

BROWN CITY COUNCIL PROCEEDINGS

March 27, 2017

MEETING CALLED TO ORDER BY MAYOR JULIE MILLER AT 7:00 PM.

PLEDGE OF ALLEGIANCE LED BY MAYOR JULIE MILLER.

PRESENT: Mayor Julie Miller, Councilmembers: Pat Jacobson, Gerald Kosal, Christine Lee, Ross McIvor, Alecia Parks, and William Walters; City Clerk Juanita Smith, City Manager Clint Holmes, and City Attorney Gregory Stremers.

ABSENT: None.

GUESTS: Steven Kovac representing the Brown City Banner Newspaper, Tom Owens, Michelle Tincknell, Tom Owens, Jr., Jim Hayal, Dan Jones, Denise Jones, Diane Ferguson, Don Ferguson, Tyler Cummings

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

CORRECTION & APPROVAL OF MINUTES:

Motion by CM McIvor, second by CM Jacobson, to accept the Regular Meeting Minutes of March 13, 2017 as presented. Motion carried.

PAY BILLS:

Motion by CM Jacobson, second by CM Kosal, to pay the bills in the following funds: General - \$9,862.99 (7927-7937), Payroll - \$14,296.52 (7835-7853 plus EFT), Local Street - \$166.55 (4255-4256), Sanitary Sewer - \$399.17 (3626), Water - \$1,422.69 (2756-2758), Arsenic Abatement - \$123.65 (1353-1354), and Equipment - \$96.54 (1553). Motion carried.

PUBLIC HEARING: 7:05 PM – A Public Hearing for the purpose of gathering public comments on the proposed Brown City Fiscal Year 2016-2017 Final Budget Amendment and the Brown City Fiscal Year 2017-2018 Budget. **The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.**

Mayor Julie Miller opened the Public Hearing at 7:05 p.m. for the purpose of gathering public comments on the proposed Brown City Fiscal Year 2016-2017 Final Budget Amendment and the Brown City Fiscal Year 2017-2018 Budget. The property tax millage rate proposed to be levied to support the proposed budget was the subject of this hearing. There were no questions or comments. The Public Hearing was closed by Mayor Julie Miller at 7:10 p.m.

PERSONAL APPEARANCES: Chairperson Jamie Bird, Brown City Days Festival Commission – request for firework funding.

Motion by CM Lee, second by CM Walters, to honor the request of the Brown City Days Festival Commission for \$2,500 to be used for the fireworks display on June 10th. Motion carried.

PUBLIC QUESTIONS & COMMENTS: None.

DPW REPORT: Report reviewed. No questions or concerns. One follow-up from City Manager Clint Holmes regarding the stop signs at Lincoln Street and Maple Street—The Stop Signs were ordered and have arrived so now “Miss Dig” will be contacted and requested to mark the area so the signs can be installed.

UNFINISHED BUSINESS:

- 1. City Response to Medical Marijuana Facilities Licensing Act Request.** Mr. Jocuns has requested that the City Council hold the meeting to discuss this issue at another date. Additionally, he requested it take place at a location large enough to accommodate the 100 people he plans to have attend the meeting. A copy of the memo he sent after our telephone conversation is not correct. I stated that this meeting “could” not “would” or “will” be rescheduled since this is a City Council decision. How does the City Council wish to proceed?

Several people in attendance spoke out for the Medical Marijuana Request including Tom Owens, Tyler Cummings, Michelle Tincknell, and Diane Ferguson. Denise Jones spoke against having it come into town. Diane Ferguson had many handouts for the Councilmembers to look at and study. A lengthy discussion ensued.

A motion was made by CM Lee, and seconded by CM McIvor, stating: This issue will be reintroduced to the City Council after the City Attorney receives the rules and regulations when they are written by the state, so that the City Councilmembers can begin the process of making an informed decision. Motion carried.

ORDINANCES: None Scheduled.

RESOLUTIONS:

- 1. Resolution 17-05 – Resolution of the City of Brown City to Amend the City’s 2016-2017 Budget to Better Reflect Revenues and Expenditures**

Motion by CM Lee, second by CM Walters, to adopt Resolution 17-05: A Resolution of the City of Brown City to Amend the City’s 2016-2017 Budget to Better Reflect Revenues and Expenditures. ROLL CALL VOTE: CM Parks – yes, CM Kosal – yes, CM McIvor – yes, CM Lee – yes, CM Walters – yes, CM Jacobson – yes. 6 Yes Votes, 0 No Votes, 0 Abstained, 0 Absent. Motion carried.

2. **Resolution 17-06** – A Resolution Formally Approving the City of Brown City Millage Rate of 16.8733 Mills and the Brown City Park Millage Rate of 1.25 Mills and the Fiscal Year 2017-2018 Budget

Motion by CM Jacobson, second by CM Lee, to adopt Resolution 17-06: A Resolution Formally Approving the City of Brown City Millage Rate of 16.8733 Mills and the Brown City Park Millage Rate of 1.25 Mills and the Fiscal Year 2017-2018 Budget. ROLL CALL VOTE: CM Kosal – yes, CM Mclvor – yes, CM Lee – yes, CM Walters – yes, CM Jacobson – yes, CM Parks – yes. 6 Yes Votes, 0 No Votes, 0 Abstained, 0 Absent. Motion carried.

3. **Resolution 17-07** - Resolution Confirming Appointment of Member Representative to the Michigan Township Participating Plan.

Motion by CM Lee, second by CM Mclvor, to adopt Resolution 17-07: Resolution Confirming Appointment of Member Representative to the Michigan Township Participating Plan. ROLL CALL VOTE: CM Mclvor – yes, CM Lee – yes, CM Walters – yes, CM Jacobson – yes, CM Parks – yes, CM Kosal – yes. 6 Yes Votes, 0 No Votes, 0 Abstained, 0 Absent. Motion carried.

Motion by CM Lee, second by CM Mclvor, to appoint CM Bill Walters to act as a representative from Brown City to the Michigan Township Participating Plan. Motion carried.

PETITIONS & COMMUNICATIONS: None Scheduled.

MANAGER’S REPORT:

1. **MEDC RRC Update:** Phase I “best practices” training for the MEDC Redevelopment Ready Community® (RRC) program was completed on March 20th in Lapeer and included: RRC Overview; Community Plans and Public Outreach; Zoning Regulations; and the Development Review Process. Phase II training is scheduled for April 13th at the same location and will include: Recruitment and Education; Redevelopment Ready Sites®; and Community Prosperity. The next steps include: The City Council passing a Resolution formally applying to become a certified RRC; completing the 15-page Self Evaluation Form; having in place a Master Plan that includes a downtown plan, corridor plan, zoning plan, Capital Improvement Plan, and is posted on the City’s website. All must be done as part of a relatively herculean public outreach program. Then there is generating the quarterly reports. However, if a municipality or township fails to be accepted into, and ultimately certified as, an RRC®, then MEDC will provide neither counseling and consulting nor financial assistance going forward.
2. **City Master Plan:** The proposals are due on April 6, 2017, for action by the City Council at the regular April 10th meeting. Requested completion date is on or before September 21, 2017 to meet RRC deadlines.
3. **Environmental Study:** An engineering company, PM Environmental, is conducting an environmental study of the area east of James Street between Main and First Streets. The City did not sponsor the study, but is assisting in providing utility information and maps. Status of the property is still being evaluated with results to be shared with the City in the future. The study will reveal what contamination remediation, if any, may be required.

If work is required, there are state and county assistance programs that can be requested by the City Council.

4. **Lincoln Street Project:** Bid packages were mailed out to those companies that bid on Brown City street projects in the past as well as Builders Exchange of Michigan. The pre-construction meeting is scheduled for 2:00 PM on Thursday, April 6th, and bids are due on April 20th for action by the City Council on April 24th.
5. **Asphalt Crack Filling Machine:** The City met with representatives from SealMaster and National Highways Maintenance System LTD., L.L.C. (NHMS) to discuss purchasing an asphalt road crack filling/sealing machine. Cost is about \$43K. However, both rent machines for which they provide on-site training and will deliver and pick-up the machine. SealMaster will do this for \$5,100 a week and this includes two pallets of crack sealant. NHMS will provide the machine for free with the purchase of sealant which comes at a slightly higher price. Overall, NHMS should be slightly cheaper than SealMaster and both machines look to be comparable. Recommended plan is to rent a machine for the week of May 22nd and again in early fall. Once a street is sealed, it should be good for three years. How does the City Council wish to proceed?

Motion by CM Parks, second by CM McIvor, to authorize City Manager Clint Holmes to contact NHMS to rent their Asphalt Crack Filling Machine for the week of May 22nd and again in the early fall at a cost of approximately \$5,100 a week. Motion carried.

6. **Brown City Days Festival Pins:** The Festival Commission has acquired limited-edition decorative pins of their 2017 logo. They were donated at no cost to the City or Festival Commission. The Festival Commission will distribute them to Brown City Days donors and VIPs.
7. **Fireworks:** The City has received the application for fireworks (BFS-416 (Rev 09/15) for the Brown City Days Festival display on June 10th. Recommend motion to approve the application and authorize the Mayor to sign on behalf of the City.

Motion by CM Lee, second by CM Walters, to approve the application for fireworks (BFS-416 (Rev 09/15) for the Brown City Days Festival display on June 10, 2017 and to authorize Mayor Julie Miller to sign the application on behalf of the City. Motion carried.

8. **Lincoln Street Stop Sign:** The City DPW has ordered two new stop signs for installation on Lincoln Street at Maple Street. Once they arrive (and the ground softens a bit), they will be installed. The “stop ahead” signs on Walter Street will be removed and temporarily installed on Lincoln Street also.
9. **2017/2018 Salt Order:** In order to receive the discounts associated with the Michigan Purchase Plan, the City was required to order road salt for the 2017-2018 winter season on March 14th. The City has ordered 100 tons just like for 2016-2017. Cost will be determined once the contract has been signed by the State.

10. 4196 First Street Trees: Raymond's Tree Service contacted the City and stated that they would be able to complete the project within a couple of weeks.

Another property owner, this time on James Street, has also requested a tree (which the City trimmed last year) be removed. Expect that the same request by others will be received in the foreseeable future.

Recommend the City contract with a state-certified arborist to identify what trees need to be "trimmed or removed and when" in City right-of-ways. I have contacted a company to try and determine what kind of costs would be associated with this project. Plan to present cost and associated project contracting costs to the City Council when they become available.

ATTORNEY'S REPORT:

City Attorney Gregory Stremers spoke during the discussion on Medical Marijuana Facilities Licensing Act Request and explained what a complicated process it would be to pass an ordinance allowing Medical Marijuana. He also said that we needed to wait for the Government to write the rules and regulations on Medical Marijuana which they are currently working on.

In speaking of the tree issue, Brown City Attorney Stremers said that in the '60's the government told Cities where to plant trees and that is why we have them where they are now.

City Manager Clint Holmes and City Attorney Gregory Stremers are scheduled to attend a meeting hosted by the Saint Clair County Planning Commission on Thursday evening, March 30, 2017, concerning zoning issues.

TREASURER'S REPORT: None.

CLERK'S REPORT: None.

MAYOR'S REPORT:

1. Semi-Annual City Manager Evaluation – Please return forms at or before the next City Council meeting on April 10th.

Mayor Julie Miller asked the Councilmembers how they would feel about amending the resolution to have the City Manager's Evaluation form due only once a year instead of twice a year as it is now. The Councilmembers agreed with a once a year evaluation. City Manager Clint Holmes will draw up Resolution 17-08 regarding this issue.

Mayor Miller asked advice from City Attorney Gregory Stremers about a letter received from Bernard Jocus, PLLC. His advice was that we didn't need to respond to it but City Manager Clint Holmes could discuss it with him.

COMMITTEE REPORTS:

1. Tax and Finance (Jacobson) – Committee Meeting March 27th at 6:00 PM.
2. Streets and Sidewalks (Kosal) – None.
3. Police (Lee) – None.
4. Building and Grounds (McIvor) – None.
5. Personnel (Parks) – None.
6. Water and Sewer (Walters) – None.

GENERAL CONCERNS OF THE COUNCIL:

CM Bill Walters stated that he would be unable to attend the next Council Meeting on April 10th.

PUBLIC QUESTIONS & COMMENTS: None.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by CM Jacobson, second by CM McIvor, to adjourn at 8:24 p.m. Motion carried.

Respectfully submitted,

Juanita Smith
City Clerk