

City of Corunna
Regular Council Meeting
Monday, December 18, 2000

Present: Billis, Bayless, Bendall, Dumond, Hornus, Ockerman.

Absent: Runyan (excused).

Guests: Lisa Hitchcock, City Manager; Larry LeCureux; Gene Sanderson; Jackie Leone, The Argus Press; Keith & Diane Johnson; Chief Mark Hetfield, Police Department; Sgt. Kevin Clark, Police Department; Jeremy Boyd, Treasurer; Judy Horton; Steve Corey; Scott Johnson, Fire Chief; Doug & Joanne Lyon; and other concerned citizens.

The meeting was called to order in the City Council Chambers by Mayor Billis at 7:00 p.m.

MINUTES OF THE PREVIOUS REGULAR MEETING: Hornus moved, Dumond seconded to approve the minutes of the previous regular meeting.

Roll call vote:

Yes: Ockerman, Dumond, Hornus, Bayless, Bendall.

No: None.

Motion CARRIED

AGENDA APPROVAL: Hornus moved, Bendall seconded to approve the agenda as presented.

Roll call vote:

Yes: Bayless, Bendall, Ockerman, Dumond, Hornus.

No: None.

Motion CARRIED

APPROVAL OF VENDOR DISBURSEMENTS: Hornus moved, Bendall seconded to approve the vendor disbursements as presented.

Roll call vote:

Yes: Ockerman, Bayless, Hornus, Bendall, Dumond.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Keith Johnson, 211 Hastings Street, stated he has had some awful and thankless jobs, but he has never had one that equaled what council was doing tonight. He further stated people are cranky and snap at you, and they do not appreciate what you do. He also stated you people are underpaid and he thanked everybody for being at the meeting. Mr. Johnson advised he did not know whether the department heads earn their contracts or not. He further advised he believed each department head should get a raise, but over the past week, the city has had some problems but was unsure if the problems were related to a shortage in personnel. He also advised if the city has some money to

spend then people are needed in the trenches. Mr. Johnson stated he is one of those guys who like to see people digging, shoveling and cleaning. Mr. Johnson thanked the department heads and council for the job they were doing.

Steve Corey, 316 W. Mack Street, stated there was snow piled in the middle of the street last week, but he was not complaining about the snow being there. The problem was there was only one traffic lane going each way. He further stated there was traffic backed up from the bridge to the traffic light at Corunna Avenue. He also stated council might want to check with Frankenmuth because they changed their street a few years ago and they are changing their streets back to four lanes. Mr. Corey advised the park and the downtown holiday lighting looked good, and he thanked everyone who was responsible for the work they did.

Doug Lyon, 510 N. Brady Street, asked who was responsible for re-plowing the streets after they had already been plowed two-car widths wide and what logic was used to re-plow the street after the people in the neighborhood had already shoveled out their driveways. Mr. Lyon stated he spoke with several people in the neighborhood and they all have the same view. Ms. Hitchcock advised she needed more information such as the date and time since the street had been plowed several times in the past week. Mayor Billis stated he had been getting phone calls also. He further stated he went down one of the alleys that had not been plowed yet. He also stated the rain on Saturday had packed down the snow and turned it to ice. Mayor Billis advised he shoveled the area in front of his office several times, and after he finished shoveling he noticed the snow plow coming down the street again. He further advised it is very important to have the streets plowed and he had to shovel the area again. He also advised he realizes it is an inconvenience, but the city cannot coordinate when people should shovel snow out of their driveway. Mr. Lyon stated that was not the problem. The problem is the city had already plowed his street two lanes wide and the street was plowed again this morning. Mr. Lyon informed council his wife is handicapped and he has bicep tendonitis in both shoulders and an umbilical hernia, and he cannot shovel snow all of the time for no reason. Mr. Lyon stated he would shovel his driveway once after the street has been plowed two car widths wide and if it gets filled up again then it would stay that way. Councilperson Hornus asked if the streets are plowed closer to the edge of the road each time the street is plowed. Mr. Lyon advised they could not plow any closer because the snow is too hard. Councilperson Hornus stated the city tries to make the street wider because the snow is going to keep coming. Mr. Lyon advised no one had answered his question. Mayor Billis asked Ms. Hitchcock if she could give Mr. Lyon any information. Ms. Hitchcock advised once the snowplow makes the initial pass, they go back and try to widen the street as much as possible. Councilperson Ockerman stated the snow is plowed the same way by the county and state and everyone does it the same way. The city has had a tremendous amount of snow. Mr. Lyon stated he understands there has been a lot of snow, but he and his wife would appreciate some consideration when the snowplow comes by in the future. Councilperson Ockerman stated no one is trying to pick on Mr. Lyon by plowing snow in his driveway. Mayor Billis stated Mr. Lyon was complaining about having his street plowed twice when there are people whose street had only been plowed once.

Keith Johnson stated there is snow piled up at the corner of Hastings Street and Corunna Avenue, and he has to pull out into the intersection to see around it. Ms. Hitchcock advised she would check out the situation.

Judy Horton stated she knows the city has staff problems but she feels the department of public works employees have done a remarkable job with all of the snow the city has received.

7:15 P.M. PUBLIC HEARING TO CONSIDER ORDINANCE 2000-05 ADDING ARTICLE V-GARAGE SALES TO CHAPTER 34-ENVIRONMENT, OF THE CORUNNA CITY CODE: Bendall moved, Hornus seconded to leave the regular meeting and go into a public hearing to consider Ordinance No. 2000-05 adding Article V-Garage Sales to Chapter 34-Environment, of the Corunna City Code.

Roll call vote:

Yes: Hornus, Bendall, Dumond, Bayless, Ockerman.

No: None.

Motion CARRIED Time was 7:25 p.m.

Ms. Hitchcock explained Ordinance No. 2000-05 and advised the intent of the ordinance was to have some control over garage sales. There have been instances in the past where a garage sale was run as a commercial business in a residential area. She further explained the city has never had an ordinance addressing the situation. Councilperson Dumond stated he failed to see where the ordinance would impose a hardship on anyone and he thought the ordinance was fair. Councilperson Ockerman stated he concurred with Councilperson Dumond, but he would like to see an ordinance come to council before it is placed in the council packets. Mayor Billis asked if the ordinance allowed for any flexibility in case someone needed to have a longer garage sale. Ms. Hitchcock advised no. Councilperson Ockerman stated if a garage sale is done on a continuous basis, there could be a problem with parking and with people walking in the streets. Bendall moved, Hornus seconded to leave the public hearing and return to the regular meeting.

Roll call vote:

Yes: Bendall, Bayless, Dumond, Hornus, Ockerman.

No: None.

Motion CARRIED Time was 7:33 p.m.

Dumond moved, Hornus seconded to adopt the following ordinance:

ORDINANCE NO: 2000-05

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CORUNNA, MICHIGAN, CHAPTER 34-ENVIRONMENT, BY ADDING ARTICLE V GARAGE SALES, SECTIONS 34-120 THRU 34-124, OF THE CITY OF CORUNNA CODE.

THE CITY OF CORUNNA, MICHIGAN, ORDAINS:

ARTICLE V. GARAGE SALES

SECTION I. SEC. 34-120-PURPOSE AND INTENT:

The City Council finds that repeated sales of various types of personal property made from residential premises, wherein newspaper advertisements, signs or other means of notification invite the general public to shop at such residential premises, where the property is displayed for sale in the garage, an outbuilding, in the yard area, in the dwelling, or all or a combination of such locations, have become a nuisance to the community. The Council finds that locations where successive sales occur create vehicular traffic problems and detract from the tranquility and privacy of neighborhoods. The Council finds that two (2) sales periods of not more than three (3) days each from any single residential premises do not have an adverse effect on the community. The Council further finds that this article offers the minimum regulation necessary to protect the health, safety and welfare of this community in such regard.

SECTION II. SEC. 34-121-DEFINITIONS:

- (1) For the purpose of this article, the term “occasional sale” shall mean and include “garage sale”, “basement sale” and “rummage sale” and any similar terms such as “attic sale”, “lawn sale”, “flea market sale”, or any similar “casual sale”, etc., shall mean sale of tangible personal property, whether used, secondhand, damaged or discarded, not otherwise regulated in this Code, advertised by any means whereby the public at large is or can be aware of such sale.
- (2) For the purpose of this article, the term “person” shall mean and include individuals, groups, organizations, partnerships, voluntary associations and corporations.

SECTION III. SEC. 34-122 - EXEMPTIONS:

- (1) To occasional sales by persons selling five (5) or less of household or personal items belonging to them or to any sale regulated under any other provisions of ordinances of the city. Home occupations regulated under Chapter 86 of this Code are specifically distinguished from this exemption through: The prohibition of yard or window displays for home occupations; the size restrictions of the occasional sale; the limitation of occasional sale items to used, secondhand, damaged or discarded materials; and the restrictions against persons seeking on-site services or products from home occupations.

- (2) At a sale specifically authorized by statute or judicial order and conducted strictly in conformity with such statute or order or conducted under judicial supervision, such as an estate sale.
- (3) For the personal property exposed for sale, offered for sale or displayed upon land, which is exempt from taxation under 1893 PA 203, as amended, and the proceeds of the sale are applied to a charitable, religious or governmental purpose.

SECTION IV. SEC. 34-123 - CONDITIONS:

An occasional sale shall be authorized only in the following manner and under the conditions stated:

- (1) Two (2) occasional sales may be conducted from any lot occupied for residential purposes within a calendar year with no sale to last more than three (3) consecutive days in duration.
- (2) No sale shall begin prior to 8:00 a.m. or extend beyond 7:00 p.m.
- (3) During the day and hours of the sale only, a person may place not more than three (3) signs, not in excess of four (4) square feet each, upon private property only, advertising the location, dates and time of the garage sale.
- (4) The existence of signs in violation of the provisions of subsection (3) above shall be prima facie evidence of a violation of this chapter by the occupants of the premises whose location is indicated by said signs.

SECTION V. SEC. 34-124 – ENFORCEMENT:

Any police officer of the city and/or the building inspector shall enforce this article by confiscating any signs erected in violation of Chapter 58 ordering the cessation of any sale being conducted in violation of this article or directing any other necessary corrective action. Any police officer or the building inspector is authorized to issue an appearance ticket for violation of this article.

SECTION VI. SEVERABILITY CLAUSE:

This ORDINANCE and the several sections, sub-sections, clauses and parts thereof are hereby declared to be severable. If any part or clause thereof is declared or adjudged invalid by present or future legislation or court decree, the balance of the ORDINANCE shall not be affected thereby.

SECTION VII. CONFLICTING ORDINANCES REPEALED:

All ORDINANCES previously adopted and inconsistent with the provisions of this ORDINANCE are repealed, and in the case of inconsistencies, to the extent of such inconsistencies, are hereby repealed.

SECTION VIII. COPIES AVAILABLE.

This ORDINANCE may be purchased or inspected in the City Clerk's Offices, Monday through Friday, between the hours of 9:00 a.m. and 4:30 p.m.

SECTION IX. EFFECTIVE DATE:

This ORDINANCE shall take effect pursuant to the Corunna City Charter, immediately upon publication hereof.

Roll call vote:

Yes: Dumond, Hornus, Ockerman, Bendall, Bayless.

No: None.

Motion CARRIED

CONSIDER MOTOROLA/NEXTEL SYSTEM: Councilperson Dumond stated he was pleased to see that the fire chief was included on the list. Councilperson Ockerman asked if anyone had a crying need for the phones. Ms. Hitchcock advised initially the request came from Mr. Crawford because the department of public works was having problems with their radios. Councilperson Ockerman advised someone stated originally that the phones were not budgeted, and asked if this was correct. Ms. Hitchcock advised the total amount was not budgeted, but a transfer of funds would be needed. Councilperson Ockerman asked how much would be needed. Ms. Hitchcock advised the total cost for eleven phones would be \$7,625 per year and the total cost for five phones is \$3,035 per year. Councilperson Ockerman asked what the additional costs would be. Ms. Hitchcock advised \$1,500. Councilperson Ockerman stated there appeared to be some flat rate charges each month. Ms. Hitchcock advised the charges had been figured in the price. Councilperson Ockerman stated he has a friend at General Motors, who is responsible for 300 people, and they went back to radios because of the dead areas inside and outside of a building and the dialing speed is slower than radios. He further stated he has been told a phone patch could be installed inside a two-way radio, which is another option the city might have as opposed to Nextel. Councilperson Ockerman advised he wondered if the city should be patient since the costs keep coming down on high tech items. He further advised he believes there are too many problems with the Nextel system to warrant the expenditure. He also advised long distance would not be a factor. Ms. Hitchcock advised it would be a factor when the city needs to talk to the engineers and contractors. Councilperson Ockerman stated Mr. Crawford would not be that far away from a phone. He further stated he is looking for reasons why the city should go to Nextel but he has not found any. Ms. Hitchcock advised when the department of public works is out in the field; it would save a lot of time when an emergency response is needed. She further advised there are dead areas around the state, which Nextel will confirm. Councilperson Ockerman asked why there are phones at the pump stations. Ms. Hitchcock advised in case there are problems at the water tower or pump stations.

Councilperson Hornus advised Wickes Lumber has Nextel phones, and they would not be without them. Ms. Hitchcock stated she has spoke to Bill Kimble from Capital Consultants and he would not be without his phone. Chief Mark Hetfield stated the city would combine two pieces of equipment into one. Councilperson Bendall stated council does not realize what the departments deal with on a daily basis. Ms. Hitchcock stated if council does not approve the phones then the city will get pagers. Councilperson Ockerman stated pagers are cheap. Councilperson Bendall asked if the two-way radios would have to be maintained. Ms. Hitchcock advised yes because that is how Mr. Crawford communicates with his employees. Councilperson Dumond asked if the cost of the phone lines and pagers would be eliminated. Ms. Hitchcock advised yes. Councilperson Bendall asked if the two-way radios would be maintained because only five Nextel phones would be purchased. Ms. Hitchcock advised yes. Councilperson Bayless stated the people on the list who have pagers need cell phones of some type. He further stated it made sense to him to try five phones for one year. He also stated he knows the Nextel system has a few dead zones but Corunna is pretty good. He has never had a problem with a dead zone in this area. Bayless moved, Dumond seconded to approve the purchase of five Nextel phone systems in the amount of \$3,035.00 annually from ProCom, Inc.

Roll call vote:

Yes: Dumond, Hornus, Bayless, Bendall.

No: Ockerman.

Motion CARRIED

CONSIDER COMMERCIAL BUILDING LEASE: Councilperson Ockerman asked what the lease dollar amount was. Ms. Hitchcock advised the homebuilders would do building improvements. Councilperson Ockerman asked why the homebuilders want a 25-year lease. Councilperson Bayless advised the commercial building needs a new roof, and it will cost some major dollars to replace it. The homebuilders want a long enough lease to recoup their expense by using the building over a longer period of time. He further advised the home builders have already spent quite a bit of money on a heating system, upgrading lights, etc. Councilperson Ockerman asked how much it would cost to put a new roof on the building. Councilperson Hornus advised a lot. Councilperson Ockerman stated \$60 per square foot would not be unreasonable and asked what the square foot of the building was. Ms. Hitchcock advised approximately 200 feet by 50 feet. Councilperson Ockerman stated it would cost around \$40,000 to put on a roof. Councilperson Bayless stated the homebuilders could put on a new roof a lot cheaper with the connections they have. Councilperson Ockerman asked why the homebuilders want to be able to sublet the building. Ms. Hitchcock advised it was her understanding the homebuilders might have a member who was willing to do something for a non-profit organization. Councilperson Ockerman stated he was bothered by the sublet. Ms. Hitchcock advised she was also bothered by the sublet and that is why she has insisted on making sure there is liability coverage. Councilperson Bayless stated the homebuilders have changed the usage from 10 days per year to 20 days whether the homebuilders or someone else uses the building. He further stated he believed the homebuilders are looking at having some fundraisers. Councilperson Ockerman stated he was bothered by what could be held in the building and the volume of cars that could be in the park.

Councilperson Hornus advised the homebuilders would have to come to council before they could sublet the building. Ms. Hitchcock advised not with this contract. Councilperson Ockerman stated the term "with city council approval" should be added to item number four because no contract can be made without city council approval as mentioned on page 56 of the city charter. He further stated the term "with city council approval" should also be included in item number one. He also stated if the term "with city council approval" is added to the contract and the homebuilders do try to sublet the building and council is not happy with it then council can argue the issue at that time. Councilperson Bayless advised the homebuilders would have to get on the calendar just like everyone else does. Councilperson Ockerman stated he was not opposed to the lease because the building is an asset to the park. He further stated he did not know if council could approve a 25-year lease. Ms. Hitchcock advised it could be done and that is why she had Dick Burlingame look over the lease. Councilperson Ockerman stated Mr. Burlingame missed "with council approval" in the charter. Mayor Billis asked why council would want to approve a lease for 25 years. Councilperson Bendall advised so improvements can be made to the building. Councilperson Hornus advised the city does not have the money to keep the building in good repair. Councilperson Ockerman asked if the homebuilders were driving for a 25-year lease. Ms. Hitchcock advised yes. Councilperson Ockerman asked if the last lease was for 10 years. Councilperson Bayless advised yes. Mayor Billis stated he has heard through the community that the homebuilders are not going to hold their show in the park anymore. If this is the case then why is the city going to enter into a 25-year agreement if their full intent is to sublease the building out. He asked council if they would still approve the contract if that was the homebuilders intent. Councilpersons Hornus and Bendall advised yes. Councilperson Bayless stated if the homebuilders sublet the building out and they do not do any improvements then the contract would be null and void. Ms. Hitchcock stated if council has questions for the organization then it would be appropriate not to take any action on the issue and ask someone from the organization to be at the next meeting. Mayor Billis asked if there was something that Corunna was not doing that made the homebuilders go to the chamber of commerce show. Councilperson Hornus advised no, the homebuilders made money on the show. Mayor Billis asked if the homebuilders thought they could make more money with the chamber. Councilperson Hornus advised no, they can make the same amount of money with the chamber of commerce that they made in Corunna without the work. He further advised the home builders could not find anyone to run the show in Corunna this year. Councilperson Bendall asked what the condition of the roof was. Councilperson Hornus advised the roof leaks in several places and there is concern that the ceiling will be damaged if the roof leaks. Councilperson Bayless suggested contacting someone from the homebuilders to make sure they do not have a problem with the new verbiage. He asked if a motion was needed to table the issue. Ms. Hitchcock advised a motion would not be needed if no action is taken on the issue.

CONSIDER ADOPTION OF YEAR 2001 REGULAR COUNCIL MEETING DATES: Bendall

moved, Dumond seconded to adopt the following Year 2001 regular council meeting dates as presented:

January 3 (Wednesday)
January 16 (Tuesday)
February 5 (Monday)
February 20 (Tuesday)
March 5 (Monday)
March 19 (Monday)
April 2 (Monday)
April 16 (Monday)
May 7 (Monday)
May 21 (Monday)
June 4 (Monday)
June 18 (Monday)
July 2 (Monday)
July 16 (Monday)
August 6 (Monday)
August 20 (Monday)
September 4 (Tuesday)
September 17 (Monday)
October 1 (Monday)
October 15 (Monday)
November 5 (Monday)
November 19 (Monday)
December 3 (Monday)
December 17 (Monday)

Roll call vote:

Yes: Ockerman, Bayless, Hornus, Bendall, Dumond.

No: None.

Motion CARRIED

CONSIDER DEPARTMENT HEAD CONTRACTS: Councilperson Hornus asked if the labor committee had met. Councilperson Bendall advised no. Councilperson Hornus asked when the labor committee was going to meet. Councilperson Dumond advised the committee is asking for another member to be appointed to the committee. Councilperson Ockerman asked why council needed a recommendation from the labor committee to do something. Councilperson Bendall stated her recommendation to the city manager was to have full council discussion about the classification and compensation study since the commission could not meet. She further stated council needs to decide if they want to adopt any salary ranges. Councilperson Ockerman stated just because council had the study done does not mean it changes anything. These people's wages are long overdue and council needs to act in some fashion. Councilperson Bendall stated council needs to act on the department head contracts and the classification and compensation study. Councilperson Ockerman stated he disagreed

because he does not understand why council needs to act on the study. Councilperson Bendall stated council has talked about setting salary caps but has never formally adopted them. She further stated setting salary caps would eliminate a lot of the discussion on the issue in the future. She also stated setting salary ranges was a priority of this council and something needs to be done. Councilperson Bendall advised she would like to see a workshop held in the future to adopt some sort of salary range. Councilperson Dumond stated council has spent a considerable amount of money just to find out how the city compares with other cities. He further stated it would be too bad to throw the study out the window. The city has to have some type of guideline to follow. Councilperson Ockerman stated the study gives a guideline to follow when it comes to government versus government, but it does not do it when it comes to private industry. He further stated wages are escalating in government but not in the private industry. He also stated you folks have the power and the numbers. Councilperson Dumond advised that was not correct. The labor committee only makes a recommendation to council. Councilperson Ockerman stated that was correct, but you folks have the power and the numbers and can drive whatever you want through. Councilperson Bendall stated for the record that how she votes and what she votes will be by her conviction, and she does not want to be belittled. Councilperson Ockerman stated he was not belittling anybody. He was just stating facts. Councilperson Bendall stated that was his opinion. Councilperson Ockerman stated that was correct and he would continue to say what he said. Mayor Billis stated it was his hope that the situation could be expedited. He agreed there should be active participation by all members of the labor committee. He further stated it would be beneficial to have everyone on the council participate. Councilperson Hornus suggested scheduling a workshop. Councilperson Dumond stated the task was too big for two people to undertake. Mayor Billis stated the situation was too big for two people to handle. Councilperson Dumond stated arguing about the situation at a council meeting was not the place to do it and recommended discussing the situation at a work session. Councilperson Ockerman stated a work session is also an open meeting. Councilperson Dumond stated he would make his recommendations at the workshop and council could take it from there. He further stated he and Councilperson Bendall both felt there should be input by the entire council. Councilperson Bendall asked council if anyone else had any recommendations to make. Ms. Hitchcock suggested to council that they bring their recommendations to the workshop. A workshop was then scheduled for Wednesday, December 27, 2000 at 6:30 p.m. Councilperson Bayless stated council still needed to do something with the labor committee. The letter council received stated the committee needs three people who could meet. Councilperson Ockerman asked Councilperson Bayless if he was talking about a person who has missed one meeting. Councilperson Bayless advised he was only going by what the letter stated that council received. He asked if there was a problem with the labor committee as the letter stated. Councilperson Ockerman stated he thought Councilperson Bayless was being personal, and it was not fair. Councilperson Bayless stated he was just reading what the letter said. Councilperson Bendall stated the letter came out of the one meeting that was not attended by everyone on the committee. If one of the committee members could not attend a meeting pertaining to department head contract discussions then the committee was requesting the appointment of another committee member. Councilperson Bayless stated he was only asking if there was a problem. Councilperson Bendall advised there was no

problem. Councilperson Bayless stated all he wanted was an answer, and he got it. Mayor Billis stated if the time comes when being on the labor committee would be a hindrance, and since he is responsible for the veto, then he would remove himself from the committee and appoint somebody else. Councilperson Bayless stated he wanted to state for the record that he thought it was valuable to have the mayor on the labor committee.

CALL TO AUDIENCE: Gene Sanderson asked why the people from the newspaper do not publish what the citizens say. If what they had to say is published then maybe more people would come to the meetings. Mayor Billis advised there is nothing council can do about that and Ms. Leone can put anything she wants in the newspaper.

ADJOURN: Bendall moved to adjourn.

Roll call vote:

Yes: Hornus, Bendall, Dumond, Bayless, Ockerman.

No: None.

Motion CARRIED Time was 8:42 p.m.

DR. JAMES BILLIS, MAYOR

YVONNE F. LONG, CITY CLERK