



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

Meeting Date: February 6, 2024- 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 Jim Lance

Commissioner Patrick O'Donnell

Commissioner Christopher Simmons

Vice Mayor Sherry Sofia

Commissioner Roger Ballard

Commissioner Jenasia Morris

Commissioner Carla Reynolds

Commissioner Jake Smith

#### **CITY STAFF**

Rebecca Fleury, City Manager

Victoria Houser, City Clerk

Shannon Bagely, Police Chief

Miles Weaver, Asst. Aviation Director

Darcy Schmitt, Planning Supervisor

Joby Purucker, Service Desk Tech.

Jill Steele, City Attorney

Ted Dearing, Assistant City Manager

Bill Beaty, Fire Chief

Aaron Kuhn, Revenue Services Director

Steve Skalski, Public Works Director

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Comm. Reynolds.

### **ROLL CALL**

### **PROCLAMATIONS AWARDS**

Proclamation for Black History Month 2024

Mayor Behnke, in recognition of Black Americans, past and present in our community, proclaimed February 2024 as "Black History Month" in the greater Battle Creek area, urging neighbors and visitors to recognize and support the ideals of human dignity and equal opportunity to which this

nation is committed throughout the international community and which we celebrate during this month. Mayor Behnke further urged Americans to celebrate the rich history and numerous historical contributions of the Black American culture.

#### Proclamation for American Heart Month 2024

Mayor Behnke proclaimed February 2024 as "American Heart Month" in the greater Battle Creek area, urging neighbors to join in the commitment to fight cardiovascular disease and extend the pursuit of a long and healthy life.

#### **PRESENTATIONS**

Interim Financial Statements through December 31, 2023, by Revenue Services  
Director Aaron Kuhn

Aaron Kuhn, Revenue Services Director, presented the Interim Financial Statements for the 6 months through December 31, 2023.

Audit Presentation by Nathan Baldermann of Rehmann Robson

Nathan Baldermann, Rehmann Robson, presented information on the audit.

I-194 Pell Study Presentation - MDOT

Josh Grab, Planning and Environmental Manager, MDOT, presented the I-194 PEL Study.

Commissioners discussed their concerns with both plans presented, including noise levels, project completion time, diversion of traffic into neighborhoods and the costs. Concern was also discussed related to the impact on auto dealerships along Dickman Road when not within a specific distance to an interstate highway.

#### **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**

01-2024      A Proposed Ordinance, #01-2024, to amend Sections 04, 05, 075, and 19 of Chapter 294 "General Personnel Regulations," by making changes to reference updated City Manager policies, to eliminate an obsolete evaluation program, and to comply with state law regarding employee residency.

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

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

MOTION PASSED

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

Reece Adkins commented on resolutions #353 regarding the sale of vacant land and #360 regarding the I-194 corridor.

Nadine Bradshaw commented on resolution #360 regarding the I-194 corridor.

John Kenefick commented on resolutions #355 regarding the millage for county parks, #356 to fly the Pan African flag, and #360 regarding the I-194 corridor.

Autumn Smith also commented on resolution #356.

David Moore commented on the I-194 presentation.

(Limited to three minutes per individual)

**COMMISSION COMMENT REGARDING MEETING BUSINESS**

There were no commission comments.

**CONSENT AGENDA**

Motion to Approve

Moved By: ROGER BALLARD

Supported By: JIM LANCE

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

MOTION PASSED

Minutes for the January 16, 2024 City Commission Community Development Update Workshop

Minutes for the January 16, 2024 City Commission Regular Meeting

City Manager's Report for February 6, 2024

**CONSENT RESOLUTIONS**

353      A Resolution authorizing the sale of a vacant, tax-reverted property, Parcel Number 1730-00-009-0.

Motion to Approve

Moved By: ROGER BALLARD

Supported By: JIM LANCE

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

MOTION PASSED

- 354            A Resolution seeking authorization for the City Manager to execute an agreement between Consumers Energy Company and the City of Battle Creek in order to install an additional street lighting at Skyline & Hill Brady Rd.

Motion to Approve

Moved By: ROGER BALLARD

Supported By: JIM LANCE

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

MOTION PASSED

- 355            A Resolution seeking authorization for the 2024 Local Millage Distribution from the 2020 Calhoun County Parks Millage.

Motion to Approve

Moved By: ROGER BALLARD

Supported By: JIM LANCE

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

MOTION PASSED

**RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA**

- 356            A Resolution seeking approval to direct staff to fly the Pan-African flag at City Hall from February 7, 2024 through February 29, 2024.

Motion to Approve

Moved By: ROGER BALLARD

Supported By: JIM LANCE

Vice Mayor Sofia noted she would not be supportive of the resolution.

Comm. Smith stated he believes the flag policy needs more work.

Comm. Simmons expressed disagreement with the flag policy, stating he would like it reverted to only the US, State and City flags.

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

Nays: SIMMONS, SOFIA

MOTION PASSED

357            A Resolution seeking approval for the Capital Improvement Program for Fiscal Years 2025-2030.

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

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

MOTION PASSED

358            A Resolution seeking approval for updates to the Title VI Non-Discrimination Plan.

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

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

MOTION PASSED

359            A Resolution seeking to approve petition S08-23, a request for a Special Use Permit for a Tentative Approval of a Planned Unit Residential Development (PURD) on part of 14188 Helmer Road (parcel #0072-00-620-0) and the abutting vacant property (parcel #0072-00-615-0).

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

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

MOTION PASSED

360            A Resolution seeking endorsement of the replace in-kind alternative (freeway with grade separated intersections) for the I-194 corridor between I-94 and Hamblin Ave as proposed in the Michigan Department of Transportation (MDOT) I-194 Planning and Environmental Linkages (PEL) Study.

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

Comm. Simmons thanked Commissioners Smith and O'Donnell for co-sponsoring this resolution.  
Comm. Simmons shared that he has had extensive engagement with constituents, stating about 90%

endorse the current design. Comm. Simmons noted the main concern was the length of time for construction and the diversion of traffic into the neighborhoods, requesting future projects are done differently.

Comm. O'Donnell stated he has also received several citizen concerns.

Comm. Smith thanked Mr. Grab for the presentation and the information, stating the need to maintain the current thoroughfare.

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

MOTION PASSED

### **GENERAL PUBLIC COMMENT**

David Moore commented on traffic throughout the city.

Autumn Smith commented on the proposed battery plant near Marshall and the City's work to supply water to the facility.

Reece Adkins commented on the flag policy.

John Kenefick commented on bond financing, resident taxes and public comment at meetings.

(Limited to three minutes per individual)

### **COMMISSION COMMENTS**

Comm. O'Donnell congratulated Lynn Ward Gray on her appointment to NAACP President.

Comm. O'Donnell encouraged residents to attend the Festivus 2024 event at Leila Arboretum.

### **ADJOURNMENT**

Mayor Behnke adjourned the meeting at 8:32 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.

(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.