

**City of Marine City
City Commission
September 15, 2016**

A regular meeting of the Marine City Commission was held on Thursday, September 15, 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 Father Rooney, the Pledge of Allegiance was led by Mayor Skotarczyk.

Present: Mayor Raymond Skotarczyk, Commissioners Terrance Avery, Elizabeth Hendrick, Dianne Lovett, Raymond Meli (arrived at 7:09 pm), David Simpson, James Turner, City Manager Elaine Leven, City Clerk Kristen Baxter

Absent: None

Communications

The following Communication was received:

- Pending Agenda Items

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

Public Comment

Louise Beutell, 535 N. Main, spoke about the Safe Route to School Grant and thanked Dianne Lovett for her hard work and dedication.

Gary Kohs, 430 S. Water Street, announced a Candidate Debate to be held on September 22, 2016 at the Washington Life Center.

Joe Moran, 710 Pleasant, said he would like to see the city put forth a resolution condemning prejudiced behavior, and welcoming everyone to Marine City.

Approve Agenda

Motion by Commissioner Lovett, seconded by Commissioner Avery, to approve the Agenda as presented.

City Commissioner Hendrick suggested the following amendments to the Agenda:

Add:

- City Manager Evaluation Discussion as Item 9-B in Unfinished Business
- Consideration of the Purchase or Lease of Real Property as Item 14-B in Closed Session

Remove:

- City Manager Evaluation in Closed Session.

Motion by Commissioner Lovett, seconded by Commissioner Meli, to approve the Agenda, as amended. Ayes: Skotarczyk, Avery, Hendrick, Lovett, Meli, Simpson. Nays: Turner. Motion Carried.

Approve Minutes

Motion by Commissioner Lovett, seconded by Commissioner Simpson, to approve the City Commission Regular Meeting Minutes of September 1, 2016, as presented. 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
- Zoning Board of Appeals Minutes ~ July 6, 2016
- Business License ~ Crazy Cousin's Cookies, Cupcakes and More
- Business License ~ J & K Pops, LLC
- 2 Thirty 5 (name change from The Shop on the Corner approved on 8/18/2016)

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

UNFINISHED BUSINESS

SAW Grant Update

City Manager Leven and DPW Superintendent Itrich advised that sewer cleaning and closed circuit inspections (televising) were being completed for Zones 2 and 4.

City Manager Evaluation

Additional time to complete the City Manager Evaluation was requested and a new due date of September 29, 2016 was set. Evaluations are to be emailed to Mayor Skotarczyk, who will compile the results and bring them to the October 6, 2016 meeting.

NEW BUSINESS

Resolution No. 027-2016 ~ SCC Hazard Mitigation Plan

Motion by Commissioner Lovett, seconded by Commissioner Turner to approve Resolution No. 027-2016 ~ St. Clair County Hazard Mitigation Plan, as presented. All Ayes. Motion Carried.

Appoint Election Commission Representative

Motion by Commissioner Hendrick, seconded by Commissioner Simpson, to appoint Commissioner Avery to the Election Commission. All Ayes. Motion Carried.

City Attorney Appointment

From a memorandum addressed to the City Commission, City Manager Leven recommended Attorney Robert Charles Davis, with the firm Davis, Burket, Savage, Listman, Taylor as the city's lead attorney. She listed Attorney Davis' extensive litigation experience, his base hourly fee, 5% reduction for early payment, 2-hour maximum charge for attending meetings, and a review of the city's ordinance at no additional charge, as the reasons behind her choice.

Motion by Commissioner Avery, seconded by Commissioner Turner, to select Robert Charles Davis as the city's lead attorney and to authorize the City Manager to sign his contract and facilitate the transition, upon the recommendation of the City Manager.

Commissioner Simpson agreed with City Manager Leven's choice and said Robert Davis presented himself very well and had a wealth of experience in the upper courts, which would prove valuable as the city dealt with more complex issues.

Commissioner Meli disagreed and said Kane, Clemons, Joachim and Downey had vast experience and knowledge of our community. He also said a cost factor would be involved to get a new attorney up to speed.

Commissioner Lovett commented that the City Manager was the person who worked closely with the City Attorney and she respected her opinion and stood by her choice.

Commissioner Hendrick said the current city attorneys have done a lot for the community, have given good opinions, have taken care of issues, and had knowledge of the history of the city. She said that part of the problem was the city's lack of communication recently with our City Attorneys.

Mayor Skotarczyk said there was a distinct advantage with City Attorney Downey's knowledge of our court system. He agreed that it was a super tough call and said it wasn't a vote against our current attorneys, but a vote to give the city the best tools to move forward. He said he would support the City Manager's recommendation.

Roll Call Vote. Ayes: Skotarczyk, Avery, Lovett, Simpson, Turner. Nays: Hendrick, Meli. Motion Carried.

FINANCIAL BUSINESS

Disbursements

Motion by Commissioner Simpson, seconded by Commissioner Turner, to approve total disbursements, including payroll, in the amount of \$71,664.73, as presented. Roll Call Vote. All Ayes. Motion Carried.

Preliminary Financial Reports

Motion by Commissioner Simpson, seconded by Commissioner Turner, to accept the Preliminary Financial Reports and place them on file. All Ayes. Motion Carried.

CITY MANAGER REPORT

City Manager Leven provided updates on the following:

- Hotel Project working with soil issues.
- Weather alert out at the DPW Building; working with the county.
- IT recommendation at next meeting.
- Thanked Dianne Lovett for being so helpful & welcoming.

COMMISSIONER PRIVILEGE

Commissioner Turner thanked Commissioner Lovett for years of support and the great job she has done. He said she will be missed.

Commissioner Simpson conveyed his admiration for Commissioner Lovett's dedication and thanked her for her hard work with the schools and community.

Commissioner Avery asked everyone to participate in Heritage Days and asked residents to remindful of animal ordinances in effect.

Commissioner Hendrick reminded community members that kids were back in school, to stop for the school bus and don't text and drive. She wished Commissioner Lovett the best and said it had been a good run.

Commissioner Lovett thanked those who had elected her and, with deep regret and a very sad heart, formally resigned her position as a City Commissioner.

Mayor Skotarczyk said that the city was losing an angel and said he didn't know of anyone who had done as much for the city as Commissioner Dianne Lovett had.

CLOSED SESSION

Motion by Commissioner Simpson, seconded by Commissioner Hendrick, to go into Closed Session for the discussion of Consideration of the Purchase or Lease of Real Property. Roll Call Vote. Ayes: Avery, Hendrick, Meli, Simpson. Nays: Skotarczyk, Lovett, Turner. Motion Failed.

ADJOURNMENT

Motion by Commissioner Simpson, seconded by Commissioner Hendrick, to adjourn at 8:07 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter

Kristen Baxter
City Clerk