

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, May 4, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-48 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.

Invocation

The invocation was given by Michelle Scheidt of the Fetzer Institute.

Adoption of the Agenda

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

2020-0125

Public Hearing re:
Amendments to the
Zoning Code to
Implement the 2025
Master Plan

At 7:08 p.m. Mayor Anderson opened a public hearing to receive comments on an ordinance to approve text amendments to Chapter 50, The Zoning Ordinance for the purpose of updating definitions, permitted uses, districts, lot type standards, and parking regulations following the 2025 Master Plan.

At the request of Mayor Anderson, City Planner Christina Anderson provided an overview of the proposed zoning code amendments and the process for the adoption of zoning ordinances.

At 7:17 Mayor Anderson closed the public hearing.

2020-0125

Ordinance 2004
Amending the Zoning
Code to Implement the
2025 Master Plan

Commissioner Urban, seconded by Commissioner Knott, moved to adopt an **ORDINANCE** to approve text amendments to Chapter 50, The Zoning Ordinance for the purpose of updating definitions, permitted uses, districts, lot type standards, and parking regulations following the 2025 Master Plan.

With a roll call vote this motion passed unanimously.

AYES:

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

NAYS:

None

Public Comment

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

Mike Fleckenstein, City resident, spoke about the proposed amendments to Chapter 18 of the Kalamazoo City Code and expressed opposition to the ordinance in its current form. Mr. Fleckenstein stated the issue of fair housing was greater than any one person, organization or commission could handle, and he stated housing providers demanded a seat at the table to help craft a solution.

Paula Chomis, City resident, described how she and others were cleaning up trash near Axtell Creek, and she suggested the City coordinate a group of volunteers to pick up trash around the City.	Public Comment (cont'd)
Jeff Messer, City resident, thanked the City for reopening its parks and asked City Attorney Robinson to talk about the City's authority to conduct electronic meetings with the expiration of the Governor's emergency powers on April 30 th .	
Jeff Bertolissi, non-resident, read letters from the Michigan Association of Realtors and the Greater Kalamazoo Association of Realtors expressing opposition to the proposed amendments to Chapter 18 of the Kalamazoo City Code, and asking for a six-month review period. Copies of these letters were filed with the papers for this meeting.	2020-0126
Wendy Denning, City resident, asked that the City Commission postpone for six months action on the proposed ordinance amending Chapter 18 to give local housing providers an opportunity to help clarify the language. Ms. Denning stated housing providers were blindsided by the proposed ordinance, which was incendiary and used language that would drive a wedge between housing providers and the community. Ms. Denning indicated she was trying to initiate discussions to make the ordinance unifying rather than divisive. Correspondence from Ms. Denning and a marked-up version of the proposed ordinance were filed with the papers for this meeting.	2020-0127
Joey Kejbou, non-resident, spoke about the adult-use marihuana ordinances and asked that City Commission not adopt the proposed ordinances in their current form.	
Omar Fakhouri, non-resident, expressed concerns about the draft adult-use marihuana ordinances and asked that the City consider including more buffers to protect uses such as parks and churches. Mr. Fakhouri asked that social equity policy be reexamined for loopholes, and he stated the reduced separation distances for social equity businesses would lead to failure by those businesses. Mr. Fakhouri recommended keeping the standard separations distances and having a dedicated application period for social equity businesses.	
Consent Agenda items were presented as follows with a recommendation to approve the items and authorize the City Manager to sign all documents on behalf of the city:	Consent Agenda
- approval of a one-year contract extension for loading, hauling, and disposal of belt press solids with Waste Management in the amount of \$5,538,110; and approval of a budget adjustment in the amount of \$1,158,901.67 to cover the 2020 portion of the contract amount.	2020-0128
- approval of a contract and purchase order with SWT Excavating, Inc. for the new water service installation project in the amount of \$723,588.77.	2020-0129
- adoption of a RESOLUTION of support for Local Bridge Program Funds for the Gull Road Bridge.	2020-0130 Resolution 20-24

2020-0131
Resolution 20-25

- adoption of a **RESOLUTION** of support for Local Bridge Program Funds for the Inkster Avenue Bridge.

2020-0132

- approval of the following first quarter amendments to the 2020 Budget appropriations:

- General Fund - \$359,000 Increase
- Major Streets - \$140,000 Increase
- Local Streets - \$140,000 Reduction
- Solid Waste - \$379,442 Increase
- Blight Abatement - \$250,000 Increase
- Capital Improvement Fund - \$2,000,000 Reduction
- Water Capital Improvements - \$500,000 Reduction
- Insurance Fund - \$430,500 Increase

2020-0133

- approval of the purchase of 447 East Stockbridge Ave from the County Land Bank in the amount of \$9,882 to construct a segment of the Kalamazoo River Valley Trail that extends south from the Farmers' Market.

Commissioner Cunningham, seconded by Commissioner Hess, 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 Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

2020-0134
Ordinance 2005
Approving the Issuance
of Water Revenue
Bonds; and Notice of
Sale Resolution 20-26

Commissioner Knott, seconded by Commissioner Cunningham, moved to adopt an **ORDINANCE** approving the issuance and sale of Water Supply System Revenue Bonds, Series 2020A for an amount not to exceed \$22,000,000; and adopt of a Notice of Sale **RESOLUTION**.

Prior to a vote on the motion, and in response to a question from Mayor Anderson, Chief Financial Officer Steve Vicenzi stated the public hearing for this item was held on March 2nd.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Commissioner Urban, seconded by Commissioner Hess, moved to adopt an **ORDINANCE** authorizing the issuance of Wastewater Supply System Revenue Bonds, Series 2020 for an amount not to exceed \$11,000,000; and adopt a Notice of Sale **RESOLUTION**.

With a roll call vote this motion passed unanimously.

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

NAYS: None

City Planner Anderson, Diversity, Equity and Inclusion Director Dorla Bonner, and City Attorney Robinson delivered a presentation entitled *Adult Use Marihuana (Recreational): Zoning Code, Social Equity Policy, License Requirements*. City Planner Anderson presented two changes proposed by staff: 1) an amendment to Section 50-4.4E.1.(b) that would add public playgrounds, public pools and youth centers as buffered uses; and 2) an amendment to Section 50-4.4E.6.(a) that would require Retailers located in the Live Work 1 zone to be on a commercially zoned street. A copy of the slides from this presentation was included with the papers for this meeting.

Mayor Anderson reviewed the ordinance development process to date and confirmed the next steps.

In response to a question from Commissioner Praedel, City Planner Anderson described the difference between the Live Work 1 (LW1) and Live Work 2 (LW2) zones. City Planner Anderson explained the proposed change would allow Retailers to be in LW1 would keep them on main commercial corridors and off neighborhood streets and residential areas.

Commissioner Praedel asked whether the elimination of eligible properties would impact the City's social equity component. Commissioner Praedel noted LW1 properties would probably have higher values because they were commercial.

In response to Commissioner Praedel City Planner Anderson stated the proposed change would eliminate a couple of types of locations, but this was not a bad thing because the locations being eliminated were not commercial locations.

In response to questions from Mayor Anderson, City Planner Anderson reported the Planning Commission had approved the ordinance as presented, after making some changes themselves. City Planner Anderson stated the proposed change was a minor change.

City Attorney Robinson noted there was no legal requirement that the City Commission send changes – major or minor – back to the Planning Commission.

In response to a question from Mayor Anderson, City Planner Anderson stated the proposed change to Section 6A to add the “suburban connector” language was strongly recommended, while the proposed amendment regarding buffered uses was developed in case the City Commission wanted to address concerns raised during public comments on April 27th.

2020-0135

Ordinance 2006
Approving the Issuance
of Wastewater Revenue
Bonds; and Notice of
Sale Resolution 20-27

2020-0136

First Reading of an
Ordinance Amending the
Zoning Code re:
Marihuana Businesses

2020-0136

First Reading of an Ordinance Amending the Zoning Code re: Marihuana Businesses (cont'd)

Mayor Anderson stated the City was trying to open up location opportunities, as the location of current medical facilities would box out new businesses if medical facility criteria were used for adult use businesses.

In response to a question from Mayor Anderson, City Planner Anderson stated there was no way to tell how many potential locations would be lost if the proposed buffered uses were added. City Planner Anderson noted the proposed changes would still result in fewer buffered uses compared to the requirements for medical facilities.

In response to a question from Mayor Anderson, City Attorney Robinson stated the proposed changes were not included the ordinance in the agenda packet; an amendment would be required.

Commissioner Cunningham expressed support for the amendments. Commissioner Cunningham asked whether the City Commission could make changes to the ordinance in two weeks, when it was being considered for adoption.

City Attorney Robinson indicated the City Commission needed to keep to the timeline presented if it was going to meet the June 1st deadline it had set for itself. City Attorney Robinson stated the proposed changes to the LW1 zone was more substantive, while the amendment regarding buffered uses was less substantive.

Commissioner Praedel expressed concern that the proposed changes – and especially adding more buffered uses – would negatively impact the City's social equity efforts and would make the process too cumbersome.

City Attorney Robinson explained the playgrounds and pool language was used in other statutes and laws, which is why it was included in medical ordinance. The common thread with the proposed new buffered uses was they were places children might gather.

Mayor Anderson asked Director Bonner for her opinion.

Director Bonner stated zoning questions were a "Planning" issue, and she remarked the proposed changes were complicated and limiting.

City Planner Anderson stated the LW1 change, although more substantive, would not have as great of an impact on eligible locations as the addition of buffered uses. City Planner Anderson offered that Planning staff could create a new map before the May 18th meeting showing separation distances, as long as people realized it would be an estimate.

Commissioner Urban remarked the proposed changes had come as a result of public input, and he recommended the City Commission add the proposed changes at this meeting. Commissioner Urban suggested that the new language could be removed later if the Commission wanted.

Commissioner Praedel observed that he had not been overwhelmed with comments from the public about parks and playgrounds, and he asked if other Commissioners had received such comments.

In response to a question from Mayor Anderson, City Planner Anderson reported Mattie Jordan-Woods' questions were about the location of consumption facilities and the total number of Retailers that could be in the community. City Planner Anderson indicated consumption facilities were required to be in the Community Commercial (CC) zoning district and at least 1,000 ft. from schools and 500 ft. from daycare facilities. Regarding the total possible number of Retailers, City Planner Anderson stated staff estimated 38 possible new Retailer facilities in the City, but this number could go down by 12-15 when other factors were considered.

In response to a question from Mayor Anderson, City Planner Anderson explained the draft zoning ordinance released in February specified two adult uses for the downtown area: Retailers and Consumption Facilities. City Planner Anderson stated the Planning Commission removed these approved uses in deference to the upcoming comprehensive downtown zoning review. City Planner Anderson suggested Safety Compliance Facilities could be included as approved uses downtown.

Commissioner Hess noted the proposed social equity policy was as robust as any social equity program in the state, and she noted safety is a big part of what the City needed to look at regarding marihuana businesses.

Mayor Anderson asked for a motion.

Commissioner Cunningham, seconded by Commissioner Knott, moved to amend the proposed ordinance amending the Zoning Code to allow adult use and medical marihuana uses by adding the following language:

Section 50-4.4E.1.(b): A marihuana establishment must not operate within five hundred (500) feet of a pre-existing State-licensed childcare center, **public playground, public pool, or youth center.**

and

Section 50-4.4E.6.(a): Permitted in Zones Live Work 1 (LW-1) **when located on a SubUrban, Connector, or Main Street**, and Community Commercial (CC).

Prior to a vote on the motion, Commissioner Cunningham stated the recommendations from staff were good, and Commissioner Praedel had valuable thoughts too. Commissioner Cunningham asked whether changes could be made to the ordinance on May 18th with action taken at a subsequent emergency meeting.

Mayor Anderson asked whether the proposed changes were substantive.

In response to Commissioner Cunningham and Mayor Anderson, City Attorney Robinson stated ordinances were required to be adopted at regular meetings. City Attorney Robinson noted emergency measures could be adopted at special meetings, but the ordinances in question would not qualify as emergency measures. City Attorney Robinson stated it was his opinion the amendment regarding playgrounds and pools was less substantive, and the amendment regarding suburban connectors and main streets was more substantive. However, the question of whether specific amendments were "substantive" changes was a judgement call. City Attorney Robinson indicated it would be easier to add

2020-0136

First Reading of an Ordinance Amending the Zoning Code re: Marihuana Businesses (cont'd)

Motion to Amend the Proposed Zoning Ordinance

Motion to Amend the
Proposed Zoning
Ordinance (cont'd)

language to the ordinance now and remove it in two weeks if the Commission changed its mind, rather than adding the language in two weeks.

Commissioner Praedel stated he had great respect for City Attorney Robinson and Mayor Anderson, but it seemed irresponsible to be making changes so close to the June 1st deadline. Commissioner Praedel expressed concern about the inflationary impact on property values if the number of eligible properties was reduced, which could have an impact on the City's social equity goals.

With a roll call vote the motion to amend passed unanimously.

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

NAYS: None

2020-0136

First Reading of an
Ordinance Amending the
Zoning Code re:
Marihuana Businesses
(cont'd)

Commissioner Cunningham, seconded by Commissioner Knott, moved to offer for first reading an ordinance, as amended, to amend the text of Appendix A and Chapter 50, the Zoning Ordinance, to allow adult use and medical marihuana uses; and schedule a public hearing for May 18, 2020.

Prior to a vote on the motion, Commissioner Cunningham noted there was a self-imposed deadline of June 1st for having ordinances in place for adult use marihuana, but he expressed support for taking more time if needed due to the gravity of these decisions.

With a roll call vote the motion to offer for first reading and schedule a public hearing passed unanimously.

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

NAYS: None

2020-0137

First Reading of an
Ordinance Amending
Chapter 20B Permitting
and Regulating Adult
Use Marihuana
Businesses

Commissioner Hess, seconded by Commissioner Knott, moved to offer for first reading an ordinance to amend Chapter 20B of the Kalamazoo City Code to provide for the permitting and regulation of adult use marihuana businesses.

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's
Report

City Manager Ritsema reported City parks would reopen on May 6th. City Manager Ritsema stated staff were discussing a timeline for reopening City facilities, and he reported the current thinking was an opening date of June 1st.

City Clerk's Report

City Clerk Borling provided an update on preparations for the May 5th election and highlighted options for voting on election day, including the availability of a new drop box at the corner of St. John's Place and Lovell Street where voters were able to place their voted absentee ballots. City Clerk reported over 6,700 absentee ballots had been received in the Clerk's Office to date.

In response to questions from Mayor Anderson, City Clerk Borling indicated the drop box would be checked for ballots at 8:00 p.m., and any ballots deposited before that time would be accepted. City Clerk Borling stated voters who were in line at City Hall at 8:00 p.m. would be allowed to vote.

City Clerk's Report
(cont'd)

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

City Commissioner
Comments

Commissioner Cunningham urged people to vote, to register with the Census, and to help pick up trash around the City.

Commissioner Hess thanked City Clerk Borling and his staff for their work. Commissioner Hess expressed congratulations to Commissioner Praedel on the birth of his son, and she expressed condolences to people who had been impacted by the Coronavirus. Commissioner Hess thanked City Manager Ritsema for reopening City parks.

Commissioner Urban expressed support for Ms. Chomis's idea of organizing a group of volunteers to clean up the City.

Commissioner Praedel thanked City Clerk Borling and Deputy City Clerk Moss for their great work in elections and for adapting to the times. Commissioner Praedel asked people to keep providing input on the marijuana ordinances. Commissioner Praedel expressed concern about the impact of the COVID-19 pandemic on kids over the long term, as they were out of school and opportunities for activities over the summer would be greatly reduced. Commissioner Praedel urged people to give their time, talents and treasure to work with kids and help them through this time. Commissioner Praedel encouraged people to support non-profit organizations, especially those that were struggling because of COVID-19.

Vice Mayor Griffin gave a shout out to young people and parents who were learning at home and to Kalamazoo Public School teachers and staff who were working with students. Vice Mayor Griffin thanked Mayor Anderson for his work with local shelters and for making sure there were quarantine spaces and additional day shelter space. Vice Mayor Griffin expressed condolences to anyone dealing with loss at this time. Vice Mayor Griffin thanked the City Commission, City staff, and essential workers for their work to keep the City running. Vice Mayor Griffin encouraged people to check-in on each other and continue social distancing. Vice Mayor Griffin urged people to watch the live stream events presented by the Truth, Racial Healing, and Transformation initiative, and she announced her daughter would be leading a KYDNET live stream event on May 6th.

In response to Mayor Anderson, City Attorney Robinson indicated he would provide Commissioners an answer to Mr. Messer's question about virtual meetings.

Mayor Anderson remarked that a virtual Day of Prayer event would take place on Thursday, and V-E Day was Friday. Mayor Anderson stated he was blessed to serve with great people like the City Commissioners and City staff.

The meeting adjourned at 9:14 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on September 8, 2020

Approved by: _____
David F. Anderson, Mayor
Dated: September 8, 2020

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