

**BROWN CITY COUNCIL MEETING
MARCH 13, 2006**

Meeting called to order at 7:00 p.m. by Mayor Laura Carpenter.

Pledge of Allegiance led by CM Lents.

PRESENT: Mayor Laura Carpenter, Councilmembers: Ron Wood, Julie Miller, Ross McIvor, Mike Lents, Christine Lee, and Leon Blat

ABSENT: None.

ADDITIONS, CORRECTIONS & DELETIONS TO AGENDA: None.

CORRECTIONS & APPROVAL OF MINUTES:

Page 3 of 4 of February 27, 2006 Regular Minutes, paragraph 5 add "Councilman Lents requests that monies from the 2006-07 Budget be earmarked for this project, CM Lents suggesting \$60,000.00."

Moved by CM Miller, second by CM Lee, to approve the minutes as corrected from the February 27, 2006 Regular Council Meeting. Motion carried.

Moved by CM Miller, second by CM Lee, to approve the minutes as presented from the March 6, 2006 Council Work Session as presented. Motion carried.

PAY BILLS:

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$7,899.70, Payroll - \$13,586.31, Major Street - \$438.00, Water - \$618.04, Equipment - \$1,355.77, Investment - \$24,634.84. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Bill Walters, Sanilac County Commissioner listened to a speaker from MAC today regarding grant writing. If City Manager is interested in speaking to this person, the information available very worthwhile and grant writing services are essentially free of charge. Contact County Administrator Males for contact information.

PERSONAL APPEARANCES: None.

POLICE REPORT:

Mr. Winn, the new owner of Mr. Ed's Variety Store, requested the City install no parking signs in front of his storage building at 4186 Main Street (old fire house). He has signs currently, which are being ignored. City Attorney stated that the Uniform Traffic Code, Ordinances or Michigan law provides enforcement options for blocked driveways.

Review of written Police Report, no questions or comments from the City Council.

OLD BUSINESS:

1. Bullock Project – final ditching almost complete
2. Codification of City Ordinances – under review. See recommended changes.

City Manager highlighted some of the proposed changes regarding ordinances. He requested that the Councilmembers review the document with particular emphasis on Sections 32b, 41, 48b and 48c, 58, 58b and Enclosures (B) and (D).

3. Appointment of a business owner or resident on the DDA (thru 12-31-2010).
4. Appointment of a resident to the Cemetery Board (thru 12-31-2010).
5. Arsenic Abatement – continuing.

City Manager reviewed Authorization for Design Engineering for Arsenic Compliance received from Rowe Inc. City Manager recommends the City Council grant the Mayor the authority to sign this document on behalf of the City.

Discussion regarding topographical survey and costs possibly associated.

Moved by CM Lents, second by CM Blatt, to authorize the Mayor to sign the Authorization for Design for Arsenic Compliance. Motion carried.

PUBLIC HEARING:

Mayor Carpenter opened Public Hearing at 7:15 regarding the necessary final amendments to the Brown City Fiscal Year 2005-2006 Budget, proposed operating millage of 16.8733, Park operating millage of 1.25 and the proposed Brown City Fiscal Year 2006-2007 Budget.

No questions or comments from public

Public Hearing closed by Mayor Carpenter at 7:17.

RESOLUTIONS:

Moved by CM Miller, second by CM Lee, to adopt Resolution 06-03 – *A Resolution of the City of Brown City to Amend the City's 2005-2006 Budget to Better Reflect Revenues and*

Expenditures. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor –yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

Moved by CM Lee, second by CM Miller, to adopt *the City of Brown City Millage Rate of 16.8733 Mills and Brown City Park Millage Rate of 1.25 Mills.* ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

City Manager pointed out that the millage rates were approved but the budget was not included in the motion.

Retraction of above motion, to adopt Resolution 06-04.

Various discussion regarding proposed 2006-2007 Municipal Budget from Councilmembers pertaining to Arsenic Fund, Water & Sewer, General Fund Balance.

Change Capital Outlay line item from \$500.00 to \$20,500.00 is suggested by CM Lents in the Arsenic Abatement section of the Water Fund.

Questions regarding contribution amount from Water Fund to Arsenic Abatement Fund.

CM Lents states the he doesn't feel the Budget is ready for approval at this meeting.

Moved by CM Lee, second by CM Miller, to hold a Council Work Session to review the proposed 2006-2007 Budget on Thursday, March 16, 2006 at 6:00 p.m. Motion carried.

Moved by CM Miller, second by CM Lee, to adopt Resolution 06-05 – *A Resolution of the City of Brown City, Michigan Urging the State to Support Local Economic Development and Increase Statutory Revenue Sharing.* ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

PETITIONS & COMMUNICATIONS:

Moved by CM Blatt, second by CM Miller, to approve the pre-application building permit for 6784 St. Mary's Street for a 24' x 36' vinyl clad garage. Motion carried.

Moved by CM Blatt, second by CM Miller, to approve the pre-application building permit for 4182 Maple Street for interior repairs and renovations. Motion carried.

CM Lents suggests constructing an ordinance, if necessary, to authorize City Manager to sign pre-application building permits for applicants who do not require an inspection by the Buildings and Grounds Committee. City Manager will investigate language and procedure.

ORDINANCES: None scheduled.

CITY MANAGER'S REPORT:

- 1. Community Development Block Grant (CDBG):** A copy of the denial letter from the Michigan Economic Development Corporation concerning our Infrastructure Capacity Enhancement (ICE) grant request for sludge removal is enclosed. A copy of an e-mail from HUD is also attached concerning the forwarding of the City's request for designation as a Low and Moderate Income (LMI) community. No subsequent response from HUD at this time.
- 2. DEQ Water Division:** A copy of the most recent letter from DEQ concerning arsenic abatement is attached. The letter states that if the City is required to use Well #3 before the abatement project is complete, DEQ and all City residents must be notified. The City is developing a contingency plan to effect notification if it should become necessary.
- 3. Union Audit:** A representative from Stefansky, Holloway & Nichols, a payroll auditing service, reviewed City employment and payroll records in great detail concerning pay, benefits, insurance, *et al.*, for City employees that are members of the Union. No problems were noted so the next audit should not be for at least three years. A copy of the results letter is enclosed.
- 4. Brown City Area Fire Authority:** During the regularly scheduled meeting on March 7th, the Fire Authority Board approved a budget amendment and the 2006-2007 Budget and then invested about four hours interviewing members of the department and selecting officers. Jim Groat, Jr. was reappointed Chief, Rob Jacobson was reappointed Deputy Chief, Tommy Zyrowski was reappointed Captain, Dewey Johnson was selected as interim 1st Lieutenant, and Bill Edwards was named 2nd Lieutenant and Training Officer. Mr. Johnson will remain as interim until he completes five years with the Department later this summer. Rob Jacobson was also assigned the duties as Secretary of the Department.
- 5. Park Lease:** The 'Park Board' met on March 9th to review various agenda items but failed to achieve a quorum. Copies of the City Attorney's opinion letter concerning Section 4.01 of the City Charter, a draft copy of the Park lease agreement, the final 2005-2006 Park Recreation final budget amendment, and the 2006-2007 Park Recreation Budget were provided to the group. Anticipate review and approval of the Park lease at the April 13th Park Board meeting, and submission to the City Council at their April 24th meeting.
- 6. Lapeer County Planning Conference:** Planning Commission Chairman Ken Brown and Commissioner Jack Bell and I attended the 26th Annual Lapeer County Planning Conference on the morning of Saturday, March 11th. Training included Conditional Rezoning, land division and multiple other topics, and was a very professional and well designed conference.
- 7. 2006 Streetscape:** The meeting with MDOT and the contractors involved with the 2006 Streetscape Project is scheduled for Friday, March 17th. Anticipate using this opportunity to adjust the sidewalk heights on the south side of Main Street. Also, a schedule should become available so that downtown business owners can be notified of planned demolition and construction dates.
- 8. Board of Review:** The final meeting of the group is Thursday March 16th, 2-5 and 6-9 PM.

ATTORNEY'S REPORT:

1. Park "Board of Directors" City Charter Section 4.01 issue. Work is generally completed on the draft Park Lease, with substantial agreement between the City Attorney and the Park's attorney. Discussion regarding Section 4.01 of City Charter. Concerns regarding Park Board members who are not residents of the City. Since the BCCPA is a corporation where the City is not an incorporator, in the City Attorney's opinion, members do not need to be electors of the City.

2. Homecoming/Brown City Days Commission City Charter Section 4.01 issue. Determined that members do need to be electors of the City if they hold a voting capacity because the Commission is not just an advisory board. Opinion letter from attorney is available for review.
3. Opinion letter provided regarding use of profanity at City Council meetings. City Attorney read and discussed this letter.
4. Discussion regarding a vote by the City Council member pertaining to Mr. Welch's request for a liquor license at the February 27, 2006 Regular Council Meeting. City Attorney opined that the vote cast by one Councilmember was probably a conflict of interest. He recommended that the original motion be withdrawn and a new motion go before the City Council.

Moved by CM McIvor, second by CM Blatt, to rescind the motion from the February 27, 2006 Regular Meeting, as follows: To deny request from Bud Welch for a beer and wine license. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

Moved by CM Wood, second by CM Blatt, to deny a request from Bud Welch for a beer and wine license for his restaurant. ROLL CALL VOTE: Wood-yes, Miller-no, McIvor-abstain, Lents-yes, Lee-no, Blatt-yes. 3-yes, 2-no, 1-abstain. Motion carried.

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – none.
3. Tax & Finance – review of committee meeting minutes.

Moved by CM Lee, second by CM Miller, to authorize the City of Brown City to contribute \$2,000.00 to the Brown City Homecoming Committee to be used to purchase fireworks. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

Remarks City Manager regarding the proposed new Poverty Exemption Forms and policy.

4. Streets & Sidewalks – none.
5. Buildings & Grounds – none.
6. Personnel – review of committee meeting minutes.

Moved by CM McIvor, second by CM Blatt, to hold a Personnel Committee meeting on March 16, 2006 at 5:30. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

7. Homecoming – next scheduled meeting is April 4, 2006 at 6:30 p.m.

GENERAL CONCERNS OF THE COUNCIL:

A question from a resident at the last City Council meeting regarding ambulance service and location of the local ambulance when Marlette Ambulance is called out. Since this is a Fire Authority issue and not a City issue, the Mayor, acting as the Brown City representative to the Fire Authority Board, brought the question to the Fire Authority at their last meeting on March 7th. Apparently, there is no written agreement between the City Brown Fire Authority and Marlette Ambulance Service. However, the Fire Chief will discuss area ambulance deployment concerns with Marlette Hospital, since they own and operate the ambulance service.

MAYOR'S REPORT: None.

PUBLIC QUESTIONS & COMMENTS: None.

Moved by CM McIvor, second by CM Miller, to adjourn at 8:18 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk