



Agenda: Battle Creek City Commission

Meeting Date: July 2, 2024- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

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

ATTENDANCE

Mayor Mark Behnke
Commissioner Jim Lance
Commissioner Patrick O'Donnell
Commissioner Christopher Simmons
Vice Mayor Sherry Sofia

COMMISSIONERS

Commissioner Roger Ballard
Commissioner Jenasia Morris
Commissioner Carla Reynolds
Commissioner Jake Smith

Rebecca Fleury, City Manager
Alicia Greene, Deputy City Clerk
Shannon Bagley, Police Chief
Bill Beaty, Fire Chief
Helen Guzzo, Community Development
Manager

CITY STAFF

Jill Steele, City Attorney
Ted Dearing, Assistant City Manager
Mallory Avis, Public Transit Director
Joby Puruker, Service Desk Tech

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Ballard.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for Pride Month 2024

Mayor Behnke presented a proclamation declaring the month of July, 2024 as "LGBTQ+ Pride Month" in the City of Battle Creek, inviting our neighbors to reflect upon the ways in which we live and work together with a commitment to mutual respect and understanding for all people, and to further recognize Pride Month by flying the LGBTQ+ flag above Battle Creek City Hall throughout the month of July.

PRESENTATIONS

BCU Annual Presentation - Joe Sobieralski, President & CEO

Joe Sobieralski, President & CEO, Battle Creek Unlimited (BCU), shared the annual BCU update to the Commission.

Calhoun County Senior Services Presentation - Rod Auton, Manager

Rod Auton, Calhoun County Senior Services Manager, presented information on the Senior Millage and the services these funds provide.

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

There were no added or deleted resolutions.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

INTRODUCTION OF ORDINANCES

10-2024 A Proposed Ordinance Introduction, #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."

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Cristian Yugsi, project manager for Full Circle Communities, introduced himself to the commission and provided background on the work they hope to accomplish at Westbrook Place.

John Kenefick shared concerns with affordable housing projects and how tax payers are effected when rents are subsidized.

Barry Wayne Adams spoke in opposition to the ordinance introduction, noting these exemptions help private entities, which he states is unconstitutional.

Helen Guzzo, former manager of Calhoun County Senior Services, spoke in favor of Westbrook Place and the programs it provides for our seniors.

Reece Adkins spoke in favor of Westbrook Place, noting this was a great use of the building.

David Moore stated the tax payers should have more of a voice in this process.

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

MOTION PASSED

11-2024 A Proposed Ordinance Introduction, #11-2024, to amend the Zoning Code for the City of Battle Creek.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Barry Wayne Adams spoke in opposition to the ordinance introduction.

Comm. O'Donnell shared his support of the zoning ordinance introduction.

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

MOTION PASSED

12-2024 A Proposed Ordinance, #12-2024, to amend the Chapter Title, as well as Sections 01, 02, 04 - 06, 08, 09, and 99, of Chapter 694 "Youth Offenses," by making it consistent with state law, replacing outdated statutory references, and ungendering language.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Barry Wayne Adams spoke in opposition to the ordinance introduction.

David Moore stated the tax payers should have more of a voice in this process.

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

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

Joe Harris spoke to Resolution 490, sharing disappointment with Calhoun County government leaders and a lack of transparency with the Blue Oval project.

Barry Wayne Adams spoke in opposition to Resolution 490.

Autumn Smith spoke in opposition to Resolution 490.

Reece Adkins spoke in opposition to Resolution 491.

John Kenefick spoke in opposition to Resolution 487.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

Minutes for the June 18, 2024 City Commission Regular Meeting

City Manager's Report for July 2, 2024

Ambulance Report for May 2024

CONSENT RESOLUTIONS

484 A Resolution seeking authorization of the sale of vacant, tax-reverted property Parcel number 6030-00-210-0.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

485 A Resolution seeking acceptance of the proposal of best value from Praise Sign Company, LLC, for Battle Creek City Hall interior signage in a not to exceed amount of \$100,000.

Motion to Amend

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

486 A Resolution identifying the 2024-2025 work plan and measures of success for City Manager Rebecca Fleury's evaluation criteria.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

487 A Resolution seeking acceptance of the proposal of best value from Michigan Transportation Connection, Inc., to provide consultant services to the Transportation Authority of Calhoun County (TACC) in a not-to-exceed amount of \$201,000.00.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Comm. Smith stated now that the TACC Board has been seated, he does not support funding.

Comm. Simmons questioned why the City would administer the contract and what the funds were allocated for.

Rebecca Fleury stated the City is holding the contract because we have the procurement system in place for the use of ARPA funds with very strict guidelines.

Mr. Stewart noted the funds were for the consultant to assist the TACC while forming with setup, direction and the budget providing tactical leadership.

Comm. Morris clarified currently the TACC cannot hold the contract as they have no account to hold the funds.

Mr. Stewart responded to Comm. Ballard, stating all participating communities share equitably in the cost of the consultant.

Ms. Fleury stated the City currently has 2 seats on the TACC Board.

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

Nays: SMITH

MOTION PASSED

- 488 A Resolution seeking acceptance of the lowest responsive, responsible bid for the Verona Wellfield Well Replacement Project from Peerless Midwest, Inc., in an estimated amount of \$7,601,965.93, with unit prices prevailing.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

- 489 A Resolution seeking approval of an Eviction Diversion Agreement with the Michigan Advocacy Program doing business as Legal Services of South Central Michigan for \$35,000.00 with Community Development Block Grant funding (CDBG), 2023 Program Year.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

- 490 A Resolution seeking authority for the City Manager to execute an MOU with MAEDA for Water Infrastructure Improvements.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Comm. Simmons questioned if he signed an NDA agreement on this Water Infrastructure Improvement project.

Ms. Fleury agreed he did not sign an NDA for this project and no wastewater will be returned from this sight.

Attorney Steele clarified for Comm. Smith and Comm. O'Donnell this agreement does not address equitable distribution of water transmission or water readiness fees, that will be in a separate agreement. This agreement is giving permission for the work to take place.

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

MOTION PASSED

- 491 A Resolution seeking authority for the City Manager to sign the attached Law Enforcement Mutual Aid Agreement with the City of Kalamazoo regarding the Kalamazoo Department of Public Safety.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

Comm. O'Donnell shared support of the Mutual Aid agreement, noting the benefit to our community and the City of Kalamazoo in a time of crisis.

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

MOTION PASSED

- 492 A Resolution seeking authority to declare intent to purchase, and authority to purchase, foreclosed real estate parcel #52-0390-00-147-0 on Hamblin Avenue.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

- 493 A Resolution seeking approval to conduct a Closed Session on a Legal Matter immediately following the Regular City Commission Meeting on July 2, 2024.

Motion to Approve

Moved By: CARLA REYNOLDS

Supported By: CHRISTOPHER SIMMONS

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

MOTION PASSED

GENERAL PUBLIC COMMENT

Rebecca Sebring, shared concerns with security risks related to the Blue Oval Megasite.

Adam Heikkla thanked Comm. Smith for not signing an NDA and shared his opposition to the City's support of Pride events and the flying of their flag.

David Moore wants more information shared with the community so they can have more of a voice.

Joe Harris noted all citizens of the City are united under the Federal, State and City flags.

Alex Harris reminds constituents to get out and vote.

Barry Wayne Adams stated the EV battery project is falling apart. and shared his opposition to the Pride flag being flown at City Hall.

Autumn Smith stated, under the Open Meetings Act, you can not require people to provide their names to attend meetings and disagrees with NDA's being signed by commissioners.

John Kenefick spoke regarding the distribution of ARPA money given to all levels of government noting this is a national debt.

(Limited to three minutes per individual)

COMMISSION COMMENTS

RECESS

The Commission recessed to Closed Session at 9:03pm.

CLOSED SESSION

RETURN FROM RECESS

The Commission returned from Closed Session at 9:21 pm.

MOTION to APPROVE: A motion to appoint Mr. William Kim as City Attorney, effective August 1, 2024, subject to the terms of employment and recommended by the Search Committee, HR Director and City Manager.

MOVED BY: Carla Reynolds

SUPPORTED BY: Christopher Simmons

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

MOTION PASSED

ADJOURNMENT

Mayor Behnke adjourned the meeting at 9:23 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.