



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

Meeting Date: June 19, 2018- 7:00 PM

Location: Commission Chambers City Hall

Chair: Mark A. Behnke, Mayor

Title: City Hall Commission Chambers

VIDEO

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### **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	Alicia Sackett, Deputy City Clerk
Commissioner Lynn Ward Gray	Jim Blocker, Police Chief
Commissioner John Griffin	Linda Morrison, Finance Director
Commissioner Christopher Simmons	Larry Bowron, Transportation Director
Commissioner Sherry Sofia	Miles Weaver, Airport Operations Manager

**Absent:** Vice Mayor Walters

### **INVOCATION**

The Invocation prayer was led by Bishop Tino Smith.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Behnke.

### **ROLL CALL**

### **PROCLAMATIONS AWARDS**

Beautiful Battle Creek Awards

Mayor Behnke and Rebecca Fleury presented the Beautiful Battle Creek Awards.

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

Deputy Clerk Sackett noted resolution 176 was added.

### **PETITIONS COMMUNICATIONS REPORTS**

## Staff Report by Transportation Director Larry Bowron

There were no petitions or communications.

The monthly staff report was given by Larry Bowron, Transportation Director and Miles Weaver, Airport Operations Manager.

Comm. Sofia asked for clarification on how it is determined the airport is the third busiest in the state.

Mr. Bowron explained the FAA ATADS Database compiles information logged by all air traffic control towers for landings, take offs and planes use of air space.

Comm. Simmons asked if the airport is prepared for potentially becoming a missile defense site.

Mr. Bowron assured the commission a lot of time has been spent reviewing all needed components stating they are fully equipped to meet the expanded needs.

### **PUBLIC COMMENTS REGARDING UNSOLVED DEATH INVESTIGATIONS**

Bishop Tino Smith thanked the Mayor, City Manager and Police Chief for taking the time to meet with him and the Bowser family.

Michelle Cummings spoke asking for change and justice for Joseph Bowser II and for other unsolved murders in the community.

Alexia Bowser shared her concern with a lack of concern in bringing back safety to the community.

A community member requested additional resources to combat crime in the city.

Bishop Smith requested the community have access to see the budget allocated to addressing unsolved murders and that a web site be developed dedicated to individuals killed.

Joseph Bowser I spoke in support of change, asking everyone to come together to solve these cases.

Shanette Bowser suggested the standards for police detectives be reviewed and possibly raised.

A community member urged individuals to come forward with information to solve these crimes.

A community member spoke on the murder of her son on January 9, 2006, asking how citizens can get involved.

Richard Cummings spoke in support of obtaining justice for Joseph Bowser II and all others..

Frances Bolen requested additional resources be allocated to support solving the unsolved murder cases in Battle Creek.

John Compton, 191 Summer St., shared the concern of not enough police officers in the city, questioning how many officers are currently on the police force.

Jason Crape stated the commission and the city have inherited the sins of this city and are responsible for change.

Rochelle Hatcher, 139 Ann Ave., highlighted the mental health issues endured by families of unsolved murders, suggesting funds from the city budget be delegated for an unsolved murders department.

Robert Anthony Hollis encouraged people to make a difference by voting.

Mel Evans, 58 Bowen Ave., shared concerns with a lack of police interaction with residents and presence in the community.

David Gilbert, Calhoun County Prosecuting Attorney, agreed there is a lack of police officers and highlighted a lack of cooperation from people who know information, but are afraid to come forward.

Dan Buscher, a founding member of the Cold Case Homicide Unit, requested individuals come forward with information to help solve these crimes.

Demetrius White voiced concerns with the manner in which his brother Diablo White's case was handled.

David Moore, 102 Taylor Ave., stated everyone should get equal opportunity.

Jerry Steiner stated he spoke for all of those who could not speak for themselves, asking the city and community to work together in solving crimes.

Comm. Gray acknowledged the families that have lost loved ones and thanked Bishop Smith for the time he has put into this very important topic. Comm. Gray further stated as Ward 2 commissioner she feels the frustration of these shootings and unsolved murders, stating she will reinstate a meeting with law enforcement and community leaders to foster cooperation to further investigate these murders. Comm. Gray noted what you know and what you can prove are not always the same and at times this may make it difficult to get justice.

Comm. Flores thanked everyone for coming tonight and speaking on issues that matter, acknowledging the pain in the room as palpable. Comm. Flores further stated she will join with fellow commissioners to work on the community's concerns.

Comm. Faris spoke in support of her fellow commissioners and will join them in addressing the issues brought forward this evening, pledging to be more visible in her Ward and thanking all who came.

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

David Moore, 102 Taylor Ave., commented on resolution 181 regarding year end budget adjustments.

John Compton commented on resolution 181 regarding year end budget adjustments.

(Limited to five minutes per individual)

**COMMISSION COMMENT REGARDING MEETING BUSINESS**

Comm. Gray requested resolution 175 be moved to the regular agenda.

**CONSENT AGENDA**

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: KAYTEE FARIS

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

Absent: WALTERS

MOTION PASSED

City Commission Meeting Minutes for June 5, 2018 Regular Meeting

City Manager's Report for June 19, 2018

Ambulance Report for May 2018

**CONSENT RESOLUTIONS**

- 174        A Resolution authorizing the City of Battle Creek to participate in the funding of the FY 2019 local share cost of the Battle Creek Area Transportation Study.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: KAYTEE FARIS

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

Absent: WALTERS

MOTION PASSED

- 176        A Resolution accepting the lowest responsive, responsible bid for wash bay repair    Added  
project from Westmatic Corporation, LLC in a not-to-exceed amount of  
\$59,808.00.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: KAYTEE FARIS

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

Absent: WALTERS

MOTION PASSED

**RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA**

- 175        A Resolution adopting the close out or termination 24 Brownfield Plans for the Battle Creek Brownfield Redevelopment Authority (BCBRA).

Motion to to Postpone

Moved By: LYNN GRAY

Supported By: KATE FLORES

Ms. Fleury stated BCU has done an extensive overview of the Brownfield program, removing pending projects that have been completed or did not come to fruition, making the Brownfield plan current.

Ms. Fleury further stated if projects are identified in the future they could be added back into the Brownfield plan. Ms. Fleury suggested the resolution be postponed if further questions still existed.

The commission voted to postpone resolution 175 until the meeting on July 3, 2018.

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

Absent: WALTERS  
MOTION PASSED

- 177        A Resolution authorizing the City Manager to execute Michigan Department of Transportation (MDOT) Federal/State/Local Grant contract no. 2018-0552 and all related documents which provide funds to reconstruct the pavement and lighting for Taxiway C, phase II (from twy D to rwy 5L) including twy connector D.

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

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

Absent: WALTERS  
MOTION PASSED

- 178        A Resolution authorizing the City Manager to renew the City's liability and property insurance coverage with Michigan Municipal Risk Management Authority (MMRMA) through IBEX Insurance Company for a one-year term beginning on July 1, 2018.

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

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

Absent: WALTERS  
MOTION PASSED

- 179        A Resolution authorizing the City Manager to enter into a service agreement with Midwest Employers Casualty Company to provide Excess Workers' Compensation Insurance services for the period of 7/1/18 through 7/1/20.

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

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

Absent: WALTERS  
MOTION PASSED

- 180        A Resolution to approve S01-18, a Special Use Permit request to allow a group daycare home at 163 Jacaranda Drive.

Motion to Approve

Moved By: SUSAN BALDWIN  
Supported By: KAYTEE FARIS

Comm. Baldwin spoke in support of the Special Use Permit application on behalf of the Planning Commission.

Comm. Simmons asked if the Planning Commission had received any communication opposing the approval of the Special Use Permit.

Comm. Baldwin responded no opposition was received, adding the applicant has received support from the local NPC.

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

Absent: WALTERS  
MOTION PASSED

- 181        A Resolution approving Fiscal Year 2017-2018 year end budget adjustments for the City's General Fund, Major Streets Fund, Local Streets Fund, Narcotics Forfeiture Fund, Police Training Fund, and Kellogg Arena Fund.

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

Comm. Gray requested Ms. Fleury or Ms. Morrison provide a summary of resolution 181.

Ms. Fleury clarified resolution 181 is an adjustment for 2018 fiscal year ending June 30, 2018 and not for the 2019 FY budget. Ms. Fleury further stated she expected the State to readjust the personal property tax reimbursement, noting this has been calculated into the requested budget amendments.

Linda Morrison, Finance Director, stated the items addressed are required so that the City adopts a budget prior to the beginning of the fiscal year, as required by law.

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

Absent: WALTERS  
MOTION PASSED

- 182        A Resolution authorizing the City Attorney to continue engagement of outside counsel to represent the City in pending litigation.

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

Comm. Simmons questioned if the city expected to prevail in this lawsuit.

Attorney Steele responded there is always a chance the City may not prevail, however we would not have gotten involved if we did not believe there were a chance to received some compensation, noting there are multiple defendants in this case.

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

Absent: WALTERS

MOTION PASSED

183        A Resolution authorizing Sergeant Kathleen Chrenenko to purchase 12 months of military time for the purpose of increasing her service credit towards retirement.

Motion to Approve

Moved By: SUSAN BALDWIN

Supported By: KAYTEE FARIS

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

Absent: WALTERS

MOTION PASSED

**GENERAL PUBLIC COMMENT**

John Compton requested an ordinance change addressing junk vehicles.

John Harper, Ward 3 resident, spoke on the need to make a commitment to the City's stated vision, a change to the slogan "Believe in Battle Creek," adding a call to action and the need for a City flag.

Sam Gray, 245 Irving Park Dr., shared his appreciation for the support for the Juneteenth event, requesting the City clean up grass clippings when preparing the park for an event.

(Limited to three minutes per individual)

**COMMISSION COMMENTS**

Comm. Gray thanked all who came to the Juneteenth celebration. Comm. Gray requested Kellie Dillman speak on work being done with the NPC's.

Kelly Dillman, Police Community Services, gave an overview of the Byrne Grant Project, now referred to as the "Be Safe Battle Creek Project," noting NPC's 1, 2, 3 and 4 have been identified as crime hotspots where they will implement some evidence based strategies to help reduce crime.

Chief Blocker shared his support for the work Ms. Dillman is doing, commending her skills and dedication to her work.

Comm. Gray encouraged all residents to visit the City's web site to see how they can get involved in their NPC's.

Comm. Simmons thanked Mr. Harper for his inspirational messages, noting he has taken to heart Mr. Harper's request for a call to action. Comm. Simmons requested Chief Block address the recent rash of home invasions on the South side of Battle Creek.

Chief Blocker stated the Police department is being proactive by aggressively patrolling in those areas as well as using social media to put out information on the suspects. Chief Blocker requested the community to get involved, stating the Police seldom solve crimes without the public's assistance.

Comm. Simmons asked what citizens can do to keep their homes safe.

Chief Blocker stated citizens can call the Police department and schedule a home safety review.

Comm. Behnke thanked all who attended the meeting, asking Ms. Fleury to share her reflections in her weekly update with the commission.

## **ADJOURNMENT**

Mayor Behnke adjourned the meeting at 9:17 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.