**City of Marine City**

**City Commission Minutes**

**March 2, 2023**

A regular meeting of the Marine City Commission was held on Thursday, March 2, 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; Interim City Manager James Heaslip; Interim City Clerk Jason Bell.

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=e6hOKc2qg10>

**APPROVE AGENDA**

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve the Agenda amended on February 28, 2023. All Ayes. Motion Carried.

**PUBLIC COMMENT**

Laura Merchant spoke on Commissioner Hilferink’s arrest and called for an investigation into his phone call to the Chief of Police and subsequent actions.

Paul Yanke spoke against marijuana dispensaries.

Roland Woelkers spoke on City staffing issues, against marijuana dispensaries.

Dan LaVere thanked the Commission for their service to community and against marijuana dispensaries.

Catherine Warner requested the Commission consider drafting a resolution to limit Commissioners’ behavior on social media and how they represent the City.

Cheryl Vercammen spoke on termination of Holly Tatman and resignation of other City staff and inquired as to who was following up with outstanding projects.

Lori Biskner spoke in favor of marijuana dispensaries for financial purposes.

Sarah Polio spoke about Finsterwald Arts and Crafts Fair and Maritime Days.

**APPROVE MINUTES**

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve the City Commission Meeting Minutes of February 16, 2023, with the amendment of replacing “incorrect” to “insufficient” under the “Approval of Minutes from February 2, 2023”. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

**CONSENT AGENDA**

Presented:

1. Special Event Permit – Friends of City Hall – Finsterwald Arts & Crafts Fair
2. Special Event Permit – Friends of City Hall – Bandstand Dedication Ceremony

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

**FINANCIAL BUSINESS**

Expenditures

Motion by Commissioner Hilferink, seconded by Commissioner Ross, to approve total expenditures including payroll, in the amount of $455,575.36. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

Preliminary Financial Statements

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to receive and file the Preliminary Financial Statements. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

**UNFINISHED BUSINESS**

Social District Update Discussion

Commissioner Hilferink commented on reaching out to businesses and if that had been done yet. Interim City Manager Heaslip stated that there was one interested sponsor, Gord’s Bar.

Commissioner Ross questioned if the previous map that was created would still work with the exclusion of the beach. City Attorney Davis commented that a new map of the proposed area would need to be created for the Social District. Commissioner Hilferink commented that the area should be South Water Street from Broadway to Bridge. Commissioner Hendrick asked if parking lots would be included or left out and raised a concern to exclude the volleyball court from the Social District. Commissioner Ross volunteered to complete the map of the Social District area to provide to the Commission.

Commissioner Hendrick asked if the fees would be on the business owners or the City and also who the liability was on. City Attorney Davis stated the business owners would pay the fee through State licensing and the liability would still fall on the licensee.

Interim City Manager Heaslip stated that the idea of creating the Social District was to limit the confusion regarding the current Alcoholic Liquor Consumption Resolution and that the easiest way to do that was to bring a Social District to the City.

Commissioner Hendrick asked if Special Event Permits would still apply for serving alcohol in City parks during an event such as Maritime Days. City Attorney Davis stated those rules and licensing would still apply as that comes from the State level.

Recreational Marijuana Facility Discussion and Potential Action

City Attorney Davis spoke on marijuana facilities and the fact that the City currently had an ordinance opting out. Attorney Davis also spoke about ballot initiatives and the deadline dates to put language on a ballot for an election. Attorney Davis also stated that ballot initiatives could not be advisory in nature because the outcome would need to have legal ramifications and the passing of an ordinance ultimately fell on the Commission to pass.

Attorney Davis stated his opinion that the market should determine how many marijuana facilities could open in the City but that the City could control factors such as location and setbacks. He also stated that the Commission needed to recognize the size of the community and the size of the City staff as decisions regarding marijuana facilities could put a strain on staff to try and determine which applicants would receive a license.

Commissioner Hilferink stated his opinion that the City needed to do something with the current ordinance instead of moving the issue down the road. He also commented on the Marijuana Town Hall being split 50/50 regarding how many community members were for and against marijuana facilities present in the City limits and stated his opinion that the City needed to move forward.

Commissioner Klaassen stated he was opposed to marijuana facilities and wanted to keep the current ordinance in place.

Commissioner Bryson stated he would like to see three pieces of information before making a decision on marijuana facilities.

1. He requested DPW Superintendent Mike Itrich to look at the water mains in the two proposed areas (what two areas?) to see if they could handle additional usage.
2. He requested a letter from DTE regarding the capability of the local power grid
3. He requested that the Sheriff provide crime stats surrounding marijuana facilities.

Commissioner Hilferink opposed Commissioner Bryson’s requests stating his opinion that all of the infrastructure was sufficient enough to handle a marijuana facility. Commissioner Bryson stated he wanted hard facts on these requests. Interim City Manager Heaslip stated there were no other marijuana facilities in the County so the Sheriff may not have any crime stats to present.

Commissioner Roehrig stated she had a concern that if the Commission did not take action, the issue could go to a vote and the City could lose control.

Commissioner Klaassen requested to see specifics on the ordinance pertaining to set backs from residences, schools, etc.

Commissioner Hendrick stated she was not opposed to recreational marijuana retail facilities but she was opposed to grow facilities.

Commissioner Ross stated he would like to see potential mapped facility locations go back to the Planning Commission for review. Commissioner Roehrig agreed, stating that there had been location changes for residential, educational, and religious structures since the original setbacks were determined in 2019. Commissioner Ross stated his opinion that the City should work with neighboring communities as to not encroach on their residential districts. Mayor Vandenbossche expressed agreement in having the Planning Commission review potential designated areas for marijuana facilities within the City and her opinion that it would allow additional time to rectify current staffing issues.

Motion by Commissioner Ross, seconded by Commissioner Hendrick, to instruct that the Planning Commission to draw four set-backs based on; 1000 feet, 750 feet and 250 feet, from residences and institutions prescribed by law, and report back to City Commission. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick, Hilferink. Nays: None. Motion Carried.

**NEW BUSINESS**

Proposed Contract for Interim City Clerk – Jason Bell

Motion by Commissioner Roehrig, seconded by Commissioner Klaassen, to approve the contract for Interim City Clerk – Jason Bell. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick, Hilferink. Nays: None. Motion Carried.

Traffic Control Order – P-23-001

Chief Heaslip spoke about the need for a traffic control order due to the amount of crashes in the area on Jefferson, just West of South Water Street.

Motion by Commissioner Ross, seconded by Commissioner Roehrig, to approve Traffic Control Order P-23-001 and that it be revisited during a March, 2024 regular Commission Meeting. **Roll Call Vote.** Ayes: Roehrig, Ross, Vandenbossche, Bryson, Hendrick, Hilferink, Klaassen. Nays: None. Motion Carried.

MIHAF Provider Participation Agreement

Mayor Vandenbossche informed the Board that the Michigan Homeowner Assistance Fund (MIHAF) program was brought to the attention of Deputy Clerk Goodrich by the state agency and that there were pending applicants from the City. An authorized provider participation agreement from the City was required prior to payment authorization.

Commissioner Ross asked if City staff could put a link for this assistance program on the City’s website; Interim City Manager Heaslip stated a link could be added to the website.

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to approve the MIHAF Provider Participation Agreement as presented. **Roll Call Vote.** Ayes: Ross, Vandenbossche, Bryson, Hendrick, Hilferink, Klaassen, Roehrig. Nays: None. Motion Carried.

**CITY MANAGER’S REPORT**

Interim City Manager Heaslip discussed Mary Ellen McDonald helping assist the Finance Department including the budget. He stated that he attended the CED Board and City Manager Search Committee meetings and that the City Manager Search Committee was meeting again March 8, 2023. Interim City Manager Heaslip stated Scott Adkins has started and he updated the job descriptions for City Clerk and DPW Supervisor and that he was also creating a City Manager job description. He stated he has also been working with the DNR regarding the grant reimbursement to the City and identified errors in the property description. He also worked on transitioning Jason Bell into the Interim City Clerk position and worked with City Attorney Davis on the contract. Interim City Manager Heaslip stated business owners had approached him regarding the Vacant Building Ordinance with concerns that 300 Broadway was vacant and the City was not penalizing themselves. Interim City Manager Heaslip also stated that he was also looking into the Business License Ordinance regarding potential discrepancies. Interim City Manager Heaslip stated he had continued negotiations with POAM and Teamsters and hoped to have both of those contracts to the Commission within the next month. He also advised that he had met with Ascend Group regarding Health Insurance and stated prices were increasing.

Commissioner Hilferink stated he would like the Commission to revisit the Vacant Building Ordinance and Business License Ordinance. He also offered his assistance with anything he could help with in the City.

Commissioner Bryson stated he wanted to revisit the proposed contract for TK Inspections, LLC as he was just made aware that it would assist First Responders as well and didn’t think waiting would be beneficial to the City. Commissioner Hendrick stated her opinion that the City did not have the storage capacity on the server. Commissioner Bryson stated he would like this added to the next regular meeting agenda. City Attorney Davis stated a motion would be needed to revisit the issue. No action was taken to add this to the next regular meeting agenda.

**COMMISSIONER PRIVILEGE/LIAISON REPORTS**

Commissioner Klaassen stated he had nothing to report from the Planning Commission and advised residents to be safe in the winter weather.

Commissioner Bryson read a social media post from Commissioner Hilferink and disagreed with Commissioner Hilferink’s statement and he also discussed the Marijuana Town Hall.

Commissioner Hilferink spoke in rebuttal to Commissioner Bryson’s comments and apologized to the D.A.R.E. Community. He also spoke on the importance of the First Amendment.

Commissioner Ross congratulated the MCHS Swim Team. He also attended an MEDC Grant webinar. Commissioner Ross also spoke about 300 Broadway and stated it was not vacant and was being utilized. He also urged residents to be safe in the winter storm.

Commissioner Roehrig thanked Jason Bell for stepping into the Interim City Clerk job and urged residents to be safe in the winter storm.

Mayor Vandenbossche stated she had attended the State of the County and the CDBG webinar. She also thanked Ann Marie for her service to the City and congratulated the MCHS Swim Team, Mariner Drama and wished the MCHS Powerlifting Team luck. She also reminded everyone of the Tom Filo Wild Game Dinner on Monday, March 6th, and of the Blue Water Building Trades Fair, and that the new Maritime Days Committee was meeting and looking for members. Mayor Vandenbossche also thanked everyone for their thoughts on the marijuana facilities and the Planning Commission for revisiting the setbacks for the facilities and urged residents to be safe in the winter storm.

**CLOSED SESSION – UHY INVOICES**

Motion by Commissioner Ross, seconded by Commissioner Hilferink, to enter into Closed Session at 9:21 p.m. under 15.268(h)to consider material exempt from discussion or disclosure by state or federal statute RE: UHY Invoices. **Roll Call Vote.** Ayes: Vandenbossche, Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: None. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to return to Open Session at 9:55 P.M. with no action to be taken. All Ayes. Motion Carried.

**OPEN SESSION**

No Action.

**ADJOURNMENT**

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to adjourn at 9:55 p.m. All Ayes**.** Motion Carried.

 Respectfully submitted,

 Jason A.Bell Interim City Clerk