

Council Chambers
 Hillsdale City Hall
 97 N. Broad St.
 Hillsdale, MI 49242
www.cityofhillsdale.org

January 4, 2016
 7:00 p.m.
 (517)437-6441

CITY COUNCIL MINUTES

City of Hillsdale
 Regular Meeting

Call to Order and Pledge of Allegiance

Mayor Scott Sessions opened the meeting with the Pledge of Allegiance.

Roll Call

Mayor Scott Sessions called the meeting to order with the following Councilmembers present: Councilmembers Brian Watkins and Adam Stockford representing Ward One; Council member Timothy Dixon representing Ward Two; Councilmembers Bruce Sharp and Emily Stack-Davis representing Ward Three; and Councilmembers Patrick Flannery and Matthew Bell representing Ward Four.

Also present were: City Manager David Mackie, Interim City Clerk Michelle Loren, City Attorneys John Lovinger and Tom Thompson, Kay Freese (HR), Police Chief Scott Hephner (HCPD), Mary Wolfram (HPG), Kathy Flaughner, (DPS), Mike Barber (BPU), Jake Hammel (BPU), Alan Beeker (Planning), Julie Beeker (Treasurer), Pam Osmun, Dennis Wainscott, Penny Swan, Jason Walters (Patriot Aviation), Jake Hammel (DPS), Shirley VanArsdalen, Barry Hill (BPU), Bob Batt (BPU), Jeff King (Aero Data), Kevin Pauken (HCFD), Martha Smith, Josh Colletta (HNN), Andy Barrand (HDN).

Approval of Agenda

Council member Stack-Davis requested *Item 11. Miscellaneous Standing Committees* be moved to *New Business Item C*.

Motion by Council member Watkins, supported by Council member Stack-Davis, to approve the January 4, 2016 meeting agenda as amended.

All ayes.

Motion carried.

Public Comment

Jeff King, Aero Data, addressed Council regarding advertisement of the Airport Manager RFP and the appointment process for the new Airport Manager.

Consent Agenda

- A. Approval of Bills from Claims of December 17, 2015: Payroll \$88,448.45; Claims \$131,092.86
- B. Committee Reports (Pending Approval)
 1. EDC Minutes of October 22, 2015
 2. EDC Architectural Control Committee Minutes of November 20, 2015
 3. EDC Business Review Committee Minutes of December 8, 2015
- C. Council Minutes of December 7, 2015

Motion by Council member Watkins, supported by Council member Flannery, to approve the Consent Agenda. Roll call: Councilmembers Bell – yes; Stack-Davis – yes; Dixon – yes; Flannery – yes; Sharp – yes; Stockford – yes; Watkins – yes; Mayor Sessions – yes.

Motion carried 8-0.

Communications/Petitions

None

Introduction and Adoption of Ordinance/Public Hearing

A. Public Hearing: Establishment of Plant Rehabilitation District at 221 Industrial Drive.

Mayor Sessions opened the public hearing to receive comment regarding establishment of a Plant Rehabilitation District at 221 Industrial Drive. No Public Comment. Mayor Sessions opened the floor for Council discussion. No discussion.

Motion by Council member Watkins, supported by Council member Flannery, to adopt Resolution No. 3258 establishing a Rehabilitation District at 221 Industrial Drive. Roll call: Councilmembers Stack-Davis – yes; Dixon – yes; Flannery – yes; Sharp – yes; Stockford – yes; Watkins – yes; Mayor Sessions – yes; Council member Bell – yes.

Motion carried 8-0.

Old Business

A. Confirmation of BPU Board Recommendation for Director Selection.

Mayor Sessions reported to Council the recommendation by the BPU Board to appoint Mike Barber BPU Director. BPU Board member Bob Batt received questions from Council regarding the appointment and recommended him very highly.

Motion by Council member Sharp, supported by Council member Stockford to approve the appointment of Mike Barber as Board of Public Utilities Director.

B. Airport Manager Search Update. City Manager David Mackie reported that to date no RFPs had been received but did not expect to receive any until closer to the January 15, 2016 deadline. Mr. Mackie reported on the various placements of advertisement for Airport Manager RFPs. Mr. Mackie stated he had received 5 (five) inquiries for information regarding the position. City Manager David Mackie reminded Council that this position is of a contractual nature. Mr. Mackie then updated Council regarding the ongoing site improvements taking place at the airport including the addition of an on-site car rental business (Enterprise) through Patriot Aviation as well as movement toward providing on-site flight instruction.

Council member Stack-Davis requested airport improvements be provided in the council packet in order that Council remain up to date on the progress. Ms. Stack-Davis encouraged City Manager Mackie to extend the City Manager search outside the immediate area not only to open broaden the scope of applicants and talent, but to perhaps draw new residency to the City. Council member Stack-Davis then inquired as to why the RFP did not include the FBO aspect. City Manager Mackie explained that because the manager and FBO have specific duties and should function under separate contracts. Mr. Mackie went on to say that there could be multiple FBOs on site however, only one manager. Mr. Mackie expressed that to add the FBO side of operations to the RFP would cloud things. He also noted that due to the nature of the duties of an FBO, the City, if necessary, could perform those tasks, but the City *needs* a manager.

City Manager Mackie will provide a search update to Council on Friday, January 15, 2016 and will also include the Airport Manager's Report from the Airport Advisory Committee meeting held on December 19, 2015 in the next council packet.

C. Appointment of City Clerk. Mayor Sessions offered his recommendation of Stephen French as his appointment to City Clerk. The position was advertised as \$48,000.00 - \$58,000.00 and was offered at \$54,000.00 by the Mayor and City Manager. Council was not in agreement with the amount. Discussion ensued in respect to wages. Council requested the Mayor and City Manager meet with Mr. French to negotiate the salary starting at \$48,000.00 as advertised, but no higher than \$51,000.00. Mr. French was present and received questions from Council.

Motion by Council member Flannery, supported by Council member Stockford, to approve the Mayor's recommendation and appoint Stephen French as City Clerk. Roll call: Councilmembers Sharp – yes; Stockford – yes; Watkins – yes; Mayor Sessions – yes; Councilmembers Bell – yes; Stack-Davis – yes; Flannery – yes.

More discussion took place in regard to salary negotiation. Councilmembers agreed negotiations should be approached cautiously in relation to the budget. Council member Bell was firm on the \$48,000.00. City Attorney Lovinger strongly suggested Council either set a wage upon his appointment or rescind the appointment until the wage was agreed upon.

Motion by Council member Dixon, supported by Council member Stockford, to set the Clerk's wages at \$51,000.00 annually. Roll call: Council members Stockford – yes; Watkins – yes; Mayor Sessions – yes; Councilmembers Bell – no; Stack-Davis – no; Dixon – yes; Flannery – yes; Sharp – yes.

Motion carried 6-2.

New Business

A. Proposed Resolution (#1) to Amend City Council Rules of Procedure As Requested by Councilman Bell and Proposed Resolution (#2) Amended Resolution Offered by City Attorney John Lovinger.

City Manager Mackie presented proposed resolutions brought before Council to amend City Council Rules of Procedure dealt specifically with the first paragraph of Article 5, Section

Section 3 of Rules and Procedures and how it related to Councilman Bell's concerns; specifically that the City Manager shall include any items (administrative or non-administrative) submitted by council members, organizations and the public on the agenda. City Manager Mackie expressed his concern with the reference to administrative items as items of an administrative nature lie with the City Manager per charter. Mr. Mackie stated that after contacting Councilman Bell with his concerns, the matter was sent to legal counsel for review and opinion. City Attorney Lovinger responded with Resolution #2 amending the language in Resolution #1. Attorney Lovinger addressed Council regarding Council/Manager form of government and how it relates to the proposed resolution. Mr. Mackie stated that he, as City Manager, had indeed declined a request made by Councilman Bell for an agenda item to be placed on the December 21, 2015 Agenda and failed to disclose and give reason for doing so in the City Manager Report at that meeting. City Manager Mackie went on to summarize Resolution #1 offered by Mr. Bell for Council's consideration. Bell expressed that the intent of the resolution was to place responsibility and control over council meetings with Council rather than with the City Manager.

Motion by Councilman Bell, supported by Councilman Stockford, to adopt proposed Resolution #1 as presented. Council discussion.

A very lengthy and complicated discussion then ensued among Council and the City Attorneys As detailed in the livestream video available on the City's website.

Councilmembers agreed with the spirit of the resolution but had difficulty with some of the language, its implications and possibilities of legal vulnerability.

Motion to call offered by Councilman Bell, supported by Council member Stockford. Roll call: Council member Watkins – yes; Mayor Sessions – no; Councilmembers Bell – yes; Stack-Davis – yes; Dixon – no; Flannery – yes; Sharp – no; Stockford – yes.

Motion carried 5-3.

Motion on the floor. Roll call: Mayor Sessions – no; Councilmembers Bell – yes; Stack-Davis – yes; Dixon – no; Flannery – yes; Sharp – no; Stockford – yes; Watkins – no.

Motion failed 4-4.

Councilman Bell moved to reconsider with amendment, supported by Council member Stack-Davis.

Councilman Bell offered amended language to Resolution #1 to state "*Subject to the City Charter and State and Federal Laws, any item submitted...*", Council and City Attorney discussion followed regarding the amended language.

Motion to call offered by Councilman Bell, supported by Councilman Flannery. Roll call: Councilmembers Bell – yes; Stack-Davis – yes; Dixon – yes; Flannery – yes; Sharp – yes; Stockford – yes; Watkins – yes; Mayor Sessions – yes.

Motion carried 8-0.

Motion on the floor. Roll call: Councilmembers Stack-Davis – yes; Dixon – no; Flannery – yes; Sharp – no; Stockford – yes; Watkins – no; Mayor Sessions – no; Council member Bell –yes.

Motion failed 4-4.

B. Charter Provisions Regarding Powers and Authority of Council Members Requested By Councilman Bell.

Councilman Bell stated this was for discussion only and referred to the minutes of the December 21, 2015 minutes which stated the Mayor had refused to sign a resolution if passed (referring to a proposed resolution involving addressing to those serving on council as "councilman or councilwoman"). Councilman Bell stated it is against for the Mayor to refuse to sign anything passed by Council. Mr. Bell sited three reasons why: 1.) The Mayor may not withhold his signature for whatever reason. Even if he feels it goes against his oath. He is an equal member of Council and as such has one vote. He may also resign in protest but may not withhold his signature. 2.) Charter 4.9 The Mayor shall execute or authenticate by his signature such instruments as the Council of this charter...shall require. 3.) Section 4.9a "...shall have no veto power." Councilman Bell stated Mayor Sessions threatened to veto had the resolution passed.

C. Standing Committees.

Mayor Sessions announced his appointments of councilmembers to the City Council Standing Committees as follows:

Finance Committee: Councilmembers Flannery, Bell, and Sharp

Public Safety Committee: Councilmembers Watkins, Sharp, and Stockford

Community Development Committee: Councilmembers Flannery, Dixon, and Stack-Davis

Public Services Committee: Councilmembers Bell, Stockford, and Stack-Davis

Operations & Governance Committee: Councilmembers Dixon, Watkins, and Flannery

Council member Flannery questioned the lack of removal of prior committee members. Mr. Flannery stated that if the Mayor appoints without removing, it appears that the appointments are merely additions to the committee if prior committee members are not removed and should be addressed. Council member Flannery also questioned the number of members that can be appointed to committees. Mr. Flannery referred to charter which states that there must be at least 3 members on a committee but sets no maximum number that can be assigned up to all members of the council.

Motion by Council member Watkins, supported by Council member Stockford, to approve the Mayoral appointments to Standing Committees. Voice vote failed.

Council discussion. Council member Stack-Davis questioned the approach to appointments to Standing Committees. Ms. Stack-Davis suggested current serving members remain on the committees and new council members added for the sake of retention of knowledge of the previous affairs of the committee rather than members starting anew. Council member Flannery concurred. Council member Watkins disagreed and welcomed bringing new people and fresh views to the committees and allows councilmembers to work with staff. City Attorney Lovinger informed Council that if members are added and there are more than three, committees will be subject to the Open Meetings Act and postings of the agendas will be required.

Roll call: Councilmembers Bell – no; Stack-Davis – no; Dixon – yes; Flannery – no; Sharp – yes; Stockford – yes; Watkins – yes; Mayor Sessions – yes.

Motion carries 5-3.

Council member Stack-Davis suggested an amendment to the Mayors appointments as follows: Council member Stack-Davis to Public Safety, Councilmember Flannery to Public Services, Council members Stack-Davis and Bell to Operations & Governance.

Motion by Council member Flannery, supported by Council member Dixon, to approve the Standing Committee appointments as amended. Roll call: Councilmembers Dixon – yes; Flannery – yes; Sharp – no; Stockford – yes; Stack-Davis – yes; Watkins – yes; Mayor Sessions – no; Council member Bell – yes.

Motion carried 6-2.

Miscellaneous

Appointments:

Shade Tree Commission: Barbara Vallieu for a 4 year term ending November, 2019.

Airport Advisory Committee: Michael Nye (replacing Jason Walters) for a partial term ending November, 2016.

Motion by Council member Flannery, supported by Council member Watkins, to approve the appointments of Barbara Vallieu to Shade Tree Commission and Michael Nye to Airport Advisory Committee.

All ayes.

Motion carries.

City Manager Report

City Manager David Mackie updated Council on the status of the Airport Manager search. Mr. Mackie stated 5 inquiries had been made in response to the advertisement but no RFPs had been received to date. Mr. Mackie explained that Michigan Association of Aeronautics reported they had had 3rd party administrator difficulties and not posted the opening but had sent out an eblast to 150 recipients. A brief discussion concerning deadlines and advertising audiences took place with Council.

General Public Comment

Dennis Wainscott, 34 Garden St., addressed Council regarding the Clerk appointment/salary.

Josh Colletta, Cherry Tree Lane, commended Council on the appointment of Mike Barber to director of the Board of Public Utilities.

Penny Swan, 205 N. Manning, expressed her embarrassment in regard to the unpreparedness of

Council in setting the new Clerk's salary.

Pam Osmun, 405 Village Green, concurred with Penny Swan and asked if the new clerk would also be performing Recreation Department duties.

Adjournment

Motion by Council member Stack-Davis, supported by Council member Watkins, to adjourn.

All ayes.

Meeting adjourned.

10:08 p.m.



Scott M. Sessions, Mayor

Michelle Loren, Interim City Clerk