



## **CITY COUNCIL MEETING MINUTES**

April 10, 2018

### **CALL TO ORDER:**

The Jackson City Council met in regular session in the City Hall and was called to order at 6:33 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 Darius Williams, the guest of Vice Mayor/First Ward City Councilmember Arlene Robinson.

### **ROLL CALL:**

Present: Mayor Derek J. Dobies, Councilmembers Arlene Robinson, Freddie Dancy, Jeromy Alexander, Craig Pappin, Andrew R. Frounfelker, and Colleen Sullivan. Absent: none.

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

### **ADOPTION OF AGENDA:**

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

### **PUBLIC HEARINGS:**

- A. Public hearing of necessity for construction of a new sanitary sewer on Kibby Road from the City limits to Cascade Drive.

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

Thomas Auore of 2009 Kibby Road, Patricia Timmons of 2011 Kibby Road, and James Timmons of 2011 Kibby Road all spoke in opposition to the construction of the sanitary sewer.

Motion was made by Councilmember Sullivan, seconded by Councilmember Alexander to table the resolution based on the extreme financial burden that it places on the residents. Votes - Yeas: Mayor Dobies, Councilmembers Alexander, Pappin, Frounfelker, and Sullivan (5). Nays: Councilmembers Robinson and Dancy (2). Motion carried.

### **CITIZEN COMMENTS:**

Citizen comments were heard and the meeting continued. During citizen comments a motion was made by Mayor Dobies, seconded Councilmember Sullivan to take a short five minute break. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, and Sullivan (6). Nays: Councilmember Frounfelker (1). Motion carried.

### **PRESENTATIONS/PROCLAMATIONS:**

- A. **Jackson Public School Superintendent Jeff Beal will give a presentation regarding the Jackson Public Schools Bond Issue.**
- B. **National Prescription Opioid Litigation.**  
**Sam Bernstein Law Firm will give a presentation regarding the City becoming a Plaintiff in the nationwide Opioid lawsuit, *In re: National Opioid Litigation*.**

### **PETITIONS & COMMUNICATION FROM CITY STAFF AND OTHER GOVERNMENTAL ENTITIES:**

- A. **HRC Ex-Officio Appointment.**  
Accept and place on file the Human Relations Commission's notification of appointment of one ex-officio (non-voting) member, James Johnson, Jr.

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

**B. 2018 March Board of Review Minutes.**

Accept and place on file the 2018 March Board of Review minutes.

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

**CONSENT CALENDAR:**

**A. Minutes of the Regular Meeting of March 27, 2018:**

Approve the minutes of the regular City Council meeting of March 27, 2018.

**B. National Day of Prayer:**

Approve a request from Calvary Apostolic Church to conduct their National Day of Prayer event on Thursday, May 3, 2018, from 4 p.m. to 9 p.m. at CP Federal City Square, **excepting the balloon release.**

**C. 2018 Rose Parade:**

Approve a request from Jackson County Rose Festival to conduct their 2018 Rose Parade event on Sunday, June 3, 2018, at 1 p.m. throughout the streets of Jackson leading to Parkside.

**D. June Public Paddle:**

Approve a request from the Grand River Environmental Action Team to conduct their June Public Paddle event on Sunday, June 10, 2018, from 10 a.m. to 1 p.m. at Lions Park to launch kayaks.

**E. Jackson Unity Festival Events:**

Approve a request from the Downtown Development Authority, Michigan Theatre, and Jackson Symphony Orchestra to conduct their Jackson Unity Festival event on July 13, 14, and 15, 2018, from 8 a.m. until 12 a.m. each event date in CP Federal City Square, Horace Blackman Park, and Bucky Harris Park.

**F. DDA Friday Night Music and Movie Events:**

Approve a request from the Downtown Development Authority to conduct their annual Friday Night Music and Movie events on June 29, July 6, 13, 20, 27, August 3, 10, 17, 24, and 31, 2018, from 6 p.m. until 12 a.m. in CP Federal City Square and Horace Blackman Park.

**G. DDA Appointment:**

Mayor's recommendation to appoint Patrick Burtch to the Downtown Development Authority filling a current vacancy, beginning immediately and ending March 31, 2022.

Councilmember Alexander requested to have Item 9G removed from the consent calendar for separate consideration. A motion was made by Councilmember Frounfelker, seconded by Councilmember Dancy to approve the consent calendar. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Frounfelker, and Sullivan (7). Nays: none. Motion carried.

A discussion ensued regarding Item 9G. Following the discussion a motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Frounfelker, and Sullivan (4). Nays: Councilmembers Dancy, Alexander, and Pappin (3). Motion carried.

#### **OTHER BUSINESS:**

**A. Retainer Agreement with Sam Bernstein Law Firm PLLC - National Prescription Opioid Litigation.**

**Recommendation:** Approve a Retainer Agreement with the Sam Bernstein Law Firm, PLLC, to prosecute and adjust for the City of Jackson a claim for past and future damages and/or expenditures caused by the culpable conduct of any and all pharmaceutical manufacturers, distributors and/or retailers of opioid analgesics, and authorize the Mayor to sign the Retainer Agreement. (Postponed at the March 27, 2018 City Council meeting.)

Motion was made by Councilmember Sullivan to approve the retainer agreement as recommended; Mayor Dobies seconded for discussion. After discussion a vote was taken. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Frounfelker, Sullivan (5). Nays: Councilmembers Alexander and Pappin (2). Motion carried.

#### **NEW BUSINESS:**

**A. Resolution to Establish Rules for Public Comments.**

**Recommendation:** Resolution to establish rules for Public Comment at City Council meetings.

Motion was made by Councilmember Sullivan to support the resolution to establish rules for Public Comment. Councilmember Alexander made a motion to table the item. The motion failed for lack of support. Mayor Dobies seconded the main motion for discussion. After further discussion a motion was made by Councilmember Pappin, seconded by Councilmember Robinson to postpone until the next meeting on April 24, 2017. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Frounfelker, and Sullivan (7). Nays: none. Motion carried.

- B. Resolution - Amendment to City Purchasing Manual Late Bids.**  
**Recommendation:** Resolution amending the City of Jackson Purchasing Manual.

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the resolution amending the City of Jackson Purchasing Manual. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Frounfelker, and Sullivan (7). Nays: none. Motion carried.

- C. Resolution Requiring the City's Approval Before the Jackson Housing Commission Accepts, Solicits, or Enters Into Any Agreements Relating to Any Type of Grant.**

**Recommendation:** Resolution requiring the City of Jackson's approval in order for the Jackson Housing Commission to accept, solicit, or enter into any agreements relating to grant funding for, but not limited to, Community Development Block Grant (CDBG) funds and/or HOME funds.

Motion was made by Councilmember Sullivan to approve the resolution requiring the City of Jackson's approval in order for the Jackson Housing Commission to accept, solicit, or enter into any agreements relating to a grant. Councilmember Robinson seconded for discussion. The City Manager Patrick Burtch provided a report to the Council. After discussion concluded, a motion was made by Councilmember Alexander, seconded by Councilmember Pappin to postpone the item until the May 8, 2018 Council Meeting. Votes - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Frounfelker, and Sullivan (7). Nays: none. Motion carried.

- D. Resolution - Drug Manufacturer Liability.**  
**Recommendation:** Resolution regarding drug manufacturer liability.

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

- E. Resolution - Senate Bill 469 and House Bill 5178.**  
**Recommendation:** Resolution supporting both Senate Bill 469 and House Bill 5178.

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

### **EXECUTIVE SESSION:**

Motion was made by Councilmember Pappin, seconded by Councilmember Dancy to adjourn to executive session. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Frounfelker, and Sullivan (7). Nays: none. Motion carried.

### **RETURN TO OPEN SESSION:**

Motion was made by Councilmember Frounfelker, seconded by Councilmember Alexander to return to open session. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Frounfelker, and Sullivan (7). Nays: none. Motion carried.

A motion was made by Councilmember Frounfelker, seconded by Councilmember Pappin to approve the actions recommended in a legal opinion of the City Attorney made in executive session regarding an agreement default. Votes – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Frounfelker, and Sullivan (7). Nays: none. Motion carried.

### **CITY COUNCILMEMBERS' COMMENTS:**

Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, and Pappin all offered comments. Councilmembers Frounfelker and Sullivan declined to offer comments.

### **MANAGER'S COMMENTS:**

City Manager Patrick Burtch declined to offer comments.

### **ADJOURNMENT:**

No further business being offered, a motion to adjourn was made by Councilmember Robinson, seconded by Councilmember Alexander to adjourn. Mayor Dobies adjourned the meeting at 10:55 p.m.