

## **COUNCIL PROCEEDINGS FOR DECEMBER 18, 2001**

**Meeting called to order** at 7:00 P.M. by Mayor Kelly Pavel.

**Pledge of Allegiance** led by Judy Murray.

**PRESENT:** Mayor Kelly Pavel, Councilmembers – Laura Carpenter, Frank Lukacs, Mike Stain, Julie Miller, Judy Murray, Pat Jacobson, City Clerk Christine Lee, City Manager Clint Holmes, City Attorney Gerard Garno.

**ABSENT:** None.

### **CORRECTION AND APPROVAL OF MINUTES:**

Motion by CM Miller, second by CM Jacobson, to approve the Minutes of December 10, 2001, as corrected. The correction inserted a coma between the words 'case' and 'plans' in paragraph number one of the Attorney's Report. Motion Carried.

### **PAY BILLS:**

Motion by CM Murray, second by CM Carpenter, to pay the bills as presented in the following funds: General -\$3,928.76, Payroll - \$9,970.32, Sanitary Sewer - \$661.73, Investment - \$22,743.26. Motion Carried.

### **OLD BUSINESS:**

1. City Ordinance Chapter 5 Work Session Scheduling: Pending
2. Rezoning Request – Keith Muxlow: Pending

**PUBLIC QUESTIONS AND COMMENTS: None.**

### **PERSONAL APPEARANCES:**

1. Will Staggs – 4104 Third Street – Building Setbacks. Will Staggs and wife Linda expressed concerns about setbacks for buildings, and wanted clarification on what these setbacks actually are. Specifically, they wanted to know if they were 10' on the side and 6' in the rear or 3' for both. He stated his neighbor's building was too close to his property line, and expressed concerns about the effect this could have on his property value and safety. CM Jacobson questioned Mr. Staggs and asked why he hadn't come to the City Council two months ago, before the building went up. Mr. Staggs stated that based on the advice of his lawyer, he should deal directly with the City Manager. However, not liking what the City Manager had to say in this matter, he decided to come to the City Council meeting and

express his concerns. Mayor Pavel informed Mr. and Mrs. Staggs that the issue had been discussed at the last City Council meeting and had been turned over to the City Council's Building and Grounds Committee for evaluation. The Committee is to provide a recommended course of action to the full Council. The Mayor further stated that Mr. and Mrs. Staggs were welcome to attend both the Building and Grounds Committee meeting and the next Council meeting.

**PUBLIC HEARING:** None.

**RESOLUTIONS:** None.

**PETITIONS AND COMMUNICATIONS:** None.

**COMMITTEE REPORTS:**

1. Building and Grounds (Carpenter)– None
2. Streets and Sidewalks (Lukacs)– None
3. Police (Miller)- None
4. Water and Sewer (Stain)- None
5. Tax and Finance (Murray)- None
6. Personnel (Jacobson)- None

**ATTORNEY'S REPORT:**

1. Mapleview Estates vs City of Brown City – Appeal Update. Deadline to file brief is December 20th. The City's attorney in this case, Mr. Dloski, requested that the City Manager and Mr. Garno review the draft and submit recommended changes. This review was accomplished, and the changes incorporated. Brief will be filed on time. A copy of the brief will be sent to the law firm of Miller/Canfield since they are assisting with the appeal.
2. Nextel Tower – Detroit Edison has been contracted to install power lines to the Nextel Tower. They will not do so unless the City grants them an easement, since the power lines need to cross City property. Analysis of the City's Ordinances revealed that granting an easement is a type of property transfer and requires an Ordinance. City Attorney drafted Ordinance Section 17.500, copies of which were presented to the Council. City needs to hold a public hearing to discuss adoption of Ordinance 17.500.

CM Lukacs introduced Ordinance Section 17.500.

Motion by CM Carpenter, second by CM Miller, to set a public hearing for January 14, 2001 at 7:15 P.M. on Section 17.500. Motion Carried.

3. Ordinance 8101A.6 and 8408.1(4). Recommend moving into Executive Session at the end of the meeting.

#### **CITY MANAGER'S REPORT:**

1. **2<sup>nd</sup> Street Water Mains:** The DPW Supervisor and I met with Superintendent Gaubatz and the school's engineers on December 11<sup>th</sup>. Agreements were reached concerning the placement of fire hydrants and water mains on school property. The engineer had no detailed cost figures for labor needed to replace and extend the 2<sup>nd</sup> Street water main. Once these labor costs are available, we will meet again with the school to work out cost sharing.
2. **Meeting Audio Tape Status:** The City Clerk learned in her most recent training class that the audiotapes made of the Council Meetings should only be retained until the minutes of that meeting have been approved. Currently, by motion of Council, the audiotapes are retained for one year. Does the Council wish to continue the current practice or change policy to reflect Michigan Municipal League recommendations? **REQUIRES MOTION.**

Motion by CM Carpenter, second by CM Murray, that the audiotapes from the Council Meetings should only be retained until the minutes of that meeting have been approved. Motion Carried.

3. **Sanilac County Economic Development Corporation:** The EDC met on December 12<sup>th</sup> in Sandusky. Approximately 150 people attended the meeting. A copy of the information provided is in your packets. The recommendations made will help the EDC to prioritize their missions. Also, the EDC is more than halfway to their goal of raising \$1,000,000 over the next five years to apply toward business attraction and retention in Sanilac County.
4. **Easement Request:** Detroit Edison has sent the City a request for an easement to provide electricity to the NEXTEL cell telephone tower. The easement requested is approximately 75' by 10' and skirts well house #4 to the tower. A map is included in your packet. Coordination with the City Attorney revealed that an Ordinance approving the easement and authorizing the mayor to sign the agreement is required. **See Attorney's Report above.**
5. **Rural Task Force:** The Rural Task Force (RTF) is the regional organization responsible for improving roads, and is supplying the grant to

assist in upgrading Maple Valley Road. They met on December 14<sup>th</sup> to finalize projects for 2002 and tentatively schedule those for 2003-2006. The required cost estimates associated with Maple Valley Road were provided on time, and the RTF approved the project and funding for 2002. A copy of the estimate is in your packet. The portion of the cost borne by the RTF is unknown at this time, since their budget has not yet been finalized, however, the amount will not be less than \$46K. No action is required by the Council until the RTF forwards to us the required paperwork.

**6. City Hall Closing:** City Hall will be closed December 24<sup>th</sup> and 25<sup>th</sup> in honor of the holidays. On behalf of the City's staff and employees, I would like to thank the Council for their generosity and support, and wish each of you a Happy Holiday season.

**7. Brown City Firefighters:** Assistant Fire Chief Jimmy Groat Jr. requested that the City add the Brown City Firefighters to the City's Ford Fleet Program. This will allow the Department to obtain a better price and possibly purchase a rescue truck. Council consensus was to add them to the City's Ford Fleet Program.

**8. Library Board:** The Library Board met on December 17<sup>th</sup> and voted to stay right where they are. The City now has to decide what to do with the building west of City Hall: 1.) Sell, 2). Expand City Hall, or 3) Move City Hall into the building. Building and Grounds Committee to study the issue and make a recommendation the Council.

Committee Chairperson Laura Carpenter scheduled a meeting of the Building and Grounds Committee for Wednesday, January 9<sup>th</sup> at 7:00 P.M.

#### **MAYOR'S REPORT:**

1. Planning Commission Vacancy. Mayor Pavel recommended the City Council appoint Sandy Bissett to the Planning Commission to replace Dan Loutzenhiser.

Motion by CM Miller, second by CM Murray, to appoint Sandy Bissett to the Planning Commission. Motion Carried.

2. Mayor Pro-Tem and Committee Reappointments.

Motion by CM Carpenter, second by CM Miller, to reappoint the current Mayor Pro-Tem, committee chairpersons and committees for the 2002-2003 term. Motion Carried.

**ATTORNEY'S REPORT: (continued)**

3. Ordinance 8101A.6 and 8408.1(4). Motion by CM Miller, second by CM Jacobson, to move into Executive Session to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, since an open meeting would have detrimental financial effect on the settlement of the public body.

ROLL CALL VOTE: Jacobson yes, Murray yes, Miller yes, Stain yes, Lukacs yes, Carpenter yes. 6 Yes, 0 No, 0 Absent, 0 Abstain. Motion Carried.

Council went into Executive Session at 7:58 P.M.

Motion by CM Jacobson, second by CM Carpenter to move out of Executive Session.

ROLL CALL VOTE: Jacobson yes, Murray yes, Miller yes, Stain yes, Lukacs yes, Carpenter yes. 6 Yes, 0 No, 0 Absent, 0 Abstain. Motion Carried.

Council came out of Executive Session at 8:38 P.M.

**No action was taken in Executive Session.**

CM Murray asked about the status of the Compensation Committee. The relevant section of the City Charter was read.

CM Lukacs wanted to know about the cleanup of the lot at 4186 Main Street (immediately west of the old fire station). City Manager stated he had discussed the matter with the owner, who plans to replace the fence.

Motion by CM Miller, second by CM Jacobson, to adjourn the meeting at 8:45 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk