A business meeting of the Kalamazoo City Commission was held on Monday, June 6, 2016 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.

Roll Call

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

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

Invocation/Pledge

The invocation, given by Pastor Ken Smeader, Kalamazoo Missionary Church, was followed by the Pledge of Allegiance.

Proclamation

Commissioner Anderson declared June, 2016 *Alzheimer's and Brain Awareness Month*. Kristin Burt, Event Manager for the Alzheimer's Association Walk, received the proclamation.

Commissioner Knott declared June, 2016 *LGBT Pride Month*. Jessica Hermann-Wilmarth, Board President for the Kalamazoo Gay and Lesbian Resource Center, received the proclamation.

Commissioner Urban declared June 16, 2016 *Dump the Pump Day*. Garylee McCormick, Chair of the Kalamazoo Transportation Authority Board, and Transportation Director Sean McBride received the proclamation.

Adoption of the Agenda

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

A citizen requested that Item F-13, an air rights agreement with Exchange Building, LLC, be moved to the Regular Agenda.

Communications

Public Safety Chief spoke about the recent in-custody death of Mr. James Dunnigan.

Commissioner Sykes asked Chief Hadley about the Public Safety Officers' commentary in the Mobile Video Recorder (MVR) and emphasized the need to always maintain dignity and respect for people.

Chief Hadley indicated part of the analysis of the event would address the behavior of the officers. Chief Hadley remarked that certain types situations that are not routine for the public become routine for Public Safety Officers, and officers needed to remember that.

In response to a question from Vice Mayor Cooney, Chief Hadley stated officers assumed Mr. Dunningan was cleared by physicians to leave the hospital and did not have a pressing medical condition.

Consent Agenda

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

- approval of the purchase of a John Deere 310SL HL backhoe from AIS Construction Equipment Company in the amount of $118,303.63.

- approval of a one-year contract extension with GHD for environmental consulting services at the Cork Street Landfill in the amount of $140,025.

- approval of a one-year contract extension with F2 Industries, LLC for the purchase of Sodium Hexametaphosphate in the amount of $146,559.60.

- approval of a one-year contract extension with Elite Pipeline Services for routine sanitary sewer cleaning and inspection in the amount of $177,796.95.

- approval of a contract with the Michigan Department of Transportation for the resurfacing of East Michigan Avenue in the amount of $371,000.

- approval of a contract with Northern Construction Services Corporation for the 2016 Local Streets Paving Program in the amount of $471,594.50.

- approval of a three-year construction contract with J. Ranck Electric, Inc. for Phase 2 of the Supervisory Control and Data Acquisition Improvement Project (Antenna Installation), in the amount of $847,378.

- approval of a seven-year contract for bulk trash removal with Republic Services of Kalamazoo in the amount of $1,584,263.

- adoption of a **RESOLUTION** authorizing the issuance of General Obligation Limited Tax Bonds in an amount not to exceed $6.8 million, for the purpose of financing FY 2016 capital projects not to exceed $6.1 million and to refund $700,000 of the outstanding portion of 2007 Capital Improvement Bonds. — Resolution 16-21

- adoption of a **RESOLUTION** authorizing the issuance of taxable refunding bonds in an amount not to exceed $1,800,000 to refund 2007 Michigan Transportation Fund Bonds. — Resolution 16-22

- adoption of a **RESOLUTION** adopting and approving the Amended and Restated Brownfield Plan (Amendment No. 28) implemented by the City of Kalamazoo Brownfield Redevelopment Authority. — Resolution 16-23

- adoption of a **RESOLUTION** approving a commitment to repay a Brownfield Redevelopment Loan to the City of Kalamazoo — Resolution 16-24

Consent Agenda (cont'd)

Brownfield Redevelopment Authority (BRA) if a loan is received from the Michigan Department of Environmental Quality.

- approval of a Novation, which would remove the City as a party to Master Agreement No. 2012-0112 with the Michigan Department of Transportation and replace the City with the Central County Transportation Authority as of October 1, 2016.

- approval of a three-year parking lot lease agreement with Kalamazoo Valley Community College.

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

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

Air Rights Agreement with Exchange Building, LLC

When an opportunity was given for citizens to comment on an Air Rights Agreement with Exchange Building, LLC for the Exchange Place project at 155 West Michigan Avenue, the following people addressed the City Commission:

Patti Owens, City resident, expressed support for the Exchange Place development but stated the proposed air rights agreement was missing Exhibit B, a site plan. Ms. Owens asked that the City Commission have a chance to review the site plan before voting on the agreement.

Greg Taylor, representative for the Exchange Place project stated he was unaware the missing site plan was a problem and indicated the exhibits would be completed at a future date and time. Mr. Taylor stated the air rights agreement was a critical piece of the project, and he asked the City Commission to approve the agreement to keep the project moving forward.

Commissioner Anderson, seconded by Commissioner Sykes, moved to approve an Air Rights Agreement with Exchange Building, LLC for the Exchange Place project at 155 West Michigan Avenue.

Prior to a vote on the motion, Economic Development Director Jerome Kisscorni explained City staff involved with site plan review had reviewed the proposed concept plan and granted tentative approval. Director Kisscorni stated an official site plan had not been submitted yet, and would not be created until funding was obtained. Director Kisscorni indicated the air rights agreement was needed at this stage of the project in order for the developer to secure funding, including funding from the Michigan Economic Development Corporation (MEDC).

Air Rights Agreement with Exchange Building, LLC (cont'd)

Community Planning and Development Director Laura Lam described the site plan review process.

In response to a question from Commissioner Urban, Mayor Hopewell stated the construction of the Radisson Parking Ramp was not comparable to the Exchange Place project because the City built the ramp, so there would have been no need for an air rights easement for the portion of the ramp over Water Street.

Director Kisscorni stated the developers of the Exchange Place project had indicated they had talked with neighboring property owners about their plans, but he did not know the nature of those conversations or the property owners' responses.

Mayor Hopewell stated Ms. Owens had expressed support for the project, and she represented one adjacent property. Mayor Hopewell indicated the owner of another adjacent property was selling part of that property to the developers for use in the project.

Commissioner Milcarek expressed support for the project but expressed concern that this action would set a precedent, especially since neighboring property owners were asking for the site plan information.

In response to a question from Commissioner Anderson, City Attorney Robinson stated the air rights agreement described what the developer was going to do, and when a site plan was ready it would be attached to the agreement and the entire document recorded.

Mayor Hopewell stated he was comfortable approving the agreement because City staff had admitted to making a mistake, and the site plan would still need to go through the normal approval process.

With a roll call vote this motion passed.

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

NAYS: None

Fireworks Permit for the Kalamazoo Growlers

Brian Colopy, Vice President and Managing Partner for the Kalamazoo Growlers, stated fireworks were crucial for the Growlers to be in Kalamazoo, as they were an important part of the events and a draw for fans. Mr. Colopy noted the shells for the 2016 shows were significantly smaller, and the duration of the shows was half as long as in prior years. Mr. Colopy also stated the 2016 shows were able to start approximately 15-20 minutes sooner after the game because fans did not have to move to the field to view the shows.

Commissioners thanked the Growlers for being in Kalamazoo and for making changes to the fireworks shows to address concerns from previous years.

Fireworks Permit for the Kalamazoo Growlers (cont'd)

When an opportunity was given for citizens to comment on a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on June 10, June 24, July 2, and July 26, 2016, the following people addressed the City Commission:

Frank Warren, City resident, referenced events and festivals that were leaving the City and stated the City could not afford to lose the Growlers.

Vice Mayor Cooney, seconded by Commissioner Anderson, moved to approve a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on June 10, June 24, July 2, and July 26, 2016.

With a roll call vote this motion passed.

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

NAYS: None

Citizen Comments

Next, an opportunity was given for general citizen comments.

Alice and Jerome Wheatley, City residents, spoke about their neighbor's blighted property and asked why he was still able to live in the house if the property was being condemned and the City was taking him to court for code violations.

Alfonso Harris, City resident, spoke about the death of Dr. Charles Warfield and his own addiction. Mr. Harris asked people to boycott the Family Dollar store.

Frank Warren, City resident, spoke about his recent Honor Flight trip to Washington D.C.

Edward Nickerson, City resident, suggested City clean the air vents in City Hall. Mr. Nickerson claimed a Public Safety video had been altered before he had a chance to view it.

Commissioner Comments

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

Commissioner Milcarek thanked the Wheatleys for speaking and noted code administration had suffered as a result of budget reductions. Commissioner Milcarek asked what the City could do, with Priority Based Budgeting in mind, to make sure situations like the Wheatley's were addressed.

Commissioner Urban, spoke about the benefits of a local income tax, when coupled with a property tax reduction.

Commissioner Knott stated the City's approach handling blighted properties was broken and noted the City Commission would be having work sessions on this topic.

Commissioner Comments (cont'd)

Commissioner Sykes thanked the Wheatleys for speaking and offered remarks on the life of Dr. Charles Warfield.

Commissioner Anderson apologized to the Wheatleys for how difficult it had been for them.

Vice Mayor Cooney commented on the lives of Dr. Charles Warfield and Muhamad Ali.

Mayor Hopewell asked Chief Hadley to discuss the security of MVR tapes, Director Lam to discuss the property condemnation process, and City Attorney Robinson to discuss the pending litigation against the Wheatley's neighbor.

Chief Hadley reported very few people had access to the Coban system, which stored the digital recordings from the MVR's. Chief Hadley noted every access to the system was recorded and time-stamped, and the content of the recordings could be downloaded but not altered.

Director Lam stated the criteria for condemnation was in the Code of Ordinances. Director Lam acknowledged that "due process" often felt like "do nothing" for neighbors of blighted properties, but City ordinance specified the timeframe for condemnations, and the legal process took time. Director Lam reported the owner of property at Portage Street and Lay Boulevard had cleaned up the perpetual garage sale and had indicated to City staff they would not continue to operate the sale.

City Attorney Robinson explained the City was not able to take a person's property – even if it was junk – without due process. City Attorney Robinson stated that a person wanting to be difficult would throw up every possible legal hurdle, which would mean delays in the process, and judges frequently gave property owners more opportunity, rather than less, to remedy blight.

Mayor Hopewell thanked the Kalamazoo Public Library for a great Party in the Park and congratulated the Parks and Recreation Department on the reopening of Woods Lake Beach Park. Mayor Hopewell offered remarks on the life and death of Dr. Charles Warfield.

Adjournment

The meeting adjourned at 8:46 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on June 20, 2016

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: June 20, 2016