

**City of Davison
City Council Meeting
August 24, 2015
7:30 PM
City Council Chambers**

- I. Call to Order, Pledge of Allegiance, and Roll Call of Council**
- II. Approval of the Regular Agenda**
- III. Brief Public Comments and Questions on Non Agenda Items**
- IV. Brief Public Comments and Questions on Agenda Items**
- V. Approval of Consent Agenda**
 - A. Economic Development Advisory Committee Minutes August 4, 2015 (att.)
 - B. Planning Commission Meeting Minutes August 11, 2015 (att.)
 - C. Policy Committee Minutes August 12, 2015 (att.)
 - D. Employee Benefits Legal Representation (att.)
 - E. Davison Educational Fund Great Pumpkin Run October 10, 2015 (att.)
 - F. Relay for Life Cancer Bash Glow Dash November 7, 2015 (att.)
 - G. DDA Reappointment Deb Loveland – Term Ending September 1, 2019
 - H. DDA Reappointment Carrie Baugher – Term Ending September 1, 2019
- VI. Approval of Minutes**
 - A. Council Meeting Minutes August 10, 2015 Meeting (att.)
- VII. Communications to the Council**
- VIII. City Manager Report**
- IX. Council Committee Reports**
- X. Unfinished Business**
 - A. Engineering Report
 - *Genesee Street Water Main
 - *Lapeer Street Lift Station
 - *Cambridge Drive Reconstruction
 - B. Park Advisory Committee
 - C. Set Special Council Meeting on September 1, 2015 - CDBG MEDC Larson’s Project
 - D. Open Issues Log (att.)
- XI. New Business**
 - A. Community Garden Update
- XII. Announcements**
- XIII. Executive Session – Litigation – Personnel Matter**
- XIV. Adjournment**

**Per City of Davison Council Rules and Procedures:
Each member of the public is limited to 3 minutes for public comment
unless granted more time by the Mayor.**

**CITY OF DAVISON
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE
AUGUST 4, 2015**

PRESENT: Jack Abernathy, Pat Stetson, Michael Hart

ABSENT:

OTHERS: Gary Gould

CALL TO ORDER

Chairman Stetson called the meeting to order at 11:00 a.m.

APPROVAL OF AGENDA

Motion by Mr. Abernathy, and seconded by Mr. Stetson to approve the agenda for August 4, 2015 as presented. Motion carried.

SELECTION OF STUDY COMMITTEE CANDIDATES

Motion by Mr. Abernathy, and seconded by Mr. Stetson to approve the Economic Development Study Committee members as presented. Motion carried unanimously.

Study Committee Members:

City Council – Pat Stetson, Jack Abernathy

City Manager – Michael Hart – Ex-officio

Planning Commission Chair – Craig Carlton

DDA Member – Paul Snyder

Chamber of Commerce Representative – LaDawn Hastings

Zoning Board of Appeals Chair – Jacqui McKellar

LDFA Member – Larry Fox

At Large Seats: Jim Hansen, Connie Hill, Diane Millington

PARK ADVISORY COMMITTEE DISCUSSION

Perspective members are to be contacted and recommendation and report to Council at the second meeting in August. Councilman Abernathy will report on progress made at the first council meeting in August.

ADJOURNMENT

Motion by Mr. Abernathy, and seconded by Mr. Stetson to adjourn the meeting at 11:40 a.m. Motion carried.

Jack N. Abernathy

**CITY OF DAVISON
PLANNING COMMISSION
REGULAR MEETING MINUTES
August 11, 2015**

PRESENT: Chairperson Craig Carlton, Mary Stearns,
Pat Stetson, Alex Fabian, Gerald Kennedy

ABSENT: Carrie Baugher

STAFF PRESENT: Michael Hart, Barbara McCrea

OTHERS PRESENT:

1. CALL TO ORDER:

Chairperson Carlton called the meeting to order at 7:00 p.m.

2. APPROVAL OF AGENDA:

Motion made by Mr. Stetson, seconded by Mr. Kennedy, to approve the August 11, 2015 agenda as presented. **Motion carried.**

3. APPROVAL OF MEETING MINUTES:

Motion made by Mr. Stetson, seconded by Mr. Fabian, to approve the meeting minutes as presented from July 14, 2015. **Motion carried.**

4. PUBLIC COMMENTS & COMMUNICATIONS CONCERNING ITEMS ON THE AGENDA:

5. UNFINISHED BUSINESS

6. NEW BUSINESS:

Signage Ordinance: Upon hearing of the Supreme Court ruling on signage, the Planning Commission will begin reviewing the sign ordinances with the possibility of updating.

7. COMMITTEE AND SPECIAL REPORTS:

Mr. Stetson informed the Planning Commission of the formation of an Economic Development Committee that will aid in bringing new businesses to the City, and open communication.

8. OTHER BUSINESS

9. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA:

10. NEXT SCHEDULED MEETING AUGUST 11, 2015

11. ADJOURNMENT:

Motion made by Mr. Stetson, seconded by Mr. Fabian, to adjourn the meeting at 7:29 p.m.

Motion carried.

Craig Carlton, Chairperson

Barbara McCrea, Planning Commission
Coordinator

Draft
POLICY COMMITTEE MEETING MINUTES
August 12, 2015

Call to Order:

The meeting was called to order at 7:39 PM by Chairman Hammond.

Present: Councilman Peppin, Manager Hart, Chairman Hammond, and Councilman Abernathy. Also present was Rhonda Stowers, City Attorney.

Approval of the Agenda

It was moved by Councilman Peppin and seconded by Councilman Abernathy to approve the Agenda as presented. Motion carried unanimously.

Citizen Comments

None.

Old Business

A. Sidewalk Snow Plowing.

The meeting was turned over to Attorney Stowers for her presentation on City liability if the City was to undertake the plowing of sidewalks. She presented a summary of case law concerning City liability.

After her presentation, some of the salient points of discussion without attribution were:

- More snow plowing of sidewalks would be more exposure for liability.
- Natural accumulation of snow and ice is a natural condition.
- The homeowner is the closest to the sidewalk and should be the first one to clear the sidewalk.
- In liability cases in general, courts have been very favorable toward municipalities.
- There would be considerable expense to the City for doing the plowing of sidewalks for equipment, labor, gasoline, etc.
- Sidewalks are not always private property but may be owned by the City. Why should citizens be forced to clear the sidewalk in front their houses?

-It is a benefit to the homeowner to have a parkway and sidewalk as a buffer between the street and the property of the home owner, therefore, the home owner should be responsible for snow removal from his sidewalk and also the mowing of the parkway.

After this discussion, it was moved by Councilman Peppin and seconded by Councilman Abernathy: that the City not plow sidewalks other than those that are required and the Ordinance remain as is. The motion was denied by voice vote.

A motion was then made by Councilman Abernathy and seconded by the chairman: to postpone sidewalk snow plowing until the next meeting and get cost estimates on equipment, man-power, etc. from Superintendent Brown and Treasurer Pray. Motion carried unanimously.

B. The Purchasing Ordinance update was unaddressed. However, Manager Hart gave a presentation on what other city managers are doing concerning purchasing of vehicles and equipment. Some managers show MIDeal quotes to local businesses before asking them for a bid. This led to a lively discussion on the pros and cons of presenting MIDeal quotes to local businesses before asking for quotes from them.

New Business

There was no New Business

Approval of Minutes

It was moved by Councilman Peppin and seconded by Chairman Hammond: to approve the July 8, 2015 Minutes as presented. The motion carried unanimously. Signed minutes to be forwarded to Clerk Schroeder by Manager Hart.

Closing Remarks

None.

Adjournment

It was moved by Councilman Peppin and seconded by Councilman Abernathy to adjourn. The motion carried unanimously. The meeting was adjourned by Chairman Hammond at 9:35 PM.

Jack Abernathy
Recording Secretary

Date

Paul Hammond
Chairman

Date

BUTZEL LONG

ATTORNEYS AND COUNSELORS

a professional corporation

Mark T. Nelson
734 213 3606
nelsonm@butzel.com

Suite 500 301 East Liberty Street
Ann Arbor, Michigan 48104
T: 734 995 3110 F: 734 995 1777
butzel.com

August 7, 2015

Michael A. Hart
City Manager
City of Davison
200 E Flint St # 2
Davison, MI 48423

Re: Employee Benefits Legal Representation

Dear Mr. Hart:

I am pleased to confirm your engagement of our firm, commencing as of September 1, 2015, to provide legal services in connection with employee benefits and executive compensation matters.

The legal services to be provided by our firm will be charged on an hourly basis at our standard rates. Your primary client contact/s will continue to be the attorney/s with whom you worked prior to the September 1 migration of legal staff from Stevenson Keppelman Associates to Butzel Long, and there will be no change in their rates or other charges associated with this transition. As before, rates are subject to change from time to time, and we will notify you of any such changes.

Please see the enclosed Butzel Long Terms and Conditions of Engagement ("Engagement Term Sheet"), which is incorporated herein by reference, for other terms that apply to this engagement and the firm's representation of you. Costs and expenses incurred by us on your behalf are your responsibility, as set forth in our Engagement Term Sheet. Costs and expenses will be itemized and billed to you on a monthly basis, and payment is due upon receipt. Invoices for costs in excess of \$500 will be forwarded directly to you for payment and you agree to pay the provider directly and in a timely manner.

During the representation you will receive monthly statements of account, which you agree to pay upon receipt. If you have paid a retainer, any retainer funds will remain in our client trust account for the duration of our representation, then shall be applied to the final billing statement. If you do not pay any monthly statement within thirty days of its date, we will apply any retainer toward the payment of the fees and costs reflected in the monthly invoice, and you agree to promptly replenish the retainer to its full amount. Payments received will be applied first toward unpaid fees and costs and then to replenish the retainer. If the retainer is insufficient to pay our final

August 7, 2015

statement, we will advise you, and you agree to pay the balance in full upon receipt of our statement. If the total legal fees and expenses unpaid upon the conclusion of the matter is less than the retainer amount, the balance will be refunded at the conclusion of our representation.

The foregoing fee arrangement and payment terms supersede any oral agreements or understandings and cannot be waived or modified without the express written approval of the Firm's Director of Finance or Managing Shareholder.

We appreciate and thank you for the opportunity and privilege of representing Davison. Please contact Bob Stevenson if you have any questions during the course of the engagement.

If the foregoing is acceptable, please have a copy of this letter countersigned where indicated below and returned to us for our files.

Very truly yours,

BUTZEL LONG

Mark T. Nelson

Acknowledgment:

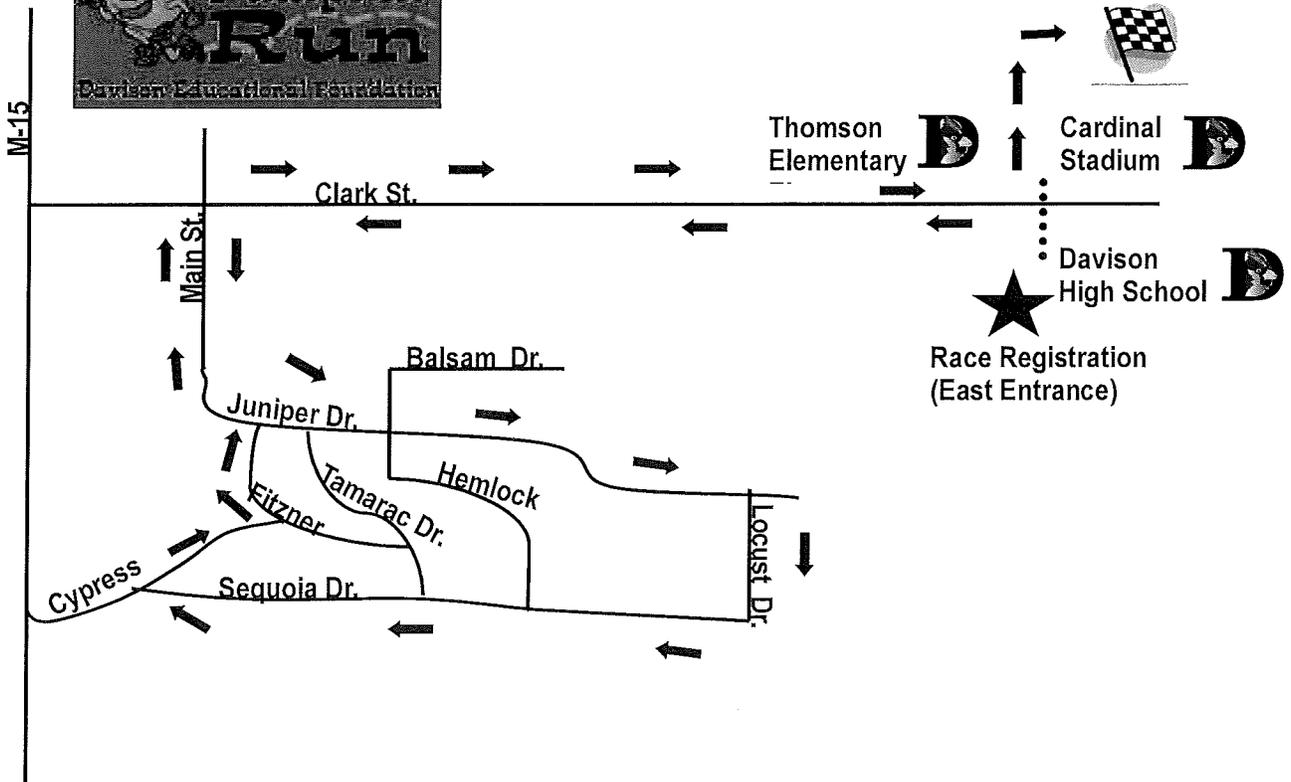
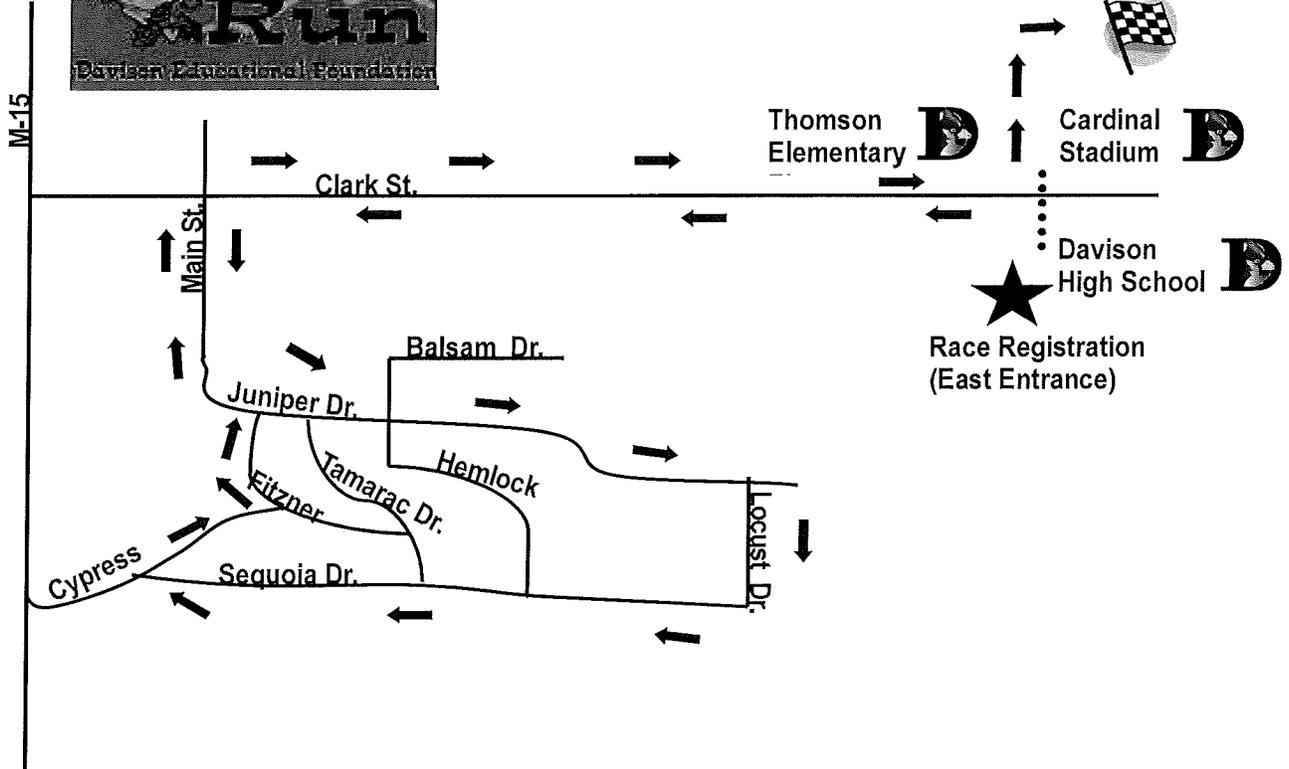
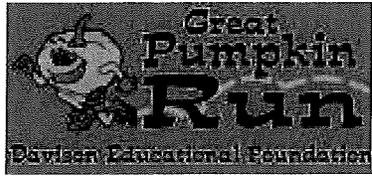
The undersigned hereby acknowledges and agrees to the foregoing:

City of Davison

By: _____

Enclosure: Terms and Conditions of Engagement

BUTZEL LONG

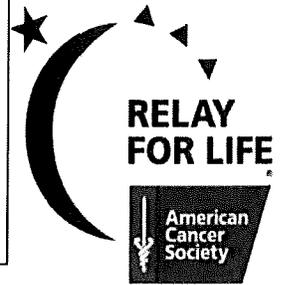




Cancer Bash Glow Dash

Saturday, November 7th

Davison Middle School – Jack Abernathy Park



5:00 p.m. 5K Run/Walk 6:00 p.m. Kids 1 Mile Fun Run
\$20/Adults & \$10/Kids 13 and Under by October 20th

5K Fun Run/Walk – fun for the entire family, untimed Glow Run/Walk!

Sponsored by and proceeds benefit the American Cancer Society, Relay For Life of Davison.

DJ: Black Tie Productions providing nonstop music and entertainment!

| | |
|---|---|
| <p>SCHEDULE:</p> <p>4:00 pm Late Registration & Packet Pickup</p> <p>5:00 pm 5K Run/Walk Start</p> <p>5:00 pm DJ Black Tie Productions</p> <p>6:00 pm Kids 1 Mile Fun Run</p> <p>6:15 pm Costume Contest/Awards*</p> <p>6:30 pm Cancer Bash Art</p> <p>7:00 pm Luminaria Ceremony</p> <p>8:30 pm Glow Party ends</p> <p>*Get your GLOW on – Awards for best GLOW Outfits!</p> <p>*Glow gear & concessions available for purchase</p> | <p>1 Mile Kids Fun Run: 6:00 p.m. at Davison Middle School on track, following 5K</p> <p>Location: Davison Middle School, 600 S. State St., Davison</p> <p>Course: Scenic 5K Starts on DMS track, through Jack Abernathy Park, back to DMS track.</p> <p>Directions: Exit I-69 at M-15N/S. State Rd., north into Davison, left onto W. Lexington Rd., then right onto S. Dayton St. The DMS football track/field is on your left.</p> <p>Registration: \$20/Adults & \$10/Kids 13 & Under by October 20th includes Glow T-Shirt /Necklace</p> <p>Packet Pick-up: November 2nd 4pm-6pm, St. John Family Center, 404 Dayton St.</p> <p>Late Registration: \$30/Adults & \$20/Kids 13 & Under after October 20th Glow T-Shirt & Necklace (subject to availability)</p> <p>Late Packet Pick-Up/Registration Day of: Davison Middle School Track 4:00 p.m.</p> <p>Race Day registration cash only, please.</p> <p>Register online at: www.relayforlife.org/glowdavisonmi or MAIL Checks payable to, along with registration form below: American Cancer Society, 2413 S. Linden Rd., Suite A, Flint, MI 48532 No refunds/exchanges.</p> |
|---|---|

(Please print clearly)

CANCER BASH GLOW DASH - DAVISON

Last Name: _____ First Name: _____ M. I. _____

Address: _____ City: _____ State: _____ Zip: _____

Phone () _____ - _____ Email: _____

Date of Birth: ____/____/____ Age on Race Day: _____ Male _____ Female _____

Adult Shirt Size: S _____ M _____ L _____ XL _____ 2X _____ 3X _____ (\$3 additional for 2X/3X) Amount Enclosed: _____

Kids Shirt Size: 6-8 _____ 10-12 _____ 14-16 _____ (Please make checks payable to American Cancer Society)

Visa _____ Master Card _____ Credit Card Number _____ Exp. _____ Sec. Code _____

Waiver: In consideration of my participation in this event, I for myself, my heirs, executors, and administrators waive all rights and claims for damages I may have against the American Cancer Society, the sponsors of this event, their agents, representatives, successors and assignees for any and all injuries suffered by me at said event, or which may arise out of my traveling to, participating in, and returning from this event. I further state that I am in proper physical condition to compete in this event. I grant all parties involved in the Cancer Bash Glow Dash 5k Fun Run my permission to photograph, videotape, and/or audiotape me and/or my children during activities at the Cancer Bash Glow Dash 5k Fun Run. I hereby waive and release and on behalf of my child, any rights to compensation for, or ownership of, such images and/or sounds. Parent or guardian must sign if participant is under 18 years of age. I understand there are NO REFUNDS.

All Participants Must Sign Waiver: _____ Date: _____

Don't want to run/walk, but want to help out? Purchase a \$10/Luminaria to display around track. Quantity: _____

Circle One: *In Honor of* or *In Memory of:* _____

**City of Davison
City Council Meeting
August 10, 2015
7:30 PM
City Council Chambers**

Present: Mayor Tim Bishop, Jack Abernathy, Pat Stetson, Joan Snyder, Gary Peppin, Paul Hammond and Ron Emery

Absent:

Staff: City Manager Michael Hart, Clerk Andrea Schroeder, Chief Don Harris, DPW Supervisor Ed Brown and Treasurer Julie Pray

Others: 6 General public

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Bishop called the meeting to order at 7:30 p.m.

MOTION 156-15 APPROVAL OF THE REGULAR AGENDA

Motion by Mr. Abernathy, and seconded by Ms. Snyder to approve the regular agenda as presented for August 10, 2015. Motion carried.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

PUBLIC COMMENTS ON AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

- A. Economic Development Advisory Committee Minutes June 18, 2015 (att.)
- B. Economic Development Advisory Committee Minutes July 15, 2015 (att.)
- C. Economic Development Advisory Committee Minutes July 30, 2015 (att.)
- D. DCER All Night Softball Tournament Saturday, August 29, 2015 (att.)
- E. Quarterly Investment Report (att.)

MOTION 157-15 APPROVAL OF CONSENT AGENDA

Motion by Mr. Emery, and seconded by Mr. Abernathy to approve consent agenda as presented. Motion carried unanimously by roll call vote.

APPROVAL OF MINUTES

MOTION 158-15 APPROVAL OF JULY 27, 2015 REGULAR MEETING MINUTES

Motion by Ms. Snyder, and seconded by Mr. Abernathy to approve the July 27, 2015 regular meeting minutes as presented. Motion carried.

MOTION 159-15 BILLS PRESENTED FOR PAYMENT

Motion by Mr. Emery, and seconded by Mr. Abernathy to approve the bills for payment in the amount of \$490,773.32. Motion carried.

COMMUNICATION TO THE COUNCIL

APPOINTED OFFICERS REPORT

Mr. Hart presented the Monthly Permits, Inspections and Zoning Violation Report for July 2015.

Mr. Brown presented the Monthly DPW Report for July 2015.

Chief Harris presented the Monthly Police Report for July 2015.

Mrs. Pray presented the Monthly Revenue & Expenditure Report for July 2015.

CITY MANAGER REPORT

Mr. Hart proudly announced that the Community Foundation of Greater Flint will present the City of Davison with an additional \$14,256.16 to cover the added cost to complete our tennis courts in Abernathy Park.

COUNCIL COMMITTEE REPORT

Ms. Snyder: Senior Authority met and completed staff evaluation. They are preparing for the audit.

UNFINISHED BUSINESS

ENGINEERING REPORT

Leanne Panduren presented the Engineering report. The Scrape Tire Grant, Lapeer Street Lift Station and Genesee Street Water main are all currently out for bid. These bid results will be reviewed at the August 24, 2015 Council meeting.

MOTION 160-15 ECONOMIC DEVELOPMENT COMMITTEE MEMBER RECOMMENDATION

Motion by Mr. Emery, and seconded by Mr. Peppin to approve the 11 nominees as members for the Economic Development Advisory Committee as presented. Motion carried.

OPEN ISSUES LOG

NEW BUSINESS

ECONOMIC DEVELOPMENT CORRINATOR POSITION

Mr. Hart introduced Janice Karcher from the Genesee Regional Chamber. Discussion along with questions took place in regards to the position.

ANNOUNCEMENTS

The City of Davison collected \$200.00 in donation to support Autism.

Clerk Schroeder announced that the Golf Committee donated \$1,852.85 to pay for a new roof on the Wortman pavilion.

Comments and reflection remembering the 70th anniversary of the ending of WWII.

MOTION 161-15 ADJOURNMENT

Motion by Mr. Emery, and seconded by Mr. Abernathy to adjourn the meeting at 8:24 p.m. Motion carried.

OPEN ISSUES LOG
August 10, 2015

CITY MANAGER

| <u>Date</u> | <u>Issue</u> | <u>Action Taken</u> | <u>Priority</u> | <u>Expected Committee Completion Date</u> |
|-------------|---|---------------------|-----------------|---|
| 6/22/2015 | Infrastructure Finance Options & Presentation | | 1 | 3rd Quarter 2015 |
| 7/13/2015 | MPDES/MS4 Permit | In Progress | | 3rd Quarter 2015 |
| 7/13/2015 | Larson's MEDC Blight Project | In Progress | | 4th Quarter 2015 |

PERSONNEL COMMITTEE

(Tim Bishop, Joan Snyder & Ron Emery)

| <u>Date</u> | <u>Issue</u> | <u>Action Taken</u> | <u>Priority</u> | <u>Expected Committee Completion Date</u> |
|-------------|--------------|---------------------|-----------------|---|
| | | | | |

POLICY COMMITTEE

(Paul Hammond, Gary Peppin & Jack Abernathy)

| <u>Date</u> | <u>Issue</u> | <u>Action Taken</u> | <u>Priority</u> | <u>Expected Committee Completion Date</u> |
|-------------|---|--|-----------------|---|
| 3/25/2013 | Purchasing Ordinance | In Progress | 1 | 4th Quarter 2015 |
| 2/8/2015 | Snow Removal on Flint & State Streets | In Progress | 2 | 3rd Quarter 2015 |
| 7/14/2014 | Bowling Alley & Gaming Fees, Chapter 852 & Schedule of Fees | On Hold-Assigned by Council | 3 | 4th Quarter 2015 |
| 1/9/2015 | Sidewalk Program Review & Ordinance Rewrite | In Progress | 4 | 2nd Quarter 2016 |
| 7/14/2014 | Noxious Weeds, Chapter 656 | On Hold-Assigned by Council | 5 | 2nd Quarter 2016 |
| 2/8/2015 | Outside Ordinance First Reading Recommendation | Not Started-Assigned by Council | 6 | 3rd Quarter 2016 |
| 3/5/2013 | Ordinance Review | On Hold-Requested Ordinance review procedure was adopted by Council on 2/25/2013 | 7 | TBD |

FINANCE COMMITTEE

(Gary Peppin, Pat Stetson & Jack Abernathy)

| <u>Date</u> | <u>Issue</u> | <u>Action Taken</u> | <u>Priority</u> | <u>Expected Committee Completion Date</u> |
|-------------|--------------|---------------------|-----------------|---|
| | | | | |