

# ENVIRONMENTAL CONCERNS COMMITTEE

## April 19, 2023 MEETING MINUTES

**MEMBERS PRESENT:** Ian Magnuson, Co-Chair; Sharon Dever, Co-Chair; Dr. Gail Walter; Steve Romanelli; Emily Demorest; David Benac; Joe Bower; Bobby Glasser; Dr. James Melliush

**ABSENT:** Rob Liekis

**STAFF:** Karen Rutherford (recording secretary)

**OTHERS:** Jeff Chamberlain, COK  
Thomas Dewhirst  
Jean Hess  
Rachel Jondle

### **ROLL CALL:**

- The meeting was called to order by Co-Chair Magnuson at 4:38 pm, after confirming a quorum was met.

### **ASSURANCE OF LIVE STREAMING**

- Recording/Streaming of the meeting was confirmed, with community members joining via a link posted on the City's Facebook page.

### **APPROVAL OF AGENDA (4/15/32)**

- Gail Walter asked to make an amendment to New Business – Forestry Grant.

**A motion was made to approve the Agenda, and was supported, as amended. With a voice vote the agenda was approved unanimously.**

### **APPROVAL OF MINUTES/REPORT (3-15-2023)**

- Mr. Romanelli noted that Absent was misspelled, located on the top of the first page of the March 15, 2023 minutes/report.

**A motion was made to approve the Minutes/Report of March 15, 2023 and was supported as amended. With a voice vote the minutes/report were approved unanimously.**

- Co-Chair Dever stated since the Committee did not meet quorum in March, the January 18, 2023 minutes were not approved. She asked for a motion to approve those minutes.

**A motion was made to approve the Minutes of January 18, 2023 and was supported. With a voice vote the minutes were approved unanimously.**

## **ANNOUNCEMENTS:**

- Individual
  - Co-Chair Dever stated Earth Day is this Saturday. Check out [kalamazooearthday.com](http://kalamazooearthday.com). There are three events at three different parks.
  - Ms. Emily Demorest announced this would be her last ECC meeting. She has returned to school and is not able to keep up with everything she has going on.

## **COMMENTS BY OTHERS ON NON-AGENDA ITEMS**

- None

## **PROCEDURE ITEMS (AS NEEDED)**

- New Member Interview:

Co-Chair Magnuson stated with Emily stepping down the Committee has two vacancies. Thomas Dewhirst and Rachel Jondle had applied for the positions. They were asked to introduce themselves to the Committee and briefly share why they want to join ECC. ECC will have the opportunity to ask questions. The Committee will ask them to step out for a few moments while they take a vote. The Committee will submit any new members to the City Commission and next month they would officially be a member.

- Thomas Dewhirst – He stated he lives in the City of Kalamazoo in the West Douglas neighborhood. He has been involved in environmental health for the last 30 years. He worked for Kalamazoo County Environmental Health. It's been a good education working as part of the management team. He appreciates outdoor air quality. He would like to pay attention to what is going on in the City. He is interested in indoor air quality. There has been a recent case of lead poisoning in a rental unit. He is hopeful the City will move ahead with a Health Officer. He delivers food for Loaves and Fishes every week and he sees how sad the conditions are where many people live. He is a Haz-Mat teacher and he is interested in what goes by on our rails. He helped develop the Hazardous Waste Program. He chaired and helped establish the Red Med box.
- Rachel Jondle – she stated she recently moved here from Milwaukee, Wisconsin. She lives in Kalamazoo. She is a virtual student with the University of Alabama, Birmingham. She is studying engineering and urban development. She is focusing on natural resource management, infrastructure, green buildings, and renewable energy. Her personal interest is in stormwater management. She wants to use what she has learned in a constructive way.
- Questions for new members:
  - Are you both available for the 3<sup>rd</sup> Wednesday of each month – Both candidates stated this would not be problem.
  - Co-chair Magnuson briefly explained some of the requirements of attendance and term length.

- Co-chair Magnuson asked the candidates to step into the hall so the Committee could take a vote. Discussion ensued.

**A motion was made to approve Thomas Dewhirst as a member of ECC and was supported. With a voice vote the motion was approved unanimously.**

**A motion was made to approve Rachel Jondle as a member of ECC and was supported. With a voice vote the motion was approved unanimously.**

Co-chair Magnuson stated they are approved, and he will send their applications to the City Commission for final approval. They will officially start in May 2023.

Co-chair Magnuson stated he forgot to mention at the last meeting the co-chair situation of the Committee. He noted they have to send a recommendation to the City Commission to change the by-laws for Sharon Dever and himself to officially serve as co-chairs. The recommendation has not been submitted yet. They will table this for the May discussion.

### **NEW BUSINESS**

- Asylum Lake Development – Sharon Dever
  - Co-chair Dever stated the City is going through zoning updates. It is under public review currently. She noted she noticed there are different proposals that go against what had been determined previously. She shared a letter document with the Committee. She stated they could edit the letter or send it as is. She read the letter to the Committee. It was noted the date of the letter needed to be changed.

Co-Chair Magnuson stated official decision will be made by the Planning Commission and then it will go to City Commission, if they go forward with it. Discussion ensued regarding the contents of the letter.

Mr. Glasser stated the NFP board did not have a meeting last month and this subject has not been discussed. They meet next Tuesday. He stated they have worked with developers and granted variances but that has been through negotiations between them and the developers.

Deputy City Manager Jeff Chamberlain stated he had the privilege of being the City Planner for 10 years. He has experience and knowledge in zoning. He explained zoning is the law. The final stop is City Commission because they are changing the law. Whether they are changing the map or they are changing the words of the text. We have our zoning ordinance which is the code and our master land plan which is our future land use map. The strip of Stadium Drive from about campus to Drake Road, on the land use plan, has been commercial and apartment since about the late 1990's. The zoning has been commercial and apartments since it was annexed into the City. The property at the corner of Stadium and Drake shows it is commercial when you look at the land use plan. A private citizen or private landowner can ask to rezone this to commercial. Where we are right now with the zoning changes there are about 2000 parcels across the City. This is a big wholesale change on the commercial. We are going to a more flexible zoning so people can do housing and commercial development, mixed use, working out of their homes.

There are a lot of text changing that goes along with that. The first public input session is tonight. There are a total of three public input meetings and then Planning Commission and then City Commission. For these two parcels at Drake and Stadium, as far as the City administration, there is no existing project. There have been talks but as for now there is no plan, no building permit request or a rezoning request. The planning department put it into the master rezoning. In 2019 the owner applied for a rezoning of the two parcels. Put it in the general commercial district. The staff recommended in favor with the rationale it was consistent with the master plan. The Planning Commission recommended denial. The property owner also requested the NFP protections be taken off the property. The staff recommended against it and the Planning Commission recommended against it. COVID hit. There was a lot of controversy on these two things and the developer never asked that we take it to the City Commission. We assumed it was dropped by the applicant.

So how did it come back. DCM Chamberlain stated as the planning department was looking at all these changes across the City to bring things into compliance with more flexibility, and of the zoning code, and the future land use map. They made this recommendation to be consistent with these two items. Where we are now is we are doing a lot of listening. The recommendation you made with the document is well thought out. We at the City is looking at what is the best way to move things forward and what are we hearing from the community. The City administration will weigh all that as it gets to the Planning Commission. When it gets to the Planning Commission it will have the opportunity to have your input as well as others.

DCM Chamberlain stated, as far as zoning, just because someone asks for something doesn't mean they have to get it. The Commission may recommend a lesser zoning district. This is an option the City would have. The two properties are currently zoned for apartments.

Co-chair Dever stated she heard at one point it was designated as potential future use green space. DCM Chamberlain stated she was correct. In the 1977 land use plan it shows the area around Asylum Lake and going up to Stadium Drive is colored all green. It was the 1977 land use plan. The zoning probably showed it as commercial for apartments.

It was asked if there is a green or natural space zoning designation. DCM Chamberlain responded there is no zoning indicated as pure green space. We have an institutional zoning that can be used for things like Kalamazoo College. For zoning we are talking about private property rights. As a government under police power, we do have a lot of control over private property. We can tell you what you can and cannot do with your property through zoning. What we cannot do is say you cannot do anything with your property at all. We can regulate properties to achieve what the community objectives are.

Co-chair Devers asked when is the future use map under review for public comment? She also noted the importance of green space and how important it is for the eco system. DCM Chamberlain responded the Planning Commission can initiate a review of the land use plan whenever they want. By law we are required to look at our land use plan every 10 years. Doesn't mean we have to change it. We are coming up on that 10 year with the Imagine Kalamazoo 2025. We are about to begin the new process for the new Imagine Kalamazoo 2035. That process will begin in 2024. We are making the plans for that now.

It was suggested that the letter state that they prefer the property be residential. Co-Dever stated that would be the case if it does not get rezoned. Discussion ensued.

Co-chair Magnuson stated it does not comport to redesignating it to community commercial, or to the City's stated goals, the Community Sustainability Plan, or NFP.

It was noted those properties is in NFP for three reasons:

1. Proximity to water body,
2. Significant slope,
3. Wooded area that is has habitat.

It was suggested to remove the last sentence of the letter.

The last public comment zoning meeting is Wednesday, May 3<sup>rd</sup> at 6:00 p.m. at the Edison Neighborhood Association. There is another one April 27<sup>th</sup> at K-College at 7:00 p.m.

The amended letter was read by Co-Chair Magnuson. Additional revisions were made.

**Mr. Benac made a motion was to approve Asylum Lake zoning letter as a recommendation from the Committee to the boards and commissions mentioned in the letter and was supported by Co-Chair Dever. With a voice vote the motion was approved unanimously.**

- Public Health Officer Recommendation: David Benac distributed a document regarding the many public health crisis currently in the City. Public Safety Officers have confronted poverty, gun violence, mental health. The City is facing all of this and having someone in a leadership role who can organize a systemic response will be beneficial to the residence. The County has one and there is a relationship between the County and the City, but it is a hard argument to say there is not enough work for a City Health Officer as well.

Co-Chair Magnuson stated the Commissioner has connected with the City Clerk to look into the history and documentation of it. Importantly in the 40's and culminating in 1961 the City enter into an agreement that the County Health Department would act as the Public Health Officer for the City. This is where we are right now. There is enough work to go around that we should look into having a health officer.

Mr. Benac stated it looks like slightly more than 50% of Public Health Officers serves cities under 100 thousand people.

DCM Chamberlain stated the City does not do medical type public health in the City administration. We rely heavily on our partners at the County. The City of Kalamazoo is part of the County therefore the County's Health Department is our citizens health department. For those types of questions, we rely on the medical experts at the County. As an administration we have never had a serious conversation about a public health officer and the reason for that is because we rely on the other experts who have fully staffed departments to do that work.

It was stated this is an effort to try to stay efficient. It was suggested that we need to think about priorities and to help the citizens within its borders live a healthy life. It should be treated like a number one priority. Discussion ensued.

Dr. Walter stated the scope of this is outside the scope of this committee and feels it is not in our purview to make this type of recommendation. We can support it. Co-chair Dever disagreed due to the environmental concerns such as air quality.

Co-Chair Magnuson noted it has been one year since the state said they would provide their report on air quality and the Graphic Packaging situation. He sent an email to Mr. Farrell asking for an update. He has not heard anything back. Discussion ensued.

Ms. Demorest stated the Committee wanted to ask the City to enforce a nuisance violation against Graphic Packaging. She is not sure how that conversation became the public health officer recommendation. Mr. Benac stated he was not sure how to make a recommendation to enforce the rules. This position was created to have an avenue to the nuisance violation. Discussion ensued.

Co-chair Magnuson recommended this discussion be tabled until next month.

- Forestry Grant - Dr. Walter stated, Anthony Ladd who is chair of the Tree Committee, would like to apply for a grant from the Public Works Division to use for the Forestry service. This would be a five-year funded program. This program would be focused on trees. From our tree inventory that was done a few years ago we know we have a high proportion of old trees that need treatment or be removed. We are behind on block pruning. The funds would support removing old trees and stumps and immediately replace with new trees, improving the block pruning schedule, risk assessment for parks, and supporting youth programs such as a junior park ranger program. There is a possibility of establishing a grant program where a private property owner may be able apply for a grant to take care of their private tree on their property. This would be focused on disadvantaged areas of the City so the grant would not need to supply matching funds.

Dr. Walter stated Mr. Ladd is asking for support from ECC. The application needs to be sent in by the next meeting or close to that. She is asking for a consensus of support. She will write a recommendation for the Committee and have him speak to this or share the application with you.

Co-chair Dever asked Dr. Walter to send her any information she has prior to the next meeting. She will invite Anthony Ladd to the next meeting.

## **SUBCOMMITTEE REPORT**

- **Natural Features Protection (NFP) Review Board** – Mr. Glasser – nothing to report.
- **Air and Water Quality** – Mr. Glasser, Co-Dever wants to withdraw. It was requested if anyone who wants to get involved to let them know.
- **Wildlife and Natural Resource Protection** – Dr. Walter – we should have peregrine falcon chicks by the end of next week. Still waiting for response from the Urban Bird Treaty application.
- **City of Kalamazoo Planning Commission** – Mr. Magnuson – 45 people came out for the proposed changes.
- **Tree Committee** – Dave Benac sat in for Gail Walter. He stated he suggested they have a database that indicated when and where a tree was removed and when and where a replacement tree was planted to make it more transparent and to let the public know this work is being done. It sounded like they would do that.
- **Asylum Lake Policy & Management Council** – Ms. Dever – they spoke on the proposed zoning code changes and have a letter of recommendation under review by the Western leadership.

- ***Parks & Recreation Advisory Board*** – Ms. Demorest stated they elected officers and talked about new adopted parks standards.
- ***Kalamazoo River Watershed Council*** – Mr. Benac - They talked about budget, fund raising and other organizational issues and DDI things.
- ***Wellhead Protection Program Committee – Quarterly*** - Jean Talanda – quarterly
- ***Odor Task Force – Quarterly*** – Mr. Benac (quarterly) Envirosuite monitors are up and running but no data is available.

**CHECK PHONE LINES AND STREAMING FOR COMMENTS:**

One email came in that stated support for the recommendation. No phone comments.

**ADJOURNMENT:**

- The meeting adjourned at 6:02 p.m.