



Agenda: Battle Creek City Commission

Meeting Date: September 17, 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 Jenasia Morris
Commissioner Carla Reynolds
Vice Mayor Sherry Sofia
Commissioner Jim Lance

COMMISSIONERS

Commissioner Roger Ballard
Commissioner Patrick O'Donnell
Commissioner Jake Smith
Commissioner Christopher Simmons-remote

CITY STAFF

Rebecca Fleury, City Manager
Ted Dearing, Assistant City Manager
Chad Frein, IT Director
Shannon Bagley, Interim Director Police & Fire Services
Helen Guzzo, Community Development Supervisor
Michelle Hull, HR Director
William Kim, City Attorney
Alicia Greene, Deputy City Clerk
Cody Titus, BCFD Battalion Chief
Bryce Hamilton, Service Desk Tech

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. O'Donnell.

ROLL CALL

PROCLAMATIONS AWARDS

Beautiful Battle Creek Awards

Mayor Behnke presented the Beautiful Battle Creek Awards.

Proclamation for National Big Brothers Big Sisters' Month

Mayor Behnke proclaimed September 2024 "National Big Brother Big Sister" month.

Proclamation for Constitution Week

Mayor Behnke proclaimed September 17 - 23, 2024 "Constitution Week"

CHAIR NOTES ADDED OR DELETED RESOLUTIONS

There were no added or deleted resolutions.

PETITIONS COMMUNICATIONS REPORTS

There were no petitions, communications or reports.

PUBLIC COMMENT REGARDING ANY SPECIFIC AGENDA ITEM

Nick Klein, Station Side Lofts, thanked the Commission for their consideration to modify the current PILOT.

(Limited to three minutes per individual)

PUBLIC HEARING

A Public Hearing to hear public comments on the 2023-2024 Consolidated Annual Performance Evaluation Report (CAPER) reporting on City use of federal Community Development Block Grant (CDBG) and HOME Investment Partnership funds.

There were no public comments.

ADOPTION OF ORDINANCES

- 544 A Resolution seeking adoption of Proposed Ordinance #15-2024, amending Chapter 882 "Real Estate Taxation," by amending Section 23, modifying the terms of a Payment in Lieu of Taxes for the Housing Development to be known as "Station Side Lofts."

Motion to Approve

Moved By: JIM LANCE

Supported By: ROGER BALLARD

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

MOTION PASSED

- 545 A Resolution seeking adoption of Proposed Ordinance #16-2024, amending Chapter 882 "Real Estate Taxation," by amending Section 22, modifying the terms of a Payment in Lieu of Taxes to Northern Pines Apartments previously approved on October 17, 2023.

Motion to Approve

Moved By: JIM LANCE

Supported By: ROGER BALLARD

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

MOTION PASSED

546 A Resolution seeking adoption of Proposed Ordinance #17-2024, amending Chapter 882 "Real Estate Taxation," by amending Section 24, modifying the terms of a Payment in Lieu of Taxes for the Housing Development to be known as "Manchester Place."

Motion to Approve
Moved By: JIM LANCE
Supported By: ROGER BALLARD

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

MOTION PASSED

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENT AGENDA

Motion to Approve
Moved By: JIM LANCE
Supported By: ROGER BALLARD

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

MOTION PASSED

Minutes for the September 3, 2024 City Commission Regular Meeting

City Manager's Report for September 17, 2024

Review Committee Meeting Minutes for September 11, 2024

CONSENT RESOLUTIONS

Motion to Approve
Moved By: JIM LANCE
Supported By: ROGER BALLARD

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

MOTION PASSED

- 547 A Resolution appointing Albert Morehart as a new member to the Local Development Finance Authority.
- 548 A Resolution appointing Brandon Upston as the Dangerous Building Hearings Officer.
- 549 A Resolution appointing Kate Flores as a new member to the Civil Service Commission.
- 550 A Resolution seeking acceptance of the lowest responsive, responsible bid for CW Post Monument and Cairn Restoration project from RAM Construction Services of Michigan, Inc., in a not-to-exceed amount of \$56,297.00.

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 551 A Resolution seeking authorization for the City Manager to enter into a 2025 Emergency Commercial and Industrial Demand Response Agreement with Consumers Energy related to City Hall.

Motion to Approve
Moved By: JIM LANCE
Supported By: ROGER BALLARD

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

MOTION PASSED

- 552 A Resolution seeking authorization for the City Manager to enter into a 2025 Emergency with Generator Commercial and Industrial Demand Response Customer Agreement with Consumers Energy for ten lift stations.

Motion to Approve
Moved By: JIM LANCE
Supported By: ROGER BALLARD

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

MOTION PASSED

553 A Resolution seeking approval for an amendment to the 2024/2025 Fee, Bond, and Insurance Schedule for the Hamblin Avenue parking structure.

Motion to Approve
Moved By: JIM LANCE
Supported By: ROGER BALLARD

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

MOTION PASSED

554 A Resolution seeking to honor the invention of Peanut Butter in the City of Battle Creek.

Motion to Approve
Moved By: JIM LANCE
Supported By: ROGER BALLARD

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

MOTION PASSED

555 A Resolution seeking authorization for the City Manager to (re)employ, on a part-time basis, up to four (4) retired BCPD police officers (to be named) under 296.09(c).

Motion to Approve
Moved By: JIM LANCE
Supported By: ROGER BALLARD

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

MOTION PASSED

556 A Resolution identifying the 2024-2025 goals for City Attorney William Kim's evaluation criteria.

Motion to Approve
Moved By: JIM LANCE
Supported By: ROGER BALLARD

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

MOTION PASSED

557 A Resolution seeking to set a Closed Session on a labor matter for September 17, 2024.

Motion to Approve

Moved By: JIM LANCE

Supported By: ROGER BALLARD

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

MOTION PASSED

GENERAL PUBLIC COMMENT

Nicole Hill shared concerns with an individual in the community related to domestic violence, requesting assistance to address on going concerns.

David Moore suggested decommissioned fire stations be used as museums in the future.

Joe Harris commented on a recent dog attacked in the city, requesting the city ensure an ordinance is in place to address vicious animals. Mr. Harris also shared concerns with the photo/plaque of former KCC trustee, John Burke being on display in the room they hold public meetings.

Kathy Antaya thanked the city for allowing to Latin Heritage Festival to take place and shared optimism with the passing of housing ordinances. Ms. Antaya invited the community to a fair housing event, September 24 from 6:00-8:00pm at the Kool Center also sharing the NAACP's invite to individuals with discrimination complaints every 3rd Thursday of each month 10:00am-3:00pm.

Reece Adkins noted his concerns with the potential closing Station 3.

Rick Newton noted concerns with the pollution from the new Ford Battery plant in Marshall.

Nadine Bradshaw shared enjoyment in learning peanut butters history in Battle Creek, noting it as a staple at the food pantry.

Barb Shamback provided a hand out related to equity.

John Kenefick shared a story about housing costs relating the affects to the City taking a loan.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. O'Donnell invited the community to attend the 100 years celebration for the Battle Creek Executive Airport at Kellogg Field, Saturday, September 21st, 8:30am to 1:30pm at Western Michigan College of Aviation.

RECESS

The Commission recessed to Closed Session at 7:58pm.

CLOSED SESSION

RETURN FROM RECESS

The Commission returned from Closed Session at 8:08 pm.

Motion to approve the tentative agreement with AFSCME.

Motion to Approve

Moved By: JIM LANCE

Supported By: ROGER BALLARD

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

MOTION PASSED

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:10pm.

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.