

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, October 26, 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
Jack Urban

COMMISSIONERS ABSENT:

Erin Knott
Chris Praedel

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

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

Commissioners
Excused

Commissioner Cunningham, seconded by Commissioner Urban, moved to excuse the absences of Commissioners Knott and Praedel. With a voice vote this motion passed.

Invocation

The invocation was given by Bill Schuhmacher of Leadership Logos.

Proclamations

Vice Mayor Griffin proclaimed October 22-24, 2020 *Lights on Afterschool Day*. Meg Blinkiewicz from the Kalamazoo Youth Development Network (KYDNet) received the proclamation.

Commissioner Hess proclaimed October 21, 2020 *Imagine a Day Without Water Day*. Public Services Director James Baker received the proclamation.

Adoption of the Agenda

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

Commissioner Hess, seconded by Commissioner Urban, moved to make Item L-1, consideration of a resolution amending the City Commission Rules to govern electronically-held meetings, the next item of business.

With a roll call vote this motion passed.

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

NAYS: None

2020-00
Resolution 20-53
Amending the City
Commission Rules re:
Electronic Meetings

City Attorney Robinson reviewed proposed changes to the City Commission Rules that were designed to align the Rules with recently passed amendments to the Open Meetings Act, allowing public bodies to meet by electronic means.

Commissioner Hess, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** amending the City Commission Rules to govern electronically-held meetings to take advantage of, and conform with, the recently adopted Public Act 228 of 2020.

With a roll call vote this motion passed.

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

NAYS: None

Communication items were presented next.

Public Safety Chief Vernon Coakley presented an overview of the City's plans for dealing with security and voter intimidation/suppression issues on election day.

At 7:25 p.m. Mayor Anderson opened a public hearing to receive comments on RESOLUTION #4, for the purpose of approving the 2019 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of \$15.753.

An opportunity was given for public comments, but no comments were offered.

At 7:26 p.m. Mayor Anderson closed the public hearing.

Commissioner Urban, seconded by Commissioner Hess, moved to adopt **RESOLUTION #4**, for the purpose of approving the 2019 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of \$15.753.

With a roll call vote this motion passed.

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

NAYS: None

At 7:27 p.m. Mayor Anderson opened a public hearing to receive comments on an ordinance to temporarily remove the required minimum off-street parking requirements of Section 507.2 Required Vehicular Off-Street Parking Spaces through March 31, 2021, to allow existing parking areas to be used for outdoor sales, dining, and gathering in the wake of COVID19.

An opportunity was given for public comments, but no comments were offered.

At 7:28 p.m. Mayor Anderson closed the public hearing.

Commissioner Cunningham, seconded by Commissioner Hess, moved to adopt an **ORDINANCE** to temporarily remove the required minimum off-street parking requirements of Section 507.2 Required Vehicular Off-Street Parking Spaces through March 31, 2021, to allow existing parking areas to be used for outdoor sales, dining, and gathering in the wake of COVID19.

2020-00

Resolution 20-53
Amending the City
Commission Rules re:
Electronic Meetings
(cont'd)

Communications

2020-00

Public Hearing re: Mall
Maintenance Resolution #4

2020-00

Resolution 20-54
Approving the Mall
Maintenance Assessment

2020-00

Public Hearing re: an
Ordinance to Temporarily
Remove Minimum Off-
Street Parking Requirements

2020-00

Ordinance 2017
Temporarily Removing
Minimum Off-Street
Parking Requirements

2020-00

Ordinance 2017
Temporarily Removing
Minimum Off-Street
Parking Requirements
(cont'd)

With a roll call vote this motion passed.

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

NAYS: None

2020-00

Public Hearing re: a
Resolution Approving
a Tax Abatement for
Zoetis, LLC

At 7:29 p.m. Mayor Anderson opened a public hearing to receive comments on a resolution approving a request from Zoetis LLC, for a PA 198 Industrial Facilities Tax Exemption Certificate (IFEC) for 12 years for real property valued at \$47,859,166.

An opportunity was given for public comments, but no comments were offered.

At 7:30 p.m. Mayor Anderson closed the public hearing.

2020-00

Resolution 20-55
Approving a Tax
Abatement for Zoetis,
LLC

Commissioner Urban, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** approving a request from Zoetis LLC, for a PA 198 Industrial Facilities Tax Exemption Certificate (IFEC) for 12 years for real property valued at \$47,859,166.

With a roll call vote this motion passed.

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

NAYS: None

Public Comments

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

David Brose, City resident, spoke about the downtown zoning ordinance and expressed support for a 4-story height limit on buildings in the Bronson Park area.

Pam O'Connor, City resident, spoke about the downtown zoning ordinance and expressed concern that none of the current Downtown Design Guidelines were included in the proposed ordinance.

Quinton Slovacek spoke about the downtown zoning ordinance and expressed support for a 4-story height limit on buildings in the Bronson Park area.

Debby Freiman, non-resident, spoke about climate change and the need for the City to adopt a climate action plan.

Jerry Griffin, non-resident, asked that the required 500 ft. buffer between marihuana businesses and parks be removed from the proposed downtown zoning ordinance. Mr. Griffin stated the proximity of the Arcadia Festival Place would eliminate the most viable properties on Michigan Avenue.

2020-0

Jeff Messer, City resident, expressed opposition to the continued use of virtual meetings by the City's public bodies. Mr. Messer encouraged people to vote for Andrew Argo for Kalamazoo Public Library Board. Mr.

Messer advised people to put their leaves on the curb lawn rather than the street for pick up by the City. A copy of Mr. Messer's written remarks was filed with the papers for this meeting.

Amber Adams-Fall, non-resident, spoke about comments made by Commissioner Knott on August 17th regarding Pastor Nathan Dannison and the Proud Boys rally.

April Ouweleen, City resident, spoke about the downtown zoning ordinance and expressed support for a 4-story height limit on buildings in the Bronson Park area.

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 2-year contract with Total Property Management for the mowing and trimming of parks and greenspaces in the amount of \$220,270.20.
- approval of a one-year contract with Student Haulers for the removal and disposal of trash, nuisances, and garbage collected pursuant to the enforcement of various city ordinances in the amount of \$120,000.
- adoption of a **RESOLUTION** setting a public hearing regarding an amendment to the Kalamazoo Downtown Economic Growth Authority Development and Tax Increment Financing Plan.
- approval and acceptance of easements for water main to be installed as part of the 30th Street Water Main Project.
- approval of a Snow Melt System Easement Agreement with First National Bank that would allow the bank to install a snow melt system in the City's right-of-way and maintain the system for 20 years' time.
- approval of a recommendation to postpone until November 2, 2020 consideration of a resolution vacating Scudder Court between Frank and Parsons Streets.

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.

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

NAYS: None

Public Comments
(cont'd)

Consent Agenda

Resolution 20-56

First Reading of an Ordinance to Amend the Zoning Code and Zoning Map for the Downtown Area

City Planner Christina Anderson provided an overview of the proposed changes to the Zoning Code and Zoning Map for the downtown area. A copy of the slides from City Planner Anderson's presentation was included with the papers for this meeting.

City Planner Anderson addressed the comments offered by the public on limiting building height in the area around Bronson Park. City Planner Anderson noted a 4-story height limit was conservative, and she stated there were ways to address concerns about tall buildings blocking natural light. City Planner Anderson stated the Zoning Code was a blunt instrument and not nuanced enough to deal with this issue.

In response to a question from Commissioner Urban, City Planner Anderson explained the forms element of the downtown review guidelines was included in the zoning text amendments, but the review process and other elements of the guidelines were not included in the code.

In response to a question from Commissioner Hess, City Planner Anderson stated the person who had commented on the Arcadia Festival Place and marihuana businesses was talking about a required 500-foot buffer between the AFP and marihuana businesses in the proposed ordinance.

Commissioner Urban remarked that a study of the AFP was being done, and the use of that property might change in the future.

City Planner Anderson agreed the AFP might look very different in the future, but the person who offered the comments was concerned about the status of the AFP as a playground and the impact on potential sites for marihuana businesses right now.

In response to a question from Mayor Anderson, City Planner Anderson stated all buffer requirements were in the Zoning Code.

Commissioner Cunningham, seconded by Commissioner Urban, moved to offer for first reading an ordinance to amend the text of Chapter 50 Zoning Code and update the Zoning Map for Downtown and adjacent blocks and schedule a public hearing for November 2, 2020.

Prior to a vote on the motion, Mayor Anderson thanked City Planner Anderson for her work.

Commissioner Cunningham commented that the proposed ordinances were a good example of proactive zoning.

With a roll call vote this motion passed.

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

NAYS: None

City Attorney Robinson explained the provisions of a settlement with Georgia-Pacific and 3M regarding PFAS contamination in Cooper Township.

Public Services Director James Baker stated the work to connect properties in Cooper Township to the City's water system was underway, and he explained how the City would benefit from the proposed settlement.

Mayor Anderson expressed appreciation to City Attorney Robinson and Director Baker for being proactive in negotiating a settlement.

Commissioner Urban, seconded by Commissioner Hess, moved to approve a proposed settlement and release with Georgia-Pacific and 3M Company whereby the City would receive funds to pay for Cooper Township property connections to the City of Kalamazoo water system.

With a roll call vote this motion passed.

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

NAYS: None

City Clerk Borling provided an update on preparations for the November 3rd Presidential Election and highlighted avenues and opportunities City voters would have to register to vote and cast their ballots. A copy of the slides from City Clerk Borling's presentation was included with the papers for this meeting.

Mayor Anderson thanked City Clerk Borling for his initiative to increase participation and confidence in the voting process, and he thanked the team that was working with Clerk Borling.

Aaron Wright, Chair of the Environmental Concerns Committee (ECC); Redevelopment Project Manager Jaime McCarthy; and Dr. Denise Keele, Coordinating Committee Chair for the Kalamazoo Climate Crisis Coalition, discussed the development of the City's Sustainability/Climate Protection Plan.

ECC Chair Aaron Wright noted a written recommendation from the ECC was included in the agenda packet for the meeting. Mr. Wright reported the ECC was urging the City to join the International Council for Local Environmental Initiatives (ICLEI) and follow the ICLEI protocols for data collection and reporting. In addition, the ECC wanted to see the City provide fulltime staff to plan, implement, and monitor the Climate Action Plan. Mr. Wright indicated a piecemeal approach to data collection and staffing would not be acceptable to the ECC. Mr. Wright stated the ECC was eager to see the City become a local leader by taking action on its climate emergency declaration and working with regional partners to address rising global temperatures.

Redevelopment Manager Jamie McCarthy indicated the City finished gathering input from focus groups in September and had recently renewed its membership in the International Council for Local Environmental Initiatives (ICLEI). Ms. McCarthy stated the City was working with ICLEI staff to update the greenhouse gas emission data for the community, a process that would take through the end of the year to complete. Ms. McCarthy stated the City would present data-related sections of a draft plan to the ECC for review in early 2021. Ms. McCarthy

Settlement and Release with Georgia-Pacific and 3M Company for PFAS Contamination in Cooper Township

City Clerk's Report

Presentation re: the City's Sustainability/Climate Protection Plan

Presentation re: the
City's Sustainability/
Climate Protection Plan
(cont'd)

explained that more community engagement needed to be done in 2021, with the goal of presenting the plan to the City Commission in early spring.

Dr. Denise Keele, Coordinating Committee Chair for the Kalamazoo Climate Crisis Coalition, urged the City to continue working to create and implement a Climate Action Plan as a follow up action to the City's climate emergency declaration in 2019. Dr. Keele urged the City to act now and work with community partners to create a data-based plan that: spelled out specific actions; integrated climate action steps into planning and budgeting; and incorporated climate goals into every section of City management. Dr. Keele encouraged the City to see climate change as a challenge that would impact every other goal the City was trying to achieve and every service it provided. Dr. Keele stated climate action planning was a holistic lens through which multiple threats could be addressed with unified policies.

In response to a question from Commissioner Cunningham, Dr. Keele reported she was on the "Green Team" for the township, and the budget for Kalamazoo County included a line item for climate action planning. Dr. Keele stated there were climate action plans being developed in Ann Arbor, Marquette, and Oakland County. Dr. Keele indicated the state had recently offered some incentives and supports for local communities related to climate action planning.

Commissioner Cunningham stated all surrounding local units of government should be having conversations about climate action planning, and he stated likeminded communities should be working together.

Mr. Wright stated local climate action plans were a new thing, and there were not many places to look for examples. Mr. Wright noted there was a county-level group in Kalamazoo that was meeting monthly.

Commissioner Hess thanked everyone for their hard work and spoke of the need for more awareness and education.

In response to a question from Vice Mayor Griffin, Ms. McCarthy indicated the City would use a combination of in-person and virtual opportunities for public engagement on the Climate Protection Plan.

City Commissioner
Comments

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

Commissioner Urban encouraged people to vote "yes" on the Housing for All millage, and he thanked Dr. Keele for her presentation.

Commissioner Hess welcomed City Manager Ritsema back to the office. Commissioner Hess commented on the need for action regarding sustainability. Commissioner Hess reminded people to call 311 to access City services. Commissioner Hess remarked on the unveiling of a memorial for victims of gun violence. Commissioner Hess noted the Kalamazoo County Health Department had developed guidelines for celebrating Halloween.

Commissioner Cunningham urged people to vote.

Commissioner Vice Mayor Griffin thanked the Kalamazoo Department of Public Safety (KDPS) and the City Clerk for working issues involving safety and voting.

Vice Mayor Griffin noted personalized voting information was available at vote411.org. Vice Mayor Griffin stated gun violence was a community issue. Vice Mayor Griffin welcomed City Manager Ritsema back to the office. Vice Mayor Griffin urged people to stay healthy.

Mayor Anderson noted Commissioner Praedel had attended the gun violence memorial event along with other Commissioners. Mayor Anderson read a quote from Abraham Lincoln about the need for free elections to continue, even during times of national emergency. Mayor Anderson remarked on the need for people to be strong, step up, and act in spite of fear and worry.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on

Approved by: _____

David F. Anderson, Mayor

Dated:

City Commissioner
Comments (cont'd)

Adjournment