

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, August 2, 2021 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 254 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, Deputy City Manager Jeff Chamberlain, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Invocation

The invocation was given by Pastor Moise Rarsara, Kalamazoo Seventh-Day Adventist Church.

Proclamation

Mayor Anderson read a proclamation *Honoring the Legacy of Former Mayor Edward J. Annen, Jr.*

Adoption of the Agenda

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

Communications

City Manager Ritsema made the following statement regarding the Foundation for Excellence:

I want to take a moment this evening to discuss the historic news that was shared in our community at a press conference at City Hall last Wednesday. The Kalamazoo Foundation for Excellence (FFE) has received a historic and transformational commitment of \$400 million to be directed towards its permanent endowment for the benefit of Kalamazoo. This gift will be fulfilled over the next ten years and together with previous donations establish a \$500 million endowment to carry forward the bold vision of Imagine Kalamazoo and future goals forever.

The mission of FFE is to support the goals of the City of Kalamazoo, fund aspirational projects throughout our communities, and empower Kalamazoo residents to achieve the lives they want for themselves and their families. FFE maintains the 2017 property tax reduction, balances the City's budget on an annual basis, and funds diverse projects that can be seen and felt throughout our community—projects like lead pipe replacement, affordable housing construction, park renovations, youth development programs, and small business support during the pandemic.

The gift has been made anonymously by long-term residents of the Kalamazoo community, and I would like to extend my deepest thanks to their generosity and vision. My gratitude also goes out to each of my colleagues and teammates

here at the City, to the FFE Board of Directors, and our dozens of community partners who advance Imagine Kalamazoo every day. Please join me in celebrating a bright future of inclusive prosperity here in Kalamazoo.

Communications
(cont'd)

City Manager Ritsema announced the OIR Group's final report on the independent review of 2020 actions by the Kalamazoo Department of Public Safety (KDPS) would be released later in the week. City Manager Ritsema announced there would be a special joint meeting of the City Commission and the Citizens Public Safety Review and Appeal Board (CPSRAB) on Tuesday, August 10, 2021 at 6:00 p.m. to receive a presentation from the OIR Group on the report.

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

Public Comments

The following people spoke about problem of gun violence, asked the City to allocate more funds to address gun violence, and urged the City to work with community partners who were already working to address gun violence:

James Crow, City resident

Rebekah Fatzinger, non-resident

Molly Mechtenberg, City resident

Maricela Alcala, non-resident and CEO of Griffin Place

Dr. David Fatzinger, non-resident and Griffin Place board member

Ruth Garcia, non-resident

Hector Esquivel, City resident

Jeff Messer, City resident, spoke about the superiority of the method used to elect the Mayor and City Commissioners prior to 2014 and noted the direct election of the Mayor in 2021 would result in the City Commission losing an experienced member.

Dorothy Appleyard, City resident, expressed opposition to building a housing project on a property in a flood plain, like the Stockbridge property being considered for purchase.

Joe Byers, City resident, spoke about Commissioner Urban's comments on July 19th regarding a tree planting contract and expressed opposition to the purchase of property in the Southtown Neighborhood.

Tina McClinton, City resident, remarked that the Southtown Neighborhood Plan designated the Department of Health and Human Services (DHHS) property on Stockbridge for senior housing. Ms. McClinton asked that the City preserve greenspace in the Southtown Neighborhood.

Betsy Bales, non-resident and CEO of Friendship Village, expressed opposition to the inclusion of Friendship Village in the Natural Features Protection Overlay.

David Benac, City resident, asked that the City keep the existing wooded area on the Stockbridge property and not add to the pavement or building footprint. Mr. Benac stated the choice of the Stockbridge property for a housing project communicated the City's attitude towards affordable housing and the homeless.

Public Comments (cont'd)	Richard Stewart, City resident, stated the Southtown Neighborhood Plan designated the DHHS property on Stockbridge for senior housing. Mr. Stewart noted the City had never accepted the Southtown Neighborhood Plan, and he asked that the City take into consideration the ideas and opinions of Southtown residents.
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:
2021-00	- approval of a one-year contract extension with Carus, LLC for the purchase of 75% phosphoric acid in the amount of \$113,400.
2021-00	- first reading of an ordinance amending the text of Chapter 50, Article 6 of the Zoning Code regarding the Natural Features Protection Overlay; and schedule a public hearing for August 16, 2021.
2021-00	- first reading of an ordinance amending the Zoning Map regarding the Natural Features Protection Overlay; and schedule a public hearing for August 16, 2021.
2021-00 Resolution 21-42	- adoption of a RESOLUTION approving Amendment 1 to the Kalamazoo County Solid Waste Management Plan for Waste Not C&D Recycling Center.
2021-00 Resolution 21-43	- adoption of a RESOLUTION approving Amendment 2 to the Kalamazoo County Solid Waste Management Plan for the Miller Road Transfer Station.
2021-00 Resolution 21-44	- adoption of a RESOLUTION designating the polling facility locations for Precincts 5, 10, 15, 22, and 23 to be used during the election on November 2, 2021 and for each election thereafter.
2021-00	- approval of an Easement Agreement for Air Rights associated with the Graphic Packaging International project at 1500 N Pitcher Street.
2021-00	- approval of the appointment of Dr. John Oliver to the Shared Prosperity Kalamazoo Organizing Committee 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
Regular Agenda	Regular Agenda items were considered next.
2021-00 Purchase of 322 E. Stockbridge Avenue	Community Planning and Economic Development (CPED) Director Rebekah Kik delivered a presentation entitled <i>Property Acquisition Consideration: 322 E. Stockbridge, 216 E. Emerson, & 218 E. Emerson</i> . A copy of the slides from the presentation was filed with the paper for this meeting.

In response to questions from City Commissioners, Director Kik and Public Services Director James Baker provided the following information:

- the Stockbridge property was almost entirely within a flood plain, and the flooding tendency of this property was based more on Portage Creek and the Kalamazoo River.
- the City would need to convert 4,000 acres, or 25% of the land area within the City, to wetland in order to offset the impact of the flood plains within the City. Development of the Stockbridge property would have very little effect on the flooding tendency of the surrounding area.
- the City was working with the US Geological Survey and the Army Corp of Engineers to study the City's floodplains, and the deliverables from this study would be implemented in late 2021 and 2022.
- the City Assessor had assessed the property value at \$1.1 million but indicated \$2 million was in line with what the market would ask.
- the Stockbridge property was offered on the open market. The current zoning (Community Commercial) would allow development on the property similar to the structures and uses on Stadium Drive, with a six-story height limit and a prohibition on ground floor residential units.
- the Stockbridge property was in both the 100- and 500-year floodplains, but it was not designated as "wetland." If a property was in a floodplain it would flood more often, regardless of the type of floodplain.
- the Stockbridge property was in the Natural Features Protection Overlay. The City would need to engage a civil engineer and environmental consultant to explore the available options for development of the property.
- the City would consider temporary uses of the property in order to generate income.
- the Phase II Environmental Site Assessment would not be completed by August 16th, but it would be done before the City closed on the property. The City had the ability to back out of the purchase if the results of the Phase II assessment were not good.

Commissioner Urban remarked the purchase of the Stockbridge property would allow the City to control its development, whereas the purchase of the property by a private developer would give the City little to no control. Commissioner Urban noted people were concerned the City would not handle the development of the property well, so the City needed to be patient and educate residents about the potential uses of the property.

In response to a question from Mayor Anderson, Director Kik indicated the recommended action at this meeting was to introduce the item and give the City Commission information so they could make a decision on August 16th.

In response to a question from Commissioner Praedel, Director Kik stated she would research the City's potential maintenance costs for the property and provide that information for the August 16th Commission meeting.

2021-00

Purchase of 322 E.
Stockbridge Avenue
(cont'd)

2021-00

Purchase of 322 E.
Stockbridge Avenue
(cont'd)

Commissioner Praedel, seconded by Commissioner Urban, moved to postpone until August 16, 2021 consideration of the purchase of 322 East Stockbridge Avenue, 216 East Emerson Street, and 218 East Emerson Street from Louis J. Eyde Family Trust in the amount of \$2,000,000; and approve an amendment to the 2021 Foundation for Excellence Aspirational Fund Budget in the amount of \$2,000,000, with the intent to facilitate the development of permanent housing units, wetland restoration, and small commercial development consistent with Imagine Kalamazoo Master Plan and Edison Neighborhood Plan.

Prior to a vote on the motion, Commissioner Praedel commended Director Kik for being proactive regarding this property.

Vice Mayor Griffin thanked Director Kik and urged the City to make sure representatives from the Southtown Neighborhood were included in community engagement efforts.

With a roll call vote the motion passed unanimously.

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

NAYS: None

City Manager's Report:
Update on Graphic
Packaging Tax
Abatement

Community Investment Manager Antonio Mitchell provided an update on the tax abatement granted to Graphic Packaging in 2020. Mr. Mitchell explained the State Tax Commission would not approve contingency-based tax abatements, which meant the City Commission would need to approve multiple extensions over multiple years, spanning multiple City Commissions. Mr. Mitchell stated staff would be bringing to the City Commission a recommendation to approve an 11-year extension of the abatement. Mr. Mitchell reported Graphic Packaging was making progress on their development project and had already met their hiring goals.

In response to a question from Commission Cunningham, Mr. Mitchell stated Graphic Packaging would be prepared to address the odor issue and various studies that have been in progress over the past year.

Mayor Anderson noted the forthcoming Odor Task Force quarterly report would be of interest to Commissioners and the public.

In response to a question from Commissioner Urban, Mr. Mitchell indicated the state had approved the Graphic Packaging tax abatement for only one year, and he explained the City would need to request extensions after each of the time periods mentioned in the resolution.

In response to a question from Mayor Anderson, Mr. Mitchell stated the Graphic Packaging item would probably come before the Commission in September.

Update on Efforts to
Address Gun Violence

Next, staff provided an update on the City's efforts to address gun violence, including a report on the pilot programs approved in December of 2020.

Mr. Mitchell reviewed progress on the block club and housing repair pilot programs. Mr. Mitchell stated the block club leaders had taken control of the initiative, which was good as the purpose of the initiative was to empower

residents. Mr. Mitchell indicated the City was working with Pastor Greg Jennings and faith-based organizations, as well as other community partners, to do additional outreach and communication with residents. Mr. Mitchell explained the goal of the block club initiative was to organize residents at the block level so they could identify what assistance, if any, they needed from the City. Mr. Mitchell reported CPED staff had made contact with the owners of 50 houses that had sustained damage from gunfire, and he indicated repair work would begin over the summer.

City Manager Ritsema reported that he, Mayor Anderson, and Public Safety Chief Vernon Coakley had met with Pastor Addis Moore of the Northside Ministerial Alliance and Stephanie Williams, a Northside Neighborhood resident, to see how the City could support their ideas for addressing gun violence.

Deputy Public Safety Chief David Boysen provided the following update on gun violence in the City of Kalamazoo:

- there had been 46 non-fatal shootings and 8 fatal shootings in the City in 2021.
- firearms assaults were up 27% in 2021 compared to year-to-date in 2020.
- there was an alarming trend of increased gun violence among youth, especially in the form of group feuds.
- KDPS officers were making arrests, but the perpetrators were back on the street in a short amount of time.
- there were a lot of community partners working with KDPS on this issue.
- swift, sure, legitimate consequences were needed to make interventions work; the lack of consequences had led to an erosion of trust with the public and a hesitancy of witnesses to come forward for fear of retaliation.
- the problem of gun violence was a multifaceted problem that would require collaboration between law enforcement, the community, and the criminal justice system.

In response to questions from City Commissioners, Deputy Chief Boysen provided the following information:

- the Kalamazoo County Sheriff did not set or recommend the bonds for prisoners; addressing this issue would require collaboration with both the Sheriff and the courts.
- there were gaps in the judicial system, such as a current issue with housing juvenile offenders, and young people knew how to take advantage of those gaps.
- there were certain offenses where the law allowed for adult prosecution of a juvenile, but the trend was to not take this approach except for the most extreme circumstances.
- in the current environment it was probably beneficial for suspects to be housed rather than released for their own personal safety, as "Today's shooters are tomorrow's victims."
- in the past the courts would issue higher bonds for suspects determined to be a risk to the community, but COVID restrictions at the jail and a large backlog of cases in the court system were probably working against that practice.
- statistics were not ready-at-hand for gun violence across the county, but there had been an increase in both fatal and non-fatal shootings.
- KDPS worked very well with regional partners on the issue of gun violence.
- to date for 2021 there had been 219 assaults with firearms and over 400 guns seized.

Update on Efforts to
Address Gun Violence
(cont'd)

Update on Efforts to
Address Gun Violence
(cont'd)

- statistics were not ready-at-hand for the number of calls for shots fired and shell casings recovered.

In response to questions from Commissioner Urban, City Attorney Robinson indicated it would violate a person's civil rights if a judge held a suspect for two weeks without bond. City Attorney Robinson explained a person generally had the right to appear before a magistrate within 48-72 hours of being arrested, for the court to determine whether the person should continue to be held. City Attorney Robinson stated the key question for the magistrate was whether the suspect was a flight risk, and there was a debate over whether the bond system was working as intended. City Attorney Robinson stated the current philosophy was that bonds should not be used as punishment to keep people in jail who were presumed to be innocent.

Vice Mayor Griffin noted there was a lack of information on contributing factors to gun violence, and she stated a focus on arrests and prosecutions would not solve the problem. Vice Mayor Griffin stated she would like to see some of the City's "aspirational" projects and their funding moved to "permanent" status. Vice Mayor Griffin spoke about the high population of children who were homeless in Kalamazoo and about the inevitable impact of homelessness on those children as they grew up. Vice Mayor Griffin urged the City to talk about underlying issues that fed into gun violence and not just arrests and prosecutions. Vice Mayor Griffin suggested having an update on the work being done by all the community partners who were addressing gun violence. Vice Mayor Griffin requested statistics on the number of people who had been helped through the City's gun violence initiatives.

Commissioner Praedel stated gun violence was a regional problem that did not recognize jurisdictional boundaries. Commissioner Praedel encouraged people concerned about gun violence to reach out to the City's regional partners and put pressure on all public officials to address gun violence in a proactive way.

Commissioner Cunningham noted one person per month had died because of gun violence, and if it were up to him he would not allow the sale of guns or bullets in the City. Commissioner Cunningham indicated there was a narrative in the community that the City had the ability to detain suspects, and he wanted everyone to know the City could not do that. Commissioner Cunningham urged people with information on shootings to call Silent Observer or tell someone who was willing to call Public Safety. Commissioner Cunningham stated the criminal justice system alone would not be able to fix the problem of gun violence. Commissioner Cunningham remarked that the Parks and Recreation Department needed to offer great recreation programs for young people, and the City needed to focus on educating young people at every point of contact. Commissioner Cunningham expressed support for the 2Gen approach to addressing poverty, but he stated a focus on youth was the best opportunity for creating change.

Commissioner Hess spoke on the importance young people and education, and she noted there were community partners working with the Parks and Recreation Department and KYDNet towards a larger vision, such as a teen center for the City. Commissioner Hess stated federal stimulus funding could be used to realize the larger, long-term vision, but there was still work to do in the near term.

Mayor Anderson stated addressing gun violence was the top priority for the City, and it was a baseline expectation that people should feel like they could live in a safe neighborhood.

Commissioner Cunningham, seconded by Commissioner Praedel, moved to adopt a **RESOLUTION** extending the local emergency due to the COVID19 epidemic and permit the City Commission and all other City of Kalamazoo public bodies to continue to meet by electronic means after August 31, 2021 through December 31, 2021.

Prior to a vote on the motion, Commissioner Praedel expressed support for the motion and stated it was wise for the City to give itself latitude to adapt to changing circumstances. Commissioner Praedel noted the rise of the COVID-19 Delta variant had changed the circumstances and discussion around a return to in-person meetings compared to when the Commission started discussing this topic a month ago. Commissioner Praedel remarked that health officials continued to issue guidance, and places with high COVID-19 infection rates like Florida were seeing heavy impacts on children, who could not be vaccinated. Commissioner Praedel spoke about the opportunity for the City to be a leader in this area.

Commissioner Urban noted positive cases of COVID-19 in Kalamazoo County were double the state average.

With a roll call vote the motion passed unanimously.

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

NAYS: None

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

Commissioner Cunningham expressed appreciation to the FFE donors and stated every City Commission meeting included a conversation that would not have been possible without the FFE. Commissioner Cunningham noted that prior to the FFE the City Commission's decision-making processes were about cutting the budget and reducing services. Commissioner Cunningham stated the people who worked in the City Administration were transformational. Commissioner Cunningham observed that \$400 million was a lot of money, but the City's issues were larger than just money and required individuals like those in the City Administration who were willing to teach, learn, and love.

Commissioner Knott thanked Director Kik for her presentation.

Commissioner Praedel thanked the FFE donors and spoke about the long-term impacts of FFE support for the community. Commissioner Praedel spoke about the importance of youth development, the need to fund programs and services for young people, and the opportunity to use federal stimulus dollars to support these programs. Commissioner Praedel noted the 53rd City Commission had five meetings left, and then there would be four new faces among the Commissioners. Commissioner Praedel stated he would be available to help candidates and new Commissioners. Commissioner Praedel observed that the first City Commission took office in 1918, when there was a worldwide pandemic. Commissioner Praedel recognized the work of the City Clerk's Office to find new polling locations. Commissioner Praedel recognized Public Services Coordinator Suzanne Rowland for her great customer service and responsiveness to requests.

2021-00

Resolution 21-45
Extending a Local State
of Emergency for the
Purpose of Permitting
Public Meetings by
Electronic Means

Commissioner
Comments

Commissioner
Comments (cont'd)

Commissioner Hess acknowledged the passing of Sher Farrell of Farrell Ballet Theatre. Commissioner Hess offered remarks on the challenge and importance of addressing gun violence, and she stated FFE funds would be used to address gun violence. Commissioner Hess expressed gratitude for the recent Styrofoam recycling drive and for the opportunity to experience the Use of Force Simulator at KDPS. Commissioner Hess stated the FFE donation would allow the City to continue being aspirational.

Vice Mayor Griffin announced there had been another shooting that took place during the Committee of the Whole meeting.

Mayor Anderson offered remarks on the FFE donation and noted the FFE structures were designed to insulate the use of funds from donor influence. Mayor Anderson stated \$120 million had been given to the City through the FFE during the period 2017-2020, and he explained the \$400 million donation was for the FFE endowment. Mayor Anderson stated funding the endowment represented a commitment to the youth of the community and to the City's future. Mayor Anderson commented on the phrase, "To whom much is given, much is required," and he urged people to commit their time, ideas, and prayers to the community.

Adjournment

The meeting adjourned at 9:32 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on September 7, 2021

Approved by: _____

David F. Anderson, Mayor

Dated: September 7, 2021

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