



## **Agenda: Battle Creek City Commission**

Meeting Date: November 15, 2022- 7:00 PM

Location: City Commission Chambers

Chair: Mayor Mark A. Behnke

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

VIDEO

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### **ATTENDANCE**

#### **Commissioners**

Mayor Mark Behnke

Commissioner Lynn Ward Gray

Vice Mayor Carla Reynolds

Commissioner Kathy Szenda Wilson

Commissioner Kristin Blood

Commissioner Jenasia Morris

Commissioner Sherry Sofia

#### **ABSENT:**

Commissioner Boonikka Herring

Commissioner Jim Lance

#### **City Staff**

Ted Dearing, Assistant City Manager

Jim Blocker, Police Chief

Susan Cronander, Planning

Stacy Fate, Service Desk Technician

Chris Lussier, Community Development  
Specialist

Jill Steele, City Attorney

Victoria Houser, City Clerk

Travis Sullivan, Planner

Mallory Avis, Transportation

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Comm. Morris.

### **ROLL CALL**

### **PRESENTATIONS**

Comm. Sofia presented a proclamation to Comm. Blood for her service and dedication to the Battle Creek community.

Vice Mayor Reynolds presented a proclamation to Comm. Szenda Wilson for her commitment and representation of her constituents.

Mayor Behnke presented a proclamation to Comm. Gray for more than 10 years of service to the community, for her passion and devotion to the community.

Comm. Sofia read a poem commemorating the service of Commissioners Blood, Gray, Herring and Szenda Wilson.

Vice Mayor Reynolds agreed all of the commissioners will be missed, stating it was a true joy to serve with them.

Comm. Gray thanked everyone for the opportunity to serve on the commission again.

Comm. Szenda Wilson stated it has been an honor to serve the community, stating she is grateful for the experience and knowledge on how city government works.

Comm. Blood expressed appreciation for the opportunity to serve the residents, thanking the commission for their patience and guidance.

#### Presentation by Mike Yarger - Republic Services

Mike Yarger, Republic Services, presented information to the City Commission.

Mayor Behnke noted Republic has made a positive change to the waste service, recognizing their efficiencies.

Comm. Szenda Wilson, noting the transition to a new service provider is not always easy, especially during a pandemic, stating that whenever she has had a missed pick up, Republic has always been very responsive and polite.

Mr. Yarger stated the company has been sharing resources between the Kalamazoo and Marshall locations, utilizing resources to the best of their ability. Mr. Yarger also stated Republic conducts continual market analysis to ensure wages are competitive, constantly recruiting, stating they have worked with the Calhoun County Tech Center for mechanics. Responding to Comm. Blood, Mr. noted there is a local phone number, 269-216-8008, that connects to their service representatives who will help to resolve any issues.

#### Staff Presentation - Public Transit - Mallory Avis, Public Transit Director

Mallory Avis, Transportation 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 or communications.

#### Planning / Zoning Division 2019-2020 and 2021 Annual Reports

#### **PUBLIC HEARING**

A Public Hearing to consider removal of Planning Commission Member Ariel Laws for Nonfeasance due to chronic absenteeism.

Mayor Behnke declared the public hearing open, inviting attendees to provide public comment.

Hearing no comments, Mayor Behnke declared the public hearing closed.

#### **INTRODUCTION OF ORDINANCES**

14-2022      A proposed Ordinance to rezone parcels located along Robertson Avenue, Newtown Avenue, W. Columbia Avenue, Independence Avenue, and Songbird Lane from I-2 Heavy Industrial District to R-1A Single Family Residential District.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: CARLA REYNOLDS

Wayne Edmonds questioned why these properties are being rezoned when current businesses are operating on these parcels, noting local properties have had difficulties selling due to the Industrial zoning designation.

Mayor Behnke noted a couple residents had difficulty selling their properties as they were mistakenly zoned industrial.

Ted Dearing, Assistant City Manager, agreed new buyers have had difficulty securing financing due to the industrial designation, stating the best strategy for residents in this area was to rezone the parcels back to residential.

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

Absent: HERRING, LANCE

MOTION PASSED

15-2022      A proposed Ordinance to rezone sixteen (16) parcels located along Dickman Road from McCamly Street S. to 80 Riverside Drive / Dickman Road at Guguac Street E. from T-3 Neighborhood Commercial District to T-4 Downtown Commercial District.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE

MOTION PASSED

#### **ADOPTION OF ORDINANCES**

530            A Resolution adopting Ordinance 13-2022 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: JENASIA MORRIS

Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE

MOTION PASSED

**PUBLIC COMMENTS REGARDING CONSENT AGENDA AND RESOLUTIONS NOT ON CONSENT AGENDA**

John Kenefick commented on resolution 543 regarding the HOME-ARP funding agreement with the Haven of Rest Ministries.

(Limited to three minutes per individual)

**COMMISSION COMMENT REGARDING MEETING BUSINESS**

**CONSENT AGENDA**

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE

MOTION PASSED

Minutes for the November 1, 2022 City Commission Regular Meeting

City Manager's Report for November 15, 2022

531        A Resolution authorizing the sale of a vacant, tax-reverted property, Parcel Number 7270-00-008-0.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE

MOTION PASSED

532        A Resolution seeking authorization to issue payment for emergency lift station generator replacement from Shouldice Industrial Manufacturers and Contractors, Inc. in a not-to-exceed amount of \$76,066.00.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE  
MOTION PASSED

533            A Resolution reappointing a member to the Board of Review.

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE  
MOTION PASSED

534            A Resolution appointing a member to the Battle Creek Transit Local Advisory Council.

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE  
MOTION PASSED

535            A Resolution reappointing a member to the Civil Service Commission

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE  
MOTION PASSED

536            A Resolution reappointing members to the Lakeview Downtown Development Authority Board

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE  
MOTION PASSED

537            A Resolution reappointing and appointing a new member to the Zoning Board of Appeals

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE  
MOTION PASSED

538            A Resolution appointing a member to the Historic District Commission.

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE  
MOTION PASSED

**RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA**

539            A Resolution seeking removal of Commissioner Ariel Laws from the Planning Commission due to nonfeasance based upon chronic absenteeism.

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

Comm. Szenda Wilson noted positions on the City's boards, committees and commissions are critical to the service of our community, requesting residents to consider serving on one of the city's boards or committees.

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

Absent: HERRING, LANCE  
MOTION PASSED

540            A Resolution seeking authorization the City Manager to employ retiree Leona Parrish on a temporary basis under 296.09(c).

Motion to Approve

Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE  
MOTION PASSED

- 541        A Resolution seeking to approve S13-2022, a Special Use Permit to allow for a new Major Vehicle Repair Shop at 164 S. 24th Street (Parcel #0065-00-650-0) in a B-1 Corridor Commercial District pursuant to Section 1281.05 of the zoning code.

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE  
MOTION PASSED

- 542        A Resolution seeking to approve S14-2022, a Special Use Permit to allow for an In-Home Group Child Care Home for up to twelve (12) children at 24 Golden Avenue (parcel #4690-08-506-0) in a R-1A Single Family Residential District pursuant to Section 1281.06 of the zoning code.

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

Comm. Szenda Wilson discussed the need for more childcare facilities in the state, stating she appreciates the business owners investment in the community.

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

Absent: HERRING, LANCE  
MOTION PASSED

- 543        A Resolution seeking authorizing for the City Manager to execute the 2022 HOME-ARP Haven of Rest Ministries Supportive Services Grant Agreement for the amount of \$252,000.

Motion to Approve  
Moved By: JENASIA MORRIS  
Supported By: CARLA REYNOLDS

Comm. Blood questioned whether plan participants were required to follow a particular religion to obtain support.

Chris Lussier noted the eligilble populations are listed in the grant agreement, including homeless and at risk of homelessness individuals, and those fleeing domestic violence. Mr. Lussier noted the

Federal government prohibits the requirement of following any religious component, noting participants of any religion must be accommodated. Mr. Lussier stated the funds would pay a portion of a number of staff members for 2 years, stating this grant funding would fill a funding gap.

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

Absent: HERRING, LANCE

MOTION PASSED

544            A Resolution seeking to set a closed session on a labor matter for November 15, 2022.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE

MOTION PASSED

#### **GENERAL PUBLIC COMMENT**

Kathy Antaya expressed appreciation to the four departing commissioners, stating she is looking forward to the work of the new commissioners.

Daniel Jones thanked the commission for the approval of the HOME-ARP funding resolution for the Haven of Rest Ministries, stating the funds would be used for the Life Recovery program.

Cindi Dian thanked the commissioners for their service and dedication to the community, encouraging everyone to work to ensure the community's needs are considered and met.

Reece Atkins congratulated the commissioners recently elected, thanking those who will be departing, asking that persons being appointed to committees be named in the resolution.

John Kenefick expressed displeasure with resolutions passed by the current commission over the last 2 years.

(Limited to three minutes per individual)

#### **COMMISSION COMMENTS**

Comm. Szenda Wilson congratulated Victoria Houser, City Clerk, and her staff for facilitating a successful election. Comm. Szenda Wilson also encouraged everyone to support those in the community struggling with addiction issues.

Vice Mayor Reynolds wished everyone a safe and happy Thanksgiving.

Comm. Blood expressed appreciation to the Clerk and her team for their dedication and work to ensure voters were able to vote on Election Day, also thanking city staff who help to support the Clerk's office. Comm. Blood thanked the commission and staff for working with her the last two years.

#### **RECESS**

The City Commission recessed to Closed Session at 8:26 pm.

## **CLOSED SESSION**

## **RETURN FROM RECESS**

The City Commission returned from Closed Session at 8:45 pm.

**MOTION: To approve the tentative agreement between the City and ATU on November 1st, 2022.**

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: CARLA REYNOLDS

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

Absent: HERRING, LANCE

MOTION PASSED

## **ADJOURNMENT**

Mayor Behnke adjourned the meeting at 8:46 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.