



Agenda: Battle Creek City Commission

Meeting Date: December 17, 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

Mayor Mark Behnke	Rebecca Fleury, City Manager
Commissioner Kaytee Faris	Jill Steele, City Attorney
Commissioner Kate Flores	Ted Dearing, Assistant City Manager
Commissioner Lynn Ward Gray	Victoria Houser, City Clerk
Commissioner John Griffin	Jim Blocker, Police Chief
Commissioner James Lance	Brian Sturdivant, Fire Chief
Commissioner Christopher Simmons	Chris Dopp, Public Works Director
Vice Mayor Sherry Sofia	Linda Morrison, Finance Director
Absent: Commissioner Susan Baldwin	Nancy Mullett, Labor Attorney

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Faris.

ROLL CALL

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

There were no added or deleted resolutions.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

PUBLIC HEARING

A Public Hearing to review and receive public comment on Brownfield Plan #15 for the proposed redevelopment of an approximately 18,000 square-foot building located at 50 West Michigan Avenue into a rock climbing gym.

Mayor Behnke opened the Public Hearing, inviting attendees to provide comments.

Reece Adkins, 309 Spring Street, expressed excitement that downtown buildings are being renovated and occupied.

Emily Bandeen, project developer, provided information on the history of the project, expressing appreciation to the Commission for consideration and support of the Brownfield Plan.

Mayor Behnke expressed appreciation to the Bandeens for their investment in the community.

Comm. Gray thanked Mrs. Bandeen for her perseverance in the project.

David Moore, 102 Taylor Avenue, stated it was good that the City's older buildings were being used.

Johnathan, Battle Creek resident, felt the rock climbing project would provide an awesome opportunity for Battle Creek.

Chelsea Reichel expressed support for the project, stating it would provide employment to young people, while giving kids a safe place to have fun.

Hearing no additional comments, Mayor Behnke closed the Public Hearing.

ADOPTION OF ORDINANCES

- 17 A Resolution to adopt 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: SHERRY SOFIA

David Moore expressed support for the ordinance amendment.

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

Absent: BALDWIN

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

Chuck Asher, 961 Glenn Croft Lane, commented on resolution #23, regarding retiree healthcare. Ken Benninghaus, also commenting on resolution #23, expressed appreciation to staff for their work on the legacy costs.

John Kenefick, 234 South Avenue, commented on resolution #22, regarding the purchase of a new fire engine.

(Limited to five minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

Comm. Flores requested Mr. Dopp provide more information related to Resolution #18.

Chris Dopp, Public Works Director, noting the City is part of the Clean Water Act, stated the City has a stormwater permit, and has developed the technical reference manual that details measures

to lessen the impact of storm water.. Mr. Dopp further stated that when developments were being put in place years ago, no one understood the impact large parking surfaces would have on the environment, causing large amounts of runoff to lakes and streams, while also depositing pollutants. Mr. Dopp stated the manual would set standards when a property was being developed to provide the methodology to determine the amount of runoff, to keep it the same prior to development and after development. Mr. Dopp stated the manual would provide best practices for handling the large amount of runoff and impurities, stating retention and detention basins would be used.

Comm. Flores thanked Mr. Dopp for the information, noting storm water management is an important part of the City's infrastructure.

CONSENT AGENDA

Motion to Approve

Moved By: CHRISTOPHER SIMMONS

Supported By: SHERRY SOFIA

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

Absent: BALDWIN

MOTION PASSED

City Commission Minutes for December 3, 2019 Regular Meeting

Ambulance Report for November 2019

City Manager's Report for December 17, 2019

CONSENT RESOLUTIONS

- 18 A Resolution to adopt the latest Technical Reference Manual (TRM) for stormwater management.

Motion to Approve

Moved By: CHRISTOPHER SIMMONS

Supported By: SHERRY SOFIA

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

Absent: BALDWIN

MOTION PASSED

- 19 A Resolution reappointing City Commissioners to the City Manager Performance Evaluation Committee.

Motion to Approve

Moved By: CHRISTOPHER SIMMONS

Supported By: SHERRY SOFIA

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

Absent: BALDWIN
MOTION PASSED

- 20 A Resolution to reappoint members to the City Attorney Evaluation/Salary Review Committee.

Motion to Approve
Moved By: CHRISTOPHER SIMMONS
Supported By: SHERRY SOFIA

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

Absent: BALDWIN
MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 21 A Resolution accepting the proposal of best value for Banking Services from Comerica Bank in an estimated five-year amount of \$163,197.25, with unit prices prevailing.

Motion to Approve
Moved By: CHRISTOPHER SIMMONS
Supported By: SHERRY SOFIA

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

Absent: BALDWIN
MOTION PASSED

- 22 A Resolution authorizing a contract for a new fire engine from CSI Emergency Apparatus, LLC in a not-to-exceed amount of \$454,703.00.

Motion to Approve
Moved By: CHRISTOPHER SIMMONS
Supported By: SHERRY SOFIA

Comm. Gray asked Chief Sturdivant to discuss the importance of this purchase for the Fire Department.

Chief Sturdivant stated that although not legislatively mandated, the National Fire Protection Association industry standards are considered the best practices. Chief Sturdivant stated the NFPA standard # 1901 recommends using fire apparatus for 20 years, with an additional 5 years in reserve status, then decommissioned after 25 years. Chief Sturdivant stated Battle Creek has kept many of their reserve apparatus for over 30 years, stating they were no longer considered safe by industry standards, noting the cabs were open and had lap seat belts, not over the shoulder belts. Chief Sturdivant also noted it has been difficult to find replacement parts for the older apparatus. Chief Sturdivant confirmed the City did sell 4 rigs that were over 30 years old to help recoup some revenue for the new apparatus. Chief Sturdivant stated this purchase will allow the department to bolster front line fleet, while pushing another vehicle to the reserve fleet.

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

Absent: BALDWIN

MOTION PASSED

- 23 A Resolution for pension and other post employment benefit (OPEB) policy changes based on Legacy Cost Committee Recommendations and the September 12, 2019 City Commission Workshop Results.

Motion to Approve

Moved By: CHRISTOPHER SIMMONS

Supported By: SHERRY SOFIA

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

Absent: BALDWIN

MOTION PASSED

- 24 A Resolution setting a closed session on a labor matter for December 17, 2019.

Motion to Approve

Moved By: CHRISTOPHER SIMMONS

Supported By: SHERRY SOFIA

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

Absent: BALDWIN

MOTION PASSED

GENERAL PUBLIC COMMENT

David Moore commented on the political rally for President Trump taking place the next day.

Reece Adkins, 309 Spring Street, expressed concern with the homeless population in the City, suggesting vacant school buildings be used for housing.

Chuck Asher, 961 Glen Croft Lane, urged the Commission to ensure the pension fund is properly funded by not allowing the capture of millage money by the TIF districts.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Gray reminded everyone of the Youth Advisory Board talent showcase on Saturday, December 28th from 4:00 - 6:00 pm at the Y Center, encouraging youth under the age of 21 to participate in the event to combat hate, bullying and racism. Comm. Gray also asked the Assistant City Manager if there was any progress on the proposed project at SW Junior High School.

Ted Dearing, Assistant City Manager, noted there was no current progress, stating there was a large financial gap in the development.

Comm. Gray requested the City Manager give an update on the Trump rally to take place the next day.

Ms. Fleury, noting additional information was available on the city website, stated a press release was sent out with an interactive map that identified available parking, noting several parking areas were not available until 5:00 pm. Ms. Fleury also noted the Police Department would be monitoring protest groups. As to residents with disabilities, Ms. Fleury informed everyone that ADA shuttle services would be provided from the KMart parking lot beginning at 1:45 pm. Addressing concerns with the cold weather, Ms. Fleury stated some outside heaters would be placed in the area and the fire pit at Wave Park would be on. As to the costs of providing services for the event, Ms. Fleury stated costs will be tracked and a request for reimbursement would be submitted to the campaign.

Comm. Gray expressed appreciation to all staff and outside agencies who have worked so diligently to ensure everyone's safety. Comm. Gray also wished everyone a safe and happy holiday.

Ms. Fleury thanked the many law enforcement agencies and emergency services partners, stating everyone's safety is their number one priority. Ms. Fleury also thanked numerous other community businesses for their support and service.

Mayor Behnke thanked the Vice Mayor for facilitating the previous Commission meeting.

Vice Mayor Sofia read a verse wishing everyone a happy holiday and prosperous new year.

RECESS

The City Commission recessed for Closed Session at 7:51 pm.

CLOSED SESSION

RETURN FROM RECESS

The City Commission returned from Closed Session at 8:11 pm.

- 25 A Resolution authorizing the City Manager to sign the Collective Bargaining Agreement between the City of Battle Creek and the American Federation of State, County and Municipal Employees, Council 25, AFL-CIO and its Local Union 1387 for the period of July 1, 2019, through June 30, 2024

Motion to Approve

Moved By: CHRISTOPHER SIMMONS

Supported By: SHERRY SOFIA

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

Absent: BALDWIN

MOTION PASSED

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:13 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.