



Agenda: Battle Creek City Commission

Meeting Date: June 4, 2024- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

Title: Battle Creek City Hall - City Commission Chambers - 3rd Floor

VIDEO

ATTENDANCE

COMMISSIONERS

Mayor Mark Behnke

Commissioner Jim Lance

Commissioner Patrick O'Donnell

Commissioner Christopher Simmons

Vice Mayor Sherry Sofia

Commissioner Roger Ballard

Commissioner Jenasia Morris

Commissioner Carla Reynolds

Commissioner Jake Smith

CITY STAFF

Rebecca Fleury, City Manager

Victoria Houser, City Clerk

Shannon Bagely, Police Chief

Bill Beaty, Fire Chief

Darcy Schmitt, Planning Manager

Chad Frein, IT Director

Jill Steele, City Attorney

Ted Dearing, Assistant City Manager

Aaron Kuhn, Revenue Services Director

Michelle Hull, Human Resource Director

Steve Skalski, Director of Public Works

Helen Guzzo, Community Dev. Manager

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Smith.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for Men's Health Month 2024

Mayor Behnke presented a proclamation declaring the month of June 2024 as "Men's Health Month" in the Greater Battle Creek Area, encouraging all neighbors to pursue preventative health practices and early detection efforts throughout the year.

Proclamation for Juneteenth Family Day 2024

Mayor Behnke presented a proclamation, in concurrence with the State of Michigan, declaring the 3rd Saturday in June, which is June 15, 2024, as "Juneteenth Family Day" in the Greater Battle Creek area, encouraging all neighbors to increase awareness about the history of this significant event and participate with appropriate celebrations.

Lynn Ward Gray invited everyone to come to Juneteenth Family Celebration Day, beginning Friday, June 14th at 7:00 am at Washington Heights UMC, and on June 15th, beginning at 11:00 am at Claude Evans Park. More information is available at juneteenthbattlecreek.com or on Facebook at [battlecreekjuneteenthcelebration](https://www.facebook.com/battlecreekjuneteenthcelebration).

Certificate of Recognition for The Battle Creek Club of the National Association of Negro Business & Professional Women's Clubs, Inc.

Mayor Behnke presented a Certification of Recognition to The Battle Creek Club of the National Association of Negro Business and Professional Women's Clubs, Inc. on its 51st Annual Battle Creek Club Founder's Day and Sojourner Truth Awards Banquet Celebration.

Lynn Ward Gray accepted the Certificate of Recognition on behalf of Shirley Tuggle. Ms. Gray announced Community Service Awards would be given to many community residents for their support and involvement in Battle Creek.

PRESENTATIONS

ARPA Community Project Presentation - Robert Elchert, SHARE Center

Robert Elchert, SHARE Center Manager, shared a presentation of the improvements completed at the SHARE Center with the ARPA Community Project funding.

Calhoun County Senior Services Presentation - Rod Auton, Manager

Pulled

This presentation was removed from the agenda.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

Clerk Houser noted proposed ordinance #10-2024 was pulled from the agenda.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

INTRODUCTION OF ORDINANCES

09-2024 A Proposed Ordinance, #09-2024, seeking to rezone 42 parcels located along E. Michigan Avenue, Stiles Street, Spencer Street, Colvin Avenue, James Street, Vale Street, and Caine Street from R-3 Multiple Family Residential District to T-3 Neighborhood Commercial District.

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: JAKE SMITH

This Resolution was defeated.

Ayes: BALLARD, LANCE, REYNOLDS, SIMMONS

Nays: MORRIS, O'DONNELL, BEHNKE, SMITH, SOFIA

MOTION FAILED

10-2024 A Proposed Ordinance, #10-2024, to amend Section 08 of Chapter 882 Real Estate Taxation, by amending the terms of the Payment in Lieu of Taxes (PILOT) to reflect the new ownership and financing for "Westbrook Place." Pulled

Motion to
Moved By:
Supported By:

THIS PROPOSED ORDINANCE WAS PULLED FROM THE AGENDA.

MOTION

ADOPTION OF ORDINANCES

450 A Resolution seeking adoption of Ordinance, #08-2024, amending Section 06 of Chapter 294 "General Personnel Regulations," by making changes to "Other Leaves of Absence" for consistency with City Policies and to align the bereavement leave with represented employee agreements.

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

Autumn Smith commented on Resolutions #453 - #460, stating the CAFER is a superior report to proposed budgets.

Debbie McNutt-Morris commented on the repaving/patching of her road, stating residents want a new road installed.

John Kenefick commented on resolution 466, regarding the Fee, Bond and Insurance Schedule, noting the fees that have been increased or decreased.

Marcel Heath requested the commission support his request for a fishing event at Willard Beach.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

Minutes for the May 21, 2024 City Commission Regular Meeting

City Manager's Report for June 4, 2024

CONSENT RESOLUTIONS

451 A Resolution making permanent Temporary Traffic Control Order #1735.

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

452 A Resolution seeking authorization of a contract with Azteca Systems, LLC for an
Enterprise License Agreement (ELA) for Cityworks Asset Management System
(AMS) in a not-to-exceed one year amount of \$81,960.00.

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

453 A Resolution seeking adoption of the fiscal year 2024-2025 budget for the Battle
Creek Downtown Development Authority (BCDDA).

Motion to Approve
Moved By: SHERRY SOFIA

Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

454 A Resolution seeking adoption of the fiscal year 2024-2025 budget for the Lakeview Downtown Development Authority (LDDA).

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

455 A Resolution seeking approval of the fiscal year 2023-2024 amended budget for the Battle Creek Brownfield Redevelopment Authority (BCBRA).

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

456 A Resolution seeking adoption of the fiscal year 2024-2025 budget for the Battle Creek Brownfield Redevelopment Authority (BCBRA).

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

457 A Resolution seeking approval of the fiscal year 2023-2024 amended General Operating budget for the Battle Creek Tax Increment Finance Authority (BCTIFA).

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

458 A Resolution seeking adoption of the fiscal year 2024-2025 General Operating budget for the Battle Creek Tax Increment Finance Authority (BCTIFA).

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

459 A Resolution seeking approval of the fiscal year 2023-2024 amended Capital Projects budget for the Battle Creek Tax Increment Finance Authority (BCTIFA).

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

460 A Resolution seeking adoption of the fiscal year 2024-2025 Capital Projects budget for the Battle Creek Tax Increment Finance Authority (BCTIFA).

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,

SMITH, SOFIA

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 461 A Resolution seeking acceptance of the lowest responsive, responsible bid for 2024 Sidewalk Repair Program from Hunter-Prell Company in an estimated amount of \$270,630.00, with unit prices prevailing.

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 462 A Resolution seeking authorization for the City Manager to temporarily suspend a Park Rule prohibiting fishing to allow for two children's fishing activities: a pre-event on June 9, 2024 and the "3rd Annual Johnny 'Jake' Collier - Teach a Kid to Fish Event" on August 11, 2024, to take place at the specified Goguac Lake location.

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: JAKE SMITH

Comm. Simmons asked why fishing was not allowed at Willard Beach at other times of the year.

Rebecca Fleury, City Manager and Ted Dearing, Assistant City Manager, stated they were unsure of the history, but fishing has not been permitted at the beach for a long time, stating they believe it is because of nearby swimmers and visitors on the beach. Both agreed they would research the history and reasoning and share the information. As to fishing at the river at Bailey Park, it was surmised fishing was allowed as there was not a public beach there.

Comm. O'Donnell thanked Mr. Heath for planning this event and supporting the community.

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS, SMITH, SOFIA

MOTION PASSED

- 463 A Resolution seeking authorization for the City Manager to enter into two three-year agreements between the City of Battle Creek and Lakeview School District to provide one certified police officer to carry out the duties of a School Liaison Officer at Lakeview Elementary Schools and one at Lakeview High School covering school years 2024-2025, 2025-2026 and 2026-2027.

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

- 464 A Resolution seeking authorization for the City Manager to enter into an agreement between the City of Battle Creek and Battle Creek Public Schools to provide one certified police officer to carry out the duties of a School Liaison Officer at one or more BCPS District Buildings for the 2024-2025 school year.

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

- 465 A Resolution seeking approval of the 2024 Millage Rates and seeking adoption of the General Fund and Special Funds Budgets for the fiscal year 2024-2025.

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SMITH, SOFIA

MOTION PASSED

- 466 A Resolution seeking approval for the "2024-2025 Fee, Bond and Insurance Schedule" for the City of Battle Creek.

Motion to Approve
Moved By: SHERRY SOFIA
Supported By: JAKE SMITH

Ayes: BALLARD, LANCE, MORRIS, O'DONNELL, BEHNKE, REYNOLDS, SIMMONS,
SOFIA
Nays: SMITH

MOTION PASSED

GENERAL PUBLIC COMMENT

Steve Koch commented on the public's right to speak at public meetings, stating there would be legal repercussions for asking that he wait to speak until general public comment time.

David Moore expressed disagreement with the policy that allows the raising of flags other than the US, State and city flags.

Mary Bourgeois asked the status of tiny houses in the city.

Alex Harris announced he was running for state representative.

Autumn Smith asked that her Appeal to Heaven flag be allowed to fly at City Hall. Ms. Smith also commented on the SHARE Center ARPA funding.

John Kenefick commented on overgrown weeds on state and city owned property, asking why they do not have to comply with city ordinance.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Simmons shared that MDOT has decided to let the area near the I-94 overpass at Capital Avenue "go natural."

Comm. O'Donnell thanked the organizers of Taste of the Creek, also encouraging everyone to attend the Cereal Festival this weekend. Announcing other events in the city, Comm. O'Donnell thanked the volunteers who are reaching out to youth and residents, creating positivity in the city.

Comm. Smith congratulated Springfield, MA on the 2nd longest Breakfast Table.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:02 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 three 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.

(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.

(f) Applicants or Appellants, as defined below, or an attorney retained to represent them, are not bound by the specific time limitations set out above but may have the amount of time deemed reasonably necessary by the Mayor or presiding official to present their case to the City Commission without violating the rules set out below in sub-section 4(a) through (g), with which they are obligated to comply.

(i) Applicant is defined an individual or business entity seeking a City Commission final decision on a matter for which the individual has made application to the City based upon a specific provision in a City Ordinance or state statute for permission to take a specific action;

(ii) Appellant is an individual appealing a decision of a City official or an inferior body based upon a specific provision in City ordinances entitling the individual to appeal the decision to the City Commission.

(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 Mayor, or the presiding Commissioner or official, and not to individual Commissioners or staff members. 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, and the speaker may be required to leave the meeting after having been ruled out-of-order for a breach of the peace committed at the meeting as permitted by the OMA, when the speaker violates above sub-section 3 or the following:

- (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 their 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.

(5) Individuals attending City Commission meetings or workshops, excluding City staff, shall not pass the commission chambers bar upon which the podium is affixed (and which divides the audience section from the well of the chambers) without having been invited to do so by the Mayor or official presiding over the meeting, or after requesting and explicitly being granted permission to do so. Any individual violating this sub-section will be ruled out-of-order by the Mayor or presiding official and the individual may be required to leave the meeting for a breach of the peace committed at the meeting as permitted by the OMA.