

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, June 21, 2018**

The meeting was called to order by the Honorable Mayor Marc D. Tall at 7:00 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Ralph B. Blasier, Peggy O. Schumann, Ronald J. Beauchamp, Ralph B. Blasier, and Michael R. Sattem.

Also Present: City Manager Patrick S. Jordan, City Attorney Russel Hall, City Clerk Lisa M. Glish, City Department Heads, media, and members of the public.

Clerk Glish led Council in the Pledge of Allegiance.

APPROVAL/CORRECTION(S) TO MINUTES

Beauchamp moved, Sattem seconded, to approve the Original Draft of the Regular Meeting minutes from May 17, 2018, which included Council Member Beauchamp's full reading of his "Recollection of and Opinion on the Process of Filling the City Clerk Position".

Upon a call of the roll, the vote was as follows:

Ayes: Beauchamp, Sattem, Blaiser, Schumann

Nays: Tall

MOTION PASSED.

Schumann moved, Blaiser seconded, to approve Regular Meeting minutes from June 7, 2018 and Special Meeting Minutes from May 31, 2018 @ 4:00 P.M., May 31, 2018 @ 5:00 P.M., and June 4, 2018, as submitted.

Upon a call of the roll, the vote was as follows:

Ayes: Schumann, Blaiser, Sattem, Beauchamp, Tall

Nays: None

MOTION PASSED.

ADJUSTMENTS TO THE AGENDA

Beauchamp moved, Sattem seconded, **CARRIED UNANIMOUSLY**, to approve the agenda as submitted.

CONFLICT OF INTEREST DECLARATION

Schumann stated that in years past years she has supported the Bonifas Art Center's Music Mondays through sponsorship of her business, and plans to continue to do so in the future. Tall determined there wasn't a conflict present.

BRIEF PUBLIC COMMENT

Sue Roll, Executive Director of the Bonifas Art Center, requested support of the Music Mondays Grant.

PUBLIC HEARINGS

1. Approval – Ordinance 1198 – Appropriations Ordinance Amendment.

A public hearing was conducted on an amendment to the current Appropriations Ordinance for the fiscal year ending June 30, 2018. An amendment is needed to balance out over and under expenditures within various departmental budgets for the 2017-18 fiscal years. This action is mandated by State law and adjusts budget accounts to help ensure that no individual line items are overrun.

City Controller Melissa Becotte briefly reviewed adjustments to the 2017/18 Appropriations Ordinance.

This being a public hearing, Mayor Tall asked if there was any public comment.

Hearing no public comment, Mayor Tall closed the public hearing.

PH-1 "By Council Member Schumann, seconded by Council Member Blasier;

Resolved, That Ordinance No. 1198, the Appropriations Ordinance Amendment, given its public hearing at this meeting, be and is hereby adopted and that it be published in accordance with the requirements of the City Charter."

Herewith Ordinance No. 1198 adopted by title:

"AN ORDINANCE TO MAKE APPROPRIATIONS AND CORRESPONDING REVENUES FOR THE YEAR ENDED JUNE 30, 2018."

Full text in Ordinance Record "K".

Upon a call of the roll, the vote was as follows:

Ayes: Schumann, Blaiser, Sattlem, Beauchamp, Tall

Nays: None

RESOLUTION DECLARED ADOPTED.

UNFINISHED BUSINESS

1. Public Meeting – Use of Ludington Street Sidewalks.

Administration is seeking a discussion to take place concerning the use of bicycle and merchandise displays on Ludington Street sidewalks.

Tall stated that the two issues 1.) Bicycles on Ludington Street and 2.) Use of sidewalks on Ludington Street were to be split into two discussions.

A discussion took place concerning the different options and opinions concerning bicycle use on Ludington Street.

Jordan read his Staff Recommendation.

OB-1a Sattem moved, Schumann seconded, to remove “(a) No person shall ride a bicycle upon a sidewalk within the business district”, from Sec. 27-400 in the Code of Ordinances, Riding on Sidewalks (6.18, 6.19), and keep “(b) When signs are erected on any sidewalk or street which prohibit the riding of bicycles thereon by any person, no person shall disobey such signs”, and “(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.” Sec. 27-400 (6.18,6.19) (b) and (c) are to be renumbered sequentially and kept in Sec. 27-400 for purposes of setting the guidelines for bicycle traffic on sidewalks moving forward.

Upon a call of the roll, the vote was as follows:

Ayes: Sattem, Schumann, Beauchamp, Tall
Nays: Blaiser

MOTION CARRIED.

OB-1b Schumann moved, Blaiser seconded, to create a bicycle lane four (4) to eight (8) feet from buildings on Ludington Street.

Schumann amended her original motion, Beauchamp seconded, that along with the creation of the bicycle lane, administration is to present Council with a budget and time frame for the Public Works Department to complete the project.

Upon a call of the roll, the vote was as follows:

Ayes: Schumann, Beauchamp, Blaiser, Sattem, Tall
Nays: None

MOTION CARRIED.

OB-1c After discussion, Blaiser moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to uphold the current Sidewalk Use Regulations – Street Furnishings, Sidewalk Signs, Merchandise and Outdoor Dining (Food Service Only and/or Food Service with Alcohol) Policy and Procedure, adopted on August 18, 2011.

NEW BUSINESS

1. Approval – 2018-19 Property and Liability Insurance Renewal.

Administration sought Council approval to purchase property and liability insurance coverage from the Michigan Municipal Risk Management Authority (MMRMA) in the amount of \$218,314. This purchase was budgeted in the 2018-19 operating year budget.

NB-1 Blaiser moved, Schumann seconded, to approve to purchase property and liability insurance coverage from the Michigan Municipal Risk Management Authority (MMRMA) in the amount of \$218,314.

Upon a call of the roll, the vote was as follows:

Ayes: Blaiser, Schumann, Sattem, Beauchamp, Tall

Nays: None

MOTION CARRIED.

2. Approval – Resolution for Designation of Street Administrator – City Engineering.

Administration recommended Council approval of selecting Public Works Director and City Engineer Robert Becotte as the City of Escanaba's Street Administrator which was required by the Michigan Department of Transportation per Public Act 51.

NB-2 By Council Member Sattem, seconded by Council Member Blaiser:

RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act.

Therefore, be it resolved, that this Honorable Body designate Public Works Director and City Engineer Robert Becotte as the single Street Administrator for the City

of Escanaba in all transactions with the State Transportation Department as provided in Section 13 of the Act.

Ayes: Blasier, Beauchamp, Schumann, Sattem, Tall
Nays: None

RESOLUTION DECLARED ADOPTED.

3. Approval - Charitable Gaming Resolution – UP Steam and Gas Engine Association.

The UP Steam and Gas Engine Association is seeking Council approval of a resolution that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a Charitable Gaming License from the State of Michigan. The UP Steam and Gas Engine Association will be conducting raffle fund raisers the upcoming year.

NB-3 Beauchamp moved, Sattem seconded, **CARRIED UNANIMOUSLY**, to resolve that that UP Steam and Gas Engine Association, is hereby recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license from the State of Michigan.

RESOLUTION DECLARED ADOPTED.

4. Approval - Resolution of Support – Bonifas Art Center – 2019 Music Mondays Summer Concerts.

The Bonifas Art Center sought Council approval of a resolution supporting their grant application to the Michigan Council for Arts and Cultural Affairs seeking funds for the “Music Mondays” Summer Concert Series. If approved, the City of Escanaba would serve as the Administrator for the funds. Administration recommended approval.

NB-4 Schumann moved, seconded by Blaiser, **CARRIED UNANIMOUSLY**, the following resolution was adopted:

**Resolution in Support of a Grant Application to the
Michigan Council for Arts and Cultural Affairs**

**AT A MEETING OF THE CITY COUNCIL OF THE CITY OF ESCANABA, MICHIGAN,
HELD ON JUNE 1, 2018**

**RESOLUTION - SUPPORTING THE GRANT APPLICATION TO THE MICHIGAN
COUNCIL FOR ARTS AND CULTURAL AFFAIRS SEEKING MATCHING FUNDS
FOR THE "MUSIC MONDAYS" SUMMER CONCERT SERIES.**

WHEREAS, the City Council of the City of Escanaba, Michigan, does hereby find as follows:

WHEREAS, the City desires to support the cultural lives of area residents through

opportunities to be exposed to new art and music;

WHEREAS, the City has an excellent partner in the Bonifas Arts Center to successfully organize and promote community events, and educate the public through music appreciation programming;

WHEREAS, the City will administer the grant funds, if awarded, as set forth in the application;

WHEREAS, the City has a policy detailing equal opportunity provisions for job applicants and public accommodations and agrees to conform to the Assurances and Guidelines set forth in the application;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the City Council of the City of Escanaba, Michigan, that the grant application should be made to the Michigan Council for Arts and Cultural Affairs for the August 3, 2018 deadline.

RESOLUTION DECLARED ADOPTED.

5. Approval – South Water Tower Antennae Lease Agreement Extension.

Administration is seeking Council approval of a lease agreement extension with NSighttel Wireless, LLC, d/b/a Cellcom for an antennae array on the South Water Tower by the Civic Center for the amount of \$1,500 per month, which would go into the water fund. This extended lease would be for fifteen (15) years from the approved date and shall include a two percent (2%) annual increase until the term of the lease expires.

NB-5 Sattem moved, Blaiser seconded, to approve a lease agreement extension with NSighttel Wireless, LLC, d/b/a Cellcom for an antennae array on the South Water Tower by the Civic Center.

Upon a call of the roll, the vote was as follows:

Ayes: Sattem, Blaiser, Schumann, Beauchamp, Tall
Nays: None

MOTION CARRIED.

6. Discussion – City Manager’s One-Year Evaluation Process.

A discussion took place concerning the process which will be used to evaluate City Manager Patrick Jordan for his one-year evaluation.

It was decided that each Council Member will use the form Tall distributed as a guideline to individually evaluate the City Manager.

APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES – None

BOARD, COMMISSION, AND COMMITTEE REPORTS

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

GENERAL PUBLIC COMMENT – None

ANNOUNCEMENTS

Sattem congratulated the High School Softball Team on their State Championship.

Beauchamp stated that Music Mondays begin in Ludington Park on Monday, June 25, 2018.

Schumann read the following statement as a response to Council Member Beauchamp's Recollection of and Opinion on the Process of Filling the City Clerk Position.

"1. The hiring process began with an internal posting for the position in early March. The position was posted without the knowledge or consent of the City Council. Council therefore had no input as to the qualifications that were listed in the original job posting even though the City Clerk works directly for the City Council. It remains unclear who asked for the internal posting to be prepared, who authorized its release, and why this posting was not brought to council for prior review and approval.

The City Clerk had indicated that he was retiring in the near future. I agree the council should have had input and been notified before it was posted BECAUSE, it should have been posted far and wide to be SURE we had an opportunity to find the best qualified candidate. I take no offense in it being posted as we had an opportunity to expand, change or do anything as a council of 5 elected people.

2. The internal posting came to council's attention for the first time when applications from within the city were distributed to council beginning on March 12th. Council was given a copy of the job posting a few days later at the request of a council member.

No argument here. Didn't research date, but I'll take Mr. Beauchamp's word for it.

3. When the subject of posting the job externally was discussed by council at a later date, the qualifications for the position were reviewed for the first time. At that time, a recommendation was made to include a Certified Municipal Clerk (CMC) reference in the job description. Yet, that certification was deemed unnecessary by most council members, and therefore was not included in the job description.

The recommendation was made by Mr. Beauchamp. In my experience when hiring for both the private and public sector I have found it best to be relatively broad in a job description so that you get a larger pool of applicants.

4. The matter of advertising the position was also discussed. The venues for advertising the position were set. The deadline was left as being open until the position was filled.

I insisted that we use Indeed and other on line venues as that is how people now search for positions. In my opinion we owe it to our constituents to make every attempt to find the largest pool of applicants.

5. After two weeks of running the ads, council had received a total of eighteen applications. A suggestion was made for council to close the application process early the following week. I specifically requested that the posting not be closed since the vast majority of the candidates to date lacked basic credentials. Nevertheless, the deadline was set and council members were asked to submit their rankings, of up to four candidates, to the Human Resources Director for final tabulation.

People who are seeking positions visit sites like Indeed daily. We received applications from 18 people who felt they were qualified, some were some weren't, but after two weeks I think we had received them from anyone who was available for employment in the time frame required to do our hiring.

6. Within days of one another, two council members emailed their rankings to the entire city council instead of the HR Director. Oversight or not, in my opinion these emails can be construed as attempts to build a consensus outside of an open meeting in violation of the Open Meetings Act.

I was one of the people who hit reply all. This goes to show that "Nothing good comes of hitting reply all." It may not be an excuse, but I am a Macintosh user and I have to use a PC based product for council. I am still learning the intricacies of it. I spent a great deal of time reviewing the resumes and letters carefully over the course of the week(s.) I did some research and came to a list of four, but actually three that I thought were best qualified. We were told to list 4, so I sent 4. Sending the list to all members had no ill effect as I was the last one to do so. Plus, I am pretty up front and didn't hear that it was a "secret ballot." I am good at keeping things that must be kept confidential...confidential, but I am not a sneak or a secret person. I also trust other people and don't misread things as underhanded unless I have had experience with them being underhanded.

7. When the final rankings were compiled by the HR Director and presented for discussion by council at a subsequent meeting, these same two council members then made and seconded a motion to throw out the rankings on the grounds that the

total possible points did not add up, and that some council members had therefore cheated. The motion failed.

The points didn't add up. As I understand, Mr. Beauchamp didn't rank 4 candidates, but used all of his points for one person. I would never assume that when we had agreed, and we did agree, to send our top 4 candidates that someone was looking at it as "points" and not a list of 4. My understanding was that we were trying to get a consensus on 4 people to interview. How could we possibly know who we wanted to hire without interviewing them. Even the ranking I sent was just basically a list so that we could get to an interview process. In 35 years of hiring I can't imagine hiring for a long term professional position without interviewing.

8. Interviews were later scheduled and conducted. During the interviews, an obvious conflict of interest for one of the candidates was brought to the attention of council. That candidate not only handled each and every one of the resumes and applications; she admitted to reading each of them.

Interviews were scheduled and conducted. Now here is where we really differ. A statement was made by Mr. Beauchamp that there was an "Obvious Conflict of Interest" for one of the candidates. In my opinion there was no conflict and there was absolutely no harm in anyone handling the resumes. With access to all the IT for the city I believe that there were other employees, for instance the clerk and his staff who had access to emails. Either way, Ms. Glish handling and forwarding as part of her job description was doing just that, handling and forwarding. Now, if one was altered or missing, now there would be a problem, but that didn't happen. The resumes were not held under lock and key. For instance biased council members could have given other candidates the resumes, none of this had any bearing on the interviews or hiring process.

I will say that Mr. Beauchamp was, in my opinion, rather rude to two of the candidates and showed much favor to one. It was disappointing and almost embarrassing to me. It appeared to me that his mind was made up prior to the interview process.

I personally was open to all candidates interviewed, but was most impressed by two with Ms. Glish being the standout.

9. At another meeting, when it was time for council to decide how to proceed, once again the same two council members who emailed their rankings to council and later moved to throw out the overall rankings, moved to offer the position to the lower ranked candidate with the conflict of interest.

I addressed the sending to all, which in no way constituted anything other than hitting a wrong tab on an unfamiliar email system.

I am always willing to move or second things so we can discuss them. Roberts rules say you must do that. Once again we did not discuss that

our rankings as a “secret ballot.” (If we did I missed it.) I respect each council member’s intelligence and I don’t think my opinion could sway them away from what they see with your own eyes. It was to get to a point where we could interview qualified candidates. The ranking was skewed however by Mr. Beauchamp ranking only one 4 times and it was only to get to a point of interviewing. The interview was the most crucial part.

10. During discussion, the point was raised that for more than a decade previous councils and administrations had invested a lot of time and public money in preparing the Deputy Clerk for the clerk position when the City Clerk retires. A counterpoint was made which essentially expressed the opinion that this council knows best.

I have found in my 35 years of hiring, again, in the private and public sector, that it’s best to hire a person for the future, not the past. Yes, the previous clerk, manager or council did things that at the time they saw as the best interest. Now, for me to disregard the ever changing world of voting software, hardware and technology and not move to hire the best qualified candidate would be just plain wrong. In my candidacy I swore to make tough decisions based on the best interest of the future of our city and that is exactly what I did.

11. AND LASTLY... After rejecting a council member's request to add the Certified Municipal Clerk (CIVIC) designation to the job posting, and after rejecting the only candidate that already has the CMC designation and city clerk experience, it is quite unbelievable to say the least, that the newly hired city clerk will be required to obtain a CIVIC designation in the coming years.

There is a reason that we have an unequal number of people on councils and boards in our community. I learned in serving on the School Board that you can’t always get what you want. There were many times that I didn’t get things my way on the school board, but I had enough humility to know that everyone serving was looking for the best interest of our students and community and I accepted it.

Whether or not someone has a designation is not always a valid reason. In all my years of hiring, I look at resumes, I check references, I observe and I interview. I have passed over many people with letters after their name for another person. Our world is ever changing. Like I stated during the discussion when we hired Ms. Bougie-Glish, Nancy Kolich, our amazing and competent County Clerk was not a clerk prior to her first election, yet she has served very well and had incredible success. I spoke with Nancy about this position both prior to and within an hour after the hiring. I asked what it takes to be a good clerk. I considered her input when making a decision.

In my opinion, based on the circumstances I have just summarized, the integrity of this entire hiring process is highly questionable. It has demonstrated a serious lack of council leadership and stinks of improprieties. Such decisions will only erode employee

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morale, make it more difficult to fill other city vacancies such as the city assessor position, and will drastically reduce the level of confidence the residents of Escanaba will have in the judgement of this city council in the future.

There is no question in my mind that we hired the applicant who was the best qualified for the job.

The only thing that stinks, In my opinion, is the inability of a Mr. Beauchamp to accept that others who were duly elected differ in opinion from him and that his half truths whether admitted to “minutes evidence” or not are still just what they are half truths and accusations. The citizens of Escanaba can be VERY confident in the judgement of of our council members even though we may not always agree.

Inasmuch as this situation looks like a lawsuit waiting to happen, I am abstaining from voting on the matter of the new city clerk's terms and conditions.

This situation is not a lawsuit waiting to happen. It will just be a little social media circus until the decision of the majority of the council is accepted and we move our city forward.

I have served this city through business, boards, community organizations and elected positions. I have acted with integrity and sound judgement. I stand by my motion and the hiring of the best qualified candidate for the position of City Clerk.

*Sincerely,
Peggy O'Connell Schumann
Business Owner, Community Leader and Council member
City of Escanaba
June 19, 2018*

Jordan stated that Notary services will now be available through the Clerk's Office for a \$10 fee per service.

Hearing no further public comment, the Council adjourned at 8:27 p.m.

Respectfully submitted

Lisa M. Glish
City Clerk

Approved: _____
Marc D. Tall, Mayor