



CITY COUNCIL MEETING MINUTES

June 16, 2020

CALL TO ORDER:

The Jackson City Council met virtually, in accordance with State of Michigan Executive Order No. 2020-75, 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. Councilmember Will Forgrave offered a moment of reflection.

ROLL CALL:

Present: Mayor Derek J. Dobies, Councilmembers Arlene Robinson, Freddie Dancy, Jeromy Alexander, Laura Dwyer Schlecte, Karen Bunnell, and Will Forgrave.

Absent: none.

Also present: Interim City Manager Jonathan Greene, City Attorney Matthew Hagerty, City Assessor Jason Yoakam, City Clerk Andrea Muray, Assistant City Manager Shane LaPorte, Director of Parks and Recreation Kelli Hoover, Director of Police and Fire Services Elmer Hitt, City Engineer Jon Dowling, Public Information Officer Aaron Dimick, and Assistant Finance Director Heather Ehnis.

ADOPTION OF AGENDA:

Motion was made by Councilmember Dancy, seconded by Councilmember Schlecte to adopt the agenda as presented. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

PRESENTATIONS/PROCLAMATIONS:

Proclamation designating the month of June as “LGBTQ Pride Month” in the City of Jackson.

Presentation by Charter Review Committee Chairman Daniel Greer of the Jackson Charter Review Committee’s completed work and recommendation of City Charter Revisions.

PUBLIC HEARINGS: none.

CITIZEN COMMENTS:

City Clerk Andrea Muray read into the record citizen comments that were submitted.

PETITIONS & COMMUNICATION FROM CITY STAFF AND OTHER GOVERNMENTAL ENTITIES: none.

CONSENT CALENDAR:

- A. Minutes of the Regular Meeting of May 26, 2020:**
Approve the minutes of the regular City Council meeting of May 26, 2020.
- B. Minutes of the Special Meeting of May 27, 2020:**
Approve the minutes of the regular City Council Meeting of May 27, 2020.
- C. Water and Wastewater Treatment Chemicals**
Recommendation: *Award the various water and wastewater treatment chemical purchases, as presented via the annual supply bid.*
- D. Corrective Resolutions-Special Assessment Roll Nos. 3412 and 3417**
Recommendation: *Consideration of a Corrective Resolution for Special Assessment Roll Nos. 3412 and 3417.*
- E. Special Event Application for Advancing Kingdom Tribe’s Worship in the Park**
Recommendation: *Approve a request from the Advancing Kingdom Tribe to host Worship in the Park.*
- F. Approve a Resolution declaring June 2020 as LGBTQ Pride Month**
Recommendation: *Approve a Resolution declaring June 2020 as LGBTQ Pride Month in the City of Jackson.*

G. Commission Endorsement and Approval of E. High Street Black Lives Matter Mural

Recommendation: *Endorse and approve the East High Street Black Lives Matter Mural as recommend by the City of Jackson Public Arts Commission and moved to Council for final approval.*

H. Approval of the Black Lives Matter Mural on Washington Street for June 19, 2020

Recommendation: *Approval of a Black Lives Matter Mural on West Washington Street for June 19, 2020 as approved by the City of Jackson Public Arts Commission and moved to Council for final approval.*

I. Approve a Resolution declaring Racism as Public Health Crisis

Recommendation: *Approve a Resolution declaring Racism as Public Health Crisis in Jackson County.*

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

OTHER BUSINESS:

A. Second Reading and Final Adoption Ordinance 2020-06

Recommendation: *Adopt Ordinance No. 2020-06 amending Chapter 28 of the City of Jackson, Michigan Code of Ordinances, to modify the regulations for medical marihuana facilities and adult-use marihuana establishments.*

Motion was made by Councilmember Schlecte, seconded by Councilmember Alexander to adopt Ordinance No. 2020-06 amending Chapter 28 of the City of Jackson, Michigan Code of Ordinances, to modify the regulations for medical marihuana facilities and adult-use marihuana establishment. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Schlecte, Bunnell, and Forgrave (6). Nays: Councilmember Dancy (1). Motion carried.

B. Second Reading and Final Adoption Ordinance 2020-07

Recommendation: *Adopt Ordinance No. 2020-07 amending Section 18-250 through 18-258, Article 10, Chapter 18 of the City of Jackson, Michigan Code of Ordinances, to regulate tobacco products in public places.*

Motion was made by Councilmember Dancy, seconded by Councilmember Forgrave to adopt Ordinance No. 2020-07 amending Section 18-250 through 18-258, Article 10, Chapter 18 of the City of Jackson, Michigan Code of Ordinances, to regulate tobacco products in public places.

A motion to postpone to the next City Council Meeting was made by Councilmember Bunnell, seconded by Councilmember Alexander. Vote - Yeas: Councilmembers Robinson, Alexander, Schlecte, Bunnell, and Forgrave (5). Nays: Mayor Dobies and Councilmember Dancy (2). Motion carried.

NEW BUSINESS:

A. Charter Review Committee Recommendations

Recommendation: *Consider proposed Charter Amendments as recommended by the City of Jackson Charter Review Committee.*

Motion was made by Councilmember Alexander seconded by Councilmember Forgrave to have the City Attorney make modifications to the language for filling vacancies so that the primary can be held at the next possible election and the following election would be the general election for the vacant seat. Councilmember Alexander clarified his motion - to send the filling vacancies recommendation to the City Attorney and have him make modifications necessary to read in a way that would cause the primary and the general election for the filling of a vacancy to automatically occur at the next two possible elections. Councilmember Forgrave supported the motion. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

Motion was made by Mayor Dobies, seconded by Councilmember Schlecte to have the City Attorney draft the language (adjusting terms of office to even year elections) and submit it for review by the Attorney General and bring back to the July 14, 2020 Council Meeting. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Bunnell, and Forgrave (5). Nays: Councilmember Alexander and Schlecte. Councilmember Schlecte corrected her vote after the roll call. With the correction, the tally became Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Schlecte, Bunnell, and Forgrave (6). Nays: Councilmember Alexander (1). Motion carried.

Motion was made by Councilmember Alexander, seconded by Mayor Dobies send the item (passage of ordinances) to the City Attorney to prepare for preliminary review by the Attorney General's Office, and bring the item back before Council at the July 14, 2020 Council Meeting. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

Motion was made by Councilmember Alexander, seconded by Councilmember Schlecte to direct the City Attorney to draft a Charter Amendment that would remove the requirement from a notary from any and all nominating petitions or any other petitions in the City of Jackson.

An amendment to the main motion was made by Mayor Dobies, seconded by Councilmember Schlecte to include a full revision of Section 10.3 that removes the portion that needs clean-up and went before the voters in 2018 that strikes the language about the circulator being a registered elector of the City at the time the petition is signed by the circulator, removes the requirement for a Ward designation on the petition, and removes the criteria for an affidavit; and to see if that proposed language would be approved through the Attorney General's Office. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

Vote was taken on the main motion as amended. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

* * * A recess was taken from 8:27 p.m. until 8:35 p.m. * * *

Motion was made by Councilmember Schlecte, seconded by Councilmember Forgrave to authorize the City Attorney and the Clerk's Office to prepare a proposed resolution amending the City Charter regarding Section 21.1 for review by the Michigan Attorney General's Office and subsequent adoption of final resolution for approval by the Office of the Attorney General and Governor at the July City Council Meeting in anticipation of a future ballot.

A friendly amendment was offered by Councilmember Alexander to leave in the language "at least seven members". Councilmember Schlecte accepted the friendly amendment and restated the main motion to include the language.

An amendment to the main motion was made by Councilmember Alexander, seconded by Councilmember Bunnell to strike the last sentence of the changes, "the Committee may have a maximum of one non-resident of the City." Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Bunnell, and Forgrave (6). Nays: Councilmember Schlecte (1). Motion carried.

An amendment to the main motion was made by Mayor Dobies, seconded by Councilmember Alexander to change the language to "the Charter Review Committee shall be appointed by the Council before April 1 of every 10th year after 2017. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

A vote was taken on the main motion as amended. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

Motion was made by Mayor Dobies, seconded by Councilmember Schlecte to direct the City Attorney to prepare the proposed language as presented for Section 7.5 for Appointed Officers to be moved to the Attorney General's Office for preliminary review, and have the City Attorney present it at the July 14, 2020 Council Meeting. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

Motion was made by Mayor Dobies, seconded by Councilmember Robinson to formally commend the Charter Review Committee for their work, thank them for their service, and thank Chairman Greer for his leadership, and to discharge and disband the Charter Review Committee until the year 2027. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

B. Adoption of an Ordinance to amend Section 15-45 Article 3 of Chapter 15 of the Jackson Code of Ordinances (First Reading)

Recommendation: *Adopt an Ordinance amending Section 15-45 Article 3 of Chapter 15 Code of Ordinances to make the ordinance consistent with state law regarding emancipated minors.*

Motion was made by Councilmember Alexander, seconded by Mayor Dobies to adopt an ordinance amending Section 15-45 Article 3 of Chapter 15 Code of Ordinances to make the ordinance consistent with state law regarding emancipated minors. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

C. Approve a Resolution for Reduction of Fine Amount in Previously Entered AHB Judgements

Recommendation: *Approve a Resolution authorizing a reduction of the amount of a fine in a previously entered Administrative Hearings Bureau judgment if all costs are contemporaneously paid by July 31, 2020.*

Motion was made by Councilmember Schlecte, seconded by Councilmember Dancy to approve the resolution authorizing a reduction of the amount of a fine in a previously entered Administrative Hearings Bureau Judgment if all costs are contemporaneously paid by July 31, 2020. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

D. Adoption of Amendments to Chapter 14 of Jackson Code of Ordinances (First Reading)

Recommendation: *Approve amendments to Chapter 14, of the Jackson Code of Ordinances.*

Motion was made by Councilmember Schlecte, seconded by Councilmember Forgrave to approve amendments to Chapter 14, of the Jackson Code of Ordinances. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

E. Approve a Resolution to amend various budgets for the 2019/20 Fiscal Yr.

Recommendation: *Approve a Resolution to amend the various budgets for Fiscal year 2019/20.*

Motion was made by Councilmember Forgrave, seconded by Councilmember Alexander to approve a resolution to amend the various budgets for Fiscal Year 2019/2020. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

F. Approve a Resolution to increase the Water and Sewer Rate

Recommendation: *Approve the 2020/21 Water and Sewer Rate Resolution.*

Motion was made by Councilmember Forgrave, seconded by Councilmember Schlecte to approve the 2020/21 Water and Sewer Rate Resolution. Vote – Yeas: Mayor Dobies, Councilmembers Dancy, Schlecte, Bunnell, and Forgrave (5). Nays: Councilmembers Robinson and Alexander (2). Motion carried.

G. Easement with Consumers Energy for Property on Louis Glick and Mechanic Street

Recommendation: *Approve an Easement for property needed at Louis Glick and Mechanic Street between the City of Jackson and Consumers Energy, authorize the Mayor to sign the Easement.*

Motion was made by Councilmember Schlecte, seconded by Councilmember Bunnell to approve an easement for property needed at Louis Glick and Mechanic Street between the City of Jackson and Consumers Energy, and authorize the Mayor to sign the easement. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

H. Change Order 3 to the 2019 Michigan Avenue Reconstruction Contract with Bailey Excavating, Inc.

Recommendation: *Approve Balancing Change Order 3 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of \$179,722.81 to add the reconstruction of the first alley east of Mechanic Street between Cortland Street and Michigan Avenue and authorize the Interim City Manager and City Engineer to execute the appropriate document.*

Motion was made by Councilmember Forgrave, seconded by Councilmember Schlecte to approve Balancing Change Order 3 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of \$179,722.81 to add the reconstruction of the first alley east of Mechanic Street between Cortland Street and Michigan Avenue and authorize the Interim City Manager and City Engineer to execute the appropriate document. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

I. Change Order 4 to the 2019 Michigan Avenue Reconstruction Contract with Bailey Excavating, Inc.

Recommendation: *Approve Balancing Change Order 4 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of \$32,730.84 to add the items for the completion of the gateway landscaping treatment within the Cooper Street roundabout on the south side of Highway I-94 and authorize the Interim Manager and City Engineer to execute the appropriate document.*

Motion was made by Councilmember Schlecte, seconded by Councilmember Forgrave to approve Balancing Change Order 4 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of \$32,730.84 to add the items for the completion of the gateway landscaping treatment within the Cooper Street roundabout on the south side of Highway I-94 and authorize the Interim Manager and City Engineer to execute the appropriate document. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

J. Approve Amendments to Chapter 22, Sec. 22-8 Special Assessments, to amend the special assessment objection procedure (First Reading)

Recommendation: *Consider First Reading of amendment to Chapter 22, Section 22-8, Special Assessments, to provide that city-initiated special assessments not be approved without six of seven City Council Members voting affirmatively, if those parcels/lots who would bear more than 50% of the cost of the assessment and who constitute more than 50% of the parcels within the district object in writing.*

Motion was made by Councilmember Forgrave, seconded by Mayor Dobies to postpone taking a vote on the ordinance until the July 14, 2020 Council Meeting and instruct the City Attorney to draft a revision in which an objecting petition with a simple majority of parcels alone triggers the ordinance's effects. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Bunnell, and Forgrave (6). Nays: Councilmember Schlecte (1). Motion carried.

K. Approve Amendments to Chapter 22, 22-9 Special Assessments, to amend the special assessment billing to be included on the ad valorem property tax bill (First Reading)

Recommendation: *Consider First Reading of amendment to Chapter 22-9, Special Assessments, to provide that special assessment billings be included on the ad valorem property tax bill.*

Motion was made by Councilmember Schlecte, seconded by Councilmember Bunnell to move forward to second reading.

An amendment to the main motion was made by Mayor Dobies, seconded by Councilmember Forgrave to have a departmental report submitted by the City Treasurer, the City Assessor, and the Finance Director to produce a recommendation and impact report for review prior to final adoption consideration. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

A vote was taken on the main motion as amended. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Schlecte, Bunnell, and Forgrave (6). Nays: Councilmember Alexander (1). Motion carried.

L. FY 19/20 Jackson Police Department Budget Amendment

Recommendation: *Approve the budget amendment for Jackson Police Department FY 19/20*

Motion was made by Councilmember Alexander, seconded by Mayor Dobies to approve the budget amendment for Jackson Police Department Fiscal Year 2019/20. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

M. Consideration of a Resolution for Partial Street Vacation

Recommendation: *On October 15, 2019 Council received a petition circulated by Kenjuan Petty of 1127 S. Brown St, to vacate a portion of Gettysburg Avenue. The City of Jackson Planning Commission considered the matter on June 3, 2020 and a motion to approve the request failed. I recommend consideration of the resolution. Your consideration and concurrence is appreciated.*

Motion was made by Councilmember Schlecte, seconded by Mayor Dobies to decline the resolution. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

N. Renewal of Liability and Property Insurance with Michigan Municipal League Liability & Property Pool

Recommendation: *Approve the Renewal of the City of Jackson's Liability and Property Insurance through the Michigan Municipal League's Liability & Property Pool in the Amount of \$567,883.00, and Authorize the City Attorney to Take Any Actions Necessary to Effectuate the Policy*

Motion was made by Councilmember Alexander, seconded by Councilmember Schlecte to approve the renewal of the City of Jackson's Liability and Property Insurance through the Michigan Municipal League's Liability & Property Pool in the amount of \$567,883.00, and authorize the City Attorney to take any actions necessary to effectuate the policy. Vote - Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexanders, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

CITY COUNCILMEMBER'S COMMENTS:

Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave all offered comments.

MANAGER'S COMMENTS:

Interim City Manager Jonathan Greene declined to offer comments.

ADJOURNMENT:

No further business being offered, a motion to adjourn was made by Councilmember Dancy, seconded by Councilmember Schlecte. Vote was done by voice with all in favor. Mayor Dobies adjourned the meeting at 9:52 p.m.