

Minutes
Fraser City Council Special Meeting
Monday, June 12, 2017 @ 6pm

A Special 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: D. Wayne O’Neal, City Manager
Kelly Dolland, City Clerk
Tim Tomlinson, City Attorney

- 1. **Call Meeting to Order** - Mayor Nichols called the special meeting to order at 6:01pm
- 2. **Pledge of Allegiance**
- 3. **Approval of Agenda**

Member LESICH moved, second by Member CARNAGIE, TO APPROVE AGENDA AS PRESENTED.
Roll call vote:

Blanke	yes
Carnagie	yes
Foster	no
Hemelberg	no
Lesich	yes
Nichols	no
Schornak	yes

The motion carried 4-3

- 4. **Citizen Participation:**

Resident Gary Placido spoke
Resident Sue Wheeland spoke
Resident Nancy Berube spoke
Resident Charise Rahls spoke
Resident Janet Calabrese spoke
Resident Anna Cameron spoke
Resident Vince Calabrese spoke

- 5. **INVESTIGATION REGARDING EMPLOYEES’ SEXUAL HARASSEMENT COMPLAINTS**

a.Request Council to retain the services of Mr. Thomas L. Fleury

Member Foster believed a closed session was not necessary, the discussion should be held publically, does not believe the investigation should be done by the same attorney that produced the document and wanted to know the cost for the Attorney.
Attorney Tomlinson spoke of the service provided by Mr. Fleury.
Member Blanke reminded everyone, that they have not seen or read the report.
Member Schornak stated Mr. Fleury was highly regarded in his industry, she stated we, as council would want to protect the city employees.
Member Foster expressed concern with the fee to hire an attorney.
Member Carnagie stated this concern needs to be addressed.
Member Hemelberg stated the alligations were against him and expressed concern over legal fees.

Member BLANKE moved, second by Member LESICH, TO APPROVE THE REQUEST OF COUNCIL TO RETAIN THE SERVICE OF THOMAS FLEURY.
Roll call votes:

Blanke	yes
Carnagie	yes
Foster	no
Hemelberg	no
Lesich	yes
Nichols	no
Schornak	yes

Motion carried 4-3

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b. Motion to convene to closed session, To Consider a Written Legal Opinion of Council, and to Consider Material Exempt from Discussion or Disclosure by State and Federal Statute, Specifically Section 13(m) of the Freedom of Information Act.

Member Hemelberg stated he would like to do this in an open meeting not closed session.

Member Foster stated she believed resident know more about the report than council.

Member Schornak stated a closed session would protect the victims.

Member Lesich stated the closed session is to protect potential victims, protect all legal rights; we are here only to evaluate the investigation at this time.

Member SCHORNAK moved, second by Member LESICH, TO APPROVE THE REQUEST OF COUNCIL TO ENTER INTO CLOSED SESSION.

Motion carried 6-1
Hemelberg no

The special meeting convened into closed session at 6:31pm

The special meeting reconvened at 8:54pm

Attorney Tomlinson stated the report is subject to attorney client privilege, any discussion would be in violation of the Open Meeting Act, do not disclose info.

Member Lesich stated we have reviewed the Investigator's Report and at this time Council has taken the matter under advisement.

Member LESICH moved, second Member Hemelberg, TO APPROVE MOTION TO REQUEST THE FOLLOWING:

- A WRITTEN LEGAL OPINION FROM THE CITY ATTORNEY REGARDING POSSIBLE COUNCIL ACTION UNDER THE FRASER CITY CHARTER.
- NO MEMBER OF THE FRASER CITY COUNCL SHALL DISCUSS ANY ASPECT OF THIS MATTER EXCEPT UNDER ADVICE OF COUNSEL
- DIRECT THE CITY MANAGER TO IMPLEMENT A NO-CONTACT MEMORANDUM REGARDING CITY OFFICAL COMMUNICATIONS WITH CITY EMPLOYEES.
- NO RETALIATORY ACTION TOWARD ANY CITY EMPLOYEE.

Roll call vote:

Blanke	yes
Carnegie	yes
Foster	yes
Hemelberg	yes
Lesich	yes
Nichols	yes
Schornak	yes

Motion carried 7-0

6. ADJOURNMENT

Member LESICH moved, seconded by Member CARNAGIE, TO ADJOURN THE SPECIAL COUNCIL MEETING OF JUNE 12TH, 2017 @ 8:56PM.

The motion carried unanimously,

Respectfully submitted,

Kelly Dolland, City Clerk

Joe Nichols, Mayor