**City of Marine City**

**City Commission**

**October 20, 2022**

A regular meeting of the Marine City Commission was held on Thursday, October 20, 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 Bryson, seconded by Commissioner Ross, to excuse Commissioner Kreidler due to being out of town for an employment obligation. **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=awepg7EQTz0

**APPROVE AGENDA**

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the Agenda with the exception of items 7h and 7i being moved to 12a and 12b respectively. All Ayes. Motion Carried.

**PUBLIC COMMENT**

Phil Oleksiak made comment related to his Freedom of Information Act Appeal.

Lori Eschenberg made comments related to the projects in the City including the trails, parks, Bridge to Bay, and marina.

Rudy Menchaca made comments related to the August Commission meeting.

Pam Patiprin made comments related to voters and complimented the City Manager.

Joe Moran made comments to thank Commissioner Kellehan and Mayor Vercammen for their service and spoke about the decisions before voters on the November ballot.

Bill Gratopp made comments related to Marine City’s downtown and small town atmosphere.

Mike Hilferink made comments related to Marine City being his home.

Andrew Pakledinaz made comments related to the newly installed bandstand at 300 Broadway and thanked those involved.

Laura Merchant advertised the Twinkling Forest event and sales of the trees for the forest.

**APPROVE MINUTES**

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the City Commission Meeting minutes of September 15, 2022. Ayes: Bryson, Kellehan, Klaassen, Ross, Vercammen. Nays: Hendrick. Motion Carried.

**APPROVE CLOSED SESSION MINUTES**

Motion by Commissioner Kellehan, seconded by Commissioner Ross, to approve the City Commission Closed Session Meeting minutes of September 15, 2022. Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

**CONSENT AGENDA**

Presented:

1. MCAFA Run Report
2. Departmental Activities Reports
3. Dangerous Building Board of Appeals Meeting Minutes – August 17, 2022
4. 300 Broadway Committee Meeting Minutes – August 22, 2022
5. Planning Commission Meeting Minutes – September 12, 2022
6. Community and Economic Development Board Meeting Minutes – July 27, 2022
7. Election Commission Meeting Minutes – July 5, 2022
8. Zoning Maps Approved by Planning Commission on October 10, 2022
9. 303 S. Water Street Purchase Agreement
10. Special Event – Friendsgiving Tyler Kreilter Memoral Run 5k & 1mi
11. Special Event – Old Newsboys Paper Sale
12. Special Event – Merrytime Christmas
13. Special Event – Mike Miller River Run
14. Business License – Belle River Marina
15. Business License – SAO & Associates d/b/a Tax Time
16. Special Event – Old Newsboys Holly Jolly Christmas Parade

Motion by Commissioner Bryson, seconded by Commissioner Kellehan, to approve the Consent Agenda excepting items 7h and 7i. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

**FINANCIAL BUSINESS**

Expenditures

Motion by Commissioner Kellehan, seconded by Commissioner Klaassen, to approve total expenditures including payroll, in the amount of $793,523.60. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Preliminary Financial Statements

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

**PUBLIC HEARING**

Ordinance No. 22-004 Business Regulation

Motion by Commissioner Bryson, seconded by Commissioner Ross, to permit Mayor Vercammen toopen the Public Hearing at 7:48 P.M. All Ayes. Motion Carried.

**PUBLIC COMMENT ON ORDINANCE 22-004**

Laura Merchant, President of the Chamber of Commerce, stated that the Chamber had sent a mailing about the Ordinance change to their members and only received feedback from a couple of the members and she felt the changes would ensure a more accurate count of the number of businesses operating in the City. She inquired about the situation of multiple businesses operating under one roof.

Mayor Vercammen closed the Public Hearing at 7:54 P.M.

**UNFINISHED BUSINESS**

Ordinance No. 22-004 Business Regulation

Commissioner Ross indicated the need for an addition to the definitions where it was stated “owner of the space” and explained that in some instances, a person may lease the space but be operating as an umbrella for vendors and not actually own the space where the businesses were operating. City Clerk Adams agreed to make the amendment to the definitions.

Commissioner Hendrick inquired about the fees, inspections, and having a different fee structure for years when there would be no inspection. City Manager Tatman replied that business owners expect a cost to do business in the City. Commissioner Hendrick asked about the renewal changing to a calendar. City Manager Tatman confirmed, stating the change was administratively driven due to the volume of work in the City offices. Commissioner Hendrick spoke about a plan that had been mentioned at a previous meeting wherein some of the collected fees would be used to give back to the business owners. City Manager Tatman explained the program required developing but the plan was business owners would be able to apply for help with beautification and revitalization of their business.

Commissioner Kellehan questioned the inspection process for shared spaces. City Attorney Davis suggested it would be different depending on the building and businesses. Fire Chief Slankster suggested that in a shared space if the businesses operating therein changed then a new inspection would be needed. Commissioner Klaassen inquired about long term existing businesses paying the fees. City Manager Tatman replied that they would be subject to the required fees.

City Manager Tatman suggested putting the Ordinance in place to see how it functioned, that the City had given some leniency with the business license renewals anticipating the Ordinance revision, and that there was a timing issue with delaying adoption of it.

Commissioner Hendrick asked if the Ordinance covered Air B&B’s and suggested an Ordinance was needed for Air B&B’s. City Manager Tatman replied that if they were operating under a Tax ID, then yes they were required to register, however as to a specific Ordinance, the State had just passed legislation addressing Air B&B’s specifically.

Motion by Commissioner Ross, seconded by Commissioner Kellehan, to approve and adopt Ordinance No. 22-004 Business Regulation with the amendment to include under definitions the word leasee and subject to a review of the effectiveness of the Ordinance in August 2024. **Roll Call Vote.** Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried.

Mill & Cap – Road Paving Project Bid Recommendation

Commissioner Ross made the statement for clarification that of the total amount, $44,913.62 was the contingency fee due to unforeseen conditions such as costs of materials changing and therefore the actual final project cost could end up being less. DPW Superintendent Mike Itrich indicated an estimated start date of the first week of November. Commissioner Hendrick inquired about bore samples. DPW Superintendent Itrich indicated the samples were done, but they could find different sections with different amounts of pavement once the project was in progress. Commissioner Hendrick verified 2 inches would be ground down on the streets and inquired about the grindings. DPW Superintendent Itrich verified the 2 inch grind and stated the paving company would take the grindings.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the contract award including the engineering and contingency fees at a cost of $290,481.72 for Ace-Saginaw Paving Company. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Release Attorney Memo RE: Election Worker

City Attorney Davis indicated that he had taken a previous opinion and made it more generic so citizens could see what the law said related to the topic. Commissioner Hendrick inquired if the personnel policies and procedures were posted online. City Manager Tatman responded stating they were not as they contained a lot of internal items, & that employees receive them upon starting employment. Commissioner Hendrick inquired if election workers received copies. City Clerk Adams could not speak to what was given to election workers prior. City Attorney Davis spoke to a code of conduct for poll workers which the State had put out to municipalities for adoption and would require a signature of receipt.

Motion by Commissioner Bryson, seconded by Commissioner Kellehan, to release the Attorney Memo related to Election Workers and to approve the City Clerk to post the Memo on the City’s website. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

**NEW BUSINESS**

Ambulance Millage Distribution Agreement

Ken Cummings stated the voters of Saint Clair County approved a millage for the purpose of providing funds to ambulance services. He indicated the document presented to the Commission was an amendment to an existing contract, wherein the amendment allowed the capture of the millage dollars when they were made available to the City by the County. Commissioner Hendrick cited some confusion related to the process. City Manager Tatman indicated the City had a process it followed for millage fund capture and distribution which was the same as used for other millages.

Motion by Commissioner Ross, seconded by Commissioner Kellehan, to approve the agreement amendment as drafted between the City and Tri Hospital Emergency Medical Services. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Parks and Recreation Millage Request Form

City Manager Tatman explained that the form was a formality required to be sent to the County to request millage dollars due to Marine City.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the Saint Clair County Parks and Recreation Millage request form for 2022. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Appeal RE: Denial of Freedom of Information Act (FOIA) Request

City Attorney Davis stated that if a person believed they were aggrieved by a FOIA decision, they had a right to seek an appeal to the public body at the next scheduled meeting to make their case and it was up to the appellant if they wanted to give up that right to have their appeal heard at the next scheduled meeting. City Clerk Adams inquired procedurally as to how there could be an appeal if the City was not in possession of the document requested. City Attorney Davis indicated that under FOIA if there was no public record, there was no duty to disclose the public record. City Attorney Davis stated the process was to hear the appeal, hear from the administration, then vote.

Appellant Phil Oleksiak affirmatively acknowledged that, contrary to his statutory right, he was requesting the Commission set aside his Appeal to the next scheduled Commission meeting due to the Commission not receiving three documents attached to his appeal.

Mayor Vercammen reminded the Board that the missing documents had been received via email by the Commission in September and again that evening, in printed form, from the Clerk.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to set aside the Appeal by Phil Oleksiak based upon the specific request of the appellant to the next scheduled meeting in November. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Appointment to the Community and Economic Development Board – Cheryl Vercammen (Business Person)

Commissioner Hendrick inquired if the vacant seat had been posted for any other business person to apply for. City Clerk Adams replied it had been posted since vacant and announced more than once at meetings.

Motion by Mayor Vercammen, seconded by Commissioner Ross, to approve and appoint Cheryl Vercammen to the Community and Economic Development Board to fill the vacant seat for a business person effective November 30, 2022. Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen. None. Motion Carried.

DPW High Range Lift Truck Replacement

DPW Superintendent Itrich stated that the current truck had a bad cylinder and replacement parts were not available. He indicated the truck was used for tree trimming and seasonal decorating. He indicated that he was investigating the purchase of a truck with a higher range which had a broader work capacity and was more mobile. He stated that those that come available in the market are sold very quickly so timing was crucial to purchase one when it came available.

Commissioner Hendrick inquired as to the budget amendment. City Manager Tatman explained that the DPW Superintendent was asking to spend up to a predetermined amount within the current budget, and that a budget amendment would come later to increase the DPW budget to adjust for the funds spent. Commissioner Hendrick expressed concern about a budget amendment not being done immediately thereby leaving the DPW without funds for two months. City Manager Tatman explained that the City was in the middle of the annual audit and therefore doing a budget amendment at the time was not advisable. City Attorney Davis verified that an amendment was not needed to make the purchase if the money existed in the budget. City Manager Tatman stated that because the piece of equipment was used by multiple departments, one entire line item of the budget wouldn’t have to take the entire hit; that the money could be pulled from multiple different departments.

Commissioner Klaassen asked if the old truck would be sold. DPW Superintendent Itrich said he would put it out for bid but didn’t expect much from it due to the cylinder being bad.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to waive competitive bidding due to time constraints and availability of the lifts on the market. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to permit the DPW Superintendent to purchase a lift, not to exceed $40,000.00, with the contingency that the line items of the budget would be listed in the minutes and that the budget be amended as soon as possible to permit sufficient funds for the remainder of the fiscal year. **Roll Call Vote.** Ayes: Bryson, Kellehan, Klaassen, Ross, Vercammen. Nays: Hendrick, due to concerns related to the process. Motion Carried.

**Budget Line Items:** Land and building repairs line item and County Road tax millage money by way of local streets capital outlay – land improvements.

DPW Oxidation Ditch Mixer Repair

DPW Superintendent Itrich explained that he and the water plant operators, F&V, investigated whether there were other parts suppliers and repair companies to do the work. They were unsuccessful in locating another supplier or anyone other than Titus Welding willing to do the repairs.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to waive competitive bidding due to Evoqua Water Technologies was the sole supplier of parts. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to waive competitive bidding due to Titus being being the only repair provider to respond to the request. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to purchase parts from Evoqua Water Technologies and for Titus Welding to make the repairs using those parts for a cost not to exceed $80,000.00. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Ordinance 22-005 Purchasing Ordinance (1st Reading)

City Attorney Davis requested a motion to set aside the first reading of the Ordinance due to locating a City Purchasing Policy from 2008. He indicated the Charter required a Purchasing Ordinance, which the City had not yet enacted, and that the Policy appeared to comply with the Charter, but he wanted to review it in more detail.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to set aside the first reading of Ordinance 22-005 Purchasing Ordinance until the November meeting. All Ayes. Motion Carried.

Resolution 016-2022 Friends of City Hall Michigan Gaming Control Board Charity Poker License

Commissioner Ross explained that Friends of City Hall earn their funds through gaming events and that it was beneficial for retirees as the events were often during business hours, and that the funds earned went towards renovation of the historic City hall building.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to approve Friends of City Hall to serve as a service organization to and adopt 016-2022 Resolution to approve their gaming license. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Resolution 017-2022 Bridge to Bay Bike Path Resolution

Commissioner Klaassen indicated he did not have enough information related to the Resolution. City Manager Tatman explained that the Commission previously approved PCE to complete the application, the TAP grant was being submitted, and the Resolution was merely a component of what MDOT required to submit the grant and tabling was problematic related to the timeline for the application deadline.

Commissioner Hendrick stated there was a submission date in February 2023 and she believed it wouldn’t make any difference to wait. City Manager Tatman replied that the Commissioner’s statement was inaccurate and explained that the project was interlinked with other components with timelines which included the County for supplemental funding, MDOT, and the Ralph C. Wilson Foundation grant request, and failing to meet the October date would result in a domino-effect as to the other interlinked components which would avoid using the City’s general fund.

City Manager Tatman explained that the basis for the Resolution was just to provide her the authority to sign the papers related to parts of the project the Commission had already voted on and approved, and pulling one piece out could result in the entire plan collapsing, requiring the City to provide funding for different portions where those funds do not exist, thus placing the City at risk of being denied future grant opportunities for failing to meet its obligations. She conveyed the significance of the project to the region stating that at the time, grant requests that failed to touch the trail concept were not likely to be considered, and that every grant that had been worked on by the City staff had a component of Bridge to Bay included, thereby they were all interconnected.

Motion by Commissioner Klaassen, seconded by Commissioner Hendrick, to set aside the Resolution to the November meeting. **Roll Call Vote.** Ayes: Hendrick, Klaassen. Nays: Bryson, Kellehan, Ross, Vercammen. Motion Failed.

**Break 9:22 P.M.**

Motion by Commissioner Ross, seconded by Commissioner Bryson, to take a five minute break. All Ayes. Motion Carried.

**Return to Session**

The meeting was called to order by Mayor Vercammen to resume at: 9:32 P.M.

Resolution 017-2022 Bridge to Bay Bike Path Resolution Continued

Commissioner Hendrick mentioned references to a road diet in the application. City Manager Tatman stated the road diet MDOT had discussed with her as a consideration was from Chartier to the bridge on Broadway. Commissioner Hendrick inquired who had requested the road diet and City Manager Tatman replied it had come from MDOT as part of their planned road diet projects, but that they were not prepared to document it because it was not guaranteed to happen, and it was a potential for their 2024 schedule. She stated PCE indicated that when asking for grant funding for projects, it was advisable to make the larger request then later scale a project back; that it was not possible to make a smaller request and scale a project up. Commissioner Ross indicated his support of working with MDOT to take a road diet under advisement for M-29 and Parker Street.

Commissioner Hendrick stated her opinion that the suggested road diet was dangerous. City Manager Tatman reminded the Commission that the plan had been developed by traffic engineers who did safety studies for their plans and that there were different scenarios, but that multiple scenarios could not be submitted as part of the application, only the best plan, which could be adjusted later as needed.

Commissioner Hendrick stated her belief that the section between Cottrellville and Roberts Road should be completed first. City Manager Tatman stated that connection was up to Cottrellville to complete and was not in Marine City. Commissioner Bryson responded the Commission didn’t get to decide which parts of the project happened and when. Commissioner Hendrick indicated her disapproval of the cost. Commissioner Bryson responded that he would rather see the grant funds spent in Marine City than elsewhere. City Manager Tatman reminded the Commission that the funds were also sourced from private donations.

Commissioner Klaassen commented about the vandalism of the beach bathroom and that the plan included putting a bathroom in at the marina site where the City would be responsible to repair the damages. Commissioner Ross commented about not doing a bathroom would deprive the entire community due to the bad acts of few. Commissioner Hendrick stated a porta john could be put in. Commissioner Ross stated many people are object to them and they were easy to tip over.

Commissioner Hendrick asked about the City’s financial obligation. City Manager Tatman explained the matching would come through grant or ARPA funds, the engineering costs were being covered by funding from the Community Foundation. Commissioner Hendrick inquired about overages which City Manager Tatman stated if there were any, she would request they be covered through grant funding. Commissioner Ross stated that of the total, $74,382.05 was the matching and that the project consisted of more than just signs as described, it benefited the Bridge to Bay Trail, and there was alot of engineering involved.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to adopt and approve Resolution 017-2022 for the Bridge to Bay Trail. **Roll Call Vote.** Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried.

2023 Meeting Schedule

City Manager Tatman indicated that built into the schedule was a change of the Commission meeting to Monday and the underlying purpose for the change was that it would be easier to have the meeting at the beginning of the week so the work could get done right away rather than having to wait over a weekend. Commissioner Hendrick stated her opinion that the schedule change would not be convenient to the community. Mayor Vercammen pointed out that a typical meeting usually included around ten audience members. City Manager Tatman stated the community could adapt to the schedule change since the change was driven by a better execution of the work, administratively.

Commissioner Ross inquired when packets would be delivered. City Clerk Adams responded the week before and that meant once the Commission reviewed the packet, they wouldn’t have to wait an entire weekend before receiving responses to requests for additional information and they could inquire through the week and receive responses.

Commissioner Klaassen indicated a conflict with the Monday schedule in his other communities. City Manager Tatman rebutted his claim by stating she had checked his other community meeting schedules and was not aware of any conflicts, nor for any extracurricular groups. Mayor Vercammen indicated the meeting schedule shouldn’t be based on extracurricular groups.

Commissioner Hendrick stated her opinion that the schedule should be postponed to the November meeting due to the election to be sure any newly elected individuals didn’t have conflicts with the schedule.

Commissioner Kellehan inquired about the document being labeled as a draft. City Clerk Adams replied she did not want it to be disseminated to the public leading them to believe it was final before it had been approved.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to set aside the matter of the 2023 meeting schedule until the November meeting. **Roll Call Vote.** Ayes: Hendrick, Klaassen, Ross. Nays: Bryson, Kellehan, Vercammen. Motion Failed.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve the 2023 Meeting schedule as presented. **Roll Call Vote.** Ayes: Bryson, Kellehan, Ross, Vercammen. Nays: Hendrick, Klaassen. Motion Carried.

Dangerous Building Board of Appeals Attorney Referral – 135 N. Sixth

City Clerk Adams explained that the Dangerous Building Board of Appeals (DBBA) had been dealing with the property at 135 N. Sixth Street, owned by Dominic Breloski, for several months, and that at one point he had indicated a desire to renovate the property, therefore the DBBA had voted for Building Official Kallek to walk through the property to verify it was structurally sound within 10 days of the vote. Mr. Breloski had then sent a letter to the City indicating he would, instead, be demolishing the structure on the property and had arranged for the gas and electric services to be disconnected. City Clerk Adams stated a letter had been sent to Mr. Breloski requesting that he provide the verification letter provided by the utility companies that those services had been disconnected, but he had failed to do so. Mr. Breloski had, at one point, indicated a delay due to water and sewer still being connected. City Clerk Adams verified that she had spoken to Mike Itrich, the DPW Superintendent, who verified the water and sewer lines had been marked out at least twice for Mr. Breloski’s chosen contractor to dig up and cap. City Clerk Adams indicated that at the October DBBA meeting, the Board had voted to require Mr. Breloski to prove his contract with his contractor doing the demolition work and to apply for a demolition permit within 10 days of her sending a letter to him or, that the matter be placed on the City Commission agenda with the intent that the matter be referred to the City Attorney to compel demolition.

City Attorney Davis indicated that the matter could be referred to him to analyze litigation and that he would get an opinion to the DBBA on what authority they had to compel someone to demolish their house if it were to come before that board.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to refer the matter of 135 N. Sixth Street to the City Attorney for litigation analysis. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

Election Security Grant Approval

City Clerk Adams explained the State of Michigan had authorized grant money for election security in the amount of $1,500.00 per precinct which amounted to a total of $3,000.00 in potential grant reimbursement for Marine City. She indicated one of the permissible items for spending was a small construction project and her intention was to build a locking cabinet in the storage room so all election related equipment, records, and supplies could be stored in one secure place versus in multiple places in the City Hall building. She stated she had already worked on a plan with DPW Superintendent Mike Itrich to build the cabinet. Commissioner Ross inquired about the project being completed for under the permissible amount and DPW Superintendent Mike Itrich confirmed it would be. Commissioner Klaassen asked if the storage had to be onsite. City Clerk Adams replied there was no requirement but she didn’t understand why storage would be off-site, and on-site made more sense. Commissioner Klaassen inquired if the cabinet had to be fireproof. City Clerk Adams stated there was no requirement that it had to be fireproof.

Motion by Commissioner Ross, seconded by Commissioner Kellehan, to permit the City Clerk to spend up to $3,000.00 for election security to be reimbursed by the State of Michigan election Security Grant. **Roll Call Vote.** Ayes: Bryson, Hendrick, Kellehan, Klaassen, Ross, Vercammen. Nays: None. Motion Carried.

**ITEMS REMOVED FROM CONSENT AGENDA**

Zoning Map – Consent Agenda Item 7h

Commissioner Ross indicated Pleasant was incorrectly labeled and Urban was not correctly labeled as it was technically in East China, but agreed that the Zoning was not affected. City Manager Tatman indicated that she would ask Wade Trim to correct the street names.

Commissioner Hendrick stated she requested the item be removed from the Consent Agenda because residents had told her they had been unable to see a before and after map before the Public Hearing at the Planning Commission. City Manager Tatman indicated that the City had been proactive in providing the map to residents by having copies available for review at the Planning Commission meeting, and at the front desk at City Hall. She stated many residents called or came in to the City offices to review the maps and ask questions and she felt the public involvement was excellent. City Clerk Adams also stated that the before and after maps had been placed on the City website under Public Notices.

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve Consent Agenda Item 7h, final draft of the Zoning Map, with the understanding that Urban Street would be corrected on the map, the final version would be posted on the City website, and that the link to the Public Notice would be included in the minutes. All Ayes. Motion Carried.

Marine City Public Notices Can Be Found: <https://www.cityofmarinecity.org/residents/pages/public-notices>

303 S. Water Street Purchase Agreement – Consent Agenda Item 7i

City Manager Tatman stated she had accepted the highest offer, but upon investigation during their due diligence period they discovered the amount of work that needed to be done to the building was extensive and submitted a form to pull out of the agreement. She explained she went to the next offer and she felt confident in accepting that offer due to only being a couple thousand less than the original. City Manager Tatman further explained that this purchaser brought in engineers to look at the property and found the work to be done was more severe than they thought and they provided a list which included approximately $100,000.00 worth of repairs to put the facility in a usable state, so they returned with a lower offer which she did not feel was appropriate for her to accept without bringing it to the Commission due to the reduced amount.

Mayor Vercammen indicated that it was clear that the buyer wanted to keep the beauty and integrity of the building and stated the cost of materials was very high. City Attorney Davis indicated the purchaser had reduced his offer with the rational that the City would not agree to a dollar for dollar reduction and repairs provide long-term benefit to the owner of the building.

Commissioner Bryson stated he felt it was still a good deal for the property considering the condition of the building, that it would bring cash into the City and put the building on the tax rolls as opposed to it sitting and continuing to decay and the City continuing to maintain it while the bills to do so continue to increase.

City Attorney Davis reminded the Commission that it would be a cash offer so there was no bank involvement nor lender inspection.

Commissioner Hendrick indicated there had been two prior bids and that the one up for consideration was a third bid. City Manager Tatman explained that the offer for consideration had come in the morning of the September Commission meeting and it had been lower than the other two on the table at the time, so it was irrelevant to add at that time.

Commissioner Hendrick cited a contingency in the purchase agreement related to a zoning change. City Attorney Davis stated the purchaser had not applied for rezoning. Commissioner Klaassen stated the purchaser could not apply for rezoning without owning the property. City Attorney Davis stated that the purchaser could apply for rezoning with the consent of the owner. He further explained that the burden was on the purchaser to apply for rezoning and if he did not do so before closing, then he waived that contingency. City Manager Tatman stated that there was a public process for rezoning. Commissioner Hendrick pointed out that approval of rezoning would be spot zoning and she was in disagreement with that. She also indicated concerns with dates listed. City Attorney Davis indicated if the purchaser tendered cash and closed, then the dates became irrelevant.

Commissioner Hendrick stated her belief that a Resolution or an Ordinance to sell was required. City Attorney Davis indicated he would review the information she referenced and provided. Commissioner Hendrick stated she had spoken to real estate agents who told her a Resolution was required. City Attorney Davis requested their contact information so he could speak to them. Commissioner Hendrick declined to provide the information. City Manager Tatman reminded the Commission that when property on Bruce Street was sold by the City a few months prior, a Resolution was not required. City Attorney Davis stated the documents Commissioner Hendrick provided referenced a majority vote for the sale of property, but that he would look into the matter further.

Motion by Commissioner Bryson, seconded by Mayor Vercammen, to approve the sale of 303 S. Water Street to Scott Richardson pursuant to a lawfully approved purchase agreement and sale process, to strike Item 21, and provide authority for the City Manager to sign on behalf of the City. **Roll Call Vote.** Ayes: Bryson, Kellehan, Klaassen, Ross, Vercammen. Nays: Hendrick. Motion Carried.

**CITY MANAGER’S REPORT**

City Manager Tatman stated she had met with SEMCOG, the EDA, and that the City was working with the EDA’s associates for assistance on filling some of the vacant buildings in the City with some of their prospects. She also referenced the potential of a new housing project at the South end of the City, and new businesses opening on King Road. She stated the Zoning had been completed and the Planning Commission was moving forward with the Master Plan and that project was community oriented. City Manager Tatman referenced the newly completed bandstand at 300 Broadway and her feeling that there was a lot of progress in the City to be proud of. She thanked the Commission for their support of the progress in the community and referenced her disappointment at individuals who would ridicule the good things that were happening in the community and those who spoke to the positive nature of what was happening in the City. City Manager Tatman thanked Mayor Vercammen and Commissioner Kellehan, stating that they had been great to work with, as it was their last City Commission meeting.

Commissioner Hendrick inquired about getting water access in Memorial Park for watering of flowers, and inquired about signage for Memorial Park. She stated a need for signage at the Fire Hall identifying voting had been moved to City Hall. City Clerk Adams stated she would look into options for better signage. Commissioner Hendrick inquired about the targeted vacant building list. City Manager Tatman stated there was a master list and identifying those who were vacant was in progress.

**COMMISSIONER PRIVILEGE/LIAISON REPORTS**

Commissioner Hendrick thanked Commissioner Kellehan for her service. She spoke to experience not being required to serve on the City Commission. She referenced Halloween and advised people to slow down and reminded people to vote.

Commissioner Klaassen requested people get out and vote.

Commissioner Kellehan stated it was her last meeting, and thanked her fellow Commissioners. She stated that it was not an easy job because no matter the decision a Commissioner made, there would be someone unhappy with it. She stated she was surprised by some things, particularly the negativity, and she congratulated the City Manager for the job she had done despite the conditions she came into the City offices under. She also thanked City Clerk Adams, City Attorney Davis, and Mayor Vercammen for the jobs they had done. Commissioner Kellehan made a plea for the incoming Commissioners, whoever they were, not to vote based on someone they didn’t like, vote for the right decision and what would be best for the community, and referenced the negativity was not needed, especially in the Commissioner chamber. She also stated for people not to talk just to hear themselves talk, that they should talk to make a point and make it clear.

Commissioner Bryson thanked Mayor Vercammen and Commissioner Kellehan for their service. He also thanked the Friends of City Hall, DPW, and all others who were involved in the construction of the new bandstand at 300 Broadway. He also requested, on behalf of the DPW, that residents not rake their leaves into the street and to take a moment to unclog storm sewers.

Commissioner Ross thanked Mayor Vercammen and Commissioner Kellehan for their service and wished them the best in the future. He stated at the Historical Commission, they had discussed and were looking at creating a list of historically contributing properties within the Nautical Mile District that identified the architectural treasures that helped make Marine City great. He stated they were also looking at the sign Ordinance and how it may specifically apply to the Historic District, namely the 300 Broadway property. Commissioner Ross reminded the public that in order to best serve the community, the residents needed to communicate with the Commissioners.

Mayor Vercammen stated that she had never aspired to be a politician and got involved to help the City due to her connections of owning a business and property in the City, and her kids graduating high school and grandkids attending school in the district. She indicated she had become a City Commissioner five years before. She referenced that how residents voted and, in turn, how Commissioners voted, determined the health and vitality of the City. She mentioned the importance of supporting the City staff who worked hard for the benefit of the City. She spoke about the candidates for Mayor and Commission, and the forthcoming election. She thanked the Community for the opportunity to serve as Mayor and spoke of her continued service on the Community and Economic Development Board, Zoning Board of Appeals, and with the Chamber of Commerce. She also addressed the Safe Routes to School grant which Commissioner Hendrick had stated on more than one occasion, was a “bust” and clarified how all of those grant funds had been used to better the community which included numerous feet of replaced and new sidewalks and several handicap sidewalk ramps.

**ADJOURNMENT**

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to adjourn at 11:13 P.M. All Ayes**.** Motion Carried.

Respectfully submitted,

Shannon M. Adams City Clerk