



Agenda: Battle Creek City Commission

Meeting Date: May 1, 2018- 7:00 PM
Location: Commission Chambers City Hall
Chair: Mark A. Behnke, Mayor
Title: City Hall Commission Chambers

VIDEO

ATTENDANCE

Mayor Mark Behnke	Rebecca Fleury, City Manager
Commissioner Susan Baldwin	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	Christine Zuzga, Planning Supervisor
Commissioner Christopher Simmons	Chris Dopp, Director of DPW
Commissioner Sherry Sofia	Chris Lussier, Community Development Supervisor
Vice Mayor Dave Walters	

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Simmons.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for National Bike Month & National Bike to Work Week

Vice Mayor Walters proclaimed May 2018 as National Bike Month and May 14 to May 18, 2018 as National Bike to Work Week. Vice Mayor Walters talked of the collaboration of City departments and the public to help the City to achieve Silver Status with the National League of Bicyclists. Vice Mayor Walters also encouraged everyone to attend and participate in the Ride of Silence on Wednesday, May 16, 2018.

Mayor Behnke expressed appreciation to Vice Mayor Walters for his work with the Bicycle Advisory Committee.

Proclamation for Public Service Recognition Week

Mayor Behnke proclaimed May 6 to May 12, 2018 as Public Service Recognition Week. Mayor Behnke expressed appreciation to all City staff, urging residents to acknowledge the contribution staff make to the community.

Proclamation for Police Memorial Week

Mayor Behnke presented the proclamation recognizing Police Memorial Week, May 13 to May 19, 2018, to Chief Jim Blocker and Lt. Doug Bagwell. Mayor Behnke expressed appreciation for the dedicated, effective and fair law service provided by the Battle Creek Police Department.

Chief Blocker encouraged all citizens to attend the Annual Memorial and Awards Ceremony on May 15, 2018 at noon in the Commission Chambers.

PRESENTATIONS

Introducing the members newly appointed to the Youth Advisory Board by Commissioner Lynn Ward Gray and Commissioner Kaytee Faris, per Resolution No. 136.

Comm. Gray and Comm. Faris welcomed 6 new YAB members.

Comm. Faris welcomed the new members to the Youth Advisory Board, noting local government touches everyone's life, stating it was important that youth have a voice in our community.

Abi Fukuyama, YAB president, invited everyone to a Town Hall meeting, This is What Safety Looks Like, on May 22, 2018, from 7:00 pm to 8:30 pm. in Commission Chambers.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Clerk Houser noted Resolution 150, appointing four new members to the Minges/Riverside NPC, was added.

PETITIONS COMMUNICATIONS REPORTS

Clerk Houser informed the Commission that an adjustment was made to the 2018-2019 Annual Action Plan Budget, noting a worksheet was provided to the Commissioners.

Clerk Houser also noted that Ms. Frances O'Neil and Ms. Nola Baker delivered signed petitions opposing the proposed ordinance related to hens, stating the petitions were previously forwarded to the Commission.

ADOPTION OF ORDINANCES

134 A Resolution to adopt Ordinance No. 04-2018, a revision to Ch. 608 Animals to include section 608.30 Urban Livestock.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

Frances O'Neil, 17 Shortridge Road, stated 6 of 8 NPCs oppose the ordinance, stating there has not been enough work to determine solutions to any problems, recommending a license be granted via a Special Use Permit.

Nola Baker 126 Peachtree Drive, expressed opposition to the ordinance, expressing concern it may affect a property she was trying to sell, asking the City to find solutions to bigger issues that affect all residents.

Steve Johnkoski, Bedford Township, expressed support of the ordinance, stating other municipalities are benefiting while the City continues the delay.

Peter VanGoethem, Bedford Township, stated the city needs a different mindset to get things off the ground and move forward.

Patrick O'Donnell, 177 Wabash, expressing support, stated the set backs in the ordinance protect neighbors, stating the ordinance is too restrictive.

David Moore, 102 Taylor, stated he was not in favor of the ordinance, stating the City does not have space for farm animals.

Mr. Sweet, Washington Heights area, asked the Commission to do something that helps residents, such as eliminating rodents and pests, and allowing repairs that are blocked by the Historic District Commission.

John Kenefick, 234 South Avenue, stated he felt the ordinance promoted self reliance and self sufficiency, that there will not be a rodent or pest problem if the hens and food are secured.

Abi Fukuyama, president YAB, not speaking on behalf of YAB, expressed support, stating youth she has talked with are also in support, stating hens do not smell if taken care of properly.

Comm. Simmons stated he respects everyone's opinions, but residents have a right to have hens on their property if they follow regulations. Comm. Simmons stated staff has put together an ordinance that tries to satisfy people on both sides of the spectrum, thanking the staff for considering all input. Comm. Simmons cautioned that youth were going to other communities that are more progressive. Comm. Simmons stated the votes on the commission are reflective of the community, but not divisive, as they represent a diverse community with different opinions.

Comm. Sofia stated she understood concerns that young people know where their food comes from, not that it comes from a grocery store. Comm. Sofia also expressed concern everyone continued to comment on an initial 20 licenses, indicating additional licenses would be allowed. Comm. Sofia stated that until there was adequate funding for round the clock animal control and code compliance, she did not support the ordinance. Comm. Sofia also noted an animal shelter may not have the resources for taking chickens, noting quarantine, testing and notification costs. Comm. Sofia expressed support of Vice Mayor Walters suggestion of a special use permit to raise a farm animal.

Ms. Zuzga stated complaints would be received in the Planning & Zoning Department, noting they are staffed Monday through Friday, from 8:00 am to 5:00 pm, but that they have received only 5-6 complaints in the last 6 years, none an emergency situation that has warranted after hours enforcement or care. Ms. Zuzga also stated there are several partner farms that have offered to take chickens that are no longer wanted.

Ayes: BALDWIN, FARIS, FLORES, BEHNKE, SIMMONS

Nays: GRAY, GRIFFIN, SOFIA, WALTERS

MOTION PASSED

135 A Resolution to adopt Ordinance No. 05-2018, that repeals and replaces Ch. 1288
Nonconforming Uses and Structures.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

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

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENTAGENDA AND RESOLUTIONS NOT ON CONSENTAGENDA

Patrick O'Donnell commented on the 6 new YAB members, stating he was very proud that his two children would be serving on the board and taking a leadership role in their community. Mr. O'Donnell thanked Commissioners Gray and Faris for bringing the YAB back and for their dedication and leadership of local youth.

John Kenefick commented on resolution 154 regarding the Dolliver Building, stating he had recommended the BCPD consider acquiring the building in the past instead of building a new facility, stating they could have saved about \$25 million and provided faster response times to the Washington Heights neighborhoods.

(Limited to five minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENTAGENDA

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

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

MOTION PASSED

City Commission Meeting Minutes for the Regular meeting on April 17, 2018

City Manager's Report for May 1, 2018

CONSENT RESOLUTIONS

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

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

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

MOTION PASSED

137 A Resolution appointing a member to the Battle Creek Tax Increment Finance Authority (BCTIFA).

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

138 A Resolution approving the fiscal year 2017-2018 amended general fund budget for the Battle Creek Downtown Development Authority (BCDDA).

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

139 A Resolution adopting the fiscal year 2018-2019 budget for the Battle Creek Downtown Development Authority (BCDDA).

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

140 A Resolution adopting the fiscal year 2017-2018 amended budget for the Battle

Creek Brownfield Redevelopment Authority (BCBRA).

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

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

MOTION PASSED

141 A Resolution adopting the fiscal year 2018-2019 budget for the Battle Creek
Brownfield Redevelopment Authority (BCBRA).

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

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

MOTION PASSED

142 A Resolution adopting the fiscal year 2017-2018 amended general operating
budget for the Battle Creek Tax Increment Finance Authority (BCTIFA).

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

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

MOTION PASSED

143 A Resolution adopting the fiscal year 2018-2019 general operating budget for the
Battle Creek Tax Increment Finance Authority (BCTIFA).

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

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

MOTION PASSED

144 A Resolution adopting the fiscal year 2017-2018 amended budget for the Local Development Finance Authority (LDFA).

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

Motion to Approve
Moved By: KAYTEE FARIS
Supported By:

MOTION PASSED

145 A Resolution adopting the fiscal year 2018-2019 budget for the Local Development Finance Authority (LDFA).

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

146 A Resolution adopting the fiscal year 2017-2018 amended Capital Projects budget for the Battle Creek Tax Increment Finance Authority (BCTIFA).

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

- 147 A Resolution adopting the fiscal year 2018-2019 Capital Projects budget for the Battle Creek Tax Increment Finance Authority (BCTIFA).

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

- 148 A Resolution approving the Lakeview Downtown Development Authority Annual Report for fiscal year 2016-2017.

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

- 149 A Resolution adopting the fiscal year 2018-2019 budget for the Lakeview Downtown Development Authority (LDDA).

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

- 150 A Resolution appointing four new members to the Minges/Riverside Added Neighborhood Planning Council (NPC #11).

Motion to Approve

Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

151 A Resolution authorizing the modification of parking restrictions on West Bidwell Street.

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

Comm. Simmons stated he found it odd that one resident could request no parking signs in front of his property, stating he does not agree this should be done unless approved by all residents on that street.

Comm. Sofia stated she was aware of several other properties with individual no parking signs, asking if there was a parking issue on this street and if there was a disabled resident in the area that was having an issue with the signs.

Mr. Dopp stated there is not generally parking issues, except possibly on a Sunday as there was a church nearby. Mr. Dopp stated staff was initially told there was a disabled resident, which led staff to consider placing permitted parking for disabled signs in front of the other property. Mr. Dopp stated staff later found that there was not a disabled resident at the next property.

Comm. Sofia asked if the resident who has the no parking signs in front of his property wants to retain the signs.

Mr. Dopp confirmed the resident with the no parking signs did want to retain them.

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

MOTION PASSED

152 A Resolution accepting the lowest responsive, responsible bid for Verona Pumping Station Improvements project from L.D. Docsa Associates, Inc., in an estimated amount of \$840,000.00, with unit prices prevailing.

Motion to Approve
Moved By: KAYTEE FARIS
Supported By: SUSAN BALDWIN

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

MOTION PASSED

- 153 A Resolution adopting the 2018-19 Annual Action Plan and authorizing the City Manager to execute required Funding Approval/Agreements with the U.S. Department of Housing and Urban Development.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

Ms. Fleury stated the City received notice from HUD indicating more funding than initially anticipated, stating there will be no changes to the programs supported by the funds, wanting to ensure the amended budget was included with the resolution.

Mr. Lussier noted the funds would still be allocated to housing programs first, as indicated.

Comm. Flores expressed appreciation to Mr. Lussier, recognizing the significant amount of work that is required to complete the Annual Action Plan.

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

MOTION PASSED

- 154 A Resolution authorizing the City of Battle Creek to accept title to land located at 135 N Washington Avenue, Battle Creek, commonly known as the "Dolliver Building," from the U.S. government.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

Chief Blocker stated the building would be used as a joint facility for the Police and Fire Departments, stating they are very excited to acquire the building.

Comm. Gray shared that she has been watching this building for a long time, stating she fully supports the resolution.

Comm. Faris expressed excitement about the projects proposed for this site, including a safety town, stating it was a fun way to make kids familiar with safety, stating it is good to consider how to reuse buildings.

Comm. Simmons asked if staff has done the research to ensure the building will meet the City's needs and not require a large investment in the near future, asking about the budgetary considerations.

Ms. Fleury informed everyone that there were plans laid out for the building, stating the only budgetary expenditures so far have been environmental testing costs. Ms. Fleury further stated future uses have been identified, with associated costs. Ms. Fleury also noted an engineer and architect have inspected the building, and GSA has made assurances that the property has been maintained. Ms. Fleury also noted a lot of environmental testing had been done several years ago, but the State of Michigan required more recent testing, of which phase one and phase two has been completed, and the City was in the process of the DEA testing now.

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

MOTION PASSED

155 A Resolution setting a Closed Session on May 1, 2018, on a legal matter.

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

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

MOTION PASSED

Motion to Approve

Moved By: KAYTEE FARIS

Supported By: SUSAN BALDWIN

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

MOTION

Motion to Approve

Moved By: KAYTEE FARIS

Supported By:

MOTION

GENERAL PUBLIC COMMENT

David Moore made additional comments about the ordinance regarding hens.

Peter VanGoethem provided a story related to his request to have past tax dollars returned.

John Harper commented on the City vision statement, suggesting a slogan about what can become true for the City, something that could get everyone on the same page.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Faris informed everyone that today is the 8th anniversary of moving back to Battle Creek, thanking everyone for making the City a real community where people get involved.

Comm. Behnke thanked Comm. Faris for her investment and commitment to the community.

RECESS

The Commission recessed to Closed Session at 8:24 pm.

CLOSED SESSION

RETURN FROM RECESS

The Commission returned from Closed Session at 8:52 pm.

A motion was made by Comm. Faris, supported by Comm. Baldwin, to approve the settlement authority in the pending litigation as recommended by outside counsel in the closed session.

Motion to Approve

Moved by: KAYTEE FARIS

Supported by: SUSAN BALDWIN

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

MOTION PASSED

ADJOURNMENT

The meeting was adjourned at 8:54 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.