



**GAYLORD CITY COUNCIL
AGENDA FOR MEETING OF APRIL 23, 2012
7:00 P.M., CITY COUNCIL CHAMBERS
305 EAST MAIN STREET
GAYLORD MI 49735**

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Corrections, Deletions or Amendments to Agenda
6. Approval of Minutes
7. Public Hearings
8. Communications
9. Mayor's Report
10. Council Member's Report
11. City Manager's Report
12. City Attorney's Report
13. Chief of Police Report
14. City Clerk's Report
15. City Treasurer's Report
16. DPW Superintendent's Report
17. DDA Executive Director's Report
18. County Liaison's Report
19. Chamber of Commerce Report
20. Public Comment by Citizens

A. UNFINISHED BUSINESS:

B. NEW BUSINESS:

1. Purchase of Service Time, Nonunion MERS Plan, Chief Joseph FitzGerald
2. Transfer into POLC MERS Plan, Chief Joseph FitzGerald
3. Request for Property Division, James Varnas
4. Request to Allow Private Water and Septic System Inside City Limits, James Varnas
5. Charitable Solicitation Permit Request, Shriner's Club

MERS Years of Service Purchase Resolution, Joseph C. FitzGerald

As provided by the MERS Plan Document, and in accordance with the Employer's policy there under, the additional credited service described is hereby granted this Member by Resolution of the Governing Body of Gaylord, City of, at its meeting on April 23, 2012. The Employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and actual experience will affect the true cost of the additional service. For example, changes in benefit programs through adoption or transfer of the affected employee to a division with "better" benefits; increases in wages other than 4.5% per year; and changes to the anticipated date of termination, will affect the actual cost of the additional service (increase or decrease). Thus, actual future events and experience may result in changes different than those assumed, and liability different than that estimated. The Employer understands and agrees that it is accountable for any difference between estimated and actual costs.

Signature of Authorized Official from Gaylord, City of

Date



*City Hall
305 E Main St.
Gaylord, Michigan 49735-1372
989-732-1777
Fax 989-732-1779*

DATE: March 22, 2012

TO: Joe Duff, City Manager
Mayor Jenkins/City Council

FROM: Joseph FitzGerald, Chief

REF: Retirement

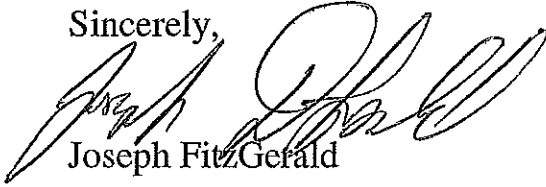
I am submitting my letter for retirement from the City of Gaylord effective September 30, 2012. I would like to accept your offer to retire under the police officers retirement plan, which is the MERS 25 and out with a 3 multiplier with no age limit.

I have contacted MERS for the price to buy one year of generic time under my current plan, and one year of time under the police officers retirement plan. The price for one year under my current plan is \$13,469.00, and the price for one year under the police officers plan is \$22,761.00. I will pay the full amount for each year, which will give me my 25 years for retirement.

I would like to express my sincere appreciation to you and the City of Gaylord for allowing me the opportunity to work and live in such a beautiful area. I would also like to thank-you for allowing me to be the Chief of Police for the last six years.

This decision comes with many mixed emotions, but at this time I feel that it is a great opportunity for me to pursue other interests. I will truly miss the people I work with and work for, and I will always be grateful for every opportunity that was afforded me during my employment with the City of Gaylord.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph FitzGerald', written in a cursive style. The signature is positioned above the printed name.

Joseph FitzGerald

Personnel Committee Meeting Minutes
March 27, 2012
7:30 a.m.

Attendance

Council Members Sharrard and Johnson; Mayor Jenkins; Manager Duff

Retirement of Chief FitzGerald

The Committee met and discussed the Manager's memorandum dated March 26th and the Letter of Retirement request from Chief FitzGerald dated March 22nd.

The Manager indicated the three actions necessary for the Council to accept the retirement are as follows:

1. To allow the Chief to purchase one year of retirement time from the Nonunion MERS Plan which he is currently part of.

Committee Decision: The Committee agreed to accept and recommend this and allow for the purchase to occur.

2. The second request is to allow the Chief to transfer back into the POLC MERS Plan. After this would occur he would desire to purchase one year of retirement in the POLC MERS Plan.

Committee Decision: They discussed this and the Manager indicated that the Chief was in this retirement plan until the time that he became the Chief. It was at that time that his retirement was transferred over to the Nonunion MERS Plan. This was done to save money at the time. Also things were much different than before the economy changed, we did not anticipate that the degree of budget constraints would require us to look at layoffs to balance our budgets. The Committee agreed to recommend that this action be allowed to take place.

3. The last action requested was that once the transfers and payments are made that the Chief then be allowed to retire on September 30, 2012.

Committee Decision: The Committee agreed to recommend this course of action to the Council and then accept the Chief's retirement on September 30, 2012 once the appropriate paperwork has been filed with MERS.

The Manager then pointed out that if these actions are taken we could expect to be able to come very close to balancing the City budget without the layoff of Patrolman Kreis. Also the Manager pointed out that Patrolman Marsiglia would also be eligible for retirement and we could quite possibly see him retire anytime after December 2012. The Committee indicated that they felt we should still follow through with the layoff of Patrolman Kreis and accept the retirement of the Chief. This will only provide us with a little cushion in the budget.

There was a good deal of discussion about the replacement of the Chief, operations of the Department and other miscellaneous matters.

There being no further business before the Committee the meeting was adjourned at 9:20 a.m.

This matter will appear before the Council at the April 23rd Council Meeting.

Joseph P. Duff
City Manager

April 20, 2012

To: Mayor and City Council Members
From: Becky

RE: Zoning Board of Appeals

Since we removed the ability to request variances for signs, we have had very few Zoning Board of Appeals meetings. We have at times gone in excess of a year without a meeting. Because of this, we have had problems retaining board members, some have resigned without informing us, something we do not realize until they do not show up for a scheduled meeting. As only 5 members serve on this board, any absence can create quorum issues. Since last December we have had 2 Zoning Board of Appeals meetings. The last meeting only 3 members attended, which seems to be the remaining board members. The last request was for a Use Variance, we had a number of residents in attendance opposing the project. Even though the request was approved, the Board was very unsure and did not follow proper procedure, and seemed unclear of the process. The City Attorney and City Manager also attended the meeting. Steve has done research and has found that the City Council can act as the Zoning Board of Appeals, and based on a number of factors (i.e. types of requests, number of requests, problems retaining board members, etc.) we all agree, Steve, Joe and I, that the City Council should assume the duties of the Zoning Board of Appeals. In essence the Zoning Board grants or denies waivers of regulations, requirements and rules, that everyone else has been expected to follow. Sometimes it is extremely hard for appointed board members to decide who should be held to strict compliance of the ordinance, or when there are true extenuating circumstances that should be considered. Therefore it is felt that it is appropriate for the elected officials to consider appeals and make decisions accordingly.

SOLICITORS, PEDDLERS, TRANSIENT TRADERS
AND CHARITABLE SOLICITATIONS APPLICATION

DATE: 4/17/2012

APPLICANT NAME: David Ahearn / Shriner

DESCRIPTION OF APPLICANT: _____

PERMANENT NAME, ADDRESS AND COMPLETE LOCAL ADDRESS OF APPLICANT AND SUPERVISOR:
David Ahearn 809 West St

Telephone No. 989-732-9653

DESCRIPTION OF BUSINESS AND GOODS/SERVICES TO BE SOLD:
Shrine Newspaper - Annual Event

Date: July 20, 2012 Time: 9 AM to 12.00 Noon

LOCATION(S): K-Mart, Wal Mart Q'tens & Toy Sports

REFERENCES: (AT LEAST TWO (2) RECORDED, RELIABLE PROPERTY OWNERS IN OTSEGO COUNTY)

NAME: Clark Bates
ADDRESS: PO Box 308

NAME: Brian Durland
ADDRESS: 56.10tsego

STATE METHOD TO BE USED TO CONDUCT SALES:
Sales Person

David Ahearn
SIGNATURE OF APPLICANT

B Durland
WITNESS

APPROVED/DISAPPROVED:

CHIEF OF POLICE

DATE: _____