

**City of Marine City
City Commission
August 6, 2015**

A regular meeting of the Marine City Commission was held on Thursday, August 6, 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 Police Chaplain Lepley, the Pledge of Allegiance was led by Mayor Skotarczyk.

Present: Mayor Raymond Skotarczyk, Commissioners Terrance Avery, Elizabeth Hendrick, Dianne Lovett, Raymond Meli, and, James Turner, Acting City Manager Donald Tillery, City Clerk Kristen Baxter, Deputy Clerk Elizabeth McDonald

Absent: Commissioner Simpson

Motion by Commissioner Lovett, seconded by Commissioner Turner, to excuse Commissioner Simpson from the meeting. All Ayes. Motion Carried.

Communications

The following communication was received:

- Nickel & Saph, Inc.

Motion by Commissioner Lovett, seconded by Commissioner Turner, to accept the communication and file, as presented. All Ayes. Motion Carried.

Public Comment

Joseph Moran, 710 Pleasant Street, commended the Maritime Days Committee for an outstanding festival. Mr. Moran said he was disappointed that the Marine City High School Band did not march in the Maritime Days Parade.

Rebecca Lepley, 539 N. William, also congratulated the Maritime Days Committee for their hard work and successful event. She also announced Heritage Days and other upcoming Friends of City Hall events.

Bill Haas, 203 Pleasant Street, said the city needs handicapped accessible fishing and beach areas. He also said that more police presence was needed at Maritime Days, and said the beach needed workers.

Melissa Blanchard, 622 Alger, thanked all the volunteers that made Maritime Days a success.

Robert Blanchard, 622 Alger, said Maritime Days couldn't have happened without the support of generous sponsors and the assistance of the city. Mr. Blanchard said the focus of the festival, on family-friendly, put them in a positive position.

Approve Agenda

Motion by Commissioner Lovett, seconded by Commissioner Turner, to approve the Agenda, as amended:

Remove: New Business:
 Item #10-E Waiver of Automatic Disqualification ~ Relative/Spouse of
 Elected Official

Add: New Business:
 Item #10-E Election Procedures

All Ayes. Motion Carried.

Approve Minutes

Motion by Commissioner Lovett, seconded by Commissioner Avery, to approve the following minutes, as amended:

- City Commission Regular Meeting ~ July 16, 2015 (amended)
- Closed Session Minutes ~ June 18, 2015
- Historical Commission ~ January 20, 2015
- Pension Board ~ April 28, 2015

- Pension-Retiree Health Care ~ April 28, 2015
- Planning Commission ~ June 8, 2015
- Tax Increment Finance Authority ~ June 16, 2015

All Ayes. Motion Carried.

Consent Agenda

The following Consent Agenda items were presented:

- Actuarial Report for Period Ending June 30, 2014
- Maple Landscaping & Lawn Service ~ Business License
- Special Event ~ USS Detroit Takin it to the Limits Motorcycle Cruise
- Special Event ~ Heritage Days
- Special Event ~ Marine City Old Newsboys Annual Paper Sale

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

UNFINISHED BUSINESS

City Manager Search/Contract

Motion by Commissioner Lovett, seconded by Commissioner Avery, to accept the Employment Agreement with the City of Marine City and Elaine Leven dated August 6, 2015, as presented.

Acting City Manager Tillery reported that the background check on Elaine Leven came back clear. He said that, during the background check, outstanding remarks were made by former co-workers of Mrs. Leven.

Mayor Skotarczyk said that Elaine Leven's contract was very favorable for the city. He said she was very fair in negotiations and she would make a good team.

Commissioner Lovett said she was looking forward to working with Elaine, and said her enthusiasm is a great benefit. Mrs. Lovett commented that she is sure Elaine would grow to love Marine City as much as she has over the years.

Commissioner Meli said, after reviewing the contract, he realized that Elaine really wanted to work with the city and was willing to take some cuts in her contract. Commissioner Meli said he fully supported the appointment of Elaine Leven.

Roll Call Vote. Ayes: Skotarczyk, Avery, Hendrick, Lovett, Meli, Turner. Nays: None. Motion Carried.

Resolution ~ City Manager

Motion by Commissioner Lovett, seconded by Commissioner Turner, to approve Resolution #023-2015, to appoint Elaine R. Leven as City Manager of the City of Marine City, as presented. All Ayes. Motion Carried.

Employment Agreement ~ Deputy City Manager

Mayor Skotarczyk said the Board was interested in this item to give the new City Manager the best option for success and get all the help she needed, while compensating Donald Tillery for the extra effort.

Motion by Commissioner Lovett, seconded by Commissioner Avery, to approve the Marine City Police Chief Employment Agreement Addendum of August 6, 2015.

Commissioner Meli said he was opposed to the Employment Agreement and said that the city shouldn't compensate Acting City Manager Tillery for advice as he was being compensated already. He said the new City Manager should go to the City Attorney for advice.

Commissioner Avery said he supported the employment agreement as a mentoring operation in a transition of responsibility. Mr. Avery said he saw it as a benefit to Elaine Leven, as well as the city.

Mayor Skotarczyk said he had initial reservations, due to Elaine Leven's lack of experience in management. He said it was nice to be friends, but not reasonable to have added responsibilities and do extra work and not be compensated for it.

Commissioner Hendrick said the resolution should be on an as-needed basis, not a set term of 6-months.

Commissioner Lovett said that Acting City Manager Tillery is uniquely qualified to be a mentor, with extensive education, management and communication skills. She said he successfully transitioned the city from a sudden leaving to present time. Commissioner Lovett said the city is looking for a smooth transition, and to give Elaine Leven every opportunity to be the great manager the Board knows she can be.

Motion by Commissioner Lovett, seconded by Commissioner Avery, to amend the Marine City Police Chief Employment Agreement Addendum of August 6, 2015 from a period of 6-months, to a period of 12-months.

Commissioner Avery said he supports the amendment because they were asking Acting City Manager Tillery for his experience because of the respect the Board has for him. Mr. Avery said the best way to show respect is financial re-numeration.

Commissioner Hendrick asked to show support for the new City Manager and said 12-months is too long. She also asked where it was going to come out of the budget.

Commissioner Meli asked if the new City Manager should be asked if she would like extra help for the additional months. Mr. Meli said that if the new City Manager felt confident, then the city should not have to additionally compensate Donald Tillery as he was already being compensated.

Mayor Skotarczyk said the new City Manager could bring a request to the Board at any time to terminate the at-will employee.

Commissioner Turner said he was in support of the original motion.

Commissioner Lovett called the question, supported by Commissioner Turner. Roll Call Vote. Ayes: Avery, Lovett. Nays: Hendrick, Meli, Turner, Skotarczyk. Motion Failed.

Motion by Commissioner Lovett, seconded by Commissioner Avery, to approve the Marine City Police Chief Employment Agreement Addendum of August 6, 2015. Roll Call Vote. Ayes: Skotarczyk, Avery, Lovett, Turner. Nays: Hendrick, Meli. Motion Carried.

Resolution ~ Deputy City Manager

Motion by Commissioner Lovett, seconded by Commissioner Turner, to approve Resolution #024-2015, appointing Donald G. Tillery to the office of Deputy City Manager for a period of six months. Roll Call Vote. Ayes: Skotarczyk, Avery, Lovett, Turner. Nays: Hendrick, Meli. Motion Carried.

Attorney Opinion ~ Proper Form of Meeting Minutes

City Attorney Downey provided an opinion concerning the authority for the proper taking of minutes of city meetings. The letter cites three mandates of the state law and the city charter: 1) Minutes must be written; 2) Minutes must be in the English language; 3) Minutes must be taken at every meeting, without exception. Mr. Downey further explains that because City Commission meetings are televised, the Commission minutes are not required to be verbatim, but a summary.

Motion by Commissioner Lovett, seconded by Commissioner Turner, to accept the attorney opinion, as presented. All Ayes. Motion Carried.

NEW BUSINESS

Replacement of Department of Public Work's 4-Wheeler

Department of Public Works Superintendent, Michael Itrich, reported that the department's 2003 Kawasaki mule used to maintain the city's flowers, needed \$1,800 of repairs for a transmission replacement. Mr. Itrich said he hesitated putting money into the aging 4-wheeler and provided a sealed bid for a 2013 Polaris Industries Ranger 800 EFI, from Greenia's Outdoor Power & Sport, in the amount of \$8,450.00.

Motion by Commissioner Lovett, seconded by Commissioner Turner, to approve the purchase of a 2013 Polaris Industries Ranger 800 EFI, not to exceed \$8,450, as presented.

Mayor Skotarczyk said he preferred to have a mechanic take a look at the 4-wheeler due to it being used, and asked Commissioner Lovett to withdraw her motion.

Commissioner Lovett complied by withdrawing her original motion.

Motion by Mayor Skotarczyk, seconded by Commissioner Lovett, to approve the purchase of a 2013 Polaris Industries Ranger 800 EFI, not to exceed \$8,450, only if found acceptable

after a visual and mechanical inspection. Roll Call Vote. Ayes: Skotarczyk, Avery, Lovett, Turner. Nays: Hendrick, Meli. Motion Carried.

Resolution ~ Charitable Gaming License for Marine City High School Senior All-Night Party

Motion by Commissioner Lovett, seconded by Commissioner Turner, to approve Resolution #022-2015, recognizing Marine City High School PTO as a service organization for the purpose of obtaining a Charitable Gaming License, as presented. All Ayes. Motion Carried.

Historic Commission ~ Request for Removal of Yellow Safety Poles

A request was submitted from the Historical Commission to have the yellow safety poles removed in front of the old police station at 300 Broadway. The Historical Commission said the poles were detracting and no longer functional.

A discussion ensued to determine if pulling the poles out was premature and, if so, what function would they serve in the future.

Friends of City Hall member, Rebecca Lepley, said she was in support of the request reporting that the poles get in the way of everything the group tries to do for the building.

Commissioner Avery asked if the poles could be painted in a way that they were semi-invisible instead of removing them. Mr. Avery said the poles were useful by the door and may be needed in the future.

Motion by Commissioner Lovett, seconded by Commissioner Turner, to remove the yellow safety poles at 300 Broadway. Roll Call Vote. Ayes: Skotarczyk, Lovett, Turner. Nays: Avery, Hendrick, Meli. Motion Failed.

Optimal LED Proposal ~ Strategic Communication Solutions, Inc.

Michael Hilfinger of Strategic Communication Solutions, Inc. and Eddie Edgar of Optimal LED presented a lighting solution for City of Marine City whereby city buildings would be outfitted with LED fixtures and light bulbs.

Mr. Hilfinger reported that energy savings, with the new lighting, would be approximately \$25,000 a year. He estimated payback on the investment in less than two years.

Motion by Commissioner Lovett, seconded by Commissioner Turner, to authorize Acting City Manager Tillery to negotiate a deal with DTE to bring an actual agreement to the Board for consideration. All Ayes. Motion Carried.

Election Procedures

Mayor Skotarczyk led the discussion regarding election procedures and said it was brought to his attention that his wife, Denise Skotarczyk, was serving as an Election Inspector improperly and not in compliance with State law. Mr. Skotarczyk asked that the City Clerk remove Denise Skotarczyk as an Election Inspector in future elections for the city.

A discussion then ensued about the Election Commission and it was noted that the Charter stated that standing committees were prohibited in the city charter. Therefore, it was decided that prior to each election, an Election Commission representative be chosen by the City Commission.

FINANCIAL BUSINESS

Disbursements

Motion by Commissioner Lovett, seconded by Commissioner Turner, to approve total disbursements, including payroll, in the amount of \$633,741.21, as presented. Roll Call Vote. Ayes: Skotarczyk, Avery, Hendrick, Lovett, Meli, Turner. Nays: None. Motion Carried.

CITY MANAGER REPORT

Acting City Manager Tillery provided updates on the following:

- Maritime Days a success.
- Approved fence variance request at Zoning Board of Appeals meeting
- Sending guardrail request to Planning Commission for consideration & notification.

COMMISSIONER PRIVILEGE

Commissioner Hendrick inquired about the city's Emergency Management Procedure and was told by Acting City Manager Tillery that it was complete and was being reviewed by Mayor Skotarczyk. Mrs. Hendrick commented about the leaf sucker and wood chipper that the Department of Public Works was looking into purchasing and said prior Boards have discussed this on numerous occasions, and that she doesn't see the cost savings if the city has to go out and pick the leaves up. Mrs. Hendrick further said this has been nothing but trouble for neighboring communities. She asked that the city not proceed in going that route.

Commissioner Lovett thanked the Maritime Days Committee remarking that Marine City was standing tall. She also announced Heritage Days would be held on September 19 & 20, 2015 with great music, adult and children's events.

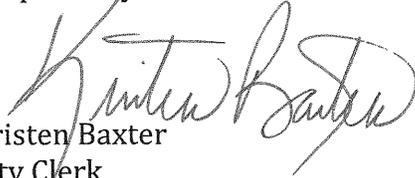
Mayor Skotarczyk said there were a lot of good things to be said about Maritime Days and thanked the organizers for making him feel welcome and part of the event. He said the event wasn't the city's biggest event, but one of the city's best events.

Mayor Skotarczyk spoke about an active group on Facebook circulating petitions to repeal the PA33 Special Assessment. He asked people to think hard before signing the petition. He said, after talking with people in the community, the petition was not about money. He said it was more about egos and putting the Board in its place. Mayor Skotarczyk said the community needed to look at the motivation behind the recommendation. Five of the seven Board members voted in favor of the PA33 because they felt it was what the city needed. Mayor Skotarczyk asked what the motivation was behind the two Board members opposing it.

Adjournment

Motion by Commissioner Hendrick, seconded by Commissioner Meli, to adjourn at 8:41 pm. All Ayes. Motion Carried.

Respectfully submitted,


Kristen Baxter
City Clerk