

CITY OF PERRY REGULAR COUNCIL MEETING
PERRY COMMUNITY BUILDING

This institution is an equal opportunity provider, and employer.

REGULAR CITY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON
MARCH 17, 2022

INVOCATION PRESENTED BY PASTOR MONDRAGON FROM PERRY UNITED METHODIST
CHURCH

PRESENT: COUNCILMEMBERS, CHAD FULLER, MINDY GALBAVI,
LARRY LAMBERT, BOB PORTER AND STEVE WALLACE;
MAYOR, SUSAN HAMMOND AND CITY CLERK, DEVIN MILLER

ABSENT: COUNCILMEMBER, MIKE CONNELL

ALSO PRESENT: STUDIO 130, ALEX MALLOY
ZONING ADMINISTRATOR, LELAND SCOTT

Mayor called the meeting to order at 7:00 p.m.
Mayor led the Pledge of Allegiance.

APPROVAL OF AGENDA:

03-17-22-01

Moved by Lambert, seconded by Galbavi that the agenda be adopted as
printed. Carried, all yes.

READING AND APPROVAL OF THE MINUTES:

03-17-22-02

Moved by Wallace, seconded by Porter that we suspend the rules, waive
the reading and approve the minutes from the March 3, 2022 regular
meeting. Carried, all yes.

COMMENTS FROM THE PUBLIC:

Roy Liskey inquired if the court case delay has been rescheduled.

MAYOR REPORTS:

Mayor called a special meeting for March 23rd at 2 p.m. in council
chambers to have a budget workshop for the 2022/23 fiscal year.

COMMITTEE REPORTS:

Clerk gave a brief SATA report.

Lambert reported Ordinance committee will be meeting Thursday, March
24th at 10 a.m. in council chambers to discuss possible marihuana
ordinance and charter amendments.

PRESENTATION AND APPROVAL OF THE BILLS:

03-17-22-03

Moved by Lambert, seconded by Galbavi that we approve the bills as presented and that payment be authorized. Carried, all yes.

OLD BUSINESS:

Discussion/Possible Approval Re: Amendment to American Tower Lease

03-17-22-04

Moved by Wallace, seconded by Lambert that we accept and adopt the following resolution:

WHEREAS the City has received a proposal from American Tower proposing the following amendments to the current lease:

- \$150.00/mo. rent reduction upon full execution of the amendment
- \$150.00/mo. additional rent will be paid to the City for each new tenant added to the tower (revenue share)
- Escalation change to 2% annually on 12/31/2022, consistent with carrier escalations
- American Tower will amend their termination rights under Section 10 (a) (v) of the Lease Agreement by adding a 5-year rent guarantee to the Lease, securing the City's rent through 12/31/2027
- \$5,000.00 One-Time Payment upon full execution of amendment to cover costs for legal review

WHEREAS the City has considered the above referenced modifications;

THEREFORE IT IS RESOLVED THAT the City hereby agrees to the proposed third amendment to the current American Tower lease with the City. Carried, all yes.

NEW BUSINESS:

Possible Approval of Vehicle Purchase

03-17-22-05

Moved by Porter, seconded by Fuller that we authorize the payment to Signature Ford towards a 2022 Ford Police Interceptor Utility AWD for an amount not to exceed \$45,662.00. Carried, all yes.

Possible Adoption of Resolution for Charitable Gaming License

03-17-22-06

Moved by Lambert, seconded by Galbavi that we accept and adopt the following resolution:

IT IS RESOLVED, that the request from the Perry Historical Society of Perry, MI, County of Shiawassee, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses be considered for approval.

Carried, all yes.

Resolution to Place Charter Amendments on the November 2022 Ballot

03-17-22-07

Moved by Lambert, seconded by Galbavi that we accept and adopt the following resolution:

The Perry City Council resolves that:

1. The Perry City Charter shall be amended as follows:

CHARTER AMENDMENT PROPOSAL NO. 1

Section 3.1 Eligibility for Office.

No person shall be eligible for an elective office of the City unless they are a qualified elector of the City. No person shall be eligible for an appointive office of the City unless they reside within the radius, specified in the position's requirements, of the City limits. Provided, however, that should there be any appointive office that requires specialized or professional training, and should there be no resident within the specified radius of the City limits who possesses such specialized or professional training who is willing to accept such office, then and in that event the Council may appoint to that office any qualified elector of the State of Michigan who does possess such training, who as a term of appointment agrees to reside within the specified radius of the City limits within one year.

CHARTER AMENDMENT PROPOSAL NO. 2

Section 6.6 Purchasing Agent.

The Council may designate, and define in the City's Purchasing Policy, one of the administrative officers of the City as Purchasing Agent, and the Agent shall be responsible for the purchase of City personal property within budget limitations and the sale of all City property except real estate. In all sales or purchases in excess of the amount defined by the Council and documented in the City's Purchasing Policy, the sale or purchase shall be approved by the Council and formal sealed bids shall be obtained unless the Council, by formal unanimous resolution of those present at the meeting, determines that no advantage to the City would result from competitive bidding. The Council may authorize the making of public improvements or the performance of any other City work by a City agency without competitive bidding. The Council may establish detailed purchasing, sale and contract procedure by ordinance or resolution.

CHARTER AMENDMENT PROPOSAL NO. 3

Section 4.10 City Library.

The City shall be served by the Community District Library (CDL) and be represented on the CDL Board by a city resident appointed by the Mayor and approved by the City Council for a one (1) year term.

2. The current charter sections being altered by this amendment provide as follows:

Section 3.1 Eligibility for Office.

No person shall be eligible for an elective office of the City unless he shall be a qualified elector of the City. No person shall be eligible for an appointive office of the City unless he shall reside within a fifteen-mile radius of the City limits. Provided, however, that should there be any appointive office that requires specialized or professional training, and should there be no resident within a fifteen-mile radius of the City limits who possesses such specialized or professional training who is willing to accept such office, then and in that event the Council may appoint to that office any qualified elector of the State of Michigan who does possess such training, who as a term of appointment agrees to reside within a fifteen-mile radius of the City limits within one year. (Amended 11-3-98.)

3. The ballot language for the proposed amendment shall be as follows:

CHARTER AMENDMENT PROPOSAL NO. 1

This Charter Amendment is intended to reduce the residency restriction for the appointment of City officials to comply with current state law. Shall the amendment as proposed be adopted?

Yes _____ No _____

CHARTER AMENDMENT PROPOSAL NO. 2

This Charter Amendment is intended to allow the City Council to define the City's Purchasing Policy giving the City Council more flexibility for approval of City purchases. Shall the amendment as proposed be adopted?

Yes _____ No _____

CHARTER AMENDMENT PROPOSAL NO. 3

This Charter Amendment is to allow for the appointment of a Community District Library board member by the Mayor and City Council and eliminate the now moot library board. Shall the amendment as

proposed be adopted?
Yes _____ No _____

4. The City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendments (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendments (MCL 117.21).
5. The proposed amendments shall be submitted to the qualified electors of the City of Perry at the general election to be held in the City on November 8, 2022, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendments to a vote of the electors as required by law.
6. The proposed charter amendments shall be published in full, together with the existing charter provisions amended as required by law. Carried, all yes.

Discussion Re: Dumpster Fencing

Council directed the Zoning Administrator to send a letter to the businesses regarding fencing around dumpsters.

ANY OTHER BUSINESS THAT MAY COME BEFORE COUNCIL:

Lambert reported that the Food Bank will give a report at the second regular council meeting in April.

PUBLIC COMMENT:

None.

ADJOURNMENT: 7:52 P.M.

 3/21/22
Susan J. Hammond, Mayor Date

 3/21/22
Devin Miller, Clerk Date