



# City of Flint, Michigan

## Meeting Minutes 2 - Draft

### CITY COUNCIL

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

*Allie Herkenroder, President, Ward 7*  
*Ladel Lewis, Vice President, Ward 2*

*Eric Mays, Ward 1*  
*Judy Priestley, Ward 4*  
*Tonya Burns, Ward 6*

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

*Davina Donahue, City Clerk*

Monday, January 9, 2023

8:05 PM

Council Chambers

## ROLL CALL

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

**Absent:** Councilperson: Councilperson Pfeiffer

## PUBLIC HEARINGS

220519.6 Ordinance No. 220519

Public Hearing on Ordinance No. 220519, an ordinance to amend the Code of the City of Flint by amending Chapter 18, (Taxation; Funds; Purchasing); Article I, (In General); Section 18-4.1, (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons) shall be amended by adding subsection (SS). [NOTE: The PILOT is for HWD Harrison Inc. (503 South Saginaw Street) to own and operate a housing project identified as Harrison Mixed-Use. The annual service charge for the class of persons of low and moderate income shall be equal to ten (10) percent of the annual shelter rents, exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.]

**HEARING HELD**

## APPOINTMENTS

220541 Appointment/Flint Housing Commission/Board of Commissioners/Nadine Roberts

Resolution resolving that the Flint City Council approves the appointment of Nadine Roberts (no address listed) to the Flint Housing Commission's Board of Commissioners to serve the remained of a five-year term, commencing immediately upon adoption of this resolution, and expiring November 30, 2026. [By way of background, Ms. Roberts is replacing San Juana Olivares, whose resignation created a vacant seat.]

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

**Aye:** 8 - Councilperson Mays, Councilperson Lewis, Councilperson Murphy, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns, Vice President Herkenroder and Councilperson Worthing

**Absent:** 1 - Councilperson Pfeiffer

## RESOLUTIONS

**220494** Sale of City-Owned Land/ Blades Avenue/2130 Mayberry Avenue/Glenn's Happy Homes, LLC

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things necessary to enter into and complete the sale of properties commonly known as vacant lot on Blades Avenue, Flint, MI 48503, Parcel No. 41-20-131-012, and legally described as ELM PARK SUBDIVISION LOT 375, and vacant lot on 2130 Mayberry Avenue, Flint, MI 48503, Parcel No. 41-20-131-031, and legally described as ELM PARK SUBDIVISION LOT 391, for a total cost of \$1,002.00 and transfer the property to Glenn's Happy Homes, LLC in an AS IS condition by means of conveyance of a Quit Claim Deed. Revenue realized from the sale of this real property will be placed in Revenue Acct. No. 101-701.000-673.100, 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.**

**220530.1** Amendment/Public Hearing/Amendments/Rules Governing Meetings of the Flint City Council

Amended resolution resolving that the appropriate city officials are authorized to do all things necessary to conduct a public hearing on the attached proposed amendments to the Rules Governing Meetings of the Flint City Council, to be held at the regularly scheduled meeting of the Flint City Council at \_\_\_\_ p.m. \_\_\_\_\_, 2023 [in City Council Chambers, 1101 S. Saginaw Street, Flint.] [NOTE: Resolution amended to leave the time and date of the Public Hearing blank.]

**SEPARATED FROM MASTER RESOLUTION**

**220537** Partial Settlement/Matthew Baker et al v City of Flint et al/Genesee County Circuit Court Case No. 19-1139438-CD

Resolution resolving that the Flint City Council approves settlement in the matter of Matthew Baker et al v City of Flint et al, Case No. 19-1139438-CD, in the amounts listed below, in satisfaction of any and all claims against the city and its officers arising out of said matter, with payment to be drawn from appropriated funds in Litigation & Suits Acct. No. 677-266.200-812.010. [The

settlement is broken down as follows: Lisa Gordon: \$12,500.00; Tracee Walker: \$45,000.00; Mary Buszek: \$175,000.00; Alfino Donastorg: \$80,000.00; and Donald Lewis: \$47,500.00 and 40 hours of Paid Time Off (PTO) restored to his PTO bank.] [NOTE: An Executive Session was held in this matter on December 7, 2022.]

**SEPARATED FROM MASTER RESOLUTION**

- 220538** Settlement/Megan Brewer and Travis Copeland v City of Flint et al/Eastern District of Michigan Case No. 20-cv-10315

Resolution resolving that the Flint City Council approves settlement in the matter of Megan Brewer and Travis Copeland v City of Flint et al, Eastern District of Michigan Case No. 20-cv-10315, in the amount of \$54,500.00, in satisfaction of any and all claims against the city and its officers arising out of said matter, with payment to be drawn from appropriated funds in Litigation & Suits Acct. No. 677-266.200-956.300. [NOTE: An Executive Session was held in this matter on December 7, 2022.]

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

- 220539** Amendment/Water Service Contract/City of Flint/Great Lakes Water Authority (GLWA)

Resolution resolving that the Flint City Council approves amending the amendment with the Great Lakes Water Authority (GLWA) to incorporate agreed-upon amendments.

**SEPARATED FROM MASTER RESOLUTION**

- 230000** Todd Wenzel Chevrolet/Fire Department Vehicles

Resolution resolving that the Division of Purchases & Supplies, upon City Council's approval, is hereby authorized to issue a purchase order to Todd Wenzel Chevrolet for the purchase of two (2) SSV's for use by the Fire Department, in an amount NOT-TO-EXCEED \$85,432.55 [Fleet/Central Garage Vehicles Fund Acct. No. 661-229.000-977.500.]

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

- 230001** Hastings Air Energy Control, Inc./Fire Station Vehicle Exhaust Elimination Systems

Resolution resolving that the Division of Purchases & Supplies, upon City Council's approval, is hereby authorized to issue a purchase order to Hastings Air Energy Control, Inc. for fire station exhaust systems, in an amount NOT-TO-EXCEED \$227,003.70 [FHUD-CDBGF21 Grant Fund Acct. No. 279-737.160-805.066.]

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

**230002 EJ USA/Fire Hydrants, Grates, Manhole Covers**

Resolution resolving that the Division of Purchases & Supplies, upon City Council's approval, is hereby authorized to issue a purchase order to EJ USA for supplies for Streets, in an amount NOT-TO-EXCEED \$25,000.00 [Major Street Fund Acct. No. 202-449.201-752.000.]

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

**230003 Platinum Mechanical, Inc./WPC Digester Fabrication Project**

Resolution resolving that the Division of Purchases & Supplies, upon City Council's approval, is hereby authorized to issue a purchase order to Platinum Mechanical, Inc. for the Water Pollution Control (WPC) Digester Fabrication Project, in an amount NOT-TO-EXCEED \$200,000.00 [Sewer Fund Acct. No. 590-550.300-976.000 = \$100,000.00 and Acct. No. 590-550.300-801.000 = \$100,000.00.]

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

**230004 Macallister Machinery Co., Inc./WPC Telehandler**

Resolution resolving that the Division of Purchases & Supplies, upon City Council's approval, is hereby authorized to issue a purchase order to Macallister Machinery Co., Inc. for a Water Pollution Control (WPC) Telehandler, in an amount NOT-TO-EXCEED \$191,300.00 [Sewer Fund Acct. No. 590-550.300-977.500.]

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

**RESOLUTIONS (May Be Referred from Special Affairs)****230006 Settlement Agreement Enforcement/Concerned Pastors for Social Action, et al v City of Flint, et al/Eastern District of Michigan Case No. 16-10277**

Resolution resolving that the City Council approves authorizing the Department of Law to consent to entry of [Proposed] Order Granting in Part and Holding Open in Part Plaintiff's Fifth Motion to Enforce Settlement Agreement in the case of Concerned Pastors for Social Action, et al v City of Flint, et al/Eastern District of Michigan Case No. 16-10277. [NOTE: An Executive Session was held in this matter on January 4, 2023.]

**SEPARATED FROM MASTER RESOLUTION**

**230007 Establishment of Guidelines/Hardship Exemptions From Property Taxes**

Resolution resolving that to be eligible for consideration of a hardship exemption pursuant to MCL 211.7u in the City of Flint, a person must be the owner and must occupy the property as a principal residence, as defined, for

which the exemption is requested; file a complete application; prescribed by the state tax commission; submit copies of federal and state income tax returns for all persons that resided in the principal residence including property tax credit forms and/or Statement of Benefits paid from Michigan Department of Social Services or Social Security Administration; and meet City of Flint poverty income standards, AND, resolving that the applicant and ALL qualifying persons that resided in the home must have an annual adjusted income no more than 150% of the Federal Poverty Guidelines published in the prior calendar year, AND, resolving that the applicant's asset level, excluding the homestead, may not exceed \$15,000.00, regardless of income level, AND, resolving that a hardship exemption will be granted for one year at a time; AND, resolving that the Board of Review shall request identification of the applicant and/or proof of ownership of the principal residence under consideration for hardship exemption, AND, resolving that the Board of Review may request from the applicant any supporting documents which may be utilized in determining a hardship exemption request, AND, resolving that the completed hardship exemption application must be filed after January 1, but before the day prior to the last day of the Board of Review in the year for which exemption is sought, AND, resolving that the Board of Review shall administer an oath wherein the applicant testifies as to the accuracy of the information provided, AND, resolving that to conform with the provisions of Public Act 253 of 2020, this resolution is hereby given immediate effect.

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

### **Passed The Consent Agenda**

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

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

**Absent: 2 - Councilperson Lewis and Councilperson Pfeiffer**

### **SEPARATED FROM MASTER RESOLUTION**

#### **220530.1 Amendment/Public Hearing/Amendments/Rules Governing Meetings of the Flint City Council**

Amended resolution resolving that the appropriate city officials are authorized to do all things necessary to conduct a public hearing on the attached proposed amendments to the Rules Governing Meetings of the Flint City Council, to be held at the regularly scheduled meeting of the Flint City Council at \_\_\_\_ p.m., \_\_\_\_\_, 2023 [in City Council Chambers, 1101 S. Saginaw Street, Flint.] [NOTE: Resolution amended to leave the time and date of the Public Hearing blank.]

**A motion was made by Councilperson Worthing, seconded by Councilperson Priestley, 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:** 2 - Councilperson Winfrey-Carter and Councilperson Burns

**Abstain:** 1 - Councilperson Mays

**Absent:** 1 - Councilperson Pfeiffer

**220537**      **Partial Settlement/Matthew Baker et al v City of Flint et al/Genesee County Circuit Court Case No. 19-1139438-CD**

Resolution resolving that the Flint City Council approves settlement in the matter of Matthew Baker et al v City of Flint et al, Case No. 19-1139438-CD, in the amounts listed below, in satisfaction of any and all claims against the city and its officers arising out of said matter, with payment to be drawn from appropriated funds in Litigation & Suits Acct. No. 677-266.200-812.010. [The settlement is broken down as follows: Lisa Gordon: \$12,500.00; Tracee Walker: \$45,000.00; Mary Buszek: \$175,000.00; Alfino Donastorg: \$80,000.00; and Donald Lewis: \$47,500.00 and 40 hours of Paid Time Off (PTO) restored to his PTO bank.] [NOTE: An Executive Session was held in this matter on December 7, 2022.]

**A motion was made by Councilperson Mays, seconded by Councilperson Winfrey-Carter, that this matter be REFERRED TO COMMITTEE to the FINANCE COMMITTEE. The motion failed by the following vote:**

**Aye:** 3 - Councilperson Mays, Councilperson Winfrey-Carter and Councilperson Burns

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

**Absent:** 1 - Councilperson Pfeiffer

**A motion was made by Councilperson Worthing, seconded by Councilperson Priestley, 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:** 2 - Councilperson Winfrey-Carter and Councilperson Burns

**Abstain:** 1 - Councilperson Mays

**Absent:** 1 - Councilperson Pfeiffer

## **ROLL CALL**

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

**Absent:** Councilperson: Councilperson Mays and Councilperson Pfeiffer

**220539**      **Amendment/Water Service Contract/City of Flint/Great Lakes Water Authority (GLWA)**

Resolution resolving that the Flint City Council approves amending the amendment with the Great Lakes Water Authority (GLWA) to incorporate agreed-upon amendments.

**A motion was made by Councilperson Mays, seconded by Councilperson Winfrey-Carter, that this matter be REFERRED TO COMMITTEE to the FINANCE COMMITTEE. The motion failed by the following vote:**

**Aye:** 2 - Councilperson Winfrey-Carter and Councilperson Burns

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

**Absent:** 2 - Councilperson Mays and Councilperson Pfeiffer

**A motion was made by Councilperson Priestley, seconded by Councilperson Murphy, 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

**No:** 1 - Councilperson Winfrey-Carter

**Absent:** 2 - Councilperson Mays and Councilperson Pfeiffer

**230006**

**Settlement Agreement Enforcement/Concerned Pastors for Social Action, et al v City of Flint, et al/Eastern District of Michigan Case No. 16-10277**

Resolution resolving that the City Council approves authorizing the Department of Law to consent to entry of [Proposed] Order Granting in Part and Holding Open in Part Plaintiff's Fifth Motion to Enforce Settlement Agreement in the case of Concerned Pastors for Social Action, et al v City of Flint, et al/Eastern District of Michigan Case No. 16-10277. [NOTE: An Executive Session was held in this matter on January 4, 2023.]

**A motion was made by Councilperson Priestley, seconded 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:** 1 - Councilperson Burns

**Abstain:** 1 - Councilperson Winfrey-Carter

**Absent:** 2 - Councilperson Mays and Councilperson Pfeiffer

## **INTRODUCTION AND FIRST READING OF ORDINANCES**

**220546**

**Amendment/Ordinance/Chapter 35 (Personnel)/Section 35-112.04 (Adoption-Job Description & Qualifications)/City Administrator**

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 35 (Personnel); Section 35-112.04 (Adoption - Job Description and Qualifications), City Administrator.

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

**Aye:** 4 - Councilperson Murphy, Councilperson Priestley, Vice President Herkenroder and Councilperson Worthing

**No:** 3 - Councilperson Lewis, Councilperson Winfrey-Carter and Councilperson Burns

**Absent:** 2 - Councilperson Mays and Councilperson Pfeiffer

## **SECOND READING AND ADOPTION OF ORDINANCES**

**220519**      Amendment/Ordinance/Chapter 18 (Taxation; Funds; Purchasing)/Article I (In General)/Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons)

An ordinance to amend the Code of the City of Flint by amending Chapter 18, (Taxation; Funds; Purchasing); Article I, (In General); Section 18-4.1, (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons) shall be amended by adding subsection (SS). [NOTE: The PILOT is for HWD Harrison Inc. (503 South Saginaw Street) to own and operate a housing project identified as Harrison Mixed-Use. The annual service charge for the class of persons of low and moderate income shall be equal to ten (10) percent of the annual shelter rents, exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.]

A motion was made by Councilperson Priestley, seconded by Councilperson Murphy, that this matter be **PASSED**. 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

**Absent:** 2 - Councilperson Mays and Councilperson Pfeiffer

## **ADJOURNMENT**

*Councilperson Priestley, seconded by Councilperson Lewis, made a Motion to Adjourn at 12:25 a.m. The motion passed by a vote of 7:0.*