

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Tuesday, November 16, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 228 of 2020.

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

None

All members present indicated they were physically located in the City of Kalamazoo.

Also present were Deputy City Manager Jeff Chamberlain, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Invocation

The invocation was given by Pastor David Zomer of Bethany Reformed Church.

Adoption of the Agenda

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

Commissioner Praedel asked that Item G6, a resolution expanding Social Districts and Commons Areas, be moved to the Regular Agenda.

Public Comments

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

Jeff Messer, City resident, reported on City Commissioners' meeting attendance records and specifically noted the absences of Commissioners Knott and Praedel. A copy of Mr. Messer's written remarks was included with the papers for this meeting.

Steven Tabarez, City resident, commented on the City's contract with O.R.I. and questioned whether the investigators would be looking at police practices or the origins of racism in city government.

Brandi Crawford-Johnson, City resident, expressed opposition to environmental racism and the granting of an easement to Consumers Energy, which would result in the loss of trees.

Consent Agenda

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:

2020-00

- approval of a professional service agreement with Wightman Associates for engineering services for the Real Time Decision Support System Smart Sewer Shed-Phase I project in the amount of \$197,300.

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|--|------------------------------------|
| - approval of a contract with Veolia Water Technologies Inc. for the procurement of ten (10) rotating disc microfiltration units and two (2) automatic chemical cleaning skids in the amount of \$3,222,500. | 2020-00 |
| - approval of a contract with Zima Corporation for the procurement of a perforated plate screen unit in the amount of \$152,755. | 2020-00 |
| - approval of a contract with Smalley Construction, Inc. for the Demolition and Cleanup of Four Vacant Houses/Structures on North Street and Woodward Avenue in the amount of \$119,355. | 2020-00 |
| - adoption of a RESOLUTION approving a State Trunkline Maintenance Contract with the State of Michigan, Department of Transportation and designating James J. Baker, PE, as the State Trunkline Maintenance Contract Administrator for the City of Kalamazoo. | 2020-00
Resolution 20-60 |
| - acceptance of the 2020 Bulletproof Vest Grant award in the amount of \$29,623.75 from the U.S. Department of Justice, Office of Justice Programs. | 2020-00 |
| - approval of the sale of the City-owned lot at 1015 Albert Avenue to Kalamazoo Neighborhood Housing Services for \$500. | 2020-00 |
| - approval of an easement on City property, located at 1415 Harrison, to Consumers Energy to supply three-phase electric power to Graphic Packaging International and to the City of Kalamazoo Water Reclamation Plant. | 2020-00 |
| - approval of the minutes from the City Commission meetings of February 17, February 24, March 2, March 16, March 31, April 20, April 27, May 4, May 18, June 1, June 15, July 6, July 20, and August 3, 2020. | 2020-00 |
| - postpone until December 7, 2020 consideration of authorization for the City Manager to execute the acceptance of Good Faith Written Offers from the Michigan Department of Transportation to acquire easements and fee title to City-owned parcels adjacent to and within the I-94 right of way within the City. | 2020-00 |

Commissioner Urban, 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 items were considered next.

Regular Agenda

2020-00

Resolution 20-61
Expanding Downtown
Commons Areas for
Alcohol Consumption

Commissioner Urban, seconded by Commission Knott, moved to adopt a **RESOLUTION** expanding the Social Districts containing Commons Areas to allow certain on-premises liquor licensees expanded use of shared areas for consumption of alcohol pursuant to Public Act 124 of 2020.

Prior to a vote on the motion, Commissioner Praedel noted Bronson Park was excluded from the proposed Social District expansion. Commissioner Praedel suggested the City Commission include Bronson Park in the expanded Commons Area for three reasons: to help downtown businesses and their employees, who would be struggling under the Governor's new emergency order; to head off potential enforcement issues, as excluding Bronson Park would create a situation where people could walk around downtown with their labeled cup but could not go into the park; and Bronson Park would be one of the primary downtown attractions during the upcoming holiday season. Commissioner Praedel stated the City Commission might need to address provisions in the Kalamazoo City Code regarding alcohol in City parks (specifically Section 33-24) in order to add Bronson Park to the Social District.

City Attorney Robinson stated it was his opposition that resulted in the removal of Bronson Park from the proposed Social District ordinance. City Attorney Robinson stated the City Commission should not change City ordinances with a resolution, and he discussed potential issues with allowing alcohol consumption in Bronson Park. City Attorney Robinson explained it would be a two-meeting process to adopt an amending ordinance unless the City Commission declared the matter an emergency.

Commissioners Cunningham and Praedel questioned whether including Bronson Park in the downtown Social District was granting the permission to possess/consume alcohol in park required by City ordinance, and they suggested the situation was an emergency for downtown businesses, given predictions about the spread of the Coronavirus over the next two months.

Commissioner Praedel addressed City Attorney Robinson's concerns about alcohol in the park and pointed out the activities of concern could potentially happen on downtown streets at that moment, in the current Commons Areas. Commissioner Praedel noted the only alcohol that would be allowed in the park under the Social District program was alcohol purchased from downtown merchants and carried in a specially labeled cup; people would not be allowed to bring their own alcohol to the park.

Commissioner Cunningham stated really good signage would be needed to keep people from wandering into Bronson Park with alcohol.

Andrew Haan, Executive Director of Kalamazoo Downtown Partnership, stated the downtown was in crisis mode. Director Haan remarked the intent of creating the Social District in August was to have a small pilot area to test the concept. Director Haan reported there had been good feedback from businesses and no issues with nuisances. Director Haan indicated there has been a lot of interest from businesses that were not included in the Social District in August, and it was important to give businesses opportunities for an additional sale.

In response to a question from Commissioner Cunningham, Director Haan reviewed the bars and restaurants that would be added to the Commons Areas with the proposed resolution.

Commissioner Cunningham requested a list of businesses that had inquired about being in the Social District but who were not included in the proposed expansion.

In response to a question from Commissioner Praedel, Director Haan stated he would want to talk with staff in the Parks and Recreation Department and City Attorney Robinson regarding the signage that would be needed for Bronson Park. Director Haan reported the signage in the current Commons Areas was 8 ½ x 11 inches.

Mayor Anderson pointed out the proposed Commons Area expansion was considerable, and problems might come with such a large expansion.

Director Haan stated he was getting calls from other cities, asking how Kalamazoo was implementing the Social District and Common Areas. Director Haan noted the City of Grand Rapids was trying to figure out how to handle areas where there was a block or who not in a Commons Area. Director Haan stated having the Commons Areas in place could be a selling point to attract businesses downtown.

In response to a question from Mayor Anderson, City Attorney Robinson explained alcohol was allowed in parks during events as permitted by the Parks and Recreation Director, but the idea was that people would bring their own alcohol to a designated special event. City Attorney Robinson stated the inclusion of Bronson Park in the Social District would require an amendment to Section 33-25 so the ordinance and resolution meshed.

In response to a question from Commissioner Cunningham, City Attorney Robinson stated the City Commission was not involved in the approval process for events under Section 33-25.

Commissioner Urban suggested the Parks and Recreation Director declare the entire holiday season a special event and allow people to bring their own alcohol to Bronson Park. Commissioner Urban stated he did not want to delay action on the proposed resolution for the sake of Bronson Park.

Discussion followed.

City Attorney Robinson stated a Social District was not an event. City Attorney Robinson indicated an ordinance amendment would be a better approach, but the City Commission would not be able to amend the ordinance at this meeting. City Attorney Robinson explained ordinances could be adopted at a regular meeting or an emergency meeting.

Further discussion took place.

City Attorney Robinson noted the City Commission could amend its meeting schedule to create a regular meeting on November 23rd or November 30th in order to have the first reading of an ordinance so that the ordinance could be adopted at the first meeting in December.

Commissioner Praedel indicated the resolution needed to be adopted at this meeting to give relief to businesses, and he suggested amending the resolution to add Bronson Park to the Commons Area at such time as the parks ordinance allowed for it.

2020-0

Resolution 20-61
Expanding Downtown
Commons Areas for
Alcohol Consumption
(cont'd)

2020-00

Resolution 20-61
Expanding Downtown
Commons Areas for
Alcohol Consumption
(cont'd)

Commissioner Praedel, seconded by Commissioner Urban, moved to amend the resolution to include Bronson Park within the Commons Area at such time as City ordinance allowed for it.

Prior to vote on motion and in response to a question from Commissioner Hess, Director Haan declined to predict the economic impact of expanding the Commons Area, but he reported there was support among downtown businesses for the expansion.

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

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

NAYS: None

With a roll call vote the motion to adopt the amended resolution passed unanimously.

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

NAYS: None

City Manager's
Report

Deputy City Manager Chamberlain reported there would be no tree lighting ceremony in Bronson Park due to the COVID-19 pandemic, but the public was invited to come downtown and enjoy the lights.

Deputy City Manager Chamberlain commended City Clerk Borling and his staff for a well-run election on November 3rd.

City Commissioner
Comments

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

Commissioner Urban suggested the City Commission experiment with bi-monthly Committee of the Whole (CoW) meetings for a year, patterned after the Kalamazoo County Commission's CoW and as a replacement for the current small group meetings. Commissioner Urban asked that CoW meetings be a discussion item on a future City Commission agenda. Commissioner Urban stated the CoW format allowed all elected officials receive the same information at the same time and provided an opportunity for them to hear each other's questions and the answers.

Commissioner Cunningham expressed support for discussing the CoW at a future City Commission meeting. Commissioner Cunningham urged people to stay safe as COVID-19 cases continued to rise. Commissioner Cunningham encouraged newly elected officials to work together.

Commissioner Knott pointed out the Republican state legislature had cancelled sessions because COVID-19 was running rampant in the Capitol. Commissioner Knott expressed support for Governor Whitmer's emergency orders from November 15th and stated far too many people were underestimating the threat of COVID-19. Commissioner Knott urged people to stay at home over the next three weeks.

Commissioner Praedel stated he was not at the October 26th meeting because he was paying respects to his grandfather who died in April. Commissioner Praedel stated he had seen first-hand the serious impact of COVID-19, as his grandfather died from the virus around the same time his son was born. Commissioner Praedel spoke about problems with the dam at Morrow Lake, which resulted in a damaging drawdown of the Kalamazoo River around Election Day. Commissioner Praedel read a draft letter from the City to Eagle Creek Renewable Energy, the operators of the dam, and asked that the City Commission authorize the Mayor to sign the letter at its next meeting.

Commissioner Hess asked Commissioner Praedel to send her the Eagle Creek letter so she could take it to the Environmental Concerns Committee. Commissioner Hess encourage people to act as a community and take the Governor's COVID-19 orders seriously. Commissioner Hess remarked on Chelsea Boet, a medical professional who had died recently of colon cancer. Commissioner Hess reminded people about applying for the Kalamazoo youth council.

Vice Mayor Griffin stated she thought the City Commission was going to have a conversation about gun violence at this meeting. Vice Mayor Griffin stated the City had failed to do more to stop gun violence, and she encouraged people to wear masks and stay safe from COVID-19.

Deputy City Manager Chamberlain indicated a discussion about gun violence was not scheduled for this meeting, but the City Administration would put this on an upcoming City Commission meeting agenda.

Commissioner Cunningham noted the City Commission had no legislative authority to restrict businesses or regulate gatherings. Commissioner Cunningham encouraged the community to report violations of Health Department rules.

Deputy City Manager Chamberlain clarified that the City's role was to encourage and educate the public on COVID-19 restrictions. Deputy City Manager stated the City was able to regulate events on public property, but it could not control what happened in private homes and businesses. Deputy City Manager Chamberlain shared the state's COVID-19 hotline.

Mayor Anderson expressed support for discussing gun violence at a future City Commission meeting. Mayor Anderson noted the Kalamazoo Department of Public Safety was able to enforce certain public requirements of the health department's emergency orders, but their involvement would be strongest with public events and businesses. Mayor Anderson commented that Commissioners did not need to apologize for their absences and stated they were all adults with lives to manage and balance. Mayor Anderson reported he had been in contact with the Kalamazoo County Health Department and Bronson Hospital that afternoon, and he stated the "pause" put in place by Governor Whitmer was important to protect doctors and nurses and to protect hospital capacity.

The meeting adjourned at 8:40 p.m.

City Commissioner
Comments (cont'd)

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on

Approved by: _____
David F. Anderson, Mayor
Dated:

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