

PROCEEDINGS OF THE
CITY COUNCIL SPECIAL MEETING
OF THE CITY OF LOWELL
MONDAY, SEPTEMBER 28, 2015

Mayor Hodges stated this special meeting of the City Council as called by Councilmembers Altoft and Mayer.

1. **CALL TO ORDER; ROLL CALL**

The Meeting was called to order at 5:00 p.m. and City Clerk Susan Ullery called roll.

Present: Councilmembers Jeff Altoft, Sharon Ellison, Matt Mayer and Mayor Jim Hodges.

Absent: None.

Also Present: City Manager Mark Howe, City Clerk Susan Ullery, Police Chief Steve Bukala and City Attorney Richard Wendt.

Mayor Hodges explained the purpose of the meeting is to clarify the process for filing a vacancy on the Council and the terms of office for Councilmembers.

2. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**

Barb Barber read a letter into record from an individual with Henry Law PC, 806 Wildlife Trail, Belding, Michigan, 48809. They were sorry they could not attend, but applauded the Council for holding a special meeting. Prayers go out to the family of Jim Hall as well as the Councilmembers as they go through a process of finding a replacement.

Tony Ellison of 407 N. Division had an issue with the meeting as two VOICE members and Councilmembers have demanded this meeting, which is their right to do. However, he finds it odd that the meeting had to be held with virtually no chance for the public to be notified. This meeting along with VOICE's closed meeting at Schneider Manor, for only certain people being invited or even allowed to speak, gives him reservations of what they consider openness.

Peggy Covert of 982 N. Washington stated the VOICE has not been involved in this nor has it been involved for a couple of years. There will be a letter to the editor. Covert is attending this meeting because she is interested in what is going on. The meeting at Schneider Manor was not a closed meeting. It was for the seniors to meet the new candidates. Covert stated she is interested because she has Lowell Light and Power.

Barb Zandstra of 423 King stated she was attending this meeting to see what the rules are and how they are to be followed.

Roger LaWarre of 681 Birchwood Ct. wished there would have been an agenda item at the meeting to honor a citizen who has served through this Council very faithfully and with much passion. He hoped there was not going to be a hidden agenda. Councilmembers Altoft and Mayer have been very open and direct about the fact that the style of government you seem to represent would be a style that would have heads roll rather than deal with systems and all that are involved with those systems. He hoped there would be a celebration by the Council of the leadership that has been here. This is not about disagreement with leadership. This is a total system that needs to be worked on and not just talking about getting rid of or adding people for hidden agendas. The clarification of this would be very helpful to the citizens.

3. **CLARIFY THE PROCESS FOR FILING A VACANCY ON THE COUNCIL AND THE TERMS OF OFFICE FOR COUNCILMEMBERS.** Councilmember Altoft explained a special meeting was called after being invited to a meeting with the City Manager and Mayor on Friday. There was confusion as to the length of terms for the Councilmembers.

City Attorney Richard Wendt explained how a vacancy is filled that exists on the Council because of Councilmember Hall's death. He also explained the current terms of office of those now serving and what will the terms of office be for those who will be elected as of November, 2015.

As a Council, you are required within 30 days of Councilmember Hall's death to appoint a replacement to serve the remainder of his term. His term was one of those up for election in November, 2015. The remainder of his term runs to 8:00 p.m. on the Monday after the election.

Councilmember Ellison questioned what would happen if Councilmember Hall received the most votes. Wendt explained there would be another vacancy that would occur immediately. As Council, you would appoint someone to serve the remainder of that person's term.

Wendt also explained the terms of office. He noted in 2013 there was a Charter amendment that was approved. The purpose of this amendment was to have new council persons take office at the first meeting of the following calendar year.

Perry Beachum of 924 Riverside Drive questioned what would happen if the City Council could not come to a consensus of who to appoint. Wendt stated the seat would remain unfilled. There is no procedure that provides an alternative.

Ralph Brecken questioned Section 4 of the Charter, which states if an elected officer is found guilty of an act violating the charter that person may be removed from their position. Brecken asked if this would apply since it is in the City Charter. Wendt responded the provision does not apply.

4. **COUNCIL COMMENTS.**

Councilmember Mayer questioned if a public notice was necessary to fill the vacancy. Mayor Hodges stated in the past, the Mayor and the Clerk put together a plan to fill the vacancy which is then shared with the Council and adopted.

Councilmember Altoft stated he was going to miss Councilmember Hall. He also explained when a special meeting is held, the Council cannot discuss anything else but this.

Mayor Hodges stated Councilmember Hall will be missed. There will be a tribute at the October 5, 2015 meeting.

IT WAS MOVED BY ELLISON and seconded by MAYER to adjourn at 5:35 p.m.

DATE:

APPROVED:

James W. Hodges, Mayor

Susan S. Ullery, City Clerk