

A regular meeting of the Kalamazoo City Commission was held on Monday, November 2, 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, Deputy City Attorney Randy Schau, and City Clerk Scott A. Borling.

Invocation

The invocation, given by Sean Hughes, Executive Director of Youth for Christ, was followed by the Pledge of Allegiance.

Proclamations

78524

Commissioner Moore, on behalf of Mayor Hopewell, read a proclamation *Honoring Bishop T.D Lockett & Ms. Quella Lockett*. Brother Howard Robinson and Sister Robin Robinson were present to receive the proclamation on behalf of the Locketts.

78525

Commissioner Miller, on behalf of Mayor Hopewell, read a proclamation *Honoring Pastor Milton Wells & Lady Joyce Wells*. Pastor Wells and Jomil Wells were present 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 and authorize the City Manager to sign on behalf of the city:

78526

- approval of the purchase of four 2010 Ford 8250 Lift-Equipped Conversion Vans from Mobility Transportation Services in the amount of \$119,100.

78527

- authorization for the City Manager to sign a "Purchase Agreement" that would allow the City to acquire a vacant lot at 1214 Bryant Street to allow for additional parking by Public Safety officers.

Resolution 09-72

78528

- adoption of a **RESOLUTION** dedicating and accepting Full Circle Drive as a public street, and authorizing the City Manager to execute a quit claim deed in conjunction with the Brownfield Redevelopment Authority conveying Full Circle Drive to the City.

Consent Agenda
(cont'd)

Resolution 09-73
78529

- adoption of a **RESOLUTION**: a) designating a Project Area and Project District Area, b) appointing two Special EDC Directors to the EDC Board of Directors for the duration of this Project, c) waiving the Economic Incentive Loan Fund guidelines restricting loans to projects not yet started and d) setting a public hearing for December 7, 2009 to consider adopting a resolution approving a project plan for the EIF Loan request.

Resolution 09-74
78530

- adoption of a Michigan Department of Consumer & Industry Services Liquor Control Commission **RESOLUTION** to transfer ownership of a Class C-SDM liquor from Steve Montayne Enterprises, Inc. to Rustica, LLC and approve a new entertainment permit and official permit (food) to Rustica LLC.

78531

- approval of a recommendation to schedule a formal Public Hearing for Monday, November 16, 2009, to receive public comment on the proposed fare increase for the Kalamazoo Metro Transit System scheduled for implementation on January 4, 2010.

78532

- approval of the minutes from the following City Commission meetings: the Committee of the Whole Meeting on August 28, 2009; the Neighborhood Meetings on September 21 and October 19, 2009; and the Business Meetings on August 31, October 5, and October 19, 2009.

Commissioner McCann, seconded by Commissioner Moore, 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 1860
re: Minors in
Possession of
Alcohol

An opportunity was given for citizens to comment on an **ORDINANCE** to revise Section 22-42 of the Kalamazoo Code of Ordinances which makes it unlawful for a minor to possess or consume alcohol and to bring the ordinance in compliance with the corresponding state statute and recent Court of Appeals decision, but no comments were offered.

78533

Commissioner Moore, seconded by Commissioner Anderson, moved to adopt an **ORDINANCE** to revise Section 22-42 of the Kalamazoo Code of Ordinances which makes it unlawful for a minor to possess or consume alcohol and to bring the ordinance in compliance with the corresponding state statute and recent Court of Appeals decision.

With a roll call vote this motion passed unanimously.

Ordinance 1861
re: Use of Alcohol
and Controlled
Substances at
Social Gatherings

78534

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

NAYS: None

An opportunity was given for citizens to comment on an ORDINANCE to amend Chapter 22 of the Kalamazoo City Code of Ordinances to add Section 22-64 addressing the regulation of, and responsibility for, under-age drinking and use of controlled substances at social gatherings, but no comments were offered.

Commissioner Cooney, seconded by Commissioner Anderson, moved to adopt an **ORDINANCE** to amend Chapter 22 of the Kalamazoo City Code of Ordinances to add Section 22-64 addressing the regulation of, and responsibility for, under-age drinking and use of controlled substances at social gatherings.

Prior to a vote on the motion, Vice Mayor McKinney stated the proposed ordinance was a great improvement to the ordinance presented on September 21st, but she expressed concern about confusion in the community over the impact of the ordinance. Vice Mayor McKinney stated the ordinance did not seem to be ready for adoption and questioned whether it would be usable as an effective tool for Public Safety.

In response to questions from Commissioner Anderson, Deputy City Attorney Schau stated the proposed ordinance mirrored existing state laws, and he explained the addition of existing statutory provisions to the Code of Ordinances would allow the City Attorney to prosecute violations. Deputy City Attorney Schau stated the existing state law was not invoked often, and he would not anticipate the City Attorney's Office being burdened by the additional cases.

In response to a question from Vice Mayor McKinney, Deputy City Attorney Schau stated persons who could be responsible under the proposed ordinance would be the property owner, a tenant, or the person otherwise in control of the premises. Deputy City Attorney Schau noted a person in one of these categories must have had knowledge of the illegal activity and must have failed to take corrective action in order for him or her to be held responsible under the ordinance.

Commissioner Moore noted her many efforts to reach out to community organizations, educational institutions, and parents. Commissioner Moore stated she did not have as many face-to-face meetings regarding the revised ordinance as compared to the original ordinance, but she had emailed the text of the ordinance to various stakeholders and asked for comments. Commissioner Moore stated the ordinance was not perfect, but it was a step in the right direction on problems of underage drinking and substance abuse.

Vice Mayor McKinney stated community stakeholders had been given information but had not been led to an understanding of the ordinance. Vice Mayor McKinney commended Commissioner Moore for reaching out into the community, but she indicated the rest of the City Commission had

Ordinance 1861
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78534

not done a good job with the development of the proposed ordinance. Vice Mayor McKinney stated the ordinance seemed symbolic and expressed concern for unintended consequences.

Commissioner Cooney stated the proposed ordinance was a response to recent out-of-control parties where people had been hurt, and the message of the ordinance for the community was that people were responsible for the activities in their homes. Commissioner Cooney stated the proposed ordinance was as good as the Commission could do at the moment, and the next Commission could work on improving the ordinance over the next 18 months.

Mayor Hopewell stated the ordinance development process would be a topic for the next Commission to address. Mayor Hopewell noted the City Commission routinely adopted ordinances for which little community input was gathered.

With a roll call vote the motion to adopt the social gathering ordinance passed by a vote of 6-1.

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

NAYS: Vice Mayor McKinney

City Clerk's Report

78535

City Clerk Borling reported the following items:

- the following lawsuits were received and referred to the City Attorney's Office:
 - Jerry McNeely, pro per v City of Kalamazoo, Kalamazoo County Sheriff, Kalamazoo County Prosecutor, Kalamazoo County Medical Examiner, and Kalamazoo County Corporation
 - David V. Gladysz v Certified Auto Repair Service, Inc., Dan Larson, Registered Agent, and City of Kalamazoo and State of Michigan Department of Treasury and State of Michigan Unemployment Insurance Agency
- the City Commission has received as informational minutes of the following advisory boards and commissions:
 - Community Development Act Advisory Committee
 - Thursday, August 06, 2009
 - Thursday, September 10, 2009
 - Community Relations Board
 - Thursday, August 13, 2009
 - Downtown Development Authority
 - Monday, June 15, 2009
 - Monday, August 24, 2009
 - Monday, September 21, 2009

City Clerk's Report
(cont'd)

78535

- Environmental Concerns Committee
 - Wednesday, September 16, 2009
- Community Development Act Advisory Committee
 - Thursday, August 06, 2009
 - Thursday, September 10, 2009
- Community Relations Board
 - Thursday, August 13, 2009
- Downtown Development Authority
 - Monday, June 15, 2009
 - Monday, August 24, 2009
 - Monday, September 21, 2009
- Parks and Recreation Advisory Board
 - Wednesday, August 5, 2009
 - Tuesday, September 1, 2009
- Zoning Board of Appeals
 - Thursday, September 10, 2009
- the following special event were approved in the month of October:
 - a request from First Presbyterian Church to use Bronson Park on Sunday, October 4, 2009 from 2:45 to 3:45 p.m. for a Blessing Of The Animals service.
 - a request from the Vine Neighborhood Association to use City sidewalks on Saturday, October 10, 2009 from 9:00 to 10:00 a.m. for the Vine Neighborhood Fun Run.
 - a request from the New Year's Fest Board of Directors to use Bronson Park and City streets from Thursday, December 31, 2009 at 5:30 p.m. to Friday, January 1, 2010 at 12:30 a.m. for the annual New Year's Fest event.

Citizen Comments

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

Frank Warren, City resident, spoke regarding a problem with his step-son and noted November 11th was Veterans Day.

Nick Boyd, City resident, stated he enjoyed meeting citizens and interacting with City Commissioners during the City Commission campaign.

Bill Steinmann, City resident, spoke on behalf the Environmental Concerns Committee and urged the City Commission to support funding for parks and recreation, social programs, and sustainability initiatives.

Citizen Comments
(cont'd)

Mattie Jordan-Woods, City resident, urged citizens to vote "yes" on the Metro Transit millage question and "yes" on the referendum question for Ordinance 1856.

Pastor Joseph Anderson, City resident, thanked Mayor Hopewell and the City Commission for honoring his daughter with a proclamation. Pastor Anderson expressed opposition to Ordinance 1856.

Kai Phillips, City resident, thanked City Commissioners for a great election season.

Mike Kilbourne, City resident, expressed support for Ordinance 1856 and Commissioner Cooney in the upcoming election.

Asha Khazad, City resident, expressed support for Ordinance 1856 and stated the government had no place trying to regulate consensual adult sex.

Reverend Lenzy Bell, City resident, spoke in opposition to Ordinance 1856 and expressed concern that the ordinance would be used to regulate the content of sermons.

Commissioner
Comments

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

Commissioner Moore offered remarks on the following topics: Breast Cancer Awareness Month (October); the inclusive electoral process; the pleasure it had been to serve on the City Commission; how Terry Kuseske had introduced her to great people in the community; and the NAACP's 100th Anniversary celebration banquet November 7th. Commissioner Moore invited people to join NAACP.

Commissioner Miller expressed well-wishes to Commissioner McCann as this was his last regular City Commission business meeting.

Commissioner Anderson reminded citizens that the City Commission supported a long review process for the Anti-Discrimination Ordinance that resulted in a revised ordinance. Commissioner Anderson highlighted the exemption for faith-based organizations in the new ordinance and stated the new ordinance reflected the values of a majority of City residents.

Commissioner Cooney commended Commissioner McCann for being diligent, compassionate, and creative during his years of service on the Commission. Commissioner Cooney noted a young man was killed over the past week. We need to work hard to give our kids positive choices. Commissioner Cooney congratulated all City Commission candidates for their concern about the City, and he expressed support for Ordinance 1856.

Commissioner McCann expressed hope that on Wednesday morning he would wake up in a community that had taken one more step towards justice and in a community with a good Metro Transit system.

Commissioner
Comments (cont'd)

Commissioner McCann referenced a quote from Martin Luther King, Jr. about the arc of history bending towards justice.

Vice Mayor McKinney commended Commissioner McCann for his excellent constituent service and stated his departure would be a loss for the City Commission. Vice Mayor McKinney expressed support for the Metro Transit millage and for Ordinance 1856. Vice Mayor McKinney stated K-College was creating a center for social justice leadership, and she noted the City had many social justice leaders.

Mayor Hopewell stated Commissioner McCann would be missed. Mayor Hopewell stated the City Commission believed in fairness, equality, and justice and reminded citizens there was a time when someone like him could not be a City Commissioner, live in the Stuart Neighborhood, or sit at a lunch counter.

Adjournment

The meeting adjourned at 8:22 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