

	<p>A business meeting of the Kalamazoo City Commission was held on Monday, April 20, 2015 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.</p>
Roll Call	<p>COMMISSIONERS PRESENT: Vice Mayor David Anderson Robert Cinabro Don Cooney Eric Cunningham Barbara Miller Jack Urban</p> <p>COMMISSIONERS ABSENT: Mayor Bobby Hopewell</p> <p>Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioner Excused	<p>Commissioner Cinabro, seconded by Commissioner Miller, moved to excuse the absence of Mayor Hopewell. With a voice vote the motion passed.</p>
Invocation	<p>The invocation, given by Chaplain Mike Kemple, was followed by the Pledge of Allegiance.</p> <p>Vice Mayor Anderson recognized the presence of County Commissioner Mike Seals.</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda with the following change:</p> <p>A citizen requested that Item F-6, liquor licenses for Brite Eyes Brewing, be moved to the Regular Agenda.</p>
Communications	<p>City Manager Ritsema announced the Transit Authority Board meeting for Friday, April 24th had been cancelled.</p>
Consent Agenda	<p>Consent Agenda items were presented as follows with a recommendation to approve the items and authorize for the City Manager to sign on behalf of the City:</p> <ul style="list-style-type: none"> - approval of the purchase of two Dump Truck Bodies from Arista Truck Systems Inc. for a total expenditure of \$112,400. - approval of a one-year contract extension with Conestoga Rovers & Associates for environmental consulting services at the Cork St. Landfill in the amount of \$132,100. - approval of a one-year contract with B & B Truck Equipment for fire apparatus maintenance, repair and refurbishment services in the amount of \$107,000.
Resolution 15-16	<ul style="list-style-type: none"> - adoption of a RESOLUTION invoking the formal renewal process under applicable Federal law in response to the notice from CC 10, LCC, locally known as Charter Communications that it desires to renew its cable television franchise and authorize the City

Manager and City Attorney to conduct both formal and informal renewal cable television franchise processes.

- adoption of a **RESOLUTION** from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission to allow American Brewers Inc., to add a new Small Wine Makers liquor license to the Micro Brewing license already at 3408 Miller Road, Kalamazoo. Resolution 15-17
- adoption of a **RESOLUTION** to approve a lump sum payment of 1% of base wages to City Commission Appointees, including City Attorney Clyde Robinson, City Clerk Scott Borling and Internal Auditor Ann Videtich. Resolution 15-18
- adoption of a **RESOLUTION** setting a public hearing for May 4, 2015 to adopt the 2015 Action Plan for the use of funds from the U.S. Department of Housing and Urban Development. Resolution 15-19
- acceptance of a donation of \$360 from The Grotto and Pita Pit for improvements to the disc golf course at Knollwood Park.
- acceptance of funding from the Kalamazoo Community Foundation in the amount of \$1,950 to fund an Inclusive Dance Program for 2015.
- approval of the Mayor's reappointment of the following members to the Historic Preservation Commission:
 - the reappointment of **Curt Aardema** for a term expiring on March 31, 2017.
 - the reappointment of **Lynn Stevens** for a term expiring on March 31, 2017.
 - the reappointment of **Chris Wright** for a term expiring on March 31, 2017.
- approval of the appointment of **Chris Wahmhoff** to the Environmental Concerns Committee for a term expiring on January 1, 2016.

Commissioner Cooney, seconded by Commissioner Cunningham, 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.

AYES: Commissioners Cinabro, Cooney, Cunningham, Miller, Urban, Vice Mayor Anderson

NAYS: None

Regular Agenda

Resolution 15-20 re:
Micro Brewer and
Small Winemaker
Licenses for Brite Eyes
Brewing Co.

Regular Agenda items were considered next.

When an opportunity was given for citizens to comment on a resolution from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission to allow Brite Eyes Brewing Co. to have a Micro Brewer and Small Wine Making liquor license at 1156 South Burdick Street, the following people addressed the City Commission:

Richard Stewart, City resident, expressed opposition to the approval of the liquor licenses.

Reverend Albert Dines, City resident, expressed opposition to the approval of the liquor licenses.

Asha Kazhad, City resident, spoke about his personal experience with alcohol.

Commissioner Miller, seconded by Commissioner Cooney, move to adopt a **RESOLUTION** from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission to allow Brite Eyes Brewing Co. to have a Micro Brewer and Small Wine Making liquor license at 1156 South Burdick Street.

Prior to a vote on the motion, Commissioner Cooney asked if the City Commission could deny the license if the applicant had met all of the legal requirements.

City Attorney Robinson stated the Commission could recommend denial, but a reason would need to be given in the resolution.

Commissioner Cooney stated alcohol was a problem, but it was not fair to deny these liquor licenses when the Commission had been approving others without objection.

Chief Hadley described how Public Safety investigated the applicants for a liquor licenses and stated if the background investigation was clean there was little standing for Public Safety to recommend denial of a license. Chief Hadley explained there was an appeals process if the licenses were denied, and the City would need to explain and defend why it chose to recommend denial of these licenses but not others.

Commissioner Urban expressed concern about these licenses and stated it would be interesting to see what would happen if the application was denied. Commissioner Urban asked to hear from the applicant.

The applicant, Brian Pierce, explained Brite Eyes would be a coffeehouse, microbrewery, and deli and stated he and his wife were opening Brite Eyes to serve drinkers and non-drinkers alike. Mr. Pierce stated the location on Burdick Street was chosen because it was in an underserved area away from the Downtown. Mr. Pierce indicated Brite Eyes would not be a late night establishment.

In response to a question from Commissioner Urban, Mr. Pierce stated the plan was for the store to be open from 7:00 a.m. to 9:00 p.m. on weekdays, and to close by 11:00 p.m. on weekends.

In response to a question from Commissioner Cunningham, Mr. Pierce stated he and his wife had not contemplated the possibility of being denied the liquor license, and he said they would appeal a denial. Mr. Pierce stated they were not "high rollers" and had invested all their resources in this business venture.

Vice Mayor Anderson asked how a liquor license could come to the City Commission so late in the process and after the applicant had made such a significant investment in property and equipment.

City Attorney Robinson reviewed the steps to get a liquor license from the Michigan Liquor Control Commission (MLCC).

In response to the question from Vice Mayor Anderson, Mr. Pierce stated there was no roadmap for the liquor license approval process. Mr. Pierce explained the purchase of the brewing equipment was done at the time it was done to get good deals. Mr. Pierce also explained the MLCC wanted to see the equipment in place during its inspections.

Commissioner Urban expressed concern about the craft brewing market in Kalamazoo becoming saturated and suggested the City Manager and planning department research potential controls to the development of these businesses. Commissioner Urban remarked it would be difficult to sustain a denial in this case and stated it made a big difference that the business would be a coffee house and deli too. Commissioner Urban stated the City Commission needed to have its eyes wide open moving forward with regard to the liquor license issue.

Commissioner Miller stated she was surprised the Commission was even talking about a denial of these liquor licenses, as Commissioners had not expressed any concerns during the five days since the agenda packet was first published. Commissioner Miller stated the City Commission might need to limit the number of breweries in the future, but it should approve the request at hand.

With a roll call vote this motion passed.

AYES: Commissioners Cinabro, Cooney, Cunningham, Miller, Urban, Vice Mayor Anderson

NAYS: None

Commissioner Miller, seconded by Commissioner Urban, moved to accept the revised 2015/2016 City Commission Priorities as established during the Commission retreat on February 28, 2015.

Prior to a vote on the motion, Commissioner Miller commended City Manager Ritsema for the work already done on the priorities.

Resolution 15-20 re: Micro Brewer and Small Winemaker Licenses for Brite Eyes Brewing Co. (cont'd)

Acceptance of the 2015/2016 City Commission Priorities

Acceptance of the
2015/2016 City
Commission Priorities
(cont'd)

When an opportunity was given for citizens to comment on the revised 2015/2016 City Commission Priorities, the following people addressed the City Commission:

At the request of Chris Mbah and Commissioners, City Manager Ritsema reviewed changes made to the 2015/2016 City Commission Priorities since the City Commission retreat on February 28th.

Chris Mbah, City resident, questioned why “authentic” community engagement was changed to “intentional” community engagement in the revised 2015-2015 City Commission Priorities. Mr. Mbah stated Commissioners and staff were “back pedaling” from authentic engagement.

Zachary Lassiter, City resident, suggested the City make its data warehouses accessible to the public for entrepreneurs and citizens to use.

Frank Warren, City resident, spoke about the casino in Battle Creek, bars, personal responsibility, and his experience with alcohol.

With a roll call vote this motion passed.

AYES: Commissioners Cinabro, Cooney, Cunningham, Miller, Urban, Vice Mayor Anderson

NAYS: None

City Manager's Report

City Manager Ritsema provided the following reports and updates:

- Departmental Report and Project Updates
- *Inside the City* newsletter, April 2016 edition
- February, 2015 Purchases

City Manager Ritsema stated he would have staff put together information on the liquor license application and approval process and provide a report at the next City Commission meeting.

Citizen Comments

Next, an opportunity was given for general citizen comments.

Asha Kazhad, City resident, described the philosophical differences between the 20th and 21st centuries.

Richard Stewart, City resident, stated the City Commission's decision to approve the liquor license for Brite Eyes Brewing showed that the City was morally bankrupt. Mr. Stewart asked Christians in the community to consider to what the Commission had done and vote in November.

Zachary Lassiter, City resident, stated Howard's Party Store was shut down in 2014 and had their liquor license revoked, and he expressed surprise that the business had bought another license and recently resumed operations.

Albert Dines, City resident, expressed disappointment about the Commission's decision to approve the liquor license for Brite Eyes Brewing.

Steve Barber, City resident, expressed support for the City's Metro Transit system and commended Metro Transit drivers for their service.

Jim Tinsley, non-resident, commended the City Commission and City staff for doing a great job.

State Senator Margaret O'Brien provided an overview of the state's fiscal condition and the 2015 budget process.

Chris Mbah, City resident, stated he had lost confidence in the City Commission for removing the phrase "authentic engagement" from its 2015-2016 Priorities. Mr. Mbah stated citizens were the City's last hope, and they needed to elect new leaders in November.

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

Commissioner Cunningham acknowledged Chaplain Mike Kemple for his work in the community. Commissioner Cunningham thanked Mr. Stewart for his comments and stated he was a Christian and didn't drink. Commissioner Cunningham thanked Senator O'Brien for her remarks. Commissioner Cunningham invited people to Networkingout: Kalamazoo at Mayors' Riverfront Park on Tuesdays at 6:00 p.m. beginning on April 21st.

Commissioner Urban stated the discussions at this meeting had been energizing, and the passion for community decision making was a good thing. Commissioner Urban stated the City could not keep doing the same things it had been doing and expect different results.

Commissioner Cinabro remarked on the service and recent death of former Public Services Director Orlin Loen.

Commissioner Miller thanked Senator O'Brien for providing an update.

Commissioner Cooney invited people to attend a series of forums on the criminal justice system and a presentation by Richard Reeves on April 30th entitled The Opportunity Ecosystem.

Commissioner Cooney, seconded by Commissioner Miller, moved that the City Commission go into closed session to discuss a matter exempt from disclosure under state statute.

Prior to a vote on the motion, Vice Mayor Anderson indicated the Commission would be returning to open session following the closed session.

Citizen Comments
(cont'd)

Commissioner
Comments

Closed Session

Closed Session
(cont'd)

With a roll call vote this motion passed.

AYES: Commissioners Cinabro, Cooney, Cunningham, Miller,
Urban, Vice Mayor Anderson

NAYS: None

The City Commission went into closed session at 8:30 p.m.
The City Commission returned to open session at 8:42 p.m.

Approval of Consent
Agreement with the US
EPA re: Lead Paint
Disclosures

Commissioner Miller, seconded by Commissioner Urban, moved to authorize the City Attorney to execute a consent agreement and final order with the United States Environmental Protection Agency to resolve an administrative action stemming from the self-admitted failure by the City to make certain required lead paint disclosures in the sale of three tax-forfeited residential structures in 2012 and 2013.

With a roll call vote this motion passed.

AYES: Commissioners Cinabro, Cooney, Cunningham, Miller,
Urban, Vice Mayor Anderson

NAYS: None

Adjournment

The meeting adjourned at 8:43 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on May 18, 2015

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: May 18, 2015