



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

Meeting Date: December 19, 2017- 7:00 PM  
Location: Commission Chambers City Hall  
Chair: Mayor Mark A. Behnke  
Title: City Hall Commission Chambers

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### **ATTENDANCE**

|                                  |                                       |
|----------------------------------|---------------------------------------|
| Mayor Mark Behnke                | Ted Dearing, Assistant City Manager   |
| Commissioner Kaytee Faris        | Jill Steele, City Attorney            |
| Commissioner Kate Flores         | Victoria Houser, City Clerk           |
| Commissioner Lynn Ward Gray      | Jim Blocker, Police Chief             |
| Commissioner John Griffin        | Steve Hudson, City Assessor           |
| Commissioner Christopher Simmons | Christine Zuzga, Planning Manager     |
| Commissioner Sherry Sofia        | Eric Feldt, Planner                   |
| Vice Mayor Dave Walters          | Alicia Sackett, Deputy City Clerk     |
| Absent:                          | Duska Brumm, Recreation Director      |
| Commissioner Susan Baldwin       | Ron Osborne, Golf Course Manager      |
|                                  | Kevin Smith, Budget Officer           |
|                                  | Ryan Dingman, Golf Course Maintenance |

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Comm. Gray.

### **ROLL CALL**

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

Clerk Houser noted Resolution # 47 was added.

### **PETITIONS COMMUNICATIONS REPORTS**

A communication was received from Scott Roberts, which was forwarded to the Commission.

Staff Presentation by City Clerk Victoria Houser regarding consolidating

precincts

Responding to Commission questions and concerns, Clerk Houser responded that her department had not sent the information to the NPCs, clarified the difference between active voters and average number of voters per election, and discussed low voter turnout at the precincts being considered for consolidation. Clerk Houser agreed to send the data to the City Commissioners and the NPCs related to low voter turnout and the proposed consolidations.

### **INTRODUCTION OF ORDINANCES**

14-2017      An Ordinance to adopt a package of ordinances that will allow five medical marihuana facilities pursuant to the Medical Marihuana Facilities Licensing Act (MMFLA) of 2016.

Motion to Approve

Moved By: DAVE WALTERS

Supported By: SHERRY SOFIA

Mary Howland, business owner, recommended limiting the number of licenses available in the City.

Scott Roberts, attorney, spoke of advantages of medical marihuana businesses, particularly the business he represents.

Jeff Breedlove, 99 Bryant St., cautioned the Commission that there needs to be more information related to the effects of medical marihuana.

Frank Drury, 14 Spartan Dr., stated information related to the risks and benefits of medical marihuana could be easily found, encouraging the City be proactive.

Victor Dimasso, 1404 W. Michigan Ave., spoke of his business that he closed when the regulations related to medical marihuana were not clear, noting his business was not raided because he followed the rules for his business.

Brock Howland, business owner, expressed concern 44 medical marihuana facilities was a lot for a city the size of Battle Creek.

Charles Dupree, 7340 S. Pease Rd, Bellevue, owner of Great Lakes Grow Store, questioned if a variance may be available for his current business location that would not meet the new zoning requirements for a medical marihuana facility.

Ms. Zuzga discussed reasons agricultural areas were not included in the zoning ordinance amendment relative to medical marihuana facilities, including infrastructure. As to businesses abutting another municipality, Ms. Zuzga stated Battle Creek would only follow the buffering restrictions within the City of Battle Creek taxation base. Ms. Zuzga stated the gentleman with a current business in a location that would not meet the new zoning requirements could apply for a use variance or a dimensional variance. As to the maximum number of provisioning centers, Ms. Zuzga clarified the number 44 would be the full max build out, depending on the locations of each business, stating commercial areas naturally limit the number of businesses.

MOTION WITHDRAWN

Motion to Postpone

Moved By: SHERRY SOFIA

Supported By: DAVE WALTERS

Comm. Sofia expressed appreciation to Planning/Zoning staff for all of the information provided to Commissioners. Stating there were too many unanswered questions, noting she was not making a commentary on the health benefits or risks of medical marihuana, Comm. Sofia made a motion to postpone the introduction of the Zoning ordinance 14-2017 until it can be considered in conjunction with a licensing ordinance no later than February 6, 2018. Comm. Sofia stated she determined the date of February 6, 2018 as she wanted to ensure the ordinance amendment was not postponed forever.

Mr. Drury noted residents and businesses have already waited a long time, cautioning the Commission that the City may lose business to surrounding communities if they waited too long.

Mr. Dupree noted that when the licensing became available from the state, only 68 businesses submitted documents, while only 5 businesses paid the \$6,000 licensing fee, with only 9 other applications turned in to the LARA office in Lansing, stating he did not think the City should wait.

Comm. Faris expressed concern the Commission agreed to introduce the ordinance at this meeting, and allow up to 60 days to adopt the ordinance, stating the Commission should move forward.

Comm. Sofia stated she was concerned the ordinance introduction would need to significantly be changed and would need to go back through the process. Comm. Sofia stated that to amend the proposed ordinance would require the issue go back to the Planning Commission.

Attorney Steele informed the Commission that if there were substantive changes to an ordinance introduction, they could not move directly to the adoption of the ordinance. Attorney Steele stated staff has been conducting a lot of research, while communicating with other municipalities, as to the rules that were provided from the State just 2 weeks prior. Attorney Steele stated Mr. Feldt has discovered that the Michigan Public Health Code requires all the uses be 1,000 feet away from schools, noting this provision is not in the ordinance as introduced. Attorney Steele stated that as they work through the state rules, that if additional provisions are found, staff would like to make all of the changes at the same time. Attorney Steele stated just introducing the zoning ordinance was not sufficient to obtain a license from the state as the municipality also needed to have a licensing ordinance, stating she was aiming to have the licensing ordinance available by January 16th, but may need additional time to work out any other issues.

Speaking to concerns the postponing of the ordinance amendment may cause the City to lose investors, Mr. Dearing stated the City has had conversations with potential investors, stating investors want to see the City making progress in the first quarter of the new year.

Responding to a question, Attorney Steele stated she did not consider the changes required by the Michigan Public Health Code as a minor change, noting Mr. Feldt found the provisions earlier in the day. Attorney Steele stated she has also been consulting with other departments to ensure there will not be other issues, but that they were trying to ensure they got the ordinance amendments right, stating it was best to do the zoning and licensing ordinances together. Attorney Steele stated her office has a target date of January 16 to place the ordinance amendments on the agenda, stating she has suggested a little extra time in case other issues are discovered. Attorney Steele noted the City of Kalamazoo has put off the introduction of an ordinance until the end of January, reminding the Commission that the rules were made available only 2 weeks ago. Attorney Steele confirmed the delay would not cause any additional taxpayer funds.

Vice Mayor Walters apologized as the City did not get the medical marihuana issue right in the past, stating they want to ensure the ordinance amendments are completed properly.

Ayes: BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Nays: FARIS, FLORES, GRAY

Absent: BALDWIN  
MOTION PASSED

**ADOPTION OF ORDINANCES**

28            A Resolution to adopt Ordinance 13-2017, an ordinance to repeal and replace Ch. 1296 Signs.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

**PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA**

There were no public comments.

(Limited to five minutes per individual)

**COMMISSION COMMENT REGARDING MEETING BUSINESS**

Comm. Gray informed everyone that she did not request to be removed from the Access Vision Board, stating it had been a pleasure serving on that board, noting she will continue to work with them on the Keeping You Informed program.

**CONSENT AGENDA**

City Commission Minutes for Workshop on December 5, 2017

City Commission Minutes for Regular Meeting on December 5, 2017

Ambulance Report for November 2017

City Manager's Report for December 19, 2017

**CONSENT RESOLUTIONS**

29            A Resolution authorizing the sale of vacant, tax-reverted property.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN

MOTION PASSED

- 30            A Resolution authorizing a change order to contract #2017-048B with Midwest Tree Service, LLC for partial compensation of damaged equipment in clearing the SW Quad of Hill Brady Road, in a not-to-exceed amount of \$25,000.

Motion to Approve

Moved By: DAVE WALTERS

Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN

MOTION PASSED

- 31            A Resolution appointing a member to the Access Vision Board of Directors

Motion to Approve

Moved By: DAVE WALTERS

Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN

MOTION PASSED

- 32            A Resolution appointing members to the Battle Creek Area Metropolitan Service Agency (AMSA).

Motion to Approve

Moved By: DAVE WALTERS

Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN

MOTION PASSED

- 33            A Resolution appointing members and permanent alternates to the Battle Creek Area Transportation Study (BCATS) Policy Committee.

Motion to Approve

Moved By: DAVE WALTERS

Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 34            A Resolution appointing City Commissioners to the City Commission Travel Expense Committee.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 35            A Resolution appointing members to the Insurance Policy Review Committee.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 36            A Resolution to appoint and reappoint members to the Sustainable BC Committee, and changing the membership guidelines to include alternates.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 37            A Resolution authorizing the City Manager to enter into Supplemental Agreement No. 1 to the Lease between the City and the United States of America (for the Air National Guard), DACA27-5-06-733, to add a tract of land containing 29.466 acres, more or less.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN

MOTION PASSED

### **RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA**

- 38            A Resolution approving the 2018 operating budget for Binder Park Golf Course in the amount of \$1,205,783 and approving annual golf course user fees.

Motion to Approve

Moved By: DAVE WALTERS

Supported By: SHERRY SOFIA

Mr. Dearing confirmed the Binder Park Golf Course did have a beer and wine license, stating they would pursue possible liquor license approval with Newton Township. Mr. Dearing stated that if the resolution was not approved at this meeting, staff could solicit additional feedback from Commissioners and make adjustments, submitting a new budget at the January 2, 2018 meeting.

Vice Mayor Walters, expressing concern the golf course budget is always an end of year rush, recommended a committee to work with staff to further the success of the golf course and to work with Newton Township officials regarding a liquor license, to turn the golf course from a liability to an asset.

Comm. Simmons voiced his objection to the budget, speaking of past debt restructuring, stating he was opposed to the \$66,000 departmental transfer and the use of fund balance. Comm. Simmons stated he understood the golf course could not be closed and the City still had the debt responsibility, stating he was not optimistic of the future profitability staff predicted.

Mr. Dearing stated staff would welcome the opportunity to work with Commissioners, noting staff was also frustrated by the budget issues. Mr. Dearing stated staff has researched restructuring the debt and the sale of some of the land. Mr. Dearing stated staff felt the budget presented would preserve the asset while maximizing the capacity of play. Mr. Dearing noted staff spend considerably less on course maintenance, with 27 holes instead of 18, than before the expansion in 1999/2000. Mr. Dearing stated staff needed to be sensitive to the quality of the course to retain customers. Mr. Dearing also noted the Recreation Department does make decisions to invest general fund support in Full Blast and Bailey Park, in addition to the golf course, to provide recreational services to the community.

Comm. Faris stated it was important that the City not walk away from their debt, recommending that once the debt is paid off, the City sell the golf course, stating she does not see the industry changing. Comm. Faris stated she would like to see the elimination of the golf course be part of the Park & Recreation Master plan.

Comm. Flores clarified information within the budget, stating she was intrigued by the idea of postponing the resolution until January, to consider other options and how the golf course fit in with P & R services.

Comm. Griffin expressed his support of the resolution, stating the City needed to deal with the outstanding debt.

Mr. Dearing stated staff could come back with some short term changes for a revised budget by January 2nd, expressing concern that if the short term steps are not thought out well, the steps may cause issues with capacity and business.

Ayes: FLORES, GRAY, BEHNKE, GRIFFIN, SOFIA, WALTERS  
Nays: FARIS, SIMMONS

Absent: BALDWIN  
MOTION PASSED

- 39            A Resolution accepting the proposal of best value for golf carts from Golf Cars+  
in an estimated amount of \$424,120.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Mr. Dearing stated staff has researched the possibility of both purchasing or leasing golf carts, stating they have found it is better financially to purchase the carts. Mr. Dearing stated the golf course has owned the current carts for 10 years, stating they have outlived their useful life cycle, requiring increased maintenance and battery expenses. Mr. Dearing stated they wanted to take advantage of the opportunity to trade the carts in while they still had some good trade in value, allowing staff to purchase the carts at a better cost. Mr. Dearing stated it makes the most sense to invest in new fleet at this time, noting staff has identified opportunities to dispose of the older carts at above trade in values, noting staff has reduced expenses by \$4,000 on an annual basis versus the last 10 years. Mr. Dearing also noted the purchase of the carts was included in the budget approved in the prior resolution.

Comm. Faris asked why the golf course did not set a schedule to replace the carts as the Fleet Department does with City vehicles.

Mr. Osborne, noted that in 2003 that the golf course was leasing carts at a cost of \$70,000 per year. Mr. Osborne stated staff found it would be better to purchase the golf carts, stating they did not have any carts to rotate in or out, noting the carts are now 10 years old. Mr. Osborne stated that with the wear and tear on the carts, staff felt it best to replace the entire fleet.

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 40            A Resolution revoking the Obsolete Property Rehabilitation Act (OPRA)  
Exemption Certificate 3-16-0024 for 180urban Development & Management,  
LLC.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 41            A Resolution Revoking the Obsolete Property Rehabilitation Act (OPRA)  
Exemption Certificate 3-13-0020 For 25 Michigan Holdings, LLC



Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Mr. Dearing informed the Commission that the ownership of the project was changing, stating there was no benefit from the OPRA abatement 4 years into the project, stating the company requested the revocation, with a possibility to consider a new OPRA under the new ownership at a later date.

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 42            A Resolution Revoking the Industrial Facilities Exemption Certificate 2010-313 for Kellogg Company.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 43            A Resolution accepting the lowest responsive, responsible bid for security guard services from Paschal Security Systems, LLC in an estimated annual amount of \$44,830.50, with unit prices prevailing.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Comm. Faris inquired as to the need for the security services, also asking for an update on the physical rearranging of the first floor of City Hall.

Mr. Dearing informed the Commission that they had received concerns of safety in City Hall from employees, commenting also on a recent incident. Mr. Dearing stated staff determined there was a need for better monitoring in City Hall, stating the safety of staff was extremely important. Mr. Dearing stated this option provided both security and customer service benefits within City Hall, stating budgetary concerns have slowed progress on physical restructuring of the building.

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 44            A Resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) among the City, Kellogg Community College (KCC), and Upjohn Institute/Michigan Works Southwest (MWSW) for the purpose of establishing a Combined Evaluation Collaboration, hereinafter referred to as "Collaboration."

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Mr. Dearing discussed the WKKF grant, which included economic development services and housing incentives to support the Battle Creek Public School District. Mr. Dearing stated the City was also working with KCC and Michigan Works on a jobs development system. Mr. Dearing further stated that in an effort to meet evaluation requirements of all the grants, it was determined that one organization who was well versed in the expectations of the Foundation would best serve the City, stating KCC would hold the contract, with the City reimbursing their portion as identified.

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 45            A Resolution to approve S05-17, a Special Use Permit request to allow the expansion of the Laurels of Bedford by the addition of 17 beds and physical therapy space at 270 N. Bedford Road.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 46            A Resolution approving the distribution of the proposed master plan for review and comment, pursuant to Municipal Planning Act (PA 33 of 2008).

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN  
MOTION PASSED

- 47            A Resolution authorizing the City Manager to make application for and to receive    Added  
a Program-Related Investment loan in the amount of \$5,000,000 from W.K.  
Kellogg Foundation (WKKF) and to enter into a loan agreement with Heritage  
Tower BC LLC for the same amount to finance the redevelopment of the  
downtown Heritage Tower building.

Motion to Approve  
Moved By: DAVE WALTERS  
Supported By: SHERRY SOFIA

Mr. Dearing stated WKKF would be investing in the Heritage Tower by making a program related investment, with the City as a third party intermediary, stating the Finance Department had the

expertise to manage the loan. Mr. Dearing noted the loan documents between the City and the Foundation would mirror the loan documents between the City and the developers.

Comm. Simmons asked if the City was liable if the developers did not repay the loan.

Mr. Dearing stated they had participated in conversations earlier in the day to ensure the City is protected, stating the documents needed to be finalized after review of the City Attorney, stating Attorney Steele would not allow signing of the agreement without these provisions.

Attorney Steele noted language in the resolution includes that the City Manager will not sign the agreement without the approval of the City Attorney. Attorney Steele stated the legal terms and provision to protect the City must be in the agreement to obtain her approval.

Comm. Gray expressed appreciation to WKKF for believing in the City and their participation in moving the project along.

Mayor Behnke agreed the entire Commission appreciates the support provided by the WKKF.

Ayes: FARIS, FLORES, GRAY, BEHNKE, GRIFFIN, SIMMONS, SOFIA, WALTERS

Absent: BALDWIN

MOTION PASSED

### **GENERAL PUBLIC COMMENT**

John Harper spoke of the responsibility of civic leaders to inspire their constituents with stories, symbols and slogans, asking the Commission what story they are telling.

(Limited to three minutes per individual)

### **COMMISSION COMMENTS**

Comm. Gray thanked the Youth Advisory Board members for attending the meeting, noting they were beginning to recruit new members. Comm. Gray also announced the January Keeping You Informed topic will be a "year in review," airing Wednesdays, at 6:00 pm on AccessVision. Comm. Gray requested staff consider adding a second date to receive input on precinct consolidations. Comm. Gray also congratulated Chief Blocker on his graduation from the FBI Academy.

Chief Blocker stated it was a humbling experience, with over 200 participants.

Mr. Dearing stated staff would strategize around precinct consolidations, continuing to try to do better sharing information.

Mayor Behnke requested Attorney Steele provide an update on recommendations to review the City charter.

Attorney Steele stated that a charter revision, such as changing the form of government, would require an election of members to a charter revision commission. Attorney Steele noted that if the members of the charter revision commission recommended changes, this would then be placed on a ballot for the electors to vote on. Attorney Steele stated a charter amendment to change the size of the commission, the term of the Commission, to stagger the terms and to allow the direct election of the Mayor would also require a vote at a city-wide election, but was a simpler process. The City Attorney noted that in the past, a committee was formed with each commissioner nomination 2 people. She requested each Commissioner recommend 2 people to sit on a committee to discuss charter amendments related to Commission terms and election of the mayor, stating that if staff receives the recommendations by January 10, 2018, a resolution appointing members could be

presented on the January 16, 2018 agenda.

Comm. Simmons stated he would like to serve on the committee, asking if Commissioners could be members.

Mayor Behnke stated the City administration has identified some items that need clarification, also recommending they share some of the results of the 2004 Blue Ribbon Committee.

Attorney Steele noted some changes are allowed via Election Law, which the City has already completed, such as changing from odd to even year elections. Attorney Steele further stated the items discussed would require a charter amendment. Attorney Steele noted that a request to change wording so that it was gender neutral would require a charter amendment. Attorney Steele stated she did not know of anything that would prohibit Commissioners from serving on the committee, cautioning that if there was a quorum of City Commissioners, they would need to be compliant with the Open Meetings Act.

Mr. Dearing agreed staff would work with the Commission to address the items they want addressed, so as to accomplish what they wanted.

Mayor Behnke agreed there may be concerns, noting the Blue Ribbon Committee worked for 18 months, but did not recommend a change. Mayor Behnke recommended the Commission nominate individuals who they felt best represent what needs to be done to best serve the residents of the City.

Comm. Faris recommended the Commission hold a workshop to determine the scope of work, to estimate the time commitment, and to establish the goals of the committee.

Comm. Sofia, stating she served on the Blue Ribbon Commission, cautioned the Commission that they should not tell the committee what to do, but to let the discussion occur naturally, cautioning that the outcome should not be predetermined. Comm. Sofia stated she did not recall any sitting elected officials on the committee in 2004, stating there were some former elected officials.

Comm. Gray stated she would like to see the discussion move forward, recommending a workshop and public input. Comm. Gray stated she felt the committee should be given a framework of items to discuss.

Attorney Steele recommended a committee to consider changes to the charter follow the Open Meetings Act and ensure opportunities for public comment. Attorney Steele noted topics for the January and February workshops have already been set.

Mayor Behnke asked the administration to report back to the Commission with a better charge of what needs to be done and how to accomplish it.

Comm. Simmons agreed with Comm. Sofia that the committee should be allowed to explore the opportunities on a limited number of topics.

Comm. Flores stated she felt the discussion should have been part of a resolution so that residents would be able to provide comment.

Attorney Steele stated that if a resolution were on the January 16, 2018 agenda it would provide the Commission time to get the information out, and to address the topic at the January 2, 2018 Commission meeting. Attorney Steele stated additional information could be put on social media. Attorney Steele stated she would attend the meetings to answer legal questions, suggesting they could conduct a workshop once the committee convenes. Attorney Steele stated she would like one resolution to form the committee and appoint the members of the committee on January 16th, stating it could be done separately if desired.

## **ADJOURNMENT**

Mayor Behnke adjourned the meeting at 9:21 pm.

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.