

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, December 21, 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 City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Invocation

In lieu of an invocation, the City Commission observed a moment of silent reflection.

Adoption of the Agenda

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

Commissioner Knott requested that Item G13, approval of David Boysen's election to enter the Deferred Retirement Option Plan (DROP), be moved to the Regular Agenda.

Proclamation
2020-00

Commissioner Praedel read a proclamation entitled *City of Kalamazoo City Clerk's Office Election Recognition, December 2, 2020*. City Clerk Borling accepted the proclamation.

Public Comments

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

Chris Lassiter, City resident, spoke about recent reports that former Public Safety Chief Karianne Thomas had not retired but was fired. Mr. Lassiter also remarked on reports the City Commission had been meeting in private in violation of the Open Meetings Act. Mr. Lassiter asked City Commissioners to respond to these reports.

TC Custard, City resident, spoke about recent reports that former Chief Thomas was fired and did not retire.

Jeff Messer, City resident, expressed support for the proposed ordinance to permit consumption of alcoholic beverages in public places and parks, and he asked the City Commission to repeal all ordinances that prohibited the possession and consumption of alcohol in public.

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:

- approval of a 3-month contract extension with Etna Supply Company for the purchase of miscellaneous water inventory in the amount of \$243,092.60.	Consent Agenda 2020-0
- approval of a contract with the Michigan Department of Transportation for the Howard Street Pathway Project in the amount of \$359,797.51.	2020-0
- 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.	2020-0
- approval of a contract with SWT Excavating, Inc. for the 2021 New Water Service Installation Project in the amount of \$696,918.98.	2020-0
- approval of a one-year contract extension with the Michigan Municipal Risk Management Authority through Ibex Insurance Agency, for property & casualty insurance annual premium and member loss fund deposit for an amount not to exceed \$995,265.	2020-0
- approval of a contract with Balkema Excavating, Inc. for the 2020 & 2021 Miscellaneous Water Work Project in the amount of \$1,066,969.35.	2020-0
- first reading an ordinance to rezone 902, 912, and 920 West North Street and 715 Woodward Street to Live Work 1 (LW1) from Residential Multiple Family (RM15); and schedule a public hearing for January 4, 2021.	2020-0
- adoption of a RESOLUTION setting a public hearing for January 4, 2021 to consider the proposed Fiscal Year 2021 Budget for the City of Kalamazoo.	2020-0 Resolution 20-65
- adoption of a RESOLUTION setting a public hearing for January 4, 2021 to adopt the 2019-2023 Consolidated Plan and 2019 Action Plan Substantial Amendments as required by U.S. Department of Housing and Urban Development (HUD).	2020-0 Resolution 20-66
- adoption of a RESOLUTION setting the schedule of regular City Commission meetings for the 2021 calendar year.	2020-0 Resolution 20-67
- approval of an Administrative Consent Order with the Michigan Department of Environment Great Lakes and Energy for drinking water improvements and the associated compliance schedule.	2020-0
- approval of a renewal agreement with Life EMS Ambulance as the City's designated Advanced Life Support provider.	2020-0
- approval of a recommendation to the Kalamazoo County Board of Commissioners that Curt Aardema be reappointed as one of the three City representatives on the Central County Transportation Authority.	2020-0

2020-0

- approval of the following appointments to the Zoning Board of Appeals:
 - the appointment of **Remi Harrington** for a term expiring on March 31, 2022.
 - the appointment of **Jeremy Terpening** as an Alternate Member for a term expiring on March 31, 2022.

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

*At the time of the vote, Commissioner Praedel abstained from voting on Item G-9, a resolution setting a public hearing for the 2019-2023 Consolidated Plan and amendments to the 2019 Action Plan, due to a conflict of interest.

Regular Agenda

Regular Agenda Items were considered next.

2020-0

Approval of David Boysen's Election to Enter the Deferred Retirement Option Plan (DROP)

In response to a question from Commissioner Knott, City Manager Ritsema explained the Deferred Retirement Option Plan (DROP) was a program for Public Safety Members of the retirement system who were eligible to retire would enter the plan and defer their pension benefit for up to eight years. City Manager Ritsema stated the DROP program was put in place to retain talent in the Kalamazoo Department of Public Safety (KDPS) at the administrative level. City Manager Ritsema stated former Chief Thomas was the first City employee to use the DROP program, and when she left the City's employ she retired because she was part of the DROP program.

In response to a question from Vice Mayor Griffin, City Manager Ritsema stated delaying the approval of this item until January would not create an issue.

Commissioner Hess thanked Assistant Chief Boysen for being willing to continue his service to the City.

Commissioner Knott, seconded by Commissioner Cunningham, moved to approve David Boysen's election to enter the Deferred Retirement Option Plan (DROP).

Prior to a vote on the motion, Commissioner Cunningham thanked Assistant Chief Boysen for his service.

Commissioner Urban expressed support for the motion.

At the time of the vote, Vice Mayor Griffin stated she would have preferred to delay action on this item.

With a roll call vote this motion passed unanimously.

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

NAYS: None

In response to a question from Commissioner Urban, City Attorney Robinson stated the proposed ordinance addressed the possession and consumption of alcohol in Bronson Park.

City Clerk Borling read the following language from the social district expansion resolution the City Commission adopted on November 16th:

BE IT FURTHER RESOLVED that the commons area shall be expanded to include Bronson Park at such time as City ordinance allows for it.

In response to a question from Commissioner Hess, Andrew Haan, Executive Director for Kalamazoo Downtown Partnership, reported downtown traffic had been great, and downtown businesses were doing better in the month of December compared to December 2019. Director Haan stated there was not a direct connection between the expanded social district and the increase in business, but there was a correlation. Director Haan indicated he was hesitant to attach a dollar value to the social district expansion. Director Haan reported there had not been an increase in nuisance activity.

Commissioner Cunningham, seconded by Commissioner Hess, moved to adopt an **ORDINANCE** to amend Chapters 22 and 33 of the Kalamazoo City Code to permit consumption of alcoholic beverages in public places and parks.

Prior to a vote on the motion, Commissioner Praedel stated the proposed ordinance did not involve or reflect classism, and he noted this would be the third action the City Commission was taking regarding the social districts. Commissioner Praedel stated the expanded social district would benefit businesses and business owners, but it would also benefit the employees of those businesses, who had experienced a disparate impact from the COVID-19 pandemic due to reduced work hours and being laid off. Commissioner Praedel expressed support for the motion because he wanted to support the employees and small business owners who were on the cusp of losing their jobs and losing their businesses.

Commissioner Cunningham stated the City Commission was not normalizing alcohol consumption with this action. Commissioner Cunningham stated even small measures were important in these extraordinary times, and the City needed to keep bringing forward ideas like this one.

Commissioner Knott stated she did not know what impact this action would have, but it would show support for downtown businesses. Commissioner Knott remarked on the need for federal assistance.

Commissioner Urban noted the City was being innovative because of COVID-19, and he encouraged everyone involved to be willing to make adjustments as the pandemic went away and the weather became warmer.

2020-0

Approval of David Boysen's Election to Enter the Deferred Retirement Option Plan (DROP)

2020-00

Ordinance 2020 re: Alcoholic Beverages in Public Places and City Parks

2020-00

Ordinance 2020 re:
Alcoholic Beverages in
Public Places and City
Parks (cont'd)

With a roll call vote this motion passed unanimously.

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

NAYS: None

2020-00

City Manager's
Report

City Manager Ritsema read the following statement:

I just want to offer some clarity regarding my communication to the City Commission and community about former Chief Karianne Thomas' separation from the City this past September. I think we can all agree this past year has been a difficult time for our community, including the City Government, City Commissioners, Public Safety, and myself. Following the protests during the Summer, I believed Chief Thomas' ability to lead had been compromised and it was in her and the City's best interest to part ways. Chief Thomas did nothing to justify a "for cause" termination of her contract, so her separation had to be termination "without cause." As such, her employment agreement under this provision required 12-months' severance pay. This is the standard for "at will" employees who are being let go without cause. Her employment agreement was executed in 2017 when I appointed her as Chief. When my team and I developed the message regarding Chief Thomas's departure, our and my goal was to not harm Chief Thomas' reputation. Her departure was not a punishment. I also wanted to ensure a smooth transition for the new Chief, Vernon Coakley. While factually correct, the press release and my discussions with Commissioners did not mention the termination of the employment agreement. I take full responsibility for this and offer my apology. The omission of this information was not done intentionally. Again, I accept full responsibility for this communication error. There was no intent to deceive or withhold information. This was a difficult and complicated personnel issue that I had to handle. The Commission had no part in this decision, and while including this information would not have changed the result, it is clear to me that my failure to include this information has created a difficult situation for the Commission. I want to apologize to the Community. This situation has created confusion and questions regarding Chief Thomas' departure. I will strive for more clarity in my communications going forward. Trust is a key ingredient of a healthy City Commission and City Manager relationship. If any of you on the Commission or in the community feel I violated this trust, I apologize. Again, I had no intentions of covering up anything, but I did fail in communicating clearly my intentions. I acknowledge that it is my responsibility as your City Manager to have provided more clear and complete information. You have my assurance that I will live up to this responsibility. That concludes my comments.

2020-00

Motion to Accept the
City Manager's
Statement

Commissioner Urban, seconded by Commissioner Hess, moved that the Commission accept City Manager Ritsema's explanation of the mechanics of Chief Thomas's termination, recognizing that the details of it are allowed within her employment contract with the City and therefore a matter of manager/employee relationship. We, as a Commission, are enjoined by our City Charter from interfering with that. Included in this motion is the understanding that for creative and effective governance to take place, the City Commission must be kept thoroughly informed in a timely manner on all sensitive issues. This was

one for them, and the City Manager has just told us that this did not take place in this instance. He has just finished publicly apologizing for that.

Going forward, we affirm that as a Commission we seek and expect clarity to be provided to us in a timely manner on all sensitive matters involving public trust. We for our part commit to keeping confidential what is properly kept confidential (and the City Attorney's opinion will be sought if needed) and for matters that are to be made public, the City Commissioners will be guided by their good judgment and the advice of the City's Public Information Officer.

Prior to a vote on the motion, Vice Mayor Griffin stated she did not support the motion.

With a roll call vote this motion passed 5-2.

AYES: Commissioners Cunningham, Hess, Praedel, Urban, Mayor Anderson

NAYS: Commissioner Knott, Vice Mayor Griffin

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

Commissioner Urban offered remarks explaining the nature of the employment contract with former Chief Thomas and urging Commissioners to build trust with each other and the City Manager over the coming months. A copy of Commissioner Urban's written remarks was filed with the papers for this meeting.

Commissioner Cunningham remarked on trust issues between the City organization and the community. Commissioner Cunningham stated he was not aware Chief Thomas's contract had been terminated, and this information took him by surprise. Commissioner Cunningham noted the City Manager had admitted his mistake; the question now was whether the City Commission could trust him. Commissioner Cunningham stated it was his opinion the Commission could trust the City Manager, but an important question was what the Commission should do if this situation happened again. Commissioner Cunningham offered comments on the upcoming holidays and encouraged people to look forward to a new year. Commissioner Cunningham stated it was unacceptable that it had taken Congress as long as it did to approve COVID relief legislation, and he urged people to contact their elected officials.

Commissioner Knott stated she had been told former Chief Thomas was retiring, not that she had been terminated. Commissioner Knott acknowledged she had missed some meetings and the information provided, and she took responsibility for that. Commissioner Knott expressed disappointment that the Commission had supported Commissioner Urban's motion, as it was sweeping an issue under the rug and communicating to the community that the Commission did not want to do the hard work – that it was "business as usual." Commissioner Knott indicated there were trust and transparency issues that needed to be addressed. Commissioner Knott noted that Chief Thomas's separation could have been done during the summer, which could have helped heal the community. Commissioner Knott indicated she did not think the Commission had all the facts regarding Chief Thomas's departure, and she indicated she would like to hear from Chief Thomas on this matter. Commissioner Knott remarked on the lack of trust in the community and questioned where the City Commission would go from this point.

2020-00

Motion to Accept the City Manager's Statement (cont'd)

City Commissioner Comments

2020-00

City Commissioner
Comments (cont'd)

Commissioner Praedel expressed frustration that the issue of Chief Thomas's separation had taken so much time and effort when there were big, real issues for the City to address. Commissioner Praedel apologized for any misinformation he may have spread, and he explained he had voted yes on Commissioner Urban's motion because he trusted the City Manager and wanted to move on. Commissioner Praedel stated one of the large issues in 2020 was communication. Commissioner Praedel noted the subcommittee's report would deal extensively with the issue of communication. Commissioner Praedel described how he did not feel comfortable answering citizens' questions when Chief Thomas left because he did not have the information he needed. Commissioner Praedel stated he did not want to feel that way again and wanted to be better informed, especially in crisis situations, so he could answer questions from the public. Commissioner Praedel congratulated mid-year graduates. Commissioner Praedel highlighted City staff who would not be able to take time off for the holidays. Commissioner Praedel expressed condolences to the many people who had lost loved ones. Commissioner Praedel stated inaction by Congress was impacting state governments, local governments, and school districts. Commissioner Praedel indicated many of the unemployed were from the public sector, and the largest group of unemployed from the public sector were school district employees. Commissioner Praedel urged people to contact their legislature regarding COVID relief for state and local governments and school districts.

Commissioner Hess expressed appreciation for her colleagues on the Commission and to the City Clerk and his staff. Commissioner Hess remarked on the Consent Agenda actions approved earlier in the meeting. Commissioner Hess stated City Manager Ritsema's sin was a sin of compassion for Chief Thomas in the interest of maintaining her dignity. Commissioner Hess expressed confidence that the Public Information Officer position in the FY2021 budget would provide help in the area of truth, trust, and integrity. Commissioner Hess stated the Commission needed to get back to addressing real issues like gun violence, affordable housing, dealing with the COVID-19 pandemic, and homelessness. Commissioner Hess noted the Kalamazoo County Continuum of Care was working to address issues at the homeless encampment.

Vice Mayor Griffin stated she was not aware Chief Thomas's employment had been terminated; she had been told the former Chief retired. Vice Mayor Griffin stated this situation was a failure of trust and a failure of leadership. Vice Mayor Griffin remarked on the inappropriateness of staff providing Commissioners with "talking points" that told them how to think and feel about issues. Vice Mayor Griffin accepted the City Manager's apology, but she noted there were lingering questions of how to move forward from this and how the Commission could be assured this situation would not happen again. Vice Mayor Griffin congratulated newly elected county officials and thanked those who were leaving office.

Mayor Anderson talked about the "Giants of the Spoken Word" event and reported he and Vice Mayor Griffin had written poems for the event. Mayor Anderson recommended the books *Gulliver's Travels* and *A Promised Land*, and he read a selection from *A Promised Land*. Mayor Anderson urged people to recognize the community they loved.

Adjournment

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on

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