

**CITY OF PERRY MINUTES**  
**PERRY COMMUNITY BUILDING**

*This institution is an equal opportunity provider and employer*

Regular City Council meeting held on November 2, 2023.

Invocation presented by: Mayor Hammond

**Call to Order:**

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

**Roll Call:**

Present: Mayor Hammond, Mayor Pro-Tem, Larry Lamber. Councilmembers Mike Connell, Chad Fuller, Bob Porter, Keena Dunn and Jacob Puffer.

Absent: None.

Also present: City Clerk, Shirley Smith; Supt. Of DPW, Kevin Tyler, Police Chief, Kyle Bawks and Studio 123, Dennis Malloy.

Absent: Meggen Galbreath, Treasurer.

**Approval of Agenda:**

11-02-23-01

Moved by Porter, seconded by Fuller that the agenda be adopted with the exception of adding the Resolution lifting the moratorium on ZO Amendment, Section 3.30. Carried: all yes.

**Council Meeting Minutes of October 19, 2023:**

11-02-23-02

Moved by Connell, second by Porter that we suspend the rules, waive the reading and approve the minutes from the October 19, 2023 meeting. Carried: all yes.

**Preapproved Reports or Presentations:**

None.

**Public Comment:**

None.

**Communications:**

MML flyer, possible tree sale order form.

**Mayor & Department Head Reports:**

Treasurer Meggen Galbreath: absent.

Supt. Of DPW Kevin Tyler: reported he is still working on a way to eliminate the brush from the tornado. Midwest Tree Service will come in and work for two days for \$15,000, grinding and hauling as much as they can in those two days. His recommendation is to do this before winter. DPW has replaced most of the damaged sidewalks. There was another pipe leak at the water treatment plant.

Sewer lagoon runoff of over 13 million gallons. He took his Lagoon L2 license exam. In May he had an incident with a resident, he pressed charges, the resident plead responsible and paid a fine. DPW has a trailer mounted generator, right now it is only wired to run military equipment. He is getting quotes prepared it so they can use it in case of another emergency. He will bring that to the next meeting with three quotes for approval. There was a sewer back up on Green Street. We are putting in an insurance claim for the charges.

### **Midwest Trees Service Brush Chipping**

11-02-23-03

Moved by Lambert, seconded by Fuller to approve Midwest Tree Services to work on brush chipping and removing as a result of the tornado event with an amount not to exceed \$15,000- or two-days' worth of service and allow the Superintendent of Public Works, Kevin Tyler to approve that activity. Carried: all yes.

City Clerk Shirley Smith: nothing to report.

Police Chief Kyle Bawks: PERT met and talked about the future. He will work with the new fire chief to create an event on paper, then will work it through and see if there are areas we are lacking. He has met with the school safety team and they have printed extra maps we can use in case of an emergency. Also working with the school to get the cameras working in Jubilee Park.

Mayor Sue Hammond: reported that the title is clear on the property that is for sale at 12510 S M52. She has contacted party interested and said he will follow through with the inspection with the County. She did receive a few calls on the accident that happened on Bath Road. One resident was wondering if we would consider sidewalks along Bath Road. She asked Council for permission to put that on the next agenda.

### **Committee Reports:**

Bob Porter reported SESA had a special meeting with Perry Township. To cover the current financial shortage, they sold some equipment to Perry Township and in the same resolution leased it right back.

Jacob Puffer reported the success of Treats on Main Street. He estimated about 1200 people were downtown. Amy's Diner organized the event. Honorable mention Reynolds Field Clearing, Road Trip Oasis and Spartan Fence. He reported that those three donors alone covered about half the cost of the event. Other business that contributed were Haslett Vet Clinic and Watkins Funeral Home.

### **Presentation and Approval of Bills:**

11-02-23-04

Moved by Fuller, seconded by Connell that we approve the bills as presented and that payment be authorized. Carried: all yes.

## **Old Business:**

### **1. Sale of the 1929 Antique Truck**

11-02-23-05

Moved by Fuller, second by Connell that we approve to use XYZ Auction Service in Durand to handle the sale of the 1929 Antique Truck. The City's fee will be \$2.00 to enter into the auction and there will be no reserve set for the sale. Carried: all yes.

### **2. Revised letter for resident tree replacement**

11-02-23-06

Bob Porter will bring a few more tree options. Deadline date and additional trees to pick from along with shipping information will be decided the next meeting.

## **New Business:**

### **3. Possible Approval of GSI Maintenance Fees**

11-02-23-07

Moved by Connell, seconded by Porter that we approve the maintenance agreement with RCAP in the amount of \$742.21 quarterly, for a total of \$2,968.84 per year, for a contract length of three years. We authorize Kevin Tyler, DPW Superintendent to sign the agreement. Carried: all yes.

### **4. Possible Approval of MML Renewal**

11-02-23-08

Moved by Lambert, seconded by Fuller that we approve payment for City Insurance renewal to MML Liability and Property Pool in an amount not to exceed \$42,905 and authorized the Clerk to sign the agreement. Carried: all yes.

### **5. Possible Adoption ZO Amendment No. 383, Definitions**

11-02-23-09

Moved by Lambert, seconded by Fuller that we approve Zoning Ordinance Amendment No. 383, Definitions which was read during the October 19, 2023 Council meeting, with an effective date of 30 days from publication date. Carried: all yes.

### **6. Possible Adoption of ZO Amendment No. 385 sec, 3.30 Animals in residential and agricultural districts**

11-02-23-10

Moved by Lambert, seconded by Dunn that we approve Zoning Ordinance Amendment No. 385, section 3.30 Animals in residential and agricultural districts which was read at the October 19, 2023 Council Meeting with an effective date 30 days after publication date. Carried: all yes.

**7. Possible Adoption Ordinance Amendment No 384, sec. 612.01 & sec 612.04 (b)(3), Dogs**

11-02-23-11

Moved by Lambert, seconded by Dunn that we approve Ordinance Amendment No. 384, section 612.01 & section 612.04 (b)(3), Dogs which was read during the October 19, 2023 Council meeting, effective 30 days after publication date. Carried: all yes.

**Resolution to lift moratorium**

11-02-23-12

Moved by Lambert, seconded by Porter that we approve the following resolution:

WHEREAS the Perry City Council on August 3, 2023 previously issued the following moratorium:

*[The City] postpone the possible adoption of ZO amendment, Section 3.30, Animals in residential and agricultural districts, for 120 days, issued a moratorium on enforcement of section 3.30 of the current zoning ordinance as it pertains to dogs and cats for 120 days (the balance of section 3.30 will remain in effect), and commission a six (6) member cross discipline task force to objectively research and develop a proposed update to section 3.30 within the 120 day period that addresses the concerns expressed with section 3.30 of the current zoning ordinance.*

AND WHEREAS the City of Perry has approved amendments to the relevant ordinances affected by said moratorium.

IT IS HEREBY DETERMINED that the City of Perry shall terminate the aforementioned moratorium as the same is moot once the approved dates have become effective. Carried: all yes.

**8. Possible First Reading ZO Amendment No. 386. Section 5.04 Land Divisions**

11-02-23-13

Moved by Connell, seconded by Fuller that Zoning Ordinance Amendment No. 386 Land Division which reads as follows be placed on the next agenda for possible adoption:

**THE CITY OF PERRY ORDAINS:**

The City of Perry Zoning Ordinance, Section 5.04 Land Divisions, is amended as follows:

Section 5.02 Land Divisions

A. No lot, parcel of land, or access or private street easement shall be created or modified that does not fully comply with the minimum area, width, lot width-to-depth ratio, frontage, access and other dimensional requirements of this Ordinance. All land divisions, lot splits, or property boundary reconfigurations of platted lots and un-platted parcels of land shall comply with all applicable requirements of this Ordinance and the Michigan Land Division Act.

B. No land division, lot split, creation of an access or private street easement, or reconfiguration or change of property boundary lines shall occur unless and until the City of Perry Land Division Process has been successfully completed. No land division shall be approved until the City of Perry determines that the land division, lot split, access or private street easement, or boundary reconfiguration, as well as the resulting lots, parcels of land, or access or private street easements, fully complies with the requirements of this Ordinance and all other applicable City of Perry ordinances.

C. Fees for a land division application shall be established from time to time by resolution of the City Council. No land division shall be approved without a survey prepared by a registered land surveyor showing all resulting lots or parcels of land, easements (if any), and all legal descriptions thereof, unless the Zoning Administrator waives the survey requirement for good cause shown.

D. All land divisions must comply with the City's land division ordinance (or equivalent City of Perry ordinance or code). Carried: all yes.

### **9. Possible Approval Resolution to Terminate Mutual Aid**

11-02-23-14

Moved by Connell, seconded by Fuller the we approve the following resolution to terminate mutual aid with the Village of Morrice. The City will give the Village of Morrice notice as instructed in the resolution:

WHEREAS the Perry City has considered the existing Mutual Aid Agreement with the Village of Morrice dated October 17, 2014 (hereinafter the "Agreement");

AND WHEREAS the Agreement provides the following in relation to terminating the Agreement:

18. **AGREEMENT TERM.** It is expressly understood and agreed that this Agreement shall remain in effect until terminated by either of the governmental units upon 30 days prior written notice to the other governmental unit. The effect of such termination shall be the removal of the terminating governmental unit as party to this Agreement effective on the effective date of termination.

**IT IS HEREBY DETERMINED** that the City of Perry shall terminate its Agreement with the Village of Morrice and directs that written notice of said termination be provided to the Village of Morrice forthwith providing 30 days' notice of said termination. Said notice shall identify the effective date of the termination 30 days from the date of the notice. Carried: all yes.

### **10. Possible First Reading to Repeal Ordinance No. 387, Chapter 1022 Trees, Plants and Shrubs, sec 1022.01 Jurisdiction of Council**

11-02-23-15

Moved by Lambert, seconded by Connell that Ordinance Amendment No. 387, Chapter 1022 Trees, Plants and Shrubs, Section 1022.01, Jurisdiction of Council which reads as follows be placed on the next agenda for possible repeal:

THE CITY OF PERRY ORDAINS:

Perry City Code Chapter 1022 Trees, Plants and Shrubs, Section 1022.01, Jurisdiction of Council is hereby repealed. This repeal ordinance is effective 30 days after publication. Roll call: Dunn, yes; Connell, yes; Lambert, yes, Porter, no; Puffer, yes; Fuller, yes. Carried: yes 5, no 1, Motion passed.

### **11. Possible first read Ord. 388 sec. 1022.02 Trimming and removal, sec. 1022.03 Attachments and Injury, & sec. 1022.05 Boxelder trees**

11-02-23-16

Moved by Lambert, seconded by Connell that Ordinance Amendment No. 388, Chapter 1022 Trees, Plants and Shrubs, Section 1022.02, Trimming and removal, Section 1022.03 Attachments; Injury, and Section 1022.05 Boxelder trees (d), which reads as follows be placed on the next agenda for possible adoption:

THE CITY OF PERRY ORDAINS:

Perry City Code Section 1022 Trees, Plants and Shrubs, Section 1022.02 Trimming and removal, Section 1022.03 Attachments; Injury, Section 1022.05 Boxelder Trees (d) are hereby amended and the following is substituted in their place and stead:

1022.02 TRIMMING AND REMOVAL.

Trees standing in or upon any public highway or public place, and on any lot or land adjacent to any public highway or public place, and having branches projecting into the public highway or place endangering public safety or property, shall be kept trimmed or removed by the owner or occupant of the property on or in front of which such trees are growing. If the owner or occupant neglects or refuses to trim such trees, on being notified in writing to do so, City of Perry Department of Public Works may do the necessary work and the cost shall be assessed against the property owner.

1022.03 ATTACHMENTS; INJURING.

No person shall attach any rope, wire, cable, sign, card, poster or other article or do any damage to a tree or its guard in a public highway without first obtaining a written permit therefor from City of Perry Department of Public Works. No person shall pour or deposit salt, brine or other injurious material upon any public highway in such manner as to injure any shrub planted or growing thereon.

1022.05 BOXELDER TREES.

(d) After inspection of the tree, the Superintendent may require, by written notice addressed either to the owner of the premises on which the tree is located or to the occupant of such premises, the removal of such tree. Such notice shall give the person so notified a definite time in which to comply with such notice, which time shall be at least fifteen days following the date of such notice. If such tree is not removed within the time given in the notice, the Superintendent shall report the failure to remove such tree to the Ordinance Enforcement Officer.

All other provisions of said ordinance not inconsistent with the above amendments remain in full force and effect. Roll call: Connell, yes; Lambert, yes, Porter, no; Puffer, no; Fuller, yes; Dunn, yes. Carried: yes 4, no 2, Motion passed.

**12. Possible First Reading to Repeal Ordinance No. 389, Chapter 1020 Driveway and Sidewalks, sec 1020.99 Penalty**

11-02-23-17

Moved by Lambert, seconded by Connell that Ordinance Amendment No. 389, Chapter 1020 Driveways and Sidewalks, Section 1020.99 Penalty which reads as follows be placed on the next agenda for possible repeal:

THE CITY OF PERRY ORDAINS:

Perry City Code, Chapter 1020, Driveways and Sidewalks, Section 1020.02 Annual Inspection of Public Sidewalks and Section 1020.99 Penalty is hereby repealed, this repeal ordinance is effective 30 days after publication. Carried: all yes.

### **13. Possible Approval of Annual Employee Christmas Dinner**

11-02-23-18

Moved by Dunn, seconded by Porter that we approve an Annual Employee Appreciation Christmas dinner to be hosted at Charlie's Bar and Grill on Friday, December 1, 2023. Price for the dinner not to exceed \$1,000.00. We authorize the City Clerk to make the necessary arrangements.

Carried: all yes

### **14. Possible Resolution Public Act 477 (formally Public Act 277)**

11-02-23-19

Moved by Porter, second by Fuller that we accept and adopt the following resolution:

**WHEREAS**, the "Publicly Funded Health Insurance Contribution Act" also known as Senate Bill No. 7, was passed by the Michigan Legislature and signed by Governor Snyder on September 27, 2011; and

**WHEREAS**, although the law imposes a maximum that public employers may contribute to employee health care costs, it also provides a mechanism for City's and other "local units of government" to OPT OUT of the Act's requirements for a one (1) year period by a two-thirds vote of the City Council, allowing the City to determine, on its own, how much it contributes to employee health insurance without reference to hard caps or the 80/20 plan in the Act. A new two-thirds vote would be required to extend the exemption in each subsequent year.

#### **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The City Perry Council shall OPT OUT of the requirements of the "Publicly Funded Health Insurance Contribution Act" also known as Senate Bill No. 7.
2. All Resolutions and parts of Resolutions, insofar as they conflict with the provisions of this Resolution be and they, hereby, are rescinded. Carried: all yes.

#### **Any Other Business That May Come Before Council:**

None.

#### **Council Discussion & Observations:**

None.

#### **Agenda Items For Next Meeting**

Discussion to add sidewalks on Bath Road for safety.

Possible approval to fix generator.

Determine where 1929 antique truck funds will go after sale.

Resident tree replacement.

Possible adopt ZO Ord amendment No. 386 Land Divisions.

Possible adopt Ord. No. #387 repeal Ch 102 Trees, Plants & Shrubs, sec. 1022.01.

Possible adopt Ord. amendment No. #388 sec 1022.02, Trimming and removal, sec 1022.03, sec. 1022.05.

Possible adopt Ord amendment No. #389 Ch 1020 Driveways and sidewalks, sec 1020.02, sec. 1020.99.

**Meeting Adjourned:** 9:07 pm

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Susan J. Hammond, Mayor

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Shirley Smith, City Clerk