

A regular meeting of the Kalamazoo City Commission was held on Monday, September 21, 2009 at 7:00 p.m. in the City Commission Chambers at City Hall.

Roll Call	<p>COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell Vice Mayor Hannah McKinney David Anderson Don Cooney Barbara Miller Stephanie Moore</p> <p>COMMISSIONERS ABSENT: Sean McCann</p> <p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott A. Borling.</p>
Commissioner Excused	Commissioner Moore, seconded by Commissioner Anderson, moved to excuse the absence of Commissioner McCann. With a voice vote the motion passed.
Invocation	The invocation, given by Commissioner Cooney, was followed by the Pledge of Allegiance.
Proclamation 78463	Mayor Hopewell proclaimed September 2009 National Literacy Month and Library Card Sign-up Month. Ann Rohrbaugh, Director of the Kalamazoo Public Library (KPL), and Valerie Wright, President of the Board of Trustees for KPL, accepted the proclamation.
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda with the following changes:</p> <p>City Manager Collard requested that a fireworks application from Mavcon, Inc. be added to the Consent Agenda as item F-15.</p> <p>Commissioner Moore requested that items F-2, F-3, and F-4 (actions related to the redevelopment of the 100 Block of East Michigan Avenue) be moved from the Consent Agenda to the Regular Agenda.</p> <p>Citizens requested that items F-1 (purchase of fire hydrants), F-7 (contract with the Chamber of Commerce), and F-8 (acceptance of a COPS Hiring Recovery Program award) be moved from the Consent Agenda to the Regular Agenda for discussion.</p>
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:
Resolution 09-65 78464	- adoption of a RESOLUTION recognizing The Whole Art Theater, Inc. as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.

- Resolution 09-66
Resolution 09-67
78465
- adoption of Notice of Intent **RESOLUTIONS** for the issuance of Water Supply System Revenue Bonds in an amount not to exceed \$8.75 million and Wastewater System Revenue Bonds in an amount not to exceed \$4 million for the purpose of financing capital projects included in the Fiscal Year 2009 Capital Improvement Program
- 78466**
- adoption of a deficit elimination plan in accordance with Public Act 140 of 1971, for the Local Development Finance Authority, a component unit.
- 78467**
- adoption of a deficit elimination plan in accordance with Public Act 140 of 1971, for the Kalamazoo Municipal Golf Association, both component units.
- 78468**
- approval of three applications for Neighborhood Enterprise Zone certificates in the Vine Neighborhood Enterprise Zone.
- 78469**
- approval of the updated list of Non-Bargaining Unit Employees exempt from Civil Service Protection.
- 78470**
- approval of the following appointments to advisory boards and commissions:
 - the appointment of **Barbara Blissett** to the Local Officers' Compensation Commission for a term expiring on September 30, 2010.
 - the appointment of **Bradley Cosgrove** to the Local Officers' Compensation Commission for a term expiring on September 30, 2011.
 - the appointment of **Barbara Larson** to the Local Officers' Compensation Commission for a term expiring on September 30, 2012.
 - the appointment of **David Pawloski** to the Local Officers' Compensation Commission for a term expiring on September 30, 2015.
 - the appointment of **Karen Wellman** to the Zoning Board of Appeals for a term expiring on September 30, 2010.
- 78471**
- approval of a recommendation to hold until October 5, 2009 consideration of a quit claim deed conveying the City's interest in 1512 Fairbanks Ct. to Devon Title of Kalamazoo, LLC, whose address is 800 East Milham, Suite 201, Portage, MI 49002, in consideration of \$3,495.33 in payment of 1991 through 1996 foreclosed taxes.
- 78472**
- approval of a request from Mavcon, Inc. to publicly display fireworks from the top deck of the Radisson Parking Ramp on Friday, October 2, 2009 as part of the Art Hop event.

Consent Agenda
(cont'd)

Commissioner Miller, seconded by Commissioner Cooney, moved to approve the consent agenda requests.

With a roll call vote this motion passed.

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

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

Purchase of Fire Hydrants

When an opportunity was given for citizens to comment on a two-year contract to purchase Waterous fire hydrants from ETNA Supply Company for an amount not to exceed \$140,000, the following citizens addressed the City Commission:

78473

Stacey Marek, City resident, inquired about the details of this purchase and noted the funds could be used to address the problem of homelessness.

Commissioner Miller, seconded by Commissioner Moore, moved to approve a two-year contract to purchase Waterous fire hydrants from ETNA Supply Company for an amount not to exceed \$140,000.

With a roll call vote this motion passed.

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

NAYS: None

Redevelopment of the 100 Block of East Michigan Avenue

City Manager Collard requested that the City Commission consider as one item the following items related to the redevelopment of the 100 Block of East Michigan Avenue:

78474

- adoption of a RESOLUTION approving the vacation of Whiskey Alley and the sale of a portion of Lot 9 relating to the planned renovation and redevelopment of the historical buildings in the 100 Block of East Michigan Avenue.
- adoption of a RESOLUTION (a) approving the transfer of \$400,000 from the Economic Initiative Fund and \$101,000 from the Economic Opportunity Fund to the City of Kalamazoo Brownfield Redevelopment Authority; (b) approving the Preliminary Term Sheet in connection with the New Market Tax Credits sought by the developer; and (c) authorizing the City Manager to execute all documents that require the City's approval relating to the Property and Project.
- adoption of a RESOLUTION that: (a) approves a \$200,000 HOME grant, and (b) approves a \$200,000 HOME loan, and (3) authorizes the City Manager to sign and execute all contracts and documents associated with the project in the 100 Block of East Michigan Avenue.

Redevelopment of
the 100 Block of
East Michigan
Avenue (cont'd)

78474

By consensus the City Commission agreed to consider as one item the three resolutions pertaining to the redevelopment of the 100 Block of East Michigan Avenue.

Executive Director of the Economic Development Corporation, Jerome Kisscorni, delivered a presentation regarding the redevelopment project and described the incentives being offered by the City and the Brownfield Redevelopment Authority. Director Kisscorni noted the City was offering its incentives at the beginning of the project so that the developers could secure the New Market Tax Credit from the State of Michigan.

In response to questions from Commissioner Cooney, Director Kisscorni stated the buildings in the 100 Block of East Michigan Avenue had been unoccupied for a long time.

Commissioner Cooney noted the downtown location of these buildings and the restrictions on redeveloping historic structures made the project complex, and he commended Director Kisscorni and the staff of the Downtown Development Authority for bringing the project to this point.

Commissioner Anderson stated deteriorating properties were not good for the City's tax base. Commissioner Anderson explained the complex package of proposed incentives and gap financing for the East Michigan Avenue project was an example of cutting edge development. Commissioner Anderson stated this type of project was difficult to pull together, and he commended City staff for their efforts.

Mayor Hopewell remarked on the absence of opposition to the project, especially in light of the fact that past development proposals for these buildings had evoked criticism.

When given an opportunity to comment on the redevelopment of the 100 Block of East Michigan Avenue, the following citizens addressed the City Commission:

James Daly, President of Mavcon, Inc., expressed support for the motion.

Chris Perry, City resident, expressed concern about the Economic Initiatives Fund, Economic Opportunities Fund, and the project in general. Mr. Perry requested more information about the project and remarked on his inability to get a copy of the agenda packet for this meeting.

Max Conrad, City resident, expressed concern about the use of HOME funds for this project and requested information about the affordable housing units.

Kai Phillips, City resident, asked that citizens' questions be answered before a vote was taken.

Michael Evans, City resident, asked whether the use of HOME funds for this project was in compliance with the City's five-year Consolidated Plan.

Redevelopment of the 100 Block of East Michigan Avenue (cont'd)

Resolution 09-68

78474

Resolution 09-69

Resolution 09-70

Commissioner Moore, seconded by Commissioner Anderson, moved to adopt the following resolutions related to the redevelopment of the 100 Block of East Michigan Avenue:

- a **RESOLUTION** approving the vacation of Whiskey Alley and the sale of a portion of Lot 9 relating to the planned renovation and redevelopment of the historical buildings in the 100 Block of East Michigan Avenue.
- a **RESOLUTION** (a) approving the transfer of \$400,000 from the Economic Initiative Fund and \$101,000 from the Economic Opportunity Fund to the City of Kalamazoo Brownfield Redevelopment Authority; (b) approving the Preliminary Term Sheet in connection with the New Market Tax Credits sought by the developer; and (c) authorizing the City Manager to execute all documents that require the City's approval relating to the Property and Project.
- a **RESOLUTION** that: (a) approves a \$200,000 HOME grant, and (b) approves a \$200,000 HOME loan, and (3) authorizes the City Manager to sign and execute all contracts and documents associated with the project in the 100 Block of East Michigan Avenue.

Prior to a vote on the motion, and in response to a question from Commissioner Cooney, Director Kisscorni stated four residential units would utilize HOME funds and would therefore be subject to regulations from the U.S. Department of Housing and Urban Development (HUD).

Commissioner Cooney highlighted the fact that the City was investing \$900,000 to create 72 full time jobs on a \$10,000,000 project.

Commissioner Moore thanked Director Kisscorni for his presentation and expressed support for the motion.

With a roll call vote the motion passed.

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

NAYS: None

Renewal of Lobbying Contract with the Southwest Michigan Alliance

78475

When given an opportunity to comment on a contract with the Kalamazoo Regional Chamber of Commerce in support of the Southwest Michigan Alliance, the following citizens addressed the City Commission:

Tony Rhinehart, City resident, spoke in opposition to the proposed contract renewal.

Michael Evans, City resident, spoke in opposition to the proposed contract renewal.

Commissioner Miller, seconded by Commissioner Moore, moved to renew the contract with the Kalamazoo Regional Chamber of Commerce

Renewal of
Lobbying Contract
with the Southwest
Michigan Alliance
(cont'd)

78475

in support of the Southwest Michigan Alliance, a regional initiative to promote economic development through a common legislative agenda in an amount not-to-exceed \$15,000.

Prior to a vote on the motion, Commissioner Cooney explained the contract would support the Southwest Michigan Alliance, not the Chamber of Commerce, and would fund lobbying efforts in Washington.

Commissioner Moore noted the lobbying topics were limited to transportation, the environment, and higher education.

With a roll call vote the motion passed.

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

NAYS: None

Acceptance of
COPS Hiring
Recovery Grant

78476

When given an opportunity to comment on the acceptance of a COPS Hiring Recovery Program award of \$1,911,340, the following citizens addressed the City Commission:

Michael Wood, City resident, expressed opposition to accepting the grant award.

Commissioner Cooney, seconded by Vice Mayor McKinney, moved to accept the COPS Hiring Recovery Program award of \$1,911,340 from the U.S. Department of Justice and authorize the City Manager to sign the award document and other documents associated with this funding.

Prior to a vote on the motion, Commissioner Anderson expressed support for the acceptance of the COPS hiring grant.

Commissioner Moore requested that diversity goals be kept in mind as new officers were hired.

City Manager Collard stated the hiring grant would be used to retain 10 Public Safety Officers.

With a roll call vote the motion passed.

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

NAYS: None

Contract for
Program
Management
Services for the
Intelligent
Transportation
System

78477

Transportation Director Bill Schomisch delivered a presentation regarding implementation of an Intelligent Transportation System. Director Schomisch noted the project would be funded with dollars from the American Recovery and Reinvestment Act funds could not be used for operations.

In response to a question from Commissioner Moore, Director Schomisch stated 100% of the project was federally funded.

Contract for
Program
Management
Services for the
Intelligent
Transportation
System (cont'd)

78477

Commissioner Moore, seconded by Commissioner Anderson, moved to approve a multi-year contract with Giffels LLC/IBI Group to provide Consultant and Program Management Services to the Transportation Department for its Intelligent Transportation System program design and implementation in an amount not to exceed \$359,435.

With a roll call vote the motion passed.

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

NAYS: None

Youth Party
Regulation
Ordinance

78478

Commissioner Cooney, seconded by Commissioner Anderson, moved to offer for first reading an ORDINANCE to amend Chapter 22 of the Kalamazoo City Code to add a section addressing youth party regulation and adult responsibility.

Prior to a vote on the motion, Vice Mayor McKinney expressed concern about enforcement of the ordinance and how the definition of "responsible adult" would be applied to landlords and private colleges. Vice Mayor McKinney noted Public Safety Chief Jeff Hadley was not sure how officers would enforce the ordinance, and she suggested more work be done on this important issue.

Commissioner Miller remarked on Chief Hadley's memo and questioned who would be accountable when parents were out of town.

Commissioner Cooney thanked Commissioner Moore for requesting this ordinance but suggested the ordinance be improved over the next two weeks.

Commissioner Anderson reported hearing concerns from landlords and noted there seemed to be a misunderstanding about the state laws on this topic.

Commissioner Moore stated enforcement of this ordinance would be challenging but not impossible. Commissioner Moore stated the proposed ordinance had started a dialogue, and she remarked on the number of organizations she had met with to discuss the ordinance. Commissioner Moore indicated she welcomed more input on the issue.

Mayor Hopewell requested clarification from Chief Hadley as to the usefulness of this tool for the Department Public Safety. Mayor Hopewell agreed that more input was needed but questioned whether the work could be done in two weeks.

Vice Mayor McKinney questioned if changes to the ordinance would require another first reading.

City Attorney Robinson stated he would have limited time to devote to the ordinance over the next week due to his involvement in the Michigan Municipal League convention. City Attorney Robinson explained the proposed ordinance had been vetted, to a degree, but he expressed

Youth Party
Regulation
Ordinance (cont'd)

78478

interest in looking for other models, especially with help from the Public Safety Department. With the potential for significant changes to the ordinance, City Attorney Robinson suggested that either the City Commission defeat the motion for first reading or that Commissioner Cooney withdraw his motion. City Attorney Robinson stated he could have a revised ordinance ready for the City Commission's consideration at its second Regular Business Meeting in October.

Vice Mayor McKinney stated she wanted an ordinance that was enforceable and that had "teeth."

In response to a question from Commissioner Moore, City Attorney Robinson clarified that he had asked Chief Hadley to review and comment on the proposed ordinance, but he had not asked the Chief to suggest alternative models or methods.

Commissioner Cooney withdrew his motion with the understanding that this ordinance would be resubmitted to the City Commission at its second Regular Business Meeting in October.

Mayor Hopewell encouraged Commissioners to help move this ordinance forward.

City Manager's
Report

78479

City Manager Collard provided the following reports and updates:

- Departmental Reports and Project Updates
- CITYLink newsletter dated August 2009
- July 2009 Purchasing Report

City Manager Collard noted Kalamazoo was be hosting the Michigan Municipal League (MML) Annual Convention this week, and he highlighted some of the convention sessions and events.

Report on the
Homelessness
Prevention and
Rapid Rehousing
Program (HPRRP)

78480

Laura Lam, delivered a report and presentation on the Homelessness Prevention and Rapid Rehousing Program (HPRRP).

Commissioner Anderson commended Director Chamberlain and Ms. Lam for the well-run, effective community meeting on September 14th regarding HPRRP.

In response to a question from Commissioner Moore, Ms. Lam explained the HPRRP funds could be used for rental payments but not mortgage payments for homeowners facing foreclosure.

Citizen Comments

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

Frank Warren, City resident, offered comments on the General Motors Corporation and the G-20 meeting in Pittsburg.

Nick Boyd, City resident, spoke regarding ARRA funding, hiring Public Safety Officers from within the community, the youth party ordinance, and the need to support job creation and business development.

Citizen Comments
(cont'd)

Howard Steiner, City resident, spoke on behalf of Interfaith Strategy for Advocacy and Action in the Community (ISAAC) – Early Childhood Education Task Force and urged the City Commission to advocate for the restoration of funding for early childhood education programs.

78481

Ed Tarkowski, non-resident, spoke regarding an invoice for trash removal from his property at 1116 James Street and questioned whether the City ordinance allowed property owners to be billed for nuisance violations without a violation notice. Mr. Tarkowski submitted a picture of the trash that was removed from his property.

78482

Sean Briar, City resident, spoke on behalf of the Parks and Recreation Advisory Board (PRAB) and read a letter regarding proposed budget reductions and the Parks and Recreation Department.

Karen Wellman, City resident, announced her candidacy for the City Commission.

Kai Phillips, City resident, requested the resignation of Commissioner Moore and stated Commissioner Moore had improperly used City resources to send out letters advertising a private meeting with local ministers to discuss ways they could advocate on election issues.

Creed Stegall, City resident, commended the City Commission for being responsible stewards over the past two years and discussed a recent house fire on Elm Street.

City Commissioner
Comments

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

Commissioner Moore spoke regarding funding for early childhood education programs and encouraged citizens to contact their legislators on this issue.

Commissioner Miller noted elected and appointed officials from all over Michigan were in Kalamazoo for the MML convention.

Commissioner Anderson commented on the variety of topics covered on the City Commission agenda and the availability of information about agenda items on the City's website. Commissioner Anderson noted the items on the agenda had involved over \$5 million of federal funding from the American Recovery and Reinvestment Act. Finally, Commissioner Anderson read into the record the following letter from Commissioners Cooney and Moore dated September 17, 2009 on City Commission letterhead:

Dear Community Member:

You are cordially invited to attend a brief meeting with City Commissioners Don Cooney and Stephanie Moore to discuss

City Commissioner
Comments (cont'd)

ballot measure questions for the November 3, 2009 Election. The intent is to inform you on the facts of the issues and how it impacts the community. Additionally, attorney Dorphine Payne will discuss with you the law regarding churches and non-profits and what they can and cannot do regarding education and advocacy on election issues. The meeting will be held on Thursday, September 24, 2009, 9:30 a.m. - 11:00 a.m. at Mt. Zion Baptist Church, conference room, 120 Roberson. Please join us for this very important educational meeting. Contact Laura Ludwig at [the number] to RSVP no later than Wednesday, September 23rd. Thank you in advance for your participation.

Respectfully,

Don Cooney and Stephanie Moore
City Commissioners

Commissioner Anderson questioned whether there was any law that reflected whether it was appropriate for this type of letter to be sent out on City Commission letterhead.

City Attorney Robinson explained the Michigan Campaign Finance Act prohibited the use of public funds for advocating on behalf of a ballot question, but he stated elected officials were exempt from this provision. City Attorney Robinson discussed a letter dated October 31, 2005 from the Secretary of State to David Murley, the Majority Counsel to the Michigan House of Representatives, which included the following statement: "The occasional, incidental use of public resources to communicate with a constituent or the media on a ballot question falls within the exemption, as there are no resources devoted to an effort to assist or oppose the qualification, passage, or defeat of that question." City Attorney Robinson noted the letter did not advocate for or against a ballot measure, and therefore it did not violate the Michigan Campaign Finance Act.

Commissioner Cooney thanked PRAB for its letter regarding the FY2010 budget and offered remarks on the following topics: funding for early childhood education programs; the G-20 meeting taking place in Pittsburg; the Day of Dignity event in MLK Park; and the need for City Commission candidates to focus on issues and not people.

Mayor Hopewell spoke about the diversity of the City Commission and noted the campaign season pushed and pulled Commissioners in different directions.

Closed Session

78483

Commissioner Miller, seconded by Commissioner Anderson, moved to go into closed session to discuss labor negotiations. With a voice vote the motion passed.

At 9:30 p.m. the City Commission went into closed session

At 9:56 p.m. the City Commission came out of closed session. When the meeting resumed, Vice Mayor McKinney was absent.

Collective
Bargaining
Agreement with
the ATU

78484

Commissioner Moore, seconded by Commissioner Miller, moved to approve the tentative collective bargaining agreement with the Amalgamated Transit Union (ATU), Local 1093 for years February 2007 through February 2010.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Mayor Hopewell

NAYS: None

Adjournment

The meeting adjourned at 9:57 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on November 9, 2009

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: November 9, 2009