



Agenda: Battle Creek City Commission

Meeting Date: August 20, 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

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

William Kim, City Attorney
Alicia Greene, Deputy City Clerk
Shannon Bagley, Police Chief
Helen Guzzo, Community Development
Manager

CITY STAFF

Ted Dearing, Assistant City Manager
Aaron Kuhn, Revenue Service Director
Bryce Hamilton, Service Desk Tech
Kimberly Holley, DEI Officer

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Sofia.

ROLL CALL

PROCLAMATIONS AWARDS

Beautiful Battle Creek Awards

Mayor Behnke presented the Beautiful Battle Creek Awards.

PRESENTATIONS

Interim Financial Statements through June 30, 2024 - Aaron Kuhn Revenue
Services Director

Aaron Kuhn, Revenue Services Director, presented the Interim Financial Statements, through June 30, 2024.

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

13-2024 A Proposed Ordinance, #13-2024, to amend Section 02, Articles X and XVII, of Chapter 212, "Rules of Procedure of the Commission," regarding Public Comment to ensure a better flow to the Business Meeting.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

Joe Harris, Steve Koch, David Moore, Barry Wayne Adams, Autumn Smith, John Paul Wilson, John Kenefick and Melody Tyner shared concerns and suggestions related to Ordinance introduction 13-2024.

Ayes: BALLARD, LANCE, MORRIS, BEHNKE, REYNOLDS, SIMMONS, SOFIA

Nays: O'DONNELL, SMITH

MOTION PASSED

14-2024 A Proposed Ordinance, #14-2024, to amend Section 208.06, "Awarding of contracts," of Chapter 208, "Purchasing, Contracts, and Sales," limiting the authority of the City Manager to enter into contracts directly benefiting the Transportation Authority of Calhoun County without first obtaining City Commission authorization.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

Autumn Smith, John Kenefick, Barry Wayne Adams and David Moore shared concerns with Ordinance introduction 14-2024.

David Moore expressed support for the TACC.

Comm. Smith clarified information and provided additional details regarding Ordinance introduction 14-2024, stating the City Manager would be required to seek approval from the City Commission for any contracts directly benefitting the TACC.

Comm. Morris spoke in opposition, sharing concerns with the TACC as the only effected entity and not addressing an overall policy change. Comm. Morris invited the public to attend the TACC meeting on Tuesday at 9:00am, Marshall City Hall.

Comm. Ballard expressed frustration when attempting to satisfy citizens when addressing concerns.

Comm. Simmons thanked Comm. Smith for following the TACC and providing pertinent relevant information and addressing concerns. Comm. Simmons voiced support for Ordinance introduction 14-2024.

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

MOTION FAILED

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

Autumn Smith referenced Resolutions 530-534 sharing concerns with city's process with selecting member to sit on boards/committees.

Barry Wayne Adams spoke in opposition to Resolution 530 and composting facilities.

John Kenefick referenced Resolution 532, sharing concerns with the appointment of Mr. Godfrey.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no commission comments.

CONSENT AGENDA

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

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

Nays: SMITH

MOTION PASSED

Minutes for the August 13, 2024 City Commission Regular Meeting

City Manager's Report for August 20, 2024

Ambulance Report for July 2024

Review Committee Meeting Minutes for August 14, 2024

CONSENT RESOLUTIONS

530 A Resolution nominating Roger Ballard as the Commissioner Representative and Patty Hoch-Melluish as the Composting Facility Representative to the Calhoun

County Materials Management Committee.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

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

Nays: SMITH

MOTION PASSED

531 A Resolution appointing Breanne Humphreys as a new member to the
AccessVision Board of Directors.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

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

Nays: SMITH

MOTION PASSED

532 A Resolution reappointing John Godfrey to the Local Officers Compensation
Committee.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

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

Nays: SMITH

MOTION PASSED

533 A Resolution appointing Mark Stephens as a new member to the Sustainable Battle
Creek Committee.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

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

Nays: SMITH

MOTION PASSED

- 534 A Resolution appointing Carey Whitfield, Jose' Orozco, Dominic Oo, Jennifer LaGrand-Williams, Kaciana Champlin Hoffman, Mark Stephens and Clare Tanner as Initial Appointments, appointing Brandon Phenix and Mary Graniela as Alternate Initial Appointments, and appointing Michelle Hull, HR Director and Kimberly Holley, DEI Officer as ex-officio non-voting members under Chapter 286 for the Community Oversight Board.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

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

Nays: SMITH

MOTION PASSED

- 535 A Resolution seeking authorization regarding contract renewals through May 31, 2027, with Shouldice Industrial Manufacturers and Contractors, Inc., for two contracted journeyman electricians to fill staffing gaps at the Wastewater Treatment Plant and Verona Pumping Station.

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

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

Nays: SMITH

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENTAGENDA

- 536 A Resolution seeking authorization for the City Manager to execute grant agreements for the FY 2025 Medicaid CHIP Lead Hazard Control Program (Agreement # E20252124-00) and the FY 2025 Lead Health Safety Program (Agreement #E20252118-00) with the Michigan Department of Health and Human Services (MDHHS).

Motion to Approve

Moved By: PATRICK O'DONNELL

Supported By: JENASIA MORRIS

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

MOTION PASSED

GENERAL PUBLIC COMMENT

Steve Koch noted a lack of transparency and concerns with spending by the City.

David Moore expressed a need for change encouraging citizens to vote in the next election.

Crystal Hale, shared concerns with another business at 235 North Avenue hosting events and using her property with out permission.

Dr. Rebecca Summer, voice additional concerns with the same business as well as other North Ave business owners not maintaining their properties.

Joe Harris shared his views on public comment time and the freedoms of Americans.

Barry Wayne Adams shared some history of the United States.

Autumn Smith shared concerns with the appointment of individuals to city boards and committees.

John Kenefick concerns with the Army Corp of Engineers overflow area (river restoration project)

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Smith encouraged voters to get to know candidates and ask questions. Mr. Smith shared additional information on TACC and their spending.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:27 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.