

City of Flint, Michigan

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



Meeting Minutes - Draft

Tuesday, September 28, 2021

6:00 PM

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ELECTRONIC PUBLIC MEETING

SPECIAL CITY COUNCIL

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

*Eric Mays, Ward 1
Jeri 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

Council President Kate Fields called the meeting to order at 6:01 p.m.

ROLL CALL

Present: Councilperson Mays, Vice President Davis, Councilperson Fields, Councilperson Winfrey-Carter, Councilperson Winfrey and President Galloway

Absent: Councilperson Guerra, Councilperson Griggs and Councilperson Worthing

PLEDGE OF ALLEGIANCE

Councilperson Davis led the Pledge of Allegiance.

REQUEST FOR CHANGES AND/OR ADDITIONS TO AGENDA

Councilperson Galloway made a motion to have Introduction and First Reading of Ordinances after Public Speaking/Council Response. The motion passed 5-1 (No: Fields). (Absent: Guerra, Griggs, Worthing).

PUBLIC SPEAKING

Public speaking was held.

ROLL CALL

Councilperson Griggs arrived around 8:43 p.m.

Present: Councilperson Mays, Vice President Davis, Councilperson Fields, Councilperson Winfrey-Carter, Councilperson Winfrey, President Galloway and Councilperson Griggs

Absent: Councilperson Guerra and Councilperson Worthing

MOTION TO CENSURE

Councilperson Galloway made a motion, with support from Councilperson Davis, to censure President Fields for 30 days. Councilperson Mays, with support from Councilperson Galloway, made a substitute motion to "silence her voice -- she can vote but not talk." Councilperson Winfrey-Carter, with support from Councilperson Winfrey, made a motion to Call the Question. The motion failed 5-1 (No: Fields). Councilperson Galloway, with support from Councilperson Winfrey-Carter, made a motion to Call the Question. The vote failed 5-2 (No: Fields, Griggs). The vote on the original motion to censure President Fields was 5-2 (No: Fields, Griggs).

ROLL CALL

Council President Fields left around 8:54 p.m.

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

Absent: Councilperson Guerra, Councilperson Fields and Councilperson Worthing

INTRODUCTION AND FIRST READING OF ORDINANCES

210332 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

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.

The motion was to amend 210332 and correct 210397 and Acknowledge for First Reading.

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

Aye: 5 - Councilperson Mays, Vice President Davis, Councilperson Winfrey-Carter, Councilperson Winfrey and President Galloway

No: 1 - Councilperson Griggs

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

210397 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 ACKNOWLEDGED FOR FIRST READING. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Vice President Davis, Councilperson Winfrey-Carter, Councilperson Winfrey and President Galloway

No: 1 - Councilperson Griggs

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

PETITIONS AND UNOFFICIAL COMMUNICATIONS

210483 Press Release/Office of Gov. Gretchen Whitmer/Michigan's New Economy

Email dated September 22, 2021, from the office of Gov. Gretchen Whitmer, re: Michigan's economy is poised for a once-in-a-generation recovery.

This Matter was Placed on File on the Consent Agenda.

210484 Press Release/Office of Gov. Gretchen Whitmer/Gov. Whitmer/Legislature/Agreement on Bipartisan Budget

Email dated September 22, 2021, from the office of Gov. Gretchen Whitmer, re: Gov. Whitmer and the State Legislature have come together on a bipartisan budget agreement that does not raise taxes on Michiganders.

This Matter was Placed on File on the Consent Agenda.

210485 Press Release/Office of Gov. Gretchen Whitmer/New Economy Plan

Email dated September 22, 2021, from the office of Gov. Gretchen Whitmer, re: Gov. Whitmer detailed her economic agenda, a \$2.1 billion MI New Economy Plan, at the Mackinac Policy Conference.

This Matter was Placed on File on the Consent Agenda.

COMMUNICATIONS (from Mayor and other City Officials)

210481 City of Flint/Press Release/Update on Water Connections for Commercial Property Owners

Press Release dated September 22, 2021, from the City of Flint, re: The City of Flint Treasury Department will resume water shut-offs at commercial properties considered "extreme(ly) delinquent."

This Matter was Placed on File on the Consent Agenda.

210482 Traffic Engineering/Closure Permits

Sidewalk, Lane and Street Closure permits (4) dated August and 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.

APPOINTMENTS

210157 Appointment/Water System Advisory Council/Nancy Love

Resolution resolving that Mayor Neeley hereby appoints Nancy Love (1351 Beal Avenue, Ann Arbor, MI 48109) to serve on the Water System Advisory Council. [NOTE: Pursuant to the State of Michigan's administrative rules, water suppliers serving a population of 50,000 or more, shall create a Water System Advisory Council. The purpose of the Council is to improve transparency in the City of Flint community by developing materials and advising the water system on public awareness and education efforts.]

The motion was to Table 210157 and 210229 until after dealing with the other appointments on the agenda.

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

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

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

210229

Appointment/Water System Advisory Council/Shawn P. McElmurry

Resolution resolving that Mayor Neeley hereby appoints Shawn P. McElmurry (2153 Engineering Building, 5050 Anthony Wayne Drive, Detroit, MI 48202) to serve on the Water System Advisory Council. [NOTE: Pursuant to the State of Michigan's administrative rules, water suppliers serving a population of 50,000 or more, shall create a Water System Advisory Council. The purpose of the Council is to improve transparency in the City of Flint community by developing materials and advising the water system on public awareness and education efforts.]

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

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

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

210454

Appointment/Water System Advisory Council/Laura Sullivan

Resolution resolving that Mayor Neeley hereby appoints Laura Sullivan (3101 Hawthorne Drive, Flint, MI 48503) to serve on the Water System Advisory Council. [NOTE: Pursuant to the State of Michigan's administrative rules, water suppliers serving a population of 50,000 or more, shall create a Water System Advisory Council. The purpose of the Council is to improve transparency in the City of Flint community by developing materials and advising the water system on public awareness and education efforts.]

The motion was to approve both 210454 (Laura Sullivan) and 210455 (Nayyirah Shariff) in one motion.

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

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

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

210455

Appointment/Water System Advisory Council/Nayyirah Shariff

Resolution resolving that Mayor Neeley hereby appoints Nayyirah Shariff (3628 Beecher Road, Flint, MI 48503) to serve on the Water System Advisory Council. [NOTE: Pursuant to the State of Michigan's administrative rules, water suppliers serving a population of 50,000 or more, shall create a Water System Advisory Council. The purpose of the Council is to improve transparency in the City of Flint

community by developing materials and advising the water system on public awareness and education efforts.]

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

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

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

210456

Appointment/Water System Advisory Council/Diana Phillips

Resolution resolving that Mayor Neeley hereby appoints Diana Phillips (510 Dougherty Place, Flint, MI 48504) to serve on the Water System Advisory Council. [NOTE: Pursuant to the State of Michigan's administrative rules, water suppliers serving a population of 50,000 or more, shall create a Water System Advisory Council. The purpose of the Council is to improve transparency in the City of Flint community by developing materials and advising the water system on public awareness and education efforts.]

Approved

Substituted

A motion was made by President Galloway, seconded by Councilperson Winfrey-Carter, that this matter be REFERRED TO COMMITTEE to the GOVERNMENTAL OPERATIONS COMMITTEE, due back on October 6, 2021. The motion failed by the following vote:

Aye: 3 - Councilperson Mays, Vice President Davis and Councilperson Winfrey

No: 2 - Councilperson Winfrey-Carter and President Galloway

Abstain, COI: 1 - Councilperson Griggs

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

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

Aye: 4 - Vice President Davis, Councilperson Winfrey, President Galloway and Councilperson Griggs

No: 1 - Councilperson Winfrey-Carter

Abstain: 1 - Councilperson Mays

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

210457

Appointment/Water System Advisory Council/Wendy Braun

Resolution resolving that Mayor Neeley hereby appoints Wendy Braun (2015 Crooked Lane, Flint, MI 48503) to serve on the Water System Advisory Council. [NOTE: Pursuant to the State of Michigan's administrative rules, water suppliers serving a population of 50,000 or more, shall create a Water System Advisory Council. The purpose of the Council is to improve transparency in the City of Flint

community by developing materials and advising the water system on public awareness and education efforts.]

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

Aye: 5 - Councilperson Mays, Vice President Davis, Councilperson Winfrey, President Galloway and Councilperson Griggs

No: 1 - Councilperson Winfrey-Carter

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

REMOVED FROM THE TABLE

Appointment resolutions 210157 (Nancy Love) and 210229 (Shawn McElmurry) were taken off the table after a motion by Councilperson Mays, and support from Councilperson Winfrey-Carter. The vote was 5-1 (No: Griggs).

210157 Appointment/Water System Advisory Council/Nancy Love

Resolution resolving that Mayor Neeley hereby appoints Nancy Love (1351 Beal Avenue, Ann Arbor, MI 48109) to serve on the Water System Advisory Council. [NOTE: Pursuant to the State of Michigan's administrative rules, water suppliers serving a population of 50,000 or more, shall create a Water System Advisory Council. The purpose of the Council is to improve transparency in the City of Flint community by developing materials and advising the water system on public awareness and education efforts.]

The motion was to approve 210157 and 210229 in one motion.

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

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

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

210229 Appointment/Water System Advisory Council/Shawn P. McElmurry

Resolution resolving that Mayor Neeley hereby appoints Shawn P. McElmurry (2153 Engineering Building, 5050 Anthony Wayne Drive, Detroit, MI 48202) to serve on the Water System Advisory Council. [NOTE: Pursuant to the State of Michigan's administrative rules, water suppliers serving a population of 50,000 or more, shall create a Water System Advisory Council. The purpose of the Council is to improve transparency in the City of Flint community by developing materials and advising the water system on public awareness and education efforts.]

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

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

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

RESOLUTIONS

210429 Contract/Rehmann Robson, LLC/City of Flint/Audit/FY2021

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things necessary to engage the services of Rehmann Robson, LLC, for FY2021 auditing services, in the amount of \$236,000.00, for a total contract price of \$711,000.00, plus out-of-pocket expenses [General Fund City Council Acct. No. 101-101.100-801.000.] [NOTE: The City Council adopted Resolution No. 200258 on June 22, 2020 to enter into a three-year contract with Rehmann Robson for a total contract amount of \$701,000.00. On November 23, 2020, the City Council adopted Resolution No. 200479 authorizing an additional \$7,500.00 to cover single audit services The \$236,000.00 requested this year represents an increase of \$2,500.00 to conform with the Government Financial Officers Association criteria, plus out-of-pocket expenses.]

SEPARATED FROM MASTER RESOLUTION

210448 Ace-Saginaw Paving Co./Asphalt Paving Materials

Resolution resolving that the appropriate city officials, upon City Council's approval, are to do all things necessary to continue the current contract with Ace-Saginaw Paving Co. for asphalt paving materials, as requested by DPW, in an amount NOT-TO-EXCEED \$560,000.00 [Major Street Fund Acct. No. 202-449.201-782.000 = \$95,000.00; Acct. No. 202-449.201-782.000 = \$358,500.00; and Acct. No. 202-449.203-782.000 = \$13,500.00; and Local Street Fund Acct. No. 203-449.203-782.000 = \$12,000.00; Acct. No. 203-449.211-782.000 = \$9,000.00; and Acct. No. 203-449.211-782.000 = \$12,000.00, and Sewer Fund Acct. No. 590-540.208-782.000 = \$30,000.00 and Water Fund Acct. No. 591-540.202-782.000 = \$30,000.00.] [NOTE: This is the second year of a two-year contract.]

This Matter was Adopted on the Consent Agenda.

210449 Contract Extension/Duke's Root Control, Inc./Root Control Services

Resolution resolving that the appropriate city officials are to do all things necessary to extend the contract with Duke's Root Control, Inc. for sewer line chemical root control services, in an amount NOT-TO-EXCEED \$350,000.00, as requested by DPW [Sewer Fund Capital Improvement Fund Acct. No. 590-540.300-801.000.] [NOTE: The company agreed to extend its bid pricing for the next two years.]

This Matter was Adopted on the Consent Agenda.

210450 Contract/Ferguson Waterworks/Water Main & Service Connection Parts

Resolution resolving that the proper city officials, upon City Council's approval, are

authorized to enter into year two of the two-year contract with Ferguson Waterworks, as requested by the Water Service Center, for water main and service connection parts, in an amount NOT-TO-EXCEED \$110,000.00 [Water Fund Supplies Acct. No. 591-540.202-752.000.]

This Matter was Adopted on the Consent Agenda.

210451 CO#1/DLZ Michigan, Inc./Additional Engineering Oversight/Northwest Pump Station Bypass Diversion

Resolution resolving that the proper city officials, upon City Council's approval, are authorized to enter into change order #1 with DLZ Michigan, Inc. for engineering services for the additional engineering oversight required to complete the WPC Northwest Pumping Station bypass diversion project, as requested by Water Pollution Control, in an amount NOT-TO-EXCEED \$5,100.00, and a revised contract amount NOT-TO-EXCEED \$174,853.00 [Sewer Fund Acct. No. 590-550.300-801.000.]

This Matter was Adopted on the Consent Agenda.

210452 CO#1/Contract/Z Contractors, Inc./Northwest Pump Station Bypass Diversion

Resolution resolving that the proper city officials, upon City Council's approval, are authorized to enter into change order #1 with Z Contractors, Inc. for the additional work required to complete the Northwest Pump Station bypass diversion project, as requested by Water Pollution Control, in an amount NOT-TO-EXCEED \$135,902.99, and a revised contract amount NOT-TO-EXCEED \$3,155,091.99 [Sewer Fund Acct. No. 590-550.413-801.075.] [NOTE: This project is part of Phase 1 of the Publicly Owned Treatment Works, DPW-WPC Improvements SRF Project Plan.]

This Matter was Adopted on the Consent Agenda.

210453 Approval/Resolution of Complaint/Public Nuisance/Cheers Market

Resolution resolving that the Mayor and Flint City Council stand with the residents of Flint, in making this declaration of Cheers Market as a public nuisance, AND, resolving that the Mayor and the Flint City Council do all things necessary to promote good, honest, hardworking, legitimate and law-abiding businesses throughout the City of Flint, AND, resolving that the Mayor and Flint City Council do all things necessary to submit this resolution to the Michigan Liquor Control Commission declaring Cheers Market as a public nuisance in the City of Flint and request that a complaint be opened against Cheers Market to revoke its licensure under the Michigan Liquor Control Code.

SEPARATED FROM MASTER RESOLUTION

210458 Agreement/Genesee County Health Department/Genesee Healthy Start Grant

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things necessary to enter into an agreement with the Genesee County Health Department, in an amount NOT-TO-EXCEED

\$454,795.00, over the final 12-month grant period, July 1, 2021, until June 30, 2022. [NOTE: The City of Flint was awarded a grant to identify and provide health services to determined cohort children and families, and continued coordination of parent advisory groups of those impacted by the Flint Water Emergency by promoting the recovery of various health barriers.]

This Matter was Adopted on the Consent Agenda.

210477

Settlement/Joshua Klier v City of Flint, et al/Genesee County Circuit Court Case No. 20-114721

Resolution resolving that the Flint City Council approves and consents to the city settling Joshua Klier v City of Flint, et al, Genesee County Circuit Court Case No. 20-114721, for an amount NOT-TO-EXCEED \$75,000.00, with payment drawn from appropriated funds in the Litigation and Suits Line Item No. 677-266.200-956.300. [NOTE: An Executive Session was requested on this matter on September 27, 2021.]

This Matter was Adopted on the Consent Agenda.

Passed The Consent Agenda

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

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

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

SEPARATED FROM MASTER RESOLUTION

210429

Contract/Rehmann Robson, LLC/City of Flint/Audit/FY2021

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things necessary to engage the services of Rehmann Robson, LLC, for FY2021 auditing services, in the amount of \$236,000.00, for a total contract price of \$711,000.00, plus out-of-pocket expenses [General Fund City Council Acct. No. 101-101.100-801.000.] [NOTE: The City Council adopted Resolution No. 200258 on June 22, 2020 to enter into a three-year contract with Rehmann Robson for a total contract amount of \$701,000.00. On November 23, 2020, the City Council adopted Resolution No. 200479 authorizing an additional \$7,500.00 to cover single audit services The \$236,000.00 requested this year represents an increase of \$2,500.00 to conform with the Government Financial Officers Association criteria, plus out-of-pocket expenses.]

A motion was made by President Galloway, seconded by Councilperson Winfrey-Carter, that this matter be POSTPONED for October 6, 2021. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Vice President Davis, Councilperson Winfrey-Carter, Councilperson Winfrey and President Galloway

No: 1 - Councilperson Griggs

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

210453

Approval/Resolution of Complaint/Public Nuisance/Cheers Market

Resolution resolving that the Mayor and Flint City Council stand with the residents of Flint, in making this declaration of Cheers Market as a public nuisance, AND, resolving that the Mayor and the Flint City Council do all things necessary to promote good, honest, hardworking, legitimate and law-abiding businesses throughout the City of Flint, AND, resolving that the Mayor and Flint City Council do all things necessary to submit this resolution to the Michigan Liquor Control Commission declaring Cheers Market as a public nuisance in the City of Flint and request that a complaint be opened against Cheers Market to revoke its licensure under the Michigan Liquor Control Code.

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

Aye: 5 - Councilperson Mays, Vice President Davis, Councilperson Winfrey-Carter, Councilperson Winfrey and President Galloway

No: 1 - Councilperson Griggs

Absent: 3 - Councilperson Guerra, Councilperson Fields and Councilperson Worthing

MOTION

Councilperson Mays, with support from Councilperson Galloway, made a motion to talk about the two water ordinances (21023.1 and 210424) at the next Finance Committee meeting. The vote was 6-0 (Absent: Guerra, Fields, Worthing).

MOTION

Councilperson Galloway, with support from Councilperson Winfrey-Carter, made a motion to have the police chief attend the next Governmental Operations Committee meeting. The vote was 5-0 (Absent: Guerra, Fields, Griggs, Worthing).

ADJOURNMENT

This Special Council meeting adjourned at 11:02 p.m., after a motion by Councilperson Mays, and a second by Councilperson Winfrey. The vote was 5-0 (Absent: Guerra, Fields, Griggs, Worthing).

Respectfully transcribed & submitted,

Janell Johnson, City Council Secretary