



Agenda: Battle Creek City Commission

Meeting Date: December 6, 2022- 8:00 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 Roger Ballard

Commissioner Jim Lance

Commissioner Jenasia Morris

Commissioner Patrick O'Donnell

Commissioner Carla Reynolds

Commissioner Jake Smith

Commissioner Christopher Simmons

Vice Mayor Sherry Sofia

City Staff

Rebecca Fleury, City Manager

Jill Steele, City Attorney

Ted Dearing, Assistant City Manager

Victoria Houser, City Clerk

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Sofia.

ROLL CALL

PROCLAMATIONS AWARDS

Proclamation for Holiday Season National Enforcement Mobilization Month

Mayor Behnke proclaimed December 2022 as "Holiday Season National Enforcement Mobilization Month," also recognizing December 16, 2022 to January 1, 2023 as the "Drive Sober or Get Pulled Over" Enforcement and Awareness Campaign in Battle Creek, Michigan. Mayor Behnke called upon

everyone to promote awareness of the impaired driving problem, to promote safer and healthier behaviors regarding the use of alcohol and all drugs, and to promote the awareness campaign this holiday season and throughout the year.

Andy Tilma, BCATS, expressed appreciation to the city for the proclamation, noting the importance of reducing impaired driving incidents, encouraging all to drive sober.

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

16-2022 A Proposed Ordinance, #16-2022, seeks to amend Section 12 of Chapter 1022, Snow Removal, of City Ordinances, to expand the length of time to remove snow and ice from public sidewalks after a snowfall and authorize the City to clear snow or ice at the property owner's expense and to repeal Section 13.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

John Kenefick commented on the city right-of-way areas, expressing his opinion the city is responsible for clearing the sidewalks.

Comm. Smith questioned how the fee to clear snow and ice from sidewalks would be determined.

Marcie Gillette, Community Services Director, noted the fees are listed in the Fee, Bond and Insurance Schedule, noting new fees will come before the Commission for approval, and the fees are limited to cover only the costs incurred.

Comm. Simmons noted the ordinance amendment gives residents additional time to clear sidewalks, noting often neighbors or others in the community assist residents who are not able to clear their own sidewalks.

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

MOTION PASSED

17-2022 A Proposed Ordinance, 17-2022, to rezone 183 West Street (Parcel # 7960-00-007-0) from MFR High Density Multiple Family District to T-4 Downtown Commercial District.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

ADOPTION OF ORDINANCES

- 1 A Resolution seeking to adopt Ordinance 14-2022 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: JIM LANCE
Supported By: JENASIA MORRIS

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

MOTION PASSED

- 2 A Resolution adopting Ordinance 15-2022 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: JIM LANCE
Supported By: JENASIA MORRIS

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

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENTAGENDA AND RESOLUTIONS NOT ON CONSENTAGENDA

Reece Adkins commented on resolutions 4, 5, 6 and 7, asking that the names of persons being appointed to committees be listed in the resolution title.

David Moore expressed agreement with Mr. Adkins.

John Kenefick commented on resolutions 15, 16 and 17, regarding the source of the funds.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENTAGENDA

Motion to Approve
Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

Minutes for the November 15, 2022 City Commission Regular Meeting

Ambulance Report for October 2022

City Manager's Report for December 6, 2022

CONSENT RESOLUTIONS

- 3 A Resolution regarding the City of Battle Creek - FY 2022 Emergency Management Performance Grant Agreement (EMPG).

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

- 4 A Resolution for renewal of 4 members to the Post/Franklin Neighborhood Planning Council (NPC # 1).

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

- 5 A Resolution appointing / renewal of 1 members to the Northeast Neighborhood Planning Council (NPC # 4).

Motion to Approve

Moved By: JIM LANCE
Supported By: JENASIA MORRIS

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

MOTION PASSED

- 6 A Resolution appointing / renewal of 1 member to the Central Neighborhood
Planning Council (NPC # 3).

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

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

MOTION PASSED

- 7 A Resolution reappointing and appointing members to the Battle Creek
International Relations Committee.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

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

MOTION PASSED

- 8 A Resolution accepting the proposal of best value for turnout gear extractors,
washers, and dryers at various fire stations from Universal Laundry Machinery in a
not-to-exceed amount of \$53,435.00.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

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

MOTION PASSED

- 9 A Resolution seeking approval for a License Agreement with Duncan Aviation for use of a pole barn on airport property during construction.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 10 A Resolution seeking acceptance of dedication of a parcel of vacant land, number 52-0127-00-016-3 for use as a Public Road commonly known as Barney Boulevard.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

- 11 A Resolution seeking to establish a revised Battle Creek Transit Title VI policy to ensure equal opportunity in the transportation for all persons regardless of race, color, or national origin.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

- 12 A Resolution seeking approval to set goals for potential contracting opportunities for FY2022-2025 for an established Disadvantaged Business Enterprise (DBE) Program for Battle Creek Transit (BCT) in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

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

MOTION PASSED

- 13 A Resolution seeking authorization for the City Manager to grant Consumers Energy Company, a Michigan corporation, a temporary easement in, on, over, under, across and through a portion of City-owned property on Armstrong Road identified as parcel # 52-3020-01-093-1.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

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

MOTION PASSED

- 14 A Resolution seeking authorization the City Manager to employ retiree Jerry Porter on a part-time, temporary basis under 296.09(c).

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

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

MOTION PASSED

- 15 A Resolution seeking authorization for the City Manager to execute the 2022 HOME-ARP Battle Creek Community Foundation Supportive Services Grant Agreement for the amount of \$42,000.

Motion to Approve
Moved By: JIM LANCE
Supported By: JENASIA MORRIS

Comm. Morris stated she would abstain from voting as she is an employee of the grant agreement recipient.

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

Abstain: MORRIS

MOTION PASSED

- 16 A Resolution seeking authorization for the City Manager to execute the 2022 HOME-ARP Gracious Homes Supportive Services Grant Agreement for the amount of \$52,000.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

- 17 A Resolution seeking authorization for the City Manager to execute the 2022 HOME-ARP Drop-in Self-help Center Supportive Services Grant Agreement for the amount of \$111,090.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

- 18 A Resolution seeking approval to conduct a Closed Session on a legal matter.

Motion to Approve

Moved By: JIM LANCE

Supported By: JENASIA MORRIS

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

MOTION PASSED

GENERAL PUBLIC COMMENT

Tristen Bredehoft asked the commission to consider a way to get more food access in the community and to limit the growth of marihuana and alcohol retail stores, instead increasing the number of grocery stores.

Michelle Salazar also expressed concerns with an increase of alcohol stores, recognizing the

detrimental affect on those struggling with mental health and substance abuse issues.

David Moore stated he supports the necessities for the city, not the luxuries.

Reece Adkins commented on the retirement of Police Chief Jim Blocker, commending the work Chief Blocker has done with the Police Department, wishing Deputy Chief Shannon Bagley, future Police Chief, the best.

John Kenefick commented on the future work of the commissioners, commenting on the cost of loans and fees charged for services.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. Ballard thanked Ms. Salazar for her concerns regarding liquor stores in the community, asking all commissioners to consider her comments.

Comm. O'Donnell stated he was excited to be serving with all of the other commissioners, stating he hopes to see the city return to its previous glory, also expressing concerns with food access throughout the city.

Comm. Simmons thanked the voters of Ward 4 for their vote, noting everyone makes sacrifices to serve the community, but he was looking forward to working with everyone.

RECESS

The City Commission recessed to Closed Session at 8:48 pm.

CLOSED SESSION

RETURN FROM RECESS

The City Commission returned from Closed Session at 9:08 pm.

MOTION: To authorize settling the MTT case *Lakeview Square LLC v City of Battle Creek*, MTT NO. 2021-002375, based upon an appraised value of \$6,130,000.

Motion to Approve

Moved by: JIM LANCE

Supported by: JENASIA MORRIS

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

MOTION PASSED

ADJOURNMENT

Mayor Behnke adjourned the meeting at 9:09 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.