**City of Marine City**

**City Commission Minutes (Revised)**

**January 16, 2023**

A regular meeting of the Marine City Commission was held on Monday, January 16, 2023 at 260 South Parker Street, Marine City, and was called to order by Mayor Vandenbossche at 7:00 P.M.

Present: Mayor Jennifer Vandenbossche; Commissioners Jacob Bryson, Elizabeth Hendrick, Michael Hilferink, William Klaassen, Rita G. Roehrig, Brian Ross; City Manager Holly Tatman; City Clerk Shannon Adams.

Also Present: City Attorney Robert Davis

**AUDIO/VIDEO AVAILABLE**

For complete audio/video of meeting, visit the following link: https://www.youtube.com/watch?v=c4NZZzOjh-E

**APPROVE AGENDA**

Mayor Vandenbossche made a note that the Closed Session Item should read: Closed session under MCL 15.268a to discuss the City Manager contract with possible action to follow in open session.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve the Agenda. All Ayes. Motion Carried.

**PRESENTATION**

City Attorney Robert Davis conducted an informational training on the Freedom of Information Act.

**PUBLIC COMMENT**

Ken Jehle provided a written statement to the Commission which he read aloud related to his position in opposition to marijuana dispensaries.

Joe Moran, Chairperson for the Planning Commission and Community and Economic Development Boards spoke related to his service to the City and his favorable experience in working with the current City Manager and staff.

Louise Beutell read an e-mail she had received from Jackie Huepenbecker who had worked with City Manager Tatman in Lexington and spoke favorably of her.

Roland Woelkers made comment related to his extensive law enforcement experience, the effects of marijuana on children and high school students, and the increase in crime related thereto.

Catherine Warner provided a handout related to marijuana and spoke against bringing marijuana dispensaries to the City.

Rev. Paul Yanke of Living Faith Church provided signatures on a petition against marijuana dispensaries in the City and spoke of his extensive public service career.

Kevin Lindke spoke in favor of marijuana businesses and referenced the voters could bring a ballot initiative to determine the issue.

Rod Davies spoke related to the intersection of Chartier and Parker needing asphalt repair. He also spoke about an out street light at Chartier and Marsh that required attention.

Heather Warner spoke related to the issue of bullying during public comment and spoke related to revenue from marijuana possibly being applied to fix the City’s roads.

Bill Haas spoke related to the marijuana issue and also a lack of rental inspections occurring in the City.

Keith Jenkens spoke favorably of City Manager Tatman and the City’s need for a strong manager.

Mike Itrich, DPW Superintendent, spoke of his impending retirement and complimented the residents. He also spoke of the need for teamwork necessary to make the town work and that morale among employees was as low as he had ever seen it and that it needed to be fixed to continue moving the City forward.

Cheryl Vercammen spoke favorably of City Manager Tatman, her performance and momentum. She also addressed her employment with the City and that she had not had a single written or verbal warning, no evaluation of her performance, and no disciplinary actions had been taken against her.

Andrew Pakledinaz spoke of his positive experiences with City Manager Tatman and that he found her to be very knowledgeable and helpful.

Kim Turner, Chairperson of the Historical Commission, spoke in comparison to her negative experience with previous administration versus her positive experience with City Manager Tatman. She also requested the Commission appoint Genevieve Prange to the Historical Commission.

Garrett Hene spoke about the physical effects of THC on children, particularly the negative effects on intelligent quotient points, and other physical effects on adults.

City Clerk Shannon Adams read letters from the following individuals:

Wendy McKenzie: comments against the marijuana dispensary and in support of City Manager Tatman.

Cheryl Ross: comments in support of City Manager Tatman.

Deputy Clerk Michele Goodrich: comments in support of City Manager Tatman.

City Clerk Shannon Adams: Comments in support of City Manager Tatman.

**APPROVE MINUTES**

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve the City Commission Meeting minutes of December 15, 2022 contingent on the Resolution permitting Alcohol Consumption in Parks is extended to permit discussions on the matter to begin in February. **Roll Call Vote.** Ayes: Bryson, Hilferink, Klaassen, Ross, Vandenbossche. Nays: Hendrick, Roehrig, both qualifying their vote was against approval of the minutes, not the alcohol in parks matter. Motion Carried.

**CONSENT AGENDA**

Presented:

1. MCAFA Run Report & Annual Report
2. Departmental Activities Reports
3. Zoning Board of Appeals Minutes – March 4, 2020
4. Dangerous Building Board of Appeals Minutes – October 5, 2022
5. Business License – Ruby Tattoo
6. Business License – Retail Contractors of Puerto Rico, Inc.
7. Business License – Empowered Nutrition
8. Business License – Riviera Restaurant & Bar
9. Special Event – Fire, Ice, & Spice

Motion by Commissioner Ross, seconded by Commissioner Bryson, to approve the Consent Agenda A-I **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. 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 $556,940.96. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

Preliminary Financial Statements

Commissioner Hendrick inquired if all accounts had been reconciled. City Manager Tatman reported the Treasurer was finalizing the reconciliation of the general fund.

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

**PUBLIC HEARING**

23-001 Purchasing Ordinance

Motion by Commissioner Ross, seconded by Commissioner Roehrig, to enter into the public hearing following a 5 minute recess. All Ayes. Motion Carried.

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to return from recess and open the public hearing at 9:01 p.m. All Ayes. Motion Carried.

Public Comment

None.

Motion by Commissioner Ross, seconded by Commissioner Roehrig, to close the public hearing at 9:02 p.m. All Ayes. Motion Carried.

**UNFINISHED BUSINESS**

23-001 Purchasing Ordinance

Motion by Commissioner Bryson, seconded by Commissioner Ross, to adopt and approve Purchasing Ordinance 23-001. **Motion was superseded by Motion to table.**

Motion by Commissioner Hilferink, seconded by Commissioner Hendrick, to table and set the matter aside until February to permit all Commissioners a chance to review the Attorney Opinion identifying Professional Services. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig, Vandenbossche. Nays: Bryson, Ross. Motion Carried.

Proposed Resolution 001-2023 Annual City Manager Goals

Commissioner Bryson identified several amendments including: (1) present the Commission with a report related to the next roads/group of roads that could be milled and capped, the next roads/group of roads to be resurfaced but that require underground infrastructure, and a financial analysis estimating when the identified projects could be completed with the projects prioritized by conditions to complete and an approximation of what fiscal year the projects could be completed in based on current and estimated funding, (2) investigate the possibility of characterizing South Main Street from a local to a major road to increase eligibility for grant funding, (3) review and, if need dictates, amend the Dangerous Building Board of Appeals Ordinance.

Commissioner Ross added a request to accompany the roads goals to include a color-coded map that identified fund responsibility, which roads were considered federal aid roads, to work with an engineering firm to determine present rating and condition of each road, identify when each street was last resurfaced, and percentage of funding to reach resurfacing or mill and cap goal. He also added amendment (4) to develop a protocol for City emergencies that coordinates with Saint Clair County emergency plan identifying “if X condition exists for X period of time, then the City shall…(insert action).” He added amendment (5) that a schedule be created identifying a timeline of what was required by the auditor and at what point.

Mayor Vandenbossche elaborated on amendment (6) to add opening a dialogue with the County’s emergency management.

Commissioner Hendrick added amendment (7) that the audit would be completed on time and budget amendments would be completed on time. She also added amendment (8) to investigate the hiring of a full-time building inspector.

Commissioner Hilferink added amendment (9) to explore USDA loans related to road funding.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve Resolution 001-2023 Annual City Manager Goals and Objectives with Amendments. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

Proposed City Manager Performance Evaluation Form

Commissioner Hendrick stated her opinion that the form was problematic. Commissioner Hilferink identified that the form was like a progress report which City Attorney Davis agreed was correct.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to approve and adopt the form and for them to be completed and returned at the February 2, 2023 meeting. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

Monthly Commission Meeting Schedule

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to reconsider the matter of the monthly meeting schedule. All Ayes. Motion Carried.

Commissioner Bryson identified that he became aware after the December meeting that he was not available for two Monday meetings and that he also felt two meetings per month was overkill and preferred to return to one. Mayor Vandenbossche and Commissioners Bryson and Ross spoke favorably of the meetings being changed to 6:00 p.m. City Manager Tatman also suggested the City administrative staff was also in favor of a 6:00 p.m. start time for the meetings.

Motion by Commissioner Hendrick, seconded by Commissioner Roehrig, to set the monthly meeting schedule for the first and third Thursday of the month at 7:00 p.m. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig. Nays: Bryson, Ross, Vandenbossche. Motion Carried.

Charter Revision & Amendment Process Discussion

City Attorney Davis recommended a canvas of the Charter to identify law driven change and other issues and then to determine whether amendments or a full revision would be most beneficial.

Motion by Commissioner Bryson, seconded by Commissioner Ross, to establish a Charter Committee in compliance with the Open Meetings Act which will automatically cease to exist after their report has been filed and accepted, with the purpose of reviewing the Charter to identify existing legal or other issues that require a change and to recommend amendment or fill revision, with the Committee consisting of the City Manager, the City Attorney, the City Clerk, Mayor Vandenbossche, Commissioner Hendrick, and Commissioner Ross. All Ayes. Motion Carried. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

**NEW BUSINESS**

Resolution 002-2023 Poverty Exemption

City Manager Tatman identified that this Resolution was a required annual formality from the City Assessor.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve and adopt Resolution 002-2023 Poverty Exemption. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

Resolution 003-2023 MDOT Use Right of Way

City Manager Tatman identified that this Resolution was a required annual formality from Michigan Department of Transportation (MDOT).

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to approve and adopt Resolution 003-2023 MDOT Use Right of Way. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

Adoption of Proposed Budget Schedule 2023-2024 Fiscal Year

Motion by Mayor Vandenbossche, seconded by Commissioner Bryson, for the schedule to be revised to permit two consecutive budget workshop days in April at 6-8pm on non-Commission meeting days. All Ayes. Motion Carried.

Re-Appointment of Scott Tisdale to the Historical Commission

Motion by Mayor Vandenbossche, seconded by Commissioner Ross, to reappoint Scott Tisdale to the Historical Commission. All Ayes. Motion Carried.

Appointment of Genevieve Prange to the Historical Commission

Motion by Mayor Vandenbossche, seconded by Commissioner Bryson, to appoint Genevieve Prange to the Historical Commission. All Ayes. Motion Carried.

Appointment of Cheryl Ross to the Pension and Retiree Healthcare Resident Seat

Motion by Mayor Vandenbossche, seconded by Commissioner Ross, to appoint Cheryl Ross to the Pension and Retiree Healthcare Resident Seat. All Ayes. Motion Carried.

Recreational Marijuana Dispensary Discussion

Motion by Commissioner Hilferink, seconded by Commissioner Hendrick, to schedule a Town Hall on Tuesday, January 31, 2023 at 6:00 p.m. for the purpose of public feedback related to marijuana businesses in the City. All Ayes. Motion Carried.

**ITEMS REMOVED FROM CONSENT AGENDA**

None.

**CITY MANAGER’S REPORT**

City Manager Tatman stated many of the grants were near fruition, the marina properties were closed on at the end of the year thereby finalizing everything related to the DNR Trust Fund. She indicated she was waiting for the information from the 26-mile corridor stakeholders group to hand out to local interested parties, that the audit was wrapping up with the presentation scheduled for the first meeting in February and expected to be turned in to the State by the end of January, and that the bids on the Master Plan had been returned with three firms having been scheduled to interview with the Planning Commission.

**COMMISSIONER PRIVILEGE/LIAISON REPORTS**

Commissioner Klaassen stated that the Planning Commission reviewed the Master Plan bid proposals for companies to give an estimate of cost and that there were three chosen to come interview and advised everyone to take care on the roads.

Commissioner Bryson addressed the comments and actions at the December meeting and outlined the difference between positive and negative workspaces and employee behaviors in both. He referenced not postponing the scheduled discussions related to the City meetings in that it sent a message to the employees that their opinions did not matter and that the comment made that new employees could be found, it was a slap in the face. He reminded the Commission their duty was to the public to have a well-run, efficient City government. He advised that the Commission needed to be more attentive to the employees and trusting them to act like the professionals they were and deserved the Commission’s respect.

Commissioner Hilferink thanked everyone who spoke on the Marijuana issue, recognized the strong opinions on both sides, and looked forward to discussing them in a constructive conversation.

Commissioner Ross spoke about being the deciding vote in a past situation that kept Commissioner Hendrick on the Commission and in that he had asked for everyone to “chill out” and that from his perspective the closed session item on the agenda was not “chilling out” but revenge in the other direction. He stated he was hopeful that the Commission could move forward and constructively go through and explain their desires in a City Manager and how they could move forward best with the current people. He stated he was hoping that the same staff would be in the City offices the next day, and referenced his gratefulness for their accomplishments. He referenced the marijuana discussion and recognized that he counted one audience member in favor and a lot more against. He stated his appreciation for those who involved themselves in the democratic process. As to his Commissioner Liaison report: he was looking forward to talking about historical properties in the Nautical Mile District and welcoming a new board member.

Commissioner Hendrick thanked DPW Superintendent Mike Itrich for his 44 years of service to the Community and all of his hard work.

Commissioner Roehrig requested everyone to be safe.

Mayor Vandenbossche thanked DPW Superintendent Mike Itrich for all of his years of service. She thanked Pastor Joe and Tim for their assistance during the December 23, 2022 power outage and opening the Harvest Event Center as a warming center. She also thanked Chief Heaslip and Commissioner Hendrick who assisted at the center and County Commissioner Vandenbossche, Homeland Security Emergency Management Director Justin Westmiller, who assisted with the notifications to the residents. She referenced the budget and finances and she indicated the February 2, 2023 meeting would address many issues related thereto. She also stated her love of the community and years of involvement with the City and identified the ways in which she had served.

**CLOSED SESSION – CITY MANAGER CONTRACT**

City Manager Tatman stated she was exercising her right to elect the matter of her contract and possible action related thereto to be discussed in Open Session and waiving of her rights to a Closed Session under her contact and the Open Meetings Act.

Mayor Vandenbossche stated she requested this Agenda item after being approached by several Commissioners who indicated their loss in confidence in the performance of the City Manager per her contact.

Commissioner Bryson stated his opinion that the action was outrageous and that at no time had the Commission as a whole ever disciplined the City Manager and he reminded the Commission of their duty to speak as a body not as independent Commissioners. He stated the Commission had never come close to recommending any disciplinary action for the City Manager. He referenced his difficulty in seeing grounds for termination. He stated the City Manager was well-liked and respected by her peers and subordinates and referenced the effect of her dismissal on the staff causing them to leave and negatively affecting morale. He also stated his belief that the action, if passed, would be doing a horrible disservice to the City.

Commissioner Ross inquired of the Commissioners who had conversed with Curtis McBride, the City’s auditor, related to the City’s financial status. Commissioner Hendrick stated she had. Commissioner Ross reported that per his conversation with Curtis McBride, the situation was not that dire and that the City Manager had worked to get him required information. He also referenced the restrictions related to bonds which only meant extra paperwork would be required, not that the City would be denied a bond due to failing to meet audit deadlines. He reminded the Commission that the City Manager had hired a very competent Treasurer who was well-spoken of by the auditor. He also stated the auditor felt the worst thing that could be done was to not stay the course and get the financial situation rectified.

Commissioner Bryson requested that Commissioner Hendrick or any other Commissioner provide specific events and dates for whatever infractions occurred along with the actions of the City Commission at that time; that if the City Commission approved the action then there was nothing wrong with the action. He referenced a similar requirement should the matter of the City Manager’s termination result in a wrongful termination lawsuit. He requested to hear the evidence. Commissioner Hendrick stated she had given them the terms. Commissioner Bryson responded that it was not enough evidence, that he wanted specific examples, just saying it wasn’t enough, it would have to be proven. Commissioner Hendrick stated that was what they were getting.

Commissioner Hilferink referenced a comment at the podium that it was important everyone was on the same team: administration, department heads, and the counsel. He stated at the advice of the City Attorney they had nothing else to say about the matter besides what was read by Commissioner Hendrick.

City Attorney Davis stated any advice he rendered stemmed from the Charter: that the City Manager worked at the pleasure of the City Commission under the Charter.

City Manager Tatman stated that the two and a half months that the Board had been in office, there had not been an opportunity to work together cohesively in a forward momentum. She stated she believed there were pre-determined perceptions that existed by incoming members before they had a chance to get to know her, how she operated, how the staff operated, and how they could cohesively operate together. She stated her belief that it was irresponsible for the Board to make an action after only two and a half months of working with her; that it was only the second Commission meeting that they’d had with her, and that they had not worked on any major projects with her. She referenced the previous year and a half with the former Commission and thanked the individuals who spoke at public comment and wrote letters stating the amazing things that were done together. City Manager Tatman stated her belief that the City was going in a great direction, that the City had a lot of potential, that there were a lot of wonderful people in the town with wonderful things yet to do. She concluded by thanking everyone in the community who supported her, the staff, stood up for the issues that they believed were best for the community; she applauded the volunteers on the various Committees who worked on past projects and those ahead. Additionally, she stated that she could not thank the staff enough for reporting to work daily under some less than desirable conditions where they had to fight every day to do what they felt was the best thing to do despite the response from certain members of the Commission knowing their decisions were right in light of the circumstances. She referenced a division of power in government for a reason: the administration that runs the day to day with different roles and responsibilities and that the Commission oversees rules and appropriations. She stated business owners and residents needed to be concerned about a lack of division of power moving forward with a Commission cherry-picking those in the administration which led to the residents losing their power. City Manager Tatman stated her belief that she had not done anything wrong, that she had surpassed all the expectations placed in front of her, and that she had surpassed the goals on the Resolution for the former City Manager.

Mayor Vandenbossche inquired if anyone was willing to do a short evaluation period for the City Manager and referenced the Resolution containing goals for the City Manager. Commissioner Hendrick replied no. Commissioner Bryson stated the determination needed to be made before the end of the meeting and could not be permitted to drag on. Commissioner Ross reiterated that based on his conversations with the Auditor, the best way for the City to move forward was by keeping the existing administrative staff intact, that staff exiting was unequivocally not the best thing for the City. He also referenced the difficulty of hiring quality staff, particularly for the pay that had been negotiated, that he feared for the City moving forward should anyone on the staff be dismissed, and that a vote yes would be a vote to move the City backwards considerably.

Motion by Commissioner Hendrick, seconded by Commissioner Hilferink, to terminate the contract of the City Manager Holly Tatman effective immediately January 16, 2023 for the following: not carrying out the duties and functions as outlined in the City Charter, not keeping the Commissioners adequately advised on the business of the City, not communicating in a timely and professional manner with the members of the Commission, not dealing effectively and openly with members of the public in a fair and equitable way, and not carrying out the policy directions of the Commissions as a whole. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig. Nays: Bryson, Ross, Vandenbossche. Motion Carried.

Commissioner Ross inquired of any issues with any particular appointment. City Attorney Davis stated a requirement to appoint an Interim in the event of a vacancy in the City Manager position, referencing the authority of the Charter. Commissioner Ross inquired if this responsibility was something Chief Heaslip would be interested in. Chief Heaslip responded from the audience that he was. Mayor Vandenbossche referenced compensation which City Attorney Davis said was a discussion for another time. Commissioner Hilferink stated his opinion that Chief Heaslip would be great as Interim City Manager based on his knowledge of the City and staff.

Motion by Commissioner Roehrig, seconded by Commissioner Hilferink, to appoint Police Chief Heaslip as Interim City Manager, to allow him to work closely with the City Attorney pending negotiation of his agreement, to initiate security measures for all accounts and equipment for that position. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Hilferink, to create a Committee for the search for a new City Manager in compliance with the Open Meetings Act, consisting of the Interim City Manager, City Commissioners Bryson and Ross, and a Resident at Large, that all resume and decisions by the Committee would be brought back to the City Commission for approval to avoid any concerns or issues that may arise during that process. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

**ADJOURNMENT**

Motion by Commissioner Hendrick, seconded by Commissioner Hilferink, to adjourn at 11:09 P.M. All Ayes**.** Motion Carried.

Respectfully submitted,

Shannon M. Adams City Clerk