



Agenda: Battle Creek City Commission

Meeting Date: November 1, 2022- 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 Kristin Blood

Commissioner Lynn Ward Gray

Commissioner Boonikka Herring

Commissioner Jim Lance

Commissioner Jenasia Morris

Vice Mayor Carla Reynolds (7:15 pm)

Commissioner Sherry Sofia

Commissioner Kathy Szenda Wilson

City Staff

Ted Dearing, Assistant City Manager

Jill Steele, City Attorney

Jim Blocker, Police Chief

Victoria Houser, City Clerk

Miles Weaver, Assistant Airport Director

Phil Kroll, Airport Director

Marcie Gillette, Community Services
Director

Travis Sullivan, Planner
Stacy Fate, Service Desk Technician

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Sofia.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for General Aviation Appreciation Month

Mayor Behnke proclaimed the month of November 2022 as "General Aviation Appreciation Month" in the greater Battle Creek area, urging all citizens of Battle Creek to recognize and support the Battle Creek Executive Airport and Kellogg Field and our aviation professionals.

Phil Kroll, Aviation Director, accepted the proclamation on behalf of the airport staff.

PRESENTATIONS

Staff Presentation - Battle Creek Executive Airport - Phil Kroll, Aviation Director

Phillip Kroll, Aviation Director, presented the monthly staff report.

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

13-2022 A proposed Ordinance to rezone 175 College Street (Parcel # 9730-00-052-0) from T-3 Neighborhood Commercial District to T-4 Downtown Commercial District.

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Richard Lindsey, attorney representing Summit Pointe, discussed the applicant's rezone request, noting they would be expanding the facility to include a pharmacy and administrative offices.

Ted Dearing, Assistant City Manager, provided information on the different zoning district classifications, noting both T-3 and T-4 were commercial districts, often in transitional areas near residential, also noting it is not unusual to have T-4 zoning in areas outside of downtown.

Autumn Smith asked if this will change the foot print of zoning, or if some requirements will be grandfathered in.

Mr. Lindsey noted the 1,300 sq. ft. addition to the existing building would have been non-conforming under the T-3 Zoning, but with the change to T-4, the addition will be conforming. Mr. Lindsey also noted a variance was still needed for the building addition.

John Kenefick commented on possible code census tracts, stating they are not normally changed.

Comm. Blood asked if T-3 and T-4 has to do with type of use of building, not necessarily downtown.

Responding to Comm. Blood, Marcie Gillette, Community Services Director, noted both were appropriate for the use of the building, providing additional information on the T-3 and T-4 zoning areas.

Mr. Lindsey stated the expansion and addition of a pharmacy will have an incredible impact on the clients of Summit Pointe, noting everything will be available in one location, allowing Summit Pointe to provide care the clients need instead of seeking outside providers.

Comm. Szenda Wilson applauded Summit Pointe for their service to the community.

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA WILSON, HERRING

MOTION PASSED

ADOPTION OF ORDINANCES

- 520 A Resolution seeking to adopt Ordinance 10-2022 to amend Section 02, Article (XVII) of Chapter 212, Rules of Procedure of the Commission, to distinguish Applicant comments and to impose a safety provision; and Section 05 of Chapter 212, to amend the meeting requirements of the Ethics and Meeting Rules Committee.

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Kathy Antaya expressed disappointment the 3 items to be amended were bundled in one resolution, expressing disagreement with limiting public access to the commissioners.

Autumn Smith agreed the proposed ordinance would create a barrier to the residents and community, preventing access to public officials.

Arneice Montgomery expressed agreement that the public officials must be accessible to the public, not create barriers.

John Kenefick stated public meetings provided a perfect opportunity to serve subpoenas to the commissioners.

Adam Heikkila also disagreed with the proposed ordinance, stating this would prevent the public from accessing the commissioners.

Comm. Szenda Wilson stated she understood the ordinance amendment was to prevent disruption of a public meeting, stating it is not unreasonable to expect safety during the course of a business meeting. Comm. Szenda Wilson noted commissioners are available during non-business hours, stating the intent of the ordinance amendment was to ensure the business of the commission goes smoothly.

Comm. Blood stated she was not supportive of the ordinance amendment, as it would create barriers between the public and the commission, also stating her preference the amendment be separated into 3 items. Comm. Blood stated she would like the meeting rules to allow more discussion between the commissioners, staff and the public during the meetings.

Comm. Morris expressed agreement with Comm. Blood.

Jill Steele, City Attorney, stated the stanchions are not part of the ordinance, but in the background information, simply as an example. Attorney Steele also stated the meeting rules amendments would not prevent the public from interacting with the commissioners before or after the meeting.

Comm. Sofia confirmed the prohibition was only during the meeting.

Ayes: GRAY, LANCE, BEHNKE, REYNOLDS, SOFIA, SZENDA WILSON, HERRING

Nays: BLOOD, MORRIS

MOTION PASSED

- 521 A Resolution seeking to adopt Ordinance 11-2022 to amend Chapters 833 Medical Marijuana Facilities, and 835 Adult Use Marijuana Establishments, to expand the hours of operation;

update definitions and make additional clarifications.

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Adam Heikkila commented on the taxes imposed on marihuana businesses, asking how much revenue the city has received and how the money is used.

Franklin Ballard asked for clarification of the business hours and the number of marihuana businesses in the city.

John Kenefick commented on the tax revenue the city receives from marihuana businesses.

Comm. Szenda Wilson noted this amendment to the ordinance was requested by some local businesses, stating the commission wants to be pro-business, stating she was excited local businesses can expand their hours.

Vice Mayor Reynolds agreed this amendment is to allow city businesses to compete with neighboring municipal businesses who are open until midnight.

Comm. Blood also expressed agreement, encouraging staff and commissioners to provide more resources to the public regarding the impact the marihuana businesses have on the city.

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

522 A Resolution seeking to adopt Ordinance 12-2022 to amend Chapter 276 Downtown Development Authority in compliance with Public Act 57 of 2018, the Recodified Tax Increment Financing Act, to Approve Amendment to the Tax Increment Financing and Development Plan of the City of Battle Creek Downtown Development Authority.

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA

Kathy Antaya expressed support of the Special Use Permit for Summit Pointe, stating the pharmacy is critical to their clients.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

CONSENT AGENDA

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

Minutes for the October 18, 2022 City Commission Regular Meeting

Ambulance Report for September 2022

City Manager's Report for November 1, 2022

CONSENT RESOLUTIONS

- 523 A Resolution seeking authorization for the City Manager to execute a METRO Act Bilateral Right-of-Way Telecommunications Permit with Level 3 Communications, LLC.

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

- 524 A Resolution reappointing members to the Battle Creek Area Metropolitan Service Agency (AMSA)

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

- 525 A Resolution appointing a new member to the Economic Development Corporation.

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

- 526 A Resolution appointing / renewing 4 members to the North Central Neighborhood Planning Council (NPC # 2).

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

- 527 A Resolution appointing / renewing 2 members to the Post/Franklin Neighborhood Planning Council (NPC # 1).

Motion to Approve

Moved By: LYNN GRAY

Supported By: KRISTIN BLOOD

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 528 A Resolution seeking authorizing for the City Manager to accept a grant in the amount of \$519,224 from the Office of Justice Programs (OJP) and to establish the appropriate budget.

Motion to Approve

Moved By: LYNN GRAY
Supported By: KRISTIN BLOOD

Responding to Comm. Blood, Jim Blocker, Police Chief, summarized the narrative, stating mental health continues to be a national challenge, proving difficult to resolve. Chief Blocker stated the grant allows staff to partner in a more aggressive plan with Summit Pointe, filling the gaps for mental health access. Chief Blocker noted the current default location for mental health patients is the local jails, stating the grant would allow BCPD to partner directly with providers.

Comm. Szenda Wilson expressed hope this would lead to a more empathetic approach to residents with mental health issues, agreeing it was important to develop partnership.

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

- 529 A Resolution seeking to approve S15-2022, for a Special Use Permit for the continuance and alteration of a building located at 175 College Street parcel 9730-00-052-0, which houses an existing medical practice (Calhoun County Community Mental Health Authority) in excess of 20,000 sq. ft., contingent upon the property being successfully rezoned from T-3 Neighborhood Commercial District to T-4 Downtown Commercial District.

Motion to Approve
Moved By: LYNN GRAY
Supported By: KRISTIN BLOOD

Ayes: BLOOD, GRAY, LANCE, BEHNKE, MORRIS, REYNOLDS, SOFIA, SZENDA
WILSON, HERRING

MOTION PASSED

GENERAL PUBLIC COMMENT

Richard Linsey recognized Chief Blocker's commitment and support for Summit Point and the residents of Battle Creek.

Autumn Smith questioned if the calls to the crisis line would be attended to by a licensed professional. Ms. Smith also commented on the ordinance amendment regarding access to the commission.

Pastor Monique French expressed appreciation to the commission, specifically for the Neighborhood Planning Commissions.

John Kenefick commented on a candidate's flyer, and fees approved by the commission.

Adam Heikkila expressed dissatisfaction with the resolutions approved by the commission.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Szenda Wilson read a statement about anti-Jewish hate crimes in the United States.

Comm. Gray expressed appreciation for the work Summit Pointe is doing in our community, noting over 9,000 clients assisted, which is helpful to those individuals and those connected to them.

Comm. Morris stated the Commission does have more work to do on transparency.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 8:49 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.

(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.