



Agenda: Battle Creek City Commission

Meeting Date: July 21, 2026 - 6:00 PM
Location: Battle Creek City Hall - City Commission Chambers - 3rd Floor
Chair: Mayor Mark A. Behnke

WELCOME AND INTRODUCTION

Amanda Zimmerlin, City Manager, noted she has received suggestions to bring review and enforcement of code, inspection, planning and zoning violations in house via an Administrative Hearing Bureau, eliminating the need to file with the Calhoun County District Court. Ms. Zimmerlin introduced Attorney Bill Kim and Community Services Director Jason Fransico, who would present the information.

ROLL CALL

City Commission

Mayor Mark Behnke	Commissioner Paige Katsarsky-Smith
Commissioner Jessica LaCosse (6:10)	Commissioner Patrick O'Donnell (6:28)
Commissioner Christopher Simmons, attending remotely	

Absent: Commissioner Jenasia Morris	Commissioner Carla Reynolds
Commissioner Jim Lance	Vice Mayor Sherry Sofia

City Staff

Amanda Zimmerlin, City Manager	William Kim, City Attorney
Marcie Gillette, Assistant City Manager	Victoria Houser, City Clerk
Jason Francisco, Comm. Services Mgr	Helen Guzzo, Comm. Development Mgr.
Bush McCarthy, Fire Chief	Darcy Schmitt, Planning Manager

PUBLIC COMMENT - LIMITED TO 3 (THREE) MINUTES PER INDIVIDUAL

Autumn Smith expressed her concerns with the creation of an Administrative Hearing Bureau, stating there needs to be checks and balances, ensuring adequate oversight.

Joe Harris expressed his opinion the AHB official should be appointed by the Commission, not the City Manager, also suggesting the proposed candidates for the AHB be vetted at a public meeting with public input.

John Kenefick stated increasing the size of government disenfranchises residents, while making processes inefficient.

PRESENTATION

1. Proposed Administrative Hearing Bureau Overview - William Kim, City Attorney

Attorney Kim noted the Home Rule City Act allowed the City to establish an Administrative Hearings Bureau (AHB) to adjudicate and impose sanctions for violations of the charter or ordinances as blight violations. Attorney Kim noted an AHB could accept admissions of responsibility and collect civil fines and costs for blight violations pursuant to a schedule of fines and costs. Attorney Kim further explained the City would be responsible for funding an AHB's operations, that they must designate other ordinances that are within the jurisdiction of the AHB, but did not have jurisdiction over criminal offenses, traffic civil infractions, municipal civil infractions or state civil infractions, and had no authority to order incarceration or to impose civil fines over \$10,000. Attorney Kim listed the various ordinance types that could be designated as blight violations. Attorney Kim stated the ordinance establishing an AHB needed to satisfy the following requirements: Procedures and due process, standards for the appointment, authority and duties of the AHB officers, conduct of hearings, imposition of penalties, enforcement of orders and judgements, and appellate review by the local circuit court.

Mr. Francisco noted Code Enforcement's current objectives and policies, which were to ensure residential and commercial properties met local housing and property maintenance standards, protect public health and safety, while supporting quality neighborhoods by addressing conditions that contribute to blight or unsafe living environments. Additional objectives include education, inspection and working with property owners to achieve compliance. Mr. Francisco noted Code Enforcement issues 250 - 350 citations a year. Prior to issuing citations, Mr. Francisco stated a 14-day notice is issued for junk/inoperable vehicle issues, while a 60-day notice is issued for exterior/housing issues before legal proceedings start. If the property owner does not remedy the issue within the 14 or 60-day period, citations are filed with the Calhoun County District Court, with the first pre-trial hearing occurring 45-60 days later. Mr. Francisco noted the current legal process is long, sometimes 6 - 12 months or longer, depending on the court's docket.

Attorney Kim reviewed the AHB process, noting the property owner may appeal the AHB determination to the Circuit Court, but they would need to pay an appeal bond in the amount of the assessed costs/fines. Attorney Kim stated the projected time from violation notice to final order/judgement could be reduced to 2 - 3 months. Attorney Kim noted the proposed jurisdiction and scope of the AHB would include Chapters 1230-1290 (Zoning), 1420 (State Construction Code), 1422 (Electrical), 1424 (Plumbing, Water Supply, Drainage & Gas Piping), 1426 (Mechanical), 1440 (Demolition & Moving of buildings), 1445 (numbering of buildings), 1450 (Property Maintenance Code), 1454 (Dangerous Buildings), 1456 (Vacant or Abandoned structures) and 1468 (House Trailers), 1022 (Sidewalks), 1026 (Trees), 1064 (Garbage & Rubbish Collection & Disposal), 818 (Hotel, Motel & Tourist Home), 827 (Garage Sales), 842 (Rental Housing) and 866 (Drop Boxes). Attorney Kim reviewed the penalties and enforcement responsibilities, noting within certain limitations, unpaid fines/costs could become a lien against the property and collected as unpaid taxes. As to staffing and administration, Attorney Kim

stated the AHB officers would be appointed by the City Manager. Attorney Kim reviewed the implantation timeline of the proposed AHB.

COMMISSION COMMENT

Responding to Comm. LaCrosse, Attorney Kim stated the City would post a request for proposal, with the expectation local attorneys, including municipalities surrounding the city, would apply.

Attorney Kim stated in his past, they found they could develop a slate of attorneys, allowing attorneys to build their portfolio for future advancement. Attorney Kim stated the statute makes the bond costs for appeal mandatory, stating there may be exceptions with an indigency waiver.

Attorney Kim noted the current cost to the city is the staff time utilized to complete the process, whereas in the city, the expectation is the time to resolution would be less, reducing city costs.

Mayor Behnke stated he did not believe there was universal support for an AHB, suggesting an ad-hoc committee, consisting of 4 commissioners and 9 residents chosen by the commission, to discuss and make recommendations regarding the Administrative Hearing Bureau.

Comm. Simmons, noting this was discussed with the prior city manager and city attorney, noting speedier due process, while allowing for a timely and efficient process. Comm. Simmons noted due process should be considered not just for the property owner issued the citation, but also for other residents who have expressed concerns for the blight and/or unsafe conditions. Comm. Simmons asked if other communities may have contracted with third parties to ensure independent attorneys, suggesting a different model that may ensure impartiality and undue influence.

Attorney Kim noted AHB officials would receive the necessary training to be a neutral arbitrator, who may be paid by the city, but do not represent the city. As an example, Attorney Kim noted the county prosecutor, circuit and district judges, and public defenders are paid by the county, but they all have different roles and are required to be impartial.

Responding to Comm. Simmons, Attorney Kim stated it would not be best to use current county judges, as a property owner's appeal would go to a county judge.

Comm. Simmons stated the AHB has merit if the city can address the impartiality of the official, suggesting more discussion take place so the elected leaders could provide additional direction.

Responding to Comm. Katsarsky-Smith, Mr. Francisco stated a junk and trash citation that would have taken the property owner only 2 hours to clean up was pushed out for almost 2 years due to court delays.

ADJOURNMENT

Mayor Behnke adjourned the meeting at 6:39 pm.