



APPROVED

**CITY OF YPSILANTI
COUNCIL SPECIAL MEETING AGENDA
CITY COUNCIL CHAMBERS
ONE SOUTH HURON STREET, YPSILANTI, MI 48197
MONDAY, MARCH 18, 2019
7:30 A.M.**

I. CALL TO ORDER -

The meeting was called to order at 7:30 a.m.

II. ROLL CALL -

| | | | |
|--------------------------|---------|-------------------------|---------|
| Council Member Brown | Present | Council Member Symanns | Absent |
| Council Member Morgan | Present | Council Member Wilcoxon | Present |
| Council Member Murdock | Absent | Mayor Bashert | Present |
| Mayor Pro-Tem Richardson | Present | | |

Mayor Pro-Tem Richardson moved, seconded by Council Member Morgan to excuse the absences of Council Members Murdock and Symanns.

On a voice vote, the motion carried, and the absences were excused.

III. INVOCATION -

Mayor Bashert asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE -

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. AGENDA APPROVAL -

Council Member Brown, seconded by Council Member Morgan to approve the agenda.

On a voice vote, the motion carried, and the agenda was approved as submitted.

VI. INTRODUCTIONS -

Mayor Bashert introduced the following; Acting City Manager Frances McMullan and Acting City Clerk Andrew Hellenga.

VII. PUBLIC COMMENT –

1. Anthony Bostick, 1017 Zephyr, spoke in favor of Brad Holman being appointed as Department of Public Services Director. He stated he worked for DTE and Mr. Holman was very helpful in identifying where gas lines were located.
2. Lee Tooson, 107 Middle, supported appointing Frances McMullan as permanent City Manager and Andrew Hellenga as permanent City Clerk. He added his continued support for the appointment of Interim Chief Hobbs to permanent Fire Chief. He suggested the Mayor look to improve the little things in the city rather than only concentrate on the bigger issue.
3. Ricky Jefferson, 113 Devonshire, Washtenaw County Commissioner, stated his support for the appointment of Frances McMullan and Andrew Hellenga to City Manager and City Clerk on a permanent basis. He also supports the appointment of Interim Chief Ken Hobbs and Interim Department of Public Services Director to a permanent positions. He understands a process must be followed, but they are the right employees for the positions.

VIII. REMARKS BY THE MAYOR -

V. INTRODUCTIONS -

VI. RESOLUTIONS/MOTIONS/DISCUSSOINS –

1. Resolution No. 2019-056, appointing Frances McMullan as Interim City Manager with full power and authority granted by the City Charter and adjusting pay to reflect increased duties and responsibilities.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

Whereas, Article IV, Section 4.02 states The City Clerk serve as Acting City Manager during a vacancy or absence in the office of the City Manager until Council designates a different qualified person to perform the duties of the City Manager, whether permanently or on an interim basis; and

Whereas, on March 7, 2019 Darwin McClary resigned as City Manager; and

Whereas, Frances McMullan was appointed Acting City Manager by Council through adoption of Resolution No. 2019-052; and

Whereas, Frances McMullan has competently and diligently fulfilled this role twice prior to this appointment; and

Whereas, Council has complete faith in the abilities of Ms. McMullan to successfully administer the roles and functions of City Manager until the time a permanent City Manager is appointed.

Now therefore be it resolved by the City Council of the City of Ypsilanti, that Frances McMullan be appointed Interim City Manager, with full power and authority as granted by the City Charter, until the time a permanent City Manager is appointed, and her base pay during the time serving as Interim City

Manager is adjusted to reflect her increased duties and responsibility to the level paid the previous City Manager of \$49.038 per hour.

OFFERED BY: Mayor Pro-Tem Richardson
SECONDED BY: Council Member Brown

Council Member Wilcoxon thanked Ms. McMullan for filling this role multiple times, and being a twelve year veteran of the Clerk's Office. He has complete faith in her abilities and behooves Council to make an adjustment in pay. However, he is not certain if there is any difference in the position of Acting or Interim. He sees this resolution as adjusting pay to reflect the duties of the new position.

Council Member Morgan moved, seconded by Mayor Pro-Tem Richardson to appoint Frances McMullan to City Manager at a permanent capacity.

Council Member Brown asked if an Attorney Opinion is needed to move forward with that motion, and added she is in favor of the appointment. Council Member Morgan responded it well within the legal authority of Council.

Mayor Pro-Tem Richardson stated while attending a Michigan Municipal League (MML) conference in Washington D.C. she was approached by MML Executive Director Dan Gilmartin. She explained Mr. Gilmartin was aware the former City Manager had resigned and asked if Ms. McMullan was appointed as Interim City Manager. Ms. Richardson stated she informed Mr. Gilmartin Ms. McMullan had been appointed as Interim City Manager and he responded Ypsilanti could not have done any better and Ms. McMullan should be appointed to the position permanently. The President of the Michigan Association of City Managers was also present who stated Council's spend a lot of time searching for City Managers and the search is based on experience. However, he said what is important is the correct effective experience for the specific organization. She added Ms. McMullan was selected as one of fifty woman across the state to be trained in leadership by MML. She supports Ms. McMullan and the city could save a lot of both time and money by appointing her to the position permanently.

Mayor Bashert suggested the motion be amended, since a contract has not been negotiated for Ms. McMullan. She encouraged Council Member Morgan to amend his motion.

Council Member Morgan withdrew his motion.

Mayor Pro-Tem Richardson withdrew her second.

Council Member Morgan moved, seconded by Mayor Pro-Tem Richardson to appoint Frances McMullan City Manager subject to contract negotiations.

Council Member Wilcoxon stated does not feel it is appropriate to vote to appoint Ms. McMullan to the position permanently at this time. It may be the likely outcome, and is pretty sure it will be but there are things he would like to review prior to voting. He would like to consult with the City Attorney and it would be courteous to the Council Members not present to wait until they are able to participate in this decision. He would like to table the item until more information is available and all Council Members are present.

Council Member Morgan Called the Question.

With no support the motion to Call the Question fails.

Mayor Pro-Tem Richardson understands the reluctance of Council Member Wilcoxon, but does not believe Council would be out of order to make the appointment. She would have liked a member of the Attorney's Office was present. She would like the motion made in a different way to reflect the need for contract negotiations, as the motion stands she would not be able to support it. Council Member Wilcoxon responded Council needs to give this careful consideration and involve everyone in the process. He does not believe holding this vote in two weeks would not be a hindrance to the city. Ms. Richardson understood. Mayor Bashert suggested the City Attorney draft a resolution that would be legally appropriate. Council Member Brown stated she is not opposed to ensuring all members are able to be a part of conversation. However, during the last City Manager search Council selected a candidate and then began contract negotiations.

Mayor Bashert stated in past processes the community was able to see the resumes of the candidates which promotes transparency. The public has also had the opportunity to meet the candidate and see them before Council. This meeting is only within ten days of losing a City Manager, and this meeting provided little notice and is held at a time that will create little public engagement. Mayor Pro-Tem Richardson responded this meeting had a week's notice, however, it was scheduled for the morning. She understands and agrees with the need of transparency. At the same she would hate to see the city go through a long and expensive search, when those that understand the process have said a search does not always produce the correct candidate. Ms. Richardson stated the city already had the right person in place, and Council is not doing anything to cover up this situation. She is not opposed to the City Attorney drafting a resolution to be on the April 2nd agenda.

Council Member Wilcoxon agreed a long protracted search is not what he is looking for, however, he is still waiting on documents he requested through a FOIA. He would like to have those documents prior to making a decision on this matter.

Mayor Pro-Tem Richardson asked if Council Member Morgan is willing to withdraw his motion. Council Member Morgan stated how business is handled differs from Council to Council. Nothing happening at this meeting is illegal or out of order, and Ms. McMullan has filled into this role well, and he has heard much support for this appointment from the public. He maintains his motion to appoint Ms. McMullan to City Manager at a permanent capacity. He does not see how anything would change in two weeks.

Council Member Morgan Called the question, seconded by Mayor Pro-Tem Richardson.

On a roll call, the vote to Call the Question was as follows:

| | | | |
|--------------------------|--------|-------------------------|--------|
| Council Member Brown | Yes | Council Member Symanns | Absent |
| Council Member Morgan | Yes | Mayor Bashert | Yes |
| Council Member Murdock | Absent | Council Member Wilcoxon | Yes |
| Mayor Pro-Tem Richardson | Yes | | |

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Symanns) VOTE: Carried

On a roll call, the vote to amend Resolution No. 2019-056 was as follows:

| | | | |
|--------------------------|--------|-------------------------|--------|
| Council Member Brown | Yes | Council Member Symanns | Absent |
| Council Member Morgan | Yes | Mayor Bashert | No |
| Council Member Murdock | Absent | Council Member Wilcoxon | No |
| Mayor Pro-Tem Richardson | No | | |

VOTE:

YES: 2 NO: 3 (Richardson, Bashert, Wilcoxon) ABSENT: 0 VOTE: Failed

On a roll call, the vote to approve Resolution No. 2019-056 was as follows:

| | | | |
|--------------------------|--------|-------------------------|--------|
| Council Member Brown | Yes | Council Member Symanns | Absent |
| Council Member Morgan | Yes | Mayor Bashert | Yes |
| Council Member Murdock | Absent | Council Member Wilcoxon | Yes |
| Mayor Pro-Tem Richardson | Yes | | |

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Symanns) VOTE: Carried

2. Resolution No. 2019-057, adjusting pay of Acting City Clerk Andrew Hellenga commensurate with the job.

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

Whereas the City Manager resigned, and the Ypsilanti City Charter provides that the City Clerk become acting city manager when the City Manager is absent, and

Whereas when the City Clerk becomes acting City Manager the Deputy City Clerk becomes acting City Clerk and should be compensated with the rate of pay commensurate with the job,

Now Therefore, pay of Andrew Hellenga shall be adjusted to 37.502 per hour, the present City Clerk pay rate, for the time he is acting City Clerk.

OFFERED BY: Council Member Brown

SECONDED BY: Council Member Morgan

Council Member Morgan stated Mr. Hellenga has his full support as Acting City Clerk and Ms. McMullan has his full support as Interim City Manager. Council Member Brown agreed.

Council Member Wilcoxon stated he has spoken both with Ms. McMullan and Mr. Hellenga about Mr. Hellenga's salary and he is in favor of the increase.

Mayor Bashert stated both Ms. McMullan and Mr. Hellenga cancelled professional training following the resignation of the former City Manager to be present during a key time of transition. She thanked both employees, and explained it was a stressful moment and it helped a lot being present and doing their jobs well.

On a roll call, the vote to approve Resolution No. 2019-057 was as follows:

| | | | |
|--------------------------|--------|-------------------------|--------|
| Council Member Brown | Yes | Council Member Symanns | Absent |
| Council Member Morgan | Yes | Mayor Bashert | Yes |
| Council Member Murdock | Absent | Council Member Wilcoxon | Yes |
| Mayor Pro-Tem Richardson | Yes | | |

VOTE:

YES: 5 NO: 0 ABSENT: 2 (Murdock, Symanns) VOTE: Carried

VII. PUBLIC COMMENT –

1. Lee Tooson, 107 Middle, stated that Council needs to take an interest in the rules pertaining to the functions of the body, and be able to voice those rules to the public.

VIII. REMARKS BY THE MAYOR -

- She supports the conversation regarding Interim City Manager Frances McMullan with the full support of the city. She appreciates the smoothness in transition so far, which is due to the skills and experience of both employees.

IX. ADJOURNMENT –

Resolution No. 2019-058, adjourning the City Council meeting.

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the City Council Meeting be adjourned, on call, by the Mayor or three (3) members of Council.

Council Member Wilcoxon moved, seconded by Mayor Pro-Tem Richardson to adjourn the meeting.

On a voice vote, the motion carried and the meeting adjourned at 8:15 a.m.