

	<p>A regular meeting of the Kalamazoo City Commission was held on Monday, July 7, 2014 at 7:00 p.m. in the City Commission Chambers at City Hall.</p>
Roll Call	<p>COMMISSIONERS PRESENT: Mayor Bobby J. Hopewell Vice Mayor David Anderson Robert Cinabro Barbara Miller Stephanie Moore Jack Urban</p> <p>COMMISSIONERS ABSENT: Don Cooney</p> <p>Also present were City Manager James Ritsema, City Attorney Clyde Robinson, and Deputy City Clerk Shelby Moss.</p>
Commissioners Excused	<p>Commissioner Moore, seconded by Commissioner Cinabro, moved to excuse the absence of commissioner Cooney. With a voice vote the motion passed</p>
Invocation	<p>The invocation, given by Pastor Greg Jennings, Sr., was followed by the Pledge of Allegiance.</p>
Proclamations	<p>Commissioner Anderson read a proclamation entitled <i>Crescendo Academy of Music 25th Anniversary</i>. Executive Director Audrey Lipsey and Board Members Sandy Newport, Linnaea Thomas and Charlie Tomlinson received the proclamation.</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda with the following changes:</p> <ul style="list-style-type: none"> - Commissioner Miller requested Item F3, a loan to the City of Kalamazoo Downtown Development Authority, Item F6 a resolution to place amendments to the City Charter on the November 2014 ballot, and Item F7, a resolution to support Proposal 1 on the August 5, 2014 ballot, be moved to the regular agenda. - City Manager Ritsema requested the acceptance of a grant from the Stryker Johnston Foundation for the Summer Youth Employment Program be added to the Consent Agenda.
Consent Agenda	<p>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:</p> <ul style="list-style-type: none"> - approval of a contract with Michigan Paving and Materials Corporation for the 2014 Street Paving Program in the amount of \$1,825,255.25 and increase the associated Water Capital Improvement Projects budget by \$171,990.16. - approval of a contract with Hoekstra Electrical Services for upgrades to the City Hall power supply, lighting, and related circuitry in the amount of \$278,600.

- first reading of an ORDINANCE to amend Section 35-4 of the City Code of Ordinances, which governs the granting of payments in lieu of taxes (PILOT) to housing developments receiving financing from the Michigan State Housing Development Authority.
- first reading of an ORDINANCE to contract rezone 1031, 1101 and 1107 Lafayette Avenue from Zone CN-1 (Commercial, Neighborhood District) and Zone RM-15C (Residential, Multi-Dwelling District-Campus Area) to Zone CC (Commercial, Community District), and schedule a public hearing on the request for the July 21 meeting; and 2) Introduction of a resolution to vacate Lafayette Avenue between W. Michigan Avenue and 1111 Lafayette Avenue.
- approval of an increase of Public Safety Officer allocations by two (2) and approval of a budget amendment to support the two positions in order to fulfill a three (3) year contract with Bronson Hospital to provide police services.
- approval of an "Annual Delegation of School Inspection Authority to a Local Unit of Government" for Lakeside Academy, and authorization for the Mayor to sign on behalf of the City.
- approval of a sidewalk and utility easement with The Church of Jesus Christ of Latter-Day Saints for property at 1112 N Drake Road and authorization for the City Manager to sign all related documents.
- approval of a sidewalk easement with Kalamazoo Public Schools for property at 3215 Oakland Drive (Woods Lake Elementary School) and authorization for the City Manager to sign all related documents.
- approval of a sidewalk and utility easement with Philip and Debra Young of 4715 Grand Prairie Road, Kalamazoo, MI 49007; approve the agreement with Oshtemo Township; and authorization for the City Manager to sign all related documents.
- acceptance of a grant from Stryker Johnston Foundation in the amount of \$50,000 in support of the 2014 Summer Youth Employment Program (SYEP) and amend a memorandum of understanding with the Kalamazoo Regional Education Service Agency (KRESA) to operate the Summer Youth Employment Program from \$122,858.26 to \$172,858.26, and ask the City Manager to sign all related documents.

Consent Agenda
(cont'd)

Commissioner Urban, seconded by Commissioner Miller, moved to approve the consent agenda requests and authorize the City Manager to sign on behalf of the City.

With a roll call vote this motion passed.

	<p>AYES: Commissioners Cinabro, Miller, Moore, Urban, Vice Mayor Anderson, Mayor Hopewell</p> <p>NAYS: None</p>
Regular Agenda	Regular Agenda items were considered next.
Loan to the Downtown Development Authority	<p>Commissioner Miller, seconded by Commissioner Moore, moved to approve a loan to the City of Kalamazoo Downtown Development Authority in the amount of \$666,080 and authorize the City Manager to sign the loan agreement.</p> <p>Commissioner Miller thanked City Manager Ritsema for working to approve the loan as it would save the City of Kalamazoo Downtown Development Authority a significant amount of money.</p> <p>Commissioner Cinabro also thanked City Manager Ritsema and expressed support of the loan.</p> <p>Steve Deisler, Director for Downtown Kalamazoo, Incorporated thanked the Commissioners for their support, and City Manager Ritsema and Finance Director Tom Skrobola for their efforts in providing excellent loan terms. Mr. Deisler stated the loan would significantly help the Downtown Development Authority budget.</p> <p>With a roll call vote this motion passed.</p> <p>AYES: Commissioners Cinabro, Miller, Moore, Urban, Vice Mayor Anderson, Mayor Hopewell</p> <p>NAYS: None</p>
Resolution 14-32 Supporting State Proposal 1 re: Elimination of the Personal Property Tax	<p>Commissioner Urban, seconded by Commissioner Cinabro, moved to adopt a RESOLUTION to support Proposal 1 on the August 5, 2014 ballot to eliminate the personal property tax.</p> <p>An opportunity was given for citizens to comments on this motion, but no comments were offered.</p> <p>Commissioner Urban expressed support for Proposal 1 and urged voters to become educated about the proposal and show their support on Election Day.</p> <p>Commissioner Cinabro strongly supported Proposal 1 and encouraged voters to study the proposal carefully.</p> <p>Vice Mayor Anderson thanked the Legislative Committee for bringing the resolution forward for consideration, and noted it was important to have an open discussion regarding the proposal. Vice Mayor Anderson explained tax revenue sharing, and expressed his support for the proposal. Vice Mayor Anderson stated the proposal was not a tax increase, and it was supported by many organizations including the Michigan Municipal League and the Michigan Association of Counties. Vice Mayor Anderson advised voters to think of the proposal as a shifting</p>

of how taxes were collected, and it was important for the City of Kalamazoo to support this proposal.

Mayor Hopewell asked City Manager Ritsema and City Attorney Robinson to place information regarding Proposal 1 on the City of Kalamazoo website for voters to access.

With a roll call vote this motion passed.

AYES: Commissioners Cinabro, Miller, Moore, Urban, Vice Mayor Anderson, Mayor Hopewell

NAYS: None

Next, City Attorney Robinson gave a presentation regarding the resolution to place amendments to the City Charter on the November 2014 ballot. City Attorney Robinson stated the Assistant Attorney General had advised him to rework some the ballot language in order to be under the 100 word limit, and to split the original Proposal 4, dealing with vacancies, into two proposals. City Attorney Robinson reviewed each of the proposed Charter amendments in depth:

Proposal 1: Shall Sections 5, 6, 8, 9, 32, 33 and 166 of the City Charter be amended to provide City Commission would be composed of a Mayor, as a separately elected office and six City Commissioners and that the City Commissioner candidate who receives the most votes be elected Vice Mayor?

City Attorney Robinson noted the adoption of Proposal 1 was not conditional upon the adoption of any of the other proposals at the election, and he explained the language change of "Mayor and City Commissioners" was the reason so many sections were affected.

Proposal 2: Shall Sections 5, 32, and 33 of the City Charter be amended to provide for the election of City Commissioners for staggered four-year terms of office?

City Attorney Robinson indicated state law required the City to hold an election in November of every odd year. City Attorney Robinson explained the top three vote recipients in the 2015 election would be elected to four-year terms, and those finishing in positions four through six would be elected to two-year terms in order to start the term-staggering process.

Proposal 3: Shall Section 8 of the City Charter be amended to provide for the election of the Vice Mayor as the City Commissioner candidate who receives the most votes in the regular municipal election for a 2 year term?

City Attorney Robinson stated Proposals 1 and 2 reflected the recommendations from the 1998 Charter Review Committee, however Proposal 3 deviated from those recommendations and instead continued the current practice of electing the Vice Mayor from the second highest vote recipient.

Resolution 14-32
Supporting State
Proposal 1 re:
Elimination of the
Personal Property
Tax (cont'd)

Resolution 14-31
Approving Five
Proposals to Amend
the City Charter for the
November 2014 Ballot

Resolution 14-31
Approving Five
Proposals to Amend
the City Charter for the
November 2014 Ballot
(cont'd)

Proposal 4: Shall Sections 9, and 32 of the City Charter be amended to provide for the filling of the second half of a vacant four-year term in the office of City Commissioner by popular election?

City Attorney Robinson explained that if a vacancy was created in the Office of City Commissioner the Commission would appoint an individual to fill that seat until the next election, where the seat would be filled for either a partial two-year term (if the vacancy occurred in first half of the term) or a regular four-year term (if the vacancy occurred in second half of the term). City Attorney Robinson noted this proposal was consistent with what the City of Portage and many school boards followed.

Proposal 5: Shall Sections 6 and 9 of the City Charter be amended to provide for the contingent resignation of a City Commissioner in the midst of their four-year term in order to seek the office of Mayor?

City Attorney Robinson explained that if a currently seated Commissioner chose to run for the Office of the Mayor he or she would need to submit a letter of resignation with his or her nominating petitions. City Attorney Robinson stated the resignation would take effect at 11:59 p.m. the Monday before the Municipal election, and this vacancy would be filled by the fourth highest vote recipient from the election being held the next day.

City Attorney Robinson then presented an alternate resolution which would add two more ballot questions: Proposal 6 would provide for a four-year Mayoral term of office beginning in 2017; and Proposal 7 would provide for the filling of the vacancy in the Office of the Mayor. City Attorney Robinson noted Proposals 6 and 7 had not been reviewed by the Attorney General's Office.

In response to a question from Commissioner Moore, City Attorney Robinson stated a vacancy created by a Commissioner running for the Office of the Mayor would not occur until 11:59 the Monday before the election. City Attorney Robinson intentionally wrote the language to create the vacancy before Election Day so voters would know before going into the voting booth the fourth highest vote getter would fill the vacancy of a commissioner running for the Office of the Mayor. This rule would not apply if a Commissioner chose to run for a different political office.

In response to questions from Commissioner Cinabro, City Attorney Robinson stated the Commission would need five affirmative votes to pass any of the proposals. City Attorney Robinson clarified the new resolution with five ballot proposals passed out at the City Commission meeting was an updated version of the original F6 item that was circulated in the electronic City Commission packet. City Attorney Robinson stated the alternate proposals presented did not change the original five proposals, but added a four year term for the Mayor and provided for the filling of a vacancy in the Office of the Mayor if the term was extended to four years. City Attorney Robinson stated the Commission could delay action until the July 21st meeting, but this delay in the review process could jeopardize the timely submission of the proposal language for the November ballot. In response to Commissioner Cinabro's concern that all Commissioners be present for

the vote on the Charter amendments, City Attorney Robinson suggested the City Commission could hold a special meeting to vote on the amendments.

Mayor Hopewell stated he would not be present at the July 21st City Commission meeting.

In response to questions from Vice Mayor Anderson, City Attorney Robinson stated the Commission would need five affirmative votes in order to pass the amendments, not just a majority of those present at the meeting. City Attorney Robinson stated Proposal 1 was the only standalone proposal; all of the remaining proposals were tie-barred to other proposals. In response to a question from Vice Mayor Anderson, City Attorney Robinson confirmed the Commission could appoint a member of the Commission to the Office of the Mayor if a vacancy was created and then in return appoint an individual to the Commission to fill the vacancy of the Commissioner that was appointed to the Office of the Mayor.

When given an opportunity to comment on the proposed Charter amendments, the following people addressed the City Commission:

John McNeal, City Resident, expressed opposition to the proposed Charter amendments and stated the proposals were anti-democratic. Mr. McNeal stated the proposals afforded less opportunity for residents to elect their City leaders, and he did not agree with the changes. Mr. McNeal expressed concern for voter turnout as his research had shown staggered terms lead to lower voter turnout. Mr. McNeal noted the current charter was not broken and the proposed changes were unnecessary.

Commissioner Urban moved to adopt a RESOLUTION approving the original five proposals presented; 1) The election of the Mayor as a separate elective office; 2) that were presented Staggered four-year City Commissioner terms of Office; 3) the method of election of the Vice Mayor; 4) The filling of vacancies in the office of City Commissioner; and 5) Require the conditional resignation of a sitting commissioner who seeks the office of Mayor.

This motion failed for lack of support.

Commissioner Cinabro gave some clarification on what was presented to the Commission at the meeting and briefly discussed the work session on June 9th. Commissioner Cinabro expressed concern that Commissioner Cooney was not present at the meeting and that all the Commissioners should vote at one time on the proposals.

Commissioner Cinabro, seconded by Commissioner Urban, moved to adopt a **RESOLUTION** approving the original F6 proposals to amend the City Charter as follows; 1) The election of the Mayor as a separate elective office; 2) that were presented Staggered four-year City Commissioner terms of Office; 3) the method of election of the Vice Mayor; 4) The filling of vacancies in the office of City Commissioner; and

Resolution 14-31
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(cont'd)

5) Require the conditional resignation of a sitting commissioner who seeks the office of Mayor.

Commissioner Moore presented a statement of support for the proposed Charter amendments from Commissioner Cooney. A copy of the letter was filed with the papers for this meeting.

Commissioner Miller expressed support for a four-year term of office for Commissioners and a two-year term of office for the Mayor. Commissioner Miller also stated she would like to see the Vice Mayor chosen by the Commission, as they would know who would be the best fit. Commissioner Miller reminded everyone that the voters would have the final decision on the Charter Amendments, and it would be up to them to decide.

Commissioner Moore expressed support for a four-year term of office for both Commissioners and the Mayor. Commissioner Moore described the difficulties and financial burden of having to run a campaign every two years and stated four-year terms would level the playing field and would give more individuals the opportunity to run for City Commission. Commissioner Moore also expressed support for direct election of the Vice Mayor by the voters.

Commissioner Urban expressed support for a four-year term of office for Commissioners and direct election of the Mayor. Commissioner Urban explained the proposals from the view of the voters and noted the City would be experiencing some long-term structural difficulties and that would require long term, thoughtful solutions. Commissioner Urban stated it would be most beneficial for the City to have Commissioners in office long enough to follow through on these decisions. Commissioner Urban also expressed support for direct election of the Vice Mayor by the voters.

Commissioner Cinabro discussed the work of the 1998 Charter Review Committee and thanked everyone on the committee for their hard work. Commissioner Cinabro agreed with Commissioner Moore's comments regarding the deterrent factor for those interested in running for City Commission. Commissioner Cinabro stated the situation was not a perfect one, and the Commission would be criticized no matter what decision was made. Commissioner Cinabro was comforted by the knowledge that voters would have the final decision. Commissioner Cinabro reviewed the proposed Charter amendments in light of the recommendations from the 1998 Charter Review Committee. Commissioner Cinabro thanked City Attorney Robinson for all his hard work.

Vice Mayor Anderson stated he respected the work of the 1998 Charter Review Committee. Vice Mayor Anderson reviewed the pros and cons of all the arguments made for each proposal, and he expressed appreciation for the current process of running for City Commissioner. Commissioner Anderson stated anyone, including those on the Commission, could go out between now and the election and campaign for or against the proposals.

Mayor Hopewell expressed support for the motion and noted not everything the Commission voted on was considered "high priority," but the business of the Commission was important regardless of the source of the recommendations. Mayor Hopewell thanked Commissioner Miller for opening the dialog and creating a conversation. Mayor Hopewell appreciated the comments from Commissioner Cooney and apologized for not being available on July 21st.

Commissioner Moore moved to amend the motion by offering as a substitute the ALTERNATE RESOLUTION provided by City Attorney Robinson, which included two additional proposals: Proposal 6 - Provide for a four-year mayoral term of office in 2017; and Proposal 7 - Provide for the filling of the vacancy in the Office of the Mayor.

This motion to amend failed for lack of support.

Commissioner Miller moved to amend Proposal 3 to allow the selection of the Vice Mayor by City Commissioners as recommended by the 1998 Charter Review Committee.

This motion to amend failed for lack of support.

Commissioner Urban expressed opposition to Commissioner Miller's amendment, as he felt it was best to let voters choose the Vice Mayor.

City Attorney Robinson requested the Commission make an amendment to remove the language "at the meeting wherein newly elected members of the City Commission are sworn and assume the duties of their office" from the resolution on page 2 of Proposal 1 and page 1 of Proposal 3, as the language was too limiting.

Commissioner Miller, seconded by Commissioner Moore, moved to amend the resolution on page 2 of Proposal 1 and page 1 of proposal 3 to remove the language "at the meeting wherein newly elected members of the City Commission are sworn and assume the duties of their office."

Prior to a vote on the motion, Vice Mayor Anderson suggested that action be postponed until a special meeting so that Commissioners could receive a clean resolution with all changes and updates.

With a roll call vote this motion to amend passed.

AYES: Commissioners Cinabro, Miller, Urban, Vice Mayor Anderson, Mayor Hopewell

NAYS: None

ABSTAIN: Commissioner Moore

Mayor Hopewell asked Commissioner Cinabro to read his original motion.

With a roll call vote this motion to adopt the amended resolution passed.

Resolution 14-31
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(cont'd)

City Manager's Report	<p>AYES: Commissioners Cinabro, Miller, Moore, Urban, Vice Mayor Anderson, Mayor Hopewell</p> <p>NAYS: None</p>
Citizen Comments	<p>Chief Hadley addressed the Commission regarding recent shootings that took place in the City of Kalamazoo and around the country. Chief Hadley explained the shootings were by individuals choosing violence to solve disputes. Chief Hadley remarked on what a great community Kalamazoo was and asked residents to step up say this type of behavior would not be tolerated.</p> <p>When given a final opportunity for citizen comments, the following citizens addressed the City Commission:</p> <p>Claus Globig, City resident, stated the time limit for citizens addressing the Commission should be increased from four minutes to five minutes. Mr. Globig urged the Commission to participate in letter writing campaigns to the EPA, and he expressed disappointment that Commissioners had not inquired about the information given to them regarding PCB's.</p>
City Commissioner Comments	<p>Frank Warren, City resident, thanked Chief Hadley for his presentation and addressed the Commission regarding a resident at Lynn Terrace Condominiums that had been causing problems for the other residents. Mr. Warren invited the Commissioners to the Veteran's Day activities at the Kalamazoo County Fair and recognized some of the major sponsors.</p> <p>Next, an opportunity was given for miscellaneous comments and concerns of City Commissioners.</p> <p>Commissioner Urban stated he had been following Mr. Globig and his research that showed PCB's were not carcinogenic. Commissioner Urban acknowledge that PCB's might not be carcinogenic but stated they did have toxic effects that needed to be considered. Commissioner Urban noted he would be consulting with Mel Visser regarding PCB's. Commissioner Urban urged voters to support Proposal 1.</p> <p>Commissioner Moore acknowledged she had received Mr. Globig's information and had taken it into consideration. Commissioner Moore noted she understood speakers' frustration with the four minute time limit and stated one of the reasons she wanted to be a Commissioner was so she could speak for more than four minutes. Commissioner Moore invited the community to the following events: the "Bless the M.I.C." Christian comedy show at Mt. Zion Baptist Church on Saturday, July 12th at 7:00 p.m.; the Vine Neighborhood Building Blocks walking tour on July 14th; and the Mothers of Hope "Sistahs...Can we Talk?!" events on Thursday, July 17th at 5:00 p.m. at the Hispanic American Council (focusing on education and employment), and on Thursday, July 31st at 5:00 p.m. at Mt. Zion Baptist Church (focusing on physical and mental health). Commissioner Moore stated Mothers of Hope were still seeking volunteers and entertainment acts for their "Ultimate Family Reunion" event on Saturday, August 2nd at Spring Valley Park.</p>

Commissioner Miller thanked City Attorney Robinson for all his hard work and attention to detail on the Charter amendments.

City Commissioner
Comments (cont'd)

Vice Mayor Anderson thanked Mr. Globig for bringing his information forward to the Commission and thanked everyone for the opportunity to serve the City of Kalamazoo as a Commissioner. Commissioner Anderson thanked Chief Hadley for his comments and Mayor Hopewell for continuing to talk about the amazing opportunities in the community and the hope for the future.

Mayor Hopewell described how he had invested in godson's business and suggested similar investments by the City could give opportunities to people whose options might otherwise be limited. Mayor Hopewell thanked the Kalamazoo Department of Public Safety and Chief Hadley for all their efforts in keeping the City of Kalamazoo safe. Mayor Hopewell thanked the Striker Johnson Foundation for investing in the youth of the City with their donation to the Parks and Recreation Youth Employment program. Mayor Hopewell thanked Senator Debbie Stabenow, Senator Carl Levin and Congressman Fred Upton for their recent and upcoming visits to the Allied Disposal Site. Mayor Hopewell noted these visits from the City's federal representatives showed the EPA the City was serious, and as a result the EPA had started looking into alternative solutions for the Site. Mayor Hopewell noted the poverty group would be providing an update to the Commission very soon. Mayor Hopewell wished Amy Anderson and his mother Magnolia Bodley a very happy Birthday and announced the first Lunchtime Live of the year would be taking place on Friday, July 11, 2014 from 11:00 a.m. to 1:30 p.m.

Commissioner Miller, seconded by Vice Mayor Anderson, moved that the City Commission go into closed session to labor negotiations.

Closed Session

Prior to a vote on the motion, Mayor Hopewell indicated the City Commission would not return to open session.

With a roll call vote this motion passed.

AYES: Commissioners Cinabro, Miller, Moore, Urban, Vice Mayor Anderson, Mayor Hopewell

NAYS: None

The meeting adjourned at 9:16 p.m.

Adjournment

Respectfully submitted,

Shelby Moss
Deputy City Clerk

For City Commission approval on September 2, 2014

Approved by: _____

Bobby J. Hopewell, Mayor

Dated: September 2, 2014

DRAFT