

Regular Meeting of the City Commission
Monday, February 8, 2021
7:00 p.m.

AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PROCLAMATIONS AND PRESENTATIONS:

ADDITIONS/ DELETIONS TO AGENDA:

PUBLIC INPUT ON AGENDA ITEMS:

RECEIPT OF PETITIONS AND COMMUNICATIONS:

1. City Manager report on pending items.
 - a. Monthly report on police related citizen complaints received.
2. Correspondence received regarding social media post. (5)
3. Correspondence received regarding recreational marihuana ordinance.
4. Minutes of the Traffic Control Committee (October).

CONSENT CALENDAR: DESIGNATED (*) ITEMS

CITY COMMISSION MINUTES:

- * 5. Approval of the minutes of the regular meeting held January 25, 2021.

PUBLIC HEARINGS:

STAFF RECOMMENDATIONS AND REPORTS:

- * 6. Bids and Quotations
 - a. Street Overlays
- 7. Consider allocation of funds for 2021 Parks Projects.
- 8. Receipt of 2020 Tax Increment Finance Authority (TIFA) marketing incentives report and consider request for 2021 funding.
- 9. Receipt of information from City Attorney regarding scope of legal authority regarding recent social media post and consider next steps.
- * 10. Approval of payrolls and warrants.

ANNOUNCEMENTS ON CITY-RELATED ISSUES AND NEW BUSINESS:

All interested persons may attend and participate. Persons with disabilities who need assistance to participate may call the Human Resources Office at 989-779-5313. A 48-Hour advance notice is necessary for accommodation. Hearing or speech impaired individuals may contact the City via the Michigan Relay Service by dialing 7-1-1.

PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS:

RECESS:

CLOSED SESSION: (None scheduled at this time)

RECESS:

WORK SESSION:

11. Discuss Charter amendments proposed in 2020.

ADJOURNMENT:

COMMISSION LETTER #017-21
MEETING DATE: FEBRUARY 8, 2021

TO: MAYOR AND CITY COMMISSION FEBRUARY 3, 2021

FROM: NANCY RIDLEY, CITY MANAGER *Nes*

SUBJECT: CITY MANAGER REPORT ON PENDING ITEMS

This report on pending items reflects the current status of tasks that were previously agreed to and a listing of potential items for discussion. The listing of potential items for discussion will need to be weighed against other priorities in 2021 to decide which items should stay on the list for future discussion. Some items have remained on the list for more than 12 months and likely should be removed if there is not enough interest in them. Staff is working on a list of 2021 goals/priorities that may require work session discussion so that priority decisions can be made for scheduling.

1. Task Related Issues:

SHORT DESCRIPTION OF TOPIC	MEETING TOPIC WAS AGREED TO	REQUESTED DUE DATE	STATUS AS OF 2-3-2021
Non-motorized Plan/Complete Streets Recommend amendments to ordinances, plan and/or guidelines to reduce requirement to implement on all streets	May 13, 2019	None	Determined that master plan language and complete streets ordinance do not include a requirement for all streets. This task can be removed.
Website Content Policy Develop draft policy regarding purpose of website and what information should/should not be posted	May 28, 2019	Anytime in the next year.	
New Motions/Amended Motions Onscreen Staff to investigate ability to put typed version of new and amended motions on big screen	July 8, 2019	None	Will consider as part of the AV equipment replacement in 2021.
Principal Shopping District Investigate for next assessment roll whether new businesses can be granted a lower special assessment amount in first years of business	July 8, 2019	None	Will be evaluated by Principal Shopping District as recommended special assessment is developed in 2021.

SHORT DESCRIPTION OF TOPIC	MEETING TOPIC WAS AGREED TO	REQUESTED DUE DATE	STATUS AS OF 2-3-2021
Housing Study Follow-Up Staff to work with Planning Commission and others to recommend ordinance amendments and programs as generally agreed to for implementation	July 13, 2020	None	In process
Charter Changes Staff to work with City Attorney to draft language for 4-year City Commission terms and 2-year Mayor and Vice Mayor terms	July 27, 2020	None	Work Session planned for February 8, 2021
Downtown Analysis Follow-Up Staff to work with Planning Commission and complete additional research to recommend ordinance and programs/policies as generally agreed to for implementation	August 10, 2020	None	In process
PILOT Ordinances Staff to provide a summary of end dates and if there are options for closing out any.	October 12, 2020	None	

2. Potential Work Session Discussion Items Carried from Prior Discussions:

- Rental Housing-additional inspections for converted units
- Building inspection-coordination of inspections with County
- Dumpsters located in paved alleys
- Effectiveness of storm water ordinance- (Note: still working with partners county-wide on stormwater matters)
- Rental Housing Inspections: frequency based on good inspections
- Sustainability goals
- Mt. Pleasant Center preferred development
- Review of general guidelines used for snow removal on streets and parking lots
- Review ordinance application/interpretation related to commercial/industrial properties
- Indian Pines South-see what Master Plan process and Parks & Recreation Commission recommend
- Different standards for rental housing based on type of rental (Mr. Steve Berkshire letter)
- Scooter rental program (Mr. Odell Miller email)
- Pedal Trolley ordinance (Mr. Neal information and presentation during January 13, 2020 public comment)

Please note items that have changed since the last report are highlighted in yellow for easy reference.

[illegible]

From: [Jared Morningstar](#)
To: [Ridley, Nancy](#); [Joseph, William](#)
Subject: In Support of Amy Perschbacher
Date: Tuesday, January 26, 2021 6:08:09 PM

EXTERNAL Message Warning

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern:

I am writing this email in support of Amy Perschbacher in light of the recent Facebook controversy. I've had the pleasure to know Amy for a number of years and in that time, I have always known her to be an outstanding citizen who cares deeply about Mount Pleasant and our city's residents. I have NEVER known her to be someone who disrespects or doesn't appreciate law enforcement. She may have certain ideas about ways in which law enforcement systems should be reformed, as many American citizens do, but the Amy Perschbacher I know would never equate our men and women in law enforcement with something as egregious as the Nazi party.

I am not going to pretend that I understand the intent behind the meme in question's creation. I did not create it; I have only seen it shared by a number of folks recently. However, I am an English professor, and I know a little about symbolism and studying/analyzing various works of art. A number of memes related to law enforcement have been shared over the years widely on social media pertaining to instances of police brutality and a desire to see law enforcement reform. However, I have not seen any memes similar to the one in question shared until the Capitol Riots occurred. At this point, while the Blue Lives Matter flag is often seen as a symbol for the police, I, along with a lot of people on my side of the political spectrum, do not associate that flag with the good men and women of law enforcement. Instead, we see that flag as a political symbol. While some who consider themselves to be Blue Lives Matter supporters legitimately support the police, there are others who attempt to use the symbol as a tool of political convenience.

This would certainly apply to the domestic terrorists who raided the Capitol on January 6th. Many of those who were part of this attack on our nation, based on political affiliation, were likely amongst those who used the Blue Lives Matter symbol for political convenience. The love for law enforcement officers that they claim to have was shown to be a farce on national television, as image after image was shown of the Capitol Riot terrorists shouting at police officers, threatening police officers, and, tragically, attacking police officers, which led to the death of at least one officer, who was simply trying to protect fellow Americans. These terrorists were choosing to undermine our democracy in favor of fascism.

And, there is an obvious connection between fascism and the Nazi party. Any legitimate historian with expertise of the time period and its politics would and could illustrate those connections in detail.

When I saw the meme, the removal of the blue stripe, revealing the swastika, I immediately read it likely in the same way that Amy did: that those who attacked the Capitol were no supporters of law and order as they claim to be. Instead, they revealed themselves to be

believers in fascist ideology; in many ways, Nazi ideology. In short, I believe Amy saw the meme as an indictment of the Capitol Riots terrorists, not of law enforcement officials.

I understand that the current political climate is divisive. However, even though emotions are running high, this should not lead us into making decisions that are UnAmerican. In an upcoming election, voters will get the opportunity to decide whether or not Amy Perschbacher should be re-elected to office. However, though, to punish her for exercising her right to free speech, especially when the meaning of that speech is highly debatable, seems incredibly unwise and unwarranted. Simply put, if Amy Perschbacher is forced to resign or removed from office, the fascists who she was speaking out against will win.

Thank you for your time,
Jared Morningstar

From: [Amanda Morningstar](#)
To: [Ridley, Nancy](#); [Joseph, William](#)
Subject: In Support of Amy Perschbacher
Date: Tuesday, January 26, 2021 6:36:24 PM

EXTERNAL Message Warning

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern:

My name is Amanda Morningstar, and I have known Amy Perschbacher for over 7 years. We went to school together, and we now work together.

As my friend and through her leadership role at work, I always feel I can look to Amy for support and direction. I am always amazed by the dedication Amy has for her job and her community. She is passionate in her values and her beliefs in the rights of all people.

I recognize there has been some controversy in light of a recent Facebook post. I believe Amy has high standards for our political system. As a result, she has criticisms of that system, but I know she cares for all people and has respect for those working in our community, including the law enforcement officials who protect it.

Thank you for your time.

Sincerely,
Amanda Morningstar

Subject: FW: Ethics Policy

From: Bruce Kilmer <bkilmer101@aol.com>

Sent: Wednesday, January 27, 2021 10:26 AM

To: Perschbacher, Amy <aperschbacher@mt-pleasant.org>; Ronan, George <gronan@mt-pleasant.org>; Gillis, Lori <lgillis@mt-pleasant.org>; Alsager, Mary <malsager@mt-pleasant.org>; Ridley, Nancy <NRIDLEY@mt-pleasant.org>; Cyman, Olivia <ocyman@mt-pleasant.org>; Tolas, Pete <ptolas@mt-pleasant.org>; Joseph, William <wjoseph@mt-pleasant.org>

Subject: Ethics Policy

EXTERNAL Message Warning

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Commissioners and City Manager
January 27, 2021

The City's Ethics Policy was adopted during my tenure as mayor of Mt. Pleasant. Our purpose in enacting this policy was to ensure that a city commissioner did not vote on an issue that would result in private financial gain or use their position as a commissioner to obtain private financial gain. The policy had nothing to do with a commissioner's own views on issues.

In particular Section D was to prevent a city commissioner from using their influence to obtain private financial gain by representing that their view was that of the City Commission. If this section is used to prevent a city commissioner from public comments, a city commissioner could not say on their website, "Come eat at my restaurant." A city commissioner could not say "Vote for Trump" or "Vote for Biden." A city commissioner would be prevented from making almost any statement public or private. As a result all city commissioners would be effectively gagged while serving on the City Commission.

Furthermore, nothing in Commissioner Amy Perschbacher's post indicated that it was the view of the City Commission. The use of this Ethics Policy for discipline of Commissioner Perschbacher is a misuse of the policy and of the authority of the City Commission. An attempt to reprimand and muzzle a view you might disagree with has no basis in the Ethics Policy, law, or fact; not to mention it is a misunderstanding of the post. You cannot determine the meaning of the post without subjecting yourselves to the subjective opinion of anyone who might disagree with you.

Please do not pursue this politically, partisan based issue at the expense of the credibility of the City Commission.

Thank you for your consideration.

Bruce Kilmer

From: [Robert Busch](#)
To: [city manager](#)
Subject: Commissioner Perschbacher
Date: Thursday, January 28, 2021 8:52:44 AM

EXTERNAL Message Warning

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I am very uncomfortable with the response the City of Mt Pleasant and City Manager Nancy Ridley made to the ongoing discussion of Commissioner Perschbacher's Facebook post. The Commissioner was posting as a private citizen, as is her First Amendment right. Thinking any differently is anti-democratic.

The post and article she linked to was a response to the anti-democratic movement that recently planned and executed a treasonous insurrection in our nation's capital. This insurrection, fueled by lies and misinformation, sought to negate the votes of thousands of Michiganders, and millions nationwide. They displayed their symbology, the roman helmets, the Confederate/Klu Klux Klan flag, and yes the Blue Line flag. This is the same symbology used by the auto parades that terrorized our roads in the days leading up to the November election.

To insist that the Blue Line flag is a symbol of support for law enforcement is plainly wrong in this light. It may have started as an attempt to show support, but it has been adopted by anti-democratic forces. These traitors showed their disdain for law enforcement on January 6th when they not only broke through police lines, but brutally beat two Capitol Police officers. One officer died on that day.

It is my opinion that the City needs to formally apologize to both Commissioner Perschbacher and Commissioner Cyman for it's role in amplifying anti-democratic voices in our town. Furthermore it is incumbent on the City Commission to adopt a resolution condemning the anti-democratic, treasonous insurrection on January 6th and supporting the impeachment of President Donald J Trump.

Thank you for your time.

Bob Busch
422 S Washington St Mt Pleasant MI 48858

From: [Eric Chercover](#)
To: [city manager](#)
Cc: [Joseph, William](#); [Perschbacher, Amy](#); [Alsager, Mary](#); [Cyman, Olivia](#); [Gillis, Lori](#); [Ronan, George](#); [Tolas, Pete](#); [Xantha Karp](#)
Subject: Support for Commissioners Perschbacher & Cyman
Date: Monday, February 1, 2021 10:57:11 AM

EXTERNAL Message Warning

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Manager Ridley and City Commissioners,

My wife and I are sending this letter in support of Commissioners Perschbacher and Cyman, who have recently been unfairly maligned for expressing themselves freely as private citizens. Rather than reinvent the wheel, we could like to share the words of our friend, Bob Busch. Mr. Busch succinctly and eloquently summarizes our feelings about this issue:

"I am very uncomfortable with the response the City of Mt Pleasant and City Manager Nancy Ridley made to the ongoing discussion of Commissioner Perschbacher's Facebook post. The Commissioner was posting as a private citizen, as is her First Amendment right. Thinking any differently is anti-democratic.

The post and article she linked to was a response to the anti-democratic movement that recently planned and executed a treasonous insurrection in our nation's capital. This insurrection, fueled by lies and misinformation, sought to negate the votes of thousands of Michiganders, and millions nationwide. They displayed their symbology, the roman helmets, the Confederate/Ku Klux Klan flag, and yes the Blue Line flag. This is the same symbology used by the auto parades that terrorized our roads in the days leading up to the November election.

To insist that the Blue Line flag is a symbol of support for law enforcement is plainly wrong in this light. It may have started as an attempt to show support, but it has been adopted by anti-democratic forces. These traitors showed their disdain for law enforcement on January 6th when they not only broke through police lines, but brutally beat two Capitol Police officers. One officer died on that day.

It is my opinion that the City needs to formally apologize to both Commissioner Perschbacher and Commissioner Cyman for its role in amplifying anti-democratic voices in our town. Furthermore it is incumbent on the City Commission to adopt a resolution condemning the anti-democratic, treasonous insurrection on January 6th and supporting the impeachment of President Donald J Trump."

Thank you for taking our thoughts into consideration.

Yours Very Truly,

Eric Chercover & Xantha Karp
318 E. Cherry St.
Mt. Pleasant, MI
48858

Mount Pleasant City Commission,

This is a written demand for the City Commission of Mount Pleasant Michigan to follow the city ordinance regarding recreational marihuana.

At the December 14th 2020 commission meeting, it was brought to the Commissioners attention that one of the entities that was selected to fill two of the three openings for recreational marihuana may not have met the 30-day requirement to file with the State of Michigan.

In Jacob Kain's report, his recommendation was just to delete F1 of the ordinance as if it was a minor housekeeping task. This would be appropriate if it wasn't for seven other applicants who could potentially meet the timeframe. As an example, House of Fire was also selected and met the timeframe. Remember, the timeframe was set before the Select Committee decided who would be best suited.

It is passed time for the Mount Pleasant City Commissioners to go on to the next candidate...and so on...and so on. As one of the seven other applicants is able to meet the timeframe.

The MRA is aware of this situation, as we have filed a legal complaint with them.

I would like to hear from you within the next week. If you continue to ignore this demand to proceed with the ordinance, I plan to file an ethical grievance against both the City Commissioners and City Planner Jacob Kain.

Sincerely,

Deborah Cary

Traffic Control Committee (TCC) Minutes

Present: Andy Latham, Jason Moore, Michelle Sponseller, Stacie Tewari, Matt Weaver

Absent: Jacob Kain, Paul Rocheleau, Chad Sapp

Thursday, October 22, 2020 at 8:00 am – **ZOOM**

- Approved minutes of the special meeting held August 27, 2020
- Request received to find ways to slow down traffic on W. Broadway between Harris and Bradley Streets. Engineering to review possible additional locations for special emphasis crosswalks. Street Department to look into adding more street trees during tree planting projects. Public Safety is patrolling this area more frequently.
- Review signage for City parking lots – Postponed until February 2021 to combine with Michelle's other downtown parking signage request/changes so they can be done all at once.
- Request received to make W. Bellows and S. Main an all-way stop – Location does not meet warrants for a 4-way stop. Very few accidents in the last five years. Stacie to talk to Chad S. and CMU about adding "Cross Traffic Does Not Stop" signage on existing stop signs at Main and the parking lot.

~ Next meeting is scheduled for February 25, 2020 on ZOOM ~

Minutes of the electronically conducted regular meeting of the City Commission held Monday, January 25, 2021, at 7:00 p.m.

Mayor Joseph called the meeting to order and the Pledge of Allegiance was recited.

Commissioners Present: Mayor William Joseph and Vice Mayor Amy Perschbacher; Commissioners Mary Alsager, Olivia Cyman, Lori Gillis, George Ronan and Petro Tolas. All Commissioners present indicated they were in Mt. Pleasant, Isabella County, MI.

Commissioners Absent: None

Others Present: City Manager Nancy Ridley, Acting City Clerk Chris Saladine and City Attorney Michael Homier

All present attended virtually via Zoom video conference.

Proclamations and Presentations

Video presentation to introduce newly hired employee to the Commission and public.

Mayor Joseph read a proclamation recognizing February as "Peacemaking Recognition Month".

Additions/Deletions to Agenda

Moved by Commissioner Tolas and supported by Commissioner Gillis to add a new Item #21: "Discussion on recent social media posts from Vice Mayor Perschbacher" to the agenda.

AYES: Commissioners Alsager, Cyman, Gillis, Joseph, Perschbacher, Ronan & Tolas

NAYS: None

ABSENT: None

Motion unanimously adopted.

Public Input on Agenda Items

Kathy Ling, 914 S. Crapo; Maureen Eke, 912 Hopkins; and Darian Bird, 1510 E. Gaylord commented on recent social media post by Vice Mayor Perschbacher.

*Due to the meeting being conducted electronically, some public comments were emailed to the City and then read aloud by City Manager Ridley.

Email communication from William Donovan, 1434 Orchard Ln, regarding Vice Mayor Perschbacher's social media post.

Receipt of Petitions and Communications

Received the following petitions and communications:

1. City Manager report on pending items.
 - a. Vehicle/Bicyclist and Vehicle/Pedestrian Accident Data for 2020.
2. Fourth Quarter Investment Report.
3. Economic Development Corporation (EDC) meeting minutes. (July, 2020)
4. Planning Commission meeting minutes. (December, 2020)
5. Receipt of Planning Commission's 2020 Annual Report.
6. Resignation of Glen Irwin from the Airport Advisory Board.
7. Electronic correspondence received from Amber Mattic; Kristin Moll; Mike Lafave; Adam Salomon; Nancy McGuirk (3); Jordan Hall; Emma Fuller; Bruce Kilmer; Cynthia Kilmer and Neil Orris regarding social media post by Vice Mayor Perschbacher.

Item #18 "Consider appointment of City representative and MMDC representative to the Airport Joint Operations Board" was removed from the Consent Calendar.

Moved by Commissioner Tolas and supported by Commissioner Alsager to approve the following items on the Consent Calendar:

1. Minutes of the electronically conducted regular meeting of the City Commission held January 11, 2021.
2. Minutes of the closed session of the City Commission held January 11, 2021.
3. Authorize the purchase of a Ford Explorer Utility Vehicle from Krapohl Ford in the amount of \$35,431 for the Fire Department.
4. Award contract for work on Section 1 of Exterior Insulation Finish System (EIFS) at the Department of Public Safety building to Cusack Masonry Restoration, LLC of Hubbardston, Michigan in the amount of \$112,000.
5. Approve a budget amendment to allocate \$8,000 to the City Hall Building account for the renovation of Conference Room E.
6. Authorize the confirmation of the Michigan Employees' Retirement System (MERS) agreement addendum for retirement plans as presented.
7. Set a special meeting for Thursday, March 4, 2021 at 6:00 p.m. for a joint meeting between the City Commission and the Planning Commission.
8. Warrants dated January 12, 19, and 20, 2021 all totaling \$1,837,438.45.

AYES: Commissioners Alsager, Cyman, Gillis, Joseph, Perschbacher, Ronan & Tolas

NAYS: None

ABSENT: None

Motion unanimously adopted.

Moved by Commissioner Tolas and supported by Commissioner Alsager to confirm the sale of up to 3 acres in Industrial Park North to Mitchell Wagoner for \$14,500 per acre as recommended by the EDC.

AYES: Commissioners Alsager, Cyman, Gillis, Joseph, Perschbacher, Ronan & Tolas

NAYS: None

ABSENT: None

Motion unanimously adopted.

Mayor Joseph made the following appointments of City Commissioners to City standing and special committees:

Appointments Committee

Mary Alsager

Lori Gillis

Amy Perschbacher

Central Michigan Center for Recovery,
Education, and Wellness (CMCREW)

Mary Alsager

Charter Committee

Lori Gillis

Amy Perschbacher

George Ronan

Council of Governments

William Joseph

Intergovernmental Liaison

William Joseph

Amy Perschbacher

International Relations/Sister City Council

Olivia Cyman

William Joseph (alternate)

Mt. Pleasant Area Diversity Council

Olivia Cyman

Property Committee

Mary Alsager

William Joseph

Petro Tolas

Moved by Commissioner Ronan and supported by Commissioner Alsager to make the following appointments of City Commissioners to applicable City Boards and Commissions:

Audit Committee

George Ronan

Petro Tolas

William Joseph (alternate)

City/CMU Student Liaison Committee

Olivia Cyman

Petro Tolas

Economic Development Corporation/

Brownfield Redevelopment Authority

Lori Gillis

Mary Alsager (alternate)

Principal Shopping District Board

George Ronan

Tax Increment Finance Authority

George Ronan

AYES: Commissioners Alsager, Cyman, Gillis, Joseph, Perschbacher, Ronan & Tolas

NAYS: None

ABSENT: None

Motion unanimously adopted.

Moved by Commissioner Alsager and supported by Commissioner Ronan to approve the appointment of City Manager Nancy Ridley (term to expire December 31, 2021) and Middle Michigan Development CEO Jim McBryde (term to expire December 31, 2023) to serve as the representatives on the Airport Joint Operations Board for the City and MMDC respectively. In addition, approve the appointment of DPW Director Jason Moore to serve as the alternate for the City Manager.

AYES: Commissioners Alsager, Cyman, Joseph, Perschbacher & Ronan

NAYS: Commissioners Gillis and Tolas

ABSENT: None

Motion carried.

City Attorney Homier updated the Commission on the status of research he was asked to perform related to recent social media post by Vice Mayor Perschbacher.

Discussion ensued.

Announcements on City-Related Issues and New Business

Commissioner Tolas commented that he has received many phone calls and emails related to Vice Mayor Perschbacher's social media post. He indicated support for law enforcement and military.

Commissioner Ronan indicated his support for free speech.

Mayor Joseph reminded the community that there are many community members in need and asked those able to consider helping those less fortunate. He also reminded the community about the new snow emergency policy. He asked City Manager Ridley to give a recap of the new policy. He also reminded people to support our local businesses during the pandemic, but to do so safely.

City Manager Ridley gave the following information regarding snow emergencies:

The Mt. Pleasant City Commission recently passed an ordinance allowing additional on-street parking and declaration of snow emergencies. If a **snow emergency** is declared by City staff, on-street parking will NOT be permitted.

During a snow emergency, failure to remove vehicles from the street will result in a ticket. Towing may be utilized if ticketing has proven ineffective and/or the vehicles parked on the street cause a delay in snow removal.

Notice of when a snow emergency is declared, and later lifted, will be provided through the city's social media channels, blog <https://mpcityblog.com/>, community information phone line (989-779-5320), local media notification, and an email alert.

To receive an email notification, sign up to receive the city's monthly eConnections newsletter by visiting <http://www.mt-pleasant.org/news/e-news.asp>.


Commissioner Alsager expressed her appreciation for the work our soup kitchen is performing in our community.

Mayor Joseph adjourned the meeting without objection at 8:52 p.m.

William L. Joseph, Mayor

Chris Saladine, Acting City Clerk

COMMISSION LETTER #018-21
MEETING DATE: FEBRUARY 8, 2021

TO: MAYOR AND CITY COMMISSION FEBRUARY 3, 2021
FROM: NANCY RIDLEY, CITY MANAGER 
SUBJECT: BIDS AND QUOTATIONS

a. Street Overlays

The attached memo from DPW Director Jason Moore recommends approval of a contract with Central Asphalt for the 2021 Street Overlay Project. The specific streets scheduled for overlay are outlined in Mr. Moore's memo. You will note that since the operating budget was approved, one street has been removed from the list and another street was added due to the current street conditions. Also, as the bid pricing received was lower than the 2021 budgeted amount, staff recommends that two streets from the 2023 Capital Improvement Plan list be moved up to this year as is our standard practice. It is recommended the City Commission approve the contract for the 2021 street overlay project as presented.

Recommended Motion:

Move to approve a contract for the 2021 Street Overlay Project with Central Asphalt in the amount of \$309,000.

NJR/ap

City of Mt. Pleasant, Michigan



CITY HALL
320 W. Broadway • 48858
(989) 779-5300
(989) 773-4691 fax

PUBLIC SAFETY
804 E. High • 48858
(989) 779-5100
(989) 773-4020 fax

PUBLIC WORKS
320 W. Broadway • 48858
(989) 779-5400
(989) 772-6250 fax

To: Nancy Ridley, City Manager

February 8, 2021

From: Jason Moore, DPW Director

Subject: 2021 Street Overlay Project

Contract Recommendation Summary

Request:

The City Commission is requested to award the contract for the 2021 Street Overlay Project to Central Asphalt, of Mt. Pleasant, for \$309,000.00. Central Asphalt was the low bidder for the project.

Reason:

As part of the 2021 Capital Improvement Plan, thin overlaying of several local streets is scheduled this year. This work includes removal and replacement of some existing curb and gutter and sidewalk ramps for upgrades due to ADA requirements. The work is scheduled for June 28 to July 23. This work is necessary to improve the pavement quality of the streets. The following streets were included in the 2021 Street Overlay Project Bid:

Lansing – Pickard to Broadway
Palmer – Franklin to Mission
University – Lincoln to Chippewa

Franklin – Maple to Cherry
Chippewa – University to Lansing
Eastpointe – Somerset to Sweeney

Before the project bid, it was determined Franklin Street from Illinois to Maple would not be eligible for an overlay due to the condition of the concrete road surface. This portion of Franklin was dropped from the CIP project and Eastpointe between Somerset and Sweeney will replace it. Eastpointe was originally planned for 2023 and will be accelerated to this year. Franklin Street, from Illinois to Maple, will now be made a local reconstruction project to be done in a later year.

On Tuesday, January 26, 2021, the following bids were received.

Central Asphalt Co., Mt. Pleasant, MI	\$228,840.18
Pyramid Paving Co., Saginaw, MI	\$282,412.05

With the bid amounts received being lower than the budget for 2021, we are recommending the following local streets be accelerated to this year from the 2023 CIP overlay list:

Larry – Wisconsin to Brown


Gover – Dead End to Broomfield

This work would increase the total project amount to \$309,000.00

Recommendation:

I recommend the City Commission award the 2021 Street Overlay project to Central Asphalt for \$309,000.00. Funds are available in the 2021 Local Streets Operating Budget.

COMMISSION LETTER #019-21
MEETING DATE: FEBRUARY 8, 2021

TO: MAYOR AND CITY COMMISSION FEBRUARY 3, 2021
FROM: NANCY RIDLEY, CITY MANAGER 
SUBJECT: CONSIDER ALLOCATION OF FUNDS FOR 2021 PARKS PROJECTS

When the 2021-2026 Capital Improvement Plan was approved in June 2020, a number of proposed projects were delayed to future years, because of the uncertainty of funding availability in 2021. We committed to reprioritize these as part of the 2022-2027 Capital Improvement Plan.

Since that time, opportunities have arisen in the parks system that have resulted in a recommendation to allocate \$95,000 of Capital Improvement Funds to parks projects in 2021. The attached memo from Parks and Public Space Director Chris Bundy outlines three recommended projects.

The first two projects are in response to increased outdoor activity in the parks as a result of the pandemic. Both of these projects have limited ongoing maintenance yet provide immediate additional outdoor activities. The third project, for the repair of the parking lot at Millpond Park, is based on the deterioration that is occurring at one end of the parking lot. Addressing the project now will lessen the future impact of the erosion in this area and can be done under an existing permit from the State of Michigan.

The final 2020 amended budget projected a fund balance not committed for specific projects in the Capital Improvement Fund of over \$2 million. These three projects can be funded from that fund balance without significant negative impacts on future projects. We therefore recommend the City Commission approve an allocation of \$95,000 from the Capital Improvement Fund for the three parks projects outlined.

Recommended motion:

Move to approve a budget amendment of \$95,000 from the Capital Improvement Fund to the General Fund Parks Department for the Island Park tennis/pickleball courts conversion, outdoor fitness equipment and Millpond Park parking lot repair.

NJR/ap

Memorandum



TO: Nancy Ridley
FROM: Chris Bundy *CMB*
DATE: February 1, 2021
SUBJECT: 2021 Project Request Parks
CC: Bill Mrdeza

2020 was both a challenging year with the COVID-19 pandemic and a hope-filled year with the completion of the City's 2050 Master Plan. We also noticed citizens and visitors taking to the outdoors and outdoor activities in efforts to escape the grasp of the pandemic. In reaction to COVID-19, the City Commission also took steps in 2020 to mitigate potential funding shortfalls by adjusting the 2021-2026 Capital Improvement Plan and moving projects to future years. The 2021 Parks Capital projects were moved to 2022 and beyond.

Motivated by a combination of master plan input, pandemic impact, and enhanced response to maintenance, the above changes create a potential opportunity in 2021 to positively impact the community. Taking a proactive approach, the Parks Department is proposing a few projects from 2021 funds in this "gap year" that can help fulfill important master plan, maintenance, and outdoor needs.

The following Park projects are proposed for 2021:

Island Park Tennis/Pickle Ball Courts Conversion - \$48,000

Pickle Ball is a fast growing sport around the world and the US and played by all ages but has become very popular with adults over 50. The sport is played with a rubberized ball, a smaller wooden racquet, and smaller playing surface than tennis. A few years ago, locally we restriped our existing tennis courts to allow for modified play of Pickle Ball and since then our Pickle Ball play has increased dramatically and now outpaces adult tennis in Mt. Pleasant. Master Plan input also reflects a desire for dedicated Pickle Ball courts and increased access in the community.

This project proposes to convert two of the four existing Tennis Courts at Island Park to 6-8 Pickle Ball courts. This project would allow for greater outdoor access and increased recreational use within the same sq. ft. space, which is important at Island Park where recreational space is at a premium. Illustrations 1-3 Attached show current and proposed court configurations.

Island Park Adult Outdoor Fitness Equipment - \$22,000

In 2020 with assistance from the State of Michigan and the Saginaw Chippewa Indian Tribe, a new bridge and trail was added to Island Park. As part of the project, adult fitness equipment was also added along the trail. Due to the final project budget, some of the planned equipment was unable to be purchased and installed.

Memorandum



This project calls for the purchase and installation (by park staff) of the balance of the proposed equipment (5 pieces). This equipment was planned for the in the original design of the Island Park Trail project. Illustration 4 shows the adult fitness equipment that was installed in 2020 and proposed for 2021.

Mill Pond Park Adams Street Parking Lot Repair - \$25,000

This repair was part of a past CIP trail project at Mill Pond Park but was unable to be completed after bids were received. As part of the original project, the existing EGLE Floodplain Permit is in place and would be used to make the repairs with no additional permitting requirements.

This project calls for repair of the NW corner of the Mill Pond Adams street parking lot that, due to erosion over the years, has tilted the parking lot, curb, gutter, and sidewalk into the wetland area that exists adjacent to the lot. This maintenance project would fix the problem and reduce future damage to the Mill Pond Parking lot.

Attachments

CB/lmw

Illustration 1 - Island Park existing 4 tennis courts, 2 courts in north court area and 2 courts in south court area

↑North

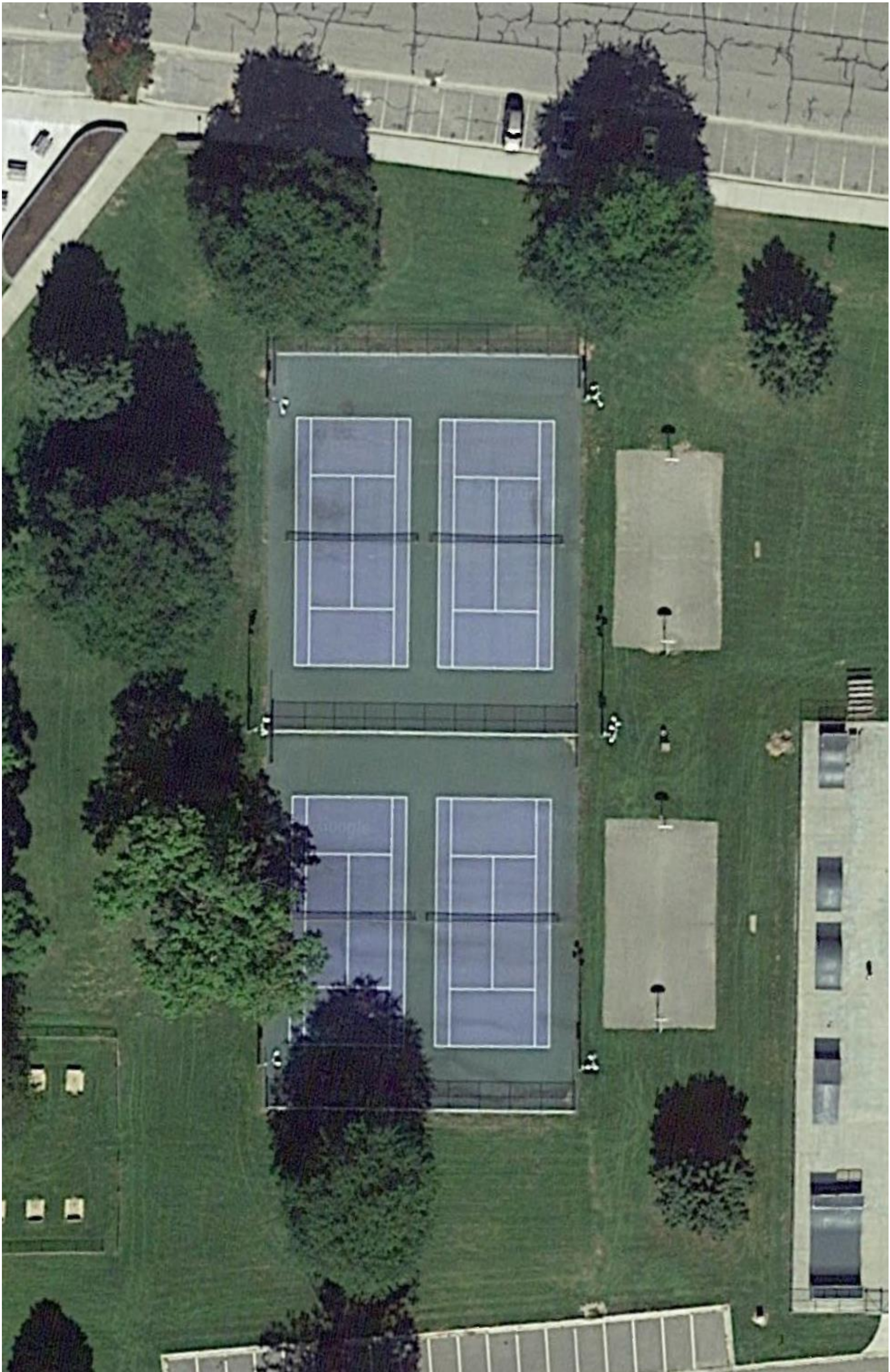


Illustration 2 - Island Park 2 tennis courts remain in north court area with 6 pickle ball courts replacing the 2 tennis courts in south court area. ↑North

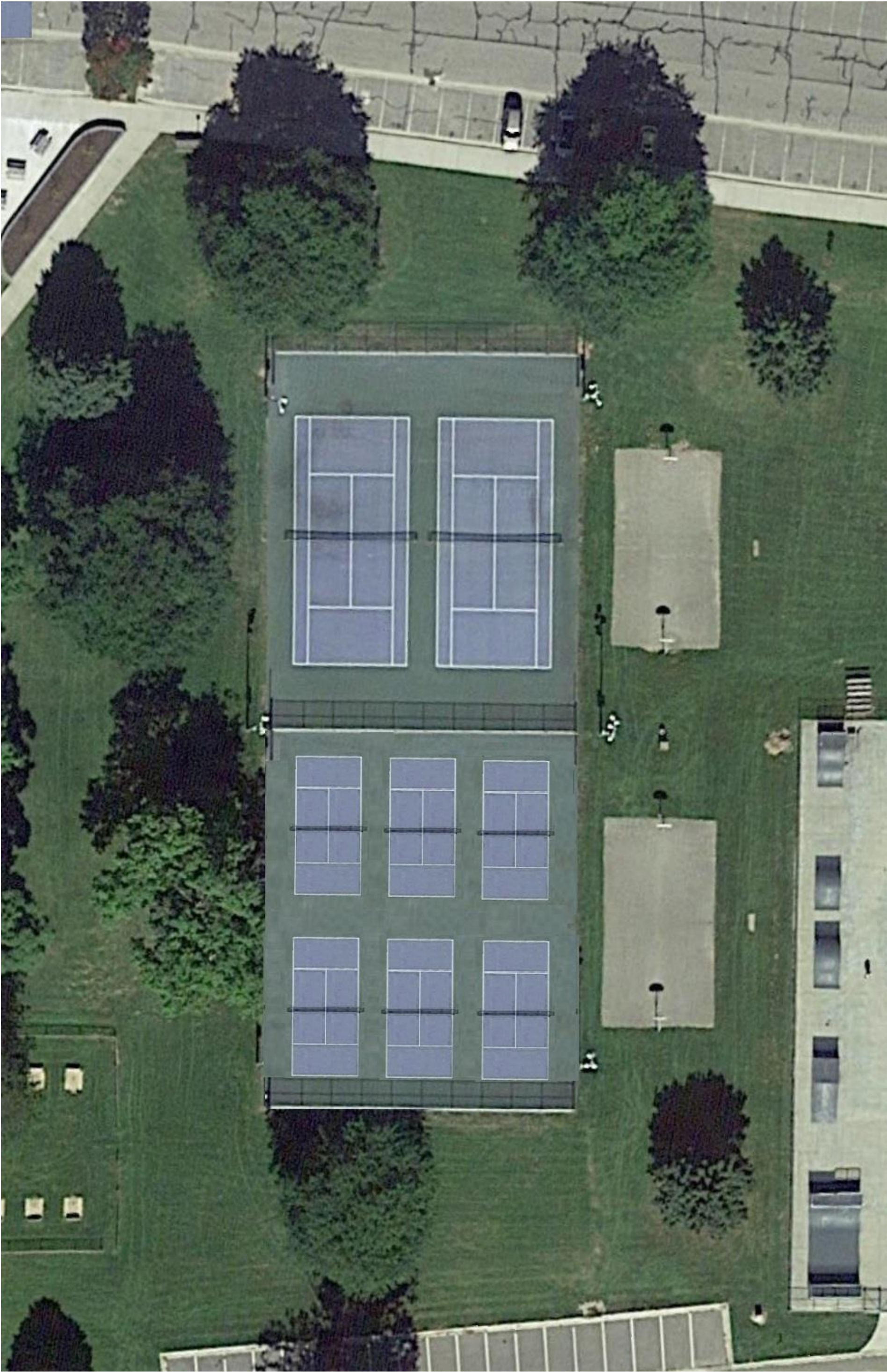


Illustration 3 - Island Park 2 tennis courts remain in north court area with 8 pickle ball courts replacing the 2 tennis courts in south court area. ↑North

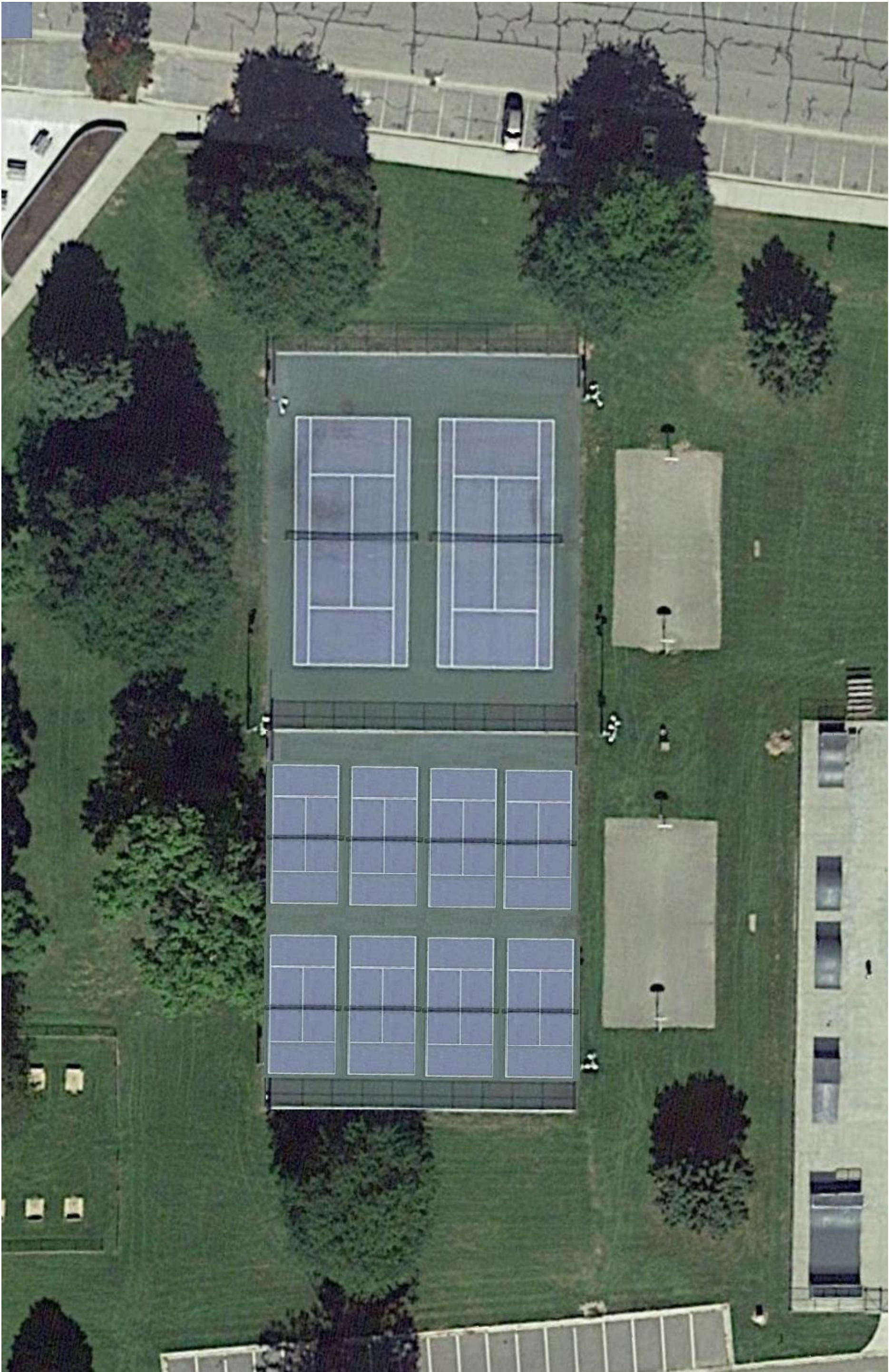


Illustration 4

City of Mt. Pleasant
Adult Outdoor Fitness Components
Island Park Trail and Fitness Area

Components can be found at
www.gametime.com/outdoor-fitness-equipment

LAT PULL DOWN
Model# 13272i



CHEST PRESS
Model# 13271i



Cardo Walker
Model# 13562i



Sit-up/Back Extension
Model# 13561i



Captains Chair Leg Raise
Model# 13560i

Proposed Purchase
2021



Overhead Ladder
Model# 13591

Purchased and Installed
2020




Combination Hub
Model# 13590i

Purchased and Installed
2020



COMMISSION LETTER #020-21
MEETING DATE: FEBRUARY 8, 2021

TO: MAYOR AND CITY COMMISSION FEBRUARY 3, 2021

FROM: NANCY RIDLEY, CITY MANAGER 

SUBJECT: RECEIPT OF 2020 TAX INCREMENT FINANCE AUTHORITY (TIFA) MARKETING INCENTIVES REPORT AND CONSIDER REQUEST FOR 2021 FUNDING

In November 2018, the significant restructuring of the funds available for downtown related activities was approved by the City Commission. As part of that restructuring, a commitment was made to allocate \$80,000 from the Economic Initiatives Fund to the Tax Increment Finance Authority-Central Business District (TIFA-CBD) to develop programs to increase economic activity in the downtown.

Ultimately in March 2020, the City Commission approved \$40,000 of the original allocation for additional district marketing to assist in growing the existing businesses and to also attract new businesses. A commitment was made to consider allocating the remaining \$40,000 in 2021, dependent on the 2020 results. The attached memo from Downtown Development Director Michelle Sponseller outlines the approved spending plan for 2020 compared to what was actually completed due to the pandemic. The memo also includes the available data related to the funded marketing activities.

In summary, \$16,257 of the allocated \$40,000 was spent. At the January 2021 meeting of the TIFA Board, action was taken to recommend implementation of the previously approved marketing plan in 2021 for \$40,000. \$23,743 is already available in the TIFA Fund Balance since it went unspent in 2020. An additional allocation of \$16,260 from the Economic Initiatives Fund would be recommended for the proposed 2021 marketing.

It is recommended the City Commission accept the TIFA Board's spending plan for 2021 and amend the 2021 Operating Budget to allocate \$16,260 from the Economic Initiatives Fund to be combined with the unspent \$23,740 from 2020 for a total of \$40,000 to be used for marketing and promotion.

Recommended Motion:

Move to approve a budget amendment so that \$16,260 from the Economic Initiatives Fund is transferred to the TIFA-CBD to be used for the \$40,000 marketing and promotion planned as outlined by the TIFA Board.

NJR/ap

Memorandum



TO: Nancy Ridley, City Manager

CC: Mary Ann Kornexl, Finance Director
William R. Mrdeza, Director of Community Services and Economic Development

FROM: Michelle Sponseller, Downtown Development Director

DATE: January 29, 2021

SUBJECT: TIFA Business Incentives Review

Last year the Central Business District Tax Increment Finance Authority board (TIFA) recommended to the City Commission that a trial of business incentives, focused on marketing the downtown district would take place throughout 2020. TIFA believed focusing on marketing for downtown as an overall district would serve to grow our existing businesses and attract new businesses to downtown through the same efforts. Now that the marketing has concluded for the year, both TIFA and the City Commission will review the actions and determine the possibility of continuing in 2021.

Although COVID-19 postponed a number of these marketing actions, as they could not take place due to executive or health department orders, marketing via radio, billboard and scaled-backed social media buys were able to continue.

MEASUREMENTS ON MARKETING

Survey of downtown business owners on the return of investment on the campaign.

- A survey was sent to 244 downtown businesses to assist in reviewing the value and success of these marketing actions and if they find value in continuing them. The survey results are attached.

Radio

- WCMU (89.5)
 - Audience stretches more than 30 counties from Lansing to Bay City to Sault Ste. Marie and Traverse City. Typical listener is 25 to 54 (52%) and 55% male based with a college degree or beyond. Digital platform for global coverage.
 - Underwriting for 128 20 - second spots from November 1, 2020 – February 1, 2021.
 - Cost \$3,000
- WCFX (95.3)
 - Audience of 8 mid-Michigan counties with a typical listener between the ages of 20 & 45 years old, with 65% female based. Listeners are considered active with growing families. Digital platform for global coverage.
 - 160 30-second radio spots were run from December 1 to December 20.
 - Cost \$2,260
- WCZY (104.3 and 92.3)
 - 104.3 audience of 15 mid-Michigan counties with a typical listener age of 30+ years old, with 55% female based. Digital platform for global coverage.
 - 92.3 audience was 15 mid-Michigan counties with a typical listener age of 45+ years old, with 70% male based. Digital platform for global coverage.
 - Live remotes and spots:
 - Live 2-hour remote held during the last week of July, typically when sidewalk sales would have been held, with 80 30-second spots. Cost \$1,000
 - Live broadcast of afternoon show (3-6pm) from December 11-15 at the Broadway Theatre where businesses could speak on-air during breaks with 86 30-second spots on both 104.3 and 92.3. Cost \$4,000

Memorandum



Website/Social Media

- Facebook
 - Increase of 316 new fans, 9,950 total
 - 4,000 reactions
 - 737 shares
 - 508 comments
 - 183 posts
 - Cost of Facebook and Instagram promotion \$156.
- Instagram
 - Increase of 143 followers, 1,195 total
 - 596 image likes
 - 21 posts in 2020
 - Cost of Facebook and Instagram promotions \$156.
- Website
 - Redesign in 2020 by Run 14
 - Reformatted layout to highlight shopping, dining and nightlife, events, and parking
 - Keyword searches updated on Google to reflect current business offerings.
 - Cost \$1,170.

Billboard

- As the restaurants participating on the billboard were subject to a variety of executive or health department orders, it was not possible to gain a clear picture of how the billboard performed.

Below is a breakdown of planned 2020 marketing actions, explanations of what took place, modified or postponed along with year-to-date costs.

	2020 Approved Allocation	2020 Costs
Billboard*	\$5,000	\$4,669.50 (\$7,819.50-\$3,150)

Annual cost for billboard was \$7,819.50 with a match of \$3,150 by six restaurants.

- Billboard located along the northbound route of 127 between Alma and Shepherd this billboard was be split between business owners and downtown to provide a cost effective entry into billboard marketing which would otherwise be financially unable to do.

Website / Social Media Ads	\$6,250	\$1,327.51
Website Hosting and Updates	\$1,500	\$1,170.80
Facebook/Instagram/Google Ads & Analytics	\$4,750	\$156.71

- Boost analytics for search of downtown businesses in key word searches such as shopping, dining, etc.
- Social media ad purchases for downtown Facebook and Instagram accounts to broaden reach and increase engagement.

Memorandum



- Website hosting and coding updates as necessary to keep information up-to-date.

Radio	\$10,750	\$10,260
WCMU (89.5)	\$3,000	\$3,000
WMHW (91.5 and 101.1)	\$1,150	\$0
WCFX (95.3)	\$3,300	\$2,260
WCZY (104.3 and 92.3)	\$3,300	\$5,000

- Three on-site remotes and spot buys throughout the year tied to events, holidays and promotions. These radio remotes and spot buys were with WCFX, WCZY and WCMU. Radio buys were not placed with WMHW as CMU students limited time on campus.

Restaurant Week	\$3,000	\$0
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- Put on hold due to COVID-19 with hope to hold in fall 2021.

Print Materials	\$10,000	\$0
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- Put on hold due to COVID-19 with hope to continue in fall 2021.

Print materials (brochure/flyer with map) will be used in a variety of ways including:

- CMU incoming freshmen and parents during orientation;
- Welcome/Registration bags for sporting tournaments/events, conferences, etc.;
- Hotel welcome areas.

*Blade Sign Matching Program	\$5,000	\$0
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- Put on hold due to COVID-19 with hope to continue in spring 2021.

1-to-1 match, up to \$500 per business, for blade signage for new and existing businesses.

Annual Total	\$40,000	\$16,257.01
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TIFA, at their January 25, 2021 meeting, reviewed the various marketing conducted in 2020 along with the attached survey results and recommends continuation of all marketing actions in 2021 at the \$40,000 level.

Recommendation

Consider TIFA business incentive recommendation for marketing in 2021 at the \$40,000 level.

Q1 Name

Answered: 9 Skipped: 0

#	RESPONSES	DATE
1	Rosemary Gray	1/26/2021 7:31 AM
2	Helen Chase	1/24/2021 1:09 PM
3	Kari Pulver	1/19/2021 12:15 PM
4	Chris Rowley	1/19/2021 10:31 AM
5	JD Copus	1/19/2021 9:20 AM
6	Mystie Beckwith	1/18/2021 10:03 PM
7	Kurt Feight	1/18/2021 6:09 PM
8	Laura Coffee	1/18/2021 5:41 PM
9	STEVEN STRESSMAN	1/18/2021 4:33 PM

Q2 Business

Answered: 9 Skipped: 0

#	RESPONSES	DATE
1	Gray's Furniture	1/26/2021 7:31 AM
2	Trillium Fine Clothing	1/24/2021 1:09 PM
3	Guys and Dolls Photography	1/19/2021 12:15 PM
4	Mt. Pleasant Area CVB	1/19/2021 10:31 AM
5	Mt. Pleasant Area Convention & Visitors Bureau	1/19/2021 9:20 AM
6	Karma Kat Cafe	1/18/2021 10:03 PM
7	Mt. Pleasant Agency, Inc.	1/18/2021 6:09 PM
8	GreenTree Cooperative Grocery	1/18/2021 5:41 PM
9	PRAEDIUM REALTY ROBIN STRESSMAN & ASSOC.	1/18/2021 4:33 PM

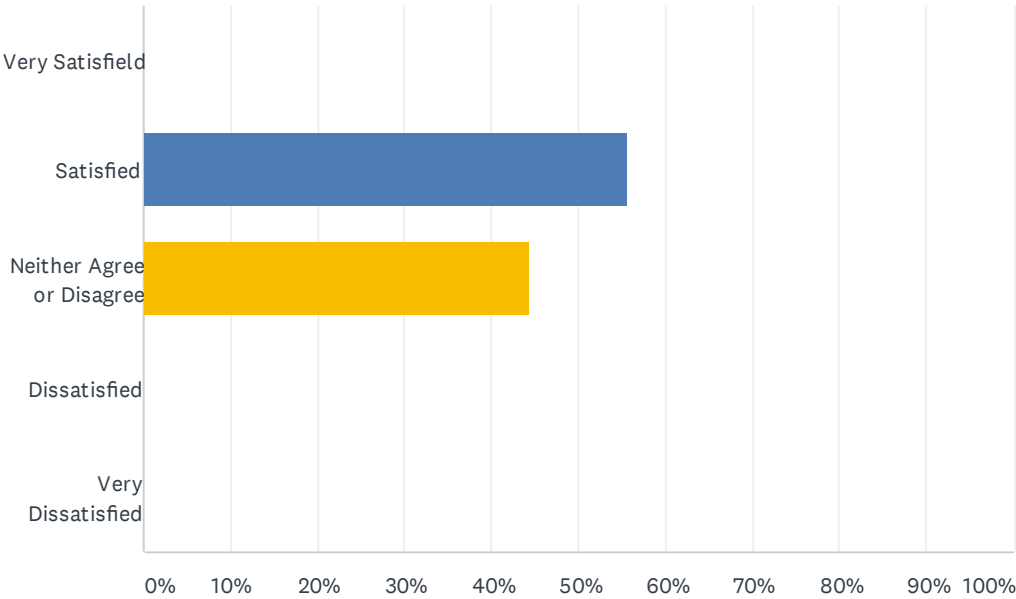
Q3 Email Address

Answered: 9 Skipped: 0

#	RESPONSES	DATE
1	grayfurn@aol.com	1/26/2021 7:31 AM
2	fashion@trilliumfineclothing.com	1/24/2021 1:09 PM
3	guysanddolls@winntel.net	1/19/2021 12:15 PM
4	chris@meetmtp.com	1/19/2021 10:31 AM
5	jd@meetmtp.com	1/19/2021 9:20 AM
6	Sagemoon2004@hotmail.com	1/18/2021 10:03 PM
7	kurt@mtpleasantagency.com	1/18/2021 6:09 PM
8	laura@greentree.coop	1/18/2021 5:41 PM
9	stress@mtpleasant.net	1/18/2021 4:33 PM

Q4 Satisfaction of Billboard on US-127

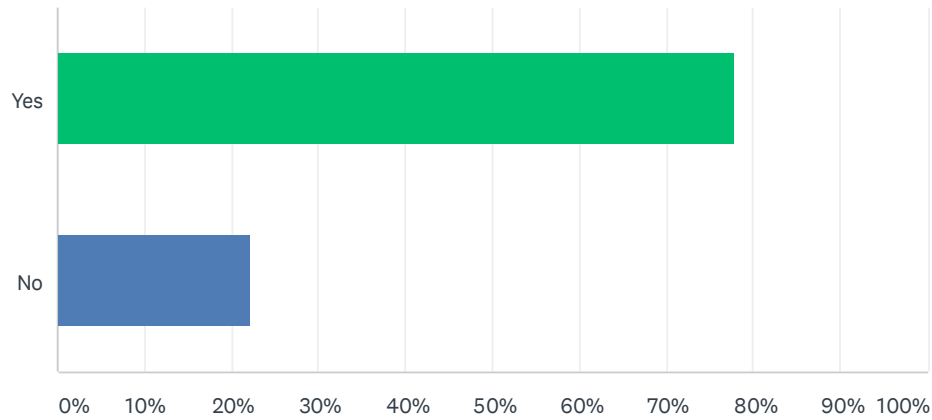
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very Satisfield	0.00%	0
Satisfied	55.56%	5
Neither Agree or Disagree	44.44%	4
Dissatisfied	0.00%	0
Very Dissatisfied	0.00%	0
TOTAL		9

Q5 Do you recommend continuing with the billboard marketing in 2021?

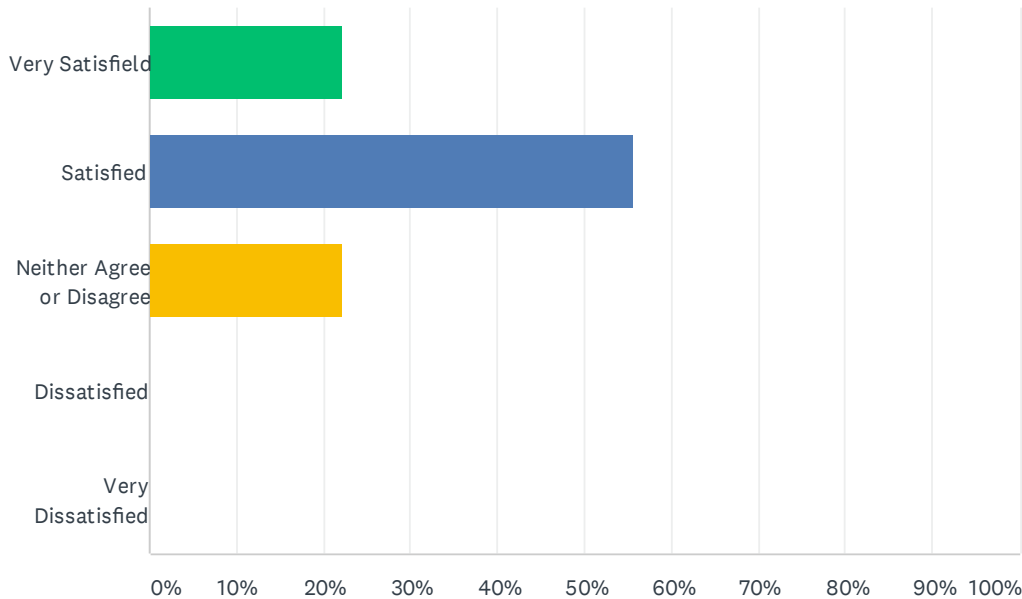
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	77.78%	7
No	22.22%	2
TOTAL		9

Q6 Radio Promotion Satisfaction

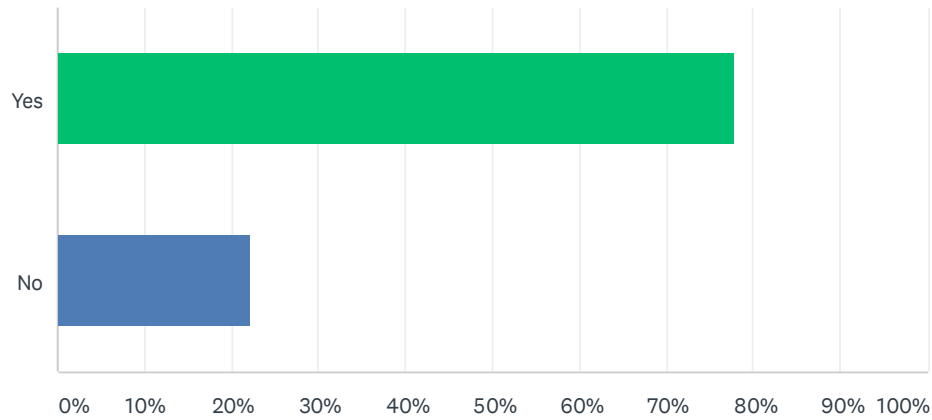
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very Satisfield	22.22%	2
Satisfied	55.56%	5
Neither Agree or Disagree	22.22%	2
Dissatisfied	0.00%	0
Very Dissatisfied	0.00%	0
TOTAL		9

Q7 Do you recommend continuing with the radio marketing in 2021?

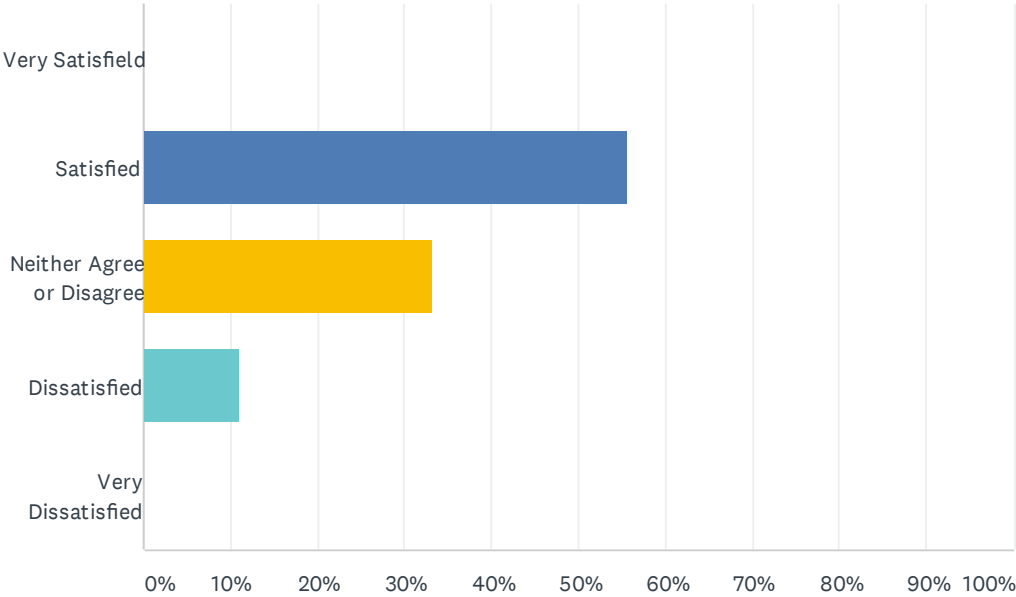
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	77.78%	7
No	22.22%	2
TOTAL		9

Q8 Social Media/Website Satisfaction

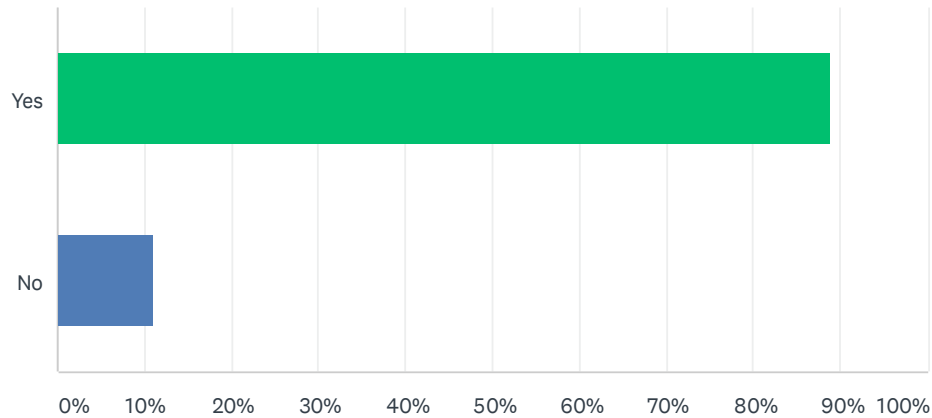
Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very Satisfied	0.00%	0
Satisfied	55.56%	5
Neither Agree or Disagree	33.33%	3
Dissatisfied	11.11%	1
Very Dissatisfied	0.00%	0
TOTAL		9

Q9 Do you recommend continuing with the increases in social media purchases, website analytics and website updates for downtown website in 2021?

Answered: 9 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	88.89%	8
No	11.11%	1
TOTAL		9


Q10 Comments you would like passed on.

Answered: 6 Skipped: 3

#	RESPONSES	DATE
1	In my opinion & years of being in the downtown it is important for a healthy balance of retail to be on the street level. We have killed our downtown by not having an ordinance that puts a plan in place for what can be on the street level. We have a wonderful park system running thru our downtown & the best coffee shops, restaurants & furniture store in our city. Why can't we have the best retail shops to make it the destination that people want to come to when they come to Mt.Pleasant. A place that people talk positive about instead of saying "there is nothing downtown ". Our marketing for our downtown needs to change. It is.....or should be the heart of our community!	1/26/2021 7:31 AM
2	Let me know if you do maps for hotels/CVB's. :)	1/19/2021 10:31 AM
3	I definitely think it would be a good idea to boost the social media and website presence for the Downtown Mt. Pleasant brand. I would love to see the billboard on US 127 freshened up as I think that would be a cool thing as people enter the Mt. Pleasant area.	1/19/2021 9:20 AM
4	Social media definitely needs to be higher utilized and it would be great if it was easier to be included, as a business.	1/18/2021 10:03 PM
5	I wasn't aware of the billboard opportunity. I'm also not entirely clear on which web/social media activities exactly were part of this program. With everything being so hectic this year it's entirely possible I was given this information and just missed or forgot it. I'd love to see a new summary of the tactics and who to contact with questions for any parts of the program that are continued forward. Thank you!	1/18/2021 5:41 PM
6	What is a FOODIE?	1/18/2021 4:33 PM

COMMISSION LETTER #021-21
MEETING DATE: FEBRUARY 8, 2021

TO: MAYOR AND CITY COMMISSION FEBRUARY 3, 2021

FROM: NANCY RIDLEY, CITY MANAGER 

SUBJECT: RECEIPT OF INFORMATION FROM CITY ATTORNEY REGARDING SCOPE
OF LEGAL AUTHORITY REGARDING RECENT SOCIAL MEDIA POST AND
CONSIDER NEXT STEPS

As reported during the January 25, 2021 City Commission meeting, a request was made to City Attorney Mike Homier to provide legal research regarding the scope of authority available to the City Commission regarding a recent social media post on the personal Facebook page of Vice Mayor Amy Perschbacher.

The attached public memo from City Attorney Mike Homier provides a summary of the scope of the authority available to the City Commission. Based on the available options, the City Commission can take no action or choose one of two motions to bring closure to this matter.

Option 1: Move to approve the Resolution Regarding Censure of Vice Mayor Amy Perschbacher as presented (or with any changes the Commission would prefer).

Option 2: Move to remove Amy Perschbacher from the Vice Mayor position for 2021 (Please note if this motion passes by a majority vote, election for a new vice mayor must occur utilizing the election process outlined in the City Charter).

Recommended Motion:

No recommendation is being provided by staff or the City Attorney as this matter is at the discretion of the City Commission.

NJR/ap

MEMO

FOSTER SWIFT
FOSTER SWIFT COLLINS & SMITH PC || ATTORNEYS

TO: City of Mount Pleasant
City Commission

FROM: Michael D. Homier & Laura J. Genovich

DATE: February 3, 2021

RE: Censure & Removal Options for City Commissioner

The City has asked what options it has, if any, under Michigan law in response to a post that was published on City Commissioner Amy Perschbacher's personal Facebook page on January 18, 2021.

The post garnered immediate public comment and news media attention and was tagged, shared, and reposted multiple times on additional social media channels. Some members of the public have called for Commissioner Perschbacher's removal from office or resignation. This memorandum addresses the scope of authority available to the City Commission for recall, removal, or censure.

City's Options

We have evaluated several options available to the City, summarized below.

1. Recall.

The Michigan Election Law, Act 116 of 1954, generally allows voters to recall a City Commissioner. It does not permit the City Commission, as a public body, to initiate recall. *See* MCL 168.951 *et seq.* However, the statute further provides that "a recall petition shall not be filed against an officer during the last 1 year of the officer's term of office." MCL 168.951(1). Here, we understand that Commissioner Perschbacher is serving her last year in office, as she will be up for re-election in November 2021 assuming she files appropriate paperwork to run again for the office. As a result, we conclude that Commissioner Perschbacher is not subject to recall under Michigan law.

2. Removal from Office.

The Michigan Election Law provides as follows with respect to removing an elected official from office:

The governor shall remove all city officers chosen by the electors of a city or any ward or voting district of a city, **when the governor is satisfied from sufficient evidence submitted to the governor that the officer has been guilty of official misconduct, wilful neglect of duty, extortion, or habitual drunkenness, or has been convicted of being drunk**, or whenever it appears by a certified copy of the judgment of a court of record of this state that a city officer,

after the officer's election or appointment, has been **convicted of a felony**. The governor shall not take action upon any charges made to the governor against a city officer until the charges have been exhibited to the governor in writing, verified by the affidavit of the party making them, that he or she believes the charges to be true. But a city officer shall not be removed for misconduct or neglect until charges of misconduct or neglect have been exhibited to the governor as provided in this section and a copy of the charges served on the officer and an opportunity given the officer of being heard in his or her defense.

MCL 168.327 (emphasis added). Thus, removal by the Governor requires evidence that the Commissioner is guilty of one or more of the above activities.

Here, we do not believe the Facebook post rises to the level of "official" misconduct. Commissioner Perschbacher published the post on her personal Facebook page, not an official City social media account. There is no evidence that Commissioner Perschbacher published the post from a City-owned computer. Accordingly, we do not believe that the post constitutes "official" conduct, and thus it cannot be "official misconduct." The Governor's office likely would not find sufficient evidence of official misconduct warranting removal from office.

Similarly, we do not believe there are grounds for removal under the City Charter. Article II, Section 5 of the City Charter provides certain "reasons for creating vacancy," which are defined as follows:

- (A) For any reason specified by law creating a vacancy.
- (B) The Commissioner's death.
- (C) The Commissioner's resignation tendered to the Commission and accepted by the Commission.
- (D) The Commissioner's termination of his residency in the City.
- (E) The Commissioner's absence from five (5) consecutive regular meetings of the Commission, of fifty percent (50 percent) of the meetings in any fiscal year, unless the absences are excused by the Commission and the reasons entered in the proceedings of the Commission.
- (F) The Commissioner's conviction of any crime involving moral turpitude in the Courts of any state or the United States.

The Facebook post does not fall within any of these grounds for creating a vacancy, and thus we see no basis for removal under the City Charter.

3. Ethics Ordinance.

The City's Ethics Ordinance, Section 30.16 of the City Code, imposes certain standards of conduct on public officials. We do not believe that any of the standards in the Ethics

Ordinance are applicable to Commissioner Perschbacher's Facebook post, and thus we do not believe sanctions can be imposed under the Ethics Ordinance.

4. Removal from Vice-Mayor Position.

Commissioner Perschbacher currently serves as the Vice-Mayor of the Commission under Article II, Section 9 of the City Charter. The City Charter does not specifically provide for the *removal* of a Commissioner from the position of Vice-Mayor or set forth any standards for such removal. Because the City Charter neither specifically authorizes nor prohibits the City Commission from removing the Vice-Mayor, it is unclear whether the Commission could remove the Vice-Mayor and elect a new Vice-Mayor. If pursued, a motion for removal and a vote on the motion would be the appropriate process and we believe all Commissioners present at the meeting would be eligible to vote on the motion.

5. Censure.

Censure generally means a strong disapproval or condemnation, expressed through a resolution. While censure is one remedy available under the Ethics Ordinance, censure is not limited to Ethics Ordinance violations. The City Commission may express its disapproval or condemnation of any action by resolution at any time. Censure does not strip away any rights or interests and does not result in a removal from office. Accordingly, censure is a legally permissible option. If pursued, a draft of a resolution specific to this matter is provided. A member being considered for censure does not vote on such a resolution.

We trust that the above adequately responds to your inquiry. Based on our review of this situation, we recommend that the City Commission consider approval of a Social Media Policy in the future. Please contact us with any questions.

MDH:LJG

85714:00006:5277530-2

CITY OF MOUNT PLEASANT

RESOLUTION REGARDING CENSURE OF VICE MAYOR

At a regular meeting of the City Commission of Mt. Pleasant, Isabella County, Michigan, held on the ____ day of February, 2021, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following Resolution was offered by _____
and seconded by _____.

WHEREAS, on or about January 18, 2021, Vice Mayor Amy Perschbacher published a post on her personal Facebook page depicting a black and white American Flag with a blue stripe, partially detached to reveal a swastika. The flag and blue stripe resemble the “thin blue line” flag often associated with support for law enforcement. The image was captioned, “Reading beneath the lines,” and no additional words or context were provided; and

WHEREAS, it appears that the personal Facebook page’s privacy settings were set to “public” because the post was commented on, tagged, shared, or copied to various other social media pages by individuals other than the Vice Mayor, including on the City’s official Facebook page; and

WHEREAS, members of the public contacted the Vice Mayor, Mayor, City Commissioners, City staff, and media outlets expressing concern about the post; and

WHEREAS, Vice Mayor Perschbacher explained that her post was intended to indicate her disgust with the January 6 Capitol protestors, and after the Vice Mayor was contacted, she removed the post from her personal Facebook page and heightened her Facebook page's privacy settings; and

WHEREAS, some members of the public expressed their concern that the image depicted lack of support for law enforcement and called for the Vice Mayor's resignation or removal; and

WHEREAS, Vice Mayor Perschbacher is not subject to citizen-initiated recall under the Michigan Election Law because she is in the third year of a three-year term and, therefore, some members of the public are requesting the City to implement consequences available to the City Commission; and

WHEREAS, the City Commission does not have the authority to remove an elected Commissioner from office under such circumstances.

NOW THEREFORE BE IT RESOLVED THAT the Mt. Pleasant City Commission resolves as follows:

1. We support the City of Mt. Pleasant Police Department and the City's law enforcement partners.
2. We encourage elected City Commissioners to consider the impact of their public expressions on the public's trust in the City of Mount Pleasant.
3. We are committed to working together to develop clear expectations for social media use and resolve that a Social Media Policy will be drafted for future consideration by the City Commission.

4. We officially censure Vice Mayor Perschbacher for her social media post, which lacked context and therefore was interpreted by many as a lack of support for law enforcement, damaged the reputation of law enforcement and the City, and diminished the public's confidence in their elected officials.

YEAS: _____

NAYS: _____

85714:00001:5275578-3

CHECK REGISTER FOR CITY OF MT PLEASANT
CHECK DATE FROM 1/21/2021 - 1/28/21

Check Date	Vendor Name	Description	Amount
Bank COMM COMMON CASH			
01/26/2021	KRAPOHL FORD LINCOLN MERC	CAPITAL ACQUISITIONS	\$71,170.00
01/27/2021	21C ADVERTISING	CONTRACT SVCS	6,699.21
01/27/2021	AVFUEL CORPORATION	MONTHLY EQUIPMENT RENTAL	20.00
01/27/2021	AXIOM WIRING SERVICE, LLC	CONTRACT SVCS	4,158.96
01/27/2021	BELLE TIRE	SUPPLIES/VEHICLE MAINT	128.24
01/27/2021	BMI	CONTRACT SVCS	368.00
01/27/2021	BROWN & BROWN OF CENTRAL MI	ADMIN COSTS-GVSN AGENCY	10,000.00
01/27/2021	C & C ENTERPRISES, INC	UNIFORMS	102.00
01/27/2021	CENTER MASS, INC.	TRAINING	999.00
01/27/2021	CITY TREASURER-CONTR RETAINAGE	CONTRACT SVCS	10,862.25
01/27/2021	CONSUMERS ENERGY	UTILITIES	30,298.90
01/27/2021	CORE TECHNOLOGY CORPORATION	CONTRACT SVCS	1,560.00
01/27/2021	COUCKE PROPERTY SERVICES, LLC	CONTRACT SVCS	2,509.61
01/27/2021	COYNE OIL CORPORATION	FUEL	3,091.24
01/27/2021	CULLIGAN	CONTRACT SVCS	53.00
01/27/2021	FLEIS & VANDENBRINK	CONTRACT SVCS	5,467.80
01/27/2021	FRONT LINE SERVICES, INC	SUPPLIES	841.95
01/27/2021	GALGOCI OIL COMPANY	AIRPORT FUEL	229.85
01/27/2021	GREEN SCENE LANDSCAPING, INC.	CONTRACT SVCS	4,700.00
01/27/2021	J.R. HEINEMAN & SONS	CONTRACT SVCS	97,760.25
01/27/2021	KEEP MICHIGAN BEAUTIFUL, INC.	CONTRACT SVCS	25.00
01/27/2021	LANSING SANITARY SUPPLY, INC.	SUPPLIES	197.08
01/27/2021	LITHOPREP	SUPPLIES	40.00
01/27/2021	MICHIGAN AMMO, LLC	TRAINING	2,850.00
01/27/2021	MICHIGAN MUNICIPAL TREASURERS ASSOC	TRAINING	69.00
01/27/2021	MID MICHIGAN AREA CABLE	CONTRACT SVCS	450.00
01/27/2021	MIDLAND CHEMICAL CO, INC	SUPPLIES	1,266.30
01/27/2021	MOTOROLA SOLUTIONS, INC.	COMMUNICATIONS	129.75
01/27/2021	MT PLEASANT CHAMB OF COMMERCE	DUES	1,175.00
01/27/2021	ALMA TIRE SERVICE INC	SUPPLIES/VEHICLE MAINT	603.70
01/27/2021	MUNICIPAL EMERGENCY SERVICES	SUPPLIES	285.00
01/27/2021	NYE UNIFORM COMPANY	UNIFORMS	406.00
01/27/2021	ON DUTY GEAR, LLC	UNIFORMS	3,440.88
01/27/2021	SARAH PARROTT	REIMBURSEMENT	4,047.00
01/27/2021	PLANNING & ZONING CENTER, INC.	SUBSCRIPTION	460.00
01/27/2021	PRINTING SYSTEMS, INC	SUPPLIES	176.24
01/27/2021	PURE PLUMBING LLC	CONTRACT SVCS	225.00
01/27/2021	KEITH COTTER	CONTRACT SVCS	2,500.00
01/27/2021	PUMFORD CONSTRUCTION	REFUND	520.00
01/27/2021	PARTLO PROPERTY MGT	REFUND	84.00
01/27/2021	CHARLEAN HOLLIS	REFUND	750.00

CHECK REGISTER FOR CITY OF MT PLEASANT
CHECK DATE FROM 1/21/2021 - 1/28/21

Check Date	Vendor Name	Description	Amount
Bank COMM COMMON CASH			
01/27/2021	HG LANSING, LLC	REFUND	10,000.00
01/27/2021	HOW SMOOTH IT IS, INC.	REFUND	5,000.00
01/27/2021	HKM GROUP, LLC	REFUND	10,000.00
01/27/2021	3967 EUCLID, LLC	REFUND	5,000.00
01/27/2021	GREEN BRONCO, LLC	REFUND	10,000.00
01/27/2021	AMY DZIENINSKI	REFUND	130.00
01/27/2021	RJTHOMAS MFG. CO., INC.	SUPPLIES	1,586.00
01/27/2021	ROTARY CLUB OF MT. PLEASANT	DUES	75.00
01/27/2021	SIMPLY ENGRAVING	SUPPLIES	429.80
01/27/2021	SVCICC	CONTRACT SVCS	270.00
01/27/2021	SVCICC, INC.	DUES	15.00
01/27/2021	TODD HILL OF LEO TRAINING AND	TRAINING	350.00
01/27/2021	VERIZON CONNECT NWF, INC.	SUPPLIES	60.46
01/27/2021	WINN TELECOM	COMMUNICATIONS	19.95
01/27/2021	Q-MATION	CONTRACT SVCS	4,333.00
01/27/2021	WORD SYSTEMS, INC.	CONTRACT SVCS	3,425.00
01/27/2021	YEO & YEO CONSULT PC CPA	CONTRACT SVCS	2,016.00
01/27/2021	ZOOM, INC.	CONTRACT SVCS	111.70

COMM TOTALS:

Total of 59 Checks: \$323,542.12

Less 0 Void Checks: 0.00

Total of 59 Disbursements: \$323,542.12