



Agenda: Battle Creek City Commission

Meeting Date: May 2, 2017- 7:00 PM
Location: Commission Chambers City Hall
Chair: Mayor David A. Walters
Title: Prepared by Shawna M. Allen

ATTENDANCE

Mayor Dave Walters	Rebecca Fleury, City Manager
Vice Mayor Susan Baldwin	Ted Dearing, Assistant City Manager
Commissioner Mark Behnke	Jill Steele, City Attorney
Commissioner Kaytee Faris	Victoria Houser, City Clerk
Commissioner Kate Flores	Alicia Sackett, Deputy City Clerk
Commissioner Lynn Ward Gray	Marcel Stoetzel, Deputy City Attorney
Commissioner Andy Helmboldt	Jim Blocker, Police Chief
Commissioner Deb Owens	

ABSENT

Commissioner Mike Sherzer

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jenasia Morris, Youth Advisory Board Member.

ROLL CALL

PROCLAMATIONS AWARDS

A Proclamation for Police Memorial Week

Mayor Walters presented the proclamation for "Police Memorial Week", May 14-20, 2017.

Jim Blocker, Police Chief, invited everyone to attend a ceremony on May 16, 2017 at 12:00pm in the City Commission Chambers.

A Proclamation for National Bike to Work Month and Week

Mayor Walters proclaimed May 2017 as "National Bike Month" and May 15-19, 2017, as "National Bike to Work Week".

Mayor Walters invited everyone to participate in the "Ride of Silence" on Wednesday May 17, 2017 taking place at Willard Beach at 7:00pm.

A Proclamation to proclaim the week of May 7 - 13, 2017, as "Public Service Recognition Week"

Mayor Walters proclaimed the week of May 7-13, 2017, as "Public Service Recognition Week".

PRESENTATIONS

Introducing the members newly appointed to the Youth Advisory Board by Commissioner Lynn Ward Gray and Commissioner Andy Helmboldt, per Resolution No. 97.

Mayor Walters introduced the newly appointed Youth Advisory Board members.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Deputy City Clerk Sackett noted the resolution for the Annual Action Plan was deleted and the resolution for the Capital Improvement Program was added.

PETITIONS COMMUNICATIONS REPORTS

Staff Report by Downtown Consultant John Hart

A communication from Mary Lou Ramon was forwarded to all the Commissioners.

John Hart, Downtown Consultant, presented the monthly staff report.

INTRODUCTION OF ORDINANCES

04-2017 A Proposed Ordinance to amend Chapter 608, Animals.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

The following individuals spoke on this topic.

David Moore, 102 Taylor Ave.

Jim Moreno, 451 Main St.

Susan Glidden, 175 N. Union St.

Shannon McKenzie, 23 Vernon Ave.

Sara Patterson, 136 30th St. S.

Barbara Marble, 948 Meadow Dr.

Wes Todd, 287 Borden Dr.

Jill Steele, City Attorney, explained electronic collars, noting they are allowed under the current ordinance 608.11(i) to keep the animal in your own yard and will still be allowed with the suggested revisions. Noting, section 608.11(a) regarding service animals refers to being out in public with your service animal, noting at this time you are supposed to have your animal on a leash, stating there is a

reference within the subsection proposed revisions stating nothing is to conflict with the ADA with regards to service animals. Attorney Steele further stated the ADA provides that if you are not able to hold a leash due to the reason you need the service animal you would be exempt from this provision.

Attorney Steele stated these requested revisions were brought to the attention of the City by Animal Control officers noting a new magistrate had asked for more proof and we were having things turned down and warrants denied. Attorney Steele further stated the purposed ordinance has a lot of detail, more than most municipalities. Attorney Steele stated 608.09 Cruelty to Animals has an overriding provision prohibiting. Attorney Steele noted the 80 degree threshold does not preclude an officer from taking action, if the temperature were lower than 80 degrees they would just need additional evidence such as testimony or pictures to take action proving the animals health or welfare is in danger.

Attorney Steele stated we did a lot of research and consulting, however we may find down the road that additional amendments or revisions are needed.

Rebecca Fleury, City Manager, spoke to the issue of enforcement, stating the first step is getting the ordinance into place, noting we may have insufficient staff and that would have to be addressed during budgetary talks.

Comm. Gray asked if there is information on the average number of outstanding cases for Animal Control enforcement.

Chief Blocker, Police Chief, agreed to provide that information for the Commission.

Comm. Helmboldt asked how many Animal Control related calls are received and how many the AC officers are able to get to.

Chief Blocker, stated he would forward the information to the Commission.

Comm. Flores expressed concerns with enclosure size and animals left in vehicles, further stating we as a City have been increasingly collaborative with our efforts to work together on common community causes and there is more opportunity to use that approach on the issue of animal welfare.

Comm. Helmboldt expressed his support of the ordinance introduction knowing that potential adjustments or additional amendments can be addressed in the future.

Mayor Walters asked Attorney Steele to explain the ordinance introduction process.

Attorney Steele explained 5 votes would be needed to approve the introduction tonight, and if that happens, in two weeks the Commission would vote to decide if the ordinance will be adopted.

Comm. Helmboldt noted, and Attorney Steele agreed, minor changes could be made over the next two week period.

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER
MOTION PASSED

05-2017 A proposed Ordinance to revise Ch. 608 Animals, to include section 608.30 Urban Livestock.

Motion to Approve

Moved By: SUSAN BALDWIN
Supported By: MARK BEHNKE

The following individuals spoke on this topic.

Annalise Batterson, 78 Woodward Ave.

Kristin Blood, 236 Bedford Rd N.

David Gauthier, 410 N. Wood St.

Jeremy Andrews, 251 Wabascon Rd.

Jeffery Dinkins, 339 N. Wood St.

Cody Batterson, 78 Woodward Ave.

Jim Merino, 451 Main St.

Scott Wright, 62 Enwood St.

David Moore, 102 Taylor Ave.

Bill Higdon, 84 N. Wabash Ave.

Peter VanGoethem, 650 Linwood Ave.

Dan Boyd, 127 Eastway Pl.

Cody Ebby, 564 Limewood Dr.

Kate Magers, 4897 Deerview Ave.

Emerald Diamante and Alea Diamante, 323 Pleasantiew Ave.

Joe Zeigler, 210 Central St.

Steve Johnkoski, 23320 Uldriks Rd.

Sara Smith, 52 Thorncroft Ave.

Abi Fukuyama, 191 Lincolnwood Dr.

Erin Augustine, 133 Cascade Dr.

Walt Whitfield, 237 Eldred St.

Susan Glidden, 175 Union St. N.

David Boff, 48 Goguac St. W.

Kyle Labrecque, 152 Summer St.

Shane Farlin Sr., 21 Lynwood Dr.

Kevin Kline, 71 Sunnyside Dr.

John Kenefick, 234 South Ave.

Comm. Faris stated we have had over 600 response via online survey and many people show up to multiple public meetings with overwhelmingly positive support. Comm. Faris noted the sad fact that a majority of Battle Creek is a food desert, taking up about 2/3 of the City. Comm. Faris further stated countless hours have been put into this purposed ordinance, noting other communities have said they have had very little trouble with budget and staff hours. Comm. Faris stated shutting down resident lead initiatives and disregarding the input that has been received will have a negative impact on youth retention in the community.

Comm. Helmboldt raised the question of where are we going and where do we want to be. Comm. Helmboldt added no one has presented a rational reason to ban chickens.

Comm. Flores spoke in support the ordinance.

Comm. Behnke thanked those who have reached out with comments, noting the community needs to work this out somehow. Comm. Behnke noted he speaks for a majority of people that are not in support.

Comm. Gray thanked the staff for their hard work and all of the public for their input. Comm. Gray stated she has spoken to and listened to both sides and has tried to engage with people across the City. Comm. Gray stated in her Ward, those that she represents, do not support the introduction.

Vice Mayor Baldwin stated she supports the ordinance and is concerned if it does not pass it may stop the city from moving forward on this issue

Jill Steele, City Attorney, responded she does not know of anything preventing this issue from coming up again.

Vice Mayor Baldwin added she would like to try something and move this forward.

Comm. Helmboldt thanked everyone who had contacted him, stating he has not had a chance to get back to everyone.

Mayor Walters shared he received an overwhelming response from those in his Ward not in support of the ordinance.

Vice Mayor Baldwin stated although the Commissioners are elected by the constituents they are also leaders in the community.

Ayes: BALDWIN, FARIS, FLORES, HELMBOLDT

Nays: BEHNKE, WALTERS, GRAY, OWENS

Absent: SHERZER

MOTION FAILED

PUBLIC COMMENTS REGARDING CONSENTAGENDAAND RESOLUTIONS NOT ON CONSENTAGENDA

David Moore, 102 Taylor Ave., spoke on resolution 105 wanting to know if people other than the tax payers are chipping in their share.

John Kenefick, 234 South Ave., spoke to resolution 107 on considering a new fire station, sharing concern with the spending of money for things we do not need and his concern with closing any fire stations.

(Limited to five 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, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER

MOTION PASSED

City Commission Minutes for Workshop on April 13, 2017

City Commission Minutes for Workshop on April 18, 2017

City Commission Minutes for Regular Meeting on April 18, 2017

City Manager's Report for May 2, 2017

CONSENT RESOLUTIONS

95 A Resolution reappointing members to the License Review Board

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER

MOTION PASSED

96 A Resolution to add a member to the Sustainable BC Committee.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER

MOTION PASSED

- 97 A Resolution appointing members and reappointing members to the Youth Advisory Board.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER

MOTION PASSED

- 98 A Resolution authorizing a contract for centrifuge #2 conveyor repair from Centrisys Corporation in a not-to-exceed amount of \$59,000.00.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER

MOTION PASSED

- 99 A Resolution authorizing the City Manager to sign contract #17-5133, Job #122856A, with the Michigan Department of Transportation (MDOT) for hot mix asphalt cold milling and resurfacing work.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER

MOTION PASSED

- 100 A Resolution authorizing the City Manager to sign contract #17-5176, Job #122881A, with the Michigan Department of Transportation (MDOT) for chip seal work at five locations along federal-aid roads citywide.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER
MOTION PASSED

- 101 A Resolution approving the fiscal year 2016-2017 amended general fund budget for the Battle Creek Downtown Development Authority (BCDDA).

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

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER
MOTION PASSED

- 102 A Resolution adopting the fiscal year 2017-2018 budget for the Battle Creek Downtown Development Authority (BCDDA).

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

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER
MOTION PASSED

- 103 A Resolution setting a Public Hearing for Tuesday, June 6, 2017, at 7:00 P.M., on a proposed amendment to the City of Battle Creek Tax Increment Finance Authority's Tax Increment Financing and Development Plan in accordance with the Michigan Tax Increment Finance Authority Act (Act 450 of the Public Acts of Michigan of 1980, as amended).

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

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER
MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 104 A Resolution authorizing the City Manager to execute an amended Michigan

Mutual Aid Box Alarm System Agreement related to the Battle Creek Fire Department.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER

MOTION PASSED

- 105 A Resolution accepting the lowest responsive, responsible bid for the 2017 Site Improvements for SW Quad of Hill Brady and Skyline Development & WK Kellogg Airport Project from Hoffman Bros., Inc. in an estimated amount of \$5,394,117.47, with unit prices prevailing.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER

MOTION PASSED

- 106 A Resolution accepting the lowest responsive, responsible bid for 2017 Water Main project from Hunter-Prell Company in an estimated amount of \$1,228,835.60, with unit prices prevailing.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER

MOTION PASSED

- 107 A Resolution approving Fiscal Year 2016-2017 mid year budget adjustments for the City's General Fund.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: MARK BEHNKE

Comm. Gray asked the City Manager to explain resolution 107, noting a reference was made to fire stations.

Rebecca Fleury, City Manager, stated resolution 107 is a mid year budget adjustment to balance revenues vs. expenditures and believes the resident may have been speaking to resolution 110, Capital Improvement Projects.

Comm. Behnke asked for an explanation on the Police and Fire increases.

Rebecca Fleury, City Manager, stated the Fire Department increase was due to a misallocation of their personnel distribution for the current fiscal year 2017, stating they were shy that amount of money to cover their filled positions. Ms. Fleury shared Police Department had capital expenditures that were removed inadvertently from the current fiscal year budget and this is replacing those funds.

Comm. Helmbolt confirmed that these funds will not be coming out of the Fund Balance.

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER
MOTION PASSED

- 108 A Resolution authorizing a contract amendment for Phase II Design/Build services for the new Police Department building from Schweitzer Incorporated, in an estimated amount of \$12,457,868, with unit prices prevailing.

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

Ayes: BALDWIN, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS
Nays: BEHNKE

Absent: SHERZER
MOTION PASSED

- 109 A Resolution for Certification of the Local Historic Central Business District as a National Historic District.

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

Comm. Faris stated she has worked with the local Historic District for the last 4 years and noted a large barrier for people investing in historic properties has been the State cut backs on grants and aid for local historic preservation. Further stating this is a good step especially with our larger commercial buildings downtown.

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER
MOTION PASSED

- 110 A Resolution approving the Capital Improvement Program for Fiscal Years 2018- Added 2023.

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

Ayes: BALDWIN, BEHNKE, FARIS, FLORES, WALTERS, GRAY, HELMBOLDT, OWENS

Absent: SHERZER
MOTION PASSED

GENERAL PUBLIC COMMENT

David Moore, 102 Taylor Ave., stated he is upset with the potential change in voting dates.

Robert Whitfield, 115 Morgan Ave. W., voiced his appreciation to the Commission that 608.30 was voted down.

Joe Zeigler, 210 Central St., mentioned the turn out for City elections is abysmal, suggesting adding issues to the ballot, such as those discussed tonight, to let the voters decide.

Susan Glidden, 175 Union St. N., expressed to Mayor Walters her discouragement when Commissioners have made comments about people not turning out or staying for the entire meetings. Ms. Glidden further stated racist and unfriendly comments have been made by Commissioners which she would like addressed.

John Kenefick, 234 South Ave., stated on Wednesday, April 19 a Housing Board of Appeals meeting took place which he walked into by accident. Mr. Kenefick noted receiving a notification post marked April 21st after the meeting took place.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Gray invited the public to the next Keeping You Informed Town Hall Meeting, Tuesday May 23, 2017 at Second Missionary Baptist Church, 485 N. Washington Ave., 6:30 pm to 8 pm. Comm. Gray extended an invitation to those interested to the May 16, 2017 City Commission work session on medical marijuana at 5:30pm in City Hall Chambers.

Vice Mayor Baldwin questioned needing a public notice on the purposed election change meeting.

Attorney Steele stated it does not need to be set by resolution and City Clerk Houser has published the required notice in the Shopper.

Vice Mayor Baldwin explained that the City is looking at potentially changing the Commission election from odd years to even years, which would extend terms on time to 3 years. Further stating this will be voted on in two weeks, noting this change is to help increase voter turn out and will have an estimated \$25,000-\$30,000 savings per election.

ADJOURNMENT

Mayor Walters adjourned the meeting at 10:14pm.

It is the desire of the City Commission to encourage public expression in the course of its meetings. Such expression can be integral to the decision-making process of the City Commission. It is the intention of the City Commission to respect the rights of persons addressing the Commission. Public comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during public comment periods. At the conclusion of the speakers remarks, the Mayor or individual Commissioners may refer a question to City staff, if

appropriate. Also, individual Commissioners may choose to respond to speakers during the Commission Comment period. It is with these aims in mind, so as to promote decorum and civility and an orderly process for conducting its public meetings, that the following rules concerning public comments, consistent with applicable law, are adopted by the City Commission.

(1) Persons attending a regular or special Commission Meeting shall be permitted to address the City Commission in conformity with this rule. The opportunity to address the Commission shall be limited to the following:

(a) Persons desiring to address the City Commission are encouraged, but shall not be required, to fill out and turn in to either the City Clerk, Mayor, or presiding Commissioner, prior to the meeting, a comment card disclosing the following information: The person's name, address, and telephone number; the specific issue, topic or resolution the individual wishes to address.

(b) During public hearings when scheduled, speakers may present facts and opinions on the specific matter being heard by the Commission. A three-minute time limit is imposed per speaker. In the discretion of the Mayor or presiding officer, the time limit for individual speakers may be lengthened or shortened when appropriate.

(c) During the consideration of specific ordinances when scheduled, speakers may present facts and opinions on the specific ordinance being considered by the City Commission. Speakers addressing the City Commission during this time shall limit their comments to the specific issue being considered. A three-minute time limit, which may be lengthened or shortened by the Mayor or presiding officer when appropriate, is imposed per speaker, per matter considered.

(d) During the public comment period on the consent agenda and resolutions not on the consent agenda, each speaker may address the Commission once, regarding anything on the consent agenda and resolutions not on the consent agenda, for a total not to exceed five minutes regardless of how many consent agenda items or regular resolutions the speaker is addressing, which time period may be lengthened or shortened by the Mayor or presiding officer when appropriate. Period may be lengthened or shortened by the Mayor or presiding officer when appropriate.

(e) During the General Public Comment portion of the meeting, speakers may address the City Commission on any matter within the control and jurisdiction of the City of Battle Creek. A speaker shall be permitted to address the City Commission once, for up to three minutes, during this portion of the meeting.

(2) An individual wishing to address the City Commission shall wait to be recognized by the Mayor or presiding Commissioner before speaking. An individual who has not filled out a card requesting to address the City Commission shall raise his or her hand and wait to be recognized by the Mayor or presiding Commissioner before speaking and shall identify themselves by name and address and, if appropriate, group affiliation for the record.

(3) Speakers shall address all remarks to the City Commission as a whole, and not to individual Commissioners. Speakers shall not address their remarks to members of the public in attendance at the meeting.

(4) A speaker will be ruled out-of-order by the Mayor or presiding Commissioner and the Commission will continue with its business when the speaker:

- (a) Becomes repetitive or speaks longer than the allotted time;
- (b) Attempts to yield any unused portion of time to other speakers;
- (c) Engages in a personal attack upon a city employee, administrator or Commissioner only if the personal attack is totally unrelated to the manner in which the employee, administrator or Commissioner carries out his or her public duties or office;
- (d) Uses obscene or profane language;
- (e) Engages in slanderous or defamatory speech;
- (f) Uses derogatory racial, sexual or ethnic slurs or epithets relating to any individual or category of persons; or
- (g) Engages in conduct that interrupts or disrupts the meeting.