

# CITY OF PERRY REGULAR COUNCIL MEETING

## PERRY COMMUNITY BUILDING

REGULAR CITY COUNCIL MEETING HELD ON JANUARY 6, 2009

PRESENT: COUNCILMEMBERS THOMAS CHAPUT, SAMARA HAMILTON, MARK LANDERS, CHRISTINE TOBIAS, GREGORY WEKWERT, TERRY WOOD, MAYOR ROSS DELAU, AND CITY CLERK JUDY GUENTHER

ABSENT:

ALSO PRESENT: POLICE CHIEF, Kyle Bawks  
TREASURER, Jo Ann Velting

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

### READING AND APPROVAL OF THE MINUTES:

01-06-09-01

Moved by Wood, seconded by Tobias that we suspend the rules, waive the reading and approve the minutes of the December 16, 2008 meeting as written. Carried, all aye.

### PUBLIC COMMENTS:

- County Commissioner Jaime Pavlica gave a brief report.
- Mark Campbell of Campbell, Kusterer & Co., P.C. presented the 2007-2008 City Audit.

Councilman Mark Landers arrived at 7:08 P.M.

### COMMUNICATIONS:

A letter from the City of Owosso was read. They are inviting the City of Perry to meet with them on January 22<sup>nd</sup> at 7pm to discuss potential partnerships.

### DEPT. HEAD REPORTS:

Police Chief, Kyle Bawks handed out November statistics for the Police Dept.

### COMMITTEE REPORTS:

- Greg Wekwert gave a Planning Commission update.
- Finance & Ordinance Committee will meet on Thursday, January 15<sup>th</sup> at 6:30pm in the Council Chambers.
- Parks & Property Committee will be applying for a DNR Grant this year.

### PRESENTATION AND APPROVAL OF THE BILLS:

01-06-09-02

Moved by Hamilton, seconded by Tobias that we approve the bills as presented and that payment be authorized. Carried, all aye.

**OLD BUSINESS:**

**S.A.T.A.-**

Council discussed the question of putting a transportation millage to a vote of the people at a Special Election next year.

01-06-09-03

Moved by Hamilton, seconded by Wekwert that we accept and approve the following resolution:

WHEREAS, due to increases in the cost of delivering transportation services to the residents of the City, additional revenues are needed, and,

WHEREAS, the Perry City Council believes that it is desirable to provide for the future of public transportation available to City residents by authorizing the levy of a millage for that purpose; and,

WHEREAS, the Michigan Constitution of 1963 requires that the levy of a new millage be authorized by a vote of the electorate; and,

WHEREAS, an election is presently scheduled to be held in the City on May 5, 2009,

NOW, THEREFORE, BE IT RESOLVED, that the May 5, 2009 Election be deemed to also be a City Election as well as a School Election and that the following proposal be certified to the County Clerk and be submitted to the electors in the City of Perry at the May 5, 2009, Election:

**SPECIAL MILLAGE PROPOSAL**

**(PUBLIC TRANSPORTATION MILLAGE)**

This proposal requests authorization for the levy of a special new additional millage for the purpose of supporting the provision of public transportation services in the City of Perry. This millage would be used to defray the expenses of existing transportation services provided by the Shiawassee Area Transportation Agency (S.A.T.A.) and be used to defray the expenses of transportation services in the future. If authorized by the voters, it is estimated that the levy of the entire millage would generate \$12,463.00 the first year.

Shall a special millage for public transportation services be levied in an amount not to exceed .25 mill (\$.25 per \$1,000.00 of taxable valuation) annually for a period of three years? Hamilton, Landers, Wekwert voted "Yes"; Chaput, Tobias, Wood voted "No". DeLau voted "Yes" to break the tie. Motion carried.

**WATER RATE INCREASE-**

01-06-09-04

Moved by Chaput, seconded by Wood that we pass the following resolution:

WHEREAS, City Code Section 1040.06(b) & 1040.07(b) says that water rates shall be adjusted from time to time by resolution of the Perry City Council, and

WHEREAS, City Code Section 1040.06(d) & 1040.07(d) says that Benefit Charges shall be adjusted from time to time by resolution of the Perry City Council, and

WHEREAS, the City has been moderately increasing these rates for the last several years in order to keep the City funds healthy for maintenance purposes,

NOW, THEREFORE let there be an increase of 2% on the February City Utility bills, which will mean that inside City water users will pay \$2.28 per 1000 gallons and outside City water users will pay \$3.73 per 1000 gallons and also a 2% increase for both Water and Sewer Benefit Charges, resulting in the following rates:

INSIDE CITY LIMITS

OUTSIDE CITY LIMITS

WATER     \$2,392.00

\$3,593.00

SEWER     \$2,993.00

\$4,494.00

Carried, all aye.

**NEW BUSINESS:**

**APPROVAL OF THE CITY'S 2007-2008 AUDIT-**

01-06-09-05

Moved by Tobias, seconded by Landers that we accept & approve the 2007-2008 City Audit as presented by Campbell and Kusterer & Co., P.C. Carried, all aye.

**1<sup>st</sup> READING OF ORDINANCE NO. 303, RE: PROHIBITING USE OF TOBACCO BY MINORS-**

01-06-09-06

Moved by Tobias, seconded by Wood that the following Ordinance No. 303, prohibiting use of tobacco by minors, which reads as follows be placed on the next agenda for possible adoption:

**ORDINANCE NO. 303**

THE CITY OF PERRY ORDAINS:

610.10 POSSESSING OR USING TOBACCO PRODUCTS BY MINORS.

(a) Definitions: As used in this section:

- (1) "Chewing tobacco" means loose tobacco or a flat, compressed cake of tobacco that is inserted into the mouth to be chewed or sucked.
- (2) "Tobacco snuff" means shredded, powdered or pulverized tobacco that may be inhaled through the nostrils, chewed or placed against the gums.

- (b) Possession and Use by Minors in Public Prohibited. A person under 18 years of age shall not possess or smoke cigarettes or cigars; or possess or chew, suck, or inhale chewing tobacco snuff; or possess or use tobacco in any other form on a public highway, street, alley, park or other lands used for public purposes or in a public place of business, amusement, or education.

610.11 FURNISHING TOBACCO AND CIGARETTES.

- (a) No person shall sell, give or furnish any cigar, cigarette or tobacco in any other form to any minor under the age of eighteen (18).

610.12 NON-INTERFERENCE WITH RIGHTS OF PARENT OR GUARDIAN.

- (a) This section does not interfere with the right of a parent or legal guardian in the rearing and management of his or her minor children or wards within the bounds of his or her own private premises.

PENALTY

Whoever violates this section is liable for a civil fine or not more than Five Hundred Dollars (\$500.00)

This Ordinance shall take effect 30 days from date of publication. Carried, all aye.

**ANY OTHER BUSINESS THAT MAY COME BEFORE COUNCIL:**

Reminder about the 2009 WinterFest (Sunday, February 8<sup>th</sup> at the Public Works Barn) was read and a request for volunteers was announced.

**COUNCIL DISCUSSIONS & OBSERVATIONS:**

- Possible money might be available with the new stimulus package that might be put into effect in the near future.
- Mayor DeLau gave an update on the new Iron Removal Project.

**ITEMS FOR NEXT AGENDA:**

1. Approval of Ordinance No. 303 Re: Tobacco
2. City Employee donation to the Food Bank
- 3.

**ADJOURNMENT: 8:14 P.M.**

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Ross A. DeLau, Mayor Date

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Judy A. Guenther, City Clerk Date