



## **Agenda: Battle Creek City Commission**

Meeting Date: September 1, 2015- 7:00 PM

Location: Commission Chambers City Hall

Chair: Deborah G. Owens, Mayor

Title: Prepared by Michelle Kay Redman

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### **ATTENDANCE**

Mayor Deb Owens	Rebecca Fleury, City Manager
Vice Mayor Lynn Gray	Ted Dearing, Assistant City Manager
Commissioner Susan Baldwin	Jill Steele, City Attorney
Commissioner Mark Behnke	Victoria Houser, City Clerk
Commissioner Jeff Domenico	Jim Blocker, Police Chief
Commissioner Andy Helmboldt	Dave Schmaltz, Fire Chief
Commissioner Dean Newsome	Chris Dopp, DPW Director/City Engineer
Commissioner Mike Sherzer	Gail Bradstreet, City Treasurer
Commissioner Dave Walters	Marcie Gillette, Community Services Director
	Chris Lussier, Community Development Manager
	Alicia Sackett, Deputy City Clerk

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Comm. Sherzer.

### **PROCLAMATIONS AWARDS**

Proclaiming Saturday, September 12, 2015, as "Walk for Lupus Now Day".

Mayor Owens proclaimed Saturday, September 12, 2015, as "Walk for Lupus Now Day," presenting the proclamation to Dorothy Height.

Ms. Height invited everyone to participate in the organization's 9th walk in Battle Creek, September 12, 2015 at Leila Arboretum's Children's Museum, starting at 9:00 am.

### **CHAIR NOTES ADDED OR DELETED RESOLUTIONS**

There were no added or deleted resolutions.

### **PUBLIC COMMENTS REGARDING CONSENT AGENDA**

There were no public comments.

(Limited to three minutes per individual)

**COMMISSION COMMENT REGARDING MEETING BUSINESS**

There were no Commission comments.

**CONSENT AGENDA**

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, OWENS, HELMBOLDT, NEWSOME, SHERZER, WALTERS.

MOTION PASSED

*Minutes:*

City Commission Minutes for Workshop on August 18, 2015.

City Commission Minutes for Regular meeting on August 18, 2015.

*Petitions, Communications, Reports:*

City Manager's Report for September 1, 2015

*Resolutions:*

201        A Resolution authorizing the sale of vacant, tax-reverted vacant parcels.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, OWENS, HELMBOLDT, NEWSOME, SHERZER, WALTERS.

MOTION PASSED

202        A Resolution authorizing the City Manager to enter into the Fiscal Year 2014 Assistance to Firefighters Grant.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, OWENS, HELMBOLDT, NEWSOME,

SHERZER, WALTERS.

MOTION PASSED

- 203        A Resolution authorizing the City Manager to enter into a FY 2014 Homeland Security Grant Program Intergovernmental Funding Agreement.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, OWENS, HELMBOLDT, NEWSOME, SHERZER, WALTERS.

MOTION PASSED

- 204        A Resolution authorizing the City Manager and the Emergency Services Coordinator to enter into a FY 2015 Emergency Management Performance Grant Agreement (EMPG) with the Michigan State Police Emergency Management Homeland Security Division.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, OWENS, HELMBOLDT, NEWSOME, SHERZER, WALTERS.

MOTION PASSED

- 205        A Resolution authorizing the City of Battle Creek to purchase property under First Right of Refusal for tax reverted parcel,0077-00-550-0, on South Helmer Road.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, OWENS, HELMBOLDT, NEWSOME, SHERZER, WALTERS.

MOTION PASSED

- 206        A Resolution authorizing the City Manager to execute a lease agreement between

the City of Battle Creek as landlord, and TwoSisters 1925 LLC, as tenant, for Suite "B" of the Michigan Avenue parking structure located at 80 West Michigan Ave.

Motion to Approve  
Moved By: SUSAN BALDWIN  
Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, OWENS, HELMBOLDT, NEWSOME, SHERZER, WALTERS.

MOTION PASSED

### **PETITIONS COMMUNICATIONS REPORTS**

There were no petitions or communications.

Quarterly Budget Report - Finance Director Linda Morrison

Linda Morrison, Finance Director, presented the FY 2015 Budget Status Preliminary Year End Report to the Commission and public, stating the report would be available on the City website.

Sustainable BC Report by Commissioner Andy Helmboldt

Comm. Helmboldt provided a report on the Sustainable BC Committee's purpose and activities.

### **PUBLIC HEARING**

A Public Hearing for the purpose of receiving public comments on the 2014-2015 Consolidated Annual Performance Evaluation Report (CAPER).

Mayor Owens declared the Public Hearing open, asking if anyone would like to speak on the 2014-2015 Consolidated Annual Performance Evaluation Report (CAPER).

Hearing no comments, Mayor Owens declared the public hearing closed.

### **INTRODUCTION OF ORDINANCES**

04-2015     An Ordinance to amend various ordinance sections to bring them into conformance with Article I, Section 26 of the Michigan Constitution eliminating perceived preferential treatment on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment or contracting.

Motion to to Postpone  
Moved By: ANDY HELMBOLDT  
Supported By: LYNN GRAY

A motion was made by Comm. Helmboldt, supported by Vice Mayor Gray, to postpone the introduction of the ordinance amendment to December 1, 2015, until the Human Relations Board has had an opportunity to meet and provide recommendations.

Comm. Helmboldt stated he was not able to assemble the Human Relations Board until the 3 prior months expired, stating the Board would recommend changes to City policies and procedures to ensure practices are equitable.

Comm. Newsome stated he was unclear as to the output from the Human Relations Board, asking

what the expected end result would be. Comm. Newsome stated the ordinance was being amended to reflect state law, stating the Board would be responsible for recommending changes to the City's policies and procedures, and how those were executed.

Comm. Domenico reminded everyone that the Commissioners took an oath to uphold the State Constitution, stating it was appropriate that the City's ordinances are in accordance with the State Constitution, agreeing with Comm. Newsome that the Human Relations Board role was to make recommendations regarding the City's policies.

Comm. Sherzer stated that although he appreciated the role of the Human Relations Board, it was important to adopt the amendments to the City's ordinances.

Vice Mayor Gray noted it took time to assemble a committee to review the recommended amendments, stating the board's work may provide some innovative ways to address the constitutional requirement while taking a holistic view, stating this would be viewed as responsible and engaged.

Comm. Behnke stated he believes in the committee form of government, stating he would support the postponement for 3 months, challenging the board to provide their recommendations within this time.

Ayes: BALDWIN, BEHNKE, GRAY, HELMBOLDT.

Nays: DOMENICO, NEWSOME, OWENS, SHERZER, WALTERS.

MOTION FAILED

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, DOMENICO, NEWSOME, OWENS, SHERZER, WALTERS.

Nays: GRAY, HELMBOLDT.

MOTION PASSED

### **PUBLIC COMMENTS REGARDING RESOLUTIONS**

John Kenefick spoke on resolution 209.

David Moore spoke on the agenda items.

(Limited to five minutes per individual)

### **RESOLUTIONS**

- 207      A Resolution amending an Industrial Facilities Exemption Certificate on behalf of Nexthermal Corporation for real and tangible personal property located at 1045 Harts Lake Road in Industrial District No. 2, and having an estimated cost of \$1,276,250.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, HELMBOLDT, NEWSOME, OWENS, SHERZER, WALTERS.

MOTION PASSED

- 208            A Resolution authorizing Ryan D. Dingman to purchase 5 years of generic service credit pursuant to the provisions of the Municipal Employees Retirement System.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Comm. Domenico confirmed that Mr. Dingman's purchase of service years does not cost the city anything.

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, HELMBOLDT, NEWSOME, OWENS, SHERZER.

Nays: WALTERS.

MOTION PASSED

- 209            A Resolution authorizing the City Manager to execute an agreement with Neighborhoods, Inc., of Battle Creek in the amount of \$150,000.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Comm. Newsome disclosed that he attended a training session with NIBC, stating the City Attorney did not consider this a conflict of interest. Comm. Newsome requested Mr. Phillips and NIBC come back to a future meeting to give a report relative to the line item agreements in the contract and the intended outcomes.

Comm. Helmboldt noted NIBC's annual report was modified the prior year to represent each line item that was included in the contract.

Comm. Behnke expressed his support of Mr. Phillips and NIBC, stating they do a lot to improve the quality of life in Battle Creek, thanking Mr. Phillips for his service.

Vice Mayor Gray disclosed that she served on the NIBC Board and that she also attended training provided by NIBC.

Comm. Helmboldt noted the referenced training was open to all residents of the community.

Ayes: BALDWIN, BEHNKE, GRAY, HELMBOLDT, NEWSOME, OWENS, SHERZER, WALTERS.

Nays: DOMENICO.

MOTION PASSED

- 210            A Resolution accepting the proposal of best value for water engineering services from Jones & Henry Engineers, LLC, on an as-needed, time and materials basis,

with contracted hourly rates per job classification.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Comm. Domenico asked the City Engineer if Jones & Henry would be evaluating the fluoride levels in the City water, stating Battle Creek, Nebraska has stopped putting fluoride in their water.

Chris Dopp, DPW Director/City Engineer, stated the City has not recently looked at this, but that they could.

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, HELMBOLDT, NEWSOME, OWENS, SHERZER, WALTERS.

MOTION PASSED

- 211            A Resolution authorizing the City Manager to execute a Supplement to Agreements by and between the City of Battle Creek, Battle Creek Tax Increment Financing Authority, Battle Creek Unlimited, and BC/CAL/KAL Inland Port Development Corporation.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Comm. Domenico complimented everyone's efforts, stating a lot of people came together to make the relationship with BCU stronger, encouraging everyone to continue to focus on the goals.

Comm. Behnke thanked the Commission for their efforts to strengthen BCTIFA and BCU, also thanking the administration for following the Commission's direction to provide more understanding of the relationship, stating this continues to strengthen the relationship. Comm. Behnke stated it was important to recognize the City needed to go further and the "Sunshine" laws needed to be adhered to, noting they stop at Fort Custer, stating it was important to be transparent to the tax payers. Comm. Behnke also recommended strengthening the direct investment fund, encouraging the new board members to work with Southwest Michigan First and asking the Commission to work with the administration to create more jobs in the City, especially in wards 1, 2, 3 and 4.

Ayes: BALDWIN, BEHNKE, DOMENICO, GRAY, HELMBOLDT, NEWSOME, OWENS, SHERZER, WALTERS.

MOTION PASSED

#### **GENERAL PUBLIC COMMENT**

Hal Longman, 72 Robinson Drive, invited everyone to the 911 Memorial Ceremony at McCamly Park at 6:00pm on July 11, 2015.

Jeanine Deal spoke on the installation of smart meters by Consumers Energy and the City

David Sarachick, 201 Winter Street, spoke on a property on Upton Avenue.

Robert Holsten, Manager of McCamly Plaza Hotel, spoke on recent events downtown, stating they were planning more events.

Ron Campbell, Ron's Roofing, asked the Commission to respond to prior meetings' public comments.

Mayor Owens stated Mr. Campbell's concerns may be addressed after the Commission meeting.

David Moore spoke on prior meeting agenda items.

Kathy Antaya, 117 Parkridge, complimented events held at Festival Market Square and the Vibe at 5 music festivals.

John Kenefick spoke on NIBC and City loan debt.

(Limited to three minutes per individual)

### **COMMISSION COMMENTS**

Comm. Helmboldt, addressing tax abatements, stated it was important to ensure the companies receiving the abatements fulfilled the requirements, recommending a work session be scheduled to discuss the City's steps to hold the companies accountable. Comm. Helmboldt stated it was also important the City promoted the growth of all business, including ways to assist smaller businesses.

Comm. Domenico asked that the Mayor no longer allow public comments of the private sector, stating public comment is to be related to items the City or the Commission addresses. Comm. Domenico also requested a Commission work session to discuss the purchase of service credit for employees, both uniformed and non-uniformed.

Vice Mayor Gray invited everyone to tune into the next Keeping You Informed episode, on Wednesdays at 6:00 pm, Access Vision, channel 17, noting the topic will be fire prevention and safety. Vice Mayor Gray also noted the Day in the Park event was rained out the prior weekend, stating it will be held on Friday, September 4, 2015 from 10:00 am to 2:00 pm at McCamly Park. Vice Mayor Gray also informed everyone of a Commission work session scheduled Tuesday, September 15, 2015 at 5:30 pm to discuss liquor licenses.

Comm. Walters announced the Meals on Wheels organization was in need of volunteers, suggesting City staff members pair up to volunteer to deliver meals to residents in need.

Mayor Owens, responding to a resident's comments, stated she must maintain order and civility for the City Commission meetings, stating outburst cannot be allowed.

### **ADJOURNMENT**

Mayor Owens adjourned the meeting at 8:24 pm.

Citizens who wish to address a specific issue on the floor may do so at any time after being recognized by the Mayor or presiding Commission. At the time for public comments, after being properly recognized, citizens may address the commission on any subject. Citizens will be subject to the following limitations:

1. Citizen comments on any Resolution before the Commission may be made either before or after the Commissioners have had an opportunity to discuss the Resolution, at the discretion of the Chair;
2. Citizens wishing to speak to a particular Resolution should raise their hands and wait to be recognized before speaking;
3. Citizens will confine their remarks to matters currently pending on the floor, and be brief and concise in making their remarks;
4. If a citizen becomes repetitive or, in the opinion of the Chair, takes an inordinate amount of time in making comments, that citizen will be ruled out of order and the Commission will



- continue with its business;
5. Citizens should address all remarks to the Commission as a whole, and not to individual Commissioners.

These Rules will apply to comments by citizens during the Public Comment section of the Agenda. The City of Battle Creek will provide necessary, reasonable, auxiliary aids and services, such as signers for the hearing impaired, and audiotapes of printed materials being considered in the meeting, upon seven days' notice to the City of Battle Creek. Individuals with disabilities requiring auxiliary aids or services, should contact the City of Battle Creek by writing or calling the following:

Victoria Houser  
Office of the City Clerk  
Post Office Box 1717  
Battle Creek, Michigan 49016  
269/966-3348 (Voice)  
269/966-3348 (TDD)