

**CITY COUNCIL MEETING**  
**Council Chambers, 805 St. Clair River Drive**  
**Algonac, MI 48001**  
**AS APPROVED 10/18/16**

A regular meeting of the Algonac City Council was called to order at 7:00 p.m. by Mayor Irene Bird on Tuesday, October 4, 2016. The meeting was held in City Council Chambers, 805 St. Clair River Drive, Algonac, Michigan 48001.

**ROLL CALL:**

**Present:** Michael Bembas  
Irene Bird, Mayor  
Helen Meldrum  
Joe Nugent  
Mark Thompson, Mayor Pro-Tem  
Gary Tuzinowski

**Absent:** Ray Martin

**Others:** City Manager Alexander, City Attorney James Downey, Assistant Fire Chief Jerry Doan, Doreen Schmidt, Erik Parker, Diane Chmielewski, Cheryl Baker, Amy Amiels, Diana Siegel, Cathy Jones, Pastor Bob Herrod, Jacob Skarbek, Kelly Skarbek, Cheryl Harris, Diana Strevel, Ada Smith, Cindy Kloeffler, Karen Cole, Gale Anthony, Michelle Landry, W.R. Durbin, Michelle Nolan, Diann DeBoyer, Pam Clark, Jill Modena, Bill Rushford, Jeannie Rushford, Cathy Wenz, Kathy Fernandez, Jim Fernandez, Amanda Gougeon, Sandra Kacarka, City Clerk Greenia

**MOMENT OF SILENT PRAYER**

Mayor Bird asked for a moment of silent prayer.

**PLEDGE OF ALLEGIANCE**

Mayor Bird led the Pledge of Allegiance.

**CO # 10-01-16 Amend Agenda**

Motion by Thompson supported by Bembas to amend the agenda by adding Item # 8h, Medical Marijuana Moratorium. Motion carried.

## **PUBLIC COMMENT**

Doreen Schmidt, owner of The Water Lilly reviewed her desire to see the City approve "Pop Up Stores". These would be temporary, very small stores – made from shipping containers – that could be temporarily placed perhaps at Riverfront Park or other areas in the City during the Summer months to bring in business to the City.

Jill Modena stated she was at the City Council meeting two weeks ago and at that time stated her concerns with the condition of her neighbor's house. City Manager Alexander and City Attorney Downey followed up what had been done regarding this matter to date. Ms. Modena stated she would like to see some action on this house and was unhappy that basically the owner of the house could pay fines and never have to clean up the site.

Pam Clark, 1810 Michigan indicated that she also lived by the house in question from Ms. Modena. She said that she has currently been mowing and taking care of the back yard right now. There was also some concern with her fence and what the trees on the property in question were doing to the fence.

Jim Fernandez, VFW Commander Post 3901, was present to speak regarding rental of their hall to Woodside Bible Church. He stated that the VFW was approached by Woodside to see if they could use their building on Sundays for worship services as well as Tuesday nights for Bible study. The agreement was a week to week agreement. He was very disappointed that he and the VFW had come under such scrutiny for allowing a church to rent their building. There had been death threats. He did not understand this – freedom of religion was a right that he and his fellow VFW members had fought for. He added that he felt the Woodside Bible Church was going to happen, and that there was not much that really could be done about it. He did add that no one on City Council was involved in the threats.

Michelle Noland addressed the concerns that Mr. Fernandez had brought about. She did not agree with many things that had been said on Facebook to Mr. Fernandez and the other VFW members. She said that the entire town was very frustrated with this matter. There had been a lot of disrespect to our City Manager and City Council on behalf of the School Board, School Superintendent and the Clay Township Board. She really would like our town to get some of that respect and she would like everyone to simply follow the rules that are in place.

Cindy Kloeffler said she was deeply saddened and troubled with the situation and the division in Algonac that had occurred over the Woodside Bible Church matter. She had questions on the deed, how this all happened. She did not understand the financial impact of the school selling this building so cheap and then they are coming back and asking for more money from the voters. She was troubled that she had never really heard from community leaders regarding this.

Michelle Landry, Clay Township, said that she was very saddened by the "horrible" change in our community. She just wanted the truth to come out as to why the building was sold to the buyer for so little and how this happened. She also noted her unhappiness with the pamphlet that the Church had originally put out about Algonac.

Ed Carter stated he was a resident of Algonac. He did attend the Bible Studies at the Church at the park. He said it was very disturbing to him to see the amount of people that were making false accusations about the church. They do appreciate the VFW renting out the building to them. The church just really wants to have the right to worship in Algonac.

Joe DeRoo said he served in the U.S. Air Force and had for many years. What was being said about Woodside Bible was not true. He said that everyone should get to know Bob Bryant and Justin Watson – they are very open to questions on the Church. He wants to be a part of the Church so that he can reach out and help in any way possible. That is why he is involved in the Church. He would like to be of service to those people in our community that are downtrodden.

Cheryl said she lived in Algonac for 3 years. She was listening to everyone's comments on the Church. She noted that her concern was that the leadership in our community was not representative of the people that actually lived in the area.

Bob Bryant, Woodside Bible Church, thanked City Council for the opportunity for an open forum on the issue. He said that when they first came here their intent was to put a Dream Center in that building. Now, since it has been made clear to them that it was not wanted, they are only planning to put a church in there. He added that very few things that were being said were actually truthful. He asked everyone to please ask questions and check out the other

communities where the other campuses are located. There was not trouble. He felt that they had in no way disrespected the rules. They were trying to be transparent and obey all of the rules.

Amanda Gougeon had some comments. She wanted to address Jim Fernandez and note that the anger should not be about the VFW – that if it seemed that way it was misdirected. The VFW had an obligation to get funds in a reasonable way to stay in business and renting their building out was certainly one of those.

She then spoke regarding Bob Bryant's statement of being transparent. She had mentioned a question to him a while ago – she asked him why he thought it was so difficult to get the Church in at the City of Algonac location. She did not receive an answer. As to Woodside feeling disrespected and disregarded, she felt that the City Manager and City Council had been disrespected and disregarded on this.

Diann DeBoyer said she attended the Bible Study to become more educated on what this Church was about. In her opinion there were some things said that were not very complimentary to the citizens of Algonac. She also had some questions about Woodside's involvement in transporting children for the K.I.D.S. program.

Cathy Cross said she grew up in Algonac and then moved away and was now back. She reviewed what Woodside was trying to do with the K.I.D.S. program and felt it was a good idea – they were helping children who were less fortunate. She did not know how that could be a bad thing.

Justin Watson, Woodside Bible Church, explained that the church was simply helping to transport children for the above referenced program. They were not bringing them into Algonac. He noted that he was open to questions and that he had offered to meet with anyone to discuss this but so far no one had taken him up on his offer.

Cathy Jones said that from listening to Woodside Bible that the City of Algonac was full of kids in distress. She said she was in no way against religion or the Church itself. She was against the way this whole thing came about. The building is a big building, close to the water, and in the middle of town. It could be used for purposes that would raise taxes for the City and if it is a Church then it will be tax exempt.

Jacob Skarbek had two questions for Bob Bryant. Why was Woodside Bible still trying to be in this City when it appeared most did not want them; and what is going to stop them from ever putting a Dream Center here at some point. Mr. Bryant stated the Church decided that they just did not want to do it – the Dream Center – anymore in Algonac.

City Council Member Meldrum asked how Woodside Bible actually came to the City – who brought them to us? The Superintendent of Schools, the School Board and the Clay Township Board. There is simply no trust left on behalf of the City with the Church.

Sandra Kacarka wondered if this would be such an issue if it were not going into the old school building? She added that she felt we were doing Woodside a disservice by trying to run them out of town.

Jim Fernandez spoke again. He noted that he was trying to learn all he could about this. He listened to both sides and sees each point. If the sides don't get together and talk soon this issue will implode. He said he would be happy to be involved in that discussion – if anyone wants to get together to talk about it and try to come up with some answers.

Cindy Kloeffler asked Bob Bryant about the Dream Center. She had a problem with how the school was acquired. She welcomed the church, the problem was with the Clay Township Board and the School Board.

Pastor Bob Herrod asked if Bob Bryant could somehow make available to the public the information from the other communities that Woodside Bible Churches are in.

Michelle Noland stood up again. She wondered why there has not been an open meeting between the church and the citizens of the community. Bob Bryant said he would be happy to hold one. Jim Fernandez said they could use the VFW hall for this.

## **CITY MANAGER'S REPORT**

### **CO # 10-02-16 City Manager's Report**

Motion by Thompson supported by Nugent to approve the City Manager's report of September 30, 2016 as presented. Motion carried.

## **CONSENT AGENDA**

The following items were on the Consent Agenda for the October 4, 2016 meeting of the Algonac City Council.

- 1) Consent Agenda
  - a) City Council Minutes
    - 1) Regular Minutes September 20, 2016
  - b) Communications and Notices
  - c) Departmental Report

### **CO # 10-03-16 Approve Consent Agenda**

Motion by Nugent supported by Thompson to approve the Consent Agenda for the October 4, 2016 meeting of the Algonac City Council as presented. Motion carried.

## **UNFINISHED BUSINESS**

### **Dream Center Proposal**

City Manager Alexander stated he met with the City Attorney, Building Inspector and our Planning Consultant earlier today and they all agreed that the incidental use of the VFW Hall by Woodside was not a regulated activity by the City as this is a proper use of the building as it is an assembly hall.

Council Member Tuzinowski wanted to state that he Algonac had plenty of churches and that he did not harbor ill will against the church, but instead he was concerned with the way in which this was purchased. This made for a lot of mistrust on the part of the City.

Amanda Gougeon commented on a statement made by Justin Watson about not taking him up on his offer to talk about the issue.

## **NEW BUSINESS**

### **CO # 10-05-16 Approve Bid for Crack Sealing**

Motion by Thompson supported by Tuzinowski to adopt the recommendation of the City Manager to award the low bid of Michigan Joint Sealing in the amount of \$33,710 to complete the 2016 Crack Sealing Program:

Roll Call Vote:

Ayes: Bembas, Bird, Meldrum, Nugent, Thompson, Tuzinowski

Nays: None Motion Carried

**CO # 10-06-16 Approve Agreement for Fire/Rescue Boat**

Motion by Thompson supported by Bembas to adopt the recommendation of the City Manager to enter into the attached contract with Munson Boats in the amount of \$161,843 for construction of a new fire/rescue boat and to additionally waive the bid process and purchase a new 800MHZ marine radio MIDEAL pricing from Digicom Global Inc. in the amount of \$1,688.80.

Roll Call Vote:

Ayes: Bird, Meldrum, Nugent, Thompson, Tuzinowski, Bembas,

Nays: None Motion Carried

**CO # 10-07-16 Approve Special Events Permit Application for Jingle Bell Run and Riverfront park Tree Decoration**

Motion by Thompson supported by Nugent to approve the request by the Algonac Band Boosters to host The Jingle Bell Run on December 7, 2016 beginning at 4:30 p.m. and ending at approximately 6:00 p.m. and to approve the Algonac Band Boosters selling spots to decorate for Christmas in Riverfront Park with the agreement of no inflatable decorations, each decoration MUST be themed with Christmas and all decorations will be removed from the park no later than January 15, 2017. Motion carried.

**CO # 10-08-16 Approve Special Events Permit Halloween Bonfire**

Motion by Tuzinowski supported by Thompson to approve the Special Events Permit application by the Algonac Rotary to hold the annual Trick or Treat Bonfire on October 31<sup>st</sup>, 2016 from 7:00 p.m. to 10:00 p.m. at the Algonac Smithfield Park location as requested. Motion carried.

**CO # 10-09-16 Approve Trick or Treat Hours**

Motion by Thompson supported by Bembas to approve the recommendation of the City Manager and set the 2016 Trick or Treat hours for Monday, October 31, 2016 from 5:00 p.m. to 7:00 p.m. Motion carried.

**CO #10-10-16 Approval of Library Board Reappointment**

Motion by Tuzinowski supported by Thompson to reappoint Martha Sands to the Algonac Clay Library Board with a term end date of October 1, 2019. Motion carried. Motion carried.

### **CO #10-11-16 Discussion of Dog Park Funding**

Motion by Bembas supported by Thompson to approve holding discussion of the Dog Park Funding as requested by Council Member Bembas. Motion carried.

Council Member Bembas was looking for some direction from City Council in the funding for the proposed dog park at Lions Field. Discussion of cost and what the dog park needed was had between City Manager Alexander and City Council. City Manager Alexander reviewed his plan for reviewing this matter next spring. City Council agreed that Council Member Bembas could try to get additional funding through various fundraiser if he wanted to.

### **CO # 10-12-16 Adoption of Resolution to Extend the Moratorium on Medical Marijuana Citing.**

Motion by Bembas supported by Nugent to adopt resolution # 10-04-16a to Adopt a 90-Day Moratorium on the Consideration of Placement of Medical Marijuana Dispensaries within the City. Motion carried.

### **ACCOUNTS PAYABLE**

#### **CO # 10-13-16 Approve Accounts Payable**

Motion by Thompson supported by Nugent to approve accounts payable in the amount of \$610,134.83.

Roll Call Vote:

Ayes: Meldrum, Nugent, Thompson, Tuzinowski, Bembas, Bird

Nays: None

Motion Carried

### **ITEMS FOR NEXT AGENDA**

### **CITY COUNCIL COMMENTS**

Mayor Pro-Tem Thompson thanked everyone for coming to the meeting. He added that he did not feel the anger directed at the VFW was warranted – they do way too much for our community.

Council Member Joe Nugent echoed Mayor Pro-Tem Thompson's sentiments.

Mayor Irene Bird thanked everyone for coming. She said there would be follow through on the concerns mentioned tonight.

Council Member Bembas shared that tomorrow in “The Voice” there was a great story on the Little Libraries that Council approved a short while back. He also noted that there would be a tour of his house for Halloween on October 22, 2016 and that everyone was welcome. It was being hosted by the Women’s Life Group and would cost \$5.00 and a can of food.

Council Member Tuzinowski said he had once again read over the transcript of Supervisor Bryson’s remarks when the City was the recipient of the Dream Center surprise. Two things he noted – Supervisor Bryson did not refer to Mayor Bird and Council Member Nugent as citizens like they had said they were, but instead as the Algonac Mayor and Council Member and the School Superintendent and the purchaser of the property were noted as “friends” when the property was purchased. He was shocked by this.

Council Member Meldrum agreed with Council Member Tuzinowski. She thanked everyone for coming to the meeting as well. She wished Amanda Gougeon a Happy Birthday.

## **ADJOURNMENT**

### **CO # 10-14-16 Adjournment**

Motion by Thompson supported by Nugent to adjourn the meeting at 9:00 p.m. Motion carried.

Signed:

Respectfully Submitted:

Mayor Irene Bird

Clerk Cindi Greenia