

A regular meeting of the Kalamazoo City Commission was held on Monday, November 16, 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
Terry Kuseske
Barbara Miller
Stephanie Moore

COMMISSIONERS ABSENT: None

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

Invocation

The invocation, given by Pastor Mark Couch, Solid Grounds Student Ministries, was followed by the Pledge of Allegiance.

Introduction of
Guests

Mayor Hopewell recognized the presence of Greg Ayers, President, Discover Kalamazoo (The Kalamazoo County Convention and Visitors Bureau). Mr. Ayers noted on Tuesday, November 24th, the Western Michigan University (WMU)/Ball State football game would be broadcast on ESPN2, and he urged Kalamazoo residents to attend and show their support for WMU to the national TV audience.

Proclamation
78537

A proclamation *Honoring Superintendent C.G. and First Lady Fannie Charles* was held due to the absence of a recipient.

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.

Public Hearing re:
Proposed Metro
Transit Fare
Increases

78538

Transportation Director William Schomisch delivered a presentation on the proposed Metro Transit Fare increases. Director Schomisch stated the fare increases were the final part of a three-part proposal made by the Kalamazoo County Administrator and City Manager, with the first two parts being the passage of a countywide transportation millage in May and the passage of a City transportation millage on November 3rd. Director Schomisch indicated the proposed fare increase would generate \$270,000 annually, and he noted this proposal was being made in conjunction with the installation of new fare boxes, which would make available multiple methods of fare payment. Director Schomisch stated there had been an open comment period from September 20th to October 20th, and he reported there were no comments submitted in opposition to the fixed-route fare increase. However, Director Schomisch reported numerous comments opposing the elimination of the unlimited monthly pass. Director Schomisch stated the fare increase proposal had been modified to reinstate the monthly pass at a price of \$60. Director Schomisch reviewed new fare structure, which was included in the agenda packet.

Public Hearing re:
Proposed Metro
Transit Fare
Increases (cont'd)

78538

At 7:14 p.m. Mayor Hopewell opened a public hearing to receive public comments regarding a proposed fare structure for the Kalamazoo Metro Transit System scheduled for implementation on January 4, 2010.

Reuben Richardson, City resident, expressed opposition to the proposed fare increases.

Stacey Marek, City resident, spoke on behalf of Michigan Peoples' Action (MAP) and expressed opposition to the proposed fare increases.

Ron William, non-resident, spoke on behalf of the Disability Network and the Friends of Metro Transit and expressed support for the proposed fare increases. Mr. William thanked the addition of a swipe card payment option for the half-rate fare for the elderly and disabled.

Kelli McBride, non-resident, spoke on behalf of MPA and expressed opposition to the proposed fare increases.

Marty Dodge, non-resident, spoke on behalf of the Kalamazoo Regional Chamber of Commerce and spoke in favor of the proposed fare increases. Correspondence submitted by Mr. Dodge was filed with the papers for this meeting.

LoriAnn Tennison, City resident, spoke on behalf of MPA and expressed concern about the fare increases and asked that the price of the monthly pass not be increased as much.

Joshua Arnold, City resident, spoke on behalf of MPA and expressed opposition to the proposed fare increases.

Linda Teeter, City resident and Chair of the Kalamazoo County Transportation Authority (KCTA), stated the KCTA supported the proposed fare structure.

Frank Warren, City resident, expressed opposition to the proposed fare increases.

Janice Jagars, City resident, expressed support for the proposed fare increases but asked that the price of the monthly pass be reduced to \$30.00.

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

Approval of Metro
Transit Fare
Increases

78538

Commissioner Kuseske, seconded by Commissioner Miller, moved to approve the recommended fare structure for the Kalamazoo Metro Transit System scheduled for implementation on January 4, 2010.

Prior to a vote on the motion, and in response to a question from Commissioner Miller, Director Schomisch stated most transit systems in other cities offered free transfers, and he explained the only restriction was a time restriction – transfers were valid for one hour.

Approval of Metro
Transit Fare
Increases (cont'd)

78538

Commissioner Cooney acknowledged the fare increases would be difficult for some people but stated the loss of the transit system would be the worst situation. Commissioner Cooney commended Director Schomisch for reinstating monthly pass and for making the swipe card option available for senior citizens and the disabled who were paying a reduced fare.

Commissioner Moore stated it would be bad to not have a transit system, but it would be even worse to have a transit system that people could not afford to use. Commissioner Moore thanked Director Schomisch and City staff for considering all the impacts of the fare increases and for trying to reduce those impacts.

In response to a question from Commissioner Moore, Director Schomisch explained that anyone who possessed a bridge card could purchase bus tokens for \$1.25 each at the Kalamazoo Transportation Center.

Vice Mayor McKinney stated the fare increase proposal was a "second best" solution and indicated the first choice was to have a single, countywide transportation millage. Vice Mayor McKinney reviewed the recent history of transportation millages and stated the failure of the countywide millage in November, 2008 necessitated a fare increase. Vice Mayor McKinney apologized for the significant price increase for the monthly pass but stated the proposed fare structure was the best Kalamazoo was able to do given the existing constraints. Vice Mayor McKinney noted the fare structure was complicated so that the system could provide the greatest amount of good for as many people as possible. Vice Mayor McKinney thanked City staff, the KCTA, and the Transit Authority Board for their work.

Commissioner Anderson reminded people that two countywide millages had passed, and the people who voted on the millages did not generally use the system. Commissioner Anderson noted the fares covered less than one-fifth of the actual cost to provide transportation services, Commissioner Anderson thanked Kalamazoo County voters for determining that a public transportation system was valuable and needed in the community. Commissioner Anderson stated the vetting process for the proposed fare structure had been generous and indicated difficult choices had been made.

Commissioner Kuseske stated he had worked with the KCTA since its inception and explained current state laws did not allow the City to be creative with tax millages. Commissioner Kuseske suggested the KCTA and Metro Transit work with state legislators to address the taxation issue. Commissioner Kuseske stated transportation issues were complicated, and he highlighted the need to balance the affordability of services with the provision of adequate resources to maintain the system so it would be there in the future. Commissioner Kuseske stated fares should be reviewed on an annual basis to avoid. Commissioner Kuseske expressed support for the proposed fare increases and pledged to continue working with KCTA to ensure Kalamazoo County had the best possible transportation system.

Approval of Metro
Transit Fare
Increases (cont'd)

With a roll call vote the motion passed.

AYES: Commissioners Anderson, Cooney, Kuseske, 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:

- 78539** - approval of the purchase of three pieces of fire apparatus in the amount of \$1,501,759.00 from Pierce Manufacturing Inc through Halt Fire.
- 78540** - approval of a one-year contract for Metro Transit fleet liability insurance with the Michigan Transit Pool at an annual premium of \$218,628, payable in four equal installments of \$54,657 to Macatawa Bank.
- 78541** - approval of a three-year contract to provide janitorial services at both the Kalamazoo Transportation Administration and Kalamazoo Transportation Center buildings, located at 530 North Rose Street and 459 North Burdick Street respectively, in the total amount of \$210,273.55.
- Resolution 09-75
78542 - adoption of a **RESOLUTION** authorizing the issuance of Tax Anticipation Notes in the amount of \$3 million for fiscal year 2010.
- Ordinance 1862
78543 - adoption of an **ORDINANCE** which provides for the issuance and sale of Water revenue bonds in an amount not to exceed \$8.9 million for the purpose of financing capital projects included in the adopted 2009 and 2010 proposed Water Capital Improvement Program.
- Ordinance 1863
78544 - adoption a Revenue Bond **ORDINANCE** which provides for the issuance and sale of Wastewater revenue bonds in an amount not to exceed \$4 million for the purpose of financing capital projects included in the adopted 2009 and 2010 proposed Wastewater Capital Improvement Program.
- Resolution 09-76
78545 - adoption of a **RESOLUTION** granting a Payment in Lieu of Taxes to the Catholic Family Services Nonprofit Housing Corporation for six-units of permanent supportive rental housing to be developed at 759 Pleasant Avenue, pursuant to Section 35-4 of the Kalamazoo City Code.
- Resolution 09-77
78546 - adoption of a Michigan Department of Consumer & Industry Services, Liquor Control Commission **RESOLUTION** to allow an additional bar permit including outdoor service area for a total of two bars to be held in conjunction with 2009 Class C-SDM license issued under MCL 346.1521(1)B non-transferable with dance-entertainment and official permit (food) for The Strutt, located at 773 W. Michigan.

Consent Agenda
(cont'd)

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

With a roll call vote this motion passed.

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

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

Change Order with Hurley and Stewart, LLC for Engineering Services related to the Arboretum Development – East End Improvements

An opportunity was given for citizens to comment on a recommendation to approve the future improvement project, Arboretum Development – East End Improvements along Solon Street, and a contract change order with Hurley & Stewart, LLC of Kalamazoo, MI to provide construction engineering services for Phase 1 of the project in the amount of \$55,600, but no comments were offered.

78547

Commissioner Anderson, seconded by Commissioner Cooney, moved to approve the future improvement project, Arboretum Development – East End Improvements along Solon Street, and a contract change order with Hurley & Stewart, LLC of Kalamazoo, MI to provide construction engineering services for Phase 1 of the project in the amount of \$55,600.

Prior to a vote on the motion, Commissioner Miller expressed disappointment that City staff could have done the engineering work, but inadequate planning had resulted in the need purchase engineering services so the work could be done by January 1st. Commissioner Miller also expressed disappointment with the order of payment as described in the letter of agreement from WMU dated September 28, 2009. Commissioner Miller noted City Commissioners were not able to give input on the terms of the agreement, as the terms were developed after the City Commission granted approval on August 31st. Commissioner Miller stated she remained especially concerned about the obligation for the City to pay, “all remaining unpaid costs,” despite assurances that the project would cost less than the \$2 million approved in 2007. Commissioner Miller stated the road was “taking on a life of its own,” and she wanted stops in place to ensure the project came in under budget.

With a roll call vote the motion passed.

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

NAYS: None

City Manager’s Report

City Manager Collard provided the following reports and updates:

78548

- Departmental Reports and Project Updates
- CITYLink newsletter dated October 2009
- Kalamazoo Communities in Schools Newsletter dated October 2009.
- Equal Employment/Affirmative Action Report, 3rd Quarter 2009

New Business

Items of new business were considered next.

Brinson Insurance
Premium Request
78549

An opportunity was given for citizens to comment on a letter from Ms. Doreen Brinson requesting a reduction in healthcare coverage premiums, but no comments were offered.

Commissioner Moore, seconded by Commissioner Kuseske, moved to refer to the City Manager a letter from Ms. Doreen Brinson requesting a reduction in healthcare coverage premiums.

With a roll call vote this motion passed.

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

NAYS: None

Citizen Comments

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

78550

Patricia Meyer, non-resident, thanked the City Commission for their support and discussed her lobbying activities in Washington D.C. on behalf of Labor Advocates Workers Solution (LAWS, Inc.). Ms Meyer stated LAWS was making a documentary entitled *Who Idled America?*, and she requested permission to include in the documentary a letter from Commissioner Cooney to Nancy Pelosi dated August 7, 2007. Documents distributed by Ms. Meyer were filed with the papers for this meeting.

78551

Billie Netterwald, City resident, spoke regarding the development of property on Stadium Drive and the effect of this development on residential properties on Fair Oaks Drive and Sycamore Lane. Ms. Netterwald asked for a response from the City regarding this issue. Ms. Netterwald's written comments were filed with the papers for this meeting.

78552

Curtis Leip, City resident, spoke regarding the development of property on Stadium Drive and the enforcement of City ordinance requirements. Mr. Leip's written comments were filed with the papers for this meeting.

78553

Hope Harmon, City resident, expressed concern about ordinance violations by the developer of property on Stadium Drive and the lack of enforcement of ordinances by the City. Ms. Harmon's written comments were filed with the papers for this meeting.

78554

Daniel Humiston, City resident, discussed the removal of trees by the developer of a commercial property on Stadium drive, and he described the resulting intrusion of light and noise from Stadium Drive onto his Sycamore Lane property. Mr. Humiston's written comments were filed with the papers for this meeting.

78555

Jennifer Frey, City resident, asked the City Commission to strengthen Section 6.2 of the Zoning Code regarding buffer zones

Citizen Comments
(cont'd)

78555

between commercial and residential areas. Ms. Frey asked the City to assist Winchell Neighborhood residents regarding the removal of trees by the developer of a property on Stadium Drive, and she questioned whether the City had the ability to enforce developers to compensate residents for the tree removal. Ms. Frey offered several suggestions for strengthening applicable ordinances. Ms. Frey's written comments were filed with the papers for this meeting.

Larry Ross, President of the Oakland/Winchell Neighborhood Association, stated 20-22 residents had called him or talked to him on the street about the development of property on Stadium Drive and the effect of this development on properties in the Winchell Neighborhood, specifically on Fair Oaks Drive and Sycamore Lane. Mr. Ross indicated resident were very angry and stated a solution needed to be worked out.

Linda Teeter, City resident, spoke on behalf of the KCTA and thanked City voters for supporting the transit millage question on November 3rd. Ms. Teeter congratulated Commissioners on their election and reelection.

Pamela Roland, City resident, spoke regarding recent City layoffs and expressed concern that several position reclassifications over the past six months had resulted in significant pay increases for managers and supervisors. Ms. Roland urged the City Commission to look into this situation.

Frank Warren, City resident, talked about General Motors Corporation.

City Commissioner
Comments

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

Commissioner Moore requested an update on the Stadium Drive development project and its effect on properties in the Winchell Neighborhood. Commissioner Moore noted a ribbon-cutting ceremony for the Kalamazoo River Valley Trailway would take place on November 20th, and she wished people "Happy Thanksgiving."

Commissioner Cooney remarked on various local events related to National Hunger and Homelessness Awareness Week.

Vice Mayor McKinney asked if it was necessary for the City Commission to grant permission for LAWS, Inc. to use Commissioner Cooney's letter in a documentary, or if the letter was public?

City Attorney Robinson indicated the letter was public, and the City Commission did not need to grant permission for LAWS, Inc.

Mayor Hopewell asked City staff and the City Attorney to interpret City ordinances applicable to the development on Stadium Drive. Mayor Hopewell stated he would like to know what staff had already done regarding this situation, and he asked the City Attorney to report what the

City Commissioner
Comments (cont'd)

City was able to do, or not to do, from a legal perspective. Mayor Hopewell indicated the main issue was the interpretation and application of existing ordinances, and he noted ordinances adopted in the future could not be applied retrospectively. To this end, Mayor Hopewell asked City staff to work with Winchell Neighborhood residents and the Stadium Drive property developer to bring about a resolution. Mayor Hopewell emphasized he wanted to have a clear understanding of what the City was able and not able to do in this situation. Mayor Hopewell commented on the Holiday Parade, the Tree Lighting Ceremony, and Ribbon Cutting for the Kalamazoo River Valley Trailway. Mayor Hopewell thanked the Downtown Development Authority and Downtown Kalamazoo Incorporated for new tree lights on the Kalamazoo Mall.

Adjournment

The meeting adjourned at 8:29 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 30, 2009

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: November 30, 2009