



Agenda: Battle Creek City Commission

Meeting Date: July 21, 2015- 7:00 PM

Location: Commission Chambers City Hall

Chair: Deborah G. Owens, Mayor

Title: Prepared by Michelle Kay Redman

ATTENDANCE

Mayor Deb Owens	Rebecca Fleury, City Manager
Vice Mayor Lynn Gray	Susan Bedsole, Assistant City Manager
Commissioner Susan Baldwin	Ted Dearing, Assistant City Manager
Commissioner Jeff Domenico	Jill Steele, City Attorney
Commissioner Andy Helmboldt	Victoria Houser, City Clerk
Commissioner Mike Sherzer	Jim Blocker, Police Chief
Commissioner Dave Walters	Chris Dopp, DPW Director/City Engineer
Absent:	Steve Siemen, Fleet Services Manager
Commissioner Dean Newsome	
Commissioner Mark Behnke	

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Sherzer.

PROCLAMATIONS AWARDS

Beautiful Battle Creek Awards

Mayor Owens presented the Beautiful Battle Creek Awards.

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: LYNN GRAY
Supported By: JEFF DOMENICO

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

Absent: BEHNKE, NEWSOME.
MOTION PASSED

Minutes:

City Commission Minutes for Special Meeting on June 23, 2015

City Commission Minutes for Regular Meeting on July 7, 2015

Petitions, Communications, Reports:

May 2015 Ambulance Report

City Manager Report for July 21 2015

Resolutions:

178 A Resolution reappointing members to the Columbia Avenue Business Improvement District Board.

Motion to Approve
Moved By: LYNN GRAY
Supported By: JEFF DOMENICO

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

Absent: BEHNKE, NEWSOME.
MOTION PASSED

179 A Resolution appointing members to the Human Relations Board.

Motion to Approve
Moved By: LYNN GRAY
Supported By: JEFF DOMENICO

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

Absent: NEWSOME, BEHNKE.
MOTION PASSED

PETITIONS COMMUNICATIONS REPORTS

There were not petitions, communications, or reports.

PUBLIC COMMENTS REGARDING RESOLUTIONS

John Kenefick, regarding Resolution 180, suggested the Commission cancel or amend the resolution, stating the rehabilitation of this intersection is not necessary.

Autumn Smith, also referencing Resolution 180, stated the City should have corresponded with both MDOT and the Federal government prior to completing improvements to the intersection in the past.

David Moore stated the stop lights at this intersection do not make exiting onto this road safe.

(Limited to five minutes per individual)

RESOLUTIONS

- 180 A Resolution authorizing the City Manager to sign contract #15-5321, Job #127061A, with the Michigan Department of Transportation (MDOT) for traffic signal modernization at the McCamly Street and Michigan Avenue intersection; including video camera vehicle detection, traffic monitoring hardware, addition of left turn signal phasing, pedestrian signal, traffic signal coordination, and interconnection to nearby traffic signals and the City of Battle Creek traffic management center.

Motion to Approve
Moved By: LYNN GRAY
Supported By: JEFF DOMENICO

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

Absent: BEHNKE, NEWSOME.
MOTION PASSED

- 181 A Resolution accepting the lowest responsive, responsible bid for the rehabilitation of Runway #5L/23R from Michigan Paving and Materials Company in an estimated amount of \$5,545,422.89, with unit prices prevailing.

Motion to Approve
Moved By: LYNN GRAY
Supported By: JEFF DOMENICO

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

Absent: BEHNKE, NEWSOME.
MOTION PASSED

- 182 A Resolution accepting the lowest responsive, responsible bid an underground propane filling station from Industrial Propane Services in a not-to-exceed amount of \$300,000.

Motion to Approve
Moved By: LYNN GRAY
Supported By: JEFF DOMENICO

Chris Dopp, DPW Director/City Engineer, discussed the propane station, stating it is part of the City's energy initiative, funded with federal dollars to switch over light trucks and cars to propane by 2020. Mr. Dopp stated propane has 30% of the emissions of gasoline, with only 30% gas costs, stating 2 Transit buses have been converted, noting the recovery on energy savings should occur fairly quickly. Mr. Dopp also noted this company was the only company compatible with the City's existing GasBoy system. Mr. Dopp noted CEMAQ funds will pay the difference to purchase vehicles ready for propane, noting the City would be getting 15 vehicles in 2017.

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

Absent: BEHNKE, NEWSOME.
MOTION PASSED

GENERAL PUBLIC COMMENT

Jeanine Deal, 3508 Capital Ave, SW., questioned the safety of the City's new analog water meters, discussing scientific opinion the wireless technology presented health concerns for people who are hypersensitive to radio frequency, asking for a public hearing to receive more input from residents.

David Moore expressed concern with comments made against a Commissioner at a prior meeting.

Autumn Smith discussed the Gault vs. City of Battle Creek case, brought forward by the ACLU several years ago, stating the Mayor would be violating residents' rights by not allowing public comments.

David Sarachick, 201 Winter Street, thanked the Battle Creek Police Department for the raid on a house in his neighborhood. Mr. Sarachick also expressed concern residents in his neighborhood felt they were being singled out for code violations.

John Compton also thanked the Battle Creek Police Department for the raid, stating they did a super job of arresting the suspects, complimenting Lt. Robinson's efforts to discuss the testing process of meth products with interested neighbors. Mr. Compton also complimented Inspector Wise's investigation of a personnel issue.

Shelly Hoover, 207 Winter St., expressed concern Code Compliance does not take into consideration if residents can afford to make the improvements to their house, stating the City needed to help people with lower incomes or disabilities, stating it was not wrong to require improvements.

John Kenefick stated the savings provided by the propane converted vehicles should result in savings to the taxpayers in the form of refunds.

Ben Hall, Ward 5 resident, discussed his background in the military and his education. Mr. Hall stated he was astonished by recent actions of a Commissioner. Mr. Hall read a list of leadership traits for public officials, also listing traits that show a lack of leadership.

Mayor Owens stated a personal attack against a City employee, administrator or Commissioner is only prohibited if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out his or her duties in the office.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Jill Steele, City Attorney, referring to Gault vs. City of Battle Creek, stated this case was a preliminary injunction to prevent someone from making comments about the then Police Chief and the mention

of an affair. Ms. Steele stated that at the time of this case, the City Commission did not have a rule that prevented personal attacks against employees or Commissioners, stating that since that case, the Commission did adopt a rule. Ms. Steele noted that the Open Meeting Act, section 15.623(5), notes a person shall be required to address the public body under rules established and recorded by the public body. Ms. Steele further noted that if there was a personal attack, it is prevented unless the attack has something to do with the manner in which they carry out their business. Ms. Steele stated the Mayor did have the authority to rule attendees out of order for not following the meeting rules or disrupting the meeting, noting that failure to comply could result in arrest.

Comm. Domenico read a statement, first discussing the process of passing an ordinance, noting there is a multi-part process, requiring a majority vote. Comm. Domenico stated all official action of the Commission shall be by ordinance, resolution or motion, stating none of this occurred when setting the ethics hearing against him. Comm. Domenico noted only 3 Commissioners signed the notice of charges, stating 3 Commissioners does not constitute a majority. Comm. Domenico noted the City Attorney considered the ethics hearing an informal proceeding, even though deliberation, sanctions, and the swearing in of witnesses occurred at the meeting, stating her opinion does not supersede the City charter, or circumvent a majority of the Commission. Comm. Domenico noted he voted down the changes to the Ethics Policy because of several concerns. Comm. Domenico also stated Attorney Dyer refused to allow subpoenas be issued to his witnesses, stating he waited 10 days for a response, which he then nullified. Comm. Domenico stated the entire proceeding circumvented the will of the citizens who voted him into office. Comm. Domenico stated he hoped his statement provided information to the residents as to why he walked out of the special meeting, stating the process violated the Charter and did not provide him due process.

ADJOURNMENT

Mayor Owens adjourned the meeting at 8:09 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)