

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Minutes

Monday, April 11, 2022

7:42 PM

*

Council Chambers

CITY COUNCIL

*Eric Mays, President, Ward 1
Allie Herkenroder, Vice President, Ward 7*

*Ladel Lewis, Ward 2
Judy Priestley, Ward 4
Tonya Burns, Ward 6*

*Quincy Murphy, Ward 3
Jeri Winfrey-Carter, Ward 5
Dennis Pfeiffer, Ward 8
Eva L. Worthing, Ward 9*

Inez M. Brown, City Clerk

Davina Donahue, Deputy Clerk

CALL TO ORDER

Council President Eric Mays called this regular meeting of the Flint City Council to order at 7:42 p.m.

ROLL CALL

Present: Councilperson: Mays, Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns, Herkenroder, Councilperson Pfeiffer and Councilperson Worthing

PLEDGE OF ALLEGIANCE

Council President Eric Mays led the Pledge of Allegiance

CALL THE QUESTION

Prior to the vote on the motion to add Resolution No. 220155 to the Council agenda, Councilperson Pfeiffer, with support from Councilperson Worthing, made a motion to Call the Question. The motion passed 7-2 (No: Mays, Winfrey-Carter).

REQUESTS FOR CHANGES OR ADDITIONS TO AGENDA

Councilperson Murphy, with support from Councilperson Priestley, made a motion to add Resolution No. 220155 (from Special Affairs) to just before Resolutions on the Agenda. Councilperson Lewis made an amended motion to add Resolution No. 220155 after Public Speaking/Council Response. Councilperson Worthing made a second amended motion to add Resolution No. 220155 after Resolutions. The motion passed 7-2 (No: Mays, Winfrey-Carter).

ADOPT AGENDA AS AMENDED

Councilperson Worthing, with support from Councilperson Herkenroder, made a motion to adopt the agenda as amended. The vote was 9-0.

PUBLIC SPEAKING

Public speaking was held.

PETITIONS AND UNOFFICIAL COMMUNICATIONS

220152 Communication/Michigan Municipal League/Legislature Passes \$4.7 Billion for Communities

Communication dated March 26, 2022, from The Michigan Municipal League re: The Legislature has passed a \$4.7 billion historic investment (Senate Bill 565), which includes significant resources for communities large and small.

This Matter was Placed on File on the Consent Agenda.

COMMUNICATIONS (from Mayor and other City Officials)

220153 Communication/Invitation/Unveiling of the Floyd J. McCree Memorial Statue

Communication dated March 22, 2022, from Mayor Sheldon Neeley, re: The Mayor extends an invitation to the unveiling of the Memorial Statue in honor of Floyd J. McCree, Flint's first African-American Mayor, on the front lawn of City Hall at 2 p.m. Monday, April 4, 2022.

This Matter was Placed on File on the Consent Agenda.

220154 Traffic Engineering/Closure Permits

Sidewalk, Lane and Street Closure permits (3) dated April 2022, for requested activities/events, with noted responsibility for the placement of the required traffic control devices, and/or personnel, for the protection of traffic and event participants.

This Matter was Placed on File on the Consent Agenda.

MOTION TO APPEAL

Council President Mays ruled Councilperson Worthing out of order for yelling out. She appealed, with support from Councilperson Lewis. The vote was 3-6 (No: Lewis, Murphy, Priestley, Burns, Herkenroder, Worthing).

CALL THE QUESTION

Prior to the vote on the Council President's motion to make a Legal Opinion public, Councilperson Worthing, with support from Councilperson Herkenroder, made a motion to Call the Question. The motion passed 7-2 (No: Mays, Winfrey-Carter).

MOTION

Councilperson Mays, with support from Councilperson Pfeiffer, made a motion to make a Legal Opinion written by Acting City Attorney William Kim on removing Council President Eric Mays. The vote was 7-2 (No: Murphy, Herkenroder).

MOTION TO APPEAL

Council President Mays ruled Councilperson Murphy out of order for an improper Point of Information. He appealed, with support from Councilperson Worthing. The vote was 3-5 so the ruling of the chair failed (No: Lewis, Murphy, Priestley, Herkenroder, Worthing). (Abstention: Burns).

MOTION TO APPEAL

Council President Mays ruled that he was in order for talking about Attorney Kim's Legal Opinion instead of the motion on the appointment of William Kim as City Attorney. Councilperson Worthing appealed, with support from Councilperson Lewis. The vote was 0-9.

CALL THE QUESTION

Before the vote on Appointment No. 220148.1, Councilperson Worthing, with support from Councilperson Herkenroder, made a motion to Call the Question. The motion passed 8-1 (No: Mays).

APPOINTMENTS

220148.1 Amendment/Mayoral Appointment/City Attorney/William Kim

Amended resolution resolving that the Flint City Council approves the recommendation by Mayor Sheldon Neeley to appoint William Kim as City Attorney [at an annual compensation rate of \$101,000.00.] [General Fund Acct. No. 101-266.100-702.000.] [NOTE: The difference in compensation between Acting City Attorney and City Attorney is retroactive to February 14, 2022.] [NOTE: Resolution amended to increase salary from \$99,000.00 to \$101,000.00 and to fix typographical errors.]

A motion was made by Councilperson Priestley, seconded by Councilperson Murphy, that this matter be Approved. The motion carried by the following vote:

Aye: 7 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns, Vice President Herkenroder and Councilperson Worthing

No: 1 - President Mays

Abstain: 1 - Councilperson Pfeiffer

RECONSIDERATIONS

MOTION TO APPEAL

After the motion for reconsideration was made, Councilperson Worthing was ruled out of order and got her first warning. She appealed, with support from Councilperson Burns. The vote was 1-7 (No: Lewis, Murphy, Priestley, Burns, Herkenroder, Pfeiffer, Worthing). (Abstention: Winfrey-Carter).

MOTION TO APPEAL

Before Councilperson Worthing's appeal was voted on, Councilperson Murphy got his first warning. Councilperson Worthing appealed, with support from Councilperson Priestley. The vote was 1-7 (No: Lewis, Murphy, Priestley, Burns, Herkenroder, Pfeiffer, Worthing). (Absent: Winfrey-Carter).

MOTION TO APPEAL

Councilperson Burns was ruled out of order. Councilperson Murphy appealed, with support from Councilperson Lewis. The vote was 1-7 (No: Lewis, Murphy, Priestley, Burns, Herkenroder, Pfeiffer, Worthing). (Absent: Winfrey-Carter).

CALL THE QUESTION

Before the vote on Reconsidering Resolution No. 220105, Councilperson Worthing, with support from Councilperson Herkenroder, made a motion to Call the Question. The motion passed 8-1 (No: Mays).

ROLL CALL

Councilperson Winfrey-Carter left the meeting at 11:10 p.m.

Present: Councilperson: Mays, Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Burns, Herkenroder, Councilperson Pfeiffer and Councilperson Worthing

Absent: Councilperson: Councilperson Winfrey-Carter

RECONSIDERATIONS CONTINUED

220105 Contract/Rowe Professional Services/Project Management Services/SLE-SLR and Restoration Projects

Resolution resolving that the appropriate City Officials are to enter into a contract with Rowe Professional Services for Project Management Services for the SLE/SLR and restoration projects for an overall amount not-to-exceed \$2,900,000.00.

A motion was made by Vice President Herkenroder, seconded by Councilperson Murphy, that this matter be RECONSIDERED. The motion carried by the following vote:

Aye: 6 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Burns, Vice President Herkenroder and Councilperson Worthing

No: 2 - President Mays and Councilperson Pfeiffer

Absent: 1 - Councilperson Winfrey-Carter

MOTION TO APPEAL

Councilperson Worthing was ruled out of order. She appealed, with support from Councilperson Burns. The vote was 1-7 (No: Lewis, Murphy, Priestley, Burns, Herkenroder, Pfeiffer, Worthing). (Absent: Winfrey-Carter).

RESOLUTIONS

220105 Contract/Rowe Professional Services/Project Management Services/SLE-SLR and Restoration Projects

Resolution resolving that the appropriate City Officials are to enter into a contract with Rowe Professional Services for Project Management Services for the SLE/SLR and restoration projects for an overall amount not-to-exceed \$2,900,000.00.

A motion was made by Councilperson Burns, seconded by Councilperson Pfeiffer, that this matter be REFERRED TO COMMITTEE to the SPECIAL AFFAIRS COMMITTEE, due back on April 25, 2022. The motion failed by the following vote:

Aye: 3 - President Mays, Councilperson Burns and Councilperson Pfeiffer

No: 5 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Vice President Herkenroder and Councilperson Worthing

Absent: 1 - Councilperson Winfrey-Carter

MOTION TO APPEAL

Councilperson Worthing was ruled out of order. She appealed, with support from Councilperson Burns. The vote was 1-7 (No: Lewis, Murphy, Priestley, Burns, Herkenroder, Pfeiffer, Worthing). (Absent: Winfrey-Carter).

MOTION TO APPEAL

Councilperson Murphy got his first warning. Councilperson Worthing appealed, with support from Councilperson Priestley. The vote was 1-7 (No: Lewis, Murphy, Priestley, Burns, Herkenroder, Pfeiffer, Worthing). (Absent: Winfrey-Carter).

MOTION TO APPEAL

Councilperson Burns was ruled out of order. Councilperson Murphy appealed, with support from Councilperson Lewis. The vote was 1-7 (No: Lewis, Murphy, Priestley, Burns, Herkenroder, Pfeiffer, Worthing). (Absent: Winfrey-Carter).

RESOLUTIONS CONTINUED

220105 Contract/Rowe Professional Services/Project Management Services/SLE-SLR and Restoration Projects

Resolution resolving that the appropriate City Officials are to enter into a contract with Rowe Professional Services for Project Management Services for the SLE/SLR and restoration projects for an overall amount not-to-exceed \$2,900,000.00.

A motion was made by Councilperson Worthing that this matter be Adopted. The motion carried by the following vote:

Aye: 5 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Vice President Herkenroder and Councilperson Worthing

No: 3 - President Mays, Councilperson Burns and Councilperson Pfeiffer

Absent: 1 - Councilperson Winfrey-Carter

MOTION TO SUSPEND THE RULES

A motion was made by Councilperson Lewis, supported by Councilperson Worthing, to suspend the rules. The motion carried by a vote of 7-1 (No: Burns). (Absent: Winfrey-Carter).

MOTION TO LIMIT DEBATE AND/OR REMOVE COUNCILPERSON MAYS

Prior to the vote on Resolution No. 220155, a motion was made by Councilperson Herkenroder, supported by Councilperson Priestley, to limit debate to two rounds of five minutes each. At the same time, there was a motion by Councilperson Worthing, with support from Councilperson Priestley, that Councilperson Mays is out of order and shall be removed. There was one vote 6-0 (Absent: Mays, Winfrey-Carter, Burns).

RESOLUTIONS CONTINUED

220155 Removal/Councilman Eric Mays/City Council President

Resolution resolving that the Flint City Council shall do all things necessary to remove Council President Eric Mays from the role of Flint City Council President, effective immediately upon the decision of the Flint City Council.

A motion was made by Councilperson Priestley, seconded by Councilperson Worthing, that this matter be Adopted. The motion carried by the following vote:

Aye: 6 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Vice President Herkenroder, Councilperson Pfeiffer and Councilperson Worthing

Abstain: 1 - Councilperson Burns

Absent: 2 - President Mays and Councilperson Winfrey-Carter

ROLL CALL

Councilperson Mays was removed from the meeting around 2:20 a.m.

Present: Councilperson: Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Burns, Herkenroder, Councilperson Pfeiffer and Councilperson Worthing

Absent: Councilperson: Mays and Councilperson Winfrey-Carter

RESOLUTIONS CONTINUED

220118 Retention/Outside Legal Counsel/Flint City Council/Transfer of Tax-Reverted Properties

Resolution resolving that the City Council requests that outside legal counsel be retained to prosecute a lawsuit on behalf of the City, seeking recovery of 46 properties specified in the City Council's December 21, 2021 Resolution.

Councilperson Mays made a motion to Reconsider Resolution No. 220118 (hiring outside legal council) but it died for lack of a second.

MOTION FOR A NEW PRESIDENT

Councilperson Priestley, with support from Councilperson Worthing, made a motion to nominate Councilperson Herkenroder as President. The vote was 4-0 (Abstentions: Murphy, Burns, Pfeiffer). (Absent: Mays, Winfrey-Carter).

CALL TO ORDER

Council Vice President Allie Herkenroder called the meeting back to order at 2:18 a.m.

RESOLUTIONS CONTINUED

POSTPONED DUE TO LOSS OF A QUORUM

220038 Public Hearing/Rules Governing Meetings of the Flint City Council

Resolution resolving that the appropriate city officials are hereby authorized to do all things necessary to conduct a public hearing for the purpose of public input on the proposed amendments to the Rules Governing Meetings of the Flint City Council on the _____ day of _____, 2022, in City Council Chambers, 1101 S. Saginaw Street, Flint.

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

RESOLUTIONS

220114 Contract/Zito Construction Company/Miller Road Water Main Replacement

Resolution authorizing the appropriate City Officials to do all things necessary to enter into a contract with Zito Construction to replace the water main during the rehabilitation of Miller Road, between Hammerberg Road and Ballenger Highway, in an amount NOT-TO-EXCEED \$1,873,634.27, with the City of Flint's ARPA administration, compliance and implementation firm reviewing and ensuring compliance with the latest US Department of Treasury final rules, and funding coming from the American Rescue Plan Act (ARPA) Fund (287).

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

220140 Contract/Rauhorn Electric, Inc./Intersection Upgrades

Resolution that the Division of Purchasing and Supplies, upon City Council's approval, is hereby authorized to enter into a contract with Rauhorn Electric, Inc. for intersection upgrades, as requested by Transportation, in an amount NOT-TO-EXCEED \$100,000.00 for FY2022, \$150,000.00 for FY2023 and \$150,000.00 for FY2024, pending adoption of each year's budget, for an aggregate total NOT-TO-EXCEED \$400,000.00 [Major Street Fund Acct. No. 202-443.201-801.000.]

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

220141 Contract/Seven Brothers Painting, Inc./Elevated Water Tower Rehabilitation Program

Resolution resolving that the appropriate city officials, upon City Council's approval, are hereby authorized to enter into a contract with Seven Brothers Painting, Inc. for a four-year Water Tower Rehabilitation Program, in an amount NOT-TO-EXCEED \$509,300.00 for FY2022, \$10,000.00 for FY2023 and \$10,000.00 for FY2024, and \$10,000.00 for FY2025, pending approval of each year's budget, for an aggregate total NOT-TO-EXCEED \$529,300.00 [Water Fund Acct. No. 591-545.200-801.000.]

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

220142 Sale of City-Owned Land/1827 Chelan Avenue (Ward 7)/Arthur Taylor

Resolution authorizing the appropriate city officials to do all things necessary to enter into and complete the sale of the property commonly known as 1837 Chelan Avenue, Flint, MI 48503, Parcel No. 41-17-428-009, and legally described at LAPEER PARK LOT 106, for a cost of \$6,000.000, and transfer the property to Arthur Taylor in an AS IS condition by means of conveyance of a Quit Claim Deed. Revenue realized from the sale of this property will be placed in Revenue Acct. No. 101-371.209-673.100, AND, resolving that the City Clerk shall, within thirty (30) days of this action, record a certified copy of this resolution with the Register of Deeds for Genesee County and forward a certified copy of said resolution to the State Treasurer.

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

220143 Land Lease Agreement/City of Flint/Verizon Wireless/G-4652 Beecher Road

Resolution resolving that the Flint City Council approves the Land Lease Agreement between the City of Flint (COF) and Verizon Wireless. [NOTE: Verizon Wireless seeks to enter into a long-term lease of property from the City of Flint, approximately 3,600 square feet located at an estimated address of G-4652 Beecher Road, Flint township, Genesee County, MI 48503, for the purposes of constructing and operating a cellular communications tower at that location. Verizon Wireless and the City of Flint have agreed that the City shall be paid \$18,000.00 per year, with that amount increasing by one (1) percent each year that the agreement remains in effect.]

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

220146 Grant Acceptance/Scrap Tire Cleanup/Michigan Department of Environment, Great Lakes and Energy (EGLE)/City of Flint/Office of Blight Elimination

Resolution resolving that the appropriate city officials are authorized to participate in the Scrap Tire Cleanup grant on behalf of the City of Flint. Proper city officials are hereby authorized to provide the resolution indicating its approval to the State of Michigan, and to submit and execute documents requested by the State of Michigan relating to the Department of Environment, Great Lakes and Energy (EGLE) requirements, AND, resolving that the appropriate city officials are authorized to do all things necessary to abide by the terms of the Scrap Tire Cleanup Grant, in the amount of \$10,000.00, and (to) make the grant funds available in the current and any subsequent fiscal years that the funding remains available by the grantor.

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

RESOLUTIONS (May be Referred from Special Affairs)

220149.1 Amendment/Demolish Blighted Structures/City of Flint/American Rescue Plan Act (ARPA) Funding

Amended resolution resolving that the Flint City Council authorizes the

appropriate city officials to do all things necessary to use the city's American Rescue Plan Act (ARPA) funds to demolish blighted structures. Before funds are distributed, the city's ARPA administration, compliance and implementation firm shall review and ensure compliance with the latest U.S. Department of Treasury final rules. Funds will be paid from the American Rescue Plan Act (ARPA) Fund (287). [NOTE: The City of Flint will use \$16 million in American Rescue Act Plan funds, along with an \$8 million contribution from Genesee County, leveraging these funds to secure an additional \$21.3 million from other sources, which will fund the demolition of up to 2,410 blighted structures in the City of Flint (94 percent) and Genesee County (6 percent).] [NOTE: Resolution amended to add: "contingent on the GCLBA providing the members of the Flint City Council an opportunity for consulting with the GCLBA prior to beginning demolitions in their respective wards."]

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Councilperson Pfeiffer, seconded by Councilperson Murphy, including all the preceding items marked as having been adopted on a Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Burns, Vice President Herkenroder, Councilperson Pfeiffer and Councilperson Worthing

Absent: 2 - President Mays and Councilperson Winfrey-Carter

RECONSIDERATION

220119.1 Amended Resolution/Adoption/City of Flint Ward Boundaries (As Proposed)

An amended resolution resolving that the Flint City Council adopts new ward boundaries within the city of Flint as proposed, pursuant to MCL 168.657 and the Flint City Charter. [NOTE: Resolution amended to update the attached Metes and Bounds Reports for the Geographic Descriptions for Wards 1 - 9 (Report Date Created: 3/10/2022).]

A motion was made by Councilperson Priestley, seconded by Councilperson Burns, that this matter be RECONSIDERED. The motion carried by the following vote:

Aye: 6 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Burns, Vice President Herkenroder and Councilperson Worthing

Abstain: 1 - Councilperson Pfeiffer

Absent: 2 - President Mays and Councilperson Winfrey-Carter

RESOLUTIONS CONTINUED

220119.1 Amended Resolution/Adoption/City of Flint Ward Boundaries (As Proposed)

An amended resolution resolving that the Flint City Council adopts new ward boundaries within the city of Flint as proposed, pursuant to MCL 168.657 and the Flint City Charter. [NOTE: Resolution amended to update the attached Metes and Bounds Reports for the Geographic Descriptions for Wards 1 - 9 (Report Date Created: 3/10/2022).]

A motion was made by Councilperson Priestley, seconded by Councilperson Worthing, that this matter be Adopted. The motion carried by the following vote:

Aye: 6 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Burns, Vice President Herkenroder and Councilperson Worthing

Abstain: 1 - Councilperson Pfeiffer

Absent: 2 - President Mays and Councilperson Winfrey-Carter

MOTION TO REINSTATE THE RULES

Councilperson Priestley, with support from Councilperson Worthing, made a motion to reinstate the rules. The vote was 7-0 (Absent: Mays, Winfrey-Carter).

INTRODUCTION AND FIRST READING OF ORDINANCES

220144 Amendment/Chapter 50/PC-22-2/Flint Home Ownership Initiative/Rezoning/412 West Second Avenue/From 'B' to 'C-1'/Ward 5

An ordinance to amend the Code of the City of Flint has been requested by Flint Home Ownership Initiative (PC-22-2) to change the District boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows: 412 West Second Avenue, Flint MI 48502, Parcel No. 40-12-460-013, legally described as MRS. STEWART'S ADDITION. LOTS 6 AND 7; ALSO WLY 1/2 OF SLY 1/2 OF LOT 3; ALSO NLY 1/2 OF WLY 1/2 OF LOT 4. BLK A from "B" Two-Family and future zoned "MR-1" Mixed Residential to "C-1" Multi-Family Walk-up Apartments. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

A motion was made, seconded by Councilperson Priestley, that this matter be ACKNOWLEDGED FOR FIRST READING. The motion carried by the following vote:

Aye: 7 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Burns, Vice President Herkenroder, Councilperson Pfeiffer and Councilperson Worthing

Absent: 2 - President Mays and Councilperson Winfrey-Carter

ADJOURNMENT

Council Vice President Allie Herkenroder adjourned this meeting at 2:52 a.m., after a motion by Councilperson Pfeiffer, which was seconded by Councilperson Murphy.

Respectfully transcribed & submitted,

Janell Johnson. Administrative Secretary to City Council

