

CITY COUNCIL MEETING
Council Chambers, 805 St. Clair River Drive
Algonac, MI 48001
February 21, 2017
6:00 p.m.
AS APPROVED 3/7/17

The regular meeting of the Algonac City Council was called to order at 6:00 p.m. on Tuesday, February 21, 2017 by Mayor Eileen M. Tesch. The meeting was held in City Council Chambers, 805 St. Clair River Drive, Algonac, MI 48001.

ROLL CALL:

Present: Michael Bembas, Mayor Pro-Tem
Irene Bird
Ray Martin
Helen Meldrum
Joe Nugent
Eileen M. Tesch, Mayor
Mark Thompson

Absent: None

Others: Amanda Gougeon, Rick Gougeon, William Haas, Suzanne Foguth, Barb Faulman, Cathy Jones, Maria Jones, Danny Smith, Jacob Skarbek, Jenni Hutchinson, Jim Wisdom, Kelly Morgulec, Charlotte Randazzo, Jane Eglington, Barb Borowier, Gale Anthony, Cathy Wenz, Gary Tuzinowski, Bob Wall, Dawn Davey, Jean Bissett, Joe Bissett, Michelle Landry, Michelle High, Jim High, Kelly Skarbek, Bill Senk, Joe and Shiela Wolak, Gail Majors, Charlotte Stanulis, Edward Stanulis, Eileen Stier, Laura Cartwright, Jennifer Wojtowicz, Ken Falke, Cindy Kloeffler, Brian Tideswell, Diane Chmielewski, Mitchell Chmielewski,

Sheryl Alef, Elenar Holton, Deena Reynolds, Virginia A. Baumgarten, Pamela Rappa, Corey Blair, Kim Blair, Pam Meldrum, George Woodcock, Tonya Woodcock, Darlene Wagner, Bob Deverny, Ada Smith, City Manager Alexander, City Attorney George Joachim, Sheriff Tim Donnellon, City Treasurer Mackie, City Clerk Greenia

PLEDGE OF ALLEGIANCE

CO # 02-15-17 Pledge of Allegiance at This Time

Motion by Meldrum, supported by Bembas to recite the Pledge of Allegiance at this time on the agenda. Motion carried

Mayor Tesch led the Pledge of Allegiance.

CO # 02-16-17 Enter Into Executive Session for the Purposes of Discussion City Manager's Job Performance

Council Member Bird moved and Council Member Nugent supported the following resolution:

WHEREAS, The Michigan Open Meetings Act (PA 267 of 1976) provides that local governments may meet in closed session for the purposes of conducting an employee performance evaluation;

WHEREAS, a resolution recessing to a closed meeting requires a roll call vote.

NOW THEREFOR BE IT RESOLVED that the Algonac City Council hereby recesses into a closed session to discussing an employee performance evaluation.

Members Present: Bembas, Bird, Martin, Meldrum, Nugent, Tesch, Thompson

Members Voting Yes: Bembas, Bird, Martin, Meldrum, Nugent, Tesch, Thompson

Members Voting No: None

This resolution declared adopted by the Mayor on February 21, 2017.

Eileen M. Tesch, Mayor

Cindi Greenia, City Clerk

City Council entered into closed session at 6:02 p.m.

City Council reconvened into open session at 6:55 p.m.

AMEND AGENDA

CO # 02-17-17 Amend Agenda

Motion by Thompson supported by Bird to add Item 4a Separation Agreement with City Manager Alexander and move all other down accordingly. Motion carried.

SEPERATION AGREEMENT WITH CITY MANAGER

CO # 02-18-17 Separation Agreement with City Manager Alexander

Motion by Thompson supported by Bird that we enter into the separation agreement with Douglas Alexander and accept his letter of resignation effective immediately. Motion carried.

Doug Alexander thanked everyone for their support. He felt it was best for the City that they just parted ways and added that the City Council put together a very fair severance agreement with him. He wished everyone the best.

MOMENT OF SILENT PRAYER

Mayor Tesch asked for a moment of silent prayer.

PUBLIC COMMENT:

St. Clair County Sheriff's 2016 Annual Report for City of Algonac

Sheriff Tim Donnellon reviewed the police activity that took place during the 2016 calendar year in the City of Algonac.

He added that Algonac was a very safe little city and he enjoyed and appreciated being able to provide Police Services to them.

Council Member Martin thanked him for all the great service they provided over the last few years and said they were appreciated.

Dawn Davey, 1010 Smith Street, said she was very disappointed in the majority of the current City Council. She mentioned that from this point forward the crowds would continue to come to watch the majority of Council to see what they were doing and to make sure there was never a "no comment" answer any more.

Amanda Gougeon, State Street, read a statement from Karen Cole.

She then stated that she felt it was awful what was done to Mr. Alexander – it was a travesty. She reviewed a posting on FACEBOOK back in September of 2016 from a city resident Randall Riecke, which reviews his opinion that he would eventually have the City Manager job in Algonac. She stated she was making everyone aware of that – and was concerned this was possibly in the works way back then – even before the election.

Ed Stanulus prepared the following statement for City Council:

My name is Edward Stanulis, 315 Edgewater Drive, and I request that he Council honor the provisions of the America Disabilitis Act to accommodate Council Member Meldrum's disability before the next special or regualjr meeting of the Algonac City Council

There are two compelling reasons to do so:

- 1) The Council is risking Council Member Meldrum's physical health by not doing so and the means to limit the risk are at hand.
- 2) The Council is effectively disenfranchising the voters who elected Ms. Meldrum to represent their interest at Council meetings by delaying accommodation for her disability and as a result, the City Council may also be in violation of the American Disabilities Act.

Therefore, I am requesting the Algonac City Council install, without further delay, teleconferencing equipment at Council Member Meldrum's house, ensure the equipment is operational, and instruct Ms. Meldrum in its operation and at no cost to her. It is my understanding the Council is equipped for teleconference in and there is no valid reason for delay.

Because these two reasons are so compelling – the subversion of the democratic process and the risk of physical harm, I am requesting that no further Council meetings be held, regular or special, until Council Member Meldrum's disability is accommodated.

Pamela Meldrum addressed City Council. She noted that the people that live in the City of Algonac had elected Council Member Meldrum. She is a professional and intelligent and has been part of this team for a long time. She needs to be supported by all as she is recovering.

Pam Rappa, 709 St. Clair River Drive stated she had lived in the community for 34 years. She was speechless on Council letting City Manager Alexander go, and appreciated the comments made by Mayor Pro-Tem Bembas.

Gary Tuzinowski said he felt what was witnessed here tonight was a lynching, plain and simple. He said he would be ashamed to be a

member of Council responsible for this and that he would have a hard time walking down the street and looking anyone in the eye.

Doug, Howard Street, stated that changing the rules for one's personal agenda is pretty much the beginning of tyranny.

Cindy Kloefler approached City Council. She read a statement from her neighbor Cheryl Lucas:

It was a letter to Mayor Tesch. She indicated that she felt the Mayor should listen to her constituents. She added that she felt it was the Mayor's duty to rebuild the relationships on the Council and between Council and the residents – to rebuild trust that appears to have been broken.

The residents will be holding City Council accountable for everything they do. She noted that the Mayor was not getting off to a very good start in building that trust.

She reviewed the closed meetings and stated that it was the Mayor's responsibility to make sure these things did not happen. She added that it did not reflect well on her when it appeared that meetings were being held without all members of the Council present to do things like remove a Council Member without acknowledging any regard for the ADA.

Sarah Kochevsky shared with the Council that she was addressing them without really being prepared. Generally she is. She and her husband are both very busy, it takes a lot of effort for her to attend these meetings, but she does it because she cares for her city. There were a lot of people at the meeting, and that was because they all cared about the City. The actions of Council and lack of care on their part would be responded to in kind.

Sarah Wegnet stated she was very disappointed with the majority of Council that are responsible for the action taken tonight by Mr.

Alexander. She felt he had no recourse but to resign in light of circumstances with the majority of City Council.

Ada Smith asked what it was costing the City to get rid of the best City Manager we ever had.

CITY MANAGER'S REPORT

CO # 02-19-17 Approve City Manager's Report

Motion by Thompson supported by Bembas to approve the City Manager's report of February 17, 2017. Motion carried.

CONSENT AGENDA

The following items were on the Consent Agenda for the February 21, 2017 Algonac City Council Meeting

- a) City Council Minutes
 - 1) Regular Council Meeting Minutes of 2/7/17
- b) Communications and Notices
- c) Departmental Report
 - 1) Building and Code Enforcement
 - 2) Fire Department
 - 3) D.P.W.
 - 4) Water Department
 - 5) Library
 - 6) Housing Commission
 - 7) Financials
 - 8) Boards and Commissions Roster
 - 9) Calendar for March, 2017

CO # 02-20-17 Approve Consent Agenda

Motion by Thompson supported by Nugent to approve the Consent Agenda for the February 21, 2017 meeting of the Algonac City Council as presented. Motion carried.

UNFINISHED BUSINESS

None at this time.

NEW BUSINESS:

CO # 02-21-17 Approval of Engineering Proposal for Assistance with NPDES Stormwater Permit

Motion by Bird supported by Meldrum to approve the recommendation of the City Administration to engage the services of Project Control Engineering in the amount of \$5,875 to complete MDEQ required tasks toward the renewal of the City's NPDES permit as outlined in their attached proposal.

Roll Call Vote:

AYES: Bird, Martin, Meldrum, Nugent, Tesch, Thompson, Bembas

NAYS: None

Motion Carried.

CO # 02-22-17 Approval of Street engineering Services

Motion by Thompson supported by Martin to adopt the recommendation of the City Administration to engage the services of G2 Consulting in the amount of \$4,850 to perform geotechnical analysis of five (5) city streets.

Roll Call Vote:

AYES: Martin, Meldrum, Nugent, Tesch, Thompson, Bembas, Bird

NAYS: None

Motion Carried.

CO # 02-23-17 Legal Services Survey

Motion by Thompson supported by Meldrum approve the recommendation of the City Administration to receive and file the legal services report. Motion carried.

CO # 02-24-17 Temporary Wage Increase

Motion by Thompson supported by Martin to adopt the recommendation of the City Administration to provide temporary wage increases to employees William Meldrum from \$23.81 per hour to \$27.38 per hour and Steven Cross from \$21.50 per hours to \$24.73 per hour.

At this time, DPS Scott introduced Steve Cross, who will be supervising the Water Plant Operations. Mr. Cross introduced himself to Council as well.

Roll Call Vote:

AYES: Meldrum, Nugent, Tesch, Thompson, Bembas, Bird, Martin

NAYS: None

Motion Carried.

CO # 02-25-17 Waive Bid Process for Emergency Repairs

Motion by Thompson supported by Nugent to support the recommendation of the City Manager and waive the bid process and authorize the payment to Cortis Brothers Trucking and Excavating, Inc. in the amount of \$5,565 for emergency water main repair work performed.

Roll Call Vote:

AYES Nugent, Tesch, Thompson, Bembas, Bird, Martin, Meldrum

NAYS: None

Motion Carried.

CO # 02-26-17 Waive Bid Process for Repair Fitting Emergency Purchase

Motion by Thompson supported by Nugent to waive the bid process and authorize the payment to CPI Excavating in the amount of \$1,175 for emergency purchase of a 4" hydra-stop fitting.

Roll Call Vote:

AYES Tesch, Thompson, Bembas, Bird, Martin, Meldrum, Nugent

NAYS: None

Motion Carried.

CO # 02-27-17 Approve Evoqua Yearly Evaluation

Motion by Thompson supported by Martin to approve Evoqua Water Technologies proposal in the amount of \$2,130 for the on-site evaluation.

Roll Call Vote:

AYES Thompson, Bembas, Bird, Martin, Meldrum, Nugent, Tesch

NAYS: None

Motion Carried.

CO # 02-28-17 Request by Mayor Tesch To Discuss Blight

Motion by Tesch supported by Bird to open discussion on the topic of Blight. Motion carried.

Mayor Tesch reviewed an idea she had regarding civil infractions being used as a source of income to help defray costs in the City.

CO # 02-29-17 Request Jim Downey to Discuss Civil Infraction Process

Motion by Tesch, supported by Thompson to request City Attorney Downey to attend the meeting of March 7, 2017 to discuss his letter of April 18, 2011 regarding blight and civil infractions. Motion carried.

CO # 02-30-17 Approve Accounts Payable

Motion by Thompson supported by Nugent to approve and pay accounts payable and payroll in the amount of \$236,734.43.

Roll Call Vote:

AYES Bembas, Bird, Martin, Meldrum, Nugent, Tesch, Thompson

NAYS: None

Motion Carried.

ITEMS FOR NEXT AGENDA

Council Member Martin asked if City Council had a plan to discuss how to proceed with hiring another City Manager. City Council agreed that they would hold a special meeting on Tuesday, February 28, 2017 at 7:00 p.m. to discuss this matter.

CO # 02-31-17 Set Special Meeting

Motion by Thompson, supported by Bird to set a Special City Council meeting for Tuesday, February 28, 2017 at 7:00 p.m. to discuss the process of hiring a new City Manager. Motion carried.

Mayor Pro-Tem Bembas asked what City Council planned on doing regarding the ADA requirements and Council Member Meldrum's situation.

CO # 02-32-17 ADA Requirements and Council Member Meldrum

Motion by Bembas, supported by Martin that City Council authorize City Administration to draft a policy regarding compliance with ADA for City Council Members and public at meetings and to devise a way in which Council Member Meldrum can attend the meeting in this matter at this time. Motion carried.

CO # 02-33-17 Acting City Manager

Motion by Thompson, supported by Tesch to ask City Treasurer Linda Mackie to accept the position of Acting City Manager at this time, adding that she will not be terminated by City Council from her City Treasurer Position from any actions taken during the Acting City Manager employ. Motion carried. Motion carried.

COUNCIL COMMENTS

Council Member Meldrum thanked everyone for being here. She added this was the first time in 12 years on City Council she was ashamed to be on Council. She apologized to all.

Mayor Pro-Tem Bembas reviewed that when he first become a council member there was never anyone at the meetings. That was a good thing. Now he is thankful that everyone is here but knows that is only because there is turmoil. He was very disappointed that the City has to spend money that they don't really have to get rid of an employee for doing their job to the best of their ability. We still do not have a reason stated as to why this is. Thanks for being here to support Doug.

Council Member Thompson thanked all for being here. He added that since there is discussion on recall please know that there is an election coming up next year and he felt it would be great to have many people put in petitions to run for Council.

Council Member Martin indicated that he wanted all to know he supported the entities that we contract with currently for services such as the Sheriff's Department. He is not certain what the Plan B is, but he thought there was one.

Council Member Joe Nugent wished Mark Scott good luck in his future and hoped his replacement would stay with the City a good long time.

Mayor Tesch thanked everyone for coming. She again indicated that it is a different view from the side of the table she is on now versus being a member of the audience.

ADJOURNMENT

CO # 02-34-17 Adjournment

Motion by Meldrum supported by Nugent to adjourn the meeting at 8:10 p.m. Motion carried.

Eileen M. Tesch
Mayor

Cynthia L. Greenia
City Clerk