nuisances due to activities at WMU. So the ordinance created needs to be sensitive to this solid residential neighborhood.

A resident stated he lives in the Winchell Neighborhood, but works at Kalamazoo College. The College has a lit field at the base of the hill until a land swap occurred with the City. The current field was also lighted in 1946, but those lights were removed, so there were lights at this location in the past.

Did the City look at Federal / State regulations when crafting this ordinance?

The city researched both state and federal regulations. The State regulation is that public schools and public higher education institutions are exempted from city zoning regulations. Staff also checked with the DEQ to be sure there isn't anything above and

beyond what we are asking for in the special use permit and there was not anything for lighting in their regulations.

Repair and Maintenance:

A resident stated he appreciates the fact that there are changes incorporated into the draft ordinance since the Stuart Neighborhood Meeting. How does “demonstrable” come into play in the repair and maintenance section. Should there be a reference to the ordinance sections here?

The language was added because of citizen comment. Since this draft the language that was used to “demonstrably lessen” impacts in the repair and maintenance section has been changed to “minimize impacts to the neighborhood”.

Property Line Measurements:

How is the line to the property measured?

Currently, it is measured from the light poles to the nearest residential property line, on the ground.

Where would Kalamazoo Christian’s fields fall on this chart?

They fall within the 200 foot buffer and would not be allowed to have lighting on their fields. The closest residence is approximately 160’-0”.

What if the property line is not straight?

Staff will measure from the closest pole location to the closest point of the residential property line. The measurements would be taken on the ground, not from GIS or digital maps.

Violations & Verification

What is a violation and how are they verified?

An example of a violation would be having the lights on past the required shut off time or exceeding the number of nights allowed. Violations would be verified by the Public Safety Department or the Zoning Inspector.

Dialogue ensued about the viability of expecting Kalamazoo Public Safety and/or zoning inspectors to prioritize and respond to requests to verify ordinance violations in a timely fashion.

Lighting requirements were changed to include a recordable system.

Sound systems must be tested prior to being fully permitted and a design and plan submitted for how to minimize audio impact to the surrounding neighborhood.

Under violations section “MAY” should be changed to “SHALL” for: shall “*reduce the number of approved uses by one.*”

May has been changed to shall in all applicable violation sections.

Refine the language in the enforcement and violation sections of the ordinance to provide a clear and understood process.

Staff has worked to refine the language to be clear and consistent in all sections of the ordinance in order to provide a solid foundation for any violations or verifications.

Who will verify; who will pay for this; violation structure is very poor and has no obvious enforcement with meaning (e.g. shutdown light and sound system for 12 months after 2nd violation) if there is ever a 3rd violation then lights should be removed.

When city staff is requested to verify/ enforcement there is a cost recovery fee associated with that visit. Verification is being sought through the request of recordable lighting systems to be installed.

Owner/ operator should post bond.

This is not a legal practice for Special Use Permits

Does the city have the authority to enforce violations?

Yes; additionally, we have created an Administrative Policy for the enforcement of minor and major violations. This allows the city staff to have a consistent policy that follows Chapter 10 for enforcement, while specifically handling issues that arise from the use of lighted venues.

Should the ordinance state that if a violation occurs during a rental use, the applicant should lose permission to rent or could punishment be ramped up if a rental?

All violators are treated the same. The owner/ operators are responsible for the renter to be in compliance with the ordinance.

What is the appeal process for K College?

If ticket was involved, they can appeal to the court magistrate or the Zoning Board of Appeals to appeal a determination of a violation.

Who would be making the enforcement decisions in the absence of the City Planner, if the City was without a City Planner for a period of time?

It would be Assistant City Planner or other planning staff who would take on this responsibility as delegated. The zoning ordinance references the City Planner in many decision making areas.

Is there an appeal process for the ordinance?

It is covered in the existing language of zoning ordinance. Appeals would be handled by the Zoning Board of Appeals.

How is the “latest technology” determined/ defined/ designed?

Refine this definition to exclude the type of technology. Instead, address the design, intent, and results of the design which can be proven through site plan documents and testing.

Definition was changed to “current standards”. This allows the city to define the standard and not have to change the text every time a new amendment to the standard is released.

How will the city address periodic upgrades to meet “most current technology” standards? Is there any allowance for required upgrades in the future, say at 5 years or 10 years?

See the maintenance section (j) We do not currently hold any of the other SUP applicants to a periodic review.

Rentals/ Third Party Uses

Will they be addressed in the table?

Rentals are not addressed in the table for IC zones. They will fall under the same time restrictions as any other nighttime use. The table, however, does reflect venues that are specifically developed for night time rentals and does not allow them within 700 feet of residential zones.

The current noise provisions in 8.3D (i) would sufficiently bar any event that cannot meet the standards set forth.

This comment was specifically regarding entertainment style rentals (bands etc.) These are not covered in this ordinance and not allowed at this type of venue.

3rd party use should be prohibited for facilities in residential areas

It is not legal for the city to prohibit rental of facilities. However, rental is restricted in IC districts only to affiliated parties.

Institutions are under pressure to generate revenues and will rent facilities as often as possible. Neighbors should be attentive to this issue during this process.

It is not legal for the city to prohibit rental of facilities. However, rental is restricted in IC districts only to affiliated parties.

Are rentals in IC district are at all permitted by city ordinance? Would like to see rental allowance built into table also.

It is not legal for the city to prohibit rental of facilities. However, rental is restricted in IC districts only to affiliated parties.

The table now reflects venues that are specifically developed for rentals and does not allow them within 700 feet of residential zones.

Citizens in this room making these comments are the people who pay the taxes that fund this city. With 55% of Kalamazoo tax exempt, if we drive the residents out of the city we lose the tax base.

We should not be commercializing every space to generate revenue.

The City Attorney has advised that we do not have the right to restrict rentals completely, but can put some restrictions on.

If the purposes/uses are for the applicant, why would the ordinance permit rentals at all? The neighbors do not want rentals if lighted fields are permitted.

It is not legal for the city to prohibit rental of facilities. However, rental is restricted in IC districts only to affiliated parties.

What is meant by "affiliation" or "contracted" in this clause? This sounds like third party usage.

A community member stated the rental section does appear to be in conflict.

One sentence is limiting night rentals while the other is identifying the users of the field must be associated with the institution.

This language has been changed to remove contracted from the ordinance and restrict types of rentals on the IC/P zoned venues to affiliated parties. The term "affiliated parties" has been further defined in section (e).

If Kalamazoo College wanted to rent the field for a conference championship; would that be ok because it would be a game affiliated with the conference?

Yes, that would be allowed under this draft ordinance.

Property Values

Will there be a periodic review of property values?

Not at this time. We are conducting a survey of realtors to weigh in on property sales and values.

If it is shown that there is a negative influence, what would be done?

Will applicants be required to provide evidence that proposed uses do not impact property values?

The ordinance is written to address impacts on many fronts. The applicant must show information for photometric plans, sound diagrams, traffic impacts, use, environmental impacts, and go through a public hearing. All of these measures are used to address impact on property values.

Facility owner should have to demonstrate to city that operation does not negatively affect area property values. If not demonstrated, at perhaps 3, 7, and 10 year increments; operation prohibited. (Fear: soccer experience base data does not predict impact of lighted football field.)

Two studies (First in 2012 and second in 2015) have been completed. Neither study was able to isolate stadium lights to be any determinant to property value change.

Why was SEV used in the WE Upjohn Institute study?

The State Equalized Value response from WE Upjohn Institute: As to the criticism of using SEV, we agree, but SEV is the only valuation measure available when the city asked us to do this analysis. And SEV remains the only valuation until there are enough transactions for a representative sample. To reiterate, there is not enough data to identify an effect one way or the other.

A survey of realtors should be done to better represent the property sales and values.

Staff is currently putting together questions for a realtor survey.

Illumination Questions

Where did the foot candle increase come from? If it has been shown that .05 foot candles is adequate, why would we raise it?

The 0.10 measurement presented in the initial draft was a common number in the 35 lighting ordinances that were reviewed by staff. It was agreed to reduce the level to 0.05 foot candles

Is a 0.05 foot candle was an achievable measure for applicants?

Staff reviewed the process of having measured K's soccer field back in April and the preliminary plans from K for football lighting. All indications suggested that K College could install lights at Angell Field to meet this standard of .05 foot candles.

How tall do the light poles need to be to illuminate the field?

Staff responded about 80 feet is the standard height that they have seen in other ordinances.

Who determines the most current standard for lighting technologies? It appears that IESNA would be the appropriate and applicable body for these standards.

Yes, IESNA are the light standards we are consulting.

Is there an alternative method for measuring distance of the actual lights to the property line (rather than the light pole position)? How are you going to avoid abuse of pole placement standards?

Comment, This came up at the Winchell Neighborhood Meeting too. Could create measurement from property line to light fixture versus pole.

Changed to include the entire height of the pole and light fixture.

Noise Questions

Would the public address system be able to be used during day practices? Or does this only address practices under the lights?

The PA system would not be allowed to be used during daytime practices.

Sports and entertainment events should not be exempt from the Noise Ordinance

Staff will be reviewing the current noise ordinance to identify potential changes in fall 2016.

Noise also directed away from hospitals, daycare and nursing homes and offices.
Speakers must be positioned away from impacting surrounding uses.

What is the distinction between sports activities and other events such as concerts? What about amplified music affiliated with the sports events?

Amplified music is not permitted.

Concerts are not allowed as part of the Special Use Permit, the fields must be used as originally intended when illuminated.

Will sound requirements in this ordinance supersede Ordinance 1896?

The noise language in the draft distinguishes between practices and events and will apply to all facilities, including the soccer and football fields at K College.

Will there be clauses in the new ordinance that will regulate day time rental use?

No this ordinance for illuminated evening sporting events.

Change draft language to state that additional amplified system shall not be employed at any time.

Language has been changed to shall

How will sound violations be recorded and/or verified?

Public Safety or city staff would need to verify.

[Comment: This method of verification does not appear to be an effective or practical system.](#)

Should there be difference noise levels built into the table?

The noise levels are now addressed in the table as practices and games/contests. Practices may not use the public address system.

How are the noise regulations handled during the day

The restriction on noise in the ordinance would only apply when lights were in use

COMMENTS

For baseball and softball at K-College no amplified music is played during games or practices.

The rental uses at Angell Field are more intrusive than his personal experiences with K College events. Rocket football tournament was mentioned and noise making devices brought in by fans.

Traffic and noise negatively impact the neighborhood.

Inquired about the noise level regulations. In regard to the use of the P.A. and non-amplified music, does this mean no marching bands?

Marching bands are ok; this section is referring to the use of separate amplified speaker systems outside the normal P.A. System.

Clarify what this Ordinance covers...night versus day.

This is a night time lighting ordinance. Day time noise would be regulated by the existing Noise Ordinance.

What level of noise would be allowed during the games?

The noise level would vary. If we put a limit in the ordinance for game noise it is going to be higher. For example 74 dbL matches a level that is in the current noise ordinance. That level for clarification is taken at the source. We'd like to explore a way to have a reasonable level set for the decibel limit at the residential property line.

Is there was going to be a noise level placed in the draft ordinance and is that now being worked on?

That is what this discussion is about. How should we proceed and what can reasonably be put forward. Most likely staff will need to amend the noise ordinance and keep the sports field lighting ordinance general.

Where the 74 dbL came from?

It is from the current Noise Ordinance, the highest limit of noise allowed that matches a level that is in the current noise ordinance. That level for clarification is taken at the source. We'd like to explore a way to have a reasonable level set for the decibel limit at the residential property line. Most likely staff will need to amend the noise ordinance.

Residents inquired as to how you measure the dbL.

We use a measuring device, but you can download an app for this too.

Inquired as to how loud 74 dbL.

As an example the Stihl line of leaf blowers range from 65 dbL to 80 dbL.

Can music can be played two hours before the game over the P.A. system?

Yes.

The existing Noise Ordinance is woefully inadequate and only one primary entity has been listened to in crafting this ordinance.

There would be no noise regulations in this ordinance if we were not listening to all the feedback received.

Does this ordinance address noise during the day.

That is correct

Ordinance does not cover the noise issues so this is still not adequately covered even though it was brought up at the Zoning Board of Appeals hearing in 2009.

Other venues in the city

How does the ordinance impact Stowe stadium?

Stowe stadium was not included in the 2012 agreement. It is an existing use, and use of the outdoor lights is grandfathered.

Are the lights at Stowe Stadium grandfathered?

They can remain “as is” unless the facility is renovated over 50%.

A resident asked if WMU is affected by the proposed regulations.

Staff responded that WMU is exempt from local zoning laws.

A resident asked if the city’s softball fields on the north side of town would be included in this ordinance.

If the current lighting systems were replaced, or if lights were added to fields that do not have them now, the ordinance would apply.

Is WMU being exempt from this new ordinance

Staff responded that was the case and stated that Kalamazoo Public Schools, including Loy Norrix and Kalamazoo Central, were also exempt.

Will the Versluis Dickinson fields would be subject to this ordinance?

City staff said that city property would be upgraded to the ordinance if the lights system was replaced.

A question was asked if a recreational complex with lights could be open year round.

The answer to the question was yes it could be year round.

Table 8.3.2

Distances in the table should be reconsidered

Distances have been changed in the course of the draft

Staff posed the question of adding uses of the lights in Table 8.3.2. for sports practices.

No discussion took place on this topic (8/26)

Staff posed the possibly consider no less than 300' as a measurement?

Possibly revise table to assure no sports lighting within 1200' of any residential property?

This is certainly a consideration for commercial, all rental facilities

Possibly ban sports lighting near any residential property.

The property owner would need to go through several steps to achieve sports field lighting. Including a Special Use Permit. First, if they are an academic institution they must go for a rezoning for Institutional Campus. If they are a commercial venture being located in one of the commercial zones or in the manufacturing zones, The distances begin at 700 feet from the nearest residential property line. The distances considered in the table were done so with considerable thought regarding the uses by an academic facility vs. those with more commercial nature. The uses within academics have been broken down by practices and contests. The practices have considerable restrictions.

Could the table be broken out by zoning districts; Institutional Campus, Commercial, Industrial. Or Educational vs. Recreational?

The table has been revised to break out these distinctions.

Yes, but don't add to the table.

The additions to the table at this time were after the distinctions between practices and contests were created.

A question was asked about changing or adding recreational uses to the use table.

The table has been separated to commercial and academic uses.

Should Table 8.3.2 include more specific guidelines about hours of use?

Hours of use have been added to the table.

Can rental be included in Table 8.3.2?

Rentals have not been included in the table.

Can you talk about the numbers at the low end of Table 8.3.2 (as 5 seems low)?

Staff looked at many ordinances and they did not have distance tables. The first table drafted by staff started at 5 uses for 100' or less. A later draft moved to 250' or less.

Will the city commission or the planning commission change the table?

The commissions can do this.

The residual impacts are more important than the lights themselves. The ordinance appears to address those impacts. 5 nights seems too low.

With the amount of light projected close to homes, maybe 5 is too many or perhaps just right.

Other schools he checked with have homes just as close as we do to the field and no limit on the use of the lights. He feels by not providing K College with at least 20 uses of the lights it is almost punitive as it was understood to be the minimum number they could get by with back in 2012.

A lot of different ordinances had been researched and the draft ordinance reflects a balance between what the institutions would like and what the residence desire.

Next website questions: How did the City come up with the Table?

We have looked at over 35 different lighting ordinances and this was our first blush at crafting something that fit Kazoo. Rob: We have received other iterations of the table and are still considering alternatives.

COMMENTS: Restrictions on noise and types of events that could meet the special use permit requirements will be reviewed to provide sufficient evidence that the impact would not require further distances from residential.

A resident inquired if intramural events would be allowed 20 times per year.

Yes.

The table is confusing. Looks like IC allows 65 uses in the upper table.

We will work to clarify that, no the upper table would not apply in this situation we are talking about academic uses in the IC district. Only one IC Zoned campus in the City at this time and that is Kalamazoo College. You must apply to be zoned IC. It does not exist by right anywhere in the city.

Are games are not only allowed on Friday and Saturday nights per the draft ordinance new table?.

No, they are allowed. However, during the week only until 8:30 PM. We took this out looking at the fact that football not be place during the, but we will put the events back in at 8:30.

A resident asked to know how the table has changed. It appears that table has only moved in one direction.

The first draft of the table placed the “5” in the first use Table thinking Kalamazoo College would be allowed the 20 nights indicated in the rezoning conditions. After the City Attorney opinion on this matter we realized we needed to make this number more doable for Kalamazoo College, yet at the same time we added all the safeguards on noise, light spill and rentals.

We have also heard it would be best to take Kalamazoo College out of the table and we cannot do that as we cannot make regulation for a one specific entity. However, we did create a separate table to cover just IC academic uses.

Distances from Residential

A resident commented on the size of stadium with lights that K-Christian proposed in 2009 and that this proposal even included cutting into the hillside.

Because this is a city-wide ordinance, we need to think about future owners of properties that may have differing motives from current owners. We cannot focus on our current neighbors and potential applicants; we must focus on a bigger picture than any current neighbor.

A resident suggested that 1,320 feet is the closest distance that should be considered between existing residential uses and lighted fields/stadiums.

Lights on any sports/recreational facilities need to be at least .25 miles from residential properties.

Installation and use of 25ft+ lights in this ordinance in outdoor sports/ recreation/ entertainment lighting and noise regulations is incompatible within 1320 feet of property lines of single-family residential dwellings. Set back might need to be further if “venue” is located upwind. This would eliminate so much discussion regarding the number of times the events are held, how late the lights are on, etc. However, a grandfather clause could be specifically and ONLY applied to facilities in existence July 1, 2015 (ie. lights already installed and in use.)

Where is nearest residence to K College field?

The nearest residence is at Crawford Street and Burrows Street.

How the measurements are taken to the property line for the Table.

It is a straight line distance from the base of the light pole to the property line.

You can't rely on the GIS property lines, they are not accurate.

A resident commented that the GIS measurements have taken Kalamazoo Christian school out of the running. She stated you might be surprised at the fact that it would not take more than a minor change to set up a field (at Kalamazoo Christian High School) that could be lighted.

Staff has worked with the City Assessor to determine the accuracy of the GIS property lines. We later worked with the parcel lines and created a buffer of 200 feet. In no configuration could the football field or soccer field be reconfigured on the property

without interfering with the existing Portage Creek. Also, GIS data was consulted for accuracy. A typical deviation is between 3 and 6 feet. For our purposes we believe that our GIS system is not detrimental to this exercise.

Lighting Schedules and Uses

Provide language that would give flexibility to the schedule presented each season that would give residents predictability on events and practices taking place on all fields.

The use schedule has tried to meet both predictability in when the lights will be on as well as reasonable accommodations for reporting.

Refine the language so that inclement weather and/or minor changes of dates on the schedule would not be a violation of the ordinance. The owner/operator would need to provide an updated schedule to the city to reflect changes from weather conditions or other circumstances.

Overtime provisions have been added to the text under timing for the use of lights.

Provide the schedule by sports season.

A resident commented that under section g), it does not seem clear that it is the owner/operator who is to post the schedule on their website as it is used in same sentence as the word “neighborhood”.

Text has been changed to reflect this comment and clarify who’s website the schedule shall be placed on. Staff clarified that it is the owner/operator’s responsibility.

Would the weather delay provision applied just games or practices too.

This provision only applies to events not practices.

It was commented that the Planning Commission should be responsible for determining the number of allowed uses for the lights with consideration for the distance to the closest residential uses.

A response was provided that the Planning Commissioners are all volunteers with typically little or no experience with these issues. It is customary for staff to provide them with some technical and regulatory guidance to help them in making their decisions.

Special Use Permit procedure

Consider a SUP renewal period at which time a new technology review would transpire and updated technologies might possibly be required? Should a 5-year or 10-year “renewal” for purposes of technology review be considered?

Special Use Permits are attached to the land use and are not required to have a renewal period.

Who this ordinance would apply to?

Private schools such as: K Christian; Hackett; K College, and recreational venues; private businesses; etc.

A resident inquired as to the perimeters again to qualify for the lighting a field

Staff responded that first the facility would need to be in the correct zone district, if they are not, they would need to rezone, and then the owner would have to follow the Special Use Permit process.

A resident pointed out changes in section e), “shall” versus “may” should be used in rentals. Further, did not see verification for the violations. There is a way to automate a verification process through the website? Does the S.U.P. process address impacts on wildlife?

We are asking the owner/ operator of the venue to place documents on their website. Additionally, the S.U.P. includes ten other conditions which have to be met which covers wildlife too.

Kalamazoo College Specific Question/Comments

How are the current uses of Kalamazoo College’s soccer and football fields affected by the ordinance?

Discussion took place about possibly grandfathering the soccer field uses from the 2012 city commission action, and modifying the uses of the football field. Specific discussion ensued about the possibility of treating the Kalamazoo College soccer field differently than the Kalamazoo College football field and any other new lighting venue. Options might exist along a continuum from (i) wholly grandfathering the usage conditions described in 2012 by the city commission to (ii) fully applying any/all conditions described in any new, approved city ordinance.

K-College added that the restrictive time schedule would be difficult for the student athletes. 25% of the students at K are athletes and the evening practices allow for students to attend all of their classes. The schedule proposed in the ordinance would mean practice needs to start earlier and cut into student class time for practices.

K-College will be adding Men’s Lacrosse to their athletic schedule. They need the additional practice times and football field to be available at night with lights.

K-College expressed their need for 20 nights on the football field to expand their athletic offerings.

Kate Worster of K gave a statement describing K’s commitment to working with neighbors, the need for a minimum of 20 nights of lights on the football field to support its athletic programs, and the importance of athletics, and the tuition from all students, to K’s survival. (She gave staff a copy of her statement after the meeting).

A resident “urged the city to stay with what the City did in 2012”. No rentals, 20 nights on football until 8:30. “It was a reasonable judgement now, and then”. Describing the noise from a rocket football tournament played on K’s field. The resident stated they “haven’t had any problems with 10:30 on the soccer field”.

The 20 nights per year at the football field in 1896 Ordinance was K College’s request and not an agreement with neighbors or permission granted by the city that assures 20 nights of light.

A resident was offended by K describing it’s “needs” and was concerned that K was devoting too much attention to athletics.

An athlete at K, described being a student athlete and his experience. He balanced strong academics and participation in athletics.

K, clarified why K needed 20 nights of practice on the football field, as there are two new teams (men’s & women’s lacrosse) that need practice in addition to the football team, particularly in the later fall when the soccer field is busy with men’s & women’s soccer and the daylight dwindles.

K described the importance of practice time, offering lacrosse to attract student athletes, and athletic team competitiveness to campus climate. A statement in writing was given to staff.

Comments were read from neighborhood residents: Both were in support of upholding the petition that stated lights at soccer field with no lights at the football (Angell Field) was fair.

A resident commented that maybe an early shut off times can mitigate impact of lights? It is not just the lights, but everything that goes with them!

The time for practices has been reduced to 8:30pm, 2 nights have been reserved for game nights on the weekend.

Representatives from K-College expressed reservations about the draft ordinance with comments offered within three areas:

the numbers of uses permitted in Table 8.3.2 is insufficient to meet the group’s needs;

the proposed 9:00 PM shutoff time is too early to meet the group’s usage needs; and

the proposed annual schedule of uses would be a difficult if not impossible to project a year in advance.

How many teams use the fields at K-College?

K-College staff answered that: currently 5 teams use the playing fields.

The lights on the field help K-College keep a competitive advantage in their division.

The time for the lights should be reduced to match the proximity to residential.

The need for residents to have a dark, quiet neighborhood was posed to K-College’s need for nighttime sporting events.

It was commented by K-College that they do not receive many complaints about the lights on the soccer field.

A resident of the area commented: Lights may not get a lot of complaints, but noise and music get a lot of complaints.

How late are practices typically?

Two practices are held, an early and a late. They begin at 4:30pm and typically last until 9:30.

From the Vice-President of Communications for Kalamazoo College:

Kalamazoo College wants to be a good neighbor.

Over \$32 million is provided by the college to the local economy each year.

About one-quarter of the college's students are athletes. Reducing the athletic program will result in fewer students, which will impact the viability of the school.

It was suggested that the conditions of ordinance 1896 should remain for Kalamazoo College. The neighborhood doesn't want the fields to be rented. A recent rocket football tournament held on the football field went all day and was very noisy. Don't turn the fields into a business. Shut-off time for the football field lights should be 8:30 p.m., not 10:30 p.m.

A representative from the college indicated there are no plans to have night rentals of the fields.

A resident suggested that the noise emanating from the college fields is too much currently.

A resident stated that most complaints about the current use of the fields are about noise levels, not about the lights.

The need for any lights for the fields was questioned. The adjacent neighborhood needs a dark environment at night time.

A Kalamazoo College athlete indicated that because of the daytime academic class schedule, practices on the fields at night are important for the athletic program. Fewer practices will mean the teams will be less competitive and less successful. This will impact overall morale on campus and the ability to attract new students.

It was suggested that class schedules should be altered to allow more daytime practices.

A question was asked about how many other schools in the conference have lighted fields?

It was indicated that most of them do have lighted fields.

The meeting attendees were reminded that this is a city-wide ordinance. It is not just meant for Kalamazoo College.

In response to a question, it was indicated that no lacrosse games would be played on the football field because it is too small in size.

Are the positions/locations of the lights already established?

Planning Staff responded yes, I believe K College has lighting bases placed on their field already, but I would ask K to respond to that question.

A resident commented that the college teams lose a lot of their games, and they should not be allowed to have lights on the fields. A response was made that the teams are improving and winning more games lately.

It was mentioned that Kalamazoo College is located within a neighborhood, and this should impact the decision on whether or not they should be able to light their fields.

A resident commented that given all the considerations, maybe 5 nights is just right. WMHNA neighbors signed a petition asking for no lights at the football field if soccer lights were installed. This is a further compromise.

Why is there a difference between the number of soccer nights and the number of nights requested for the football field?

Presumably, it is because this is the number of practices that K-College felt they could have to support their programs. At the time the soccer field was the only field with lights and needed to have 60 to support all of the teams on one field. Rebekah deferred to K-College representatives in the room for other comment.

A resident asked for an explanation for the group thought of what K-College has been allowed for the soccer field and Ordinance 1896 applies to football field versus the draft ordinance impact on those fields.

A resident responded by talking about the City Attorney's review of the conditions tied to the rezoning in Ordinance 1896. If no Stadium Lighting Ordinance adopted by the City, then what will be allowed are 20 uses with lights off at 8:30 PM.

Question: How long is the football season?

K responded it runs from mid-August to early November.

does lack of lights impact the recruiting?

Yes, it does come up during recruiting

A K athlete responded it is a disadvantage especially after day light saving occurs. They have to use what little time they can get on the soccer field.

A resident stated that the request in 2012 was for light usage by the lacrosse program.

Comment: K representative stated that the request in 2012 was for 20 uses as the lacrosse program was starting up and then they would have five teams practicing on these two lighted fields.

A resident stated - why we can't support our school. What is wrong with using black-out shades?

It is not just the light, but the noise.

A resident stated that they hear the activities of K College and WMU. We need to respect the culture of the K College...mind, body, spirit.

A resident expressed his concern for the appeal process for K College to keep the process fair.

Staff explained that the zoning ordinance has a procedure for all appeals processes. Any appeals concerning the land uses would be handled by the Zoning Board of Appeals.

A resident inquired to K about other schools in K's MIAA conference, and how many had lights on the football field.

K explained that all schools in the MIAA that have football teams have lights on their football field, and many are in residential neighborhoods. (Calvin doesn't have football, and St. Mary's is all women, no football).

More discussion took place on the Kalamazoo College soccer field lights.

One comment was made that these lights are a problem. A college representative indicated that three neighbors have mentioned they do not have a problem with these lights.

Comment: A resident stated that they had contacted other schools in K College's conference to see how they handled night games. Two of the communities have an ordinance that allow for overtime situations. In these instances, the school contacts public safety to report they are extending the use of the lights due to the circumstances.

Staff requested the information from the resident and did further research into the other MIAA schools we could not find any of the information on their planning websites or otherwise. Some of these provisions may be administratively handled.

A resident stated that other schools they checked with have homes just as close as we do to the field and no limit on the use of the lights. He feels by not providing K College with at least 20 uses of the lights it is almost punitive as it was understood to be the minimum number they could get by with back in 2012

Staff stated that a lot of different ordinances had been researched and the draft ordinance reflects a balance between what the institutions would like and what the residence desire.

Question: Jim Hopfensperger asked whether members of the Stuart Neighborhood Association believed the Kalamazoo City Commission's approval of Ordinance 1896 in 2012 granted an appropriate amount of night light usage at the Angell Field athletic complex.

Answer: Max T. responded for himself and called upon each of the 7 other association members present (5 board members and 2 business owners?), one at a time, for their personal responses. All 8 respondents uniformly and unequivocally endorsed having the new city ordinance be supportive of K's goals in athletics and felt the current draft (10/12) was too restrictive with respect to number of nights permitted."

Comment: Sara Hoisington comment that she agrees this is very limiting and the schools like Hope College have no restrictions on their field.

Comment: A resident stated at this point in every public meeting it seems to come down to an 'us' versus 'them' with Kalamazoo College and the neighborhoods. Kalamazoo College should have a separate ordinance. That an exception should be made to let the ordinance pass with the conditions for K and then let the ordinance sunset and have a table for the rest of the city.

Creating a separate ordinance is what we have done in the most legal way possible. We do not want to create an ordinance that will create a non-conforming use in a few months.

Planning Staff reviewed this concept with the city attorney. His opinion was also that the ordinance would be weakened by created a non-conforming use on purpose.

A resident stated they lives in the West Main Hill Neighborhood on Burrows Street. Their family moved in knowing this was coming to a head. They stated that they were ok with the typical field use. They believe what is in the draft ordinance is comprehensive and is comfortable with the numbers in the Table and regulations covering light spill and noise limitations for practices.

Another comment that identified they were also a West Main Hill Neighborhood resident. They also work for Kalamazoo College. They commented that athletic programs do play into the admissions levels for students. They are the only school in the MIAA conference with such restrictions on a playing field. This proposal is the bare minimum that Kalamazoo College needs.

A resident commented the Kalamazoo College athletic fields were in awful condition until the upgrades occurred. They hate to see the neighborhood divided. They would really like to see Kalamazoo College succeed as they are a part of the neighborhood. We can't punish Kalamazoo College for the noise problems at WMU games.

A resident stated this document allows us to keep working together. The process three years ago was painful. I am a neighbor who lives in near the field and I can live with this ordinance.

A sophomore at Kalamazoo College, commented that they play lacrosse at the school and understands the lighting concerns. However, it is really hard to fit the practices in during the evenings at this point. They had the opportunity to go to U of M, but because they could play lacrosse at K and chose to go there.

A resident stated this is disingenuous to craft an ordinance for Kalamazoo College that applies to the entire City. Why not give Kalamazoo College a special status.

We are trying to create a city wide ordinance and have separated out academic uses.

Question: A resident inquired if this issue wouldn't just come up again in down the road when Kalamazoo College grows.

We monitor trends and changes. Ordinances are not set in stone and in some cases are amended over time, but this does go through the public process each time.

K inquired as to section a) applies to the right-of-way.

The measurement is taken at the property line of the facility. Further, the City does get complaint about light glare in the right-of-way so measurements from the street are important too.

Kalamazoo Christian

A resident, who lives next to K Christian soccer field, expressed strong opposition to any lighting at K Christian school... "when the sun goes down the sports activities should stop." Noise and light would be unacceptable. Neighborhood is nice and quiet and should stay that way.

A resident stated that he lives within 300' of K Christian soccer field but more than 300' from football field and stated he was thankful lighting at K Christian was defeated via variance process in 2009. Shared that football field in Hastings suffers from a sea of cars for sports parking at night events; it also suffers from noise and bad behaviors that linger after games. Why can't we say that fields within 700' or 1000' residential properties should not be able to have lights?

Has Kalamazoo Christian been involved in the discussions of this ordinance?

Yes, since August 18th according to his notes.

Property Values

Consideration should be given for conducting a survey of area realtors to determine their opinion on the potential impact of these lighting systems on Kalamazoo neighborhoods.

Staff is drafting the survey now with citizen input.

It was asked if the shut-off time for the lights should be determined by the proximity of the fields to residential uses.

Staff responded that the current draft ordinance indicates the number of uses of the lights is determined by the proximity to residential uses, and the shut-off time is earlier during the week than on the weekend for all categories.

A resident read website questions received: Are there studies from other communities that show impact of stadium lighting on property values?

We are open to reviewing any studies other people have located; however, it is difficult to find comparable communities.

A resident commented on the study he found for Houseman field in G.R. and one for Arlington, Virginia that was done.

A resident state they are concerned about the property values. He sees this as a condition of health for the neighborhood. If the College does not thrive neither will the neighborhood. There have been no measurable reductions in property values since the field was renovated. They feel this is a rock bottom minimum of 20 and may hamper the College. What about student athlete interests? He thinks the number should be increased to 40 or 60 times were year.

A resident stated he would like to have a copy of this property study referred to.

The resident stated that he did not conduct a study, just looked at recent property sales

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 3.7 – RIVERFRONT OVERLAY, TABLE 3.7-1;
SECTION 4.1 - USE TABLE; SECTION 8.3D – SPECIAL USE PERMIT; TABLE 8.3-2 –
THRESHOLD FOR SKETCH PLAN AND FULL SITE REVIEW; AND SECTION 12.3 -
DEFINITIONS AND USE CATEGORIES OF APPENDIX A –ZONING ORDINANCE OF THE
KALAMAZOO CITY CODE OF ORDINANCES**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. This ordinance is commonly known as the Outdoor Sports/Recreational Lighting and Noise Ordinance.

Section 2. Section 12.3. - Definitions and Use Categories - is amended by adding the definition for OUTDOOR SPORTS/RECREATION VENUE to read as follows:

§ 12-3. Definitions and Use Categories.

OUTDOOR SPORTS/RECREATION VENUE – All sports venues, stadiums, recreational sports venues, and related facilities utilizing outdoor lighting for nighttime use of the facilities, where proposed light poles or light support structures exceed twenty-five feet in height.

Section 3. Section 3.7. – RF-O, Riverfront Overlay – is amended by adding a note in Table 3.7-1 for the “Entertainment and Sports, Spectator – Limited” category indicating that an outdoor sports/recreation venue requires a special use permit.

Section 4. Section 4.1. – Use Table – is amended by adding a note in the Use Table for the “Entertainment and Sports, Spectator” and “Sports and Recreation, Participant – Outdoor” categories indicating that an outdoor sports/recreation venue requires a special use permit.

Section 5. Section 8.3D. – Special Use Permit – is amended by adding subsection 11 to read as follows:

11. Regulations for Outdoor Sports/Recreation Venues

- a) Illumination levels. The light levels from an outdoor sports/ recreation venue lighting source shall not exceed 0.05 foot candles as measured at a height of five feet above the ground surface level at all property lines. Ambient light from sources other than the outdoor sports/recreation venue lighting shall be excluded in determining the foot candle levels at all property lines. No flashing lights or search lights shall be permitted at any time.

- b) Shielding and glare. All outdoor sports/recreation lighting shall include opaque hood shielding (louvers, shields, or similar devices) to direct the illumination downward at no greater than a forty-five degree angle from the pole or other light support structure, and must be aimed so that their beams are directed toward and fall within the playing venue. The shielding design shall incorporate the current lighting standards for controlling light spill and direction at the time of installation and for any replacement or upgrading of the lighting system as defined in subsection j, as established by the Illuminating Engineering Society of North America (IESNA) found in publication "RP-6-15 Sports Lighting: Recommended Practice for Sports and Recreational Area Lighting," as amended.
- c) Pole location. All light poles or light support structures shall be located a distance from the property lines of the outdoor sports/recreation venue equal to no less than the total height and length of the pole/structure and light fixture.
- d) Pole height and illumination intensity. Outdoor sports/recreation venue light pole heights and lighting levels shall be consistent with the most current standards established by the Illuminating Engineering Society of North America (IESNA) as found in publication "RP-6-15 Sports Lighting: Recommended Practice for Sports and Recreational Area Lighting," as amended at the time of installation.
- e) Timing for use of lights. The timing and use of outdoor sports/recreation venue lights shall be limited to the times specified in Table 8.3.2. All outdoor sports/recreation venue lighting systems must incorporate a recordable system that can be used to verify when the lights have been turned on and off. Use of the lighting systems for a venue for a sporting/recreational practice shall not extend past the normal required turn off time. The use of the venue lighting systems for a venue for a sporting/recreational event may extend beyond the normal required turn off time for the lights for overtime game or contest situations or weather delays, however the use of the venue lighting systems for such purposes shall not extend more than 60 minutes beyond the required venue lighting shut off time. When an extension of the use of the venue lighting system is necessary, the owner/operator shall immediately notify the Public Safety Department, and shall notify the Community Planning and Development Department the day after the event with a written explanation of the reason for the extended use.
- f) Rental and third party use of outdoor sports and recreation venues.
 - 1) Nighttime rentals or third party use requiring the use of venue lighting of outdoor sports or recreation venues owned by a college, university, or secondary school educational institution in an IC zoning district is prohibited except for an affiliate of the property owner. As used herein, an "affiliate"

means another educational institution member in the same athletic league, conference or regulatory body, such as the NCAA or MHSAA, as the property owner.

- 2) In all other zoning districts, including other non-educational institution uses in the IC zone, nighttime rentals or use of outdoor sports or recreation venues shall only be for the originally intended purpose of the venue as listed in the special use permit application. The total number of uses of the lighting system for a venue for a given year, whether by the owner/operator or other group/individual, may not exceed what is permitted for the site in Table 8.3.2, and must meet all conditions of this ordinance.
- g) Use schedule for lights and reporting. On a quarterly basis, prior to the use of lighting, the proposed use schedule for the outdoor sports/recreation lighting shall be placed on the publicly accessible website of the property owner/operator, be provided to the City of Kalamazoo by the property owner/operator, and distributed by the property owner/operator to all neighborhood associations located within a one-half-mile radius of the venue. On a quarterly basis, the property owner/operator shall provide a written report of the use of the lights to the City of Kalamazoo for the previous quarter, including the level of lighting (high/low) and times the lights were turned on and off for each use.
- h) Noise levels for illuminated outdoor sports/recreation venues. Public address systems shall utilize the best existing sound industry technology available for controlling sound volume, positioning and acoustics, and shall be set to minimize the noise impact on surrounding residences. Any permanently-installed speakers for public address systems for outdoor sports/recreation venues shall be positioned and directed away from adjacent residential areas. For sports/recreation practices, use of the public address systems and amplified music is not allowed. For sports/recreation games and contests, use of the public address system and non-amplified sound is allowed. All non-ambient noise emanating from any other source on the property during sports/recreation events and practices shall not exceed the noise decibel limitations set forth in the Kalamazoo Code of Ordinances. Portable or auxiliary sound systems and/or additional amplified sound shall not be used at any time.
- i) Violations. If any of the above standards are violated at any time and such violation is verified, the City Planner shall issue a written warning to the owner/operator of the venue in accordance with the Community Planning and Development Administrative Enforcement Policy – Enforcement of outdoor Sports/Recreation Lighting and Noise Regulations. In response to noise complaints received from the use of an outdoor sports/recreational venue, the City of Kalamazoo is authorized

to require a noise study be conducted during an event/practice/use of the venue by a qualified firm or individual at the expense of the owner/operator. If a second violation of the standards occurs within 12 months of the first violation and is verified, the City Planner shall issue a second written warning to the owner/operator of the venue and shall follow the procedures set forth in Chapter 10 of the Zoning Ordinance pertaining to violations, penalties and enforcement. Penalties shall be commensurate with the severity of the violations. If a third violation occurs within 12 months of the second violation and is verified, the matter shall be brought before the Planning Commission for review. The Planning Commission shall take action to suspend the use of the outdoor lighting and/or public address system for up to 6 months. If additional violations occur and are verified, the Planning Commission shall take action to suspend the use of the outdoor lighting and/or public address system for up to 12 months, or may revoke the special use permit and terminate use of the lights or public address system.

- j) Repair and maintenance. Normal repair and maintenance of outdoor lighting and public address systems for outdoor sports/recreation venues, such as light bulb or wiring replacement, minor repairs of damage from storms or other events, or minor repairs from normal equipment deterioration, shall be allowed. The replacement or upgrade of an outdoor sports/recreation venue lighting system (poles, light fixtures, or other lighting structure) or to a public address system must comply with the sections (a), (b), (d) and (h) of this ordinance. Such lighting and public address system replacement or upgrade shall not be used until such testing reveals it is in compliance with this ordinance.
- k) Application requirements. In making application for a special use permit under this section, the applicant shall provide written evidence including: a list of the activities that will take place at the lighted venue, photometric plans for the lighting systems, methods used to reduce glare and light spill, design plans for public address and other sound systems, graphic representations, and other support documentation to demonstrate that all of the above conditions will be met. Plans for all such lighting and/or public address systems shall be submitted to the City of Kalamazoo for formal site plan review. After obtaining all necessary city approvals and installing the lighting/public address systems, the owner/operator of the venue shall be required to have the systems tested for compliance with the conditions of this ordinance prior to use. A written report of the results of the tests shall be provided to the City of Kalamazoo. The outdoor sports/recreation venue lighting and public address systems shall not be used until such testing reveals they are in compliance with this ordinance.

Section 6. Section 8.3H.5 is amended by adding to Table 8.3-2 – Threshold for Sketch Plan and Full Site Plan – Use of Outdoor Sports/Recreation Lighting – to read as follows:

Table 8.3-2 Use of Outdoor Sports/Recreation Lighting

Distance from sports/recreation light pole to nearest residential property line:	Zones: CN-1, CN2, CC, CCBD, CMU, M-1, M-2, IC*
	Total Number of Uses Per Year
700 feet or less	None
Between 701 and 1,000 feet	65
Between 1,001 and 1,250 feet	70
1,251 or more feet	Unlimited
Timing for use of lights: (Not Allowed on Before 3PM (All Days)	Lights Off 10:30PM(All Days)

*IC –non-educational uses.

Distance from sports/recreation light pole to nearest residential property line:	Zones: IC** /P	
	Maximum Number of Events***	Total Number of Uses Per Year
	Game/Contest	Practices
200 feet or less	None	None
Between 201 and 500 feet	2	20
Between 501 and 700 feet	10	60
Between 701 and 1,000 feet	20	65
Between 1,001 and 1,250 feet	30	70
1,251 or more feet	Unlimited	
Timing for use of lights: (Not Allowed on Before 3PM (All Days)	Lights Off 8:30PM (Thurs-Sun) 10:30PM (Fri-Sat)	Lights Off 8:30PM (All Days)

** IC = Educational uses i.e. colleges, university, and secondary school uses

***Number of Games/ Contests is part of the total uses and are not counted as additional uses, provided however, in case of conflict between this Table and Ordinance 1896, the latter shall control.

Section 7. Repealer.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 8. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 9. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on December 21, 2015. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the City Charter.

Bobby J. Hopewell, Mayor

Scott Borling, City Clerk



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Sue Foune, Public Services Managing Director

PREPARED BY: Matt Johnson, P.E. City Engineer

DATE: 12/9/2015

SUBJECT: Approval of a contract with Soil and Materials Engineers, Inc. for Materials Testing Services from 2016 through 2018

RECOMMENDATION

It is recommended that the City Commission approve a contract with Soil and Materials Engineers (SME) for materials testing services in the total amount of \$109,300 for fiscal years 2016 through 2018.

BACKGROUND

In September, Public Services Engineering Division solicited Requests for Qualifications for firms interested in providing materials testing services for the City. Submissions were scored by staff and bid prices were checked for the ranked firms. SME was the successful bidder. Work will be billed at the submitted contract unit prices.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Funds for material testing on projects are included in the respective budgets.

ALTERNATIVES

The alternative of not awarding the contract extension is not recommended, as regular testing is necessary to ensure compliance with project specifications; and is a requirement for the use of federal transportation funding.

ATTACHMENTS:

Type	Description
Bid	
Results	Bid Summary for Materials Testing Services
Summary	

BID RESULTS SUMMARY

PROJECT: Materials Testing Services

DATE: December 9, 2015

BIDDERS SOLICITED: 17

BIDDERS RESPONDED: 2

MBE/WBE BIDS SOLICITED: 2

MBE/WBE BIDDERS RESPONDED: 0

BID REFERENCE NO: 955-83-012/TJ

MBE/WBE AWARDED: No

ISSUE DATE: August 11, 2015

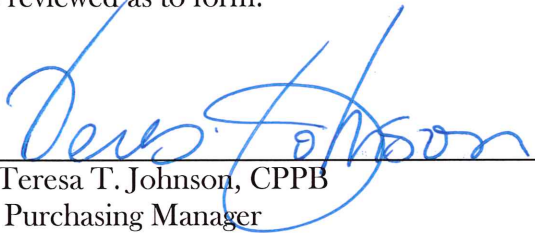
BID OPENING: September 3, 2015

APPROVAL REQUIRED: City Commission

FUNDED BY: City

<u>BIDDERS</u>	<u>RANK</u>	<u>AMOUNT BID</u>	<u>LOCATION</u>
Soil & Materials Engineers, Inc.	1	\$109,300.00	Kalamazoo County
Driesenga & Associates	2	\$148,700.00	Kalamazoo County

Purchasing procedures have been followed and City Attorney has reviewed as to form.



Teresa T. Johnson, CPPB
Purchasing Manager



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Sue Foune, Public Services Managing Director

PREPARED BY: Wendy Burlingham, Administrative Support Manager

DATE: 12/4/2015

SUBJECT: Extension of Contract for Code Enforcement Trash/Garbage Collection and Disposal

RECOMMENDATION

It is recommended that the City Commission approve a change order for Student Haulers for the removal and disposal of trash, nuisances and garbage collected pursuant to the enforcement of various city ordinances (15A, 22-3, 22-4 and 22-5) in the amount of \$59,000 to bring the total contract to \$120,000.

BACKGROUND

Under Sections 15A, 22-3, 22-4 and 22-5 of the Kalamazoo Code of Ordinances, the City has authority to correct nuisances located on public and private properties. The City uses the services of a contractor to remove and dispose of nuisance materials. The cost of each nuisance related corrective action is billed to the property owner of record. Unpaid bills become liens against the property. The City also uses the contractor to remove trash collected from the Building Blocks program.

The City's Purchasing Division accepted bids for this service on October 21, 2015, Student Haulers was the low responsive bidder and met specification requirements.

Since the contract was awarded it was discovered the quantities requested were substantially below what is currently taking place and would require an increase in the amount of the contract.

COMMUNITY RESOURCES CONSULTED

Existing City ordinances provide authorization for the services proposed through this contract.

FISCAL IMPACT

Funds for this contract were included in the Solid Waste budget for 2015 and will be included in the budget for 2016.

ALTERNATIVES

The City could choose to reduce or eliminate nuisance related code enforcement activity, however, this alternative is not recommended as enforcement of existing nuisance ordinances serves the public interest and the will of the City Commission.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Jeffrey Hadley, Public Safety Chief

PREPARED BY: Ryan Tibbets, Assistant Chief – Fire Administration/Finance

SUBJECT: 2016 Hexagon/Intergraph Maintenance Agreement

RECOMMENDATION

It is recommended that the City Commission approve a twelve (12) month maintenance contract with Hexagon/Intergraph Corporation, 241 Disk Drive, Madison, AL, 35758 in the amount of \$160,865.40 for the continued maintenance of the City's computer-aided dispatching, records management systems and mobile data computing systems.

BACKGROUND

This request reflects the annual cost of the software maintenance for the City's computerized dispatch and mobile data computing systems which, in addition to Kalamazoo Public Safety, also serves Kalamazoo Township, Schoolcraft, and Augusta Police Departments, Kalamazoo County Sheriff Department, Oshtemo, Texas and Comstock Township Fire Departments. The contract allows for twenty-four (24) hour, seven (7) days a week dial-in help desk service and continued support from the company for software upgrades and "fixes" as required. Hexagon/Intergraph is the sole source provider of the system and is therefore recommended to provide maintenance on the computer system.

COMMUNITY RESOURCES CONSULTED

None

FISCAL IMPACT

If the maintenance contract is not renewed by January 1, 2016, Public Safety is subject to a 25% penalty for each month of the lapsed contract in addition to the contract amount.

Funds for this maintenance contract are contained in Public Safety's 2016 Budget. In addition, the following agencies are required to pay yearly maintenance fees according to established contracts:

Kalamazoo Township Police Department
Kalamazoo County Sheriff Department
Oshtemo Township Fire Department
Texas Township Fire Department
Parchment Police Department

Comstock Fire Department

It is anticipated that the contract payments will be approximately \$45,000 in 2016 based on usage by the aforementioned agencies in 2015. The total cost for Public Safety will be approximately \$115,865.40.

ALTERNATIVES

An alternative to this recommendation would be to pay for maintenance and repairs on a material and labor basis. However, a renewable maintenance contract is the most efficient and cost effective method of maintaining the Hexagon/Intergraph system and it provides for the rights to the upgrades and fixes.

ATTACHMENTS:

Type	Description
□	Agreement 2016 Hexagon/Intergraph Agreement



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Sue Foune, Public Services Managing Director

PREPARED BY: Brianna Clawson, Public Services Manager

DATE: 12/9/2015

SUBJECT: 2016 Water Meter Purchase

RECOMMENDATION

It is recommended that the City Commission approve a contract extension with Etna Supply Company of Grand Rapids, Michigan for water meters, in the amount of \$200,000.

BACKGROUND

Sensus Metering Systems are the sole water meters installed throughout the City's water system. Sensus meters are known for their high quality and readily available interchangeable parts. The installation of Sensus meters have simplified operations as well as improved efficiency. Since 2008, the City Commission has approved request by Public Services to designate Sensus Metering Systems local distributor Etna Supply Company as a sole source supplier of all City of Kalamazoo water meters.

There is no increase in meter prices for 2016.

This purchase will allow the Department of Public Services to meet the demands for new connections to the public water supply system and replacement of existing meters in the system.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Funding for this purchase is included in the Department of Public Services 2016 Water Capital Improvement Budget. As new and replacement meters are dispensed from inventory, individual water budget codes will reimburse the inventory account.

ALTERNATIVES

One alternative would be to purchase water meters through the competitive bidding process. However, for the reasons of interchangeability of parts, standardization, and efficiency of operations, this is not the recommended alternative.

ATTACHMENTS:

	Type	Description
	Publication	Sole Source

CITY OF KALAMAZOO
SOLE SOURCE PURCHASE DOCUMENTATION

Sole Source Purchase:	A purchase may be awarded without competition when the User Department advises in writing, after conducting a good faith review of the marketplace, that there is only one available vendor for the required good or service.
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DATE: December 9, 2015

DEPARTMENT / DIVISION: Public Services -Water

REQUESTOR: Brianna Clawson

VENDOR: Etna Supply Company

BRIEF DESCRIPTION OF COMMMODITY OR SERVICE REQUESTED:

Water Meters.

WHAT IS THE COMMODITY OR SERVICE BEING USED FOR: New connections to the public water system and replacement of existing meters in the system.

TOTAL COST: (Including delivery/installation) \$200,000

OTHER VENDORS / SOURCES CONTACTED:

1. None
2. _____
3. _____

HOW DOES THE REQUESTED PURCHASE MEET ONE OF THE SOLE SOURCE REQUIREMENTS BELOW:

The City of Kalamazoo water system is exclusively Sensus water meters. The use of one meter standardizes the system with high quality equipment and provides interchangeability of parts and simplifies operations to improve efficiency.

PLEASE ATTACH A WRITTEN QUOTATION FROM VENDOR. A PURCHASE MUST MEET ONE OF THE FOLLOWING CIRCUMSTANCES TO BE DETERMINED BEING A SOLE SOURCE AND NOT REQUIRING COMPETITION:

1. There is a lack of responsible competition for a commodity or service which is vital to the operation and the best interest of the City;
2. A vendor possesses exclusive and/or predominant capabilities;
3. A product or service is unique and easily established as one-of-a-kind;
4. There is a patented feature providing a superior utility not obtainable from similar products;
5. A proprietary right exists and the product is available from only one prime source and not merchandised through wholesalers, jobbers or retailers.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: 12/12/2015

SUBJECT: Adoption of the 2016 City Commission Regular Meeting Schedule

RECOMMENDATION

It is recommended that the City Commission adopt a resolution setting the schedule of regular City Commission meetings for the 2016 calendar year.

BACKGROUND

The proposed 2016 schedule of regular City Commission meetings was designed with following parameters in mind:

- both the Open Meetings Act (OMA) and City Commission Rule #1 require the Commission to establish a schedule of its regular meetings for the calendar year.
- City Commission Rule #1 specifies the Commission will hold its Regular Business Meetings on the first and third Mondays of the month, except as specified in the annual schedule of meetings.
- Section 8(a) of the City Charter requires that the City Commission meet "not less than twice each month."
- if a City-observed holiday falls on the first or third Monday of the month, the Commission meeting has been moved to the next business day.

In addition to Business Meetings, the proposed 2016 schedule also includes Neighborhood Meetings on the third Monday of every month except January and December.

The recommendation to adopt a regular meeting schedule does not interfere with the ability of the City Commission to hold special Business Meetings, Committee of the Whole Meetings, or Work Sessions when necessary.

COMMUNITY RESOURCES CONSULTED

No community resources were consulted.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

ALTERNATIVES

City Commission Rule #1 requires the City Commission to "establish and publish" its schedule of regular

meetings for the calendar year prior to January 1st.

The City Commission may choose to schedule additional meetings or amend the attached schedule. However, the City Administration is confident all matters which require City Commission action can be conducted in an efficient manner using the proposed schedule of regular meetings. In addition, the City Commission may amend its meeting schedule at any time during the year if it determines that the number of meetings should be reduced or increased.

ATTACHMENTS:

Type	Description
Resolution	Meeting Schedule Resolution
Meeting Schedule	Proposed 2016 City Commission Meeting Schedule

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 15-

A RESOLUTION APPROVING AND ESTABLISHING THE SCHEDULE OF REGULAR CITY COMMISSION MEETINGS FOR THE 2016 CALENDAR YEAR

Minutes of a regular meeting of the City Commission of the City held on December 21, 2015, at or after 7:00 p.m., local time, at City Hall.

PRESENT: Commissioners:

ABSENT: Commissioners:

WHEREAS, MCL 15.265(2) requires that a public body post notice of the dates, times and places of its regular meetings within 10 days of its first meeting in a calendar year; and

WHEREAS, City Commission Rule #1 states the City Commission shall establish and publish a schedule of regular meetings that are to be held throughout the calendar year prior to January 1st of each year.

NOW, THEREFORE, BE IT RESOLVED, that the Kalamazoo City Commission hereby approves and establishes the attached schedule of meetings as its Regular Meeting Schedule for the 2016 calendar year; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to post the Regular Meeting Schedule in compliance with the provisions of MCL 15.264-265; and

BE IT FURTHER RESOLVED, that the City Commission reserves the right to modify its Regular Meeting Schedule at any time, subject to the noticing requirements specified in MCL 15.265(3).

The above resolution was offered by _____ and supported by _____.

AYES: Commissioners:

NAYS: Commissioners:

ABSTAIN: Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The forgoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on December 21, 2015. Public notice was given and the meeting was conducted in full compliant with the Michigan Open Meetings Act (PA 267,1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling, City Clerk

Kalamazoo City Commission

DRAFT 2016 Meeting Schedule

January

4 Business Meeting
19 Business Meeting

February

1 Business Meeting
15 Neighborhood Meeting
15 Business Meeting

March

7 Business Meeting
21 Neighborhood Meeting
21 Business Meeting

April

4 Business Meeting
18 Neighborhood Meeting
18 Business Meeting

May

2 Business Meeting
16 Neighborhood Meeting
16 Business Meeting

June

6 Business Meeting
20 Neighborhood Meeting
20 Business Meeting

July

5 Business Meeting*
18 Neighborhood Meeting
18 Business Meeting

August

1 Business Meeting
15 Neighborhood Meeting
15 Business Meeting

September

6 Business Meeting*
19 Neighborhood Meeting
19 Business Meeting

October

3 Business Meeting
17 Neighborhood Meeting
17 Business Meeting

November

7 Business Meeting
21 Neighborhood Meeting
21 Business Meeting

December

5 Business Meeting
19 Business Meeting

Times and Locations

Business Meetings - 7:00 p.m. in the City Commission Chambers

Neighborhood Meetings - 6:00 p.m. in the City Hall Community Room

*This meeting will take place on Tuesday rather than Monday due to the national holiday



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Laura Lam, CP&D Director

PREPARED BY: Rob Bauckham, Senior Development Planner

DATE: 12/7/2015

SUBJECT: Request to approve four new Neighborhood Enterprise Zone Certificates and to transfer one existing certificate

RECOMMENDATION

It is recommended that the City Commission adopt a resolution approving four new homestead Neighborhood Enterprise Zone (NEZ) certificates for 525 Oak Street, 509 Minor Avenue, 416 Park Place, and 715 S. Park Street, and the transfer of an existing NEZ certificate for 918 Oak Street, all in the Vine neighborhood.

BACKGROUND

On September 29, 2008, the Kalamazoo City Commission created two NEZs; one homestead NEZ in the Vine neighborhood, and one new construction NEZ in the Edison neighborhood. The program provides tax incentives for citizens to own and occupy homes in the NEZ, and requires a financial investment by the owner toward improving the property. Within each zone, homeowners or builders are required to apply for a certificate for each property in order to obtain the tax benefits. All of the applications received by the city must be approved by the City Commission. The approval takes effect in the following tax year. For example, the applications that are received and approved this year (2015) will take effect on January 1, 2016. Applicants that receive approval can participate in the program for up to ten years.

The City Clerk has received four applications for new homestead NEZ certificates. All of the properties are located in the Vine neighborhood. The first application is for 525 Oak Street. The current owner, Juvar Curtis, purchased the property in April of 2014 and uses it as his principal residence. Applicants for the homestead NEZ program are required to commit to complete a minimum of \$500 of improvements to the home within the first three years after receiving approval. Mr. Curtis has agreed to spend at least that amount by painting the exterior of the house and making improvements to the porch.

The second application is for 509 Minor Avenue. The current owner, Jordan T. Van Hall, purchased the property in September of 2015 and also uses it as his principal residence. Mr. Van Hall has agreed to spend more than \$500 on renovations to the house in the next three years.

including painting the exterior of it and upgrading the landscaping. The third application is for 416 Park Place. The current owner, Phillip O. Marsceau, purchased the property in November of 2012 and uses it as his principal residence. Mr. Marsceau has also agreed to spend at least \$500 in remodeling the house in the next three years including refinishing the hardwood floors and other interior woodwork, and installing new landscaping and fencing. The fourth application is for 715 S. Park Street. The current owner, Amy Steger, purchased the property in June of 2015 and uses it as her principal residence. Ms. Steger has also agreed to spend at least \$500 on a new roof and fencing for the house in the next three years. If approved, the certificates for all four properties would expire on December 30, 2025.

The City Clerk also received an application to transfer an existing NEZ certificate for 918 Oak Street. The original certificate was approved on the property by the City Commission on December 20, 2010 for Gregory James Gurney. Mr. Gurney sold the property to Robert E. Booth, Jr. on August 13, 2015. Mr. Booth would like to have the NEZ certificate transferred to him. He has agreed to use the property as his principal residence and to spend at least \$500 on renovations to the house in the next three years including new gutters and carpeting, and interior painting. If approved, this certificate would expire on December 30, 2020.

COMMUNITY RESOURCES CONSULTED

As part of the creation of the NEZ program for Kalamazoo, staff met with a work group that included members of the Historic District Commission, Planning Commission, Dangerous Buildings Board, and Community Development Act Advisory Committee. This group discussed the feasibility and benefits of implementing the NEZ program in the city, and provided its support for it. In addition, staff had conversations with the neighborhoods that were slated to be impacted by the NEZ program and provided several formal presentations to the neighborhood boards. The City Treasurer, Assessor, and other relevant city staff were included in the planning activities and were part of the final decision-making process on the scope of the program for Kalamazoo. The City Commission also held a public hearing to discuss the creation of the NEZ, and provided its support for the program.

FISCAL IMPACT

For new homestead NEZ certificates, the certificate is in effect for 10 years and represents a reduction of 50% of the city taxes for the home. Assuming static housing values and the city millage rate, the city would forego \$159.81 each year for the next ten years in city taxes for 525 Oak Street, \$364.73 each year for 509 Minor Avenue, \$234.46 each year for 416 Park Place, and \$307.54 each year for 715 S. Park Street if the NEZ requests are approved. For the transfer of the NEZ certificate, the city would also forego \$222.90 each year for the next five years in city taxes for 918 Oak Street.

ALTERNATIVES

The City Commission has the option of denying the four applications for the new homestead NEZ certificates in the Vine neighborhood and the application to transfer the existing NEZ certificate. It is recommended that the request be approved for each property as presented.

ATTACHMENTS:

Type	Description
□	Resolution NEZ Approval Resolution

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO.

**A RESOLUTION APPROVING FOUR NEW APPLICATIONS FOR HOMESTEAD
NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATES PURSUANT TO PUBLIC
ACT 147 OF 1992 PLUS ONE TRANSFER OF A PREVIOUSLY-APPROVED
CERTIFICATE**

Minutes of a regular meeting of the City Commission of the City of Kalamazoo held on _____, 2015, at 7:00 o'clock p.m., local time at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

Recitals:

A. The Kalamazoo City Commission adopted the Vine Neighborhood Homestead Neighborhood Enterprise Zone on September 29, 2008 so that residents of the City of Kalamazoo would have the potential to take advantage of residential tax abatements while also providing incentives to encourage neighborhood revitalization; and

B. The City of Kalamazoo is in receipt of four applications for Homestead Neighborhood Enterprise Zone Certificates for 525 Oak Street (Juvan Curtis), 509 Minor Avenue (Jordon T. Van Hall), 416 Park Place (Philip O. Marsceau), and 715 South Park Street (Amy Steger), who purchased the respective homes in the Vine Neighborhood Enterprise Zone after September 29, 2008 and are living at the above-listed addresses as their principal residences; and

C. The City of Kalamazoo is also in receipt of an application to transfer an existing Homestead Neighborhood Enterprise Zone Certificate for 918 Oak Street (Robert E. Booth, Jr.), who purchased the home in the Vine Neighborhood Enterprise Zone after September 29, 2008 and is living at the property as his principal residence; and

D. The applicants have indicated that they will invest at least \$500 in property upgrades for their respective homes within the first three years of their residence in the homestead properties.

THEREFORE, IT IS RESOLVED, that 525 Oak Street (parcel number 06-21-242-009 for Juvar Curtis), 509 Minor Avenue (parcel number 06-21-299-002 for Jordan T. Van Hall), 416 Park Place (parcel number 06-22-301-009 for Philip O. Marsceau), and 715 South Park Street (parcel number 06-22-152-002 for Amy Steger) will each be awarded a Certificate of Neighborhood Enterprise Zone for ten (10) years (2016 to 2025), and 918 Oak Street (parcel numbers 06-21-291-002/06-71-011-006 for Robert E. Booth, Jr.) will be awarded a transfer of the Certificate of

Neighborhood Enterprise Zone for five (5) years (2016 to 2020), allowing each of them to pay the reduced "Neighborhood Enterprise Zone Tax" until such time as:

1. The applicant no longer lives in the above listed address as his/her principal residence, or
2. The applicant is not current in payment of the Neighborhood Enterprise Zone Tax, or
3. Ten (10) years has elapsed from the time of the certificate issuance for the four new certificates, or five (5) years has elapsed from the time of the issuance of the transferred certificate.

The above resolution was offered by Commissioner _____ and supported by Commissioner _____/

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2015. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by said Act.

Scott A. Borling, City Clerk



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

PREPARED BY: Sean McBride, Executive Director

DATE: 11/19/2015

SUBJECT: Metro Transit Service Agreements to Cross Jurisdictional Boundaries

RECOMMENDATION

It is recommended that the City Commission approve Service Agreements to Cross Jurisdictional Boundaries with other political subdivisions and authorize the City Manager to execute the agreements on behalf of the City of Kalamazoo. These agreements will extend through September 30, 2016 at which time the Central County Transit Authority will then execute future agreements on its own behalf.

BACKGROUND

Michigan Department of Transportation (MDOT) rules require public transit providers traveling outside of their jurisdictions to abide by intercity regulations. However, Public 8 of Extra Sessions 1967 provides for the intergovernmental transfer of functions between political subdivisions. Thus, these agreements allow these public transit systems to enter each other's jurisdictional boundaries to provide public transit services.

Examples of trips include Metro Transit providing service to the Battle Creek VA Medical Center in Calhoun County, and the need for citizens outside Kalamazoo to travel, by public transportation, to medical services and facilities like Bronson Hospital, Borgess Hospital and local dialysis facilities.

Intra-Local Government Agreements were drafted by the City Attorney and have, or will be, executed by the following: Allegan County Transportation, Barry County Transit, Battle Creek Transit, Berrien County Public Transportation, Branch Area Transit Authority, Calhoun County Office of Senior Services, Cass County Transportation Authority, St. Joseph County Transportation, Van Buren Public Transit. This arrangement with these jurisdictions has been active and has worked successfully for at least five years.

COMMUNITY RESOURCES CONSULTED

The Transit Authority Board of Directors will be informed of this action at their next scheduled meeting.

FISCAL IMPACT

There is no fiscal impact associated with these agreements.

ALTERNATIVES

The only other alternative is to have no inter-local agreements with surrounding jurisdictions thus cross jurisdictional travel into surrounding counties would be prohibited by public transit vehicles and operators not approved for intercity commerce.

ATTACHMENTS:

Type	Description
▣ Agreement	Agreement between St. Joseph County Transportation and City of Kalamazoo - Metro Transit System to cross Jurisdictional Boundaries

**AGREEMENT BETWEEN
ST. JOSEPH COUNTY TRANSPORTATION**

AND

CITY OF KALAMAZOO -METRO TRANSIT SYSTEM

TO CROSS JURISDICTIONAL BOUNDARIES

This Agreement, between the **Kalamazoo Metro Transit System of the City of Kalamazoo** ("Metro Transit"), whose address is 530 North Rose Street, Kalamazoo, Michigan, 49007, and the St. Joseph County Transportation, whose address is 810 Webber Avenue, Three Rivers, MI 49093.

Recitals

Each of the above-named parties has been designated as a public transportation provider within the State of Michigan, under the authority outlined in Public Act 51 of 1951, as amended; and

Each party has identified public transportation needs within its jurisdictional boundary where the travel into the other's jurisdictional boundary exists; and,

Statutory authority exists through Public Act 8 of Extra Session 1967 which provides for inter-governmental transfers of functions and responsibilities between political subdivisions and Public Act 35 of 1951 which permits municipal corporations to contract for the joint performance of services; and

Both parties desire to offer transportation services that enable regional travel beyond and across jurisdictional boundaries in order to meet their public transportation needs.

Agreement

In consideration of the mutual benefits to be conferred and obtained by this Agreement, it is agreed between the parties as follows:

1. That each party shall be permitted to provide limited local public transportation services in the other party's jurisdictional bus service area and corporate boundary; the parties specifically do not intend by the terms of this Agreement to create any separate legal or joint administrative entity to provide transportation services.
2. Those in order to realize operational efficiencies and better serve the public, each party permits and transfers to the other party the ability and right to operate and provide local bus service within its service area and corporate boundary.
3. That neither party shall have any responsibility for or authority over the other's employees, equipment or facilities.
4. That each party will be separately responsible for the fixing of rates and fees for the transportation services it provides, and each party shall be solely accountable for its own revenues and expenses and will not seek any financial support from or the sharing of revenue with the other party for the operation of transportation services.

5. That each party will separately provide insurance coverage for its employees and equipment, and liability insurance coverage for any action of its employees or equipment at its own expense while operating in the area of jurisdiction and operating authority of the other party. A certificate evidencing the existence of such coverage shall be delivered to the other party upon request.
6. That each party will coordinate with and assist each other in providing efficient and effective transportation services.
7. Notices under this Agreement shall be sent to the following:

City of Kalamazoo Metro Transit
c/o Executive Director
530 North Rose St
Kalamazoo, MI 49007

and

St. Joseph County Transportation
c/o Executive Director
810 Webber Avenue
Three Rivers, MI 49093
8. That this Agreement shall have a term of one (1) year from October 1, 2015 to September 30, 2016; provided, however, this Agreement may be terminated at any time through joint action of both parties.
9. This Agreement represents the complete agreement and understanding of the parties.
10. This Agreement may be amended by agreement of the parties in the same manner as this original contract was made.
11. This Agreement shall become effective after execution by the authorized representatives of both parties and filing with the Michigan Secretary of State.

The signatories to this Agreement, acting under a concurrent resolution adopted by the governing body of each political subdivision to this agreement, are authorized to execute this Agreement.

**CITY OF KALAMAZOO
METRO TRANSIT SYSTEM**

Date: _____

By: _____
James Ritsema

Its: City Manager

ST. JOSEPH COUNTY TRANSPORTATION

Date: _____

By: _____

Its: _____
Board Chair

Drafted By:
Clyde J. Robinson, City Attorney
City of Kalamazoo
241 W. South St, Suite 300
Kalamazoo, MI 49007



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Anderson, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Clyde J. Robinson and Thomas C. Skrobola

PREPARED BY: John W. Kneas

DATE: 10/27/2015

SUBJECT: Sixth Amendment to Restated Contract of Sublease for City of Kalamazoo
Parking System

RECOMMENDATION

It is recommended that the City Commission approve and authorize the City Manager to sign the Sixth Amendment to Restated Contract of Sublease.

BACKGROUND

On May 18, 2015 the City Commission adopted Resolution 15-23 authorizing the issuance of the City of Kalamazoo 2015 Limited Tax General Obligation Refunding Bonds, Series 2015B. This refunded indebtedness that was incurred from the demolition of the former 'Gilmore Ramp' and the construction of the Kalamazoo Mall Ramp (KMR), with connecting skywalks, as part of the former RAVE Theatre project.

The Fifth Amendment to Restated Contract of Sublease approved by the City Commission on May 6, 2013, reflected that change in the Parking System facilities and included other provisions to bring the Sublease current. With the refunding of the KMR Bonds – as they were identified in the Fifth Amendment – it is necessary to approve the Sixth Amendment.

COMMUNITY RESOURCES CONSULTED

On July 20, 2015 the Downtown Development Authority of the City Of Kalamazoo approved the Sixth Amendment. The Building Authority will be meeting before the City Commission meeting and it is anticipated it will also approve the Sixth Amendment. Other than these bodies no other community resources were consulted.

FISCAL IMPACT

The 2015 Bond will provide a cost savings towards the remaining indebtedness against KMR for FY 2015-2029 of over \$900,000; the DDA will enjoy a portion of those savings, equal to approximately \$65,000 annually.

ALTERNATIVES

The City Commission could decline to approve the Sixth Amendment to the Restated Contract of Sublease, but considering the Commission’s approval for the 2015 Bond issue this action is not recommended.

ATTACHMENTS:

Type	Description
▣	Lease Sixth Amendment to the Sublease for the Parking System

**SIXTH AMENDMENT TO
RESTATED CONTRACT OF SUBLEASE FOR
THE CITY OF KALAMAZOO PARKING SYSTEM**

This Agreement, effective as of _____, 2015, the date following approval of all the parties, among the CITY OF KALAMAZOO, a Michigan municipal corporation ("the City"), the DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF KALAMAZOO, a public corporation organized and existing pursuant to the authority of Act 197, Public Acts of Michigan, 1975, MCL 125.1651 et seq. ("DDA") and the CITY OF KALAMAZOO BUILDING AUTHORITY, a public corporation organized and existing under the authority of Act 31, Public Acts of Michigan, 1948 (first extra session) as amended, ("Building Authority") is as follows:

RECITALS:

A. On December 6, 2002, the above parties signed a Restated Contract of Sublease ("Restated Contract") for the City of Kalamazoo Parking System ("Parking System") in which the DDA undertook the responsibility for the operation and maintenance of the Parking System. The Restated Contract was subsequently amended five times, the first four of which involved the removal of some parking spaces from various parking lots within the Parking System. The Fifth Amendment, dated May 7, 2013, was the result of the demolition of the former 'Gilmore Ramp' and the construction of a new parking ramp for the mixed use theater/office/residential project.

B. The new ramp is commonly known as the Kalamazoo Mall Ramp ("KMR Ramp"). And in order to finance the construction of the KMR Ramp, the Building Authority issued multiple series of bonds, as detailed and identified in the Fifth Amendment as 'KMR Bonds'.

C. The parties desire to execute this Sixth Amendment to the Restated Contract to reflect the issuance by the City of new refunding bonds for retiring some of the indebtedness against the Parking System facilities, specifically the KMR Bonds. These bonds, identified as Limited Tax General Obligation Refunding Bonds, Series 2015B ("2015 Bonds"), will save the City and DDA money in comparison to the payments now made to retire the existing indebtedness.

NOW, THEREFORE, IT IS AGREED that this Sixth Amendment amends the Restated Contract as follows:

1. Agreement. The parking ramps and lots which comprise the Parking System remain as described in the revised and attached Exhibit "A" to the Fifth Amendment. For purposes of this Sixth Amendment the Restated Contract is also identified as "2015 Sublease".

2. Term. The 2015 Sublease will terminate initially on the date the last remaining bond of the Parking System Bonds, as defined in Paragraph 3.1, is fully paid and the obligation is satisfied either at maturity or by refinancing or other defeasance ("Termination Date"). However, the Termination Date shall not extend beyond the date when the Plan Amendment to the Downtown Development Plan and Tax Increment Financing Plan was approved extending such TIF Plan from 2018 until October 1, 2029.

3. Rent. The DDA shall pay rent to the City for the use and operation of the Parking System as follows:

a. Subject to Paragraph 3b, that amount necessary to pay the annual principal and interest when due on the Parking System Bonds. Those payments shall come from the sources (generically tax increment revenues – both from specific projects and DDA district wide – and parking system revenues) and follow the processes as both are defined and outlined in the Restated Contract, except that Exhibit C is replaced by a process involving projections for the amount of tax increment revenues DDA is anticipated to receive over one and two year periods, which projections are updated at least annually. The City's Chief Financial Officer will provide these projections following a reasonable mutually agreed upon timeline in order to assist DDA in initially preparing and transmitting its budget summary and certification to the City before the DDA adopts its final budget as detailed in Paragraph 4 of the Restated Contract.

b. DDA is not responsible for that portion of the annual principal and interest payments against the 2015 Bonds for which the City of Kalamazoo Brownfield Redevelopment Authority ("BRA") agreed to apply all tax increment revenues it annually captures from the KMR Ramp/RAVE Theater project, as evidenced by the resolution adopted by BRA on October 21, 2004 and subsequent letter of understanding dated April 12, 2007.

3.1 Parking System Bonds. As of the date of this Sixth Amendment the Parking System Bonds, which shall continue in force and effect under the 2015 Sublease, consist of: (i) the Building Authority's 2011 Building Authority Refunding Bonds, and (ii) the City's Limited Tax General Obligation Refunding Bonds, Series 2015B. For purposes of the 2015 Sublease and DDA's obligations toward debt service, the Parking System Bonds shall also include any additional bonds, including tax anticipation notes, issued by the City or Building Authority on behalf of DDA for new facilities or major renovations and improvements to existing facilities that comprise the Parking System, and any bonds issued to refinance Parking System Bonds.

After the issuance of the 2015 Bonds the City will prepare and attach to this Sixth Amendment the schedule of debt service for each remaining year of indebtedness under each Parking System Bond, similar to the schedule the City's Chief Financial Officer prepared for the previous Exhibit C under the Restated Contract. This schedule will also footnote the participation of BRA in applying the tax increment revenues it captures for KMR.

Unless specifically modified by the terms of this Fifth Amendment, the terms and provisions of the Restated Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

Dated: _____, 2015

CITY OF KALAMAZOO

By: _____

James K. Ritsema

Its: City Manager

Dated: July 30, 2015

DOWNTOWN DEVELOPMENT
AUTHORITY

By:  _____

Steven Deisler

Its: Executive Director

Dated: _____, 2015

CITY OF KALAMAZOO
BUILDING AUTHORITY

By: _____

James K. Ritsema

Its: Chairperson



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

PREPARED BY: Sean Fletcher, CPRP, Parks & Recreation Director

DATE: 12/15/2015

SUBJECT: Grant from the Kalamazoo Municipal Recreation Endowment Fund that provided financial assistance scholarships for youth programs in 2015.

RECOMMENDATION

It is recommended that the City Commission accept a grant from the Kalamazoo Municipal Recreation Endowment Fund in the amount of \$28,148 that provided financial assistance scholarships for youth programs in 2015.

BACKGROUND

The Department of Parks and Recreation has an ongoing objective to seek alternative funding beyond City general fund dollars. The Kalamazoo Municipal Recreation Endowment Fund was established to provide financial assistance to children and families that meet established financial criteria that are interested in participating in recreation programs and events.

As of December 1st, a total of \$28,148 in financial assistance has been provided that allowed children and families to participate in various youth programs offered throughout the year.

In 2015, the Friends of Recreation Board approved a total of up to \$25,000 with an additional contingency of up to \$3,167 remaining from the 2014 approved amount to be used to fund scholarships for youth programs. A total amount of \$28,148 in scholarship assistance was awarded in 2015.

COMMUNITY RESOURCES CONSULTED

Friends of Recreation Board

FISCAL IMPACT

Funds will be requested from the Kalamazoo Municipal Recreation Endowment Fund through the Kalamazoo Community Foundation.

ALTERNATIVES

The City Commission could choose to not accept the funds; however this would result in lost revenue to the City.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Mayor Bobby J. Hopewell

PREPARED BY: Scott A. Borling, City Clerk

DATE: 12/15/2015

SUBJECT: Appointment and Reappointment to the Historic District Commission

RECOMMENDATION

It is requested the City Commission approve 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;
- the reappointment of **Bob Oudsema** for a term expiring on January 1, 2019.

BACKGROUND

State law and City ordinance establish that the Mayor appoints and reappoints members to the Historic District Commission (HDC). I have reviewed the Nomination Report for Mr. Shell and Mr. Oudsema and have appointed and reappointed them to the HDC. I am now requesting City Commission approval as required by ordinance. The attached Nomination Report describes the qualifications of Mr. Shell and Mr. Oudsema.

COMMUNITY RESOURCES CONSULTED

This appointment and reappointment were recommended by the members of the Historic District Commission.

FISCAL IMPACT

There is no fiscal impact directly associated with this appointment and reappointment.

ALTERNATIVES

The City Commission could choose to approve this appointment and reappointment, not approve them, or postpone action to a date certain.

ATTACHMENTS:

Type	Description
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☐	Report HDC Nomination Report
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Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The Historic District Commission (HDC) recommends that the Mayor approve the appointment of Bobby Joe Shell for his first full term and the re-appointment Bob Oudsema to a second term on the Historic District Commission through January 1, 2019.

SPECIAL REQUIREMENTS FOR THIS POSITION

All Historic District Commissioners are required by ordinance to have “a clearly demonstrated interest in or knowledge of historic preservation.” Mr. Shell has rehabilitated several houses on South Rose and Rose Court in the 25 years he has lived in the Vine neighborhood. Mr. Oudsema is a realtor and has been involved with several projects.

SELECTION PROCESS

Applicants Considered

Three applications were received for the open seat. In addition to Mr. Shell, applications were received from Andrew Haan and Jacqueline Anger. Both live in the city and have a knowledge of historic preservation.

Interview Process and Final Recommendation

The applicants were informed about the commission procedures and expectations. All received packets for the October 20 HDC meeting and were invited to attend. When the commission finished the hearing, all three applicants were interviewed by the group. After all questions were answered, the applicants were asked to leave and the commission deliberated and chose Mr. Shell.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Mr. Shell is not currently serving on any other city board or commission.

Residency

Mr. Shell lives at 828 South Rose Street in the Vine neighborhood. His home is adjacent to the Rose Place Historic District and he owns rental property in the historic district.

Term Limits

This would be a first appointment to the HDC for Mr. Shell. At the end of this term on January 1st, 2019 he would be eligible for re-appointment.

Training, Experience, Education and Skills

Mr. Shell has an avid interest in historic preservation and, with his wife and family, have rehabilitated several homes. In the 1990s, he and his family renovated their home adjacent

to the Rose Place Historic District, winning an award from the Historic Preservation Commission and featured in an article in the 2001 Kalamazoo: Lost and Found. He owns rental property in the Rose Place historic district. He has also served on the board of the Vine Neighborhood Association.

Contribution to Diversity

Mr. Shell is of African-American descent, lives in the South Street-Vine Area Historic District and is over 65 years old.

NOMINATION RATIONALE

The Commission recommends the appointment of Mr. Shell and the reappointment of Mr. Oudsema based on their interest and knowledge of practical preservation issues and enthusiasm for preservation.

CITY CLERK'S CERTIFICATION

The nominees' qualifications regarding dual board memberships, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: 12/15/2015

SUBJECT: Appointments to the Parks and Recreation Advisory Board

RECOMMENDATION

It is recommended that the City Commission approve the following appointments to the Parks and Recreation Advisory Board:

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

BACKGROUND

The City Commission must approve appointments and reappointments to the Parks and Recreation Advisory Board (PRAB). The City Clerk's Office receives applications for PRAB and forwards them to the staff liaison. It is then the responsibility of PRAB to nominate potential members and the City Clerk to present these nominations to the City Commission. The attached *Appointee Nomination Report* details the nominees' qualifications.

COMMUNITY RESOURCES CONSULTED

These nominations were recommended by the members of PRAB.

FISCAL IMPACT

There is no fiscal impact directly associated with these appointments.

ALTERNATIVES

The City Commission could approve these appointments, not approve them, or postpone action to a date certain.

ATTACHMENTS:

Type Description

- Report PRAB Nomination Report - Bol
- Report PRAB Nomination Report - Roland



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The Parks and Recreation Advisory Board (PRAB) recommend that the City Commission approve the following appointment:

- The appointment of Christopher Bol to fill a vacant position on the PRAB Board. Mr. Bol's term would expire January 1, 2019.

SPECIAL REQUIREMENTS FOR THIS POSITION

The PRAB membership requires representatives be residents of the City of Kalamazoo.

SELECTION PROCESS

Applicants Considered

The City Clerk's Office has an application on file for PRAB. The Committee reviewed the application of Mr. Bol and he attended the November 10th, 2015 meeting.

Interview Process and Final Recommendation

PRAB conducted an interview with Mr. Bol at their regularly scheduled meeting on November 10th. Following the interview, the Board discussed the results of the interview and each of Mr. Bol's qualifications. The PRAB voted 6-0 to recommend Mr. Bol for appointment.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Currently, Mr. Bol is not serving on another City Advisory Board.

Residency

Mr. Bol resides in the city of Kalamazoo in the South Westnedge neighborhood.

Term Limits

This would be a three year term and Mr. Bol would be eligible to serve one more consecutive full term after this term expires.

Training, Experience, Education and Skills

Mr. Bol is an avid bicyclist and enjoys visiting City parks. He is a regular volunteer at Ministry with Community and expressed an interest in learning more about the City parks system and contributing in any way he could.

Contribution To Diversity

Mr. Bol lives in the South Westnedge neighborhood.

NOMINATION RATIONALE

Mr. Bol expressed a strong desire to become more involved in the community and was recommended by former PRAB member Travis Bell. The Board believes that his positive attitude and insight will be very beneficial to the Board, the Parks and Recreation Department, and the City of Kalamazoo.

CITY CLERK'S CERTIFICATION

The nominee's qualifications regarding dual board memberships, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The Parks and Recreation Advisory Board (PRAB) recommend that the City Commission approve the following appointment:

- The appointment of Pam Roland to fill a vacant position on the PRAB Board. Ms. Roland's term would expire January 1, 2019.

SPECIAL REQUIREMENTS FOR THIS POSITION

The PRAB membership requires representatives be residents of the City of Kalamazoo.

SELECTION PROCESS

Applicants Considered

The City Clerk's Office has an application on file for PRAB. The Committee reviewed the application of Ms. Roland and she attended the November 10th, 2015 meeting.

Interview Process and Final Recommendation

PRAB conducted an interview with Ms. Roland at their regularly scheduled meeting on November 10th. Following the interview, the Board discussed the results of the interview and each of Ms. Roland's qualifications. The PRAB voted 6-0 to recommend Ms. Roland for appointment.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Currently, Ms. Roland is not serving on another City Advisory Board.

Residency

Ms. Roland resides in the city of Kalamazoo in the Northside Neighborhood.

Term Limits

This would be a three year term and Ms. Roland would be eligible to serve one more consecutive full term after this term expires.

Training, Experience, Education and Skills

Ms. Roland is the Executive Director of the Kalamazoo Junior Girls and has been a community activist and volunteer for over 35 years. The Kalamazoo Junior Girls have adopted MLK Park. The group coordinates volunteer efforts in conjunction with the Parks Division to plant flower beds and maintain the park.

Contribution To Diversity

Ms. Roland lives in the Northside neighborhood.

NOMINATION RATIONALE

Ms. Roland expressed a strong desire to continue her involvement in the community and has an interest in City parks. PRAB is in need of representation from the Northside Neighborhood and the Board believes that her years of experience, community connections and insight will be very beneficial to the Board, the Parks and Recreation Department, and the City of Kalamazoo.

CITY CLERK'S CERTIFICATION

The nominee's qualifications regarding dual board memberships, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: 12/18/2015

SUBJECT: Approval of City Commission Minutes

RECOMMENDATION

It is recommended that the City Commission approve the minutes from its meeting on December 7, 2015.

ATTACHMENTS:

Type	Description
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	Minutes December 7, 2015 Business Meeting Minutes
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Roll Call

A business meeting of the Kalamazoo City Commission was held on Monday, December 7, 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 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 Doris Hope, 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:

A citizen requested that Items F-2 (purchase of a sewer inspection truck) and F-9 (issuance of Tax Anticipation Notes) be moved to the Regular Agenda.

City Manager Ritsema indicated Item F-14, amendment to the purchase agreement for the sale of Eastern Hills Golf Course, was being removed from the agenda.

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 contract to purchase Waterous fire hydrants from ETNA Supply Company for an amount not to exceed \$257,050.
- approval of a contract extension for the purchase of 200 dry tons of ferric chloride from PVS Technologies in the amount of \$121,800.
- approval of a one-year contract extension with Rieth-Riley Construction Company for the purchase of asphalt paving materials in the amount of \$322,900.
- approval of a one-year contract extension with Lakeland Asphalt Corporation for the purchase of 1,500 tons of asphalt patching material in the amount of \$134,250.
- first reading of an ordinance to regulate quadricycles.

- | | |
|--|------------------|
| - adoption of a RESOLUTION setting a public hearing for December 21, 2015 to consider the Proposed Fiscal Year 2016 Budget for the City of Kalamazoo. | Resolution 15-43 |
| - adoption of a RESOLUTION approving an amendment to the City of Kalamazoo's Brownfield Plan [Amended and Restated Brownfield Plan (Amendment No. 27)] implemented and recommended for approval by the City of Kalamazoo Brownfield Redevelopment Authority following a public hearing before the Brownfield Redevelopment Authority. | Resolution 15-44 |
| - adoption of a RESOLUTION approving the transfer of \$250,000 from the Economic Initiative Fund to the City of Kalamazoo Brownfield Redevelopment Authority to assist NoMI Developers, LLC in the redevelopment of an obsolete and underutilized brownfield property at 505 & 508 North Street. | Resolution 15-45 |
| - adoption of a RESOLUTION recognizing the Kalamazoo Dream Center as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license. | Resolution 15-46 |
| - adoption of a RESOLUTION recognizing the Bronson Health Foundation as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license. | Resolution 15-47 |
| - approval of an amendment to the sale and purchase agreement with Kalamazoo Charter Township for a strip of land at 1720 Riverview for public right-of-way purposes. | |
| - acceptance of a Wellhead Protection Grant from the Michigan Department of Environmental Quality in the amount of \$60,000 and approval of the grant agreement. | |
| - approval of a request from New Year's Fest of Kalamazoo to publicly display fireworks from the Epic Center Parking Structure on Thursday, December 31, 2015 at midnight as part of the annual New Year's Fest event. | |
| - approval of the minutes from the City Commission meetings on November 16, 2015. | |

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 items were considered next.

Regular Agenda

Purchase of a Sewer
Inspection Truck

When an opportunity was given for citizens to comment on the purchase of one fully equipped IBAK brand Sewer Inspection truck from Jack Doheny Companies in the amount of \$300,886.85, the following people addressed the City Commission:

Richard Stewart, City resident, suggested this purchase be postponed for six months in an effort to follow one of the alternatives offered in the agenda report for Item F-9, the issuance of Tax Anticipation Notes (TANS).

Commissioner Anderson, seconded by Vice Mayor Cooney, moved to approve the purchase of one fully equipped IBAK brand Sewer Inspection truck from Jack Doheny Companies in the amount of \$300,886.85.

Prior to a vote on the motion, Commissioner Milcarek noted many purchases would need to be postponed in order to save enough money to eliminate the need for TANS. Commissioner Milcarek indicated he trusted the staff recommendation that this was a necessary purchase.

Commissioner Urban stated he was not sure whether this purchase could be postponed, but the City needed to consider delaying or cancelling unnecessary purchases when experiencing difficult fiscal challenges.

City Manager Ritsema clarified the funds for this is purchase would come from the Wastewater Fund, not the General Fund, so there would be no impact on the need for TANS if the purchase was postponed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Resolution 15-48
Authorizing the
Issuance of Tax
Anticipation Notes

When an opportunity was given for citizens to comment on a resolution authorizing the issuance of Tax Anticipation Notes in the amount of \$3,000,000 for fiscal year 2016, the following people addressed the City Commission:

Richard Stewart, City resident, observed TANS were essentially a payday loan and stated the City needed to get its budget under control so it did not need to borrow money for cash flow purposes. Mr. Stewart reviewed the alternatives offered in the agenda report and expressed surprise that none of them were recommended.

Commissioner Milcarek, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** authorizing the issuance of Tax Anticipation Notes in the amount of \$3,000,000 for fiscal year 2016.

Prior to a vote on the motion, Commissioner Anderson explained the amount of the TANS issued had decreased from \$6-3 million during his time on the Commission. Commissioner Anderson stated the preferred solution was to have a larger fund balance and cash reserve, which could happen if a number of current initiatives come together.

Commissioner Milcarek stated it was no secret the City had financial challenges, but the organization needed to keep operating and providing services. Commissioner Milcarek agreed that it would be good to not need TANS.

Mayor Hopewell described staffing reductions in recent years and stated the City was always looking for ways to save and reduce while still providing services.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Community Planning and Development Director Laura Lam provided background information on a proposed ordinance to regulate outdoor sports/recreation lighting and described the public participation process used to develop the ordinance. Director Lam noted that 10 changes to the proposed ordinance had been made as a result of community and neighborhood meetings. Director Lam highlighted major elements of the proposed ordinance and thanked everyone who participated in its development.

When an opportunity was given for citizens to comment on an ordinance outlining a text amendment to Sections 12.3, 3.7, 4.1 and 8.3.D. of the Zoning Ordinance to add outdoor sports/recreation lighting and noise regulations, the following people addressed the City Commission:

Greg Diment, Associate Provost and Chief Information Officer for Kalamazoo College (K-College), commended City staff for the process used to develop the proposed ordinance. Mr. Diment stated the primary concern for K-College was having enough practice sessions for its fall sports teams. Mr. Diment indicated 60, 2-hour practice sessions were needed, but the restrictions in the proposed ordinance (20 total uses per year, with an end time no later than 8:30 p.m.) only allowed for 40 practice sessions, which was not enough. Mr. Diment noted the Planning Commission action to increase the number of games allowed from 2-4 did not help, as a game would count as one of the total uses and reduce the amount of practice time.

Claus Globig, City resident, stated there should be no lighting of school athletic fields located in residential areas.

Louise Wright, City resident and President of the West Main Hill Neighborhood Association, commended the City for including the Association in the ordinance process but expressed concern that changes to the ordinance were made outside of the workgroup and community meetings, which left many residents surprised and upset about the lighting and noise levels permitted by the final proposed ordinance. Ms. Wright noted there was an ordinance already in place that addressed stadium lighting for K-College,

Resolution 15-48
Authorizing the
Issuance of Tax
Anticipation Notes
(cont'd)

First Reading of an
Ordinance to Add
Outdoor Sports/
Recreation Lighting
and Noise Regulations

First Reading of an Ordinance to Add Outdoor Sports/ Recreation Lighting and Noise Regulations (cont'd)

and she asked the City Commission to postpone action until there was more widespread support for the new ordinance.

Peter Kushner, City resident and President of the Oakland/Winchell Neighborhood Association, stated the Neighborhood was against both stadium lighting and the noise involved with night events. Mr. Kushner indicated the ordinance development process had started positively but then broke down along the way. Mr. Kushner stated this was a citywide ordinance and should not be handled like a "special interest" ordinance for K College. Mr. Kushner requested the City Commission delay action on the ordinance as there were still unanswered questions and unaddressed issues. Mr. Kushner stated there must be a way to satisfy everyone.

Jim Hopfensperger, City resident, thanked the Planning staff for their work but stated there was a disjointing between the input process City Planner Rebecca Kik imagined and what actually happened. Mr. Hopfensperger recommended the City Commission take a step back and do more work on the ordinance.

Max Tibbitts, City resident, commended staff for using a great, authentic, public participation process. Mr. Tibbitts stated it was disingenuous to pass an ordinance for the whole City to address the needs of K College and noted the current ordinance did not even meet those needs.

Kate Worster, Associate Vice President for Marketing and Communications at K-College, offered remarks on the importance of K-College to the community and the importance of athletics to the student experience. Ms. Worster stated the proposed ordinance put the College's athletes at a competitive disadvantage and indicated 60, 2-hour practice slots were needed.

Maureen Cartmill, City resident, commented on how the numbers in the Use Table changed significantly between meetings and stated attendance at the Planning Commission meeting was low because people had lost hope in the process. Ms. Cartmill noted the number of lighted events included both football and soccer, and they were condensed in a small window of time, which heightened the impact.

Vicki Nelson, City resident, stated there was a lot of good dialogue and conversation at the beginning of the ordinance development process, but then things started happening outside of that process.

Vice Mayor Cooney, seconded by Commissioner Knott, moved to offer for first reading an ordinance outlining a text amendment to 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, Commissioner Anderson discussed the benefits of having an institution like K College in the community and stated the community needed to find a way to support it.

Commissioner Urban stated he was not satisfied with the vote at the Planning Commission meeting and recommended returning the number of games allowed from four (4) back to the original staff recommendation of two (2).

Commissioner Urban, seconded by Vice Mayor Cooney, moved to amend Table 8.3-1a addressing zones IC/P to reduce the maximum number of lighted games from 4 to 2 when the nearest light pole is between 201 and 500 feet to a residential property line.

With a roll call vote the motion to amend passed 6-1.

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

NAYS: Commissioner Anderson

Discussion continued on the proposed ordinance, as amended.

Commissioner Sykes stated she wanted to see a proposed ordinance that granted benefits to both sides, which would be true compromise.

Commissioner Milcarek acknowledged the concerns of the citizens who spoke and stated it was unlikely that an entity would build a new lighted stadium under the restrictions in the ordinance, which meant it would only really apply to K College. Commissioner Milcarek noted K College would not be subject to restrictions in an ordinance adopted after January 1, 2016, in which case Ordinance 1896 would govern stadium lighting at the College.

Vice Mayor Cooney remarked on K College's contributions to the community and thanked Director Lam for her work. Vice Mayor Cooney noted discussions on the ordinance had begun on March 18th, and a decision needed to be made.

Commissioner Urban stated additional dialogue would not move things very far, and concerns about noise would be addressed in a separate ordinance that would be developed in 2016. Commissioner Urban noted K College had put in writing that 20 lighted events were acceptable, and this number was acceptable to a lot of residents too.

In response to a question from Mayor Hopewell, Director Lam explained changes were made throughout the process based on the comments and needs of stakeholders, with one significant change being an increase in the number of lighted events from 5 to 20. Director Lam stated there were two neighborhood meetings and one workgroup meeting between community meetings #2 and #3, which could have given people who attended only the community meetings the impression that changes were made behind the scenes.

First Reading of an Ordinance to Add Outdoor Sports/ Recreation Lighting and Noise Regulations (cont'd)

Motion to Amend the Proposed Ordinance

First Reading of an Ordinance to Add Outdoor Sports/ Recreation Lighting and Noise Regulations (cont'd)

First Reading of an Ordinance to Add Outdoor Sports/ Recreation Lighting and Noise Regulations (cont'd)

Mayor Hopewell stated people were going to have issues with whatever ordinance came out of the development process.

Commissioner Anderson noted the motion was to offer the ordinance for first reading, and he requested clarification on the time frame for making changes to the proposed ordinance.

City Attorney Robinson clarified that ordinances needed to be adopted at regular meetings, and if substantial changes were made to the proposed ordinance on December 21st there would need to be another first reading, which would push final adoption beyond the stadium lighting deadline specified in Ordinance 1896. City Attorney Robinson explained the requirements for contract zoning and noted K College could approach the Commission with an offer to amend Ordinance 1896 to change the deadline.

With a roll call vote the motion to offer the amended ordinance for first reading passed unanimously.

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

NAYS: None

City Manager's Report

City Manager Ritsema reported the Blue Ribbon Revenue Panel had met for the last time that afternoon and had concluded its work. City Manager Ritsema stated the report from the Revenue Panel would be presented to the City Commission on January 4th.

Policy Items

Policy Items were considered next.

Resolution Supporting the EPA's Proposed Plan (Alternative 2D) for the Cleanup of the Allied Disposal Site

When an opportunity was given for citizens to comments on a resolution supporting the United States Environmental Protection Agency's Proposed Plan (Alternative 2D) for Clean-Up of the former Allied Site Landfill officially known as Operable Unit #1 of the Kalamazoo River/Portage Creek Superfund Site, the following people addressed the City Commission:

Tammy Hibner, City resident, expressed concern about the direction the City was taking on the Allied Site and noted "community input" was 9th on the EPA's list of considerations when deciding on a solution for a contaminated site. Ms. Hibner expressed support for the solution offered by BioPath.

Chris Wahmhoff, City resident and member of the Environmental Concerns Committee, stated it was not the time for the City to compromise on the Allied Site. Mr. Wahmhoff expressed support for the solution offered by BioPath.

Claus Globig, City resident, referenced his years of research and stated PCB's were not toxic.

Jim Miller, non-resident and President of Catskill Remedial Contracting Services in Otsego, stated his company would be the excavators used by BioPath, and he indicated he would hire local workers for the Allied Site project.

Mick Warner, President of BioPath, stated his company could achieve the total effective removal of PCB's from the Allied site, and he asked that language be added to resolution that supported "total effective removal."

Dave Buskirk, City resident, stated the proposed resolution granted approval to a path that stood against the position of the community and every previous elected official with regard to the Allied Site.

Marla Fisher, City resident, expressed support for the total removal of contaminated soil from the Allied Site but understood that holding out for the "total removal" option would result in being put on a waiting list that effectively meant no action would be taken. Ms. Fisher expressed support for the solution offered by BioPath.

Commissioner Anderson, seconded by Vice Mayor Cooney, moved to adopt a **RESOLUTION** supporting the United States Environmental Protection Agency's Proposed Plan (Alternative 2D) for Clean-Up of the former Allied Site Landfill officially known as Operable Unit #1 of the Kalamazoo River/Portage Creek Superfund Site.

Prior to a vote on the motion, Vice Mayor Cooney expressed support for total removal, but the money isn't there. If removal isn't an option, let's do the best we can do. Biopath should have the opportunity to show whether their solution works.

Vice Mayor Cooney, seconded by Commissioner Knott, moved to add language to section "I" of the resolution to indicate Alternative 2D was the best plan on the table for the moment, but BioPath should have the opportunity to demonstrate whether its solution would work for the Allied site.

Prior to a vote on the motion, discussion took place about the appropriateness of including the name of a specific company in the resolution, whether to delay consideration of the resolution until December 21st, whether the resolution should be adopted at all, and the need to connect BioPath with representatives from the EPA.

In response to questions from the City Commission, consultant Bruce Merchant stated there was no urgency to adopt the resolution, as the next milestone in the process would be in March. Mr. Merchant indicated he did not know much about BioPath and stated it was his understanding discussions between BioPath and the EPA had already started. Mr. Merchant explained many emerging technologies for remediating PCB contamination were not able to successfully scale-up

Resolution Supporting the EPA's Proposed Plan (Alternative 2D) for the Cleanup of the Allied Disposal Site (cont'd)

Amendment to the Resolution re: BioPath

Amendment to the
Resolution re: BioPath
(cont'd)

from treating small volumes of contaminated material to large volumes. Mr. Merchant confirmed the EPA's proposed plan (Alternative 2D) included constant monitoring of the Allied Site.

Commissioner Milcarek stated the EPA and BioPath needed to come together before the Record of Decision (RoD) was issued.

Mayor Hopewell suggested the best role for the City in this situation was to facilitate the EPA and BioPath coming together.

Commissioner Urban suggested the Commission vote on the amendment and then on the resolution.

Commissioner Sykes stated the City Commission should do both: adopt the resolution and work to bring together the EPA and BioPath. Commissioner Sykes indicated she was fine with postponing action on the resolution until December 21st.

Vice Mayor Cooney stated Mr. Merchant and City Manager Ritsema could be the facilitators to bring together the EPA and BioPath.

With a roll call vote the motion to amend passed by a vote of 4-3.

AYES: Commissioners Knott, Sykes, Urban, Vice Mayor Cooney

NAYS: Commissioners Anderson, Milcarek, Mayor Hopewell

Amendment to the
Resolution re: Transfer
to Third Party Lead

Commissioner Milcarek, seconded by Commissioner Sykes, moved that the resolution be amended to include language that supported the transfer of the Allied Paper Landfill site to Responsible Third Party Lead.

Prior to a vote on the motion, discussion took place regarding the purpose and effectiveness of the proposed language.

Commissioner Urban questioned how the amendment would convince the EPA to give up control of the Allied Site - something it would be very reluctant to do.

Commissioner Anderson expressed concern that too much was being incorporated into the resolution.

Commissioner Sykes stated the amendment was essentially saying the City would support the BioPath solution if the EPA agreed to it.

Commissioner Milcarek indicated the proposed language would express support for difficult discussions in the future. Commissioner Milcarek expressed concern that without the City's support the EPA would be able to easily dismiss the BioPath option.

Mayor Hopewell noted the City had already committed to work with the EPA on the issue of land ownership. Mayor Hopewell stated adopting a resolution was not as important as bringing together the EPA and BioPath and getting the work done. Mayor Hopewell recommended the City Commission not adopt a resolution. Mayor Hopewell reminded Commissioners he had worked on the Allied Site before and was willing to do it again.

Vice Mayor Cooney suggested the Mayor work with the City Administration to convene a discussion between the EPA and BioPath.

In response to questions from Vice Mayor Cooney and Commissioner Anderson, Mayor Hopewell stated he and the staff understood what the City Commission wanted, and no Commission action was necessary.

With a roll call vote the motion to amend failed by a vote of 2-5.

AYES: Commissioners Milcarek and Sykes

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

Commissioner Anderson, with the support of Vice Mayor Cooney, withdrew his motion to adopt the resolution.

Next, an opportunity was given for general citizen comments.

Laurie Ryan, President of Great Lakes Pub Cruiser, displayed a video promoting her business and asked the City Commission to support the proposed quadricycle ordinance.

Herb Ayres, City resident, thanked the City Commission for approving the Economic Initiative Fund transfer for NoMI Developers and expressed hope that renovations to the building would be completed by the spring of 2016.

Richard Stewart, City resident, observed a positive change in tone with the new City Commission. Mr. Stewart stated people should not trivialize the need to cut costs, and he expressed concern about staffing levels in the City Manager's Office and Community Planning and Development Department. Mr. Stewart urged Commissioners to look at staffing levels and ask if the City needed three Assistant City Managers.

Cody Dekker, City resident, expressed hope at the work being done by the City Commission. Mr. Dekker proposed the formation of a committee to implement citizen ideas since ideas were not discussed at Commission meetings.

Darin Meyer, City resident, thanked the Commission for their open deliberations and expressed concern about the lack of parking enforcement in some parts of the City.

Amendment to the Resolution re: Transfer to Third Party Lead (cont'd)

Motion to Adopt the Resolution Withdrawn

Citizen Comments

**Commissioner
Comments**

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

Commissioner Milcarek remarked that the City had cut millions of dollars from its budget in recent years, and cost containment was an ongoing activity. Commissioner Milcarek noted there had been restructuring within the City Manager's Office, and there would most likely be more changes associated with Priority Based Budgeting. Commissioner Milcarek thanked his fellow Commissioners for the discussions of the evening.

Commissioner Sykes stated City Commissioners were strong and had very positive relationships with each other. Commissioner Sykes stated the City had made millions of dollars in budget reductions, and at some point there would need to be a revenue increase. Commissioner Sykes indicated City departments were working well together.

Commissioner Urban stated he had placed in Commissioners' mailboxes a proposal to reinstate Committee of the Whole meetings and have ongoing visioning discussions. Commissioner Urban stated the public participation process for the lighting ordinance was good but still needed work, and he offered suggestions for changes to the process.

Commissioner Knott stated she was looking forward to working with the City Manager on civic engagement.

Vice Mayor Cooney announced Shared Prosperity Kalamazoo was having a forum on December 17th to address the topic of incarceration. Vice Mayor Cooney stated the forum would allow people to see the community resources available and to hear from family and friends of incarcerated individuals about their struggles.

Mayor Hopewell announced there had been a shooting on Florence Street and offered the following brief remarks: not everyone within a stakeholder group had same views on the lighting ordinance; the Administrative Committee had been talking with City Manager about employing after-action reviews to improve processes; everyone on the City Commission understood the need address the City's budget challenges; the work of the City did not happen in the City Commission Chambers, it happened every day in City offices; the City Manager knew what he was doing when he restructured his office; and businesses looked at both the revenue and expense sides of the ledger, and the City was struggling on the revenue side.

Adjournment

The meeting adjourned at 10:50 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on December 21, 2015

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: December 21, 2015



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Sue Founé, Public Services Managing Director

PREPARED BY: Matt Johnson, P.E. City Engineer

DATE: 11/25/2015

SUBJECT: Agreement to Purchase City owned property at the intersection of Burdick Street and Crosstown Parkway

RECOMMENDATION

It is recommended that the City Commission approve a purchase agreement with Burdick-Crosstown Square, LLC for portions of land located at the intersection of Crosstown and Burdick and authorize the City Manager to sign all related documents.

BACKGROUND

In May of 2015 the Engineering Division of Public Services was contacted by Burdick-Crosstown Square, LLC about the possible sale of the corner of land located at the intersection of Crosstown and Burdick. Burdick-Crosstown Square, LLC would like to expand upon the building currently known as Brite Eyes Brewing for the installation of an outdoor café. Engineering reviewed the request and determined the property could be sold if a sight line easement was granted to ensure proper visibility at the intersection. Burdick-Crosstown Square, LLC agrees to the easement and drafted up a legal description which was reviewed by Engineering, City Attorney's office and City Assessor's office and approved. City Attorney's office drafted a purchase agreement which was reviewed and signed by Burdick-Crosstown Square, LLC.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Burdick-Crosstown Square, LLC will purchase the property for fair market value of \$2,660. The property at 105 Crosstown, parcel number 06-22-336-003, was added to the City's governmental land assets in 1945 and has a current book value of \$912.48.

ALTERNATIVES

No alternatives have been considered.

ATTACHMENTS:

	Type	Description
▣	Map	Description
▣	Map	Map
▣	Agreement	Purchase Agreement

BOUNDARY SURVEY

FURNISHED DESCRIPTION (#06-22-336-010)

COMMENCING ON THE WEST LINE OF SOUTH BURDICK STREET, 44 1/2 RODS (734.25 FEET) SOUTH OF THE INTERSECTION OF SAID WEST LINE WITH THE EAST AND WEST 1/4 LINE OF SECTION 22, TOWN 2 SOUTH, RANGE 11 WEST; THENCE NORTH ALONG THE WEST LINE OF SAID STREET, 38 FEET; THENCE NORTH 89°48'48" WEST, 93.24 FEET TO THE EASTERLY LINE OF CROSSTOWN PARKWAY; THENCE SOUTHWESTERLY (SOUTH 48°40'52" WES T, 7.65 FEET; TO A POINT 99 FEET WEST OF THE WEST LINE OF SOUTH BURDICK STREET; THENCE SOUTH 0°05'38" EAST, 3 2.82 FEET, PARALLEL WITH THE WEST LINE OF SOUTH BURDICK STREET; THENCE SOUTH 89°48'43" EAST, 99.00 FEET TO THE POINT OF BEGINNING. EXCEPT THE EAST 7 FEET THEREOF. ALSO: COMMENCING ON THE WEST LINE OF SOUTH BURDICK STREET, 866.65 FEET SOUTH OF THE SOUTH LINE OF BURR OAK STREET; THENCE SOUTH 0°05'38" EAST, ALONG SAID WEST LINE, 58 FEET; THENCE NORTH 89°48'35" WEST, 99.00 FEET; THENCE NORTH 0°05'38" WEST, 58 FEET; THENCE SOUTH 89°48'43 " EAST, 99 FEET TO THE POINT OF BEGINNING.

DESCRIPTION OF 7' EASEMENT AREA (LYING EAST OF #06-22-336-010 TO BE JOINED TO #06-22-336-010)

BEGINNING ON THE WEST LINE OF SOUTH BURDICK STREET, 44 1/2 RODS (734.25 FEET) SOUTH OF THE INTERSECTION OF SAID WEST LINE WITH THE EAST AND WEST 1/4 LINE OF SECTION 22, TOWN 2 SOUTH, RANGE 11 WEST; THENCE NORTH 89°48'43" WEST, 7.0 FEET; THENCE NORTH 0°05'38" WES T, 38.00 FEET; THENCE SOUTH 89°48'48" EAST, 7.0 FEE T TO SAID WEST LINE; THENCE SOUTH 0°05'38" EAST, ON SAID WEST LINE, 38.00 FEET TO THE POINT OF BEGINNING.

NEW DESCRIPTION #06-22-336-010 (AFTER PROPERTY LINE ADJUSTMENTS AND CLEARVISION RESTRICTIONS)

COMMENCING ON THE WEST LINE OF SOUTH BURDICK STREET, 44 1/2 RODS (734.25 FEET) SOUTH OF THE INTERSECTION OF SAID WEST LINE WITH THE EAST AND WEST 1/4 LINE OF SECTION 22, TOWN 2 SOUTH, RANGE 11 WEST; THENCE NORTH ALONG THE WEST LINE OF SAID STREET, 38 FEET; THENCE NORTH 89°48'48" WEST, 93.24 FEET TO THE EASTERLY LINE OF CROSSTOWN PARKWAY; THENCE SOUTHWESTERLY (SOUTH 48°40'52" WES T, 7.65 FEET; TO A POINT 99 FEET WEST OF THE WEST LINE OF SOUTH BURDICK STREET; THENCE SOUTH 0°05'38" EAST, 3 2.82 FEET, PARALLEL WITH THE WEST LINE OF SOUTH BURDICK STREET; THENCE SOUTH 89°48'43" EAST, 99.00 FEET TO THE POINT OF BEGINNING.

ALSO: COMMENCING ON THE WEST LINE OF SOUTH BURDICK STREET, 866.65 FEET SOUTH OF THE SOUTH LINE OF BURR OAK STREET; THENCE SOUTH 0°05'38" EAST, ALONG SAID WEST LINE, 58 FEET; THENCE NORTH 89°48'35" WEST, 99.00 FEET; THENCE NORTH 0°05'38" WEST, 58 FEET; THENCE SOUTH 89°48'43 " EAST, 99 FEET TO THE POINT OF BEGINNING.

SUBJECT TO CLEARVISION RESTRICTIONS FOR SOUTHBURDICK STREET LYING WEST OF A LINE DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 0°05'38" EAST, 12.1 FEET TO THE POINT OF BEGINNING OF SAID CLEARVISON LINE; THENCE NORTH 19°04'15" WEST, ALONG SAID LINE, 12.81 FEET TO THE NORTH LINE OF ABOVE DESCRIBED PARCEL AND POINT OF ENDING OF SAID LINE, SAID POINT BEING 4.09 FEET NORTH 89°48'48" WE ST, FROM NORTHEAST CORNER OF SAID PARCEL.

ALSO SUBJECT TO CLEARVISION RESTRICTIONS FOR CROSSTOWN PARKWAY LYING EAST OF A LINE DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 89°48'48" EAST, ALONG THE NORTH LI NE OF SAID PARCEL, 1.9 FEET TO THE POINT OF BEGINNING OF SAID CLEARVISION LINE; THENCE SOUTH 61°31'02" WEST, ALON G SAID LINE, 5.67 FEET TO THE POINT OF ENDING OF SAID LINE, SAID POINT BEING 4.11 SOUTHWESTERLY FROM THE NORTHWEST CORNER OF SAID PARCEL.

UNNUMBERED CITY OWNED PROPERTY (LYING N. OF BORN CT. PUMPING AREA AND W. OF PARCEL #06-22-336-010)

COMMENCING ON THE WEST LINE OF SOUTH BURDICK STREET, 44 1/2 RODS (734.25 FEET) SOUTH OF THE INTERSECTION OF SAID WEST LINE WITH THE EAST AND WEST 1/4 LINE OF SECTION 22, TOWN 2 SOUTH, RANGE 11 WEST; THENCE NORTH 89°48'43" WEST, 99.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°48'43" WEST, 37.25 FEET TO THE EAST LINE OF CROSSTOWN PARKWAY; THENCE NORTHEASTERLY, 49.53 FEET, ALONG THE ARC OF A 1312.66 RADIUS CURVE TO THE RIGHT, TO THE FAR END A OF CHORD BEARING NORTH 48°40'52" EAST, 49.52 FEET; THENCE SOUTH 0°05'38" EAST, 32.82 FEET TO THE POINT OF BEGINNING.

CITY OWNED PROPERTY #06-22-336-003

COMMENCING ON THE WEST LINE OF SOUTH BURDICK STREET, 44 1/2 RODS (734.25 FEET) SOUTH OF THE INTERSECTION OF SAID WEST LINE WITH THE EAST AND WEST 1/4 LINE OF SECTION 22, TOWN 2 SOUTH, RANGE 11 WEST; THENCE NORTH ALONG THE WEST LINE OF SAID STREET, 38 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°48'48" WEST, 93.24 FEET TO THE EASTERLY LINE OF CROSSTOWN PARKWAY; THENCE NORTHEASTERLY, 43.21 FEET ALONG THE ARC OF A 1312.66 FOOT RADIUS CURVE TO THE RIGHT TO THE FAR END OF A CHORD BEARING NORTH 49°47'28" EAST, 43.21 FEET; THENCE SOUTH 89°48'48" EAST, 60.20 FEET TO THE WESTERLY SIDE OF SOUTH BURDICK; THENCE SOUTH 0°05'38" EAST, 28.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO CLEARVISION AREA RESTRICTIONS FOR SOUTH BURDICK STREET LYING EAST OF A LINE DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE NORTH 89°48'48" WEST, 13.81 FEET TO THE POINT OF BEGINNING OF DESCRIBED CLEARVISON LINE; THENCE SOUTH 19°04'15" EAST, 29.66 FEET TO THE SOUTH LINE OF SAID PARCEL AND END OF SAID RESTRICTION LINE, SAID POINT BEING 4.17 FEET, NORTH 89°48'48" WEST, OF THE SOUTHEAST CORNER OF SAID PARCEL.

ALSO SUBJECT TO CLEARVISION AREA RESTRICTIONS FOR CROSSTOWN PARKWAY LYING WEST OF A LINE DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE NORTH 89°48'48" EAST, 1.9 FEET TO THE POINT OF BEGINNING OF DESCRIBED CLEARVISION LINE; THENCE NORTH 61°31'02" EAST, 58.63 FEET TO THE NORTH LINE OF SAID PARCEL AND END OF SAID RESTRICTION LINE, SAID POINT BEING 20.20 FEET, SOUTH 89°48'48" EAST, OF THE NORTHWEST CORNER OF SAID PARCEL.

PART OF CITY OWNED PROPERTY #06-22-336-002

BEGINNING ON THE WEST LINE OF SOUTH BURDICK STREET, 668.25 FEET SOUTH OF THE INTERSECTION OF SAID WEST LINE WITH THE EAST AND WEST 1/4 LINE OF SECTION 22, TOWN 2 SOUTH, RANGE 11 WEST; THENCE NORTH 89°48'48" WEST, 60.20 FEET TO THE EASTERLY EDGE OF CROSSTOWN PARKWAY; THENCE NORTHEASTERLY, ON SAID EASTERLY LINE, 49.03 FEET, ON THE ARC OF A 1312.66 FOOT RADIUS CURVE TO THE RIGHT TO THE FAR END OF A CHORD BEARING, NORTH 51°48'15" EAST, 49.03 FEET TO WHERE SAID EASTELRY LINE INTERSECTS THE BACK OF A CONCRETE SIDEWALK; THENCE SOUTHEASTERLY, ALONG SAID BACK OF WALK, 17.07 FEET ON THE ARC OF A 15.39 FOOT RADIUS CURVE TO THE RIGHT TO THE FAR END OF A CHORD BEARING, SOUTH 64°26'42" EAST, 16.21 FEET; THENCE SOUTHEASTERLY, CONTINUING ON BACK OF WALK, 21.16 FEET ON THE ARC OF A 47.15 FOOT RADIUS CURVE TO THE RIGHT TO THE FAR END OF A CHORD BEARING SOUTH 19°39'02" EAST, 20.94 FEET; THENCE SOUTH 0°05'38" EAST, 3.75 FEET TO THE POINT OF BEGINNING.

SUBJECT TO CLEAR VISION RESTRICTIONS FOR SOUTH BURDICK STREET AND CROSS TOWN PARKWAY NORTH OF A LINE DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL: THENCE NORTH 89°48'48" WEST, 13.81 FEET TO THE POINT OF BEGINNING OF SAID RESTRICTION LINE; THENCE NORTH 19°04'15" WEST, 12.73 FEET; THENCE SOUTH 61°31'02" WEST, 25.05 FEET ; TO THE POINT OF ENDING OF SAID LINE, SAID POINT BEING 20.20 FEET EASTERLY OF THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL.

SHEET 2 OF 2

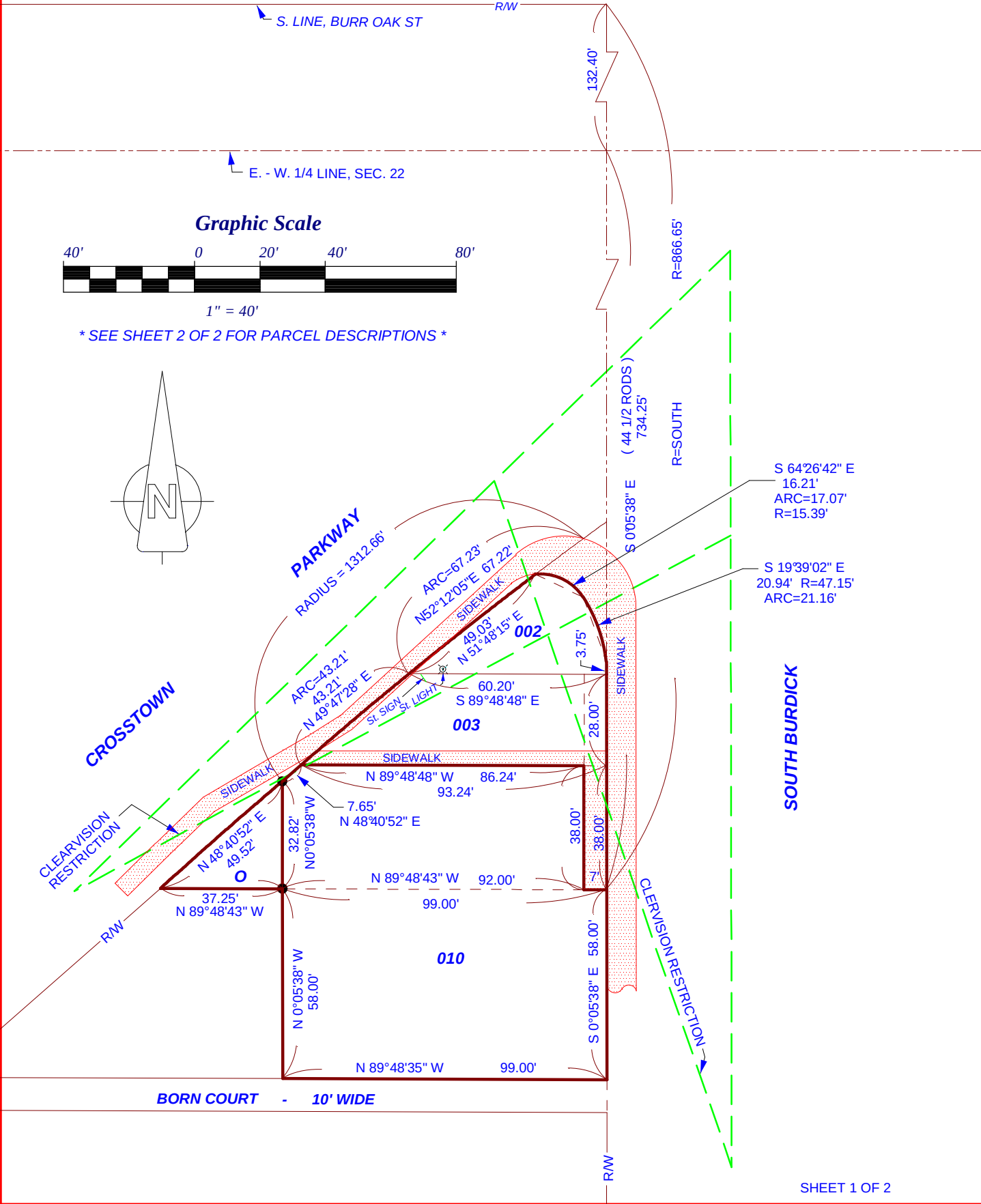
SURVEY CERTIFICATE:

I, RAYMOND E. MOORED, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT I HAVE SURVEYED THE PARCEL OF LAND DESCRIBED AND DELINEATED HEREON; THAT SAID PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AS PERFORMED BY ME; AND THAT THERE ARE NO ENCROACHMENTS OTHER THAN THOSE AS SHOWN ON THE SURVEY; AND THAT THE RATIO OF CLOSURE IS WITHIN THE ACCURACIES AS REQUIRED IN ACT 288 OF PUBLIC ACTS OF 1967. THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, PUBLIC ACT 132 OF 1970. ACT 591 OF MICHIGAN PUBLIC ACTS OF 1996 SHOULD BE CHECKED TO SEE THAT ANY CONVEYANCE DOES NOT VIOLATE THIS ACT. FURTHERMORE, THE SURVEYOR'S SIGNATURE AND SEAL MUST BE ORIGINAL AND BE ANY COLOR OTHER THAN BLACK. OTHERWISE, THE PLAN MUST BE ASSUMED TO BE AN UNAUTHORIZED COPY AND COULD CONTAIN ALTERATIONS. THIS CERTIFICATION SHALL ONLY APPLY TO ORIGINAL COPIES.

DATERaymond E. MooredP.S. # 26463		Revised08-10-15(TYPQ.)	
CLIENT: KAVAN GEARYDATE: 06-17-15JOB NO.: 15-0514		LEGEND ○ SET IRON ● FOUND IRON □ PLAT MON. M MEASURED DIST. R RECORDED DIST. x—x— FENCE	
LOCATION: city of KALAMAZOO TWP., KALAMAZOO CO. SECTION: 22, TOWN: 2S, RANGE: 11W			
MOORED LAND SURVEYING, LLC 240 MONROE STREETTelephone 1-269-673-6402P.O. BOX 291Fax 1-269-673-8192ALLEGAN, MICHIGAN 49010			

BOUNDARY SURVEY

BURR OAK ST.



SURVEY CERTIFICATE:
I, RAYMOND E. MOORED, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT I HAVE SURVEYED THE PARCEL OF LAND DESCRIBED AND DELINEATED HEREON; THAT SAID PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AS PERFORMED BY ME; AND THAT THERE ARE NO ENCROACHMENTS OTHER THAN THOSE AS SHOWN ON THE SURVEY; AND THAT THE RATIO OF CLOSURE IS WITHIN THE ACCURACIES AS REQUIRED IN ACT 288 OF PUBLIC ACTS OF 1967. THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, PUBLIC ACT 132 OF 1970. ACT 591 OF MICHIGAN PUBLIC ACTS OF 1996 SHOULD BE CHECKED TO SEE THAT ANY CONVEYANCE DOES NOT VIOLATE THIS ACT. FURTHERMORE, THE SURVEYOR'S SIGNATURE AND SEAL MUST BE ORIGINAL AND BE ANY COLOR OTHER THAN BLACK. OTHERWISE, THE PLAN MUST BE ASSUMED TO BE AN UNAUTHORIZED COPY AND COULD CONTAIN ALTERATIONS. THIS CERTIFICATION SHALL ONLY APPLY TO ORIGINAL COPIES.

DATE Raymond E. Moored P.S. # 26463		Revised
CLIENT: KAVAN GEARY DATE: 06-17-15 JOB NO.: 15-0514 LOCATION: city of KALAMAZOO TWP., KALAMAZOO CO. SECTION: 22, TOWN: 2S, RANGE: 11W		LEGEND ○ SET IRON ● FOUND IRON □ PLAT MON. M MEASURED DIST. R RECORDED DIST. x-x FENCE
MOORED LAND SURVEYING, LLC 240 MONROE STREET Telephone 1-269-673-6402 P.O. BOX 291 Fax 1-269-673-8192 ALLEGAN, MICHIGAN 49010		

PURCHASE AGREEMENT

This Agreement between, Burdick-Crosstown Square, LLC, a Michigan limited liability company, having an address at, 4429 Grand Prairie Rd, Kalamazoo, MI 49006, and the CITY OF KALAMAZOO, ("City"), a municipal corporation, whose address is 241 West South Street, Kalamazoo, MI 49007, involves the purchase of City owned property by Burdick-Crosstown Square under the following terms and conditions:

1. BACKGROUND. Brite Eyes Brewing Co, LLC is leasing the approximate 3500 square foot building at 1156 South Burdick Street in the City of Kalamazoo - identified as Parcel No. 06-22-236-010 ("Leased Property") - for purposes of operating a brewery, coffee café and restaurant. The Leased Property is owned by Burdick-Crosstown Square, LLC of Grand Prairie Rd, Kalamazoo, MI 49006

The City owns two parcels adjacent to and north of the Leased Property, identified as 101 and 105 West Crosstown Parkway, Parcel Nos., respectively, 06-22-336-002 and 06-22-336-003 ("Property").

Burdick-Crosstown Square desires to purchase the Property and use a portion of 105 West Crosstown for purposes of an outdoor patio and seating area.

2. DESCRIPTION OF THE PROPERTY. The Property, as identified above, is more particularly described and detailed as follows:

See Attached Exhibit A – Sheet 1 shows the 2 parcels that comprise the Property (noted as 002 & 003) and details the 'Clear Vision Restrictions'; Sheet 2 provides the legal descriptions for the Property and the Clear Vision Restrictions.

3. CONSIDERATION. Purchaser agrees to purchase the Property from the City for the sum of Two Thousand Sixty Hundred Sixty (\$2660.00) ("Purchase Price"), and other good and valuable consideration as set forth in this Agreement. The City agrees to convey the Property by a warranty deed transferring title free and clear of all liens and encumbrances – subject to those exceptions in title policy or defects acceptable to Purchaser, as noted in Paragraphs 4 and 5, respectively – to Purchaser simultaneously upon receipt of the Purchase Price.

4. TITLE INSURANCE. The City shall obtain, at its expense, and provide to Purchaser within 15 days of the Effective Date of this Agreement, a commitment to issue an owner's title insurance policy insuring Purchaser in the amount of the Purchase Price, with the standard printed exceptions and in the latest form approved by the American Land Title Association. The Title Commitment must show good and marketable title to the Property in the City - subject only to easements and restrictions of record that are acceptable to Purchaser in the reasonable exercise of Purchaser's discretion and the satisfaction of the requirements set forth in the Title Commitment - and shall disclose no other easements, restrictions or encumbrances. The City shall

provide any surveys, affidavits and certificates required by the title insurance company if Purchaser elects to have the title policy without exceptions or with additional endorsements. Purchaser is responsible for paying the added premium charged for a policy without exceptions and any such additional endorsements.

City agrees not to take any action between the time of execution of this Agreement and the closing that will cause any lien or encumbrance to the Property.

5. INSPECTION. When Purchaser signs this Agreement, Purchaser and its agents, consultants, and designees ("Purchaser's Agents") may enter the Property during reasonable business hours, and with minimal interruption of pedestrian and vehicular use of the adjacent sidewalks or streets, to perform the inspections referenced in this Agreement. Promptly upon City's acceptance of this Offer, City shall provide to Purchaser, or make available for review by Purchaser and/or Purchaser's Agents, copies of any prior environment assessments, title commitments or surveys for the Property.

Within thirty (30) days following the Effective Date ("Inspection Period"), Purchaser will complete all its investigations, including without limitation, site inspections, environmental investigations, title review, survey review, and other investigations Purchaser considers necessary (collectively "Due Diligence Activities"). Before the expiration of the Investigation Period, Purchaser will notify the City itemizing the unacceptable conditions or matters ("Defects") relating to the Property ("Defect Notice"). Within 10 days of receipt of the Defect Notice, City will notify Purchaser whether it agrees to cure or is unable (or unwillingly given the circumstances of the Defect) to cure any of the Defects contained in the Defect Notice. Upon receipt of the City Response, Purchaser shall have 10 days to elect to waive the Defects and proceed to closing, extend the closing for 30 days under Paragraph 12 or terminate the Agreement. If Purchaser elects to terminate the Agreement, the parties shall have no further rights or obligations under the Agreement.

6. CITY'S REPRESENTATIONS AND WARRANTIES. The City represents and warrants to Purchaser, now and through the closing date, as follows:

A. To the best of its knowledge, there are no claims, legal proceedings or investigations by governmental entities relating to the Property;

B. To the best of its knowledge, there are no agreements, contracts, or leases, written or oral, which affect the Property in any manner other than this Agreement;

C. There is no pending or proposed special assessment or improvements affecting or which may affect the whole or any part of the Property. City has not contracted for the furnishing of labor or materials to the Property which would give rise to a claim of lien before or after the closing.

D. Beginning on the Effective Date, City has full right, power and authority to enter into this Agreement and transfer the Property to Purchaser according to the terms of this Agreement. The person signing the Agreement is authorized to do so.

E. City has good and marketable fee simple title to the Property, free and clear of any and all liens and other encumbrances other than exceptions to title approved or waived by Purchaser.

F. City will cooperate with Purchaser and the title company to the extent necessary to permit the title company to issue a comprehensive endorsement or those endorsements desired by Purchaser.

7. INSURANCE AND LIABILITY TO CITY. Before Due Diligence Activities are conducted on the Property, Purchaser or Purchaser's Agents will provide the City evidence of a policy of commercial general liability insurance with limits of not less than \$1,000,000 for bodily injury and \$1,000,000 for property damage (\$1,000,000 CSL is also acceptable) with an insurance carrier acceptable to the City. This policy shall name "the City, its agents, officials and employees," as additional insureds and shall provide for 30 days' notice to the City if the policy is terminated or cancelled. Purchaser may provide insurance binders or insurance riders as evidence of the insurance coverage required by this paragraph.

Purchaser must pay the City for any loss the City incurs that is caused by Purchaser's or Purchaser's Agents' negligence or misconduct resulting from the Due Diligence Activities conducted on Property. Purchaser is not responsible for any loss that is solely caused by the City, although the City retains all rights it has to assert governmental immunity.

A loss means any amount for which the City is legally responsible, including judgments, settlements, fines, injunctive relief, damages and expenses for defending against a claim for loss. Those expenses include actual fees and costs for and incurred by attorneys, expert witnesses and other advisors retained by the City. A loss may arise from property damage or bodily injury, and includes incidental, direct or consequential damages, regardless of the theory of recovery.

The City will notify Purchaser within a reasonable time when it knows that a claim for loss is asserted against the City for which Purchaser may be liable to pay. The parties will cooperate with each other in good faith on any claim for loss.

8. CONTINGENCIES. The obligation of Purchaser to close the purchase of the Property is contingent upon:

A. Purchaser's reasonable satisfaction with the results of any of the Due Diligence Activities it or Purchaser's Agents conducted.

B. All representations and warranties of the City set forth in this Agreement remain true as of the closing date.

C. The City timely performed its obligations by the date of closing.

If any contingency is not satisfied by the date of closing, including any extension permitted under Paragraph 10, then Purchaser may terminate this Agreement by written notice to City and the parties shall have not further rights or liabilities under this Agreement.

9. PURCHASER COMMITMENTS. As further consideration for this Agreement, Purchaser agrees that it will not improve the Property in conflict with the site plan it has or will submit for the City's approval, and specifically in conflict with the 'Clear Vision Restrictions' detailed in Exhibit B.

10. ENVIRONMENTAL ASSESSMENT. During the Investigation Period, Purchaser may, at its own expense and for its own benefit, conduct all appropriate inquiry within the meaning of Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, (Act 451). If such inquiry identifies the Property as a facility, Purchaser may elect to complete and submit a Baseline Environmental Assessment ("BEA") to the Michigan Department of Environmental Quality ("MDEQ") as provided under Act 451, and if Purchaser elects to file a BEA, Purchaser shall also maintain on file a Due Care Plan.

11. CITY COMMITMENTS. The City agrees to complete the following:

A. Provide copies of all available environmental reports for the Property. If there are any facts or conditions contained in the reports which are unacceptable to Purchaser, Purchaser shall have the right to terminate this Agreement by giving written notice to the City as provided in Paragraph 5.

B. No official, board member, officer or employee of the City or the City is personally liable to Purchaser or its successor in interest upon a breach or default by the City for any amount payable to Purchaser or its successor or any obligation under this Agreement; except acts of intentional misconduct or fraud.

12. CLOSING. Subject to Paragraph 5, the closing shall occur on a date mutually agreeable to the parties, but in no event later than 90 days from the Effective Date of this Agreement. Regardless of the preceding, Purchaser shall have the right to extend the closing date for an additional 30 days to complete its Due Diligence Activities or to attempt to satisfy contingencies.

13. POSSESSION. Subject to the easement rights retained by the City, Purchaser shall be entitled to sole and exclusive possession upon payment of the purchase price and receipt of the warranty deed to the Property.

14. TAXES. The Property is currently exempt from the payment of taxes. Beginning with December 31 of the year in which Purchaser acquired the Property, Purchaser shall be responsible for the taxes, if any, levied against the Property.

15. ENVIRONMENTAL CONCERNS. Purchaser, having the opportunity to conduct Due Diligence Activities regarding the Property, accepts the Property in "AS IS" condition. The City makes no representations regarding environmental hazards or liabilities on or relating to the Property.

16. CITY APPROVAL. The approval by the City Commission for the City of Kalamazoo is required before this Agreement is effective and binding. The date that the City approves of the Agreement is defined as the "Effective Date." If such approval is not made within 60 days after Purchaser has signed this Agreement, it shall be deemed null and void and of no force and effect.

17. SURVEY. Seller has provided Purchaser with a survey of the Property ("Survey"), as noted in Exhibit A. If Purchaser finds any Defects shown in the Survey during the Investigation Period, Purchaser shall use the process set forth in Paragraph 5.

18. TIME IS OF THE ESSENCE. The parties agree that in all matters relating to this Agreement, time is of the essence.

19. MAINTENANCE. As long as Purchaser, or any entity in which Purchaser has a controlling interest, owns the Property, Purchaser agrees to continue to maintain the property in accordance with all applicable federal, state or local laws, ordinances, specifically to include building, housing or zoning codes.

20. NOTICES. Any notice or other communication under this Agreement by one party to the other shall be in writing, signed by an authorized representative and delivered in person or by certified mail, postage prepaid with return receipt requested to the following:

Purchaser:

Burdick-Crosstown Square, LLC
Attn: Damon Geary
4429 Grand Prairie Rd
Kalamazoo, MI 49006

with copies to:

City:

City of Kalamazoo
Attn: City Manager
241 West South Street
Kalamazoo, MI 49007

w/copies to the City Attorney at above address

Each party shall notify the other of any changes in the address for the receipt of notices.

21. Real Estate Brokers. Neither party has retained the services of a real estate broker regarding this transaction. If a broker makes a claim for remuneration in connection with the Purchase, the party against whom the claim is made is responsible for paying any commission or other compensation for which the broker is entitled to receive.

22. Miscellaneous.

A. This Agreement shall bind and benefit the City, Purchaser and their respective successors or assigns.

B. This Agreement may not be amended, altered or modified unless done in writing and signed by representatives of the parties who are so authorized.

C. This Agreement may be signed in counterparts, which together shall comprise a single agreement.

D. This Agreement and the exhibits to this Agreement contain all of the representations and statements by the City and Purchaser to one another and express the entire understanding between them with respect to the Purchase. All prior and contemporaneous communications concerning the transaction are merged in and replaced by this Agreement.

Date: _____, 2015

Burdick-Crosstown Square, LLC

By: _____

Damon Geary

Its: Authorized Member

Dated: _____, 2015

City of Kalamazoo

By: _____

James K. Ritsema

Its: City Manager

This instrument drafted by:

John W. Kneas (P26112)

Assistant City Attorney

241 W. South Street

Kalamazoo, MI 49007



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: Clyde J. Robinson, City Attorney

DATE: 11/25/2015

SUBJECT: Ordinance to regulate quadricycles.

RECOMMENDATION

It is recommended that the City Commission adopt an ordinance to regulate quadricycles.

BACKGROUND

July of this year, the Legislature enacted two measures (PA 126 and PA127) amending the Michigan Vehicle Code, Public Act 300 of 1949 to permit the operation of "commercial quadricycles" on public streets and to permit local regulation of this form of vehicular transportation.

As defined, a "quadricycle" is a 4-wheeled vehicle that seats at least 6 people who provide power to move the vehicle by pedaling in a manner similar to that of a bicycle. This form of transportation has appeared in several other Michigan cities, Grand Rapids, Holland, and Traverse City to name but a few. They are sometimes referred to as pedicabs or peddle cabs. With the clarification in State law, at least 2 operators of proposed quadricycles have approached the City about operating these vehicles next summer in downtown Kalamazoo.

The proposed ordinance is patterned after those in Grand Rapids, Holland and Bay City, and has been drafted so as to comply with Public Acts 126 and 127 of 2015. The proposed ordinance modifies several definitions of Chapter 37, Vehicles for Hire, to include quadricycles and adds Article VI to Chapter 37 to set forth a system of permitting and set standards for operation of commercial quadricycles.

While State law permits the possession and use of alcoholic liquor by quadricycle passengers, it also permits its prohibition by local ordinance. The proposed ordinance prohibits the possession of open alcoholic beverages by quadricycle passengers.

COMMUNITY RESOURCES CONSULTED

Input has been received from DKI, Planning, Engineering and the City Clerk.

FISCAL IMPACT

The City will collect modest fees to cover the cost of the permitting process.

ALTERNATIVES

The City Commission could choose to reject the changes or defer action on the proposed changes. This is not

recommended as it would leave the area unregulated and at least proposed operator has indicated that she needs some lead time to order the vehicle she plans to use from overseas.

ATTACHMENTS:

Type	Description
Ordinances	Quadricycle Ordinance

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE COMMERCIAL QUADRICYCLES

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Chapter 37, "Vehicles for Hire" of the Kalamazoo City Code is amended, to add definitions to Section 37-1 and add Article VI, comprised of Sections 37-116 through 37-128 to provide for the regulation of commercial quadricycles as follows:

"Sec. 37-1 Definitions

OPERATING PERMIT-- A written permit issued by the City Clerk authorizing a person to operate a quadricycle on City streets.

OWNER-- Any person, firm, partnership, or corporation that either owns, is the lessee of, or is the purchaser under a contract, of a motor vehicle or quadricycle which is used as a vehicle for hire under the provisions of this chapter.

QUADRICYCLE-- A vehicle that has fully operative pedals for propulsion entirely by human power; has at least 4 wheels and is operated in a manner similar to a bicycle; has at least 6 seats for passengers; is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power; is used for commercial purposes; and is driven by the owner of the vehicle or an employee of the owner of the vehicle.

QUADRICYCLE DRIVER-- A person who drives a quadricycle upon public streets and highways.

VEHICLE FOR HIRE-- Includes quadricycles and any motor driven vehicles used for the transportation for hire of passengers and shall include taxicabs and van service vehicles.

**ARTICLE VI
Commercial Quadricycles**

Sec. 37-116 Purpose

The transportation of persons by means of quadricycles is a matter affecting the public interest. The public interest requires that quadricycle drivers be properly qualified, that quadricycles be fit for their intended purpose, and that the safety and welfare of both quadricycle passengers and other persons and vehicles using public streets be protected.

Sec. 37-117 Operating Permit Required; Compliance

No person who owns or controls a quadricycle shall permit it to be driven or otherwise operated upon the streets and highways of the City without securing from the City Clerk an operating permit and City-issued decal for each quadricycle. Quadricycles shall be driven and operated in compliance with all of the requirements of this article.

Sec. 37-118 Operating Permit Application

A. The City Clerk is responsible for issuing operating permits and decals for quadricycles. Every owner of a quadricycle desiring to obtain an operating permit is required to make written application to the City Clerk, which shall be accompanied by the fee established by resolution of the City Commission. An applicant shall truthfully and fully provide the following information requested on the application:

- (1) The applicant's full name, business address, email address and phone number;
- (2) The name of the business entity under which the applicant will be operating;
- (3) The names and residence address of all shareholders, members, or partners of the entity applying for an operating permit;
- (4) A copy of the applicant's Michigan driver's license and number;
- (5) A certificate of insurance satisfying the requirements of MCL 257.518a, which shall name the City of Kalamazoo and its officers and officials as additional insureds;
- (6) A map of the City showing proposed routes, stands and pickup points;
- (7) A list of the applicant's authorized quadricycle drivers, including name, address, date of birth, driver's license number, and documentation that the driver has completed the required quadricycle drivers' training program established by this article and otherwise meets the requirements of this article;
- (8) A description of each quadricycle intended to be used by the applicant, including trade name, number of seats, serial number, if any, and body style; and
- (9) Such other information as the City Clerk may require.

B. If the applicant is a corporation, limited liability company, partnership, or other such business entity, the person who will be acting as principal in charge of the business to be licensed shall sign the application and all owners of the business entity shall meet all the requirements for individual applicants.

C. If after the issuance of an operating permit a quadricycle owner desires that a person drive a quadricycle and such person was not listed in the application described above, the owner shall submit such required driver information to the City Clerk before such person is permitted to drive a quadricycle upon the streets and highways of the City.

D. An owner shall not permit a driver to operate a quadricycle upon the streets and highways of the City who falls out of compliance with the requirements of this article.

Sec. 37-119 Review of Application

A. Upon filing of the application for an operating permit, the City Clerk shall review and evaluate the application. In determining whether an operating permit should be issued, the City Clerk shall evaluate whether the application is complete, and whether the applicant has violated 2 or more provisions of this article within the past year. Any driver with 3 or more points on their driving record or who is registered as a sex offender in this or another State shall be ineligible to operate a quadricycle. Any application that does not include all the information required by this article, is not supported by the materials required by this article, or if the application has 2 or more violations of this article in the past year, shall result in the denial of an operating permit.

B. Before the issuance of an operating permit by the City Clerk, the Department of Public Safety shall inspect each quadricycle proposed to be used by the applicant and notify the City Clerk whether it satisfies the requirements of this article.

C. If an operating permit is not approved, the applicant may file an appeal as provided in this article.

D. The City Clerk shall approve, deny or approve with conditions an application which is complete for an operating permit within 42 days of its being filed.

Sec. 37-120 Vehicle Regulations

A. Prior to their operation on a public street, each quadricycle shall be inspected by the Department of Public Safety. All quadricycles must be constructed for and have the structural integrity necessary to support its operation. Each quadricycle must be equipped with the following:

- (1) Front and rear turn signals;
- (2) A headlight capable of emitting a white light visible from a distance of at least 500 feet to the front;
- (3) A red reflector on the rear that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle which may be supplemented by a taillight capable of emitting a red light visible from a distance of 500 to the rear;
- (4) Rearview mirror;
- (5) A bell or horn;
- (6) Seatbelts for passengers;
- (7) Reflectors placed on each wheel and at each corner of the body of the quadricycle;
- (8) A proper braking system that enables the driver to bring the quadricycle to a controlled stop; and
- (9) Any other equipment required to comply with all applicable federal and state laws.
- (10) A quadricycle must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of a vehicle and all springs, axles, and supporting structures of each quadricycle must be intact.

B. Prior to the operation of any quadricycle and at the beginning of each shift or each day of operation, the driver shall thoroughly inspect the quadricycle for safe operating conditions, and shall maintain records of such inspection, which shall be provided to the City upon request. For any condition found, then or at any other time that will prevent the safe operation of the quadricycle, or noncompliance with this article, the driver shall immediately remove the quadricycle from service and correct the condition before the quadricycle is returned to operating service.

C. Each quadricycle owner shall prepare a training program for its drivers, which shall cover, at a minimum, safe operation of quadricycles, customer service policies and requirements of this article. The owner shall make the training program materials available to the City at its request.

D. If a quadricycle is involved in an accident or collision, the driver shall immediately notify the quadricycle owner and the Department of Public Safety and remain at the scene until the police investigate the accident or collision.

Sec. 37-121 Decal Required

A. Before allowing a quadricycle to be operated for hire, the owner shall obtain a City-issued decal. Upon issuance of an operating permit, the City Clerk shall issue a decal to be affixed upon each quadricycle intended to be operated in the City by the applicant. The decal form shall be prescribed by the City and contain a unique nontransferable quadricycle registration number.

B. It is unlawful for any owner to lease, rent or allow a quadricycle to be operated for hire without first having obtained a decal issued by the City and affixing the decal to the quadricycle in a manner prescribed by the City.

Sec. 37-122 Validity of Operating Permit

A. Operating permits shall expire on January 31 of each year.

B. The holder of an operating permit shall be entitled to renewal of the operating permit, upon payment of the annual fee established by the City Commission and submission of any changes in information required under Section 37-118 and if there have been not more than one violation of this article in the past year.

C. Operating permits shall immediately become invalid if any of the information provided to obtain the permit is determined to be false when it was submitted, the City-issued decal is defaced, altered, forged or counterfeited, or the quadricycle does not comply with the regulations set forth at Section 37-120.

Sec. 37-123 Permit Fee

The City Clerk shall charge a nonrefundable fee to applicants to recover the cost of activities associated with the administration, regulation, and issuance of decals and

operating permits. The fee shall be determined from time to time by resolution of the City Commission.

Sec. 37-124 Operating Regulations

A. No person under the age of 18 shall operate a quadricycle.

B. No person shall drive a quadricycle unless the person has a currently valid driver's license and displays an identification badge provided by the owner. Each badge must contain the driver's name and a recent photograph of the driver.

C. No person shall operate, or cause to be driven, a quadricycle in an unsafe condition.

D. All quadricycle drivers are subject to and shall obey all applicable traffic safety laws, rules and regulations of the City of Kalamazoo and State of Michigan.

E. A quadricycle should not be driven at a speed of more than 25 miles per hour and shall not be driven on a highway or street with a speed limit of more than 45 miles per hour except for the purpose of crossing that highway or street.

F. A quadricycle shall not be driven on any street or highway under the jurisdiction of the State transportation department if so prohibited.

G. A quadricycle shall not be driven on sidewalks or on a trail intended for the use of pedestrians and non-motorized vehicles.

H. Quadricycles are not permitted to park on streets, highways or a thoroughfare, except as follows:

(1) Any portion of a street so designated for the parking as a "quadricycle stand" by the Traffic Engineer.

(2) In a legal parking space, provided that the fee for occupying said space is paid, if applicable.

(3) A single quadricycle may park temporarily at the curb only as long as necessary for passengers to board and exit the vehicle.

(4) In all cases, quadricycle shall be parked in a location that does not impede other pedestrian or vehicular traffic.

H. No person shall use or allow any quadricycle to be used, for any illegal purpose. No person shall use or permit or allow any quadricycle to be used in, or to aid or abet, any unlawful act.

I. No person shall operate or knowingly permit any other person to drive a quadricycle under the influence of intoxicating liquor or any controlled substance or intoxicating substance, or any combination of intoxicating liquor, controlled substance or intoxicating substance.

J. No person shall drive a quadricycle when the number of passengers exceeds the number of available seats. No person shall operate a quadricycle unless all passengers are seated in a seat designated for that purpose and using the seat belt provided. Infant car seats are not be permitted to be used on a quadricycle.

K. Each quadricycle owner shall adopt and operate a system for the collection, storage, and return of personal property left in a quadricycle.

L. No person shall consume, or possess in a container which is open, uncapped or upon which the seal was broken, any alcoholic beverage within or on a quadricycle.

M. All beverages consumed by quadricycle passengers shall be contained in metallic or plastic containers.

N. A quadricycle driver shall at all times keep each quadricycle clean and free of refuse and in safe operating condition.

Sec. 37-125 Preliminary Breath Test

A Public Safety Department officer who has reasonable cause to believe that a person is or was driving a quadricycle upon a public highway or other place open to the public or generally accessible to a quadricycle, including an area designated for the parking of vehicles, and that the person by the consumption of alcoholic liquor may have affected his or her ability to drive a quadricycle, they may require the person to submit to a preliminary chemical breath analysis. A quadricycle driver's refusal to take or failure to properly take a plenary chemical breath analysis as required by this section is a violation of this article and may result in the revocation or suspension of the owners' operating permit.

Sec. 37-126 Suspension or Revocation of Operating Permit

An operating permit may be denied, suspended or revoked by the City Clerk based upon any of the following grounds:

- (1) The owner or driver of a quadricycle fails or has failed to comply with any provision of this article.
- (2) The owner or driver of a quadricycle has been convicted of any felony involving force or violence; any reckless driving or driving under the influence offense; or any crime reasonably related to the qualifications, functions or duties of the past-due transport business or the ability of the quadricycle owner or driver to safely transport passengers; unless 5 years has elapsed from the successful completion of the sentence for any such conviction.
- (3) A quadricycle driver has been convicted of a crime that requires registration under the Michigan Penal Code as a sex offender.
- (4) A quadricycle driver or owner has knowingly made a false statement of material fact, or knowingly fail to state a material fact in the application process for the operating permit.
- (5) A quadricycle driver's ability to drive lawfully in Michigan or any other state is currently expired, suspended or revoked.

(6) A quadricycle driver has engaged in activity that, in the judgment of the City Clerk, constitutes a serious threat to the public health, safety or welfare. Such threat may be indicated by but is not limited to:

- (i) An arrest for driving under the influence of alcohol, a controlled substance or intoxicating substance while operating a quadricycle;
- (ii) An arrest for a crime that, if convicted, would require registration as a sex offender, and where a quadricycle was used in the planning of, perpetration of, or fleeing from the offense;
- (iii) A report from a law enforcement agency that a quadricycle driver was involved in an accident involving a quadricycle where the quadricycle passengers were injured.

Sec 37-127 Notification of Denial, Suspension or Revocation; Hearing.

A. An operating permit may be denied, suspended or revoked by the City Clerk for cause as defined by this article. Notice of the denial, suspension or revocation shall be served upon the operating permit holder by personal service or first class prepaid mail. The holder of an operating permit or a person who has been denied an operating permit may request a hearing within 10 days after service of the denial, suspension or revocation. Any hearing shall be scheduled to be held by the City Manager or the City Manager's designee. Depending upon the necessity for prompt action, the hearing shall be held in accordance with one of the following provisions:

(1) If there is no immediate threat to the public health, safety or welfare, the hearing shall be held to determine whether the operating permit should be denied, suspended or revoked. The holder or seeker of an operating permit shall be notified of the time, date and place of the hearing and shall be notified of the reason or reasons for the proposed denial, suspension or revocation. The operating permit holder, or seeker of an operating permit shall be entitled to be represented by counsel, to submit evidence, to cross-examine witnesses and to make arguments concerning the factual and legal issues.

(2) If there is an immediate threat to the public health, safety or welfare, the operating permit may be suspended prior to the hearing. If an operating permit is suspended prior to the hearing, the hearing shall be commenced as soon as practical but in no case more than 10 days after the request for hearing. The hearing shall be held to determine whether to terminate or extend the suspension, or whether the suspension should be converted into a revocation of the operating permit. The holder of the operating permit shall be notified of the time, date and place for hearing and shall be notified of the reason or reasons for the already imposed suspension and for any contemplated future action. The operating permit holder shall be entirely represented by counsel, to submit evidence, to cross-examine witnesses and to make arguments on factual and legal issues.

B. In any hearing held pursuant to the provisions of this article, the rules of evidence shall be followed as far as practicable, but a hearing officer may admit and give probative effect to evidence of a type commonly relied upon by a reasonably prudent

people in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Notice may be taken of facts within the general knowledge of the community. A record of the hearing shall be maintained by the hearing officer.

C. The hearing officer shall render a written decision stating the reasons for the decision. The decision of the hearing officer shall be final.

Sec. 37-128 Violation is a Civil Infraction

Any violation of this article is a municipal civil infraction punishable by a fine of up to \$200.”

Section 2. Repealer.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on December 7, 2015. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267,1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

Bobby J. Hopewell, Mayor

Scott Borling, City Clerk



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Cooney, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

DATE: 12/18/2015

SUBJECT: City Manager's Report for December 21, 2015

INFORMATIONAL ITEMS

Attached is the City Manager's Report for Monday, December 21, 2015.

ATTACHMENTS:

Type	Description
□ Report	Departmental Reports and Project Updates
□ Publication	Inside the City Newsletter
□ Report	November 2015 Purchases

City Manager's Report

DECEMBER 21, 2015

Grants Applied for and Received

Staff completed the 2015-2016 Wellhead Protection grant proposal for \$60,000 to include the chemical inventory project, update the contaminant source inventory/risk assessment, educational ads, radio campaign, metro bus placard educational campaign and upgrade the www.protectyourwater.net website.

Community Planning & Development (CP&D)

➤ Planning

At its regular meeting held on November 5, 2015, the Planning Commission voted to recommend to the City Commission to:

- approve the text amendment for the Outdoor Sports/Recreation Lighting and Noise Ordinance with an adjustment to the use table to increase games from two to four in the 201 – 500 foot range.

Three site plan projects were processed as follows:

1. A new, two-tenant commercial building at 2075 Drake Road
2. A new bed and breakfast use in the house at 1403 Grand Avenue
3. The addition of Crown Castle equipment to the cell tower at 2839 Millcork

Five other projects were submitted for review, but need more information before they can be formally processed.

The new KVCC Healthy Living Campus facilities were inspected for compliance and will be provided with temporary occupancy certificates. Finalization of the improvements will take place during the next few months.

Four requests for new certificates (plus one transfer of an existing certificate to a new owner) for Neighborhood Enterprise Zone Certificates in the Vine neighborhood were processed. The requests will be presented to the City Commission in December.

➤ Housing

In 2015, the City responded to 958 tall grass and weed complaints. This was a 158% increase over 2014. The 958 cases were distributed as follows:

- 300 were taken care of by the property owner before the City responded.
- 252 were sent a violation notice and responded by mowing prior to re-inspection.
- 358 were sent a violation notice and subsequently had to be referred to the mowing contractor.
- 31 were cancelled due to wrong address or same owner/adjacent lot.
- 5 were referred to the Kalamazoo County Land Bank.
- 12 were referred to Kalamazoo County Treasury office.

➤ Code Compliance / Anti-Blight

The Code Compliance Team completed over 220 inspections including 160 Chapter 22 Trash violations and 51 Anti-Blight violations.

The Kalamazoo County Hoarding Task Force held a subcommittee meeting on November 17 to discuss completion of the hoarding task force manual. Representatives from Gryphon Place and the City of Portage assisted in document preparation of the draft decision matrix (self help guide to dealing with a hoarder) for the manual. The next meeting in December is at the Housing Resources Incorporated offices.

➤ Building & Trades

In November there were 467 permits issued, representing \$8,241,836 in construction valuation. These figures brought year-to-date permits to 3,680, representing year-to-date construction valuation of \$57,214,457.

➤ Community Development

Contracts were awarded for the demolition of 17 blighted residential structures. Demolition has started and will be completed by the end of December. The City Commission approved the Michigan State Housing Development Authority (MSHDA) Neighborhood Stabilization Program 2 (NSP2) Program Income Grant in the amount of \$181,500 for the demolition of these properties.

Community Development staff met with board members and directors from Eastside, Northside, Oakwood, Stuart and Vine neighborhood associations to discuss community engagement and 2016 general fund agreements. The discussion included effective engagement methods and how the City and neighborhoods can work together for optimal engagement with Kalamazoo residents.

Staff provided CDAAC subcommittees with the 2016 Affordable Housing applications to begin the scoring process.

Economic Development (ED)

Staff has completed the 27th Brownfield Plan amendment and all associated documents. Changes included the addition of three chapters as well as the amendment of one chapter. Plan changes were approved by the Brownfield Redevelopment Authority (BRA) during their November meeting.

Staff is preparing for BRA acquisition of 915 N. Pitcher Street, which adjoins the former JA Richards property, where demolition was recently completed.

Staff continued work on multiple projects and prepared to seek BRA approval of two new Development Agreements (216 & 220 W. Michigan and 162 E. Michigan) and one Amended Development Agreement (108 E. Michigan) during the BRA's December meeting.

Human Resources (HR)

The Weight Watchers at Work Program coordinated by Human Resources, which officially began on October 1, has helped the 18 registered employees in combined weight loss of 231.6 pounds through the first 9 weeks of the program!

➤ HR Advisors

Prepared for PSO recruitment and established timeline of events for hiring process;

- Posted job opening
- Reviewed, processed & performed data tracking of 552 applications with supplemental questions
- Invited passing candidates to test with notice regarding a test preparation session
- Arranged for test preparation session, content of the information, and online study guides with test consultant

➤ Benefits

2016 Open Enrollment process closed on November 23 for active employees and eligible retirees; one active NBU employee elected to enroll in the new Consumer Driven Health Plan (CDHP) with a Health Savings Account/High Deductible Health Plan (HSA/HDHP) under Equity Health (the HSA administrator).

Finalized formatting requirements with Cornerstone Municipal Advisory Group for the collection of medical insurance data for ACA reporting requirements to employees and the IRS for tax year 2015; initial submission of ACA data was submitted to Cornerstone for January through October 2015.

Information Technology (I.T.)

I.T. staff handled 527 unique trouble tickets in the month of November. These trouble tickets were I.T. problems handled by I.T. staff that originated with a phone call, email, or in-person visit to the I.T. Helpdesk.

The web-based reporting tool was used by citizens 38 times during the month of November. This automated web-based system allows citizens to use their web browser or smartphone to report numerous City-related issues including potholes, streetlight outages, traffic signal issues, and tall grass and weeds. All reports were automatically routed to the appropriate City staff via email.

Kalamazoo Department of Public Safety (KDPS)

The CID investigated a traffic crash where one of the drivers was found to have multiple weapons inside his vehicle. Weapons to include a loaded AK-47 assault rifle. Detectives are working a weapons violation case against the subject.

The CID worked a case where multiple vehicles were damaged in 2 downtown parking ramps. Three arrests have been made from this incident.

The CID also worked a stabbing at the Econolodge Inn. Warrants for the suspect have been obtained.

KVET continues the battle against drug trafficking in and about the city of Kalamazoo. KVET made 39 drug cases and seized 9 firearms in November.

KVET has investigated 58 meth labs to date for 2015.

Management Services

➤ **Assessor**

Bills were sent out to all long-term delinquent accounts. Staff is in the process of reviewing the returned mail for account activity and active status. Collections have been made on numerous accounts. Staff is researching those parcels that would be written-off due to collection law.

Work continues on the neighborhood reviews. Field work related to the review has been completed and the permit work is nearly complete. Due to the temperate November weather, some review will be necessary in December and January.

The number of new full Michigan Tax Tribunal (MTT) cases for 2015 was 13 (2014 had 26)..

➤ **Budget and Accounting**

Staff prepared supporting documentation for the Water Revenue bond sale, including updated cash flows for the Water system and supporting detail of how the bond dollars will be applied to prior bond expenses.

Staff finalized the process for billing Consumers Energy for Right-of-Way permits, including assisting the department with testing and performing the first "push" from the permit module to miscellaneous receivables.

Staff prepared the Transitional Reinsurance Recovery Fee annual submission, the General Fund Cash flows for the TANS bond, and worked with departments to determine capital project financing plan for the 2016 budget and the remainder of 2015.

Staff continued to work on the 2016 Proposed Budget document by preparing the document for presentation, working on the budget summaries and overviews, and the City's demographic information. Staff also implemented requested changes to the proposed budget, which will be made available on the City's website on December 1st.

Special Projects/Financial Policies:

- Accounting staff worked with Treasurer's office to improve daily cash balancing forms to improve efficiency and accuracy of weekly wires.
- Staff prepared wire transfers for OPEB debt service due December 1, and coordinated transfers with the Treasurer's office.

➤ Financial Services

Processed weekly and monthly disbursements.

Processed monthly disbursement; processed refund requests for terminated employees; disbursed the 13th check; finalized pension adjustments and communications.

Staff worked with I.T. and HR staff to create the data file requested from Cornerstone for ACA reporting.

➤ Purchasing

Working collaboratively with City Departments bid documents were prepared and distributed through the City's website for seven purchasing projects.

Reviewed and set up 126 purchase orders and processed 31 change orders.

Purchasing staff are administering prevailing wages for nine construction contracts.

➤ Treasury

The division continues to add the paperless billing option per customer requests.

Meter readers are obtaining actual reads for several accounts that had been estimated for several billing cycles.

Continuing the process of determining Personal Property taxpayers who are still in business and what balances should be written off. Site visits will begin again in December.

Utility Billing – Utility Bills issued in November:

14,060 Original Bills
2,424 Reminder Notices
2,207 Final (shut off) Notices

Parks & Recreation

➤ Recreation Division

The Recreation Division saw our fall programs in full swing in the month of November. After School programs at the YDC, Oakwood Neighborhood Association, and Winchell are at capacity and doing great. We are looking to begin offering five days a week at the YDC starting in January 2016 utilizing funds from the CDBG Grant.

Our youth programs ended in November for the fall season and saw increased attendance numbers in Soccer, Middle School Golf, and Volleyball. The ability for our customers to view our programs and register for them online has made registration a much easier process.

➤ Communication / Outreach

Staff assisted DKI in passing out posters and information to downtown businesses for the holiday season. This was done on the morning of November 20.

The Recreation Manager is a member of the KYD Network Visioning Cabinet which is assisting KYD Network in helping map out a plan for the organization moving forward. Meetings are held monthly and the staff of KYD Network will be presenting the cabinet's recommendations in January to their board.

The Annual Tree Lighting event in Bronson Park was a success again in 2015. It took a collaborative effort from the entire Department. The weather was a challenge that day, but the event was an overall success.

➤ Parks Division

During the month of November, the last park temporary employee left and the remaining full time staff remain busy with leaf removal as well as facility winterization.

The construction for the improvements at Woods Lake Park continues. The park shelter building is 85% complete and the pre-engineered shade structure is 100% complete. The observation deck at the wetland area is 100% complete. The general site work which includes earth moving, site grading, gravel pathways, and concrete pathways is 90% complete. Site landscaping, which includes site retaining walls and plant material installation, is about 70% complete. Installation of the play area is approximately 30% complete (drain tile and pipe is installed). Due to weather conditions and lower temperatures, the project team has made the decision to install the following items in the spring: wearing course for the asphalt parking lot; play equipment, mulch and poured-in-place surfacing at the play area, plant material for the rain garden and general site; and site furnishings (benches, trash receptacles, picnic tables).

In response to a meeting in October with the Friends of Wood's Lake (FOWL), staff held a meeting on to discuss the progress of the park improvements at Woods Lake Park as well as address concerns regarding connection to an adjacent property to the west of the park and boat access for treatment of the lake. Due to project budget, the connection to the western property cannot be made at this time. On November 11 staff met with a representative for the company that treats the lake. A solution was developed to allow a truck and trailer access to the water.

Throughout the month of November, several meetings were held to discuss and obtain input for the future Farmer's Market. The design team met with the project architect and landscape architect to prepare for the November design charrette meetings. On November 19, the project team held a public planning exercise. This meeting allowed the public the opportunity to put on their "design hats" and create their own site plan and define success for the market. That afternoon and evening, the public had the opportunity to comment on the designs that were generated earlier in the day. On November 20, the project team reviewed and discussed the public comments gathered from the previous day's meetings and selected several plans for public voting. The project team also presented several images for the public to vote on for visual benchmarking. A meeting is scheduled in December to discuss the results of these meetings and present a conceptual plan for review by the design team.

Public Services

➤ Accounting

Staff completed monthly quality quantity billing for minor/major industrial users, contract industrial users and contract municipalities within the required timeframes as well as invoicing for Kalamazoo County shared Traffic Engineer and Traffic Signal Technician.

➤ Administration

Public Services staff met with EPA and MDEQ representatives and attended community meetings to discuss the pending options and monitoring for the Allied site and discussed the Cork Street 5-year review and recommended institutional controls and maintenance requirements

➤ City Wide Maintenance

Staff worked numerous hours on their preventative and demand maintenance on City owned equipment and structures, and repaired and/or contracted repairs/replacement of vandalized City owned infrastructure throughout the county.

Staff replaced the heat exchangers and repaired leaks within the downtown snowmelt system.

➤ Customer Service

Eighteen work orders for streets and sidewalks were logged and completed; 24 forestry related work requests in November were logged and completed. The Cemetery Coordinator responded to 84 cemetery related calls, met with 11 cemetery related visitors, processed eight foundation orders and sold five final resting sites.

➤ Engineering

Public Services staff worked with the contractor to finalize the completion of the Local and Major Streets projects for 2015, and worked with property owners along the downtown railway to secure easements or property for portions of the downtown railway through Kalamazoo.

Staff continued to review current and proposed railway routes as part of the non-motorized plan update, continued their review of all streets that have not been rated, and continued their work on the Houston Street collaborative project between CP&D and the Vine Neighborhood.

Staff continued to provide all required inspections services for new services and mains as well as providing required MISSDIG staking for City utilities inside and outside the city limits.

➤ Environmental Services

Public Services staff completed 210 water system cross-connection inspections since January.

Staff collected and analyzed the state required last 2015 Stage II Disinfection sampling, tested 120 monthly water distribution bacti and chlorine residual samples for November, conducted volatile organic samples at Central and Station 11, analyzed five contract samples, four main construction and eight wells, and completed all required unit process control and NPDES permit required Wastewater sampling for November including extra WET testing for the outfall as requested by the MDEQ.

Staff reviewed eleven site plans to evaluate the need for environmental controls.

➤ Field Services

Public Services Field Services Staff received the 2015 Southwest Branch of the American Public Works Association (APWA) Project of the Year Structure Award for the 2015 Forbes Wall Project at Mountain Home Cemetery.

Staff replaced several lead service lines, repaired several service leaks, curb box, hydrants and restored several lawns, drive, roads, and sidewalks damaged during water related utility work.

Staff cleaned several thousand feet of the sanitary collection system, continued efforts to ensure a smooth roadway by filling several hundred potholes and repairing utility cuts on major and local streets and alleys, removed several cubic yards of leaves throughout the City and swept the streets after removing the leaves.

Forestry staff removed four trees from the right of way, trimmed 20 trees in the right of way, ground one stump, removed seven downed limbs, performed two tree removals from well field locations, and removed four hanger limbs from right of way trees.

➤ Fleet Services

Staff met with a vehicle leasing company to discuss the potential lease option for CP&D's fleet.

Fleet closed 286 vehicle work orders in November. Two hundred and forty-two were repair work orders that included 71 from Public Services, 84 from Public Safety, seven from Wastewater, 50 from Water, three from Parks, four from Community Planning & Development, 18 from City Hall; two from pump stations, one water tool, and one rented packer leaf truck. Forty-four of the orders were preventative maintenance and included five from Public Services, 28 from Public Safety, one from Wastewater, seven from Water, one from City Hall, one from Parks and Rec, and one from CP&D.

➤ Safety

Staff worked with the consultant to continue ongoing efforts to review and revise the various safety training programs for Public Services: as Confined Space training, ergonomics training, job hazard assessments, the Water Emergency Response Plan and the arc flash awareness training for staff.

➤ Solid Waste

One hundred thirty nine tons of bulk trash and 128 tons of recycling was removed from the curb lawn in the city.

Three hundred and three yards of debris was removed from the City's right of way as part of code enforcement during the month of November.

Staff submitted the solid waste request for bid during the last week of November; the bid requested pricing for both single and dual recycling streams and monthly/quarterly bulk pickup and weekly/biweekly recycling.

➤ Wastewater

Staff continued to dose with the new carbon in November in a "predictive manner" way of projected loadings from our major Significant Industrial Users.

An unknown contaminant interfered with the Whole Effluent Toxicity Test (WET) in October; two tests were conducted and both exceeded limits for acute and chronic toxicity. A follow-up WET test in November showed no toxicity for either species.

Staff continued their work with contractors concerning the replacement of two of the Tertiary Screw Pumps, and continued to gather system infrastructure information for inclusion into the Wastewater Systems Strategic Plan for the next five-ten years' worth of capital improvement projects at the treatment plant and throughout the collection system at a estimated cost of four to five million annually.

The National Pollution Discharge Elimination System Permit expired in October 2015 but will remain in effect until the new permit is drafted and approved. The TMDL group continued working on the draft TMDL agreement in November to present to the MDEQ and EPA.

➤ Water

Public Services staff worked diligently to ensure the 440,231,440 gallons or an average of 14.68 MGD of safe drinking water was pumped into the Water System in November.

Staff dealt with 12 customer water quality concerns within various locations throughout the system.

Staff continued their ongoing efforts to document standard operating procedures required for the Water Systems Environmental Protection Agencies required Risk Management Program and Emergency Response Plan.

Staff members from all areas of Public Services prioritized the list of necessary upgrades to the City's water system for inclusion in the Water Systems Capital Improvement Program Budget and Strategic Plan for the next five and twenty years. At an estimated cost of five to six million annually, the proposed regulatory required capital improvement plans for the water system are due to the MDEQ on January 1, 2016.

Transportation

➤ Ridership

There were 296,261 passenger trips provided system-wide in the month of October, 2015, and a total of 2,504,307 passenger trips provided system-wide year-to-date through October.

Year-to-date through October, 2015, the number of rides provided on Metro County Connect service is up 8.23% over the same time in 2014. The Community Service Van program also had an increase of 56.21% over previous year through October. The number of rides on the Metro Transit fixed-route bus service has dropped 8.68% through October, 2015, which is reflective of new identification badges issued in October 2014 by Western Michigan University that no longer allow for use as bus fare by previously graduated students.

➤ November Activities

Metro Transit prepared a passenger survey to help determine routing changes for fall 2016, that will include late-night service, increased frequencies on some buses and Sunday service. Results of the survey will be helpful in determining the best bus coverage possible.

INSIDE *the* CITY

A primary source of news and information for City employees regarding internal events, policies, and procedures that affect our work for the residents



From the City Manager:

December 2015 Edition

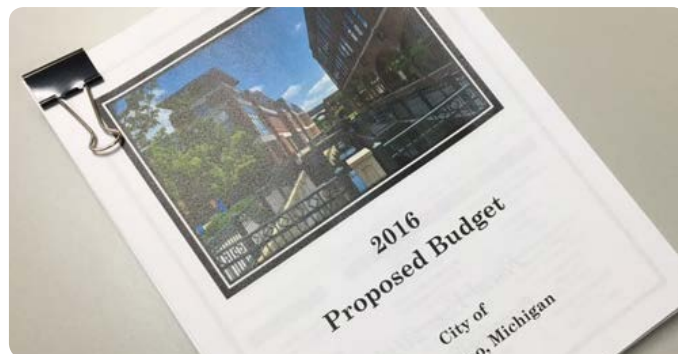
Proposed 2016 Budget Presented to City Commission

The proposed budget for 2016 was officially presented to the City Commission during a work session that was held on Monday, December 14. City staff provided a [presentation](#) on FY 2016 and other connected issues surrounding the budget proposal.

After an introduction by City Manager Jim Ritsema, the [presentation](#) began with CFO/Management Services Director Tom Skrobola offering some historical perspective on previous cost cutting efforts, personnel reductions, and health care savings that have been realized as a result of OPEB bonding. He then provided an overall view of the proposal for next year's budget and spent some time explaining the one-time measures used to balance 2016 and projected budget deficits over the next five years.



Public Services Director Sue Founé led a discussion surrounding the City's Solid Waste Fund, which will begin to run a deficit in 2016 if there aren't any changes to the service level or an increase in the solid



waste millage. Both options were presented and will be subject to more scrutiny as discussions continue.

An overview of 2016's budgeted capital improvement projects was then provided by Deputy City Manager Jeff Chamberlain, followed by an update on the City's on-going Priority Based Budgeting efforts and the next phase of the process.

After this initial discussion, an additional work session was scheduled to allow a more in-depth look at FY 2016 at the individual department level. This follow up session will be held in the Community Room at City Hall on Monday, January 11 and is tentatively scheduled for 6:00 p.m. The proposed FY 2016 Budget is available on the City's website [here](#).

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United Way Campaign Results: Almost Perfect

Our United Way Campaign came to a close on October 30, and between individual contributions and participation in the variety of fundraisers held throughout the organization, we were able to raise a lot of money! Every department increased their participation from 2014, and Human Resources, the City Manager's Office, City Clerk's Office, City Attorney's Office, City Auditor, and Economic Development all had 100% participation rates.

Unfortunately overall we weren't able to best Battle Creek's increase in participation rate and had to concede the contest. City Manager Ritsema and Chief Hadley attended the December 1 Battle Creek City Commission meeting to read a proclamation admitting defeat:



City of Battle Creek @BattleCreekCity - Dec 3
Shout out to the proclamation that #TeamBattleCreekRocks from Tuesday. Thanks, @KalamazooCity! @unitedwaybcr

But enough about that, let's focus on the positive! We were able to raise a lot of money for a great cause. United Way supports many of our community organizations, which are doing vital work everyday for Kalamazoo's residents. We also were able to have a good time, eat some delicious food, win some swag, and bring Martin "Chili Boy" Markos back down to Earth after a year of boasting and outrageous claims.

To everyone who participated, whether by making a donation, cooking some chili, baking cookies, spending some time in the dunk tank, dunking

your boss, playing a few rounds of bags, collecting envelopes, tallying results... THANK YOU for helping out and contributing to the cause. None of this is possible without people who are willing to get involved.



Raffle Winners

Tanya Hewitt-Smith
Zondra Heckman
Meg Kennedy
Jeanne Doonan
Dava Thomas
Deb Boes
Karen Jenkins
Linda Sinon
Amy Webster

Debbie Jung
Scott Kenyan
Jim Graham
Steve Skalski
Matt Johnson
Rebekah Kik
Amy Thomas
Bob McNutt
Jolinda Jach
Joe Stark
Jane McDonagh

Parking Space Winners

Sarah Rustenholtz
Lisa Watkin
Brian Bailey
Suzanne Rowland
Mike Deitz
Wendee Mayes
Carmela Hostiguin
Craig Norrod

Chili Cook-off Winners

Erica Hicks - Guest Judge Award
Angie Ford - People's Choice Winner
Team Falkenberg - People's Choice Winner

Bags Tournament Winners

Sean Fletcher & Kelli Steinman



Blue Ribbon Revenue Panel Wraps Up Its Work

The City's Blue Ribbon Revenue Panel held their final meeting on December 7 to review a [draft final report](#); the product of the prior six months spent exploring potential revenue options and deliberating their benefits, costs, and feasibility.

Municipal funding constraints enacted by the State of Michigan and decreased revenue sharing over the past 20 years have made it increasingly difficult to rely on property tax revenue as a primary funding source. Kalamazoo, like many similarly sized cities, has struggled to balance its budget under these constraints. The opportunities for [spending cuts](#), [personnel reductions \(such as the ERI\)](#), and [health care savings measures](#) which have helped balance previous years have been exhausted, and to find a sustainable path forward alternative options need to be considered.

The panel began meeting in May with the charge of exploring alternative options to fund the core services of the City of Kalamazoo. [Ten options](#) were considered:

- Capital Millage
- **Countywide Emergency Dispatch Authority**
- **Countywide Law Enforcement Millage**
- **Development Infill**
- Headlee Override
- City Income Tax
- Public Act 33 Public Safety Assessment
- Special Assessments for Streets & Parks
- **Privatizing the Parking System**
- **Regionalizing Water & Wastewater Utilities**

The panel ultimately recommended the five options in bold, based on deliberations and consultations with community members, organizations, outside experts, and consultants.

The report details the processes and evaluation criteria that led to consideration of these options and eventually to the recommended five. It also

provides an overview of the panel including its scope, mandate, and approach. The [draft report](#) and materials and video from each meeting are available at www.kalamazoocity.org/revenue-panel.



The Panel will present its report to the City Commission at the January 4 meeting. The final determination on which recommendations (if any) will be pursued will be made by the City Commission. At this early stage, what any of these options might look like in practice is uncertain, and will begin to be worked out should any be selected for action. The City Manager's Office will continue to provide updates as additional information becomes available.

Poll Workers Needed



The Clerk's Office is currently looking for poll workers to serve in the 2016 election cycle. As a poll worker, you will meet new neighbors from our community, ensure the integrity of the election process, and can earn between \$135 and \$155 on Election Day. For more information or to apply, contact the City Clerk's Office at (269) 337-8793.

Welcoming Our 14 New Public Safety Officers

On Monday, December 14, the Kalamazoo Department of Public Safety's 14 newest Public Safety Officers were sworn into service before the Kalamazoo City Commission. Earlier in the day, they began six-weeks of advanced academy training with a scavenger hunt designed to take them all over the city to meet the residents they will serve, and further acquaint themselves with the City and its neighborhoods, businesses, and institutions.



Nathan Belen	Amir Khillah	Nicholas Oliver
Dan Boglitsch	Jerry LoBretto	Chelsea Parise
Gregory Day	Alex Marshall	Ryan Schipper
Glyn Hawkins	Ronald Maynard	Toby Thornsby
Melinda Kendall		Ondrea Townsend

Staff Changes

New Hires

Scott Phillips, Municipal Worker App., Public Services

Promotions

Shannon Bagley, Captain, Public Safety

Stacey Randolph, Captain, Public Safety

Jeffrey Deblecourt, Sergeant, Public Safety

Jeffrey Vanderwiere, Captain, Public Safety

Don Webster, Deputy Chief, Public Safety

Candace Khillah, CSO Dispatcher, Public Safety

Peggy Rice, Admin. Support Coord., Public Services

Brianna Clawson, Financial Manager, Public Services

Retirements

PSO Mary Lawrence, Public Safety

PSO Dan Siwula, Public Safety

Capt. Roberto Zuniga, Public Safety

Mike Wetzal, Environmental Services

New KDPS Website

Kalamazoo Public Safety has redesigned their website, www.kalamazoopublicsafety.org. The simpler and more intuitive layout provides all of the same information and services as its predecessor while offering greatly improved [crime mapping](#). Take a look and stay connected with KDPS!

Metro Transit Stuff the Bus

From December 11 - 13, Metro Transit once again partnered with the U.S. Marine Corps, WNWN 98.5, and WKFR 103.3 for the annual Stuff the Bus campaign. A bus was parked outside of Toys-R-Us for the weekend collecting toys for the Toys for Tots program, and on Saturday a second bus was parked outside of Moe's with WKFR collecting toys for Big Brothers Big Sisters. The Stuff the Bus Campaign helps all children in our community experience the joy of the holiday season, and we are happy to be a part of another successful year!



New Bus Pass Option Coming January 1

Beginning in 2016 Metro Transit will offer 31-day unlimited ride bus passes for \$60. Passengers can ride as frequently as they would like in a consecutive 31-day period valid from the day the pass is first used. This new 31-day pass will replace the existing monthly unlimited ride pass which was more strictly limited to the duration of a single calendar month.

The new passes will be available beginning on January 1 and can be purchased at the Kalamazoo Transportation Center.

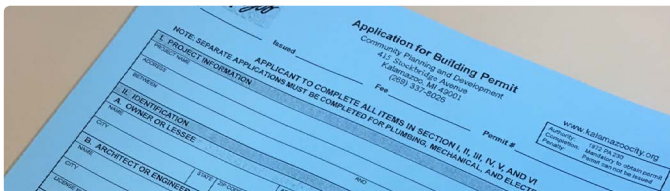
APWA Project of the Year

The City of Kalamazoo was honored with a Project of the Year award from the Southwest Michigan Branch of the American Public Works Association! Our public services crew received the honor in the "structures" category for their work on the Mountain Home Cemetery Wall Project on Forbes St. The POTY award is issued to recognize excellence in management, administration, and execution of public works projects. The award was presented on December 10 at the APWA's annual awards banquet.

Congratulations and thank you for your excellent work!



New Payment Policy for Building Permits in Effect Beginning January 1



Beginning January 1, 2016, our Community Planning & Development Department will accept payment for permits at the time of issuance only. Payments will no longer be accepted at time of application. If you have any questions about this policy change, please contact Robert McNutt at (269) 337-8026 or mcnuttr@kalamazoo-city.org.

Annual Candy Cane Hunt



On Saturday, December 5, Parks and Recreation hosted its 10th annual Candy Cane Hunt on Homer Stryker Field. Children hunted for over 5,000 candy canes that were dispersed throughout the baseball field by our great volunteers. We also had tree ornament crafting and an appearance by Santa during the event. This year we welcomed three Marines to collect toys for Toys for Tots and participants ended up donating more than 50 presents! Following the hunt, winners were drawn for 30 stockings and nine overstuffed Santa sacks full of gifts. Overall, 345 children participated in the hunt, over 60 volunteers helped set up and ensure it ran smoothly, and over 30 sponsors that made it possible.

Mitten Drop

The City of Kalamazoo's Annual Mitten Drop took place on Monday, December 14, filling the atrium at City Hall with children from our community, holiday cheer, and no shortage of mittens. Each December, the City of Kalamazoo invites preschool-aged children to participate in this event in which children bring mittens to donate, climb to the third floor of the atrium, and toss them down to be collected and donated. Following the drop, the children gather around the tree and spend some time with the Mayor and city staff. Thank you to Mrs. Wolfe's Preschool and the YMCA for participating this year!



MLK Community-Wide Day of Service

The 2016 Rev. Dr. Martin Luther King Jr. Community Wide Day of Service will take place on January 18 in 2016. Dr. King once said, "Life's most persistent and urgent question is, What are you doing for others?"

Honor the legacy of Dr. King by participating in the nationwide day of service and taking a "day on" to make our community a better place. The MLK Day of Service kicks off at City Hall with a continental breakfast at 8 a.m., before community service begins at 9 a.m. Lunch for volunteers will be provided at the sites around noon.

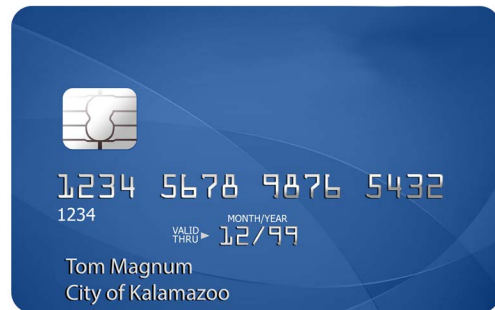
In the afternoon, you can join other volunteers to march from Kanley Chapel on WMU's campus to MLK Park in downtown Kalamazoo. Following the march, enjoy refreshments and a slide show at the Radisson. Visit www.volunteerkalamazoo.org to register.

LEPOs: Get Your Fill in 2015

In order to streamline the purchasing process and institute more effective internal controls, we will be eliminating LEPOs for City purchases effective January 1, 2016. In place of LEPOs, employees may continue to use P-Cards or the current requisition process, which are relatively less labor-intensive.

This change is being made to increase the revenue the City earns through rebates on P-Card purchases and minimize the number of "structured" purchases that bypass established purchasing guidelines.

Thank you for your assistance during this transition!



Remembering Sgt. Lisa Moore Zuk



On November 30, we were deeply saddened by the passing of Public Safety's Sgt. Lisa Zuk, who courageously battled breast cancer over the last several years. Her infectious attitude and fighting spirit were her hallmark and everlasting gift to those that worked with and around her!



Sgt. Zuk was a 14 ½ year veteran of Public Safety who served as a Public Safety Officer, K-9 Handler, Field Training Officer, Recruiter, and a Sergeant in her beloved Edison Neighborhood.

For those who have expressed a desire to donate to the family. An Account has been set up at Lake Michigan Credit Union under "Zuk Benefit Fund". A donation can be made at any of their locations.

Holiday Recycling Tips

The holidays are filled with festivities, shopping, decorating and wrapping presents, not to mention spending time with loved ones. All of this leaves little time to think about what to recycle and what to throw in the trash.

Despite the hustle and bustle of the holiday season, we encourage employees and customers to find time to make recycling a part of their holiday traditions. Use the list below as a quick guide to separate your holiday recyclables from your waste.

Recycle

Boxes
(gift, shoe and shipping)

Wrapping paper
(plain or sparkly)

Tissue paper

Holiday cards &
envelopes
(without embellishments)

Gift bags
(paper)

Dispose

Bubble wrap

Ribbons & bows

Gift bags
(laminated, coated
or dyed)

Cellophane

Packing Peanuts
(polystyrene foam)

Anything on the
Christmas tree

Watch List

Some items that can be recycled individually are not recyclable when combined with other recyclable materials. Recycling companies, like Republic, need materials in the purest form possible – any cross contamination of material (metal and paper together or paper and plastic together) make it difficult and more expensive to recycle. If possible, separate the materials before putting them in the recycle bin.

Toy Containers – Toy packaging made of heavy cardboard that surrounds a plastic container is not recyclable unless the cardboard is separated from the plastic. That includes the plastic window on the box of your child's favorite doll or action figure.

Sticky gift tags – They are not recyclable by themselves, but are acceptable if affixed to an envelope or wrapping paper.

**Regardless of which list an item falls on, we suggest reusing it first, if possible.*

Holiday Recycling Facts & Stats

- The average household in the U.S. throws away nearly **125** pounds of trash each week.
- From Thanksgiving to New Year's, we discard **25%** more trash than normal, or approximately **940** pounds of waste.
- Roughly **80%** of what is discarded during the holidays can be recycled or reused.

Source: Environmental Protection Agency (EPA)



INTEROFFICE MEMO

To: James K. Ritsema, City Manager
From: Teresa T. Johnson, Purchasing Manager
Date: November 30, 2015
Subject: November 2015 Purchases

I am forwarding for the City Commission, and your information, a summary of the purchases and change orders between \$50,000 and \$100,000 administratively approved during November 2015.

c: Thomas Skrobola, Director of Management Services, CFO

**November 2015
PURCHASES ADMINISTRATIVELY APPROVED BETWEEN \$50,000 AND \$100,000**

DESCRIPTION	VENDOR Location MBE/WBE?	AMOUNT	COMMENT
Load Center 5 & 5A Replacement Equipment	Hoekstra Electrical Services Hamilton, MI No	\$59,200.00	Accepted Low Bid

**November 2015
CHANGE ORDERS ADMINISTRATIVELY APPROVED BETWEEN \$50,000 AND \$100,000**

DESCRIPTION	VENDOR Location MBE/WBE?	AMOUNT	COMMENT
Willard Street portion of KRVT	Michigan Paving & Materials Canton, MI No	\$59,107.75	Contract Change Order