



Agenda: Battle Creek City Commission

Meeting Date: February 20, 2024- 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 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

Bill Beaty, Fire Chief

Phil Krol, Aviation Manager

Chad Frein, IT Director

Jill Steele, City Attorney

Ted Dearing, Assistant City Manager

Aaron Kuhn, Revenue Services Director

Mallory Avis, Public Transit Director

Steve Skalski, Public Works Director

Amanda Woodin, Asst. Revenue Services

INVOCATION

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Comm. Lance.

ROLL CALL

PROCLAMATIONS AWARDS

Beautiful Battle Creek Awards

Mayor Behnke presented the Beautiful Battle Creek Awards.

Proclamation for Government Communicators Day

Mayor Behnke proclaimed February 24, 2024 as "Government Communicators Day."

Jessica VanderKolk and Eric McClure, Communications Department staff, shared the many types of communications their department provides.

PRESENTATIONS

Staff Presentation - Finance Department - Aaron Kuhn, Revenue Services
Director

Aaron Kuhn, Revenue Services Director, presented the monthly staff report.

ARPA Community Project Presentation - Pastor Joe Hooper, Southwest
Michigan Community Impact Association

Pastor Joe Hooper shared information on his organization's ARPA Community project.

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

- 361 A Resolution seeking to adopt Ordinance #01-2024, amending 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 employee performance evaluation program, and to comply with state law regarding employee residency.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: PATRICK O'DONNELL

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

MOTION PASSED

PUBLIC COMMENTS REGARDING CONSENTAGENDA AND RESOLUTIONS NOT ON CONSENTAGENDA

John Kenefick commented on resolution 378 regarding water and wastewater bonds.

(Limited to three minutes per individual)

COMMISSION COMMENT REGARDING MEETING BUSINESS

There were no Commission comments.

CONSENTAGENDA

Motion to Approve
Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

Minutes for the February 6, 2024 City Commission Regular Meeting

City Manager's Report for February 20, 2024

Review Committee Meeting Minutes for February 14, 2024

CONSENT RESOLUTIONS

- 362 A Resolution appointing Kelly Walden and Bryan Babel as new members and reappointing Mayor Mark Behnke, John Hart, Joel Fulton, Linda Freybler, William Schroer, Paul Conkey, Robert Corder and Leslie Hoffman to the Downtown Parking System Advisory Committee.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 363 A Resolution reappointing Edward Guzzo to the Battle Creek Downtown Development Authority.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 364 A Resolution appointing Kristyn Denison, Tommy Moton and Alana White as new members to the Planning Commission.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: PATRICK O'DONNELL

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

MOTION PASSED

365 A Resolution reappointing Gerardyne Drozdowski to the Historic District
Commission.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: PATRICK O'DONNELL

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

MOTION PASSED

366 A Resolution appointing Bernard Gladney and Colleen Lowe as new members to
the Income Tax Board of Review.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: PATRICK O'DONNELL

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

MOTION PASSED

367 A Resolution reappointing Eric Blair to the Board of Appeals (Housing).

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: PATRICK O'DONNELL

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

MOTION PASSED

368 A Resolution appointing Christopher Bacik as a new member to the Sustainable Battle Creek Committee.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION

369 A Resolution reappointing Shannon Visger, Michelle Darner, Alana White and Justin Hodge to the BCTIFA / Brownfield Redevelopment Authority.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

370 A Resolution reappointing Alana White to the Local Development Finance Authority.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

371 A Resolution making permanent Temporary Traffic Control Orders - TTCO #s 1731, 1732 and 1733.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 372 A Resolution authorizing a contract to purchase an Apex Officer Training Simulator for the City of Battle Creek Police Department with Govred Technology, Inc., in a not-to-exceed amount of \$69,500.00.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 373 A Resolution setting a Public Hearing on March 5, 2024, for the purpose of reviewing and receiving public comment on a Brownfield Plan for the proposed 161 East Michigan Ave Brownfield Plan.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 374 A Resolution seeking authorization regarding a contract with Schweitzer Incorporated for the Airport Operations and Maintenance Facility (AOMF) Lobby Renovations project from Schweitzer Incorporated in a not-to-exceed amount of \$65,050.00.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

RESOLUTIONS NOT INCLUDED IN THE CONSENT AGENDA

- 375 This Resolution is seeking to affirm and adopt the reduced service levels currently in place for Battle Creek Transit.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

Comm. Ballard noted he was not supportive of the reduced service levels.

Comm. Morris thanked Ms. Avis and her staff for their hard work in trying to resolve the staffing issues, noting the City does not want to continue the reduced services and continues working to resolve the staff shortage.

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

Nays: BALLARD

MOTION PASSED

- 376 A Resolution seeking authorization for the City Manager to sign Contract No. 23-5518 with the Michigan Department of Transportation. (MDOT) for hot mix asphalt cold milling and resurfacing along 20th Street North from Columbia Avenue (M-96) to Goguac Street West.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 377 A Resolution seeking authorization for the City Manager to execute the 2023 HOME-funded Neighborhoods, Inc. of Battle Creek Tenant-Based Rental Assistance (TBRA) Grant Agreement for the amount of \$235,810.

Motion to Approve

Moved By: JENASIA MORRIS

Supported By: PATRICK O'DONNELL

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

MOTION PASSED

- 378 A Resolution Seeking Authorization for Publication of a Notice of Intent to Issue Water and Wastewater System Revenue Bonds.

Motion to Approve
Moved By: JENASIA MORRIS
Supported By: PATRICK O'DONNELL

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

MOTION PASSED

GENERAL PUBLIC COMMENT

David Moore commented on resolution 375 regarding reduced transit services.

Christena Smith reminded the commission of the impact the reduced transit services are having on residents.

John Kenefick also commented on transit services, sharing some information he found while researching other municipalities' transit departments.

(Limited to three minutes per individual)

COMMISSION COMMENTS

Comm. O'Donnell shared that several organizations are working together to find a solution to the transit issues.

Comm. Simmons and Comm. Ballard expressed appreciation to the City Clerk and her partners working together to offer early voting to residents, encouraging residents to vote at the early voting center at the Kool Family Community Center.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 7:58 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.