



CITY COUNCIL MEETING MINUTES

May 14, 2019

CALL TO ORDER:

The Jackson City Council met in regular session and was called to order at 6:32 p.m. by Mayor Derek J Dobies.

PLEDGE OF ALLEGIANCE AND INVOCATION:

The Council joined in the Pledge of Allegiance. A moment of silence was offered by Vice Mayor/First Ward Councilmember Arlene Robinson.

ROLL CALL:

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

Absent: none.

Also present: City Manager Patrick Burtch, City Attorney Bethany Smith, City Clerk Andrea Muray, City Assessor Jason Yoakam, Director of Police and Fire Services Elmer Hitt, Assistant Director of Fire Services David Wooden, Director of Public Works Jonathan Greene, Director of Neighborhood and Economic Operations Jennifer Morris, and Director of Finance Phil Hones.

ADOPTION OF AGENDA:

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

PRESENTATIONS/PROCLAMATIONS:

- A. The Mayor will read and present a proclamation designating the week of May 5-11, 2019, as, "Correctional Officers Week," in the City of Jackson.
- B. The Mayor will read and present a proclamation designation May 12-18, 2019, as, "Police Officer's Week," in the City of Jackson.

PUBLIC HEARINGS:

Recess as a City Council and Convene as a Board of Review:

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

A. *Public Hearing on Special Assessment Roll No. 4286 Delinquent Miscellaneous 101 General Fund Accounts Receivable.*

Willie Riley of 915 Loomis spoke in opposition of the invoice included in the Assessment Roll.

1. *Resolution confirming Roll No. 4286.*

Motion for discussion was made by Councilmember Pappin, seconded by Councilmember Sullivan. A request was made by Councilmember Pappin for the examination and possible redetermination of the invoice associated with 915 Loomis. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

B. *Public Hearing on Special Assessment Roll No. 4287 Delinquent Miscellaneous 252 Building Department Demo Fund Accounts Receivable.*

Barbara Fessenden of 411 W. Trail spoke in opposition of the invoice included in the Assessment Roll.

1. *Resolution confirming Roll No. 4287.*

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the resolution. A request was made by Councilmember Pappin for the examination and possible redetermination of the invoice associated with 411 W. Trail. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

C. *Public Hearing on Special Assessment Roll No. 4288 Delinquent Miscellaneous 641 Public Works Fund Accounts Receivable.*

Julie Gregory (Morissa Lefler) of 2001 Leroy spoke in opposition of the assessment included in the Roll. Marilyn Madison of 130 Wall Street spoke in opposition of the assessment included in the Roll.

1. *Resolution confirming Roll No. 4288.*

Motion was made by Councilmember Pappin, seconded by Councilmember Sullivan to approve the resolution. A friendly amendment was made by Mayor Dobies to allow for the City Manager to investigate the claims of the individuals heard at the Public Hearing. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

D. *Public Hearing on Special Assessment Roll No. 4289 Delinquent Miscellaneous 590 Waste Water Fund Accounts Receivable.*

1. *Resolution confirming Roll No. 4289.*

Motion was made by Councilmember Sullivan, seconded by Councilmember Heck to approve the resolution. Councilmember Pappin asked that in the event the invoices on the Roll are not for commercial properties that information is provided to Council at the next meeting. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Pappin, Heck, and Sullivan (6). Nays: Councilmember Dancy (1). Motion carried.

E. *Public Hearing on Special Assessment Roll No. 5000 for overhead street lighting installation on Cooper Street, Ganson to the I-94 interchange, and Martin Luther King Jr. Drive, Ganson to Leroy.*

Walter Gibson of 1018 Cooper, Donald Webb of 2825 Ironwood, and Blair Park 2005 of 100 Blair Park Drive sent in correspondence in opposition of the assessment. Ilias Anastasiadis of 1405 Cooper spoke in opposition of the assessment.

1. *Resolution confirming Roll No. 5000.*

Motion was made by Councilmember Pappin, seconded by Councilmember Heck to approve the resolution. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Pappin, Heck, Sullivan (5). Nays: Councilmember Dancy (1). Abstain: Councilmember Alexander (1). Motion carried.

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

Motion was made by Councilmember Sullivan, seconded by Councilmember Heck to adjourn as a Board of Review and reconvene as a City Council. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Pappin, Heck, and Sullivan (6). Abstain: Councilmember Alexander (1). Motion carried.

F. Public Hearing - FY 2019-2020 Proposed Budget:

Citizen comments on the proposed budget were heard and the meeting continued.

Mayor Dobies called a recess from 9:43 p.m. until 9:53 p.m.

CITIZEN COMMENT:

Citizen comments were heard and the meeting continued.

EXECUTIVE SESSION:

Motion was made by Councilmember Dancy, seconded by Councilmember Sullivan to adjourn to executive session to discuss a legal opinion.

RETURN TO OPEN SESSION:

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

Motion was made by Councilmember Alexander, seconded by Dobies to request a second legal opinion from outside counsel. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

PETITIONS & COMMUNICATION FROM CITY STAFF AND OTHER GOVERNMENTAL ENTITIES:

A. City Summary of Revenue and Expenditures.

Recommendation: *Accept and place on file the City of Jackson's summary of revenue and expenditures for nine (9) months ended, March 31, 2019.*

B. CDBG and HOME Financial Summaries through March 31, 2019.

Accept and place on file the Community Development Block Grant and HOME Financial Summaries through March 31, 2019.

Motion was made by Councilmember Alexander, seconded by Councilmember Sullivan to accept and place on file. Vote - 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 April 23, 2019:**
Approve the minutes of the regular City Council meeting of April 23, 2019.
- B. Environmental Commission Ex-Officio Appointment:**
Approve the Mayor's recommendation to appoint Sarah Barbo and Nicholas Haney to the Environmental Commission as ex-officio's for a one-year term each, beginning immediately, and ending May 14, 2020.
- C. Historic District Commission Resignation:**
Receipt with regret the resignation of Richard C. Mills from the Historic District Commission.
- D. Paws in the Park:**
Approve a request from Cascades Humane Society to conduct their Paws in the Park event on Saturday, June 1, 2019, from 9 a.m. to 2 p.m. at Cascades Falls Park.
- E. 2019 Rose Parade:**
Approve a request from Jackson County Rose Festival to conduct their 2019 Rose Parade event on Sunday, June 2, 2019, at 1 p.m. throughout the streets of Jackson leading to Parkside.
- F. First & Third Tuesday Live:**
Approve a request from the Jackson Downtown Development Authority, Michigan Theatre, and Jackson Symphony Orchestra to conduct their First and Third Tuesday Live events with Consumers Energy coordinating the food trucks on June 4, and 18, July 2 and 16, August 6 and 20, 2019, from 10:00 a.m. until 2:30 p.m. in CP Federal City Square and Horace Blackman Park.
- G. 11th annual Mick Webster Memorial Bike Tour:**
Approve a request from Pedal & Tour Fitness to conduct their 11th annual Mick Webster Memorial Bike Tour event on Saturday, June 22, 2019.
- H. U of M Breast Cancer Charity Flag Football:**
Approve a request from Kenneth Welch to conduct his U of M Breast Cancer Charity Flag Football event on Saturday, June 29, 2019, at 10 a.m. at Ella Sharp Park.
- I. Independence Day Celebration:**
Approve a request from Jackson County Parks Department to conduct their annual Independence Day Celebration event on Wednesday, July 3, 2019, from 9 a.m. to 11 p.m. at Cascades Falls Park.

- J. Receipt of Street Vacation Petition:**
Receipt of a petition circulated by Jeff and Tina LaFeve to vacate a public alley on Orchard Place and referral to staff for appropriate action.
- K. Adoption of Notice of Intent Resolution – Special Assessment Bonds:**
Adoption of a Notice of Intent Resolution – Special Assessment Bonds.
- L. Funding Letters for Pension Systems:**
Receive the actuarial valuations as of June 30, 2018, for the Act 345 Policemen's & Firemen's Retirement Plan, the Employees Retirement System, and the Policemen's and Firemen's Retirement System, and approve the actuarial funding necessary for the fiscal year 2019-2020.
- M. Resolution to Forgo the City of Jackson's Right of First Refusal under PA 123 of 1999:**
Approve a resolution to forgo the City of Jackson's Right of First Refusal under PA 123 of 1999.
- N. Corrective Resolution for Special Assessment Roll No. 4283:**
Approve a Corrective Resolution for Special Assessment Roll No. 4283 for Delinquent Miscellaneous 101 General Fund Account Receivables, confirmed December 11, 2018.

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

OTHER BUSINESS:

- A. Ordinance No. 2019-09, Amendments to the Fireworks Ordinance to Comply with New State Laws. (Second/Final Reading)**
Recommendation: *Final adoption of Ordinance No. 2019-09, amending Chapter 18, City Code, regarding the ignition, discharge, and use of consumer fireworks to comply with changes in state law.*

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

B. Fiscal Year 2019-2020 City of Jackson Budget:

Recommendation: *Discussion of the 2019-2020 Fiscal Year City of Jackson Budget.*

Motion was made by Councilmember Sullivan to direct the City Manager to come back with a proposed amendment to the budget that would fund three firefighters paid out of the general fund for nine months when the SAFER grant expires. The motion was seconded for discussion by Mayor Dobies. Vote – Yeas: Mayor Dobies, Councilmember Robinson, Alexander, Heck, and Sullivan (5). Nays: Councilmembers Dancy and Pappin (2). Motion carried.

Motion was made by Councilmember Heck to direct the City Manager come back with a proposed amendment to the budget to allow for funding to support ½ (50%) of the cost of a group violence intervention program. Mayor Dobies seconded for discussion. Vote – 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 Alexander to direct the City Manager address funding possibilities for the program Shots Spotter. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, and Heck (6). Nays: Councilmember Sullivan (1). Motion carried.

NEW BUSINESS:

A. JXN Harm Reduction. (First Reading)

Recommendation: *Approve a Resolution, Memorandum of Understanding and Ordinance to exempt JXN Harm Reduction from prosecution for possession of drug paraphernalia as it administers its harm reduction services.*

Motion was made by Councilmember Heck, seconded by Councilmember Sullivan to approve. Motion was made by Councilmember Alexander, seconded by Councilmember Sullivan to remove the signature line for Kelsey Heck and language at the beginning of the resolution (*A Resolution in Support of Implementing A Harm Reduction Program in the City of Jackson Sponsored by Mayor Derek Dobies and City Councilmember Kelsey Heck*). Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

Vote was taken on the main motion as amended. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Heck, and Sullivan (6). Nays: Councilmember Pappin (1). Motion carried.

B. Approve Submission of the 2019-2020 Annual Action Plan, Adopt a Resolution of Certifications, and Authorize the Mayor to Sign Required Documents for Submission to HUD.

Recommendation: *Approve submission of the 2019-2020 Annual Action Plan, adopt the Resolution of Certifications, and authorize the Mayor to sign Form SF-424, the Certifications, and any other documentation required for submittal of the Annual Action Plan to Housing and Urban Development (HUD).*

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

C. As Needed Tree Trimming Services.

Recommendation: *Award the contract for as-needed tree trimming services 2019 season to the lowest responsible bidder Johnny's Tree Service, Jackson, Michigan.*

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

D. Approve the Submission to the Michigan Department of Treasury: Application for Waiver and Plan: Act 345 Policemen & Firemen Pension.

Recommendation: *Approve the Application for Waiver of Underfunded Status – Act 345 Policemen & Firemen Pension.*

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

E. Approval of Sale and Development Agreement for 117 S. Elm Street.

Recommendation: *Approve a Purchase Agreement and a Property Transfer and Development Agreement between the City of Jackson and Christoff Commercial Properties for the sale of 117 S. Elm Street, and authorize the City Attorney to make minor modifications if needed.*

Motion was made by Councilmember Sullivan, seconded by Councilmember Robinson to approve the purchase agreement, property transfer, and development agreement. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

F. Approval of Sale and Development Agreement for 807 W. Washington Avenue.

Recommendation: *Approve a Purchase Agreement and a Property Transfer and Development Agreement between the City of Jackson and Diana and Robert Hodson, for the sale of 807 W. Washington Avenue, and authorize the City Attorney to make minor modifications if needed.*

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

G. Owner Occupied Rehabilitation Contract – 708 Tomlinson.

Recommendation: *Waive the local rehabilitation loan limit of \$75,000.00, and award a rehabilitation contract in the amount of \$109,600.00 to Michigan Building & Restoration, Holt, for 708 Tomlinson Street.*

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

H. DPW Building Construction Contract Award.

Recommendation: *Award the contract for the construction of a Department of Public Works Operation Center to RW Mercer, Jackson, for the negotiated amount of \$4,592,418.00.*

Motion was made by Councilmember Sullivan to award the contract for discussion, seconded by Councilmember Dancy. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Pappin, Heck, and Sullivan (6). Nays: Councilmember Alexander (1). Motion carried.

I. Resolution for Local Government Approval Liquor License for:

1. Recommendation: *Approve a Liquor License Purchase Agreement between BBW of Jackson, LLC and the City for the purchase of a Class C Liquor License to be used by the City at the future Competition Kitchen at 135 W. Cortland Avenue for \$40,000.00, as well as the accompanying Buyer Facilitation Agreement, authorize the City Manager to sign the agreement, and authorize the City Attorney to make minor changes.*

Motion was made by Councilmember Dancy, seconded by Councilmember Sullivan to approve. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Heck, and Sullivan (5). Nays: Councilmembers Alexander and Pappin (2). Motion carried.

- 2. Recommendation:** *Approve the execution of a Liquor License Purchase Agreement from 1924 Packard, LLC for a second Class C Liquor License for \$40,000.00; as well as the accompanying Buyer Facilitation Agreement, authorize the City Manager to sign the agreement, and authorize the City Attorney to make minor changes.*

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

- 3. Recommendation:** *Authorize the City Attorney to draft all required documentation with the Michigan Liquor Control Commission for application to have the liquor licenses transferred to the City, and authorize the City Manager to sign any necessary documents with the Michigan Liquor Control Commission on behalf of the City of Jackson and to pay any licensing fees.*

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

J. Resolution – Cascades Park Lagoon Draining System.

Recommendation: *Approve a resolution requesting the Jackson County Drain Commissioner to establish a county drain consisting of the lagoon system and outlet channel of the Cascades Park through the golf course to the McCain Drain.*

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

K. Recommendation: Councilmember Jeromy Alexander regarding Cindy Eby Petitions.

Motion was made by Councilmember Alexander, seconded by Mayor Dobies to postpone to a date certain, May 28, 2019. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Pappin, Heck, and Sullivan (7). Nays: none. Motion carried.

CITY COUNCILMEMBERS' COMMENTS:

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

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 Alexander, seconded by Councilmember Dancy. A vote was done by vote with all in favor. Mayor Dobies adjourned the meeting at 1:18 a.m.