**City of Marine City**

**City Commission Minutes**

**May 4, 2023**

A regular meeting of the Marine City Commission was held on Thursday, May 4, 2023 at 260 South Parker Street, Marine City, and was called to order by Mayor Vandenbossche at 7:01 P.M.

Present: Mayor Jennifer Vandenbossche; Commissioners Jacob Bryson, Elizabeth Hendrick, Michael Hilferink, William Klaassen, Rita G. Roehrig, Brian Ross; City Manager Scott Adkins; 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=-pwcC8ajbFk>

**APPROVE AGENDA**

Commissioner Hilferink commented on a letter received from James Harden of Lexington and the fact it was not added to the agenda as requested. Per City Attorney Davis’ opinion, the letter should not be read as the contents could violate a severance agreement, but it could be received and filed.

Motion by Commissioner Hnedrick, seconded by Commissioner Bryson, to approve the Agenda with the change of moving item 11h to item 10a and the removal of item 11f. All Ayes. Motion Carried.

Motion by Commissioner Hilferink, seconded by Commissioner Hendrick, to amend the agenda to add item 6a, letter from James Harden, under Communications and to receive and file the letter. Ayes: Vandenbossche, Hendrick, Hilferink, Klaassen, Roehrig, Ross. Nays: Bryson. Motion Carried.

**COMMUNICATION**

Letter from James Harden received and filed.

**PUBLIC COMMENT**

Roland Woelkers supported the Police Department’s request for patrol cars and equipment. He also spoke against marijuana.

**APPROVE MINUTES**

Commissioner Hendrick spoke on the inaccuracy of her statement in the City Commission Meeting Minutes of April 20, 2023, regarding the completeness of the grant .

Motion by Commissioner Ross, seconded by Commissioner Bryson, to approve the City Commission Meeting Minutes of April 20, 2023, with the revision that was provided. All Ayes. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve the City Commission Budget Workshop Minutes of April 18, 2023. All Ayes. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Roehrig, to approve the City Commission Budget Workshop Minutes of April 19, 2023. All Ayes. Motion Carried.

**CONSENT AGENDA**

Presented:

* 1. Planning Commission Meeting Minutes – April 10, 2023
  2. Pension Board Meeting Minutes – January 31, 2023
  3. Pension Board- Retiree Healthcare Board Minutes – January 31, 2023
  4. Community and Economic Development Board Minutes – March 23, 2023
  5. City Manager Search Committee Meeting Minutes – March 15, 2023
  6. City Manager Search Committee Closed Session Meeting Minutes – March 15, 2023

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

**FINANCIAL BUSINESS**

Expenditures

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve total expenditures including payroll, in the amount of $229,292.73. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

Preliminary Financial Statements

Motion by Commissioner Bryson, seconded by Commissioner Ross, to receive and file the Preliminary Financial Statements. AllAyes. Motion Carried.

**UNFINISHED BUSINESS**

Maritime Days Request

Evelyn Toles from Maritime Days Committee spoke on their request for the Commission to waive their remaining balance owed from 2022 in the amount of $1,740.49. Mayor Vandenbossche, Commissioner Hendrick and Commissioner Ross thanked the volunteers for stepping up to put on another Maritime Days event this year.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to waive the Special Event payment of $1,740.49 left from the previous Maritime Days Committee. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

Charter Section 6.8 Investigation on Mike Hilferink Update

Commissioner Roehrig spoke on the investigation and provided documentation and read the results of the investigation.

Motion by Commissioner Roehrig, seconded by Commissioner Bryson, to receive and file the investigation document. All Ayes. Motion Carried.

Social District Update Discussion

City Attorney Davis spoke on Social District memo he provided and stated the Social District was ready to move forward should the Commission chose to act.

Commissioner Klaassen inquired if an ordinance was required for enforcement in the Social District. City Attorney Davis stated the Commission would need to amend the current Open Intoxicants ordinance to comply with the Social District.

City Manager Adkins stated Social Districts have had a good economic impact for other communities and this was a good start to bringing more economic change to the City. Commissioner Hilferink stated he would like to avoid as much trial and error with the Social District as possible.

Chief Heaslip stated the Social District was the easiest of the options to enforce open intoxicants in City parks.

Commissioner Hendrick stated she would like the map to extend the Social District to the Newport Pub on Broadway. She also inquired how many signs would need to be erected to comply with the presented areas on the map. Commissioner Hendrick stated she disagreed with the volleyball court being included in the Social District’s common areas. Commissioner Roehrig stated the common areas could be amended along with the map should the need arise.

Commissioner Roehrig stated she did not like the hours of noon to midnight and she would like to see the hours set from 4:00pm to midnight.

Commissioner Hilferink inquired what the difference was between the Social District and the common areas on the map presented. City Attorney Davis stated the rules required a Social District and finite common areas. Commissioner Ross stated he would like to see the common areas on the map hashed to annotate where they were. He also suggested participants/sponsors of the Social District place maps in their establishments so patrons know the defined areas. Mayor Vandenbossche stated a QR code could be created for the maps so patrons could get more information on their phones.

Commissioner Roehrig wanted the volleyball court excluded and it could be added back if need be. She also inquired on the penalties for violations. She also stated the Parks and Recreation Ordinance on alcohol in parks would need to be amended as well.

City Attorney Davis stated the Social District can be reviewed after the first 90 days, then reviewed annually after that.

Commissioner Hendrick stated the City was only adding signs and no other furnishings. She also inquired if patrons could take drinks into other establishments in the Social District. City Attorney Davis stated businesses still have the right to prohibit outside food and drinks.

Commissioner Hilferink inquired if the no smoking in the Social District was a State requirement. City Attorney Davis stated it was. Commissioner Hilferink raised concerns as the common areas of the Social District were outside downtown bars and people that go to the bars like to smoke outside and sought clarification from City Attorney Davis on the smoking ban requirement.

Commissioner Ross requested the sidewalk along the length of the river could be coded in the map as a common area as well as the Lighthouse Park and Memorials. City Attorney Davis stated all the requested changes would be made and brought back to the Commission for approval.

**NEW BUSINESS**

Resolution 008-2023 – Social District

Motion by Commissioner Ross, seconded by Commissioner Klaassen, to set aside Resolution 008-2023 – Social District until the May 18, 2023 Commission Meeting. All Ayes. Motion Carried.

Resolution 009-2023 – 5/3 Bank Signature Changes

Motion by Commissioner Hendrick, seconded by Commissioner Roehrig, to approve Resolution 009-2023 Authorizing the Execution of Documents with 5/3 Bank to make Necessary Signature and Account Authorizations. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick, Hilferink. Nays: None. Motion Carried.

Resolution 010-2023 – Budget Amendments

Commissioner Hendrick commented on the item and stated it was nice to see and see it done correctly. Mayor Vandenbossche thanked City Manager Adkins for the memo regarding the resolution.

Motion by Commissioner Roehrig, seconded by Commissioner Klaassen, to approve Resolution 010-2023 to Amend the Fiscal Year 2022/2023 Budget to Adjust for Changes in Anticipated Revenues and Expenditures. **Roll Call Vote.** Ayes: Roehrig, Ross, Vandenbossche, Bryson, Hendrick, Hilferink, Klaassen. Nays: None. Motion Carried.

Police Department – Patrol Cars Purchase

Chief Heaslip spoke on the patrol car purchase after the budget workshop request and the Tahoe was the cheapest of any patrol car and they were available now. Commissioner Roehrig inquired what the timeframe for acquiring the patrol cars. Chief Heaslip stated the cars were available now and the outfitting would be staggered due to the holiday and the need for patrol cars.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to waive competitive bidding for the purchase of Police Department Patrol Cars from Berger Chevrolet as a MiDeal dealer. **Roll Call Vote.** Ayes: Ross, Vandenbossche, Bryson, Hendrick, Hilferink, Klaassen, Roehrig. Nays: None. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Ross, to approve the purchase of 2 Police Department Patrol Cars from Berger Chevrolet in the amount of $80,274. **Roll Call Vote.** Ayes: Bryson, Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche. Nays: None. Motion Carried.

Police Department – Patrol Car Equipment Purchase

Commissioner Ross inquired if Cynergy was the usual outfitter, Chief Heaslip stated this was the usual outfitter and they had cheap prices, are reliable and great to work with. Commissioner Hendrick inquired if the quote was not to exceed and if it could be evened out to $35,000 and if the pricing included graphics. Chief Heaslip stated the price provided included everything new for both patrol cars and some things out of the current cars can be reused so the price could come in much lower. He also stated the decals were from a different company and there was money in a different budget for that and not ARPA funds.

Motion by Commissioner Ross, seconded by Commissioner Bryson, to waive competitive bidding for the purchase and install of Police Department Patrol Car Equipment from Cynergy Products. **Roll Call Vote.** Ayes: Hendrick, Hilferink, Klaassen, Roehrig, Ross, Vandenbossche, Bryson. Nays: None. Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve the purchase and install of Police Department Patrol Car Equipment from Cynergy Products not to exceed $34,712.68. **Roll Call Vote.** Ayes: Hilferink, Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hendrick. Nays: None. Motion Carried.

Ordinance 2023-002 Introduction – Water and Sewer Rate Increase

Commissioner Ross stated the rate increase was talked about at the Budget Workshops and they have not been raised in quite some time and it is something that needs to be done. He stated this will cover the costs of infrastructure and repair/maintenance and that 3% was sufficient to do that. Commissioner Hendrick clarified that the rate increase was for the processing of the water and the Ready to Serve fee increase was for the repair and maintenance of infrastructure.

Commissioner Hendrick inquired on the $50,000 delinquent water bills being rolled over to the taxes. City Manager Adkins stated policy changes were coming and urged residents to use the programs available for help to pay their bills.

Motion by Commissioner Bryson, seconded by Commissioner Klaassen, to approve Ordinance 2023-002 for introduction/first reading the water and sewer rate increase. **Roll Call Vote.** Ayes: Klaassen, Roehrig, Ross, Vandenbossche, Bryson, Hilferink. Nays: Hendrick. Motion Carried.

Board and Committee Consolidation Discussion

Commissioner Hendrick stated there were too many boards and requested the City Manager to take a look at them for a potential consolidation.

Commissioner Hilferink stated his opinion was to combine the TIFA and CED boards as well as the 300 Broadway Committee and the Historical Commissioner. He also stated he talked to a resident about the City having a Downtown Development Authority (DDA) instead of a TIFA. City Manager Adkins stated a DDA can be reinstated with the Master Plan update and he may be requesting workshop meetings to discuss these items. City Attorney Davis spoke on the memo he previously provided regarding a DDA and recommended workshops 45 minutes prior to the May 18, 2023 meeting.

Commissioner Klaassen inquired if the City got rid of TIFA. City Attorney Davis stated the City shelved TIFA and were complying with the minimum requirements.

Opposing the use of County ARPA Funds for 26 Mile Corridor Project Discussion

Commissioner Hilferink spoke on the topic and the overwhelming community response in opposition of the development of 26 Mile Road. His opinion was for the County to evenly disperse the funds to communities instead of only a few.

Commissioner Roehrig inquired what the resolution looked like and the verbiage used. Commissioner Hilferink stated he had a copy of China Township’s resolution that he could provide to the Commission. Commissioner Klaassen stated the resolution wasn’t passed but the whole board.

Commissioner Hendrick stated the only issue with the project is it will not change the road, only the infrastructure. Commissioner Ross stated he attended the previous workshop to the one in April 2023, and roads were talked about, but that plan has since changed. He also stated the positive was the development would utilize more Marine City water.

Mayor Vandenbossche inquired if the resolution could state if there were any funds left after County spending that they be distributed to local units as to maintain the relationships the City has with other communities and not break off. City Manager Adkins stated an equitable distribution resolution holds more weight.

Commissioner Hilferink, seconded by Commissioner Hendrick, to direct City Attorney Davis to craft a resolution to ask the County Commissioners use the remaining portions of the ARPA Federal Monies to be made available to benefit all townships, cities and villages equally. Ayes: Bryson, Hendrick, Hilferink, Roehrig, Ross, Vandenbossche. Nays: Klaassen. Motion Carried.

**ADMINISTRATIVE REPORTS**

City Attorney Report

City Attorney Davis stated the FOIA policy was done and will be distributed to the Commission.

City Manager Report

City Manager Adkins thanked everyone and he hoped the Commission appreciated his weekly report that he provided. He also stated he is looking forward to diving into more projects in the near future. City Manager Adkins stated he appreciate everyone welcoming him to the City. He also mentioned the M29 repaving project in East China at the North Marine City limits was delayed, but would start Monday, May 8, 2023 and would have lane restrictions which would impact entering and exiting the City on M29.

**COMMISSIONER PRIVILEGE/LIAISON REPORTS**

Commissioner Klaassen spoke on the Planning Commission waiting for maps for marijuana facilities and that the Planning Commission meeting was rescheduled from May 10, 2023 to May 22, 2023. He also stated there is a lot of talk going on in other communities regarding the 26 Mile Corridor plan and he voted no on the resolution because he did not want to get involved in that fight.

Commissioner Hilferink spoke on the need to move on and the City’s past lawsuits and his concern of a potential 1st Amendment lawsuit. He then read a portion of James Harden’s letter. City Attorney Davis commented on the legality of the settlement agreement and disparaging remarks section. Commissioner Hilferink also spoke on the poor decision making of board members.

Commissioner Ross congratulated Mariner Drama for their production of Music Man. He also reminded citizens to check for and order backflow preventers to comply with EGLE. He also wanted to thank Trish May for her help on the City Manager Search Committee.

Commissioner Roehrig thanked the volunteers of the Maritime Days Committee.

Commissioner Hendrick thanked City Manager Adkins for a short meeting.

Mayor Vandenbossche reminded residents of Marine City Little League’s Opening Day on Saturday, May 6, 2023. She also mentioned that there were still board vacancies and thanked the Maritime Days Committee volunteers.

**ADJOURNMENT**

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to adjourn at 9:07 p.m. All Ayes**.** Motion Carried.

Respectfully submitted,

Jason A.Bell Interim City Clerk

Jennifer Vandenbossche

Mayor