



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

Meeting Date: December 20, 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 Roger Ballard

Commissioner Jenasia Morris

Commissioner Patrick O'Donnell

Commissioner Carla Reynolds

Commissioner Jake Smith

Commissioner Christopher Simmons

Vice Mayor Sherry Sofia

**ABSENT:** Commissioner Jim Lance

#### **City Staff**

Rebecca Fleury, City Manager

Jill Steele, City Attorney

Ted Dearing, Assistant City Manager

Victoria Houser, City Clerk

Carl Fedders, Director of Public Works

Ryan Stange, Network Architect

Marcie Gillette, Community Services  
Director

Susan Cronander, Planning & Zoning  
Coordinator

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

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

### **ROLL CALL**

### **PROCLAMATIONS AWARDS**

Proclamation for Election Inspectors

Mayor Behnke presented a proclamation extending gratitude to the City of Battle Creek Election Inspectors for their passion and many hours of dedicated service to the voters of the city.

### **PRESENTATIONS**

## 2022 Election Presentation by Victoria Houser, City Clerk

Victoria Houser, City Clerk, presented the monthly staff report.

Responding to Comm. Simmons' concerns related to early voting, Clerk Houser noted early voting requires a precinct to be staffed with a minimum of 3 election inspectors, also noting the City will need to determine a location and staffing needs for early voting. Clerk Houser also expressed understanding of Comm. Simmons' concerns related to the recount of the two state proposals, stating that although the recount would not change the results of the proposals, the recount clearly demonstrated the accuracy of the election equipment and the process.

As to absentee voting compared to early voting, Clerk Houser noted voters who choose early voting will not have an option to change their vote after inserting their ballot into a tabulator, but absentee voting would still allow a voter to spoil their ballot and vote a new ballot prior to Election Day.

### **CHAIR NOTES ADDED OR DELETED RESOLUTIONS**

There were no added or deleted resolutions.

### **PETITIONS COMMUNICATIONS REPORTS**

There were no petitions, communications or reports.

### **ADOPTION OF ORDINANCES**

- 19            A Resolution seeking to adopt Ordinance, 16-2022, 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: SHERRY SOFIA

Supported By: ROGER BALLARD

David Moore commented on the difficulty to keep the sidewalks clear after snowplows push snow and ice on them.

Jack Cosgrove stated some people in the community can assist residents with snow removal.

John Kenefick commented on the right of way areas that are used by Consumers Energy and other companies.

Reece Adkins stated City Link handyman services can assist residents with snow removal, noting there is a charge for the service.

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

Absent: LANCE

MOTION OTHER

- 20            A Resolution seeking to adopt 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: SHERRY SOFIA  
Supported By: ROGER BALLARD

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

Absent: LANCE  
MOTION PASSED

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

Reece Adkins, commenting on resolutions 22-28, thanked staff for including the proposed committee members names in the resolution titles.

John Kenefick commented on the resolutions providing HUD grant funds to VOCES, also stating the city should prioritize funding on necessary services.

(Limited to three minutes per individual)

**COMMISSION COMMENT REGARDING MEETING BUSINESS**

There were no commission comments.

**CONSENT AGENDA**

Motion to Approve  
Moved By: SHERRY SOFIA  
Supported By: ROGER BALLARD

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

Absent: LANCE  
MOTION PASSED

Minutes for the December 6, 2022 City Commission Organizational Meeting

Minutes for the December 6, 2022 City Commission Regular Meeting

Minutes for the December 6, 2022 City Commission Closed Session are on file  
in the Clerk's office.

City Manager Report for December 20, 2022

**CONSENT RESOLUTIONS**

- 21      A Resolution seeking authorization regarding a contract amendment to contract  
2019-006R with Clark Hill, PLC. for as-needed labor attorney services.

Motion to Approve  
Moved By: SHERRY SOFIA  
Supported By: ROGER BALLARD

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

Absent: LANCE  
MOTION PASSED

22            A Resolution reappointing Robert Corder to the Battle Creek International  
Relations Committee.

Motion to Approve  
Moved By: SHERRY SOFIA  
Supported By: ROGER BALLARD

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

Absent: LANCE  
MOTION PASSED

23            A Resolution appointing Terry Youman Jr. to the Battle Creek Transit Local  
Coordinating Committee.

Motion to Approve  
Moved By: SHERRY SOFIA  
Supported By: ROGER BALLARD

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

Absent: LANCE  
MOTION PASSED

24            A Resolution appointing Lyanna Wesley and Rebecca Fleury and reappointing  
Kathy Szenda-Wilson and Boonikka Herring to the Human Relations Board.

Motion to Approve  
Moved By: SHERRY SOFIA  
Supported By: ROGER BALLARD

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

Absent: LANCE

MOTION PASSED

- 25            A Resolution appointing Mark Steinbrunner to the Lakeview Downtown Development Authority Board.

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: ROGER BALLARD

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

Absent: LANCE

MOTION PASSED

- 26            A Resolution reappointing John Hughes, John Godfrey, and Cody Newman to the Planning Commission.

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: ROGER BALLARD

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

Absent: LANCE

MOTION PASSED

- 27            A Resolution appointing Michael Andrews to the Water System Advisory Council

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: ROGER BALLARD

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

Absent: LANCE

MOTION PASSED

- 28            A Resolution reappointing Bill Hanner to the Zoning Board of Appeals

Motion to Approve

Moved By: SHERRY SOFIA

Supported By: ROGER BALLARD

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

SOFIA

Absent: LANCE  
MOTION PASSED

**RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA**

- 29            A Resolution seeking authorization for the City Manager to sign contract #22-5404 with the Michigan Department of Transportation (MDOT).

Motion to Approve  
Moved By: SHERRY SOFIA  
Supported By: ROGER BALLARD

Comm. Smith asked what the aesthetic signing in the right-of-way will be.

Carl Fedders, Director of Public Works, stated it would include artistic sign on the overpass, including a welcome to Battle Creek, along with some wave designs.

Comm. Simmons stated he was really excited for this project, also commending the City and MDOT for their engagement with the community, informing every one of the impact of the project.

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

Absent: LANCE  
MOTION PASSED

- 30            A Resolution seeking authorization for the City Manager to execute the 2022 CDBG Voces Housing Liaison Services Grant Agreement for the amount of \$60,000.

Motion to Approve  
Moved By: SHERRY SOFIA  
Supported By: ROGER BALLARD

Comm. Morris thanked staff for making this process more equitable to all residents of the community.

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

Absent: LANCE  
MOTION PASSED

- 31            A Resolution seeking authorization for the City Manager to execute an amendment to the agreement with Voces, dated the 26th day of April, 2021 for Interpretation and Housing Advocacy Services.

Motion to Approve  
Moved By: SHERRY SOFIA  
Supported By: ROGER BALLARD

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

Absent: LANCE  
MOTION PASSED

- 32            A Resolution seeking authorization for the City Manager to approve Battle Creek Transit's updated Public Transportation Agency Safety Plan (PTASP) and authorize submittal of the plan to the Federal Transit Administration (FTA).

Motion to Approve  
Moved By: SHERRY SOFIA  
Supported By: ROGER BALLARD

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

Absent: LANCE  
MOTION PASSED

**GENERAL PUBLIC COMMENT**

Cindi Dian commented on the difficulties created by the Battle Creek Transit (BCT) route reductions.

Jack Cosgrove, 168 Webber Street, expressed understanding of the staffing shortage currently at Battle Creek Transit.

Henrietta McLaughlin also expressed disappointment with the late notice of route changes, but also commending Transit staff for their dedication.

David Moore stated there are a lot of requirements to qualify to be a driver for Battle Creek Transit.

Jerry Steiner reminded everyone that he spoke against the fare increases for BCT, encouraging everyone to find a solution.

(Limited to three minutes per individual)

**COMMISSION COMMENTS**

Rebecca Fleury reminded everyone of the impending snow emergency that is expected to begin Thursday afternoon, encouraging everyone to keep their phone devices charged and to drive safely.

Comm. O'Donnell expressed appreciation to staff for the holiday decorations, echoing the City Manager's cautions about the weather.

Comm. Sofia read a holiday poem, celebrating the past year, while looking forward to the new year.

**ADJOURNMENT**

Mayor Behnke adjourned the meeting at 8:02 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.