

## **COUNCIL PROCEEDINGS FOR JANUARY 28, 2002**

**Meeting called to order** at 7:00 P.M. by Mayor Kelly Pavel.

**Pledge of Allegiance** led by Councilmember Pat Jacobson.

**PRESENT:** Mayor Kelly Pavel, Councilmembers – Laura Carpenter, Frank Lukacs, Julie Miller, Judy Murray, and Pat Jacobson; City Clerk Christine Lee, City Manager Clint Holmes, City Attorney Gerard Garno.

Councilmember Michael Stain submitted a letter of resignation from the City Council since he no longer resides in the City of Brown City. Motion by CM Carpenter, second by CM Lukacs, to regretfully accept the resignation of Councilmember Michael Stain effective January 15, 2002. Motion Carried.

### **CORRECTION AND APPROVAL OF MINUTES:**

Motion by CM Miller, second by CM Murray, to approve the Minutes of January 14, 2002, as corrected. Motion Carried. The correction, on page 3 of 5 in the Attorney's Report, replaced the phrase "Friend of the Court," with the term "*Amicus Curiae.*"

### **PAY BILLS:**

Motion by CM Murray, second by CM Jacobson, to pay the bills as presented in the following funds: General -\$18,487.89, Payroll - \$12,424.43, Sanitary Sewer - \$9,809.40, Investment - \$19,410.99. Motion Carried.

### **OLD BUSINESS:**

1. City Ordinance Chapter 5 Work Session Scheduling: Pending
2. Rezoning Request – Keith Muxlow: Pending

### **PUBLIC QUESTIONS AND COMMENTS.**

Gary Abel wanted an update on the vehicle frames that are stored at the industrial park north of his property. The City Manager reported he had talked to the owner of the complex, who in turn spoke to the owner of the factory about the problem. The owner is sensitive to this issue.

**PERSONAL APPEARANCES:** None

**PUBLIC HEARING:**

**7:15 P.M. = Amendment to City Ordinance 8101A.6, which new subsection concerning building setbacks shall be known as 8101A.6A.**

Mayor Pavel opened the Public Hearing at 7:15 P.M.

Gary Abel wanted to know if he wanted to build an attached garage closer than the 10' by 6' setbacks in the future, could it be done. He was informed that he could apply for a variance.

Mayor Pavel closed the Public Hearing at 7:17 P.M.

**ORDINANCES:**

1. Ordinance 8101A.6A.: Motion by CM Miller, second by CM Carpenter, to adopt Ordinance Section 8101A.6A – Property Setbacks. This amendment is required due to the small size of building lots within the City of Brown City, and to preserve the consistency of City Ordinances. This amendment is required: a) due to the small size of buildings lots within the City of Brown City, and; b) to preserve consistency within the City lots by maintaining the continuity of previous setback requirements.

ROLL CALL VOTE: Jacobson - yes, Murray - yes, Miller - yes, Lukacs - yes, Carpenter - yes. 5 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

(Correction 2/11/02 – This amendment is required: a) due to the small size of buildings lots within the City of Brown City, and; b) to preserve consistency within the City lots by maintaining the continuity of previous setbacks requirements.)

**RESOLUTIONS:**

1. Number 02-01 = “Allowing The Board of Review To Act Upon Written Requests From Taxpayers”.

Motion by CM Lukacs, second by CM Jacobson, to adopt Resolution #02-01.

ROLL CALL VOTE: Jacobson - yes, Murray - yes, Miller - yes, Lukacs - yes, Carpenter - yes. 5 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

2. Number 02-02 = “ Commend Eva Gottler for Outstanding Service to the City of Brown City”.

Motion by CM Miller, second by CM Lukacs, to adopt Resolution # 02-02.

ROLL CALL VOTE: Carpenter - yes, Lukacs - yes, Miller - yes, Murray - yes, Jacobson - yes. 5 - Yes, 0 - No, 0 - Abstain, 0 - Absent. Motion Carried.

**PETITIONS AND COMMUNICATIONS:**

1. **Preapplication Building Permits –**

A. Kenneth Brown, 4097 Main St. = Temporary Wheelchair Ramp.

Motion by CM Carpenter, second by CM Lukacs, to approve the preapplication building permit for Kenneth Brown as submitted. Motion Carried.

**COMMITTEE REPORTS:**

1. Building and Grounds (Carpenter)– None
2. Streets and Sidewalks (Lukacs)– None
3. Police (Miller)- Recommendation to hire Albert Geoit as a part time Police Officer. Motion By CM Carpenter, second by CM Miller, to hire Albert Geoit as a part time police officer. Motion Carried.
4. Water and Sewer (Vacant)- None
5. Tax and Finance (Murray)-None
6. Personnel (Jacobson)- Need to set up committee meeting to evaluate City Manager Clint Holmes. Meeting scheduled for Tuesday, January 29, 2002 at 6:00 P.M. in the City Library.

**ATTORNEY'S REPORT:**

1. No decision on Mapleview Estates vs City of Brown City.
2. The legislature completed action on SB 109, the municipal sewer backup liability bill, which is now on Governor Engler's desk awaiting his signature. Under the bill, a backup of sewage or storm water is known as a "sewage disposal system event." Property owners may seek damages for backup only if there was a defect in the construction, design, maintenance, operation or repair of the sewage disposal system and the governmental agency knew or should have known about the defect and failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect.

**CITY MANAGER'S REPORT:**

1. Staff Wage Survey: Additional questions concerning employee benefits were sent to those communities previously surveyed. Results are still being returned. However, preliminary reporting indicates that our benefits package is very similar to these other communities. Once all of the surveys have been received, they will be collated and presented to the City Council.
2. MLGMA Conference: I will be attending the Michigan Local Government Management Association winter conference in Mt. Pleasant January 29<sup>th</sup> through February 1<sup>st</sup>. Plan to leave late Tuesday afternoon and return late on Friday.
3. Renaissance Zone: Last fall, the City met with representatives from both the Michigan and Sanilac County Economic Development Corporations.

The goal was to get their financial support for purchasing the City's Renaissance Zone and possibly other property in the area. Apparently Lansing is not prepared to support us at this time. Sanilac County EDC may be able to lend us the purchase price, for the Renaissance Zone only, with a 10-year low-interest loan. However, we would need to have the property professionally appraised. They can lend us up to "fair market value," but any costs above that amount would have to be paid in cash by the City. The Sanilac County EDC Director is still researching this project.

4. Council Chambers: Requests for proposals (RFP) for converting the Burger Building to Council Chambers/Community Center were mailed to eight area architectural firms. An advertisement will also appear in the Sanilac County News and Times-Herald the week of January 28<sup>th</sup>. Proposals are due February 21<sup>st</sup>. A copy of the RFP is in your packets.
5. Well Head Protection Program: The DEQ is having a special training session for this program in Vassar at 10:00 AM on Thursday, February 7<sup>th</sup>. Since the City is receiving well head protection grant money, we must send a representative. I plan to attend.
6. McKenna Associates: Representatives will be giving their presentation on the City's Master Plan at the Planning Commission meeting on February 7<sup>th</sup> at 6:30 PM. Councilmembers and the public are encouraged to attend. The meeting will be held at the Library. We will send a copy of the agenda to those that attended the last meeting.
7. MML Survey: A reminder to elected officials that completed surveys are due back to City Hall by the end of this City Council meeting.
8. COPS Grant: The federal grant we receive for police was scheduled to expire in February. However, since funds remain in the account, the Department of Justice approved our request for a six-month extension. The grant will now expire August 31<sup>st</sup>.
9. Amertex Contract Renewal: The contract for the company that provides floor mats for City Hall expires soon. They have had the contract for several years. If there is no objection, I plan to renew the existing contract. City Manager Clint Holmes was instructed to renew the contract.

10. Fire Truck: The Fire Authority, which met from 8:00 PM until midnight on January 22<sup>nd</sup>, decided not to repair Truck 202, but rather to purchase a used truck from a Michigan company. The Authority members also interviewed individuals for 2002 officer appointments.
11. Maple Valley Lift Station: Repairs and upgrade to the lift station are basically complete. Piping was replaced, which resulted in a 20% increase in pumping volume. This was significantly better than expected. The replacement flow meter was installed; however, final calibration is not yet complete.
12. 2<sup>nd</sup> Street Water Main: The school has run a new water main parallel to the City's existing main on school property. There is now apparently no need to replace our water main on 2<sup>nd</sup> Street.

**MAYOR'S REPORT:**

1. Election Commission Reappointment:

Motion by CM Carpenter, second by Miller, to reappoint the following to the Election Commission -

Joan Palmeri = 1/1/2001 to 12/31/2003.

David R. Van Cura = 1/1/2002 to 12/31/2004.

Motion Carried.

2. Councilmember Resignation/Replacement. A notice of the vacancy has been posted on Channel 6 and will appear in The Banner. The paper also ran an article on the opening. Hope to appoint an interested individual at the next council meeting.

Judy Murray asked about the water leak at the corner of George & Main Street. The break is between the shut off and the house. DPW Supervisor to investigate further.

Motion by CM Murray, second by CM Miller, to adjourn the meeting at 7:40 P.M. Motion Carried.

Respectfully Submitted,

Christine Lee  
City Clerk