**City of Marine City**

**City Commission**

**September 15, 2022**

A regular meeting of the Marine City Commission was held on Thursday, September 15, 2022 at 260 South Parker Street, Marine City, and was called to order by Mayor Vercammen at 7:00 P.M.

Present: Mayor Cheryl Vercammen; Commissioners Jacob Bryson, Elizabeth Hendrick, Wendy Kellehan, William Klaassen, Brian Ross; City Manager Holly Tatman; City Clerk Shannon Adams.

Also Present: City Attorney Robert Davis

**Absent: Commissioner John Kreidler**

Motion by Commissioner Ross, seconded by Commissioner Bryson, to excuse Commissioner Kreidler. **Roll Call Vote.** Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried.

**AUDIO/VIDEO AVAILABLE**

For complete audio/video of meeting, visit the following link: <https://www.youtube.com/watch?v=sICIIcCw4pE>

**APPROVE AGENDA**

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the Agenda with the addition of item 15b. All Ayes. Motion Carried.

**PUBLIC COMMENT**

Lois Cameron made a comment related to a blight.

Dan Craig made comment about the lack of restroom facilities at Rotary Park and requested a Porta John for the next season.

**APPROVE MINUTES**

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the City Commission Meeting minutes of August 18, 2022 with edits identified by Commissioner Ross. Ayes: Bryson, Kellehan, Klaassen, Ross, Vercammen. Nays: Hendrick. Motion Carried.

**CONSENT AGENDA**

Presented:

1. MCAFA Run Report
2. Departmental Activities Reports
3. Dangerous Building Board of Appeals Meeting Minutes – July 6, 2022
4. 300 Broadway Committee Meeting Minutes – August 8, 2022
5. Special Event – Marine City High School Homecoming Parade
6. Halloween Trick or Treating Hours – Monday 10/31/2022 5pm-8pm.

Commissioner Kellehan inquired about the Dangerous Building Board of Appeals minutes and the status of 110 S. Water Street, a property discussed at that meeting. City Clerk Adams identified that a “for sale” sign had not been posted because the responsible party was working with the Probate Court to obtain the status of Personal Representative of the Estate so she could sell it.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the Consent Agenda **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

**FINANCIAL BUSINESS**

Expenditures

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve total expenditures including payroll, in the amount of $4,099,381.32. **Roll Call Vote.** Ayes: Bryson, Kellehan, Klaassen, Ross, Vercammen. Nays: Hendrick. Motion Carried.

Preliminary Financial Statements

Motion by Commissioner Klaassen, seconded by Commissioner Kellehan, to receive and file the Preliminary Financial Statements. All Ayes. Motion Carried.

**PUBLIC HEARING**

Ordinance No. 22-003 Community and Economic Development Board Revision

Motion by Commissioner Kellehan, seconded by Commissioner Ross, to permit Mayor Vercammen open the Public Hearing at 7:23 P.M. All Ayes. Motion Carried.

**PUBLIC COMMENT ON ORDINANCE 22-003**

Joe Moran, Chairperson of the Community and Economic Development Board spoke about how the Board had grown from its origins and that the revised Ordinance would permit the board to continue to do the level of work they had risen to, and more, towards the development and betterment of the community.

Mayor Vercammen closed the Public Hearing at 7:27 P.M.

**UNFINISHED BUSINESS**

Ordinance No. 22-003 Community and Economic Development Board Revision

Commissioner Ross questioned potential conflicting language in the Ordinance related to spending power and Commission approval. City Attorney Davis indicated that the Commission would see all expenses and the Board would be subject to the purchasing provisions of the Charter. They would have autonomy but expenses were subject to Commission review.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve and adopt Ordinance No. 22-003 Community and Economic Development Board Revision. **Roll Call Vote.** Ayes: Bryson, Kellehan, Klaassen, Ross, Vercammen. Nays: Hendrick. Motion Carried.

Engineer’s Opinion – Mill & Cap Street Project

City Clerk Adams stated the purpose for maintaining confidentiality of the estimated project cost was to protect the City’s interests in obtaining the best bid for the project. Commissioner Hendrick stated her belief that the project had been intended to mill and cap five streets. DPW Superintendent Mike Itrich affirmed that the project had been for four streets.

Motion by Commissioner Bryson, seconded by Commissioner Kellehan, to approve the estimated project cost and to permit DPW Superintendent Itrich to move forward with a Request for Proposals on the project. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

**NEW BUSINESS**

Appeal of Imposition of Freedom of Information Act Fee

Resident Phil Oleksiak spoke about his appeal related to a $7.60 fee assessed by City Clerk Adams for a Freedom of Information Act (FOIA) request he had made to receive a copy of the policies and procedures applicable to terminating an Election Inspector. City Clerk Adams responded by detailing the process and time taken to answer Mr. Oleksiak’s FOIA request and justification for how the amount charged was calculated. City Clerk Adams stated the procedure was drawn from several sources. Commissioner Klaassen inquired about the fee being calculated by the lowest paid person in the office. City Attorney Davis clarified that it was the lowest paid person qualified to respond to the request.

Motion by Commissioner Bryson, seconded by Mayor Vercammen, to deny the appeal by Resident Phil Oleksiak and uphold the $7.60 fee for his Freedom of Information Act Request. **Roll Call Vote.** Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried.

Appoint Election Commission Representative – November 8, 2022 General Election

Motion by Commissioner Hendrick, seconded by Commissioner Bryson, to appoint Commissioner Kellehan to serve on the Election Commission for the November 8, 2022 General Election. All Ayes. Motion Carried.

Marine City Police Department Chevy Tahoe Sale Bid

Commissioner Ross inquired of Police Chief Heaslip if the bid was the best offer he received. Chief Heaslip stated this was the second sealed bid he had done on this vehicle and that Emergency Remarketing was the only bidder both times, however their initial bid was contingent on photos of the vehicle and once received, they had withdrawn their first bid.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve the sale of the 2018 Chevy Tahoe police vehicle to Emergency Remarketing for $2,268.18. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Resolution No. 015-2022 Adoption of Saint Clair County Hazard Mitigation Plan

Mark White, Deputy Director of the Saint Clair County Office of Homeland Security and Emergency Management spoke about the Saint Clair County Hazard Mitigation Plan which was available to review in its entirety online. He indicated the plan was the first that had been done for Federal Emergency Management Agency (FEMA) Region 5, which included the five states around the Great Lakes and was only the second in the nation. For the City, it meant funding streams for projects to improve critical infrastructure including water and sewer related projects or utilities, police or fire projects, among others; where there was a critical need or known hazard that had happened. He indicated that FEMA would pay for 75% of an approved project while the municipality would match at 25%. Commissioner Ross requested a link to the full plan be placed on the City website.

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve and adopt Resolution No. 015-2022. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Ordinance No. 22-004 Business Regulation Ordinance Revision (1st Reading)

Commissioner Hendrick identified several changes from the existing Ordinance to the new version including the definition of a business to include anyone with a tax identification number, that the term of renewal was to be a calendar year, and late fees would be a flat fee. City Manager Tatman responded that the purpose for the changes was to streamline the process and to make it more friendly and clear for business owners.

Commissioner Hendrick inquired as to a section that had been removed related to non-profit business exemptions and whether it needed to be referenced in the definitions. City Manager Tatman explained that the City needed to be aware of who was operating a business and there would be no exemptions. City Attorney Davis cautioned against an overly detailed definition in preference for a more generic definition.

Commissioner Hendrick also inquired about the renewal and inspection process. City Attorney Davis suggested it would be prudent if the Ordinance reserved the right of the City to conduct inspections as necessary. Commissioner Hendrick discussed the increase in fees but that the Fee Schedule had not been revised. City Manager Tatman indicated the revision would occur with the next Budget.

Commissioner Kellehan inquired about vendors operating in the same space each needing a business license. City Manager Tatman confirmed that if they had their own individual tax identification number, they would each be required to have a business license.

Commissioner Hendrick inquired as to the fees charged. City Manager Tatman stated $75 of the initial fee was the fee for the Building Inspector to do his inspection and that she was working on a proposal to utilize the renewal fees that were collected in non-inspection years to develop a program to assist businesses with improvements such as new signs, façade improvement, and other curb appeal projects as a means of giving back to them in recognition for their contribution to the City.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to accept the first reading of the Ordinance No. 22-004 Business Regulation Ordinance Revision and to set the matter for Public Hearing at the October 20, 2022 meeting. **Roll Call Vote.** Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried.

Appointment to Dangerous Building Board of Appeals

Motion by Mayor Vercammen, seconded by Commissioner Kellehan, to appoint Jacob Bryson to the vacant seat on the Dangerous Building Board of Appeals for an Engineer or Architect. All Ayes. Motion Carried.

Ralph C. Wilson Grant Proposal & Bridge to Bay Proposed Bike Path and Funding Mechanism Discussion

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to receive the Ralph C. Wilson (RCWF) grant proposal and to review the proposed Bridge to Bay Bike Path collectively was later struck down for a more defined motion. – Motion later stricken.

City Manager Tatman explained that the proposed project encompassed the Marina, which would have 13 to 14 slips with the final land acquisition occurring at the end of the year. She stated at the time, the grassy knoll park section of the Marina was Phase 2 and included the parking lot, ADA compliant bathrooms, sidewalks, pavilion, drinking fountains, bike racks, etc. The Deputy Clerk drafted the proposal to include the entire Phase 2 of the Marina to completion and the RCWF came back to her with a request to include more in her proposal. City Manager Tatman explained that since the Bridge to Bay Trail would touch the Marina Park as part of a proposed extension, it was decided to expand the RCWF grant proposal to include a 30% match in funds for the Michigan Department of Transportation (MDOT) Transportations Alternatives Program (TAP) grant which would pay for the expansion of the bike path. She stated the vision was for all of the pieces to come together for the creation of the Marine City Marina District to include the ADA kayak launch on one side, the Marina and park on the other, with the Bridge to Bay Trail all coming together in one spot. She reminded the Commission that there were no matching funds required to apply for the RCWF’s $400,000.00 grant but, if awarded to Marine City, the funds would complete two major initiatives for the benefit of the City and allow residents and tourists another avenue of exploration of all the City has to offer. City Manager Tatman indicated that the RCWF was a big proponent of the Bridge to Bay Trail and had been working with the County related thereto, and the idea of the Marina becoming a trailhead due to the amenities that would be available with the completion of Phase 2 was very attractive to them.

Commissioner Hendrick stated her concerns with the proposed bathroom cost, and misuse by visitors as with other City facilities, and recommended porta johns. City Manager Tatman indicated the DPW was tasked with taking care of and repairing the facilities, but identified a responsibility to the residents and tourists visiting the area for there to be a restroom, and that the location being very visible and in a residential area, porta johns did not have a good look. Commissioner Ross requested the restroom fixtures be chosen for longevity more than aesthetics and referenced the unappealing odor of porta johns.

City Manager Tatman presented the proposed Bridge to Bay Trail route as developed by Project Control Engineering (PCE) as the safest and most advantageous route that filled in the missing Marine City gaps. She reminded them of a previous vote on the $10,000 grant from the St. Clair County Community Foundation (SCCCF) which was to be split in half to work on the Bridge to Bay Trail engineering drawings and to pay for PCE to complete the MDOT TAP grant application. She explained that the TAP grant required a minimum 20% match and that part of the pitch to the RCWF was to include enough funds to have a 30% match and, alternatively, if the City was not approved for the RCWF grant, then the City would take the minimum 20% match from the American Rescue Plan Act (ARPA) funds.

Commissioner Hendrick stated her opinion that, as a resident bike rider, she would ride every day, often on the sidewalks, and didn’t have a need for a bike path. She also indicated she was not in favor of the cost of doing the bike path. City Manager Tatman reminded the Commission that the funds were not coming from the City’s General Fund. Commissioner Klaassen stated his opinion that including a bike path on Water Street wasn’t safe and referenced ADA compliant issues. City Manager Tatman stated the City verified the ADA compliance of Water Street. Commissioner Ross spoke in support of the City becoming a destination for cyclists and how areas that were currently not walkable would be more user friendly as a result of the project. He also reminded the Commission that grant funds were available for the taking and that Marine City had a decade’s long history of not taking grant money which could have benefitted the entire Community.

Commissioner Kellehan inquired if a motion on the use of the ARPA funds was necessary at the time, or if the decision could wait until a determination was made by the RCWF related to the grant award. City Manager Tatman explained that for the City to meet the same funding cycle for MDOT related to the TAP grant, PCE would have to complete and submit the application in October so each part of the process was hinged on one another. Commissioner Bryson inquired when the decision would be made related to the RCWF grant. City Manage Tatman replied that the decision would be made within a few months with the award being received in the following calendar year. Commissioner Bryson also inquired about the timing related to the grant award versus the deadline for the TAP grant and City Manager Tatman explained that it would be built into the application explaining that the matching funds would be from the RCWF grant or contingently from the City’s ARPA funds, if not awarded the RCWF grant.

Ralph C. Wilson Grant Proposal

Motion by Commissioner Ross, seconded by Commissioner Bryson, to accept the Marine City Marina District initiative to permit the City Manager to move forward with the Ralph C. Wilson grant application as presented. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Ross, Vercammen. Nays: Klaassen. Motion Carried.

Bridge to Bay TAP Grant and Funding Mechanism

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the preliminary Bridge to Bay bike path, as presented, and identified on the map provided. **Roll Call Vote.** Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried. Commissioner Ross stated he would like to see a future effort to make Parker Street more accessible.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve an expenditure of $5,000.00 to be reimbursed from the St. Clair County Community Foundation grant for PCE to apply for the MDOT TAP grant on behalf of the City. **Roll Call Vote.** Ayes: Bryson, Kellehan, Klaassen, Ross, Vercammen. Nays: Hendrick. Motion Carried.

Motion by Commissioner Bryson, seconded by Commissioner Kellehan, to approve a contingency plan for the City to commit to the 20% grant match using ARPA funds in the amount of $60,000.00 in the event the City was not awarded the necessary grant funds through the Ralph C. Wilson Foundation. **Roll Call Vote.** Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried.

Consideration of Purchasing Ordinance Draft

City Attorney Davis explained that Section 13.1 of the City’s Charter stated there needed to be a Purchasing Ordinance in place, however he had not been able to locate any such Ordinance as having been enacted, therefore he drafted such an Ordinance to be consistent with the current Charter. He requested feedback from the Commission to develop a draft to be presented for a first reading at the next meeting.

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to receive and file the draft of the Purchasing Ordinance. All Ayes. Motion Carried.

**ITEMS REMOVED FROM CONSENT AGENDA**

None.

**CITY MANAGER’S REPORT**

City Manager Tatman credited the Deputy Clerk for her efforts in working on the RCWF grant proposal and the several other grants she had also worked on. She indicated an estimated exit date for UHY of October 1, and also extended another welcome to the City’s new Treasurer and referenced her dedication to her new role with the City. City Manager Tatman thanked UHY for all of their assistance and hard work for the City in filling the Treasurer role at a time where it was desperately needed. City Manager Tatman stressed the importance of keeping the positive narrative moving forward and referenced the revitalization of old buildings, the new Marina project, Bridge to Bay Trail project, park upgrades, the effort of the DPW crew in making the City look nice, and also the Code and Building Departments in working with the citizens to get blight issues cleaned up. She invited residents who know of people with a business seeking to expand to suggest they bring their business to the City and to help fill the vacant buildings. She invited the Commission and public to share everything they are aware of that is positive in the City. City Manager Tatman requested public engagement from residents with feedback or questions related to the Bridge to Bay Trail project and invited them to contact her.

Commissioner Hendrick inquired on the sale of 303 S. Water Street property. City Manager Tatman indicated that issues were discovered during the inspection process; that the highest bidder withdrew and would present a new price consistent with the findings, and that meant their bid could be lower than one of the others, therefore the process of determining a final purchase agreement was not complete.

Commissioner Hendrick indicated a complaint from residents related to heavy construction vehicles on 5th and 6th street. DPW Superintendent Itrich indicated he had been in the area and not seen a problem and requested he be called personally if the trucks were being driven down those streets.

Commissioner Hendrick asked about there not being a UHY invoice in the packet. City Manager Tatman explained it was not complete in time for the packet but would be in the next agenda packet. Commissioner Hendrick requested an advance copy.

**COMMISSIONER PRIVILEGE/LIAISON REPORTS**

Commissioner Hendrick announced she had located a City Commission packet from July 2016 where the City had gotten two quotes on the City’s insurance policy.

Commissioner Klaassen apologized that he could not make his liaison report on the Planning Commission meeting as he had been absent due to the birth of his grandson.

Commissioner Ross invited the community to contact him with questions/concerns/feedback and requested everyone to stay safe.

Mayor Vercammen spoke about blindly believing the false, repetitive words of others, cautioned against the fake rhetoric and deception on social media, and referenced how easy it was for certain people to lure others into believing lies by creating false online profiles. She identified that it was the job of the Commissioners to look at the factual information and then make decisions for the best interest of the community as a whole. Mayor Vercammen informed the citizens that the staff and Commissioners had been inundated with emails demanding answers to questions where the information had not been made public and, the emails would continue when answers given were not what the sender of the email wanted to hear. She clarified that these types of activities by the few slowed down productivity of the staff and invited residents to look around at all of the positive progress being made around the City which was a result of the hard work of the staff and initiatives being voted on and passed by the Commission. She invited residents to volunteer to help make the community a better place for everyone by volunteering to clean up a park or beach, reach out to business owners who they may be acquainted with and invite them to consider Marine City for a new location, or to attend a Community and Economic Development Board meeting to share their ideas of what kind of community they wanted and what kind of projects they would like to see taken on by the City.

**CLOSED SESSION**

Motion by Commissioner Ross, seconded by Commissioner Bryson, to enter closed session at 9:48 P.M. to consider material exempt from discussion or disclosure by state or federal statute under MCL 15.268(h) related to the former Treasurer departure with an effective date of July 27, 2022 and a City Attorney Opinion related to the City Clerk’s Authority to Dismiss an Election Worker. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Motion by Commissioner Kellehan, seconded by Commissioner Bryson, to return to Open Session at 10:38 P.M. All Ayes. Motion Carried.

**OPEN SESSION RESUMED**

Motion by Commissioner Ross, seconded by Commissioner Bryson, to follow the recommendations of the City Attorney related to Agenda Item 15b. All Ayes. Motion Carried.

**ADJOURNMENT**

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to adjourn at 10:39 P.M. All Ayes**.** Motion Carried.

 Respectfully submitted,

 Shannon M. Adams City Clerk