

City of Flint, Michigan

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



Meeting Minutes - Draft

Monday, October 11, 2021

6:20 PM

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ELECTRONIC PUBLIC MEETING

CITY COUNCIL

*Kate Fields, President, Ward 4
Maurice D. Davis, Vice President, Ward 2*

*Eric Mays, Ward 1
Jerri Winfrey-Carter, Ward 5
Monica Galloway, Ward 7*

*Santino J. Guerra, Ward 3
Herbert J. Winfrey, Ward 6
Allan Griggs, Ward 8*

Eva L. Worthing, Ward 9

Inez M. Brown, City Clerk

Davina Donahue, Deputy Clerk

CALL TO ORDER

Vice President Maurice Davis called this meeting to order at 6:20 p.m.

ROLL CALL

Present: Councilperson: Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Winfrey, Councilperson Galloway, Councilperson Griggs and Councilperson Worthing

Absent: Councilperson: Councilperson Fields

PLEDGE OF ALLEGIANCE

Councilperson Monica Galloway led the Pledge of Allegiance.

REQUESTS FOR CHANGES AND/OR ADDITIONS TO AGENDA

Councilperson Galloway asked for a Special Order for an update on Waste Collection/Investigative Hearing before Presentation of Minutes. The vote was 7-1 (No: Worthing). Councilperson Galloway, with support by Councilperson Mays, made a motion to have Second Reading and Enactment of Ordinances after Public Speaking. The vote was 8-0. Councilperson Guerra asked to have a discussion of the censure of President Fields. During discussion, Councilperson Galloway made a motion, with support from Councilperson Winfrey-Carter, to Call the Question. The motion passed 6-2 (No: Mays, Worthing). The vote on the original motion (to discuss the censure of President Fields) failed 2-6 (No: Mays, Davis, Guerra, Winfrey-Carter, Winfrey, Galloway).

SPECIAL ORDER

Special Order/Update/Waste Collection/Investigative Hearing

A Special Order as requested by Councilperson Galloway for an update on waste collection and the recent Investigative Hearing about it.

Discussed

PUBLIC SPEAKING

Public speaking was held.

PUBLIC HEARINGS

Public Hearing/Ordinance 210332.1

A Public Hearing for Ordinance 210332.1, an ordinance to amend the Code of the City of Flint by amending Chapter 9 (Animals & Fowl), Article 1 (In General) by amending 9-1 (Cruelty to Animals Prohibited) by adding Sections 9-1.1 through 9-1.6.

HEARING HELD

Public Hearing/Ordinance 210397

A public hearing for Ordinance No. 210397, an ordinance 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) by adding subsection (LL). [NOTE: The PILOT is for the Grand Flint Limited Dividend Housing Association, LP, a Michigan Limited Partnership (The Grand on University). The annual service charge for the class of persons of low and moderate income shall be equal to four (4) percent of the annual shelter rents, exclusive of charges for gas, electricity, heat or other utilities furnished to the occupants.]

HEARING HELD**SECOND READING AND ENACTMENT OF ORDINANCES**

Amendment/Ordinance/Chapter 9 (Animals and Fowl)/Article I (In General)/Section 9.1 (Cruelty to Animals Prohibited)/Addition of Sections 9-1.1 through 9-1.6

Amended ordinance to amend the Code of the City of Flint by amending Chapter 9 (Animals & Fowl), Article 1 (In General) by amending 9-1 (Cruelty to Animals Prohibited) by adding Sections 9-1.1 through 9-1.6. [NOTE: Ordinance amended to remove language from Section 9-1.2 (A), to change language in 9-1.4 and to add language in 9-1.6 (A).]

PASSED**Substituted**

The motion was to amend to include a prohibition on using heavy chains.

A motion was made by Councilperson Griggs, seconded by Councilperson Worthing, that this matter be Amended. The motion failed by the following vote:

Aye: 1 - Councilperson Griggs

No: 7 - Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey, Councilperson Galloway and Councilperson Worthing

Absent: 1 - Councilperson Fields

A motion was made by Councilperson Mays, seconded by Councilperson Winfrey-Carter, that this matter be PASSED. The motion carried by the following vote:

Aye: 8 - Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey, Councilperson Galloway, Councilperson Griggs and Councilperson Worthing

Absent: 1 - Councilperson Fields

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)

The provisions of 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 (CC). [NOTE: The PILOT is for the Grand Flint Limited Dividend Housing Association, LP, a Michigan Limited Partnership (The Grand on University). The annual service charge for the class of persons of low and moderate income shall be equal to four (4) 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 Mays, seconded by Councilperson Winfrey, that this matter be PASSED. The motion carried by the following vote:

Aye: 6 - Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey and Councilperson Galloway

No: 2 - Councilperson Griggs and Councilperson Worthing

Absent: 1 - Councilperson Fields

PETITIONS AND UNOFFICIAL COMMUNICATIONS

Financial Report/Karegnondi Water Authority (KWA)

Communication received September 27, 2021, re: The Karegnondi Water Authority (KWA) August 2021 Financial Report.

This Matter was Placed on File on the Consent Agenda.

Press Release/Office of Gov. Gretchen Whitmer/Virtual Briefing/FY2022 State Budget

Email dated September 27, 2021, from the office of Gov. Gretchen Whitmer, re: Community leaders are invited to a virtual briefing on the FY2022 state budget at 2 p.m. Wednesday, September 29, 2021 on Microsoft.

This Matter was Placed on File on the Consent Agenda.

COMMUNICATIONS (from Mayor and other City Officials)

Office of Waste Services/New Waste Collection Services Company

Email dated October 5, 2021, from Waste Services Coordinator Heather Griffin: She details the transition from Republic Services to Priority Waste.

This Matter was Placed on File on the Consent Agenda.

Traffic Engineering/Closure Permits

Sidewalk, Lane and Street Closure permits (3) dated September 2021, 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.

ADDITIONAL COMMUNICATIONS

APPOINTMENTS

Reappointment/Flint District Library Board/Kathy R. Jackson

Resolution resolving that the Flint City Council approves the reappointment of Kathy R. Jackson (132 West First Street, Flint, Michigan, 48502) to the Flint District Library Board for another three-year term, commencing October 1, 2021, and expiring September 30, 2024, as requested by Mayor Sheldon Neeley. [NOTE: By way of background, Ms. Jackson's term expired September 30, 2021.]

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

Aye: 8 - Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey, Councilperson Galloway, Councilperson Griggs and Councilperson Worthing

Absent: 1 - Councilperson Fields

Appointment/Flint District Library Board/Vivian Kao

Resolution resolving that the Flint City Council approves the appointment of Vivian Kao (1213 Beard Street, Flint, Michigan, 48503) to the Flint District Library Board for a three-year term, commencing October 1, 2021, and expiring September 30, 2024, as requested by Mayor Sheldon Neeley.

The motion was to amend to say "reappointment."

A motion was made by Councilperson Mays, seconded by Councilperson Griggs, that this matter be Amended. The motion carried by the following vote:

Aye: 8 - Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey, Councilperson Galloway, Councilperson Griggs and Councilperson Worthing

Absent: 1 - Councilperson Fields

ROLL CALL

Councilperson Worthing left at 12:02 a.m.

Present: Councilperson: Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Winfrey, Councilperson Galloway and Councilperson Griggs

Absent: Councilperson: Councilperson Fields and Councilperson Worthing

Amendment/Reappointment/Flint District Library Board/Vivian Kao

Amended resolution resolving that the Flint City Council approves the reappointment of Vivian Kao (1213 Beard Street, Flint, Michigan, 48503) to the Flint District Library Board for a three-year term, commencing October 1, 2021, and expiring September 30, 2024, as requested by Mayor Sheldon Neeley. [NOTE: Resolution corrected from "appointment" to "reappointment."]

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

Aye: 7 - Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey, Councilperson Galloway and Councilperson Griggs

Absent: 2 - Councilperson Fields and Councilperson Worthing

RESOLUTIONS

Approval/Request for Waiver/Potential Conflict of Interest/Attorney Richard M. Wilson, Jr.

Resolution resolving that the Flint City Council approves and consents to request for waiver of potential conflict of interest for Attorney Richard M. Wilson, Jr. [NOTE: Attorney Richard M. Wilson, Jr. has represented the Flint City Council in the review of water litigation, and he represents Consumers Energy in condemnation cases. Rule 1.7 of the Michigan Rules of Professional Conduct state that an attorney may not represent a client if that representation will be "directly adverse to another client" unless the client consents after consultation and the representation will not "adversely affect the relationship with the other client."]

SEPARATED FROM MASTER RESOLUTION

Siemens Mobility/Eagle Signal Repair Parts & Services

Resolution resolving that the Division of Purchases & Supplies, upon City Council's approval, is hereby authorized to issue a purchase order to Siemens Mobility for Eagle signal repair parts and services, as requested by Traffic Engineering, in an amount NOT-TO-EXCEED \$100,000.00 [Major Street Fund Acct. No. 202-443.201-801.000.]

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

Multi-Year/Comcast/Acquisition/Fiber Internet Circuit

Resolution resolving that the appropriate city officials, upon City Council's approval, are able to issue a purchase order to Comcast, for a new fiber circuit, as requested by Information Technology, in an amount NOT-TO-EXCEED \$21,919.00 for FY2022, \$43,440.00 for FY2023, \$43,440.00 for FY2024, and \$21,720.00 for FY 2025, pending adoption of each year's budget, for a 36-month aggregate amount NOT-TO-EXCEED \$130,519.00 [IT Communication Fund Acct. No. 636-228.100-850.000 = \$130,320.00 and IT Professional Services Acct. No.

636-228.100-800.000 = \$199.00.]

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

CO#1/Contract/Wade Trim/Rehabilitation Construction Engineering Services/Robert T. Longway Rehabilitation

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into Change Order #1 to the contract with Wade Trim for Robert T. Longway rehabilitation Construction Engineering (CE), and to use Water Infrastructure Improvements for the Nation (WIIN) for the watermain engineering services portion of the contract, as requested by DPW, in an amount NOT-TO-EXCEED \$15,000.00, which does not change the original amount of \$118,000.00 [Water Capital Projects Grant Fund Acct. No. 496-555.000-801.052].

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

Memorandum of Understanding (MOU)/City of Flint/Flint Children's Museum

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to enter into a Memorandum of Understanding between the City of Flint and the Flint Children's Museum.

SEPARATED FROM MASTER RESOLUTION

Recognition/Honorary Street Sign/Spencer Street Between Saginaw Street and Martin Luther King Boulevard/Claressa Shields Street

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things to recognize Claressa Shields with an honorary street sign designation on a one-block portion of Spencer Street between Saginaw Street and Martin Luther King Boulevard.

SEPARATED FROM MASTER RESOLUTION

Charitable Gaming License/State of Michigan Lottery Charitable Gaming Division/Buckham Fine Arts Project

Resolution resolving that the Buckham Fine Arts Project is recognized as a non-profit organization operating in the city of Flint for the purpose of obtaining a charitable gaming license, as issued by the State of Michigan Lottery Charitable Gaming Division, relative to conducting charity and fundraising events, as allowed by Act 382 of the Public Acts of 1972, as amended. [NOTE: The Buckham Fine Arts Project plans to conduct a raffle on November 12, 2021, in downtown Flint.]

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

Opposition/Workplace Discrimination Based on Facial Hair

Resolution resolving that the Flint City Council opposes workplace discrimination based on beards or other facial hair in the absence of compelling reasons of health, safety and/or public welfare or unless it interferes with the safety of the employee; i.e., firefighters, or interference with employee safety or employee apparatus.

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

Grant Agreement/Michigan Department of Environment, Great Lakes and Energy (EGLE)/Recycling & Organic Infrastructure Grant

Resolution resolving that the appropriate city officials are authorized to do all things necessary to appropriate grant award funding, and to abide by the terms and conditions of the grant award agreement from the State of Michigan Department of Environment, Great Lakes and Energy, in the total amount of \$133,551.00, with a partnership (City of Flint and Bioworks Energy combined) match of \$46,526.00, AND, resolving that the City Administrator, Department of Public Works Director and Water Pollution Control Manager be authorized as signatories and representatives for all activities associated with the projects related to the grant listed above.

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

RESOLUTIONS (May Be Referred from Special Affairs)

Contract/City of Flint/County of Genesee/Flint Holding Facility Operation

Resolution resolving that the appropriate city officials are to do all things necessary to enter into an agreement with Genesee County for operation of the Flint Holding Facility for the period October 1, 2020, through September 30, 2021 [General Fund Professional Services Acct. No. 101-302.205-801.000.] [NOTE: The City of Flint Police Department includes a 110-person holding facility with the ability to hold detainees for up to 72 hours. The Genesee County Sheriff currently operates the holding facility. The city and the sheriff have agreed to the terms of a contract for the sheriff to continue operating the facility for a contract price NOT-TO-EXCEED \$2,914,726.00. The agreement is contingent on the city receiving funding from the State of Michigan to pay the full costs of the contract and the sheriff receiving a continued waiver from the Michigan Department of Corrections.]

SEPARATED FROM MASTER RESOLUTION

Passed The Consent Agenda

A motion was made by Councilperson Mays, seconded by Councilperson Winfrey, 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 Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey, Councilperson Galloway and Councilperson Griggs

Absent: 2 - Councilperson Fields and Councilperson Worthing

SEPARATED FROM MASTER RESOLUTION

Approval/Request for Waiver/Potential Conflict of Interest/Attorney Richard M. Wilson, Jr.

Resolution resolving that the Flint City Council approves and consents to request for waiver of potential conflict of interest for Attorney Richard M. Wilson, Jr. [NOTE: Attorney Richard M. Wilson, Jr. has represented the Flint City Council in the review of water litigation, and he represents Consumers Energy in condemnation cases. Rule 1.7 of the Michigan Rules of Professional Conduct state that an attorney may not represent a client if that representation will be "directly adverse to another client" unless the client consents after consultation and the representation will not "adversely affect the relationship with the other client."]

A motion was made by Councilperson Griggs, seconded by Councilperson Guerra, that this matter be Adopted. The motion failed by the following vote:

Aye: 4 - Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey and Councilperson Griggs

No: 3 - Councilperson Mays, Councilperson Davis and Councilperson Galloway

Absent: 2 - Councilperson Fields and Councilperson Worthing

Memorandum of Understanding (MOU)/City of Flint/Flint Children's Museum

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to enter into a Memorandum of Understanding between the City of Flint and the Flint Children's Museum.

Adopted

Substituted

A motion was made by Councilperson Mays, seconded by Councilperson Griggs, that this matter be POSTPONED for October 25, 2021. The motion carried by the following vote:

Aye: 6 - Councilperson Mays, Councilperson Davis, Councilperson Winfrey-Carter, Councilperson Winfrey, Councilperson Galloway and Councilperson Griggs

No: 1 - Councilperson Guerra

Absent: 2 - Councilperson Fields and Councilperson Worthing

Recognition/Honorary Street Sign/Spencer Street Between Saginaw Street and Martin Luther King Boulevard/Claressa Shields Street

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things to recognize Claressa Shields with an honorary

street sign designation on a one-block portion of Spencer Street between Saginaw Street and Martin Luther King Boulevard.

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

Aye: 7 - Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey, Councilperson Galloway and Councilperson Griggs

Absent: 2 - Councilperson Fields and Councilperson Worthing

Contract/City of Flint/County of Genesee/Flint Holding Facility Operation

Resolution resolving that the appropriate city officials are to do all things necessary to enter into an agreement with Genesee County for operation of the Flint Holding Facility for the period October 1, 2020, through September 30, 2021 [General Fund Professional Services Acct. No. 101-302.205-801.000.] [NOTE: The City of Flint Police Department includes a 110-person holding facility with the ability to hold detainees for up to 72 hours. The Genesee County Sheriff currently operates the holding facility. The city and the sheriff have agreed to the terms of a contract for the sheriff to continue operating the facility for a contract price NOT-TO-EXCEED \$2,914,726.00. The agreement is contingent on the city receiving funding from the State of Michigan to pay the full costs of the contract and the sheriff receiving a continued waiver from the Michigan Department of Corrections.]

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

Aye: 7 - Councilperson Mays, Councilperson Davis, Councilperson Guerra, Councilperson Winfrey-Carter, Councilperson Winfrey, Councilperson Galloway and Councilperson Griggs

Absent: 2 - Councilperson Fields and Councilperson Worthing

ADJOURNMENT

Vice President Maurice Davis adjourned this meeting at 1:29 a.m., after a motion by Councilperson Guerra and support by Councilperson Galloway. The vote was 7-0 (Absent: Fields, Worthing).

Respectfully transcribed & submitted,

Janell Johnson, Administrative Secretary to City Council