

**City of Marine City  
City Commission Minutes  
August 17, 2023**

A regular meeting of the Marine City Commission was held on Thursday, August 17, 2023 at 260 South Parker Street, Marine City, and was called to order by Mayor Vandebossche at 7:00 P.M.

Present: Mayor Jennifer Vandebossche, Commissioners Jacob Bryson, Elizabeth Hendrick, Michael Hilferink, William Klaassen, Rita G. Roehrig, Brian Ross; City Manager Scott Adkins; City Clerk Jason Bell.

Also Present: City Attorney Robert Davis

**AUDIO/VIDEO AVAILABLE**

For complete audio of meeting, visit the following link:

[https://www.youtube.com/watch?v=3EPhFSH\\_fjg](https://www.youtube.com/watch?v=3EPhFSH_fjg)

**APPROVE AGENDA**

Commissioner Hilferink stated there was a lot on the agenda and the meeting will be a long 4 hour meeting.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the agenda. All Ayes.  
Motion Carried.

**PUBLIC COMMENT**

Michael Hilferink spoke on 2021 City Investigative report on Facebook. Attorney Davis advised him against speaking on it. Mr. Hilferink also spoke on last meeting not being able to vote on an issue involving himself, but he did vote on a previous issue at an earlier meeting.

Rosalie Skwiers spoke on conduct of Mr. Hilferink's public comment.

**APPROVE MINUTES**

City Commission Meeting Minutes – August 3, 2023

Commissioner Ross spoke on adding the fact a loud recording of what was presumed to be the U.S. Constitution was playing when returning to open session. Commissioner Hilferink stated everything was on tape for the public to see, to which Commissioner Ross stated the recording stopped before entering closed session and did not pick back up.

Commissioner Hilferink stated that when the meeting turned into an attack on him the meeting would not continue.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve the City Commission Meeting Minutes of August 3, 2023 with the addition of a note that loud recital of the Constitution being played during that segment of the open session. Ayes: Bryson, Hendrick, Klaassen, Roehrig, Ross, Vandenbossche. Nays: Hilferink. Motion Carried.

#### City Commission Closed Session Meeting Minutes – August 3, 2023

Motion by Commissioner Ross, seconded by Commissioner Bryson, to approve the Closed Session Meeting Minutes of August 3, 2023. All Ayes. Motion Carried.

### **CONSENT AGENDA**

Presented:

- a. MCAFA Run Report
- b. Departmental Activity Monthly Reports

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve the Consent Agenda a-b. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

### **ITEMS REMOVED FROM CONSENT AGENDA**

None

### **FINANCIAL BUSINESS**

#### Expenditures Including Payroll - \$723,146.95

Commissioner Ross stated expenditures were higher this time due to taxes being paid out to other entities.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve expenditures including payroll in the amount of \$723,146.95. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

#### Preliminary Financial Statements

Commissioner Ross requested a cheat sheet of accounts from City Manager Adkins.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to receive and file the preliminary financial statements. All Ayes. Motion Carried.

## **UNFINISHED BUSINESS**

### **Reschedule August 9, 2023 Special Meeting**

Mayor Vandebossche stated the special meeting was cancelled the following Monday and the Commission received supplemental materials that Wednesday from the City Attorney. Commissioner Hilferink inquired on what caused the rescheduling from receiving the materials.

Commissioner Roehrig inquired how long the meeting would take and Mayor Vandebossche stated an hour and asked if the Commission preferred this as a workshop prior to a meeting or a special meeting. Commissioner Hendrick stated the materials received were pretty thorough so the meeting should not take long. Mayor Vandebossche stated it could be added to a meeting in September based on how many items are on those agendas. Commissioner Hilferink stated for the public's benefit the reason it was cancelled was because the City Attorney had to revise the memo as the first one was not strong enough.

## **NEW BUSINESS**

### **Vacant Building Ordinance**

City Manager Adkins spoke on the vacant building ordinance and the conflicts and grey areas within it. He was looking for Commission input and to share what he gathered from other communities. City Manager Adkins stated a short list of concerns should be established and to determine how to move forward with the ordinance. Commissioner Bryson requested City Manager Adkins to send the additional information he compiled from other communities for review.

Commissioner Hendrick stated there was redundancy with other ordinances and the vacant building language could possibly be included in those. Commissioner Klaassen stated this was covered in the 2015 Property Maintenance Code so there was no need for the current ordinance.

Commissioner Hilferink inquired on the penalties and how it works before he could raise his concerns and asked City Attorney Davis for his opinion. City Attorney Davis stated he would provide a written opinion and explained the penalty provision to the public as it was stated in the ordinance. Commissioner Hilferink stated he would like the misdemeanor provision removed.

Commissioner Roehrig stated her concerns on how it would affect businesses in town and it could potentially stop people from buying businesses in town. Commissioner Ross stated it was in the original draft that the City was not out to penalize people for things out of their control and he received a concern from a business owner who was told they could not get a business license as there was a violation on the building.

### **Amended Open Intox Ordinance – 1<sup>st</sup> Reading**

Commissioner Bryson inquired if the amendment was only to make this ordinance compliant with the Social District. City Manager Adkins stated this was to make the ordinance compliant with the Social

District. Commissioner Roehrig inquired if all other parks still applied to no open intox to which City Manager Adkins stated yes it would. Commissioner Hendrick inquired if once approved that was it and City Attorney Davis stated it clarified enforcement issues and competing language with the Social District.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve Ordinance number 23-003 the amended open intox ordinance for first reading. **Roll Call Vote.** Ayes: Hilferink, Ross, Vandenbossche, Bryson. Nays: Hendrick, Klaassen, Roehrig. Motion Carried.

#### Municipal Marina Regulations Ordinance – 1<sup>st</sup> Reading

City Manager Adkins stated there was only one reference to docking in the City's Ordinances and that was in the zoning ordinance and this ordinance included standard language.

Commissioner Ross raised a concern over the environmental language as it pertained to cleaning, painting, etc. and stated it was covered but was boiler plate.

Commissioner Klaassen inquired if this was no overnight parking and City Manager Adkins stated that was correct.

Commissioner Roehrig stated there were some grammatical errors in section "h" pertaining to "cleanup pets" and should include "of their"; section "k", watercrafts should not be plural. Commissioner Roehrig also stated there should be a provision in section "r" for 72 hours maximum due to weather or other emergencies. Commissioner Roehrig also raised a concern with section "f" to allow sanding with approved vacuum and inquired why that should be allowed if all other maintenance was prohibited.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to approve Ordinance 23-004 an Ordinance of the City of Marine City, St. Clair County, Michigan to Establish Municipal Marina Regulations Title XV, Chapter 150, Section 08 entitled "Municipal Marina Regulations". **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick, Hilferink. Nays: None. Motion Carried.

#### Engaging outside legal counsel Collins Einhorn to review and issue a legal opinion on the privileged status of the independent investigation report recommended by city HR attorney Courtney Nichols with respect to the Megan Pearce employment issues

Commissioner Hilferink was concerned that retaining another attorney would be a waste of tax payer money and provided a printout from the American Bar Association on the workable standard of waiving confidentiality.

Commissioner Klaassen stated in the discussion during the investigation he asked for it to be released and that request was denied as it was privileged and he wanted to know who released it.

Commissioner Hilferink inquired on the price of the previous investigation and Commissioner Hendrick stated it was around \$34,000.

City Attorney Davis spoke on the previous investigation and it being confidential with the board voting on it being kept confidential. Allegations of it no longer being privileged and the ABA opinion are incorrect. He stated retaining Einhorn to determine if the privilege still exists is the best course of action. If an investigation on how it was leaked was approved as requested by Commission Bryson, that would be handled by the Michigan State Police.

Commissioner Hilferink read the Commission Minutes from September 2021 regarding the approval of the investigation and that language was used to hide information. Commissioner Hilferink also read and opinion from Ginsberg on waiving of privilege.

Commissioner Ross stated it was a great idea to get outside legal opinion to reduce litigation. Commissioner Bryson stated he would like the opinion of someone who has a law degree and passed the bar.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to engage outside legal counsel, Collins-Einhorn to review and issue a legal opinion on the privileged status of the independent investigation report as recommended by the City HR attorney Courtney Nichols with respect to the Megan Pearce employment issues and also a conditional element if outside legal counsel finds the report is privileged, the Commission immediately begin an investigation on how it was leaked. **Roll Call Vote.** Ayes: Roehrig, Ross, Vandenbossche, Hendrick, Klaassen. Nays: Hilferink. Motion Carried.

#### Community & Economic Development Board Resignation – Commissioner Hilferink

Commissioner Hilferink stated he did not have the time or energy to serve as he would be starting school and substitute teaching.

Motion by Commissioner Roehrig, seconded by Commissioner Ross, to accept the resignation of Commissioner Hilferink from Community & Economic Development Board. All Ayes. Motion Carried.

#### Community & Economic Development Board Appointment

Motion by Commissioner Hendrick, seconded by Commissioner Roehrig, to appoint Mayor Vandenbossche to the Community & Economic Development Board. **Roll Call Vote.** Ayes: Ross, Vandnbossche, Bryson, Hendrick, Hilferink, Klaassen, Roehrig. Nays: None. Motion Carried.

#### Censure Resolution – Commissioner Hilferink

Mayor Vandenbossche stated she prepared a resolution recommending the Commission support the censure of Commissioner Hilferink.

Commissioner Hilferink spoke on the closed session actions of playing the Star Spangled Banner and reading of the Constitution as it was an attack on him.

Commissioner Roehrig read the OSHA rule on noise and Commissioner Hilferink's resistance to turning off noise after repeated requests which caused her to have hearing issues and headaches for three days following. Commissioner Hilferink apologized and stated he needed to do what he needed to do to stop the attack on him.

Motion by Mayor Vandenbossche, seconded by Commissioner Bryson, to approve the Censure Resolution pertaining to Commissioner Michael Hilferink. **Roll Call Vote.** Ayes: Bryson, Hendrick, Klaassen, Roehrig, Ross, Vandenbossche. Nays: Hilferink. Motion Carried.

Authorization to solicit Requests for Qualifications/Cost Proposals: General Engineering Services, Marina Master Plan and Development, Information Technology Services

City Manager Adkins spoke on the desire to solicit qualifications and proposals for the requested items which will be brought back to the Commission for approval. City Manager Adkins stated he will share the proposals once received and have discussions prior to approval.

Commissioner Ross inquired if a motion was needed and City Attorney Davis stated one was not required.

Motion by Commissioner Ross, seconded by Commissioner Hendrick, to authorize City Manager Adkins to solicit requests for qualifications/cost proposals for: General Engineering Services, Marina Master Plan and Development and Information Technology Services. All Ayes. Motion Carried.

Authorization to submit grant applications: DNR Trust Fund for Beach Restroom Replacement, Michigan Lighthouse Assistance Program and Michigan Community Center Grant

City Manager Adkins stated there were grant opportunities available. He spoke on the DNR grant that does not open until 2024 but would like to get started now as it would provide \$350,000 to replace the beach bathrooms with a 25% match. City Manager Adkins also spoke on the Lighthouse Assistance Program and stated the lighthouse needed maintenance and the application was due in November for \$60,000 with a 50% match. He also spoke on the Michigan Community Center Grant for \$2,500,000 and no match which is due on August 31<sup>st</sup>, but he would like to request a \$250,000 match request to help with scoring.

Commissioner Ross inquired if the Community Center Grant needed proof of the approval of funds like the previous grant and City Manager Adkins advised there was no commitment. Commissioner Ross also stated that the Commission approved a \$200,000 match for the previous grant and that two grants were not needed and this one seemed a better fit as there are no restrictions on profit. Commissioner Hendrick stated this grant was better as there were no restrictions.

Commissioner Klaassen inquired what was included in the lighthouse grant and if the light itself was included. City Manager Adkins stated the light was not included and it was only for painting and other maintenance.

Commissioner Ross inquired what an appropriate match amount was for the Community Center grant of \$200,000 or \$250,000. Commissioner Hendrick inquired if the budget could support the match amount requested and City Manager Adkins stated the budget was in good shape for this.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to authorize City Manager Adkins to submit grant applications for DNR Trust Fund Beach Bathroom replacement, Michigan Lighthouse Assistance Program and Michigan Community Center Grant with a match of \$250,000. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandebossche. Nays: None. Motion Carried.

## **ADMINISTRATIVE REPORTS**

### City Attorney Report

City Attorney Davis spoke on the Charter creating an office of City Attorney and communications are confidential and the Commission as a whole holds the privilege and the whole body is the only one who can waive privilege. He also stated that dissemination of those communications is not approved and a very serious issue.

### City Manager Report

City Manager Adkins informed everyone that the Marine City Beach was closed per order of the Health Department due to high levels of E.Coli and stated there was testing today and another round to be conducted on Friday and the beach will reopen once cleared.

City Manager Adkins also advised the recent heavy rains have created high water levels and hazards on the Belle River and St. Clair River.

City Manager Adkins also advised the City was reinvigorating the Redevelopment Ready with the MEDC and that there were benefits and grants with the partnership. He also stated the City received the nod for a grant to assist with the Master Plan update in the amount of \$25,000 and this partnership will also help the CED Board with marketing Marine City.

City Manager Adkins stated the Master Plan survey ends soon and for everyone to take the survey located on the City website. He also reminded everyone Battle of the Bands was this Friday and Saturday in Nautical Mile Park.

Commissioner Ross inquired if the QR code for the Master Plan survey could be posted to the Youtube video of the meeting, City Manager Adkins stated he would look into that.

Commissioner Hilferink inquired if there were any plans to resubmit the plans for the apartments on River Road. City Manager Adkins stated as of yet there has not been anything submitted but a site plan would go to the Planning Commission for review. Commissioner Hilferink inquired on an update for the Washington Life Center Property. City Manager Adkins stated there were no updates yet but he was working on a letter of intent with the City Attorney to bring back to the Commission.

#### Reports from Department Heads

None.

#### **COMMISSIONER PRIVILEGE/LIAISON REPORTS**

Commissioner Klaassen stated there was no Planning Commission Meeting and he heard nothing about the apartments coming in and had an issue with residual on fire protection with the current water line.

Commissioner Bryson spoke on the last meeting and the actions of a Commissioner and his disgust with it. He also stated the dissemination of documents needs to stop and be removed as they could cause harm.

Commissioner Hilferink spoke on free speech and being emotional as the public feels the same way to promote transparency and also the whistleblower laws. He also spoke on the closed session specifics and the City Manager evaluation. City Attorney Davis asked Commissioner Hilferink multiple times to not discuss substance of the closed session, to which Commissioner Hilferink did not comply. Commissioner Hilferink stated he was also concerned with information being withheld from the Commission and the public on the apartments. He also read a quote by Teddy Roosevelt.

Commissioner Ross spoke on Master Plan survey and urged residents to participate. He also advised that COVID was on the uptick. Commissioner Ross also spoke on citizens reaching out to him to apologize for voting for a certain Commissioner and that they were fearful of coming to meetings in fear of retaliation and he thanked them for their courage and kind words and for everyone to stay safe.

Commissioner Roehrig thanked the City Manager and City employees new and old for their work. She also thanked the Maritime Days volunteers and reminded everyone of the upcoming Old Newsboys Craft Show in December.

Mayor Vandebossche stated she appreciated City employees for all of their work. She also spoke on City Manager Adkins and supported the work he is doing and read a letter drafted and signed by Commissioners in support of him and his work.



**ADJOURNMENT**

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to adjourn at 8:35 p.m. All Ayes.  
Motion Carried.

Respectfully submitted,

Jason A.Bell  
City Clerk