



Agenda

Regular Meeting of the City Commission

City of Kalamazoo

Monday, January 7, 2019

7:00 PM

City Commission Chambers at City Hall - 241 W. South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: Dr. Michael T. Scott, Sr., The 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 the Fiscal Year 2019 Proposed Budget for the City of Kalamazoo. **(No action necessary)**

F. CONSENT AGENDA

(Action: Motion to approve Items "1-7" and authorize the City Manager to sign all documents on behalf of the City

1. Approval of a one-year term contract extension for gasoline and diesel fuel with Kalamazoo Oil, Inc. for an amount not to exceed \$600,000.
2. Approval of a contract with SWT Excavating, Inc. for the 2019 New Water Services Project, in the amount of \$903,893.78.
3. First reading of a zoning ordinance to amend the Residential District Standards, and set a public hearing for January 22, 2018.
4. Adoption of a RESOLUTION adopting and approving the Sixth Amendment to Revised Brownfield Plan Implemented by the City of Kalamazoo Brownfield Redevelopment Authority for 1101 Portage

Street.

5. Adoption of a RESOLUTION granting a Payment in Lieu of Taxes for the Kalamazoo Creamery Limited Dividend Housing Association Limited Partnership at 1101 Portage Street (06-22-434-008), pursuant to Section 35-4 of the Kalamazoo City Code.
6. Approval of the sale of 925 Grant Street to Andy Van Lente in the amount of \$1,500.
7. Approval of the minutes from the City Commission meetings on August 20, November 5, November 19, December 3, December 10, and December 17, 2018.

G. REGULAR AGENDA

1. Adoption of the Complete Street Policy. **(Action: Motion to adopt the policy)**
2. Approval of a Memorandum of Understanding between the Michigan Department of Transportation (MDOT) and the City of Kalamazoo for the jurisdictional transfer of certain road segments within the City; and acceptance of \$11,689,997 from MDOT. **(Action: Motion to approve and authorize the City Manager to sign all documents to complete the transfer)**
3. Adoption of an ORDINANCE addressing the operation of bicycles on sidewalks in furtherance of the City's Complete Streets initiative. **(Action: Motion to adopt the ordinance)**
4. Adoption of an ORDINANCE addressing the rights and responsibilities of pedestrians and bicyclists at crosswalks in furtherance of the City's Complete Streets initiative. **(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 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.

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

The Kalamazoo City Commission business 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). Business meetings are also web streamed live on the City's YouTube channel at <https://goo.gl/Q6DW37>. Public Media Network rebroadcasts these meetings on Tuesdays at 8:00 a.m., Wednesdays, at 1:00 a.m., and Thursdays at 3:00 p.m. Recorded meetings are also available on-demand on the YouTube channel.



Commission Agenda Report

City of Kalamazoo

TO:

FROM: Scott A. Borling, City Clerk

PREPARED BY: Shelby Moss, Deputy City Clerk

DATE: 1/7/2019

SUBJECT: Calendar of Upcoming Meetings

INFORMATIONAL ITEMS

Attached is the calendar of upcoming meetings of the City Commission's advisory boards, commissions, and committees.

ATTACHMENTS:

Type	Description
 Meeting Schedule	20190107 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

Tuesday, January 22nd, Monday, February 4th

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

None

Advisory Boards, Commissions and Committees (next two weeks)

The **Tree Committee** will meet on Tuesday, January 8, 2019 at 2:00 p.m., in the Public Services Conference Room, located at 415 Stockbridge Avenue.

The **Parks and Recreation Advisory Board** will meet on Tuesday, January 8, 2019 at 5:20 p.m., in the Parks and Recreation Community Room at Mayors' Riverfront Park, located at 251 Mills Street.

The **Kalamazoo Historic Preservation Commission** will meet on Tuesday, January 8, 2019 at 7:00 p.m., in the Community Room at City Hall.

The **Traffic Board** will meet on Thursday, January 10, 2019 at 2:00 p.m., in the Public Services Conference Room, located at 415 Stockbridge Avenue.

The **Zoning Board of Appeals** will meet on Thursday, January 10, 2019 at 7:00 p.m., in the in the City Commission Chambers at City Hall.

The **Environmental Concerns Committee** will meet on Wednesday, January 16, 2019 at 4:30 p.m., in the Community Room at City Hall.

The **Economic Development Corporation** will meet on Thursday, January 17, 2019 at 7:30 a.m., in the Community Room at City Hall. The **Brownfield Redevelopment Authority** will meet immediately following.

The **Building Board of Appeals** will meet on Thursday, January 17, 2019 at 2:00 p.m., in the City Commission Chambers at City Hall.

The **Downtown Development Authority Board** will meet on Monday, January 21, 2019 at 3:00 p.m., in the Community Room at City Hall. The **Downtown Economic Growth Authority Board** will meet immediately following.



Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Gary Doorlag, City Fleet Manager

DATE: 12/18/2018

SUBJECT: Term Contract for Gasoline and Diesel Fuel Bid Ref# 405-09-014.2

RECOMMENDATION

It is recommended that the City Commission approve a one-year term contract extension for gasoline and diesel fuel with Kalamazoo Oil, Inc. for an amount not to exceed \$600,000.

BACKGROUND

In 2017, the City of Kalamazoo and Kalamazoo County participated in a cooperative sealed bid purchase of gasoline and diesel fuel. A one year contract was awarded to Kalamazoo Oil, Inc. as a result of that bidding process with expiration on December 31, 2018.

Since the petroleum market is continually changing, the contract was structured to obtain a firm and competitive price which stays current with the market by bidding the margin charged by the supplier. The margin includes the supplier's cost and profit to deliver the fuel to the City's storage site. The margin is added to the regional refinery's rack price, which fluctuates with the marketplace. The refinery provides a verification of the rack price with each shipment of fuel. The increase in margin from 2017 to 2018 reflects federal fee increases.

The City purchases fuel in bulk quantities ranging from 250 gallons to 6,000 gallons and dispenses them to City vehicles and equipment. A contract extension with Kalamazoo Oil is recommended for approval. Kalamazoo County will be making a separate award for their gasoline and diesel fuel requirements.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

Funds are being budgeted in the proposed 2019 budget and fuel will be purchased on an as-needed basis. As it is dispensed, the fuel is charged to the individual department's expense budget accounts. The proposed contract amount is estimated based upon the current prices and historic usage.

ALTERNATIVES

City staff could purchase gasoline and diesel fuel at commercial stations. This alternative is not recommended because the City would lose quantity discounts and would have to apply for sales and fuel tax refunds.



Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Stephen A. Skalski, PE, Assistant City Engineer – Water Resources

DATE: 12/20/2018

SUBJECT: 2019 New Water Services Project Bid Reference #: 91244-001.0

RECOMMENDATION

It is recommended that the City Commission approve a contract with SWT Excavating, Inc. for the 2019 New Water Services Project, in the amount of \$903,893.78.

BACKGROUND

Currently, small water service connections are handled differently depending on which township/village/city the residence is located in. In an effort to streamline the process for new water services to be installed system wide, Public Services took back management of the process from the townships and prepared bid documents for private contractor services to supplement the work performed by City Crews.

Bids were opened for the project on December 6, 2018. One bid was received, with SWT Excavating, Inc. being the low responsive bidder. SWT Excavating, Inc. has performed well on similar work in the past and Public Services recommends approval of this contract.

COMMUNITY RESOURCES CONSULTED

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

FISCAL IMPACT

The funding for the project was identified in the 2019 Water Capital Improvement Budget as Contribution in Aid. Project funding and estimated costs are as follows:

Funding:		
	2019 Water Capital	<u>\$903,893.78</u>
		\$903,893.78
Costs:		
		<u>\$903,893.78</u>

\$903,893.78

ALTERNATIVES

The City could choose to use City staff to perform all of the required work; however, this is not recommended as City crews are already working on other projects.

ATTACHMENTS:

	Type	Description
▣	Aerial Photo	Bid Results Summary

BID RESULTS SUMMARY

PROJECT: 2019 New Water Service Installation

DATE: December 26, 2018

BIDDERS SOLICITED: 168

BIDDERS RESPONDED: 1

MBE/WBE BIDS SOLICITED: 27

MBE/WBE BIDDERS RESPONDED: 0

BID REFERENCE NO: 91244-001.0

MBE/WBE AWARDED: No

ISSUE DATE: November 13, 2018

BID OPENING: December 6, 2018

APPROVAL REQUIRED: City Commission

FUNDED BY: City

BIDDERS

AMOUNT BID

LOCATION

SWT Excavating, Inc.

¹ \$903,893.78

Galesburg, MI

² \$702,397.16

¹ Prevailing Wage Bid

² Non-Prevailing Wage Bid

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



Melissa Fuller
*Deputy Director of Mgmt Services/
Purchasing Agent*



Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: Rebekah Kik, Director, Community Planning and Economic Development

PREPARED BY: Christina Anderson, City Planner

DATE: 12/24/2018

SUBJECT: Text Amendment to Chapter 5 Density/Intensity/Dimensional Standards & Section 4.2 Use Specific Standards

RECOMMENDATION

Staff recommends that the City Commission move the proposed text amendments forward to the January 22, 2018, meeting for a public hearing and vote.

BACKGROUND

Intent. During Imagine Kalamazoo 2025 and in neighborhood plan discussions, it was recognized that the current Zoning Ordinance does not only NOT meet the community vision, but it also does not recognize a prevailing pattern of lot development in the City of Kalamazoo. This latter issue has rendered a large percentage of lots in RS-5, RD-19, RM-15, and RM-36 as nonconforming. The intent of these text amendments is to make as many of these lots as possible conforming, recognizing the City's traditional pattern of land development.

These amendments are intended to relieve the pressure of the large quantity of nonconforming lots that exist throughout while City staff work to thoroughly update all the residential zoning districts in the first half 2019; work that will include significant outreach and discussion. Specifically, the text amendments before the Commission for review tonight are intended to:

1. Recognize an existing land pattern of Kalamazoo in the Zoning Ordinance.
2. Remove nonconformance status on lots throughout the City, especially in the neighborhoods with high quantities of vacant and blighted structures.
3. Support housing-focused work of LISC and Kalamazoo Land Bank.
4. Support the residential core of City neighborhoods, especially as noted in Neighborhood Plans such as the Northside Neighborhood Plan.
5. Relieve pressure while new residential districts are being created.
6. Update ordinances following zoning "stress test" studies from the Michigan Municipal League (MML), Redevelopment Ready Communities (RRC), and Incremental Development Alliance.
7. Follow the zoning update timeline previously presented, which noted adjustments to residential standards to among other things eliminate barriers to redevelopment and rehab (nonconformances) at the end of 2018.

Description of Proposed Amendments. The proposed changes focus on the residential district standards and related sections. The attached table 5.1-1 Residential District Standards EDITED details the changes. The

current standards are in GRAY and the proposed change is in RED. Changes are proposed in the following areas:

1. Minimum lot area, lot area per dwelling unit, and lot width. This was changed to reflect the diversity of lot size in the City.
2. Minimum setbacks. These changes reflect the varied lot size and character of lots in many Kalamazoo Neighborhoods.
3. Minimum Outdoor Area (only changed in RM-15). This change puts RM-15 into alignment with the RD-19 district rather than the more intensive RM districts.
4. Maximum Impervious Coverage (only changed in RM-36). This more accurately reflects the existing lot sizes in the City and the intended development in the RM-36 district.
5. Notes. Several notes to the table were edited and renumbered.
 - A note was added to clarify where lot width is measured.
 - The current requirement of escalating side yard setbacks based on height for RM-24, RM-36, and RMU districts was changed to:
 - reflect that if the building height is equal to 35', the maximum height of the single family and duplex districts, additional setback was not required
 - rather than an increasing setback based on additional height, a static wider setback is proposed for buildings over 35'
 - The note stating that all multi-unit residential sites must adhere to maximum lot coverage of 50% was removed. The district standards table lays out maximum site coverage for each district; this additional note was contradictory to the standards in the table.
6. Related text in Section 4.2 Use Specific Standards is revised so as to not conflict with the Table 5.1-1.

Review Criteria. When reviewing the text amendments, the following factors should be considered by the Commissioners.

1. Alignment with 2025 Master Plan and Strategic Vision. The proposed changes to residential districts are in alignment with these plans and specifically follow the IK@Work chapter of the 2025 Master Plan.
2. Change of Conditions. The issue in this case is a lack of change of conditions; Kalamazoo's neighborhoods have different contexts and this is not going to change. The Zoning Ordinance (2005) did not take these conditions or character of the different neighborhoods into account.
3. Address a Demonstrated Community Need. These changes support the residential core and housing needs of Kalamazoo.
4. Compatibility with Surrounding Uses. The intent of the changes is to make the Zoning Ordinance more compatible with the existing pattern and character of lot development in the City.
5. Development Pattern. The intent of the changes is to recognize the existing development pattern and not create barriers to the use, improvement, and redevelopment of these lots.

POLICY CONSIDERATIONS

This proposal is in alignment the 2025 Master Plan and the Strategic Vision. The 2025 Master Plan lays out key tenants for staff as the Zoning Ordinance is updated to meet the community vision of IK2025. These include the importance of context and removing barriers to development/redevelopment.

Our current Zoning Ordinance does not consider context. The clearest example of this is the current RS-5 standards. This one district covers most of the residential development in the City, including more modern subdivision plats in such neighborhoods Arcadia, Milwood, Burke Acres, and parts of Winchell as well as traditional City lots in Vine, Edison, Eastside, Northside, Stuart, Douglas, and parts of Oakwood and Winchell. The standards is RS-5 reflect larger and wider lot sizes; this means 40% of the lots in RS-5 are narrower than the minimum required and 35% are smaller than the required minimum lot area. This nonconforming status presents challenges to redevelopment and infill housing development and is not supportive of the residential core in Kalamazoo neighborhoods.

Imagine Kalamazoo @ Work directs staff to review the Zoning Ordinance to match vision, IK 2025 input, and reduce the number of variances (relief from zoning standards) and rezoning requests. To achieve this, IK@Work specifically notes the following actions: determine barriers to infill development; review lot sizes, buildings,

restrictions, standards, and coverage; and update zoning districts to support Complete Neighborhoods and the City’s attainable housing strategy.

COMMUNITY RESOURCES CONSULTED

The proposed changes are a direct result of the input received in IK2025 and neighborhood planning discussions. These changes are intended to relieve the pressure of the large number of non-conforming lots in the City while staff drafts updated residential district standards with the community to achieve the housing and community character goals outlined in the 2025 Master Plan.

This item was discussed and reviewed at a public hearing in front of the Planning Commission in November. The Planning Commission unanimously recommended approval of these zoning changes to the City Commission.

FISCAL IMPACT

This proposal is intended to remove zoning barriers to housing rehabilitation and redevelopment, which would have a positive impact on the City. Without these changes housing infill and rehabilitation will continued to be saddled with expensive and time consuming hurdles.

ALTERNATIVES

The Commission could opt to not move this item forward for a public hearing and vote. This action would be in conflict with the Imagine Kalamazoo at Work Chapter of the 2025 Master Plan specifically the Complete Neighborhood goal of “Review Zoning Ordinance to match Vision, IK2025 input, and reduce number of variance and rezoning requests”.

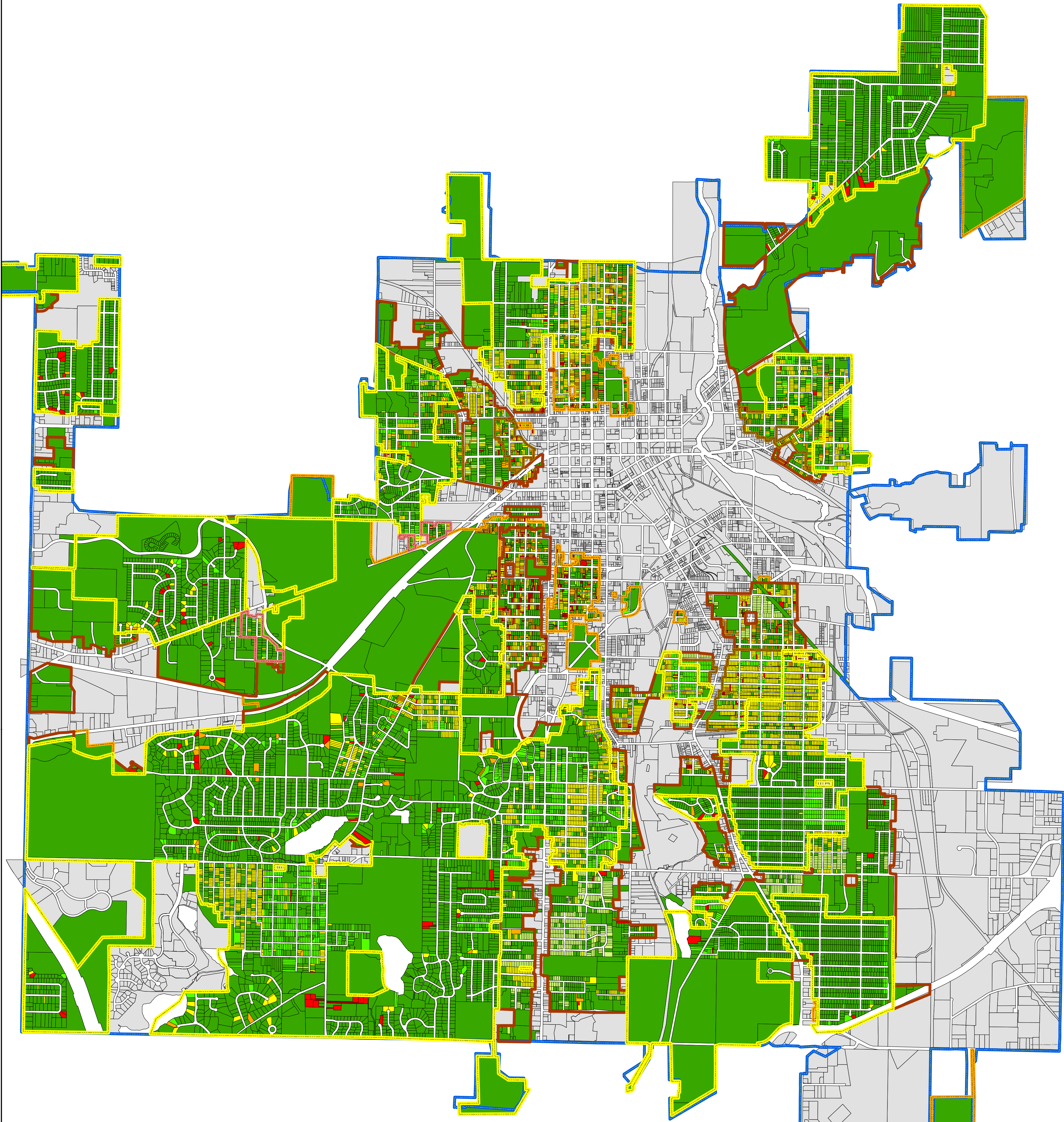
ATTACHMENTS:

Type	Description
▣ Background Material	Existing Lot Width Table
▣ Background Material	Existing Lot Width Map
▣ Background Material	Existing Lot Area Table
▣ Background Material	Existing Lot Area Map
▣ Background Material	MML-RRC Stress Test - Edison Nhood Study
▣ Summary of Changes	Residential District Standards Table EDITED
▣ Ordinances	Zoning Ordinance Amendment

Existing Lot Width in the Most Common Residential Districts

	A	B	C	D	E	F	G	H	I	J
1			Lot Width (feet)						Nonconformance	
2	District	Total Lots in District	<33	33-40	40-50	50-60		Required Min. Lot Width per Code	Percentage	Number of Lots
3	RS-5	12182	184	370	2490	1623		60	38%	4667
4	RD-19	1044	37	109	487	185		40	14%	146
5	RM-15	4172	190	463	795	698		40	16%	653
6	RM-36	1033	94	315	259	79		44	50%	512

Lot Frontage of Residentailly Zoned Parcels in the City of Kalamazoo



Legend

RS-5 Zone

RD-19 Zone

RM-15 Zone

RM-15C Zone

RM-36 Zone

City_Boundary

Non-Res Parcels

Less Than 33 Feet Wide

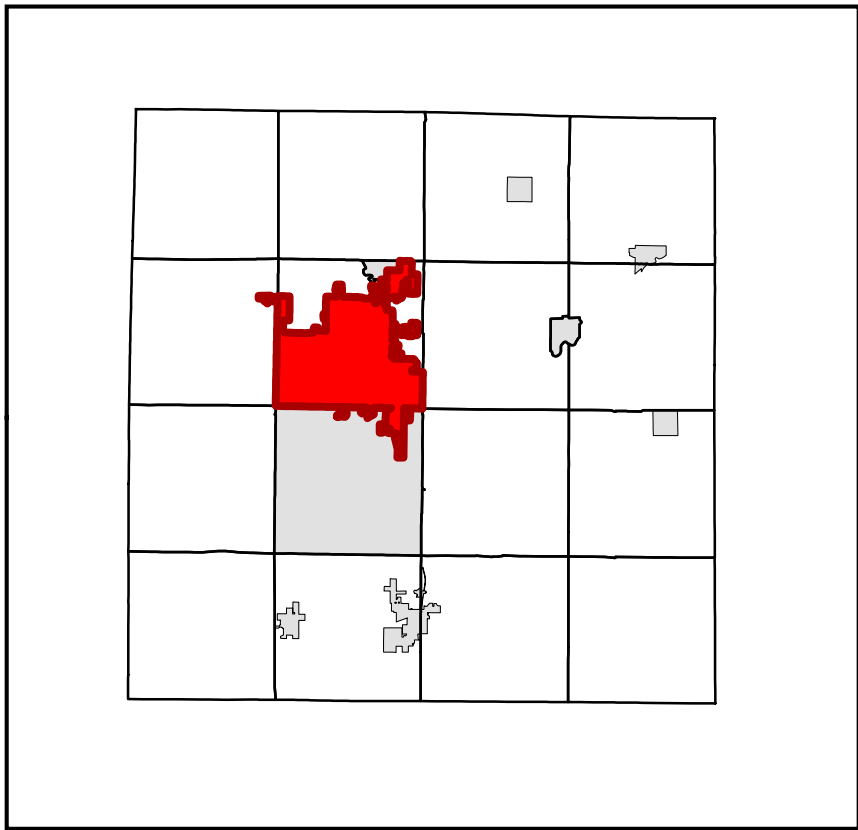
33 to 39.99 Feet Wide

40 to 49.99 Feet Wide

50 to 50.99 Feet Wide

Lot Width Over 60 Feet Wide

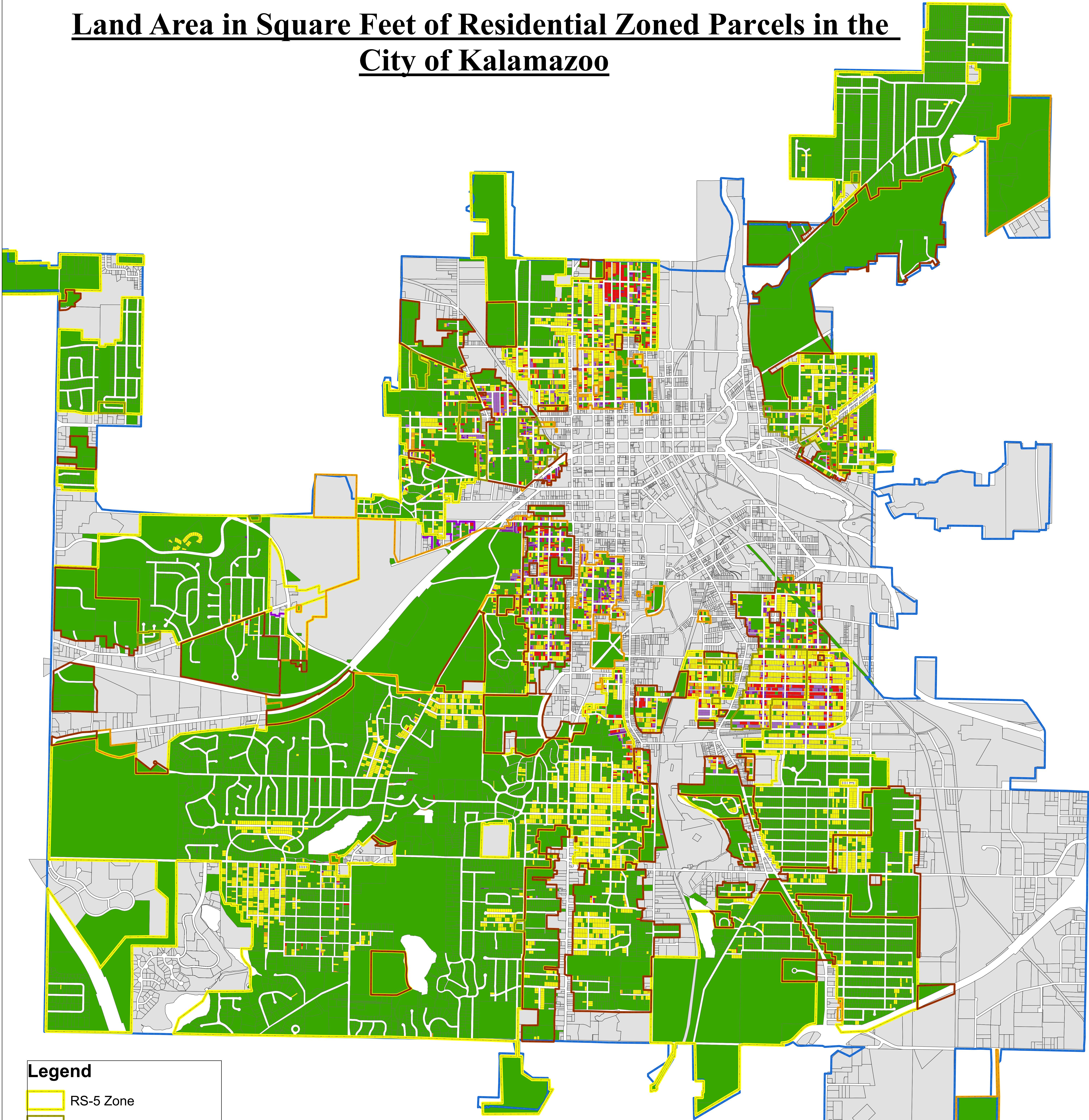
LOCATION IN COUNTY



Existing Lot Area in the Most Common Residential Districts

		Lot Area (sq ft)							Nonconformance	
District	Total Lots in District	<2999.999	3000-3999.999	4000-4499.999	4499.99-4999.999	5000-7499.999	7500+	Required Min. Area per Code	Percentage	Number of Lots
RS-5	12182	169	340	409	334	2904	8026	7500	34%	4156
RD-19	1044	91	141	152	81	357	222	4500	37%	384
RM-15	4172	245	325	234	196	994	2178	5000	24%	1000
RM-36	1033	217	146	79	102	252	237	5500	60%	544

Land Area in Square Feet of Residential Zoned Parcels in the City of Kalamazoo



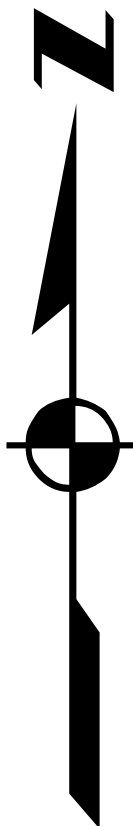
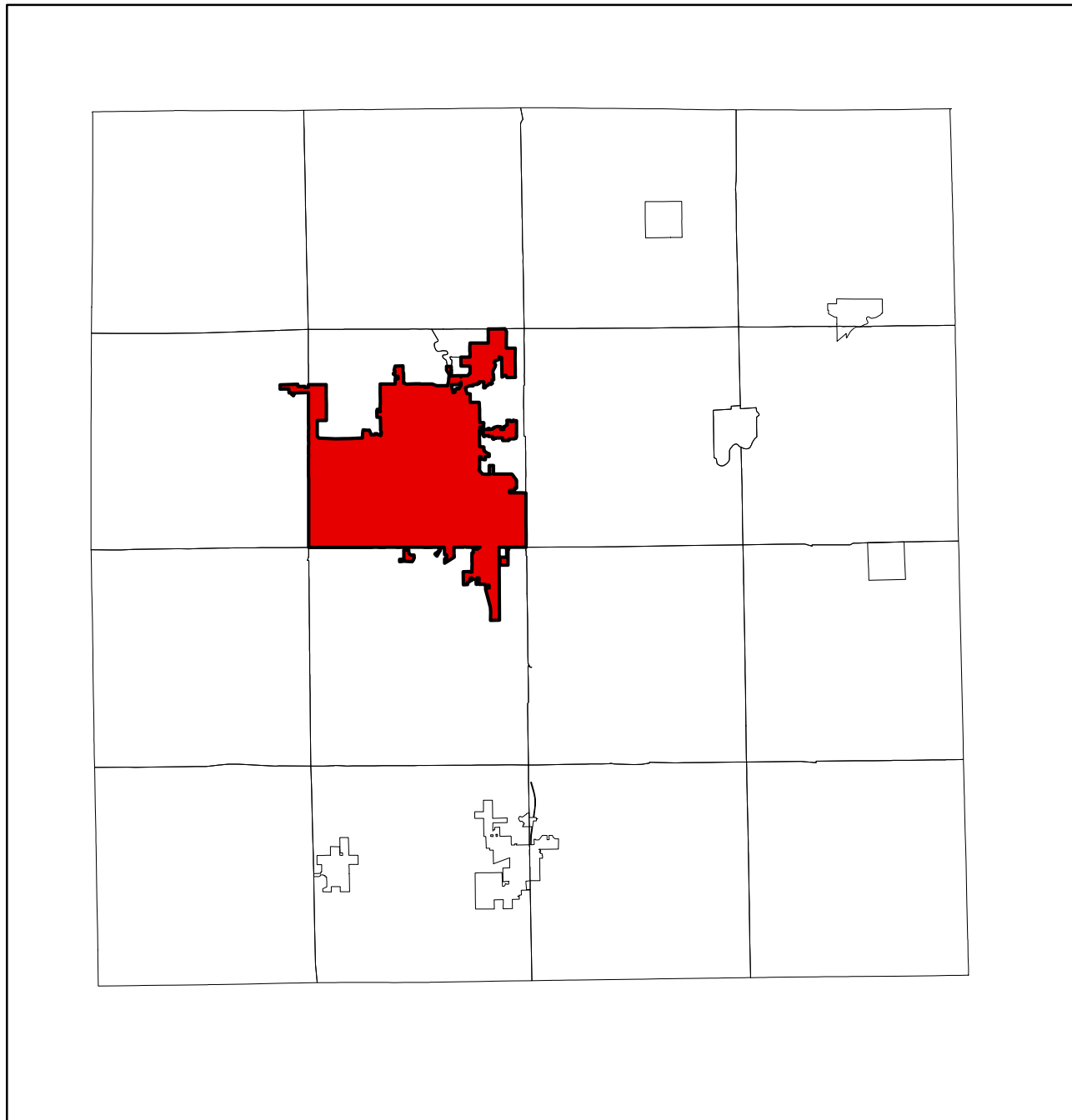
Legend

- RS-5 Zone
- RD-19 Zone
- RM-15 Zone
- RM-15C Zone
- RM-36 Zone
- City Boundary

Land Area in Sq Feet

- 97.811 - 2999.999
- 3000.000 - 3999.999
- 4000.000 - 4499.999
- 4500.000 - 4999.999
- 5000.000 - 7499.999
- 7500.000 - 11688981.823
- Non-Res Parcels

Location in County



Edison Neighborhood Residential Areas

The Edison neighborhood sits to either side of the Portage Street corridor, including about 2,500 residential parcels as well as various institutional, commercial, and industrial uses spanning the past century in age.

The Master Plan identifies a transect of neighborhood character types within the Edison area, transitioning from Urban Edge at the border with downtown to Neighborhood Edge at Crosstown, to R-2 Residential south of Vine Street, and to R-1 Residential in the area south of Stockbridge and east of Portage.

Existing Conditions and Zoning

The neighborhood's housing stock is composed of traditional (majority pre-1940) single family homes and duplexes, predominantly on smaller lots with detached or no garages. Homes are in modest condition with limited vacancy.

In the northern portion of the neighborhood, smaller areas of residential uses are closely interspersed with uses of more industrial character. These areas have more vacant lots and more visibly distressed homes.

The areas north of Vine Street and northwest of Washington Square are zoned for Manufacturing use (M-1 and M-2); homes in this area are considered non-conforming uses, and likely to suffer barriers to expansion of smaller homes, new / reconstruction of homes on vacant lots, or even securing mortgages to purchase existing homes.

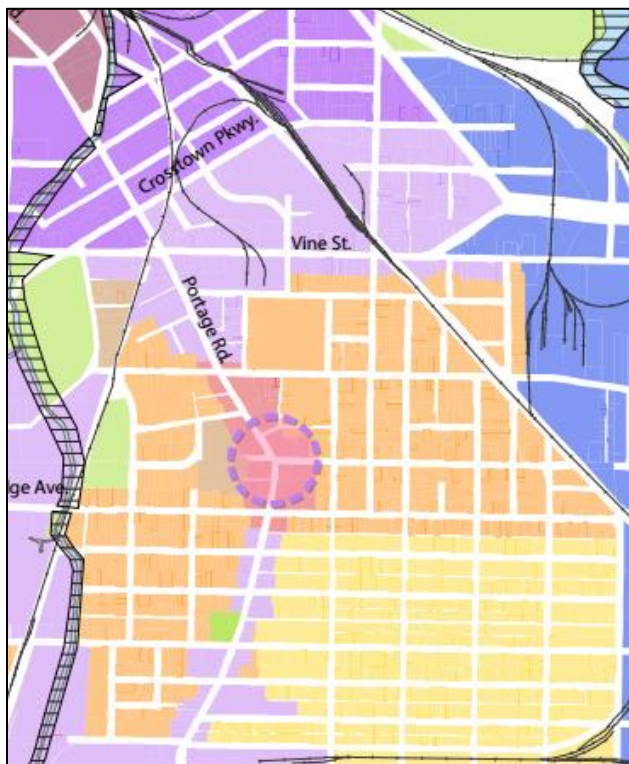


Figure 6 - Imagine Kalamazoo Future Land Use, Edison area

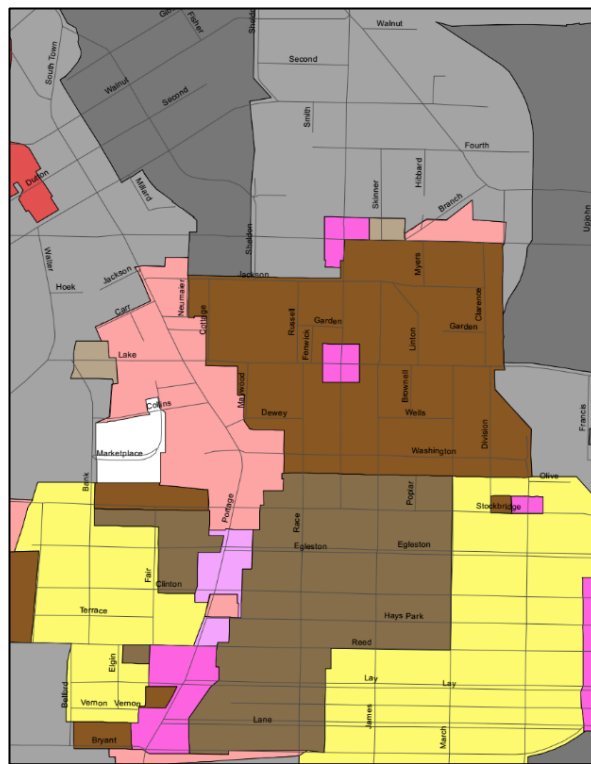


Figure 7 - Existing Zoning, Edison area

The remainder of the neighborhood is a mixture of multifamily, duplex, and single-family zoning districts. However, even these areas are hindered by widespread dimensional non-conformities.

While Sec. 9.3-9.4 of the zoning ordinance do allow for construction on existing vacant non-conforming lots and continuation or replacement of uses in existing structures on non-conforming lots, there are added challenges. Dimensional standards such as minimum setback and maximum impervious surface coverage are calibrated to the minimum lot size. Additionally, property owners often have extra difficulty obtaining financing to improve non-conforming parcels or structures and may face higher home insurance costs.

Recommended Zoning Changes

Short-term zoning improvements to this area should focus on removing non-conforming status from existing residential properties. Under the newly adopted master plan, the homes in this area appear to be a desired use that should be supported by the zoning. A longer-term, more comprehensive update may look to a form-based code that includes specific building types appropriate for lots of different sizes.

The following discusses the dimensional challenges that apply most broadly in the existing residential districts and outlines two potential new zoning districts. The changes are intended to,

- Bring most of the current residentially zoned parcels in the Edison neighborhood into dimensional conformity, removing barriers to resident investment.
- Fit the style and standards of the existing districts, rather than making major changes to use categories.
- Generally comport with the Imagine Kalamazoo master plan Future Land Use designations for this area.

These changes are suggested with the understanding that they are a bridge to a more comprehensive revision; some notes are provided for addressing outstanding challenges within the neighborhood.

Challenge: Only 36% of residentially zoned parcels in the Edison neighborhood conform to minimum lot size requirements in their current district.

Much of the Edison neighborhood was originally platted with lots smaller than the current minimums. As shown in Figure 8¹, this renders nearly every parcel in some areas non-conforming. In other areas, historic lot splits have left more scattered non-conforming lots.

Recommendation: Reduce minimum lot area to match existing patterns in neighborhood.

- A minimum lot area of 2,900 square feet would make over 90% of residential parcels in this area “conforming”. (136 of 2,039 total parcels would remain non-conforming by lot area.)
 1. This threshold is equal to the existing per-dwelling-unit minimum in the RM-15 district, and a higher threshold than the per-unit minimum in the RD-19 district, so is a number already in use in much of the neighborhood.
 2. A slightly higher threshold of 3,500 s.f. would still make all but 240 parcels (12%) conforming by lot area.
 3. Higher thresholds rapidly leave greater numbers of parcels non-conforming by lot area.

¹ Due to size, figures for this section are provided in Appendix C.

The parcels left non-conforming by lot area under either a 2,900 s.f. or 3,500 s.f. threshold tend to be clustered in a few areas: where platted lots were split at the ends of blocks, such as along Race Street and James Street; where residential parcels abut non-residential uses, such as along Maywood Ave. and Dewey Ave; and on Hays Park Ave. See Figure 9 for a map of these parcels.

Future revisions may consider tailored standards for small houses / cottages or for townhomes that can fit these smaller lots. Alternatively, minimum lot areas could be eliminated altogether, removing non-conforming status from all parcels in the neighborhood. Under this approach, lot widths, setbacks, and coverage maximums would dictate lot sizes, but this would require more detailed analysis and fine-tuning.

Challenge: 53% of residentially zoned parcels in the Edison neighborhood conform to minimum lot width requirements in the current district.

As with lot areas, the current 60-foot minimum lot width in the RS-5 district renders over 90% of Edison parcels in that district non-conforming. The RD-19 and RM-15 districts have a narrower 40-foot minimum which is much more suited to the existing conditions, as seen in Figure 10.

Recommendation: reduce minimum lot width requirement to match existing patterns in the neighborhood.

- A minimum lot width of 40 feet would make nearly 90% of residential parcels in the neighborhood conforming by lot width, without changing the existing RD-19 or RM-15 dimensional requirement.

Approximately 250 parcels would remain non-conforming under a 40-foot minimum lot width; nearly all of these have widths between 30 and 40 feet. See Figure 11 for a map of these parcels.

Where parcels have rear alley access for parking, parcels below 40 feet wide may be easy to accommodate, but north of Washington Avenue the expectation of having a driveway alongside the house means exceptionally narrow houses or a very small setback on one side. As discussed with small-area lots above, these parcels may require future work in the form of tailored standards for small house / cottage or townhouse forms.

Other dimensional changes

Inadequate setbacks under the current zoning are likely to render many additional existing homes non-conforming, even where the parcel size is adequate. In particular, the 8 foot side setback requirement in the RS-5 district is challenging for the lot widths existing in Edison. (Footnote [1] on Table 5.1-1 appears to already allow front setbacks to match an existing residential pattern.)

Recommendation: Consider reduced setbacks appropriate for residential use.

- Set an interior side setback of 5 feet for single family uses
- Clarify street side setback is to be calculated based on the existing residential pattern, where one exists, as with front setbacks.

Similarly, the maximum impervious surface coverage will need more comprehensive review; on the smaller lots typical of Edison, this may be a significant constraint to allowing infill construction, addition of a garage to a home, or similar investment.

Possible New Districts

The following tables show two potential new zoning districts covering the areas within the Edison neighborhood that are designated “R-1” and “R-2” on the Imagine Kalamazoo Future Land Use Map. The districts are intended to implement the recommendations discussed above with a minimum of change to existing permitted uses in these areas.

The R-1 district primarily covers areas currently zoned RS-5 and RD-19; the R-2 district primarily covers areas currently zoned RD-19 and RM-15, as well as some parcels currently zoned RS-5 (west of Portage Street) and RM-36 (at Lake Street and Bank Street). These zones are included in the following tables for comparison.

The dimensional standards suggested for the two districts are nearly identical in the table below, with the exception of the minimum lot area required for uses other than single-unit detached dwellings. The use table further differentiates the two districts. The Edison R-1 district uses are between the RS-5 and RD-19 districts in permissiveness; this includes attached dwellings and duplexes, but the minimum lot area will limit the number of parcels eligible for these uses. The Edison R-2 district uses are generally identical to the existing RM-15 uses.

A few cautions apply:

- Existing non-residential uses in the RD-19 district (such as family daycares), these should be checked against the proposed R-1 lot area to see whether they would be rendered non-conforming.
- Additionally, the MZEA may limit the ability to apply different standards to certain uses, such as adult foster care homes, than to other detached dwellings.

Dimensional Standards: Edison R-1 and R-2 districts

District	Minimum Lot Size				Minimum Setback			Maximum Impervious Surface	Maximum Height
	Lot Area (Detached Dwelling)	Lot Area (Other Uses)	Lot Area (Per Dwelling Unit)	Lot Width	Front/ Street Side	Rear	Side (interior)		
<i>RS-5</i>	<i>7,500 sq.ft.</i>		-	<i>60 ft</i>	<i>25 ft</i>	<i>25 ft</i>	<i>8 ft</i>	<i>45%</i>	<i>35 ft</i>
<i>RM-15</i>	<i>5,000</i>		<i>2,900</i>	<i>40</i>	<i>20</i>	<i>20</i>	<i>6</i>	<i>60</i>	<i>35 ft</i>
<i>RD-19</i>	<i>4,500</i>		<i>2,250</i>	<i>40</i>	<i>20</i>	<i>20</i>	<i>5</i>	<i>60%</i>	<i>35 ft</i>
<i>RM-36</i>	<i>5,500</i>		<i>1,210</i>	<i>44</i>	<i>15</i>	<i>20</i>	<i>6</i>	<i>60%</i>	<i>6 stories</i>
Edison R-1	2,900	6,500	3,250	40	20	20	5	60%	35 ft
Edison R-2	2,900	4,500	2,250	40	20	20	5	60%	35 ft

Use Standards: Edison R-1 and R-2 districts

Use Category (Specific Use)	RS5	RD19	RM15	RM36	Edison R-1	Edison R-2
RESIDENTIAL¹						
Household Living						
Detached Dwelling	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	P	P
Attached Dwelling		<i>p</i>	<i>p</i>	<i>p</i>	P	P
Cluster Housing Development	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	P	P
Duplex		<i>p</i>	<i>p</i>	<i>p</i>	P	P
Multi-Unit Dwelling			<i>p</i>	<i>p</i>		P
Group Living						
Adult Foster Care Family Home (6 or Fewer Residents)	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	P	P
Adult Foster Care Small Group Home (6 or Fewer Residents)	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	P	P
Adult Foster Care Medium/Large Group Home (7 to 20 Residents)			<i>p</i>	<i>p</i>		P
Transitional Residences			<i>S</i>	<i>S</i>		S
Foster Family Group Home (5 or 6 Children)	<i>p</i>	<i>p</i>	<i>P</i>	<i>P</i>	P	P
Foster Family Home (4 or Fewer Children)	<i>p</i>	<i>p</i>	<i>P</i>	<i>P</i>	P	P
Fraternity or Sorority			<i>S</i>	<i>S</i>		S
Nursing/Convalescent Home			<i>S</i>	<i>P</i>		S
Assisted Living Facility			<i>S</i>	<i>P</i>		S
Rehabilitation Center (Live-In Facilities With Up To 6 Beds)			<i>S</i>	<i>S</i>		S
Rooming/Boardinghouse			<i>S</i>	<i>S</i>		S
PUBLIC AND CIVIC						
Open Space/Nature Preserve	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	P	P
Parks/Recreation Facility	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	P	P
Community Service Center	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	S	S
Drop-In Center	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	S	S
Cultural Exhibits, Libraries and Museums	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	S	S
Government Office	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	P	P
Postal Service	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	S	S
Public Safety Substation	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	P	P
Religious Assembly	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	S	S
School	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	S	S
Utilities and Public Service	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	S	S
Day-Care Home, Family (6 or Fewer Residents)	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	P	P
Day-Care Home, Group (7 to 12 Residents)	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	S	S
Eating and Drinking Establishments						
Tearoom/Cafe		<i>S</i>	<i>S</i>	<i>S</i>		S
Funeral and Interment Service						
Cemeteries and Mausoleums	<i>S</i>	<i>S</i>	<i>S</i>	<i>S</i>	S	S
Lodging						

Use Category (Specific Use)	<i>RS5</i>	<i>RD19</i>	<i>RM15</i>	<i>RM36</i>	Edison R-1	Edison R-2
Bed-and-Breakfast Inn		<i>S</i>	<i>P</i>	<i>P</i>	S	P
Parking, Commercial		<i>S</i>	<i>S</i>	<i>S</i>		S
Retail Sales and Service, Indoor		<i>S</i>	<i>S</i>	<i>S</i>		S
Telecommunications	*	*	*	*	*	*
Wind Energy Units						
Building-mounted	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	P	P
Small Freestanding (not primary use)	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	P	P
Large and multiple (not primary use)			<i>p</i>	<i>p</i>		P
Freestanding (primary use)			<i>S</i>	<i>S</i>		S

Table 5.1-1 Residential District Standards (EDITED)

Standards	Districts									
	RS-4	RS-5	RS-7	RD-8	RD-19	RM-15	RM-15C	RM-24	RM-36	RMU
Minimum Lot Size										
Lot Area (sqft)	10,000	7,500 4,500	6,250	6,250	4500 4,000	5,000 4,000	5,000	5,000	5500 4,000	5,500
Lot Area/ Dwelling Unit (sqft)	10,000	7,500 4,500	6,250	3,125	2250 1,500	2900 1,500	2,900	1,800	1210 1,000	1,210
Lot Width (ft) [1]	75	60 33	50	50	40 33	40 33	40	50	44 33	44
Minimum Setback (feet)										
Front [1] [2]	25	25	20	20	20	20	20	20	15	15
Rear - abutting RS/RD	25	25	20	20	20	25 20	25	25	25	25
Rear - abutting RM/C/M	25	25	20	20	20	20	20	20	20	20
Side - abutting RS/RD	8	8 5	5	5	5	15 5	15	15 [2] 15 [3]	15 [2] 5 [3]	15 [2] 15 [3]
Side - abutting RM/C/M	8	8 5	5	5	5	6 5	6 5	6 5	6 5	6 5
Minimum Outdoor Area										
Area (sq/dwelling unit)	-	-	-	-	-	75 -	75	50	50	50
Minimum Dimension (ft)	-	-	-	-	-	7.5 -	7.5	5	5	5
Maximum Impervious Coverage										
Coverage (% of lot area) [4]	45	45	50	55	60	60	60	60	60 70	60
Maximum Height										
Height	35'	35'	35'	35'	35'	35'	35'	4 stories [5]	6 stories [5]	6 stories [5]

Notes:

[1] Lot width is measured at the front setback line.

[1][2] Provided, however, that when 25% or more of all the frontage on one side of a street between two intersecting streets was, on April 22, 1954, built up with buildings, no building erected or altered after that date shall project beyond the average of the setback line so established, and provided, further that no building shall be required to set back more than 40 feet in any case as a result of this provision.

[2] Plus one foot of additional setback for each foot of building height in excess of 32 feet. (remove)

[3] Buildings over 35' in height shall have a side yard setback of 15'.

[3] [4] The Planning Commission is authorized to modify impervious cover limits for uses requiring special use permit approval.

[4] [5] Additional building height may be allowed if review and approved as a Planned Unit Development.

[5] For all multi-unit residential sites, no more than 50% of the site can be impervious cover. (remove)

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE RESIDENTIAL DISTRICT STANDARDS TABLE OF APPENDIX A, BEING THE KALAMAZOO ZONING CODE AND REPEALING CERTAIN SUB PARAGRAPHS

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Table 5.1-1 Residential District Standards of the City of Kalamazoo Zoning Ordinance is amended to read as follows:

Standards	Districts									
	RS-4	RS-5	RS-7	RD-8	RD-19	RM-15	RM-15C	RM-24	RM-36	RMU
Minimum Lot Size										
Lot Area (square feet)	10,000	4,500	6,250	6,250	4,000	4,000	5,000	5,000	4,000	5,500
Lot Area/ Dwelling Unit (square feet)	10,000	4,500	6,250	3,125	1,500	1,500	2,900	1,800	1,000	1,210
Lot Width (feet) [1]	75	33	50	50	33	33	40	50	33	44
Minimum Setback (feet)										
Front [2]	25	25	20	20	20	20	20	20	15	15
Rear - abutting RS/RD districts	25	25	20	20	20	20	25	25	25	25
Rear - abutting RM/C/M districts	25	25	20	20	20	20	20	20	20	20
Side (interior) - abutting RS/RD districts	8	5	5	5	5	5	15	15 [3]	5 [3]	15 [3]

Side (interior) - abutting RM/C/M districts	8	5	5	5	5	5	5	5	5	5
Minimum Outdoor Area										
Area (square feet per dwelling unit)	-	-	-	-	-	-	75	50	50	50
Minimum Dimension (feet)	-	-	-	-	-	--	7.5	5	5	5
Maximum Impervious Coverage										
Coverage (percent of lot area) [4]	45	45	50	55	60	60	60	60	70	60
Maximum Height										
Height	35'	35'	35'	35'	35'	35'	35'	4 stories [5]	6 stories [5]	6 stories [5]

Notes:

- [1] Lot width is measured at the front setback line.
- [2] Provided, however, that when 25% or more of all the frontage on one side of a street between two intersecting streets was, on April 22, 1954, built up with buildings, no building erected or altered after that date shall project beyond the average of the setback line so established, and provided, further that no building shall be required to set back more than 40 feet in any case as a result of this provision.
- [3] Buildings over 35' in height shall have a side yard setback of 15'.
- [4] The Planning Commission is authorized to modify impervious cover limits for uses requiring special use permit approval
- [5] Additional building height may be allowed if review and approved as a Planned Unit Development.

Section 2. Repealer.

Section 4.2 Q. 4. subparagraphs b) and c) of Appendix A and 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 MCL 124.3401, this ordinance shall take effect upon expiration of 7 days after publication within 15 days after adoption in a local newspaper of general circulation.

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 _____, 2019. 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

f:\ord**



Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: Rebekah Kik, Director Community Planning and Economic Development

PREPARED BY: Joy Orr, Administrative Coordinator

DATE: 12/14/2018

SUBJECT: Resolution Adopting and Approving the Sixth Amendment to Revised Brownfield Plan Implemented by the City of Kalamazoo Brownfield Redevelopment Authority for 1101 Portage Street

RECOMMENDATION

It is recommended that the City Commission adopt a resolution approving the Sixth Amendment to the City of Kalamazoo's Revised Brownfield Plan [Revised Plan Amendment 6] implemented and recommended for approval by the City of Kalamazoo Brownfield Redevelopment Authority following a public hearing before the Brownfield Redevelopment Authority (BRA).

BACKGROUND

Periodically, the BRA requests that the City Commission adopt an amendment to the then-current Brownfield Plan. The current version of the plan is the Fifth Amendment to Revised Brownfield Plan approved by the City Commission on October 1, 2018. The Brownfield Redevelopment Authority is recommending the adoption of the Sixth Amendment to Revised Brownfield Plan (Revised Plan Amendment 6).

The particulars of the Revised Plan Amendment 6 consist of the amendment of one chapter, and are summarized in the attached Summary of Significant Changes.

The amendment to Chapter 25 involves the former Creamery site at 1101 Portage Street that the Kalamazoo County Land Bank is selling to Kalamazoo Creamery Limited Dividend Housing Association Limited Partnership (Creamery LP) to redevelop into mixed commercial and residential uses with majority of residential uses meeting affordable housing standards. (Creamery LP was formed to secure Low Income Housing Tax Credits and mortgage financing through the Michigan State Housing Development Authority. The City approved a PILOT for this project on August 20, 2018.)

In order to comply with the requirements of Act 381, the amendment to Chapter 25 regarding the properties identified in the Revised Plan Amendment 6 are necessary.

As required under Act 381, the BRA held a public hearing on the Revised Plan Amendment 6 on December 20, 2018. The resolution adopted by the BRA is attached.

COMMUNITY RESOURCES CONSULTED

Other than the public hearing process, no additional community resources were consulted.

FISCAL IMPACT

Tax increment revenues will reimburse the City, BRA, or the owners of the properties for eligible activities each incurred. City staff and the BRA continue to monitor the Plan and legislative amendments to maximize tax increment revenues so that eligible activities and applicable administrative fees are reimbursed to the extent possible, and the BRA is able to fully capture the additional five years of those revenues that will allow the BRA to leverage those funds for future redevelopments.

ALTERNATIVES

The City Commission may decline to adopt the resolution approving the Revised Plan Amendment 6. This action is not recommended because the proposed revision is in keeping with the overall administration of the Brownfield Redevelopment Initiative.

ATTACHMENTS:

Type	Description
▣ Resolution	City Commission Resolution
▣ Resolution	BRA Resolution
▣ Summary of Changes	Summary of Significant Changes
▣ Background Material	Excerpts of Added Chapter

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION ADOPTING AND APPROVING THE CITY OF KALAMAZOO'S
SIXTH AMENDMENT TO REVISED BROWNFIELD PLAN (AMENDMENT 6)**

Minutes of a regular meeting of the City Commission of the City held on January 7, 2019, at 7:00 p.m., local time, at the City Hall.

PRESENT:

ABSENT:

The following resolution was offered by Commissioner _____ and seconded by Commissioner _____.

RECITALS

- A. On May 5, 1997 the City of Kalamazoo ("City") created the City of Kalamazoo Brownfield Redevelopment Authority ("Authority"), under the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381").
- B. Following the establishment of BRA, in September 1997 the City implemented the City of Kalamazoo Brownfield Plan ("Plan"), as required under Act 381, for the purposes of identifying real estate parcels for revitalization, redevelopment and reuse.
- C. On October 2, 2017 the City replaced the then current version of the City's Brownfield Plan [Amended and Restated Brownfield Plan: Twenty-Ninth Amendment ("Plan Amendment 29")] by adopting and implementing the City of Kalamazoo Revised Brownfield Plan (the "Revised Plan"), under Act 381. On October 1, 2018 the City Commission approved the Fifth Amendment to the Revised Plan.
- D. The Authority has implemented the Sixth Amendment to Revised Brownfield Plan ("Revised Plan Amendment 6"), which amends one chapter, under Act 381.
- E. Under Resolution No. 08-16, the City Commission delegated to the Authority the public hearing process regarding any future proposed amendments to the Plan, including proposed Revised Plan Amendment 6.
- F. On December 20, 2018 the Authority held a public hearing as required under Act 381 and approved the implementation of the Revised Plan Amendment 6, which amends Chapter 25.
- G. Following the public hearing, the Authority adopted a resolution recommending that the City Commission approve Revised Plan Amendment 6.

- H. The City Commission has reviewed BRA's resolution and Revised Plan Amendment 6, and finds that this Sixth Amendment constitutes a public purpose in that:
- I. The City Commission finds that notice of the public hearing was given to all taxing authorities levying ad valorem or specific taxes against any property affected by Revised Plan Amendment 6, and was also given by publication, as required by Act 381; and
- a. It meets all requirements of Section 13 of Act 381,
 - b. The proposed method of financing the costs of eligible activities of Revised Plan Amendment 6 is feasible, and the Authority has the ability to arrange the necessary financing,
 - c. The costs of the eligible activities proposed by Revised Plan Amendment 6 are reasonable and necessary to carry out the purposes of Act 381, and
 - d. The amount of captured taxable value estimated to result from Revised Plan Amendment 6 is reasonable.

THEREFORE, IT IS RESOLVED:

The City of Kalamazoo Sixth Amendment to Revised Brownfield Plan, as implemented by the City of Kalamazoo Brownfield Redevelopment Authority, is adopted and approved.

AYES:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by at a regular meeting held on January 7, 2019. 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 Act 381.

Scott A. Borling
City Clerk

**CITY OF KALAMAZOO
BROWNFIELD REDEVELOPMENT AUTHORITY**

**A RESOLUTION APPROVING THE IMPLEMENTATION OF
CITY OF KALAMAZOO'S SIXTH AMENDMENT TO
REVISED BROWNFIELD PLAN AND
RECOMMENDING ADOPTION BY THE CITY COMMISSION**

Minutes of a regular meeting of the City of Kalamazoo Brownfield Redevelopment Authority held on December 20, 2018, at 7:30 a.m., local time, at the Community Room of City Hall, 241 West South Street, Kalamazoo, Michigan.

PRESENT: Nathan Bolton; Fritz Brown; Jim Escamilla; Kyle Gulau; Kevan Hess; Mayor Bobby J. Hopewell; Bob Miller; Patti Owens; Doug Phillips; Tom Schlueter; Nancy Troff

ABSENT: None.

The following resolution was offered by Member Mayor Bobby J. Hopewell and seconded by Member Ms. Troff.

RECITALS:

A. The City has created the City of Kalamazoo Brownfield Redevelopment Authority (the "Authority"), under the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381").

B. On October 2, 2017, the City replaced the then current version of the City's Brownfield Plan [Amended and Restated Brownfield Plan: Twenty-Ninth Amendment ("Plan Amendment 29")] by adopting and implementing the City of Kalamazoo Revised Brownfield Plan (the "Revised Plan"), under Act 381. On October 1, 2018, the City Commission approved the Fifth Amendment to the Revised Plan.

C. The Authority has implemented the Sixth Amendment to Revised Brownfield Plan (Amendment No. 6) ("Revised Plan Amendment 6"), which amends one chapter, under Act 381.

D. Under Resolution No. 08-16, the City Commission delegated to the Authority the public hearing process regarding any future proposed amendments to the Plan, including proposed Revised Plan Amendment 6.

E. A public hearing was held by the Authority on December 20, 2018, on Revised Plan Amendment 6; notice of the public hearing was given to all taxing authorities levying ad valorem or specific taxes against any property affected by Revised Plan Amendment 6, and was also given by publication, as required by Act 381.

F. Following the public hearing on Revised Plan Amendment 6, the Authority, in consideration of any comments heard at the public hearing or written communications

received at or prior to the public hearing, determines that Revised Plan Amendment 6 constitutes a public purpose in that:

- a. It meets all requirements of Section 13 of Act 381,
- b. The proposed method of financing the costs of eligible activities of Revised Plan Amendment 6 is feasible, and the Authority has the ability to arrange the necessary financing,
- c. The costs of the eligible activities proposed by such amendment are reasonable and necessary to carry out the purposes of Act 381, and
- d. The amount of captured taxable value estimated to result from Revised Plan Amendment 6 is reasonable.

THEREFORE IT IS RESOLVED THAT:

The City of Kalamazoo Brownfield Redevelopment Authority approves the implementation of the Sixth Amendment to Revised Brownfield Plan and recommends the City Commission adopt a resolution approving this amendment to the Revised Plan.

AYES: 11

NAYS: None

ABSTAIN: 1, Mr. Escamilla

RESOLUTION DECLARED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City of Kalamazoo Brownfield Redevelopment Authority at a regular meeting held on December 20, 2018. 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 Act 381.



Joy Orr
Recording Secretary

**Summary of Significant Changes
Sixth Amendment to Revised Brownfield Plan
December 2018/January 2019**

A) Amend Chapter 25) 1101 Portage Street

- Revise project description
- Revise estimate of captured taxable value and estimate of annual taxes captured
- Basis of Eligibility: Facility
- Parcel Addresses: 1101 Portage Street
- Estimate of Eligible Activities: Up to \$730,000
- Estimate of Potential Redevelopment Investment: \$14.15 Million
- Jobs Created: Approximately 20
- Use: New construction of an approximate 59,000 square foot three-story mixed use building.



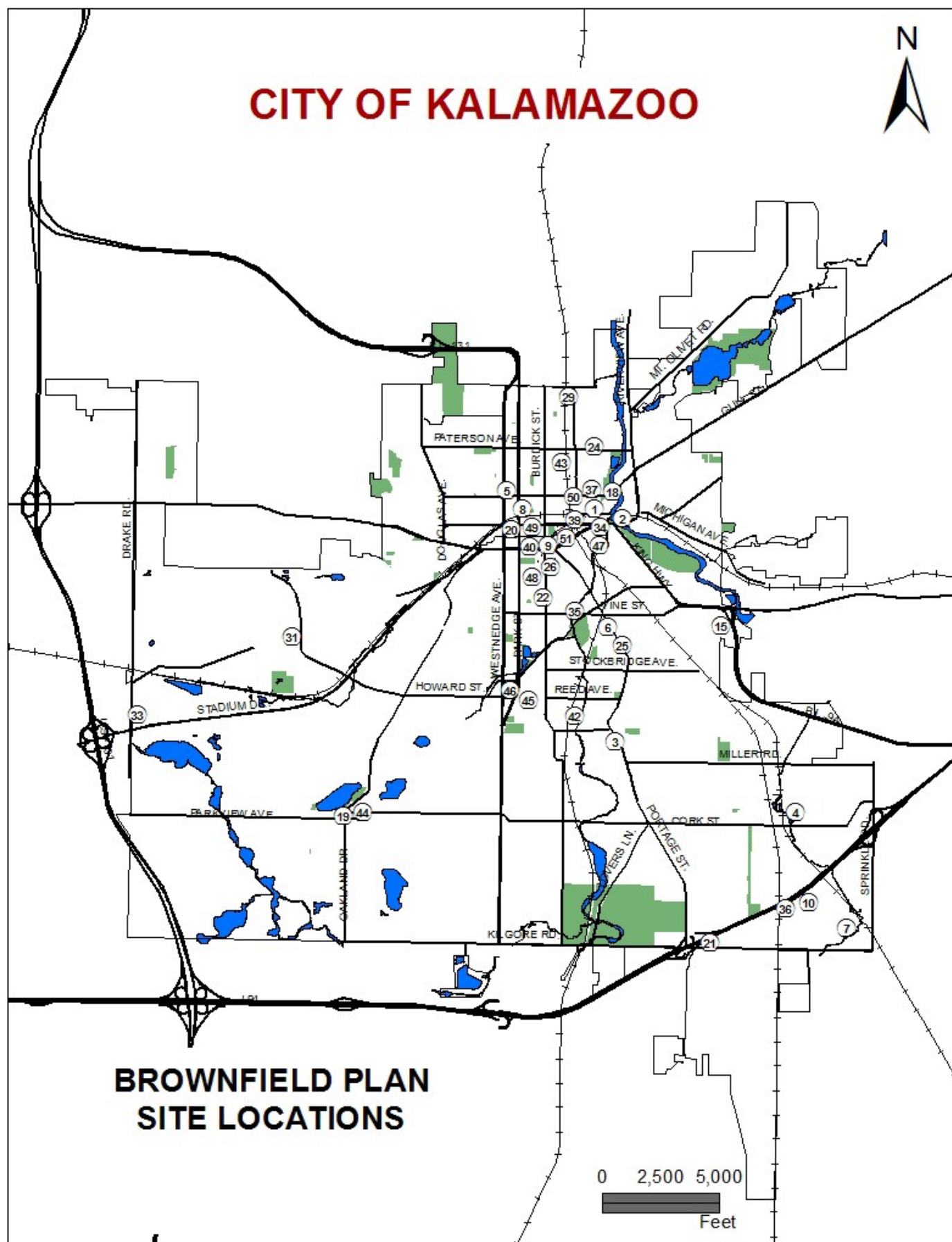
CITY OF KALAMAZOO'S SIXTH AMENDMENT TO REVISED BROWNFIELD PLAN



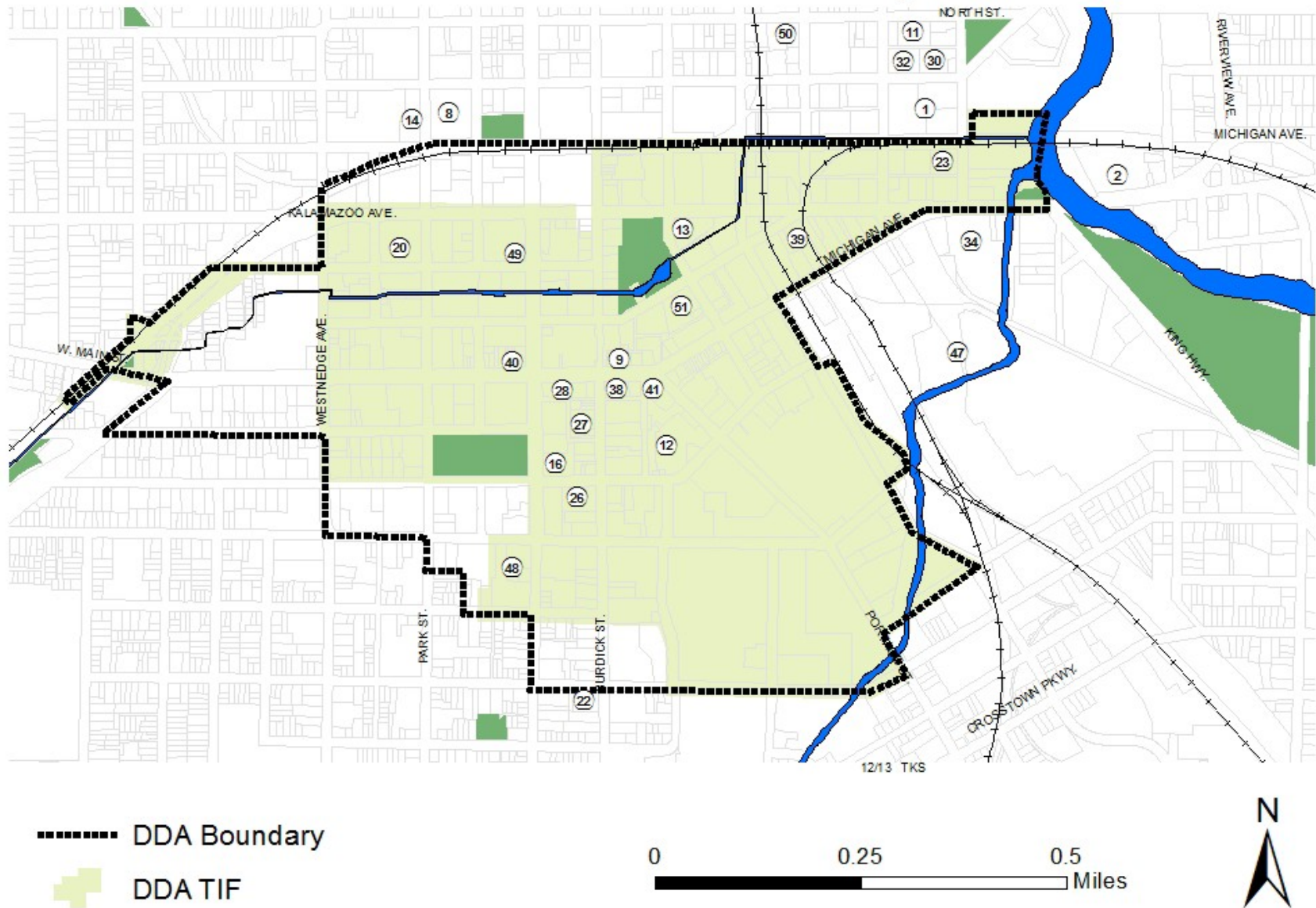
January 7, 2019

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Brownfield Plan Sites Near DDA District & Downtown Development Area



SIXTH AMENDMENT TO REVISED BROWNFIELD PLAN January 2019

Introduction

This document is the City of Kalamazoo's Brownfield Plan, created pursuant to Section 13(1) of Michigan's Brownfield Redevelopment Financing Act, Public Act No. 381 of 1996, as amended ("Act 381"). Section 13(1) enables the City of Kalamazoo's Brownfield Redevelopment Authority (Authority) board to implement a Brownfield Plan and establishes 13 mandated requirements of the Plan (paragraphs "a" through "n"). Prior to implementation, the Brownfield Plan must be approved by the Brownfield Redevelopment Authority and the Kalamazoo City Commission. Prior to capturing school taxes for eligible activities, remedial action plan/work plan components of the Brownfield Plan must also be approved by the Michigan Department of Environmental Quality, and/or the Michigan Economic Growth Authority.

Because of its status as a "Core Community," Kalamazoo's Brownfield Plan can now be used as a basis for reimbursement for additional eligible activities such as infrastructure improvements, demolition, lead or asbestos abatement, and certain site preparation activities. This amended and restated Brownfield Plan incorporates such considerations. The Authority will use its discretion in approving reimbursement and method of payment for all eligible activities. The Authority will take into consideration factors such as total amount of reimbursement requested, projected unabated tax revenue generated by the development, and other pertinent factors. In the future, the Authority may further develop or refine policy which impacts reimbursement for eligible activities.

General Program Policy Statement

To further the legislative intent of the Brownfield Redevelopment Financing Act, and to achieve the goals of the City of Kalamazoo Brownfield Plan, it is the mission of the Brownfield Redevelopment Authority and the city's Brownfield Redevelopment Initiative to clean up environmentally challenged properties in the city and prepare them for desirable and productive re-uses which enhance the city's tax base. The city's Brownfield Plan is intended to establish a working set of sites which are prioritized first as those sites which are "orphaned" or abandoned and for which there are no other resources available to facilitate redevelopment. The city's financial and staffing resources are limited and the Brownfield Plan shall be comprised of a select group of sites which reflect the application of the criteria set forth above and the stated intent of the city's program.

Criteria For Sites Included In Brownfield Plan

1. A site must qualify as a facility, as functionally obsolete or blighted as defined by Public Act 145 of 2000, or be directly adjacent to such a site and part of an overall development plan which includes the adjacent facility.
2. It is a priority that a site must be publicly owned, abandoned, and/or generate minimal

25) 1101 Portage Street

Eligible Property

1101 Portage Street, currently 06-22-434-008

The proposed project includes an approximate 59,000 square foot three-story mixed use building. The building will include approximately 9,500 square feet of commercial space on the first floor and a total of 48 residential units. The 48 housing units are subject to a Payment in Lieu of Taxes (PILOT) or 4% or shelter rents. A condominium subdivision will be created and the commercial spaces –6,300 square feet dedicated for 24 hour drop childcare facility, and up to 2,700 square feet of leasable commercial space are subject to ad valorem taxes and are eligible for increment capture. The existing parcel number, 06-22-434-008, will be retired upon the creation of the condominium and the portion of the condominium subject to ad valorem taxes will be assigned a unique parcel number at that time. The site is currently vacant and was formerly occupied by a blighted building.

Basis of Eligibility

The subject property is eligible for Plan inclusion based upon its condition as a blighted property. Section 2(e)(vi) of Act 381 specifies that one of the definitions of blighted includes “property owned or under the control of a land bank fast track authority under the land bank fast track act, whether or not located within a qualified local governmental unit. Property included within a brownfield plan prior to the date it meets the requirements of this subdivision to be eligible property shall be considered to become eligible property as of the date the property is determined to have been or becomes qualified as, or is combined with, other eligible property. The sale, lease, or transfer of the property by a land bank fast track authority after the property’s inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for the purposes of this act.” Because the subject property is owned by the Kalamazoo County Land Bank, the subject property is deemed eligible.

In addition, the site is eligible for brownfield plan inclusion due to its “facility” status (per Natural Resources and Environmental Protection Act, Act 451, PA 1994, as amended)

The Plan (pursuant to section 13(1), Act No. 381 of 1996)

a. A description of the costs of the plan intended to be paid for with the tax increment revenues; b. A brief summary of the eligible activities that are proposed for each eligible property.

Tax increment revenues will be used to offset eligible expenses associated with any eligible activities that are allowed under Act 381, as amended. The current cost estimate for eligible activities is \$730,000.

c. An estimate of the captured taxable value and tax increment revenues for each year of the Plan from each parcel of eligible property.

Estimate of Captured Taxable Value: Assuming the property will be redeveloped as described, the anticipated future taxable value is estimated to be \$274,000. The current taxable value is \$0, leaving a net future taxable value, upon which capture can be based, of \$274,000.

Estimate of Tax Increment Revenues: Using the overall business millage rate of 58.1083 mills, maximum annual available real property tax increment revenues are estimated to be \$15,922 for years 1 – 5. This calculation assumes that redevelopment has occurred as described above.

It is the intent of the Authority to capture all available school and non-school tax increment revenue on real and personal property generated by new development on the site. These tax increments will be captured for up to five years after the time that capture is required for the purpose of paying the cost of eligible activities.

f. Duration of the Brownfield Plan for eligible activities.

It is anticipated that the capture of tax increment revenues will start by 2020. However, the date for the beginning of capture of tax increment revenues will be no later than January 7, 2024 and will continue for a period necessary to reimburse eligible activities plus five years of additional tax capture, but not longer than allowed by law.

g. Maximum Estimated Impact of Tax Increment Financing on Taxing Jurisdictions.

Taxing Unit	Business Millage Rate	Maximum Estimated Annual Taxes Captured by Authority
KVCC	2.8089	\$770
CCTA	0.7500	\$205
City Operating	12	\$3,288
Solid Waste	1.8000	\$493
County(Summer)	4.681	\$1,283
County (Winter)	1.4472	\$397
KRESA	4.5378	\$1,244
KCTA	0.3145	\$86
Kalamazoo Library	3.9487	\$1,082
State Education Tax	6.0000	\$1,644
County Housing	0.0998	\$27
School Operating	17.8704	\$4,896

County Senior	0.35	\$96
KRESA Enhancement	1.5	\$411
TOTAL	58.1083	\$ 15,922

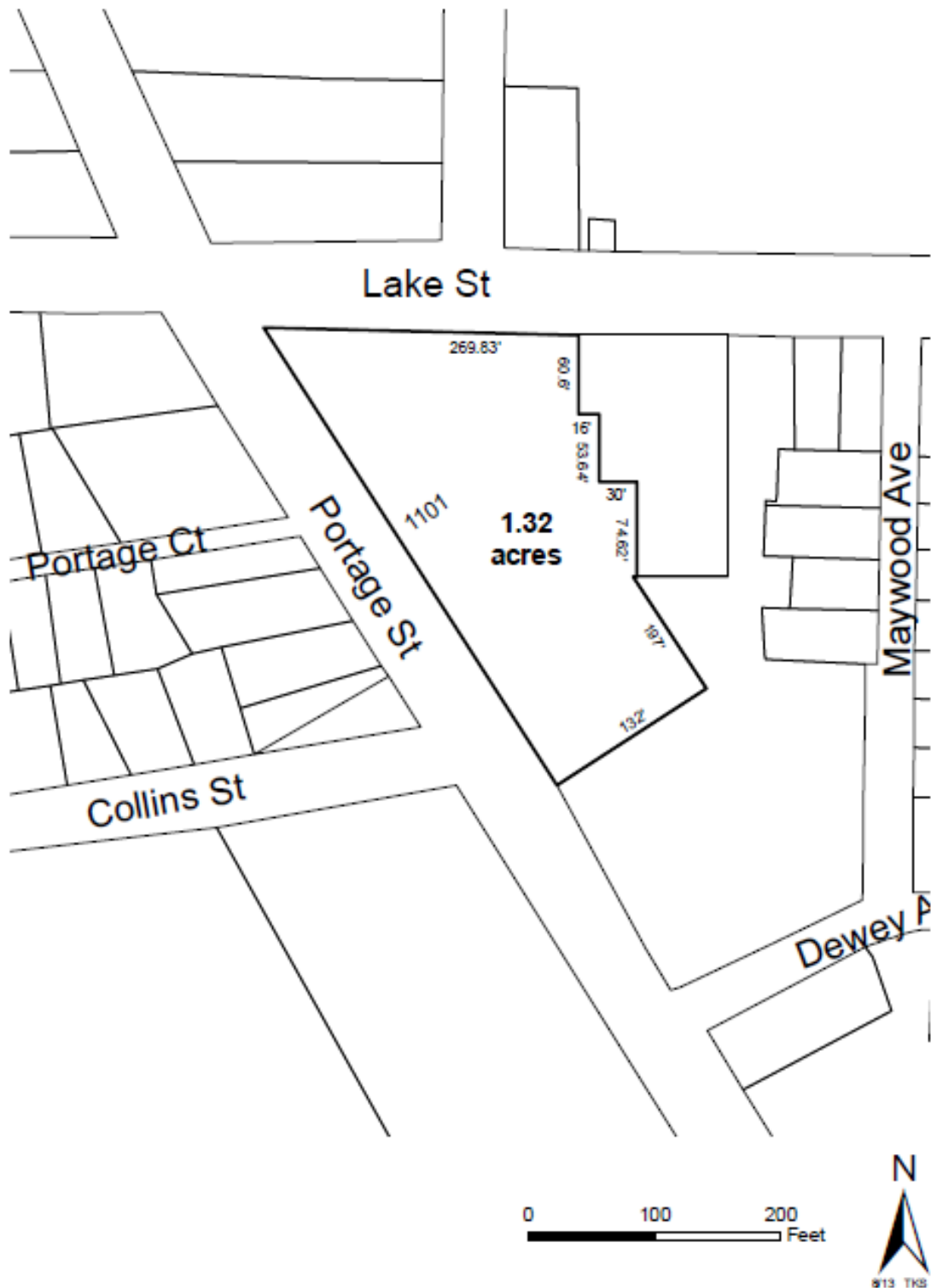
Maximum annual increased taxable value = \$274,000

h. Legal description of each parcel of eligible property to which the Plan applies, a map showing the location and dimensions of each eligible property, and a statement of whether personal property is included as part of the eligible property.

1101 Portage Street: Commencing at the southeast corner of Portage Street & Lake Street; thence Easterly on the southerly line of Lake Street to a point 28.97 feet West of east line of Section 22; thence South 188.86 feet; thence West 74.70 feet; thence South 56deg 58min West to the easterly line of Portage Street; thence Northwesterly along said easterly line to the point of beginning. Also commencing on the easterly line of Portage Street 144 feet Northerly from the northwesterly corner of Lot 35 of LAKE Street PLAT; thence Northerly 114 feet along the easterly line of Portage Street; thence North 56deg 58min East 132 feet; thence South 33deg 02min East 114 feet; thence South 56deg 58min West 132 feet to the point of beginning. Excluding the following: beginning at the southeast corner of Portage Street & Lake Street; thence East 84.91 feet along the south line of Lake Street; thence South 14deg 41min 13sec East 24.40 feet; thence North 75deg 18min 44sec East 6.84 feet; thence South 14deg 41min 16sec East 30.78 feet; thence South 75deg 0min 43sec West 57.17 feet; thence South 57deg 0min 0sec West 6.0 feet to east line of Portage Street; thence North 33deg 0min 0sec West 83.10 feet along said east line to said south line and the point of beginning of this exclusion. Also excluding the following parcel: Commencing at the East 1/4 corner of Section 22; thence Southerly 193.77 feet along the east line of Section 22 to the south line of Lake Street; thence West 28.97 feet along the south line of Lake Street to the point of beginning for this exclusion: thence South 188.86 feet perpendicular with the south line of Lake Street; thence West 71.69 feet perpendicular to last course; thence North 74.62 feet; thence West 30 feet; thence North 53.64 feet; thence West 16.0 feet; thence North 60.60 feet to the south line of Lake Street; thence East 117.69 feet along the south line of Lake Street to the point of beginning of this exclusion.

For location and dimensions of property, see attached site diagram. Personal property will be included as part of the eligible property.

SITE LOCATION: 1101 PORTAGE STREET



City Administration & Financial Services Information

	Site Name	Address	Parcel No.	Date Added to Plan	Act 381 Work Plan Details	Initial Taxable Value*
1	Willard/Walbridge	507 Harrison Street	06-15-274-004	15-Sep-97	n/a	\$4,420
		527 Harrison Street	06-15-274-001	15-Sep-97	Approved 4/20/98 for \$22,327; Total spent: \$19,380	\$6,100
		527 Harrison Street (second redevelopment at address)	06-15-274-001	15-Sep-97	n/a	\$141,489
		514 East Ransom Street	06-15-273-004	15-Sep-97	DEQ approved \$17,853 6/8/01; MEDC approved \$12,265 5/30/01	\$9,380
2	701 East Michigan Avenue	701 East Michigan Avenue	06-15-429-003	15-Sep-97	n/a	\$0
3	Former SER Plating	2152 Portage Street	06-27-283-005	September 15, 1997; March 6, 2000	n/a	\$0
4	2700 East Cork Street	2700 East Cork Street	06-36-130-001	15-Sep-97	n/a	\$42,500
		2700 East Cork Street	06-88-004-041	15-Sep-97	n/a	\$0
5	North Point Retail Park	700 North Westnedge Avenue	06-15-160-001	4-May-98	n/a	\$0
6	Former Liberty Gas	930 Portage Street	06-22-291-002	4-May-98	n/a	\$0
7	4175 Davis Creek Court	4175 Davis Creek Court	06-36-475-001	4-May-98	n/a	\$0
8	Northside Grocery Store Development Site	512 North Park Street	06-15-172-102	2-Jun-03	n/a	\$16,550
		612 North Park Street	06-15-167-108	2-Jun-03	n/a	\$5,900
9	105 East Michigan Avenue	105 East Michigan Avenue	06-15-376-010	7-Jun-04	n/a	\$578,145
		105 East Michigan Avenue - Rear	06-15-376-011	7-Jun-04	n/a	\$0
10	4141 Manchester	4141 Manchester	06-88-008-438	7-Jun-04	n/a	\$2,451,100
		4141 Manchester	06-36-339-001	7-Jun-04	n/a	\$252,000

11	512-524 East North Street	512 East North Street	06-15-264-402	7-Jun-04	n/a	\$9,484
		514 East North Street	06-15-264-404	7-Jun-04	n/a	\$3,365
		516 East North Street	06-15-264-406	7-Jun-04	n/a	\$3,901
		518 East North Street	06-15-264-401	7-Jun-04	n/a	\$23,347
		520 East North Street	06-15-264-407	7-Jun-04	n/a	\$22,581
		522 East North Street	06-15-264-405	7-Jun-04	n/a	\$3,901
		524 East North Street	06-15-264-403	7-Jun-04	n/a	\$3,728
12	Ramp #3	173 East South Street	06-15-392-300	7-Jun-04	n/a	\$0
		231 East South Street	06-15-388-101	7-Jun-04	n/a	\$0
		149 Farmers Alley	06-15-387-301	7-Jun-04	n/a	\$0
		155 Farmers Alley	06-15-387-300	7-Jun-04	n/a	\$0
		140 Portage Street	06-15-383-200	7-Jun-04	n/a	\$0
		130 Portage Street	06-15-382-201	7-Jun-04	n/a	\$0
		180 Portage Street	06-15-388-100	7-Jun-04	n/a	\$0
13	United Building	202 East Kalamazoo Ave	06-15-338-282			
		242 East Kalamazoo Avenue	06-15-339-280			
14	507 North Park Street	507 North Park Street	06-15-302-106	2-Aug-04	n/a	\$5,263
15	City Yards	822 Schuster	06-23-286-001	2-Aug-04	n/a	\$0
		911 Hatfield	06-23-290-002	2-Aug-04	n/a	\$0
16	South & Rose	277 South Rose Street	06-15-390-300	5-Sep-06	n/a	\$494,626
17	Former J.A. Richards Blocks	314 Parsons Street	06-15-215-076	6-Nov-06	n/a	\$4,592
		322 Parsons Street	06-15-215-075	4-Apr-11	n/a	\$0
		809 Porter Street	06-15-251-133	4-Sep-12	n/a	\$227
		813 Porter Street	06-15-251-233	4-Sep-12	n/a	\$0
		817 Porter Street	06-15-221-003	4-Sep-12	n/a	\$344
		825 Porter Street	06-15-221-060	4-Apr-11	n/a	\$0
		901 Porter Street	06-15-216-200	4-Apr-11	n/a	\$0
		315 East Frank Street	06-15-250-150	4-Apr-11	n/a	\$0
		810 North Pitcher Street	06-15-250-031	4-Sep-12	n/a	\$15,200

18	Gull & North (Now 655 Gull, 06-15-281-025)	627 East North Street	06-15-281-019	21-Apr-08	n/a	\$8,294
		631 East North Street	06-15-281-020	21-Apr-08	n/a	\$0
		651 Gull Street	06-15-281-021	21-Apr-08	n/a	\$0
19	Former Superior Cleaners	3122 Oakland Drive	06-29-474-010	29-Jun-09	n/a	\$0
		3122 Oakland Drive	06-29-474-011	29-Jun-09	n/a	\$0
20	Arcadia Creek West End District	243 Cooley Street	06-15-315-501	29-Jun-09	n/a	\$0
		411 West Kalamazoo Avenue	06-15-311-002	29-Jun-09	n/a	\$0
		431 West Kalamazoo Avenue	06-15-310-103	29-Jun-09	n/a	\$0
		227 North Park Street	06-15-317-105	29-Jun-09	n/a	\$0
		416 West Water Street	06-15-321-209	29-Jun-09	n/a	\$0
		240 North Westnedge Avenue	06-15-315-503	29-Jun-09	n/a	\$0
21	1919 E. Kilgore Service Road	1919 E. Kilgore Service Road	06-35-469-001	29-Jun-09	n/a	\$370,600
22	610 South Burdick Street	610 South Burdick Street	06-22-141-060	29-Jun-09	n/a	\$107,600
23	419 Harrison Street	419 Harrison Street	06-15-404-007	4-Apr-11	n/a	\$0
24	511 East Paterson Street	511 East Paterson Street	06-10-495-001	4-Apr-11	n/a	\$0
25	1101 Portage Street (now 06-22-434-008)	730 Lake Street	06-22-434-007	4-Apr-11	n/a	\$0
		1111 Portage Street	06-22-428-004	3-Sep-13	n/a	\$0
26	316 South Kalamazoo Mall	316 South Kalamazoo Mall	06-15-390-210	16-May-11	n/a	\$567,700
27	154 South Kalamazoo Mall	154 South Kalamazoo Mall	06-15-386-223	5-Jul-11	n/a	\$210,519
28	155 West Michigan Avenue	155 West Michigan Avenue	06-15-380-081	6-Sep-11	n/a	\$153,554
29	1807 North Pitcher Street	1807 North Pitcher Street	06-10-405-001	4-Sep-12	n/a	\$0
30	500 Block East Ransom Street	525 East Ransom Street	06-15-269-351	4-Sep-12	TBD	\$0
		535 East Ransom Street	06-15-290-207	2-Feb-15	TBD	\$9,916
		617 Harrison Street	06-15-285-103	4-Sep-12	TBD	\$0
31	2700 Block of West Michigan Avenue	2701 West Michigan Avenue	06-20-330-100	3-Sep-13	TBD	\$423,600

32	500 – 516 East Butler Court	500 East Butler Court	06-15-268-202	4-Sep-12	TBD	\$501
		501 East Butler Court	06-15-263-207	4-Sep-12	TBD	\$0
		502 East Butler Court	06-15-268-203	4-Sep-12	TBD	\$501
		504 East Butler Court	06-15-268-204	4-Sep-12	TBD	\$395
		506 East Butler Court	06-15-268-205	4-Sep-12	TBD	\$467
		508 East Butler Court	06-15-268-206	4-Sep-12	TBD	\$573
		510 East Butler Court	06-15-268-201	4-Sep-12	TBD	\$5,862
		516 East Butler Court	06-15-268-208	4-Sep-12	TBD	\$6,515
33	4620 Stadium Drive and 2075 South Drake Road	4620 Stadium Drive	06-30-116-001	6-Jan-14	n/a	\$494,960
		2075 South Drake Road	06-30-120-001	6-Jan-14	n/a	\$63,190
34	600 East Michigan Avenue	600 East Michigan Avenue	06-15-435-010	2-Sep-14	TBD	\$265,280
		578 Rear East Michigan Ave	06-15-440-002	6-Jul-15	TBD	\$6,900
35	425 East Vine Street	425 East Vine Street	06-22-251-014	2-Sep-14	n/a	\$84,500
36	4124 Manchester Road	4124 Manchester Road	06-36-341-001	2-Sep-14	n/a	\$694,500
37	508 East Frank Street	508 East Frank Street	06-15-258-011	1-Feb-15	TBD	\$83,718
		505 East North Street	06-15-258-001	1-Feb-15	TBD	\$0
		714 Walbridge Street	06-15-258-010	1-Feb-15	TBD	\$4,400
38	108 East Michigan Avenue	108 E. Michigan Avenue	06-15-381-015	6-Jul-15	TBD	\$456,300
39	421 & 427 East Michigan Avenue	421 E. Michigan Avenue	06-15-416-122	6-Jul-15	TBD	\$30,000
		427 E. Michigan Avenue	06-15-411-271	6-Jul-15	TBD	\$220,000
40	216 W. Michigan Avenue & 220 W. Michigan Avenue	216 W. Michigan Ave	06-15-354-132	7-Dec-15	TBD	\$0
		220 W. Michgian Ave	06-15-354-031	7-Dec-15	TBD	\$0
41	162 East Michigan Avenue	162 East Michigan Avenue	06-15-382-104	7-Dec-15	TBD	\$379,800
42	400 Bryant Street	400 Bryant Street	06-27-212-002	7-Dec-15	TBD	\$180,000

43	225 Parsons Avenue	225 Parsons	06-15-139-001	6-Jun-16	TBD	
		1208 N Edwards St	06-15-128-015	6-Jun-16	TBD	
		215 E Bush St	06-15-129-004	6-Jun-16	TBD	
		219 E Bush St	06-15-129-015	6-Jun-16	TBD	
		221 E Bush St	06-15-19-003	6-Jun-16	TBD	
		223 E Bush St	06-15-129-014	6-Jun-16	TBD	
		909 Scudder Ct	06-15-144-015	6-Jun-16	TBD	\$177,771.00
		825 Scudder Ct	06-15-149-009	2-Apr-18	TBD	\$0.00
		823 Scudder Ct	06-15-149-008	2-Apr-18	TBD	\$0.00
		815 Scudder Ct	06-15-179-006	2-Apr-18	TBD	\$0.00
		819 Scudder Ct	06-15-149-007	2-Apr-18	TBD	\$0.00
		811 Scudder Ct	06-15-179-011	2-Apr-18	TBD	\$4,300.00
		926 N Edwards St	06-15-143-016	2-Apr-18	TBD	\$11,434.00
		229 E Frank St	06-15-179-001	2-Apr-18	TBD	\$0.00
		208 Parsons St	06-15-144-001	2-Apr-18	TBD	\$17,400.00
44	1910 Parkview Avenue	1910 Parkview	06-29-497-016	6-Jun-16	TBD	
		1923 Whites Rd	06-29-497-014	6-Jun-16	TBD	\$68,589.00
45	1825 S. Park Street	1825 S. Park Street	06-27-103-003	6-Jun-16	TBD	\$171,793.00
46	412 Howard Street	412 Howard Street	06-22-366-002	20-Apr-17	TBD	\$940,589.00
47	Foundry Phase II	100 Rochester Ave	06-15-454-001	21-Sep-17	TBD	\$13,300.00
		155 Rochester Ave	06-15-445-001	21-Sep-17	TBD	\$21,758.00
		155 Rochester Ave Rear	06-15-445-002	21-Sep-17	TBD	\$0.00
48	215 West Lovell St. and 418/424 South Rose St	215 West Lovell Street	06-22-104-002	21-Dec-17	TBD	\$0.00
		418 South Rose Street	06-22-104-001	21-Dec-17	TBD	\$37,940
		424 South Rose Street	06-22-109-001	21-Dec-17	TBD	\$0.00
49	303 North Rose Street	303 North Rose Street	06-15-319-101	2-Apr-18	TBD	\$684,800.00
50	619 Porter Street & 316 E. North Street	619 Porter Street	06-15-261-005	2-Apr-18	TBD	\$27,778.00
		316 East North Street	06-15-260-003	2-Apr-18	TBD	\$0.00
51	180 E Water St	139 North Edwards Road	06-15-348-253	16-Jul-18	TBD	\$0.00
		162 East Water Street	06-15-347-247	16-Jul-18	TBD	\$0.00

52	4200 Davis Creek Court	4200 Davis Creek Court	06-36-459-003	01-Oct-18	TBD	\$632,200
		4233 Davis Creek Court	06-36-480-001	01-Oct-18	TBD	\$0.00
		3603 E Kilgore Road	06-36-490-002	01-Oct-18	TBD	\$0.00
53	615 W Kalamazoo Ave	615 W Kalamazoo Ave	06-16-437-104	01-Oct-18	TBD	\$79,539
		West 66.02ft of 708 Eleanor St	06-16-441-020	01-Oct-18	TBD	\$38,822



Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: Rebekah Kik, Community Planning and Economic Development Director

PREPARED BY: Marcy Dix, Grants Finance Officer

DATE: 12/27/2018

SUBJECT: Payment In Lieu of Taxes for the Kalamazoo Creamery Limited Dividend Housing Association Limited Partnership at 1101 Portage Street (06-22-434-008)

RECOMMENDATION

It is recommended that the City Commission approve a Payment in Lieu of Taxes for the Kalamazoo Creamery Limited Dividend Housing Association Limited Partnership at 1101 Portage Street (06-22-434-008), pursuant to Section 35-4 of the Kalamazoo City Code. This resolution will replace Resolution 18-56 which previously approved a PILOT for the property.

BACKGROUND

City staff has been working with Hollander Development Company on a mixed use project on the vacant parcel owned by the Kalamazoo County Land Bank at 1101 Portage Street. On August 20, 2018, the City Commission adopted Resolution 18-56, which granted payment in lieu of taxes for the 29 units (out of 48 total units) that were receiving 4% Low Income Housing Tax Credits (LIHTC) from the Michigan State Housing Development Authority (MSHDA). In September 2018, the BRA approved a Brownfield Plan Development Agreement for the mixed-use project, with 29 units subject to the PILOT and a condominium subdivision for the remaining residential units and commercial spaces – broken down as: (i) 19 market-rate units; (ii) approximately 5800 square feet dedicated for a 24-hour drop in childcare facility; and (iii) approximately 2400 square feet of leasable commercial space.

In mid-September, the Developer requested information on how to revise the residential unit mix in order to receive PILOT on all residential units. In October and November, the Developer provided new information on increased construction costs and changed levels of financing from the Michigan State Housing Development Authority and the Michigan Economic Development Corporation to support the request to amend the Agreement and the PILOT resolution. The Developer has requested to revise the unit mix of residential units from 60% affordable units receiving LIHTC to 81% units qualifying for LIHTC and for the Commission to approve a new PILOT resolution granting PILOT to all residential units, as allowed by revisions to the PILOT ordinance that the Commission adopted in September 2018. The expanded PILOT will enable the Developer to further control costs for the life of the PILOT, offsetting financing gaps that arose after the initial PILOT resolution was adopted. A narrative explaining the reasons for the changes to the residential portion of the project is attached.

Because expanding PILOT to all 48 residential units would reduce the estimated annual TIF capture from \$41,500 to \$15,922, the Developer requested the Brownfield Redevelopment Authority to amend the Development Agreement in December 2018. The BRA board approved an amendment to reflect the expanded PILOT, if approved by City Commission, revise TIF revenues, and extend the Developer's capture period from 16 to 20 years. The revised capture projections would provide \$318,440 over a 20 year period. This is less than the estimated eligible expenses of \$730,000, but the Developer would prefer PILOT on all residential units to full brownfield expense reimbursement.

With the request to revise both the Agreement with the BRA and the PILOT resolution from the City, the Developer provided documentation of the benefits the project will bring to the community. The new unit mix includes 15 one-bedroom units targeting tenants at 30% of the area median income, considered extremely low income units that are needed in the city. The YWCA has committed to a 24-hour drop-in childcare facility. Up to 2,700 square feet of commercial space will be offered to local business owners at a 50% discount from market rent for one year and a 25% discount in the second year. The business occupying this space will be chosen from proposals to be reviewed in cooperation with the Edison Neighborhood Association and the Kalamazoo County Land Bank.

In order for the commercial portion of the project to qualify for TIF, the Developer will still need to establish a condominium subdivision for the commercial spaces – broken down as: (i) approximately 7,877 square feet dedicated for a 24-hour drop in childcare facility; and (ii) approximately 2,807 square feet of leasable commercial space. Other key features of the project - indoor bicycle parking, rooftop green space, on-site solar energy and space for public art with the goal to qualify the project as LEED Platinum – remain part of the project.

POLICY CONSIDERATIONS

The request for the new PILOT resolution that applies to all 48 residential units is compatible with the recently revised PILOT ordinance, which allows full PILOT on projects with 80% or more of units reserved for low income persons or families.

Extending the PILOT for the revised project will bring the benefit of 15 units reserved for extremely low income individuals and will support an affordable housing project that would not move forward without the city's assistance. Affordable housing is an identified priority in the city's Strategic Plan and Imagine Kalamazoo 2025.

COMMUNITY RESOURCES CONSULTED

Although no outreach events specifically addressed the PILOT request, the proposed project changes were discussed at a public meeting of the Brownfield Redevelopment Authority on December 20, 2018, and the required amendment to the Brownfield Plan will require a public hearing, also scheduled for January 7, 2019, and this hearing has been advertised. The project aligns with many priorities identified through the public input conducted for Imagine Kalamazoo 2025.

FISCAL IMPACT

2018 Estimate of Annual Tax Revenue without the PILOT for the 48 units at the proposed development at 1101 Portage Street:

Total Estimate of Taxes if not a PILOT based on 2018 tax rates: \$59,746

Estimated City's Share of Taxes in 2018 (approximately 21.65%): \$12,935

Estimated Total for 50 Year Period: \$12,935 x 50 years = **\$646,751** (without considering inflation or increased taxable values)

Estimated PILOT revenue to the City of Kalamazoo, based on estimated shelter rents

Estimated Annual Shelter Rent = \$480,900

Estimated Vacancy Loss (8%) = \$38,472

Estimated Shelter Rents (Rent Minus Vacancy) = \$442,428

Estimated Yearly PILOT Payment for the parcel (\$442,428 X 4%) = \$17,697

City's Share of Taxes (at 21.65%): \$3,831

Estimated Total for 50 Year Period: \$3,831 X 50 Years = **\$191,571** (without considering inflation)

Difference (City revenue abated):

\$646,751 (taxes) - \$191,571 (PILOT) = \$455,180 over a 50-year period or approximately \$9,104 per year.

ALTERNATIVES

The City of Kalamazoo ordinance allows for the approval of PILOTs for such projects. The City Commission could decide to deny the request to approve the expanded PILOT; however, denial of this request could jeopardize the financial feasibility of the project and it is unlikely that the originally proposed project would be built. This alternative is not recommended.

ATTACHMENTS:

Type	Description
▢ Resolution	Resolution
▢ Background Material	Hollander Development Request
▢ Background Material	Change in unit mix
▢ Background Material	YWCA Letter of Intent

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

A RESOLUTION GRANTING ELIGIBILITY FOR A PAYMENT IN LIEU OF TAXES TO KALAMAZOO CREAMERY LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP FOR THE CREAMERY LOCATED AT 1101 PORTAGE STREET

Minutes of a regular meeting of the City Commission of the City held on the ___ day of _____, 2019, at 7:00 o'clock p.m., local time, at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

Recitals:

- A.** Kalamazoo Creamery Limited Dividend Housing Association Limited Partnership (LDHALP) is an organization created by Hollander Development Corporation for the purpose of securing Low Income Housing Tax Credits (LIHTC) and mortgage financing through the Michigan State Housing Development Authority for The Creamery, a mixed use community development project (Project); and
- B.** The Project will reserve 39 residential units, 81% of the total 48 residential units for low-income individuals; and
- C.** Kalamazoo Creamery LDHALP will create a condominium to establish a unique parcel and parcel number for all 48 residential units; and
- D.** In connection with the allocation of low-income housing tax credits and the Mortgage Loan for the Project, Kalamazoo Creamery LDHALP is seeking a tax exemption pursuant to MCL 125.1415a (the "Act"); and
- E.** Section 35-4 of the Kalamazoo City Code ("Ordinance") and the Act provide that the City may allow owners of property developed and reserved for low-income individuals to make a Payment In Lieu of Taxes (PILOT) to the City in an amount not to exceed the amount of tax which would be imposed on the property but for its exemption from taxation granted. Those terms not otherwise defined herein shall have the meaning set forth in the Ordinance.

THEREFORE, IT IS RESOLVED that Kalamazoo Creamery LDHALP is deemed eligible for PILOT payments for the 48 residential rental units at 1101 Portage Street; the

portion of 06-22-434-008 that will form a new parcel, is subject to the following terms and conditions:

1. The PILOT will not become effective until the Michigan State Housing Development Authority (“MSHDA”) notifies the City of Kalamazoo Assessor that it has certified that the to-be-established parcel is eligible for tax exemption starting in the first year after said notification; and
2. The PILOT shall continue for as long as the Project is supported by a Mortgage Loan, or for fifty years, or until December 31, 2071, whichever comes first, so long as Kalamazoo Creamery LDHALP maintains the units as certified and registered rentals serving as affordable housing; and
3. Kalamazoo Creamery LDHALP will create a condominium for that portion of 06-22-434-008 subject to the requirements of this PILOT resolution, consisting of the 48 residential units, with 39 units reserved for low income persons and families; and
4. The existing parcel number, 06-22-434-008, will be retired upon the creation of the condominium and the portion of the condominium subject to the PILOT will be assigned a unique parcel number at that time; and
5. The PILOT shall be calculated at a rate of four percent (4 percent) of gross shelter rents for 48 units during this time period, pursuant to the Ordinance; and
6. The previous PILOT resolution (Resolution No. 18-56) adopted for this property is no longer in effect.
7. Upon closing of the Mortgage Loan, the Project ownership shall be owned by Kalamazoo Creamery Limited Dividend Housing Association Limited Partnership.

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

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 _____, 2019. 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 the Act.

Scott A. Borling, City Clerk



November 29, 2018

Marcy Dix
Grants Finance Officer
Community Planning & Economic Development Department
City of Kalamazoo
415 E Stockbridge Ave
Kalamazoo, MI 49001

Re: The Creamery Mixed-use Development

Dear Ms. Dix,

In a November 2, 2018 email you requested additional information in support of our request to amend both the PILOT resolution and brownfield agreement for The Creamery project. My written responses follow and the additional documents you requested are attached to this letter.

I will begin by outlining the main reasons we request these changes, then discuss some of the reasons we believe the project will better serve the community as a result. I will follow with a description of how we intend to structure the neighborhood business accelerator.

Before wading into details it should be noted that **the project is now infeasible under the previous 60/40 split of Low Income Housing Tax Credit (LIHTC) and non-LIHTC units even if the City of Kalamazoo amends the PILOT resolution and the BRA amends the brownfield agreement.** Our only path forward is the new 80/20 split, an amended PILOT resolution including all residential units, and a revised brownfield plan with a 20+ year term.

A combination of factors has led to this situation, including cost volatility, variation in underwriting standards between Hollander Development and the Michigan State Housing Development Authority (MSHDA), and changes to proposed financing from the Michigan Economic Development Corporation (MEDC).

First, The Creamery has not been spared from recent increases in labor, lumber, steel, and other construction costs. This has been entirely outside of our control and can be partially attributed to federal trade policy (i.e. steel tariffs). Our team has followed best practices in integrative design, with early engagement of major subcontractors to incorporate the most

cost-effective methods and materials. **After multiple rounds of value engineering our cost inflation still exceeds 10%.**

Second, there is a significant difference between what our team projects for operating expenses and what MSHDA underwriters have been willing to accept. On a typical 9% LIHTC project, such as Harrison Circle or Ebbitt's Crossing, operating expense projections are accepted as proposed by the developer as long as they do not fall below a regional standard determined by MSHDA. For example, the current minimum regional standard for Kalamazoo is \$3,967 per unit per year (PUPY) under the 9% LIHTC program.

However, The Creamery was never a 9% LIHTC project. It is a MSHDA 4% tax-exempt bond project, meaning MSHDA is the lender and underwriter. **KMG Prestige, our management agent, manages over 20,000 multifamily residences in six states and estimates The Creamery's expenses will be nearly \$50,000/year less than what MSHDA is requiring.** Every dollar of additional expense in our proforma reduces the mortgage we can support, widening the financing gap.

Third, since the approval of the PILOT resolution and brownfield agreement, MSHDA and MEDC have modified the way MEDC will participate in the project. **The difference between the original structure (which we relied upon in our projections while applying for the PILOT) and the final MEDC financing package has led to a \$700,000+ reduction in our sources of financing.**

That's the bad news, but through a structural modification to the proforma, a further cut to our own fees, aggressive value engineering, and other changes we can still deliver this project to the community without deviating from the original hopes of Edison Neighborhood residents, the Edison Neighborhood Association (ENA), and the Kalamazoo County Land Bank Authority (KCLBA). In fact, **under the new structure we believe the project better aligns with the wishes of neighborhood residents and will provide additional benefits to the City as a whole.**

Explanation of certain details of the LIHTC program is required in order to understand the intent of our proposed changes and the benefits they will bring.

First, to qualify for LIHTC, a project must elect a minimum set-aside of affordable units when filing with the IRS. From the creation of the program in 1986 until 2017 only two options existed. The first was to set aside at least 40% of units for households at or below 60% of area median income (AMI) while the second was to set aside 20% of units for households at or below 50% of AMI. The Creamery was originally underwritten with 60% of the units reserved for households earning 60% of AMI so would have met the first test.

Second, any project with a mixture of LIHTC units and non-LIHTC units (workforce housing, market rate, etc.) must calculate an adjuster so that tax credits are only claimed for the designated affordable housing units. This adjuster, called the applicable fraction, would have been approximately 60% under our original scenario because 60% of the units would have been reserved for low-income households.

In December 2017 Congress inserted a third minimum set-aside election into the Tax Cuts and Jobs Act, representing one of the first major changes to the LIHTC program in over thirty years. The new election, called Income Averaging, allows projects to claim LIHTC on units restricted to households earning up to 80% of AMI as long as the average income restriction of all LIHTC units is at or below 60% of AMI.

Housing experts generally define “low income households” as those earning 60% of AMI or less (adjusted for family size), while households earning 50% of AMI or less are “very low income” and those earning 30% of AMI or less are “extremely low income.” Extremely low income households have the lowest tolerance for what housing advocates refer to as “rent burden,” which occurs when households pay more than 30% of their income towards housing. In order to pay the rent, extremely low income families are often forced to go without basic necessities such as nutritious food, medical care, or diapers. Through Income Averaging, **our new structure will create fifteen new units for extremely low-income households, the type of housing most desperately needed and hardest to finance.**

Terminology for households earning more than 60% of AMI is not well established, but most experts agree that “moderate income” begins around 60% of AMI and ends somewhere around 120% of AMI. The term “Workforce Housing” and “Missing Middle” have gained traction recently and mostly refer to households earning 80-120% of AMI. Our original structure did not set aside any units for households below the 60% AMI threshold. The reason our proposed 80/20 model works now is that we can balance the extremely low income units against moderate income units for households at 70% and 80% AMI under Income Averaging.

Construction costs have steadily increased for decades, leading to a sustained boom in the production of high rent luxury housing. Rents in 2018 must average \$1,500/month or more for a developer/owner to make a profit after paying debt service on a typical multifamily mortgage. This is a primary reason why “market rate” rents in Kalamazoo are approaching \$1.90/square foot and new projects have mostly fallen into the luxury category.

Wage growth, however, has been largely stagnant for over thirty years and average households cannot afford to pay \$1,150/month for a one-bedroom apartment. For example, 2016 area median income for a household in the City of Kalamazoo was \$34,767 (according to U.S. Census data). It is widely accepted by housing advocates that people should not pay more than 30% of their income for housing (including utilities). Therefore, a median income household in Kalamazoo should not pay more than \$10,430 for annual housing expenses. This translates to combination of rent and utilities totaling \$869/month, far below actual “market rate.”

The Kalamazoo County Land Bank Authority, Edison Neighborhood Association, and others conducted early community charrettes with neighborhood residents to determine the highest and best use of the 730 Lake Street project site. Neighborhood residents expressed a disinclination towards additional low-income housing while expressing a desire for more “market rate” housing.

After follow up discussions with the ENA and KCLBA it has become clear that \$1,150-1,700/month (\$1.90/sf) is not what participants meant by “market rate.” It has also become apparent that charrette participants did not have a deep understanding of affordable housing terminology. It is highly likely that by “low income housing” many participants were referring to Section 8 public housing. No subsequent discussion about our plan to include 30% AMI units in the development has drawn concern. To the contrary, responses have been overwhelmingly supportive.

Rather than coming at additional cost, the new 80/20 split of LIHTC to non-LIHTC units will reduce our funding gap to a manageable size, assuming the City of Kalamazoo and BRA approve our requests. Instead of our applicable fraction being roughly 60%, it will be closer to

80%. Rents on the moderate-income units will be lower than the workforce housing units they will replace, but the additional 20% tax credit equity will more than offset the lost revenue.

Neighborhood residents will be happier to see a higher proportion of moderate income and workforce housing units, which align with their perception of “market rate.” At the same time, affordable housing advocates at the City should be ecstatic that we’re adding 15 additional 30% AMI units to the community. Plus, we’ll achieve feasibility so we can begin construction of this important project.

NEIGHBORHOOD BUSINESS ACCELERATOR

The neighborhood business accelerator will further another foundational goal of the project, which is to draw unique, neighborhood-appropriate commercial uses to the first floor of the building. The attached LOI from YWCA Kalamazoo shows their intent to create a Children’s Center on the south end of the building. Their facility will offer affordable daycare to the neighborhood as well as twelve beds of 24-hour drop off daycare for emergencies or parents who work night shifts.

The business accelerator will connect commercial space on the north end of the building with a unique, local business with the potential of generating walk-in traffic off Portage Street. We will circulate a request for proposals through various marketing channels (press release, social media, City of Kalamazoo, local realtors, etc.) to attract interested business owners. We will create a selection committee and invite the participation of the ENA and KCLBA. The winning proposal will be offered up to 2,700sf of white box space at a 50% discount from market rent as established by a rent comparison study for one year. Over the following year the discount will be reduced to 25% and at the beginning of year three the business will pay market rent as established by comparison study.

In your email you also requested the following documents, which are attached to this letter:

1. YWCA Letter of Intent
2. Comparison of originally proposed rental rates with new proposed rental rates
3. MSHDA Board Commitment referencing requirement to amend PILOT and Brownfield Agreement
4. MEDC Letter of Intent referencing requirement to amend PILOT and Brownfield Agreement

We will plan to have a staff member present at the December 20, 2018 BRA Board meeting. Please contact me at your convenience if you need additional information.

Yours Truly,



Matthew Hollander, President

Project: The Creamery

Location: Kalamazoo, MI

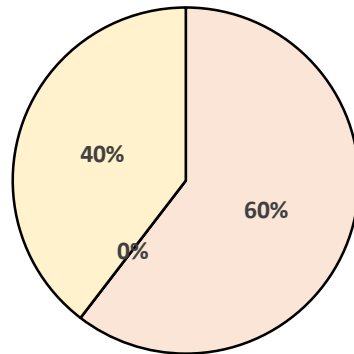
Date: November 28, 2018

Author: Matt Hollander



										Income Limits				Category
Unit Type	Qty.	Beds	Baths	Size	Projected Monthly Rent	Gas / Elec.	Max Allowable Rent + Utilities	Rent / SF	Kzoo County AMI	1 Person	2 Person	3 Person	4 Person	
A	2	1	1	695 SF	\$ 562	\$ 68	\$ 630	\$0.81	60%	\$ 28,920	\$ 33,060	N/A	N/A	Low Income
A	19	1	1	695 SF	\$ 669	\$ 68	\$ 774	\$0.96	60%	\$ 28,920	\$ 33,060	N/A	N/A	Low Income
A	1	2	2	1,114 SF	\$ 699	\$ 83	\$ 782	\$0.63	60%	\$ 28,920	\$ 33,060	\$ 37,200	\$ 41,280	Low Income
D	2	2	1	1,023 SF	\$ 800	\$ 84	\$ 930	\$0.71	60%	\$ 28,920	\$ 33,060	\$ 37,200	\$ 41,280	Low Income
E	2	2	2	1,050 SF	\$ 800	\$ 84	\$ 930	\$0.71	60%	\$ 28,920	\$ 33,060	\$ 37,200	\$ 41,280	Low Income
F	1	2	2	1,124 SF	\$ 800	\$ 84	\$ 930	\$0.71	60%	\$ 28,920	\$ 33,060	\$ 37,200	\$ 41,280	Low Income
G	2	2	2	1,289 SF	\$ 800	\$ 84	\$ 930	\$0.71	60%	\$ 28,920	\$ 33,060	\$ 37,200	\$ 41,280	Low Income
A	11	1	1	695 SF	\$ 992	\$ 68	\$ 1,549	\$1.43	120%	N/A	N/A	N/A	N/A	Workforce
B	4	1	1	895 SF	\$ 1,160	\$ 68	\$ 1,549	\$1.30	120%	N/A	N/A	N/A	N/A	Workforce
C	4	2	2	1,014 SF	\$ 1,389	\$ 84	\$ 1,860	\$1.37	120%	N/A	N/A	N/A	N/A	Workforce
	48													

Unit Mix by Category - 60/40 Scenario



☐ Low Income
 ☐ Moderate Income
 ☐ Workforce

Gross Rent Potential (LIHTC Only)	\$	241,608
8% Vacancy	\$	19,329
Annual Shelter Rents for PILOT	\$	222,279

Project: The Creamery

Location: Kalamazoo, MI

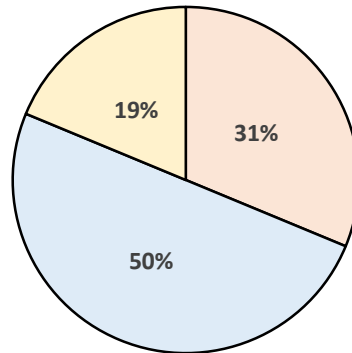
Date: November 28, 2018

Author: Matt Hollander



										Income Limits				Category
Unit Type	Qty.	Beds	Baths	Size	Projected Monthly Rent	Gas / Elec.	Max Allowable Rent + Utilities	Rent / SF	Kzoo County AMI	1 Person	2 Person	3 Person	4 Person	
A	15	1	1	695 SF	\$ 319	\$ 68	\$ 387	\$0.46	30%	\$ 14,460	\$ 16,530	N/A	N/A	Low Income
A	3	1	1	695 SF	\$ 794	\$ 68	\$ 904	\$1.14	70%	\$ 33,740	\$ 38,570	N/A	N/A	Moderate Income
A	13	1	1	695 SF	\$ 917	\$ 68	\$ 1,033	\$1.32	80%	\$ 38,560	\$ 44,080	N/A	N/A	Moderate Income
C	4	2	2	1,014 SF	\$ 1,098	\$ 84	\$ 1,240	\$1.08	80%	\$ 38,560	\$ 44,080	\$ 49,600	\$ 55,040	Moderate Income
D	2	2	1	1,023 SF	\$ 1,098	\$ 84	\$ 1,240	\$1.07	80%	\$ 38,560	\$ 44,080	\$ 49,600	\$ 55,040	Moderate Income
E	2	2	2	1,050 SF	\$ 1,098	\$ 84	\$ 1,240	\$1.05	80%	\$ 38,560	\$ 44,080	\$ 49,600	\$ 55,040	Moderate Income
A	1	1	1	695 SF	\$ 1,163	\$ 68	\$ 1,549	\$1.67	120%	N/A	N/A	N/A	N/A	Workforce
B	4	1	1	895 SF	\$ 1,300	\$ 68	\$ 1,549	\$1.45	120%	N/A	N/A	N/A	N/A	Workforce
F	2	2	2	1,124 SF	\$ 1,460	\$ 84	\$ 1,860	\$1.30	120%	N/A	N/A	N/A	N/A	Workforce
G	2	2	2	1,289 SF	\$ 1,460	\$ 84	\$ 1,860	\$1.13	120%	N/A	N/A	N/A	N/A	Workforce
	48													

Unit Mix by Category - 80/20 Scenario



☐ Low Income
 ☐ Moderate Income
 ☐ Workforce

Gross Rent Potential (All Units)	\$	480,900
8% Vacancy	\$	38,472
Annual Shelter Rents for PILOT	\$	442,428

Letter of Intent

Name of Project

YWCA Kalamazoo Edison Neighborhood Children's Center

Project Team

Tenant:	YWCA Kalamazoo 353 E. Michigan Avenue Kalamazoo, MI 49007
Developer:	Hollander Development Corporation 1822 W. Milham Avenue (#1) Portage, MI 49024
Architect/Engineer:	Byce & Associates, Inc. 487 Portage Street Kalamazoo, MI 49007
Contractor:	Frederick Construction 120 E Prairie Street (Suite C) Vicksburg, MI 49097

Description

The purpose of this Letter of Intent is to signify future plans of a YWCA Kalamazoo Children's Center expansion project to include a childcare facility in the Edison Neighborhood in Kalamazoo, Michigan. Hollander Development Co. has plans to build an approximately 86,000 sf hybrid residential and commercial building on the corner of Portage Street and Lake Street in Kalamazoo, Michigan. Of that 86,000 sf space, Hollander Development Co. has committed to leasing a minimum of 6,300 sf to the YWCA Kalamazoo for a Children's Center.

YWCA Kalamazoo is on a mission to eliminate racism, empower women, stand up for social justice, help families, and strengthen communities. Since 1985, YWCA Kalamazoo has served the community with a Children's Center located Downtown. The Children's Center is committed to providing quality childcare at affordable prices, so families can work outside the home while their children are safe, learning, and having fun.

Early childhood education services take place within YWCA Kalamazoo's State of Michigan 4-star, high-quality early learning center located at 353 E. Michigan Avenue, Kalamazoo, MI 49007. The center serves young children ages 6 weeks up to the year before they enter Kindergarten; on average, the program serves 80-100 children each year. The center is open to Kalamazoo community members, however, has supports in place to serve the most vulnerable; creating an equitable and inclusive environment for young learners to grow and develop. 80% of the families we serve fall under one or more risk factors, as defined by Michigan's Great Start Readiness Program guidelines, and 92% of families qualify for free or reduced lunch services provided by the Child and Adult Food Program. Children enrolled in YWCA Kalamazoo programming have significant growth in the areas of social emotional development, literacy and mathematics. From the fall to the spring, we are seeing a 27% increase in students meeting or exceeding social emotional standards, 45% increase in literacy and 18% increase in mathematics.

The high-cost of high-quality early childhood education means that many families, specifically families living in extreme poverty, do not have access to these programs, subsequently, their children do not have an equitable start to education when entering the school system. Without Early Head Start programming in our community and an underfunded state child care subsidy system in place, many families are left choosing between not working or leaving their child with an unlicensed babysitter. YWCA Kalamazoo, through the support of United Way of Kalamazoo and Battle Creek Region and several local private foundations, is able to offer tuition assistance to 50 families annually. Tuition assistance drastically reduces the cost of high-quality early childhood education for these families for an average savings of \$250 each week. Another step YWCA Kalamazoo takes to relieve the financial burden families experiencing extreme poverty face is to offer transportation assistance through pickup and drop-off service each day. In providing this service, YWCA Kalamazoo ensures that these children are engaging in high-quality early learning in a consistent manner.

YWCA Kalamazoo has recognized an extreme need for affordable and accessible childcare within the Edison Neighborhood community. The high cost of childcare and the diminishing resources for subsidies puts quality childcare out of reach for many families, especially those who are low-income and those who are single-parent families. To meet this community need, YWCA Kalamazoo plans to deploy an additional Children's Center in the Edison Neighborhood. The Edison Neighborhood area Children's Center will provide two services, one being infant/toddler childcare in a traditional setting, meaning regular business hours and scheduled appointments, and secondly, a section for 24-hour drop-in childcare for families who work 2nd and 3rd shifts or who have an emergency childcare need.

Project Schedule

The construction schedule would be set for 16 months, with an approximate groundbreaking in the Fall of 2018 and a completion date in the Summer of 2020.

Proposed Use

YWCA Kalamazoo intends to lease a minimum of 6,300 sf from Hollander Development Co. for the use of a Children's Center facility. Within that minimum 6,300 sf space, there would be dedicated administrative space, drop-in childcare, and infant/toddler childcare. The infant/toddler space will serve a maximum of 30 children between the ages of 6-weeks and up to 3 years old, and the drop-in space will serve a maximum of 12 children (at any given time in a 24-hour period) between the ages of 6-weeks to 12 years old.

Hours of Operation

The hours of operations in the infant/toddler space will be 6:30 a.m. – 6:00 p.m. Monday through Friday and the Drop-In space will be open 24 hours a day Sunday through Saturday.

Number of Employees

YWCA Kalamazoo intends to employ approximately 22 additional staff as a result of the Children's Center expansion. Approximately 63.64% of employees will be full-time and 36.36% part-time, including on-call employees.

Signage

Signage will be displayed within the windows of the Children's Center space. No additional signage should be necessary; thus no additional permits are required.

Playground

State licensing requires that YWCA Kalamazoo has a playground space for children to use on the premises of the Childcare Center. Hollander Development agrees to include YWCA Kalamazoo in the design of this playground space to meet the needs and requirements of the YWCA Kalamazoo.

Children's Center Licensing

YWCA Kalamazoo is responsible for providing childcare licensing requirements to Hollander Development during the planning process and construction period regarding the design of the facility to ensure compliance with applicable state and federal requirements.

Financing

Hollander Development Co. has committed to providing partial financing of the interior buildout as part of the overall construction of the building. The interior buildout includes, but is not limited to, walls, flooring, interior plumbing and electric. YWCA Kalamazoo has committed to providing \$400,000 upfront to support the overall costs of the interior buildout. YWCA Kalamazoo would agree to being responsible for any remaining costs of the interior buildout contingent upon YWCA being notified and agreeing to the remaining interior buildout cost in advance of the construction groundbreaking. The YWCA Kalamazoo will also be responsible for financing any costs related to furnishing the Children's Center facility.

Leasing

YWCA Kalamazoo agrees to leasing space for the Children's Center through Hollander Development Co. at an approximate annual rate of \$12/psf. In addition to the lease, YWCA Kalamazoo would also be responsible for paying its share of property and liability insurance, property taxes (if applicable), water, sewer, heating, cooling, electric, and any applicable broadband/cable/telephone costs.



Dr. Grace Lubwama
Chief Executive Officer - YWCA Kalamazoo

10/15/18
Date



Coleen McNinch
Chief Operating Officer - YWCA Kalamazoo

10/18/18
Date



Commission Agenda Report

City of Kalamazoo

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

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

PREPARED BY: Sean Fletcher, Parks & Recreation Director

DATE: 12/4/2018

SUBJECT: Approve the Sale of 925 Grant Street to Andy Van Lente

RECOMMENDATION

It is recommended that the City of Kalamazoo sell the lot at 925 Grant Street to Andy Van Lente in the amount of \$1,500.00 and authorize the City Manager to sign all related documents.

BACKGROUND

The lot at 925 Grant Street is adjacent to Mr. Van Lente's home and his desire is to construct a new home on the property, adding a new home to the City's tax roll.

The lot is designated as being owned by the City of Kalamazoo's Parks & Recreation Department, but due to the topography and close proximity to Davis Street Park, it is not desirable as a park.

COMMUNITY RESOURCES CONSULTED

Steve Walsh and the Vine Neighborhood Executive Committee were consulted and approved the sale of the lot.

FISCAL IMPACT

The sale of the lot will provide tax revenue to the City.

ALTERNATIVES

There is the alternative for the City to continue to own this lot, but that is not being recommended.



Commission Agenda Report

City of Kalamazoo

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

FROM: Scott A. Borling, City Clerk

DATE: 1/3/2019

SUBJECT: Approval of Minutes

RECOMMENDATION

It is recommended that the City Commission approve the minutes from its meetings on August 20, November 5, November 19, December 3, December 10, and December 17, 2018.

ATTACHMENTS:

Type	Description
------	-------------

- | | |
|--------------------------|--|
| ☐ | Minutes August 20, 2018 Neighborhood Meeting |
| ☐ | Minutes August 20, 2018 Business Meeting |
| ☐ | Minutes November 5, 2018 Business Meeting |
| ☐ | Minutes November 19, 2018 Special Meeting |
| ☐ | Minutes November 19, 2018 Business Meeting |
| ☐ | Minutes December 3, 2018 Business Meeting |
| ☐ | Minutes December 10, 2018 Work Session |
| ☐ | Minutes December 17, 2018 Business Meeting |

	A neighborhood meeting of the Kalamazoo City Commission was held on Monday, August 20, 2018 at 6:00 p.m. in the Community Room at City Hall, 241 W. South Street.
Roll Call	COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell David Anderson Don Cooney Eric Cunningham Jack Urban COMMISSIONERS ABSENT: Shannon Sykes Vice Mayor Erin Knott Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and Deputy City Clerk Shelby Moss.
Commissioners Excused	Commissioner Anderson, seconded by Commissioner Cunningham, moved to excuse the absences of Vice Mayor Knott and Commissioner Sykes. With a voice vote the motion passed.
Communications	An opportunity was given for miscellaneous communications, but no communications were offered.
Neighborhood Communications	Neighborhood communications were received next. Representatives from the following neighborhood associations were present and addressed the City Commission: <u>Edison Neighborhood Association</u> Gerry Hoffmann, Board President Tammy Taylor, Executive Director <u>Parker Duke Neighborhood Association</u> Bill Hughes, President
Edison Neighborhood Association	The Edison Neighborhood Association representatives: - commented on positive events happening in the neighborhood including the 50th Anniversary of the Edison Neighborhood Association. - expressed concern regarding the proposed rezoning of 333 E. Alcott Street from Zone M-1 to Zone RM-24 to allow the construction of a housing facility for recovering addicts. The representatives stated neighborhood residents were concerned about security and the impact of the proposed facility on surrounding property values. - reported on partnerships with the City's Summer Youth Employment Program and Kalamazoo Probation Enhancement Program. - reported on the large attendance and success of the National Night Out event on August 7th.

In response to a question from Commissioner Anderson, Mr. Hoffmann stated the neighborhood would be represented at the special Planning Commission meeting on August 21st.

Edison
Neighborhood
Association (cont'd)

Commissioner Cooney stated the proposed housing facility at 333 E. Alcott would be the first type of facility in the country where residents would be identified and referred from the Kalamazoo County Drug Court. Commissioner Cooney stated the project was a housing facility and not a rehab facility. Commissioner Cooney agreed with residents' concerns regarding security and stated the building would need security guards.

The Parker Duke Neighborhood Association representatives:

Parker Duke
Neighborhood
Association

- reported the fire hydrant at 3422 Duke Street needed repair.
- expressed concern regarding the number of Public Safety calls for service at the duplexes near the corner of Parker Ave and Duke Street.
- expressed concerns regarding the lack of access to a public playground for children in the neighborhood. Mr. Hughes stated the City's Master Plan specified the neighborhood should have access to public space, but it did not exist in the neighborhood. Mr. Hughes thanked Southern Heights Christian Reformed Church for allowing neighborhood residents to use their playground.

In response to questions from Commissioner Cooney, Mr. Hughes stated the Southern Heights CRC was planning to expand their playground next year to include a swing set, but the church playground was really built for young children, leaving older children with no access to a public park.

When an opportunity was given for citizen comments, the following people addressed the City Commission:

Citizen Comments

Nehemiah Scudder, City resident, expressed concerns regarding the classification of "over the counter" drugs versus prescription drugs and illegal drugs.

Zach Lassiter, City resident, expressed support for the proposed housing facility at 333 E. Alcott Street.

Benjamin Stanley, City resident, expressed concerns regarding the proposed amendments to Chapter 33 of the Kalamazoo City Code (Streets and Other Public Grounds) on the Regular Agenda of the City Commission business meeting.

Jodi Dozeman, City resident, proposed sanitation issue solutions and communication strategies for the City.

An opportunity was given for miscellaneous comments by City Commissioners, but no comments were offered.

Commissioner
Comments

The meeting adjourned at 6:27 p.m.

Adjournment

Respectfully submitted,

Shelby Moss
Deputy City Clerk

For City Commission approval on December 17, 2018

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: December 17, 2018

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, August 20, 2018 at 7:00 p.m. in the City Commission Chambers at City Hall.

COMMISSIONERS PRESENT:

Mayor Bobby J. Hopewell
Vice Mayor Erin Knott
David Anderson
Don Cooney
Erin Cunningham
Shannon Sykes
Jack Urban

COMMISSIONERS ABSENT:

None

Also present were City Manager James Ritsema, City Attorney Clyde Robinson, and Deputy City Clerk Shelby Moss.

Invocation

The invocation, given by Father Dan Hyman from St. Thomas More Parish, 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:

Commissioner Sykes requested Item F6 (first reading of an ordinance to amend Chapter 21 of the Code of Ordinances regarding nuisances) be moved from the Consent Agenda to the Regular Agenda.

Consent Agenda

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

- approval of a contract extension for parker truck rental with Republic Services in the amount of \$148,470.
- approval of a two-year contract for the purchase of 16% sodium hypochlorite, by volume, from Jones Chemical, Inc. in the amount of \$617,700.
- approval of a contract with Northern Construction Services, Corp. for Crane Park Improvements and amend the Capital Improvement Budget.
- first reading of an ordinance to rezone 615 W. Kalamazoo Avenue from Zone M-1 (Manufacturing, Limited District) to Zone CMU (Commercial, Mixed-Use District) and schedule a public hearing for September 4, 2018.
- first reading of an ordinance to rezone 525 and 535 E. Ransom Street and 617 Harrison Street from Zone RMU (Residential, Mixed-Use District) and CMU (Commercial, Mixed-Use District), and Subareas 3 and 4 of the Riverfront Overlay District all to Zone CMU and Subarea 4, and schedule a public hearing for September 4, 2018.

- | | |
|--|------------------|
| <ul style="list-style-type: none"> - adoption of a RESOLUTION granting a Payment in Lieu of Taxes for the Kalamazoo Creamery Limited Dividend Housing Association Limited Partnership at 1101 Portage Street (06-22-434-008), pursuant to Section 35-4 of the Kalamazoo City Code. | Resolution 18-56 |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION vacating Heilman Court east of S. Burdick Street. | Resolution 18-57 |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION designating the polling facility for Precinct 20 to be used during the election on November 6, 2018 and for each election thereafter. | Resolution 18-58 |
| <ul style="list-style-type: none"> - approval of a Memorandum of Agreement with Kalamazoo Public Schools for the Kalamazoo Department of Public Safety to provide School Resource Officer Services for the 2018-2019 school year. | |
| <ul style="list-style-type: none"> - approval of a shift in the calendar terms of Foundation for Excellence (FFE) Board Directors from January 1 – December 31 to June 1 – May 31 of any given year in order to improve operations by better aligning with the April annual meeting required in the FFE's Bylaws; and to extend the terms of current Class I and Class II Directors accordingly to June 1, 2019 in order to accurately reset the term calendar. | |
| <ul style="list-style-type: none"> - approval of the sale of 1213 John Street to Alfredo and Linda Zuniga for \$120.00. | |
| <ul style="list-style-type: none"> - adoption of a resolution approving the acquisition of one tax-foreclosed property parcel from the Kalamazoo County Treasurer under first right of refusal, in an amount not to exceed \$26,755.85. If acquired, the parcel would subsequently be transferred from the City to the BRA where environmental clean-up activities would occur. | |
| <ul style="list-style-type: none"> - approval of the sale of the City-owned lot at 1612 Charles Street to Kalamazoo Valley Habitat for Humanity for \$120.00. | |
| <ul style="list-style-type: none"> - approval of the minutes from the City Commission meetings on May 29, June 4, June 25, July 2, July 16, and August 6, 2018. | |

Commissioner Cunningham, 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, Cooney, Cunningham, Sykes, Urban, Vice Mayor Knott, Mayor Hopewell

NAYS: None

Regular Agenda items were considered next.

Regular Agenda

First Reading of an
Ordinance to Amend
Chapter 21 of the
Code of Ordinances
Regarding Nuisances

Commissioner Sykes requested a presentation from Community Planning and Development Director Rebeca Kik regarding the proposed changes to Chapter 21 of the Kalamazoo City Code regarding nuisances.

Director Kik stated the first change to the ordinance would require noticing to residents before the grass reached 12 inches in length. Director Kik stated waiting until the grass reached 12 inches resulted in more costly mowing if the property owner did not address the issue. Also, the proposed change would bring the City's noticing requirements in line with surrounding jurisdictions and their noticing policies. Director Kik stated the ordinance addressed graffiti removal and remarked on the success of the City's graffiti removal pilot program. Director Kik stated the ordinance changes also addressed the issue of vacant or abandoned commercial and industrial structures, not just vacant or abandoned residential structures. Director Kik stated the proposed ordinance also introduced a way to differentiate between properties that were substantially blighted and those that were unsightly and just needed minimum repairs and maintenance.

In response to questions from Commissioner Sykes, Director Kik stated ordinance changes were coming forward as packages, and she felt very positive about projects moving forward that would give graffiti artists creative outlets in the neighborhoods.

When given an opportunity to comment on the first reading of an ordinance to amend Chapter 21 of the Kalamazoo City Code of Ordinances regarding nuisances, including graffiti, abandoned residential structures, and noxious weeds/tall grass, the following people addressed the City Commission:

Chris Wahmhoff, City resident, expressed concerns regarding the current noticing process to residents about abandoned residential structures.

Commissioner Anderson, seconded by Commissioner Cooney, offered for first reading an ordinance to amend Chapter 21 of the Kalamazoo City Code of Ordinances regarding nuisances, including graffiti, abandoned residential structures, and noxious weeds/tall grass.

Commissioner Anderson thanked the zoning department for making changes to the noxious weeds/tall grass ordinance and for providing a hotline to report violations. Commissioner Anderson stated he appreciated efforts to find a creative outlet for graffiti artists.

Commissioner Sykes stated she could not support the proposed ordinance at this time, but she appreciated the work of City Attorney Robison. Commissioner Sykes suggested that any future changes to the graffiti ordinance be discussed at small group meetings or a work session. Commissioner Sykes expressed opposition to City Commission consideration of the proposed ordinance changes prior to the implementation of a plan to give graffiti artists creative spaces.

With a roll call vote this motion passed 6-1.

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

NAYS: Commissioner Sykes

City Manager Ritsema explained the amendments to Chapter 33 were brought forward to lower the penalties for park rule violations that were currently considered misdemeanors and punishable by a \$500.00 fine or time in jail. City Manager Ritsema stated the proposed ordinance changes would decriminalize the violation of 16 of 22 park rules, making them civil infractions rather than misdemeanors. City Manager Ritsema stated City parks were open for all to enjoy regardless of housing status or income, however basic rules were needed for the health and safety of those who wanted to use the parks. City Manager Ritsema remarked on the passion of the community to help others in need and the work of the City to provide affordable housing and end generational poverty. City Manager Ritsema announced the upcoming Amnesty Day on Friday, September 14th in partnership with the Kalamazoo County 8th District Court, Office of the Kalamazoo County Prosecuting Attorney and Kalamazoo County Sheriff's Department.

City Attorney Robinson reviewed agenda report regarding the proposed amendments to Chapter 33 and provided evidence that the intent was to decriminalize the Code of Ordinances. City Attorney Robinson stated the proposed changes were not an attack on the homeless community but an attempt to address behaviors that impacted the health, safety and welfare of all persons accessing City parks.

In response to questions from Commissioner Anderson, City Attorney Robinson stated the first authorized park rules were established in 1985, but enforcement of those rules was left to the discretion of the City Manager until 2002, when the current ordinance was adopted. City Attorney Robinson stated the ordinance was amended in 2006 and 2010 to add additional regulations.

When given an opportunity to comment on the adoption of an ordinance amending Chapter 33- Streets and Other Public Grounds of the Kalamazoo City Code of Ordinances, the following people addressed the City Commission:

The following people expressed opposition to the proposed amendments; offered remarks on their personal experiences with homelessness; described problems with local homeless shelters; highlighted the lack of affordable housing; and offered suggestions to address the problem of homelessness in Kalamazoo:

Jim Ferner, non-resident
Chris Wahmhoff, City resident
Jen Strebs, non-resident
Ray Sweany, City resident
Ann Sweany, City resident
Wayne Conner, City resident

First Reading of an Ordinance to Amend Chapter 21 of the Code of Ordinances Regarding Nuisances (cont'd)

Consideration of an Ordinance to Amend Chapter 33 Regarding City Park Rules

Consideration of an
Ordinance to Amend
Chapter 33 Regarding
City Park Rules
(cont'd)

Dennis Tillman, City resident
Janelle Haley, City resident
Angel Johnston, City resident
Maureen McGee, City resident
Michael Rizor, City resident

The meeting recessed at 8:11 p.m.

The meeting resumed at 8:26 p.m.

Emily Demorest, City resident
Spencer Gravel, City resident
Andrew Argo, City Resident
Birletta Bean-Hardeman, City resident
Eponine Garrod, City resident
Matt Smith, City resident
Nathan Dannison, City resident
Emma Alzner, non-resident
Kate Loope, non-resident
Sam Demorest, City resident
Nathan Erickson, City resident
Amber Roberson, non-resident
Sharon Dyer, non-resident
Hannah McNeill, City resident
Rebecca Macleery, City resident
Norah Getz, City resident
Tim Mullikin, City resident
Jody Dozeman, City resident
Donna Decker, City resident
Rajai Brown-Esco, City resident
Jesse Palmer, City resident
Jamie Bowers, City resident
Melissa Ray, non-resident
William Baker, City resident
Rudolph Mendez III, City resident
Tiffany Maul, City resident
Ashton Maul, City resident
Zach Lassiter, City resident
Nehemiah Scudder, City resident
Steven, City resident

The meeting recessed at 9:56 p.m.

The meeting resumed at 10:11 p.m.

Dusty Jepkema, City resident
Benjamin Stanley, City resident
Andrew Henley, City resident
Andrea Nummerdor, City resident

The following people expressed support for the proposed amendments and shared their recent experiences in the City parks:

Kat Wolverton, City resident
Scott Swope, City resident

Mayor Hopewell stated the requested action was a motion to adopt an ordinance amending Chapter 33- Streets and Other Public Grounds of the Kalamazoo City Code of Ordinances.

Mayor Hopewell invited Commissioners to make a motion, but no motion was offered.

City Manager Ritsema provided the following reports and updates:

- Departmental Reports and Project Updates
- July 2018 Purchases

When an opportunity was given for general citizen comments, the following people addressed the City Commission:

Jody Dozeman, City resident, offered remarks on personal experiences and expressed concerns regarding the living conditions at the Kalamazoo Gospel Mission. Correspondence submitted by Ms. Dozeman was filed with the papers for this meeting.

Mark Dunham, City resident, expressed concerns regarding the housing development at 615 W. Kalamazoo Avenue and stated the development would have a negative effect on the neighborhood.

Zach Lassiter, City resident, thanked the Commission for allowing the proposed Chapter 33 ordinance amendments to fail but stated he was disappointed there was no motion and therefore no discussion. Mr. Lassiter encouraged the Commission to address homelessness and poverty in Kalamazoo.

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

Commissioner Urban remarked on the need for rules in the park and the need to address homelessness in the community. Commissioner Urban proposed installing a locker system so those in the homeless community had a place to store belongings during the day. Commissioner Urban also proposed the idea of a millage to help address the needs of the homeless community. Commissioner Urban defended the City Attorney's office and the Parks and Recreation Department for bringing forward the amendments to Chapter 33 but stated the amendments could not be approved as presented.

Commissioner Sykes stated she had known about the issues and needs facing the homeless community for a long time, and she offered her apologies for not addressing them before now. Commissioner Sykes expressed disappointment in herself for not doing enough to help the homeless community. Commissioner Sykes expressed concerns regarding the Chapter 33 ordinance amendments and criticized the Shared Prosperity program. Commissioner Sykes expressed concerns about the "rules" of the City Commission Chambers and how they silenced audience members.

Consideration of an Ordinance to Amend Chapter 33 Regarding City Park Rules (cont'd)

City Manager's Report

Citizen Comments

City Commissioner Comments

City Commissioner
Comments (cont'd)

Commissioner Anderson addressed the accusation that the City had not done enough to provide affordable housing in the City by highlighting the resolution granting a Payment in Lieu of Taxes (PILOT) for the Kalamazoo Creamery Limited Dividend Housing Association Limited Partnership at 1101 Portage Street. Commissioner Anderson noted the City of Kalamazoo was the only jurisdiction in Kalamazoo County that had a standing PILOT ordinance and that surrounding jurisdictions did not have programs in place to support affordable housing. Commissioner Anderson advised the community to seek alliances with service providers rather than attack them in a negative way, as those attacks would diminish the ability of everyone to reach their shared goals.

Commissioner Cooney thanked people for sharing their stories and stated the issue of homelessness needed to be addressed by the Commission with a greater sense of urgency and given higher priority. Commissioner Cooney stated the issue of homelessness was a complex issue that affected the entire country, and not just the City. Commissioner Cooney stated the idea of a locker system for those needing a place to keep their belongings during the day was proposed in the past, but the homeless community turned down the idea. Commissioner Cooney stated it may be time to consider again the idea of a locker system. Commissioner Cooney defended Commissioner Anderson and his work to support affordable housing in the City.

Commissioner Cunningham shared comments from a mother in the community who was experiencing the "Alice Effect" and highlighted the need for more affordable housing in the community. Commissioner Cunningham requested City staff do everything possible to support affordable housing and keep it at the top of the priority list.

Commissioner Knott stated she would make a public statement regarding the meeting proceedings at a later date.

Mayor Hopewell requested that Assistant City Attorney Richard Cherry make a presentation on the upcoming Amnesty Day.

Assistant City Attorney Cherry shared personal experiences from his time as a homeless child. Assistant City Attorney Cherry explained that it was never the Attorney Office's intention to attack the homeless. Rather, the intent was to reduce sixteen of the twenty-two park violations in Chapter 33 from misdemeanors to civil infractions. Assistant City Attorney Cherry remarked that Amnesty Day was being done to support the goals of the Imagine Kalamazoo 2025 Master Plan and the Foundation for Excellence. Assistant City Attorney Cherry announced the Kalamazoo Department of Public Safety, Kalamazoo County 8th District Court, Kalamazoo County Office of the Prosecuting Attorney and Kalamazoo County Sheriff's Department would host an Amnesty Day at the 8th District Court on Friday, September 14th. Assistant City Attorney Cherry explained citizens of Kalamazoo would have an opportunity to address outstanding, low-level, non-violent misdemeanor warrants and charges with the goal of preventing incarceration. Assistant City Attorney Cherry stated once participants had addressed their pending warrants or charges they would be directed to Bronson Park where social service agencies and other organizations would be available to assist in addressing quality of life

issues. Assistant City Attorney Cherry recognized Assistant Public Safety Chief Vernon Coakley and supporting Public Safety Officers for their help in making this program a reality.

The meeting adjourned at 11:06 p.m.

Respectfully submitted,

Shelby Moss
Deputy City Clerk

For City Commission approval on December 17, 2018

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: December 17, 2018

City Commissioner
Comments (cont'd)

Adjournment

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, November 5, 2018 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.

COMMISSIONERS PRESENT:

Mayor Bobby J. Hopewell
David Anderson
Don Cooney
Shannon Sykes
Jack Urban

COMMISSIONERS ABSENT:

Vice Mayor Erin Knott
Eric Cunningham

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

Commissioner
Excused

Commission Anderson, seconded by Commissioner Sykes, moved to excuse the absences of Vice Mayor Knott and Commissioner Cunningham. With a voice vote the motion passed.

Invocation

The invocation, given by Bret Laird, Senior Pastor at Calvary Bible Church, was followed by the Pledge of Allegiance.

Presentation on the
2018 Summer Youth
Employment Program

Eric Stewart, Director of Youth Opportunities Unlimited (YOU) and Paige Farrell, YOU Project Manager, distributed copies of the *myCITY Kalamazoo 2018 Final Report*, showed a video about the myCITY program, and delivered a PowerPoint presentation entitled *2018 Summer Youth Employment Program*. Copies of the report and PowerPoint slides were filed with the papers for this meeting.

In response to questions from Commissioner Cooney, Mr. Stewart stated the Summer Youth Employment Program (SYEP) would be connected to All Things Possible in future years, and he confirmed that students would continue to have SYEP opportunities through the Van Buren Technology Center in Lawrence. Mr. Stewart stated YOU was connecting students with jobs at the end of the summer, especially students who were age 18 and over.

Proclamation

Commissioner Anderson proclaimed the month of November *Complex Regional Pain Syndrome Awareness Month* in the City of Kalamazoo. Matt Rutledge received the proclamation.

Adoption of the
Agenda

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

City Attorney Robinson requested a closed session at the end of the regular meeting to discuss pending litigation. City Attorney Robinson noted the second paragraph of the notice in section 6 of the resolution setting a public hearing regarding the Downtown Economic Growth Authority Development and Tax Increment Financing Plan (Item F-12 on the agenda) contained a reference to the "TIP Plan." City Attorney Robinson indicated this language should be corrected to read "TIF Plan."

Commissioner Sykes requested that Item F-16, acceptance of the 2018 Justice Assistance Grant award, be moved to the Regular Agenda.

Adoption of the
Agenda (cont'd)

At 7:26 p.m. Mayor Hopewell opened a public hearing to receive comments on a RESOLUTION amending the boundaries of Industrial Development District No. 95 to include additional property owned by Schupan & Sons at 4200 & 4233 Davis Creek Court.

Public Hearing re: a
Resolution Amending
IDD No. 95

John Barry, non-resident and President of Shupan Aluminum and Plastic Sales, provided an overview of the company and its operations and described planned development projects. Mr. Barry expressed support for the resolution.

At 7:29 p.m. Mayor Hopewell closed the public hearing.

Commissioner Sykes, seconded by Commissioner Cooney, moved to adopt a **RESOLUTION** amending the boundaries of Industrial Development District No. 95 to include additional property owned by Schupan & Sons at 4200 & 4233 Davis Creek Court.

Resolution 18-71
Amending IDD No. 95

Prior to a vote on the motion, Commissioner Anderson remarked on the ways Shupan & Sons was a great corporate partner with the City.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Sykes, Urban, Mayor Hopewell

NAYS: None

At 7:30 p.m. Mayor Hopewell opened a public hearing to receive comments on a resolution establishing an Industrial Development District around the perimeter of the parcels owned by Schupan & Sons, LLC at 2730 Millcork Street, 3100 Miller Road and 2900 Miller Road.

Public Hearing re: a
Resolution Creating
IDD No. 130 at 2730
Millcork

Corey Psycher, non-resident and Vice President of Electronics Recycling at Shupan & Sons, described the operations and proposed development project at the Electronics Recycling Division.

At 7:33 p.m. Mayor Hopewell closed the public hearing.

Commissioner Sykes, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** establishing an Industrial Development District around the perimeter of the parcels owned by Schupan & Sons, LLC at 2730 Millcork Street, 3100 Miller Road and 2900 Miller Road.

Resolution 18-72
Creating IDD No. 130
at 2730 Millcork

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Sykes, Urban, Mayor Hopewell

NAYS: None

Consent Agenda

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

- approval of a sole source purchase with Ferguson Waterworks for the Neptune AMI Gateway and Software package in the amount of \$187,766.34.
- approval of a two-year contract with Phoenix Outfitters, LLC for Public Safety uniforms in the amount of \$254,823.08.
- approval of a two-year term contract with Water Solutions Unlimited for the purchase of sodium hexametaphosphate in the amount of \$269,280.00.
- agreement with the United States Geological Survey for hydraulic modeling and flood inundation mapping for the Kalamazoo River, Portage Creek, and Axtell Creek in the amount of \$307,000.
- approval of a three-year contract with Best Way Disposal, Inc. to perform monthly residential brush collection during the months of April through October in the amount of \$334,110.
- approval of a one-year contract extension with Constellation New Energy – Gas Division, LLC for natural gas to be used to heat selected City facilities in the amount of \$500,000.
- first reading of an ordinance to add *Chapter 50: Zoning* to City's Code of Ordinances and Repeal Section 6.1 of Appendix A Off-Street Parking and Loading; and schedule a public hearing on November 19, 2018.
- first reading of an ordinance to rezone properties in the Northside Neighborhood as a step to implement the Northside Neighborhood Plan; and schedule a public hearing for November 19, 2018.

Resolution 18-73

- adoption of a **RESOLUTION** authorizing the City Manager to sign a three-party Agreement for Services between the City of Kalamazoo, Foundation for Excellence, and Kalamazoo Community Foundation for a period of three years.

Resolution 18-74

- adoption of a **RESOLUTION** scheduling a public hearing for November 19, 2018 regarding an application from Schupan & Sons, LLC for an Industrial Facilities Tax Exemption Certificate.

Resolution 18-75

- adoption of a **RESOLUTION** accepting a grant from the Michigan State Historic Preservation Office (SHPO) Certified Local Governments (CLG) Grant Program in the amount of \$11,150 to be used to plan and implement a historic district commission training workshop for local and regional historic district commissions.

Resolution 18-76

- adoption of a **RESOLUTION** setting a public hearing for December 3, 2018 regarding the Downtown Economic Growth

Authority's proposed Tax Increment Financing (TIF) and Development Plans; and scheduling November 19, 2018 at 6:00 p.m. as an opportunity for taxing authorities levying taxes subject to capture under the TIF Plan to meet with the City Commission and provide comment and recommendations on the plan.

Resolution 18-76
(cont'd)

- adoption of a **RESOLUTION** recognizing Drive for Life Foundation as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.
- approval of a Service Agreement with BG West, LLC regarding the tax-exempt property on Alcott Street that will be occupied by the Michigan Department of Health and Human Services.
- approval of a two-year agreement with the Central County Transportation Authority to provide Public Safety services at the Kalamazoo Transportation Center and Metro Transit campus.
- approval and acceptance of easements from Circle K for water main installed as part of the Circle K Construction Project at 4851 and 4921 South Sprinkle Road.
- approval and acceptance of an easement from Parkway Flats, LLC for water main & sanitary sewer installed as part of the Parkway Flats Project.
- approval of the Mayor's appointment and reappointment to boards and commissions:
 - the reappointment of Carl Brown to the Downtown Development Authority for a term expiring on March 31, 2022.
 - the appointment of Nicole Sabel to the Historic Preservation Commission for a term expiring on March 31, 2021.
- approval of the minutes from the City Commission meetings on October 1 and October 15, 2018.
- approval of a recommendation to hold until November 19, 2018 consideration of the sale of 1109 N. Park Street to Jesus Rodriguez-Reyes and Leticia Rodriguez-Medina for \$120.00.

Resolution 18-77

Commissioner Cooney, seconded by Commissioner Anderson, moved to approve the consent agenda requests and authorize the City Manager to sign all documents on behalf of the City.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Sykes, Urban, Mayor Hopewell

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

Acceptance of a 2018
Justice Assistance
Grant (JAG) Award

Commissioner Sykes referenced a memo from City Attorney Robinson regarding potential conflicts between the City's family separation (immigration enforcement) policy adopted on July 16th and conditions for the City's acceptance of the 2018 Justice Assistance Grant (JAG) from the U.S. Department of Justice. Commissioner Sykes requested a more detailed explanation of why the City Attorney thought there were no conflicts between the City's policy and the grant conditions, and specifically Condition #46 regarding notice of release of undocumented detainees.

In response to Commissioner Sykes, City Attorney Robinson stated the release of detainees would be the responsibility of the County Sheriff, so the County Sheriff's Department would be the law enforcement agency responsible for providing the notice of release. City Attorney Robinson remarked that providing notice of release was not related to separating children from families, which was the central idea of the Family Separation Policy. City Attorney Robinson explained federal law prohibited local governments from interfering with immigration enforcement, but the federal government was not able to force state and local governments to actively enforce immigration law. City Attorney Robinson stated he did not see a conflict between the Family Separation Policy and acceptance of the JAG funds.

Commissioner Sykes read the Family Separation Policy and stated she interpreted "separating children from their families" in the City's policy to mean when a separation happened in Kalamazoo. Commissioner Sykes remarked that the grant conditions seemed to equate failure to provide information on immigration status with interference, which meant the City could not prohibit employees from contacting Immigration and Customs Enforcement (ICE). Commissioner Sykes questioned whether City staff would be violating the condition regarding "public disclosure of certain law enforcement sensitive information" if they communicated with the public for personal reasons regarding ICE activities in the community. Commissioner Sykes noted the County Sheriff's Department was a co-grantee or sub-grantee, and she questioned whether the City would be assisting "other government agencies" if the County Sheriff provided notice of release in accordance with the grant conditions. Commissioner Sykes stated she was deeply concerned with the grant conditions and she also questioned whether enforcement of the City's anti-discrimination ordinance would conflict with the prohibitions against religious discrimination in Condition #20.

City Attorney Robinson observed that Commissioner Sykes' questions and concerns were very detailed, and he stated he would have addressed those issues in his memo if he had known about them. City Attorney Robinson explained that each year the Mayor and City Attorney were required to sign a certification and disclosure affidavit under penalty of perjury as part of the grant process. City Attorney Robinson noted this document had become longer and more involved under the administration of President Donald Trump, to the point where he had begun looking up the law citations in these documents prior to signing to ensure he knew what was being required and whether the City was compliant. City

Acceptance of a 2018
JAG Award (cont'd)

Attorney Robinson indicated he would not be able to answer Commissioner Sykes' questions during the meeting, as he needed time to carefully study the grant conditions and legal references. City Attorney Robinson stated he had reviewed the grant conditions generally and was comfortable that the City could accept the grant funds, but Commissioner Sykes' pointed questions would require focused research.

Commissioner Sykes acknowledged that she had submitted her questions in a general way through the City Manager. Commissioner Sykes stated she would like all City Commissioners to review the certifications and disclosures document prior to the Mayor and City Attorney signing the affidavit. Commissioner Sykes reported the Corporate Counsel for Kalamazoo County had concerns that a proposed County policy, similar to the City's Family Separation Policy, would be in conflict with the JAG conditions. Commissioner Sykes indicated the County moved forward with that policy because they felt the City, as the grantee, would be responsible for any conflicts.

City Attorney Robinson noted the certifications and disclosures affidavits had never been brought to the City Commission because the Commission had accepted the grants prior to the City receiving the affidavits. City Attorney Robinson stated he had no objections to Commissioners reviewing the affidavits, and he remarked the City Commission was under no obligation to accept the JAG funds.

Commissioner Cooney thanked Commissioner Sykes for her questions and asked about the Sheriff's policy for notifying ICE about undocumented detainees. Commissioner Cooney stated it was his understanding the Sheriff provided this notification only when the offense was serious.

In response to questions from Commissioner Anderson, Public Safety Chief Karianne Thomas indicated the signed grant agreement was due by November 16th, and the City risked losing the funding if there was a delay. Chief Thomas explained the grant funds would be used to replace video recording equipment in the City's interview rooms and to purchase a microscope for the City/County joint crime lab. Chief Thomas stated the microscope would allow the City and Kalamazoo County Sheriff's Department to test for certain types of narcotics. Chief Thomas stated the City did not have funds budgeted for these items.

In response to questions from Commissioner Sykes, Chief Thomas clarified the grant funds would be used to upgrade existing, outdated video equipment in the City's interview rooms, and the new microscope would allow the City and Kalamazoo County Sheriff's Department to test evidence in-house rather than sending it to the state crime lab, where there were backlogs and processing delays.

When an opportunity was given for citizens to comment on Acceptance of a 2018 Justice Assistance Grant award in the amount of \$92,200 from the U.S. Department of Justice, the following people addressed the City Commission:

Acceptance of a 2018
JAG Award (cont'd)

Zach Lassiter, City resident, stated the City Attorney should know the Sheriff's policy regarding ICE notifications. Mr. Lassiter played audio clips of City Commissioner's comments on federal immigration policy, the Welcoming City proclamation and family separation resolution.

Iman Freeman, City resident, spoke about the City's non-discrimination ordinance and Section 43 of the grant agreement and noted the ordinance did not define religious discrimination. Mr. Freeman stated religious views were subjective and could be used as a cover for personal opinions.

Michael Rizor, City resident, stated the City should not accept any federal funds until the federal government stopped hunting "illegal immigrants."

Rhonda, City resident, spoke about how she had been helped by undocumented people.

Commissioner Urban, seconded by Commissioner Anderson, moved to accept the 2018 Justice Assistance Grant award in the amount of \$92,200 from the U.S. Department of Justice.

Prior to a vote on the motion, Commissioner Urban indicated he did not have any issues with accepting the JAG award and suggested the City accept the grant and wait to see if the Justice Department raised concerns about the City's compliance with the grant conditions.

Commissioner Cooney stated he would not support the motion if the grant agreement required the City to notify ICE prior to the release of undocumented individuals.

In response to Commissioner Cooney, City Attorney Robinson stated the grant agreement contained a notification requirement.

Commissioner Anderson noted the City had received JAG awards for a long time, and he questioned whether it was possible for the City Commission to get more information before making a decision.

Mayor Hopewell remarked a special meeting would be necessary for the Commission to take action prior to the November 16th deadline.

In response to a question from Commissioner Cooney, Chief Thomas stated she could request an extension from the Justice Department, but she did not have experience in this area to be able to predict the likelihood of success with that request.

Commissioner Sykes reviewed language in Conditions 26, 30, 32, 40, 42, and 44-46 of the grant agreement that would possibly prevent the City from implementing the Commission's Family Separation Policy. Commissioner Sykes stated she was not comfortable with the conditions and would not support the motion. Commissioner Sykes noted City Commission review of the certifications and disclosures affidavit would come too late, as the Commission would need to approve the grant

agreement prior to getting the affidavit document. Commissioner Sykes reminded Commissioners that after the 2016 election they had talked about the possibility of losing federal funding or having to reject funding because of the conditions attached to receiving those funds. Commissioner Sykes stated that time had come.

Commissioner Cooney indicated he was not prepared to vote on the JAG award and requested a special meeting.

Mayor Hopewell recommended that the motion be withdrawn, that the City Attorney be given time to do research, and that the Mayor call a special meeting to consider this item.

Commissioner Urban questioned whether anything new would be learned in the next two weeks, and he remarked on the irony of the City rejecting these federal funds when it was worried about losing other federal funds. Commissioner Urban suggested the City Commission consider all the implications of this decision.

City Manager Ritsema noted Conditions 44-46 in the grant agreement only applied to the use of the grant funds, not to the City in general.

Mayor Hopewell questioned whether there was immovable opposition to accepting the grant, which would eliminate the need for calling a special meeting.

Commissioner Urban withdrew his motion, with the understanding that a special meeting would be called for the Commission to either accept the grant or not accept the grant prior to the deadline, with every effort made to ensure the presence of all Commissioners and the availability of the requested information.

Commissioner Anderson withdrew his second of the motion.

Commissioner Sykes thanked City Manager Ritsema for his observations but stated the City could not take a chance with the Department of Justice's interpretation of the agreement and its conditions. Commissioner Sykes indicated she would never be complicit with the requirements of the grant agreement, and she stated the Sheriff's current policy was to notify ICE prior to the release of undocumented detainees. Commissioner Sykes stated the City had reached a point where it needed to say, "no."

Mayor Hopewell remarked that a special meeting was not needed if the City Attorney determined the conditions in the JAG contract violated the Family Separation Policy.

Commissioner Urban urged Commissioners who wanted answers to specific questions to forward those questions to the City Attorney so he could provide specific answers.

City Attorney Robinson commented that the certifications and disclosures affidavit would be the most important element of this grant transaction, and based purely on his instinct for self-preservation he would

Acceptance of a 2018
JAG Award (cont'd)

Acceptance of a 2018
JAG Award (cont'd)

recommend rejecting the funds if there was any chance the City's policies and practices were in violation of the grant conditions. City Attorney Robinson stated he would do the work to research answers to Commissioners' questions if the Commission wanted to continue pursuing the JAG funds. City Attorney Robinson asked Commissioners for an indication of intent and the level of desire to have the City receive these funds.

Commissioner Anderson suggested the need for a close reading of the grant conditions might be limited, as some language in the agreement appeared to be boilerplate language; some language probably captured current practices that would continue regardless of the City's acceptance or rejection of the grant; and the remaining language, a relatively small percentage, would require interpretation.

City Attorney Robinson explained that determining the meaning of the conditions would be straightforward, but there would be nuances regarding the intersection of the grant conditions and the Family Separation Policy and how the policy should be interpreted. City Attorney Robinson indicated, for example, that it would be difficult to determine whether an action by a City employee in the present moment would lead to the separation of children from their families sometime in the future. City Attorney Robinson also pointed out there was a question of whether sharing information with ICE, in and of itself, was assisting other governmental agencies as prohibited in the policy. And finally, City Attorney Robinson noted it was a 1996 federal law that prohibited local governments from restricting information sharing with ICE, and he read a portion of that law. City Attorney Robinson expressed doubt that the City Commission intended to adopt an unlawful position regarding federal law when it adopted the Family Separation Policy. City Attorney Robinson asked Commissioners for feedback on this question.

In response to a request from Commission Sykes, City Attorney Robinson re-read the section of federal law he had referenced:

Notwithstanding any other provision of federal, state, or local law, no person or agency may prohibit or in any way restrict a federal, state or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

1. Sending information to, or requesting or receiving information from, Immigration and Naturalization Service;
2. Maintaining such information;
3. Exchanging such information with any federal, state, or local governmental entity.

Commissioner Cooney stated he was not willing to cooperate with the deportation of innocent people. Commissioner Cooney remarked that the JAG funds represented tax dollars paid by Kalamazoo residents that should come back to the community, and he suggested the City reject the grant conditions as conditions for the City to receive funds it deserved.

Commissioner Sykes expressed agreement with Commissioner Cooney and suggested the City communicate to the Department of Justice both its request for the JAG funds and its rejection of the grant conditions. Commissioner Sykes asked if KDPS policies violated federal law.

In response to Commissioner Sykes, City Attorney Robinson stated KDPS was not actively notifying federal agencies about undocumented individuals, but ICE had ways to discover this information.

Commissioner Sykes stated she had no desire to break federal law, but when considering policies that had been put forward by the current President and his administration there might come a time when the City Commission, as a public body, needed to engage in civil disobedience.

City Planner Christina Anderson and Mattie Jordan-Woods, Executive Director of the Northside Association for Community Development, delivered a PowerPoint presentation entitled, *Northside Cultural Business District Authority*. A copy of the presentation slides was filed with the papers for this meeting.

In response to questions from Commissioner Anderson, City Planner Anderson stated the immediate next steps would be the selection of board members, the creation of bylaws, the establishment of priorities and action items, and the development of a Tax Increment Financing (TIF) plan.

When an opportunity was given for citizens to comment on a resolution creating the Northside Cultural Business District Authority (NCBDA) the following people addressed the City Commission and expressed support for the NCBDA:

Rhonda, City resident
Noah Krzan, City resident
Gwendolyn Hooker, City resident

Commissioner Sykes, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** creating the Northside Cultural Business District Authority.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Sykes, Urban, Mayor Hopewell

NAYS: None

An opportunity was given for citizens to comment on a resolution approving the Administrative Settlement Agreement and Order on Consent with the United States Environmental Protection Agency, Region 5 and the United States Department of Justice regarding that portion of the Allied Paper/Portage Creek/Kalamazoo River Superfund Site located in the City, but no comments were offered.

Acceptance of a 2018
JAG Award (cont'd)

Resolution 18-78
Creating the Northside
Cultural Business
District Authority

Resolution 18-79
Approving an
Administrative
Settlement Agreement
and Order on Consent
for the Acquisition of
the Panelyte Property

Resolution 18-79
Approving an
Administrative
Settlement Agreement
and Order on Consent
for the Acquisition of
the Panelyte Property
(cont'd)

Commissioner Anderson, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** approving the Administrative Settlement Agreement and Order on Consent with the United States Environmental Protection Agency, Region 5 and the United States Department of Justice regarding that portion of the Allied Paper/Portage Creek/Kalamazoo River Superfund Site located in the City; and authorize the City Manager, or his designee, to sign the Agreement and any further documents associated with the Agreement and the City's responsibilities under it.

Prior to a vote on the motion and in response to a question from Commissioner Anderson, City Attorney Robinson explained the settlement agreement would give the Panelyte property to the City and would protect the City from liability regarding contaminants on the site.

Commissioner Urban stated the acquisition of the Panelyte property was good for the City, as it would allow for consistent development of the land between Cork and Alcott Streets.

*At 9:31 p.m. Commissioner Sykes left the meeting.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Urban, Mayor Hopewell

NAYS: None

City Clerk's Report

City Clerk Borling encouraged people to vote in the statewide General Election on November 6th and urged voters still in possession of absentee ballots to return those ballots by 8:00 p.m. on Election Day.

*At 9:34 p.m. Commissioner Anderson left the meeting.

*At 9:34 p.m. Commissioner Sykes returned to the meeting.

Citizen Comments

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

Hany Dwidar, City resident, offered to build small houses for people who were homeless to stay in temporarily while they were trying to find permanent housing. Mr. Dwidar asked the City for a vacant lot where he could build these houses.

*Commissioner Anderson returned to the meeting at 9:36 p.m.

Alan Loveridge, non-resident, spoke about reducing the cost of prisons, addressing homelessness, and improving the quality of substitute teaching. A copy of Mr. Loveridge's written remarks was filed with the papers for this meeting.

Ed Tarkowski thanked the City for replacing lead pipes, requested that the City remove the stumps left from trees it had cut down, suggested the Sisters of St. Joseph facility on Gull Road as a place to house people who were homeless, and stated the City should help undocumented people become documented.

Alice Wright, City resident, described problems with groups of young people walking in the streets and people parking on the street after 2:00 a.m. near her home on North Westnedge Avenue. Ms. Wright stated KDPS was not responding to her calls and enforcing laws.

Mark Shupan, City resident, thanked the City for its support over the years.

Michael Rizer, City resident, asked people to remember the homeless during the holidays.

Zach Lassiter, City resident, commented on the Mayor's call to KDPS after the last City Commission meeting alleging that people were smoking marihuana on the steps of City Hall.

Keith, a City resident, talked about being homeless during the holidays.

Mattie Jordan-Woods, City resident, thanked City Commissioners for their service, urged the City to use economic development to eliminate homelessness, and asked the City to address Ms. Wright's concerns.

Iman Freeman, City resident, stated there seemed to be a lack of conversation about what could be done in various situations and observed that people did not know what the City Commission was and was not empowered to do.

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

Commissioner Sykes thanked people for supporting the homeless community and stated the people most impacted by homelessness needed to be allowed to develop solutions. Commissioner Sykes noted Ms. Hooker's group had a program called Tiny Houses of H.O.P.E. that built tiny homes for people who needed housing. Commissioner Sykes commented on the difficulty involved with getting undocumented people documented so they could be in the United States legally. Commissioner Sykes observed that many young people who were engaged in undesirable behaviors were experiencing a lot of trauma in their lives, and she stated the community needed to both correct the behavior and address the trauma.

Commissioner Cooney urged people to vote on November 6th.

Commissioner Urban expressed concern that patients at the state psychiatric hospital near the Western Michigan University (WMU) campus were not being allowed to go outside for their normal exercise time on days when there were WMU football games because people were allowed to tailgate on or near the hospital grounds.

Citizen Comments
(cont'd)

City Commissioner
Comments

Commissioner
Comments (cont'd)

Mayor Hopewell encouraged Mr. Dwidar to speak with Community Planning and Economic Development Director Rebekah Kik. Mayor Hopewell urged people to vote on November 6th.

Closed Session

Commissioner Anderson, seconded by Commissioner Cooney, moved that the City Commission go into closed session.

Prior to a vote on the motion, Mayor Hopewell announced the Commission would not be returning to open session.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Sykes, Urban, Mayor Hopewell

NAYS: None

Adjournment

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on January 7, 2019

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: January 7, 2019

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blank intentionally.*

	A special meeting of the Kalamazoo City Commission was held on Monday, November 19, 2018 at 6:00 p.m. in the Community Room at City Hall, 241 West South Street.
Roll Call	COMMISSIONERS PRESENT: Vice Mayor Erin Knott David Anderson Don Cooney Eric Cunningham Jack Urban COMMISSIONERS ABSENT: Mayor Bobby Hopewell Shannon Sykes Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.
Commissioner Excused	Commissioner Anderson, seconded by Commissioner Cooney, moved to excuse the absences of Mayor Hopewell and Commissioner Sykes. With a voice vote the motion passed.
Opportunity for Taxing Units to Comment on the DEGA Development and TIF Plan	City Attorney Robinson explained the purpose of this special meeting was to give taxing units an opportunity to address the City Commission regarding the proposed Kalamazoo Downtown Economic Growth Authority Tax Increment Financing and Development Plan, as required by statute. At 6:01 p.m. Vice Mayor Knott invited representatives from taxing jurisdictions levying taxes subject to capture under the proposed Kalamazoo Downtown Economic Growth Authority Tax Increment Financing and Development Plan to address the City Commission. No representatives from taxing units were present, and no comments were offered.
Citizen Comments	Next, an opportunity was given for general citizen comments, but no comments were offered.
City Commissioner Comments	Finally, an opportunity was given for miscellaneous and concerns of City Commissioners. Commissioner Urban questioned whether the Commission should wait to see if representatives from any of the taxing units would arrive late. City Attorney Robinson reported that all of the taxing units had been duly notified of this opportunity as required by statute.
Adjournment	The meeting adjourned at 6:04 p.m. Respectfully submitted, Scott A. Borling City Clerk

For City Commission approval on January 7, 2019

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: January 7, 2019

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, November 19, 2018 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.

COMMISSIONERS PRESENT:

Vice Mayor Erin Knott
David Anderson
Don Cooney
Eric Cunningham
Jack Urban

COMMISSIONERS ABSENT:

Mayor Bobby Hopewell
Shannon Sykes

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

Commissioner
Excused

Commissioner Anderson, seconded by Commissioner Cunningham, moved to excuse the absences of Mayor Hopewell and Commissioner Sykes. With a voice vote the motion passed.

Invocation

The invocation, given by Mike Kemple of Missional Chaplains, was followed by the Pledge of Allegiance.

Proclamations

Commissioner Anderson proclaimed November 20, 2018 *Transgender Day of Remembrance* in the City of Kalamazoo. Outfront Kalamazoo Executive Director Denise Miller and staff from *Out Front Kalamazoo* received the proclamation.

Commissioner Urban proclaimed the month of November *Chronic Obstructive Pulmonary Disease Awareness Month* in the City of Kalamazoo. Michael Hess, Chronic Lung Disease Coordinator, WMU Homer Stryker M.D. School of Medicine received the proclamation.

Adoption of the
Agenda

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

Public Hearing re: an
Ordinance to Add
Chapter 50 to the
Code of Ordinances
and Repeal Section
6.1 of Appendix A Off-
Street Parking and
Loading

At 7:15 p.m. Vice Mayor Knott opened a public hearing to receive comments on an ordinance to add Chapter 50: Zoning to City's Code of Ordinances and Repeal Section 6.1 of Appendix A Off-Street Parking and Loading.

City Planner Christina Anderson delivered a PowerPoint presentation entitled *Proposed Text Amendment and Zoning Map Changes, November 19, 2018 – City Commission*. A copy of the presentation slides was filed with the papers for this meeting.

In response to a question from Commissioner Cunningham, Ms. Anderson confirmed existing driveways would be grandfathered with regard to minimum and maximum widths.

An opportunity was given for citizens to comment on this item, but no comments were offered.

At 7:33 p.m. Vice Mayor Knott closed the public hearing.

Commissioner Anderson, seconded by Commissioner Urban, moved to adopt an **ORDINANCE** to add Chapter 50: Zoning to City's Code of Ordinances and Repeal Section 6.1 of Appendix A Off-Street Parking and Loading.

Prior to a vote on the motion, Commissioner Anderson noted it was not often that zoning changes infused energy and hope, and he thanked City staff for their work.

With a roll call vote this motion passed.

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

NAYS: None

At 7:35 p.m. Vice Mayor Knott opened a public hearing to receive comments on an ordinance to rezone properties in the Northside Neighborhood as a step to implement the Northside Neighborhood Plan.

At 7:36 p.m. Vice Mayor Knott closed the public hearing.

Commissioner Cooney, seconded by Commissioner Cunningham, moved to adopt an **ORDINANCE** to rezone properties in the Northside Neighborhood as a step to implement the Northside Neighborhood Plan.

With a roll call vote this motion passed.

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

NAYS: None

At 7:36 p.m. Vice Mayor Knott opened a public hearing to receive comments on a RESOLUTION approving the application of Schupan & Sons, Inc. for an Industrial Facilities Tax Exemption Certificate for its facility in Kalamazoo Industrial Development District no. 95 located at 4200 Davis Creek Court; and approving a local agreement pursuant to public act 334 of 1993.

At 7:37 p.m. Vice Mayor Knott closed the public hearing.

Commissioner Urban, seconded by Commissioner Anderson, moved to adopt a **RESOLUTION** approving the application of Schupan & Sons, Inc. for an Industrial Facilities Tax Exemption Certificate for its facility in Kalamazoo Industrial Development District no. 95 located at 4200 Davis Creek Court; and approving a local agreement pursuant to public act 334 of 1993.

Prior to a vote on the motion, Commissioner Anderson remarked on Shupan's community involvement and stated Kalamazoo was lucky to have Schupan & Sons.

Ordinance 1973 Adding Chapter 50 to the Code of Ordinances and Repealing Section 6.1 of Appendix A *Off-Street Parking and Loading*

Public Hearing re: an Ordinance Rezoning Properties in the Northside Neighborhood

Ordinance 1974 Rezoning Properties in the Northside Neighborhood

Public Hearing re: a Tax Abatement for Shupan & Sons at 4200 Davis Creek Court

Resolution 18-80 Approving a Tax Abatement for Shupan & Sons at 4200 Davis

Resolution 18-80
Approving a Tax
Abatement for Shupan
& Sons at 4200 Davis
(cont'd)

With a roll call vote this motion passed.

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

NAYS: None

Consent Agenda

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

- approval of the purchase of a dump box with hoist, scraper, wing blade and salt spreader to up-fit one city owned cab and chassis from Truck & Trailer, Inc. in the amount of \$112,268.00.
- approval of the purchase of a dump box with hoist and scraper from Truck & Trailer, Inc. in the amount of \$134,268.
- approval a two-year contract extension with Eagle Claims for Workers Compensation claims management services for the City operations in the amount of \$101,400.
- approval of a contract with Gro America for the Dredging of Crosstown Ponds and the cleaning and inspection of the Axtell Creek culverts in the amount of \$1,084,800.
- approval of a 10-year contract with Tyler Technologies for a Public Safety Records Management System in the amount of \$1,381,828.
- first reading of an ordinance creating a local Water System Advisory Council.

Resolution 18-81

- adoption of a **RESOLUTION** recommending approval of the application of Water Street Coffee Joint for a new Redevelopment Liquor License under Section 521a of PA 501 of 2006 to be located at 315 E Water Street within the Downtown Development District.

Resolution 18-82

- adoption of a **RESOLUTION** allowing for the setting of alternative meeting dates for the July and December Board of Review meetings.

Resolution 18-83

- adoption of a **RESOLUTION** recognizing Kzoo Cat Rescue as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.
- approval of the reappointment of City Commissioners David Anderson and Jack C. Urban as Commission Directors to the Foundation for Excellence Board of Directors according to Section 4.02 of the FFE Bylaws and further establish the terms per section 4.04 of the FFE Bylaws as beginning on June 1, 2019, and not exceeding their current terms of office as Commissioners.

- approval of an 80% / 20% cost sharing of medical plan benefits with City Employees, which would require employees to contribute from their paychecks 20% of the cost of medical plan benefits incurred for the base period of May 2017 – April 2018.
- approval of the sale of 1109 N. Park Street to Jesus Rodriguez-Reyes and Leticia Rodriguez-Medina for \$120.00.

Commissioner Cooney, 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.

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

NAYS: None

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

Nehemiah Scudder, City resident, offered remarks on Chronic Obstructive Pulmonary Disease (COPD).

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

Commissioner Cooney wished everyone a “Happy Thanksgiving” and invited people to the annual Tree Lighting Ceremony.

Commissioner Urban remarked that the Northside Neighborhood rezoning was an implementation of Imagine Kalamazoo 2025.

Commissioner Cunningham commented on the need to look for opportunities when rezoning properties. Commissioner Cunningham wished everyone a “Happy Thanksgiving” and invited people to the Tree Lighting Ceremony. Commissioner Cunningham talked about the recent shooting death and urged people to love and respect each other.

The meeting adjourned at 7:47 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on January 7, 2019

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: January 7, 2019

Resolution 18-84

Citizen Comments

City Commissioner
Comments

Adjournment

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, December 3, 2018 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.

COMMISSIONERS PRESENT:

Mayor Bobby J. Hopewell
David Anderson
Don Cooney
Eric Cunningham
Jack Urban

COMMISSIONERS ABSENT:

Vice Mayor Erin Knott
Shannon Sykes

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

Commissioner
Excused

Commission Cunningham, seconded by Commissioner Cooney, moved to excuse the absences of Vice Mayor Knott and Commissioner Sykes. With a voice vote the motion passed.

Adoption of the
Agenda

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

Public Hearing re: the
KDEGA Development
and TIF Plan

At 7:02 p.m. Mayor Hopewell opened a public hearing to receive comments on a resolution approving the proposed Kalamazoo Downtown Economic Growth Authority Development and TIF Plan.

At 7:02 p.m. Mayor Hopewell closed the public hearing.

Resolution 18-85
Approving the KDEGA
Development and TIF
Plan

Commissioner Urban, seconded by Commissioner Cooney, moved to adopt a **RESOLUTION** approving the proposed Kalamazoo Downtown Economic Growth Authority Development and TIF Plan.

Prior to a vote on the motion, Commissioner Anderson commended Kalamazoo Downtown Partnership and Executive Director Andrew Haan for their creativity, collaborative approach, and work with the taxing units on this plan.

With a roll call vote this motion passed.

AYES:

Commissioners Anderson, Cooney, Cunningham, Urban,
Mayor Hopewell

NAYS:

None

Consent Agenda

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

- approval of two-year contract renewal with AT&T for Centrex phone lines in an amount not to exceed \$350,000.

- adoption of a **RESOLUTION** approving ten new Neighborhood Enterprise Zone Homestead Applications in the Vine Neighborhood and the transfer of one previously-approved application.
- approval of the rehiring of recent City of Kalamazoo retiree James Graham to perform rental housing inspections while multiple inspectors are on leaves of absence, on a part-time and temporary basis for a period ending on or before March 8, 2019.
- approval of the Mayor's appointment and reappointment to the Historic District Commission:
 - the appointment of Daniel Kastner for a term expiring on January 1, 2022.
 - the reappointment of B.J. Shell for a term expiring on January 1, 2022.
- approval of a request from New Year's Fest of Kalamazoo to publicly display fireworks from the Epic Center Parking Structure on Monday, December 31, 2018 at midnight as part of the annual New Year's Fest event.

Commissioner Cunningham, seconded by Commissioner Anderson, moved to approve the consent agenda requests and authorize the City Manager to sign all documents on behalf of the City.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Cunningham, Urban, Mayor Hopewell

NAYS: None

Regular Agenda items were considered next.

Public Services Director James Baker described the Contract 74 Project at the Water Reclamation Plant and reviewed a site plan showing the planned improvements.

In response to a question from Commissioner Anderson, Director Baker explained the infrastructure needs at the Water Reclamation Plant were analyzed for criticality, and the results were plugged into the five-year Capital Improvement Program (CIP) Plan.

In response to a question from Commissioner Urban, Director Baker indicated the project would replace the existing carbon filters and implement a holistic process change to address odor issues.

An opportunity was given for citizens to comment on a three-year construction contract and purchase order with L.D. Docsa for the Contract 74 Project at the Kalamazoo Water Reclamation Plant in the amount of \$14,919,200, but no comments were offered.

Resolution 18-86

Regular Agenda

Approval of a Three-Year Contract with L.D. Docsa for the Contract 74 Project at the Water Reclamation Plant

Approval of a Three-Year Contract with L.D. Docsa for the Contract 74 Project at the Water Reclamation Plant (cont'd)

Commissioner Cooney, seconded by Commissioner Cunningham, moved to approve a three-year construction contract and purchase order with L.D. Docsa for the Contract 74 Project at the Kalamazoo Water Reclamation Plant in the amount of \$14,919,200.

Prior to a vote on the motion Commissioner Anderson stated wastewater treatment was a basic service the City provided, and he thanked City Manager Ritsema and Director Baker for this reinvestment.

Commissioner Cunningham remarked on the odor problem affecting the Eastside Neighborhood and stated a committee had been working on solutions.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Cunningham, Urban, Mayor Hopewell

NAYS: None

Ordinance 1975
Creating a Water System Advisory Council; Appointment of the Initial Members

An opportunity was given for citizens to comment on an ordinance creating a local Water System Advisory Council and the appointment of members to the Council, but no comments were offered.

Commissioner Urban, seconded by Commissioner Cooney, moved to adopt an **ORDINANCE** creating a local Water System Advisory Council and approve the appointment of the following individuals to the Council:

- the appointment of **Sidney Ellis** for a term expiring on December 31, 2020.
- the appointment of **Vern Johnson** for a term expiring on December 31, 2019.
- the appointment of **Nancy Stoddard** for a term expiring on December 31, 2020.
- the appointment of **Thomas Wheat** for a term expiring on December 31, 2021.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Cunningham, Urban, Mayor Hopewell

NAYS: None

Resolution 18-87
Adopting the 2018 Imagine Eastside Neighborhood Plan

Neighborhood Activator Katie Riley provided an overview of the development of the Eastside Neighborhood Plan and the initial projects coming out of the plan.

April Ouweelen, Vice President of the Eastside Neighborhood Association and member of E-Net, spoke about the need to clean up the East Main Street Corridor and bring businesses back to the area.

An opportunity was given for citizens to comment on a resolution affirming the adoption of the *2018 Imagine Eastside Neighborhood Plan* as a sub-plan to the City of Kalamazoo's Comprehensive Plan, but no comments were offered.

Commissioner Anderson, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** affirming the adoption of the *2018 Imagine Eastside Neighborhood Plan* as a sub-plan to the City of Kalamazoo's Comprehensive Plan.

Prior to a vote on the motion, Commissioner Cunningham thanked the Eastside residents for working on the plan and expressed excitement to see the plan implemented.

Mayor Hopewell offered remarks on the Eastside Neighborhood and the opportunities there.

Commissioner Urban stated the topography of the Eastside Neighborhood was great, and the area was ripe for reinvestment. Commissioner Urban stated there was a new energy that was exciting.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Cunningham, Urban,
Mayor Hopewell

NAYS: None

Ms. Riley provided an overview of the development of the Vine Neighborhood Plan and the initial projects coming out of that plan.

Steve Walsh, Executive Director of the Vine Neighborhood Association, expressed support for the Vine Neighborhood Plan. Mr. Walsh spoke about the opportunities for citizen engagement during the development of the plan and highlighted the importance of the data that was generated during the engagement process.

An opportunity was given for citizens to comment on a resolution affirming the adoption of the *2018 Imagine Vine Neighborhood Plan* as a sub-plan to the City of Kalamazoo's Comprehensive Plan, but no comments were offered.

Commissioner Anderson, seconded by Commissioner Cunningham, moved to adopt a **RESOLUTION** affirming the adoption of the *2018 Imagine Vine Neighborhood Plan* as a sub-plan to the City of Kalamazoo's Comprehensive Plan.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Cunningham, Urban,
Mayor Hopewell

NAYS: None

Resolution 18-87
Adopting the 2018
Imagine Eastside
Neighborhood Plan
(cont'd)

Resolution 18-88
Adopting the 2018
Imagine Vine
Neighborhood Plan

Resolution 18-89
Issuing a Moratorium
on Building Permits for
Properties with the
Natural Features
Protection

When an opportunity was given for citizens to comment on a resolution issuing a moratorium on rezoning and variance requests and new building permits for projects that require Site Plan approval on properties with the Natural Features Protection designation as mapped on the Land Development Map in the 2025 Master Plan, the following people addressed the City Commission:

The following people expressed support for the proposed moratorium and/or the development of a Natural Features Protection policy and standards:

Duane Hampton, non-resident and Associate Professor of Geology at Western Michigan University (submitted written communication from the Asylum Lake Preserve Council)

Laurie Holmes, City resident

Jenna Otten, City resident and the Sustainability Chair for the Western Student Association

Phil Micklin, City resident and Vice President of the Audubon Society of Kalamazoo (submitted written remarks)

Sherry Sims, City resident and member of the Asylum Lake Preserve Council

Peter Kushner, City resident and President of the Oakland/Winchell Neighborhood Association (submitted a joint statement from the Oakland/Winchell, Oakwood, Parkwyn Village, and Woods Lake Associations and the Asylum Lake Preservation Association)

Marcia Wallace, City resident

Chris Bovid, City resident and President of the Woods Lake Association

Paul Manstrom, City resident and Chair of the Environmental Concerns Committee

Mitch Lettow, City resident

Diana Morton-Thompson, City resident

Tom Small, City resident

Rebecca Macleery, City resident

Sharon Dever, City resident

Paul McNellis, non-resident and board member for Stewards of Kleinstuck

Tom Holmes, City resident

Bonnie Alkema, City resident

Zach Lassiter, City resident

The following people expressed opposition to the proposed moratorium:

Craig Lubben, City resident and legal counsel for Haji Tehrani, who owned properties at the southeast corner of Stadium Drive and Drake Road, asked the City Commission to clarify that the proposed moratorium would not apply to Mr. Tehrani's properties because of his work with the City and other stakeholders over the past year on Natural Features Protection requirements that would apply to the development of these properties. Mr. Lubben reported Mr. Tehrani had submitted a rezoning application for his properties that afternoon.

Haji Tehrani, non-resident and owner of property at the corner of Stadium Drive and Drake Road, stated he had agreed to abide by the Natural Features Protection Overlay rules, and he was confused as to why he was being asked to wait another six months before developing his property.

Commissioner Cooney, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** issuing a moratorium on rezoning and variance requests and new building permits for projects that require Site Plan approval on properties with the Natural Features Protection designation as mapped on the Land Development Map in the 2025 Master Plan, except those properties under the oversight of the Michigan Department of Environmental Quality (MDEQ), Michigan Department of Natural Resources (MDNR), United States Environmental Protection Agency (EPA), or City of Kalamazoo Brownfield Redevelopment Authority (BRA). This moratorium would be effective immediately and be in place for a period of up to six (6) months.

Prior to a vote on the motion, Commissioner Anderson stated an embedded concept of conservation was an important element of placemaking for a community. Commissioner Anderson stated it was a challenge sometimes to balance community needs and desires with the reality that private property, bought and sold in public, could be used for permitted uses. Commissioner Anderson remarked the City was developing new ideas and language with regard to zoning, and these developments led to questions such as, "How does a Natural Features Protection Overlay go from concept to specific implementation?" Commissioner Anderson encouraged staff and stakeholders to move fast and create a good Natural Features Protection Overlay so that the City was not having to play defense on a project-by-project basis. Commissioner Anderson stated development was going to occur, and the City needed a plan.

In response to a question from Commissioner Anderson, City Manager Ritsema stated three projects would be affected by the moratorium.

In response to a question from Commissioner Anderson, City Planner Anderson noted the moratorium was for "up to" six months and stated she wanted to make sure there was enough time for the community to review and respond to the draft Natural Features Protection requirements prior to going through the approval process.

Commissioner Anderson expressed support for the moratorium and stated people needed to commit to the work of writing the policy and standards and getting it done.

Commissioner Urban stated it would be ideal if the City Commission had approved the Natural Features Protection policy and standards with the IK2025 Master Plan. Commissioner Urban highlighted the need for a consistent set of rules that applied to all properties, and he noted the work of the technical steering committee to this point was not wasted.

In response to a question from Commissioner Cunningham, City Attorney Robinson stated it was his opinion that the moratorium would apply to the project at Stadium and Drake.

Resolution 18-89
Issuing a Moratorium
on Building Permits for
Properties with the
Natural Features
Protection (cont'd)

Resolution 18-89
Issuing a Moratorium
on Building Permits for
Properties with the
Natural Features
Protection (cont'd)

Commissioner Cunningham expressed frustration that zoning items on City Commission agendas were usually reactive rather than proactive, and the moratorium was another example of this. Commissioner Cunningham indicated he would be frustrated if he was the owner of the property at Stadium and Drake. Commissioner Cunningham stated the City needed time to process and think about issues and be intentional in its decisions. Commissioner Cunningham stated he wanted to create a pro-active culture in Kalamazoo city government.

Commissioner Cooney stated the moratorium was in the best interest of the City, and he indicated all stakeholders, including the owner of the properties at Stadium and Drake, should be at the table over the next six months. Commissioner Cooney stated economic development was important, but quality of life was more than economic development. Commissioner Cooney noted Asylum Lake was a gem of the City, and decisions about natural features needed to be well thought-out.

Mayor Hopewell expressed support for the moratorium and noted a rezoning would be necessary for the project at Stadium and Drake to move forward. Mayor Hopewell questioned why the City had not been proactive in developing the Natural Features Protection requirements.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Cunningham, Urban,
Mayor Hopewell

NAYS: None

Amendment to the
Foundation for
Excellence Bylaws

An opportunity was given for citizens to comment on an amendment to the Foundation for Excellence Bylaws removing the reference to a "Grant Making Committee" in Section 6.02 of the bylaws, but no comments were offered.

Commissioner Anderson, seconded by Commissioner Urban, moved to approve an amendment to the Foundation for Excellence Bylaws removing the reference to a "Grant Making Committee" in Section 6.02 of the bylaws; and directing staff to coordinate with legal counsel to advance the item to "the Michigan Attorney General's Charitable Trust Division or its successors," as required in the Articles of Incorporation.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Cunningham, Urban,
Mayor Hopewell

NAYS: None

Policy Items

Policy Items were considered next.

Presentation re: the
Draft Complete Streets
Policy

Community Planning and Economic Development Director Rebekah Kik delivered a presentation entitled *Connected City: Complete Streets Policy Updates, December 2018*. A copy of the slides from the presentation were filed with the papers for this meeting.

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

Zach Lassiter, City resident, expressed support for a crosswalk ordinance.

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

Commissioner Urban thanked people for addressing the Commission regarding the moratorium. Commissioner Urban observed the City would appear to be autocratic if it always seemed to anticipate everything and never had to be reactive.

Commissioner Cunningham stated City staff did an amazing job, but they needed to be intentional. Commissioner Cunningham noted engagement and public processes were messy, but necessary.

The meeting adjourned at 9:21 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on January 7, 2019

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: January 7, 2019

Citizen Comments

City Commissioner
Comments

Adjournment

	A regular work session of the Kalamazoo City Commission was held on Monday, December 10, 2018 at 4:00 p.m. in the Community Room at City Hall. The purpose of the meeting was to discuss the Fiscal Year 2019 (FY2019) Proposed Budget.
Roll Call	COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell Vice Mayor Erin Knott David Anderson Don Cooney Eric Cunningham COMMISSIONERS ABSENT: Shannon Sykes** Jack Urban* Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.
Commissioners Excused	Commissioner Anderson, seconded by Commissioner Cunningham, moved to excuse the absences of Commissioners Sykes and Urban. With a voice vote the motion passed.
Presentation and Discussion re: the FY2019 Proposed Budget	City Manager Ritsema provided introductory remarks for a PowerPoint Presentation entitled <i>2019 Proposed Budget, Monday, December 10, 2018</i>. City Manager Ritsema reviewed significant projects and activities completed in Fiscal Year 2018. A copy of the PowerPoint slides was filed with the papers for this meeting.
Financial Overview	Management Services Director Steve Vicenzi, Management Services Deputy Director Melissa Fuller, and Budget and Accounting Manager Jennifer Clark provided a financial overview of the FY2019 Proposed Budget, including the new OpenGov online budget platform. In response to a comment from Mayor Hopewell about labels on some of the charts, Director Vicenzi stated the City's use of OpenGov was a work in progress, and charts could be modified if different information was wanted or needed. Director Vicenzi explained the OpenGov tool allowed users to drill-down into the details of the charts and graphs. In response to a question from Commissioner Anderson, Ms. Clark stated the City paid a one-time implementation fee for OpenGov and would pay an annual service fee going forward. Commissioner Anderson stated he was very impressed with OpenGov. City Manager Ritsema thanked Deputy Director Fuller and Ms. Clark for their work to implement OpenGov on a tight timeline for the 2019 budget process. City Manager Ritsema noted the budget book could be produced directly from OpenGov in the future, which which would save a lot of staff time. In response to a question from Commissioner Anderson, Ms. Clark indicated the City would be able to compare itself to other jurisdictions that used OpenGov and were willing to share their reports.

Deputy City Manager Patsy Moore reviewed proposed staffing changes, which included the addition of 22 full time positions.

In response to a question from Mayor Hopewell Deputy City Manager Patsy Moore stated the trend for City positions was number that was flattening. Deputy City Manager Moore noted the City lost around 100 positions to the Metro Transit spin-off.

Deputy City Manager Jeff Chamberlain presented the Capital Improvement Program and policy proposals, including proposed increases to utility rates and the solid waste millage.

In response to a question from Commissioner Anderson, City Manager Ritsema stated debt financing for water and sewer improvements was figured into utility rates. City Manager Ritsema stated bonds for General Fund capital improvements were 10-year bonds, and the debt service was figured into department budgets.

Deputy City Manager Chamberlain noted CIP funding also included Major and Local Streets funding from the state and grant funding for things like parks projects.

In response to a question from Commissioner Cooney, Deputy City Manager Chamberlain explained Local Streets spending was based on the specific projects in the plan and the solutions required to address the needs of those streets. Deputy City Manager Chamberlain noted the number of streets included in the plan for 2019 was high, even though spending was down.

Public Services Director James Baker reported there would be 28 Local Streets projects in 2019, and he explained the City was able to do more projects at a lower cost using City crews to do the work. Director Baker stated his team was finding its niche in terms of the work to keep in-house versus outsourcing.

City Manager Ritsema asked for guidance on the proposed utility rate increases.

There were no objections from Commissioners regarding the proposed utility rates.

Deputy City Manager Chamberlain indicated the necessary utility rate ordinances would be prepared and presented with the budget.

Vice Mayor Knott indicated she was not moved by the statistics provided for the solid waste millage increase and stated it would be irresponsible vis-à-vis the Climate Action Plan to return to monthly bulk trash pick-up with big trucks plying City streets every month. Vice Mayor Knott commented on the need for personal responsibility and noted there were non-profits and junk dealers who would pick up bulk trash.

Mayor Hopewell stated his thoughts on the matter were aligned with the Vice Mayor.

Financial Overview
(cont'd)

Capital Improvement
Program and Policy
Proposals

FY2019 Programs and Projects

City staff presented highlights of proposed projects and programs for FY2019, which were summarized on a document entitled *Supplemental Information Companion to 2019 Program Review*.

Affordable Housing [Community Development Manager Dorla Bonner and Community Planning and Economic Development (CPED) Director Rebekah Kik]

Economic Development (Community Development Manager Bonner and Director Kik)

In response to a question from Mayor Hopewell, Director Kik stated the City's current approach to Community Benefits Agreements (CBA's) was to urge developers to be good citizens, but this was not a written policy. Director Kik indicated best practices in other cities involved developers going above and beyond with things like direct support for neighborhoods. Director Kik stated her team was still thinking about how the City would do CBA's. Director Kik noted staff would be meeting with their counterparts from the City of Jackson, which was doing progressive things with CBA's.

Mayor Hopewell stated he was a big fan of the way Grand Rapids used Voluntary Equitable Development Agreements (VEDA's) for medical marihuana businesses, which went through a merit-based licensing process. Mayor Hopewell remarked on the need for Kalamazoo to be aggressive in this space to address equity, prosperity, and diversity. Mayor Hopewell suggested staff talk with GR Mayor Bliss from Grand Rapids.

Meeting recessed at 5:19 p.m.
The meeting resumed at 5:48 p.m.

Jurisdictional Transfer of State Trunklines to the City of Kalamazoo
(Public Services Director James Baker and Director Kik)

In response to questions from Commissioner Cooney, Director Baker confirmed the Michigan Department of Transportation (MDOT) would give the City \$11 million, which was designed to cover repairs to the transferred roads for the first 10 years. Director Baker confirmed the City would have the resources to maintain the transferred trunklines. Director Baker explained the City would be eligible for additional funding for these roads from the state (Act 51 funds) and the federal government (through the Kalamazoo Area Transportation Study).

Director Kik added that Tax Increment Financing (TIF) funds from the Downtown Economic Growth Authority (DEGA) could be used to support these roads. In response to a question from Commissioner Cooney, Director Kik indicated the vision for downtown mobility was traffic calming, non-motorized traffic priority, and pedestrian friendliness. Director Kik stated two-way streets were a best practice in this area, but it was not the only solution. Director Kik stated the jurisdictional transfer of state trunklines was about the City having choices and prioritizing traffic coming to Kalamazoo rather than traffic moving *through* Kalamazoo.

In response to a question from Mayor Hopewell, Director Kik stated there would be opportunities for community engagement on the implementation

of the plan and vision for downtown, and she stated this process would take the better part of a year.

*Commissioner Urban arrived at 5:59 p.m.

Trainfo (Director Baker)

In response to a question from Commissioner Urban, Director Kik stated jurisdictional transfer of the trunklines would allow the City to optimize traffic signals downtown to help with congestion due to trains.

Flood Modeling (Director Baker)

Director Baker noted that jurisdictional transfer of trunklines would allow the City to convert Westnedge Avenue to 2-way traffic during a flood situation.

Climate Action Plan (Director Kik)

Natural Features Protection Overlay (Director Kik)

Complete Streets (Director Kik)

Neighborhood Plans (Director Kik)

Mayor Hopewell questioned whether the City audited the work of its housing and building inspectors to ensure they were not being subjective. Mayor Hopewell remarked on projects where inspectors' requirements were creating unanticipated costs for developers. Mayor Hopewell suggested that inspectors use body cameras.

In response to Mayor Hopewell, Director Kik stated that she and Deputy City Manager Chamberlain, City Planner Christina Anderson, and Assistant Public Safety Chief Ryan Tibbetts had discussed the inspection and site plan review process. Director Kik noted Grand Rapids required developers to go through the site plan review process prior to creating economic development packages so that incentives could more closely match actual costs.

Mayor Hopewell stated he wanted assurance that City inspectors were not issuing requirements that were outside the requirements of the code.

KRVT Extension, Park Improvements, and Kzoo Parks Program Expansion (Parks and Recreation Director Sean Fletcher)

**Commissioner Sykes arrived at 6:29 p.m.

In response to a question from Commissioner Cooney, Director Fletcher stated the basketball court at Rockwell Park was across the street that bisected the park, and he was working with Director Baker to have a crosswalk and signs installed. Director Fletcher

In response to questions from Commissioners Cooney, Sykes, and Urban, Deputy City Manager Chamberlain stated the Bronson Park education

FY2019 Programs and Projects (cont'd)

FY2019 Programs and
Projects (cont'd)

group was working with the Gun Lake tribe to implement ideas beyond the Bronson Park displays – ideas such as a curriculum for Kalamazoo Public Schools, an exhibit at the Kalamazoo Valley Museum, and street signs and artwork marking the boundaries of the original Potawatomi reservation. Deputy City Manager Chamberlain stated he would check to see if anyone had reached out to people who had expressed interest in helping with the educational program at City Commission meetings. Deputy City Manager Chamberlain stated funding for the education program was in different stages. Deputy City Manager Chamberlain reported the education group was in discussions with the Kalamazoo Valley Museum regarding those costs; the Gun Lake tribe had given a grant for the street signs; and the estimate for artwork was in the hundreds of thousands of dollars but fundraising for this had not started.

Public Safety Strategic Operations Center (Public Safety Chief Karianne Thomas)

Crime Prevention and Outreach (Chief Thomas)

In response to a question from Commissioner Urban, Chief Thomas indicated she did not have data on the effectiveness of moveable/removable speed bumps. Chief Thomas explained the speed trailers collected data, which showed that average speeds dropped after a trailer had been in one location for a few days.

In response to a question from Mayor Hopewell Chief Thomas stated the X-train phenomenon was unique to Kalamazoo and was very difficult to address.

Customer Service Center/311 Implementation (Customer Service Manager Gina Viviano)

Organizational Improvements [Human Resources Director Nick Christy and Chief Information Officer (CIO) Tim DuBois]

In response to a question from Commissioner Urban, CIO DuBois stated the Wi-Fi connection in Bronson Park would be fixed. CIO DuBois stated the failure was a hardware failure, and staff was waiting on parts to be able to make the repairs.

Youth Mobility Fund [Foundation for Excellence (FFE) Coordinator Steve Brown]

Foundation for
Excellence

Assistant City Manager (ACM) Laura Lam reviewed proposed uses for Foundation for Excellence funding in 2019.

In response to a question from Commissioner Cooney, ACM Lam stated the four FFE-funded positions were the Youth Development Coordinator, the FFE Coordinator, the Neighborhood Activator, and the Shared Prosperity Kalamazoo Coordinator.

Data Manager Karin Conley described efforts to create a City Data Warehouse to collect, store, and organize the City's data and a Community Data Repository that would incorporate both City data and data from outside sources.

Data, Measurement,
and Accountability

In response to a question from Commissioner Urban, ACM Lam indicated the City was working on an agreement with the Upjohn Institute to create a Community Data Repository. ACM Lam confirmed the Light Grant was funding this project.

City Manager Ritsema provided closing remarks and reviewed the next steps in the budget process.

Closing Remarks and
Next Steps

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

Citizen Comments

Zach Lassiter, City resident, expressed support for monthly bulk trash pick-up. Mr. Lassiter remarked on OpenGov and asked that the City make raw data available.

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

Commissioner
Comments

Commissioner Sykes thanked City staff for their work on customer service and expressed appreciation for the emphasis on Strength Through Diversity. Commissioner Sykes stated she would like the City to partner with Ministry with Community or another provider to fund a temporary emergency shelter as there were homeless people living in the elements. Commissioner Sykes expressed concerns about legislation moving through the current "lame duck" session of the state legislature.

In response to questions from Commissioner Sykes, Director Kik stated the City was on track to add around 630 affordable housing units in 2019, including 15-20 single family homes, with 50% of those units for people whose incomes were under 80% of the Average Median Income (AMI). Director Kik indicated her team was working with the tiny house project, but the City had not committed to any financial support yet. Director Kik confirmed the six tiny houses would be additional to what she had already described.

Commissioner Urban stated the lame duck session was embarrassing, and he expressed hope that the governor would veto bad legislation. Commissioner Urban suggested the City adopt a resolution advocating for the creation of another Amtrak train in state. Commissioner Urban explained Amtrak was ready to add another train, but they need elected officials to put pressure on MDOT.

Commissioner Anderson remarked on the breadth and depth of the City's activities and stated it was great to be with people who cared so much about the City.

Commissioner Cooney thanked Commissioner Sykes for raising the issue of lame duck legislation.

Commissioner
Comments (cont'd)

City Manager Ritsema thanked Communications Coordinator Neal Conway and Marketing and Communications Specialist Amanda Cockroft for their work on the presentation slides. City Manager Ritsema announced this meeting was the last budget meeting for Assistant City Manager Jerome Kisscorni, who would be retiring in March.

Mayor Hopewell asked the Internal Auditor if OpenGov would make auditing easier.

In response to the Mayor, Internal Auditor Ann Videtich stated she was asked to help validate information imported into OpenGov, but this had not happened yet.

Mayor Hopewell stated the Auditor needed to be involved with OpenGov. Mayor Hopewell requested information on budget carry-forwards. Mayor Hopewell questioned why the City organization had the same number of employees as it did prior to losing 100 Metro Transit employees. Mayor Hopewell announced he would be issuing a letter with the Urban Core Mayors to oppose lame duck legislation. Mayor Hopewell suggested that Commissioner Urban slow down on the Amtrak issue as there were other developments with Amtrak that needed to be considered.

Adjournment

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on January 7, 2019

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: January 7, 2019

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	A regular meeting of the Kalamazoo City Commission was held on Monday, December 17, 2018 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 West South Street.
Roll Call	COMMISSIONERS PRESENT: Mayor Bobby Hopewell Vice Mayor Erin Knott David Anderson Don Cooney Eric Cunningham Shannon Sykes Jack Urban COMMISSIONERS ABSENT: None Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.
Invocation	The invocation, given by Pastor Ervin Armstrong, Stones Church, was followed by the Pledge of Allegiance.
Recognition of Julian Borst	Mayor Hopewell presented a proclamation and Key to the City to Julian Borst in recognition of his community involvement and achievements as a three-time gold medalist at the 2018 Special Olympics USA Games in Seattle Washington.
Adoption of the Agenda	By unanimous consent the City Commission adopted its meeting agenda as presented.
Consent Agenda	Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the city: - approval of a change order with Carrier and Gable for traffic signal supplies to be provided through December 31, 2018 in the amount of \$80,000 and a budget adjustment in the amount of \$40,000. - approval of a sole source contract with Evoqua Water Technologies to rebuild a screw pump unit at the wastewater treatment plant in the amount of \$165,000. - approval of a change order to the contract with SWT Excavating, Inc. for the 2018 Lead Services Replacement Project, in the amount of \$200,000. - first reading of an ordinance addressing the operation of bicycles on sidewalks in furtherance of the City's Complete Streets initiative. - first reading of an ordinance addressing the rights and responsibilities of pedestrians and bicyclists at crosswalks in furtherance of the City's Complete Streets initiative.
Resolution 18-90	- adoption of a RESOLUTION setting the schedule of regular City Commission meetings for the 2019 calendar year.

- adoption of a **RESOLUTION** setting a public hearing on January 7, 2019 to consider the proposed Fiscal Year 2019 Budget for the City of Kalamazoo.
- approval of a special permit for a miniature pig to be kept at 3650 Cardinal Avenue, subject to compliance with applicable statutes, ordinances and health codes.
- approval of the Mayor's appointment of Kyle Gulau to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2025.
- approval of a recommendation to hold until January 7, 2018 consideration of the sale of 925 Grant Street to Andy Van Lente in the amount of \$1,500.

Commissioner Sykes, 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, Cooney, Cunningham, Sykes, Urban, Vice Mayor Knott, Mayor Hopewell

NAYS: None

City Manager Ritsema provided the following reports and updates:

- Departmental Reports and Project Updates
- November 2018 Purchases

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

Nathan Dannison, City resident and pastor of First Congregational Church, expressed support for Julian Borst, who was a church member. Pastor Dannison announced First Congregational Church was developing a natural playscape and learning center on property adjacent to Bronson Park. Pastor Dannison asked for general support from the City.

Jeanette Evans, City resident, asked the City to repair streets north of the railroad track, like North, Frank, Pitcher and Porter Streets.

Ervin Armstrong, Executive Director of New Genesis, spoke about the partnership between New Genesis and the YWCA for early childhood education and thanked the City for its recent letter of support.

Resolution 18-91

City Manager's Report

Citizen Comments

Citizen Comments
(cont'd)

Michael Rizor, City resident, commended the City for standing up to lame duck legislation and opposing Senate Bill 1176 (SB 1176), which would keep City from disclosing the names of donors to the Foundation for Excellence (FFE).

Zachary Lassiter, City resident, expressed opposition to SB 1176. Mr. Lassiter noted a local political action committee, whose contributors included the lead donors for the FFE, had made campaign contributions to the State Senator who sponsored SB 1176.

Grant Fletcher, City resident, thanked City Commissioners for their work on behalf of the community.

City Commissioner
Comments

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

Commissioner Sykes expressed opposition to SB 1176, and thanked Mayor Hopewell and City Manager Ritsema for sending a letter of opposition to local legislators. Commissioner Sykes urged people to contact their state legislators regarding SB 1176.

Commissioner Anderson expressed agreement with Commissioner Sykes on SB 1176 and wished everyone happy holidays.

Commissioner Cooney noted Friday December 14th was the 6th anniversary of Sandy Hook massacre, and he remarked on the need for sensible, reasonable rules around guns.

Commissioner Urban stated transparency was necessary, because transparency was an important element to building trust.

Commissioner Cunningham spoke about the impact of mental illness during the holidays and urged people to look after their elderly neighbors and family during the winter months.

Mayor Hopewell invited people an open gym day at Pretty Lake Camp on December 23rd. Mayor Hopewell wished people happy holidays.

Adjournment

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on January 7, 2019

Approved by: _____

Bobby J. Hopewell, Mayor
Dated: January 7, 2019

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Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: Rebekah Kik, Community Planning and Economic Development Director

PREPARED BY: Katie Reilly, Neighborhood Activator

DATE: 12/10/2018

SUBJECT: Adoption of the Complete Street Policy

RECOMMENDATION

It is recommended that City Commission adopt the Complete Street Policy.

BACKGROUND

During Imagine Kalamazoo, residents envisioned a transportation network that considered the needs of all users. A safe network that provides convenient access to all parts of the city that consists of streets designed for equitable access, comfort, and mobility of any and all users regardless of ability, age, income, or race.

To achieve this vision, Planning and Public Services staff developed a Complete Street Policy. This policy ensures that every street is evaluated for how it completes the transportation network and serves different users. The policy works by creating a committee of technical staff that will review the street design before it is finalized. Streets will be reviewed using the Complete Street Checklist, a document meant to ensure all aspects of the street are considered in its design.

The policy also considers resident engagement. It requires a minimum of two community meetings for streets to ensure that staff understand context and design meets residents needs. It also creates an advisory committee of residents and advocates that will support education, research best practices, and making recommendations on priorities.

This policy is shaped by engagement of technical experts, residents, and stakeholders. The policy has been presented at various technical meetings including Kalamazoo Area Transportation Study Technical Committee and Planning and Environmental Linkages Study meetings. Three community meetings were held in various locations, at various times to allow residents to provide feedback on the policy.

POLICY CONSIDERATIONS

The Complete Street Policy is an important tool to achieve the Strategic Vision goals of Connected City, Inviting Public Places, Safe Community, Complete Neighborhoods, Economic Vitality, and Environmental Responsibility. It is also identified as an action in the Imagine Kalamazoo at Work chapter of the Master Plan.

COMMUNITY RESOURCES CONSULTED

This policy was informed by an advisory group of residents created to shape the policy mission and purpose. The policy was also presented to stakeholders from in and around the City of Kalamazoo at the Planning and Linkages stakeholder meeting and Kalamazoo Area Transportation Study Technical Committee. Three community meetings were held in November and December to present the policy. These meetings were advertised through flyers placed through out downtown and adjacent areas, social media posts, imaginekalamazoo.com Project page, announcements at City public hearings, and shared by community partners, such as Neighborhood contacts and Downtown Kalamazoo Partnership.

FISCAL IMPACT

This policy works to ensure that when the City invests in a street, it is done in a way that helps achieve the vision and goals set forth in Imagine Kalamazoo 2025 and Kalamazoo's Strategic Vision.

ALTERNATIVES

The Commission may choose to not adopt the Complete Street Policy. This alternative is not recommended.

ATTACHMENTS:

Type	Description
▣ Policy	Complete Street Policy
▣ Presentation	Connected City Presentation



COMPLETE STREETS POLICY

THE CITY OF KALAMAZOO



imagine
kalamazoo
2025

Contents

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Preamble

A Complete Streets Policy for the City of Kalamazoo is needed for the following reasons:

The City of Kalamazoo is constrained by historical development patterns and cannot expand by acquisition of territory from other jurisdictions;

The City's future prosperity and livability depends on more intense utilization of land and infrastructure within its present boundaries;

The relatively compact built environment of the city coupled with current traffic flow patterns justifies revisiting design decisions concerning city rights of way to more fairly accommodate the needs of all users whenever opportunities present themselves.

Definitions

All Users – pedestrians, bicyclists and other active transportation, transit riders, motorists, emergency, freight and commercial vehicle operators

Active Transportation – skateboarding, roller blading, and other non-motorized transportation

GSI - (Green Stormwater Infrastructure) implementations that assist in diverting water from entering the municipality's sewerage system

Healthy Activities – walking, biking, running, and other physical activity that promotes a healthy lifestyle

Maintenance Activities – any project the City does in the right-of-way to maintain infrastructure at or below grade.

Vision

This Complete Streets Policy recognizes that the last half-century of transportation planning and design has created many miles of "incomplete" streets within

Kalamazoo – those without safe places to walk, bike, or take public transportation.

Such streets are particularly dangerous for people of color, older adults, children, and those living in low-income neighborhoods. These populations suffer disproportionately from poor street design in many ways including: increased likelihood of illness, injury, and death, being cut-off from jobs, and access to healthcare professionals, family, and friends. These populations also tend to spend proportionally more of their budget towards transportation than in others in the city.

The City of Kalamazoo envisions a connected network of safe streets that provides convenient access to all parts of the city. City streets are designed for equitable access, comfort, and mobility of any and all users regardless of ability, age, income, or race.

The City of Kalamazoo recognizes complete streets as a valuable opportunity to further many of its strategic goals as laid out in the City's Strategic Vision.

Connected City – By creating and implementing a complete street policy, the City works toward a network of connected streets designed for all users.

Inviting

Public Spaces – Streets make up approximately 25% of the public realm in Kalamazoo. This policy will work to make this public space more comfortable and safe for all users and expand opportunities for use of the right-of-way.

Environmental Responsibility – Complete Street design offers the City the opportunity to make streets more environmentally friendly. Whether through tree and native flower plantings, using permeable pavement, or installing more complex GSI treatments, there are many options for incorporating environmental practices into complete street designs.

Safe Community – The focus of the City's Complete Street Policy is to create right-of-ways that are safe for all users. This policy works to improve the overall design and configuration of streets to promote the safety of all users.

Complete Neighborhoods – Through this policy the City promotes completed networks of street and pedestrian infrastructure that connect to the whole city, street designs that provide safe accommodations for any and all users, and in doing so create comfortable spaces for residents to walk, run, bike, and other physical activities.

Economic Vitality – Street design plays an integral role in creating economically visible places. Through increasing the walkability and overall pleasantness of streets, it makes a place where people want to go to and explore. Complete Street design also often slows traffic, giving drivers the chance to

notice businesses that would have otherwise been a blur out of their window as they passed through the commercial corridor.

Core Commitment

The City of Kalamazoo knows that while some in our City can choose to leave their car at home on a nice day and bike or walk to their destination, there are many who do not have a choice. It is for those users that this policy acknowledges that not every user who moves by a certain mode is the same. The needs of a father bicycling with his child are different from a woman who can speedily ride her bicycle. Older adults benefit from clear markings and signage when driving, people with vision impairments require audible and tactile stimuli to travel independently and those using wheelchairs, scooters, and strollers need curb ramps and sidewalks that can accommodate them. This policy endeavors to design streets that will meet these needs to the maximum extent possible.

The City of Kalamazoo recognizes that all projects, new, maintenance, or reconstruction, are potential opportunities to apply Complete Streets design principles for the equity and safety of all users. The City will, to the maximum extent practical, design, construct, maintain, and operate all streets to provide for a comprehensive and integrated network of streets, trails, and rights-of-way for people of all ages and abilities throughout the city.

In order to create a complete network, this policy will apply to all publicly and privately funded projects including: new construction, reconstruction, rehabilitation, repair, and maintenance of transportation facilities on streets and redevelopment projects. All transportation infrastructure and street design projects requiring funding or approval by the City of Kalamazoo, as well as projects funded solely or in part by the state and/or federal funding, shall comply with the City of Kalamazoo's Complete Streets Policy. Private developments and related street design components or corresponding street-related components shall also incorporate the Complete Streets Policy.

Context

This Complete Streets Policy works toward a network of context sensitive infrastructure designed for all types of users, regardless of abilities, age, income, or geographic location. The project implementation shall first and foremost be applied in a sensitive to the community's physical, economic, and social setting. This approach considers the immediate goals of those most impacted related to livability with greater participation of community members. The overall goal of this approach is to balance the needs of all users rather than to make each street perfect for every mode of travel.

Projects

Implementation and designing for all abilities and users requires the City of Kalamazoo Complete Streets Policy to be carried out cooperatively within all departments in the City of Kalamazoo with multi-jurisdictional cooperation, to the greatest extent possible, among private developers, state, regional, and federal agencies, and neighboring municipalities.

All projects and street improvements are opportunities to create safer, more accessible streets for all users. Complete Streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time. All transportation infrastructure and street design projects requiring funding, easements, or approval by the City of Kalamazoo, as well as projects funded by the state and/or federal government, for street and infrastructure design shall comply with the City of Kalamazoo's Complete Streets Policy. Projects and street improvements on roadways classified as Sub-Urban Corridors, Neighborhood Connectors, Main Streets, and/or Priority Streets by the Imagine Kalamazoo 2025 Master Plan shall be reviewed and approved by the Planning Commission, and presented for consideration and approval by the City Commission.

All projects and street improvements will be reviewed using the Complete Street Checklist to ensure all design elements including but not limited to pedestrian access, bike rack locations, and ADA accessible ramps are thoroughly considered. Projects and street improvements associated with site developments will be reviewed during the site plan review process. If a project is not associated with a development it will be reviewed by the Complete Street Committee.

Exceptions

Street projects whether new, maintenance, or reconstruction, shall be reviewed through the Complete Streets checklist.

Any project may request exception from the Complete Street Policy design and infrastructure recommendations if data and documentation show:

1. The facilities are where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made in these cases for accommodations elsewhere.
2. Where the cost or impact of accommodation is excessively disproportionate to the need or probable use or probable future use.
3. Where historic, cultural, or other artifacts would be harmed or destroyed in the process of implementation. An effort will be made in these cases for accommodations elsewhere.

To request exemption, proper data and documentation must be submitted to the Complete Streets Committee. The committee will review the request and make a recommendation to the Planning Commission. The Planning Commission will review and either approve or deny the exemption. If approved, the City Commission will review the request and have final authority to approve or deny the request. Any supporting data and documentation will be made publicly available.

The Complete Street Committee shall consist of :

- (1) Transportation Planning Staff
- (1-2) Engineering Staff/ Public Works Staff
- (1) Economic Development Staff
- (1) CCTA – Advisory Board
- (1) KATS staff member (non-voting member)
- (1) Parks and Recreation Staff
- (1) KDPS Public Safety Officer

The committee will review any and all road projects and provide annual reports to the Planning Commission. Reports shall include, but not be limited to, examining the needs for bicyclists, transit users, motorists, and pedestrians of all ages and abilities; conduction of a baseline study of current practices and accommodations; developing appropriate inter-departmental performance measure including review of performance measures, community engagement plans, and advising appropriate agencies on best practices for Complete Streets implementation. The Traffic Board may add the additional members needed to take on the role of the Complete Street Committee.

An advisory committee of residents, advocates, and a planning commissioner will provide the committee with up-to-date recommendations on national best practices, lead outreach and educational efforts in the community, and provide guidance on project prioritization for equitable access across the city. Committees will meet quarterly, or more if needed. The Complete Street Coalition may choose to take on the role of advisory committee.

Design Guidance & Engagement

The creation of a connected network of streets accommodating each mode of travel that is consistent with and supportive of the local community, requires recognition that all streets are different and that the needs of users will be balanced in a context sensitive manner. To ensure the needs of users are understood, each project will utilize the City of Kalamazoo's Public Participation Plan. This will provide insight on the appropriate approach to community outreach and involvement for each project. This policy requires that a minimum of two community or neighborhood meetings be held for each project.

The first meeting is recommended during project design to understand the context and unique characteristics of the street and community surrounding it. The second before the project begins to inform the community about what to expect during project construction and restate community feedback. At a minimum, a community meeting should be held when the project are being submitted for funding to ensure time to adjust project design with community input in mind.

In order to create Complete Streets, the latest design guidance, standards, and recommendations available shall be used in the implementation including, but not limited to:

- The Michigan Department of Transportation Project Design and Development Guidebook
- The latest edition of the National Association of City Transportation Officials (NACTO) Urban Street Design Guide

- The latest edition of American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highway and Streets
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Design Controls (2009).
- The Architectural Access Board (AAB) 521CMR Rules and Regulations
- Documents and plans created for the City of Kalamazoo, such as bicycle and pedestrian network plans, street type design guides, landscape and streetscape design guides.
- MMUTCD – Most recently adopted.
- Kalamazoo Code of Ordinances; Construction standards that match the design guide. Standard spec book.

Performance Measures

Complete Streets implementation and effectiveness should be evaluated for success and opportunities for improvement. Furthermore, the City will develop performance measures to gauge implementation and effectiveness of the policy.

These measures will set the baseline understanding for where the City's infrastructure is currently at. The metrics will also inform goals and project selection for future years.

Metrics to be considered:

- a. Linear feet of new or reconstructed sidewalks
- b. Miles of new or restriped on and off-street bicycle facilities
- c. New or reconstructed curb ramps
- d. New or repaired crosswalks
- e. New wayfinding or safety signage installed
- f. New street trees/ percentage of streets with tree canopy
- g. Percentage complete of bicycle and pedestrian networks in Non-Motorized Master Plan
- h. Efficiency of transit vehicles on routes
- i. Percentage of transit stops with shelters
- j. Percentage of transit stops accessible via sidewalks and curb ramps
- k. Multimodal Level of Service (MMLOS)
- l. Auto trips generated

- m. Decrease in rate of crashes, injuries, and fatalities by mode
- n. Pedestrian and bicycle counts (chart increase in people biking and walking)
- o. Vehicle Miles Traveled trip reductions
- p. PASER rating; pavement conditions
- q. Satisfaction/ Comfort levels expressed on a preference survey
- r. Number, size, and gallons of water diverted from GSI installations

Implementation

The City of Kalamazoo shall make Complete Streets practices a routine part of everyday operations including but not limited to site plan review, maintenance activities, and after action evaluation;

The City of Kalamazoo will train pertinent city staff and decision-makers on the content of Complete Streets principles and best practices for implementing policy through workshops, professional development opportunities, and other appropriate means.

The City of Kalamazoo shall review and either revise or develop proposed revisions to all appropriate planning documents (master plans, street design guides, landscape, open space and recreation plan, etc.), zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles into all Right-of-Way Projects on and off streets that carry pedestrians, bicyclists, equestrians, and motor vehicles; and include guidance from the 2025 Master Plan Street Classifications.

The City of Kalamazoo shall develop and maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will prioritize projects to eliminate gaps in the sidewalk and bikeway network in GIS. Every five years during the City Master Plan review, the Non-Motorized Plan shall be reviewed and updated by the community.

The City of Kalamazoo will evaluate Capital Improvement Projects prioritization to encourage implementation of Complete Streets.

The City of Kalamazoo will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

The City of Kalamazoo will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

Complete Street Checklist

Project Extent: _____

1) Existing Conditions:

a) Street Type (Select One):

- ☐ Sub-Urban Corridor,
- ☐ Neighborhood Connector,
- ☐ Main Street,
- ☐ Priority Street,
- ☐ Neighborhood Street.

b) Functional Class of Roadway (Select One):

- ☐ NFC = 1 = Interstate, the limited access Dwight D. Eisenhower interstate system, federal-aid eligible and automatically National Highway Performance Program (NHPP) eligible.
- ☐ NFC = 2 = Other freeways and expressways, limited access, grade separated interchanges and design features of interstates, but not part of the Dwight D. Eisenhower interstate system, federal aid eligible.
- ☐ NFC = 3 = OPA, connecting routes between cities and the most heavily traveled cross city routes within urbanized areas that encourage mobility and commercial traffic, federal-aid eligible.
- ☐ NFC = 4 = *Minor Arterial – shorter trip distances, less traffic and more local in nature than the other principal arterials, federal-aid eligible.*
- ☐ NFC = 5 = Major Collector – these routes funnel traffic from local and minor collector routes to the arterials. These may directly serve schools, business districts and important public functions, federal-aid eligible.
- ☐ NFC = 6 = Minor Collector – more through traffic than a local road but not as heavy as a major collector. These may directly serve schools, business districts and public functions but less important than major collectors. Urban minor collectors were created recently by the 2010 Highway Performance Monitoring system (HPMS) re-assessment and have federal-aid eligibility; rural minor collectors are not federal-aid highways but do have limited STP federal-aid eligibility.
- ☐ NFC = 7 = Local – predominately traveled by those accessing their property, rural farm roads and residential neighborhood roads. This is the majority of public road mileage, prior to the 2013 functional classification federal guidance, considered 65% or greater of a states mileage. Not federal-aid eligible.

c) Trip Generators

i) List trip generators in the project area (Parks, Commercial, Schools, etc.):

ii) Number of Auto Trips Generated: _____

iii) Number of Metro Trips Generated: _____

iv) Number of Bike Trips Generated: _____

v) Number of Pedestrian Trips Generated: _____

d) Existing Facilities

i) Number of Transit Stops: _____

ii) Bike Facilities:

- ☐ Bike Lane
- ☐ Buffered Bike Lane
- ☐ Contra Flow Bike Lane
- ☐ Left Side Bike Lane
- ☐ Cycle Track
- ☐ One way Cycle Track
- ☐ Raised Cycle Track
- ☐ Two Way Cycle Track
- ☐ Signed Bike Lane
- ☐ Sharrow

iii) List any gaps in sidewalk coverage: _____

iv) Number of Crosswalks: _____

v) Number of Lanes: _____

vi) Lane Width in Feet: _____

vii) Number of Available Right of Way: _____

viii) Multimodal Level of Service: _____

ix) PASER Rating: _____

e) Challenges

i) What are existing challenges to transit: _____

ii) What are existing challenges to transit: _____

iii) What are existing challenges to transit: _____

iv) What are existing challenges to transit: _____

2) Safety

a) Crashes

i) Number of crashes involving pedestrians: _____

ii) Number of crashes involving cyclists: _____

iii) Number of other crashes: _____

b) Crossings

i) Number of existing intersections in project area: _____

ii) Number of existing mid-block crossings in project area: _____

iii) locations where high counts of crossing currently occurs outside of marked areas: _____

c) Design

i) Explain how the proposed design considers and addresses safety concerns for the following:

1) Pedestrians:

2) Cyclists:

3) Other

3) Connectivity:

a) Current Connections

i) List any current connections within project bounds

ii) List current bike connections within project bounds

iii) List current transit connections within city bounds

b) *New or replacement connections*

- i) Linear feet of new or reconstructed sidewalk: _____
- ii) Miles of new or restriped on and off-street bicycle facilities: _____
- iii) Number of new or reconstructed curb ramps: _____
- iv) Number of new or repaired crosswalks: _____
- v) Number of new wayfinding or safety signage installed: _____

c) *Plan Alignment*

- i) Percentage complete of bicycle and pedestrian networks in non-motorized plan

- ii) How does the roadway fit within the City-wide Network? That is, what facilities (pedestrian, bicycle, transit) exist around the roadway?

d) *Transit*

- i) What transit routes currently run along the roadway?

- ii) For each route, provide the following:
 (*Efficiency of transit vehicles on routes*)
 - (1) Peak Frequency
 - (2) Ridership
 - (3) Capacity
 - (4) Span of service

- iii) List any planned transit improvements on the roadway

- iv) What major destinations does transit currently connect to?

- v) Explain how the project design will consider transit access in terms of
 - (1) Percentage of transit stops with shelters

 - (2) Percentage of transit stops accessible via sidewalks and curb ramps

 - (3) Other ways in which transit accessibility is considered

e) Bicycle

- i) List any planned bicycle facilities or improvements surrounding the project area
- ii) Explain how the project will connect to the existing network
- iii) Explain how the project design addresses bicycle access

f) Pedestrian

- i) List any planned pedestrian facilities or improvements surrounding the project area
- ii) What is the amount of pedestrian activity in the area
- iii) Is pedestrian activity expected to increase due to future development?
- iv) Explain how the project design addresses pedestrian access

g) Vehicle

- i) What is current the capacity of the roadway:
- ii) Observed speed of roadway:
- iii) Posted Speed limit:
- iv) If the volume-to-capacity is below .6 explain why excess capacity is provided.
- v) List any recurring reckless driving behaviors
- vi) Explain how the project design addresses vehicle issues

h) *Plans and Policies*

i) List plans or policies that impact the project design
(NMTP, IK 2025, CSP, Neighborhood Plans, Kalamazoo Bus Stop Action Plan, etc.)

ii) Is the proposed project consistent with these plans and/or policies?

i) *Environment*

i) Describe any street-scaping is included in the project design

ii) New street trees/ percentage of streets with tree canopy

iii) What is the existing environmental conditions surrounding the project? Is it near a natural feature, does the street flood regularly, is it in a highly trafficked area, etc.)

iv) How does the project design address environmental goals (water retention, air quality, native plantings, etc.)

4) ENGAGEMENT

a) Provide date(s) and sign-in sheets for community engagement as attachments.

b) Provide dates of any additional public meetings scheduled to discuss the project.

c) How have public comments/concerns been addressed?

5) REVIEW

a) List the pedestrian and bicycle accommodations proposed in the design.(See section 3k)

b) Will the proposed design hinder pedestrian or bicycle access in any way? Describe how.

c) If the proposed project incorporates neither bicycle or pedestrian facilities, or if the proposed project would hinder bicycle or pedestrian travel, list reasons why the project cannot be re-designed to accommodate these facilities.

d) Provide data and documentation that shows how the project is exempt from the Complete Street Policy.

6) POST IMPLEMENTATION EVALUATION

a) After the project is implemented for **one year** provide the following information.

i) Decrease in rate of crashes, injuries, and fatalities by mode

ii) Pedestrian and bicycle counts (chart increase in people biking and walking)

iii) Vehicle Miles Traveled trip reductions

iv) Satisfaction/ Comfort levels expressed on a preference survey

Connected City

Informational Meeting
November, 2018



Connected City in IK 2025



- **Connected City Principles**

Accessible – Comfortable – Connected – Convenient – Engaging – Vibrant

- **Transportation Framework**

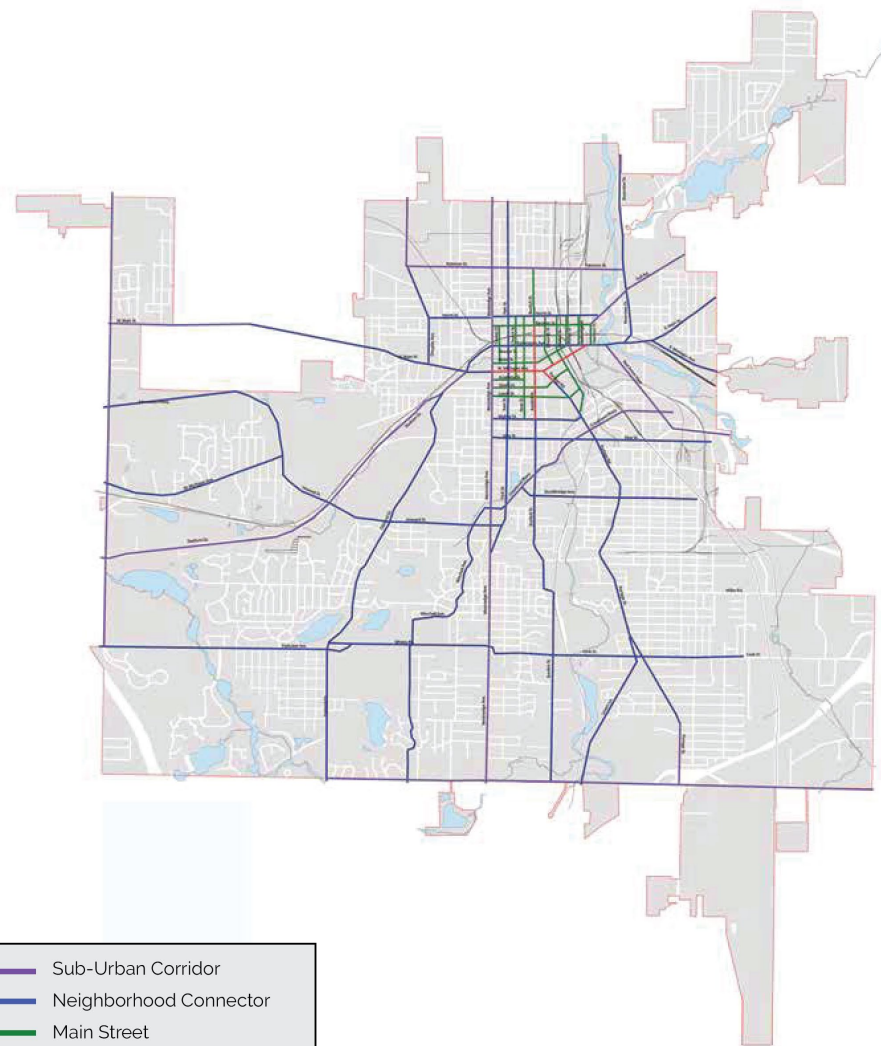
- **Complete Street Network:** A Complete Street Network considers access to destinations by all means of transportation. It evaluates street design for how it fills in gaps in the network.
- **Inviting Public Places:** Streets make up nearly 25% of land use in Kalamazoo. Street design should consider all of the uses of the street from transportation to a place for socialization and gathering.

Connected City in IK 2025



How we are working to achieve the vision

- MDOT Jurisdictional Transfer
- Complete Streets Policy
- Crosswalk Ordinance Update



- Sub-Urban Corridor
- Neighborhood Connector
- Main Street
- Priority Street
- Neighborhood Street "local"

MDOT Jurisdictional Transfer



2014 Downtown Charrette

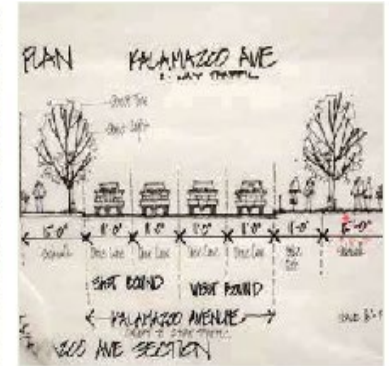


Planning & Environmental Linkages (PEL) Study

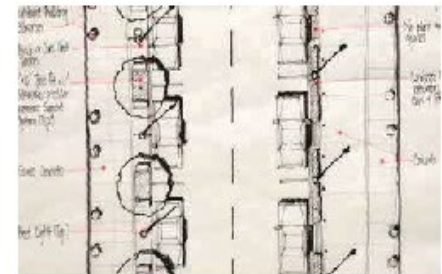
FHWA tool that offers a collaborative approach to transportation decision-making consider environmental and community goals early in the transportation planning process



Jurisdictional Transfer



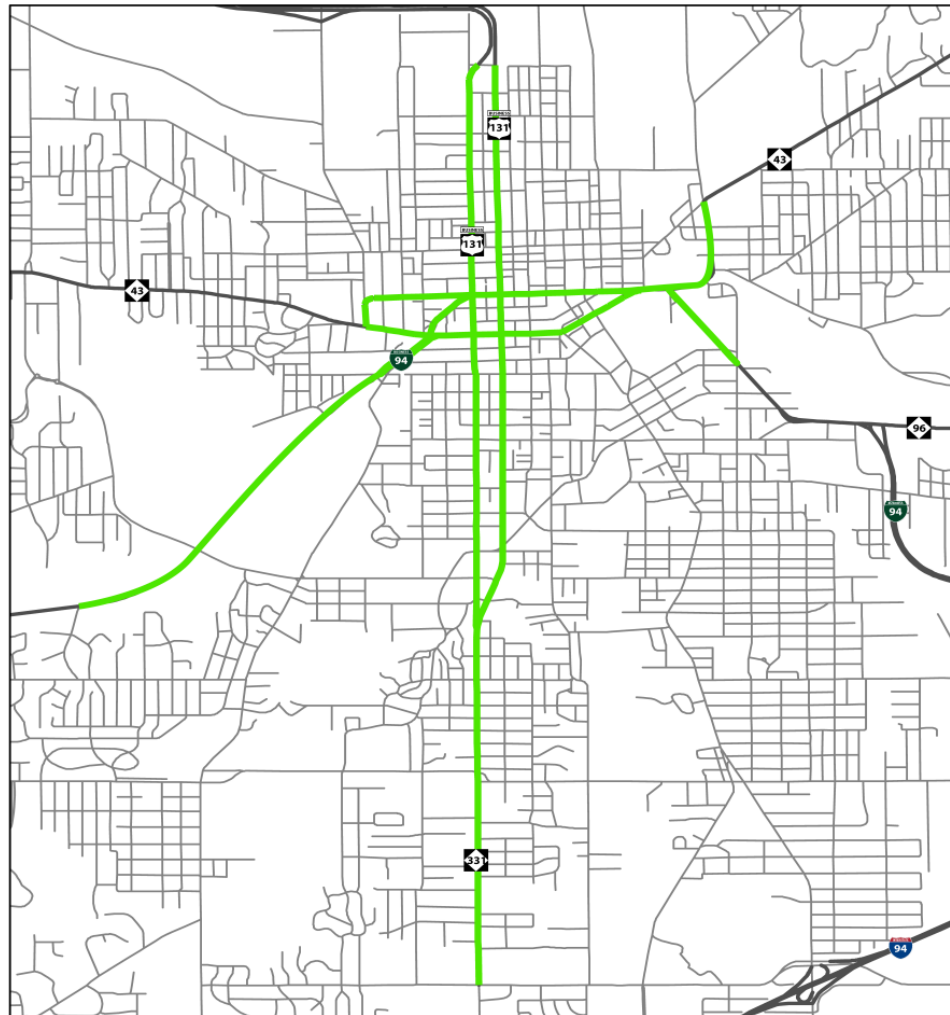
Improvements to the pedestrian environment along Kalamazoo Avenue would make this critical street safer, more accessible, and attractive.



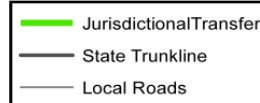
West Michigan Avenue is a gateway to the city that runs along an active commercial corridor. The intersection of West Michigan Avenue and Kalamazoo Mall is a vibrant downtown center; two-way conversion would expand this life and character to a broader segment of Downtown.



MDOT Jurisdictional Transfer



0 0.25 0.5 1 Miles



Next Steps:

- City Commission in December or January
- Resident engagement and alternatives study
2019

Complete Street Policy



- **IK at Work**

- Adopt Complete Street Policy to align street design, reconstruction, and maintenance with IK 2025 Street Types

Vision

The City of Kalamazoo envisions a connected network of safe streets that provides convenient access to all parts of the city. City streets are designed for equitable access, comfort, and mobility of any and all users regardless of ability, age, income, or race.

Strategic Vision Alignment



Complete Street Policy: How it works



Complete Street Committee

A committee of City staff, Metro staff, and KATS Staff will review all projects whether new, maintenance, or reconstruction using the Complete Street Checklist

Complete Street Checklist

A tool that will be used to ensure uniform application of the policy on all street projects. Checklist considers street type, context, the network as a whole, and other factors to assess street design for completeness.

Exemption

Reasons for Exemption:

1. Specific users prohibited by law
2. Cost or impact is excessively disproportionate to the need
3. Historic, cultural, or other artifacts would be harmed

Exemption Process:

1. Complete Street Committee review and recommendation to Planning Commission
2. Planning Commission approves or denies exemption
3. City Commission has final authority to approve or deny exemption

Complete Street Policy: Community Engagement



Advisory Committee

Consist of residents, advocates, and a planning commissioner.

- Provide Complete Street Committee with up-to-date recommendations on national best practices
- Lead outreach and educational efforts in the community
- Provide guidance on project prioritization for equitable access across the city.

Community Meetings

This policy strongly encourages that a minimum of two meetings be held for each project. At a minimum, community meetings should be held when the projects are being submitted for funding.

Crosswalk Ordinance



Crosswalk Ordinance

Cars will have to yield the right-of-way to pedestrians at marked and unmarked crosswalks.

Pedestrians will have to yield the right-of-way to cars outside of crosswalks.

Take effect Spring 2019



How Does This Help Kalamazoo Become a Connected City?



Complete Street Policy will work to make a transportation network that is accessible for all users to access all parts of the City

The Updated Crosswalk Ordinance will help to give pedestrians more control in the right-of-way and enhance safety and comfortability when walking in Kalamazoo

The Jurisdictional Transfer is needed so that we can create the Downtown and streets residents envisioned in Imagine Kalamazoo



STREETS CAN BE INVITING PLACES OF **SOCIAL CONNECTIVITY** AS WELL AS A TRANSPORTATION NETWORK



imagine
kalamazoo
2025



Commission Agenda Report

City of Kalamazoo

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

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

REVIEWED BY: Jeff Chamberlain, AICP, Deputy City Manager

PREPARED BY: James Baker, PE, Public Services Director; Rebekah Kik, CPED Director

DATE: 12/28/2018

SUBJECT: Michigan Department of Transportation Jurisdictional Transfer and Acceptance of Funds

RECOMMENDATION

It is recommended that the City Commission approve a Memorandum of Understanding between the Michigan Department of Transportation (MDOT) and the City of Kalamazoo for the jurisdictional transfer of certain road segments within the city and accept \$11,689,997 from the Michigan Department of Transportation.

BACKGROUND

The attached Memorandum of Understanding (MOU) has been approved by the State of Michigan's Attorney General's Office, the MDOT State Transportation Commission, the State Administrative Board and the Kalamazoo City Attorney's Office. Final approval from the City Commission is necessary for the City Manager's signature and the MDOT Director's.

The Imagine Kalamazoo 2025 Master Plan and Strategic Vision that were approved in 2017 reflect our community's desire to have a more "Connected City," offering accessible, equitable, comfortable and convenient transportation options for people of all ages and mobility levels. Kalamazoo's neighborhoods, campuses, and downtown are currently divided by several high-traffic state trunk lines which are under the jurisdiction of the Michigan Department of Transportation. These wide and high-traffic roads create barriers for many Kalamazoo residents and visitors, making adjacent areas of the city less inviting and making some pedestrians feel unsafe with high speeds. Additionally, one-way streets make it difficult for visitors to find their way downtown, adversely impacting Kalamazoo's economy according to a recent economic study.

In more than a year's worth of discussions between the City of Kalamazoo and MDOT it became apparent that for the community to achieve its vision of street network changes, it would be more advantageous for the City to operate these key road segments. Local control would allow the City of Kalamazoo to explore potential future changes to make our City easier to navigate, safer, and more connected, while spurring economic activity for businesses.

The agreement between the City and MDOT can be summarized as follows: The City will take over the jurisdiction and operation of the roads (see attached map and MOU), and MDOT will pay the City the amount of money it would have spent on major repairs to the roads over the next 10 years. A detailed analysis of each road was conducted by MDOT and City staff to determine the estimated cost amounts for each street. These amounts are fully detailed in the MOU and in the Fiscal Analysis section of this memo.

The MOU only transfers the jurisdiction and operation of the roads to the City, it does not transfer the underlying real estate. If future projects wish to vacate any of the right-of-way, that issue will need to be addressed separately with MDOT and / or the Federal Highway Administration, depending on which road agency originally acquired the right-of-way.

Segments to be EXCLUDED from the jurisdictional transfer and to remain MDOT's responsibility for maintenance and repair include:

- Michigan Avenue bridge and appurtenances over Portage Creek;
- Michigan Avenue bridge and appurtenances over Kalamazoo River;
- Railroad bridge and appurtenances over Michigan Avenue;
- Pumps and appurtenances at the viaduct on Michigan Avenue.

The proposed jurisdictional transfer does not initiate any immediate infrastructure changes, but local control of these road segments will create the opportunity to realize many aspects of the Imagine Kalamazoo 2025 plan that relate to connectivity, transportation, and safety. While these road segments are controlled by MDOT, the City of Kalamazoo has limited options to explore, plan, and implement projects that would advance the goals of Imagine Kalamazoo 2025 in these vital areas of our city. MDOT's adopted vision for priority spending is highway and bridge repair and is not focused on economic vitality and enhancements of downtown trunk lines or their adjacent neighborhoods.

After the jurisdictional transfer is complete, the City will work with the community, traffic engineers and planning consultants to plan and design potential future changes for these roads. This planning and design process will include extensive community input and will also use the Complete Streets Policy and traffic data analysis to formulate these plans.

This jurisdictional transfer moves the City a step closer to being able to fulfill many of the desired community outcomes set forth in Imagine Kalamazoo 2025. And most importantly, it allows the City to make local decisions regarding the operation of these very critical major roads which pass through and connect many of our neighborhoods, business centers, and campuses.

POLICY CONSIDERATIONS

The proposed jurisdictional transfer is essential for many aspects of Imagine Kalamazoo 2025 and the Complete Streets Policy to be realized. Approval of the transfer would create opportunities for projects that contribute to all ten goal areas outlined in the plan. Numerous plans and studies have shown the benefits that could be possible with local control of these road segments.

COMMUNITY RESOURCES CONSULTED

The need for change to these segments of road has been reinforced for decades and through many separate planning and outreach efforts. The City of Kalamazoo's previous Comprehensive Plans and Imagine Kalamazoo 2025 demonstrate a clear desire for change related to these streets, specifically on Kalamazoo and Michigan Avenues. The 2017-18 Planning and Environmental Linkages (PEL) Study initiated by MDOT received numerous public comments requesting non-motorized transportation options, traffic calming, and two-way conversion. In a report issued in March 2018, the Urban Growth Initiative for Greater Downtown Kalamazoo stated "Improving Mobility" as a priority objective, specifically citing converting streets to two-way and improving non-motorized connections. A retail market analysis conducted by Gibbs Planning Group in 2017 found that traffic calming and two-way street conversion, along with other marketing and recruitment changes, could dramatically increase the amount of retail space that could be supported in Downtown Kalamazoo, generating up to an estimated \$51.6 million in new sales.

Three community meetings were also conducted in the fall specifically related to the jurisdictional transfer and related transportation topics to discuss this proposal with community members.

FISCAL IMPACT

As part of the Memorandum of Understanding, MDOT will provide \$11,689,997 to the City of Kalamazoo to cover major repairs for the ten-year period following the transfer. The payment will be split as follows:

\$7,013,998 (60%) payable to the City upon signing of the Memorandum of Understanding.

\$4,675,999 (40%) payable to the City after the City has completed 60% of the project between years 4 and 6 after the approval of the Memorandum of Understanding, or 6 years after the approval, whichever comes first.

The table below represents how the payment figures were calculated.

MDOT Jurisdictional Transfer Segment Repair Cost Details				
Segment*	Current MDOT Route	Cost / Lane Mile**	Lane Miles	Repair Cost**
A2	M-331	\$290,640.48	2.891	\$840,241.62
A3	M-331	\$290,640.48	0.123	\$35,748.78
A6	M-331	\$290,640.48	4.353	\$1,265,158.00
B2	I-94BL	\$770,704.71	5.49	\$4,231,168.85
B3	I-94BL	\$770,704.71	1.002	\$772,246.12
B4	I-94BL	\$770,704.71	1.658	\$1,277,828.41
C2	M-43	\$313,771.74	0.18	\$56,478.91
C3	M-43	\$313,771.74	0.765	\$240,035.38

C4	M-43	\$313,771.74	3.26	\$1,022,895.87
C5	M-43	\$313,771.74	0.072	\$22,591.57
C8	M-43	\$313,771.74	0.78	\$244,741.96
C9	M-43	\$313,771.74	0.666	\$208,971.98
C10	M-43	\$313,771.74	1.235	\$387,508.10
C11	M-43	\$770,704.71	1.407	\$1,084,381.52
Totals:			23.88	\$11,689,997.06
* See MOU for segment locations and details				
**Estimated 2018 costs have been inflated by 4.1% annually for seven years to arrive at the Cost / Lane Mile and Repair Costs				

The City of Kalamazoo currently has approximately 535.18 lane miles of road under its jurisdiction and this transfer will add an additional 23.88 lane miles (a 1-mile road with two traffic lanes = 2 lane miles). The City staff already performs maintenance on these roads including sweeping, surface repairs and snow removal, therefore additional staffing will not be needed to maintain these streets.

This transfer will result in additional annual revenue to the City through Act 51, amounting to approximately \$330,000 in 2019. It is estimated that additional annual operations and maintenance costs for these new segments could range from \$480,00 - \$580,000. The net additional operating and maintenance expense of \$150,000 - \$250,00 per year will become part of the City's major roads program and can be absorbed into the overall roads program budget.

Additionally, these streets will qualify for long-term federal highway funding through our Metropolitan Planning Organization, the Kalamazoo Area Transportation Study (KATS), as well as the City's annual Capital Improvement Program (CIP) and major roads program. The newly created Downtown Economic Growth Authority (DEGA) will also be able to support improvements to downtown infrastructure.

City staff have examined the financial implications of this proposal extensively and have concluded that the proposed road segments can be maintained and operated with current and future budgets and funding sources, with the added benefit of local control over these streets.

ALTERNATIVES

The City Commission could vote against this proposal and allow these road segments to remain under the jurisdiction of MDOT. This is not recommended as it will significantly limit the City of Kalamazoo's ability to realize important aspects of the Imagine Kalamazoo 2025 Master Plan.

ATTACHMENTS:

Type	Description
☐	Contract MDOT-COK MOU FINAL
☐	Map Jurisdictional Transfer MDOT Map
☐	Map Connected City Strategic Goal Map



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

MARK A. VAN PORT FLEET
DIRECTOR

December 18, 2018

City of Kalamazoo
Jeff Chamberlain
241 W. South Street
Kalamazoo, MI 49007

Dear Mr. Chamberlain;

MDOT CONTRACT 2019-0101

Enclosed are the original contracts issued between your organization and the Michigan Department of Transportation (MDOT). Please take the time to read and understand this contract. If this contract meets with your approval, please complete the following checklist, and **return** this checklist and the contracts as soon as possible.

_____ Please **do not date the documents**. MDOT will date the documents when they are executed. This contract is **not** executed until it has been signed by all parties. Upon all final approvals the contract will be sent to the MDOT Director for execution.

_____ Secure the necessary signatures on all contracts.

_____ Return all copies of the contract to my attention in the Bureau of Finance, Contract Services Division at the address below for MDOT execution. One original copy of the executed contract will be forwarded on to you. Our street address for the use of an overnight carrier, should you need it, is 425 W. Ottawa St., Lansing MI 48933.

If you have any questions, please feel free to contact me directly at (517) 373-2895.

Sincerely,

Bill Rottiers
Contract Administrator
Contract Services Division

Enclosures: 1

MEMORANDUM OF UNDERSTANDING
BETWEEN
MICHIGAN DEPARTMENT OF TRANSPORTATION
AND
CITY OF KALAMAZOO

I. PURPOSE

This Memorandum of Understanding (MOU) is entered into this date of _____ between the Michigan Department of Transportation (MDOT) and the City of Kalamazoo (CITY) for the purpose of transferring jurisdiction of the road segments described in Attachment A, dated October 2, 2018 from MDOT to the CITY (ROAD SEGMENTS). This MOU will begin upon award and will remain in effect unless it is modified according to Section V below.

II. BACKGROUND

The ROAD SEGMENTS are within the CITY boundaries and would no longer function as State Trunkline Highways. MDOT is willing to transfer jurisdictional control of the ROAD SEGMENTS to the CITY and the CITY is willing to accept jurisdiction of the ROAD SEGMENTS. This transfer of jurisdictional control of the ROAD SEGMENTS will make these ROAD SEGMENTS City Major streets (including arterials and/or collectors).

The parties intend this MOU to be an agreement to transfer jurisdiction of the ROAD SEGMENTS in return for a fixed lump sum amount of state funds as provided herein, which will be utilized by the CITY for the design and construction of improvements to the ROAD SEGMENTS. The improvements will be for the renovation, repair and/or reconstruction of the ROAD SEGMENTS and will meet or exceed the standard represented by the work items set forth in Attachment B, dated October 4, 2018 (PROJECT).

MDOT and the CITY currently have in force a Trunkline Maintenance Contract for portions of state trunkline located within the CITY boundaries.

III. AGREEMENT

Upon award and acceptance of this MOU by both parties, the parties agree to the following:

A. MDOT agrees:

1. To transfer jurisdictional control of the ROAD SEGMENTS to the CITY and the CITY agrees to accept jurisdictional control of the ROAD SEGMENTS, thereby making the ROAD SEGMENTS City Major Streets.
2. To pay the amount of seven million thirteen thousand nine hundred ninety-eight dollars (\$7,013,998) to the CITY, such amount being sixty percent (60%) of the total estimated cost of the PROJECT. Pursuant to Act 296, Public Acts of 1969, Section 8 (3) (a), this payment is made to the CITY so that the PROJECT will be undertaken by the CITY in lieu of being undertaken by MDOT. This payment will be disbursed to the CITY upon completion of any final administrative approvals necessary to authorize the release of funding and no later than 90 days after the award date of this MOU.
3. To pay the amount of four million six hundred seventy-five thousand nine hundred ninety-nine dollars (\$4,675,999) to the CITY, such amount being forty percent (40%) of the total estimated cost of the PROJECT. Pursuant to Act 296, Public Acts of 1969, Section 8 (3) (a), this payment is made to the CITY so that the PROJECT will be undertaken by the CITY in lieu of being undertaken by MDOT. This payment will be disbursed to the CITY after the parties agree that the CITY has completed sixty percent (60%) of the PROJECT between 4 years and 6 years after the award date of this MOU or 6 years after the award date of this MOU, whichever comes first.
4. To pursue modification of the current Trunkline Maintenance Contract between MDOT and the CITY to reflect this MOU.

B. The CITY agrees:

1. To assume full jurisdictional control of the ROAD SEGMENTS.
2. To perform maintenance of the ROAD SEGMENTS for which jurisdictional control has been transferred to the CITY by this MOU.

3. To perform the PROJECT work, meeting or exceeding the standards represented by the work items set forth in Attachment B, dated October 4, 2018.
4. To complete the PROJECT for the indicated cost of Eleven Million Six Hundred Eighty-Nine Thousand Nine Hundred Ninety-Seven Dollars (\$11,689,997.00). The CITY will be responsible for all costs in excess of the MDOT funds as shown in Section III, Part A, subpart 2. Nothing in this MOU will prevent the CITY from raising the standard of renovation, repair, improvement and/or reconstruction represented by the PROJECT, so long as the minimum standard represented herein is met.

The CITY agrees that the costs incurred under this MOU will represent only those items that are properly chargeable in accordance with this MOU. The CITY also certifies that it has read the MOU terms and has made itself aware of the applicable laws, regulations, and terms of this MOU that apply to the incurring of costs under the terms of this MOU.

Allowable costs for PROJECT work include expenses incurred directly and indirectly for preliminary engineering; environmental reviews and clearances; contracted construction, including the costs of advertising, letting, and awarding contract(s); and construction engineering, inspection, and testing.

5. To expend any excess funds that remain from the amount set forth in Section III, Part A, subpart 2, in accordance with the requirements of Act 51, Public Acts of 1951, Section 13, as amended.
6. To conduct and obtain at CITY expense any environmental reviews and clearances required by state or federal law for any work which exceeds the standard of renovation, repair, and/or reconstruction represented by the PROJECT.
7. That, if for any reason the PROJECT is not completed within ten (10) years of the award date of this MOU, the CITY will promptly repay MDOT the pro-rated amount of funds set forth in Section III, Part A, subparts 2 & 3. Such repayment will have no effect on MDOT's obligations or the transfer of jurisdiction of the ROAD SEGMENTS as set forth herein.
8. Upon completion of the PROJECT, to notify MDOT in writing of such PROJECT completion and include a statement of costs incurred.
9. With regard to audits and record-keeping,

- a. The CITY will establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this MOU, said records to be hereinafter referred to as the "RECORDS." Separate accounts will be established and maintained for all costs incurred under this MOU.
 - b. The CITY will maintain the RECORDS for at least three (3) years from the date of PROJECT completion, as set forth in Section III, Part A, paragraph 2, of this MOU. In the event of a dispute with regard to the allowable expenses or any other issue under this MOU, the CITY will thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.
 - c. MDOT or its representative may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice for three (3) years from the date of PROJECT completion.
 - d. If any part of the work is subcontracted, the CITY will assure compliance with subsections (a), (b), and (c) above for all subcontracted work.
10. In the event that an audit performed by or on behalf of MDOT indicates an adjustment to the costs reported under this MOU or questions the allowability of an item of expense, MDOT will promptly submit to the CITY a Notice of Audit Results and a copy of the audit report, which may supplement or modify any tentative findings verbally communicated to the CITY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the CITY will (a) respond in writing to the responsible MDOT Bureau indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense, and (c) submit to MDOT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE." The RESPONSE will be clearly stated and will provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the CITY may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by MDOT. The RESPONSE will refer to and apply the language of the MOU. The CITY agrees that failure to submit a RESPONSE within the sixty

(60) day period constitutes agreement with any disallowance of an item of expense and authorizes MDOT to finally disallow any items of questioned or no opinion expressed cost.

MDOT will make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If MDOT determines that an overpayment has been made to the CITY, the CITY will repay that amount to MDOT or reach agreement with MDOT on a repayment schedule within thirty (30) days after the date of an invoice from MDOT. If the CITY fails to repay the overpayment or reach agreement with MDOT on a repayment schedule within the thirty (30) day period, the CITY agrees that MDOT will deduct all or a portion of the overpayment from any funds then or thereafter payable by MDOT to the CITY under this MOU or any other agreement or payable to the CITY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by MDOT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The CITY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest MDOT's decision only as to any item of expense the disallowance of which was disputed by the CITY in a timely filed RESPONSE.

- C. Unless otherwise addressed by this MOU, both parties agree that the transfer of jurisdictional control of the ROAD SEGMENTS from MDOT to the CITY (with the noted exclusions specified in Attachment A) will include the transfer of utility, operational, and drainage permits, whether recorded or otherwise; all bridges, culverts, signs, signals, and/or other structures or traffic control devices; and any and all features and appurtenances now existing for highway purposes on and along the ROAD SEGMENTS.
- D. The parties agree that the jurisdictional transfer of the ROAD SEGMENT complies with the provisions of MCC 247.851 et. seq.

IV TERM

This MOU shall take effect upon award and remain in effect unless it is modified according to Section V below.

V. MODIFICATION

This MOU may be modified, in writing, upon mutual agreement by the parties. Any modification must be signed by the authorized representative of each agency or his/her designee.

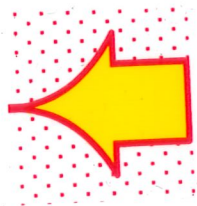
VI. SIGNATURE

This MOU is entered into upon signing by the duly authorized officials for the CITY and for MDOT.

CITY OF KALAMAZOO

Title:

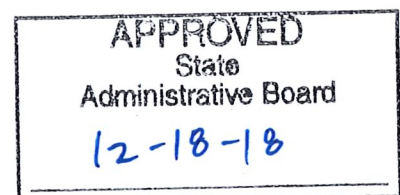
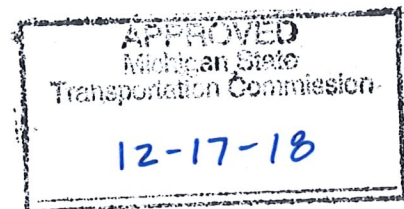
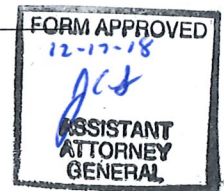
Date



MICHIGAN DEPARTMENT OF TRANSPORTATION

Title: Director
Michigan Department of Transportation

Date



ATTACHMENT A

ROAD SEGMENTS proposed for jurisdictional transfer from MDOT to the City of Kalamazoo, to become City Major streets:

Westnedge Avenue (M-331), from Kilgore Road north to Michigan Avenue, a distance of approximately 3.20 miles in Control Section 39052.

Westnedge Avenue (US-131BR), from Michigan Avenue north to Westnedge Avenue, a distance of approximately 1.26 miles in Control Section 39051.

US-131BR, from Westnedge Avenue north to Dunkley Street, a distance of approximately 0.08 miles, in Control Section 39051.

Park Street (M-331), from Westnedge Avenue north to Michigan Avenue, a distance of approximately 1.48 miles, in Control Section 39052.

Park Street (US-131BR), from Michigan Avenue north to Dunkley Street, a distance of approximately 1.32 miles, in Control Section 39051.

Main Street (M-43), from Douglas Avenue east to Michikal Street, a distance of approximately 0.29 miles, in Control Section 39081.

Michigan Avenue (M-43/I-94BL) from Michikal Street east to Kings Highway, a distance of approximately 1.14 miles in Control Sections 39081, 39041 and 39042.

Douglas Avenue, (M-43) from Main Street north to Kalamazoo Avenue, a distance of approximately 0.11 miles, in Control Section 39081.

Kalamazoo Avenue, (M-43/I-94BL), from Douglas Avenue east to Michigan Avenue, a distance of approximately 1.27 miles, in Control Sections 39081 and 39042.

Stadium Drive (I-94BL) from Rambling Road east to Lovell Street, a distance of approximately 1.82 miles, in Control Section 39041.

Michigan Avenue, (I-94BL), from Lovell Street northeast to Main Street, a distance of approximately 0.33 miles, in Control Section 39041.

Michikal Street (I-94BL), from Michigan Avenue/Main Street, northeast to Kalamazoo Avenue, a distance of approximately 0.29 miles, in Control Section 39041.

Michigan Avenue (M-43) from Kings Highway east to Michigan Avenue, a distance of approximately 0.24 miles, in Control Section 39082.

Riverview Dr (M-43) from Michigan Avenue east to Gull Road, a distance of approximately 0.34 miles, in Control Section 39082.

Kings Highway (I-94BL) from Michigan Avenue east to Mills Street, a distance of approximately 0.48 miles, in Control Section 39042.

Segments to be EXCLUDED from jurisdictional transfer and to remain MDOT's responsibility for maintenance and repair:

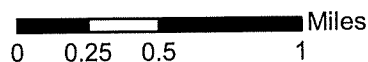
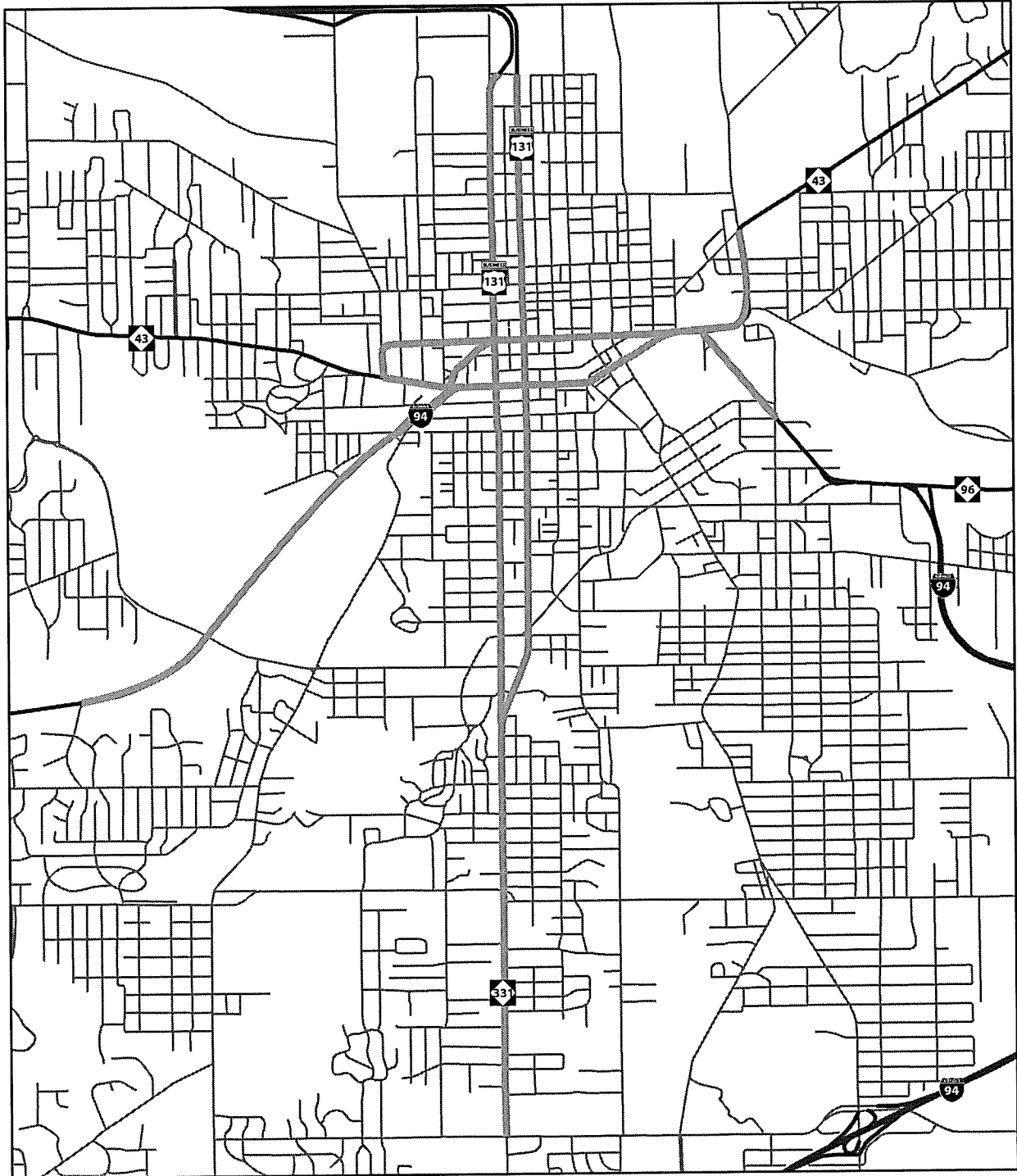
- Michigan Avenue bridge and appurtenances over Portage Creek.

- Michigan Avenue bridge and appurtenances over Kalamazoo River.

- Railroad bridge and appurtenances over Michigan Avenue.

- Pumps and appurtenances at the viaduct on Michigan Avenue.

Jurisdictional Transfer from MDOT to the City of Kalamazoo

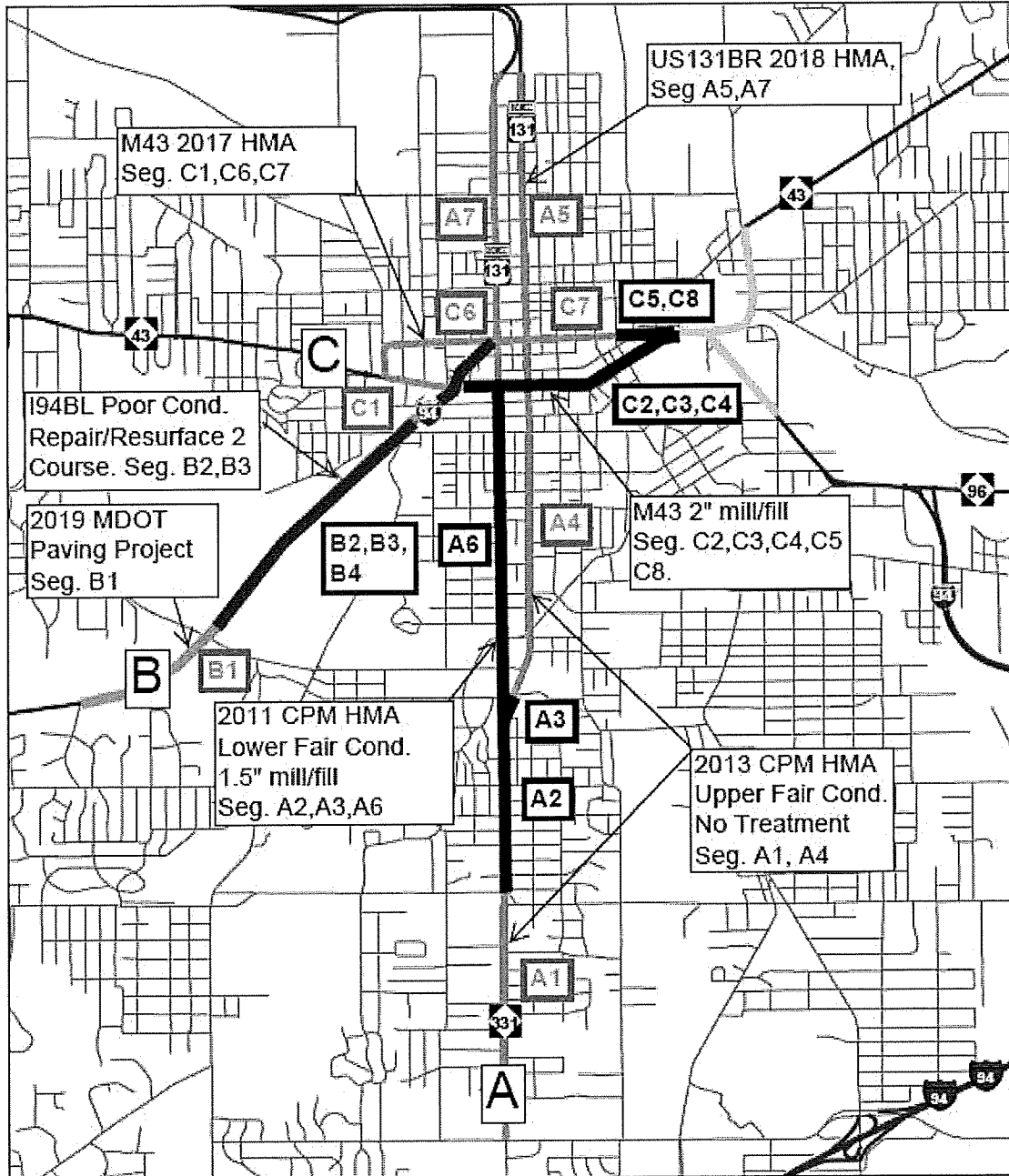


- Jurisdictional Transfer
- State Trunkline
- Local Roads

Road Segment Information

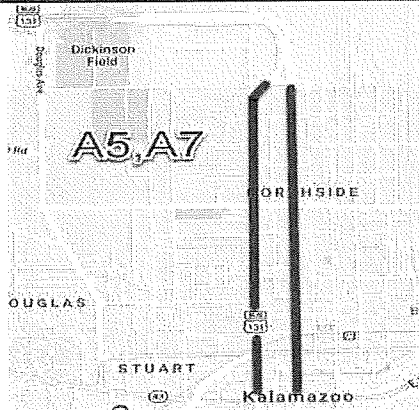
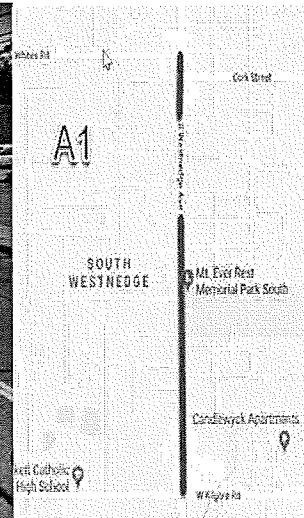
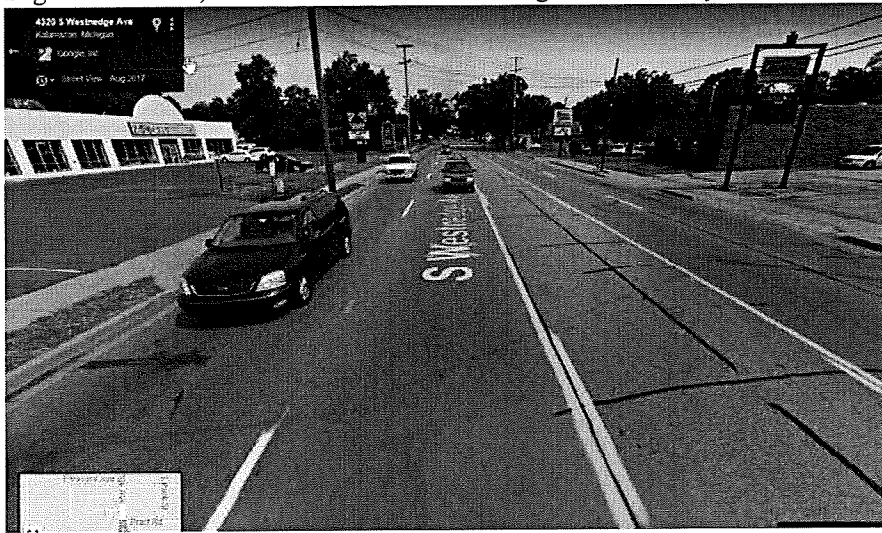
Jurisdictional Transfer from MDOT to the City of Kalamazoo

Segments evaluated for transfer are colored green, blue, and red. (Rudlaff 6/28/18)



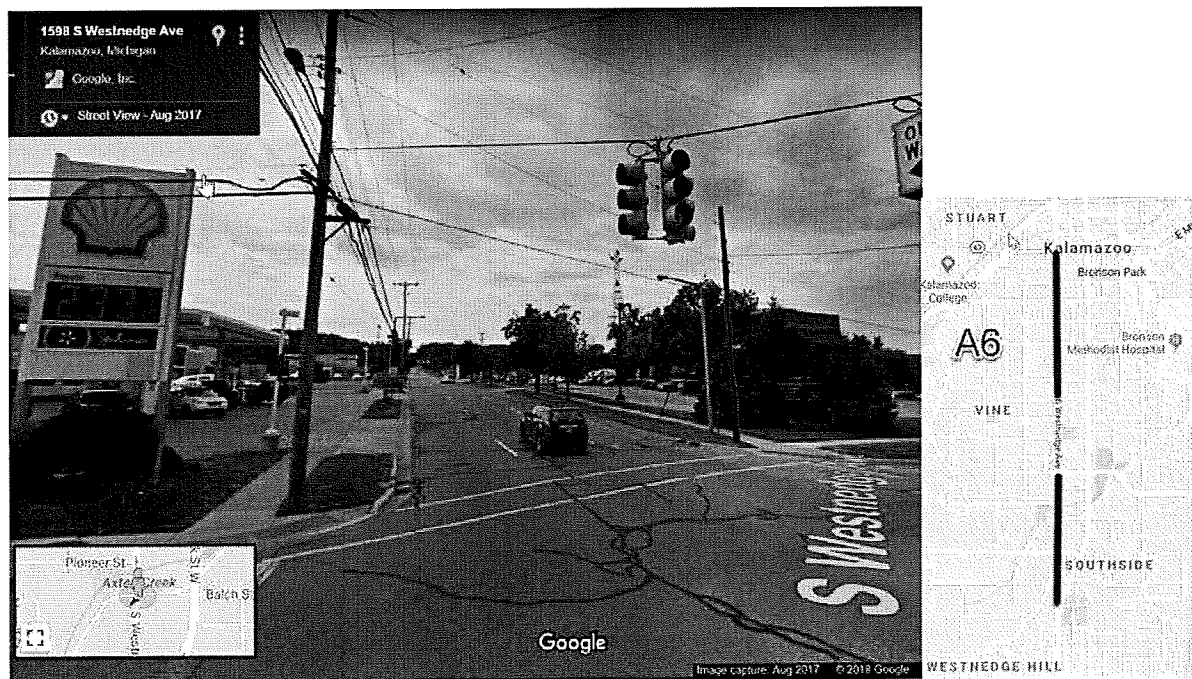
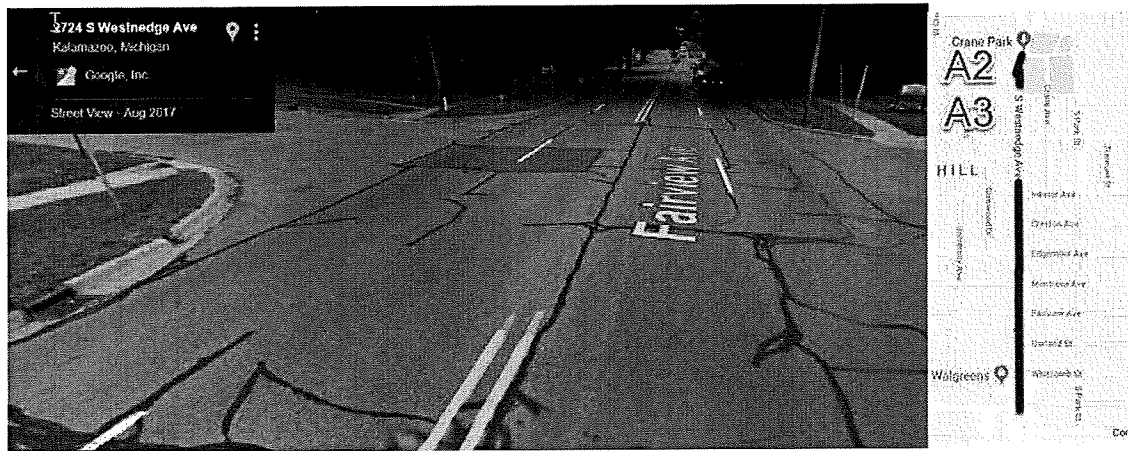
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Segments A1-A7, M331 & US131BR from Kilgore to Dunkley



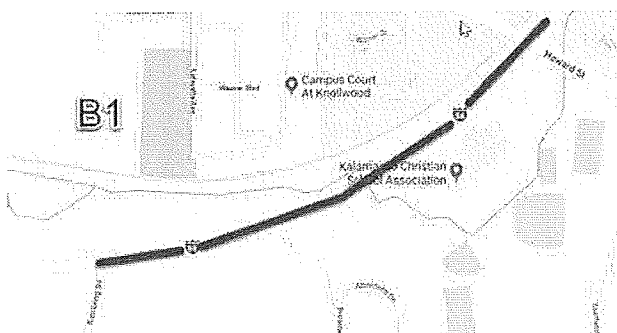
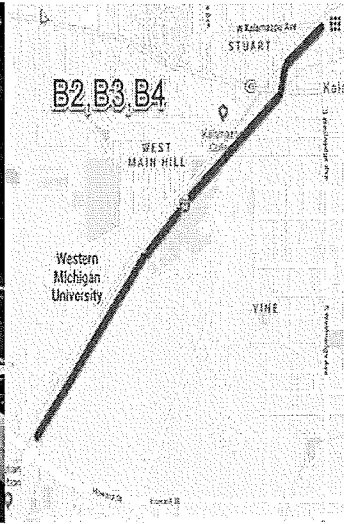
Seg.	Route	Location	PASER	Comments
A1	M331 NB/SB	Kilgore to Whites	6	2013 HMA Upper Fair Condition
A4	M331NB	Summit to M-43 EB	7/8	2013 HMA Upper Fair Condition
A5	US131BR NB	M-43 EB to Dunkley	4/5	2018 HMA Single Course
A7	US131BR SB	M-43 EB to Dunkley	2/3/4/5	2018 HMA Single Course

Segments A1-A7, M331 & US131BR from Kilgore to Dunkley (Continued)



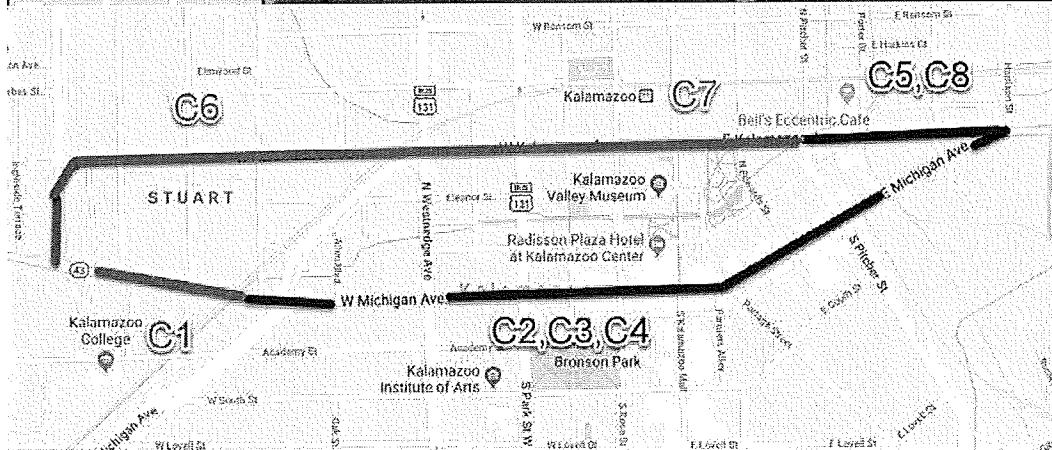
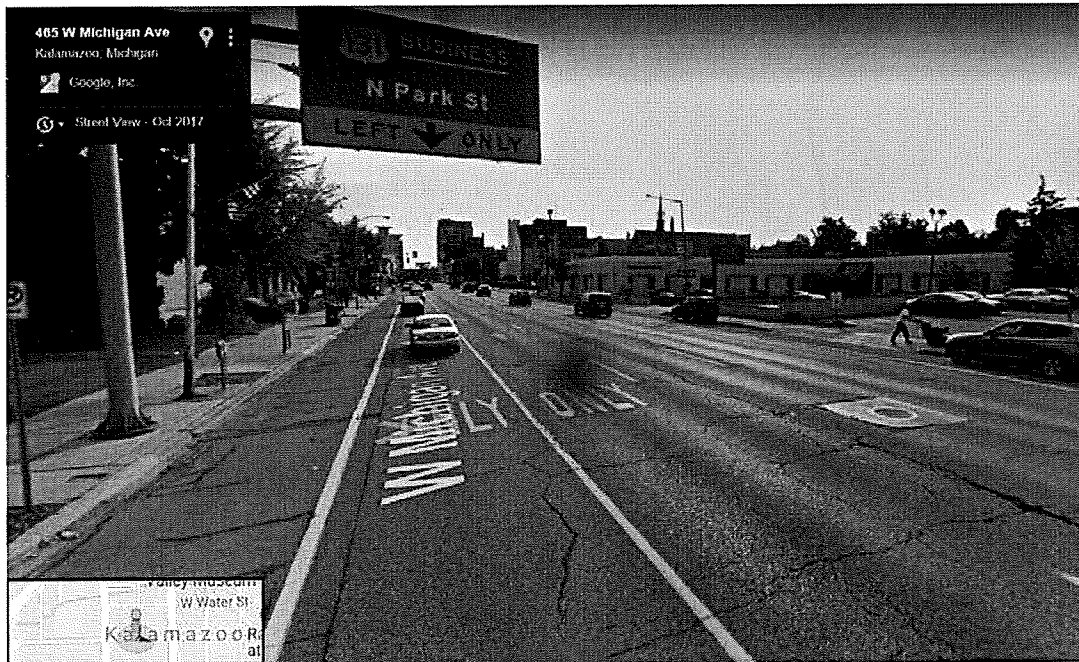
Seg.	Route	Location	PASER	Comments
A2	M331 NB/SB	Whites to M331 Divided	4/6	2011 HMA Lower Fair Condition.
A3	M331 NB	M331 Divided to Summit	6	2011 HMA Lower Fair Condition.
A6	M331 SB	M331 Divided to M-43 EB	4/7	2011 HMA Lower Fair Condition.

Segments B1-B4, I-94BL/Stadium Drive from Rambling to M-43 WB



Seg.	Route	Location	PASER	Comments
B1	I94BL	Rambling to Howard	4	2019 MDOT Paving
B2	I94BL	Howard to Divided @ Lovell	4	2004 Pavt Poor Cond.
B3	I94BL EB	Divided @ Lovell to M43 EB	4	2004 Pavt Poor Cond.
B4	I-94BL WB	Divided @ Lovell to M43 WB	7	Conc Pavt, Repairs Need

Segments C1-C8, M43 in Downtown



Seg.	Route	Location	PASER	Comments
C1	M43EB	Douglass to Elm	4	2017 HMA Pavt Surface
C2	M43EB	Elm to I-94BL EB	4	Fair to Poor
C3	M43EB	I-94BL EB to M331 SB	4	Fair to Poor
C4	M43EB	M331 SB to M43 Undivided	4/6	Fair to Poor
C5	M43EB/WB	M43 Undivided to Harrison	6	2017 HMA Pavt Surface
C6	M43WB	M43EB to Westnedge	3/7	2017 HMA Pavt Surface
C7	M43WB	Westnedge to Pitcher	4/6	2017 HMA Pavt Surface
C8	M43WB	Pitcher to M43 Undivided	6/7	Fair

Added Road Segment Information on M-43 and I-94 BL

Jurisdictional Transfer from MDOT to the City of Kalamazoo

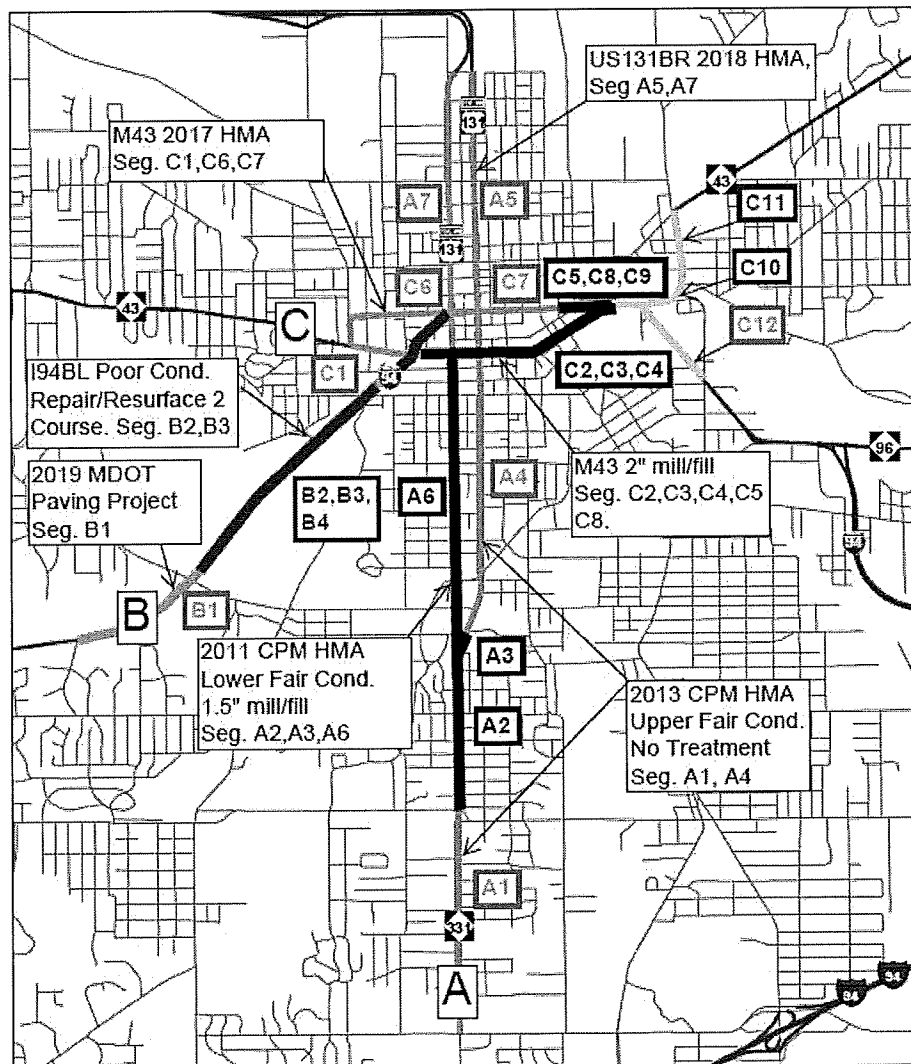
M-43 extension from Harrison St. to Gull Road (0.7 miles)

I-94 BL extension from M-43 to Mill Street (0.5 miles)

Added segments C9, C10, C11, & C12 colored gold. (Rudlaff 9/4/18)

Jurisdictional Transfer from MDOT to the City of Kalamazoo

-  Repair/Resurf
-  CPM Pave
-  None
-  Added



0 0.25 0.5 1 Miles

-  Jurisdictional Transfer
-  State Trunkline
-  Local Roads

Jurisdictional Transfer Segment Table- Additional M-43 and I-94BL Segments

Seg	Route	Direction	Control Section	Location	Pavt	Fix Type	Length	Lane Miles
C9	M-43	EB/WB	39042	Harrison to Kings Hwy	Comp	One Crse HMA 2.0"	0.11	0.666
C10	M-43	EB/WB	39082	Kings Hwy to Michigan Ave.	Comp	One Crse HMA 2.0"	0.24	1.235
C11	M-43	EB/WB	39082	Michigan Ave to Gull Road	Comp	Repair, 2 Crse HMA	0.34	1.407
C12	I-94BL	EB/WB	39042	M-43 to Mill St.	Comp	2019 One Crse HMA by MDOT	0.48	2.041

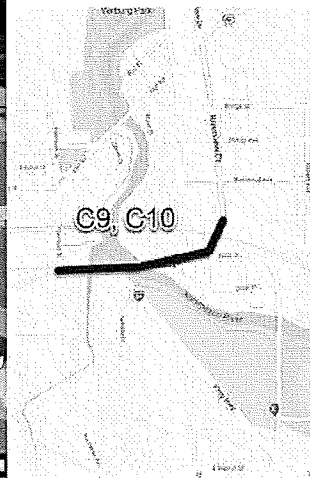
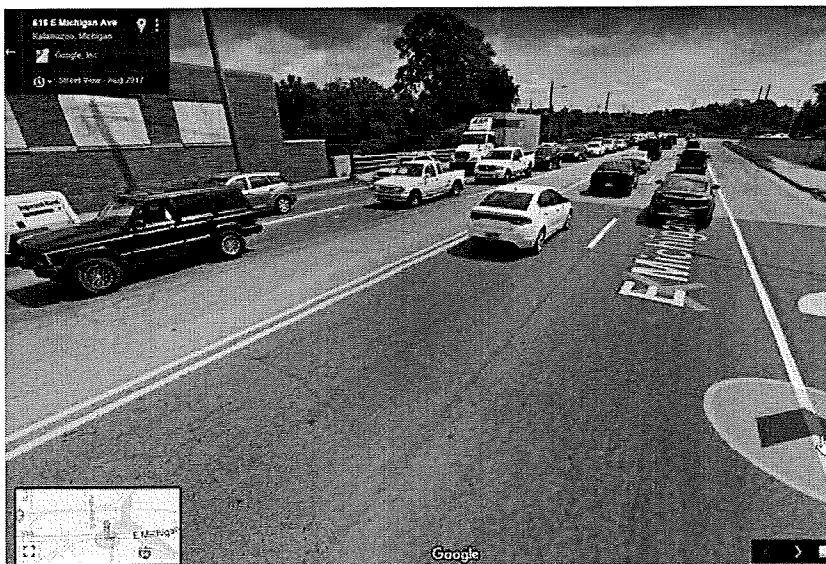
3 Repair and Resurf
Segments C9, C10, & C11.
Locations C9-C12

0.69 3.307
1.170 5.348

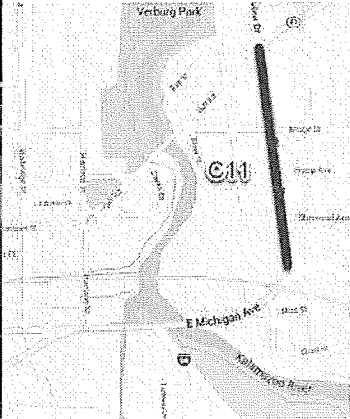
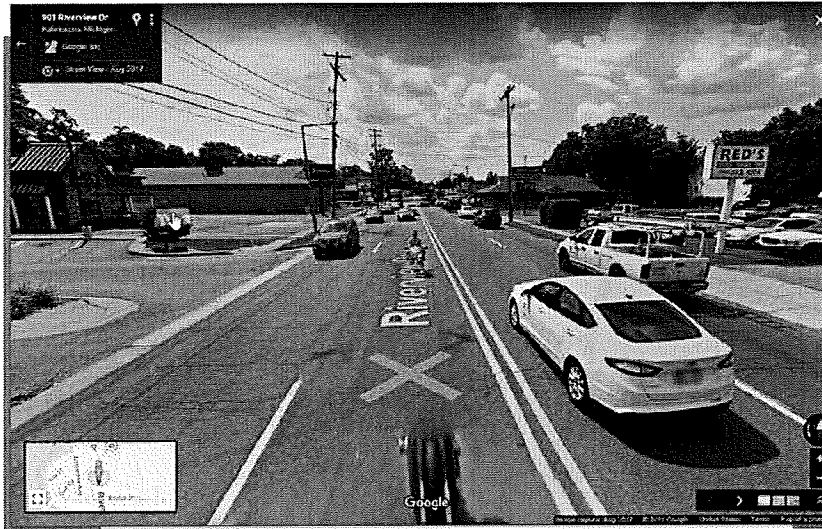
Turnback Treatment Description: C9-C12

Segments	Route	Cost per lane mile	Treatment Details
C9, C10	M-43	\$180,000	2013 & 2014 HMA in upper fair condition. Cold milling and one course hot mix asphalt overlay 2.0 inches thick. Composite pavement surface four years old has about four years left before single course treatment needed.
C11	M-43	\$500,000	2014 HMA in poor condition. Prominent reflective cracks with extensive secondary cracking. Full depth pavement repairs and two course HMA treatment.
C12	I-94 BL	\$0	2019 MDOT HMA repair and one course HMA treatment with JN 204197. Existing 2004 micro delamination and rutting of surface. Distress mostly shallow.

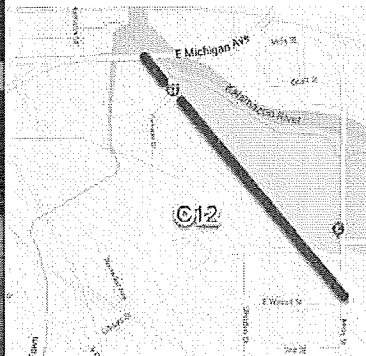
Segment C9,C10. M-43 from Harrison St. to Michigan Ave.



Segment C11. M-43 from Michigan Avenue to Gull Road.



Segment C12. I-94BL from M-43 to Mill Street.



Seg.	Route	Location	PASER	Comments
C9	M-43	Harrison St. to Kings Hwy	6	2013 Single Crse,
C10	M-43	Kings Hwy to Michigan	7	2014 Single Crse,
C11	M-43	Michigan to Gull	5	2014 Single Crse, Poor
C12	I-94BL	M-43 to Mill	2	2019 MDOT Single Crse

Seg	Route	Direction	Control Section	Location	Fix Type	Fix Year	Length	Lane Miles	Cost/ LnMi	Total Project Costs
C9	M-43	EB/WB	39042	Harrison to Kings Hwy	One Crse HMA 2"	2013	0.11	0.866	\$180,000	\$119,880
C10	M-43	EB/WB	39082	Kings Hwy to Michigan Ave	One Crse HMA 2"	2014	0.24	1.235	\$180,000	\$222,240
C12	I-94BL	EB/WB	39042	M-43 to Mill St	One Crse HMA 2"	2004	0.48	2.041	\$0	\$0
				3 Added Repair and Resurf Segments			1.173	5.348		\$1,045,540

October 4, 2018

ATTACHMENT B

The following work items represent the minimum standard for the renovation, repair and/or reconstruction work to be performed the roadway segments described in Attachment A. Alternate work items and/or quantities are permitted so long as the minimum standard represented herein is achieved and design guidelines are applied according to the MDOT publication, "Local Agency Programs Guidelines for Geometrics on Local Agency Projects" dated 2014 or most current.

MDOT Turn Back Segment Cost Details

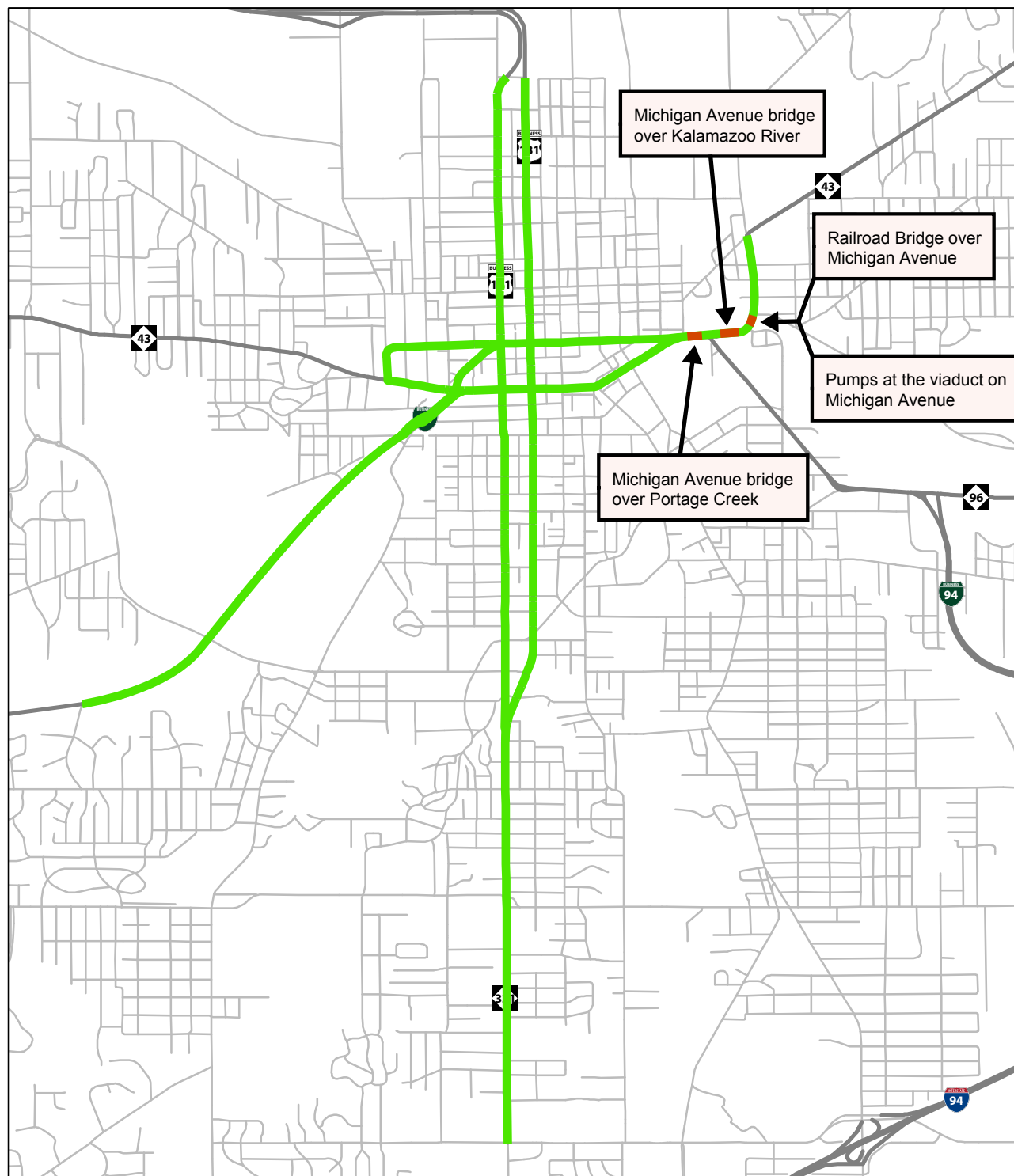
Segment	Route	Cost/Lane Mile*	Lane Miles	Repair Cost
A2	M-331	\$ 290,640.48	2.891	\$ 840,241.62
A3	M-331	\$ 290,640.48	0.123	\$ 35,748.78
A6	M-331	\$ 290,640.48	4.353	\$ 1,265,158.00
B2	I-94BL	\$ 770,704.71	5.49	\$ 4,231,168.85
B3	I-94BL	\$ 770,704.71	1.002	\$ 772,246.12
B4	I-94BL	\$ 770,704.71	1.658	\$ 1,277,828.41
C2	M-43	\$ 313,771.74	0.18	\$ 56,478.91
C3	M-43	\$ 313,771.74	0.765	\$ 240,035.38
C4	M-43	\$ 313,771.74	3.26	\$ 1,022,895.87
C5	M-43	\$ 313,771.74	0.072	\$ 22,591.57
C8	M-43	\$ 313,771.74	0.78	\$ 244,741.96
C9	M-43	\$ 313,771.74	0.666	\$ 208,971.98
C10	M-43	\$ 313,771.74	1.235	\$ 387,508.10
C11	M-43	\$ 770,704.71	1.407	\$ 1,084,381.52
Totals			23.88	\$ 11,689,997.06

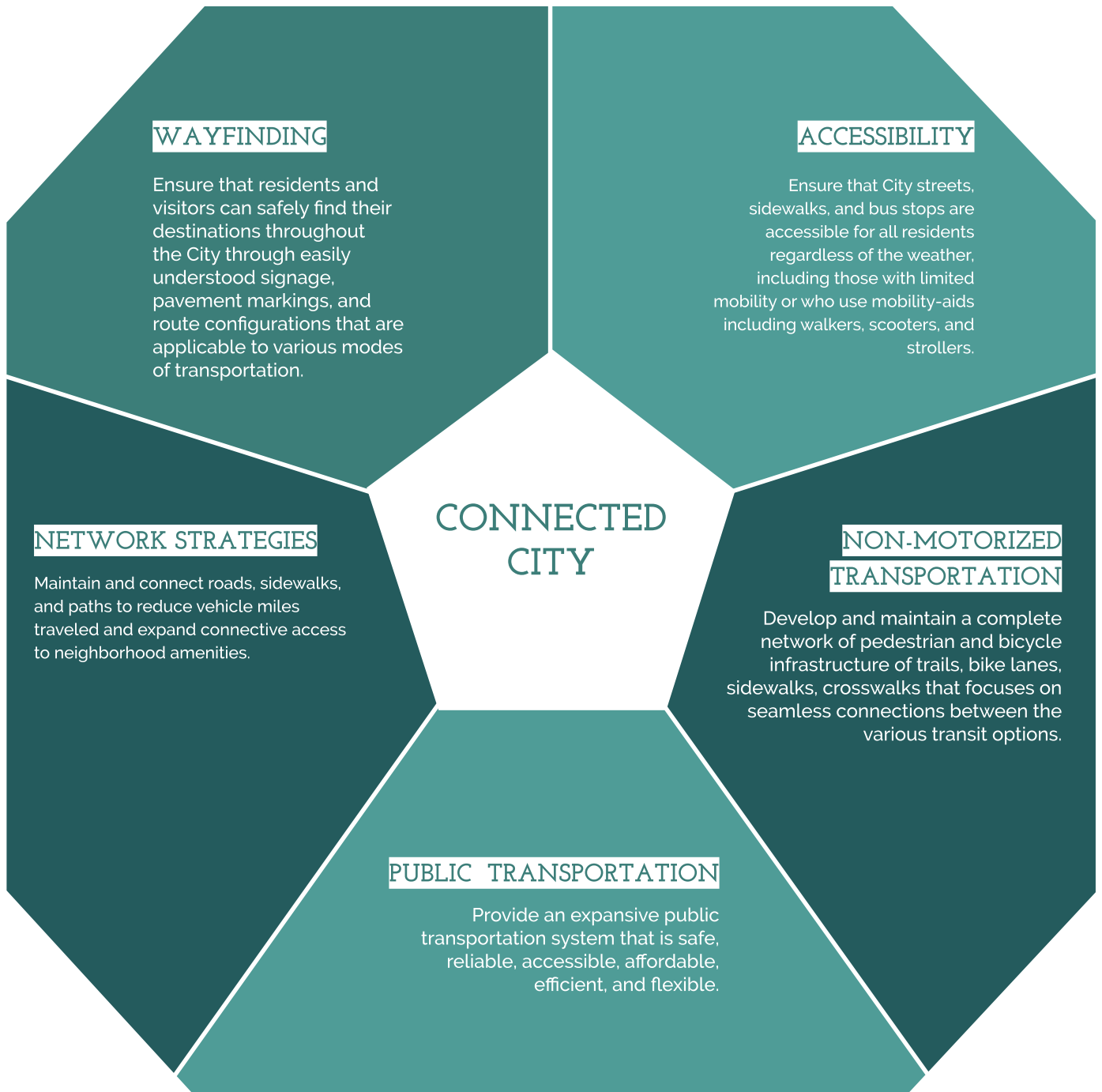
*Cost Used by COK - Actual Cost or Ave Cost of Actual Work
Inflated by 4.1% annually for seven years

MDOT Turn Back Segment Details

Segment	Route	Location	Repair Funding Details	Special Notes	Length	Lane Miles
A1	M331	KILGORE TO WHITES	New Pmnt 2013 - None Planned		1.048	5.240
A2	M331	WHITES TO PARKWOOD	COK to Repair Funded by Turn Back		0.705	2.891
A3	M331	PARKWOOD TO BETSY ANN PL	COK to Repair Funded by Turn Back		0.041	0.123
A4	M331	BETSY ANN PL TO M-43 EB	New Pmnt 2013 - None Planned		1.434	4.302
A5	US-131BR	M-43 EB TO DUNKLEY	New Pmnt 2018 - None Planned		1.325	3.286
A6	M331	PARKWOOD TO M-43EB	COK to Repair Funded by Turn Back		1.451	4.353
A7	US-131BR	M-43 EB TO DUNKLEY	New Pmnt 2018 - None Planned		1.342	3.798
B1	STADIUM	RAMBLING RD TO HOWARD	2019 Paving Planned by MDOT		0.789	3.945
B2	STADIUM	HOWARD TO LOVELL	COK to Repair Funded by Turn Back		1.030	5.490
B3	STADIUM	LOVELL TO M-43 EB	COK to Repair Funded by Turn Back		0.334	1.002
B4	I-94BL	LOVELL TO M-43 EB	COK to Repair Funded by Turn Back		0.592	1.658
C1	M-43	DOUGLAS TO ELM	New Pmnt 2017 - None Planned		0.343	1.115
C2	M-43	ELM TO I-94BL EB	COK to Repair Funded by Turn Back		0.045	0.180
C3	M-43	I-94BL EB TO M331 SB	COK to Repair Funded by Turn Back		0.153	0.765
C4	M-43	M331 SB TO POINT AT FOUNTAIN	COK to Repair Funded by Turn Back		0.815	3.260
C5	M-43	POINT AT FOUNTAIN TO HARRISON	COK to Repair Funded by Turn Back		0.012	0.072
C6	M-43	M-43 EB TO WESTNEDGE	New Pmnt 2017 - None Planned		0.592	1.776
C7	M-43	WESTNEDGE TO PITCHER	New Pmnt 2017 - None Planned		0.506	1.877
C8	M-43	PITCHER TO POINT AT FOUNTAIN	COK to Repair Funded by Turn Back		0.260	0.780
C9	M-43	HARRISON TO KINGS	COK to Repair Funded by Turn Back	Turn Back Does Not Include Portage Creek Bridge	0.110	0.666
C10	M-43	KINGS TO EAST MICHIGAN AVE	COK to Repair Funded by Turn Back	Turn Back Does Not Include Kalamazoo River Bridge	0.240	1.235
C11	M-43	EAST MICHIGAN AVE TO GULL	COK to Repair Funded by Turn Back	Turn Back Does Not Include RR Bridge Nor RR Bridge Pump Station	0.340	1.407
C12	I-94BL	M-43 TO MILLS	2019 Paving Planned by MDOT		0.480	2.041

Jurisdictional Transfer from MDOT to the City of Kalamazoo







Commission Agenda Report

City of Kalamazoo

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

FROM: Clyde J. Robinson, City Attorney

PREPARED BY: Clyde J. Robinson, City Attorney

DATE: 12/17/2018

SUBJECT: City Traffic Code Amendments Regarding the Operation of Bicycles on Sidewalks

RECOMMENDATION

It is recommended that the City Commission adopt an ordinance addressing the operation of bicycles on sidewalks in furtherance of the City's Complete Streets initiative.

BACKGROUND

As part of its Complete Streets initiative, the City is affirmatively addressing the rights and responsibilities of pedestrians and bicyclists who use sidewalks and streets. In particular, the amendment to § 36-280 is intended to strengthen current ordinance language requiring vehicles to yield to pedestrians in marked crosswalks. The proposed language is similar to that used in Ann Arbor and Grand Rapids and in the State Police-issued Uniform Traffic Code. The language also includes bicyclists who use sidewalks and crosswalks in lieu of riding in the street.

The second ordinance amends §§ 36-215 and 36-225 (and repeals § 36-226 because it was largely duplicative of 36-225 and therefore redundant) to clearly permit bicyclist to use sidewalks, where in the past it was merely inferred, and to set forth the responsibilities of bicyclists using sidewalks. The proposed language reflects both Michigan Vehicle Code and Uniform Traffic Code provisions addressing bicyclists.

Given how closely the two ordinance amendments are related, they are tie-barred so as to require adoption of both so as to be effective. Additionally, since the City seeks to educate the public on these changes and put appropriate signage in place, the ordinances will become effective June 1, 2019.

POLICY CONSIDERATIONS

The proposed changes are consistent with IK 2025 Goals of *Connected City*, in particular the sub-goals of accessibility and non-motorized transportation; *Environmental Responsibility* thorough support of non-motorized modes of transportation; and *Safe Community* by affirmatively recognizing the rights and responsibilities of pedestrians and bicyclists.

COMMUNITY RESOURCES CONSULTED

Similar ordinances in other Michigan cities and State law and rules were consulted in drafting the proposed amendments.

FISCAL IMPACT

None

ALTERNATIVES

None

ATTACHMENTS:

Type	Description
Ordinances	Ordinance Amendment 36-215 & 36-225

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

**AN ORDINANCE AMENDING §§ 36-215, 36-225 & REPEALING § 36-226
ADDRESSING THE OPERATION OF BICYCLES**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Sections 36-215 & 36-225 of the Kalamazoo City Code are amended to read as follows:

“§ 36-215

The provisions of this article shall apply whenever a bicycle is operated upon any street or sidewalk subject to those exceptions stated herein. An individual lawfully operating a bicycle upon a sidewalk or a pedestrian crosswalk has all of the rights and responsibilities applicable to a pedestrian using that sidewalk or crosswalk.

§ 36-225

A. No person shall ride any bicycle upon any sidewalk, part of sidewalk, street, within a park, or on the Kalamazoo Mall where signs have been erected prohibiting bicycle riding.

B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.

C. The operator of a bicycle who emerges from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.”

Section 2. Repealer.

Section 36-226 of the Kalamazoo City Code and any former ordinance or part of an ordinance conflicting or inconsistent with the provisions of this ordinance is 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, but shall not become effective and enforceable until June 1, 2019, and only if an ordinance amending Section 36-280 permitting bicyclists to use crosswalks is adopted.

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 _____, 2018. 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

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Commission Agenda Report

City of Kalamazoo

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

FROM: Clyde J. Robinson, City Attorney

PREPARED BY: Clyde J. Robinson, City Attorney

DATE: 12/17/2018

SUBJECT: City Traffic Code Amendments Regarding Pedestrian and Bicyclist Right of Way at Crosswalks

RECOMMENDATION

It is recommended that the City Commission adopt an ordinance addressing the rights and responsibilities of pedestrians and bicyclists at crosswalks in furtherance of the City's Complete Streets initiative.

BACKGROUND

As part of its Complete Streets initiative, the City is affirmatively addressing the rights and responsibilities of pedestrians and bicyclists who use sidewalks and streets. In particular, the amendment to § 36-280 is intended to strengthen current ordinance language requiring vehicles to yield to pedestrians in marked crosswalks. The proposed language is similar to that used in Ann Arbor and Grand Rapids and in the State Police-issued Uniform Traffic Code. The language also includes bicyclists who use sidewalks and crosswalks in lieu of riding in the street.

The second ordinance amends §§ 36-215 and 36-225 (and repeals § 36-226 because it was largely duplicative of 36-225 and therefore redundant) to clearly permit bicyclist to use sidewalks, where in the past it was merely inferred, and to set forth the responsibilities of bicyclists using sidewalks. The proposed language reflects both Michigan Vehicle Code and Uniform Traffic Code provisions addressing bicyclists.

Given how closely the two ordinance amendments are related, they are tie-barred so as to require adoption of both so as to be effective. Additionally, since the City seeks to educate the public on these changes and put appropriate signage in place, the ordinances will become effective June 1, 2019.

POLICY CONSIDERATIONS

The proposed changes are consistent with IK 2025 Goals of *Connected City*, in particular the sub-goals of accessibility and non-motorized transportation; *Environmental Responsibility* thorough support of non-motorized modes of transportation; and *Safe Community* by affirmatively recognizing the rights and responsibilities of pedestrians and bicyclists.

COMMUNITY RESOURCES CONSULTED

Similar ordinances in other Michigan cities and State law and rules were consulted in drafting the proposed

amendments.

FISCAL IMPACT

None

ALTERNATIVES

None

ATTACHMENTS:

Type	Description
Ordinances	Ordinance 36-280 Amendment

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

**AN ORDINANCE AMENDING §36-280 TO ADDRESS PEDESTRIAN AND BICYCLIST
RIGHT OF WAY AT CROSSWALKS**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Section 36-280 of the Kalamazoo City Code is amended to read as follows:

“Sec. 36-280 Right of way at crosswalks

A. Except as otherwise provided in this article, where traffic-control signals are not in place or in operation, or traffic is being regulated by a public safety officer, the driver of a vehicle shall stop and yield the right-of-way to a pedestrian or bicyclist stopped at the curb, curb line, or ramp leading to the crosswalk and to every pedestrian and bicyclist crossing the roadway within 1) any marked crosswalk or 2) within any unmarked crosswalk at an intersection.

B. Whenever any vehicle is stopped at either a marked crosswalk or an unmarked crosswalk at an intersection to permit a pedestrian or bicyclist to cross a roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

C. A pedestrian or bicyclist shall stop at the curb, curb line, or ramp leading to a crosswalk before entering the roadway. A pedestrian or bicyclist shall not suddenly leave a curb or other place of safety and walk, run, or ride into the path of a vehicle that is so close to the crosswalk that it is difficult for the driver of the vehicle to yield.

D. Every pedestrian or bicyclist crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all on-coming vehicles upon the roadway.

E. A pedestrian or bicyclist crossing a roadway shall yield the right of way to an authorized emergency vehicle sounding an audible signal, unless engaged in an emergency run in which silence is required and displaying a flashing, oscillating, or rotating red or blue light.”

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, but shall not become effective and enforceable until June 1, 2019, and only if an ordinance amending Sections 36-215 and 36-225 permitting bicyclists to operate on sidewalks is adopted.

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 _____, 2018. 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

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