

A regular meeting of the Kalamazoo City Commission was held on Monday, June 29, 2009 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call

COMMISSIONERS PRESENT:

Mayor Bobby J. Hopewell
 Vice Mayor Hannah McKinney
 David Anderson
 Don Cooney
 Sean McCann
 Barbara Miller
 Stephanie Moore

COMMISSIONERS ABSENT:

None

Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Invocation

The invocation, given by Executive Servant Terry Thomas, Kalamazoo Deacons' Conference, was followed by the Pledge of Allegiance.

Adoption of the
Agenda

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

Communications

City Manager Collard invited the public to attend meetings of various boards and commissions.

Recognition of
Guests

Mayor Hopewell recognized the presence of Kalamazoo County Treasurer Mary Balkema and Kalamazoo County Commissioner Jack Urban.

Public Hearing re:
a Zoning Code
Text Amendment
Regarding Murals

At 7:03 p.m., Mayor Hopewell opened a public hearing to receive public comments regarding an **ORDINANCE** to amend Section 12.3 and to add Section 7.6 to the Zoning Ordinance pertaining to murals.

At 7:04 p.m. Mayor Hopewell closed the public hearing.

Ordinance 1854
Amending the
Zoning Code re:
Murals

Commissioner McCann, seconded by Commissioner Moore, moved to adopt an **ORDINANCE** to amend Section 12.3 and to add Section 7.6 to the Zoning Ordinance pertaining to murals.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Cooney, McCann, Miller, Moore, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Consent Agenda

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

- approval of a one-year term contract with: 1) Etna Supply Company for \$262,626; and, 2) Underground Pipe & Valve for

Consent Agenda
(cont'd)

\$109,948 for annual supply of water maintenance and construction materials.

- approval of a contract with DLZ Michigan, Inc., to provide architectural/engineering services for the expansion and the renovation of the Transportation Department Administrative and Maintenance facility in a maximum amount of \$129,237.23.
- approval of a contract extension for up to six (6) months with Pride Ambulance Company (Pride Care) for the provision of Metro Transit's ADA Metro Van paratransit bus service for a total, not to exceed cost for the 6-month extension, of \$442,369.84 or \$73,728.31 monthly.

Resolution 09-50

- adoption of a **RESOLUTION** approving an amendment to the City of Kalamazoo's Brownfield Plan [Amended and Restated Brownfield Plan (Amendment No. 15)] implemented and recommended for approval by the City of Kalamazoo Brownfield Redevelopment Authority following the public hearing before the Brownfield Redevelopment Authority.

Resolution 09-51

- adoption of a **RESOLUTION** recognizing Constructive Community Builders, Inc. as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.
- acceptance of the FY 2009 Recovery Act JAG award of \$553,309 from the U.S. Justice Department and authorize the City Manager to sign the Grant award and special conditions document.
- acceptance of a grant from the Irving S. Gilmore Foundation to complete the 125th Anniversary film, "KALAMAZOO 1884."
- acceptance of the Kalamazoo Community Foundation/John E. Fetzer Institute Fund grant award in the amount of \$2,500 for the 2009 Kalamazoo Department of Public Safety Youth Leadership Academy and authorize the City Manager to sign the grant award documents.
- authorization for the purchase of state owned, tax-reverted land under the provisions of Public Act 123 of 1999, as amended.
- approval of a request from the Kalamazoo Country Club for a permit to publicly display fireworks at 1609 Whites Road on Saturday, July 4, 2009 with a rain date of Saturday, July 11, 2009.
- approval of the following appointments and re-appointments for members of advisory boards and commissions:
 - the re-appointment of **Grant Patrick Fletcher** to the Dangerous Buildings Board as Residential Homeowner representative for a term expiring on March 31, 2011.

Consent Agenda
(cont'd)

- the re-appointment of **Bobbe Orr** to the Dangerous Buildings Board as Historic Property Owner representative for a term expiring on March 31, 2011.
- the appointment of **Donald C. Verbeke** to the Dangerous Buildings Board as Residential Builder representative for a term expiring on March 31, 2012.
- the appointment of **Zadie Jackson** to the Friends of Recreation Board for a term expiring on March 1, 2012.
- approval of the minutes from the following City Commission Meetings: the Business Meeting of May 4, 2009, the Committee of the Whole Meeting of May 15, 2009, and the Neighborhood Meeting of May 18, 2009.
- approval of a recommendation to hold until July 6, 2009 the adoption of a RESOLUTION to vacate the north portion of W. Michigan Avenue between Monroe and Stone Streets, with the following conditions:
 - an easement shall be provided to the city for any underground utilities in the road right-of-way to be vacated.
 - an adjusted fair market value for the vacated property shall be paid to the city in the amount of \$28,221.
- approval of a recommendation to hold until July 6, 2009 the proposed sale of 2720 Wellington to Kalamazoo Neighborhood Housing Services for \$12,035.78, and a request to authorize the City Manager to sign all documents related to the sale.

Commissioner Moore, seconded by Commissioner Anderson, moved to approve the consent agenda requests.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Cooney, McCann, Miller, Moore, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

Ordinance 1855
Amending the
Pension
Ordinance re:
Voluntary
Retirement Age

Commissioner Miller, seconded by Commissioner McCann, moved to adopt an **ORDINANCE**, which amends Section 2-224E and repeals Section 2-227B-5, both of which are found in the Pension Ordinance.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Cooney, McCann, Miller, Moore, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Ordinance 1856,
the Revised Anti-
Discrimination
Ordinance

When given an opportunity to comment on the revised Anti-Discrimination Ordinance, the following citizens addressed the City Commission:

Charles Ybema, City resident and spokesperson for Kalamazoo Citizens Voting Against Special Rights Discrimination, expressed opposition to the proposed ordinance.

Lydia McGrew, City resident, spoke in opposition to the proposed ordinance and the revisions made by the Anti-Discrimination Ordinance Subcommittee on June 3rd.

Jan Stowe, City resident, expressed opposition to the proposed ordinance.

Don Stowe, City resident, expressed opposition to the proposed ordinance. Mr. Stowe's written comments were filed with the papers for this meeting.

Cindy Hunter, City resident, spoke in support of the proposed ordinance.

John McNaughton, City resident, expressed support for the proposed ordinance.

Linda Hamilton, City resident, stated she wanted the opportunity to vote on the ordinance in November.

Jan Voeltzke, non-resident, spoke in opposition to the proposed ordinance.

James Rodbard, non-resident and Director of the American Civil Liberties Union of West Michigan, expressed support for the proposed ordinance.

James Vermullen, City resident, spoke in opposition to the proposed ordinance.

Amy Hunter, non-resident and Volunteer Coordinator for the Kalamazoo Gay-Lesbian Resource Center, spoke in support of the proposed ordinance.

Steven Gerike, City resident, expressed support for the proposed ordinance on behalf of the Community Relations Board.

Thomas Seiler, City resident and President of the Board of the Kalamazoo Gay-Lesbian Resource Center, spoke in support to the proposed ordinance.

Andrea Anderson, City resident, spoke in support of the proposed ordinance.

Ineke Way, City resident, expressed support for the proposed ordinance.

Ordinance 1856,
the Revised Anti-
Discrimination
Ordinance (cont'd)

David Topping, City resident, expressed support for the proposed ordinance.

Michael Parkinson-Kilbourne, expressed support for the proposed ordinance.

Alexis Everson, City resident, spoke in favor of the proposed ordinance.

Jonathan Richardson, non-resident, spoke in favor of the proposed ordinance.

Mary Balkema, City resident, spoke in opposition to the proposed ordinance and asked that the City Commission allow citizens to vote on this ordinance.

Joni Balkema, non-resident, expressed opposition to the proposed ordinance.

Matt McCain, City resident, expressed support for the proposed ordinance.

Terry Kuseske, City resident, spoke in support of the proposed ordinance.

Cody Dekker, non-resident, spoke in support of the proposed ordinance.

David Feaster, City resident, expressed support for the proposed ordinance.

Asha Khazad, City resident, expressed support for the proposed ordinance.

Lance DeYoung, City resident, spoke in opposition to the proposed ordinance.

Shawn Briar, City resident, spoke in support of the proposed ordinance.

Karen Eddy, City resident, expressed support for the proposed ordinance.

Lisa Densmore, City resident, expressed support for the proposed ordinance.

Terry Thomas, City resident, spoke in support of the right to vote.

Commissioner Cooney, seconded by Commissioner Moore, moved to adopt an **ORDINANCE** to amend Sections 18-17 through 18-25 and add Sections 18-26 through 18-30, and rename Article II from "Discrimination in Real Estate Transactions" to "Discrimination Prohibited" of Chapter 18 of the Kalamazoo City Code of Ordinances.

Ordinance 1856,
the Revised Anti-
Discrimination
Ordinance (cont'd)

Prior to a vote on the motion, Commissioner Anderson, reminded citizens the charge to the Anti-Discrimination Ordinance Subcommittee was to solicit citizen input regarding changes to specific parts of Ordinance 1850. Commissioner Anderson recommended an article by Kathy Jessup in the Kalamazoo Gazette on Sunday, June 28th that summarized citizens' concerns and issues presented to the Subcommittee as well as how those concerns were addressed. Commissioner Anderson briefly summarized the following sampling of citizens' concerns and the Subcommittee's responses: the definition of "employer" and the applicability of the ordinance to small businesses; bathroom use and who has the right to make rules regarding bathroom use; the protection of first amendment rights; youth organizations, such as the Boy Scouts; the ability of the City Commission to place the ordinance question on a ballot without a referendum petition; and the issue of preferential treatment versus equal treatment. Commissioner Anderson noted the importance of the discussion about this ordinance to the Kalamazoo community.

Commissioner McCann thanked the Subcommittee for its work. Commissioner McCann stated the proposed ordinance dealt with discrimination, which was morally wrong and not debatable. Commissioner McCann stated discrimination did occur and noted American society had not yet eradicated discrimination against people in existing protected classes. Commissioner McCann remarked that he was privileged to know many GLBT people, and they had enriched his life.

Commissioner Cooney stated a major theme of United States history was the struggle to determine which groups were eligible for the "inalienable rights" described in the Declaration of Independence. Commissioner Cooney stated the country had been diminished when people discriminated against various groups. Commissioner Cooney stated the City Commission's vote on this ordinance would bring the City closer to American ideals.

Commissioner Moore thanked citizens for the dialogue over the past few months and stated the proposed ordinance was about respecting everyone and loving everyone unconditionally. Commissioner Moore reported she had read all of the literature presented to her as she was making her decision. Commissioner Moore stated Jesus taught love, and any oppression, of any kind, was wrong. Commissioner Moore expressed hope that the ordinance can move the community forward on other issues, such as HIV/AIDS and teen pregnancy.

Vice Mayor McKinney stated the Subcommittee's work helped frame the ordinance and educate the public. Vice Mayor McKinney noted the conflict over the proposed ordinance was a conflict of values, and she stated respect, equity, unity, and dignity were the values that resonated with her. Vice Mayor McKinney remarked that citizens' comments on the ordinance had been thoughtful and respectful.

Mayor Hopewell thanked the Subcommittee for its work. Mayor Hopewell indicated the proposed ordinance was about housing and employment, and he stated there should not be discrimination in these two areas. Mayor Hopewell stated he could compromise on the issue of

Ordinance 1856,
the Revised Anti-
Discrimination
Ordinance (cont'd)

discrimination in housing and employment, and he remarked that the process had been open, fair, and equitable.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Cooney, McCann, Miller, Moore, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

City Manager's
Report – Public
Safety Update

City Manager Collard reviewed the community's efforts to address youth violence over the over the past few years and commended community leaders and City departments for their work in this area.

Public Safety Chief Jeff Hadley presented a mid-year report on the Public Safety Department in which he highlighted the Department's community policing efforts, youth engagement initiatives, and results.

In response to a question from Commissioner Moore, Chief Hadley stated he was organizing a significant review of the Public Safety Department's hiring and recruiting process, which would include an evaluation of the Department's efforts to recruit locally and recruit for diversity.

Mayor Hopewell commended Chief Hadley and the Public Safety Department for their excellent work.

Citizen Comments

Next, the following citizens addressed the City Commission regarding non-agenda items:

Lisa Densmore, City resident, spoke regarding the Juneteenth Celebration.

Linda Hamilton, City resident, expressed concern about the Public Safety Department's insufficient response to a "wild" party at 1003 Clinton Avenue.

Nick Boyd, City resident, expressed disappointment that many people left the meeting before Chief Hadley's report, and he stated the City needed a high level of citizen involvement on all issues facing the community.

Asha Kazhad, City resident, spoke about discrimination in its many forms.

City Commissioner
Comments

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

Commissioner Moore offered comments on the Smart Summer 2009 Public Awareness Campaign and a local college graduate.

Commissioner Miller remarked about the Public Safety Leadership Academy and the Wednesday fishing program. Commissioner Miller also noted the Michigan Municipal League's Annual Conference would take place in Kalamazoo in September.

Adjournment

Commissioner Cooney thanked Chief Hadley for reaching out into the community.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on July 20, 2009

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: July 20, 2009