

**Minutes
Fraser City Council
Monday, December 19th, 2016 @ 6:00pm**

A Regular meeting of the Fraser City Council was conducted on the above date at the City Municipal Building, located at 33000 Garfield Road, Fraser, County of Macomb, Michigan.

Present: Mayor Nichols and Council Members Blanke, Carnagie, Foster, Hemelberg, Lesich and Schornak

Absent:

Also Present: Richard Haberman, City Manager

Kelly Dolland, City Clerk

Tim Tomlinson, City Attorney

1. Call Meeting to Order - Mayor Nichols called the regular meeting to order at **6:03pm**

2. Pledge of Allegiance

3. Approval of Agenda

Mayor NICHOLS moved, seconded by Member LESICH, TO AMEND AGENDA TO REMOVE AMY PLANCKE FROM THE INTERVIEW AGENDA.

Member LESICH moved, seconded by Mayor NICHOLS, TO APPROVE AGENDA AS AMENDED.

The motion carried 7-0.

4. Citizen Participation: None

5. Requests for Council Action –

a. Request Council go into closed session to discuss written legal opinion and personnel issues concerning the current City Manager.

Mayor NICHOLS moved, seconded by Member LESICH, TO ENTER INTO CLOSED SESSION TO DISCUSS WRITTEN LEGAL OPINION AND PERSONNEL ISSUES CONCERNING THE CURRENT CITY MANAGER.

Roll Call vote:

Blanke	Yes
Carnagie	Yes
Foster	Yes
Hemelberg	Yes
Lesich	Yes
Nichols	Yes
Schornak	Yes

The motion carried 7-0.

Council entered Closed Session 6:05pm

Council reconvened Council Meeting 7:03pm

b. Discussion and/or action regarding Severance Agreement with current City Manager.

Mayor Nichols stated that Mr. Haberman and City Council has amicably agreed to a separation agreement.

Mr. Tomlinson read aloud Mr. Haberman's severance agreement provided to council with the following changes;

- Resignation date no later than January 12, 2017.
- Severance and vacation pay shall be paid in one lump sum.
- After January 1st, 2017, vacation days currently accumulated are 114.5 hours, (zero personal hours) will be paid at a rate of \$43.27. There may be a change; Mr. Haberman may earn additional vacation hours to January 12th, 2017.
- There is modification to the language in regard to 'up to six months' in medical coverage verse 'a minimum of'.
- Paragraph eight and nine, council allowed the Attorney and Mr. Haberman to draft the letter of recommendation, councils asked for a natural recommendation.
- Paragraph 11, provision for consulting services, independent contract bases with no benefits.

Mayor Nichols asked if contract was available to view via a Freedom of Information Request. ~ Mr. Tomlinson stated there is a confidentially clause, other than that it is permitted by law.

Public to be heard: None

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Member LESICH moved, seconded by Mayor NICHOLS, TO APPROVE THE SEVERANCE AGREEMENT SUBJECT TO THE MODIFICATIONS OUTLINED BY THE CITY ATTORNEY.

Roll Call vote:

Blanke	Yes
Carnegie	No
Foster	Yes
Hemelberg	Yes
Lesich	Yes
Nichols	Yes
Schornak	Yes

The motion carried 6-1.

Mr. Haberman wished all a Merry Christmas and Happy New Year and left the building.

c. Request Council begins interviews for consideration for appointment as Interim City Manager for the City of Fraser with the following persons:

- Amy Plancke – Removed
- D. Wayne O’Neal - Mr. O’Neal introduced himself and responded to a series of questions prepared by the City Attorney.
- Steve Brown - Mr. Brown introduced himself and responded to a series of prepared questions by the City Attorney.
- Steven Aynes – Mr. Aynes introduced himself and responded to a series of prepared questions by the City Attorney.

Mr. Tomlinson stated if you wish to proceed with one of the candidates council can add the discussion under New Business on the agenda.

6. Pending Items of Unfinished Business / Report of the City Administration ~ NONE

7. Report of Mayor and City Council / New Business

Member Blanke stated she appreciated the interviews and wished all a Merry Christmas.

Member Lesich stated each candidate had three different skill sets and leadership qualities, and wished all a Merry Christmas.

Member Foster stated she like Mr. O’Neal’s city manager’s approach to deal with the budget. Member Foster asked the City Attorney to look into a compensation package to offer a candidate.

Mr. Tomlinson stated Council would make a motion to appoint Mr. X as Interim City Manager to an agreement being reached on compensation terms and add to agenda.

Member Schornak stated she liked all the candidates. Mr. O’Neal stood out and gets to the point and would lead the city. Merry Christmas and Happy New Year.

Member Carnegie stated he would rate Mr. O’Neal as the number one choice for the interim position. All interviewed very well, but Mr. O’Neal appeared the best qualified.

Member Hemelberg stated he is not ready to vote to bring anybody back, and Merry Christmas and Happy New Year.

Mr. Tomlinson stated the Interim City Manager is a majority vote.

Mayor Nichols stated he appreciated the interview of the candidates. In regard to the budget process only Mr. O’Neal would be the first in line for the Interim City Manager position. Mr. Nichols stated he liked the idea that Mr. O’Neal would challenge the department heads to cut their budget to fit where we live. He stated it is about efficiency operations and numbers.

Mr. Tomlinson stated there is not a large pool of interim candidates.

Mayor Nichols thanked the Morelli family for providing Christmas for a Fraser family.

Mayor Nichols also stated he has been inundated with emails and phone calls regarding Warren Mayor Fouts alleged comments.

Member Blanke suggested a special meeting with Mr. O’Neal on the agenda.

Residents to be heard:

Fraser resident Gary Laine spoke on topic.

Fraser resident Laura Lesich spoke on topic.

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Member FOSTER moved, seconded by Member LESICH, TO AMEND AGENDA TO ALLOW FOR DISCUSSION AND OR ACTION REGARDING THE APPOINTMENT OF INTERIM CITY MANAGER AND EMPLOYMENT AGREEMENT.

Roll Call vote:

Blanke	Yes
Carnegie	Yes
Foster	Yes
Hemelberg	Yes
Lesich	Yes
Nichols	Yes
Schornak	Yes

The motion carried 7 -0.

Member Foster moved, seconded by Member CARNAGIE, TO DIRECT THE CITY ATTORNEY TO BEGIN NEGOTIATIONS WITH D. WAYNE O’NEAL TO ENTER INTO AN EMPLOYMENT AGREEMENT AS THE FRASER CITY MANAGER ON AN INTERIM BASIS BEGINNING JANUARY 3RD, 2017 FOR AN INDETERMINATE TIME.

Roll Call vote:

Blanke	Yes
Carnegie	Yes
Foster	Yes
Hemelberg	No
Lesich	Yes
Nichols	Yes
Schornak	Yes

The motion carried 6-1.

Mr. Tomlinson stated he will be in contact with Mr. O’Neal and determine a Special Meeting date. Monday, January 3rd, 2017 @ 6:30pm Special Meeting date was established.

8. Citizen Participation

Resident Laura Lesich spoke.
Resident Gary Laine spoke.

9. Adjournment

Member LESICH moved, Member SCHORNAK seconded by, to ADJOURN THE SPECIAL COUNCIL MEETING OF DECEMBER 19TH, 2016 @ 9:30PM.

The motion carried unanimously,

Respectfully submitted,

Kelly Dolland, City Clerk

Joe Nichols, Mayor

/KD