

**BROWN CITY COUNCIL MEETING
MARCH 27, 2006**

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

Pledge of Allegiance led by Mayor Carpenter.

PRESENT: Mayor Laura Carpenter, Council members: Ron Wood, Julie Miller, Ross McIvor, Mike Lents, Christine Lee, Leon Blatt; City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel.

ABSENT: None.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION AND APPROVAL OF MINUTES:

Moved by CM Miller, second by CM Lee, to approve the Regular Meeting Minutes of March 13, 2006 as presented. Motion carried.

Moved by CM Miller, second by CM Lee, to approve the Minutes of the March 16, 2006 Work Session as presented. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$19,448.64, Payroll-\$14,255.45, Local Street-\$322.88, Sewer-\$4,898.02, Water-\$7,831.98. Motion carried.

PUBLIC QUESTIONS & COMMENTS:

Carol Walters raised a concern about the signs that are in front of Ben's Supermarket that in her opinion were obstructing view of vehicles pulling out of store driveways. City Manager will investigate.

PERSONAL APPEARANCES: None scheduled.

DPW REPORT:

Review of written report, no questions or comments.

OLD BUSINESS:

1. Bullock Project – final ditching almost complete.
2. Codification of City Ordinances – updating/editing.
3. Appointment of a resident or business owner to the DDA (expiring 12-31-08).
4. Appointment of a resident to the Cemetery Board (expiring 12-31-10).
5. Arsenic Abatement – see Manager's Report Item #3.

PETITIONS & COMMUNICATIONS: None scheduled.

RESOLUTIONS:

Discussion from City Manager regarding an error in the 2005-2006 Budget Amendment spreadsheet. Requested that the City Council re-approve Resolution 06-03 now that correction has been made.

Moved by CM Miller, second by CM Lee, to adopt Resolution 06-03 as currently stated (to correct a typo in the earlier adopted version) - *A Resolution of the City of Brown City to Amend the City's 2005-2006 Budget to Better Reflect Revenues and Expenditures*, and rescinding former motion adopting Resolution 06-03 on March 13, 2006. ROLL CALL VOTE: Wood=yes, Miller =yes, McIvor=yes, Lents=yes, Lee=yes, Blatt=yes. 6=yes, 0=no, 0-abstain. Motion carried.

ORDINANCES:

Explanation from City Manager that Drafts for Section 17.600 and Section 17.700 - Sale of Real Property were provided strictly for Council information, no action is necessary.

CITY MANAGER'S REPORT:

- 1. 2006 Streetscape:** The meeting with MDOT and the contractors involved with the 2006 Streetscape Project took place on Friday, March 17th. Work will begin on April 17th and should be completed by Memorial Day (May 29th). The meeting went very well and the activities of the various contractors are being coordinated. The City will make available space inside the water tower fence and at the DPW garage area for staging equipment and the temporary storage of materials. Detroit Edison, the contractor for the streetlights, said they were using this opportunity to replace the high-voltage underground electric cables for all of the streetlights on Main Street/M-90 with low voltage cables. During this replacement process, all the streetlights on Main Street will be out for "three weeks to a month." The contractor installing the sidewalks, and the construction inspector (Spicer Engineering) looked at the area on Main Street where we want the sidewalks raised to the height of the building entrances (Banner, Mike's, Maxine's, Styling Station). Ironically, raising the sidewalk to meet federal and state law (Americans With Disabilities Act and Michigan Barrier Free) may violate other sections of these same laws. The contractor will review and let us know. MDOT and contractor representatives and I will be meeting with business owners in the Streetscape area on Monday April 3rd. Letters were sent to the 22 owners and managers to let them know we will be stopping by their businesses to discuss the schedule and answer questions. A copy of a sample notification letter is included on your packets. Do any members of the City Council wish to participate?

Discussion regarding charging store owners 50% of sidewalk costs which is policy for residential sidewalk installation. Council requested that the City Manager determine approximate costs for their review before making a decision. City Manager will provide the requested information at the next meeting.

- 2. Sanilac County Economic Development Corporation:** The EDC met on March 16th for about three hours. A copy of the agenda and approved minutes from the February meeting are in your packet. The EDC Board decided to hire Stellar Fundraising Executives to conduct a campaign to

raise between \$1.1M and \$1.3M to fund economic development in Sanilac County for the next five years. Cost is \$200K plus about \$6K per month expenses for the nine- to ten- month campaign. Stellar will contact county businesses, to include those in Brown City, over the next few months. A copy of the Stellar Feasibility Report is available for review. Additionally, the EDC hired a law firm to do the paperwork necessary for the EDC to receive non-profit organization status [501(c)(3)]. This designation will allow the EDC to qualify for more grants that at present. Estimated cost is \$2,500.

- 3. Arsenic Abatement Project:** Two representatives from Rowe met with me on March 17th to discuss issues and plans development. They then went over to the site of Well #3 in order to take measurements. At the same time, the City's Acting Engineer also met with the Rowe representatives. Rowe had requested an additional \$2,750 for survey and topographical work. Davis Land Surveying and Engineering was able to provide this information for about \$800. Rowe will have preliminary plans and cost estimates ready by April 21st so the City Council can review and approve them prior to the May 1 DEQ deadline. Attached are two possible layouts for the facility and are labeled "Preliminary Arrangement 1" (similar to the Well #4 layout) and "Preliminary Arrangement 2." Does the City Council have a preference or alternative?

Council discussion regarding various arrangements for the layout of the proposed arsenic abatement facility at Well #3. Consideration needs to be taken for potential ice damage to roofing. Council agrees that further discussion with DPW Supervisor needs to take place before a decision is made.

- 4. Ballot Proposals:** The County Clerk notified the City that any ballot proposals planned for the August primary election must be approved by May 30, 2006. She recommends having the City Clerk forward proposed ballots to the county as soon as possible to allow for review and approval before the deadline. Does the City Council know of any planned ballot proposals for the City?
- 5. Main Street Speed Study:** An MDOT representative from the Cass City office notified me on Friday, March 17th that the anticipated M-90 speed study has been scheduled and "will take place in two to three weeks." The people conducting the speed study showed up on Monday, March 20th and have already completed the two day study. The results of this speed study will be provided as soon as they become available to the City Council.
- 6. Michigan Asset Management:** A new law in Michigan requires local governments, to include the City, to notify the Michigan Asset Management Council, a division of MDOT, of completed and planned street repairs. This notification must be done on-line. The City has an assigned password to access the site but the software running the site is not user-friendly. A conference has been scheduled in East Lansing (\$30 per attendee) on May 10th. Similar training is available from East Central Michigan Planning on April 7th in Saginaw. Since we are a member of East Central Michigan, this training is free. If there is no objection from the City Council, I plan to attend the free version.
- 7. Homeland Security Training:** St. Clair Community College is offering an on-line course concerning terrorism. The course is ten months long and consists of about 80 hours of instruction. The City Council should determine if this course is job-related, in which case costs would be covered by the City Tuition Reimbursement program (page 17 of the Employee Handbook). Total cost of this training is \$1,500. What is the recommendation of the City Council?

Councilman Lents suggests that pursuing free training would be best option at this time.

- 8. Application For Building / Land Use Permit:** Currently, all building projects within the City are required to submit an Application For Building Permit. The City does not charge a fee for this. Before the application is signed by the Zoning Administrator, current policy requires formal approval by the City Council, following inspection by the Buildings and Grounds Committee in

most cases. Research revealed that this practice dates back to before Sanilac County took responsibility for building/plumbing/electrical inspections. A survey of other Sanilac County municipalities revealed that only Brown City does this. Elsewhere, commercial construction permits are reviewed only by the Planning Commission. Only commercial or residential construction requiring a variance or special land use permit go before both the Planning Commission and City Council. The City Council acts on all appeals. All other applications are reviewed by the Zoning Administrator, and City Engineer if required, and approved or denied within about two business days. Applicants can appeal a denial by the Zoning Administrator to the Planning Commission or City Council as appropriate. Attached are copies of the fee schedule for Lexington. What policy for application approvals does the City Council wish to set? Does the City Council want to begin charging fees?

Council directed the City Manager to develop a Resolution addressing building permit applications. Consensus that any commercial or new construction, as well as construction requiring a variance or non-conforming use permit, be part of the structured process. The City Council will act on a proposed resolution when complete.

- 9. Downtown Development Authority:** The next DDA meeting is scheduled for THURSDAY, March 30th at 7 PM at City Hall. A copy of the proposed agenda is in your packet.

ATTORNEY'S REPORT:

Sale of City Property Issues, section in Charter 2.14, states need for an Ordinance, this is rational for City Manager developing drafts of Section 17.600 and 17.700 for Council information.

Update on Park Board issues that have been discussed, working towards resolution.

Well house issue, reminder that falling ice could be a potential liability for either personal or structural damage, this needs to be considered when deciding which well house layout will be constructed.

Update on various case findings that impact Brown City (municipal immunity, speed adjustments on state roads).

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – none.
3. Tax and Finance – none.
4. Streets & Sidewalks – none.
5. Buildings & Grounds – none.
6. Personal – Committee meeting on March 16,2006, review of minutes.
7. Homecoming – Next meeting scheduled for April 4, 2006.

Moved by CM McIvor, second by CM Miller, to approve a pay raise of .25 per hour for Office Clerk Phyllis Niehaus and custodian Lucy Coulson, as well as scheduled raises for union employees. 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 McIvor, second by CM Lee, to approve pay raises of .25 per hour for Chief of Police Ron Smith and Deputy Clerk David VanCura. ROLL CALL VOTE: Wood-yes, Miller-yes, McIvor-yes, Lents-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-abstain. Motion carried.

At the City Council Work Session on March 16th, both Chief of Police Ron Smith and Deputy Clerk David VanCura had volunteered to give up their proposed pay raises. They did this in order to prevent decreases in the level of police protection.

Moved by CM Miller, second by CM Blatt, to adopt Resolution 06-04 - *A Resolution Approving the City of Brown City Millage Rate of 16.8733 Mills and Brown City Park Millage Rate of 1.25 Mills and the Fiscal Year 2006-2007 Budget*. ROLL CALL VOTE: Wood-no, Miller-yes, McIvor-no, Lents-no, Lee-yes, Blatt-yes, 3-yes, 3-no, 0-abstain. Mayor Carpenter tie vote – yes. Motion carried.

GENERAL CONCERNS OF THE COUNCIL: None.

MAYOR'S REPORT:

City Manager's Semi Annual Evaluation reviewed. Total points available were 943. Evaluation scores were as follows: Blatt-138, Lee-165, Lents-99, Carpenter-165, McIvor-99, Miller-165, Wood-112. Average = 134.72 or about 82%.

PUBLIC QUESTIONS & COMMENTS: None.

City Manager reviewed and discussed scheduled work hours for police.

Moved by CM McIvor, second by CM Wood, to adjourn at 7:52 p.m. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk