

Roll Call

A special meeting of the Kalamazoo City Commission was held on Tuesday, March 31, 2020 at 6:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-15 issued by Governor Gretchen Whitmer.

COMMISSIONERS PRESENT:

Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT:

None

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

2020-0104

Resolution 20-22
Amending the City
Commission Rules re:
Remote Meetings During
a State of Emergency

When given an opportunity to comment on a resolution authorizing the conduct of City Commission meetings by electronic means during a declared statewide or local state of emergency and under the terms of an Executive Order suspending portions of the Open Meetings Act, the following people addressed the City Commission:

Sum Ting Wong offered miscellaneous remarks
Aidan Corbitt offered miscellaneous remarks
Zabi Nami offered miscellaneous remarks
Victor Hamulton offered miscellaneous remarks

Mayor Anderson interrupted the public comment time and asked what options were available to curtail people making disparaging comments and spewing venom.

City Attorney Robinson stated the City Commission Rules included a provision that allowed the Commission to waive any rule by a majority vote. City Attorney Robinson clarified that the Commission had an obligation to hear public comments during a specified time for those comments, but there was no requirement that comments be heard prior to each action item. City Attorney Robinson suggested the City Commission consider a motion to eliminate public comments on action items and limit public comments to the opportunity for public comments later in the meeting.

Mayor Anderson suggested the City Commission limit the length of individual comments as well.

Public Comment Limited

Commissioner Cunningham, seconded by Commissioner Urban, moved to take the following actions regarding public comments: 1) eliminate public comments on action items; 2) reserve comments to the formal public comment time; and 3) limit comments to 90 seconds per speaker.

Prior to a vote on the motion, discussion took place regarding options for addressing the use of this public forum for inane, profane, and racist comments.

In response to a question from Vice Mayor Griffin, City Attorney Robinson indicated the motion would change the rules for the current meeting. The Commission would need to repeat this action at each meeting where it wanted the public comment rules changed.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Commissioner Knott, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** authorizing the conduct of City Commission meetings by electronic means during a declared statewide or local state of emergency and under the terms of an Executive Order suspending portions of the Open Meetings Act.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Chris Sargent, President and CEO of the United Way of the Battle Creek and Kalamazoo Region, provided an update on the United Way Disaster Relief Fund.

Foundation for Excellence Manager Steve Brown, provided an overview of the proposed Kalamazoo Small Business Loan Fund (KSBLF) program, including a description of the eligibility criteria and application process. Mr. Brown thanked community partners, including the W.E. Upjohn Institute, Southwest Michigan First, Kalamazoo Downtown Partnership (KDP), the Local Initiatives Support Corporation (LISC), the Small Business Development Center (SBDC) at Western Michigan University, and the United Way.

Community Planning and Economic Development Director Rebekah Kik discussed the challenges of identifying small businesses that needed assistance during a time when many businesses were closed. Director Kik stated it would be important for people to use their personal networks to publicize the KSBLF through email and social media, and she asked Commissioner to send her contact information from their networks.

In response to questions from Commissioners, Mr. Sargent and Mr. Brown provided the following information on KSBLF loans and the loan application process:

- funding for the KSBLF would come from the Foundation for Excellence (FFE). The FFE Board would not need to take action because the dollars were coming from the FFE's fund balance. (responding to Commissioner Urban)
- if an applicant met the basic loan criteria, they would complete the full loan application, which included 10 basic questions (name, contact information, etc.) and 6 narrative questions to assess the applicant's needs

2020-0104

Resolution 20-22
Amending the City
Commission Rules re:
Remote Meetings During
a State of Emergency
(cont'd)

2020-0105

Allocation of FFE Funds
to Create the Kalamazoo
Small Business Loan
Fund (KSBLF)

2020-0105

Allocation of FFE Funds
to Create the Kalamazoo
Small Business Loan
Fund (cont'd)

- and how the funds would be used. No collateral or personal guarantees would be required for this loan. (responding to Commissioner Cunningham)
- the application review panel had six members, including two women, two persons of color, and one representative each from the United Way and the City of Kalamazoo. (responding to Commissioner Cunningham)
 - no principal or interest payments were due for the first six months. The KSBLF would be flexible if the COVID-19 situation had not changed in six months. (responding to Commissioner Cunningham)
 - it was important to think about the future and how the City might facilitate situations where people wanted to buy or sell businesses, but addressing the current emergency was the work at hand. (responding to Commissioner Cunningham)
 - the United Way had created a separate space for KSBLF applications through its existing online system for grant recipients. People at United Way would be available to provide technical help and help navigating the application process. Other organizations like DKP and the SBDC were also available to provide assistance. The link to the online application was on the homepage at changethestory.org and on the one-page flyer that was being used to promote the program. (responding to Commissioner Praedel)
 - the loan application process was a first-come, first-served process. Businesses were encouraged to submit their applications quickly. (responding to Commissioner Praedel)
 - the application asked applicants to provide forecasted revenues and losses for the next six months. (responding to Commissioner Praedel)
 - City Commissioners can help best by publicizing and promoting the KSBLF program. (responding to Commissioner Praedel)
 - a .pdf version of the application was available and could be sent to people who needed it. A decision had not been made as to whether completed applications would be made available for public inspection, but the initial thought was "no" because of sensitive information contained in the applications. (responding to Vice Mayor Griffin)
 - it was not likely the KSBLF would be converted to a grant program, although this could be a future consideration. The loan program's 1% interest rate was very low, and grants could affect a business's future lendability. The City's Business Development Fund grant program was available for those who wanted grants. (responding to Vice Mayor Griffin)
 - making the loans forgivable had not been considered, but loan forgiveness could be part of the discussion. The partners wanted businesses to be successful over the long term. (responding to Vice Mayor Griffin)
 - donations to the KSBLF were being accepted through the United Way. (responding to Commissioner Cunningham)

- the consideration of outstanding loans or obligations to the City was not part of the formal application evaluation rubric for KSBLF loans. (responding to Commissioner Cunningham)

Commissioner Urban, seconded by Commissioner Cunningham, moved to approve the use of \$2 million from the Foundation for Excellence Aspirational Fund to create the Kalamazoo Small Business Loan Fund program; amend the Fiscal Year 2020 Budget for the same amount; and authorize the City Manager to sign all documents related to the implementation of the program.

Prior to a vote on the motion, Commissioner Cunningham thanked the FFE for making it possible for the City to offer the KSBLF program. Commissioner Cunningham highlighted the City's oversight of the program and stated he was looking forward to the data the City would be collecting.

Commissioner Praedel stated he had talked with several small business owners, and he described the tough decisions they were making and the uncertainties they were facing. Commissioner Praedel expressed pride that the City was able to offer the business loan program.

Mayor Anderson stated there were other resources available – state and federal programs – that businesses could leverage in addition to the City's program. Mayor Anderson stated leadership in the City was a team approach. Mayor Anderson indicated City Commissioners had clearly communicated their values to staff, so when an emergency or a crisis developed, staff knew the direction to take.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

City Manager Ritsema reminded people the next day was Census Day, and he encouraged people to go online and register.

City Clerk Borling reported the May 5th election would be conducted as a vote-by-mail election, with one physical location required to be open for voting on Election Day. City Clerk Borling reported the Secretary of State had mailed absentee ballot applications to all registered voters in the City.

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

Thom asked for clarification on how "FTE" (full time equivalent) would be defined for loan eligibility and how applications would be prioritized

Galina asked if she would be eligible for a small business loan.

Joanna, a small business owner, talked about the confusion of having programs offered by different levels of government, each with their own criteria but all of them urging businesses to apply quickly. Joanna commented on the reality of racism and inequity in the community.

2020-0105

Allocation of FFE Funds to Create the Kalamazoo Small Business Loan Fund (cont'd)

Communications

Public Comments

Public Comments
(cont'd)

Mike offered miscellaneous remarks

Jeff Messer, City resident, asked that City not hold virtual meetings unless absolutely necessary.

Heather Wright, non-resident and City business owner, stated her landlord was adding per-day fees for late rent payments.

Nicole Parker, City resident, expressed concern about black businesses, which had been in crisis for a long time. Ms. Parker indicated black businesses did not typically take advantage of loan programs, and she stated grants and other supports were needed.

Bruce offered miscellaneous remarks.

Jack offered miscellaneous remarks.

Jason offered miscellaneous remarks

Steve Tabarez, City resident, stated he thought there were too many coffee and beer businesses in the City, and he suggested that some of them should not exist. Mr. Tabarez expressed concern about the lack of a collateral requirement for the loan program and questioned whether there would be means testing for applicants.

Joseph offered miscellaneous remarks.

Davis offered miscellaneous remarks.

William offered miscellaneous remarks.

City Manager Ritsema noted the list of people who had indicated they wanted to speak was growing, and many of the names were suspect.

In response to a question from Mayor Anderson, City Attorney Robinson stated there was not much the City Commission was able to do. City Attorney Robinson explained the Commission was at the intersection of the Open Meetings Act, which required public comment, the Governor's executive order regarding electronic meetings, and the First Amendment right to free speech. City Attorney Robinson stated dealing with "trolls" was one of the risks of having an online meeting.

City Manager Ritsema reported the link to this meeting had been posted to an on-line gaming platform, and people on the site were encouraged to join the meeting. City Manager Ritsema suggested limiting public comments.

Mayor Anderson suggested the City Commission place an overall time limit on public comments and offer people alternate avenues for submitting comments.

Vice Mayor Griffin expressed concern about further limiting public comments.

In response to a question from Mayor Anderson, City Attorney Robinson indicated public speech in front of a governmental body had broad protections under the First Amendment. City Attorney Robinson stated it was a slippery slope to cut off public comments based on their content.

Discussion followed.

City Attorney Robinson stated the Mayor had the ability to decide that the people currently in line to speak would be the last speakers.

Mayor Anderson indicated the people who currently had their hands “raised” to speak would be the last speakers during the time for public comments. There were no objections to this ruling.

The opportunity for public comments resumed.

Kenjii spoke about attitudes and lack of seriousness on display, and he offered to help the City deal with these problems.

Steve asked whether results of the loan program would be transparent and how soon the loan funds would be disbursed.

Alexis offered miscellaneous remarks.

Jason offered miscellaneous remarks.

William offered miscellaneous remarks.

Stephanie Moore, a City resident and Kalamazoo County Commissioner, thanked the Vice Mayor for standing up for citizen comments and stated it was appalling for the City Commission to even talk about limiting them. Commissioner Moore stated community leaders needed to look at disparities with small businesses and be creative and innovative to help them grow.

Mike offered miscellaneous remarks.

Sarah offered miscellaneous remarks.

Nicole Triplett, City resident, thanked the Vice Mayor for supporting the public’s right to speak. Ms. Triplett stated the City’s existing business loan programs were not being utilized, and she suggested the City consider that fact before offering another loan program.

Brianna offered miscellaneous remarks.

Rebecca, City resident, expressed concern about work being done by the City’s Public Works staff, who were not practicing social distancing.

Alexis offered miscellaneous remarks.

Resharni offered miscellaneous remarks.

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

Commissioner Urban expressed support for City Attorney Robinson’s suggestions.

Public Comments
(cont’d)

City Commissioner
Comments

City Commissioner
Comments (cont'd)

Commissioner Hess stated she was proud of the community for supporting small businesses, and she commented on how people in the community were coming together to help each other. Commissioner Hess expressed appreciation to Vice Mayor Griffin for her strength and her voice to make sure the City was being inclusive in its work. Commissioner Hess expressed support for finding a way to make sure people who commented at future meetings had something of gravity to say. Commissioner Hess thanked Tekna, Fabri-Kal, and Schupan for making face shields for local hospitals.

Commissioner Knott expressed opposition to the action taken by Western Michigan University (WMU) on March 20th to essentially fire all non-bargaining unit employees and force them to use leave time in order to keep getting paid. Commissioner Knott questioned the cause of urgency for this action and pointed out the layoffs were implemented before the Governor's stay-at-home executive order was issued. Commissioner Knott stated WMU was the only major employer in the community to take this type of unilateral action, which had crippled morale and destroyed trust. Commissioner Knott stated WMU's budget year ended June 30, and she questioned why the university was not taking care of its people while resources were available. Commissioner Knott noted Commissioner Praedel was affected by WMU's actions and was only working 12 hours per week. Commissioner Knott asked everyone to reach out to WMU and state officials to get answers.

Commissioner Cunningham apologized to the community for the bad comments during the meeting, and he encouraged people to focus on the positive action taken to support local businesses. Commissioner Cunningham expressed appreciation to Commissioner Knott for highlighting the WMU issue. Urged people to spread the word on social media. Commissioner Cunningham read from an article on MLive announcing that Metro Transit was stopping fixed route bus service beginning on April 2nd. Commissioner Cunningham noted there were ongoing conversations about City employees and how they did their work.

Vice Mayor Griffin urged people to practice social distancing, to take care of themselves and others, and to not judge those who were not staying at home, as home was not a safe place for everyone. Vice Mayor Griffin thanked staff for their hard work and for trying to find creative solutions. Vice Mayor Griffin thanked people who made comments. Vice Mayor Griffin thanked Commissioner Knott for her remarks and noted the issues were very real for everyone involved, including elected officials.

Commissioner Praedel stated the racist and misogynist comments made during the meeting were unbelievable, but they did not represent Kalamazoo and would not be tolerated. Commissioner Praedel called out healthcare professionals as amazing heroes and stated they could not be thanked enough for their sacrifices.

Mayor Anderson expressed appreciation to Commissioners for their work, and he thanked the people who were working in grocery stores. Mayor Anderson urged everyone to keep their focus on the most vulnerable people in the community.

Adjournment

The meeting adjourned at 8:33 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on August 3, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: August 3, 2020