

**City of Marine City
City Commission
November 1, 2018**

A regular meeting of the Marine City Commission was held on Thursday, November 1, 2018 in the Fire Hall, 200 South Parker Street, Marine City, Michigan, and was called to order by Mayor Vandebossche at 7:00 pm.

After a moment of silence, the Pledge of Allegiance was led by Mayor Vandebossche.

Present: Mayor Dave Vandebossche; Commissioners Terrance Avery, Elizabeth Hendrick, Wendy Kellehan, William Klaassen, Rebecca Lepley, James Turner; City Manager Elaine Leven, City Clerk Kristen Baxter

Also in Attendance: City Attorney Robert Davis

Communications

Received:

- SCC Office of Homeland Security/Emergency Management
- Mary Ellen McDonald – CPFA Accreditation
- TIFA Board Regular Meeting Minutes – September 18, 2018
- Caregiver Expo

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to receive the Communications. All Ayes. Motion Carried.

Public Comment

Joe Moran, 710 Pleasant, spoke in support of the Board passing a motion to reverse their decision to discontinue TIFA and to put it on hold.

Charles Seigneurie, 224 N. Elizabeth, thanked City Commissioners Avery, Lepley, and Turner for their service and said he was looking forward to the new Board.

Cheryl Vercammen, 321 Chartier, commented that she was looking forward to serving the community and working together in the future.

Kim Turner, 361 Main, thanked the outgoing Board members and congratulated her husband, Jim Turner, for serving on the Board for nine years.

APPROVE AGENDA

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

APPROVE MINUTES

Motion by Commissioner Avery, seconded by Commissioner Turner, to approve the City Commission Meeting Minutes of October 18, 2018. All Ayes. Motion Carried.

CONSENT AGENDA

Presented:

- Pension Plan Actuarial Valuation ending June 30, 2017
- Pension Plan Actuarial Valuation ending June 30, 2018
- Retiree Health Care Actuarial Valuation ending June 30, 2018
- Special Event – Old Newsboys Annual Paper Sale
- Special Event – Lighted Santa Parade

Motion by Commissioner Lepley, seconded by Commissioner Avery, to accept the Consent Agenda and file.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried.

UNFINISHED BUSINESS

Ordinance 2018-006 Sidewalks, Outdoor Sales and Cafes – 2nd Reading/Adoption

The ordinance includes several amendments based on suggested revisions and questions by the Board:

- A provision was added which requires the outdoor café to be designed and maintained to avoid obstructions and trip hazards.
- A minimum clearance height was added (8 feet) to ensure that there were no conflicts with sidewalk users and any umbrellas or similar coverings over sidewalk.
- A provision was added to ensure that outdoor cafes on the public sidewalk are not located within the 10 foot triangle area formed at the intersection of two streets or a street and a driveway.
- Flexibility has been written into the regulations to allow the Zoning Administrator to require additional, or waive, existing provisions to ensure the safe use of the city's sidewalk.

Motion by Commissioner Turner, seconded by Commissioner Lepley, to adopt Ordinance No. 2018-006 Sidewalks, Outdoor Sales and Cafes, as amended.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Kellehan, Klaassen, Lepley, Turner

Nays: Hendrick

Motion Carried.

Historical Society of Marine City – Mosaics

Revised maps of the city's waterfront parks showing possible sites for the ship mosaics were provided by the Historical Society. Heather Bokram, Historical Society member, reported that she and DPW Superintendent Itrich had toured all the parks, and had identified the locations as having the most minimal impact.

Further, she reported that she had communicated with sponsors of the parks and received their permission for placement of the mosaics, except for Nautical Mile Park. The selected

location had trees in close proximity and foundations for the mosaics may possibly damage tree roots.

Commissioner Hendrick commented that Broadway Park also had the same issue with trees, asked about long term care for the mosaics, and said they needed a perpetual fund in place to maintain the sites.

Mrs. Bokram replied that they had an endowment fund that could be used for maintenance of the mosaics.

Commissioner Kellehan stated that the city would be better off reviewing the parks and preparing a plan, including community input, on what we would like to see in the parks. She suggested it then be put in the Master Plan. She also inquired if 300 Broadway should be considered as a location.

Mayor Vandenbossche asked that the shareholders who take care of the parks have input.

Commissioner Turner commented that the plan had already been approved by the Board, and that only the locations needed to be decided.

A discussion took place on what exactly was approved previously by the Board.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to table until a maintenance agreement could be drafted and a search completed of past minutes with the plan approval.

Roll Call Vote.

Ayes: Vandenbossche, Hendrick, Kellehan, Klaassen

Nays: Avery, Lepley, Turner

Motion Carried

NEW BUSINESS

Startup School Overview

Matt Brooks, representing Blue Water Startups & Entrepreneurs, provided an overview of the Startup School Entrepreneur's Conference held in Marine City on September 29, 2018.

Traffic Control Order No. P-18-0005

Motion by Commissioner Lepley, seconded by Commissioner Hendrick, to approve Traffic Control Order No. P-18-0005.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried

Traffic Control Order No. P-18-0006

Motion by Commissioner Lepley, seconded by Commissioner Hendrick, to approve Traffic Control Order No. P-18-0006.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried

Traffic Control Order No. P-18-0007

Motion by Commissioner Lepley, seconded by Commissioner Hendrick, to approve Traffic Control Order No. P-18-0007.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried

Tetra Tech – Proposal for Municipal Survey & Boundary Analysis

City Manager Leven advised that Tetra Tech had provided a proposal for surveys of several detached areas in the city that have potential encroachment, trespass and/or occupation of un-deeded property that have been problematic. They include:

- 609-619 Bruce Street and 630 Scott Street (\$1,800)
- 330 Woodworth (\$500)
- 316 S. Belle River (\$400)
- Riverview Street East of North Market Street (\$1,000)
- Lions Club/City DPW Land/Lot Adjustment (\$1,500)

Motion by Commissioner Lepley, seconded by Commissioner Turner, to contract with Tetra Tech for the surveys, not to exceed \$5,200.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried

Resolution No. 026-2018 – Approval for Board of Review to Meet on Alternative Date

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve Resolution No. 024-2018 – Waive Penalties for Non-Filing of Property Transfer Affidavits.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried.

TIFA Board Termination

City Attorney Davis addressed the Board and said two years ago he was asked for an opinion letter concerning TIFA in general. Upon review of the opinion letter, the City Commission elected to follow the legal process for termination of TIFA, due to the authority having completed the purposes for which it was organized. The set schedule was suspended for eight months, by a vote of the City Commission, to allow the TIFA Board more time to analyze the development areas and pending development plans to allow them to come back to the City Commission, give a presentation, and say that in

whole or in part they would like to keep TIFA going forward. The City Commission voted to have TIFA dissolve on its natural expiration date of December 15, 2018.

City Attorney Davis advised that he had met with individual representatives and with the entire TIFA Board on several occasions and had defined what was going to be required of the TIFA Board to make a presentation to City Commission to show why TIFA should continue. He said, to date, the presentation to the City Commission had not happened. He recited Michigan law which said that an authority which had completed the purposes for which it was organized shall be dissolved by resolution of the governing body.

New TIFA laws, effective in 2019, were addressed by City Attorney Davis, who said that TIFA law going forward wasn't changing, but the accounting and enforcement was becoming more detailed.

Commissioner Turner questioned his fellow City Commission Board members whether they had reviewed the plan and asked if everything had been met.

Commissioner Hendrick questioned the original intent of the TIFA Board, and said that conditions were no longer in existence in the development areas. She said that unless we can show that we still have areas that are depressed, we are done.

Commissioner Lepley stated that the bottom line was what was best for the City of Marine City going forward. She said the motion to dissolve TIFA should be rescinded, the city should continue to capture, and the TIFA Board should be more informed. To end TIFA, she said, was an ignorant and close minded decision and it was important to look at the established precedence and procedure the state had been dealing with other TIFA's.

TIFA Board Members Craig May and Chuck Seigneurie presented statistics showing that economic development still suffered in Marine City with many commercial properties for sale and an approximate time of listing of over six months.

Chuck Seigneurie asked the Board what they had done to help TIFA. He suggested that a group consisting of members of the Planning Commission, City Commission and the TIFA Board meet to plan for the future of Marine City.

The Kmart Plaza was discussed as a potential area in need of improvement, and the owner's unwillingness to work with TIFA.

Planning Commissioner Chairperson Joe Moran commented that the TIFA Board was being punished. He said the blaming needed to stop and the Boards should work together to move forward.

Motion by Commissioner Turner, seconded by Commissioner Lepley, to amend the schedule provided by the City Attorney dated January 12, 2017 to delay the termination of TIFA on December 15, 2018 thus allowing our new City Commission, TIFA Authority, and Planning Commission members, time to work together to update our plan and submit it to the State of Michigan.

City Attorney Davis clarified this as a motion to rescind.

Roll Call Vote.

Ayes: Avery, Kellehan, Lepley, Turner

Nays: Hendrick, Klaassen, Vandenbossche

Motion Carried.

Motion by Commissioner Lepley, seconded by Commissioner Turner, to establish a tripartite committee with the task and members, as outlined in Joe Moran's memo included in this agenda packet, to review the upcoming changes in law to TIFA and to come up with a plan to use those changes for the benefit of Marine City, and establishing a committee consisting of at least two members, but not more than three, from each of the Planning Commission, City Commission, and the TIFA Board to meet weekly for up to three months, and then as needed for up to a year.

Roll Call Vote.

Ayes: Avery, Kellehan, Klaassen, Lepley, Turner

Nays: Hendrick, Vandenbossche

Motion Carried.

FINANCIAL BUSINESS

Disbursements

Motion by Commissioner Avery, seconded by Commissioner Lepley, to approve total disbursements, including payroll, in the amount of \$258,834.36.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Kellehan, Klaassen, Lepley, Turner

Nays: Hendrick

Motion Carried.

Resolution No. 027-2018 – Corrective Action Plan

Motion by Commissioner Avery, seconded by Commissioner Kellehan, to approve Resolution No. 027-2018 – Corrective Action Plan.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried.

Resolution No. 028-2018 – Funding Retiree Health Care Plan

Motion by Commissioner Hendrick, seconded by Commissioner Avery, to approve Resolution No. 028-2018 – Funding Retiree Health Care Plan.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried.

Resolution No. 029-2018 – Budget Amendments

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to approve Resolution No. 029-2018 – Budget Amendments.

Roll Call Vote.

Ayes: Vandenbossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried.

CITY MANAGER REPORT

City Manager Leven reported on the following:

- Attended TIFA, Pension, and MCAFA meetings
- Attended MML Information Event (Rec Marijuana, Road Warranties), Disability Awareness Training, DEQ Clean Diesel Grant Webinar, County Planning Training (AirBnB, Ordinances)
- Met new East China Township Manager
- Thanked outgoing Commissioners for their service
- Reminded voters to get out and vote in the November 6th Election

COMMISSIONER PRIVILEGE

Commissioner Lepley thanked everyone for the privilege of serving the community.

Commissioner Klaassen asked that people get out and vote and support the road millage.

Commissioner Kellehan thanked Commissioners Lepley, Avery, and Turner for their service to the city. She also commented on the ship mosaics and said it was a good project, but needed to be fine-tuned.

Mayor Vandebossche also thanked Commissioners Avery, Lepley, and Turner for their years of service. He reminded everyone to take the time to vote in Tuesday's election.

CLOSED SESSION

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to go into Closed Session for Consideration of the City Manager Evaluation – MCL 15.268 (a) at 9:59 pm.

Roll Call Vote.

Ayes: Vandebossche, Avery, Hendrick, Kellehan, Klaassen, Lepley, Turner

Nays: None

Motion Carried.

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to go back into Open Session at 10:47 pm. All Ayes. Motion Carried.

OPEN SESSION

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to receive and file the City Manager evaluation and implement the course of action as discussed in Closed Session.

ADJOURNMENT

Motion by Commissioner Hendrick, seconded by Commissioner Klaassen, to adjourn at 10:50 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter

Kristen Baxter
City Clerk

Lisa Hendrick

Lisa Hendrick
Mayor Pro Tem