



Agenda: Battle Creek City Commission

Meeting Date: December 3, 2019- 7:00 PM

Location: Commission Chambers City Hall

Chair: Mayor Mark A. Behnke

Title: City Hall Commission Chambers - 10 N. Division St.

VIDEO

ATTENDANCE

Commissioner Kaytee Faris	Rebecca Fleury, City Manager
Commissioner Kate Flores	Jill Steele, City Attorney
Commissioner Lynn Ward Gray (7:02 pm)	Ted Dearing, Assistant City Manager
Commissioner John Griffin	Victoria Houser, City Clerk
Commissioner Christopher Simmons	Jim Blocker, Police Chief
Vice Mayor Sherry Sofia	Brian Sturdivant, Fire Chief
	Lawrence Bowron, Aviation Director
Absent: Mayor Mark Behnke	Carl Fedders, City Engineer
Commissioner Susan Baldwin	Glenn Perian, Senior Planner
Commissioner James Lance	

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Faris.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for Holiday Season Impaired Driving Prevention Campaign

Vice Mayor Sofia proclaimed the month of December 2019 as "Holiday Season Impaired Driving Prevention Month" and further recognized the December 13, 2019 to January 1, 2020 "Drive Sober or Get Pulled Over" Enforcement Campaign in Battle Creek, Michigan. Vice Mayor Sofia called upon everyone to promote awareness of the impaired driving problem, to promote safer and healthier behaviors regarding the use of alcohol and other drugs, and to promote the awareness campaign this holiday season and throughout the year.

Pat Karr, BCATS, noting recent fatality statistics, encouraged everyone to drive safely, to have a designated driver, to wear seat belts and to not drive distracted.

Chief Blocker asked everyone to be more careful during the holiday season and all year, noting fatal accidents are tragic for all involved. Chief Blocker noted distracted driving accidents are preventable, stating 21 million people over the age of 16 drove drunk in 2017, and 12.5 million were driving impaired due to drug usage.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Clerk Houser noted resolution 13 was removed from the agenda.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

INTRODUCTION OF ORDINANCES

16-2019 Proposed Ordinance No. 16-2019 to amend various sections of Chapter 1048 of City Ordinances, Stormwater Management, to make necessary updates, including those consistent with the new Technical Reference Manual.

Motion to Approve

Moved By: CHRISTOPHER SIMMONS

Supported By: JOHN GRIFFIN

Dave Moore, 102 Taylor Avenue, commented on the need to keep storm water sewer drains clear.

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

Absent: BALDWIN, BEHNKE, LANCE

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

John Kenefick, 234 South Ave, commented on resolution 11, regarding the DOJ Project Safe Neighborhood grant, and resolution 14, regarding the renaming of the airport.

David Moore also commented on resolutions 11 and 14.

(Limited to five minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

Comm. Gray, noting she works at BCCF, stated she did not work with the DOJ grant program.

Chief Blocker informed everyone the grant was sought by the U S District Attorney's office, Western District, through the Department of Justice, noting Battle Creek was one of six communities benefiting from the grant. Chief Blocker further stated the US Attorney's office, as a member of the Federal Government and the Department of Justice, could not be the fiduciary of the grant. Chief Blocker informed everyone that the Battle Creek Community Foundation offered to write, update and manage the program for all six communities across the region, expressing appreciation to BCCF for their role as fiduciary. Chief Blocker stated we can all benefit from the program by addressing the significant challenges our communities face.

CONSENT AGENDA

Motion to Approve
Moved By: CHRISTOPHER SIMMONS
Supported By: JOHN GRIFFIN

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

Absent: BALDWIN, BEHNKE, LANCE
MOTION PASSED

City Commission minutes for Regular meeting on November 19, 2019.

Closed Session minutes for November 19, 2019

City Manager's Report for December 3, 2019

CONSENT RESOLUTIONS

- 11 A Resolution authorizing the City Manager to accept a grant in the amount of \$37,000 from the Battle Creek Community Foundation who is the fiduciary for the DOJ Project Safe Neighborhood grant.

Motion to Approve
Moved By: CHRISTOPHER SIMMONS
Supported By: JOHN GRIFFIN

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

Absent: BALDWIN, BEHNKE, LANCE
MOTION PASSED

- 12 A Resolution appointing a city staff member to the Calhoun County Solid Waste Committee.

Motion to Approve
Moved By: CHRISTOPHER SIMMONS
Supported By: JOHN GRIFFIN

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

Absent: BALDWIN, BEHNKE, LANCE
MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 13 A Resolution Revoking the Obsolete Property Rehabilitation Act (OPRA) Exemption Certificate 3-11-0006 For McCullough Investments, LLC.

Motion to
Moved By:
Supported By:

This resolution was removed from the agenda.

Absent: BALDWIN, BEHNKE, LANCE
MOTION

- 14 A Resolution authorizing the renaming of the W.K. Kellogg Airport as the Battle Creek Executive Airport at Kellogg Field.

Motion to Approve
Moved By: CHRISTOPHER SIMMONS
Supported By: JOHN GRIFFIN

Comm. Flores expressed support of the renaming of the airport, asking staff to discuss the importance of this renaming.

Mr. Dearing reminded everyone that the FAA mandated that all municipal airports strive toward economic self sufficiency, noting staff has worked with local stakeholders and experts in the aviation field to develop a strategic business plan. Mr. Dearing stated the renaming of the airport will position the City within the market so that executive users know we are able to provide services, allowing the City to capture more traffic to the airport. Mr. Dearing also noted the costs to rebrand the airport have been anticipated, and were budgeted for, such as replacing signs and posting new way-finding signs.

Comm. Simmons noted general fund dollars would not be used for the renaming of the airport as the airport operated under a separate business unit.

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

Absent: BALDWIN, BEHNKE, LANCE
MOTION PASSED

- 15 A Resolution to approve S-02-19, a Special Use Permit request to allow a Tattoo Parlor at 1950 W. Columbia Avenue.

Motion to Approve
Moved By: CHRISTOPHER SIMMONS
Supported By: JOHN GRIFFIN

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

Absent: BALDWIN, BEHNKE, LANCE
MOTION PASSED

- 16 A Resolution to approve S-03-19, a Special Use Permit request to allow a Group Daycare Facility at 174 Buckley Lane.

Motion to Approve
Moved By: CHRISTOPHER SIMMONS

Supported By: JOHN GRIFFIN

Vice Mayor Sofia questioned the City's ability to place any restrictions on special use permits in residential neighborhoods, or follow up to ensure conditions are complied with.

Glenn Perian, Senior Planner, noted the City can put restrictions on Special Use permits, stating the conditions were listed in the staff report.

Comm. Simmons asked if anyone came to the Planning Commission meeting to object to the special use request.

Mr. Perian stated one neighbor attended the meeting to express concerns, also stating the Planning Department received 14 letters regarding the request, noting 3 were in opposition, while 11 expressed support. Mr. Perian also noted all of the residents' concerns were discussed, and the staff report addressed the concerns.

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

Absent: BALDWIN, BEHNKE, LANCE
MOTION PASSED

GENERAL PUBLIC COMMENT

David Moore expressed concern for law enforcement officers recently injured in shooting incidents.

Karin Wallace, regarding resolution 16, offered to answer any questions or concerns the Commission had regarding the Special Use Permit.

Tomi Morris requested additional Battle Creek Transit routes and stops, also commenting on the recent revoking of the certificate of occupancy of the Econo Lodge and crime in the community.

Brian Najdowski thanked Officer Johnson for his service, wishing him a speedy recovery.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Gray reminded everyone of the Youth Advisory Board talent showcase, The Hate You Give, on December 28th at 4:00 pm at the Y Center, encouraging youth to attend and support the event.

Comm. Faris inquired as to the Planning Department's work to amend special use permit requirements to allow tattoo parlors anywhere in the City without having to submit a request.

Mr. Perian noted staff continued to work on the changes, stating they expected to submit the recommendations to the Commission in the spring of 2020.

Comm. Faris also asked if Planning Department staff monitored properties with special use permits when the property is purchased by someone other than the original applicant, stating new owners should be required to comply with the requirements of the special use permit.

Mr. Perian confirmed the special use permit goes with the property after the sale, as long as the property remains in compliance with the special use, there is no requirement to go back to the Planning Commission.

Attorney Steele confirmed that the City cannot prevent the new property owner from having the special use permit as long as the conditions of the special use are being complied with. Attorney Steele noted that if the use stops or the owners have not complied with the requirements, such as a

certificate of occupancy, staff can stop the special use. Attorney Steele confirmed the Planning Department can do a follow up review to ensure the special use conditions are respected.

Vice Mayor Sofia expressed appreciation to all of the Commissioners, staff and residents for their patience during the meeting. Vice Mayor Sofia also wished Comm. Griffin a happy birthday.

ADJOURNMENT

Vice Mayor Sofia adjourned the meeting at 7:42 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.