

**City of Marine City
City Commission
April 2, 2015**

A regular meeting of the Marine City Commission was held on Thursday, April 2, 2015, in the Fire Hall, 200 South Parker Street, Marine City, Michigan, and was called to order by Mayor Skotarczyk at 7:00 pm.

After a prayer offered by Commissioner Lovett, the Pledge of Allegiance was led by Mayor Skotarczyk.

Present: Mayor Skotarczyk, Commissioners Avery, Hendrick, Lovett, Meli, Simpson, and Turner, Acting City Manager Tillery, and, City Clerk Baxter.

Absent: None

Communications

The following communications were received:

- Kristen Baxter ~ Michigan Municipal Clerks Institute
- Fence Permit for 2025 S. Parker Street ~ Mullica
- Fence Permit for 2025 S. Parker Street ~ Davies
- Fence Permit for 2025 S. Parker Street ~ Mach
- Fence Permit for 2025 S. Parker Street ~ McCarthy
- Fence Permit for 2025 S. Parker Street ~ Hillman
- Fence Permit for 2025 S. Parker Street ~ Cooper
- Fence Permit for 2025 S. Parker Street ~ Niezurawski

Motion by Commissioner Lovett, seconded by Commissioner Turner, to accept the Communications and place them on file. All Ayes. Motion Carried.

Public Comment

William Sweet, 6573 S. River Road, objected to the fence permit for 2025 S. River Road due to DNR right away requirements whereby you cannot impede people from the waterfront.

Jeffrey Snyder, 1987 S. River Road, said that in the past, fences were considered a “no-no”. Mr. Snyder said he was concerned about his property values and the potential for flooding. Mr. Snyder further said that the ordinance was not up-to-speed with federal law.

Joseph McCarthy, 2041 S. River Road, said that he enjoys his home, property and waterfront view. He is objecting to the fence permit for 2025 S. River Road because it is in violation of the zoning ordinance. Mr. McCarthy said that a progressive community needs proper leadership, updated zoning and planning ordinances and respect for people in the community.

Dan Niezurawski, 6557 S. River Road, said he is opposed to the installation of fences on any waterside location because it detracts from the beauty and friendly waterfront atmosphere and, therefore, decreases property values. In addition, Mr. Niezurawski said the fence is in violation of the zoning ordinance.

Duane Mullica, 2035 S. River Road, is opposed to the fence permit for 2025 S. River Road and asked the city to address the issue of the fence, stop the ongoing work on it, and reexamine the fence and zoning ordinances. Mr. Mullica said the city has been very irresponsible in their issuance of the permit.

Approve Agenda

Motion by Commissioner Hendrick, seconded by Commissioner Lovett, to add the following to the agenda under **New Business**:

- #10-B Fence Ordinance ~ Discussion

Motion by Commissioner Lovett, seconded by Commissioner Simpson, to approve the Agenda, as amended.

Approve Minutes

Motion by Commissioner Simpson, seconded by Commissioner Lovett, to approve the Minutes of the Regular City Commission Meeting held March 19, 2015, as presented. All Ayes. Motion Carried.

Consent Agenda

The following Consent Agenda items was presented:

- Special Event ~ American Legion Poppy Sale (resubmitted)

Motion by Commissioner Simpson, seconded by Commissioner Hendrick, to accept the Consent Agenda and file, as presented. All Ayes. Motion Carried.

UNFINISHED BUSINESS

2015 Maritime Days

Melissa & Bob Blanchard spoke about the upcoming 2015 Maritime Days schedule and said the festival is a family-friendly event with something for everyone to enjoy. Mrs. Blanchard also spoke about sponsorships and said she would be bringing back “hard” numbers for the City Commission to consider a co-sponsorship for the event.

Sidewalk Inspection Program ~ Discussion

A discussion took place about the need to move forward with replacement of city sidewalks. A comparison of the proposed Sidewalk Inspection Program vs. the current Sidewalk Ordinance was examined with the Board requesting clarification from City Attorney, James Downey.

Tot-Lot/Parking Lot ~ Motion

Motion by Commissioner Hendrick, seconded by Mayor Skotarczyk, to remove the Tot-Lot/Parking Lot issue from the 2015/2016 fiscal year budget. All Ayes. Motion Carried.

Former City Manager ~ Payout

Motion by Commissioner Lovett, seconded by Commissioner Turner, to approve payout for former City Manager, John Gabor.

Motion by Commissioner Simpson, seconded by Commissioner Hendrick, to postpone motion to obtain final payout amount. All Ayes. Motion Carried.

Marine City Area Fire Authority Resolution #038-13 ~ Discussion

Marine City Area Fire Authority Resolution #038-13 declared that all excess MCAFA budget funds be automatically returned to the MCAFA fund balance, rather than returned to the city. Mayor Skotarczyk made the suggestion that the City Attorney draw up a new resolution whereby an evaluation by the City Commission would be completed annually to determine what amount, if any, would be returned to the MCAFA fund balance and what would be returned to the city.

Motion by Mayor Skotarczyk, seconded by Commissioner Avery, to request the City Attorney to draft a resolution that would give the City Commission authority, to review annually, and determine how excess MCAFA budget funds should be distributed. All Ayes. Motion Carried.

NEW BUSINESS

Motion by Mayor Skotarczyk, seconded by Commissioner Turner, to move Item #10-A to #10-B under New Business. All Ayes. Motion Carried.

Fence Permit ~ 2025 S. River Road

Acting City Manager Tillery explained the following:

- The Building Department, by law, has (10) days to issue a permit. If the permit is not issued within that time frame a misdemeanor charge may be applied.
- An attorney from the Department of Natural Resources advised that there is not a law that prohibits fences being built by the river.
- City Attorney James Downey was asked to provide an opinion on the fence permit request and he stated that the permit should be issued. Mr. Downey explained that the permit must be issued within (10) days unless there is an ordinance in place saying it can't.
- State Representative Dan Lauwers' office was contacted and apprised of the situation.

Mr. Tillery said, based on all the above facts, it was determined that the permit should be issued.

Resident Joseph McCarthy said there was a host of issues not addressed when issuing the permit. Mr. McCarthy said that state, federal and flood plain issues have been violated. He

said, upon his discussion with City Attorney James Downy, that Mr. Downey did not have adequate time to research the permit request properly and may not have thoroughly researched the zoning ordinance. Mr. McCarthy made the recommendation that the Commission stop further construction of the fence until more information is gained to minimize the liability that the city took on by issuing the permit.

Residents Dennis Mann and Duane Mullica said another reason to stop the fence installation is due to it being connected to neighboring property owner's land. Acting City Manager Tillery said that a survey was taken and turned in. He said the Building Inspector did not see an issue with it. Commissioner Hendrick said she thought the project should be stopped, due to the survey, until further investigation is completed.

Motion by Mayor Skotarczyk, seconded by Commissioner Simpson, to direct Acting City Manager Tillery to contact the City Attorney to address questions and legality of the fence permit and to put a stop order on project, if needed. All Ayes. Motion Carried.

A suggestion was made to investigate rewriting the existing fence ordinance to define *front yard* and *back yard*, and which is located on the water side.

Motion by Commissioner Hendrick, seconded by Commissioner Simpson, to give direction to the Planning Commission to review the fence ordinance. All Ayes. Motion Carried.

Ordinance #02-2015 SEMCO Energy Gas Company ~ Introduction

Motion by Commissioner Simpson, seconded by Commissioner Turner, to introduce Ordinance #02-2015 SEMCO Energy Gas Company, as presented. All Ayes. Motion Carried.

FINANCIAL BUSINESS

Disbursements

Motion by Commissioner Lovett, seconded by Commissioner Simpson, to approve total disbursements, including payroll, in the amount of \$209,406.32, as presented. Roll Call Vote. Ayes: Skotarczyk, Avery, Lovett, Simpson, Turner. Nays: Hendrick, Meli. Motion Carried.

Acting City Manager's Report

Acting City Manager Tillery provided updates on the following items:

- Meeting with Maritime Days Festival Committee; plans are moving forward.
- Meeting with SCC Community Foundation, Brownfield Authority, SCC Commission, SC EDA and Mr. & Mrs. Vertin regarding the hotel project.
- Meeting with Joyce Parker of Michigan Municipal League; City Manager job to be posted next week.
- Budget process is on track and on time.
- Meeting with Ken Kingsley of Tetra Tech regarding SAW Grant and infrastructure.
- Teleconference with Davis Hanes, SC EDA regarding 6221 King Road to rezone to light industrial.
- Meeting with SCC Parole Agent Scott Boyle regarding sex offenders, parolees, and office use.
- Meeting with Dan Casey from SCC EDA.
- City Manager search announcement received from MML; much work is needed.
- Contract with CTV Channel 6 renegotiated.
- Meeting with Pro-Craft regarding new table and sound system for city board meetings.
- Meeting with MC Dental office. The plan for rental rehab is moving forward.
- Working with Strategic Communication Solutions, MI MEDC & Bob Klingler to list all vacant industrial spaces on the MI website.
- Condolences to former City Manager, John Gabor, who recently lost his father.
- Support Autism Awareness Day; City Hall staff and Commission dressed in blue.

Commissioner Privilege

Commissioner Meli said, as we are walking into a holiday season, to cherish family and community. He also wished Michigan State University's basketball team luck in the final four.

Commissioner Turner thanked the community members who took the time to present their concerns to the Commission.

Commissioner Lovett wished everyone a Happy Easter.

Commissioner Hendrick reminded everyone of the Budget Workshop meetings on April 7, 8 and 9th and urged their attendance.

Commissioner Simpson thanked community members who wrote letters and came to speak at the meeting. He said it was hard to represent people when they don't let them know what they need. Mr. Simpson also thanked Mr. & Mrs. Blanchard for their hard work on Maritime Days.

Mayor Skotarczyk reminded everyone to recognize Worldwide Autism Awareness Day and Light it up Blue.

Motion by Commissioner Lovett, seconded by Commissioner Simpson, to enter into Executive Session at 9:16 pm for the purpose of discussing Confidential Attorney/Client Communication, and, considering the Executive Session Minutes of March 5, 2015. Roll Call Vote. All Ayes. Motion Carried.

Executive Session

Confidential Attorney/Client Communication was discussed.

Motion by Commissioner Lovett, seconded by Commissioner Simpson, to return to Open Session at 9:25 pm. All Ayes. Motion Carried.

Motion by Commissioner Lovett, seconded by Commissioner Turner, to approve the Executive Session Minutes of March 5, 2015. All Ayes. Motion Carried.

Adjournment

Motion by Commissioner Turner, seconded by Commissioner Meli, to adjourn at 9:36 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter

Kristen Baxter
City Clerk