

**City of Marine City
City Commission
February 18, 2016**

A regular meeting of the Marine City Commission was held on Thursday, February 18, 2016, 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 Pastor Wilson, the Pledge of Allegiance was led by Mayor Skotarczyk.

Present: Mayor Raymond Skotarczyk, Commissioners Terrance Avery, Elizabeth Hendrick, Dianne Lovett, Raymond Meli, David Simpson, James Turner, City Clerk Kristen Baxter

Absent: City Manager Leven

Communications

The following Communication was received:

- Tentative Budget Calendar

Motion by Commissioner Simpson, seconded by Commissioner Lovett, to accept and file the Communication. All Ayes. Motion Carried.

Public Comment

Darlean Sugameli-Jarfas, 2025 S. Parker, spoke about her opposition to the proposed fence ordinance. She said the ordinance has many loopholes and residents on the Belle River and St. Clair River should have the right to put a fence up if they wanted to. She also questioned the section of the ordinance that states that all chain-link fences are obscuring. Mrs. Sugameli-Jarfas provided a photo of her existing chain-link fence, which was determined by an engineer to be 89.86% visible.

Rosalie Skwiers, 211 Michigan, made a statement regarding the ready-to-serve fees charged on second water meters (for sprinklers) and said the error shouldn't have been missed by

the city. In addition, she asked that the downtown parking issue be addressed, and the Guy Center be made handicapped accessible.

William Haas, 203 Pleasant Street, said that the police chief did not need to be replaced, the department could report to the City Manager. He also said that that two police cadets could be hired to patrol downtown, in an effort to save money.

Allen Reichle, 559 N. Belle River Avenue, asked why the Commission was hiding behind the PA33 Special Assessment and asked where the money was going to be spent.

Joseph Moran, 710 Pleasant, spoke about people using their personal agendas and pushing a “no new taxes agenda” to get attention and votes. Mr. Moran said taxes needed to be raised because 15.5% of the city’s income has been lost over the last five years due to declining property values and declining revenue sharing. He said the city’s expenses had to be met.

Approve Agenda

The following was added to the Agenda:

New Business: Item #10-F Board Appointment

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

Approve Minutes

Motion by Commissioner Lovett, seconded by Commissioner Simpson, to approve the City Commission Regular Meeting Minutes of February 4, 2016, as amended. Ayes: Skotarczyk, Avery, Lovett, Meli, Simpson, Turner. Nays: Hendrick. Motion Carried.

Consent Agenda

The following Consent Agenda items were presented:

- Departmental Activity Reports
- MCAFA Run Report & Agenda Packet

- Planning Commission Meeting Minutes ~ January 11, 2016
- Business License ~ Big River Antiques & Estate Sales

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

UNFINISHED BUSINESS

Sidewalk Inspection Program Plan ~ Discussion

A review of the draft Sidewalk Inspection Program Plan was made by the Board, as well as the draft ordinance, which was prepared by City Attorney Downey. A lengthy discussion ensued and the Board decided more information was needed in order to proceed. The requested information included:

- Revision date of document correct? Confirmation that the document distributed was the most recent document.
- If it was the final document, was it deliberated on by the Board?
- Pages 1 and 2 in the brochure don't correlate.
- St. Clair was referenced several times in document. Should it be amended to read Marine City?
- Who is responsible for damage caused by city-owned trees?
- Revamp and clean-up of language.
- How will the program be funded?
- Identifying areas that needed work.

Commissioner Turner suggested that the city start the sidewalk inspections prior to finalizing the plan, due to time constraints. Mr. Turner said since the criteria had already been set, the city should begin moving forward with inspections.

Commissioner Simpson disagreed and said if the criteria changed, re-inspections may be required, thus taking more time and costing more money. He said the program should be in place and voted on.

It was decided that a sub-committee be formed to meet with City Manager Leven to work on the requested items to bring the finished document back to the Board for consideration.

Motion by Commissioner Avery, seconded by Commissioner Lovett, to form a sub-committee consisting of Commissioner Avery and Commissioner Lovett, to work on refining the Sidewalk Inspection Program Plan with City Manager Leven. All Ayes. Motion Carried.

NEW BUSINESS

Telephone/Power Pole Code Enforcement

In response to communication received from Mr. Kodet at the February 4, 2016 meeting, the Board asked Code Enforcer Bayly to look into local telephone poles and power utility posts to see if there are violations of illegal signage. Code Enforcer Bayly reported that it was not an issue within city limits. City Attorney Downey pointed out that there was an ordinance in place to prevent this from happening and violations should be directed to the police department.

Fence Ordinance

Commissioner Simpson started the discussion and pointed out that, in reference to the public comment made, no ordinances are without loopholes as they cannot be airtight due to the fact that they have to be applied equally to all properties within the city and each property is different and unique.

Commissioner Lovett suggested that “trees” be added to Section 156.03 (a) under Residential Fences, “***No fence, wall or hedge shall rise over four (4) feet in height ...***”.

Commissioner Hendrick said she had a problem with Section 156.03 (b) that read, “***All chain-link fencing is obscuring***”. She said other local ordinances state they are “not obscuring”.

Commissioner Simpson reminded the Board that individuals could have due process through appealing to the Zoning Board of Appeals.

Commissioner Avery stated that he would defer judgement on the work done on the ordinance to the committee who created it and suggested that the section about chain-link fencing may have been made due to avoiding an “industrial look” for fencing.

Mayor Skotarczyk and Commissioner Turner both agreed that the Board should vote to move forward with the ordinance that the Planning Commission spent considerable time and effort in creating.

Motion by Commissioner Turner, seconded by Commissioner Lovett, to approve the introduction of Ordinance No. 2016-02 ~Fences, as presented. Roll Call Vote. Ayes: Avery, Lovett, Meli, Simpson, Turner, Skotarczyk. Nays: Hendrick. Motion Carried.

IT/CLEMIS Agreement

Motion by Commissioner Lovett, seconded by Commissioner Simpson, to give authority to City Manager Leven to sign the IT/CLEMIS Agreement, as presented. Roll Call Vote. All Ayes.

PA33 Milleage Information/Discussion

Several options were presented to the Board for the purpose of distributing PA33 Milleage Information to residents and business owners. The options included a mailer, via letter or postcard, and an ad placed in the Voice Newspaper and published March 2, 2016.

Mayor Skotarczyk suggested that the Board simply instruct the City Manager to develop the criteria for the mailer or the publication.

Commissioner Hendrick said she was concerned that there was no draft to look at and they wouldn't know what was being put out about the PA33.

Commissioner Lovett suggested putting an advertisement in the newspaper stating accurate information, such as where the money was going, the average increase for residents, and replacing the city's infrastructure and equipment.

Commissioner Simpson said he was in favor of educating residents on the PA33 and leaned towards placing an ad in the newspaper, but was concerned that it would be published without the Board seeing the subject matter.

Commissioner Hendrick again said she was concerned about the document being not reviewed by the Board prior to being published. She said the last City Manager put out information that was inaccurate and not factual.

Commissioner Lovett made a motion to set a Special Meeting on Thursday, February 25, 2016 to develop a dissemination plan for the PA33 Special Assessment. Motion failed due to no support.

Commissioner Meli said the newspaper was biased, and that he wanted to see the pros and cons of supporting the Public Act 33.

Mayor Skotarczyk said the city hired a professional to run the city and the Board should trust her with putting something factual together to inform the citizens of the PA33 Special Assessment. He called the question at this time.

Motion by Commissioner Avery, seconded by Mayor Skotarczyk, to instruct City Manager Leven to prepare information for facts of the Public Act 33 Special Assessment to be published in a one-quarter page advertisement in the Voice Newspaper, as well as in electronic media. Roll Call Vote. Ayes: Avery, Lovett, Simpson, Skotarczyk. Nays: Hendrick, Meli, Turner. Motion Carried. Commissioner Hendrick qualified her no vote due to the fact that the document could not be reviewed prior to being published.

Commissioner Request for Information

Mayor Skotarczyk explained that the City Manager received a request for all emails from 2015 for the police chief, city department heads, City Manager, and City Commissioners. City Manager Leven determined that the request was not “reasonable” due to the volume of the emails and the time and cost that would incur processing the request. She deferred the decision to the Board as the cost could be upward of \$2,000 to review the approximate 40,000 documents and asked if the request was something the Board would like to authorize.

Commissioner Hendrick identified herself as the person who was requesting the emails. She said her request was due to having a hard time getting information, and having to wait for requested documents months at a time. Commissioner Hendrick said she was getting suspicious and was beginning to feel like the local taxpayer and not trusting government too well.

City Attorney Downey confirmed that the decision was up to the City Manager and what she viewed as a reasonable request for information and the cost involved. He informed the Board that every document needed to be “scrubbed” for compliance under the Freedom of Information Act. He informed Commissioner Hendrick that she was entitled to file a FOIA request as a private citizen.

Commissioner Hendrick said the request did not include anything out of the ordinary and, as a Commissioner, she was entitled to the information to do her job. She said she was disappointed that the City Manager never came back to her to ask her to narrow the scope of her request.

Commissioner Turner said asking for emails from one year's time, was not a legitimate request.

Mayor Skotarczyk said the request was at the discretion of the City Manager and there was nothing in the Charter that said that the City Manager had to comply with a request from a single City Commissioner.

City Attorney Downey reinforced the Mayor's comment and stated that the City Manager had the discretion to honor the request or not. He suggested to Commissioner Hendrick that she come back with a request with a narrower scope.

No further action was taken by the Board at this time.

Board Appointment ~ Board of Review

An application was received from the following resident:

- Darlean Sugameli-Jarfas, 2025 South Parker Street

Motion by Commissioner Lovett, seconded by Commissioner Simpson, to approve the appointment of Darlean Sugameli-Jarfas as an alternate for the Board of Review with a term expiring December 31, 2018. 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 \$173,489.86 as presented. Roll Call Vote. Ayes: Skotarczyk, Avery, Lovett, Simpson, Turner. Nays: Hendrick, Meli. Motion Carried.

Preliminary Financial Statements

Motion by Commissioner Lovett, seconded by Commissioner Turner, to approve the Preliminary Financial Statements, as presented. All Ayes. Motion Carried.

CITY MANAGER REPORT

No report given due to absence of City Manager Leven from the meeting.

COMMISSIONER PRIVILEGE

Commissioner Meli commented that the PA33 Special Assessment initially was slated for the police department's 3rd shift. Mr. Meli said he personally doesn't know where the money was going for the PA33 Special Assessment and is tired of not knowing. He said he doesn't support publicizing information on the proposal due to it not explaining important issues such as if home values would go up or down, if passed.

Commissioner Lovett thanked the Planning Commission for the effort they put into the proposed fence ordinance. She also responded to comments made that they don't know where the money is going if the PA33 is passed and conveyed that this information was shared at the budget workshops last year. She urged community members to attend this year's Budget Workshops set to be held April 26-28, 2016 at the fire hall.

Commissioner Hendrick asked if the city was in such dire straits, why were they leaving two percent pay raises in the budget, except for the DPW.

Addressing comments made in the Public Comment portion of the meeting, Mayor Skotarczyk corrected the millage amount stated, and said a lot of compromise was being made by the city. He also reported the money from the PA33 was going to be spread across the budget, as needed. He asked community members to attend the upcoming Budget Workshops to find out where and how money was being spent in the city.

Adjournment

Motion by Commissioner Lovett, seconded by Commissioner Meli, to adjourn at 9:08 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter

Kristen Baxter
City Clerk

