

City of Allen Park Regular Council Meeting Minutes  
Tuesday, June 14, 2022

Mayor Gail McLeod called the Meeting to order at 6:00 PM in The City Council Chambers  
Roll Call showed present: Councilman Felice “Tony” Lalli, Councilman Daniel Loyd, Councilman Matthew E. Valerius, Councilman Gary Schlack, Councilman Charles Blevins, and Councilman Dennis Marcos

Motion by Schlack  
Supported by Lalli  
RESOLVED, to approve the Agenda as presented  
MOTION ADOPTED – 22-0614-0104

Motion by Marcos  
Supported by Blevins  
RESOLVED, to approve the Minutes for the Regular Meeting of May 24, 2022 as presented  
MOTION ADOPTED – 22-0614-105

Motion by Lalli  
Supported by Loyd  
RESOLVED, to Accept and File the City Administrators operational updates/reports/documents and submissions  
MOTION ADOPTED – 22-0614-106

Motion by Lalli  
Supported by Marcos  
RESOLVED, to approve the CONSENT AGENDA as follows:  
**A. Purchasing Actions**  
1. Claims & Accounts 2. Payroll Report  
**B. Finance Actions**  
1. May 2022 – 1. Finance Overview 2. Budget to Actual Report 3. Balance Sheet 4. Cash Flow  
MOTION ADOPTED – 22-0614-107

Motion by Schlack  
Supported by Valerius  
RESOLVED, that our Senators support a legislative fix that provides wastewater and water agencies with an exemption from Superfund liability if PFAS chemicals are designated as hazardous substances and authorize Mayor to sign  
MOTION ADOPTED – 22-0614-108

Motion by Loyd  
Supported by Lalli  
WHEREAS, this City Council previously determined that it is necessary to acquire and construct the road improvements (the “Improvements”) and issue bonds to pay the costs thereof pursuant to the provisions of Act 175, Public Acts of Michigan, 1952, as amended, and Act 51, Public Acts of Michigan, 1951 as amended, all as described in the bond authorizing resolution approved on May 24, 2022; and

WHEREAS, the cost of the Improvements is estimated to be Twelve Million Dollars (\$12,000,000); and

WHEREAS, in preparing to issue the bonds and implement the Improvements, it is necessary to make a declaration of intent to reimburse certain expenditures which may be made from the proceeds of the bonds.

City of Allen Park Regular Council Meeting Minutes  
Tuesday, June 14, 2022

NOW, THEREFORE, BE IT RESOLVED:

1. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.
- (b) The expenditures described in this paragraph (b) are for the costs of acquiring the Improvements which were paid or will be paid subsequent to sixty (60) days prior to the date hereof from the various funds of the City.
- (c) **The maximum principal amount of debt expected to be issued for the Improvements, including issuance costs, is \$12,000,000.**

2. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

MOTION ADOPTED – 22-0614-109

Motion by Loyd

Supported by Valerius

RESOLVED, to approve the Water Dept. to purchase a 2022 Caterpillar Model 420 AMPR Backhoe from MI CAT in the amount of \$133,294.80 w/ funds to come from Acct #592-601-988-000 and to waive the City bid process (APCO 2-824 – (4)) as there is no economic benefit since using the Sourcewell Consortium

MOTION ADOPTED – 22-0614-110

Motion by Lalli

Supported by Schlack

RESOLVED, to approve the Dept. of Public Service to purchase a 2022 Elgin Pelican Street Sweeper from Bell Equipment in the amount of \$238,221.80 w/ funds to come from Acct #592-601-988-000 and to waive the City bid process (APCO 2-824 – (4)) as there is no economic benefit since using MI Deal

MOTION ADOPTED – 22-0614-111

Motion by Loyd

Supported by Lalli

RESOLVED, to renew a 2 year Agreement for Towing Services at the current rate with City Towing Inc.

MOTION ADOPTED – 22-0614-112

Motion by Blevins

Supported by Valerius

RESOLVED, to waive the City bid process (APCO 2-824 – (4)) as there is no economic benefit to bid the asphalt paving of the Community Park parking lot and authorize the City to accept the proposal from AI's Asphalt Paving for \$35,702.00 w/ funds of \$23,000.00 from Accts. #401-000-985-004 and \$12,702.00 from #101-707-783-000 and 101-707-784-000

MOTION ADOPTED – 22-0614-113

City of Allen Park Regular Council Meeting Minutes  
Tuesday, June 14, 2022

Motion by Loyd

Supported by Marcos

RESOLVED, to approve the Compensation Recommendations for Administrative/Appointed Staff as follows:

<u>Name</u>	<u>Title</u>	<u>Old Salary</u>	<u>New Salary</u>
Jackie Baxter	Payroll Manager	\$53,500.00	\$54,570.00
Sandi Blakney	Library Director	\$80,962.76	\$82,582.03
Edward Cann	Fire Chief	\$97,410.00	\$99,358.20
Chris Egan	Police Chief	\$97,410.00	\$99,358.20
Penny Encheff	Asst. to Bldg. Dept. Director	\$43,000.00	\$43,860.00
Patrick Hawkins	Parks & Recreation Director	\$83,604.03	\$83,604.03
Kyle Kar	Recreation Facilities	\$43,860.00	\$44,737.20
William Miner	DPS Deputy Director	\$82,500.00	\$82,500.00
Michael O’Laughlin	DPS Supervisor	\$69,606.32	\$70,998.45
Jeffrey O’Riley	Deputy Fire Chief	\$94,000.00	\$95,880.00
Roy Shipman	Garage, Roads & Trees	\$69,606.32	\$70,998.45
Ken Simerly	Ordinance Officer	\$50,417.87	\$51,426.23
Steve Wood	Bldg. & Construction Coordinator	\$75,000.00	\$76,500.00

MOTION ADOPTED – 22-0614-114 with Blevins casting a NO vote

Motion by Valerius

Supported by Loyd

RESOLVED, to approve the HR Committees recommendations that the City Administrators salary be increased to \$118,000 effective July 1, 2022

MOTION ADOPTED – 22-0614-115 with Blevins casting a NO vote

Motion by Loyd

Supported by Valerius

RESOLVED, to approve the Employment Agreement for the DDA Director Jennifer Kibby

Roll Call Vote: 3 YES – Lalli, Loyd & Valerius 4 NO – Blevins, Marcos, McLeod & Schlack

MOTION FAILED – 22-0614-116

Motion by Valerius

Supported by Marcos

RESOLVED, to approve the Salary of Building Director Matt Baker to \$86,500.00

MOTION ADOPTED – 22-0614-117 with Blevins casting a NO vote

Motion by Lalli

Supported by Marcos

RESOLVED, to approve the Salary of Deputy Parks & Rec Director Rob Fulton to \$65,500.00

MOTION ADOPTED – 22-0614-118 with Blevins casting a NO vote

Motion by Valerius

Supported by Loyd

RESOLVED, to approve the Salary of DPS Director Tom Murray to \$91,000.00

MOTION ADOPTED – 22-0614-119 with Blevins casting a NO vote

City of Allen Park Regular Council Meeting Minutes  
Tuesday, June 14, 2022

Motion by Marcos

Supported by Lalli

RESOLVED, to approve the Salary of Asst. Library Director Brandi Swinehart to \$43,000.00

MOTION ADOPTED – 22-0614-120 with Blevins casting a NO vote

Motion by Loyd

Supported by Valerius

RESOLVED, to approve the Salary of Finance Director Amanda Wertz to \$94,000.00

MOTION ADOPTED – 22-0614-121 with Blevins casting a NO vote

Motion by Loyd

Supported by Marcos

RESOLVED, to approve the Salary of Human Resource Director Tanya Whited to \$79,000.00

MOTION ADOPTED – 22-0614-122 with Blevins casting a NO vote

Motion by Lalli

Supported by Valerius

RESOLVED, to approve the Salary of Executive Assistant Deborah Zettel to \$47,000.00

MOTION ADOPTED – 22-0614-123 with Blevins casting a NO vote

Motion by Lalli

Supported by Schlack

WHEREAS, after full consideration of the functions of the City Treasurer, Mayor and Council desire to seek voter approval to amend the Charter for the City of Allen Park to change the elected position of City Treasurer to an appointed position;

WHEREAS, section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendments to be submitted to the city voters for approval at a regular or special election, and;

WHEREAS, the resolution must set forth the ballot language for the proposed charter amendments with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

WHEREAS section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW, THERFORE, The Allen Park City Council resolves that:

CHARTER AMENDMENT PROPOSAL NO. 1

1. The Allen Park City Charter shall be amended as follows:

Sec. 6.03. - Quadrennial Elections; Holding, Time.

City of Allen Park Regular Council Meeting Minutes  
Tuesday, June 14, 2022

The regular City election shall be held on the date set by the State of Michigan for the odd numbered year election in November. The Mayor, City Clerk and all Council positions shall be elected at this regular election for terms of four years.

- Sec. 7.01. - Qualifications for Elective Officers.

Elective officers of the City shall be a Mayor, City Clerk and six Council members elected from the City at large.

No person shall become a candidate or hold elective office under this Charter unless that person is a resident and registered voter of the City, has no felony convictions of current record, has no outstanding indebtedness to the City and is a citizen of the United States of America.

- Sec. 7.02. - Filling Vacancies.

- (a) If a vacancy occurs in the office of Councilperson the Council shall, by a majority vote of its remaining members, fill the vacancy at the next regularly scheduled Council meeting with the unsuccessful candidate for City Council who had the highest vote at the last City election and who wishes to serve. If there are no qualified persons who were recent candidates, and who wish to serve, the Council shall select a qualified person who was not a recent candidate for Council and who wishes to serve.

- (b)

- (b) If a vacancy occurs in the office of Mayor, the Mayor pro tem shall serve for the remainder of the unexpired term unless the Mayor pro tem declines to serve, and, in that event, the Councilperson with the next highest number of votes will be requested to serve as Mayor. If that Councilperson declines to serve, a same process will continue until a Mayor is selected.

- (c) Any Councilperson assuming the office of Mayor shall vacate the office of Councilperson.

- (d) If a vacancy occurs in the office of Clerk, the Council shall, within sixty days of the vacancy, select a qualified person to serve until a successor can be elected.

- (e) A person appointed to the office of Councilperson or Clerk shall serve until a City election held at such a time after the creation of the vacancy that it is possible to circulate petitions to be placed on the ballot as a candidate for the office.

- (f) If any vacancy occurs in an appointive office, which has a definite term, the Council shall fill the vacancy for the unexpired term within sixty days after the creation of the vacancy.

- Sec. 7.13. - Appointive Officers, Compensation.

The Council on the recommendation of the Mayor, by simple majority affirmative vote, shall appoint, within sixty days of vacancy or end of their term of office, the following officers of the City of Allen Park: City Administrator, City Attorney, City Engineer, City Auditor, City Assessor, City Treasurer and such others as they may deem necessary, to provide City services and set their conditions of employment and compensation by resolution. The first Treasurer to be appointed pursuant to this Sec. 7.13 shall be

City of Allen Park Regular Council Meeting Minutes  
Tuesday, June 14, 2022

appointed upon the expiration of the term of the Treasurer elected in November of 2019, or upon a vacancy in that office, whichever occurs first.

- Sec. 16.02. - Retirement Ordinance; Contents.

The Council shall continue the existing retirement ordinance until such time as they deem it appropriate to authorize change, in accordance with the provisions of this Charter, to said ordinance. The retirement ordinance shall contain such provisions, in concert with all labor agreements, as the Council shall deem necessary to provide for the retirement of eligible City employees; to provide pensions to be paid said employees; to provide benefits to be paid certain dependents of eligible City employees who have satisfied certain service requirements and whose deaths occur under certain conditions; to provide a board of trustees to independently administer the retirement system; to provide that contributions be made to the retirement system by members and the City and to provide for the investment of the retirement system's reserve funds; provided, that the said retirement ordinance shall be subject to the following conditions:

(a) Provisions may be made to exclude certain classes of City employees, along with the Mayor and Council, from membership in the retirement system; provided such exclusions shall not extend to City employees employed in positions requiring 1,800 or more hours per annum.

(b) Provisions shall be included for coverage of full time appointees, full time administrative employees and the full time City Clerk with the same benefits and responsibilities as the general employees of the City.

(c) In no case shall the pension which may be provided dependents of an eligible member who dies while in the employ of the City exceed the pensions provided for or workers compensation, if any, payable on account of said member's death, whichever amount is greater.

(d) Member's contributions to the retirement system to be made by payroll deduction. Provision shall be made for the return of a member's retirement system contributions in the event they leave City employment before becoming eligible to vest and no pension or pensions become payable from funds of the retirement system on account of their employment.

(e) The liabilities of the retirement system shall be actuarially evaluated annually by the actuary designated by the board of trustees and said designated City liability shall be financed by annual appropriations. Said evaluation shall take into account the requirements of the system current and future financial liabilities.

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

Sec. 6.03. - Quadrennial Elections; Holding, Time.

The regular City election shall be held on the date set by the State of Michigan for the odd numbered year election in November. The Mayor, City Clerk, City Treasurer and all Council positions shall be elected at this regular election for terms of four years.

- Sec. 7.01. - Qualifications for Elective Officers.

City of Allen Park Regular Council Meeting Minutes  
Tuesday, June 14, 2022

Elective officers of the City shall be a Mayor, City Clerk, City Treasurer, and six Council members elected from the City at large.

No person shall become a candidate or hold elective office under this Charter unless that person is a resident and registered voter of the City, has no felony convictions of current record, has no outstanding indebtedness to the City and is a citizen of the United States of America.

- Sec. 7.02. - Filling Vacancies.

(a) If a vacancy occurs in the office of Councilperson the Council shall, by a majority vote of its remaining members, fill the vacancy at the next regularly scheduled Council meeting with the unsuccessful candidate for City Council who had the highest vote at the last City election and who wishes to serve. If there are no qualified persons who were recent candidates, and who wish to serve, the Council shall select a qualified person who was not a recent candidate for Council and who wishes to serve.

(b) If a vacancy occurs in the office of Mayor, the Mayor pro tem shall serve for the remainder of the unexpired term unless the Mayor pro tem declines to serve, and, in that event, the Councilperson with the next highest number of votes will be requested to serve as Mayor. If that Councilperson declines to serve, a same process will continue until a Mayor is selected.

(c) Any Councilperson assuming the office of Mayor shall vacate the office of Councilperson.

(d) If a vacancy occurs in the office of Clerk or Treasurer, the Council shall, within sixty days of the vacancy, select a qualified person to serve until a successor can be elected.

(e) A person appointed to the office of Councilperson, Clerk, or Treasurer shall serve until a City election held at such a time after the creation of the vacancy that it is possible to circulate petitions to be placed on the ballot as a candidate for the office.

(f) If any vacancy occurs in an appointive office, which has a definite term, the Council shall fill the vacancy for the unexpired term within sixty days after the creation of the vacancy.

- Sec. 7.13. - Appointive Officers, Compensation.

The Council on the recommendation of the Mayor, by simple majority affirmative vote, shall appoint, within sixty days of vacancy or end of their term of office, the following officers of the City of Allen Park: City Administrator, City Attorney, City Engineer, City Auditor, City Assessor and such others as they may deem necessary, to provide City services and set their conditions of employment and compensation by resolution.

- Sec. 16.02. - Retirement ordinance; contents.

The Council shall continue the existing retirement ordinance until such time as they deem it appropriate to authorize change, in accordance with the provisions of this Charter, to said ordinance. The retirement ordinance shall contain such provisions, in concert with all labor agreements, as the Council shall deem necessary to provide for the retirement of eligible City employees; to provide pensions to be paid said employees; to provide benefits to be paid certain dependents of eligible City employees who have satisfied certain service requirements and whose deaths occur under certain conditions; to provide a board of trustees

City of Allen Park Regular Council Meeting Minutes  
Tuesday, June 14, 2022

to independently administer the retirement system; to provide that contributions be made to the retirement system by members and the City and to provide for the investment of the retirement system's reserve funds; provided, that the said retirement ordinance shall be subject to the following conditions:

- (a) Provisions may be made to exclude certain classes of City employees, along with the Mayor and Council, from membership in the retirement system; provided such exclusions shall not extend to City employees employed in positions requiring 1,800 or more hours per annum.
- (b) Provisions shall be included for coverage of full time appointees, full time administrative employees and the full time City Clerk and City Treasurer with the same benefits and responsibilities as the general employees of the City.
- (c) In no case shall the pension which may be provided dependents of an eligible member who dies while in the employ of the City exceed the pensions provided for or workers compensation, if any, payable on account of said member's death, whichever amount is greater.
- (d) Member's contributions to the retirement system to be made by payroll deduction. Provision shall be made for the return of a member's retirement system contributions in the event they leave City employment before becoming eligible to vest and no pension or pensions become payable from funds of the retirement system on account of their employment.
- (e) The liabilities of the retirement system shall be actuarially evaluated annually by the actuary designated by the board of trustees and said designated City liability shall be financed by annual appropriations. Said evaluation shall take into account the requirements of the system current and future financial liabilities.

3. The Ballot language for the Charter Amendment Proposal shall be as follows:

CHARTER AMENDMENT PROPOSAL Allen Park City Charter

Shall the Charter be amended by amending Sections 6.03; 7.01; 7.02; 7.13 and 16.02 to change the City Treasurer position from an elected position to an appointed position, appointed by the Council on the recommendation of the Mayor to take effect in November 2023 or upon a vacancy in the office, whichever occurs first.

Shall this amendment 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 Allen Park 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



City of Allen Park Regular Council Meeting Minutes  
Tuesday, June 14, 2022

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.
7. Legal counsel to the City is authorized to make such technical changes in ballot language as may be required to conform to the requirements of State law or as may be advised by the Attorney General of Michigan.

MOTION ADOPTED – 22-0614-124 with Blevins casting a NO vote

Motion by Valerius

Supported by Marcos

RESOLVED, to approve the 1<sup>st</sup> & 2<sup>nd</sup> Reading of Proposed Ordinance #03 – 2022 an Ordinance of the City of Allen Park Code of Ordinances; amending Chapter 26 “Offenses”, by the addition of Division 4, “Nitrous Oxide”, to Article VI, “Offenses Against Public Morals”, to Regulate the Sale, Distribution, Possession, and use of certain Chemical Agents and Devices known as Nitrous Oxide, c/k/a “Whippets”

MOTION ADOPTED – 22-0614-125

Motion by Lalli

Supported by Loyd

RESOLVED, to adjourn the Council Meeting at 7:27 PM

MOTION ADOPTED – 22-0614-126

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Gail McLeod – Mayor

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Michael I. Mizzi – City Clerk