



CITY COUNCIL MEETING MINUTES

December 11, 2018

CALL TO ORDER:

The Jackson City Council met in regular session and was called to order at 6:30 p.m. by Mayor Derek J. Dobies.

PLEDGE OF ALLEGIANCE AND INVOCATION:

The Council joined in the Pledge of Allegiance. Invocation was given by Reverend Sarah Hurlbert, the guest of Fifth Ward City Councilmember Kelsey Heck.

ROLL CALL:

Present: Mayor Derek J. Dobies, Councilmembers Arlene Robinson, Freddie Dancy, Jeromy Alexander, Craig Pappin, Kelsey Heck, and Colleen Sullivan.

Also present: City Manager Patrick Burtch, City Clerk Andrea Muray, City Attorney Bethany Smith, City Assessor Jason Yoakam, Director of Public Works Jonathan Greene, Director of Neighborhood and Economic Operations Jennifer Morris, City Engineer Jon Dowling, and Director of Police and Fire Services Elmer Hitt.

ADOPTION OF AGENDA:

Motion was made by Councilmember Pappin, seconded by Councilmember Robinson to adopt the agenda. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: None. Motion carried.

PRESENTATIONS/PROCLAMATIONS: none.

PUBLIC HEARINGS:

A. Public Hearing for the Necessity of Street Reconstruction, Madison Street – West Avenue to Clinton.

Public hearing for the necessity of street reconstruction on Madison from West Avenue to Clinton.

1. *Resolution ordering the construction and preparation of the special assessment roll.*

Correspondence was sent by Trinity Restaurant Group, 1213 N. West Avenue in opposition of the assessment.

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the resolution. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

B. Public Hearing for the Necessity of Street Reconstruction, Park Avenue – Michigan Avenue to Elizabeth Street; Elizabeth Street from Park Avenue to VanDorn Street.

Public hearing for the necessity of street reconstruction on Park Avenue from Michigan Avenue to Elizabeth Street, and Elizabeth Street from Park Avenue to VanDorn Street.

1. *Resolution ordering the construction and preparation of the special assessment roll.*

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the resolution. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

C. Public Hearing for the Necessity of Street Reconstruction and Water Main Replacement, Steward Avenue from Wildwood Avenue to the Railroad.

Public hearing for the necessity of street reconstruction and water main replacement on Steward Avenue from Wildwood Avenue to the Railroad.

1. *Resolution ordering the construction and preparation of the special assessment roll.*

Motion was made by Councilmember Pappin, seconded by Councilmember Heck to approve the resolution. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

D. Public Hearing for the Necessity of Street Reconstruction and Water Main Replacement, Second Street from Washington Avenue to Wildwood Avenue.

Public hearing for the necessity of street reconstruction and water main replacement on Second Street from Washington Avenue to Wildwood Avenue.

1. *Resolution ordering the construction and preparation of the special assessment roll.*

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the resolution. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

E. Public Hearing for the Necessity of Street Reconstruction, Michigan Avenue - First Street to Blackstone Street.

Public hearing for the necessity of street reconstruction on Michigan Avenue from First Street to Blackstone Street.

1. *Resolution ordering the construction and preparation of the special assessment roll.*

Correspondence was received from Family Service and Children's Aid, 330 W. Michigan Avenue, in opposition of the project. Richard Foote, 318 & 326 W. Michigan Avenue, inquired about what work would be included in the project. Joann Johnson, 306 W. Michigan Avenue, inquired why the project was necessary.

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the resolution. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

F. Public Hearing for the Necessity of Street Reconstruction and Water Main Replacement, Franklin Street from Brown Street to West Avenue.
Public Hearing for the necessity of street reconstruction and water main replacement on Franklin Street from Brown Street to West Avenue.

1. *Resolution ordering the construction and preparation of the special assessment roll.*

Nicholas Kielhorn, 1515 W. Franklin, inquired about the scope of the project.

Motion was made by Councilmember Pappin, seconded by Councilmember Heck to approve the resolution. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

G. Public Hearing for the Necessity of Street Reconstruction and Water Main Replacement, Homecrest Road from Louis Glick Highway to VanBuren Street.

Public hearing for the necessity of street reconstruction and water main replacement on Homecrest Road from Louis Glick Highway to VanBuren Street.

1. *Resolution ordering the construction and preparation of the special assessment roll.*

Sherry Krajewski, 219 Homecrest, inquired about the hearing/assessment process.

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the resolution. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

Recess as City Council and convene as a Board of Review.

Motion was made by Councilmember Sullivan, seconded by Councilmember Heck to recess as City Council and convene as a Board of Review. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

H. Public Hearing on Special Assessment Roll No. 4283.

Public hearing on Special Assessment Roll No. 4283 – Delinquent Miscellaneous 101 General Fund Accounts Receivable.

1. *Resolution confirming Roll No. 4283.*

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the resolution. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

I. Public Hearing on Special Assessment Roll No. 4284.

Public hearing on Special Assessment Roll No. 4284 – Delinquent Miscellaneous 252 Building Department Demo Fund Accounts Receivable.

1. *Resolution confirming Roll No. 4284.*

Motion was made by Councilmember Pappin, seconded by Councilmember Heck to approve the resolution. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

J. Public Hearing on Special Assessment Roll No. 4285.

Public hearing on Special Assessment Roll No. 4285 – Delinquent Miscellaneous 641 Public Works Fund Accounts Receivable.

1. *Resolution confirming Roll No. 4285.*

Clayton Glover, 308 Douglas Street, spoke in opposition of the assessment to his property.

Motion was made by Councilmember Pappin, seconded by Councilmember Dancy to approve the resolution. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

Adjourn as a Board of Review and reconvene as City Council.

Motion was made by Councilmember Sullivan, seconded by Councilmember Heck to adjourn as a Board of Review and reconvene as City Council. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

CITIZEN COMMENTS:

Citizen comments were heard and the meeting continued.

PETITIONS & COMMUNICATION FROM CITY STAFF AND OTHER GOVERNMENTAL ENTITIES:

- A. CDBG and HOME Financial Summaries through September 30, 2018.**
Recommendation: *Accept and place on file the Community Development Block Grant (CDBG) and HOME Financial Summaries through September 30, 2018.*

Motion was made by Councilmember Pappin, seconded by Councilmember Heck to accept and place on file. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

CONSENT CALENDAR:

- A. Minutes of the Regular Meeting of November 13, 2018:**
Approve the minutes of the regular City Council meeting of November 13, 2018.
- B. Minutes of the Special Meeting of November 27, 2018:**
Approve the minutes of the special City Council meeting of November 27, 2018.
- C. City Planning Commission Reappointment:**
Approve the Mayor's recommendation to reappoint Sheila Troxel to the City Planning Commission for a three year term beginning January 1, 2019, and ending December 31, 2021.
- D. City Planning Commission Reappointment:**
Approve the Mayor's recommendation to reappoint Clyde Mauldin to the City Planning Commission for a three year term beginning January 1, 2019, and ending December 31, 2021.
- E. Civil Service Commission:**
Approve the Mayor's recommendation to appoint Teresa Garcia-Blom to the Civil Service Commission filling a current vacancy, beginning immediately, and ending August 31, 2021.
- F. Historic District Commission Appointment:**
Approve Mayor's recommendation to appoint Thaddaus Williams to the Historic District Commission for a three year term beginning January 1, 2019, and ending December 31, 2021.

- G. Human Relations Commission Reappointments:**
Approve the Mayor's recommendation to reappoint Cheryl Ragland and Suzanne Mure to the Human Relations Commission for a three year term each beginning January 1, 2019, and ending December 31, 2021, in accordance with the Human Relations Commission recommendation.
- H. Human Relations Commission Appointment:**
Approve the Mayor's recommendation to appoint James Johnson to the Human Relations Commission filling a current vacancy beginning immediately and ending December 31, 2019, in accordance with the Human Relations Commission recommendation.
- I. Jackson District Library Board of Trustees Appointment:**
Approve the Mayor's recommendation to appoint Erik Lyman to the Jackson District Library Board of Trustees filling a current vacancy beginning immediately, and ending August 23, 2021.
- J. Public Arts Commission Reappointment:**
Approve the Mayor's recommendation to reappoint ex-officio Kim Curtis to serve on the Public Arts Commission for a three year term, beginning immediately, and ending June 22, 2021.
- K. Public Arts Commission Appointment:**
Approve the Mayor's recommendation to appoint Angela Edward to the Public Arts Commission, filling a current vacancy, beginning immediately, and ending May 28, 2020.
- L. Public Arts Commission Appointment:**
Approve the Mayor's recommendation to appoint Amy Mills to the Public Arts Commission, filling a current vacancy, beginning immediately, and ending May 28, 2021.
- M. Zoning Board of Appeals Reappointment:**
Approve the Mayor's recommendation to reappoint Clyde Mauldin to the Zoning Board of Appeals for a three year term, beginning January 1, 2019, and ending December 31, 2021.
- N. Resolution for 2019 City Council Meeting Dates:**
Consider a Resolution that serves as the calendar for the regularly scheduled City Council meeting dates for 2019.
- O. Eve on the Ave:**
Approve a request from the City of Jackson Downtown Development Authority to conduct their 18th annual Eve on the Ave event on Monday, December 31, 2018, from 9:00 p.m., to Tuesday, January 1, 2019, at 12:30 a.m., in downtown Jackson. (Contingent upon receipt of proof of insurance and fire permit.)

- P. New Year's Day 5k:**
Approve the request from St. John's UCC to conduct their New Year's Day 5k event on Tuesday, January 1, 2019, from 9 a.m. to 12 p.m. in downtown Jackson.
- Q. Engineer's Report for Street Reconstruction: Greenwood Avenue and Jackson Street, Morrell to Franklin Construction of a Traffic Circle around Greenwood Park:**
Receive the Engineer's Report for Street reconstruction on Greenwood Avenue and Jackson Street from Morrell to Franklin, with construction of a Traffic Circle around Greenwood Park, and establish January 15, 2019 at the City Council meeting as the time and place to hold a public hearing of necessity.
- R. Revocable License for a Sign at @Home Mortgage at 125 E. Michigan Avenue:**
Approve a Revocable License for @Home Mortgage for the installation within the E. Michigan Avenue public right-of-way of sign over the ground doors of the building at 125 E. Michigan Avenue, and authorize the Mayor and City Clerk to execute the appropriate document(s).
- S. Revocable License for Awning at Kelly Imports at 237 N. Jackson:**
Approve a Revocable License for Kelly Imports LLC for the installation within the N. Jackson Street public right-of-way of an awning over the ground floor windows and doors of the building at 237 N. Jackson Street, and authorize the Mayor and City Clerk to execute the appropriate document(s).
- T. 2019-2020 CDBG and HOME Timetable and Establish Public Hearings:**
Approve the 2019-20 CDBG and HOME Timetable and establish public hearings on January 29, 2019, and September 17, 2019.
- U. Region 2 Planning Commission Invoice - Local Share Cost of JACTS Unified Work Program FY 2019:**
Recommendation: *Approve payment of the invoice from Region 2 Planning Commission for local share cost of Jackson Area Comprehensive Transportation Study (JACTS) Unified Work Program for FY 2019, in the amount of \$23,973.50, in accordance with the recommendation of the City Engineer, and authorize the City Engineer to sign the Local Funding Resolution.*
- V. Renewal of Training Consortium Agreement:**
Recommendation: *Approve the Southern Michigan Criminal Justice Training Consortium (SMCJTC) Agreement.*
- W. Purchase of 2018 Bobcat T770 Bobcat - DPW:**
Recommendation: *Approve the purchase of a 2018 Bobcat T770, Bobcat of Lansing, Lansing, Michigan in the amount of \$61,720.14, through the State of Michigan MiDEAL program.*

X. 2018 John Deere 544K Wheel Loader – DPW:

Recommendation: *Approve the purchase of a 2018 John Deere 544K Wheel Loader from AIS Construction Equipment, Lansing, in the amount of \$141,364.85 through the State of Michigan MiDEAL program.*

***Y. Environmental Commission Appointment:**

Approve Mayor’s recommendation to appoint Elody Samuelson to the Environmental Commission filling a current vacancy, beginning immediately, and ending May 29, 2019.

Motion was made by Councilmember Sullivan, seconded by Councilmember Pappin to amend the minutes from November 13, 2018, page 8, to reflect the correct Councilmember who seconded the motion to approve the settlement agreement and approve the consent calendar with the change. Councilmember Dancy moved to consider Item Q separately. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to receive the engineer’s report and establish the public hearing of necessity for January 15, 2019. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

OTHER BUSINESS:

A. Ordinance No. 2018-13, Licensing Chapter 16 - Ordinance to Permit, License and Regulate Certain Medical Marihuana Facilities in the City of Jackson. (Second/Final Reading)

Recommendation: *Final adoption of Ordinance No. 2018-13, to permit, license and regulate certain medical marihuana facilities in the City of Jackson, Michigan, pursuant to the Michigan Medical Marihuana Facilities Licensing Act.*

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the final adoption of Ordinance 2018-13. Point of order was made by Councilmember Alexander inquiring about the changes to the ordinance made by city staff. Vote was taken on the motion. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

B. Ordinance No. 2018-14, Chapter 28 to Designate Zoning Districts and Other Zoning Requirements for Certain Medical Marihuana Facilities in the City of Jackson. (Second/Final Reading)

Recommendation: *Final adoption of Ordinance No. 2018-14, to designate certain zoning districts and other zoning requirements for certain medical marihuana facilities in the City of Jackson, Michigan, pursuant to the Michigan Medical Marihuana Facilities Licensing Act.*

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to adopt Ordinance 2018-14. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

NEW BUSINESS:

A. Zoning Ordinance Amendment for 107, 110, 111, 114, 115, 118, and 119 S. Gorham, and 1906 Tyson Street from R-2, (One and Two Family Residential to C-4, (General Commercial). (First Reading)

Recommendation: *Approve an Ordinance amending Chapter 28, Section 28-32, City Code, to rezone 107, 110, 111, 114, 115, 118 and 119 S. Gorham and 1906 Tyson Street from R-2, One and Two Family Residential to C-4, General Commercial as per the recommendation from the City Planning Commission.*

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the first reading. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

B. Contract for White Box Buildout at 135 W. Cortland.

Recommendation: *Award a contract with Trumble Group in the amount of \$577,156.00, for the white box buildout at 135 W. Cortland Street, and authorize the City Manager to approve any and all change orders required to complete the project.*

Motion was made by Councilmember Sullivan, seconded by Councilmember Heck to award the contract. Votes - Yeas: Mayor Dobies, Councilmembers Alexander, Heck, and Sullivan (4). Nays: Councilmembers Robinson, Dancy, and Pappin (3). Motion carried.

EXECUTIVE SESSION:

Motion was made by Councilmember Sullivan, seconded by Councilmember Heck to adjourn to executive session. Vote was done by voice with all in favor.

RETURN TO OPEN SESSION:

Motion was made by Councilmember Sullivan, seconded by Councilmember Heck to return to open session. Vote was done by voice with all in favor.

Motion was made by Councilmember Alexander, seconded by Councilmember Robinson to accept the recommendation of the City Attorney regarding Cervantes v. the City of Jackson. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

CITY COUNCILMEMBERS' COMMENTS:

Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Heck, and Sullivan offered comments. Councilmember Pappin declined.

MANAGER'S COMMENTS:

City Manager Patrick Burtch offered comments.

ADJOURNMENT:

No other business being offered, a motion to adjourn was made by Councilmember Sullivan, seconded by Councilmember Alexander. Mayor Dobies adjourned the meeting at 8:06 p.m.