

A regular meeting of the Kalamazoo City Commission was held on Monday, August 3, 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 Pastor William Roland, Galilee Baptist Church, was followed by the Pledge of Allegiance.

Proclamation

**78419**

Mayor Hopewell announced a proclamation naming August 6-12, 2009 *Big League Softball World Series Week*. Mayor Hopewell tabled the reading of this proclamation until the arrival of Bud VanderBerg, Tournament Director, who was schedule to receive the proclamation.

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.

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:

**78420**

- approval of a one-year term contract extension with Great Lakes Lubricants for the purchase of various types of lubricants at a total cost not to exceed \$160,000.

Resolution 09-55

**78421**

- adoption of a **RESOLUTION** authorizing a November 3, 2009, general election ballot question for voter approval of a special 0.6 mill levy to finance Metro Transit operations in the City of Kalamazoo for 2010 through 2012.

Resolution 09-56

**78422**

- adoption of a Michigan Department of Consumer & Industry Services, Liquor Control Commission **RESOLUTION** to: a) transfer ownership of a 2008 Class C-SDM license business with dance permit, located in escrow at 3912 Douglas, Kalamazoo, MI 49004, Kalamazoo Township, from Mar-Bil Inc. to Mule House, Inc.; b) transfer the location to 402 E. Kalamazoo Avenue, Kalamazoo, MI 49007; and c) request a new outdoor service area (1 area).

Consent Agenda  
(cont'd)

**78423**

- approval of a one-year bus service agreement with EDR Western, LP, d/b/a The Pointe at Western, to provide bus service to The Pointe at Western apartment complex for the contracted annual amount of \$94,608.

**78424**

- approval of a schedule of budget amendments to the FY 2009 Budget resulting in a net reduction in appropriations of \$214,767.

**78425**

- approval of the purchase of a 28.13 acre property located southeast of the "G" Avenue and 6<sup>th</sup> Street intersection, Section 3, Oshtemo Township for the amount of \$245,944.

**78426**

- approval of the City Commission minutes from the Neighborhood and Business Meetings on July 20, 2009.

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

With a roll call vote this motion passed.

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

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

Ordinance 1858  
re: Outdoor  
Furnaces

**78427**

When given an opportunity to comment on an ORDINANCE to amend Chapter 15 of the Kalamazoo City Code to add Article II entitled "Outdoor Furnaces," the following citizens addressed the City Commission:

Barbara Clydesdale, City resident, spoke in support of the proposed ordinance.

Mark Miller, non-resident and member of the Kalamazoo Township Board, expressed support for the proposed ordinance.

Bill Hughes, City resident, expressed support for the proposed ordinance on behalf of the Environmental Concerns Committee (ECC).

Casey Gershon, City resident and member of the ECC, expressed support for the proposed ordinance.

Duane Hettinger, non-resident, spoke in opposition to the proposed ordinance.

Bill Steinmann, City resident and Vice Chair of the ECC, spoke in support of the proposed ordinance.

Commissioner Cooney, seconded by Vice Mayor McKinney, moved to adopt an **ORDINANCE** to amend Chapter 15 of the Kalamazoo City Code to add Article II entitled "Outdoor Furnaces."

Prior to a vote on the motion, Commissioner Cooney expressed support for the ordinance and thanked City Attorney Robinson for his thorough response to the email from Chris Williams.

With a roll call vote this motion passed.

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

NAYS: None

City Clerk's Report  
**78428**

City Clerk Borling reported the following items:

- The following lawsuits had been received and referred to the City Attorney's Office:

- G.R.I.N., L.L.C. v City of Kalamazoo

- Lester Moore, pro per v City of Kalamazoo and Kalamazoo County

- The City Commission has received as informational minutes of the following advisory boards and commissions:

Community Development Act Advisory Committee

- Thursday, February 12, 2009
- Thursday, March 12, 2009
- Thursday, April 02, 2009
- Thursday, April 30, 2009

Community Relations Board

- Thursday, February 12, 2009

Dangerous Buildings Board

- Thursday, February 05, 2009
- Thursday, March 05, 2009

Employee Retirement System Board of Trustees

- Wednesday, February 25, 2009

Environmental Concerns Committee

- Wednesday, February 18, 2009
- Wednesday, March 18, 2009
- Wednesday, April 15, 2009

Friends of Recreation Board

- Monday, January 19, 2009
- Monday, February 16, 2009
- Thursday, March 12, 2009

Kalamazoo Historic District Commission

- Tuesday, February 17, 2009
- Tuesday, March 17, 2009

City Clerk's Report  
(cont'd)

**78428**

- Kalamazoo Historic Preservation Commission
  - Tuesday, January 13, 2009
  - Tuesday, February 10, 2009
  - Tuesday, April 14, 2009
  
- Kalamazoo Municipal Golf Association
  - Tuesday, February 17, 2009
  - Thursday, March 12, 2009
  
- Kalamazoo Transit Authority Board
  - Friday, January 09, 2009
  - Friday, February 06, 2009
  - Friday, March 27, 2009
  
- Parks and Recreation Advisory Board
  - Tuesday, February 03, 2009
  - Tuesday, March 03, 2009
  - Tuesday, April 07, 2009
  - Tuesday, May 05, 2009
  
- Planning Commission
  - Thursday, February 05, 2009
  - Thursday, March 05, 2009
  - Thursday, April 02, 2009
  
- Zoning Board of Appeals
  - Thursday, February 12, 2009
  - Thursday, March 12, 2009
  
- The City Commission had received as informational, 2008 Annual Reports from the following advisory boards and commissions:
  - The Civil Service Board
  - The Community Development Act Advisory Committee
  - The Community Relations Board
  - The Downtown Development Authority
  - The Environmental Concerns Committee
  - The Friends of Recreation Board
  - The Historic District Commission
  - The Historic Preservation Commission
  - The Investment Committee of the Retirement System
  - The Parks and Recreation Advisory Board
  - The Pension Board
  - The Zoning Board of Appeals
  
- The following Special Event requests were approved in the month of May:
  - a request from the Kalamazoo Gay Lesbian Resource Center & WMU's Office of Lesbian, Bisexual, Gay & Transgender Students to use Milham Park on May 9, 2009 from 3:00 - 7:00 p.m. for the Kalamazoo Pride Dog Show.

City Clerk's Report  
(cont'd)

**78428**

- a request from the Kalamazoo Public Library to use Bronson Park on May 27, 2009 from 8:00 a.m. to 12:00 p.m. for the Party in the Park reading event.
- a request from Kalamazoo Institute of Arts to use Bronson Park and City Streets from June 5, 2009 at 8:00 a.m. to June 6, 2009 at 5:00 p.m. for the Kia Art Fair.
- a request from the Fraternal Order of Police to use Bronson Park on June 12, 2009 from 11:30 a.m. to 1:30 p.m. for a Fallen Officers Memorial Service.
- a request from Galilee Baptist Church to use LaCrone Park on July 23, 2009 from 2:00 to 10:00 p.m. for a Family Vacation Bible School Celebration Night.
- a request from the West Main Hill Neighborhood Association to use Henderson Park and City Streets on August 11, 2009 from 12:00 to 9:30 p.m. for the West Main Hill/USTA Picnic.
- a request from the American Foundation for Suicide Prevention to use Bronson Park and City sidewalks on September 12, 2009 from 10:00 a.m. to 3:00 p.m. for the 2009 Out Of The Darkness Community Walk.
- a request from The Alzheimer's Association, Michigan Great Lakes Chapter, to use Bronson Park and City sidewalks on September 19, 2009 from 8:00 to 11:00 a.m. for the annual Memory Walk.
- a request from Gazelle Sports to use Milham Park on September 26, 2009 from 6:00 a.m. to 8:00 p.m. for the 2009 Metro Trek event.
- a request from The Children's Hospital at Bronson to use City sidewalks on October 4, 2009 from 1:00 to 3:00 p.m. for the Walk Across Kalamazoo fundraising event.

City Manager's  
Report

**78429**

City Manager Collard presented and reviewed the following items:

- the *2008 Annual Actuarial Valuation of the City of Kalamazoo Employees' Retirement System*. City Manager Collard highlighted the following statistics from this report: Retirement System's accrued liabilities at the end of 2008 were \$345 million, and the market value of assets was \$368 million; the funding ratio for the Retirement System at the end of 2008, based on market value, was 106.9%. City Manager Collard indicated the System needed a ratio of 115% - 120% for the City to avoid the need to make contributions.

**78430**

- the *FY2009 Budget Second Quarter Report and Executive Summary*. City Manager Collard estimated there would be a 15-20% reduction in the City's ability to fund services from 2007-2013

City Manager's  
Report (cont'd)

**78430**

and noted this estimate was based on a straight-line projection, assuming there would be no changes to outside circumstances. City Manager Collard stated the anticipated reductions in revenue would come in the following areas: commercial property tax receipts; local revenue sharing payments from the state; and gas and weight tax receipts. City Manager Collard also reported it was likely the City would need to begin making contributions to the pension system within the next two or three years, and he suggested the City begin making contributions towards its legacy costs in 2010 – \$500,000 towards the pension system and \$250,000 towards retiree healthcare – to develop the discipline of making those payments. City Manager Collard asked the City Commission to approve or otherwise give input regarding five recommended actions to address the City's short term budget challenges. City Manager Collard estimated approximately 30 positions would be eliminated during the development of the 2010 budget.

Commissioner Anderson stated it was the City Commission's responsibility to make the difficult budget decisions, and he expressed support for the City Manager's recommendations. Commissioner Anderson thanked the City Manger for not waiting until December or January to initiate the discussion of short term budget challenges.

In response to a question from Commissioner Anderson, Mayor Hopewell recommended the City Commission formally vote on the City Manager's recommendations.

Motion to Approve  
the City Manager's  
Recommendations  
re: Short Term  
Budget Challenges

**78430**

Commissioner Moore, seconded by Vice Mayor McKinney, moved to support the City Manager and staff relative to the following recommendations regarding the FY2009 and FY 2010 budgets:

- to direct the administration to identify viable budget reduction alternatives during the 3rd quarter of 2009 that:
  - reduce General Fund operating budgets by \$2M relative to the adopted 2009 budget; and
  - reduce General Fund non-departmental expenditures, transfers and initiatives by \$1.5M relative to the adopted 2009 budget; and
  - reduce reserve funds where appropriate.
- that the City Commission consider approving the 2010 budget reduction alternatives during the 3rd quarter review process.
- to direct the administration to begin identifying and analyzing options for offsetting investment losses in the pension fund.
- that the City Commission and the administration utilize appropriate means to seek public participation in establishing priorities for both the fiscal plan and the 2010 budget.

Prior to a vote on the motion, the following citizens addressed the City Commission:

Motion to Approve  
the City Manager's  
Recommendations  
re: Short Term  
Budget Challenges  
(cont'd)

**78430**

Fred Lawrence, City resident, expressed concern about the amount of non-taxable property in the City, especially properties owned by churches.

Jan Stowe, City resident, stated she was not able to hear the City Manager's presentation.

Kai Phillips, City resident, expressed concern about wasteful spending by City Commissioners.

Commissioner Cooney thanked the City Manager for his report and expressed support for making budget decisions at the end of the third quarter. Commissioner Cooney urged the City Manager to maintain as many positions as possible during the budget reduction process.

Vice Mayor McKinney stated the budget reduction process would be incredibly painful, and she expressed hope that there would be community cohesion during this difficult time. Vice Mayor McKinney stated there was a huge systemic problem for the community to solve and indicated cities in Michigan and in other parts of the country were facing budget challenges that were as bad as, or worse than, the challenges facing Kalamazoo. Vice Mayor McKinney highlighted the need for an appropriate public participation process and stated community members needed to determine the core services of city government without attacking each other.

Commissioner Moore thanked the City Manager and City staff for their broad, holistic view of the City's condition. Commissioner Moore expressed support for the City Manager's recommendations and stated the City Commission needed to move in a direction that stabilized the community. Commissioner Moore stated this work would be a labor of love, and she noted local government was the only place where citizens could approach their elected officials and make their voice heard. Commissioner Moore also encouraged Mr. Phillips to read the budget documents and participated in the budget development process in a constructive fashion.

Commissioner McCann noted the City was facing significant budget challenges because of systemic problems created by bad policies and decisions in the past. Commissioner McCann indicated state and local governments in Michigan were facing a situation where even the high priority services could not be funded, and decisions would need to be made about the value and importance of public services. Commissioner McCann stated Kalamazoo was better off than many communities, and the City would be a better community on the other side of these problems.

Commissioner Miller expressed trust in the City Manager and staff to limit the pain of budget reductions and make good decisions. Commissioner Miller encouraged City employees to make themselves valuable and work hard. Commissioner Miller expressed support for a public input process but noted the City Manager and staff had more knowledge of City operations. Commissioner Miller thanked the City Manager for acknowledging the specter of significant legacy costs (pension and retiree healthcare) looming on the horizon.

Motion to Approve  
the City Manager's  
Recommendations  
re: Short Term  
Budget Challenges  
(cont'd)

**78430**

Mayor Hopewell requested that the communication and public participation process include an educational component to inform residents of the City's budget situation. Mayor Hopewell asked City Manager Collard several questions about the City's budgetary policies and practices to illustrate that the City had been taking steps over the past few years to address both structural and short term budget issues within its control. Mayor Hopewell stated the current fiscal challenges were felt by every organization and family in Kalamazoo, and the City was facing challenges it had never dealt with in the past.

With a roll call vote this motion passed unanimously.

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

NAYS: None

Citizen Comments  
re: a Resolution  
Affirming Ord.  
1856, The Anti-  
Discrimination  
Ordinance

**78431**

When given an opportunity to comment on a RESOLUTION affirming Ordinance No. 1856, the following citizens addressed the City Commission:

Justin Wing, non-resident, introduced a group of young people who performed a mime on the topic of "truth" for the City Commission.

Julie Harpootlian, City resident, expressed opposition to Ordinance 1856.

Terry Kuseske, City resident, spoke in support of Ordinance 1856.

Shawn Briar, City resident, spoke in support of Ordinance 1856 and displayed a petition signed by "thousands" of residents in support of the ordinance.

Michael Parkinson-Kilbourne, City resident and a representative from the Richland chapter of PFLAG (Parents and Friends of Lesbians and Gays), expressed support for Ordinance 1856.

Dave Staiger, City resident, spoke if favor Ordinance 1856.

Fred Lawrence, City resident, expressed support for Ordinance 1856.

John Taylor, City resident, spoke in favor of Ordinance 1856.

Mary Balkema, City resident, requested that Ordinance 1856 be submitted to City voters and requested that the question be worded so that a "yes" vote meant "yes" and a "no" vote meant "no."

LoriAnne Tennison, City resident, expressed support for Ordinance 1856.

Citizen Comments  
re: a Resolution  
Affirming Ord.  
1856 (cont'd)  
**78431**

Resolution 09-57  
Affirming Ord.  
1856, The Anti-  
Discrimination  
Ordinance  
**78431**

Jan Stowe, City resident, stated the Bible would show people the truth about Ordinance 1856.

Susan Gitre, City resident, expressed opposition to Ordinance 1856 and offered remarks on a phone survey about the ordinance.

George Plumstead, City resident, spoke in favor of Ordinance 1856.

Commissioner Moore, seconded by Commissioner Cooney, moved to adopt a **RESOLUTION** affirming Ordinance No. 1856

Prior to a vote on the motion, and in response to a question from Commissioner Anderson, Mayor Hopewell indicated the City Commission would be able to approve ballot language for the referendum question at its meeting on August 18<sup>th</sup> and still meet the deadline for submitting ballot proposals for the November 3<sup>rd</sup> election.

In response to a question from Commissioner Miller, Mayor Hopewell stated the City Attorney had indicated the Commission could not put the ordinance on the ballot at the current meeting.

Commissioner Moore commented on development process for the Anti-Discrimination Ordinance and expressed support for the proposed resolution.

Commissioner Cooney stated the Anti-Discrimination Ordinance was a statement that citizens in the City of Kalamazoo would not tolerate discrimination.

With a roll call vote this motion passed.

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

NAYS: None

Citizen Comments

When given a final opportunity for comments, the following citizens addressed the City Commission:

Asha Khazad, City resident, announced he would run for City Commission.

Creed Stegal, City resident, commended City Commission for their patience during trying times and urged citizens join various advisory boards and commissions. Mr. Stegal also thanked the City Commission for supporting the Anti-Discrimination Ordinance.

Cynthia Owens-White, City resident, expressed opposition to the placement of no-parking signs on North Church Street without seeking citizen input.

Citizen Comments  
(cont'd)

Fred Lawrence, City resident, expressed disagreement with his understanding of Commissioner Anderson's comments regarding homelessness at the July 20<sup>th</sup> City Commission Meeting.

Stacey Marek, City resident and Board President of Michigan Peoples' Action (MPA), asked when the Request for Proposal (RFP) was released for the administration of Homelessness Prevention and Rapid Re-housing Program (HPRRP) funds and claimed the City was denying MPA the opportunity to submit an RFP.

Christopher Adams, City resident and member of MPA, questioned why MPA did not receive the RFP for administration of HPRRP funds.

Mattie Jordan-Woods, City resident and Executive Director of the Northside Association for Community Development (NACD), expressed opposition to the City placing no-parking signs on North Church Street without seeking citizen input first. Ms. Jordan-Woods also stated citizens should address issues and express their opinions at the ballot box rather than making personal attacks against people with whom they disagree.

**78432**

Chris Killian, City resident, spoke on behalf of Kalamazoo Single Payer Across the Nation (KSPAN) and asked the City Commission to adopt a RESOLUTION IN SUPPORT OF A STRONG, VIABLE, "PUBLIC OPTION" OR "ENHANCED MEDICARE FOR ALL" PROGRAM FOR HEALTHCARE REFORM. A copy of the proposed resolution was filed with the papers for this meeting.

Barb Barton, City resident, described her health condition and the associated cost of medical care and expressed support for a single-payer federal healthcare system. Ms. Barton requested the City Commission support a public healthcare option.

Joanne Johnson, City resident, described her inability to pay for health insurance and the need for a single-payer federal healthcare system. Ms. Barton requested the City Commission support affordable and accessible healthcare.

Philip Micklin, City resident, expressed support for a public healthcare option and urged the City Commission to take seriously the KSPAN resolution.

Chris Perry, City resident and member of MPA, spoke regarding the RFP for administration of HPRRP funds.

Lori Anne Tennison, City resident, spoke regarding poverty, homelessness, and the RFP for administration of HPRRP funds.

Dave Staiger, City resident, expressed support for a single-payer, public, healthcare option.

City Commissioner  
Comments

Ebony White, City resident, stated the City had denied a request from Shikoko Cantrell for a block party on Hoek Court, and she asked that this denial be reconsidered and more information be provided regarding the reason for the denial.

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

Commissioner Moore expressed support for Public Safety's community policing efforts but expressed concern about the "No Parking" signs on North Church Street because citizens were not consulted. Commissioner Moore stated the criteria for evaluating block party requests should be clear when citizens make application to the City Clerk. Commissioner Moore invited residents to participate in the National Night Out events on August 4<sup>th</sup> and the Sisters to Sisters III event on August 15<sup>th</sup>. Commissioner Moore expressed support for universal access to affordable healthcare and remarked on the three-year anniversary of the arrest of her nephew, Terrance Moore.

Commissioner Cooney remarked on federal healthcare reform and expressed support for the resolution submitted by KSPAN. Commissioner Cooney announced a town hall meeting on August 11<sup>th</sup> at the Kalamazoo Public Library to discuss healthcare reform.

Commissioner McCann offered remarks on the following: a letter signed by Mayor Hopewell to the Michigan congressional delegation regarding the clean-up of the Kalamazoo River; the recent death of Jerre Wilgus, who had been active on City advisory boards and commissions; and Commissioner Anderson's work in the community.

Mayor Hopewell stated he enjoyed being a member of the Kalamazoo community and Kalamazoo City Commission. Mayor Hopewell noted the Kalamazoo had a representative form of government, not a direct democracy, but citizens still had the ability to vote on particular issues. Mayor Hopewell stated the City Commission's decisions were educated decisions based on advice given by City staff.

Adjournment

The meeting adjourned at 9:49 p.m.

Respectfully submitted,

Scott A. Borling  
City Clerk

For City Commission approval on October 19, 2009

Approved by: \_\_\_\_\_  
Bobby Hopewell, Mayor  
Dated: October 19, 2009